

**WASHINGTON STATE  
BAR ASSOCIATION**

**Board of Governors Meeting  
Public Session Materials**

**March 8, 2018  
Hotel RL  
Olympia, Washington**

# WASHINGTON STATE BAR ASSOCIATION

WSBA MISSION	
<p>The Washington State Bar Association’s mission is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.</p>	
WSBA GUIDING PRINCIPLES	
<p>The WSBA will operate a well-managed association that supports its members and advances and promotes:</p> <ul style="list-style-type: none"> <li>• <b>Access to the justice system.</b> <i>Focus: Provide training and leverage community partnerships in order to enhance a culture of service for legal professionals to give back to their communities, with a particular focus on services to underserved low and moderate income people.</i></li> <li>• <b>Diversity, equality, and cultural understanding throughout the legal community.</b> <i>Focus: Work to understand the lay of the land of our legal community and provide tools to members and employers in order to enhance the retention of minority legal professionals in our community.</i></li> <li>• <b>The public’s understanding of the rule of law and its confidence in the legal system.</b> <i>Focus: Educate youth and adult audiences about the importance of the three branches of government and how they work together.</i></li> <li>• <b>A fair and impartial judiciary.</b></li> <li>• <b>The ethics, civility, professionalism, and competence of the Bar.</b></li> </ul>	
MISSION FOCUS AREAS	PROGRAM CRITERIA
<p><b>Ensuring Competent and Qualified Legal Professionals</b></p> <ul style="list-style-type: none"> <li>• Cradle to Grave</li> <li>• Regulation and Assistance</li> </ul> <p><b>Promoting the Role of Legal Professionals in Society</b></p> <ul style="list-style-type: none"> <li>• Service</li> <li>• Professionalism</li> </ul>	<ul style="list-style-type: none"> <li>• Does the Program further either or both of WSBA’s mission-focus areas?</li> <li>• Does WSBA have the competency to operate the Program?</li> <li>• As the mandatory bar, how is WSBA uniquely positioned to successfully operate the Program?</li> <li>• Is statewide leadership required in order to achieve the mission of the Program?</li> <li>• Does the Program’s design optimize the expenditure of WSBA resources devoted to the Program, including the balance between volunteer and staff involvement, the number of people served, the cost per person, etc?</li> </ul>
2016 – 2018 STRATEGIC GOALS	
<ul style="list-style-type: none"> <li>• Equip members with skills for the changing profession</li> <li>• Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession</li> <li>• Explore and pursue regulatory innovation and advocate to enhance the public’s access to legal services</li> </ul>	

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## General Rules

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GR 12  
REGULATION OF THE PRACTICE OF LAW

The Washington Supreme Court has inherent and plenary authority to regulate the practice of law in Washington. The legal profession serves clients, courts, and the public, and has special responsibilities for the quality of justice administered in our legal system. The Court ensures the integrity of the legal profession and protects the public by adopting rules for the regulation of the practice of law and actively supervising persons and entities acting under the Supreme Court's authority.

[Adopted effective September 1, 2017.]

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## General Rules

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### GR 12.1 REGULATORY OBJECTIVES

Legal services providers must be regulated in the public interest. In regulating the practice of law in Washington, the Washington Supreme Court's objectives include:

- (a) protection of the public;
- (b) advancement of the administration of justice and the rule of law;
- (c) meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems;
- (d) transparency regarding the nature and scope of legal services to be provided, the credentials of those who provide them, and the availability of regulatory protections;
- (e) delivery of affordable and accessible legal services;
- (f) efficient, competent, and ethical delivery of legal services;
- (g) protection of privileged and confidential information;
- (h) independence of professional judgment;
- (i) Accessible civil remedies for negligence and breach of other duties owed, disciplinary sanctions for misconduct, and advancement of appropriate preventive or wellness programs;
- (j) Diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system.

[Adopted effective September 1, 2017.]

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## General Rules

GR 12.2  
WASHINGTON STATE BAR ASSOCIATION: PURPOSES,  
AUTHORIZED ACTIVITIES, AND PROHIBITED ACTIVITIES

In the exercise of its inherent and plenary authority to regulate the practice of law in Washington, the Supreme Court authorizes and supervises the Washington State Bar Association's activities. The Washington State Bar Association carries out the administrative responsibilities and functions expressly delegated to it by this rule and other Supreme Court rules and orders enacted or adopted to regulate the practice of law, including the purposes and authorized activities set forth below.

(a) Purposes: In General. In general, the Washington State Bar Association strives to:

- (1) Promote independence of the judiciary and the legal profession.
- (2) Promote an effective legal system, accessible to all.
- (3) Provide services to its members and the public.
- (4) Foster and maintain high standards of competence, professionalism, and ethics among its members.
- (5) Foster collegiality among its members and goodwill between the legal profession and the public.
- (6) Promote diversity and equality in the courts and the legal profession.
- (7) Administer admission, regulation, and discipline of its members in a manner that protects the public and respects the rights of the applicant or member.
- (8) Administer programs of legal education.
- (9) Promote understanding of and respect for our legal system and the law.
- (10) Operate a well-managed and financially sound association, with a positive work environment for its employees.
- (11) Serve as a statewide voice to the public and to the branches of government on matters relating to these purposes and the activities of the association and the legal profession.

(b) Specific Activities Authorized. In pursuit of these purposes, the Washington State Bar Association may:

- (1) Sponsor and maintain committees and sections, whose activities further these purposes;
- (2) Support the judiciary in maintaining the integrity and fiscal stability of an independent and effective judicial system;
- (3) Provide periodic reviews and recommendations concerning court rules and procedures;
- (4) Administer examinations and review applicants' character and fitness to practice law;
- (5) Inform and advise its members regarding their ethical obligations;
- (6) Administer an effective system of discipline of its members, including receiving and investigating complaints of misconduct by legal professionals, taking and recommending appropriate punitive and remedial measures, and diverting less serious misconduct to alternatives outside the formal discipline system;
- (7) Maintain a program, pursuant to court rule, requiring members to submit fee disputes to arbitration;
- (8) Maintain a program for mediation of disputes between members and others;
- (9) Maintain a program for legal professional practice assistance;
- (10) Sponsor, conduct, and assist in producing programs and products of continuing legal education;
- (11) Maintain a system for accrediting programs of continuing legal education;
- (12) Conduct examinations of legal professionals' trust accounts;
- (13) Maintain a fund for client protection in accordance with the Admission and Practice Rules;
- (14) Maintain a program for the aid and rehabilitation of impaired members;

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## General Rules

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GR 12.3  
WASHINGTON STATE BAR ASSOCIATION ADMINISTRATION OF SUPREME COURT-CREATED  
BOARDS AND COMMITTEES

The Supreme Court has delegated to the Washington State Bar Association the authority and responsibility to administer certain boards and committees established by court rule or order. This delegation of authority includes providing and managing staff, overseeing the boards and committees to monitor their compliance with the rules and orders that authorize and regulate them, paying expenses reasonably and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court, or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions.

[Adopted effective September 1, 2007; amended effective September 1, 2017.]

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## General Rules

### GR 12.4 WASHINGTON STATE BAR ASSOCIATION ACCESS TO RECORDS

(a) Policy and Purpose. It is the policy of the Washington State Bar Association to facilitate access to Bar records. A presumption of public access exists for Bar records, but public access to Bar records is not absolute and shall be consistent with reasonable expectations of personal privacy, restrictions in statutes, restrictions in court rules, or as provided in court orders or protective orders issued under court rules. Access shall not unduly burden the business of the Bar.

(b) Scope. This rule governs the right of public access to Bar records. This rule applies to the Washington State Bar Association and its subgroups operated by the Bar including the Board of Governors, committees, task forces, commissions, boards, offices, councils, divisions, sections, and departments. This rule also applies to boards and committees under GR 12.3 administered by the Bar. A person or entity entrusted by the Bar with the storage and maintenance of Bar records is not subject to this rule and may not respond to a request for access to Bar records, absent express written authority from the Bar or separate authority in rule or statute to grant access to the documents.

#### (c) Definitions.

(1) "Access" means the ability to view or obtain a copy of a Bar record.

(2) "Bar record" means any writing containing information relating to the conduct of any Bar function prepared, owned, used, or retained by the Bar regardless of physical form or characteristics. Bar records include only those records in the possession of the Bar and its staff or stored under Bar ownership and control in facilities or servers. Records solely in the possession of hearing officers, non-Bar staff members of boards, committees, task forces, commissions, sections, councils, or divisions that were prepared by the hearing officers or the members and in their sole possession, including private notes and working papers, are not Bar records and are not subject to public access under this rule. Nothing in this rule requires the Bar to create a record that is not currently in possession of the Bar at the time of the request.

(3) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation in paper, digital, or other format.

#### (d) Bar Records--Right of Access.

(1) The Bar shall make available for inspection and copying all Bar records, unless the record falls within the specific exemptions of this rule, or any other state statute (including the Public Records Act, chapter 42.56 RCW) or federal statute or rule as they would be applied to a public agency, or is made confidential by the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, the Admission to Practice Rules and associated regulations, the Rules for Enforcement of Limited Practice Officer Conduct, General Rule 25, court orders or protective orders issued under those rules, or any other state or federal statute or rule. To the extent required to prevent an unreasonable invasion of personal privacy interests or threat to safety or by the above-referenced rules, statutes, or orders, the Bar shall delete identifying details in a manner consistent with those rules, statutes, or orders when it makes available or publishes any Bar record; however, in each case, the justification for the deletion shall be explained in writing.

(2) In addition to exemptions referenced above, the following categories of Bar records are exempt from public access except as may expressly be made public by court rule:

(A) Records of the personnel committee, and personal information in Bar records for employees, appointees, members, or volunteers of the Bar to the extent that disclosure would violate their right to privacy, including home contact information (unless such information is their address of record), Social Security numbers, driver's license numbers, identification or security photographs held in Bar records, and personal data including ethnicity, race, disability status, gender, and sexual orientation. Membership class and status, bar number, dates of admission or licensing, addresses of record, and business telephone numbers, facsimile numbers, and electronic mail addresses (unless there has been a request that electronic mail addresses not be made public) shall not be exempt, provided that any such information shall be exempt if the Executive Director approves the confidentiality of that information for reasons of personal security or other compelling reason, which approval must be reviewed annually.

#### (B) Specific information and records regarding

(i) internal policies, guidelines, procedures, or techniques, the disclosure of which would reasonably be expected to compromise the conduct of disciplinary or regulatory functions, investigations, or examinations;

(ii) application, investigation, and hearing or proceeding records relating to lawyer, Limited Practice Officer, or Limited License Legal Technician admissions, licensing, or discipline, or that relate to the work of ELC 2.5 hearing officers, the Board of Bar Examiners, the Character and Fitness Board, the Law Clerk

(B) The review proceeding is informal, summary, and on the record.

(C) The review proceeding shall be held within five working days. If that is not reasonably possible, then within five working days the review shall be scheduled for the earliest practical date.

(2) External Review. A person who objects to a records review decision by the Bar's Executive Director may request review by the Records Request Appeals Officer (RRAO) for the Bar.

(A) The requesting party's request for review of the Executive Director's decision must be deposited in the mail and postmarked or delivered to the Bar not later than 30 days after the issuance of the decision, and must be on such form as the Bar shall designate and make available.

(B) The review will be informal and summary, but in the sole discretion of the RRAO may include the submission of briefs no more than 20 pages long and of oral arguments no more than 15 minutes long.

(C) Decisions of the RRAO are final unless, within 30 days of the issuance of the decision, a request for discretionary review of the decision is filed with the Supreme Court. If review is granted, review is conducted by the Chief Justice of the Washington Supreme Court or his or her designee in accordance with procedures established by the Supreme Court. A designee of the Chief Justice shall be a current or former elected judge. The review proceeding shall be on the record, without additional briefing or argument unless such is ordered by the Chief Justice or his or her designee.

(D) The RRAO shall be appointed by the Board of Governors. The Bar may reimburse the RRAO for all necessary and reasonable expenses incurred in the completion of these duties, and may provide compensation for the time necessary for these reviews at a level established by the Board of Governors.

(i) Monetary Awards Not Allowed. Attorney fees, costs, civil penalties, or fines may not be awarded under this rule.

(j) Effective Date of Rule.

(1) This rule goes into effect on July 1, 2014, and applies to records that are created on or after that date.

(2) Public access to records that are created before that date are to be analyzed according to other court rules, applicable statutes, and the common law balancing test; the Public Records Act, chapter 42.56 RCW, does not apply to such Bar records, but it may be used for nonbinding guidance.

[Adopted effective July 1, 2014; amended effective September 1, 2017.]

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General Rules

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GR 12.5  
IMMUNITY

All boards, committees, or other entities, and their members and personnel, and all personnel and employees of the Washington State Bar Association, acting on behalf of the Supreme Court under the Admission and Practice Rules, the Rules for Enforcement of Lawyer Conduct, or the disciplinary rules for limited practice officers and limited license legal technicians, shall enjoy quasi-judicial immunity if the Supreme Court would have immunity in performing the same functions.

[Adopted effective January 2, 2008; amended effective September 1, 2017.]

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**2017-2018  
WSBA BOARD OF GOVERNORS MEETING SCHEDULE**

MEETING DATE	LOCATION	POTENTIAL ISSUES / SOCIAL FUNCTION	AGENDA DUE	BOARD BOOK MATERIAL DEADLINE*	EXECUTIVE COMMITTEE 2:00 pm–4:00 pm*
November 15, 2017 ( <i>afternoon</i> ) November 16, 2017 ( <i>all day</i> )	WSBA Conference Center Seattle, WA	BOG Meeting	October 26, 2017	November 1, 2017	October 26, 2017
January 18-19, 2018	Bellwether Bellingham, WA	BOG Meeting	December 21, 2017	January 3, 2018	December 21, 2017
March 8, 2018 March 9, 2018	Red Lion Olympia, WA Temple of Justice	BOG Meeting BOG Meeting with Supreme Court	February 15, 2018	February 21, 2018	February 15, 2018
May 17-18, 2018	WSBA Conference Center Seattle, WA	BOG Meeting	April 26, 2018	May 2, 2018	April 26, 2018
July 26, 2018 July 27-28, 2018	Hilton Vancouver, WA	BOG Retreat BOG Meeting	June 28, 2018	July 11, 2018	June 28, 2018
September 27-28, 2018 September 27, 2018	WSBA Conference Center Seattle, WA TBD	BOG Meeting WSBA APEX Awards Banquet	September 6, 2018	September 12, 2018	September 6, 2018

\*The Board Book Material Deadline is the final due date for submission of materials for the respective Board meeting. However, you should notify the Executive Director's office in advance of possible meeting agenda item(s).

This information can be found online at: [www.wsba.org/About-WSBA/Governance/Board-Meeting-Schedule-Materials](http://www.wsba.org/About-WSBA/Governance/Board-Meeting-Schedule-Materials)

\*Unless otherwise noted.



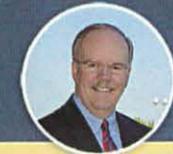
# WSBA Board of Governors CONGRESSIONAL DISTRICT MAP



**Brad Furlong**  
President



**Bill Pickett**  
President-Elect



**Bill Hyslop**  
Immediate Past President



**Paula Littlewood**  
Exec. Dir./Secretary

2017-2018



## **BASIC CHARACTERISTICS OF MOTIONS**

*From: The Complete Idiot's Guide to Robert's Rules  
The Guerilla Guide to Robert's Rules*

MOTION	PURPOSE	INTERRUPT SPEAKER?	SECOND NEEDED?	DEBATABLE?	AMENDABLE?	VOTE NEEDED
1. Fix the time to which to adjourn	Sets the time for a continued meeting	No	Yes	No <sup>1</sup>	Yes	Majority
2. Adjourn	Closes the meeting	No	Yes	No	No	Majority
3. Recess	Establishes a brief break	No	Yes	No <sup>2</sup>	Yes	Majority
4. Raise a Question of Privilege	Asks urgent question regarding to rights	Yes	No	No	No	Rules by Chair
5. Call for orders of the day	Requires that the meeting follow the agenda	Yes	No	No	No	One member
6. Lay on the table	Puts the motion aside for later consideration	No	Yes	No	No	Majority
7. Previous question	Ends debate and moves directly to the vote	No	Yes	No	No	Two-thirds
8. Limit or extend limits of debate	Changes the debate limits	No	Yes	No	Yes	Two-thirds
9. Postpone to a certain time	Puts off the motion to a specific time	No	Yes	Yes	Yes	Majority <sup>3</sup>
10. Commit or refer	Refers the motion to a committee	No	Yes	Yes	Yes	Majority
11. Amend an amendment (secondary amendment)	Proposes a change to an amendments	No	Yes	Yes <sup>4</sup>	No	Majority
12. Amend a motion or resolution (primary amendment)	Proposes a change to a main motion	No	Yes	Yes <sup>4</sup>	Yes	Majority
13. Postpone indefinitely	Kills the motion	No	Yes	Yes	No	Majority
14. Main motion	Brings business before the assembly	No	Yes	Yes	Yes	Majority

*1 Is debatable when another meeting is scheduled for the same or next day, or if the motion is made while no question is pending*

*2 Unless no question is pending*

*3 Majority, unless it makes question a special order*

*4 If the motion it is being applied to is debatable*



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## Discussion Protocols Board of Governors Meetings

### Philosophical Statement:

"We take serious our representational responsibilities and will try to inform ourselves on the subject matter before us by contact with constituents, stakeholders, WSBA staff and committees when possible and appropriate. In all deliberations and actions we will be courageous and keep in mind the need to represent and lead our membership and safeguard the public. In our actions, we will be mindful of both the call to action and the constraints placed upon the WSBA by GR 12 and other standards."

### Governor's Commitments:

1. Tackle the problems presented; don't make up new ones.
2. Keep perspective on long-term goals.
3. Actively listen to understand the issues and perspective of others before making the final decision or lobbying for an absolute.
4. Respect the speaker, the input and the Board's decision.
5. Collect your thoughts and speak to the point – sparingly!
6. Foster interpersonal relationships between Board members outside Board events.
7. Listen and be courteous to speakers.
8. Speak only if you can shed light on the subject, don't be repetitive.
9. Consider, respect and trust committee work but exercise the Board's obligation to establish policy and insure that the committee work is consistent with that policy and the Board's responsibility to the WSBA's mission.
10. Seek the best decision through quality discussion and ample time (listen, don't make assumptions, avoid sidebars, speak frankly, allow time before and during meetings to discuss important matters).
11. Don't repeat points already made.
12. Everyone should have a chance to weigh in on discussion topics before persons are given a second opportunity.
13. No governor should commit the board to actions, opinions, or projects without consultation with the whole Board.
14. Use caution with e-mail: it can be a useful tool for debating, but e-mail is not confidential and does not easily involve all interests.
15. Maintain the strict confidentiality of executive session discussions and matters.



## **BOARD OF GOVERNORS**

### **WSBA VALUES**

Through a collaborative process, the WSBA Board of Governors and Staff have identified these core values that shall be considered by the Board, Staff, and WSBA volunteers (collectively, the “WSBA Community”) in all that we do.

To serve the public and our members and to promote justice, the WSBA Community values the following:

- Trust and respect between and among Board, Staff, Volunteers, Members, and the public
- Open and effective communication
- Individual responsibility, initiative, and creativity
- Teamwork and cooperation
- Ethical and moral principles
- Quality customer-service, with member and public focus
- Confidentiality, where required
- Diversity and inclusion
- Organizational history, knowledge, and context
- Open exchanges of information



## BOARD OF GOVERNORS

### GUIDING COMMUNICATION PRINCIPLES

In each communication, I will assume the good intent of my fellow colleagues; earnestly and actively listen; encourage the expression of and seek to affirm the value of their differing perspectives, even where I may disagree; share my ideas and thoughts with compassion, clarity, and where appropriate confidentiality; and commit myself to the unwavering recognition, appreciation, and celebration of the humanity, skills, and talents that each of my fellow colleagues bring in the spirit and effort to work for the mission of the WSBA. Therefore, I commit myself to operating with the following norms:

- ◆ I will treat each person with courtesy and respect, valuing each individual.
- ◆ I will strive to be nonjudgmental, open-minded, and receptive to the ideas of others.
- ◆ I will assume the good intent of others.
- ◆ I will speak in ways that encourage others to speak.
- ◆ I will respect others' time, workload, and priorities.
- ◆ I will aspire to be honest and open in all communications.
- ◆ I will aim for clarity; be complete, yet concise.
- ◆ I will practice "active" listening and ask questions if I don't understand.
- ◆ I will use the appropriate communication method (face-to-face, email, phone, voicemail) for the message and situation.
- ◆ When dealing with material of a sensitive or confidential nature, I will seek and confirm that there is mutual agreement to the ground rules of confidentiality at the outset of the communication.
- ◆ I will avoid triangulation and go directly to the person with whom I need to communicate. (If there is a problem, I will go to the source for resolution rather than discussing it with or complaining to others.)
- ◆ I will focus on reaching understanding and finding solutions to problems.
- ◆ I will be mindful of information that affects, or might be of interest or value to, others, and pass it along; err on the side of over-communication.
- ◆ I will maintain a sense of perspective and respectful humor.



## BOARD OF GOVERNORS

Anthony David Gipe  
President

phone: 206.386.4721  
e-mail: [adgipeWSBA@gmail.com](mailto:adgipeWSBA@gmail.com)

November 2014

## BEST PRACTICES AND EXPECTATIONS

### ❖ Attributes of the Board

- Competence
- Respect
- Trust
- Commitment
- Humor

### ❖ Accountability by Individual Governors

- Assume Good Intent
- Participation/Preparation
- Communication
- Relevancy and Reporting

### ❖ Team of Professionals

- Foster an atmosphere of teamwork
  - Between Board Members
  - The Board with the Officers
  - The Board and Officers with the Staff
  - The Board, Officers, and Staff with the Volunteers
  
- We all have common loyalty to the success of WSBA

### ❖ Work Hard and Have Fun Doing It

*Working Together to Champion Justice*

999 Third Avenue, Suite 3000 / Seattle, WA 98104 / fax: 206.340.8856



**Board of Governors Meeting  
 Hotel RL  
 Olympia, WA  
 March 8, 2018**

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*WSBA Mission: To serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.*

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**PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE**

**THURSDAY MARCH 8, 2018**

**GENERAL INFORMATION** ..... 2

**1. AGENDA**..... 17

**8:00 A.M.**

**2. EXECUTIVE SESSION**

a. Approval of January 18-19, 2018, Executive Session Minutes (**action**) ..... E-2

b. Approval of February 15, 2018, Special Meeting Executive Session Minutes (**action**)..... E-5

c. President’s and Executive Director’s Reports

d. Personnel Committee Update – Governor Angela Hayes ..... E-11

e. Client Protection Fund Board Gift Recommendations – Sean Davis (**action**) ..... E-21

f. Litigation Report – Sean Davis ..... E-26

g. Meeting Evaluation Summary..... E-41

**12:00 P.M. – LUNCH WITH LIAISONS AND GUESTS**

**1:15 P.M. – PUBLIC SESSION**

- Introductions and Welcome
- Report on Executive Session
- Consideration of Consent Calendar \*

<b>MEMBER AND PUBLIC COMMENTS</b>
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This time period is for guests to raise issues of interest.

<b>OPERATIONAL</b>
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**3. FIRST READING/ACTION CALENDAR**

- a. Committee on Professional Ethics Report and Recommendation re Amendments to the Lawyer Advertising Rules (RPC Title 7) – Art Lachman, Lawyer Advertising Workgroup and CPE Subcommittee Member, and Doug Ende, Chief Disciplinary Counsel (**action**)..... 21

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\* See Consent Calendar. Any items pulled from the Consent Calendar will be scheduled at the President’s discretion.

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d.	Proposed FY2018 Budget Amendment – Governor Kim Risenmay, Treasurer, and Ann Holmes, Chief Operating Officer ( <b>action</b> ).....	102
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**STRATEGIC ITEMS**

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**GOVERNOR ROUNDTABLE**

This time period is for Board members to raise new business and issues of interest.

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8.	<b>PREVIEW OF MAY 17-18, 2018, MEETING</b> .....	319

## 2017-2018 Board of Governors Meeting Issues

### **NOVEMBER** (Seattle)

#### Standing Agenda Items:

- Financials
- FY2017 Fourth Quarter Management Report
- BOG 2017-2018 Legislative Committee Priorities
- WSBA Legislative Committee Recommendations
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- Outside Appointments (if any)
- Washington Leadership Institute (WLI) Fellows Report
- WSBA Practice Sections Annual Reports (information)
- WSBF Annual Report

### **JANUARY** (Bellingham)

#### Standing Agenda Items:

- ABA Midyear Meeting Sneak Preview
- Client Protection Fund (CFP) Board Annual Report
- Financials
- FY2017 Audited Financial Statements
- FY2018 First Quarter Management Report
- Legislative Report
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- Outside Appointments (if any)
- Third-Year Governors Candidate Recruitment Report

### **MARCH** (Olympia)

#### Standing Agenda Items:

- ABA Mid-Year Meeting Report
- Financials
- Legislative Report
- Outside Appointments (if any)
- Supreme Court Meeting

### **May** (Seattle)

#### Standing Agenda Items:

- BOG Election Interview Time Limits (Executive Session)
- Financials
- FY2018 Second Quarter Management Report
- Interview/Selection of WSBA At-Large Governor
- Interview/Selection of the WSBA President-elect
- Legislative Report/Wrap-up
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- Outside Appointments (if any)
- WSBA Awards Committee Recommendations (Executive Session)

## JULY (Vancouver)

### Standing Agenda Items:

- ATJ Board Report
- BOG Retreat
- Court Rules and Procedures Committee Report and Recommendations
- Financials
- Draft WSBA FY2019 Budget
- FY2018 Third Quarter Management Report
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- WSBA Committee and Board Chair Appointments
- WSBA Mission Performance and Review (MPR) Committee Update
- WSBA Treasurer Election

## SEPTEMBER (Seattle)

### Standing Agenda Items:

- 2019 Keller Deduction Schedule
- ABA Annual Meeting Report
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation (Executive Session)
- Financials
- Final FY2019 Budget
- Legal Foundation of Washington and LAW Fund Report
- Washington Law School Deans
- WSBA Annual Awards Dinner
- WSBF Annual Meeting and Trustee Election

## Board of Governors – Action Timeline

Description of Matter/Issue	First Reading	Scheduled for Board Action
Law Clerk Waiver Policies	Nov 13, 2015	TBD
WSBA Religious and Spiritual Practices Policy	July 22-23, 2016	TBD
CPE Report & Recommendation re Amendments to Lawyer Advertising Rules (RPC Title 7)	Jan 18-19, 2018	March 8, 2018
Proposed FY2018 Budget Amendment	Jan 18-19, 2018	March 8, 2018
Proposed Bylaw Changes to Conform with Recent Coordinated Systems APR Amendments	Jan 18-19, 2018	March 8, 2018
Proposed Bylaw Amendment re WSBA President Rotation	Jan 18-19, 2018	March 8, 2018

**MEMORANDUM**

**To:** WSBA President, President-elect, Immediate Past President, and Board of Governors  
**From:** WSBA Committee on Professional Ethics (CPE)  
**Date:** February 9, 2018  
**Re:** Supplemental Report & Recommendation on the Lawyer Advertising Ethics Rules

**ACTION:** Approve CPE Recommended Amendments to Lawyer Advertising Rules (RPC Title 7) for Submission to Washington Supreme Court as Suggested Amendments.

At the January 18, 2018 meeting of the Board of Governors, the WSBA Committee on Professional Ethics (CPE) presented for first reading its unanimously adopted report and recommendation regarding amendments to Washington's lawyer advertising rules in Title 7 of the Rules of Professional Conduct (RPC). In March 2017, the Board had asked the CPE to evaluate, and as appropriate draft, potential amendments to Washington's Title 7 RPC in light of the report issued by the Association of Professional Responsibility Lawyers designed to simplify the regulation of lawyer advertising, promote innovation, and to improve access to legal services.

This memorandum supplements the report and recommendation presented for first reading in January. The CPE requests that the Board adopt the CPE's Title 7 recommendations for submission as suggested amendment to the Washington Supreme Court, including two minor revisions to the earlier proposal. These revisions were adopted by the CPE unanimously at its meeting on February 9, 2018:

1. Delete Comment [7] to Rule 7.3.

This comment, which clarifies that Rule 7.3 is not intended to prohibit lawyers from contacting representatives of organizations or groups that might be interested in establishing group or prepaid legal plans to inform persons and entities of the availability and details of such plans, is no longer necessary in light of the deletion of prior paragraph (d) and the additional commentary proposed to be added in Comment [12].

2. Add Exception in Rule 7.3(b) for Nominal Gifts

Consistent with the version of the “referral fee” rule adopted in Virginia, CPE recommends an additional exception to the Rule 7.3(b) general prohibition on lawyers’ paying of referral fees for nominal gifts that are neither intended nor reasonably expected to be a form of compensation for recommending a lawyer’s services. Nominal gifts in this context should not, in the Committee’s view, be the subject of professional discipline.

Also attached for consideration by the Board of Governors is the February 7, 2018, Amended Order of the Oregon Supreme Court adopting a version of the general solicitation rule substantially the same as that proposed here in Rule 7.3(a).

**ACCOMPANYING DOCUMENTS:**

- Appendix A (Revised): Proposed Amendments to RPC 7.1 – 7.5 and RPC 5.5. (Clean Copy)
- Appendix B (Revised): Proposed Amendments to RPC 7.1 – 7.5 and RPC 5.5 (Redline)
- Appendix C: February 7, 2018, Oregon Supreme Court Amended Order Amending RPC 7.3
- Appendix D: January 5, 2018, Memo to the BOG re Report and Recommendation on the Lawyer Advertising Ethics Rules

SUGGESTED AMENDMENTS TO RPC  
TITLE 7 – INFORMATION ABOUT LEGAL SERVICES

1 **RPC 7.1 COMMUNICATIONS CONCERNING A LAWYER'S SERVICES**

2  
3 A lawyer shall not make a false or misleading communication about the lawyer or the  
4 lawyer's services. A communication is false or misleading if it contains a material  
5 misrepresentation of fact or law, or omits a fact necessary to make the statement considered  
6 as a whole not materially misleading.

7  
8 **Comment**

9 [1] [Washington revision] This Rule governs all communications about a lawyer's services.  
10 Whatever means are used to make known a lawyer's services, statements about them must  
11 be truthful.

12  
13 [2] Truthful statements that are misleading are also prohibited by this Rule. A truthful  
14 statement is misleading if it omits a fact necessary to make the lawyer's communication  
15 considered as a whole not materially misleading. A truthful statement is also misleading if  
16 there is a substantial likelihood that it will lead a reasonable person to formulate a specific  
17 conclusion about the lawyer or the lawyer's services for which there is no reasonable  
18 factual foundation.

19  
20 [3] An advertisement that truthfully reports a lawyer's achievements on behalf of clients or  
21 former clients may be misleading if presented so as to lead a reasonable person to form an  
22 unjustified expectation that the same results could be obtained for other clients in similar  
23 matters without reference to the specific factual and legal circumstances of each client's  
24 case. Similarly, an unsubstantiated comparison of the lawyer's services or fees with the  
25 services or fees of other lawyers may be misleading if presented with such specificity as  
26 would lead a reasonable person to conclude that the comparison can be substantiated. The

**SUGGESTED AMENDMENTS TO RPC**  
**TITLE 7 – INFORMATION ABOUT LEGAL SERVICES**

1 inclusion of an appropriate disclaimer or qualifying language may preclude a finding that a  
2 statement is likely to create unjustified expectations or otherwise mislead the public.

3  
4 [4] [Washington revision] It is professional misconduct for a lawyer to engage in conduct  
5 involving dishonesty, fraud, deceit or misrepresentation. Rule 8.4(c). See also Rule 8.4(e)  
6 for the prohibition against stating or implying an ability to influence improperly a  
7 government agency or official or to achieve results by means that violate the Rules of  
8 Professional Conduct or other law.

9  
10 Additional Washington Comments (5-14)

11  
12 [5] To assist the public in learning about and obtaining legal services, lawyers should be  
13 allowed to make known their services not only through reputation but also through  
14 organized information campaigns in the form of advertising. Advertising involves an active  
15 quest for clients, contrary to the tradition that a lawyer should not seek clientele. However,  
16 the public's need to know about legal services can be fulfilled in part through advertising.  
17 This need is particularly acute in the case of persons of moderate means who have not  
18 made extensive use of legal services. The interest in expanding public information about  
19 legal services ought to prevail over considerations of tradition. Nevertheless, advertising by  
20 lawyers entails the risk of practices that are misleading or overreaching.

21  
22 [6] This Rule permits public dissemination of information concerning a lawyer's name or  
23 firm name, address, email address, website, and telephone number; the kinds of services the  
24 lawyer will undertake; the basis on which the lawyer's fees are determined, including prices  
25 for specific services and payment and credit arrangements; a lawyer's foreign language  
26

**SUGGESTED AMENDMENTS TO RPC**  
**TITLE 7 – INFORMATION ABOUT LEGAL SERVICES**

1 ability; names of references and, with their consent, names of clients regularly represented;  
2 and other information that might invite the attention of those seeking legal assistance.

3  
4 [7] Questions of effectiveness and taste in advertising are matters of speculation and  
5 subjective judgment. Some jurisdictions have had extensive prohibitions against television  
6 and other forms of advertising, against advertising going beyond specified facts about a  
7 lawyer, or against "undignified" advertising. Television, the Internet, and other forms of  
8 electronic communication are now among the most powerful media for getting information  
9 to the public, particularly persons of low and moderate income; prohibiting television,  
10 Internet, and other forms of electronic advertising, therefore, would impede the flow of  
11 information about legal services to many sectors of the public. Limiting the information  
12 that may be advertised has a similar effect and assumes that the bar can accurately forecast  
13 the kind of information that the public would regard as relevant.

14  
15 *Areas of Expertise/Specialization*

16 [8] A lawyer may indicate areas of practice in communications about the lawyer's services.  
17 If a lawyer practices only in certain fields, or will not accept matters except in a specified  
18 field or fields, the lawyer is permitted to so indicate. A lawyer is generally permitted to  
19 state that the lawyer is a "specialist," practices a "specialty," or "specializes in" particular  
20 fields, but such communications are subject to the "false and misleading" standard applied  
21 in Rule 7.1 to communications concerning a lawyer's services. A lawyer may state that the  
22 lawyer is certified as a specialist in a field of law if such certification is granted by an  
23 organization approved by an appropriate state authority or accredited by the American Bar  
24 Association or another organization, such as a state bar association, that has been approved  
25 by the state authority to accredit organizations that certify lawyers as specialists.  
26 Certification signifies that an objective entity has recognized an advanced degree of

**SUGGESTED AMENDMENTS TO RPC**  
**TITLE 7 – INFORMATION ABOUT LEGAL SERVICES**

1 | knowledge and experience in the specialty area greater than is suggested by general  
2 | licensure to practice law. Certifying organizations may be expected to apply standards of  
3 | experience, knowledge and proficiency to insure that a lawyer's recognition as a specialist  
4 | is meaningful and reliable. In order to insure that consumers can obtain access to useful  
5 | information about an organization granting certification, the name of the certifying  
6 | organization must be included in any communication regarding the certification.

7 |  
8 | [9] In advertising concerning an LLLT's services, an LLLT is required to communicate the  
9 | fact that the LLLT has a limited license in the particular fields of law for which the LLLT  
10 | is licensed and must not state or imply that the LLLT has broader authority to practice than  
11 | is in fact the case. See LLLT RPC 7.4(a); see also LLLT RPC 7.2(c) (advertisements must  
12 | include the name and office address of at least one responsible LLLT or law firm). When  
13 | lawyers and LLLTs are associated in a firm, lawyers with managerial or pertinent  
14 | supervisory authority must take measures to assure that the firm's communications conform  
15 | with these obligations. See Rule 5.10.

16 |  
17 | *Firm Names*

18 | [10] A firm may be designated by the names of all or some of its members, by the names of  
19 | deceased members where there has been a continuing succession in the firm's identity or by  
20 | a trade name such as the "ABC Legal Clinic." A lawyer or law firm may also be designated  
21 | by a distinctive website address or comparable professional designation. Although the  
22 | United States Supreme Court has held that legislation may prohibit the use of trade names  
23 | in professional practice, use of such names in law practice is acceptable so long as it is not  
24 | misleading. If a private firm uses a trade name that includes a geographical name such as  
25 | "Springfield Legal Clinic," an express disclaimer that it is a public legal aid agency may be  
26 | required to avoid a misleading implication. It may be observed that any firm name

**SUGGESTED AMENDMENTS TO RPC**  
**TITLE 7 – INFORMATION ABOUT LEGAL SERVICES**

1 including the name of a deceased partner is, strictly speaking, a trade name. The use of  
2 such names to designate law firms has proven a useful means of identification. However, it  
3 is misleading to use the name of a lawyer or LLLT not associated with the firm or a  
4 predecessor of the firm, or the name of an individual who is neither a lawyer nor an LLLT.

5  
6 [11] Lawyers or LLLTs sharing office facilities, but who are not in fact associated with  
7 each other in a law firm, may not denominate themselves as, for example, "Smith and  
8 Jones," for that title suggests that they are practicing law together in a firm.

9  
10 [12] When lawyers and LLLTs are associated with each other in a law firm, the firm may  
11 be designated using the name of a member LLLT if the name is not otherwise in violation  
12 of this Rule.

13  
14 [13] Lawyers or LLLTs practicing out of the same office who are not partners, shareholders  
15 of a professional corporation, or members of a professional limited liability company or  
16 partnership may not join their names together. Lawyers or LLLTs who are not 1) partners,  
17 shareholders of a professional corporation, or members of a professional limited liability  
18 company or partnership, or 2) employees of a sole proprietorship, partnership, professional  
19 corporation, or members of a professional limited liability company or partnership or other  
20 organization, or 3) in the relationship of being "Of Counsel" to a sole proprietorship,  
21 partnership, professional corporation, or members of a professional limited liability  
22 company or partnership or other organization, must have separate letterheads, cards and  
23 pleading paper, and must sign their names individually at the end of all pleadings and  
24 correspondence and not in conjunction with the names of other lawyers or LLLTs.

**SUGGESTED AMENDMENTS TO RPC**  
**TITLE 7 – INFORMATION ABOUT LEGAL SERVICES**

1 [14] A law firm with offices in more than one jurisdiction may use the same name or other  
2 professional designation in each jurisdiction. See Rule 5.5(f) and Comment [22]. In order  
3 to avoid misleading the public, when lawyers or LLLTs are identified as practicing in a  
4 particular office, the firm should indicate the jurisdictional limitations on those not licensed  
5 to practice in the jurisdiction where the office is located.

6  
7 **RPC 7.2 [Reserved.]**

8  
9 **RPC 7.3 SOLICITATION OF CLIENTS**

10 (a) A lawyer may solicit professional employment unless:

11 (1) the solicitation is false or misleading;

12 (2) the lawyer knows or reasonably should know that the physical, emotional, or  
13 mental state of the subject of the solicitation is such that the person could not exercise  
14 reasonable judgment in employing a lawyer;

15 (3) the subject of the solicitation has made known to the lawyer a desire not to be  
16 solicited by the lawyer; or

17 (4) the solicitation involves coercion, duress, or harassment.

18 (b) A lawyer shall not compensate, or give or promise anything of value to, a person who is  
19 not an employee or lawyer in the same law firm for the purpose of recommending or securing  
20 the services of the lawyer or law firm, except that a lawyer may:

21 (1) pay the reasonable cost of advertisements or communications permitted by Rule  
22 7.1, including online group advertising;

23 (2) pay the usual charges of a legal service plan or a not-for-profit lawyer referral  
24 service;

25 (3) pay for a law practice in accordance with Rule 1.17;  
26

**SUGGESTED AMENDMENTS TO RPC**  
**TITLE 7 – INFORMATION ABOUT LEGAL SERVICES**

1 (4) refer clients to another lawyer or LLLT or other nonlawyer professional pursuant to  
2 an agreement not otherwise prohibited under these Rules that provides for the other person to  
3 refer clients or customers to the lawyer, if:

4 (i) the reciprocal referral agreement is not exclusive, and

5 (ii) the client is informed of the existence and nature of the agreement; and

6 (5) give nominal gifts that are neither intended nor reasonably expected to be a form of  
7 compensation for recommending a lawyer's services.

8  
9 **Comment**

10 [1] [Washington revision] A solicitation is a targeted communication initiated by or on behalf  
11 of a lawyer that is directed to a specific person and that offers to provide, or can reasonably  
12 be understood as offering to provide, legal services. Solicitations can include in-person,  
13 written, telephonic, and electronic communications. In contrast, a lawyer's communication  
14 typically does not constitute a solicitation if it is directed to the general public, such as  
15 through a billboard, an Internet banner advertisement, a website or a television commercial,  
16 or if it is in response to a request for information or is automatically generated in response to  
17 Internet searches.

18  
19 [2] [Reserved.]

20  
21 [3] [Reserved.]

22  
23 [4] [Reserved.]

24  
25 [5] [Reserved.]

26

**SUGGESTED AMENDMENTS TO RPC**  
**TITLE 7 – INFORMATION ABOUT LEGAL SERVICES**

1 [6] [Reserved.]

3 [7] [Reserved.]

5 [8] [Reserved.]

7 [9] [Reserved.]

9 **Additional Washington Comments (10 - 16)**

10 [10] While all communications about a lawyer’s services are subject to the general  
11 prohibition against false or misleading communication in Rule 7.1, in-person solicitation can  
12 create problems because of the particular circumstances in which the solicitation takes place,  
13 and those circumstances are, therefore, appropriately regulated. Paragraph (a) of this Rule  
14 prohibits solicitation in circumstances or through means that are not conducive to intelligent,  
15 rational decisions. Unwanted solicitations (after the subject has informed the lawyer not to  
16 make contact) or solicitations involving coercion, duress, or harassment are specifically  
17 prohibited. Such circumstances and means could be the harassment of early morning or late-  
18 night telephone calls to a potential client to solicit legal work, repeated calls at any time of  
19 day, solicitation of an accident victim or the victim’s family shortly after the accident or  
20 while the victim is still in medical distress (particularly where a lawyer seeks professional  
21 employment by in-person or other real-time contact in such circumstances), or solicitation of  
22 vulnerable subjects, such as persons facing incarceration, or their family members, in or near  
23 a courthouse. The prohibition on solicitation of a subject who cannot “exercise reasonable  
24 judgment in employing a lawyer” extends to an individual with diminished capacity who  
25 cannot adequately act in the individual’s own interest, and the provisions of Rule 1.14 may  
26 provide guidance in evaluating “the physical, emotional or mental” state of the subject.

**SUGGESTED AMENDMENTS TO RPC**  
**TITLE 7 – INFORMATION ABOUT LEGAL SERVICES**

1  
2 [11] Under Rule 5.1, Rule 5.3, and Rule 8.4(a), the solicitation restrictions that apply to the  
3 lawyer’s own acts or conduct also extend to acts or conduct by employees, agents, or any  
4 third persons acting on the lawyer’s behalf.

5  
6 [12] Washington did not adopt paragraph (c) of the Model Rule relating to labeling of  
7 communications and solicitations. A specific labeling requirement is unnecessary in light of  
8 the prohibitions in Rule 7.1 and Rule 7.3(a)(1) against false or misleading communications  
9 regarding the lawyer or the lawyer’s services and in solicitations of professional  
10 employment. Washington also has not adopted paragraph (d) of the Model Rule creating a  
11 safe harbor for in-person and telephonic solicitations in the context of a prepaid or group  
12 legal services plan because solicitations of professional employment by any means and in all  
13 contexts are permitted subject to the exceptions contained in paragraphs (a)(1) – (4). In  
14 addition, prior provisions and comments under Rule 7.3 in Washington relating to in-person,  
15 telephonic, or real-time electronic solicitations in the context of referrals from a third party or  
16 a lawyer referral service have been removed because solicitations by any means in this  
17 context are permitted subject to the exceptions contained in paragraphs (a)(1) – (4) of this  
18 Rule.

19 *Paying Others to Recommend a Lawyer*

20 [13] Paragraph (b) of this Rule was derived from former Washington RPC 7.2(b).

21  
22 [14] Except as permitted under paragraphs (b)(1)-(b)(5), lawyers are not permitted to pay  
23 others for recommending the lawyer’s services or for channeling professional work in a  
24 manner that violates RPC 7.1 or RPC 7.3. A communication contains a recommendation if it  
25 endorses or vouches for a lawyer’s credentials, abilities, competence, character, or other  
26 professional qualities. Paragraph (b)(1), however, allows a lawyer to pay for advertising and

**SUGGESTED AMENDMENTS TO RPC**  
**TITLE 7 – INFORMATION ABOUT LEGAL SERVICES**

1 | solicitations permitted by RPC 7.1 and this Rule, including the costs of print directory  
2 | listings, online directory listings, newspaper ads, television and radio airtime, domain-name  
3 | registrations, sponsorship fees, Internet-based advertisements, and group advertising. A  
4 | lawyer may compensate employees, agents and vendors who are engaged to provide  
5 | marketing or client-development services, such as publicists, public-relations personnel,  
6 | business-development staff and website designers, as long as the employees, agents and  
7 | vendors do not direct or regulate the lawyer’s professional judgment (see Rule 5.4(c)).  
8 | Moreover, a lawyer may pay others for generating client leads, such as Internet-based client  
9 | leads, as long as the lead generator does not recommend the lawyer, any payment to the lead  
10 | generator is consistent with RPC 1.5(e) (division of fees) and 5.4 (professional independence  
11 | of the lawyer), and the lead generator’s communications are consistent with RPC 7.1  
12 | (communications concerning a lawyer's services). To comply with RPC 7.1, a lawyer must  
13 | not pay a lead generator that states, implies, or creates a reasonable impression that it is  
14 | recommending the lawyer, is making the referral without payment from the lawyer, or has  
15 | analyzed a person’s legal problems when determining which lawyer should receive the  
16 | referral. See also Rule 5.3 (duties of lawyers and law firms with respect to the conduct of  
17 | nonlawyers); RPC 8.4(a) (duty to avoid violating the rules through the acts of another). For  
18 | the definition of nonlawyer for the purposes of Rule 5.3, see Washington Comment [5] to  
19 | Rule 5.3.

20 |  
21 | [15] A lawyer may pay the usual charges of a legal service plan or a not-for-profit lawyer  
22 | referral service. A legal service plan is a prepaid or group legal service plan or a similar  
23 | delivery system that assists people who seek to secure legal representation. A lawyer referral  
24 | service, on the other hand, is any individual or entity that operates for the direct or indirect  
25 | purpose of referring potential clients to lawyers, regardless of whether the term “referral  
26 | service” is used. The “usual charges” of a legal service plan or not-for-profit lawyer referral

**SUGGESTED AMENDMENTS TO RPC**  
**TITLE 7 – INFORMATION ABOUT LEGAL SERVICES**

1 service are fees that are openly promulgated and uniformly applied. Not-for-profit lawyer  
2 referral services are understood by the public to be consumer-oriented organizations that  
3 provide unbiased referrals to lawyers with appropriate experience in the subject matter of the  
4 representation and afford other client protections, such as complaint procedures or  
5 malpractice insurance requirements.

6  
7 [16] A lawyer also may agree to refer clients to another lawyer or LLLT or other nonlawyer  
8 professional in return for the undertaking of that person to refer clients or customers to the  
9 lawyer. Such reciprocal referral arrangements must not interfere with the lawyer's  
10 professional judgment as to making referrals or as to providing substantive legal services.  
11 See Rules 2.1 and 5.4(c). Except as provided in Rule 1.5(e), a lawyer who receives referrals  
12 from a lawyer or LLLT or other nonlawyer professional must not pay anything solely for the  
13 referral, but the lawyer does not violate this Rule by agreeing to refer clients to the other  
14 lawyer or LLLT or other nonlawyer professional, so long as the reciprocal referral agreement  
15 is not exclusive and the client is informed of the referral agreement. Conflicts of interest  
16 created by such arrangements are governed by Rule 1.7. Reciprocal referral agreements  
17 should not be of indefinite duration and should be reviewed periodically to determine  
18 whether they comply with these Rules. This Rule does not restrict referrals or divisions of  
19 revenues or net income among lawyers within firms comprised of multiple entities. Under  
20 LLLT RPC 1.5(e), however, an LLLT may not enter into an arrangement for the division of a  
21 fee with a lawyer who is not in the same firm as the LLLT.

22  
23 **RPC 7.4 [Reserved.]**

24  
25 **RPC 7.5 [Reserved.]**

## SUGGESTED AMENDMENTS TO RPC 5.5

### 1 **RPC 5.5 UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL** 2 **PRACTICE OF LAW**

3  
4 (a) – (e) Unchanged.

5  
6 (f) Paragraph (b)(1) of this Rule does not prohibit a law firm with offices in multiple  
7 jurisdictions from establishing and maintaining an office in this jurisdiction even if some of  
8 the lawyers that are members of the firm or are otherwise employed or retained by or  
9 associated with the law firm are not authorized to practice law in this jurisdiction.

#### 10 11 Comment

12 [1] – [3] Unchanged.

13  
14 [4] [Washington revision] Other than as authorized by law or this Rule, a lawyer who is not  
15 admitted to practice generally in this jurisdiction violates paragraph (b) if the lawyer  
16 establishes an office or other systematic and continuous presence in this jurisdiction for the  
17 practice of law. Presence may be systematic and continuous even if the lawyer is not  
18 physically present here. Such a lawyer must not hold out to the public or otherwise  
19 represent that the lawyer is admitted to practice law in this jurisdiction. See also Rule 7.1  
20 and Washington Comment [14] to Rule 7.1.

21  
22 [5] [Washington revision] There are occasions in which a lawyer admitted to practice in  
23 another United States jurisdiction, and not disbarred or suspended from practice in any  
24 jurisdiction, may provide legal services on a temporary basis in this jurisdiction under  
25 circumstances that do not create an unreasonable risk to the interests of their clients, the  
26 public or the courts. Paragraph (c) identifies four such circumstances. The fact that conduct

## SUGGESTED AMENDMENTS TO RPC 5.5

1 is not so identified does not imply that the conduct is or is not authorized. With the  
2 exception of paragraph (d)(2), this Rule does not authorize a U.S. or foreign lawyer to  
3 establish an office or other systematic and continuous presence in this jurisdiction without  
4 being admitted to practice generally or as house counsel under APR 8(f) here.

5  
6 [6] – [13] Unchanged.

7  
8 [14] [Washington revision] Paragraphs (c)(3) and (c)(4) require that the services arise out  
9 of or be reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is  
10 admitted. A variety of factors evidence such a relationship. The lawyer's client may have  
11 been previously represented by the lawyer, or may be resident in or have substantial  
12 contacts with the jurisdiction in which the lawyer is admitted. The matter, although  
13 involving other jurisdictions, may have a significant connection with that jurisdiction. In  
14 other cases, significant aspects of the lawyer's work might be conducted in that jurisdiction  
15 or a significant aspect of the matter may involve the law of that jurisdiction. The necessary  
16 relationship might arise when the client's activities or the legal issues involve multiple  
17 jurisdictions, such as when the officers of a multinational corporation survey potential  
18 business sites and seek the services of their lawyer in assessing the relative merits of each.  
19 In addition, the services may draw on the lawyer's recognized expertise developed through  
20 the regular practice of law on behalf of clients in matters involving a particular body of  
21 federal, nationally-uniform, foreign, or international law. Lawyers desiring to provide pro  
22 bono legal services on a temporary basis in Washington following determination by the  
23 Supreme Court that an emergency affecting the justice system, as a result of a natural or  
24 other major disaster, has occurred, who are not otherwise authorized to practice law in  
25 Washington, as well as lawyers from another affected jurisdiction who seek to practice law  
26 temporarily in Washington, but who are not otherwise authorized to practice law in

## SUGGESTED AMENDMENTS TO RPC 5.5

1 Washington, should consult Admission to Practice Rule 27 on Provision of Legal Services  
2 Following Determination of Major Disaster.

3  
4 [15] – [20] Unchanged.

5  
6 [21] [Washington revision] Paragraphs (c) and (d) do not authorize communications  
7 advertising legal services in this jurisdiction by lawyers who are admitted to practice in  
8 other jurisdictions. Whether and how lawyers may communicate the availability of their  
9 services in this jurisdiction is governed by Rule 7.1.

10  
11 Additional Washington Comment (22)

12  
13 [22] Paragraph (f) is derived from former Rule 7.5(b), which permitted law firms with  
14 offices in more than one jurisdiction to use the same name or other professional designation  
15 in each jurisdiction, and is intended to maintain authorization in the Rules of Professional  
16 Conduct for the presence of multijurisdictional law firms in Washington for purposes of  
17 RCW 2.48.180(7).

**SUGGESTED AMENDMENTS TO RPC**  
**TITLE 7 – INFORMATION ABOUT LEGAL SERVICES**

1 **RPC 7.1 COMMUNICATIONS CONCERNING A LAWYER'S SERVICES**

2  
3 A lawyer shall not make a false or misleading communication about the lawyer or the  
4 lawyer's services. A communication is false or misleading if it contains a material  
5 misrepresentation of fact or law, or omits a fact necessary to make the statement considered  
6 as a whole not materially misleading.

7  
8 **Comment**

9 [1] [Washington revision] This Rule governs all communications about a lawyer's services,  
10 ~~including advertising permitted by Rule 7.2.~~ Whatever means are used to make known a  
11 lawyer's services, statements about them must be truthful.

12  
13 [2] Truthful statements that are misleading are also prohibited by this Rule. A truthful  
14 statement is misleading if it omits a fact necessary to make the lawyer's communication  
15 considered as a whole not materially misleading. A truthful statement is also misleading if  
16 there is a substantial likelihood that it will lead a reasonable person to formulate a specific  
17 conclusion about the lawyer or the lawyer's services for which there is no reasonable  
18 factual foundation.

19  
20 [3] An advertisement that truthfully reports a lawyer's achievements on behalf of clients or  
21 former clients may be misleading if presented so as to lead a reasonable person to form an  
22 unjustified expectation that the same results could be obtained for other clients in similar  
23 matters without reference to the specific factual and legal circumstances of each client's  
24 case. Similarly, an unsubstantiated comparison of the lawyer's services or fees with the  
25 services or fees of other lawyers may be misleading if presented with such specificity as  
26 would lead a reasonable person to conclude that the comparison can be substantiated. The

**SUGGESTED AMENDMENTS TO RPC**  
**TITLE 7 – INFORMATION ABOUT LEGAL SERVICES**

1 inclusion of an appropriate disclaimer or qualifying language may preclude a finding that a  
2 statement is likely to create unjustified expectations or otherwise mislead the public.

3  
4 [4] [Washington revision] It is professional misconduct for a lawyer to engage in conduct  
5 involving dishonesty, fraud, deceit or misrepresentation. Rule 8.4(c). See also Rule 8.4(e)  
6 for the prohibition against stating or implying an ability to influence improperly a  
7 government agency or official or to achieve results by means that violate the Rules of  
8 Professional Conduct or other law.

9  
10 Additional Washington Comments (5-14)

11  
12 [5] To assist the public in learning about and obtaining legal services, lawyers should be  
13 allowed to make known their services not only through reputation but also through  
14 organized information campaigns in the form of advertising. Advertising involves an active  
15 quest for clients, contrary to the tradition that a lawyer should not seek clientele. However,  
16 the public's need to know about legal services can be fulfilled in part through advertising.  
17 This need is particularly acute in the case of persons of moderate means who have not  
18 made extensive use of legal services. The interest in expanding public information about  
19 legal services ought to prevail over considerations of tradition. Nevertheless, advertising by  
20 lawyers entails the risk of practices that are misleading or overreaching.

21  
22 [6] This Rule permits public dissemination of information concerning a lawyer's name or  
23 firm name, address, email address, website, and telephone number; the kinds of services the  
24 lawyer will undertake; the basis on which the lawyer's fees are determined, including prices  
25 for specific services and payment and credit arrangements; a lawyer's foreign language  
26

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1 ability; names of references and, with their consent, names of clients regularly represented;  
2 and other information that might invite the attention of those seeking legal assistance.

3  
4 [7] Questions of effectiveness and taste in advertising are matters of speculation and  
5 subjective judgment. Some jurisdictions have had extensive prohibitions against television  
6 and other forms of advertising, against advertising going beyond specified facts about a  
7 lawyer, or against "undignified" advertising. Television, the Internet, and other forms of  
8 electronic communication are now among the most powerful media for getting information  
9 to the public, particularly persons of low and moderate income; prohibiting television,  
10 Internet, and other forms of electronic advertising, therefore, would impede the flow of  
11 information about legal services to many sectors of the public. Limiting the information  
12 that may be advertised has a similar effect and assumes that the bar can accurately forecast  
13 the kind of information that the public would regard as relevant.

14  
15 *Areas of Expertise/Specialization*

16 [8] A lawyer may indicate areas of practice in communications about the lawyer's services.  
17 If a lawyer practices only in certain fields, or will not accept matters except in a specified  
18 field or fields, the lawyer is permitted to so indicate. A lawyer is generally permitted to  
19 state that the lawyer is a "specialist," practices a "specialty," or "specializes in" particular  
20 fields, but such communications are subject to the "false and misleading" standard applied  
21 in Rule 7.1 to communications concerning a lawyer's services. A lawyer may state that the  
22 lawyer is certified as a specialist in a field of law if such certification is granted by an  
23 organization approved by an appropriate state authority or accredited by the American Bar  
24 Association or another organization, such as a state bar association, that has been approved  
25 by the state authority to accredit organizations that certify lawyers as specialists.  
26 Certification signifies that an objective entity has recognized an advanced degree of

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1 knowledge and experience in the specialty area greater than is suggested by general  
2 licensure to practice law. Certifying organizations may be expected to apply standards of  
3 experience, knowledge and proficiency to insure that a lawyer's recognition as a specialist  
4 is meaningful and reliable. In order to insure that consumers can obtain access to useful  
5 information about an organization granting certification, the name of the certifying  
6 organization must be included in any communication regarding the certification.

7  
8 [9] In advertising concerning an LLLT's services, an LLLT is required to communicate the  
9 fact that the LLLT has a limited license in the particular fields of law for which the LLLT  
10 is licensed and must not state or imply that the LLLT has broader authority to practice than  
11 is in fact the case. See LLLT RPC 7.4(a); see also LLLT RPC 7.2(c) (advertisements must  
12 include the name and office address of at least one responsible LLLT or law firm). When  
13 lawyers and LLLTs are associated in a firm, lawyers with managerial or pertinent  
14 supervisory authority must take measures to assure that the firm's communications conform  
15 with these obligations. See Rule 5.10.

#### 17 *Firm Names*

18 [10] A firm may be designated by the names of all or some of its members, by the names of  
19 deceased members where there has been a continuing succession in the firm's identity or by  
20 a trade name such as the "ABC Legal Clinic." A lawyer or law firm may also be designated  
21 by a distinctive website address or comparable professional designation. Although the  
22 United States Supreme Court has held that legislation may prohibit the use of trade names  
23 in professional practice, use of such names in law practice is acceptable so long as it is not  
24 misleading. If a private firm uses a trade name that includes a geographical name such as  
25 "Springfield Legal Clinic," an express disclaimer that it is a public legal aid agency may be  
26 required to avoid a misleading implication. It may be observed that any firm name

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1 including the name of a deceased partner is, strictly speaking, a trade name. The use of  
2 such names to designate law firms has proven a useful means of identification. However, it  
3 is misleading to use the name of a lawyer or LLLT not associated with the firm or a  
4 predecessor of the firm, or the name of an individual who is neither a lawyer nor an LLLT.  
5

6 [11] Lawyers or LLLTs sharing office facilities, but who are not in fact associated with  
7 each other in a law firm, may not denominate themselves as, for example, "Smith and  
8 Jones," for that title suggests that they are practicing law together in a firm.  
9

10 [12] When lawyers and LLLTs are associated with each other in a law firm, the firm may  
11 be designated using the name of a member LLLT if the name is not otherwise in violation  
12 of this Rule.  
13

14 [13] Lawyers or LLLTs practicing out of the same office who are not partners, shareholders  
15 of a professional corporation, or members of a professional limited liability company or  
16 partnership may not join their names together. Lawyers or LLLTs who are not 1) partners,  
17 shareholders of a professional corporation, or members of a professional limited liability  
18 company or partnership, or 2) employees of a sole proprietorship, partnership, professional  
19 corporation, or members of a professional limited liability company or partnership or other  
20 organization, or 3) in the relationship of being "Of Counsel" to a sole proprietorship,  
21 partnership, professional corporation, or members of a professional limited liability  
22 company or partnership or other organization, must have separate letterheads, cards and  
23 pleading paper, and must sign their names individually at the end of all pleadings and  
24 correspondence and not in conjunction with the names of other lawyers or LLLTs.  
25  
26

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1 [14] A law firm with offices in more than one jurisdiction may use the same name or other  
2 professional designation in each jurisdiction. See Rule 5.5(f) and Comment [22]. In order  
3 to avoid misleading the public, when lawyers or LLLTs are identified as practicing in a  
4 particular office, the firm should indicate the jurisdictional limitations on those not licensed  
5 to practice in the jurisdiction where the office is located.

6  
7 **RPC 7.2 ADVERTISING[Reserved.]**

8 ~~— (a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services~~  
9 ~~through written, recorded or electronic communication, including public media.~~

10 ~~— (b) A lawyer shall not give anything of value to a person for recommending the~~  
11 ~~lawyer's services, except that a lawyer may~~

12 ~~— (1) pay the reasonable cost of advertisements or communications permitted by this~~  
13 ~~Rule;~~

14 ~~— (2) pay the usual charges of a legal service plan or a not for profit lawyer referral~~  
15 ~~service;~~

16 ~~— (3) pay for a law practice in accordance with Rule 1.17; and~~

17 ~~— (4) refer clients to another lawyer or LLLT pursuant to an agreement not otherwise~~  
18 ~~prohibited under these Rules that provides for the other person to refer clients or customers~~  
19 ~~to the lawyer, if~~

20 ~~— (i) the reciprocal referral agreement is not exclusive, and~~

21 ~~— (ii) the client is informed of the existence and nature of the agreement.~~

22 ~~— (c) Any communication made pursuant to this Rule shall include the name and office~~  
23 ~~address of at least one lawyer or law firm responsible for its content.~~

24  
25 **Comment**  
26

**SUGGESTED AMENDMENTS TO RPC**  
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1 | ~~[1] To assist the public in learning about and obtaining legal services, lawyers should be~~  
2 | ~~allowed to make known their services not only through reputation but also through~~  
3 | ~~organized information campaigns in the form of advertising. Advertising involves an active~~  
4 | ~~quest for clients, contrary to the tradition that a lawyer should not seek clientele. However,~~  
5 | ~~the public's need to know about legal services can be fulfilled in part through advertising.~~  
6 | ~~This need is particularly acute in the case of persons of moderate means who have not~~  
7 | ~~made extensive use of legal services. The interest in expanding public information about~~  
8 | ~~legal services ought to prevail over considerations of tradition. Nevertheless, advertising by~~  
9 | ~~lawyers entails the risk of practices that are misleading or overreaching.~~

10 |  
11 | ~~[2] This Rule permits public dissemination of information concerning a lawyer's name or~~  
12 | ~~firm name, address, email address, website, and telephone number; the kinds of services the~~  
13 | ~~lawyer will undertake; the basis on which the lawyer's fees are determined, including prices~~  
14 | ~~for specific services and payment and credit arrangements; a lawyer's foreign language~~  
15 | ~~ability; names of references and, with their consent, names of clients regularly represented;~~  
16 | ~~and other information that might invite the attention of those seeking legal assistance.~~

17 |  
18 | ~~[3] Questions of effectiveness and taste in advertising are matters of speculation and~~  
19 | ~~subjective judgment. Some jurisdictions have had extensive prohibitions against television~~  
20 | ~~and other forms of advertising, against advertising going beyond specified facts about a~~  
21 | ~~lawyer, or against "undignified" advertising. Television, the Internet, and other forms of~~  
22 | ~~electronic communication are now among the most powerful media for getting information~~  
23 | ~~to the public, particularly persons of low and moderate income; prohibiting television,~~  
24 | ~~Internet, and other forms of electronic advertising, therefore, would impede the flow of~~  
25 | ~~information about legal services to many sectors of the public. Limiting the information~~  
26 | ~~that may be advertised has a similar effect and assumes that the bar can accurately forecast~~

## SUGGESTED AMENDMENTS TO RPC

### TITLE 7 – INFORMATION ABOUT LEGAL SERVICES

1 the kind of information that the public would regard as relevant. But see Rule 7.3(a) for the  
2 prohibition against a solicitation of a possible client through a real time electronic  
3 exchange initiated by the lawyer.

4  
5 ~~[4] Neither this Rule nor Rule 7.3 prohibits communications authorized by law, such as~~  
6 ~~notice to members of a class in class action litigation.~~

#### 7 8 *Paying Others to Recommend a Lawyer*

9 ~~[5] [Washington revision] Except as permitted under paragraphs (b)(1)–(b)(4), lawyers are~~  
10 ~~not permitted to pay others for recommending the lawyer’s services or for channeling~~  
11 ~~professional work in a manner that violates Rule 7.3. A communication contains a~~  
12 ~~recommendation if it endorses or vouches for a lawyer’s credentials, abilities, competence,~~  
13 ~~character, or other professional qualities. Paragraph (b)(1), however, allows a lawyer to pay~~  
14 ~~for advertising and communications permitted by this Rule, including the costs of print~~  
15 ~~directory listings, on-line directory listings, newspaper ads, television and radio airtime,~~  
16 ~~domain name registrations, sponsorship fees, Internet-based advertisements, and group~~  
17 ~~advertising. A lawyer may compensate employees, agents and vendors who are engaged to~~  
18 ~~provide marketing or client development services, such as publicists, public relations~~  
19 ~~personnel, business development staff and website designers. Moreover, a lawyer may pay~~  
20 ~~others for generating client leads, such as Internet-based client leads, as long as the lead~~  
21 ~~generator does not recommend the lawyer, any payment to the lead generator is consistent~~  
22 ~~with Rules 1.5(e) (division of fees) and 5.4 (professional independence of the lawyer), and~~  
23 ~~the lead generator’s communications are consistent with Rule 7.1 (communications~~  
24 ~~concerning a lawyer’s services). To comply with Rule 7.1, a lawyer must not pay a lead~~  
25 ~~generator that states, implies, or creates a reasonable impression that it is recommending~~  
26 ~~the lawyer, is making the referral without payment from the lawyer, or has analyzed a~~

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1 | ~~person's legal problems when determining which lawyer should receive the referral. See~~  
2 | ~~also Rule 5.3 (duties of lawyers and law firms with respect to the conduct of nonlawyers);~~  
3 | ~~Rule 8.4(a) (duty to avoid violating the Rules through the acts of another). For the~~  
4 | ~~definition of nonlawyer for the purposes of Rule 5.3, see Washington Comment [5] to Rule~~  
5 | ~~5.3.~~

6 |  
7 | ~~[6] [Washington revision] A lawyer may pay the usual charges of a legal service plan or a~~  
8 | ~~not for profit lawyer referral service. A legal service plan is a prepaid or group legal~~  
9 | ~~service plan or a similar delivery system that assists people who seek to secure legal~~  
10 | ~~representation. A lawyer referral service, on the other hand, is any organization that holds~~  
11 | ~~itself out to the public as a lawyer referral service. Such referral services are understood by~~  
12 | ~~the public to be consumer-oriented organizations that provide unbiased referrals to lawyers~~  
13 | ~~with appropriate experience in the subject matter of the representation and afford other~~  
14 | ~~client protections, such as complaint procedures or malpractice insurance requirements.~~  
15 | ~~Consequently, this Rule only permits a lawyer to pay the usual charges of a not for profit~~  
16 | ~~lawyer referral service.~~

17 |  
18 | ~~[7] A lawyer who accepts assignments or referrals from a legal service plan or referrals~~  
19 | ~~from a lawyer referral service must act reasonably to assure that the activities of the plan or~~  
20 | ~~service are compatible with the lawyer's professional obligations. See Rule 5.3. Legal~~  
21 | ~~service plans and lawyer referral services may communicate with the public, but such~~  
22 | ~~communication must be in conformity with these Rules. Thus, advertising must not be false~~  
23 | ~~or misleading, as would be the case if the communications of a group advertising program~~  
24 | ~~or a group legal services plan would mislead the public to think that it was a lawyer referral~~  
25 | ~~service sponsored by a state agency or bar association. Nor could the lawyer allow in-~~  
26 | ~~person, telephonic, or real time contacts that would violate Rule 7.3.~~

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~~[8] [Washington revision] A lawyer also may agree to refer clients to another lawyer in return for the undertaking of that person to refer clients or customers to the lawyer. Such reciprocal referral arrangements must not interfere with the lawyer's professional judgment as to making referrals or as to providing substantive legal services. See Rules 2.1 and 5.4(e). Except as provided in Rule 1.5(e), a lawyer who receives referrals from a lawyer must not pay anything solely for the referral, but the lawyer does not violate paragraph (b) of this Rule by agreeing to refer clients to the other lawyer, so long as the reciprocal referral agreement is not exclusive and the client is informed of the referral agreement. Conflicts of interest created by such arrangements are governed by Rule 1.7. Reciprocal referral agreements should not be of indefinite duration and should be reviewed periodically to determine whether they comply with these Rules. This Rule does not restrict referrals or divisions of revenues or net income among lawyers within firms comprised of multiple entities.~~

**Additional Washington Comment (9)**

~~[9] That portion of Model Rule 7.2(b)(4) that allows lawyers to enter into reciprocal referral agreements with nonlawyer professionals was not adopted. A lawyer may agree to refer clients to an LLLT in return for the undertaking of that person to refer clients to the lawyer. The guidance provided in Comment [8] to this Rule is also applicable to reciprocal referral arrangements between lawyers and LLLTs. Under LLLT RPC 1.5(e), however, an LLLT may not enter into an arrangement for the division of a fee with a lawyer who is not in the same firm as the LLLT.~~

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1 **RPC 7.3 SOLICITATION OF CLIENTS**

2  
3 (a) ~~A lawyer shall not directly or through a third person, by in person, live telephone, or~~  
4 ~~real time electronic contact may solicit professional employment from a possible client~~  
5 ~~when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless~~  
6 ~~the person contacted:~~

7       (1) ~~is a lawyer or an LLLT or the solicitation is false or misleading;~~

8       (2) ~~has a family, close personal, or prior professional relationship with the lawyer or~~  
9 the lawyer knows or reasonably should know that the physical, emotional, or mental state  
10 of the subject of the solicitation is such that the person could not exercise reasonable  
11 judgment in employing a lawyer;

12       (3) ~~has consented to the contact by requesting a referral from a not for profit lawyer~~  
13 referral service, the subject of the solicitation has made known to the lawyer a desire not to  
14 be solicited by the lawyer; or

15       (4) the solicitation involves coercion, duress, or harassment.

16 (b) ~~A lawyer shall not solicit professional employment from a client by written, recorded or~~  
17 ~~electronic communication or by in person, telephone or real time electronic contact even~~  
18 ~~when not otherwise prohibited by paragraph (a), if compensate, or give or promise anything~~  
19 of value to, a person who is not an employee or lawyer in the same law firm for the purpose  
20 of recommending or securing the services of the lawyer or law firm, except that a lawyer  
21 may;

22       (1) ~~the target of the solicitation has made known to the lawyer a desire not to be~~  
23 solicited by the lawyer; or pay the reasonable cost of advertisements or communications  
24 permitted by Rule 7.1, including online group advertising;

25       (2) ~~the solicitation involves coercion, duress or harassment, pay the usual charges of a~~  
26 legal service plan or a not-for-profit lawyer referral service;

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1       (3) pay for a law practice in accordance with Rule 1.17;

2       (4) refer clients to another lawyer or LLLT or other nonlawyer professional pursuant  
3 to an agreement not otherwise prohibited under these Rules that provides for the other  
4 person to refer clients or customers to the lawyer, if:

5                   (i) the reciprocal referral agreement is not exclusive, and

6                   (ii) the client is informed of the existence and nature of the agreement; and

7       (5) give nominal gifts that are neither intended nor reasonably expected to be a form  
8 of compensation for recommending a lawyer's services.

9 ~~(e) [Reserved.]~~

10 ~~(d) Notwithstanding the prohibitions in paragraph (a), a lawyer may participate with a~~  
11 ~~prepaid or group legal service plan operated by an organization not owned or directed by~~  
12 ~~the lawyer that uses in-person or telephone contact to solicit memberships or subscriptions~~  
13 ~~for the plan from persons who are not known to need legal services in a particular matter~~  
14 ~~covered by the plan.~~

15  
16 **Comment**

17 [1] [Washington revision] A solicitation is a targeted communication initiated by ~~the~~ or on  
18 behalf of a lawyer that is directed to a specific person and that offers to provide, or can  
19 reasonably be understood as offering to provide, legal services. Solicitations can include  
20 in-person, written, telephonic, and electronic communications. In contrast, a lawyer's  
21 communication typically does not constitute a solicitation if it is directed to the general  
22 public, such as through a billboard, an Internet banner advertisement, a website or a  
23 television commercial, or if it is in response to a request for information or is automatically  
24 generated in response to Internet searches.

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1 | ~~[2] [Reserved.] There is a potential for abuse when a solicitation involves direct in-person,~~  
2 | ~~live telephone or real-time electronic contact by a lawyer with someone known to need~~  
3 | ~~legal services. These forms of contact subject a person to the private importuning of the~~  
4 | ~~trained advocate in a direct interpersonal encounter. The person, who may already feel~~  
5 | ~~overwhelmed by the circumstances giving rise to the need for legal services, may find it~~  
6 | ~~difficult fully to evaluate all available alternatives with reasoned judgment and appropriate~~  
7 | ~~self-interest in the face of the lawyer's presence and insistence upon being retained~~  
8 | ~~immediately. The situation is fraught with the possibility of undue influence, intimidation,~~  
9 | ~~and over-reaching.~~

10 |  
11 | ~~[3] [Reserved.] This potential for abuse inherent in direct in-person, live telephone or real-~~  
12 | ~~time electronic solicitation justifies its prohibition, particularly since lawyers have~~  
13 | ~~alternative means of conveying necessary information to those who may be in need of legal~~  
14 | ~~services. In particular, communications can be mailed or transmitted by email or other~~  
15 | ~~electronic means that do not involve real-time contact and do not violate other laws~~  
16 | ~~governing solicitations. These forms of communications and solicitations make it possible~~  
17 | ~~for the public to be informed about the need for legal services, and about the qualifications~~  
18 | ~~of available lawyers and law firms, without subjecting the public to direct in-person,~~  
19 | ~~telephone or real-time electronic persuasion that may overwhelm a person's judgment.~~

20 |  
21 | ~~[4] [Reserved.] The use of general advertising and written, recorded or electronic~~  
22 | ~~communications to transmit information from lawyer to the public, rather than direct in-~~  
23 | ~~person, live telephone or real-time electronic contact, will help to assure that the~~  
24 | ~~information flows cleanly as well as freely. The contents of advertisements and~~  
25 | ~~communications permitted under Rule 7.2 can be permanently recorded so that they cannot~~  
26 | ~~be disputed and may be shared with others who know the lawyer. This potential for~~

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1 | ~~informal review is itself likely to help guard against statements and claims that might~~  
2 | ~~constitute false and misleading communications, in violation of Rule 7.1. The contents of~~  
3 | ~~direct in person, live telephone or real time electronic contact can be disputed and may not~~  
4 | ~~be subject to third party scrutiny. Consequently, they are much more likely to approach~~  
5 | ~~(and occasionally cross) the dividing line between accurate representations and those that~~  
6 | ~~are false and misleading.~~

7 |  
8 | ~~[5] [Reserved. **Washington revision**] There is far less likelihood that a lawyer would~~  
9 | ~~engage in abusive practices against a former client, or a person with whom the lawyer has~~  
10 | ~~close personal or family relationship, or in situations in which the lawyer is motivated by~~  
11 | ~~considerations other than the lawyer's pecuniary gain. Nor is there a serious potential for~~  
12 | ~~abuse when the person contacted is a lawyer or an LLLT. Consequently, the general~~  
13 | ~~prohibition in Rule 7.3(a) is not applicable in those situations. Also, paragraph (a) is not~~  
14 | ~~intended to prohibit a lawyer from participating in constitutionally protected activities of~~  
15 | ~~public or charitable legal service organizations or bona fide political, social, civic,~~  
16 | ~~fraternal, employee or trade organizations whose purposes include providing or~~  
17 | ~~recommending legal services to its members or beneficiaries.~~

18 |  
19 | ~~[6] [Reserved.] But even permitted forms of solicitation can be abused. Thus, any~~  
20 | ~~solicitation which contains information which is false or misleading within the meaning of~~  
21 | ~~Rule 7.1, which involves coercion, duress or harassment within the meaning of Rule~~  
22 | ~~7.3(b)(2), or which involves contact with someone who has made known to the lawyer a~~  
23 | ~~desire not to be solicited by the lawyer within the meaning of Rule 7.3(b)(1) is prohibited.~~  
24 | ~~Moreover, if after sending a letter or other communication as permitted by Rule 7.2 the~~  
25 | ~~lawyer receives no response, any further effort to communicate with the recipient of the~~  
26 | ~~communication may violate the provisions of Rule 7.3(b).~~

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1  
2 ~~[7] [Reserved] This Rule is not intended to prohibit a lawyer from contacting~~  
3 ~~representatives of organizations or groups that may be interested in establishing a group or~~  
4 ~~prepaid legal plan for their members, insured, beneficiaries, or other third parties for the~~  
5 ~~purpose of informing such entities of the availability of and details concerning the plan or~~  
6 ~~arrangement which the lawyer or lawyer's firm is willing to offer. This form of~~  
7 ~~communication is not directed to people who are seeking legal services for themselves.~~  
8 ~~Rather, it is usually addressed to an individual acting in a fiduciary capacity seeking a~~  
9 ~~supplier of legal services for others who may, if they choose, become prospective clients of~~  
10 ~~the lawyer. Under these circumstances, the activity which the lawyer undertakes in~~  
11 ~~communicating with such representatives and the type of information transmitted to the~~  
12 ~~individual are functionally similar to and serve the same purpose as advertising permitted~~  
13 ~~under Rule 7.2.~~

14  
15 [8] [Reserved.]

16  
17 [9] [Reserved.] Paragraph (d) of this Rule permits a lawyer to participate with an  
18 organization which uses personal contact to solicit members for its group or prepaid legal  
19 service plan, provided that the personal contact is not undertaken by any lawyer who would  
20 be a provider of legal services through the plan. The organization must not be owned by or  
21 directed (whether as manager or otherwise) by any lawyer or law firm that participates in  
22 the plan. For example, paragraph (d) would not permit a lawyer to create an organization  
23 controlled directly or indirectly by the lawyer and use the organization for the in-person or  
24 telephone solicitation of legal employment of the lawyer through memberships in the plan  
25 or otherwise. The communication permitted by these organizations also must not be  
26 directed to a person known to need legal services in a particular matter, but is to be

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1 | ~~designed to inform potential plan members generally of another means of affordable legal~~  
2 | ~~services. Lawyers who participate in a legal service plan must reasonably assure that the~~  
3 | ~~plan sponsors are in compliance with Rules 7.1, 7.2 and 7.3(b). See 8.4(a).~~

#### 4 | **Additional Washington Comments (10 - 1416)**

6 | ~~[10] A lawyer who receives a referral from a third party should exercise caution in~~  
7 | ~~contacting the prospective client directly by in-person, live telephone, or real-time~~  
8 | ~~electronic contact. Such contact is generally prohibited by this Rule unless the prospective~~  
9 | ~~client has asked to be contacted by the lawyer. A prospective client may request such~~  
10 | ~~contact through a third party. Prior to initiating contact with the prospective client,~~  
11 | ~~however, the lawyer should confirm with the source of the referral that the prospective~~  
12 | ~~client has indeed made such a request. Similarly, when making referrals to other lawyers,~~  
13 | ~~the referring lawyer should discuss with the prospective client whether he or she wishes to~~  
14 | ~~be contacted directly. While all communications about a lawyer's services are subject to~~  
15 | the general prohibition against false or misleading communication in Rule 7.1, in-person  
16 | solicitation can create problems because of the particular circumstances in which the  
17 | solicitation takes place, and those circumstances are, therefore, appropriately regulated.  
18 | Paragraph (a) of this Rule prohibits solicitation in circumstances or through means that are  
19 | not conducive to intelligent, rational decisions. Unwanted solicitations (after the subject has  
20 | informed the lawyer not to make contact) or solicitations involving coercion, duress, or  
21 | harassment are specifically prohibited. Such circumstances and means could be the  
22 | harassment of early morning or late-night telephone calls to a potential client to solicit legal  
23 | work, repeated calls at any time of day, solicitation of an accident victim or the victim's  
24 | family shortly after the accident or while the victim is still in medical distress (particularly  
25 | where a lawyer seeks professional employment by in-person or other real-time contact in  
26 | such circumstances), or solicitation of vulnerable subjects, such as persons facing

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1 incarceration, or their family members, in or near a courthouse. The prohibition on  
2 solicitation of a subject who cannot “exercise reasonable judgment in employing a lawyer”  
3 extends to an individual with diminished capacity who cannot adequately act in the  
4 individual’s own interest, and the provisions of Rule 1.14 may provide guidance in  
5 evaluating “the physical, emotional or mental” state of the subject.

6  
7 ~~[11] Those in need of legal representation often seek assistance in finding a lawyer through~~  
8 ~~a lawyer referral service. Washington adopted paragraph (a)(3) in order to facilitate~~  
9 ~~communication between lawyers and potential clients who have specifically requested a~~  
10 ~~referral from a not for profit lawyer referral service. Under this paragraph, a lawyer~~  
11 ~~receiving such a referral may contact the potential client directly by in-person, live~~  
12 ~~telephone, or real-time electronic contact to discuss possible representation. Under Rule~~  
13 5.1, Rule 5.3, and Rule 8.4(a), the solicitation restrictions that apply to the lawyer’s own  
14 acts or conduct also extend to acts or conduct by employees, agents, or any third persons  
15 acting on the lawyer’s behalf.

16  
17 [12] Washington did not adopt paragraph (c) of the Model Rule relating to labeling of  
18 communications with prospective clients and solicitations. A specific labeling requirement  
19 is unnecessary in light of the prohibitions in Rule 7.1 and Rule 7.3(a)(1) against false or  
20 misleading communications regarding the lawyer or the lawyer’s services and in  
21 solicitations of professional employment. Washington also has not adopted paragraph (d)  
22 of the Model Rule creating a safe harbor for in-person and telephonic solicitations in the  
23 context of a prepaid or group legal services plan because solicitations of professional  
24 employment by any means and in all contexts are permitted subject to the exceptions  
25 contained in paragraphs (a)(1) – (4). In addition, prior provisions and comments under Rule  
26 7.3 in Washington relating to in-person, telephonic, or real-time electronic solicitations in

**SUGGESTED AMENDMENTS TO RPC**  
**TITLE 7 – INFORMATION ABOUT LEGAL SERVICES**

1 the context of referrals from a third party or a lawyer referral service have been removed  
2 because solicitations by any means in this context are permitted subject to the exceptions  
3 contained in paragraphs (a)(1) – (4) of this Rule.

4 *Paying Others to Recommend a Lawyer*

5 ~~[13] The phrase "directly or through a third person" in paragraph (a) was retained from~~  
6 ~~former Washington RPC 7.3(a). Paragraph (b) of this Rule was derived from former~~  
7 ~~Washington RPC 7.2(b).~~

8  
9 ~~[14] The phrase "prospective client" in Rule 7.3(a) has been replaced with the phrase~~  
10 ~~"possible client" because the phrase "prospective client" has become a defined phrase~~  
11 ~~under Rule 1.18 with a different meaning. This is a departure from the ABA Model Rule~~  
12 ~~which has dispensed altogether with the phrase "from a prospective client" in this rule. The~~  
13 ~~rule is not intended to preclude lawyers from in-person conversations with friends, relatives~~  
14 ~~or other professionals (i.e. intermediaries) about other friends, relatives, clients or patients~~  
15 ~~who may need or benefit from the lawyer's services, so long as the lawyer is not asking or~~  
16 ~~expecting the intermediary to engage in improper solicitation. See RPC 8.4(a) which~~  
17 ~~prohibits improper solicitation "through the acts of another." Absent limitation of~~  
18 ~~prohibited in-person communications to "possible clients" there is danger that lawyers~~  
19 ~~might mistakenly infer that the kind of benign conversations with non-client intermediaries~~  
20 ~~described above are precluded by this rule. Except as permitted under paragraphs (b)(1)-~~  
21 ~~(b)(5), lawyers are not permitted to pay others for recommending the lawyer's services or~~  
22 ~~for channeling professional work in a manner that violates RPC 7.1 or RPC 7.3. A~~  
23 ~~communication contains a recommendation if it endorses or vouches for a lawyer's~~  
24 ~~credentials, abilities, competence, character, or other professional qualities. Paragraph~~  
25 ~~(b)(1), however, allows a lawyer to pay for advertising and solicitations permitted by RPC~~  
26 ~~7.1 and this Rule, including the costs of print directory listings, online directory listings,~~

**SUGGESTED AMENDMENTS TO RPC**  
**TITLE 7 – INFORMATION ABOUT LEGAL SERVICES**

1 newspaper ads, television and radio airtime, domain-name registrations, sponsorship fees,  
2 Internet-based advertisements, and group advertising. A lawyer may compensate  
3 employees, agents and vendors who are engaged to provide marketing or client-  
4 development services, such as publicists, public-relations personnel, business-development  
5 staff and website designers, as long as the employees, agents and vendors do not direct or  
6 regulate the lawyer’s professional judgment (see Rule 5.4(c)). Moreover, a lawyer may pay  
7 others for generating client leads, such as Internet-based client leads, as long as the lead  
8 generator does not recommend the lawyer, any payment to the lead generator is consistent  
9 with RPC 1.5(e) (division of fees) and 5.4 (professional independence of the lawyer), and  
10 the lead generator’s communications are consistent with RPC 7.1 (communications  
11 concerning a lawyer’s services). To comply with RPC 7.1, a lawyer must not pay a lead  
12 generator that states, implies, or creates a reasonable impression that it is recommending  
13 the lawyer, is making the referral without payment from the lawyer, or has analyzed a  
14 person’s legal problems when determining which lawyer should receive the referral. See  
15 also Rule 5.3 (duties of lawyers and law firms with respect to the conduct of nonlawyers);  
16 RPC 8.4(a) (duty to avoid violating the rules through the acts of another). For the  
17 definition of nonlawyer for the purposes of Rule 5.3, see Washington Comment [5] to Rule  
18 5.3.

19  
20 [15] A lawyer may pay the usual charges of a legal service plan or a not-for-profit lawyer  
21 referral service. A legal service plan is a prepaid or group legal service plan or a similar  
22 delivery system that assists people who seek to secure legal representation. A lawyer referral  
23 service, on the other hand, is any individual or entity that operates for the direct or indirect  
24 purpose of referring potential clients to lawyers, regardless of whether the term “referral  
25 service” is used. The “usual charges” of a legal service plan or not-for-profit lawyer referral  
26 service are fees that are openly promulgated and uniformly applied. Not-for-profit lawyer

SUGGESTED AMENDMENTS TO RPC

TITLE 7 – INFORMATION ABOUT LEGAL SERVICES

1 referral services are understood by the public to be consumer-oriented organizations that  
2 provide unbiased referrals to lawyers with appropriate experience in the subject matter of the  
3 representation and afford other client protections, such as complaint procedures or  
4 malpractice insurance requirements.

5  
6 [16] A lawyer also may agree to refer clients to another lawyer or LLLT or other  
7 nonlawyer professional in return for the undertaking of that person to refer clients or  
8 customers to the lawyer. Such reciprocal referral arrangements must not interfere with the  
9 lawyer’s professional judgment as to making referrals or as to providing substantive legal  
10 services. See Rules 2.1 and 5.4(c). Except as provided in Rule 1.5(e), a lawyer who  
11 receives referrals from a lawyer or LLLT or other nonlawyer professional must not pay  
12 anything solely for the referral, but the lawyer does not violate this Rule by agreeing to  
13 refer clients to the other lawyer or LLLT or other nonlawyer professional, so long as the  
14 reciprocal referral agreement is not exclusive and the client is informed of the referral  
15 agreement. Conflicts of interest created by such arrangements are governed by Rule 1.7.  
16 Reciprocal referral agreements should not be of indefinite duration and should be reviewed  
17 periodically to determine whether they comply with these Rules. This Rule does not restrict  
18 referrals or divisions of revenues or net income among lawyers within firms comprised of  
19 multiple entities. Under LLLT RPC 1.5(e), however, an LLLT may not enter into an  
20 arrangement for the division of a fee with a lawyer who is not in the same firm as the  
21 LLLT.

22  
23  
24 ~~RPC 7.4 COMMUNICATION OF FIELDS OF PRACTICE AND~~  
25 ~~SPECIALIZATION~~[Reserved.]  
26

SUGGESTED AMENDMENTS TO RPC  
TITLE 7 – INFORMATION ABOUT LEGAL SERVICES

1     ~~— (a) A lawyer may communicate the fact that the lawyer does or does not practice in~~  
2     ~~particular fields of law.~~

3     ~~— (b) A lawyer admitted to engage in patent practice before the United States Patent and~~  
4     ~~Trademark Office may use the designation "Patent Attorney" or a substantially similar~~  
5     ~~designation.~~

6     ~~— (c) A lawyer engaged in Admiralty practice may use the designation "Admiralty,"~~  
7     ~~"Proctor in Admiralty" or substantially similar designation.~~

8     ~~— (d) A lawyer shall not state or imply that a lawyer is a specialist in a particular field~~  
9     ~~of law, except upon issuance of an identifying certificate, award, or recognition by a group,~~  
10    ~~organization, or association, a lawyer may use the terms "certified", "specialist", "expert",~~  
11    ~~or any other similar term to describe his or her qualifications as a lawyer or his or her~~  
12    ~~qualifications in any subspecialty of the law. If the terms are used to identify any~~  
13    ~~certificate, award, or recognition by any group, organization, or association, the reference~~  
14    ~~must:~~

15    ~~— (1) be truthful and verifiable and otherwise comply with Rule 7.1;~~

16    ~~— (2) identify the certifying group, organization, or association; and~~

17    ~~— (3) the reference must state that the Supreme Court of Washington does not recognize~~  
18    ~~certification of specialties in the practice of law and that the certificate, award, or~~  
19    ~~recognition is not a requirement to practice law in the state of Washington.~~

20  
21    **Comment**

22    ~~[1] [Washington revision] Paragraph (a) of this Rule permits a lawyer to indicate areas of~~  
23    ~~practice in communications about the lawyer's services. If a lawyer practices only in certain~~  
24    ~~fields, or will not accept matters except in a specified field or fields, the lawyer is permitted~~  
25    ~~to so indicate.~~

26    ~~—~~

**SUGGESTED AMENDMENTS TO RPC**  
**TITLE 7 – INFORMATION ABOUT LEGAL SERVICES**

1 | ~~[2] Paragraph (b) recognizes the long established policy of the Patent and Trademark~~  
2 | ~~Office for the designation of lawyers practicing before the Office. Paragraph (c) recognizes~~  
3 | ~~that designation of Admiralty practice has a long historical tradition associated with~~  
4 | ~~maritime commerce and the federal courts.~~

5 | \_\_\_\_\_  
6 | ~~[3] [Reserved.]~~

7 |  
8 | **~~Additional Washington Comment (4-5)~~**

9 | ~~[4] Statements indicating that the lawyer is a "specialist," practices a "specialty,"~~  
10 | ~~"specializes in" particular fields, and the like, are subject to the limitations set forth in~~  
11 | ~~paragraph (d). The provisions of paragraph (d) were taken from former Washington RPC~~  
12 | ~~7.4(b).~~

13 |  
14 | ~~[5] In advertising concerning an LLLT's services, an LLLT is required to communicate the~~  
15 | ~~fact that the LLLT has a limited license in the particular fields of law for which the LLLT~~  
16 | ~~is licensed and must not state or imply that the LLLT has broader authority to practice than~~  
17 | ~~is in fact the case. See LLLT RPC 7.4(a); see also LLLT RPC 7.2(c) (advertisements must~~  
18 | ~~include the name and office address of at least one responsible LLLT or law firm). When~~  
19 | ~~lawyers and LLLTs are associated in a firm, lawyers with managerial or pertinent~~  
20 | ~~supervisory authority must take measures to assure that the firm's communications~~  
21 | ~~conform with these obligations. See Rule 5.10.~~

22 |  
23 | **~~RPC 7.5 FIRM NAMES AND LETTERHEADS~~** ~~[Reserved.]~~

24 | \_\_\_\_\_ (a) ~~A lawyer shall not use a firm name, letterhead or other professional designation~~  
25 | ~~that violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does~~  
26 |

SUGGESTED AMENDMENTS TO RPC  
TITLE 7 – INFORMATION ABOUT LEGAL SERVICES

1 ~~not imply a connection with a government agency or with a public or charitable legal~~  
2 ~~services organization and is not otherwise in violation of Rule 7.1.~~

3 ~~—— (b) A law firm with offices in more than one jurisdiction may use the same name or~~  
4 ~~other professional designation in each jurisdiction, but identification of the lawyers or~~  
5 ~~LLLTs in an office of the firm shall indicate the jurisdictional limitations on those not~~  
6 ~~licensed to practice in the jurisdiction where the office is located.~~

7 ~~—— (c) The name of a lawyer or LLLT holding a public office shall not be used in the~~  
8 ~~name of a law firm, or in communications on its behalf, during any substantial period in~~  
9 ~~which the lawyer or LLLT is not actively and regularly practicing with the firm.~~

10 ~~—— (d) Lawyers may state or imply that they practice in a partnership or other~~  
11 ~~organization only when that is a fact.~~

12  
13 **Comment**

14 ~~[1] [Washington revision] A firm may be designated by the names of all or some of its~~  
15 ~~members, by the names of deceased members where there has been a continuing succession~~  
16 ~~in the firm's identity or by a trade name such as the "ABC Legal Clinic." A lawyer or law~~  
17 ~~firm may also be designated by a distinctive website address or comparable professional~~  
18 ~~designation. Although the United States Supreme Court has held that legislation may~~  
19 ~~prohibit the use of trade names in professional practice, use of such names in law practice~~  
20 ~~is acceptable so long as it is not misleading. If a private firm uses a trade name that~~  
21 ~~includes a geographical name such as "Springfield Legal Clinic," an express disclaimer that~~  
22 ~~it is a public legal aid agency may be required to avoid a misleading implication. It may be~~  
23 ~~observed that any firm name including the name of a deceased partner is, strictly speaking,~~  
24 ~~a trade name. The use of such names to designate law firms has proven a useful means of~~  
25 ~~identification. However, it is misleading to use the name of a lawyer or LLLT not~~  
26

SUGGESTED AMENDMENTS TO RPC

TITLE 7 – INFORMATION ABOUT LEGAL SERVICES

1 associated with the firm or a predecessor of the firm, or the name of an individual who is  
2 neither a lawyer nor an LLLT.

3  
4 ~~[2] [Washington revision] With regard to paragraph (d), lawyers or LLLTs sharing office~~  
5 ~~facilities, but who are not in fact associated with each other in a law firm, may not~~  
6 ~~denominate themselves as, for example, "Smith and Jones," for that title suggests that they~~  
7 ~~are practicing law together in a firm.~~

8  
9 **Additional Washington Comment (3–4)**

10 [3] ~~When lawyers and LLLTs are associated with each other in a law firm, the firm may be~~  
11 ~~designated using the name of a member LLLT if the name is not otherwise in violation of~~  
12 ~~Rule 7.1, this Rule, or LLLT RPC 7.5. See also Washington Comment [4] to the Rule.~~

13  
14 [4] ~~Lawyers or LLLTs practicing out of the same office who are not partners, shareholders~~  
15 ~~of a professional corporation, or members of a professional limited liability company or~~  
16 ~~partnership may not join their names together. Lawyers or LLLTs who are not 1) partners,~~  
17 ~~shareholders of a professional corporation, or members of a professional limited liability~~  
18 ~~company or partnership, or 2) employees of a sole proprietorship, partnership, professional~~  
19 ~~corporation, or members of a professional limited liability company or partnership or other~~  
20 ~~organization, or 3) in the relationship of being "Of Counsel" to a sole proprietorship,~~  
21 ~~partnership, professional corporation, or members of a professional limited liability~~  
22 ~~company or partnership or other organization, must have separate letterheads, cards and~~  
23 ~~pleading paper, and must sign their names individually at the end of all pleadings and~~  
24 ~~correspondence and not in conjunction with the names of other lawyers or LLLTs. (The~~  
25 ~~provisions of this Comment were taken from former Washington RPC 7.5(d).)~~

**SUGGESTED AMENDMENTS TO RPC**  
**TITLE 7 – INFORMATION ABOUT LEGAL SERVICES**

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SUGGESTED AMENDMENTS TO RPC 5.5

1 **RPC 5.5 UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL**  
2 **PRACTICE OF LAW**

3  
4 (a) – (e) Unchanged.

5  
6 (f) Paragraph (b)(1) of this Rule does not prohibit a law firm with offices in multiple  
7 jurisdictions from establishing and maintaining an office in this jurisdiction even if some of  
8 the lawyers that are members of the firm or are otherwise employed or retained by or  
9 associated with the law firm are not authorized to practice law in this jurisdiction.

10  
11 Comment

12 [1] – [3] Unchanged.

13  
14 [4] [Washington revision] Other than as authorized by law or this Rule, a lawyer who is not  
15 admitted to practice generally in this jurisdiction violates paragraph (b) if the lawyer  
16 establishes an office or other systematic and continuous presence in this jurisdiction for the  
17 practice of law. Presence may be systematic and continuous even if the lawyer is not  
18 physically present here. Such a lawyer must not hold out to the public or otherwise  
19 represent that the lawyer is admitted to practice law in this jurisdiction. See also Rules 7.1  
20 and ~~7.5(b)~~ Washington Comment [14] to Rule 7.1.

21  
22 [5] [Washington revision] There are occasions in which a lawyer admitted to practice in  
23 another United States jurisdiction, and not disbarred or suspended from practice in any  
24 jurisdiction, may provide legal services on a temporary basis in this jurisdiction under  
25 circumstances that do not create an unreasonable risk to the interests of their clients, the  
26 public or the courts. Paragraph (c) identifies four such circumstances. The fact that conduct

**SUGGESTED AMENDMENTS TO RPC 5.5**

1 is not so identified does not imply that the conduct is or is not authorized. With the  
2 exception of paragraph (d)(2), this Rule does not authorize a U.S. or foreign lawyer to  
3 establish an office or other systematic and continuous presence in this jurisdiction without  
4 being admitted to practice generally or as house counsel under APR 8(f) here.

5  
6 [6] – [13] Unchanged.

7  
8 [14] [Washington revision] Paragraphs (c)(3) and (c)(4) require that the services arise out  
9 of or be reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is  
10 admitted. A variety of factors evidence such a relationship. The lawyer's client may have  
11 been previously represented by the lawyer, or may be resident in or have substantial  
12 contacts with the jurisdiction in which the lawyer is admitted. The matter, although  
13 involving other jurisdictions, may have a significant connection with that jurisdiction. In  
14 other cases, significant aspects of the lawyer's work might be conducted in that jurisdiction  
15 or a significant aspect of the matter may involve the law of that jurisdiction. The necessary  
16 relationship might arise when the client's activities or the legal issues involve multiple  
17 jurisdictions, such as when the officers of a multinational corporation survey potential  
18 business sites and seek the services of their lawyer in assessing the relative merits of each.  
19 In addition, the services may draw on the lawyer's recognized expertise developed through  
20 the regular practice of law on behalf of clients in matters involving a particular body of  
21 federal, nationally-uniform, foreign, or international law. Lawyers desiring to provide pro  
22 bono legal services on a temporary basis in Washington following determination by the  
23 Supreme Court that an emergency affecting the justice system, as a result of a natural or  
24 other major disaster, has occurred, who are not otherwise authorized to practice law in  
25 Washington, as well as lawyers from another affected jurisdiction who seek to practice law  
26 temporarily in Washington, but who are not otherwise authorized to practice law in

SUGGESTED AMENDMENTS TO RPC 5.5

1 Washington, should consult Admission to Practice Rule 27 on Provision of Legal Services  
2 Following Determination of Major Disaster.

3  
4 [15] – [20] Unchanged.

5  
6 [21] [Washington revision] Paragraphs (c) and (d) do not authorize communications  
7 advertising legal services ~~to prospective clients~~ in this jurisdiction by lawyers who are  
8 admitted to practice in other jurisdictions. Whether and how lawyers may communicate the  
9 availability of their services ~~to prospective clients~~ in this jurisdiction is governed by Rules  
10 7.1 ~~to 7.5~~.

11  
12 Additional Washington Comment (22)

13 [22] Paragraph (f) is derived from former Rule 7.5(b), which permitted law firms with  
14 offices in more than one jurisdiction to use the same name or other professional designation  
15 in each jurisdiction, and is intended to maintain authorization in the Rules of Professional  
16 Conduct for the presence of multijurisdictional law firms in Washington for purposes of  
17 RCW 2.48.180(7).

IN THE SUPREME COURT OF THE STATE OF OREGON

In the Matter of Amendment	)	AMENDED
of the OREGON RULES OF	)	ORDER NO. 18-005
PROFESSIONAL CONDUCT	)	
	)	
	)	AMENDED ORDER AMENDING
	)	OREGON RULES OF PROFESSIONAL
	)	CONDUCT 7.3 and 8.3
	)	

At its public meeting on January 9, 2018, the court considered and approved amendments to Oregon Rules of Professional Conduct 7.3 and 8.3. The amendment to Rule 7.3 would allow lawyers to solicit clients in-person or by live telephone or real-time electronic mediums but would retain prohibitions on lawyers that prevent overreaching and harm to clients. The amendment to Rule 8.3 clarifies the rule requiring reporting knowledge of misconduct.

At its public meeting on February 6, 2018, the court approved issuing an amended Supreme Court Order 18-005, for the purpose of updating the paragraph numbering scheme in Rule 7.3, in light of the textual amendments approved on January 9, 2018. The purpose of this amended order is to approve updating numbering for Rule 7.3. Rule 8.3 remains unchanged, from the amendments approved on January 9, 2018.

The rules changes approved on January 9, 2018, with renumbering amendments to Rule 7.3 approved on February 6, 2018, are set out as follows (deleted text is in italics and brackets and new text is underlined).

**RULE 7.3 SOLICITATION OF CLIENTS**

[(a)] A lawyer shall not [*by in-person, live telephone or real-time electronic contact*] solicit professional employment by any means when [*a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted*]:

*[(1) is a lawyer; or*

*(2) has a family, close personal, or prior professional relationship with the lawyer.*

*(b) A lawyer shall not solicit professional employment by written, recorded or electronic communication or by in-person, telephone or real-time electronic contact even when not otherwise prohibited by paragraph (a), if:*

*[(1)a] the lawyer knows or reasonably should know that the physical, emotional or mental state of the subject [*target*] of the solicitation is such that the person could not exercise reasonable judgment in employing a lawyer;*

[(2)b] the person who is the subject [*target*] of the solicitation has made known to the lawyer a desire not to be solicited by the lawyer; or

[(3)c] the solicitation involves coercion, duress or harassment.

*[(c) Notwithstanding the prohibitions in paragraph (a), a lawyer may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the lawyer that uses in-person or telephone contact to solicit memberships or subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan.]*

### **RULE 8.3 REPORTING PROFESSIONAL MISCONDUCT**

(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the Oregon State Bar Client Assistance Office.

(b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.

(c) This rule does not require disclosure of information otherwise protected by Rule 1.6 or ORS 9.460(3), or apply to lawyers who obtain such knowledge or evidence while:

(1) acting as a member, investigator, agent, employee or as a designee of the State Lawyers Assistance Committee;

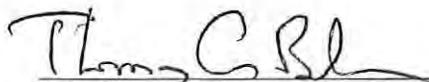
(2) acting as a board member, employee, investigator, agent or lawyer for or on behalf of the Professional Liability Fund or as a Board of Governors liaison to the Professional Liability Fund; or

(3) participating in the loss prevention programs of the Professional Liability Fund, including the Oregon Attorney Assistance Program.

(d) This rule does not require disclosure of mediation communications otherwise protected by ORS 36.220.

IT IS HEREBY ORDERED that Oregon Rules of Professional Conduct 7.3 and 8.3 be amended and that the amended rules, as set forth above, are declared effective January 11, 2018.

Dated this 7<sup>th</sup> day of February, 2018.

  
\_\_\_\_\_  
Thomas A. Balmer  
Chief Justice

## MEMORANDUM

**To:** WSBA President, President-elect, Immediate Past President, and Board of Governors

**From:** WSBA Committee on Professional Ethics (CPE)

**Date:** January 5, 2018

**Re:** Report and Recommendation on the Lawyer Advertising Ethics Rules

**FIRST READING:** Report and Recommendation regarding Proposed Amendments to Lawyer Advertising Rules (RPC Title 7)

### I. OVERVIEW

In early 2016, the Board of Governors (BOG) convened a workgroup to explore and report back to the BOG regarding possible amendments to the rules governing lawyer advertising and communications in Title 7 of the Rules of Professional Conduct. The impetus for formation of the workgroup was publication of the Association of Professional Responsibility Lawyers (APRL) 2015 Report of the Regulation of Lawyer Advertising Committee (2015 Report) [See BOG Public Session Supplemental [Supp.] Materials]. The membership of the Advertising Workgroup included three WSBA members who had been members of the APRL Committee (Art Lachman, Bruce Johnson, and Peter Jarvis), three representatives of the WSBA Committee on Professional Ethics (Chair Mark Fucile, Peter Jarvis, and Natalie Cain), and two WSBA staff liaisons (Chief Disciplinary Counsel Doug Ende and General Counsel/Chief Regulatory Counsel Jean McElroy).

APRL is a national professional organization composed primarily of private practitioners who defend lawyers in discipline matters, lawyers who provide ethics and risk management services, and law faculty in the area of legal ethics. In 2013, APRL formed a committee to study the regulation of lawyer advertising in the United States. The Committee, which included a liaison from the National Organization of Bar Counsel (NOBC), issued its report on June 22, 2015.<sup>1</sup> Taking into account constitutional and antitrust concerns, technology change, globalization, and the impact of over-regulation, the report concluded that the rules of professional conduct

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<sup>1</sup> The 2015 Report was initially brought to the attention of the Board of Governors in the July 2015 Quarterly Discipline Report. Throughout 2016, in the Executive Director's Report the Board received periodic information about the APRL Reports and status updates on the progress of the Workgroup.

governing lawyer advertising are outdated and unworkable in the current legal environment and are failing to achieve their stated objectives. The report recommended substantial reform of the ABA's Model Rules of Professional Conduct relating to lawyer communications and advertising, together with new regulatory procedures for addressing complaints about lawyer advertising.

In its 2015 Report, the Committee reserved consideration of the Model Rules related to direct solicitation of clients and referrals. The Committee reconvened to consider those issues and issued a Supplemental Report on April 26, 2016 (2016 APRL Supplemental Report) [Supp. Materials]. Mark Tuft, Chair of the APRL Advertising Committee summarizes the proposed changes to the advertising rule, in the article, *Rethinking Lawyer Advertising Rules*, THE PROFESSIONAL LAWYER, Vol. 23, No. 3 (ABA 2016).

The report was presented at a joint APRL-NOBC program in Chicago in August 2015 and at the ABA National Conference on Professional Responsibility in June 2016. APRL subsequently presented its proposal to the ABA Standing Committee on Ethics and Professional Responsibility with the request that the Committee take up consideration of amending the Title 7 Model Rules. The report was also presented and discussed at the General Session of the October 2016 ABA Center for Professional Responsibility Fall Leadership Conference.

In late 2016, the ABA Standing Committee on Ethics and Professional Responsibility elected to take up consideration of potential amendments to the Title 7 Model Rules in light of the APRL Reports, with the goal of presenting amendments to the ABA House of Delegates in 2017 or 2018. The Committee convened a working group composed of representatives of ABA Center for Professional Responsibility entities and liaison organizations to analyze Title 7 and prepare a recommendation. The Committee took written commentary on the APRL proposal through March 1, 2017, and convened a public forum on the APRL proposal at the ABA Mid-Year Meeting in Miami on February 3, 2017.<sup>2</sup> The CPE understands that the ABA Standing Committee will release a working draft of amendments to the Model Rules based on the APRL proposals by the end of 2017, and host a public forum at the ABA Midyear Meeting on Friday, February 2, 2018, in Vancouver, British Columbia, and receive comments on the draft until March 1, 2018.

## II. ESSENCE OF THE APRL PROPOSAL

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<sup>2</sup> A summary of the public forum is available at <http://www.americanbar.org/publications/youraba/2017/march-2017/aba-standing-committee-on-ethics-and-professional-responsibility.html>.

APRL's proposal recommends both substantive and procedural amendments to the ABA Model Rules of Professional Conduct, seeking greater simplicity and uniformity nationally. In short, the APRL Reports propose that the ABA Model Rules focus specifically on false and deceptive advertisements rather than impose complex technical requirements seeking to prohibit potentially misleading, distasteful, or unprofessional communications, and that discipline in this area be reserved for conduct that would otherwise violate Model Rule 8.4(c) (conduct involving fraud, deception, deceit, or misrepresentation). This is achieved in the draft APRL amendments by retaining the core language of Model Rule 7.1 (prohibiting false or misleading communications about a lawyer or the lawyer's services), while deleting Rules 7.4 and 7.5 and most of Rule 7.2. Much of the commentary to the deleted rules is migrated to the comments to Rule 7.1 to provide guidance and direction to lawyers in interpreting how to avoid "false and misleading communications."

With respect to solicitation and referrals, the 2016 Supplemental Report proposes a modified Rule 7.2 that combines elements of current Model Rules 7.2 and 7.3. The modified Rule 7.2 would include a definition of solicitation in the black letter of the rule, and the general ban on solicitation would be limited to in-person and telephone contacts (not including real time electronic contact), with listed exceptions. The proposal also migrates the provision on prepaid and group legal services plans to Rule 7.2 and retains, in modified form, the prohibition in current Rule 7.2 on giving anything of value to a person for recommending the lawyer's services, with listed exceptions.

### **III. PROCEEDINGS OF THE WSBA WORKGROUP**

Following APRL's publication of the 2016 Supplemental Report, the Workgroup held three meetings on July 7, October 14, and December 16, 2016. At the third meeting, the Chief Legal Officer of Avvo, Josh King, met with the Workgroup to share his perspectives on the regulation of communications about legal services.

The focus of the Workgroup's efforts was to analyze whether the APRL proposal would be viable and appropriate in Washington, the ways in which the proposal might need to be modified in light of Washington's existing Title 7 RPC, and the extent to which the APRL proposal might be improved upon to address issues of over-regulation of advertising.

The consensus of the Workgroup was that the APRL proposal represents a viable model for regulatory reform of ethics rules governing lawyer advertising and communications, that work

could begin on how to adapt the proposal for Washington State, and that there is no reason to delay consideration of potential amendments.

#### IV. CPE WORK ON PROPOSED RPC TITLE 7 AMENDMENTS

In a memorandum dated February 28, 2017, Mr. Ende, on behalf of the WSBA Advertising Workgroup, updated the Board of Governors on the progress of the WSBA Workgroup's efforts. In light of the widespread favorable reception of the APRL Report, the consistency of the APRL proposal with established enforcement practices in Washington State, the availability of knowledgeable volunteers willing to contribute time and effort to the project, and the desirability of prompt action in the area of regulatory reform, the Workgroup proposed that, under the Rules of Procedure of the WSBA Committee on Professional Ethics (CPE),<sup>3</sup> the Board of Governors asked the CPE to (1) evaluate, and as appropriate draft, potential amendments to Washington's Title 7 RPC in light of the APRL proposal, (2) include the non-CPE Advertising Workgroup members in the evaluation and drafting process, and (3) report its recommendation to the Board of Governors. The Board of Governors accepted this recommendation at its March 9, 2017, meeting in Olympia.

Since March 2017, a CPE subcommittee composed of CPE members and the non-CPE Advertising Workgroup members has worked on developing proposed rule amendments. These proposals were presented to and adopted by the CPE at its October 20, 2017, and December 15, 2017 meetings. The CPE is proposing that RPC 7.1 and 7.3, with accompanying comments, be amended for the reasons stated below. RPC 7.2, 7.4, and 7.5 would be deleted. RPC 5.5, with a new explanatory comment, would also be amended to clarify that the participation of

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<sup>3</sup> The CPE Rules of Procedure pertaining to consideration of amendments to the Rules of Professional Conduct provide as follows:

**Amendments to Rules of Professional Conduct.** The Committee reports to the Board of Governors its opinion on any amendment to the ABA Model Rules of Professional Conduct. The Committee may, on its own initiative or on request of the Board of Governors or the Supreme Court, report to the Board of Governors its opinion regarding suggested or proposed amendments to the Washington Rules of Professional Conduct. When considering suggested or proposed amendments, the Committee may solicit input from individuals or groups who have relevant experience with the amendments under consideration or who are likely to be significantly affected by them. Any Committee members making such contact will disclose that contact to the other members of the Committee before or in conjunction with the Committee's consideration of the issue.

CPE Rules of Procedures § 9 (July 26, 2013).

Washington lawyers in multijurisdictional law firms does not violate unauthorized practice of law statutes and ethics rules in Washington.

The full text of amended RPCs being proposed is attached as Appendix A. A redline version comparing the proposal to the existing Washington RPCs is attached as Appendix B.

**V. EXPLANATION OF CPE RECOMMENDED CHANGES**

*A. Communications Regarding Lawyer Services*

The CPE recommends adopting the APRL proposal to simplify the Rules while maintaining the core concept that communications regarding a lawyer's services must not be false or misleading. This core concept is expressed in RPC 7.1, which remains unchanged. Ancillary concepts related to (1) the communication of fields of practice and specialization, and (2) firm names, currently expressed in RPC 7.4 and 7.5 respectively, are incorporated into RPC 7.1 by moving the comments from RPC 7.4 and 7.5 to RPC 7.1 as new comments [5]-[13]. Black letter Rules 7.4 and 7.5 are removed.

The only difference from the APRL proposal is to reflect the existence in Washington of LLLTs in the comments, including the addition of "Additional Washington Comments (3-4)" from RPC 7.5 as Additional Washington Comments (12-13) to RPC 7.1.

*B. Advertising*

The CPE recommends removing the "Advertising" rule, RPC 7.2. The historical basis for having a separate rule was based on traditional restrictions on lawyer advertising that no longer exist. The provision in paragraph (b) of current RPC 7.2(b) for "referral fees" are proposed to be moved to RPC 7.3, the solicitation rule, as discussed below.

*C. Solicitation*

The CPE recommends simplifying the solicitation rule, RPC 7.3(a), consistent with the policies discussed in APRL's Supplemental Report dated April 26, 2016, which quoted *Ohralik v. Ohio State Bar Assn.*, 436 U. S. 447, 464 (1978), and suggests that, consistent with the First Amendment, "regulation of those contacts is justified only if the solicitation occurs under circumstances that are 'inherently conducive to overreaching or other forms of misconduct.'" For that reason, the CPE is proposing to eliminate Washington's current restriction on solicitations that are significantly motivated "by the lawyer's pecuniary gain" and are done "by

in-person, live telephone, or real-time electronic contract,” unless the potential client “has a prior family, close personal, or prior professional relationship with the lawyer,” and to focus instead on all solicitations that are unwanted or abusive. Also, rather than carve out a safe-harbor exception for in-person contacts with “sophisticated users of legal services,” as APRL has suggested, the CPE recommends a simple command that directly addresses the *Ohralik* “misconduct” problem—irrespective of the form of communication.

On April 17, 2017, the Virginia Supreme Court embraced this principle when it became the first state to adopt the APRL solicitation reforms (See Virginia amendments to Rules 7.1 – 7.5 in Supp. Materials). Meanwhile, the Oregon State Bar House of Delegates adopted a new solicitation rule on November 3, 2017, which follows the Virginia approach by limiting solicitation restrictions to abusive or unwanted communications “by any means” (See Oregon Bar House of Delegates Board of Governors Resolution No. 4 Amendment to ORPC 7.3 in Supp. Materials). The CPE’s recommended language is virtually identical to Oregon’s new RPC 7.3(a).

*D. Law Firms with Offices in Multiple Jurisdictions*

Current RPC 7.5(b) appears to be the only place in the rules that even implicitly provides a justification for permitting out-of-state law firms to open branch offices here, and allowing Washington-based law firms to open offices in other jurisdictions. See RCW 2.48.180(2)(b), (2)(c), (2)(d), (2)(e); RPC 5.5(b)(1) (a lawyer not admitted in Washington may not establish an office here for the practice of law “except as authorized by these Rules or other law”); 2 Hazard, Hodes & Jarvis, *The Law of Lawyering* §63.06 (4<sup>th</sup> ed. 2015) (explaining that RPC 7.5(b), which “is chiefly concerned with the manner in which multistate firms present themselves to the public,” implicitly endorses the existence of such firms; “Without such an understanding, a single firm could not *have* ‘offices in more than one jurisdiction’ . . .”). See also RCW 2.48.180(7) (in a prosecution for unauthorized practice of law under the Washington statute, “it is a defense if proven by the defendant by a preponderance of the evidence that, at the time of the offense, the conduct alleged was authorized by the rules of professional conduct or the admission to practice rules, or Washington business and professions licensing statutes or rules”).

Because RPC 7.5 would be repealed under the rule changes being recommended, the CPE proposes that a new paragraph be added in RPC 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice of Law) to clarify that lawyers in firms having offices in more than one jurisdiction does not itself constitute a violation of the Rules of Professional Conduct and

the Washington UPL statute. The CPE also proposes that new comments be added to RPC 5.5 (Comment 22) and RPC 7.1 (Comment 14) explaining why this rule change is being made. References to RPC 7.5 in comments 4 and 21 to RPC 5.5 are removed. In addition, two technical corrections are made to Comments [5] and [14] of RPC 5.5 to clarify those comments as Washington revisions. Finally, as an additional technical correction, two instances of the phrase “to prospective clients” are deleted from Comment [21] to conform the comment to the Model Rule.

*E. Compensation for Recommending Lawyer Services (“Referral Fees”)*

The CPE recommends adopting the APRL proposal regarding referral fees, moving the rule from RPC 7.2(b) to paragraph (b) of the solicitation rule, RPC 7.3, to reflect the historical justification of the rule as a prohibited form of solicitation (i.e., unseemly “running” or “ambulance chasing”). See Hazard, Hodes, & Jarvis, *The Law of Lawyering*, *supra*, at §60.05 (4<sup>th</sup> ed. 2015) (“Ordinarily, paying for a recommendation of a lawyer’s services is a form of solicitation, and thus is prohibited by Model Rule 7.3. [Model] Rule 7.2(b), however, provides several commonsense exceptions to govern situations in which money does indeed change hands in exchange for a recommendation of services, but where the evils of direct contact solicitation are not present.”).

The only difference from the APRL proposal is to reflect the existence in Washington of LLLTs in paragraph (b)(4). Adopting this version of the referral fee rule will change or clarify the Washington rule on referral fees as follows:

- The rule is revised to expressly permit referral fee payments to lawyers and employees in the same firm to address, as noted in the APRL report, the reality that lawyers in the same firm routinely pay a portion of earned fees on a matter to the “originating” lawyer in the firm;
- Paragraph (b)(1) is changed to clarify that payments for online group directories or advertising platforms are permitted payments for advertising;
- Paragraph (b)(4) is changed to permit reciprocal referral arrangements with other licensed legal professionals (in addition to lawyers and LLLTs), consistent with the current ABA version of the rule and the APRL proposal.

There was strong sentiment by CPE members and the non-CPE Advertising Workgroup subcommittee members that the “referral fee” rule proposed to be moved to RPC 7.3 should be further amended to permit referrals to for-profit lawyer referral services, or even eliminated altogether. Such change(s) would require careful consideration and evaluation of other rules, including RPC 5.4(a) (prohibiting lawyers from sharing of fees with other licensed legal professionals) and RPC 1.5(e) (referral fees in the context of referrals between lawyers/law firms). *See also* RPC 1.5(e)(2) (permitting fee splitting between lawyers if “the division is between the lawyer and a duly authorized lawyer referral service of either the Washington State Bar Association or of one of the county bar associations of this state”). The CPE determined that consideration of such revisions were beyond the CPE’s scope of work as requested by the Board of Governors for this project.

The CPE encourages the WSBA Board of Governors to examine these and other related rules and issues in order to optimize the delivery of services by members of the legal profession to consumers in our modern economy. In the Committee’s view, this effort should also include reexamining other aspects of RPC 5.4, including licensed legal professionals investment in law firms and multidisciplinary practice; RPC 5.5 regarding multijurisdictional practice and UPL; RPC 5.6 regarding restrictions on rights to practice; and RPC 5.7 regarding lawyer ancillary businesses.

If Governors are interested in more information on this topic, there are two recent law review articles exploring issues relating to lawyer regulation and the need for improvement in the delivery of legal services by lawyers in the U.S.: Gillian K. Hadfield & Deborah L. Rhode, *How to Regulate Legal Services to Promote Access, Innovation, and the Quality of Lawyering*, 67 HASTINGS L.J. 1191 (2016) and Andrew M. Perlman, *Towards the Law of Legal Services*, 37 CARDOZO L. REV. 49 (2016).

**VI. ACCOMPANYING DOCUMENTS:**

- Appendix A: Proposed Amendments to RPC 7.1 – 7.5 and RPC 5.5. (Clean Copy)
- Appendix B: Proposed Amendments to RPC 7.1 – 7.5 and RPC 5.5 (Redline)

# WASHINGTON STATE BAR ASSOCIATION

**To:** WSBA President, President-elect, and Board of Governors  
**From:** Jean K. McElroy, Chief Regulatory Counsel  
**Date:** February 21, 2018  
**Subject:** Suggested Amendments to the WSBA Bylaws - Action

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**Action:** Review and discuss suggested amendments to the WSBA Bylaws that are intended to align the Bylaws with the recently amended Admission and Practice Rules (APR).

The primary purpose of the suggested amendments to the WSBA Bylaws, which was on the January 18-19, 2018, BOG agenda for first reading, is to align the WSBA Bylaws with the recent amendments to the Washington Supreme Court Admission and Practice Rules (APR) that were adopted effective September 1, 2017. The suggested amendments to the WSBA Bylaws align the Bylaws with the APR, correct references to the APR, align licensing and readmission processes that apply to all members of the Bar, and make terminology more consistent.

In addition, some substantive amendments are necessary in order to ensure that fees, procedures, requirements, etc., are the same for all members or are equitable in relation to the different member license types. In addition, the sections of the Bylaws that address license fee procedures and some reductions in fees (especially for new members) were divided into subsections; members have occasionally complained that it is too hard to understand these provisions written as one long section.

One substantive change if the amendments are adopted relates to Art. III Sec. D.1.a.2) and Art III Sec. K.4.d.2). The suggested amendments in these sections relate to a required reinstatement course for members returning to active status after six or more years on inactive, emeritus pro bono, or suspended status. This is an existing requirement for lawyers, and a new requirement for LLLTs and LPOs. The proposal is to require a course that is adjusted in length based on license type, primarily due to the differing numbers of topics that should be covered by such a course.

#### Attachments:

1. Suggested amendments to WSBA Bylaws – Blackline
2. Suggested Amendments to WSBA Bylaws – Clean

## SUGGESTED AMENDMENTS TO ART. II AND III OF WSBA BYLAWS

### **II. DEFINITIONS AND GENERAL PROVISIONS**

A. – D. (unchanged)

#### E. DEFINITIONS AND USE OF TERMS

1. – 9. (unchanged)

10. “ELLLTC” refers to the Rules for Enforcement of LLLT Conduct.

11. “ELPOC” refers to the Rules for Enforcement of LPO Conduct.

120. “Member” means an individual in any of the groups of licensed legal professionals specified in Article III(A) of these Bylaws, unless otherwise specified.

131. “May” means “has discretion to,” “has a right to,” or “is permitted to.”

142. “Must” means “is required to.”

### **III. MEMBERSHIP**

#### A. MEMBER LICENSE TYPES

1. (unchanged)

2. Lawyers licensed to practice law in Washington pursuant to APR 8 (~~except Emeritus Pro Bono members~~) and APR 14, or who are permitted to practice law pursuant to RPC 5.5 without being licensed in Washington are not members of the Bar.

3. (unchanged)

#### B. STATUS CLASSIFICATIONS

Membership status classifications have the qualifications, privileges, and restrictions specified.

1. Active (unchanged)

2. Inactive

(unchanged)

- a. (unchanged)
- b. Types of Inactive membership:
  - 1) Inactive Member: Inactive members must pay an annual license fee in an amount established by the BOG and approved by the Supreme Court. ~~Unless otherwise stated in the APR, t~~ They are not required to earn or report MCLE credits while Inactive, but may choose to do so, and may be required to do so to return to Active membership.
  - 2) Disability: (unchanged)
  - 3) Honorary: (unchanged)
- 3. Judicial (unchanged)
- 4. Emeritus Pro Bono

A member may become an Emeritus Pro Bono member by complying with the requirements of APR ~~8(e)-3(g)~~, including payment of any required license fee and passing a character and fitness review.

Emeritus Pro Bono members must not engage in the practice of law except as permitted under APR ~~8(e)-3(g)~~, but may:

- a. (unchanged)
- b. Join Bar sections;
- c. (unchanged)
- d. (unchanged)
- 5. Suspended (unchanged)

#### C. REGISTER OF MEMBERS

- 1. (unchanged)
- 2. The Executive Director will keep records of all members of the Washington State Bar Association, including, but not limited to:
  - a. – g. (unchanged)
  - h. date and period of disciplinary actions or sanctions, if any, including suspension, ~~and~~ disbarment, and revocation;

- i. (unchanged)
- 3. (unchanged)
- 4. (unchanged)

D. CHANGE OF MEMBERSHIP STATUS TO ACTIVE

- 1. Members may change membership status as provided below. ~~In some situations, LLLTs and LPOs will need to refer to the APR for the appropriate procedure.~~

- a. Transfer from Inactive to Active.

- 1) (unchanged)

- 2) If a member was Inactive or any combination of Suspended and Inactive in Washington for more than six consecutive years, the member must earn MCLE credits in a manner consistent with the requirement for one reporting period for an Active member of the same license type, and these credits must be earned and reported within the three years preceding the return to Active status. In addition, ~~lawyer~~ the members must complete a reinstatement/readmission course sponsored by the Bar ~~and accredited for a minimum of 15 live CLE credits, which must consist of education on law office management and professional responsibility (including the applicable RPC for the member's license type, proper handling of client funds and trust accounts, and client communications), legal research and writing, and changes in the law that apply to the member's license type, as follows~~ course must comply with the following minimum requirements:

- (a) For lawyer members, a minimum of 15 live CLE credits, consisting of A at least four to six credit hours on regarding law office management and professional responsibility, and Washington's Rules of Professional Conduct, to include proper handling of client funds and IOLTA and other trust accounts, communications with clients, etc.; and

- (b) A at least three credit hours regarding on legal research and writing, and

- (c) T the remaining credit hours will cover on recent significant changes in the law areas of legal practice in which the law in Washington may be unique or may differ significantly from the law in other U.S. jurisdictions, or in which the law in Washington or elsewhere has changed significantly within the previous 10 years.;

(b) For LLLT members, a minimum of seven live CLE credits, consisting of at least two credit hours on law office management and professional responsibility, at least one credit hour on legal research and writing, and the remaining credit hours on recent significant changes in the law in approved LLLT practice or core education areas;

(c) For LPO members, a minimum of seven live CLE credits, consisting of at least two credit hours on professional responsibility, and the remaining credit hours on recent significant changes in the law covered by the approved LPO Study Topics.

The member is required to pay the cost of the course. Any member completing such course will be entitled to credit towards mandatory continuing legal education requirements for all CLE credits for which such reinstatement/readmission course is accredited. The member must comply with all registration, payment, attendance, and other requirements for such course, and will be responsible for obtaining proof of attendance at the entire course and submitting or having such proof submitted to the Bar.

Periods of administrative and/or disciplinary suspension occurring immediately before or after a change to Inactive will be included when determining whether a member is required to take the readmission course. For purposes of determining whether a member has been Inactive and/or Suspended for more than six consecutive years, the period continues to run until the change to Active membership is completed, regardless of when the application is submitted to the Bar.

- 3) Any ~~lawyer~~ member seeking to change to Active who was Inactive or any combination of Suspended and Inactive in Washington and does not have active legal experience as defined in APR ~~31(e)~~ in any jurisdiction for more than ten consecutive years, is required to complete the requirements in ~~paragraphs~~ Art. III. Sec.D.1.a.1)(a), (c) and (d) -1-a, above, and is also required to take and pass the ~~Uniform Bar Examination and the Multistate Professional Responsibility Examination~~ examinations required for admission to the Bar for the member's license type.
- 4) (unchanged)
- 5) A member of any type who has transferred to Inactive status during the pendency of a grievance or disciplinary proceedings may not be transferred to Active except as provided herein and may be subject to such discipline by reason of any grievance or complaint as may be imposed under the ELC,

~~ELPOC, or ELLLTC Rules for Enforcement of Lawyer Conduct or other applicable disciplinary rules.~~

- b. Transfer from Judicial to Active (unchanged)
- c. Transfer from Emeritus Pro Bono to Active (unchanged)
- d. Referral to Character and Fitness Board

All applications for readmission, reinstatement or transfer to Active status will be reviewed by Bar staff and handled consistent with the provisions of APR 20-24.3. In all cases reviewed by it, the Character and Fitness Board has broad authority to recommend withholding a transfer to Active status or imposing conditions on readmission to Active status, which may include retaking and passing the licensing examination applicable to the member's license type. The member will be responsible for the costs of any investigation, examination, or proceeding before the Character and Fitness Board and the Washington Supreme Court.

#### E. CHANGE OF MEMBERSHIP STATUS TO INACTIVE

1. ~~LLLT members and LPO members may change their membership status to inactive as provided in the applicable APR.~~
- 2.—Any lawyer member who is an Active, Judicial, or Emeritus Pro Bono member and who is not Suspended will become an Inactive member when the member files a request for Inactive membership with the Bar, in such form and manner as the Bar may require, and that request is approved.

Effective January 1, 2012, a Judicial member wishing to transfer to Inactive member status upon leaving service as a judicial officer, who has failed in any year to provide the annual member registry information or to pay the annual licensing fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Inactive, be required to pay the Active license fee for lawyer members for any years the registry information was not provided or the Judicial fee was not paid.

23. Members are transferred to Disability Inactive pursuant to Title 8 of the ELC, ELPOC, or ELLLTC. Rules for Enforcement of Lawyer Conduct or equivalent disciplinary rules applicable to the member's license type. Any member seeking to transfer from Disability Inactive to Inactive member status must first establish that the member has complied with the requirements of Title 8 of the ELC, ELPOC, or ELLLTC or equivalent rules applicable to the member's license type, and then must

submit a written request to make the change and comply with all applicable licensing requirements for Inactive members.

4. (unchanged)

5. (unchanged)

F. CHANGE OF MEMBERSHIP STATUS TO JUDICIAL (unchanged)

G. CHANGE OF MEMBERSHIP STATUS TO EMERITUS PRO BONO

A member who is otherwise retired from the practice of law may become an Emeritus Pro Bono member by complying with the requirements of APR ~~§(e)~~ 3(g), including payment of any required license fee, and passing a character and fitness review.

Effective January 1, 2012, a Judicial member wishing to transfer to Emeritus Pro Bono status upon leaving service as a judicial officer who has failed in any year to provide the annual member registry information or to pay the annual licensing fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Emeritus Pro Bono, be required to pay the Active license fee for any years the registry information was not provided or the Judicial fee was not paid.

H. VOLUNTARY RESIGNATION

Voluntary resignation may apply in any situation in which a member does not want to continue practicing law in Washington for any reason (including retirement from practice) and for that reason does not want to continue membership in the Bar. ~~Unless otherwise provided in the APR, a~~ A member may voluntarily resign from the Bar by submitting a written request for voluntary resignation to the Bar in such form and manner as the Bar may require. If there is a disciplinary investigation or proceeding then pending against the member, or if at the time the member submits the written request the member has knowledge that the filing of a grievance of substance against such member is imminent, resignation is permitted only under the provisions of the ~~Rules for Enforcement of Lawyer Conduct~~ ELC, ELPOC, or ELLLTC. A member who resigns from the Bar cannot practice law in Washington in any manner. A member seeking ~~reinstatement~~ readmission after resignation must comply with these Bylaws.

I. ANNUAL LICENSE FEES AND ASSESSMENTS

1. License Fees

Unless established otherwise ~~pursuant to the APR or~~ by order of the Washington Supreme Court, the following provisions apply to member license fees.

a. Active Members

- 1) Effective 2010, and all subsequent years, the annual license fees for Active members will be as established by resolution of the BOG, subject to review by the Washington Supreme Court.
- 2) First time lawyer-admittees who are not admitted or licensed to practice law elsewhere, who take and pass the Washington Bar exam-required examination for admission to practice law in Washington and are admitted in the first six months of the calendar year in which they took the exam, will pay 50% of the applicable full Active license fee for that year.
- 3) First time lawyer admittees who are not admitted or licensed to practice law elsewhere, who take and pass the Washington lawyer Bar-required examination for admission to practice law in Washington and are admitted in the last six months of the calendar year in which they took the exam, will pay 25% of the applicable full Active license fee for that year.
- 4) Persons-First time admittees who are not admitted elsewhere, who take and pass the required examination for admission to practice law in Washington lawyer Bar exam in one year but are not admitted until a subsequent year, shall pay 50% of the applicable full Active lawyer license fee for their first two license years after admission.
- 5) Persons First time admittees who are admitted as a lawyer in one calendar year in another state or territory of the United States or in the District of Columbia by taking and passing a bar examination ~~in~~ for that state, territory, or district, who become admitted as a lawyer in Washington in the same calendar year in which they took and passed the examination, will pay 50% of the full Active lawyer license fee if admitted in Washington in the first six months of that calendar year and 25% of the full active license fee if admitted in Washington in the last six months of that calendar year.
- 6) All members persons in their first two full licensing years after admission or licensure ~~as a lawyer~~ to practice law in any jurisdiction will pay 50% of the applicable full Active license fee.
- ~~7~~2) An Active member of the Bar who is activated from reserve duty status to full-time active duty in the Armed Forces of the United States for more than 60 days in any calendar year, or who is deployed or stationed outside the United States for any period of time for full-time active military duty in the Armed Forces of the United States will be exempt from the payment of license fees and assessments for the Client Protection Fund upon

submitting to the Executive Director satisfactory proof that he or she is so activated, deployed or stationed. All requests for exemption must be postmarked or delivered to the Bar's offices on or before February 1st of the year for which the exemption is requested. Eligible members must apply every year they wish to claim the exemption. Each exemption applies for only the calendar year in which it is granted, and exemptions may be granted for a maximum total of five years for any member. Granting or denying an exemption under this provision is within the sole discretion of the Executive Director and is not appealable.

b. Inactive Members (unchanged)

c. Judicial Members [Effective January 1, 2012]

Judicial members who wish to preserve eligibility to transfer to another membership status upon leaving service as a judicial officer must pay the annual license fee established by the Bar and as approved by the Supreme Court. Except for the amount of the license fee itself, the annual license fee payment requirements, including deadlines and late payment fees, for Active members apply to Judicial members; however, Judicial members are not subject to administrative suspension for nonpayment of license or late payment fees.

d. Emeritus Pro Bono Members

~~Emeritus~~ Pro Bono members must pay the annual license fee required of Inactive members with the same type of license. Except for the amount of the license fee itself, the annual license fee payment requirements, including deadlines and late payment fees, for Active members apply to Emeritus Pro Bono members.

2. Assessments (unchanged)

3. Deadline and Late Payment Fee

- a.—License fees and mandatory assessments are due and payable on or before February 1st of each year, in such form and manner as required by the Bar, unless otherwise established by these Bylaws or the APR. Members who pay their license fees on or after February 2nd will be assessed a late payment fee of 30% of the total amount of the license fees required for that membership type and status. License fees for newly admitted members are due and payable at the time of admission and registration, and are not subject to the late payment fee.

~~b. Notices required for the collection of license fees, late payment fees, and/or assessments will be mailed one time by the Bar to the member's address of record with the Bar by registered or certified mail. In addition to the written notices, the Bar will make one attempt to contact the member at the telephone number(s) the member has made of record with the Bar and will speak to the member or leave a message, if possible. The Bar will also make one attempt to contact the member at the member's e-mail address of record with the Bar.~~

4. Rebates /Apportionments (unchanged)
5. License Fee and Assessment Exemptions Due to Hardship (unchanged)
6. License Fee Referendum (unchanged)

## J. SUSPENSION

### 1. Interim Suspension

Interim suspensions may be ordered during the course of a disciplinary or disability investigation or proceeding, as provided in the Rules for Enforcement of Lawyer Conduct or equivalent rules for LPOs and LLLTs ~~ELC, ELPOC, or ELLLTC~~, and are not considered disciplinary sanctions.

### 2. Disciplinary Suspension

Suspensions ordered as a disciplinary sanction pursuant to the ELC, ELPOC, or ELLLTC, ~~Rules for Enforcement of Lawyer Conduct or equivalent rules for LPOs and LLLTs~~ are considered disciplinary suspensions.

### 3. Administrative Suspension

#### a. (unchanged)

~~1) - 3) (unchanged)~~

4) Failure of a lawyer to file an professional liability insurance disclosure ~~form~~;

5) Failure of a LLLT or LPO to provide proof of financial responsibility;

~~6) Failure to comply with mandatory continuing legal education requirements;~~

~~7) Nonpayment of child support;~~

~~8) Failure to designate a resident agent or notify the Bar of change in resident agent or the agent's address;~~

98) Failure to provide current information required by APR 13 or to notify the Bar of a change of information required by APR 13 within 10 days after the change; and

109) For such other reasons as may be approved by the BOG and the Washington Supreme Court.

b. Unless requirement for hearing and/or notice of suspension are otherwise stated in these Bylaws or the APR, ELC, ~~or other applicable rules-ELPOC, or ELLLTC~~, a member will be provided notice of the member's failure to comply with requirements and of the pendency of administrative suspension if the member does not cure the failure within 60 days of the date of the written notice, as follows:

1) & 2) (unchanged)

c. (unchanged)

d. ~~As directed by the Washington Supreme Court, any~~ A member failing to correct any deficiency after two months' written notice as provided above must be suspended from membership. The Executive Director must certify to the Clerk of the Supreme Court the name of any member who has failed to correct any deficiency, and when so ordered by the Supreme Court, the member will be suspended from membership in the Bar and from the practice of law in Washington. The list of suspended members may be provided to the relevant courts or otherwise published at the discretion of the BOG.

4. Multiple Suspensions (unchanged)

#### K. CHANGING STATUS AFTER SUSPENSION

1. -4. c. (unchanged)

d. In addition to the above requirements:

1) (unchanged)

2) Any member seeking to change to Active who was Suspended, or any combination of Suspended and Inactive, for six or more consecutive years must establish that within the three years prior to the return to Active status, the member has earned and reported approved MCLE credits in a manner consistent with the requirement for one reporting period for an Active member with the same license type. In addition, the member must have completed the applicable readmission/reinstatement course as set forth in

Art. III. Sec.D.1.a)(2).~~lawyer members must complete a reinstatement/readmission course sponsored by the Bar and accredited for a minimum of 15 live CLE credits, which course must comply with the following requirements:~~

- ~~(a) At least four to six credit hours regarding law office management and professional responsibility and Washington's Rules of Professional Conduct, to include proper handling of client funds and IOLTA and other trust accounts, communications with clients, law practice issues, etc., and~~
- ~~(b) At least three credit hours regarding legal research and writing.~~
- ~~(c) The remaining credit hours will cover areas of legal practice in which the law in Washington may be unique or may differ significantly from the law in other U.S. jurisdictions, or in which the law in Washington or elsewhere has changed significantly within the previous 10 years.~~

Any member completing such course will be entitled to credit towards mandatory continuing legal education requirement for all CLE credits for which such reinstatement/readmission course is accredited. It is the member's responsibility to pay the cost of attending the course. The member must comply with all registration, payment, attendance, and other requirements for such course, and will be responsible for obtaining proof of attendance at the entire course and submitting or having such proof submitted to the Bar.

L. REINSTATEMENT AFTER DISBARMENT OR REVOCATION (unchanged)

M. REINSTATEMENT AFTER RESIGNATION IN LIEU OF DISCIPLINE, DISBARMENT, OR REVOCATION

No former member will be allowed to be readmitted to membership of any type after entering into a resignation in lieu of discipline, disbarment, or revocation pursuant to the ELC, ELPOC, or ELLLTC ~~or disciplinary rules applicable to the member's license type~~. Persons who were allowed to resign with discipline pending under former provisions of these Bylaws prior to October 1, 2002, may be readmitted on such terms and conditions as the BOG determines, provided that if the person resigned with discipline pending and a prior petition for reinstatement or readmission has been denied, no petition may be filed or accepted for a period of two years after an adverse decision on the prior petition for reinstatement or readmission.

N. READMISSION AFTER VOLUNTARY RESIGNATION

Any former member who has resigned and who seeks readmission to membership in the Bar must do so in one of two ways, ~~unless otherwise provided by the applicable APR for~~ the member's license type: by filing an application for readmission in the form and manner prescribed by the BarBOG, including a statement detailing the reasons the member resigned and the reasons the member is seeking readmission, or by seeking admission by motion pursuant to APR 3(c) (if the former member is licensed as a lawyer in another U.S. jurisdiction and would otherwise qualify for admission under that rule).

1. A former member filing an application for readmission after voluntary resignation must:
  - a. (unchanged)
  - b. establish that such person is morally, ethically and professionally qualified to be licensed ~~in~~ as the applicable member type and is of good moral character and has the requisite fitness to practice law consistent with the requirements for other applicants for admission to practice law as in the applicable membership type. An application for readmission will be subject to character and fitness investigation and review as described in APR 20-24.3, consistent with other applications for admission.
  - c. In addition to the above requirements, if an application for readmission is granted and:
    - 1i) it has been less than four consecutive years since the voluntary resignation, the applicant must establish:
      - (a)1) that within the three years prior to ~~the return to Active status~~ readmission the former member has earned and reported approved MCLE credits in a manner consistent with the requirement for one reporting period for an Active member of the same license type, without including the credits that might otherwise be available from the reinstatement/readmission course; and
      - 2(b) attend and complete the applicable BOG-approved Bar-sponsored reinstatement/readmission course as set forth in Art. III. Sec.D.1.a)(2).
    - 2ii) it has been four or more consecutive years since the voluntary resignation, the ~~petitioner~~ applicant must take and pass the applicable examination required for admission.
  - d. Upon successful completion of the above requirements, the former member must ~~pay the license fees and assessments and complete and submit all required~~

licensing forms for the applicable membership type for the year in which the member will be readmitted satisfy the preadmission requirements and be admitted by Supreme Court order as set forth in APR 5, except that:

- 1) a lawyer applicant who has been resigned for less than four consecutive years need not take and pass the Washington Law Component; and
- 2) a LLLT applicant who has been resigned less than four consecutive years need not demonstrate completion of substantive law-related work experience.

2. (unchanged)

#### O. EXAMINATION REQUIRED

All applications for reinstatement after disbarment or revocation will be subject to character and fitness review, and taking and passing the examination for admission for the applicable license type, pursuant to the provisions of APR 25-25.6. All applications for readmission after voluntary resignation will be subject to character and fitness review pursuant to the provisions of APR 20-24.3. All applications for ~~reinstatement admission~~ to Active status from Suspended status will be handled in a similar fashion to applications for a return to Active status readmission from Inactive status. The Character and Fitness Board, and (on review) the Washington Supreme Court, have broad authority to withhold a transfer to Active or to impose conditions on reinstatement or readmission to Active membership, which may include taking and passing the applicable examination for admission, in cases where the applicant fails to meet the burden of proof required by APR 20-24.3. The member/former member will be responsible for the costs of any investigation, bar examination, or proceeding before the Character and Fitness Board and the Washington Supreme Court.

## SUGGESTED AMENDMENTS TO ART. II AND III OF WSBA BYLAWS

### ***II. DEFINITIONS AND GENERAL PROVISIONS***

A. – D. (unchanged)

#### E. DEFINITIONS AND USE OF TERMS

Unless otherwise specifically stated herein,

1.- 9. (unchanged)

10. “ELLLTC” refers to the Rules for Enforcement of LLLT Conduct.

11. “ELPOC” refers to the Rules for Enforcement of LPO Conduct.

12. “Member” means an individual in any of the groups of licensed legal professionals specified in Article III(A) of these Bylaws, unless otherwise specified.

13. “May” means “has discretion to,” “has a right to,” or “is permitted to.”

14. “Must” means “is required to.”

### ***III. MEMBERSHIP***

#### A. MEMBER LICENSE TYPES

1. (unchanged)

2. Lawyers licensed to practice law in Washington pursuant to APR 8 and APR 14, or who are permitted to practice law pursuant to RPC 5.5 without being licensed in Washington, are not members of the Bar.

3. (unchanged)

#### B. STATUS CLASSIFICATIONS

Membership status classifications have the qualifications, privileges, and restrictions specified.

1. Active (unchanged)

2. Inactive

(unchanged)

a. (unchanged)

b. Types of Inactive membership:

1) Inactive Member: Inactive members must pay an annual license fee in an amount established by the BOG and approved by the Supreme Court. They are not required to earn or report MCLE credits while Inactive, but may choose to do so, and may be required to do so to return to Active membership.

2) Disability: (unchanged)

3) Honorary: (unchanged)

3. Judicial (unchanged)

4. Emeritus Pro Bono

A member may become an Emeritus Pro Bono member by complying with the requirements of APR3(g), including payment of any required license fee and passing a character and fitness review.

Emeritus Pro Bono members must not engage in the practice of law except as permitted under APR3(g), but may:

a. (unchanged)

b. Join Bar sections;

c. (unchanged)

d. (unchanged).

5. Suspended (unchanged)

## C. REGISTER OF MEMBERS

1. (unchanged)

2. The Executive Director will keep records of all members of the Washington State Bar Association, including, but not limited to:

a. – g. (unchanged)

h. date and period of disciplinary actions or sanctions, if any, including suspension, disbarment, and revocation;

- i. (unchanged)
- 3. (unchanged)
- 4. (unchanged)

#### D. CHANGE OF MEMBERSHIP STATUS TO ACTIVE

- 1. Members may change membership status as provided below.
  - a. Transfer from Inactive to Active.
    - 1) (unchanged)
    - 2) If a member was Inactive or any combination of Suspended and Inactive in Washington for more than six consecutive years, the member must earn MCLE credits in a manner consistent with the requirement for one reporting period for an Active member of the same license type, and these credits must be earned and reported within the three years preceding the return to Active status. In addition, the member must complete a reinstatement/readmission course sponsored by the Bar which must consist of education on law office management and professional responsibility (including the applicable RPC for the member's license type, proper handling of client funds and trust accounts, and client communications), legal research and writing, and changes in the law that apply to the member's license type, as follows:
      - (a) For lawyer members, a minimum of 15 live CLE credits, consisting of at least four credit hours on law office management and professional responsibility, at least three credit hours on legal research and writing, and the remaining credit hours on recent significant changes in the law;
      - (b) For LLLT members, a minimum of seven live CLE credits, consisting of at least two credit hours on law office management and professional responsibility, at least one credit hour on legal research and writing, and the remaining credit hours on recent significant changes in the law in approved LLLT practice or core education areas;
      - (c) For LPO members, a minimum of seven live CLE credits, consisting of at least two credit hours on professional responsibility, and the remaining credit hours on recent significant changes in the law covered by the approved LPO Study Topics.

The member is required to pay the cost of the course. Any member completing such course will be entitled to credit towards mandatory continuing legal education requirements for all CLE credits for which such reinstatement/readmission course is accredited. The member must comply with all registration, payment, attendance, and other requirements for such course, and will be responsible for obtaining proof of attendance at the entire course and submitting or having such proof submitted to the Bar.

Periods of administrative and/or disciplinary suspension occurring immediately before or after a change to Inactive will be included when determining whether a member is required to take the readmission course. For purposes of determining whether a member has been Inactive and/or Suspended for more than six consecutive years, the period continues to run until the change to Active membership is completed, regardless of when the application is submitted to the Bar.

- 3) Any member seeking to change to Active who was Inactive or any combination of Suspended and Inactive in Washington and does not have active legal experience as defined in APR 1(e) in any jurisdiction for more than ten consecutive years, is required to complete the requirements in Art.III Sec.D.1.a.1)(a), (c), and (d), above, and is also required to take and pass the examinations required for admission to the Bar for the member's license type.
  - 4) (unchanged)
  - 5) A member of any type who has transferred to Inactive status during the pendency of a grievance or disciplinary proceedings may not be transferred to Active except as provided herein and may be subject to such discipline by reason of any grievance or complaint as may be imposed under the ELC, ELPOC, or ELLLTC.
- b. Transfer from Judicial to Active (unchanged)
  - c. Transfer from Emeritus Pro Bono to Active (unchanged)
  - d. Referral to Character and Fitness Board

All applications for readmission, reinstatement or transfer to Active status will be reviewed by Bar staff and handled consistent with the provisions of APR 20-24.3. In all cases reviewed by it, the Character and Fitness Board has broad authority to recommend withholding a transfer to Active status or imposing conditions on readmission to Active status, which may include retaking and passing the

licensing examination applicable to the member's license type. The member will be responsible for the costs of any investigation, examination, or proceeding before the Character and Fitness Board and the Washington Supreme Court.

E. CHANGE OF MEMBERSHIP STATUS TO INACTIVE

1. Any member who is an Active, Judicial, or Emeritus Pro Bono member and who is not Suspended will become an Inactive member when the member files a request for Inactive membership with the Bar, in such form and manner as the Bar may require, and that request is approved.

Effective January 1, 2012, a Judicial member wishing to transfer to Inactive member status upon leaving service as a judicial officer, who has failed in any year to provide the annual member registry information or to pay the annual licensing fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Inactive, be required to pay the Active license fee for lawyer members for any years the registry information was not provided or the Judicial fee was not paid.

2. Members are transferred to Disability Inactive pursuant to Title 8 of the ELC, ELPOC, or ELLLTC. Any member seeking to transfer from Disability Inactive to Inactive member status must first establish that the member has complied with the requirements of Title 8 of the ELC, ELPOC, or ELLLTC, and then must submit a written request to make the change and comply with all applicable licensing requirements for Inactive members.
4. (unchanged)
5. (unchanged)

F. CHANGE OF MEMBERSHIP STATUS TO JUDICIAL (unchanged)

G. CHANGE OF MEMBERSHIP STATUS TO EMERITUS PRO BONO

A member who is otherwise retired from the practice of law may become an Emeritus Pro Bono member by complying with the requirements of APR 3(g), including payment of any required license fee, and passing a character and fitness review.

Effective January 1, 2012, a Judicial member wishing to transfer to Emeritus Pro Bono status upon leaving service as a judicial officer who has failed in any year to provide the annual member registry information or to pay the annual licensing fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Emeritus Pro Bono, be required to pay the Active

license fee for any years the registry information was not provided or the Judicial fee was not paid.

## H. VOLUNTARY RESIGNATION

Voluntary resignation may apply in any situation in which a member does not want to continue practicing law in Washington for any reason (including retirement from practice) and for that reason does not want to continue membership in the Bar.

A member may voluntarily resign from the Bar by submitting a written request for voluntary resignation to the Bar in such form and manner as the Bar may require. If there is a disciplinary investigation or proceeding then pending against the member, or if at the time the member submits the written request the member has knowledge that the filing of a grievance of substance against such member is imminent, resignation is permitted only under the provisions of the ELC, ELPOC, or ELLLTC. A member who resigns from the Bar cannot practice law in Washington in any manner. A member seeking readmission after resignation must comply with these Bylaws.

## I. ANNUAL LICENSE FEES AND ASSESSMENTS

### 1. License Fees

Unless established otherwise by order of the Washington Supreme Court, the following provisions apply to member license fees.

#### a. Active Members

- 1) Effective 2010, and all subsequent years, the annual license fees for Active members will be as established by resolution of the BOG, subject to review by the Washington Supreme Court.
- 2) First time admittees who are not admitted or licensed to practice law elsewhere, who take and pass the required examination for admission to practice law in Washington and are admitted in the first six months of the calendar year in which they took the exam, will pay 50% of the applicable full Active license fee for that year.
- 3) First time admittees who are not admitted or licensed to practice law elsewhere, who take and pass the required examination for admission to practice law in Washington and are admitted in the last six months of the calendar year in which they took the exam, will pay 25% of the applicable full Active license fee for that year.
- 4) First time admittees who are not admitted elsewhere, who take and pass the required examination for admission to practice law in Washington in one year

but are not admitted until a subsequent year, shall pay 50% of the applicable full Active license fee for their first two license years after admission.

- 5) First time admittees who are admitted as a lawyer in one calendar year in another state or territory of the United States or in the District of Columbia by taking and passing a bar examination for that state, territory, or district, who become admitted as a lawyer in Washington in the same calendar year in which they took and passed the examination, will pay 50% of the full Active lawyer license fee if admitted in Washington in the first six months of that calendar year and 25% of the full active license fee if admitted in Washington in the last six months of that calendar year.
- 6) All members in their first two full licensing years after admission or licensure to practice law in any jurisdiction will pay 50% of the applicable full Active license fee.
- 7) An Active member of the Bar who is activated from reserve duty status to full-time active duty in the Armed Forces of the United States for more than 60 days in any calendar year, or who is deployed or stationed outside the United States for any period of time for full-time active military duty in the Armed Forces of the United States will be exempt from the payment of license fees and assessments for the Client Protection Fund upon submitting to the Executive Director satisfactory proof that he or she is so activated, deployed or stationed. All requests for exemption must be postmarked or delivered to the Bar's offices on or before February 1st of the year for which the exemption is requested. Eligible members must apply every year they wish to claim the exemption. Each exemption applies for only the calendar year in which it is granted, and exemptions may be granted for a maximum total of five years for any member. Granting or denying an exemption under this provision is within the sole discretion of the Executive Director and is not appealable.

b. Inactive Members (unchanged)

c. Judicial Members [Effective January 1, 2012]

Judicial members who wish to preserve eligibility to transfer to another membership status upon leaving service as a judicial officer must pay the annual license fee established by the Bar and as approved by the Supreme Court. Except for the amount of the license fee itself, the annual license fee payment requirements, including deadlines and late payment fees, for Active members

apply to Judicial members; however, Judicial members are not subject to administrative suspension for nonpayment of license or late payment fees.

d. Emeritus Pro Bono Members

Emeritus Pro Bono members must pay the annual license fee required of Inactive members with the same type of license. Except for the amount of the license fee itself, the annual license fee payment requirements, including deadlines and late payment fees, for Active members apply to Emeritus Pro Bono members.

2. Assessments (unchanged)

3. Deadline and Late Payment Fee

License fees and mandatory assessments are due and payable on or before February 1st of each year, in such form and manner as required by the Bar, unless otherwise established by these Bylaws or the APR. Members who pay their license fees on or after February 2nd will be assessed a late payment fee of 30% of the total amount of the license fees required for that membership type and status. License fees for newly admitted members are due and payable at the time of admission and registration, and are not subject to the late payment fee.

4. Rebates /Apportionments (unchanged)

5. License Fee and Assessment Exemptions Due to Hardship (unchanged)

6. License Fee Referendum (unchanged)

J. SUSPENSION

1. Interim Suspension

Interim suspensions may be ordered during the course of a disciplinary or disability investigation or proceeding, as provided in the ELC, ELPOC, or ELLLTC, and are not considered disciplinary sanctions.

2. Disciplinary Suspension

Suspensions ordered as a disciplinary sanction pursuant to the ELC, ELPOC, or ELLLTC, are considered disciplinary suspensions.

3. Administrative Suspension

a. 1) – 3) (unchanged)

- 4) Failure of a lawyer to file a professional liability insurance disclosure;
- 5) Failure of a LLLT or LPO to provide proof of financial responsibility;
- 6) Failure to comply with mandatory continuing legal education requirements;
- 7) Nonpayment of child support;
- 8) Failure to designate a resident agent or notify the Bar of change in resident agent or the agent's address;
- 9) Failure to provide current information required by APR 13 or to notify the Bar of a change of information required by APR 13 within 10 days after the change; and
- 10) For such other reasons as may be approved by the BOG and the Washington Supreme Court.

b. Unless requirement for hearing and/or notice of suspension are otherwise stated in these Bylaws or the APR, ELC, ELPOC, or ELLLTC, a member will be provided notice of the member's failure to comply with requirements and of the pendency of administrative suspension if the member does not cure the failure within 60 days of the date of the written notice, as follows:

- 1) & 2) (unchanged)

c. (unchanged)

d. A member failing to correct any deficiency after two months' written notice as provided above must be suspended from membership. The Executive Director must certify to the Clerk of the Supreme Court the name of any member who has failed to correct any deficiency, and when so ordered by the Supreme Court, the member will be suspended from membership in the Bar and from the practice of law in Washington. The list of suspended members may be provided to the relevant courts or otherwise published at the discretion of the BOG.

4. Multiple Suspensions (unchanged)

#### K. CHANGING STATUS AFTER SUSPENSION

1. - 4. c. (unchanged)

d. In addition to the above requirements:

- 1) (unchanged)
- 2) Any member seeking to change to Active who was Suspended, or any combination of Suspended and Inactive, for six or more consecutive years must establish that within the three years prior to the return to Active status, the member has earned and reported approved MCLE credits in a manner consistent with the requirement for one reporting period for an Active member with the same license type. In addition, the member must have completed the applicable readmission/reinstatement course as set forth in Art. III. Sec.D.1.a)(2).

Any member completing such course will be entitled to credit towards mandatory continuing legal education requirement for all CLE credits for which such reinstatement/readmission course is accredited. It is the member's responsibility to pay the cost of attending the course. The member must comply with all registration, payment, attendance, and other requirements for such course, and will be responsible for obtaining proof of attendance at the entire course and submitting or having such proof submitted to the Bar.

L. REINSTATEMENT AFTER DISBARMENT OR REVOCATION (unchanged)

M. REINSTATEMENT AFTER RESIGNATION IN LIEU OF DISCIPLINE, DISBARMENT, OR REVOCATION

No former member will be allowed to be readmitted to membership of any type after entering into a resignation in lieu of discipline, disbarment, or revocation pursuant to the ELC, ELPOC, or ELLLTC. Persons who were allowed to resign with discipline pending under former provisions of these Bylaws prior to October 1, 2002, may be readmitted on such terms and conditions as the BOG determines, provided that if the person resigned with discipline pending and a prior petition for reinstatement or readmission has been denied, no petition may be filed or accepted for a period of two years after an adverse decision on the prior petition for reinstatement or readmission.

N. READMISSION AFTER VOLUNTARY RESIGNATION

Any former member who has resigned and who seeks readmission to membership in the Bar must do so in one of two ways: by filing an application for readmission in the form and manner prescribed by the Bar, including a statement detailing the reasons the member resigned and the reasons the member is seeking readmission, or by seeking admission by motion pursuant to APR 3(c) (if the former member is licensed as a lawyer in another U.S. jurisdiction and would otherwise qualify for admission under that rule).

1. A former member filing an application for readmission after voluntary resignation must:
  - a. (unchanged)
  - b. establish that such person is morally, ethically and professionally qualified to be licensed as the applicable member type and is of good moral character and has the requisite fitness to practice law consistent with the requirements for other applicants for admission to practice law as the applicable member type. An application for readmission will be subject to character and fitness investigation and review as described in APR 20-24.3, consistent with other applications for admission.
  - c. In addition to the above requirements, if an application for readmission is granted and:
    - 1) it has been less than four consecutive years since the voluntary resignation, the applicant must establish:
      - (a) that within the three years prior to readmission the former member has earned and reported approved MCLE credits in a manner consistent with the requirement for one reporting period for an Active member of the same license type, without including the credits that might otherwise be available from the reinstatement/readmission course; and
      - (b) attend and complete the applicable Bar-sponsored reinstatement/readmission course as set forth in Art. III.D.1.a)(2).
    - 2) it has been four or more consecutive years since the voluntary resignation, the applicant must take and pass the applicable examination required for admission.
  - d. Upon successful completion of the above requirements, the former member must satisfy the preadmission requirements and be admitted by Supreme Court order as set forth in APR 5, except that:
    - 1) a lawyer applicant who has been resigned for less than four consecutive years need not take and pass the Washington Law Component; and
    - 2) a LLLT applicant who has been resigned less than four consecutive years need not demonstrate completion of substantive law-related work experience.
2. (unchanged)

## O. EXAMINATION REQUIRED

All applications for reinstatement after disbarment or revocation will be subject to character and fitness review, and taking and passing the examination for admission for the applicable license type, pursuant to the provisions of APR 25-25.6. All applications for readmission after voluntary resignation will be subject to character and fitness review pursuant to the provisions of APR 20-24.3. All applications for reinstatement to Active status from Suspended status will be handled in a similar fashion to applications for a return to Active status from Inactive status. The Character and Fitness Board, and (on review) the Washington Supreme Court, have broad authority to withhold a transfer to Active or to impose conditions on reinstatement or readmission to Active membership, which may include taking and passing the applicable examination for admission, in cases where the applicant fails to meet the burden of proof required by APR 20-24.3. The member/former member will be responsible for the costs of any investigation, examination, or proceeding before the Character and Fitness Board and the Washington Supreme Court.

# WASHINGTON STATE BAR ASSOCIATION

Date: February 27, 2018  
To: Board of Governors  
From: Budget and Audit Committee  
Re: WSBA Expense Reimbursement Policy

**First Reading:** Eliminate time and geographic reimbursement parameters for all non-chair WSBA volunteers.

In the wake of the 2012 referendum, to encourage virtual meetings and as a way to save costs, the Board of Governors limited reimbursement of in-person attendance costs of non-chair members of WSBA boards, committees, task forces, councils, and panels “for meetings scheduled for 3 hours or more, or for travel 50 miles or more one way” and effective FY2017, the Board of Governors unanimously determined that sections should follow the same fiscal policies and procedures that have applied to all other WSBA volunteer groups, including this limitation. Since the policy went into effect, virtual meeting attendance has increased significantly; cost savings resulting from this policy are inconclusive.

The redline below of the current volunteer travel reimbursement policy reflects the Committee’s recommendation that the time and geographic reimbursement parameters for all non-chair WSBA volunteers should be eliminated.

## Chapter 6: Expenses

### I. GENERAL EXPENSE REIMBURSEMENT POLICY

WSBA depends upon and values the time and talent of its employees and volunteers. As a steward of member funds, WSBA asks for employees and volunteers to help save costs. **WSBA will reimburse: (1) reasonable, (2) necessary, and (3) appropriately documented, out-of-pocket expenses incurred in connection with WSBA business or meetings, as set forth herein.**

##

### E. Travel Expenses

1. Volunteers (approved by the Board of Governors in 2012):

WSBA encourages virtual meetings whenever feasible to accomplish board, committee, task force, panel, council and section work. ~~For face-to-face meetings, WSBA will reimburse: (a) chairs for their travel expenses; and (b) non-chair members only for meetings scheduled for 3 hours or more, or for travel 50 miles or more one way.~~ Reimbursement of travel expenses to board, committee, task force, council, panel and section members residing out of state to attend their meetings is limited to the approximate cost of in-state travel<sup>1</sup>.

<sup>1</sup> The approximate cost of in-state travel is deemed to be the cost of traveling from the nearest Washington border. For example, a member traveling from California would be reimbursed for the lesser of either (a) the mileage from Vancouver, WA; or (b) a flight from Portland, Oregon.

**WASHINGTON STATE**  
**B A R A S S O C I A T I O N**

Date: February 27, 2018

To: Board of Governors

From: Budget and Audit Committee

Re: FY18 Recommended Budget Amendment to Address Market Compensation Issues

**Action:** Approve recommended FY18 Budget Amendment to address market compensation issues.

This agenda item was heard as a first reading on the BOG's January meeting agenda. Materials previously provided are attached.

# WASHINGTON STATE BAR ASSOCIATION

Date: January 12, 2018

To: Board of Governors

From: Budget and Audit Committee

Re: Recommended FY18 Budget Amendment to Address Market Compensation Issues

**ACTION REQUESTED:** Adopt Budget and Audit Committee recommendations to amend the FY18 budget by (1) increasing total Salaries and Benefits by \$138,085; and (2) if approved, adjust cost center budgets to reflect all salary and benefits shifts arising from implementation of the compensation survey recommendations, effective October 1, 2017.

## **Background: WSBA Compensation Philosophy and Practice**

The BOG-adopted WSBA Compensation Philosophy supports the core value that WSBA staff is our most essential resource. The compensation system, built on that philosophy, was designed to assure that WSBA offers competitive and equitable compensation to employees. It is intended to be flexible and to be able to respond to changing economic conditions. It is also intended to assure that employees are treated fairly in relationship to each other (*Attachment 1*). This goal is accomplished by comparing and classifying WSBA positions into job grades and then applying uniform ranges of pay to the grades. Range midpoints, intended to reflect market pay, are adjusted if necessary based on review of compensation surveys and market data sources. The WSBA compensation system envisions that employees will be hired below midpoint in their pay range and then advance over time as their knowledge, experience, contributions and value to the organization increase.

As is our annual practice, WSBA examines multiple compensation surveys, as well as market data sources, to ensure the compensation system remains current and continues to advance the criteria set forth in the Compensation Philosophy.<sup>1</sup> In FY 2013, an analysis of compensation levels in relation to the job grade midpoints of current WSBA employees showed that the salaries of many WSBA administrative, professional, managerial, and executive employees were under market. To address these concerns, the Board of Governors authorized the Executive Director to use up to \$265,000 of the budgeted, unused salary line to make market compensation changes; these funds were prioritized to increase salaries of those at the administrative and professional levels. Because senior positions were not addressed in 2013, it was understood these salary levels had likely fallen even further behind market rates when the 2017 compensation review was undertaken.

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<sup>1</sup> Surveys examined include: Milliman NW Management and Professional Salary Survey; Milliman Puget Sound Regional Salary Survey; Milliman Technology Salary Survey; Milliman NW Executive Comp Survey; Archbright Regional Wage and Compensation Survey; NABE Compensation and Benefits Survey; PSALA Compensation and Benefits Survey; and since 2016, Compensation Connections Staff Attorney Salary and Benefits Survey.

### **September 2017 Compensation Survey**

The 2017 compensation survey was conducted on a cross section of WSBA positions, including more senior positions. On September 12, 2017, the Committee discussed salary survey information, then recently received, showing that WSBA compensation levels fall well below midpoint of the market for several position classifications.

After discussing the importance of paying WSBA employees competitively and fairly, complying with WSBA's policy that General Fund reserves must be at least \$2 million, and how best to address salary discrepancies, the Committee unanimously agreed that: (1) the total salary line would not be increased in the FY18 final budget to be presented to the Board at the end of September; (2) the Executive Director would allocate the budgeted salary pool, and reallocate any salary savings realized during FY17, to help address market disparities; (3) as necessary, the Executive Director would seek a budget amendment in FY18 to increase the total salary line, consistent with WSBA reserves policy, with implementation of salary adjustments to be effective as of October 1, 2017; and (4) the Committee would inform the Board of its directions with presentation of the FY18 budget.

Treasurer Risenmay apprised the Board of Governors of the Committee's direction on September 29, and the Board unanimously approved the FY18 budget including the recommendation outlined above by the Budget and Audit Committee.

### **Budget Amendment Request and Recommendation**

In line with the Committee's direction, after allocating the FY18 budgeted salary pool and reallocating budgeted salary funds to partially address market disparities, the recommended budget amendment was presented to increase the total salary line by \$113,650, and the benefit line by \$24,435, for a total request of \$138,085. Materials delineating the methodology underlying the request were submitted to the Committee for consideration at the October 26, 2017, meeting (*Attachment 2*). Because there was insufficient time to consider the FY18 Proposed Budget Amendment, the agenda item was carried over to the January 4, 2018, Committee meeting.

On January 4, the Committee considered the compensation study findings and the methodology used to develop the budget amendment request. The Committee also examined General Fund reserves to determine whether there would be at least \$2 million if the budget amendment was passed. Based on audited FY17 financials, WSBA exceeded budget expectations by \$1.4 million in FY17; ending the year with \$3.3 million in reserves. The approved FY18 budget assumes use of \$0.6 million in reserves. If WSBA achieves its FY18 budget, end of year General Fund reserves are projected to be no less than \$2.7 million. If the recommended \$138,085 budget amendment is approved, General Fund reserves would be over \$2.5 million – above the \$2 million policy minimum.

Following discussion, the Committee recommended that the Board amend the FY18 budget by (1) increasing total Salaries and Benefits by \$138,085; and (2) if approved, adjust cost center budgets to reflect all salary and benefits shifts arising from implementation of the compensation survey recommendations, effective October 1, 2017.

## **ATTACHMENT 1**



# WSBA

WASHINGTON STATE BAR ASSOCIATION

## WSBA COMPENSATION PHILOSOPHY

Adopted by the Budget and Audit Committee on 2/17/05

Adopted by the Personnel Committee on 2/17/05

Reported at the Board of Governors on 2/18/05

We are committed to a compensation philosophy that supports our mission to promote justice and to serve the WSBA members and the public. Our compensation philosophy supports the core value that WSBA staff is our most essential resource. Our aim has been to shape our compensation system in a way that meets the following criteria:

1. *Competitive with Seattle/Puget Sound compensation markets*  
Our aim remains to pay competitively with other similar organizations. We strive to be as thorough in our review of market survey data as we practically can.
2. *Observe principles of fairness and internal equity*  
These are core values at WSBA. One of our most precious resources is our team-oriented spirit and our compensation system should reflect this. The gap between lowest paid and highest paid staff is less at WSBA than at many other similar-sized organizations.
3. *Affordable and sustainable*  
The plan we develop obviously must fit within our available financial resources. Moreover, we need to ensure that our compensation program is sustainable over the long haul—through good and bad economic times alike.
4. *Promote recruitment and retention*  
Our compensation system needs to be competitive both at the entry level and at the senior staff level. This means that the system needs to allow for movement through the salary range.
5. *Understandable and practical to administer*  
There are inherent complexities in any compensation system, but to the extent possible, we seek to keep the methodology straightforward so that the system itself doesn't become a burden.

## **ATTACHMENT 2**

**WASHINGTON STATE**  
**BAR ASSOCIATION**

Date: December 27, 2017

To: Budget & Audit Committee

From: Paula C. Littlewood

Re: Executive Session: FY18 Proposed Budget Amendment to Address Market Compensation Issues

This agenda item was carried over from the October 26 meeting, because there was insufficient time for Committee consideration. Materials previously provided are attached.

# WASHINGTON STATE BAR ASSOCIATION

Date: October 23, 2017

To: Budget & Audit Committee

From: Paula C. Littlewood

Re: FY18 Proposed Budget Amendment to Address Market Compensation Issues

At the September 12, 2017, Budget & Audit Committee meeting, the Committee discussed salary survey information, then recently received, showing that WSBA compensation levels fall well below midpoint of the market for several positions. Acknowledging the importance of paying WSBA employees fairly and competitively, the Committee unanimously agreed that the following steps be taken to address market salary discrepancies:

- The total salary line would not be increased in the FY18 final budget to be presented to the Board for action;
- The Executive Director would allocate the budgeted salary pool, and reallocate any salary savings realized during FY17 to help address market disparities;
- As necessary, the Executive Director would seek a budget amendment in FY18 to increase the total salary line, consistent with WSBA reserves policy, with implementation of salary adjustments to be effective as of October 1, 2017; and
- The Committee would inform the Board its directions with the presentation of the FY18 budget.

Treasurer Risenmay apprised the Board of Governors of the Committee's direction on September 29, and the Board unanimously approved the FY18 budget.

In line with the Committee's direction, after allocating the FY18 budgeted salary pool and reallocating budgeted salary funds to partially address market disparities, a budget amendment is requested to increase the total salary line by \$113,650, and the benefit line by \$24,435, for a total request of \$138,085. The methodology underlying this request follows:

1. Examined 14 job classifications included in survey against market data report provided by consultant. Determined that 5 of these job classifications are in line with market, and that 9 job classifications are under market – some significantly under market. Identified comparable positions within grade levels that needed adjustment as well for parity (*see attachment 1*).
2. Based on market information received from consultant, adjusted WSBA salary ranges to be consistent with market data (*see attachment 2*).
3. Identified \$115,836 in salary savings to begin to address market disparities. From the budgeted salary pool, the savings consisted of: (a) \$82,342 in net staffing efficiencies (retiring employees

replaced with new hires at lower salary levels, etc.); (b) \$22,427 from positions ineligible to receive a salary increase on October 1, 2017<sup>1</sup>; and (b) \$11,067 from open or eliminated positions<sup>2</sup>.

4. Of the savings, \$54,398 was used for adjustments to bring 3 positions to market salaries (variance from market was less than \$5,000 each), and 3 positions to the new minimum WSBA salary range (although 2 of these positions need additional market adjustment; *see attachment 3*). The remaining \$61,438 in savings was distributed among 12 positions still under market, in proportion to the percentage by which the position was below the targeted salary for reasonable market positioning.
5. After taking these steps, a salary shortfall of \$113,640 was identified, with associated benefits costs of \$24,435, for a total shortfall of \$138,085.

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<sup>1</sup> Employees are not eligible to receive a salary increase during their 6 month orientation period after hire. There were 14 ineligible positions as of October 1, 2017.

<sup>2</sup> Seven positions were open as of October 1, 2017, and 1 half-time position has been eliminated.

# Attachment 1

Job Classifications Surveyed in Comp Study Review 2017	Job Classifications Impacted by Comp Study Review 2017
<p>Job grade E14</p> <ul style="list-style-type: none"> <li>• Chief Operations Officer</li> <li>• Director of Advancement and Chief Development Officer</li> <li>• Director of Information Technology</li> <li>• General Counsel</li> </ul> <p>Job Grade E13</p> <ul style="list-style-type: none"> <li>• Controller</li> <li>• Managing Disciplinary Counsel</li> </ul> <p>Job Grade E11</p> <ul style="list-style-type: none"> <li>• Member Services and Engagement Program Manager</li> <li>• Disciplinary Counsel I</li> </ul> <p>Job Grade E10</p> <ul style="list-style-type: none"> <li>• Senior Developer E10</li> </ul> <p>Job Grade E9</p> <ul style="list-style-type: none"> <li>• Senior HR Generalist E9</li> <li>• Network/Systems Administrator E9</li> </ul> <p>Job Grade N11</p> <ul style="list-style-type: none"> <li>• Investigator I N11</li> <li>• Webcast Specialist N11</li> </ul> <p>Job Grade N10</p> <ul style="list-style-type: none"> <li>• Paralegal II N10</li> </ul>	<p>Job grade E15</p> <ul style="list-style-type: none"> <li>• Chief Operations Officer</li> <li>• Chief Regulatory Counsel</li> <li>• Chief Disciplinary Counsel</li> <li>• General Counsel</li> <li>• Director of Advancement/Chief Development Officer</li> <li>• Director of Human Resources</li> </ul> <p>Job Grade E14</p> <ul style="list-style-type: none"> <li>• Managing Disciplinary Counsel (4 employees)</li> <li>• Director of Information Technology</li> <li>• Assistant General Counsel- Manager</li> </ul> <p>Job Grade E13</p> <ul style="list-style-type: none"> <li>• Controller</li> </ul> <p>Job Grade E11</p> <ul style="list-style-type: none"> <li>• Senior Developer (3 employees)</li> </ul>

# Attachment 2

Washington State Bar Association  
 Compensation Plan  
 Ranges Updated 10/1/16

Exempt		(Salary Range)				
JOB TITLE	JOB GRADE	MINIMUM/1st Quartile (80%)	2nd Quartile (90%)	MIDPOINT/3rd Quartile	4th Quartile (110%)	MAXIMUM (120%)
Chief	E14	92,934	104,550	116,167	127,784	139,401
Director						
Attorney III	E13	85,834	97,711	108,567	119,424	130,281
Associate Director						
Controller						
Attorney II	E12	81,172	91,318	101,465	111,611	121,758
Legislative Affairs Manager						
Project Manager						
Program Manager	E11	75,862	85,344	94,827	104,310	113,792
Attorney I						
Sr. Network Administrator						
CLE Marketing Process Manager	E10	68,965	77,586	86,206	94,827	103,448
Senior Auditor						
Senior Developer						
Digital Production Manager						
Accountant	E9	62,636	70,532	78,269	86,206	94,043
Auditor						
NW Lawyer Managing Editor/Graphic Designer						
Legal Community Outreach Specialist						
ODG Department Administrator						
Developer						
HR Specialist Senior						
Network Administrator, Jr.						
Program Lead						
Quality Assurance Analyst						
Education Programs Lead						
Online Communications Specialist	E8	51,886	60,254	66,982	73,691	80,379
Executive Assistant						
Section Program Lead						

10/1/2016

Washington State Bar Association  
 Compensation Plan  
 Ranges Updated 10/1/16

Non Exempt		(Salary Range)				
JOB TITLE	JOB GRADE	MINIMUM/1st	2nd	MIDPOINT/3rd	4th	MAXIMUM (120%)
		Quartile (80%)	Quartile (90%)	Quartile	Quartile (110%)	
Investigator III	N13	68,695	77,282	85,869	94,456	103,042
Investigator II	N12	62,451	70,257	78,063	85,869	93,676
Training and Development Specialist/Outreach and Communications Specialist						
Donor Relations Specialist	N11	53,239	59,894	66,549	73,204	79,859
Paralegal III						
Project Lead						
Webcast Specialist						
Digital Content/Post Production Lead	N10	48,400	54,449	60,499	66,549	72,599
Paralegal II						
Program Coordinator II						
RSD Analyst II						
Bookkeeper II	N9	44,000	49,499	54,999	60,499	65,999
Communications Specialist/Publications Editor						
Discipline Systems Analyst-OGC						
Paralegal I						
Program Coordinator I						
RSD Analyst I						
Administrative Assistant III	N8	40,000	45,000	49,999	54,999	59,999
Bookkeeper I						
Administrative Assistant II	N7	36,363	40,909	45,454	49,999	54,545
Service Center Representative						
Office Assistant (Secretary, Receptionist, Admin Assistant I, Production Assistant II)	N6	32,468	36,526	40,585	44,643	48,702

10/1/2016

Washington State Bar Association  
 Compensation Plan  
 Ranges Updated 10/1/17

Exempt		(Salary Range)				
JOB TITLE	JOB GRADE					MAXIMUM (120%)
		MINIMUM (1st Quartile (50%))	2nd Quartile (90%)	MIDPOINT (3rd Quartile)	4th Quartile (110%)	
Clerk	E15	134,421	151,223	168,025	184,828	201,631
Director						
Associate Director	E14	116,868	131,498	146,109	160,720	175,331
IT Director						
Managing Disciplinary Counsel						
Attorney III	E13	97,406	109,582	121,758	133,934	146,109
Associate Director for Project Management						
Controller						
Attorney II	E12	83,364	93,784	104,205	114,625	125,045
Outreach and Legislative Affairs Manager						
Attorney I	E11	77,910	87,649	97,387	107,126	116,865
Program Manager						
Sr. Network Administrator						
Senior Developer						
Digital Production Manager	E10	70,627	79,681	88,534	97,387	106,241
Design Services Manager						
Senior Auditor						
Accountant	E9	64,368	72,437	80,488	88,534	96,583
Auditor						
Developer						
Education Programs Lead						
Sr. Graphic Designer						
HR Generalist Senior						
Legal Community Outreach Specialist						
NW Lawyer Editor						
Network/Systems Administrator						
ODC Department Administrator						
Program Lead						
Quality Assurance Analyst						
Executive Assistant	E8	55,033	61,812	68,791	75,670	82,549
Online Communications Specialist						
Section Program Lead						

10/1/2017

Washington State Bar Association  
 Compensation Plan  
 Ranges Updated 10/1/17

Non Exempt		(Salary Range)				
JOB TITLE	JOB GRADE	MINIMUM (1st		MIDPOINT (3rd		MAXIMUM (120%)
		Quartile (80%)	2nd Quartile (90%)	Quartile	4th Quartile (110%)	
Investigator III	N13	70,069	78,828	87,586	96,345	105,103
Investigator II	N12	63,700	71,663	79,625	87,588	95,550
New Lawyer Specialist/Public/Pro Bono Service Specialist						
Donor Relations Specialist	N11	54,677	61,511	68,346	75,180	82,015
Investigator I						
Paralegal III						
Project Lead						
Webcast Specialist						
Digital Content/Post Production Lead	N10	49,706	55,919	62,132	68,346	74,559
Paralegal II						
Program Coordinator II						
RSD Analyst II						
Bookkeeper II	N9	45,187	50,836	56,484	62,132	67,781
Communications Specialist/Publications Editor						
Discipline Systems Analyst-OGC						
Graphic Designer						
Paralegal I						
Program Coordinator I						
RSD Analyst I						
Administrative Assistant III	N8	41,079	46,214	51,349	56,484	61,619
Bookkeeper I						
Administrative Assistant II	N7	37,345	42,013	46,681	51,349	55,017
Service Center Representative						
Office Assistant (Secretary, Receptionist, Admin Assistant I, Production Assistant II)	N6	32,563	36,633	40,704	44,774	48,845

10/1/2017

# Attachment 3

**WSBA**  
**SALARY POOL SAVINGS SUMMARY AND DISTRIBUTION**

**AVAILABLE SALARY POOL SAVINGS**

Net Staffing Efficiencies		
• Includes net savings by replacing departing employees with new hires at lower salary levels		\$82,342
Ineligible Positions		
• Includes salary pool allocations for employees not eligible to receive a salary pool increase during their 6 month orientation period after hire; 14 ineligible positions as of October 1, 2017		22,427
Open/Eliminated Positions		
• Includes salary pool allocations for 7 vacant positions and 1 half time eliminated position		11,067
	<b>SALARY POOL SAVINGS</b>	<b>\$115,836</b>

**DISTRIBUTION OF AVAILABLE SALARY POOL SAVINGS**

<b>Grade Level and Initial Market Adjustments</b>		<b>\$54,398</b>
Raised 3 positions to minimum of job grade range (2 of these positions need additional market adjustment):		
1. Director of Advancement/Chief Development Officer		
2. General Counsel (needs additional market adjustment)		
3. One Managing Disciplinary Counsel (needs additional market adjustment)		
Increased 3 Senior Developer Positions to market salaries (variance from market was less than \$5,000 each)		
<b>Positions Receiving Market Adjustments From Pro Rata Distribution (all need additional market adjustment)</b>		<b>\$61,438</b>
Chief Operations Officer		
Director of Human Resources		
Chief Disciplinary Counsel		
Chief Regulatory Counsel		
General Counsel		
Director of Information Technology		
4 Managing Disciplinary Counsels		
Assistant General Counsel Manager		
Controller		
	<b>DISTRIBUTED SALARY POOL SAVINGS</b>	<b>\$115,836</b>

# WASHINGTON STATE BAR ASSOCIATION

Office of General Counsel

**TO:** Board of Governors  
**FROM:** Sean M. Davis, General Counsel  
**DATE:** February 26, 2018  
**RE:** Referendum Process Review Work Group Preliminary Report

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**DISCUSSION:** Continued discussion of Referendum Process Review Work Group Recommendations.

Attached are the materials from the January 18-19, 2018, Board meeting, including majority and minority reports, for continued discussion of the recommendations from the Referendum Process Review Work Group in order to ascertain next steps.



# WASHINGTON STATE BAR ASSOCIATION

To: The President, President-elect, Immediate Past President and  
The Board of Governors

From: Kim Risenmay, Work Group Chair

Date: January 15, 2018

Re: Preliminary Report -- Referendum Review and Revisions Work Group

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**Recommended Action:** Amend certain portions of Article III and Article VIII of the WSBA Bylaws that pertain to the referendum process in order to conform with Washington Supreme Court amendments to GR 12 and to utilize current communications technology.

## **1. Events Leading to the Creation of the Work Group.**

The Board of Governors (BOG) of the Washington State Bar Association (WSBA) completed a review and update of WSBA Bylaws at the September 2016 and January 2017 BOG meetings. On several occasions during that process the BOG discussed but intentionally did not attempt to revisit the referendum provisions in WSBA's Bylaws. This was due to concerns that such a review would fall outside the directions the BOG had given in its charter to the Bylaws Review Work Group.

During its May 18 & 9, 2017 meeting, the BOG formally approved creation of a Referendum Process Review Work Group (the "Work Group") and delegated nomination of Work Group members to the WSBA President. The Work Group's Charter is attached to this report as Attachment A. The final roster of work group members was published on page 439 of the Public Session Materials for the September 28 & 29, 2017 BOG meeting, and the membership of this Work Group complied with the BOG's stated intent to have all viewpoints present and actively participating in the referendum process review. A copy of the Work Group Roster is attached as Attachment B. For your reference, Attachment C contains the pertinent language of WSBA's current Bylaws that pertain to the referendum subject. A November 3, 2017, NWSideBar Blog invited member feedback. See Attachment D.

## **2. Work Group Actions to Date.**

During the months of October, November and December 2017, the Work Group held a total of seven (7) meetings, either in person or via telephone. At these meetings, the Work Group considered the following topics as they pertain to the WSBA referendum process:

- (1) Scope. The types of matters potentially subject to a referendum;
- (2) Petition Signing: In light of current technology, determining what constitutes the signature of a WSBA member and determining acceptable alternative methods for signing a referendum petition;

- (3) Signature Gathering & Verification Processes: In light of current technology, determining acceptable alternative processes that petition sponsors may use to gather the signatures of WSBA members on a referendum petition, together with the process whereby WSBA verifies those signatures;
- (4) Signature Threshold for Valid Petitions: In light of current technology and communication methods, what the threshold number of signatures necessary to make a referendum petition valid should be; and
- (5) Referendum Voting Methods & Thresholds: Alternative methods for (a) conducting a vote on a referendum, (b) validating the votes cast for and against the referendum, and (c) whether some required minimum number of total votes should be necessary before a referendum can take effect.

To date, the Work Group has formulated four proposed recommendations for the BOG to consider. Each of these proposals is discussed in more detail below; and in Attachment E, we have included both a Majority Report, explaining the reasons in favor of a particular recommendation, as well as a Minority Report, explaining the reasons why a particular recommendation might not be appropriate. We recommend that these proposals and their accompanying Majority and Minority Reports be published to the entire WSBA membership for its review, and to allow for and solicit additional membership comments and suggestions on these matters prior to any final BOG action.

### **3. Discussion of Individual Recommendations.**

**Recommendation 1, License Fees**: Majority of the Work Group recommends that license fees should no longer be subject to the referendum process. If the BOG were to agree with this recommendation, the Work Group recommends the following amendments to WSBA's Bylaws:

#### III. MEMBERSHIP

##### I. ANNUAL LICENSE FEES AND ASSESSMENTS

###### 1. License Fees

Unless established otherwise pursuant to the APR or by order of the Washington Supreme Court, the following provisions apply to member license fees.

\* \* \*

###### 6. License Fee Referendum.

~~Once approved by the BOG, license fees shall be subject to the same referendum process as other BOG actions, but may not be modified or reduced as part of a referendum on the Bar's budget. The membership shall be timely notified of the BOG resolutions setting license fees both prior to and after the decision, by posting on the Bar's website, e-mail, and publication in the Bar's official publication.~~

The membership shall be timely notified of the BOG resolutions setting license fees both prior to and after the decision, by posting on the Bar's website, e-mail, and publication in the Bar's official publication. Under GR 12, the amount of any license fee is subject to review by the Supreme Court for reasonableness and may be modified by order of the Court if the Court determines that the fee is not reasonable. Therefore, license fees are

not subject to a referendum, nor may the license fees be modified or reduced as part of a referendum on the Bar's budget.

## VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

### A. MEMBER REFERENDA.

1. The Board of Governors sets policy for the Bar. Except for license fees, ~~The~~ membership, through a referendum, has the opportunity to effect policy set by the BOG. Membership referenda may accomplish the following:
  - a. Reverse a final action taken by the Board of Governors;
  - b. Modify a final action taken by the Board of Governors;
  - c. Enact a resolution; or
  - d. Amend these bylaws.

Potential reasons why the BOG might choose to **not** adopt these proposed changes are set forth in the Minority Report.

**Recommendation 2, Propose a New Action to the Board of Governors:** Article VIII(A)(1)(c) of WSBA's current Bylaws states that the membership may "enact a resolution" through the referendum process. This language is confusing because it does not explain what the effect of such a resolution would be. The Work Group reviewed earlier versions of the WSBA Bylaws from 1987 and 1989 and learned that this phrase referred to action that WSBA members could take during the WSBA annual meeting, which was formerly held one time each year. Via resolutions, the members present during the annual meeting could propose actions for the BOG to consider. Any such resolution was first forwarded to a Resolutions Committee, which vetted the proposal to determine whether it had merit to warrant the full BOG's consideration; and if the Resolutions Committee felt the proposal had merit, the proposal was then placed on the BOG's agenda. In order to clear up this confusion, in a nearly unanimous vote the Work Group recommended amending this provision to read as follows:

## VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

### A. MEMBER REFERENDA.

1. The Board of Governors sets policy for the Bar. The membership, through a referendum, has the opportunity to effect policy set by the BOG. Membership referenda may accomplish the following:
  - a. Reverse a final action taken by the Board of Governors;
  - b. Modify a final action taken by the Board of Governors;
  - c. Propose a new action to the Board of Governors~~Enact a resolution;~~ or
  - d. Amend these bylaws.

Reasons for adopting this proposal are set forth in the Majority Report. No Minority Report was prepared in opposition to this proposal.

**Recommendation 3, Amending Bylaws.** Article VIII(A)11(d) states that, through the referendum process, the membership may “Amend these bylaws.” The Work Group considered the fact that such an action would not be a true referendum but, instead, would be constitute action through an initiative. A motion was made to delete this subsection; but a majority of the Work Group rejected that proposal. The reasons for rejecting this motion are set forth in the Majority Report. The Minority Report provides the arguments in favor of eliminating the membership’s power to amend WSBA’s Bylaws.

**Recommendation 4, Petition Filing Deadline.** Currently, Article VIII(A)(2)(e) allows a referendum petition to be filed within 90 days following any action taken by the BOG. But previously, as evidenced by the Bylaws in effect in 1987 and 1989, the membership had been given a 45 day deadline to collect signatures and file referenda petitions. Given the state of modern technology, which allows (1) electronic dissemination of information, and (2) the gathering of electronic signatures for referendum petitions, a majority of the Work Group approved a motion to recommend the following amendment to the Bylaws:

VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

A. MEMBER REFERENDA.

\* \* \*

2. Any Active member may file a petition for a referendum. All petitions must meet the following requirements:
  - a. The petition must set forth the exact language of the proposed resolution, bylaw amendment, or modification/reversal of the BOG action.
  - b. The petition must be signed by at least five percent of the Active membership of the Bar at the time the petition is filed.
  - c. The petition must comply with GR 12. The BOG will determine within 30 days of the filing of a for a referendum if the subject of the petition falls within the requirements of GR 12.
  - d. If the subject of the petition seeks to reverse or modify final action taken by the Board of Governors, then the petition must be filed with the Executive Director within ~~30~~90 days of that final action.
  - e. All petitions for a referendum must be filed with the WSBA Executive Director.

Reasons for adopting this proposal are set forth in the Majority Report. Arguments opposing this proposal are set forth in the Minority Report.

**Other Matters for Consideration:** There are a number of issues that the Work Group has not proposed amending, which might warrant further consideration. These include the following topics:

1. Whether physical signatures are required on a referendum petition, or whether some electronic form of signature is sufficient.
2. Should the threshold number of signatures be changed from the current requirement for 5% of the Active WSBA membership?

3. Should there be some minimum number of Active member participate required for a vote on a referendum to take effect? Currently, there is no required minimum participation for the vote; but in earlier years the Bylaws had this requirement. For example, in the Bylaws in effect in 1989 at least 50% of the entire membership had to participate in the final vote for any referendum to be effective.

**REFEREUNDUM PROCESS REVIEW  
WORK GROUP REPORT  
ATTACHMENT A**



## **REFERENDUM PROCESS REVIEW WORK GROUP**

(Adopted by the WSBA Board of Governors on May 19, 2017)

### **CHARTER**

#### **Background**

The Washington State Bar Association (WSBA) Bylaws contain provisions permitting the membership to file petitions to have a vote of the membership on certain actions taken by the Board of Governors (BOG). Over the course of 2016, a Bylaws Review Work Group drafted amendments to many of the WSBA Bylaws, the last of which were adopted at the BOG meeting in January of 2017. The Bylaws Review Work Group, however, did not review the WSBA Bylaw provisions regarding membership referenda due to concern that the topic may have been outside the scope of the directions from the BOG to the Bylaws Review Work Group. Members of the BOG, however, requested that a separate work group be established to undertake this review, including the receipt of member input, and to suggest any amendments to the WSBA Bylaw provisions determined to be appropriate.

#### **Task Force Purpose**

1. Identify all WSBA Bylaws provisions regarding member referenda to determine the purpose of those provisions and whether the provisions continue to be appropriate for the WSBA.
2. Review materials from other mandatory/unified Bar Associations to determine whether other organizations similar to the WSBA have referendum provisions, and review the topics subject to member referenda and the processes used for member referenda in those Bar Associations that do provide for member referenda.
3. Review relevant materials from other sources regarding appropriate topics, uses and processes for referenda, and consider whether and how that information is relevant to the WSBA and its functions.
4. Consider oral presentations or written materials regarding good governance for organizations and agencies, and budgeting for organizations and agencies with similar-sized budgets and funding sources.
5. Draft suggested amendments to WSBA Bylaws regarding the WSBA referendum provisions, if considered appropriate.
6. Solicit and collect input from WSBA members and others regarding the use of member referenda, including appropriate topics and processes for referenda, both before and after drafts of any suggested amendments are prepared, and regarding any suggested amendments.
7. After considering relevant materials and input, draft and submit to the BOG any final recommendations for amendments to WSBA Bylaws regarding member referenda.

### Timeline

The workgroup shall begin meeting no more than six weeks after appointments are completed, and shall complete its review and submit its report not later than the January 2018 BOG meeting, unless the BOG agrees to extend this timeline.

### Workgroup Membership

The workgroup shall consist of the following voting membership:

- Four current BOG members, one of whom shall be appointed to serve as Chair;
- Three former members or officers of the BOG;
- Four at-large members of the WSBA;
- If available and willing to serve, one member of the Washington Supreme Court;
- The Executive Director or General Counsel of the WSBA, or a designee from WSBA staff.

In accordance with WSBA Bylaws Art. IX.B.2.a. and b., the members and the Chair of the workgroup will be appointed by the WSBA President subject to being accepted or rejected by the BOG. Such appointment and approval shall be completed by no later than the BOG's July 2017 meeting.

**REFEREUNDUM PROCESS REVIEW  
WORK GROUP REPORT  
ATTACHMENT B**



## REFERENDUM PROCESS REVIEW WORK GROUP

### Current BOG Members:

Kim Risenmay (chair)  
Rajeev Mujumdar  
Bill Pickett  
Athán Papailiou

### Former BOG Members:

Michele Radosevich  
Marc Silverman  
Brian Kelley

### At large WSBA Members:

Jean Cotton  
Ed Van Hiskes  
Jennifer Hanson  
Krista Van Amerongen

### WSBA Staff:

Sean Davis

**REFEREUNDUM PROCESS REVIEW  
WORK GROUP REPORT  
ATTACHMENT C**

**Pertinent Language of WSBA's Current Bylaws that  
Pertain to the Referendum Process**

III. MEMBERSHIP

I. ANNUAL LICENSE FEES AND ASSESSMENTS

1. License Fees

Unless established otherwise pursuant to the APR or by order of the Washington Supreme Court, the following provisions apply to member license fees.

\* \* \*

6. License Fee Referendum.

Once approved by the BOG, license fees shall be subject to the same referendum process as other BOG actions, but may not be modified or reduced as part of a referendum on the Bar's budget. The membership shall be timely notified of the BOG resolutions setting license fees both prior to and after the decision, by posting on the Bar's website, e-mail, and publication in the Bar's official publication.

VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

A. MEMBER REFERENDA.

1. The Board of Governors sets policy for the Bar. The membership, through a referendum, has the opportunity to effect policy set by the BOG. Membership referenda may accomplish the following:
  - a. Reverse a final action taken by the Board of Governors;
  - b. Modify a final action taken by the Board of Governors;
  - c. Enact a resolution; or
  - d. Amend these bylaws.
2. Any Active member may file a petition for a referendum. All petitions must meet the following requirements:
  - a. The petition must set forth the exact language of the proposed resolution, bylaw amendment, or modification/reversal of the BOG action.
  - b. The petition must be signed by at least five percent of the Active membership of the Bar at the time the petition is filed.
  - c. The petition must comply with CR 12. The BOG will determine within 30 days of the filing of a petition for a referendum, if the subject of the petition falls within the requirements of GR 12.

- d. If the subject of the petition seeks to reverse or modify final action taken by the Board of Governors, then the petition must be filed with the Executive Director within 90 days of that final action.
  - e. All petitions for a referendum must be filed with the WSBA Executive Director.
3. All qualifying petitions will be put to a vote of the active membership within 90 days of the date that the petition was filed.

#### B. BOG REFERRALS TO MEMBERSHIP

The Board of Governors may also refer a proposed resolution, bylaw amendment, or other proposal to a vote of the Active membership in accordance with the procedures set forth in these bylaws.

#### C. BALLOT PREPARATION

The Executive Director shall prepare ballots as directed by the BOG. The proponents of the action may submit, for inclusion with the ballot a "statement for" not to exceed 750 word and a "rebuttal of statement against" not to exceed 250 words. The opponents of the action may submit, for inclusion with the ballot, a "statement against" not to exceed 750 words and a "rebuttal of statement for" not to exceed 250 words. The Executive Director will determine the deadlines for filing all such statements with the Bar and provide notice of those deadlines. If more than one opponent statement is submitted, the WSBA President will determine which statement(s) will be submitted with the ballot.

#### D. VOTING PROCEDURES

The procedures set forth in the "Election of Governors from Congressional Districts" section of these bylaws shall be used as a procedural guideline. The ballot, petition, and accompanying statements shall be posted on the WSBA website, distributed electronically to Active members with e-mail addresses on records with the Bar, and mailed to all other Active members. The deadline for return of ballots shall be not less than 30 days from the date of distribution.

#### E. EFFECT OF VOTE

1. All member referenda and BOG referrals only require a majority of those Active members voting to pass. No unsuccessful member referenda may be resubmitted to the membership until two years have passed from the date of the voting results.
2. The BOG may not alter the effects of a member referenda that passed sooner than two years from the date of the voting results.

**REFERENDUM PROCESS REVIEW  
WORK GROUP REPORT  
ATTACHMENT D**



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November 3, 2017

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## Referendum Process Review Work Group Needs Your Input



The referendum provision in the WSBA Bylaws is an important one — It allows for a vote of the membership on certain actions taken by the Board of Governors. Currently, a member referendum may reverse a final Board action, modify a final Board action, enact a resolution, or amend the WSBA Bylaws.

Because of its critical and nuanced nature, the referendum provision was carved out of the scope of work given to a Bylaws Review Work Group in 2016; instead, the Board of Governors created a separate Referendum Process Review Work Group in May 2017 to specifically tackle this topic.

The group's work is just getting underway. Members — including four Board of Governor members, four at-large WSBA members, and three former Board of Governor members — are tasked with reviewing the current referendum process and drafting suggested amendments for Board consideration by January 2018. Appropriately enough, one of the work group's primary responsibilities is soliciting and collecting as much input as possible from WSBA members to provide input for their recommendation.

Toward that end, please email [sherry1@wsba.org](mailto:sherry1@wsba.org) with your thoughts, ideas, and concerns about the WSBA referendum provision and process.

### Learn more:

- [Referendum Process Review Work Group Charter](#)
- [Referendum Process Review Work Group Roster](#)

### About the Author



**Sara Niegowski.** Sara is Chief Communications and Outreach Officer at the WSBA, leading a team dedicated to connecting with and responding to YOU! She's worked in newspapers and K-12 education. She believes the legal profession is one of the most important foundations to our society, it's okay to eat pizza for breakfast, and the zipper-merge needs to be embraced by all drivers. Reach her at [saran@wsba.org](mailto:saran@wsba.org).

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Malpractice insurance is required in Oregon and now Idaho. Get ahead of the curb with ALPS, the WSBA-endorsed carrier for our professional liability program  
<http://ow.ly/JK6c30gOl>  
Ha





Inez Petersen  
November 1, 2017

I ask readers to weigh the above post against this email I received from Brad Furlong. If Brad Furlong stated, "I HAVE NO PLANS TO REOPEN THE BUDGET OR THE LICENSING FEE," which are tied to the referendum process, then what will be the value-added result of this group? More rights or less rights? What is the WSBA afraid of by honoring the Bylaws by holding a vote on the dues increase?

From: Brad Furlong  
Date: Sat, Oct 14, 2017 at 7:41 AM  
Subject: Re: I hope you do not feel misled  
To: Inez Ine Petersen  
Cc: Paula Littlewood , "G. Kim Risenmay"

Ms. Peterson: We feel it is important that our communications are complete, accurate and uniform so as to not misinform our members. That's why we start with a base message. The governors then add their own thoughts. I did not add any due to lack of time as I was heading out on a family vacation. I encourage the governors to engage with attorneys frequently.

I have no plans to reopen the budget or the licensing fee. I do plan to see to it that our fees are spent efficiently on regulatory activities mandated by the Supreme Court and on services that benefit our members.

If you have concerns about the WSBA budget, please feel free to attend the meetings of our Budget and Audit Committee to learn how and why the WSBA budget is constructed as it is and to contribute your thoughts. If you wish, I can ask someone to let you know when the committee next meets so that you can attend.

Best wishes,

Brad Furlong  
Sent from Mobile Device

0/0/0



Edward Hiskes  
November 1, 2017

I attended the first meeting of the Referendum Workgroup. At that meeting a WSBA officer suggested that the primary purpose of the group was to cut back on membership referendum rights, by making the procedural requirements for a referendum more burdensome, as by increasing signature requirements, etc. He said the Supreme Court, or at least one of the Justices, did not want to deal with another referendum.

To this end, one member of the Workgroup, a non-elected "at large" Governor, was pushing the idea that electronic signature gathering should be eliminated. He wants to require that signatures be gathered on paper. But if the goal is to harass and burden referendum proponents, why stop there? Requiring that signatures be engraved upon marine-grade stainless steel ingots would be even more effective.

0/0/0

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#### About the Washington State Bar Association

- The Washington State Bar Association is the largest and most influential bar organization in the state, representing over 100,000 lawyers and law firms.
- The Association is committed to the highest standards of professional conduct and ethics.
- The Association is committed to the highest standards of legal education and training.



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**REFERENDUM PROCESS REVIEW  
WORK GROUP REPORT  
ATTACHMENT E**

**MAJORITY AND MINORITY  
REPORTS RELATED TO  
RECOMMENDATION 1**

## Referendum Process Review Work Group Recommendation

### **Article III(I)(1)(6) License Fee Referendum and Article VIII A(1) Member Referenda**

#### Majority Report

The Referendum Work Group considered whether the referendum power should allow members to directly set license fees. The majority felt the referendum power is not appropriate for this purpose in light of (1) the Supreme Court's power to review and modify license fees, (2) the disruption that fee reductions cause in the functioning of WSBA, and (3) the other avenues available to the membership for input on the budget and license fees.

A referendum on license fees may not adequately fund the activities that the Supreme Court has delegated to WSBA and thus conflict with the Court's authority. The Court regulates the practice of law in GR 12, which sets forth the goals of the Court's regulation and authorizes WSBA to carry out these goals. The rule further authorizes specific activities that WSBA is to perform on behalf of the court, such as administering the bar exam and discipline system, but also including such things as producing CLEs and supporting indigent legal services. One of the authorized activities is "establishing the amount of all license, application, investigation, and other related fees. . ." GR 12.2(22). That section further provides:

The amount of any license fee is subject to review by the Supreme Court for reasonableness and may be modified by order of the Court if the Court determines that it is not reasonable.

Although it was added following the 2012 referendum, the provision merely codified the existing plenary authority of the Court. More recently the Court exercised this authority by determining the fee set by the BOG was reasonable and the resulting fee if the referendum were to pass was unreasonable. *See* Order No. 25700-B-57-1 (January 5, 2017).

In light of the Supreme Court's active supervision of license fees, the majority felt that the WSBA bylaw allowing referenda to set fees was inappropriate and could result in the Court determining that a reduction in license fees is not reasonable.

A referendum to reduce the license fee also disrupts the functioning of the WSBA. One of the Court's directives to the WSBA is to "Operate a well-managed and financially sound association. . ." Good administrators plan for the future, minimizing the impacts of financial changes. After the 2012 referendum, however, the WSBA was forced to abruptly alter its own operations and partnerships with other entities in the legal community, creating a climate of extreme uncertainty for many. This kind of uncertainty negatively affects program delivery.

A referendum on license fees is also unnecessary. License fees are driven by the budget. Members can attend Budget and Audit Committee meetings as well as the Board of Governors meetings where the budget is discussed and adopted. Moreover, the budget itself may be modified by referendum. There are multiple avenues that members can utilize to suggest or mandate that certain programs be cut back. The license fee referendum is a blunt instrument that may or may not achieve the goals that members desire from a license fee rollback.

For all of the above reasons, the majority of the Referendum Work Group voted to eliminate the use of member referenda to modify the license fees set by the Board of Governors and reviewed by the Supreme Court.

REFERENDUM WORK GROUP  
PROPOSED CHANGES ON LICENSE FEES  
Proposed by Brian Kelly, Marc Silverman, and Michele Radosevich

I. ANNUAL LICENSE FEES AND ASSESSMENTS

6. Licensee Fee Referendum

The license fees are not subject to a referendum, nor may the license fees ~~Once approved by the BOG, license fees shall be subject to the same referendum process as other BOG actions, but may not~~ be modified or reduced as part of a referendum on the Bar's budget. Under GR 12.1(22), the amount of any license fee is subject to review by the Supreme Court for reasonableness and may be modified by order of the Court if the Court determines that the fee is not reasonable. The membership shall be timely notified of the BOG resolutions setting license fees both prior to and after the decision, by posting on the Bar's website, e-mail, and publication in the Bar's official publication.

VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

A. MEMBER REFERENDA

1. The Board of Governors sets the policy for the Bar. Except for license fees, ~~the~~ membership, through a referendum, has the opportunity to affect policy set by the BOG. Membership referenda may accomplish the following:
  - a. Reverse a final action taken by the Board of Governors;
  - b. Modify a final action taken by the Board of Governors;
  - c. Enact a resolution; or
  - d. Amend these bylaws.

Referendum Workgroup Recommendation #1

**Article III.I.6 “License Fee Referendum”/Article VIII.A.1 “Member Referenda”**

Minority Report

Perhaps the most extensive discussion and debate undertaken by the work group concerned the specific bylaw provisions encompassing license fee referenda; specifically, Article III.I.6 and Article VIII.A.1.

Two proposals were presented and voted upon on 11/14/17<sup>1</sup>. The minority vote for each motion described below consisted of all of the At Large WSBA Members of the Work Group present at this meeting and one current BOG member. The proposals were as follows:

1. The first proposal retained the ability for members to bring a referendum concerning licensing fees and only minimally altered the language of Article III.I.6 as follows:

*Once approved by the BOG, referenda pertaining to license fees shall be subject to the same referendum process ~~as other BOG actions~~ set forth in Article VIII of these bylaws, but may not be modified or reduced as part of a referendum on the Bar’s budget. The membership shall be timely notified of the BOG resolutions ~~action~~ setting license fees both prior to and after the decision, by posting on the Bar’s website, e-mail, and publication in the Bar’s official publication.*

This proposal included no changes to Article VIII.A.1 to exempt license fees from member referenda.

**By a vote of 4-3, this first proposal failed.**

2. The second proposal removed from Article III.I.6 the ability for members to bring a referendum concerning licensing fees and included a reference to GR 12.1 as follows:

*The license fees are not subject to a referendum, nor may the license fees ~~Once approved by the BOG, referenda pertaining to license fees shall be subject to the same referendum process as other BOG actions, but may not be modified or reduced as part of a referendum on the Bar’s budget.~~ Under GR 12.1(22, the amount of any license fee is subject to review by the Supreme Court for reasonableness and may be modified by order of the Court if the Court determines that the fee is not reasonable. The membership shall be timely notified of the BOG resolutions setting license fees both prior to and after the decision, by posting on the Bar’s website, e-mail, and publication in the Bar’s official publication.*

---

<sup>1</sup> It should be noted that whenever a motion was presented throughout this process only those work group members present were able to cast a vote; i.e. no proxies were allowed.

When the motion to approve the above language was made, a friendly amendment passed to reorder the sentences to improve the flow of the language and is reflected in the recommended bylaw amendment now before the BOG.

This second proposal also included adding a new clause to Article VIII.A.1 that exempted license fees from referenda as follows:

*The Board of Governors sets the policy for the Bar. Except for license fees, the membership, through a referendum, has the opportunity to affect policy set by the BOG. Membership referenda may accomplish the following:*

**By a vote of 4-3, this second proposal, as amended, passed.**

**The minority argument for each of the proposals, as advanced by all of the At-Large Member representatives and the governor that joined them, is as follows:**

The membership's power to bring a referendum on licensing fees for more than a decade has existed with only the limitation being that such an issue may not be part of a referendum brought as to the Bar's budget. The 2016 referendum regarding license fees failed without the membership being given the opportunity to vote on the issue due to the *sua sponte* order issued by the Supreme Court which found that the fees approved by BOG were reasonable and the effect of the pending referendum, if successful, would be unreasonable. Prior to that, all such referenda were allowed to run their course in compliance with then-existing bylaw provisions. Some of these referenda failed and some passed. The last successful referendum brought as to license fees resulted in a rollback of license fees in 2012. Rather than reducing the footprint of the existing WSBA programming to remain within its budget under the resulting reduced license fee, the Bar instead utilized reserve funds to maintain the vast majority of programming regardless of whether mandatory or non-mandatory in nature.

The primary source of revenue for WSBA is the license fee imposed on its members. The license fee is not broken out for the members to determine which part of it funds the mandatory functions of the Bar such as regulatory and disciplinary functions and which part funds the non-mandatory functions such as CLE, various boards established by the Supreme Court, member benefits, and the like.

Because WSBA is an integrated, mandatory bar association, members currently have no choice but to pay the full license fee imposed upon them if they wish to practice law in this state.

The only real means the membership has to prevent its representatives (i.e. BOG) from increasing license fees to fund ever-expanding and/or *non-mandatory* WSBA functions or programs has been through the referendum process.

The minority position throughout this process has been that it is important in a democratic process for the membership to retain its right to act as a check on the governing body through a referendum process that holds the governing body accountable. This is particularly true when it comes to the mandatory license fee imposed on anyone wishing to practice law in this state.

## Referendum Workgroup Recommendation #1

### Article III.I.6 “License Fee Referendum”/Article VIII.A.1 “Member Referenda”

#### Minority Report

Perhaps the most extensive discussion and debate undertaken by the work group concerned the specific bylaw provisions encompassing license fee referenda; specifically, Article III.I.6 and Article VIII.A.1.

Two proposals were presented and voted upon on 11/14/17<sup>1</sup>. The minority vote for each motion

described below consisted of all of the At Large WSBA Members of the Work Group present at this meeting and one current BOG member. The proposals were as follows:

1. The first proposal retained the ability for members to bring a referendum concerning licensing fees and only minimally altered the language of Article III.I.6, and included no changes to Article

VIII.A.1 to exempt license fees from member referenda. **By a vote of 4-3, this first proposal failed.**

2. The second proposal removed from Article III.I.6 the ability for members to bring a referendum concerning licensing fees and included a reference to GR 12.1. **By a vote of 4-3, this second proposal, as amended, passed.**

**The minority argument for each of the two proposals, as advanced by all of the At-Large Member representatives and the governor that joined them, is as follows:**

The membership’s power to bring a referendum on licensing fees for more than a decade has existed with only the limitation being that such an issue may not be part of a referendum brought as to the Bar’s budget. The 2016 referendum regarding license fees failed without the membership being given the opportunity to vote on the issue due to the *sua sponte* order issued by the Supreme Court which found that the fees approved by BOG were reasonable and the effect of the pending referendum, if successful, would be unreasonable. Prior to that, all such

referenda were allowed to run their course in compliance with then-existing bylaw provisions. Some of these referenda failed and some passed. The last successful referendum brought as to license fees resulted in a rollback of license fees in 2012. Rather than reducing the footprint of the existing WSBA programming to remain within its budget under the resulting reduced license fee, the Bar instead utilized reserve funds to maintain the vast majority of programming regardless of whether mandatory or non-mandatory in nature.

The primary source of revenue for WSBA is the license fee imposed on its members. The license fee is not broken out for the members to determine which part of it funds the mandatory functions of the Bar such as regulatory and disciplinary functions and which part funds the non-mandatory functions such as CLE, various boards established by the Supreme Court, member benefits, and the like.

Because WSBA is an integrated, mandatory bar association, members currently have no choice but to pay the full license fee imposed upon them if they wish to practice law in this state.

The only real means the membership has to prevent its representatives (i.e. BOG) from increasing license fees to fund ever-expanding and/or *non-mandatory* WSBA functions or programs has been through the referendum process.

The minority position throughout this process has been that it is important in a democratic process for the membership to retain its right to act as a check on the governing body through a referendum process that holds the governing body accountable. This is particularly true when it comes to the mandatory license fee imposed on anyone wishing to practice law in this state.

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<sup>1</sup> It should be noted that whenever a motion was presented throughout this process only those work group members present were able to cast a vote; i.e. no proxies were allowed.

**REPORT RELATED TO  
RECOMMENDATION 2**

## Referendum Workgroup Recommendation #2

### **Article VIII.A.1.c “Member Referenda”**

Subpart c of Article VIII.A.1 currently includes a permissible referenda function to “Enact a resolution”. However, following extensive research and discussion regarding historic bylaw provisions, it was agreed that a referendum is no longer required for any member to bring forth to the Board of Governors a proposed resolution for consideration. While in days passed resolutions may have been used differently, today resolutions are normally just a statement of support for a proposition for which no further action is required.

The work group tried to discern the intent of the provision. One possible meaning may have been to provide a means to members for bringing what is now typically observed in state government as a citizen initiative that binds the legislature to a new law if passed by the voters.

Two proposals were discussed for replacement of this provision. The first, if approved, would have been akin to what we know as the citizen initiative process which binds the legislature (i.e. BOG) if enough votes are cast by the electorate (i.e. members). The second, if approved, would have been akin to simply a proposal by the citizens (i.e. the members) to the legislature (i.e. BOG) to be considered and voted upon by the legislature if they so choose to do so.

After some discussion and debate undertaken by the work group, the language agreed to by a 7-2 majority was a compromise version of the two proposals which is as follows:

#### **ARTICLE VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP**

##### **A. MEMBER REFERENDA**

1. *[see change proposed elsewhere]:*
  - a. *[unchanged];*
  - b. *[unchanged];*
  - c. ~~Enact a resolution~~ *Propose a new action to the Board of Governors; or*
  - d. *[unchanged].*

Because of the small number voting against this proposal, no minority report was sought or required.

**MAJORITY AND MINORITY  
REPORTS RELATED TO  
RECOMMENDATION 3**

Referendum Workgroup

**Majority Report on VIII.A.1.d.**

**“Amendment of the Bylaws by the Membership”**

Discussion and debate was had by the committee over the potential striking of the line:

*“d. Amend these bylaws.”*

from the Bylaws. By a majority vote of the committee it was determined that the Bylaws should *not* be altered in this regard.

The membership’s power to amend the bylaws has existed throughout the existence of the WSBA, and indeed the Bar Act describes it as a mandatory part of its chartered existence: *“Any such rule may be modified, or rescinded, or a new rule adopted, by a vote of the active members under rules to be prescribed by the board of governors.”* RCW 2.48.050 (7).

It is widely understood that the membership cherishes the concept of their democratic check of authority via referendum. The WSBA not only depends on the buy-in of its membership for countless volunteer hours and license fees to operate, but also upon the mandate of those certain unalienable Rights bestowed upon the membership by both the Bar Act and good policy. There is no more formal or clear direction that the membership can give to the BOG than by amending the bylaws.

In addition to it being bad policy to remove the members’ power to act as a check or direct the organization to better meet the needs of the membership, there are the optics to consider. At this time, when membership participation and goodwill is at an anecdotally low point, and where the WSBA is perceived as uninterested in member comment and feedback, removing further participation and governance rights from the membership will result in increased member disengagement.

## REFERENDUM WORK GROUP RECOMMENDATIONS

### Article VIII A(1)(d)

The work group, having voted to remove member fee modifications from the referendum process, then discussed other possible purposes that membership referenda might serve. The narrower question became whether the membership should retain the ability to amend the bylaws through use of referenda. A majority agreed that the membership should retain this opportunity. A minority disagreed, arguing that amendment of the bylaws is not an appropriate area for referenda by the membership at large.

Historically, although our bylaws have included this ability for amendment by referenda, they have never been amended this way; the reason is easy to understand. Amendment of the bylaws requires an enormous amount of thought and work. Bylaws operate as a unified whole in governing any organization, including the WSBA. Consequently, whenever bylaws require amendment, virtually without exception, it is a lengthy and involved process, usually spanning many months, if not a full governing year, to accomplish. Indeed, just as with the “referendum process” issues undertaken here, typically, an entire taskforce is assembled specifically for this purpose. The BOG, by virtue of its membership and its working relationship with staff, has unique expertise in such detailed analysis and drafting.

Amending the bylaws is different than, for example, the proposal of modifications to an existing program. Such a change can be made by the BOG alone, addressing the program and modifications thereto as a unit. Expertise in the particular program area is easily brought to bear so that substantive underpinnings for such changes can be readily developed. The same is not true of the process amending bylaws. Such action by the BOG requires deep deliberation and

close study over an extended period to ensure not only specific effectiveness of the proposed amendment, but overarching consistency with the entirety of the bylaws. The minority believes that this should not be undertaken based on the occasional idea of individual members, but instead should be the exclusive province of the deliberative, cohesive governing body.

## REFERENDUM WORK GROUP

### VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

#### A. MEMBER REFERENDA

- I. The Board of Governors sets the policy for the Bar. The membership, through a referendum, has the opportunity to affect policy set by the BOG. Membership referenda may accomplish the following:
  - a. Reverse a final action taken by the Board of Governors;
  - b. Modify a final action taken by the Board of Governors;
  - c. Enact a resolution; or
  - d. ~~Amend these bylaws.~~

**MAJORITY AND MINORITY  
REPORTS RELATED TO  
RECOMMENDATION 4**

REFERENDUM WORK GROUP RECOMMENDATIONS:  
REDUCTION OF REFERENDUM PETITION FROM 90 TO 30 DAYS

Article VIII A(2)(d)

An important element of the Membership Referendum process concerns the amount of time members should have to file referendum petitions. Under the Bylaws, historically, members have had 90 days within which to petition for a referendum on actions by the Board of Governors (BOG). Technology, however, has dramatically enhanced members' ability to receive notice of the BOG's work. Only recently, for example, have broad based website and mass email capabilities been used by the WSBA leadership and staff to disseminate information to the membership. Traditionally, action by the BOG was disseminated via reports in "Northwest Lawyer", WSBA's monthly print publication. In light of these technical realities and limitations, tradition held that 90 days were needed to provide adequate opportunity for members to petition for referenda on BOG action.

Advances in technology have changed this picture radically. BOG meeting materials are no longer disseminated in "print" but instead are provided to the BOG and the WSBA membership electronically. Any member can now access all BOG materials online, not only during BOG meetings, in real time, but in advance of *and* following BOG meetings. Since most, if not all, BOG action typically occurs on the basis of at least an initial "first reading" of the item, with formal action taken in subsequent meeting(s), "work in progress" that leadership and staff are involved with get comprehensive review over an extended period. Combined with the fact that many BOG meetings (although not all) are available on "webinar" for membership

viewing/participation in “real time”, the majority of the referendum work group believes that the membership has unprecedented access to BOG information and action. Given these current realities and the elimination of many historic notice limitations, the up-dating of the referendum process included a shortening of the referendum petition window to a period which is considered more consistent with the current flow of BOG work and the greatly enhanced availability of information and notice to the membership at large. Finally, the majority of the referendum work group believes that shortening the referendum petition period is consistent with President-Elect Bill Pickett’s plea for greater member involvement and participation in the important work of the WSBA.

Article VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

A. MEMBER REFERENDA

2. *[unchanged]*

d. If the subject of the petition seeks to reverse or modify final action taken by the Board of Governors, then the petition must be filed with the Executive Director within ~~30~~ 90-days of final action.

## REFERENDUM WORKGROUP RECOMMENDATION #4

### **Article VIII.A.2.d “Member Petition for Referendum – Time”**

#### Minority Report

The work group meeting on 11/21/17<sup>1</sup> began with a discussion on whether 90 days was a sufficient time-frame for WSBA members to file a petition for a referendum seeking to reverse or modify final action taken by the Board of Governors. The seven members of the work group present<sup>2</sup> determined the current ninety (90) day timeframe to be sufficient, but some complained - believing it too generous.

Proposed language was presented and voted upon on 12/1/17. The minority vote for this motion consisted of all of the present and participating At Large WSBA Members<sup>3</sup> of the Work Group and one current BOG member. The proposed language reduces by two-thirds the time frame during which WSBA Membership may file a petition seeking to reverse or modify a final action taken by the Board of Governors from ninety (90) days to thirty (30) days.

The minority argument for this proposal as advanced by all of the At-Large Member representatives and the governor that joined them is as follows:

A petition must be signed by at least five percent of the Active membership of the Bar at the time the petition is filed.<sup>4</sup> As of 11/1/2017, there were 32,517 Active WSBA members.

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<sup>1</sup> The author, Krista K. van Amerongen was not present for this discussion. She relied on her own notes from other meetings as well as Minutes.

<sup>2</sup> Members participating: Chair G. Kim Risenmay, Rajeev Mujumdar, William Pickett, Athan Papailiou, Michele Radosevich, Brian Kelly, and Edward Hiskes. Not present: Krista K. van Amerongen, Marc Silverman, Jean Cotton, and Jennifer Hanson.

<sup>3</sup> This included Krista K. van Amerongen, Edward Hiskes, and Jean Cotton. Jennifer Hanson did not attend the meeting

<sup>4</sup> Article VIII A(2)(b)

That means a petition would require a minimum of 1,626 signatures at the time the petition is filed. The petition must comply with GR 12.<sup>5</sup>

First, if this is all done with paper (i.e., a wood product) and not via electronic means, it is virtually impossible to comply with within 30 days. Even considering the most optimistic circumstances, at the very least, one must be present when the BOG votes, then immediately draft a petition, photocopy that petition over 32,000 times, comb the WSBA lawyer directory to manually obtain mailing information for each member (or submit a request for a mailing list of all members to WSBA via a public information request and await a response), address over 32,000 letters, pay for over 32,000 stamps (nearly \$13,500) to mail the proposed petition to members, wait about five business days for membership to receive the letters, then wait for members to respond in writing. Utilizing email or fax to disseminate the petition would consume about the same amount of time although save the cost of stamps!

Second, it is highly improbable for members unable to attend a BOG meeting, especially when not telecast, to even learn what occurred within 30 days. Often, minutes are published two months *after* the BOG meeting. Even were minutes published in thirty (30) days, the time frame in which a member may file a petition is expired. Right now, BOG members who have already scheduled time to be at the meetings only get materials a few business days before the meetings. It is unreasonable and impractical to believe or to require average members, located across the state, to: (1) become aware of issues that might affect them at the last moment, (2) cancel appointments and close shop for the day, (3) find coverage for court matters, and (4) travel (up to five hours one way) ... All in an effort just to be briefed about issues in the hopes there is not a vote upon which they would need to try to organize a referendum.

The sole outcome of a thirty (30) day limit is elimination of member referenda with regards to a final action by the BOG. Ultimately, the loss of due process for 32,000+ members who are subject to the will of fifteen (15) active members – approximately 0.0005% of the WSBA membership. Good ideas need not hide behind procedure. Timely publication of BOG meeting information, followed by sufficient time for the membership to respond, promotes collaboration and participation between the BOG and the membership. Reasonable minds may

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<sup>5</sup> Article VIII A(2)(c); the BOG “will determine, within 30 days of the filing of a petition for a referendum, if the subject of the petition falls within the requirements of GR 12.

disagree – the referendum process exists so that the membership has a clear, effective, transparent mechanism by which to express its perspective regarding final action of the BOG. Likewise, if the BOG is in fact representing the membership with regards to WSBA programming, goods, and services, reducing the time available to challenge or modify a final BOG action such that it eliminates due process for the membership only serves as an impediment.

Ninety (90) days is the current standard and has never presented prejudice to the BOG. Ninety (90) days is a reasonable time period for County Bars and Sections to gather and discuss merits and process final results. It is not an unusually lengthy time period and allows for proper dissemination and discussion of a referendum. Eliminating a reasonable time period would be an act of bad faith, resulting in the virtual elimination of the referendum.

It is widely understood that the membership cherishes the concept of their democratic check of authority via referendum. The WSBA not only depends on membership for countless volunteer hours and dues to operate, but also upon the mandate of those certain unalienable Rights bestowed upon the membership by both the Bar Act and good policy. In addition to it being bad policy to virtually remove the members' ability to act as a check or direct the organization to better meet the needs of the membership, there are the optics to consider. Removing further participation and governance rights from the membership will result in increased member disengagement and further antagonize an already disenchanting membership.

# WASHINGTON STATE BAR ASSOCIATION

**To:** WSBA President, President-elect, and Board of Governors  
**From:** Jean K. McElroy, Chief Regulatory Counsel  
**Date:** February 28, 2018  
**Subject:** Proposed Response from APR 6 Law Clerk Board to Suggested Amendments to APR 6

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**Action:** Review and approve the Law Clerk Board submission to the Court in response to proposed suggested amendments to Admission and Practice Rules (APR) 6.

Admission and Practice Rules (APR) 6 authorizes the WSBA to administer a program that offers aspiring lawyers a way to achieve the education required to qualify to take the Washington lawyer bar exam, as an alternative to requiring a J.D. degree. APR 6 and accompanying regulations for the program prescribe a course of employment, apprenticeship, education, and examinations that are designed to provide the enrolled clerks with a full law school education at a low cost within a period of four to six years, as well as providing practical work experience for the clerks. A bachelor's degree, full time employment with the tutor, and good moral character and fitness are among the requirements for admission into the program. Successful completion of the program qualifies the clerk to take the lawyer bar exam in Washington.

The Law Clerk Board is a WSBA entity that assists the WSBA in administering the program by making policy recommendations regarding coursework and program requirements, for example, and by working with the lawyer and tutor pairs to help the apprenticeships function as intended.

A person who would like to enroll in the law clerk program but who does not have a four year bachelor's degree has submitted to the Washington Supreme Court suggested amendments to APR 6 that would amend the requirements for entry into the program to permit entry after two years of college education, rather than requiring a four year degree. The Washington Supreme Court Rules Committee has requested feedback about this proposal, and that request was referred to the Law Clerk Board for its input.

The Law Clerk Board reviewed the suggested amendments, and for the reasons stated in the attached letter, is strongly opposed to the suggested amendments. The Board would like to submit the attached letter to the Court and respectfully requests that the BOG authorize it to do so. BOG approval to submit the letter is required because the Law Clerk Board is a WSBA entity and would be commenting as such.

#### **Attachments:**

1. Proposed letter comment from Law Clerk Board to Washington Supreme Court
2. Letter from Justice Johnson requesting input about suggested APR 6 amendments
3. WSBA Comment Policy

February 27, 2018

Honorable Charles W. Johnson, Justice  
Washington Supreme Court  
PO Box 40929  
Olympia, WA 98504-0929

Re: Comments to Proposed Amendment to APR 6(b)(2)

Dear Justice Johnson:

As Chair of the Law Clerk Board (the Board), I write to convey the Board's response to the suggested amendment to APR 6(b)(2) regarding the education prerequisites for enrollment in the Law Clerk Program. The Board held a meeting on February 2, 2018, and discussed the suggested amendment. Based on the following, the Board respectfully asks the Court to reject the suggested amendment.

As the Court knows, the purpose of the law clerk program is to provide access to legal education using an apprenticeship model that ultimately qualifies the individual to sit for the lawyer bar exam in Washington. See APR 6(a), Purpose. The Board believes that individuals should have an established educational foundation prior to enrolling as a law clerk in order to be successful in the program and, ultimately, on the bar exam. The best way to accomplish this educational foundation is by earning a four-year degree, not a two-year degree as suggested by the proponent of the proposed amendment.

Just as law school requires a bachelor's degree prior to enrolling in a Juris Doctor educational program, so too should the law clerk program. The four years of study necessary to earn a bachelor's degree demonstrates the individual's dedication and ability to complete a long term course of study. In addition, one can presume the individual has attained a certain level of reasoning and skills by virtue of earning the four-year degree. The higher level courses that are typically studied in the third and fourth years are designed to illicit advanced reasoning and writing skills. In contrast, a two year degree limits the education to the basic course of study with fewer opportunities to develop and hone skills necessary for success in the law clerk program and on the bar exam.

The proponent argues that Washington should require only a two-year degree because California's law office study program requires only a two-year degree. It is necessary to be familiar with California's entire legal education system to understand why a two-year degree might work in California. In California, the state approves law schools that are not approved by the American Bar Association. In addition, the state requires law students, including law office study enrollees, to take and pass a first year



law student's bar exam—the so called “baby bar”. California has a complex administrative system for overseeing non-ABA law schools and the “baby bar”, which presumably identifies those who have sufficient knowledge and skills to continue with their legal education. No such safeguard exists in Washington. Creating a system such as a “baby bar” in Washington would be prohibitively expensive especially for such a small number of individuals as are enrolled in the law clerk program.

Finally, the proponent argues that the cost of obtaining a four-year degree is so costly now as to be beyond the means of many individuals. While this may be true, there are ways to overcome this. There is an abundance of financial aid available to undergraduate students, both grants and loans. In addition, in Washington, one may now earn a bachelor's degree at many community colleges. Attending a community college is less expensive than attending a university.

For all of the foregoing reasons, the Law Clerk Board respectfully asks the Court to reject the proposed amendment.

Thank you for the Court's consideration.

Sincerely,



Benjamin Phillabaum  
Chair, Law Clerk Board

cc: Chief Justice Mary Fairhurst  
Paula Littlewood, WSBA Executive Director  
Jean K. McElroy, WSBA Chief Regulatory Counsel  
Christopher Coleman, WSBA Staff Liaison to Law Clerk Board



The Supreme Court  
State of Washington

CHARLES W. JOHNSON  
JUSTICE  
TEMPLE OF JUSTICE  
POST OFFICE BOX 40929  
OLYMPIA, WASHINGTON  
98504-0929



(360) 357-2020  
FACSIMILE (360) 357-2103  
E-MAIL J\_C.JOHNSON@COURTS.WA.GOV

December 8, 2017

DEC 12 2017

Paula Littlewood, Executive Director  
Washington State Bar Association  
1325 Fourth Avenue, Suite 600  
Seattle, WA 98101-2539

Dear Paula:

The Washington Supreme Court recently received a suggested amendment to APR 6—Law Clerk Program that would change the education criteria for law clerk program applicants. I am enclosing a copy of the suggested amendment and supporting materials provided by the proponent. The Supreme Court Rules Committee is requesting that the WSBA provide feedback on the suggested amendment for the committee's consideration.

Very truly yours,

Charles W. Johnson, Chair  
Supreme Court Rules Committee

Enclosure

cc: Mr. David J. Roush

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GR 9 COVER SHEET  
Suggested Change to APR 6 (b)(2)

(A/B) Name of Proponent/Spokesperson: David J. Roush  
davidjroush@gmail.com

(C) Purpose: This suggested change to APR 6 (b)(2) would allow a two-year associate degree to satisfy the education prerequisite for entry into the Law Clerk Program in lieu of a bachelors degree, similar to California’s prerequisite of only two years of college work for entry into its analogous law clerk program.

This rule change would provide greater access to joining the legal profession and would likely increase the diversity of the bar over time. It is widely recognized that the tuition rates of four-year universities have reached prohibitively high levels,<sup>1</sup> resulting in lower-income individuals facing difficult obstacles to obtaining a bachelors degree.<sup>2</sup> Community colleges that offer a two-year associate degree have much more affordable tuition rates,<sup>3</sup> while still providing a comprehensive course of study.<sup>4</sup>

California is one of the few states that offers a law clerk program analogous to Washington’s program.<sup>5</sup> The education prerequisite for entry into California’s program is only two years of college work<sup>6</sup> – an implicit recognition by the California bar that a two-year associate degree carries enough merit to allow entry to the study of law. This suggests that comparably reducing the degree prerequisite here in Washington will maintain a sufficient threshold of educational experience before entry into the Law Clerk Program, while at the same time expanding the accessibility of the program to more members of the community.

(D) Hearing: No hearing is required.

(E) Expedited Consideration: No expedited consideration is required.

Notes

1  
2 1. BUREAU OF LABOR STATISTICS, U.S. DEPARTMENT OF LABOR, THE ECONOMICS DAILY,  
3 COLLEGE TUITION AND FEES INCREASE 63 PERCENT SINCE JANUARY 2006 (August 30, 2016),  
4 *available at:*  
[https://www.bls.gov/opub/ted/2016/college-tuition-and-fees-increase-63-percent-sinc](https://www.bls.gov/opub/ted/2016/college-tuition-and-fees-increase-63-percent-since-january-2006.htm)

5 2. TERRY HARTLE & CHRIS NELLUM, AMERICAN COUNCIL ON EDUCATION, WHERE HAVE ALL  
6 THE LOW-INCOME STUDENTS GONE? (November 25, 2015), *available at:*  
<http://higheredtoday.org/2015/11/25/where-have-all-the-low-income-students-gone/>

7 3. In Washington, a four-year bachelors degree from a university costs on average a  
8 staggering four times as much in tuition and fees alone as a two-year associate degree  
9 from a community college. See Washington Student Achievement Council's 2016-17  
10 tuition schedule, *available at:* <http://www.wsac.wa.gov/tuition-and-college-costs>

11 4. "National education experts often cite Washington's community colleges as among  
12 the strongest systems in the country." KATHERINE LONG, SEATTLE TIMES, WASHINGTON  
13 STATE'S LAUDED COMMUNITY-COLLEGE SYSTEM IS 50 YEARS OLD TODAY (April 3, 2017),  
14 *available at:*  
15 [http://www.seattletimes.com/seattle-news/education/washington-states-lauded-comm](http://www.seattletimes.com/seattle-news/education/washington-states-lauded-community-college-system-is-50-years-old-today/)  
16 [unity-college-system-is-50-years-old-today/](http://www.seattletimes.com/seattle-news/education/washington-states-lauded-community-college-system-is-50-years-old-today/)

17 5. See Rules 4.26(B)(1) and 4.29 of RULES OF THE STATE BAR OF CALIFORNIA, TITLE 4  
18 ADMISSIONS AND EDUCATIONAL STANDARDS, DIVISION 1. ADMISSION TO PRACTICE LAW IN  
19 CALIFORNIA, *available at:*  
20 [http://www.calbar.ca.gov/Portals/0/documents/rules/Rules\\_Title4\\_Div1-Adm-Prac-L](http://www.calbar.ca.gov/Portals/0/documents/rules/Rules_Title4_Div1-Adm-Prac-Law.pdf)  
21 [aw.pdf](http://www.calbar.ca.gov/Portals/0/documents/rules/Rules_Title4_Div1-Adm-Prac-Law.pdf)

22 6. Rule 4.25 of RULES OF THE STATE BAR OF CALIFORNIA, TITLE 4 ADMISSIONS AND  
23 EDUCATIONAL STANDARDS, DIVISION 1. ADMISSION TO PRACTICE LAW IN CALIFORNIA,  
24 *available at:*  
25 [http://www.calbar.ca.gov/Portals/0/documents/rules/Rules\\_Title4\\_Div1-Adm-Prac-L](http://www.calbar.ca.gov/Portals/0/documents/rules/Rules_Title4_Div1-Adm-Prac-Law.pdf)  
[aw.pdf](http://www.calbar.ca.gov/Portals/0/documents/rules/Rules_Title4_Div1-Adm-Prac-Law.pdf)

1 APR 6

2 LAW CLERK PROGRAM

3 (a) Purpose. The Law Clerk Program provides access to legal education guided by  
4 a qualified tutor using an apprenticeship model that includes theoretical, experiential,  
5 and clinical components. Successful completion of the Law Clerk Program provides a  
6 way to meet the education requirement to apply for the lawyer bar examination; it is not  
7 a special admission or limited license to practice law.

8 (b) Application. Every applicant for enrollment in the law clerk program shall:

9 (1) Be of good moral character and fitness, as defined in APR 20;

10 (2) Present satisfactory proof of having been granted a bachelors degree or an  
11 associate degree with at least a two-year course of study by a college or university with  
12 approved accreditation; if the degree was earned in a non-United States jurisdiction, the  
13 applicant shall provide supporting documentation as to its equivalency;

14 (3) Be engaged in regular, full-time employment in Washington State for an  
15 average of 32 hours per week with the primary tutor or primary tutor's employer in a  
16 (i) law office, (ii) legal department or (iii) court of general, limited, or appellate  
17 jurisdiction in Washington State. The employment must include tasks and duties which  
18 contribute to the practical aspects of engaging in the practice of law

19 (4) Submit in such form and manner as prescribed by the Bar Association (i)  
20 an application for enrollment in the program, (ii) the tutors application, and (iii) an  
21 application fee;

22 (5) Appear for an interview, provide any additional information or proof,  
23 and cooperate in any investigation, as may be deemed relevant by the Bar; and

24 (6) If applicable, present a petition for Advanced Standing based on law  
25 school courses completed or courses completed in this program during a previous  
enrollment. The Bar may grant Advanced Standing to an applicant approved for  
enrollment for courses deemed recently and successfully passed and equivalent to  
courses in the program.

(7) Where the Bar is satisfied that a primary tutor has arranged a  
relationship with the applicant's full-time employer consistent with the purposes of  
the Program, the requirement that the primary tutor, or the primary tutor's employer,  
be the law clerk's employer may be waived.

(c) Tutors. To be eligible to act as a tutor in the law clerk program, a lawyer  
or judge shall:

(1) Act as a tutor for only one law clerk at a time;

1 (2) Be an active member in good standing of the Bar, or be a judicial member  
2 who is currently elected or appointed to an elected position, who has not received a  
3 disciplinary sanction in the last 5 years, provided that if there is a discipline  
4 pending or a disciplinary sanction has been imposed upon the member more than 5  
5 years preceding the law clerk's application for enrollment, the Bar shall have the  
6 discretion to accept or reject the member as tutor;

7 (3) Have active legal experience in the practice of law as defined by APR 1  
8 or have held the required judicial position for at least 10 of the last 12 years  
9 immediately preceding the filing of the law clerk's application for enrollment. The  
10 10 years of practice must include at least 2 years in Washington state and may be a  
11 combination of active practice and judicial experience but may not include periods of  
12 suspension for any reason;

13 (4) Certify to the applicant's employment as required above and the tutor's  
14 eligibility, and agree to instruct and examine the applicant as prescribed under this  
15 rule; and

16 (5) Act as a tutor only upon the approval of the Bar which may be withheld  
17 or withdrawn for any reason.

18 (d) Enrollment. When an application for enrollment has been approved by the Bar,  
19 an enrolled law clerk shall:

20 (1) Pay an annual fee as set by the Board of Governors.

21 (2) Meet the minimum monthly requirements of an average of 32 hours per week  
22 of employment with the tutor which may include in-office study time and must include  
23 an average of 3 hours per week for the tutor's personal supervision of the law clerk.  
24 "Personal supervision: is defined as time actually spent with the law clerk for the  
25 exposition and discussion of the law, the recitation of cases, and the critical  
analysis of the law clerk's written assignments.

(3) Complete the prescribed course of study which shall be the equivalent  
of four years of study. Each year of study shall consist of 6 courses completed in  
12 months. Months of leave, failed courses, and months in which the enrollee does  
not meet the minimum number of hours of work and study may not be counted toward  
the completion of a course and may extend the length of a year of study. Advanced  
Standing granted may reduce the months of program study. The course of study must  
be completed within 6 years from the initial date of enrollment.

(4) Abide by APR 6 and the Law Clerk Program Regulations approved by the  
Board of Governors which provide the course of study, program requirements, and other  
guidelines to successfully complete the program.

(e) Course of Study. The subjects to be studied, the sequence in which they are  
to be studied, and any other requirement to successfully complete the program shall

1 be as prescribed in the Law Clerk Program Regulations. Progress toward completion  
2 of the program shall be evaluated by submission of examinations, certificates, reports  
and evaluations as follows:

3 (1) Examinations. At the end of each month, the law clerk shall complete  
4 a written examination prepared, administered, and graded by the tutor. The  
5 examination shall be answered without research, assistance, or reference to source  
6 materials during the examination. The examination shall be graded pass/fail.

7 (2) Certificates. The tutor shall submit the examination, including the  
8 grade given for the examination and comments to the law clerk, and a monthly  
9 certificate, stating the law clerk's hours engaged in employment, study, and the tutor's  
10 personal supervision within 10 business days following the month of study. If an  
11 examination is not given, the monthly certificate shall be submitted stating the reason.

12 (3) Book Reports. The law clerk shall submit three book reports for the  
13 Jurisprudence course requirement corresponding to each year of study.

14 (4) Evaluations. Annually, or at other intervals deemed necessary, the law  
15 clerk shall participate with the tutor in an evaluation of the law clerk's progress.

16 (f) Completion of the program. A law clerk shall be deemed to have successfully  
17 completed the program when:

18 (1) All required courses have been completed and passed as certified each  
19 month by the tutor, and all book reports have been submitted;

20 (2) The tutor has certified that the law clerk, in the tutor's opinion, is  
21 qualified to take the lawyer bar examination and is competent to practice law and;

22 (3) The Bar has certified that all program requirements are completed.

23 (g) Termination. The Bar may direct a law clerk to change tutors if approval of  
24 a tutor is withdrawn. The Bar may terminate a law clerk's enrollment in the program  
25 for:

(1) Failure to complete the prescribed course of study within 6 years from  
the date of enrollment;

(2) Failure of the tutor to submit the monthly examinations and certificates  
at the end of each month in which they are due;

(3) Failure to comply with any of the requirements of the law clerk program;  
and

(4) Any other grounds deemed pertinent.

1 (h) Effective Date. Revision of this rule shall not apply retroactively. A law  
2 clerk may complete the program under the version of the rule in effect at the start of  
enrollment.

3 (i) Confidentiality. Unless expressly authorized by the Supreme Court, the  
4 program applicant's, or a current or former law clerks, enrollment and related records,  
5 documents, and proceedings are confidential and shall be privileged against disclosure,  
except that the fact of successful completion of the program shall be subject to  
disclosure.

6 [Adopted effective February 12, 1965; amended effective September 1, 1984; March 6,  
7 1992; September 1, 1994; June 2, 1998; April 1, 2003; January 13, 2009; January 1,  
2014; September 1, 2017.]

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# WSBA LEGISLATION AND COURT RULE COMMENT POLICY

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*(Amended November 13, 2015 Board of Governors Meeting)*

**Purpose:** This policy governs Section, Panel, Committee, Division or Council (hereinafter collectively referred to as 'Entity') authority to comment publicly on state and federal court rules and legislation, and clarifies the conditions under which such Washington State Bar Association (WSBA) entities can comment publicly on state and federal court rules, legislation, executive orders, administrative rulemaking, and international treaties. For purposes of this policy, to “comment” means to take a position (for example, expressing support, concerns, or opposition) with or without accompanying statements explaining the position; it also means to provide input (for example, suggested amendments, recommendations, analysis, or comments to the media) without taking a position.

**Policy:** The Board of Governors, the Executive Director, the WSBA Legislative Committee, the Board of Governors Legislative Committee, and the Legislative Affairs Manager, are authorized to refer legislative proposals (including bills, initiatives, referenda, and resolutions) or proposed court rule changes<sup>1</sup> to Entities of the WSBA for their consideration. Entities are authorized to appear before or otherwise publicly comment on legislation to the Legislature or Congress, or a committee of the Legislature or Congress, or to publicly comment on any proposed state rule change pursuant to Washington Supreme Court General Rule (GR) 9(f), or to publicly comment on any federal proposed rule change, only under the following conditions:

1. The Entity may not comment publicly on federal legislation or federal court rules without prior written authorization of the Board of Governors, and such authorization may be subject to limitations established by the Board of Governors.
2. The Entity may not publicly comment unless: (a) at least 75% of the total membership of the Entity's governing body has first determined that the matter under consideration meets GR 12; and (b) after determining that the matter meets GR 12, that the comments are the opinion of at least 75% of the total membership of the governing body of the Entity. A subcommittee or other subset of an Entity may not publicly communicate its comments on proposed legislation or court rules. For purposes of commenting on legislation and court rules, subcommittees and subsets of a Section may serve in an advisory capacity to the Section's governing body; however only the Entity's governing body or an entity member who has been expressly authorized by the Entity's governing body may publicly comment on legislation and court rules.

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<sup>1</sup> The WSBA Court Rules and Procedures Committee routinely vets proposed Court Rules to various WSBA Entities, scrubs those proposals, and then either supports or opposes having the Board of Governors recommend those proposals to the Supreme Court Rules Committee. This process continues to be permitted under this Policy.

3. The Entity shall not publicly communicate comments on a legislative or rule proposal that are in conflict with or in opposition to decisions or policies of the Board of Governors or Board Legislative Committee, including GR12 analyses.
4. The Entity shall seek authorization from the Legislative Affairs Manager or the Board Legislative Committee Chair prior to publically communicating with anyone. If authorization is granted, Entities must clearly state that their comments are solely those of the Entity, and not the official comments of the WSBA. In order to officially comment on behalf of the WSBA, the Entity must have the prior written approval of the Board of Governors, and any comments will be subject to limitations established by the Board of Governors. Entities are not permitted to comment on local or municipal policies or legislation.
5. The Entity is responsible for advising the Executive Director, the Board of Governors, the Board of Governors Legislative Committee, and the Legislative Affairs Manager, on an ongoing basis, regarding decisions, comments, and actions of the Entity. The Entity shall advise the Legislative Affairs Manager of any proposed action intended to publicly communicate its comments on legislation in advance of taking such action. Unless otherwise authorized by the Executive Director, the Board of Governors, or the Board of Governors Legislative Committee, the Entity shall follow the advice, guidance, and recommendations of the Legislative Affairs Manager in taking any action.
6. In all cases, the Entity representatives shall cease to publicly communicate the comments of the Entity if requested to do so by the Executive Director, the Board of Governors, the Board of Governor's Legislative Committee, or the President of the Bar; and, in the case of comments on legislative proposals, the Entity representatives shall also cease to publicly communicate the comments of the Entity if requested to do so by the Legislative Affairs Manager.
7. Entities are prohibited from joining or affiliating with groups or associations whose legislative advocacy reaches beyond the areas allowable under GR 12.

# WASHINGTON STATE BAR ASSOCIATION

## MEMO

**To:** WSBA Board of Governors  
**From:** Geoff Revelle, Access to Justice Board Chair, and Diana Singleton, Access to Justice Manager  
**Date:** February 21, 2018  
**Re:** Access to Justice Board's Invitation to Join the Washington Race and Equity Justice Initiative

**ACTION:** Join the Washington Race and Equity Justice Initiative and sign onto the Acknowledgments & Commitments.

The Washington Race Equity and Justice Initiative ([REJI](#)) is a network of people, communities and organizations working together for racial fairness and justice in the law, legal profession, and justice systems. The Initiative's primary goal is to develop resources, tools, and infrastructure to support a highly collaborative, integrated and coordinated race equity and justice network statewide that can:

- Share information and best practices that advance individual and organizational learning around race equity and structural racialization;
- Identify actions and strategies that can transcend traditional divisions between the civil, criminal, and juvenile justice systems, promote race equity, and eliminate structurally racialized systems and practices; and
- Build meaningful community partnerships to ensure that communities who are most affected by poverty and racial inequities are participatory in policies, actions and decisions that may impact them.

REJI Partners currently include the following organizations:

- Access to Justice Board
- Northwest Justice Project
- Seattle Community Law Center
- Pro Bono Council
- Eastside Legal Assistance Program
- King County Prosecuting Attorney's Office
- JustLead Washington
- Washington Human Rights Commission
- Office of Civil Legal Aid
- Office of Public Defense
- TeamChild
- Columbia Legal Services
- Gonzaga University Legal Assistance
- Black Alliance of Thurston County
- Wayfind

Engaging in REJI is consistent with the Access to Justice (ATJ) Board's 2018-2020 [State Plan](#) for the Coordinated Delivery of Legal Services to Low-Income People. In March 2017, when the ATJ Board sought comments on the draft plan, the WSBA affirmed its support for the work of the ATJ Board and the Alliance for Equal Justice and made suggestions on how it could partner together in implementing the State Plan (see attached letter dated March 10, 2017). Notably, Goal One of the plan, which focuses on race equity, is one of the areas where WSBA identified it could collaborate on.

Given WSBA's longstanding commitment to advancing diversity and inclusion within the legal profession and to its own culture of inclusion and cultural competence, the ATJ Board encourages the WSBA to join REJI as a Partner and sign onto the Acknowledgments and Commitments which are attached. A REJI work group comprised of civil legal aid, criminal justice, and community advocates drafted the Acknowledgments and Commitments with the goal of both explicitly acknowledging the racial inequities that have become imbedded within the justice systems and putting forth a list of steps that advocates and organizations can take to align our actions with our values and to challenge racially biased policies, practices, and systems. At a time where marginalized communities are increasingly being targeted, it has become more important than ever for those of us who are dedicated to equity and justice to resist and transform structures, policies, processes, and practices that perpetuate harm and disparate outcomes for communities of color.

Although there are no formal requirements for REJI Partners at this time, REJI invites liaisons from each Partner organization and other interested volunteers to meet every other month, typically in person and by phone, to shape priorities and move work forward. Current projects include developing tools to assist organizations that are interested in conducting internal "equity audits," promoting and developing trainings on implicit bias, and designing regional convenings where local community and legal partners can connect and strategize about justice system challenges.

Judge Laura Bradley, an ATJ Board member who serves as one of the ATJ Board's REJI liaisons, and Diana Singleton, Access to Justice Manager, will present at the BOG meeting on March 8<sup>th</sup> and be available to answer any questions. Thank you for your consideration.



January 23, 2018

MEMBERS

Francis Adewale  
Judge Laura T. Bradley  
Hon. Frederick P. Corbit  
Lynn Greiner  
Hon. David S. Keenan  
Lindy Laurence  
Michelle Lucas  
Salvador A. Mungia  
Mirya Muñoz-Roach  
Geoffrey G. Revelle, Chair  
Andrew N. Sachs

STAFF

Diana Singleton  
Access to Justice Manager  
(206) 727-8205  
dianas@wsba.org



THE ALLIANCE  
for Equal Justice

MEMBER

SENT VIA EMAIL TO [paulal@wsba.org](mailto:paulal@wsba.org) and [brad.wsba@burifunston.com](mailto:brad.wsba@burifunston.com)

President Brad Furlong and Paula Littlewood  
Washington State Bar Association  
1325 4<sup>th</sup> Avenue, Suite 600  
Seattle, WA 98101-2539

Dear President Furlong and Ms. Littlewood:

I write on behalf of the Access to Justice Board and the Washington Race Equity & Justice Initiative (REJI) to invite the Washington State Bar Association to sign onto our Acknowledgments & Commitments which are designed to encourage equity and justice partners to expressly articulate their commitment to advancing racial justice.

Over the past year a work group comprised of civil legal aid, criminal justice, and community advocates drafted this document with the goal of both explicitly acknowledging the racial inequities that have become imbedded within the justice systems and putting forth a list of steps that advocates and organizations can take to align our actions with our values and to challenge racially biased policies, practices, and systems. At a time where marginalized communities are increasingly being targeted, it has become more important than ever for those of us who are dedicated to equity and justice to resist and transform structures, policies, processes, and practices that perpetuate harm and disparate outcomes for communities of color.

REJI recently began to circulate the attached Acknowledgments & Commitments and invites any and all organizations, individuals, and coalitions that are committed working together to achieve racial equity in the law, legal profession, and justice systems to sign onto the proposed principles. Signatories thus far include the Northwest Justice Project, Seattle Community Law Center, TeamChild, Pro Bono Council, Office of Civil Legal Aid, Office of Public Defense, Columbia Legal Services, Eastside Legal Assistance Program, Gonzaga University Legal Assistance, Black Alliance of Thurston County, JustLead Washington, and the King County Prosecuting Attorney's Office. The Access to Justice Board signed on to the REJI Acknowledgments & Commitments because they are consistent with our Hallmarks and our recently launched State Plan, particularly our first goal on race equity. Other state and national initiatives including the ABA Commission on Homelessness

and Poverty have expressed an interest in using REJI's document as a model for their own efforts.

As a REJI Partner you would become part of an ongoing conversation to collectively create ongoing learning opportunities and a process by which partners can hold themselves accountable to the Commitments and to communities most impacted by racial inequities. Although there are no formal requirements for Partners at this time, REJI invites liaisons from each Partner organization and other interested volunteers to meet every 1-2 months, typically in person and by phone, to shape priorities and move work forward. Current projects include developing tools to assist organizations that are interested in conducting internal 'equity audits,' promoting and developing trainings on implicit bias, and designing regional convenings where local community and legal partners can connect and strategize about justice system challenges.

We encourage you to become a part of the conversation by signing onto REJI's Acknowledgments & Commitments. If you would like to participate or have any questions, please contact Jennifer Werdell at [jenniferw@justleadwa.org](mailto:jenniferw@justleadwa.org). For more information about REJI's developing efforts, please visit [www.waraceequityandjustice.wordpress.com](http://www.waraceequityandjustice.wordpress.com). If you have any questions about the Access to Justice Board's race equity goals, please contact Diana Singleton, Access to Justice Manager, at [dianas@wsba.org](mailto:dianas@wsba.org).

Thank you for your consideration,



Geoff Revelle  
Chair, Access to Justice Board

encl: REJI Acknowledgments & Commitments

# WASHINGTON RACE EQUITY & JUSTICE INITIATIVE

## INVITATION TO JOIN

We are people, communities and organizations working together for racial fairness and justice in the law, legal profession, and justice systems.

The Race Equity & Justice Initiative (REJI) is a call for action to all who understand that we need to work together to challenge the racial bias that has been built into our societal fabric. Tensions and fears from tragedies in Ferguson, Baltimore, Charleston, Flint, Pasco, and so many other places continue to increase due to recent contentious national events. As a result, many vulnerable communities, especially communities of color, are targeted and treated as less worthy. We ask those who are dedicated to equity and justice to join us by signing on to the following principles and commitments.

## VISION

A fair and just society respects basic human rights and allows all people to thrive and reach their potential. We share a vision of a community free from bias, systemic unfairness and oppression, where everyone is treated with dignity and respect. Everyone deserves access to affordable, safe, and stable housing, quality education and health care, a legal system that delivers justice to all, a sustainable source of income, fair treatment by financial institutions, ample and nutritious food, clean water, and freedom from environmental hazards.

## FRAMEWORK

There are many ways to think about and understand racial justice, but by sharing common language, we can gain greater strength and understanding. REJI uses Professor John A. Powell's powerful tools for talking about race equity work, aiming for a society where everyone belongs within the Circle of Human Concern as full members of society, without exception. But, we recognize that our social, economic, legal, civic, and political structures reflect, produce and maintain racialized outcomes, meaning that the structures and systems we have created systematically bar certain racial groups from fully participating in society, target them for discrimination, and take away power and resources. Our work is about ending these historic patterns.

## REJI ACKNOWLEDGMENTS

1. Policies, structures, and systems that deny people and communities of color what is necessary for a full and fair life exist in the United States and in our local communities. These structurally racialized systems have been built and are maintained by conscious and unconscious racial bias that pervades society, to the benefit of white people and to the disadvantage of people of color.
2. These racialized systems work to keep communities of color outside the Circle of Human Concern and perpetuate harm. Examples of how laws, rules, and norms operate today include disproportionately pulling members of communities of color into the civil, juvenile and criminal justice systems; zoning and forcing communities into substandard and unaffordable housing; denying adequate health care, education, and jobs; seizing familial and community land and wealth; threatening personal and physical safety; and, isolating communities of color from social, economic and political power.
3. Bias and structural oppression based on factors such as gender or gender identity, immigration status or nationality, age, disability, religion, poverty and social class, sexual orientation, membership in an indigenous (native) group or ethnicity are equally harmful to individuals, communities, and the notion of a just society. Further, the damaging effects of oppression are multiplied when race intersects with these other identity factors.
4. The effects of bias and structural racialization are especially damaging to the social fabric of our democracy when they are woven into the law, legal profession and justice system, where they can weaken the ability of these systems to safeguard equity and justice under the rule of law.
5. True justice cannot be achieved until the legal and justice systems and all who work in these systems are conscious of and able to counter the impact of racialized systems, racialized structures and bias. Doing so requires acknowledging that different groups are situated differently, and that targeted, intentional approaches may be needed to reach just and equitable outcomes.
6. Progress toward equity and justice has largely come from the wisdom and courage of people from communities most harmed by bias and systemic oppression. Thus, race equity work must be pursued in direct solidarity with, and guidance from, communities of color and community-based movements.
7. Structurally racialized systems take their most direct and immediate toll on communities of color. They are also damaging to white people, as white privilege is understood, whether consciously or not, to be unearned and gained through the stolen humanity of others. This means that white people and people of color have very different as well as common work to do to expose and dismantle racialized systems.

## REJI COMMITMENTS

As signers and supporters of the Washington Race Equity & Justice Initiative, we commit to:

1. Work together with, take guidance from, be part of, and hold ourselves accountable to community-based movements in communities most affected by structural racialization and structurally racialized systems.
2. Change structures, policies, processes, and practices in the law, legal profession, and justice system that allow harm and disparate outcomes for communities of color to continue unabated.
3. Promote and support legal and policy reforms to advance race equity and racial justice, recognizing that differently situated groups may require different strategies to achieve more equitable outcomes.
4. Continuously examine whether we and the organizations we work with operate in ways that align with the race equity and justice values and goals we support. This commitment includes ensuring that race equity is reflected in policies and practices for recruitment and hiring, work acceptance, priority-setting, governance, organizational culture, and community partnerships and accountability, particularly with low-income communities of color.
5. Continually explore how race and poverty intersect to make worse the effects of racial discrimination.
6. Expand and strengthen the REJI alliance to include diverse partnerships and the sharing of our resources with anyone who is committed to dismantling structurally racialized systems.
7. Ensure our organizations invest in active, ongoing learning that will teach us to see, reveal, and transform structures that create racialized outcomes and push communities of color outside the Circle of Human Concern. This commitment requires that we help members of our organizations and communities to actively and expressly challenge the use of racist language and behaviors, openly listen when we ourselves are challenged, and learn techniques and tools for reducing and eliminating implicit and explicit bias.

*Additional details, definitions, and examples can be found at the Race Equity & Justice Initiative's website, <http://waraceequityandjustice.wordpress.com>. To request additional information or sign onto the REJI Acknowledgments and Commitments, please contact [jenniferw@justleadwa.org](mailto:jenniferw@justleadwa.org).*



# WSBA

OFFICE OF THE EXECUTIVE DIRECTOR

Paula C. Littlewood  
Executive Director

direct line: 206-239-2120  
fax: 206-727-8316  
e-mail: paulal@wsba.org

March 10, 2017

Geoff Revelle, Chair  
Access to Justice Board  
1325 Fourth Avenue, Suite 600  
Seattle, WA 98101

Dear Geoff,

Thank you for the opportunity to comment on the Access to Justice Board's Draft State Plan for the Coordinated Delivery of Legal Services to Low Income People. As you know, the work of the Alliance for Equal Justice is well aligned with WSBA's mission to serve the public and the members of the Bar, ensure the integrity of the legal profession, and to champion justice. Much of what is contained in the plan is also aligned with our guiding principles

- to operate a well-managed association that supports its members and advances and promotes access to the justice system;
- diversity, equality, and cultural understanding throughout the legal community;
- the public's understanding of the rule of law and its confidence in the legal system;
- a fair and impartial judiciary; and the ethics civility, professionalism, and
- competence of the Bar.

We look forward to continuing our long standing support of the Access to Justice Board and the Alliance for Equal Justice as they work to further the important goals outlined in the draft State Plan. Below are some specific comments on the draft State Plan for your consideration.

#### *Goal 1*

WSBA is happy to partner with the Alliance in recognizing organizations that make significant contributions to the advancement of race equity and have a number of annual awards that may be relevant including the Excellence in Diversity Award, the Award of Merit, and the Norm Maleng Leadership Award, which is given in partnership with the Access to Justice Board. You can find a complete list of WSBA's annual Apex Awards at <http://www.wsba.org/News-and-Events/Awards>.

WSBA may also be a resource in Strategy 1: *Engaging in activities that create shared awareness and understanding of what is needed to achieve race equity in our legal systems and society.* WSBA periodically conducts research to support the development and expansion of racial equity initiatives in

*Working Together to Champion Justice*

the profession. This includes identifying and addressing the gaps in research necessary to understand the needs of legal professionals and clients. We would welcome input from the Alliance on useful research projects.

Looking at Strategy 3: *Raising organizational competency and capacity to address race equity in our legal system and society*, it seemed out of place to limit “employing a race equity lens” to “prioritizing services to clients.” Given the overall goal and strategy, perhaps this activity could be broadened.

*Goal 2*

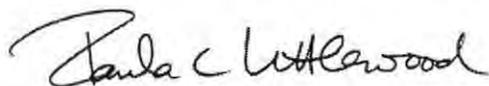
The Alliance may want to explore some level of collaboration with WSBA’s Low Bono Section with regard to educating low-income communities about their legal rights and responsibilities.

*Goal 3*

WSBA has observed the challenge of delivering services to the public in rural communities through its Moderate Means Program. In the coming year we will be focusing on addressing the rural access gap using technology and leveraging what we learned from the Long Distance Lawyering Pilot we previously conducted. We look forward to engaging in further conversation about what role mentorship can play in closing this rural access gap and the appropriate role for WSBA.

For additional information on WSBA’s diversity and public service programming, including the Moderate Means Program, please contact Joy Williams, [joyw@wsba.org](mailto:joyw@wsba.org). To learn more about our work in the area of mentorship, please contact Ana Selvidge, [anas@wsba.org](mailto:anas@wsba.org). To learn more about WSBA’s Apex Awards, please contact Pam Inglesby, [pami@wsba.org](mailto:pami@wsba.org). Thank you, as always, for your important work and for your ongoing partnership.

Sincerely,



Paula C. Littlewood  
Executive Director



Robin Haynes  
President

cc: Terra Nevitt, Director Advancement  
Diana Singleton, Access to Justice Manager

# WASHINGTON STATE BAR ASSOCIATION

Office of General Counsel

**TO:** Board of Governors  
**FROM:** Sean M. Davis, General Counsel  
**DATE:** February 26, 2018  
**RE:** Proposed Amendments to WSBA Bylaws Regarding Eligibility for President-elect

**ACTION:** Decide whether to approve one of three proposed amendments to the WSBA Bylaws regarding eligibility for election as WSBA President-elect.

At the January 18, 2018, Board of Governors meeting, three different amendments to the WSBA Bylaws were proposed regarding eligibility for election as President-elect. It was the consensus of the Board of Governors (BOG) to take action on the proposed amendments at the March 8, 2018, BOG meeting.

The WSBA has historically sought to ensure geographic diversity in its leadership and, specifically, in the recent past that the President periodically be someone whose primary place of business is in Eastern Washington. This geographic rotation was practiced informally for a period of time, and then, in 1993, it was codified in the WSBA Bylaws. The original 1993 Bylaws amendment required that the President-elect rotate each year on a four-year cycle, with the elected individual hailing from King County, Eastern Washington, King County, and then Western Washington (but outside King County) in sequence. In 2011, the Bylaws were amended to require that every four years, the President-elect must be an individual whose primary place of business is located in Eastern Washington (but that in the intervening three years, the President-elect may be from anywhere in the state, including Eastern Washington). This is what the current Bylaws require. See Art. VI(D)(2). The election years in which the BOG must elect a President-elect from Eastern Washington under this Bylaw provision are 2014, 2018, 2022, etc.

The first proposed amendment eliminates the geographic eligibility requirement for President-elect. The second proposed amendment preserves the requirement, but, instead of it being mandatory every four years (whether there has been another President-elect from Eastern Washington more recently than four years ago or not), the requirement would be triggered only when three years have run without a President-elect from Eastern Washington. The third proposed amendment requires that if, at the time of election, no President-elect in the preceding four years was an individual whose primary place of business was located in Eastern Washington, the President-elect must be an individual whose primary place of business is located in Eastern Washington. The fourth proposed amendment requires that if at any time three consecutive years have occurred without a President-elect from Eastern Washington the President-elect must come from Eastern Washington. Similar to other proposals, this geographical requirement may be waived if no qualifying applications for President-elect are received from Eastern Washington. The fifth proposal is for the BOG to form a Work Group or Task Force to review the election of WSBA Presidents-elect in depth and to make recommendations to the BOG regarding WSBA Bylaw amendments, if any.

#### Attachments:

1. Proposed amended Article VI(D)(2) (Version 1) (redline copy)
2. Proposed amended Article VI(D)(2) (Version 1) (clean copy)
3. Proposed amended Article VI(D)(2) (Version 2) (redline copy)
4. Proposed amended Article VI(D)(2) (Version 2) (clean copy)
5. Proposed amended Article VI(D)(2) (Version 3) (redline copy)



6. Proposed amended Article VI(D)(2) (Version 3) (clean copy)
7. Proposed amended Article VI(D)(2) (Version 4) (redline copy)
8. Proposed amended Article VI(D)(2) (Version 4) (clean copy)
9. Proposed BOG Elections Review Work Group/Task Force

VI. ELECTIONS

\* \* \*

D. ELECTIONS BY BOARD OF GOVERNORS

\* \* \*

2. Office of President-Elect.

The BOG will elect an Active lawyer member of the Washington State Bar Association to serve as President-elect. The election shall take place during a BOG meeting not later than the 38th week of each fiscal year, and will be by secret written ballot. The President-elect will take office upon the incumbent President-elect becoming President or upon vacancy of the office of President-elect.

~~Beginning with the election of the President-elect who will begin to serve as President in the year 2011 and every four years thereafter, the President-elect must be an individual whose primary place of business is located in Eastern Washington. For purposes of these Bylaws, "Eastern Washington" is defined as that area east of the Cascade mountain range generally known as Eastern Washington. During the remaining three years, the President-elect may be an individual from anywhere within the state, including Eastern Washington. In any year, should no qualifying application be received for the position of President-elect within the timeframe allowed, the President will advise the BOG, and the BOG, at any regular meeting or special meeting called for that purpose, will establish procedures to re-open and extend the application period or otherwise address the issue. Such action by the BOG may include waiver of any geographic limitation for the year in question.~~

**VI. ELECTIONS**

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To ensure geographic balance of Presidents between Eastern and Western Washington, and recognizing the need to ensure that President-elects are individuals whose primary place of business is located in Eastern Washington at least every four years, in the event that the last President-elect was from Eastern Washington three years earlier, on the fourth year the President-elect must be an individual whose primary place of business is from Eastern Washington.

~~Beginning with the election of the President-elect who will begin to serve as President in the year 2011 and every four years thereafter, the President-elect must be an individual whose primary place of business is located in Eastern Washington.~~ For purposes of these Bylaws, "Eastern

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from anywhere within the state, including Eastern Washington. The provision requiring that the President-elect be filled by a person who must come from Eastern Washington shall go into effect any Election cycle in which three years have run without a President-elect from Eastern Washington.

In any year that this provision is triggered, should no qualifying application be received for the position of President-elect within the timeframe allowed, the President will advise the BOG, and the BOG, at any regular meeting or special meeting called for that purpose, will establish procedures to re-open and extend the application period or otherwise address the issue. Such action by the BOG may include waiver of any geographic limitation for the year in question. If such waiver is made, the provision for

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**VI. ELECTIONS**

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~~Beginning with the election of the President-elect who will begin to serve as President in the year 2011 and every four years thereafter, if at the time of election, no President-elect in the preceding four years was an individual~~ the President-elect must be an individual whose primary place of business ~~is was~~ located in Eastern Washington, ~~the President-elect must be an individual whose primary place of business is located in Eastern Washington.~~ For purposes of these Bylaws, "Eastern Washington" is defined as that area east of the Cascade mountain range generally known as Eastern Washington. ~~During the remaining three years, the President-elect may be an individual from anywhere within the state, including Eastern Washington.~~ In any year ~~where the President-elect must be an individual from Eastern Washington and, should~~ no qualifying application ~~be is~~ received ~~for the position of President-elect~~ within the timeframe allowed, the President will advise the BOG, and the BOG, at any regular meeting or special meeting called for that purpose, will establish procedures to re-open and extend the application period or otherwise address the issue. Such action by the BOG may include waiver of any geographic limitation for the year in question.

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If at the time of election, no President-elect in the preceding four years was an individual whose primary place of business was located in Eastern Washington, the President-elect must be an individual whose primary place of business is located in Eastern Washington. For purposes of these Bylaws, "Eastern Washington" is defined as that area east of the Cascade mountain range generally known as Eastern Washington. In any year where the President-elect must be an individual from Eastern Washington and no qualifying application is received within the timeframe allowed, the President will advise the BOG, and the BOG, at any regular meeting or special meeting called for that purpose, will establish procedures to re-open and extend the application period or otherwise address the issue. Such action by the BOG may include waiver of any geographic limitation for the year in question.

The proposed bylaw amendment would amend ARTICLE VI.D.2, PAGE 43 as follows:

2. Office of President-Elect.

The BOG will elect an Active ~~lawyer~~ member of the Washington State Bar Association to serve as President-elect. The election shall take place during a BOG meeting not later than the 38th week of each fiscal year, and will be by secret written ballot. The President-elect will take office upon the incumbent President-elect becoming President or upon vacancy of the office of President-elect.

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**A Proposal to Form a**  
**BOARD OF GOVERNORS ELECTIONS REVIEW WORK GROUP (OR TASK FORCE)**

(Adopted by the WSBA Board of Governors on \_\_\_\_\_ 2017)

**CHARTER**

At the January 18-19, 2018 Board of Governors (BOG) meeting, competing proposed amendments to Section VI.2 of the WSBA By-Laws were on the agenda for first reading regarding the election of the President-Elect. The specific provision at issue was to revise the section ensuring that: *“Beginning with the election of the President-elect who will begin to serve as President in the year 2011 and every four years thereafter, the President-elect must be an individual whose primary place of business is located in Eastern Washington.”* The proposed amendments are scheduled for final action at the March 8, 2018 BOG meeting. Each proposal focused exclusively on what will be titled, “the Eastern Washington Provision”, and took a different approach to revising the provision as follows in order of submittal:

1. Strike the Eastern Washington Provision in its entirety;
2. Preserve and change the triggering mechanism of the Provision from a date/year certain to the upcoming 4<sup>th</sup> year from the last President-Elect from Eastern Washington; or
3. Preserve and change the triggering mechanism of the Provision from a date/year certain to the upcoming 3<sup>rd</sup> year from the last President-Elect from Eastern Washington

During general discussions by BOG members regarding the proposed amendments, members from Eastern Washington discussed the objections expressed by WSBA members regarding the historical geographic underrepresentation of WSBA Presidents from Eastern Washington and the need to leave the Eastern Washington Provision in place. Other ideas surfaced regarding the need for greater geographic balance that provide for WSBA Presidents to come from areas outside of King County. Still other ideas came forward regarding the election of WSBA Presidents who come directly to their positions after immediate service as a Governor. Racial diversity of candidates was also discussed, including the intersection with geographic diversity of WSBA Presidents. These are not exhaustive of the comments that came forward regarding the election of the WSBA President-Elect. In addition to comments on the merits regarding the proposed amendments, there were also comments and criticism regarding the speed in which these proposals have been generated, the limited input solicited from all WSBA members, and the lack of adequate notice to the WSBA membership regarding these proposed By-law amendments.

After consideration of the discussion and the comments presented by WSBA members, it is proposed that the BOG form a Work Group (or Task Force) to review the election of WSBA President-Elects in greater depth, receive member input, and present recommendations for By-Law amendments, as appropriate, regarding changes to By-Laws Section VI.2.

**Work Group (or Task Force) Purpose**

1. Assess the continued need for the Eastern Washington Provision, consider the expansion of provisions to guarantee geographic diversity of WSBA Presidents in addition to the Eastern Washington Provision.

Proposal for a BOG Elections Review Work Group (or Task Force)

2. Consider proposals regarding the election of the President-elect, including but not limited to enhancing geographic, racial and gender diversity of the President-elect candidate pool.
3. Consider methods for electing the President-Elect.
4. Consider limiting candidate eligibility to those who are not currently members of the BOG unless a sufficient number of candidates do not come forward for election.
5. Examine efforts to recruit diverse candidates for election.
6. Solicit and collect input from WSBA members and others, both before and after determining whether to recommend By-laws amendments regarding the election of WSBA President-Elects.
7. After considering relevant materials and input, submit a final report to the BOG, including, as appropriate, draft By-laws amendments to Section VI.2.

#### **Timeline**

- Begin meeting no more than four weeks after appointments are completed;
- Complete work and submit a final report not later than the September 2018 BOG meeting, unless the timeline for completion is extended by the BOG;
- If the task force recommends By-law amendments, first reading for such amendments would take place at the September 2018 BOG meeting
- Provide updates on the work of the work group (or task force) as requested by the BOG.

#### **Work Group (or Task Force) Membership**

The work group (or task force) shall consist of the following voting members:

- A current member or officer of the BOG who shall be appointed to serve as Chair;
- Three current (one from each class) and two former members or officers of the BOG (including the Chair);
- Four at-large members of the WSBA, representing 1 member from King County, Western Washington north of King County; Western Washington south of King County, and Eastern Washington.
- In making appointments, the WSBA President shall make every effort to have a geographic, racial and gender diverse work group (or task force).

The Executive Director will designate a WSBA staff liaison.

In accordance with WSBA Bylaws Art. IX(B)(2)(a), the members and the Chair of the work group (or task force) will be appointed by the WSBA President subject to being accepted or rejected by the BOG. Such appointment and approval shall be completed by no later than the BOG's [May] 2018 meeting.

**MEMO**

**To:** WSBA Board of Governors  
**From:** Governor Kim Hunter and Sara Niegowski, WSBA Chief Communications and Outreach Officer  
**Date:** Feb. 20, 2018  
**Re:** Member Engagement Work Group

**ACTION:** Discuss, for possible approval, formation of a Member Engagement Work Group

**Background**

The WSBA must rely on member involvement, feedback, and expertise to operate and meet its mission; as such, the Board of Governors must continually interface with members to create mutual understanding, drive priorities, form relationships, and share involvement opportunities. Governors would like a reliable way to gauge member engagement and sentiment and to continually improve WSBA's reputation and the reputation of the board.

**Recommended Purpose and Process for a Member Engagement Work Group**

- Define member engagement and its role in the Board's governance process; this may include outreach to other mandatory/unified Bar Associations to determine how they engage members and for what purposes.
- Define goals for the work group, which may include:
  - Educating members in a proactive manner about WSBA's and the Board of Governors' actions and work.
  - Involving members in the decision-making process by informing them and asking for input on a regular basis.
  - Involving the sections in a positive manner with WSBA governance.
- Catalogue the engagement work already being done by Governors.
- Determine how Board member-engagement efforts and goals dovetail with WSBA member-engagement goals (outlined in WSBA's Outreach and Engagement Plan).
- Ensure ongoing updates to the Board of Governors about WSBA member engagement processes and measurement.

# WASHINGTON STATE BAR ASSOCIATION

## MEMO

**To:** WSBA Board of Governors  
**From:** Sara Niegowski, WSBA Chief Communications and Outreach Officer  
**Date:** Feb. 20, 2018  
**Re:** 2018 (Acknowledging Professional Excellence) Awards Event

**ACTION:** Discuss the goals and details of the 2018 APEX Awards Event

### Background

The WSBA annually recognizes luminaries of the Washington legal profession to honor those whose work embodies the WSBA mission; to show members what WSBA's mission looks like in day-to-day legal practice; to inspire members to proudly uphold the rule of law and integrity of the profession; and to continue to grow public confidence in a just and equitable legal profession. WSBA is the unique organization that can highlight the "best of the best" in the legal community from a statewide perspective.

This year's luminaries will be honored at the APEX Awards on Sept. 28, 2018, at the Sheraton Hotel. Nominations are currently underway for the 12 possible awards to be presented. Balancing all the competing goals for the event, we have created a program and attendance target that will almost cover the cost of the dinner event while providing adequate complementary tickets for honorees and distinguished guests.



## 2018 APEX Awards Dinner

### APEX (Acknowledging Professional Excellence) Awards mission

The WSBA annually recognizes luminaries of the Washington legal profession to honor those whose work embodies the WSBA mission; to show members what WSBA's mission looks like in day-to-day legal practice; to inspire members to proudly uphold the rule of law and integrity of the profession; and to continue to grow public confidence in a just and equitable legal profession. WSBA is the unique organization that can highlight the “best of the best” in the legal community from a statewide perspective. As such:

- APEX Award winners should represent a wide diversity (geography, practice area, demographics) of legal professionals across the state.
- APEX Award winners' achievements should be highlighted in a compelling, human-centered way that can be easily shared at member events and with press and public organizations throughout the year.
- The APEX Awards Dinner is an opportunity to honor the winners and expose new and veteran members to the WSBA mission in a celebratory way; while number of attendees is an important factor, the *type* of attendees is also a critical consideration driven by the Awards mission and supported by the Awards budget.
- The APEX Awards Dinner presents an opportunity to support the Washington State Bar Foundation—in furtherance of WSBA's mission—by connecting the type of inspirational work showcased throughout the evening with member contributions to the Foundation.
- WSBA will work throughout the year to promote the prominence and prestige of the APEX Awards.

### Timeline

- Nov. 1, 2017-March 15, 2018: Nomination period (Sally P. Savage Award due by Feb. 15, 2018)
- March 16-April 30, 2018: Board of Governors Awards Committee screens nominations (ATJ Board presents the Norm Maleng Award nomination)
- May 17, 2018: Board of Governors select winners
- May 18-Sept. 27, 2018: Membership and press promotion of winners, dinner registration
- Sept. 27, 2018: APEX Awards Dinner, Sheraton Hotel

### Award categories

- Angelo Petrus Award for Lawyers in Government Service
- Award of Merit
- Justice Charles Z. Smith Excellence in Diversity Award
- Legal Innovation Award
- Lifetime Service Award
- Norm Maleng Leadership Award
- Outstanding Judge Award
- Outstanding Young Lawyer Award
- Outstanding Judge Award
- Pro Bono and Public Service Awards

- Professionalism Award
- Sally P. Savage Leadership in Philanthropy Award

### Attendance goals and budget

#### Historical

	2010	2011	2012	2013	2014	2015	2016	2017
Paid Attendees	333	222	179	280	214	263	240	199
Staff Comps	15	6*	13	17	20	23	20	20
Comps	65	24*	63	74	86	106	94	87
Total Attendees	413	252	255	371	320	392	354	306

*\*not all the comps were recorded*

#### 2018 goals

- Total attendance: 375
- Paying guests: 263 (70 percent), \$125 per ticket
- Comps: 112 (30 percent)
- **Total WSBA venue costs: \$4,625**
  - Cost for 375 attendees at the Sheraton: \$37,500
  - Ticket-sales offset: -\$32,875
- Sponsorships solicited for the Washington State Bar Foundation (ROI): \$55,000
- Donations to the Washington State Bar Foundation **stretch goal** (ROI): \$75,000

#### Marketing and outreach possibilities

- Ask specific groups closely affiliated with each award to come together around a nominee; invite those groups to reserve tables and recruit amongst membership for attendance.
- Encourage local bars to nominate their award winners for appropriate APEX awards.
- Ask Board of Governors to each captain a table and invite distinguished guests.
- Reserve space at governors' tables for comp guests/ambassadors targeted for a "shot of inspiration": e.g., beginning lawyers, minority members, members with leadership potential to join committees/boards, etc.
- Distinguish the event as the only awards to recognize legal luminaries statewide, with (mostly) all Washington Supreme Court Justices in attendance.
- The WSBA's outreach program and speaking points will include ongoing videos of APEX Award winners, which can be showcased at events throughout the year.
- Play an APEX video to start Board of Governors meetings and other WSBA events.
- As a lead up to the APEX Awards Dinner, the WSBA Communications team will make a large push to showcase the winners in the press.

**Board of Governors Meeting  
Hotel RL  
Olympia, WA  
March 8, 2018**

**How the Consent Calendar Operates:** The items listed below are proposed for approval on the Consent Calendar. Following introductions in the Public Session, the President will ask the Board if they wish to discuss any matter on the Consent Calendar. If they do, the item will come off the Consent Calendar and be included for discussion under First Reading/Action Items on the regular agenda. If no discussion is requested, a Consent Calendar approval form will be circulated for each Governor’s signature.

**Consent Calendar Approval**

a. January 18-19, 2018, Public Session Minutes .....	201
b. February 15, 2018, Public Session Minutes .....	213

# WASHINGTON STATE BAR ASSOCIATION

## BOARD OF GOVERNORS MEETING

Public Session Minutes

Bellingham, WA

January 18-19, 2018

The Public Session of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Brad Furlong on Thursday, January 18, 2018, at 1:45 p.m., at The Bellwether, Bellingham, Washington. Governors in attendance were:

Dan W. Bridges  
Daniel D. Clark  
James K. Doane  
Angela M. Hayes  
Kim E. Hunter  
Jean Y. Kang  
Rajeev D. Majumdar  
Christina A. Meserve  
Athan P. Papailiou  
G. Kim Risenmay  
Kyle D. Sciuchetti  
Alec Stephens  
Paul Swegle  
Judge Brian Tollefson (ret.)

Also in attendance were Immediate Past-President Bill Hyslop, Executive Director Paula Littlewood, General Counsel Sean Davis, Chief Regulatory Counsel Jean McElroy, Chief Disciplinary Counsel Doug Ende, Director of Human Resources Frances Dujon-Reynolds, Chief Operations Officer Ann Holmes, Director of Advancement/Chief Development Officer Terra Nevitt, Chief Communications and Outreach Officer Sara Niegowski, and Executive Assistant Margaret Shane. President-elect Bill Pickett was not present for the meeting.

The following items were discussed on Thursday, January 18, 2018.

**PROPOSED LESBIAN GAY BISEXUAL TRANSGENDER (LGBT) LAW SECTION BYLAW AMENDMENTS**

Executive Director Littlewood advised that the LGBT Section is asking to amend their Bylaws and that General Counsel Davis has reviewed the request. Governor Papailiou explained that this is a simple amendment to help the Section hold their annual elections in a timely manner. Governor Papailiou moved to approve the proposed bylaw amendments as contained in the meeting materials. Motion passed unanimously.

**PROPOSED BYLAW CHANGES TO CONFORM WITH RECENT COORDINATED SYSTEMS ADMISSION AND PRACTICE RULES (APR) AMENDMENTS (first reading)**

Chief Regulatory Counsel McElroy noted that these proposed Bylaws amendments are on the agenda for first reading at this meeting and action at the March 8, 2018, BOG meeting. There were no questions and no discussion.

**REPORT ON EXECUTIVE SESSION**

President Furlong advised that the Board heard the Discipline Report and the Litigation Report in Executive Session, and there was discussion among the Board with the Diversity Team.

**CONSENT CALENDAR**

- a. November 15-16, 2017, Public Session Minutes

**COMMITTEE ON PROFESSIONAL ETHICS (CPE) REPORT AND RECOMMENDATIONS RE AMENDMENTS TO THE LAWYER ADVERTISING RULES (RPC TITLE 7) – Don Curran, Chair (phone); Art Lachman, Lawyer Advertising Work Group and CPE Subcommittee Member; and Doug Ende, Chief Disciplinary Counsel (first reading)**

Chair Curran described the purpose, mission, and makeup of the CPE. Chief Disciplinary Counsel Ende explained the background for the CPE recommendation that Title 7 be amended, an initiative that arose following a 2015 report of the Association of Professional Responsibility Lawyers. That report, which has received widespread attention nationally, has been acted on in Virginia and is being considered in a number of states, concluded that the ABA Model Rules on lawyer advertising in effect in most of the states are outdated and unworkable in the current legal environment. He observed that the overarching purpose of the amendments is regulatory reform designed to permit innovation in the marketing and delivery of legal services in ways

that will benefit the profession and consumers. Mr. Lachman underscored the idea that advertising and marketing of legal services is something to be encouraged rather than chilled through restrictive and complicated ethics rules. He emphasized that the recommendations are not designed to wholly deregulate advertising but rather to refocus the existing rules on fundamental principles of ethics, with the goal of improving access to justice and accommodating the realities of technological change. He then reviewed the proposals to amend RPC 7.1 through 7.5 and RPC 5.5 in detail. Discussion ensued regarding the ability to regulate “ambulance chasing” and the elimination of the restriction on in-person solicitation when the motive for doing so is a lawyer’s “pecuniary gain.”

#### **RECOMMENDATION RE RENAMING WSBA EXCELLENCE IN DIVERSITY AWARD**

Governor Doane reported that the BOG Awards Committee met to discuss the request from the State of Washington Minority and Justice Commission to rename the WSBA Excellence in Diversity Award to the Justice Charles Z. Smith Award in honor of Justice Smith’s contributions to diversity in the legal profession. He reviewed the history of WSBA’s current awards and reported that the Work Group discussed whether it was appropriate to name this award after any one person, and then whether to name it after Justice Smith. He advised that, after much thoughtful discussion, the Work Group decided not to rename this award after a particular person, and so not to rename the award after Justice Smith. Input was received from several judges on the phone and guests present at the meeting in support of renaming the award after Justice Smith. Discussion ensued regarding moving this item to the Board’s March meeting in order to allow more people time to give their input; the huge impact Justice Smith had both locally and nationally and his work on diversity in all forms throughout his life; and whether this and other awards could be renamed years in the future after a then current hero. Governor Meserve moved to approve renaming the WSBA Excellence in Diversity Award to the Justice Charles Z. Smith Award. Motion passed unanimously.

#### **MEMBER AND PUBLIC COMMENTS**

Jim Britton, past-President of the Whatcom County Bar Association and current member of the Law Advocates Board, shared that the recently initiated Odyssey system electronic access to court files comes with a fairly significant fee and imposes a significant burden on access to

justice for indigent people. He opined that access to court files should be a state function and asked the Board to consider sponsoring or initiating legislation under which access to justice to public records would be a state function and part of the general budget, which would level the playing field so that everyone would have access to public documents.

Peter Arkison shared his opinion that the current license fees are too high and that adding mandatory malpractice insurance will dramatically increase the cost of practicing law in the state of Washington. He requested that the Board form a committee to look into how to cut costs, including moving the Bar out of downtown Seattle to Leavenworth since it is centrally located in the state.

Nancy Hawkins replied to Mr. Britton's comments related to the access to justice issue regarding online access to civil records by stating that family law filings are intensely personal and should not be easily accessible by the public.

Geoff Revelle also replied to Mr. Britton's comments by stating that the Access to Justice (ATJ) Board is aware of the issues related to electronic filing and the ATJ Board is hoping to take some action on the issue.

Hon. Laura Bradley advised that if individual litigants are given access to the records, it would be limited only to them, so other people would likely not be able to read those records.

Jean Cotton thanked Executive Director Littlewood for including an update on provision of health insurance coverage in her ED Report and spoke on the current difficulty of finding such coverage. She requested that the Board continue to look into health insurance coverage for aging legal professionals.

**PROPOSED FY2018 BUDGET AMENDMENT – Governor Kim Risenmay, Treasurer, and Ann Holmes, Chief Operations Officer (first reading)**

Treasurer Risenmay explained the background of the proposed budget amendment to bring several staff salaries in line with current market compensation. As recommended by the Budget

and Audit Committee and directed by the Board in September: (1) the total salary line was not increased in the approved FY18 budget; (2) the FY18 budgeted salary pool was allocated and salary savings realized during FY17 of \$115,836 were reallocated to partially address market disparities; and (3) a budget amendment of \$138,0885 (for salary and associated benefits) is sought in order to bring affected positions in line with the market. Treasurer Risenmay noted that the allocation of the FY18 budgeted salary pool and reallocation of salary savings realized during FY17 did not increase the FY18 budget. He also advised that the proposed increase of \$138,085 represents approximately one-half of one percent of the total budget, and that cost center budgets would be adjusted to reflect all salary and benefit changes made to address market compensation issues.

Discussion ensued regarding the compensation survey; the process of reallocating budgeted funds; and the importance of rewarding good employees, staying competitive in the marketplace, and planning for long-term spending increases. Executive Director Littlewood noted that WSBA reviews nine salary surveys each year in order to ascertain the current marketplace and that several years ago the market disparity of WSBA compensation was known and addressed for administrative and professional staff. She advised that the recent study highlighted the market disparity for senior positions and that long-term planning for spending increases includes having salary pools each year that help keep staff in pace with the current marketplace.

Governor Stephens moved to waive second reading and approve the recommendation of the Budget and Audit Committee to increase total salaries and benefits by \$138,085, and to adjust cost center budgets to reflect all salary and benefit shifts arising from implementation of the compensation survey recommendations, effective October 1, 2017, as contained in the meeting materials at this meeting. Governor Doane moved to table the vote until the March 8, 2018, Board meeting. Treasurer Risenmay noted that waiting longer to make a decision on this recommendation affects the budget for next year and is counterproductive to the budgeting process. He reminded the Board that this item was brought to its attention six months prior to this meeting. Motion to table passed 11-3. President Furlong noted that this item will be on the Board's March 8, 2018, meeting agenda for action.

**INITIAL REPORT AND DISCUSSION OF REFERENDUM PROCESS REVIEW WORK GROUP RECOMMENDATIONS – Governor Kim Risenmay, Chair, and Sean Davis, General Counsel**

Chair Risenmay explained the background and formation of the Work Group and advised that discussions were contentious with narrow vote margins. He advised that discussions included scope, petition filings, signature gathering, signature verification process, signature threshold, referendum voting methods, and threshold of total votes. He stated that the Work Group has proposed four recommendations and that most of the recommendations have both a majority report and a minority report: (1) should license fees be subject to the referendum process; (2) enacting a resolution; (3) amending the WSBA Bylaws; and (4) referendum petition filing deadline. He noted that reducing license fees without taking programming into consideration is disruptive to the operation of the organization, and that referendums in general are disruptive to the entire governance process. He noted that other matters for consideration include physical signatures; electronic signatures; threshold number of signatures; and minimum number of active member participation. In answer to an inquiry, Chair Risenmay advised that next steps are up to the Board.

The following items were discussed on Friday, January 19, 2018.

**UPDATE FROM WSBA DIVERSITY COMMITTEE – Ailene Limric, Co-Chair (phone); Governor Alec Stephens, Co-Chair; and Joy Williams, Diversity and Public Service Programs Manager**

Manager Williams reviewed the background, history, formation of the Committee, and current programming. She noted that goal setting and program evaluation will be the focus moving forward and that a five-year anniversary celebration of the Board's approval of the Diversity and Inclusion Plan is being discussed. Co-Chair Stephens advised that the Committee will be looking at outreach to the minority bar associations regarding getting involved and becoming members of the Board and of various committees, being careful not to poach from any particular organization's resources. Co-Chair Limric stated that the growth and engagement of this Committee has been phenomenal, including excellent programming and excellent diversity training by Inclusion and Equity Specialist Robin Nussbaum, along with helpful networking events.

### THIRD-YEAR GOVERNORS CANDIDATE RECRUITMENT REPORTS

James Doane reported that he has included information about his seat in the BOG Update after every Board meeting, and has reached out, both in person and by email, to members in his district and to the minority bar associations, but has had little response.

Angela Hayes reported she has been enthusiastically recruiting and that there are a couple of members from her district who are committed to running. She noted that she has had conversations with two other members who are actively involved in the Spokane County Bar Association. She advised that the biggest challenge for candidates from Eastern Washington, especially if they are not in Spokane, has to do with travel. She concluded by stating that every District 5 newsletter has contained a recruitment blurb.

Kim Risenmay reported that he has been working to recruit people from District 1 who have worked on WSBA committees, has contacted past candidates, and has spoken with attorneys in his area.

Dan Clark – President Furlong advised that Dan Clark will be running for the District 4 seat (his current position), so President-elect Pickett (former District 4 Governor) will be handling the recruitment for District 4 candidates.

Jean Kang reported that she will not be eligible to run for the Washington Young Lawyers At-Large seat as she is aging out, but that she has been actively recruiting candidates by reaching out to the minority bar associations and past Washington Leadership Institute classes. She advised that she is considering running for the District 7 South seat on the Board.

Executive Director Littlewood gave an update on the three seats recently added to the Board and noted that application will be opened in conjunction with the WYLC seat on February 15, with a deadline of April 20, the same as the President-elect deadline. She noted that all three new seats could be filled at the same time, but staggered per the Bylaws: one public member for a three-year term; one Limited License Legal Technician/Limited Practice Officer (LLLT/LPO)

member for a two-year term; and one public member for a one-year term and eligible to run for a second term. Governor Bridges opined that the WSBA Bylaws don't allow for the suggested staggered method of filling the three new seats because they state that a Governor sits for a three-year term. Executive Director Littlewood explained that sometimes the Bylaws will delineate staggering in the Bylaws and then the Board amends the Bylaws in the future after several years have passed because the description of filling the seats using staggering would no longer be relevant or necessary going forward. In answer to questions, she replied that the same process will be used for these public member appointments to the Board as is currently being used to recruit public members for other WSBA entities; and that notice will be sent to WSBA Section leaders.

President Furlong announced that a Special Meeting will be held by February 15, 2018, so the method of filling the seats can be decided upon prior to the filing date and that a proposed Bylaw amendment will be decided upon at the Special Meeting. Governor Stephens volunteered to help develop the proposed Bylaw amendment. General Counsel Davis reminded the Board that the deadline for electing At-Large Governors is at the May 17-18, 2018, Board meeting. President Furlong requested that General Counsel Davis draft a Bylaw amendment with staggered terms, and another Bylaw amendment with the three new seats being filled at the same time, and to send it to Governors Majumdar and Stephens for input.

**UPDATE FROM LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD RE NEW PRACTICE AREA DEVELOPMENT – Steve Crossland, LLLT Board Chair; Nancy Ivarinen, LLLT Board Member; Jennifer Petersen, LLLT; and Jean McElroy, Chief Regulatory Counsel**

Chair Crossland gave an overview of the LLLT Board's work during the past year and reported that the LLLT Board is currently working on outreach to make sure people understand what LLLTs can do; a greater utilization of the community college system is desired; and explained the process of vetting and establishing a new practice area, which takes 18 months to two years. Ms. Ivarinen explained that many areas were considered for the new practice area where help would actually make a difference and the LLLT Board settled on Consumer Money and Debt. LLLT Petersen recounted real-life experiences and noted that LLLTs are well received by the courts in Whatcom and Skagit County; they work closely with the court facilitators; and

they save the court time as cases move through more quickly and economically. She concluded by stating that pro bono services are very important to LLLTs. In answer to a question, Chair Crossland explained that APR 28 originally did not allow LLLTs to appear in court, but once they started working with clients, it became apparent that some assistance in court would be beneficial to all. He stated that LLLTs do not represent a client or argue a client's case; they simply assist with paperwork. Governor Bridges requested Chair Crossland's and Ms. Ivarinen's assurance that the LLLT Board would not be before the BOG in a few years asking for LLLTs to represent clients in court and they both replied that it is not contemplated at this time that the program will move in that direction. Immediate Past-President Hyslop reminded the BOG that any expansion would have to be approved by the Washington Supreme Court. Chair Crossland advised that the LLLT Board would be meeting with the Court in April. He noted that the LLLT Board would not be completely ready with the new practice area by the meeting date with the Court.

**PROPOSED WSBA BYLAW AMENDMENT RE WSBA PRESIDENT ROTATION (first reading)**

President Furlong explained the background for this item and referred the Board to the three proposals contained in the meeting materials. Governor Doane explained that keeping the current rotation in place would result in four or five BOG Presidents in recent history coming from East of the Cascades, which does not accomplish the original goal of geographic diversity. He reviewed the history of rotations and emphasized that diversity other than geographic needs to be considered, such as racial, ethnic, gender orientation, etc. He noted that many comments received in response to the blast email requesting feedback were focused on King County. Concerns were raised regarding the blast email that went to Governor Clark's and Governor Hayes' districts. Executive Director Littlewood explained that staff were contacted by Governor Clark and Governor Hayes to send a blast email to their districts and Governor Clark suggested that Governor Hunter and Governor Sciuchetti might also be interested in sending a blast email to their district so they were contacted by staff. Immediate Past-President Hyslop reviewed the history of this item and explained that he sent an email, then Governor Clark and Governor Hayes asked the Bar to send an email to their respective districts. He urged the Board to review all the emails received in response to the blast emails and noted that there was not one response in favor of the proposed amendment. He concluded by stating that this

amendment should not be raised at a time when a Governor from West of the Cascades wants to run for President. Governor Stephens moved to table this topic and that it not be taken up until after the election of the next President-elect. President Furlong stated that the motion is improper since there is nothing to table at this point in the meeting. Discussion ensued regarding some Governors not having knowledge of the blast email to send to their district; slowing down the process and forming a work group to look at the issue and submit recommendations to the Board; and suggesting that a Governor needs to be off the Board prior to running for President-elect.

Governor Hayes emphasized that staff did not contact her regarding sending a blast email to her district, she contacted staff and assumed other Governors would do the same. She stated that she should have phrased the email differently and should have included all three amendments. Governor Doane advised that he would not be running for President-elect because he wanted this discussion to be about the merits of the current rotation. He opined that there is no reason to slow down or form a work group; the Board has seen numerous comments and all Governors can reach out to the members to ask for input on the merits.

President Furlong reviewed the background and reiterated the issues discussed at this meeting: three proposed Bylaw amendments; sitting Governors running for President; East/West/King County rotation; and no action taken at this meeting. He asked the Board if it wanted to form a Work Group or have a Special Meeting. Governor Majumdar moved to take action on the three proposed Bylaw amendments at the March 8, 2018, Board meeting. It was the consensus of the Board to do so.

#### **MEMBER ENGAGEMENT WORK GROUP (discussion)**

Executive Director Littlewood stated that the Executive Management Team developed a proposed road map, with a focus on member engagement, at its recent retreat by integrating the Board's priorities that were developed at the July Board retreat into upcoming agendas as a way to make sure all the priorities were addressed: diversity and inclusion, member engagement, member benefits, court reform, and entity regulation. She explained that 900 volunteers are engaged with the Bar on any given day and that plans are in place to start

bringing the Board's entities before it to talk about their work. She then iterated the following schedule: March – generative discussion regarding innovative courts; May – Section leadership reception; update from Practice of Law Board (POLB), along with someone from the Attorney General's Office Consumer Protection Division tying into what the POLB is doing; and report from the Executive Management Team regarding status of mandatory bars across the country; July – breakfast with the Washington Young Lawyers Committee (WYLC) and possible update from the WYLC during the meeting; dinner with the Oregon State Bar leadership; update from Court Rules Committee; and revisit of entity regulation topic; September – update regarding member benefits return on investment (ROI) discussion for the last two years; and update from Law Clerk Board.

President Furlong left the meeting and passed the gavel to Governor Risenmay since President-elect Pickett was not present at the meeting. Executive Director Littlewood continued by stating that a survey is planned in connection with member engagement, and that the outreach plan to members includes a letter to five-year members encouraging them to volunteer with the WSBA and a letter to members around their 25th year in practice with information related to practice transitions, emeritus status, and other information relevant to members approaching retirement. She explained that it is currently taking three weeks after a Board meeting to get the BOG meeting blast email update to the membership, so the Executive Committee suggests the email updates to be handled as they were in the past: staff will write a recap and send it out to the membership from WSBA after the Board meeting, and staff would be available to work with individual Governors who would like to send an update to their respective districts.

President Furlong returned to the room and took the gavel. Executive Director Littlewood then referred the Board to the 2018 First Quarter Management Report (provided to the Board on a quarterly basis) contained in the meeting materials and iterated the following highlights: the coordinated discipline system is on track; work is ongoing with Sections regarding a new revenue sharing model for CLEs; and work continues on enhancing member awareness and engagement with the Bar and its programs. The member engagement work group item was tabled until the March 8, 2018, Board meeting at the request of Governor Hunter.

Chief Communications and Outreach Officer Niegowski urged the Board to log onto the new WSBA website and thanked Communications Strategies Manager Jennifer Olegario and her team for their outstanding work on the new website. Regarding membership engagement, Officer Niegowski asked the Board to take a step back and think about what the 40,000 members of the Bar are doing and how they want to be engaged. She explained that the Bar is a resource and it is important to make sure that the members are engaged at a level they want to be engaged at and the members understand what the Bar provides. She advised that plans are in the works to complete approximately 100 high-level calls each quarter with individual members in order to ascertain their perception of the Bar, how they grade the Bar, and whether they are engaged the way they want to be engaged. She advised that she would be happy to work with Governor Swegle on this endeavor. She emphasized that her department is focused on getting the Board's information out to the membership across all channels.

#### **PRESIDENT'S REPORT**

President Furlong reported that the Officers, the Executive Director, and Governor Majumdar met with the Skagit County Bench and the Skagit County Bar Association leadership on the previous Wednesday.

#### **ADJOURNMENT**

There being no further business, the Public Session portion of the meeting was adjourned at 1:00 p.m. on Friday, January 19, 2018.

The Board then went into Executive Session and all staff except General Counsel Davis left the room.

Respectfully submitted,

Paula C. Littlewood  
WSBA Executive Director & Secretary

# WASHINGTON STATE B A R A S S O C I A T I O N

## BOARD OF GOVERNORS SPECIAL MEETING

Public Session Minutes

Seattle, WA

February 15, 2018

The Special Meeting Public Session of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by Acting President Bill Pickett on Thursday, February 15, 2018, at 12:40 p.m., at the WSBA Conference Center, Seattle, Washington. Governors in attendance were:

Dan W. Bridges  
Daniel D. Clark  
James K. Doane (phone)  
Angela M. Hayes (phone)  
Kim E. Hunter  
Jean Y. Kang (phone)  
Rajeev D. Majumdar (phone)  
Christina A. Meserve (phone)  
Athanasios P. Papailiou  
G. Kim Risenmay  
Kyle D. Sciuchetti  
Alec Stephens  
Paul Swegle  
Judge Brian Tollefson (ret.)

Also in attendance were Immediate Past-President Bill Hyslop, Executive Director Paula Littlewood, General Counsel Sean Davis, Chief Regulatory Counsel Jean McElroy, Chief Disciplinary Counsel Doug Ende, Director of Human Resources Frances Dujon-Reynolds, Chief Operations Officer Ann Holmes, Director of Advancement/Chief Development Officer Terra Nevitt, Chief Communications and Outreach Officer Sara Niegowski (phone), and Executive Assistant Margaret Shane. President Brad Furlong was not present for the meeting.

President-elect Pickett advised the Board and guests in attendance that President Furlong would not be available for most of the Special Meeting and had asked President-elect Pickett to preside over the meeting as Acting President in his absence.

**REQUEST FROM WSBA CIVIL RIGHTS LAW SECTION TO PUBLICLY COMMENT IN SUPPORT OF SB 6052 (ELIMINATE DEATH PENALTY IN WASHINGTON STATE)**

Governor Stephens advised that the death penalty is a priority area for the Civil Rights Law Section and the Section would like the authority to speak as a section on this topic. He noted that the Section believes the request fits under GR 12, especially as it relates to the administration of justice; i.e., is death an appropriate penalty and should the death penalty be a part of criminal justice statutes. Discussion ensued regarding the following topics: the death penalty being a human issue; the right that Sections and Section leaders should have to voice and present issues relevant to their members and mission; the feasibility of Sections using language to clearly distinguish the Section from WSBA as a whole; the importance of WSBA being perceived as speaking with one voice; and the overtly political nature of the issue. In answer to an inquiry regarding Board precedent on this issue, Executive Director Littlewood reviewed the history, which included a Resolution to study the death penalty in 2000; a report issued by a subcommittee of the Council on Public Defense on the cost of the death penalty; and the adoption of that report by the Board in 2007 with one amendment.

Governor Papailiou moved for a determination that the request satisfies the requirements of GR 12. Motion passed unanimously. Governor Stephens moved that the Civil Rights Law Section be allowed to publicly comment on the death penalty issue and urged the Board to allow the Section to speak on this issue. Concerns were raised regarding clarification of the request and parameters around the Section's comments. Kathleen Kline and Fred Diamondstone, At-Large members of the Civil Rights Law Section, responded by stating that the Section is only requesting approval to send the letter, nothing further, and in light of the bill passing in the Senate the previous night, the letter would be modified so that it would be directed to the House. In addition, it was observed that the letter clearly states that it is on behalf of the Section only. Governor Bridges moved to amend the motion to give authority to the Section to issue the letter as stated, with the exception that the letter be sent to the House rather than the Senate, and the proviso that the Section needs to return to the Board if it wants to expand the request. Motion to amend passed 13-0-1. Governor Risenmay abstained. Original motion as amended passed 13-1-0.

**INITIAL TERMS OF THREE NEW BOARD OF GOVERNOR MEMBERS AND POTENTIAL WSBA BYLAW AMENDMENTS (first reading)**

Governor Bridges raised a point of order, observing that it appeared to him that the proposals had not been posted until the morning of the Special Meeting. General Counsel Davis replied that the proposals were posted on the website the previous day.

Executive Director Littlewood noted that an amendment to the WSBA Bylaws is not needed since the current Bylaws already sets out the process. General Counsel Davis explained the two options contained in his memo to the Board and noted that the language already in the Bylaws makes it clear how the length of terms and subsequent elections would be structured after an initial election in 2018. He stated that a Bylaw amendment is not necessary to proceed with elections in 2018, but that the Board could adopt additional amendments to adjust the process. Discussion ensued regarding whether to bring all three new members on at one time, which would not need a Bylaw amendment, or to bring one new member on each year for three years, which would need a Bylaw amendment. Governor Risenmay stated that the Bylaws currently require a 17-member Board of Governors and three positions are currently vacant. He moved to fill the vacancies on the Board in accordance with current Bylaws vacancy procedures. Motion died for lack of a second. Acting President Pickett stated that a motion was not needed because the current Bylaws already address this situation. Governor Majumdar moved to table until the May 17-18, 2018, Board meeting. Discussion ensued regarding making a decision at this meeting; the customary practice of the Board being to fill open positions and to stagger terms; and concern regarding bringing three new members on the Board at once.

Concern was expressed regarding recruitment of public members with little lead time. Executive Director Littlewood replied that the process for recruiting public members has been in place for many years and that recruitment of public Board members would use the same process as recruitment of public members for the WSBA's regulatory boards. Immediate Past-President Hyslop stated that this issue has been in front of the Board for four to five years, starting with two years of work by the Governance Task Force; then the Board spent a full year reviewing the Task Force recommendations, and another year writing the Bylaws amendments.

He stated that the issue of adding new members was resolved in 2016 and expressed concern that some current Board members simply oppose the decision to add new members and would like to forestall its implementation. He stated that delaying implementation is not the prerogative of the Board at this time; the Bylaws have been adopted and the Supreme Court has issued an Order; the three new positions should be filled immediately; to table making a decision about the process until May would do nothing other than delay implementation into next fiscal year. He stated that the Board has all the information it needs to make a determination regarding the election process. Discussion ensued regarding the following topics: that the 2016 Bylaws amendments were not a decision of the current Board and Bylaw amendments are not set in stone and can be changed; that the Board is obligated to proceed with electing the new Board positions in accordance with directive of the Supreme Court's Order; the anti-trust implications of not proceeding with the election of the new members; and that delay of implementation would be a violation of the WSBA's Bylaws, which require vacancies to be filled. Governor Bridges opined that the Supreme Court Order does not tell the Board it has to fill the three vacancies; rather it says the Board may fill the vacancies; that the addition of two public members on the Board would not resolve any anti-trust issues; and that the North Carolina Dental Board case does not apply to bar associations. The Board was reminded that this Special Meeting was called to decide how to elect the three new Board members; those seeking to delay implementation were urged to set forth an alternative proposal regarding the election process. It was observed that delaying implementation because some Board members disagree with the Court Order is not appropriate.

Governor Majumdar's motion to table until the Board's May 17-18, 2018, meeting passed 9-4-1. Governor Clark abstained. It was requested that the proponents of the motion to table prepare a recommended approach for the Board to vote on at the May 2018 Board meeting. Frustration was expressed that this meeting was a waste of time. Acting President Pickett stated that before adjourning this meeting the Board needs to discuss what is going to occur between this meeting and the May 2018 Board meeting so that the issue can be resolved at that time. He added that the Supreme Court will expect an explanation of what the Board is doing when the board and the Court meet on March 9, 2018. He concluded by stating that the Board needs to have a discussion regarding how the Board members work together

productively. Governor Bridges advised that he had forwarded to President Furlong, Acting President Pickett, and General Counsel Davis a set of proposed Bylaw amendments, one of which is to delete the provisions adding the three new Governors, and if that amendment passes, this discussion becomes moot.

**ADJOURNMENT**

There being no further business in Public Session, the Special Meeting Public Session was adjourned at 2:00 p.m. on Thursday, February 15, 2018, to go in to Executive Session in order to receive advice from General Counsel Davis. In response to an inquiry regarding whether the Board would return to Public Session, Acting President Pickett announced that the Board would not return to Public Session at this meeting.

Respectfully submitted,

Paula C. Littlewood  
WSBA Executive Director & Secretary

# WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director  
Paula C. Littlewood, Executive Director

## EXECUTIVE DIRECTOR'S REPORT

March 2, 2018

### 2018 Licensing Season Nears Close

The 2018 licensing season is nearing completion and listed below are the current statistics. This year we saw an increase in charitable donations of about 2-3% and an increase in Keller Deductions of 4%.

- Number of people who have paid their licensing fees 35,706
- Number of people who have paid through *mywsba* 18,663
- Percent of people who have taken the Keller Deduction 18%
- Percent of people who contributed to the Foundation 10%
- Total amount contributed to the Foundation in dollars \$184,666
- Percent of people who contributed to LAW Fund 13%
- Total amount contributed to LAW Fund in dollars \$238,415
- Number of people opting for payment plan 60
- Number of people granted hardship waiver 94
- Average number of people visiting *mywsba* on a daily basis:
  - Avg. per weekday: 4384
  - Avg. per weekend: 784

Members showed much appreciation for the expanded payment plan, the hardship waiver, helpful staff and the new website. See attached compilation of some of the appreciation shown by members.

[Executive Director Activity Report \(attached\)](#)

[WSBA Demographics Report \(attached\)](#)

[Correspondence and Other Informational Items \(attached\)](#)

[Summary of WSBA Outreach Visits \(attached\)](#)

[Media Contacts Report \(attached\)](#)

[Update on Various Court Rules \(attached\)](#)

## 2018 LICENSING: MEMBER COMMENTS OF APPRECIATION

### Payment Plan

"Thank you, thank you!!! I have to say that having a payment plan this year REALLY helped me a lot. Thank YOU to you and everyone who made that happen."

### Hardship Exemption

"Thank you very much, and I appreciate the links to the resources you sent. I will definitely take advantage of those."

"Thank you for this onetime fee waiver. I sincerely appreciate it."

"Thank you so much! I REALLY appreciate this."

"Thank you for your assistance Amy, much appreciated!"

"Thank you for letting me know. I appreciate it."

"Thank you, Amy!! I am very grateful!"

### Armed Services Exemption

"Thank you very much for that welcome news. I truly appreciate the Bar's support of my current duty."

"Thank you. Appreciate it very much!"

"I truly appreciate all of your long-term help and support."

### Inactive status

"Excellent. Thanks for the quick response. I didn't realize I could maintain my bar membership without being "active" and I appreciate the lower rate for membership for that status!"

### General

"We have a great bar association. I appreciate your fine effort."

## SAMPLE OF MEMBER FEEDBACK DURING LICENSING AND ADMISSIONS SEASON:

- "No other questions at this time. Thank you for checking for me. Your work is MOST appreciated." (Feedback to a Regulatory Services Analyst assisting a member with a status check.)
- "Dear Licensing Staff ... Thank you for the kind notice and directions to remedy my omission. WSBA has a great website, and you all do a wonderful job." (In regards to a member who had not completed her professional liability insurance disclosure.)
- "You've made my day. Again. You're very good at your job. Many thanks." (Feedback to a Regulatory Services Analyst assisting a member with a status check.)
- "I just wanted to let you know that today I got my bar card number. You were so helpful through the process and I can't thank you enough. My husband and I often talk about how appreciative we are of you. I've been in Seattle with him 6 months now and loving this beautiful city. My job is great too with some awesome colleagues. Thanks so much for being so diligent and helping us understand everything- it meant the world to us." (Feedback to an Admissions Analyst.)
- "The MCLE staff have always been helpful, but today I also appreciated your patience and great attitude. You were likely very busy helping impatient and frustrated attorneys, yet you didn't transfer those feelings over the phone or in email. In return, I will try diligently not to be among your last-minute supplicants in the future." (Feedback to MCLE inbox.)
- "Thank you. We have a great bar association. I appreciate your fine effort." (Feedback to a Licensing Assistant.)
- "I want to thank you for all of your wonderful support over the years, and for going 'above and beyond' the call of duty. You are the best! With our deepest gratitude." (To Service Center regarding a member who needed help transitioning to inactive status.)
- "I truly appreciate your help in expediting this! You guys are wonderful!" (To a Membership Assistant who needed an expedited status check.)
- "Thanks ... for responding to my cry for help quickly. You've been my go-to person at the WSBA since 2008—you're always courteous, patient, and helpful when I contact WSBA. Thank you so very much for being you!" (A member to a Service Center Representative who helped with the licensing process.)

# WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director  
Paula C. Littlewood, Executive Director

## ACTIVITY REPORT Paula C. Littlewood January 20, 2018 – March 9, 2018

### Current Service on Boards and Committees

Local: University of Washington School of Law Leadership Council, Executive Committee Member; University of Washington School of Law Public Interest Law Association Board of Advisors.

National: Institute for the Advancement of the American Legal System (IAALS) Board of Advisors.

International: International Institute of Law Association Chief Executives (IILACE), Vice President.

### Meetings with Other WSBA and External Constituents

Legal Community Leaders	5
New Lawyers and Law Students	6
Other	2

### WSBA- and BOG-Related Meetings:

BOG Executive Committee Meeting	February 15
BOG Legislative Committee Conference Call	2
BOG Leadership Meetings with Thurston County Bar Association and Government Lawyers Bar Association Leadership, District Court Judges, and Administrative Law Judges	March 7
BOG Meeting	March 8
BOG Meeting with Supreme Court	March 9
BOG Personnel Committee Meeting	February 23
BOG President Weekly Calls	6
BOG Special Meeting	February 15
Practice of Law Board Meeting	February 15
WSBA Budget and Audit Committee Meeting	February 15
Yakima Valley Community College Meeting with Bill Pickett and Dan Clark	February 26
Other	7

**Staff-Related Meetings:**

Advancement Managers Meeting	February 20
All-Managers Meeting	February 14
All-Staff Meeting	February 14
Coffees with New Staff	1
Disaster Recovery Tabletop Exercise	January 24
Executive Management Team Meetings	6
Management Culture and Norms Training	January 25
Random Acts of Pizza (R.A.P.)	February 14
Weeklies with Staff Direct Reports	17
Other	11

**National/International-Related Meetings:**

Institute for the Advancement of the American Legal System (IAALS) (funded by host)	3
National Association of Bar Executives (NABE), Vancouver, BC	Jan 30 – Feb 1
International Institute of Law Association Chief Executives (IILACE) Executive Committee Conference Call	February 6
Western States Bar Conference (WSBC)	4

**Presentations**

Presentation at Washington Young Lawyer Committee (WYLC) Orientation	January 20
The Future of Lawyer Regulation Presentation during National Association of Bar Executives (NABE) Conference in Vancouver, BC	January 31
Limited License Legal Technician (LLLT) Presentation during Law Society of Saskatchewan Benchers Meeting in Saskatchewan (funded by host)	February 7-9
Professionalism Presentation at Gonzaga University School of Law	February 22

**Organizational Events**

Goldmark Luncheon	February 23
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**WSBA Member\* Demographics Report 3/1/18 10:01:15 AM GMT-08:00**

By Years Licensed		By Firm Size		By Practice Area		By Languages Spoken	
Under 6	8,453	Solo	5,963	Administrative-regulator	2,298	Afrikaans	6
6 to 10	5,650	Solo in Shared Office or	1,737	Agricultural	231	Akan /twi	4
11 to 15	5,500	Government/ Public Secto	5,196	Animal Law	113	Albanian	2
16 to 20	4,507	In House Counsel	3,031	Antitrust	304	American Sign Language	13
21 to 25	4,053	2-5 Lawyers in Firm	5,010	Appellate	1,655	Amharic	16
26 to 30	3,483	6-10 Lawyers in Firm	2,151	Aviation	165	Arabic	53
31 to 35	2,979	11-20 Lawyers in Firm	1,553	Banking	457	Armenian	6
36 to 40	2,460	21-35 Lawyers in Firm	958	Bankruptcy	1,103	Bengali	11
41 and Over	2,700	36-50 Lawyers in Firm	714	Business-commercial	5,346	Bosnian	7
<b>Total:</b>	<b>39,785</b>	51-100 Lawyers in Firm	743	Civil Litigation	5,490	Bulgarian	13
		100+ Lawyers in Firm	2,328	Civil Rights	1,080	Burmese	2
				Collections	612	Cambodian	6
				Communications	230	Cantonese	93
				Constitutional	655	Cebuano	3
				Construction	1,363	Chamorro	4
				Consumer	803	Chaozhou/chiu Chow	1
				Contracts	4,316	Chin	2
				Corporate	3,580	Croatian	17
				Criminal	4,033	Czech	7
				Debtor-creditor	1,047	Danish	19
				Disability	702	Dari	3
				Dispute Resolution	1,397	Dutch	23
				Education	502	Egyptian	2
				Elder	967	Farsi/persian	57
				Employment	2,917	Filipino	1
				Entertainment	328	Finnish	7
				Environmental	1,343	French	692
				Estate Planning-probate	3,636	French Creole	2
				Family	2,987	Fukienese	4
				Foreclosure	574	Ga/kwa	2
				Forfeiture	88	German	428
				General	2,955	Greek	28
				Government	2,862	Gujarati	15
				Guardianships	939	Haitian Creole	2
				Health	981	Hebrew	37
				Housing	320	Hindi	87
				Human Rights	332	Hmong	1
				Immigration-naturaliza	1,039	Hungarian	13
				Indian	620	Ibo	5
				Insurance	1,775	Icelandic	2
				Intellectual Property	2,283	Ilocano	9
				International	935	Indonesian	11
				Judicial Officer	395	Italian	149
				Juvenile	932	Japanese	210
				Labor	1,184	Kannada/canares	4
				Landlord-tenant	1,397	Khmer	1
				Land Use	842	Konko/kikonko	1
				Legal Ethics	290	Korean	229
				Legal Research-writing	753	Lao	6
				Legislation	413	Latvian	6
				Litigation	4,651	Lithuanian	4
				Lobbying	174	Malay	3
				Malpractice	809	Malayalam	9
				Maritime	307	Mandarin	331
				Military	388	Marathi	5
				Municipal	972	Mongolian	2
				Non-profit-tax Exempt	624	Navajo	1
				Not Actively Practicing	1,769	Nepali	3
				Oil-gas-energy	223	Norwegian	38
				Patent-trademark-copyr	1,325	Not listed	32
				Personal Injury	3,432	Oromo	3
				Real Property	2,591	Other	23
				Real Property-land Use	2,397	Pashto	1
				Securities	827	Persian	21
				Sports	158	Polish	33
				Subrogation	101	Portuguese	121
				Tax	1,361	Portuguese Creole	1
				Torts	2,193	Punjabi	56
				Traffic Offenses	749	Romanian	19
				Workers Compensation	752	Russian	230
						Samoan	9
						Serbian	16
						Serbo-croatian	7
						Sign Language	23
						Sinhalese	2
						Slovak	2
						Somali	1
						Spanish	1,774
						Spanish Creole	9
						Swahili	3
						Swedish	54
						Taagloa	64
						Taishanese	2
						Taiwanese	17
						Tamil	9
						Telugu	3
						Thai	14
						Tigrinya	3
						Tongan	1
						Turkish	9
						Ukrainian	41
						Urdu	38
						Vietnamese	85
						Yoruba	9
						Yugoslavian	2

By Ethnicity		By Disabled Status	
American Indian / Native American	255	N	18,030
Asian	1,441	Y	955
Black/African descent	648		
Caucasian/White	24,131		
Multi Racial	796		
Not Listed	181		
Pacific Islander	57		
Spanish/Hispanic/Latina/o	699		
<b>Respondents</b>	<b>28,208</b>		
<b>No Response</b>	<b>11,577</b>		
<b>All Member Types</b>	<b>39,785</b>		

By Gender		By LGBT	
FEMALE	12,214	N	17,843
MALE	17,362	Y	1,038
<b>Respondents</b>	<b>29,576</b>		
<b>No Response</b>	<b>10,209</b>		
<b>All Member Types</b>	<b>39,785</b>		

By Age	All	Active
21 to 30	2,038	1,953
31 to 40	9,143	8,163
41 to 50	9,598	7,876
51 to 60	8,686	6,836
61 to 70	7,686	5,755
71 to 80	2,084	1,389
Over 80	550	118
<b>Total:</b>	<b>39,785</b>	<b>32,090</b>

\* Includes active attorneys, emeritus pro-bono, honorary, inactive attorneys, judicial, limited license legal technician (LLLT), and limited practice officer (LPO).

**WSBA Member\* Licensing Counts 3/1/18 9:59:51 AM GMT-08:00**

Member Type	In WA State	All	By District		By State and Province		By WA County		By Admit Yr		
			All	Active							
Attorney - Active	25,888	32,090			Alabama	24	Adams	14	1940	3	
Attorney - Emeritus	108	112	0	2,848	2,052	Alaska	200	Asotin	28	1941	2
Attorney - Honorary	345	390	1	2,854	2,345	Alberta	8	Benton	326	1942	1
Attorney - Inactive	2,400	5,553	2	1,938	1,548	Arizona	320	Chelan	233	1944	1
Judicial	620	643	3	2,035	1,707	Arkansas	16	Clallam	149	1945	1
LLLT - Active	25	25	4	1,335	1,117	Armed Forces Americas	3	Clark	755	1946	2
LLLT - Inactive	2	2	5	3,098	2,496	Armed Forces Europe, Middle Eas	26	Columbia	7	1947	6
LPO - Active	787	798	6	3,169	2,647	Armed Forces Pacific	19	Cowlitz	130	1948	8
LPO - Inactive	160	172	7N	5,217	4,420	British Columbia	92	Douglas	25	1950	16
	30,335	39,785	7S	6,892	5,648	California	1,686	Ferry	14	1951	28
			8	2,127	1,797	Colorado	239	Franklin	49	1952	27
			9	4,750	4,006	Connecticut	50	Garfield	2	1953	26
			10	2,768	2,307	Delaware	4	Grant	107	1954	29
				39,031	32,090	District of Columbia	332	Grays Harbor	98	1955	20
						Florida	246	Island	129	1956	40
						Georgia	84	Jefferson	93	1957	34
						Guam	18	King	14,438	1958	39
						Hawaii	137	Kitsap	698	1959	41
						Idaho	406	Kittitas	75	1960	33
						Illinois	152	Klickitat	22	1961	29
						Indiana	34	Lewis	93	1962	35
						Iowa	29	Lincoln	13	1963	34
						Kansas	31	Mason	87	1964	42
						Kentucky	23	Okanogan	90	1965	58
						Louisiana	48	Pacific	22	1966	63
						Maine	12	Pend Oreille	19	1967	66
						Maryland	115	Pierce	2,032	1968	96
						Massachusetts	82	San Juan	67	1969	106
						Michigan	67	Skagit	265	1970	115
						Minnesota	100	Skamania	16	1971	124
						Mississippi	4	Snohomish	1,423	1972	192
						Missouri	64	Spokane	1,570	1973	289
						Montana	170	Stevens	47	1974	280
						Nebraska	17	Thurston	1,396	1975	344
						Nevada	135	Wahkiakum	8	1976	421
						New Hampshire	8	Walla Walla	101	1977	414
						New Jersey	66	Whatcom	525	1978	471
						New Mexico	59	Whitman	70	1979	507
						New York	240	Yakima	405	1980	522
						North Carolina	73			1981	554
						North Dakota	9			1982	533
						Northern Mariana Islands	8			1983	574
						Nova Scotia	1			1984	651
						Ohio	67			1985	463
						Oklahoma	25			1986	710
						Ontario	12			1987	622
						Oregon	2,624			1988	593
						Pennsylvania	73			1989	626
						Puerto Rico	3			1990	762
						Quebec	1			1991	759
						Rhode Island	12			1992	756
						Saskatchewan	1			1993	793
						South Carolina	27			1994	814
						South Dakota	6			1995	830
						Tennessee	51			1996	767
						Texas	329			1997	865
						Utah	163			1998	814
						Vermont	19			1999	853
						Virginia	277			2000	868
						Virgin Islands	1			2001	936
						Washington	30,335			2002	1,010
						West Virginia	7			2003	1,038
						Wisconsin	44			2004	1,050
						Wyoming	20			2005	1,069
										2006	1,104
										2007	1,182
										2008	1,097
										2009	1,005
										2010	1,093
										2011	1,067
										2012	1,108
										2013	1,249
										2014	1,378
										2015	1,647
										2016	1,326
										2017	1,401
										2018	235

Misc Counts		
All License Types **	40,038	
All WSBA Members	39,785	
Members in Washington	30,335	
Members in western Washington	22,424	
Members in King County	14,438	
Members in eastern Washington	3,217	
Active Attorneys in western Washington	18,916	
Active Attorneys in King County	12,563	
Active Attorneys in eastern Washington	2,597	
New/Young Lawyers	6,602	
MCLE Reporting Group 1	10,628	
MCLE Reporting Group 2	11,138	
MCLE Reporting Group 3	10,676	
Foreign Law Consultant	20	
House Counsel	223	
Indigent Representative	10	

By Section ***		
	All	Previous Year
Administrative Law	253	279
Alternative Dispute Resolution	327	384
Animal Law	101	118
Antitrust, Consumer Protection and Unfair Business Practice	197	212
Business Law	1,181	1,386
Cannabis Law	32	
Civil Rights Law	153	202
Construction Law	476	528
Corporate Counsel	1,028	1,165
Creditor Debtor Rights	487	550
Criminal Law	378	540
Elder Law	620	710
Environmental and Land Use Law	759	841
Family Law	1,033	1,296
Health Law	368	415
Indian Law	289	337
Intellectual Property	821	992
International Practice	210	278
Juvenile Law	187	218
Labor and Employment Law	941	1,052
Legal Assistance to Military Personnel	87	100
Lesbian, Gay, Bisexual, Transgender (LGBT) Law	103	137
Litigation	983	1,191
Low Bono	91	132
Real Property Probate and Trust	2,218	2,402
Senior Lawyers	232	300
Solo and Small Practice	873	1,038
Taxation	612	667
World Peace Through Law	91	116

\* Per WSBA Bylaws 'Members' include active attorney, emeritus pro-bono, honorary, inactive attorney, judicial, limited license legal technician (LLLT), and limited practice officer (LPO) license types.

\*\* All license types include active attorney, emeritus pro-bono, foreign law consultant, honorary, house counsel, inactive attorney, indigent representative, judicial, LPO, and LLLT.

\*\*\* The values in the All column are reset to zero at the beginning of the WSBA fiscal year (Oct 1). The Previous Year column is the total from the last day of the fiscal year (Sep 30). WSBA staff with complimentary membership are not included in the counts.

The Supreme Court  
State of Washington

MARY E. FAIRHURST  
CHIEF JUSTICE  
TEMPLE OF JUSTICE  
POST OFFICE BOX 40929  
OLYMPIA, WASHINGTON  
98504-0929



(360) 357-2053  
E-MAIL MARY.FAIRHURST@COURTS.WA.GOV

FEB 08 2018

February 5, 2018

Honorable William L. Downing (Ret.)  
JAMS Mediation, Arbitration and ADR Services  
1420 Fifth Ave., Ste. 1650  
Seattle, WA 98101

✓ Paula C. Littlewood, Executive Director  
Sean M. Davis, General Counsel  
Washington State Bar Association  
1325 4th Ave., Ste. 600  
Seattle, WA 98101-2537

Re: Appointment of arbitrator and request for arbitration contract

Dear Judge Downing, Ms. Littlewood, and Mr. Davis:

The Washington State Bar Association (WSBA) has forwarded to me six challenges to the 2018 Keller Deduction. The challenges were filed by B. Craig Gourley, Christina Faucett, Paul A. Barrera, Albert Coke Roth, III., John McCrady, and Richard C. Tizzano. Pursuant to the WSBA Bylaws article XV(C)(1), I appoint JAMS and, specifically, the Honorable William L. Downing (Ret.), to serve as arbitrator, and I request that the WSBA and JAMS discuss arbitration fees for Judge Downing's services and notify me when a contract has been finalized.

At such time as I am informed that a contract has been finalized, I will notify the challengers of Judge Downing's appointment as arbitrator. Please also advise me when the arbitration is complete and provide me with a copy of the arbitration decision.

Copies of the six challenges will be forwarded to Judge Downing separately. Let me know if you have any questions or concerns. Thank you.

Very truly yours,

A handwritten signature in black ink that reads "Mary E. Fairhurst" with a long horizontal flourish extending to the right.

MARY E. FAIRHURST  
Chief Justice

**WASHINGTON STATE  
BAR ASSOCIATION**

Office of General Counsel  
Sean M. Davis, General Counsel

February 12, 2018

Hon. Mary E. Fairhurst  
Chief Justice  
Washington Supreme Court  
P.O. Box 40929  
Olympia, WA 98504-0929

Re: Request for Arbitration Regarding the Keller Deduction

Dear Chief Justice Fairhurst:

WSBA member Holly Henson submitted a demand for arbitration regarding the amount of the Keller deduction for 2018. Each year the annual license fee process provides for an "optional Keller deduction" as approved by the Board of Governors. This option is in response to the U.S. Supreme Court decision in *Keller v. State Bar of California* which held that state bar mandatory fees may not be used over a member's objection for activities that are political or ideological in nature and which are not reasonably related to (1) regulating the practice of law, or (2) improving the quality of legal services.

Under Art. XV(C)(1) of the WSBA Bylaws, and the arbitration process approved by the Board of Governors and posted on the WSBA website, [https://www.wsba.org/docs/default-source/licensing/keller-deduction-overview.pdf?sfvrsn=9f3538f1\\_4](https://www.wsba.org/docs/default-source/licensing/keller-deduction-overview.pdf?sfvrsn=9f3538f1_4), the WSBA is required to submit the matter to the Chief Justice of the Washington Supreme Court for appointment of an impartial arbitrator. The deadline for WSBA members to request a Keller arbitration is February 1, 2018. Per the WSBA Bylaws all requests for arbitration shall be consolidated. We are hereby submitting Ms. Henson's demand, a copy of which is enclosed along with my acknowledgment letter to Ms. Henson, to you for appointment of an impartial arbitrator in accordance with these provisions.

Sincerely,



Sean M. Davis  
General Counsel

Enclosures

cc: Holly Henson  
Paula C. Littlewood, WSBA Executive Director  
Brad E. Furlong, WSBA President



*Law Office of Holly Henson, PS*

PO Box 1555, Bellevue, WA 98009

Phone (206) 203-3259

Fax (877) 814-9175

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January 24, 2018

**RECEIVED**

FEB 02 2018

Washington State Bar Association  
1325 Fourth Ave. Suite 600  
Seattle, WA 98101 - 2539

WSBA Regulatory Services Dept.

RE: Request for Arbitration Regarding the Keller deduction

WSBA Representative,

This is a formal demand for arbitration regarding the amount of the Keller deduction for the 2018 year. It appears that the Keller deduction was calculated improperly, based on the following:

- Political and ideological activities not related to direct and indirect lobbying for legislation were not included in the calculation of the Keller deduction. These activities include:
  - The cost of the Decoding the Law series, as this series was entirely one-sided political argumentation in opposition to the death penalty, Initiative 1552, President's Trump's travel bans, and espousing political positions on race and police activity. No individuals representing the other side of these extremely controversial political ideologies were given the opportunity to present at any of the Decoding the Law presentations, and numerous statements of political opinion were made by the presenters;
  - A large portion of the expenses of the Access to Justice Board, which engages in substantial political activity, including:
    - The August 21, 2017 letter to Chief Justice Mary Fairhurst regarding Proposed ER 413 – Admissibility of Immigration Status (see September BOG meeting materials pg. 392-93)
    - Comments before the FCC regarding Net Neutrality (see September BOG meeting materials pg. 401-410)

The cost of the Access to Justice State Plan for the Coordinated Delivery of Civil Legal Aid to Low Income People, as it is replete with social and political opinion statements, including numerous references to “systemic racism” and “racial bias that has been built into our societal fabric.” (see March BOG meeting public materials pg. 129-147)

- The expense of the publication of NW Lawyer magazine was not included in the calculation of the Keller deduction. NW Lawyer magazine has, in 2017 in particular, become an outlet for political opinion pieces: publishing only articles from one political perspective. Of the 60 substantive articles (not part of a standard section such as the President’s corner or Bar Notes) written for NW Lawyer this year, 27.42% were political in nature. Of these, 100% were written from a liberal/Democrat/left-leaning perspective. Not a single article published in NW Lawyer magazine in 2017 was from a conservative/Republican/right-leaning perspective. In fact, I am at a loss to think of a single article published in NW Lawyer since I became a member in 2013 that was from a conservative perspective. I find it difficult to believe that this is simply the result of a lack of submissions from conservative writers. The Letters to the Editor section contains many such perspectives. Because of the discriminatory manner in which articles are selected for publication in NW Lawyer magazine, the net cost of publication of the magazine must be considered political and ideological activity on the part of the WSBA. At the very least, the net cost of publishing the 27.42% of articles which were political in nature must be non-chargeable;

• The amount of general staff time spent on legislative or political matters was calculated incorrectly; it is improper to multiply the amount of money actually spent on general staff time, BOG meeting time, and conference calls by a number that was obtained by counting unspent hours in the legislative budget. The proper calculation should have been multiplying the value of general staff time actually spent by the percentage of non-chargeable activities: 93.25%, resulting in a deduction of \$.13 for this portion of the Keller deduction, not \$.08.

It should have been 58.13% instead of 93.25%, which was the percentage of actual time spent lobbying for or against legislation which was non-chargeable. The 58.13% figure was obtained by dividing the number of staff hours actually spent working on legislative activities by the number budgeted, and then multiplying that by 93.25% (the percentage of non-chargeable legislative activity). Because only about two-thirds of the legislative budget was actually spent this year, the percentage came out to 58.13%.

• The portion of legislative and general staff time spent on preparing opposition to the proposed restructuring of the 9th Circuit Court of Appeals which was counted as chargeable time should be counted as non-chargeable time.

Based on the above, it is estimated that the Keller deduction was miscalculated by approximately \$10.99, pending receipt of further information necessary to make an accurate calculation.

Per the rules set forth for arbitration, I am requesting information on the following information:

- A detailed breakdown of the exact manner in which the \$5,456.30 of general staff time, (including salaries, benefits, and overhead), BOG meeting time (overhead), and conference calls spent on meetings where legislative or political matters were discussed was calculated;
- The total cost of the Decoding the Law Series, including the amount of staff salaries which went into running and advertising this series, and whether this was or was not included in the calculation of the Keller deduction;
- The total amount of time spent by the Access to Justice Board on political topics, including all of the above-mentioned items and whether time spent on any of the above was already included in the calculation of the Keller deduction.
- A list of the title and topic of every article submitted to NW Lawyer Magazine which was not accepted for publication, as well as a list of any articles which were personally solicited by members of WSBA staff or board members from any individual on a particular topic which were published (in order to determine whether the selection of articles for publication was made in a socially or politically discriminatory way).

I look forward to receiving the WSBA's prompt response to this matter.

Sincerely,



Holly Henson

WSB # 45625

**WASHINGTON STATE  
BAR ASSOCIATION**

Office of General Counsel  
Sean M. Davis, General Counsel

February 12, 2018

Holly Henson  
Law Offices of Holly Henson  
P.O. Box 1555  
Bellevue, WA 98009

Re: Request for Arbitration Regarding the Keller Deduction

Dear Ms. Henson:

The Washington State Bar Association (WSBA) received your demand for arbitration regarding the amount of the Keller deduction for the 2018 year on February 2, 2018. In accordance with the WSBA Bylaws and the Keller Deduction Overview, Calculation and Arbitration notice posted on the WSBA website, [https://www.wsba.org/docs/default-source/licensing/keller-deduction-overview.pdf?sfvrsn=9f3538f1\\_4](https://www.wsba.org/docs/default-source/licensing/keller-deduction-overview.pdf?sfvrsn=9f3538f1_4), we will submit this matter to the Chief Justice of the Washington Supreme Court for appointment of an arbitrator.

Sincerely,



Sean M. Davis  
General Counsel



**WASHINGTON STATE  
BAR ASSOCIATION**

Office of the Executive Director  
Paula C. Littlewood, Executive Director

February 12, 2018

Honorable Mary E. Fairhurst  
Chief Justice  
Washington State Supreme Court  
P.O. Box 40929  
Olympia, Washington 98504-0929

Dear Chief Justice Fairhurst,

On November 16, 2017, the WSBA Board of Governors unanimously approved suggested *Performance Guidelines for Juvenile Offense Representation* (Guidelines). These suggested Guidelines were developed by the WSBA Council on Public Defense (CPD) in response to then-Chief Justice Barbara Madsen's July 10, 2014, request that the CPD "...develop a proposal for [juvenile representation] guidelines for consideration by the Washington State Bar Association Board of Governors." The suggested Guidelines would be added to Standards on Indigent Defense 14.1. Enclosed please find the GR 9 cover sheet and text for the suggested Guidelines and amendment.

If you have any questions, please feel free to contact me, or direct them to Eileen Farley, Chair of the WSBA Council on Public Defense, at [Eileen.Farley@nwaj.org](mailto:Eileen.Farley@nwaj.org) or (206) 719-8951.

Sincerely,



Paula C. Littlewood

Enclosures

cc: Bradford E. Furlong, President, WSBA  
William D. Pickett, President-Elect, WSBA  
Eileen Farley, Chair, WSBA Council on Public Defense  
Diana Singleton, Access to Justice Manager, WSBA

**WASHINGTON STATE  
B A R A S S O C I A T I O N**

Office of the Executive Director

February 15, 2018

Hon. Mary E. Fairhurst  
Chief Justice  
Washington Supreme Court  
P.O. Box 40929  
Olympia, WA 98504

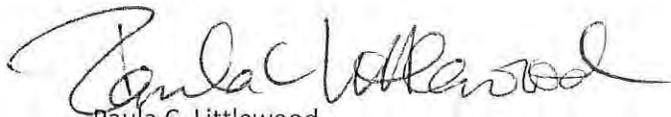
RE: Suggested Amendments to APR 28 and related Regulations, LLLT RPC, and RPC

Dear Chief Justice Fairhurst,

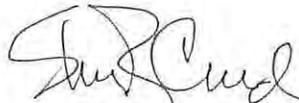
Please find enclosed suggested amendments to APR 28 and related Regulations, the Limited License Legal Technician Rules of Professional Conduct (LLLT RPC), and the Rules of Professional Conduct (Lawyer RPC) as proposed by the Limited License Legal Technician Board ("Board"). The Board voted to approve the suggested amendments for recommendation to the Court. These suggested amendments seek to enhance the scope of the LLLT Domestic Relations practice area and make changes to the LLLT and Lawyer RPCs necessary to implement those enhancements. A discussion of the purpose of the amendments is set forth in the accompanying GR 9 Cover Sheets. The Board respectfully seeks expedited consideration of the suggested amendments.

Please let us know if the Court requires any additional information.

Sincerely,



Paula C. Littlewood  
Executive Director



Stephen R. Crossland  
Chair, Limited License Legal Technician Board

Encl: GR 9 Cover Sheet – APR 28  
Suggested Amendments to APR 28 and APR 28 Regulations  
GR 9 Cover Sheet – LLLT RPC  
Suggested Amendments to the LLLT RPC  
GR 9 Cover Sheet – Lawyer RPC  
Suggested Amendments to the Lawyer RPC

cc: Bradford E. Furlong, WSBA President  
Jean McElroy, WSBA Chief Regulatory Counsel

**ALPHA M. BRADY**

Senior Associate  
Executive Director  
Chief Governance  
Officer

**AMERICAN BAR ASSOCIATION**

321 North Clark Street  
Chicago, Illinois 60654-7598  
(312) 988-5155  
FAX: (312) 988-5153  
[alpha.brady@americanbar.org](mailto:alpha.brady@americanbar.org)

**MEMORANDUM**

**TO:** House of Delegates  
Section and Committee Chairs  
Presidents and Executive Directors of State and Local Bar  
Associations  
ABA Senior Managers, Directors and Staff Liaisons

**FROM:** Alpha M. Brady

**SUBJECT:** Summary of Action of the February 1-2, 2018  
Board of Governors Meeting

**DATE:** February 5, 2018

Attached is the Summary of Action of the February 1-2, 2018 meeting of the Board of Governors held at the Vancouver Convention Centre, British Columbia, Canada. This Summary does not constitute official Minutes of the meeting. Minutes of the meeting will be presented to the Board for approval at its meeting in June 2018.

If you have any questions with respect to the action taken, please do not hesitate to contact me.

cc: Board of Governors

**BOARD OF GOVERNORS  
SUMMARY OF ACTION**

**Vancouver Convention Centre  
Vancouver, British Columbia, Canada  
February 1-2, 2018**

**1. REPORTS OF OFFICERS AND THE EXECUTIVE DIRECTOR**

The Board received the reports of the President, President-Elect, Chair of the House of Delegates, Immediate Past President, Secretary, Treasurer and Executive Director. The minutes of the Board's October 19-20, 2017 were approved. The minutes of the Executive Committee's October 18, 2017, November 3, 2017 (email ballot), November 13 and 24, 2017, December 11 and 21, 2017 (email ballot) were received.

The Board received the Report of the Secretary on the Exercise of Blanket Authority.

The Board, sitting as members of the Board of the American Bar Association Fund for Justice and Education (ABA/FJE): a) approved the minutes of the October 20, 2017 meeting of the ABA/FJE Board as presented; and b) accepted the ABA/FJE restricted grants and contributions received or awarded through September 30, 2017, and not previously reported, as requested by the Association's Financial Services Division.

The Board adopted memorial resolutions for Board member Joe B. Whisler of Kansas City, Missouri, and for former Board member Jack F. Dunbar of Oxford, Missouri.

**MATTERS FOR DIRECT BOARD ACTION**

**2.1 Discussion Regarding New Membership Model**

The Board received a report from Bob Domenz, Chief Executive Officer, Avenue; Kyle Barrett, Senior Strategist; and Rachel Klein, Director of Strategy, regarding the new Membership Model.

**2.2 Executive Session**

In executive session, the Board discussed a defalcation issue, realignment/reorganization, and executive compensation.

**2.3 House Reports**

The Board discussed but took no action regarding the following resolution:

Resolution No. 112A: urges that the American Bar Association approve the Revised Uniform Unclaimed Property Act, promulgated by the National Conference of Commissioners on Uniform State Laws (Uniform Law Commission),

as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

#### 2.4 Website Update from Code & Theory

The Board received a report from David DiCamillo, Director of Operations of Code & Theory; Lanya Olmstead, User Experience Design; and Kathrine Resch, Engagement Director, regarding the status of the ABA website redesign.

#### 2.5 Reports from Committee Chairs

The Board received reports regarding the work of the Board Committees from Hon. Ramona G. See, Chair of Profession, Public Service and Diversity; Andrew J. (Josh) Markus, Chair of Member Services; and Eileen K. Gotts, Chair of Finance.

#### 2.6 Consent Calendar

The Board adopted the Consent Calendar as set forth in items 3 through 5 of this Summary of Action relating to the reports of the Board Committees.

#### 2.7 Report Regarding Fund for Justice and Education

The Board received a report from Tom Bolt, Board of Governors liaison to the Fund for Justice and Education, regarding the work of the Fund for Justice and Education.

#### 2.8 Report Regarding ABA Pathway to the Profession Project

The Board received a report from Robert Gonzales, Chair, ABA Pathway to the Profession Project, regarding its three projects: National Pre-Law Project, Metrics-Driven Bias Interrupters Project, and Digital Justice Project.

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## **WRITTEN INFORMATIONAL REPORTS**

### 2.25 Informational Report from the Center for Innovation

The Board received a written report from the Center for Innovation regarding the work of the Center for Innovation.

### 3.30 Membership Report

The Board received the written report from Tracy Giles, Chair of the Standing Committee on Membership regarding ABA membership.

## **MEMBER SERVICES**

### **A. MATTERS FOR REVIEW BY THE BOARD**

#### 3.1 Requests to Amend Bylaws

The Board approved the requests to amend bylaws from the following entities (*except for the Tort Trial and Insurance Practice Section Article III, Section 1\**):

- a. Section of Antitrust Law
- b. Section of International Law
- c. Young Lawyers Division
- d. Section of Administrative Law and Regulatory Practice
- e. Tort Trial and Insurance Practice Section

\* The Board did not approve an amendment to Article III, Section 1, which would permit the Annual Meeting of the Section to be held at another meeting/time/location so long as appropriate notice of the election, no less than 45 days, is given to the members of the Section.

#### 3.2 Request from Section of International Law to Enter Into Friendship Agreements

The Board deferred approval of the request of the Section of International Law to create a template to enter into Memoranda of Understandings with a number of additional international bars, including the Lithuanian Bar Association, the Estonian Bar Association, the Latvian Bar Association, the Danish Bar Association, the Finnish Bar Association, the Swedish Bar Association, the Norway Bar Association, and the Jamaican Bar Association.

3.3 Request from President Bass to Create a Task Force to Coordinate ABA Educational Outreach in Response to the New Tax Legislation

The Board approved the request of President Bass to create a Task Force to coordinate the ABA's educational outreach to members regarding the tax legislation signed into law on December 22, 2017, with the understanding that the Task Force will sunset at the close of the 2019 Annual Meeting.

3.4 Request from the Ethics Review Committee to Amend the Business Conduct Standards

The Board approved amendments to the Business Conduct Standards regarding complaints and investigation of members as follows: The Executive Committee is not bound by the decisions or actions of the Ethics Review Committee. The decision of the Executive Committee is final and not appealable except in the case the Executive Committee determines a more severe sanction should be imposed on the Member, in which case the Member may appeal that sanction decision to the full Board which will act only to affirm or deny that increased sanction and whose decision is final.

3.5 Request from President-Elect Carlson to Approve Board Meeting Dates for 2018-2019

The Board approved the request of President-Elect Carlson to conduct the November 8-10, 2018 meeting of the Board as a teleconference, and to hold the June 6-7, 2019 meeting at the Doubletree Hilton Missoula Edgewater Hotel in Missoula, Montana.

3.6 Request from Standing Committee on Membership to Amend the Constitution and Bylaws Regarding New Membership Model

The Board approved the request of the Standing Committee on Membership for authority to file "placeholder" Constitution and Bylaws amendments regarding the new Membership Model.

3.7 Request from President Bass to Create Working Group on Hate Speech and the Internet and to Seek Outside Funding

The Board approved the request of President Bass to Create a Working Group on Hate Speech and the Internet to address the deluge of hate speech online and to seek outside funding.

3.8 Request from Section of Intellectual Property Law to Enter Into Cooperating Agreement with the Fédération Internationale en Propriété Intellectuelle

The Board approved the request of the Section of Intellectual Property Law to enter into a Memorandum of Understanding with the Fédération Internationale des Conseils en Propriété Intellectuelle (FICPI) (for a three-year term from the date of signature, in 2018 until 2021), to coordinate efforts and activities with FICPI to increase member awareness and promote professional cooperation. These activities include meeting attendance and participation, program development for meetings and exchange of publications.

**PROFESSION, PUBLIC SERVICE AND DIVERSITY**

**A. MATTERS FOR REVIEW BY THE BOARD**

4.1 Nominations

a. American Intellectual Property Law Education Foundation

- i. The Board approved the request of the Section of Intellectual Property Law to continue its institutional membership in and co-sponsorship of the American Intellectual Property Law Education Foundation for five years beginning in 2018 and ending in 2023.
- ii. The Board re-elected William L. LaFuze of Houston, Texas, as the ABA representative to the American Intellectual Property Law Education Foundation for a second three-year term beginning on July 1, 2018, and expiring on June 30, 2021.

b. Intellectual Property Constituency

The Board elected James Bikoff of Washington, D.C., as the ABA representative to the Intellectual Property Constituency for a three-year term beginning on July 1, 2018, and expiring on June 30, 2021.

c. Industry Trade Advisory Committee on Services and Financial Industries

The Board re-elected Timothy Charles Brightbill of Washington, D.C., as the ABA representative to the Industry Trade Advisory Committee on Services and Financial Industries for a two-year term expiring in February 2020, with the understanding that, because the current representative has served in this position since 2007, the Section of International Law should submit the names of new members to serve in this position.

#### 4.2 Request from ABA Fund for Justice and Education to Approve Revised Program Support Fund and Endowment Policy

The Board deferred action on the request of the ABA Fund for Justice and Education (FJE) for the newly revised Program Support Fund and Endowment Policy which includes a more robust role for the FJE as a partner to the Board of Governors to allow review by the entities that have Program Support Funds.

#### 4.3 Requests from Rule of Law Initiative

##### a. Memoranda of Understandings

###### i. Ground Truth Solution

The Board approved the request of the ABA Rule of Law Initiative to enter into a Memorandum of Understanding with Ground Truth Solutions to conduct joint research and evaluation activities of ABA Rule of Law Initiative's work providing legal protection services, subject to review and approval of the Memorandum of Understanding by the Office of the General Counsel, and a signed copy filed with the Division for Policy and Planning.

###### ii. Prince Sultan University

The Board approved the request of the ABA Rule of Law Initiative to enter into a Memorandum of Understanding with Prince Sultan University, subject to review and approval of the Memorandum of Understanding by the Office of the General Counsel, and a signed copy filed with the Division for Policy and Planning.

##### b. Amendment to List of Approved Countries of Operation and Registration, Donors and Thematic Program Areas

The Board approved the request of the ABA Rule of Law Initiative to amend the list of Approved Countries of Operation, Registration, Donors and Thematic Program Areas to add GSMA, the industry association of mobile operators, as a donor.

#### 4.4 Request from Center for Human Rights for Approval of Memorandum of Understanding with International Senior Lawyers Department

The Board approved the request of the Center for Human Rights to enter into a Memorandum of Understanding with the International Senior Lawyers Department to formalize the relationship between the two, subject to review and approval of the Memorandum of Understanding by the Office of the General Counsel, and a signed copy filed with the Division for Policy and Planning.

4.5 Request from Commission on Law and Aging to Enter Into Agreement Regarding Mind Your Loved Ones App

The Board approved the request of the Commission on Law and Aging to enter into an agreement regarding *Mind Your Loved Ones app*, subject to review and approval of the agreement by the Office of the General Counsel and the Executive Director.

4.6 Discussion with Standing Committee on Governmental Affairs Regarding Creation of an ABA Political Action Committee

The Board received a report from the Standing Committee on Governmental Affairs regarding the establishment of an ABA Political Action Committee.

4.7 Request to Consider and Evaluate Reinstating the Enterprise Fund in FY2019

This request was withdrawn.

4.8 Request from ABA Center for Innovation to Enter Into Memorandum of Understanding with the Legal Services Corporation

The Board approved the request of the Center for Innovation to enter into Memorandum of Understanding with the Legal Services Corporation to match legal technology companies with local legal aid offices to provide free technology to those service providers to assist them in their work, subject to review and approval of the Memorandum of Understanding by the Office of the General Counsel and a signed copy filed with the Division for Policy and Planning.

## **MATTERS OF INDEPENDENT JURISDICTION**

4.15 Requests for Co-sponsorships

The Profession, Public Service and Diversity Committee **approved** co-sponsorship requests from the following entities. No additional ABA general revenue is requested or required for the co-sponsorships at this time.

The Finance Committee **approved** 4.15a and 4.15h.

a. Section of Antitrust Law: to renew its co-sponsorship of the International Competition Network's Training on Demand Project and contribute \$25,000 (derived from Section funds) for FY2018-2020.

b. Young Lawyers Division: to co-sponsor with the University of South Carolina School of Law, the University of South Carolina Center on Professionalism, and the National Legal Mentoring consortium, a National Mentoring Conference in Columbia,

South Carolina to be held April 12 – 14, 2018, at the University of South Carolina School of Law.

- c. Rule of Law Initiative (2):
  - i. to co-sponsor with the United Nations Office on Drugs and Crime trainings or workshops on alternatives to detention in Bahrain.
  - ii. to co-sponsor with the George Washington University Elliot School of International Affairs ROLI's day-long conference "When People Flee: Rule of Law and Forced Migration" scheduled to take place on April 17, 2018, at the George Washington University Elliot School of International Affairs.
- d. Section of Science & Technology Law: to co-sponsor with the Health Information and Management Systems Society the Annual Conference & Exhibition from March 5 – 9, 2018 in Las Vegas, Nevada.
- e. Commission on Homelessness and Poverty: to co-sponsor with the California Administrative Office of the Courts a three-day national summit on Homeless Courts and the role of the criminal justice system in addressing homelessness to be held June 28-30, 2018, in San Diego, California.
- f. ABA Representatives and Observers to the United Nations: to co-sponsor with the Medical Women's International Association and Dr. Padmini Murthy, a Senior Fellow at the Public Private Alliance Foundation, a program entitled "Sexual Violence, Funding and Technology During Armed Conflict: The Next Step." The program will be held in New York City in conjunction with the Commission on the Status of Women 62nd Forum to be held from March 12-23, 2018.
- g. Section of Environment, Energy, and Resources: to co-sponsor and contribute up to \$7,000, (derived from Section funds), the Jeffrey G. Miller Pace National Environmental Law Moot Court Competition with Pace Law School for 2018, 2019, and 2020.
- h. Section of Public Contract Law and Forum on Construction Law: to co-sponsor a two-hour panel workshop on Federal Regulation at the Associated General Contractors of America (AGC) upcoming Federal Contractors Conference to be held on May 1-3, 2018, in Washington, D.C. The Section will pay a \$7,500 sponsorship fee for the 2-hour workshop panel spot which will be sponsored by a couple of member firms and a contractor of the Section and Forum. The \$7,500 sponsorship could be waived if 15 Section and/or Forum members register for the AGC conference.

## **FINANCE**

### **A. MATTERS FOR REVIEW BY THE BOARD**

#### 5.1 Request from the Section of Family Law to Make Contribution to Jean Crowe Advocacy Center

The Board approved the request from the Section of Family Law to contribute \$1,000, derived from Section funds, to the Jean Crowe Advocacy Center.

#### 5.2 Request from Standing Committee on Audit Regarding Acceptance and Approval of Audited Financial Statements

The Board received the consolidated financial statement, details of consolidation and other information for the years ended August 31, 2017 and 2016 and the Single Audit for the year ended August 31, 2017.

#### 5.3 Revised Investment Policy

The request was withdrawn and will be considered at the June 2018 Board meeting.

#### 5.4 Gift Awards/Modification Report (Board Acceptance)

The Board accepted the Fund for Justice and Education restricted grants and contributions received or awarded through September 30, 2017, and not previously reported, as requested by the Association's Financial Services Division.

#### 5.6 Request from Standing Committee on Audit for Endorsement of Bylaw Amendment

The Board supported the recommendation of the Standing Committee on Audit to amend Article 31.7 of the ABA Constitution and Bylaws at the 2018 Annual meeting to more completely and accurately reflect the Standing Committee on Audit's duties as they have been assigned by the Board of Governors.

**Summary of WSBA Outreach Visits**

**December 29, 2017 to February 23, 2018**

1.	1/4/18	Olympia, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar met with Senator Mike Padden to discuss WSBA's legislative priorities and the upcoming legislative session.
2.	1/5/18	Kirkland, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar met with Representative Roger Goodman to discuss WSBA's legislative priorities and the upcoming legislative session.
3.	1/9/18	Olympia, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar met with Senator Jamie Pedersen (Chair, Senate Law and Justice Committee) to discuss WSBA's Bar-request bill.
4.	1/16/18	Olympia, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar met with Senator Jamie Pedersen (Chair, Senate Law and Justice Committee) to discuss WSBA's Bar-request bill.
5.	1/17/18	Olympia, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar met with Representative Laurie Jinkins (Chair, House Judiciary Committee) to discuss WSBA's legislative priorities.
6.	1/17/18	Olympia, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar met with Representative Christine Kilduff to discuss WSBA's legislative priorities.
7.	1/17/18	Tacoma, WA	Disciplinary Counsel Sachia Stonefeld Powell presented an overview of the disciplinary process at an event hosted by the City of Tacoma.

8.	1/26/18	Seattle, WA	Chief Disciplinary Counsel Doug Ende and Managing Disciplinary Counsel Joanne Abelson discussed techniques for managing the unethical conduct of others at a panel hosted by Seattle University Law School.
9.	2/1/18	Vancouver, B.C.	Chief Disciplinary Counsel Doug Ende discussed the use of professional adjudicators in discipline systems at the National Organization of Bar Counsel Mid-Year Meeting.
10.	2/2/18	Vancouver, B.C.	Disciplinary Counsel Craig Bray presented on litigation skills (direct examination) at the National Organization of Bar Counsel Mid-Year Meeting.
11.	2/8/18	Tacoma, WA	Professional Responsibility Counsel Jeanne Marie Clavere spoke on a professionalism and civility panel hosted by the Pierce County Women Lawyers.
12.	2/20/18	Seattle, WA	Auditor Tracy Sambrano discussed management of client funds at an event hosted by Seattle Select Attorneys Association.
13.	2/22/18	Spokane, WA	Executive Director Paula Littlewood and Spokane attorney David Gardner visited Gonzaga University School of Law, where Executive Director Littlewood and Mr. Gardner presented on professionalism to a Professional Responsibility class.
14.	2/23/18	Spokane, WA	Disciplinary Counsel Francesca D'Angelo presented on ethics and social media at the 9 <sup>th</sup> Annual Indian Law Conference hosted by the Spokane County Bar Association.

# WASHINGTON STATE BAR ASSOCIATION

## MEMO

**To:** Board of Governors  
**From:** Sara Niegowski, Chief Communications and Outreach Officer  
 Jennifer Olegario, Communication Strategies Manager  
**Date:** Feb. 26, 2018  
**Re:** Summary of Media Contacts, Jan. 1 – Feb. 26, 2018

	Date	Reporter and Media Outlet	Inquiry
1.	Jan. 19	Jonathan Brunt, <i>Spokesman-Review</i>	Regarding membership status and disciplinary history of public defender Kendra Allen-Grant. Article appeared on Jan. 21, " <a href="#">Spokane County ex-public defender accused of meth use represented hundreds of clients.</a> "
2.	Jan. 24	Julia-Grace Sanders, <i>Skagit Valley Herald</i>	In response to news release, requested to speak with Skagit Local Hero Carol Edward about the award and the Law Office's work with DACA clinics.
3.	Feb. 7	Jose Miramontez (sp?) (Los Angeles-based news outlet; he spoke too fast for much information beyond contact number: 818-391-7333)	Seeking on-camera interview regarding status of Sam Marsh since he was suspended by USDOJ on Dec. 22. 2/9 update: Returned his call via voicemail but didn't hear back.
4.	Feb. 13	KPTV Portland, Kandra Kent	Seeking information regarding the minimum sentence for first-degree murder in Washington state.
5.	Feb. 13	Alexis Crowe, <i>Tacoma News Tribune</i>	Regarding the Feb. 15 BOG Special Meeting and Civil Rights request for permission to comment on death penalty bill: Seeking information regarding the historical perspective of WSBA weighing in on the legislative level about topics such as this.
6.	Feb. 19	Kirk Johnson, <i>The New York Times</i>	Looking for a referral to talk about the legal effectiveness of Washington's Extreme Risk Protection Order Act.
7.	Feb. 23	Sindhu Sundar, <i>Law360</i> (a LexisNexis Company)	Inquiry about the selection process for federal judicial nominees and how state senators vet such nominees.

# WASHINGTON STATE BAR ASSOCIATION

To: The President, President-elect, Immediate Past-President, and Board of Governors  
 From: Kevin Bank, Assistant General Counsel  
 Date: February 21, 2018  
 Re: Court Rules Update

This is the regular report on the status of suggested court rules submitted by the Board of Governors and other entities to the Supreme Court. Any changes from the last report are indicated in **bold, shaded italicized text**.

SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
<b>ELC 2.5, ELC 2.7, ELC 3.3, ELC 3.4, ELC 4.2, ELC 5.3, ELC 5.5, ELC 5.6, ELC 6.6, ELC 9.3, ELC 10.7, ELC 10.16, ELC Title 15, ELC 15.1</b>	Proposed amendments to ELC 2.5 – Hearing Officers, ELC 2.7 – Conflicts Review Officer, ELC 3.3 – Application to Stipulations, Disability Proceedings, Custodianships, and Diversion Contracts, ELC 3.4 – Release or Disclosure of Otherwise Confidential Information, ELC 4.2 – Filing; Orders, ELC 5.3 – Investigation of Grievance, ELC 5.5 – Investigatory Subpoenas, ELC 5.6 – Review of Objections to Inquires and Motions to Disclose, ELC 6.6 – Affidavit Supporting Diversion, ELC 9.3 – Resignation in Lieu of Discipline, ELC 10.7 – Amendment of Formal Complaint, ELC 10.16 – Decision of Hearing Officer, ELC Title 15 – Trust Account Examinations Overdraft Notification, and IOLTA, and ELC 15.1 – Random Examination of Books and Records.	7/22/16: Approved submission to Court.	12/7/16: The Court published for comment. Comment period ends 4/30/17.  <sup>1</sup> 6/1/17: The Court adopted ELC 2.5, ELC 2.7, ELC 4.2, ELC 5.3, ELC 5.5, ELC 5.6, ELC 9.3, ELC 10.7, ELC 10.16, ELC Title 15, and ELC 15.1.  12/6/17: The Court adopted ELC 3.3, ELC 3.4, ELC 6.5, and ELC 6.6.
<b>ELPOC 15.5</b>	Proposed amendments to ELPOC 15-5 – Declaration, Disciplinary Regulations Applicable to ELPOC Title 15.	11/2016: Approved submission to Court.	3/29/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than July 28, 2017.

<sup>1</sup> The Court has requested comment from DART on ELC 3.3, ELC 3.4, and ELC 6.6.



# WASHINGTON STATE BAR ASSOCIATION

SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
			11/8/17: The Court adopted the rule.
<b>RPC 1.0A, RPC 1.10, RPC 1.11</b>	Proposed amendments to RPC 1.0A – Terminology, RPC 1.10 – Imputation of Conflicts of Interest: General Rule, and RPC 1.11 – Special Conflicts of Interest for Former and Current Government Officers and Employees.	3/19/15: Approved submission to Court.	3/29/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than July 28, 2017.  12/6/17: The Court adopted the rules.
<b>RPC 1.6, RPC 7.3, RPC 8.4</b>	Proposed amendments to RPC 1.6 – Confidentiality of Information, RPC 7.3 – Solicitation of Clients, and RPC 8.4 – Misconduct.	3/19/15: Approved submission to Court.	6/1/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2018.
<b>APR 8(f)(1), APR 14(c)(1)</b>	Proposed amendments to APR 8(f)(1) – Nonlawyer License to Practice Law, and APR 14(c)(1) – Limited Practice Rule for Foreign Law Consultants.	N/A <sup>2</sup>	11/8/17: The Court adopted the rules.
<b>RPC 1.7, RPC 1.15A, RPC 4.2</b>	Proposed amendments to RPC 1.7 – Conflict of Interest: Current Clients, RPC 1.15A – Safeguarding Property, and RPC 4.2 – Communication with Person Not Represented by a Lawyer.	9/6/17: Approved submission to Court.	11/8/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2018.
<b>IRLJ 3.3, RALJ 9.2</b>	Proposed amendments to IRLJ 3.3 – Procedure at Contested Hearing, and RALJ 9.2 – Entry of Decision and Enforcement Judgement.	7/27/17: Approved submission to Court.	12/6/17: The Court entered an order to publish the proposed amendments for comment, with comments to be

<sup>2</sup> Due to an error, the amendments simply correct the name of the oath – not substantive.



# WASHINGTON STATE BAR ASSOCIATION

SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
			submitted no later than April 30, 2018.
<i>CrR 7.2</i>	<i>Proposed amendment to CrR 7.2 – Sentencing.</i>	<i>N/A<sup>3</sup></i>	<i>2/7/18: The Court adopted the rule.</i>

<sup>3</sup> In January 2018, a WSBA Court Rules and Procedures Committee member noticed outdated citations in the comments to the Rule. The Committee Chair referred the matter to the Committee’s AOC liaison. The AOC decided to forward the information regarding the outdated citations directly to the Court. The Court amended the rule to correct the citations at its February 7, 2018 en banc administrative conference.



SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS		
<b>APR 11</b>	The Superior Court Judges' Association recommended the Proposed Amendments to APR 11 – Continuing Legal Education.	11/4/15: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2016.
<b>New Rule GR 36</b>	The American Civil Liberties Union of WA recommended the proposed new General Rule 36 – Jury Selection.	11/2/16: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2017.
<b>RAP 10.4(a)(1)</b>	The Washington Association of Criminal Defense Lawyers recommended the proposed amendments to RAP 10.4(a)(1) – Preparation and Filing of Brief by Party.	3/29/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than July 28, 2017.  11/8/17: The Court adopted the rule.
<b>CR 11(b)</b>	Ms. Ruth Laura Edlund recommended the proposed amendments to CR 11(b) – Signing, Drafting of Pleadings, Motions, and Legal Memoranda: Sanctions.	3/29/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than July 28, 2017.
<b>GR 35(e), RAP 9.2(c), RAP 9.5, RAP 10.2, RAP 11.3, RAP 15.2, RAP 15.4, RAP 17.3, RAP 17.7, RAP 18.13, RAP 18.13A, RAP Form 12, RAP Form 15A.</b>	The Court of Appeals' Committee recommended the proposed amendments to GR 35(e) – Official Certified Superior Court Transcripts, RAP 9.2(c) – Verbatim Report of Proceedings, RAP 9.5 – Filing and Service of Report of Proceedings, RAP 10.2 – Time for Filing Briefs, RAP 11.3 – Date of Argument, RAP 15.2 – Determination of Indigency and Rights of Indigent Party, RAP 15.4 – Claim for Payment of Expense for Indigent Party, RAP 17.3 – Content of Motion, RAP 17.7 – Objection to Ruling – Review of Decision on Motion, RAP 18.13 – Accelerated Review of Dispositions in Juvenile Offense Proceedings, RAP 18.13A – Accelerated Review of Juvenile Dependency Disposition Orders, Orders Terminating Parental Rights, and Dependency	3/29/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than July 28, 2017.  11/8/17: The Court adopted all rules except for RAP 10.2.  12/6/17: The Court adopted RAP 10.2.



SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS		
	Guardianship Orders, RAP Form 12 – Order of Indigency, and RAP Form 15A – Notice of Filing Verbatim Report of Proceedings (RAP 9.5).	
<b>New Rule ER 413</b>	The Columbia Legal Services, et al., recommended the proposed amendments to new rule ER 413 – Immigration Status.	6/1/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than September 15, 2017.  11/8/2017: The Court adopted the rule.
<b>RAP 3.4</b>	The Office of Public Defense recommended the proposed amendments to RPA 3.4 – Title of Case and Designation of parties.	6/1/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2018.
<b>JuCR 7.7; CrRLJ 4.2(G); CrRLJ 4.2(G)</b>	The Washington State Pattern Forms Committee recommended the proposed amendments to JuCR 7.7 – Statement on Plea of Guilty; CrRLJ 4.2(g) – Statement of Defendant on Plea of Guilty; and CrRLJ 4.2(g) – “DUI” Attachment.	6/28/17: The Court adopted the rules.  9/6/17: The Court adopted the amended rule to CrRLJ 4.2(g). <sup>1</sup>
<b>RAP 2.4(c)</b>	The Court of Appeals’ Rules Committee recommended the proposed amendments to RAP 2.4(c) – Scope of Review of a Trial Court Decision.	11/8/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2018.
<b>RALJ 9.3</b>	The Washington Defender Association recommended the proposed amendments to RALJ 9.3 – Costs.	11/8/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2018.
<b>RAP 14.2</b>	Mr. Gideon Newmark, Office of Public Defense recommended the proposed amendments to RAP 14.2 – Who is Entitled to Costs.	12/6/17: The Court adopted the rule.
<b>CRLJ 5(e), CrRLJ 5.1(b), IRLJ 4.1(b)</b>	The District and Municipal Court Judges’ Association recommended the proposed amendments to CRLJ 5(e) – Service and Filing of Pleadings and Other Papers, CrRLJ 5.1(b) – Commencement of Actions, and IRLJ 4.1(b) – Notification to Department of	12/6/17: The Court adopted the rules.



SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS		
	Licensing of Traffic Infraction.	
<b>APR 8</b>	Ms. Kristy Healing and the Washington Supreme Court Commission on Children in Foster Care recommended the proposed amendments to APR 8 – Limited Admissions.	12/6/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2018.

<sup>i</sup> In the June order, the Court adopted the “four” convictions language, and at the September En Banc, the Court adopted the “three” convictions language proposal.



# WASHINGTON STATE BAR ASSOCIATION

Board of Governors

## ACTIVITY REPORT Alec Stephens, At-Large (B) Date January 1 to February 28, 2018

### LIAISON DUTIES:

1-10	Civil Rights Law Section Executive Committee Conference Call Meeting
2-17	Loren Miller Bar Association Meeting
2-21	Civil Rights Law Section Executive Committee Conference Call Meeting

### WSBA and BOG COMMITTEE MEETINGS:

1-4	WSBA Investment Committee Meeting
1-4	BOG Budget & Audit Committee Meeting
1-4	BOG Personnel Committee Meeting
1-5	WSBA Diversity Committee Conference Call Planning Meeting Between Co-Chairs & WSBA Staff (I am the BOG Co-Chair)
1-17	WSBA Diversity Committee Conference Call Meeting (I am the BOG Co-Chair)
1-18 & 19	BOG Meetings in Bellingham
2-14	WSBA Diversity Committee Conference Call Meeting (I am the BOG Co-Chair)
2-15	BOG Budget & Audit Committee Meeting
2-15	BOG Special Meeting in Seattle
2-15	BOG Executive Committee Meeting
2-23	BOG Personnel Committee Meeting (Conference Call Participant)

### SPECIALTY, COUNTY AND MINORITY BARS OUTREACH:

1-12	King County Bar Annual Rev. Dr. Martin Luther King, Jr. Luncheon
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# WASHINGTON STATE BAR ASSOCIATION

Board of Governors

## ACTIVITY REPORT Angela Hayes, District 5 1/4/18 to 3/3/18

### LIAISON DUTIES:

01/06/18	Attend Superior Court Judges Association (SCJA) Meeting; Telephonic attendance (SeaTac WA)
01/09/18	Attend Limited Practice Board Meeting; Telephonic attendance (WSBA office)
02/05/18	Attend Client Protection Fund Meeting; Telephonic attendance (WSBA office)
03/03/18	Attend SCJA Meeting; Telephonic attendance (SeaTac WA)

### WSBA and BOG COMMITTEE MEETINGS:

01/4/18	Attend Personnel Committee Meeting; WSBA Office, Seattle
01/10/18	Attend BOG Executive Committee Meeting; Telephonic Attendance; WSBA Seattle
01/17-19/18	Attend Board of Governors Meeting; Bellingham WA
01/23/18	Phone conference with Milliman, Inc. re Compensation Survey
01/29/18	Attend BOG Executive Committee Meeting; Telephonic Attendance; WSBA Seattle
02/15/18	Attend Special BOG meeting; Telephonic attendance (WSBA office)
02/15/18	Attend Executive Committee Meeting; Telephonic attendance (WSBA Office)
02/23/18	Attend Personnel Committee Meeting; WSBA Office, Seattle
02/26/18	Attend Nominations Committee Meeting; Telephonic attendance (WSBA Office)

### SPECIALTY, COUNTY AND MINORITY BARS OUTREACH:

02/09/18	Attend Spokane County Bar Association Diversity Lunch; Spokane, WA
02/21/18	Attend Spokane County Bar Association Meeting; Spokane, WA
02/23/18	Attend Goldmark Luncheon; Seattle, WA
03/02/18	Attend Spokane County Bar Association Lunch; Spokane, WA
03/02/18	Meet with District 5 member regarding sections issues; Spokane WA



# WASHINGTON STATE BAR ASSOCIATION

Board of Governors

**ACTIVITY REPORT**  
**Brian Tollefson, Sixth District**  
**January 5, 201 to February 25, 2018**

**LIAISON DUTIES:**

Jan. 16	Tacoma-Pierce County Bar Association Board of Trustees Meeting
Feb. 15	Korean-American Bar Association Banquet, Seattle
Feb. 15	Practice of Law Board Meeting
Feb. 21	Pierce County Minority Bar Association Meeting

**WSBA and BOG COMMITTEE MEETINGS:**

Jan. 18 -19	Board of Governors Meeting, Bellingham, WA
Feb. 15	Board of Governors Special Meeting & Executive Committee Meeting, Seattle, WA
Feb. 23	BOG Personnel Committee Meetings

**SPECIALTY, COUNTY AND MINORITY BARS OUTREACH:**

Jan. 24	WSBA Open Sections Night at WSBA Offices, Seattle
Feb. 9	Tacoma-Pierce County Bar Association Lincoln Day Banquet



# WASHINGTON STATE BAR ASSOCIATION

Board of Governors

## ACTIVITY REPORT Christina Meserve, District 10 January 5, 2018 – February 25, 2018

### WSBA and BOG COMMITTEE MEETINGS:

1/5/18	Board of Governors Legislative Committee
1/11/18	Appear at Legislature regarding WSBA Bar request Bill: Observation only
1/12/18	Board of Governors Legislative Committee (telephone)
1/17-19/18	Board of Governors Meetings, Bellingham
1/26/18	Board of Governors Legislative Committee (telephone)
2/15/18	Board of Governors Meeting, Board of Governors Executive Committee (both by telephone)
2/23/18	Board of Governors Personnel Committee, Board of Governors Legislative Committee (both by telephone)

### SPECIALTY, COUNTY AND MINORITY BARS OUTREACH:

1/9/18	Thurston County Bar Association Family Law Section Meeting
1/25/18	Diversity Networking Event, Olympia



# WASHINGTON STATE BAR ASSOCIATION

Board of Governors

**ACTIVITY REPORT**  
**Daniel D. Clark, District 4**  
**Date 1/18/2018 to 3/9/2018**

**LIAISON DUTIES:**

1/30	Superior Court Judges Association report follow up question for Judge Federspiel
1/30	Superior Court Judges Association Written Materials report for Feb meeting
2/2	Law Clerk Board (Rule 6) Meeting
2/7	Environmental Law and Land Use Board Meeting
2/20	Superior Court Judges Association Written Report submitted for March Meeting
2/26	LLLT Meeting with Yakima Valley College (Yakima w. Crossland, Pickett & Littlewood).
3/3	Superior Court Judges Association Meeting (Anticipated)

**WSBA and BOG COMMITTEE MEETINGS:**

1/18-1/19	BOG Meeting, Bellingham
1/26	BOG Legislative Committee
2/2	BOG Legislative Committee
2/15	BOG Meeting (Special Meeting)
2/15	BOG Budget & Audit Meeting
2/15	BOG Executive Meeting
2/20	BOE Legislative Committee (Vote)
2/23	BOG Legislative Committee (Anticipated)
3/2	BOG Legislative Committee (Anticipated)
3/8	BOG Meeting Olympia (Anticipated)
3/9	BOG Meeting with Supreme Court (Anticipated)



**SPECIALTY, COUNTY AND MINORITY BARS OUTREACH:**

1/26	Yakima County Bar Association Meeting
1/26	Various Member Correspondence over concerns of Geographic Diversity Bylaw amendment & update from January BOG meeting to various members that emailed or called on subject
1/29	City of Yakima Legal Department License Fee Issue
1/30	District 4 member update Governor report
1/31	Various member Correspondence re: Referendum changes concerns by various members.
2/2	Outreach and networking for potential New/Young Lawyer Candidate(s) for BOG position
2/8	Benton-Franklin Young/New Lawyer Association Meeting (CLE)
2/23	Yakima County Bar Association Meeting
3/1	WSBA Diversity Event (Yakima)
3/6	Okanogan County Bar Association Meeting (Anticipated)

# WASHINGTON STATE BAR ASSOCIATION

Board of Governors

## ACTIVITY REPORT

Kyle D. Sciuchetti, District 3

Date January 5, 2018 to February 21, 2018

### WSBA and BOG COMMITTEE MEETINGS:

1/5/2018	BOG Legislative Committee Meeting
1/11/2018	Washington State Bar Foundation – Board of Trustees Meeting
1/12/2018	BOG Legislative Committee Meeting
1/17-19/18	BOG Meeting in Bellingham
1/26/2018	BOG Legislative Committee Meeting
2/2/2018	BOG Legislative Committee Meeting – Email Update
2/9/2018	BOG Legislative Committee Meeting – Email Update
2/15/2018	BOG Meeting in Seattle
2/15/2018	Budget & Audit Committee Meeting
2/15/2018	Executive Committee Meeting
2/16/2018	BOG Legislative Committee Meeting – Email Update



# WASHINGTON STATE BAR ASSOCIATION

## MEMO

**To:** WSBA Board of Governors  
**From:** Gov. Chris Meserve, BOG Legislative Committee Chair, and Sanjay Walvekar, WSBA Outreach and Legislative Affairs Manager  
**Date:** March 8, 2018  
**Re:** 2018 Legislative Session Report

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### OVERVIEW:

The 2018 legislative session began on January 8 and is scheduled to adjourn Sine Die on March 8, 2018. Passing a capital budget was a main priority for legislators after failing to approve one in 2017. During the second week of session, legislators resolved the contentious water rights issue that stalled the budget for months, allowing Governor Inslee to sign a \$4.2 billion capital budget that pays for construction projects across the state. Remaining priorities this session include unveiling supplemental budget proposals and finding a state funding solution for K-12 teacher salaries.

To date, legislators have introduced approximately **2,498 bills** (as of 2/21/18). The WSBA Legislative Affairs Office has referred **415 bills** to relevant WSBA entities for review and potential action. WSBA entities continue to engage in this year's legislative session on issues related to veterans' rights, youth homelessness, the Voting Rights Act, and many others. Legislative engagement has ranged from testifying before a legislative committee, sending written correspondence to a bill sponsor, and working collaboratively with the Outreach and Legislative Affairs Manager to convey information regarding proposed legislation.

### **2018 WSBA-Supported Legislation**

- **WSBA-Request, Senate Bill 6040 (origin: Business Law Section).** The bill amends the state's Business Corporation Act (RCW 23B) to make Washington more business-friendly by allowing for electronic voting at corporate meetings. There is no fiscal impact.

**Status:** SB 6040 was voted unanimously out of the Senate (49-0) and has been referred to the House Judiciary Committee.

- **House Bill 1896** (Sponsor: Rep. Laurie Dolan, D-22). The bill expands civics education in public schools. There is an estimated fiscal impact of \$322,000 (State General Fund) for FY 2019.

**Status:** SSB 1896 was voted unanimously out of the House (98-0) and has been referred to the Senate Committee on Early Learning & K-12 Education.

### **2018 WSBA Entity-Supported Legislation**

- **Senate Bill 6002** (Sponsor: Sen. Rebecca Saldaña, D-37). This bill is supported by the Civil Rights Law Section, with BOG Legislative Committee approval. The bill enacts the Washington Voting Rights Act of 2018. There is an estimated fiscal impact of \$10,000 (State General Fund) for FY 2019.

**Status:** SB 6002 was voted out of the Senate (29-19) and has been referred to the House Committee on State Government, Elections & Information Technology.

- **Senate Bill 6052** (Sponsor: Sen. Maureen Walsh, R-16). This bill is supported by the Civil Rights Law Section, with BOG approval. The bill eliminates the death penalty in Washington and instead requires life imprisonment without possibility of release or parole as the sentence for aggravated first degree murder. There is an indeterminate fiscal impact for FY 2019.

**Status:** SB 6052 was voted out of the Senate (26-22) and has been referred to the House Judiciary Committee.

### Session Deadlines

Each legislative session is marked by key cutoff dates or session milestones. Bills must pass each of the 2018 cutoff dates below to be eligible for further consideration (and potentially final passage) this session.

- **Feb. 2: Policy Committee Cutoff** – all policy bills must be voted out of their respective policy committees.
- **Feb. 6: Fiscal Committee Cutoff** – all bills with a fiscal impact must be voted out of their respective fiscal committees.
- **Feb. 14: House of Origin Cutoff** – all bills must be voted out of their respective chambers.
- **Feb. 23: Opposite House Policy Committee Cutoff** – all opposite house policy bills must be voted out of their respective policy committees.
- **Feb. 26: Opposite House Fiscal Committee Cutoff** – all opposite house bills with a fiscal impact must be voted out of their respective fiscal committees.
- **March 2: Opposite House Floor Cutoff** – all opposite house bills must be voted out of their respective chambers.
- **March 8: Sine Die** – final day of the 2018 legislative session.

# Washington State Bar Association Moderate Means Program

*Lawyers Helping the People of Washington*

A PARTNERSHIP WITH THE LAW SCHOOLS OF  
Gonzaga University, Seattle University, and the University of Washington



## WSBA MODERATE MEANS PROGRAM FISCAL YEAR 2017 REPORT

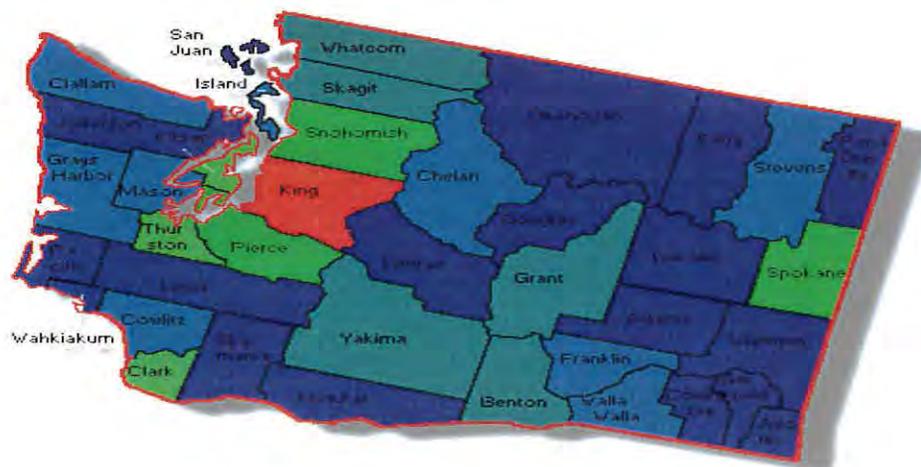
### Introduction

The WSBA Moderate Means Program (MMP) is a free lawyer referral service designed to connect moderate income clients with attorneys who offer reduced-fee legal assistance. To be eligible for an MMP referral, applicant household incomes must fall between 200 and 400% of the Federal Poverty Level (for 2017, a family of four needs to earn between \$49,200 and \$98,400 to qualify). MMP currently provides referrals for family, housing, and consumer law cases. Under the supervision of a WSBA funded .5 FTE staff attorney at each law school (1.5 FTE total staff attorneys), law students screen applicants, conduct intakes and refer income-eligible clients to participating attorneys who have agreed to offer reduced-fee representation. The program also supports a WSBA funded .75 FTE data coordinator at Gonzaga whose primary responsibility is maintaining and developing the LegalServer Case Management database used for administering MMP.

### Program Overview

In FY2017 alone, the MMP received 2,152 requests for services. Since MMP began referring cases in April 2011 through this reporting period, MMP has received more than 18,000 requests for services. These requests are handled by student volunteers at Gonzaga (GU), the University of Washington (UW) and Seattle University (SU). Since the program began we have engaged 495 students. Currently, 55 law students from the three participating law schools are active with the program.

**Requests for Services, by Applicant's County of Residence**



# Washington State Bar Association Moderate Means Program

*Lawyers Helping the People of Washington*

A PARTNERSHIP WITH THE LAW SCHOOLS OF  
Gonzaga University, Seattle University, and the University of Washington



The demand for MMP services has held relatively steady from FY2016 to FY2017. In FY2016, the program received 2,312 requests for services compared to 2,152 in FY 2017. During FY 2017, the online application was closed four times due to technology issues that the data coordinator resolved. Intake was also closed over Thanksgiving and winter breaks and for two weeks in February because of a staffing interruption at UW/SU.

Of the 2,152 requests for services received during FY2017, MMP students conducted 1,257 full intakes and closed 585 cases as “Referred to MMP Attorney.” Note that some cases required 2 or 3 attorney referrals to complete so in order to place 585 cases, MMP students made 1,597 “referral attempts”. During the program’s lifetime we have engaged 806 WSBA members, 544 of which have accepted at least one MMP referral. Currently, there are 503 active panel members. In cases where applicants are found ineligible for MMP services, students are trained to refer applicants to other resources—both legal and social services—that might be a resource in meeting the applicants’ goals.

	<b>GU</b>	<b>SU</b>	<b>UW</b>	<b>TOTALS</b>
Requests	966	992	194	2,152
Intakes	530	533	194	1,257
Referrals	208	264	113	585

Along with referrals to other resources, MMP student volunteers also provide a valuable, yet intangible, service to MMP clients and applicants simply by listening to and hearing the clients’ stories, concerns, and fears. Student volunteers are sometimes the first person the client had ever talked to about their legal problems. The applicants who did not receive services through the MMP generally fall into the following categories:

- They submitted an application or left a voice mail and the MMP student volunteers were unable to make contact after several attempts;
- They missed or cancelled an appointment for an intake; or
- They already had a lawyer or no longer needed legal assistance when MMP students contacted them.

# Washington State Bar Association Moderate Means Program

*Lawyers Helping the People of Washington*

A PARTNERSHIP WITH THE LAW SCHOOLS OF  
Gonzaga University, Seattle University, and the University of Washington



## **Client's Reported Percentage of Poverty in Referred Cases**

The majority of MMP clients fall within the lower ranges of the program's financial eligibility. This information is helpful for recruiting efforts because it allows prospective panel members to estimate their average discount rate. This information also underscores the necessity of having participating attorneys throughout the state since many clients do not have the means to travel.

In cases where a client has an income of less than 200% of the poverty level, MMP will attempt a referral if the client has assets making him/her ineligible for free legal services through CLEAR or other resources. In cases where an applicant has an income over 400% of the federal poverty guidelines, any monies the applicant pays in child or spousal support are deducted. If the resulting income is then within MMP's guidelines, the applicant will be considered eligible for services.

Poverty Level	Percentage of Applicants in FY17
Over 400%	0%
400%	10%
301 – 350%	14%
251 – 300%	25%
200 – 250%	50%
Under 200%	1%

# Washington State Bar Association Moderate Means Program

*Lawyers Helping the People of Washington*

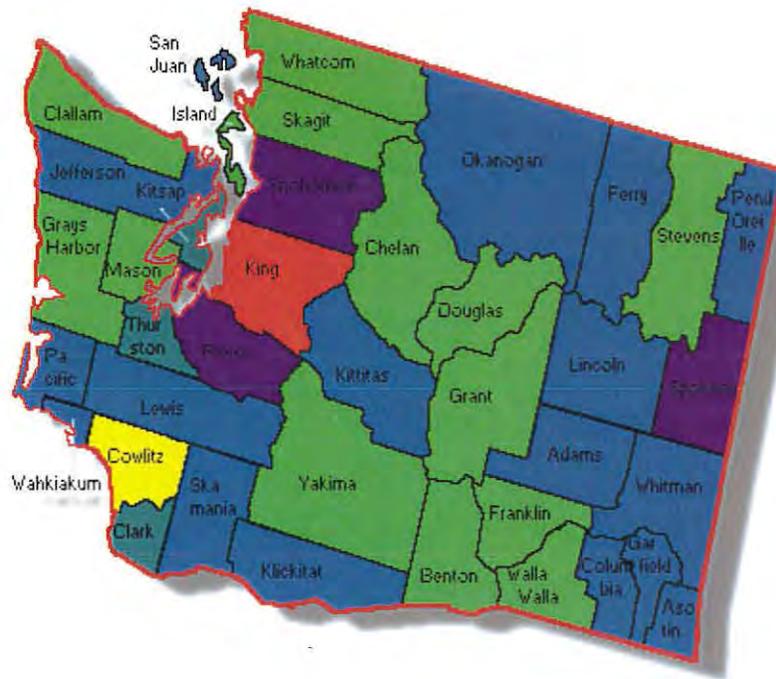
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## Referred Cases, by Client's County of Residence

The map below shows the geographic distribution of the 585 cases referred in FY2017 by the client's county of residence. In addition there were 23 cases involving out-of-state clients.

- - 0-2
- - 3-9
- - 10-20
- - 21-40
- - 41-100
- - 101-135



## Cases with No Referral Available

During the reporting period, the MMP was unable to find referrals for 20 clients that were otherwise eligible for the program. They lived in Adams, Benton, Chelan, King, Kitsap, Kittitas, Mason, Pierce, Skamania, Snohomish, and Spokane counties. In King, Pierce, and Snohomish Counties, the “no referral” was based on case specifics. In the other counties, the primary issue was a lack of available MMP attorneys.

# Washington State Bar Association Moderate Means Program

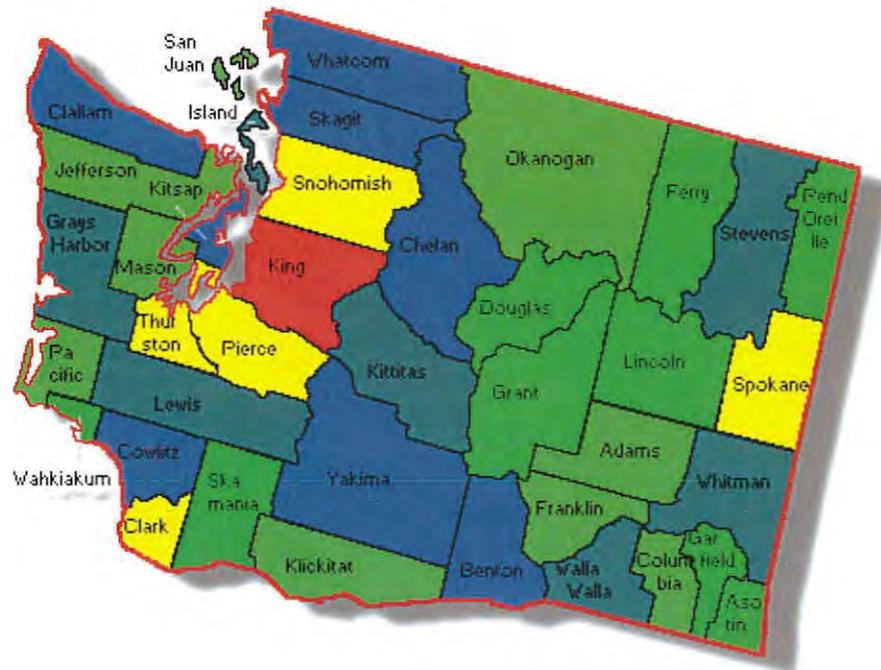
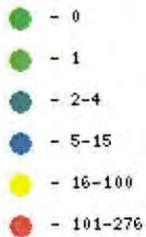
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## MMP Panel Members, by Primary County

During FY2017, there were 582 participating MMP attorneys, including 22 participating attorneys whose primary office is outside Washington.



## Recruitment Methods

New this year, MMP partnered with WSBA Diversity Programming to host a 1-hour live, free CLE followed by a Community Networking Event in Bellingham. Sixteen people attended the CLE and although we did not engage any new attorneys as a direct result of the activity, we will continue to experiment with this model in 2018

## Seminars and Training

On demand seminars relevant to Moderate Means Program attorneys can be accessed for free. This year, we moved our current offerings to the WSBA CLE store and added 15 products already created by WSBA to the portfolio. There are now over 30 seminars available to Moderate Means attorneys for free. A total of 87 public service volunteers took advantage of this benefit

# Washington State Bar Association Moderate Means Program

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## Law Schools

The program engaged a total of 130 law students during this reporting period, including 46 at Gonzaga, 42 at Seattle University and 42 at the University of Washington. This year the University of Washington recruited its largest class of student volunteers since the program began.

The number of students available for intake fluctuates as student schedules change several times during the academic year. There are often fewer students available to volunteer during final exam periods, during the first week of each term as students adjust to new schedules, and during long academic breaks.

## Program Priorities

During the reporting period we focused on increasing efficiency and making programmatic improvements. Gonzaga University switched to solely using the Legal Server database to communicate with applicants and attorneys to ensure all emails were stored in the database properly and to increase security of the information.

## Student Success Stories

- "...I realize I had underestimated my role. This client really needed someone to talk to, and I helped by simply listening. Of course, his problems won't be resolved without an attorney, but it appears even simple intakes give the appearance that institutions are on someone's side. It seems that people want to see the law moving even a little bit to recognize that they need to have their life put right. Sometimes, people are grateful even to finally find the threshold..."
  - "I worked with a client who was being threatened to have her home sold out from under her by a contractor. It was rewarding to hear her story, provide encouragement, connect her with an attorney, and help her feel empowered again. It also was a great opportunity to learn about consumer law and sparked a new interest for me!"

## Client Success Stories

- "Krystal contacted the Moderate Means Program with a custody issue regarding her nine year old son. The father was mentally unstable and abusive towards the client. He was able to get the majority of residential time, however, because the client was a drug addict. The client was able to clean up her act, get a job and find a new place to live. She subsequently found out from the son's school that he had been caught at school with the father's prescription medication. It turned out that the father was medicating the son without a prescription in the belief that the son had ADHD, a condition the son had never been diagnosed with. Krystal wrote to the

# Washington State Bar Association Moderate Means Program

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student who handled her case, “Hi there thank you so much for checking on me I can't tell you enough how grateful I am that you were able to help me and I appreciate all of the effort and time you spent without a doubt I don't know what I would've done in court if I wouldn't of had representation I know it would've been a challenge.”

- “I would like to express my sentiments to Ms. Marye Scott, Student Volunteer for her extraordinary service regarding my legal issue. Ms. Scott was wholehearted throughout our interview process, and she invested herself in such a fashion my attorney arranged a meeting with me less than 24 hours after my intake interview...My enduring relationship with my 3 month old son would be in much more jeopardy had it not been for you going the extra mile for us and I finally have peace of mind regarding the outcome. God bless your heart, Marye.”

## Attorney Success Story

- Zeshan Kahn joined the Moderate Means Program early on as both a family and bankruptcy attorney. Zeshan has taken nearly two dozen MMP cases since joining, and has been an important resource in cases where applicants want to do both a bankruptcy and a family law action. Zeshan is optimistic about the program and the work that SU and UW interns do. “The interns are really great: they collect a lot of information that is really valuable in understanding a case. The program is a great opportunity for students because it helps them get some fundamental skills and understand some practical areas of law.”

Zeshan has also mentored other MMP attorneys on several cases and really enjoys that aspect of the MMP community. Whether giving advice about bankruptcy or family law issues, Zeshan is always willing to help less experienced attorneys who join the MMP to expand their practices or learn a new practice area. “For younger attorneys the program is a great opportunity to supplement a new practice, enhance their legal skills, make a little money, and come out the other end with a better litigation skills set.”

In addition to his great work on the part of our clients and other MMP panel attorneys, he has also been a presenter at bankruptcy trainings for students at both SU and the UW. His first MMP training followed a WSBA CLE he delivered on the intersection of family law and bankruptcy that Clay Wilson attended. After seeing the training Clay knew that this would be a great addition to the MMP syllabus and recruited Zeshan. Since then, Zeshan has generously put on the training at least a half dozen times, and is routinely rated by students as one of the program's best guest speakers.

# WASHINGTON STATE BAR ASSOCIATION

**TO:** Board of Governors  
**FROM:** Joy Williams, WSBA Diversity and Public Service Programs Manager  
 Robin Nussbaum, WSBA Inclusion & Equity Specialist  
**RE:** Diversity and Inclusion Events  
**DATE:** February 21, 2018

## WSBA Diversity and Inclusion Events

### Education, Collaboration, and Partnership

Working closely with staff, volunteers and community partners throughout the legal community is foundational to the successful implementation of the diversity plan. WSBA participates in and provides a variety of opportunities to increase cross-cultural competency, awareness and engagement. Your participation communicates WSBA's commitment to representation and involvement in advancing inclusion.

Diversity & Inclusion Events for WSBA Staff and Volunteers			
When	What	How You Can Help	Who To Contact for More Info
Wednesdays, February 21 and March 21	<b>Workshop with Operations Management Team</b> Racial Equity Organizational Assessment	FYI only	Robin N.
Monday, March 12	<b>Continuing the Conversation for Staff</b> Minorities, underrepresented, marginalized, diverse...what is the right word?	FYI only	Robin N.
Monday, April 30	<b>Presentation at Spring Section Leaders Meeting</b>	FYI only	Robin N.

Washington State Minority Bar Association and other Diversity Events			
When	What	How You Can Help	Who To Contact for More Info
Tuesday March 27	<b>Legal Lunchbox Diversity themed CLE: #Me too: Law, Policy, and Community Accountability</b>	View Webcast	Joy or Dana



April 13	<b>QLAW Annual Banquet</b>	Attend if in the area	Joy or Margaret
Friday April 20	<b>Experience Exchange - Spokane</b>	Attend if in the area	Joy or Dana
Friday April 20	<b>Community Networking Event - Spokane</b>	Attend if in the area	Joy or Dana
Wednesday April 25	<b>Community Networking Event - Bellevue</b>	Attend if in the area	Joy or Dana

**Contact Information**

Joy: [joyw@wsba.org](mailto:joyw@wsba.org) or 206.733.5952

Dana: [danab@wsba.org](mailto:danab@wsba.org) or 206.733.5945

Robin: [robinn@wsba.org](mailto:robinn@wsba.org) or 206.727.8322

Margaret: [margarets@wsba.org](mailto:margarets@wsba.org) or 206.727.8244

Frances: [francesd@wsba.org](mailto:francesd@wsba.org) or 206.727.8222

Terra: [terran@wsba.org](mailto:terran@wsba.org) or 206.727.8282

# WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors  
Budget and Audit Committee

From: Mark Hayes, Controller  
Ann Holmes, Chief Operations Officer

Re: Results through December 31, 2017 (25% of fiscal year)

Date: February 8, 2018

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Attached are the year-to-date financial statements through December 2017, which show that most revenue and expenses are within acceptable ranges of the budgeted amounts. Below is a summary of revenue and expense highlights through December 31, 2017, 25% of the fiscal year completed.

## REVENUE AND EXPENSE ANALYSIS

### General Fund Revenues

- *Licensing revenue* is slightly under budget at 22.18%. The license fees to date represent the 4<sup>th</sup> quarter of the 2017 calendar year with license fees of \$385. The last 3 quarters of fiscal year 2018 will reflect the 2018 calendar year annual license fee of \$449. A majority of the 2018 license fee revenue will be collected in January and February after which we will have a better idea of how license fee revenue is trending to budget.
- *Gain/Loss on Investments and Interest Income* is currently over budget at 48.80%. The majority of our investment portfolio is in bonds, which is performing quite well. Market fluctuation is part of the investment landscape and difficult to predict, so we tend to budget conservatively for these line items.
- *Diversity Donations and Grant revenue* is over budget at 108.33%. We receive monies from the Washington State Bar Foundation at the beginning of each year so we can fund our programs and events. This year we received \$7,500 more than was budgeted.
- *Pro Hac Vice Revenue* continues to be a solid source of revenue for WSBA coming in at 34.04% of budget. This is a 6.09% increase from the same time last year.
- *New Member Revenue* is over budget at 166.31%. The transition to the multi-track learning programming for this cost center proved to be very popular with the members and, as such, attendance is exceeding expectations. In addition, the creation of 2 other on line products also contributed to revenue exceeding budget.
- *Public Service Donations and Grant revenue* is over budget at 107.89%. We receive monies from the Washington State Bar Foundation at the beginning of each year that allows us to fund Moderate Means programs. This year we received \$7,500 more than was budgeted.

- *Reimbursement from Sections* revenue recognition changed this year as we aligned the dues to cover a calendar year instead of a fiscal year (10/1-9/30). As a result of this change, revenue will begin to be recognized in January. We anticipate this revenue to approximate budget by year end.

### Indirect Expenses

*Salaries* for regular employees are slightly under budget at 24.78%, reflecting savings from open positions unfilled in the first quarter. *Overall salary expense (regular staff and temps)* are slightly over budget at 25.21%. We anticipate will come in at budget for the year. *Employee benefits* are slightly over budget at 25.24%, which is due to the fact that the bulk of the transportation allowance budget of \$118,500 is consumed in Q1. Adjusting for this, benefits are in line with our salary expense.

Other Indirect Expenses such as *rent, insurance, depreciation, property taxes* etc. are below budget at 23.29%. A few outliers include: *Workplace Benefits Expense* is at 30.90%, but the costs for the Holiday party are incurred in Q1 and will not repeat; *HR Pooled Expense* is over budget at 32.96% due to timing of some enterprise-wide training that is taking place early in the year. Also, we paid our annual fee for our performance management software; *Professional Fees- Audit* which is at 80.44% of budget due to payments for our recently completed WSBA's annual audit; *Professional Fees- Legal* is 9.01% of budget. This expense is incurred on a case by case basis and is difficult to predict; and *Furniture, Maintenance Leasehold Improvements* is at 2.50% of budget. Spending in this category varies and is subject to the timing of purchases.

### General Fund Direct Expenses

Direct expenses are under budget in a variety of areas. However, it is too soon to predict whether this overall trend will carry through the remainder of the year. Some key areas follow:

- *Admission/Bar Exam* expenses are under budget at 5.35%, which is driven by the timing of the bar exams. These direct expenses will pick up over the course of the year and we expect them to approach budget.
- *Overall* expenses in the Board of Governors cost center is under budget at 10.06%. Expenses in this cost center are primarily related to BOG meetings. Spending patterns depend on timing of events throughout the year but we expect to come in on budget. There is also a commitment of \$60,000 to the Washington Leadership Institute which will be paid later in the year.
- *Communication Strategies* expense is under budget at 16.19%, but 60% of the \$103,440 direct expense budget is for the annual awards dinner that will take place toward the end of the fiscal year.
- *Court Report* expense in the Discipline department is at 5.89%. These expenses vary and they are difficult to predict.
- *Public Service* expenses are lower than budget at .22%. We are just finalizing our grant agreements with the various law schools after which the monies will be disbursed.

### Continuing Legal Education (CLE)

Total CLE revenue of \$776,089 came in above budget at 38.19%. Historically, Q1 is a strong revenue quarter for CLE as members are fulfilling their annual CLE obligation. Even though seminar attendance continues its decline, albeit not nearly as precipitous as last year, overall seminar revenue was 25.39% of budget. Product was strong at 40.63% driven by online MP3 and video sales. Deskbook revenue is under budget at 11.45%.

CLE Indirect expenses are slightly over budget at 25.15%. CLE Direct expenses are below budget at 13.94%. Because it is early in the year, direct expenses are lower than budget, because splits with sections and other programming costs have yet to be incurred. Deskbook Direct Expenses are under budget at 9.13%, because they are predominately tied to deskbook sales.

#### **Client Protection Fund (CPF)**

CPF revenues are slightly higher than budget (currently at 33.42% collected). We expect to see the majority of revenues come in over January and February, with licensing payments. Based on the known fees collected so far, it is likely that the CPF assessment revenue will come in on budget at the end of the year. Currently, total CPF direct expenses are below budget at 5.27% due to the time of payments of gifts to injured clients, which we expect to increase as the year progresses. Indirect expenses are on budget at 25.07%, and are expected to trend to budget throughout the year.



# **WSBA Financial Reports**

**(Unaudited)**

## **Year to Date December 31, 2017**

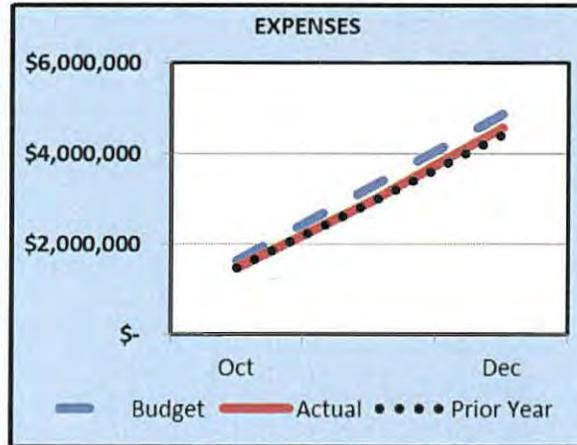
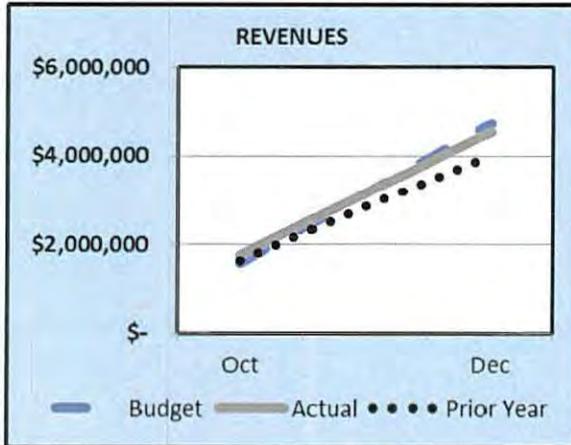
**Prepared by Mark Hayes, Controller**

**Submitted by**

**Ann Holmes, Chief Operations Officer**

**January 22, 2017**

## GENERAL FUND *(Supports regulatory functions and most services to members and the public)*



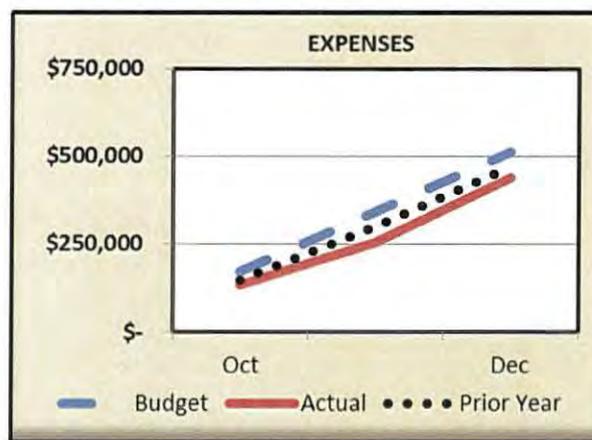
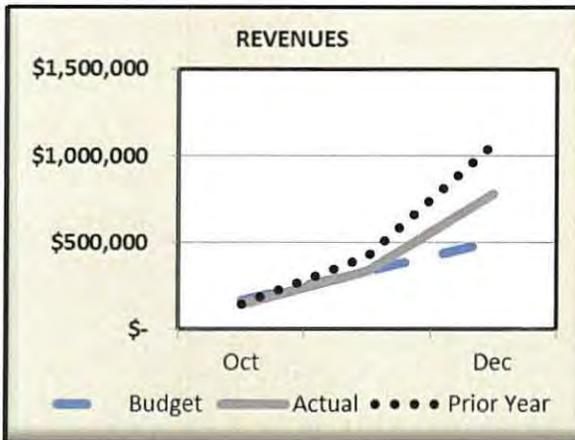
**REVENUES:** The majority of revenues collected through December are from license fees. Overall revenue is slightly behind budget, because license fees for Q1 are associated with the 2017 annual license fee of \$385. The last 3 quarters of license fee revenue will reflect the 2018 calendar year fee of \$449. We expect revenue to approximate budget for the year.

**EXPENSES:** Indirect expenses (salaries, benefits, overhead) are slightly under budget at 24.91%. Direct expenses are currently under budget due to timing of activities required for spending.

**PROJECTED NET RESULT:** It is still very early in the year to project net results at year-end, however we expect net loss to approach budget at year-end.

	<u>FY18 Budget</u>	<u>FY18 Actuals</u>	<u>Variance</u>
Revenues	\$4,728,300	\$4,539,684	<b>(\$188,616)</b>
Expenses	<u>\$4,878,723</u>	<u>\$4,591,658</u>	<u>\$287,065</u>
Profit/(Loss)	<u>(\$150,423)</u>	<u>(\$51,974)</u>	<u>\$98,449</u>

## CLE FUND



**REVENUES:** Actual revenue is greater than budget due to robust 1<sup>st</sup> quarter product sales, primarily MP3 and videos. Q1 is a strong month for CLE as members complete their annual CLE obligations.

**EXPENSES:** Indirect expenses are slightly over budget at 25.14%. It is early in the year, so direct expenses are lower than budget, because splits with sections and other programming costs have yet to be incurred.

**PROJECTED NET RESULT:** Currently, the CLE fund shows a net profit compared to budget; however, this is due to the historically strong Q1. We expect CLE net result to come in close to budget.

	<u>FY18 Budget</u>	<u>FY18 Actuals</u>	<u>Variance</u>
Revenues	\$508,059	\$776,089	<b>\$268,030</b>
Expenses	<u>\$510,084</u>	<u>\$437,832</u>	<u>\$72,252</u>
Profit/(Loss)	<u>(\$2,025)</u>	<u>\$338,257</u>	<u>\$340,282</u>

## CLIENT PROTECTION FUND

**REVENUES:** Actual revenues are slightly higher than budget. We expect to see the majority of revenue for member assessments come in during January and February.

**EXPENSES:** Actual expenses are under budget due to low gifts to injured clients, which we expect to see increase over the course of the year.

**PROJECTED NET RESULT:** Although it is early in the year to project year end results, we expect the CPF fund to come in on budget at this time.

## SECTIONS OPERATIONS

**REVENUES:** For FY18, Section Dues now cover the calendar year in line with license fees. Because of this change Section dues revenue will not begin to be recognized until January 2018. We expect Section dues revenue to approximate budget.

**EXPENSES:** Actual direct expenses are lower than budget. Variances depend on timing of Section spending throughout the year. As with Section dues, WSBA Per-Member Charge will begin to be recognized in January 2018.

**PROJECTED NET RESULT:** Through December, Sections Operations shows a net loss due to timing of the recognition of membership dues and WSBA Per-Member Charge. We expect this to fall in line with budget as the year progresses.

# WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors  
Budget and Audit Committee

From: Mark Hayes, Controller

Re: Key Financial Benchmarks for the Fiscal Year to Date (YTD) through December 31, 2017

Date: January 18, 2018

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	% of Year	Current Year % YTD	Current Year \$ Difference <sup>1</sup>	Prior Year YTD	Comments
Salaries	25.00%	25.21%	\$23,358 (Over budget)	25.34%	Expected to be on budget
Benefits	25.00%	25.59%	\$23,518 (Over budget)	25.24%	Expected to be on budget
Other Indirect Expenses	25.00%	23.25%	\$60,019 (Under budget)	20.18%	Expected to be on budget
Total Indirect Expenses	25.00%	24.93%	\$13,143 (Under budget)	24.35%	Expected to be on budget

General Fund Revenues	25.00%	24.00%	\$188,616 (Under budget)	26.44%	Expected to be on budget
General Fund Direct Expenses	25.00%	14.09%	\$271,690 (Under budget)	14.64%	Expected to be on or slightly under budget

CLE Revenue	25.00%	38.19%	\$268,030 (Over budget)	31.55%	Expected to be on budget
CLE Direct Expenses	25.00%	13.94%	\$74,371 (Under budget)	13.19%	Expected to be on or slightly under budget
CLE Indirect Expenses	25.00%	25.15%	\$2,119 (Over budget)	23.77%	Expected to be on budget

<sup>1</sup> Dollar difference is calculated based on pro-rated budget figures (total annual budget figures divided by 12 months) minus actual revenue and expense amounts as of December 31, 2017 (3 month into the fiscal year).

**Washington State Bar Association Financial Summary**  
**Year to Date as of December 31, 2017 25.00% of Year**  
**Compared to Fiscal Year 2018 Budget**

Category	Actual Revenues	Budgeted Revenues	Actual Indirect Expenses	Budgeted Indirect Expenses	Actual Direct Expenses	Budgeted Direct Expenses	Actual Total Expenses	Budgeted Total Expenses	Actual Net Result	Budgeted Net Result
Access to Justice		-	64,695	253,727	6,120	51,600	70,815	305,327	(70,815)	(305,327)
Administration	26,839	55,000	263,611	1,047,954	(4,947)	3,045	258,664	1,050,999	(231,825)	(995,999)
Admissions/Bar Exam	366,435	1,327,400	194,048	777,321	20,985	392,117	215,033	1,169,438	151,402	157,962
Board of Governors		-	144,347	522,466	28,175	280,080	172,522	802,546	(172,522)	(802,546)
Communications Strategies	1,210	44,750	135,337	533,090	16,745	103,440	152,082	636,530	(150,872)	(591,780)
Conference & Broadcast Services		0	183,869	734,260	833	4,700	184,702	738,960	(184,702)	(738,960)
Discipline	28,490	130,300	1,345,183	5,510,929	43,521	256,826	1,388,704	5,767,755	(1,360,215)	(5,637,455)
Diversity	97,689	100,374	102,381	417,383	2,941	25,250	105,322	442,633	(7,633)	(342,259)
Foundation		-	38,177	147,130	752	17,600	38,929	164,730	(38,929)	(164,730)
Human Resources		-	95,819	269,931		-	95,819	269,931	(95,819)	(269,931)
Law Clerk Program	26,200	112,000	26,692	108,267	1,440	4,350	28,132	112,617	(1,932)	(617)
Legislative		-	18,260	127,140	3,009	24,700	21,269	151,840	(21,269)	(151,840)
Licensing and Membership Records	85,239	284,700	162,263	651,149	14,243	45,996	176,507	697,145	(91,267)	(412,445)
Licensing Fees	3,342,748	15,068,125					0	-	3,342,748	15,068,125
Limited License Legal Technician			55,503	229,148	3,592	25,600	59,095	254,748	(59,095)	(254,748)
Limited Practice Officers			37,741	156,182	1,059	3,000	38,800	156,182	(38,800)	(159,182)
Mandatory CLE	207,163	761,000	145,209	538,896	59,311	238,444	204,520	777,340	2,643	(16,340)
Member Assistance Program	3,505	10,000	32,131	131,605	(50)	1,500	32,082	133,105	(28,577)	(123,105)
Member Benefits	4,018		10,668,42	42,770,00	31,215	123,760	41,884	166,530	(37,866)	(166,530)
Mentorship Program			25,627	104,617	701	11,225	26,328	115,842	(26,328)	(115,842)
New Member Program	88,479	53,200	60,063	262,083	7,265	35,780	67,327	297,863	21,151	(244,663)
NW Lawyer	147,734	538,350	41,715	226,805	77,954	434,500	119,669	661,305	28,065	(122,955)
Office of General Counsel	60		196,922	782,452	904	13,296	197,826	795,748	(197,766)	(795,748)
OGC-Disciplinary Board			46,883	200,463	21,799	103,500	68,682	303,963	(68,682)	(303,963)
Outreach and Engagement			77,014	362,671	955	22,750	77,969	385,421	(77,969)	(385,421)
Practice Management Assistance	9,155	15,000.00	51,268	205,719	49	5,850	51,317	211,569	(42,162)	(196,569)
Practice of Law Board			24,698	96,034	3,341	15,200	28,039	111,234	(28,039)	(111,234)
Professional Responsibility Program			65,537	277,796	3,132	6,300	68,669	284,096	(68,669)	(284,096)
Public Service Programs	104,720	105,000	58,046	224,933	499	224,615	58,545	449,548	46,175	(344,548)
Publication and Design Services			38,501	151,900	4,100	4,100	42,601	156,000	(42,601)	(156,000)
Sections Administration		308,000	111,889	462,803	972	10,100	112,861	472,903	(112,861)	(154,903)
Technology		-	386,943	1,468,042			386,943	1,468,042	(386,943)	(1,468,042)
<b>Subtotal General Fund</b>	<b>4,539,684</b>	<b>18,913,199</b>	<b>4,241,042</b>	<b>17,025,666</b>	<b>350,616</b>	<b>2,489,224</b>	<b>4,591,658</b>	<b>19,514,890</b>	<b>(51,974)</b>	<b>(601,691)</b>
Expenses using reserve funds							4,591,658		-	-
<b>Total General Fund - Net Result from Operations</b>									<b>(51,974)</b>	<b>(601,691)</b>
<b>Percentage of Budget</b>	<b>24.00%</b>		<b>24.91%</b>		<b>14.09%</b>		<b>23.53%</b>			
CLE-Seminars and Products	756,628	1,862,235	282,030	1,121,849	85,049	577,582	367,079	1,699,431	389,549	162,804
CLE - Deskbooks	19,460	170,000	62,104	246,210	8,649	94,695	70,752	340,905	(51,292)	(170,905)
Total CLE	776,089	2,032,235	344,134	1,368,059	93,698	672,277	437,832	2,040,336	338,257	(8,101)
<b>Percentage of Budget</b>	<b>38.19%</b>		<b>25.15%</b>		<b>13.94%</b>		<b>21.46%</b>			
Total All Sections	21,082	613,210	-	-	78,364	903,363	78,364	903,363	(57,282)	(290,152)
Client Protection Fund-Restricted	331,680	992,500	40,793	162,720	21,250	403,000	62,043	565,720	269,637	426,780
Management of Western States Bar Conference (No WSBA Funds)	7,500	49,900			18,286	46,860	18,286	46,860	(10,786)	3,040
<b>Totals</b>	<b>5,676,034</b>	<b>22,601,044</b>	<b>4,625,969</b>	<b>18,556,445</b>	<b>562,214</b>	<b>4,514,723.50</b>	<b>5,188,182</b>	<b>23,071,169</b>	<b>487,852</b>	<b>(470,124)</b>
<b>Percentage of Budget</b>	<b>25.11%</b>		<b>24.93%</b>		<b>12.45%</b>		<b>22.49%</b>			

Summary of Fund Balances:	Fund Balances Sept. 30, 2017	2018 Budgeted Fund Balances	Fund Balances Year to date
<b>Restricted Funds:</b>			
Client Protection Fund	3,242,299	3,669,079	3,511,935
Western States Bar Conference	19,632	22,672	8,846
<b>Board-Designated Funds (Non-General Fund):</b>			
CLE Fund Balance	485,582	477,481	823,839
Section Funds	1,197,727	907,575	1,140,445
<b>Board-Designated Funds (General Fund):</b>			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	200,000	200,000	200,000
<b>Unrestricted Funds (General Fund):</b>			
Unrestricted General Fund	1,663,751	1,062,060	1,611,777
<b>Total General Fund Balance</b>	<b>3,363,751</b>	<b>2,762,060</b>	<b>3,311,777</b>
<b>Net Change in general Fund Balance</b>		<b>(601,691)</b>	<b>(51,974)</b>
<b>Total Fund Balance</b>	<b>8,308,990</b>	<b>7,838,866</b>	<b>8,796,842</b>
<b>Net Change in Fund Balance</b>		<b>(470,124)</b>	<b>487,851.66</b>

## Washington State Bar Association

### Statement of Activities

For the Period from December 1, 2017 to December 31, 2017

**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>LICENSE FEES</b>					
<b>REVENUE:</b>					
LICENSE FEES	14,953,000.00	1,102,134.63	3,312,863.46	11,640,136.54	22.16%
LLLTLICENSE FEES	6,125.00	174.93	1,312.50	4,812.50	21.43%
LPO LICENSE FEES	109,000.00	8,051.30	28,572.50	80,427.50	26.21%
<b>TOTAL REVENUE:</b>	<b>15,068,125.00</b>	<b>1,110,360.86</b>	<b>3,342,748.46</b>	<b>11,725,376.54</b>	<b>22.18%</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from December 1, 2017 to December 31, 2017  
**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>ACCESS TO JUSTICE</b>					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
<b>DIRECT EXPENSES:</b>					
ATJ BOARD RETREAT	2,000.00	-	-	2,000.00	0.00%
LEADERSHIP TRAINING	2,000.00	-	142.74	1,857.26	7.14%
ATJ BOARD EXPENSE	24,000.00	406.58	2,781.96	21,218.04	11.59%
ATJ BOARD COMMITTEES EXPENSE	3,000.00	234.77	898.73	2,101.27	29.96%
STAFF TRAVEL/PARKING	2,700.00	-	31.00	2,669.00	1.15%
PUBLIC DEFENSE	8,400.00	139.20	848.29	7,551.71	10.10%
RECEPTION/FORUM EXPENSE	9,500.00	-	1,417.19	8,082.81	15%
<b>TOTAL DIRECT EXPENSES:</b>	<b>51,600.00</b>	<b>780.55</b>	<b>6,119.91</b>	<b>45,480.09</b>	<b>11.86%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (2.10 FTE)	148,145.00	13,004.82	38,451.20	109,693.80	25.96%
BENEFITS EXPENSE	54,588.00	5,751.71	14,370.13	40,217.87	26.32%
OTHER INDIRECT EXPENSE	50,994.00	4,262.92	11,873.28	39,120.72	23.28%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>253,727.00</b>	<b>23,019.45</b>	<b>64,694.61</b>	<b>189,032.39</b>	<b>25.50%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>305,327.00</b>	<b>23,800.00</b>	<b>70,814.52</b>	<b>234,512.48</b>	<b>23.19%</b>
<b>NET INCOME (LOSS):</b>	<b>(305,327.00)</b>	<b>(23,800.00)</b>	<b>(70,814.52)</b>		

**Washington State Bar Association**  
Statement of Activities  
For the Period from December 1, 2017 to December 31, 2017  
**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>ADMINISTRATION</b>					
<b>REVENUE:</b>					
INTEREST INCOME	25,000.00	2,897.33	9,378.68	15,621.32	37.51%
GAIN/LOSS ON INVESTMENTS	30,000.00	11,563.16	17,193.98	12,806.02	57.31%
RPC BOOKLETS	-	-	266.22	(266.22)	
<b>TOTAL REVENUE:</b>	<b>55,000.00</b>	<b>14,460.49</b>	<b>26,838.88</b>	<b>28,161.12</b>	<b>48.80%</b>
<b>DIRECT EXPENSES:</b>					
CREDIT CARD MERCHANT FEES	-	(542.50)	(5,540.87)	5,540.87	
STAFF TRAVEL/PARKING	2,500.00	198.00	594.00	1,906.00	23.76%
STAFF MEMBERSHIP DUES	545.00	-	-	545.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>3,045.00</b>	<b>(344.50)</b>	<b>(4,946.87)</b>	<b>7,991.87</b>	<b>-162.46%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE ( 7.88 FTE)	636,186.00	55,950.91	161,227.49	474,958.51	25.34%
BENEFITS EXPENSE	220,418.00	23,372.23	57,918.64	162,499.36	26.28%
OTHER INDIRECT EXPENSE	191,350.00	15,964.52	44,465.05	146,884.95	23.24%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,047,954.00</b>	<b>95,287.66</b>	<b>263,611.18</b>	<b>784,342.82</b>	<b>25.15%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,050,999.00</b>	<b>94,943.16</b>	<b>258,664.31</b>	<b>792,334.69</b>	<b>24.61%</b>
<b>NET INCOME (LOSS):</b>	<b>(995,999.00)</b>	<b>(80,482.67)</b>	<b>(231,825.43)</b>		

**Washington State Bar Association**  
Statement of Activities  
For the Period from December 1, 2017 to December 31, 2017  
**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>ADMISSIONS/BAR EXAMS</b>					
<b>REVENUE:</b>					
EXAM SOFT REVENUE	35,000.00	-	-	35,000.00	0.00%
BAR EXAM FEES	1,200,000.00	33,505.00	351,935.00	848,065.00	29.33%
SPECIAL ADMISSIONS	60,000.00	620.00	12,400.00	47,600.00	20.67%
LLLT EXAM FEES	7,500.00	-	2,200.00	5,300.00	29.33%
LLLT WAIVER FEES	900.00	-	-	900.00	0.00%
LPO EXAMINATION FEES	24,000.00	-	(100.00)	24,100.00	-0.42%
<b>TOTAL REVENUE:</b>	<b>1,327,400.00</b>	<b>34,125.00</b>	<b>366,435.00</b>	<b>960,965.00</b>	<b>27.61%</b>
<b>DIRECT EXPENSES:</b>					
DEPRECIATION	2,222.00	-	-	2,222.00	0.00%
POSTAGE	4,000.00	66.64	813.58	3,186.42	20.34%
STAFF TRAVEL/PARKING	10,240.00	228.00	688.50	9,551.50	6.72%
STAFF MEMBERSHIP DUES	400.00	-	-	400.00	0.00%
SUPPLIES	1,000.00	2,401.46	2,461.90	(1,461.90)	246.19%
FACILITY, PARKING, FOOD	66,000.00	-	5,994.58	60,005.42	9.08%
EXAMINER FEES	35,000.00	-	-	35,000.00	0.00%
UBE EXMINATIONS	130,000.00	-	-	130,000.00	0.00%
BOARD OF BAR EXAMINERS	25,000.00	-	-	25,000.00	0.00%
BAR EXAM PROCTORS	30,000.00	-	-	30,000.00	0.00%
CHARACTER & FITNESS BOARD	20,000.00	1,939.11	7,602.07	12,397.93	38.01%
DISABILITY ACCOMMODATIONS	20,000.00	-	-	20,000.00	0.00%
CHARACTER & FITNESS INVESTIGATIONS	900.00	-	3,192.00	(2,292.00)	354.67%
LAW SCHOOL VISITS	1,000.00	232.80	232.80	767.20	23.28%
EXAM WRITING	28,355.00	-	-	28,355.00	0.00%
COURT REPORTERS	18,000.00	-	-	18,000.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>392,117.00</b>	<b>4,868.01</b>	<b>20,985.43</b>	<b>371,131.57</b>	<b>5.35%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (6.20 FTE)	454,259.00	39,137.25	115,687.50	338,571.50	25.47%
BENEFITS EXPENSE	172,508.00	17,410.66	43,377.64	129,130.36	25.15%
OTHER INDIRECT EXPENSE	150,554.00	12,559.92	34,982.40	115,571.60	23.24%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>777,321.00</b>	<b>69,107.83</b>	<b>194,047.54</b>	<b>583,273.46</b>	<b>24.96%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,169,438.00</b>	<b>73,975.84</b>	<b>215,032.97</b>	<b>954,405.03</b>	<b>18.39%</b>
<b>NET INCOME (LOSS):</b>	<b>157,962.00</b>	<b>(39,850.84)</b>	<b>151,402.03</b>		

**Washington State Bar Association**  
Statement of Activities  
For the Period from December 1, 2017 to December 31, 2017  
**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>BOG/OED</b>					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	4,700.00	328.00	984.00	3,716.00	20.94%
STAFF MEMBERSHIP DUES	1,880.00	550.00	550.00	1,330.00	29.26%
TELEPHONE	1,000.00	144.29	223.07	776.93	22.31%
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	-	-	60,000.00	0.00%
BOG MEETINGS	115,000.00	1,353.56	16,054.33	98,945.67	13.96%
BOG COMMITTEES' EXPENSES	30,000.00	1,332.96	3,761.18	26,238.82	12.54%
BOG CONFERENCE ATTENDANCE	17,500.00	350.39	350.39	17,149.61	2.00%
BOG TRAVEL & OUTREACH	45,000.00	1,555.10	5,674.77	39,325.23	12.61%
ED TRAVEL & OUTREACH	5,000.00	102.95	577.25	4,422.75	11.55%
<b>TOTAL DIRECT EXPENSES:</b>	<b>280,080.00</b>	<b>5,717.25</b>	<b>28,174.99</b>	<b>251,905.01</b>	<b>10.06%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (2.45 FTE)	357,509.00	31,876.96	102,817.11	254,691.89	28.76%
BENEFITS EXPENSE	105,464.00	11,560.18	27,664.24	77,799.76	26.23%
OTHER INDIRECT EXPENSE	59,493.00	4,978.19	13,865.50	45,627.50	23.31%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>522,466.00</b>	<b>48,415.33</b>	<b>144,346.85</b>	<b>378,119.15</b>	<b>27.63%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>802,546.00</b>	<b>54,132.58</b>	<b>172,521.84</b>	<b>630,024.16</b>	<b>21.50%</b>
<b>NET INCOME (LOSS):</b>	<b>(802,546.00)</b>	<b>(54,132.58)</b>	<b>(172,521.84)</b>		

**Washington State Bar Association**  
Statement of Activities  
For the Period from December 1, 2017 to December 31, 2017  
**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>COMMUNICATION STRATEGIES</b>					
<b>REVENUE:</b>					
AWARDS LUNCH/DINNER	44,000.00	-	100.00	43,900.00	0.23%
50 YEAR MEMBER TRIBUTE LUNCH	750.00	-	550.00	200.00	73.33%
WSBA LOGO MERCHANDISE SALES	-	-	560.00	(560.00)	
<b>TOTAL REVENUE:</b>	<b>44,750.00</b>	<b>-</b>	<b>1,210.00</b>	<b>43,540.00</b>	<b>2.70%</b>
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	2,640.00	(165.80)	1,059.09	1,580.91	40.12%
STAFF MEMBERSHIP DUES	1,700.00	-	-	1,700.00	0.00%
SUBSCRIPTIONS	10,050.00	183.96	215.88	9,834.12	2.15%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	(463.40)	49.80	1,400.20	3.43%
AWARDS DINNER	63,000.00	-	6,917.09	56,082.91	10.98%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	1,014.70	8,228.43	(228.43)	102.86%
BAR OUTREACH	-	(184.78)	-	-	
COMMUNICATIONS OUTREACH	15,000.00	274.49	274.49	14,725.51	1.83%
SPEAKERS & PROGRAM DEVELOP	1,600.00	-	-	1,600.00	
<b>TOTAL DIRECT EXPENSES:</b>	<b>103,440.00</b>	<b>659.17</b>	<b>16,744.78</b>	<b>86,695.22</b>	<b>16.19%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (4.68 FTE)	304,516.00	29,196.54	83,834.70	220,681.30	27.53%
BENEFITS EXPENSE	114,930.00	10,483.60	25,046.70	89,883.30	21.79%
OTHER INDIRECT EXPENSE	113,644.00	9,498.62	26,455.93	87,188.07	23.28%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>533,090.00</b>	<b>49,178.76</b>	<b>135,337.33</b>	<b>397,752.67</b>	<b>25.39%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>636,530.00</b>	<b>49,837.93</b>	<b>152,082.11</b>	<b>484,447.89</b>	<b>23.89%</b>
<b>NET INCOME (LOSS):</b>	<b>(591,780.00)</b>	<b>(49,837.93)</b>	<b>(150,872.11)</b>		

**Washington State Bar Association**  
Statement of Activities  
For the Period from December 1, 2017 to December 31, 2017  
**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>CONFERENCE &amp; BROADCAST SERVICES</b>					
REVENUE:	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
TOTAL REVENUE:	<u>                    -</u>	<u>                    -</u>	<u>                    -</u>	<u>                    -</u>	<u>                    -</u>
DIRECT EXPENSES:	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
STAFF TRAVEL/PARKING	1,200.00	-	-	1,200.00	0.00%
TRANSLATION SERVICES	3,500.00	288.35	833.45	2,666.55	23.81%
<b>TOTAL DIRECT EXPENSES:</b>	<u style="text-align: right;">4,700.00</u>	<u style="text-align: right;">288.35</u>	<u style="text-align: right;">833.45</u>	<u style="text-align: right;">3,866.55</u>	<u style="text-align: right;">17.73%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (7.15 FTE)	398,693.00	35,111.06	101,223.44	297,469.56	25.39%
BENEFITS EXPENSE	161,944.00	16,781.52	42,345.20	119,598.80	26.15%
OTHER INDIRECT EXPENSE	<u>173,623.00</u>	<u>14,697.41</u>	<u>40,300.25</u>	<u>133,322.75</u>	<u>23.21%</u>
<b>TOTAL INDIRECT EXPENSES:</b>	<u style="text-align: right;">734,260.00</u>	<u style="text-align: right;">66,589.99</u>	<u style="text-align: right;">183,868.89</u>	<u style="text-align: right;">550,391.11</u>	<u style="text-align: right;">25.04%</u>
<b>TOTAL ALL EXPENSES:</b>	<u style="text-align: right;">738,960.00</u>	<u style="text-align: right;">66,878.34</u>	<u style="text-align: right;">184,702.34</u>	<u style="text-align: right;">554,257.66</u>	<u style="text-align: right;">24.99%</u>
<b>NET INCOME (LOSS):</b>	<u style="text-align: right;">(738,960.00)</u>	<u style="text-align: right;">(66,878.34)</u>	<u style="text-align: right;">(184,702.34)</u>		

**Washington State Bar Association**  
Statement of Activities  
For the Period from December 1, 2017 to December 31, 2017  
**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>DISCIPLINE</b>					
<b>REVENUE:</b>					
AUDIT REVENUE	2,300.00	255.00	2,365.00	(65.00)	102.83%
RECOVERY OF DISCIPLINE COSTS	115,000.00	3,878.20	23,007.70	91,992.30	20.01%
DISCIPLINE HISTORY SUMMARY	13,000.00	913.00	3,116.83	9,883.17	23.98%
<b>TOTAL REVENUE:</b>	<b>130,300.00</b>	<b>5,046.20</b>	<b>28,489.53</b>	<b>101,810.47</b>	<b>21.86%</b>
<b>DIRECT EXPENSES:</b>					
DEPRECIATION-SOFTWARE	17,028.00	858.00	2,574.00	14,454.00	15.12%
PUBLICATIONS PRODUCTION	330.00	-	-	330.00	0.00%
STAFF TRAVEL/PARKING	39,460.00	2,244.37	8,423.58	31,036.42	21.35%
STAFF MEMBERSHIP DUES	3,308.00	-	1,425.00	1,883.00	43.08%
TELEPHONE	2,800.00	182.20	546.36	2,253.64	19.51%
COURT REPORTERS	65,000.00	1,296.61	3,828.74	61,171.26	5.89%
OUTSIDE COUNSEL/AIC	2,000.00	-	-	2,000.00	0.00%
LITIGATION EXPENSES	30,000.00	1,870.15	3,891.36	26,108.64	12.97%
DISABILITY EXPENSES	15,000.00	37.39	1,037.39	13,962.61	6.92%
ONLINE LEGAL RESEARCH	66,900.00	5,514.46	11,078.91	55,821.09	16.56%
LAW LIBRARY	12,000.00	3,847.28	10,403.72	1,596.28	86.70%
TRANSLATION SERVICES	3,000.00	-	302.33	2,697.67	10.08%
POSTAGE	-	9.82	9.82	(9.82)	
<b>TOTAL DIRECT EXPENSES:</b>	<b>256,826.00</b>	<b>15,860.28</b>	<b>43,521.21</b>	<b>213,304.79</b>	<b>16.95%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (36.89 FTE)	3,465,982.00	279,199.72	839,372.28	2,626,609.72	24.22%
BENEFITS EXPENSE	1,149,149.00	122,198.17	297,510.18	851,638.82	25.89%
OTHER INDIRECT EXPENSE	895,798.00	74,787.21	208,300.55	687,497.45	23.25%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>5,510,929.00</b>	<b>476,185.10</b>	<b>1,345,183.01</b>	<b>4,165,745.99</b>	<b>24.41%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>5,767,755.00</b>	<b>492,045.38</b>	<b>1,388,704.22</b>	<b>4,379,050.78</b>	<b>24.08%</b>
<b>NET INCOME (LOSS):</b>	<b>(5,637,455.00)</b>	<b>(486,999.18)</b>	<b>(1,360,214.69)</b>		

## Washington State Bar Association

### Statement of Activities

For the Period from December 1, 2017 to December 31, 2017

**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>DIVERSITY</b>					
<b>REVENUE:</b>					
DONATIONS & GRANTS	90,000.00	-	97,500.00	(7,500.00)	108.33%
WORK STUDY GRANTS	10,374.00	189.00	189.00	10,185.00	1.82%
<b>TOTAL REVENUE:</b>	<b>100,374.00</b>	<b>189.00</b>	<b>97,689.00</b>	<b>2,685.00</b>	<b>97.33%</b>
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	8,000.00	138.00	515.52	7,484.48	6.44%
STAFF MEMBERSHIP DUES	350.00	-	-	350.00	0.00%
COMMITTEE FOR DIVERSITY	6,200.00	(608.73)	687.40	5,512.60	11.09%
DIVERSITY EVENTS & PROJECTS	10,000.00	721.72	1,738.02	8,261.98	17.38%
INTERNAL DIVERSITY OUTREACH	200.00	-	-	200.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	500.00	-	-	500.00	0.00%
<b>TOTAL DIRECT EXPENSE:</b>	<b>25,250.00</b>	<b>250.99</b>	<b>2,940.94</b>	<b>22,309.06</b>	<b>11.65%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (3.21 FTE)	253,236.00	20,482.40	61,664.36	191,571.64	24.35%
BENEFITS EXPENSE	86,199.00	9,090.61	22,628.15	63,570.85	26.25%
OTHER INDIRECT EXPENSE	77,948.00	6,494.52	18,088.81	59,859.19	23.21%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>417,383.00</b>	<b>36,067.53</b>	<b>102,381.32</b>	<b>315,001.68</b>	<b>24.53%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>442,633.00</b>	<b>36,318.52</b>	<b>105,322.26</b>	<b>337,310.74</b>	<b>23.79%</b>
<b>NET INCOME (LOSS):</b>	<b>(342,259.00)</b>	<b>(36,129.52)</b>	<b>(7,633.26)</b>		

**Washington State Bar Association**  
Statement of Activities  
For the Period from December 1, 2017 to December 31, 2017  
**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>FOUNDATION</b>					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	3,000.00	-	-	3,000.00	0.00%
PRINTING & COPYING	1,500.00	367.44	496.81	1,003.19	33.12%
STAFF TRAVEL/PARKING	1,500.00	16.44	81.29	1,418.71	5.42%
STAFF MEMBERSHIP DUES	600.00	-	-	600.00	0.00%
SUPPLIES	500.00	-	-	500.00	0.00%
SPECIAL EVENTS	5,000.00	-	-	5,000.00	0.00%
BOARD OF TRUSTEES	5,000.00	32.19	173.54	4,826.46	3.47%
GRAPHIC DESIGN	500.00	-	-	500.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>17,600.00</b>	<b>416.07</b>	<b>751.64</b>	<b>16,848.36</b>	<b>4.27%</b>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.20 FTE)	85,993.00	7,509.56	23,111.94	62,881.06	26.88%
BENEFITS EXPENSE	31,997.00	3,320.84	8,291.73	23,705.27	25.91%
OTHER INDIRECT EXPENSE	29,140.00	2,431.91	6,773.41	22,366.59	23.24%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>147,130.00</b>	<b>13,262.31</b>	<b>38,177.08</b>	<b>108,952.92</b>	<b>25.95%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>164,730.00</b>	<b>13,678.38</b>	<b>38,928.72</b>	<b>125,801.28</b>	<b>23.63%</b>
<b>NET INCOME (LOSS):</b>	<b>(164,730.00)</b>	<b>(13,678.38)</b>	<b>(38,928.72)</b>		

**Washington State Bar Association**  
Statement of Activities  
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**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>HUMAN RESOURCES</b>					
<b>REVENUE:</b>					
<b>TOTAL REVENUE:</b>	-	-	-	-	
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	150.00	-	-	150.00	0.00%
STAFF MEMBERSHIP DUES	1,188.00	339.00	558.00	630.00	46.97%
SUBSCRIPTIONS	1,938.00	-	106.92	1,831.08	5.52%
STAFF TRAINING- GENERAL	29,400.00	425.00	12,427.50	16,972.50	42.27%
RECRUITING AND ADVERTISING	7,000.00	370.11	1,113.73	5,886.27	15.91%
PAYROLL PROCESSING	55,000.00	4,571.06	11,889.52	43,110.48	21.62%
SALARY SURVEYS	2,900.00	-	-	2,900.00	0.00%
THIRD PARTY SERVICES	22,500.00	-	13,487.25	9,012.75	59.94%
TRANSFER TO INDIRECT EXPENSE	(120,076.00)	(5,705.17)	(39,582.92)	(80,493.08)	32.96%
<b>TOTAL DIRECT EXPENSES:</b>	-	-	-	-	
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (2.48 FTE)	249,508.00	22,113.67	60,694.32	188,813.68	24.33%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
BENEFITS EXPENSE	80,201.00	8,625.69	21,099.89	59,101.11	26.31%
OTHER INDIRECT EXPENSE	60,222.00	5,035.40	14,024.86	46,197.14	23.29%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>269,931.00</b>	<b>35,774.76</b>	<b>95,819.07</b>	<b>174,111.93</b>	<b>35.50%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>269,931.00</b>	<b>35,774.76</b>	<b>95,819.07</b>	<b>174,111.93</b>	<b>35.50%</b>
<b>NET INCOME (LOSS):</b>	<b>(269,931.00)</b>	<b>(35,774.76)</b>	<b>(95,819.07)</b>		

**Washington State Bar Association**  
Statement of Activities  
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**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>LAW CLERK PROGRAM</b>					
<b>REVENUE:</b>					
LAW CLERK FEES	110,000.00	18,000.00	25,200.00	84,800.00	22.91%
LAW CLERK APPLICATION FEES	2,000.00	700.00	1,000.00	1,000.00	50.00%
<b>TOTAL REVENUE:</b>	<b>112,000.00</b>	<b>18,700.00</b>	<b>26,200.00</b>	<b>85,800.00</b>	<b>23.39%</b>
<b>DIRECT EXPENSES:</b>					
SUBSCRIPTIONS	250.00	250.00	250.00	-	100.00%
CHARACTER & FITNESS INVESTIGATIONS	100.00	-	-	100.00	0.00%
LAW CLERK BOARD EXPENSE	4,000.00	36.34	1,189.80	2,810.20	29.75%
<b>TOTAL DIRECT EXPENSES:</b>	<b>4,350.00</b>	<b>286.34</b>	<b>1,439.80</b>	<b>2,910.20</b>	<b>33.10%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (0.85 FTE)	64,505.00	5,583.59	15,838.91	48,666.09	24.55%
BENEFITS EXPENSE	23,122.00	2,442.91	6,071.57	17,050.43	26.26%
OTHER INDIRECT EXPENSE	20,640.00	1,716.65	4,781.22	15,858.78	23.16%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>108,267.00</b>	<b>9,743.15</b>	<b>26,691.70</b>	<b>81,575.30</b>	<b>24.65%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>112,617.00</b>	<b>10,029.49</b>	<b>28,131.50</b>	<b>84,485.50</b>	<b>24.98%</b>
<b>NET INCOME (LOSS):</b>	<b>(617.00)</b>	<b>8,670.51</b>	<b>(1,931.50)</b>		

**Washington State Bar Association**  
Statement of Activities  
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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>LEGISLATIVE</b>					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	8,000.00	-	77.06	7,922.94	0.96%
STAFF MEMBERSHIP DUES	450.00	-	-	450.00	0.00%
SUBSCRIPTIONS	2,000.00	-	1,981.80	18.20	99.09%
TELEPHONE	3,000.00	26.67	79.97	2,920.03	2.67%
OLYMPIA RENT	2,500.00	489.84	489.84	2,010.16	19.59%
CONTRACT LOBBYIST	5,000.00	-	-	5,000.00	0.00%
LOBBYIST CONTACT COSTS	1,000.00	291.81	291.81	708.19	29.18%
LEGISLATIVE COMMITTEE	2,500.00	-	88.76	2,411.24	3.55%
BOG LEGISLATIVE COMMITTEE	250.00	-	-	250.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>24,700.00</b>	<b>808.32</b>	<b>3,009.24</b>	<b>21,690.76</b>	<b>12.18%</b>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.00 FTE)	75,697.00	2,377.51	6,951.86	68,745.14	9.18%
BENEFITS EXPENSE	27,160.00	2,443.50	5,649.95	21,510.05	20.80%
OTHER INDIRECT EXPENSE	24,283.00	2,031.32	5,657.74	18,625.26	23.30%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>127,140.00</b>	<b>6,852.33</b>	<b>18,259.55</b>	<b>108,880.45</b>	<b>14.36%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>151,840.00</b>	<b>7,660.65</b>	<b>21,268.79</b>	<b>130,571.21</b>	<b>14.01%</b>
NET INCOME (LOSS):	<b>(151,840.00)</b>	<b>(7,660.65)</b>	<b>(21,268.79)</b>		

**Washington State Bar Association**  
Statement of Activities  
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**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>LICENSING &amp; MEMBERSHIP RECORDS</b>					
<b>REVENUE:</b>					
STATUS CERTIFICATE FEES	22,000.00	1,026.46	4,063.50	17,936.50	18.47%
RULE 9/LEGAL INTERN FEES	11,000.00	300.00	650.00	10,350.00	5.91%
INVESTIGATION FEES	20,000.00	1,000.00	3,600.00	16,400.00	18.00%
PRO HAC VICE	210,000.00	24,962.00	71,480.00	138,520.00	34.04%
MEMBER CONTACT INFORMATION	21,000.00	809.00	5,325.71	15,674.29	25.36%
PHOTO BAR CARD SALES	700.00	84.00	120.00	580.00	17.14%
<b>TOTAL REVENUE:</b>	<b>284,700.00</b>	<b>28,181.46</b>	<b>85,239.21</b>	<b>199,460.79</b>	<b>29.94%</b>
<b>DIRECT EXPENSES:</b>					
DEPRECIATION	11,496.00	2,301.00	2,301.00	9,195.00	20.02%
POSTAGE	31,500.00	-	9,787.28	21,712.72	31.07%
LICENSING FORMS	3,000.00	-	2,154.79	845.21	71.83%
<b>TOTAL DIRECT EXPENSES:</b>	<b>45,996.00</b>	<b>2,301.00</b>	<b>14,243.07</b>	<b>31,752.93</b>	<b>30.97%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (4.65 FTE)	402,984.00	34,801.98	100,522.47	302,461.53	24.94%
BENEFITS EXPENSE	135,249.00	14,389.23	35,524.15	99,724.85	26.27%
OTHER INDIRECT EXPENSE	112,916.00	9,412.79	26,216.84	86,699.16	23.22%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>651,149.00</b>	<b>58,604.00</b>	<b>162,263.46</b>	<b>488,885.54</b>	<b>24.92%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>697,145.00</b>	<b>60,905.00</b>	<b>176,506.53</b>	<b>520,638.47</b>	<b>25.32%</b>
<b>NET INCOME (LOSS):</b>	<b>(412,445.00)</b>	<b>(32,723.54)</b>	<b>(91,267.32)</b>		

**Washington State Bar Association**  
 Statement of Activities  
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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>LIMITED LICENSE LEGAL TECHNICIAN PROGRAM</b>					
<b>REVENUE:</b>					
<b>TOTAL REVENUE:</b>	-	-	-	-	
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	600.00	-	-	600.00	0.00%
LLLT BOARD	17,000.00	1,340.86	3,592.44	13,407.56	21.13%
LLLT OUTREACH	8,000.00	-	-	8,000.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>25,600.00</b>	<b>1,340.86</b>	<b>3,592.44</b>	<b>22,007.56</b>	<b>14.03%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.70 FTE)	138,305.00	11,884.11	32,905.24	105,399.76	23.79%
BENEFITS EXPENSE	48,348.00	5,136.80	12,716.51	35,631.49	26.30%
OTHER INDIRECT EXPENSE	42,495.00	3,547.68	9,881.16	32,613.84	23.25%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>229,148.00</b>	<b>20,568.59</b>	<b>55,502.91</b>	<b>173,645.09</b>	<b>24.22%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>254,748.00</b>	<b>21,909.45</b>	<b>59,095.35</b>	<b>195,652.65</b>	<b>23.20%</b>
<b>NET INCOME (LOSS):</b>	<b>(254,748.00)</b>	<b>(21,909.45)</b>	<b>(59,095.35)</b>		

## Washington State Bar Association

### Statement of Activities

For the Period from December 1, 2017 to December 31, 2017

**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>LIMITED PRACTICE OFFICERS</b>					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
LPO BOARD	3,000.00	168.46	1,058.63	1,941.37	35.29%
TOTAL DIRECT EXPENSES:	<u>3,000.00</u>	<u>168.46</u>	<u>1,058.63</u>	<u>1,941.37</u>	<u>35.29%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.16 FTE)	94,904.00	8,067.74	22,495.22	72,408.78	23.70%
BENEFITS EXPENSE	33,110.00	3,512.17	8,711.81	24,398.19	26.31%
OTHER INDIRECT EXPENSE	28,168.00	2,346.02	6,534.24	21,633.76	23.20%
TOTAL INDIRECT EXPENSES:	<u>156,182.00</u>	<u>13,925.93</u>	<u>37,741.27</u>	<u>118,440.73</u>	<u>24.16%</u>
TOTAL ALL EXPENSES:	<u>159,182.00</u>	<u>14,094.39</u>	<u>38,799.90</u>	<u>120,382.10</u>	<u>24.37%</u>
NET INCOME (LOSS):	<u>(159,182.00)</u>	<u>(14,094.39)</u>	<u>(38,799.90)</u>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>MANDATORY CLE ADMINISTRATION</b>					
<b>REVENUE:</b>					
ACCREDITED PROGRAM FEES	282,000.00	31,450.00	78,800.00	203,200.00	27.94%
FORM 1 LATE FEES	100,000.00	17,465.00	42,245.00	57,755.00	42.25%
MEMBER LATE FEES	203,000.00	200.00	2,000.00	201,000.00	0.99%
ANNUAL ACCREDITED SPONSOR FEES	27,000.00	-	29,500.00	(2,500.00)	109.26%
ATTENDANCE FEES	60,000.00	7,661.00	18,968.00	41,032.00	31.61%
ATTENDANCE LATE FEES	60,000.00	11,130.00	22,400.00	37,600.00	37.33%
COMITY CERTIFICATES	29,000.00	7,675.14	13,250.29	15,749.71	45.69%
<b>TOTAL REVENUE:</b>	<b>761,000.00</b>	<b>75,581.14</b>	<b>207,163.29</b>	<b>553,836.71</b>	<b>27.22%</b>
<b>DIRECT EXPENSES:</b>					
DEPRECIATION	235,944.00	21,164.00	59,155.00	176,789.00	25.07%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
MCLE BOARD	2,000.00	-	156.39	1,843.61	7.82%
<b>TOTAL DIRECT EXPENSES:</b>	<b>238,444.00</b>	<b>21,164.00</b>	<b>59,311.39</b>	<b>179,132.61</b>	<b>24.87%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (4.80 FTE)	310,624.00	33,277.54	90,452.44	220,171.56	29.12%
BENEFITS EXPENSE	112,928.00	11,741.43	27,902.22	85,025.78	24.71%
OTHER INDIRECT EXPENSE	115,344.00	9,641.67	26,854.39	88,489.61	23.28%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>538,896.00</b>	<b>54,660.64</b>	<b>145,209.05</b>	<b>393,686.95</b>	<b>26.95%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>777,340.00</b>	<b>75,824.64</b>	<b>204,520.44</b>	<b>572,819.56</b>	<b>26.31%</b>
<b>NET INCOME (LOSS):</b>	<b>(16,340.00)</b>	<b>(243.50)</b>	<b>2,642.85</b>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>MEMBER ASSISTANCE PROGRAM</b>					
<b>REVENUE:</b>					
DIVERSIONS	10,000.00	-	3,505.00	6,495.00	35.05%
<b>TOTAL REVENUE:</b>	<b>10,000.00</b>	<b>-</b>	<b>3,505.00</b>	<b>6,495.00</b>	<b>35.05%</b>
<b>DIRECT EXPENSES:</b>					
PUBLICATIONS PRODUCTION	200.00	-	-	200.00	0.00%
STAFF MEMBERSHIP DUES	350.00	-	-	350.00	0.00%
CONFERENCE CALLS	100.00	-	-	100.00	0.00%
PROF LIAB INSURANCE	850.00	(49.50)	(49.50)	899.50	-5.82%
<b>TOTAL DIRECT EXPENSES:</b>	<b>1,500.00</b>	<b>(49.50)</b>	<b>(49.50)</b>	<b>1,549.50</b>	<b>-3.30%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (0.87 FTE)	78,885.00	6,979.10	20,174.01	58,710.99	25.57%
BENEFITS EXPENSE	31,594.00	2,855.25	7,016.60	24,577.40	22.21%
OTHER INDIRECT EXPENSE	21,126.00	1,773.82	4,940.52	16,185.48	23.39%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>131,605.00</b>	<b>11,608.17</b>	<b>32,131.13</b>	<b>99,473.87</b>	<b>24.41%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>133,105.00</b>	<b>11,558.67</b>	<b>32,081.63</b>	<b>101,023.37</b>	<b>24.10%</b>
<b>NET INCOME (LOSS):</b>	<b>(123,105.00)</b>	<b>(11,558.67)</b>	<b>(28,576.63)</b>		

**Washington State Bar Association**  
Statement of Activities  
For the Period from December 1, 2017 to December 31, 2017  
**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>MEMBER BENEFITS</b>					
<b>REVENUE:</b>					
MP3 SALES	-	735.00	784.00	(784.00)	
DIGITAL VIDEO SALES	-	3,234.00	3,234.00	(3,234.00)	
<b>TOTAL REVENUE:</b>	<b>-</b>	<b>3,969.00</b>	<b>4,018.00</b>	<b>(4,018.00)</b>	
<b>DIRECT EXPENSES:</b>					
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	-	-	500.00	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	1,700.00	55.52	1,142.04	557.96	67.18%
WSBA CONNECTS	46,560.00	11,640.00	11,640.00	34,920.00	25.00%
CASEMAKER	75,000.00	18,433.41	18,433.41	56,566.59	24.58%
<b>TOTAL DIRECT EXPENSES:</b>	<b>123,760.00</b>	<b>30,128.93</b>	<b>31,215.45</b>	<b>92,544.55</b>	<b>25.22%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (0.40 FTE)	23,685.00	2,022.27	5,976.51	17,708.49	25.23%
BENEFITS EXPENSE	9,372.00	973.48	2,460.69	6,911.31	26.26%
OTHER INDIRECT EXPENSE	9,713.00	801.07	2,231.22	7,481.78	22.97%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>42,770.00</b>	<b>3,796.82</b>	<b>10,668.42</b>	<b>32,101.58</b>	<b>24.94%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>166,530.00</b>	<b>33,925.75</b>	<b>41,883.87</b>	<b>124,646.13</b>	<b>25.15%</b>
<b>NET INCOME (LOSS):</b>	<b>(166,530.00)</b>	<b>(29,956.75)</b>	<b>(37,865.87)</b>		

**Washington State Bar Association**  
Statement of Activities  
For the Period from December 1, 2017 to December 31, 2017  
**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>MENTORSHIP PROGRAM</b>					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	2,000.00	-	-	2,000.00	0.00%
SUBSCRIPTIONS	125.00	-	-	125.00	0.00%
CONFERENCE CALLS	100.00	-	-	100.00	0.00%
MENTORSHIP PROGRAM EXPENSES	2,500.00	-	-	2,500.00	0.00%
RECEPTION/FORUM EXPENSE	6,500.00	-	701.41	5,798.59	10.79%
<b>TOTAL DIRECT EXPENSES:</b>	<b>11,225.00</b>	<b>-</b>	<b>701.41</b>	<b>10,523.59</b>	<b>6.25%</b>
INDIRECT EXPENSES:					
SALARY EXPENSE (0.90 FTE)	60,292.00	3,811.09	14,583.03	45,708.97	24.19%
BENEFITS EXPENSE	22,470.00	2,371.10	5,943.90	16,526.10	26.45%
OTHER INDIRECT EXPENSE	21,855.00	1,831.07	5,099.94	16,755.06	23.34%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>104,617.00</b>	<b>8,013.26</b>	<b>25,626.87</b>	<b>78,990.13</b>	<b>24.50%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>115,842.00</b>	<b>8,013.26</b>	<b>26,328.28</b>	<b>89,513.72</b>	<b>22.73%</b>
NET INCOME (LOSS):	<u>(115,842.00)</u>	<u>(8,013.26)</u>	<u>(26,328.28)</u>		

**Washington State Bar Association**  
Statement of Activities  
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**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>NEW MEMBER PROGRAM</b>					
<b>REVENUE:</b>					
NMP PRODUCT SALES	15,000.00	44,135.37	47,732.05	(32,732.05)	318.21%
SPONSORSHIPS	1,200.00	-	350.00	850.00	29.17%
SEMINAR REGISTRATIONS	20,000.00	(26.34)	28,064.21	(8,064.21)	140.32%
TRIAL ADVOCACY PROGRAM	17,000.00	35.25	12,332.25	4,667.75	72.54%
<b>TOTAL REVENUE:</b>	<b>53,200.00</b>	<b>44,144.28</b>	<b>88,478.51</b>	<b>(35,278.51)</b>	<b>166.31%</b>
<b>DIRECT EXPENSES:</b>					
YLL SECTION PROGRAM	1,500.00	-	798.17	701.83	53.21%
CLE COMPS	1,500.00	-	-	1,500.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	-	68.00	1,932.00	3.40%
STAFF MEMBERSHIP DUES	30.00	-	-	30.00	0.00%
ONLINE EXPENSES	2,250.00	-	-	2,250.00	0.00%
SEMINAR BROCHURES	1,500.00	-	-	1,500.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	-	566.22	933.78	37.75%
NEW LAWYER OUTREACH EVENTS	3,000.00	-	1,138.72	1,861.28	37.96%
NEW LAWYERS COMMITTEE	15,000.00	-	584.70	14,415.30	3.90%
OPEN SECTIONS NIGHT	3,000.00	-	1,365.88	1,634.12	45.53%
TRIAL ADVOCACY PROGRAM	2,500.00	44.97	2,743.18	(243.18)	109.73%
SCHOLARSHIPS/DONATIONS/GRANT	2,000.00	-	-	2,000.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>35,780.00</b>	<b>44.97</b>	<b>7,264.87</b>	<b>28,515.13</b>	<b>20.30%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (2.20 FTE)	152,325.00	9,245.67	32,800.22	119,524.78	21.53%
BENEFITS EXPENSE	56,336.00	5,936.79	14,831.22	41,504.78	26.33%
OTHER INDIRECT EXPENSE	53,422.00	4,463.20	12,431.11	40,990.89	23.27%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>262,083.00</b>	<b>19,645.66</b>	<b>60,062.55</b>	<b>202,020.45</b>	<b>22.92%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>297,863.00</b>	<b>19,690.63</b>	<b>67,327.42</b>	<b>230,535.58</b>	<b>22.60%</b>
<b>NET INCOME (LOSS):</b>	<b>(244,663.00)</b>	<b>24,453.65</b>	<b>21,151.09</b>		

## Washington State Bar Association

Statement of Activities

For the Period from December 1, 2017 to December 31, 2017

**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>NORTHWEST LAWYER</b>					
<b>REVENUE:</b>					
ROYALTIES	-	-	1,148.80	(1,148.80)	
DISPLAY ADVERTISING	400,000.00	39,800.00	112,221.25	287,778.75	28.06%
SUBSCRIPT/SINGLE ISSUES	350.00	36.00	108.00	242.00	30.86%
CLASSIFIED ADVERTISING	100,000.00	8,467.71	25,288.65	74,711.35	25.29%
GEN ANNOUNCEMENTS	15,000.00	1,200.00	3,150.00	11,850.00	21.00%
PROF ANNOUNCEMENTS	23,000.00	2,010.00	5,817.50	17,182.50	25.29%
<b>TOTAL REVENUE:</b>	<b>538,350.00</b>	<b>51,513.71</b>	<b>147,734.20</b>	<b>390,615.80</b>	<b>27.44%</b>
<b>DIRECT EXPENSES:</b>					
BAD DEBT EXPENSE	6,000.00	(2,382.00)	(1,407.00)	7,407.00	-23.45%
POSTAGE	89,000.00	9,634.89	28,964.06	60,035.94	32.54%
PRINTING, COPYING & MAILING	250,000.00	24,220.20	47,551.21	202,448.79	19.02%
DIGITAL/ONLINE DEVELOPMENT	10,200.00	700.00	2,100.00	8,100.00	20.59%
GRAPHICS/ARTWORK	3,500.00	156.52	731.52	2,768.48	20.90%
OUTSIDE SALES EXPENSE	75,000.00	-	-	75,000.00	0.00%
EDITORIAL ADVISORY COMMITTEE	800.00	-	14.43	785.57	1.80%
<b>TOTAL DIRECT EXPENSES:</b>	<b>434,500.00</b>	<b>32,329.61</b>	<b>77,954.22</b>	<b>356,545.78</b>	<b>17.94%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.80 FTE)	130,495.00	7,169.09	21,012.77	109,482.23	16.10%
BENEFITS EXPENSE	52,601.00	4,355.00	10,502.58	42,098.42	19.97%
OTHER INDIRECT EXPENSE	43,709.00	3,662.11	10,199.88	33,509.12	23.34%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>226,805.00</b>	<b>15,186.20</b>	<b>41,715.23</b>	<b>185,089.77</b>	<b>18.39%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>661,305.00</b>	<b>47,515.81</b>	<b>119,669.45</b>	<b>541,635.55</b>	<b>18.10%</b>
<b>NET INCOME (LOSS):</b>	<b>(122,955.00)</b>	<b>3,997.90</b>	<b>28,064.75</b>		

**Washington State Bar Association**  
Statement of Activities  
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**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>OFFICE OF GENERAL COUNSEL</b>					
<b>REVENUE:</b>					
COPY FEES	-	56.20	59.59	(59.59)	
<b>TOTAL REVENUE:</b>	<b>-</b>	<b>56.20</b>	<b>59.59</b>	<b>(59.59)</b>	
<b>DIRECT EXPENSES:</b>					
DEPRECIATION	556.00	-	-	556.00	0.00%
STAFF TRAVEL/PARKING	3,240.00	(666.78)	772.37	2,467.63	23.84%
STAFF MEMBERSHIP DUES	1,500.00	-	-	1,500.00	0.00%
COURT RULES COMMITTEE	4,000.00	-	1.53	3,998.47	0.04%
DISCIPLINE ADVISORY ROUNDTABLE	1,500.00	-	-	1,500.00	0.00%
CUSTODIANSHIPS	2,500.00	-	129.75	2,370.25	5.19%
<b>TOTAL DIRECT EXPENSES:</b>	<b>13,296.00</b>	<b>(666.78)</b>	<b>903.65</b>	<b>12,392.35</b>	<b>6.80%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (5.41 FTE)	484,284.00	41,860.57	123,754.25	360,529.75	25.55%
BENEFITS EXPENSE	166,797.00	17,352.40	42,647.86	124,149.14	25.57%
OTHER INDIRECT EXPENSE	131,371.00	10,957.71	30,519.93	100,851.07	23.23%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>782,452.00</b>	<b>70,170.68</b>	<b>196,922.04</b>	<b>585,529.96</b>	<b>25.17%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>795,748.00</b>	<b>69,503.90</b>	<b>197,825.69</b>	<b>597,922.31</b>	<b>24.86%</b>
<b>NET INCOME (LOSS):</b>	<b>(795,748.00)</b>	<b>(69,447.70)</b>	<b>(197,766.10)</b>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>OGC-DISCIPLINARY BOARD</b>					
<b>REVENUE:</b>					
<b>TOTAL REVENUE:</b>	-	-	-	-	
<b>DIRECT EXPENSE:</b>					
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
DISCIPLINARY BOARD EXPENSES	10,000.00	54.74	2,513.07	7,486.93	25.13%
CHIEF HEARING OFFICER	33,000.00	2,833.60	7,833.60	25,166.40	23.74%
HEARING OFFICER EXPENSES	3,000.00	109.43	201.91	2,798.09	6.73%
HEARING OFFICER TRAINING	2,000.00	-	-	2,000.00	0.00%
OUTSIDE COUNSEL	55,000.00	3,750.00	11,250.00	43,750.00	20.45%
<b>TOTAL DIRECT EXPENSES:</b>	<b>103,500.00</b>	<b>6,747.77</b>	<b>21,798.58</b>	<b>81,701.42</b>	<b>21.06%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.60 FTE)	117,064.00	9,227.89	27,240.76	89,823.24	23.27%
BENEFITS EXPENSE	44,546.00	4,306.58	10,637.74	33,908.26	23.88%
OTHER INDIRECT EXPENSE	38,853.00	3,232.99	9,004.58	29,848.42	23.18%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>200,463.00</b>	<b>16,767.46</b>	<b>46,883.08</b>	<b>153,579.92</b>	<b>23.39%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>303,963.00</b>	<b>23,515.23</b>	<b>68,681.66</b>	<b>235,281.34</b>	<b>22.60%</b>
<b>NET INCOME (LOSS):</b>	<b>(303,963.00)</b>	<b>(23,515.23)</b>	<b>(68,681.66)</b>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>OUTREACH &amp; ENGAGEMENT</b>					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF TRAVEL/PARKING	400.00	-	-	400.00	0.00%
STAFF MEMBERSHIP DUES	300.00	-	-	300.00	0.00%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
ABA DELEGATES	4,500.00	-	-	4,500.00	0.00%
ANNUAL CHAIR MEETINGS	600.00	-	624.09	(24.09)	104.02%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	-	23.73	4,476.27	0.53%
BOG ELECTIONS	6,500.00	-	-	6,500.00	0.00%
BAR OUTREACH	5,000.00	184.78	307.41	4,692.59	6.15%
PROFESSIONALISM	750.00	-	-	750.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>22,750.00</b>	<b>184.78</b>	<b>955.23</b>	<b>21,794.77</b>	<b>4.20%</b>
INDIRECT EXPENSES:					
SALARY EXPENSE (2.83 FTE)	216,560.00	15,189.92	42,585.57	173,974.43	19.66%
BENEFITS EXPENSE	77,390.00	7,747.42	18,491.29	58,898.71	23.89%
OTHER INDIRECT EXPENSE	68,721.00	5,722.03	15,937.27	52,783.73	23.19%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>362,671.00</b>	<b>28,659.37</b>	<b>77,014.13</b>	<b>285,656.87</b>	<b>21.24%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>385,421.00</b>	<b>28,844.15</b>	<b>77,969.36</b>	<b>307,451.64</b>	<b>20.23%</b>
<b>NET INCOME (LOSS):</b>	<b>(385,421.00)</b>	<b>(28,844.15)</b>	<b>(77,969.36)</b>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>PRACTICE MANAGEMENT ASSISTANCE</b>					
<b>REVENUE:</b>					
ROYALTIES	15,000.00	141.60	9,109.99	5,890.01	
LAW OFFICE IN A BOX SALES	-	-	45.00	(45.00)	
<b>TOTAL REVENUE:</b>	<b>15,000.00</b>	<b>141.60</b>	<b>9,154.99</b>	<b>5,845.01</b>	<b>61.03%</b>
<b>DIRECT EXPENSE:</b>					
STAFF TRAVEL/PARKING	2,000.00	-	28.99	1,971.01	1.45%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
CONFERENCE CALLS	100.00	-	-	100.00	0.00%
LIBRARY MATERIALS/RESOURCES	1,000.00	-	19.54	980.46	1.95%
WSBA MEMBER BENEFITS OPEN HOUSE	2,250.00	-	-	2,250.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>5,850.00</b>	<b>-</b>	<b>48.53</b>	<b>5,801.47</b>	<b>0.83%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.50 FTE)	125,950.00	10,625.19	31,398.29	94,551.71	24.93%
BENEFITS EXPENSE	43,345.00	4,629.16	11,423.21	31,921.79	26.35%
OTHER INDIRECT EXPENSE	36,424.00	3,032.68	8,446.78	27,977.22	23.19%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>205,719.00</b>	<b>18,287.03</b>	<b>51,268.28</b>	<b>154,450.72</b>	<b>24.92%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>211,569.00</b>	<b>18,287.03</b>	<b>51,316.81</b>	<b>160,252.19</b>	<b>24.26%</b>
<b>NET INCOME (LOSS):</b>	<b>(196,569.00)</b>	<b>(18,145.43)</b>	<b>(42,161.82)</b>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>PRACTICE OF LAW BOARD</b>					
REVENUE:					
<b>TOTAL REVENUE:</b>	-	-	-	-	
DIRECT EXPENSES:					
TRANSLATION SERVICES	200.00	-	-	200.00	0.00%
PRACTICE OF LAW BOARD	15,000.00	-	3,340.88	11,659.12	22.27%
<b>TOTAL DIRECT EXPENSES:</b>	<b>15,200.00</b>	<b>-</b>	<b>3,340.88</b>	<b>11,859.12</b>	<b>21.98%</b>
INDIRECT EXPENSES:					
SALARY EXPENSE (0.65 FTE)	60,125.00	5,325.33	15,748.08	44,376.92	26.19%
BENEFITS EXPENSE	20,125.00	2,156.37	5,284.36	14,840.64	26.26%
OTHER INDIRECT EXPENSE	15,784.00	1,316.07	3,665.57	12,118.43	23.22%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>96,034.00</b>	<b>8,797.77</b>	<b>24,698.01</b>	<b>71,335.99</b>	<b>25.72%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>111,234.00</b>	<b>8,797.77</b>	<b>28,038.89</b>	<b>83,195.11</b>	<b>25.21%</b>
<b>NET INCOME (LOSS):</b>	<b>(111,234.00)</b>	<b>(8,797.77)</b>	<b>(28,038.89)</b>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>PROFESSIONAL RESPONSIBILITY PROGRAM</b>					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,800.00	1,192.42	1,192.42	607.58	66.25%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
CPE COMMITTEE	4,000.00	1,060.79	1,939.65	2,060.35	48.49%
<b>TOTAL DIRECT EXPENSES:</b>	<b>6,300.00</b>	<b>2,253.21</b>	<b>3,132.07</b>	<b>3,167.93</b>	<b>49.72%</b>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.89 FTE)	169,068.00	13,655.82	40,326.82	128,741.18	23.85%
BENEFITS EXPENSE	62,833.00	5,943.63	14,532.49	48,300.51	23.13%
OTHER INDIRECT EXPENSE	45,895.00	3,833.77	10,678.01	35,216.99	23.27%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>277,796.00</b>	<b>23,433.22</b>	<b>65,537.32</b>	<b>212,258.68</b>	<b>23.59%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>284,096.00</b>	<b>25,686.43</b>	<b>68,669.39</b>	<b>215,426.61</b>	<b>24.17%</b>
NET INCOME (LOSS):	<b>(284,096.00)</b>	<b>(25,686.43)</b>	<b>(68,669.39)</b>		

**Washington State Bar Association**  
Statement of Activities  
For the Period from December 1, 2017 to December 31, 2017  
**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>PUBLIC SERVICE PROGRAMS</b>					
<b>REVENUE:</b>					
DONATIONS & GRANTS	95,000.00	-	102,500.00	(7,500.00)	107.89%
PSP PRODUCT SALES	10,000.00	1,194.00	2,220.00	7,780.00	22.20%
<b>TOTAL REVENUE:</b>	<b>105,000.00</b>	<b>1,194.00</b>	<b>104,720.00</b>	<b>280.00</b>	<b>99.73%</b>
<b>DIRECT EXPENSES:</b>					
DONATIONS/SPONSORSHIPS/GRANTS	207,915.00	-	-	207,915.00	0.00%
POSTAGE	500.00	-	-	500.00	0.00%
PRINTING & COPYING	500.00	-	-	500.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	-	82.14	1,917.86	4.11%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	-	416.46	1,583.54	20.82%
DAY OF SERVICE	11,500.00	-	-	11,500.00	0.00%
VOLUNTEER RECRUITMENT & OUTREACH	-	-	-	-	-
<b>TOTAL DIRECT EXPENSES:</b>	<b>224,615.00</b>	<b>-</b>	<b>498.60</b>	<b>224,116.40</b>	<b>0.22%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.77 FTE)	134,349.00	11,301.20	35,394.21	98,954.79	26.34%
BENEFITS EXPENSE	47,603.00	5,106.81	12,691.48	34,911.52	26.66%
OTHER INDIRECT EXPENSE	42,981.00	3,576.29	9,960.79	33,020.21	23.17%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>224,933.00</b>	<b>19,984.30</b>	<b>58,046.48</b>	<b>166,886.52</b>	<b>25.81%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>449,548.00</b>	<b>19,984.30</b>	<b>58,545.08</b>	<b>391,002.92</b>	<b>13.02%</b>
<b>NET INCOME (LOSS):</b>	<b>(344,548.00)</b>	<b>(18,790.30)</b>	<b>46,174.92</b>		

**Washington State Bar Association**  
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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>PUBLICATION &amp; DESIGN SERVICES</b>					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
IMAGE LIBRARY	4,100.00	-	4,100.00	-	100.00%
TOTAL DIRECT EXPENSES:	<u>4,100.00</u>	<u>-</u>	<u>4,100.00</u>	<u>-</u>	<u>100.00%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.39 FTE)	84,975.00	7,762.46	22,127.01	62,847.99	26.04%
BENEFITS EXPENSE	33,172.00	3,457.96	8,485.10	24,686.90	25.58%
OTHER INDIRECT EXPENSE	33,753.00	2,832.44	7,889.02	25,863.98	23.37%
TOTAL INDIRECT EXPENSES:	<u>151,900.00</u>	<u>14,052.86</u>	<u>38,501.13</u>	<u>113,398.87</u>	<u>25.35%</u>
TOTAL ALL EXPENSES:	<u>156,000.00</u>	<u>14,052.86</u>	<u>42,601.13</u>	<u>113,398.87</u>	<u>27.31%</u>
NET INCOME (LOSS):	<u>(156,000.00)</u>	<u>(14,052.86)</u>	<u>(42,601.13)</u>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>SECTIONS ADMINISTRATION</b>					
<b>REVENUE:</b>					
REIMBURSEMENTS FROM SECTIONS	308,000.00	-	-	308,000.00	0.00%
<b>TOTAL REVENUE:</b>	<b>308,000.00</b>	<b>-</b>	<b>-</b>	<b>308,000.00</b>	<b>0.00%</b>
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	1,200.00	-	124.72	1,075.28	10.39%
SUBSCRIPTIONS	300.00	-	372.00	(72.00)	124.00%
CONFERENCE CALLS	300.00	-	80.60	219.40	26.87%
MISCELLANEOUS	300.00	-	-	300.00	0.00%
SECTION/COMMITTEE CHAIR MTGS	2,000.00	5.93	394.60	1,605.40	19.73%
DUES STATEMENTS	6,000.00	-	-	6,000.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>10,100.00</b>	<b>5.93</b>	<b>971.92</b>	<b>9,128.08</b>	<b>9.62%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (4.00 FTE)	265,065.00	22,727.39	64,778.41	200,286.59	24.44%
BENEFITS EXPENSE	100,606.00	10,499.70	24,559.65	76,046.35	24.41%
OTHER INDIRECT EXPENSE	97,132.00	8,096.70	22,551.30	74,580.70	23.22%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>462,803.00</b>	<b>41,323.79</b>	<b>111,889.36</b>	<b>350,913.64</b>	<b>24.18%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>472,903.00</b>	<b>41,329.72</b>	<b>112,861.28</b>	<b>360,041.72</b>	<b>23.87%</b>
<b>NET INCOME (LOSS):</b>	<b>(164,903.00)</b>	<b>(41,329.72)</b>	<b>(112,861.28)</b>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>TECHNOLOGY</b>					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	110,000.00	11,904.00	17,898.00	92,102.00	16.27%
STAFF TRAVEL/PARKING	2,500.00	-	-	2,500.00	0.00%
STAFF MEMBERSHIP DUES	110.00	-	-	110.00	0.00%
TELEPHONE	24,000.00	1,401.19	4,334.69	19,665.31	18.06%
COMPUTER HARDWARE	29,000.00	3,722.02	11,201.18	17,798.82	38.62%
COMPUTER SOFTWARE	29,000.00	462.35	853.55	28,146.45	2.94%
HARDWARE SERVICE & WARRANTIES	47,000.00	4,658.46	14,900.03	32,099.97	31.70%
SOFTWARE MAINTENANCE & LICENSING	270,000.00	16,087.54	42,155.47	227,844.53	15.61%
TELEPHONE HARDWARE & MAINTENANCE	26,000.00	1,402.39	4,207.17	21,792.83	16.18%
COMPUTER SUPPLIES	34,000.00	1,253.05	4,101.23	29,898.77	12.06%
THIRD PARTY SERVICES	74,050.00	25,019.25	28,232.75	45,817.25	38.13%
TRANSFER TO INDIRECT EXPENSES	(645,660.00)	(65,910.25)	(127,884.07)	(517,775.93)	19.81%
<b>TOTAL DIRECT EXPENSES:</b>	<b>-</b>	<b>-</b>	<b>(0.00)</b>	<b>0.00</b>	
INDIRECT EXPENSES:					
SALARY EXPENSE (12.10 FTE)	1,016,775.00	87,707.65	260,830.61	755,944.39	25.65%
BENEFITS EXPENSE	351,444.00	37,409.59	92,379.17	259,064.83	26.29%
CAPITAL LABOR & OVERHEAD	(194,000.00)	(8,955.60)	(34,558.08)	(159,441.92)	17.81%
OTHER INDIRECT EXPENSE	293,823.00	24,518.96	68,291.32	225,531.68	23.24%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,468,042.00</b>	<b>140,680.60</b>	<b>386,943.02</b>	<b>1,081,098.98</b>	<b>26.36%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,468,042.00</b>	<b>140,680.60</b>	<b>386,943.02</b>	<b>1,081,098.98</b>	<b>26.36%</b>
<b>NET INCOME (LOSS):</b>	<b>(1,468,042.00)</b>	<b>(140,680.60)</b>	<b>(386,943.02)</b>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>CONTINUING LEGAL EDUCATION (CLE)</b>					
<b>REVENUE:</b>					
SEMINAR REGISTRATIONS	864,735.00	138,272.35	225,088.51	639,646.49	26.03%
SEMINAR-EXHIB/SPNSR/ETC	29,500.00	500.00	2,000.00	27,500.00	6.78%
SHIPPING & HANDLING	1,000.00	180.00	306.00	694.00	30.60%
COURSEBOOK SALES	17,000.00	1,205.24	3,147.24	13,852.76	18.51%
MP3 AND VIDEO SALES	950,000.00	294,248.92	526,086.74	423,913.26	55.38%
<b>TOTAL REVENUE:</b>	<b>1,862,235.00</b>	<b>434,406.51</b>	<b>756,628.49</b>	<b>1,105,606.51</b>	<b>40.63%</b>
<b>DIRECT EXPENSES:</b>					
COURSEBOOK PRODUCTION	4,000.00	86.72	601.02	3,398.98	15.03%
POSTAGE - FLIERS/CATALOGS	30,000.00	-	951.68	29,048.32	3.17%
POSTAGE - MISC./DELIVERY	2,500.00	105.00	105.00	2,395.00	4.20%
DEPRECIATION	10,615.00	256.00	768.00	9,847.00	7.24%
ONLINE EXPENSES	82,000.00	7,004.13	13,564.69	68,435.31	16.54%
ACCREDITATION FEES	3,550.00	909.00	3,010.00	540.00	84.79%
SEMINAR BROCHURES	55,000.00	-	5,467.14	49,532.86	9.94%
FACILITIES	250,000.00	45,024.60	51,635.40	198,364.60	20.65%
SPEAKERS & PROGRAM DEVELOP	58,000.00	3,619.03	8,003.42	49,996.58	13.80%
SPLITS TO SECTIONS	51,777.00	-	(591.41)	52,368.41	-1.14%
SPLITS TO CO-SPONSORS	7,500.00	-	-	7,500.00	0.00%
HONORARIA	10,000.00	-	500.00	9,500.00	5.00%
CLE SEMINAR COMMITTEE	500.00	-	-	500.00	0.00%
BAD DEBT EXPENSE	600.00	-	-	600.00	0.00%
STAFF TRAVEL/PARKING	3,000.00	-	155.07	2,844.93	5.17%
STAFF MEMBERSHIP DUES	1,550.00	-	-	1,550.00	0.00%
SUPPLIES	2,000.00	303.69	320.91	1,679.09	16.05%
COST OF SALES - COURSEBOOKS	1,190.00	120.24	348.18	841.82	29.26%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	-	1,500.00	0.00%
SHIPPING SUPPLIES	100.00	-	-	100.00	0.00%
POSTAGE & DELIVERY-DESKBOOKS	-	90.56	90.56	(90.56)	-
POSTAGE & DELIVERY-COURSEBOOKS	2,000.00	45.04	119.54	1,880.46	5.98%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>577,582.00</b>	<b>57,564.01</b>	<b>85,049.20</b>	<b>492,532.80</b>	<b>14.73%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (12.77 FTE)	636,612.00	54,810.50	161,933.05	474,678.95	25.44%
BENEFITS EXPENSE	243,865.00	25,472.42	63,997.85	179,867.15	26.24%
OTHER INDIRECT EXPENSE	241,372.00	20,141.60	56,099.24	185,272.76	23.24%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,121,849.00</b>	<b>100,424.52</b>	<b>282,030.14</b>	<b>839,818.86</b>	<b>25.14%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,699,431.00</b>	<b>157,988.53</b>	<b>367,079.34</b>	<b>1,332,351.66</b>	<b>21.60%</b>
<b>NET INCOME (LOSS):</b>	<b>162,804.00</b>	<b>276,417.98</b>	<b>389,549.15</b>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>DESKBOOKS</b>					
<b>REVENUE:</b>					
SHIPPING & HANDLING	4,000.00	-	221.00	3,779.00	5.53%
DESKBOOK SALES	100,000.00	3,268.00	6,953.10	93,046.90	6.95%
SECTION PUBLICATION SALES	6,000.00	225.00	1,400.00	4,600.00	23.33%
CASEMAKER ROYALTIES	60,000.00	4,111.32	10,886.09	49,113.91	18.14%
<b>TOTAL REVENUE:</b>	<b>170,000.00</b>	<b>7,604.32</b>	<b>19,460.19</b>	<b>150,539.81</b>	<b>11.45%</b>
<b>DIRECT EXPENSES:</b>					
COST OF SALES - DESKBOOKS	70,000.00	2,270.01	4,730.05	65,269.95	6.76%
COST OF SALES - SECTION PUBLICATION	1,000.00	39.02	240.82	759.18	24.08%
SPLITS TO SECTIONS	2,000.00	-	1,263.13	736.87	63.16%
DESKBOOK ROYALTIES	1,000.00	-	164.08	835.92	16.41%
SHIPPING SUPPLIES	250.00	-	-	250.00	0.00%
POSTAGE & DELIVER-DESKBOOKS	3,000.00	-	366.28	2,633.72	12.21%
FLIERS/CATALOGS	5,000.00	-	-	5,000.00	0.00%
POSTAGE - FLIERS/CATALOGS	2,500.00	-	-	2,500.00	0.00%
COMPLIMENTARY BOOK PROGRAM	2,000.00	-	-	2,000.00	0.00%
BAD DEBT EXPENSE	100.00	-	-	100.00	0.00%
RECORDS STORAGE - OFF SITE	7,440.00	-	1,860.00	5,580.00	25.00%
STAFF MEMBERSHIP DUES	205.00	-	-	205.00	0.00%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
STAFF TRAVEL/PARKING	-	-	24.26	(24.26)	
<b>TOTAL DIRECT EXPENSES:</b>	<b>94,695.00</b>	<b>2,309.03</b>	<b>8,648.62</b>	<b>86,046.38</b>	<b>9.13%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (2.15 FTE)	140,616.00	12,512.31	35,950.59	104,665.41	25.57%
BENEFITS EXPENSE	53,386.00	5,590.26	14,040.69	39,345.31	26.30%
OTHER INDIRECT EXPENSE	52,208.00	4,348.80	12,112.38	40,095.62	23.20%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>246,210.00</b>	<b>22,451.37</b>	<b>62,103.66</b>	<b>184,106.34</b>	<b>25.22%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>340,905.00</b>	<b>24,760.40</b>	<b>70,752.28</b>	<b>270,152.72</b>	<b>20.75%</b>
<b>NET INCOME (LOSS):</b>	<b>(170,905.00)</b>	<b>(17,156.08)</b>	<b>(51,292.09)</b>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>CLIENT PROTECTION FUND</b>					
<b>REVENUE:</b>					
CPF RESTITUTION	3,000.00	12,385.85	25,168.43	(22,168.43)	838.95%
CPF MEMBER ASSESSMENTS	982,000.00	179,400.00	299,940.00	682,060.00	30.54%
INTEREST INCOME	7,500.00	2,269.60	6,571.07	928.93	87.61%
<b>TOTAL REVENUE:</b>	<b>992,500.00</b>	<b>194,055.45</b>	<b>331,679.50</b>	<b>660,820.50</b>	<b>33.42%</b>
<b>DIRECT EXPENSES:</b>					
BANK FEES - WELLS FARGO	1,000.00	(67.25)	(151.48)	1,151.48	-15.15%
GIFTS TO INJURED CLIENTS	400,000.00	21,125.00	21,125.00	378,875.00	5.28%
CPF BOARD EXPENSES	2,000.00	156.78	276.23	1,723.77	13.81%
<b>TOTAL DIRECT EXPENSES:</b>	<b>403,000.00</b>	<b>21,214.53</b>	<b>21,249.75</b>	<b>381,750.25</b>	<b>5.27%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.35 FTE)	94,918.00	8,061.66	23,823.76	71,094.24	25.10%
BENEFITS EXPENSE	35,020.00	3,691.11	9,218.51	25,801.49	26.32%
OTHER INDIRECT EXPENSE	32,782.00	2,554.59	7,750.70	25,031.30	23.64%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>162,720.00</b>	<b>14,307.36</b>	<b>40,792.97</b>	<b>121,927.03</b>	<b>25.07%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>565,720.00</b>	<b>35,521.89</b>	<b>62,042.72</b>	<b>503,677.28</b>	<b>10.97%</b>
<b>NET INCOME (LOSS):</b>	<b>426,780.00</b>	<b>158,533.56</b>	<b>269,636.78</b>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>MANAGEMENT OF WESTERN STATES BAR CONFERENCE (NO WSBA FUNDS)</b>					
<b>REVENUE:</b>					
REGISTRATION REVENUE	25,500.00	-	-	25,500.00	0.00%
OTHER ACTIVITIES REGISTRATION REVENUE	13,000.00	-	-	13,000.00	0.00%
WESTERN STATES BAR MEMBERSHIP DUES	2,400.00	1,500.00	1,500.00	900.00	62.50%
SPONSORSHIPS	9,000.00	6,000.00	6,000.00	3,000.00	66.67%
<b>TOTAL REVENUE:</b>	<b>49,900.00</b>	<b>7,500.00</b>	<b>7,500.00</b>	<b>42,400.00</b>	<b>15.03%</b>
<b>DIRECT EXPENSES:</b>					
FACILITIES	40,000.00	1,000.00	16,750.00	23,250.00	41.88%
SPEAKERS & PROGRAM DEVELOPMENT	1,400.00	-	-	1,400.00	0.00%
BANK FEES	560.00	26.92	120.07	439.93	21.44%
WSBC PRESIDENT TRAVEL	500.00	-	-	500.00	0.00%
OPTIONAL ACTIVITIES EXPENSE	1,500.00	1,083.91	1,083.91	416.09	72.26%
MARKETING EXPENSE	600.00	28.05	78.86	521.14	13.14%
STAFF TRAVEL/PARKING	2,300.00	253.40	253.40	2,046.60	11.02%
<b>TOTAL DIRECT EXPENSES:</b>	<b>46,860.00</b>	<b>2,392.28</b>	<b>18,286.24</b>	<b>28,573.76</b>	<b>39.02%</b>
<b>INDIRECT EXPENSES:</b>					
<b>TOTAL INDIRECT EXPENSES:</b>	-	-	-	-	
<b>TOTAL ALL EXPENSES:</b>	<b>46,860.00</b>	<b>2,392.28</b>	<b>18,286.24</b>	<b>28,573.76</b>	<b>39.02%</b>
<b>NET INCOME (LOSS):</b>	<b>3,040.00</b>	<b>5,107.72</b>	<b>(10,786.24)</b>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>SECTIONS OPERATIONS</b>					
<b>REVENUE:</b>					
SECTION DUES	484,380.00	-	-	484,380.00	0.00%
SEMINAR PROFIT SHARE	78,934.45	-	2,227.94	76,706.51	2.82%
INTEREST INCOME	1,371.00	-	-	1,371.00	0.00%
PUBLICATIONS REVENUE	4,000.00	-	1,263.13	2,736.87	31.58%
OTHER	44,525.00	4,741.00	17,591.00	26,934.00	39.51%
<b>TOTAL REVENUE:</b>	<b>613,210.45</b>	<b>4,741.00</b>	<b>21,082.07</b>	<b>592,128.38</b>	<b>3.44%</b>
<b>DIRECT EXPENSES:</b>					
DIRECT EXPENSES OF SECTION ACTIVITIES	584,980.00	18,860.10	78,363.84	506,616.16	13.40%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	318,382.50	-	-	318,382.50	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>903,362.50</b>	<b>18,860.10</b>	<b>78,363.84</b>	<b>824,998.66</b>	<b>8.67%</b>
<b>NET INCOME (LOSS):</b>	<b>(290,152.05)</b>	<b>(14,119.10)</b>	<b>(57,281.77)</b>		

**Washington State Bar Association**  
Statement of Activities  
For the Period from December 1, 2017 to December 31, 2017  
**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>INDIRECT EXPENSES:</b>					
SALARIES	11,337,279.00	944,066.49	2,801,437.24	8,535,841.76	24.71%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
TEMPORARY SALARIES	95,810.00	15,503.98	36,251.19	59,558.81	37.84%
CAPITAL LABOR & OVERHEAD	(194,000.00)	(8,955.60)	(34,558.08)	(159,441.92)	17.81%
EMPLOYEE ASSISTANCE PLAN	4,800.00	-	1,200.00	3,600.00	25.00%
EMPLOYEE SERVICE AWARDS	2,010.00	-	270.39	1,739.61	13.45%
FICA (EMPLOYER PORTION)	853,600.00	64,105.08	201,030.88	652,569.12	23.55%
L&I INSURANCE	47,000.00	9,268.29	9,268.29	37,731.71	19.72%
MEDICAL (EMPLOYER PORTION)	1,445,000.00	119,295.69	353,403.97	1,091,596.03	24.46%
RETIREMENT (EMPLOYER PORTION)	1,424,000.00	115,317.32	344,027.34	1,079,972.66	24.16%
TRANSPORTATION ALLOWANCE	118,500.00	108,115.20	108,535.20	9,964.80	91.59%
UNEMPLOYMENT INSURANCE	108,000.00	2,014.70	8,237.03	99,762.97	7.63%
STAFF DEVELOPMENT-GENERAL	6,910.00	-	-	6,910.00	0.00%
<b>TOTAL SALARY &amp; BENEFITS EXPENSE:</b>	<b>15,128,909.00</b>	<b>1,368,731.15</b>	<b>3,829,103.45</b>	<b>11,299,805.55</b>	<b>25.31%</b>
WORKPLACE BENEFITS	39,000.00	1,692.57	12,049.80	26,950.20	30.90%
HUMAN RESOURCES POOLED EXP	120,076.00	5,705.17	39,582.92	80,493.08	32.96%
MEETING SUPPORT EXPENSES	10,000.00	619.71	2,579.78	7,420.22	25.80%
RENT	1,750,000.00	134,204.33	431,805.36	1,318,194.64	24.67%
PERSONAL PROP TAXES-WSBA	11,000.00	701.09	2,103.25	8,896.75	19.12%
FURNITURE, MAINT, LH IMP	35,200.00	416.10	881.75	34,318.25	2.50%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	8,146.33	12,070.51	33,929.49	26.24%
FURN & OFFICE EQUIP DEPRECIATION	51,000.00	3,287.00	9,861.00	41,139.00	19.34%
COMPUTER HARDWARE DEPRECIATION	57,000.00	4,331.00	11,627.74	45,372.26	20.40%
COMPUTER SOFTWARE DEPRECIATION	154,000.00	7,690.00	11,341.00	142,659.00	7.36%
INSURANCE	140,000.00	11,514.77	34,544.31	105,455.69	24.67%
PROFESSIONAL FEES-AUDIT	35,000.00	24,121.00	28,154.80	6,845.20	80.44%
PROFESSIONAL FEES-LEGAL	50,000.00	195.00	25,280.50	24,719.50	50.56%
TELEPHONE & INTERNET	49,000.00	3,602.20	10,532.75	38,467.25	21.50%
POSTAGE - GENERAL	42,000.00	3,053.95	7,191.29	34,808.71	17.12%
RECORDS STORAGE	40,000.00	3,550.75	9,325.73	30,674.27	23.31%
STAFF TRAINING	92,200.00	3,803.31	8,308.71	83,891.29	9.01%
BANK FEES	35,400.00	3,738.49	9,173.18	26,226.82	25.91%
PRODUCTION MAINTENANCE & SUPPLIES	25,000.00	1,382.46	4,129.57	20,870.43	16.52%
COMPUTER POOLED EXPENSES	645,660.00	65,910.25	127,884.07	517,775.93	19.81%
<b>TOTAL OTHER INDIRECT EXPENSES:</b>	<b>3,427,536.00</b>	<b>287,665.48</b>	<b>798,428.02</b>	<b>2,629,107.98</b>	<b>23.29%</b>
<b>TOTAL INDIRECT EXPENSES:</b>	<b>18,556,445.00</b>	<b>1,656,396.63</b>	<b>4,627,531.47</b>		<b>24.94%</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from December 1, 2017 to December 31, 2017  
**25.00% OF YEAR COMPLETE**

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
<b>SUMMARY PAGE</b>				
LICENSE FEES	15,068,125.00	1,110,360.86	3,342,748.46	11,725,376.54
ACCESS TO JUSTICE	(305,327.00)	(23,800.00)	(70,814.52)	(234,512.48)
ADMINISTRATION	(995,999.00)	(80,482.67)	(231,825.43)	(764,173.57)
ADMISSIONS/BAR EXAM	157,962.00	(39,850.84)	151,402.03	6,559.97
BOARD OF GOVERNORS	(802,546.00)	(54,132.58)	(172,521.84)	(630,024.16)
COMMUNICATIONS	(591,780.00)	(49,837.93)	(150,872.11)	(440,907.89)
CONFERENCE & BROADCAST SERVICES	(738,960.00)	(66,878.34)	(184,702.34)	(554,257.66)
DISCIPLINE	(5,637,455.00)	(486,999.18)	(1,360,214.69)	(4,277,240.31)
DIVERSITY	(342,259.00)	(36,129.52)	(7,633.26)	(334,625.74)
FOUNDATION	(164,730.00)	(13,678.38)	(38,928.72)	(125,801.28)
HUMAN RESOURCES	(269,931.00)	(35,774.76)	(95,819.07)	(174,111.93)
LAP	(123,105.00)	(11,558.67)	(28,576.63)	(94,528.37)
LEGISLATIVE	(151,840.00)	(7,660.65)	(21,268.79)	(130,571.21)
LICENSING AND MEMBERSHIP	(412,445.00)	(32,723.54)	(91,267.32)	(321,177.68)
LIMITED LICENSE LEGAL TECHNICIAN	(254,748.00)	(21,909.45)	(59,095.35)	(195,652.65)
LIMITED PRACTICE OFFICERS	(159,182.00)	(14,094.39)	(38,799.90)	(120,382.10)
MANDATORY CLE ADMINISTRATION	(16,340.00)	(243.50)	2,642.85	(18,982.85)
MEMBER BENEFITS	(166,530.00)	(29,956.75)	(37,865.87)	(128,664.13)
MENTORSHIP PROGRAM	(115,842.00)	(8,013.26)	(26,328.28)	(89,513.72)
NEW MEMBER PROGRAM	(244,663.00)	24,453.65	21,151.09	(265,814.09)
NW LAWYER	(122,955.00)	3,997.90	28,064.75	(151,019.75)
OFFICE OF GENERAL COUNSEL	(795,748.00)	(69,447.70)	(197,766.10)	(597,981.90)
OGC-DISCIPLINARY BOARD	(303,963.00)	(23,515.23)	(68,681.66)	(235,281.34)
OUTREACH & ENGAGEMENT	(385,421.00)	(28,844.15)	(77,969.36)	(307,451.64)
PRACTICE OF LAW BOARD	(111,234.00)	(8,797.77)	(28,038.89)	(83,195.11)
PRACTICE MANAGEMENT ASSISTANCE	(196,569.00)	(18,145.43)	(42,161.82)	(154,407.18)
PROFESSIONAL RESPONSIBILITY PROGRAM	(284,096.00)	(25,686.43)	(68,669.39)	(215,426.61)
PUBLICATION & DESIGN SERVICES	(156,000.00)	(14,052.86)	(42,601.13)	(113,398.87)
PUBLIC SERVICE PROGRAMS	(344,548.00)	(18,790.30)	46,174.92	(390,722.92)
LAW CLERK PROGRAM	(617.00)	8,670.51	(1,931.50)	1,314.50
SECTIONS ADMINISTRATION	(164,903.00)	(41,329.72)	(112,861.28)	(52,041.72)
TECHNOLOGY	(1,468,042.00)	(140,680.60)	(386,943.02)	(1,081,098.98)
CLE - PRODUCTS	737,141.00	275,878.70	474,902.69	262,238.31
CLE - SEMINARS	(574,337.00)	539.28	(85,353.54)	(488,983.46)
SECTIONS OPERATIONS	(290,152.05)	(14,119.10)	(57,281.77)	(232,870.28)
DESKBOOKS	(170,905.00)	(17,156.08)	(51,292.09)	(119,612.91)
CLIENT PROTECTION FUND	426,780.00	158,533.56	269,636.78	157,143.22
WESTERN STATES BAR CONFERENCE (No WSBA Funds)	3,040.00	5,107.72	(10,786.24)	13,826.24
INDIRECT EXPENSES	(18,556,445.00)	(1,656,396.63)	(4,627,531.47)	(13,928,913.53)
<b>TOTAL OF ALL</b>	<b>19,026,569.05</b>	<b>1,503,144.23</b>	<b>4,139,679.81</b>	<b>14,886,889.24</b>
<b>NET INCOME (LOSS)</b>	<b>(470,124.05)</b>	<b>153,252.40</b>	<b>487,851.66</b>	

**Checking & Savings Accounts**

**General Fund**

**Checking**

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	
Total		\$ 3,855,021

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	1.28%	\$ 1,027,170
UBS Financial Money Market	1.34%	\$ 1,043,453
Morgan Stanley Money Market	1.20%	\$ 25,811
Merrill Lynch Money Market	1.10%	\$ 1,887,877
Long Term Investments	Varies	\$ 3,267,155
Short Term Investments	Varies	\$ 500,000
<b>General Fund Total</b>		<b>\$ 11,606,487</b>

**Client Protection Fund**

**Checking**

<u>Bank</u>	<u>Amount</u>
Wells Fargo	

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	1.28%	\$ 2,249,018
Morgan Stanley Money Market	0.97%	\$ 102,948
Wells Fargo Investments	Varies	\$ -
<b>Lawyers' Fund for Client Protection Total</b>		<b>\$ 2,351,966</b>

<b>Grand Total Cash &amp; Investments</b>	<b>\$ 13,958,452</b>
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**Long Term Investments- General Fund**

**UBS Financial Long Term Investments**

Nuveen 3-7 year Municipal Bond Portfolio

**Value as of 12/31/2017**

\$ 309,268.18

**Morgan Stanley Long Term Investments**

Lord Abbett Short Term Duration Income Fund

Guggenheim Total Return Bond Fund

Virtus Multi-Sector Short Term Bond Fund

**Value as of 12/31/2017**

\$ 782,423.66

\$ 1,096,707.84

\$ 1,078,755.75

\$ 2,957,887.25

**Total Long Term Investments- General Fund 3,267,155.43**

**Short Term Investments- General Fund**

**Bank**

Bank of India NY

Goldman Sachs

**Interest**

**Rate**

**Yield**

**Term**

**Maturity**

**Date**

**Amount**

1.25%

1.25%

90 Days

2/28/2018

250,000.00

1.40%

1.40%

180 Days

5/29/2018

250,000.00

**Total Short Term Investments- General Fund 500,000.00**

**Client Protection Fund**

**Bank**

**Interest**

**Rate**

**Yield**

**Term**

**Mths**

**Maturity**

**Date**

**Amount**

**Total CPF -**

# WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors  
Budget and Audit Committee

From: Mark Hayes, Controller

Re: Investment Update as of December 31, 2017 and January 31, 2018

Date: February 6, 2018

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The last update on the investment portfolio showed a total value of \$3,255,794 as of November 30<sup>th</sup>. The portfolio value of \$3,267,360 as of December 31<sup>st</sup> represents an \$11,566 increase from the prior month.

The portfolio balance of \$3,259,476 as of January 31<sup>st</sup> represents a \$7,884 reduction from December.

The WSBA's investments are managed by our advisors at Morgan Stanley and UBS Financial. As of January 31st we have an aggregate gain across all funds of \$231,461 since first creating an investment portfolio with an actual percentage gain of 7.17%. The breakdown by fund is as follows:

INVESTMENT FUND	11/30/17 Value	12/31/17 Value	\$ Gain/(Loss) Over 1 Year	\$ Gain/(Loss) Over 5 Years	\$ Gain/(Loss) Since Inception	% Gain/(Loss) Since Inception
Nuveen 3-7 year Municipal Bond Portfolio	\$306,597	\$309,268	\$21,012	N/A	\$9,268	1.85% <sup>1</sup>
Lord Abbett & Company Short Term Duration Income Fund	\$781,890	\$782,424	\$37,660	\$219,053 <sup>2</sup>	\$154,409 <sup>3</sup>	10.81%
Guggenheim Total Return Bond Fund	\$1,090,787 <sup>4</sup>	\$1,096,708	\$44,995	N/A	\$46,708	7.19%
Virtus Multi-Sector Short Term Bond Fund	\$1,076,520	\$1,078,960	\$22,046	N/A	\$28,960	4.46%
<b>Total</b>	<b>\$3,255,794</b>	<b>\$3,267,360</b>	<b>\$125,713</b>	<b>\$219,053</b>	<b>\$239,345<sup>5</sup></b>	<b>7.41%</b>

INVESTMENT FUND	12/31/17 Value	1/31/18 Value	\$ Gain/(Loss) Over 1 Year	\$ Gain/(Loss) Over 5 Years	\$ Gain/(Loss) Since Inception	% Gain/(Loss) Since Inception
Nuveen 3-7 year Municipal Bond Portfolio	\$309,268	\$305,593	\$14,735	N/A	\$5,593	1.12%
Lord Abbett & Company Short Term Duration Income Fund	\$782,424	\$781,057	\$31,413	\$217,152 <sup>2</sup>	\$153,042 <sup>3</sup>	10.72%
Guggenheim Total Return Bond Fund	\$1,096,708 <sup>4</sup>	\$1,092,879	\$36,426	N/A	\$42,879	6.60%
Virtus Multi-Sector Short Term Bond Fund	\$1,078,960 <sup>4</sup>	\$1,079,947	\$18,589	N/A	\$29,947	4.61%
<b>Total</b>	<b>\$3,267,360</b>	<b>\$3,259,476</b>	<b>\$101,163</b>	<b>\$217,152</b>	<b>\$231,461</b> <sup>Error!</sup> Bookmark not defined.	<b>7.17%</b>

<sup>1</sup> Original purchase price was \$499,194 in November 2009. \$170,000 was withdrawn from this fund in June 2016. Gain/(loss) comparisons are based on value of fund after June 2016 withdrawal. \$500,000 will be considered the "Inception Value".

<sup>2</sup> Comparison price for 5 years is based on the combination of the original investment of \$281,680 (in June 2013), the Legg Mason fund (transferred to Lord Abbett in May 2014), Hays Advisory Fund (liquidated and transferred to Lord Abbett in March 2015), and Tradewinds NWQ Fund (liquidated and transferred to Lord Abbett in July 2013).

<sup>3</sup> Purchase price is \$1,428,015 which includes \$500,020 original purchase plus \$599,995 purchase of Legg Mason transferred over to Lord Abbett as of May 9, 2014 and \$328,000 from liquidation of Hays Advisory Fund on March 3, 2015.

<sup>4</sup> Purchase price is \$650,000. \$800,000 was re-distributed from Lord Abbett on Sept 19, 2017. \$400,000 each to Guggenheim and Virtus.

<sup>5</sup> Per policy, when since inception gain exceeds \$100,000, monies are to be moved to WSBA operating account(s). \$200,000 was moved on November 22, 2017.



**Board of Governors Meeting  
WSBA Conference Center  
Seattle, WA  
May 17-18, 2018**

*WSBA Mission: To serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.*

**PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE**

**THURSDAY, MAY 17, 2018**

**GENERAL INFORMATION** ..... XX

**1. AGENDA** ..... XX

**8:00 A.M.**

**2. EXECUTIVE SESSION**

- a. Approval of March 8, 2018, Executive Session Minutes (**action**) ..... E-xx
- b. President’s and Executive Director’s Reports
- c. WSBA APEX Awards
  - 1. WSBA Awards Committee Recommendations ..... E-xx
  - 2. Washington State Bar Foundation Award Recommendation ..... E-xx
- d. BOG Election Interview Time Limits ..... E-xx
- e. Discipline Report ..... E-xx
- f. Litigation Report – Sean Davis ..... E-xx
- g. Meeting Evaluation Summary ..... E-xx

**12:00 P.M. – LUNCH WITH LIAISONS AND GUESTS**

**1:00 P.M. – PUBLIC SESSION**

- Introductions and Welcome
- Report on Executive Session
- President’s Report & Executive Directors Reports
- Consideration of Consent Calendar\*

**MEMBER AND PUBLIC COMMENTS**

This time period is for guests to raise issues of interest.

\* See Consent Calendar. Any items pulled from the Consent Calendar will be scheduled at the President’s discretion.

**OPERATIONAL**

- 3. FIRST READING/ACTION CALENDAR**
  - a. Interview and Selection of 2017-2018 WSBA President-Elect **(action)**
  - b. Interview and Selection of 2017-2018 WSBA At-Large (WSBA New and Young Lawyers) Governor **(action)**

**STRATEGIC ITEMS**

- 4. UPDATE FROM PRACTICE OF LAW BOARD**

**FRIDAY, MAY 18, 2018**

**8:00 A.M.** – EXECUTIVE SESSION (*tentative*)

**9:00 A.M.** – PUBLIC SESSION

**OPERATIONAL (continued)**

- 5. FIRST READING/ACTION CALENDAR (continued)**
  - c. Initial Terms of Three New At-Large Board of Governor Members and Potential WSBA Bylaw Amendments ..... XX

**GENERATIVE DISCUSSION**

- 6. INNOVATION IN WASHINGTON COURTS**

**GOVERNOR ROUNDTABLE**

This time period is for Board members to raise new business and issues of interest.

**OPERATIONAL (continued)**

- 7. CONSENT CALENDAR** ..... XX
  - a. March 8, 2018, Public Session Minutes ..... XX
- 8. INFORMATION**
  - a. Executive Director’s Report ..... XX
  - b. Activity Reports ..... XX
  - c. Legislative Report ..... XX
  - d. FY2018 Second Quarter Management Report ..... XX

e. Diversity and Inclusion Events ..... XX  
f. Financial Statements

9. **PREVIEW OF JULY 27-28, 2018, MEETING** ..... XX

PRELIMINARY

## 2017-2018 Board of Governors Meeting Issues

### **NOVEMBER** (Seattle)

#### Standing Agenda Items:

- Financials
- FY2017 Fourth Quarter Management Report
- BOG 2017-2018 Legislative Committee Priorities
- WSBA Legislative Committee Recommendations
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- Outside Appointments (if any)
- Washington Leadership Institute (WLI) Fellows Report
- WSBA Practice Sections Annual Reports (information)
- WSBF Annual Report

### **JANUARY** (Bellingham)

#### Standing Agenda Items:

- ABA Midyear Meeting Sneak Preview
- Client Protection Fund (CFP) Board Annual Report
- Financials
- FY2017 Audited Financial Statements
- FY2018 First Quarter Management Report
- Legislative Report
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- Outside Appointments (if any)
- Third-Year Governors Candidate Recruitment Report

### **MARCH** (Olympia)

#### Standing Agenda Items:

- ABA Mid-Year Meeting Report
- Financials
- Legislative Report
- Outside Appointments (if any)
- Supreme Court Meeting

### **May** (Seattle)

#### Standing Agenda Items:

- BOG Election Interview Time Limits (Executive Session)
- Financials
- FY2018 Second Quarter Management Report
- Interview/Selection of WSBA At-Large Governor
- Interview/Selection of the WSBA President-elect
- Legislative Report/Wrap-up
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- Outside Appointments (if any)
- WSBA Awards Committee Recommendations (Executive Session)

**JULY (Vancouver)**

Standing Agenda Items:

- ATJ Board Report
- BOG Retreat
- Court Rules and Procedures Committee Report and Recommendations
- Financials
- Draft WSBA FY2019 Budget
- FY2018 Third Quarter Management Report
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- WSBA Committee and Board Chair Appointments
- WSBA Mission Performance and Review (MPR) Committee Update
- WSBA Treasurer Election

**SEPTEMBER (Seattle)**

Standing Agenda Items:

- 2019 Keller Deduction Schedule
- ABA Annual Meeting Report
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation (Executive Session)
- Financials
- Final FY2019 Budget
- Legal Foundation of Washington and LAW Fund Report
- Washington Law School Deans
- WSBA Annual Awards Dinner
- WSBF Annual Meeting and Trustee Election

**Board of Governors – Action Timeline**

Description of Matter/Issue	First Reading	Scheduled for Board Action
Law Clerk Waiver Policies	Nov 13, 2015	TBD
WSBA Religious and Spiritual Practices Policy	July 22-23, 2016	TBD