



WSBA

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Meeting

Public Session Materials

May 18-19, 2017

WSBA Conference Center

Seattle, Washington



WSBA MISSION

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.

WSBA GUIDING PRINCIPLES

The WSBA will operate a well-managed association that supports its members and advances and promotes:

- **Access to the justice system.**
Focus: Provide training and leverage community partnerships in order to enhance a culture of service for lawyers to give back to their communities, with a particular focus on services to underserved low and moderate income people.
- **Diversity, equality, and cultural understanding throughout the legal community.**
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 lawyers in our community.
- **The public’s understanding of the rule of law and its confidence in the legal system.**
Focus: Educate youth and adult audiences about the importance of the three branches of government and how they work together.
- **A fair and impartial judiciary.**
- **The ethics, civility, professionalism, and competence of the Bar.**

MISSION FOCUS AREAS

Ensuring Competent and Qualified Legal Professionals

- Cradle to Grave
- Regulation and Assistance

Promoting the Role of Lawyers in Society

- Service
- Professionalism

PROGRAM CRITERIA

- Does the Program further either or both of WSBA’s mission-focus areas?
- Does WSBA have the competency to operate the Program?
- As the mandatory bar, how is WSBA uniquely positioned to successfully operate the Program?
- Is statewide leadership required in order to achieve the mission of the Program?
- 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?

2016 – 2018 STRATEGIC GOALS

- Equip members with skills for the changing profession
- Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession
- Explore and pursue regulatory innovation and advocate to enhance the public’s access to legal services

GR 12

Washington State Bar Association: Purposes

A. PURPOSES: IN GENERAL.

In general, the Washington State Bar Association strives to:

1. Promote independence of the judiciary and the bar;
2. Promote an effective legal system, accessible to all;
3. Provide services to its members;
4. Foster and maintain high standards of competence, professionalism, and ethics among its members;
5. Foster collegiality among its members and goodwill between the bar and the public;
6. Promote diversity and equality in the courts, the legal profession, and the bar;
7. Administer admissions to the bar 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 the branches of government on matters relating to these purposes and the activities of the association.

B. SPECIFIC ACTIVITIES AUTHORIZED.

In pursuit of these purposes, the Washington State Bar Association may:

1. Sponsor and maintain committees, sections, and divisions 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 lawyers regarding their ethical obligations;
6. Administer an effective system of discipline of its members, including receiving and investigating complaints of lawyer misconduct, 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 their clients and others;
9. Maintain a program for lawyer 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 audits of lawyers' trust accounts;
13. Maintain a lawyers' fund for client protection in accordance with the Admission to Practice Rules;
14. Maintain a program of the aid and rehabilitation of impaired members;
15. Disseminate information about bar activities, interests, and positions;
16. Monitor, report on, and advise public officials about matters of interest to the Bar;
17. Maintain a legislative presence to inform members of new and proposed laws and to inform public officials about bar positions and concerns;
18. Encourage public service by members and support programs providing legal services to those in need;
19. Maintain and foster programs of public information and education about the law and the legal system;
20. Provide, sponsor, and participate in services to its members;
21. Hire and retain employees to facilitate and support its mission, purposes, and activities, including in the bar's discretion, authorizing collective bargaining;
22. Collect, allocate, invest, and disburse funds so that its mission, purposes, and activities may be effectively and efficiently discharged.

C. ACTIVITIES NOT AUTHORIZED.

The Washington State Bar Association will not:

1. Take positions on issues concerning the politics or social positions of foreign nations;
2. Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice; or
3. Support or oppose, in an election, candidates for public office.



**2016-2017
WSBA BOARD OF GOVERNORS MEETING SCHEDULE**

MEETING DATE	LOCATION	POTENTIAL ISSUES / SOCIAL FUNCTION	AGENDA DUE	BOARD BOOK MATERIAL DEADLINE*	EXECUTIVE COMMITTEE 10:00 am–12:00 pm*
November 18, 2016	WSBA Conference Center Seattle, WA	BOG Meeting	October 13, 2016	November 2, 2016	October 13, 2016 (9:30 am – 11:30 am)
January 26-27, 2017	Gonzaga University Spokane, WA	BOG Meeting	January 5, 2017	January 11, 2017	January 5, 2017
March 9, 2017	Red Lion Olympia, WA	BOG Meeting	February 16, 2017	February 22, 2017	February 16, 2016 (9:00 am – 11:00 am)
March 10, 2017	Temple of Justice	BOG Meeting with Supreme Court			
May 18-19, 2017	WSBA Conference Center Seattle, WA	BOG Meeting	April 27, 2017	May 3, 2017	April 24, 2017 (2:00 pm – 4:00 pm)
July 27, 2017	Alderbrook Union, WA	BOG Retreat	June 29, 2017	July 12, 2017	June 29, 2017
July 28-29, 2017		BOG Meeting			
September 28-29, 2017	WSBA Conference Center Seattle, WA	BOG Meeting	September 7, 2017	September 13, 2017	September 7, 2017
September 28, 2017	TBD	WSBA APEX Awards Banquet			

*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

*Unless otherwise noted.



**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 16, 2017	WSBA Conference Center Seattle, WA	BOG Meeting	TBD	November 1, 2017	October 26, 2017
January 18-19, 2018	Bellwether Bellingham, WA	BOG Meeting	TBD	January 3, 2018	December 21, 2017
March 8, 2018	Red Lion Olympia, WA	BOG Meeting	TBD	February 21, 2018	February 15, 2018
March 9, 2018	Temple of Justice	BOG Meeting with Supreme Court			
May 17-18, 2018	WSBA Conference Center Seattle, WA	BOG Meeting	TBD	May 2, 2018	April 26, 2018
July 26, 2018	Hilton Vancouver, WA	BOG Retreat	TBD	July 11, 2018	June 28, 2018
July 27-28, 2018		BOG Meeting			
September 27-28, 2018	WSBA Conference Center Seattle, WA	BOG Meeting	TBD	September 12, 2018	September 6, 2018
September 27, 2018	TBD	WSBA APEX Awards Banquet			

*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).

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*Unless otherwise noted.



WSBA Board of Governors

CONGRESSIONAL DISTRICT MAP

2016-2017



Robin Lynn Haynes
President



Bradford E. Furlong
President-Elect



William D. Hyslop
Immediate Past President



Paula Littlewood, Secretary
Executive Director



Athanasios P. Papailiou
Governor At-Large



Mario M. Cava
Governor At-Large



Sean Davis
Governor At-Large

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 ¹	Yes	Majority
2. Adjourn	Closes the meeting	No	Yes	No	No	Majority
3. Recess	Establishes a brief break	No	Yes	No ²	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 ³
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 ⁴	No	Majority
12. Amend a motion or resolution (primary amendment)	Proposes a change to a main motion	No	Yes	Yes ⁴	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



WSBA

WASHINGTON STATE BAR ASSOCIATION

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.



WSBA

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



WSBA

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.



WSBA

BOARD OF GOVERNORS

Anthony David Gipe
President

phone: 206.386.4721
e-mail: 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
WSBA Conference Center
Seattle, WA
May 18-19, 2017**

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

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

Thursday, May 18, 2017

GENERAL INFORMATION 2

1. AGENDA 13

10:00 A.M. – Executive Session

2. EXECUTIVE SESSION

- a. Approval of March 9, 2017, Executive Session Minutes (**action**) E-2
- b. President’s and Executive Director’s Reports
- c. WSBA APEX Awards
 - 1. WSBA Awards Committee Recommendations – Governor Keith Black, Pam Inglesby, and Sanjay Walvekar (**action**) E-7
 - *Additional Information in Supplemental Materials* ES-2
 - 2. Washington State Bar Foundation Award Recommendation – Governor Jill Karmy and Terra Nevitt (**action**) E-21
- d. Lawyers’ Fund for Client Protection (LFCP) Board Gift Recommendations – Jean McElroy (**action**) E-22
- e. Judicial Recommendations Committee Recommendations – Jennifer Olegario (**action**)... E-26
- f. BOG Election Interview Time Limits (**action**) E-30
- g. Discipline Report – Doug Ende..... E-33
- h. Litigation Report – Jean McElroy E-45
- i. Meeting Evaluation Summary..... E-74

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

1:00 P.M. – PUBLIC SESSION

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

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

OPERATIONAL

3. INTERVIEW AND SELECTION OF 2017-2018 WSBA PRESIDENT-ELECT (action)	
a. William D. Pickett.....	18
4. INTERVIEW AND SELECTION OF 2017-2020 WSBA AT-LARGE (B) GOVERNOR (action)	36
a. Robert M. Leen (webcast).....	37
b. Karama H. Hawkins	43
c. Krista K. van Amerongen.....	48
d. Renee Maher.....	69
e. Elizabeth M. René	74
f. George S. Lundin	79
g. Carrie Blackwood	81
h. Alec C. Stephens Jr.	85

STRATEGIC ITEMS

5. PREVIEW OF UPDATED WSBA.ORG AND UPDATE ON COMMUNICATIONS AND OUTREACH

Friday, May 19, 2017

8:30 A.M. – EXECUTIVE SESSION

9:00 A.M. – PUBLIC SESSION

STRATEGIC ITEMS (continued)

6. LIMITED LICENSE LEGAL TECHNICIAN (LLLT) NEW PRACTICE AREA AND ENHANCEMENTS TO FAMILY LAW PRACTICE – Steve Crossland, LLLT Board Chair, and Nancy Ivarinen, LLLT Board Family Law Advisory Committee Chair	98
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10:45 A.M.

GENERATIVE DISCUSSION

7. MANDATORY MALPRACTICE INSURANCE – Governor Kim Risenmay, and Doug Ende, Chief Disciplinary Counsel.....	124
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12:00 P.M. – LUNCH WITH LIAISONS AND GUESTS

1:00 P.M. – PUBLIC SESSION

OPERATIONAL (continued)

8.	PROPOSED ABA RESOLUTION OPPOSING 9TH CIRCUIT RESTRUCTURING – James Williams, WSBA Delegate to the ABA (by phone) (action)	156
9.	PROPOSED CHARTER FOR REFERENDUM PROCESS WORK GROUP (action)	206
10.	IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) ACTIVITIES AT COURTHOUSES	210

OTHER DISCUSSION

This time period is for the Board and guests to raise issues of interest.

OPERATIONAL (continued)

11.	<u>CONSENT CALENDAR</u>	225
	a. March 9, 2017, Public Session Minutes	226
	b. Suggested Amendments to Law Clerk Board Regulations.....	230
	c. BOG Nominations Committee Actions	late materials
	d. Nominate Chief Hearing Officer, and Chair and Vice Chair of the Disciplinary Board	late materials
	e. Mandatory Continuing Legal Education (MCLE) Board Recommendation for Chair	late materials
	f. Recommendations from Amicus Curiae Brief Committee	246
	• <i>Additional Information in Supplemental Materials</i>	<i>PS-3</i>
	g. Proposed Amendments to WSBA Sections Bylaws	
	1. Real Property, Probate, and Trust Section	late materials
12.	<u>INFORMATION</u>	
	a. Executive Director’s Report	262
	b. Activity Reports.....	302
	c. FY2017 Second Quarter Management Report	312
	d. Legislative Report/Wrap-up.....	321
	e. Additional Appointment to Civil Litigation Rules Drafting Task Force Roster	324
	f. Information from Amicus Curia Brief Committee.....	328
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	g. Diversity and Inclusion Events	335
	h. Financials	
	1. January 31, 2017, Financial Statements	337
	2. February 28, 2017, Financial Statements	377
	3. Investment Update as of February 28, 2017	418
	4. Investment Update as of March 31, 2017	419
13.	PREVIEW OF JULY 28-29, 2017, MEETING	420

2016-2017 Board of Governors Meeting Issues

NOVEMBER (Seattle)

Standing Agenda Items:

- Financials
- FY2016 Fourth Quarter Management Report
- BOG 2016-2017 Legislative Committee Agenda
- WSBA Legislative Committee Recommendations
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- Outside Appointments (if any)
- Washington Leadership Institute (WLI) Fellows Report
- WSBA Sections Annual Reports (information)
- WSBF Annual Report

JANUARY (Spokane)

Standing Agenda Items:

- ABA Midyear Meeting Sneak Preview
- Financials
- FY2016 Audited Financial Statements
- FY2017 First Quarter Management Report
- Legislative Report
- LFCP Board Annual 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
- FY2017 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)

May 2017 Agenda Items

- Proposed Amendments to WSBA Sections Bylaws

JULY (Alderbrook)

Standing Agenda Items:

- ATJ Board Report
- BOG Retreat
- Court Rules and Procedures Committee Report and Recommendations
- Discipline Selection Panel Recommendations
- Financials
- Draft WSBA FY2018 Budget
- FY2017 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

July 2017 Agenda Items

- Proposed Amendments to WSBA Sections Bylaws

SEPTEMBER (Seattle)

Standing Agenda Items:

- 2018 Keller Deduction Schedule
- ABA Annual Meeting Report
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Executive Director’s Evaluation Report
- Financials
- Final FY2018 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	November 13, 2015	TBD
WSBA Religious and Spiritual Practices Policy	July 22-23, 2016	TBD



WSBA

OFFICE OF THE EXECUTIVE DIRECTOR

Margaret Shane
Executive Assistant

direct line: 206-727-8244
fax: 206-727-8310
e-mail: margarets@wsba.org

MEMO

TO: Board of Governors
FROM: Margaret Shane
RE: Election of 2017-2018 President-elect
DATE: May 3, 2017

ACTION: Elect **William D. Pickett** to the 2017-2018 President-elect seat on the Board of Governors, term to start at the conclusion of the Board meeting on September 29, 2017.

Attached please find the application and letters of support for William D. Pickett, the 2017-2018 President-elect candidate.

Enclosures



April 7, 2017

Ms. Paula Littlewood
WSBA Executive Director
1325 Fourth Avenue, Ste. 600
Seattle, Washington 98101

Re: Application letter of William D. Pickett
2017-18 WSBA President-Elect,
2018-19 WSBA President

Dear Paula:

I write to submit my application for the position of 2017-18 President-Elect and 2018-19 WSBA President. Enclosed please find a current resume and references for review.

Having just returned from the Western States Bar Conference, I am convinced more than ever that the WSBA is a national leader among State Bar organizations. While I have enjoyed serving on the BOG as Governor for the 4th Congressional District, I welcome the opportunity to continue in service as the 2017-18 President-Elect and 2018-19 President. I see a mountain of future opportunities for legal professionals to be of service in our communities and I desire to do my part to ensure that our WSBA remains at the forefront.

During my time on the Board I have witnessed first-hand the dedication of the Washington State Bar, Board of Governors, and Staff as we serve both membership and the public. I am inspired by the high degree of commitment that my fellow board members demonstrate for our profession, and the pursuit of justice. I am equally proud of the hard work, dedication, and high performance that our WSBA staff gives to ensure that our organization remains a leader among State Bar Associations.

My interest in seeking this opportunity is three-fold.

First, if elected you should expect that my initial effort will be to fully support our upcoming President Brad Furlong during his tenure. I have the utmost confidence in Brad and would be honored to serve as President-Elect during his presidential term. I firmly believe that WSBA is most effective as a team. This naturally requires everyone, including: Officers, the BOG, and Staff working together to accomplish our mission to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.

Second, I believe that we have an opportunity to be of even greater service by working to strengthen our communication, relationship, and connection with members. It is apparent that there have been strains in the relationship between WSBA and our members. The trust

April 7, 2017

Ms. Paula Littlewood
WSBA Executive Director
Re: Application letter of William D. Pickett
Page 2

of some members in the WSBA has been shaken. That being said, I am encouraged by the efforts of the WSBA/BOG to earnestly seek member input on significant issues. I know that the collective wisdom of our members is valued and desired. I will encourage this to continue in full force. I share in the belief that if we are to move positively forward as an organization, it will be with the support of our members. I know this is an ongoing priority that must be accomplished well by everyone. I will give every effort to make sure this continues and wherever possible, ensure that **trust** abounds.

Third, we know there are numerous issues currently pending before the Board of Governors that will impact the practice of law for many years to come. The exploration of mandatory malpractice insurance, proposing rule changes to address the escalating cost of civil litigation, the delivery of legal service now and in the future, the high cost of legal education, transition from practice to retirement, ongoing efforts to increase diversity in our profession, and access to justice for all people, name only a few of the issues we face. I believe that these issues form great opportunities for the WSBA to move the legal profession into the future while inspiring hope and trust in the Rule of Law.

I have no doubt that all of these issues and more, will be successfully addressed so long as we remain highly committed to service and passionate about helping people. If elected, you have my promise that I will do all that I can to elevate our service to members, the public, and the pursuit of justice in Washington.

My time as a member of the BOG has been a blessing. Moving forward I would be honored to continue in service to the WSBA, our members, and the public as the 2017-18 President-Elect and 2018-19 President.

Sincerely,



William D. Pickett

Enclosure

WILLIAM D. PICKETT

917 Triple Crown Way, Suite 100. • Yakima, WA 98908
(T) 509-972-1825 • (F) 509-972-1826 • bill@wdpickett-law.com

PROFILE

Trial Lawyer committed to providing the highest degree of advocacy for each client.

State Court Admissions: Oregon, 1997; Washington, 1998; Alaska, 2011; Arizona, 2016
Federal Court Admissions: U.S. District Court, Eastern District of Washington, 1999
U.S. District Court, District of Oregon, 2001
U.S. District Court of Alaska, 2014
Ninth Circuit Court of Appeals, 2010

PROFESSIONAL EXPERIENCE

Pickett Law Firm, Yakima, WA

Trial Attorney: November 2002 – Present

The Pickett Law Firm exists to help people. We strive to do our very best to help clients come through difficult circumstances with hope, stability, and restoration. Our main goal is to see that our client's voice does not go unheard.

- Handle all aspects of personal injury, medical malpractice and civil rights litigation.
- Manage extensive deposition, motion and trial practice.
- Creative, zealous, dedicated advocate.

Temple University Beasley School of Law, Philadelphia, PA

Adjunct teaching faculty LL.M. in Trial Advocacy Program: November 2009 - Present

- Provide lectures to LL.M. candidates regarding trial advocacy with emphasis on the retention and use of Trial Experts.
- Serve as Judge/Instructor to LL.M. candidates regarding trial advocacy with emphasis on direct and cross examination of Expert Witnesses.
- Provide LL.M. candidates with assessment, critique, and evaluation regarding trial advocacy.

Lyon, Weigand, & Gustafson P.S., Yakima, WA

Associate/Share Holder Attorney: May 1998 – October 2002

- Handled extensive insurance defense litigation and personal injury case load.
- Responsible for all phases of discovery and motions practice.
- Performed duties as 1st and 2nd chair trial counsel.

Additional Experience

Employed in Alaska from 1982 - 1991:

- Commercial Diver - Commercial Fisherman - Construction Supervisor – Logger

EDUCATION

Temple University Beasley School of Law, Philadelphia, PA

LL.M. Trial Advocacy, 2007

Northwestern School of Law of Lewis & Clark College, Portland, OR

J.D., 1997

University of Washington, Seattle, WA

B.A., Society & Justice, 1994

ADDITIONAL INVOLVEMENT

Friends of YWAM, Board, Battambang, Cambodia, 2015-present
Washington State Bar Association Board of Governors Fourth Congressional District, 2015-present
YMCA Youth & Government Mock Trial Program – West Valley High School, Coach, 2014-present
Gerry Spence, Trial Lawyers College, Dubois, Wyoming – Graduate, 2012
Member National Police Accountability Project
Former member Ninth Judicial Circuit Historical Society
Former Member Washington State Bar Association Civil Rights Committee 2006-07
Former Washington State Trial Lawyer’s Association, Civil Justice High School Project
ABA Tort & Insurance Section, National Trial Academy, 2000
Oregon Trial Advocacy College, 2002
Ghormley Meadow Youth Outreach Camp, Volunteer Counselor

REFERENCES

1. Barbara Lynn Ashcroft
Associate Professor,
Director, LL.M. in Trial Advocacy
Temple University Beasley
School of Law
1719 N. Broad Street
Klein Hall
Philadelphia, PA 19122
Tel: 215-204-2738
2. Mr. William T. Leder, Esq.
664 2nd Place Garden City
New York 11530
Tel: 516-297-9019
3. Blaine T. Connaughton, Esq.
Connaughton Law Office
514 B North 1st Street
Yakima, Washington 98901
Tel: 509-249-0080
4. Richard Johnson, Esq.
917 Triple Crown Way, Ste. 200
Yakima, Washington 98908
Tel: 509-469-6900
5. Lou V. Delorie, Esq.
24 N. 2nd Street
Yakima, Washington 98901
Tel: 509-575-8961
480-214-3871
6. Eric Gustafson, Esq.
222 North 3rd Street
Yakima, Washington 98901
Tel: 509-248-7220
7. Dennis Luckman, Esq.
31 Journey, Suite 200
Aliso Viejo, CA 92656
Tel: 949-360-6095
949-204-3730
8. Doug Snipes
71 Koda Drive
Yakima, Washington 98942
Tel: 509-949-5200
9. Rick Garcia
405 S. 67th Avenue
Yakima, Washington 98908
Tel: 509-969-1883

THORNER, KENNEDY & GANO P.S.

ATTORNEYS AT LAW

A PROFESSIONAL SERVICE CORPORATION
ESTABLISHED IN 1977

THE CHESTNUT LEGAL BUILDING
101 SOUTH TWELFTH AVENUE
MAILING ADDRESS: P.O. BOX 1410
YAKIMA, WASHINGTON 98907-1410

DAVID A. THORNER*
W. JAMES KENNEDY
WADE E. GANO
WEST H. CAMPBELL
SHAWN M. MURPHY
MICHAEL J. THORNER
MEGAN K. MURPHY

*ALSO ADMITTED IN IDAHO

RETIRED
BRYAN G. EVENSON

TELEPHONE (509) 575-1400
FAX (509) 453-6874

OUR FILE NUMBER

April 10, 2017

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

RE: Mr. William D. Pickett

Dear Ms. Littlewood:

It is my privilege and pleasure to send this letter of endorsement of Bill Pickett for the 2017-18 President Elect/2018-19 President positions. I have been practicing in Yakima since 1972.

In 1998, shortly after Bill Pickett arrived in Yakima again practicing, I had the opportunity of meeting him. Bill initially started working for one of the prominent law firms. After several years, he decided to go off on his own and established a practice representing Plaintiffs in employment, discrimination, personal injury and medical liability cases. I have had numerous contacts with Bill Pickett as a civil defense attorney, mediator, and in the context of my service as the Chair of the Yakima County Superior Court Bench/Bar Liaison Committee. Bill Pickett is a shining example of "success depends upon hard work". He is respected as a litigator. He has a worthwhile record of service in the community and in our local bar association.

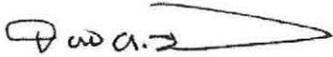
Bill Pickett has assumed an important role as a member of the Board of Governors of the WSBA. He is genuinely diligent in making a difference in encouraging better communication between lawyers regardless of their affiliations and specialties. He has dedicated a large amount of time in trying to rebuild trust between the bar members and the WSBA. When I have been involved with Bill in litigation, we historically have been on the opposite sides of numerous cases. He is an up and coming leader of the WSBA which is remarkable and promising.

It is my opinion that Bill has the capacity and ability to assume the diversified and highly important responsibilities as the WSBA President.

April 10, 2017
Re: Bill Pickett
Page - 2

If I can supply any additional information or answer any questions, please do not hesitate to contact me. Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "David A. Thorner". The signature is stylized with a large, sweeping flourish that extends to the right.

David A. Thorner
DAT:csh

CROSSLAND LAW OFFICE

STEPHEN R. CROSSLAND
steve@crosslandlaw.net

305 APLETS WAY
POST OFFICE BOX 566
CASHMERE, WA 98815

TELEPHONE (509) 782-4418
FACSIMILE (509) 782-4298

April 11, 2017

FILE NUMBER

WSBA Executive Director
1325 Fourth Ave., Ste. 600
Seattle, WA 98901



Re: William D. Pickett

Dear Ms. Littlewood,

I am writing to you to express my support of the candidacy of William D. Pickett (Bill) for President of the Washington State Bar Association (WSBA) in the upcoming election.

I have known Bill during his term as Governor on the WSBA Board of Governors. I have observed his demeanor and listened to his thoughtful deliberative process. Bill impresses me as someone who listens to all sides of every issue and expresses a well thought out position on whatever issue is being discussed. Bill appears to have a collaborative style which I believe will serve him and the WSBA well should he be elected to serve as President of the WSBA.

I encourage the Board to select Bill as President.

Sincerely,


Stephen R. Crossland

SRC

cc Bill Pickett

Cotton Law Offices



Jean A. Cotton
Attorney & Counselor At Law

507 W. Waldrip
P. O. Box 1311
Elma, Washington 98541

Office 360-482-6100
Fax 360-482-6002

April 13, 2017

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

Re: Candidacy of William "Bill" Pickett for WSBA President (2018-19)

Dear Ms. Littlewood:

I write to support the candidacy of Bill Pickett for WSBA President during the 2018-19 term of office.

I have had the pleasure and privilege of knowing Bill during his term on the Board of Governors while I have served as a Section liaison to the BOG. During that time I have come to admire his qualities as a person, lawyer, and Bar leader. Bill possesses those qualities most needed in our servant-leaders at the Bar: integrity, professionalism, compassion, wisdom, skill, and dedication to the rule of law and access to justice for all.

Bill's commitment to the Bar and its members is evident in his work and his leadership roles and service to the legal profession. His resume speaks for itself. He has selflessly given of his time to numerous civic and legal organizations to improve the quality of our profession, to protect the rights of our State's citizens as well as members of the Bar, to improve the courts and access to justice, and to promote and preserve the civil justice system.

In discussions regarding issues of concern to the members of the WSBA, it is not uncommon for Bill to courageously provide thoughtful commentary that enlightens all who are present and that provoke meaningful dialog thereafter. Perhaps one of his greatest qualities is his willingness to actually seek input from and listen to the members and thereafter advocate for their interests as a Governor. His insight, his kindness, his ability to work with and support the work of others, and his cheerful and collegial style of leadership are qualities needed in the leaders of our Bar.

For all of these reasons and more, it is an honor for me to recommend that the Washington State Bar Association Board of Governors elect Bill as the next WSBA President.

Very truly yours,

JEAN A. COTTON
Attorney at Law

cc: Bill Pickett (via email)

CONNAUGHTON LAW OFFICE**Blaine T. Connaughton**514 B North 1st Street • Yakima, Washington 98901 • (509) 249-0080 • FAX (509) 469-8836

April 17, 2017

Paula Littlewood
WSBA Executive Director
1325 Fourth Ave., Ste. 600
Seattle, WA 98101

Re: William D. Pickett

Dear Ms. Littlewood:

This letter is to endorse William D. Pickett for president of the Washington State Bar Association for the 2018-19 president position. I have known Mr. Pickett since shortly after he came to Yakima in 1997. He was opposing counsel on several cases for a few years after he started practicing in Yakima. We also later associated on a number of cases after he opened his solo practice.

As his resume indicates, Mr. Pickett had extensive life experience in the private sector prior to becoming a lawyer. Since going out on his own and starting a solo practice in late 2002, he has handled many difficult and challenging cases, bringing them to a successful resolution. I am familiar with many of these cases. They demanded enormous time and stamina with no assurance of success or payment. The cases have been meritorious but difficult and are the type routinely turned down by the personal injury mills because of their difficulty.

I think Mr. Pickett would bring great enthusiasm, energy, and experience to the position of WSBA president. I wholeheartedly endorse him for the position and hope you give him your strong consideration.

Very truly yours,

CONNAUGHTON LAW OFFICE


Blaine T. Connaughton

BTC:dsk

c: William D. Pickett via email



THE JOHNSON & JOHNSON LAW FIRM, PLLC

DICK JOHNSON • ALEX JOHNSON • JEFF JOHNSON • JENNIFER JOHNSON

April 17, 2017

Yakima Office



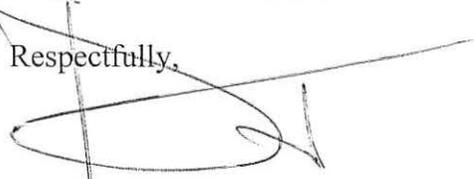
Executive Director
WA State Bar Assn
1325 Fourth Ave #600
Seattle, WA 98101

Dear Madam / Sir:

I'm writing to recommend Yakima lawyer William D. Pickett for Bar President.

I've been practicing here in Yakima since 1978. I've known Bill as a lawyer in this community for over ten years. Bill is an outstanding lawyer, and person. He has all of the qualities, background and experience to be a great president for all of the members of the Bar, across the entire state.

Respectfully,



RICHARD R. JOHNSON
WSBA # 6481

THE JOHNSON & JOHNSON LAW FIRM, PLLC

WWW.JANDJLAW.COM

INFO@JANDJLAW.COM

917 TRIPLE CROWN WAY, SUITE 200, YAKIMA, WA 98908 (TEL) 509.469.6900 (FAX) 509.454.6956
7014 WEST OKANOGAN PLACE, KENNEWICK, WA 99336 (TEL) 509.547.4200 (FAX) 509.454.6956
SUNNYSIDE, WA (TEL) 509.837.5020 (FAX) 509.454-6956



THE DELORIE LAW FIRM
EXPERIENCE INTEGRITY RESULTS
WWW.DELORIELAW.COM

April 17, 2017

Ms. Paula Littlewood
WSBA Executive Director
1325 Fourth Avenue
Ste. 600
Seattle WA 98901



RE: William D. Pickett

Dear Ms. Littlewood:

I am writing this letter to endorse the candidacy of attorney Bill Pickett for the position of President Elect 2017/18 and President 2018/19. I have known Bill since he started practicing in Yakima County in May of 1998. In the early part of his career, we were on opposite sides of several cases; more recently we have collaborated on cases. For several years, we practiced out of the same office building and I was able to observe Bill in his daily interactions with clients. Over the years, his practice has evolved from primarily insurance defense litigation to representing plaintiffs in personal injury, medical malpractice and civil rights litigations.

On the family front, I have had the pleasure of meeting Bill's wife, Laura, and their children. It is clear that Bill has been able to balance the rigors of operating a law firm while still maintaining a close and involved family life. He has donated a significant amount of time to charitable organizations and has involved his entire family in these endeavors.

In my opinion, Bill is an excellent attorney who represents his clients zealously and with the utmost legal integrity. In my dealings with him he has always demonstrated the highest ethical standards along with an exceptional understanding of and respect for the law. Bill, as president of the WSBA would be an excellent choice.

Very truly yours,
THE DELORIE LAW FIRM

Lou V. Delorie
LVD/njd

LAW OFFICES

LYON WEIGAND & GUSTAFSON PS

LYON LAW OFFICES - 222 NORTH THIRD STREET

MAILING ADDRESS: PO BOX 1689
YAKIMA, WASHINGTON 98907-1689

TELEPHONE
(509) 248-7220

FACSIMILE
(509) 575-1883

MARCUS J. FRY
J. ERIC GUSTAFSON
CHARLES R. LYON (1997)
DAVID E. MACK
BRYAN P. MYRE
JON L. SEITZ
J. PATRICK SHIREY
JEANIE R. TOLCACHER
WM. L. WEIGAND, JR. (OF COUNSEL)



April 19, 2017

**WSBA Executive Director
1325 Fourth Ave., Ste. 600
Seattle, WA 98101**

Re: William D. Pickett

Dear WSBA:

I write to endorse the application for the position of President of the WSBA by Yakima Attorney William D. Pickett. I hired Bill as a new associate in the spring of 1998, he was made a partner of this firm on January 1, 2002, and then left the office in the late fall of 2002 to establish his solo practice. This was Bill's personal decision, not of our prodding, in order for him to pursue plaintiff's personal injury and closely-related matters rather than continue with us where he would be involved in much more business-related cases, particularly on the defense side. I enjoyed working with Bill immensely, and we continue to be friends.

Bill's prior experience in a variety of blue-collar jobs for nearly 10 years serves him remarkably well in his legal career. First, he was a fast-track learner who understood there was a goal line, and his job is to get the client's interests across it. Most importantly, he relates well to the common man, yet could deal with the client/executive that is used to telling people what to do and believe.

Bill is well suited to be immersed in trial work as he is fearless and dogged in pursuit of the client's case. He is also willing to take on unpopular causes involving police, government and the health care community. That does not make him a regular party guest in this community, as there are always people who will recoil at a challenge to the establishment, and indeed at times properly question the judgment of a trial lawyer in taking a case. But I will say that Bill's integrity cannot be questioned. I attribute that to his character, which I know is built on a strong Christian faith foundation. I did a fair amount of litigation in the first 2/3's of my career and one of the primary reasons I got out was the unfortunate willingness of even good lawyers to fudge the line of fairness and honesty.

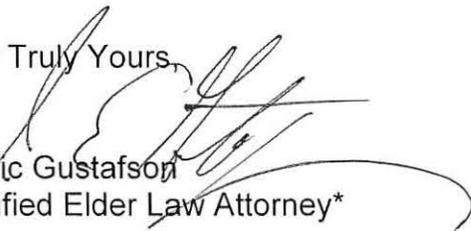
Finally, Bill is really a servant at heart. He has spent untold hours working on Moot Trial for high school students here in Yakima County. He has devoted energies and finances to his church's programs and the less fortunate in Cambodia. Bill and I serve on the Board of YWAM

of Battambang Cambodia Friends, a Washington-based nonprofit that supports outreach and community service to the youth and under-privileged of this city with many programs including educational, maternity, HIV/AIDS and vocational services. We've gone to Cambodia 3 separate times in the last few years, and this is a remarkable sacrifice for a solo trial lawyer.

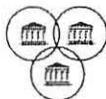
Bill makes time for family. He has 3 of the most remarkable kids I know. He would give his wife, Laura, the credit, and she deserves it too. They are a team, and their children are all hard-working, polite, well-met students who have interests that are rare for the American youth of today---thing like service and justice and integrity in all venues of life. I attribute that to the character of their parents.

I have told Bill he is crazy to seek the job of President of the WSBA. I've told him to wait until his kids are out of the house. But that's Bill—when he sees a reason to do something, then he is going to go for it. He sees what I do not, and I admire him for his willingness to try to make a difference.

Very Truly Yours,



J. Eric Gustafson
Certified Elder Law Attorney*



*Certification as an Elder Law Attorney occurs solely through the auspices of the American Bar Association under its approved testing and procedures administered by the National Elder Law Foundation. Only ten attorneys in the Northwest hold this designation. Washington's and Oregon's Supreme Courts have not yet developed or recognized a credentialing process, and certification is not required to practice law in either state.

April 24, 2017

APR 27 2017

WSBA Executive Director
1325 Fourth Ave., Ste. 600
Seattle WA 98101

RE: **William D. Pickett**

Dear Executive Director:

I highly recommend William D. Pickett to become President of the Washington State Bar Association. I greatly respect him as a good decent man, a fearless leader, and an honest, practical, and ethical lawyer.

I have co-counseled with Mr. Pickett on numerous cases. He is an excellent trial lawyer. As a team, we have settled some very difficult cases for multi-millions of dollars. He is tenacious, well-prepared, and committed to achieving justice for his clients. In our private conversations about cases, he is thoughtful, realistic, observant, and strategic. He prepares complicated cases at the highest level of preparation.

Bill has dedicated himself to improving his trial skills at great personal sacrifice. He attended the month-long Trial Lawyers College in the last 5 years in order to become a better story-teller.

Bill is a fascinating guy and truly committed to his beliefs. He is one of the most down-to-earth, unpretentious, and straight-talking guys you will ever meet.

As Bar President, he will add to the legacy of great Bar Presidents. He reflects the values, culture, and work ethic of the Yakima Valley, which has been historically underrepresented at the Presidential level of the Bar. Although Stan Bastian practiced in Wenatchee, there has not been a Bar President from the Yakima Valley since Robert Redmond in the 1980's. There needs to be geographical diversity at the Presidential level and Bill Pickett will be a perfect representative of business interests (he runs his own practice), agricultural interests (he was a blue collar worker in his early years), and laborers (many of his clients are Latinos aggrieved by abuse of power).

Bill's expertise in Civil Rights law is unmatched and there has not been a civil rights lawyer in recent memory as President of the State Bar. Bill frequently represents those in our society who are the victims of excessive force by police; but at the same time, he has gained trust and respect of police officers who

WSBA Executive Director

April 24, 2017

Page 2

seek his representation when they need a fierce advocate for their employment rights. As they say, there is no better complement than when the opposing party wants to hire you on their next case.

As Bar President, Bill will speak fearlessly on behalf of the best interests of all lawyers of the Bar. He listens well. He understands the importance of finances and budgetary concerns and the need for all lawyers to feel a part of the State Bar. He is prudent, diligent, and resourceful as a lawyer and will bring those same qualities to the Presidency of the State Bar.

I have always been outspoken for diversity in leadership for the Bar. In my mind, however, Bill Pickett deserves to be State Bar President because he will fairly represent all lawyers in the state, all minority lawyers, all women lawyers, and LBGTQ lawyers. He is courageous, insightful, and speaks the truth. He is a bit of maverick, but the State Bar needs a plain-spoken, honest, and hardworking President who represents all the lawyers. Bill Pickett should be elected as Bar President.

Sincerely,

A handwritten signature in black ink, appearing to read "Blaine L. Tamaki". The signature is fluid and cursive, with the first name "Blaine" and last name "Tamaki" clearly distinguishable.

Blaine L. Tamaki

Founder and CEO of Tamaki Law

May 2, 2017

WSBA Executive Director
1325 Fourth Avenue Suite 600
Seattle, WA 98101

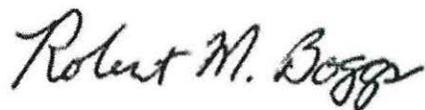
Dear Ms. Littleton:

I understand that William D. Pickett has put his name in the hat for a chance to be President of the WSBA. I have known Bill for almost 20 years and have worked with him for 15 of those years. Bill would be an excellent President. He is one of those attorneys that simply loves the practice of law and would like the chance to help the profession out by being President. Bill works tirelessly for those citizens who are usually helpless to defend themselves in our society.

Bill is extremely ethical and is strongly concerned that the profession maintain a reputation with the citizens of Washington that ours is an ethical profession. I have also seen him teach his children about the law and civics and he has impressed upon them the importance of our judicial institutions. I am sure he would want to impress upon our fellow citizens the same importance of our judicial institutions.

In short, I don't think you could go wrong with Bill.

Very truly yours,

A handwritten signature in cursive script that reads "Robert M. Boggs". The signature is written in black ink and is positioned below the typed name.

Robert M. Boggs
Former 4th District Governor 2001 - 2004

JM JERRY MOBERG & ASSOCIATES. PS

P.O. Box 130 ✦ 124 3RD AVE S.W.
EPHRATA, WA 98823
OFFICE: 509/754-2356 FAX: 509/754-4202 888/720-2704
WEBSITE: WWW.JMLAWPS.COM

JERRY J. MOBERG, ATTORNEY*
PATRICK R. MOBERG, ATTORNEY **
*Admitted in Washington and Oregon
**Admitted in Washington and Florida

BRIAN A. CHRISTENSEN, ATTORNEY
JAMES E. BAKER, ATTORNEY
OF COUNSEL, KARA R. MASTERS***
***Admitted in Washington, Alaska, Oregon and Idaho

May 3, 2017

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

Re: Endorsement of Bill Pickett

Dear Paula:

We were pleased to learn that Bill Pickett has applied to be President Elect of the Association during the 2017-18 bar year and President of the Association during the 2018-19 bar year. We enthusiastically support Bill's candidacy.

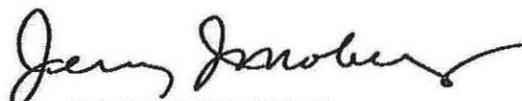
We have both been acquainted with Bill for many years. (Jim even served as co-counsel with Bill in civil litigation.) Bill takes his responsibilities seriously. Bill is energetic and highly ethical. We are certain that Bill will work diligently to improve the standard of practice of Washington lawyers and to promote justice for all.

During the past 10 years, there have been four bar presidents from Eastern Washington: Stan Bastian (2007-2008), Steve Crossland (2011-2012), Bill Hyslop (2015-2016) and Robin Haynes (current president). Eastern Washington has been well represented in leadership of the bar. We believe that Bill will continue to provide excellent leadership of the bar if he is elected as President Elect and President.

We hope that the Board of Governors will give careful consideration to Bill's candidacy.

Very truly yours,

JERRY MOBERG & ASSOCIATES, P.S.


JERRY J. MOBERG


JAMES E. BAKER



WSBA

OFFICE OF THE EXECUTIVE DIRECTOR

Margaret Shane
Executive Assistant

direct line: 206-727-8244
fax: 206-727-8310
e-mail: margarets@wsba.org

MEMO

TO: Board of Governors
FROM: Margaret Shane
RE: Election of 2017-2020 At-Large Governor (B)
DATE: May 3, 2017

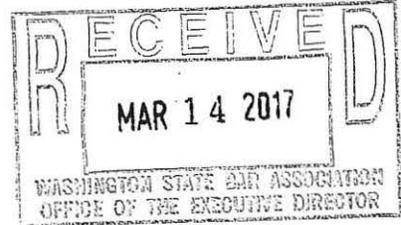
ACTION: Elect Alec Stephens, Carrie Blackwood, Elizabeth René, George Lundin, Karama Hawkins, Krista van Amerongen, Robert Leen, or Renee Maher to the 2017-2020 At-Large (B) Governor seat on the Board of Governors, for a three-year term, to start at the conclusion of the Board meeting on September 29, 2017.

Attached please find applications and letters of support for the 2017-2020 At-Large (B) Governor candidates, listed in order of appearance, which was determined by random drawing:

1. Robert M. Leen (webcast)
2. Karama H. Hawkins
3. Krista K. van Amerongen
4. Renee Maher
5. Elizabeth M. René
6. George S. Lundin
7. Carrie Blackwood
8. Alec C. Stephens Jr.

Enclosures

Working Together to Champion Justice



NOMINATION FORM – At-Large Statewide District

INSTRUCTIONS

- 1) Complete this nomination form
- 2) Attach a 100-word biographical statement to include current occupation, relevant experience, education, and why you are interested in serving on the Board of Governors.
- 3) Send form and statement to:

WSBA Office of the Executive Director
 1325 4th Avenue #600
 Seattle, WA 98101-2539

Or email to: danab@wsba.org or fax to: 206-727-8316.

- 4) Questions? Contact Dana Barnett at danab@wsba.org or 206-733-5945
- 5) Applications must be received by 5:00 p.m. PDT on Thursday, April 20, 2017.

**Candidate for position on the Board of Governors
 Washington State Bar Association**

I, the undersigned active member of the Washington State Bar Association, hereby nominate:

Robert M. Leen

Name of candidate

For the office of Governor for the At-Large Statewide District.

This form must be filed in the Office of the Executive Director of the WSBA, 1325 Fourth Avenue #600, Seattle, WA 98101, no later than 5:00 p.m. PDT on April 20, 2017.

Robert M. Leen

Signature of Nominator (you may self-nominate)

14208

WSBA Bar #

ACCEPTANCE

I, the above named candidate, hereby accept nomination to the office designated above.

Robert M. Leen

Signature of Candidate

14208

WSBA Bar #

(See page 2)

Biographical Statement (100 words):

(Please include current occupation, relevant experience, education, and why you are interested in serving on the Board of Governors.)

My selection would give voice to a number of important constituencies. I am a senior, retired and live out of state. For over 40 years I worked in the field of criminal law as a prosecutor and a defense attorney. I have represented clients from all walks of life. I am also a cancer survivor and understand the difficulties of transitioning from active practice to retired status. I am a member of multiple state bars and have had an AV rating for over 30 years. I also maintain a WA law office.

Robert Michael Leen
PO Box 221388
Hollywood, FL 33022
(206) 498-8659

Education:

University of Georgia 1970-1973 (JD)
University of Georgia 1968-1971 (BA)
Tulane University, 1966-1968
North Miami Sr. HS 1966

State Bar Memberships

FL Bar 1974 0170966
WA Bar 1984 14208
GA Bar 1996 444780

Legal Employment

Robert M. Leen, Inc. PS 1986-2016
Seattle, WA

Law Office of Robert M. Leen 1977-1986
Hollywood, FL

Pollack, Tunkey, Robins, Weiner & Leen 1975-1976
Miami, FL

Assistant State Attorney, 11th Judicial Circuit of Florida 1974-1975
Miami, FL

Snyder, Young, Stern & Tannenbaum PA 1973-1974
North Miami Beach, FL

CJA Panel Memberships

WD WA 1986-2016

D. AK 1998-2016
SD FL 1975-1986

Notable Cases:

US v. CRUZAGOSTO, 165 Fed. Appx. 537 (2006) (life sentence vacated)

USA V. EFRAN REYNAGA, CR05-281-JLR (acquittal)
USDC WD WA Seattle

US v. CRUZ-ROMAN, 312 F. Supp. 2d 1355 (W.D. Washington 2004) (evidence suppressed)

US v. GRAHAM, 117 F.Supp. 2d 1015 (W.D. Washington 2000) (evidence suppressed)

USA v. FRANCIS OGUNJUMELO, CR93-514RT (acquittal)
USDC WD WA Tacoma

State v. Harris, 121 Wn.2d 317, 318 (Wash. 1993) (Assault 1 conviction vacated)

United States v. Di Bernardo, 561 F. Supp. 783, 784 (S.D. Fla. 1983)

Washington v. State, 432 So.2d 44 (1983) (death penalty vacated)

Honors and Awards

AV Preeminent (5.0 out of 5 Peer Review Rated)

Martindale Hubbell 1988-2016

10.0 Superb AVVO 2016

President's Award 2013

Washington Association of Criminal Defense Attorneys

Recent CLE Presentations

How I Learned To Stop Worrying And Love The Advisory Sentencing Guidelines-
Washington Association of Criminal Defense Lawyers Seattle 2014

Dealer's Choice: New Issues and Tactics for Criminal Defense

Washington Association of Criminal Defense Lawyers Seattle 2014

Fair Cross Section Challenge to Grand Jury Wheel
Alaska Federal Defender Brown bag CLE Anchorage 2014

The Canadian Defendant: Some Common Issues Seattle 2009
Federal Bar and Federal Defender ½ day CLE

I've taken an 18 month hiatus from work and moved from the Northwest back to South Florida, where I grew up. I would like to resume representing indigent defendants under the CJA.

Since the late 1970s I've been counsel for hundreds of federal defendants primarily in the federal courts of Western Washington and the District of Alaska.

I have trial experience. In my early years, the late 1970s and early 1980s, I mostly represented state criminal defendants. I would try 10-12 jury cases a year. In the mid-1980s I moved my law practice from Florida to Seattle, Washington and continued this same trial pace. In the mid 1990s I began handling more and more federal work.

I have tried over a score of federal cases over the past 20 years. In those cases where the defendant was convicted, the sentence imposed often turned out to be less than what the government had offered by the so-called plea deadline date.

I am up to date on 4th, 5th and 6th Amendment jurisprudence. I enjoy filing motions requiring evidentiary hearings. I am trained in the use of computers and software to organize and analyze discovery in wiretap and other large file discovery cases. I think it is always a good strategy to make the prosecutors work.

I am versed in advocacy under the advisory Sentencing Guidelines. I have mentored other attorneys. In both Seattle, my "home" court, and Anchorage I was often appointed by the CJA Administrator to represent the lead defendant in large, extended and/or complex multi-defendant conspiracy cases.

I've known Michael Filipovic, the current Federal Defender for the WD WA, for over 20 years. Mr. Filipovic knows the quality of my work, my zealous advocacy and my work ethic. When I told Mike I was moving back to South Florida, he said I could mention his name if I decided to apply to be a CJA panel attorney in the SD FL. michael_filipovic@fd.org.



NOMINATION FORM – At-Large Statewide District

INSTRUCTIONS

- 1) Complete this nomination form
- 2) Attach a 100-word biographical statement to include current occupation, relevant experience, education, and why you are interested in serving on the Board of Governors.
- 3) Send form and statement to:

WSBA Office of the Executive Director
 1325 4th Avenue #600
 Seattle, WA 98101-2539

Or email to: danab@wsba.org or fax to: 206-727-8316.

- 4) Questions? Contact Dana Barnett at danab@wsba.org or 206-733-5945
- 5) **Applications must be received by 5:00 p.m. PDT on Thursday, April 20, 2017.**

**Candidate for position on the Board of Governors
 Washington State Bar Association**

I, the undersigned active member of the Washington State Bar Association, hereby nominate:

Karama H. Hawkins

Name of candidate

For the office of Governor for the **At-Large Statewide District.**

This form must be filed in the Office of the Executive Director of the WSBA, 1325 Fourth Avenue #600, Seattle, WA 98101, no later than 5:00 p.m. PDT on April 20, 2017.

KARAMA H. HAWKINS Digitally signed by KARAMA H. HAWKINS
 Date: 2017.04.06 09:09:49 -07'00' **40021**

Signature of Nominator (you may self-nominate)

WSBA Bar #

ACCEPTANCE

I, the above named candidate, hereby accept nomination to the office designated above.

KARAMA H. HAWKINS Digitally signed by KARAMA H. HAWKINS
 Date: 2017.04.06 09:09:58 -07'00' **40021**

Signature of Candidate

WSBA Bar #

(See page 2)

Biographical Statement (100 words):

(Please include current occupation, relevant experience, education, and why you are interested in serving on the Board of Governors.)

I am dedicated to ensuring that the voices of the underrepresented attorneys that practice law in our state are heard loud and clear. As a woman of color and small business owner who has practiced in both the private and public sectors, I understand the challenges that we face on a daily basis. I work every single day to uphold the mission, goals and principles of the Washington State Bar Association. I am committed to giving my time, attention and put in the work to ensure the needs and concerns of our ever growing and dynamic Bar are known.

Karama Halili Hawkins

P.O. Box 75542 • Seattle, Washington 98175 • Phone (206) 251-2350 • Fax (253) 517-8529 • Email: khawkinslaw@gmail.com

LICENSING

Washington State Bar Association

Admitted to Practice May 2008

Bar Number 40021

EDUCATION

University of Washington School of Law, Seattle, Washington

Juris Doctor, June 2007

- 2004 Livengood Fellowship; 2005-6 and 2006-7 Helen M. Geisness Scholarship; 2006 Matthew Hill Scholarship; 2006 KCBA Benich Scholarship; 2007 Phillip L. Burton Scholarship.
- UW and National Black Law Student Association; UW Minority Law Student Association; 2004-5 NBLA Regional and National Thurgood Marshall Mock Trial Competition; 2005 UW Appellate Advocacy Competition - Semi-finalist; 2005 Melissa S. Landers 1L Writing Competition; 2005 Jessup Moot Court Competition; 2005 UW Environmental Law Moot Court Competition; 2005 UW Mediation Competition; 2005 UW Mock Trial Competition – Quarter-finalist; 2006 UW Trial Advocacy Opening Statement Finalist; 2006 Falknor Moot Court Competition; 2006 Thomas Tang Moot Court Competition; 2007 Falknor Moot Court Competition; 2007 Advanced Trial Advocacy Opening Statement Competition Finalist; 2007 Coughenor Oral Advocacy Competition Finalist.

University of Washington, Seattle, Washington

B.A., August 2004

- Major in Sociology, Emphasis - Globalization and Social Change
- UW Dean's List Student, National Dean's List, Outstanding Student Honor Society

EMPLOYMENT

HAWKINS & CRAWFORD, PLLC., Federal Way, Washington

Partner/Owner – October 2013 to Present

- Public Defender for the City of Federal Way Municipal Court. Provider of public defense services including arraignments, pretrial work, investigation, witness interviews, drafting motions, legal research, oral argument, bench trials, jury trials, appeals and representation post-conviction. Working within the Public Defense Standards set by the City of Federal Way.
- Actively works with Court staff and administration, the Prosecutors officer, probation and Mayor's Office to maintain high standards in Public Defense and to address issues that arise effecting the Court system.

HAWKINS LAW GROUP, LLC, King County, Washington

Owner – August 2013 to Present

- Provider of defense services including arraignments, pretrial work, investigation, witness interviews, drafting motions, legal research, oral argument, bench trials, jury trials, appeals and representation post-conviction. Also provide pro bono representation on various matters from infractions to family and criminal court cases.

King County Pro Tem Judge, King County, Washington

Pro Tem Judge – November 2015 to Present

- Fill in for judges throughout King County
- Criminal and civil cases
- Hear and rule on a variety of cases which include, but are not limited to, motions, review hearings, anti-harassment/protection orders, name changes, small claims, infractions, default judgments and sentencing.

STENDER | ZUMWALT, P.L.L.C., Federal Way, Washington

Attorney – Senior Associate, January 2009 to August 2013

- Representation of indigent clients charged with criminal misdemeanor and gross misdemeanor offenses.
- Public Defense services including arraignments, pretrial work, investigation, witness interviews, drafting

- motions, legal research, oral argument, bench trials, jury trials, appeals and representation post-conviction.
- Representation of private clients in civil and criminal cases.

King County Department of Public Defense – Conflict Counsel, King County, Washington

Conflict Public Defense Attorney – April 2011 to Present

- Representation of indigent client in misdemeanor criminal offenses.
- Felony B and C qualified.

Stein, Lotzkar & Starr, P.C., Bellevue, Washington

Rule 9 Legal Intern, January 2007 – December 2009

- Representing criminal defendants in misdemeanor causes of action in King County District Courts under the supervision of Cara Starr, Partner.
- Client advocacy, court appearances, drafting pleadings, legal research, trial practice, motions practice, time management using Time Matters.

Kahrs Law Firm, Seattle, Washington

Legal Assistant, October 2007 – December 2008

- Assisting with Public Records Act and Sexual Violent Predator Act cases.
- Client communications, research, administrative and clerical work.

Kathryn V. Fields, Attorney at Law, Bellevue, Washington

Contract Family Law Attorney, September 2008 – December 2008

- Family law practice - includes client interviews, witness interviews, negotiations, drafting pleadings in family law cases, legal research, writing, filing of pleadings, court appearances.

University of Washington Children and Youth Advocacy Clinic (CAYAC), Seattle, Washington

Rule 9 Legal Intern, September 2006 – June 2007

- Representing children and families in dependency and family law actions under the supervision of Lisa Kelly, Director of the UW CAYAC and Kimberly Ambrose.
- Client advocacy, court appearances, signing new clients, drafting/filing pleadings and court documents, file management, time management with AMICUS, family group conferencing, negotiation and research.

Seattle Public Utility, Department of Security and Emergency Management, Seattle, Washington

Legal Intern, September 2005 – January 2007

- Drafting and implementing security procedures for newly instituted policies facilitated by the Department of Homeland Security according to state law, federal law and collective bargaining agreements.
- Legal research and writing, presentation, committee participation as required by the Director of Security and Emergency Management for SPU.
- Drafting ordinances and administrative rules based upon Security and Emergency Management policy.
- Implementation of vulnerability assessments for critical infrastructure owned and operated by SPU.

University of Washington - Upward Bound Program, Seattle, Washington

Juvenile Justice Teaching Assistant, June 2005 – August 2005

- Develop and implement curriculum emphasizing the juvenile justice system, including legal research, court procedure, writing, statute and case law interpretation and appellate advocacy.

Anthony W. Dougherty, Inc., P.S., Everett, Washington (*formerly Wiener & Dougherty, Inc. P.S.*)

Clerk/Paralegal, July 1998 – April 2004

- Scheduled and prepared for depositions, mediations, scheduling, trial preparation, travel

arrangements and independent medical examinations, prepared and filed court documents, prepared demand and settlement packages, calculated damages and subrogation reimbursements, negotiated subrogation reductions and waivers.

- Management of daily office operations under direction of attorneys and firm CEO, handled and directed client communication, negotiation files, researched insurance coverage, obtained and organized medical records and billings, opened first- and third-party insurance claims, drafted correspondence, reception, compiled new case information.

SKWWC, Law Firm, Seattle, Washington

Administrative Assistant, May 2000 – November 2000

- Scheduled press conferences, press releases, depositions, meetings, conference calls, organized travel/transportation arrangements for attorneys and clients, reception, special project assistance at attorney/paralegal request.
- Maintained negotiation, litigation and closed files, drafted correspondence, prepared for depositions and trial, filed court documents, assisted bookkeeper in accounts payable and receivable, managed billable hour database.

North Seattle Community College, Seattle, Washington

Intercollegiate Legislative Liaison, September 1997 – June 1998

- Organized and maintained communication and support with and among all Seattle Community College campuses to collaboratively work on district and statewide issues affecting higher education in the community college system and community service.
- Drafted bills throughout the academic year for the enhancement of student life and access to information and resources. Weekly reports to student body, action on various student issues.

**COMMUNITY
SERVICE**

- 2008 to Present - Regular yearly Pro Bono work on select civil and criminal cases.
- 2009 through 2013 – Todd Beamer High School YMCA Mock Trial Competition Coach.
- 2006 Speaking Engagements – UW Career Fair, Law School Panel; UW Pre-Law Students of Color, Future of the Law Institute 2006, 2006 King County Bar Association Scholars Reception.
- Federation of Democratic Women, May Arkwright Hutton Chapter – Co-founder, Vice-President.
- 32d Leg. District Democrats Organization: Newsletter Editor, Young Democrats, Executive Board Member, 32d Leg. District Young Democrats - Co-founder, 2006 Precinct Caucus Convener.
- Women and Democracy Graduate 2002, New Leadership Alumni
- Phi Theta Kappa –Alpha Epsilon Omega Chapter President, 1997, 1998

Complete Community Service Listing Available Upon Request.



NOMINATION FORM – At-Large Statewide District

INSTRUCTIONS

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Or email to: danab@wsba.org or fax to: 206-727-8316.

- 4) Questions? Contact Dana Barnett at danab@wsba.org or 206-733-5945
- 5) Applications must be received by 5:00 p.m. PDT on Thursday, April 20, 2017.

**Candidate for position on the Board of Governors
 Washington State Bar Association**

I, the undersigned active member of the Washington State Bar Association, hereby nominate:

Krista K. van Amerongen
 Name of candidate

For the office of Governor for the At-Large Statewide District.

This form must be filed in the Office of the Executive Director of the WSBA, 1325 Fourth Avenue #600, Seattle, WA 98101, no later than 5:00 p.m. PDT on April 20, 2017.

[Signature] 43724
 Signature of Nominator (you may self-nominate) WSBA Bar #

ACCEPTANCE

I, the above named candidate, hereby accept nomination to the office designated above.

[Signature] 35865
 Signature of Candidate WSBA Bar #

(See page 2)

Biographical Statement (100 words):

(Please include current occupation, relevant experience, education, and why you are interested in serving on the Board of Governors.)

Krista K. van Amerongen is a senior attorney at the Department of Assigned Counsel for Yakima County. Pioneering the Preliminary Appearance Defender position, she integrates an objective risk assessment, clients' socioeconomic circumstances, and principles of social justice to challenge the current charge-based, money bail paradigm to one that is risk-based and presumes release. Ms. van Amerongen is a member of the Bail Reform Sub-committee (Council on Public Defense) and serves on the board for Eleemosynary Legal Services, P.S. She earned an M.S. in Biology at the University of South Alabama before receiving her J.D. from Ave Maria School of Law.



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 Washington State Bar Association**

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Krista K. van Amerongen
 Name of candidate

For the office of Governor for the At-Large Statewide District.

This form must be filed in the Office of the Executive Director of the WSBA, 1325 Fourth Avenue #600, Seattle, WA 98101, no later than 5:00 p.m. PDT on April 20, 2017.

[Signature] 30599
 Signature of Nominator (you may self-nominate) WSBA Bar #

ACCEPTANCE

I, the above named candidate, hereby accept nomination to the office designated above.

[Signature] 35885
 Signature of Candidate WSBA Bar #

(See page 2)

Biographical Statement (100 words):

(Please include current occupation, relevant experience, education, and why you are interested in serving on the Board of Governors.)

Krista K. van Amerongen is a senior attorney at the Department of Assigned Counsel for Yakima County. Pioneering the Preliminary Appearance Defender position, she integrates an objective risk assessment, clients' socioeconomic circumstances, and principles of social justice to challenge the current charge-based, money bail paradigm to one that is risk-based and presumes release. Ms. van Amerongen is a member of the Bail Reform Sub-committee (Council on Public Defense) and serves on the board for Eleemosynary Legal Services, P.S. She earned an M.S. in Biology at the University of South Alabama before receiving her J.D. from Ave Maria School of Law.



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**Candidate for position on the Board of Governors
 Washington State Bar Association**

I, the undersigned active member of the Washington State Bar Association, hereby nominate:

Krista K. van Amerongen
 Name of candidate

For the office of Governor for the At-Large Statewide District.

This form must be filed in the Office of the Executive Director of the WSBA, 1325 Fourth Avenue #600, Seattle, WA 98101, no later than 5:00 p.m. PDT on April 20, 2017.

Emily Warr 47972
 Signature of Nominator (you may self-nominate) WSBA Bar #

ACCEPTANCE

I, the above named candidate, hereby accept nomination to the office designated above.

K-K van Amerongen 25885
 Signature of Candidate WSBA Bar #

(See page 2)

Biographical Statement (100 words):

(Please include current occupation, relevant experience, education, and why you are interested in serving on the Board of Governors.)

Krista K. van Amerongen is a senior attorney at the Department of Assigned Counsel for Yakima County. Pioneering the Preliminary Appearance Defender position, she integrates an objective risk assessment, clients' socioeconomic circumstances, and principles of social justice to challenge the current charge-based, money bail paradigm to one that is risk-based and presumes release. Ms. van Amerongen is a member of the Bail Reform Sub-committee (Council on Public Defense) and serves on the board for Eleemosynary Legal Services, P.S. She earned an M.S. in Biology at the University of South Alabama before receiving her J.D. from Ave Maria School of Law.



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- 4) Questions? Contact Dana Barnett at danab@wsba.org or 206-733-5945
- 5) Applications must be received by 5:00 p.m. PDT on Thursday, April 20, 2017.

**Candidate for position on the Board of Governors
 Washington State Bar Association**

I, the undersigned active member of the Washington State Bar Association, hereby nominate:

Krista K. van Amerongen
 Name of candidate

For the office of Governor for the At-Large Statewide District.

This form must be filed in the Office of the Executive Director of the WSBA, 1325 Fourth Avenue #600, Seattle, WA 98101, no later than 5:00 p.m. PDT on April 20, 2017.

Jeffery B. Egan 24010
 Signature of Nominator (you may self-nominate) WSBA Bar #

ACCEPTANCE

I, the above named candidate, hereby accept nomination to the office designated above.

Krista K. van Amerongen 35885
 Signature of Candidate WSBA Bar #

(See page 2)

Biographical Statement (100 words):

(Please include current occupation, relevant experience, education, and why you are interested in serving on the Board of Governors.)

Krista K. van Amerongen is a senior attorney at the Department of Assigned Counsel for Yakima County. Pioneering the Preliminary Appearance Defender position, she integrates an objective risk assessment, clients' socioeconomic circumstances, and principles of social justice to challenge the current charge-based, money bail paradigm to one that is risk-based and presumes release. Ms. van Amerongen is a member of the Bail Reform Sub-committee (Council on Public Defense) and serves on the board for Eleemosynary Legal Services, P.S. She earned an M.S. in Biology at the University of South Alabama before receiving her J.D. from Ave Maria School of Law.

Krista K. van Amerongen

1608 Cedar Lane, Selah, WA 98942 | (206) 399-6726 | krista.vanamerongen@mac.com

May 3, 2017

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

Dear Ms. Littlewood:

My interest in serving on the WSBA's Board of Governors has only increased and I look forward to interviewing for the At-Large Position. There is a marked lack of representation in historical governance for female members of the WSBA as well as for 2017. My character and complexity go beyond "female" and "ally."

Living in poverty and homeless at seventeen years old presented some very painful challenges. Aside from where to shower or wash clothes, I was embarrassed that I was unable to provide anything beyond basic food and water for Tolstoy, my cat. It seems silly, I know, that having him live in the woods where I parked my car would cause me to cry uncontrollably on a regular basis. I worried about whether he was safe and warm during the day, whether owls or other animals would attack him, how I would find him if he was injured, and whether he would get sick from ticks and fleas. I was responsible for him ... the feeling of failure was overwhelming. Realizing I had no immediate options for permanent housing, I found him a home where his basic needs would be met and hoped the universe would credit me for trying really hard.

There are no statistics on how many WSBA members, of roughly 37,000, experienced poverty or homelessness; nor of how many serve in rural counties. However, there were nearly 40,000 homeless students in Washington during the 2015-16 school year¹ and just under 21,000 homeless adults.² Additionally, 13.2% of our community lives below the poverty line.³ Thirty of Washington's thirty-nine counties are "rural counties" as defined by RCW 82.14.370.⁴ Rural counties are considered specifically under the tax code and for assistance programs. Washingtonians living in rural areas experience a lack of public transportation, infrastructure, community resources, and services.

¹ <http://www.seattletimes.com/education-lab/number-of-homeless-students-in-washington-state-climbs-to-nearly-40000/>

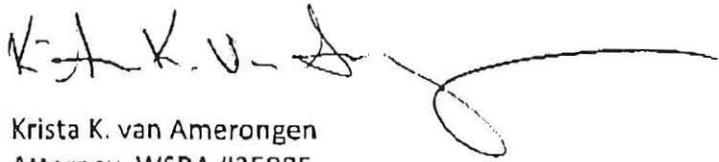
² <https://www.hudexchange.info/resources/documents/2016-AHAR-Part-1.pdf>

³ https://cdn.americanprogress.org/wp-content/uploads/2016/02/22120741/2015_states_all.pdf

⁴ <http://www.ofm.wa.gov/pop/popden/rural.asp>

I represent these diverse elements of the public of the state of Washington. I have a demonstrated commitment to public service and leadership. I am capable, competent, and ready to serve on the WSBA Board of Governors.

Sincerely,

A handwritten signature in black ink, appearing to read 'K-K. V.-A', with a long, sweeping horizontal flourish extending to the right.

Krista K. van Amerongen
Attorney, WSBA #35885

KRISTA K. VAN AMERONGEN

1608 Cedar Lane, Selah, WA 98942 | (206) 399-6726 | krista.vanamerongen@mac.com

Yakima County, Dept. of Assigned Counsel, Yakima, WA; *Senior Attorney*, October 2007 – Present.

Responsible for reducing a complex, three dimensional universe of variables into an understandable, linear series of possibilities that others can easily understand. Achieving community goals by developing relationships with participants in the legal process, including: Yakima County Jail, Department of Corrections, Prosecuting Attorney's Office, Expert and lay witnesses, PreTrial Services, Counsel, the Judiciary, medical and social-services providers, and community organizations.

BOARDS AND COMMITTEES: Counsel on Public Defense, Ball Reform Subcommittee (Co-chair Sept 2016 – March 2017; committee member March 2017 to present). President, Board of Directors, Eleemosynary Legal Services, P.S. (a small, not-for-profit seeking 501(c)(3) status)

HONORS:

WLI 2015 One of twelve fellows in the 2015 Washington Leadership Institute, a competitive two-year program, for emerging community leaders from diverse and underrepresented populations.

NCDC 2014 Scholarship to the National Criminal Defense College in Georgia, a nationally competitive two-week intensive Trial Practice Institute for rising trial attorneys.

PRESENTATIONS:

WLI 2015 Presented the Class of 2015 community service project, an SIJS Bench Guide, with two Co-fellows, to the WLI Board of Governors and the WSBA Board of Governors.

WDA 2016 Faculty member for the Washington Defender Association's Annual Conference. Presentation with two co-presenters on the issue of implicit bias – a subconscious bias of which one is unaware and is often related to race, culture, or socio-economic status.

PUBLICATIONS: Washington State Court Special Immigrant Juvenile Status (SIJS) Bench Book and Resource Guide. This WLI Class of 2015 community service project is available online: <https://www.law.washington.edu/career/wli/Docs/2015SIJSBenchbookResourceGuide.pdf>.

Krista K. van Amerongen, *Science and Equity in Public Defense: It's Numbers, But Not a Game*, NWLAWYER, Oct. 2016, at 26.

LICENSE: Admitted to Washington State Bar Association in October 2004.

Klickitat County, Prosecuting Attorney's Office, Goldendale, WA; *DPA II*, May 2005 – June 2007.

Charging decisions based on available evidence, victim and witness coordination, negotiations, and trial practice; RAJ appeals; Paternity Establishment and Child Support Enforcement; Death investigations.

U.S. Department of Justice, U.S. Attorney's Office, Anchorage, AK; *Legal Intern*, June – August 2003.

Supported both criminal and civil counsel in depositions, cost bill hearings, motion hearings, and trials. Researched and wrote legal pleadings: motions to dismiss, motions for summary judgment, motions in limine, notice to the Court, motions in opposition, and motions to review.

Honorable Dan Ryan, 3rd Judicial Circuit, Detroit, MI; *Judicial Clerk*, January – May 2003 (*externship*).

Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement, Division of Policy, Washington, D.C.; *Legal Intern & Policy Specialist*, May – August 2002.

Interpreted federal and state statutes, developed federal policy on child support, responded to queries from state agencies concerning federal policy, and monitored the progress of proposed state legislation. Analyzed federal and states' laws regarding child support, paternity and paternity disestablishment (fraud).

LEGAL EXPERIENCE, HONORS, PRESENTATIONS

AVE MARIA SCHOOL OF LAW, Ann Arbor, MI, Juris Doctor, May 2004.

MOOT COURT BOARD:

Intramural Appellate Chair, 2003-2004
Secretary, 2002 – 2003

MOOT COURT COMPETITIONS:

J. Braxton Craven National Constitutional Law Competition, March 2004
State of Michigan Moot Court Competition, November 2003 - State Champions
Domenick Gabrielli National Moot Court Competition, March 2003

HONORS:

Dean's Scholarship, 2001 – 2004
Robey Scholarship, 2002 – 2003

Bioethics Society

Vice President, 2003 – 2004;
Chair of Basic & Clinical Sciences, 2002 – 2003

UNIVERSITY OF SOUTH ALABAMA, Mobile, AL, Master of Science: Biology, 2003.

HONORS:

National Estuarine Research Reserve System Fellow, 1999 – 2000. National Oceanic and Atmospheric Administration, Office of Coastal Research Management, Grant #NA970R0133, 1999 – 2000, \$16,500.

A nationally competitive fellowship awarded for reserve-based research. Data collected aids conservation and management efforts on local and national levels. Traps were set throughout the Weeks Bay National Estuarine Research Reserve and checked three to four times per week. Every organism captured was documented and released – turtles (these were also tagged prior to release), fishes, alligators, and a shark. Jellyfish blooms occurred periodically as a test of true dedication to science.

Graduate Fellowship and Teaching Assistantship, 1997 – 2001

Prepared and taught the laboratory portion of Anatomy and Physiology for pre-nursing, pre-med, and science majors.

Alpha Theta Chi, Honor Society, 1999 – 2003

PUBLICATIONS:

van Amerongen, K.K. 2003. Biodiversity of the Freshwater Turtle Community in the Weeks Bay Watershed, Baldwin County, Alabama. UMI Publishing, Ann Arbor, MI. 170pp.

van Amerongen, K.K. and D.H. Nelson. 2000. Biodiversity of the freshwater turtle Community in the Weeks Bay watershed. Journal of the Alabama Academy of Science, 71:9A.

Nelson, D.H., W.M. Turner, S.D. O'Hare and K.K. van Amerongen. 1998. Geographic distribution of the Alabama redbelly turtle (*Pseudemys alabamensis*) along its northern extreme. Journal of the Alabama Academy of Science 69:72A.

UNIVERSITY OF SOUTH ALABAMA, Mobile, AL, Bachelor of Science: Biology (minor Chemistry), 1994 – 1997.



OFFICE OF THE CITY PROSECUTING ATTORNEY
909 W. MALLON
SPOKANE, WASHINGTON 99201
(509) 835-5988 TELEPHONE
(509) 835-5927 FACSIMILE

JUSTIN H. BINGHAM
CITY PROSECUTOR

KRISTIN C. O'SULLIVAN
CHIEF ASSISTANT

ASSISTANT PROSECUTORS:

W. MICHAEL REINKEN
ADAM W. PAPINI
LYNDEN P. SMITHSON
JANEAN V. PHILLIPS
MARGARET K. HARRINGTON
DAVID A. KLING
HALEY M. DAY
JONI M. MORSE
MUBARAK ABDUR RAHEEM
CANDACE MAGNIN
LAUREN BEATTIE

May 2, 2017

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

RE: Letter of Support for Krista van Amerongen

Dear Ms. Littlewood,

I'm writing you to express my strong support for Krista van Amerongen's nomination for the WSBA Board of Governors.

I've had the opportunity to work with Krista through the WSBA Council on Public Defense. We both serve on the CPD's bail reform committee. Krista has consistently exhibited both a strong work ethic, as well as a keen knowledge of the law. Krista has freely given of her time, as well as her own work product, in an effort to create effective standards for public defenders in the area of bail and pre-trial release. I have been continually impressed by Krista's work and her humble servant-leader approach to the efforts of the CPD. I'm certain that given the opportunity, Krista will provide the same quality of leadership on the Board of Governors. The WSBA would be well served by Krista's selection to the Board. I urge you to strongly consider her candidacy.

If you have any further questions or concerns, please feel free to contact me.

Sincerely,



Justin H. Bingham
City Prosecutor

SMITH LAW FIRM

314 NORTH SECOND STREET
YAKIMA, WASHINGTON 98901

RICHARD A. SMITH
RICHARD C. SMITH (Of Counsel)

TELEPHONE (509) 457-5108
FAX (509) 452-4601

May 2, 2017

MAY 08 2017

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

In Re: *Krista K. Van Amerongen*

Dear Ms. Littlewood:

I am writing this letter on behalf of Krista K. Van Amerongen and to support her application for the At Large position to the Washington State Bar Association Board of Governors.

I am an attorney in private practice in Yakima, Washington, admitted to the Washington State Bar in 1987. I came to know Ms. Van Amerongen when she began working for the Yakima Department of Assigned Counsel. Based upon my observations of her capacity, desire and talent as a lawyer, I and another Yakima attorney awarded her a scholarship to attend the National Criminal Defense College in Macon, Georgia in 2014.

My perception of and confidence in Ms. Van Amerongen was not misplaced. My observations of her in court show her to be extremely knowledgeable about the law, a compassionate defender, respected by the judges in whose court she appears and by her clients. From my perspective and experience gaining the trust and respect of clients as appointed counsel can sometimes be a difficult task. I've seen and heard from clients of Ms. Van Amerongen the respect and confidence they have in her as their attorney.

In addition to her representation of clients and work in the Yakima County court system, Ms. Van Amerongen is also involved in the broader justice community.

She was the co-chair of the Bail reform Subcommittee here in Yakima and one of 12 fellows in the 2015 Washington Leadership Institute. In that capacity she published the *Washington State Court Special Immigrant Juvenile Status*

Paul C. Littlewood
May 2, 2017
Page 2

Bench Book and Resource Guide. She previously presented that publication to your Board of Governors and has presented at the 2016 Washington Defender Association Annual Conference.

Based upon my observations of Ms. Van Amerongen as an attorney and as a person, I recommend her to the Board of Governors.

Sincerely,

SMITH LAW FIRM



RICHARD A. SMITH

RAS/lmb

May 3, 2017

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

Dear Paula C. Littlewood,

It is my pleasure to write in support of Krista VanAmerongen for the Board of Governors. I have worked with Krista at the Dept. of Assigned Counsel for the past year and a half. I am confident that Krista would do an exceptional job as a member of the Board of Governors.

Krista is a terrific attorney. Over my time working with Krista I have been impressed with how hard she works and her ability to engage in conversations to make the system better for our clients. Whether it is in courtroom or being an advocate in the community, Krista demonstrates a commitment to what she believes in. If chosen, I know she would take her knowledge, passion and dedication into her role on the Board of Governors.

In addition to Krista's work ethic, I have genuinely enjoyed working with her. She is a team player, reliable and friendly. As a member of the LGBTQ community here in Yakima, I feel Krista has been a strong ally. Both Krista and I have worked in therapeutic courts. In that setting I have seen her have a critical analysis of a system that does not provide adequate services for our LGBTQ clients. She clearly makes an effort to be informed and to be engaged.

I feel confident that Krista would do an exceptional job. Please feel free to contact me at 509-574-1142 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Emily Warr". The signature is written in a cursive, flowing style. The first name "Emily" is written in a larger, more prominent script, and "Warr" follows in a similar but slightly smaller script. The signature is positioned above the printed name "Emily Warr".

Emily Warr

Eleemosynary Legal Services, P.S.

Service. Excellence. Integrity

6058 118th Ave. S.E.
Bellevue, WA 98006
Ph: (425) 652-8782

Complete List of Board Members:
E. Rania Rampersad, Esq., Krista K. Van Amerongen, Esq., Wendy Weber, Esq.

May 03, 2017

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

Dear Ms. Littlewood:

I am writing this letter in strong support of Krista K. van Amerongen's candidacy to the Washington State Board of Governors.

I have known Ms. van Amerongen for over two years, and had the opportunity to work with her in multiple capacities. Through each of these experiences, Ms. van Amerongen has demonstrated a remarkable degree of forward-looking cultural competence, as well as other qualities which make her exceptionally qualified to serve on the Board.

Ms. van Amerongen and I met in 2014, through our participation in the Washington Leadership Institute (WLI) program. Ms. van Amerongen worked with a group of highly diverse, and highly opinionated, lawyers from across the State. Although initially critical of the group project that I proposed, she asked thoughtful questions and took extra time to communicate with myself and other fellows outside of the regular program hours to learn more. Ultimately, she became a strong supporter of the project, and worked beyond the completion of the WLI program to promote the project which aimed to educate Washington State judiciary on matter impacting juvenile immigrants appearing before the court. Ms. van Amerongen demonstrated two important qualities necessary to successfully work on the WSBA Board: (1) listening, even when and in fact especially when the speaker has a completely different perspective than one's own, and (2) the ability to change one's mind when presented with new information.

I have also had the opportunity to work with Ms. van Amerongen on the board of a new non-profit organization, Eleemosynary Legal Services (ELS), founded by myself this past year. The purpose

of the organization is to provide legal services to underserved individuals and communities. I asked Ms. van Amerongen to be on the Board because she is reliable, meticulously ethical, open-minded, and dedicated to public service, as evidenced by her background as a public defender. She has been a joy to work with as we move through the process of incorporating, getting our first project up and running (providing appellate legal aid through a partnership with Nielsen, Broman & Koch), and seeking 501(c)(3) status. She is always thoughtful and helpful. Her insights consistently point to methods of improvement, and concrete, practical actions. I am confident her skills as a teammate and group facilitator would benefit the Board of Governors as it has the board of ELS.

Given my experiences working on a team with her, both with WLI and ELS, I am confident that if selected, Ms. van Amerongen would be a productive contributor to the WSBA Board of Governors.

Please do not hesitate to contact me, should you require any additional information.

E. Rania Rampersad, Esq.
Phone: 425-652-8782
Email: ramperadr@nwattorney.net
Founder/Director, Eleemosynary Legal Services, P.S.
Of Counsel, Neilsen, Broman & Koch, PLLC.

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

May 3, 2017

Dear Ms. Littlewood,

I am writing to express my support for Krista Amerongen for the Board of Governors At Large position. I met Krista two years ago when she and I served as fellows for the Washington Leadership Institute (WLI). Acceptance into WLI requires you represent an underrepresented group, and you show incredible leadership potential. Krista comes from a unique and challenged background; she has managed to harness what could truly become cynicism and bitterness, into something very positive. She desires to give back, and she desires to do it in the most well-informed and thoughtful way.

I was immediately drawn to Krista at our first WLI meeting – she was real, she was different. Part of my attraction was likely her current roots in Yakima, the very place I grew up and hold dear. Having lived in Seattle for almost 20 years, it was like having a piece of home in Krista. But really, it was her sincerity in the way she questioned everything, her intentional listening, and her absolutely no-holds-bar retort and discussion on pretty much every topic we discussed.

I had the pleasure of working closely with Krista on our WLI bench guide project (which was one heck of an undertaking). Of our 4-person team Krista took the lead on putting it all together. She was quick to volunteer her time, and was quick to produce. You ask any person who interacted with Krista during the WLI program – her fellow fellows, the administration, the presenters – they will remember Krista – because she stood out. In a group of 11 other potential leaders (and many A types), it was not easy to stand out. I recall several instances in which Krista stood out, but I will mention the one which confirmed my admiration for Krista. It was during our visit to Spokane in which we visited Pioneer Human Services (PHS). Our presenter was the Chief Executive Officer of PHS, Karen Lee. Karen is tough, she asks tough questions, and she doesn't let you make excuses – this can be intimidating to most. Krista grilled Karen throughout the session, it was fantastic. I think Karen may've even flinched a few times. After the presentation Karen turned to Krista and said something to the effect, "Krista, you are going far. Talk to me after this." While I envied Krista after that, I also thought, yep, she is. This may not seem like a big deal, but it's a small example and affirmation of the kind of person Krista is. She asks the right questions, without hesitation and without any fear whatsoever. This is type of person you want in leadership. Someone who listens, makes every attempt to understand your point of view and thoughtfully consider it.

I highly recommend Ms. Krista Amerongen for the position of BoG, At Large. If you would like to talk more about Krista, please do not hesitate to call or email me.



Brooke Pinkham
pinkhamb@seattleu.edu
(206) 398-4084

Diane E. Hehir
Hehir Law Office
6 S. 2nd Street, Suite 804
Yakima, Washington 98901
(509) 426-2067
FAX (509) 823-4898

May 3, 2017

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

RE: Nomination in support of Krista Van Amerongen to the
Washington Board of Governors At Large Position

Dear Ms. Littlewood:

Please accept my nomination of Krista Van Amerongen to the Board of Governors.

Ms. Van Amerongen is a senior attorney working at the Yakima County Department of Assigned Counsel, who is vigorous and zealous in her defense of indigent clients. Because she works in a field, and for an organization, that is a vital stakeholder in our legal system's access to justice, I ask that you strongly consider her candidacy.

Krista works hard, and she's passionate about getting the job done right and about being a resource for others who do not possess her experience and knowledge. She is quick to assist other lawyers in need of advice on proceedings and on the inner workings of the Yakima County criminal justice system.

One thing that I particularly admire about Krista is that she cultivates an atmosphere and an attitude that the legal system can and should reflect and treat everyone fairly. In a rural community, sometimes lawyers or litigants make remarks that are culturally, politically, or personally inappropriate and insensitive. Krista Van Amerongen cultivates an attitude that such insensitivity must be acknowledged and corrected, rather than ignored. This cultivates an atmosphere of inclusivity and promotes better behavior.

I believe that if Ms. Van Amerongen were selected for the at large position for the board of Governors, more people in this state would feel well represented and heard.

I appreciate your taking the time to consider her nomination. If you have any questions, feel free to contact me.

Sincerely,

Diane E. Hehir

Diane E. Hehir

Diane E. Hehir
Hehir Law Office
6 S. 2nd Street, Suite 804
Yakima, Washington 98901
(509) 426-2067
FAX (509) 823-4898

May 3, 2017

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

RE: Nomination in support of Krista Van Amerongen to the
Washington Board of Governors At Large Position

Dear Ms. Littlewood:

Please accept my nomination of Krista Van Amerongen to the Board of Governors.

Ms. Van Amerongen is a senior attorney working at the Yakima County Department of Assigned Counsel, who is vigorous and zealous in her defense of indigent clients. Because she works in a field, and for an organization, that is a vital stakeholder in our legal system's access to justice, I ask that you strongly consider her candidacy.

Krista works hard, and she's passionate about getting the job done right and about being a resource for others who do not possess her experience and knowledge. She is quick to assist other lawyers in need of advice on proceedings and on the inner workings of the Yakima County criminal justice system.

One thing that I particularly admire about Krista is that she cultivates an atmosphere and an attitude that the legal system can and should reflect and treat everyone fairly. In a rural community, sometimes lawyers or litigants make remarks that are culturally, politically, or personally inappropriate and insensitive. Krista Van Amerongen cultivates an attitude that such insensitivity must be acknowledged and corrected, rather than ignored. This cultivates an atmosphere of inclusivity and promotes better behavior.

I believe that if Ms. Van Amerongen were selected for the at large position for the board of Governors, more people in this state would feel well represented and heard.

I appreciate your taking the time to consider her nomination. If you have any questions, feel free to contact me.

Sincerely,

Diane E. Hehir

Diane E. Hehir



NOMINATION FORM – At-Large Statewide District

INSTRUCTIONS

- 1) Complete this nomination form
- 2) Attach a 100-word biographical statement to include current occupation, relevant experience, education, and why you are interested in serving on the Board of Governors.
- 3) Send form and statement to:

WSBA Office of the Executive Director
 1325 4th Avenue #600
 Seattle, WA 98101-2539

Or email to: danab@wsba.org or fax to: 206-727-8316.

- 4) Questions? Contact Dana Barnett at danab@wsba.org or 206-733-5945
- 5) Applications must be received by 5:00 p.m. PDT on Thursday, April 20, 2017.

**Candidate for position on the Board of Governors
 Washington State Bar Association**

I, the undersigned active member of the Washington State Bar Association, hereby nominate:

Renee Maher

 Name of candidate

For the office of Governor for the **At-Large Statewide District**.

This form must be filed in the Office of the Executive Director of the WSBA, 1325 Fourth Avenue #600, Seattle, WA 98101, no later than 5:00 p.m. PDT on April 20, 2017.

 Signature of Nominator (you may self-nominate)

39352
 WSBA Bar #

ACCEPTANCE

I, the above named candidate, hereby accept nomination to the office designated above.

 Signature of Candidate

39352
 WSBA Bar #

(See page 2)

My name is Renee Maher and I work for an organization that advocates on behalf of over 2000 commissioned police officers in Seattle and King County. I've never worked in a large law firm and it's been 14 years since I've had a "traditional" legal job as a prosecutor. I went to college and law school in Minnesota, became licensed in Hawaii in 1997 and then moved to Washington in 2003 when my husband got a job with the Federal Way Police Department. He was killed in the line of duty in August 2003 and I became a single Mom with a young son in a new state where I knew absolutely no one. My legal background was my lifeline as I worked through issues relating to probate, pensions, family law, labor law, estate planning and many other issues that arise when you suffer a tragic, unforeseen death in the family. I've been licensed in Washington since 2007 and I've really had to learn how to find balance between work and home. I look forward to meeting more WSBA members and advocating on their behalf!

Renee Maher
PO Box 27071
Federal Way, WA 98093
253-334-1735
ReneeMaher@aol.com

May 2, 2017

WSBA Board of Directors
1325 Fourth Ave, Ste 600
Seattle, WA 98101

RE: Cover letter for candidate Renee Maher

Dear WSBA Directors:

My name is Renee Maher and I am seeking the open At Large Director position on the WSBA Board of Directors.

I was born and raised in Hawaii but went to college and law school in Minnesota. I returned to Hawaii and was licensed to practice law in 1997. I moved to Washington in 2003 when my husband, who was a Honolulu Police Officer, received a lateral position with the Federal Way Police Department. Six months after starting with Federal Way, Patrick was shot and killed in the line of duty. We had just bought a house, my son had just turned five, and I knew absolutely no one in Washington. I literally had to start my life from scratch in a new state, where I wasn't licensed and hadn't attended school.

It took awhile for me to regain my equilibrium in life as I began to navigate an unfamiliar world as a single mother and widow at the age of 30. I got involved in different Boards of Directors and worked on legislation that helped families of officers and firefighters killed in the line of duty. I became licensed to practice law in Washington in 2007. Since then, I have used my legal knowledge and background to work on legislation and to help more families than I can count. Yet I've found that my unexpected journey in life and my non-traditional legal career have made it rather difficult to meet other attorneys in our state. I have never worked for a large law firm and it's been 14 years since I had my last "traditional" legal position as a prosecutor for the City and County of Honolulu. My current position as Executive Director for the Council of Metropolitan Police and Sheriffs (COMPAS) is full time during the Legislative session and only part-time in the off season.

I believe that I can offer a perspective that few others can. I'm the only surviving spouse of a fallen officer who is also a WSBA member. I've also been a single Mom who has lived through a high profile tragedy and done my best to use my legal background to benefit as many people as I can. It's an honor and privilege to help those families, oftentimes advocating on their behalf or connecting them with an attorney who can help them. I welcome the opportunity to get more involved in the WSBA.

Truly yours,

Renee Maher

Renee Maher
PO Box 27071
Federal Way, WA 98093
Cell: 253-334-1735 ReneeMaher@aol.com

PERSONAL:

- Licensed attorney in Washington (2007) and Hawaii (1997)

EDUCATION:

- Juris Doctor, Cum Laude, William Mitchell College of Law, St. Paul, Minnesota, 1997
- Bachelor of Arts – Sociology of Law, Criminology and Deviance, University of Minnesota, 1994

CURRENT WORK EXPERIENCE:

- ***Executive Director, COMPAS (Council of Metropolitan Police and Sheriffs), September 2009- present***
COMPAS lobbies for and represents over 2000 currently commissioned officers in the largest police unions in Washington State. Part of my job is to help educate the public, the media, and our elected officials about the realities faced by our law enforcement officers and their families. I work on political campaigns (on both sides of the aisle) at all levels, draft and edit the COMPAS endorsement questionnaire, support and oppose legislation in areas involving pensions, benefits, wages, working conditions, collective bargaining, criminal law/procedure, labor issues, and line of duty death and disability benefits for officers and their families.

PROFESSIONAL ACCOMPLISHMENTS

- 2006: 6723 - Survivor Health Care (providing medical benefits for families of fallen officers/firefighters)
- 2010: 1679 - Providing Medical Benefits to Catastrophically Disabled Officers/Firefighters and families
- 2010: 2519 - Improving benefits to families of officers/firefighters killed in the line of duty
- 2012: 1820 - Blue Alert (WA was the 14th State to pass)
- 2015: 1194 - Allowing surviving spouses to remarry and keep their worker's compensation pension
- Washington First Responder Will Clinic, 2010-present. I currently sit on the Board of Directors for a non-profit, initially created through the Young Lawyers Division of the WSBA, that creates basic estate documents for free for first responders in Washington state.

POLITICAL EXPERIENCE AND PRIOR WORK EXPERIENCE:

- ***2008 - Coalitions Director, Dino Rossi(R) for Governor 2008 (highest profile Governor's race in 2008)***
I was responsible for seeking and organizing all law enforcement endorsements (among other groups). This involved making contacts with guilds/PACs, understanding and researching law enforcement issues, and briefing the candidate. By the end of the campaign, Dino had secured 16 law enforcement and firefighter endorsements – more than any other candidate in Washington history. I made sure he had far more knowledge than the usual basic talking points discussed just prior to interviews/endorsement meetings.
- ***2001-2003, Deputy Prosecuting Attorney, City and County of Honolulu***
- ***1999-2001, Deputy Attorney General, Criminal Justice Division, State of Hawaii***

AWARDS AND NOMINATIONS:

2007 Outstanding Young Washingtonian Award from Washington State Jaycees and Nominee for National Ten Outstanding Young Americans Award

I won the Washington state award and was also nominated for the more prestigious national award that exists to recognize and honor ten Americans each year who exemplify the best attributes of the nation's young people, aged 18 to 40. The award is given by the U.S. Jaycees and a few previous award winners include John F. Kennedy, Bill Clinton, Ann Bancroft, Gerald Ford, and others.

2005 State Farms Embrace Life National Award Winner

One of five women chosen nationally in 2005. The award is given to women who have embraced life and persevered after the death of their spouse. I was featured in People, Sports Illustrated, Family Circle and Health magazines, won \$10,000 and flown to New York City to receive the award.

Dear Dana Barnett,

I, Elizabeth M René, WSBA #10710, wish to declare myself a candidate for the at-large, state-wide district diversity seat on the Board of Governors of the Washington State Bar Association for the three-year term beginning in September 2017.

My 100-word autobiographical statement is attached.

Thank you very much.

My name is Elizabeth René, and my JD is from Saint Louis University. I've been an active WSBA member for nearly 20 years who has left the bar and returned for a second Washington legal career. My life-long passion has been public sector, pro bono, and community service and to outreach toward groups underserved by the law. I Chair the Character and Fitness Board, serve on the Court Rules Committee, belong to five Sections, and represent the WSBA on the Commission on Judicial Conduct. Blind from birth, I want to represent the 21% of our membership with disabilities.

May 3, 2017

Board of Governors,
Washington State Bar Association

Dear President Haynes, President-Elect Furlong,
Past President Hyslop, and Members of the
WSBA Board of Governors,

My name is Elizabeth René. I am writing to you today to ask for your vote of confidence to join you as the next At-Large District member of the WSBA Board of Governors.

Blind from birth and admitted to the WSBA in 1980 (and again in 2013 after having left the bar to engage in ministry), I want to serve as an ambassador to our legal community on behalf of lawyers with disabilities. We are a group that has not been represented on the BOG in recent memory. But beyond that, as an at-large member, I want to reach out to all WSBA members whose voices have not been heard thus far. Engagement with and advocacy for people and groups whose life experiences differ from my own has been my life-long passion, as has been the pursuit of justice.

In these difficult times, in a spirit of servant leadership, I want to foster a collegial relationship between the members of the WSBA and its corporate entity, to build our legal community on a foundation of mutual respect and shared goals, and to serve the public by upholding the integrity of our profession, extending quality legal services to all who need them.

At your next meeting beginning May 18, please vote for me.

Respectfully yours,
Elizabeth M René
Attorney at Law
WSBA #10710

Elizabeth M. René

WSBA #10710; KCBA #21824. Admitted to practice May, 1980.

Position Sought:

At-Large District Seat, WSBA Board of Governors

LEGAL EXPERIENCE

12/2013 to

Present

After 16 years of practice, I left to pursue ordained ministry. This is my second Washington legal career. I currently chair the WSBA Character & Fitness Board and serve on the Court Rules & Procedures Committee, the KCBA Public Policy Committee, and the state Commission on Judicial Conduct, with WSBA section memberships in Administrative Law, Animal Law, Civil Rights, Health Law, and Solo and Small Practice. I chaired the KCBA Public Policy Subcommittee on Administrative Law Reform from May, 2015 to September, 2016.

Washington State Department of Revenue

Olympia, WA

Administrative Law Judge (Tax Policy Specialist III)

1995-1996

- Conducted informal, non-adversarial hearings and decided appeals from excise tax assessments.
- Issued letter rulings and prepared formal opinions for publication.

Washington State Department of Licensing

Olympia, WA

Hearings Examiner II

1993-1995.

- Evaluated citizen complaints against professional licensees and prepared license denial and revocation proceedings for litigation by Assistant Attorneys General under profession-specific provisions of Washington State's Uniform Disciplinary Act.
- Negotiated with licensees and their lawyers to craft settlements leading to the restoration of licensure privileges.
- Designed and presented the ethics curriculum for DOL's quarterly, week-long, High Impact Leadership seminar for new managers.
- Co-developed and presented agency-wide staff training seminars on the ADA and on Washington's newly-enacted ethics code for State employees.

Washington State Department of Licensing

Olympia, WA

Professional Licensing Administrator

1993

- Oversaw the administration of six professional licensing programs, supervising a staff of three Program Managers and five Customer Service Representatives, as a participant in Washington State's Career Executive management training program.
- Led staff through two budget initiatives and the consolidation of our division.
- Co-presented DOL's 1993 Career Executive Leadership Day seminar on the ADA.

City of Seattle

Seattle, WA

Assistant City Attorney

1989-93

- Advised elected and appointed officials, served as the City's Public Information Officer, taught seminars on public records management, drafted legislation, oversaw surety bonding for public works projects, and represented the City in labor arbitrations, employee disciplinary hearings, and Public Disclosure Act litigation.

City of Seattle

Seattle, WA

Assistant City Prosecutor

1980-89

- Prosecuted misdemeanor criminal offenders in the Seattle Municipal Court and King County Superior Court, state Court of Appeals, and state Supreme Court.
- Served as night court prosecutor, coordinated the pre-trial hearings unit, and directed the criminal division's appellate section.

ECCLESIAL EXPERIENCE

- Between 1988 and 2010 while seeking ordination, served as pastoral care team member, lay worship leader, lay chaplain, Clinical Pastoral Education Resident, and pastoral care coordinator at more than 10 churches, hospitals, and religious communities throughout the US. Became fluent in Spanish and Russian.

VOLUNTEER SERVICE AND MEMBERSHIPS

- **Commission on Judicial Conduct**, Alternate Lawyer Member, 2015-2019.
- **WSBA Character and Fitness Board**; Court Rules Committee, appointed July 2014.
- **Braille Proofreader, Washington Talking Book & Braille Library**, 2010-present.
- **Governor's Committee on Disability Issues and Employment**, Civil Rights Sub-Committee, Vice Chair, Washington State, 1993-96.
- **Washington State Civil Rights Coalition Steering Committee**, 1991-93.
- **Northwest Ethical Society**, 1990-93.
- **Saint Mark's Cathedral Vestry**, Seattle, WA 1991-93.
- **The Delta Society (now Pet Partners)**, Seattle chapter, 1987-91.
- **United Way of King County, Funding Allocation Task Force, Basic Human Needs Panel**, 1986-89.
- **Washington State Bar Association Committee on Legal Internship**, 1984-85.
- **Washington State School for the Blind Board of Trustees**, 1982-86, Chair, 1984-86.
- **Minnesota Women's Political Caucus**: Communications Director; Criminal Justice and Endorsements Committee chairs, 1973-75.
- **Minnesota Joint Religious-Legislative Committee; Citizens' Ad Hoc Committee on Corrections; Coalition for Women's Correctional Reform** (co-founder & first Convenor); **Hennepin County Jail Advisory Committee**, 1973-75.

EDUCATION

Episcopal Theological Seminary of the Southwest, Ministry.
2001-2002

Church Divinity School of the Pacific, Theological studies
1997-2000

Saint Louis University School of Law, JD
Macalester College, BA

Austin, TX,

Berkeley, CA,

St. Louis, MO, 1978

St. Paul, MN, 1972



NOMINATION FORM – At-Large Statewide District

INSTRUCTIONS

- 1) Complete this nomination form
- 2) Attach a 100-word biographical statement to include current occupation, relevant experience, education, and why you are interested in serving on the Board of Governors.
- 3) Send form and statement to:

WSBA Office of the Executive Director
 1325 4th Avenue #600
 Seattle, WA 98101-2539

Or email to: danab@wsba.org or fax to: 206-727-8316.

- 4) Questions? Contact Dana Barnett at danab@wsba.org or 206-733-5945
- 5) Applications must be received by 5:00 p.m. PDT on Thursday, April 20, 2017.

**Candidate for position on the Board of Governors
 Washington State Bar Association**

I, the undersigned active member of the Washington State Bar Association, hereby nominate:

GEORGE LUNDIN, WSBA 1348

Name of candidate

For the office of Governor for the At-Large Statewide District.

This form must be filed in the Office of the Executive Director of the WSBA, 1325 Fourth Avenue #600, Seattle, WA 98101, no later than 5:00 p.m. PDT on April 20, 2017.

 Signature of Nominator (you may self-nominate) 21551
WSBA Bar #

ACCEPTANCE

I, the above named candidate, hereby accept nomination to the office designated above.

 Signature of Candidate 1348
WSBA Bar #

(See page 2)

Biographical Statement (100 words):

(Please include current occupation, relevant experience, education, and why you are interested in serving on the Board of Governors.)

I am interested in serving on the Board of Governors as I believe that I would bring a fresh historical perspective that is rarely found with practitioners of my generation. I would bring wisdom and compassion to the board.

In terms of my personal history, I graduated from Carleton College and the University of Chicago Law School. I was admitted to the Illinois Bar in 1954, Washington State Bar, 1957; US District Ct WDWA; US District Ct EDWA; Ninth Circuit Court of Appeals and admitted US Supreme Court in October 1972.

I was a legal specialist in the US Navy 1955-1958 stationed at 13th Naval District Headquarters, Seattle, serving as either trial counsel (prosecutor) or defense counsel in numerous general court martial cases.

I was an Assistant United States Attorney, Seattle, 1958-1961. I have been in active private law practice in Seattle, 1961-present. My practice is a general civil practice, recently in consumer bankruptcy, estate planning and probate. I am a sole practitioner working full time in an office suite of three other lawyers in South Lake Union.

I have also served as a Hearing Officer and a fee arbitrator for the WSBA; and as a King County Superior Court arbitrator.

I have interacted with attorneys from large firms and small, young attorneys as well as seasoned practitioners. If chosen as an at large governor, I would faithfully represent the interests and concerns of all members. If chosen, I will work to promote fairness, diversity and justice. I believe that I am a balanced person who has an acute ability to see all sides.

Galh #1348
3/21/2017



NOMINATION FORM – At-Large Statewide District

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**Candidate for position on the Board of Governors
 Washington State Bar Association**

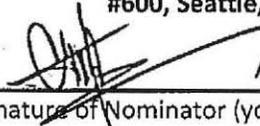
I, the undersigned active member of the Washington State Bar Association, hereby nominate:

Carrie Blackwood

Name of candidate

For the office of Governor for the **At-Large Statewide District.**

This form must be filed in the Office of the Executive Director of the WSBA, 1325 Fourth Avenue #600, Seattle, WA 98101, no later than 5:00 p.m. PDT on April 20, 2017.

	Ana Cecilia Lopez	44914
Signature of Nominator (you may self-nominate)		WSBA Bar #

ACCEPTANCE

I, the above named candidate, hereby accept nomination to the office designated above.

	50284	
Signature of Candidate		WSBA Bar #

(See page 2)

My personal experience of oppression and privilege, coupled with decades of effective leadership, political activism, representational advocacy, education and mentorship, provides me a broad view of the barriers underrepresented communities face when attempting to participate in our legal power structures. My diverse perspective, demonstrated commitment to inclusion, and willingness to learn more, makes me a powerful member advocate on the Board of Governors. I am currently appointed to the WSBA Diversity Committee and employed as Senior Legal Counsel for a progressive labor union. If selected, I will partner with leaders working to identify and dismantle barriers to inclusion.

Carrie E. Blackwood

ceblackwood@outlook.com

206-495-3660

AREAS OF FOCUS

Labor Relations and Labor Law
Coalition Building and Partnership Development
Conflict Resolution
Educational Facilitation
Political Activism, Analysis, Strategy, and Lobbying

BAR MEMBERSHIPS

- Bar Admission- State of Washington
- Bar Admission- State of Minnesota (Inactive Status)

PROFESSIONAL EXPERIENCE

Labor Relations and Labor Law

- 20+ years of labor relations experience and education.
- Leading negotiations at hundreds of bargaining tables, for thousands of workers in multiple areas of the public and private sector including: engineers, technical employees, information technology professionals, health care workers, administrative support, planners, first responders, construction, transportation, supervisors, managers and property assessors.
- Resolving conflicts effectively and professionally through various methodologies including arbitration and mediation.
- Representing organizations and individuals in legal proceedings.
- Organizing new workers into the labor movement and supporting first contract negotiations.
- Innovating bi-lateral solutions for complex health care and wage agreements.

Labor/ Management Partnership Building

- Building effective partnerships and coalitions with community organizers, workplace leaders, elected officials, human resource professionals and organization heads, to identify and achieve shared goals. Currently focal for a Boeing/ SPEEA labor management partnership representing 12K engineering and technical employees.
- Examples of previous work include: Officer of Tacoma Joint Labor, member of Tacoma Joint Labor Management Committee, an officer and founder of Pierce County Labor Coalition, King County Labor Coalition participant, King County Partnership, founding member of Skagit County Joint Labor Coalition, Clark County Labor Coalition leader, and Snohomish Public Health Charter/Strategic plan development Committee.

Legislative Advocacy

- Developing successful local legislative campaigns to advocate for public interest initiatives.

Leadership Development, Education and Motivation

- Strengthening organizational unity through leadership identification, recruitment, development, mentoring and education.
- Directing, creating, and implementing, progressive, dynamic, and interactive educational programs for thousands of participants.
- Facilitating learning of topics like: conflict resolution, negotiations, building partnerships, advocacy, campaign building, labor law, labor history, strategic planning, internal organizing, worker representation, contract enforcement and interpretation, leadership skills, and contractual rights.

EMPLOYMENT HISTORY

Senior Legal Counsel

Society of Professional Engineering Employees in Aerospace - Everett, WA. (2016 to present)

- Diversity Committee Focal
- Everett Partnership Focal

Contract Administrator

Society of Professional Engineering Employees in Aerospace - Everett, WA. (2012 to present)

Director of Training & Internal Organizing/ Lead Negotiator

International Federation of Professional and Technical Engineers - Seattle, WA. (2004-2012)

Union Representative/ Lead Negotiator

International Federation of Professional and Technical Engineers - Seattle, WA. (1999- 2004)

Labor Relations Intern for City of St. Paul- St. Paul, MN. (1996 & 1997)

EDUCATION

"Becoming a Labor Arbitrator"

Federal Mediation and Conciliation Services (2016)

Juris Doctor- Labor & Employment Law Concentration w/focus on Alternative Dispute Resolution

Mitchell Hamline School of Law, St. Paul, MN. (1995-1998)

- Ethnic Minority Scholarship
- Multicultural Law Students Association Treasurer & Co-Founder
- Hamline Hispanic Law Students Association Secretary
- Student Bar Association First Year Class Representative
- Focus on alternative dispute resolution.

International Law Studies

University of British Columbia School of Law, Vancouver, BC through Southwestern School of Law, Los Angeles, CA. (Summers of 1996 & 1997)

Bachelor of Arts: Law and Diversity

Western Washington University, Bellingham, WA. (1995)

- MEChA President
- Ethnic Student Center Activist
- Multicultural Recruitment and Outreach Team
- Student Diversity Admissions Coordinator

APPOINTMENTS

Washington State Bar Association Diversity Committee- Two Year Term (2017-2019)

"I AM"

The daughter an indigenous woman from Durango, Mexico and a deaf mute father from Louisville, Kentucky. Former foster kid, and later, adopted daughter of two military moms. A world wanderer that has hiked to remote parts of the deep Amazon, lived in Europe, explored Asia, and more. A mother, wife, small business owner, mentor, steward, and lover of the natural world. Committed to reaching up and back.



NOMINATION FORM – At-Large Statewide District

INSTRUCTIONS

- 1) Complete this nomination form
- 2) Attach a 100-word biographical statement to include current occupation, relevant experience, education, and why you are interested in serving on the Board of Governors.
- 3) Send form and statement to:

WSBA Office of the Executive Director
 1325 4th Avenue #600
 Seattle, WA 98101-2539

Or email to: danab@wsba.org or fax to: 206-727-8316.

- 4) Questions? Contact Dana Barnett at danab@wsba.org or 206-733-5945
- 5) Applications must be received by 5:00 p.m. PDT on Thursday, April 20, 2017.

**Candidate for position on the Board of Governors
 Washington State Bar Association**

I, the undersigned active member of the Washington State Bar Association, hereby nominate:

Alec Cecil Stephens, Jr.

Name of candidate

For the office of Governor for the **At-Large Statewide District.**

This form must be filed in the Office of the Executive Director of the WSBA, 1325 Fourth Avenue #600, Seattle, WA 98101, no later than 5:00 p.m. PDT on April 20, 2017.

<i>Alec Cecil Stephens Jr.</i>	11439
Signature of Nominator (you may self-nominate)	WSBA Bar #

ACCEPTANCE

I, the above named candidate, hereby accept nomination to the office designated above.

<i>Alec Cecil Stephens Jr.</i>	11439
Signature of Candidate	WSBA Bar #

(See page 2)

Biographical Statement (100 words):

(Please include current occupation, relevant experience, education, and why you are interested in serving on the Board of Governors.)

I have been a member of WSBA since 1981, and beginning in Oct. 2011 have served on the Executive Committee of the Civil Rights Law Section, including 2 years as section chair. I have served on the Sections Policy Workgroup as the small sections representative. I have a great interest on how the work and the relationships between the BOG and the Sections and the general WSBA membership can be strengthened. I believe as a member of the BOG I can contribute to how members can get the most out of the Association, while building stronger relationships with each other.

Alec Stephens
5718 55th Ave., S.
Seattle, Washington 98118

(206) 941-5690 (Office/Voice-mail Messages)
Alecstephensjr@gmail.com

SUMMARY: A lawyer specializing in civil rights, human rights, and equal opportunity laws and policies, with experience as an administrator, researcher, writer, and policy analyst.

EDUCATION/LICENSES:

University of Miami, Coral Gables, Florida. Bachelor of Business Administration,
December 1975 (Major: Business Management & Organization).

University of Puget Sound (now Seattle University) School of Law, Tacoma, Washington.
Juris Doctor, August 1980.

Admitted to the Washington State Bar Association, 1981.

EMPLOYMENT HISTORY:

2015 to Present: Owner, Alec Stephens Consulting

2006 – 2014: Diversity Programs Technical Advisor, Sound Transit, Seattle, Washington
(Retired)

1997 – 2006: Diversity Programs Manager, Sound Transit, Seattle, Washington.

1995 – 1997: Minority/Women/Disadvantaged Business Enterprise (M/W/DBE)
Program Supervisor, Regional Transit Authority, Seattle, Washington.

1994 - 1995: Senior Minority & Women Business Enterprise and Contract Compliance
Specialist, King County Department of Metropolitan Services (Metro), Seattle,
Washington.

1992 - 1994: Minority and Women Business Enterprise Liaison Officer, West Point
Construction Project, Municipality of Metropolitan Seattle (Metro), Seattle,
Washington.

1988 - 1991: Acting Supervisor and Supervisor of Minority & Women Business
Enterprise and Contract Compliance Section, Metro, Seattle, Washington.

- 1986 - 1988: Minority & Women Business Enterprise and Contract Compliance Specialist, Metro, Seattle, Washington.
- 1985 - 1986: Director of Economic Development & Employment, Seattle Urban League, Seattle, Washington.
- 1981 - 1985: Regional Attorney, U. S. Commission on Civil Rights, Northwestern Regional Office, Seattle, Washington.
- 1980 - 1981: Staffperson, National Lawyers Guild Seattle Chapter, Seattle, Washington.
- 1979 - 1980: Intern, Equal Employment Opportunity Commission, Seattle District Office (EEOC - Law Students Civil Rights Research Council Internship Program), Seattle, Washington.
- 1978 - 1979: National Co-Director, Law Students Civil Rights Research Council, Atlanta, Georgia.

PROFESSIONAL ASSOCIATIONS:

- Member - Washington State Bar Association (WSBA)
 WSBA Civil Rights Law Section
 WSBA Sections Policy Work Group (2016)
- Officer - National Co-Chair, National Lawyers Guild Affirmative Action/Anti-Discrimination Committee (1980 - 1983)
 President, National Conference of Black Lawyers, Northwest Chapter (1987 - 1988)
 Vice President, National Conference of Black Lawyers, Northwest Chapter (1982, 1983 and 1985)
 Trustee, Civil Rights Law Section, Washington State Bar Association (2011-2012)
 Chair-Elect and Chair, Civil Rights Law Section, Washington State Bar Association (2013 - 2016)
 Immediate Past Chair, Civil Rights Law Section, Washington State Bar Association (2016 -2017)

CIVIC ORGANIZATIONS AND ACTIVITIES:

- Member, Leadership Tomorrow, Class of 2008
 Member, (Pro) Parks Levy Oversight Committee, City of Seattle (October 2005 to September 2015)

Member, Pastoral Council, St. Therese Catholic Church (July 2004 to 2010); Co-chair (July 2005 to 2009)
Chair, Long Range Planning Team, St. Therese Catholic Church (2009 to 2010)
Chair, Principal's Search Team, St. Therese Catholic School (2010-11)
Chair, Affirmative Action Committee, Washington State Democratic Party (August 2005 to February 2017)
Volunteer Teacher, Speech & Debate, St. Therese Catholic Academy, 2015-16 School Year through First Trimester 2016-17 School Year.
Instructional Leader, "Know Your Government" Preparatory Course for Seattle 4H Youth (1992 to 2006)
Member, Education & Marketable Skills Task Force, Greater Seattle Effort for the Summit for America's Future, "A Sound Promise for Youth, 1997
Leadership Council, "It's About Time for Kids" Initiative, 1996-to 1999
Governor's Federal Funding Roundtable for Families and Children, 1996
Chair/Facilitator, King County Consortium of Community Public Health and Safety Networks (1995 – 1997)
Chair and Board Member, Seattle Area Community Public Health and Safety Network (Seattle City Council Representative, Appointed 1994, Chair 1995 to 1997).
President, African American Academy of Seattle Public Schools PTA (1993-94 and 1994-95 School Years).
Member, Church Council of Greater Seattle Board of Directors (1993 - 1996).
Chair, Disproportionality Task Force, Seattle Public Schools (1985-90).

PUBLICATIONS:

- U. S. Commission on Civil Rights, Northwestern Regional Office, Statement, "External Review of Complaints of Police Misconduct in Portland, Oregon" (1982).
- U. S. Commission on Civil Rights, Northwestern Regional Office, Bringing an Industry into the 1980's: Affirmative Action in Seafood Processing (1983). (Conducted legal sufficiency review and editorial review.)
- U. S. Commission on Civil Rights, Northwestern Regional Office, Bigotry and Violence in Idaho (1985).

PERSONAL:

Married to Helena Stephens since 1992; 5 adult children;

May 2, 2017

Washington State Bar Association
Office of the Executive Director
c/o Dana Barnett
1325 4th Avenue #600
Seattle, WA 98101
danab@wsba.org

Re: Application of Attorney Alec Stephens for At Large Board of Governors Position

Dear President Haynes, Director Littlewood and Esteemed Governors,

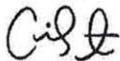
It is my honor to recommend attorney Alec Stephens for an At Large position on the WSBA Board of Governors and I am delighted that he is willing to serve our Bar in this capacity. I am familiar with WSBA governance and structure, having participated in various programming over the years; and having attended every BOG meeting this year as President of the Loren Miller Bar Association. From my perspective, there is no better candidate that comes to mind for joining the BOG as an At Large Governor.

Mr. Stephens exemplifies the criteria for an At Large Governor; he has experienced and he knows “the needs of those lawyers whose membership is or may be historically under-represented in governance” and he is a representative of “some of the diverse elements of the public of the State of Washington.” WSBA Bylaws, Article VI, § D.1.a. He is an attribute to WSBA and its programs, to WSBA’s under-represented members as a guide and mentor, and to the community in which WSBA’s members serve.

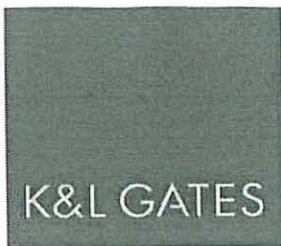
I have witnessed Mr. Stephens’ leadership of WSBA’s Civil Rights Section and his presence in my community of South Seattle, a neighborhood made with a majority of racial and ethnic minorities, through his involvement in the 37th Legislative District. His wisdom is paralleled by few – he is a first-hand, up-close witness of the last three decades of our history, particularly of the lived history for African Americans and minorities in our profession. I truly believe that his perspective and advocacy will provide a unique contribution to the BOG.

I hope you will seriously consider Mr. Stephens’ application. I am optimistic that you will agree with me in assessing his candidacy and elect him onto your Board. Should you have any questions or be interested in further discussion, please do not hesitate to contact me.

Sincerely,



Chalia Stallings-Ala'ilima
WA Attorney General's Office
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 326-5480
chalias@atg.wa.gov



May 2, 2017

David T. McDonald
david.mcdonald@kigates.com

T +1 206 370 7957
F +1 206 370 6124

Board of Governors
Washington State Bar Association
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Application of Alec Stephens for appointment as an at-large Governor

To Whom it May Concern:

My colleague Alec Stephens has applied for appointment at-large to the Board of Governors of the Washington State Bar Association. I strongly support his application. The Bar will be well served by having his voice, compassion and community-focused concerns participating in Board meetings.

I have known Alec for almost 30 years and served on a board with him for at least 20 years. In that time we have been adverse in contentious situations as well as worked together on the same side in contentious situations. He is always collegial and willing to find reasonable ways to bring competing interests together to move forward but he does not compromise for the sake of compromise and persists with positions he knows are right. Alec is a proven community leader with a broad range of practical and legal experience to draw upon. He has--and uses--a good legal brain and based on my observation he has been an asset in every meeting that he and I have mutually attended.

I urge you to appoint Alec to the Board.

Sincerely,



David T. McDonald



May 3, 2017

**Board of Governors
Washington State Bar Association**

**Re: Recommendation of Alec Stephens
For Governor At-Large
Washington State Bar Association**

Dear Members of the Board,

I am writing to express my strong recommendation and support for your appointment of Alec Stephens as Governor At-Large to the Washington State Bar Association Board of Governors.

I have known and respected Mr. Stephens for many years. I have always been extremely impressed with his maturity, his intelligence, his commitment to service and his strong work ethic. Alec has an amazing ability to establish rapport with people from all walks of life. It's what we call "good chemistry." As a former president of WSBA, I can intimately attest from my own personal experience that the attributes he exhibits are highly useful and valued on the Board of Governors, where the gravity of the work performed directly affects 35,000 "plus" lawyers and judges in the state.

I first met Mr. Stephens in the early 1980s when he was a member and chair of the National Conference of Black Lawyers, Northwest chapter. At that time, his principal focus was on the disproportionate suspension and expulsion of students of color, particularly male and African American, in Seattle Public Schools. While our paths have crossed over the years, Alec has continued to focus on civil rights-related issues professionally and as a volunteer in a broad spectrum of endeavors and activities.

As you are aware, Alec has been involved with and is the current chair of the WSBA Civil Rights Law Section. In his work in that regard he has made substantial contributions to the WSBA and to its mission with regard to diversity and service to the citizens of Washington.

RONALD R. WARD*
Attorney
206-957-1273
Ron@WardSmithLaw.com
*also admitted in California

J.D. SMITH
Attorney
JD@WardSmithLaw.com

Mr. Stephens' resume illustrates that he has exhibited a commitment to service to the community on many levels over the breadth of his entire professional career. He has a unique perspective and would make a unique contribution borne out of that commitment.

I espouse the premise that lawyers are leaders and render service to their clients, to their profession and to their community. In my opinion, Alec Stephens most sterling quality is his social consciousness and the commitment he demonstrates to his fellow human beings and to public service. I strongly commend and endorse his appointment to the At-Large Governors position.

Very truly yours,

A handwritten signature in black ink that reads "Ronald R. Ward". The signature is written in a cursive, flowing style.

**Ronald R. Ward
Past President, 2004-2005
Washington State Bar Association**

**Past President, 2008-2011
Washington State Bar Foundation**

**Past President, 2013
American Board of Trial Advocates,
Washington Chapter**

Sent via E-mail

From: PAUL BASTINE [mailto:paulbastine@msn.com]

Sent: Tuesday, May 2, 2017 12:45 PM

To: alecstephensjr@gmail.com

Subject: Re: At Large WSBA Governor Position

Board of Governors, Washington State Bar

Re: Alec Stephens for Governor at Large

Dear Members of the Board,

I write this message to you to encourage you to appoint Alec Stephens as Governor at Large to the Washington State Bar Board of Governors. As a governor and as liaison to the Civil Rights Section of the State Bar, I had the pleasure and honor to work with Alec. He was an enthusiastic and dedicated chair of that section. Not only did he work hard himself, but he knew how to encourage others to participate and engage in the work of the section. I was particularly impressed that he had a big picture view for a section that could have easily been embroiled in controversy. He guided the executive committee and membership in a productive and positive manner that promoted the section and the Washington State Bar. As you can tell from his resume, he has an ability to work well with people at all levels. He would be a Governor that would bring a valuable perspective to the Board. He is exceptionally well respected in his community and would serve as an exemplary representative of the legal profession.

Please feel free to call or email me, if I can offer any additional information.

Very truly yours,

Paul A. Bastine, former Governor, 5th Congressional District

806 S. Raymond Road, Spokane Valley, WA 99206

Telephone 509-924-5466, cell 509-844-2954

May 3, 2017



SCHOOL OF
L A W

President
Washington State Bar Association
1325 4th Ave #600,
Seattle, WA 98101

Dear President:

In Re: Alec Stephens Appointment as At- Large Governor to the Washington State Bar Association Board of Governors

I write this letter in support for Alec Stephens' application for appointment as an At-Large Governor on the Washington State Bar Association Board of Governors. I have known Mr. Stephens ever since he was a law student and have worked with him in several capacities over the years. He has dedicated his professional career to diversity, a personal and philosophical commitment to civil rights and just government under law and the role of our profession in a just society. I can think of no one either more qualified or better suited to the responsibilities as Governor on the Board of Governors. Alec will be a fine addition to the multiple functions that the Board of Governors serves and a dedicated champion of both the profession and inclusion of women and minorities of all types as well as bringing unique sensitivity to the Board.

I have worked on joint projects between the WSBA Criminal Law Section and the WSBA Civil Rights Law Section. He is a delight to work with as a colleague. I am glad to provide additional material upon request.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John A. Strait', written over a horizontal line.

John A. Strait
Associate Professor of Law
Former Chair and Member Criminal Law Section Executive Committee since 1974
straitj@seattleu.edu
P: 206.398.4027
F: 206.398.4036/4077

SEATTLE UNIVERSITY SCHOOL OF LAW / FACULTY OFFICES

901 12th Avenue P.O. Box 222000 Seattle, WA 98122-1090 www.seattleu.edu Tel.: (206) 398.4027 Fax: (206) 398.4036

COGDILL NICHOLS REIN WARTELLE ANDREWS

W. MITCHELL COGDILL
TODD C. NICHOLS*
CORY D. REIN
DOUGLAS M. WARTELLE
MICHAEL J. ANDREWS
WILLIAM W. MITCHELL
MAREN BENEDETTI
MARK P. GIULIANO

ATTORNEYS AT LAW

THIRTY-TWO SQUARE
3232 ROCKEFELLER AVENUE
EVERETT, WASHINGTON 98201
TELEPHONE (425) 259-6111
FACSIMILE (425) 259-6435

*Also admitted in the District of Columbia

May 3, 2017

To: Washington State Bar Association Board of Governors

Re: Alec Stephens

Dear Board:

I am writing to strongly endorse application of Alec Stephens for appointment to an at-large position on the board of governors. I have known Alec for many years and consider him a highly qualified, deeply principled attorney.

Alec and I have worked jointly on rules governing the selection of national delegates to presidential conventions over a number of election cycles. He is deeply dedicated to diversity and the rights of all citizens. His legal skills are exemplary, and he shares my belief that the makeup of the bar and the judiciary should reflect the makeup of the population at large.

As a former president of the Washington State Association for Justice, I am aware of the time and resource commitments necessary to fulfill the responsibilities of a position on a truly working board. I believe that Alec Stephens has the ability to fulfill these responsibilities and his duties with distinction.

I strongly urge or serious consideration of his appointment.

Very truly yours,

COGDILL NICHOLS REIN WARTELLE ANDREWS



Todd C. Nichols

CDR/gsl

From: Adam Kline [mailto:adam37th@gmail.com]

Sent: Thursday, May 11, 2017 11:18 AM

To: Margaret Shane

Subject: application of Alec Stephens to At-Large seat on Board of Governors

Ms. Paula C. Littlewood, Executive Director
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

Dear Ms. Littlewood,

I support very strongly the application of Alec Stephens, a lawyer of long standing, and one well-versed in civil rights law, to the At-Large seat that will open in September on the Board of Governors. I have known Alec as an activist since 1980, before he was admitted to the Bar, and have followed his work since then. I know of no other lawyer I would consider as qualified to help guide the Bar's activities and shape its policies.

Alec is already quite familiar with the Bar's activities and policies, having served two years as section chair of the Civil Rights Section. He has also served on the Sections Policy Workgroup as the small sections representative. It is safe to say that if he were appointed, he would already be conversant with the Board's responsibilities and procedures. He can be relied upon to further the Board's policies of inclusion, transparency, efficiency and fairness.

My support for Alec's application is not based simply on admiration for his work with Sound Transit, in its Diversity Programs Office, nor on personal friendship alone. My support is also based on my perception that he is a man of wisdom, generosity of spirit, and a very tempered judgment. On several occasions during and after my years in the State Senate, when I have been tempted to engage in public argument, he has counseled me to better choose my battles. In a deliberative body, this quality of judgment is an asset of incomparable value.

Sincerely yours,
Adam Kline
WSBA No. 4061, retired

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

April 3, 2017

Mr. Stephen Crossland
Chair, Limited License Legal Technician Board
c/o Crossland Law Offices
P.O. Box 566
Cashmere, WA 98815-0566

Re: Limited License Legal Technician Board Annual Meeting with Supreme Court

Dear Steve:

At the Supreme Court's annual meeting with the Limited License Legal Technician (LLLT) Board, you asked the justices for direction regarding two recommendations: 1) adding enhancements to the family law area and 2) adopting a new practice area of elder care and health law. The justices had the opportunity to discuss your requests at the March 29, 2017 administrative en banc conference.

A majority of the court voted yes to expanding the family law area. A majority of the court voted no to having the new practice area be elder care and health law; however, a majority of the court would like the LLLT Board to explore other areas.

In addition to relaying to you the results of our discussions, I was asked to make the following inquiries. When choosing and recommending a new area, does the Board consider its financial attractiveness to the LLLT or unmet legal needs? If there are no additional subject matter areas, can the program continue?

Thank you for all the hard work that you and the LLLT Board members do on our behalf. I look forward to further discussions.

Very truly yours,

MARY E. FAIRHURST
Chief Justice

cc: Justices
Paula Littlewood, Executive Dir., WSBA



WSBA

LIMITED LICENSE LEGAL TECHNICIAN BOARD

INFORMATIONAL MEMORANDUM

To: WSBA President, President-elect, and Board of Governors
From: Steve Crossland, Chair, Limited License Legal Technician (LLLT) Board
Ellen Reed, LLLT Program Lead and Staff Liaison to the LLLT Board
Date: May 12, 2017
Re: Proposed Amendments to APR 28

INFORMATION ONLY (No Action Required) – LLLT Board’s suggested amendments to APR 28 regarding the enhancements to the domestic relations practice area.

Discussion

The Limited License Legal Technician (LLLT) Board derives its authority from the Washington Supreme Court under Rule 28 of the Admission and Practice Rules (APR), adopted effective September 1, 2012. APR 28 authorizes licensed legal service providers who meet certain educational requirements to advise clients on specific areas of law in a defined scope. The Supreme Court established the LLLT Board to administer the LLLT program.

LLLT Domestic Relations Scope

Practicing LLLTs and professors teaching the LLLT family law classes have identified ways in which APR 28 could be improved to allow LLLTs to provide more comprehensive qualified assistance to their clients. The Family Law Advisory Committee of the LLLT Board, chaired by Nancy Ivarinen, deliberated extensively in the process of crafting recommendations for changes to the LLLT domestic relations scope of practice. The Family Law Advisory Committee is composed of LLLT Board members, additional family law practitioners and experts in other areas of law, and a practicing LLLT. The Family Law Advisory Committee was joined in their deliberations by several of the law professors teaching the LLLT family law practice area classes. The LLLT Board approved the recommendations of the Family Law Advisory Committee in January 2017 and informed the BOG and the Supreme Court of the intended changes shortly afterwards. After receiving confirmation from the Court in March that they should proceed to draft amendments which would effectuate the changes, the Board approved the attached proposed amendments to APR 28 in May.

Some examples of the changes which would be enacted if the Court should adopt the proposed amendments would be an adjustment of the scope in regards to the family law LLLT’s ability to work with contested major modifications of parenting plans, nonparental custody, and division of

single family residential dwellings with a limited amount of equity. The Board is also proposing clarifications to the current prohibition on dividing retirement assets that sets out a procedure for LLLTs to allocate assets in specific situations while prohibiting asset division and preparation of qualified domestic relations orders. An additional point which is clarified in the proposed amendments is that LLLTs should not be required to sign 3rd party declarations or other documents such as information sheets which are not signed by their clients.

The proposed changes would also permit family law LLLTs to:

- attend alternative dispute resolution proceedings,
- work with any protection orders which arise in a family law case
- communicate with opposing parties and their representatives regarding procedural matters,
- negotiate on behalf of their clients when the parameters of the negotiation have been pre-defined,
- present agreed, uncontested and default orders, and
- accompany and assist their clients at depositions and in court at a prescribed list of hearings.

Another substantive suggested amendment to APR 28 sets out the compliance process which will ensure that all licensed LLLTs participate in mandatory training in the enhanced family law practice area.

Many of the other proposed amendments seek to unify the grammar and style of APR 28 without creating substantive changes in the effect of the rule. Other information has been moved within the rule but is in other respects left unaltered.

The LLLT Board welcomes the input of the BOG and looks forward to the opportunity to engage in a dialogue regarding the proposed rule amendments to APR 28.

SUGGESTED AMENDMENTS TO APR 28

1 TITLE

2 ADMISSION AND PRACTICE RULES (APR)

3 RULE 28. LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL 4 TECHNICIANS

5 **A. Purpose.** The Civil Legal Needs Study (2003), commissioned by the Supreme Court, clearly
6 established that the legal needs of the consuming public are not currently being met. The public
7 is entitled to be assured that legal services are rendered only by qualified trained legal
8 practitioners. Only the legal profession is authorized to provide such services. The purpose of
9 this rule is to authorize certain persons to render limited legal assistance or advice in approved
10 practice areas of law. This rule shall prescribe the conditions of and limitations upon the
11 provision of such services in order to protect the public and ensure that only trained and qualified
12 legal practitioners may provide the same. This rule is intended to permit trained Limited License
13 Legal Technicians to provide limited legal assistance under carefully regulated circumstances in
14 ways that expand the affordability of quality legal assistance which protects the public interest.

15 **B. Definitions.** For purposes of this rule, the following definitions will apply:

16 (1) "APR" means the Supreme Court's Admission ~~and~~ Practice Rules.

17 (2) "LLLT Board" means the Limited License Legal Technician Board.

18 (3) "Lawyer" means a person licensed as a lawyer and eligible to practice law in any United
19 States jurisdiction.

20 (4) "Limited License Legal Technician" (LLLT) means a person qualified by education, training
21 and work experience who is authorized to engage in the limited practice of law in approved
22 practice areas of law as specified by this rule and related regulations. ~~The legal technician does
23 not represent the client in court proceedings or negotiations, but provides limited legal assistance
24 as set forth in this rule to a pro se client.~~

25 (5) "Paralegal/legal assistant" means a person qualified by education, training, or work
26 experience; who is employed or retained by a lawyer, law office, corporation, governmental

SUGGESTED AMENDMENTS TO APR 28

1 agency, or other entity; and who performs specifically delegated substantive law-related work for
2 which a lawyer is responsible.

3 (6) “Reviewed and approved by a Washington lawyer” means that a Washington lawyer has
4 personally supervised the legal work and documented that supervision by the Washington
5 lawyer's signature and bar number.

6 (7) “Substantive law-related work” means work that requires knowledge of legal concepts and is
7 customarily, but not necessarily, performed by a lawyer.

8 (8) “Supervised” means a lawyer personally directs, approves; and has responsibility for work
9 performed by the Limited License Legal Technician.

10 (9) “Washington lawyer” means a person licensed and eligible to practice law in Washington and
11 who is an active or emeritus pro bono lawyer member of the Bar.

12 (10) Words of authority:

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

14 (b) “Must” or “shall” means “is required to.”

15 (c) “Should” means “recommended but not required.”

16 **C. Limited License Legal Technician Board**

17 [NO CHANGES]

18 **D. [Reserved.]**

19 **E. [Reserved.]**

20 **F. Scope of Practice Authorized by Limited Practice Rule.** The Limited License Legal
21 Technician shall ascertain whether the issue is within the defined practice area for which the
22 LLLT is licensed. It if is not, the LLLT shall not render any legal assistance~~provide the services~~
23 ~~required~~ on this issue and shall advise~~inform~~ the client to~~that the client should~~ seek the services
24 of a lawyer. If the issue is within the defined practice area, the LLLT may render~~undertake~~ the
25 following limited legal assistance to a pro se client:

26 (1) Obtain relevant facts, and explain the relevancy of such information to the client;

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- 1 (2) Inform the client of applicable procedures, including deadlines, documents which must be
2 filed, and the anticipated course of the legal proceeding;
- 3 (3) Inform the client of and assist with applicable procedures for proper service of process and
4 filing of legal documents;
- 5 (4) Provide the client with self-help materials prepared by a Washington lawyer or approved by
6 the LLLT Board, which contain information about relevant legal requirements, case law basis for
7 the client's claim, and venue and jurisdiction requirements;
- 8 (5) Review documents or exhibits that the client has received ~~from the opposing side~~, and
9 explain them to the client;
- 10 (6) Select, complete, file, and effect service of forms that have been approved by the State of
11 Washington, either through a governmental agency or by the Administrative Office of the Courts
12 or the content of which is specified by statute; federal forms; forms prepared by a Washington
13 lawyer; or forms approved by the LLLT Board; and advise the client of the significance of the
14 selected forms to the client's case;
- 15 (7) Perform legal research;
- 16 (8) Draft letters setting forth legal opinions that are intended to be read by persons other than the
17 client; ~~and~~
- 18 (9) Draft documents beyond what is permitted in paragraph (6), if the work is reviewed and
19 approved by a Washington lawyer;
- 20 (10) Advise the client as to other documents that may be necessary to the client's case, and
21 explain how such additional documents or pleadings may affect the client's case;
- 22 (11) Assist the client in obtaining necessary records ~~documents~~, such as birth, death, or marriage
23 certificates.
- 24 (12) Communicate and negotiate with the opposing party or the party's representative regarding
25 procedural matters, such as setting court hearings or other ministerial or civil procedure matters;
- 26 (13) Negotiate the client's legal rights or responsibilities provided that the client has given

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1 written consent defining the parameters of the negotiation prior to the onset of the negotiation;

2 and

3 (14) Render other types of legal assistance when specifically authorized by the scope of practice
4 regulations for the approved practice area in which the LLLT is licensed.

5 **G. Conditions Under Which A Limited License Legal Technician May Provide Services**

6 (1) A Limited License Legal Technician must personally perform the authorized services for the
7 client and may not delegate these to a nonlicensed person. Nothing in this prohibition shall
8 prevent a person who is not a licensed LLLT from performing translation services;

9 (2) Prior to the performance of the services for a fee, the Limited License Legal Technician shall
10 enter into a written contract with the client, signed by both the client and the Limited License
11 Legal Technician, that includes the following provisions:

12 (a) An explanation of the services to be performed, including a conspicuous statement that the
13 Limited License Legal Technician may not ~~appear or~~ represent the client in court, formal
14 administrative adjudicative proceedings, or other formal dispute resolution process or negotiate
15 the client's legal rights or responsibilities, unless permitted under GR 24(b) or specifically
16 authorized by the scope of practice regulations for the approved practice area in which the LLLT
17 is licensed;

18 (b) Identification of all fees and costs to be charged to the client for the services to be performed;

19 (c) A statement that upon the client's request, the LLLT shall provide to the client any documents
20 submitted by the client to the Limited License Legal Technician;

21 (d) A statement that the Limited License Legal Technician is not a lawyer and may only perform
22 limited legal services. This statement shall be on the first page of the contract in minimum
23 twelve-point bold type print;

24 (e) A statement describing the Limited License Legal Technician's duty to protect the
25 confidentiality of information provided by the client and the Limited License Legal Technician's
26 work product associated with the services sought or provided by the Limited License Legal

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1 Technician;

2 (f) A statement that the client has the right to rescind the contract at any time and receive a full
3 refund of unearned fees. This statement shall be conspicuously set forth in the contract; and

4 (g) Any other conditions required by the rules and regulations of the LLLT Board.

5 (3) A Limited License Legal Technician may not provide services that exceed the scope of
6 practice authorized by this rule, and shall inform the client, in such instance, that the client
7 should seek the services of a lawyer.

8 (4) A document prepared by an LLLT shall include the LLLT's name, signature, and license
9 number beneath the signature of the client. LLLTs do not need to sign sworn statements or
10 declarations of the client or a third party, and do not need to sign documents that do not require a
11 signature by the client, such as information sheets.

12 **H. Prohibited Acts.** In the course of dealing with clients or prospective clients, a Limited
13 License Legal Technician shall not:

14 (1) Make any statement that the Limited License Legal Technician can or will obtain special
15 favors from or has special influence with any court or governmental agency;

16 (2) Retain any fees or costs for services not performed;

17 (3) Refuse to return documents supplied by, prepared by, or paid for by the client, upon the
18 request of the client. These documents must be returned upon request even if there is a fee
19 dispute between the Limited License Legal Technician and the client;

20 (4) Represent or advertise, in connection with the provision of services, other legal titles or
21 credentials that could cause a client to believe that the Limited License Legal Technician
22 possesses professional legal skills beyond those authorized by the license held by the Limited
23 License Legal Technician;

24 (5) Represent a client in court proceedings, formal administrative adjudicative proceedings, or
25 other formal dispute resolution process, unless permitted by GR 24 or specifically authorized by
26 the scope of practice regulations for the approved practice area in which the LLLT is licensed;

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1 ~~(6) Negotiate the client's legal rights or responsibilities, or communicate with another person the~~
2 ~~client's position or convey to the client the position of another party, unless permitted by GR~~
3 ~~24(b);~~

4 ~~(67) Provide services to a client in connection with a legal matter in another state, unless~~
5 ~~permitted by the laws of that state to perform such services for the client;~~

6 ~~(78) Represent or otherwise provide legal or law related services to a client, except as permitted~~
7 ~~by law, this rule or associated rules and regulations;~~

8 ~~(8) Conduct or defend a deposition;~~

9 ~~(9) Initiate or respond to an appeal to an appellate court; and~~

10 ~~(109) Otherwise violate the Limited License Legal Technicians' Rules of Professional Conduct.~~

11 **I. – O.**

12 [NO CHANGES]

13
14 **APPENDIX APR 28. REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL**
15 **TECHNICIAN BOARD**

16 **REGULATION 1: [RESERVED.]**

17 **REGULATION 2: APPROVED PRACTICE AREAS--SCOPE OF PRACTICE**
18 **AUTHORIZED BY LIMITED LICENSE LEGAL TECHNICIAN RULE**

19 In each practice area in which an LLLT is licensed, the LLLT shall comply with the provisions
20 defining the scope of practice as found in APR 28 and as described herein.

21 **A. Issues Beyond the Scope of Authorized Practice.**

22 An LLLT has an affirmative duty under APR 28F to inform clients when issues arise that are
23 beyond the authorized scope of the LLLT's practice. When an affirmative duty under APR 28F
24 arises, then the LLLT shall inform the client in writing that:

25 1. the issue may exist, describing in general terms the nature of the issue;

26 2. the LLLT is not authorized to advise or assist on this issue;

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1 3. the failure to obtain a lawyer's advice could be adverse to the client's interests; and,
2 4. the client should consult with a lawyer to obtain appropriate advice and documents necessary
3 to protect the client's interests.

4 After an issue beyond the LLLT's scope of practice has been identified, if the client engages a
5 lawyer with respect to the issue, then an LLLT may prepare a document related to the issue only
6 if a lawyer acting on behalf of the client has provided appropriate documents and written
7 instructions for the LLLT as to whether and how to proceed with respect to the issue. If the client
8 does not engage a lawyer with respect to the issue, then the LLLT may prepare documents that
9 relate to the issue if:

10 (1): ~~t~~The client informs the LLLT how the issue is to be determined and instructs the LLLT how
11 to complete the relevant portions of the document, and

12 (2): ~~a~~Above the LLLT's signature at the end of the document, the LLLT inserts a statement to
13 the effect that the LLLT did not advise the client with respect to any issue outside of the LLLT's
14 scope of practice and completed any portions of the document with respect to any such issues at
15 the direction of the client.

16 ~~The LLLT may proceed in the manner described above only if no other defined prohibitions~~
17 ~~apply.~~

18 **B. Domestic Relations.**

19 1. *Domestic Relations, Defined.* For the purposes of these Regulations, domestic relations shall
20 include only the following actions: (a) divorce and dissolution~~child support modification actions~~,
21 (b) parenting and support~~dissolution actions~~, (c) parentage or paternity~~domestic violence actions~~,
22 ~~except as prohibited by Regulation 2B(3)~~, (d) child support modification~~committed intimate~~
23 ~~relationship actions only as they pertain to parenting and support issues~~, (e) parenting plan
24 modification~~legal separation actions~~, (f) domestic violence protection orders~~major parenting plan~~
25 ~~modifications when the terms are agreed to by the parties before the onset of the representation~~
26 ~~by the LLLT~~, (g) committed intimate relationships only as they pertain to parenting and support

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1 ~~issues minor parenting plan modifications, (h) legal separation parenting and support actions, (i)~~
2 ~~nonparental and third party custody paternity actions, and (j) other protection or restraining orders~~
3 ~~arising from a domestic relations case, and (k) relocation actions, except as prohibited by~~
4 ~~Regulation 2B(3).~~

5 *2. Scope of Practice for Limited License Legal Technicians -- Domestic Relations.* LLLTs
6 licensed in domestic relations may provide legal services to clients as provided in APR
7 28F and this regulation, except as prohibited by APR 28H and Regulation 2B(3).

8 (a) Unless an issue beyond the scope arises or a prohibited act would be required, LLLTs may
9 advise and assist clients with (1) to initiating and responding to actions and related(2) regarding
10 motions, discovery, trial preparation, temporary and final orders, and modifications of orders.

11 (b) LLLT legal services regarding the division of real property shall be limited to matters where
12 the real property is a single family residential dwelling with owner equity less than or equal to
13 twice the homestead exemption (see RCW 6.13.030). LLLTs shall use the form for real property
14 division as approved by the LLLT Board.

15 (c) LLLTs may advise as to the allocation of retirement assets.

16 (d) LLLTs may include language awarding retirement assets in a decree of dissolution when the
17 respondent defaults, when the parties agree upon the award or when the court awards the assets
18 following trial. The award language in the decree shall identify (1) the party responsible for
19 having the QDRO or supplemental order prepared and by whom, (2) how the cost of the QDRO
20 or supplemental order preparation is to be paid, (3) by what date the QDRO or supplemental
21 order must be prepared, and (4) the remedy for failure to follow through with preparation of the
22 QDRO or supplemental order.

23 (e) LLLTs may prepare paperwork and accompany and assist clients in dispute resolution
24 proceedings including mediation, arbitration, and settlement conferences where not prohibited by
25 the rules and procedures of the forum.

26 (f) LLLTs may accompany, assist, and confer with their clients at depositions.

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1 (g) LLLTs may present to a court agreed orders, uncontested orders, default orders and
2 accompanying documents;

3 (h) LLLTs may accompany, assist, and confer with their pro se clients and respond to questions
4 from the court or tribunal at the hearings listed below:

5 i. domestic violence protection orders and other protection or restraining orders arising from a
6 domestic relations case;

7 ii. motions for temporary orders, including but not limited to temporary parenting plans, child
8 support, maintenance, and orders to show cause;

9 iii. enforcement of domestic relations orders;

10 iv. administrative child support;

11 v. modification of child support;

12 vi. adequate cause hearings for nonparental custody or modifications;

13 vii. reconsiderations or revisions;

14 viii. trial setting calendar proceedings with or without the client when the LLLT has confirmed
15 the available dates of the client in writing in advance of the proceeding.

16 3. *Prohibited Acts.* In addition to the prohibitions set forth in APR 28~~HIT~~, in the course of
17 rendering legal services to~~dealing with~~ clients or prospective clients, LLLTs licensed to practice
18 in domestic relations:

19 a. shall not render legal services to~~represent~~ more than one party in any domestic relations
20 matter;

21 b. shall not render~~provide~~ legal services in:

22 i. ~~in~~ in-defacto parentage or nonparental custody actions; and

23 ii. actions that involve~~if~~ 25 U.S.C. Chapter 21, the Indian Child Welfare Act, or RCW 13.38, the
24 Washington State Indian Child Welfare Act, ~~applies to the matter;~~

25 ~~e. shall not advise or assist clients regarding:~~

26 iii. division or conveyance of owned real estate, formal business entities, commercial property,

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1 ~~or residential real property except as permitted by Regulation 2B~~ or retirement assets that require
2 ~~a supplemental order to divide and award, which includes division of all defined benefit plans~~
3 ~~and defined contribution plans;~~

4 iv. preparation of QDROs and supplemental orders dividing retirement assets beyond what is
5 prescribed in Regulation 2(B)(2)(d);

6 v. any retirement assets whereby the decree effectuates the division or the implementation of the
7 division of the asset;

8 viii. bankruptcy, including obtaining a stay from bankruptcy;

9 viii. disposition of debts and assets, if one party is in bankruptcy or files a bankruptcy during the
10 pendency of the proceeding, unless: (a) the LLLT's client has retained a lawyer to represent
11 him/her in the bankruptcy, (b) the client has consulted with a lawyer and the lawyer has provided
12 written instructions for the LLLT as to whether and how to proceed regarding the division of
13 debts and assets in the domestic relations proceeding, or (c) the bankruptcy has been discharged;

14 ~~iv. anti-harassment orders, criminal no contact orders, anti-stalking orders, and sexual assault~~
15 ~~protection orders in domestic violence actions;~~

16 viii. jointly acquired committed intimate relationship property issues in committed intimate
17 relationship actions;

18 vix. major parenting plan modifications and nonparental custody actions beyond the adequate
19 cause hearing unless the terms ~~are~~ were agreed to by the parties ~~or one party defaults before the~~
20 onset of the representation by the LLLT;

21 xvii. the determination of Uniform Child Custody Jurisdiction and Enforcement Act issues under
22 RCW 26.27 or Uniform Interstate Family Support Act issues under RCW 26.21A unless and
23 until jurisdiction has been resolved;

24 ~~viii. objections to relocation petitions, responses to objections to relocation petitions, or~~
25 ~~temporary orders in relocation actions; and~~

26 ixii. final revised parenting plans in relocation actions except in the event of default or where the

SUGGESTED AMENDMENTS TO APR 28

1 terms have been agreed to by the parties.

2 ~~d. shall not appear or participate at the taking of a deposition; and~~

3 ~~e. shall not initiate or respond to an appeal to an appellate court.~~

4 **REGULATION 3: EDUCATION REQUIREMENTS FOR LLLT APPLICANTS AND** 5 **APPROVAL OF EDUCATIONAL PROGRAMS**

6 An applicant for admission as an LLLT shall satisfy the following education requirements:

7 **A. Core Curriculum.**

8 1. *Credit Requirements.* An applicant for licensure shall have earned 45 credit hours as required
9 by APR 3. The core curriculum must include the following required subject matters with
10 minimum credit hours earned as indicated:

11 1. Civil Procedure, minimum 8 credit hours;

12 2. Contracts, minimum 3 credit hours;

13 3. Interviewing and Investigation Techniques, minimum 3 credit hours;

14 4. Introduction to Law and Legal Process, minimum 3 credit hours;

15 5. Law Office Procedures and Technology, minimum 3 credit hours;

16 6. Legal Research, Writing and Analysis, minimum 8 credit hours; and

17 7. Professional Responsibility, minimum 3 credit hours.

18 The core curriculum courses in which credit for the foregoing subject matters is earned shall
19 satisfy the curricular requirements approved by the LLLT Board and published by the Bar. If the
20 required courses completed by the applicant do not total 45 credit hours, then the applicant may
21 earn the remaining credit hours by taking legal or paralegal elective courses. All core curriculum
22 course credit hours must be earned at an ABA approved law school, an educational institution
23 with an ABA approved paralegal program, or at an educational institution with an LLLT core
24 curriculum program approved by the LLLT Board under the Washington State LLLT
25 Educational Program Approval Standards.

26 For purposes of satisfying APR 3(e)(2), one credit hour shall be equivalent to 450 minutes of

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1 instruction.

2 2. *LLLT Educational Program Approval Requirements for Programs Not Approved by the ABA.*

3 The LLLT Board shall be responsible for establishing and maintaining standards, to be published
4 by the Association, for approving LLLT educational programs that are not otherwise approved
5 by the ABA. Educational programs complying with the LLLT Board's standards shall be
6 approved by the LLLT Board and qualified to teach the LLLT core curriculum.

7 **B. Practice Area Curriculum.** An applicant for licensure in a defined practice area shall have
8 completed the prescribed curriculum and earned course credits for that defined practice area, as
9 set forth below and in APR 3(e). Each practice area curriculum course shall satisfy the curricular
10 requirements approved by the LLLT Board and published by the Bar.

11 **C. Required Supplemental Education.** The LLLT Board has discretion to require all LLLTs to
12 complete supplemental education in order to maintain their licenses due to changes in the
13 permitted scope of practice for LLLTs. The LLLT Board shall provide notice to LLLTs of the
14 supplemental education requirement and the deadline for completion of the requirement,
15 allowing at least 12 months to complete the required supplemental education. LLLTs may be
16 administratively suspended pursuant to the procedures set forth in APR 17 if they fail to comply
17 with the supplemental education requirements by the stated deadline.

18 1. *Domestic Relations.*

19 a. Prerequisites: Prior to enrolling in the domestic relations practice area courses, applicants shall
20 complete the following core courses: Civil Procedure; Interviewing and Investigation
21 Techniques; Introduction to Law and Legal Process; Legal Research, Writing, and Analysis; and
22 Professional Responsibility.

23 b. Credit Requirements: Applicants shall complete five credit hours in basic domestic relations
24 subjects and ten credit hours in advanced and Washington specific domestic relations subjects.

25 **REGULATION 4- 20**

26 [NO CHANGES]

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1 TITLE

2 ADMISSION AND PRACTICE RULES (APR)

3 RULE 28. LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL 4 TECHNICIANS

5 **A. Purpose.** The Civil Legal Needs Study (2003), commissioned by the Supreme Court, clearly
6 established that the legal needs of the consuming public are not currently being met. The public
7 is entitled to be assured that legal services are rendered only by qualified trained legal
8 practitioners. Only the legal profession is authorized to provide such services. The purpose of
9 this rule is to authorize certain persons to render limited legal assistance or advice in approved
10 practice areas of law. This rule shall prescribe the conditions of and limitations upon the
11 provision of such services in order to protect the public and ensure that only trained and qualified
12 legal practitioners may provide the same. This rule is intended to permit trained Limited License
13 Legal Technicians to provide limited legal assistance under carefully regulated circumstances in
14 ways that expand the affordability of quality legal assistance which protects the public interest.

15 **B. Definitions.** For purposes of this rule, the following definitions will apply:

16 (1) “APR” means the Supreme Court's Admission and Practice Rules.

17 (2) “LLLT Board” means the Limited License Legal Technician Board.

18 (3) “Lawyer” means a person licensed as a lawyer and eligible to practice law in any United
19 States jurisdiction.

20 (4) “Limited License Legal Technician” (LLLT) means a person qualified by education, training
21 and work experience who is authorized to engage in the limited practice of law in approved
22 practice areas of law as specified by this rule and related regulations. (5) “Paralegal/legal
23 assistant” means a person qualified by education, training, or work experience; who is employed
24 or retained by a lawyer, law office, corporation, governmental agency, or other entity; and who
25 performs specifically delegated substantive law-related work for which a lawyer is responsible.

26 (6) “Reviewed and approved by a Washington lawyer” means that a Washington lawyer has

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1 personally supervised the legal work and documented that supervision by the Washington
2 lawyer's signature and bar number.

3 (7) “Substantive law-related work” means work that requires knowledge of legal concepts and is
4 customarily, but not necessarily, performed by a lawyer.

5 (8) “Supervised” means a lawyer personally directs, approves; and has responsibility for work
6 performed by the Limited License Legal Technician.

7 (9) “Washington lawyer” means a person licensed and eligible to practice law in Washington and
8 who is an active or emeritus pro bono lawyer member of the Bar.

9 (10) Words of authority:

10 (a) “May” means “has discretion to,” “has a right to,” or “is permitted to.”

11 (b) “Must” or “shall” means “is required to.”

12 (c) “Should” means “recommended but not required.”

13 **C. Limited License Legal Technician Board**

14 [NO CHANGES]

15 **D. [Reserved.]**

16 **E. [Reserved.]**

17 **F. Scope of Practice Authorized by Limited Practice Rule.** The Limited License Legal
18 Technician shall ascertain whether the issue is within the defined practice area for which the
19 LLLT is licensed. If it is not, the LLLT shall not render any legal assistance on this issue and
20 shall advise the client to seek the services of a lawyer. If the issue is within the defined practice
21 area, the LLLT may render the following limited legal assistance to a pro se client:

22 (1) Obtain relevant facts, and explain the relevancy of such information to the client;

23 (2) Inform the client of applicable procedures, including deadlines, documents which must be
24 filed, and the anticipated course of the legal proceeding;

25 (3) Inform the client of and assist with applicable procedures for proper service of process and
26 filing of legal documents;

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1 (4) Provide the client with self-help materials prepared by a Washington lawyer or approved by
2 the LLLT Board, which contain information about relevant legal requirements, case law basis for
3 the client's claim, and venue and jurisdiction requirements;

4 (5) Review documents or exhibits that the client has received and explain them to the client;

5 (6) Select, complete, file, and effect service of forms that have been approved by the State of
6 Washington, either through a governmental agency or by the Administrative Office of the Courts
7 or the content of which is specified by statute; federal forms; forms prepared by a Washington
8 lawyer; or forms approved by the LLLT Board; and advise the client of the significance of the
9 selected forms to the client's case;

10 (7) Perform legal research;

11 (8) Draft letters setting forth legal opinions that are intended to be read by persons other than the
12 client;

13 (9) Draft documents beyond what is permitted in paragraph (6) if the work is reviewed and
14 approved by a Washington lawyer;

15 (10) Advise the client as to other documents that may be necessary to the client's case, and
16 explain how such additional documents or pleadings may affect the client's case;

17 (11) Assist the client in obtaining necessary records, such as birth, death, or marriage certificates.

18 (12) Communicate and negotiate with the opposing party or the party's representative regarding
19 procedural matters, such as setting court hearings or other ministerial or civil procedure matters;

20 (13) Negotiate the client's legal rights or responsibilities provided that the client has given
21 written consent defining the parameters of the negotiation prior to the onset of the negotiation;
22 and

23 (14) Render other types of legal assistance when specifically authorized by the scope of practice
24 regulations for the approved practice area in which the LLLT is licensed.

25 **G. Conditions Under Which A Limited License Legal Technician May Provide Services**

26 (1) A Limited License Legal Technician must personally perform the authorized services for the

SUGGESTED AMENDMENTS TO APR 28 – Clean

1 client and may not delegate these to a nonlicensed person. Nothing in this prohibition shall
2 prevent a person who is not a licensed LLLT from performing translation services;

3 (2) Prior to the performance of the services for a fee, the Limited License Legal Technician shall
4 enter into a written contract with the client, signed by both the client and the Limited License
5 Legal Technician, that includes the following provisions:

6 (a) An explanation of the services to be performed, including a conspicuous statement that the
7 Limited License Legal Technician may not represent the client in court, formal administrative
8 adjudicative proceedings, or other formal dispute resolution process or negotiate the client's legal
9 rights or responsibilities, unless permitted under GR 24(b) or specifically authorized by the scope
10 of practice regulations for the approved practice area in which the LLLT is licensed;

11 (b) Identification of all fees and costs to be charged to the client for the services to be performed;

12 (c) A statement that upon the client's request, the LLLT shall provide to the client any documents
13 submitted by the client to the Limited License Legal Technician;

14 (d) A statement that the Limited License Legal Technician is not a lawyer and may only perform
15 limited legal services. This statement shall be on the first page of the contract in minimum
16 twelve-point bold type print;

17 (e) A statement describing the Limited License Legal Technician's duty to protect the
18 confidentiality of information provided by the client and the Limited License Legal Technician's
19 work product associated with the services sought or provided by the Limited License Legal
20 Technician;

21 (f) A statement that the client has the right to rescind the contract at any time and receive a full
22 refund of unearned fees. This statement shall be conspicuously set forth in the contract; and

23 (g) Any other conditions required by the rules and regulations of the LLLT Board.

24 (3) A Limited License Legal Technician may not provide services that exceed the scope of
25 practice authorized by this rule, and shall inform the client, in such instance, that the client
26 should seek the services of a lawyer.

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1 (4) A document prepared by an LLLT shall include the LLLT's name, signature, and license
2 number beneath the signature of the client. LLLTs do not need to sign sworn statements or
3 declarations of the client or a third party, and do not need to sign documents that do not require a
4 signature by the client, such as information sheets.

5 **H. Prohibited Acts.** In the course of dealing with clients or prospective clients, a Limited
6 License Legal Technician shall not:

7 (1) Make any statement that the Limited License Legal Technician can or will obtain special
8 favors from or has special influence with any court or governmental agency;

9 (2) Retain any fees or costs for services not performed;

10 (3) Refuse to return documents supplied by, prepared by, or paid for by the client, upon the
11 request of the client. These documents must be returned upon request even if there is a fee
12 dispute between the Limited License Legal Technician and the client;

13 (4) Represent or advertise, in connection with the provision of services, other legal titles or
14 credentials that could cause a client to believe that the Limited License Legal Technician
15 possesses professional legal skills beyond those authorized by the license held by the Limited
16 License Legal Technician;

17 (5) Represent a client in court proceedings, formal administrative adjudicative proceedings, or
18 other formal dispute resolution process, unless permitted by GR 24 or specifically authorized by
19 the scope of practice regulations for the approved practice area in which the LLLT is licensed;

20 (6) Provide services to a client in connection with a legal matter in another state, unless
21 permitted by the laws of that state to perform such services for the client;

22 (7) Represent or otherwise provide legal or law related services to a client, except as permitted
23 by law, this rule or associated rules and regulations;

24 (8) Conduct or defend a deposition;

25 (9) Initiate or respond to an appeal to an appellate court; and

26 (10) Otherwise violate the Limited License Legal Technicians' Rules of Professional Conduct.

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1 **I. – O.**

2 [NO CHANGES]

3
4 **APPENDIX APR 28. REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL**
5 **TECHNICIAN BOARD**

6 **REGULATION 1: [RESERVED.]**

7 **REGULATION 2: APPROVED PRACTICE AREAS--SCOPE OF PRACTICE**

8 **AUTHORIZED BY LIMITED LICENSE LEGAL TECHNICIAN RULE**

9 In each practice area in which an LLLT is licensed, the LLLT shall comply with the provisions
10 defining the scope of practice as found in APR 28 and as described herein.

11 **A. Issues Beyond the Scope of Authorized Practice.**

12 An LLLT has an affirmative duty under APR 28F to inform clients when issues arise that are
13 beyond the authorized scope of the LLLT's practice. When an affirmative duty under APR 28F
14 arises, then the LLLT shall inform the client in writing that:

- 15 1. the issue may exist, describing in general terms the nature of the issue;
16 2. the LLLT is not authorized to advise or assist on this issue;
17 3. the failure to obtain a lawyer's advice could be adverse to the client's interests; and,
18 4. the client should consult with a lawyer to obtain appropriate advice and documents necessary
19 to protect the client's interests.

20 After an issue beyond the LLLT's scope of practice has been identified, if the client engages a
21 lawyer with respect to the issue, then an LLLT may prepare a document related to the issue only
22 if a lawyer acting on behalf of the client has provided appropriate documents and written
23 instructions for the LLLT as to whether and how to proceed with respect to the issue. If the client
24 does not engage a lawyer with respect to the issue, then the LLLT may prepare documents that
25 relate to the issue if (1) the client informs the LLLT how the issue is to be determined and
26 instructs the LLLT how to complete the relevant portions of the document, and (2) above the

SUGGESTED AMENDMENTS TO APR 28 – Clean

1 LLLT’s signature at the end of the document, the LLLT inserts a statement to the effect that the
2 LLLT did not advise the client with respect to any issue outside of the LLLT’s scope of practice
3 and completed any portions of the document with respect to any such issues at the direction of
4 the client.

5 **B. Domestic Relations.**

6 1. *Domestic Relations, Defined.* For the purposes of these Regulations, domestic relations shall
7 include only the following actions: (a) divorce and dissolution, (b) parenting and support, (c)
8 parentage or paternity, (d) child support modification, (e) parenting plan modification, (f)
9 domestic violence protection orders, (g) committed intimate relationships only as they pertain to
10 parenting and support issues, (h) legal separation, (i) nonparental and third party custody, (j)
11 other protection or restraining orders arising from a domestic relations case, and (k) relocation.

12 2. *Scope of Practice for Limited License Legal Technicians -- Domestic Relations.* LLLTs
13 licensed in domestic relations may render legal services to clients as provided in APR 28F,
14 except as prohibited by APR 28H and Regulation 2B.

15 (a) Unless an issue beyond the scope arises or a prohibited act would be required, LLLTs may
16 advise and assist clients with initiating and responding to actions and related motions, discovery,
17 trial preparation, temporary and final orders, and modifications of orders.

18 (b) LLLT legal services regarding the division of real property shall be limited to matters where
19 the real property is a single family residential dwelling with owner equity less than or equal to
20 twice the homestead exemption (see RCW 6.13.030). LLLTs shall use the form for real property
21 division as approved by the LLLT Board.

22 (c) LLLTs may advise as to the allocation of retirement assets.

23 (d) LLLTs may include language awarding retirement assets in a decree of dissolution when the
24 respondent defaults, when the parties agree upon the award or when the court awards the assets
25 following trial. The award language in the decree shall identify (1) the party responsible for
26 having the QDRO or supplemental order prepared and by whom, (2) how the cost of the QDRO

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1 or supplemental order preparation is to be paid, (3) by what date the QDRO or supplemental
2 order must be prepared, and (4) the remedy for failure to follow through with preparation of the
3 QDRO or supplemental order.

4 (e) LLLTs may prepare paperwork and accompany and assist clients in dispute resolution
5 proceedings including mediation, arbitration, and settlement conferences where not prohibited by
6 the rules and procedures of the forum.

7 (f) LLLTs may accompany, assist, and confer with their clients at depositions.

8 (g) LLLTs may present to a court agreed orders, uncontested orders, default orders and
9 accompanying documents;

10 (h) LLLTs may accompany, assist, and confer with their pro se clients and respond to questions
11 from the court or tribunal at the hearings listed below:

12 i. domestic violence protection orders and other protection or restraining orders arising from a
13 domestic relations case;

14 ii. motions for temporary orders, including but not limited to temporary parenting plans, child
15 support, maintenance, and orders to show cause;

16 iii. enforcement of domestic relations orders;

17 iv. administrative child support;

18 v. modification of child support;

19 vi. adequate cause hearings for nonparental custody or modifications;

20 vii. reconsiderations or revisions;

21 viii. trial setting calendar proceedings with or without the client when the LLLT has confirmed
22 the available dates of the client in writing in advance of the proceeding.

23 3. *Prohibited Acts*. In addition to the prohibitions set forth in APR 28, in the course of rendering
24 legal services to clients or prospective clients, LLLTs licensed to practice in domestic relations:

25 a. shall not render legal services to more than one party in any domestic relations matter;

26 b. shall not render legal services in:

SUGGESTED AMENDMENTS TO APR 28 – Clean

- 1 i. defacto parentage;
- 2 ii. actions that involve 25 U.S.C. Chapter 21, the Indian Child Welfare Act, or RCW 13.38, the
3 Washington State Indian Child Welfare Act;
- 4 iii. division or conveyance of formal business entities, commercial property, or residential real
5 property except as permitted by Regulation 2B;
- 6 iv. preparation of QDROs and supplemental orders dividing retirement assets beyond what is
7 prescribed in Regulation 2(B)(2)(d).
- 8 v. any retirement assets whereby the decree effectuates the division or the implementation of the
9 division of the asset;
- 10 vi. bankruptcy, including obtaining a stay from bankruptcy;
- 11 vii. disposition of debts and assets, if one party is in bankruptcy or files a bankruptcy during the
12 pendency of the proceeding, unless: (a) the LLLT's client has retained a lawyer to represent
13 him/her in the bankruptcy, (b) the client has consulted with a lawyer and the lawyer has provided
14 written instructions for the LLLT as to whether and how to proceed regarding the division of
15 debts and assets in the domestic relations proceeding, or (c) the bankruptcy has been discharged;
- 16 viii. property issues in committed intimate relationship actions;
- 17 ix. major parenting plan modifications and nonparental custody actions beyond the adequate
18 cause hearing unless the terms are agreed to by the parties or one party defaults;
- 19 x. the determination of Uniform Child Custody Jurisdiction and Enforcement Act issues under
20 RCW 26.27 or Uniform Interstate Family Support Act issues under RCW 26.21A unless and
21 until jurisdiction has been resolved;
- 22 xi. objections to relocation petitions, responses to objections to relocation petitions, or temporary
23 orders in relocation actions; and
- 24 xii. final revised parenting plans in relocation actions except in the event of default or where the
25 terms have been agreed to by the parties.

26 **REGULATION 3: EDUCATION REQUIREMENTS FOR LLLT APPLICANTS AND**

SUGGESTED AMENDMENTS TO APR 28 – Clean

1 APPROVAL OF EDUCATIONAL PROGRAMS

2 An applicant for admission as an LLLT shall satisfy the following education requirements:

3 **A. Core Curriculum.**

4 1. *Credit Requirements.* An applicant for licensure shall have earned 45 credit hours as required
5 by APR 3. The core curriculum must include the following required subject matters with
6 minimum credit hours earned as indicated:

- 7 1. Civil Procedure, minimum 8 credit hours;
- 8 2. Contracts, minimum 3 credit hours;
- 9 3. Interviewing and Investigation Techniques, minimum 3 credit hours;
- 10 4. Introduction to Law and Legal Process, minimum 3 credit hours;
- 11 5. Law Office Procedures and Technology, minimum 3 credit hours;
- 12 6. Legal Research, Writing and Analysis, minimum 8 credit hours; and
- 13 7. Professional Responsibility, minimum 3 credit hours.

14 The core curriculum courses in which credit for the foregoing subject matters is earned shall
15 satisfy the curricular requirements approved by the LLLT Board and published by the Bar. If the
16 required courses completed by the applicant do not total 45 credit hours, then the applicant may
17 earn the remaining credit hours by taking legal or paralegal elective courses. All core curriculum
18 course credit hours must be earned at an ABA approved law school, an educational institution
19 with an ABA approved paralegal program, or at an educational institution with an LLLT core
20 curriculum program approved by the LLLT Board under the Washington State LLLT
21 Educational Program Approval Standards.

22 For purposes of satisfying APR 3(e)(2), one credit hour shall be equivalent to 450 minutes of
23 instruction.

24 2. *LLLT Educational Program Approval Requirements for Programs Not Approved by the ABA.*

25 The LLLT Board shall be responsible for establishing and maintaining standards, to be published
26 by the Association, for approving LLLT educational programs that are not otherwise approved

SUGGESTED AMENDMENTS TO APR 28 – Clean

1 by the ABA. Educational programs complying with the LLLT Board’s standards shall be
2 approved by the LLLT Board and qualified to teach the LLLT core curriculum.

3 **B. Practice Area Curriculum.** An applicant for licensure in a defined practice area shall have
4 completed the prescribed curriculum and earned course credits for that defined practice area, as
5 set forth below and in APR 3(e). Each practice area curriculum course shall satisfy the curricular
6 requirements approved by the LLLT Board and published by the Bar.

7 **C. Required Supplemental Education.** The LLLT Board has discretion to require all LLLTs to
8 complete supplemental education in order to maintain their licenses due to changes in the
9 permitted scope of practice for LLLTs. The LLLT Board shall provide notice to LLLTs of the
10 supplemental education requirement and the deadline for completion of the requirement,
11 allowing at least 12 months to complete the required supplemental education. LLLTs may be
12 administratively suspended pursuant to the procedures set forth in APR 17 if they fail to comply
13 with the supplemental education requirements by the stated deadline.

14 1. *Domestic Relations.*

15 a. Prerequisites: Prior to enrolling in the domestic relations practice area courses, applicants shall
16 complete the following core courses: Civil Procedure; Interviewing and Investigation
17 Techniques; Introduction to Law and Legal Process; Legal Research, Writing, and Analysis; and
18 Professional Responsibility.

19 b. Credit Requirements: Applicants shall complete five credit hours in basic domestic relations
20 subjects and ten credit hours in advanced and Washington specific domestic relations subjects.

21 REGULATIONS 4 – 20

22 [NO CHANGES]



WSBA

MEMORANDUM

To: WSBA Board of Governors
From: Douglas Ende, Chief Disciplinary Counsel
Date: May 5, 2017
Re: Background Materials for Mandatory Malpractice Insurance Generative Discussion

Although many U.S. jurisdictions, including Washington State, have insurance disclosure rules requiring reporting and/or disclosure of whether a lawyer is covered by professional liability insurance, few U.S. jurisdictions require, as a condition of licensing, that lawyers have such insurance. Since the 1970s, Oregon alone has had a comprehensive system (known as the Professional Liability Fund) requiring malpractice insurance for all licensed lawyers in Oregon representing private clients. (In the late 1980s there was an effort to propose a comparable system in Washington State, but it was defeated by a referendum submitted to the membership by the Board of Governors.) Last year, the Idaho Supreme Court enacted a rule (effective in January 2018) that will require Idaho lawyers to submit proof of minimum coverage at the time of annual licensing. Although rare in the U.S., the bars of a number of other countries, including the Canadian provinces, the Australian states, and England and Wales, require lawyers to have professional liability insurance as a condition of licensing.

The public-protection purpose of such measures is to ensure that consumers of legal services are financially protected from lawyer errors. In Washington State, financial responsibility obligations are currently imposed on limited license legal technicians (LLLTs) and limited practice officers (LPOs) by court rule. On a number of occasions in meetings with the Board of Governors, Justices of the Supreme Court have inquired about the discrepancy between the financial responsibility requirements applicable to LLLTs and LPOs and the lack of such a requirement for lawyers.

In 2016, the Board of Governors convened a workgroup to gather information about the topic. The workgroup included four Board of Governors members (Mario Cava, Bill Pickett, Andrea Jarmon, and Kim Risenmay), one WSBA member (PJ Grabicki), and one WSBA staff liaison (Doug Ende). Attached to this Memorandum is a compilation of the most germane information gathered by the Workgroup.

Accompanying Documents

- HISTORICAL EFFORT TO PROPOSE MANDATORY MALPRACTICE RULE: 1986 Status Report on Malpractice Insurance Coverage and Professional Liability Fund Proposal, Washington State Bar News (Appendix A)
- WASHINGTON STATE INSURANCE DISCLOSURE RULE: APR 26 FAQ & WSBA Professional Liability Insurance Disclosure Certification (Appendix B)
- WASHINGTON STATE STATISTICS ON COVERAGE: 2016 WSBA Malpractice Insurance Disclosure Reporting Statistics for Those in Private Practice (Appendix C)
- MANDATORY MALPRACTICE WORLDWIDE: Professional Indemnity Insurance Requirements Around the World (Appendix D)

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- THE OREGON APPROACH: About the PLF (from PLF website) (Appendix E)
- THE IDAHO APPROACH: Idaho Supreme Court Amended Order, March 30, 2017 (Appendix F)
- POTENTIAL SYSTEM MODELS: ALPS White Paper Available to ALPS-Endorsed State Bars Contemplating Mandatory Lawyers' Professional Liability Insurance (Appendix G)

APPENDIX A

MEMORANDUM

TO: ALL WASHINGTON LAWYERS

RE: STATUS REPORT ON MALPRACTICE INSURANCE COVERAGE AND PROFESSIONAL LIABILITY FUND PROPOSAL

Background

In May of this year a special WSBA Task Force reported findings to the Board of Governors and described possible models of a professional liability fund and a traditional insurance company. After reviewing this report, the Board of Governors appointed a new Task Force to design a professional liability fund. This Task Force did its work and sent out a description of its proposal in late August. It then conducted hearings in six different cities in the state, at which Bar members had an opportunity to see the details of the plan as set forth in the documents available at those hearings.

During this period and in addition to the hearings, there has been a large amount of communication from members in the form of letters and phone calls to members of the Task Force and the Board of Governors. In addition, a formal study of the proposal was conducted by a task force of the Seattle-King County Bar Association.

The intention had been to have the Board of Governors act at their September 20 meeting. It became obvious that this time table was too short. Accordingly, on the recommendation of the Task Force, the Board set a new time table. It also provided for this special *Bar News* article.

The revised time table now calls for the Board of Governors to act on the proposal at its December meeting. If the Board approves the concept/proposal, a substantial portion of the January *Bar News* will be devoted to a final description of the plan and the arguments pro and con.

What Now?

It is hoped that bar organizations of one kind and another, law firms and groups of Washington lawyers everywhere will exchange ideas, ask questions and debate this program. Members of the Task Force will be available to come talk to any group. The coupon included with this article is for you to send in to get a copy of the proposed court rule and the coverage plan.

All of the elements of this proposal are based on the deliberations of the Task Force, which undoubtedly will be meeting again before the December Board meeting; if you have questions or comments, the Task Force would be pleased to receive them. In addition, you should feel free to address any comments you want to any member of the Board of Governors.

The Task Force would like to note here that it has simply not been able to respond to all of your letters. In many cases, the letters have asked questions, and it is hoped that this material will furnish the answers. If it does not, please write again, and an effort will be made to respond promptly.

It seems unlikely that the ingredients of the plan would be changed in any substantial way from this point forward. However, the plan remains to be approved by the Board of Governors and, in this process, changes could occur.

Recent Changes

After receiving your many comments and conducting the hearings, the Task Force concluded that two fairly fundamental changes had to be made: provision for a less expensive program for those with part-time practices and a provision for a schedule of "deductibles."

One consistent and impressive objection came from those lawyers who have only a very small practice. While this may not be a large number in terms of the size of our Bar, nevertheless it did not seem right to fail to make a provision in the plan to avoid the possibility of terminating the practices of some of these part-time practitioners. Accordingly, the following provisions would be made for the lawyer who complied with the criteria: a lower coverage limit of \$100,000 and a substantially reduced assessment, *i.e.*, 35% of the regular assessment or \$417 per year in the start-up phase. The criteria for this status have not yet been formalized. They will appear in the material which will be mailed to you if you send in the coupon which is part of this article. Generally, the thought is that the provisions would be available to a lawyer whose legal work over a period of the last three or four years has not exceeded an average value of \$20,000 per year and who does not have any vicarious liability for the activities of any other lawyer.

Since it was concluded that the above special category of limited exposure should be recognized, it seemed to follow that a lawyer should be permitted to elect to have only \$100,000 in coverage rather than the full normal \$250,000. One



thought here is that there will be many lawyers who do not have large practices and who will not qualify for the special limited exposure category but who should have the opportunity to pay a somewhat lower assessment and have lower coverage. The assessment for \$100,000 coverage would be 70% of the normal assessment for the full coverage of \$250,000.

Finally, the Task Force has decided to design into the schedule a series of "deductibles" ranging from \$2,500 up to \$100,000. These are not deductibles in the strict sense because, in keeping with the principle of the Fund which addresses public or client protection, the Fund should be committed to pay all losses from the first dollar. Therefore, the deductible would actually be an amount for which the lawyer indemnifies the Fund, and it would apply to both damages and claims expense. The Fund would have the right to demand the payment of the indemnified amount from the lawyer at any time after a claim was made.

The deductibles of \$2,500 and \$5,000 would be available to a lawyer electing to have only \$100,000 of coverage. The higher deductibles would be available only in the case of the full coverage of \$250,000 of the Fund.

As to the larger deductibles beginning at \$25,000, there would be a requirement of a showing of financial ability to cover the indemnity. This requirement could take a variety of forms depending on the circumstances.

Structure

The proposal is that the Fund would operate essentially under the control of the State Supreme Court. Under the terms of the rule, a non-profit corporation, the Washington Lawyers' Professional Liability Fund, would be created with a Board of nine members, six of whom would have to be lawyers.

Failure to pay an assessment or failure to pay a "deductible" would

be grounds for suspension from practice.

The key elements of the Professional Liability Fund are the assessment schedule and the coverage plan. The assessment schedule would set forth the assessment amount for the various types of coverage available including any surcharges that might be imposed and obligatory deductibles. The coverage plan would describe the acts and omissions which are covered; the exclusions would contain all of the terms which are typically in an insurance policy. The proposed court rule provides that each year the assessment schedule would have to be furnished in advance to the Board of Governors of the State Bar, and that Board would have the ability to ask the court to review the schedule. In addition, the rule would require that any change in the coverage plan would have to be submitted to the Board of Governors in advance of its acceptance by the court so that the Board of Governors would have an opportunity to object or seek modifications.

The rule *does* contemplate that the Board of the Fund would have the authority to establish a basis for both surcharges and imposed deductibles. This means that, as is presently the case in Oregon, the lawyer who generates claims would be required to pay a higher assessment or to accept a substantial deductible. It is also possible that the Board of the Fund could conclude from its observation of the loss data that certain types or characteristics of practice require treatment with larger assessments or imposed deductibles.

The Amount of the Assessment

A professional liability fund is different from an insurance company. An insurance company sets a premium for a year of coverage on the basis of a prediction of the amount of money that will be necessary to cover all of the claims that will be made during that policy year, whether paid during that year or

not, and cover its profit and taxes. The company relies on these premiums and its capital to be able to pay all claims. A Fund, on the other hand, relies simply on its membership to pay assessments from year to year to cover its cash needs. Because of this difference, the start-up of a Fund permits it to make a lower charge because its cash needs to pay the claims in the first year are obviously smaller than will be the case after it has been running for a period of time and has accumulated a history of claims which will mature in the year ahead.

To compute what is needed for a Professional Liability Fund for lawyers in Washington, the actuary engaged by the Task Force studied loss data from Washington insurance carriers and from the Oregon Professional Liability Fund. These studies led to the conclusion that, on a paid-claim basis, the assessments required for 1987, 1988 and 1989 would be, respectively, \$571, \$1,227 and \$1,776. The actuary counseled against a start-up with minimum funding, and the Task Force agreed. The Task Force resolved this by averaging the three figures for 1987, 1988 and 1989 to come up with an assessment of \$1,191. It is the hope that starting with what amounts to a substantial cushion would enable the Fund to maintain the same assessment for a period of three years.

It should be pointed out that the actuary concluded that there would be a 15%-per-year increase in claims expense based on observed results in recent years and a 7% increase in expenses. On these assumptions, the assessment for 1990 for the basic coverage would be \$2,282. Again, using these assumptions, the figures become rather staggering as one looks ahead even further. The implication of this, of course, is that the trend of increasing claims must be terminated.

This article is *not* intended to make a case for the Fund—It is intended to bring everyone up to date and to encourage all members to make the effort to become as knowledgeable as possible.

APPENDIX B



Professional Liability Insurance

Professional Liability Insurance Policies

[Frequently Asked Questions about Professional Liability Insurance](#)

APR 26

[Insurance Resources](#)

Washington lawyers are not required to have professional liability insurance coverage. However, they are required to report to the Washington State Bar Association, on a yearly basis, whether they have coverage. They are not required to report the following:

- Who their insurer is, if they have malpractice insurance coverage.
- The limits of their policy.
- The amount of any deductible that the lawyer must pay before the insurance company is obligated to pay a claim.
- Any limitations on or exemptions from coverage. For example, most legal malpractice insurance policies do not cover claims against a lawyer that arise out of illegal conduct by the lawyer.

Not all lawyers maintain professional liability insurance. Some lawyers may make a responsible decision not to maintain insurance because the lawyer is an in-house or government lawyer, or because the lawyer may choose to be financially responsible (self-insured).

The Washington State Bar Association does not independently verify the insurance information provided by lawyers. There is no guarantee that a lawyer has maintained insurance coverage after the report date or will continue to maintain insurance coverage in the future. There is also no guarantee that a lawyer has adequate insurance limits to cover all potential claims or that a particular claim will be covered by the policy. Note that it is also possible that the information displayed was erroneously reported or incorrectly entered in the State Bar's database.

The following is a list of questions that a prospective client might ask before entering into a lawyer-client relationship with a particular lawyer:

- Do you presently maintain professional liability insurance coverage?
- What is the name of your insurer?
- What are the limits of your coverage? Have any of those limits been used in the payment of other claims?
- What is the deductible under your policy?
- Does your policy cover the type of work you are doing for me?
- What is the term of your current coverage?
- Will you advise me if you discontinue your coverage or change your limits?
- Could you provide me with a Certificate of Insurance (evidence from an insurance company that the lawyer is insured)?
- If you do not maintain professional liability insurance, why have you made that decision?

Professional liability insurance policies provide insurance coverage for some but not all professional liability (malpractice) claims made against a lawyer. Most professional liability policies are written on a "claims-made" basis. This is different from the usual home-owners or automobile insurance policy. This means that the insurance company providing the insurance has agreed to cover claims that are made against the lawyer during the term of the policy. In other words, the policy that applies to a particular claim is the policy that is in effect at the time the claim is presented to the insurance company with a demand for payment - not the policy in effect when the lawyer's alleged negligence or mistake took place. Malpractice insurance policies typically limit the amount that the insurance company can be required to pay on each claim and the total amount that the insurance company can be required to pay on all claims made against the lawyer during the term (or effective period) of the policy. The maximum amount of coverage provided by a malpractice insurance policy is called the "limits" of the policy.

Frequently Asked Questions about Professional Liability Insurance

Why am I required to disclose whether I have Professional Liability Insurance?

Rule 26 of the Admission to Practice Rules (APR) provides that every active member of the Washington State Bar Association is required to disclose annually whether the lawyer maintains professional liability insurance.

What is the purpose of required insurance disclosure?

The purpose of the insurance disclosure rule is client protection. Under the Washington Rules of Professional Conduct, one of the basic principles of the lawyer-client relationship is that the lawyer will give the client sufficient information regarding material facts to allow the client to make an informed decision in matters relating to the representation. See, e.g., RPC 1.4; 1.7. Whether a lawyer maintains professional liability insurance may be a material fact for some persons in considering whether to hire a lawyer, and it should be easily available to a client or prospective client.

What does the rule require?

APR 26 requires that each active status lawyer certify annually on a form approved by the Board of Governors (a) whether the lawyer is in private practice; (b) if so, whether the lawyer maintains professional liability insurance; (c) whether the lawyer intends to continue to maintain insurance; and (d) whether the lawyer is a full-time government lawyer or house counsel and does not represent clients outside that capacity. The rule also requires

notification to the WSBA within 30 days if the lawyer in private practice ceases to be insured. The rule does not require lawyers to have professional liability insurance.

Is failure to disclose a disciplinary violation?

Failure to comply with the disclosure requirement will result in administrative suspension from practice until the information is disclosed, in the same way that lawyers may be suspended for failure to comply with the continuing legal education reporting requirements, but it is not a disciplinary violation.

What is done with this information?

This insurance information is available to clients or prospective clients on the lawyer directory on the WSBA website or by contacting the WSBA. In practice, the availability of this information will operate similarly to the contractor insurance and bonding information available to the public through the Department of Labor and Industries by contacting the Department or searching the Department's website.

Where can I find information on purchasing legal malpractice insurance?

The [ABA Standing Committee on Lawyers' Professional Liability](#) has a very helpful webpage with links to insurance resources for lawyers.

How should I fill out the Professional Liability Insurance Disclosure?

Mark the one box that fits your situation. If you represent clients in any capacity (whether it be pro bono or as a contract attorney) you should find out whether or not the organization for which you are providing services maintains and intends to maintain professional liability insurance and mark the appropriate box.

How should I notify the WSBA if my coverage lapses, is no longer in effect or terminates for any reason?

APR 26 requires written notification within 30 days if your coverage lapses, is no longer in effect or terminates for any reason. After you have filed your Professional Liability Insurance Disclosure during the license renewal process, you may make changes to it by logging into www.mywsba.org and clicking the Edit Liability Insurance Info link. Or, you may send a letter or [email](#) to the WSBA, attention Licensing Project Lead.



WSBA

Professional Liability Insurance (APR26) Trust Account (ELC 15.5; Amended APR 17) Reinstatement to Active Membership

Be sure to certify this form by signing at the bottom of this page.

Professional Liability Insurance (APR 26)

Washington lawyers are not required to have professional liability insurance coverage. However, they are required to report to the WSBA, on a yearly basis, whether they have coverage. APR 26 requires written notification within 30 days if your coverage lapses, is no longer in effect, or terminates for any reason. Such notification should be made online at myWSBA.org.

I certify that I will (*Mark the one box that fits your situation*):

- be engaged in the private practice of law, covered by, and intend to maintain Professional Liability Insurance.
- be engaged in the private practice of law, covered by, but DO NOT intend to maintain, Professional Liability Insurance.
- be engaged in the private practice of law BUT NOT covered by Professional Liability Insurance.
- NOT be engaged in the private practice of law because: (1) I do not practice law, or (2) I practice law as a government lawyer, or (3) I am employed by an organizational client, and I do not represent clients outside that capacity.

Trust Account (ELC 15.5; Amended APR 17)* (Choose either Yes or No, do not leave blank)

The trust account information question should be answered according to the facts as they exist on the date the form is certified. You do not need to report closed IOLTA accounts - only currently open accounts. You do not need to notify the WSBA if you open an IOLTA account midyear. You report only once a year.

Mark Yes or No. Write in information for ALL accounts if applicable, attaching separate page if necessary.

Yes No I or my firm maintain(s) either an IOLTA account or other client trust account(s) for the deposit of client funds received in connection with representations undertaken using my Washington license.

If yes, write in information for ALL accounts, if applicable, attaching a separate page:

Institution	Branch/City	IOLTA Account Number
-------------	-------------	----------------------

*All funds and property of WA clients, if any, and all WA trust accounts and records, if any, must be maintained in compliance with RPC 1.15A and B.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing information is true and correct.

Signature	Date	Place Signed
------------------	-------------	---------------------

Name: _____ **WSBA No.** _____

APPENDIX C

2016 WSBA ACTIVE LAWYERS MALPRACTICE INSURANCE DISCLOSURE REPORTING STATISTICS FOR THOSE IN PRIVATE PRACTICE

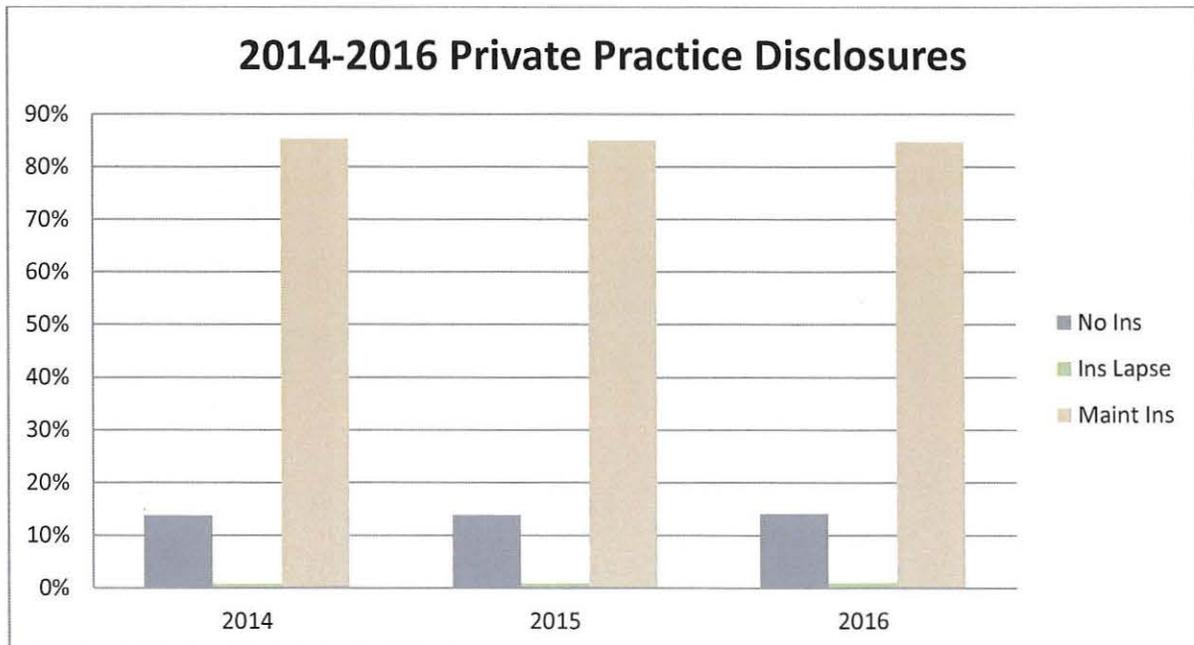
Under APR 26, active lawyers are required to report whether they carry malpractice insurance on an annual basis. During the annual licensing renewal process, lawyers must report whether they:

- do not have insurance (No Ins),
- have insurance but that it will not be maintained in the next reporting year (Ins Lapse), or
- have insurance and that it will be maintained (Maint Ins).

What follows are graphical representations of membership statistics along with demographic information relating to the size of firm for those in private practice related to malpractice insurance disclosures. Those not in private practice are not captured in this data. All information is detailed in percentages.

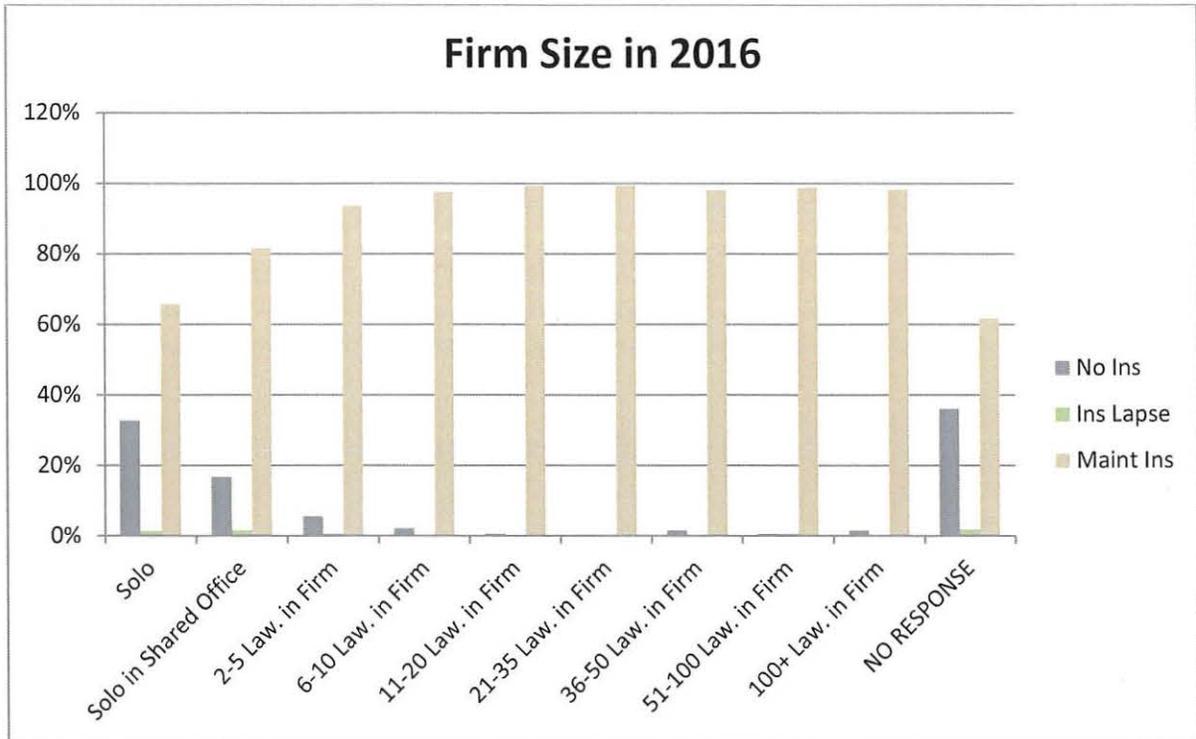
PRIVATE PRACTICE INSURANCE DISCLOSURES FOR 2014-2016

For the years 2014-2016, the graph below details the percentage of those in private practice reporting that they had no insurance, had insurance but intended to let it lapse, or had insurance and intended to maintain it. The chart reveals that consistently 14% of those in private practice do not carry insurance and 1% let their insurance lapse.



FIRM SIZE REPORTING

For the year 2016, the graph below details by size of firm what lawyers in private practice disclosed about their malpractice insurance in 2016.¹ Of those who responded regarding their firm size, the data reveals that approximately 30% of lawyers who identified themselves as solo practitioners are uninsured.



¹ This chart does not include lawyers who reported working in private practice in the government sector or acting as in-house counsel.

APPENDIX D

**Table 1:
PROFESSIONAL INDEMNITY INSURANCE REQUIREMENTS
AROUND THE WORLD** *Note: for information purpose; not a comprehensive listing

LOCATION	MANDATORY PROFESSIONAL INDEMNITY INSURANCE REQUIRED		MINIMUM COVERAGE
	YES	NO	
ASIA¹			
Malaysia	X		RM 250,000 for sole practitioner to maximum RM 2M for multi practitioner firm
Hong Kong	X		HK\$10,000,000
Singapore	X		S\$1,000,000
AUSTRALIA			
New South Wales ²	X		AUS\$2,000,000 per claim
South Australia ³	X		AUS\$2,000,000 per claim
Queensland ⁴	X		See Note 4
Tasmania ⁵	X		AUS\$1,500,000
Victoria ⁶	X		AUS\$2,000,000
Western Australia ⁷	X		
CANADA			
British Columbia	X		CDN\$1,000,000
Alberta	X		CDN\$1,000,000
Saskatchewan	X		CDN\$1,000,000
Manitoba	X		CDN\$1,000,000

¹ “Hong Kong Solicitors Indemnity Scheme Review of Insurance Arrangements Review Report” (28 November 2003), online: The Legislative Council of Hong Kong < <http://www.legco.gov.hk/yr03-04/english/panels/ajls/papers/aj0129cb2-1092-1e-scan.pdf>>.

² Professional Indemnity Insurance Policy 2010/2011”, online: LawCover, <[http://203.147.162.122/filelibrary/Files/Insurance/Sample_10.11CPII%20Policy\(standard\)_FINAL.pdf](http://203.147.162.122/filelibrary/Files/Insurance/Sample_10.11CPII%20Policy(standard)_FINAL.pdf)>.

³ <http://www.lawsocietysa.asn.au/other/lawclaims.asp>

⁴ <http://www.qls.com.au/content/lwp/wcm/connect/QLS/Your%20Legal%20Career/Practice%20Support/Professional%20Indemnity%20Insurance/>; Queensland Law Society Limitation of Liability Scheme acts to put a limit on liability in damages on solicitors effective July 1, 2010. Some members are eligible for a cap of liability of AUS\$1.5M to AUS\$10M depending on Class of Members: www.qls.com/content/lwp/wcm/resources/file/eb50b4068565216/100604-official-QLSLOL-scheme/document.pdf

⁵ www.taslawsociety.asn.au/web/en/lawsociety/practice/ConditionsPC.html; “Professional Indemnity Insurance Master Policy: 1 January 2006 to 31 December 2006”, online: The Law Society of Tasmania <<http://www.taslawsociety.asn.au/news/2006MasterPolicy.pdf>>.

⁶ “Contract for Professional Indemnity Insurance for Solicitors: 2010/2011” online: Legal Practitioners Liability Committee, <<http://plc.websynergy.com.au/media/file/policies/LPLC-Policyforsolicitors-10-11.pdf>>.

⁷ www.lawsocietywa.asn.au/mooverview.htm

Ontario	X		CDN\$1,000,000
Quebec	X		CDN\$10,000,000
New Brunswick	X		CDN\$1,000,000
Nova Scotia	X		CDN\$1,000,000
Prince Edward Island	X		CDN\$1,000,000
Newfoundland	X		CDN\$1,000,000
Yukon	X		CDN\$1,000,000
Northwest Territories	X		CDN\$1,000,000
Yukon	X		CDN\$1,000,000
EUROPE⁸			
Austria	X		€400,000 for a single lawyer
Belgium	X		€1,250,000 for a single lawyer
Czech Republic	X		Kč 1,000,000 for a sole lawyer
Denmark	X		Kr DKK 2.5M
Estonia	X		kr EEK 1,000,000 for one insured
Finland	X		FIM 1,000,000
France	X		€3,850,000 per loss per lawyer
Germany	X		€250,000 per loss
Greece		X	
Hungary	X		Ft 5,000,000 per damage
Iceland	X		
Ireland	X		€2.5M each claim
Italy		X	
Latvia		X	
Lithuania	X		LTL 100,000
Lichtenstein	X		CHF 1,000,000
Luxemburg	X		€1,250,000
The Netherlands	X		€453,780 per event
Norway	X		kr NOK 2,000,000 per claim
Poland	X		Zł PLN404,890 (2009)
Portugal	X		€150,000 per lawyer
Slovakia	X		SKK 3,000,000
Slovenia	X		€250,000
Sweden	X		kr SEK 3,000,000 for pure economic loss caused by error or

⁸ Revised Comparative Table on Professional Indemnity October 2009” (27 August 2010), online: Counsel of Bars and Law Societies of Europe (CCBE) <http://www.ccbe.org/fileadmin/user_upload/NTCdocument/REVISED_Comparative_1_1282909942.pdf> at 39-43 and 62- 66.

			neglect and kr SEK 10,000,000 for damages caused by crime against property
NEW ZEALAND		X	
UNITED KINGDOM			
England and Wales ⁹	X		£2,000,000 per claim for sole practitioner; bodies corporate £3M
Northern Ireland ¹⁰	X		£250,000 for junior counsel; £500,000 for senior counsel
Scotland ¹¹	X		£2,000,000 per claim (2008)
UNITED STATES			
Oregon ¹²	X		US\$300,000 per claim
All Other States		X	
SOUTH AFRICA ¹³			AIIF provides professional indemnity coverage to all legal practitioners: R 1,562,500 for sole practitioner (2010). Generally determined by number of partners or directors of firm

⁹ Professional Indemnity Insurance” (8 June 2010), online: The Law Society

<<http://www.lawsociety.org.uk/productsandservices/practicenotes/piinsurance/4527.article>>; *Supra* note 1

¹⁰ www.lawsoc-ni.org/about-us/regulatory-framework-/?keywords=professional+indemnity; *Supra* note 1

¹¹ www.lawscot.org.uk/forthepublic/consumer-protections/professional-indemnity

¹² “Professional Liability Insurance Directory” *Standing Committee on Lawyers’ Professional Liability* (6 May 2009) online: American Bar Association

<<http://www.abanet.org/legalservices/lpl/directory/carriers/oregon.html>>; “State Implementation of ABA Model Court on Insurance Disclosure” *American Bar Association Standing Committee on Client Protection* (7 October 2010), online: American Bar Association Standing Committee on Client Protection <http://www.abanet.org/cpr/clientpro/malprac_disc_chart.pdf>.

¹³ www.aiif.co.za/index.php?certificate-of-insurance; www.aiif.co.za/downloads/2010-2011_english_policy.pdf; Attorneys Insurance Indemnity Fund (AIIF) provides insurance coverage at no cost to practitioners. AIIF provides professional indemnity insurance cover to all legal practitioners through annual premiums paid by the Attorneys Fidelity Fund.

APPENDIX E

About the PLF

The Oregon State Bar Board of Governors created the Professional Liability Fund in 1977 pursuant to state statute and with approval of the membership. The PLF first began operation on July 1, 1978, and has been the mandatory provider of primary malpractice coverage for Oregon lawyers since that date.

The PLF provides coverage of \$300,000 per claim/\$300,000 aggregate to every attorney engaged in the private practice of law in Oregon. This coverage includes defense costs and, in addition, there is a \$50,000 claims expense allowance. In 2016, the basic assessment for this coverage is \$3,500 for each attorney; the assessment has remained the same for five consecutive years.

The PLF's philosophy is that a program of this type must be mandatory for all lawyers in private practice in the state, as purely voluntary participation could result in adverse selection and a concentration of only the "bad" risks, leading to financial instability. Over time, the cost of coverage provided by the PLF has proved to be less than the cost of comparable commercial coverage.

Protecting Oregon Lawyers

Of the roughly 14,950 active members of the Oregon State Bar who live in Oregon, approximately 7,300 are in private practice and participate in the PLF. The remaining Bar members claim exemption from the PLF as corporate counsel, government lawyers, law professors, etc. These numbers fluctuate slightly throughout the year.

The coverage provided by the PLF is on a "claims made" basis rather than an "occurrence" basis. The PLF also provides automatic extended reporting or "tail" coverage at no cost to attorneys who discontinue practicing law in Oregon.

The PLF has enjoyed support from the membership and very good success with the handling of its claims. Based on recent data, roughly 67% of claim files are closed without payment of any settlement or judgment, while 33% involve some payment to a claimant. The average claim payment (including claims for which no payment was made) is approximately \$9,600. Roughly 40% of claim files are closed without payment of any claims expense, while 60% involve some claims expense. The average claims expense paid on a claim (including claims with no claims expense) is approximately \$11,400.

Services We Provide

In order to keep malpractice claims as low as possible, the PLF offers an extensive array of loss prevention programs, including (1) legal education seminars, publications, and practice aids that alert lawyers to malpractice traps, (2) a practice management advisor program that helps lawyers improve office systems and procedures, and (3) a personal assistance program that helps lawyers practice more effectively ([Oregon Attorney Assistance Program](#)).

Beginning in 1991, the PLF has also offered optional **excess coverage** on an underwritten basis to Oregon law firms. Coverage is available up to aggregate limits of \$10 million. Excess coverage is also available from commercial insurers. Roughly half of the lawyers in private practice carry some excess coverage.

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APPENDIX F

In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO SECTIONS OF)
THE IDAHO BAR COMMISSION RULES)
(I.B.C.R.))
_____)

AMENDED
ORDER

The Board of Commissioners of the Idaho State Bar having presented proposed changes to the Idaho Bar Commission Rules (I.B.C.R), and the Idaho Supreme Court having reviewed and approved the recommendations;

NOW, THEREFORE, IT IS HEREBY ORDERED, that the Idaho Bar Commission Rules (I.B.C.R.), as they appear in the Idaho State Bar Desk Book and on the Idaho State Bar website be, and they are hereby, amended as follows:

1. That Rule 302 of SECTION III be, and the same is hereby, amended as follows:

SECTION III Licensing

RULE 302. Licensing Requirements. Following admission as a member of the Bar, an attorney may maintain membership as follows:

- (a) **Active or House Counsel Member.** An Active or House Counsel Member shall:
 - (1) Pay the annual license fee required by Rule 304;
 - (2) Comply with trust account requirements;
 - (3) Comply with all applicable MCLE requirements under I.B.C.R. 402;
 - (4) Verify the attorney's membership information under Rule 303, including an email address for electronic service from the courts; and
 - (5) Certify to the Bar ~~on or before February 1 of each year (1A)~~ whether the attorney represents private clients; and (2B) if the attorney represents private clients, whether the attorney is currently covered by professional liability insurance; and (3) whether the attorney intends to maintain professional liability insurance during the next twelve (12) months submit proof of current professional liability insurance coverage at the minimum limit of \$100,000 per occurrence/\$300,000 annual aggregate. Each attorney admitted to the active practice of law in this jurisdiction who ~~reports being covered by~~ is required to have professional liability insurance shall identify the primary carrier and shall notify the Bar in writing within thirty (30) days if the professional liability insurance policy providing

coverage lapses, is no longer in effect, or terminates for any reason, unless the policy is renewed or replaced without substantial interruption.

...

2. That Rule 303 of SECTION III be, and the same is hereby, amended as follows:

**SECTION III
Licensing**

RULE 303. Membership Information.

- (a) **Required Information.** All members of the Bar must provide the following membership information, which shall be considered public information:
- (1) Full name;
 - (2) Name of employer or firm, if applicable;
 - (3) Mailing address;
 - (4) Phone number;
 - (5) Email address for use by the Bar; and
 - (6) In addition to the above information, an Active or House Counsel Member shall also provide:
 - (A) An email address for electronic service of notices and orders from the courts in those counties and district courts where electronic filing has been approved by the Supreme Court. This email address may be the same as the email address identified in subsection (a)(5) above. If no separate email address for electronic service from the courts has been designated, the email address identified in subsection (a)(5) will be used for such service; and
 - (B) Whether the attorney has professional liability insurance, if such disclosure insurance is required under Rule 302(a).

...

3. That Rule 402(e) of SECTION IV be, and the same is hereby, amended as follows:

**SECTION IV
Mandatory Continuing Legal Education**

RULE 402. Education Requirement Report.

...

- (e) **Exemptions.** Exemptions from all or part of the CLE requirements of subsection (a) may be granted as follows:
- (1) **Eligibility.** An exemption may be granted:
 - (A) Upon a finding by the Executive Director of special circumstances constituting an undue hardship for the attorney; or

- (B) Upon verification of the attorney's disability or severe or prolonged illness, in which case all or a specified portion of CLE credits may be earned through self-study; or
- (C) For an attorney on full-time active military duty who does not engage in the practice of law in Idaho.

...

IT IS FURTHER ORDERED that the amendments to Rule 302 and 303 shall be effective January 1, 2018, and amendments to Rule 402 shall be effective immediately.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Rules.

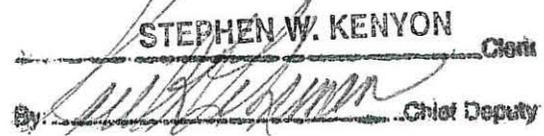
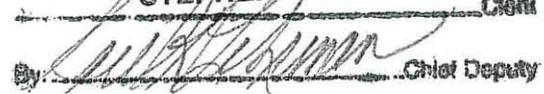
DATED this 30 day of March, 2017.

ATTEST: 
Clerk

By Order of the Supreme Court


Daniel T. Eismann, Vice Chief Justice

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the minutes of the Court entered in the above entitled case and now on record in my office. 3-30-17
WITNESS my hand and the Seal of this Court.

STEPHEN W. KENYON Clerk

By:  Chief Deputy

APPENDIX G



White Paper Available to ALPS-Endorsed State Bars Contemplating Mandatory Lawyers' Professional Liability Insurance Options

State Bars contemplating mandatory professional liability insurance programs are usually motivated by ensuring the public as consumers of legal services are financially protected from attorney error, improving the practice of law in the state and enhancing the reputation of the profession generally.

This white paper was developed at the request of State Bars inquiring of how a mandatory program might work, leveraging ALPS' 30 years in the lawyers' professional liability market. It presents two models of governing mandatory coverage: an open-market model and a mandatory fund. The two models approach the problem from very different perspectives and both models contain positive and not so positive attributes depending on how you perceive each. The open Market Program has less State Bar involvement and is best described as a monitoring program. The Mandatory Fund Model is much more robust and really addresses, in a participatory way, the whole concept of comprehensive client protection with central administration of a number of aspects of financial and personal responsibility to clients.

Open Market Model

In an Open Market Model, every lawyer licensed to practice law in the state must maintain professional liability insurance consistent with the standards set by the Supreme Court and the State Bar. In addition, it would require professional liability insurers to report all cancellations and non-renewals. In its simplest form, this program establishes minimum standards of required coverage and reporting requirements, but allows attorneys the flexibility to select their own insurance carrier and operates entirely in the open market with no government fund or guarantees. For purposes of this proposal, we will assume a minimum limit of \$500,000 per occurrence/ \$1Million annual aggregate with deductibles not to exceed \$1,000 per attorney insured under the policy.

This model is likely the one that most lawyers would favor, but puts a more significant supervisory burden on the State Bar and or the Court in the administration of program exceptions (discussed in detail later). For purposes of further reference, we assume the State Bar has the responsibility for all administrative functions as designee of the Supreme Court

Program Framework

The open-market model significantly increases the administrative responsibilities of lawyers' professional liability (LPLI) insurers by requiring carriers to report cancellations

and non-renewals to the State Bar. Because of the requirement for insurer reporting, it may require legislative action to authorize the Court to guarantee insurer compliance and create enabling financial responsibility legislation. At a minimum, insurers will be required to provide the State Bar, or its appointed party, with duplicate copies of all non-renewal and cancellation notices, at the same time such notices are sent to the attorney and to update the administrator of any rescissions of cancellation or non-renewal.

Insurer compliance can be done through legislative mandate or on a voluntary basis. The simplest is “voluntary” participation by the insurance community. The standards would state that in order for a certificate of insurance to be acceptable to the State Bar as proof of coverage, it must state that the carrier agrees to comply with Court’s rules in regard to reporting. Prior to the commencement of the program, the State Bar would notify all licensed or authorized insurers in the state. They would have the opportunity to indicate they agree to comply and the list of compliant companies would form.

In order to facilitate the attorney’s effort to secure appropriate coverage, the State Bar would maintain the list of compliant insurers on their web site and initially provide the list with the license renewal or application materials sent to individual lawyers or firms. All that said it would be the responsibility of the individual lawyer to be sure he or she obtained coverage from an acceptable company. Certification would be re-filed annually as part of the Bar renewal process.

If an attorney’s coverage lapses, the State Bar would send a notice informing the attorney that they need to obtain an exemption (discussed below) from the State Bar to practice without Professional Liability coverage and how to make such an application. It would further advise the attorney that license revocation will occur at a time certain (or had occurred if the State Bar wanted to be hard nosed) if coverage is not restored or an exemption obtained.

Certain types of attorneys may not, for professional reasons, need malpractice insurance or wish to obtain it. That list could include governmental lawyers, law professors, in-house corporate counsel or private practitioners working solely on a *pro bono* basis. Under the program, these attorneys would be allowed to petition the court for an exemption from mandatory malpractice rules. Additionally, some attorneys may not be able to acquire coverage in the commercial market due to area of practice, prior loss experience or lack of insurance history. These attorneys will require the State Bar to make difficult decisions about who to exempt and who not to exempt. The conditions of exemption need to be well defined in the regulations or rules and should be strictly applied to avoid litigation. It may be that the State Bar would also consider an exemption for attorneys wishing to post a bond equal to the minimum insurance limit. All these issues will require deliberate definition as part of the organizational process.

The proposed program would be administered by the Bar or by ALPS as a program administrator selected and appointed by the Bar. Administrator responsibilities would include the following:

- Collection of filings from insurers,
- Notification to the Court in the event an attorney fails to comply with the insurance requirements,
- Compilation of requests for exemption, and such other things as the court or Bar may determine as appropriate for administration of the program.

Though both simple and comprehensive, the free-market model has potential drawbacks:

- Insurer Cooperation – The requirements placed on insurers will create increased administrative burden. The increased administrative burden may encourage existing or prospective Lawyers Professional Liability Insurance carriers to exit the market, reducing the availability of coverage and potentially increasing the cost of coverage.
- Exemption Administration – There would be a burden for administering exemption requests and approvals/declinations. Further, in at least some cases, it is likely that the Court would have to revoke licenses of attorneys unable to comply with the requirements.
- Lack of integrated loss prevention - Though less a flaw in the open-market system than an opportunity cost of not pursuing the mandatory fund program, the open market model in its simplicity does not provide the comprehensive client protection included within the Mandatory Professional Liability Fund model. These resources (impaired lawyers program, comprehensive risk management and lawyer malfeasance coverage) could still be provided by the Bar, independently, and funded by an additional bar dues assessments.

Mandatory Professional Liability Fund

The implementation of a Mandatory Professional Liability Fund (“the Fund”) goes beyond simply requiring attorneys to carry lawyers’ professional liability insurance (“LPLI”) to truly protecting the legal consumer through a State Bar operated facility which could do any or all of the following: 1) provide lawyers’ professional liability malpractice coverage, 2) provide indemnification for clients against attorney malfeasance, 3) provide risk management and loss prevention resources to improve the practice of law in the state, and 4) identify and assist in the rehabilitation of impaired lawyers. Participation in the Fund would be mandatory for all attorneys licensed to practice in the state (subject to fee reductions for those attorneys not requiring professional liability insurance as discussed below).

Comprehensive Client Protection through The Fund

Participation in the Fund would be mandatory for all attorneys in private practice. Attorneys employed as in-house counsel, government or private industry, law professors and retired attorneys would be exempt from participation in the professional liability portion of the Fund. All others would be charged an assessment annually, on a per-

attorney basis for remaining portions of coverage. Only attorneys in private practice or other electing to participate fully would be afforded coverage for professional liability risks.

LPLI Coverage

The fund would provide all participants with LPLI coverage with no deductible. The limits provided by the Fund will need to be considered by the State Bar, and may be, on a per attorney basis, \$500,000 per occurrence/ \$500,000 annual aggregate, \$1Million per occurrence/\$1Million annual aggregate or any other amount selected by the State Bar. Those lawyers wishing to have greater protection would be able to obtain excess coverage above the fund in the open market through commercial carriers.

Unlike commercially available malpractice insurance, the Fund would incorporate coverage for attorney malfeasance with a sub-limit of \$100,000 annually on an occurrence and aggregate basis. This enhanced coverage replaces current client protection fund mechanisms and provides greater protection for consumers of legal services and streamlines indemnification for clients. Clients often do not distinguish between malpractice and malfeasance, and a single source of recovery can help improve the reputation of the Bar. All lawyers who have a license would pay an assessment for coverage just as they do presently

Loss Prevention and Risk Management

The stated purpose of the Fund would be to provide the public with protection against, and in the event of, a lawyer's mistake. It stands to reason that reducing the incidences of malpractice serves that purpose as well as does providing for client indemnification. To that end, a fundamental part of the Fund would be to design, administer and require participation in risk management and loss prevention programs designed to improve the practice of law. Activities could include, but are not limited to, sample forms, manuals, articles, risk visits, practice audits and continuing legal education.

Impaired Lawyer Program

The Fund's impaired lawyer program is a humanitarian program intended to identify lawyers suffering from impairment due to alcohol or drug use, excessive stress, mental disease or disorder, and provide them with recovery tools and resources. As with loss prevention, the impaired lawyer component of the Fund ultimately serves the goal of protecting clients and ensuring we are addressing challenged attorneys for a self-regulating profession. It is certainly not too much for a client to expect their attorney to perform legal services with competency and without impairment from alcohol, drugs or excessive stress.

The State Bar or Program Administrator would staff counselors and attorneys to perform the following functions:

- Coordinate recovery programs
- Provide professional and peer counseling
- Administer recovery groups
- Design and administer career evaluations and counseling; and
- Provide support to family members.

Practice intervention could, on a case-by-case basis, assist attorneys seeking treatment by ensuring their clients are handled to avoid potential claims. This would be coordinated by the Fund's professional staff but would involve volunteer lawyers to provide direct practice support as needed. All attorneys licensed to practice would pay this portion of the assessment.

Underwriting and Assessment Considerations

The malfeasance and lawyer impairment portions of the fund assessment would be the same for all licensed lawyers and would likely be less than \$250 per year depending on the ultimate design of coverage for the programs.

The LPLI portion of the assessment could be developed using one of two models. Both would collect the same total assessment for the Fund, but illustrates two different ways of distributing an assessment among participants.

The first model requires no underwriting, and would charge an equal base assessment to each and every participant. Preliminary review indicates that the assessment for the program would fall within the following ranges:

Limit	Assessment Range
\$500,000	\$2,000 - \$2,600
\$1,000,000	\$2,650 - \$3,300

The second model effectively underwrites attorneys by area of practice according to simplified classes of practice. Attorneys in higher-risk categories of practice (including but not limited to Mergers / Acquisitions and Securities Law) would be charged an assessment closer to the top of the range, attorneys in medium-risk practice (such as Civil Litigation plaintiffs' law and Real Estate) would be charged an assessment in the middle of the range, and attorneys in lower-risk practice (such as Domestic Relations or Criminal Law) would be charged a lower assessment. The preliminary indications of the range for this model are broader to reflect the risk classifications and higher expense involved in additional underwriting:

Limit	Assessment Range
\$500,000	\$1,300 - \$6,500
\$1,000,000	\$1,625 - \$8,125

Within either model, attorneys with prior malpractice claims would be charged an additional assessment to reflect their increased loss activity. The issue of part-time vs full-time attorneys would need to be addressed with respect to assessment charges and underwriting criteria. If elected, a separate lower assessment could be developed for part-time practitioners.

New attorneys entering the Bar would be charged a reduced rate (probably 50-60% of the normal assessment in year one) for the professional liability portion of the assessment on a step rated basis reaching full maturity in six years as their exposure on a claims-made and reported basis expands with experience.

If an attorney fails to pay their annual assessment, the Court would take disciplinary action against the attorney to include suspension or revocation of their law license to practice in the state.

Administration

The Fund could be overseen by a board or committee of comprised of members of the State Bar as appointed or elected by a process to be determined by the Supreme Court. The Fund could be administered by the Bar and by ALPS as a Program Administrator. In administering the program, the Program Administrator will at a minimum perform the following functions:

Certificate Management and Customer Service

- Determine individual attorney assessments and dissemination of license renewal materials.
- Administer a website for attorneys to renew licenses and pay assessments online. If applicable, it would also maintain the attorney profiles and underwriting information (if administering the underwriting model)
- Offer annual assessment payment options, including full payment at time of binding coverage, credit card billing for full premium payment at time of binding coverage and privately-funded financing plan terms of up to nine months.
- Issue Certificate of Coverages exhibiting the coverage terms and conditions. Once issued, the Certificate of Insurance remains in force until cancelled.
- Provide a full staff of customer service representatives available for telephone contact and discussion of the Fund and services.

Claims Management

The Program Administrator would need experienced claims professionals to administrator all aspects of claims handling. This staff would include state-based claims attorneys and appropriate support staff. The Program Administrator would be responsible for the initial intake through final resolution of all malpractice claims including:

- Determination of whether the allegations fall within coverage extended by the Fund
- Investigation and evaluation of each claim to determine the risk posed to the Fund. If litigation becomes necessary, the administrator will hire defense counsel to respond on behalf of the covered attorney and will monitor the claim throughout the litigation process. From the initial investigation through the claim conclusion, the administrator will make reasonable efforts to resolve the claim expeditiously and cost effectively under the facts and the law at issue.
- Timely establish and post the appropriate reserves reflecting the Fund's risk for its amount of coverage.
- Manage the reserve portfolio of the Fund
- Coordinate with the excess carrier responsible for excess layers of coverage, if any is purchased by the individual attorney or firm.
- Report relevant claims statistics in order for the Fund to determine the risk posed to the Fund each year and reset assessment amounts
- With regard to claims arising from lawyer malfeasance, the claims department will interface with the state's relevant client protection governing board, provide that board with claim information and follow the board's determination with regard to claim coverage

Accounting and Actuarial

The Program Administrator will:

- Receive assessments
- Manage assessment financing
- Administer accounting of the Fund on a GAAP basis
- Manage accounts payable and receivable
- Prepare monthly financial statements
- Book reserves as directed by claims personnel
- Issue expense and claim checks
- With the assistance of an independent actuary, review reserve adequacy, prepare annual budget recommendations and set annual assessment amount.

Investment Management

The Program Administrator will also manage the assets of the Fund in a manner designed to ensure adequate liquidity to meet Fund obligations, and provide an advantageous investment return on held assets.

Other Services

It is contemplated the Program Administrator, at the Bar's request, would assist the State Bar in developing and implementing an industry-leading risk management program, thus

providing additional Bar relevance to members. It would also, if requested, administer the lawyer impairment portion of the program.

While the potential is greater for ultimate client protection, it comes on the basis of a mandatory program for lawyers licensed in the state. Because of this, Supreme Court leadership is critical for leadership, approval and implementation.



WSBA

OFFICE OF THE EXECUTIVE DIRECTOR

Margaret Shane
Executive Assistant

direct line: 206-727-8244
fax: 206-727-8316
e-mail: margarets@wsba.org

MEMO

TO: Board of Governors
FROM: Margaret Shane
DATE: May 9, 2017
RE: Proposed ABA Resolution Opposing 9th Circuit Restructuring

ACTION: Decide whether to support or co-sponsor the proposed ABA Resolution opposing the 9th Circuit restructuring.

Enclosed please find: the latest version of the proposed ABA Resolution opposing the 9th Circuit restructuring; transmittal letters from the ABA; statement of the ABA; Minutes from the BOG Legislative Committee; and comments received in response to Governor Cava's email to various stakeholders.

3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
215.981.4000
Fax 215.981.4750

Michael H. Reed
direct dial: 215-981-4416
direct fax: 215-981-4750
reedm@pepperlaw.com

April 18, 2017

Via Email: robin@giantlegal.net

Robin Lynn Haynes
President
Washington State Bar Association

Re: Opposition to Proposals to Split the United States Court of Appeals for the Ninth Circuit

Dear Robin:

I am writing to you in your capacity as President of the Washington State Bar Association. As you know, Washington is one of the states located within the federal Ninth Circuit. I have the privilege of chairing the Federal Courts Subcommittee of the Standing Committee on the American Judicial System (“Standing Committee”) of the American Bar Association (“ABA”). I also serve as the Pennsylvania State Delegate in the ABA’s House of Delegates and I previously served as President of the Pennsylvania Bar Association.

As you may know, various legislative proposals have been made recently to split the Ninth Circuit. The Standing Committee intends to request that the House of Delegates of the ABA reaffirm its existing policy opposing restructuring the Ninth Circuit because there is no compelling empirical evidence of adjudicative or administrative dysfunction in the existing structure. Enclosed herewith is a draft of the resolution that the Standing Committee will seek to have the House of Delegates adopt at the ABA’s Annual Meeting in New York, New York in August. Also attached is a copy of the draft report supporting the resolution.

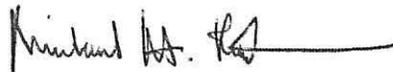
The Standing Committee believes that it is important that the organized bar within the affected states be heard on this issue. We would welcome the support of your state as either a co-sponsor or a supporter of the resolution. As a co-sponsor, the name of your state would appear as such in the written materials submitted to the House.

Philadelphia	Boston	Washington, D.C.	Los Angeles	New York	Pittsburgh	
Detroit	Berwyn	Harrisburg	Orange County	Princeton	Silicon Valley	Wilmington

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April 18, 2017

The deadline for submitting the resolution and report is May 9, 2017 and the deadline for adding co-sponsors to the resolution is May 31, 2017. I would greatly appreciate it if you would let me know at your earliest convenience whether your bar association is willing to join the Standing Committee as a co-sponsor or supporter of the resolution in the House of Delegates.

Sincerely,



Michael H. Reed
Chair
Federal Courts Subcommittee
ABA Standing Committee
on the American Judicial System

/mce

Enclosure

cc: Paula Littlewood, Executive Director
Michael Pellicciott, ABA State Delegate
William T. (Bill) Robinson III, Chair
ABA Standing Committee on the American Judicial System

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April 18, 2017

bc: Nicole Vanderdoes

From: VanderDoes, Nicole [<mailto:Nicole.VanderDoes@americanbar.org>]

Sent: Monday, May 08, 2017 2:00 PM

To: 'Robin L. Haynes'

Cc: Paula Littlewood; 'Williams, James F. (Perkins Coie)'; 'Mario'; Reed, Mike; Edens, Maurice; Bill Weisenberg (WWeisenberg@ohioabar.org)

Subject: ABA Standing Committee on the American Judicial System - Resolution regarding 9th circuit split

Ms. Haynes,

In anticipation of your Board of Governors discussing this at its upcoming meeting next week, I wanted to send you the updated version of the resolution and report that we filed earlier today.

We can still add co-sponsors through May 31st, and remain open to suggestions that the Washington State Bar Association may wish to offer. Any substantive changes would require approval of all co-sponsors, which include the Section of Litigation, Tort Trial and Insurance Practice Section, and the Criminal Justice Section.

Thanks.

Nicole

Nicole VanderDoes

Chief Counsel

ABA Standing Committee on the American Judicial System

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www.ambar.org/scajs

AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON THE AMERICAN JUDICIAL SYSTEM
SECTION OF LITIGATION
TORT TRIAL AND INSURANCE PRACTICE SECTION
CRIMINAL JUSTICE SECTION

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association opposes restructuring the United States Court
2 of Appeals for the Ninth Circuit because there is no compelling empirical evidence of
3 adjudicative or administrative dysfunction in the existing structure; and
4

5 FURTHER RESOLVED, That the American Bar Association supports ongoing efforts by the
6 United States Court of Appeals for the Ninth Circuit and other federal courts to utilize
7 technological and procedural innovations in order to continue to enable them to handle caseloads
8 efficiently while maintaining coherent, consistent law in their respective jurisdictions.

REPORT

I. Introduction

The federal circuit courts of appeals were established by Congress in 1891.¹ Over time, the number of circuits has increased from the original nine circuits to the current 12 circuits. The federal circuits vary in size (i.e., the number of judges comprising the courts of appeals and the total number of judicial officers within the circuit), have differing caseloads and cover differing numbers of states, territories, residents and total geography. Proposals are occasionally made to divide the existing circuits,² and on a few occasions such proposals have been adopted, e.g., the division of the old Fifth Circuit into the current Fifth Circuit and the Eleventh Circuit. Like the emergence of cicadas from the soil, periodic proposals have arisen in recent decades to split the Court of Appeals for the Ninth Circuit. Characterized by one of its critics as a “supersized appellate court,”³ the Ninth Circuit has been said to be in need of division for several reasons, including the oft-cited assertion that the circuit allegedly has a “high rate of reversal” by the United States Supreme Court. Current legislative proposals focus on the large geography of the circuit, promising that division of the circuit will “bring justice closer to the people.”⁴

The proponents of the Resolution have studied all of the legislative proposals for splitting the Ninth Circuit and the relevant factual record. The proponents urge the American Bar Association (ABA) to oppose these proposals because there is no compelling empirical evidence of either adjudicative or administrative dysfunction in the existing structure that would warrant a split. The proponents believe that adoption of the Resolution is necessary because the House of Delegates needs to articulate clear policy on this important issue based upon the current factual record. The proponents also ask the House to adopt policy supporting the ongoing efforts of the Ninth Circuit and other federal courts to utilize technological and procedural innovations

¹ Fed. Judicial Ctr., The U.S. Courts of Appeals and the Federal Judiciary, <https://www.fjc.gov/history/courts/u.s.-courts-appeals-and-federal-judiciary> (last visited Apr. 4, 2017).

² While proposals to divide or restructure the circuits usually focus on the appellate court and the states that would be included in any new circuits, division would also result in the realignment of the lower courts and restructuring of the administrative and ancillary functions within the court system.

³ *Bringing Justice Closer to the People: Examining Ideas for Restructuring the Ninth Circuit: Hearing Before the Subcomm. on Courts, Intellectual Property, and the Internet of the H. Comm. on the Judiciary*, 115th Cong., 1st Sess. (Mar. 16, 2017) [hereinafter House Judiciary Subcomm. Hearing] (written statement of Dr. John C. Eastman, Professor, Chapman University Fowler School of Law).

⁴ See the title of the House Judiciary Subcomm. Hearing, *supra* note 2. Some have suggested that the true objective of these recurring proposals to divide the Ninth Circuit is to “gerrymander” a circuit whose decisions are considered by some to be “too liberal.” See, e.g., House Judiciary Subcomm. Hearing, *supra* note 2, <https://www.c-span.org/video/?425486-1/ninth-circuit-court-appeals-judges-testify-court-restructuring> (transcript of opening statement at 6:25 by John Conyers, Jr., Ranking Member, House Comm. on the Judiciary, and transcript of statement at 15:34 by Jerrold Nadler, Ranking Member, Subcomm. on Courts, Intellectual Property, and the Internet). The authors take no position on this issue.

to enable the courts to handle caseloads efficiently while maintaining coherent, consistent law within their respective jurisdictions.

II. Past Congressional Inquiries and Legislative Proposals to Restructure the Ninth Circuit

The federal courts of appeals have long been the subject of study, primarily because of concerns about the persistent growth in the appellate caseload.⁵ The Ninth Circuit—the largest circuit in geographic size, population, judgeships, and annual caseload—has been the subject of numerous studies and proposals over the years.⁶

In 1972, Congress created the Hruska Commission, formally called the Commission on Revision of the Federal Court Appellate System, to study the federal appellate system. In 1975, the Hruska Commission issued its final report, which included recommendations for dividing both the Fifth and Ninth Circuits (then composed of 15 and 13 judges respectively) on the basis of an announced preference for smaller circuits.⁷ The ABA endorsed those recommendations.

At that time, Congress declined to divide the circuits and instead implemented other Hruska Commission recommendations. These included substantially increasing the number of authorized judgeships in both circuits and authorizing any circuit with 15 or more judges to use limited en banc panels or to divide into administrative units to deal with rising caseloads.⁸ The Ninth Circuit chose to adopt these new procedures; the judges of the Fifth Circuit preferred division.

In 1980, Congress divided the Fifth Circuit by placing Florida, Georgia, and Alabama into a new Eleventh Circuit.⁹ This was the second (and last) time that Congress has

⁵ In 1960, almost 4,000 appeals were filed in the regional courts of appeals, which were composed of 68 judges. In 1970, almost 12,000 appeals were filed and the number of authorized judgeships increased to 97. By 1980, appeals almost doubled and authorized judgeships increased to 132. In 1990, there were 40,898 appeals filed and 156 judgeships. The number of authorized judgeships increased to 167 in 1991 as a result of an omnibus judgeship bill. No additional judgeships have been created since then, despite more growth in caseload. In 2016, over 61,000 appeals were filed.

⁶ When it was established in 1891, the Ninth Circuit included California, Idaho, Montana, Nevada, Oregon and Washington. Hawaii, Arizona, Alaska, Guam and the Northern Mariana Islands were added subsequently. Fed. Judicial Ctr., History of the Federal Judiciary, http://www.fjc.gov/history/home.nsf/page/courts_coa_circuit_09.html. The total number of authorized court of appeals judgeships has increased from 2 in 1891 to 29 today. *Id.*

⁷ Comm'n on Revision of the Fed. Court Appellate Sys., Structure and Internal Procedures: Recommendations for Change 57-59 (1975).

⁸ Omnibus Judgeship Act of 1978, Pub. L. No. 95-486, 92 Stat. 1629, 1633 (1978).

⁹ Appellate Court Reorganization Act of 1980, Pub. L. No. 96-452, 94 Stat. 1994 (1980).

divided a circuit since 1891, when it created the system of regional circuit courts of appeals as we know them today.¹⁰

Although the ABA originally supported the Hruska Commission's recommendation to split both the Fifth and Ninth Circuits, it rescinded that position in 1990 with respect to the Ninth Circuit, on the basis that procedural changes and court management innovations allowed the circuit to manage its rising caseload without sacrificing quality or timeliness.

In 1993, at the request of the Federal Courts Study Committee, which had been established three years earlier by Congress, the Federal Judicial Center (FJC) undertook a 15-month examination of the appellate court system and issued a report titled *Structural and Other Alternatives for the Federal Courts of Appeals*. The FJC concluded that the expansion of federal jurisdiction without a concomitant increase of resources was creating a burden for the federal courts of appeals and that it did not appear to be a stress that would be significantly relieved by structural changes to the appellate system. Its report stated that it could not "conclude, as some assert, that the justness of appellate outcomes has been detrimentally affected by caseload volume."¹¹ It advocated for non-structural efforts to deal with the problem of increased volume.

In 1997, Congress created the Commission on Structural Alternatives for the Federal Courts of Appeals, chaired by Justice Byron R. White (the "White Commission"), to study the structure and alignment of the federal appellate system, with particular focus on the Ninth Circuit, and to submit recommendations on changes in circuit boundaries or structure to the President and Congress.¹² The White Commission's report to Congress concluded that the Ninth Circuit should not be split:

There is no persuasive evidence that the Ninth Circuit (or any other circuit, for that matter) is not working effectively, or that creating new circuits will improve the administration of justice in any circuit or overall. Furthermore, splitting the circuit would impose substantial costs of administrative disruption, not to mention the monetary costs of creating a new circuit. Accordingly, we do not recommend to Congress and the President that they consider legislation to split the circuit.¹³

¹⁰ The first split occurred in 1929, only after almost unanimous consensus was reached among members of Congress and judges on how to divide the circuit. A new Tenth Circuit was carved out of five contiguous western-most states of the existing Eighth Circuit. Tenth Circuit Act of 1929, ch. 363, 45 Stat. 1346 (1929). The ABA supported this division.

¹¹ Fed. Judicial Ctr., *Structural and Other Alternatives for the Federal Courts of Appeals: Report to the United States Congress and the Judicial Conference of the United States* 155 (1993).

¹² Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, Pub. L. No. 105-119, 111 Stat. 2440, 2491 (1997).

¹³ Comm'n on Structural Alternatives for the Fed. Courts of Appeals, *Final Report* 29 (1998).

The White Commission noted that there were benefits from the current makeup of the Ninth Circuit, including the development of a consistent body of law that applies to the entire western region of the United States and governs relations with the other nations of the Pacific Rim. It also noted financial and practical advantages of the circuit's administrative structure.

The White Commission nevertheless recommended that Congress restructure the Ninth Circuit into three regionally based adjudicative divisions. The ABA opposed this recommendation on the ground that the only rationale for the recommendation—a subjective preference for smaller decisional units—was an insufficient reason to restructure a judicial circuit.¹⁴ Congressional reaction to the White Commission's report was tepid, and legislation introduced during the 106th Congress by Senator Frank Murkowski (R-AK) received minimal attention.

During the 107th Congress, bills were introduced in the House and Senate by Representative Simpson (R-ID) and Senator Murkowski to split the Ninth Circuit into two circuits, with Arizona, California, and Nevada remaining in the Ninth Circuit and Alaska, Hawaii, Oregon, Washington, Idaho, and Montana forming a new Twelfth Circuit.¹⁵ Hearings were held, but no further action was taken.

During the 108th Congress, bills proposing three different ways to divide the Ninth Circuit were introduced. Representative Simpson reintroduced his previous bill; he and Senator Murkowski introduced bills with only California and Nevada remaining in the Ninth Circuit, and Representative Renzi (R-AZ) and Senator Ensign (R-NV) introduced bills containing a novel three-way split. Although the House Judiciary Committee had not held a hearing on the three-way circuit restructuring proposal, House members attempted to secure the bill's passage by attaching it to an omnibus judgeship bill that had already passed the Senate. The strategy succeeded in the House, but failed in the Senate.

During the 109th Congress, seven circuit restructuring bills were introduced. Three bills (introduced by Senators Murkowski and Ensign and Representative Simpson) proposed keeping California, Guam, Hawaii, and the Northern Mariana Islands in the Ninth Circuit and placing the remaining states in the new Twelfth Circuit. A separate House bill (introduced by Representative Sensenbrenner (R-WI)) combined Representative Simpson's bill with the omnibus judgeship bill from the previous Congress. With 10 cosponsors—more than any other circuit-splitting bill has garnered to date—it was reported to the House, but never scheduled for a vote.

During the 110th–114th Congresses, similar bills were introduced by many of the same members, but none received any action.

¹⁴ The ABA House of Delegates adopted policy in August 1999 opposing the recommendations of the White Commission.

¹⁵ See Appendix A and Appendix B for visual representations of the circuit realignments proposed by the bills discussed in this report.

III. Current Congressional Activity

In the current 115th Congress, four circuit restructuring bills have been introduced. S. 295 and H.R. 196, introduced by Senator Daines (R-MT) and Representative Simpson respectively, share the same circuit reconfiguration but differ in other details. These bills would retain California, Guam, Hawaii, and the Northern Mariana Islands in the Ninth Circuit and assign the other states to the new Twelfth Circuit. Representative Biggs (R-AZ) has introduced H.R. 250, which would retain Oregon and Washington along with California, Guam, Hawaii, and the Northern Mariana Islands in the Ninth Circuit, and assign the other states to the new Twelfth Circuit. S. 276, introduced by Senator Flake (R-AZ), would tweak that arrangement a bit by assigning Washington to the new Twelfth rather than the Ninth Circuit. In addition to these realignment bills, legislation to establish a new Commission on Structural Alternatives for the Federal Courts of Appeals has been introduced by Senator Sullivan (R-AK).

IV. Existing ABA Policy

One of the primary goals of the ABA is to promote improvements in the administration of justice. It is therefore not surprising that the ABA has examined the issue of restructuring the Ninth Circuit on multiple occasions over the past 50 years. Originally supportive of realignment of the Ninth Circuit in the 1970s, the ABA continued to examine the issue over the next several decades in light of the emergence of technological developments that increasingly bridged geographical distances, the successful use of limited en banc review panels, and the circuit's innovative use of case management techniques. This culminated in the ABA rescinding its earlier position and adopting policies in the 1990s opposing division of the Ninth Circuit.¹⁶ Since then, the ABA has periodically reviewed new proposals to split the circuit.¹⁷ On March 16, 2017, the ABA submitted testimony, based upon previously adopted policy, opposing the current legislative proposals to restructure the Ninth Circuit at a hearing of the Subcommittee on Courts, Intellectual Property and the Internet of the House Committee on the Judiciary.¹⁸

V. No Compelling Evidence Exists that the Ninth Circuit Needs Restructuring

The ABA has found no compelling evidence to support claims that the Ninth Circuit is failing to deliver quality justice.¹⁹ The perceived problems identified by supporters of

¹⁶ In 1998, the ABA Board of Governors adopted a resolution that opposed restructuring of the Ninth Circuit “in view of the absence of compelling empirical evidence to demonstrate adjudicative or administrative dysfunction.” A resolution adopted by the ABA House of Delegates in 1999 opposed enactment of legislation that mandated restructuring of the Ninth Circuit into “adjudicative divisions” in view of the “absence of compelling evidence to demonstrate adjudicative dysfunction.”

¹⁷ The ABA last expressed opposition to circuit restructuring in a statement submitted to the Senate Judiciary Committee on September 20, 2006, for a hearing on proposals to split the Ninth Circuit.

¹⁸ See House Judiciary Subcomm. Hearing, *supra* note 2.

¹⁹ The ABA’s findings are consistent with recent analyses and studies conducted by the Ninth Circuit. See House Judiciary Subcomm. Hearing, *supra* note 2 (written statements of Sidney R. Thomas, Chief Judge, and Alex Kozinski and Carlos T. Bea, Circuit Judges, United States Court of Appeals for the Ninth Circuit).

the legislation do not justify restructuring and would not be remedied by any of the various proposed circuit divisions. Two examples will demonstrate this disconnect between perception and intent.

A. **Delay and Backlog**

Critics often complain that the circuit has a backlog of pending cases and is slow to process new cases. Even if true, neither of these concerns would be resolved by realignment. Circuit division does not reduce caseload or eliminate backlog; it only reallocates it. Circuit size is not the critical factor in appellate delay—too many vacancies, too few authorized judgeships, and national policy decisions that increase workload without providing concomitant resources are the prime causes of delay and backlog.

The Ninth Circuit does indeed have the slowest median processing time for cases terminated on their merits, but that one statistic does not convey very much about the way the Ninth Circuit is handling its caseload. Statistics compiled by the Administrative Office of the U.S. Courts (AO) for the 12-month period ending June 30, 2016²⁰ show that in recent years the Ninth Circuit has been getting ahead of the curve by terminating more cases than are commenced. It is also notable that the circuit's disposition times have steadily improved over the past decade. In fact, Judge Sidney R. Thomas, Chief Judge of the Ninth Circuit, reported that case processing time has been reduced by almost 35%. Furthermore, while the circuit may lag behind others in the median time from the date of filing to final disposition, once cases are ready for oral argument, they move expeditiously through the system and are closed in record time. The Ninth Circuit was the second fastest circuit in terms of median time from the date of the oral argument to final disposition with a rate of 1.1 months. It also shared with four other circuits the distinction of having the fastest median time from submission on the briefs to disposition—a record-breaking 0.2 months.

One of the reasons that the Ninth Circuit has been able to function so well despite its growing caseload is because it has been on the forefront of utilizing technology to enhance administrative efficiency. In fact, the Ninth Circuit was the first to institute automated docketing and electronic web-based filing. It also developed and uses to great advantage an automated issue identification system that inventories cases in a way that flags potential conflicts for early resolution and facilitates efficient resolution of cases that share the same central issue. The system also enables the court to issue pre-publication reports to court members to advise them in advance of the filing of every published opinion and to identify pending cases that might be affected by the lead opinion. In addition to using technology effectively, the Ninth Circuit has introduced case management solutions, such as the creation of the positions of Appellate Commissioner and Circuit Mediator, to help resolve cases that do not require resolution by an Article III judge. These programs, available to the circuit because of its aggregate resources, have produced administrative efficiencies that have improved case management and increased productivity.

²⁰ The AO's statistical tables are available on its website at <http://www.uscourts.gov/statistics-reports>.

Moreover, dividing the Ninth Circuit would not be a likely cure for whatever delay problems exist. Wherever California goes, with or without any other states, the system will be overburdened unless and until new judgeships are created. Indeed, one of the primary academic proponents of dividing the Circuit admitted in his testimony before the Congress that the purported benefits that he believes would flow from splitting the Circuit could not be achieved without dividing California and placing the state in two circuits.²¹ Because California has far fewer judges on the Ninth Circuit than its proportion of the cases in the Circuit, splitting off other states from California would effectively increase the caseload for the judges that remained in the Circuit with California.

The Ninth Circuit is also the only federal circuit that currently has live streaming of its video arguments. In commenting on the leadership role that the circuit has taken in allowing cameras in the courtroom, Chief Judge Thomas recently remarked that “[t]he more transparent we are the more confidence people will have in our judicial institutions.”²²

B. Reversal Rate

Contrary to often-repeated statements, the rate of reversal of Ninth Circuit decisions by the Supreme Court is not the highest of all the circuits and, even if it were, there is no evidence that size has any bearing on reversal rates.²³

The Supreme Court, not surprisingly, reverses more cases than it affirms. According to an analysis by Politifact, between 2010 and 2015, the Supreme Court reversed about 70% of the cases it reviewed.

During the same time period, 79% of the Ninth Circuit cases were reversed, and the Sixth Circuit, with a reversal rate average of 87%, had the highest reversal rate.²⁴ Our review of reversal rates, as reported by SCOTUSblog, confirms these statistics.²⁵ Further proof that reversal rate has nothing to do with the size or volume of cases decided by a circuit is readily

²¹ House Judiciary Subcomm. Hearing, *supra* notes 2 and 4 (transcript of testimony at 1:57:28 by Professor Brian T. Fitzpatrick).

²² Bonnie Eslinger, *9th Circ. Chief Favors Cameras To Promote Trust in Courts*, Law360 (Mar. 27, 2017), https://www.law360.com/trials/articles/906731/9th-circ-chief-favors-cameras-to-promote-trust-in-courts?utm_source=newsletter&utm_medium=email&utm_campaign=trials.

²³ Indeed, one academic proponent of splitting the Ninth Circuit conceded in recent written testimony submitted to Congress that “the existing studies are inconclusive” on whether the “size of the Circuit [is] one of the causes of the high reversal rate.” House Judiciary Subcomm. Hearing, *supra* note 2 (written statement of Brian T. Fitzpatrick, Professor, Vanderbilt Law School).

²⁴ See Lauren Carroll, *No, the 9th Circuit isn't the 'most overturned court in the country,' as Hannity says*, Politifact (Feb. 10, 2017), <http://www.politifact.com/punditfact/statements/2017/feb/10/sean-hannity/no-9th-circuit-isnt-most-overturned-court-country-/>.

²⁵ See SCOTUSblog, Statistics, www.scotusblog.com/statistics (last visited Apr. 4, 2017).

apparent when one reviews reversal rates year-by-year; there simply is no discernable correlation.

VI. Views of Judges and Lawyers of the Ninth Circuit Court

We believe that the views of judges and the lawyers who practice daily before the courts in the Ninth Circuit should be accorded great deference. In his testimony before Congress, Ninth Circuit Chief Judge Sidney R. Thomas stated: “I oppose division of the Ninth Circuit. Circuit division would have a devastating effect on the administration of justice in the western United States. A circuit split would increase delay, reduce access to justice, and waste taxpayer dollars. Critical programs and innovations would be lost, replaced by unnecessary bureaucratic duplication of administration. Division would not bring justice closer to the people; it would increase the barriers between the public and the courts.”²⁶ In his testimony, former Chief Judge Alex Kozinski of the Ninth Circuit stated: “Our geographic size has forced us to experiment and innovate. The size of our judicial corps has given us the resources to develop and deploy innovative techniques. Because circuits are funded based on the number of judicial positions they have, we have the resources with which to hire staff and purchase equipment that will bring our courts closer to the people we serve.”²⁷ In his testimony, Judge Carlos T. Bea of the Ninth Circuit stated: “In conclusion, I think you should take into consideration . . . the views [of] people on the ground—the litigants practitioners and judges in the circuit. The overwhelming majority of the people directly involved is against a split of the Circuit. Talk to the people who deal with the issue daily, and I think you will come around to agreement with them.”²⁸

As the Ninth Circuit judges who appeared before the Congress testified, there are substantial advantages to the region being under a consistent body of case law. Technology companies present a good example. The tech corridors in Seattle, Silicon Valley, Los Angeles and Phoenix are presently under a consistent regime that promotes understanding and balance for the players in each location. Settled laws promote economic growth. Balkanized or disparate interpretations are not good for commerce.

In the past, Congress has agreed that the views of the affected legal community carry great weight and has refrained from using its power to restructure a circuit unless there was consensus within Congress and the affected legal community that it was absolutely necessary, and there was agreement over how best to reconfigure the circuit. There are, of course, some judges in the circuit who support division, but we surmise that they comprise a scant minority. While we do not know the exact number of judges of the Ninth Circuit that oppose division, we do know that the past three chief judges of the Ninth Circuit, spanning back to 2000, have strongly opposed division and have been vocal in their support for the benefits derived from the circuit’s size. We also know that neither the Judicial Council of the Ninth Circuit nor the Judicial Conference of the United States supports restructuring. These facts strongly suggest that

²⁶ House Judiciary Subcomm. Hearing, *supra* note 2 (written statement of Chief Judge Thomas).

²⁷ *Id.* (written statement of Judge Kozinski).

²⁸ *Id.* (written statement of Judge Bea).

there is no groundswell of support among the judges of the Ninth Circuit or elsewhere in the legal community for division.

In addition to the ABA and its thousands of members who practice daily before the courts of the Ninth Circuit, many other segments of the organized bar have also spoken out in opposition to splitting the circuit. In 2006, all but one of the state bar associations that had adopted a policy position on the issue opposed division, and several specialty bars, including the Federal Bar Association, likewise opposed division. We do not have statistics with regard to the current positions of the organized bar in the Ninth Circuit but we are in the process of updating our information and will share the results as soon as possible.

Critics often mention that large circuits suffer from a loss of collegiality and cite it as a reason to divide the Ninth Circuit. While one could just as easily argue that collegiality is fostered by the diversity of voices in a large circuit, the judges of the Ninth Circuit are in the best position to comment on their working relationships.

VII. Circuit Restructuring Is a Costly Proposition

This is not a minor point, especially at a time when budgets continue to be slashed and the national deficit continues to grow. Splitting the circuit would not only result in the loss of efficiencies mentioned earlier, it would also result in steep startup costs (especially if new courthouses needed to be constructed) and duplicative overhead costs. In 2006, the AO estimated that startup costs for a two-way split could run as much as \$96 million, with recurring annual costs ranging from \$13–\$16 million, and that a three-way split could cost as much as \$134 million initially and an additional \$22 million annually thereafter. The potential cost of circuit restructuring alone counsels against division, absent verifiable compelling evidence of dysfunction.

VIII. Conclusion

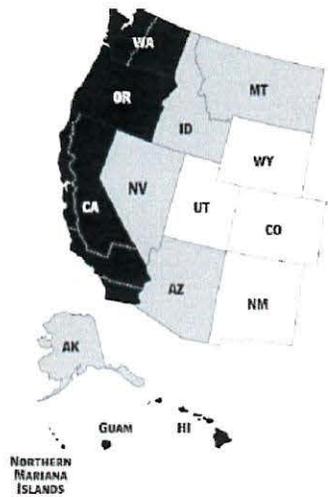
In conclusion, we respectfully request that the House of Delegates adopt the Resolution, thereby (i) opposing restructuring of the United States Court of Appeals for the Ninth Circuit because there is no compelling empirical evidence of adjudicative or administrative dysfunction in the existing structure and (ii) supporting ongoing efforts of the United States Court of Appeals for the Ninth Circuit and other federal courts to utilize technological and procedural innovations in order to continue to enable them to handle caseloads efficiently while maintaining coherent, consistent law in their respective jurisdictions.

Respectfully submitted,

William T. (Bill) Robinson, III
Chair, Standing Committee on the American Judicial System
August 2017

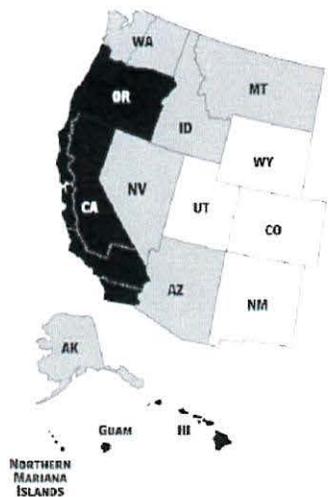
APPENDIX A

Current Proposals to Divide the 9th Circuit



115th Congress
H.R. 250
(Biggs, R-AZ)

114th Congress
H.R. 4457
(Salmon, R-AZ)
S.2490
(Flake, R-AZ)



115th Congress
S. 276
(Flake, R-AZ)



115th Congress

S. 295 (Daines, R-MT)
20/14 Judgeships split
H.R. 196 (Simpson, R-ID)
25/9 Judgeships split

114th Congress

H.R.166 (Simpson, R-ID)
S. 2477 (Daines, R-MT)

113th Congress

H.R.144 (Simpson, R-ID)

112th Congress

H.R.162 (Simpson, R-ID)

111th Congress

H.R.191 (Simpson, R-ID)
S. 1727 (Ensign, R-NV)

110th Congress

H.R.221 (Simpson, R-ID)

109th Congress

H.R.3125 (Simpson, R-ID)
S. 1845 (Ensign, R-NV)
S. 1296 (Murkowski, R-AK)

KEY:	
	= New 9 th Circuit
	= New 12 th Circuit

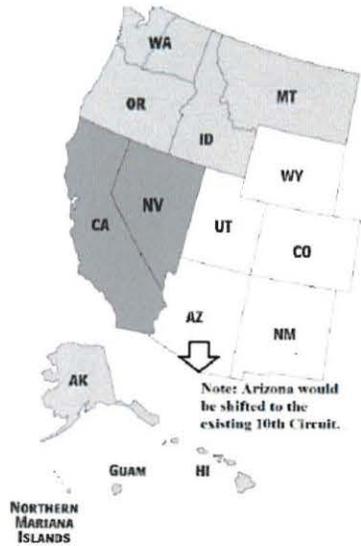
Earlier Proposals to Divide the 9th Circuit



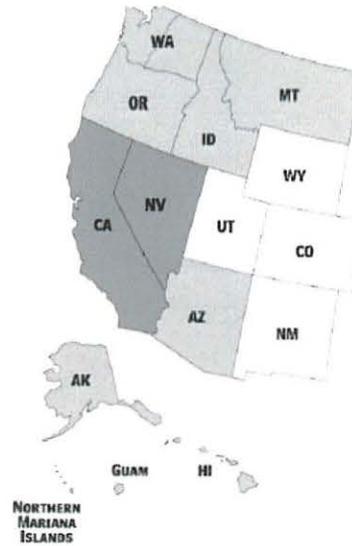
109th Congress
H.R. 212
(Simpson, R-ID)

108th Congress
H.R. 2723
(Simpson, R-ID)

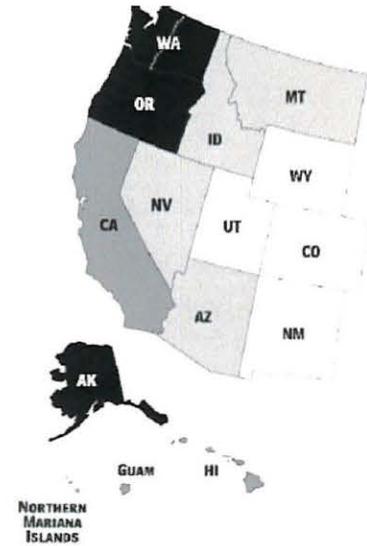
107th Congress
H.R. 1203
(Simpson, R-ID)
S.346
(Murkowski, R-AK)



108th Congress
H.R. 1033
(Simpson, R-ID)



108th Congress
S. 562
(Murkowski, R-AK)



109th Congress
H.R. 211 (Simpson, R-ID)
S. 1301 (Ensign, R-NV)

108th Congress
H.R. 4247 (Renzi, R-AZ)
S. 2278 (Ensign, R-NV)

KEY:	
	= New 9 th Circuit
	= New 12 th Circuit
	= New 13 th Circuit

GENERAL INFORMATION FORM

Submitting Entity: Standing Committee on the American Judicial System
Section of Litigation
Tort Trial and Insurance Practice Section
Criminal Justice Section

Submitted By: Wm. T. (Bill) Robinson III, Chair
Laurence Pulgram, Chair
Sam H. Poteet Jr., Chair
Matthew Redle, Chair

1. Summary of Resolution(s).

This Resolution opposes restructuring the United States Court of Appeals for the Ninth Circuit because there is no compelling empirical evidence of adjudicative or administrative dysfunction in the existing structure. It further supports ongoing efforts by the Ninth Circuit and other federal courts to utilize technological and procedural innovations in order to continue to enable them to handle caseloads efficiently while maintaining coherent, consistent law in their respective jurisdictions.

2. Approval by Submitting Entity.

The Standing Committee on the American Judicial System approved this Resolution by email on April 25, 2017. The Section of Litigation approved this Resolution at its Council meeting on May 6, 2017. The Tort Trial and Insurance Practice Section approved this Resolution at its Council meeting on April 29, 2017. The Criminal Justice Section approved this Resolution at its Council meeting May 6–7, 2017. The Judicial Division Council provided notice on May 3, 2017 that it voted to formally support this Resolution.

3. Has this or a similar resolution been submitted to the House or Board previously?

A similar resolution has not been submitted previously.

4. What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?

This Resolution would build upon and enhance existing ABA policy, but would not change any current ABA policy.

Originally supportive of realignment of the Ninth Circuit in the 1970s, the ABA continued to examine the issue over the next several decades in light of the emergence of technological developments that increasingly bridged geographical distances, the successful use of limited en banc review panels, and the Ninth Circuit's innovative use of case management techniques. This

culminated in the ABA rescinding its earlier position¹ and adopting policies in the 1990s opposing division of the Ninth Circuit.²

Since then, the ABA has periodically reviewed new proposals to split the circuit.³ On March 16, 2017, the ABA submitted testimony, based upon previously adopted policy, opposing the current legislative proposals to restructure the Ninth Circuit at a hearing of the Subcommittee on Courts, Intellectual Property and the Internet of the House Committee on the Judiciary.

5. If this is a late report, what urgency exists which requires action at this meeting of the House?

N/A

6. Status of Legislation. (If applicable)

In the current 115th Congress, four circuit restructuring bills have been introduced. S. 295 and H.R. 196, introduced by Senator Daines (R-MT) and Representative Simpson (R-ID) respectively, share the same circuit reconfiguration but differ in other details. These bills would retain California, Guam, Hawaii, and the Northern Mariana Islands in the Ninth Circuit and assign the other states to the new Twelfth Circuit. Representative Biggs (R-AZ) has introduced H.R. 250, which would retain Oregon and Washington along with California, Guam, Hawaii, and the Northern Mariana Islands in the Ninth Circuit, and assign the other states to the new Twelfth Circuit. S. 276, introduced by Senator Flake (R-AZ), would tweak that arrangement a bit by assigning Washington to the new Twelfth rather than the Ninth Circuit. As of the date of filing this Form, the Senate bills have been read twice and referred to the Committee on the Judiciary and the House bills have been referred to the Subcommittee on Courts, Intellectual Property, and the Internet.

7. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.

The adoption of this Resolution will enhance the ability of the ABA to oppose the restructuring of the Ninth Circuit and to support technological and procedural innovations by the federal courts.

8. Cost to the Association. (Both direct and indirect costs)

¹ 1990 MY 123.

² In 1998, the ABA Board of Governors adopted a resolution that opposed restructuring of the Ninth Circuit “in view of the absence of compelling empirical evidence to demonstrate adjudicative or administrative dysfunction.” Resolution 110A, adopted by the ABA House of Delegates at the Annual Meeting in 1999, opposed enactment of legislation that mandated restructuring of the Ninth Circuit into “adjudicative divisions” in view of the “absence of compelling evidence to demonstrate adjudicative dysfunction.”

³ The ABA last expressed opposition to circuit restructuring in a statement submitted to the Senate Judiciary Committee on September 20, 2006, for a hearing on proposals to split the Ninth Circuit.

None.

9. Disclosure of Interest. (If applicable)

N/A

10. Referrals.

Business Law Section
Criminal Justice Section (Co-Sponsor)
Government and Public Sector Lawyers Division
Judicial Division (Supporter)
Judicial Division Appellate Judges Conference
Judicial Division Lawyers Conference
Judicial Division National Conference of Federal Trial Judges
Law Practice Division
Section of Administrative Law and Regulatory Practice
Section of Intellectual Property Law
Solo, Small Firm and General Practice Division
State and Local Government Law Section
Tort Trial & Insurance Practice Section (Co-Sponsor)
Young Lawyers Division
Standing Committee on Election Law
Standing Committee on Legal Aid and Indigent Defendants
Standing Committee on Legal Assistance for Military Personnel
Commission on Immigration

11. Contact Name and Address Information. (Prior to the meeting. Please include name, address, telephone number and e-mail address)

Michael H. Reed
Chair, SCAJS Subcommittee on Federal Courts
Pepper Hamilton LLP
3000 Two Logan Square
18th and Arch Streets
Philadelphia, PA 19103-2799
Office: (215) 981-4416
reedm@pepperlaw.com

12. Contact Name and Address Information. (Who will present the report to the House? Please include name, address, telephone number, cell phone number and e-mail address)

Wm. T. (Bill) Robinson III
Chair, Standing Committee on the American Judicial System
Frost Brown Todd LLC

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EXECUTIVE SUMMARY

1. Summary of the Resolution

This Resolution opposes restructuring the United States Court of Appeals for the Ninth Circuit because there is no compelling empirical evidence of adjudicative or administrative dysfunction in the existing structure. It further supports ongoing efforts by the Ninth Circuit and other federal courts to utilize technological and procedural innovations in order to continue to enable them to handle caseloads efficiently while maintaining coherent, consistent law in their respective jurisdictions.

2. Summary of the Issue that the Resolution Addresses

There is no compelling empirical evidence of either adjudicative or administrative dysfunction in the existing structure of the United States Court of Appeals for the Ninth Circuit that would warrant a split. Nevertheless, members of Congress continue to propose splitting the Ninth Circuit without justification.

3. Please Explain How the Proposed Policy Position Will Address the Issue

This Resolution clarifies the ABA's position and enhances the ABA's ability to oppose restructuring of the United States Court of Appeals for the Ninth Circuit absent compelling evidence justifying restructuring.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

None known at the time this Summary was prepared.



STATEMENT

of the

AMERICAN BAR ASSOCIATION

for the

**SUBCOMMITTEE ON COURTS, INTELLECTUAL
PROPERTY, AND THE INTERNET**

COMMITTEE ON THE JUDICIARY

UNITED STATES HOUSE OF REPRESENTATIVES

on

**Bringing Justice Closer to the People:
Examining Ideas for Restructuring the Ninth Circuit**

March 16, 2017

**Governmental Affairs
Office**

1050 Connecticut Ave. NW, Suite 400 • Washington, DC 20036
www.americanbar.org

The American Bar Association appreciates the opportunity to present this written statement for the hearing record of the House Judiciary Subcommittee on the Courts, Intellectual Property, and the Internet to examine the proposition – as captured in the title of this hearing – that restructuring of the Ninth Judicial Circuit will bring justice closer to the people.

One of the primary goals of the American Bar Association is to promote improvements in the administration of justice. It therefore is not surprising that the ABA has examined the issue of restructuring the Ninth Circuit on multiple occasions over the past 50 years. Originally supportive of realignment of the Ninth Circuit in the 1970s, the ABA continued to examine the issue over the next several decades in light of the emergence of technological developments that increasingly bridged geographical distances, the successful use of limited *en banc* review panels, and the Circuit's innovative use of case management techniques. This culminated in the ABA rescinding its earlier position and adopting policies in the 1990s opposing division of the Ninth Circuit. Since then, the ABA periodically has reviewed new proposals to split the Circuit. We are pleased to submit this statement for the hearing record to affirm our opposition to current legislative efforts to restructure the Ninth Judicial Circuit.¹

I. Past Congressional Inquiries and Legislative Proposals to Restructure the Ninth Circuit

The federal courts of appeals have long been the subject of intense study and debate, primarily because of concerns generated by the dramatic and persistent growth in federal appellate caseload.² The Ninth Circuit – the largest circuit in terms of geographic size, population served, number of authorized judgeships, and total annual caseload – has often been at the vortex of the debate. It is worth quickly reviewing prior congressional activity to provide context for evaluating current restructuring efforts.

In 1972, Congress created the Hruska Commission, formally called the Commission on Revision of the Federal Court Appellate System, to study the federal appellate system. The Commission's final report included recommendations for dividing both the Fifth and Ninth Circuits, then composed of 15 and 13 judges respectively, on the basis of an announced preference for smaller circuits.³ The ABA endorsed those recommendations.

Congress declined to divide the circuits and instead implemented other Commission recommendations. This included substantially increasing the number of authorized judgeships in both circuits and authorizing any circuit with 15 or more judges to use limited *en banc panels* or to divide into

¹ The Association last expressed opposition to circuit restructuring in a statement submitted to Senate Judiciary Committee on September 20, 2006, for a hearing on proposals to split the Ninth Circuit.

² To understand the dynamic growth of the appellate courts, consider these facts: In 1960, almost 4,000 appeals were filed in the regional courts of appeals comprised of 68 judges. In 1970, almost 12,000 cases were filed and authorized judgeships increased to 97. By 1980, appeals almost doubled and authorized judgeships increased to 132. In 1990, there were 40,898 appeals filed and 156 judgeships. The total number of authorized judgeships increased to 167 in 1991, due to enactment of an omnibus judgeship bill. No additional judgeships have been created since then, despite the continued growth in caseload. In 2016, over 61,000 appeals were filed.

³ COMM'N ON REVISION OF THE FED. COURT APPELLATE SYS., STRUCTURE AND INTERNAL PROCEDURES: RECOMMENDATIONS FOR CHANGE 131 (1975).

administrative units to deal with rising caseloads.⁴ The Ninth Circuit chose to adopt these new procedures; the judges of the Fifth Circuit preferred division.

In 1980, Congress complied with the request of the Fifth Circuit judges and enacted legislation to divide the Circuit by placing Florida, Georgia, and Alabama into a new Eleventh Circuit.⁵ This was the second – and last – time that Congress has divided a circuit since 1891, when it created the system of regional circuit courts of appeals as we know them today.⁶

Although the ABA originally supported the Hruska Commission’s recommendation to split both the Fifth and Ninth Circuits, it rescinded that position in 1990 with respect to the Ninth Circuit, stating that procedural changes implemented during the preceding decade, in conjunction with other court management innovations, gave the Circuit the tools it needed to handle rising caseloads without sacrificing quality or timeliness.

In 1993, at the behest of the Federal Courts Study Committee, which had been established three years earlier by Congress, the Federal Judicial Center undertook a 15-month examination of the appellate court system and issued a report titled *Structural and Other Alternatives for the Federal Courts of Appeals*. The Federal Judicial Center concluded that the expansion of federal jurisdiction without a concomitant increase of resources was creating a burden for the federal courts of appeals and that it did not appear to be a stress that would be significantly relieved by structural changes to the appellate system. It further stated that it could “not conclude, as some assert, that the justness of appellate outcomes has been detrimentally affected by caseload volume.”⁷ It advocated non-structural efforts to deal with the problem of increased volume.

In 1997, Congress created the Commission on Structural Alternatives for the Federal Courts of Appeals, chaired by the late Justice Byron R. White, to study the structure and alignment of the federal appellate system, with particular reference to the Ninth Circuit, and to submit its final recommendations regarding changes in circuit boundaries or structure to the President and Congress by December 1998.⁸ The “White Commission,” as it was popularly known, concluded that the Ninth Circuit should not be split. In its final report, released at the end of the 105th Congress, the Commission stated:

There is no persuasive evidence that the Ninth Circuit (or any other circuit for that matter) is not working effectively, or that creating new circuits will improve the administration of justice in any circuit or overall. Furthermore, splitting the Circuit would impose substantial costs of

⁴ Omnibus Judgeship Act of 1978, Pub. L. No. 95-486, 92 Stat. 1633 (1978).

⁵ Pub. L. No. 96-452, 94 Stat. 1994.

⁶ The first split occurred in 1929, only after almost unanimous consensus was reached among Members of Congress and judges on how to divide the circuit: a new Tenth Circuit was carved out of five contiguous western-most states of the existing 8th Circuit. Pub. L. 71-840, 45 Stat. 11407. The ABA supported the division.

⁷ FED. JUDICIAL CTR., *STRUCTURAL AND OTHER ALTERNATIVES FOR THE FEDERAL COURTS OF APPEALS: REPORT TO THE UNITED STATES CONGRESS AND THE JUDICIAL CONFERENCE OF THE UNITED STATES* 155 (1993).

⁸ Pub. L. No. 105-119.

administrative disruption, not to mention the monetary costs of creating a new circuit. Accordingly, we do not recommend to Congress and the President that they consider legislation to split the Circuit.⁹

The White Commission also acknowledged that certain benefits derived from the current alignment of the Ninth Circuit, including the development of a consistent body of law that applies to the entire far western region of the United States and governs relations with the other nations of the Pacific Rim. It also recognized the financial and practical advantages of the Circuit's administrative structure.

Despite these findings and conclusions, the White Commission recommended that Congress restructure the Ninth Circuit into three regionally based adjudicative divisions. The ABA opposed this recommendation, asserting that the only rationale the Commission offered for the recommendation – its stated subjective preference for smaller decisional units – was an insufficient basis for restructuring a judicial circuit.¹⁰ Congressional reaction to the final report of the White Commission was tepid, and implementing legislation introduced during the 106th Congress by Senator Frank Murkowski (R-AK) received minimal attention.

During the 107th Congress, bills were introduced in the House and Senate by Representative Simpson (R-ID) and Senator Murkowski (R-AK) to split the Ninth Circuit into two circuits, with Arizona, California and Nevada remaining in the Ninth Circuit and Alaska, Hawaii, Oregon, Washington, Idaho, and Montana forming a new Twelfth Circuit.¹¹ Hearings were held, but no further action was taken.

During the 108th Congress, bills proposing three different strategies for dividing the Circuit were introduced. Representative Simpson reintroduced the previous Congress's bill; he and Senator Ensign (R-NV) introduced identical bills with only California and Nevada remaining in the Ninth Circuit; and Senator Lisa Murkowski (who replaced her father as senator after he became governor) and Representative Renzi (R-AZ) introduced bills containing a novel three-way split. Even though the House Judiciary Committee had not held a hearing to examine this novel circuit restructuring proposal, House members attempted to secure the bill's passage by attaching it to an omnibus judgeship bill that had already passed the Senate. The strategy succeeded in the House, but failed in the Senate, ultimately dooming both pieces of legislation.

During the 109th Congress, seven circuit restructuring bills were introduced. Three bills, introduced by Senators Murkowski and Ensign and Representative Simpson, proposed keeping California, Guam, Hawaii, and the Northern Mariana Islands in the Ninth Circuit and placing the remaining states in the new Twelfth Circuit. A separate House bill, introduced by Representative Sensenbrenner (R-WI), combined Representative Simpson's bill with the omnibus judgeship from the previous Congress. With

⁹ COMM'N ON STRUCTURAL ALTERNATIVES FOR THE FED. COURTS OF APPEALS, FINAL REPORT 29 (1998).

¹⁰ The ABA House of Delegates adopted policy in August 1999 opposing the recommendations of the White Commission.

¹¹ See Appendix A for a visual representation of the circuit realignments proposed by the bills discussed in this report.

10 cosponsors – more than any other circuit-splitting bill has garnered to this day – it was reported to the House, but never scheduled for a vote.

During the 110th – 114th Congresses, similar bills were introduced by many of the same Members, but none received any action.

II. Current Congressional Activity

This Congress, four circuit restructuring bills have been introduced. S. 295 and H.R. 196, introduced by Senator Daines (R-MT) and Representative Simpson respectively, share the same circuit reconfiguration but differ in other details. These bills would retain California, Guam, Hawaii, and the Northern Mariana Islands in the Ninth Circuit and assign the rest to the new Twelfth Circuit. H.R. 250 (Biggs, R-AZ) would include Oregon and Washington along with California, Guam, Hawaii, and the Northern Mariana Islands in the new Ninth Circuit. S. 276, introduced by Senator Flake (R-AZ), would tweak that arrangement a bit by assigning Washington to the Twelfth rather than the Ninth Circuit. In addition to these realignment bills, legislation to establish a new Commission on Structural Alternatives for the Federal Courts of Appeals has been introduced by Senator Sullivan (R-AK).

We have provided this historical context and described with particularity the various circuit reconfigurations proposed since 2001 to make four important points:

- First, even though the operational definition of what constitutes a “large” circuit has changed over the decades, there has been a consistent historical presumption favoring small circuits that dates back to the first circuit division in 1929. At the time, it was a logical – even intuitive – presumption, given the state of private and public transportation and the absence of electronic forms of communication outside of telephone or wire services. This presumption informed the conclusions of the Hruska Commission but was rebutted in later scholarly reports. Nonetheless, it appears to have become so accepted by the public over the decades that it has taken on the aura of a “truism,” even though no empirical evidence exists to support the conclusion in today’s world of rapid transit and technological wizardry.
- Second, the concept of splitting the Ninth Circuit has been studied and rejected. No comprehensive evaluation of the federal courts that has been undertaken in the past 25 years at the request of Congress has concluded that the Ninth Circuit’s size has compromised its ability to deliver justice.
- Third, even the most ardent proponents of Ninth Circuit restructuring do not concur over how to split it. In fact, most do not appear to be committed to any one methodology. This stands in stark contrast to the congressional bipartisanship and solidarity that existed with regard to division of the Eighth and Fifth Circuits.

- Fourth, while circuit restructuring bills surface every year, most are reintroductions of bills from prior years. A handful of Members from the affected states persist in trying to split the Ninth Circuit despite the fact that neither the public, the legal community, nor the judiciary has rallied in support of any of the bills. Some Members are so determined to split the Ninth Circuit that they have tied the fate of legislation to authorize new judgeships to enactment of legislation to divide the Ninth. Given these circumstances it is not unreasonable to question what Members hope to achieve by division.

III. Circuit Restructuring Should Occur Only if Compelling Evidence Demonstrates Dysfunction

The standard by which the ABA assesses the need for circuit restructuring states: “Circuit restructuring should occur only if compelling empirical evidence demonstrates adjudicative or administrative dysfunction in a court so that it cannot continue to deliver quality justice and coherent, consistent circuit law in the face of increasing workload.”¹² This standard, first suggested by the Judicial Conference of the United States in its *Proposed Long Range Plan for the Federal Courts*,¹³ clearly embodies the principle that circuit restructuring is a remedy of last resort and should only be used if there is compelling evidence that justice is being denied to individual litigants and the integrity of the law of the circuit is threatened. Furthermore, circuit realignment should be supported only if there is broad bipartisan consensus that it is the best solution and that the benefits of the proposed reconfiguration will outweigh any negative consequences.

Congress should adhere to this very stringent standard because any circuit restructuring profoundly affects every component of the justice system and creates its own set of serious issues, including substantial start-up expenses, administrative disruption, and unpredictability of case law in the reconfigured circuits.

IV. No Compelling Evidence Exists that the Ninth Circuit Needs Restructuring

We remain steadfast in our assessment that no compelling evidence exists to support claims that the Ninth Circuit is failing to deliver quality justice. The perceived problems identified by supporters of the legislation do not justify restructuring and would not be remedied by any of the various proposed circuit divisions. Two examples will demonstrate this disconnect between perception and intent.

A. Delay and Backlog

Critics often complain that the Circuit has a backlog of pending cases and is slow to process new cases. Even if true, neither of these concerns would be resolved by realignment. Circuit division does not reduce caseload or eliminate backlog; it only reallocates it. Circuit size is not the critical factor in

¹² This policy was adopted by the ABA Board of Governors on April 24, 1998. The Board is authorized to act between the semi-annual meetings of the House of Delegates when necessary to enable the ABA to contribute to a timely and important policy discussion.

¹³ JUDICIAL CONFERENCE OF THE UNITED STATES, LONG RANGE PLANS FOR THE FEDERAL COURTS 44 (1995).

appellate delay; too many vacancies, too few authorized judgeships, and national policy decisions that increase workload without providing concomitant resources are the prime causes of delay and backlog.

The Ninth Circuit does indeed have the slowest median processing time for cases terminated on their merits, but that one statistic does not convey very much about the way the Ninth Circuit is handling its caseload. Statistics compiled by the Administrative Office of the U.S. Courts (AO) for the 12-month period ending June 30, 2016,¹⁴ show that in recent years the Ninth Circuit has been getting ahead of curve by terminating more cases than are commenced. It is also notable that the Circuit's disposition times have steadily improved over the past decade; in fact, according to Judge Sidney Thomas, Chief Judge of the Ninth Circuit, case processing time has been reduced by almost 35%. Furthermore, while the Circuit may lag behind others in the median time from the date of filing to final disposition, once cases are ready for oral argument they move expeditiously through the system and are closed in record time. The Ninth Circuit was the second fastest circuit in terms of median time from the date of the oral argument to final disposition – 1.1 months. It also shared with four other circuits the distinction of having the fastest median time from submission on the briefs to disposition – a record-breaking 0.2 months.

One of the reasons that the Ninth Circuit has been able to function so well even though its caseload keeps growing is because it has been on the forefront of utilizing technology to enhance administrative efficiency. In fact, the Ninth Circuit was the first to institute automated docketing and electronic web-based filing. It also developed and uses to great advantage an automated issue identification system that inventories cases in a way that flags potential conflicts for early resolution and facilitates efficient resolution of cases that share the same central issue. The system also enables the Court to issue pre-publication reports to Court members to advise them in advance of the filing of every published opinion and to identify pending cases that might be affected by the lead opinion. In addition to using technology effectively, the Ninth Circuit has introduced case management techniques such as the creation of the positions of Appellate Commissioner and Circuit Mediator to help resolve cases that do not require resolution by an Article III judge. These programs, available to the Circuit because of its aggregate resources, have produced administrative efficiencies that have improved case management and increased productivity.

B. Reversal Rate

Contrary to often-repeated statements, the rate of reversal of Ninth Circuit decisions by the Supreme Court is not the highest of all the circuits, and, even if it were, there is no evidence that size has any bearing on reversal rates.

The Supreme Court, not surprisingly, reverses more cases than it affirms. According to an analysis by Politifact, between 2010 and 2015, the Supreme Court reversed about 70% of the cases it reviewed.

¹⁴ The AO's statistical tables are available on its website at <http://www.uscourts.gov/statistics-reports>.

During the same time period, 79% of the Ninth Circuit cases were reversed, and the Sixth Circuit, with a reversal rate average of 87%, had the highest reversal rate.¹⁵ Our review of reversal rates, as reported by SCOTUSblog, confirms these statistics.¹⁶ Further proof that reversal rate has nothing to do with the size or volume of cases decided by a circuit is readily apparent when one reviews reversal rates year-by-year; there simply is no discernable correlation.

The Ninth Circuit decided over 11,000 cases last year and the Supreme Court heard 11, reversing three. That is hardly cause for alarm.

Views of Judges and Lawyers of the Ninth Circuit Court

We believe that the views of judges and the lawyers who practice daily before the courts in the Ninth Circuit should be accorded great deference. In the past, Congress has agreed that the views of the affected legal community carry great weight and has refrained from using its power to restructure a circuit unless there was consensus within Congress and the affected legal community that it was absolutely necessary and there was agreement over how best to reconfigure the circuit.

There are, of course, some judges in the Circuit who support division, but we surmise they comprise a scant minority. While we do not know the exact number of judges of the Ninth Circuit that oppose division, we do know that the past three chief judges of the Ninth Circuit, spanning back to 2000, have been categorical in their opposition to division of the Ninth Circuit and vocal in their support for the benefits derived from the Circuit's size. We also know that neither the Judicial Council of the Ninth Circuit nor the Judicial Conference of the United States supports realignment. These facts strongly suggest that there is no groundswell of support among the judges of the Ninth Circuit for division. In addition to the ABA and its thousands of members who practice daily before the courts of the Ninth Circuit, many other segments of the organized bar also have spoken out in opposition to splitting the Ninth. Ten years ago, all but one of the state bar associations that had adopted a policy position on the issue opposed division of the Ninth Circuit, and several specialty bars, including the Federal Bar Association, likewise opposed division. We do not have statistics with regard to the current positions of the organized bar in the Ninth Circuit but we are in the process of updating our information and will share the results with the Committee as soon as possible.

Critics often mention that large circuits suffer from a loss of collegiality and cite it as a reason to divide the Ninth Circuit. While one could just as easily argue that collegiality is fostered by the diversity of voices in a large circuit, the judges of the Ninth Circuit are in the best position to comment on their working relationships.

¹⁵ The analysis is available at www.politifact.com/punditfact/statements/2017/feb/10/sean-hannity/no-9th-circuit-isnt-most-overtured-court-country/.

¹⁶ Circuit Scorecard, SCOTUSblog at www.scotusblog.com/statistics.

Circuit Restructuring is a Costly Proposition

This is not a minor point, especially at a time when budgets continue to be slashed and the national deficit continues to grow. Splitting the Circuit would not only result in the loss of efficiencies mentioned earlier, it would also result in steep start-up costs, especially if new courthouses needed to be constructed, and duplicative overhead costs. In 2006, the Administrative Office of the U.S. Courts estimated that start-up costs for a two-way split could run as much as \$96 million, with recurring annual costs ranging from \$13 - \$16 million, and that a three-way split could cost as much as \$134 million initially and an additional \$22 million annually thereafter. The potential cost of circuit restructuring, alone, counsels against division, absent verifiable compelling evidence of dysfunction.

Conclusion

The ABA applauds the Ninth Circuit's initiative, willingness to innovate, and determination to reduce its case backlog. The Ninth Circuit continues to cope admirably with its rising caseload without jeopardizing the quality or consistency of justice rendered.

Congress can bring justice closer to the people served by the Ninth Circuit by promptly filling existing vacancies, authorizing the creating of new and temporary judgeships as needed, and providing concomitant resources when federal jurisdiction is expanded or national policies are implemented that result in significant increases in the work of the federal courts. We therefore urge the House Judiciary Subcommittee on the Courts, Intellectual Property, and the Internet to refocus its efforts on assuring that the Ninth Circuit (and the entire federal judiciary) has the resources it needs to perform its adjudicatory functions efficiently and impartially and in a manner that offers litigants timely access to the courts. For more information regarding the position of the ABA, please contact: Denise Cardman, Deputy Director, Governmental Affairs Office at: denise.cardman@americanbar.org.

Thank you for this opportunity to present the ABA's views. We stand ready to assist you in whatever way we can.

APPENDIX A

Current Proposals to Divide the 9th Circuit



115th Congress
H.R. 250
(Biggs, R-AZ)

114th Congress
H.R. 4457
(Salmon, R-AZ)
S.2490
(Flake, R-AZ)



115th Congress
S. 276
(Flake, R-AZ)



115th Congress
S. 295 (Daines, R-MT)
20/14 Judgeships split
H.R. 196 (Simpson, R-ID)
25/9 Judgeships split

114th Congress
H.R.166 (Simpson, R-ID)
S. 2477 (Daines, R-MT)

113th Congress
H.R.144 (Simpson, R-ID)

112th Congress
H.R.162 (Simpson, R-ID)

111th Congress
H.R.191 (Simpson, R-ID)
S. 1727 (Ensign, R-NV)

110th Congress
H.R.221 (Simpson, R-ID)

109th Congress
H.R.3125 (Simpson, R-ID)
S. 1845 (Ensign, R-NV)
S. 1296 (Murkowski, R-AK)



KEY:
 = New 9th Circuit
 = New 12th Circuit

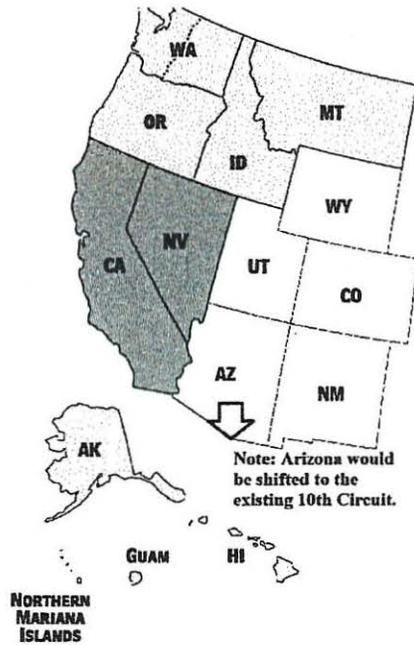
Earlier Proposals to Divide the 9th Circuit



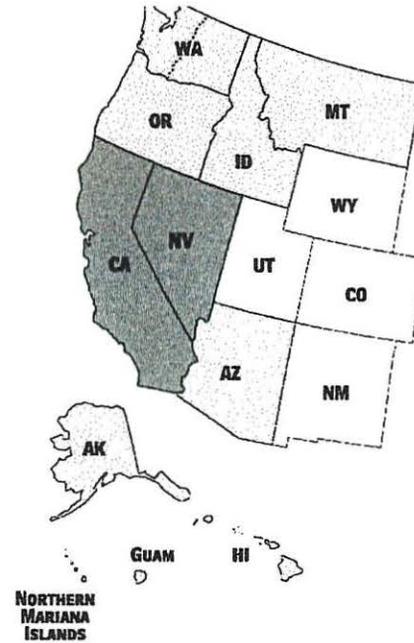
109th Congress
H.R. 212
(Simpson, R-ID)

108th Congress
H.R. 2723
(Simpson, R-ID)

107th Congress
H.R. 1203
(Simpson, R-ID)
S.346
(Murkowski, R-AK)



108th Congress
H.R. 1033
(Simpson, R-ID)

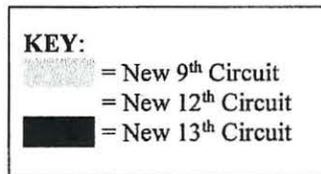


108th Congress
S. 562
(Murkowski, R-AK)



109th Congress
H.R. 211 (Simpson, R-ID)
S. 1301 (Ensign, R-NV)

108th Congress
H.R. 4247 (Renzi, R-AZ)
S. 2278 (Ensign, R-NV)



**WASHINGTON STATE
BAR ASSOCIATION**

BOG LEGISLATIVE COMMITTEE

April 7, 2017

2:30 p.m. – 3:30 p.m.

Dial: 1-866-577-9294; PIN: 54940#

1. **Welcome** (Gov. Mario Cava, Chair)

2. **ACTION: Approve Meeting Minutes** (All) – *handout*

3. **ACTION: 9th Circuit Split Issue** (All) – *handout*

4. **Session Report** (Michael Shaw, WSBA Contract Lobbyist)
Bills
 - [SB 5011](#) (WSBA request: Corporate Act)
 - [SSB 5012](#) (WSBA request: Trust Decanting)**Upcoming Session Dates**
 - April 12: Opposite House Cutoff
 - April 23: Sine Die

5. **Good of the Order & Adjournment** (Mario)

NEXT SCHEDULED MEETING: April 14, 2017

BOG LEGISLATIVE COMMITTEE

Meeting Minutes

March 24, 2017

Members present: President Robin Haynes, President-Elect Brad Furlong, Immediate Past President Bill Hyslop, Mario Cava, Sean Davis, Keith Black, Chris Meserve, Jill Karmy, & Angela Hayes.

Staff present: Paula Littlewood, Jean McElroy, Alison Phelan, Michael Shaw, & Clark Mclsaac



SUMMARY OF ACTION TAKEN

Item Discussed	Bill Number	Vote	Comments
March 17, 2017 meeting minutes	N/A	Approve the Board of Governors Legislative Committee March 17, 2017 Meeting Minutes.	No objections Moved: Pres. Haynes Seconded: Gov. Meserve
Legal Services Corporation funding letter	N/A	Approve support for the Legal Services Corporation funding letter as amended.	No objections Moved: Gov. Karmy Seconded: Gov. Black
9 th Circuit split issue	N/A	Approve continuing the discussion on the 9 th Circuit split pending further input from WSBA delegates to the ABA; if this topic should be addressed further it will be done so among the Board of Governors (BOG).	No objections Moved: Gov. Karmy Seconded: Gov. Black

Welcome

- WSBA Board of Governors Legislative Committee (BLC) Chair Mario Cava began the March 24, 2017 meeting at 2:31 PM.

ACTION: Approve Meeting Minutes

- Pres. Haynes made a motion to approve the March 17, 2017 BLC meeting minutes as-is; seconded by Gov. Meserve; passed with no objections.

FYI: Civil Rights Letter

- Gov. Cava addressed the BLC letter sent to the Civil Rights Law Section on March 17, 2017.

ACTION: Legal Services Corporation Funding Letter

- Gov. Cava addressed the Legal Services Corporation funding letter. BLC members engaged in a discussion regarding the Legal Services Corporation funding letter.
- Gov. Karmy made a motion to approve supporting the Legal Services Corporation funding letter incorporating the following amendments; seconded by Gov. Black; passed with no objections:
 - Replace “attorneys” with “legal professionals;” and
 - Correct the misspelling of a name.

ACTION: 9th Circuit Split Issue

- Gov. Cava addressed the 9th Circuit split issue. BLC members engaged in a discussion regarding the 9th Circuit split issue.
- Gov. Karmy made a motion to approve continuing the discussion on the 9th Circuit split pending further input from WSBA delegates to the ABA; if this topic should be addressed further it will be done so among the Board of Governors (BOG); seconded by Gov. Black; passed with no objections.

Session Report

- WSBA Legislative Affairs Manager Alison Phelan led BLC members in a report on WSBA legislative activity and upcoming 2017 legislative session dates.

Meeting adjourned by Gov. Cava at 3:36 PM on Friday, March 24, 2017.

[Archives > Circuit Split](#)

Ninth Circuit Split

Efforts to reconfigure the Ninth Circuit go back nearly a century and have been introduced again in the 115th Congress. This site includes links to both current and historic legislation, documents, statistics, and media coverage related to splitting the Ninth Circuit. Use the menu on the right to navigate different types of content. If you don't find what you're looking for or have questions, please contact your local librarian for assistance.

Current Proposals

[Legislation Introduced](#) | [Legislation Details](#) | [Hearings](#) | [Selected Media Coverage](#)

[Circuit Split Home](#)
[Legislation by Congress](#)
[Hearings](#)
[Maps & Statistics](#)
[SCOTUS Reversal Rates](#)
[AO Legislative Summary](#)
[Media Coverage](#)
[Articles by Judges](#)



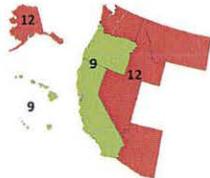
Ninth Circuit Court Modernization and Twelfth Circuit Court Creation Act of 2017 (Gohmert bill)

H.R. 1598, 115th Congress (2017-2018), introduced 3/17/2017

Sponsor: Gohmert (R-TX), Cosponsor(s): Duncan (R-SC)

To amend title 28, United States Code, to divide the ninth judicial circuit of the United States into 2 circuits, and for other purposes.

[CRS Bill Summary & Status](#) | [circuit details and statistics for this bill](#)



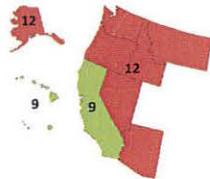
Judicial Administration and Improvement Act of 2017 (Flake bill)

S. 276, 115th Cong. (2017), introduced 2/2/2017

Sponsor: Flake (R-AZ), Cosponsor(s): McCain (R-AZ)

To amend title 28, United States Code, to divide the ninth judicial circuit of the United States into 2 circuits, and for other purposes.

[CRS Bill Summary & Status](#) | [circuit details and statistics for this bill](#)



Circuit Court of Appeals Restructuring and Modernization Act (Daines bill)

S. 295, 115th Congress (2017), introduced 2/2/2017

Sponsor: Daines (R-MT), Cosponsor(s): Sullivan (R-AK), Murkowski (R-AK)

A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and for other purposes.

[CRS Bill Summary & Status](#) | [circuit details and statistics for this bill](#)

Federal Courts of Appeals Modernization Act (Sullivan Bill)

S. 296, 115th Congress (2017), introduced 2/2/2017

Sponsor: Sullivan (R-AK), Cosponsor(s): Daines (R-MT), Murkowski (R-AK)

A bill to establish a Commission on Structural Alternatives for the Federal Courts of Appeals.

[CRS Bill Summary & Status](#)



Judicial Administration and Improvement Act of 2016 [sic.] (Biggs bill)

H.R. 250, 115th Congress (2017), introduced 1/4/2017

Sponsor: Biggs (R-AZ-5), Cosponsor(s): Franks (R-AZ-8), Schweikert (R-AZ-6), Gosar (R-AZ-4), McCally (R-AZ-2), Smith (R-TX-21), Garrett (R-VA-5), Babin (R-TX-36), Duncan (R-SC-31), Young (R-AK-At Large)

Identical to H.R. 4457, 114th Cong., 2nd Session (2016) (Salmon, R-AZ-5). 12th Circuit: AK, AZ, ID, MT, NV. Active & senior judges serving in 12th Circuit states may choose permanent assignment to new 9th.

[CRS Bill Summary & Status](#) | [circuit details and statistics for this bill](#)



Ninth Circuit Court of Appeals Judgeship and Reorganization Act of 2017 (Simpson bill)



H.R. 196, 115th Congress (2017), introduced 1/3/2017

Sponsor: Simpson (R-ID-2)

Identical to H.R. 166, 114th Cong. (2015) (Rep. Simpson, R-ID) 12th Circuit: CA, HI, GU, NMI. Distributes active circuit judges of the former Ninth Circuit to the new circuits. Allows senior circuit judges of the former Ninth Circuit to elect assignment. Specifies the locations where new circuits are to hold regular sessions. Allows contiguous circuits to share administrative functions.

[CRS Bill Summary & Status | circuit details and statistics for this bill](#)

Via Email Transmittal

April 13, 2017

Re: ABA Standing Committee on the American Judicial System - Resolution

Greetings Counsel:

Your organization has been identified as a potential stakeholder with an interest in the federal court system. The American Bar Association Standing Committee on the American Judicial System Section of Litigation has introduced a resolution opposing legislative efforts to restructure the United States Court of appeals for the Ninth Circuit.

The ABA resolution was brought before the Board of Governors Legislative Committee (BLC) on Friday, April 7, 2017 for consideration, and a request was made for the WSBA to sign the resolution along with other supporters. The BLC has referred the resolution for consideration by the Board of Governors (BOG) when it convenes in Seattle (May 18-19, 2017).

The BLC is committed to receiving stakeholder input in advance of putting the issue to the Board of Governors at its May meeting in Seattle. Your input is respectfully requested so that it may be considered during deliberations.

The deadline for submitting written materials for the BOG meeting is May 3, 2017. Please feel free to forward your communications to WSBA's Legislative Assistant, Clark Mclsaac (clarkm@wsba.org), so that they may be included in the Public Session Materials.

Very truly yours,

Mario M. Cava
Chair, BOG Legislative Committee

04-13-17 email from Governor Mario Cava was sent to:

Sections (Legislative Committee)

Administrative Law Section
Alternative Dispute Resolution Section
Animal Law Section
Antitrust Consumer Protection and Unfair Business Practices Section
Business Law Section
Civil Rights Law Section
Construction Law Section
Corporate Counsel Section
Creditor Debtor Rights Section
Criminal Law Section
Elder Law Section
Environmental and Land Use Law Section
Family Law Section
Health Law Section
Indian Law Section
Intellectual Property Section
International Practice Section
Juvenile Law Section
Labor and Employment Law Section
Legal Assistance to Military Personnel Section
Lesbian Gay Bisexual Transgender Law Section
Litigation Section
Low Bono Section
Real Property, Probate and Trust Section
Senior Lawyers Section
Solo and Small Practice Section
World Peace Through Law Section

Minority Bars (Leadership)

Asian Bar Association of Washington
Cardozo Society
Filipino Lawyers of Washington
QLaw
Korean America Bar Association of Washington
Latina/o Bar Association of Washington
Loren Miller Bar Association
Middle Eastern Legal Association of Washington
Mother Attorneys Mentoring Association of Seattle
Northwest Indian Bar Association
Pierce County Minority Bar Association
Slavic Bar Association of Washington
South Asian Bar Association of Washington
Vietnamese American Bar Association of Washington
Washington Attorneys with Disabilities Association
Washington State Veterans Bar Association
Washington Women Lawyers

Other Entities (Contacts)

Washington Superior Court Judges Association
District and Municipal Court Judges Association
Washington Defense Trial Lawyers Association
Washington State Association for Justice
Washington Office of Public Defenders
US Attorney's Office of Western Washington
Washington Association of Prosecuting Attorneys
Washington Association of Criminal Defense Lawyers
Northwest Immigrant Rights Project

April 17, 2017

To: The Board of Governors Legislative Committee
Re: ABA Standing Committee on the American Judicial System - Resolution

I am writing in support of the resolution introduced by the American Bar Association Standing Committee on the American Judicial System Section of Litigation opposing legislative efforts to restructure the United States Court of Appeals for the Ninth Circuit.

I am persuaded that the size of the Ninth Circuit has not resulted in appellate delay. The ABA has presented convincing evidence that the Ninth Circuit has not only found innovative methods of handling its caseload, but in two crucial measures, median time from date of oral argument to final disposition and median time from submission on the briefs to disposition, handles its caseload as well as or better than other circuits. I am also persuaded that the cost involved in restructuring is not justified.

I also consider the argument that the Ninth Circuit has a higher reversal rate than other circuits dubious at best. Moreover, even if the Ninth Circuit's reversal rates were higher, one would have to show that the reversals were the direct result of the size of the circuit, rather than other factors.

In my view, two issues weigh most in favor of opposing legislation to restructure the Ninth Circuit. The first is that the current restructuring proposals are highly partisan. They would leave one or more of the liberal leaning states - California, Oregon and Washington - in the Ninth Circuit and move the more conservative states into a separate, presumably more conservative leaning, circuit. The legislation could justly be opposed solely on the grounds that it is overtly partisan and anti-democratic. Neither the ABA nor the WSBA should support legislation that is clearly so politically motivated.

The other issue is that restructuring the court does not solve the identified problem. The Ninth Circuit has the highest number of judicial vacancies of all the circuit courts. If there is a problem related to appellate delay, the more logical and cost-effective solution is to fill those vacancies, not restructure the courts.

I urge the WSBA to support the ABA resolution and oppose legislative efforts to restructure the United States Court of Appeals for the Ninth Circuit.

Kimberlee A. Thornton
Animal Law Section

Please note: Kim submits these comments in her individual capacity, not on behalf of the Animal Law Section.

Amy I. Muth
PresidentTeresa Mathis
Executive Director

May 1, 2017

Sent via email to clarkm@wsba.org

Clark McIsaac, Legislative Assistant
WSBA Board of Governors
1325 Fourth Ave, Suite 600
Seattle, Washington 98101

Dear WSBA Governors:

The Washington Association of Criminal Defense Lawyers is comprised of private attorneys and public defenders who practice criminal defense at the trial, appellate and post-conviction stages in both state court and in federal court in the Eastern and Western Districts of Washington. The vast majority of criminal appeals, and post-conviction appeals with counsel, have attorneys from the Federal Public Defender Offices and Criminal Justice Act panel attorneys from these two districts. Many of those lawyers have been long-time members of WACDL. WACDL has also partnered with the Federal Public Defender in providing training for attorneys and the creation and maintenance of a brief bank.

After consultation with the Federal Public Defenders for the Eastern and Western Districts of Washington, and private practitioners who regularly practice before the Ninth Circuit Court of Appeals, ***WACDL encourages the Washington State Bar Association to oppose this effort to split the Ninth Circuit Court of Appeals.*** WACDL is in agreement with the position taken, and the points made in the March 16, 2017 Statement of the American Bar Association on this topic. The following comments are directly related to our interest in representing appellate and post-conviction clients before the Ninth Circuit Court of Appeals.

Because WACDL lawyers represent clients who are often incarcerated, WACDL has a strong interest in ensuring that our clients' appeals be heard in a timely fashion, and importantly that their cases be heard with care and attention. Splitting the circuit will not further either of those goals. Based on reports from WACDL lawyers, there is a consensus that their clients' cases are presently being decided within a reasonable amount of time, particularly when viewed from the time that the opening briefs are filed until disposition. This anecdotal information is supported by the statistics from the Administrative Office of the U.S. Courts (AO). As noted in the ABA Statement, the Ninth Circuit is the second fastest circuit in terms of median time from the date of oral argument to final disposition.

The size of our Circuit offers advantages to WACDL lawyers and particularly appointed counsel throughout the circuit. A recent example of this is the ability of WACDL lawyers and other federal criminal defense attorneys in the circuit to organize our efforts in response to the retroactive Supreme Court decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015). This decision required lawyers to review many cases going back decades to determine if those clients may now seek post-conviction relief. Federal Public Defenders and other lawyers throughout the Ninth Circuit organized by conducting meetings and training on this topic, maintaining an email tree that shared district decisions from throughout the circuit on an almost daily basis and working together to fashion strategy and arguments. This ability to combine resources from such a large circuit enabled us to move more quickly on these cases, and to consistently file high quality briefs and motions in the district courts throughout the circuit. These clients were well served by the size of the Circuit and by the diversity of the legal talent organized and tasked to this project.

WACDL lawyers have also found that the Ninth Circuit, while large, is very receptive to the local needs and requests. For example, Court of Appeals Commissioner Peter Shaw has been a valuable resource to our lawyers, and criminal defense practitioners in the Circuit. When requested he has travelled to the Western District of Washington and other districts to present training on appellate procedure and practice. He is also available to answer questions concerning unusual procedural issues not easily answered by looking at the Federal and Circuit rules. It is our understanding that if the Circuit were split, the new circuit would likely include Washington and be much smaller. We would lose access to the Ninth Circuit Commissioner and this new circuit may not be large enough to qualify for a commissioner.

It is respectfully requested that the WSBA endorse the ABA Statement and oppose the current effort to split the Ninth Circuit Court of Appeals.

Sincerely,



Amy I. Muth
President



Michael Filipovic
WACDL Federal Bar Chair

Suzanne Elliott
WACDL Amicus Co-Chair

From: Teresa Mathis [<mailto:teresa.mathis@wacdl.org>]
Sent: Tuesday, May 02, 2017 7:12 PM
To: Clark McIsaac
Cc: amy@amymuthlaw.com; Mike Filipovic; 'Suzanne Elliott'
Subject: WACDL Position on Ninth Circuit

Clark,

I've attached our letter to the WSBA Board. Note that I did not get the third signature on the letter – second signer signed in a way that made document PDF that can't be changed. But all signers had reviewed the document and were ready to sign.

Teresa Mathis
Executive Director
WA Assn of Criminal Defense Lawyers
1511 Third Ave, Suite 503
Seattle, WA 98101
206-623-1302
206-623-4257 (fax)

From: Geoffrey Revelle [mailto:geoff.revelle@FisherBroyles.com]
Sent: Sunday, May 07, 2017 11:26 AM
To: Clark McIsaac
Cc: Diana Singleton
Subject: Splitting the Ninth Circuit

Dear Clark:

The ATJ Board determined that we do not want to comment on the proposals to split the Ninth Circuit. Thanks for giving us the opportunity to do so.

Best
Geoff

Geoffrey G. Revelle
Partner

FISHERBROYLES®

A LIMITED LIABILITY PARTNERSHIP

701 Fifth Avenue | Suite 4200 | Seattle, WA 98104

Direct: 206.714.0964 | geoff.revelle@fisherbroyles.com

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**United States Court of Appeals
for the Ninth Circuit**

WILLIAM K. NAKAMURA UNITED STATES COURTHOUSE
1010 FIFTH AVENUE, SUITE 902
SEATTLE, WASHINGTON 98104-1130

Chambers of
RICHARD C. TALLMAN
United States Circuit Judge

Telephone: (206) 224-2250
Facsimile: (206) 224-2251

May 10, 2017

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

Re: Proposed WSBA Resolution Opposing Restructuring of the
United States Court of Appeals for the Ninth Circuit

Dear President Haynes:

As a 38-year member, I write to urge my Washington State Bar Association to reconsider its proposed opposition to restructuring the United States Court of Appeals for the Ninth Circuit. I am aware that this issue is considered controversial by many, particularly in light of the currently charged political climate. This issue, however, is one that ought to transcend politics. It is about improving the administration of justice. I very strongly believe that replacing the Ninth Circuit with two or more smaller circuits would be in the best interests of the people of the State of Washington, its bar, and the federal judiciary as a whole. I have been a long-time advocate for circuit reorganization, and I believe that the arguments supporting reorganization are as relevant today as they have ever been.

The Ninth Circuit by any metric is simply too big, too spread out, too slow, and too overworked—the time for change is now. I hope you will instead join me in advocating for a better, more efficient federal judiciary in the American West, or take no position at all and permit Congress to discharge its constitutional duty to create “such inferior Courts as the Congress may from time to time ordain and establish.” U.S. Const. art. III, § 1.

Though more than a decade has passed since the last time a reorganization of the Ninth Circuit was seriously considered, the case remains just as compelling for the creation of smaller circuits better suited to administer justice to the people of the western United States. While there are many justifications for reorganizing the Ninth Circuit, none is more compelling than one undisputable truth: we are the most overburdened and slowest federal appellate court in the country.

The Ninth Circuit was first created in 1891, and by 1900 the circuit was responsible for a manageable 3.2 million people, or approximately 4 percent of the country's total population. Population growth and development have turned a once modest three-judge court into a behemoth. The Ninth Circuit currently serves over 65 million people, which is approximately 20 percent of the total population of the United States. We have 29 active judge positions. Huge growth in population has overburdened our court dockets with far more appeals than any appellate court can effectively handle.

In 2016, we received 11,473 new appeals, which accounted for 19 percent of all federal appeals in the entire country. During the same year, the Ninth Circuit had 13,334 appeals pending, equal to approximately 31 percent of all pending appeals in the United States. That is 10,576 more pending appeals than the median circuit court and over 7,000 more than the next closest circuit court. Our massive pending caseload means that our active judges (with four vacancies) are currently responsible for handling nearly 600 cases annually, more than 100 pending appeals per judgeship than the next closest circuit court. This is a caseload we all struggle to maintain.

The heavy caseload places a tremendous burden on our circuit judges and the many staff people we rely upon to serve litigants. We are forced by sheer volume to triage our cases, submitting without oral argument far more cases than we can hear live. Our heavy caseload also requires us to sap alternative judicial resources, such as bringing in an increasing number of Visiting Judges supplemented by our own senior judges. In 2017, we will rely upon 136 Visiting Judges who will sit with us for a total of 301 days of hearing panels. But despite our best efforts to keep up with all of our cases through the use of technology and alternative resolution methods, we still have the unfortunate distinction of being the slowest appellate court in the country. The median Ninth Circuit appeal took 15.2 months to resolve from Filing of Notice of Appeal to Last Opinion or Final Order. That is over twice the national median of 7.4 months.

May 10, 2017

Page 3

We are even slower to resolve civil appeals; the median civil case required 25.2 months to decide. These are the cases most WSBA members handle in federal court. The next closest circuit, the D.C. Circuit, only required 11.7 months to resolve their median civil case. Our untimely appellate process results in serious injustices to all parties involved, and in the wasteful expenditure of both public and private resources. This inefficiency is not the trademark of an effective court.

I also encourage you to consider how reorganization might otherwise improve our judicial administration. Smaller circuits would improve collegiality by allowing our judges to regularly sit together and more often collaborate on cases in ways that the Ninth Circuit's current size, both in terms of the number of judges and the geographic distance between our chambers, simply does not allow. Smaller circuits would also allow us to fix the broken limited en banc procedure the Ninth Circuit currently utilizes. The current format is problematic, undemocratic, and makes the Ninth Circuit an outlier in utilizing en banc procedures not followed by any other circuit court in the country. Smaller circuits would allow the entire court to sit together with all its active judges participating to hear the most important and difficult cases, which in turn would allow for more representative opinions, and more consistent development of the law.

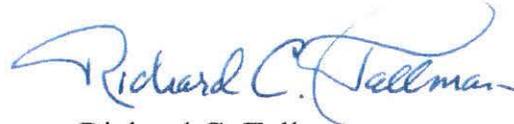
Change is hard for all of us, but it is an inevitable fact of life. Any reorganization would make the resulting smaller circuits more similar to the existing federal judicial structures across the country. I believe that normalcy in the judiciary is a strength, not a weakness. The ultimate measure of a court's power is its ability to command the respect of the people it serves, including the litigants who must comply with its decisions.

The present size of the Ninth Circuit leads to the public perception that this court is incapable of reflecting the views of, and effectively serving, the residents of the vast expanse of land it covers. For these reasons, I hope you will join me as advocates for restructuring the Ninth Circuit to improve the state of our judiciary in the American West as it exists today, not as it existed over one hundred years ago. Rather than adopting a resolution opposed to change, I hope the WSBA will instead re-focus its attention on addressing the resolution to the problems I discuss here.

May 10, 2017
Page 4

Thank you for considering my views.

Sincerely,

A handwritten signature in blue ink that reads "Richard C. Tallman". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Richard C. Tallman
United States Circuit Judge
WSBA No. 9038



WSBA

OFFICE OF THE GENERAL COUNSEL

Jean K. McElroy
General Counsel/Chief Regulatory Counsel

direct line: 206-727-8277
fax: 206-727-8313
e-mail: jeanm@wsba.org

To: President, President-Elect, Immediate Past President, and Board of Governors
From: Jean K. McElroy, General Counsel/Chief Regulatory Counsel
Date: May 8, 2017
Re: Proposal and Suggested Charter for Referendum Process Work Group (action)

Action: Approve BOG proposal to establish a work group to review the WSBA referendum process and suggested charter for referendum process work group.

DISCUSSION: The Board of Governors (BOG) completed a review and update of WSBA Bylaws at the September 2016 and January 2017 BOG meetings. During that process, the BOG several times discussed, but intentionally did not attempt to revisit, the referendum provisions in WSBA's Bylaws because of concerns that such review fell outside the directions from the BOG to the Bylaws Review Work Group. As stated in the minutes from the August 2016 BOG meeting, the BOG stated at the July 2016 BOG meeting, that a workgroup to review the referendum provisions of the WSBA Bylaws should be appointed by then-President Hyslop and then-President-Elect Haynes at the September 2016 BOG meeting. This did not occur at the September meeting. (See Attachment 1 containing excerpts of minutes and materials from BOG meetings reflecting this discussion.) Several Governors at subsequent BOG meetings have expressed interest in seeing this work group formed and this review occur. As such, the Executive Committee determined to put this item on the May BOG agenda.

The question for the BOG to consider is: does the BOG want to direct that the President create a Referendum Process Review Work Group?

If the BOG does direct the President to create the Work Group, the Work Group will need a charter from the BOG to direct the scope and nature of its work. A suggested charter, which would authorize a Work Group to review WSBA referendum processes, is attached for the BOG's consideration.

ATTACHMENTS:

1. Excerpts from BOG meeting minutes and materials.
2. Suggested charter for referendum process work group.

Excerpt from June 2-3, 2016, Public Session MINUTES:

Chair Gipe asked for clarification regarding whether it was the intent of the Board that LLLTs could run for district seats and whether the draft amendments should include an adjustment to the threshold regarding the number of signatures required and/or the number of people needed to vote in order to bring a referendum. It was the consensus of the Board that it was not its intention that LLLTs run for District seats. Discussion ensued regarding whether to deal with the referendum during this review of the Bylaws; and whether to revise the number of signatures needed to bring a referendum and/or revise the number of votes needed to pass a referendum. Immediate Past-President Gipe explained that the duty of the Board is to make decisions that are good for the organization as a whole. A straw vote was taken to ascertain whether the Bylaws Work Group should include revisions to the referendum portion of the WSBA Bylaws in its upcoming recommendations. The vote was 8-5 in favor.

Excerpt from July 22-23, 2016, Public Session MATERIALS:

Article VIII INDEMNIFICATION MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP:

The Workgroup recommends that the referendum and recall processes, and in particular the triggering thresholds, be reviewed as directed by the BOG before a substantive recommendation is made to the BOG.

Excerpt from August 23, 2016, Public Session MINUTES:

Article VIII: member referenda. He advised that the Board withdrew this item from the Bylaws review at its July 22-23, 2016, meeting and that there is no recommendation to amend this Article at this time.

Excerpt from August 23, 2016, Public Session MATERIALS:

At the July 2016 BOG meeting, the BOG opted to delay consideration of amendments to Article VIII until a workgroup of the BOG could be appointed for the 2016-2017 year with the sole purpose of studying and evaluating the referendum, determine the best next step and then return to the BOG by September 2017 with further recommendations. That workgroup will be appointed by President Hyslop and President-Elect Haynes at the September 2016 meeting of the BOG.

Excerpt from September 29-30, 2016, Public Session MINUTES:

[Article III: Membership] In addition, Chair Gipe clarified that the intent of the Bylaws Work Group was not to make any change to the license fee referendum process, because that type of referendum is and would continue to be covered by the general referendum provisions in other sections of the Bylaws. Governor Wilson explained that the proposed amendment is intended to clarify that the provision is intended to apply to referenda on the Bar's budget as distinguished from the Bar's license fee. Chair Gipe emphasized that the sole point of the proposed amendment makes it explicit that WSBA members can have a referendum on the license fee, but not on the license fee through the budget, and that this distinction is already contained in the current WSBA Bylaws. Governor Karmy moved to amend the motion to include "...shall be subject to the same referendum process as other BOG actions, but..." as in the current Article III.H..6. Motion passed 8-5-1. Governor Pickett abstained. Original motion as amended passed 13-1.

Article VIII – Member Referenda and BOG Referrals to Membership

Chair Gipe advised the Board that this Article has been withdrawn from consideration at this meeting and that the Board will take action at a future date.



WSBA

Washington State Bar Association

REFERENDUM PROCESS REVIEW WORK GROUP

(Adopted by the WSBA Board of Governors on ____, 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.



WSBA

OFFICE OF THE EXECUTIVE DIRECTOR

Margaret Shane
Executive Assistant

direct line: 206-727-8244
fax: 206-727-8316
e-mail: margarets@wsba.org

MEMO

TO: Board of Governors
FROM: Margaret Shane
DATE: May 8, 2017
RE: Immigration and Customs Enforcement (ICE) at Courthouses

DISCUSSION: Response to immigration enforcement action at or near state courthouses.

Enclosed please find correspondence from Enoka Herat, Police Practices and Immigration Counsel at the American Civil Liberties Union (ACLU), requesting that the Board send a letter to John Kelly, Secretary of the Department of Homeland Security (DHS), asking that DHS agents refrain from conducting immigration enforcement action at or near state courthouses. Also enclosed are additional letters of support for the request.



May 8, 2017

Re: ICE Enforcement in Courthouses

Dear WSBA Board of Governors:

The ACLU of Washington is writing to enlist your support and engagement with a serious matter. There is a growing tide of immigration enforcement taking place at or near courthouses, which impedes the administration of justice. You have likely seen a letter from Chief Justice Fairhurst on this issue.¹ We request that the WSBA send a letter to Department of Homeland Security (DHS) Secretary John Kelly urging DHS agents to refrain from conducting immigration enforcement actions at or near state courthouses. Below are some issues for your consideration:

AMERICAN CIVIL
LIBERTIES UNION
OF WASHINGTON
901 5TH AVENUE, SUITE 630
SEATTLE, WA 98164
T/206.624.2184
WWW.ACLU-WA.ORG

JEAN ROBINSON
BOARD PRESIDENT

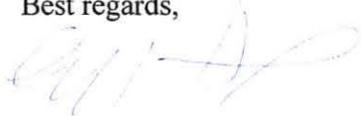
KATHLEEN TAYLOR
EXECUTIVE DIRECTOR

- Agents from Immigration and Customs Enforcement (ICE) have been increasingly entering courthouses to apprehend undocumented individuals for immigration detention and deportation. ICE has targeted noncitizen victims of crime and witnesses.² Attorney General Jeff Sessions and DHS Secretary Kelly have stated a preference for ICE enforcement in courthouses, claiming that it is safer for ICE agents.³ In Washington, there have been reports of ICE agents in or around courthouses in seven counties: Clark, Clallam, Cowlitz, Skagit, Mason, King and Chelan.⁴ Given the federal government's stance, it is simply a matter of time before we see more ICE agents at more courthouses across Washington.
- ICE enforcement at courthouses undermines access to justice, compromises the administration of justice, and jeopardizes effective prosecution. Recently, a domestic violence survivor was arrested by ICE agents in El Paso County Court, after appearing in court to obtain a restraining order against her abusive ex-boyfriend. County officials believe that it was her abuser who notified DHS of her hearing date.⁵
- These incidents erode the public health and safety of the entire Washington community. According to the Los Angeles Police Department ("LAPD") chief, reports of sexual assault have dropped 25 percent, while reports of domestic violence have fallen by 10 percent from the Latino community. Similar decreases were not observed in reports of those crimes by other ethnic groups.⁶
- People come to court to obtain restraining orders, obtain child support orders, seek back wages, pay traffic fines, testify in criminal cases, and get married. The administration of justice depends on all people having free and full access to the courts. Courts and lawyers cannot deliver the promise of equal access to

justice and due process under law if a segment of the community is afraid to access the courts. As Washington's Chief Justice Fairhurst stated in her letter to DHS, "[w]hen people are afraid to appear for court hearings out of out of fear of apprehension by immigration officials, their ability to access justice is compromised."⁷

- The U.S. Commission on Civil Rights, an independent, bipartisan federal agency sent a letter to DHS, noting that "[s]tationing ICE agents in local courthouses instills needless additional fear and anxiety within immigrant communities, discourages interacting with the judicial system, and endangers the safety of entire communities."⁸
- Attorneys and prosecutors from across the country and across the political spectrum have sent letters requesting that ICE refrain from apprehending noncitizens at or near courthouses.⁹
- The ACLU believes that a similar letter from the WSBA would be of tremendous value. I urge the WSBA to take a proactive stance and speak against the practice of ICE enforcement in courthouses. The more voices that speak out, the better chance we have of preventing further actions in Washington.

I appreciate your attention to this important matter. Thank you for your time.
Best regards,



Enoka Herat
Police Practices and Immigration Counsel

¹ See attached letter.

² Devlin Barrett, DHS: Immigration agents may arrest crime victims, witnesses at courthouses, https://www.washingtonpost.com/world/national-security/dhs-immigration-agents-may-arrest-crime-victims-witnesses-at-courthouses/2017/04/04/3956e6d8-196d-11e7-9887-1a5314b56a08_story.html?utm_term=.f2378d48e616 (April 4, 2017).

³ Jennifer Medina, U.S. Officials Chastise Judge Who Complained of Agents 'Stalking.' https://www.nytimes.com/2017/03/31/us/us-officials-chastise-judge-over-who-complained-of-agents-stalking.html?_r=0 (March 31, 2017).

⁴ Natasha Chen, More ICE agents seen waiting around local courthouses to intercept people, <http://www.kiro7.com/news/local/more-ice-agents-seen-waiting-around-local-courthouses-to-intercept-people/505226120> (March 23, 2017).

⁵ Jonathan Blitzer, The Woman Arrested By ICE in a Courthouse Speaks Out, <http://www.newyorker.com/news/news-desk/the-woman-arrested-by-ice-in-a-courthouse-speaks-out> (February 23, 2017).

⁶ James Queally, Latinos are reporting fewer sexual assaults amid a climate of fear in immigrant communities, LAPD says, <http://www.latimes.com/local/lanow/la-me-in-immigrant-crime-reporting-drops-20170321-story.html> (March 21, 2017).

⁷ See attached letter.

⁸ See attached letter.

⁹ See attached letter from 179 attorneys in Maine; see also letter from prosecutors in California.

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

March 22, 2017

The Honorable John F. Kelly
U.S. Department of Homeland Security
Secretary of Homeland Security
Washington, D.C. 20528

Dear Secretary Kelly,

As Chief Justice of the Washington State Supreme Court and co-chair of the Board for Judicial Administration, I write to express concern regarding immigration agents being in and around our local courthouses. Lawyers and judges working in our courts have advised me that agents from the Immigration and Customs Enforcement agency of the Department of Homeland Security are being present with increased frequency. These developments are deeply troubling because they impede the fundamental mission of our courts, which is to ensure due process and access to justice for everyone, regardless of their immigration status.

In many locations around our state, a courthouse is the only place where individuals are ensured of a trusted public forum where they will be treated with dignity, respect, and fairness. This includes victims in need of protection from domestic violence, criminal defendants being held accountable for their actions, witnesses summoned to testify, and families who may be in crisis.

We have worked diligently to earn and maintain the trust of communities throughout Washington State to ensure that courthouses are that public forum. The fear of apprehension by immigration officials deters individuals from accessing our courthouses and erodes this trust, even for those with lawful immigration status.

When people are afraid to access our courts, it undermines our fundamental mission. I am concerned at the reports that the fear now present in our immigrant communities is impeding their access to justice. These developments risk making our communities less safe.

Our ability to function relies on individuals who voluntarily appear to participate and cooperate in the process of justice. When people are afraid to appear for court hearings, out of fear of apprehension by immigration officials, their ability to access

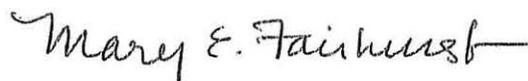
justice is compromised. Their absence curtails the capacity of our judges, clerks and court personnel to function effectively.

In light of the above, I ask that you consider taking the necessary and appropriate steps to address these concerns. For example, I encourage you to designate courthouses as "sensitive locations" as described in your Policy 10029.2. Such a designation will assist us in maintaining the trust that is required for the court to be a safe and neutral public forum. It will assure our residents that they can and should appear for court hearings without fear of apprehension for civil immigration violations.

We understand that the mission of your agency is to enforce federal laws. However, we request that the manner in which these obligations and duties are carried out aligns with, and does not impede, the mission, obligations, and duties of our courts.

My request is offered with all due respect to your commitment to serve the United States, your office, and its functions. I welcome the opportunity to meet with you or your staff to explore possible resolutions.

Very truly yours,



MARY E. FAIRHURST
Chief Justice

cc: Thomas D. Homan, Acting Director, Immigration & Customs Enforcement
Nathalie R. Asher, ICE Field Office Director, Seattle Washington
Bryan S. Wilcox, Acting Field Office Director



NEWS RELEASE

March 22, 2017

FROM: Wendy K. Ferrell
Wendy.Ferrell@courts.wa.gov

Washington Supreme Court Chief Justice sends letter to Department of Homeland Security regarding immigration enforcement activities in Washington Courts

In response to a recent uptick in immigration enforcement activities around Washington courthouses, Washington State Supreme Court Chief Justice Mary Fairhurst today sent a letter to Secretary John Kelly of the U.S. Department of Homeland Security expressing concerns and possible solutions. Full text of the letter can be found by [clicking here](#).

Citing reports from lawyers and judges about this increased presence, Fairhurst said, "These developments are deeply troubling because they impede the fundamental mission of our courts, which is to ensure due process and access to justice for everyone, regardless of immigration status."

Highlighting that the fear of apprehension, even for those with lawful immigration status, may deter individuals from accessing courthouses, Fairhurst said, "Our ability to function relies on individuals who voluntarily appear to participate and cooperate in the process of justice."

"When people are afraid to appear for court hearings, out of fear of apprehension, their ability to access justice is compromised," she said, adding, "their absence curtails the capacity of our judges, clerks and court personnel to function effectively...and risk making our communities less safe." Lawyers report that Immigration and Customs Enforcement (ICE) activities are occurring at courthouses in Clark, Clallam, Cowlitz, King, Skagit and Mason counties.

In addition to welcoming a meeting to discuss the issue further, Fairhurst encourages the Department to designate courthouses as "sensitive locations" – a term used by the Department of [Homeland Security in Policy 10029.2](#) to guide and limit such activities in locations such as schools and universities, places of worship, community centers and hospitals.

While a "sensitive location" designation does not preclude enforcement actions on these sites, the policy states that these venues will generally be avoided to enhance the public understanding and trust to ensure people seeking to participate in activities or utilize services are free to do so without fear or hesitation.

Designating courts as sensitive locations will, "assist us in maintaining the trust that is required for the court to be a safe and neutral public forum. It will assure our residents that they can and should appear for court hearings without fear of apprehension for civil immigration violations," wrote Fairhurst.

###

Contact: Chief Justice Mary Fairhurst, Washington Supreme Court, 360.357.2053 or mary.fairhurst@courts.wa.gov.



April 24, 2017

U.S. Commission on Civil Rights Expresses Concern with Immigrants' Access to Justice

The Commission is concerned that some of the most vulnerable individuals' access to justice is hindered by the recent actions of the federal government. The Commission urges Attorney General Sessions and Department of Homeland Security Secretary Kelly to consider the fair administration of justice when determining how and where they send Immigration and Customs Enforcement (ICE) agents.

In the last few months, troubling reports have emerged of federal immigration agents following, confronting, and in some instances, arresting undocumented immigrants in state and local courthouses when some of those immigrants were seeking help from authorities and the local justice system. For example, in Texas, ICE agents reportedly arrested a woman just after she obtained a protective order against her alleged abuser.¹ In Colorado, video footage of ICE agents with an administrative arrest warrant waiting in a Denver courthouse was widely circulated.² Similar reports have been made about courthouses in California,³ Washington,⁴ Arizona,⁵ and Oregon.⁶

Stationing ICE agents in local courthouses instills needless additional fear and anxiety within immigrant communities, discourages interacting with the judicial system, and endangers the safety of entire communities. Courthouses are often the first place individuals interact with local governments. It is the site of resolution for not only criminal matters, where a victim might seek justice when she has been harmed or

¹ Marty Schladen, *ICE detains alleged domestic violence victim*, El Paso Times, February 15, 2017,

<http://www.elpasotimes.com/story/news/2017/02/15/ice-detains-domestic-violence-victim-court/97965624/>.

² Erica Meltzer, *A video shows ICE agents waiting in a Denver courthouse hallway. Here's why that's controversial.*, Denverite, February 23, 2017, <https://www.denverite.com/ice-agents-denver-courthouse-hallway-video-30231/>.

³ James Queally, *ICE agents make arrests at courthouses, sparking backlash from attorneys and state supreme court*, March 16, 2017, <http://www.latimes.com/local/lanow/la-me-ln-ice-courthouse-arrests-20170315-story.html>.

⁴ Natasha Chen, *More ICE agents seen waiting around local courthouses to intercept people*, KIRO 7, March 23, 2017, <http://www.kiro7.com/news/local/more-ice-agents-seen-waiting-around-local-courthouses-to-intercept-people/505226120>.

⁵ *Supra* note 3.

⁶ Aimee Green, *Men won't say they're federal agents, follow immigrant through Portland courthouse*, January 31, 2017, <http://www.oregonlive.com/portland/index.ssf/2017/01/men-wont-say-theyre-federal-ag.html>.

wronged, but also for resolution of civil matters, including family and custody issues, housing, public benefits, and numerous other aspects integral to an individual's life.

The chilling effect on witnesses and victims is already apparent. According to Denver City Attorney Kristin Bronson, four women dropped their cases of physical and violent assault for fear of being arrested at the courthouse and subsequently deported. Bronson stated that video footage of ICE officers waiting to make arrests at a Denver courthouse has "resulted in a high degree of fear and anxiety in our immigrant communities, and as a result, we have grave concerns here that they distrust the court system now and that we're not going to have continued cooperation of victims and witnesses."⁷

The response from Attorney General Sessions and Secretary Kelly to these concerns is that local officials "have enacted policies that occasionally necessitate ICE officers and agents to make arrests at courthouses and other public places," and such policies "threaten public safety."⁸ Contrary to this claim regarding jurisdictions that are refusing to hold individuals solely based on ICE detainer requests, it appears that these tactics have been deployed even where local law enforcement has indicated that they are willing to act in concert with federal immigration agents. In El Paso County, Texas, for instance, Sheriff Richard Wiles signed a letter requiring his office to hold any individuals with an ICE detainer request.⁹ Despite this, ICE agents entered a courthouse in El Paso County to arrest a woman after she left the courtroom where she secured a protective order against her alleged abuser.¹⁰

More importantly, even if this strategy were used exclusively in jurisdictions refusing to cooperate regarding enforcement of ICE detainers, studies have shown that public safety is in fact undermined when members of the community are fearful of local law enforcement and therefore less likely "to report crimes, make official statements to police or testify in court."¹¹

⁷ Heidi Glenn, *Fear of Deportation Spurs 4 Women to Drop Domestic Abuse Cases in Denver*, NPR, March 21, 2017, <http://www.npr.org/2017/03/21/520841332/fear-of-deportation-spurs-4-women-to-drop-domestic-abuse-cases-in-denver>.

⁸ Letter from Attorney General Sessions and Secretary Kelly to the Honorable Tani G. Cantil-Sakauye, dated March 29, 2017, available at <https://www.nytimes.com/interactive/2017/03/31/us/sessions-kelly-letter.html>.

⁹ Aileen B. Flores, *Sheriff honors US immigration detention requests*, El Paso Times, January 23, 2017, <http://www.elpasotimes.com/story/news/local/el-paso/2017/01/23/sheriff-honors-us-immigration-detention-requests/96972384/>.

¹⁰ See *supra* note 1; Jonathan Blitzer, *The Woman Arrested By ICE In A Courthouse Speaks Out*, The New Yorker, February 23, 2017, <http://www.newyorker.com/news/news-desk/the-woman-arrested-by-ice-in-a-courthouse-speaks-out>.

¹¹ Wayne A. Cornelius, Angela S. Garcia, and Monica W. Varsanyi, *Giving sanctuary to undocumented immigrants doesn't threaten public safety – it increases it*, L.A. Times, February 2, 2017, <http://www.latimes.com/opinion/op-ed/la-oe-sanctuary-cities-trump-20170202-story.html> (citing Doris Marie Provine, Monica W. Varsanyi, Paul G. Lewis, and Scott H. Decker, *Policing Immigrants: Local Law Enforcement on the Front Lines*, University of Chicago Press, 2016).

In the words of California Supreme Court Chief Justice Tani G. Cantil-Sakauye: “Courthouses should not be used as bait in the necessary enforcement of our country’s immigration laws.”¹² Chair Catherine E. Lhamon adds: “The fair administration of justice requires equal access to our courthouses. People are at their most vulnerable when they seek out the assistance of local authorities, and we are all less safe if individuals who need help do not feel safe to come forward.”

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The U.S. Commission on Civil Rights is an independent, bipartisan agency charged with advising the President and Congress on civil rights matters and issuing an annual federal civil rights enforcement report. For information about the Commission, please visit <http://www.usccr.gov> and follow us on [Twitter](#) and [Facebook](#).

¹² Letter from Chief Justice Tani G. Cantil-Sakauye to Attorney General Sessions and Secretary Kelly, dated March 16, 2017, available at <http://newsroom.courts.ca.gov/news/chief-justice-cantil-sakauye-objects-to-immigration-enforcement-tactics-at-california-courthouses>.



April 4, 2017

Attorney General Jeffrey Sessions
U.S. Department of Justice
950 Pennsylvania Avenue, NW

Secretary of Homeland Security John Kelly
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW

Dear Attorney General Sessions and Secretary Kelly:

As prosecutors with extensive experience protecting communities with immigrant populations, we write in strong support of California Supreme Court Chief Justice Tani Cantil-Sakauye's objections to immigration enforcement arrests in and around California courthouses.

ICE courthouse arrests make all Californians less safe. These practices deter residents concerned about their immigration status from appearing in court--including as crime victims and witnesses--jeopardizing effective prosecution of criminals who may then re-offend. Courthouse enforcement by ICE also risks confrontations that could endanger members of the public at courthouses throughout our state.

No one should fear that their immigration status prevents them from seeking justice, whether as a crime victim or otherwise. ICE's practice is antithetical to a fair system of justice that must protect all of us.

We urge you to reconsider your position, and include areas in and around courthouses among the sensitive sites where immigration enforcement actions are discouraged.

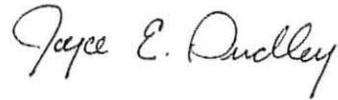
Thank you.

Mike Feuer
Los Angeles City Attorney

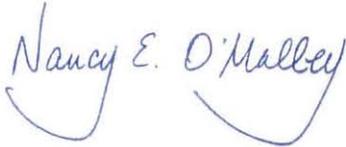
Jackie Lacey
Los Angeles County District Attorney



Bonnie Dumanis
San Diego County District Attorney



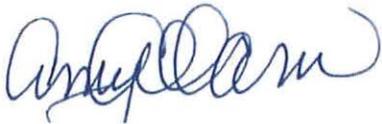
Joyce E. Dudley
Santa Barbara County District Attorney



Nancy E. O'Malley
Alameda County District Attorney



Russell I. Miyahira
Hawthorne City Attorney



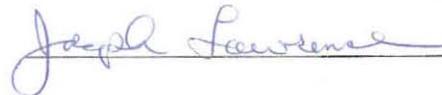
Amy Albano
Burbank City Attorney



Maria Elliott
San Diego City Attorney



Doug Haubert
Long Beach City Prosecutor



Joseph Lawrence
Santa Monica City Attorney



George Gascon
San Francisco District Attorney



Jill Ravitch
Sonoma County District Attorney

American Civil Liberties Union of Maine
121 Middle Street, Suite 200
Portland, Maine 04101

April 10, 2017

The Honorable Jefferson B. Sessions
The Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

The Honorable John F. Kelly
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20528

Re: Immigration and Customs Enforcement Arrests at Maine Courthouses

Dear Mr. Attorney General and Mr. Secretary Kelly:

We were deeply disturbed to learn of the seizure by Immigration and Customs Enforcement (“ICE”) agents of a person at Cumberland County Superior Court in Portland, Maine on April 6, 2017. We write to add our names to the growing chorus of attorneys from across the country and across the political spectrum speaking out against the practice of ICE arrests at courthouses.

ICE arrests at courthouses undermine the fundamental constitutional guarantee that all people have the right to seek redress from our court system—including people accused of crimes, witnesses to crimes, and victims of crimes. No one should be afraid to seek justice because of his or her immigration status.

The Department of Homeland Security currently regards places of worship (such as churches, synagogues, mosques, and temples) as well as religious

ceremonies (such as funerals and weddings) as “sensitive locations” where ICE enforcement actions should be avoided. Courthouses are sacred to our democracy, and they should also be included on the Department’s list of sensitive locations.

We urge you to end this practice immediately, and to communicate this directive to your staff throughout the country and to the public.

Thank you for your attention to this important matter.

Sincerely,

Eben Albert	Ryan C. Almy	Oamshri Amarasingham
Nancy Anderson	Jennifer A. Archer	Cynthia C. Arn
Michael Asen	Emily G. Atkins	Amber R. Attalla
John C. Bannon	Joseph Barbieri	Connor Beatty
Henry Beck	Rachael Becker McEntee	Seth Berner
Alison Beyea	Timothy H. Boulette	Lauri Boxer-Macomber
Lee K. Bragg	Christopher B. Branson	Max I. Brooks
Juliet T. Browne	E. James Burke	Barbara A. Cardone
Michael E. Carey	Teresa M. Cloutier	Sarah E. Coburn
Catherine R. Connors	Emily L. Cooke	Mary E. Costigan
Carrie Cote	Stephanie Cotsirilos	Robert P. Cummins
Roberta L. de Araujo	Kevan Lee Deckelmann	Anthony R. Derosby
Jared S. des Rosiers	Amy Dieterich	Benjamin Donahue
Elaine Driscoll	Paul F. Driscoll	Susan B. Driscoll
Andrew S. Edwards	Meredith C. Eilers	Brian Eng
Angus Ferguson	Joan Fortin	Maria Fox
Carol J. Garvan	John W. Geismar	Philip Gleason
Kyle Glover	Abigail Greene Goldman	Betts J. Gorsky
Rachel E. Green	Rebecca West Greenfield	Gordon F. Grimes
Suzanne Grosh	James B. Haddow	Thomas Hallett
Daphne Hallett Donahue	Wendy Harlan	William S. Harwood
Danna Hayes	Zachary L. Heiden	Sara S. Hellstedt
Merritt T. Heminway	Michael C. Hernandez	Peter F. Herzog
Melissa A. Hewey	Toby Hollander	Martha Howell
Marcus B. Jaynes	Lee Johnson	Katherine A. Joyce
Charles J. Kahill	David M. Kallin	Stacey Mondschein Katz
Dennis C. Keeler	Daniel Keenan	Ronald Kreisman
Amy D. Kuhn	Matthew J. LaMourie	Peter J. Landis

Immigration and Customs Enforcement
Arrests at Maine Courthouses--3

Nelson J. Larkins	Ken Lehman	Margaret Coughlin LePage
T. Griffin Leschefske	Michael J. Levey	Molly Putnam Liddell
Ariel Linet	Paul Linet	Elizabeth Little
David A. Lourie	Suzanne Breselor Lowell	Arnold Macdonald
Anne Macri	Jana K. Magnuson	Elizabeth Mahoney
Andrea Mancuso	Peter G. Mancuso	Charles W. March
Robyn G. March	Christopher Marot	Jeana M. McCormick
Kelly W. McDonald	Linda McGill	Kai McGintee
Powers McGuire	Alysia Melnick	Jonathan G. Mermin
Robyn Merrill	M. Kathleen Minervino	Matthew D. Morgan
Stephen W. Moriarty	Joseph D. Moser	Sara Murphy
Peter S. Murray	Tina Heather Nadeau	Stacey D. Neumann
Christopher Northrop	Phil Notis	Richard L. O'Meara
Wendy Paradis	Cheryl Parker	Liam J. Paskvan
John Paterson	Patricia A. Peard	Logan E. Perkins
Russell B. Pierce	Peter S. Plumb	Jeremy Pratt
Patrice Putman	Vivek J. Rao	Stephen M. Rappaport
Nolan L. Reichl	Kimberly Richardson	Luke S. Rioux
Susan Roche	Daniel J. Rose	Robert J. Ruffner
Michael C. Ryan	Mary Schendel	Andrew Schmidt
Ronald W. Schneider, Jr.	Tina Schneider	Sigmund D. Schutz
Leonard Sharon	Leslie Silverstein	Ellen Simmons
Theodore Small	Beth A. Smith	Deirdre M. Smith
Michael S. Smith	David Soley	Annie E. Stevens
Stacy O. Stitham	Meagan Sway	Christopher C. Taintor
Louise K. Thomas	Michael D. Traister	Sharon Anglin Treat
Vendean Vafiades	Virginia G. Villa	Sally Wagley
Matthew S. Warner	Robin Watts	Anna R. Welch
Michael J. Welch	David Weyrens	Michael Whipple
Lucinda E. White	Valerie Z. Wicks	Lauren Willie
Judith Fletcher Woodbury	Jack Woodcock	Andrew Wright
Jeffrey N. Young	Timothy Zerillo	



**Board of Governors Meeting
WSBA Conference Center
Seattle, WA
May 18-19, 2017**

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

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. March 9, 2017, Public Session Minutes 226
- b. Suggested Amendments to Law Clerk Board Regulations 230
- c. BOG Nominations Committee Actions **late materials**
- d. Nominate Chief Hearing Officer, and Chair and Vice Chair of Disciplinary Board **late materials**
- e. Mandatory Continuing Legal Education (MCLE) Board Recommendation for Chair **late materials**
- f. Recommendations from Amicus Curiae Brief Committee 246
- g. Proposed Amendments to WSBA Sections Bylaws
 - 1. Real Property, Probate, and Trust Section **late materials**

DRAFT – SUBJECT TO APPROVAL

MINUTES

**Public Session
Washington State Bar Association
BOARD OF GOVERNORS**

**Olympia, WA
March 9, 2017**

The Public Session of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Robin Haynes on Thursday, March 9, 2017, at 1:30 p.m., at the Red Lion, Olympia, Washington. Governors in attendance were:

Keith M. Black
Dan W. Bridges
Mario M. Cava
Ann Danieli
Sean M. Davis
James K. Doane
Angela M. Hayes
Andrea S. Jarmon
Jill A. Karmy
Rajeev D. Majumdar
Christina A. Meserve
Athan P. Papaïliou
William D. Pickett
G. Kim Risenmay

Also in attendance were President-elect Brad Furlong, Immediate Past-President Bill Hyslop, Executive Director Paula Littlewood, General Counsel/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, and Executive Assistant Margaret Shane.

REPORT ON EXECUTIVE SESSION

President Haynes reported that the Board received the President's and the Executive Director's updates and the Litigation Report, and acted on the Executive Director's 2016-2017 evaluation goals.

CONSENT CALENDAR

- a. January 26-27, 2017, Public Session Minutes
- b. ~~Suggested Amendments to Infraction Rules for Courts of Limited Jurisdiction (IRLJ) 3.3 – pulled from consent and acted upon later in Public Session~~
- c. Suggested Amendments to Rules of Professional Conduct (RPC) 1.6 and 7.3
- d. Suggested Amendments to Rules of Professional Conduct (RPC) 8.4
- e. Request for Committee on Professional Ethics (CPE) to Draft title 7 Rules of Professional Conduct (RPC) Amendments
- f. Comment on Access to Justice (ATJ) Board's Draft State Plan for the Coordinated Delivery of Legal Services to Low Income People

LEGISLATIVE REPORT – Governor Mario Cava, BOG Legislative Committee Chair, and Alison Phelan, Legislative Affairs Manager

Legislative Affairs Manager Phelan reported on the Bar request legislation proposals being considered in the Legislature and where the requests are in the process, as well as the various session deadlines. Governor Cava reported that Senate Bill 5721 that would require an affirmative vote from the WSBA membership for WSBA license fee increases did not make it out of the Senate before first house cut-off. He noted that the BOG Legislative Committee did not take a position on this proposal, rather, answered questions from legislators when it was heard in committee last month.

SUGGESTED AMENDMENTS TO INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION (IRLJ) 3.3

Governor Majumdar pulled this item from the Consent Calendar and explained that infractions are highly modified by local court rules and suggested wording that would accommodate any exceptions local court rules might contain. He moved to strike the third word from the end, "these," and replace it with "the." He clarified that he is amenable to having the Court Rules Committee review this proposed edit. Governor Risenmay moved to amend the motion to include: and remand proposed IRLJ 3.3 back to the Court Rules Committee with the recommendation that they remove the word "these" and replace it with "the." Governor Karmy suggested rewording the motion to ask the Court Rules Committee to consider whether

removing the word “these” and replacing it with “the” would be advisable and to send proposed IRLJ 3.3 back to the Board for a final vote. She clarified that the concern regards local court rules. Governor Majumdar and Governor Risenmay accepted this rewording of the motion. Motion passed by a voice vote.

GENERATIVE DISCUSSION

President Haynes explained that the Board would be focusing on the purpose of generative discussions as well as future topics for generative discussions and “Decoding the Law” fora. Governor Cava stated that generative discussions are a means of providing a time of forward-looking for the organization and to be proactive about addressing the future in the present time, a way to think and process big things coming down the road that the organization needs to be prepared for, and he stated that it is important for Governors to suspend their roles as every day, concrete problem solvers in order to think from a high level regarding policy issues. Discussion ensued regarding the difficulty of having constructive discussions with the current Board meeting setup; having substantive conversations about specific issues; receiving feedback/followup after generative discussions; the tremendous resources available in WSBA staff; discovering and engaging tools in the Board’s tool chest when considering various legal problems; inviting more key stakeholders to generative discussions; creating infrastructure for discussion prior to the generative discussion; breaking into smaller groups during a generative discussion; and engaging with members during generative discussions.

Topics suggested for future generative discussions included: how to better connect with members; where the Board sees Limited License Legal Technicians (LLTs) in the future; exploring entity regulation; and exploring how to help legal professionals, the system, and the public.

Topics suggested for future “Decoding the Law” fora included: issues raised by the initiative circulating regarding restrooms; immigration-related issues; voting rights/gerrymandering; civil rights and the blue line; and discrimination.

ADJOURNMENT

There being no further business, the Public Session portion of the meeting was adjourned at 3:25 p.m. on Thursday, March 9, 2017.

Respectfully submitted,

Paula C. Littlewood
WSBA Executive Director & Secretary

DRAFT



WSBA

REGULATORY SERVICES DEPARTMENT

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MEMO

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

FROM: Bobby Henry, Associate Director-RSD, and Jane Kaufman, Chair, Law Clerk Board

DATE: May 3, 2017

RE: Amendment to APR 6 Regulations 5-2 and 7-5; Elder and Disability Law
(CONSENT)

CONSENT: Adopt Suggested Amendments to APR 6 Regulation 5-2, Subjects, and Regulation 7-5, Fourth Year Clerkship Electives, to include Elder and Disability Law (2 months) as a new recommended elective for a law clerk's fourth year of study.

The Law Clerk Board, appointed by the Board of Governors to assist in supervising the APR 6 Law Clerk Program, proposes adding "Elder and Disability Law" (2 months) as a new subject and recommended elective for the fourth year of study in the Law Clerk Program.

"Elder and Disability Law" covers issues affecting and restricting the autonomy of people with disabilities and the ability to age in place for people who are elderly. This course focuses on protection of the individual as opposed to transmission of assets, a topic that is covered in the third year subject "Wills, Estates, Trusts, Probate".

A lawyer must be aware of abuse and exploitation of people who are elderly and people with disabilities and understand how to use available protection orders and guardianships for protection. Further, people who are elderly and people who have disabilities face discrimination, uncertainty about how to pay for long term care, alternatives to guardianship, and advance directives for end stage of life care. Examples of substantive laws concerning the people who are elderly and people with disabilities are Federal Social Security Program Operations Manual System (POMS), Federal and state Medicaid laws, guardianship, protection for the vulnerable, third party and first party Special Needs Trust, and d4A and d4C Special Needs Trusts to protect government benefits. This course could not be complete without examining the ethical dilemma of representing a person with capacity and/or behavioral issues, especially when the practitioners are dealing with family members of people who are elderly and people who have disabilities.

Working Together to Champion Justice

This subject has been requested by law clerks frequently enough to merit its addition to the electives section of the regulations, and it is taught in many law schools. For these reasons, the Law Clerk Board recommends adding Elder and Disability Law as a two month elective to the fourth year of study.

Amendments to the APR 6 Law Clerk Board Regulations are effective upon adoption by the Board of Governors.

The proposed amendments to the regulations are attached; amendments are on pages 9 and 14.

ATTACHMENT:

Proposed Amendments to APR Law Clerk Board Regulations (redline)

RULES AND REGULATIONS
GOVERNING THE
WASHINGTON STATE
LAW CLERK PROGRAM

Effective Date: January 1, 2014
Regulations Amended Effective May 19, 2017



WSBA

WASHINGTON STATE BAR ASSOCIATION

APR 6 Amended effective September 1, 1984; March 6, 1992; September 1, 1994; June 2, 1998; April 1, 2003,

January 13, 2009, January 1, 2014

Regulations approved by the Board of Governors September 26, 2013, effective January 1, 2014; amended effective May 19, 2017.

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**ADMISSION TO PRACTICE RULES (APR) EXCERPT:
RULE 6 LAW CLERK PROGRAM**

Adopted by the Washington State Supreme Court July 10, 2013 and effective January 1, 2014

- (a) **Purpose.** The Law Clerk Program provides access to legal education guided by a qualified tutor using an apprenticeship model that includes theoretical, experiential, and clinical components. Successful completion of the Law Clerk Program provides a way to meet the education requirement to apply for the Washington State bar exam; it is not a special admission or limited license to practice law.
- (b) **Application.** Every applicant for enrollment in the law clerk program shall:
- (1) Be of good moral character and fitness;
 - (2) Present satisfactory proof of having been granted a bachelor's degree by a college or university with approved accreditation; if the degree was earned in a non-US jurisdiction, the applicant shall provide supporting documentation as to its equivalency;
 - (3) Be engaged in regular, full-time employment in Washington State for an average of 32 hours per week with the primary tutor or primary tutor's employer in a (i) law office, (ii) legal department or (iii) a court of general, limited, or appellate jurisdiction in Washington State. The employment must include tasks and duties which contribute to the practical aspects of engaging in the practice of law;
 - (4) Submit on forms provided by the Bar Association (i) an application for enrollment in the program, (ii) the tutor's application, and, (iii) the application fee;
 - (5) Appear for an interview, provide any additional information or proof, and cooperate in any investigation, as may be deemed relevant by the Board of Governors; and
 - (6) If applicable, present a petition for Advanced Standing based on law school courses completed or courses completed in this program during a previous enrollment. The Board of Governors 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 Board of Governors 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 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;
 - (2) Be an active member in good standing of the Bar Association, or be a judicial member who is currently elected or appointed to an elected position, who has not received a disciplinary sanction in the last 5 years, provided that if there is discipline pending or a disciplinary sanction has been imposed upon the member more than 5 years preceding the law clerk's application for enrollment, the Board of Governors shall have the discretion to accept or reject the member as tutor;
 - (3) Have active legal experience in the practice of law or have held the required judicial position for at least 10 of the last 12 years immediately preceding the filing of the law clerk's application for enrollment. The 10 years of practice must include at least 2 years in Washington State and may be a combination of active practice and judicial experience but may not include periods of suspension for any reason;
 - (4) Certify to the applicant's employment as required above and to the tutor's eligibility, and to agree to instruct and examine the applicant as prescribed under this rule; and
 - (5) Act as a tutor only upon the approval of the Board of Governors which may be withheld or withdrawn for any reason.
- (d) **Enrollment.** When an application for enrollment has been approved by the Board of Governors, an enrolled law clerk shall:
- (1) Pay an annual fee as set by the Board of Governors.
 - (2) Meet the minimum monthly requirements of an average of 32 hours per week of employment with the tutor which may include in-office study time and must include an average of 3 hours per week for the tutor's personal supervision of the law clerk. "Personal supervision" is defined as

- time actually spent with the law clerk for the 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 be prescribed in the Law Clerk Program Regulations. Progress toward completion of the program shall be evaluated by submission of exams, certificates, reports and evaluations as follows:
- (1) **Exams.** At the end of each month, the law clerk shall complete a written examination prepared, administered, and graded by the tutor. The examination shall be answered without research, assistance, or reference to source materials during the examination. The exam shall be graded pass/fail.
 - (2) **Certificates.** The tutor shall submit the exam, including the grade given for the examination and comments to the law clerk, and a monthly certificate, stating law clerk's hours engaged in employment, study and the tutor's personal supervision within 10 business days following the month of study. If an exam is not given, the monthly certificate shall be submitted stating the reason.
 - (3) **Book Reports.** The law clerk shall submit three book reports for the Jurisprudence course requirement corresponding to each year of study.
 - (4) **Evaluations.** Annually, or at other intervals deemed necessary, participate with the tutor in an evaluation of the law clerk's progress.
- (f) **Completion of the program.** A law clerk shall be deemed to have successfully completed the program when:
- (1) All required courses have been completed and passed as certified each month by the tutor, and all book reports have been submitted,
 - (2) The tutor has certified that the law clerk, in the tutor's opinion, is qualified to take the bar examination and is competent to practice law; and
 - (3) The Board has certified that all program requirements are completed.
- (g) **Termination.** The Board of Governors may direct a law clerk to change tutors if approval of a tutor is withdrawn. The Board of Governors may terminate a law clerk's enrollment in the program 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.
- (h) **Effective Date.** Revision of this rule shall not apply retroactively. A law clerk may complete the program under the version of the rule in effect at the start of enrollment.
- (i) **Disclosure of Records.** Unless expressly authorized by the Supreme Court, the program applicant, or by a current or former law clerk, application forms and related records, documents, and proceedings shall not be disclosed, except as necessary to conduct an investigation and hearing pursuant to rule 7.

[Amended effective September 1, 1984; March 6, 1992; September 1, 1994; June 2, 1998; April 1, 2003; January 13, 2009; January 1, 2014.]

APR 6 LAW CLERK BOARD REGULATIONS
Adopted by the WSBA Board of Governors September 26, 2013
and effective January 1, 2014; amended effective May 19, 2017

Regulation 1.
GENERAL

1-1 Authority

- A. The law clerk program established in APR 6 and implemented in these regulations is conducted by the Bar Association at the direction of the Supreme Court. It is administered by the Law Clerk Board under the direction of the Board of Governors.
- B. The good moral character and fitness of an applicant is determined by the Character and Fitness Board pursuant to Admission and Practice Rules 7 and 20 through 24.4(a).
- C. To facilitate prompt administration of APR 6 and these regulations, designated staff of the Washington State Bar Association may act on behalf of the Law Clerk Board under APR 6 and these regulations.
- D. The Law Clerk Board, with the approval of the Board of Governors, may amend these regulations as necessary. Revisions of these regulations shall not apply retroactively to an enrolled law clerk. These changes shall apply to applications, petitions and requests made after the effective date of the revisions.

1-2 Purpose and Expectations.

- A. The law clerk program provides access to legal education guided by a qualified tutor using an apprenticeship model that includes theoretical, scholastic and clinical components. Successful completion of the law clerk program qualifies a person to apply for the Washington State bar exam. Participation in the law clerk program is not a special admission or limited license to practice law.
- B. The program relies on the good faith and integrity of the participants. The Board cannot administer and supervise the clerkship on a daily basis. The Board assumes the tutor and the law clerk will adhere to the letter and spirit of the program.
- C. The law clerk program is an alternative legal education. The program issues a certificate of completion; it is not approved by the American Bar Association and it does not confer a Juris Doctor degree or other degree.
- D. The Board will not assist an applicant for the law clerk program to find employment or to evaluate in advance the qualifications of a potential tutor.

1-3 Definitions. For the purpose of these regulations, the following terms are defined:

- A. "Approved accreditation" means accredited by an accrediting agency recognized by the US Department of Education.
- B. "Assistant Tutor" means a qualifying lawyer or judge who has been approved to teach specific courses.
- C. "Bar Association" means the Washington State Bar Association.
- D. "Board of Governors" means the Board of Governors of the Washington State Bar Association.
- E. "Board" means the Law Clerk Board.
- F. "Board Liaison" means an individual member of the Law Clerk Board in his or her role as liaison between the law clerk and the Board.
- G. "Employment waiver" means a relationship in which the primary tutor is not the law clerk's direct employer but has received Board approval of an alternative relationship under APR 6(b)(7).
- H. "Law clerk" means a person whose application for enrollment in the law clerk program has been accepted by the Board. It refers to applicants to the program in that applicants must have employment as a law clerk, legal assistant, or equivalent to qualify for enrollment. Law clerks are not authorized or licensed to engage in the practice of law by virtue of APR 6.
- I. "Program" means the law clerk program established by APR 6 and implemented in these regulations.
- J. "Regular, full-time employment" means that the law clerk is hired by the tutor or the tutor's employer in a (i) law office, (ii) legal department, or (iii) a court of general, limited, or appellate jurisdiction located in Washington State, for an average of 32 hours per week for at least 48 weeks each calendar year.
- K. "Tutor" means a qualifying lawyer or judge who has agreed to teach the law clerk and be responsible for all aspects of compliance with the program.

Regulation 2.

LAW CLERK BOARD

2-1 Responsibilities. The Board will make decisions regarding:

- A. Approval or rejection of an application for enrollment in the program.
- B. Approval or rejection of a lawyer or a judge to act as a tutor.
- C. A petition for advanced standing.
- D. A direction to the law clerk to change tutors.
- E. A recommendation to the Board of Governors for the termination of a law clerk's enrollment in the program.
- F. A petition for readmission.
- G. Changes in course contents, course descriptions, or program completion requirements.
- H. Applicability of the effect of prior decisions regarding other law clerks and tutors.
- I. Recommendations to the Board of Governors regarding amendments to these regulations.
- J. Any other matter related to the program or referred to the Board by the Board of Governors.

2-2 Board Liaisons.

- A. A law clerk will be assigned to a Board member who shall act as a liaison between the law clerk and the Board.
- B. A Board liaison will make decisions regarding:
 - (1) Recommendations to the Board regarding the acceptance or rejection of an applicant.
 - (2) An annual evaluation of the law clerk's second and third years.
 - (3) Recommendations regarding any other matter related to the program or referred to the Board.

2-3 Staff Administration.

- A. The Board may delegate duties to staff to facilitate prompt administration of the program.
- B. The duties may regularly include but are not limited to:
 - (1) Review of applications to the program, recommendation regarding their qualifications for the program, and assignment of a Board Liaison;
 - (2) Approval of assistant tutors to teach specific courses;
 - (3) Approval of leaves of absence of less than 12 months;
 - (4) Approval of petitions by law clerks to take courses or electives out of order;
 - (5) Approval of the 4th year courses; and
 - (6) Notices of involuntary withdrawal.

2-4 Filing, general. All applications, petitions or requests shall be in writing and shall be directed to the Board at the Bar Association office.

2-5 Review Procedure.

- A. **Review of Right.** An applicant, law clerk or tutor, has a right to have the Board of Governors review the following decisions of the Board:
 - (1) Rejection of an application for enrollment in the program;
 - (2) Termination of a law clerk's enrollment in the program; or
 - (3) Requiring a law clerk to change tutors.
- B. **Discretionary.** An applicant, law clerk or tutor may ask the Board of Governors to review any decision made by the Board.
- C. **Filing.** A petition requesting either review of right or discretionary review shall be:
 - (1) in writing,
 - (2) directed to the Board of Governors;
 - (3) filed at the Bar Association office; and
 - (4) filed within 30 days of the date the law clerk or applicant received notice of the decision.

Regulation 3.

APPLICATION PROCEDURE

3-1 Applicants. Every applicant for enrollment in the program shall:

- A. Be engaged in regular, full-time employment as defined in Regulation 1-3 unless requesting an employment waiver as defined in Reg. 1-3.
 - (1) Under no circumstances may the tutor assess a fee or require any other form of compensation in return for instructing or employing the law clerk. The law clerk shall receive monetary compensation in compliance with federal and state law governing employment. The Board may require proof of employment as deemed necessary.
 - (2) Approval of any relationship requiring an employment waiver is within the discretion of the Board. The applicant and proposed tutor must explicitly describe the alternative relationship, show how the purpose of the program will be maintained, and describe how client confidentiality and conflicts of interest will be resolved.
- B. Submit the following with the application fee by the deadlines established by the Board:
 - (1) A completed program application and all required supplemental information;
 - (2) Official transcripts from all undergraduate and graduate institutions attended, which show the grades received, the date a bachelor's degree was awarded by a school with approved accreditation, and the subject in which it was granted;
 - (3) Two letters attesting to the applicant's good moral character and appraising the applicant's ability to

undertake and successfully complete the program;
and

- (4) The tutor's application establishing the applicant's and the tutor's eligibility and certifying to compliance with APR 6 and these regulations.
- C. Appear for an interview, provide any additional information or proof, or cooperate in any investigation, as may be directed by the Board, the Character & Fitness Board, or the Board of Governors.

3-2 Advanced Standing. A petition to request consideration for advanced standing for law school courses completed or previous enrollment in the law clerk program must be submitted with an application for enrollment.

A. Petition for Advanced Standing. All law clerks must pass the prescribed courses established in these regulations. No courses may be waived. Applicants seeking advanced standing must establish, to the satisfaction of the Board, that the courses for which they seek credit are equivalent to specified prescribed courses in these regulations. The petition shall include:

- (1) A list of courses in the law clerk program for which advanced standing is sought. No advanced standing may be sought for Basic Legal Skills;
 - (2) A list of the law school courses and course descriptions from the law school course catalogue with an explanation of how each course is equivalent to the law clerk program courses;
 - (3) Official transcripts for the law school courses. Courses in which the applicant earned a grade less than a B- or 2.7 and/or completed more than five years prior to the Law Clerk Program application date will not be considered. For applicants admitted to the practice of law in a foreign jurisdiction, grades older than five years may be considered in combination with proof of current good standing and active practice of law for three out of the last five years; and
 - (4) Any additional information the applicant believes will be helpful or which the Board has requested.
- B. Determination. In granting advanced standing, the Board will specify:
- (1) Any prescribed courses or portions thereof that the law clerk applicant has been deemed to have completed;
 - (2) Any prescribed courses or portions thereof that the law clerk applicant will be required to pass; and
 - (3) Any law school courses that the law clerk applicant will be allowed to use to satisfy the fourth-year curriculum.

3-3 Additional and Remedial Courses. In its discretion, the Board may also require the law clerk applicant to take and pass certain subjects which appear necessary to prepare the applicant to practice law in this state, regardless of whether or not those courses are prescribed courses or approved elective courses. The Board may require the law clerk applicant to take remedial or other legal or nonlegal instruction.

3-4 Notification. The Board will notify an applicant of acceptance or rejection of the application for enrollment. If accepted, the notification will specify the month the law clerk is authorized to begin the program. All programs shall begin the first day of the month specified in the notice. If rejected, the notification will provide the basis for the rejection.

3-5 Acknowledgement of Enrollment. Before beginning the program the law clerk must acknowledge enrollment, pay the annual fee, and agree to inform the Bar Association in writing of any incident that occurs while the law clerk is enrolled that might call the law clerk's moral character or fitness into question.

Regulation 4.

TUTORS

4-1 Tutor's Responsibilities.

- A. The tutor is responsible for supervising and guiding the law clerk's education, and for setting an example of the highest ethical and professional conduct. The tutor has an obligation not only to instruct the law clerk, but to ensure only fully competent law clerks are deemed to be qualified to sit for the bar examination.
- B. In addition to any other requirements, a potential tutor shall appear for an interview, provide any additional information or proof, or cooperate in any investigation, as may be directed by the Board.
- C. The tutor is required to continue to meet the qualifications for a tutor established in APR 6 and remain in good standing throughout the period of the clerkship.
- D. In addition to the "personal supervision" required by APR 6, defined as time actually spent with the law clerk for the exposition and discussion of the law, the recitation of cases, and the critical analysis of the law clerk's written assignments, the tutor's responsibilities include:
- (1) Guiding and assisting the law clerk's study of each subject, using the course descriptions as a basic outline of course content and emphasizing pertinent state law;

- (2) Choosing textbooks, casebooks, and other written, legal materials, selected from those in use at any of the law schools in the state, to guide the law clerk through the subject matter of each course;
- (3) Assisting the law clerk in planning the sequence and timing of each prescribed course and of the fourth-year curriculum;
- (4) Evaluating the law clerk's progress;
- (5) Developing, administering, and grading the monthly examinations;
- (6) Submitting the graded monthly examination with written comments and the required certificate to the Board within 10 working days of the end of the month in which it was administered;
- (7) Assigning the law clerk tasks and duties which are intended to contribute to the law clerk's understanding of the practical aspects of engaging in the practice of law; and
- (8) Providing the law clerk with an adequate work station and with reasonable access to an adequate law library.

4-2 Assistant Tutors. When an assistant tutor is proposed to teach a course instead of the primary tutor, the Board may approve the application(s) of one or more assistant tutors for up to 6 months of each year of study. The assistant tutor may teach only the course(s) for which he/she was approved by the Board. Informal assistance to a lesser degree, by other lawyers, judges or staff is generally acceptable without specific approval.

A. Qualification. The assistant tutor shall meet all the qualifications and continuing qualifications established for the tutor in APR 6 and these regulations, except the assistant tutor shall have been actively and continuously engaged in the practice of law or have held the required judicial position for at least five years immediately preceding the commencement of the assistant tutorship.

B. Scope of Delegation.

- (1) The assistant tutor may undertake the following duties for the course(s) for which he/she is approved:
 - i. Choosing textbooks, casebooks, and resource materials for the course.
 - ii. Guiding and assisting the law clerk's study of the subject, using the course description as a basic outline of course content and emphasizing pertinent state law.
 - iii. Developing, administering, and grading the monthly examination.
- (2) The primary tutor shall:
 - i. In consultation with the assistant tutor, determine if the law clerk passed or failed the course;

- ii. Remain ultimately responsible for the conduct of the clerkship;
- iii. Complete all monthly and other certificates; and
- iv. Appear with the law clerk at all oral evaluations with the Board, although the assistant tutor may also be in attendance where appropriate.

Regulation 5.

COURSE OF STUDY

5-1 Structure.

- A. The program is designed to be a four year course of study in combination with employment. Each year consists of 12 months during which the law clerk is required to study 6 subjects, pass 12 exams and submit 3 book reports.
- B. The program is structured so the law clerk studies only one subject at a time and passes it before beginning the next subject. All courses in a given year must be completed before the law clerk may study courses in a subsequent year. A law clerk may not take more course work in any calendar year than is prescribed by these regulations without prior Board approval. The length of time to be devoted to each subject is prescribed by regulation.
- C. A law clerk may take leave or vacation in increments of one month upon written notice to the Board. A law clerk may take leave of longer than one month only upon advance written request and approval by the Board. Exceptions for emergency medical situations may be considered. A law clerk may not request leave of more than 12 consecutive months.

5-2 Subjects.

- A. Jurisprudence Reading. Every law clerk is required to take the Jurisprudence course, which is a four year reading program, intended to familiarize the law clerk with legal history, philosophy, theory and biography.
- B. First Year. To complete the first year of the program, the law clerk shall pass the following prescribed courses. The course entitled "Basic Legal Skills" shall be studied and passed first. Thereafter, the courses may be studied in any order.

Course	Months
Basic Legal Skills	2
Civil Procedure	2
Torts	2
Contracts	2
Agency & Partnership	2
Property	2
	12

C. Second Year. To complete the second year of the program, the law clerk shall pass the following prescribed courses, in any order:

Course	Months
Community Property	1
Criminal Law	2
Constitutional Law I	2
Corporations	2
Evidence	2
Uniform Commercial Code	3
	12

D. Third Year. To complete the third year of the program, the law clerk shall pass the following prescribed courses, in any order:

Course	Months
Constitutional Law II	2
Professional Responsibility	1
Domestic Relations	2
Wills, Estates, Trusts, Probate	3
Conflict of Laws	2
Criminal Procedure	2
	12

E. Fourth Year. The fourth year of the program is devoted to elective subjects. The law clerk, in consultation with the tutor, shall develop a fourth year curriculum of six electives. The law clerk shall then make a written petition to the Board, at least six months prior to the commencement of the fourth year, for approval of the proposed fourth year course of study.

(1) Under no circumstances will approval or recognition be given to courses directed to fulfillment of a continuing legal or other professional education requirement, or intended to provide a preparation for a bar examination, or taught through correspondence or any equivalent.

(2) Recommended Electives. The following electives are recommended because they will broaden the law clerk's legal background, perspective, and skills. A law clerk may petition the Board for approval of alternative areas of study by including a detailed course description for each proposed course.

Course	Months
Administrative Law	2
Personal Federal Income Tax	2
Land Use	2

Labor Law	2
Remedies	2
Antitrust	2
Creditor-Debtor Relations	2
Securities Regulation	2
Legal Accounting	2
International Law	2
Insurance	2
Consumer Protection	2
Environmental Law	2
Real Property Security	2
American Indian Law	2
Trial Practicum	2
<u>Elder and Disability Law</u>	<u>2</u>

5-3 Monthly Examinations. The tutor is responsible for the content and administration of all monthly examinations.

A. Content. Although no specific substantive content is prescribed by the Board, it is anticipated such an examination will test the law clerk's comprehension of the current subject matter, and the law clerk's understanding of the ethical, professional and practical aspects of practicing law.

B. Course Descriptions. The course descriptions in Regulation 7 state the minimum level of knowledge the Board expects a law clerk to obtain in each subject, and provide guidance to the tutor in formulating monthly examinations.

C. Timing. The tutor shall administer an examination covering that month's subjects to the law clerk on or before the last business day of each month.

D. Grading. All courses in the program are to be graded as pass/fail only. "Pass" means that the law clerk has exhibited reasonable comprehension of the theory and practice of any given subject to the satisfaction of the tutor and the Board. If a law clerk earns a "Fail" grade he or she shall continue to study the subject for an additional month.

E. Certificates. The tutor shall submit the exam, including the grade given for the examination and written comments to the law clerk, and a monthly certificate, stating the law clerk's hours engaged in employment, study and the tutor's personal supervision, within 10 business days following the month of study.

(1) If an exam is not given, the monthly certificate shall be submitted stating the reason.

(2) The date of receipt will be recorded. A pattern of late certificates may be cause for remedial action or termination from the program.

- 5-4 Board Evaluations.** Annually, or at such other intervals as may be established by the Board, the Board shall conduct an evaluation at which the law clerk and the tutor shall be personally present. The Board may at any other time, in its discretion, conduct an evaluation at which the law clerk and the tutor shall be personally present if required to do so.
- A. The Board will not normally test the law clerk's substantive knowledge, but may do so to evaluate whether or not the law clerk is progressing satisfactorily in the program.
 - B. Materials. In making its evaluation, the Board may consider:
 - (1) The substantive contents of all monthly examinations;
 - (2) The tutor's monthly certificates and timeliness of receipt;
 - (3) Any written course work; and
 - (4) Any other written or oral materials deemed to be pertinent by the Board.
 - C. Decision. At the conclusion of the evaluation, the Board may:
 - (1) Determine the law clerk has successfully mastered the preceding year's course work and is eligible and authorized to begin the next year of the program;
 - (2) Determine the law clerk has satisfactorily completed the program and is qualified to sit for the bar examination, subject to any other requirements for sitting for the bar examination as set forth in the Admission and Practice Rules;
 - (3) Advise the tutor regarding the quality, timeliness, or appropriateness of coursework, exams, and certificates;
 - (4) Direct the law clerk to repeat designated prescribed or elective courses, devote more time to each course, take remedial legal or nonlegal instruction, appear before the Board at more frequent intervals for an examination which may be written or oral;
 - (5) Require the law clerk to change tutors;
 - (6) Advise the law clerk that the law clerk's enrollment in the program is terminated.
 - D. At the conclusion of any evaluation, the Board will provide a brief written summary of its decision to the law clerk and to the tutor.

Regulation 6.

WITHDRAWAL AND TERMINATION OF ENROLLMENT

6-1 Withdrawal by Law Clerk.

- A. Voluntary. A law clerk who wishes to withdraw from the program shall notify the Board in writing, filed as required by Regulation 2-4.
- B. Involuntary. A law clerk will be deemed to have withdrawn from the program if:
 - (1) The law clerk is absent from the program for more than one month in any calendar year without the Board's prior approval of a petition for a leave of absence. Failure to submit exams and tutor's certificates shall be interpreted as absence from the program;
 - (2) The law clerk takes a leave of absence from the program for more than 12 consecutive months; or
 - (3) The annual fee is not paid by the established deadline.

6-2 Withdrawal by Tutor.

- A. Voluntary. A tutor who wishes to withdraw from that position shall notify the Board and the law clerk in writing, filed as required by Regulation 2-4.
- B. Involuntary. If a disciplinary sanction is imposed upon a tutor, the tutor will be deemed to have withdrawn from that position. The Board may determine that the imposition of a sanction does not necessitate automatic withdrawal.
- C. The Board may direct a law clerk to change tutors if approval of a tutor is withdrawn.

6-3 Termination of Enrollment by the Board. The Board may terminate a law clerk's participation in the program for:

- A. Failure to complete the prescribed course of study within 6 years from the date of enrollment;
- B. The law clerk's failure to comply with the requirements of the program or a decision or order of the Board; or
- C. A determination by the Character and Fitness Board that the applicant does not meet the character or fitness requirement for enrollment in the program.

Regulation 7.

COURSE DESCRIPTIONS

- 7-1 Jurisprudence Reading.** A four-year course of reading consisting of three (3) books each year, to be selected from a list approved by the Board. The Board has discretion to select and require specific books which must be read to meet this requirement.
- A. Upon completion of each book, the law clerk shall prepare and submit to the Board a short book report. Reports shall be submitted every 4 months.
 - B. A year's coursework shall not be deemed completed unless the book reports are submitted. A law clerk may not begin the next year's course

work until the current year's book reports are completed and submitted to the Board.

7-2 First Year Clerkship.

- A. **Basic Legal Skills.** Introduction to basic legal reference materials (including judicial, legislative and administrative primary and secondary sources) and their use; techniques of legal reasoning, analysis and synthesis; legal writing styles. Familiarization with the structure of the federal and state court systems; the concept of case law in a common law jurisdiction; fundamental principles of stare decisis and precedent; the legislative process; principles of statutory construction and interpretation. Law Clerk should be assigned projects of increasing difficulty such as: case abstracts; analysis of a trial record to identify issues; short quizzes to demonstrate ability to locate primary and secondary sources; office memoranda or a trial oriented memorandum of authorities to demonstrate ability to find the law applicable to a factual situation and to differentiate unfavorable authority; an appellate level brief.
- B. **Civil Procedure.** Fundamentals of pleading and procedure in civil litigation, as structured by the Federal Rules of Civil Procedure and the Washington Superior Court Civil Rules. Study shall include: jurisdiction over the person and subject matter; venue; time limits; commencement of actions; pleadings; parties; impleader; interpleader; motions; class actions and intervention; res judicata and collateral estoppel; discovery and other pretrial devices; joinder; summary judgment; judgments; post-trial motions. Law Clerk should be required to draft summons; pleadings; motions; findings of fact and conclusions of law; judgment; interrogatories; requests for admission.
- C. **Contracts.** Study of legal principles related to the formation, operation and termination of the legal relation called contract. General topics include: offer and acceptance; consideration; issues of interpretation; conditions; performance; breach; damages or other remedies; discharge; the parol-evidence rule; the statute of frauds; illegality; assignments; beneficiaries.
- D. **Property.** Study of the ownership, use, and transfer of real property in both historical and modern times. Topics include: estates and interests in land; concurrent ownership; easements; equitable servitudes; conveyances; real estate contracts; nuisance; adverse possession; land use controls; landlord-tenant; the recording system; title insurance.

- E. **Torts.** Study of the historical development, principles, concepts and purposes of the law relating to redress of private injuries. Topics include: conversion; trespass; nuisance; intentional tort; negligence; strict liability; products liability; concepts of duty, causation, and damage; limitations on liability such as proximate cause, contributory negligence, assumption of the risk, immunity; comparative negligence.
- F. **Agency and Partnership.** Legal principles of agency law including definition of the agency relationship, authority and power of agents, notice and knowledge, rights and duties between participants in the relationship, termination of agency relationship, master-servant relationship. Partnership law using the Revised Uniform Partnership Act as a model code. Topics include: formation, partners' rights and duties between themselves, powers, unauthorized acts, notice and knowledge, incoming partner liability, indemnification, contribution, partner's two-fold ownership interest, co-ownership interests and liabilities, creditor's claims and remedies, dissolution events, winding up, distribution of asset rules. Study of the Uniform Limited Partnership Act and joint venture law.

7-3 Second Year Clerkship.

- A. **Community Property.** Relationship necessary for creation of community property, classification of property as community or separate, management and control of community assets, rights of creditors, disposition of community property upon dissolution of the community, problems of conflict of laws encountered in transactions with common-law jurisdictions.
- B. **Criminal Law.** Study of substantive criminal law including concepts such as elements of criminal responsibility; principles of justification and excuse; parties; attempts, conspiracy; specific crimes; statutory interpretation; some introduction to sentencing philosophies and to juvenile offender law.
- C. **Constitutional Law I.** Course covers basic constitutional document, excluding the Bill of Rights. Topics include: taxing clause, commerce clause, contract clause, war power and treaty power. Allocation and distribution of power within the federal system, and between federal and state systems, including economic regulatory power and police power; limitations on powers of state and national governments; constitutional role of the courts.
- D. **Corporations.** Business corporations for profit using the Model Business Corporations Act and state law provisions. Topics include: promotion,

formation and organization; theories of corporations; corporate purposes and powers; disregard of corporateness; common law and statutory duties and liabilities of shareholders, directors, and officers; allocation of control, profit and risk; rights of shareholders; derivative suits and class action suits by shareholders; mergers and consolidations, sale of assets, and other fundamental changes in corporate structure; corporate dissolution; SEC proxy rules and Rule 10(b)(5).

- E. Evidence. Rules of proof applicable to judicial trials. Topics include: admission and exclusion of evidence, relevancy, hearsay rule and its exceptions, authentication of writings, the best evidence rule, examination and competency of witnesses, privileges, opinion and expert testimony, demonstrative evidence, presumptions, burden of proof, judicial notice.
- F. Uniform Commercial Code. Course covers Articles I, II, III, IV, VI, VII, and X of the Uniform Commercial Code. Course first examines problems in the sale of goods as governed by Article II (with a brief survey of its antecedents) including: warranty, risk of loss, acceptance and rejection, tender of delivery, revocation, remedies for breach of contract. Some discussion of other laws relating to warranties, Article VI on Bulk Sales, and Article VII on documents of title and bills of lading. Course next examines commercial paper, bank deposits and collections under UCC Articles III and IV, including: formation and use of negotiable instruments with an emphasis on checks, rights and liability of parties to negotiable instruments, defenses to liability, study of bank collection process and bank's relationship with its customers. Course finally examines secured transactions under UCC Article IX, including: types of security interests, perfection of such interests, priority of claims, rights to proceeds of collateral, multi-state transactions, rights of parties after debtor's default.

7-4 Third Year Clerkship.

- A. Constitutional Law II. Course examines the Bill of Rights. Topics include: free speech, prior restraint, obscenity, libel, fair trial and free press, loyalty oaths, compulsory disclosure laws, sedition and national security, picketing, symbolic conduct, protest, subversive advocacy; due process; equal protection development and analysis; fundamental rights and entitlements; religious clause; jury trial right in civil actions; constitutional protection and interpretation under state as contrasted to federal constitutional documents.

- B. Professional Responsibility. Study of legal ethics and a lawyer's roles in society, including lawyer-client relations, lawyer-public relations, and a lawyer's responsibility to the courts and the profession. Topics also include: organization of an integrated bar, Supreme Court's supervisory powers, professional service corporations, pre-paid legal services arrangements, malpractice, the Admission to Practice Rules, the Rules for the Enforcement of Lawyer Conduct, the Rules of Professional Conduct and the ABA Model Rules of Professional Conduct.
- C. Domestic Relations. Study of the substantive and procedural law affecting the formation, disintegration and dissolution of family relations, including those of husband and wife, parent and child, and non-marital. Topics include: jurisdiction, procedure, costs, maintenance, child support, property division, custody, modification and enforcement of orders, some discussion of conflict of laws, taxation, URESA and UPA.
- D. Wills, Estates, Trusts, Probate. Study of the voluntary transmission of assets in contemplation of and at death. Topics include: disposition by will, creation of and disposition by a trust, effectiveness of the disposition in the creation of present and future interests in property, intestate succession, construction problems, powers of appointment, restrictions on perpetuities and accumulations, alternative methods of wealth transmission, some introduction to the basic tax framework important in formulating plans of disposition, and fiduciary administration and management of decedent's estates and trusts.
- E. Conflict of Laws. Study of that part of the law that determines by which state's law a legal problem will be solved. Topics include: choice-of-law problems in torts, contracts, property, domestic relations, administration of estates, and business associations.
- F. Criminal Procedure. Constitutional doctrines governing criminal procedure. Topics include: Fourth, Fifth, Sixth and Eighth Amendments, pertinent due process provisions of Fourteenth Amendment; search and seizure, confessions, identification procedures, right to counsel, arrest, jury trial, double jeopardy, and pertinent provisions of the state constitution. The Superior Court Criminal Rules are examined as they relate to the procedural aspects of raising the constitutional issues.

7-5 Fourth Year Clerkship; Electives.

- A. Administrative Law. Study of the administrative process and its role in the legal system. Subjects include: powers and procedures of administrative

- agencies, relationship of administrative agencies to executive, judicial and legislative departments of government.
- B. Personal Federal Income Tax. Examination of federal income tax law as it applies to individuals, but not in their role as partners, shareholders, or beneficiaries of trusts or estates. Topics include: concepts of income, gross income, net income, when income should be taxed, to whom it should be taxed and its character as unearned, earned or capital gain income. Deductions are also examined in detail.
- C. Land Use. Study of legal principles and constitutional limitations affecting systems for public regulation of the use of private land. Topics include: planning, zoning, variances, special use permits, subdivision controls, environmental legislation, nuisance, eminent domain, powers of public agencies, "taking" without just compensation, due process, administrative procedures and judicial review, exclusionary zoning and growth control.
- D. Labor Law. Study of the organizational rights of employees and unions and the governance of the use of economic force by employers and unions. Other topics include the duty to bargain collectively, the manner in which collective bargaining is conducted, subjects to which it extends, administration and enforcement of collective bargaining agreements, and relations between a union and its members.
- E. Remedies. Historical development and use of judicial remedies that provide relief for past or potential injuries to interests in real or personal property. Topics include: history of equity, power of equity courts, restitution, specific performance, injunctions, equitable defenses, compensatory and punitive damages, unjust enrichment, constructive trusts, equitable liens, tracing and subrogation.
- F. Antitrust. An examination of the antitrust laws including the Sherman Act, Clayton Act, Robinson-Patman Act, Federal Trade Commission Act; and topics such as monopolies, restraint of trade, mergers, price fixing, boycotts, market allocation, tying arrangements, exclusive dealing and state antitrust law.
- G. Creditor-Debtor Relations. Rights and remedies of creditors and debtors under the Federal Bankruptcy Code, particularly in straight bankruptcy cases and under state laws relating to judgments, judgment liens, executions, attachments, garnishments, fraudulent conveyances, compositions, assignments for the benefit of creditors, and debtor's exemptions.
- H. Securities Regulation. Study of legal control over the issuance and distribution of corporate securities. Topics include: registration and distribution of securities under the Federal Securities Act of 1933, including the definition of a security; basic structure, applicability, and prohibitions of the Act; underwriting; preparation, processing and use of registration statement and prospectuses; exemptions from registration under the Act, including Regulation A, private offerings, and business reorganizations and recapitalizations; secondary distributions; brokers transactions; and civil liability for violation of the Act. Registration, distribution and regulation of securities under state "blue sky" laws, including the State of Washington Securities Act. Regulation of franchise arrangements under the Federal Securities Act of 1933 and the State of Washington Franchise Investment Protection Act. Regulation of national securities exchanges and broker-dealers; registration and listing of securities on national securities exchanges; periodic reporting and public disclosure of information requirements for companies whose securities are traded on national securities exchanges; and civil liability for violation of the Act. Regulation of mutual funds and other types of investment companies under the Federal Investment Company Act of 1940.
- I. Legal Accounting. Bookkeeping, use of journals and ledgers, analysis of financial statements, professional responsibility of a lawyer to a corporate client and relationship to accountants involved in a client's financial affairs. Course also addresses lawyer's accounting and recordkeeping obligations to his or her client under the Rules of Professional Conduct or its successor.
- J. International Law. Legal process by which interests are adjusted and authoritative decisions made on the international level. Topics include: nature and source of international law, law of treaties, jurisdiction, some discussion of international legal organizations, state responsibility and international claims for wrongs to citizens abroad, and application of international law in United States courts.
- K. Insurance. Legal principles governing formal mechanisms for the distribution of risk of loss. Emphasis is on property, casualty, life insurance. Topics include: marketing of insurance, indemnity principle, insurable interest, amount of recovery and subrogation, persons and interests protected, brokers, and identification of risks transferred by insurance.

- L. Consumer Protection. Selected laws for protection of consumers, including federal, state and local laws that prohibit deceptive advertising, mandate disclosure of information, regulate credit practices, license occupations, establish quality standards for products and services, and condemn “unfair” practices. Emphasis on the theoretical justifications for governmental intervention in the marketplace. Attention to problems of consumer justice administration, including informal dispute resolution procedures and representation of consumer interests in administrative and legislative proceedings.
- M. Environmental Law. Survey of citizen, legislative, administrative and judicial action in response to the reality and the threat of man-induced alteration to the natural environment; focuses on National Environmental Policy Act, federal air and water pollution control legislation, state air and water pollution control statutes and shoreline management.
- N. Real Property Security. Methods by which an obligation may be secured by real property of the obligor or of a third person. Covers the common-law principles and statutes that regulate the creation, operation, and extinguishment of the legal relations known as the real property mortgage and deed of trust, considered in the context of financing the purchase or development of land. Some attention must be given to principles governing operation of the lending industry.
- O. American Indian Law. Tribal/state/federal judicial and legislative jurisdiction in Indian country. Criminal and civil jurisdiction. Indian religious freedom. Indian water rights. Special hunting and fishing rights. History of federal laws and policies towards Indians. Current federal law and policy. Judicial trends in Indian cases. The federal trust responsibility toward Indian tribes; tribal powers of self government. Tribal courts. Federal supremacy (preemption) over state law in Indian country.
- P. Trial Practicum. Advanced course in preparing for trial. Resources should include sample cases and text books as well as evidence and civil rules. The clerk will write a fully researched brief, motions in limine, prepare ER 904; prepare objections to opposition motions in limine and ER 904; argue pretrial motions; research and perform voir dire; prepare and give an opening statement; prepare and give a direct exam with introduction of multiple exhibits; prepare and give a cross exam with introduction of exhibits; draft and argue jury instructions; prepare and give a closing statement.

Then to be assigned an actual case in litigation and add to the above, a mock trial which includes: prepared statement of the “story” of the case; illustrate how each witness fits into the story and what evidence is to be used with each witness; develop direct examination of one witness, cross examination of one witness and at least one exhibit for each witness; prepare and give an opening; conduct voir dire of volunteers; examine a witness; handle objections; and argue sample motions in limine. The clerk is expected to attend court proceedings regularly, and participate to the extent permitted by APR 9, if licensed.

- Q. Elder and Disability Law. An examination and study of the complex legal needs of people who are elderly and people who have a disability. This course examines major issues and substantive laws affecting people who are elderly or who have a disability including income protection, asset preservation and protection, options for financing long-term care and healthcare, planning for incapacity and the use of traditional and nontraditional estate and life care planning devices such as wills, trusts, special needs trusts, powers of attorney, guardianships, adult protection actions and other devices but in the context of the needs of people who are elderly or who have a disability. This course will also address the special ethical challenges and concerns of lawyers who are practicing elder and disability law.



WSBA

OFFICE OF THE GENERAL COUNSEL

Kirsten M. Schimpff
Assistant General Counsel

direct line: 206-727-8213
fax: 206-727-8314
email: kirstens@wsba.org

To: The President, President-elect, Immediate Past-President, and Board of Governors
From: Kirsten Schimpff, Assistant General Counsel
Date: May 10, 2017
Re: Recommendation from Amicus Curiae Brief Committee re: Requests for Amicus Curiae Brief (**Action Requested – Consent Calendar**)

ACTION REQUESTED – Consent Calendar: The Board is requested to approve:
(1) the recommendation from the Amicus Curiae Brief Committee to deny the request to file an amicus curiae brief in support of the defendants-appellants in *King County Corrections Guild v. Karstetter*, No. 75671-1-1 (Wash. Ct. App. Div. I); and
(2) the recommendation from the Amicus Curiae Brief Committee to deny the request to file an amicus curiae brief in support of the petition for review filed by the plaintiff-appellant in *Kruger-Willis v. Hoffenburg*, No. 94445-8 (Wash.).

Action Item (1):

FACTS: The facts relevant to the request for an amicus curiae brief in *King County Corrections Guild v. Karstetter* are stated in the request for amicus brief (Attachment 1), and in the parties' briefs filed in the Court of Appeals (in Supplemental Materials).

Briefly, the King County Corrections Guild (the defendants-appellants) was sued by its former lawyer Jared Karstetter. Karstetter's firm had an "employment agreement" with the Guild under which the firm would have just cause and procedural due process rights before termination. The Guild terminated the relationship, and was advised by another firm that the protections negotiated by the Karstetter firm were unenforceable. Karstetter then sued the Guild for breach of agreement, wrongful discharge, and other torts. The Guild filed a motion to dismiss, which the trial court granted in part. The court did not dismiss, however, Karstetter's breach of contract and wrongful termination claims. The Guild then filed a motion for discretionary review, which the Court of Appeals accepted.

Working Together to Champion Justice

Briefly, Hofferbert (her name is misspelled in the caption of the case) was in a car accident that damaged Kruger-Willis's parked vehicle. When Kruger-Willis sued Hofferbert for the diminished value of her repaired vehicle, GEICO, Hofferbert's insurance company, hired defense counsel and paid the cost of Hofferbert's defense pursuant to its contractual duty to defend her. A jury rendered a verdict in Hofferbert's favor and ordered Kruger-Willis to pay her costs and attorney fees. Kruger-Willis challenged whether defense counsel retained by GEICO had authority to appear for Hofferbert in the case because he never had contact directly with Hofferbert. The trial court ruled that counsel did have authority to represent Hofferbert. Kruger-Willis appealed, and the Court of Appeals ruled in Hofferbert's favor. Kruger-Willis filed a petition for review with the Washington Supreme Court.

The petition was received and docketed by the Supreme Court on May 5, 2017. Hofferbert has not yet filed an answer. The deadline for amicus briefs is June 27, 2017 (30 days after the petition for review was filed). See Supreme Court letter dated May 5, 2017 (Attachment 4).

Kruger-Willis sent the WSBA a request for amicus participation on May 5, 2017. She requested that the WSBA address the following issue as amicus: "Whether an insurance defense attorney has implied authority under the Rules of Professional Conduct to represent an insurer's insured when the insurance defense attorney has never had contact with the insurer's insured."

The parties were notified that the Committee would consider the request at its next scheduled meeting, May 9, 2017. Comments were solicited from the opposing party and the WSBA Committee on Professional Ethics. No comments were received prior to the meeting; subsequently, the Committee on Professional Ethics confirmed that none of its members voted in favor of the WSBA participating as amicus in this matter (Attachment 5).

The Committee voted unanimously (11-0) to recommend that the WSBA not file an amicus brief in support of the plaintiff-appellant.

DISCUSSION: The relevant portions of the WSBA Amicus Curiae Brief Policy (Attachment 6) provide:

B.3. Area of Substantial Interest to the WSBA. Before the WSBA will participate as amicus curiae, the case must concern issues of substantial interest to the WSBA. Cases are considered to be in an area of substantial interest to the WSBA when issues in the case: (a) concern the independence or integrity of the judiciary or the bar; (b) concern the effectiveness or accessibility of the legal system; (c) concern the practice or business of law; (d) concern diversity or equality in the legal profession; or (e) are determined by 75% of the total membership of the governing body of a Section of the WSBA to be of substantial interest to the WSBA.

B.4. Necessity of Amicus Brief. The Amicus Curiae Committee will consider whether briefs already before the court provide the court with a complete

picture of how the particular issue and decision will impact the interests of the WSBA as set forth in this policy. The WSBA will generally decline to participate as amicus curiae where the issues of concern to the WSBA are already fully developed.

There was a lack of consensus on the Committee whether the issue was one of substantial concern, and which side the WSBA would want to support if it were to participate as amicus. The Committee also questioned whether the case was a good vehicle for testing the legal issue where there was no harm to the insured and the insured did not complain about the representation she received. The Committee questioned the necessity of the WSBA's participation.

ATTACHMENTS:

1. Letter from counsel for King County Corrections Guild requesting amicus participation in *King County Corrections Guild v. Karstetter*
2. Comment from Committee on Professional Ethics
3. Letter from counsel for Kruger-Willis requesting amicus participation in *Kruger-Willis v. Hoffenburg*
4. Supreme Court docketing letter re *Kruger-Willis* petition for review
5. Comment from Committee on Professional Ethics
6. WSBA Amicus Curiae Brief Policy

SUPPLEMENTAL MATERIALS

Briefs in *King County Corrections Guild v. Karstetter*: Appellant's Opening Brief (Court of Appeals); Brief of Respondents (Court of Appeals); Appellant's Reply Brief (Court of Appeals)

Briefs and Opinions in *Kruger-Willis v. Hoffenburg*: Petition for Review (Washington Supreme Court); Unpublished Opinion (Court of Appeals); Appellant's Motion for Reconsideration (Court of Appeals); Part Published Opinion (Court of Appeals); Unpublished Opinion (Court of Appeals)

Kirsten Schimpff

From: Katelyn Sypher <sypher@workerlaw.com>
Sent: Monday, May 01, 2017 3:04 PM
To: Kirsten Schimpff
Cc: Dmitri Iglitzin
Subject: [Possible Spam] WSBA Amicus Committee: Amicus brief request (KCCG v. Karstetter, CoA Div. I, Case #75671-1-I)
Attachments: 2017 02 27_BRF_Appellant_Updated_v2.pdf; 2017 03 29_Respondents' Brief.pdf; 2017 04 28_REP_Appellant_FINAL.pdf
Importance: Low

Kirsten:

We represent a party in a litigation with several questions pending before the Court of Appeals. I'm reaching out to you as a liaison for WSBA's Amicus Curiae Committee, to request that WSBA consider filing an amicus brief in the case, *King County Corrections Guild v. Karstetter*, Case No. 75671-1-I (Div. 1). Pursuant to the Committee's Amicus Curiae Brief Policy, we present the following information on behalf of our client, the King County Corrections Guild ("the Guild").

Statement of Issues

First, we believe this case raises substantial concerns about legal clients' rights to terminate counsel under RPC 1.16, Official Comment 4 and related case law. The issues before the Court of Appeals involve whether an attorney who alleges to be an in-house counsel employee of his private legal client may bring breach of contract and wrongful discharge in violation of public policy claims against his client stemming from his termination. Particularly, the plaintiff in this case seeks to enforce putative employment contract provisions that grant him protections from termination by his client, including the right to just cause, the opportunity to correct any behavior that dissatisfies the client, the right to answer all charges, and to "fundamental due process" before termination can be effected by the client as a "final option." The attorney's pursuit of these novel claims invokes WSBA's substantial interest categories (b) and (c) for acceptance of an amicus role, as these claims threaten the integrity of the legal system and its protections afforded clients and alter the ethical parameters of the practice and business of law.

Survey of Significant Authority

RPC 1.16, Comment 4 and longstanding judicial authority in the State of Washington, including the following cases, state that a private legal client may terminate his counsel at any time, for any reason, or for no reason at all, even with no prior notice, and that this does not constitute any breach of contract:

- RPC 1.16, Comment 4: "A client has a right to discharge a lawyer at any time, with or without cause..."
- *Kimball v. Pub. Util. Dist. No. 1 of Douglas Cnty.*, 64 Wn.2d 252, 257, 391 P.2d 205 (1964): "A client may, at any time, either for good or fancied cause, or out of whim or caprice, or wantonly and without cause whatever, discharge his attorney and terminate the attorney-client relationship... This rule, though a harsh and stringent one against the attorney... is thought necessary for the protection of the client in particular and the public in general." (Internal citation omitted)
- *Seattle Inv. Co. v. Kilburn*, 5 Wn. App. 137, 138, 485 P.2d 1005 (1971): "Because of the personal and confidential nature of the attorney-client relationship, the client may, at any time and for any reason or without any reason, discharge his attorney. This does not constitute a breach of the [attorney-client] contract. The right to discharge an attorney is a term of the contract, implied from the particular relationship that exists between attorney and client. The client retains the power and right to discharge the attorney."
- *Belli v. Shaw*, 98 Wn.2d 569, 577, 657 P.2d 315 (1983): "Unlike general contract law, under a contract between an attorney and client, a client may discharge his attorney at any time with or without cause... Ordinarily, no special formality is required to discharge an attorney and any act of the client indicating an unmistakable purpose to sever relations is sufficient... Employment of other counsel, which is inconsistent with the continuance of the former relationship, shows an unmistakable purpose to sever the former relationship." (Internal citations omitted.)

Neither the Rule nor existing case law makes an exception for putative attorney employees.

Furthermore, RPC 1.16, Comment 4 and the following authority appear to prescribe that an attorney's only recourse is to seek payment for services rendered through the date of the termination (if as yet unpaid), e.g., through an *in quantum meruit* action:

- RPC 1.16, Comment 4: "A client has a right to discharge a lawyer at any time, with or without cause, subject to liability for payment for the lawyer's services."
- *Kimball*, 64 Wn.2d at 257-58: "[A] necessary and rightful corollary to this rule which permits the client to discharge his attorney without good cause, is the obligation implied in law to pay the attorney a reasonable fee for the services he has rendered to the client up to the time the attorney-client relationship is terminated... We take it to be the rule... that where compensation of an attorney is fixed by agreement between attorney and client and is to be paid in full upon completion of the work or undertaking for which the attorney has been engaged, if the attorney is discharged or prevented from completing the work or undertaking, the measure of the attorney's damages is not the fee agreed upon for completion of the task, but reasonable compensation for the professional services actually rendered." (Internal citation omitted.)
- *Seattle Inv. Co.*, 5 Wn. App. at 138-39: "[R]ecover... is necessarily based on *in quantum meruit* and not on the grounds of breach of contract. In such cases, an attorney can only recover for the value of services actually rendered." (Internal citation omitted.)
- *Fetty v. Wenger*, 110 Wn. App. 598, 600 fn. 4, 36 P.3d 1123 (2001): "Because no breach [of contract] occurs [by way of an attorney's termination], a discharged attorney may not sue on a contingent fee agreement, but must sue *in quantum meruit* arising out of the contract for the reasonable value of the services rendered..." (Internal citations omitted.)

Request for Amicus Brief

Please find attached the briefing filed in the case to date. We request that WSBA address the interrelationship between RPC 1.16, Comment 4 and a breach of contract claim that enforces an attorney's purported right to contractual protections from termination, as well as any other ethical dimensions the Amicus Committee sees within the appeal on which it wishes to provide its expertise.

The date and details of oral argument in the case have not yet been set. The Guild would be happy to request that WSBA be allotted time to address the Court as an amicus curiae. If that request was denied, the Guild would anticipate ceding some of its time at oral argument to WSBA so that WSBA could share its analysis of these important issues with the Court.

Finally, the Court has not set a deadline for amicus briefs other than that imposed by RAP 10.2(f)(2). Thus, we believe the amicus deadline would currently be Monday, May 15. We understand the time crunch imposed and apologize for this late request. Should WSBA be interested in submitting an amicus brief, we would be happy to assist in requesting additional time of the Court for WSBA to complete and submit its brief.

Thank you for your consideration of this request. Please let us know if there is any further information that we can provide.

Sincerely,

Katelyn Sypher | Schwerin Campbell Barnard Iglitzin & Lavitt LLP | 206.257.6021 | www.workerlaw.com

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If you receive this message in error, please permanently delete it and notify the sender.

Kirsten Schimpff

From: Mark Fucile <mark@frllp.com>
Sent: Monday, May 08, 2017 10:21 AM
To: Kirsten Schimpff
Cc: Jeanne Marie Clavere; Darlene Neumann
Subject: KCCG v. Karstetter/Amicus Request--CPE Input

Kirsten,

There were no votes on the CPE to recommend that the Amicus Committee participate in *KCCG v. Karstetter*.

Given the late notice, we did not discuss it as a Committee. Rather, CPE members submitted their individual votes electronically.

Mark

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Kirsten Schimpff

From: Alana Bullis <alana-akblaw@live.com>
Sent: Friday, May 05, 2017 3:25 PM
To: Kirsten Schimpff
Subject: WSBA Amicus Committee: Amicus Brief Request (Kruger-Willis v. Hoffenburg, COA Div II No. 48375-1-II; Supreme Court No. 9-4445-8)
Attachments: Kruger-WillisPetReview.pdf; D2 48375-1-II PUBLISHED OPINION.pdf; D2 45593-5-II UNPUBLISHED OPINION.pdf; D2 42417-7-II UNPUBLISHED OPINION.pdf; Kruger-WillisAppeal3MtnReconsider.pdf; Kruger-WillisLtrSct.pdf

Dear Ms. Schimpff:

I represent Ms. Kruger-Willis in the above-captioned action. We ask that the WSBA Amicus Committee consider our request for a Memorandum in Support of Ms. Kruger-Willis's Petition for Review. The ethical problems caused by the Court of Appeals' decision are of substantial public interest and should be addressed by the Supreme Court.

The specific legal issue the WSBA should address is: Whether an insurance defense attorney has implied authority under the Rules of Professional Conduct to represent an insurer's insured when the insurance defense attorney has never had contact with the insurer's insured.

This case has been before the Court of Appeals, Division II, three times and it involves the authority of an insurance defense attorney to represent an insurer's insured under a duty to defend provision in a liability insurance contract when the defense attorney has never had contact with the insured. In part, based upon WSBA Advisory Opinion 928 (1985), Ms. Kruger-Willis argued to the trial court and to the Court of Appeals that the insurance defense attorney lacked authority to represent Ms. Hoffenburg in this matter because there was no formation of an attorney-client relationship since the defense attorney never had contact with Ms. Hoffenburg.

In affirming the trial court, the Court of Appeals held in the published part of its opinion "that when an insurer has a contractual obligation to defend its insured, that insurer has the implied right to authorize defense counsel to represent its insured even in the absence of the insured's express authority" and "that under RPC 1.2(f), defense counsel retained by an insurer is authorized by contract law to represent that insurer's insured." In its decision, the Court of Appeals has essentially created an agency relationship based upon contract law principles between the insurer and the defense attorney without regard to the formation of an attorney-client relationship between the defense attorney and the insurer's insured. The problem with the court's decision, however, is that it is inherently flawed under the Rules of Professional Conduct ("RPC"), specifically RPC 1.2(f) and RPC 5.4(c).

The Court of Appeals' decision in this case has a profound impact on the practice of law in the State of Washington in that the court abolished the requirement for the formation of an attorney-client relationship between an insurance defense attorney and an insurer's insured. Moreover, the Court of Appeals' decision conflicts with WSBA ethics opinions and it creates a substantial likelihood on increasing conflicts of interest

between insurance defense attorneys and insurer's insureds. Finally, the Court of Appeals' decision creates practical and ethical conundrums for attorneys practicing in this state, as outlined in the Petition for Review. Also in the Petition for Review, you will find a survey of cases that address the issue mentioned above.

Please find attached to this email copies of the Petition for Review; the Court of Appeals' opinions in Nos. 48375-1-II, 45593-5-II, and 42417-7-II; Appellant's motion for reconsideration; and a letter from the Supreme Court addressing amicus curiae memorandums in support of the Petition for Review.

Thank you for your consideration of this request. Please let me know if there is any further information that I may provide.

Alana Bullis, JD, MBA

Alana Bullis, PS
1911 Nelson Street
DuPont, WA 98327
Phone (253) 905-4488
Fax (253) 912-4882

*Licensed in Washington and in Oregon

**Member, US Department of State Hague Convention of Attorney Network

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THE SUPREME COURT

STATE OF WASHINGTON

SUSAN L. CARLSON
SUPREME COURT CLERK

ERIN L. LENNON
DEPUTY CLERK/
CHIEF STAFF ATTORNEY



TEMPLE OF JUSTICE

P.O. BOX 40929
OLYMPIA, WA 98504-0929

(360) 357-2077
e-mail: supreme@courts.wa.gov
www.courts.wa.gov

May 5, 2017

LETTER SENT BY E-MAIL ONLY

Alana Kimberly Bullis
Attorney at Law
1911 Nelson Street
Dupont, WA 98327-7743

Hon. Derek Byrne, Clerk
Court of Appeals, Division II
950 Broadway
Suite 300, MS TB-06
Tacoma, WA 98402-4454

Paul Lawrence Crowley
Lockner & Crowley, Inc., P.S.
524 Tacoma Avenue S.
Tacoma, WA 98402-5416

Re: Supreme Court No. 94445-8 - Tori Kruger-Willis v. Heather Hoffenburg, et al.
Court of Appeals No. 48375-1-II

Clerk and Counsel:

The Court of Appeals has forwarded the "PETITION FOR REVIEW" and related Court of Appeals case file in the referenced matter. The \$200 filing fee, was paid in cash to the Court of Appeals. The matter has been assigned the Supreme Court cause number indicated above.

The parties are directed to review the provisions set forth in RAP 13.4(d) regarding the filing of any answer to the petition for review and any reply to the answer.

The petition for review will be set for consideration without oral argument by a Department of the Court; see RAP 13.4(i). If the members of the Department do not unanimously agree on the manner of the disposition, consideration of the petition will be continued for determination by the En Banc Court.

Usually there is approximately three to four months between receipt of the petition for review in this Court and consideration of the petition. This amount of time is built into the process to allow an answer to the petition and for the Court's normal screening process. At this time it is not known on what date the matter will be determined by the Court. The parties will be advised when the Court makes a decision on the petition.

Any amicus curiae memorandum in support of or in opposition to a pending petition for review should be served and received by this Court and counsel of record for the parties and

other amicus curiae by not later than 60 days from the date the petition for review was filed; see RAP 13.4(h).

Counsel are referred to the provisions of General Rule 31(e) regarding the requirement to omit certain personal identifiers from all documents filed in this court. This rule provides that parties “shall not include, and if present shall redact” social security numbers, financial account numbers and driver’s license numbers. As indicated in the rule, the responsibility for redacting the personal identifiers rests solely with counsel and the parties. The Clerk’s Office does not review documents for compliance with the rule. Because briefs and other documents in cases that are not sealed may be made available to the public on the court’s internet website, or viewed in our office, it is imperative that such personal identifiers not be included in filed documents.

Counsel are advised that future correspondence from this Court regarding this matter will most likely only be sent by an e-mail attachment, not by regular mail. For attorneys, this office uses the e-mail address that appears on the Washington State Bar Association lawyer directory. Counsel are responsible for maintaining a current business-related e-mail address in that directory.

Sincerely,



Erin L. Lennon
Supreme Court Deputy Clerk

ELL:jd

Kirsten Schimpff

From: Mark Fucile <mark@frllp.com>
Sent: Wednesday, May 10, 2017 11:12 AM
To: Kirsten Schimpff
Cc: Jeanne Marie Clavere; Darlene Neumann
Subject: FW: Amicus Request - Kruger-Willis v. Hoffenburg

Kirsten,

Please see below. No one on the CPE recommended that the Amicus Committee take up the Kruger-Willis v. Hoffenburg case.

Mark

Mark J. Fucile
Fucile & Reising LLP
t: 503.224.4895
m: 503.860.2163
f: 503.224.4332
Mark@frllp.com
www.frllp.com

From: Darlene Neumann <darlenen@wsba.org>
Date: Wednesday, May 10, 2017 at 11:06 AM
To: Mark Fucile <mark@frllp.com>
Cc: Jeanne Clavere <jeannec@wsba.org>
Subject: RE: Amicus Request - Kruger-Willis v. Hoffenburg

Mark,

Sorry, I realized this comes after the deadline. Here is the vote on the question: Should the CPE comment on the request for amicus curiae? (Kruger-Willis v. Hoffenburg).

6 responses. All voted "No."

Darlene



Darlene Neumann | Paralegal | Office of General Counsel
Washington State Bar Association | ☎ 206.733.5923 | F 206.727.8314 | darlenen@wsba.org
1325 Fourth Avenue #600 | Seattle, WA 98101-2539 | www.wsba.org

From: Mark Fucile [mailto:mark@frllp.com]
Sent: Saturday, May 06, 2017 4:59 PM

To: Anne Seidel; Natalie Cain; Colin Folawn; Peter Jarvis; Sumeer Singla; Thomas Andrews; H. Stiles
Cc: Jeanne Marie Clavere; kristens@wsba.org; Darlene Neumann
Subject: FW: Amicus Request - Kruger-Willis v. Hoffenburg

Colleagues,

We have received another request for input to the Amicus Committee. This one came in late yesterday afternoon and I received it this afternoon.

As Jeanne Marie's forwarding email below explains, please advise Darlene by close of business Monday if you recommend (i.e., "yes") that the Amicus Committee should consider taking this on or not (i.e., "no").

Darlene, my own vote is "no" for the simple reason that if someone wants our considered opinion they shouldn't treat an amicus request like a last minute stay of execution at the U.S. Supreme Court.

Have a good rest of the weekend!

Best regards,

Mark

Mark J. Fucile
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t: 503.224.4895
m: 503.860.2163
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Mark@frllp.com
www.frllp.com

From: Jeanne Clavere <jeannec@wsba.org>
Date: Saturday, May 6, 2017 at 3:51 PM
To: Mark Fucile <mark@frllp.com>
Cc: Kirsten Schimpff <kirstens@wsba.org>, Darlene Neumann <darlenen@wsba.org>
Subject: FW: Amicus Request - Kruger-Willis v. Hoffenburg

Greetings Mark: This is a very busy week for the CPE! It looks like another Amicus request came in late Friday afternoon to WSBA, with the same very tight deadline by **close of business on Monday, May 8th**. I will be out of the office presenting on Monday, but CPE members can provide their responses to Darlene.

Would you be so kind as to circulate this to the CPE members as soon as possible? My apologies for the very short turnaround time.

Have a good weekend, j

Jeanne Marie Clavere | Professional Responsibility Counsel | Office of General Counsel
Washington State Bar Association | ☎ 206.727-8298 | F 206.727.8314 | jeannec@wsba.org
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The WSBA is committed to full access and participation by persons with disabilities. If you have questions about accessibility or require accommodation please contact julies@wsba.org.

From: Kirsten Schimpff
Sent: Friday, May 05, 2017 4:32 PM
To: Jeanne Marie Clavere
Subject: Amicus Request - Kruger-Willis v. Hoffenburg

Hi Jeanne Marie,

We just received another amicus request this afternoon, and the Chair has added it to the amicus committee's agenda for its meeting on Tuesday 5/9. Pursuant to the WSBA amicus policy, we would like to notify the Committee on Professional Ethics of the request and invite its comment on whether the request meets the criteria set out in the policy.

If the CPE would like to comment, any comments should be sent to me (kirstens@wsba.org) by close of business on Monday 5/8. I apologize for the short notice!

Thanks,
Kirsten



Kirsten M. Schimpff | Assistant General Counsel

Washington State Bar Association | 206.727.8213 | fax 206.727.8314 | kirstens@wsba.org
1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | www.wsba.org

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WSBA

WASHINGTON STATE BAR ASSOCIATION
AMICUS CURIAE BRIEF COMMITTEE

AMICUS CURIAE BRIEF POLICY

Approved by the Board of Governors 2/13/99; amended 6/3/05; 9/14/06

A. CRITERIA FOR WASHINGTON STATE BAR ASSOCIATION AMICUS CURIAE BRIEFS

The Washington State Bar Association (WSBA) Amicus Curiae program was established in 1998 when a ten member Amicus Curiae Committee was formed by the Board of Governors of the WSBA. The guidelines below address Committee consideration on the involvement of the WSBA as amicus curiae. The policy standards guide WSBA participation as amicus curiae. The following section addresses procedure for requesting participation of WSBA as amicus curiae.

B. AMICUS CURIAE POLICY

1. Independence. The WSBA will remain independent of the parties, including the party litigant who requests amicus curiae participation by the WSBA. Maintaining its independence will best serve the interest of the WSBA in furthering a credible and independent amicus curiae participation program that focuses on the values and principles of general application to the WSBA.
2. Authority. The Amicus Curiae Committee shall review all requests for amicus curiae participation by the WSBA, and provide a recommendation to the Board of Governors. The Board shall make the ultimate decision on whether the WSBA shall file an amicus curiae brief.
3. Area of Substantial Interest to the WSBA. Before the WSBA will participate as amicus curiae, the case must concern issues of substantial interest to the WSBA. Cases are considered to be in an area of substantial interest to the WSBA when issues in the case: (a) concern the independence or integrity of the judiciary or the bar; (b) concern the effectiveness or accessibility of the legal system; (c) concern the practice or business of law; (d) concern diversity or equality in the legal profession; or (e) are determined by 75% of the total membership of the governing body of a Section of the WSBA to be of substantial interest to the WSBA.
4. Necessity of Amicus Brief. The Amicus Curiae Committee will consider whether briefs already before the court provide the court with a complete picture of how the

particular issue and decision will impact the interests of the WSBA as set forth in this policy. The WSBA will generally decline to participate as amicus curiae where the issues of concern to the WSBA are already fully developed.

5. Brief Standards. The Amicus Curiae Committee shall ensure an amicus curiae brief filed by the WSBA is of high quality. The Committee may decline to file an amicus brief in cases where lack of time or other considerations may compromise the quality of the brief.
6. Request from Appellate Court. The WSBA will honor a request from an appellate court barring exceptional circumstances.
7. Costs. The recommendation to the Board of Governors will include the anticipated costs, if any, to the WSBA.

C. PROCEDURE FOR REQUESTING AMICUS BRIEF PARTICIPATION

1. The request shall be directed to the Amicus Brief Committee, Washington State Bar Association, 1325 4th Ave., Ste. 600., Seattle, WA 98101-2539 (or by e-mail to questions@wsba.org).
2. Unless there are exceptional circumstances, an amicus curiae request will not be granted for participation at the trial court level.
3. The requesting party shall provide the committee with the following information in its request:
 - a. A statement that sets forth specific legal issue(s) that the requesting party believes the WSBA should address;
 - b. A survey of significant cases that address the issue(s);
 - c. A statement explaining how the legal issue(s) relate to the WSBA Amicus Curiae Policy.
 - d. Whether time will be allowed for oral argument by the WSBA.
4. The requesting party shall provide copies of all appellate briefs filed in the case and, if requested by the Committee, the record on review.
5. The Amicus Curiae Committee will not make a recommendation to the Board of Governors before the requesting party has filed its initial appellate brief.

D. AMICUS COMMITTEE: INTERNAL PROCEDURES

1. Necessity of Request Complying With Procedures: A request for amicus curiae may not be considered from a private party if the requesting party fails substantially to comply with the published procedures for requesting amicus curiae assistance.
2. Notice: The Amicus Curiae committee will attempt to notify all parties of the receipt of the request prior to committee action, to the extent practicable. Notice shall be posted on the WSBA web site and may also be given to appropriate WSBA Sections and committees. The notice will invite comment on whether the request meets the

criteria set out in this policy and any deadline for comment, provided that the Amicus Curiae committee may make its recommendation to the Board of Governors prior to receipt of comment by parties or others.

3. Records Disclosure: All correspondence submitted to the Committee, including the original request, is subject to disclosure pursuant to WSBA Bylaws Article XIII.
4. Committee Action on Request: A properly presented request shall be acted upon at the earliest feasible date by a quorum of the Amicus Curiae committee. The chair, or his or her delegate, shall insure that as many members of the committee as are available shall be notified of the request and provided with appropriate materials to evaluate the issue of whether an affirmative recommendation shall be made to the WSBA Board. The committee may meet via telephone conferencing when necessary to expedite the process or for efficiency reasons.
5. Content of Recommendation: Upon obtaining a recommendation supported by a quorum of the committee, the chair of the committee shall cause a written recommendation to be prepared and presented to the WSBA Board of Governors. The recommendation shall include:
 - a. An affirmative or negative recommendation;
 - b. A brief statement of why the committee believes that an amicus curiae participation is warranted or should be declined;
 - c. A brief analysis of the issues raised by the case and a recommendation stating the position the committee believes should be taken by the WSBA;
 - d. A statement of costs associated with complying with the request and suggestions regarding appropriate individuals to author the brief;
 - e. Whether or not the Committee believes that the Association should present oral argument and whether the requesting party will surrender oral argument time in order to allow the Association's participation.
6. Emergency Procedure: Where the issues raised in an appeal have substantial impact on the members of the WSBA, the committee or the Board of Governors may recommend that the President of the bar along with the Association's Executive Director act upon an amicus curiae request. No request for participation shall be granted if either the Association or the Committee concludes that a quality brief cannot be obtained in the amount of time available.
7. Preparation and Signing of Brief. The Amicus Curiae committee will oversee and assist with the preparation and filing of the brief as necessary. Any amicus brief submitted to a court shall be signed by the author of the brief and by the President of the Washington State Bar Association or his or her designate.



WSBA

WASHINGTON STATE BAR ASSOCIATION

EXECUTIVE DIRECTOR'S REPORT May 12, 2017

Congratulations to WSBA's New Governors-elect

Congratulations to our four new Governors-elect who will be sworn in at the WSBA APEX Awards Dinner on September 28, 2017:

- Kyle Sciuchetti, 3rd District
- Brian Tollefson, 6th District
- Paul Swegle, 7th North District
- Kim Hunter, 8th District

The district elections this year attracted a total of fifteen candidates for four positions. Pre-election outreach once again resulted in multiple candidates declaring for the four open positions, with three members vying for the District 3 seat, five for the District 6 seat, four for the District 7N seat, and three for the District 8 seat. The WSBA held a Candidates' Forum again this year, moderated by last year's Treasurer, Karen Denise Wilson, at which candidates explained why they were running and answered questions that were submitted by WSBA members. When deciding who to vote for, members could watch the forum and read other information about the candidates posted on the WSBA website.

Turnout was lower than in recent years: 16.2% overall with a breakdown of 15.37% in District 3, 17.20% in District 6, 17.84% in District 7N, and 12.49% in District 8. Prior-year turnouts include 21.4% in 2016, 18.4% in 2015, 16.5% in 2014, and 21.7% in 2013.

The 2017-2020 at-large Governor and 2017-2018 President-elect will be selected at this BOG meeting.

Western States Bar Conference

The president, several governors, and I attended the Western States Bar Conference at the end of March. The Conference brings together the officers, board members, and executive directors from the 16 bar associations that are located roughly from the Mississippi River west. The four-day conference provides an opportunity for the various bars to share highlights of issues they are working on and to discuss matters of mutual interest and concern.

WSBA is in its second year of being the facilitating bar for the Western States Bar Conference, so Kara Ralph and Margaret Shane also attended. Facilitation of the Conference rotates among member state bars and Washington had not staffed the conference since the 1970s. All expenses for Kara and Margaret were covered by the Western States Bar Conference.

The programming over the four days highlighted a number of issues facing our profession as well as issues we face as bar associations. The Conference theme this year was “Preserving the Rule of Law.” The Conference commenced with a presentation on the Rule of Law and quantification methods followed by a panel focused on mandatory malpractice insurance trends around the country. Governor Kim Risenmay participated on this panel. Other panels focused on incubators and online initiatives by various bar associations. The second day included an in-depth look at the Japanese Internment by Seattle University Law professor Lori Bannai and Professor Eric Yamamoto from the law school at the University of Hawaii.

As always, the roll call of the states, where each state takes five minutes to highlight major issues and activities going on in their state, was highly informative, and the session where large bar associations get together to share issues and ideas on Friday morning was engaging and productive as usual. A HUGE thank you to Kara and Margaret for the incredible amount of work it took to produce such an engaging and seamless conference!

Update on Decoding the Law Series

The WSBA Decoding the Law Series is a new program developed to address timely topics relevant to the public and our membership. The series brings together professionals in the designated topic areas to discuss relevant issues through a legal lens with the goal of providing information to the public and our members. The forum is not designed to debate or advocate for a position on the issues, but rather to educate and inform the public and members. We kicked off the series with the Death Penalty Forum, a three-session series that was delivered in March 2017.

The goal of the series is to deliver sessions on four topics throughout the year (one per quarter). We are delivering the second topic in the series on June 7, 2017, at the WSBA Conference Center. The topic will be focused on bathroom bills and transgender rights in regards to bathroom access. We have convened a distinguished panel to discuss this timely topic. Former WSBA President Sal Mungia will be participating as a panelist and moderator of the four person panel. Other panel members include Colleen Melody, Chief of the Civil Rights Unit at the Attorney General’s office, Kelli Schmidt, WSBA Civil Rights Section Executive Committee Chair, who has done extensive work in this arena as Senior Attorney for the U.S. Department of Education’s Office for Civil Rights, and Gunner Scott, Director of Programs for the Pride Foundation, who has done national work in the area of transgender rights.

The session will take place from 12:00 noon to 1:00 p.m. on June 7th. The next topic in the series will be focused on Immigration Rights and will take place sometime in August.

Team from Washington State to Participate in Civil Justice Reform Summit

On May 22nd through the 24th a team of representatives from Washington will be attending the 2017 CCJ/COSCA Western Region Civil Justice Reform Summit in Park City, Utah. The purpose of the Summit is to encourage each state to learn about civil justice reform efforts nationwide, and to provide each state with an opportunity to develop an action plan for reform or other activities in their respective jurisdictions. Attendees at the Summit will include state Supreme Court justices, court administrators, representatives from civil bar organizations, legal aid, consumer affairs bureaus, and state legislators from local and statewide organizations who are key to implementing civil justice reform efforts. Washington will be sharing and discussing the work of the WSBA Escalating Cost of Civil Litigation (ECCL) Task Force including the Final Report, the Report of the WSBA BOG on the Recommendations of the ECCL, and the WSBA BOG Civil Litigation Rules Drafting Task Force, which has begun its outreach and

drafting mission. Members of the Washington team include President Robin Haynes, Immediate Past President Bill Hyslop, Justice Debra Stephens, Judge Richard McDermott, and Jeanne Marie Clavere, WSBA Professional Responsibility Counsel.

Preliminary Member Benefits Survey Results and Plan

In support of the WSBA's mission to ensure the integrity of the legal profession, the Member Benefits Program provides discounts on tools and services that help Members improve the quality and delivery of their legal services. The goals for this program are to offer members an array of vetted providers, to increase member exposure to new technologies and services, and to reduce the barriers to implementing those services in their own practice.

WSBA staff conducted a survey last month to evaluate current Member Benefits and identify new services and products to grow the program and offer more options in the fall of 2017. The survey went to all 38,437 members and on April 10th the survey closed with 1,243 responses. The survey instrument contained sixteen questions of which four were open ended questions. While the data is rich, the preliminary results indicate the following. Of the members who responded, 34% were solos, 26.9% were public sector, 19% were in firms of 2-10 attorneys, 10.6% were in-house counsel, 4.8% were in firms of 11-50, 3.2% were in firms of over 101, and 8% were in firms of 51-100. Of the members who responded, the top three benefits used were Casemaker (39%), followed by ALPS (6.19%) and the ABA Shop (3.2%). Roughly 10% stated that they were very happy with the benefits, 28% were happy but thought there was more that could be done, and 10% have not had a good experience. Roughly 38% of members who responded don't believe that these benefits were relevant to them. Staff is continuing to siphon through analytics with a goal to publish a summary in late June.

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)



WSBA

OFFICE OF THE EXECUTIVE DIRECTOR

Paula C. Littlewood
Executive Director

direct line: 206-239-2120
fax: 206-727-8310
e-mail: paulal@wsba.org

ACTIVITY REPORT

March 11, 2017 – May 19, 2017

Current Service on Boards and Committees

Local: Board for Judicial Administration (BJA) Policy and Planning Committee; 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), Secretary/Treasurer and Member of Program Committee.

Meetings with Other WSBA and External Constituents

Board for Judicial Administration Meeting	March 17
Board for Judicial Administration Policy and Planning Committee	March 17
Legal Community Leader	7
New Lawyers and Law Students	2
Other	4

WSBA- and BOG-Related Meetings:

BOG Election Certification	April 3
BOG Run-off Election Certification	April 17
BOG Executive Committee Meetings	3
BOG Meeting in Seattle	May 18-19
BOG Personnel Committee Meeting	May 17
BOG President Weekly Calls	10
BOG Special Meeting Conference Call in Executive Session	May 15
Discipline Advisory Round Table (DART) Meeting	May 11
Hearing Officer Training: Coordinated Discipline Presentation	April 12
Limited License Legal Technician (LLLT) Board Meeting	March 23

Limited License Legal Technician (LLLT) Webcast	May 11
Practice of Law Board Meeting with Supreme Court	March 21
Section Leaders Annual Spring Meeting Welcome	April 17
Washington State Bar Foundation Board of Trustees Meeting	May 11
WSBA Budget & Audit Committee Meeting	April 13
WSBA/King County Bar Association Leadership Lunch	May 17
WSBA Spring Inclusion and Equity Stakeholder's Meeting Welcome	May 11
Other	3

Staff-Related Meetings:

All-Staff Meeting	April 12
All-Manager Meeting	March 14
Coffees with New Staff	1
Department Drop-in Meetings	4
Employee Appreciation Festivities	May 8-11
Employee Service Awards	March 22
Executive Management Team Meetings	8
General Counsel Candidate Interviews & Debrief with Staff	6
S.A.F.E Meeting	3
Weeklies with Communications Department and Communications Core Team	15
Weeklies with Staff Direct Reports	25
Other	38

National/International-Related Meetings:

Institute for the Advancement of the American Legal System (IAALS) Board Meeting in Denver (funded by host)	April 20
International Institute of Law Association Chief Executives (IILACE) Executive Committee Conference Calls	4
International Institute of Law Association Chief Executives (IILACE) Program Committee Conference Call	May 2
Western States Bar Conference (WSBC)	March 28-April 1

Presentations

Limited License Legal Technician Presentation to King County Bar Association Real Property, Probate and Trust Section	April 5
Future of the Legal Profession Presentation to Institute for the Advancement of the American Legal System (IAALS) in Denver (funded by host)	April 7

Future of the Legal Profession Presentation to Law Society of British Columbia Bencher Retreat in Victoria (funded by host)	May 5
Future of the Legal Profession Presentation at 2017 Paralegal Career Workshop in Riverside (funded by host)	May 6
Future of the Legal Profession Presentation to 2017 WLI Fellows	May 19

Organizational Events

Legal Community Executive Director Lunch	March 20
Seattle University School of Law 2017 Woman of the Year Luncheon and Program	March 22
YWCA Luncheon	April 26

WSBA Member* Demographics Report 5/1/17 8:50:25 AM GMT-07:00

By Years Licensed		By Firm Size		By Practice Area		By Languages Spoken	
Under 6	8,256	Solo	5,671	Administrative/regulator	2,176	Afrikaans	5
6 to 10	5,764	Solo in Shared Office or	1,699	Agricultural	212	Akan /Iwi	4
11 to 15	5,371	Government/ Public Secto	4,882	Animal Law	108	Albanian	2
16 to 20	4,403	In House Counsel	2,764	Antitrust	286	American Sian Lanat	11
21 to 25	4,098	2-5 Lawyers in Firm	4,823	Appellate	1,566	Amharic	13
26 to 30	3,471	6-10 Lawyers in Firm	2,019	Aviation	145	Arabic	46
31 to 35	2,944	11-20 Lawyers in Firm	1,435	Banking	443	Armenian	6
36 to 40	2,465	21-35 Lawyers in Firm	947	Bankruptcy	1,075	Bengali	11
41 and Over	2,393	36-50 Lawyers in Firm	641	Business/ Commercial	5,107	Bosnian	6
Total:	39,165	51-100 Lawyers in Firm	716	Civil Litigation	5,261	Bulgarian	13
		100+ Lawyers in Firm	2,179	Civil Rights	1,009	Burmese	2
		Respondents	27,776	Collections	587	Cambodian	6
		No Response	11,389	Communications	219	Cantonese	91
		All Member Types	39,165	Constitutional	599	Cebuano	3
				Construction	1,313	Chamorro	3
				Consumer	746	Chaozhou/chiu Chow	1
				Contracts	4,060	Chin	1
				Corporate	3,390	Croatian	17
				Criminal	3,935	Czech	7
				Debtor-creditor	998	Danish	18
				Disability	672	Dari	1
				Dispute Resolution	1,353	Dutch	22
				Education	473	Egyptian	1
				Elder	936	Farsi/bersian	53
				Employment	2,770	Filian	1
				Entertainment	315	Finnish	7
				Environmental	1,308	French	670
				Estate Planning/ Probate	3,525	French Creole	2
				Family	2,923	Fukienese	3
				Foreclosure	547	Ga/kwa	2
				Forfeiture	77	German	413
				General	2,929	Greek	27
				Government	2,712	Guarati	12
				Guardianships	896	Haitian Creole	1
				Health	927	Hebrew	36
				Housing	284	Hindi	76
				Human Rights	311	Hmong	1
				Immigration & Naturaliza	975	Hungarian	13
				Indian	587	Ibo	5
				Insurance	1,705	Icelandic	1
				Intellectual Property	2,172	Ilocano	9
				International	888	Indonesian	10
				Judicial Officer	374	Italian	148
				Juvenile	894	Japanese	196
				Labor	1,111	Kannada/canares	3
				Landlord/ Tenant	1,292	Khmer	1
				Land Use	791	Korean	219
				Legal Ethics	279	Lao	6
				Legal Research & Writing	685	Latvian	6
				Legislation	390	Lithuanian	4
				Litigation	4,441	Malav	3
				Lobbying	170	Malavalam	8
				Malpractice	776	Mandarin	306
				Maritime	292	Marathi	4
				Military	365	Monqolian	1
				Municipal	929	Navaio	1
				Non-profit/tax Exempt	571	Nepali	3
				Not Actively Practicing	1,730	Norwegian	38
				Oil, Gas & Energy	197	Not listed	26
				Patent/ Trademark/ Copyr	1,265	Oromo	3
				Personal Injury	3,337	Other	23
				Real Property	2,441	Persian	20
				Real Property/ Land Use	2,306	Polish	33
				Securities	791	Portuaguese	108
				Sports	154	Puniabi	51
				Subrogation	76	Romanian	17
				Tax	1,307	Russian	220
				Torts	2,089	Samoan	8
				Traffic Offenses	741	Serbian	15
				Workers' Compensation	718	Serbo-croatian	6
						Sian Lanauage	23
						Sinhalese	2
						Slovak	2
						Spanish	1,691
						Spanish Creole	8
						Swahili	3
						Swedish	54
						Taaaloq	60
						Taishanese	2
						Taiwanese	17
						Tamil	7
						Teluuu	3
						Thai	14
						Tiarinva	3
						Tonqan	1
						Turkish	8
						Ukrainian	36
						Urdu	33
						Vietnamese	80
						Yoruba	8
						Yuooslavian	1

By Ethnicity		By Disabled Status	
American Indian / Alaska Native	248	N	16,318
Asian	1,395	Y	930
Black/African descent	634		
Caucasian	24,096		
Hispanic/Latina/o	677		
Multi Racial	787		
Other	137		
Pacific Islander	54		
Respondents	28,028		
No Response	11,137		
All Member Types	39,165		

By Gender		By LGBT	
FEMALE	11,983	N	16,157
MALE	17,454	Y	991
Respondents	29,437		
No Response	9,728		
All Member Types	39,165		

By Age	All	Active
21 to 30	1,985	1,906
31 to 40	8,932	7,976
41 to 50	9,509	7,826
51 to 60	8,703	6,915
61 to 70	7,665	5,774
71 to 80	1,823	1,213
Over 80	548	115
Total:	39,165	31,725

* Includes active attorneys, emeritus pro-bono, honorary, inactive attorneys, judicial, limited license legal technician (LLLT), and limited practice officer (LPO).

WSBA Member* Licensing Counts 5/1/17 8:48:56 AM GMT-07:00

Member Type	In WA State	All	By District		By State and Province		By WA County		By Admit Yr		
				All	Active						
Attorney - Active	25,588	31,725				Alabama	23	Adams	15	1940	3
Attorney - Emeritus	102	107	0	2,654	1,814	Alaska	206	Asotin	28	1941	2
Attorney - Honorary	348	393	1	2,832	2,365	Alberta	8	Benton	394	1942	1
Attorney - Inactive	2,255	5,332	2	1,928	1,574	Arizona	307	Chelan	245	1944	1
Judicial	611	632	3	2,018	1,700	Arkansas	13	Clallam	148	1945	1
LLLT - Active	20	20	4	1,345	1,135	Armed Forces Americas	1	Clark	859	1946	2
LPO - Active	760	771	5	3,019	2,469	Armed Forces Europe, Middle Eas	23	Columbia	7	1947	6
LPO - Inactive	174	185	6	3,141	2,634	Armed Forces Pacific	21	Cowlitz	141	1948	9
			7N	5,145	4,396	British Columbia	90	Douglas	24	1949	19
			7S	6,844	5,652	California	1,645	Ferry	13	1950	17
Misc Counts			8	2,099	1,770	Colorado	232	Franklin	54	1951	30
All License Types **	39,381		9	4,647	3,931	Connecticut	54	Garfield	3	1952	28
All WSBA Members	39,165		10	2,721	2,285	Delaware	4	Grant	129	1953	29
Members in Washington	29,858			38,393	31,725	District of Columbia	342	Grays Harbor	113	1954	29
Members in western Washington	24,993					Florida	232	Island	139	1955	20
Members in King County	16,267					Georgia	74	Jefferson	101	1956	44
Members in eastern Washington	3,708					Guam	20	King	16,267	1957	36
Active Attorneys in western Washington	21,628					Hawaii	126	Kitsap	730	1958	42
Active Attorneys in King County	14,428					Idaho	411	Kittitas	84	1959	42
Active Attorneys in eastern Washington	3,116					Illinois	139	Klickitat	24	1960	33
New/Young Lawyers	6,704					Indiana	31	Lewis	120	1961	30
MCLE Reporting Group 1	9,560					Iowa	32	Lincoln	14	1962	35
MCLE Reporting Group 2	11,399					Kansas	30	Mason	92	1963	35
MCLE Reporting Group 3	11,066					Kentucky	21	Okanogan	101	1964	44
Educational Purposes	2					Louisiana	49	Pacific	27	1965	60
Foreign Law Consultant	20					Maine	11	Pend Oreille	22	1966	67
House Counsel	176					Maryland	116	Pierce	2,244	1967	70
Indigent Representative	10					Massachusetts	84	San Juan	77	1968	101
Military	8					Michigan	68	Skagit	273	1969	115
						Minnesota	97	Skamania	17	1970	123
						Mississippi	5	Snohomish	1,557	1971	134
						Missouri	60	Spokane	1,850	1972	204
						Montana	157	Stevens	56	1973	304
						Nebraska	18	Thurston	1,527	1974	291
						Nevada	137	Wahkiakum	10	1975	366
						New Hampshire	9	Walla Walla	109	1976	442
						New Jersey	62	Whatcom	551	1977	442
						New Mexico	62	Whitman	77	1978	493
						New York	220	Yakima	459	1979	532
						North Carolina	86			1980	548
						North Dakota	10			1981	572
						Northern Mariana Islands	6			1982	553
						Nova Scotia	1			1983	591
						Ohio	70			1984	674
						Oklahoma	27			1985	474
						Ontario	13			1986	730
						Oregon	2,600			1987	636
						Pennsylvania	72			1988	601
						Puerto Rico	3			1989	641
						Quebec	1			1990	777
						Rhode Island	10			1991	772
						Saskatchewan	1			1992	766
						South Carolina	26			1993	803
						South Dakota	9			1994	822
						Tennessee	46			1995	838
						Texas	323			1996	774
						Trust Territories	1			1997	877
						Utah	155			1998	820
						Vermont	17			1999	861
						Virginia	284			2000	875
						Virgin Islands	2			2001	944
						Washington	29,858			2002	1,019
						West Virginia	7			2003	1,050
						Wisconsin	40			2004	1,061
						Wyoming	23			2005	1,075
										2006	1,115
										2007	1,189
										2008	1,102
										2009	1,013
										2010	1,099
										2011	1,085
										2012	1,119
										2013	1,260
										2014	1,392
										2015	1,672
										2016	1,338
										2017	366

By Section ***	All	Previous Year
Administrative Law	275	235
Alternative Dispute Resolution	388	393
Animal Law	121	115
Antitrust, Consumer Protection and Unfair Business Practice	221	211
Business Law	1,392	1,370
Civil Rights Law	211	143
Construction Law	533	521
Corporate Counsel	1,166	1,072
Creditor Debtor Rights	558	588
Criminal Law	544	502
Elder Law	717	691
Environmental and Land Use Law	842	857
Family Law	1,283	1,332
Health Law	416	386
Indian Law	340	333
Intellectual Property	993	963
International Practice	278	303
Juvenile Law	223	203
Labor and Employment Law	1,053	1,024
Legal Assistance to Military Personnel	101	106
Lesbian, Gay, Bisexual, Transgender (LGBT) Law	146	111
Litigation	1,198	1,238
Low Bono	124	126
Real Property Probate and Trust	2,394	2,351
Senior Lawyers	299	288
Solo and Small Practice	1,006	1,026
Taxation	678	650
World Peace Through Law	122	103

* 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, educational purposes, emeritus pro-bono, foreign law consultant, honorary, house counsel, inactive attorney, indigent representative, judicial, LPO, LLLT, and military.

*** 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.



WSBA
BOARD OF GOVERNORS

Mario M. Cava
Governor, At-Large (B)

phone: 206.830.5684
e-mail: mario.cava@gmail.com

March 7, 2017

Via E-Mail Only

Ms. Eileen Farley
4616 25th Ave., NE #164
Seattle, WA 98105-4183
efarley-mtvb@outlook.com

Via E-Mail Only

Mr. Daryl Rodrigues
Thurston County Office of Assigned Counsel
926 24th Way SW
Olympia, WA 98502-6002
rodriged@co.thurston.wa.us

Greetings Counsel:

We appreciate your ongoing collaboration with Legislative Affairs Manager Alison Phelan and your attention to the WSBA Legislation and Court Rule Comment Policy.

On Friday, March 3, 2017, the BOG Legislative Committee (BLC) reviewed the Draft Council on Public Defense (CPD) Procedure on Legislative Issues during Legislative Sessions. While the matter was not on the agenda for action, the BLC recognizes that this procedure further strengthens our working relationship. By way of informal input, one area of opportunity may rest in Recommendation No. 2, which could be strengthened by indicating that members "...may comment in their individual capacity." This language clarifies the distinction between those speaking in their official capacity as CPD members and those commenting without the color of their official role within the organization.

The CPD further requested authorization to support the Office of Public Defense's funding request. The BLC agreed that this request for authorization satisfies the requirements of GR 12.1(c)(2) and authorized the CPD to work closely with Ms. Phelan to prepare a letter of support on its behalf. Should the matter require a hearing, we ask that you coordinate with Ms. Phelan in advance of offering any public testimony.

Please feel free to contact me directly with any questions regarding this decision.

Very truly yours,

Mario M. Cava
Chair, BOG Legislative Committee

cc: WSBA BOG Legislative Committee
Alison Phelan, WSBA Legislative Affairs Manager
Robin Haynes, WSBA President
Paula Littlewood, WSBA Executive Director

MMC/mc

Working Together to Champion Justice

1001 Fourth Avenue, 9th Floor / Seattle, WA 98101

March 13, 2017

Hon. Charles Johnson
Associate Chief Justice
Washington State Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Re: Suggested Rule Change/Civil Rule 11(b)

Dear Justice Johnson:

I am the proponent of a suggested rule change to Civil Rule 11(b) to include Limited License Legal Technicians (“LLLTs”) within its scope. I learned this morning that the LLLT Board took the position in December that this change to CR 11(b) should not be made primarily because LLLTs are required under APR 28(G)(5) to sign all documents prepared for a client, and thereby identify themselves, in all cases.

Although the above statement is true under the existing rule, the LLLT Board is currently proposing to eliminate the requirement that a LLLT sign third party declarations when he or she has assisted in their preparation. That proposal was contained in the February 2017 Report of the Limited License Legal Technician Board to the Washington Supreme Court and discussed at the March 8, 2017, meeting between Board and Court. I have attached a copy of the pertinent page of the report for your convenience. This proposal would eliminate the very protection on which the LLLT Board relies to oppose the change in the rule.

Under the rationale offered above, it seems that either a change to CR 11(b) or retention of the LLLT signature requirement for all documents is necessary. If the LLLT has no obligation to sign a third party declaration, then the court ought to be able to apply CR 11(b) regarding false or materially insufficient allegations of fact in appropriate cases to either type of licensee. In many situations, the only document filed by a self-represented party will be a declaration—for example, in responding to a motion. If the Court eliminates the requirement that a LLLT sign all documents, then a change in CR 11(b) is all the more necessary.

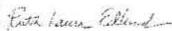
Hon. Charles Johnson - March 13, 2017
Page 2 of 2

If you have any question regarding the foregoing, please do not hesitate to contact the undersigned.

Sincerely,

WECHSLER BECKER, LLP

DN: cn=Ruth Laura Edlund,
o=Wechsler Becker, LLP, ou,
email=rle@wechslerbecker.com, c=US
Reason: GR 30 digital signature
Location: Seattle, WA
Date: 2017.03.13 09:35:02 -0700
Adobe Acrobat version: 11.0.19



Ruth Laura Edlund

Encl.

Cc: Paula Littlewood, Esq.; Stephen R. Crossland, Esq.; Jean K. McElroy, Esq.; Douglas J. Ende, Esq.; Shannon Hinchcliffe, Esq.; Robin L. Haynes, Esq.; Bill Pickett, Esq.

OUTLINE OF ENHANCEMENTS TO DOMESTIC RELATIONS SCOPE

The Limited License Legal Technician (LLLT) Board has approved the following outline of suggested amendments to the LLLT domestic relations scope of practice. The summary of the changes are as follows:

Outline of Changes to Domestic Relations Practice Area	
Subject	Recommendation
Third Party Declarations	<ul style="list-style-type: none"> • LLLTs may assist third parties with drafting declarations but do not have to sign them, as long as they are drafted with the third party and signed by the third party.
Major Modifications	<ul style="list-style-type: none"> • LLLTs may assist with contested major modifications up to the point of the adequate cause hearing.
Nonparental Custody	<ul style="list-style-type: none"> • LLLTs may assist with contested or uncontested nonparental custody to the point of the adequate cause hearing.
Retirement Assets	<ul style="list-style-type: none"> • LLLTs shall not advise or assist clients with the preparation of QDROs or supplemental orders dividing retirement assets or include language within a decree of dissolution to effectuate division of retirement assets when funds would be transferred from the account holder to another party. LLLTs may advise as to retirement asset allocation.
Real Estate Division	<ul style="list-style-type: none"> • LLLTs may assist with gathering information on the value and potential encumbrances on a home. LLLTs may assist client with determining property division and division of a single family residential dwelling which has less than twice the homestead exemption in equity (currently \$125, 000 – see RCW 6.13.030).
Alternative Dispute Resolution	<ul style="list-style-type: none"> • LLLTs may prepare paperwork related to mediation, arbitration and settlement conferences and accompany the client to the conferences providing there is a third party neutral conducting the conference.
Negotiations	<ul style="list-style-type: none"> • LLLTs may communicate with opposing parties or third parties regarding procedural issues. If communicating with a pro se opposing party, they should do so in writing. • LLLTs may negotiate on behalf of their client if they have prior written consent from the client defining the parameters of the negotiation.
Appearances in Court and Administrative Tribunals	<ul style="list-style-type: none"> • LLLTs may present agreed, uncontested and default orders on the ex parte or motion calendar and attend trial setting calendar hearings. • LLLTs may represent clients at administrative hearings if the hearing relates to an issue within the permitted scope. • LLLTs may appear and assist a pro se client with a motion hearing for the issues that are within the scope of their practice. They would be permitted to speak to factual or legal issues. Permitted hearings would include: <ul style="list-style-type: none"> ➤ Protection Orders ➤ Hearings on Motion for Temporary Orders ➤ Enforcement of Orders ➤ Modification of Child Support & Post-Secondary Child Support



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 17, 2017

Mark Fucile, Chair
WSBA Committee on Professional Ethics
Fucile & Reising LLP
800 NW 6th Avenue, Suite 211
Portland, OR 97209-3783

Re: WSBA Board of Governors request for report and recommendation from CPE

Dear Mark,

At its meeting on March 9, 2017, the WSBA Board of Governors approved the recommendation of the Advertising Workgroup to request that the Committee on Professional Ethics (CPE) draft suggested amendments to Washington's Rules of Professional Conduct (RPC). Specifically, the Board has asked the CPE to (1) evaluate, and as appropriate draft, potential amendments to Washington's Title 7 RPC in light of the Association of Professional Responsibility Lawyers Report on Lawyer Advertising, (2) include the non-CPE Advertising Workgroup members (Art Lachman and Bruce Johnson) in the evaluation and drafting process, and (3) report its recommendation to the Board of Governors. I have enclosed the written recommendation of the Advertising Workgroup, which contains additional detail about the project.

The Board looks forward to receiving the CPE's report. Please plan on submitting a status update to the Board at its September 28-29, 2017, meeting. Let me know if you have questions about the Board's request.

On behalf of WSBA and the Board of Governors, thank you for your service as CPE Chair.

Sincerely,



Paula C. Littlewood

Enclosure

cc: Jeanne Marie Clavere, WSBA Professional Responsibility Counsel



WSBA

OFFICE OF DISCIPLINARY COUNSEL

Douglas J. Ende
Chief Disciplinary Counsel

direct line: 206-733-5917
fax: 206-727-8325

March 17, 2017

Representative Bob Goodlatte, Chair
Committee on the Judiciary
The House of Representatives
2138 Rayburn House Office Building
Washington DC 20515-6216

Re: Your letter dated March 7, 2017

Dear Representative Goodlatte:

Thank you for your letter dated March 7, 2017. Your letter identifies a concern about a form of lawyer advertising, specifically, advertising directed to potential clients who may have been harmed by prescription medications. As described in your letter, according to the American Medical Association (AMA) this type of advertisement in some instances may alarm viewers and could result in a viewer's improvident decision to discontinue prescription medication without the advice of a physician. You note that the AMA encourages enactment of legislative or regulatory requirements to mandate that such advertising include warnings against discontinuation of medication without the advice of a physician.

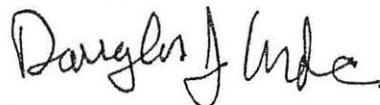
The Washington Supreme Court possesses inherent and plenary authority to regulate the practice of law in the State of Washington. The Court adopts rules for the regulation of the practice of law in Washington to ensure the integrity of the legal profession and protect the public. Among the rules adopted for this purpose are Washington's Rules of Professional Conduct, which regulate lawyer ethics and are premised in substantial part on the American Bar Association's Model Rules of Professional Conduct. Included in the rules are provisions governing the form and content of a lawyer's communications and advertising. Rule 7.1 provides that "[a] lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services." Subject to the general prohibition on false or misleading communication, Rule 7.2 authorizes advertising by lawyers in Washington and specifies information that must accompany lawyer advertisements. Washington's rules are supplemented by interpretative commentary, case law, and ethics advisory opinions.

Enforcement of the ethics rules is delegated to the Washington State Bar Association, which administers the lawyer discipline system under the supervision of the Washington Supreme Court. Allegations of ethical transgressions are reviewed by the Office of Disciplinary Counsel and may, after investigation, be recommended for an adjudicative determination of whether the evidence establishes a rule violation. The Washington Supreme Court retains final adjudicative authority to review and resolve individual cases of lawyer discipline.

We are unaware of any allegations that a Washington lawyer has aired advertisements of the type you describe in your March 7 letter. Should you, your staff, or your constituents become aware of a Washington lawyer in apparent violation of Rule 7.1, Rule 7.2, or another Washington Rule of Professional Conduct, a grievance may be filed with the Office of Disciplinary Counsel. More information about the process is available on the Washington State Bar Association website at www.wsba.org. Feel free to contact me if you have questions or require additional information.

As it happens, the Washington State Bar Association Board of Governors recently referred the lawyer advertising rules to its Committee on Professional Ethics. During this process, the Committee will evaluate Washington's existing rules and make recommendations to the Board of Governors, which may in turn submit suggested rule amendments to the Washington Supreme Court. We will ensure that your March 7 letter is made available to the Committee during this process.

Sincerely,



Douglas J. Ende
Chief Disciplinary Counsel
Director of the Office of Disciplinary Counsel

cc: The Honorable Mary E. Fairhurst, Chief Justice, Washington Supreme Court
Robin L. Haynes, President, Washington State Bar Association
Paula C. Littlewood, Executive Director, Washington State Bar Association
Mark J. Fucile, Chair, WSBA Committee on Professional Ethics

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ONE HUNDRED FIFTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

March 7, 2017

Director of the Office of Disciplinary Counsel
Washington State Bar Association
1325 Fourth Avenue, Suite 600,
Seattle, WA 98101-2539

To Whom It May Concern:

I write to you to take immediate action to enhance the veracity of attorney advertising. The American Medical Association (AMA) recently adopted a resolution supporting a legislative or regulatory "requirement that attorney commercials which may cause patients to discontinue medically necessary medications have appropriate warnings that patients should not discontinue medications without seeking the advice of their physician . . ." The AMA's resolution notes that "[t]elevision commercials that seek plaintiffs regarding new medications are rampant on late-night television," that "[o]ften potential complications are spoken about them in an alarming way," and that "[a]s a result of these ads, some patients have endangered themselves by stopping prescribed medications without speaking to a physician." The AMA resolution concludes that advertisements "are 'fearmongering' and dangerous to the public at-large because they do not present a clear picture regarding the product." Dr. Russell W.H. Kridel, M.D., member of the AMA's Board of Trustees, explained the need for such commercials to advise patients to consult with a physician before discontinuing medications by noting that:

The onslaught of attorney ads has the potential to frighten patients and place fear between them and their doctor. By emphasizing side effects while ignoring the benefits or the fact that the medication is FDA approved, these ads jeopardize patient care. For many patients, stopping prescribed medication is far more dangerous, and we need to be looking out for them.²⁸⁹

Indeed, much of this advertising is designed to frighten patients. After emphasizing the potential side effects of an FDA approved and doctor prescribed medication, one advertisement urges patients to call 1-800-BAD-DRUG²⁹⁰ -- a less than subtle suggestion that the drug in

²⁸⁹ <https://www.ama-assn.org/ama-adopts-new-policies-final-day-annual-meeting>

²⁹⁰ <https://www.ispot.tv/ad/793E/pulaski-and-middleman-xarelto-and-pradaxa-warning>

question is inherently harmful. Another commercial holds itself out to be a “medical alert,”²⁹¹ while another one states unequivocally that the FDA approved drug is “dangerous.”²⁹² One even depicts a patient being loaded into an ambulance.²⁹³ It is little wonder that patients are confused and concerned about such medications and that some have decided to discontinue taking their doctor-prescribed and often lifesaving medication. These deceptive advertisements have had deadly consequences.

A recent article published in the Heart Rhythm Journal reveals that numerous patients have ceased using their anticoagulant without consulting a physician after viewing negative legal advertisements. Based on incidents reported to the FDA Safety Information and Adverse Event Reporting System, the article summarizes these serious cases, including two deaths, as follows:

In the majority of these cases (23/31, 75%), patients experienced a stroke or a transient ischemic neurologic event; 2 patients had persistent residual paralysis. One patient, a 45 year-old man receiving rivaroxaban for treatment of a deep vein thrombosis, stopped the drug and died of a subsequent pulmonary embolism, and 1 female patient, receiving rivaroxaban for stroke prevention, stopped the drug and died of a massive stroke. All these cases were considered to be serious medical events by the health care professionals that submitted the reports.²⁹⁴

These reports are extremely alarming and bring into clear focus the rationale for the AMA’s resolution. Its recommendation is meant to ensure that legal advertising is not deceptive and that patients are not scared into discontinuing their prescribed medication. The legal profession, which prides itself on the ability to self-regulate, should consider immediately adopting common sense reforms that require all legal advertising to contain a clear and conspicuous admonition to patients not to discontinue medication without consulting their physician. It should also consider reminding patients that the drugs are approved by the FDA and that doctors prescribe these medications because of the overwhelming health benefits from these drugs. Given the cases noted above, lives depend on it.

Because of our concern about patient safety, we would appreciate your informing the Committee about the steps being taken to review this matter, including any amendments to your rules of professional conduct that have been made or are being considered.

²⁹¹ <https://www.ispot.tv/ad/Afkx/the-sentinel-group-xarelto-and-pradaxa-alert>

²⁹² <https://www.ispot.tv/ad/ANKO/guardian-legal-network-users-of-xarelto-or-pradaxa>

²⁹³ <https://www.ispot.tv/ad/AGIM/the-driscoll-firm-xarelto-and-pradaxa-linked-to-internal-bleeding>. This commercial prominently displays the Driscoll firm’s website address, settlementhelpers.com, which brings one to a page that contains numerous trusted logos including the logo of the American Bar Association, thereby implying an endorsement by the ABA.

²⁹⁴ [http://www.heartrhythmcasereports.com/article/S2214-0271\(16\)00014-2/abstract](http://www.heartrhythmcasereports.com/article/S2214-0271(16)00014-2/abstract)

Thank you for your attention to this important patient safety issue. We look forward to your response by March 21, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Goodlatte". The signature is written in a cursive, flowing style with a large initial "B".

Bob Goodlatte
Chairman



WSBA

WASHINGTON STATE BAR ASSOCIATION

Paula C. Littlewood
Executive Director

direct line: 206-239-2120
fax: 206-727-8310
e-mail: paulal@wsba.org

March 24, 2017

Shannon Kilpatrick
Chair, Court Rules and Procedures Committee
Dawson Brown PS
1000 Second Avenue, Suite 1420
Seattle, WA 98104

RE: Request by WSBA Board of Governors for Court Rules and Procedures Committee to consider amendment to Committee's proposal re Infraction for Courts of Limited Jurisdiction Rule 3.3

Dear Ms. Kilpatrick,

Thank you for submitting a suggested amendment to the Board of Governors (BOG) regarding Infraction for Courts of Limited Jurisdiction Rule (IRLJ) 3.3. The BOG considered the proposed amendment at its March 9, 2017, meeting. The BOG voted not to accept that proposed amendment as submitted, and instead to remand it to the Court Rules and Procedures Committee to consider making one change. Specifically, the BOG voted to request that the Committee consider making the following change to the Committee's suggested amendment to IRLJ 3.3(b):

(b) Representation by Lawyer. At a contested hearing, the plaintiff shall be represented by a lawyer representative of the prosecuting authority when prescribed by local court rule. The defendant may be represented by a lawyer. If the defendant is represented by a lawyer, and the lawyer has filed a notice of appearance, including a waiver of the defendant's presence, the defendant need not personally appear at the contested hearing unless the defendant's presence is otherwise required by statute or these the court rules.

The BOG is making this request because it believes that the use of the word "these" may be too limiting. Specific infraction rules vary widely by county. The substitution of "the" for "these" allows for the possibility that a local rule may require the defendant's presence in certain situations.

The following shows how the Committee's suggested amendment would read if the Committee agrees with this suggestion:

(b) Representation by Lawyer. At a contested hearing, the plaintiff shall be represented by a lawyer representative of the prosecuting authority when prescribed by local court rule. The defendant may be represented by a lawyer. If the defendant is represented by a lawyer, and the lawyer has filed a notice of appearance, including a waiver of the defendant's presence, the defendant need not personally appear at the contested hearing unless the defendant's presence is otherwise required by statute or the court rules.

Once the Committee has considered the BOG's input, we request that you submit the proposed amendment back to the BOG for a final vote.

Sincerely,

A handwritten signature in black ink, appearing to read "Paula C. Littlewood". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Paula C. Littlewood

cc: Robin Haynes, WSBA President
Brad Furlong, WSBA President-Elect
Kevin Bank, Staff Liaison, WSBA Court Rules and Procedures Committee



WSBA

OFFICE OF THE EXECUTIVE DIRECTOR

Paula C. Littlewood
Executive Director

direct line: 206-239-2120
fax: 206-727-8310
e-mail: paulal@wsba.org

March 24, 2017

Hon. Mary E. Fairhurst
Chief Justice
Washington Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Hon. Charles W. Johnson
Associate Chief Justice
Washington Supreme Court
Temple of Justice
Post Office Box 40929
Olympia, WA 98504-0929

RE: Suggested Amendments to the RPC 1.6, 7.3, 8.4(g), (h)

Dear Chief Justice Fairhurst and Justice Johnson,

Attached are GR 9 Cover Sheets for suggested amendments to the lawyer Rules of Professional Conduct 1.6, 7.3, and 8.4(g), (h). The amendments to RPC 1.6 and 7.3 are technical corrections that were overlooked in the amendments sent to the Court last year and which the Court adopted on June 2, 2016, in response to the ABA Ethics 20/20 revisions to the Model Rules.

The suggested amendments to RPC 8.4(g) and (h) adds veterans and members of the military to the provisions against discrimination and prejudice of certain categories, which currently includes sex, race, age, creed, religion, color, national origin, disability, sexual orientation or marital status. The amendments would conform the RPC to the Washington Law Against Discrimination, RCW 49.60, that was amended in 2007 for veterans and military members.

If the Court has further questions regarding the suggested amendments, please contact Jeanne Marie Clavere, Staff Liaison and Professional Responsibility Counsel at (206) 727-8298, or Mark Fucile, Chair of the Committee on Professional Ethics, (503) 224-4895.

Sincerely,

Paula C. Littlewood

Enclosures:

GR 9 Cover Sheet with Suggested Amendments to 1.6 and 7.3
GR Cover Sheet with Suggested Amendments to RPC 8.4(g), (h)

cc (w/o enclosures):

Robin L. Haynes, President, WSBA
Mark Fucile, Chair, WSBA Committee on Professional Ethics
Jeanne Marie Clavere, WSBA Professional Responsibility Counsel/Staff Liaison
Shannon Hinchcliffe, Administrative Office of the Courts

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

April 3, 2017

Mr. Stephen Crossland
Chair, Limited License Legal Technician Board
c/o Crossland Law Offices
P.O. Box 566
Cashmere, WA 98815-0566

Re: Limited License Legal Technician Board Annual Meeting with Supreme Court

Dear Steve:

At the Supreme Court's annual meeting with the Limited License Legal Technician (LLLT) Board, you asked the justices for direction regarding two recommendations: 1) adding enhancements to the family law area and 2) adopting a new practice area of elder care and health law. The justices had the opportunity to discuss your requests at the March 29, 2017 administrative en banc conference.

A majority of the court voted yes to expanding the family law area. A majority of the court voted no to having the new practice area be elder care and health law; however, a majority of the court would like the LLLT Board to explore other areas.

In addition to relaying to you the results of our discussions, I was asked to make the following inquiries. When choosing and recommending a new area, does the Board consider its financial attractiveness to the LLLT or unmet legal needs? If there are no additional subject matter areas, can the program continue?

Thank you for all the hard work that you and the LLLT Board members do on our behalf. I look forward to further discussions.

Very truly yours,

A handwritten signature in cursive script that reads "Mary Fairhurst".

MARY E. FAIRHURST
Chief Justice

cc: Justices
Paula Littlewood, Executive Dir., WSBA



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON
1125 Washington Street SE • PO Box 40100 • Olympia, WA 98504-0100

April 17, 2017

Alison Phelan
Washington State Bar Association
Legal Assistance to Military Personnel Section
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

Dear Ms. ~~Phelan~~: *Alison*

Thank you for your support of HB 1055 and SB 5021.

As a result of your help, I will be able to establish an Office of Military and Veteran Legal Assistance to promote and facilitate pro bono legal assistance programs to serve Washington's military and veteran populations.

I look forward to continuing to work with you to assist veterans and servicemembers in Washington State.

Sincerely,

BOB FERGUSON
Attorney General

RWF/jlg





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

April 28, 2017

SENT VIA ELECTRONIC MAIL AT supreme@courts.wa.gov

The Honorable Susan L. Carlson
Clerk of the Washington Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Re: WSBA Council on Public Defense Comment on Proposed GR 36 – Jury Selection

Dear Clerk Carlson,

I am writing to share that the Washington State Bar Association's Council on Public Defense supports the proposed GR 36 on Jury Selection as published for comment by the Washington Supreme Court. The Council is in favor of the Court adopting the rule. This position has been approved through the WSBA's legislative and court rule comment policy and the position is solely that of the Council on Public Defense.

The WSBA Council on Public Defense unites members of the public and private defense bar, the bench, elected officials, prosecutors, and the public to address new and recurring issues impacting the public defense system and the public that depends upon it.

The Council appreciates the Court's consideration of this comment.

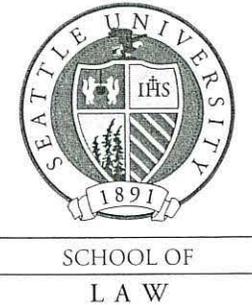
Sincerely,

Paula C. Littlewood

cc: President Robin Haynes, WSBA Board of Governors
Eileen Farley, Chair, Council on Public Defense

May 1, 2017

Paula Littlewood, Executive Director
Washington State Bar Association
1325 4th Ave Ste 600
Seattle, WA 98101-2539



Dear Paula,

Thank you so much for the gift of \$53,880.50 from the Washington State Bar Association to Seattle University School of Law in support of the WSBA Moderate Means Program and continued membership in the Seattle University School of Law Dean's Club. Gifts to this wonderful law school from alumni and friends like you are extraordinarily valuable. We are particularly grateful to you and the Washington State Bar Association for being such long-time supporters of our law school and for demonstrating your confidence in us through your support.

Today's legal education landscape is a challenging one. Law schools nationwide are working to maintain quality programs in the face of shrinking enrollments, increasing costs, and uncertain employment prospects for graduates. As difficult as these challenges are, I am confident we can meet them here at Seattle University with hard work, determination, and confidence. In the process, and with investors in our future like you, we are rededicating ourselves to the very principles that have informed our brand of legal education from the beginning:

- A program of study that strives to educate power advocates for social justice and to create leaders who make a difference for their clients and communities;
- A student body characterized by its remarkable diversity—in age, ethnic origin, socio-economic status, gender, geographic reach, political persuasion, career aspirations, and more;
- A first-rate faculty dedicated to teaching and scholarship but, above all, to their students; and
- A laser-like focus on excellence, high standards, and high expectations of our students and ourselves.

On behalf of the students, faculty, and staff of Seattle University School of Law, it is my privilege to acknowledge your generous support of our program. With deep appreciation, I send.

Warm regards,

Annette E. Clark '89
Dean and Professor of Law

*We're proud to partner
with WSBA on the
Moderate Means Program.
Thank you!*

OFFICE OF THE DEAN

April 10, 2017

Honorable Patty Murray
Honorable Maria Cantwell
Honorable Suzan DelBene
Honorable Rick Larsen
Honorable Jaime Herrera Beutler
Honorable Dan Newhouse
Honorable Cathy McMorris Rodgers
Honorable Derek Kilmer
Honorable Pramila Jayapal
Honorable Dave Reichert
Honorable Adam Smith
Honorable Denny Heck

SENT VIA EMAIL

United States Capitol
East Capitol St NE & First St SE
Washington, DC 20004

Re: Legal Services Corporation

Dear Members of the Washington State Congressional Delegation:

Our organizations serve legal professionals and the legal community in Washington State, and we write to urge you to support the preservation of the Legal Services Corporation (LSC) and provide funding at a level of \$450 million for FY 2018, which would be consistent with the appropriation received in FY2010, adjusted for inflation. As the cornerstone of equal justice in America, LSC creates a level playing field for millions of low-income families who cannot afford a lawyer. By upholding the fundamental American promise of liberty and justice for all, the minimal investment in LSC generates a significant positive return for business and for the health of individuals and communities across the nation.

Since the 1960s, every Presidential administration has included federal legal services funding in its budget, provided to the states initially through the Office of Economic Opportunity and, since 1974, through its successor the Legal Services Corporation. LSC currently distributes \$385 million a year to local and regional programs in all fifty states – an average of just \$7.7 million per state. The Northwest Justice Project in Washington received \$6.5 million this year to support the delivery of legal services to people who cannot afford a lawyer. These modest resources pay for lawyers and support staff to protect tenants from eviction, spouses from abusers, recipients of government benefits from losing funds on which they depend for subsistence, consumers from

predators, the elderly from victimizers, veterans from loss of needed support, and other people below the federal poverty line from denials of similar essentials of life. While some Congresses have been less generous than others in the funding of LSC, these cuts have been temporary, and no Congress or President has ever defunded the Legal Services Corporation in its entirety, or anything even close. Particularly over the last 20 years, the recognition of LSC's value has generally transcended party politics, and has been enduring.

The Administration's recently circulated proposed budget would draw a thick black line through 50 years of history and eliminate the Legal Services Corporation altogether. This is unacceptable and cannot happen. We strongly urge you to work with your colleagues in both houses to prevent the elimination of LSC and fund the program at a level of at least \$450 million for FY 2018.

As lawyers and leaders in our state, we understand how LSC's national framework provides the basic structure that supports the provision of civil legal services. It also supports the countless hours of pro bono representation provided by private attorneys, corporate legal departments, and in-house attorneys. Without the structure and dedicated resources of LSC, many of these volunteer hours would not be possible. Pro bono assistance is an essential part of the representation that is available to people who would otherwise go unrepresented and is increasingly recognized as good for business.

Civil legal issues can have devastating, life altering consequences for people who are forced to face the justice system alone. Legal aid programs provide access to vital resources that anyone can use to navigate the civil justice system. LSC grantees serve almost two million Americans facing critical legal needs every year. These programs serve, among others:

- active duty military personnel, as well as veterans returning from wars;
- domestic violence victims;
- elderly individuals;
- families who are in danger of losing their homes;
- victims of natural disasters;
- families involved in child custody disputes; and
- small business owners.

Federal support for legal aid forms the foundation of our nation's civil justice infrastructure. LSC funds grantees covering every county in America, and its grantees are often the only legal aid program for many in our country's most rural areas. Without this targeted approach, effective access to our civil justice system would likely be mainly available only in urban and suburban parts of the United States.

While we understand that within this fiscal environment difficult decisions about spending must be made, we believe that access to justice is not an expendable luxury but an indispensable manifestation of our country's most fundamental values. Just as investing in America's roads and bridges are vital to our transportation infrastructure, LSC is a vital part of the infrastructure that

undergirds our justice system, ensuring that fair treatment is not dependent on a person's ability to pay for it.

Our organizations stand firm in our longtime commitment to support adequate funding for civil legal aid and oppose any cuts to LSC funding. Defunding LSC would have a catastrophic effect on our nation's families, communities, and courts. It is not only wrong financially – studies from around the country show that legal aid delivers more in benefits than it costs – but it is also wrong for a compassionate society.

We hope that we can count on your support in preserving and maintaining funding for LSC.

Sincerely,

Robin L. Haynes
President
Washington State Bar Association

Christie Hedman
Executive Director
Washington Defender Association

Kathleen Taylor
Executive Director
**American Civil Liberties Union
Washington**

Andrew Prazuch
Executive Director
King County Bar Association

Liz Berry
Executive Director
Washington State Association for Justice

Teresa Mathis
Executive Director
**Washington Association of Criminal
Defense Lawyers**

Maggie S. Sweeney
Executive Director
Washington Defense Trial Lawyers

**Summary of WSBA Outreach Visits
March 1, 2017 to May 5, 2017**

1.	4/18/17; 4/19/17	Spokane County Bar Association (Spokane)	Legal Community Outreach Specialist Sanjay Walvekar visited Spokane to meet with Governor Angela Hayes and Immediate Past President Bill Hyslop, and to attend the Spokane County Bar Association Board of Trustees meeting.
2.	4/26/17	Pierce County Department of Assigned Counsel (Tacoma)	Disciplinary Counsel Kathy Jo Blake spoke on the structure of bar complaints and legal ethics.
3.	4/28/17	Skagit County Bar Association (Mt. Vernon)	Legal Community Outreach Specialist Sanjay Walvekar and President-Elect Brad Furlong attended the Skagit County Bar Association's Law Day and Liberty Bell Luncheon.



Jennifer Olegario
Communications Manager

206-727-8212
jennifero@wsba.org

Summary of Media Contacts

Mar. 1-Apr. 30, 2017

1.	4/3/17	Levi Pulkkinen, <i>SeattlePI</i>	Requested stipulated order of disbarment and related statement of charges for Chris Crews.
2.	4/11/17	Natasha Chen, KIRO7-TV	Looking for lawyer knowledgeable in travel law and passenger bill of rights.
3.	4/11/17	Tony Buhr, <i>Daily Record</i> (Kittitas County)	Looking for information about average salary of defense attorneys.
4.	4/12/17	Josh Kelety, <i>Seattle Weekly</i>	For a profile piece, sought information about Lincoln Beauregard's involvement in the region. Referred reporter to Tacoma-Pierce County Bar.
5.	4/18/17	Jessica Prokop, <i>The Columbian</i> (Vancouver, WA)	Asked about differences between disbarment and Resigned in Lieu of Discipline.
6.	4/19/17	Steve Miletich, <i>Seattle Times</i>	Inquired about public record and any complaint actions against Lincoln Beauregard.
7.	4/24/17	Heidi Groover, <i>The Stranger</i>	Inquired about rules for using criminal history in civil cases, rules for using criminal records in defense
8.	4/25/17	Andy Binion, <i>Kitsap Sun</i>	Inquired about disciplinary status of Denis Goss.
9.	4/27/17	Nina Shapiro, <i>Seattle Times</i>	Inquired about Dreamers or undocumented residents who want to practice law. We did not participate in the request.



WSBA

OFFICE OF THE GENERAL COUNSEL

Kevin Bank
Assistant General Counsel

direct line: 206-733-5909
fax: 206-727-8314
e-mail: kevinb@wsba.org

To: The President, President-elect, Immediate Past-President, and Board of Governors
From: Kevin Bank, Assistant General Counsel
Date: February 22, 2017
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
CrRLJ 2.1	Remove provisions allowing for citizen complaints	Approved for submission to the Court at BOG's September 2014 meeting.	10/23/14: No Court action yet; the proposed rule change was submitted to the Court by WSBA via letter dated 10/02/14. 11/6/14: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2015.

SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA TO SUPREME COURT

RULE	SUBJECT	BOG ACTION	COURT ACTION
			<i>05/18/2015: The Court rejected the rule.</i>
Proposed Amendments to Lawyer Rules of Professional Conduct –various suggested by LLLT Board	Proposed Amendments to Rules of Professional Conduct RPC 1.0B – Terms, and New Comments to RPC 1.5, RPC 1.8 – Conflict of Interest, RPC 1.10 – Imputation of Conflicts of Interest: General Rule, RPC 1.15A(h)(9) – Safeguarding Property, RPC 1.17 – Sale of Law Practice, Title 3 – Advocate, Title 4 – Transactions with Persons Other Than Clients, RPC 5.8 – Misconduct Involving Disbarred, Suspended, Resigned, and Inactive Lawyers, New RPC 5.9 and 5.10 – Lawyers Associated in a Law Firm with LLLTs, Title 7 – Information about Legal Services and Title 8 – Maintaining the Integrity of the Profession.	11/14/2014: Approved submission to Court.	3/24/2015: Court adopted rules effective 4/14/2015. Court also ordered WSBA to solicit and gather feedback on these rules and provide it to the court by 1/14/2016.
APR 28 Regulation 4	Proposed amendments to APR 28 Regulation 4 – Limited Practice Rule for Limited License Legal Technicians –Limited Time Waivers.	7/2016: Submitted as information only.	11/2/16: The Court adopted the rule.
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	Proposed amendments to ELC 2.5 – Hearing Officers, ELC 2.7 – Conflicts Review Officer, ELC 3.3 – Application to Stipulations, Disability Proceedings, Custodianships, and	7/22/16: Approved submission to Court.	12/7/16: The Court published for comment. Comment period ends 4/30/17.

SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA TO SUPREME COURT

RULE	SUBJECT	BOG ACTION	COURT ACTION
	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.		
GR 12.1, GR 12.2, GR 12.3, GR 12.4, GR 15.5	Proposed amendments to GR 12.1 – Regulatory Objectives, GR 12.2 – WSBA Purposes, Authorized Activities, and Prohibited Activities, GR 12.3 – WSBA Administration of Supreme Court-Created Board and Committees, GR 12.4 – WSBA Access to Records, and GR 12.5 – Immunity.	9/29/16: Approved submission to Court.	12/7/16: The Court published for comment. Comment period ends 4/30/17.
APR 1-9; APR 11-17; APR 19; APR 20.1; APR 21; APR 22.1-22.2; APR 23; APR 23.1-23.2; APR 23.4-23.5; APR 24.1-24.3; APR	In the Matter of Proposed Amendments to the APR (related to Coordinated Systems for WSBA Administered Licenses to Practice Law)	9/29/16: Approved submission to Court.	12/7/16: The Court published for comment. Comment period ends 4/30/17.

SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA TO SUPREME COURT

RULE	SUBJECT	BOG ACTION	COURT ACTION
25.1-25.6; APR 26-28; APR Regulations 28; APR 28 Appendix.			
<i>ELPOC 15.5</i>	<i>Proposed amendments to ELPOC 15-5 – Declaration, Disciplinary Regulations Applicable to ELPOC Title 15</i>	<i>11/2016: Approved submission to Court.</i>	<i>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.</i>
<i>RPC 1.0A, RPC 1.10, RPC 1.11</i>	<i>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.</i>	<i>3/19/15: Approved submission to Court.</i>	<i>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.</i>

SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS

JISCR 13	Judicial Information System Committee (JISC) proposed amendments to this rule to define “electronic court record system,” to clarify that JISC approval is required for all electronic court record systems, to provide for increased notice of proposed systems, and to require courts with alternative electronic court record systems to comply with the JIS Data Standards for Alternative Electronic Court Record Systems.	12/3/14: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than 30 days from the date of publication (Jan. 23, 2015).
CrR 8.10 and CrRLJ 8.13	Amendments to Post Trial Contact with Jurors Rules suggested by Washington Association of Criminal Defense Lawyers.	4/2/2015: Court published for Comment. Comment period ends 4/30/2016. 3/16/16: The Court amended the previous Order and extended the comment period to 5/31/16.
APR 11	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.
CrRLJ 3.2	The District and Municipal Court Judges’ Association recommended the suggested amendments to CrRLJ 3.2 – Release of Accused.	12/2/15: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2016. 2/9/17: The Court adopted the rule.
GR 28	Judge Joh Antosz recommended the proposed amendment to GR 28 – Jury Service Postponement, Excusal, and Disqualification.	3/30/16: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than June 30, 2016.
New Rule GR 36	The Trial Court Advisory Board recommended the proposed amendment to New Rule GR 36 –	3/30/16: The Court entered an order to publish the proposed amendments for

SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS

	Trial Court Security.	comment, with comments to be submitted no later than June 30, 2016. 3/29/17: The Court adopted the rule.
RAP 9.2(b)	The Office of Public Defense recommended the proposed amendment to RAP 9.2(b) – Verbatim Report of Proceedings.	4/12/16: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than June 30, 2016. 11/2/16: The Court adopted the rule.
RAP 14.2	The Appellate Cost Workgroup recommended the proposed amendments to RAP 14.2 – Who is Entitled to Costs.	6/2/16: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than August 20, 2016. 1/4/17: The Court adopted the rule.
CR 28(d), CR 28(e), CR 30(b)(1), and CR 80(d)	The Washington Court Reporters Association recommended the proposed amendments to CR 28(d), and new subsection (e) – Persons before whom Depositions may be taken, CR 30(b)(1) – Depositions Upon Oral Examination, and CR 80(d) – Court Reporters.	6/2/16: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than August 20, 2016. 11/2/16: The Court adopted CR 28(e).
CrR 3.4, CrRLJ 3.4	The SB 5177 Court Video Testimony Work Group recommended the proposed amendments to CrR 3.4 – Presence of the Defendant, and – CrRLJ 3.4 – Presence of the Defendant.	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.
New Rule GR 36	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.

SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS

GR 17, GR 30	The Court Management Council recommended the proposed amendments to GR 17 – Facsimile Transmission, and GR 30 – Electronic Filing and Service.	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.
RAP Form 12A	The Supreme Court Clerk’s Office recommended the proposed amendments to RAP Form 12A – Findings of Indigency.	12/7/16: The Court adopted the rule.
IRLJ 3.5	The District and Municipal Court Judges’ Association recommended the proposed amendments to IRLJ 3.2 – Decision on Written Statement (Local Option).	12/7/16: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2017.
CR 23	The Legal Foundation of Washington recommended the proposed amendments to CR 23 – Class Actions.	12/7/16: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2017.
RAP 15.2(c)	Judge Stan Rumbaugh recommended the proposed amendments to RAP 15.2(c).	12/7/16: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2017.
RAP 9.2	The Appellate Costs Workgroup recommended the proposed amendments to RAP 9.2 – Verbatim of Proceedings.	1/4/17: The Court adopted the rule.
RAP 9.6	The Appellate Costs Workgroup recommended the proposed amendments to RAP 9.6 – Designation of Clerk’s Papers and Exhibits.	1/4/17: The Court adopted the rule.
RAP 15.2	The Appellate Costs Workgroup recommended the proposed amendments to RAP 15.2 – Determination of Indigency and Rights of Indigent Party.	1/4/17: The Court adopted the rule.
RAP Form 13	The Supreme Court recommended the proposed amendments to RAP Form 13.	1/4/17: The Court adopted the rule.

SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS

CrR 3.2	The Supreme Court recommended the proposed amendments to CrR 3.2 – Release of Accused.	2/9/17: The Court adopted the rule.
RAP 10.4(a)(1)	<i>The Washington Association of Criminal Defense Lawyers recommended the proposed amendments to RAP 10.4(a)(1) – Preparation and Filing of Brief by Party.</i>	3/29/17: <i>The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than July 28, 2017.</i>
CR 11(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: <i>The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than July 28, 2017.</i>
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.	<i>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 Guardianship Orders, RAP Form 12 – Order of Indigency, and RAP Form 15A – Notice of Filing Verbatim Report of Proceedings (RAP 9.5).</i>	3/29/17: <i>The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than July 28, 2017.</i>

SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS

GR 10	<i>The State Court Administrator recommended the proposed amendments to GR 10 – Ethics Advisory Committee Regarding Advisory Opinions on Judicial Conduct.</i>	<i>3/29/17: The Court adopted the rule.</i>
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WSBA

BOARD OF GOVERNORS

Ann Danieli, *Governor, Seventh North District*
WASHINGTON STATE BAR ASSOCIATION
3518 Fremont Avenue North, 299
Seattle, WA 98103
(206) 919-3667

ACTIVITY REPORT FEBRUARY 2017-MAY 2017

LIAISON DUTIES:

February 24, 2017	Council on Public Defense WSBA 12-2:30
April 21, 2017 21, 2017	Council on Public Defense 12-2:30 by phone
May 26, 2017	Council on Public Defense WSBA 12-2:30

WSBA and BOG COMMITTEE MEETINGS:

February 10, 2017	BOG Legislative Committee 9-10 by phone
February 14, 2017	BOG Recruitment Meeting by phone 9-10
February 15, 2017	Conference Limited License Legal Technician (LLLT) by webcast 3:30-5:00
February 16, 2017	WSBA Executive Committee 9-12 WSBA
February 16, 2017	Nominations Committee 9:30-9:45 by phone from WSBA
February 16, 2017	Budget & Audit Committee 1-3 WSBA
February 24, 2017	BOG Legislative Committee WSBA 2:30-3:30
February 28, 2017	WSBA Executive Committee by phone 12:00-1:30
March 1, 2017	BOG Candidate Forum WSBA 5:30-7:30
March 2, 2017	Personnel Committee 9-11am WSBA
March 6, 2017	WSBA Executive Committee WSBA 11:00-12:00
March 8, 2017	BOG-Staff Dinner Olympia 6:30-9:30 Red Lion Olympia
March 9, 2017	BOG Meeting Olympia 8-5
March 9, 2017	Local Bar Lunch Olympia 12-1:30pm

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March 9, 2017	BOG Dinner with Supreme Court Olympia 6-9pm
March 9, 2017	BOG Dessert at Justice Fairhurst's Home 9-11pm
March 10, 2017	BOG Meeting with Supreme Court 9-12pm
March 22, 2017	Nominations Committee 10:30-11:00am
April 13, 2017	Personnel Committee 9-11 WSBA
April 13, 2017	Awards Committee 11-12 WSBA
April 13, 2017	Budget & Audit Committee 1-4 WSBA
April 24, 2017	Executive Committee 9-11 by phone
April 28, 2017	Executive Committee by phone 2-3pm
May 17, 2017	BOG Staff Dinner 6:30 mayflower Seattle
May 18, 2017	Eastside Legal Assistance Program (ELAP) Breakfast 7:30-8:30
May 18, 2017	BOG Meeting Seattle 9:30-5pm
May 19, 2017	BOG Meeting Seattle 8-3pm

SPECIALTY, COUNTY AND MINORITY BARS OUTREACH:

February 10, 2017	Latino/a Bar Association Dinner Westin 5:30-9:30
February 23, 2017	Korean Bar Association Hilton 5:30-9:30
March 30, 2017	KCBA Breakfast with Champions 7:30-9:00 Sheraton Seattle
April 27, 2017	QLaw Annual Banquet Sheraton Seattle 5:30-9:30
May 4, 2017	Washington State Association for Justice (WSAJ) Law Day Celebration
May 5, 2017	Northwest Immigrant Rights Project (NWIRP) Annual Gala 6-10pm
May 19, 2017	Loren Miller 24th Annual Awards Dinner Seattle Sheraton

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WSBA
BOARD OF GOVERNORS

Bradford E. Furlong
President-elect

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e-mail: brad.wsba@furlongbutler.com

ACTIVITY REPORT
02/21/17 – 05/02/17

LIAISON DUTIES:

02/24/17	BOG Legislative Committee
03/03/17	BOG Legislative Committee
03/08/17	Lunch with Superior Court Judges Olympia
03/08/17	Meeting with Nick Brown, Governor's General Counsel
03/08/17	Meeting with Governor Jay Inslee
03/22/17	BOG Nominations Committee
03/27/17	BOG Legislative Committee
04/07/17	BOG Legislative Committee
04/21/17	BOG Legislative Committee

WSBA and BOG COMMITTEE MEETINGS:

02/24/17	BOG Legislative Committee
03/02/17	Personnel Committee Meeting
03/03/17	BOG Legislative Committee
03/06/17	Executive Committee Meeting
03/08/17 – 03/09/17	BOG Meeting Olympia
03/10-17	Meet with Supreme Court
03/14/17 – 03/18/17	ABA Bar Leadership Institute Conference – Chicago IL

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825 Cleveland Avenue / Mount Vernon, WA 98273 / fax: 360.336.3318

03/20/17	Meet with Executive Director to plan July Retreat
03/20/17	Meet with WSBA staff to plan Diversity and Inclusion activities
03/22/17	BOG Nominations Committee
03/24/17	BOG Legislative Committee
04/07/17	BOG Legislative Committee
04/13/17	BOG Personnel Committee
04/13/17	BOG Budget & Audit Committee
04/21/17	BOG Legislative Committee
04/24/17	BOG Executive Committee
04/28/17	BOG Executive Committee

SPECIALTY, COUNTY AND MINORITY BARS OUTREACH:

03/06/17	Skagit County Bar Association Meeting
03/08/17	Thurston County Bar Association & Government Lawyers Bar Association Meeting
04/03/17	Skagit County Bar Association Meeting
04/27/17	WSBA QLAW Annual Banquet
04/28/17	Skagit County Bar Association Law Day lunch—Present Liberty Bell Award

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WSBA

BOARD OF GOVERNORS

Christina A. Meserve
Governor, Tenth District

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ACTIVITY REPORT March 04, 2017 thru April 08, 2017

LIAISON DUTIES:

Date **Event**

4/8/17	Low Bono Section Executive Committee Meeting (by phone)
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WSBA and BOG COMMITTEE MEETINGS:

Date **Event**

3/4/17	BOG Legislative Committee (by phone)
3/9/17-3/10/17	BOG Meeting
3/17/17	BOG Legislative Committee (by phone)
3/24/17	BOG Legislative Committee (by phone)
4/7/17	BOG Legislative Committee (by phone)
4/13/17	BOG Nomination Committee (by phone)

SPECIALTY, COUNTY AND MINORITY BARS OUTREACH:

Date **Event**

3/8/17	Meeting with Local Judges and Bar Leaders
3/14/17	Thurston County Bar Association Family Law Section Meeting
3/23/17	Washington State Bar Association Outreach Event
4/11/17	Thurston County Bar Association Family Law Section Meeting
4/12/17	Washington Women Lawyers Meeting (by phone)

Working Together to Champion Justice

201 Fifth Avenue SW, Suite 301 / Olympia, WA 98501 / fax: 360.943.9651



WSBA
BOARD OF GOVERNORS

James K. Doane
Governor, District 7-South

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ACTIVITY REPORT
James K. Doane, District 7-South
March 2, 2017-April 21, 2017

March 2, 2017	WSBA Personnel Committee
March 22, 2017	Board of Governors Nomination Committee
March 29- April 1, 2017	Western States Bar Conference
April 7, 2017	Mandatory Continuing Legal Education Committee
April 13, 2017	Personnel Committee Meeting
April 13, 2017	WSBA Budget and Audit Committee meeting
April 21, 2017	Panelist at University of Washington School of Law, Entrepreneurial Law Clinic



WSBA
BOARD OF GOVERNORS

Keith M. Black
Governor, Sixth District

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ACTIVITY REPORT
March 8, 2017 – May 19, 2017

WSBA AND BOG COMMITTEE MEETINGS:

March 8-10, 2017	Attended all Regular Sessions and Functions of BOG March Meetings in Olympia, WA
March 17, 24, 31, April 7, and Others if Scheduled	BOG Weekly Legislative Committee Meeting Conference Calls
April 13, 2017	Attended BOG Personnel Committee Meeting in Seattle
April 13, 2017	Chaired BOG Awards Committee Meeting in Seattle
April 24, 2017	Chaired BOG Awards Committee Meeting in Seattle
May 17, 2017	Attended BOG Personnel Committee Meeting in Seattle
May 18-20, 2017	Will attend all Regular Meetings and Functions of BOG May Meeting in Seattle

SPECIALTY, COUNTY AND MINORITY BARS OUTREACH:

March 8, 2017 – April 17, 2017	Exchanged Calls and Correspondence with 6th District Members regarding BOG activities and BOG Election Process concerning Selection of New Governors
May 16, 2017	Will attend Tacoma Pierce County Board of Trustees Meeting in Tacoma



WSBA
BOARD OF GOVERNORS

G. Kim Risenmay
Governor, First District

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ACTIVITY REPORT
January 1, 2017 – April 30, 2017

LIAISON DUTIES:

1/6/2017	Attend Access to Justice Board Meeting
1/13/2017	Attend DART Meeting with Justice Wiggins
1/20/2017	Attend Tax Section's Executive Council Meeting
1/26/2017	Conference with Chair of Real Property, Probate and Trust (RPPT) Section
2/10/2017	Attend Real Property Probate and Trust (RPPT) Section's quarterly Executive Council Meeting
3/17/2017	Attend Tax Section's Executive Council meeting
4/13/2017	Attend the Judicial Recommendation Committee's training and judicial candidate interviews
4/14/2017	Attend Access to Justice (ATJ) Board meeting and present report on recent Board of Governors activities
4/14/2017	Attend Real Property Probate and Trust (RPPT) Section's quarterly Executive Council Meeting

WSBA and BOG COMMITTEE MEETINGS:

1/5/2017	Attend BOG Executive Committee Meeting
1/5/2017	Attend Budget and Audit Committee Meeting
1/9/2017	Prepare report for Budget and Audit Committee on investment strategy for WSBA reserve funds

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1/25/2017	Travel to Spokane, WA for Board of Governors meeting
1/26/2017	Participate in Board of Governors Meeting in Spokane
1/27/2017	Participate in 2nd day of Board of Governors Meeting in Spokane; return travel to home
2/8/2017	Prepare and publish report to District 1 WSBA members re the results of the January 2017 Board of Governors Meeting in Spokane
2/14/2017	Attend Limited Practice Board Meeting
2/16/2017	Attend BOG Executive Committee Meeting
2/16/2017	Attend BOG Investment Subcommittee Meeting
2/16/2017	Attend BOG Budget and Audit Committee Meeting
2/17/2017	Attend Access to Justice (ATJ) Board Meeting
3/2/2017	Participate in first WSBA Webcast re The Death Penalty in Washington State
3/2/2017	Conference with Governor Bill Pickett to prepare the BOG Governance Discussion for the next Board of Governors Meeting
3/8/2017	Participate in second WSBA Webcast re The Death Penalty in Washington State
3/8/2017	Travel to Olympia to attend the March Board of Governors Meeting
3/9/2017	Attend Board of Governors Meeting in Olympia
3/9/2017	Attend Board of Governors dinner and reception for the Washington Supreme Court justices
3/10/2017	Attend the Board of Governors annual meeting with the Washington Supreme Court to discussion issues affecting WSBA and the administration of justice in Washington; return travel from Olympia to home
3/23/2017	Travel to Lahaina, HI to make a presentation to the Western States Bar Conference on the pros and cons of mandatory malpractice insurance for lawyers
3/30/2017	Attend Western States Bar Conference and make my presentation on the pros and cons of mandatory malpractice insurance for lawyers
3/31/2017	Attend second day of Western States Bar Conference

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4/1/2017	Attend third day of Western States Bar Conference
4/2/2017	Return travel to Seattle from Western States Bar Conference
4/13/2017	Attend the BOG Awards Committee Meeting
4/13/2017	Attend BOG Budget and Audit Committee Meeting
4/24/2017	Attend WSBA Awards Committee Meeting
4/24/2017	Attend BOG Executive Committee Meeting

SPECIALTY, COUNTY AND MINORITY BARS OUTREACH:

4/16/2017	Conference with Linda Tran re BOG liaison and WSBA assistance to the Vietnamese American Bar Association
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WSBA

To: Board of Governors
From: Executive Management Team
Re: Q2 FY 2017 Management Report
Date: April 27, 2017

Attached are annotated FY2017 Operational Priorities, which score the organization's progress through Q2 in achieving FY2017 priorities that are linked to WSBA's Mission Focus area and Strategic Goals.

Also attached is the Organizational Context Chart, which provides background information about the WSBA from FY2004-FY2016, including data and trends related to Members, Regulatory Functions, Engagement & Outreach, Member Benefits & Professional Development, Operations, and Milestones.

MISSION FOCUS AREAS:
ENSURING COMPETENT AND QUALIFIED LEGAL PROFESSIONALS | PROMOTING THE ROLE OF LEGAL PROFESSIONALS IN SOCIETY

	STRATEGIC GOAL*			REPORTING QUARTER					
	1	2	3	1	2	3	4		
Regulation & Licensing									
<ul style="list-style-type: none"> Plan for and begin implementation of coordinated admission and licensing systems for legal professionals 			X				X	X	<p>Q1: Work has been ongoing since BOG approval of Bylaw changes and submission of suggested APR amendments to the Court; we are in the process of revising forms and conforming and consolidating processes.</p> <p>Q2: Not reported in Q2.</p>
<ul style="list-style-type: none"> Research Online Admissions Program systems and identify viable options to be considered for adoption and use for all admission and readmission processes 	X		X					X	<p>Q1: Not reported in Q1.</p> <p>Q2: Conducted due diligence on software options.</p>
<ul style="list-style-type: none"> Develop coordinated discipline system proposal 			X				X	X	<p>Q1: Work has begun through internal meetings of staff involved in all aspects of discipline system to discuss and identify specific areas needing coordination and develop ideas for achieving coordination.</p> <p>Q2: Not reported in Q2.</p>
Member Benefits & Professional Development									
<ul style="list-style-type: none"> Determine the appropriate mechanisms and tools for measuring and communicating ROI on WSBA programs and services 	X							X	<p>Q1: Not reported in Q1.</p> <p>Q2: An inter-departmental team is being formed to: (1) assess current ROI measurement across the organization; (2) provide training and tools to key staff on how to measure and communicate ROI; and (3) implement an ongoing and systemic approach to measuring and communicating ROI. One team member will be attending the American Evaluation Association Summer Institute for further training on measuring program outcomes.</p>
<ul style="list-style-type: none"> Analyze, adapt, and extend WSBA benefits for all legal professionals licensed by WSBA 	X							X	<p>Q1: Not reported in Q1.</p> <p>Q2: We examined all language related to WSBA services and benefits to ensure that it is inclusive of all members as appropriate. CLE, LOMAP, mentoring, new lawyer, and diversity and inclusion teams are considering and ensuring inclusion of all members as we develop events and programming for this fiscal year and beyond. As part of the process to align section bylaws with the WSBA Bylaws, we are also working to ensure inclusive language.</p>

	STRATEGIC GOAL			REPORTING QUARTER				
	1	2	3	1	2	3	4	
Public Service & Diversity/Inclusion								
<ul style="list-style-type: none"> Provide members with a menu of public service and pro bono opportunities with WSBA and with our partners across the state 	X	X	X			X	X	<p>Q1: This quarter, we: (1) approved two new Qualified Legal Service Providers (QLSPs) increasing the opportunities for attorneys to earn credit through pro bono service; and (2) developed strategies for promoting public service opportunities across the state. In Q2 we will combine the two public service list serves and expand their purpose to promote public service and pro bono opportunities with partner organizations. In addition, we are planning a Moderate Means Program CLE in February 2017 in Yakima. This will serve as a promotion and recruitment event.</p> <p>Q2: This quarter, we: (1) launched the new public service list serve, which (a) combines our former Call to Duty Pledge and Moderate Means Programs list serves, and (b) contemplates broader membership and purpose in order to better promote a menu of public service and pro bono partners across the state; (2) held a Moderate Means CLE Viewing Party in Yakima to promote that program; (3) developed materials to promote the emeritus program and our free public service CLEs for members engaged in public service and pro bono work through WSBA or our partners; and (4) held our first Call to Duty Day of Service of the year in Tacoma, with 40 volunteers participating to provide critical legal assistance to 17 veterans needing help in the area of family law.</p>
<ul style="list-style-type: none"> Institutionalize systems for reviewing policies, practices, procedures, and programs with a race equity lens 		X					X	<p>Q1: Not reported in Q1.</p> <p>Q2: The Race Equity Impact Analysis Tool has been finalized and rolled out to all employees. Departments are currently evaluating projects to which the tool will be applied.</p>
Engagement & Outreach								
<ul style="list-style-type: none"> Complete WSBA.org website redesign to improve user experience and value for key audiences (members, public, stakeholders) 	X	X	X				X	<p>Q1: Website redesign continues to move forward, with design compositions and navigation finalized. Training and content migration to occur in Q2.</p> <p>Q2: We finalized the site structure, including style guides, templates, taxonomy and main navigation; inventoried high-level content pages; and conducted a series of content editor trainings. Content migration, site build out, testing, debugging, and acceptance is scheduled to occur in Q3.</p>



	STRATEGIC GOAL			REPORTING QUARTER				
	1	2	3	1	2	3	4	
<ul style="list-style-type: none"> Enhance collaboration with volunteers through standardized recruitment, training, engagement, and inclusion 	X	X					X	<p>Q1: An interdepartmental team of employees that frequently work with volunteers began meeting last year to identify how the WSBA can adopt best practices to leverage resources, build capacity, manage expectations and improve engagement with volunteers. The team focused this quarter to: (1) develop of a volunteer survey, to be administered in Q2, to understand the challenges and rewards WSBA volunteers experience. In addition to providing meaningful guidance for our efforts to improve volunteer engagement, satisfaction, retention and recruitment, the survey will provide a baseline metric against which we can measure the success of our initiatives; and (2) pilot the use of a Volunteer Position Description Form that will standardize general expectations and duties of each position across the organization; as well as support recruiting, onboarding, and training. The tool will be piloted with a small group of committee liaisons in advance of the 2017 volunteer recruitment process.</p> <p>Q2: Not reported in Q2.</p>
<ul style="list-style-type: none"> Coordinate outreach to all local, minority and specialty bars that ensures ongoing/meaningful connections with WSBA during the year 	X	X	X			X	X	<p>Q1: This quarter, WSBA engaged with the following minority and specialty bar associations: Loren Miller Bar Association, South Asian Bar Association of Washington, Washington State Veterans Bar Association, Washington Women Lawyers, QLaw – the LGBT Bar Association, the Middle Eastern Legal Association of Washington, and Washington Attorneys with Disabilities Association. In addition, WSBA continued to publish its twice-monthly WSBA Diversity Announcement to the diversity stakeholders list serve. Recruitment for the Legal Community Outreach Specialist is underway with anticipated hiring in Q2.</p> <p>Q2: This quarter, WSBA: (1) engaged with the Cardozo Society, Vietnamese American Bar Association, Washington State Veterans Bar Association, Washington Women Lawyers (WWL), MAMAs, Northwest Indian Bar Association, Washington Attorneys with Disabilities, and Filipino Lawyers of Washington; (2) partnered with MAMAs and WWL on a mentorship mixer in January, attended by more than 60 members, and an associated audio broadcast; (3) collaborated with WWL, the Washington State Veterans Bar Association, and the Pierce County Minority Bar Association on community networking events in Bremerton, Tacoma, and Vancouver; (4) held a LLLT Town Hall to discuss the proposal to add estate and healthcare law as a second practice area; (5) continued to publish twice-monthly WSBA Diversity Announcements to the diversity stakeholders list serve; and (5) filled the Legal Community Outreach Specialist position.</p>
<ul style="list-style-type: none"> Improve connections with the public through focused engagement and communications efforts 			X				X	<p>Q1: Not reported in Q1.</p> <p>Q2: In March we launched a quarterly forum series called Decoding the Law, which provides opportunities to foster dialogue among members and the public around timely, important legal issues. The first program was a three-part series on the death penalty. The next program, anticipated for May, will address transgender bathroom rights. We are also developing a program on immigration.</p>

	STRATEGIC GOAL			REPORTING QUARTER				
	1	2	3	1	2	3	4	
Organization & Infrastructure								
<ul style="list-style-type: none"> Engage in management discussion, training and development in order to foster an environment that promotes employee engagement and input 	X	X	X				X	<p>Q1: Not reported in Q1.</p> <p>Q2: Working collaboratively with staff and managers, we facilitated employee and manager focus groups to further understand how best to ensure leadership development and open communication in the workplace. WSBA managers developed and are implementing the following measures:</p> <ul style="list-style-type: none"> Providing monthly updates on Exec Team and Ops Team discussion topics Developing a system to support the facilitation of career development conversations between employees and managers Developing a concept proposal tool and process that can be used as needed to bring clarity to idea development and input process as new programs and projects are developed Developing WSBA management training "Bootcamp" that will be presented to all managers and then integrated into new manager orientation and which will be a mechanism to standardize expectations for managers re WSBA management philosophy and practices for fostering a positive WSBA culture
<ul style="list-style-type: none"> Implement paperless accounts payable system 							X	Not to be reported until Q3 .
<ul style="list-style-type: none"> Upgrade membership data management platform 	X	X	X				X	<p>Q1: Not reported in Q1.</p> <p>Q2: We analyzed and catalogued all changes required for implementation; installed and modified new software version (customization and encryption of sensitive data). The IT team received technical training. The project is on track to launch in Q4.</p>



FY2004 – FY2016: ORGANIZATIONAL CONTEXT

784 MEMBERS		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Total / Median Age ¹		29,199 / 47	30,061 / 47	30,963 / 48	31,912 / 48	32,635 / 48	33,444 / 49	34,034 / 49	34,554 / 49	35,023 / 49	35,477 / 50	36,296 / 50	37,373 / 50	38,162 / 48
Active / Median Age		24,449 / 46	25,196 / 47	25,912 / 47	26,781 / 47	27,398 / 47	27,880 / 47	28,520 / 48	28,815 / 48	29,190 / 48	29,731 / 48	30,487 / 48	31,437 / 48	31,998 / 48
Inactive / Median Age		3,671 / 48	3,740 / 49	3,875 / 50	3,920 / 50	4,001 / 51	4,279 / 51	4,208 / 52	4,416 / 52	4,676 / 53	4,628 / 53	4,695 / 54	4,834 / 55	5,073 / 55
Voluntary Resignations / Median Age		204 / 50	168 / 52	181 / 53	246 / 56	277 / 58	255 / 58	391 / 57	405 / 62	440 / 60	454 / 63	488 / 63	524 / 63	606 / 64
Pro Hac Vice		data unavailable	380	517	480	466	506	481	664	623	624	590	638	365
Section Members:		8,236	8,324	8,132	8,739	7,747	7,770	9,497	9,815	9,861	9,968	10,196	10,150	10,617
Volunteers:	Reported Pro Bono Hours ⁴			data unavailable	4,831 / 286,562	4,226 / 296,776	5,415 / 359,728	5,639 / 371,578	3,905 / 282,575	3,712 / 261,402	4,370 / 280,176	5,515 / 351,935	6,051 / 362,846	4,795 / 327,933
	WSBA Volunteer Positions						data unavailable	1,151	1,039	912	895	827	850	784
	WSBA Public Service ^{III}								data unavailable	1,176	1,439	1,878	2,106	2,503

REGULATORY FUNCTIONS		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Admissions:	All applicants	1,765	1,772	1,821	1,771	1,736	1,674	1,739	1,713	1,694	1,855	2,091	1,956	1,751
	Admissions (exam / by motion / transfer)	939 / 248 / 0	987 / 270 / 0	951 / 263 / 0	1,116 / 302 / 0	973 / 243 / 0	982 / 235 / 0	948 / 249 / 0	926 / 229 / 0	932 / 246 / 0	880 / 292 / 9	1,023 / 393 / 65	893 / 726 / 87	833 / 559 / 96
Licensing (calendar year):	MCLE Form 1 ²	17,399	15,675	15,777	16,313	18,104	20,041	18,472	19,147	19,536	19,002	19,794	19,330	21,954
	Hardship - Exemptions							introduced FY11	169		140	115	107	115
	Payment Plan									introduced FY13	46	61	59	54
Discipline (calendar year):	Consumer Affairs ⁴	13,575	11,525	11,379	11,646	11,379	10,360	7,851	6,409	5,098	8,503	6,608	6,694	5,652
	Grievances	1,938	1,935	1,847	2,029	1,904	1,769	2,144	2,156	2,329	2,228	2,165	2,081	1,830
	Diversions	32	74	69	63	43	22	38	42	34	30	32	28	15
	Actions Imposed (total/disbarments/suspensions)	76 / 19 / 24	83 / 13 / 32	69 / 23 / 26	73 / 25 / 26	81 / 18 / 26	62 / 16 / 20	93 / 26 / 24	74 / 28 / 18	85 / 32 / 21	95 / 32 / 31	71 / 23 / 34	74 / 19 / 27	70 / 21 / 31
Random Exams: (# lawyers per Cal. Yr.)	69	54	78	40	6	59	100	45	20	0	0	121	79	
Other Legal Professionals:	Limited Practice Officers	1,250	1,300	1,349	1,403	1,370	1,291	1,207	1,130	1,069	1,027	1,003	968	963
	Rule 9 Interns	497	376	413	424	479	393	397	432	464	405	378	322	312
	LLLTs											introduced 2015	3	16
Law Clerks:	36	49	47	42	41	44	49	57	60	60	60	67	71	72
Lawyers' Fund Client Protection:	Approved Applications	84	47	66	34	43	33	78	72	39	45	44	58	44
	Payments ^{III}	\$313,721	\$147,247	\$468,696	\$539,789	\$899,672*	\$449,050	\$554,270	\$1,003,458*	\$378,574	\$423,508	\$337,160	\$495,230.41	239,842.26
Unauthorized Practice of Law:	Complaints (filed / dismissed)	46/19	37/4	41/13	32/10	34/20	54/18	60/19	61/31	43/15	62/28	52 / 34	no data available ^{III}	44 / 49 ⁴
	Referral / Deferral Letters ⁴	9 / 15 / 0	17 / 4 / 1	6 / 2 / 2	9 / 4 / 1	9 / 13 / 3	16 / 8 / 1	11 / 5 / 2	17 / 3 / 7	9 / 8 / 2	10 / 1 / 0	4 / 4 / 0		29 / 3 ⁴

ENGAGEMENT & OUTREACH		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Service Center Contacts (calls / emails): ^{III}		90,850 / NA	*76,152			data unavailable	*76,188	70,774	62,340	49,957	46,474 / 17,319	45,093 / 20,540	38,588 / 21,187	35,828 / 17,970
wsba.org site visits:								data unavailable	3,628,474	3,447,088	3,697,123	3,512,168	3,527,824	3,184,834
wsba.org home page visits:								data unavailable	1,379,144	1,305,263	1,235,479	1,166,862	1,100,229	1,560,284
Lawyer Directory visits:								data unavailable	1,769,558	1,613,295	1,520,793	1,354,613	1,238,116	1,392,694
Facebook Likes / Twitter Followers:								introduced FY12	450 / NA	859 / 1,443	1,378 / 1,905	1,741 / 2,389	2,115 / 3,059	
Job Target site visits / postings:								introduced FY12	60,795 / 112	185,099 / 357	351,102 / 465	340,660 / 544	307,296 / 632	
NWSidebar (subscribers; visits/month):									introduced FY13	258 / 7,462	415 / 8,042	493 / 8,530	659 / 8,686	



FY2004 – FY2016: ORGANIZATIONAL CONTEXT

MEMBER BENEFITS & PROF. DEV.		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Ethics Outreach:	Calls/presentations					data unavailable	2,133	2,795	3,629	3,370	3,147	3,241 / 35	2,939 / 34	2,803 / 35
Law Office Mgmt. Assist. Program:	Consultations (initial / paid)									data unavailable	101	41**	100	82
	Presentations / attendees**								data unavailable	27 / 1,235	28 / 1,010	27 / 557 / 4,784	29 / 746 / 4,589	17 / 418
Lawyer Assist. Program:	Consultations									data unavailable	688	765	212	298
	Presentations / attendees									data unavailable	11 / 640	15 / 850	12 / 591	4 / 4,250
	Member Asst. Prog Consults**											Introduced FY14	34 / 53	39 / 55
WSBA-Sponsored Benefits:	Legal Research (Case Maker) **								data unavailable	22,504	22,012	22,506	22,844	25,874 / 10,561
	Insurance programs									data unavailable	2,610	2,554	discontinued	
	Docket System (# firms)									data unavailable	148		discontinued	
	The Form Tool									introduced FY12	9	4	8 / discontinued	
	ABA Ret Funds (plans / participants)									introduced FY12	to be provided	to be provided	81 / 470	88 / 526
	WA Daily Decisions (WDDS)									introduced FY13	76	143	to be provided	out of business
	Writing software (Word Rake)									introduced FY13	55	107	39	199
	ABA Books for Bars											introduced FY15	19	8
	ALPS (# firms/lawyers)											introduced FY15	307 / 616	492 / 921
	Bill4Time											introduced FY15	3	10
	Citrix ShareFile											introduced FY15	8	14
	Client Conflict Check											introduced FY15	1	5
	Clio											introduced FY15	23	52
	LawPay											introduced FY15	60	258
	Ruby Receptionist											introduced FY15	8	9
Worldox											introduced FY15	0	3	
CLE Seminars:	Programs / credits offered	116	118 / 697.75	122 / 717.75	120 / 649.50	112 / 657.75	129 / 658.25	107 / 632.25	110 / 645.75	101 / 662.25	79 / 518	60 / 409.25	54 / 402.75	58 / 389.25
	Attendees**	5,287 / 11,047	5,170 / 9,868	5,942 / 11,566	5,501 / 10,252	5,885 / 10,848	6,040 / 10,600	6,269 / 10,974	6,275 / 11,802	6,349 / 10,938	6,111 / 9,644	4,959 / 7,489	5,368 / 7,171	4,291 / 5,890
Mini CLEs:	Programs / credits offered	3 / 3.5	13 / 30.5	21 / 41.5	26 / 52.5	35 / 72.5	57 / 110.75	37 / 50.5	41 / 57	36 / 67.75	41 / 86.5	43 / 105	39 / 52.25	54 / 60
	Attendees	79	665	847	989	1,254	1,572	1,245	1,327	1,196	1,591	1,854	2,451	2,528
New Lawyer Education:	Programs / credits offered							introduced FY11	3 / 14.75	3 / 16.75	4 / 29.0	9 / 41.75	12 / 56.75	9 / 43.25
	Attendees							513	216	261	673	1,233	880	
Legal Lunchbox**:	Programs / credits offered										introduced FY14	12 / 16.25	12 / 18	12 / 18
	Attendees											6,785 / 14,837	7,007 / 22,025	5,220 / 17,079
Product Sales:	Recorded seminars**	1,124	1,535	2,957	4,050	4,622	5,639	5,697	4,825	6,087	5,909	6,624	6,518	6,498
	Desk books / course books	211 / 147	695 / 795	1,828 / 983	1,432 / 893	492 / 829	864 / 674	970 / 627	949 / 511	713 / 443	700 / 474	546 / 443	936 / 288	650 / 324

OPERATIONS		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Budgeted FTE		123.9	126.0	134.3	138	140.75	142.87	144.12	146.1	143.9	140.7	139.95	145.95	144.45
Turnover		20%	data unavailable	15%	12%	19%	7%	8%	12%	18%**	14%	18%	22%	18%
Licensing:	Active Fee**	\$375	\$383	\$391	\$399	\$407	\$415	\$450	\$450	\$450	\$325	\$325	\$325	\$385
	LFCP Assessment	\$13	\$13	\$13	\$15	\$15	\$15	\$30	\$30	\$30	\$30	\$30	\$30	\$30
	Keller Deduction**	\$1.94 (10%)	\$3.70 (11%)	\$2.14 (10%)	\$3.80 (10%)	\$3.15 (10%)	\$3.45 (9%)	\$3.95 (13%)	\$4.40 (14%)	\$6.00 (17%)	\$6.40 (17%)	\$4.70 (16%)	\$4.40 (13%)	\$3.50
	License Fee Revenues	\$9,229,118	\$9,626,927	\$10,119,412	\$10,612,853	\$11,115,256	\$11,568,669	\$13,040,395	\$13,628,445	\$13,678,419	\$11,390,193	\$10,761,000	\$11,133,170	\$12,819,372
# Donors to WSBF / WSBF grant to WSBA:										NA	127 / \$110,000	5,160 / \$275,136	3,172 / \$207,125	3,072 / \$177,621
General Fund Revenues:	Budgeted	\$11,835,371	\$12,429,364	\$13,157,970	\$13,840,420	\$14,935,591	\$15,251,745	\$16,594,854	\$16,991,025	\$17,112,690	\$15,137,529	\$14,562,325	\$14,757,180	\$16,420,637
	Actual	\$12,043,769	\$13,218,235	\$13,980,849	\$14,611,383	\$14,612,599	\$15,071,222	\$17,077,440	\$17,308,336	\$17,797,242	\$15,349,822	\$15,335,749	\$15,266,002	\$16,937,121
General Fund Expenses:	Budgeted	\$11,592,829	\$12,429,304	\$13,157,487	\$14,717,511	\$15,190,816	\$17,202,812	\$16,184,798	\$16,667,875	\$16,934,743	\$15,594,088	\$16,562,819	\$17,904,053	\$18,757,977
	Actual	\$11,051,897	\$12,069,956	\$13,077,385	\$14,011,799	\$14,795,034	\$16,559,591	\$16,028,974	\$16,028,974	\$16,323,442	\$15,097,982	\$16,493,451	\$17,966,538	\$18,121,119
General Fund Net Income/(Loss):	Budgeted	\$242,542	\$60	\$483	(\$877,091)	(\$255,325)	(\$1,951,067)	\$410,056	\$323,150	\$177,947	(\$456,559)	(\$2,000,489)	(\$3,146,873)	(\$2,337,340)
	Actual	\$991,873	\$1,148,279	\$903,464	\$599,584	(\$182,435)	(\$1,488,369)	\$1,557,366	\$1,279,362	\$1,473,800	\$251,840	(\$1,157,702)	(\$2,700,536)	(\$1,183,998)
General Fund:	Operating Reserve	\$994,344	\$1,052,599	\$1,200,000	\$1,234,601	\$1,500,000	\$1,450,000	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000
	Facilities Reserve	0	0	1,802,599	1,445,000	2,500,000	2,500,000	2,710,000	3,340,000	3,340,000	3,340,000	3,340,000	3,286,096	\$2,114,427
	Other Reserves	994,344	1,052,599	750,000	775,000	675,000	475,000	414,162	562,196	445,642	409,457	337,582	316,438	\$304,109
	Unrestricted	735,636	1,815,150	1,071,215	1,968,797	565,962	9,586	1,367,795	1,869,124	3,459,475	3,711,315	2,625,488	0	\$0
	Total Balance	\$2,724,324	\$3,920,348	\$4,823,814	\$5,423,398	\$5,240,962	\$4,434,586	\$5,991,957	\$7,271,320	\$8,745,117	\$8,960,772	\$7,803,870	\$5,102,534	\$3,918,536
Lawyers' Fund for Client Protection Balance:	632,477	821,669	796,155	699,239	231,804	184,640	434,823	261,318	791,399	1,213,602	1,746,010	2,144,289	\$2,646,222	
Continuing Legal Education Fund Balance:	1,436,141	1,585,026	1,954,241	1,991,838	1,947,887	1,079,796	1,408,491	1,351,464	1,341,266	1,192,124	458,415	53,090	\$456,568	
Sections Fund Balance:	832,805	780,129	878,817	896,930	805,101	711,521	677,666	773,328	904,933	1,028,539	1,074,417	1,229,705	\$1,212,637	
Western States Bar Conference:	0	0	0	0	0	0	0	0	0	0	0	0	\$1,113	
TOTAL FUND BALANCES:		\$5,625,747	\$7,107,172	\$8,453,027	\$9,011,405	\$8,225,754	\$6,410,543	\$8,512,937	\$9,657,430	\$11,782,715	\$12,395,037	11,081,912	\$8,540,731	\$8,244,922

MILESTONES	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
	WLI founded TIMSS Member Database	Case Maker offered to members	New Mission Statement & Guiding Principles ABA Report on Discipline System New Character & Fitness rules Sunsetting of ADR Program, LAP & LOMAP Committees	New Executive Director Mandatory reporting of insurance requirements WSBA move to Puget Sound Plaza	2008-2011 Strategic Goals adopted Program Reviews Application fees increase Online MCLE tracking	Live webcasting Program Reviews Limited Practice Officer rules/on-line tracking mywsba.org revamped \$1.5M gift to Law Fund	New WSBF mission statement; 2010-2013 Strategic Goals adopted; Comprehensive WSBA Bylaw changes Program Reviews Online licensing rolled out Online filing of grievances implemented CLE Conference Center opened Law Fund check off begins Home Foreclosure Program initiated DART introduced Spokane Bar Exam offered through FY2012	Mission Focus Areas adopted Licensing: Hardship exemption added WSBA.org redesigned Moderate Means Program initiated CPLE becomes independent 501(c)(3)	Member Referendum; Listening Tours introduced Online admissions rolled out Job Target Introduced Initial Membership Demographic Study Completed	2013-2015 Strategic Goals adopted First UBE LLLT Rule adopted by Supreme Court Licensing: Payment Plan introduced/ WSBF check-off added Job Target enhanced (Practice Transition Opportunities & Contract Lawyer) Home Foreclosure Project ends Diversity Plan adopted NWSidebar introduced Disaster Recovery Plan revised YLC integration WLI to UW Law School BOG Diversity Committee and Committee for Diversity Merged	Quarterly Dashboards introduced Amendments to ELCs and APRs Document Management System launched GR12.4 – public records Legal Lunchbox introduced Migrated to single platform for all recorded products (video, MP3, coursebooks) Call to Duty Program launched First Responders Will Clinic becomes independent 501(c)(3) Low Bono Section created Disaster Recovery: Recovery Site established; First Table Top Exercise New Professionalism Plan implemented	Board Governance Task Force and Self-Evaluation Amendments to MCLE rules LLLT: first licenses issued and RPCs adopted Implemented WSBA intranet Evaluation of CLE models New LOMAP delivery system model and expanded member benefits Implemented MentorLink Phase 2 of membership study: Diversity literature review & intersectionality report WSBA lease renewal and facilities renovation	2016-2018 Strategic Goals adopted ECCL Policy Decisions Amendments to APRs Amendments to WSBA Bylaws Amendments to Character & Fitness rules Sections policies MCLE system upgrade Website Redesign Webinar capacity launched CLE Faculty Database ATJ / CPD summits



- ⁱ Includes Active, Emeritus, Honorary, Inactive and Judicial members.
- ⁱⁱ First figure represents number of lawyers; second, number of *pro bono* hours reported on annual licensing form.
- ⁱⁱⁱ Lawyer mentors/participants in WSBA Public Service programs (Moderate Means, Home Foreclosure).
- ^{iv} Does not include ~2,000 forms per year that are returned or reprocessed because incomplete or incorrect.
- ^v Preliminary calendar-year end data through September 30, 2015.
- ^{vi} Years 2004-2012 include oral contacts only, not e-mail communications. Year 2013 includes oral contacts and e-mail communications. Starting in calendar year 2015, this figure includes all Spanish language contacts with Consumer Affairs.
- ^{vii} Asterisk indicates prorated payout of authorized awards.
- ^{viii} The Washington Supreme Court suspended this Board from 11/2014 – 7/2015. The Board is currently being reconstituted and has been directed to consider the focus for its future work.
- ^{ix} The Court suspended the Board on November 11, 2014 and reconstituted the Board on July 8, 2015. The reconstituted Board reviewed cases that was put on hold during the suspension.
- ^x First figure represents number of Cease & Desist letters issued without referral to prosecutor or ODC; second represents number of letters issued and referred to prosecutor; third represents number of letters issued and referred to ODC. The Court reconstituted the Board on July 8, 2015 and the reconstituted Board only dismisses or refers cases.
- ^{xi} This figure represents referrals only. The Board does not issue cease and desist letters.
- ^{xii} Incomplete data in years marked with *; full year calculated using average monthly data.
- ^{xiii} We have moved away from paid one-on-one consultations as part of the plan to expand accessibility of LOMAP services to more members. In addition to greater outreach through webcast programming, LOMAP currently offers free phone consultations for up to 30 minutes.
- ^{xiv} First figure represents number of presentations; second represents attendees at LOMAP presentations *excluding* Legal Lunchbox seminars presented by LOMAP; third represents total attendees at LOMAP presentations, *including* Legal Lunchbox seminars presented by LOMAP.
- ^{xv} First figure represents clients provided counseling; second figure represents number of sessions provided. Data currently only available for Q1-3 in 2015
- ^{xvi} First figures represents member access; second figure represents number of users.
- ^{xvii} First figure represents unduplicated member registrants; second represents total registrants (including non-members).
- ^{xviii} Includes attendees at 9 live webcasts for credit, 1 live webcast without credit, and 2 months AV downloads.
- ^{xix} Recorded seminar sales via CDs, MP3s and Legal Span.
- ^{xx} Includes Referendum layoffs.
- ^{xxi} Board of Governors set three year fee structures in July 1999 (2001-2003), May 2002 (2004-2006), and 2005 (2007-2009); two year fee structure in 2008 (2010-2011).
- ^{xxii} First figure represents amount; second represents percent of members taking deduction.



To: WSBA Board of Governors
From: Clark McIsaac, WSBA Legislative Assistant
Date: May 4, 2016
Re: 2017 Legislative Regular Session Wrap-Up

BACKGROUND: The following information is provided for the Board's information regarding action taken by the 2017 Legislature during the 2017 regular session.

The 2017 Legislative regular session adjourned on Sunday, April 23. Governor Inslee called the first special session into order on April 24; additional special sessions are anticipated to follow. Legislators have passed a myriad of policy measures and a transportation budget. Legislators have yet to pass a supplemental capital budget as well as a supplemental operating budget which may impact access to justice, court funding, and civil legal aid.

OVERVIEW:

2017 WSBA Legislative Priorities

Priority #1: Sponsor Bar-Request Legislation

Gov. Inslee signed WSBA's two request bills, [SB 5011](#) and [SSB 5012](#), into law on April 17.

Originating from the Corporate Act Revision Committee of the Business Law Section, SB 5011 modernizes Washington's Business Corporation Act to better reflect current corporate business practices, create process efficiencies, and ultimately attract new corporations to Washington State. This law goes into effect 7/23/2017.

Originating from the Probate and Trust segment of the Real Property, Probate & Trust Section, SSB 5012 provides a simple, low-cost way for modernizing trust documents while protecting the interests of beneficiaries. Based on the 2015 Uniform Trust Decanting Act, the bill also creates provisions for specialty trusts in situations where the beneficiary has become disabled. This law goes into effect 7/23/2017.

Priority #2: Support New, Existing Legislation

This session, WSBA Sections voted to support various pieces of legislation that promoted civil legal aid services, access to justice, and supported the state's court system.



The following bills passed the Legislature (and are awaiting a signature or possible veto by Gov. Inslee):

- [SHB 1055](#) (Rep. Kilduff): concerning pro bono legal services for military service members, veterans, and their families (LAMP: support).
- [2SHB 1402](#) (Rep. Jenkins): concerning the rights and obligations associated with incapacitated persons and other vulnerable adults (Elder: support).

The following bills were signed into law by Gov. Inslee:

- [SB 5040](#) (Sen. Pedersen): making revisions to the uniform business organizations code (Business: support). This law goes into effect 7/23/2017.
- [SB 5085](#) (Sen. Padden): enacting the uniform voidable transactions act (Creditor Debtor: support). This law goes into effect 7/23/2017.
- [SSB 5277](#) (Sen. Padden): concerning disqualification of judges (Litigation: support). This law goes into effect 7/23/2017.

Priority #3: Monitor New, Existing Legislation

The WSBA Legislative Affairs Office monitored numerous legislative proposals that might have impacted various WSBA entities. Although much more extensive, the following is a list of some of the key bills that were monitored and involved working collaboratively with relevant WSBA Sections.

These bills did not reach final passage during regular session this year (though may be considered during special session):

- [HB 1640](#) (Rep. Graves): allowing notaries and proof of identity for advance directives (Elder Law: support).
- [E2SHB 1783](#) (Rep. Holy): concerning legal financial obligations (Civil Rights Law: support).
- [HB 1800](#) (Rep. Gregerson): enacting the Washington voting rights act (Administrative Law: concerns).
- [SSB 5211](#) (Sen. Wilson): addressing adjudicative proceedings by state agencies (Administrative Law: oppose).
- [2SSB 5236](#) (Sen. Zeiger): creating the civic learning public-private partnership. (BOG Legislative Committee: Support).



Supplemental budgets

The final [supplemental transportation budget](#) passed the Legislature and awaits a signature or possible veto by Gov. Inslee. The supplemental operating and capital budgets are awaiting legislative action.

Session statistics

During the regular legislative session this year, the WSBA Legislative Affairs Office:

- Referred **679** bills to WSBA Sections;
- Continuously tracked **112** bills through the end of regular session;
- Monitored **128** committee hearings;
- Testified and/or coordinated testimony for **17** hearings; and
- Participated in approximately **31** meetings with legislators and staff.

Legislative interim

For some bills that did not reach final passage this year, legislators have already expressed an interest in studying these issues over the summer and fall months for reintroduction in 2018. Over the interim, relevant WSBA entities and the WSBA Legislative Affairs Office will monitor and participate in these discussions with legislators and legislative staff regarding various legislative proposals.



WSBA

To: WSBA Board of Governors
From: Robin L. Haynes, WSBA President
Paula C. Littlewood, WSBA Executive Director
Re: Civil Litigation Rules Drafting Task Force Roster
Date: May 5, 2017

INFORMATION: Final Task Force Roster for Civil Litigation Rules Drafting Task Force.

At the November 18, 2016, Board of Governors meeting, the Board approved the formation of a Civil Litigation Rules Drafting Task Force and a Charter for that Task Force. Under Section IX(B)(2)(e) of the WSBA Bylaws, the President selects persons to be appointed to Bar entities such as task forces, with the BOG having the authority to accept or reject those appointments.

Pursuant to the Charter, the Task Force was designated to have the following membership:

- A WSBA member to serve as Chair;
- Not fewer than ten WSBA members, including at least one civil trial lawyer with substantial experience representing plaintiffs, at least one civil trial lawyer with substantial experience representing defendants, and at least one lawyer or judge who is a current or former member of the ATJ Board;
- A superior court judge and a district court judge;
- A representative from the Association of County Clerks;
- A representative from the Washington Court of Appeals if available to serve;
- A representative of the federal judiciary if available to serve.

At its January 2017 meeting, the BOG approved a proposed roster for the Task Force. At that time, the Association of County Clerks position was unfilled, and the judicial positions were still awaiting confirmation from the applicable judges' associations or chief judges. In approving the proposed roster, the Board delegated to President Haynes and Task Force Chair Ken Masters the authority to confirm those positions and report back to the Board in March 2017 with a full roster; however, that roster included members designated by the President of the Association of County Clerks and by the applicable judges associations or chief judges, leaving one unfilled position: the Court of Appeals Judge, which will be designated by the Presiding Judge of the Court of Appeals. This position has now been filled and a final updated Roster is attached to this memo.



WSBA

WASHINGTON STATE BAR ASSOCIATION

Civil Litigation Rules Drafting Task Force Roster

NAME/ADDRESS	PHONE	E-MAIL
<i>Chair</i>		
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Judicial		
The Honorable John R. Ruhl King County Superior Court KCC-SC-0203 516 Third Avenue – Rm C203 Seattle, WA 98104-2381	206.477.1373	john.ruhl@kingcounty.gov
The Honorable Rebecca C. Robertson Federal Way Municipal Court 33325 8 th Ave S Federal Way WA 98003-6325	253.835.3000	rebecca.robertson@cityoffederalway.com
The Honorable Bradley A. Maxa The Court of Appeals, Div. II 950 Broadway, Suite 300 Tacoma, WA 98402	253.593.2975	J_B.Maxa@courts.wa.gov
The Honorable Paula L. McCandlis P.O. Box 4196 Bellingham, WA 98227	360.306.7375	paula_mccandlis@wawd.uscourts.gov

<i>Clerks' Association</i>		
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WSBA

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To: The President, President-elect, Immediate Past-President, and Board of Governors
From: Kirsten Schimpff, Assistant General Counsel
Date: May 10, 2017
Re: Information from Amicus Curiae Brief Committee re: Request for Amicus Curiae Brief (*Information*)

INFORMATION: The Amicus Curiae Brief Committee wishes to notify the Board of its recommendation that, pursuant to the Emergency Procedure (Section D(6)) of the WSBA Amicus Curiae Brief Policy, the President along with the Executive Director act upon the request to file an amicus curiae brief in support of the plaintiffs in *Northwest Immigrant Rights Project v. Sessions*, No. 2:17-cv-716 (W.D. Wash.).

FACTS: The facts relevant to the request for an amicus curiae brief in *Northwest Immigrant Rights Project v. Sessions* are stated in the request for amicus brief (Attachment 1), and in the complaint and motion for temporary restraining order filed by the plaintiffs (in Supplemental Materials).

Briefly, the Northwest Immigrant Rights Project (NWIRP) objects to Executive Office for Immigration Review's (EOIR) interpretation of rules governing practice in immigration court. NWIRP provides free and low-cost legal services to immigrants through staff attorneys and pro bono lawyer volunteers. These services range from full representation to brief counseling and "know-your-rights" education. Professional conduct rules for immigration court practitioners are codified in the Code of Federal Regulations (C.F.R.), and provide that EOIR may impose disciplinary sanctions against a lawyer representing noncitizens before EOIR who fails to file a notice of appearance. The relevant rule requires a lawyer to submit a notice of appearance where the lawyer has engaged in "practice" or "preparation," both of which are broadly defined in the C.F.R. In April 2017, EOIR sent a cease and desist letter to NWIRP, stating that it was aware that NWIRP had assisted at least two pro se applicants in filing motions without first filing a notice of appearance with the immigration court. NWIRP contends that EOIR's

Working Together to Champion Justice

interpretation of the rules curtails its ability to provide less than full representation and that it is not able to provide full representation to the vast majority of individuals it serves.

NWIRP filed a complaint and motion for temporary restraining order on May 8, 2017. Later that day, it submitted a request for amicus participation in support of its motion for temporary restraining order. NWIRP requested that the WSBA address its arguments under the Tenth Amendment, namely whether EOIR's "compulsory-representation" rule violates the Tenth Amendment to the United States Constitution because it interferes with the states' power to regulate lawyer conduct and representation. At the time of the request, the NWIRP did not know what the briefing schedule would be or when the TRO hearing would occur, but it anticipated that it could be as soon as May 12, 2017.

NWIRP asked that the request be circulated to the Amicus Committee prior to its May 9, 2017 meeting so that it could discuss how to act on the time-sensitive request.

The Committee voted (8-2 with one abstention) to refer the request to the WSBA's President and Executive Director for action under the Emergency Procedure section of the Amicus Policy.

DISCUSSION: The relevant portions of the WSBA Amicus Curiae Brief Policy (Attachment 2) provide:

D.6. Emergency Procedure. Where the issues raised in an appeal have substantial impact on the members of the WSBA, the committee or the Board of Governors may recommend that the President of the bar along with the Association's Executive Director act upon the amicus curiae request. No request for participation shall be granted if either the Association or the Committee concludes that a quality brief cannot be obtained in the amount of time available.

A majority of the Committee felt that given the importance of the issue and the time-sensitive nature of the request, the President and Executive Director should decide how to act on the request rather than waiting for the Committee to take the time to consider the request and make a recommendation in due course. The recommendation that was approved was that the President and Executive Director act on the request; the Committee did not recommend what action they should take. The members of the Committee who voted against the motion to refer the request to the President and Executive Director expressed concern that the request was premature, given that the case was at the TRO stage and the government had not yet even had a chance to file a brief expressing its position and the opposing arguments.

ATTACHMENTS:

1. Letter from counsel for Northwest Immigrant Rights Project requesting amicus participation in *Northwest Immigrant Rights Project v. Sessions*
2. WSBA Amicus Curiae Brief Policy

SUPPLEMENTAL MATERIALS

Filings in *Northwest Immigrant Rights Project v. Sessions*: Complaint (W.D. Wash.); Motion for Temporary Restraining Order (W.D. Wash.)

Kirsten Schimpff

From: Radosevich, Michele <MicheleRadosevich@DWT.COM>
Sent: Monday, May 08, 2017 4:44 PM
To: ian@washingtonappeals.com; Kirsten Schimpff; Jean McElroy
Cc: Allen, Jaime Drozd; Corning, James
Subject: NWIRP v. Sessions--Request for Amicus
Attachments: [1] Complaint.pdf; [1-1] Ex. A.PDF; [2] Motion for TRO.PDF; [3] Declaration of Warden-Hertz.pdf; [4] Declaration of Yuk Man Maggie Cheng.pdf

Attached are the Complaint, TRO Motion, and supporting documents filed this afternoon. I recognize that WSBA does not usually become involved in cases at the trial court level, but this case presents an issue of utmost importance to WSBA—the ability to regulate the conduct of its members without interference from a federal agency, up to the point at which the attorney member actually appears before the agency. As the attached Complaint and Motion make clear, the Executive Office of Immigration Review is attempting to regulate mere consultation between immigrants and lawyers. As such, the case also presents a very real access to justice issue. If federal immigration authorities are successful in limiting WA attorneys, especially pro bono attorneys, to full representation or no representation, the federal government will make it nearly impossible for immigrants to find legal help.

We should hear something from the Court in the next 24 hours. I would expect an expedited briefing schedule and a TRO hearing as soon as Friday. We'll have a preliminary injunction hearing after that, and then I'd expect the government will file a motion to dismiss. I'm not sure how long all of that will take, but NWIRP very much wants WSBA's participation. We are not looking for extensive briefing, but simply validation of NWIRP's 10th amendment argument. While this matter is not on tomorrow's agenda, I would very much appreciate it if these materials were circulated to the committee with a heads up and, time permitting, a discussion of how to proceed on this time sensitive matter.



WSBA

WASHINGTON STATE BAR ASSOCIATION
AMICUS CURIAE BRIEF COMMITTEE

AMICUS CURIAE BRIEF POLICY

Approved by the Board of Governors 2/13/99; amended 6/3/05; 9/14/06

A. CRITERIA FOR WASHINGTON STATE BAR ASSOCIATION AMICUS CURIAE BRIEFS

The Washington State Bar Association (WSBA) Amicus Curiae program was established in 1998 when a ten member Amicus Curiae Committee was formed by the Board of Governors of the WSBA. The guidelines below address Committee consideration on the involvement of the WSBA as amicus curiae. The policy standards guide WSBA participation as amicus curiae. The following section addresses procedure for requesting participation of WSBA as amicus curiae.

B. AMICUS CURIAE POLICY

1. Independence. The WSBA will remain independent of the parties, including the party litigant who requests amicus curiae participation by the WSBA. Maintaining its independence will best serve the interest of the WSBA in furthering a credible and independent amicus curiae participation program that focuses on the values and principles of general application to the WSBA.
2. Authority. The Amicus Curiae Committee shall review all requests for amicus curiae participation by the WSBA, and provide a recommendation to the Board of Governors. The Board shall make the ultimate decision on whether the WSBA shall file an amicus curiae brief.
3. Area of Substantial Interest to the WSBA. Before the WSBA will participate as amicus curiae, the case must concern issues of substantial interest to the WSBA. Cases are considered to be in an area of substantial interest to the WSBA when issues in the case: (a) concern the independence or integrity of the judiciary or the bar; (b) concern the effectiveness or accessibility of the legal system; (c) concern the practice or business of law; (d) concern diversity or equality in the legal profession; or (e) are determined by 75% of the total membership of the governing body of a Section of the WSBA to be of substantial interest to the WSBA.
4. Necessity of Amicus Brief. The Amicus Curiae Committee will consider whether briefs already before the court provide the court with a complete picture of how the

particular issue and decision will impact the interests of the WSBA as set forth in this policy. The WSBA will generally decline to participate as amicus curiae where the issues of concern to the WSBA are already fully developed.

5. Brief Standards. The Amicus Curiae Committee shall ensure an amicus curiae brief filed by the WSBA is of high quality. The Committee may decline to file an amicus brief in cases where lack of time or other considerations may compromise the quality of the brief.
6. Request from Appellate Court. The WSBA will honor a request from an appellate court barring exceptional circumstances.
7. Costs. The recommendation to the Board of Governors will include the anticipated costs, if any, to the WSBA.

C. PROCEDURE FOR REQUESTING AMICUS BRIEF PARTICIPATION

1. The request shall be directed to the Amicus Brief Committee, Washington State Bar Association, 1325 4th Ave., Ste. 600., Seattle, WA 98101-2539 (or by e-mail to questions@wsba.org).
2. Unless there are exceptional circumstances, an amicus curiae request will not be granted for participation at the trial court level.
3. The requesting party shall provide the committee with the following information in its request:
 - a. A statement that sets forth specific legal issue(s) that the requesting party believes the WSBA should address;
 - b. A survey of significant cases that address the issue(s);
 - c. A statement explaining how the legal issue(s) relate to the WSBA Amicus Curiae Policy.
 - d. Whether time will be allowed for oral argument by the WSBA.
4. The requesting party shall provide copies of all appellate briefs filed in the case and, if requested by the Committee, the record on review.
5. The Amicus Curiae Committee will not make a recommendation to the Board of Governors before the requesting party has filed its initial appellate brief.

D. AMICUS COMMITTEE: INTERNAL PROCEDURES

1. Necessity of Request Complying With Procedures: A request for amicus curiae may not be considered from a private party if the requesting party fails substantially to comply with the published procedures for requesting amicus curiae assistance.
2. Notice: The Amicus Curiae committee will attempt to notify all parties of the receipt of the request prior to committee action, to the extent practicable. Notice shall be posted on the WSBA web site and may also be given to appropriate WSBA Sections and committees. The notice will invite comment on whether the request meets the

criteria set out in this policy and any deadline for comment, provided that the Amicus Curiae committee may make its recommendation to the Board of Governors prior to receipt of comment by parties or others.

3. Records Disclosure: All correspondence submitted to the Committee, including the original request, is subject to disclosure pursuant to WSBA Bylaws Article XIII.
4. Committee Action on Request: A properly presented request shall be acted upon at the earliest feasible date by a quorum of the Amicus Curiae committee. The chair, or his or her delegate, shall insure that as many members of the committee as are available shall be notified of the request and provided with appropriate materials to evaluate the issue of whether an affirmative recommendation shall be made to the WSBA Board. The committee may meet via telephone conferencing when necessary to expedite the process or for efficiency reasons.
5. Content of Recommendation: Upon obtaining a recommendation supported by a quorum of the committee, the chair of the committee shall cause a written recommendation to be prepared and presented to the WSBA Board of Governors. The recommendation shall include:
 - a. An affirmative or negative recommendation;
 - b. A brief statement of why the committee believes that an amicus curiae participation is warranted or should be declined;
 - c. A brief analysis of the issues raised by the case and a recommendation stating the position the committee believes should be taken by the WSBA;
 - d. A statement of costs associated with complying with the request and suggestions regarding appropriate individuals to author the brief;
 - e. Whether or not the Committee believes that the Association should present oral argument and whether the requesting party will surrender oral argument time in order to allow the Association's participation.
6. Emergency Procedure: Where the issues raised in an appeal have substantial impact on the members of the WSBA, the committee or the Board of Governors may recommend that the President of the bar along with the Association's Executive Director act upon an amicus curiae request. No request for participation shall be granted if either the Association or the Committee concludes that a quality brief cannot be obtained in the amount of time available.
7. Preparation and Signing of Brief. The Amicus Curiae committee will oversee and assist with the preparation and filing of the brief as necessary. Any amicus brief submitted to a court shall be signed by the author of the brief and by the President of the Washington State Bar Association or his or her designate.



WSBA

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: May 2, 2017

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
Tuesday, May 23	Continuing the Conversation for Staff What does it mean to be considered "American"?	FYI only	Robin N.
Saturday, June 10	Diversity & Inclusion Presentation: Paradox of Inclusion & Blind Spots Diversity Committee	FYI only	Robin N.
Wednesday, May 14	Continuing the Conversation for Staff Homelessness	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
Thursday May 11	Diversity Stakeholders Meeting – WSBA Office	Attend if in the area	Joy
Friday May 19	Loren Miller Bar Association Annual Banquet	Attend if in the area	Joy or Margaret

Tuesday May 30 th	Diversity Legal Lunchbox: Allyship for Legal Professionals	View via Webcast	Joy
Thursday June 8 th	Beyond The Dialogue: Women Race and Age Part 2 The Role of Allies	Attend if in the area	Joy
Thursday June 15	Community Networking Event – Bellevue	Attend if in the area	Joy
Thursday June 15	North West Indian Bar Association Annual Banquet	Attend if in the area	Joy or Margaret
Tuesday June 27 th	Diversity Legal Lunchbox: The Intersections of Religious and Legal Practice	View via Webcast	Joy

Contact Information

Joy: joyw@wsba.org or 206.733.5952
Dana: danab@wsba.org or 206.733.5945
Robin: robinn@wsba.org or 206.727.8322
Margaret: margarets@wsba.org or 206.727.8244
Frances: francesd@wsba.org or 206.727.8222
Terra: terran@wsba.org or 206.727.8282



WSBA Financial Reports

(Unaudited)

Year to Date January 31, 2017

Prepared by Mark Hayes, Controller
Submitted by
Ann Holmes, Chief Operations Officer
February 14, 2017



WSBA

To: Board of Governors
Budget and Audit Committee

From: Mark Hayes, Controller

Re: Key Financial Benchmarks for the Fiscal Year to Date (YTD) through January 31, 2017

Date: February 14, 2017

	% of Year	Current Year % YTD	Current Year \$ Difference ¹	Prior Year YTD	Comments
Salaries	33.33%	33.80%	\$50,367 (Over budget)	32.28%	Expected to be on or slightly under budget
Benefits	33.33%	33.49%	\$5,813 (Over budget)	32.08%	Expected to be on budget
Other Indirect Expenses	33.33%	28.82%	\$151,752 (Under budget)	34.24%	Expected to be slightly under budget
Total Indirect Expenses	33.33%	32.80%	\$95,571 (Under budget)	32.60%	Expected to be on or slightly under budget

General Fund Revenues	33.33%	34.50%	\$197,662 (Over budget)	31.83%	Expected to be on budget
General Fund Direct Expenses	33.33%	20.02%	\$339,645 (Under budget)	22.69%	Expected to be on or slightly under budget

CLE Revenue	33.33%	35.19%	\$47,875 (Over budget)	47.07%	Expected to be under budget
CLE Direct Expenses	33.33%	15.82%	\$151,696 (Under budget)	21.47%	Expected to be on or slightly under budget
CLE Indirect Expenses	33.33%	32.05%	\$18,382 (Under budget)	29.51%	Expected to be on or slightly under budget

¹ 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 January 31, 2017 (4 months into the fiscal year).

Washington State Bar Association Financial Summary
Year to Date as of January 31, 2017 33.33% of Year
Compared to Fiscal Year 2017 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	-	8,000.00	77,247	197,913	17,676	61,850	94,922	259,763	(94,922)	(251,763)
Administration	(9,844)	55,000	348,760	1,026,621	(7,419)	3,135	341,341	1,029,756	(351,184)	(974,756)
Admissions/Bar Exam	472,120	1,070,000	258,423	784,390	34,806	376,900	293,230	1,161,290	178,890	(91,290)
Board of Governors	-	-	194,847	487,946	54,991	294,650	249,838	782,596	(249,838)	(782,596)
Communications	1,354	44,250	487,510	1,570,598	26,322	130,060	513,832	1,700,658	(512,478)	(1,656,408)
Discipline	26,648	140,000	1,741,586	5,335,003	74,220	267,668	1,815,806	5,602,671	(1,789,158)	(5,462,671)
Diversity	90,000	100,374	118,145	365,119	2,716	29,150	120,860	394,269	(30,860)	(293,895)
Foundation	-	-	49,023	148,649	326	19,300	49,349	167,949	(49,349)	(167,949)
Human Resources	-	-	124,123	257,819	-	-	124,123	257,819	(124,123)	(257,819)
Law Clerk Program	72,400	97,000	32,782	101,085	851	5,350	33,632	106,435	38,768	(9,435)
Law Office Management Asst.Prog	1,260	2,500	52,873	198,202	379	4,700	53,252	202,902	(51,992)	(200,402)
Lawyers Assistance Program	1,930	15,750	38,523	127,432	23,745.00	46,770	62,268	174,202	(60,338)	(158,452)
Legislative	-	-	70,627	220,465	12,255	42,800	82,882	263,265	(82,882)	(263,265)
Licensing Fees	4,186,783	13,204,000	-	-	-	-	-	-	4,186,783	13,204,000
License and Membership Records	115,924	247,800	183,183	559,967	8,661	27,500	191,844	587,467	(75,921)	(339,667)
Limited License Legal Technician	3,192	13,400	57,069	175,010	6,405	60,054	63,474	235,064	(60,282)	(221,664)
Limited Practice Officers	42,480	132,700	61,826	189,203	2,757	13,284	64,583	202,487	(22,103)	(69,787)
Mandatory CLE	254,530	711,000	153,502	468,890	73,481	266,500	226,983	735,390	27,546	(24,390)
Member Benefits	5,187	3,000	-	-	18,143	75,000	18,143	75,000	(12,956)	(72,000)
Mentorship Program	-	-	52,576	177,973	1,504	23,500	54,080	201,473	(54,080)	(201,473)
New Lawyer Program	18,433	80,000	83,036	275,191	9,404	32,700	92,440	307,891	(74,007)	(227,891)
NW Lawyer	175,421	573,450	73,398	221,408	104,786	402,800	178,185	624,208	(2,764)	(50,758)
Office of General Counsel	53	-	250,960	777,270	2,485	15,700	253,445	792,970	(253,392)	(792,970)
OGC-Disciplinary Board	-	-	50,360	154,747	27,879	103,000	78,240	257,747	(78,240)	(257,747)
Practice of Law Board	-	-	33,074	101,271	5,836	14,100	38,910	115,371	(38,910)	(115,371)
Professional Responsibility Program	-	-	79,526	272,851	2,140	8,000	81,666	280,851	(81,666)	(280,851)
Public Service Programs	90,774	85,000	65,462	216,540	277	215,460	65,738	432,000	25,036	(347,000)
Sections Administration	279,094	307,000	145,369	448,056	6,406	12,100	151,775	460,156	127,319	(153,156)
Technology	-	-	485,241	1,475,919	-	-	485,241	1,475,919	(485,241)	(1,475,919)
Subtotal General Fund	5,827,737	16,890,224	5,369,049	16,335,538	511,032	2,552,031	5,880,081	18,887,569	(52,344)	(1,997,345)
Expenses using reserve funds							5,880,081		-	-
Total General Fund - Net Result from Operations									(52,344)	(1,997,345)
Percentage of Budget	34.50%		32.87%		20.02%		31.13%			
CLE-Products	592,366	879,800	169,814	512,809	46,469	144,865	216,283	657,674	376,083	222,126
CLE-Seminars	313,776	1,695,000	290,589	923,544	90,579	721,369	381,168	1,644,913	(67,392)	50,087
Total CLE	906,142	2,574,800	460,402	1,436,353	137,048	866,234	597,451	2,302,587	308,691	272,213
Percentage of Budget	35.19%		32.05%		15.82%		25.95%			
Total All Sections	444,897	688,611	-	-	364,628	904,833	364,628	904,833	80,269	(216,222)
Lawyers Fund for Client Protection-Restricted	848,405	986,000	36,848	113,721	138,304	502,500	175,152	616,221	673,254	369,779
Management Western States Bar Conference	16,070	50,000	-	-	37,636	50,000	37,636	50,000.00	(21,566)	-
Totals	8,043,251	21,189,635	5,866,299	17,885,612	1,188,649	4,875,597.75	7,054,948	22,761,210	988,303	(1,571,575)
Percentage of Budget	37.96%		32.80%		24.38%		31.00%			

Summary of Fund Balances:	Fund Balances Sept. 30, 2016	Fund Balances Year to date	2017 Budgeted Fund Balances
Restricted Funds:			
Lawyers Fund for Client Protection	2,646,222	3,319,475	3,016,001
Western States Bar Conference	10,958	(10,608)	10,958
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	456,568	765,259	728,781
Section Funds	1,212,637	1,292,906	996,416
Board-Designated Funds (General Fund):			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	200,000	200,000	200,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	2,218,536	2,166,192	221,191
Total Fund Balance	8,244,921	9,233,225	6,673,347
Net Change In Fund Balance		988,303	(1,571,575)

Washington State Bar Association

Statement of Activities

For the Period from January 1, 2017 to January 31, 2017

33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSE FEES					
REVENUE:					
LICENSE FEES	<u>13,204,000.00</u>	<u>952,076.44</u>	<u>4,186,782.61</u>	<u>9,017,217.39</u>	<u>31.71%</u>
TOTAL REVENUE:	<u>13,204,000.00</u>	<u>952,076.44</u>	<u>4,186,782.61</u>	<u>9,017,217.39</u>	<u>31.71%</u>

Washington State Bar Association
Statement of Activities
For the Period from January 1, 2017 to January 31, 2017
33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ACCESS TO JUSTICE					
REVENUE:					
CONFERENCES & INSTITUTES	8,000.00	-	-	8,000.00	0%
TOTAL REVENUE:	8,000.00	-	-	8,000.00	0%
DIRECT EXPENSES:					
ATJ BOARD RETREAT	2,000.00	-	-	2,000.00	0.00%
LEADERSHIP TRAINING	2,000.00	-	-	2,000.00	0.00%
ATJ BOARD EXPENSE	15,100.00	(365.44)	2,027.42	13,072.58	13.43%
ATJ BOARD COMMITTEES EXPENSE	5,000.00	207.46	658.24	4,341.76	13.16%
STAFF TRAVEL/PARKING	1,200.00	39.82	101.42	1,098.58	8.45%
STAFF MEMBERSHIP DUES	150.00	-	-	150.00	0.00%
PUBLIC DEFENSE	8,400.00	926.19	1,788.57	6,611.43	21.29%
CONFERENCE/INSTITUTE EXPENSE	23,000.00	-	13,100.00	9,900.00	57%
RECEPTION/FORUM EXPENSE	5,000.00	-	-	5,000.00	0%
TOTAL DIRECT EXPENSES:	61,850.00	808.03	17,675.65	44,174.35	28.58%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.10 FTE)	105,884.00	14,605.51	50,864.65	55,019.35	48.04%
BENEFITS EXPENSE	42,244.00	3,641.56	12,055.35	30,188.65	28.54%
OTHER INDIRECT EXPENSE	49,785.00	4,301.74	14,326.70	35,458.30	28.78%
TOTAL INDIRECT EXPENSES:	197,913.00	22,548.81	77,246.70	120,666.30	39.03%
TOTAL ALL EXPENSES:	259,763.00	23,356.84	94,922.35	164,840.65	36.54%
NET INCOME (LOSS):	(251,763.00)	(23,356.84)	(94,922.35)		

Washington State Bar Association

Statement of Activities

For the Period from January 1, 2017 to January 31, 2017

33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMINISTRATION					
REVENUE:					
INTEREST INCOME	25,000.00	2,537.80	7,086.12	17,913.88	28.34%
GAIN/LOSS ON INVESTMENTS	30,000.00	16,665.32	(17,602.30)	47,602.30	-58.67%
MISCELLANEOUS	-	409.00	672.50	(672.50)	
TOTAL REVENUE:	55,000.00	19,612.12	(9,843.68)	64,843.68	-17.90%
DIRECT EXPENSES:					
CREDIT CARD MERCHANT FEES	-	(3,200.47)	(7,649.97)	7,649.97	
STAFF TRAVEL/PARKING	2,500.00	-	231.00	2,269.00	9.24%
STAFF MEMBERSHIP DUES	635.00	-	-	635.00	0.00%
TOTAL DIRECT EXPENSES:	3,135.00	(3,200.47)	(7,418.97)	10,553.97	-236.65%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.92 FTE)	632,169.00	57,288.25	222,884.83	409,284.17	35.26%
BENEFITS EXPENSE	206,690.00	17,466.42	71,855.24	134,834.76	34.76%
OTHER INDIRECT EXPENSE	187,762.00	16,218.71	54,019.70	133,742.30	28.77%
TOTAL INDIRECT EXPENSES:	1,026,621.00	90,973.38	348,759.77	677,861.23	33.97%
TOTAL ALL EXPENSES:	1,029,756.00	87,772.91	341,340.80	688,415.20	33.15%
NET INCOME (LOSS):	(974,756.00)	(68,160.79)	(351,184.48)		

Washington State Bar Association

Statement of Activities

For the Period from January 1, 2017 to January 31, 2017

33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMISSIONS/BAR EXAMS					
REVENUE:					
EXAM SOFT REVENUE	40,000.00	-	-	40,000.00	0.00%
BAR EXAM FEES	1,000,000.00	34,380.00	441,155.00	558,845.00	44.12%
SPECIAL ADMISSIONS	30,000.00	9,300.00	30,965.00	(965.00)	103.22%
TOTAL REVENUE:	1,070,000.00	43,680.00	472,120.00	597,880.00	44.12%
DIRECT EXPENSES:					
FACILITY, PARKING, FOOD	65,000.00	4,250.00	24,750.00	40,250.00	38.08%
EXAMINER FEES	32,500.00	-	-	32,500.00	0.00%
UBE EXMINATIONS	136,000.00	-	-	136,000.00	0.00%
BOARD OF BAR EXAMINERS	30,000.00	-	143.22	29,856.78	0.48%
BAR EXAM PROCTORS	33,000.00	-	-	33,000.00	0.00%
CHARACTER & FITNESS BOARD	20,000.00	1,335.94	4,348.47	15,651.53	21.74%
DISABILITY ACCOMMODATIONS	25,000.00	1,012.50	1,012.50	23,987.50	4.05%
CHARACTER & FITNESS INVESTIGATIONS	1,000.00	-	150.58	849.42	15.06%
LAW SCHOOL VISITS	1,000.00	-	41.00	959.00	4.10%
COURT REPORTERS	15,000.00	1,055.75	3,021.78	11,978.22	20.15%
POSTAGE	4,000.00	199.31	1,336.59	2,663.41	33.41%
STAFF TRAVEL/PARKING	13,000.00	-	2.24	12,997.76	0.02%
STAFF MEMBERSHIP DUES	200.00	-	-	200.00	0.00%
SUPPLIES	1,200.00	-	-	1,200.00	0.00%
TOTAL DIRECT EXPENSES:	376,900.00	7,853.50	34,806.38	342,093.62	9.23%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.48 FTE)	465,903.00	40,332.00	157,973.51	307,929.49	33.91%
BENEFITS EXPENSE	164,864.00	14,033.26	56,207.47	108,656.53	34.09%
OTHER INDIRECT EXPENSE	153,623.00	13,283.07	44,242.49	109,380.51	28.80%
TOTAL INDIRECT EXPENSES:	784,390.00	67,648.33	258,423.47	525,966.53	32.95%
TOTAL ALL EXPENSES:	1,161,290.00	75,501.83	293,229.85	868,060.15	25.25%
NET INCOME (LOSS):	(91,290.00)	(31,821.83)	178,890.15		

Washington State Bar Association
Statement of Activities
For the Period from January 1, 2017 to January 31, 2017
33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
BOG/OED					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
BOG MEETINGS	125,000.00	10,824.00	27,804.95	97,195.05	22.24%
BOG COMMITTEES' EXPENSES	30,000.00	1,670.95	6,031.92	23,968.08	20.11%
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	-	-	60,000.00	0.00%
BOG CONFERENCE ATTENDANCE	17,500.00	1,907.60	7,591.24	9,908.76	43.38%
BOG TRAVEL & OUTREACH	45,000.00	2,000.44	10,470.32	34,529.68	23.27%
ED TRAVEL & OUTREACH	5,000.00	456.88	831.42	4,168.58	16.63%
BOG ELECTIONS	5,000.00	-	-	5,000.00	0.00%
STAFF TRAVEL/PARKING	4,000.00	584.40	1,568.40	2,431.60	39.21%
STAFF MEMBERSHIP DUES	1,850.00	-	550.00	1,300.00	29.73%
TELEPHONE	1,300.00	-	142.65	1,157.35	10.97%
TOTAL DIRECT EXPENSES:	294,650.00	17,444.27	54,990.90	239,659.10	18.66%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	336,231.00	46,554.43	146,448.80	189,782.20	43.56%
BENEFITS EXPENSE	93,632.00	7,726.27	31,642.57	61,989.43	33.79%
OTHER INDIRECT EXPENSE	58,083.00	5,028.39	16,755.27	41,327.73	28.85%
TOTAL INDIRECT EXPENSES:	487,946.00	59,309.09	194,846.64	293,099.36	39.93%
TOTAL ALL EXPENSES:	782,596.00	76,753.36	249,837.54	532,758.46	31.92%
NET INCOME (LOSS):	(782,596.00)	(76,753.36)	(249,837.54)		

Washington State Bar Association

Statement of Activities

For the Period from January 1, 2017 to January 31, 2017

33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
COMMUNICATIONS					
REVENUE:					
AWARDS LUNCH/DINNER	44,000.00	-	(95.84)	44,095.84	-0.22%
50 YEAR MEMBER TRIBUTE LUNCH	250.00	-	1,170.00	(920.00)	468.00%
WSBA LOGO MERCHANDISE SALES	-	-	280.00	(280.00)	
TOTAL REVENUE:	44,250.00	-	1,354.16	42,895.84	3.06%
DIRECT EXPENSES:					
IMAGE LIBRARY	4,100.00	-	3,999.00	101.00	97.54%
BAR OUTREACH	2,500.00	-	-	2,500.00	0.00%
ABA DELEGATES	5,600.00	-	-	5,600.00	0.00%
ANNUAL CHAIR MTGS	600.00	-	877.32	(277.32)	146.22%
AWARDS DINNER	63,000.00	-	-	63,000.00	0.00%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	-	8,576.25	(576.25)	107.20%
JUD RECOMMEND COMMITTEE	4,500.00	-	-	4,500.00	0.00%
PROFESSIONALISM	750.00	-	821.72	(71.72)	109.56%
COMMUNICATIONS OUTREACH	15,000.00	1,175.00	1,319.56	13,680.44	8.80%
TRANSLATION SERVICES	3,500.00	233.05	1,311.40	2,188.60	37.47%
DEPRECIATION	2,300.00	225.00	904.00	1,396.00	39.30%
EQUIPMENT, HARDWARE & SOFTWARE	-	(172.07)	79.47	(79.47)	
STAFF TRAVEL/PARKING	4,000.00	-	478.00	3,522.00	11.95%
STAFF MEMBERSHIP DUES	1,960.00	-	50.00	1,910.00	2.55%
SUBSCRIPTIONS	10,050.00	6,082.80	6,122.75	3,927.25	60.92%
DIGITAL/ONLINE DEVELOPMENT	4,000.00	719.77	1,769.48	2,230.52	44.24%
CONFERENCE CALLS	200.00	8.41	13.49	186.51	6.75%
TOTAL DIRECT EXPENSES:	130,060.00	8,271.96	26,322.44	103,737.56	20.24%
INDIRECT EXPENSES:					
SALARY EXPENSE (14.64 FTE)	896,797.00	72,244.61	278,830.52	617,966.48	31.09%
BENEFITS EXPENSE	326,726.00	25,351.88	108,778.25	217,947.75	33.29%
OTHER INDIRECT EXPENSE	347,075.00	29,995.90	99,900.91	247,174.09	28.78%
TOTAL INDIRECT EXPENSES:	1,570,598.00	127,592.39	487,509.68	1,083,088.32	31.04%
TOTAL ALL EXPENSES:	1,700,658.00	135,864.35	513,832.12	1,186,825.88	30.21%
NET INCOME (LOSS):	(1,656,408.00)	(135,864.35)	(512,477.96)		

Washington State Bar Association

Statement of Activities

For the Period from January 1, 2017 to January 31, 2017

33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DISCIPLINE					
REVENUE:					
AUDIT REVENUE	2,000.00	170.00	1,077.50	922.50	53.88%
RECOVERY OF DISCIPLINE COSTS	125,000.00	4,685.00	22,093.92	102,906.08	17.68%
DISCIPLINE HISTORY SUMMARY	13,000.00	1,059.18	3,476.60	9,523.40	26.74%
TOTAL REVENUE:	140,000.00	5,914.18	26,648.02	113,351.98	19.03%
DIRECT EXPENSES:					
COURT REPORTERS	65,000.00	5,020.08	14,598.76	50,401.24	22.46%
OUTSIDE COUNSEL/AIC	3,500.00	352.71	585.96	2,914.04	16.74%
LITIGATION EXPENSES	30,000.00	2,059.04	7,313.45	22,686.55	24.38%
DISABILITY EXPENSES	15,000.00	3,440.50	5,076.45	9,923.55	33.84%
ONLINE LEGAL RESEARCH	65,900.00	5,573.66	16,443.78	49,456.22	24.95%
LAW LIBRARY	13,075.00	249.89	4,107.24	8,967.76	31.41%
TRANSLATION SERVICES	3,000.00	95.00	95.00	2,905.00	3.17%
DEPRECIATION-SOFTWARE	25,200.00	2,205.00	8,818.00	16,382.00	34.99%
PUBLICATIONS PRODUCTION	250.00	212.23	212.23	37.77	84.89%
STAFF TRAVEL/PARKING	38,500.00	3,148.03	11,630.88	26,869.12	30.21%
STAFF MEMBERSHIP DUES	3,243.00	350.00	1,529.38	1,713.62	47.16%
TELEPHONE	5,000.00	404.75	3,808.45	1,191.55	76.17%
TOTAL DIRECT EXPENSES:	267,668.00	23,110.89	74,219.58	193,448.42	27.73%
INDIRECT EXPENSES:					
SALARY EXPENSE (37.77 FTE)	3,370,608.00	272,795.71	1,120,068.43	2,250,539.57	33.23%
BENEFITS EXPENSE	1,068,970.00	88,092.64	363,791.81	705,178.19	34.03%
OTHER INDIRECT EXPENSE	895,425.00	77,373.11	257,725.74	637,699.26	28.78%
TOTAL INDIRECT EXPENSES:	5,335,003.00	438,261.46	1,741,585.98	3,593,417.02	32.64%
TOTAL ALL EXPENSES:	5,602,671.00	461,372.35	1,815,805.56	3,786,865.44	32.41%
NET INCOME (LOSS):	(5,462,671.00)	(455,458.17)	(1,789,157.54)		

Washington State Bar Association
Statement of Activities
For the Period from January 1, 2017 to January 31, 2017
33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DIVERSITY					
REVENUE:					
DONATIONS & GRANTS	90,000.00	-	90,000.00	-	100.00%
WORK STUDY GRANTS	10,374.00	-	-	10,374.00	0.00%
TOTAL REVENUE:	100,374.00	-	90,000.00	10,374.00	89.66%
DIRECT EXPENSES:					
STAFF MEMBERSHIP DUES	350.00	-	-	350.00	0.00%
STAFF TRAVEL/PARKING	8,600.00	84.00	802.99	7,797.01	9.34%
SUPPLIES	2,000.00	-	-	2,000.00	0.00%
COMMITTEE FOR DIVERSITY	6,200.00	16.76	1,148.98	5,051.02	18.53%
DIVERSITY EVENTS & PROJECTS	5,500.00	100.00	740.91	4,759.09	13.47%
SPECIAL EVENTS	5,000.00	-	-	5,000.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	1,000.00	-	-	1,000.00	0.00%
INTERNAL DIVERSITY OUTREACH	500.00	-	22.96	477.04	4.59%
TOTAL DIRECT EXPENSE:	29,150.00	200.76	2,715.84	26,434.16	9.32%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.97 FTE)	222,565.00	18,829.42	73,428.12	149,136.88	32.99%
BENEFITS EXPENSE	72,143.00	6,130.75	24,483.84	47,659.16	33.94%
OTHER INDIRECT EXPENSE	70,411.00	6,074.77	20,232.68	50,178.32	28.74%
TOTAL INDIRECT EXPENSES:	365,119.00	31,034.94	118,144.64	246,974.36	32.36%
TOTAL ALL EXPENSES:	394,269.00	31,235.70	120,860.48	273,408.52	30.65%
NET INCOME (LOSS):	(293,895.00)	(31,235.70)	(30,860.48)		

Washington State Bar Association
Statement of Activities
For the Period from January 1, 2017 to January 31, 2017
33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
FOUNDATION					
REVENUE:					
	_____	_____	_____	_____	_____
TOTAL REVENUE:	_____	_____	_____	_____	_____
	-	-	-	-	-
DIRECT EXPENSES:					
BOARD OF TRUSTEES	5,000.00	-	259.10	4,740.90	5.18%
GRAPHIC DESIGN	1,500.00	-	-	1,500.00	0.00%
CONSULTING SERVICES	3,000.00	-	-	3,000.00	0.00%
POSTAGE	500.00	-	-	500.00	0.00%
PRINTING & COPYING	1,500.00	39.46	39.46	1,460.54	2.63%
STAFF TRAVEL/PARKING	1,700.00	-	27.55	1,672.45	1.62%
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%
TOTAL DIRECT EXPENSES:	19,300.00	39.46	326.11	18,973.89	1.69%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.25 FTE)	88,294.00	7,353.98	30,109.48	58,184.52	34.10%
BENEFITS EXPENSE	30,721.00	2,593.57	10,395.60	20,325.40	33.84%
OTHER INDIRECT EXPENSE	29,634.00	2,557.79	8,517.47	21,116.53	28.74%
TOTAL INDIRECT EXPENSES:	148,649.00	12,505.34	49,022.55	99,626.45	32.98%
TOTAL ALL EXPENSES:	167,949.00	12,544.80	49,348.66	118,600.34	29.38%
NET INCOME (LOSS):	(167,949.00)	(12,544.80)	(49,348.66)		

Washington State Bar Association
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33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
HUMAN RESOURCES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAINING- GENERAL	35,000.00	2,449.00	5,432.23	29,567.77	15.52%
RECRUITING AND ADVERTISING	7,000.00	65.75	1,604.13	5,395.87	22.92%
PAYROLL PROCESSING	55,000.00	7,013.48	15,745.97	39,254.03	28.63%
SALARY SURVEYS	2,700.00	542.52	542.52	2,157.48	20.09%
DEPRECIATION	835.00	-	835.21	(0.21)	100.03%
CONSULTING SERVICES	9,000.00	3,000.00	8,880.00	120.00	98.67%
STAFF TRAVEL/PARKING	250.00	-	-	250.00	0.00%
STAFF MEMBERSHIP DUES	1,378.00	120.00	489.00	889.00	35.49%
SUBSCRIPTIONS	1,993.00	-	106.43	1,886.57	5.34%
THIRD PARTY SERVICES	13,500.00	-	13,426.00	74.00	99.45%
TRANSFER TO INDIRECT EXPENSE	(126,656.00)	(13,190.75)	(47,061.49)	(79,594.51)	37.16%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (2.48 FTE)	244,580.00	18,532.24	83,098.30	161,481.70	33.98%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
BENEFITS EXPENSE	74,445.00	6,239.95	24,081.38	50,363.62	32.35%
OTHER INDIRECT EXPENSE	58,794.00	5,086.53	16,943.11	41,850.89	28.82%
TOTAL INDIRECT EXPENSES:	257,819.00	29,858.72	124,122.79	133,696.21	48.14%
TOTAL ALL EXPENSES:	257,819.00	29,858.72	124,122.79	133,696.21	48.14%
NET INCOME (LOSS):	(257,819.00)	(29,858.72)	(124,122.79)		

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33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAW CLERK PROGRAM					
REVENUE:					
LAW CLERK FEES	95,000.00	49,750.00	71,000.00	24,000.00	74.74%
LAW CLERK APPLICATION FEES	2,000.00	1,300.00	1,400.00	600.00	70.00%
TOTAL REVENUE:	97,000.00	51,050.00	72,400.00	24,600.00	74.64%
DIRECT EXPENSES:					
SUBSCRIPTIONS	250.00	-	-	250.00	0.00%
CHARACTER & FITNESS INVESTIGATIONS	100.00	-	-	100.00	0.00%
LAW CLERK BOARD EXPENSE	5,000.00	326.99	850.81	4,149.19	17.02%
TOTAL DIRECT EXPENSES:	5,350.00	326.99	850.81	4,499.19	15.90%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.89 FTE)	59,025.00	2,916.62	19,778.72	39,246.28	33.51%
BENEFITS EXPENSE	20,961.00	1,526.87	6,904.32	14,056.68	32.94%
OTHER INDIRECT EXPENSE	21,099.00	1,831.15	6,098.53	15,000.47	28.90%
TOTAL INDIRECT EXPENSES:	101,085.00	6,274.64	32,781.57	68,303.43	32.43%
TOTAL ALL EXPENSES:	106,435.00	6,601.63	33,632.38	72,802.62	31.60%
NET INCOME (LOSS):	(9,435.00)	44,448.37	38,767.62		

Washington State Bar Association

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33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAW OFFICE MNGT ASSISTANCE PROGRAM					
REVENUE:					
LAW OFFICE IN A BOX SALES	2,500.00	180.00	1,260.00	1,240.00	50.40%
TOTAL REVENUE:	2,500.00	180.00	1,260.00	1,240.00	50.40%
DIRECT EXPENSES:					
LIBRARY MATERIALS/RESOURCES	1,500.00	-	36.90	1,463.10	2.46%
LAW OFFICE IN A BOX	500.00	66.01	317.09	182.91	63.42%
STAFF TRAVEL/PARKING	2,000.00	-	-	2,000.00	0.00%
STAFF MEMBERSHIP DUES	600.00	25.00	25.00	575.00	4.17%
CONFERENCE CALLS	100.00	-	-	100.00	0.00%
TOTAL DIRECT EXPENSES:	4,700.00	91.01	378.99	4,321.01	8.06%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.50 FTE)	122,445.00	10,244.76	30,564.27	91,880.73	24.96%
BENEFITS EXPENSE	40,196.00	3,383.58	12,045.24	28,150.76	29.97%
OTHER INDIRECT EXPENSE	35,561.00	3,081.00	10,263.93	25,297.07	28.86%
TOTAL INDIRECT EXPENSES:	198,202.00	16,709.34	52,873.44	145,328.56	26.68%
TOTAL ALL EXPENSES:	202,902.00	16,800.35	53,252.43	149,649.57	26.25%
NET INCOME (LOSS):	(200,402.00)	(16,620.35)	(51,992.43)		

Washington State Bar Association
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33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAWYER ASSISTANCE PROGRAM					
REVENUE:					
DIVERSIONS	15,750.00	-	1,625.00	14,125.00	10.32%
LAP CLIENT FEES	-	255.00	255.00	(255.00)	
MEMB HEALTH CARE INSUR REBATE	-	-	49.50	(49.50)	
TOTAL REVENUE:	15,750.00	255.00	1,929.50	13,820.50	12.25%
DIRECT EXPENSES:					
PROF LIAB INSURANCE	850.00	825.00	825.00	25.00	97.06%
MEMBER ASSISTANCE PROGRAM	45,120.00	22,920.00	22,920.00	22,200.00	50.80%
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%
MISCELLANEOUS	150.00	-	-	150.00	0.00%
TOTAL DIRECT EXPENSES:	46,770.00	23,745.00	23,745.00	23,025.00	50.77%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.87 FTE)	77,476.00	6,382.24	23,700.75	53,775.25	30.59%
BENEFITS EXPENSE	29,331.00	2,080.83	8,916.86	20,414.14	30.40%
OTHER INDIRECT EXPENSE	20,625.00	1,772.99	5,905.23	14,719.77	28.63%
TOTAL INDIRECT EXPENSES:	127,432.00	10,236.06	38,522.84	88,909.16	30.23%
TOTAL ALL EXPENSES:	174,202.00	33,981.06	62,267.84	111,934.16	35.74%
NET INCOME (LOSS):	(158,452.00)	(33,726.06)	(60,338.34)		

Washington State Bar Association

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33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LEGISLATIVE					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
OLYMPIA RENT	5,000.00	198.87	405.90	4,594.10	8.12%
CONTRACT LOBBYIST	20,000.00	5,000.00	5,000.00	15,000.00	25.00%
LOBBYIST CONTACT COSTS	1,600.00	28.66	28.66	1,571.34	1.79%
LEGISLATIVE COMMITTEE	2,500.00	92.13	2,184.62	315.38	87.38%
BOG LEGISLATIVE COMMITTEE	250.00	30.70	249.62	0.38	99.85%
STAFF TRAVEL/PARKING	8,000.00	655.36	1,859.94	6,140.06	23.25%
STAFF MEMBERSHIP DUES	450.00	-	142.17	307.83	31.59%
SUBSCRIPTIONS	2,000.00	-	1,972.80	27.20	98.64%
TELEPHONE	3,000.00	350.83	410.83	2,589.17	13.69%
TOTAL DIRECT EXPENSES:	42,800.00	6,356.55	12,254.54	30,545.46	28.63%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.85 FTE)	131,303.00	10,661.40	42,628.64	88,674.36	32.47%
BENEFITS EXPENSE	45,303.00	3,842.00	15,413.54	29,889.46	34.02%
OTHER INDIRECT EXPENSE	43,859.00	3,778.57	12,585.20	31,273.80	28.69%
TOTAL INDIRECT EXPENSES:	220,465.00	18,281.97	70,627.38	149,837.62	32.04%
TOTAL ALL EXPENSES:	263,265.00	24,638.52	82,881.92	180,383.08	31.48%
NET INCOME (LOSS):	(263,265.00)	(24,638.52)	(82,881.92)		

Washington State Bar Association

Statement of Activities

For the Period from January 1, 2017 to January 31, 2017

33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSING & MEMBERSHIP RECORDS					
REVENUE:					
STATUS CERTIFICATE FEES	22,000.00	2,143.89	8,303.56	13,696.44	37.74%
RULE 9/LEGAL INTERN FEES	11,000.00	400.00	1,600.00	9,400.00	14.55%
INVESTIGATION FEES	20,000.00	4,000.00	9,800.00	10,200.00	49.00%
PRO HAC VICE	170,000.00	20,790.00	88,165.00	81,835.00	51.86%
MEMBER CONTACT INFORMATION	24,000.00	1,466.98	7,887.27	16,112.73	32.86%
PHOTO BAR CARD SALES	800.00	12.00	168.00	632.00	21.00%
TOTAL REVENUE:	247,800.00	28,812.87	115,923.83	131,876.17	46.78%
DIRECT EXPENSES:					
LICENSING FORMS	2,500.00	-	2,659.92	(159.92)	106.40%
POSTAGE	25,000.00	228.78	6,001.09	18,998.91	24.00%
TOTAL DIRECT EXPENSES:	27,500.00	228.78	8,661.01	18,838.99	31.49%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.29 FTE)	346,073.00	29,981.76	115,797.02	230,275.98	33.46%
BENEFITS EXPENSE	112,190.00	9,441.62	38,149.94	74,040.06	34.00%
OTHER INDIRECT EXPENSE	101,704.00	8,777.88	29,236.38	72,467.62	28.75%
TOTAL INDIRECT EXPENSES:	559,967.00	48,201.26	183,183.34	376,783.66	32.71%
TOTAL ALL EXPENSES:	587,467.00	48,430.04	191,844.35	395,622.65	32.66%
NET INCOME (LOSS):	(339,667.00)	(19,617.17)	(75,920.52)		

Washington State Bar Association
Statement of Activities
For the Period from January 1, 2017 to January 31, 2017
33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED LICENSE LEGAL TECHNICIAN PROGRAM					
REVENUE:					
LLLT LICENSE FEES	5,950.00	291.60	1,341.60	4,608.40	22.55%
LLLT EXAM FEES	7,150.00	1,100.00	1,100.00	6,050.00	15.38%
LLLT WAIVER FEES	300.00	-	750.00	(450.00)	250.00%
TOTAL REVENUE:	13,400.00	1,391.60	3,191.60	10,208.40	23.82%
DIRECT EXPENSES:					
CHRACTER & FITNESS INVESTIGATIONS	700.00	-	38.00	662.00	5.43%
LLLT BOARD	18,000.00	2,707.20	4,896.46	13,103.54	27.20%
LLLT OUTREACH	8,000.00	434.67	1,240.19	6,759.81	15.50%
DEPRECIATION	3,354.00	-	-	3,354.00	0.00%
LLLT EXAM WRITING	29,600.00	-	-	29,600.00	0.00%
STAFF TRAVEL/PARKING	400.00	120.67	120.67	279.33	30.17%
STAFF MEMBERSHIP DUES	-	110.00	110.00	(110.00)	
TOTAL DIRECT EXPENSES:	60,054.00	3,372.54	6,405.32	53,648.68	10.67%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.39 FTE)	106,271.00	8,409.20	35,396.25	70,874.75	33.31%
BENEFITS EXPENSE	35,786.00	3,028.35	12,184.72	23,601.28	34.05%
OTHER INDIRECT EXPENSE	32,953.00	2,848.42	9,487.67	23,465.33	28.79%
TOTAL INDIRECT EXPENSES:	175,010.00	14,285.97	57,068.64	117,941.36	32.61%
TOTAL ALL EXPENSES:	235,064.00	17,658.51	63,473.96	171,590.04	27.00%
NET INCOME (LOSS):	(221,664.00)	(16,266.91)	(60,282.36)		

Washington State Bar Association
Statement of Activities
For the Period from January 1, 2017 to January 31, 2017
33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED PRACTICE OFFICERS					
REVENUE:					
LPO EXAMINATION FEES	17,000.00	5,400.00	5,400.00	11,600.00	31.76%
LPO LICENSE FEES	108,000.00	8,812.31	36,229.81	71,770.19	33.55%
LPO LATE LICENSE FEES	1,000.00	-	-	1,000.00	0.00%
LPO CEU & TA LATE FEES	4,000.00	-	100.00	3,900.00	2.50%
LPO CONTINUING ED ACCRED FEE	2,700.00	300.00	750.00	1,950.00	27.78%
TOTAL REVENUE:	132,700.00	14,512.31	42,479.81	90,220.19	32.01%
DIRECT EXPENSES:					
LPO EXAM FACILITIES	800.00	-	394.58	405.42	49.32%
LPO BOARD	3,000.00	35.00	538.19	2,461.81	17.94%
LPO DISCIPLINE EXPENSES	500.00	-	-	500.00	0.00%
FINGERPRINT CARD PROCESSING	3,230.00	-	1,824.00	1,406.00	56.47%
DEPRECIATION	3,354.00	-	-	3,354.00	0.00%
CHARACTER & FITNESS INVESTIGATIONS	100.00	-	-	100.00	0.00%
POSTAGE	2,300.00	-	-	2,300.00	0.00%
TOTAL DIRECT EXPENSES:	13,284.00	35.00	2,756.77	10,527.23	20.75%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.47 FTE)	115,843.00	5,677.02	39,243.83	76,599.17	33.88%
BENEFITS EXPENSE	38,510.00	2,676.18	12,512.59	25,997.41	32.49%
OTHER INDIRECT EXPENSE	34,850.00	3,022.84	10,069.74	24,780.26	28.89%
TOTAL INDIRECT EXPENSES:	189,203.00	11,376.04	61,826.16	127,376.84	32.68%
TOTAL ALL EXPENSES:	202,487.00	11,411.04	64,582.93	137,904.07	31.89%
NET INCOME (LOSS):	(69,787.00)	3,101.27	(22,103.12)		

Washington State Bar Association
Statement of Activities
For the Period from January 1, 2017 to January 31, 2017
33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANDATORY CLE ADMINISTRATION					
REVENUE:					
ACCREDITED PROGRAM FEES	300,000.00	19,800.00	82,750.00	217,250.00	27.58%
FORM 1 LATE FEES	75,000.00	7,560.00	42,770.00	32,230.00	57.03%
MEMBER LATE FEES	150,000.00	33,600.00	33,525.00	116,475.00	22.35%
ANNUAL ACCREDITED SPONSOR FEES	27,000.00	750.00	29,250.00	(2,250.00)	108.33%
ATTENDANCE FEES	70,000.00	1,909.00	20,800.00	49,200.00	29.71%
COMITY CERTIFICATES	29,000.00	9,170.76	22,719.64	6,280.36	78.34%
ATTENDANCE LATE FEES	60,000.00	5,215.00	22,715.00	37,285.00	37.86%
TOTAL REVENUE:	711,000.00	78,004.76	254,529.64	456,470.36	35.80%
DIRECT EXPENSES:					
MCLE BOARD	3,000.00	492.78	661.34	2,338.66	22.04%
POSTAGE	2,000.00	-	-	2,000.00	0.00%
STAFF MEMBERSHIP DUES	500.00	-	500.00	-	100.00%
DEPRECIATION	261,000.00	18,995.00	72,320.00	188,680.00	27.71%
TOTAL DIRECT EXPENSES:	266,500.00	19,487.78	73,481.34	193,018.66	27.57%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.72 FTE)	257,805.00	21,814.92	87,325.11	170,479.89	33.87%
BENEFITS EXPENSE	99,187.00	8,534.29	33,940.50	65,246.50	34.22%
OTHER INDIRECT EXPENSE	111,898.00	9,678.90	32,236.48	79,661.52	28.81%
TOTAL INDIRECT EXPENSES:	468,890.00	40,028.11	153,502.09	315,387.91	32.74%
TOTAL ALL EXPENSES:	735,390.00	59,515.89	226,983.43	508,406.57	30.87%
NET INCOME (LOSS):	(24,390.00)	18,488.87	27,546.21		

Washington State Bar Association
Statement of Activities
For the Period from January 1, 2017 to January 31, 2017
33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER BENEFITS					
REVENUE:					
ROYALTIES	3,000.00	122.40	5,187.26	(2,187.26)	172.91%
TOTAL REVENUE:	3,000.00	122.40	5,187.26	(2,187.26)	172.91%
DIRECT EXPENSES:					
CASEMAKER	75,000.00	12,095.42	18,143.13	56,856.87	24.19%
TOTAL DIRECT EXPENSES:	75,000.00	12,095.42	18,143.13	56,856.87	24.19%
INDIRECT EXPENSES:					
TOTAL INDIRECT EXPENSES:	-	-	-	-	
TOTAL ALL EXPENSES:	75,000.00	12,095.42	18,143.13	56,856.87	24.19%
NET INCOME (LOSS):	(72,000.00)	(11,973.02)	(12,955.87)		

Washington State Bar Association

Statement of Activities

For the Period from January 1, 2017 to January 31, 2017

33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MENTORSHIP PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
MENTORSHIP PROGRAM EXPENSES	15,000.00	97.58	521.88	14,478.12	3.48%
RECEPTION/FORUM EXPENSE	4,800.00	982.02	982.02	3,817.98	20.46%
CONSULTING SERVICES	1,000.00	-	-	1,000.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	-	-	2,000.00	0.00%
SUBSCRIPTIONS	500.00	-	-	500.00	0.00%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSES:	23,500.00	1,079.60	1,503.90	21,996.10	6.40%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.40 FTE)	108,515.00	7,824.78	31,504.46	77,010.54	29.03%
BENEFITS EXPENSE	36,268.00	3,095.95	11,486.44	24,781.56	31.67%
OTHER INDIRECT EXPENSE	33,190.00	2,877.51	9,584.80	23,605.20	28.88%
TOTAL INDIRECT EXPENSES:	177,973.00	13,798.24	52,575.70	125,397.30	29.54%
TOTAL ALL EXPENSES:	201,473.00	14,877.84	54,079.60	147,393.40	26.84%
NET INCOME (LOSS):	(201,473.00)	(14,877.84)	(54,079.60)		

Washington State Bar Association

Statement of Activities

For the Period from January 1, 2017 to January 31, 2017

33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NEW LAWYER PROGRAM					
REVENUE:					
DONATIONS	-	1,200.00	1,200.00	(1,200.00)	
SEMINAR REGISTRATIONS	55,000.00	-	-	55,000.00	0.00%
TRIAL ADVOCACY PROGRAM	25,000.00	(350.00)	17,233.00	7,767.00	68.93%
TOTAL REVENUE:	80,000.00	850.00	18,433.00	61,567.00	23.04%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,000.00	-	277.00	723.00	27.70%
STAFF MEMBERSHIP DUES	200.00	-	-	200.00	0.00%
ONLINE EXPENSES	2,500.00	20.00	369.11	2,130.89	14.76%
NEW LAWYER OUTREACH EVENTS	1,000.00	(743.33)	-	1,000.00	0.00%
NEW LAWYERS COMMITTEE	15,000.00	28.94	4,755.83	10,244.17	31.71%
OPEN SECTIONS NIGHT	3,500.00	2,088.14	2,196.01	1,303.99	62.74%
TRIAL ADVOCACY PROGRAM	3,500.00	-	1,341.61	2,158.39	38.33%
SEMINAR BROCHURES	2,000.00	-	-	2,000.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	2,000.00	49.08	464.49	1,535.51	23.22%
SCHOLARSHIPS/DONATIONS/GRANT	2,000.00	-	-	2,000.00	0.00%
TOTAL DIRECT EXPENSES:	32,700.00	1,442.83	9,404.05	23,295.95	28.76%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.25 FTE)	165,467.00	12,073.99	49,116.49	116,350.51	29.68%
BENEFITS EXPENSE	56,383.00	4,793.62	18,523.91	37,859.09	32.85%
OTHER INDIRECT EXPENSE	53,341.00	4,621.46	15,395.20	37,945.80	28.86%
TOTAL INDIRECT EXPENSES:	275,191.00	21,489.07	83,035.60	192,155.40	30.17%
TOTAL ALL EXPENSES:	307,891.00	22,931.90	92,439.65	215,451.35	30.02%
NET INCOME (LOSS):	(227,891.00)	(22,081.90)	(74,006.65)		

Washington State Bar Association
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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NORTHWEST LAWYER					
REVENUE:					
ROYALTIES	-	-	1,133.91	(1,133.91)	
DISPLAY ADVERTISING	440,000.00	-	125,758.75	314,241.25	28.58%
SUBSCRIPT/SINGLE ISSUES	450.00	-	108.00	342.00	24.00%
CLASSIFIED ADVERTISING	89,000.00	12,513.10	39,877.85	49,122.15	44.81%
GEN ANNOUNCEMENTS	17,000.00	-	2,250.00	14,750.00	13.24%
PROF ANNOUNCEMENTS	27,000.00	-	6,292.50	20,707.50	23.31%
TOTAL REVENUE:	573,450.00	12,513.10	175,421.01	398,028.99	30.59%
DIRECT EXPENSES:					
GRAPHICS/ARTWORK	3,500.00	(775.00)	1,038.30	2,461.70	29.67%
OUTSIDE SALES EXPENSE	80,000.00	-	16,786.51	63,213.49	20.98%
EDITORIAL ADVISORY COMMITTEE	800.00	4.18	63.12	736.88	7.89%
DIGITAL/ONLINE DEVELOPMENT	8,400.00	800.00	2,300.00	6,100.00	27.38%
BAD DEBT EXPENSE	1,000.00	3,000.00	4,000.00	(3,000.00)	400.00%
POSTAGE	89,100.00	-	30,957.81	58,142.19	34.75%
PRINTING, COPYING & MAILING	220,000.00	-	49,640.65	170,359.35	22.56%
TOTAL DIRECT EXPENSES:	402,800.00	3,029.18	104,786.39	298,013.61	26.01%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.72 FTE)	131,759.00	8,563.69	46,806.03	84,952.97	35.52%
BENEFITS EXPENSE	48,872.00	3,574.49	14,879.53	33,992.47	30.45%
OTHER INDIRECT EXPENSE	40,777.00	3,516.96	11,712.60	29,064.40	28.72%
TOTAL INDIRECT EXPENSES:	221,408.00	15,655.14	73,398.16	148,009.84	33.15%
TOTAL ALL EXPENSES:	624,208.00	18,684.32	178,184.55	446,023.45	28.55%
NET INCOME (LOSS):	(50,758.00)	(6,171.22)	(2,763.54)		

Washington State Bar Association
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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL					
REVENUE:					
COPY FEES	-	-	52.60	(52.60)	
TOTAL REVENUE:	-	-	52.60	(52.60)	
DIRECT EXPENSES:					
AMICUS BRIEF COMMITTEE	100.00	-	83.63	16.37	83.63%
COURT RULES COMMITTEE	5,000.00	44.02	159.47	4,840.53	3.19%
DISCIPLINE ADVISORY ROUNDTABLE	1,500.00	-	-	1,500.00	0.00%
LITIGATION EXPENSES	-	0.15	62.40	(62.40)	
CUSTODIANSHIPS	5,000.00	0.93	1,008.89	3,991.11	20.18%
STAFF TRAVEL/PARKING	2,600.00	520.69	1,170.26	1,429.74	45.01%
STAFF MEMBERSHIP DUES	1,500.00	-	-	1,500.00	0.00%
TOTAL DIRECT EXPENSES:	15,700.00	565.79	2,484.65	13,215.35	15.83%
INDIRECT EXPENSES:					
SALARY EXPENSE (5.7 FTE)	484,565.00	38,013.18	160,024.93	324,540.07	33.02%
BENEFITS EXPENSE	157,573.00	12,873.22	52,016.18	105,556.82	33.01%
OTHER INDIRECT EXPENSE	135,132.00	11,684.45	38,919.13	96,212.87	28.80%
TOTAL INDIRECT EXPENSES:	777,270.00	62,570.85	250,960.24	526,309.76	32.29%
TOTAL ALL EXPENSES:	792,970.00	63,136.64	253,444.89	539,525.11	31.96%
NET INCOME (LOSS):	(792,970.00)	(63,136.64)	(253,392.29)		

Washington State Bar Association

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33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OGC-DISCIPLINARY BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
DISCIPLINARY BOARD EXPENSES	7,500.00	2,072.62	4,583.91	2,916.09	61.12%
CHIEF HEARING OFFICER	33,000.00	2,500.00	10,000.00	23,000.00	30.30%
HEARING OFFICER EXPENSES	5,000.00	264.04	295.54	4,704.46	5.91%
HEARING OFFICER TRAINING	2,000.00	-	-	2,000.00	0.00%
OUTSIDE COUNSEL	55,000.00	3,250.00	13,000.00	42,000.00	23.64%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
TOTAL DIRECT EXPENSES:	103,000.00	8,086.66	27,879.45	75,120.55	27.07%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.30 FTE)	92,118.00	7,687.50	30,594.67	61,523.33	33.21%
BENEFITS EXPENSE	31,810.00	2,703.61	10,856.99	20,953.01	34.13%
OTHER INDIRECT EXPENSE	30,819.00	2,674.07	8,908.46	21,910.54	28.91%
TOTAL INDIRECT EXPENSES:	154,747.00	13,065.18	50,360.12	104,386.88	32.54%
TOTAL ALL EXPENSES:	257,747.00	21,151.84	78,239.57	179,507.43	30.36%
NET INCOME (LOSS):	(257,747.00)	(21,151.84)	(78,239.57)		

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE OF LAW BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
PRACTICE OF LAW BOARD	14,000.00	2,561.35	5,836.00	8,164.00	41.69%
TRANSLATION SERVICES	100.00	-	-	100.00	0.00%
TOTAL DIRECT EXPENSES:	14,100.00	2,561.35	5,836.00	8,264.00	41.39%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.81 FTE)	61,398.00	5,148.90	20,492.04	40,905.96	33.38%
BENEFITS EXPENSE	20,670.00	1,754.70	7,065.38	13,604.62	34.18%
OTHER INDIRECT EXPENSE	19,203.00	1,656.77	5,516.86	13,686.14	28.73%
TOTAL INDIRECT EXPENSES:	101,271.00	8,560.37	33,074.28	68,196.72	32.66%
TOTAL ALL EXPENSES:	115,371.00	11,121.72	38,910.28	76,460.72	33.73%
NET INCOME (LOSS):	(115,371.00)	(11,121.72)	(38,910.28)		

Washington State Bar Association

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33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PROFESSIONAL RESPONSIBILITY PROGRAM					
REVENUE:					
	<u> </u>				
TOTAL REVENUE:	<u> </u>				
	-	-	-	-	
DIRECT EXPENSES:					
CPE COMMITTEE	6,000.00	376.98	1,353.88	4,646.12	22.56%
STAFF TRAVEL/PARKING	1,500.00	-	785.71	714.29	52.38%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
TOTAL DIRECT EXPENSES:	<u>8,000.00</u>	<u>376.98</u>	<u>2,139.59</u>	<u>5,860.41</u>	<u>26.74%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (2.07 FTE)	165,405.00	11,762.74	47,096.73	118,308.27	28.47%
BENEFITS EXPENSE	58,372.00	4,531.36	18,294.70	40,077.30	31.34%
OTHER INDIRECT EXPENSE	49,074.00	4,243.60	14,134.77	34,939.23	28.80%
TOTAL INDIRECT EXPENSES:	<u>272,851.00</u>	<u>20,537.70</u>	<u>79,526.20</u>	<u>193,324.80</u>	<u>29.15%</u>
TOTAL ALL EXPENSES:	<u>280,851.00</u>	<u>20,914.68</u>	<u>81,665.79</u>	<u>199,185.21</u>	<u>29.08%</u>
NET INCOME (LOSS):	<u>(280,851.00)</u>	<u>(20,914.68)</u>	<u>(81,665.79)</u>		

Washington State Bar Association
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33.33% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLIC SERVICE PROGRAMS					
REVENUE:					
DONATIONS & GRANTS	85,000.00	-	85,000.00	-	100.00%
PSP PRODUCT SALES	-	838.00	5,774.00	(5,774.00)	
TOTAL REVENUE:	85,000.00	838.00	90,774.00	(5,774.00)	106.79%
DIRECT EXPENSES:					
DONATIONS/SPONSORSHIPS/GRANTS	203,915.00	-	-	203,915.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	-	-	1,500.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	-	14.03	1,985.97	0.70%
STAFF MEMBERSHIP DUES	95.00	-	-	95.00	0.00%
VOLUNTEER RECRUITMENT & OUTREACH	2,100.00	-	-	2,100.00	0.00%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
PRO BONO & LEGAL AID COMMITTEE	2,000.00	34.14	262.84	1,737.16	13.14%
VOLUNTEER RECRUITMENT & APPREC	500.00	-	-	500.00	0.00%
DAY OF SERVICE	3,150.00	-	-	3,150.00	0.00%
TOTAL DIRECT EXPENSES:	215,460.00	34.14	276.87	215,183.13	0.13%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.70 FTE)	132,099.00	9,848.00	39,560.38	92,538.62	29.95%
BENEFITS EXPENSE	44,139.00	3,729.46	14,282.56	29,856.44	32.36%
OTHER INDIRECT EXPENSE	40,302.00	3,487.89	11,618.67	28,683.33	28.83%
TOTAL INDIRECT EXPENSES:	216,540.00	17,065.35	65,461.61	151,078.39	30.23%
TOTAL ALL EXPENSES:	432,000.00	17,099.49	65,738.48	366,261.52	15.22%
NET INCOME (LOSS):	(347,000.00)	(16,261.49)	25,035.52		

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	307,000.00	152,681.25	279,093.75	27,906.25	90.91%
TOTAL REVENUE:	307,000.00	152,681.25	279,093.75	27,906.25	90.91%
DIRECT EXPENSES:					
DUES STATEMENTS	9,500.00	-	5,416.72	4,083.28	57.02%
STAFF TRAVEL/PARKING	1,000.00	-	394.43	605.57	39.44%
SECTION/COMMITTEE CHAIR MTGS	1,000.00	-	439.78	560.22	43.98%
CONFERENCE CALLS	300.00	2.21	21.37	278.63	7.12%
MISCELLANEOUS	300.00	-	134.00	166.00	44.67%
TOTAL DIRECT EXPENSES:	12,100.00	2.21	6,406.30	5,693.70	52.94%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.03 FTE)	259,395.00	21,633.26	86,096.64	173,298.36	33.19%
BENEFITS EXPENSE	93,121.00	7,921.06	31,780.87	61,340.13	34.13%
OTHER INDIRECT EXPENSE	95,540.00	8,254.68	27,491.40	68,048.60	28.77%
TOTAL INDIRECT EXPENSES:	448,056.00	37,809.00	145,368.91	302,687.09	32.44%
TOTAL ALL EXPENSES:	460,156.00	37,811.21	151,775.21	308,380.79	32.98%
NET INCOME (LOSS):	(153,156.00)	114,870.04	127,318.54		

Washington State Bar Association

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
TECHNOLOGY					
REVENUE:					
	_____	_____	_____	_____	_____
TOTAL REVENUE:	-	-	-	-	-
DIRECT EXPENSES:					
COMPUTER HARDWARE	29,000.00	826.77	4,195.42	24,804.58	14.47%
COMPUTER SOFTWARE	28,000.00	172.07	1,384.61	26,615.39	4.95%
SOFTWARE MAINTENANCE & LICENSING	286,500.00	-	28,525.84	257,974.16	9.96%
HARDWARE SERVICE & WARRANTIES	41,000.00	(306.88)	17,899.52	23,100.48	43.66%
TELEPHONE HARDWARE & MAINTENANCE	26,000.00	(2,203.99)	7,105.53	18,894.47	27.33%
COMPUTER SUPPLIES	34,000.00	987.84	3,940.62	30,059.38	11.59%
THIRD PARTY SERVICES	40,500.00	24,483.00	28,029.75	12,470.25	69.21%
CONSULTING SERVICES	212,000.00	14,197.89	15,124.39	196,875.61	7.13%
STAFF TRAVEL/PARKING	2,500.00	-	-	2,500.00	0.00%
STAFF MEMBERSHIP DUES	110.00	-	-	110.00	0.00%
TELEPHONE	24,000.00	5,032.95	5,763.49	18,236.51	24.01%
TRANSFER TO INDIRECT EXPENSES	(723,610.00)	(43,189.65)	(111,969.17)	(611,640.83)	15.47%
TOTAL DIRECT EXPENSES:	-	-	-	-	-
INDIRECT EXPENSES:					
SALARY EXPENSE (12.10 FTE)	1,002,250.00	75,688.59	297,236.20	705,013.80	29.66%
BENEFITS EXPENSE	327,511.00	26,727.37	105,716.49	221,794.51	32.28%
CAPITAL LABOR & OVERHEAD	(140,700.00)	-	-	(140,700.00)	0.00%
OTHER INDIRECT EXPENSE	286,858.00	24,705.93	82,287.99	204,570.01	28.69%
TOTAL INDIRECT EXPENSES:	1,475,919.00	127,121.89	485,240.68	990,678.32	32.88%
TOTAL ALL EXPENSES:	1,475,919.00	127,121.89	485,240.68	990,678.32	32.88%
NET INCOME (LOSS):	(1,475,919.00)	(127,121.89)	(485,240.68)		

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONTINUING LEGAL EDUCATION (CLE)					
REVENUE:					
SEMINAR REGISTRATIONS	1,670,000.00	25.00	313,275.75	1,356,724.25	18.76%
SEMINAR-EXHIB/SPNSR/ETC	25,000.00	-	500.00	24,500.00	2.00%
SHIPPING & HANDLING	4,600.00	290.00	1,482.28	3,117.72	32.22%
DESKBOOK SALES	80,000.00	9,752.57	35,399.81	44,600.19	44.25%
COURSEBOOK SALES	20,000.00	1,245.00	5,207.23	14,792.77	26.04%
SECTION PUBLICATION SALES	15,200.00	-	1,777.50	13,422.50	11.69%
CASEMAKER ROYALTIES	60,000.00	13,397.31	20,483.48	39,516.52	34.14%
MP3 AND VIDEO SALES	700,000.00	69,188.07	528,015.66	171,984.34	75.43%
TOTAL REVENUE:	2,574,800.00	93,897.95	906,141.71	1,668,658.29	35.19%
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	4,000.00	13.44	346.76	3,653.24	8.67%
POSTAGE - FLIERS/CATALOGS	40,000.00	-	8,124.25	31,875.75	20.31%
POSTAGE - MISC./DELIVERY	2,500.00	-	245.00	2,255.00	9.80%
DEPRECIATION	19,000.00	1,827.00	7,308.00	11,692.00	38.46%
ONLINE EXPENSES	82,000.00	3,902.31	14,124.41	67,875.59	17.22%
ACCREDITATION FEES	6,500.00	70.00	1,806.00	4,694.00	27.78%
SEMINAR BROCHURES	65,000.00	(553.76)	11,634.61	53,365.39	17.90%
FACILITIES	285,988.00	2,396.17	48,706.27	237,281.73	17.03%
SPEAKERS & PROGRAM DEVELOP	55,000.00	3,231.72	12,586.91	42,413.09	22.89%
SPLITS TO SECTIONS	167,456.00	-	-	167,456.00	0.00%
SPLITS TO CO-SPONSORS	7,500.00	-	-	7,500.00	0.00%
HONORARIA	20,250.00	-	-	20,250.00	0.00%
CLE SEMINAR COMMITTEE	1,500.00	-	43.96	1,456.04	2.93%
BAD DEBT EXPENSE	600.00	-	-	600.00	0.00%
STAFF TRAVEL/PARKING	6,500.00	-	95.27	6,404.73	1.47%
STAFF MEMBERSHIP DUES	1,550.00	-	-	1,550.00	0.00%
SUPPLIES	2,000.00	806.64	806.64	1,193.36	40.33%
COST OF SALES - DESKBOOKS	56,000.00	7,236.73	24,875.12	31,124.88	44.42%
COST OF SALES - COURSEBOOKS	1,400.00	84.14	434.53	965.47	31.04%
COST OF SALES SECTION PUBLICATION	2,800.00	-	312.16	2,487.84	11.15%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	-	1,500.00	0.00%
DESKBOOK ROYALTIES	1,000.00	-	-	1,000.00	0.00%
SHIPPING SUPPLIES	250.00	-	-	250.00	0.00%
POSTAGE & DELIVERY-DESKBOOKS	4,000.00	525.01	963.04	3,036.96	24.08%
POSTAGE & DELIVERY-COURSEBOOKS	3,000.00	11.97	197.52	2,802.48	6.58%
SPLITS WITH SECTIONS	4,800.00	-	-	4,800.00	0.00%
FLIERS/CATALOGS	7,500.00	553.76	553.76	6,946.24	7.38%
POSTAGE - FLIERS/CATALOGS	5,000.00	-	-	5,000.00	0.00%
COMPLIMENTARY BOOK PROGRAM	4,000.00	1,404.15	1,404.15	2,595.85	35.10%
RECORDS STORAGE - OFF SITE	7,440.00	1,240.00	2,480.00	4,960.00	33.33%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSES:	866,234.00	22,749.28	137,048.36	729,185.64	15.82%
INDIRECT EXPENSES:					
SALARY EXPENSE (12.77 FTE)	837,663.00	67,460.08	270,213.20	567,449.80	32.26%
BENEFITS EXPENSE	295,948.00	25,324.28	101,205.10	194,742.90	34.20%
OTHER INDIRECT EXPENSE	302,742.00	26,159.23	88,984.00	213,758.00	29.39%
TOTAL INDIRECT EXPENSES:	1,436,353.00	118,943.59	460,402.30	975,950.70	32.05%
TOTAL ALL EXPENSES:	2,302,587.00	141,692.87	597,450.66	1,705,136.34	25.95%
NET INCOME (LOSS):	272,213.00	(47,794.92)	308,691.05		

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	475,770.00	232,697.75	422,945.25	52,824.75	88.90%
SEMINAR PROFIT SHARE	151,310.00	3,634.94	13,999.88	137,310.12	9.25%
INTEREST INCOME	1,406.00	-	-	1,406.00	0.00%
PUBLICATIONS REVENUE	5,000.00	2,798.20	2,798.20	2,201.80	55.96%
OTHER	55,125.00	538.75	5,153.92	49,971.08	9.35%
TOTAL REVENUE:	688,611.00	239,669.64	444,897.25	243,713.75	64.61%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	594,014.00	12,170.15	85,534.47	508,479.53	14.40%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	310,818.75	152,681.25	279,093.75	31,725.00	89.79%
TOTAL DIRECT EXPENSES:	904,832.75	164,851.40	364,628.22	540,204.53	40.30%
NET INCOME (LOSS):	(216,221.75)	74,818.24	80,269.03		

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAWYERS FUND FOR CLIENT PROTECTION					
REVENUE:					
LFCP RESTITUTION	1,000.00	302.74	1,406.48	(406.48)	140.65%
LFCP MEMBER ASSESSMENTS	982,000.00	536,544.50	842,347.50	139,652.50	85.78%
INTEREST INCOME	3,000.00	1,548.99	4,651.39	(1,651.39)	155.05%
TOTAL REVENUE:	986,000.00	538,396.23	848,405.37	137,594.63	86.05%
DIRECT EXPENSES:					
GIFTS TO INJURED CLIENTS	500,000.00	10,366.63	137,117.86	362,882.14	27.42%
LFCP BOARD EXPENSES	1,500.00	28.10	808.15	691.85	53.88%
BANK FEES - WELLS FARGO	1,000.00	93.63	378.03	621.97	37.80%
TOTAL DIRECT EXPENSES:	502,500.00	10,488.36	138,304.04	364,195.96	27.52%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.01 FTE)	66,205.00	5,516.36	21,954.49	44,250.51	33.16%
BENEFITS EXPENSE	23,572.00	2,007.78	8,021.85	15,550.15	34.03%
OTHER INDIRECT EXPENSE	23,944.00	2,063.65	6,871.38	17,072.62	28.70%
TOTAL INDIRECT EXPENSES:	113,721.00	9,587.79	36,847.72	76,873.28	32.40%
TOTAL ALL EXPENSES:	616,221.00	20,076.15	175,151.76	441,069.24	28.42%
NET INCOME (LOSS):	369,779.00	518,320.08	673,253.61		

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANAGEMENT OF WESTERN STATES BAR CONFERENCE					
REVENUE:					
REGISTRATION REVENUE	25,600.00	-	(450.00)	26,050.00	-1.76%
OTHER ACTIVITIES REGISTRATION REVENUE	13,000.00	1,050.00	2,270.00	10,730.00	17.46%
WESTERN STATES BAR MEMBERSHIP DUES	2,400.00	600.00	2,250.00	150.00	93.75%
SPONSORSHIPS	9,000.00	6,000.00	12,000.00	(3,000.00)	133.33%
TOTAL REVENUE:	50,000.00	7,650.00	16,070.00	33,930.00	32.14%
DIRECT EXPENSES:					
SPEAKERS & PROGRAM DEVELOPMENT	1,000.00	-	-	1,000.00	0.00%
FACILITIES	44,000.00	-	36,823.64	7,176.36	83.69%
STAFF TRAVEL/PARKING	2,300.00	-	572.00	1,728.00	24.87%
BANK FEES	560.00	46.63	188.06	371.94	33.58%
WSBC PRESIDENT TRAVEL	500.00	-	-	500.00	0.00%
OPTIONAL ACTIVITIES EXPENSE	1,200.00	-	-	1,200.00	0.00%
MARKETING EXPENSE	440.00	-	52.61	387.39	11.96%
TOTAL DIRECT EXPENSES:	50,000.00	46.63	37,636.31	12,363.69	75.27%
INDIRECT EXPENSES:					
TOTAL INDIRECT EXPENSES:	-	-	-	-	
TOTAL ALL EXPENSES:	50,000.00	46.63	37,636.31	12,363.69	75.27%
NET INCOME (LOSS):	-	7,603.37	(21,566.31)		

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
INDIRECT EXPENSES:					
SALARIES	10,987,791.00	909,283.39	3,641,768.54	7,346,022.46	33.14%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
TEMPORARY SALARIES	98,320.00	6,561.75	17,068.95	81,251.05	17.36%
CAPITAL LABOR & OVERHEAD	(140,700.00)	-	-	(140,700.00)	0.00%
EMPLOYEE ASSISTANCE PLAN	4,800.00	-	1,200.00	3,600.00	25.00%
EMPLOYEE SERVICE AWARDS	1,970.00	-	1,030.00	940.00	52.28%
FICA (EMPLOYER PORTION)	823,000.00	68,071.55	259,727.39	563,272.61	31.56%
L&I INSURANCE	48,000.00	9,596.26	9,596.26	38,403.74	19.99%
MEDICAL (EMPLOYER PORTION)	1,335,000.00	119,205.02	449,503.42	885,496.58	33.67%
RETIREMENT (EMPLOYER PORTION)	1,252,000.00	95,427.96	390,770.54	861,229.46	31.21%
TRANSPORTATION ALLOWANCE	118,500.00	120.00	105,539.50	12,960.50	89.06%
UNEMPLOYMENT INSURANCE	106,000.00	12,406.13	20,122.11	85,877.89	18.98%
STAFF DEVELOPMENT-GENERAL	6,865.00	-	368.83	6,496.17	5.37%
TOTAL SALARY & BENEFITS EXPENSE:	14,521,546.00	1,220,672.06	4,896,695.54	9,624,850.46	33.72%
WORKPLACE BENEFITS	42,000.00	1,839.82	15,832.42	26,167.58	37.70%
HUMAN RESOURCES POOLED EXP	126,656.00	13,190.75	47,061.49	79,594.51	37.16%
MEETING SUPPORT EXPENSES	15,000.00	795.41	4,454.70	10,545.30	29.70%
RENT	1,645,000.00	151,619.50	541,610.83	1,103,389.17	32.92%
PERSONAL PROP TAXES-WSBA	12,500.00	1,030.07	4,120.28	8,379.72	32.96%
FURNITURE, MAINT, LH IMP	38,000.00	1,220.54	5,086.49	32,913.51	13.39%
OFFICE SUPPLIES & EQUIPMENT	50,000.00	4,283.10	11,068.99	38,931.01	22.14%
FURN & OFFICE EQUIP DEPRECIATION	74,000.00	3,486.00	42,963.44	31,036.56	58.06%
COMPUTER HARDWARE DEPRECIATION	63,000.00	5,058.33	23,074.51	39,925.49	36.63%
COMPUTER SOFTWARE DEPRECIATION	94,500.00	1,826.00	7,919.01	86,580.99	8.38%
INSURANCE	130,400.00	10,881.85	43,527.40	86,872.60	33.38%
PROFESSIONAL FEES-AUDIT	31,000.00	26,791.88	32,662.06	(1,662.06)	105.36%
PROFESSIONAL FEES-LEGAL	60,000.00	6,057.30	8,879.30	51,120.70	14.80%
TELEPHONE & INTERNET	38,000.00	2,758.46	8,528.71	29,471.29	22.44%
POSTAGE - GENERAL	45,000.00	3,141.60	10,764.10	34,235.90	23.92%
RECORDS STORAGE	40,000.00	2,360.93	12,632.24	27,367.76	31.58%
STAFF TRAINING	75,000.00	4,839.46	22,294.09	52,705.91	29.73%
BANK FEES	35,400.00	4,866.47	12,437.28	22,962.72	35.13%
PRODUCTION MAINTENANCE & SUPPLIES	25,000.00	1,420.84	2,717.15	22,282.85	10.87%
COMPUTER POOLED EXPENSES	723,610.00	43,189.65	111,969.17	611,640.83	15.47%
TOTAL OTHER INDIRECT EXPENSES:	3,364,066.00	290,657.96	969,603.66	2,394,462.34	28.82%
TOTAL INDIRECT EXPENSES:	17,885,612.00	1,511,330.02	5,866,299.20		

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SUMMARY PAGE				
LICENSE FEES	13,204,000.00	952,076.44	4,186,782.61	9,017,217.39
ACCESS TO JUSTICE	(251,763.00)	(23,356.84)	(94,922.35)	(156,840.65)
ADMINISTRATION	(974,756.00)	(68,160.79)	(351,184.48)	(623,571.52)
ADMISSIONS/BAR EXAM	(91,290.00)	(31,821.83)	178,890.15	(270,180.15)
BOARD OF GOVERNORS	(782,596.00)	(76,753.36)	(249,837.54)	(532,758.46)
COMMUNICATIONS	(1,656,408.00)	(135,864.35)	(512,477.96)	(1,143,930.04)
DISCIPLINE	(5,462,671.00)	(455,458.17)	(1,789,157.54)	(3,673,513.46)
DIVERSITY	(293,895.00)	(31,235.70)	(30,860.48)	(263,034.52)
FOUNDATION	(167,949.00)	(12,544.80)	(49,348.66)	(118,600.34)
HUMAN RESOURCES	(257,819.00)	(29,858.72)	(124,122.79)	(133,696.21)
PUBLIC SERVICE PROGRAMS	(347,000.00)	(16,261.49)	25,035.52	(372,035.52)
LOMAP	(200,402.00)	(16,620.35)	(51,992.43)	(148,409.57)
LAP	(158,452.00)	(33,726.06)	(60,338.34)	(98,113.66)
LEGISLATIVE	(263,265.00)	(24,638.52)	(82,881.92)	(180,383.08)
LICENSING AND MEMBERSHIP	(339,667.00)	(19,617.17)	(75,920.52)	(263,746.48)
LIMITED LICENSE LEGAL TECHNICIAN	(221,664.00)	(16,266.91)	(60,282.36)	(161,381.64)
LIMITED PRACTICE OFFICERS	(69,787.00)	3,101.27	(22,103.12)	(47,683.88)
MANDATORY CLE ADMINISTRATION	(24,390.00)	18,488.87	27,546.21	(51,936.21)
MEMBER BENEFITS	(72,000.00)	(11,973.02)	(12,955.87)	(59,044.13)
MENTORSHIP PROGRAM	(201,473.00)	(14,877.84)	(54,079.60)	(147,393.40)
NEW LAWYER PROGRAM	(227,891.00)	(22,081.90)	(74,006.65)	(153,884.35)
NW LAWYER	(50,758.00)	(6,171.22)	(2,763.54)	(47,994.46)
OFFICE OF GENERAL COUNSEL	(792,970.00)	(63,136.64)	(253,392.29)	(539,577.71)
OGC-DISCIPLINARY BOARD	(257,747.00)	(21,151.84)	(78,239.57)	(179,507.43)
PRACTICE OF LAW BOARD	(115,371.00)	(11,121.72)	(38,910.28)	(76,460.72)
PROFESSIONAL RESPONSIBILITY	(280,851.00)	(20,914.68)	(81,665.79)	(199,185.21)
LAW CLERK PROGRAM	(9,435.00)	44,448.37	38,767.62	(48,202.62)
SECTIONS ADMINISTRATION	(153,156.00)	114,870.04	127,318.54	(280,474.54)
TECHNOLOGY	(1,475,919.00)	(127,121.89)	(485,240.68)	(990,678.32)
CLE - PRODUCTS	222,126.00	34,961.77	376,083.25	(153,957.25)
CLE - SEMINARS	50,087.00	(82,756.69)	(67,392.20)	117,479.20
SECTIONS OPERATIONS	(216,221.75)	74,818.24	80,269.03	(296,490.78)
LFCP	369,779.00	518,320.08	673,253.61	(303,474.61)
WESTERN STATES BAR CONFERENCE	-	7,603.37	(21,566.31)	21,566.31
INDIRECT EXPENSES	(17,885,612.00)	(1,511,330.02)	(5,866,299.20)	(12,019,312.80)
TOTAL OF ALL	19,457,186.75	1,116,134.07	4,877,995.93	14,579,190.82
NET INCOME (LOSS)	(1,571,574.75)	395,195.95	988,303.27	

**Washington State Bar Association
Analysis of Cash Investments
As of January 31, 2017**

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 7,725,927
Total		\$ 7,725,927

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	0.70%	\$ 410,354
UBS Financial Money Market	0.81%	\$ 837,291
Morgan Stanley Money Market	0.49%	\$ 25,645
Merrill Lynch Money Market	0.85%	\$ 1,869,764
Long Term Investments	Varies	\$ 3,358,313
Short Term Investments	Varies	\$ 1,250,000
General Fund Total		\$ 15,477,294

Lawyer's Fund for Client Protection

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 1,371,612

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	0.70%	\$ 2,227,755
Morgan Stanley Money Market	0.08%	\$ 102,569
Wells Fargo Investments	Varies	\$ -
Lawyers' Fund for Client Protection Total		\$ 3,701,936

Grand Total Cash & Investments **\$ 19,179,230**

**Washington State Bar Association
Analysis of Cash Investments
As of January 31, 2017**

Long Term Investments- General Fund

UBS Financial Long Term Investments

Nuveen 3-7 year Municipal Bond Portfolio Value as of 1/31/17
\$ 490,857.95

Morgan Stanley Long Term Investments

Lord Abbett Short Term Duration Income Fund Value as of 1/31/17
\$ 1,549,643.62
Guggenheim Total Return Bond Fund \$ 656,453.27
Virtus Multi-Sector Short Term Bond Fund \$ 661,357.97
\$ 2,867,454.86

Total Long Term Investments- General Fund 3,358,312.81

Short Term Investments- General Fund

<u>Bank</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Term</u>	<u>Maturity Date</u>	<u>Amount</u>
Enterprise Bank	0.65%	0.65%	6 months	7/31/2017	250,000.00
Pacific Western Bank	0.65%	0.65%	6 months	7/31/2017	250,000.00
First VA Community Bank	0.65%	0.65%	6 months	7/31/2017	250,000.00
Bank of China NY	0.85%	0.85%	9 months	10/30/2017	250,000.00
Bank of Baroda	0.90%	0.90%	9 months	10/31/2017	250,000.00

Total Short Term Investments- General Fund 1,250,000.00

Lawyer's Fund for Client Protection

<u>Bank</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Term Mths</u>	<u>Maturity Date</u>	<u>Amount</u>
Total LFCP					<u><u>-</u></u>



WSBA Financial Reports

(Unaudited)

Year to Date February 28, 2017

**Prepared by Mark Hayes, Controller
Submitted by
Ann Holmes, Chief Operations Officer
March 17, 2017**



To: Board of Governors
Budget and Audit Committee

From: Mark Hayes, Controller

Re: Key Financial Benchmarks for the Fiscal Year to Date (YTD) through February 28, 2017

Date: March 17, 2017

	% of Year	Current Year % YTD	Current Year \$ Difference ¹	Prior Year YTD	Comments
Salaries	41.67%	41.84%	\$19,098 (Over budget)	40.39%	Expected to be on or slightly under budget
Benefits	41.67%	41.14%	\$19,419 (Under budget)	39.68%	Expected to be on budget
Other Indirect Expenses	41.67%	36.09%	\$187,582 (Under budget)	43.59%	Expected to be slightly under budget
Total Indirect Expenses	41.67%	40.62%	\$187,903 (Under budget)	40.85%	Expected to be on or slightly under budget

General Fund Revenues	41.67%	45.18%	\$592,666 (Over budget)	43.42%	Expected to be slightly over budget
General Fund Direct Expenses	41.67%	30.93%	\$428,330 (Under budget)	30.46%	Expected to be on or slightly under budget

CLE Revenue	41.67%	37.42%	\$109,383 (Under budget)	49.70%	Expected to be under budget
CLE Direct Expenses	41.67%	18.58%	\$199,987 (Under budget)	30.16%	Expected to be on or slightly under budget
CLE Indirect Expenses	41.67%	39.76%	\$27,379 (Under budget)	36.90%	Expected to be on or slightly under budget

¹ 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 February, 2017 (5 months into the fiscal year).

Washington State Bar Association Financial Summary
Year to Date as of February 28, 2017 41.67% of Year
Compared to Fiscal Year 2017 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	-	8,000.00	96,235	197,913	20,799	61,850	117,034	259,763	(117,034)	(251,763)
Administration	11,434	55,000	436,647	1,026,621	(4,523)	3,135	432,124	1,029,756	(420,690)	(974,756)
Admissions/Bar Exam	644,540	1,070,000	318,731	784,390	68,655	376,900	387,386	1,161,290	257,154	(91,290)
Board of Governors	-	-	233,751	487,946	75,711	294,650	309,462	782,596	(309,462)	(782,596)
Communications	1,354	44,250	604,251	1,570,598	36,448	130,060	640,699	1,700,658	(639,345)	(1,656,408)
Discipline	40,258	140,000	2,159,676	5,335,003	100,119	267,668	2,259,795	5,602,671	(2,219,537)	(5,462,671)
Diversity	90,000	100,374	147,791	365,119	5,132	29,150	152,923	394,269	(62,923)	(293,895)
Foundation	-	-	60,933	148,649	644	19,300	61,577	167,949	(61,577)	(167,949)
Human Resources	-	-	154,020	257,819	-	-	154,020	257,819	(154,020)	(257,819)
Law Clerk Program	84,525	97,000	38,588	101,085	1,063	5,350	39,651	106,435	44,874	(9,435)
Law Office Management Asst.Prog	1,575	2,500	68,860	198,202	718	4,700	69,578	202,902	(68,003)	(200,402)
Lawyers Assistance Program	2,680	15,750	48,339	127,432	23,745	46,770	72,084	174,202	(69,404)	(158,452)
Legislative	-	-	87,558	220,465	18,421	42,800	105,980	263,265	(105,980)	(263,265)
Licensing Fees	5,530,457	13,204,000	-	-	-	-	-	-	5,530,457	13,204,000
License and Membership Records	142,225	247,800	230,057	559,967	30,593	27,500	260,651	587,467	(118,426)	(339,667)
Limited License Legal Technician	4,183	13,400	70,643	175,010	8,002	60,054	78,645	235,064	(74,462)	(221,664)
Limited Practice Officers	62,833	132,700	72,233	189,203	2,865	13,284	75,099	202,487	(12,266)	(69,787)
Mandatory CLE	346,128	711,000	191,387	468,890	92,521	266,500	283,908	735,390	62,220	(24,390)
Member Benefits	9,514	3,000	-	-	24,191	75,000	24,191	75,000	(14,677)	(72,000)
Mentorship Program	-	-	65,693	177,973	1,974	23,500	67,666	201,473	(67,666)	(201,473)
New Lawyer Program	21,840	80,000	103,476	275,191	13,774	32,700	117,250	307,891	(95,410)	(227,891)
NW Lawyer	234,550	573,450	87,988	221,408	183,305	402,800	271,293	624,208	(36,743)	(50,758)
Office of General Counsel	54	-	310,781	777,270	2,950	15,700	313,731	792,970	(313,677)	(792,970)
OGC-Disciplinary Board	-	-	62,815	154,747	33,804	103,000	96,619	257,747	(96,619)	(257,747)
Practice of Law Board	-	-	41,244	101,271	7,566	14,100	48,810	115,371	(48,810)	(115,371)
Professional Responsibility Program	-	-	99,074	272,851	2,244	8,000	101,318	280,851	(101,318)	(280,851)
Public Service Programs	91,422	85,000	81,714	216,540	32,113	215,460	113,827	432,000	(22,405)	(347,000)
Sections Administration	310,688	307,000	181,466	448,056	6,428	12,100	187,894	460,156	122,794	(153,156)
Technology	-	-	593,421	1,475,919	-	-	593,421	1,475,919	(593,421)	(1,475,919)
Subtotal General Fund	7,630,259	16,890,224	6,647,373	16,335,538	789,261	2,552,031	7,436,634	18,887,569	193,625	(1,997,345)
Expenses using reserve funds							7,436,634			
Total General Fund - Net Result from Operations									193,625	(1,997,345)
Percentage of Budget	45.18%		40.69%		30.93%		39.37%			
CLE-Products	643,845	879,800	209,878	512,809	60,286	144,865	270,164	657,674	373,681	222,126
CLE-Seminars	319,606	1,695,000	361,224	923,544	100,658	721,369	461,882	1,644,913	(142,276)	50,087
Total CLE	963,450	2,574,800	571,102	1,436,353	160,944	866,234	732,046	2,302,587	231,404	272,213
Percentage of Budget	37.42%		39.76%		18.58%		31.79%			
Total All Sections	494,175	688,611	-	-	452,648	904,833	452,648	904,833	41,527	(216,222)
Lawyers Fund for Client Protection-Restricted	947,784	986,000	45,961	113,721	143,647	502,500	189,608	616,221	758,176	369,779
Management Western States Bar Conference	17,270	50,000	-	-	68,905	50,000	68,905	50,000.00	(51,635)	-
Totals	10,052,939	21,189,635	7,264,436	17,885,612	1,615,405	4,875,597.75	8,879,841	22,761,210	1,173,098	(1,571,575)
Percentage of Budget	47.44%		40.62%		33.13%		39.01%			

Summary of Fund Balances:	Fund Balances Sept. 30, 2016	Fund Balances Year to date	2017 Budgeted Fund Balances
Restricted Funds:			
Lawyers Fund for Client Protection	2,646,222	3,404,398	3,016,001
Western States Bar Conference	10,958	(40,677)	10,958
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	456,568	687,973	728,781
Section Funds	1,212,637	1,254,165	996,416
Board-Designated Funds (General Fund):			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	200,000	200,000	200,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	2,218,536	2,412,161	221,191
Total Fund Balance	8,244,921	9,418,020	6,673,347
Net Change In Fund Balance		1,173,098	(1,571,575)

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2017 to February 28, 2017

41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSE FEES					
REVENUE:					
LICENSE FEES	<u>13,204,000.00</u>	<u>1,343,674.86</u>	<u>5,530,457.47</u>	<u>7,673,542.53</u>	<u>41.88%</u>
TOTAL REVENUE:	<u>13,204,000.00</u>	<u>1,343,674.86</u>	<u>5,530,457.47</u>	<u>7,673,542.53</u>	<u>41.88%</u>

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2017 to February 28, 2017
41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ACCESS TO JUSTICE					
REVENUE:					
CONFERENCES & INSTITUTES	8,000.00	-	-	8,000.00	0%
TOTAL REVENUE:	8,000.00	-	-	8,000.00	0%
DIRECT EXPENSES:					
ATJ BOARD RETREAT	2,000.00	-	-	2,000.00	0.00%
LEADERSHIP TRAINING	2,000.00	-	-	2,000.00	0.00%
ATJ BOARD EXPENSE	15,100.00	1,414.25	3,441.67	11,658.33	22.79%
ATJ BOARD COMMITTEES EXPENSE	5,000.00	239.40	897.64	4,102.36	17.95%
STAFF TRAVEL/PARKING	1,200.00	-	101.42	1,098.58	8.45%
STAFF MEMBERSHIP DUES	150.00	-	-	150.00	0.00%
PUBLIC DEFENSE	8,400.00	571.18	2,359.75	6,040.25	28.09%
CONFERENCE/INSTITUTE EXPENSE	23,000.00	-	13,100.00	9,900.00	57%
RECEPTION/FORUM EXPENSE	5,000.00	899.00	899.00	4,101.00	18%
TOTAL DIRECT EXPENSES:	61,850.00	3,123.83	20,799.48	41,050.52	33.63%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.10 FTE)	105,884.00	11,985.84	62,850.49	43,033.51	59.36%
BENEFITS EXPENSE	42,244.00	3,382.59	15,437.94	26,806.06	36.54%
OTHER INDIRECT EXPENSE	49,785.00	3,619.61	17,946.31	31,838.69	36.05%
TOTAL INDIRECT EXPENSES:	197,913.00	18,988.04	96,234.74	101,678.26	48.62%
TOTAL ALL EXPENSES:	259,763.00	22,111.87	117,034.22	142,728.78	45.05%
NET INCOME (LOSS):	(251,763.00)	(22,111.87)	(117,034.22)		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2017 to February 28, 2017
41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMINISTRATION					
REVENUE:					
INTEREST INCOME	25,000.00	5,726.96	12,813.08	12,186.92	51.25%
GAIN/LOSS ON INVESTMENTS	30,000.00	16,217.46	(1,384.84)	31,384.84	-4.62%
MISCELLANEOUS	-	(666.50)	6.00	(6.00)	
TOTAL REVENUE:	55,000.00	21,277.92	11,434.24	43,565.76	20.79%
DIRECT EXPENSES:					
CREDIT CARD MERCHANT FEES	-	2,895.87	(4,754.10)	4,754.10	
STAFF TRAVEL/PARKING	2,500.00	-	231.00	2,269.00	9.24%
STAFF MEMBERSHIP DUES	635.00	-	-	635.00	0.00%
TOTAL DIRECT EXPENSES:	3,135.00	2,895.87	(4,523.10)	7,658.10	-144.28%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.92 FTE)	632,169.00	57,999.08	280,883.91	351,285.09	44.43%
BENEFITS EXPENSE	206,690.00	16,239.62	88,094.86	118,595.14	42.62%
OTHER INDIRECT EXPENSE	187,762.00	13,648.72	67,668.42	120,093.58	36.04%
TOTAL INDIRECT EXPENSES:	1,026,621.00	87,887.42	436,647.19	589,973.81	42.53%
TOTAL ALL EXPENSES:	1,029,756.00	90,783.29	432,124.09	597,631.91	41.96%
NET INCOME (LOSS):	(974,756.00)	(69,505.37)	(420,689.85)		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2017 to February 28, 2017
41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMISSIONS/BAR EXAMS					
REVENUE:					
EXAM SOFT REVENUE	40,000.00	-	-	40,000.00	0.00%
BAR EXAM FEES	1,000,000.00	170,345.00	611,500.00	388,500.00	61.15%
RULE 9/LEGAL INTERN FEES	-	250.00	250.00	(250.00)	
SPECIAL ADMISSIONS	30,000.00	1,825.00	32,790.00	(2,790.00)	109.30%
TOTAL REVENUE:	1,070,000.00	172,420.00	644,540.00	425,460.00	60.24%
DIRECT EXPENSES:					
FACILITY, PARKING, FOOD	65,000.00	15,775.70	40,525.70	24,474.30	62.35%
EXAMINER FEES	32,500.00	10,000.00	10,000.00	22,500.00	30.77%
UBE EXMINATIONS	136,000.00	-	-	136,000.00	0.00%
BOARD OF BAR EXAMINERS	30,000.00	-	143.22	29,856.78	0.48%
BAR EXAM PROCTORS	33,000.00	-	-	33,000.00	0.00%
CHARACTER & FITNESS BOARD	20,000.00	1,465.16	5,813.63	14,186.37	29.07%
DISABILITY ACCOMMODATIONS	25,000.00	3,873.00	4,885.50	20,114.50	19.54%
CHARACTER & FITNESS INVESTIGATIONS	1,000.00	-	150.58	849.42	15.06%
LAW SCHOOL VISITS	1,000.00	-	41.00	959.00	4.10%
COURT REPORTERS	15,000.00	1,015.61	4,037.39	10,962.61	26.92%
POSTAGE	4,000.00	227.13	1,563.72	2,436.28	39.09%
STAFF TRAVEL/PARKING	13,000.00	1,302.21	1,304.45	11,695.55	10.03%
STAFF MEMBERSHIP DUES	200.00	-	-	200.00	0.00%
SUPPLIES	1,200.00	189.78	189.78	1,010.22	15.82%
TOTAL DIRECT EXPENSES:	376,900.00	33,848.59	68,654.97	308,245.03	18.22%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.48 FTE)	465,903.00	36,080.50	194,054.01	271,848.99	41.65%
BENEFITS EXPENSE	164,864.00	13,049.40	69,256.87	95,607.13	42.01%
OTHER INDIRECT EXPENSE	153,623.00	11,177.93	55,420.42	98,202.58	36.08%
TOTAL INDIRECT EXPENSES:	784,390.00	60,307.83	318,731.30	465,658.70	40.63%
TOTAL ALL EXPENSES:	1,161,290.00	94,156.42	387,386.27	773,903.73	33.36%
NET INCOME (LOSS):	(91,290.00)	78,263.58	257,153.73		

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2017 to February 28, 2017

41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
BOG/OED					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
BOG MEETINGS	125,000.00	15,182.31	42,987.26	82,012.74	34.39%
BOG COMMITTEES' EXPENSES	30,000.00	955.90	6,987.82	23,012.18	23.29%
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	-	-	60,000.00	0.00%
BOG CONFERENCE ATTENDANCE	17,500.00	2,535.53	10,126.77	7,373.23	57.87%
BOG TRAVEL & OUTREACH	45,000.00	1,373.99	11,844.31	33,155.69	26.32%
ED TRAVEL & OUTREACH	5,000.00	256.66	1,088.08	3,911.92	21.76%
BOG ELECTIONS	5,000.00	87.47	87.47	4,912.53	1.75%
STAFF TRAVEL/PARKING	4,000.00	328.00	1,896.40	2,103.60	47.41%
STAFF MEMBERSHIP DUES	1,850.00	-	550.00	1,300.00	29.73%
TELEPHONE	1,300.00	-	142.65	1,157.35	10.97%
TOTAL DIRECT EXPENSES:	294,650.00	20,719.86	75,710.76	218,939.24	25.70%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	336,231.00	27,473.85	173,922.65	162,308.35	51.73%
BENEFITS EXPENSE	93,632.00	7,197.91	38,840.48	54,791.52	41.48%
OTHER INDIRECT EXPENSE	58,083.00	4,232.73	20,988.00	37,095.00	36.13%
TOTAL INDIRECT EXPENSES:	487,946.00	38,904.49	233,751.13	254,194.87	47.91%
TOTAL ALL EXPENSES:	782,596.00	59,624.35	309,461.89	473,134.11	39.54%
NET INCOME (LOSS):	(782,596.00)	(59,624.35)	(309,461.89)		

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2017 to February 28, 2017

41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
COMMUNICATIONS					
REVENUE:					
AWARDS LUNCH/DINNER	44,000.00	-	(95.84)	44,095.84	-0.22%
50 YEAR MEMBER TRIBUTE LUNCH	250.00	-	1,170.00	(920.00)	468.00%
WSBA LOGO MERCHANDISE SALES	-	-	280.00	(280.00)	
TOTAL REVENUE:	44,250.00	-	1,354.16	42,895.84	3.06%
DIRECT EXPENSES:					
IMAGE LIBRARY	4,100.00	-	3,999.00	101.00	97.54%
BAR OUTREACH	2,500.00	-	-	2,500.00	0.00%
ABA DELEGATES	5,600.00	-	-	5,600.00	0.00%
ANNUAL CHAIR MTGS	600.00	-	877.32	(277.32)	146.22%
AWARDS DINNER	63,000.00	9,570.00	9,570.00	53,430.00	15.19%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	-	8,576.25	(576.25)	107.20%
JUD RECOMMEND COMMITTEE	4,500.00	-	-	4,500.00	0.00%
PROFESSIONALISM	750.00	-	821.72	(71.72)	109.56%
COMMUNICATIONS OUTREACH	15,000.00	12.65	1,332.21	13,667.79	8.88%
TRANSLATION SERVICES	3,500.00	59.25	1,370.65	2,129.35	39.16%
DEPRECIATION	2,300.00	227.00	1,131.00	1,169.00	49.17%
EQUIPMENT, HARDWARE & SOFTWARE	-	-	79.47	(79.47)	
STAFF TRAVEL/PARKING	4,000.00	-	478.00	3,522.00	11.95%
STAFF MEMBERSHIP DUES	1,960.00	-	50.00	1,910.00	2.55%
SUBSCRIPTIONS	10,050.00	-	6,122.75	3,927.25	60.92%
DIGITAL/ONLINE DEVELOPMENT	4,000.00	256.57	2,026.05	1,973.95	50.65%
CONFERENCE CALLS	200.00	-	13.49	186.51	6.75%
TOTAL DIRECT EXPENSES:	130,060.00	10,125.47	36,447.91	93,612.09	28.02%
INDIRECT EXPENSES:					
SALARY EXPENSE (14.64 FTE)	896,797.00	68,489.06	347,319.58	549,477.42	38.73%
BENEFITS EXPENSE	326,726.00	23,011.96	131,790.21	194,935.79	40.34%
OTHER INDIRECT EXPENSE	347,075.00	25,240.65	125,141.56	221,933.44	36.06%
TOTAL INDIRECT EXPENSES:	1,570,598.00	116,741.67	604,251.35	966,346.65	38.47%
TOTAL ALL EXPENSES:	1,700,658.00	126,867.14	640,699.26	1,059,958.74	37.67%
NET INCOME (LOSS):	(1,656,408.00)	(126,867.14)	(639,345.10)		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2017 to February 28, 2017
41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DISCIPLINE					
REVENUE:					
AUDIT REVENUE	2,000.00	297.50	1,375.00	625.00	68.75%
RECOVERY OF DISCIPLINE COSTS	125,000.00	12,223.07	34,316.99	90,683.01	27.45%
DISCIPLINE HISTORY SUMMARY	13,000.00	1,089.35	4,565.95	8,434.05	35.12%
TOTAL REVENUE:	140,000.00	13,609.92	40,257.94	99,742.06	28.76%
DIRECT EXPENSES:					
COURT REPORTERS	65,000.00	5,746.24	20,345.00	44,655.00	31.30%
OUTSIDE COUNSEL/AIC	3,500.00	153.10	739.06	2,760.94	21.12%
LITIGATION EXPENSES	30,000.00	1,447.36	8,760.81	21,239.19	29.20%
DISABILITY EXPENSES	15,000.00	-	5,076.45	9,923.55	33.84%
ONLINE LEGAL RESEARCH	65,900.00	10,903.02	27,346.80	38,553.20	41.50%
LAW LIBRARY	13,075.00	-	4,107.24	8,967.76	31.41%
TRANSLATION SERVICES	3,000.00	-	95.00	2,905.00	3.17%
DEPRECIATION-SOFTWARE	25,200.00	2,204.00	11,022.00	14,178.00	43.74%
PUBLICATIONS PRODUCTION	250.00	-	212.23	37.77	84.89%
STAFF TRAVEL/PARKING	38,500.00	5,201.40	16,832.28	21,667.72	43.72%
STAFF MEMBERSHIP DUES	3,243.00	-	1,529.38	1,713.62	47.16%
TELEPHONE	5,000.00	244.06	4,052.51	947.49	81.05%
TOTAL DIRECT EXPENSES:	267,668.00	25,899.18	100,118.76	167,549.24	37.40%
INDIRECT EXPENSES:					
SALARY EXPENSE (37.77 FTE)	3,370,608.00	271,035.26	1,391,103.69	1,979,504.31	41.27%
BENEFITS EXPENSE	1,068,970.00	81,938.94	445,730.75	623,239.25	41.70%
OTHER INDIRECT EXPENSE	895,425.00	65,115.97	322,841.71	572,583.29	36.05%
TOTAL INDIRECT EXPENSES:	5,335,003.00	418,090.17	2,159,676.15	3,175,326.85	40.48%
TOTAL ALL EXPENSES:	5,602,671.00	443,989.35	2,259,794.91	3,342,876.09	40.33%
NET INCOME (LOSS):	(5,462,671.00)	(430,379.43)	(2,219,536.97)		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2017 to February 28, 2017
41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DIVERSITY					
REVENUE:					
DONATIONS & GRANTS	90,000.00	-	90,000.00	-	100.00%
WORK STUDY GRANTS	10,374.00	-	-	10,374.00	0.00%
TOTAL REVENUE:	100,374.00	-	90,000.00	10,374.00	89.66%
DIRECT EXPENSES:					
STAFF MEMBERSHIP DUES	350.00	-	-	350.00	0.00%
STAFF TRAVEL/PARKING	8,600.00	1,068.24	1,871.23	6,728.77	21.76%
SUPPLIES	2,000.00	-	-	2,000.00	0.00%
COMMITTEE FOR DIVERSITY	6,200.00	1,270.74	2,419.72	3,780.28	39.03%
DIVERSITY EVENTS & PROJECTS	5,500.00	77.24	818.15	4,681.85	14.88%
SPECIAL EVENTS	5,000.00	-	-	5,000.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	1,000.00	-	-	1,000.00	0.00%
INTERNAL DIVERSITY OUTREACH	500.00	-	22.96	477.04	4.59%
TOTAL DIRECT EXPENSE:	29,150.00	2,416.22	5,132.06	24,017.94	17.61%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.97 FTE)	222,565.00	18,829.42	92,257.54	130,307.46	41.45%
BENEFITS EXPENSE	72,143.00	5,704.59	30,188.43	41,954.57	41.85%
OTHER INDIRECT EXPENSE	70,411.00	5,111.97	25,344.65	45,066.35	36.00%
TOTAL INDIRECT EXPENSES:	365,119.00	29,645.98	147,790.62	217,328.38	40.48%
TOTAL ALL EXPENSES:	394,269.00	32,062.20	152,922.68	241,346.32	38.79%
NET INCOME (LOSS):	(293,895.00)	(32,062.20)	(62,922.68)		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2017 to February 28, 2017
41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
FOUNDATION					
REVENUE:					
	_____	_____	_____	_____	_____
TOTAL REVENUE:	-	-	-	-	-
DIRECT EXPENSES:					
BOARD OF TRUSTEES	5,000.00	311.58	570.68	4,429.32	11.41%
GRAPHIC DESIGN	1,500.00	-	-	1,500.00	0.00%
CONSULTING SERVICES	3,000.00	-	-	3,000.00	0.00%
POSTAGE	500.00	-	-	500.00	0.00%
PRINTING & COPYING	1,500.00	-	39.46	1,460.54	2.63%
STAFF TRAVEL/PARKING	1,700.00	5.88	33.43	1,666.57	1.97%
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%
TOTAL DIRECT EXPENSES:	19,300.00	317.46	643.57	18,656.43	3.33%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.25 FTE)	88,294.00	7,353.98	37,463.46	50,830.54	42.43%
BENEFITS EXPENSE	30,721.00	2,404.03	12,799.63	17,921.37	41.66%
OTHER INDIRECT EXPENSE	29,634.00	2,152.42	10,669.89	18,964.11	36.01%
TOTAL INDIRECT EXPENSES:	148,649.00	11,910.43	60,932.98	87,716.02	40.99%
TOTAL ALL EXPENSES:	167,949.00	12,227.89	61,576.55	106,372.45	36.66%
NET INCOME (LOSS):	(167,949.00)	(12,227.89)	(61,576.55)		

Washington State Bar Association
Statement of Activities
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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
HUMAN RESOURCES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAINING- GENERAL	35,000.00	1,653.58	7,085.81	27,914.19	20.25%
RECRUITING AND ADVERTISING	7,000.00	682.70	2,286.83	4,713.17	32.67%
PAYROLL PROCESSING	55,000.00	5,600.22	21,346.19	33,653.81	38.81%
SALARY SURVEYS	2,700.00	-	542.52	2,157.48	20.09%
DEPRECIATION	835.00	-	835.21	(0.21)	100.03%
CONSULTING SERVICES	9,000.00	880.00	9,760.00	(760.00)	108.44%
STAFF TRAVEL/PARKING	250.00	13.00	13.00	237.00	5.20%
STAFF MEMBERSHIP DUES	1,378.00	339.00	828.00	550.00	60.09%
SUBSCRIPTIONS	1,993.00	-	106.43	1,886.57	5.34%
THIRD PARTY SERVICES	13,500.00	-	13,426.00	74.00	99.45%
TRANSFER TO INDIRECT EXPENSE	(126,656.00)	(9,168.50)	(56,229.99)	(70,426.01)	44.40%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (2.48 FTE)	244,580.00	19,815.91	102,914.21	141,665.79	42.08%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
BENEFITS EXPENSE	74,445.00	5,800.81	29,882.19	44,562.81	40.14%
OTHER INDIRECT EXPENSE	58,794.00	4,280.90	21,224.01	37,569.99	36.10%
TOTAL INDIRECT EXPENSES:	257,819.00	29,897.62	154,020.41	103,798.59	59.74%
TOTAL ALL EXPENSES:	257,819.00	29,897.62	154,020.41	103,798.59	59.74%
NET INCOME (LOSS):	(257,819.00)	(29,897.62)	(154,020.41)		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2017 to February 28, 2017
41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAW CLERK PROGRAM					
REVENUE:					
LAW CLERK FEES	95,000.00	12,125.00	83,125.00	11,875.00	87.50%
LAW CLERK APPLICATION FEES	2,000.00	-	1,400.00	600.00	70.00%
TOTAL REVENUE:	97,000.00	12,125.00	84,525.00	12,475.00	87.14%
DIRECT EXPENSES:					
SUBSCRIPTIONS	250.00	-	-	250.00	0.00%
CHARACTER & FITNESS INVESTIGATIONS	100.00	-	-	100.00	0.00%
LAW CLERK BOARD EXPENSE	5,000.00	212.03	1,062.84	3,937.16	21.26%
TOTAL DIRECT EXPENSES:	5,350.00	212.03	1,062.84	4,287.16	19.87%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.89 FTE)	59,025.00	2,849.09	22,627.81	36,397.19	38.34%
BENEFITS EXPENSE	20,961.00	1,416.88	8,321.20	12,639.80	39.70%
OTHER INDIRECT EXPENSE	21,099.00	1,540.89	7,639.42	13,459.58	36.21%
TOTAL INDIRECT EXPENSES:	101,085.00	5,806.86	38,588.43	62,496.57	38.17%
TOTAL ALL EXPENSES:	106,435.00	6,018.89	39,651.27	66,783.73	37.25%
NET INCOME (LOSS):	(9,435.00)	6,106.11	44,873.73		

Washington State Bar Association
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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAW OFFICE MNGT ASSISTANCE PROGRAM					
REVENUE:					
LAW OFFICE IN A BOX SALES	2,500.00	315.00	1,575.00	925.00	63.00%
TOTAL REVENUE:	2,500.00	315.00	1,575.00	925.00	63.00%
DIRECT EXPENSES:					
LIBRARY MATERIALS/RESOURCES	1,500.00	-	36.90	1,463.10	2.46%
LAW OFFICE IN A BOX	500.00	-	317.09	182.91	63.42%
STAFF TRAVEL/PARKING	2,000.00	-	-	2,000.00	0.00%
STAFF MEMBERSHIP DUES	600.00	339.00	364.00	236.00	60.67%
CONFERENCE CALLS	100.00	-	-	100.00	0.00%
TOTAL DIRECT EXPENSES:	4,700.00	339.00	717.99	3,982.01	15.28%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.50 FTE)	122,445.00	10,244.76	40,809.03	81,635.97	33.33%
BENEFITS EXPENSE	40,196.00	3,148.79	15,194.03	25,001.97	37.80%
OTHER INDIRECT EXPENSE	35,561.00	2,592.77	12,856.70	22,704.30	36.15%
TOTAL INDIRECT EXPENSES:	198,202.00	15,986.32	68,859.76	129,342.24	34.74%
TOTAL ALL EXPENSES:	202,902.00	16,325.32	69,577.75	133,324.25	34.29%
NET INCOME (LOSS):	(200,402.00)	(16,010.32)	(68,002.75)		

Washington State Bar Association
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41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAWYER ASSISTANCE PROGRAM					
REVENUE:					
DIVERSIONS	15,750.00	750.00	2,375.00	13,375.00	15.08%
LAP CLIENT FEES	-	-	255.00	(255.00)	
MEMB HEALTH CARE INSUR REBATE	-	-	49.50	(49.50)	
TOTAL REVENUE:	15,750.00	750.00	2,679.50	13,070.50	17.01%
DIRECT EXPENSES:					
PROF LIAB INSURANCE	850.00	-	825.00	25.00	97.06%
MEMBER ASSISTANCE PROGRAM	45,120.00	-	22,920.00	22,200.00	50.80%
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%
MISCELLANEOUS	150.00	-	-	150.00	0.00%
TOTAL DIRECT EXPENSES:	46,770.00	-	23,745.00	23,025.00	50.77%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.87 FTE)	77,476.00	6,382.24	30,082.99	47,393.01	38.83%
BENEFITS EXPENSE	29,331.00	1,941.30	10,858.16	18,472.84	37.02%
OTHER INDIRECT EXPENSE	20,625.00	1,492.14	7,397.37	13,227.63	35.87%
TOTAL INDIRECT EXPENSES:	127,432.00	9,815.68	48,338.52	79,093.48	37.93%
TOTAL ALL EXPENSES:	174,202.00	9,815.68	72,083.52	102,118.48	41.38%
NET INCOME (LOSS):	(158,452.00)	(9,065.68)	(69,404.02)		

Washington State Bar Association

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41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LEGISLATIVE					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
OLYMPIA RENT	5,000.00	207.03	612.93	4,387.07	12.26%
CONTRACT LOBBYIST	20,000.00	5,000.00	10,000.00	10,000.00	50.00%
LOBBYIST CONTACT COSTS	1,600.00	67.56	96.22	1,503.78	6.01%
LEGISLATIVE COMMITTEE	2,500.00	54.77	2,239.39	260.61	89.58%
BOG LEGISLATIVE COMMITTEE	250.00	115.43	365.05	(115.05)	146.02%
STAFF TRAVEL/PARKING	8,000.00	559.00	2,418.94	5,581.06	30.24%
STAFF MEMBERSHIP DUES	450.00	-	142.17	307.83	31.59%
SUBSCRIPTIONS	2,000.00	-	1,972.80	27.20	98.64%
TELEPHONE	3,000.00	163.06	573.89	2,426.11	19.13%
TOTAL DIRECT EXPENSES:	42,800.00	6,166.85	18,421.39	24,378.61	43.04%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.85 FTE)	131,303.00	10,222.60	52,851.24	78,451.76	40.25%
BENEFITS EXPENSE	45,303.00	3,528.44	18,941.98	26,361.02	41.81%
OTHER INDIRECT EXPENSE	43,859.00	3,179.69	15,764.89	28,094.11	35.94%
TOTAL INDIRECT EXPENSES:	220,465.00	16,930.73	87,558.11	132,906.89	39.72%
TOTAL ALL EXPENSES:	263,265.00	23,097.58	105,979.50	157,285.50	40.26%
NET INCOME (LOSS):	(263,265.00)	(23,097.58)	(105,979.50)		

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSING & MEMBERSHIP RECORDS					
REVENUE:					
STATUS CERTIFICATE FEES	22,000.00	1,791.80	10,095.36	11,904.64	45.89%
RULE 9/LEGAL INTERN FEES	11,000.00	-	1,600.00	9,400.00	14.55%
INVESTIGATION FEES	20,000.00	2,400.00	12,200.00	7,800.00	61.00%
PRO HAC VICE	170,000.00	20,020.00	108,185.00	61,815.00	63.64%
MEMBER CONTACT INFORMATION	24,000.00	2,077.45	9,964.72	14,035.28	41.52%
PHOTO BAR CARD SALES	800.00	12.00	180.00	620.00	22.50%
TOTAL REVENUE:	247,800.00	26,301.25	142,225.08	105,574.92	57.40%
DIRECT EXPENSES:					
LICENSING FORMS	2,500.00	-	2,659.92	(159.92)	106.40%
POSTAGE	25,000.00	21,132.34	27,133.43	(2,133.43)	108.53%
SUPPLIES - BAR CARDS	-	800.00	800.00	(800.00)	
TOTAL DIRECT EXPENSES:	27,500.00	21,932.34	30,593.35	(3,093.35)	111.25%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.29 FTE)	346,073.00	30,709.95	146,506.97	199,566.03	42.33%
BENEFITS EXPENSE	112,190.00	8,777.20	46,927.14	65,262.86	41.83%
OTHER INDIRECT EXPENSE	101,704.00	7,386.97	36,623.35	65,080.65	36.01%
TOTAL INDIRECT EXPENSES:	559,967.00	46,874.12	230,057.46	329,909.54	41.08%
TOTAL ALL EXPENSES:	587,467.00	68,806.46	260,650.81	326,816.19	44.37%
NET INCOME (LOSS):	(339,667.00)	(42,505.21)	(118,425.73)		

Washington State Bar Association

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41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED LICENSE LEGAL TECHNICIAN PROGRAM					
REVENUE:					
LLLT LICENSE FEES	5,950.00	291.80	1,633.40	4,316.60	27.45%
LLLT EXAM FEES	7,150.00	550.00	1,650.00	5,500.00	23.08%
LLLT WAIVER FEES	300.00	150.00	900.00	(600.00)	300.00%
TOTAL REVENUE:	13,400.00	991.80	4,183.40	9,216.60	31.22%
DIRECT EXPENSES:					
CHRACTER & FITNESS INVESTIGATIONS	700.00	-	38.00	662.00	5.43%
LLLT BOARD	18,000.00	1,500.92	6,397.38	11,602.62	35.54%
LLLT OUTREACH	8,000.00	96.14	1,336.33	6,663.67	16.70%
DEPRECIATION	3,354.00	-	-	3,354.00	0.00%
LLLT EXAM WRITING	29,600.00	-	-	29,600.00	0.00%
STAFF TRAVEL/PARKING	400.00	-	120.67	279.33	30.17%
STAFF MEMBERSHIP DUES	-	-	110.00	(110.00)	
TOTAL DIRECT EXPENSES:	60,054.00	1,597.06	8,002.38	52,051.62	13.33%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.39 FTE)	106,271.00	8,358.15	43,754.40	62,516.60	41.17%
BENEFITS EXPENSE	35,786.00	2,818.81	15,003.53	20,782.47	41.93%
OTHER INDIRECT EXPENSE	32,953.00	2,397.06	11,884.73	21,068.27	36.07%
TOTAL INDIRECT EXPENSES:	175,010.00	13,574.02	70,642.66	104,367.34	40.36%
TOTAL ALL EXPENSES:	235,064.00	15,171.08	78,645.04	156,418.96	33.46%
NET INCOME (LOSS):	(221,664.00)	(14,179.28)	(74,461.64)		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2017 to February 28, 2017
41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED PRACTICE OFFICERS					
REVENUE:					
LPO EXAMINATION FEES	17,000.00	11,400.00	16,800.00	200.00	98.82%
LPO LICENSE FEES	108,000.00	8,802.88	45,032.69	62,967.31	41.70%
LPO LATE LICENSE FEES	1,000.00	-	-	1,000.00	0.00%
LPO CEU & TA LATE FEES	4,000.00	-	100.00	3,900.00	2.50%
LPO CONTINUING ED ACCRED FEE	2,700.00	150.00	900.00	1,800.00	33.33%
TOTAL REVENUE:	132,700.00	20,352.88	62,832.69	69,867.31	47.35%
DIRECT EXPENSES:					
LPO EXAM FACILITIES	800.00	-	394.58	405.42	49.32%
LPO BOARD	3,000.00	108.67	646.86	2,353.14	21.56%
LPO DISCIPLINE EXPENSES	500.00	-	-	500.00	0.00%
FINGERPRINT CARD PROCESSING	3,230.00	-	1,824.00	1,406.00	56.47%
DEPRECIATION	3,354.00	-	-	3,354.00	0.00%
CHARACTER & FITNESS INVESTIGATIONS	100.00	-	-	100.00	0.00%
POSTAGE	2,300.00	-	-	2,300.00	0.00%
TOTAL DIRECT EXPENSES:	13,284.00	108.67	2,865.44	10,418.56	21.57%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.47 FTE)	115,843.00	5,377.19	44,621.02	71,221.98	38.52%
BENEFITS EXPENSE	38,510.00	2,485.84	14,998.43	23,511.57	38.95%
OTHER INDIRECT EXPENSE	34,850.00	2,543.88	12,613.62	22,236.38	36.19%
TOTAL INDIRECT EXPENSES:	189,203.00	10,406.91	72,233.07	116,969.93	38.18%
TOTAL ALL EXPENSES:	202,487.00	10,515.58	75,098.51	127,388.49	37.09%
NET INCOME (LOSS):	(69,787.00)	9,837.30	(12,265.82)		

Washington State Bar Association
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For the Period from February 1, 2017 to February 28, 2017
41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANDATORY CLE ADMINISTRATION					
REVENUE:					
ACCREDITED PROGRAM FEES	300,000.00	19,900.00	102,650.00	197,350.00	34.22%
FORM 1 LATE FEES	75,000.00	8,855.00	51,625.00	23,375.00	68.83%
MEMBER LATE FEES	150,000.00	58,100.00	91,625.00	58,375.00	61.08%
ANNUAL ACCREDITED SPONSOR FEES	27,000.00	(750.00)	28,500.00	(1,500.00)	105.56%
ATTENDANCE FEES	70,000.00	2,423.00	23,223.00	46,777.00	33.18%
COMITY CERTIFICATES	29,000.00	1,250.00	23,969.64	5,030.36	82.65%
ATTENDANCE LATE FEES	60,000.00	1,820.00	24,535.00	35,465.00	40.89%
TOTAL REVENUE:	711,000.00	91,598.00	346,127.64	364,872.36	48.68%
DIRECT EXPENSES:					
MCLE BOARD	3,000.00	44.52	705.86	2,294.14	23.53%
POSTAGE	2,000.00	-	-	2,000.00	0.00%
STAFF MEMBERSHIP DUES	500.00	-	500.00	-	100.00%
DEPRECIATION	261,000.00	18,995.00	91,315.00	169,685.00	34.99%
TOTAL DIRECT EXPENSES:	266,500.00	19,039.52	92,520.86	173,979.14	34.72%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.72 FTE)	257,805.00	21,814.92	109,140.03	148,664.97	42.33%
BENEFITS EXPENSE	99,187.00	7,925.90	41,866.40	57,320.60	42.21%
OTHER INDIRECT EXPENSE	111,898.00	8,144.27	40,380.75	71,517.25	36.09%
TOTAL INDIRECT EXPENSES:	468,890.00	37,885.09	191,387.18	277,502.82	40.82%
TOTAL ALL EXPENSES:	735,390.00	56,924.61	283,908.04	451,481.96	38.61%
NET INCOME (LOSS):	(24,390.00)	34,673.39	62,219.60		

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER BENEFITS					
REVENUE:					
ROYALTIES	3,000.00	4,326.32	9,513.58	(6,513.58)	317.12%
TOTAL REVENUE:	3,000.00	4,326.32	9,513.58	(6,513.58)	317.12%
DIRECT EXPENSES:					
CASEMAKER	75,000.00	6,047.71	24,190.84	50,809.16	32.25%
TOTAL DIRECT EXPENSES:	75,000.00	6,047.71	24,190.84	50,809.16	32.25%
INDIRECT EXPENSES:					
TOTAL INDIRECT EXPENSES:	-	-	-	-	
TOTAL ALL EXPENSES:	75,000.00	6,047.71	24,190.84	50,809.16	32.25%
NET INCOME (LOSS):	(72,000.00)	(1,721.39)	(14,677.26)		

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MENTORSHIP PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
MENTORSHIP PROGRAM EXPENSES	15,000.00	233.48	755.36	14,244.64	5.04%
RECEPTION/FORUM EXPENSE	4,800.00	-	982.02	3,817.98	20.46%
CONSULTING SERVICES	1,000.00	-	-	1,000.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	-	-	2,000.00	0.00%
SUBSCRIPTIONS	500.00	224.00	224.00	276.00	44.80%
CONFERENCE CALLS	200.00	12.28	12.28	187.72	6.14%
TOTAL DIRECT EXPENSES:	23,500.00	469.76	1,973.66	21,526.34	8.40%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.40 FTE)	108,515.00	7,824.78	39,329.24	69,185.76	36.24%
BENEFITS EXPENSE	36,268.00	2,870.72	14,357.16	21,910.84	39.59%
OTHER INDIRECT EXPENSE	33,190.00	2,421.55	12,006.35	21,183.65	36.17%
TOTAL INDIRECT EXPENSES:	177,973.00	13,117.05	65,692.75	112,280.25	36.91%
TOTAL ALL EXPENSES:	201,473.00	13,586.81	67,666.41	133,806.59	33.59%
NET INCOME (LOSS):	(201,473.00)	(13,586.81)	(67,666.41)		

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NEW LAWYER PROGRAM					
REVENUE:					
DONATIONS	-	-	1,200.00	(1,200.00)	
SEMINAR REGISTRATIONS	55,000.00	3,407.00	3,407.00	51,593.00	6.19%
TRIAL ADVOCACY PROGRAM	25,000.00	-	17,233.00	7,767.00	68.93%
TOTAL REVENUE:	80,000.00	3,407.00	21,840.00	58,160.00	27.30%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,000.00	47.99	324.99	675.01	32.50%
STAFF MEMBERSHIP DUES	200.00	-	-	200.00	0.00%
ONLINE EXPENSES	2,500.00	323.20	692.31	1,807.69	27.69%
NEW LAWYER OUTREACH EVENTS	1,000.00	-	-	1,000.00	0.00%
NEW LAWYERS COMMITTEE	15,000.00	1,183.31	5,939.14	9,060.86	39.59%
OPEN SECTIONS NIGHT	3,500.00	1,381.77	3,577.78	(77.78)	102.22%
TRIAL ADVOCACY PROGRAM	3,500.00	-	1,341.61	2,158.39	38.33%
SEMINAR BROCHURES	2,000.00	68.18	68.18	1,931.82	3.41%
SPEAKERS & PROGRAM DEVELOPMENT	2,000.00	365.48	829.97	1,170.03	41.50%
SCHOLARSHIPS/DONATIONS/GRANT	2,000.00	1,000.00	1,000.00	1,000.00	50.00%
TOTAL DIRECT EXPENSES:	32,700.00	4,369.93	13,773.98	18,926.02	42.12%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.25 FTE)	165,467.00	12,096.45	61,212.94	104,254.06	36.99%
BENEFITS EXPENSE	56,383.00	4,454.98	22,978.89	33,404.11	40.75%
OTHER INDIRECT EXPENSE	53,341.00	3,889.08	19,284.28	34,056.72	36.15%
TOTAL INDIRECT EXPENSES:	275,191.00	20,440.51	103,476.11	171,714.89	37.60%
TOTAL ALL EXPENSES:	307,891.00	24,810.44	117,250.09	190,640.91	38.08%
NET INCOME (LOSS):	(227,891.00)	(21,403.44)	(95,410.09)		

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NORTHWEST LAWYER					
REVENUE:					
ROYALTIES	-	-	1,133.91	(1,133.91)	
DISPLAY ADVERTISING	440,000.00	44,828.50	170,587.25	269,412.75	38.77%
SUBSCRIPT/SINGLE ISSUES	450.00	36.00	144.00	306.00	32.00%
CLASSIFIED ADVERTISING	89,000.00	11,294.39	51,172.24	37,827.76	57.50%
GEN ANNOUNCEMENTS	17,000.00	450.00	2,700.00	14,300.00	15.88%
PROF ANNOUNCEMENTS	27,000.00	2,520.00	8,812.50	18,187.50	32.64%
TOTAL REVENUE:	573,450.00	59,128.89	234,549.90	338,900.10	40.90%
DIRECT EXPENSES:					
GRAPHICS/ARTWORK	3,500.00	545.50	1,583.80	1,916.20	45.25%
OUTSIDE SALES EXPENSE	80,000.00	14,836.92	31,623.43	48,376.57	39.53%
EDITORIAL ADVISORY COMMITTEE	800.00	32.05	95.17	704.83	11.90%
DIGITAL/ONLINE DEVELOPMENT	8,400.00	700.00	3,000.00	5,400.00	35.71%
BAD DEBT EXPENSE	1,000.00	-	4,000.00	(3,000.00)	400.00%
POSTAGE	89,100.00	10,594.43	41,552.24	47,547.76	46.64%
PRINTING, COPYING & MAILING	220,000.00	51,809.30	101,449.95	118,550.05	46.11%
TOTAL DIRECT EXPENSES:	402,800.00	78,518.20	183,304.59	219,495.41	45.51%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.72 FTE)	131,759.00	8,325.80	55,131.83	76,627.17	41.84%
BENEFITS EXPENSE	48,872.00	3,304.55	18,184.08	30,687.92	37.21%
OTHER INDIRECT EXPENSE	40,777.00	2,959.65	14,672.25	26,104.75	35.98%
TOTAL INDIRECT EXPENSES:	221,408.00	14,590.00	87,988.16	133,419.84	39.74%
TOTAL ALL EXPENSES:	624,208.00	93,108.20	271,292.75	352,915.25	43.46%
NET INCOME (LOSS):	(50,758.00)	(33,979.31)	(36,742.85)		

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL					
REVENUE:					
COPY FEES	-	1.61	54.21	(54.21)	
TOTAL REVENUE:	-	1.61	54.21	(54.21)	
DIRECT EXPENSES:					
AMICUS BRIEF COMMITTEE	100.00	-	83.63	16.37	83.63%
COURT RULES COMMITTEE	5,000.00	200.90	360.37	4,639.63	7.21%
DISCIPLINE ADVISORY ROUNDTABLE	1,500.00	-	-	1,500.00	0.00%
LITIGATION EXPENSES	-	55.00	117.40	(117.40)	
CUSTODIANSHIPS	5,000.00	1.48	1,010.37	3,989.63	20.21%
STAFF TRAVEL/PARKING	2,600.00	208.00	1,378.26	1,221.74	53.01%
STAFF MEMBERSHIP DUES	1,500.00	-	-	1,500.00	0.00%
TOTAL DIRECT EXPENSES:	15,700.00	465.38	2,950.03	12,749.97	18.79%
INDIRECT EXPENSES:					
SALARY EXPENSE (5.7 FTE)	484,565.00	38,013.18	198,038.11	286,526.89	40.87%
BENEFITS EXPENSE	157,573.00	11,974.36	63,990.54	93,582.46	40.61%
OTHER INDIRECT EXPENSE	135,132.00	9,833.19	48,752.32	86,379.68	36.08%
TOTAL INDIRECT EXPENSES:	777,270.00	59,820.73	310,780.97	466,489.03	39.98%
TOTAL ALL EXPENSES:	792,970.00	60,286.11	313,731.00	479,239.00	39.56%
NET INCOME (LOSS):	(792,970.00)	(60,284.50)	(313,676.79)		

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OGC-DISCIPLINARY BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
DISCIPLINARY BOARD EXPENSES	7,500.00	174.56	4,758.47	2,741.53	63.45%
CHIEF HEARING OFFICER	33,000.00	2,500.00	12,500.00	20,500.00	37.88%
HEARING OFFICER EXPENSES	5,000.00	-	295.54	4,704.46	5.91%
HEARING OFFICER TRAINING	2,000.00	-	-	2,000.00	0.00%
OUTSIDE COUNSEL	55,000.00	3,250.00	16,250.00	38,750.00	29.55%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
TOTAL DIRECT EXPENSES:	103,000.00	5,924.56	33,804.01	69,195.99	32.82%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.30 FTE)	92,118.00	7,687.50	38,282.17	53,835.83	41.56%
BENEFITS EXPENSE	31,810.00	2,517.11	13,374.10	18,435.90	42.04%
OTHER INDIRECT EXPENSE	30,819.00	2,250.26	11,158.72	19,660.28	36.21%
TOTAL INDIRECT EXPENSES:	154,747.00	12,454.87	62,814.99	91,932.01	40.59%
TOTAL ALL EXPENSES:	257,747.00	18,379.43	96,619.00	161,128.00	37.49%
NET INCOME (LOSS):	(257,747.00)	(18,379.43)	(96,619.00)		

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE OF LAW BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
PRACTICE OF LAW BOARD	14,000.00	1,729.52	7,565.52	6,434.48	54.04%
TRANSLATION SERVICES	100.00	-	-	100.00	0.00%
TOTAL DIRECT EXPENSES:	14,100.00	1,729.52	7,565.52	6,534.48	53.66%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.81 FTE)	61,398.00	5,148.90	25,640.94	35,757.06	41.76%
BENEFITS EXPENSE	20,670.00	1,626.90	8,692.28	11,977.72	42.05%
OTHER INDIRECT EXPENSE	19,203.00	1,394.20	6,911.06	12,291.94	35.99%
TOTAL INDIRECT EXPENSES:	101,271.00	8,170.00	41,244.28	60,026.72	40.73%
TOTAL ALL EXPENSES:	115,371.00	9,899.52	48,809.80	66,561.20	42.31%
NET INCOME (LOSS):	(115,371.00)	(9,899.52)	(48,809.80)		

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PROFESSIONAL RESPONSIBILITY PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CPE COMMITTEE	6,000.00	104.63	1,458.51	4,541.49	24.31%
STAFF TRAVEL/PARKING	1,500.00	-	785.71	714.29	52.38%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
TOTAL DIRECT EXPENSES:	8,000.00	104.63	2,244.22	5,755.78	28.05%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.07 FTE)	165,405.00	11,762.74	58,859.47	106,545.53	35.59%
BENEFITS EXPENSE	58,372.00	4,213.77	22,508.47	35,863.53	38.56%
OTHER INDIRECT EXPENSE	49,074.00	3,571.21	17,705.98	31,368.02	36.08%
TOTAL INDIRECT EXPENSES:	272,851.00	19,547.72	99,073.92	173,777.08	36.31%
TOTAL ALL EXPENSES:	280,851.00	19,652.35	101,318.14	179,532.86	36.08%
NET INCOME (LOSS):	(280,851.00)	(19,652.35)	(101,318.14)		

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLIC SERVICE PROGRAMS					
REVENUE:					
DONATIONS & GRANTS	85,000.00	-	85,000.00	-	100.00%
PSP PRODUCT SALES	-	648.00	6,422.00	(6,422.00)	
TOTAL REVENUE:	85,000.00	648.00	91,422.00	(6,422.00)	107.56%
DIRECT EXPENSES:					
DONATIONS/SPONSORSHIPS/GRANTS	203,915.00	31,733.34	31,733.34	172,181.66	15.56%
SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	-	-	1,500.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	-	14.03	1,985.97	0.70%
STAFF MEMBERSHIP DUES	95.00	-	-	95.00	0.00%
VOLUNTEER RECRUITMENT & OUTREACH	2,100.00	28.55	28.55	2,071.45	1.36%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
PRO BONO & LEGAL AID COMMITTEE	2,000.00	74.11	336.95	1,663.05	16.85%
VOLUNTEER RECRUITMENT & APPREC	500.00	-	-	500.00	0.00%
DAY OF SERVICE	3,150.00	-	-	3,150.00	0.00%
TOTAL DIRECT EXPENSES:	215,460.00	31,836.00	32,112.87	183,347.13	14.90%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.70 FTE)	132,099.00	9,848.00	49,408.38	82,690.62	37.40%
BENEFITS EXPENSE	44,139.00	3,469.00	17,751.56	26,387.44	40.22%
OTHER INDIRECT EXPENSE	40,302.00	2,935.19	14,553.86	25,748.14	36.11%
TOTAL INDIRECT EXPENSES:	216,540.00	16,252.19	81,713.80	134,826.20	37.74%
TOTAL ALL EXPENSES:	432,000.00	48,088.19	113,826.67	318,173.33	26.35%
NET INCOME (LOSS):	(347,000.00)	(47,440.19)	(22,404.67)		

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	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	307,000.00	31,593.75	310,687.50	(3,687.50)	101.20%
TOTAL REVENUE:	307,000.00	31,593.75	310,687.50	(3,687.50)	101.20%
DIRECT EXPENSES:					
DUES STATEMENTS	9,500.00	-	5,416.72	4,083.28	57.02%
STAFF TRAVEL/PARKING	1,000.00	21.61	416.04	583.96	41.60%
SECTION/COMMITTEE CHAIR MTGS	1,000.00	-	439.78	560.22	43.98%
CONFERENCE CALLS	300.00	-	21.37	278.63	7.12%
MISCELLANEOUS	300.00	-	134.00	166.00	44.67%
TOTAL DIRECT EXPENSES:	12,100.00	21.61	6,427.91	5,672.09	53.12%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.03 FTE)	259,395.00	21,766.61	107,863.25	151,531.75	41.58%
BENEFITS EXPENSE	93,121.00	7,384.06	39,164.93	53,956.07	42.06%
OTHER INDIRECT EXPENSE	95,540.00	6,946.22	34,437.62	61,102.38	36.05%
TOTAL INDIRECT EXPENSES:	448,056.00	36,096.89	181,465.80	266,590.20	40.50%
TOTAL ALL EXPENSES:	460,156.00	36,118.50	187,893.71	272,262.29	40.83%
NET INCOME (LOSS):	(153,156.00)	(4,524.75)	122,793.79		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2017 to February 28, 2017
41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
TECHNOLOGY					
REVENUE:					
<hr/>					
TOTAL REVENUE:	-	-	-	-	
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DIRECT EXPENSES:					
COMPUTER HARDWARE	29,000.00	-	4,195.42	24,804.58	14.47%
COMPUTER SOFTWARE	28,000.00	7,836.73	9,221.34	18,778.66	32.93%
SOFTWARE MAINTENANCE & LICENSING	286,500.00	3,580.00	32,105.84	254,394.16	11.21%
HARDWARE SERVICE & WARRANTIES	41,000.00	-	17,899.52	23,100.48	43.66%
TELEPHONE HARDWARE & MAINTENANCE	26,000.00	2,792.02	9,897.55	16,102.45	38.07%
COMPUTER SUPPLIES	34,000.00	6,695.63	10,636.25	23,363.75	31.28%
THIRD PARTY SERVICES	40,500.00	181.50	28,211.25	12,288.75	69.66%
CONSULTING SERVICES	212,000.00	1,705.00	16,829.39	195,170.61	7.94%
STAFF TRAVEL/PARKING	2,500.00	-	-	2,500.00	0.00%
STAFF MEMBERSHIP DUES	110.00	-	-	110.00	0.00%
TELEPHONE	24,000.00	1,431.21	7,194.70	16,805.30	29.98%
TRANSFER TO INDIRECT EXPENSES	(723,610.00)	(24,222.09)	(136,191.26)	(587,418.74)	18.82%
TOTAL DIRECT EXPENSES:	-	-	-	-	
<hr/>					
INDIRECT EXPENSES:					
SALARY EXPENSE (12.10 FTE)	1,002,250.00	74,211.36	371,447.56	630,802.44	37.06%
BENEFITS EXPENSE	327,511.00	24,882.14	130,598.63	196,912.37	39.88%
CAPITAL LABOR & OVERHEAD	(140,700.00)	(11,704.84)	(11,704.84)	(128,995.16)	8.32%
OTHER INDIRECT EXPENSE	286,858.00	20,791.56	103,079.55	183,778.45	35.93%
TOTAL INDIRECT EXPENSES:	1,475,919.00	108,180.22	593,420.90	882,498.10	40.21%
TOTAL ALL EXPENSES:	1,475,919.00	108,180.22	593,420.90	882,498.10	40.21%
NET INCOME (LOSS):	(1,475,919.00)	(108,180.22)	(593,420.90)		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2017 to February 28, 2017
41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONTINUING LEGAL EDUCATION (CLE)					
REVENUE:					
SEMINAR REGISTRATIONS	1,670,000.00	5,830.00	319,105.75	1,350,894.25	19.11%
SEMINAR-EXHIB/SPNSR/ETC	25,000.00	-	500.00	24,500.00	2.00%
SHIPPING & HANDLING	4,600.00	512.00	1,994.28	2,605.72	43.35%
DESKBOOK SALES	80,000.00	12,168.50	47,568.31	32,431.69	59.46%
COURSEBOOK SALES	20,000.00	1,526.27	6,733.50	13,266.50	33.67%
SECTION PUBLICATION SALES	15,200.00	2,925.00	4,702.50	10,497.50	30.94%
CASEMAKER ROYALTIES	60,000.00	4,042.57	24,526.05	35,473.95	40.88%
MP3 AND VIDEO SALES	700,000.00	30,304.32	558,319.98	141,680.02	79.76%
TOTAL REVENUE:	2,574,800.00	57,308.66	963,450.37	1,611,349.63	37.42%
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	4,000.00	31.90	378.66	3,621.34	9.47%
POSTAGE - FLIERS/CATALOGS	40,000.00	876.85	9,001.10	30,998.90	22.50%
POSTAGE - MISC./DELIVERY	2,500.00	-	245.00	2,255.00	9.80%
DEPRECIATION	19,000.00	1,827.00	9,135.00	9,865.00	48.08%
ONLINE EXPENSES	82,000.00	3,248.77	17,373.18	64,626.82	21.19%
ACCREDITATION FEES	6,500.00	1,530.00	3,336.00	3,164.00	51.32%
SEMINAR BROCHURES	65,000.00	3,382.44	15,017.05	49,982.95	23.10%
FACILITIES	285,988.00	2,660.00	51,366.27	234,621.73	17.96%
SPEAKERS & PROGRAM DEVELOP	55,000.00	267.94	12,854.85	42,145.15	23.37%
SPLITS TO SECTIONS	167,456.00	-	-	167,456.00	0.00%
SPLITS TO CO-SPONSORS	7,500.00	-	-	7,500.00	0.00%
HONORARIA	20,250.00	-	-	20,250.00	0.00%
CLE SEMINAR COMMITTEE	1,500.00	22.72	66.68	1,433.32	4.45%
BAD DEBT EXPENSE	600.00	-	-	600.00	0.00%
STAFF TRAVEL/PARKING	6,500.00	-	95.27	6,404.73	1.47%
STAFF MEMBERSHIP DUES	1,550.00	-	-	1,550.00	0.00%
SUPPLIES	2,000.00	-	806.64	1,193.36	40.33%
COST OF SALES - DESKBOOKS	56,000.00	8,904.49	33,779.61	22,220.39	60.32%
COST OF SALES - COURSEBOOKS	1,400.00	110.59	545.12	854.88	38.94%
COST OF SALES SECTION PUBLICATION	2,800.00	507.25	819.41	1,980.59	29.26%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	-	1,500.00	0.00%
DESKBOOK ROYALTIES	1,000.00	-	-	1,000.00	0.00%
SHIPPING SUPPLIES	250.00	-	-	250.00	0.00%
POSTAGE & DELIVERY-DESKBOOKS	4,000.00	517.05	1,480.09	2,519.91	37.00%
POSTAGE & DELIVERY-COURSEBOOKS	3,000.00	8.96	206.48	2,793.52	6.88%
SPLITS WITH SECTIONS	4,800.00	-	-	4,800.00	0.00%
FLIERS/CATALOGS	7,500.00	-	553.76	6,946.24	7.38%
POSTAGE - FLIERS/CATALOGS	5,000.00	-	-	5,000.00	0.00%
COMPLIMENTARY BOOK PROGRAM	4,000.00	-	1,404.15	2,595.85	35.10%
RECORDS STORAGE - OFF SITE	7,440.00	-	2,480.00	4,960.00	33.33%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSES:	866,234.00	23,895.96	160,944.32	705,289.68	18.58%
INDIRECT EXPENSES:					
SALARY EXPENSE (12.77 FTE)	837,663.00	65,329.90	335,543.10	502,119.90	40.06%
BENEFITS EXPENSE	295,948.00	23,356.79	124,561.89	171,386.11	42.09%
OTHER INDIRECT EXPENSE	302,742.00	22,012.64	110,996.64	191,745.36	36.66%
TOTAL INDIRECT EXPENSES:	1,436,353.00	110,699.33	571,101.63	865,251.37	39.76%
TOTAL ALL EXPENSES:	2,302,587.00	134,595.29	732,045.95	1,570,541.05	31.79%
NET INCOME (LOSS):	272,213.00	(77,286.63)	231,404.42		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2017 to February 28, 2017
41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	475,770.00	49,098.75	472,044.00	3,726.00	99.22%
SEMINAR PROFIT SHARE	151,310.00	-	13,999.88	137,310.12	9.25%
INTEREST INCOME	1,406.00	-	-	1,406.00	0.00%
PUBLICATIONS REVENUE	5,000.00	-	2,798.20	2,201.80	55.96%
OTHER	55,125.00	178.75	5,332.67	49,792.33	9.67%
TOTAL REVENUE:	688,611.00	49,277.50	494,174.75	194,436.25	71.76%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	627,684.00	56,425.55	141,960.02	485,723.98	22.62%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	310,818.75	31,593.75	310,687.50	131.25	99.96%
TOTAL DIRECT EXPENSES:	938,502.75	88,019.30	452,647.52	485,855.23	48.23%
NET INCOME (LOSS):	(249,891.75)	(38,741.80)	41,527.23		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2017 to February 28, 2017
41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAWYERS FUND FOR CLIENT PROTECTION					
REVENUE:					
LFCP RESTITUTION	1,000.00	378.92	1,785.40	(785.40)	178.54%
LFCP MEMBER ASSESSMENTS	982,000.00	97,740.00	940,087.50	41,912.50	95.73%
INTEREST INCOME	3,000.00	1,259.99	5,911.38	(2,911.38)	197.05%
TOTAL REVENUE:	986,000.00	99,378.91	947,784.28	38,215.72	96.12%
DIRECT EXPENSES:					
GIFTS TO INJURED CLIENTS	500,000.00	5,000.00	142,117.86	357,882.14	28.42%
LFCP BOARD EXPENSES	1,500.00	243.69	1,051.84	448.16	70.12%
BANK FEES - WELLS FARGO	1,000.00	99.30	477.33	522.67	47.73%
TOTAL DIRECT EXPENSES:	502,500.00	5,342.99	143,647.03	358,852.97	28.59%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.01 FTE)	66,205.00	5,516.36	27,470.85	38,734.15	41.49%
BENEFITS EXPENSE	23,572.00	1,860.57	9,882.42	13,689.58	41.92%
OTHER INDIRECT EXPENSE	23,944.00	1,736.58	8,607.96	15,336.04	35.95%
TOTAL INDIRECT EXPENSES:	113,721.00	9,113.51	45,961.23	67,759.77	40.42%
TOTAL ALL EXPENSES:	616,221.00	14,456.50	189,608.26	426,612.74	30.77%
NET INCOME (LOSS):	369,779.00	84,922.41	758,176.02		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2017 to February 28, 2017
41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANAGEMENT OF WESTERN STATES BAR CONFERENCE					
REVENUE:					
REGISTRATION REVENUE	25,600.00	-	(450.00)	26,050.00	-1.76%
OTHER ACTIVITIES REGISTRATION REVENUE	13,000.00	1,050.00	3,320.00	9,680.00	25.54%
WESTERN STATES BAR MEMBERSHIP DUES	2,400.00	150.00	2,400.00	-	100.00%
SPONSORSHIPS	9,000.00	-	12,000.00	(3,000.00)	133.33%
TOTAL REVENUE:	50,000.00	1,200.00	17,270.00	32,730.00	34.54%
DIRECT EXPENSES:					
SPEAKERS & PROGRAM DEVELOPMENT	1,000.00	-	-	1,000.00	0.00%
FACILITIES	44,000.00	29,746.29	66,569.93	(22,569.93)	151.30%
STAFF TRAVEL/PARKING	2,300.00	-	572.00	1,728.00	24.87%
BANK FEES	560.00	46.62	234.68	325.32	41.91%
WSBC PRESIDENT TRAVEL	500.00	-	-	500.00	0.00%
OPTIONAL ACTIVITIES EXPENSE	1,200.00	1,475.64	1,475.64	(275.64)	122.97%
MARKETING EXPENSE	440.00	-	52.61	387.39	11.96%
TOTAL DIRECT EXPENSES:	50,000.00	31,268.55	68,904.86	(18,904.86)	137.81%
INDIRECT EXPENSES:					
TOTAL INDIRECT EXPENSES:	-	-	-	-	-
TOTAL ALL EXPENSES:	50,000.00	31,268.55	68,904.86	(18,904.86)	137.81%
NET INCOME (LOSS):	-	(30,068.55)	(51,634.86)		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2017 to February 28, 2017
41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
INDIRECT EXPENSES:					
SALARIES	10,987,791.00	874,070.91	4,515,839.45	6,471,951.55	41.10%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
TEMPORARY SALARIES	98,320.00	8,482.47	25,551.42	72,768.58	25.99%
CAPITAL LABOR & OVERHEAD	(140,700.00)	(11,704.84)	(11,704.84)	(128,995.16)	8.32%
EMPLOYEE ASSISTANCE PLAN	4,800.00	1,200.00	2,400.00	2,400.00	50.00%
EMPLOYEE SERVICE AWARDS	1,970.00	-	1,030.00	940.00	52.28%
FICA (EMPLOYER PORTION)	823,000.00	65,090.90	324,818.29	498,181.71	39.47%
L&I INSURANCE	48,000.00	-	9,596.26	38,403.74	19.99%
MEDICAL (EMPLOYER PORTION)	1,335,000.00	109,634.48	559,137.90	775,862.10	41.88%
RETIREMENT (EMPLOYER PORTION)	1,252,000.00	94,909.86	485,680.40	766,319.60	38.79%
TRANSPORTATION ALLOWANCE	118,500.00	130.00	105,669.50	12,830.50	89.17%
UNEMPLOYMENT INSURANCE	106,000.00	11,722.72	31,844.83	74,155.17	30.04%
STAFF DEVELOPMENT-GENERAL	6,865.00	91.55	460.38	6,404.62	6.71%
TOTAL SALARY & BENEFITS EXPENSE:	14,521,546.00	1,153,628.05	6,050,323.59	8,471,222.41	41.66%
WORKPLACE BENEFITS	42,000.00	2,043.94	17,876.36	24,123.64	42.56%
HUMAN RESOURCES POOLED EXP	126,656.00	9,168.50	56,229.99	70,426.01	44.40%
MEETING SUPPORT EXPENSES	15,000.00	601.08	5,055.78	9,944.22	33.71%
RENT	1,645,000.00	146,453.98	688,064.81	956,935.19	41.83%
PERSONAL PROP TAXES-WSBA	12,500.00	372.09	4,492.37	8,007.63	35.94%
FURNITURE, MAINT, LH IMP	38,000.00	3,235.40	8,321.89	29,678.11	21.90%
OFFICE SUPPLIES & EQUIPMENT	50,000.00	5,490.42	16,559.41	33,440.59	33.12%
FURN & OFFICE EQUIP DEPRECIATION	74,000.00	3,487.00	46,450.44	27,549.56	62.77%
COMPUTER HARDWARE DEPRECIATION	63,000.00	4,831.00	27,905.51	35,094.49	44.29%
COMPUTER SOFTWARE DEPRECIATION	94,500.00	1,824.00	9,743.01	84,756.99	10.31%
INSURANCE	130,400.00	10,881.85	54,409.25	75,990.75	41.72%
PROFESSIONAL FEES-AUDIT	31,000.00	-	32,662.06	(1,662.06)	105.36%
PROFESSIONAL FEES-LEGAL	60,000.00	86.00	8,965.30	51,034.70	14.94%
TELEPHONE & INTERNET	38,000.00	10,285.33	18,814.04	19,185.96	49.51%
POSTAGE - GENERAL	45,000.00	1,986.68	12,750.78	32,249.22	28.34%
RECORDS STORAGE	40,000.00	3,611.35	16,243.59	23,756.41	40.61%
STAFF TRAINING	75,000.00	12,317.77	34,611.86	40,388.14	46.15%
BANK FEES	35,400.00	2,982.63	15,419.91	19,980.09	43.56%
PRODUCTION MAINTENANCE & SUPPLIES	25,000.00	627.24	3,344.39	21,655.61	13.38%
COMPUTER POOLED EXPENSES	723,610.00	24,222.09	136,191.26	587,418.74	18.82%
TOTAL OTHER INDIRECT EXPENSES:	3,364,066.00	244,508.35	1,214,112.01	2,149,953.99	36.09%
TOTAL INDIRECT EXPENSES:	17,885,612.00	1,398,136.40	7,264,435.60		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2017 to February 28, 2017
41.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
SUMMARY PAGE				
LICENSE FEES	13,204,000.00	1,343,674.86	5,530,457.47	7,673,542.53
ACCESS TO JUSTICE	(251,763.00)	(22,111.87)	(117,034.22)	(134,728.78)
ADMINISTRATION	(974,756.00)	(69,505.37)	(420,689.85)	(554,066.15)
ADMISSIONS/BAR EXAM	(91,290.00)	78,263.58	257,153.73	(348,443.73)
BOARD OF GOVERNORS	(782,596.00)	(59,624.35)	(309,461.89)	(473,134.11)
COMMUNICATIONS	(1,656,408.00)	(126,867.14)	(639,345.10)	(1,017,062.90)
DISCIPLINE	(5,462,671.00)	(430,379.43)	(2,219,536.97)	(3,243,134.03)
DIVERSITY	(293,895.00)	(32,062.20)	(62,922.68)	(230,972.32)
FOUNDATION	(167,949.00)	(12,227.89)	(61,576.55)	(106,372.45)
HUMAN RESOURCES	(257,819.00)	(29,897.62)	(154,020.41)	(103,798.59)
PUBLIC SERVICE PROGRAMS	(347,000.00)	(47,440.19)	(22,404.67)	(324,595.33)
LOMAP	(200,402.00)	(16,010.32)	(68,002.75)	(132,399.25)
LAP	(158,452.00)	(9,065.68)	(69,404.02)	(89,047.98)
LEGISLATIVE	(263,265.00)	(23,097.58)	(105,979.50)	(157,285.50)
LICENSING AND MEMBERSHIP	(339,667.00)	(42,505.21)	(118,425.73)	(221,241.27)
LIMITED LICENSE LEGAL TECHNICIAN	(221,664.00)	(14,179.28)	(74,461.64)	(147,202.36)
LIMITED PRACTICE OFFICERS	(69,787.00)	9,837.30	(12,265.82)	(57,521.18)
MANDATORY CLE ADMINISTRATION	(24,390.00)	34,673.39	62,219.60	(86,609.60)
MEMBER BENEFITS	(72,000.00)	(1,721.39)	(14,677.26)	(57,322.74)
MENTORSHIP PROGRAM	(201,473.00)	(13,586.81)	(67,666.41)	(133,806.59)
NEW LAWYER PROGRAM	(227,891.00)	(21,403.44)	(95,410.09)	(132,480.91)
NW LAWYER	(50,758.00)	(33,979.31)	(36,742.85)	(14,015.15)
OFFICE OF GENERAL COUNSEL	(792,970.00)	(60,284.50)	(313,676.79)	(479,293.21)
OGC-DISCIPLINARY BOARD	(257,747.00)	(18,379.43)	(96,619.00)	(161,128.00)
PRACTICE OF LAW BOARD	(115,371.00)	(9,899.52)	(48,809.80)	(66,561.20)
PROFESSIONAL RESPONSIBILITY	(280,851.00)	(19,652.35)	(101,318.14)	(179,532.86)
LAW CLERK PROGRAM	(9,435.00)	6,106.11	44,873.73	(54,308.73)
SECTIONS ADMINISTRATION	(153,156.00)	(4,524.75)	122,793.79	(275,949.79)
TECHNOLOGY	(1,475,919.00)	(108,180.22)	(593,420.90)	(882,498.10)
CLE - PRODUCTS	222,126.00	(2,402.42)	373,680.83	(151,554.83)
CLE - SEMINARS	50,087.00	(74,884.21)	(142,276.41)	192,363.41
SECTIONS OPERATIONS	(249,891.75)	(38,741.80)	41,527.23	(291,418.98)
LFCP	369,779.00	84,922.41	758,176.02	(388,397.02)
WESTERN STATES BAR CONFERENCE	-	(30,068.55)	(51,634.86)	51,634.86
INDIRECT EXPENSES	(17,885,612.00)	(1,398,136.40)	(7,264,435.60)	(10,621,176.40)
TOTAL OF ALL	<u>19,490,856.75</u>	<u>1,213,341.58</u>	<u>6,091,337.51</u>	<u>13,399,519.24</u>
NET INCOME (LOSS)	<u>(1,605,244.75)</u>	<u>184,794.82</u>	<u>1,173,098.09</u>	

**Washington State Bar Association
Analysis of Cash Investments
As of February 28, 2017**

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 1,331,457
Total		\$ 1,331,457

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	0.70%	\$ 3,912,233
UBS Financial Money Market	0.81%	\$ 837,709
Morgan Stanley Money Market	0.49%	\$ 25,655
Merrill Lynch Money Market	0.85%	\$ 1,869,764
Long Term Investments	Varies	\$ 3,374,530
Short Term Investments	Varies	\$ 4,500,000
General Fund Total		<u>\$ 15,851,348</u>

Lawyer's Fund for Client Protection

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 1,464,731

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	0.70%	\$ 2,229,008
Morgan Stanley Money Market	0.08%	\$ 102,576
Wells Fargo Investments	Varies	\$ -
Lawyers' Fund for Client Protection Total		<u>\$ 3,796,315</u>

Grand Total Cash & Investments	<u>\$ 19,647,663</u>
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**Washington State Bar Association
Analysis of Cash Investments
As of February 28, 2017**

Long Term Investments- General Fund

<u>UBS Financial Long Term Investments</u>	<u>Value as of 2/28/17</u>
Nuveen 3-7 year Municipal Bond Portfolio	\$ 494,284.91

<u>Morgan Stanley Long Term Investments</u>	<u>Value as of 2/28/17</u>
Lord Abbett Short Term Duration Income Fund	\$ 1,554,547.21
Guggenheim Total Return Bond Fund	\$ 661,553.14
Virtus Multi-Sector Short Term Bond Fund	\$ 664,145.01
	<u>\$ 2,880,245.36</u>

Total Long Term Investments- General Fund 3,374,530.27

Short Term Investments- General Fund

<u>Bank</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Term</u>	<u>Maturity Date</u>	<u>Amount</u>
Enterprise Bank	0.65%	0.65%	6 months	7/31/2017	250,000.00
Pacific Western Bank	0.65%	0.65%	6 months	7/31/2017	250,000.00
First VA Community Bank	0.65%	0.65%	6 months	7/31/2017	250,000.00
Bank of China NY	0.85%	0.85%	9 months	10/30/2017	250,000.00
Bank of Baroda	0.90%	0.90%	9 months	10/31/2017	250,000.00
Citizens Bank NA PA Philadelphia	0.65%	0.65%	3 months	5/1/2017	250,000.00
Citizens Bank NA Providence RI	0.65%	0.65%	3 months	5/1/2017	250,000.00
ZB NA	0.80%	0.80%	9 months	11/1/2017	250,000.00
First Merchant Bank	0.65%	0.65%	6 months	8/3/2017	250,000.00
Bank India NY	0.80%	0.80%	6 months	8/9/2017	250,000.00
Compass Bank AL	0.60%	0.60%	3 months	5/8/2017	250,000.00
Mizrahi Tefaho LA	0.65%	0.65%	3 months	5/15/2017	250,000.00
Huntington National Bank	0.80%	0.80%	6 months	8/15/2017	250,000.00
Green Bank NA Houston	0.55%	0.55%	6 months	5/15/2017	250,000.00
Safra National Bank NY	0.65%	0.65%	6 months	8/15/2017	250,000.00
United Bank Vernon Rockville CT	0.65%	0.65%	6 months	8/16/2017	250,000.00
Luther Burbank Savings Manhattan Beach	0.55%	0.55%	3 months	5/24/2017	250,000.00
Washington First Bank Reston VA	0.70%	0.70%	6 months	8/28/2017	250,000.00

Total Short Term Investments- General Fund 4,500,000.00

Lawyer's Fund for Client Protection

<u>Bank</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Term Mths</u>	<u>Maturity Date</u>	<u>Amount</u>
Total LFCP					<u><u>-</u></u>

WASHINGTON STATE BAR ASSOCIATION

Statements of Cash Flows
For the Period Ended February 28, 2016 and 2017

	<u>2017</u>	<u>2016</u>
Cash Flows From Operating Activities:		
Cash received from licensing fees	\$ 13,506,920	\$ 13,202,084
Cash received from CLE products and seminars	2,293,514	\$ 2,476,674
Cash received from other activities	5,726,942	5,805,086
Cash paid for salaries	(10,695,618)	(10,520,030)
Cash paid for goods and services	(10,420,190)	(10,537,436)
Interest received	46,771	30,267
	<u>458,339</u>	<u>456,644</u>
Net Cash Used by Operating Activities		
Cash Flows From Investing Activities:		
Change in restricted cash and cash equivalents	(574,109)	(442,398)
Proceeds from sale of investments	6,253,068	7,536,810
Purchase of investments	(5,800,000)	(5,078,000)
Acquisition of property and equipment	(637,071)	(1,112,060)
	<u>(758,112)</u>	<u>904,352</u>
Net Cash Provided by Investing Activities		
Net Change in Cash and Cash Equivalents	(299,773)	1,360,996
Cash and cash equivalents, beginning of year	8,286,160	6,925,163
	<u>8,286,160</u>	<u>6,925,163</u>
Cash and Cash Equivalents, at February 28th	\$ 7,986,387	\$ 8,286,159
	<u>\$ 7,986,387</u>	<u>\$ 8,286,159</u>
Reconciliation of Change in Net Assets to Net Cash Flows		
From Operating Activities:		
Change in net assets	\$ (119,947)	\$ (2,494,672)
Adjustments to reconcile change in net assets to net cash flows from operating activities-		
Depreciation	498,373	763,168
Amortization of deferred lease incentive	-	(241,670)
Unrealized loss (gain) on investments	(161,789)	91,980
Loss on disposal of property and equipment	-	-
Change in operating assets and liabilities:		
Receivables	(13,311)	4,702
Desk and course books	21,024	9,009
Deferred seminar costs and prepaid expenses	(10,479)	36,352
Accounts payable and accrued expenses	(34,238)	325,452
Deferred licensing fees	151,190	1,673,959
Deferred lease obligation and incentive	188,443	236,820
Other deferred revenue	(60,927)	51,546
	<u>458,339</u>	<u>\$ 456,644</u>
Net Cash Used by Operating Activities		



WSBA

To: Board of Governors
From: Mark Hayes, Controller
Re: Investment Update as of February 28, 2017
Date: March 6, 2017

The last update on the investment portfolio showed a total value of \$3,358,313 as of January 31st. There was no change in the makeup of the portfolio for the month of February. We remain invested in several bond funds and a short-term income fund. The portfolio value of \$3,374,530 as of February 28th represents a \$16,217 or .5% increase from the prior month. Bond funds were hit particularly hard in November as a result of the election and proposed policies that could lead to increased interest rates, which adversely impacts bond funds. Our October 31st portfolio balance was \$3,369,178 versus our February 28th balance of \$3,374,530, so we have recouped all of the loss we experienced in November.

The WSBA's investments are managed by our advisors at Morgan Stanley and UBS Financial. As of February 28th we have an aggregate gain across all funds of \$146,515 since first creating an investment portfolio with an actual percentage gain of 4.54%. The breakdown by fund is as follows:

INVESTMENT FUND	1/31/17 Value	2/28/17 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	\$490,858	\$494,285	(\$5,715) ¹	N/A	(\$5,715)	(1.14%) ¹
Lord Abbett & Company Short Term Duration Income Fund	\$1,549,644	\$1,554,547	\$69,909	\$211,563 ²	\$126,532 ³	8.86%
Guggenheim Total Return Bond Fund	\$656,453 ⁴	\$661,553	\$11,553	N/A	\$11,553	1.78%
Virtus Multi-Sector Short Term Bond Fund	\$661,358 ⁴	\$664,145	\$14,145	N/A	\$14,145	2.18%
Total	\$3,358,313	\$3,374,530	\$89,892	\$211,563	\$146,515	4.54%

¹ 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".

² 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).

³ 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.

⁴ Purchase price is \$650,000



WSBA

To: Board of Governors
 From: Mark Hayes, Controller
 Re: Investment Update as of March 31, 2017
 Date: April 5, 2017

The last update on the investment portfolio showed a total value of \$3,374,530 as of February 28th. There was no change in the makeup of the portfolio for the month of March. We remain invested in several bond funds and a short-term income fund. The portfolio value of \$3,381,714 as of March 31st represents a \$7,184 or .2% increase from the prior month. As expected, the Federal Reserve increased its key short-term interest rate by a quarter of a percentage point on March 15th. Despite this occurrence our portfolio still managed modest gains for the month of March.

The WSBA’s investments are managed by our advisors at Morgan Stanley and UBS Financial. As of March 31st we have an aggregate gain across all funds of \$153,699 since first creating an investment portfolio with an actual percentage gain of 4.76%. The breakdown by fund is as follows:

INVESTMENT FUND	2/28/17 Value	3/31/17 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	\$494,285	\$496,610	(\$3,390) ¹	N/A	(\$3,390)	(.68%) ¹
Lord Abbett & Company Short Term Duration Income Fund	\$1,554,547	\$1,555,897	\$52,360	\$212,913 ²	\$127,882 ³	8.96%
Guggenheim Total Return Bond Fund	\$661,553 ⁴	\$663,526	\$13,526	N/A	\$13,526	2.08%
Virtus Multi-Sector Short Term Bond Fund	\$664,145 ⁴	\$665,681	\$15,681	N/A	\$15,681	2.41%
Total	\$3,374,530	\$3,381,714	\$78,177	\$212,913	\$153,699	4.76%

¹ 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”.

² 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).

³ 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.

⁴ Purchase price is \$650,000



**Board of Governors Meeting
Alderbrook
Union, WA
July 28-29, 2017**

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

PLEASE NOTE: ALL TIMES ARE APPROXIMATE

FRIDAY, JULY 28, 2017

GENERAL INFORMATION XX

1. AGENDA..... XXX

10:00 A.M.

2. EXECUTIVE SESSION

 a. Approval of May 18-19, 2017, Executive Session Minutes (**action**)..... E-xx

 b. President’s and Executive Director’s Reports

 c. Discipline Report – Doug Ende..... E-xx

 d. Litigation Report – Jean McElroy E-xx

 e. Meeting Evaluation Summary..... E-xx

12:00 P.M. – LUNCH

1:15 P.M. – PUBLIC SESSION

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

OPERATIONAL

3. FIRST READING/ACTION CALENDAR

 a. WSBA Committee on Mission Performance and Review (CMPR) Report (**first reading**)..... xx

 b. Election of 2017-2018 WSBA Treasurer (**action**)..... xx

 c. Draft WSBA FY2018 Budget – Governor Jill Karmy, Treasurer; Ann Holmes, Chief Operations Officer; and Mark Hayes, Controller (**first reading**) xx

SATURDAY, JULY 29, 2017

8:30 A.M. EXECUTIVE SESSION (*tentative*)

9:30 A.M. PUBLIC SESSION

OPERATIONAL (continued)

- 4. **CONSENT CALENDAR**..... XX
 - a. May 18-19, 2017, Public Session Minutes XX
 - b. Appointment of Chairs and Vice-Chairs to WSBA Committees and Boards..... XX
 - c. Discipline Selection Panel Recommendations..... XX
 - d. Proposed Amendments to WSBA Sections Bylaws

- 5. **INFORMATION**
 - a. Executive Director's Report XX
 - b. Activity Reports..... XX
 - c. Access to Justice Board Annual Report..... XX
 - d. Court Rules and Procedures Committee Report XX
 - e. FY2017 Third Quarter Management Report..... XX
 - f. Diversity and Inclusion Events XX
 - g. Financial Statements

- 6. **PREVIEW OF SEPTEMBER 28-29, 2017, MEETING** XX

PRELIMINARY

2016-2017 Board of Governors Meeting Issues

NOVEMBER (Seattle)

Standing Agenda Items:

- Financials
- FY2016 Fourth Quarter Management Report
- BOG 2016-2017 Legislative Committee Agenda
- WSBA Legislative Committee Recommendations
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- Outside Appointments (if any)
- Washington Leadership Institute (WLI) Fellows Report
- WSBA Sections Annual Reports (information)
- WSBF Annual Report

JANUARY (Spokane)

Standing Agenda Items:

- ABA Midyear Meeting Sneak Preview
- Financials
- FY2016 Audited Financial Statements
- FY2017 First Quarter Management Report
- Legislative Report
- LFCP Board Annual 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
- FY2017 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)

May 2017 Agenda Items

- Proposed Amendments to WSBA Sections Bylaws

JULY (Alderbrook)

Standing Agenda Items:

- ATJ Board Report
- BOG Retreat
- Court Rules and Procedures Committee Report and Recommendations
- Discipline Selection Panel Recommendations
- Financials
- Draft WSBA FY2018 Budget
- FY2017 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

July 2017 Agenda Items

- Proposed Amendments to WSBA Sections Bylaws

SEPTEMBER (Seattle)

Standing Agenda Items:

- 2018 Keller Deduction Schedule
- ABA Annual Meeting Report
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Executive Director’s Evaluation Report
- Financials
- Final FY2018 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	November 13, 2015	TBD
WSBA Religious and Spiritual Practices Policy	July 22-23, 2016	TBD
WSBA Committee on Mission Performance and Review (CMPR) Report	July 28-29, 2017	Sept 28-29, 2017
Draft WSBA FY2018 Budget	July 28-29, 2017	Sept 28-29, 2017