

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING MINUTES

Bellingham, WA
November 5, 2022

Call to Order and Welcome ([link](#))

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Daniel D. Clark on Saturday, November 5 at 8:34 AM. Governors in attendance were:

Francis Adewale
Lauren Boyd
Jordan Couch
Matthew Dresden
Kevin Fay
Erik Kaeding
Nam Nguyen
Kari Petrasek
Brett Purtzer
Mary Rathbone
Serena Sayani
Alec Stephens
Brent Williams-Ruth

Also in attendance were President-Elect Hunter Abell, Peter Arkison, Executive Administrator Shelly Bynum, Adam Chapman, Meng Li Che (WA BIIA), Court Rules and Procedures Committee Chair Paul Crisalli, Practice of Law Board Chair Michael Cherry, Volunteer Engagement Advisor Paris Eriksen, WSBF President Judge Tracy Flood, Nancy Hawkins (Family Law Section Executive Committee), Associate Director for Regulatory Services Bobby Henry, Carla Higginson, Outreach Specialist Michael Kroner, Executive Director Terra Nevitt, Chief Communications and Outreach Officer Sara Niegowski, Broadcast Services Manager Rex Nolte, Communication Strategies Manager Jennifer Olegario, Advancement Director Kevin Plachy, Kyle Sciuchetti, General Counsel Julie Shankland, Chief Disciplinary Counsel Douglas Ende, Chief Equity and Justice Officer Diana Singleton, Immediate Past President Brian Tollefson, and Member Services and Engagement Manager Julianne Unite.

Consent Calendar ([link](#))

Gov. Fay moved for approval of the consent calendar. Motion passed unanimously.

Member & Public Comments ([link](#))

There were no public comments.

President's Report ([link](#))

The Board was referred to Pres. Clark's written report. There was no discussion.

Executive Director's Report ([link](#))

The Board was referred to the Executive Director's written report.

The Board heard public comment from Nancy Hawkins who suggested that in reaching out with regard to the Board's goals, the Executive Director include outreach to sections. Ms. Hawkins also expressed concern that due to small group work, the goal-setting retreat was effectively closed.

Reports of Standing or Ongoing BOG Committees ([link](#))

Awards Committee. No report.

Budget and Audit Committee. No report.

Equity and Disparity Workgroup. Gov. Stephens reported that the Task Force is currently seeking input on proposed changes to GR 12 and has received requests for more time to comment. Gov. Fay moved to extend the charter of the workgroup until the March Board of Governors meeting. Motion passed unanimously.

Executive Committee. The Board was referred to the written materials.

Legislative Committee. No report.

Personnel Committee. Deferred.

Long-Range Strategic Planning Council. The Board was referred to the written materials.

Member Engagement Council. Gov. Dresden reported that the committee is setting up meetings with local bar associations.

Diversity, Equity and Inclusion Council. No report.

Nominations Committee. No report.

Supreme Court Bar Licensure Task Force. Gov. Williams-Ruth reported on a new road map and timeline for the Task Force and outlined plans for outreach.

Approve Revisions to Volunteer Vaccination Policy ([link](#))

Gov. Petrasek presented the recommendation prepared by Volunteer Engagement Advisor Eriksen, Gov. Fay, Human Resources Director Klinefelter-Sio, Gov. Petrasek, Director of Advancement Plachy, and Immediate Past Pres. Tollefson, which is to rescind the volunteer vaccination policy and to approve a framework for the Executive Director to adopt health and safety policies. Discussion followed regarding alignment with the Supreme Court's most recent order; the Executive Director's authority with regard to health and safety; interim measures and the potential for a delayed implementation; and clarity regarding the proposal. It was clarified that the recommendation is not intended to imply that the Executive Director does not already have emergency authority for health and safety. Gov. Petrasek moved to rescind the volunteer vaccination policy effective Friday, November 18. Motion passed unanimously. Gov. Purtzer was not present for the vote.

Governor Roundtable ([link](#))

Gov. Petrasek, Chair of the WSBA Small Town and Rural (STAR) Committee, noted that the Governor of the State of Washington has signed a proclamation establishing November 15 as Rural Practice Day. Gov. Stephens commented on the importance of hybrid meetings. Gov. Williams-Ruth commented about the importance of providing adequate notice before changing established Board meeting norms. Gov. Williams-Ruther further commented on a request to change our norms for more efficient meeting scheduling.

Approve Court Rules and Procedures Committee Proposed Amendment to CrRLJ 4.7 ([link](#))

Chair Crisalli presented the recommendation of the Committee. Discussion followed regarding community outreach and specific elements of the proposed changes and support for the proposed change. Gov. Stephens moved for approval.

The Board took public comment from Judge Flood that, in community courts, participants are referred to as such and are not referred to as “defendants”. Discussion followed about amending the rule.

Gov. Stephens moved to postpone action to the January meeting to give the Committee time to consider the feedback. Discussion followed for and against the motion to table. The motion was withdrawn with approval of the second. The underlying motion passed 11-1. Gov. Purtzer was not present for the vote.

The Board took public comment from Nancy Hawkins expressing concern about the process of executive session and the lack of advance notice provided.

Executive Session ([link](#))

On behalf of Pres. Clark, Executive Director Nevitt announced that the Board would meet in executive session at 10:06 AM. The Board met in executive session until 10:35 AM.

Executive Director Nevitt made a brief report on Executive Session.

Council on Public Defense Matters ([link](#))

Prof. Boruchowitz presented two proposals from the Council on Public Defense and sought approval of the Board. The first request was for approval of a CPD statement addressing minimum qualification for representation of persons accused of Class B and C felonies. Gov. Stephens moved to approve the first request. There was no discussion. Motion passed unanimously. The second request was for approval of a CPD letter supporting the budget request for the Office of Public Defense. Gov. Stephens moved to approve the Council submitting the letter regarding the OPD budget. Motion passed unanimously.

Approval of Executive Director Evaluation Process and Elements for FY22 and Beyond ([link](#))

Gov. Stephens presented the recommendation of the Committee based on feedback provided at the September meeting, including the time period that the evaluation will cover and the individuals that will be asked to participate in the evaluation. He reviewed the evaluation elements and timeline. Discussion followed about the timing of future evaluations and participation of the governors most recently appointed. Gov. Fay moved for approval. Motion passed 12-1.

Discuss BOG Recruitment Policy ([link](#))

Executive Director Nevitt provided background information about the BOG recruiting policy and the purposes of the discussion. Volunteer Engagement Advisor Paris Eriksen provided an overview of the steps that WSBA takes to recruit candidates for the Board of Governors. Discussion followed about the challenges

of the current policy; the challenges of recruiting members to serve on the Board; alternative approaches to leadership development; and the involvement of governors and whether it can appear as a conflict of interest.

The Board took public comment from former Board Member and President Kyle Sciuchetti about the value of having former and outgoing governors speak to their experience on the Board. The Board took public comment from Nancy Hawkins in favor of having staff as well as BOG involvement, as well as using a committee that includes broader perspectives.

Gov. Kaeding moved to suspend the policy pending a new proposal. Motion passed unanimously. Gov. Williams-Ruth was not present for the vote.

Approve Legislative Review Committee Recommendations ([link](#))

Committee member Kyle Sciuchetti presented the recommendation of the Legislative Review Committee to sponsor legislation to amend provisions in Washington's Business Corporation Act. WSBA Legislative Affairs Manager Sanjay Walvekar provided an overview of the amendments and the vetting process. Discussion followed about what it means to sponsor a bill rather than simply support it. Gov. Fay moved for approval. Motion passed 10-1. Govs. Couch and Williams-Ruth were not present for the vote.

Manager Walvekar presented the 2023 legislative priorities. Gov. Boyd moved for approval. It was clarified that there was no change to the priorities from the prior year. Motion passed unanimously. Govs Couch and Williams-Ruth were not present for the vote.

Overview of WSBA's APR 6 Law Clerk Program ([link](#))

Katherine Skinner, WSBA Law Clerk Program Lead, and Emily Mowery, Law Clerk Board Chair, provided an overview of the APR 6 Law Clerk Program. Brief discussion followed about the successes and the challenges of the program, including the desire for reciprocity with other states. There was a request for aggregate data information related to the demographics of law clerk participants and current Washington lawyers who completed the program.

Washington State Bar Foundation Annual Report ([link](#))

Pres. Flood presented the annual report of the Washington State Bar Foundation.

Annual Anti-Harassment Training ([link](#))

The Board received its annual anti-harassment training from Clarence Belnavis.

ADJOURNMENT ([link](#))

There being no further business, Pres. Clark adjourned the meeting at 3:42 PM on Saturday, November 5, 2022.

Respectfully submitted,

Terra Nevitt

Terra Nevitt

WSBA Executive Director & Secretary