

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

Board of Governors May Meeting Update

A summary of the Board of Governors meeting May 16 and 17, 2019, in Yakima

The agenda, materials, and video recording from this Board of Governors meeting, as well as past meetings, are [online](#). The next regular meeting is July 26-27 in Richland (with the annual board retreat is on July 25). The Board of Governors is WSBA's governing body charged with determining general policies of the bar and approving its annual budget.

Top Takeaways

- 1. What shape will WSBA take in the future?** The Washington Supreme Court's Bar Structure Work Group is at the halfway point. In its first three meetings, the work group examined WSBA's current structure, pending federal cases, and other bar structures; it has also continued to gather member and public feedback. [Meeting recordings and materials are online](#). The next meeting is Wednesday, May 29, and you can participate via webcast.
- 2. Mandatory Malpractice Insurance Task Force:** Board members voted down the Mandatory Malpractice Insurance Task Force's recommendation to require malpractice insurance as a condition of licensing for lawyers. The board will determine whether to explore other public-protection alternatives and models. [More information about the task force](#).
- 3. Congratulations to our new WSBA leaders!** Governors interviewed candidates and selected appointees to fill the District 1 vacancy and openings for President-Elect and one At-Large position. These appointees round out WSBA's full slate of new leaders, including those elected in their districts in April to be seated in September 2019 ([more information](#)):
 - **President-Elect:** Kyle Sciuchetti (*Note: the board will have the option to appoint a replacement District 3 governor to fulfill the remainder of Governor Sciuchetti's term*)
 - **At-Large:** Hunter Abell
 - **District 1:** Sunitha Anjilvel (seated immediately at the meeting to fill the vacancy)
 - **District 2:** Carla J. Higginson (seated in May 2018 to fill a vacancy; she will begin her full term in September 2019)
 - **District 9:** Bryn Peterson
 - **District 10:** Thomas A. McBride
- 4. Listening Tour:** WSBA President Bill Pickett and Interim Executive Director Terra Nevitt (joined by local governors) are hitting the road! This year's Listening Tour kicked off last week, with stops in Kennewick and Yakima. Thank you to all who participated. Upcoming

stops are scheduled in Kent, Bellevue, Vancouver, Spokane, and Newport, and new events are still being added. [Check online for more information](#). The Listening Tour is an opportunity for members to ask questions, share ideas, and offer comments about WSBA and the legal profession.

Meeting Recap

- **Local Heroes.** WSBA President Bill Pickett recognized [six Local Heroes](#) from the Yakima area: Teresita Del Carmen Varela, Jeanie R. Tolcacher, Judge Ruth Reukauf, Blaine Tamaki, David Thorner, and Richard Johnson. Local Hero Award winners are selected in recognition of their leadership and positive impacts on their community.
- **Input regarding recommendations from the Civil Litigation Rules Drafting Task Force.** For several years, the board has been looking at how to reduce the escalating cost of civil litigation through an initial task force that made recommendations, which the board approved in part, and a subsequent task force that drafted rules to implement those recommendations. After receiving the draft-rule recommendations last year, the board has been seeking input from stakeholders. At the May meeting, the board heard some of that feedback, including concerns from the WSBA Litigation Section, Washington Defense Trial Lawyers, King County Litigation and Judicial Committee, Washington State Association for Justice, and Domestic Relations Attorneys of Washington. The draft rules may be on the agenda in July for action (approve, change, reject). If any rule change is approved, it will go to the Washington Supreme Court as a recommendation. ([More information on page 221 of Board of Governors Public Meeting Materials.](#))
- **Amendments to Mandatory Arbitration Rules.** Last May, the Washington Supreme Court Rules Committee asked WSBA's Court Rules and Procedures Committee to review the Mandatory Arbitration Rules (MARs) in light of EHB 1128 (Civil Arbitration). The committee reconciled the rules in line with the legislation and widely sought stakeholder feedback. The board approved the committee's proposed amendments for submission back to the Court; the board also agreed to include a letter to the Court stating its concerns about a provision in the underlying legislation requiring a party to sign a request for a trial de novo. ([More information on page 265 of Board of Governors Public Meeting Materials.](#))
- **Amendments to RPC regarding safeguarding property.** The board heard on first reading a proposed amendment to [RPC 1.15A\(h\)\(9\)](#) to permit Limited License Legal Technicians (LLLTs) who work in the same firm with lawyers to sign trust-account checks without a second signature from a lawyer. LLLTs who practice without lawyers are already permitted to sign trust-account checks. Pending board approval in July, the recommendation will be submitted to the Court. ([More information on page 345 of Board of Governors Public Meeting Materials.](#))

- **Open Public Meetings Act (OPMA) training.** The Assistant Attorney General for Open Public Government [trained governors and provided materials](#) to help them comply with the OPMA. While WSBA has operated for decades under [bylaws](#) that echo in part the OPMA, a King County Superior Court order from April 2019 makes WSBA subject to the OPMA until further review. ([Training materials on page 23 of Board of Governors Public Meeting Materials.](#))
- **Insurance update.** WSBA's insurance broker advised the board that its Management Liability (Directors and Officers/ Employment Practices Liability) coverage is in jeopardy due to frequency of claims. Gallagher, our broker, will explore all options to secure and increase limits for this coverage. WSBA has been advised to expect higher premiums and self-insured retentions, and other terms that may not be as favorable.
- **WSBA investment portfolio and facilities reserve.** The board accepted the Budget and Audit Committee's recommendation to reallocate \$100,000 in investment gains from unrestricted reserves to the facilities reserve fund.
- **Working with LLLTs in the community.** Limited License Legal Technicians Dianne Loepker (Cowlitz-Wahkiakum County Bar Association President), Kellie Dightman, and Sherri Farr spoke about their experiences: including success and challenges: working with local lawyers and judges to serve clients in their community. (Interested? Tune into [May's Legal Lunchbox series: "LLLTs and Lawyers: Gaining Market Share Side by Side."](#))
- **Trends in court reporting.** Phyllis Lykken and Liz Harvey from Washington Court Reporters Association talked to the board about local and national trends, including the growth and impact of unregulated national firms; the Washington Court Reporters Association wants all court reporters doing business in the state to be subject to the same rules and regulations.
- **Governor communication.** Governors discussed best practices for keeping members updated, including distribution methods, standards, and accountability.

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