

# WASHINGTON STATE BAR ASSOCIATION

## Board of Governors September Meeting Update

A summary prepared by WSBA of the Board of Governors meeting held virtually on Sept. 17-18, 2020. The agenda, materials, and video recording from this Board of Governors meeting, as well as past meetings, are [online](#). The next regular meeting is in November 13-14. The Board of Governors is WSBA's governing body charged with determining general policies of the bar and approving its annual budget.

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### **TOP MEETING TAKEAWAYS**

1. **FY21 budget and license fees.** The board approved the budget for the 2020-21 fiscal year—including a decreased section per member charge to \$18.18 and set the 2021 optional Keller deduction at \$3.85. With much conversation about how to best respect members' pocketbooks while responsibly funding WSBA mission-critical programs and services, the board discussed the 2022 and 2023 license-fee rate and whether the lawyer license fee could be lowered by \$10; governors will continue the license-fee conversation in November. Look for more details in the Treasurer's Report in "Bar News." ([See page 6 in Late Materials.](#))
2. **Insurance.** The board will recommend to the Court a rule change to require lawyers, with exceptions, to disclose to clients if they do not carry malpractice insurance. Specifically, the proposed addition to Rule of Professional Conduct (RPC) 1.4 would require lawyers who lack a minimum threshold of malpractice insurance (\$100,000 per occurrence and \$300,000 in the aggregate) to provide notice and obtain consent from clients. The board declined to support a proposal to require most lawyers to carry malpractice insurance last year, and governors noted this new recommendation does better to balance public protection while not being overly burdensome on lawyers. [More information, including the full proposal.](#)
3. **Proposed changes to civil litigation rules.** After many years of study, including a recent robust round of stakeholder feedback, the board will recommend to the Court a series of rule changes to address the escalating cost of civil litigation. See more information below.
4. **MCLE ethics requirement.** With the Board of Governors support, the Mandatory Continuing Legal Education Board will recommend to the Court requiring licensed legal professionals to complete at least one ethics credit per reporting cycle in the topic of equity, inclusion, and the mitigation of bias in the legal profession. See below for more information. The Board also approved a motion to have WSBA continue to offer the three free ethics credits currently offered, one of which is in the area of equity and inclusion and mitigation of bias.
5. **Board of Governors At-Large seat vacancy.** Lisa Mansfield, who was elected in June to serve as an At-Large governor for the 2020-2023 term, had to decline the position because of her recent appointment to serve as a municipal court judge (congrats!). Are you interested in running for that seat? See more information below.

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## MEETING RECAP

**WSBA leadership.** Congratulations to incoming Fiscal Year 2020-21 Officers President Kyle Sciuchetti, President-Elect Brian Tollefson, and Treasurer Dan Clark (for his second consecutive term); and welcome to incoming governors Lauren Boyd (replacing Kyle Sciuchetti in District 3), Brett Purtzer (replacing Brian Tollefson in District 6), Matthew Dresden (replacing Paul Swegle in District 7-North); and Brent Williams-Ruth (replacing Kim Hunter in District 8). [Read more about these WSBA leaders.](#)

**Board of Governors At-Large seat vacancy.** To fill the 2020-23 At-Large seat declined by Lisa Mansfield due to her departure to accept a judge appointment, the Board of Governors will follow its newly adopted process: The WSBA Diversity Committee will put forth a slate of candidates for election by the entire membership. If you are interested in running, visit [wsba.org](http://wsba.org) for more information including eligibility requirements (to be posted soon). The board hopes to expedite the process to recruit candidates through October and hold the member-wide election in December.

**MCLE ethics requirement.** The Mandatory Continuing Legal Education (MCLE) Board last year recommended to the Court an amended requirement that would have required an ethics credit in three specific topics per reporting period for legal professionals. The Board of Governors did not support that proposal, and the Court ultimately rejected it. The MCLE Board has since narrowed its amendment proposal. The new recommended amendment to Admission to Practice Rule (APR) 11 would require legal professionals to devote at least one of six required ethics credits to the topic of “equity, inclusion, and the mitigation of bias in the legal profession and practice of law” per reporting cycle. The WSBA Board of Governors voted to support the amendment—and recommitted WSBA to continuing to provide a free CLE offering annually for members to fulfill the new ethics requirement—and the MCLE Board will now send the recommendation to the Court for consideration. ([See page 273.](#))

**Proposed changes to civil litigation rules.** Several years ago, the WSBA Board of Governors began a process to explore and find solutions to stem the escalating cost of civil litigation in the state of Washington. As a final step, the board in 2019 formed a committee to solicit robust stakeholder feedback regarding several proposed Civil Rule (CR) changes. That committee concluded its work by bringing back to the board several rule proposals that address stakeholders’ concerns. Expressing hearty thanks to all the volunteers who have put *many* hours into this years-long effort, the board voted to recommend the rule changes to the Court. (The board also acknowledged that this is a start, with more work to be done especially in light of the current pandemic.)- [See page 204](#) for more information, including the draft rule proposals.

**Strategic goals.** The board held a work session to brainstorm strategic goals for the coming year and beyond. The broad themes that emerged were in the areas of providing excellent resources to members, elevating public confidence in the legal profession, managing business in a prudent and cost-efficient way, and promoting diversity, equity, and inclusion in the legal profession and legal system. The board’s Long Term Planning Committee will now coalesce those ideas and come up with a plan to gather member and public feedback in the coming months. ([See page 3.](#))

**Judicial Information System Committee (JISC) rule changes.** The board approved the JISC’s request to support a [rule change](#) clarifying the approval process, standard requirements, and dispute resolution authority for local courts using systems other than the JIS. The WSBA President will now write a letter to the Washington Supreme Court in support of the rule. ([See page 198.](#))

**Diversity, equity, and inclusion programming.** WSBA’s Equity and Justice Team provided information about how WSBA facilitates and supports diversity, equity, and inclusion work throughout the legal community. The team also reviewed the WSBA’s organizational commitments, such as [WSBA’s Diversity and Inclusion Plan](#) and [Washington’s Race, Equity, and Justice Initiative](#), as well as partnerships.

**Other business.** The Board of Governors also:

- Held its annual conversation with the deans of Washington’s three law schools, who talked about diversity and inclusion efforts, legal education in the time of COVID-19, and the reliability of the bar exam as a measure of practice readiness.
- On the recommendation of the Counsel on Public Defense, approved the updated Performance Guidelines for Persistent Offender Cases ([see page 405](#)) and COVID Guidance for Public Defense Offices for wide distribution to Washington public defenders ([see page 441](#)).
- Increased the size of the Law Clerk Board. ([See page 447.](#))
- Approved trustee appointments and a change to the funding structure for the Powerful Communities Project for the Washington State Bar Foundation. ([See page 453.](#))

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