



Board of Governors Meeting Recap

July 18–19, 2024

A summary prepared by the WSBA of the Board of Governors (Board) meeting held July 18-19, 2024, in Nespelem and Moses Lake. The agenda, materials, and video recording from this Board meeting are posted [online](#). The next regular meeting is Sept. 6-7, 2024, in Olympia. The Board is the WSBA's governing body charged with determining general policies of the WSBA and approving its annual budget. To subscribe to the Board Meeting Notification list, email barleaders@wsba.org.

TOP TAKEAWAYS

- **Honoring Tribal Practitioners.** The Board held a business meeting for the first time on an Indian reservation, convening in Nespelem at the Colville Confederated Tribe's Lucy F. Covington Center. The theme of the meeting was honoring and learning from our tribal colleagues. A panel of Indian Law practitioners spoke about challenges and opportunities, including the need to partner with Washington's legal communities to spread awareness of and education about tribal laws; there are 29 federally recognized Indian Tribes in our state, and it is inevitable that a Washington lawyer will encounter concurrent jurisdiction with one or more of these sovereigns. The Board also learned about the Colville Confederated Tribe's Peacemaker Circle, a powerful restorative justice practice.
- **Congratulations to WSBA's Incoming Treasurer.** The Board elected Governor [Kari Petrasek](#) as WSBA's next Treasurer, beginning that role in October for Fiscal Year (FY) 2025.
- **Strategic Goals for FY2025.** In line with member feedback, the Board considered recommendations for next year's strategic goals, and it seems likely they will vote in

September to [continue with four important areas of focus](#), above and beyond daily operations: 1. Support for rural practitioners and access to justice in small towns and rural parts of the state; 2. A study of member well-being and expansion/improvement of resources for legal professionals; 3. Assessment of technology-related opportunities and threats to determine the WSBA's role vis-à-vis regulation, consumer protection, and support to legal practitioners; and 4. Improvement of the experience of belonging among legal professionals and in the legal community. The Board in October will hold a retreat to begin planning the next cycle of three-year strategic goals.

OTHER BUSINESS

Local Hero. The WSBA recognized [Stephen Kozer as a Local Hero](#), an honor bestowed by the WSBA President in partnership with county bar associations to recognize colleagues who make noteworthy contributions to their communities. Mr. Kozer, the felony supervising attorney at the Grant County Department of Public Defense, was nominated by his colleagues for his leadership, determination, and doggedness in ensuring a robust defense for anyone accused of a crime, no matter their background or financial means.

Fiscal Year 2025 Budget. The Board received an update about next year's draft budget. License fees for 2025 have already been set—they will remain stable with no increase. The FY25 budget reflects cost increases and savings, including a significantly reduced rent rate, with an overall impact of about \$1.25 million of purposeful drawdown of the reserve fund. (Please look for more information about the WSBA's new lease negotiation in an upcoming issue of *Washington State Bar News*.) The Board expects to approve the FY2025 budget in September. [The next Budget and Audit is August 9](#), and everyone is invited to attend (remotely) to learn more and ask questions. ([See page 125.](#))

Pilot Test of Entity Regulation. Executive Director Terra Nevitt provided an update on an important initiative spearheaded by the Practice of Law Board (POLB). One of WSBA's strategic priorities is to assess technology-related opportunities and threats to determine its role with respect to regulation, consumer protection, and support for legal professionals. Toward that goal, the Board in November voted to support the POLB's proposal to conduct a

pilot test of entity regulation under carefully controlled, data-driven conditions. Since then, the WSBA has been working through a myriad of questions about its role in the pilot test. The POLB and WSBA are now considering next steps on presenting a proposal to the Court. If approved, Washington would follow only Utah and Arizona in executing a plan to determine how the delivery of legal services by entities, rather than individuals, can be regulated in a manner that protects consumers and promotes broader access to legal services. The proposal draws from the successes and lessons learned in both states. The WSBA plans to keep members well informed as this initiative progresses. [Read the draft proposal here](#) and [read more about the concept for testing entity regulation here](#).

Representation on the Board for Out-of-State Members. The Board removed the resident-agent requirement for out-of-state members from WSBA bylaws to align with a recommendation made in May to the Washington Supreme Court to remove this requirement from Admission and Practice Rules (APR). ([See page 189.](#)) The Board discussed ramifications affecting out-of-state members' eligibility to vote in Board elections. Considering survey feedback, the Board indicated a preference for an option that would retain and clarify the option for out-of-state members to designate, during annual license renewal, their primary in-state location of practice (if applicable), which would make them eligible to vote in that district's Board elections. The Board expects to vote on that option in September. ([See page 202.](#)) Note: Out-of-state members are still eligible to vote in at-large Board elections.

WSBA Policies Regarding Court Appointed Boards. After several years of research and drafting, the Board supported a policy to guide the WSBA's administration of Supreme Court-created boards. Historically, there have been ongoing questions about authority and governance regarding Court-appointed entities that are administered and staffed by the WSBA. Officially, that relationship is created and managed by [General Rule 12.3](#). The new policy provides further clarity about staffing, finances, oversight, and indemnification for these entities. The Board will now recommend adoption of the policy to the Washington Supreme Court. ([See page 259.](#))

The Board also:

- Recommended to the Washington Supreme Court amendments to APR 3(c)(2) to reduce barriers to admission to the practice of law for lawyer spouses of active United States Military servicemembers. ([See page 226.](#))
- Heard a proposed WSBA Bylaw amendment to provide an exemption of the inactive license fee for members who are on inactive status because they are experiencing a significant health condition. The Board expects to vote on this proposal in September. ([See page 253.](#))
- Heard a proposal to amend the WSBA Bylaws to eliminate the requirement for pre-suspension notice under APR 17 to be delivered by certified mail; instead, the notices could be delivered by first-class mail or email. The Board expects to vote on this proposal in September; by a straw poll, the majority indicated it favors switching notification requirements from certified-mail to first-class mail, recognizing that WSBA staff also emails and calls members to follow up on pre-suspension notices. ([See page 232.](#))
- Provided feedback on a proposal to amend WSBA Bylaws relating to MCLE requirements for WSBA members returning to active status. The proposed amendments align competency requirements so that it is not more difficult for a member to return to active status than it is for someone to be admitted to the bar for the first time. The Board expects to vote on this proposal in September. ([See page 237.](#))