



January Board Meeting Digest

A summary of the Board of Governors meeting Jan. 18-19 in Bellingham

Top Takeaways

- A work group presented several potential changes to the scope and timeline for the WSBA member referendum process. Please read the majority and minority reports and let us know what you think. The Board will continue to discuss these proposals at upcoming meetings this year. (More information below.)
- Current legal ethics rules include comprehensive restrictions on the ways lawyers may provide information to the public about legal services. The scope of those restrictions may be narrowed in the future as the board considers updating Washington's lawyer advertising rules in line with emerging national best practices and developments in other states. (More information below.)
- The current WSBA Bylaws require that the President-Elect come from the eastern side of the state every fourth year. Several governors have put forth proposals to eliminate or modify that requirement. What do you think? (More information below.)
- Are YOU ready to serve? The Supreme Court entered an order this month to operationalize the Board of Governors' decision in 2016 to add two members of the public and one limited-license (LLLT/LPO) member to its ranks. The board will hold a special meeting on February 15 from 12-2 p.m. to determine how to bring on these new positions. Look for applications at wsba.org in the coming month; [information is already posted](#) for open governor positions in Districts 1, 4, 5, and 7-South (Feb. 15 deadline to apply), and the At-large position for a New & Young Lawyer (April 20 deadline to apply).

Meeting Recap

ACTION

- **Renaming the APEX diversity award:** Governors approved renaming the WSBA Excellence in Diversity Award as the Justice Charles Z. Smith Excellence in Diversity Award, as requested by the State of Washington Minority and Justice Commission. Several governors and audience members testified to Justice Smith's significant legacy as the first ethnic minority to serve on the Washington Supreme Court, among other trail-blazing endeavors.
- **LGBT Law Section bylaw amendments:** Governors approved amendments requested by the LGBT Law Section to streamline its executive-committee election process.

HONORS

- **Local Hero Awards:** WSBA President Brad Furlong presented Local Hero Awards to [Greg Winter](#) (nominated by the Whatcom County Bar Association) and the [Law Offices of Carol Edward and Associates](#) (nominated by the Skagit County Bar Association). These honorees have saved and improved hundreds of lives in their home counties. Winter is the executive director of Opportunity Council and a tireless advocate for homeless people. Carol Edward and her associates—Eric Lin, Leta Sanchez, and Diana Chamberlain—planned and developed DACA clinics to support local immigrants.

DISCUSSION

Please note: these items were on the agenda for first readings and will return for action at the March board meeting.

- **Initial report and discussion of Referendum Process Review Work Group recommendations:** To align with revisions to [GR 12](#) and to better utilize current communication technology, the Referendum Process Review Work Group recommended several amendments to the [WSBA Bylaws](#) (Articles III and VIII): 1) License fees should no longer be subject to the referendum process because of the potential disruptions to mandatory WSBA operations and members would still retain the ability to modify the budget itself via referendum; 2) Outdated verbiage should be changed because members no longer raise referendums at an annual meeting; and 3) The timeframe to file a petition should change from 90 to 30 days following a board action because of advances in technology that eliminate many historic notice limitations. The Board of Governors intentionally set aside the referendum process during its comprehensive bylaw review from 2016-17 and instead chartered a specific work group in May 2017 to study this area. [All the initial recommendations, including minority and majority reports, are available at wsba.org.](#) Members are encouraged to provide feedback to sherryl@wsba.org.
- **Proposed bylaw amendment regarding President-Elect eastern-Washington rotation:** Governors considered various proposals for modifying or eliminating the [WSBA Bylaw](#) (Article VI.D.2) requirement that every fourth year the President-Elect must be someone whose primary place of business is in eastern Washington. One proposal eliminated the geographic requirement entirely; another required installment of an eastern-Washington President-Elect if four years passed with no president otherwise elected from that region. [The full proposals are available online.](#) Governors will engage with members before these proposals come back for second reading and possible action in March; please send feedback to margarets@wsba.org.
- **Draft amendments to the lawyer advertising rules:** The WSBA Committee on Professional Ethics recommended simplifying [Title 7 of the Washington Rules of Professional Conduct \(Information about Lawyer Services\)](#) while maintaining the core concept that all communication regarding a lawyer's services must not be false or misleading. The proposal retains current Rule 7.1 (Communications Concerning a Lawyer's Services); deletes current Rule 7.2 (Advertising), 7.4 (Communication of Fields of Practice and Specialization), and 7.5 (Firm Names and Letterheads) while preserving a number of the core concepts as comments to Rule 7.1; migrates referral-fee restrictions from Rule 7.2 to Rule 7.3 (Solicitation of Clients); authorizes real-time solicitation under Rule 7.3 except where that solicitation would lead to identifiable public harm; and relocates the authorization of law firms with offices in multiple jurisdictions to Rule 5.5 (Unauthorized Practice of Law). ([Read the entire proposal](#)). The board convened a work group in 2016 to review and evaluate the groundbreaking lawyer advertising report of the [Association of Professional Responsibility Lawyers](#), and—based on the recommendation of the work group—referred the issue to the Committee on Professional Ethics to draft a proposal.
- **Proposed FY2018 budget amendment:** The board discussed the Budget & Audit Committee's recommendation to increase the FY2018 budget by \$135,085 to address market-compensation issues; this process included consideration of the WSBA compensation philosophy to pay competitively, reserves policy, and goal to address market discrepancies. As part of the discussion, the governors were apprised that WSBA received another clean audit by an independent audit firm (no adjustments made, no material weaknesses noted, and no management letter issued). [The full audit report is available online.](#)
- **Proposed bylaw changes to conform with Coordinated Systems Admission and Practice Rules:** The board considered recommended amendments to the bylaws to align with recent amendments to the Washington Supreme Court Admission and Practice Rules (APR), effective Sept. 1, 2017. The

suggested amendments correct references to the APR, align licensing and readmission processes that apply to all Bar members, make terminology more consistent, and ensure that fees, procedures, and requirements are the same for all members or equitable in relation to the different license types.

TRAINING

- **Diversity dialogue:** Governors went through several training exercises to highlight the many dimensions of diversity, uncover the wide range of identities amongst the board, and to articulate the “why” that personally inspired them to join the Board of Governors.

UPDATES

- **Update from WSBA’s Diversity Committee:** The Diversity Committee—dedicated to implementing [WSBA’s Diversity and Inclusion Plan](#)—talked with governors about its work to promote historically underrepresented groups to enter, remain, thrive, and lead in the profession of law. Stay tuned for more information about a statewide WSBA Diversity Celebration! “I think the bar has positioned itself very well to show that we are champions of diversity, equity, inclusion, and access to justice,” said Joy Williams, WSBA Diversity and Public Service Programs Manager.
- **Update from the LLLT Board:** The Limited License Legal Technician (LLLT) Board updated governors about developing new practice areas. “We have a crisis in civil legal need that we need to acknowledge,” said LLLT Board chair Steve Crossland.

The agenda and materials from this Board of Governors meeting, as well as past meetings, [are online](#). The next meeting is March 8 at the Red Lion in Olympia.

The Board of Governors is WSBA’s governing body charged with determining general policies of the Bar and approving its annual budget. The board comprises the president, president-elect, immediate past president, eleven members elected from Congressional Districts, and three at-large positions. [Interested in running to be a governor?](#)