

BOG LEGISLATIVE COMMITTEE

Meeting Minutes

March 29, 2019

Governors present by phone: President-elect Rajeev Majumdar, Chair Kyle Sciuchetti, Gov. Chris Meserve, Gov. Dan Clark, Gov. Jean Kang, President Bill Pickett, Gov. Brian Tollefson

Staff present by phone: Sanjay Walvekar, Russell Johnson, Julie Shankland, Sara Niegowski

Guests present by phone: Gov. Paul Swegle

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WSBA Board of Governors Legislative Committee (BLC) Chair Kyle Sciuchetti began the meeting at 4:11pm.

Motion to approve 3/22 meeting minutes made by President Pickett. Seconded by Gov. Clark. Passed unanimously.

Sanjay gave update on SB 5003. The bill is in House Rules Committee and should be pulled for a floor vote soon.

Discussion on HB 1788.

- Chair Sciuchetti recaps 3/26 conversations with Senator Kuderer and Representative Jinkins. Both encouraged Board representatives to speak with Senator Pedersen.
- Gov. Swegle recaps 3/27 conversation with Senator Pedersen. He believes that Senator Padden's amendment to 1788 re: majority elected membership is a nod in the Board's direction.
- Gov. Swegle states that he would like to see language in the bill that confirms the Court's delegation of authority. He is inclined to continue opposing the legislation until a change in a language or a statement from the Court indicating that they don't intend to disband the Board and instead intend to delegate authority.
- Gov. Clark asks about the missed deadline for the proposed amendment to Senator Padden.
- Sanjay explains that the intention was to meet with Sen. Pedersen first. Immediately after the 3/27 afternoon meeting was not able to take place, Sanjay and Gov. Swegle consulted with Chair Sciuchetti and the amendment language was sent to Sen. Padden.
- Conversation about whether or not the bill could be amended on the Senate floor.
- President Pickett encourages the committee to not take any more action against the bill that could derail the progress that's been made. He believes the amendment is positive and further comments or requests of the Court would be an overstep.

- Discussion between President Pickett, Chair Sciuchetti, and Gov. Swegle regarding potential downsides to making requests of the Court specific to this legislation.
- Gov. Meserve indicates that she does not expect the Court to make a statement that could impede the work of the structures work group.
- Gov. Swegle does not see an issue with asking President-elect Majumdar to talk to the Court to ask them to make a definitive statement in support of delegating authority to the board, which he feels would be consistent with the Chief Justice's past statements.
- Discussion on whether President Pickett should call the Chief Justice and ask her about this issue.
- President-elect Majumdar suggests that Gov. Swegle call the Chief Justice because Gov. Swegle is a member of the structures work group.
- President Pickett agrees with Gov. Swegle calling the Chief Justice.
- Sanjay Walvekar shares his opinion that, given the likelihood of the bill's passage as written, this may be a good chance for the Board to take credit for their contribution to the bill. He suggests a statement before the bill passes which would share how the membership's interests have been protected by the Board because of the Board's efforts in the legislature.
- Chair Sciuchetti states that he does not believe that the full Board is ready to make such a statement.
- Gov. Swegle believes that the Board and the membership would feel better if there was a statement from the Court.
- Gov. Meserve agrees with the idea to take credit for the amendment and attribute it to the Board's involvement in the legislative process.
- President-elect Majumdar considers the possibility of the Court taking the Board's proposed amendments to the Legislature as a floor amendment; he indicates that he is willing to ask the Court.
- Sara points out that the stance of the Board was made on the substitute bill, which is very different from the Senate bill now under consideration. Membership may want to know how the Board feels on the amended bill from the Senate committee.
- Gov. Swegle responds that the Board voted the way they did for logical reasons. The positions taken in testimony and proposed revised language shows the Board's position.
- Chair Sciuchetti asks whether taking a new position is possible, given the timing of Board meetings.
- Sanjay believes that the Board does not have to show support for the bill; rather, the Board can acknowledge that more favorable bill was drafted as a result of the Board's efforts in the legislature.
- Chair Sciuchetti discusses his conversation with Professor Spitzer, who indicated that he went back and made some changes at the request of Sen. Pedersen. Because the changes to the bill are not necessarily a result of the Board's efforts, it may be difficult to take credit for them.
- Chair Sciuchetti's preference is that Gov. Swegle focus on Senator Padden's recent amendment and getting clarity from the Court on their intentions.

- Chair Sciuchetti's preference is that President-elect Majumdar focus on the amendment that was proposed to Senator Padden by the Board and ask the Court to potentially support a similar floor amendment.
- President-elect Majumdar and Gov. Swegle both agree. Sanjay will send the amendment language to President-elect Majumdar.
- Chair Sciuchetti asks if Sanjay has any other information to share or ask for consideration.
- Sanjay states his belief that the Legislative Committee should try to get ahead of the bill's potential passage and acknowledge the success of the Board in getting favorable amendments to the original House bill.
- Gov. Meserve asks why the committee would not want to acknowledge success.
- Gov. Swegle suggests that Governors do want to acknowledge success, but only after getting clarification from the Court on issues just discussed.
- Chair Sciuchetti asks Gov. Meserve if the Legislative Committee can make a statement to this effect without consulting the full Board.
- Governor Meserve states that she is aware that the Legislative Committee has more autonomy than other committees. She believes acknowledging the favorability of the amendments is also a good way to update the membership.
- Chair Sciuchetti feels that if the Legislative Committee does this, they are indicating support of the bill. He indicates that the Committee is not there yet and should consider what the WSBA bylaws allow.
- Gov. Meserve and Julie interpret the bylaws to allow the Legislative Committee to take positions on behalf of the Bar. However, the decision to take a new position versus clarifying the existing position could affect the ability to make a statement right now.
- Gov. Swegle suggests that he and President-elect Majumdar will reach out to the Court and, based on the Court's response, this committee could have a better sense of the message to share with the membership.
- Chair Sciuchetti agrees to discuss at the next meeting.
- President-elect Majumdar and Gov. Swegle will both reach out to the Chief Justice and report back to this committee.

Meeting adjourned by Chair Kyle Sciuchetti at 5:08pm.