

# WASHINGTON STATE BAR ASSOCIATION

## WSBA ENTITY ANNUAL REPORT

FY 2025: October 1, 2024 – September 30, 2025

*The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.*

**Instructions:** In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards<sup>i</sup>), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2024 – September 30, 2025. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

**Submission Deadline is Friday, October 17:** please submit by emailing [barleaders@wsba.org](mailto:barleaders@wsba.org) or requesting that your staff liaison submit the report internally.

<b>Name of Entity:</b>	Committee on Professional Ethics
<b>Chair or Co-Chairs:</b>	Monte Jewell
<b>Staff Liaison:</b> <i>(include name, job title, and department if known)</i>	Jeanne Marie Clavere, Senior Professional Responsibility Counsel; Sandra Schilling, Professional Responsibility Counsel
<b>Board of Governors Liaison:</b>	Mary Rathbone
<b>Purpose of Entity:</b> <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
The Committee on Professional Ethics (CPE) prepares advisory opinions addressing recurring or emerging ethics issues facing WSBA members. The advisory opinions cover a broad context and provide in-depth guidance on the Rules of Professional Conduct (RPC) applied to a wide variety of practice areas. The CPE also prepares recommendations for amendments to the RPC and reports to the WSBA Board of Governors when requested regarding stakeholder proposed RPC, CR and GR amendments submitted to the Washington State Supreme Court.	
<b>Strategy to Fulfill Purpose:</b>	
The Committee on Professional Ethics (CPE) prepares advisory opinions and reviews, drafts, and edits amendments to the to the RPC for submission to the Board of Governors. The work of the CPE is done primarily by subcommittees who research and develop drafts on specific topics and conduct	

October 1, 2024 – September 30, 2025 (FY25)

stakeholder outreach. The advisory opinions are provided to the Board of Governors (BOG) for information and posted on the WSBA Advisory Opinion database for the benefit of the membership. The CPE provides reports and recommendations regarding the RPC as requested.

**How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?**

As a self-governing profession and in our various professional roles, lawyers have special responsibilities for the quality of justice, including improvement of the law and access to the legal system. By practicing ethically, lawyers give assurance that its regulations are legitimately conceived in the public interest and not in furtherance of parochial or self-interested concerns of the bar. Clear interpretation of the Rules of Professional Conduct helps guide lawyers to practice competently, confidentially, and diligently with peers and the public. The CPE is a resource for the BOG in making proposals for rule amendments that promote access to justice for underserved communities within Washington State.

**2024-2025 Accomplishments:**

Publication of AO 202402 which answered questions surrounding what factors a lawyer should consider when deciding whether or how to report anonymized client data to a funder of legal aid services in a disaggregated format. In considering a request for client data from a funder, the reporting lawyer should not rely solely on anonymization to report client data in a disaggregated format. A WSBA CLE was produced based solely on this AO and over 1200 members attended.

Publication of AO 202501 which advised on the questions 1. May a lawyer who represents a licensed long-term care facility regarding a petition for appointment of a Certified Professional Guardian (“CPG”) or conservator for a resident of the facility disclose information about the resident to the potential CPG or conservator prior to their appointment. 2. After a CPG or conservator is appointed, may the lawyer simultaneously represent both the facility and the CPG or conservator.

Approved adoption of the ABA amendments to RPC 1.16, submitted to the BOG and approved, and submitted for consideration to the WSSC. Approved and submitted to the BOG for FY 26 an AO on the ethical use of Large Language Model AI. Approved and submitted to the BOG an AO regarding fees and the refund of an advanced fee deposit to adverse parties or to third parties. Approved and submitted to the BOG an AO on purchasing a law firm and use of the prior attorney-owner’s name. Approved and submitted to the BOG for FY 26 an AO regarding the ethical implications of fee splitting with a former firm. Approved and submitted to the BOG in FY 26 the ethics on whether a criminal defense attorney needs to have a lawyer-client relationship and informed consent when vacating a drug conviction. Continued stakeholder outreach on an AO re language access in the client-lawyer relationship. Drafted and finalized a collaborative project with the CPE chair entitled the “CPE Style Manual.”

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**Next Fiscal Year: 2025-2026 Top SMART Goals & Priorities:**

*SMART Goals can be an effective framework for the creation of goal; they detail the work you and your team hope to accomplish and help to foster and communicate clear expectations.*

*SMART Goals are: Specific, Measurable, Relevant and Time-Bound*

<p><i>Use the <a href="#">WSBA SMART Goals Worksheet</a> to detail the groups 2024-2025 goals. After using the worksheet to describe your goals, summarize the top three SMART Goals in 2-3 sentences below.</i></p>	
<b>1</b>	Finalize the CPE work on an advisory opinion on the ethics of public defender caseload limits. Finalize the CPE work on RPC 1.5; 1.15A and 1.16 and subscription fee models.
<b>2</b>	Finalize the CPE work on an advisory opinion on the ethics of RPC 5.5 and “assisting” regarding UPL.
<b>3</b>	Investigate the use and utility of subscribing to ensure permanent internet links for advisory opinions. Review and offer suggested amendments to the CPE Rules of Procedure to create more visibility, strengthen communication, and provide robust ethics resources for LLLTs and LPOs, by ensuring CPE outreach to those WSSC boards.
<p><b>Looking Ahead:</b> <i>Please share any long-term goals and/or priorities your entity seeks to address, beyond the next fiscal year.</i></p>	
<b>1</b>	See Above: Top Goals and Priorities.
<b>2</b>	Continue to receive and consider requests for advisory opinions from bar members. Handle and respond to requests from the BOG, the ED and other entities requesting review and analysis of proposed RPC amendments.
<b>3</b>	Click or tap here to enter text.
<p><b>Please describe how this entity is addressing diversity, equity, and inclusion:</b>  <i>How have you elicited input from a variety of perspectives in decision-making? What techniques do you use to promote a culture of inclusion within the board or committee? How do you seek to elicit inclusive decision-making amongst your group? What more would you like to see done in this area to better support the needs of your entity?</i></p>	
<p>The committee actively seeks input from interested stakeholders and bar members on proposed rule changes and draft opinions. Each CPE member brings a unique and valuable perspective to the discussions and work of the committee through practice areas and years of experience, professional positions, and geographic diversity. Through its advisory opinions and analyses of the Rules of Professional Conduct, the CPE assists members of all backgrounds in clarifying their ethical duties under the rules, thereby helping them to maintain their practices and thrive in the profession.</p>	
<p><b>Please share feedback regarding the support and engagement provided by WSBA.</b>  <i>For example:</i></p> <ul style="list-style-type: none"> <li>• <i>Quality of WSBA staff support/services, including technology solutions</i></li> <li>• <i>Involvement with Board of Governors, including assigned BOG liaison</i></li> <li>• <i>Ideas you have on ways WSBA can continue to strengthen/support your entity.</i></li> </ul>	
<p>The CPE is supported by the WSBA Senior Professional Counsel and the Professional Responsibility Counsel. As staff liaisons, both PRCs advise the committee on policy and procedural issues,</p>	

participate in discussions as resources to provide additional insights and perspectives, and bring forward ethics topics and issues that are trending with the membership to the committee’s attention for possible advisory opinions. Pursuing and researching the ethical implications of LLM AI is an example from FY 25. Both PPCs provide administrative support to the CPE. The BOG liaison provides valuable input from time to time.

**Entity Detail & Demographics Report:**  
**To Be Completed by WSBA Manager of Volunteer Engagement**

<b>Size of Entity:</b> <i>(Include voting and non-voting members)</i>	Click or tap here to enter text.
<b>Number of Vacancies for FY26:</b> <i>The number of OPEN positions with terms beginning October 1, 2025 (FY26) if any.</i>	Click or tap here to enter text.
<b>Number of Applicants for FY26:</b> <i>Applications were submitted in the Spring-Summer of 2025 for terms beginning October 1, 2025 (FY26)</i>	Click or tap here to enter text.
<b>Budgeted Direct Expenses:</b> <i>As of September 30, 2025.</i>	Click or tap here to enter text.
<b>Total FTE Support:</b>	Click or tap here to enter text.
<b>Indirect Expenses:</b> <i>As of September 30, 2025.</i>	Click or tap here to enter text.

**FY25 Demographics:**

The WSBA promotes diversity, equality, and cultural competence in the courts, legal profession, and the bar, and is committed to ensuring that its committees, boards, and panels reflect the diversity of its membership.

Aside from the factors marked (\*), demographic information was provided voluntarily and individuals had the option to not respond to any or all of the factors below.

<b>Disability</b>	No	%
	Chose Not to Respond	%
<b>District*</b>	0	%
	1	%
	2	%
	3	%
	4	%
	5	%
	6	%
	7N	%
	7S	%
	8	%
	9	%
	10	%

<b>Ethnicity</b>	White or European Descent	%
	Middle Eastern Descent	%
	Multi Racial or Bi Racial	%
	Chose Not to Respond	%
<b>Gender</b>	Female	%
	Male	%
	Chose Not to Respond	%
<b>Sexual Orientation</b>	Gay, Lesbian, Bisexual, Pansexual, or Queer	%
	Heterosexual	%
	No	%
	Chose Not to Respond	%

*The Yes/No response for the Sexual Orientation category is data from a previous demographic question 'Do you openly identify as a sexual minority to include the following: gay, lesbian, bisexual, transgender?' This question was on the volunteer application when some of the current members submitted their application and therefore, is still included.*

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<sup>i</sup> Supreme Court Boards (Access to Justice Board, Disciplinary Board, LLLT Board, Limited Practice Board, MCLE Board and Practice of Law Board) provide annual reports to WSBA to support its responsibility under [GR 12.3](#), to provide oversight and monitor compliance with applicable rules and orders. Boards have the option to use the WSBA template.