

Limited Practice Board Meeting Agenda
Tuesday, August 17, 2021 – 9:00 AM
Remote

Link to access the Zoom meeting:

<https://wsba.zoom.us/j/91306147002?pwd=YW1uU3h2TFF5TzB5Zy96aUNrcnZlQT09>

Zoom Conference Call Lines: LOCAL OPTION: (253) 215-8782 | | TOLL-FREE OPTION: (888) 788-0099

Meeting ID: 913 0614 7002 | | Passcode: 244973

PUBLIC SESSION

Review of July 13, 2021 Minutes	David Bastian	Action
Review Email Titled, "22U/22V – OSSM"	Bobby Henry	Discussion/Action
Update on New MCLE Requirements	Bobby Henry	Discussion
TAXICAB Task Force	Tom Peterson	Discussion

EXECUTIVE SESSION

Grading of the Examination	Shelley Miner
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Public Meeting Materials

1. July 13, 2021 Meeting Minutes
2. Email titled "22U/22V – OSSM"
3. APR 11 MCLE Update Memo
4. 2021-07-09.TAXICAB.Meeting Notes
5. 2021-08-16.Draft Supreme Court Entity Policy for Task Force



Meeting Minutes

July 13, 2021

9:00 a.m. Remote Meeting

Members Present

- David Bastian, Chair
- Tina Carroll
- Caitlin Finley
- Kim Chose
- Derek Matthews
- Shelley Miner
- Tom Peterson
- Bill Ronhaar
- Lori Smith

Liaisons and Staff Present

- Bobby Henry, WSBA Staff Liaison
- Shay Adhikari, RSD Paralegal
- Carla Higginson, BOG Liaison
- Renata de Carvalho Garcia, RSD Director

Board Business:

- The meeting was called to order at 9:00 a.m.
- The Board approved the March and May Minutes.
- The Board discussed LPO Applications for Board Positions. The Board moved to and voted to offer Gail Kelsie a Board Position beginning in October.
- The Board discussed the update to Acknowledgement on Forms and voted to begin the use of these documents in July 2022.
- The Board discussed and voted to approve the proposed meeting schedule for fiscal year 2022.
- The Board discussed in person versus online meetings for the upcoming months. The August Board Meeting will be online. The Board will review and discuss Board Meeting options during the August Meeting when more Board Members are present.
- The meeting adjourned at 09:33 a.m.

Respectfully submitted,
Bobby Henry
WSBA Staff Liaison to the LPB



From: [Michelle Keck](#)
To: [LPO](#)
Cc: [Michelle Keck](#)
Subject: 22U/22V - OSSM
Date: Friday, August 6, 2021 1:40:53 PM
Attachments: [image001.png](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)

Good afternoon,

We seem to get this question often and wanted to run it past the LPO Board for some clarity, support and direction. We have been asked to prepare the OSSM form (also known as the 22U/22V) for quite some time. Because this is not an LPO approved form, we have always directed this back to the Seller's Agent to either use the form on the King County website (link below) or the NWMLS forms. Recently, we have received some pushback and believe it stems mostly from not all LPO/Escrow Closers following the same practices. I wanted to reach out to obtain some clarity and direction from the LPO Board – do you feel that it is appropriate for an LPO to prepare the aforementioned form(s)?

Thank you.

https://kingcounty.gov/depts/health/environmental-health/piping/onsite-sewage-systems/~/_media/depts/health/environmental-health/documents/oss/forms/notice-on-title-generic-form-ossm.ashx

**** RECORDING FEE INCREASE:** Please note that beginning Monday, July 26, 2021, Washington State will increase recording fees by \$100.00 (per document). To ensure accurate figures, please be sure you have quoted this additional charge for any transactions expecting to record on or after 07/26/2021. **

MICHELLE A. KECK-SMITH | Executive Vice President of Escrow, LPO

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****Please be advised, online banking fraud is on the rise. If you receive an email containing WIRE TRANSFER INSTRUCTIONS, call your escrow closing team immediately to verify the information prior to transferring any funds.****

Learn how to protect yourself and your clients against wire fraud:

<https://www.youtube.com/watch?v=F517OT6mA-M>

CAUTION: This is an EXTERNAL email. DO NOT open attachments or click links from UNKNOWN senders or in UNEXPECTED emails.

Dear WSBA Board/Committee:

The MCLE Board wishes to update you on the status of their suggested amendment to the Admission and Practice Rule (APR) 11 ethics requirement.

On July 1, 2021, the Washington Supreme Court entered an order ([NO. 257-A-1349](#)) adopting the MCLE Board's suggested amendment, effective September 1, 2022.

The amendment to APR 11 requires, per each three-year reporting period, that each licensed legal professional complete at least one (1) ethics credit in the topic of equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law.

Please see the [MCLE Board webpage](#) for more detailed information. We invite you to share this information within your organization or networks.

Thank you for your time, comments, and valuable feedback throughout this process. Please let me know if you have any questions.

Kind Regards,

The MCLE Board



WSBA Task Force Team Administering Xenial Involvement with Court Appointed Boards Meeting Notes

Friday, July 9, 2021, 1PM to 2:30PM

Present: Sunitha Anjilvel, Michael Cherry, Renata Garcia, Nicole Gustine, Rajeev Majumdar, Robert Malae, Terra Nevitt, Tom Peterson, Geoff Revelle, Kyle Sciuchetti, Adelaine Shay, Bonnie Sterken, and Mike Tonkin.

Welcome & Recap

Chair Sciuchetti welcomed everyone to the meeting and noted that this is the Task Force's third meeting. Executive Director Nevitt provided a recap of the meetings and work to date.

Review & Approve May 7, 2021 Meeting Notes

Rajeev Majumdar moved for approval of the May 7, 2021 meeting notes. Motion passed unanimously.

Review Proposed Policy

Terra Nevitt summarized the process that the WSBA staff liaisons followed to prepare the draft policy for WSBA administration of Supreme Court Boards. Terra walked the group through each section and discussion followed.

Introduction. Discussion followed, including concern about the term "oversight", which is the language used in the Court Rule; the need to define oversight; and appreciation for setting the tone for collaboration.

Scope. Discussion followed, including whether the language of "first reading" should be used given that WSBA policy doesn't require a first and second read in most cases; whether the WSBA Bylaws apply to Supreme Court entities and a suggestion that each entity discuss and propose what policies apply and which don't; that Supreme Court entities lack a distinct legal identity and whether they should be separate entities; a preference for an opt in approach to WSBA policies; the value of distinguishing these entities from WSBA; a need for WSBA support to meet the mission of the entities; the origin of the ATJ Board-WSBA MOU; need to further discuss operational aspects of the work, including the challenge of using personal email addresses and platforms and where should files be kept; and a desire to completely remove WSBA identity from Supreme Court Board communications.

Administration. Discussion followed about the lack of awareness to the budget by some entities and a high awareness among other entities. There were no specific proposed changes for this section.

Providing & Managing Staff. Discussion followed about the final paragraph.

Compliance; Budget; and Other. Discussion included, that first step when there is a concern about compliance should be a conversation between the staff liaison and the entity and a suggestion that we look to corporate counsel checks and balances for an example of how compliance can work.

Terra summarized the specific changes to be made to the draft:

- add language about the “independence” of the Supreme Court entities;
- change “first reading” to “first consideration”;
- with regard to branding, add language to note that communications should accurately describe the relationship so as not to cause confusion about who is speaking; and
- modify language regarding directing entities and staff to clarify that WSBA does not direct the entities, not even through staff.

The Task Force agreed to discuss operational items such as saving information and use of personal email addresses at the next meeting. The Task Force also agreed that the entities should take the draft policy to their groups for review and comment in advance of the next meeting. The Task force agreed it would prefer a regular monthly meeting schedule to allow more significant progress to be made.

DRAFT

WASHINGTON STATE BAR ASSOCIATION

POLICY FOR THE ADMINISTRATION OF SUPREME COURT ENTITIES

Introduction:

Through Washington State [General Rule 12.3](#), the Supreme Court delegates to WSBA “the authority and responsibility to administer certain boards and committees established by court rule or order. This delegation of authority includes providing and managing staff overseeing the boards and committees to monitor their compliance with the rules and orders that authorize and regulate them, paying expenses reasonable and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions.”

The Supreme Court entities addressed by this policy report directly to the Court and are important WSBA partners, which by carrying out their work and responsibilities as set forth by the Court, further the WSBA mission.

Scope:

This policy applies to the following entities, which are established by the Supreme Court and which WSBA is charged with administering:

- Access to Justice Board
- Disciplinary Board
- Limited License Legal Technician Board
- Limited Practice Board
- Mandatory Continuing Legal Education Board
- Practice of Law Board

Other entities, which may be established by court rule or order, are not governed by this policy.

This policy seeks to define and describe the meaning of “administration” under GR 12.3 and sets parameters for the relationship between the Washington State Bar Association the entities described herein.

The entities governed by this policy are politically independent from WSBA. As entities administered by the Washington State Bar Association, without a separate legal identity, these entities are subject to court rules and orders affecting WSBA, the WSBA Bylaws, policies adopted by the WSBA Board of Governors, and procedures and practices established by the Executive Director, except as identified in this policy or by court rule or court order. Exceptions include the Legislative Comment Policy....) In summary, outside of its narrow necessity to protect the organization from liability, the work and voice of the entities governed by this policy are not subject to direction by WSBA. Any communication issued or otherwise made publically available by the entity should accurately describe the relationships with the Supreme Court and the WSBA so as to avoid any confusion about who is speaking.

When considering a change in WSBA policy that will directly impact the work of the entities, WSBA will notify the entities and provide an opportunity for comment prior to the Board of Governors’ first reading-consideration of the policy.

Administration:

Commented [TN1]: What else? Are there portions of the [WSBA Bylaws](#) that should not apply (consider e.g., open meetings provisions, document retention provisions, restrictions on who can volunteer)?

Commented [TN2R1]: Also discuss use of WSBA letterhead and branding. Is it required? Is it permitted? Under what circumstances? Should the communications be reviewed by WSBA? Note the distinction between entities engaged in regulatory functions and those not engaged in regulatory functions.

The WSBA defines “administration” as the day-to-day tasks necessary for WSBA employees to effectively support entities covered by this policy in accordance with GR 12.3. Administration is delegated to WSBA employees who utilize WSBA resources to complete tasks and fulfill entity goals and/or regulatory functions. These tasks include, but are not limited to, executing the entity duties and functions as set forth by court rule and court order; providing support to the chair and entity to develop and execute other goals and activities that are consistent with applicable court rules and orders; supporting and managing volunteer recruitment; supporting and managing the volunteer appointment process; supporting and managing volunteer engagement and succession planning; coordinating and supporting meetings; managing the budget; and supporting and ensuring the entity’s reporting obligations to the Supreme Court and WSBA.

Providing and Managing Staff:

Consistent with GR 12.3, the WSBA will provide and manage staff for each Supreme Court board administered by the WSBA. The Executive Director will assign at least one staff member to serve as a staff liaison to the entity. Annually, based on the projected workload needed for the board to carry out its duties, responsibilities, and functions, the Executive Director will determine staff allocations for each entity, including the number of employees supporting the work of the entity and the percentage of time allocated to work with the entity.

In its annual report to the Board of Governors, each entity can comment on the level of staff support received by the WSBA and ask for an increase or decrease in staff support when appropriate. The entity should identify anticipated duties, functions, or projects for the following fiscal year that would justify additional staff support.

Employees who are supporting the board are WSBA employees and therefore will be hired, have their job performance evaluated, and be terminated in accordance with the WSBA Employee Handbook and other WSBA personnel policies. Managers of staff supporting boards should solicit feedback from the board as part of gathering information for a performance evaluation or, if directly related to the entity, disciplinary action. The board is not involved in the hiring of WSBA staff, however, in the case of any employee whose primary or exclusive function is to support the work of an entity, it may be appropriate to seek input from the entity as to skills and experience required for the role.

The Board of Governors, officers of the Association, and the Executive Director of the Association should not direct the work of entities, including through the supervision of employees assigned to work with the entities. ~~WSBA may take reasonable and beyond what is necessary and appropriate steps to ensure compliance~~ with GR 12.3 or to protect WSBA from legal ~~or other serious~~ risk.

Monitoring Compliance:

Consistent with GR 12.3, WSBA monitors the compliance of Supreme Court Boards with the rules and orders that authorize and regulate them on a regular and continuous basis through the day-to-day administration described above and through regular reporting. ~~WSBA employees engaged in the administration of the entity should report non-compliance issues that could not be resolved by working directly with the Chair of the entity to the Executive Director who should attempt to work directly with the entity to resolve the issue.~~

~~Supreme Court Boards shall submit an annual report to the Executive Director, the Board of Governors, and the Supreme Court.~~

Expenditures and Budget Approval:

GR 12.3 directs WSBA to pay expenses that are reasonable and necessarily incurred pursuant to a budget approved by the Board of Governors. In advance of the WSBA annual budgeting process, entities should identify their goals

Commented [TN3]: Discuss whether this is the right process and what steps would be appropriate if the issue cannot be resolved.

Commented [TN4]: Discuss what steps would be appropriate if the ED or BOG believe the entity is out of compliance? What if the entity disagrees?

Commented [TN5]: Discuss how to handle conflicts or disagreements regarding funding levels.

and activities for the year ahead. Working collaboratively with the Executive Director or their designee, the Staff Liaison shall develop a budget that will allow the entity to achieve its goals and activities, consistent with the rules and orders that authorize and regulate them, and also taking into account overall WSBA resources. The entity budgets will be submitted for approval by the Board of Governors as part of WSBA's overall budget.

Entities may request additional funding outside of the budget cycle, which will be approved by the Executive Director, Budget & Audit Committee, or Board of Governors as authorized by WSBA Fiscal Policies & Procedures.

Other Functions:

Consistent with GR 12.3, WSBA shall engage in other activities that are necessary and proper to enable entities to carry out their duties or functions. This might include access to other WSBA resources and teams, including but not limited to communication channels, design and publication services, website presence, financial analysis, WSBA technology, and continuing legal education. Entities, WSBA Officers, the Board of Governors, and the Executive Director should engage in regular ongoing communication. The WSBA President shall appoint a liaison to each entity from the Board of Governors to facilitate ongoing communication.

Commented [TN6]: Discuss who/how to determine how much access is given and how to prioritize with other WSBA needs.

Commented [TN7]: Discuss whether we want to articulate exactly what this should look like? Annual meeting?

Commented [TN8R7]: Other things to discuss: Who attends meeting with the Court? Who can attend regular entity meetings? Can folks be excluded and under what circumstances?