

Meeting Minutes

May 27, 2021

Members Present: Chair Michael Cherry, Jeremy Burke, Michele Carney, Pearl Gipson-Collier, Dr. David Sattler, Prof. Drew Simshaw, Gary Swearingen, Michael Terasaki, and Joseph Williams.

Members Excused: Brooks Goode, Mir Tariq, Sunitha Anjilvel (BOG Liaison), and Thea Jennings (WSBA Licensed Legal Intern).

Also Attending: Julie Shankland (WSBA General Counsel) and Kyla Jones (WSBA Paralegal).

PUBLIC SESSION

Chair Michael Cherry called the meeting to order once a quorum was established at 11:05 a.m.

1. Minutes

A motion was made and seconded to approve the April 8, 2021 meeting minutes. The motion passed unanimously.

2. Updates

a. Operations

i. Recruitment and Onboarding

1. Recruitment Update (Michael Cherry)

Chair Cherry welcomed Jeremy Burke and Michael Terasaki and led the Board through introductions.

Chair Cherry presented the seven applicants to the Practice of Law Board. One of the Board's priorities is to recruit a diverse membership and prioritize applications that further diversity on the Board. Chair Cherry introduced the idea of interviewing the applicants. The Board discussed this suggestion and showed general support for this process. Two Board members, possibly one public member and one lawyer member, will conduct the interviews and report their recommendations back to the Board for action. Kyla Jones and Chair Cherry will continue to gather interview questions and notify the applicants of the process.



Dr. David Sattler suggested allowing the candidates to submit answers to interview questions in written form for distribution to the Board. This suggestion will be incorporated into the interview process.

ii. Equity and Disparity Workgroup

Chair Cherry reported that Gov. Alec Stephens gave an update on the Equity and Disparity Workgroup at the most recent Board of Governors meeting. The workgroup is meeting regularly.

iii. New File Organization on Box

Kyla Jones and Chair Cherry discussed file organization on Box and document versioning. Chair Cherry will be asking Board members to review project drafts through Box next week.

b. Public Education

i. Legal Check Up

Chair Cherry presented the Legal Checkup Background and Plan to the Board. He presented the idea of a law school extern and has contacted Seattle University Law School. Prof. Drew Simshaw can help to get in contact with Gonzaga's extern program.

c. New Avenues for Legal Related Services

i. Access to Justice Technology Committee Workgroup, Online Legal Services, and GR 24 (Drew Simshaw, Michele Carney)

Chair Cherry reported on his meeting with Chief Justice González, Justice Stephens, and Justice Madsen, and his presentation of the sandbox proposal. The Board will meet with an en Banc Court on July 1, 2021. The Board will plan to get materials to the Court a week prior to the meeting. Chair Cherry plans to prepare a document similar to what was earlier presented for the Legal Checkup, called a blueprint. Materials will also include flow charts, models, and an appendix that will contain "mock" applications and court orders. These materials will help to walk the Justices through the entirety of an application process with examples.

Chair Cherry presented the Legal Regulatory Sandbox Risk Analysis model, and discussed the risk of harm, time of harm, and approval or rejection of applications. He also presented flow charts to show the sandbox admissions process. This is very consistent with Utah's model. Currently, Utah has 26 non-traditional legal services admitted to their sandbox. Two of these participants are online legal service providers.

Chair Cherry answered questions regarding the presentation at the Board of Governors meeting. It is important for the Board to work with the BOG to disseminate the information to WSBA membership. Chair Cherry also noted that he is looking at the LLLT program and how it was presented to learn from that process. It will be important to highlight that member money will not fund the sandbox.

Next steps include: circulating a draft the Board next week for review, Mir Tariq and Jordan Couch will work on the appendix materials, and Chair Cherry will meet with Utah and other jurisdictions. Chair Cherry is advocating with other jurisdictions to create a shared data collection. If data measurements stay consistent between jurisdictions, it can be combined to create a larger data set. Feedback from other jurisdictions on this suggestion has been very good.

ii. Courthouse Facilitators

No update.

iii. Other Business

Over the last two months, WSBA has received two complaints that appeared to allege the unauthorized practice of law, but involved a current presence of harm. Chair Cherry suggested adding language to our webpage that clearly states when an incident has the change of immediate harm, the complainant needs to go to their local police department. Jeremy Burke suggested that we add the relevant RCW on our webpage. If the individual knows the specific RCW, including that in a police report may trigger a more efficient response from law enforcement.

3. Next Meeting

The next meeting will be held on June 17, 2021 from 11 a.m. – 1 p.m.

There being no further business, the meeting adjourned at 12:30 p.m.