

WASHINGTON STATE BAR ASSOCIATION

PRO BONO AND PUBLIC SERVICE COMMITTEE Meeting Minutes December 3, 2019 – 1:00 to 2:00 p.m.

The Pro Bono and Public Service Committee works to enhance a culture of service by promoting opportunities and best practices that encourage WSBA members to engage in pro bono and public service with a particular focus on services to underserved low and moderate income people.

Present: Yuan, Nick, Nancy, Paul

Present by Phone: Bonnie, Christine, Andrew, Kristina, Kathryn

Not Present: Brendan, Althea

ATJ Liaison: Michelle

Guest: Celeste Miller

WSBA Staff: Paige

Meeting called to order at 1:02 p.m.

Guest Introduction

Celeste Miller, newly joined KCBA as the Statewide Kinship Care Legal Aid Coordinator. Celeste's position is brand new and works to coordinate the Volunteer Lawyer Programs, the Moderate Means Program, the Department of Social & Health Services, with kinship caregivers across the state and to increase legal aid resources to those kinship caregivers. The focus is to provide resources in collaboration with pro bono and low bono attorneys. Celeste's position receives funding through OCLA and has a statewide reach, but is housed at KCBA. The position has funding for two years.

Paul asked about kinship caregivers. Celeste shared that "kinship caregivers" is not a legal term, but that is a blanket term to describe people that are providing care to non-parent family members. In the legal arena, kinship caregivers can try to pursue nonparent custody of a minor. The nonparent custody statute is going away in a year and replaced with a more extensive guardianship statute. Celeste explained that legal resources include explaining custody issues, education advocacy (e.g. setting up IUPs), medical rights, etc.

Minutes

Paul moved to approve last month's minutes without edits. Unanimous approval.

PBPSC Public Comment on RPC 6.5

Bonnie shared the Pro Bono Council (PBC) has received notice from the Supreme Court that it the proposed rule change will be posted for public comment from January to the end of April. The WSBA Committee on Professional Ethics is weighing in on this issue as well. The PBC had a discussion with one of the members of that subcommittee.

Bonnie explained that RPC 6.5 applies to conflicts of interest in nonprofit or court-annexed legal clinics where there is no expectation of ongoing representation (limited legal services). The proposal only addresses the notice requirement under this RPC. The challenge of the notice requirement, in practice, is the potential disclosure of confidential information especially where domestic violence might be involved, as it could create a safety issue for the survivor seeking legal assistance. The proposal would add a comment to RPC 6.5 to clarify the expectation



around notice. The PBC believes that this comment will meet the intent of the RPC, but still address safety concerns. The PBC thought that during the upcoming public comment period that the PBPSC could make a comment in support of their proposal.

Nick explained that in the meeting materials (page 5 in materials), there is an outline for the committee's comment. The committee is taking a vote on whether the committee wants to take proposed comment to the BOG and approve the outline as is and allow Bonnie to finalize the comment to submit for the next BOG meeting.

Nancy asked if the PBC is anticipating any negative feedback. Bonnie shared that most people do not have the context for knowing how this rule works in practice, unless you are regularly working in these legal clinics. The biggest challenge will be educating how the rule functionally operates, the nuance from general conflicts rules, and what the proposed comment is seeking to address.

Paul asked if the comment comes from the Board of Governors (BOG) or this committee. Nick shared that the decision can come from the BOG, who can decide if they want to sign the proposed comment or if they would prefer to have the committee sign the comment.

ACTION ITEM: Paul moves for committee to (1) approve the outline to the comment (as listed on page 5 in the meeting materials) and allow the rules work group to finalize the draft comment and (2) submit the draft comment before the BOG for their next board meeting. Unanimous approval.

Workgroup Updates

CLE Workgroup

Christine shared that the CLE workgroup will be sending out a survey in the near future to gauge interest in CLE content. When survey is ready, committee members should share with the liaison groups for feedback.

Rules/Policy Workgroup

Nancy shared that she and Althea had a discussion that Rules and Policy Workgroups will be combining in January 2020. Bonnie shared that the Rules Workgroup has been working on proposing changes to the emeritus status. The workgroup is working on memo, which is close to finalization. The next step will be outreach to comment on proposal. Paige shared that she will be meeting with WSBA President and President-Elect to discuss, in part, the emeritus rules.

Communications (fka Publications) Workgroup

Kathryn expressed interest in joining the communications work group. Nick suggested that the new workgroup meet to decide on a lead or co-lead for the workgroup.

Technology Workgroup

Paul shared that the technology workgroup is still working on www.probonowa.org. One survey has been completed that focused on organizations that use pro bono volunteers. A second survey is in the works that focuses on legal professionals seeking pro bono opportunities. Paul also shared that we are looking for additional members outside of this committee to get additional stakeholders involved.

Strategic Planning Workgroup

Nick shared that the workgroup is going to focus on recruitment and outreach, to help explain the value of the committee, and to be clear what the committee's values and goals are moving forward. The workgroup will be drafting those goals and open up for discussion with the whole committee.

Liaison Updates

Paul shared that he attended the Seattle Pro Bono Coordinators meeting today. There was a presentation by the Northwest Justice Project's new guardianship program for pro bono attorneys. Paul shared information about Pro Bono WA website as well.

Paul did outreach with ELAP about three weeks ago, requested input about the website. He has not heard back.

Nancy shared that the co-chairs have been in touch with Microsoft's pro bono team to open lines of communications. Nick sent them an application for the committee and hope to have a member of the pro bono team join the committee.

Nick reminded committee members to connect with their liaisons before our mid-year meeting.

New Business

Nick went over the two letters about the Northwest Detention Center. One letter was sent to the BOG by the City of Tacoma, expressing their thanks and support of the letter that the BOG sent. Althea will reach out to the City of Tacoma. The second letter was sent to the Northwest Detention Center by the Access to Justice Board.

Paige shared that the Equity and Justice Team is soliciting stakeholder feedback about expanding the Call to Duty pledge to a broader Pro Bono Pledge. Requested feedback by Monday, December 16, 2019. Paige will send out an email.

Next Meeting: **January 7, 2019, 1-2 pm**