

WASHINGTON STATE BAR ASSOCIATION

Washington Young Lawyers Committee

**Washington Young Lawyers Committee | Via Zoom
Saturday, September 12, 2020 | 10:00 a.m. – 1:34 p.m.
Meeting Minutes**

Present In-Person or Phone: Brian Neuharth, Catherine Holm, Chelsie Elliott, Emily Ann Albrecht, Esther Hyun, Ian McCurdy, Jordan Lee Couch, Kim Sandher, Zachary Davison, Alixanne Pinkerton

Absent: Benjamin Hodges (unexcused), Brian Holt (unexcused), Laura King (unexcused), Maha Jafarey (unexcused), Molly M. Winston (unexcused)

WSBA Staff: Julianne Unite – Member Services and Engagement Manager, Chelle Gegax – Member Services and Engagement Administrative Assistant

Board of Governors (BOG): Governor Russell Knight (left at 10:42am)

Other: Zachary Bryant (left at 12:05 p.m.)

Welcome & Introductions

Jordan Couch, Washington Young Lawyers Committee (WYLC) Chair, called the meeting to order at 10:08 a.m. WYLC members provided introductions and updates on current happenings.

BOG Update & Discussions

Governor Russell Knight introduced himself as the At-large Young Lawyers Governor on the Board of Governors (BOG) and the BOG liaison to the WYLC. Governor Knight congratulated Jordan Couch on the APEX Outstanding Young Lawyer Award. Governor Knight provided an update on the bar exam, 54 ABA graduates took exam and 51 passed resulting in a 94% pass rate, even though had the option to be granted diplomacy. Governor Knight requested feedback on mandatory malpractice insurance. 47 states do not require malpractice insurance and the BOG has previously voted to not require it. Currently, the BOG is voting on requiring malpractice insurance in written consent from client(s), if you do not have malpractice insurance. It would also require disclosure on all communications including email, etc. The BOG will be voting on this in the next BOG meeting. WYLC Member Catherine Holm said that as she is a non-traditional attorney representing a trade association and that she feels that communication surrounding not having malpractice insurance is not necessary and embarrassing. Malpractice insurance does not make sense for her field of work. Governor Knight commented that in-house counsel, judges, mediators, and arbitrators would be exempt from the rule. Governor Knight intends to oppose the portion of this rule that requires future email communications to include disclosure of not having malpractice insurance. WYLC Member Emily Ann Albrecht communicated that there may be an issue of access to justice for attorneys doing pro bono work, and having to eat the cost of the insurance itself

and possibly eliminating these types of work. This would unnecessarily increase attorney's hourly rates, by requiring this insurance. There is a relatively small percentage that do not have malpractice insurance. There is no data on this topic, so requiring this would be a prevention method. Governor Knight also added that there are amendments being proposed for CLE requirements. The BOG previously received a proposal for new categories for CLE requirements and the BOG rejected the original proposal. Now there is another proposal asking that every 3 years that every attorney take a CLE on discrimination and explicit bias and it will count toward ethics CLE requirements. WYLC feedback on the proposal was generally supportive.

Approval of July 2020 Meeting Minutes

On motion by WYLC Past Chair Kim Sandher and seconded by WYLC Chair-elect Brian Neuharth, the WYLC by unanimous vote (10-0) approved the July 2020 meeting minutes.

WSBA Updates

WSBA Member Services and Engagement (MSE) Manager and WYLC Staff Liaison Julianne Unite provided the following updates:

- **Upcoming BOG Meeting:** Julianne reported that the next BOG meeting is scheduled for September 17 and 18. There will be the swearing in of incoming BOG members. Meeting materials are posted and Julianne encouraged WYLC members to review as they are very inclusive.
- **Thank you to WYLC Members:** Julianne thanked WYLC members for their service as this is last WYLC meeting of this fiscal year.
- **Paula Kertz-Kreschel has resigned from the WYLC.** Paula requested that Julianne communicate that to the WYLC. Paula was one of the regional King County representatives on the WYLC. The WYLC will be looking to fill this position.
- **COVID-19 Update:** Organization wide there will be no in person events until all Washington counties are in phase 3. As of now, the default for WYLC meetings going forward will be conducted virtually through Zoom link, even if the physical space requirement is reimposed.
- **New Practice Management Advisor (PMA) at the WSBA:** Margeaux Green is the new PMA. Julianne invited the WYLC to include Margeaux on future meetings if/when applicable. The PMA program has published additional guides, 1 – doc retention, 2 – disaster planning. Both available on the WSBA website.
- **Insurance Marketplace:** WSBA has an insurance marketplace, with upcoming open enrollment. Open enrollment should begin early November.
- **New Member Survey Update:** At the previous meeting we presented all data gathered from the New Member Survey. The WSBA is currently on-hold with processing and combing through additional data, but should have more information during November meeting.

Rep Reports/Ideas for COVID era

Jordan reported that there is not much the WYLC is able to do during COVID due to restrictions. Jordan spoke about swearing in ceremonies potentially being stopped due to COVID restrictions. WYLC Member Chelsie Elliot reported that King County bBr has restarted their nuts and bolts series, which is a CLE series.

MentorLink Update

WYLC Member Esther Hyun, Jordan, Julianne, and Efrain Hudnell met recently to plan the upcoming virtual MentorLink Mixer, set for October 22, 4-5:30 p.m. The next meeting for the team will be September 24 from 1-2 p.m. Esther has planned a virtual mixer previously, so they are following what's been done before and tweaking to match ideas for this event specifically. Esther invited all to attend any of the planning events; Julianne can be contacted for the Zoom information. Julianne reported that this event is not currently on the WSBA calendar, as the theme has not been identified. Efrain (not present in meeting) suggested the theme be targeted towards new members and navigating their first year through COVID-19. Once the theme is finalized, then promotion on WSBA calendar and other places will take place. Jordan stated he would be present as a mentor. Catherine requested event details in writing, and Esther responded that these could be sent after the Sept. 24th meeting.

Project Updates/Assigning Lead/Status Memo

Kim reported on social media as she has been the only person to access Facebook. Kim feels that moving forward, multiple people should be able to post to allow more activity. Jordan suggested introducing WYLC members on the Facebook page, one person per week with details. Julianne commented on needing to have people who have access to Facebook page would need to sign social media agreement document(s) with WSBA communications team. Jordan recommended that WYLC allow multiple social media editors. Jordan agreed to take over the social media editor position. On motion by Jordan, and seconded by Kim, the WYLC approved by unanimous vote (10-0) to have Jordan as the new Social Media Lead.

Project Updates:

- **ATJ/RRR:** WYLC Member Alixanne Pinkerton reported that this project is currently moving to phase 3, ideation phase, which will be analyzing the data, and moving forward with how to approach. On motion by Alixanne, and seconded by Catherine, the WYLC voted unanimously (10-0) that Alixanne remain the lead on this project.
- **Debt:** Brian N. reported that he has been working with WSBA and reached out to law schools regarding loan repayment assistance (LRAP) programs. Brian N. stated that he is not optimistic that this will pass due to COVID, which was expected and ok. Research is ongoing for income sharing agreements. He is not optimistic that this is something we would want to pursue, but worth looking into to decide if it is worth offering or recommended. Brian N. advised that if the BOG does not approve any of the suggestions that WYLC will be presenting, then it would fall to ideas such as financial focus and other low cost educational-type presentations. Brian N. anticipates stepping down as the lead on the LRAP project to offer others an opportunity to share their opinions. Jordan asked if anyone would like to take over as project lead for LRAP bill. Catherine responded that she would take over, if no one else was interested. Brian N. responded that for continuity that a transfer memo be sent to all incoming project leads (on all projects). Jordan asked if Catherine would prefer to vote now or wait until next meeting to include new members. Catherine requested to wait.
- **Awards:** Emily reported that she is working on an article for Washington State Bar News for Public Service Leadership Award (PSLA) recipients. She advised that American Bar Association (ABA) meetings moving forward will be virtual, and suggested the possibility of re-allocating

funds for these to something more applicable. Emily requested ideas for alternative ways to offer scholarships. Jordan asked about other ways to encourage overall involvement in ABA WYLD, in addition to scholarship options. Julianne reported that the WYLC budgeted for \$5,000 for scholarships, but not limited to only ABA. Julianne also commented that some sections offer grants and scholarships to law students. Julianne suggested looking into other scholarship/donation options if the WYLC does not want to lose those funds this year. Emily suggested to table this discussion for now, unless people offered ideas for alternative options. Jordan suggested using the scholarship funds for CLE scholarships for new lawyers, send app for CLE for new lawyer wanting to attend, and WYLC would pay for it out of scholarship allotment. Julianne commented that no license fees are used for the CLE fund, which is why sections pay the CLE cost for section attendees. The WYLC would need to pay CLE registration costs for attendees if that is what the WYLC wants to offer, since they are separate budgets. Emily reported that ABA WYD Fall Conference will be virtual, October 7-9. Emily wanted to bring attention to new initiative, a YLD seat at the table initiative. She is encouraging young lawyers to get involved, making contacts within local government and running for office on a local level, and advocate for new and young lawyers within their community. Emily encouraged WYLC members to get involved and explore this initiative. Julianne asked about the Awards project team and if Emily was intending to serve as lead until at least next meeting. Emily advised she would serve as project lead. On motion by Jordan, and seconded by Kim, the WYLC voted unanimously (10-0) that Emily be the project lead for this new initiative. Jordan advised would table the discussion and project lead assignment for ABA related topics until the next WYLC meeting, until the new WYLC members are available.

- **Dress Code:** Jordan reported on the dress code initiative. The proposed bill is completed. Jordan advised that the WSBA would want more feedback. Jordan does not expect a lot of push back on this, but would like alignment from judges on this topic. Both proposals will be sent to the BOG for approval. Jordan reported that the rules of professional conduct committee likes to follow model rules, but there is not a model rule for this to follow. Jordan volunteered to stay on as project lead for this.
- **Revision to “Young Lawyers” Bylaws Name and Definition:** WYLC Member Zachary Davison reported on proposed revision to “young lawyer” definition and name. It was determined that it is okay to use quarterly contact list to get feedback but a formal poll requires a more involved process. Zachary D. is happy to stay on as project lead.

Break for Lunch at 12:05 p.m.

Jordan called the meeting back to order at 12:58 p.m.

Project Updates (cont.)

- **FY20 WYLC Annual Report:** Jordan reported that WYLC annual report is longer than most, but has demographics and overviews of members. He suggested WYLC members review materials. He feels that everything they WYLC has taken on this year, has moved forward. Brian N. asked if anyone felt anything was missed, or if anyone wanted to elaborate on additional goals; no one had anything to add. Jordan asked for comments; no questions or comments in response. Julianne asked if now would be a good time to speak on leadership retreat, and planning for the upcoming year since the next meeting in November will be dedicated mostly to onboarding of

new members. Jordan commented that a leadership meeting had taken place & discussion of how the upcoming year would plan out. Jordan also commented that Governor Knight would continue as BOG liaison next year. Brian N. commented that he'd be starting the next meeting off with goals, and processes. For now, Brian requests that anyone leaving the committee or new with project teams, he would like to see more communication of what has been done, goals and projects.

- **BLM and the Legal Profession (what more should we as the WYLC be doing?):** Brian N. commented that if the WSBA is already supporting Black Lives Matter (BLM) then is it something that WYLC really needs to insert themselves into, and is curious about member's thoughts on how WYLC should be involved and what we could accomplish. Alixanne advised that as a prosecuting attorney, she needs to back out of this conversation and will not be participating in this subject matter. Brian N. said that this is one of the reasons why he feels that WYLC needs to be somewhat careful on political engagement. Kim suggested reaching out to law school in regards to recruitment, as there are less people of color (POC) entering the profession and clients would appreciate the option of seeing an attorney they relate to. Jordan suggested there could be opportunities in diversity recruitment and overturn of POC in firms, which could not be politically based. Brian N. responded that a way to accomplish this could possibly be by supporting other groups directly aimed at solving those retention issues. Julianne advised that there is an agenda item for the BOG meeting for diversity, equity, and inclusion efforts, which may direct some of the WYLC direction on the BLM involvement. Brian N. suggested including an agenda item for the next meeting to discuss whether or not involvement in BLM applies to the WYLC mission statement. Jordan commented that there could be an opportunity for a liaison appointment, to bring information to the WYLC when it arises in support of BLM involvement. Julianne offered to ask if a member of WSBA's Equity and Justice Team would attend the next meeting, Jordan deferred to Brian N. Brian N. responded that it would be a great way to hear what roles who could be responsible for in this matter.

Rapid Eval: New Projects

Jordan asked if anyone had items they wished to bring up at the next meeting. No one responded.

Adjournment

On motion by Brian N. and seconded by WYLC Member Ian McCurdy, the WYLC by unanimous vote (10-0) adjourned the meeting at 1:34 p.m.