

SENIOR LAWYERS SECTION EXECUTIVE COMMITTEE MEETING

Agenda for February 21, 2024, 10:30 am - noon via Zoom

Welcome and Interim Co-Chair Report: Jeanine Lutzenhiser

Secretary's Report: Al Armstrong

- Review and approval of minutes of January 17 EC meeting

Treasurer's Report: Joe Gordon

- Monthly financial report from WSBA
- Any other financial matters

WSBA Community: Carolyn MacGregor (Sections program specialist)

- Additional feedback?
- Questions?
- Is our section still winning?

CLE Planning for 2024: Carole Grayson/Jeanine/Rachel Matz (Education programs lead)

- Webinar: May 1
- Speaker line-up is complete, with Professor Liz Porter joining
- CLE credits
- Half-day with lunch at WSBA: August; date TBD. 4 - 4.5 CLE credits?
Committee: Carole, Jenny Rydberg, David, Jeanine? Potential speakers and topics?

Newsletter: Jim Riehl

Section Spotlight opportunity: Jeanine Lutzenhiser

- Thanks for questionnaire answers; turned in to editor

Elections for FY 2025 Positions

- Feb 12: Election set-up form submitted
- March 11 – April 15: Application portal open
- May 13: Final candidate slate due; approve ballot by May 28
- June 3 – June 17: Section elections
- For section consideration: recruit new members to EC?

Task Force on Increasing Membership: Brian Comstock/Al Armstrong

- New ideas for increasing involvement
- Input from the e-blast
- Do we know how many people clicked on it?

Member Status Workgroup: Steve Crossland

BOG Liaison Report: Jordan Couch (At Large)

New business/Adjourn

Next EC meeting: March 20, 2024, 10:30 - noon via Zoom

**SENIOR LAWYERS SECTION
MINUTES OF THE EXECUTIVE COMMITTEE MEETING**

January 17, 2024

This meeting was conducted via Zoom. The following Executive Committee members and WSBA personnel were present at this meeting: Interim Chair Jeanine Lutzenhiser, Al Armstrong, Jenny Rydberg, Joe Gordon, Steve DeForest, Bill Cameron, David Sprinkle, Jim Riehl, WSBA Sections Program Specialist Carolyn MacGregor, and BOG Liaison Jordan Couch. Not able to be present were Carole Grayson and Brian Comstock.

CHAIR'S WELCOME

Jeanine welcomed the attendees, favoring us with pictures of her adorable grandchildren. She indicated that our Carole is in AWOL status in beautiful Punta Perula, Mexico.

SECRETARY'S REPORT

Al's December 20 meeting minutes were approved by Motion.

JEANINE ENCOURAGES US TO LEARN THE *WSBACOMMUNITY* SYSTEM.

As an exercise in accessing our new *WSBACommunity* website, Jeanine placed three tongue-in-cheek "edits" of Al's minutes, and posted these minutes in our *WSBACommunity* website. She promised a reward to all who saw them. Al said he saw all three of Jeanine's "edits," but could only recall Taylor Swift's apparent appearance at our last meeting; he couldn't recall the other two edits. As promised by Jeanine, he was awarded a cup of coffee for his efforts.

Carolyn answered several questions posed by the Committee members about interacting with this website. She encouraged us to update our personal profiles. David, Jim and Jenny indicated that they had indeed updated their respective profiles; Jeanine said they would also receive cups of coffee also.

Carolyn stated that the "drop-in" sessions offered earlier for *WSBACommunity* novices was not well-attended; she agreed that perhaps most potential users of this website were so unfamiliar with the process that they didn't really know enough to ask meaningful questions. Carolyn said the best way to learn was just to jump in and learn from experience. Carolyn also addressed uploading documents on the site; Al had asked for advice about posting approved meeting Minutes. Al also had a question regarding locating the "library."

As a learning experience, she suggested just posting a perfunctory writing at the appropriate space on the website; she can erase them at a later time. She used screen share to illustrate how to access “threads.”

Carolyn thanked Jeanine and Carole for taking an active role in prompting our Committee members to learn to navigate and use the new website. She opined that perhaps our Section is the most engaged in this learning process of all the sections involved. She wondered if perhaps there could be some kind of site-navigation skill contest between all the sections taking part in the *WSBACommunity* pilot project.

Jeanine said that utilizing this site will be very useful for planning our CLEs.

It was mentioned that through determined repetition, we can learn to use this website, “just like dog training!” Jim requested that this reference to dog training be placed in the Minutes.

Carolyn encouraged all who continue to have questions contact her or Paris.

CLE PLANNING FOR 2024

“We are off to a great start,” said Jeanine. For our May affair, Carole has lined up Liz Frost to speak about elections and election issues, and Jim’s friend Dr. Chuck Ericson (who writes for our newsletter) will address rule of law initiatives around the world. This CLE is slated to offer 2.5-3.0 credits. Jeanine said she has a call in to a U.W. professor about presenting for this CLE, but has not heard back.

As for our CLE planned for later, perhaps offering 4.0-4.5 credits, we haven’t firmed up many plans as yet. Lunch is contemplated at this CLE.

NEWSLETTER

Jim said that our winter edition is out, and currently “in [publication] queue.”

Jim recalled our past discussions about getting this newsletter out to all prospective member-eligible Bar members, in addition to all current Senior Lawyers Section members. Jim set forth the pros and cons of a more widespread distribution. Pros: additional cost would not be a factor and Section would become more visible on the WSBA landscape. Cons: we could no longer promise prospective enlistees access to *Life Begins* if they know they will receive it anyway. Several suggestions were offered: Bill thought we should send the newsletter to all eligible recipients, around the time of year when WSBA members renew their respective section memberships, and give them an opportunity to “re-up,” signing on as dues-paying members. Jim thought we should consider distributing our newsletter through the “*Take Note*” communication feature of the WSBA, which is distributed to all WSBA members, via email, on an every-other-week

basis. Doing it this way, allowing recipients to choose to read the transmission, would prevent those who didn't wish to receive the newsletter from having to request that it not be sent. Jeanine agreed with Bill and said we should distribute our newsletter widely at section sign-up time.

Jeanine said that the general consensus of Committee members leaned toward a wider distribution of *Life Begins*, and it was decided to send our publication out to all those member-eligible individuals; the email would be accompanied by a letter from our Section urging the recipient to join Senior Lawyers. The method of distribution would be by e-blast and via the *Take Note* route. Jim and David liked this approach. Jim said he would compose the letter.

Al wanted to know if we could determine how many readers clicked on our e-blast. Carolyn said that our webmaster could provide the number of clicks to the link to the publication. Jenny said this information would be valuable feedback.

OUR SECTION'S CHANCE TO APPEAR IN THE BAR NEWS' "SECTION SPOTLIGHT "

Jeanine said that she and Carole were recently approached by Kirsten of the *Bar News*, who suggested that our Section may wish to appear in the Section Spotlight feature of the *Bar News*. Kirsten gave Jeanine and Carole a six-part questionnaire that we would need to complete and return to her before the end of January, in time to be printed in the February issue. She sought and obtained volunteers to address each of the questions. The questions assignments to answer were as follows: What value does membership in your section offer that isn't available elsewhere? David. What recent accomplishments has your section achieved? Carole and Joe. What opportunities does membership in your section offer for mentoring or being mentored? Jeanine. What guidance would your section offer for planning a successful retirement that involves an on-going interest in law? Jenny. Does your section publish a newsletter? Jim.

Jeanine asked that all the questions be answered by January 24 or 25. She opined that "if Jenny can get her answer in before she leaves for New Zealand (which she promised to do) each of you should be able to do so too." She asked that the responses be posted to the thread on our *WSBACommunity* website. Jeanine said she will gather the responses and forward them to Kirsten, in an effort to make it into the February issue of the *Bar News*.

UPCOMING SECTION ELECTIONS

Jeanine reminded us that the section elections are almost upon us. The Nominations Committee (Jeanine, Carole and Mike Frost) has completed the Election Set-up Form. The Application Portal opens up in March, in May the candidates must be selected, and the election itself occurs in June. Jeanine mention that there is room for perhaps two more members of our Executive Committee, and that we should be on the lookout for

interested candidates. As a side note, Carolyn stated that there would be a WSBA remote drop-in session at 12:00 noon tomorrow on the subject of recruitment to sections' executive committees.

TASK FORCE ON INCREASING MEMBERSHIP

Al said he hasn't talked to Brian since our last meeting, but that understands that his suggestion to propose a dues-free, automatic enrollment of all senior lawyers in our Section may not be practical or achievable.

REPORT FROM OUR BOG LIAISON

Jordan stated that the BOG had just published its Strategic Goals statement, and that he would post this document on our *WSBACommunity* platform. He indicated that the BOG had voted to support the Washington Bar Licensure Task Force proposal re widening the path to Bar membership and had notified the Washington State Supreme Court of its support.

He encouraged all who have any questions for the BOG to let him know.

OTHER MATTERS

Jeanine encouraged us to attend a January 26 CLE offered by the World Peace Through Law Section. The CLE is entitled "U.N. Declaration of Human Rights." This CLE was suggested by Section member Randall Winn. Jeanine said she would post this announcement on our *WSBAComunity* site.

ADJOURNMENT

Jeanine adjourned the meeting.

NEXT MEETING

Our next meeting will take place on a remote-attendance basis on February 21, 2024 at 10:30 am.

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Renata de Carvalho Garcia, Chief Regulatory Counsel and Terra Nevitt, Executive Director
DATE: November 29, 2023
RE: Proposal to Establish a Member Status Workgroup

ACTION: Adopt the Member Status Workgroup Charter and Establish a Member Status Workgroup

Recommendation

Adopt the Member Status Workgroup Charter in order to establish a workgroup to evaluate the license status options currently available to WSBA members who are retiring from the practice of law or otherwise leaving the legal profession and to propose revisions to current license status options or alternative license status options as determined by its evaluation.

Discussion

Currently, members who are retiring from the practice of law or otherwise leaving the legal profession, have five license options under the WSBA Bylaws¹:

1. Maintain active status in order to practice law when desired and to participate in Bar matters or volunteer at the WSBA;
2. Change to inactive status, which has a \$200 license fee with no privilege to practice law;
3. Change to pro bono status to be able to volunteer with a Qualified Legal Services Provider, which has a \$200 license fee that can be waived with 30 hours of service the prior year;
4. Change to honorary status if the member has a combined 50 years or more as active or judicial status, with no privilege to practice law; or
5. Voluntarily resign from the WSBA.

Staff and WSBA governors regularly receive feedback from a small number of members (usually during license renewal) asking for a “retired” status. Members have different reasons for wanting a “retired” status including:

- Members who would like to maintain an inactive license but do not want to pay the license fee;
- Members who do not want to maintain an active license but still want to be able to give legal advice to family and friends, or even as a volunteer;
- Members who do not want to maintain an active license but want to be able to participate in bar activities and volunteer at the WSBA; and
- Members who do not want to maintain any type of license but feel that the term “voluntary resignation” is disrespectful.

¹ Additional details about these statuses is provided in the attached Member Benefits Table

Considering the breadth of concerns and differing potential solutions proposed by members, it appears that no single solution would resolve all the issues raised. In addition, depending on the solution, changes to license status options could have a significant impact on the WSBA's budget. As such, it seems appropriate to establish a workgroup to study the issues raised and recommend solutions.

A draft charter for the workgroup is attached.

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

The Board is asked to establish a workgroup. The Board is authorized by the WSBA Bylaws article IX.B.2. Creating the task force is authorized by the Bylaws, germane to the purposes of the integrated bar and does not appear to create legal risk.

WSBA FISCAL ANALYSIS: *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The fiscal impact to WSBA resulting from the proposed recommendation could include in-person meeting expenses (mileage, parking, meals, etc.) for five workgroup members (estimated at less than \$1,000), and staff time used to support the workgroup. The staff time that would be allocated to this work is included in the overall duties of existing WSBA staff and would not require additional staff or allocation of resources from other internal sources. Future recommendations from the workgroup (if approved) could have additional fiscal impact on the WSBA, however we are unable to determine the extent of the impact at this point without additional information that is unavailable at this time.

WSBA EQUITY ANALYSIS: *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

We recommend that you broaden the scope of membership so that it includes members beyond those from the Senior Lawyer Section as there may be members leaving the profession for reasons other than retirement (e.g., members may be leaving the profession because they did not experience a sense of belonging). Further, there may be members who choose to be inactive not because they are retiring from the profession but because they have other obligations that temporarily prevent them from fulfilling their active member obligations.

Further, we recommend that you consider also including a member with a pro bono perspective on the workgroup. Since the Pro Bono Status was recently approved after significant work by the WSBA Pro Bono and Public Service Committee and input from the pro bono provider community, it would be important to include a pro bono perspective if that status will be changed.

We also suggest that you include language in the charter that the workgroup will use an equity lens which includes 1) identifying and centering people and communities most impacted decisions and/or 2) meeting people and communities according to their specific needs to produce fair and equal outcomes for all.

Finally, we recommend that a measure of success in the workgroup's charter also include promoting belonging and advancing equity for members who are contemplating changing their status.

Note: In response to the equity analysis, and to include different perspectives, the workgroup composition has been expanded to include one pro bono member and one inactive, judicial, or honorary member. We also included “promoting belonging and advancing equity for members who are contemplating a changing their status” as a measure of success in the workgroup’s charter.

Attachments

Draft Member Status Workgroup Charter

Member Benefits Table

WASHINGTON STATE BAR ASSOCIATION

Member Status Workgroup Charter

Effective: Upon Approval by the WSBA Board of Governors

Purpose

The purpose of the Member Status Workgroup is to evaluate the license status options currently available to WSBA members who are leaving the legal profession and to propose revisions to current license status options or alternative license status options as determined by its evaluation. The WSBA's mission is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice. The Member Status Workgroup furthers the WSBA mission by determining whether the current license status options available to members leaving the legal profession meet the needs of WSBA members while adequately informing the public of the member's license status and eligibility to practice law.

Composition

Members of the workgroup should have demonstrated experience and/or interest in the issues raised by senior members of the bar as it relates to choosing alternatives to maintaining an active license to practice law. The workgroup will consist of five members and are outlined as follows:

- Chair
- WSBA Treasurer
- 1 Active Member from the Senior Lawyers Section
- 1 Inactive/Judicial/Honorary Member
- 1 Pro Bono Member
- 1 at-large member (someone who advocates for creation of a retired status)

WSBA Staff Liaison: Renata de Carvalho Garcia, Chief Regulatory Counsel, non-voting

Term

The workgroup is expected to complete its work by no later than the end of FY 2024.

Scope of Work

The workgroup will assess the concerns primarily raised by members who are leaving the practice of law including:

- Members who are leaving the practice of law and wish to maintain their WSBA membership (currently inactive status);
- Members who are leaving the practice of law and do not wish to maintain their WSBA membership (currently voluntary resignation);
- Members who are retiring from the practice of law but wish to be eligible to practice law in limited situations such as for family members or as a volunteer;
- Members who are retiring from the practice of law and wish to maintain their WSBA membership but do not want to pay a license fee (currently honorary status which is available only after 50 years of active or judicial status);
- Members who are leaving the practice of law permanently but do not like the term voluntary resignation; and
- Members who are leaving the practice of law permanently prior to the traditional retirement age and do not want to be considered “retired.”

The workgroup will evaluate the current license status options available to such members, collaborate with all relevant and interested stakeholders, identify and seek input from people most impacted by proposed changes, examine the financial impact to the WSBA budget of any proposed revisions or alternatives to license status options, and, if determined to be warranted, propose amendments to the WSBA Bylaws necessary to adopt revisions or alternatives to current license status options.

Measures of Success

A successful workgroup will:

- present a recommendation for license status options that addresses the concerns raised by members,
- demonstrate how the recommendation meets the needs of the members,
- demonstrate how the recommendation will protect the public and adequately inform the public of a member’s eligibility to practice law,
- demonstrate how the recommendation will have an acceptable impact on the WSBA’s budget, and
- promoting belonging and advancing equity for members who are contemplating changing their status.