

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING

Minutes

Held Virtually

July 24, 2020

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Rajeev D. Majumdar on Friday, July 24, 2020 at 8:33 AM. Governors in attendance were:

Hunter M. Abell

Sunitha Anjilvel

Daniel D. Clark

Peter J. Grabicki

Carla Higginson

Jean Kang

Russell Knight

Tom McBride

Bryn Peterson

Kyle D. Sciuchetti

Alec Stephens

Judge Brian Tollefson (ret.)

Also in attendance were Immediate Past President William D. Pickett, Gov-Elect Brett Purtzer, Gov-Elect Matthew Dresden, Gov-Elect Lisa Mansfield, Gov-Elect Brent Williams-Ruth, Interim Executive Director Terra Nevitt, General Counsel Julie Shankland, Chief Financial Officer Jorge Perez, Chief Disciplinary Counsel Doug Ende, Chief Regulatory Counsel Jean McElroy, Chief Communications Officer Sara Niegowski, Interim Director Advancement Kevin Plachy, Equity & Justice Manager Diana Singleton, Executive Administrator Shelly Bynum, Nancy Hawkins (Family Law Section), and James E. Macpherson (Washington Defense Trial Lawyers).

President's Report ([video recording link](#))

Pres. Majumdar welcomed everyone to the virtual meeting, noting that the Board had originally planned to meet in Skamania County. Pres. Majumdar covered electronic meeting etiquette. He denounced racism and explained the steps that are being taken in response to the June meeting, including the ombudsperson process, putting a pause on policy setting, and delaying the retreat until we can identify a skilled trainer. Pres. Majumdar highlighted WSBA's work in providing three free ethics CLEs and provided an update on the Equity & Disparity Work Group.

Pres. Majumdar presented the Local Hero Award to Court Commissioner Jeff Baker, who was nominated by the Klickitat-Skamania Bar Association.

Pres. Majumdar announced the resignation of Gov. Kim Hunter and Pres-Elect Sciuchetti read a statement from her. Gov. Stephens moved that we fill the unexpired term of Gov. Hunter with Gov-Elect Brent Williams Ruth. Gov-Elect Brent Williams Ruth requested that we come back to the matter at a later time. Gov. Stephens withdrew his motion.

President-Elect's Report on Board Retreat ([video recording link](#))

Pres-Elect Sciuchetti reported on his plans for the Board retreat.

Interim Executive Director's Report ([video recording link](#))

Interim Executive Director Nevitt provided her report.

WSBA Treasurer Election ([video recording link](#))

Pres. Majumdar administered the Treasurer's election. The only candidate, current Treas. Clark was elected unanimously.

Member and Public Comments ([video recording link](#))

Public comment was taken regarding comments made by Gov. Higginson at the June 2020 board meeting.

Governor Roundtable

There were no Governor Roundtable items.

Reports of Standing or Ongoing BOG Committees ([video recording link](#))

Executive Committee. Pres. Majumdar reported on the Executive Committee's upcoming work.

APEX Awards Committee. Gov. Knight noted that Pres. Majumdar and Pres-Elect Sciuchetti have been notifying the award winners and the Committee is looking at ways to honor the award winners.

Personnel Committee. Gov. Stephens reported on the Committee's upcoming work including the employment contract and term for the Executive Director.

Legislative Committee. Gov. Sciuchetti noted that the Committee has not met while the Legislature is not in session and that the Committee is looking to meet with the Legislative Review Committee once the committee chairs have been appointed.

Nominations Review Committee. Pres-Elect Sciuchetti thanked Pam Inglesby for her work with the committee, noting her retirement, and welcomed Paris Eriksen to the role.

Diversity Committee. Gov. Kang reported on the Committee's last meeting, which focused on concerns about the Board of Governors and diversity. The Committee also reviewed letters in

response to Gov. Higginson's comments at the June 2020 board meeting and has formed a workgroup to review proposed changes to the WSBA mission statement. The Committee is also reviewing the rule change that the MCLE Board intends to propose this fall.

Public Comment Continued ([video recording link](#))

Pres. Majumdar read a public comment from former Governor Andrea Jarmon. Discussion followed.

Reports of Standing or Ongoing BOG Committees Continued ([video recording link](#))

Long-Range Planning Committee. No report.

Member Engagement Workgroup. Gov. Clark's report was read in which he noted that the Committee did not meet in July and expressed appreciation to former Gov. Kim Hunter for her work on, and in creating, the Committee.

Budget & Audit Committee. Gov. Clark's report was provided in the meeting materials.

Second Read/Action: Ratification of Emergency Bylaw Amendment Art. VI.G RE Governor Elections ([video recording link](#))

Gov. Grabicki moved for approval of the Emergency Bylaw Amendment. Motion passed unanimously. Govs. Higginson and Tollefson were not present for the vote.

Second Read/Action: Pro Bono and Public Service Committee Proposed Amendments to WSBA Bylaws Art. III(B)(4) to Reduce Barriers to Access for Emeritus Pro Bono Status ([video recording link](#))

Pres. Majumdar introduced the item. Gov. Grabicki moved for approval. Discussion and comments from Pro Bono and Public Service Co-Chair Nick Larsen followed. Motion passed unanimously. Govs. Higginson and Tollefson were not present for the vote.

Pres. Majumdar recessed the meeting until 10:30 AM. The meeting resumed at 10:30 AM.

Discussion with Law Clerk Board ([video recording link](#))

Gov. Abell introduced Law Clerk Board Chair Ben Phillabaum who provided an overview of the program and the work of the Board. Board member Alexa Ritchie also provided some brief comments as a graduate of the program herself. Discussion and public comment followed.

Governor Liaison Reports ([video recording link](#))

Gov. Stephens shared his work with the Civil Rights Law Section and noted their comments in the materials. Pres-Elect Sciuchetti reported on his work as the Chair of the Committee to Investigate Alternatives to Mandatory Malpractice Insurance.

Report of the Court Rules and Procedures Committee and Proposal RE The Role of Court Rules and Procedures Committee ([video recording link](#))

Chair Jefferson Coulter reported on the Committee's response to the Director Nevitt and President Majumdar's request for input on the future direction of the Committee as provided in the materials. Discussion followed. Pres. Majumdar restated the three requests of the Committee: (1) request that the Court forward all meritorious rule proposals to the Committee, (2) invite one justice to attend meetings to improve coordination and communication, and (3) charge the Committee with responding directly to the Court on proposed rules. Discussion followed. Gov. Stephens moved that the recommendations be forwarded to the Court. Pres. Majumdar suggested that the third issue be bifurcated and Gov. Stephens accepted this suggestion. Pres. Majumdar restated the question: on request 1 and 2, authorize the Committee to make those recommendations to the Court. Motion passed unanimously. Discussion on item 3 continued. Gov. Stephens withdrew his motion on item 3.

Consent Calendar ([video recording link](#))

Gov. Stephens moved that the June meeting minutes be pulled and referred to the Executive Committee to add more detail about the discussion around the mission statement and the at-large election. Motion passed unanimously. Govs. Higginson and Tollefson were not present for the vote.

Report of the Civil Litigation Rules Revision Work Group ([video recording link](#))

Chair Bridges presented on the work of the Work Group.

Budget & Audit Committee Items ([video recording link part 1](#), [part 2](#))

Review FY21 Draft WSBA Budget. Chief Financial Officer Jorge Perez presented the first draft of the WSBA budget for FY21. Discussion followed. CFO Perez noted that a second budget would be presented at the August 10 Budget & Audit Committee meeting.

Proposal for Governors to Attend 2020 NCBP Virtual Annual Meeting. Pres. Majumdar presented the proposal as provided in the materials. Gov. Clark moved for approval. Motion passed unanimously. Gov. Higginson was not present for the vote.

Proposed Revisions to WSBA Mission Statement ([video recording link](#))

Gov. Knight moved to table consideration of the WSBA mission statement to the September meeting to allow for greater input. Discussion followed. Gov. Grabicki moved to amend the motion to state that we will not change the mission statement at the present time. Discussion followed. It was clarified that the intent of the amendment was to table the matter indefinitely. Gov. Knight accepted the amendment as friendly. Discussion on the amended motion followed. Motion passed unanimously. Govs. Grabicki and Higginson were not present for the vote.

Proposed Policy: Transparent Salary Information ([video recording link](#))

Director Nevitt and Treas. Clark presented the proposal as provided in the materials. Gov. Stephens moved for approval with a change to clarify that job titles should be listed in their generic form. Gov. Grabicki moved to table. Motion failed for lack of a second. Discussion followed. Gov. Stephens restated and explained his motion, which would adopt a revised policy

and change the framework in the procedure to include "generic" job titles. Motion passed 10-1. Gov. Higginson was not present for the vote.

WSBA Committee and Board Chair Appointments ([video recording link](#))

Pres-Elect Sciuchetti presented the chair appointments in the materials. Gov. Peterson moved for approval. Motion passed unanimously. Gov. Grabicki abstained. Gov. Higginson was not present for the vote.

Governor Roundtable ([video recording link](#))

Discussion took place regarding whether or not the Board should convene for a meeting in August.

ADJOURNMENT

There being no further business, Pres. Majumdar adjourned the meeting at 2:15 PM on Friday, July 24, 2020.

Respectfully submitted,

Terra Nevitt

Terra Nevitt
WSBA Interim Executive Director & Secretary