

WASHINGTON STATE BAR ASSOCIATION

Board of Governors November 2023 Meeting Update

A summary prepared by the WSBA of the Board of Governors (Board) meeting held Nov. 2-3, 2023, at the University of Washington School of Law. The agenda, materials, and video recording from this Board meeting are [online](#). The next regular meeting is Jan. 12-13, 2024, in Seattle. The Board is the WSBA's governing body charged with determining general policies of the WSBA and approving its annual budget. To subscribe to the Board Meeting Notification list, email barleaders@wsba.org.

NEED TO KNOW

Meeting at the University of Washington

Despite their various alma maters, Board members showed some love to the purple and gold last week! For the first time in recent history, they held a business meeting at a law school, and WSBA leaders took the opportunity to connect with University of Washington School of Law community, which included a reception with Dean Tamara Lawson, faculty, and students. The day before, WSBA leaders came together to help with habitat restoration at the University of Washington Horticultural Center, in support of a goal this year to engage in community service in conjunction with meetings around the state. [See pictures of the events here.](#)

FY24 Strategic Priorities

What programs and projects—above and beyond the regular cycle of business—warrant prioritization of time and resources this fiscal year? After a robust multi-month process to answer these questions, the Board adopted four strategic areas of focus: Member wellbeing (studying, expanding, and improving resources for and assistance to legal professionals); technology, such as AI, changing the profession (assessing and determining the state bar's role vis-à-vis regulation, consumer protection, and support to legal professionals); inclusion and belonging in the legal community (understanding the detractors and drivers of belonging, especially among underrepresented and historically marginalized legal professionals, and creating a plan to advance inclusion and belonging); and support for rural practice (supporting practitioners and increasing access-to-justice in rural and small-town areas). Stay tuned throughout the coming year to hear about progress on these goals. ([See page 44.](#))

Trial Run of Entity Regulation in Washington

Technology is changing the legal market quickly, and the WSBA Practice of Law Board (POLB) has been closely studying opportunities and challenges for legal regulators. After many conversations and considerations during the past two years, the POLB has developed a proposal to go before the Washington Supreme Court for consideration, and the Board voted to support that proposal: In a controlled beta test, two entities (as opposed to individuals, the only legal-licensees currently authorized to practice law) will be permitted to provide legal services with robust oversight and data-collection from POLB and WSBA. After gathering and analyzing data for a significant time period, the POLB will make a recommendation whether to expand entity regulation, with data-driven improvements, or not. Why the urgency and need to change? [Learn more here.](#)

OTHER BUSINESS

A Focus on Criminal Law Practitioners and Partners

The meeting had a theme: thanking and honoring criminal law practitioners and law-enforcement officers. Toward that end, the Board held conversations with a panel of criminal-law practitioners and law-enforcement officers to better understand current challenges. (Note: the meeting was held during the Criminal Law Section's major event of the year, and the Board acknowledged the need to continue the dialogue with these members, as well as representatives from many other criminal-law focused associations.)

Public Defense Workload

Related to the theme of the meeting, representatives from the WSBA Council on Public Defense (CPD) reported that the Washington Supreme Court has formally requested that the CPD review a [recently released national study on public-defense workload standards](#) and advise the Court on any recommendations the Court should adopt. The Board approved the CPD's affirmative response, with a tentative timeline of early January to get its evaluation and recommendations ready. ([See page 3.](#))

2024 Legislative Priorities and WSBA-Sponsored Bills

The Board approved the WSBA's overall priorities for the upcoming session: Monitoring and taking appropriate action on legislative proposals related to the practice of law and administration of justice; supporting legislative proposals approved by the Board under GR 12 constraints; and supporting legislative proposals initiated by WSBA Sections and approved by the Board. Apropos of the last priority, the Board approved two bills put forth by sections for WSBA sponsorship: A proposal from the Business Law Section replacing the current RCW 23B.11 with a new chapter 11 that mirrors the current version of the Model Business Corporations Act; and a proposal from the Real Property,

Probate, and Trust Section to eliminate the requirement that leases for more than one year must have the landlord's signature acknowledged before a notary. ([See page 54.](#))

Government Law Offices Representing Separate Agencies in Adjudicated Disputes

The Board approved the Committee on Professional Ethics' suggested changes to the Rules of Professional Conduct (RPC) to address conflicts between existing rules and Washington court decisions in situations where lawyers in a single government law office represent separate departments or agencies of that government adverse to each other in adjudicated disputes. Specifically, the recommended amendment would create a new RPC 1.7(c) and related comment to clarify that a lawyer is not in violation when acting in certain internal government representations. The recommendation will now go before the Washington Supreme Court for consideration and possible publication for comment. ([See page 49.](#))

The Board also:

- Received the Washington Bar Foundation's annual report, which included gifting and fundraising highlights. ([See page 101.](#))
- Held a debrief of the 2023 Access to Justice Conference, which included key takeaways and heartfelt thanks to the planning committee. ([See page 98.](#))
- Held an executive session to discuss the Executive Director's FY23 evaluation.