

WSR 14-23-030
RULES OF COURT
STATE SUPREME COURT
 [November 6, 2014]

IN THE MATTER OF AMENDMENTS) ORDER
 TO ANNUAL RULES SUBMISSION—) NO. 25700-A-1078
 CR 33—INTERROGATORIES TO PAR-)
 TIES; CrR 6.4—CHALLENGES; CrRLJ)
 2.1—COMPLAINT—CITATION AND)
 NOTICE; CrRLJ 4.8—SUBPOENAS;)
 CrRLJ 7.2—SENTENCING AND CrR)
 7.2—SENTENCING)

The Washington State Bar Association having recommended the Annual Rules Submission—CR 33—Interrogatories to Parties; CrR 6.4—Challenges; CrRLJ 2.1—Complaint—Citation and Notice; CrRLJ 4.8—Subpoenas; CrRLJ 7.2—Sentencing and CrR 7.2—Sentencing, and the Court having considered the amendments and comments submitted thereto;

Now, therefore, it is hereby
 ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites expeditiously.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2015. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of November, 2014.

For the Court

Madsen, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested New Rule
SUPERIOR COURT CIVIL RULES (CR) Rule 33:
INTERROGATORIES TO PARTIES

Submitted by the Board of Governors of the Washington State Bar Association

Purpose

This suggested amendment is intended to address an issue posed by the discovery of electronically stored information ("ESI").

1. General Background

Since the 2006 changes to various Federal Rules of Civil Procedure to address ESI, the WSBA's Court Rules and Procedures Committee has considered whether Washington

should consider similar amendments and, if so, what the amendments should be. This ongoing effort has involved the study of not only the federal amendments and their related Advisory Committee Notes, but also a sampling of information and testimony from the federal amendment process, such secondary materials as the National Conference of Commissioners on Uniform State Laws' "Uniform Rules Relating to The Discovery of Electronically-Stored Information." This effort has also included surveying information relating to the efforts of other states to address ESI or so-called "e-discovery," including other states' amendments to their rules. The vast majority of states have now adopted rule amendments to address ESI.

During the course of its efforts, the Committee has actively solicited the input of a number of stakeholder groups, including the Washington State Association for Justice (formerly the Washington State Trial Lawyers Association), Washington Defense Trial Lawyers, Washington State Association of Municipal Attorneys, Washington Association of Prosecuting Attorneys, WSBA Litigation Section, Superior Court Judges' Association, and various non-profit organizations within the Access to Justice community. The Committee has benefitted from the input of representatives of those groups and from others.

Building on that foundation, in 2009, the WSBA Court Rules and Procedures Committee suggested amendments to CR 26, 33, 34, 37 and 45 to conform, where appropriate, to the 2006 federal ESI amendments. By conforming where possible to the federal rules, the WSBA Court Rules and Procedures Committee believed parties and courts in Washington would be able to refer to and rely on federal authority and scholarship in dealing with e-discovery issues.

At the September 2009 meeting, the Board of Governors declined to recommend the package of proposed changes to CR 26, 33, 34, 37 and 45. The Board of Governors asked the WSBA Court Rules and Procedures Committee to work with the ATJ to develop new proposals addressing ESI for specific rules.

In 2012, these efforts produced a proposed revision to CR 34 submitted by the Board of Governors. That update to CR 34 was ultimately adopted and became effective September 1, 2013. The Washington Civil Rules now address ESI in CR 34 but do not yet address ESI in other rules.

Over the past two years, the Committee has continued to work on other potential rule revisions to address ESI, including potential revisions to CR 33. In 2014, the Committee solicited input from numerous stakeholders and interested groups concerning a potential revision to CR 33. The Committee considered and evaluated the input received before recommending this proposed rule.

2. Purpose of Suggested Amendment.

The suggested amendment introduces the phrase "electronically stored information" into CR 33(c). The principal purpose of the rule is to acknowledge, clarify, and make explicit that the option to produce business records in response to an interrogatory pursuant to CR 33(c) includes the option to produce ESI. The proposed language is essentially identical to that contained in the corresponding federal rule, FRCP 33(d) – which refers to "business records (includ-

ing electronically stored information)" – and in the corresponding rules of many other states.

Superior Court Civil Rule 33—Interrogatories to Parties

(a)-(b) [*Unchanged.*]

(c) **Option To Produce Business Records.** Where the answer to an interrogatory may be derived or ascertained from the business records, including electronically stored information, of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries. A specification shall be in sufficient detail to permit the interrogating party to locate and to identify, as readily as can the party served, the records from which the answer may be ascertained.

GR 9 COVER SHEET

Suggested Amendment SUPERIOR COURT CRIMINAL RULES (CrR) Rule 6.4 CHALLENGES

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: To eliminate reference to a statute, RCW 4.44.200, repealed in 1979.

SUGGESTED AMENDMENT CRIMINAL RULES (CrR)

Rule 6.4 CHALLENGES

(a) **Challenges to the Entire Panel.** Challenges to the entire panel shall only be sustained for a material departure from the procedures prescribed by law for their selection.

(b) **Voir Dire.** A voir dire examination shall be conducted for the purpose of discovering any basis for challenge for cause and for the purpose of gaining knowledge to enable an intelligent exercise of peremptory challenges. The judge shall initiate the voir dire examination by identifying the parties and their respective counsel and by briefly outlining the nature of the case. The judge and counsel may then ask the prospective jurors questions touching their qualifications to serve as jurors in the case, subject to the supervision of the court as appropriate to the facts of the case.

(c) **Challenges for Cause.**

(1) If the judge after examination of any juror is of the opinion that grounds for challenge are present, he or she shall excuse that juror from the trial of the case. If the judge does not excuse the juror, any party may challenge the juror for cause.

(2) RCW 4.44.150 through 4.44.200~~190~~ shall govern challenges for cause.

(d) **Exceptions to Challenge.**

(1) Determination. The challenge may be excepted to by the adverse party for insufficiency and, if so, the court shall determine the sufficiency thereof, assuming the facts alleged therein to be true. The challenge may be denied by the adverse party and, if so, the court shall try the issue and determine the law and the facts.

(2) Trial of Challenge. Upon trial of a challenge, the Rules of Evidence applicable to testimony offered upon the trial of an ordinary issue of fact shall govern. The juror challenged, or any other person otherwise competent, may be examined as a witness by either party. If a challenge be determined to be sufficient, or if found to be true, as the case may be, it shall be allowed, and the juror to whom it was taken excluded; but if not so determined or found otherwise, it shall be disallowed.

(e) **Peremptory Challenges.**

(1) Peremptory Challenges Defined. A peremptory challenge is an objection to a juror for which there is no reason given, but upon which the court shall exclude the juror. In prosecutions for capital offenses the defense and the state may challenge peremptorily 12 jurors each; in prosecution for offenses punishable by imprisonment in the state Department of Corrections 6 jurors each; in all other prosecutions, 3 jurors each. When several defendants are on trial together, each defendant shall be entitled to one challenge in addition to the number of challenges provided above, with discretion in the trial judge to afford the prosecution such additional challenges as circumstances warrant.

(2) Peremptory Challenges—How Taken. After prospective jurors have been passed for cause, peremptory challenges shall be exercised alternately first by the prosecution then by each defendant until the peremptory challenges are exhausted or the jury accepted. Acceptance of the jury as presently constituted shall not waive any remaining peremptory challenges to jurors subsequently called.

GR 9 COVER SHEET

Suggested Amendment CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION (CrRLJ)

Rule 2.1 COMPLAINT—CITATION AND NOTICE

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: To remove the provisions allowing for citizen complaints.

In 1996, the District Court and Municipal Judges' Association (DCMJA) proposed deleting the citizen complaint procedure from CrRLJ 2.1 due to the association's serious concerns that the rule violates the separation of powers doctrine. 4B Wash. Prac., Rules Practice CrRLJ 2.1 (7th ed.). That proposal was not successful. In 2012, the DCMJA again expressed its view to the Washington State Supreme Court that CrRLJ 2.1(c) should be repealed in its entirety due to the separation of powers doctrine.

Recently, in *State v. Rice*, 174 Wn.2d 884, 279 P.3d 849 (2012), the Washington Supreme Court relied on the principles of the separation of powers doctrine to interpret a state

statute as being directory rather than mandatory. In particular, the court explained that the separation of powers doctrine recognizes that the prosecuting attorney's core function is the exercise of discretion in making charging decisions. This discretion may not be usurped, or encroached on, by the other two branches of the government. The majority opinion explains:

Although the legislature can fashion the duties of prosecuting attorneys, the legislature cannot interfere with the core functions that make them "prosecuting attorneys" in the first place. *See State ex rel. Johnston v. Melton*, 192 Wash. 379, 388, 73 P.2d 1334 (1937) ("In naming the county officers in § 5, Article 11 of the constitution, the people intended that those officers should exercise the powers and perform the duties then recognized as appertaining to the respective offices which they were to hold."); *State ex rel. Hamilton v. Troy*, 190 Wash. 483, 485–87, 68 P.2d 413 (1937) (legislature cannot change official title of prosecuting attorneys); *Nelson v. Troy*, 11 Wash. 435, 443, 39 P. 974 (1895) (noting that "the duties devolving upon a prosecuting attorney of a county are very dissimilar to those of the county coroner or assessor"). Without broad charging discretion, a prosecuting attorney would cease to be a "prosecuting attorney" as intended by the state constitution. This would be true even if some modicum of charging discretion remained. *See Melton*, 192 Wash. at 390, 73 P.2d 1334 ("If these constitutional offices can be stripped of a portion of the inherent functions thereof, they can be stripped of all such functions ... and the will of the framers of the constitution thereby thwarted."). The legislature is free to establish statutory duties that do not interfere with core prosecutorial functions, *see, e.g., Callahan v. Jones*, 200 Wash. 241, 247, 93 P.2d 326 (1939) (upholding statutory limit on the private practice of law by prosecuting attorneys); *Jacoby*, *supra*, at xx (describing various potential duties of prosecuting attorneys beyond engaging in criminal litigation); RCW 36.27.020 (establishing various duties of prosecuting attorneys), but the legislature cannot interfere with the fundamental and inherent charging discretion of prosecuting attorneys, including discretion over the filing of available special allegations.

The inherent charging discretion of prosecuting attorneys is fundamental and cannot be ceded to the legislative branch by consent. Although the Pierce County prosecuting attorney defends the statutes challenged in this case by arguing (in part) that the legislature has the authority to eliminate all meaningful prosecutorial discretion, any attempt by the legislature to do so would violate the separation of powers doctrine and article XI, section 5, notwithstanding the prosecutor's apparent consent. *See Troy*, 190 Wash. at 487, 68 P.2d 413 ("While we are reluctant to thwart the wishes of the prosecuting attorneys who earnestly desire the proposed change, it is plainly our duty to hold that the legislature ... had no power to make it"). Although a violation of the separation of powers doctrine "accrues *directly* to the branch invaded," *Carrick*, 125 Wash.2d at 136, 882 P.2d 173 (emphasis added), the underlying purpose of the doctrine is "the protection of *individuals*," *Guillen*, 144 Wash.2d at 731, 31 P.3d 628 (emphasis added) (quoting *New York*, 505 U.S. at 181, 112 S.Ct. 2408). Thus, we have reasoned that the "division of power among the three branches is violated where one branch

invades the territory of another, whether or not the encroached-upon branch approves the encroachment." *Id.* (emphasis omitted) (quoting *New York*, 505 U.S. at 181, 112 S.Ct. 2408). Although "a long history of cooperation between the branches" in any given context might show that no violation has occurred, *Carrick*, 125 Wash.2d at 136, 882 P.2d 173, one branch cannot simply consent to a separation of powers violation by another branch. This is especially true regarding a fundamental executive power to be exercised by locally elected officials; such officials cannot cede their inherent authority in order to deflect accountability to voters or when otherwise convenient.

In sum, because of the open-ended nature of the challenged statutes, the legislature's broad and underlying acknowledgment of prosecutorial charging discretion, and the unconstitutionality of mandatory charging statutes, we are confident that in enacting RCW 9.94A.835, .836, and .837, the legislature had no intention of imposing enforceable charging requirements on prosecuting attorneys.

State v. Rice, 74 Wn.2d 884, 905-07, 279 P.3d 849, 859-60 (2012).

In light of the decision in *Rice*, the Court should reconsider the constitutionality of the citizen complaint procedure. The court rule encroaches upon fundamental executive power to be exercised by the locally-elected prosecutors. The citizen complaint is a holdover from the past and no longer effectively serves its original purpose. While territorial statutes allowed virtually anyone to bring a criminal complaint, those statutes have been repealed and replaced with a modern system of public, elected prosecutors. *See, e.g.,* Laws of 1854, 1st sess. § 1, at 100; Laws of 1854, 1st sess. § 11, at 104. In 1981, the Legislature enacted RCW 43.10.232, which provides that when a prosecutor declines to file charges for any reason, another executive branch official, the attorney general, can step in and prosecute if appropriate. This statute fills the gap created by the repeal of the private prosecutor statutes, by providing a victim who is dissatisfied with the local elected prosecutor's handling of a case a path to prosecution. For example, in *State v. Howard*, 106 Wn.2d 39, 40-41, 722 P.2d 783 (1985), the murder victim's family contacted the Governor to request his intervention after the county prosecutor concluded there was insufficient evidence to prosecute the suspected murder. In contrast, the citizen complaint procedure of CrRLJ 2.1(c) applies only to misdemeanors and gross misdemeanors and provides no mechanism to force an elected prosecutor to proceed with a prosecution. A district court cannot appoint a special prosecutor if the prosecuting attorney refuses to go forward on the citizen complaint. *See Ladenburg v. Campbell*, 56 Wn. App. 701, 784 P.2d 1306 (1990). RCW 43.10.232 provides a more effective, and constitutional, mechanism for cases where a local elected prosecutor refuses to act.

SUGGESTED AMENDMENT

CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION (CrRLJ)

RULE 2.1 COMPLAINT—CITATION AND NOTICE

(a) Complaint.

(1) *Initiation.* Except as otherwise provided in this rule, all criminal proceedings shall be initiated by a complaint.

(2) *Nature.* The complaint shall be a plain, concise and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting authority. Allegations made in one count may be incorporated by reference in another count. It may be alleged that the means by which the defendant committed the offense are unknown or that he or she committed it by one or more specified means. The complaint shall state for each count the official or customary citation of the statute, rule, regulation or other provision of law which the defendant is alleged therein to have violated. Error in the citation or its omission shall not be ground for dismissal of the complaint or for reversal of a conviction if the error or omission did not mislead the defendant to his or her prejudice.

(3) *Contents.* The complaint shall contain or have attached to it the following information when filed with the court:

(i) the name, address, date of birth, and sex of the defendant;

(ii) all known personal identification numbers for the defendant, including the Washington driver's operating license (DOL) number, the state criminal identification (SID) number, the state criminal process control number (PCN), the JUVIS control number, and the Washington Department of Corrections (DOC) number.

(b) Citation and Notice to Appear.

(1) *Issuance.* Whenever a person is arrested or could have been arrested pursuant to statute for a violation of law which is punishable as a misdemeanor or gross misdemeanor the arresting officer, or any other authorized peace officer, may serve upon the person a citation and notice to appear in court. Criminal citations shall be on a form entitled "Criminal Citation" prescribed by the Administrative Office of the Courts. Citation forms prescribed by the Administrative Office of the Courts are presumed valid.

(2) *Release Factors.* In determining whether to release the person or to hold him or her in custody, the peace officer shall consider the following factors:

(i) whether the person has identified himself or herself satisfactorily;

(ii) whether detention appears reasonably necessary to prevent imminent bodily harm to himself, herself, or another, or injury to property, or breach of the peace;

(iii) whether the person has ties to the community reasonably sufficient to assure his or her appearance or whether there is substantial likelihood that he or she will refuse to respond to the citation and notice; and

(iv) whether the person previously has failed to appear in response to a citation and notice issued pursuant to this rule or to other lawful process.

(3) *Contents.* The citation and notice to appear shall include or have attached to it:

(i) the name of the court and a space for the court's docket, case or file number;

(ii) the name, address, date of birth, and sex of the defendant; and all known personal identification numbers for the defendant, including the Washington driver's operating license (DOL) number, the state criminal identification (SID) number, the state criminal process control number (PCN), the

JUVIS control number, and the Washington Department of Corrections (DOC) number;

(iii) the date, time, place, numerical code section, description of the offense charged, the date on which the citation was issued, and the name of the citing officer;

(iv) the time and place the person is to appear in court, which may not exceed 20 days after the date of the citation and notice, but which need not be a time certain.

(4) *Certificate.* The citation and notice shall contain a form of certificate by the citing official that he or she certifies, under penalties of perjury, as provided by RCW 9A.72.085, and any law amendatory thereto, that he or she has probable cause to believe the person committed the offense charged contrary to law. The certificate need not be made before a magistrate or any other person.

(5) *Initiation.* When signed by the citing officer and filed with a court of competent jurisdiction, the citation and notice shall be deemed a lawful complaint for the purpose of initiating prosecution of the offense charged therein.

~~(c) **Citizen Complaints.** Any person wishing to institute a criminal action alleging a misdemeanor or gross misdemeanor shall appear before a judge empowered to commit persons charged with offenses against the State, other than a judge pro tem. The judge may require the appearance to be made on the record, and under oath. The judge may consider any allegations on the basis of an affidavit sworn to before the judge. The court may also grant an opportunity at said hearing for evidence to be given by the county prosecuting attorney or deputy, the potential defendant or attorney of record, law enforcement or other potential witnesses. The court may also require the presence of other potential witnesses.~~

~~In addition to probable cause, the court may consider:~~

~~(1) Whether an unsuccessful prosecution will subject the State to costs or damage claims under RCW 9A.16.110, or other civil proceedings;~~

~~(2) Whether the complainant has adequate recourse under laws governing small claims suits, anti-harassment petitions or other civil actions;~~

~~(3) Whether a criminal investigation is pending;~~

~~(4) Whether other criminal charges could be disrupted by allowing the citizen complaint to be filed;~~

~~(5) The availability of witnesses at trial;~~

~~(6) The criminal record of the complainant, potential defendant and potential witnesses, and whether any have been convicted of crimes of dishonesty as defined by ER609; and~~

~~(7) Prosecution standards under RCW 9.94A.440.~~

~~If the judge is satisfied that probable cause exists, and factors (1) through (7) justify filing charges, and that the complaining witness is aware of the gravity of initiating a criminal complaint, of the necessity of a court appearance or appearances for himself or herself and witnesses, of the possible liability for false arrest and of the consequences of perjury, the judge may authorize the citizen to sign and file a complaint in the form prescribed in CrRLJ 2.1(a). The affidavit may be in substantially the following form:~~

THE STATE OF WASHINGTON)
COUNTY OF)

ss. No.

GR 9 COVER SHEET

Suggested Amendment

CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION (CrRLJ)

Rule 4.8 SUBPOENAS

Purpose: CrRLJ 4.8(c) mistakenly refers to CRLJ 45(c) as the rule governing service. In fact, CRLJ 45(b) is the correct reference.

SUGGESTED AMENDMENT

CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION (CrRLJ)

Rule 4.8 SUBPOENAS

(a) Issuance for Witnesses. The defendant and the prosecuting authority may subpoena witnesses necessary to testify at a scheduled hearing or trial. The subpoena may only be issued by a judge, court commissioner, clerk of the court, or by a party's lawyer. If a party's lawyer issues a subpoena, a copy shall be filed with the court. If the subpoena is for a witness outside the county or counties contiguous with it, the judge must approve the subpoena.

(b) Subpoena Duces Tecum.

(1) Upon application of either party, the court may issue a subpoena duces tecum, commanding the person to whom it is directed to produce books, papers, documents or other objects designated in it. The court may direct that books, papers, documents or objects designated in the subpoena be produced before the court at a time prior to the trial or prior to the time when they are to be offered in evidence and may, upon their production, permit the books, papers, documents or objects, or portions of them, to be inspected by the parties and their lawyers.

(2) On motion made promptly the court may quash or modify the subpoena duces tecum if compliance would be illegal, unreasonable or oppressive.

(c) Service. A subpoena may be directed for service within their jurisdiction to the sheriff of any county or to any peace officer of any municipality in which the witness may be, or it may be served as provided in CRLJ 45(eb), or it may be served by first-class mail, postage prepaid, sent to the witness' last known address. Service by mail shall be deemed complete upon the third day following the day upon which the subpoena was placed in the mail.

(d) Proof of Service.

(1) When personal service is made by someone other than a sheriff or peace officer, proof shall be by affidavit or by certification under RCW 9A.72.085 or any law amendatory thereof.

(2) Proof of service by mail may be by affidavit or certification, under RCW 9A.72.085 or any law amendatory thereof, of the person who mailed the papers, or by written acknowledgment of service.

(e) Sanctions.

(1) If at any time during the proceedings it is brought to the court's attention that a party's lawyer has abused the power to issue subpoenas, the court may impose upon the lawyer such terms as are just.

AFFIDAVIT OF COMPLAINING WITNESS

DEFENDANT:

Name Name
Address Address
Phone- Phone-
Bus: Bus:

WITNESSES:

Name Name
Address Address
Phone- Phone-
Bus: Bus:
Name Name
Address Address
Phone Phone
Bus: Bus:

I, the undersigned complainant, understand that I have the choice of complaining to a prosecuting authority rather than signing this affidavit. I elect to use this method to start criminal proceedings. I understand that the following are some but not all of the consequences of my signing a criminal complaint: (1) the defendant may be arrested and placed in custody; (2) the arrest if proved false may result in a lawsuit against me; (3) if I have sworn falsely I may be prosecuted for perjury; (4) this charge will be prosecuted even though I might later change my mind; (5) witnesses and complainant will be required to appear in court on the trial date regardless of inconvenience, school, job, etc.

Following is a true statement of the events that led to filing this charge. I (have) (have not) consulted with a prosecuting authority concerning this incident.

On the ___ day of ___, 19___, at (location)

Signed

SUBSCRIBED AND SWORN TO before me this ___ day of ___, 19___.

Judge

(d) Filing.

(1) Original. The original of the complaint or citation and notice shall be filed with the clerk of the court.

(2) Time. The citation and notice shall be filed with the clerk of the court within two days after issuance, not including Saturdays, Sundays or holidays. A citation and notice not filed within the time limits of this rule may be dismissed without prejudice.

(2) No subpoena shall be the basis for a material witness warrant or a contempt of court citation unless there is proof of personal receipt.

GR 9 COVER SHEET

Suggested Amendment
CRIMINAL RULES OF LIMITED JURISDICTION (CrRLJ)

Rule 7.2 SENTENCING

Purpose: The current formulation of the CrRLJ 7.2 does not require the court to advise a criminal defendant of his or her right to appeal or right to collateral attack a judgment when the defendant has pled guilty. However, a criminal defendant may appeal or collaterally attack a judgment and sentence based on a guilty plea. While the right to appeal may be limited after a guilty plea, it is not foreclosed, and nothing about a guilty plea prevents the defendant from collaterally attacking the judgment and sentence, particularly where the defendant claims he or she received ineffective assistance of counsel, that he or she was not properly advised on the direct consequences of the plea, or that the plea was involuntary. RCW 10.73.110 provides, "At the time judgment and sentence is pronounced in a criminal case, the court shall advise the defendant of the time limit specified in RCW 10.73.090 and 10.73.100." In *In re Becker*, 143 Wn.2d 491 (2000), the Washington Supreme Court questioned the wisdom of the current wording of the rule and the fact that it directly conflicts with RCW 10.73.110. The Supreme Court stated:

The Court of Appeals relied upon RCW 10.73.090's time bar and held notifications or time limits required by RCW 10.73.110 are superseded by CrRLJ 7.2(b) because defendants who plead guilty are exempted from the notification requirements of RCW 10.73.090. However, we do not reach this issue because, procedurally, this case is governed by our interpretation of RCW 10.73.140. Although we decide this case on the basis of prohibited successive collateral attacks, the facts of this case call into question the wisdom of CrRLJ 7.2(b). The statute makes no distinction for requiring notification on the time limits for collateral attacks. While we do not decide the issue of whether this is procedural or substantive, little basis exists for the difference between the court rule and the statute. The better practice is to provide the statutory notification in all cases.

Id. at 495 n.3. There is no principled basis for not advising all misdemeanor defendants of their rights to appeal and their statutory right to collaterally attack their convictions, and the time limit that applies to such attacks.

The proposed rule is not intended to expand the right to appeal. Courts should therefore advise defendants who have pled guilty that their right to appeal is limited. A parallel change is proposed to CrR 7.2, so that CrR 7.2 and CrRLJ 7.2 are consistent with each other.

SUGGESTED AMENDMENT
CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION
(CrRLJ)

Rule 7.2

(a) Generally. The court shall state the precise terms of the sentence, which shall include credit for all time spent in custody in connection with the offense.

(b) Procedure at Time of Sentencing. The court shall, immediately after sentencing, ~~unless the judgment and sentence are based on a plea of guilty~~, advise the defendant: (1) of the right to appeal the conviction pursuant to the RALJ or CrRLJ 9.1; (2) that unless a notice of appeal is filed in the court of limited jurisdiction within 30 days after the entry of the judgment and sentence or order appealed from, the right to appeal is waived; (3) that the notice of appeal must be served on all other parties; (4) that the court clerk will, if requested by the defendant appearing without a lawyer, supply a notice of appeal form; (5) of the defendant's right to a lawyer on appeal, and, if unable to pay the costs thereof, to have a lawyer appointed and portions of the trial record necessary for review prepared at public expense for an appeal; and (6) of the time limits on the right to collateral attack imposed by RCW 10.73.090 and .100. If this advisement follows a guilty plea, the court shall advise the defendant that the right to appeal is limited. These proceedings shall be made a part of the record.

(c) Sentence. Before imposing sentence, the court shall afford the defendant, and the prosecuting authority, an opportunity to make a statement and to present information in extenuation, mitigation, or aggravation of punishment.

(d) Record. A record of the sentencing proceedings shall be made. The sentencing and judgment records of the courts of limited jurisdiction shall be preserved in perpetuity, either in an electronic or hard copy format. "Hard copy format" may include microfilm, microfiche, or a paper copy. The record of the sentencing proceedings shall be prima facie evidence of a valid conviction in subsequent proceedings in courts of limited jurisdiction and in superior court.

(e) Judgment and Sentence

(1) An electronic judgment and sentence shall be prescribed by the Administrator for the Courts in conjunction with the Judicial Information System Committee (JISC).

(2) A non-electronic judgment and sentence form shall be prescribed by the Administrator for the Courts in conjunction with the Supreme Court Pattern Forms Committee.

(3) Notwithstanding any other statute or rule to the contrary, each judgment and sentence form, either electronic or hard copy, shall be preserved by the court in perpetuity.

GR 9 COVER SHEET

Suggested Amendment
SUPERIOR COURT CRIMINAL RULES (CrR)
Rule 7.2 SENTENCING

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The WSBA Court Rules and Procedures Committee proposed changes to a parallel rule, CrRLJ 7.2. One of

the changes would add language clarifying that the court must advise a defendant following a guilty plea that the right to appeal is limited. CrR 7.2 lacks this language. This proposal adds the same language to CrR 7.2 to make it and CrRLJ 7.2 consistent. The added language is not intended to expand the right to appeal or collaterally attack judgments or sentences.

**SUGGESTED AMENDMENT
CRIMINAL RULES (CrR)**

Rule 7.2

(a) Generally. The court shall state the precise terms of the sentence and shall assure that the record accurately reflects all time spent in custody in connection with the offense or behavioral incident for which sentence is imposed. Pending such action the court may release or commit the defendant, pursuant to rule 3.2.

(b) Procedure at Time of Sentencing. The court shall, immediately after sentencing, advise the defendant: (1) of the right to appeal the conviction; (2) of the right to appeal a sentence outside the standard sentence range; (3) that unless a notice of appeal is filed within 30 days after the entry of the judgment or order appealed from, the right to appeal is irrevocably waived; (4) that the superior court clerk will, if requested by the defendant appearing without counsel, supply a notice of appeal form and file it upon completion by the defendant; (5) of the right, if unable to pay the costs thereof, to have counsel appointed and portions of the trial record necessary for review of assigned errors transcribed at public expense for an appeal; and (6) of the time limits on the right to collateral attack imposed by RCW 10.73.090 and .100. If this advisement follows a guilty plea, the court shall advise the defendant that the right to appeal is limited. These proceedings shall be made a part of the record.

(c) Record. A verbatim record of the sentencing proceedings shall be made.

(d) Judgment and Sentence. For every felony sentencing, the clerk of the court shall forward a copy of the uniform judgment and sentence to the Sentencing Guidelines Commission. The uniform judgment and sentence shall be a form prescribed by the Administrator for the Courts in conjunction with the Supreme Court Pattern Forms Committee. If the sentence imposed departs from the applicable standard sentence range, the court's written findings of fact and conclusions of law shall also be supplied to the Commission.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 14-23-035
RULES OF COURT
STATE SUPREME COURT
[November 6, 2014]**

IN THE MATTER OF PROPOSED) ORDER
AMENDMENT TO APR 12—LIMITED) NO. 25700-A-1083
PRACTICE RULE FOR LIMITED)
PRACTICE OFFICERS—SUGGESTED)
AMENDMENTS TO APPENDIX APR)
12—REGULATIONS—SUGGESTED)
AMENDMENTS TO THE RULES FOR)
LAWYER ENFORCEMENT OF LIM-)
ITED PRACTICE OFFICER CONDUCT)
(ELPOC) AND SUGGESTED AMEND-)
MENTS TO THE CONTINUING EDU-)
CATION REGULATIONS OF THE LIM-)
ITED PRACTICE BOARD)

The Limited Practice Board, having recommended the Proposed Amendment to APR 12—Limited Practice Rule for Limited Practice Officers—Suggested Amendments to Appendix APR 12—Regulations—Suggested Amendments to the Rules for Lawyer Enforcement of Limited Practice Officer Conduct (ELPOC) and Suggested Amendments to the Continuing Education Regulations of the Limited Practice Board, and the Court having considered the amendments and comments submitted thereto;

Now, therefore, it is hereby
ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites expeditiously.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2015. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of November, 2014.

For the Court

Madsen, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendments

**RULE 12 OF THE ADMISSION AND PRACTICE RULES (APR),
APPENDIX APR 12. REGULATIONS OF THE APR 12 LIMITED
PRACTICE BOARD, RULES 15.5 AND 15.6 OF THE RULES FOR
ENFORCEMENT OF LIMITED PRACTICE OFFICER CONDUCT,
AND CONTINUING EDUCATION REGULATIONS OF THE LIM-
ITED PRACTICE BOARD**

Purpose: The primary purpose for the suggested amendments to the rules related to Limited Practice Officers (LPOs)

is to improve the efficiency of the regulatory process, remove limitations related to the use of technology, and to improve the overall administration of the LPO program by the Washington State Bar Association. In addition, there are a few house-cleaning items and some minor adjustments to the substantive requirements. The proposed amendments are summarized as follows:

APR 12

- Include fitness to act as an LPO in addition to good moral character, similar to what is required of lawyer applicants.
- Update the language regarding submission of the application to allow for an online format of the application.
- Change the continuing education reporting year to the "license year" (July through June) rather than the calendar year so that all parts of the license renewal process occur at the same time.
- Include submission of a trust account declaration in the continuing certification requirements.
- Reference and incorporate GR 12.4 for records disclosure and include in the rule instead of the regulations.

Appendix APR 12. Regulations of the APR 12 Limited Practice Board

- Update the language regarding submission of the application to allow for an online format or submission of the application.
- Remove the transfer process and supplemental application for simplicity.
- Allow for modification of the application deadline by the Board.
- Include government indemnity as a means of showing financial responsibility.
- Change the deadline for the annual license renewal to provide 30 days before a late fee is assessed.
- Establish a 30 day notice for suspension and revocation (no time frame currently).
- Establish one annual deadline for continued financial responsibility reporting (currently different processes and dates for different methods).
- Include requirement for filing a trust account declaration in the regulations and establish an administrative suspension for not filing the declaration (reserve disciplinary process for mishandling funds).
- Change the continuing education reporting year to the "license year" (July through June) rather than the calendar year so that all parts of the license renewal process occur at the same time.
- Remove requirement of BOG approval of amendments to the regulations to make rulemaking authority consistent with APR 12.
- Delete records disclosure section from regulation and include in rule (see APR 12 above).

ELPOC 15.5 Trust Account Declaration

- Simplify ELPOC 15.5(a) regarding filing a trust account declaration.
- Modify 15.5(b) to remove disciplinary sanction for not filing the declaration and instead include an administra-

tive suspension in the regulations for failure to file the trust account declaration. But if an audit of the account is needed, the Limited Practice Board retains that authority.

- Remove requirement of BOG approval of amendments to the ELPOC to make rulemaking authority consistent with APR 12.

Continuing Education Regulations

- Change the continuing education reporting year to the "license year" (July through June) rather than the calendar year so that all parts of the license renewal process occur at the same time.
- Eliminate the hearing procedure which is not used and not practical for a one year reporting period.

SUGGESTED AMENDMENTS TO RULE 12 OF THE ADMISSION AND PRACTICE RULES

RULE 12. LIMITED PRACTICE RULE FOR LIMITED PRACTICE OFFICERS

(a) Purpose. The purpose of this rule is to authorize certain lay persons to select, prepare and complete legal documents incident to the closing of real estate and personal property transactions and to prescribe the conditions of and limitations upon such activities.

(b) Limited Practice Board.

(1) Establishment. There is hereby established a Limited Practice Board (referred to herein as the "Board") consisting of nine members to be appointed by the Supreme Court of the State of Washington. Not less than four of the members of the Board must be admitted to the practice of law in the State of Washington. Four of the members of the Board shall be business representatives, one each of the following four industries: escrow, lending, title insurance, and real estate. Appointments shall be for 4-year terms. No member may serve more than two consecutive terms. Terms shall end on December 31 of the applicable year. The Supreme Court shall designate one of the members of the Board as chairperson.

(2) Duties and Powers.

(i) Applications. The Board shall accept and process applications for certification under this rule.

(ii) Examination. The Board shall conduct the examination for certification required by this rule. The examination shall consist of such questions as the Board may select on such subjects as may be listed by the Board and approved by the Supreme Court. The Board shall establish the number of examinations to be given each year and the dates of the examinations.

(iii) Investigation and recommendation for admission. The Board shall notify each applicant of the results of the examination and shall recommend to the Supreme Court the admission or rejection of each applicant who passes the examination. The Supreme Court shall enter an order admitting to limited practice those applicants it deems qualified, conditioned upon each applicant taking an oath that he or she will comply with this rule and paying to the Board the annual fee for the current year. Upon the entry of such order, the taking and filing of the oath, and payment of the annual fee, an applicant shall be enrolled as a limited practice officer and

shall be entitled to perform those services permitted by this rule. The oath must be taken before a court of record in the State of Washington.

(iv) Education. The Board shall approve individual courses and may accredit all or portions of the entire educational program of a given organization which, in the Board's judgment, will satisfy the educational requirement of these rules. It shall determine the number of credit hours to be allowed for each such course. It shall encourage the offering of such courses and programs by established organizations, whether offered within or outside this state.

(v) Grievances and discipline. The Board shall adopt hearing and appeal procedures and shall hear complaints of persons aggrieved by the failure of limited practice officers to comply with the requirements of this rule and of the Limited Practice Officer Rules of Professional Conduct. Upon a finding by the Board that a limited practice officer has failed to comply in any material manner with the requirements of this rule, the Board shall take such action as may be appropriate to the degree of the violation, considering also the number of violations and the previous disciplinary record of the limited practice officer. Disciplinary action may include admonitions, reprimands, and recommendations to the Supreme Court for the suspension or revocation of the limited practice officer's certification.

(vi) Investigation. Upon the receipt of a complaint that a limited practice officer has violated the provisions of this rule and in other appropriate circumstances, the Board may investigate the conduct of the limited practice officer to determine whether the limited practice officer has violated the requirements, conditions or limitations imposed by this rule.

(vii) Approval of forms. The Board shall approve standard forms for use by limited practice officers in the performance of services authorized by this rule.

(viii) Fees. The Board shall establish and collect examination and annual fees in such amounts as are necessary to carry out the duties and responsibilities of the Board.

(ix) Regulations. The Board shall propose regulations to implement the provisions of this rule for adoption by the Supreme Court.

(3) Expenses of the Board. Members of the Board shall not be compensated for their services. For their actual and necessary expenses incurred in the performance of their duties, they shall be reimbursed by the Board in a manner consistent with its rules. All such expenses shall be paid pursuant to a budget submitted to and approved by the Washington State Bar Association on an annual basis. Funds accumulated from examination fees, annual fees, and other revenues shall be used to defray all expenses of the Board. The administrative support to the Board shall be provided by the Washington State Bar Association.

(c) Certification Requirements. An applicant for certification as a limited practice officer shall:

(1) Age. Be at least 18 years of age.

(2) Moral Character- ~~and Fitness~~. Be of good moral character- ~~and possess the requisite fitness to act as a limited practice officer~~.

(3) Examination. Satisfy the examination requirements established by the Board.

(4) ~~Oath Application. Execute under oath and file with the Board two copies of his or her~~ Submit an application; in such form as may be required by the Board. Additional proof of any fact stated in the application may be required by the Board. In the event of the failure or refusal of an applicant to furnish any information or proof, ~~or to answer any interrogatories of the Board pertinent to the pending application~~, the Board may deny the application.

(5) Examination Fee. Pay, upon the filing of an application, the examination fee.

(d) Scope of Practice Authorized by Limited Practice Rule. Notwithstanding any provision of any other rule to the contrary, a person certified as a limited practice officer under this rule may select, prepare and complete documents in a form previously approved by the Board for use by others in, or in anticipation of, closing a loan, extension of credit, sale or other transfer of interest in real or personal property. Such documents shall be limited to deeds, promissory notes, guaranties, deeds of trust, reconveyances, mortgages, satisfactions, security agreements, releases, Uniform Commercial Code documents, assignments, contracts, real estate excise tax affidavits, bills of sale, and powers of attorney. Other documents may be from time to time approved by the Board.

(e) Conditions Under Which Limited Practice Officers May Prepare and Complete Documents. Limited practice officers may render services authorized by this rule only under the following conditions and with the following limitations:

(1) Agreement of the Clients. Prior to the performance of the services, all clients to the transaction shall have agreed in writing to the basic terms and conditions of the transaction. In the case of a power of attorney prepared in anticipation of a transaction, the principal(s) and attorney(s)-in-fact shall have provided the limited practice officer consistent written instructions for the preparation of the power of attorney.

(2) Disclosures to the Clients. The limited practice officer shall advise the clients of the limitations of the services rendered pursuant to this rule and shall further advise them in writing:

(i) that the limited practice officer is not acting as the advocate or representative of either of the clients;

(ii) that the documents prepared by the limited practice officer will affect the legal rights of the clients;

(iii) that the clients' interests in the documents may differ;

(iv) that the clients have a right to be represented by lawyers of their own selection; and

(v) that the limited practice officer cannot give legal advice as to the manner in which the documents affect the clients.

The written disclosure must particularly identify the documents selected, prepared, and/or completed by the limited practice officer and must include the name, signature and number of the limited practice officer.

(f) Continuing Certification Requirements.

(1) Continuing Education. Each limited practice officer must complete a minimum number of credit hours of approved or accredited education, as prescribed by regulation of the Board, during each ~~calendar~~ license year in courses certified by the Board to be appropriate for study by limited

practice officers providing services pursuant to this rule; provided, that the limited practice officer shall not be required to comply with this subsection during the calendar license year in which he or she is initially certified.

(2) Financial Responsibility. Each active limited practice officer or employer thereof shall show proof of ability to respond in damages resulting from his or her acts or omissions in the performance of services permitted by this rule. The proof of financial responsibility shall be in such form and in such amount as the Board may by regulation prescribe.

(3) Annual Fee. Each limited practice officer must pay the annual fee established by the Board.

(4) Trust Account. Each active limited practice officer shall certify compliance with Rules 1.12A and 1.12B of the LPO Rules of Professional Conduct.

(g) Existing Law Unchanged. This rule shall in no way expand, narrow or affect existing law in the following areas:

(1) The fiduciary relationship between a limited practice officer and his or her customers or clients;

(2) Conflicts of interest that may arise between the limited practice officer and a client or customer;

(3) The right to act as one's own attorney under the pro se exception to the unauthorized practice of law including but not limited to the right of a lender to prepare documents conveying or granting title to property in which it is taking a security interest;

(4) The lack of authority of a limited practice officer to give legal advice without being licensed to practice law;

(5) The standard of care which a limited practice officer must practice when carrying out the functions permitted by this rule.

(h) Treatment of Funds Received Incident to the Closing of Real or Personal Property Transactions. Persons admitted to practice under this rule shall comply with LPORPC 1.12A and B regarding the manner in which they identify, maintain and disburse funds received incidental to the closing of real and personal property transactions, unless they are acting pursuant to APR 12 (g)(3).

(i) Confidentiality and Public Records.

(1) GR 12.4 shall apply to access to Board records.

(2) Unless expressly authorized by the Supreme Court or by the applicant, all application records, including related investigation files, documents and proceedings, for the limited admission to the practice of law as an LPO are confidential and shall be privileged against disclosure, except as necessary to conduct an investigation, hearing, appeal, or review pursuant to these rules.

(3) Unless expressly authorized by the Supreme Court, all examination questions, scoring keys and other examination data used by the Board to administer the LPO examinations are not subject to public disclosure.

(4) Unless expressly authorized by the Supreme Court or the LPO, the following Board and Bar records are exempt from public access: personal information in Board and Bar records for LPOs and Board members to the extent that disclosure would violate their right of privacy, including home contact information (unless such information is their address of record), Social Security numbers, driver's license numbers, identification or security photographs held in Board and Bar records, and personal data including ethnicity, race, disability

status, gender, and sexual orientation, LPO license status, license number, dates of admission or licensing, addresses of record, and business telephone numbers, facsimile numbers, and electronic mail addresses (unless there has been a request that electronic mail addresses not be made public) shall not be exempt, provided that any such information shall be exempt if the Chair of the Board approves the confidentiality of that information for reasons of personal security or other compelling reason, which approval must be reviewed annually.

Comment

[1] Comment Re: APR 12(d)

Powers of attorney authorizing a person to negotiate and sign documents in anticipation of, or in the closing of, a transaction are included in the documents limited practice officers are authorized to prepare. Such documents may include, but are not limited to, purchase and sale agreements for real or personal property, loan agreements, and letters of intent.

[2] Comment Re: LPO Professional Standard Of Care

The purpose of this comment is to discuss the legal standard of care to which a limited practice officer is subject, while also clarifying the limited duties of a limited practice officer compared to an attorney when selecting and preparing legal documents and to show the greater breadth of a lawyer's duties and services which a party may not expect when engaging a limited practice officer.

Generally, when a non-lawyer selects and prepares a legal document for another, the non-lawyer engages in the unauthorized practice of law. Despite this, the non-lawyer (including a licensed limited practice officer) will be held to the standard of a lawyer: "to comply with the duty of care, an attorney must exercise the degree of care, skill, diligence, and knowledge commonly possessed and exercised by a reasonable, careful and prudent lawyer in the practice of law in this jurisdiction" *Hizey v. Carpenter*, 119 Wn.2d 251, 261, 830 P.2d 246 (1992). However, when selecting and preparing approved forms a limited practice officer, though having a limited license to practice law as defined and limited in APR 12, will not be authorized nor charged with many of the duties of a lawyer. Except as provided otherwise in APR 12 rules and regulations, these include the duty to investigate legal matters, to form legal opinions (including but not limited to the capacity of an individual to sign for an entity or whether a legal document is effective), to give legal advice (including advice on how a legal document affects the rights or duties of a party), or to consult with a party on the advisability of a transaction. See also LPORPC 1.1, Competence, and LPORPC 1.3, Communication.

SUGGESTED AMENDMENTS TO THE CONTINUING EDUCATION REGULATIONS OF THE LIMITED PRACTICE BOARD

REGULATION 113. APPEALS TO THE SUPREME COURT

An adverse decision of the Board may be appealed by the LPO affected to the Supreme Court in accordance with the applicable provisions of APR 12. As to such appeals, the Board shall be represented by counsel.

REGULATION 114. EXEMPTIONS

New Admission. An LPO shall not be required to comply with the minimum continuing education requirements of APR 12, as implemented by these regulations, during the calendar license year in which the LPO is admitted to practice.

REGULATION 115. RULEMAKING AUTHORITY

The Committee, subject to the approval of the Board, has continuing authority to make or amend regulations consistent with APR 12 in furtherance of the development of continuing education for LPO's and the regulation thereof.

REGULATION 116. CONFIDENTIALITY

The files and records of the Committee shall be deemed confidential and shall not be disclosed except in furtherance of the Committee's duties, or upon the request of an affected LPO member, or pursuant to a proper subpoena duces tecum, or as directed by the Supreme Court.

SUGGESTED AMENDMENTS TO RULES FOR ENFORCEMENT OF LIMITED PRACTICE OFFICER CONDUCT (ELPOC)**TITLE 1 - SCOPE, JURISDICTION, AND DEFINITIONS****ELPOC 1.1 SCOPE OF RULES**

[no change]

ELPOC 1.2 JURISDICTION

[no change]

ELPOC 1.3 DEFINITIONS

Unless the context clearly indicates otherwise, terms used in these rules have the following meanings:

(a) "Association" means the Washington State Bar Association;

(b) "Public file" means the pleadings, motions, rulings, decisions, and other formal papers filed in a proceeding;

(c) "Board" when used alone means the Limited Practice Board;

(d) "Board of Governors" means the Board of Governors of the Washington State Bar Association;

(e) "Chair" when used alone means the Chair of the Limited Practice Board;

(f) "Clerk" when used alone means the Association's staff designated to work with the Limited Practice Board and includes the Directory of Regulatory Services and other Association counsel where appropriate;

(g) "Closing Firm" means any bank, depository institution, escrow agent, title company, law firm, or other business, whether public or private, that employs, or contracts for the services of, an LPO for the purpose of providing real or personal property closing services for a transaction;

(h) "Court" unless otherwise specified, means the Supreme Court of Washington;

(i) "Disciplinary action" means sanctions under rule 13.1 and admonitions under rule 13.5;

(j) "ELC" means the Rules for Enforcement of Lawyer Conduct;

(k) "Final" means no review has been sought in a timely fashion or all appeals have been concluded;

(l) "Grievant" means the person or entity who files a grievance (except for a confidential source under rule 5.2);

(m) "Hearing Officer" means the person assigned under rule 10.2 (a)(1) or, when a hearing panel has been assigned, the hearing panel chair;

(n) "LPO" means limited practice officer;

(o) "Mental or physical incapacity" includes, but is not limited to, insanity, mental illness, senility, or debilitating use of alcohol or drugs;

(p) "Panel" means a hearing panel under rule 10.2 (a)(2);

(q) "Party" means disciplinary counsel or respondent, except in rule 2.3(f) "party" also includes a grievant;

(r) "Respondent" means an LPO against whom a grievance is filed or an LPO investigated by the Clerk or disciplinary counsel.

(s) "APR" means the Admission to and Practice Rules;

(t) "CR" means the Superior Court Civil Rules;

(u) "RAP" means the Rules of Appellate Procedure;

(v) "LPORPC" means the Limited Practice Officer Rules of Professional Conduct adopted by the Washington Supreme Court.

(w) **Words of authority.**

(1) "May" means "has discretion to," "has a right to," or "is permitted to".

(2) "Must" means "is required to".

(3) "Should" means recommended but not required.

ELPOC 1.4 NO STATUTE OF LIMITATION

[no change]

ELPOC 1.5 VIOLATION OF DUTIES IMPOSED BY THESE RULES

[no change]

TITLES 2 – 14

[no change]

TITLE 15 – AUDITS AND TRUST ACCOUNT OVERDRAFT NOTIFICATION**ELPOC 15.1 AUDIT AND INVESTIGATION OF BOOKS AND RECORDS**

[no change]

ELPOC 15.2 COOPERATION OF LPO

[no change]

ELPOC 15.3 DISCLOSURE

[no change]

ELPOC 15.4 TRUST ACCOUNT OVERDRAFT NOTIFICATION

[no change]

ELPOC 15.5 DECLARATION

(a) Declaration. ~~The Association annually sends each active LPO a written declaration designed to determine whether the LPO or the LPO's Closing Firm is complying with LPORPC 1.12A & B. Each active LPO must complete, execute, and deliver to the Association this file a trust account declaration by the date specified in the declaration as required by APR 12.~~

(b) Noncompliance. Failure to file the declaration ~~by the date specified in section (a) is grounds for discipline. This~~

failure also may subjects the LPO who has failed to comply with this rule to a full audit of his or her books and records, or the Closing Firm's records, as provided in rule 15.1(c), upon request of the Clerk or disciplinary counsel to the discipline committee. A copy of any request made under this section must be served on the LPO. The request must be granted on a showing that the LPO has failed to comply with section (a) of this rule. If the LPO should later comply, the discipline committee has discretion to determine whether an audit should be conducted, and if so the scope of that audit. An LPO or Closing Firm audited under this section is liable for all actual costs of conducting such audit, and also a charge of \$100 per day spent by the auditor in conducting the audit and preparing an audit report. Costs and charges are assessed in the same manner as costs under rule 5.3(e).

ELPOC 15.6 REGULATIONS

The Board may adopt regulations regarding the powers in this title subject to the approval of ~~the Board of Governors~~ and the Supreme Court.

TITLE 16 – EFFECT OF THESE RULES ON PENDING PROCEEDINGS

[no change]

REGULATION 101. DEFINITIONS

As used in these regulations, the following definitions shall apply:

A. A "Limited Practice Officer" (LPO) shall mean any person admitted to practice under Washington Supreme Court Rule APR 12.

B. An "approved" continuing education activity shall mean an individual seminar, course, or other continuing education activity approved by the Continuing Education Committee of the Limited Practice Board.

C. A "credit hour" equals one (1) clock hour of actual attendance.

D. The "Committee" shall mean the Continuing Education Committee of the Limited Practice Board.

E. The "staff" shall mean the staff of the Washington State Bar Association.

F. "APR 12" shall mean Admission to and Practice Rule 12, together with any subsequent amendments thereto, as adopted by the Supreme Court of the state of Washington.

G. "Teaching" in an approved continuing education activity shall mean and encompass the preparation and/or delivery of a prepared talk, lecture, or address at such activity.

H. "Participating" in an approved continuing education activity shall mean and encompass: 1) acting as a planning and organizing chair of such activity, or 2) taking part in such activity as a member of a panel discussion, without the preparation of written materials or the delivery of a prepared talk, lecture, or address.

I. "~~Calendar~~ License year" shall mean ~~January~~ July 1 to December 31 June 30.

J. To qualify for "liability credit," a course or subject must deal with the legal rights, duties, or responsibilities of LPOs.

K. "Distance Education" shall mean delivery method where instruction takes place in other than a live classroom

setting, the instructor and the student are in physically separate locations, and interactive instructional methods such as video-based instruction, computer conferencing, video conferencing, interactive audio, interactive computer software, or internet-based instruction are used.

L. "Interactive" for purposes of instructional methods shall mean the course structure and technologies promote active student involvement with the course content, including the ability to: (a) submit questions or answer test items, and receive direct feedback; and (b) communicate with the instructor and/or other students on an immediate or reasonably delayed basis. Interactive instruction specifically excludes courses that only provide passive delivery of instructional content.

REGULATION 102. CONTINUING EDUCATION REQUIREMENT

A. As provided for in Regulation 12 of the Regulations of the APR 12 Limited Practice Board, each active and inactive Limited Practice Officer shall complete a minimum of ten (10) credit hours of approved education during each ~~calendar~~ license year (July 1 - June 30), except as exempted by Regulation 114. Up to five (5) credit hours may be completed through Distance Education. Two (2) hours of the required ten (10) hours of continuing education per year must be on liability issues, which may be completed through Distance Education. These classes must be approved by the Board and must be taken annually.

B. If an LPO completes more than ten (10) such credit hours in a given ~~calendar~~ license year, the excess credit, up to ten (10) credits, may be carried forward and applied to such LPO's education requirement for the next ~~calendar~~ license year. Liability credit hours may be carried forward as liability credits or regular credits; however, a maximum of two (2) liability credits may be carried forward as liability credits. Failure to comply with the provisions of this Regulation and Regulation 12 of the Regulations of the APR 12 Limited Practice Board each ~~calendar~~ license year shall subject the Limited Practice Officer to suspension or revocation of license as an LPO.

REGULATION 103. CREDITS/COMPUTATION

A. Continuing education credit may be obtained by attending, teaching, or participating in, continuing education activities which have 1) been previously approved by the Committee, or 2) have been afforded retroactive approval by the Committee pursuant to APR 12 and these regulations.

B. A credit shall be awarded for each hour actually spent by an LPO in attendance at an approved education activity.

C. Credit will not be given for time spent in meal breaks.

D. Excess or "carry-over" credits may be applied to the ~~succeeding calendar~~ next license year's credit hour requirement. Such credits shall be reported to the Committee on or before ~~January 31~~ August 1 as required by Regulation 108 A.

E. Credit toward the continuing education requirements set forth in APR 12 and Regulation 102 may be earned through teaching or participating in an approved continuing education activity on the following basis:

1. An LPO teaching in an approved education activity shall receive credit on the basis of one (1) credit for each hour actually spent by such LPO in attendance at and teaching in a

presentation of such activity. Additionally, an LPO teaching in such an activity shall also be awarded further credit on the basis of one credit for each hour actually spent in preparation time, provided that in no event shall more than ten (10) hours of credit be awarded for the preparation of one (1) hour or less of actual presentation.

2. An LPO participating in an approved educational activity shall receive credit on the basis of one (1) credit for each hour actually spent by such LPO in attendance at a presentation of such activity. Additionally, an LPO participating in such an activity shall also be awarded further credit on the basis of one (1) credit for each hour actually spent in preparation time, provided that in no event shall more than five (5) hours of credit be awarded for such preparation time in any one such continuing education activity.

F. Service on the Limited Practice Board or Escrow Commission is considered an approved continuing education activity for ~~both~~ eight general and two liability credits.

REGULATION 104. STANDARDS FOR APPROVAL

The following standards shall be met by any course or activity for which approval is sought:

A. The course shall have significant intellectual or practical content and its primary objective shall be to increase the attendee's professional competence as an LPO.

B. The course shall constitute an organized program of learning dealing with matters directly relating to the limited practice of law and/or to the professional responsibility or ethical obligations of an LPO, which may include continuing legal education seminars and courses approved by the Washington State MCLE Board.

C. Each faculty member shall be qualified by practical or academic experience to teach a specific subject.

D. Thorough, high quality, readable, and carefully prepared written materials should be distributed or accessible to all attendees in printed or electronic form to all attendees during or immediately subsequent (no more than 10 days) to the applicable course. ~~at or before the time the course is presented.~~ It is recognized that written materials are not suitable or readily available for some types of subjects; however, the absence of written materials for distribution should, ~~however,~~ be the exception and not the rule.

E. Courses should be conducted in a setting physically suitable to the educational activity of the program. A suitable writing surface should be provided where feasible.

F. No course will be approved which involves solely television viewing in the home or office or correspondence work or self-study except as may be an approved Distance Education activity. Video, motion picture, or sound tape presentations may be approved, provided a teacher or moderator is in attendance at each presentation to comment thereon, answer questions, or conduct the discussion.

REGULATION 105. PROCEDURE FOR APPROVAL OF CONTINUING EDUCATION ACTIVITIES

A. An LPO or sponsoring agency desiring approval of a continuing education activity shall submit to the Committee all information called for by Form 1 at least thirty (30) days prior to the date scheduled for the class, along with an application fee. The application fee shall be set by the Board with the approval of the WSBA Board of Governors. The fee and

approved application shall be valid for all occurrences of the identical activity in the same ~~calendar~~ license year.

B. Approval shall be granted or denied in accordance with the provisions of Regulation 107 herein. Upon approval of the activity, a list of certified limited practice officers will be provided to the class sponsor if requested in the initial application, along with written acknowledgment of approval.

C. As to a course that has been approved, the sponsoring agency may announce, in informational brochures and/or registration materials: "This course has been approved by the Continuing Education Committee of the Limited Practice Board for ___ hours of credit."

D. On the date of the continuing education activity, the sponsoring agency shall provide to each participating LPO a copy of the LPB course approval form or other document certifying the LPO's attendance and completion of the continuing education activity.

REGULATION 106. DELEGATION

[no change]

REGULATION 107. STAFF DETERMINATIONS AND REVIEW

[no change]

REGULATION 108. SUBMISSION OF INFORMATION—REPORTING OF ATTENDANCE

A. Compliance Report. Each LPO shall, on or before ~~January 31~~ August 1 of each year, ~~submit an affidavit certify~~ to the Committee, ~~setting forth all information required by Form No. 2, concerning such LPO's completion of approved continuing education during the preceding calendar license year in a form and manner as prescribed by the Limited Practice Board. Such affidavit shall also contain a report of "carryover" credits, if any, as delineated in Regulation 102.~~ The LPO may be required by the Committee to verify completion of continuing education activities by producing the forms specified in Regulation 105 D.

B. Supplemental Report Late Fee. If an LPO has not completed the minimum education requirement for the preceding ~~calendar~~ license year, or complied with Regulation 108 A by August 1, ~~compliance may still be accomplished by the LPO must:~~

1. ~~Submitting by April 30 the affidavit called for by Regulation 108 A (Form 2) setting forth therein the extent of the LPO's compliance with Complete~~ the minimum education requirement,

2. Certify to completion of the approved continuing education in the form and manner prescribed by the Limited Practice Board, and

~~2. 3. Paying at the time of filing such supplemental affidavit a special~~ Pay a \$50 service late fee.

C. An LPO who fails to comply with the provisions of this regulation shall be subject to the procedures and provisions of Regulation 111.

REGULATION 109. SUBMISSION OF INFORMATION—CREDIT FOR TEACHING OR PARTICIPATING

An LPO who seeks credit for teaching or participating in an approved continuing education activity pursuant to Regulation 103 E, shall, certify to the Committee in the form and manner prescribed, on or before ~~January 31~~ August 1 of the

year following the ~~calendar~~ license year in which such teaching or ~~participating~~ participation was accomplished, ~~submit an affidavit to the Committee setting forth all information required by the appropriate portions of Form 3, concerning such teaching and/or participating in approved education courses or activities during the preceding calendar year.~~

REGULATION 110. EXTENSIONS, WAIVERS, MODIFICATIONS

The Committee may grant extensions, waivers, or modifications of these regulations in cases of undue hardship, age, or infirmity. Requests for extensions, waivers, or modifications shall be made in writing.

REGULATION 111. NON-COMPLIANCE-BOARD PROCEDURES

An LPO who has not complied with the educational or reporting requirements of APR 12 and these regulations by ~~April 30~~ August 1 of each year may be ordered suspended until in compliance with the regulations.

To effect such suspension, the Committee shall send to the non-complying LPO by certified mail, directed to the LPO's last known address as maintained on the records of the Board, a written notice of non-compliance. The notice shall advise such LPO of the pendency of suspension proceedings, and the provisions for revocation of license, unless within ~~ten~~ (10) thirty (30) days of receipt from the date of such notice such LPO completes and returns to the Committee an accompanying form of petition, to which supportive affidavit(s) may be attached for extension of time for, or waiver of, compliance with the requirements of APR 12 and these regulations or for a ruling by the Committee of substantial compliance with the requirements.

A. If such petition is not filed, such lack of action shall be deemed acquiescence by the LPO in the finding of non-compliance. The Committee shall report such fact to the Board with the Committee's recommendations for appropriate action. The Board shall take such action as it deems appropriate.

B. If such petition is filed, the Committee may, at its discretion, approve the same without hearing or may enter into an agreement on terms with such LPO as to time and other requirements for achieving compliance with APR 12 and these regulations.

C. If the Committee does not approve such petition or enter into such agreement, the Board will recommend to the Court that the LPO's license be suspended. ~~affected LPO may request a hearing before the Board. At the discretion of the Chair of the Board, the hearing may be held before the entire Board or panel thereof. The Board or panel thereof shall enter written findings of fact and an appropriate order, a copy of which shall be transmitted by certified mail to the LPO affected at the address of such member on file with the Board. Any such order shall be final and, in case of an adverse determination, shall be transmitted to the Supreme Court. The Court may enter an order suspending the LPO from limited practice.~~

REGULATION 112. REINSTATEMENT OF LPOS SUSPENDED FROM PRACTICE FOR FAILURE TO COMPLY WITH THE CONTINUING EDUCATION REQUIREMENT

A. An LPO who is suspended from practice for failure to comply with the Continuing Education Requirement must

make up the deficiency and fully comply with the provisions of APR 12 and these Regulations before he or she can be reinstated to active or inactive status.

B. Once a suspended LPO has complied with the immediately preceding provisions of this Regulation, the Board shall notify the Supreme Court that the suspended LPO has satisfied the requirements of APR 12 and these Regulations.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 14-23-037

RULES OF COURT

STATE SUPREME COURT

[November 6, 2014]

IN THE MATTER OF THE ADOPTION) ORDER
OF AMENDMENTS TO CrR 3.1, CrRLJ) NO. 25700-A-1085
3.1 AND JuCR 9.2—STANDARDS FOR)
INDIGENT DEFENSE 3.3, 3.4, 3.5 AND)
3.6)

The Council on Public Defense and the Washington State Bar Association having recommended the adoption of the proposed amendments to CrR 3.1, CrRLJ 3.1 and JuCR 9.2, Standards For Indigent Defense 3.3, 3.4, 3.5 and 3.6, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as shown below are adopted.

(b) That the amendments will be published in the Washington Reports and will become effective January 1, 2015.

DATED at Olympia, Washington this 6th day of November, 2014.

	Madsen, C.J.
C. Johnson, J.	Wiggins, J.
Owens, J.	Gonzalez, J.
Fairhurst, J.	Gordon McCloud, J.
Stephens, J.	Yu, J.

CrR 3.1

Standard 3. Caseload Limits and Types of Cases

Standard 3.1. The contract or other employment agreement shall specify the types of cases for which representation shall be provided and the maximum number of cases which each attorney shall be expected to handle.

Standard 3.1 adopted effective October 1, 2012

Standard 3.2. The caseload of public defense attorneys shall allow each lawyer to give each client the time and effort necessary to ensure effective representation. Neither defender organizations, county offices, contract attorneys, nor assigned counsel should accept workloads that, by reason of their excessive size, interfere with the rendering of quality representation. As used in this Standard, "quality representation" is intended to describe the minimum level of attention, care, and skill that Washington citizens would expect of their state's criminal justice system.

Standard 3.2 adopted effective October 1, 2012

Standard 3.3. General Considerations.

Caseload limits reflect the maximum caseloads for fully supported full-time defense attorneys for cases of average complexity and effort in each case type specified. Caseload limits assume a reasonably even distribution of cases throughout the year.

The increased complexity of practice in many areas will require lower caseload limits. The maximum caseload limit should be adjusted downward when the mix of case assignments is weighted toward offenses or case types that demand more investigation, legal research and writing, use of experts, use of social workers, or other expenditures of time and resources. Attorney caseloads should be assessed by the workload required, and cases and types of cases should be weighted accordingly.

If a defender or assigned counsel is carrying a mixed caseload including cases from more than one category of cases, these standards should be applied proportionately to determine a full caseload. In jurisdictions where assigned counsel or contract attorneys also maintain private law practices, the caseload should be based on the percentage of time the lawyer devotes to public defense.

The experience of a particular attorney is a factor in the composition of the cases case types in the attorney's caseload, but is not a factor in adjusting the applicable numerical caseload limits except as follows: attorneys with less than six months of full time criminal defense experience as an attorney should not be assigned more than two-thirds of the applicable maximum numerical caseload limit. This provision applies whether or not the public defense system uses case weighting.

The following types of cases fall within the intended scope of the caseload limits for criminal and juvenile offender cases in Standard 3.4 and must be taken into account when assessing an attorney's numerical caseload: partial case representations, sentence violations, specialty or therapeutic courts, transfers, extraditions, representation of material witnesses, petitions for conditional release or final discharge, and other matters that do not involve a new criminal charge.

Definition of case. A case is defined as the filing of a document with the court naming a person as defendant or respondent, to which an attorney is appointed in order to provide representation. In courts of limited jurisdiction multiple citations from the same incident can be counted as one case.

Standard 3.3 adopted effective October 1, 2012

Standard 3.4. Caseload Limits. The caseload of a full-time public defense attorney or assigned counsel should not exceed the following:

150 Felonies per attorney per year; or

300 Misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a numerical case weighting system as described in this Standard, 400 cases per year; or
250 Juvenile Offender cases per attorney per year; or
80 open Juvenile Dependency cases per attorney; or
250 Civil Commitment cases per attorney per year; or

1 Active Death Penalty trial court case at a time plus a limited number of non-death-penalty cases compatible with the time demand of the death penalty case and consistent with the professional requirements of Standard 3.2; or

36 Appeals to an appellate court hearing a case on the record and briefs per attorney per year. (The 36 standard assumes experienced appellate attorneys handling cases with transcripts of an average length of 350 pages. If attorneys do not have significant appellate experience and/or the average transcript length is greater than 350 pages, the caseload should be accordingly reduced.)

Full time Rule 9 interns who have not graduated from law school may not have caseloads that exceed twenty-five percent (25%) of the caseload limits established for full-time attorneys.

In public defense systems in which attorneys are assigned to represent groups of clients at first appearance or arraignment calendars without an expectation of further or continuing representation for cases that are not resolved at that time (except by dismissal) in addition to individual case assignments, the attorneys' maximum caseloads should be reduced proportionally recognizing that preparing for and appearing at such calendars requires additional attorney time. This provision applies both to systems that employ case weighting and those that do not.

Resolutions of cases by pleas of guilty to criminal charges on a first appearance or arraignment docket are presumed to be rare occurrences requiring careful evaluation of the evidence and the law, as well as thorough communication with clients, and must be counted as one case. This provision applies both to systems that employ case weighting and those that do not.

In public defense systems in which attorneys are assigned to represent groups of clients in routine review hearing calendars in which there is no potential for the imposition of sanctions, the attorneys' maximum caseloads should be reduced proportionally by the amount of time they spend preparing for and appearing at such calendars. This provision applies whether or not the public defense system uses case weighting.

Standard 3.4 adopted effective October 1, 2013, EXCEPT paragraph 3, misdemeanor caseload limits, adopted effective January 1, 2015.

Standard 3.5. Case Counting and Weighting. Attorneys may not count cases ~~using engage in engage in~~ a case weighting system, unless pursuant to written policies and procedures that have been adopted and published by the local government entity responsible for employing, contracting with, or appointing them. A weighting system must:

A. recognize the greater or lesser workload required for cases compared to an average case based on a method that adequately assesses and documents the workload involved;

B. be consistent with these Standards, professional performance guidelines, and the Rules of Professional Conduct;

C. not institutionalize systems or practices that fail to allow adequate attorney time for quality representation;

D. be periodically reviewed and updated to reflect current workloads; and

E. be filed with the State of Washington Office of Public Defense.

Cases should be assessed by the workload required. Cases and types of cases should be weighted accordingly. Cases which are complex, serious, or contribute more significantly to attorney workload than average cases should be weighted upward. In addition, a case weighting system should consider factors that might justify a case weight of less than one case.

~~Notwithstanding any case weighting system, resolutions of cases by pleas of guilty to criminal charges on a first appearance or arraignment docket are presumed to be rare occurrences requiring careful evaluation of the evidence and the law, as well as thorough communication with clients, and must be counted as one case.~~

Standard 3.5 adopted effective October 1, 2012

Standard 3.6. Case Weighting Examples. The following are some examples of situations where case weighting might result in representations being weighted as more or less than one case. The listing of specific examples is not intended to suggest or imply that representations in such situations should or must be weighted at more or less than one case, only that they may be, if established by an appropriately adopted case weighting system.

A. Case Weighting Upward. Serious offenses or complex cases that demand more-than-average investigation, legal research, writing, use of experts, use of social workers, and/or expenditures of time and resources should be weighted upward and counted as more than one case.

B. Case Weighting Downward. Listed below are some examples of situations where case weighting might justify representations being weighted less than one case. However, care must be taken because many such representations routinely involve significant work and effort and should be weighted at a full case or more.

i. Cases that result in partial representations of clients, including client failures to appear and recommencement of proceedings, preliminary appointments in cases in which no charges are filed, appearances of retained counsel, withdrawals or transfers for any reason, or limited appearances for a specific purpose (not including representations of multiple cases on routine dockets).

ii. Cases in the criminal or offender case type that do not involve filing of new criminal charges, including sentence violations, extraditions, representations of material witnesses, and other matters or representations of clients that do not involve new criminal charges. Noncomplex sentence violations should be weighted as at least 1/3 of a case.

iii. Cases in specialty or therapeutic courts if the attorney is not responsible for defending the client against the underlying charges before or after the client's participation in the specialty or therapeutic court. However, case weighting must recognize that numerous hearings and extended monitoring of client cases in such courts significantly contribute to attorney workload and in many instances such cases may warrant allocation of full case weight or more.

~~iv. Cases on a criminal or offender first appearance or arraignment docket where the attorney is designated, appointed, or contracted to represent groups of clients on that docket without an expectation of further or continuing representation and which are not resolved at that time (except by dismissal). In such circumstances, consideration should be given to adjusting the caseload limits appropriately, recognizing that case weighing must reflect that attorney workload includes the time needed for appropriate client contact and preparation as well as the appearance time spent on dockets.~~

iv. Representation of a person in a court of limited jurisdiction on a charge which, as a matter of regular practice in the court where the case is pending, can be and is resolved at an early stage of the proceeding by a diversion, a reduction to an infraction, stipulation on continuance, or other alternative noncriminal disposition that does not involve a finding of guilt. Such cases should be weighted as at least 1/3 of a case.

Standard 3.6 adopted effective October 1, 2012

Related Standards

ABA STANDARDS FOR CRIMINAL JUSTICE: PROSECUTION FUNCTION AND DEFENSE FUNCTION Defense Function std. 4-1.2 (3d ed. 1993)

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OF JUDICIAL ASSISTANCE, U.S. DEPT OF JUSTICE, INDIGENT DEFENSE SERIES NO. 4, KEEPING DEFENDER WORKLOADS MANAGEABLE (2001) (NCJ 185632)

JuCR 9.2

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CrRLJ 3.1

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36 Appeals to an appellate court hearing a case on the record and briefs per attorney per year. (The 36 standard assumes experienced appellate attorneys handling cases with transcripts of an average length of 350 pages. If attorneys do not have significant appellate experience and/or the average transcript length is greater than 350 pages, the caseload should be accordingly reduced.)

Full time Rule 9 interns who have not graduated from law school may not have caseloads that exceed twenty-five percent (25%) of the caseload limits established for full-time attorneys.

In public defense systems in which attorneys are assigned to represent groups of clients at first appearance or arraignment calendars without an expectation of further or continuing representation for cases that are not resolved at that time (except by dismissal) in addition to individual case assignments, the attorneys' maximum caseloads should be reduced proportionally recognizing that preparing for and appearing at such calendars requires additional attorney time. This provision applies both to systems that employ case weighting and those that do not.

Resolutions of cases by pleas of guilty to criminal charges on a first appearance or arraignment docket are presumed to be rare occurrences requiring careful evaluation of the evidence and the law, as well as thorough communication with clients, and must be counted as one case. This provision

applies both to systems that employ case weighting and those that do not.

In public defense systems in which attorneys are assigned to represent groups of clients in routine review hearing calendars in which there is no potential for the imposition of sanctions, the attorneys' maximum caseloads should be reduced proportionally by the amount of time they spend preparing for and appearing at such calendars. This provision applies whether or not the public defense system uses case weighting.

Standard 3.4 adopted effective October 1, 2013, EXCEPT paragraph 3, misdemeanor caseload limits, adopted effective January 1, 2015.

Standard 3.5. Case Counting and Weighting. Attorneys may not count cases using engage in engage in a case weighting system, unless pursuant to written policies and procedures that have been adopted and published by the local government entity responsible for employing, contracting with, or appointing them. A weighting system must:

A. recognize the greater or lesser workload required for cases compared to an average case based on a method that adequately assesses and documents the workload involved;

B. be consistent with these Standards, professional performance guidelines, and the Rules of Professional Conduct;

C. not institutionalize systems or practices that fail to allow adequate attorney time for quality representation;

D. be periodically reviewed and updated to reflect current workloads; and

E. be filed with the State of Washington Office of Public Defense.

Cases should be assessed by the workload required. Cases and types of cases should be weighted accordingly. Cases which are complex, serious, or contribute more significantly to attorney workload than average cases should be weighted upward. In addition, a case weighting system should consider factors that might justify a case weight of less than one case.

~~Notwithstanding any case weighting system, resolutions of cases by pleas of guilty to criminal charges on a first appearance or arraignment docket are presumed to be rare occurrences requiring careful evaluation of the evidence and the law, as well as thorough communication with clients, and must be counted as one case.~~

Standard 3.5 adopted effective October 1, 2012

Standard 3.6. Case Weighting Examples. The following are some examples of situations where case weighting might result in representations being weighted as more or less than one case. The listing of specific examples is not intended to suggest or imply that representations in such situations should or must be weighted at more or less than one case, only that they may be, if established by an appropriately adopted case weighting system.

A. Case Weighting Upward. Serious offenses or complex cases that demand more-than-average investigation, legal research, writing, use of experts, use of social workers, and/or expenditures of time and resources should be weighted upward and counted as more than one case.

B. Case Weighting Downward. Listed below are some examples of situations where case weighting might justify representations being weighted less than one case. However, care must be taken because many such representations rou-

tinely involve significant work and effort and should be weighted at a full case or more.

i. Cases that result in partial representations of clients, including client failures to appear and recommencement of proceedings, preliminary appointments in cases in which no charges are filed, appearances of retained counsel, withdrawals or transfers for any reason, or limited appearances for a specific purpose (not including representations of multiple cases on routine dockets).

ii. Cases in the criminal or offender case type that do not involve filing of new criminal charges, including sentence violations, extraditions, representations of material witnesses, and other matters or representations of clients that do not involve new criminal charges. Noncomplex sentence violations should be weighted as at least 1/3 of a case.

iii. Cases in specialty or therapeutic courts if the attorney is not responsible for defending the client against the underlying charges before or after the client's participation in the specialty or therapeutic court. However, case weighting must recognize that numerous hearings and extended monitoring of client cases in such courts significantly contribute to attorney workload and in many instances such cases may warrant allocation of full case weight or more.

~~iv. Cases on a criminal or offender first appearance or arraignment docket where the attorney is designated, appointed, or contracted to represent groups of clients on that docket without an expectation of further or continuing representation and which are not resolved at that time (except by dismissal). In such circumstances, consideration should be given to adjusting the caseload limits appropriately, recognizing that case weighing must reflect that attorney workload includes the time needed for appropriate client contact and preparation as well as the appearance time spent on dockets.~~

iv. Representation of a person in a court of limited jurisdiction on a charge which, as a matter of regular practice in the court where the case is pending, can be and is resolved at an early stage of the proceeding by a diversion, a reduction to an infraction, stipulation on continuance, or other alternative noncriminal disposition that does not involve a finding of guilt. Such cases should be weighted as at least 1/3 of a case.

Standard 3.6 adopted effective October 1, 2012

Related Standards

ABA STANDARDS FOR CRIMINAL JUSTICE: PROSECUTION FUNCTION AND DEFENSE FUNCTION Defense Function std. 4-1.2 (3d ed. 1993)

ABA STANDARDS FOR CRIMINAL JUSTICE: PROVIDING DEFENSE SERVICES std. 5-4.3 (3d ed. 1992)

AM. BAR ASS'N, GUIDELINES FOR THE APPOINTMENT AND PERFORMANCE OF DEFENSE COUNSEL IN DEATH PENALTY CASES (rev. ed. 2003)

ABA Comm. on Ethics & Prof'l Responsibility, Formal Op. 06-441 (2006) (*Ethical Obligations of Lawyers Who Represent Indigent Criminal Defendants When Excessive Caseloads Interfere With Competent and Diligent Representation*)

Am. Council of Chief Defenders, *Statement on Caseloads and Workloads* (Aug. 24, 2007)

ABA House of Delegates, *Eight Guidelines of Public Defense Related to Excessive Caseloads* (Aug. 2009)

TASK FORCE ON COURTS, NAT'L ADVISORY COMM'N ON CRIMINAL STANDARDS & GOALS, COURTS std. 13.12 (1973)

MODEL CODE OF PROF'L RESPONSIBILITY DR 6-101.

ABA House of Delegates, *The Ten Principles of a Public Defense Delivery System* (Feb. 2002)

ABA House of Delegates, *Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases* (Feb. 1996)

Nat'l Legal Aid & Defender Ass'n, Am. Council of Chief Defenders, Ethical Opinion 03-01 (2003).

Nat'l Legal Aid & Defender Ass'n, *Standards for Defender Services* std. IV-1 (1976)

Nat'l Legal Aid & Defender Ass'n, *Model Contract for Public Defense Services* (2000)

Nat'l Ass'n of Counsel for Children, *NACC Recommendations for Representation of Children in Abuse and Neglect Cases* (2001)

Seattle Ordinance 121501 (June 14, 2004)

Indigent Defense Servs. Task Force, Seattle-King County Bar Ass'n, *Guidelines for Accreditation of Defender Agencies* Guideline 1 (1982)

Wash. State Office of Pub. Defense, *Parents Representation Program Standards of Representation* (2009) BUREAU OF JUDICIAL ASSISTANCE, U.S. DEPT OF JUSTICE, INDIGENT DEFENSE SERIES NO. 4, KEEPING DEFENDER WORKLOADS MANAGEABLE (2001) (NCJ 185632)

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 14-24-001

NOTICE OF PUBLIC MEETINGS

UNIVERSITY OF WASHINGTON

[Filed November 19, 2014, 12:56 p.m.]

In accordance with RCW 42.30.075, 28B.20.105, and 28B.20.130 and WAC 478-04-030, the board of regents of the University of Washington established the following meeting schedule for 2015 at its meeting held November 13, 2014.

Meeting Time of Regular Meetings: The board will meet on the dates noted below, beginning at 8:30 a.m., or such later time as may be announced on the board's web page <http://www.washington.edu/regents/> and posted at the board office in Gerberding Hall. A portion of each day's meetings will be allocated to meetings of the board's standing committees. The detailed schedule of the day's meetings will be posted in advance on the board's web page and at the board office in Gerberding Hall.

Except as otherwise indicated, the meetings listed below are held at the University of Washington Seattle Campus, Seattle, Washington, at the locations noted, unless a different location is established and public notice given in accordance with chapter 42.30 RCW.

Date	Location
Thursday, January 8	UW - Gerberding Hall 142 Standing Committee Meetings* Petersen Room Allen Library Board Meeting
Thursday, February 12	UW - Gerberding Hall 142 Standing Committee Meetings* Petersen Room Allen Library Board Meeting
Thursday, March 12	UW Bothell Standing Committee Meetings* and Board Meeting
Thursday, April 9**	UW - Gerberding Hall 142 Standing Committee Meetings* Petersen Room Allen Library Board Meeting
Thursday, May 14	UW - Gerberding Hall 142 Standing Committee Meetings* Petersen Room Allen Library Board Meeting
Thursday, June 11	UW - Gerberding Hall 142 Standing Committee Meetings* Petersen Room Allen Library Board Meeting
Thursday, July 9	UW - Allen Center Room CSE 691 Standing Committee Meetings* and Board Meeting
Thursday, August 13**	UW - Gerberding Hall 142 Standing Committee Meetings* Petersen Room Allen Library Board Meeting
Thursday, September 10	UW - Gerberding Hall 142 Standing Committee Meetings* Petersen Room Allen Library Board Meeting
Thursday, October 8	UW Tacoma Standing Committee Meetings* and Board Meeting
Thursday, November 12	UW - Gerberding Hall 142 Standing Committee Meetings* Petersen Room Allen Library Board Meeting

Date	Location
Thursday, December 10**	UW - Gerberding Hall 142 Standing Committee Meetings* Petersen Room Allen Library Board Meeting

The governance standing committee will meet at 3:00 p.m. on the following dates:

Date	Location
Wednesday, February 11	UW - Gerberding Hall 156
Wednesday, May 13	UW - Gerberding Hall 156
Wednesday, July 8	UW - Gerberding Hall 142
Wednesday, October 7	UW - Gerberding Hall 142

The regents will meet for dinner at the University of Washington Club at 5:30 p.m. on the following Wednesdays:

- January 7
- February 11
- March 11
- April 8**
- May 13
- June 10
- July 8
- August 12**
- September 9
- October 7
- November 11
- December 9**

<http://www.washington.edu/maps/#!/fac>

**Standing committees noted here include the academic and student affairs committee and the finance and asset management committee; see separate dates, times, and locations for the governance standing committee.*

***The April, August, and December meetings may be canceled, circumstances permitting.*

Requests for Disability Accommodation: To request disability accommodation, contact the disability services office at (206) 543-6450 (voice), (206) 543-6452 (TTY), (206) 685-7264 (fax), or e-mail dso@uw.edu. The University of Washington makes every effort to honor disability accommodation requests. Requests can be responded to most effectively if received as far in advance of the event as possible, preferably at least ten days.

WSR 14-24-003

**NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE**

[Filed November 19, 2014, 3:44 p.m.]

The board of trustees of South Puget Sound Community College has changed the following regular meeting time:

From: Tuesday, December 9, 2014, at 3:00 - 4:30 p.m., Boardroom, Building #28, 2011 Mottman Road S.W., Olympia, WA 98512.

To: Tuesday, December 9, 2014, at 3:30 - 5:00 p.m., Boardroom, Building #28, 2011 Mottman Road S.W., Olympia, WA 98512.

If you need further information contact Diana Toledo, (360) 596-5206, dtoledo@spscc.edu.

WSR 14-24-006

**NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE**

[Filed November 20, 2014, 9:30 a.m.]

**BOARD ACTION EXHIBIT NUMBER 2014-19
FINAL BOARD ACTION: November 12, 2014
PIERCE COLLEGE BOARD OF TRUSTEES**

The board of trustees of Community College District Number Eleven will hold their regular meetings mostly on the second Wednesday of each month. These meetings will be open to the public and advertised accordingly (RCW 42.30.075). The chancellor shall file, with the code reviser, a schedule of the time and place of such meetings on or before January of each year for publication in the Washington State Register.

2015 REGULAR MEETING SCHEDULE

DATE	TIME	LOCATION
January 7	1:00 p.m.	Pierce College Puyallup
February 11	1:00 p.m.	Pierce College Fort Steilacoom <i>Joint Lunch with Foundation Board</i>
March 11	1:00 p.m.	Pierce College Puyallup
April 8	1:00 p.m.	Pierce College at McChord
May 13	1:00 p.m.	Pierce College Fort Steilacoom
June 10	1:00 p.m.	Pierce College Puyallup
July	No meeting scheduled	
August TBA	Retreat	
September 9	1:00 p.m.	Pierce College Fort Steilacoom
October 14	1:00 p.m.	Pierce College Puyallup
November 4	1:00 p.m.	Pierce College Fort Steilacoom
December	No meeting scheduled	

PLEASE NOTE: Special meetings may be called at any time by the chairperson or a majority vote of the board. All special meetings will be publicly advertised at least twenty-four hours prior to being convened. A study session will take place prior to each board meeting.

WSR 14-24-007
NOTICE OF PUBLIC MEETINGS
BIG BEND
COMMUNITY COLLEGE
 [Filed November 20, 2014, 9:30 a.m.]

This notice is in accordance with RCW 42.30.075 that the board of trustees for Big Bend Community College, District No. 18, has made changes to the board meeting schedule. The December 11, 2014, meeting will be held December 9, 2014.

WSR 14-24-008
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
ENTERPRISE SERVICES
 (State Capitol Committee)
 [Filed November 20, 2014, 9:30 a.m.]

Following are the state capitol committee (SCC) meeting dates in the Washington State Register for 2013 [2015]:

- Thursday, March 5
- Thursday, June 18
- Thursday, October 22
- Thursday, December 10

The SCC meetings will be held in the Senate Rules Room, 2nd Floor, Legislative Building, 416 Sid Snyder Avenue S.W., Olympia, WA. Meetings will begin at 10:00 a.m.

If you have any questions about these meetings, please contact Nouk Leap at (360) 407-9256.

WSR 14-24-009
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES
OF SPOKANE
 [Filed November 20, 2014, 10:24 a.m.]

2015 SCHEDULE OF REGULAR MEETINGS

Following is the schedule of regular meetings for the board of trustees of Washington State Community College District 17 (Community Colleges of Spokane) for 2015:

Date	Time	Location
January 20, 2015	8:30 a.m.	Apprenticeship and Journeyman Training Center 2110 North Fancher Road Spokane, WA
February 17, 2015	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA
March 17, 2015	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA
April 28, 2015	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA

Date	Time	Location
May 19, 2015	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA
June 16, 2015	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA
July 21, 2015	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA
August 18, 2015	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA
September 15, 2015	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA
October 20, 2015	8:30 a.m.	Newport Center 1204 West Fifth Newport, WA
November 17, 2015	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA
December 15, 2015	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA

If you need further information contact Linda Graham, 501 North Riverpoint Boulevard, Mailstop 1001, Spokane, WA 99217-6000, phone (509) 434-5006, fax (509) 434-5025, e-mail Linda.Graham@ccs.spokane.edu.

WSR 14-24-011
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Filed November 20, 2014, 11:22 a.m.]

In compliance with RCW 42.30.075, the following board of trustees 2014 [2015] meeting schedule has been approved for Edmonds Community College. The regularly scheduled meetings will take place on the second Thursday of the month beginning at 4:30 p.m. in Gateway Hall, Room 352, Edmonds Community College, 6600 196th Street S.W., Lynnwood, WA 98036.

2015 Board of Trustees Meeting Schedule

- February 5 (special meeting)
- March 5 (special meeting)
- April 9
- May 19 (special meeting)
- June 11
- August 13 (retreat)
- September 10
- October 8
- November 12

WSR 14-24-013
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
 (Pharmacy and Therapeutics Committee)
 (Drug Utilization Review Board)
 [Filed November 20, 2014, 1:18 p.m.]

Revised 2015 Meeting Schedule

Contact Leta Evaskus, (206) 521-2029, leta.evaskus@hca.wa.gov.

February 25, 2015	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
April 15, 2015	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
June 17, 2015	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
August 19, 2015	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
October 21, 2015	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
December 16, 2015	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158

WSR 14-24-019
NOTICE OF PUBLIC MEETINGS
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed November 20, 2014, 3:14 p.m.]

Following is the schedule for the 2015 regular public meetings of the Washington utilities and transportation commission:

- January 15, 2015
- January 29, 2015
- February 12, 2015
- February 26, 2015
- March 12, 2015
- March 26, 2015
- April 9, 2015
- April 30, 2015
- May 14, 2015
- May 28, 2015

- June 11, 2015
- June 25, 2015
- July 9, 2015
- July 30, 2015
- August 13, 2015
- August 27, 2015
- September 10, 2015
- September 24, 2015
- October 8, 2015
- October 29, 2015
- November 13, 2015
- November 25, 2015
- December 17, 2015
- December 30, 2015

All commission meetings will commence at 9:30 a.m. on the scheduled day. The meetings will be held in the Commission's Main Hearing Room, Second Floor, Richard Hemstad Building, 1300 South Evergreen Park Drive S.W., Olympia, WA.

Assistance with sign language interpreters or information in alternate formats will be provided when requested ten days prior to the meeting date, by contacting the ADA coordinator at (360) 664-1132 or TTY 800-416-5289.

WSR 14-24-022
NOTICE OF PUBLIC MEETINGS
BOARD OF
PILOTAGE COMMISSIONERS

[Filed November 21, 2014, 8:42 a.m.]

2015 MEETING SCHEDULE

The Washington state board of pilotage commissioners will hold regular monthly meetings on the following Thursdays unless otherwise rescheduled or canceled. Meetings are held at 9:30 a.m., at 2901 Third Avenue, Seattle, WA.

In accordance with RCW 42.30.075, this schedule of regular meeting dates for the board of pilotage commissioners is filed with the office of the code reviser for publication in the Washington State Register.

- January 15
- February 19
- March 12
- April 16
- May 14
- June 18
- July 16
- August 20
- September 17

October 15
 November 19
 December 17

January 14 (8:00 a.m.)
 Residence Inn
 N.E. North Fairway Road
 Pullman, Washington

Regular March 18 and 19
 Annual May 20 and 21
 Regular September 16 and 17
 Regular November 18 and 19

WSR 14-24-027
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
 (Health Technology Clinical Committee)
 [Filed November 21, 2014, 9:19 a.m.]

Following is the schedule of regular meetings for the health technology clinical committee in 2015.

2015 Public Meeting Schedule

Date	Time	Location
January 16, 2015	8:00 a.m. - 5:00 p.m.	The Conference Center Seattle-Tacoma International Airport 17801 International Boulevard Seattle, WA 98158
March 20, 2015	8:00 a.m. - 1:00 p.m.	Same
May 15, 2015	8:00 a.m. - 5:00 p.m.	Same
July 10, 2015	9:00 a.m. - 10:00 a.m.	Webinar and by phone Health Care Authority Cherry Street Plaza 626 8th Avenue S.E. Olympia, WA 98504-2712
September 18, 2015	8:00 a.m. - 5:00 p.m.	Cedarbrook Lodge
November 20, 2015	8:00 a.m. - 5:00 p.m.	The Conference Center Seattle-Tacoma International Airport 17801 International Boulevard Seattle, WA 98158

If you need further information please contact Christine Masters.

WSR 14-24-028
NOTICE OF PUBLIC MEETINGS
GRAIN COMMISSION
 [Filed November 21, 2014, 9:38 a.m.]

The Washington grain commission hereby complies with regulations as stated in RCW 42.30.075 and provides pertinent scheduled meeting information of the board of directors for publication in the state register for the period January through December 2015. All meetings will take place in the commission conference room at 2702 West Sunset Boulevard, Suite A, Spokane, WA, *unless otherwise noted*. The meetings will begin at 10:00 a.m. on the first day and will reconvene at 8:00 a.m. on the second day *unless otherwise noted*.

Regular January 13-14
 January 13 (2:30 p.m.)

We understand that should any changes to this meeting schedule become necessary, we will provide the information at least twenty days prior to the rescheduled meeting date for publication in the state register. If further details are required, please do not hesitate to contact our office.

WSR 14-24-029
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Filed November 21, 2014, 1:22 p.m.]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for Thursday, December 18, 2014, has been cancelled and rescheduled for **Thursday, December 11, 2014, 9:00 - 11:00 a.m.**, in the College Services Board Room on the Bellingham Technical College campus. **The board of trustees will conduct a study session from 8:15 - 9:00 a.m. The regular meeting will begin at approximately 9:00 a.m.** Call 752-8334 for information.

WSR 14-24-042
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Denturists)
 [Filed November 24, 2014, 9:58 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of denturists, for the year 2014 and 2015. The board of denturists meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of denturists reserves the right to change or amend agendas at the meeting.

Date	Time	Location
January 23, 2015	10:00 a.m.	Tumwater
March 13, 2015	10:00 a.m.	Tumwater
May 14, 2015	3:00 p.m.	Bellingham
July 10, 2015	10:00 a.m.	Tumwater

Date	Time	Location
October 22, 2015	10:00 a.m.	Tumwater
December 11, 2015	10:00 a.m.	Conference Call

If you need further information, please contact Vicki Brown, Program Manager, Board of Denturists, Washington Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4865, fax (360) 236-2901, vicki.brown@doh.wa.gov, www.doh.wa.gov.

Please be advised the board of denturists is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 14-24-046
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Chiropractic Quality Assurance Commission)
 [Filed November 25, 2014, 7:15 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, chiropractic quality assurance commission for the year 2015. The chiropractic quality assurance commission meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the chiropractic quality assurance commission reserves the right to change or amend agendas at the meeting.

Date	Time	Location
February 12, 2015	9:00 a.m.	Olympia, Washington
April 9, 2015	9:00 a.m.	Tumwater, Washington
June 11, 2015	9:00 a.m.	Kent, Washington
August 13, 2015	9:00 a.m.	Tumwater, Washington
October 8, 2015	9:00 a.m.	Tumwater, Washington
December 10, 2015	9:00 a.m.	Kent, Washington

If you need further information, please contact Leann Yount, Health Service Consultant 4, Washington Department of Health, Chiropractic Quality Assurance Commission, P.O. Box 47858, Olympia, WA 98504-7858, phone (360) 236-4856, fax (360) 236-2901, e-mail leann.yount@doh.wa.gov, web www.doh.wa.gov.

Please be advised the chiropractic quality assurance commission is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal

information, may ultimately be subject to disclosure as a public record.

WSR 14-24-047
NOTICE OF PUBLIC MEETINGS
INDETERMINATE SENTENCE
REVIEW BOARD

[Filed November 25, 2014, 8:34 a.m.]

The indeterminate sentence review board (ISRB) will meet twice each month in 2015 with the exception of May, November, and December. Our board meetings are open public meetings and are held at 4317 6th Avenue S.E., Lacey, WA. This building complies with the Americans with Disabilities Act. The board's upcoming meetings are scheduled as follows:

January 12	Monday	9:00 a.m.
January 26	Monday	9:00 a.m.
February 9	Monday	9:00 a.m.
February 23	Monday	9:00 a.m.
March 9	Monday	9:00 a.m.
March 23	Monday	9:00 a.m.
April 13	Monday	9:00 a.m.
April 27	Monday	9:00 a.m.
May 11	Monday	9:00 a.m.
June 8	Monday	9:00 a.m.
June 22	Monday	9:00 a.m.
July 13	Monday	9:00 a.m.
July 27	Monday	9:00 a.m.
August 10	Monday	9:00 a.m.
August 24	Monday	9:00 a.m.
September 14	Monday	9:00 a.m.
September 28	Monday	9:00 a.m.
October 12	Monday	9:00 a.m.
October 26	Monday	9:00 a.m.
November 9	Monday	9:00 a.m.
December 14	Monday	9:00 a.m.

Persons interested in attending the ISRB meeting can call our office at (360) 407-2400 for directions and meeting agendas. Directions can also be found at www.doc.wa.gov (ISRB link).

WSR 14-24-050
NOTICE OF PUBLIC MEETINGS
LOWER COLUMBIA COLLEGE
 [Filed November 25, 2014, 9:51 a.m.]

On November 19, 2014, the Lower Columbia College board of trustees adopted the following meeting schedule for 2015. All regularly scheduled meetings are held on the third Wednesday of each month at 5:00 p.m. in the Heritage Room of the Administration Building unless noted otherwise.

2015 MEETING SCHEDULE

January 21, 2015	5:00 p.m.	Regular Meeting
February 18, 2015	8:30 a.m.	Workshop (all day)
March 11, 2015	5:00 p.m.	Special Executive Session Administration Building Training Room
March 18, 2015	5:00	Regular Meeting
April 15, 2015	5:00 p.m.	Regular Meeting
May 20, 2015	5:00 p.m.	Regular Meeting
June 17, 2015	5:00 p.m.	Regular Meeting
July 15, 2015	8:30 a.m.	Workshop (all day)
August 2015	No scheduled meeting	
September 16, 2015	5:00 p.m.	Regular Meeting
October 21, 2015	5:00 p.m.	Regular Meeting
November 18, 2015	5:00 p.m.	Regular Meeting
December 16, 2015	5:00 p.m.	Regular Meeting

WSR 14-24-063
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
 (Agricultural Burning Practices and Research Task Force)
 [Filed November 25, 2014, 3:14 p.m.]

Following is the schedule of regular meetings for 2015:

Date	Time	Location
Tuesday, February 10, 2015	10 a.m. - 4 p.m.	Washington Department of Ecology Eastern Regional Office 4601 North Monroe Street Spokane, WA
Tuesday, June 9, 2015	10 a.m. - 4 p.m.	Washington Department of Ecology Eastern Regional Office 4601 North Monroe Street Spokane, WA
Tuesday, November 10, 2015	10 a.m. - 4 p.m.	Washington Department of Ecology Eastern Regional Office 4601 North Monroe Street Spokane, WA

If you need further information contact Paul Rossow, Washington Department of Ecology, 4601 North Monroe Street, Spokane, WA 99205-1295, (509) 329-3574, fax (509) 329-3529, paul.rossow@ecy.wa.gov, http://www.ecy.wa.gov/programs/air/aginfo/agricultural_homepage.htm

WSR 14-24-066
NOTICE OF PUBLIC MEETINGS
DAIRY PRODUCTS COMMISSION
 [Filed November 26, 2014, 8:47 a.m.]

2015 Regular Meeting

DATE	LOCATION	TIME
January 27-28	Washington State Department of Agriculture Washington State Grange 924 Capitol Way South Olympia, WA 98501	*9:00 a.m. - Jan. 27

**Please confirm final meeting start time with the Washington dairy products commission.*

WSR 14-24-068
NOTICE OF PUBLIC MEETINGS
STATE INVESTMENT BOARD
 [Filed November 26, 2014, 9:46 a.m.]

Pursuant to WAC 287-01-030, the Washington state investment board's regular board meetings for 2015 will be held on the third Thursday of each month, beginning at 9:30 a.m. at the board's office, located at 2100 Evergreen Park Drive S.W., Olympia, WA, with one exception: There will not be an August meeting.

This information is being supplied for inclusion in the Washington State Register.

If you have any questions, please contact Kristi Haines, Khaines@sib.wa.gov or (360) 956-4612.

WSR 14-24-071
NOTICE OF PUBLIC MEETINGS
CLARK COLLEGE
 [Filed November 26, 2014, 11:44 a.m.]

AMENDED NOTICE

Pursuant to RCW 42.30.075, this is notification of the board of trustees meeting schedule for Clark College for the year of 2014.

The board of trustees of Clark College will hold its general meetings on the fourth Wednesday of the month at 5:00 p.m. except during months otherwise noted. All meetings are held at Clark College in the Ellis Dunn Community Room GH1 213 in Gaiser Hall.

Original Date	Rescheduled Date
December 17, 2014	The December 17, 2014, work session, originally scheduled from 4:00-5:00 p.m., and the general board meeting, originally scheduled at 5:00 p.m., have been cancelled.

WSR 14-24-073

**NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY**

[Filed November 26, 2014, 2:05 p.m.]

Pursuant to RCW 42.30.075, the following is the 2015 schedule of regular meetings of Western Washington University's board of trustees.

Western Washington University's board of trustees has approved the following schedule of regular meetings for 2015:

*February 12, 13, 2015 Alexis Hotel
 Grand Parlor Room
 1101 4th Avenue
 Seattle, WA 98101

April 9, 10, 2015

June 11, 12, 2015

August 20, 21, 2015

October 8, 9, 2015

December 10, 11, 2015

With the exception of the February meeting, all meetings will be held at Western Washington University, 516 High Street, Board Room, Old Main 340, Bellingham, WA, and will begin at 3 p.m. on Thursday and resume at 8 a.m. on Friday, unless otherwise publicly noted. Public comment periods are scheduled for all Friday meetings. Any questions regarding the meeting schedule or the public comment period may be directed to Elissa Hicks, assistant secretary to the board of trustees, at (360) 650-3998.

WSR 14-24-081

**NOTICE OF PUBLIC MEETINGS
OFFICE OF THE STATE ACTUARY**

(Select Committee on Pension Policy)

[Filed December 1, 2014, 9:45 a.m.]

2015 MEETING SCHEDULE

Please note there are no meetings scheduled during legislative session or the month of August.

Location: Full Committee
 Senate Hearing Room 4
 Executive Committee
 Senate Conference Rooms A/B/C

Time: 8:00 a.m. - 3:00 p.m.

May 19, 2015*

June 16, 2015

July 21, 2015

September 15, 2015

October 20, 2015*

November 17, 2015

December 15, 2015

**Executive committee will be held in Senate Hearing Room 3 on these dates.*

WSR 14-24-082

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH**

(Board of Naturopathy)

[Filed December 1, 2014, 9:46 a.m.]

CORRECTION

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of naturopathy, for the year 2015. The board of naturopathy meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of naturopathy reserves the right to change or amend agendas at the meeting.

Date	Time	Locations			
February 27, 2015	8:30 a.m.	Videoconference between: <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <u>Primary Site</u> Department of Health Creekside 2 at Center Point Suite 310, Room 307 20425 72nd Avenue South Kent, WA 98032 </td> <td style="width: 50%; vertical-align: top;"> <u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216 </td> </tr> </table>		<u>Primary Site</u> Department of Health Creekside 2 at Center Point Suite 310, Room 307 20425 72 nd Avenue South Kent, WA 98032	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216
<u>Primary Site</u> Department of Health Creekside 2 at Center Point Suite 310, Room 307 20425 72 nd Avenue South Kent, WA 98032	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216				

Date	Time	Locations			
May 29, 2015	8:30 a.m.	Videoconference between: <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <u>Primary Site</u> Department of Health Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501 </td> <td style="width: 50%; vertical-align: top;"> <u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216 </td> </tr> </table>		<u>Primary Site</u> Department of Health Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216
<u>Primary Site</u> Department of Health Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216				
August 28, 2015	8:30 a.m.	Videoconference between: <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <u>Primary Site</u> Department of Health Creekside 2 at Center Point Suite 310, Room 307 20425 72nd Avenue South Kent, WA 98032 </td> <td style="width: 50%; vertical-align: top;"> <u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216 </td> </tr> </table>		<u>Primary Site</u> Department of Health Creekside 2 at Center Point Suite 310, Room 307 20425 72 nd Avenue South Kent, WA 98032	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216
<u>Primary Site</u> Department of Health Creekside 2 at Center Point Suite 310, Room 307 20425 72 nd Avenue South Kent, WA 98032	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216				
November 20, 2015	8:30 a.m.	Videoconference between: <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <u>Primary Site</u> Department of Health Point Plaza East (PPE) Room 152/153 310 Israel Road S.E. Tumwater, WA 98501 </td> <td style="width: 50%; vertical-align: top;"> <u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216 </td> </tr> </table>		<u>Primary Site</u> Department of Health Point Plaza East (PPE) Room 152/153 310 Israel Road S.E. Tumwater, WA 98501	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216
<u>Primary Site</u> Department of Health Point Plaza East (PPE) Room 152/153 310 Israel Road S.E. Tumwater, WA 98501	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216				

If you need further information, please contact Susan Gragg, Program Manager, Washington Department of Health, Board of Naturopathy, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4941, fax (360) 236-2901, e-mail susan.gragg@doh.wa.gov, web www.doh.wa.gov.

Please be advised the board of naturopathy is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 14-24-096

NOTICE OF PUBLIC MEETINGS

UNIVERSITY OF WASHINGTON

[Filed December 2, 2014, 8:48 a.m.]

OPEN PUBLIC MEETINGS 2015 ADDENDUM

Meeting Name	Meeting Date	Location	Time
Board of Regents Standing Committee Meetings	January 8	Gerberding 142 Petersen Room Allen Library	8:30 a.m.
Board of Regents Standing Committee Meetings	February 12	Gerberding 142 Petersen Room Allen Library	8:30 a.m.
Board of Regents Standing Committee Meetings	March 12	Gerberding 142 Petersen Room Allen Library	8:30 a.m.
Board of Regents Standing Committee Meetings	April 9	Gerberding 142 Petersen Room Allen Library	8:30 a.m.
Board of Regents Standing Committee Meetings	May 14	Gerberding 142 Petersen Room Allen Library	8:30 a.m.

Meeting Name	Meeting Date	Location	Time
Board of Regents Standing Committee Meetings	June 11	Gerberding 142 Petersen Room Allen Library	8:30 a.m.
Board of Regents Standing Committee Meetings	July 9	Gerberding 142 Petersen Room Allen Library	8:30 a.m.
Board of Regents Standing Committee Meetings	August 13	Gerberding 142 Petersen Room Allen Library	8:30 a.m.
Board of Regents Standing Committee Meetings	September 10	Gerberding 142 Petersen Room Allen Library	8:30 a.m.
Board of Regents Standing Committee Meetings	October 8	Gerberding 142 Petersen Room Allen Library	8:30 a.m.
Board of Regents Standing Committee Meetings	November 12	Gerberding 142 Petersen Room Allen Library	8:30 a.m.
Board of Regents Standing Committee Meetings	December 10	Gerberding 142 Petersen Room Allen Library	8:30 a.m.
Board of Regents Dinner Meeting	January 7	UW Club	5:30 p.m.
Board of Regents Dinner Meeting	February 11	UW Club	5:30 p.m.
Board of Regents Dinner Meeting	March 11	UW Club	5:30 p.m.
Board of Regents Dinner Meeting	April 8	UW Club	5:30 p.m.
Board of Regents Dinner Meeting	May 13	UW Club	5:30 p.m.
Board of Regents Dinner Meeting	June 10	UW Club	5:30 p.m.
Board of Regents Dinner Meeting	July 8	UW Club	5:30 p.m.
Board of Regents Dinner Meeting	August 12	UW Club	5:30 p.m.
Board of Regents Dinner Meeting	September 8	UW Club	5:30 p.m.
Board of Regents Dinner Meeting	October 7	UW Club	5:30 p.m.
Board of Regents Dinner Meeting	November 11	UW Club	5:30 p.m.
Board of Regents Dinner Meeting	December 9	UW Club	5:30 p.m.
Board of Regents Governance Committee	February 11	Gerberding 156	3:00
Board of Regents Governance Committee	May 13	Gerberding 156	3:00
Board of Regents Governance Committee	July 8	Gerberding 142	3:00
Board of Regents Governance Committee	October 7	Gerberding 142	3:00
Philosophy Faculty	January 6	Savery 408	3:30
Philosophy Faculty	February 3	Savery 408	3:30
Philosophy Faculty	March 3	Savery 408	3:30
Philosophy Faculty	April 7	Savery 408	3:30
Philosophy Faculty	May 5	Savery 408	3:30
Philosophy Faculty	June 2	Savery 408	3:30
Philosophy Faculty	October 6	Savery 408	3:30
Philosophy Faculty	November 3	Savery 408	3:30
Philosophy Faculty	December 1	Savery 408	3:30

Meeting Name	Meeting Date	Location	Time
Services and Activities Fee Committee	January 9	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	January 16	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	January 23	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	January 30	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	February 6	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	February 13	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	February 20	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	February 27	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	March 6	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	March 13	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	April 3	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	April 10	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	April 17	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	April 24	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	May 1	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	May 8	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	May 15	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	May 22	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	May 29	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	June 5	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	June 12	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	October 9	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	October 16	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	October 23	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	October 30	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	November 6	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	November 13	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	November 20	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	November 27	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	December 4	Husky Union 303	3:30 - 5:30
Services and Activities Fee Committee	December 11	Husky Union 303	3:30 - 5:30
Tacoma Computer Engineering and Systems Curriculum Committee	January 2	Cherry Parkes 206	1:00 - 2:30
Tacoma Computer Engineering and Systems Curriculum Committee	February 6	Cherry Parkes 206	1:00 - 2:30
Tacoma Computer Engineering and Systems Curriculum Committee	March 6	Cherry Parkes 206	1:00 - 2:30
Tacoma Computer Engineering and Systems Curriculum Committee	April 3	Cherry Parkes 206	1:00 - 2:30
Tacoma Computer Engineering and Systems Curriculum Committee	May 1	Cherry Parkes 206	1:00 - 2:30
Tacoma Computer Sciences and Systems Curriculum Committee	January 9	Cherry Parkes 206	1:00 - 2:30

Meeting Name	Meeting Date	Location	Time
Tacoma Computer Sciences and Systems Curriculum Committee	February 13	Cherry Parkes 206	1:00 - 2:30
Tacoma Computer Sciences and Systems Curriculum Committee	March 13	Cherry Parkes 206	1:00 - 2:30
Tacoma Computer Sciences and Systems Curriculum Committee	April 10	Cherry Parkes 206	1:00 - 2:30
Tacoma Computer Sciences and Systems Curriculum Committee	May 8	Cherry Parkes 206	1:00 - 2:30
Tacoma Computer Sciences and Systems Curriculum Committee	June 5	West Coast Grocery 322	1:00 - 2:30
Tacoma Computer Sciences and Systems Curriculum Committee	June 12	Cherry Parkes 206	1:00 - 2:30
Tacoma Educational Administration Professional Educators Advisory Board	February 5	Cherry Parkes 206C	8:00 - 10:00
Tacoma Educational Administration Professional Educators Advisory Board	April 16	Cherry Parkes 206C	8:00 - 10:00
Tacoma Educational Administration Professional Educators Advisory Board	June 4	Cherry Parkes 206C	6:00 p.m. - 7:30 p.m.
Tacoma Educational Program Teacher Certification Professional Educators Advisory Board	January 15	Pinkerton 212	10:00 - 12:00
Tacoma Educational Program Teacher Certification Professional Educators Advisory Board	March 19	Pinkerton 212	10:00 - 12:00
Tacoma Educational Program Teacher Certification Professional Educators Advisory Board	May 28	Pinkerton 212	10:00 - 12:00
Tacoma Faculty Assembly Executive Council	January 14	Garretson Woodruff 320	12:30 - 1:25
Tacoma Faculty Assembly Retreat	January 23	William W. Philip Hall	1:00 - 3:00
Tacoma Faculty Assembly Executive Council	January 30	Cherry Parkes 206C	1:00 - 3:00
Tacoma Faculty Assembly Executive Council	February 11	Garretson Woodruff 320	12:30 - 1:25
Tacoma Faculty Assembly Executive Council	February 27	Garretson Woodruff 320	1:00 - 3:00
Tacoma Faculty Assembly Executive Council	March 11	Garretson Woodruff 320	12:30 - 1:25
Tacoma Faculty Assembly Executive Council	April 8	Garretson Woodruff 320	12:30 - 1:25
Tacoma Faculty Assembly Retreat	April 17	William W. Philip Hall	1:00 - 3:00
Tacoma Faculty Assembly Executive Council	April 24	Cherry Parkes 206C	1:00 - 3:00
Tacoma Faculty Assembly Executive Council	May 6	Garretson Woodruff 320	12:30 - 1:25
Tacoma Faculty Assembly Executive Council	May 22	Garretson Woodruff 320	1:00 - 3:00
Tacoma Faculty Assembly Executive Council	June 3	Garretson Woodruff 320	12:30 - 1:25
Tacoma Information Technology and Systems Curriculum Committee	January 9	Cherry Parkes 206	2:30 - 4:00
Tacoma Information Technology and Systems Curriculum Committee	February 13	Cherry Parkes 206	2:30 - 4:00
Tacoma Information Technology and Systems Curriculum Committee	March 13	Cherry Parkes 206	2:30 - 4:00
Tacoma Information Technology and Systems Curriculum Committee	April 10	Cherry Parkes 206	2:30 - 4:00
Tacoma Information Technology and Systems Curriculum Committee	May 8	Cherry Parkes 206	2:30 - 4:00

Meeting Name	Meeting Date	Location	Time
Tacoma Information Technology and Systems Curriculum Committee	June 12	Cherry Parkes 206	2:30 - 4:00
Tacoma Institute of Technology Faculty	January 16	Mattress Factory 214	2:30 - 4:00
Tacoma Institute of Technology Faculty	February 20	Mattress Factory 214	2:30 - 4:00
Tacoma Institute of Technology Faculty	March 20	Mattress Factory 214	2:30 - 4:00
Tacoma Nursing Faculty	January 13	Cherry Parkes 331	11:00 - 1:00
Tacoma Nursing Faculty	January 27	Cherry Parkes 331	11:00 - 1:00
Tacoma Nursing Faculty	February 10	Cherry Parkes 331	11:00 - 1:00
Tacoma Nursing Faculty	February 24	Cherry Parkes 331	11:00 - 1:00
Tacoma Nursing Faculty	March 10	Cherry Parkes 331	11:00 - 1:00
Tacoma Nursing Faculty	April 7	Cherry Parkes 331	11:00 - 1:00
Tacoma Nursing Faculty	April 22	Cherry Parkes 331	11:00 - 1:00
Tacoma Nursing Faculty	May 5	Cherry Parkes 331	11:00 - 1:00
Tacoma Nursing Faculty	May 19	Cherry Parkes 331	11:00 - 1:00
Tacoma Nursing Faculty	June 2	Cherry Parkes 331	11:00 - 1:00
Tacoma Nursing Faculty	October 13	Cherry Parkes 331	11:00 - 1:00
Tacoma Nursing Faculty	October 27	Cherry Parkes 331	11:00 - 1:00
Tacoma Nursing Faculty	November 10	Cherry Parkes 331	11:00 - 1:00
Tacoma Nursing Faculty	November 24	Cherry Parkes 331	11:00 - 1:00
Tacoma Nursing Faculty	December 8	Cherry Parkes 331	11:00 - 1:00
Tacoma Milgard School of Business Faculty	January 21	Dougan 160	12:30
Tacoma Milgard School of Business Faculty	February 18	Dougan 160	12:30
Tacoma Milgard School of Business Faculty	March 16	Dougan 160	12:30
Tacoma Milgard School of Business Faculty	April 22	Dougan 160	12:30
Tacoma Milgard School of Business Faculty	May 13	Dougan 160	12:30
Tacoma Milgard School of Business Faculty	June 12	Dougan 160	12:30
Tacoma Social Work Program	January 16	Garretson Woodruff 320	1:00 - 4:30
Tacoma Social Work Program	February 13	Garretson Woodruff 320	1:00 - 4:30
Tacoma Social Work Program	March 13	Garretson Woodruff 320	1:00 - 4:30
Tacoma Social Work Program	April 10	Garretson Woodruff 320	1:00 - 4:30
Tacoma Social Work Program	May 8	Garretson Woodruff 320	1:00 - 4:30
Tacoma Social Work Program	June 5	Garretson Woodruff 320	1:00 - 4:30
Tacoma Social Work Program	October 9	Garretson Woodruff 320	1:00 - 4:30
Tacoma Social Work Program	November 6	Garretson Woodruff 320	1:00 - 4:30
Tacoma Social Work Program	December 11	Garretson Woodruff 320	1:00 - 4:30

WSR 14-24-098**NOTICE OF PUBLIC MEETINGS****WASHINGTON MATERIALS MANAGEMENT
AND FINANCING AUTHORITY**

[Filed December 2, 2014, 10:10 a.m.]

The Washington materials management and financing authority would like to publish the schedule for regularly

held board meetings for calendar year 2015. Regular meetings will be held:

January 14, 2015

March 19, 2015

May 21, 2015

July 16, 2015

September 17, 2015
November 19, 2015

All meetings are held at 9:30 a.m. at the offices of Van Ness Feldman, 719 Second Avenue, Suite 1150, Seattle, WA 98104.

WSR 14-24-099
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION

[Filed December 2, 2014, 10:10 a.m.]

Following is the transportation commission's 2015 meeting schedule:

January 21-22 (Wednesday - Thursday)	Olympia
February 18-19 (Wednesday - Thursday)	Olympia
March 17-18 (Tuesday - Wednesday)	Olympia
April 21 (Tuesday)	Kelso/Longview
May 19-20 (Tuesday - Wednesday)	Olympia
June 16 (Tuesday)	Spokane
July 14-15 (Tuesday - Wednesday)	Olympia
September 29 (Tuesday)	Sunnyside
October 20-21 (Tuesday - Wednesday)	Olympia
November 17 (Tuesday)	Renton
December 8-9 (Tuesday - Wednesday)	Olympia

Olympia meetings will be held between 9:00 a.m. and 5:00 p.m. in Room 1D2 of the Transportation Building, 310 Maple Park Drive S.E., Olympia, WA.

Locations for our local meetings are yet to be determined and will be published on our web site prior to the meeting date.

WSR 14-24-100

NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Filed December 2, 2014, 10:38 a.m.]

Proposed PEBB Policy Statement

The health care authority will hold a public meeting to consider a proposed public employees benefits board (PEBB) administrative policy.

The meeting is scheduled for Tuesday, December 23, 2014, at 11:00 a.m. in the Pear Conference Room, Health Care Authority, 626 8th Avenue S.E., Olympia, WA 98501.

The proposed policy (Policy 31-3) can be downloaded online from <http://www.hca.wa.gov/pebb/Pages/policy.aspx>. Public comment on this policy can be submitted through the web page or to Rob Parkman, 626 8th Avenue S.E., Olympia, WA 98501-42684 [98501-2684]. The deadline for public comment is December 23, 2014, at 5:00 p.m.

For further information or to receive a hard copy of the proposed policy, please contact Rob Parkman at (360) 725-0883.

WSR 14-24-101

POLICY STATEMENT
HEALTH CARE AUTHORITY

[Filed December 2, 2014, 10:39 a.m.]

Notice of Administrative Policy Statements

The following is a list of administrative policies issued by the public employees benefits board (PEBB) program. These policies are effective January 1, 2015. You can download the complete policy statements at www.hca.wa.gov/pebb/Pages/policy.aspx.

Policy #11-3: Correcting employing agency enrollment errors. This policy clarifies the requirements placed on an employing agency when the employing agency corrects its enrollment errors as described in WAC 182-08-187.

Policy #15-1: Determining eligibility for seasonal employees and maintenance of employer contribution through the off-season. To clarify seasonal employee eligibility for PEBB benefits and the employer contribution.

Policy #19-1: Termination due to loss of eligibility. This policy applies whenever coverage for a subscriber or a subscriber's dependent is terminated due to loss of eligibility.

Addendum #19-1A: Termination due to loss of eligibility: Employee.

Addendum #19-1B: Termination due to loss of eligibility: Self-Pay Subscriber.

Policy #21-1: Retiree deferral form exemption. This policy exempts certain retirees from the procedural requirement of completing a deferral form in WAC 182-12-171 (1)(a) and 182-12-205(2).

Policy #26-1: Administering PEBB insurance in coordination with Medicare Part D. To administer PEBB retiree medical plan enrollment in order to participate in the employer incentive program established in section 1860D-22

of the Medicare Prescription Drug Improvement and Modernization Act of 2003.

Policy #31-1: Verifying dependent eligibility before enrollment. This policy clarifies which documents the PEBB program considers valid for dependent verification.

Policy #31-2: Use of Spousal Plan Questionnaire and Calculator Tools. This policy provides direction when a PEBB subscriber, who is not enrolled in Medicare Part A and Part B, is determining if he or she must pay a premium surcharge for an enrolled spouse or registered domestic partner who chose not to enroll in his or her employer-based group medical insurance.

Policy #36-1: Certifying eligibility for a dependent child with a disability who is age 26 or older. This policy applies whenever a subscriber requests to enroll a dependent child with a disability who is age twenty-six and older to his or her PEBB subscriber account.

Policy #45-2: Special Open Enrollment (SOE). This policy applies whenever a subscriber requests an enrollment change or election change outside of the PEBB annual open enrollment.

Addendum #45-2A: Special Open Enrollment (SOE) Matrix: Summary of Permitted Changes.

Policy #91-1: Requesting a reasonable alternative for completing wellness incentive program requirements or avoiding the tobacco use premium surcharge. This policy applies when a subscriber who is eligible to participate in the PEBB wellness incentive program is seeking a reasonable alternative to a wellness incentive program requirement in order to receive a wellness incentive as described in WAC 182-12-300. This policy also applies when an enrollee on a PEBB medical plan is seeking a reasonable alternative so that a subscriber can avoid paying the tobacco premium surcharge as described in WAC 182-08-185(1).

The PEBB program is rescinding the following policies:

Policy #45-4: FSA Special Open Enrollment due to a Change in the Legal Status of a Same-Sex Spouse. To allow employees to make an SOE election under the medical flexible spending account (FSA) for the 2013 plan year due to a change in the legal status of their same-sex spouse.

Policy #70-1: Postponement of various due dates for certain individuals affected by the SR 530 mudslide. To provide relief to "affected individuals" in the "disaster area" by changing due dates occurring on or after March 22, 2014, for premium payments, form submissions, elections, attestations, appeals, eligibility verification documents, and wellness activity requirements to the later of the original due date or August 29, 2014.

Policy #70-2: Postponement of various due dates for certain individuals affected by the Washington state wildfires. To provide relief to "affected individuals" in the "disaster area" by postponing due dates occurring on or after July 9, 2014, for premium payments, form submissions, elections, attestations, appeals, eligibility verification documents, and wellness activity requirements to the later of the original due date or October 31, 2014.

To receive a hard copy of the policy statements, contact Rob Parkman at 626 8th Avenue S.E., Olympia, WA 98501-2684, phone (360) 725-0883.

WSR 14-24-104

NOTICE OF PUBLIC MEETINGS CENTRAL WASHINGTON UNIVERSITY

[Filed December 2, 2014, 11:52 a.m.]

In compliance with RCW 42.30.075, please note the updated meeting schedule for Central Washington University's 2014-15 board of trustees meetings:

October 3, 2014

December 5, 2014

February 6, 2015

May 13, 2015

July 23 and 24, 2015

(annual planning retreat)

WSR 14-24-113

DEPARTMENT OF ECOLOGY

[Filed December 3, 2014, 9:03 a.m.]

Public Notice: Announcing the Issuance of the Modified Phase I and Western Washington Phase II Municipal Stormwater Permits and Supporting Documents

Permit Issuance: The Washington state department of ecology (ecology) will issue the final modified Phase I and Western Washington Phase II municipal stormwater permits (permits) on December 17, 2014. The modified permits become effective on January 16, 2015. The fact sheet (statement of basis) and draft permits were available for review and public comment from August 6 through 12 midnight, October 6, 2014. Ecology hosted three informational public workshops and two public hearings on the draft modifications. During the public comment period, ecology received eighteen written public comment letters and e-mails, and three people provided oral testimony. The public comments helped shape the final permits.

Purpose of the Municipal Stormwater Permits: Federal and state water quality laws require a permit for the discharge of stormwater (see Federal Water Pollution Control Act, Title 22 United States Code, Section 1251 et seq., state Water Pollution Control Act, chapter 90.48 RCW and Washington waste discharge general permit regulation, WAC 173-226-130). The permits address these legal requirements and control the discharge of pollutants to protect surface water and ground water quality in Washington state. The permits require municipalities and secondary permittees to develop and implement a stormwater management program to control stormwater runoff into and from their storm sewer system.

Modifications to the Permits: The permit modifications incorporate permit appeal decisions and errata. Based on comments received, ecology made several changes to the final permits to enhance clarity of the permit requirements. The primary changes to the permits include:

- Revisions to the definitions proposed to be modified in the draft permits.
- Revisions to the requirements for the watershed-scale basin planning provision.

- Revisions and edits as mandated by the pollution control hearing board (PCHB).

Supporting Documents: In response to the permit appeal ruling, modifications to the Stormwater Management Manual for Western Washington (manual) have also been incorporated and will be issued on December 17, 2014. The manual, Western Washington Hydrologic Model, and several guidance documents that support the permits and manual were also available for public comment during the time period provided for the permit modification. The manual received eighteen written comments, and the comments helped shape the final document. The supporting documents made available for review are posted here www.ecy.wa.gov/programs/wq/stormwater/municipal/permitMod2014.html.

Applying for Permit Coverage: Facilities covered under the existing municipal stormwater general permits will continue to be covered under the modified permits. Areas covered by the Phase I and Phase II stormwater permit are shown here <http://www.ecy.wa.gov/programs/wq/stormwater/municipal/maps.html>.

Response to Comments: Ecology's *Response to Comments* document (Addendum to Fact Sheet – Appendix C) includes a summary of public comments submitted during the public comment period and ecology's response to those comments, including any changes made to the final permit. The final permits, manual, and *Response to Comments* are available online at www.ecy.wa.gov/programs/wq/stormwater/municipal/permitMod2014.html.

Requesting Copies of the Final Permits: You may request physical copies from Kimberly Adams at Department of Ecology, Water Quality Program, P.O. Box 47696, Olympia, WA 98504-7696, kimberly.adams@ecy.wa.gov, or (360) 407-6401.

Appeals: Persons have a right to appeal the final permit to PCHB within thirty days of the date of receipt. The appeal process is governed by chapters 43.21B RCW and 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within thirty days of the date of receipt of this permit issuance notice:

- File your appeal and a copy of this notice with PCHB (see addresses below). Filing means actual receipt by PCHB during regular business hours.
- Serve a copy of your appeal and this notice on ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

Street Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive S.E. Lacey, WA 98503
Pollution Control Hearings Board 1111 Israel Road S.W. Suite 301 Tumwater, WA 98501

Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk P.O. Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board P.O. Box 40903 Olympia, WA 98504-0903

WSR 14-24-114
NOTICE OF PUBLIC MEETINGS
BEEF COMMISSION

[Filed December 3, 2014, 9:17 a.m.]

Following are the 2015 meeting dates for the Washington state beef commission:

January 15, 2015 (Thursday)	Regular Board Meeting	Conference Call
February 17-18, 2015 (Tuesday/Wednesday)	Strategic Planning Meeting	Tukwila, Washington
April 30, 2015 (Thursday)	Regular Board Meeting	Ellensburg, Washington
June 11, 2015 (Thursday)	Annual Board Meeting	Ellensburg, Washington
August 27, 2015 (Thursday)	Regular Board Meeting	Ellensburg, Washington
November 12, 2015 (Thursday)	Regular Board Meeting	Cle Elum, Washington

Should you have questions, please contact April Budinich at (206) 444-2902.

WSR 14-24-125
NOTICE OF PUBLIC MEETINGS
WASHINGTON CITIZENS' COMMISSION ON
SALARIES FOR ELECTED OFFICIALS

[Filed December 3, 2014, 10:46 a.m.]

Following is the schedule of regular meetings for the citizens' commission on salaries for elected officials for 2014-2015:

Date	Time	City	Meeting Location
January 20 and 21, 2015 (two days)	9 a.m. to 5 p.m.	Olympia	Double Tree by Hilton
February 25, 2015	6 p.m. to 8 p.m.	Kelso	Red Lion
March 25, 2015	6 p.m. to 8 p.m.	Sea-Tac	Radisson Gateway
April 15, 2015	9 a.m. to 5 p.m.	Pasco	Red Lion
May 13, 2015	Olympia	Olympia	Double Tree by Hilton

Date	Time	City	Meeting Location
June 24, 2015	Phone Conference Call	Originate in Olympia	N/A

Meetings can be dismissed early if all business is complete.

If you need further information contact Teri Wright, 210 11th Avenue S.W., Room 301A, Olympia, WA 98504, (360) 725-5669, fax (360) 586-7544, Teri.Wright@salaries.wa.gov, www.salaries.wa.gov.

WSR 14-24-126

**NOTICE OF PUBLIC MEETINGS
BOARD OF ACCOUNTANCY**

[Filed December 3, 2014, 10:48 a.m.]

2015 BOARD MEETING SCHEDULE

As required by RCW 42.30.075 the following is the schedule of regular meetings the board plans to hold during 2015:

Date	Time	Location
January 30, 2015 Friday	9:00 a.m.	Crowne Plaza Seattle Airport Queen Anne Room 17338 International Boulevard SeaTac, WA
April 17, 2015 Friday	9:00 a.m.	Columbia Basin College Pasco Campus Room L102 Library Building 2600 North 20th Avenue Pasco, WA
July 31, 2015 Friday	9:00 a.m.	Washington State University Vancouver Campus 14204 N.E. Salmon Creek Avenue Vancouver, WA
October 30, 2015 Friday	9:00 a.m.	Crowne Plaza Seattle Airport Queen Anne Room 17338 International Boulevard SeaTac, WA

If you need further information or special assistance, such as enlarged type materials, please visit the board's web site at www.cpaboard.wa.gov or contact the board's clerk at the board office (TDD 800-833-6388, voice (360) 586-1026, or fax (360) 664-9190). The board schedules all public meetings at barrier free sites.

WSR 14-24-127

DEPARTMENT OF AGRICULTURE

[Filed December 3, 2014, 11:31 a.m.]

2014 Petitions for Rule Making

The following information is being sent in order to implement RCW 1.08.112 [(1)](g) and WAC 1-21-180. The Washington state department of agriculture received one petition for rule making during the fourth quarter of 2014,

which covers Washington State Registers 14-19 through 14-24. Below is a summary of petitions the department received in 2014.

Date	Requestor	Subject
Registers 14-01 through 14-06		
12/30/13	Donna Ruelas-Semasko	Animal importation
1/6/14	Midland bull test	Trichomoniasis
Registers 14-07 through 14-12		
3/6/14	Washington Scotch Broom Working Group	Noxious weed seed and plant quarantine exceptions
5/5/14	Washington seed potato commission	Postharvest testing requirements
Registers 14-13 through 14-18		
7/15/14	Washington state noxious weed control board	Noxious weed seed and plant quarantine
8/28/14	Bailey Seed Company	Adding standards for orchard grass
Registers 14-19 through 14-24		
9/5/14	Washington potato commission	Seed potato certification - Zebra Chip

Teresa Norman
Rules Coordinator