

**WSR 19-23-012**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE RECORDS COMMITTEE**

[Filed November 7, 2019, 9:38 a.m.]

**MEETINGS, POWERS AND DUTIES**

**FOR STATE GOVERNMENT AGENCIES:** There is created a committee, to be known as the records committee, composed of the archivist, an appointee of the state auditor, an appointee of the attorney general, and an appointee of the director of financial management.

The records committee shall meet at least once every quarter or oftener as business dictates. Action by the committee shall be by majority vote and records shall be kept of all committee business.

It shall be the duty of the records committee to approve, modify or disapprove the recommendations on retention schedules of all files of public records and to act upon requests to destroy any public records: PROVIDED, that any modification of a request or recommendation must be approved by the head of the agency originating the request or recommendation. **(RCW 40.14.050)**

You may verify meeting cancellations by visiting our website at <https://www.sos.wa.gov/archives/RecordsManagement/StateRecordsCommitteeNew.aspx> or call[ing] Washington state archives at 360-586-4901.

The 2020 meeting dates are as follows:

**10 a.m.**

- 1129 Washington Street S.E.
- Olympia
- February 5
- April 1
- June 3
- August 5
- October 7
- December 2

**WSR 19-23-013**  
**NOTICE OF PUBLIC MEETINGS**  
**LOCAL RECORDS COMMITTEE**

[Filed November 7, 2019, 9:40 a.m.]

**MEETINGS, POWERS AND DUTIES**

**FOR LOCAL GOVERNMENT AGENCIES:** The local records committee may adopt appropriate procedures for records disposition authorization, scheduling, and other matters relating to the retention, preservation, or destruction of public records of local government agencies. **(WAC 434-630-030)**

The local records committee shall review lists of records submitted to it for destruction authorization and may veto the destruction of any or all items contained therein.

The local records committee shall also review recurring disposition schedules recommended to it by agencies of local government and may veto, approve, or amend such schedules. **(WAC 434-630-040)**

You may verify meeting cancellations by visiting our website at <https://www.sos.wa.gov/archives/RecordsManagement/Local-Records-Committee.aspx> or call[ing] Washington state archives at 360-586-4901.

The 2020 meeting dates are as follows:

**11 a.m.**

- 1129 Washington Street S.E.
- Olympia
- February 5
- April 1
- June 3
- August 5
- October 7
- December 2

**WSR 19-23-016**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[November 6, 2019]

IN THE MATTER OF THE PROPOSED ) ORDER  
AMENDMENTS TO BJAR PREAMBLE, ) NO. 25700-A-1266  
BJAR 1, 2, 3, 4, AND 5 )

The Board of Judicial Administration, having recommended the expeditious adoption of the proposed amendments to BJAR Preamble, BJAR 1, 2, 3, 4, and 5, and the Court having considered the proposed 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 proposed amendments as shown below are expeditiously adopted.

(b) That the proposed amendments will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 6th day of November, 2019.

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

**BOARD FOR JUDICIAL ADMINISTRATION RULES (BJAR)**  
**BJAR**  
**PREAMBLE**

The power of the judiciary to make administrative policy governing its operations is an essential element of its constitutional status as an equal branch of government. ~~The Board for Judicial Administration is established to adopt policies~~

and provide strategic leadership for the courts at large, enabling the judiciary to speak with one voice.

**BJAR 1  
BOARD FOR JUDICIAL ADMINISTRATION**

The Board for Judicial Administration is created to provide effective leadership to the state courts and to develop policy to enhance the administration of the court system in Washington State. The Board for Judicial Administration (BJA) is established to provide leadership and develop policy to enhance the judiciary's ability to serve as an equal, independent, and responsible branch of government. The vision of the BJA is to be the unified voice of the Washington State Courts. Judges serving on the BJA Board for Judicial Administration shall pursue the best interests of the judiciary at large.

**BJAR 2  
COMPOSITION**

(a) Membership. The Board for Judicial Administration (BJA) shall consist of judges from all levels of court and other key stakeholders, selected for their demonstrated interest in and commitment to judicial administration and court improvement. The voting membership of the BJA shall consist of the Chief Justice and one other member of the Supreme Court. The Board shall consist of five members from the appellate courts (two from the Supreme Court, one of whom shall be the Chief Justice, and one member from each division of the Court of Appeals), five members from the Superior Courts Judges' Association, one of whom shall be the President of the Superior Court Judges' Association, and five members from the District and Municipal Court Judges' Association, of the courts of limited jurisdiction, one of whom shall be the President of the District and Municipal Court Judges' Association. The non-voting membership shall include the Washington State Bar Association's Executive Director and Board President, two members of the Washington State Bar Association (non-voting) and the Administrator for the Courts (non-voting), the Presiding Chief Judge of the Court of Appeals, the President-elect judge of the Superior Court Judges' Association, and the President-elect judge of the District and Municipal Court Association.

(b) Selection. Members shall be selected based upon a process established by their respective associations or court level which considers demonstrated interest and commitment to judicial administration, improving the courts, racial and gender diversity, and the court's as well as geographic and caseload differences.

(c) Terms of Office.

(1) Members serve four year terms, except the Chief Justice, the Presiding Chief Judge of the Court of Appeals, the President Judges, the Washington State Bar Association's President and Executive Director, and the Administrator for the Court who shall serve during their tenure. Of the members first appointed, one justice of the Supreme Court shall be appointed for a two-year term; one judge from each of the other levels of court for a four-year term; one judge from each of the other levels of court and one Washington State Bar Association member for a three-year term; one judge from the other levels of court and one Washington State Bar Association member for a two-year term; and one judge from

each level of trial court for a one-year term. Provided that the terms of the District and Municipal Court Judges' Association members that begin on July 1, 2017 shall be for less than a full term, two years, and shall thereafter be for a term of four years and the terms of the Superior Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2013 shall be for two years each. Thereafter, voting members shall serve four-year terms and the Washington State Bar Association members for three-year terms commencing annually on July 1. The Chief Justice, the President of Judges, and the Administrator for the Courts shall serve during tenure.

(2) Members serving on the BJA shall be granted equivalent pro tempore time.

**BJAR 3  
OPERATION STRUCTURE**

(a) ~~Leadership~~ Leadership. The Board for Judicial Administration shall be chaired by the Chief Justice of the Washington Supreme Court in conjunction with a Member Chair who shall be elected by the Board. The duties of the Chief Justice Chair and the Member Chair shall be clearly articulated in the bylaws. ~~Meetings of the Board may be convened by either chair and held at least bimonthly. Any Board member may submit issues for the meeting agenda.~~

(b) ~~Committees~~ Committees. Ad hoc and standing committees may be appointed for the purpose of facilitating the work of the Board. ~~Non-judicial committee members shall participate in non-voting advisory capacity only.~~

~~(1) The Board shall appoint at least four standing committees: Policy and Planning, Budget and Funding, Education, and Legislative. Other committees may be convened to help facilitate the work of the Board as determined by the Board.~~

~~(2) The Chief Justice and the Member Chair shall nominate for the Board's approval the chairs and members of the committees. Committee membership may include citizens, experts from the private sector, members of the legal community, legislators, clerks, and court administrators.~~

~~(c) Voting~~. All decisions of the Board shall be made by majority vote of those present and voting provided there is one affirmative vote from each level of court. Eight voting members will constitute a quorum provided at least one judge from each level of court is present. ~~Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.~~

**BJAR 4  
DUTIES**

~~(a) The Board shall establish a long-range plan for the judiciary;~~

~~(b) The Board shall continually review the core missions and best practices of the courts;~~

~~(c) The Board shall develop a funding strategy for the judiciary consistent with the long-range plan and RCW 43.135.060;~~

~~(d) The Board shall assess the adequacy of resources necessary for the operation of an independent judiciary;~~

~~(e) The Board shall speak on behalf of the judicial branch of government and develop statewide policy to enhance the operation of the state court system; and~~

~~(f) The Board shall have the authority to conduct research or create study groups for the purpose of improving the courts.~~

**BJAR 4 5**  
**STAFF**

Staff for the Board for Judicial Administration shall be provided by the Administrator for the Courts.

**BJAR 5**  
**[New Rule]**

**BYLAWS**

The Board may, by a majority vote of the voting members, develop, adopt, and amend bylaws for its operations that do not conflict with these rules.

**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 19-23-017**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[November 6, 2019]

IN THE MATTER OF THE SUGGESTED ) ORDER  
AMENDMENTS TO RPC 1.15A (h)(9)— ) NO. 25700-A-1267  
SAFEGUARDING PROPERTY AND )  
LLLT RPC 1.15A (h)(9)—SAFEGUARD- )  
ING PROPERTY )

The Washington State Bar Association Board of Governors, having recommended the suggested amendments to RPC 1.15A (h)(9)—Safeguarding Property and LLLT RPC 1.15A (h)(9)—Safeguarding Property, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(A) That pursuant to the provisions of GR 9(g), the suggested 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 in January 2020.

(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, 2020. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [supreme@courts.wa.gov](mailto: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, 2013.

For the Court

Fairhurst, C.J.

CHIEF JUSTICE

**GR 9 COVER SHEET**

**Suggested Amendment to**  
**RULES OF PROFESSIONAL CONDUCT (RPC)**

**Rule 1.15A - Safeguarding Property**

**A. Proponent:** Washington State Bar Association, Board of Governors, Committee on Professional Ethics

**B. Spokepersons:**

Terra Nevitt, Interim Executive Director, Washington State Bar Association, 1325 4th Avenue, Suite 600, Seattle, WA 98101-2539

Jeanne Marie Clavere, Professional Responsibility Counsel, Washington State Bar Association, 1325 4th Avenue, Suite 600, Seattle, WA 98101-2539

**C. Purpose:**

The purpose of the suggested amendment to RPC 1.15A (h)(9) is to address the limitation of who can be a signatory on a lawyer trust account. While RPC 1.15A (h)(9) permits an LLLT to be a signatory, the second sentence of the rule states: "If a lawyer is associated in a practice with one or more LLLT's, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm." The amendment would strike that sentence, thereby permitting an LLLT to be a signatory on a law firm's trust account without restrictions.

Prior to the 2006 RPC amendments, anyone could be a signatory on a trust account without restrictions, and law firms frequently included bookkeepers or other nonlawyer staff as signatories. The Ethics 2003 Committee proposed that RPC 1.15A only permit lawyers to be signatories to protect against theft by nonlawyers employed at law firms, and this change was made to the RPC. The rule was later amended to permit LLLTs to be signatories with the limitation noted above.

The requirement for a second signature by a lawyer on any instrument signed by an LLLT is not necessary and unduly limits an LLLT's ability to disburse funds from a trust account. Unlike nonlawyers, LLLTs are licensed legal professionals who are subject to discipline. The current rule makes it more difficult for an LLLT to disburse funds to the LLLT's own clients because the LLLT must obtain the signature of a lawyer on the check. At small firms, the LLLT's clients may be unnecessarily delayed in receiving checks if the firm's sole lawyer is out of the office and unable to authorize the check.

In addition, an LLLT who is not associated in a practice with a lawyer is authorized to sign trust account checks alone, while an LLLT who is associated in a practice with one or more lawyers would not be permitted to do so as the rule is currently written.

In February 2019, the LLLT Board approved a suggested amendment to the LLLT RPC that exactly parallels the suggested amendment to the Lawyer RPC. The LLLT Board is forwarding its suggested amendment to the Court in conjunction with this suggested amendment.

**D. Hearing:** A hearing is not requested.

**E. Expedited Consideration:** Expedited consideration is not requested.

**F. Supporting Material:** Suggested Rule Amendment to RPC 1.15A

SUGGESTED AMENDMENT TO RULES OF PROFESSIONAL CONDUCT
1.15A - SAFEGUARDING PROPERTY

RPC 1.15A SAFEGUARDING PROPERTY

(a) - (g) Unchanged.

(h) A lawyer must comply with the following for all trust accounts:

(1) - (8) Unchanged.

(9) Only a lawyer admitted to practice law or an LLLT may be an authorized signatory on the account. If a lawyer is associated in a practice with one or more LLLT's, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.

GR 9 COVER SHEET

Suggested Amendment to LIMITED LICENSE LEGAL TECHNICIAN RULES OF PROFESSIONAL CONDUCT (LLLT RPC) RULE 1.15A - Safeguarding Property Submitted by the Limited License Legal Technician Board

A. Name of Proponent:

Limited License Legal Technician (LLLT) Board Staff Liaison/Contact: Renata de Carvalho Garcia, Innovative Licensing Programs Manager Washington State Bar Association (WSBA) 1325 Fourth Avenue, Suite 600 Seattle, WA 98101-2539 (Phone: 206-733-5912)

B. Spokesperson:

Stephen R. Crossland Chair of the LLLT Board P.O. Box 566 Cashmere, WA 98815 (Phone: 509-782-4418)

C. Purpose:

The suggested amendment to LLLT RPC 1.15A (h)(9) parallels and is presented in conjunction with the suggested amendment to Lawyer RPC 1.15A (h)(9). The purpose of the suggested amendment is to address the limitation of who can be a signatory on an LLLT client trust account. LLLT RPC 1.15 (h)(9) permits an LLLT to be a trust account signatory. ("Only an LLLT or lawyer admitted to practice law may be an authorized signatory on the account.") That is only true, however, if an LLLT is not associated in practice with a lawyer, as established in the following sentence of the rule: "If an LLLT is associated in a practice with one or more lawyers, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm." The suggested amendment seeks to strike this sentence and consequently eliminate the restriction that an LLLT who is associated in a practice with one or more lawyers cannot sign trust account checks.

LLLTs are licensed legal professionals authorized to disburse funds from their client trust accounts. Like lawyers, LLLTs are subject to discipline for mishandling trust account funds and should, therefore, not be held to a different standard for disbursing funds. Furthermore, a requirement that a lawyer authorize disbursement when a LLLT is in practice with one or more lawyers unduly limits an LLLT's ability and

duty to disburse funds from a client trust account in a timely manner. The current rule makes it more difficult for an LLLT to disburse funds to an LLLT's own clients because the LLLT must obtain the signature of a lawyer. At small law firms, for example, the LLLT's clients may be unnecessarily delayed in receiving funds if the firm's sole lawyer is out of the office or otherwise unable to authorize disbursement. This suggested amendment gives LLLT the responsibility they already have without that limitation.

Finally, considering the change will also impact the Lawyer RPC, it is important to note that the Committee on Professional Ethics and the LLLT Board have been coordinating their efforts in regards to this amendment. The suggested amendment to LLLT RPC LLLT RPC 1.15A (h)(9) was approved by the LLLT Board at its February 2019 meeting. The parallel suggested amendment to Lawyer RPC 1.15A (h)(9) was approved by the Board of Governors at its July 2019 meeting. Both suggested amendments are being submitted simultaneously to the Court.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is not requested.

F. Supporting Materials: Suggested Rule Amendment to LLLT RPC 1.15A (h)(9).

SUGGESTED AMENDMENT TO LIMITED LICENSE LEGAL TECHNICIAN RULES OF PROFESSIONAL CONDUCT 1.15A - SAFEGUARDING PROPERTY

LLLT RPC 1.15A SAFEGUARDING PROPERTY

(a) - (g) Unchanged.

(h) An LLLT must comply with the following for all trust accounts:

(1) - (8) Unchanged.

(9) Only an LLLT or a lawyer admitted to practice law may be an authorized signatory on the account. If an LLLT is associated in a practice with one or more lawyers, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.

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

WSR 19-23-018 RULES OF COURT STATE SUPREME COURT [November 6, 2019]

Table with 2 columns: Case Name and Order Number. Case Name: IN THE MATTER OF THE SUGGESTED AMENDMENTS TO RAP 4.2, RAP 4.3, RAP 10.4, RAP 10.7, RAP 10.8, RAP 10.10(b), RAP 12.4, RAP 13.4, RAP 13.5(c), RAP 13.7(e), RAP 16.7(c), RAP 16.10(d), RAP 16.16(e), RAP 16.17, RAP 16.21(c), RAP 16.22, RAP 17.4(g), RAP 18.13A(h), RAP 18.14(c), NEW RAP 18.17, RAP FORMS 3, 4, 6, 9, 17, 18, 20, 23. Order Number: ORDER NO. 25700-A-1268

The Washington State Supreme Court Word Count Workgroup, having recommended the suggested amend-

ments to RAP 4.2, RAP 4.3, RAP 10.4, RAP 10.7, RAP 10.8, RAP 10.10(b), RAP 12.4, RAP 13.4, RAP 13.5(c), RAP 13.7(e), RAP 16.7(c), RAP 16.10(d), RAP 16.16(e), RAP 16.17, RAP 16.21(c), RAP 16.22, RAP 17.4(g), RAP 18.13A(h), RAP 18.14(c), New RAP 18.17, RAP Forms 3, 4, 6, 9, 17, 18, 20, 23, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested 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 in January 2020.

(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, 2020. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [supreme@courts.wa.gov](mailto: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, 2019.

For the Court

Fairhurst, C.J.

CHIEF JUSTICE

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 20-01 issue of the Register.

**WSR 19-23-019  
RULES OF COURT  
STATE SUPREME COURT**

[November 6, 2019]

IN THE MATTER OF THE SUGGESTED ) ORDER  
AMENDMENT TO MAR 7.2—PROCE- ) NO. 25700-A-1269  
DURE AFTER REQUEST FOR TRIAL )  
DE NOVO )

The Washington State Association of County Clerks, having recommended the suggested amendment to MAR 7.2—Procedure After Request for Trial de Novo, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2020.

(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, 2020. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [supreme@courts.wa.gov](mailto: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, 2019.

For the Court

Fairhurst, C.J.

CHIEF JUSTICE

**GR 9 Cover Sheet Regarding Suggested  
change to MAR 7.2**

January 2019

(A) Name of Proponent:

Washington State Association of County Clerks (WSACC)

(B) Spokesperson—a designation of the person who is knowledgeable about the proposed rule and who can provide additional information:

Barbara Miner, King County  
Clerk 206-477-0777

[Barbara.miner@kingcounty.gov](mailto:Barbara.miner@kingcounty.gov)

(C) Purpose:

The intent of this suggested language is to make it clear that judicial officers are barred from viewing the results of the arbitration during the pendency of the de novo process. Current rule language simply instructs the clerk to seal the award, however, judicial officers are usually able to access all sealed documents of their court. This change also dictates the unsealing of the award at the conclusion of the de novo or the conclusion of the case.

(D) Hearing. No hearing is requested or necessary.

(E) Expedited Consideration. Expedited consideration is not requested.

(F) Supporting Materials:

- Proposed language
- Previous correspondence with the Supreme Court about this proposed change
- SCJA Response to proposal

MAR 7.2

PROCEDURE AFTER REQUEST FOR TRIAL DE NOVO

(a) Sealing. The clerk shall seal any arbitration award if a trial de novo is requested. Such sealing shall prohibit judicial officers' access to the award until the trial de novo is completed or the case is otherwise completed, at which time the clerk shall unseal the award.

(b) No Reference to Arbitration; Use of Testimony.

(1) The trial de novo shall be conducted as though no arbitration proceeding had occurred. No reference shall be made to the arbitration award, in any pleading, brief, or other written or oral statement to the trial court or jury either before

or during the trial, nor, in a jury trial, shall the jury be informed that there has been an arbitration proceeding.

**WSR 19-23-020**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[November 6, 2019]

IN THE MATTER OF THE SUGGESTED ) ORDER  
 AMENDMENT TO RPC 6.5 NEW COM- ) NO. 25700-A-1270  
 MENT [8] )

The Washington State Access to Justice Board Pro Bono Council, having recommended the suggested amendment to RPC 6.5 New Comment [8], and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2020.

(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, 2020. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [supreme@courts.wa.gov](mailto: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, 2019.

For the Court

Fairhurst, C.J.

CHIEF JUSTICE

**GR 9 COVER SHEET**  
**Suggested Amendment to**  
**RULES OF PROFESSIONAL CONDUCT (RPC)**  
 Rule 6.5 — NONPROFIT AND COURT-ANNEXED LIMITED  
 LEGAL SERVICE PROGRAMS

Submitted by the Pro Bono Council

**A. Name of Proponent:**

Pro Bono Council. As a subcommittee of the Washington State Access to Justice Board, the Pro Bono Council is a convening body that supports and advocates for the sixteen volunteer lawyer programs across the State.

**B. Spokesperson:**

Catherine Brown  
 Pro Bono Council Manager  
 1200 Fifth Avenue, Suite 700  
 Seattle, WA 98101  
 (206) 267-7026

**C. Purpose:**

To obtain a clarifying comment to Rule of Professional Conduct (RPC) 6.5 allowing a limited legal service program to provide notice, as described in paragraph (a)(3) of the Rule, at the time an individual applies for service, regardless of whether an actual conflict exists at that time.

RPC 6.5 allows non-profit and court-annexed limited legal services programs to offer short-term legal services to clients whose legal interests may be in conflict by exempting such representation from RPCs 1.7, 1.9(a), and 1.18(c), unless a participating lawyer has personal knowledge of a conflict and the conflict cannot be mitigated by specific screening measures. This exemption maximizes the limited resources of limited legal service programs and participating lawyers (pro bono and staff) to provide free legal help to eligible persons. A limited legal service program must utilize effective screening mechanisms to ensure confidential information is not disseminated to an attorney who is disqualified from assisting a client with competing interests because of a known personal conflict.<sup>1</sup> A limited legal service program must provide each client with notice of the conflict and the screening mechanisms used to avoid the dissemination of confidential information relating to the representation of the competing interests.<sup>2</sup> Finally, a limited legal service program must also be able to demonstrate by convincing evidence that no material information relating to the representation was transmitted to the opposing client's attorney.<sup>3</sup>

<sup>1</sup> RPC 6.5 (a)(3)(i)

<sup>2</sup> RPC 6.5 (a)(3)(ii)

<sup>3</sup> RPC 6.5 (a)(3)(iii)

Neither the rule nor the comments prescribe how the notice is to be provided. In a known conflict situation, providing individualized notice of an actual conflict creates the potential for inconsistency with the duty of confidentiality codified in RPC 1.6. Further, in many of the cases handled by limited legal service programs in Washington State, providing individualized notice of a conflict can create safety issues for actual and potential clients.

Client safety issues in limited legal services programs often arise in cases involving domestic violence. Protection from domestic violence is an area of significant legal need across the country and in Washington. This is borne out by the Washington State Supreme Court-sponsored Civil Legal Needs Study Update of 2015 (Study). The Study found that 71 percent of low-income households in Washington face at least one civil legal problem during a 12-month period.<sup>4</sup> Further, 76 percent of persons living in poverty who have significant legal needs in Washington cannot get the legal help or representation they need to resolve the problem.<sup>5</sup> More importantly for purposes of this suggested comment, the Study confirmed that victims of domestic violence and/or sexual assault experience the highest number of legal problems per capita of any group: low-income Washingtonians who have suffered domestic violence or been a victim of sexual assault experience an average of 19.7 legal problems per household, twice the average experienced by the general low-income population.<sup>6</sup>

4 2015 Washington State Civil Legal Needs Study Update, p. 5, at https://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeeds-Study\_October2015\_V21\_Final10\_14\_15.pdf.

5 Id. at p. 15.

6 Id. at p. 13.

Several limited legal service programs, including volunteer lawyer programs, offer legal advice clinics for survivors of domestic violence (DV). If a DV survivor seeks legal aid services while their abuser is a current or former client of that program, under RPC 1.7 or 1.9 there could be a conflict of interest. As described above, RPC 6.5 allows a limited legal service program to provide short-term limited assistance to the conflicted client, who may be the victim/survivor, through the mechanism of screening any personally conflicted attorney(s) from the case and notifying both parties. The process raises the immediate concern that providing individualized notice of the actual conflict to each party creates an imminent risk of harm to the victim by alerting an alleged DV perpetrator that their victim is seeking legal advice. This notice could, thus, put the safety of the victim/survivor in greater jeopardy. As a collateral matter, RPC 1.6 counsels the exercise of caution when disclosing client information that is likely to result in imminent harm to a third-party.<sup>7</sup> As a result of the lack of clarity on this issue, some limited legal service programs opt instead to follow a strict policy of not accepting clients where there is a known conflict, which then results in the opposite outcome to the underlying goal of RPC 6.5: to increase access to free limited legal services for low-income Washingtonians.

7 See RPC 1.6 Comment [6].

The suggested comment to RPC 6.5 provides important clarity regarding the notice requirement. This guidance will enable any non-profit or court-annexed limited legal service program that satisfies the provisions of RPC 6.5(a) to serve clients who face compounding challenges to seeking legal assistance and who might otherwise be barred from obtaining the help they need due to barriers unwittingly posed by the RPCs. At the same time, limited legal service programs are able to help keep those clients safe during the course of their legal matter without fear of increasing their risk of harm. The suggested comment will allow limited legal service programs to notify ALL actual and potential clients at the time an individual applies for help of the potential for conflicts and information about the screening mechanisms. This fulfills RPC 6.5's goal to maximize the accessibility of legal aid to as many individuals as possible while still protecting an individual client's interests, safety and confidentiality within the bounds of attorneys' professional duties.

Further, providing notice of the potential for conflicts and the screening mechanisms to all applicants for short-term legal services creates an opportunity for applicants to immediately opt out of receiving services if they feel doing so would be in their best interests. Providing notice only after an actual conflict arises allows no opportunity to opt out or raise objections before the conflict arises.

**D. Hearing:**

A hearing is not requested. The Pro Bono Council has conducted stakeholder outreach on this issue. Please see the attached supporting materials.

**E. Expedited Consideration:**

Expedited consideration is not requested.

**F. Supporting Materials:**

Statement regarding stakeholder outreach conducted by Pro Bono Council

**SUGGESTED RULE CHANGES  
RULES OF PROFESSIONAL CONDUCT  
Recommended by the Pro Bono Council**

**Suggested Additional Comment to Rule 6.5:**

[8] Nonprofit and Court-Annexed Limited Legal Service Programs may provide notice, as described in paragraph (a)(3), at the time an individual applies for service, regardless of whether an actual conflict exists at that time.

**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 19-23-021  
RULES OF COURT  
STATE SUPREME COURT  
[November 6, 2019]**

IN THE MATTER OF THE SUG- ) ORDER  
GESTED AMENDMENTS TO MANDA- ) NO. 25700-A-1271  
TORY ARBITRATION RULES (MARs) )  
1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 4.1, 4.2, )  
4.3, 5.1, 5.2, 5.3, 5.4, 6.1, 6.2, 6.3, 6.4, 7.1, )  
7.2, 7.3, 8.1, 8.2, 8.3, 8.4, 8.5, TO SUPE- )  
RIOR COURT ARBITRATION OF )  
CIVIL ACTIONS (SCCARs) AND GR 1 )

The Washington State Bar Association Board of Governors, having recommended the adoption of the suggested amendments to Mandatory Arbitration Rules (MARs) 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 4.1, 4.2, 4.3, 5.1, 5.2, 5.3, 5.4, 6.1, 6.2, 6.3, 6.4, 7.1, 7.2, 7.3, 8.1, 8.2, 8.3, 8.4, 8.5, to Superior Court Arbitration of Civil Actions (SCCARs) and GR 1, and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the suggested amendments will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 6th day of November, 2019.

	<u>Fairhurst, C.J.</u>
<u>Johnson, J.</u>	<u>Wiggins, J.</u>
<u>Madsen, J.</u>	<u>Gonzalez, J.</u>
<u>Owens, J.</u>	<u>Gordon McCloud, J.</u>
<u>Stephens, J.</u>	<u>Yu, J.</u>

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 19-24 issue of the Register.

WSR 19-23-022
RULES OF COURT
STATE SUPREME COURT
[November 6, 2019]

IN THE MATTER OF THE TECHNICAL ) ORDER
CHANGE TO RAP 18.13A ) NO. 25700-A-1272
PUBLICICO SERVICE )

The Washington Supreme Court having considered the suggested amendment to RAP 18.13A is a technical change, and the Court having determined that the suggested amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(j) the suggested amendment as shown below is expeditiously adopted.

(b) That the suggested amendment will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 6th day of November, 2019.

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

RAP 18.13A
ACCELERATED REVIEW OF JUVENILE DEPENDENCY DISPOSITION ORDERS, ORDERS TERMINATING PARENTAL RIGHTS, DEPENDENCY GUARDIANSHIP ORDERS, AND ORDERS ENTERED IN DEPENDENCY AND DEPENDENCY GUARDIANSHIP CASES

(a)-(i) [Unchanged.]

(j) Motion Procedure Controls.

(1) Unless otherwise specified in this rule, the motion procedure, including a party's response, is governed by Title 17.

(2) A motion to modify a Court of Appeals commissioner's ruling terminating review of a motion for accelerated review filed pursuant to RAP 18.13A must be served on all persons entitled to notice of the original motion and filed in the appellate court not later than 15 days after the commissioner's ruling is filed in the Court of Appeals. An answer to the motion to modify should be filed not later than 15 days after the motion to modify is filed. A party should not file a reply to an answer unless requested by the appellate court.

(k)-(l) [Unchanged.]

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 19-23-023
RULES OF COURT
STATE SUPREME COURT
[November 6, 2019]

IN THE MATTER OF THE TECHNICAL ) ORDER
CHANGE TO RPC 6.1—PRO BONO ) NO. 25700-A-1273
PUBLICICO SERVICE )

The Washington Supreme Court having considered the suggested amendment to RPC 6.1—Pro Bono Publico Service is a technical change, and the Court having determined that the suggested amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(j) the suggested amendment as shown below is expeditiously adopted.

(b) That the suggested amendment will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 6th day of November, 2019.

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

SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT
TITLE 6 - PUBLIC SERVICE

RPC 6.1 PRO BONO PUBLICO SERVICE

Every lawyer has a professional responsibility to assist in the provision of legal services to those unable to pay. A lawyer should aspire to render at least thirty (30) hours of pro bono publico service per year. In fulfilling this responsibility, the lawyers should:

(a) provide legal services without fee or expectation of fee to:

- (1) persons of limited means or
(2) charitable, religious, ~~civil~~ civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and

Reviser's note: No further information has been supplied by the State Supreme Court.



**WSR 19-23-024**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[November 6, 2019]

IN THE MATTER OF THE SUG- ) ORDER  
 GESTED NEW GENERAL RULE (GR) ) NO. 25700-A-1274  
 38 AND SUGGESTED AMENDMENT )  
 TO RPC 4.4 COMMENTS [4] )

The Washington Defender Association, having recommended the suggested new General Rule (GR) 38 and suggested amendments to RPC 4.4 Comment [4], and the Court having approved the suggested new rule and suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested new rule and suggested 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.

(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 60 days from the published date of the rule in the Washington Reports. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [supreme@courts.wa.gov](mailto: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, 2019.

For the Court

Fairhurst, C.J.  
 \_\_\_\_\_  
 CHIEF JUSTICE

**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.

**GR 9 COVER SHEET**  
**Proposed New Washington State Court Rule**  
**GENERAL RULE (GR) 38**

**(A) Names of Proponents:** Northwest Justice Project, Washington Defender Association, American Civil Liberties Union (ACLU) of Washington, Northwest Immigrant Rights Project, Washington Immigrant Solidarity Network, Columbia Legal Services, Central Washington Justice For Our Neighbors, Asian Pacific Islander Institute on Gender-Based Violence, Washington State Coalition Against Domestic Violence, Washington Coalition of Sexual Assault Programs, Colectiva Legal del Pueblo

**(B) Spokespersons:**

Annie Benson, Washington Defender Association  
 110 Prefontaine Place South, Suite 610, Seattle, WA 98104

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 Tel: 206-464-1519  
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**(C) Purpose:**

The proposed court rule is based on the civil arrest privilege. As the supplemental materials outline, the privilege has a long-established tradition in common law and Washington caselaw.<sup>1</sup> The privilege prohibits civil arrests without a judicial arrest warrant, or other judicial arrest order, from being carried out against a person who is inside a Washington courthouse, or who is traveling to, or returning from, a Washington courthouse to attend hearings or conduct business with the court.

<sup>1</sup> See memorandum in supplemental materials providing an overview of the law on the civil arrest privilege.

As of the filing of this petition, incidents involving warrantless arrests in connection with federal civil immigration enforcement activities have been documented in courthouses in 18 Washington counties.<sup>2</sup> Federal immigration enforcement agents of the Department of Homeland Security Divisions of Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) are arresting people inside, outside and adjacent to (e.g., on courthouse sidewalks and in courthouse parking lots) Washington district, municipal and superior courts. Additionally, ICE and CBP agents are following people as they leave the courthouse, pulling them over in their cars and arresting drivers and passengers.

<sup>2</sup> See factsheet *Immigration Enforcement At Washington Courthouses*, Washington Immigrant Solidarity Network, (Sept. 2019), provided in the supplemental materials and available at: <http://defensenet.org/wp-content/uploads/2019/08/Summary-2-pgr-Immig-Enforcement-@-WA-Ct-Houses-AB-FINAL-0829019.pdf>

Targeted people are at courthouses in connection with court business, such as attending a hearing or paying traffic infractions. There are no documented incidents of such individuals causing any disturbance of the peace or posing any danger to others while engaging in court business. Immigration enforcement agents target people of color, predominantly Latinx Spanish speakers. Targeted people are stopped, questioned and/or simply apprehended, often forcefully.

Immigration enforcement actions at courthouses are now well-known throughout Washington's immigrant communities. As a result, noncitizens and their families and communities are afraid to engage with our state's justice system. Some of the impacts of these actions are:

- Victims are afraid to report crimes for fear that they or their family members would have to come to a courthouse as a result of their report.
- Victims and other witnesses are afraid to testify in both civil and criminal cases.
- Victims are afraid to seek domestic violence and other forms of protective orders.
- Would-be parties to civil litigation are afraid to commence civil litigation through which they could other-

wise obtain orders of dissolution, parenting plans and orders for support and division of property.

- Respondents in a range of civil litigation are afraid to participate, forcing them to choose between being defaulted, or risking arrest.
- People are foregoing payment of traffic fines, seeking marriage licenses and accessing other administrative court services.
- Defendants fear showing up for court dates to answer and defend against criminal charges. They must choose risking additional charges for failing to appear (an offense with severe immigration consequences) or being arrested, detained and possibly deported by immigration enforcement officers. These circumstances compromise defense attorney's capacity and obligations to defend their clients.
- People who would otherwise accompany friends and relatives to court, are now afraid to provide that accompaniment or transportation to court.
- Prosecutors are impeded in their duties to pursue justice for alleged criminal violations.

It is a fundamental right of all Washington residents to access our courts. Const. art. 1, § 10. The purpose of Washington's court rules is to "provide necessary governance of court procedure and practice and to promote justice by ensuring a fair and expeditious process." GR 9. Targeting those who appear at our courthouses and subjecting them to arrest without a judicial warrant for alleged civil immigration violations frustrates justice and compromises our judicial process.

This civil arrest activity denies access to our justice system for large numbers of individuals and their families, the majority of whom are Spanish-speaking people of color. Their legitimate fears of arrest and deportation require justice system stakeholders to engage all possible strategies to ensure Washington courts are open, neutral and accessible to the public, free of restrictions that would otherwise impede the proper administration of justice.

The proposed rule recognizing the civil arrest privilege is one such strategy. It would prohibit unwarranted immigration enforcement actions and help to restore access to Washington's courts for all, renew confidence in our judicial system and provide a basis to pursue legal action against state and federal actors who violate orders invoking the privilege. Accordingly, it is appropriate and necessary that the Court adopt the proposed rule.

This rule does not create or resolve conflicts with statutes, case law or other court rules.

**(D) Hearing:**

The proponents do not believe a public hearing is needed.

**(E) Expedited Consideration:**

The proponents believe exceptional circumstances justify expedited consideration of the suggested rule. The current circumstances have resulted in an access to justice crisis for noncitizens, their families and communities. Much damage has already occurred, to families, and communities, as well as our courts. And federal immigration enforcement actions continue. Community members report arrests taking place multiple times each week in Grant County alone. Communities and justice system stakeholders cannot wait until

September 1st, 2020. Indeed, even if the petition is processed in an expedited manner there will be significant damage to people and the mission of our courts. As such, proponents respectfully request that the proposed rule be moved through the process as quickly as possible. If the committee votes to permit the petition to proceed, proponents request commencement of a 30-day comment period as soon as possible and an expedited schedule for the remainder of the process.

**(F) Supporting Materials:**

1. *Immigration Enforcement at Washington State Courthouses*, Washington Immigrant Solidarity Network, August 29, 2019.

2. Letter From Chief Justice Mary Fairhurst to Commissioner Kevin McAleenan, US Customs and Border Protection, April 15, 2019.

3. Letter from Chief Justice Mary Fairhurst to Secretary John Kelly, US Department of Homeland Security, March 15, 2017.

4. Letter from Robin L. Haynes, Washington State Board of Governors to Secretary John Kelly, US Department of Homeland Security, June 1, 2017.

5. *Justice Compromised: Immigration Arrests At Washington State Courthouses*, University of Washington Center For Human Rights, October 1, 2019.

**PROPOSED WASHINGTON COURT RULE**

**GENERAL RULE (GR) 38**

1. No person shall be subject to civil arrest without a judicial arrest warrant or judicial order for arrest while the person is inside a court of law of this state in connection with a judicial proceeding or other business with the court.

2. No person shall be subject to civil arrest without a judicial arrest warrant or judicial order for arrest while the traveling to a court of law of this state for the purpose of participating in any judicial proceeding, accessing services or conducting other business with the court, or while traveling to return home or to employment after participating in any judicial proceeding, accessing services or conducting business with the court. Participating in a judicial proceeding includes, but is not limited to, participating as a party, witness, interpreter, attorney or lay advocate. Business with the court and accessing court services includes, but is not limited to, doing business with, responding to, or seeking information, licensing, certification, notarization, or other services, from the office of the court clerk, financial/collections clerk, judicial administrator, courthouse facilitator, family law facilitator, court interpreter, and other court and clerk employees.

3. Washington courts may issue writs or other court orders necessary to enforce this court rule.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**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.

## GR COVER SHEET

## Proposed Amendment to

## COMMENT ON RULES OF PROFESSIONAL CONDUCT (RPC)

Comment to Rule 4.4 - RESPECT FOR RIGHTS OF THIRD PERSON

**A. Names of Proponents:**

American Civil Liberties Union of Washington (ACLU-WA), Washington Defender Association, Northwest Justice Project, Northwest Immigrant Rights Project, Washington Immigrant Solidarity Network, Columbia Legal Services, Central Washington Justice For Our Neighbors, Asian Pacific Islander Institute on Gender-Based Violence, Washington State Coalition Against Domestic Violence, Washington Coalition of Sexual Assault Programs, Colectiva Legal del Pueblo

**B. Spokesperson:**

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American Civil Liberties Union of Washington  
901 Fifth Avenue, Suite 630  
Seattle, WA 98164  
Tel: (206) 624-2184  
Email: eherat@aclu-wa.org

**C. Purpose:**

Since Comment (4) to Rule of Professional Conduct (RPC) 4.4 was originally adopted in 2013, the landscape of immigration enforcement has drastically changed. A technical amendment to the comment is needed to clarify that the protections extend to the use of civil immigration enforcement as a weapon against immigrant parties and witnesses across Washington. The changes to the comment would prevent all lawyers in Washington from reporting individuals to immigration authorities in both civil and criminal cases and help to ensure that all lawyers are upholding their duty to facilitate access to justice. The proposed changes also provide exceptions for state and federal law, and for lawyers employed by federal immigration authorities.

These clarifications to the existing comment are proposed to prevent warrantless civil arrests being conducted in and around Washington courthouses by federal immigration enforcement agents. Cooperation with federal immigration enforcement agencies to facilitate these arrests transforms state courthouses into a staging ground for immigration detention and deportation, and makes the courthouse a frightening and unwelcoming place for immigrants and their families. The Washington State Bar Association (WSBA) Board of Governors unanimously approved sending a letter to the Department of Homeland Security recognizing that the "situation leads to access to justice impediments and risks less safe communities."<sup>1</sup> Chief Justice Fairhurst has sent similar letters to ICE and Customs and Border Protection (CBP) asserting that these arrests "impede the fundamental mission of our courts, which is to ensure due process and access to justice for everyone, regardless of their immigration status."<sup>2</sup>

<sup>1</sup> See attached letter from WSBA BOG to ICE.

<sup>2</sup> See supplemental materials at 2 and 3.

Unfortunately, as reflected in the current Comment [4], lawyers have used immigration enforcement as a strategic

tactic knowing that ICE and CBP have in recent months increased their presence at courthouses.<sup>3</sup>

<sup>3</sup> Lilly Fowler, More Immigrants Report Arrests at WA Courthouses, Despite Outcry, <https://crosscut.com/2019/04/more-immigrants-report-arrests-wa-courthouses-despite-outcry>, (last accessed on 9/26/19).

Immigration enforcement actions have occurred at courthouses throughout Washington, in at least 16 different counties.<sup>4</sup> ICE and CBP primarily target people of color, predominantly Latinx Spanish speakers. Targeted people are stopped, questioned and/or apprehended as they seek to enter, are inside, or are leaving a Washington courthouse. As a result, noncitizens, including immigrants with lawful status, and their families and communities are afraid to engage with our state's justice system. Defendants fear showing up for court dates to answer and defend against criminal charges. They must choose risking additional charges for failing to appear or being arrested, detained and possibly deported by immigration enforcement officers. These circumstances compromise defense attorneys' capacity and obligations to defend clients, and prosecutors are impeded in their duties to pursue justice for alleged criminal violations. Similarly, victims of crime, including domestic violence are afraid to seek judicial protections for fear being separated from their children or otherwise having to defend themselves against possible deportation.

<sup>4</sup> See attached report, University of Washington Center for Human Rights, *Justice Compromised, Immigration arrests at Washington state courthouses* (Oct. 2019).

Our Supreme Court Chief Justice, WSBA, and prosecutors around the country — including in California, Colorado, Massachusetts, and New York — have publicly condemned immigration enforcement actions in courthouses because of the chilling effect on immigrants. However, as the University of Washington's Center for Human Rights has recently reported, some prosecutors in Washington have proactively shared information and reported people to ICE.<sup>5</sup> Many prosecutors know first-hand that the specter of county involvement in ICE arrests harms public trust in law enforcement, making people less likely to come forward as crime witnesses or to seek protection because they fear doing so will lead ICE agents to detain and deport them or their family members. As a letter sent by California prosecutors to ICE noted, "[n]o one should fear that their immigration status prevents them from seeking justice, whether as a crime victim or otherwise."<sup>6</sup>

<sup>5</sup> See *Id.*

<sup>6</sup> Letter to attorney General Jeff Sessions from California Prosecutors, <https://fairandjustprosecution.org/wpcontent/uploads/2017/09/Letter-to-AG-Sessions-from-Californi-Prosecutors.pdf> (April 2017).

The proposed amendment seeks to clarify that all lawyers in Washington are prohibited from sharing someone's personal information in order to facilitate immigration arrests as doing so burdens community members' access to courts. In Washington State, law enforcement is already prohibited from sharing nonpublic, personal information with immigration authorities,<sup>7</sup> as are state agencies.<sup>8</sup> Extending these prohibitions to all lawyers promotes fairness, public safety, and access to justice for all Washingtonians.<sup>9</sup>

- 7 See SB 54976 (2019-20), Section 6(5) <http://lawfilesexternal.wa.gov/biennium/201920/Pdf/Bills/Senate%20Legislature/5497-S2.PL.pdf>.
- 8 See Executive Order 17-01, [https://www.governor.wa.gov/sites/default/files/exe\\_order/eo\\_17-01.pdf](https://www.governor.wa.gov/sites/default/files/exe_order/eo_17-01.pdf) (February 2017).
- 9 Additionally, an update to the comment was necessary to recognize prosecutors' obligations under state and federal law, as well as to protect lawyers employed by federal immigration agencies.

It is a fundamental right of all Washington residents to access our courts. Const. art. 1, § 10. Justice system stakeholders must take all possible steps to ensure Washington courts are open, neutral and accessible to the public, free of restrictions that would otherwise impede the proper administration of justice. The technical amendment comment to RPC 4.4 furthers the intent of the current comment and reflects the need to ensure that all lawyers, including prosecutors, are not contributing to immigration arrests which actively undermine access to justice. Accordingly, it is appropriate and necessary that the proposed technical amendment to the comment to RPC 4.4 is adopted.

**D. Hearing:**

The proponents do not believe a public hearing is needed.

**E. Expedited Consideration:**

The proponents believe exceptional circumstances justify expedited consideration of the suggested technical amendment to the comment to RPC 4.4 and request that the Rules Committee proceed to a 30 day comment period. If the Rules Committee deems it necessary to direct the proposed commentary to the WSBA's Professional Ethics Committee for review, we request that the committee ask that the review be expedited and seek a response within a timeframe time that circumstances warrant.

**F. Supporting Materials:**

1. *Immigration Enforcement at Washington State Courthouses*, Washington Immigrant Solidarity Network, August 29, 2019.
2. Letter From Chief Justice Mary Fairhurst to Commissioner Kevin McAleenan, US Customs and Border Protection, April 15, 2019.
3. Letter from Chief Justice Mary Fairhurst to Secretary John Kelly, US Department of Homeland Security, March 15, 2017.
4. Letter from Robin L. Haynes, Washington State Board of Governors to Secretary John Kelly, US Department of Homeland Security, June 1, 2017.
5. *Justice Compromised: Immigration Arrests At Washington State Courthouses*, University of Washington Center For Human Rights, October 1, 2019.

**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.

**SUGGESTED RULE CHANGES  
RULES OF PROFESSIONAL CONDUCT 4.4 COMMENT (4)**

The duty imposed by paragraph (a) of this Rule includes a lawyer's assertion or inquiry about any third person's immigration status when the lawyer's purpose is to intimidate, coerce, or obstruct that person from participating in a civil or

criminal matter, or otherwise assists with civil immigration enforcement. Issues involving immigration status carry a significant danger of interfering with the proper functioning of the justice system. See *Salas v. Hi-Tech Erectors*, 168 Wn.2d 664, 230 P.3d 583 (2010). When a lawyer is representing a client in a civil matter, whether the client is the state or one of its political subdivisions, an organization, or an individual, a lawyer's communication to a party or a witness that the lawyer will report that person to immigration authorities, or a lawyer's report of that person to immigration authorities, furthers no substantial purpose of the civil adjudicative and violates this Rule.

A communication in violation of this Rule can also occur by an implied assertion that is the equivalent of an express assertion prohibited by paragraph (a). Sharing personal information with federal immigration authorities, including but not limited to, home address, court hearing dates, citizenship or immigration status, or place of birth, absent a court order, for the purpose of facilitating civil immigration arrests is conduct that is in violation of this Rule. See also Rules 1.6(a) (prohibiting a lawyer from revealing information relating to the representation of a client), 8.4(b) (prohibiting criminal acts that reflect adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects), 8.4(d) (prohibiting conduct prejudicial to the administration of justice), and 8.4(h) (prohibiting conduct that is prejudicial to the administration of justice toward judges, lawyers, LLLTs, other parties, witnesses, jurors, or court personnel or officers, that a reasonable person would interpret as manifesting prejudice or bias on the basis of sex, race, age, creed, religion, color, national origin, immigration status, disability, sexual orientation, or marital status).

Government officials may provide federal immigration authorities with information relating to any person involved in matters before a court only pursuant to RCW 7.98, or upon request and in the same manner and to the same extent as such information is lawfully made available to the general public, or pursuant to a court order. Additionally, under 8 U.S.C. § 1373, government officials are not prohibited from sending to or receiving from immigration authorities a person's immigration status or citizenship. Lawyers employed by federal immigration authorities engaged in authorized activities within the scope of lawful duties shall not be deemed in violation of this rule.

**WSR 19-23-025**

**RULES OF COURT**

**STATE SUPREME COURT**

[November 6, 2019]

IN THE MATTER OF THE PROPOSED ) ORDER  
 AMENDMENTS TO DEATH PENALTY ) NO. 25700-A-1265  
 RELATED COURT RULES: CrR3.1 STDS— )  
 STANDARDS FOR INDIGENT DEFENSE, )  
 CrR3.2—RELEASE OF ACCUSED, CrR )  
 3.4(b)—PRESENCE OF THE DEFEN- )  
 DANT, CrR 6.1(b)—TRIAL BY JURY OR )

BY THE COURT, CrR 6.4 (e)(1)—CHALLENGES, CrRLJ 2.2(c)—WARRANT OF ARREST OR SUMMONS UPON COMPLAINT, CrRLJ 3.1 STDS—STANDARDS FOR INDIGENT DEFENSE, JuCR 9.2 STDS—STANDARDS FOR INDIGENT DEFENSE, CR 80(b) COURT REPORTERS, RAP 4.2—DIRECT REVIEW OF SUPERIOR COURT DECISION BY SUPREME COURT, RAP 12.5(c)—MANDATE, RAP 16.1(h)—PROCEEDINGS TO WHICH TITLE APPLIES, RAP 16.3(c)—PERSONAL RESTRAINT PETITION—GENERALLY, RAP 16.5(b)—PERSONAL RESTRAINT PETITION—WHERE TO SEEK RELIEF, RAP 16.19—PREPARATION OF REPORT OF PROCEEDINGS IN CAPITAL CASES, RAP 16.20—TRANSMITTAL OF JURY QUESTIONNAIRES AND CLERK'S PAPERS IN CAPITAL CASES, RAP 16.21—CLERK'S CONFERENCE IN CAPITAL CASES, RAP 16.22—FILING OF BRIEFS IN CAPITAL CASES, RAP 16.23—ORAL ARGUMENT ON APPEAL IN CAPITAL CASES, RAP 16.24—STAY OF EXECUTION IN CAPITAL CASES, RAP 16.25—APPOINTMENT OF COUNSEL ON PERSONAL RESTRAINT PETITION IN CAPITAL CASES, RAP 16.26—PERSONAL RESTRAINT PETITIONS IN CAPITAL CASES—DISCOVERY, RAP 16.27—PERSONAL RESTRAINT PETITION IN CAPITAL CASES—INVESTIGATIVE, EXPERT, AND OTHER SERVICES, SPRC 1—SCOPE OF RULES, SPRC 2—APPOINTMENT OF COUNSEL, SPRC 3—COURT REPORTERS: FILING OF NOTES. SPRC 4 - DISCOVERY—SPECIAL SENTENCING PROCEEDING, SPRC 5—MENTAL EXAMINATION OF DEFENDANT, SPRC 6—PROPORTIONALITY QUESTIONNAIRES, SPRC 7—DESTRUCTION OF RECORDS, EXHIBITS, AND STENOGRAPHIC NOTES

The Washington State Supreme Court, having recommended the expeditious adoption of the proposed amendments to CrR 3.1 STDs—Standards for Indigent Defense, CrR 3.2—Release of Accused, CrR 3.4(b)—Presence of the Defendant, CrR 6.1(b)—Trial by Jury or by the Court, CrR 6.4(e)(1)—Challenges, CrRLJ 2.2(c)—Warrant of Arrest or Summons Upon Complaint, CrRLJ 3.1 STDS—Standards for Indigent Defense, JuCR 9.2 STDS—Standards for Indigent Defense, CR 80(b) Court Reporters, RAP 4.2—Direct Review of Superior Court Decision by Supreme Court, RAP 12.5(c)—Mandate, RAP 16.1(h)—Proceedings to Which Title Applies, RAP 16.3(c)—Personal restraint petition—Generally, RAP 16.5(b)—Personal Restraint Petition—Where to Seek Relief, RAP 16.19—Preparation of Report of Proceedings in Capital Cases, RAP 16.20—Transmittal of Jury Questionnaires and Clerk's Papers in Capital Cases, RAP 16.21—Clerk's Conference in Capital Cases, RAP 16.22—Filing of Briefs in Capital Cases, RAP 16.23—Oral Argument on Appeal in Capital Cases, RAP 16.24—Stay of

Execution in Capital Cases, RAP 16.25—Appointment of Counsel on Personal Restraint Petition in Capital Cases, RAP 16.26—Personal Restraint Petitions in Capital Cases—Discovery, RAP 16.27—Personal Restraint Petition in Capital Cases—Investigative, Expert, and Other Services, SPRC 1—Scope of Rules, SPRC 2—Appointment of Counsel, SPRC 3—Court Reporters: Filing of Notes, SPRC 4 - Discovery—Special Sentencing Proceeding, SPRC 5—Mental Examination of Defendant, SPRC 6—Proportionality Questionnaires, SPRC 7—Destruction of Records, Exhibits, and Stenographic Notes, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested 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 in January 2020.

(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, 2020. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [supreme@courts.wa.gov](mailto: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, 2019.

For the Court

Fairhurst, C.J.

CHIEF JUSTICE

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 20-01 issue of the Register.

**WSR 19-23-026**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF HEALTH  
(Board of Hearing and Speech)**

[Filed November 8, 2019, 11:12 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 hearing and speech, for the year 2020. The board of hearing and speech 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 website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of hearing and

speech reserves the right to change or amend agendas at the meeting.

Date	Time	Location
February 7, 2020	9:00 a.m.	Department of Health Town Center 3 Room 224 243 Israel Road S.E. Tumwater, WA 98501
May 8, 2020	9:00 a.m.	Spokane, Washington TBD
July 31, 2020	9:00 a.m.	Department of Health Creekside Two at CenterPoint 20425 72nd Avenue South Suite 10 Room 309 Kent, WA 98032
November 6, 2020	9:00 a.m.	Department of Health Creekside Two at CenterPoint 20425 72nd Avenue South Suite 10 Room 309 Kent, WA 98032

If you need further information, please contact Kim-Boi Shadduck, Program Manager, Board of Hearing and Speech, Washington Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2912, fax 360-236-2901, kim-boi.shadduck@doh.wa.gov, www.doh.wa.gov.

Please be advised the board of hearing and speech is required to comply with the Public Disclosure [Records] 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 19-23-027**  
**NOTICE OF PUBLIC MEETINGS**  
**DAIRY PRODUCTS COMMISSION**

[Filed November 8, 2019, 11:25 a.m.]

**2020 Board Meeting Schedule**

January 21, 2020	Regular Commission Meeting Washington Dairy Center 4201 198th Street S.W. Lynnwood, WA 98036	8:00 a.m.
February 26-27, 2020	Regular Commission Meeting Washington Dairy Center Lynnwood, Washington	8:00 a.m.
April 22-23, 2020	Regular Commission Meeting Location to be determined Sunnyside, Washington	8:00 a.m.
June 10, 2020	Regular Commission Meeting Location to be determined Whatcom County, Washington	8:00 a.m.
August 25, 2020	Regular Commission Meeting Location to be determined Pasco, Washington	8:00 a.m.

September 29-30, 2020	Regular Commission Meeting TBD Washington Dairy Center	8:00 a.m.
November 18-19, 2020	Regular Commission Meeting Washington Dairy Center Lynnwood, Washington	
December 9, 2020	Regular Commission Meeting Great Wolf Lodge 20500 Old Highway 99 S.W. Grand Mound, WA 98531	

NOTE: Please confirm all final meeting start times with the Washington dairy products commission at 425-672-0687.

**WSR 19-23-036**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**

[Filed November 12, 2019, 9:44 a.m.]

**NOTICE OF ADOPTION OF A POLICY STATEMENT**

Title of Policy Statement: Self-Treatment or Treatment of Immediate Family Members.

Issuing Entity: Washington medical commission.

Subject Matter: Practitioners treating family members or themselves.

Effective Date: May 19, 2017.

Contact Person: Michael Farrell, JD, Policy Development Manager, 16201 East Indiana Avenue, Suite 1500, Spokane Valley, WA 99203, 509-329-2186, michael.farrell@wmc.wa.gov.

**WSR 19-23-040**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE LOTTERY**

(Lottery Commission)

[Filed November 12, 2019, 1:16 p.m.]

The following is the schedule of regular public meetings for the Washington lottery commission in 2020:

February 20, 2020	Lottery Headquarters Drawing Studio	Olympia, Washington
April 23, 2020	Lottery Headquarters Drawing Studio	Olympia, Washington
June 25, 2020	Lottery Headquarters Drawing Studio	Olympia, Washington
August 20, 2020	Location TBD	TBD
October 22, 2020	Lottery Headquarters Drawing Studio	Olympia, Washington
December 17, 2020	Lottery Headquarters Drawing Studio	Olympia, Washington

Work session meetings will begin at 8:30 a.m. Formal meetings will follow the work session after a short break.

If you require additional information please contact Stephanie Porter at 360-810-2887 or SPorter@walottery.com. Or visit our website at www.walottery.com.

**WSR 19-23-042**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)  
[Filed November 12, 2019, 6:09 p.m.]

Following is the schedule of regular meetings for the department of health, nursing care quality assurance commission (NCQAC) for 2020. This schedule follows the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW). NCQAC meetings are open to the public. 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 available in advance via GovDelivery and the NCQAC website (see below). Every attempt is made to ensure the agenda is up-to-date. However, NCQAC reserves the right to change or amend agendas at the meetings.

Date	Time	Location
January 10, 2020	8:30 a.m.	Department of Health Tumwater, Washington
March 13, 2020	8:30 a.m.	Department of Health Tumwater, Washington
May 8, 2020	8:30 a.m.	Department of Health Tumwater, Washington
July 9 and 10, 2020	8:30 a.m.	Lacey, Washington Location TBD
September 10 and 11, 2020	8:30 a.m.	Spokane, Washington Location TBD
November 13, 2020	8:30 a.m.	Kent, Washington Location TBD

If you need further information please contact Shad Bell, Assistant Director of Operations, Department of Health, Nursing Care Quality Assurance Commission, P.O. Box 47864, Olympia, WA 98504-7864, email shad.bell@doh.wa.gov, web <https://www.doh.wa.gov/LicensesPermitsandCertificates/NursingCommission/CommissionMeetingSchedule>.

**WSR 19-23-048**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed November 13, 2019, 4:47 p.m.]

2020 Notice of Public Meeting Schedule

Industrial Insurance Chiropractic Advisory Committee, Advisory Committee on Healthcare Innovation and Evaluation, and Industrial Insurance Medical Advisory Committee

Pursuant to chapter 42.30 RCW, the Open Public Meetings Act, following are the industrial insurance advisory committee meetings that are scheduled in calendar year 2020. Check reader board in lobby area in case of room change within the facility.

COMMITTEE	DATE	TIME	LOCATION
Industrial insurance chiropractic advisory committee (IICAC)	January 16, 2020	8:30 a.m.-12 p.m.	Labor and Industries Headquarters 7273 Linderson Way S.E. Tumwater, WA 98501 Room S130
	April 16, 2020	8:30 a.m.-12 p.m.	Room S118
	July 16, 2020	8:30 a.m.-12 p.m.	Room S130
	October 8, 2020	8:30 a.m.-12 p.m.	Room S130
Advisory committee on healthcare innovation and evaluation (ACHIEV)	January 23, 2020	8 a.m.-12 noon	SeaTac Airport Port of Seattle
	April 23, 2020	8 a.m.-12 noon	17801 International Boulevard
	July 23, 2020	8 a.m.-12 noon	Beijing Room
	October 22, 2020	8 a.m.-12 noon	Seattle, WA 98158
Industrial insurance medical advisory committee (IIMAC)	January 23, 2020	1:00-5:00 p.m.	SeaTac Airport Port of Seattle
	April 23, 2020	1:00-5:00 p.m.	17801 International Boulevard
	July 23, 2020	1:00-5:00 p.m.	Beijing Room
	October 22, 2020	1:00-5:00 p.m.	Seattle, WA 98158

Please call Kelly Miller at 360-902-4503 if you have questions about these meetings.

IIMAC meeting agendas and materials will be posted at <https://lni.wa.gov/patient-care/advisory-committees/industrial-insurance-medical-advisory-committee-iimac>.

IICAC meeting agendas and materials will be posted at <https://lni.wa.gov/patient-care/advisory-committees/industrial-insurance-chiropractic-advisory-committee-iicac>.

ACHIEV meeting agendas and materials will be posted at <https://lni.wa.gov/patient-care/advisory-committees/advisory-committee-on-health-care-innovation-and-evaluation>.

### WSR 19-23-051

#### NOTICE OF PUBLIC MEETINGS ACTUARY, OFFICE OF THE STATE (Select Committee on Pension Policy)

[Filed November 14, 2019, 1:49 p.m.]

#### 2020 MEETING SCHEDULE

Following are the 2020 select committee on pension policy (SCPP) meeting dates. Please note there are no meetings scheduled during legislative session or the month of August.

Location: Full Committee - House Hearing Room A.

Executive Committee - House Hearing Room A.

Time: 8:00 a.m. - 4:30 p.m.

April 21, 2020

May 19, 2020

June 16, 2020

July 21, 2020

September 15, 2020

October 20, 2020

November 17, 2020

December 15, 2020

### WSR 19-23-052

#### NOTICE OF PUBLIC MEETINGS DEPARTMENT OF COMMERCE (Statewide Reentry Council)

[Filed November 14, 2019, 2:37 p.m.]

The statewide reentry council has changed the following regular meeting:

From: November 12, 2019, from 12:30 - 3:30 p.m.

To: December 3, 2019, from 10 [a.m.] - 4:00 p.m., Pioneer Human Services, 7440 West Marginal Way South, Seattle, WA 98108.

If you need further information contact Carolina Landa, Department of Commerce, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504-2525, 360-725-2757, 360-586-8440, [carolina.landa@commerce.wa.gov](mailto:carolina.landa@commerce.wa.gov), [www.commerce.wa.gov](http://www.commerce.wa.gov).

### WSR 19-23-056

#### NOTICE OF PUBLIC MEETINGS GRAIN COMMISSION

[Filed November 14, 2019, 3:50 p.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 2020**. 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 8:30 a.m., *unless otherwise noted*.

Regular

Friday, January 10  
(8:00 a.m.)

Regular

Thursday, March 12

Annual

Wednesday and Thursday

May 20 (10:00 a.m.) and 21  
(8:00 a.m.)

Regular

Thursday, September 24

Regular

Thursday, November 19

Residence Inn

1255 N.E. North Fairway Road  
Pullman, WA

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 19-23-059

#### NOTICE OF PUBLIC MEETINGS EASTERN WASHINGTON STATE HISTORICAL SOCIETY

[Filed November 15, 2019, 9:18 a.m.]

Following is the schedule for the board of trustees for Eastern Washington State Historical Society for the calendar year of 2020 which was passed at the November 6, 2019, board meeting.

#### Board of Trustees Meeting Schedule

3 - 5 p.m.

Gilkey Community Room

#### Board of Trustees Meetings

Wednesday, January 8, 2020

Wednesday, March 4, 2020

Wednesday, May 6, 2020

Wednesday, July 1, 2020



Wednesday, September 2, 2020

Wednesday, November 4, 2020

Please don't hesitate to contact Melissa Allard if you have any questions.

**WSR 19-23-060**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF ECOLOGY**  
(Office of Chehalis Basin)  
[Filed November 15, 2019, 10:48 a.m.]

**PUBLIC NOTICE**  
**Chehalis Basin Board 2020 Meeting Dates**

The department of ecology's office of Chehalis Basin has established regular Chehalis Basin board meeting dates for 2020. Board meetings will regularly be held in 2020 on the first Thursday of each month, except for January and July, where the board will meet on the second Thursday of the month.

Chehalis Basin board meetings will alternate meeting locations in 2020 between the Aberdeen Rotary Log Pavilion, Chehalis Tribal Community Center, and the Chehalis Veteran's Memorial Museum.

**Chehalis Basin Board Meeting**

Location:	Dates:
Aberdeen's Rotary Log Pavilion	January 9, 2020 April 2, 2020
1401 Sargent Boulevard Aberdeen, WA 98520	July 9, 2020 October 1, 2020
Chehalis Tribal Community Center	February 6, 2020 May 7, 2020
420 Howanut Road Oakville, WA 98568	August 6, 2020 November 5, 2020
Chehalis Veteran's Memorial Museum	March 5, 2020 June 4, 2020
100 S.W. Veterans Way Chehalis, WA 98532	September 3, 2020 December 3, 2020

To request Americans with Disabilities Act accommodation for disabilities, or printed materials in a format for the visually impaired, call ecology at 360-407-6831 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington relay service at 711. People with speech disability may call TTY at 877-833-6341.

**WSR 19-23-064**  
**CLEMENCY AND PARDONS BOARD**  
[Filed November 15, 2019, 2:38 p.m.]

**Notice of Quarterly Hearing**

The Washington state clemency and pardons board hereby gives notice of its quarterly hearings scheduled for **December 12 and 13, 2019**, at House Hearing Room A, John L. O'Brien Building, 504 15th Avenue S.W., Olympia, WA 98504, starting at 9:00 a.m.<sup>1</sup> The following petitions will be considered by the board<sup>2</sup>:

- <sup>1</sup> Please note that all board hearings are recorded by a court reporter, open to the public, and broadcast on the state public affairs network, TVW.
- <sup>2</sup> At the board's discretion, the order of the petitions to be called for hearing is subject to change. This agenda may also be amended, if needed an updated agenda will be filed no later than November 27, 2019.

**December 12, 2019:**

Petitioner:	Relief Requested:
Thornton, Curtis	Commutation
Norling, Leonard	Commutation
Williams, Elaine	Pardon
Hutto, Rhondi	Pardon
Trujillo, Samuel	Pardon

**December 13, 2019:**

Petitioner:	Relief Requested:
Fowler, Ivan	Commutation
Royer, Wilson Michael	Pardon
Hanna, Donald	Pardon
Martinez, Christina	Pardon

**WSR 19-23-068**  
**RULES COORDINATOR**  
**BATES TECHNICAL COLLEGE**  
[Filed November 18, 2019, 8:03 a.m.]

Pursuant to RCW 34.05.312, the rules coordinator for Bates Technical College is Karey Bryson, 1101 South Yakima Avenue, Tacoma, WA 98405, phone 253-680-7100, email [kbryson@batetech.edu](mailto:kbryson@batetech.edu).

Lin Zhou, Ph.D.  
President

**WSR 19-23-073**

**NOTICE OF PUBLIC MEETINGS  
HEALTH CARE AUTHORITY**

(Governor's Indian Health Advisory Council)

[Filed November 18, 2019, 2:42 p.m.]

**Approved Schedule of Meetings for 2019**

Date	Time	Location
December 6, 2019 Friday	9:00 a.m.-noon	Washington State Health Care Authority Cherry Street Plaza Sue Crystal Conference Center 626 8th Avenue S.E. Olympia, WA 98501

If you need further information, contact Melissa Livingston, Senior Policy Analyst, Health Care Authority, 626 8th Avenue S.E., P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-9832, fax 360-586-9551, email [tribalaffairs@hca.wa.gov](mailto:tribalaffairs@hca.wa.gov).

**WSR 19-23-076**

**NOTICE OF PUBLIC MEETINGS  
CENTRALIA COLLEGE**

[Filed November 19, 2019, 8:20 a.m.]

**BOARD OF TRUSTEES  
MEETING DATE CHANGE**

The board of trustees of Community College District Twelve has changed the regular meeting scheduled for Thursday, December 12, 2019, to Tuesday, December 17, 2019, at 3:00 p.m., in the boardroom at Centralia College, 600 Centralia College Boulevard, Centralia, WA 98531.

The next regularly scheduled board meeting will be Thursday, January 9, 2020, in the boardroom at Centralia College.

**WSR 19-23-077**

**RULES COORDINATOR  
OFFICE OF THE  
INSURANCE COMMISSIONER**

[Filed November 19, 2019, 9:05 a.m.]

Pursuant to RCW 34.05.312 the rules coordinator for the office of the insurance commissioner is Bryon Welch, Policy and Rules Manager, Policy and Legislative Affairs, P.O. Box 40255, Olympia, WA 98504-0255, email [BryonW@oic.wa.gov](mailto:BryonW@oic.wa.gov), phone 360-725-7037. Mr. Welch will be replacing Candice Myrum, deputy commissioner, policy and legislative affairs division.

Mike Kreidler  
Insurance Commissioner

**WSR 19-23-083**

**NOTICE OF PUBLIC MEETINGS  
GAMBLING COMMISSION**

[Filed November 19, 2019, 10:41 a.m.]

**Approved 2020 Commission Meetings Schedule**

January 9 and 10 Thursday and Friday	Hilton Garden Inn 2101 Henderson Park Lane S.E. Olympia, WA 98501
February 13 and 14 Thursday and Friday	Hilton Garden Inn 2101 Henderson Park Lane S.E. Olympia, WA 98501
March 12 and 13 Thursday and Friday	Hilton Garden Inn 2101 Henderson Park Lane S.E. Olympia, WA 98501
April 9 and 10 Thursday and Friday	Hilton Garden Inn 2101 Henderson Park Lane S.E. Olympia, WA 98501
May 14 and 15 Thursday and Friday	The Marcus Whitman Hotel 6 West Rose Street Walla Walla, WA 99362
June 23 and 24 Tuesday and Wednesday	The Davenport Grand 333 West Spokane Falls Boulevard Spokane, WA
July	<b>NO MEETING</b>
August 13 and 14 Thursday and Friday	Hotel Murano 1320 Broadway Tacoma, WA 98402
September 10 and 11 Thursday and Friday	The Heathman Lodge 7801 N.E. Greenwood Drive Vancouver, WA 98662
October 15 and 16 Thursday and Friday	Hilton Garden Inn 2101 Henderson Park Lane S.E. Olympia, WA 98501
November 17 and 18 Tuesday and Wednesday	Hilton Garden Inn 2101 Henderson Park Lane S.E. Olympia, WA 98501
December	<b>NO MEETING</b>

**WSR 19-23-091**  
**NOTICE OF PUBLIC MEETINGS**  
**ANDY HILL CANCER**  
**RESEARCH ENDOWMENT BOARD**  
 [Filed November 20, 2019, 7:56 a.m.]

2020 Meeting Schedule

The following is the schedule of regular meetings for the Andy Hill cancer research endowment (CARE) board for 2020:

Date	Time	Location
February 28, 2020 <sup>1</sup>	3:00 - 5:00 p.m.	Fred Hutchinson Cancer Research Center 1100 Fairview Avenue North Thomas Building Sze East Conference Room (D1-084) Seattle, WA 98109
April 22, 2020	3:00 - 5:00 p.m.	Fred Hutchinson Cancer Research Center 1100 Fairview Avenue North Thomas Building Sze East Conference Room (D1-084) Seattle, WA 98109
July 8, 2019 [2020]	8:30 a.m. - 12:00 p.m.	University of Washington Center for Urban Horticulture 3501 N.E. 41st Street NHS Hall - C Seattle, WA 98105
September 25, 2020 <sup>2</sup>	1:30 - 2:30 p.m.	Fred Hutchinson Cancer Research Center 1100 Fairview Avenue North Thomas Building Sze East Conference Room (D1-084) Seattle, WA 98109
September 25, 2020	3:00 - 5:00 p.m.	Fred Hutchinson Cancer Research Center 1100 Fairview Avenue North Thomas Building Sze East Conference Room (D1-084) Seattle, WA 98109
November 18, 2020	3:00 - 5:00 p.m.	Fred Hutchinson Cancer Research Center 1100 Fairview Avenue North Weintraub Building B1-072 Seattle, WA 98109

<sup>1.</sup> Annual public hearing.

<sup>2.</sup> Executive ethics training for the CARE board.

**WSR 19-23-094**  
**HEALTH CARE AUTHORITY**  
 [Filed November 20, 2019, 9:48 a.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA)  
20-0001 Update Managed Care.

Effective Date: January 1, 2020.

Description: The health care authority (the agency) intends to submit SPA 20-0001 to reflect the final implementation of the integration of mental health and substance use

disorder services (collectively known as "behavioral health") into an integrated managed care (IMC) program under contract with apple health managed care organizations (MCO). SPA 20-0001 also updates the IMC section of the state plan to make technical corrections and more clearly reflect that the following medicaid services are currently covered by the IMC program:

- Inpatient hospital services.
- Outpatient hospital services.
- Oral health examinations and services.

On January 1, 2020, the agency will implement IMC in the Thurston-Mason, Great Rivers, and Salish regional service areas (RSA). The RSAs consist of Clallam, Cowlitz, Grays Harbor, Jefferson, Kitsap, Lewis, Mason, Pacific, Thurston, and Wahkiakum counties. Coverage previously provided by behavioral health organizations under the 1915(b) behavioral health waiver for specialty behavioral health services will be transferred to MCOs across all regions of the state.

SPA 20-0001 is expected to have no effect on the annual aggregate expenditures, reimbursement, or payment for MCOs.

A copy of SPA 20-0001 is in development. The agency would appreciate any input or concerns regarding this SPA. To request a copy of the SPA when I [it] is available and submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Contact Jessica Diaz, Managed Care Programs, 626 8th Avenue S.E., Olympia, WA 98504, phone 360-725-1177, TRS (TDD/TTY) 711, fax 360-664-0261, email [Jessica.diaz@hca.wa.gov](mailto:Jessica.diaz@hca.wa.gov).