

# WASHINGTON STATE B A R A S S O C I A T I O N

November 2021

Hello, bankruptcy professionals! During this season of thanks, we at the Washington State Bar Association (WSBA) are grateful for all that you do to help Washingtonians manage and eliminate debts. We'd like to take this opportunity to share some updates from the state bar that are important for all legal professionals.

## **New: Malpractice Insurance Disclosure**

First, after years (decades!) of lively study and debate, the Washington Supreme Court in June 2021 approved an amendment to Rule of Professional Conduct 1.4(c) to require disclosure to clients if actively licensed lawyers in private practice do not meet minimum levels of malpractice insurance coverage. The rule went into effect Sept. 1, 2021. A quick snapshot: the minimum level of insurance necessary to avoid disclosure is \$100,000 per occurrence and \$300,000 in the aggregate, and exemptions include judges, arbitrators, mediators, in-house counsel for a single entity, government lawyers practicing in that capacity, and employment lawyers of nonprofit legal service organizations where the entity provides the minimum level of malpractice insurance. Please check out this [resource page for more specific details](#) as well as background information (including the winding path of studies and recommendations that ultimately led to a disclosure rule as opposed to mandatory malpractice insurance.) We want you to be compliant, and we are here to help! If you have questions about your own prospective conduct under the new rule, call the WSBA Ethics Line at 206-727-8284.

## **New: Ethics MCLE Requirement**

And that's not the only big change to legal licensure rules! The Court also recently adopted an amendment to Admission to Practice Rule 11, requiring—per each 3-year reporting period—each licensed legal professional to complete at least one ethics credit in the topic of equity, inclusion, and the mitigation of implicit and explicit bias in the legal profession and practice of law. The requirement goes into effect Sept. 1, 2022, meaning the Mandatory Continuing Legal Education (MCLE) Board will begin tracking the new equity credit for those in the 2023-2025 reporting period. A few things to note: The amendment does not increase the total number of ethics credits required, nor does it prevent legal professionals from earning additional ethics credits in other topics. [Here is more specific information.](#) If you are wondering—*what constitutes such a credit? Where do I find qualifying courses? ...* we have you covered! When the WSBA Board of Governors supported the MCLE Board's recommendation for this amendment, they did so with a strong caveat that the state bar continue and expand its CLE offering designed to help all legal professionals meet their credit obligations. Our monthly *free* [Legal Lunchbox seminars](#) are a good place to start—if you attend every *free* (did we mention they are *free*?) Legal Lunchbox presentation, you will take care of all your MCLE obligations for your reporting cycle. The Board also committed WSBA to providing three free ethics CLEs

available on demand each year, one of which will cover the topics of Diversity, Equity, and the mitigation of implicit and explicit bias in the legal profession and practice of law. These can be found by searching “free” in the [WSBA CLE store](#).

### **Member Wellness, Legal Luminaries, and More!**

The WSBA’s new fiscal year began in October, and ushering in some good news we are so pleased to share with legal professionals:

- We recently welcomed Diane Mayes as our new Clinical Outreach Lead. The pandemic helped spur member wellness as a top priority for WSBA leaders, and Diane’s service aligns with national research about the benefits when bar associations offer the services of health experts with specific knowledge of the legal profession and culture. We are thrilled that she is available for individual member consultations and that she will implement wellness trainings, programs, and resources for the entire membership. Learn more at [www.wsba.org/wellness](http://www.wsba.org/wellness).
- Thanks to the leadership of WSBA’s Member Engagement Work Group, we are transitioning our ongoing member survey (previously conducted in-house via telephone) to an outside, professional survey company. The goal is to continually check in with members about the WSBA is doing, and to use the feedback to make important leadership decisions. If you are contacted with the opportunity to take the survey, please do so—your feedback makes a difference! For more information, visit [www.wsba.org/survey](http://www.wsba.org/survey).
- We are busy putting together our 2021 APEX Awards program, which will feature short films of this year’s legal luminaries, sure to whoa and inspire. This year’s ceremony will be held live and virtually on Dec. 13. Check out the full slate of honorees at [www.wsba.org/apex](http://www.wsba.org/apex).
- Pandemic conditions continue to change and present professional and personal challenges. [Our physical offices are open to members and the public](#), although we can provide the majority of services electronically. As you continue to navigate pandemic conditions, please check out the [many resources we have put together for legal professionals](#), including an [Office Reopening Guide](#).

Above all, we at the state bar wish you a joyful, healthy, and happy holiday season and beyond. Thank you for being such an important part of our legal community!

--Sara Niegowski, WSBA Chief Communication and Outreach Officer

*Sara Niegowski. Sara is Chief Communications and Outreach Officer at the WSBA, leading a team dedicated to connecting with and responding to YOU! She’s worked in newspapers and K-12 education. She believes the legal profession is one of the most important foundations to our society, it’s okay to eat pizza for breakfast, and the zipper-merge needs to be embraced by all drivers. Reach her at [saran@wsba.org](mailto:saran@wsba.org).*