

TO: Washington State Bar Association, Sections Policy Workgroup

FROM: Washington State Bar Association, Intellectual Property Section, Executive Committee

DATE Jan. 22, 2016

RE: **December 31, 2015 Policy Recommendations from the Sections Policy Workgroup**

The Members of the Executive Committee of the Intellectual Property Section of the Washington State Bar Association write to express our deep concern with both the substance of the Sections Policy Workgroup's recommendations, as well as the timeline for taking action on those recommendations. Given that the Workgroup's recommendations were provided on New Year's Eve (Dec. 31, 2015), and given the demand for written comments to those recommendations a mere twenty-two days later (when the Workgroup took six months to formulate the recommendations), the IP Section's Executive Committee has not had adequate time to study the recommendations. But at a high level, the recommendations appear to contain a sweeping overhaul of Sections Policy, while failing to provide any persuasive need for the degree of overhaul recommended.

Indeed, the apparent reason for these recommendations is a perceived need to reduce administration costs concerning the Sections, but: (1) no detailed accounting of costs and/or losses associated with Sections administration is provided in the recommendations or associated appendices; (2) several members of the Executive Committee of the IP Section have expressed that, outside of Continuing Legal Education efforts, the perceived level of administrative support from the Bar has not been substantial, at least for the last several years, thus creating doubt about the actual justification for the creation of the Workgroup; (3) the Bar already takes a substantial portion of revenues from Section-sponsored Continuing Legal Education efforts for the very purpose of defraying administrative costs associated with CLEs; and (4) the Workgroup's recommendations, somewhat ironically, suggest increasing the Bar's role in administering Section activities. Indeed, the proposed increased role of the Bar in administering of Section activities—i.e., centralized oversight of Section finances and activities—is likely to result in the opposite of what the Workgroup was created to achieve: reduction of Bar-level costs for Section-administration.

The Executive Committee of the IP Section is in the process of studying these policy recommendations and formulating a larger, detailed set of comments that they intend to provide within a reasonable time. The Workgroup's expectation that a detailed study of these recommendations be completed, and written comments prepared, in the three weeks after the holidays, by the volunteer attorneys of executive committees of the Sections is not realistic.

On behalf of the Executive Committee of the Intellectual Property Section of the Washington State Bar Association,

A handwritten signature in blue ink that reads "M. Ghosh". The signature is written in a cursive style with a period at the end.

Malabika "Reena" Ghosh
Chair, WSBA IP Section

cc: Membership of the Intellectual Property Section