

WASHINGTON STATE BAR ASSOCIATION

WSBA Legislative Roadmap

The Washington State Legislature convenes for a few months each year, but the legislative process is a year-round endeavor. Guided by the legislative policies and decisions established by the Board of Governors, and the rules established by the Supreme Court, the Washington State Bar Association (WSBA) typically seeks passage of request bills and comments on various pieces of legislation. The Board's policies and decisions are carried out by the WSBA Office of Legislative Affairs.

The WSBA Legislative Roadmap details how the WSBA participates in the legislative process, including a description of various policies as well as the role of the Board, WSBA entities, and the WSBA Office of Legislative Affairs.

WSBA Policies

The WSBA bylaws provide that the WSBA may “[m]aintain a legislative presence to inform members of new and proposed laws and to inform public officials about bar positions and concerns.” (WSBA Bylaws I. B. 17.) Consistent with GR 12.2, the Bylaws further provide, in accordance with General Rule 12.2, that the WSBA will not “[t]ake positions on political or social issues which do not relate to or affect the practice of law or the administration of justice.” (WSBA Bylaws I. C. 2.)

In furtherance of those Bylaws, the Board adopted a Legislation and Court Rule Comment Policy (Comment Policy) and a Section Comment Policy. The WSBA sections, committees, divisions and councils, as entities of the WSBA, are bound by these policies. Among other things, the Section Comment Policy provides that a section may only take a position on legislation and court rules if at least 75 percent of its governing body (typically its executive committee) is in agreement, and further provides that a section may take positions independently of the Board but only under the conditions outlined in the Policy.

WSBA Legislative Review Committee

The WSBA Legislative Committee serves as the vetting ground for legislative proposals that are presented to the Board of Governors each November. The Committee is composed of several members of the WSBA which includes representation of members' practice areas, and diversity in, among other things, age, gender, race, and geography. The Committee represents the interests of the broader bar membership, not any one perspective or practice area within the bar. Appointments to the Committee are made in June.

The WSBA Legislative Review Committee does not propose legislation of its own; rather, these proposals typically come from a WSBA entity, mainly Sections. The Committee's primary task is to determine that the proposal:

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- **Meets GR 12.2.** GR 12.2 is the Court rule establishing that the WSBA may only take positions on legislative proposals that “relate to or affect the practice of law or administration of justice”; and
- **Has been appropriately vetted both internally and externally of the WSBA.** Committee members may ask any substantive and technical questions about the proposal, and may ask for additional information or language modifications. Deference should be afforded to the subject-matter expertise of the WSBA entity, as is appropriate. Once the Committee has thoroughly reviewed a proposal and has been provided with sufficient information in order to make a recommendation to the Board of Governors, the Committee must vote on each proposal.

A simple majority is needed to take a position on behalf of the Committee. The actual vote count on each proposal will be reported to the Board of Governors. Voting options for WSBA-request bills include:

- **Sponsor.** A vote to sponsor a proposal is a recommendation to the Board of Governors that the proposal be supported by the WSBA and be presented to the Legislature as a WSBA-request bill;
- **Do Not Sponsor.** A vote not to sponsor a proposal means that the Committee has reviewed the proposal and concluded not to recommend to the Board of Governors that the WSBA sponsor the legislative proposal this session; or
- **Table.** A vote to table a proposal means that the Committee has insufficient information to make a recommendation to the Board of Governors. In this case, the Committee is not indicating support or opposition, but has opted not to take a position.

Role of the Governors: After considering recommendations by the Board of Governors Nominations Committee, the Board appoints all members of this Committee. The Board receives the WSBA Legislative Review Committee’s recommendations at the November Board meeting and determines a final legislative agenda in preparation for the upcoming session.

Role of the WSBA Office of Legislative Affairs: The WSBA Legislative Affairs Manager is the staff liaison to the Committee. The WSBA Legislative Affairs staff provides the Committee with corresponding materials including a cover sheet. The cover sheet includes a summary of the legislative proposal as well as internal and external stakeholder vetting work. A representative of the WSBA entity presents the proposal to the Committee, explains the need for the proposal, and answers questions.

If legislation proposed by sections is recommended by the WSBA Legislative Review Committee and is approved by the Board, the WSBA Legislative Affairs Manager is responsible for working with appropriate WSBA entities to shepherd the proposal through the legislative process. For non-WSBA proposals that are supported by the Board, the Legislative Affairs Manager is responsible for representing the WSBA’s position on those proposals before the Legislature. The WSBA Legislative Office also works with Committee leadership to develop

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recommendations for appointment to the Committee which are provided to the Board of Governors Nominations Committee.

Board of Governors Legislative Committee

The Board of Governors Legislative Committee meets weekly during each legislative session and is authorized to take positions on legislative proposals on behalf of the WSBA. Due to the fast pace of the legislative session and the high volume of bills introduced each year, this Committee is responsible for responding quickly to important legislation that may impact the WSBA as a whole. The Board of Governors Legislative Committee is comprised of 11 members of the Board, including the president, president-elect, immediate past president, and the treasurer.

Role of Governors: For Governors on this Committee, their role is to participate in weekly conference calls and make decisions on behalf of the WSBA when appropriate. All Governors receive weekly reports from the Committee to keep the full Board apprised of action taken by the Board of Governors Legislative Committee.

Role of the WSBA Office of Legislative Affairs: The WSBA Legislative Office refers bills of importance to WSBA entities and at times, directly to the Board of Governors Legislative Committee for review. The Legislative Affairs Manager participates in weekly conference calls with the Committee to report on legislative matters of importance and to provide recommendations for potential action to be taken by the WSBA.

WSBA Entities

Within the parameters established by the Board through its policies and legislative decisions, and with the assistance of the WSBA Legislative Affairs Manager, WSBA entities, notably Sections, play key roles in both proposing legislation and reviewing non-WSBA request legislation.

Developing WSBA-request legislation: WSBA-request legislation begins as an idea proposed by members of a WSBA entity, typically Sections. Each proposal must:

- **Meet GR 12.2;**
- **Be well vetted within the WSBA as well as external stakeholders;** and
- **Be approved by at least 75 percent of the WSBA entity's executive committee.**

Working with other stakeholders, including legislators and their staff, can involve months of meetings and discussions. Developing a proposal that is well-balanced and strongly supported by practitioners and non-lawyers may take several years. Once thoroughly developed and vetted, a proposal must be presented before the WSBA Legislative Review Committee and then before the Board of Governors in November. Once approved by the Board, the hard work of seeking passage begins, and WSBA entity representatives must remain involved throughout the

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session to testify at hearings, work with legislative staff, and respond to any proposed amendments in collaboration with the WSBA Legislative Affairs Manager.

Responding to non-WSBA request legislation: In contrast to the process of developing WSBA-request legislation, the process for responding to non-WSBA request legislation is conducted at a very fast pace. This can be a challenge for WSBA members who volunteer and have limited capacity.

WSBA entities may be asked to respond to non-WSBA request legislation in two ways:

- Legislators, interest groups, or other WSBA sections may seek the input and participation of a WSBA entity in the development of a particular legislative proposal; and/or
- More commonly, the WSBA Legislative Affairs Office refers bills of interest to relevant WSBA entities for review and possible feedback.

Positions taken by a WSBA entity on a legislative proposal (e.g. support, concerns, opposed, or neutral) requires a 75 percent vote of the WSBA entity's executive committee. Depending on the volume of bills introduced during the legislative session, this process can be overwhelming. The WSBA Legislative Affairs Manager provides advice and assistance to WSBA entities responding to non-WSBA request legislation year-round.

WSBA Office of Legislative Affairs

The WSBA Office of Legislative Affairs drives legislative efforts with elected officials, agencies, organizations, and key stakeholders who play a role in advancing and supporting WSBA-related priorities. The WSBA Legislative Affairs Manager coordinates WSBA and judicial interests within government relations activities, as well as the activities of the Board of Governors and Legislative Review Committees.

During the legislative session, efforts are prioritized around Board-approved legislation, but other bills that may impact the practice of law and the administration of justice are also closely monitored. During the interim, the WSBA Legislative Affairs Office works towards meeting emergent legislative goals and prepares for future sessions through a collaborative process with internal constituencies and key external stakeholders.