LEGISLATION AND COURT RULE COMMENT POLICY OPTION B

*Revisions adopted 9-20-2012

Purpose: This policy governs Section, Committee, Division or Council (hereinafter collectively referred to as 'Section') comment on state and federal court rules and legislation, and clarifies the conditions under which such WSBA entities can publicly comment on state and federal court rules and legislation.

Policy: The Board of Governors, the Executive Director, the Legislative Committees, or the Legislative Representative, are authorized to refer legislative proposals (including bills, initiatives, referenda, and resolutions) or proposed court rule changes to Sections of the Washington State Bar Association for their consideration; and Sections are authorized to appear before the Legislature or Congress, or a committee of the Legislature or Congress, or to comment on any state proposed rule change pursuant to Washington Supreme Court General Rule 9(f), or to comment on any federal proposed rule change, upon the following conditions:

1. The Section may not take a position on federal legislation or federal court rules without prior written authorization of the Board, and such authorization may be subject to limitations established by the Board.

2. The Section will not take a position unless: (a) at least 75% of the total membership of the Section's governing body has first determined that the matter under consideration meets GR-12 ("relates to or affects the practice of law or administration of justice"); and (b) after determining that the matter meets GR-12, that position is the opinion and position of at least 75% of the total membership of the governing body of the Section. A subcommittee or other subset of a Section may not publicly communicate its positions on proposed legislation or court rules. For purposes of taking positions on legislation and court rules, subcommittees and subsets of a Section may serve in an advisory capacity to the Section's governing body; however only the Section's governing body may take a public position on legislation and court rules.

3. The Section shall not advocate a position in opposition to a legislative or rule proposal or position of the Board of Governors without prior written notice to the Board.

4. The Executive Director, the Board of Governors, the Legislative Committees, and the Legislative Representative, shall, as appropriate, be advised on an ongoing basis of decisions, positions, and actions of the Section.

5. The Sections shall represent to the Legislature, Congress, or to the Chief Justice that their views and opinions are those of the Section only, and not the official position of the Washington State Bar

Association unless the Section has the written approval of the Board of Governors to represent the Association.

6. The Section representatives shall cease to advocate the position of the Section if requested to do so by the Executive Director, the Board of Governors, the President of the Bar, or, in the case of comment on legislative proposals, the Board of Governor's Legislative Committee or the Legislative Representative.

7. Sections are prohibited from joining or affiliating with groups or associations whose legislative advocacy reaches beyond the areas allowable under GR 12: "affecting the practice of law or administration of justice."