



WASHINGTON STATE BAR ASSOCIATION

Legislative Roadmap

The Washington State Legislature convenes several 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 Washington Supreme Court, the Washington State Bar Association (WSBA) typically seeks passage of request bills and solicits comments on various pieces of legislation. The Board's policies and decisions are carried out by the WSBA Outreach and Legislative Affairs staff.

This 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 Outreach and Legislative Affairs staff.

Quick Guide

- WSBA entities may seek WSBA-support for state legislation. The Board of Governors will annually consider bills for the upcoming legislative session at its November meeting and each proposed request bill will need to have been reviewed by the WSBA Legislative Review Committee by then.
- Outreach and Legislative Affairs staff members will help coordinate input and participation of WSBA entities in the development of legislative proposals or bills of interest. This support may include working with legislators, interest groups, or other WSBA entities to draft language and/or review and provide feedback on proposed language.
- WSBA entities may take positions and provide feedback on bills introduced to the legislature if following the WSBA Legislation and Court Rule Comment Policy.
- To inquire about the WSBA's legislative process or get more information about request bills, contact the WSBA Outreach and Legislative staff at 206-733-5991 or clarkm@wsba.org.

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 12.1, the Bylaws further provide, in accordance with General Rule 12.1, 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). The WSBA sections, committees, divisions, and councils, as entities of the

WSBA, are bound by the policy. Among other things, the 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 Comment Policy. A section may never advance a position counter to a position of the Board.

WSBA Entities

Within the parameters established by the Board through its policies and legislative decisions, and with the assistance of the Outreach and Legislative Affairs staff, 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 12.1;**
- **Be well vetted within the WSBA as well as with external stakeholders;** and
- **Be approved by at least 75 percent of the WSBA entity's executive committee (for a section) or of the entity (for a committee or board).**

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 other interested stakeholders may take several years. Once thoroughly developed and vetted, a proposal must be presented before the WSBA Legislative Review Committee and then, with the Committee's recommendation, 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 session to testify at hearings, work with legislative staff, and respond to any proposed amendments in collaboration with the Outreach and 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 process 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 Outreach and Legislative Affairs staff refers bills of interest to relevant WSBA entities for review and possible feedback.

Positions taken by a WSBA entity on a legislative proposal (i.e., supportive, concerned, opposed, or neutral) requires a 75 percent vote of the WSBA entity's executive committee (for a section) or of the entity (for committees and boards). Depending on the volume of bills introduced during the legislative session, this process can be overwhelming. The Outreach and

Legislative Affairs Manager provides advice and assistance to WSBA entities responding to non-WSBA request legislation year-round.

WSBA Legislative Review Committee

In March 2017, the BOG-appointed Legislative Workgroup recommended a series of changes to the WSBA Legislative Committee. In September 2017, the BOG approved the Workgroup's recommendations with amendments, which included changing the WSBA Legislative Committee's name to the WSBA Legislative Review Committee (Committee) and establishing procedural deadlines for Bar-request bills (with exceptions agreed to in consultation with the Outreach and Legislative Affairs Manager).

The Committee serves as the vetting ground for legislative proposals presented to the BOG each November. The 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:

- **Meets GR 12.1.**, 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 by various stakeholders.** Committee members may ask 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 that is transmitted to the Board of Governors. The vote count on each proposal will be reported to the Board. Voting options for WSBA-request bills include:

- **Sponsor.** A vote to sponsor a proposal is a recommendation to the Board 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 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. In this case, the Committee is not indicating support or opposition, but has opted not to take a position.

Role of the Board of Governors: The Board receives the Committee's recommendations at the November Board meeting and determines a final legislative agenda in preparation for the upcoming session.

Role of the WSBA Outreach and Legislative Affairs Staff: The Outreach and Legislative Affairs Manager is the staff liaison to the Committee. The Outreach and Legislative Affairs staff provide the Committee with corresponding materials including a cover sheet. The cover sheet will

include 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 approved by the Board, the Outreach and 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 Outreach and Legislative Affairs Manager is responsible for representing the WSBA's position on those proposals before the Legislature. The Outreach and Legislative Affairs staff also work with Committee leadership to develop 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. The Board receives 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 Outreach and Legislative Affairs Staff: The Outreach and Legislative Affairs staff members refer bills of importance to WSBA entities and, at times, directly to the Board of Governors Legislative Committee for review. The Outreach and Legislative Affairs staff participate 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 Outreach and Legislative Affairs staff

The WSBA Outreach and Legislative Affairs staff members drive legislative efforts with elected officials, agencies, organizations, and key stakeholders who play a role in advancing and supporting WSBA-related priorities.

During the legislative session, efforts are prioritized around Board-approved legislation, but other bills that may affect the practice of law and the administration of justice are also closely monitored. During the interim, the Outreach and Legislative Affairs staff members advance emergent legislative goals and prepare for future sessions through a collaborative process with internal constituencies and key external stakeholders.