



WSBA

LEGISLATIVE OFFICE

WSBA LEGISLATIVE ROADMAP

I. Introduction

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

What follows is a roadmap of how the WSBA participates in the legislative process, including a description of the various WSBA policies and roles of the WSBA legislative committees, WSBA sections/committees, the WSBA Legislative Office, the Board, and how these different WSBA entities interact to participate in the legislative process.

II. WSBA Legislative Policies and General Rule (GR) 12.1

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). Sections, committees, divisions and councils (hereafter collectively referred to as "sections") 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.

III. Role of the WSBA Legislative Committee

The WSBA Legislative Committee (a standing committee) serves as the vetting ground for legislative proposals that will ultimately be presented to the Board for a determination of the WSBA's sponsorship or support. The WSBA Legislative Committee does not propose legislation of its own; rather, these proposals typically come from the sections, but the WSBA Legislative Committee is also periodically asked to review non-WSBA legislation. The primary purpose of the WSBA Legislative Committee's review is to ensure that each proposal meets GR-12 and has been thoroughly vetted within and without the WSBA. The WSBA Legislative Committee meets only in September, October, and November, and presents its recommendations to the Board in November.

The WSBA Legislative Committee is composed of up to 33 members of the WSBA, selected to reflect the perspective of the bar as a whole. The membership of the WSBA Legislative Committee includes, as much as possible, representation of our members' practice areas, and

diversity in, among other things, age, gender, race, and geography. The WSBA Legislative 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 2012-13 Chair is Sean O'Donnell; the Vice Chair is Martha Lantz.

Role of the Governors: The Board appoints the 33 members of this Committee. The Board receives the WSBA Legislative Committee's recommendations at the November meeting and determines the WSBA's position on those proposals for the upcoming legislative session.

Role of the WSBA Legislative Office: The WSBA Legislative Office provides staff support to the Committee. If legislation proposed by sections are recommended by the WSBA Legislative Committee and approved by the Board, the WSBA Legislative Office's Legislative Liaison is responsible for working with the sections to shepherd the WSBA proposals through the legislative process. For non-WSBA proposals that are supported by the Board, the WSBA Legislative Liaison is responsible for representing the WSBA's position on those proposals to the Legislature. The WSBA Legislative Office also works with the Committee's Chair and Vice Chair to develop recommendations for appointment to the Committee. Those appointment recommendations are provided to the BOG Legislative Committee.

IV. Role of the BOG Legislative Committee

The BOG Legislative Committee is active only during the legislative session, and is authorized to take positions on legislative proposals on behalf of the WSBA. Due to the extremely fast pace of the legislative session and the high volume of bills introduced each year, this Committee meets the ongoing need to respond quickly to important legislation that may impact the WSBA as a whole. This Committee is made up of 8 members of the Board, including the President, President-elect, Immediate Past President, and the Treasurer.

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

Role of the WSBA Legislative Office: The WSBA Legislative Office refers bills of importance to the entire WSBA to the Committee for its review. The WSBA Legislative Liaison participates in weekly conference calls with the BOG Legislative Committee, to keep them apprised of legislative matters of importance and to provide advice for any potential action to be taken by the WSBA.

V. Role of the Sections

Within the parameters established by the Board through its policies and legislative decisions, and with the assistance of the WSBA Legislative Office, the sections play key roles in both proposing legislation and reviewing and commenting on non-WSBA legislation.

- A. Developing Legislation: WSBA-sponsored legislation typically begins as an idea tossed around by members of a section. Seeing that idea through to legislative enactment requires a lot of groundwork well in advance of introduction to the Legislature. Each proposal must meet GR-12 ("relate to or affect the practice of law or administration of justice"), must be well vetted both within the WSBA and with other stakeholders, and must be approved by at least 75 percent of the section'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 can take several years. Once thoroughly developed and vetted, a section's proposal must be presented to the WSBA Legislative Committee in the fall and then to the Board in November. Once approved by the Board, the hard work of seeking passage begins, and section representatives must remain

involved throughout the session to testify at hearings, work with legislative staff, and respond to any proposed amendments.

- B. Responding to Non-WSBA Legislation: In contrast to the slow, deliberative process of developing legislation, the process for responding to legislation is often conducted at a breakneck speed. This can be a challenge for a profession that, quite rightly, prides itself on highly deliberative problem solving.

Sections may be asked to respond to legislation in two ways. First, legislators, interest groups or other WSBA sections may seek the input and participation of a section in the development of a particular legislative proposal. More commonly, the Legislative Office refers bills of interest as they are introduced to relevant sections, and the Legislative Office asks the sections to review those proposals and provide any feedback. Any position taken by a section on a proposal – whether in support, opposed, or neutral – requires a 75% vote of the governing body of the section. Depending on the volume of bills that are introduced, this process can be overwhelming – the Legislative Office provides advice and assistance to sections in responding to non-WSBA bills.

VI. Role of the WSBA Office of Legislative Affairs

The WSBA Legislative Office reports to the Chief Communications Officer of the WSBA. The WSBA Legislative Office coordinates WSBA and judicial interests in the governmental and legislative arena, as well as the activities of the WSBA Legislative Committee. WSBA maintains an Olympia office, staffed year-round by Diane Froslic, Legislative Assistant. Kathryn Leathers, Legislative Liaison, works out of the Olympia office during the legislative session and out of both the Seattle and Olympia offices when the legislature is not in session. During the legislative session, the time and resources of the WSBA legislative team are primarily devoted to Board-approved legislation, but we also monitor and respond to other legislation that affects the practice of law and the administration of justice, and facilitate the participation of WSBA Sections in the legislative process. During the interim, we work hard to prepare for the next legislative session – we spend much of our time helping sections vet their legislative proposals and meeting with legislators and other stakeholders to discuss their and our legislative goals.

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VII. Conclusion

The legislative process is complex and challenging, and requires the collective input and effort of the Board, the WSBA Sections, the WSBA legislative committees, and the WSBA's Legislative Office. The WSBA serves its members and the public by working hard to improve our laws for the benefit of everyone.