



April 30, 2019

Chief Justice Fairhurst
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

Re: Request for feedback regarding State Bar structure

Dear Chief Justice Fairhurst,

Thank you for the opportunity to provide comments on the Supreme Court's ongoing analysis of the structure of the Washington State Bar. The following comments are submitted on behalf of the Executive Committee of the World Peace Through Law (WPTL) Section.

The WPTL is a small section with just over 100 members. Our focus is international human rights. As an issue-centered Section, our work and member services differ from the many practice-oriented sections. We spend significant resources on education: we sponsor podcast series; human rights article series; and monthly CLEs. Many of our events are in mini-CLE webinar format. In each of our activities, the Section interacts frequently with and relies upon the outstanding staff at the WSBA.

Our board generally supports the maintenance of a unified bar, as it is currently. In our view, the bifurcation of the bar at this time would create unnecessary uncertainty and disruption. Unless the case law is clear that a single mandatory bar in Washington State is unconstitutional, we urge the Court to maintain the current structure.

If a bifurcation is necessary, however, we offer the following observations for the Supreme Court's Workgroup to consider. These points are informed both by our Executive Committee's personal experience and by personal communication with the Executive Director of the California Lawyer's Association (CLA).¹

At the outset, we note that it appears that many members of the Washington Bar are looking to California's recent bifurcation as an example that separate entities are better than a single Bar. While we agree that California Bar's recent experience is instructive, the new organization is still very young and it is unclear what the long-term outcome will be. Furthermore, the California Bar was truly in crisis, whereas the Washington Bar is currently healthy.

¹ Informal telephone conversation between Anna Moritz and Heather Rosing of the CLA on Nov. 14, 2018.

That said, it is important to note that California's voluntary organization – the CLA – was extremely well-funded at the start. It is quite clear that this was entirely necessary to provide the stability and long-term viability of the CLA, and is equally important here in Washington. A new voluntary, professional organization would require significant capital to carry out all of its duties, e.g., Sections/education; legislative activity; access to justice programs; publications; diversity; outreach; general counsel; and member services. Based on the budget presentation to the Supreme Court's Workgroup on April 8, 2019 (slide 4), this would amount to approximately half of the FY19 expense budget. Funding would need to be commensurate. In addition, we have concerns that assumptions of Section revenue and costs could lead to underestimates of the Section reserves, which we presume would go to the new organization. Finally, we note that the voluntary organization should retain the intellectual property rights created by WSBA's professional organizational aspect, e.g., CLE recordings and deskbooks, because the volunteers who contributed to them were doing so as a professional courtesy, not in support of a licensing board.

On a related note, we also want to raise the point that future member renewals and communications should keep mandatory and voluntary dues on the same statement. Heather Rosing of the CLA indicated that in California this was an important aspect of retaining Section membership levels under the new structure.

Washington State is fortunate to have vibrant, active Sections. We must support and empower this portion of our Bar regardless of eventual structure. We believe any eventual voluntary Bar organization should include extensive Section representation among the leadership. As a small Section, we especially wish to highlight the importance of equal representation regardless of Section size. Furthermore, selection of an Executive Director for a voluntary Bar should prioritize a candidate who will be a strong advocate for Sections.

In sum, if at all possible, we urge the Workgroup to find a way to retain the current unified structure. If it becomes necessary to bifurcate, however, Sections must be provided a strong role in leadership. Any voluntary entity must be adequately capitalized, especially as the new voluntary entity would likely include not only Sections (education), but also access to justice, diversity, legislative activity, and outreach.

We would be happy to continue this dialog. Please do not hesitate to contact us with any questions. My personal contact information is: (425) 780-0245 and atmoritz@gmail.com.

Sincerely,

A handwritten signature in cursive script that reads "Anna Moritz".

Anna "Mickey" Moritz
Chair, World Peace Through Law