



Environmental and Land Use Law Section

April 25, 2019

VIA Email to structureworkgroup@wsba.org

Dear Chief Justice Fairhurst:

The Washington State Bar Association (WSBA) Environmental and Land Use Law Section (ELUL) Executive Committee appreciates this first opportunity to comment on the Bar Structure Work Group. This letter is written on behalf of the ELUL Executive Committee.

The ELUL Section is one of 29 WSBA Sections. We have a diverse membership with individuals who are often on different sides of an issue, but who are all committed to civil and professional cooperation for the protection and enhancement of our communities. We endeavor to continually and regularly provide opportunities and forums for the interchange of ideas surrounding the rapidly developing areas of environmental and land use law. The ELUL Section supports its members and the community with educational programs, networking opportunities, scholarships, and other helpful programming.

The ELUL Section has not yet taken a position on the future structure of the WSBA. Whichever way the Structure Work Group deliberations turn out, it must fully consider the means by which the ELUL Section members will continue to have access to the services the Section currently provides. It is not clear how this can be cost-effectively accomplished if the financial capacity and structural existence of the Sections are lost. We will continue to monitor the Structure Work Group's efforts, and we are looking forward to commenting on any proposal for a revised structure at a future date. ***Notwithstanding our neutral stance, the ELUL Section Executive Committee urges that the Structure Work Group safeguard the continued financial and structural existence of the Sections.***

ELUL Section Members pay specifically for ELUL membership in addition to the WSBA dues. In the 2018 fiscal year, the ELUL received over \$29,000 of Section dues from its 830 members (\$35 per member). However, the WSBA charges the ELUL Section a \$18.75 "per member charge" – a total of \$15,562.50 in 2018. We recognize the valuable services provided to the Section by WSBA staff. However, as a result of the per member charge, ***the Section ultimately retains less than half of its own Section dues.*** Notwithstanding this redirection of ELUL revenues, we have consistently maintained a positive fund balance in recent years, consistent with WSBA guidance. Other Sections may have a different financial history, but the Structure Work Group must be cognizant of specific attributes of Section accounting. For example, WSBA Sections have also yet to receive income from online purchases of Section-run CLEs. As a result of these WSBA funding decisions, Sections may appear to operate at a budget shortfall and to be subsidized by the General Fund, but the reality is much more complicated.

In summary, in determining the future structure of the WSBA, the ELUL Section requests that the Structure Work Group consider the financial implications of WSBA's accounting decisions as they relate to the Sections. The effectiveness of the Sections depends on their continued access to their reserve funds, an appropriate voice in the disposition of the dues they raise, and timely access to funds from their CLE sales.

Thank you in advance for your time and consideration.



Elizabeth Tellessen
Chair, Executive Committee
WSBA Environmental and Land Use Law Section