



WSBA

WASHINGTON STATE BAR ASSOCIATION

Guidelines for Appeals Relating to Annual License and Reinstatement Fees *July 2010*

Annual License Fees

Requests to Waive, Reduce or Extend Payment of License Fees

License fees cannot be waived or reduced, nor can the time to pay be extended.

However, the Bylaws do provide for a one-time exemption from payment of the annual license fees and assessments by any Active member. The member must meet the conditions set forth in the WSBA Bylaws.

Requests to Waive, Reduce or Extend Payment of the Late Payment Fee

Staff has limited discretion in waiving late payment fees. Late payment fees are not waived in the following circumstances:

1. If a member claims he did not receive his license packet.
2. If a member pays by a check that is returned by the bank for non-sufficient funds (NSF) and the member does not pay by the deadline.
3. If a member claims financial hardship.

Staff will waive the late payment fee for the following reasons:

1. If WSBA error was the cause, such as failure to correctly process a member's change of address.
2. If the member is able to provide reasonable proof that he made his payment in time even though WSBA has no record of receiving it.
3. If the member has had extraordinary personal circumstances which prevented him from handling his mail and financial matters and the timing of these circumstances supported the inability of the member to make his payment by the due date. Extraordinary personal circumstances would include a serious medical emergency, a death in the immediate family, or a significant health problem.
4. If the member pays by credit card and the member can show that the bank declined the card in error after a second submission, which resulted in the member owing a late fee.
5. In rare instances, if a member claims he did not receive his license packet and can demonstrate compelling reasons for not being aware of the license fee deadline.

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Appeals of License Fees

License fees must be paid in order to maintain WSBA membership. There are no provisions in the Bylaws for appeals. Staff is not authorized to waive, reduce or extend the time to pay the license fee. Only the Executive Director can grant the one time hardship exemption if the member meets the criteria. There is no appeal of denial of the hardship exemption.

Appeals of Late Payment Fees

If the member's request to waive late payment fees is denied by staff, the member's last resort is to appeal the decision to the Board of Governors. Written appeals should be submitted to Regulatory Services for inclusion in the Board of Governors meeting materials and must include full documentation and assertion of claims.

The Board of Governors will only accept documented appeals of staff decisions. The standard for granting the appeal is "documented, exigent circumstances." The Board of Governors will review the petition using the criteria listed below for consideration of waivers of late payment fees.

1. Is there a compelling circumstance for the member to not have been aware of the license payment deadline and/or not been able to meet the deadline;
2. Is there a reasonable connection between the compelling circumstance and the missed deadline; and,
3. Is the documentation adequate to the cause?

The decision of the Board of Governors is final.

Reinstatement Fees from Suspension for Non-payment of License Fees

Reinstatement Class and Calculation of Reinstatement Fees

A member can be reinstated from suspension to any membership class after meeting the requirements for that membership class.

The reinstatement fee assessed to a member depends on when the member is reinstated.

1. Reinstatement to the same class prior to suspension:
 - a. If the member requests to be reinstated in the same calendar year that he is suspended, the member will need to pay two times the sum of the annual fee and the late payment fee (*as well as the LFCP Assessment fee for Active members*).
 - b. If the member requests to be reinstated in a calendar year subsequent to the year in which he was suspended, the member will need to pay:
 - i. Two times the sum of the annual fee and the late payment fee for the year of the suspension (*Active members also need to pay the annual LFCP Assessment fee for the year of suspension.*); and
 - ii. The license fee for the current year (*as well as the LFCP Assessment fee for active members*).

2. Reinstatement to a class other than Active when the member was Active prior to suspension:
 - a. If the member requests to be reinstated in the same calendar year that he is suspended, the member will need to pay two times the sum of the license fee and the late payment fee.
 - b. If the member requests to be reinstated in a calendar year subsequent to the year in which he was suspended, the member will need to pay:
 - i. two times the sum of the Active license fee and late payment fee for the year of suspension;
 - ii. the LFCP Assessment fee for the year of suspension; and,
 - iii. the license fee for the current year.

Circumstances for Reducing Reinstatement Fees

Staff has limited discretion in waiving reinstatement fees. Reinstatement fees are not waived in the following circumstances:

1. If a member did not understand, at the time of suspension, that the fees would be high.
2. If a member was unaware that he had been suspended for non-payment.

Staff will reduce the reinstatement fee for the following reasons:

1. If WSBA error was the cause, such as failure to correctly process a member's change of address.
2. If the member has documented extraordinary personal circumstances which prevented him from handling his mail and financial matters and the timing of these circumstances supported the inability of the member to pay license fees and/or apply for reinstatement in a timely manner. Extraordinary personal circumstances would include a serious medical emergency, a death in the immediate family, or a significant health problem.

The amount of the reduction in the reinstatement fee will be considered on a case by case basis, based on the number of years in suspended status, the length of the emergency, and other pertinent factors.

Appeals of Reinstatement Fees

If the member's request is denied by staff, the member's last resort is to appeal the decision to the Board of Governors. Written appeals should be submitted to Regulatory Services for inclusion in the Board of Governors meeting materials and must include full documentation and assertion of claims.

The Board of Governors will only accept documented appeals of staff decisions. The standard for granting the appeal is "documented, exigent circumstances." The Board of Governors will review the petition using the criteria listed below for consideration of waivers of reinstatement fees.

1. Is there a compelling circumstance for the member to not have been aware of his impending suspension for non-payment of fees and/or not able to pay license fees within 60 days of the mailing of the Pre-suspension Notice;
2. Is there a reasonable connection between the compelling circumstance and the missed deadline; and
3. Is the documentation adequate to the cause?

The decision of the Board of Governors is final.

Approved by the Board of Governors on July 23, 2010