
Subject: FW: [External]Structure for the WSBA

Importance: High

From: pamela-vs1@comcast.net <pamela-vs1@comcast.net>

Sent: Friday, June 17, 2022 9:18 PM

To: Board Feedback <BoardFeedback@wsba.org>; section-leaders@list.wsba.org

Cc: Brent Williams-Ruth <brentwr.bog@gmail.com>; Randall Winn Vanessa Hunsberger >

Subject: [External]Structure for the WSBA

Importance: High

Regarding the ideal structure for the WSBA to accomplish its mission, the integrated Bar can be ready with a parallel organization comprised of voluntary membership, while retaining Sections in the WSBA. This new organization would allow, even encourage, attorneys to advocate on pending or needed legislation to the Legislature, without representing their views as those of the WSBA.

Attorney Brent Williams-Ruth on the BOG has conceptualized such new entity as the "Political Policy Arm of Washington Lawyers" (PAWL or PPAWL). It creates a new independent organization (possibly a foundation) specifically designed to help the Legislature without representing attorneys' views as those of the WSBA. This could be a solution to the *Keller* and GR12 problems without preventing attorneys, who have the unique skills to weigh in on society's needed laws, from giving valuable advocacy.

Thank You,
Pamela S. Van Swearingen #23895
WPTL Section Member At Large



VAN SWEARINGEN LAW OFFICE

PAMELA S. VAN SWEARINGEN

ATTORNEY

18229 84TH PLACE, W.
EDMONDS, WA 98026

PHONE 425 672-2068
pamela-vs1@comcast.net

Subject: FW: [External]Structural change proposed by Governor Williams-Ruth

From: A Watanabe <80watanabe.a@gmail.com>

Sent: Friday, June 17, 2022 3:57 PM

To: Board Feedback <BoardFeedback@wsba.org>

Subject: [External]Structural change proposed by Governor Williams-Ruth

Dear members of the ETHOS Committee,

I am a member of the World Peace Through Law section, but the comments here are my own and do not represent a section position.

At the World Peace Through Law Section Executive Committee meeting on June 15, our liaison Governor Williams Ruth briefed us on his proposal to create a separate legal entity to address sections' (and other groups') positions and communications related to political proposals concerning substantive matters of law. His "PAWL" proposal, as I understand it, is intended to prevent sections or other members from (whether intentionally or out of ignorance) engaging in communications and/or advocacy with others (including legislators) concerning matters of substantive law or policy that have not been reviewed by general counsel and which are not compliant with GR 12.2.

I support Governor Williams-Ruth's concept and hope you will give it serious consideration. To those outside the Bar Association, including the public and elected officials, it may appear that sections or individual members represent the Bar when offering comments or proposals on laws and policies. His proposed PAWL entity appears to be a simple and straightforward way to reduce the risk of members or sections engaging in conduct or communications that are improper, and creates a clear pathway that sections can use to comment or take positions on substantive matters of law.

Thank you for considering this comment, and thank you for all of your efforts concerning the future structure of the Bar.

Sincerely,
Anne Watanabe
WSBA 11999

Subject: FW: [External]Structural Change Committee: Further Comment as to ideal WSBA structure

From: Randall Winn

Sent: Friday, June 17, 2022 5:43 PM

To: Board Feedback <BoardFeedback@wsba.org>

Subject: [External]Structural Change Committee: Further Comment as to ideal WSBA structure

Dear members of the ETHOS Committee,

I am acting Chair of the World Peace Through Law (WPTL) section, but the comments here are my own and do not represent the Section.

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1. At a previous ETHOS hearing, I expressed the thought that WPTL would not survive or thrive without the economies of scale and other benefits of associating with WSBA. I still think the numbers work that way. However, upon reconsideration, I believe this is not the most important thing, especially when considering Question 3: ***"Litigation aside, what is the ideal structure for the WSBA to accomplish its mission?"***

2. WSBA's core mission should not include analysis or endorsement of bills on issues that are primarily matters of public policy, but may pass GR12 analysis by virtue of great lawyering; some other organization should do that.

3. On some issues, many people (including WSBA members) feel so strongly that they would want to quit any association that endorses a bill promoting the other side.

4. Abortion is an example. In a post-*Roe* world, Olympia may take up an abortion bill, which someone will ask the BOG or a Section to address. Our Legislature could certainly use the advice of lawyers on such a bill, and as a matter of fundamental rights it would not be hard to connect to the practice of law, but then where are we as an organization?

5. Whatever position the Board or a Section takes, some members will feel real emotional distress; some members would suffer by having the position of the organization attributed to them personally.

6. It is not enough to suggest such members simply disclaim the organization's position; a disclaimer is itself a burden, may not be believed or understood (*especially when a legislator wants to use a WSBA endorsement as ammunition*), and it gives rise to the challenge of "why not quit as a matter of conscience?" But to quit WSBA would require an impossible financial sacrifice for most WSBA members still in practice.

7. The *Keller* deduction is not enough to solve the problem because associational harm is not monetary in nature.

[Make no mistake: my personal position supports freedom for persons of any gender to control their body without let or hindrance of the State. To be honest, I would not at all feel badly were WSBA to support my position, but I have every confidence that most people of the opposite opinion mirror my feelings; whichever group is in the minority on the BOG or in a Section is going to suffer the injustice of compelled association and reputational harm. I might be willing to have them pay that price ... but I might not be on the winning side, so then what?]

8. Admittedly, most issues before the Legislature are less contentious than abortion, and yet the principle is the same. WSBA's **core mission** should not include analysis or endorsement of bills on issues that are primarily matters

of public policy, but may pass GR12 analysis because WSBA's membership has some great lawyers.

9. Still, it would be to the great advantage of the legal profession, the Legislature, and to the public which we all serve, for there to be a ready pool of lawyers ready, competent and organized to offer comments on a voluntary basis. Whether or not SCOTUS ever addresses the issue of association rights, and with due regard to the excellence with which WSBA's *Keller* deduction has been structured and executed, it would be better and more just to create an organization outside of WSBA with truly voluntary membership and the mission of opining on legislation. This should not be by uprooting Sections from WSBA, but could be by creating something new, such as by Governor Williams Ruth's PAWL proposal.

10. Thank you for considering this comment, and for all of your work thoughtfully considering the best possible structure for our Bar Association.

Sincerely,

Randy Winn
WSBA #25833