

SELECTED LAW REGARDING WSBA (1933 on)

- 1933 – **State Bar Act** – Creates Washington State Bar Association as an agency of the state; clearly recognizes Supreme Court authority over admissions, licensing and discipline; establishes BOG.
- 1972 – **State ex rel. Schwab v. Wash. State Bar Ass’n**, 80 Wn.2d 266, 493 P.2d 1237 (1972) – “In short, membership in the state bar association and authorization to continue in the practice of law coexist under the aegis of one authority, the Supreme Court.” – Affirms WSBA’s regulatory function and holds that its principal place of business need not be in Olympia as required of state executive offices; Bar is “*sui generis*”.
- 1972 – **In re Application of Schatz**, 80 Wn.2d 604, 497 P.2d 153 (1972) – “The language of [RCW 2.48.060] clearly lodges all ultimate authority in the Supreme Court. The [BOG], acting in this area, is an arm of the court, independent of legislative direction.” – upheld BOG policy requiring (at that time) graduation from ABA-approved law school for admission to practice
- 1975 – **In re Bannister**, 86 Wn.2d 176, 543 P.2d 237 (1975) – refers to the WSBA as “as public rather than a private agency”.
- 1976 – **Graham v. Wash. State Bar Ass’n**, 86 Wn.2d 624, 548 P.2d 310 (1976) – “The Washington State Bar Association...is responsible to the Supreme Court, not the legislature or an agency of the executive branch, for the delineation of its responsibilities in the admission, discipline and enrollment of lawyers.” – Held that WSBA is not a “state department or agency” within the meaning of state audit statutes; WSBA is *sui generis*.
- 1981 – **Bennion, Van Camp, Hagen & Ruhl**, 96 Wn.2d 442, 635 P.2d 730 (1981) – The WSBA furthers the Washington Supreme Court’s “duty...to protect the public from the activity of those who, because of lack of professional skills, may cause injury whether they are members of the bar or persons never qualified for or admitted to the bar” – by conducting its regulatory function and administering the court rules governing the practice of law.
- 1987 – **GR 12** adopted, setting forth the purposes and authorized functions of the WSBA.
- Amended in 1993;
 - renumbered as **GR 12.1**, and **GR 12.2** (administer S. Ct. Boards) added in **2007**;
 - **GR 12.3** (Immunity) added in **2008**;
 - **GR 12.1(b)(22)** (re: fees) amended in **2013**; and
 - **GR 12.4** (public Bar records) added in **2014**.
- 1995 – **Wash. State Bar Ass’n v. State**, 125 Wn.2d 901, 890 P.2d 1047 (1995) – “This court’s control over Bar Association functions is not limited to admissions and discipline of lawyers. The control extends to ancillary administrative functions as well.” – Noted that WSBA is *sui generis*, and held that Legislature could not mandate that WSBA engage in collective bargaining, because the WSBA is not funded by legislative appropriation and “[a]nnual dues are collected under the authority of the court...”
- 1999 – In **Benjamin v. Wash. State Bar Ass’n**, 138 Wn.2d 506, 980 P.2d 742 (1999), the Court treated WSBA as a governmental employer for purposes of First Amendment analysis.

Federal Cases:

- 2010 - In **Eugster v. Washington State Bar Ass'n**, No. CV 09-357-SMM, 2010 WL 2926237 (E.D. Wash. July 23, 2010), the district court held that the WSBA is a state agency for purposes of Eleventh Amendment immunity from suit in federal court. (However, to the extent the plaintiff sought relief from individual WSBA defendants in their individual capacities, those claims were not barred by the Eleventh Amendment.) The Ninth Circuit affirmed on other grounds without reaching the issue. 474 F. App'x 624 (9th Cir. 2012).
- 2015 - In **Eugster v. Washington State Bar Ass'n**, No. C15-0375JLR, 2015 WL 51757722 (W.D. Wash. Sept. 3, 2015), the court held that because the WSBA acts as the "investigative arm" of the Washington Supreme Court, it is "a state agency immunized from suit [in federal court] by the Eleventh Amendment." The Ninth Circuit affirmed on other grounds without reaching the issue. – F. App'x --, 2017 WL 1055620 (9th Cir. Mar. 21, 2017).
- 2015 - In **Block v. Washington State Bar Ass'n**, No. C15-2018RSM, 2016 WL 1464467 (W.D. Wash. Apr. 13, 2016), *appeal filed*, No. 16-35461 (9th Cir. 2016), the court held that because the WSBA acts as the "investigative arm" of the Washington Supreme Court, it is "a state agency immunized from suit [in federal court] by the Eleventh Amendment."