

WSBA's Role in the Legislative Process - Overview

The WSBA has **two main roles** in the legislative process:

1. Seek passage of WSBA-request legislation; and
2. Review – and potentially comment on – legislation introduced by others.

In all cases, WSBA Sections/Committees/Councils (Sections) are **restricted** in the legislative action they may take on behalf of a Section by:

- **General Rule 12.1(c)** – GR12.1(c) establishes that the Bar may only take positions on political or social issues that relate to or affect the practice of law or administration of justice. The WSBA has interpreted “political” broadly to include all legislation. The WSBA’s Legislation and Court Rule Comment Policy provides that, before a Section’s Executive Committee may consider taking a position on any legislation, at least 75% of the Executive Committee must agree that the legislation falls within GR 12.1(c).
 - The Board has adopted 2 documents that provide some guidance as to the meaning of “practice of law” and “administration of justice”.
- **WSBA Legislation and Court Rule Comment Policy** – Among other things, this Policy provides that a Section may only take a position if at least 75% of its executive committee is in agreement. Note: Bar members are, of course, always free to take positions or comment on legislation on their own behalf.

Sections that want to participate in the legislative process should contact the Legislative Office before participating, and must keep the Legislative Office informed of its legislative activity.

WSBA-Request Legislation: Most WSBA-request legislation originates from a Section or subcommittee of a Section. A tremendous amount of work must be completed well in advance of the legislative session, including:

- Thoroughly vetting the proposal both within and without the Bar;
- Obtaining the support of at least 75% of the Section’s executive committee;
- Obtaining the support of the WSBA Legislative Committee; and
- Obtaining the final approval of the Board of Governors (BOG).

Once the BOG has approved the proposal, a legislative sponsor must be found and the bill can be “dropped” for introduction. From this point on, the bill must be constantly monitored and pushed through the system, and the Section’s involvement continues throughout the process – for example, providing background information and analysis to legislative staff, testifying at hearings, and working with stakeholders who have concerns about or an interest in the proposal.

Other Legislation: Typically, 2,000 – 3,000 bills are introduced each session. The WSBA Legislative Office quickly reviews each bill and refers bills of potential interest to the

appropriate WSBA Section(s) for a more in-depth review. The primary purpose of this referral and review system is to try to ensure that other proposals do not negatively impact the practice of law. Sections are asked to advise the Legislative Office of their position on the referred bills: in support, opposed, or neutral.

Review of referred bills must be done very quickly, which can sometimes be a near impossible task. Section positions on referred legislation are communicated to the bill's prime sponsor and the House and Senate committee chairs. If a Section opposes (or has concerns about) a proposal, those comments are submitted in writing and, typically, a representative of the Section is asked to testify to those concerns at the next public hearing. Every year, Section attorneys volunteer hundreds of hours through their review of non-WSBA legislation, and they are often called upon to "fix" problematic provisions in bills as part of their review.

Challenges: The challenges are numerous – a few are noteworthy:

- Time constraints and pace
- High volume of bills
- Small WSBA Legislative Office
- House/Senate Rules
- Low number of attorney-legislators

WSBA Legislative Office: The primary purposes of the Legislative Office, staffed by one full-time lobbyist and one part-time assistant, are to seek enactment of WSBA bills and to ensure that Section input regarding other legislation is considered by the Legislature. We work hard to develop good working relationships with legislators on both sides of the aisle, but the work we do would be meaningless without the dedication and extraordinary efforts of Section members.

Contact us:

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