
From: Board Feedback
Subject: FW: [External]WSBA Elder Law Section - WSBA Structure Feedback

From: Meredith Grigg <Meredith.Grigg@nwjustice.org>
Sent: Friday, July 22, 2022 3:30 PM
To: Board Feedback <BoardFeedback@wsba.org>
Cc: Carla Higginson (carla@higginsonbeyer.com) <carla@higginsonbeyer.com>
Subject: [External]WSBA Elder Law Section - WSBA Structure Feedback

Good Afternoon,

I am writing to you as the Chair of the WSBA Elder Law Section. The Executive Committee recently surveyed section members regarding issues related to the WSBA structure and other issues. I have attached a summary of the survey responses for your information, as well as, the email I sent to the members about the survey.

At this time, the WSBA Elder Law Section Executive Committee has chosen not to take a position on the structure of the WSBA.

Please feel free to reach out to me if you have any questions. I appreciate your time and the work you do on behalf of our members.

Sincerely,

Meredith Grigg | Attorney

Meredith Grigg

From: Meredith Grigg
Sent: Wednesday, July 6, 2022 4:05 PM
To: Elder Law Section
Subject: WSBA Structure Survey

Dear [WSBA Elder Law Section](#),

Chief Justice Gonzales recently asked the Board of Governors to undertake a review of the current Washington State Bar Association structure and to consider the ideal structure of an organization to “serve the public and the members.” In other words, should the structure of the bar association be changed, and if so, what structure should be used? To date, the discussion has been either that the current mandatory structure is working well and should not be altered and that it supports Sections in their work, vs. concerns about the state Supreme Court being in charge of the non-regulatory functions of the bar association, the court’s unfunded mandates that require members to pay for social programs without their consent, concerns about limitations placed by the bar association on Sections’ use of their own funds and their right to create their own bylaws, restrictions on Sections’ ability to comment on pending legislation that affects a section’s practice area unless approved by the bar association, disregard of members’ needs and failure to support members while they practice law, and unrestricted spending by the bar association on top-heavy administration.

The Board of Governors has been addressing this review through a structure workgroup termed “ETHOS,” comprised of the entire Board. There have been a number of all-day sessions to date and there are two more scheduled in July and August, with the next meeting occurring on July 23rd. The Board is expected to make a recommendation to the Court by the end of August. The Elder Law Executive Committee is seeking member input before providing comment to the Board of Governors in answer to the third question posed by C.J. Gonzales. For context, our state currently has a “unified” or “mandatory” bar, the Washington State Bar Association, through which all activities are conducted, both regulatory (licensing - bar exam, admission to practice - and discipline, which are delegated by the state Supreme Court to the bar association, and professional (CLEs, Sections, ethics hotline, funding social justice programs) as well as administering and paying for the operation of the six councils created by the state Supreme Court.

Please take a moment to complete this survey: [Elder Law Section - WSBA Structure Survey](#). It should take about three minutes. Your input is important to the Executive Committee as we consider what comment to provide to the Board of Governors on behalf of our Section. The survey will close on **July 13, 2022.**

Sincerely,

Carla Higginson, Board of Governors Liaison to WSBA Elder Law Section
Meredith Grigg, Chair of WSBA Elder Law Section

Elder Law Section WSBA Structure Survey Responses

July 13, 2022

62 Responses

1. Do you have an opinion on whether the bar association should be bifurcated?

- **44%** - Washington should keep the current unified mandatory bar association....
- **34%** - Washington should transition to a bifurcated bar association
- **18%** - I don't have an opinion.
- **4%** - Other:
 - "I'm not inclined to see a major structural transition because of the uncertainties that all the functions could be done effectively that way."
 - "I prefer whichever option is less costly to members".
 - "I hesitate to express an opinion because I work in King County and have KCBA to do much of that so a bifurcated bar works for me but might not for other parts of the state."

2. What aspects of the current unified/mandatory bar association do you like?

- Centralized communication and information; all bar functions seem very related.
- I like the fact that except for being in different sections, I share a common connection with every other bar member, it provides a shared sense of community and being in a single profession that we all share.
- I like voting for the members of the Board of Governors. I like being able to consult with my representative on the BOG. I like the work the sections are doing and the listservs they provide. I like that the BOG is answerable to the members and when they go too far astray, the members have the ability to pull them back, i.e. the LLLT program. I would not like the general public to be in charge of the Bar by voting on the members of the WA Supreme Court.
- Nothing in particular.
- One source for CLE and Section information, licensing, etc. Ethics hotline.
- Good people. Supporting sections. Running the ethics hotline
- Attorneys and not state officials should be handling discipline along with the Supreme Court
- Everything is all in one place
- Coordination and strength of one entity
- Everything that I need in relationship to my Bar Membership is in one place. I can choose to pay for section membership or not. I do not find the mandated payment for the operation of the councils created by the Supreme Court to be a burden, compared with the privilege of holding a license to practice law.
- Simplicity and clarity. It doesn't make sense to me to spread authority out among different organizations. I also dislike the idea of lawyers existing outside the professional organization because they resent paying dues or "government" being involved in their lives. I find this attitude inconsistent with our bar admission process. We are part of a profession.

- The non-regulatory functions of the bar association to are vital for the function to "improve the quality of legal services available to the people of the state." This could easily be lost by making such a structural change. The Keller deduction I think should address any concerns about ideology. I don't have enough info to judge whether bar staff salaries are inappropriate.
- Segregation of function to reflect control over professionalism in actual practice of law while encouraging collegiality and education in the more "social" elements of practice.
- 1) economic one organization should be less to run than two; 2) a unified bar should produce a more cohesive bar. 3) separating the unified bar will have a tendency to duplicate services, increase costs, and increase time spent having to navigate two organizations instead of one.
- The current system has been responsive to the needs of attorneys while also helping to assist the public through the numerous social justice projects it has sponsored over the years. The various sections are also free to participate in their own programs promoting access to justice, such as the annual scholarship the Elder Law section sponsors a legal intern to a non-profit. I just think it works well.
- no opinion
- one stop shopping
- I am used to it. Unification promotes organization and control within the organization. I generally approve of the direction the organization is going.
- Possibly less expensive than having a bifurcated Bar and I suspect it provides more support for groups who might not otherwise have enough members to be active.
- There is no confusion as to where to go for any resources.
- Washington specific CLE & the ethics hotline
- I like the sections and the CLE's, as well as the functions to support attorneys who have special needs, such as substance abuse or mental health problems.
- Everything under one "roof" is simple and easy for members. Plus, the Bar provides many services - CLEs, support groups, section, etc. If there are issues with the way the Bar is running then fix the issues rather than throwing out the whole system
- Makes sure folks from all over the state have access to CLEs, sections, diversity efforts.
- Unified licensing/regulatory/ discipline activity

3. What aspects of the current unified/mandatory bar association do you dislike?

- The dues.
- The legislative and non-regulatory aspects.
- The substitute research engine that has been adopted is impossible to navigate -- despite several tutorials. I don't like that the Supreme Court has decided that they know better than anybody else.
- I dislike the limitations on the sections and the fact that so much of what the Bar does does not help and support lawyers. The Bar seems to take the position that it needs to protect

the public from lawyers. I won't even get started on the de-professionalizing of law. Every year that I've been out of school I realize how much I learned there that I didn't appreciate at the time or in my early years of practice. Focusing on clinical work in schools or narrowly defined technicians outside of school just means that we don't have the depth and width of perspective needed for complex and changing times.

- The organization is top heavy with administrative costs and is poorly run. The board of governors, on behalf of the WSBA members, does not exercise appropriate oversight over the executive director and she acts with no sense of accountability. The sections are not allowed to spend their own money or even communicate with their members without review and approval by the WSBA. There is far too much emphasis on serving the public, when a professional association should serve its members and support its members in providing service to the public. The Supreme Court is much too involved in running the WSBA, approving all bylaw changes, mandating that the Board of Governors act (with corresponding costs that are borne by the members) or not act, and treating the elected governors as if they were meaningless. This organization is too broke to fix, and the Court should take over the regulatory functions directly and let a professional association be formed of any sections who want to participate, with that association's goal to support and serve the attorneys who belong to it.
- Too much political and ideological activity under the guise of "improving the profession," some of it encouraged or directed by the Supreme Court.
- Bureaucratic.
- The exorbitant cost of membership for little value added to my practice.
- The Supreme Court's control of the ability of sections to respond to proposed legislation that affects our clients and our ability to provide services to our clients.
- I don't like legislative advocacy and access to justice stuff being imposed upon people who disagree with it as a condition of practicing law. I don't like the Seattle-centric focus of the WSBA or the maintenance of expensive office space that is unnecessary, in my opinion, to carry out the WSBA's mission and purpose, but I am not sure that is directly related to the unification and mandatory aspects this poll is focused on.
- I dislike that sections cannot make their own decisions on lobbying questions without getting permission of the organizational leadership as a whole. I don't see why the WSBA could not change this requirement, however, without a major structural changes, by requiring sections to identify section, not WSBA, as the proponent unless WSBA joins.
- Overlap of the current encouragement of the civility and "awareness" in practice from the need for discipline as to actual practice activities.
- Agenda and promotion of ideas and viewpoints that don't represent the bar as a whole.
- Sub-groups driving agendas.
- Sometimes the WSBA board does things I disagree with, such as the failed legal technician program, but that's the price of democracy.
- The high cost of running the organization, which is passed on to members.
- I have less choice in terms of options, e.g., using some services, but not others, but for which I nevertheless have to pay for. However, this aspect does not bother me personally that much.

- Having to run Sections through the Bar--the CLE process is particularly cumbersome and the amount shared with the section has decreased over the years. One example is the Bar's decision to not provide paper copies of CLE materials even if participants were willing to pay. Not very oriented to customer service.
- Domination by urban thinking
- The organization seems to have trouble serving all of its stakeholders. Sometimes they act for the benefit of the public, sometimes for the benefit of the attorneys, and sometimes what seems like for the benefit of themselves.
- I believe we are paying for functions that are not necessary. The ABA is voluntary and an organization similar to that would allow participation in the "extra" activities, but not require it.
- Having its political agenda—which has *nothing* to do with the practice of law—relentlessly rammed down my throat.
- Don't have any dislikes - but again if folks have issues with certain Bar functions - then address those concerns.
- Sections not being able to take leg positions.
- Section involvement by Bar Assoc.

4. Should the Keller deduction be more broadly interpreted and increased?

- **41%** - No
- **36%** - Yes
- **22%** - I don't have an opinion
- **2%** - other
 - "I have no idea how the decision is made that it is the amount it is, so I have no basis for an opinion about the interpretation. It seems like such a trivial issue at the stated cost that only a bunch of hair-splitting lawyers would give a damn about it in the first place."

5. Do you think that your dues are reasonable for the services provided by the bar association?

- **44%** - Too high
- **44%** - Just right
- **3%** - Too low
- **8%** - other
 - "While any expense is an expense. I don't think I am qualified to answer this question. For instance, how much would it cost me under a bifurcated system?"
 - "I think they could be reduced if the WSBA got rid of the swanky downtown Seattle headquarters and had people work remotely or in another lower-cost location, otherwise no complaints."
 - "Don't really know; high for lower-income practitioners, but that doesn't mean it is unreasonable."
 - "The dues should reflect necessary cost to run the organization."
 - "I am concerned that our headquarters take too much of our dues that could be used for other purposes."

6. **Do you believe it is appropriate for the Supreme Court to direct the bar association's activities, such as approving bylaws, overriding decisions by the Board of Governors, and otherwise overseeing governance matters that are not strictly related to licensing and discipline?**
- 58% - No
 - 26% - Yes
 - 13% - I don't have an opinion.
 - 2% - other
 - "I believe it is appropriate to manage the bar but should be related to licensing and discipline."
 - "No, unless there is some kind of illegal activity going on."
7. **Do you believe the headquarters should be moved to a location with lower overhead and more ready physical access by members across the state, such as SeaTac or a location in the middle of the state?**
- 83% - Yes
 - 0% - No
 - 6% - I don't have an opinion
 - 11% - other
 - "How about people come back to work? If not, then the cost needs to come down for our new, virtual Bar Office."
 - "I would choose a more frugal option but locating offices in the State's largest city seems appropriate."
 - "Find cheaper space, but downtown Seattle is closest to the largest number of attorneys."
 - "Only if a move is cost-effective. Physical access by members seems irrelevant, however."
 - "SeaTac yes. The middle of the state: no. It should be in the center of where the most lawyers are and I bet that is SeaTac."
 - "Yes, for lower overhead, but not necessarily to the middle of the state."
 - "I don't think the office needs to be relocated, but if people are working from home and not using the space, then the amount of space leased should be decreased."
8. **Is it important to you that the various practice and other Sections should be free to lobby, submit comments, or take a position on pending legislation without the currently required process?**
- 63% - Yes
 - 22% - I don't have an opinion.
 - 11% - No
 - 5% - Other
 - "I agree with some level of oversight. However, if it prevents valuable input by sections with special expertise, the process should be revised."
 - "If we do not allow that, some other process needs to be developed because we are obviously stakeholders and (hopefully) well-informed about legislation in our own

practice areas, so our input should be encouraged. But does it have to be through the WSBA and sections? I don't think it does. There are other ways to advocate."

- "Only if multiple options available for a given section."

9. What services should a voluntary professional association provide to its members?

- 62 - CLEs
- 61 - Sections
- 60 - Listservs
- 57 - A robust ethics hotline
- 46 - Legal research/search engine
- 42 - Networking opportunities
- 41 - Analysis and position statements on legislation and rulemaking
- 34 - Referral requests/services
- 29 - Voluntary malpractice insurance
- 27 - Drug/alcohol counseling
- 27 - Mental health/wellness counseling
- 16 - Health insurance
- 2 - Automobile insurance
- 6 - Other
 - "more activities for lawyers NOT in Seattle"
 - "Publications which provide a diversity of opinions and viewpoints"
 - "Judicial candidate ratings"
 - "Mandatory malpractice insurance"
 - "help with IOLTA and other practical aspects of running a law office"
 - "Regular updates on pending legislation effecting the practice of law"