



WSBA

WASHINGTON STATE BAR ASSOCIATION

Legislative Action Guidelines

(Adopted by the Board of Governors on February 18, 2003)

1. Respect Threshold/GR12(c): In accord with the WSBA's purposes and activities as established by GR12(a) and (b), the WSBA may take positions on legislative proposals that relate to or affect the practice of law and/or the administration of justice.

In such event, WSBA will be guided by, though not necessarily limited to, principles enunciated below.

2. Protect the Lawyer-Client Relationship: The WSBA will act to protect the lawyer-client relationship and, in particular, will resist any legislation which might impair the confidentiality of lawyer and client communications.

Lawyers are sworn to uphold the confidences and secrets of their clients; see, Admission to Practice Rules, Rule 5(d)--oath of attorney; Rules of Professional Conduct, Rule 1.6--confidentiality.

3. Hold Sacrosanct the Right to a Jury Trial: The WSBA will resist any legislation which might impair the right to a jury trial, whether criminal or civil. The right to jury trial is protected by the Seventh Amendment of the United States Constitution and Article I Section 21 of the Constitution of the State of Washington.

The Seventh Amendment provides, in pertinent part, that ". . . the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States other than according to the rules of the common law".

4. Protect Individuals' Freedom to Contract: Subject to the Rules of Professional Conduct, the WSBA will resist legislation which purports to regulate or impair the right of a lawyer and client to contract between them as they may desire for legal representation. This right is afforded, in part, by Article I Section 23 of the Constitution of the State of Washington.

5. Preserve the Separation of Powers/Independent Judiciary: GR12(a)(1) provides that the WSBA shall strive to promote the independence of the judiciary and the bar. The WSBA will resist legislation that might impair the separation of powers as among the executive, legislative and judicial branches of government.

In particular, the WSBA will resist legislation that might interfere with the independence of the judiciary including its right to regulate itself and the practice of law.

6. Advocate for Due Process and Equal Protection: The WSBA will protect the people's right to due process and equal protection under law as guaranteed by the Fifth and Fourteenth Amendments of the United States Constitution.

7. Protect Individual Rights: The WSBA will resist any infringement of the individual rights embodied in the Constitution of the United States of America and Constitution of the State of Washington.

8. Promote Access to Justice/Courts: GR12(a)(2) provides that the WSBA shall promote an effective legal system accessible to all. The WSBA will protect and enhance the public's access to the judicial system and legal counsel and resist legislation which might impair such access.

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