

WASHINGTON STATE BAR ASSOCIATION

Committees and Boards Policy

Effective with 1993-94 Committee Appointments. Amended July 19, 1996; Mar. 28, 1997; Feb. 13, 1999; May 19, 2000; Jan. 19, 2002, Oct. 2002; Apr. 2003; Feb. 2004; Mar. 11, 2005; Jan. 2012; Sept. 2012; Jan. 2013; July 2013; Sept. 2015; Sept. 2020; July 2022; Jan. 16, 2026.

Diversity: To further the WSBA policy of advancing and promoting diversity, equality, and cultural understanding, the Board of Governors shall take into consideration the makeup of a committee or board in terms of diversity when considering appointments to it. (Committee Membership Selection Advisory Policy.) To assist the Board in fulfilling this policy, all applicants and appointees to committees and boards will be required to complete the Committee/Board/Panel Application Form. This form shall, on a voluntary basis, solicit information including, but not limited to, the person's ethnicity, gender, sexual orientation, disability status, area of practice, years of practice, employer, and number of WSBA members in law firm.

Size of Committees and Boards:

1. Committees:

- Committee on Professional Ethics: 9
- Court Rules and Procedures Committee: 28
- Editorial Advisory Committee: 14
- Judicial Recommendation Committee: 22
- Legislative Review Committee: 35 maximum
- Pro Bono and Public Service Committee: 18
- Washington New Members Committee: 18

2. Boards:

- Board of Bar Examiners: 50 lawyers maximum
- Character and Fitness Board: 10 WSBA members minimum (at least one from each district) and 3 public members (APR 23(a))
- Law Clerk Board: 13 lawyers
- Client Protection Board: 11 WSBA members and 2 public members (APR 15(b)(2))

Membership Requirements: All members of WSBA committees and boards must be active members of the WSBA or inactive, pro bono, or emeritus as deemed appropriate by the applicable committee or board, with the following exceptions: (a) Up to two Emeritus/Pro Bono members are permitted to serve on the Pro Bono and Public Service Committee and may be appointed to serve as the Chair, Co-Chair or Vice-Chair (WSBA Bylaws IX.B.1.a.); (b) Members of the Character and Fitness Board must have been members of the WSBA for seven years before their term begins (APR 20(b), ELC 2.3(b)(2)); (c) Members of the Washington New Members Committee must meet the WSBA new member criteria on the start date of their term (WSBA Bylaws XIIB); (d) Faculty of Washington state law schools who are not active

members of the WSBA are permitted to serve on the Committee on Professional Ethics (WSBA Bylaws IX.B.1.a.); (e) Judicial members may serve on the Board of Bar Examiners (APR 2(a)(1)); and (f) Judicial members may serve on the Law Clerk Board (APR 2(a)(2)). No WSBA staff member will be appointed to serve as a WSBA committee or board member.

Selection of Members: Nominations for open positions on each standing committee and board will be made by a nomination team comprising the chair, vice-chair or chair-elect, staff liaison and BOG liaison, in consultation with WSBA diversity and inclusion staff. In addition, each district-based BOG member may nominate one applicant from his or her district to any committee or board that does not have a continuing member from that district. At large BOG members may, as a group, nominate one applicant to each committee or board. If this process results in more nominations than there are open positions on a committee or board, nominations from BOG members will take priority over nominations from the nomination teams. If nominations from BOG members alone exceed the number of open positions, the nomination teams will make recommendations to the BOG as a whole. Exceptions: The Judicial Recommendation Committee, Washington New Members Committee, Legislative Committee and Committee on Professional Ethics have unique member selection procedures which are described in separate policy documents. The nomination teams will make recommendations for non-lawyer appointments, as these nominations are made by the BOG as a whole and forwarded to the Supreme Court for appointment. (APR 20(a), ELC 2.3(b)(1).) The Board of Governors will make most committee and board appointments (and nominations of non-lawyers to the two boards cited above) at the July Board of Governors meeting. At the same time, the Board of Governors will approve a list of alternate appointees for each committee and board. The alternate lists will be effective for one year. If any committee or board member positions remain open after the July Board of Governors meeting, they will be filled as soon as possible.

Definition of Membership: Although WSBA committees operate under an "open meeting" policy that allows any member of the WSBA or public to attend a meeting (See (12) below), in order to be recognized as a member of a committee or board an individual must be appointed to the committee or board.

Selection of Chair and Vice-Chair: The President-elect shall nominate committee and board Chairs, Co-Chairs, Chair-elects, and Vice-Chairs for appointment by the Board of Governors for the year in which the President-elect will serve as President. (WSBA Bylaws, IX.B.1.c.) Committee chairs are generally limited to a single year term, except in unusual circumstances, in which they may be appointed for an additional year. If an individual is appointed as committee Chair but is not a new or returning member of the committee, he or she will also be appointed as a member for one year, which may temporarily increase the size of the committee. Exception: The Washington New Members Committee has a member position set aside for leadership described in a separate policy document.

The President-elect shall commit to diversity in nominating Chairs, Co-Chairs and Vice-Chairs, taking into consideration the makeup of a committee or board and the potential impact of appointing a particular individual as Chair.

Expenses: Committee and board member expenses shall be reimbursed in accordance with the WSBA Expense Reimbursement Policy as adopted by the Board of Governors. Reimbursement of travel expenses for out-of-state committee or board members to attend committee or board meetings is limited to the

approximate cost of in-state travel. Participation in meetings by telephone conference call or videoconferencing is encouraged when possible because it saves significant travel time and expense.

Terms: Except as indicated below, committee appointments shall be for 2-year terms. A member's service on any committee shall be limited to two consecutive terms, after which the member cannot be reappointed to that committee for three years, subject to individual exceptions as approved by the Board of Governors. Appointments to the WSBA Legislative Committee shall be made pursuant to the written Board of Governors policy for that committee. (WSBA Bylaws, IX.B.1.b.)

The following committees and boards shall have more than a 2-year term:

- Board of Bar Examiners: 4 years, no limit on number of terms (subject to Chair approval and completion of mandatory training)
- Character and Fitness Board: 3 years (APR 20(i)) (one-term limit)
- Committee on Professional Ethics: 3 years (two-term limit)
- Judicial Recommendation Committee: 3 years (JRC Guidelines I(A)(1))
- Law Clerk Board: 3 years (three-term limit)
- Client Protection Board: 3 years, no limit on number of terms (APR 15)
- Washington New Members Committee: 3 years

Recommendations for Discipline-System Appointments: Under ELC 2.2(c), a former WSBA officer, WSBA executive director, or Board of Governors member may not serve as a hearing officer, Disciplinary Board member, or Conflicts Review Officer until three years have expired after the former officer or member's departure from office. To ensure the proper implementation of the policy underlying ELC 2.2(c), the Board of Governors shall not recommend a former WSBA officer, WSBA Executive Director, or Board of Governors member for appointment as a hearing officer, Disciplinary Board member, or Conflicts Review Officer sooner than two years following such an individual's departure from office.

Vacancies and Removal: In the event of the resignation, death or removal of the Chair of a committee, the Board of Governors may appoint a successor to serve for the unexpired term. (WSBA Bylaws, IX.B.1.d.) In the event of the resignation, death or removal of a member of a committee or board, the nomination team may appoint a replacement from the alternate list that has been pre-approved by the Board of Governors. If there is no candidate on the alternate list that meets the committee's or board's needs, the nomination team may recruit a new applicant to be appointed by the Board of Governors.

Any member who fails to attend two consecutive regularly called meetings of the committee may be removed by the Board of Governors, in the absence of an excuse approved by the Chair of the committee or board. (WSBA Bylaws, IX.B.3.g.2).

Notice of Vacancies: The annual Committee/Board/Panel application form will be available in myWSBA and on the WSBA website starting in early January, and publicized via Washington State Bar News and broadcast email. Notice of non-lawyer committee and board openings also will be sent to nonlawyer organizations each winter. Mid-year vacancies will be publicized only if suitable applicants cannot be identified from the existing applicant pool.

Exceptions: These policies as a whole do not apply to the following entities, although individual provisions may apply: (a) WSBA panels; (b) The Supreme Court-created boards administered by the WSBA; (c) The Council on Public Defense; (d) discipline-system appointments, except as addressed in item (9); (e) WSBA state bar delegates to the ABA House of Delegates who are eligible for reappointment to three consecutive two-year terms; (f) Boards or commissions or other outside organizations to which the WSBA nominates or appoints members or representatives; (g) Diversity, Equity, and Inclusion Council.

Open Meetings: The WSBA is committed to conducting the regular and special meetings of the WSBA, its Board of Governors, and its divisions, committees, boards, task forces, and sections in an open and public manner. Through such openness, the WSBA intends to make information available to the people of Washington that will allow them to become informed about matters regarding the provision of legal services and other matters falling under the WSBA's authority. Exceptions to the "open meeting" policy are stated in court rules and regulations and the WSBA Bylaws. (WSBA Bylaws, VII.B.) Meetings and materials related to boards generally are governed by court rules and regulations that in many cases require confidentiality of all or parts of the meetings and all or parts of the board materials.