

WASHINGTON STATE BAR ASSOCIATION

Office of General Counsel

TO: Board of Governors
FROM: Sean M. Davis, General Counsel
DATE: January 12, 2018
RE: Proposed Amendments to WSBA Bylaws Regarding Eligibility for President-elect

FIRST READING: Three different amendments have been proposed to the WSBA Bylaws regarding eligibility for election as President-elect. The first proposed amendment would eliminate the requirement that every four years the President-elect must be someone whose primary place of business is in Eastern Washington. The second and third proposed amendments generally both preserve the Eastern Washington geographic requirement, but it would be triggered only when someone from Eastern Washington has not otherwise been elected as President-elect within a certain number of years.

The WSBA has historically sought to ensure geographic diversity in its leadership and, specifically, in the recent past that the President periodically be someone whose primary place of business is in Eastern Washington. This geographic rotation was practiced informally for a period of time, and then, in 1993, it was codified in the WSBA Bylaws. The original 1993 Bylaws amendment required that the President-elect rotate each year on a four-year cycle, with the elected individual hailing from King County, Eastern Washington, King County, and then Western Washington (but outside King County) in sequence. In 2011, the Bylaws were amended to require that every four years, the President-elect must be an individual whose primary place of business is located in Eastern Washington (but that in the intervening three years, the President-elect may be from anywhere in the state, including Eastern Washington). This is what the current Bylaws require. See Art. VI(D)(2). The election years in which the BOG must elect a President-elect from Eastern Washington under this Bylaw provision are 2010, 2014, 2018, 2022, etc.

The first proposed amendment eliminates the geographic eligibility requirement for President-elect. The second proposed amendment preserves the requirement, but, instead of it being mandatory every four years (whether there has been another President-elect from Eastern Washington more recently than four years ago or not), the requirement would be triggered only when three years have run without a President-elect from Eastern Washington. The third proposed amendment requires that if, at the time of election, no President-elect in the preceding four years was an individual whose primary place of business was located in Eastern Washington, the President-elect must be an individual whose primary place of business is located in Eastern Washington.



Attachments:

1. Proposed amended Article VI(D)(2) (Version 1) (redline copy)
2. Proposed amended Article VI(D)(2) (Version 1) (clean copy)
3. Proposed amended Article VI(D)(2) (Version 2) (redline copy)
4. Proposed amended Article VI(D)(2) (Version 2) (clean copy)
5. Proposed amended Article VI(D)(2) (Version 3) (clean copy)
6. Proposed amended Article VI(D)(2) (Version 3) (redline copy)

VI. ELECTIONS

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D. ELECTIONS BY BOARD OF GOVERNORS

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2. Office of President-Elect.

The BOG will elect an Active lawyer member of the Washington State Bar Association to serve as President-elect. The election shall take place during a BOG meeting not later than the 38th week of each fiscal year, and will be by secret written ballot. The President-elect will take office upon the incumbent President-elect becoming President or upon vacancy of the office of President-elect.

~~Beginning with the election of the President-elect who will begin to serve as President in the year 2011 and every four years thereafter, the President-elect must be an individual whose primary place of business is located in Eastern Washington. For purposes of these Bylaws, "Eastern Washington" is defined as that area east of the Cascade mountain range generally known as Eastern Washington. During the remaining three years, the President-elect may be an individual from anywhere within the state, including Eastern Washington. In any year, should no qualifying application be received for the position of President-elect within the timeframe allowed, the President will advise the BOG, and the BOG, at any regular meeting or special meeting called for that purpose, will establish procedures to re-open and extend the application period or otherwise address the issue. Such action by the BOG may include waiver of any geographic limitation for the year in question.~~

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To ensure geographic balance of Presidents between Eastern and Western Washington, and recognizing the need to ensure that President-elects are individuals whose primary place of business is located in Eastern Washington at least every four years, in the event that the last President-elect was from Eastern Washington three years earlier, on the fourth year the President-elect must be an individual whose primary place of business is from Eastern Washington.

Beginning with the election of the President-elect who will begin to serve as President in the year 2011 and every four years thereafter, the President-elect must be an individual whose primary place of business is located in Eastern Washington. For purposes of these Bylaws, "Eastern

Washington" is defined as that area east of the Cascade mountain range generally known as

Eastern Washington. During the remaining interim three years from the last election of a President-elect From Eastern Washington, the President-elect may be an individual

from anywhere within the state, including Eastern Washington. The provision requiring that the President-elect be filled by a person who must come from Eastern Washington shall go into effect any Election cycle in which three years have run without a President-elect from Eastern Washington.

In any year that this provision is triggered, should no qualifying application be received for the position of President-elect within the timeframe allowed, the President will advise the BOG, and the BOG, at any regular meeting or special meeting called for that purpose, will establish procedures to re-open and extend the application period or otherwise address the issue. Such action by the BOG may include waiver of any geographic limitation for the year in question. If such waiver is made, the provision for

geographic balance is triggered for the following year.

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If at the time of election, no President-elect in the preceding four years was an individual whose primary place of business was located in Eastern Washington, the President-elect must be an individual whose primary place of business is located in Eastern Washington. For purposes of these Bylaws, "Eastern Washington" is defined as that area east of the Cascade mountain range generally known as Eastern Washington. In any year where the President-elect must be an individual from Eastern Washington and no qualifying application is received within the timeframe allowed, the President will advise the BOG, and the BOG, at any regular meeting or special meeting called for that purpose, will establish procedures to re-open and extend the application period or otherwise address the issue. Such action by the BOG may include waiver of any geographic limitation for the year in question.