



WASHINGTON STATE BAR ASSOCIATION

Real Property, Probate and Trust Section

May 1, 2019

Chief Justice Mary Fairhurst
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504

RE: Structures Workgroup;
Preservation of Sections

Dear Chief Justice Fairhurst:

The WSBA Real Property, Probate and Trust Section is grateful for the invitation to remind the Workgroup of the benefits that Workgroup members, along with all legal practitioners and members of the public at large receive from WSBA sections daily. The benefits exist below the radar for many beneficiaries but the benefits are real and Washington will be weakened if the good work performed by sections is lost. Several weeks ago, the RPPT executive committee surveyed our section members for input regarding the value of section benefits and the desire of section members to retain the Bar structure. With the support of our members, it is the hope of the RPPT Executive Committee that the Washington State Bar Association remains intact under the solid leadership of existing staff.

Here is a description of a few of the benefits valued by many and contributed solely by section members:

Robust Continuing Education: RPPT provides four one-day CLEs and one three-day convention style CLE every year. For all of these events, section members: 1) develop educational topics based on current events; 2) recruit speakers uniquely qualified to address the topics; 3) organize the format for presentation; 4) consult with speakers as to subject matter and preparedness; and 5) emcee the event keeping speakers on schedule and meeting the needs of attendees. RPPT CLEs benefit members by providing high-quality, relevant education. Our CLEs benefit the legal community at large by elevating the practice of law in our subject matter areas. RPPT CLEs benefit the public by maintaining opportunities for the practitioners in real property, probate and trust to be fully informed of current events and our CLEs benefit WSBA by generating a profit.

Maintenance of two listservs: RPPT provides a listserv specifically for real estate practitioners and a separate listserv for probate and trust practitioners. In the recent survey of our members, the listservs were identified as the most favored member benefit because the listservs expand the subject matter expertise and delivery of legal services of all members by allowing and encouraging a free exchange of ideas, difficulties, strategies, theories, the need for back up, the offering of back up and comradery.

Newsletter: Quarterly, RPPT publishes an electronic newsletter with articles providing analysis and deep discussion of recent developments in subject matter areas important to our members. The newsletters are catalogued and remain on file for access by members for years. The newsletters were identified as the second most valuable member benefit in our recent survey because of their high quality and relevance.

Mentoring: RPPT hosts a Fellowship Program, annually recruiting new lawyers to serve as ex-officio members of the RPPT executive committee. As fellows, the new lawyers are steeped in executive committee

discussions and decisions and learn from participation in the deliberative process, how to be a contributing member in leadership activities important to the health of any organization and WSBA in particular. Our fellows contribute to the planning and delivery of CLEs, serve as speakers at CLEs, assist in review of legislation, host events at the law schools that introduce students to WSBA and the practitioner side of delivering legal services. RPPT also recruits newer lawyers to serve on the Newsletter Editorial Board and gain exposure to the high quality work expected and delivered with production of our Newsletter. RPPT annually awards scholarships to new lawyers and graduating law students who would not otherwise be able to attend a CLE or our annual Midyear CLE event.

Legislative Assistance: RPPT annually reviews hundreds of bills and other proposed legislation and provides subject matter expertise with respect to those that impact the practice of law in the areas of real property, probate and trust. There is no question that section members have improved the work of the Washington Legislature by neutrally informing Legislators of subject matter issues critical to the decisions being made but outside the sphere of knowledge that anyone other than a lawyer with specialized knowledge would possess.

All of these benefits are delivered because RPPT exists as a component of the Washington State Bar Association. While it is true that none of these benefits would be delivered but for the work of section members, it is equally true that none of these benefits would have been delivered, historically, but for the partnership between the sections and the Washington Bar. RPPT relies upon the Bar Association for the administrative and management functions that enable delivery of all this good work.

Could RPPT function in the absence of its partnership with WSBA? Probably. There is not a challenge we have yet faced that has derailed delivery of the benefits our members need. That said, it would be unfortunate to disrupt a partnership that has delivered such consistently positive outcomes for generations of lawyers.

If, however, the separation is forced by legal theory or otherwise, RPPT expects that its WSBA fund balance will be credited to the exclusive benefit of RPPT members. RPPT's WSBA fund balance exists *exclusively* because of contributions made by RPPT members. The contributions take the form of both dues payments and commitment of time and talent developing quality CLE programming worthy of tuition dollars. All of the contributions were made to the section for the ongoing delivery of services valuable to our members. If evolution of our industry mandates a separation of services delivered by the Bar, RPPT section members should part with all of the funds earned by and paid for the benefit of section members. RPPT will re-constitute and the delivery of member benefits will persist but RPPT should depart WSBA, if that outcome is unavoidable, with all of the earned fund balance belonging to the section. Trust in the organization and industry leadership requires nothing less.

Thank you for your work on this issue. Please contact me if I can provide any additional information helpful to your efforts.

Very Truly Yours,

Annie T. Fitzsimmons
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