



Open Meetings Overview for Section Leaders

Overview

This document is meant to provide just a brief overview of WSBA's open meetings requirements for all Bar entities which, under WSBA's Bylaws, includes sections. See WSBA Bylaws VII(A)(1)(b). For more information, please see WSBA's Bylaws and your section's Bylaws, or consult with your WSBA staff liaison.

There is a presumption that all WSBA meetings are open and public and that anyone can attend – i.e., meetings must be public unless a specific exemption to the Open Meetings Policy, WSBA Bylaws VII(B), allows or requires a meeting to be nonpublic. Exemptions can be found in the Policy itself and in court rules and regulations.

- Note: the state Open Public Meetings Act, RCW 42.30, does not apply to WSBA meetings.

What does it mean for meetings to be “open and public?”

If a meeting is open and public, that means that all persons are permitted to attend, whether they are a section member or not, and even whether they are a WSBA member or not. Members of the public who wish to attend WSBA meetings are not required to register their names or other information, or to complete a questionnaire or otherwise answer why they wish to attend. If a meeting is open and public, this also means that minutes must be promptly recorded and open to public inspection upon request. The Bylaws define minimum requirements for the contents of minutes and clarify that sub-entities (for example, subcommittees) are not required to record minutes unless they are specifically delegated the authority to take final action on behalf of the entity. Finally, at any meeting required to be open and public, voting may not be done by secret ballot (unless otherwise provided in the Bylaws).

The requirement that a meeting be open and public does not preclude the meeting from being conducted by electronic means, however. The Bylaws clarify that “electronic means” in this context means videoconference and/or teleconference (not email). Email *voting* is permitted under some circumstances, however (please see WSBA Bylaws VII(B)(6) for more information on email voting).



What meetings are not required to be open and public?

The Bylaws provide that the following meetings are exempted from the Open Meetings Policy:

- Duly designated executive sessions
- Meetings excluded by other provisions of the Bylaws
- Meetings of the BOG Personnel and Awards Committees
- The Judicial Recommendation Committee
- Matters regulated by the Rules for Enforcement of Lawyer Conduct (e.g., Disciplinary Board meetings)
- Matters regulated by the Admission and Practice Rules (e.g., Board of Bar Examiners meetings)
- Matters regulated by the Rules for Enforcement of Conduct of Limited Practice Officers
- Matters regulated by the Rules for Enforcement of Limited License Legal Technician Conduct

In addition, although not specifically applicable to sections, many of the regulatory boards are governed by court rules that specifically address open meeting requirements and confidentiality.

Handling disruptive individuals

While members of the public have a right to attend meetings, you can and should ask them to leave if they are being disruptive. If that does not resolve the problem, the Bylaws provide that if a meeting is interrupted by a person or group of persons to the extent that it is not feasible to conduct the meeting in an orderly manner, and if order cannot be restored by the removal of those individuals, then whoever is presiding over the meeting can order the room cleared and (1) continue in closed session; or (2) adjourn the meeting and reconvene at another location selected by majority vote of the members of the governing body.

If this remedy is invoked, then final action may be taken only on matters appearing on the agenda. Additionally, members of the media (except those participating in the disturbance) must be allowed to attend the closed session.