

OPEN MEETINGS OVERVIEW FOR COMMITTEES AND BOARDS

OVERVIEW

This document is meant to provide just a brief overview of WSBA's open meetings requirements for volunteers who serve on committees and boards. For more information, please see WSBA's Bylaws and any court rules or other requirements that apply specifically to your committee or board.

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 on the committee or board or not, and even whether they are a WSBA member or not. Meeting schedules are published on WSBA's website to keep both WSBA members and the public informed about upcoming meetings. 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. Minutes from committee and board meetings are generally published on WSBA's website after they are adopted. 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.

The Bylaws require a quorum to be present at time any vote is taken. Voting during meetings required to be open and public 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).

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

Please note, however, that many boards have court rules and regulations that apply specifically to them. These court rules may address what matters are public and what matters are confidential. Board members should familiarize themselves with these rules. The following are a few examples, but the list may not be comprehensive:

- Appendix APR 11, Reg. 111 (MCLE Board)
- APR 15 Procedural Rules; Rule 13 (Lawyers Fund for Client Protection)
- APR 20.2; APR 24.3(f) (Character and Fitness Board)
- GR 25(f); Appendix GR 25, Reg. 3 (Practice of Law Board)

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.