

### III. MEMBERSHIP

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#### B. STATUS CLASSIFICATIONS

Membership status classifications have the qualifications, privileges, and restrictions specified.

##### 1. Active

[No Changes]

##### 2. Inactive

Inactive members must not practice law in Washington, nor engage in employment or duties that constitute the practice of law. Inactive members are not eligible to vote in Bar matters or hold office therein, except an inactive member may vote and hold office in a Bar section if a section's bylaws permit.

###### a. Inactive members may:

- 1) Join Bar sections,
- 2) Continue their affiliation with the Bar;
- 3) Change their membership status to Active pursuant to these Bylaws and any applicable court rule;
- 4) Request a free subscription to the Bar's official publication; and
- 5) Receive member benefits available to Inactive members.

###### b. Types of Inactive membership:

- 1) Inactive Member: Inactive members must pay an annual license fee in an amount established by the BOG and approved by the Supreme Court. They are not required to earn or report MCLE credits while Inactive, but may choose to do so, and may be required to do so to return to Active membership. Inactive members may be appointed to serve on any committee, board, panel, council, task force, or other Bar entity, as deemed appropriate.
- 2) Disability: Disability inactive members are not required to pay a license fee, or earn or report MCLE credits while in this status, but they may choose to do so, and they may be required to earn and report MCLE credits to return to Active membership.
- 3) Emeritus: All members who have been Active or Judicial, or a combination of Active and Judicial, members of the WSBA or the bar of any other United States jurisdiction for 40 years or more may elect to become Emeritus members of the Bar. Emeritus members are not required to pay a license fee. A member who otherwise qualifies for Emeritus membership but wants to continue to practice law in any manner must be an Active member or, if applicable, a Pro Bono member. Emeritus members may be appointed to serve on any committee, board, panel, council, task force, or other Bar entity as deemed appropriate.

##### 3. Judicial

- a. A member may qualify to become a Judicial member if the member is one of the following:

- 1) A current judge, commissioner, or magistrate judge of the courts of record in the State of Washington, or the courts of the United States, including Bankruptcy courts;
  - 2) A current judge, commissioner, or magistrate in the district or municipal courts in the State of Washington, provided that such position requires the person to be a lawyer;
  - 3) A current senior status or recall judge in the courts of the United States;
  - 4) An administrative law judge, which is defined as either:
    - (a) Current federal judges created under Article I and Article II of the United States Constitution, excluding Bankruptcy court judges, or created by the Code of Federal Regulations, who by virtue of their position are prohibited by the United States Code and/or the Code of Federal Regulations from practicing law; or
    - (b) Full-time Washington State administrative law judges in positions created by either the Revised Code of Washington or the Washington Administrative Code; or
  - 5) A current Tribal Court judge in the State of Washington.
- b. Members not otherwise qualified for Judicial membership under (1) through (5) above and who serve full-time, part-time or ad hoc as pro tempore judges, commissioners or magistrates are not eligible for Judicial membership unless the member is at least age 65 or has been a member of the WSBA for at least 40 years.
  - c. Judicial members, whether serving as a judicial officer full-time or part-time, must not engage in the practice of law and must not engage in mediation or arbitration for remuneration outside of their judicial duties.
  - d. Judicial members:
    - 1) May practice law only where permitted by the then current Washington State Code of Judicial Conduct as applied to full-time judicial officers;
    - 2) May be appointed to serve on any task force, council or Institute of the Bar;
    - 3) May receive member benefits provided to Judicial members; and
    - 4) May be non-voting members in Bar sections, if allowed under the section's bylaws.
    - 5) Judicial members are not eligible to vote in Bar matters or to hold office therein.
  - e. Nothing in these Bylaws will be deemed to prohibit Judicial members from carrying out their judicial duties.
  - f. Judicial members who wish to preserve eligibility to transfer to another membership status upon leaving service as a judicial officer:
    - 1) must provide the member registry information required of other members each year unless otherwise specified herein, and provide the Bar with any changes to such information within 10 days of any change; and
    - 2) must annually pay any required license fee that may be established by the Bar, subject to approval by the Supreme Court, for this membership status. Notices, deadlines, and late fees will be consistent with those established for Active members.
  - g. Judicial members must inform the Bar within 10 days when they retire or when their employment situation has otherwise changed so as to cause them to be ineligible for Judicial membership, and must apply to change to another membership status or to resign.
    - 1) Failure to apply to change membership status or to resign within ten days of becoming ineligible for Judicial membership, when a Judicial member has annually maintained

eligibility to transfer to another membership status, is cause for administrative suspension of the member.

- 2) A Judicial member who has not annually complied with the requirements to maintain eligibility to transfer to another membership status and who is no longer eligible for Judicial membership who fails to change to another membership status will be deemed to have voluntarily resigned.
- h. Administrative law judges who are judicial members must continue to comply with APR 11 regarding MCLE. Either judicial continuing education credits or lawyer continuing legal education credits may be applied to the credit requirement for judicial members; if judicial continuing education credits are applied, the standards for determining accreditation for judicial continuing education courses will be accepted as establishing compliance.
- i. Legal, legislative, and policy positions and resolutions taken by the BOG are not taken on behalf of Judicial members, are not considered to be those of Judicial members, and are not binding on Judicial members.
- j. The Bar's disciplinary authority over Judicial members is governed exclusively by ELC 1.2 and RPC 8.5.

#### **4. Pro Bono**

A member may become a Pro Bono member by complying with the requirements of APR 3(g), including payment of any required license fee and passing a character and fitness review.

Pro Bono members must not engage in the practice of law except as permitted under APR 3(g), but may:

- a. Be appointed to serve on any committee, board, panel, council, task force, or other Bar entity as deemed appropriate. In addition, up to two Pro Bono members are permitted to serve on the Pro Bono and Public Service Committee (PBPSC) and may be appointed to serve as Chair, Co-Chair, or Vice-Chair of that committee;
- b. Join Bar sections;
- c. Request a free subscription to the Bar's official publication; and
- d. Receive member benefits available to Pro Bono members.

#### **5. Suspended**

[Unchanged.]

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### **D. CHANGE OF MEMBERSHIP STATUS TO ACTIVE**

1. Members may change membership status as provided below.
  1. **Transfer from Inactive to Active.**
    1. An Inactive member or Emeritus member may transfer to Active by:

## **E. CHANGE OF MEMBERSHIP STATUS TO INACTIVE**

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3. All members who have been Active or Judicial, or a combination of Active and Judicial, members for 50 years may qualify for Emeritus status. A qualified member may request to change to Emeritus status by submitting a written request and any required application.

## **H. VOLUNTARY RESIGNATION**

Voluntary resignation may apply in any situation in which a member does not want to continue practicing law in Washington for any reason (including retirement from practice) and for that reason does not want to continue membership in the Bar. A member may voluntarily resign from the Bar by submitting a written request for voluntary resignation to the Bar in such form and manner as the Bar may require. If there is a disciplinary investigation or proceeding then pending against the member, or if at the time the member submits the written request the member has knowledge that the filing of a grievance of substance against such member is imminent, resignation is permitted only under the provisions of the ELC, ELPOC, or ELLTTC. A member who resigns from the Bar cannot practice law in Washington in any manner. For official purposes the former member's status will be voluntarily resigned. The former member may choose to be designated either voluntarily resigned or retired as the status in the WSBA legal directory. A member seeking readmission after resignation must comply with these Bylaws.

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## **I. ANNUAL LICENSE FEES AND ASSESSMENTS**

### **1. License Fees**

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#### **b. Inactive Members**

- 1) The annual license fee for Inactive members will be as established by resolution of the BOG and as approved by the Washington Supreme Court. Except for the amount of the license fee itself, the annual license fee payment requirements, including deadlines and late payment fees, for Active members will apply to Inactive members.
- 2) Emeritus and Disability Inactive status members will be exempt from license fees and assessments, unless otherwise provided by Supreme Court order.

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### **7. License Fee Reduction Due to Hardship for Senior Members**

In case of financial hardship, which must entail an annual household income equal to or less than 400% of the federal poverty level as determined based on the member's gross annual household income for the calendar year immediately preceding the calendar year for which the member is seeking the fee

reduction, the Executive Director may grant a reduction of the annual license fee by any Active member who is at least age 65 or has been admitted to practice law in Washington for at least 40 years. If granted, the annual license fee will be reduced to the amount of that of the inactive license fee. Each hardship request that is granted is for one calendar year only. Hardship reduction requests can be submitted annually, and a request must be submitted on or before February 1<sup>st</sup> of the year for which the reduction is requested. Supporting documentation may be requested. Denial of a reduction request is not appealable.

## **8. License Fee Referendum**

## **XI. SECTIONS**

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### **C. MEMBERSHIP**

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4. Sections may adopt bylaw provisions authorizing inactive members to be voting members of the section. Article III.B.2.b of these Bylaws defines inactive WSBA members to include inactive, disability inactive, and emeritus members. Sections may adopt bylaw provisions authorizing inactive members, and/or others not eligible for section membership as voting members, to be nonvoting members or “subscribers” of the section.