

# THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE APPROVAL OF  
AMENDMENTS TO THE WSBA BYLAWS

)  
)  
)  
)  
**AMENDED ORDER**

NO. 25700-B-718

---

The Washington Supreme Court has plenary authority over the practice of law in Washington. The Washington State Bar Association (WSBA) serves under the delegated authority of the Court in regulating and administering licenses to practice law in Washington and effectuating other purposes and functions as set forth in General Rule (GR) 12 and 12.1 – 12.5. All amendments to the WSBA’s bylaws are subject to Supreme Court approval.

In an email dated September 10, 2024, the WSBA provided the Court proposed amendments to Article III and Article VI of the WSBA bylaws that were approved by the Board of Governors at its September 7, 2024, meeting. The amendments relate to a) inactive license fee exemption due to significant health condition, b) MCLE requirement for return to active status and readmission after voluntary resignation, c) pre-suspension notice delivery, and d) election of governors for out-of-state members.

Now, therefore, it is hereby

ORDERED:

PAGE 2  
AMENDED ORDER NO. 25700-B-718  
APPROVAL OF AMENDMENTS TO THE WSBA BYLAWS

That the WSBA Bylaws Amendments to Article III and Article VI, as described above and as provided in the attached copy of the amendments, are approved by this Court effective November 1, 2024, and shall be given full force and effect.

DATED at Olympia, Washington this 23rd day of October, 2024.

Johnson J

madsen, J.

Stephens, J.

Carrátez, C.J.

Heath McLeod, J.

Lu, J.

Montoya-henis, J.

Whitener J.

**Proposed Amendments to WSBA Bylaws Article III Section I.**

**New Provision for Inactive License Fee Exemption Due to Significant Health Condition**

**6. Inactive License Fee Exemption Due to Significant Health Condition**

The Executive Director may grant an exemption from payment of the annual license fee by any Inactive member who is experiencing a significant health condition that is either (1) the reason for the member transferring to inactive status, or (2) preventing the member from returning to active status. A request must be submitted on or before February 1<sup>st</sup> of the year for which the exemption is requested. Inactive license fee exemptions under this section are for one calendar year only. An exemption request under this section can be submitted annually. Denial of an exemption request is not appealable.

**7. License Fee Referendum**

...

## WSBA BYLAWS

### ARTICLE III. MEMBERSHIP

...

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

1. Members may change membership status as provided below.
  - a. **Transfer from Inactive to Active.**
    - 1) An Inactive member or Honorary member may transfer to Active by:
      - (a) paying an application and/or investigation fee and completing and submitting an application form, all required licensing forms, and any other required information. The fee in this paragraph is not required from an LPO or LLLT who has been inactive for 90 days or less;
      - (b) paying any MCLE late fees owed;
      - (c) demonstrating active legal experience as defined in APR 1(e) for at least one year of the three years preceding the filing of the application or completing MCLE requirements as outlined in subsection (d) below. Regardless of demonstrating active legal experience, if the member has been Inactive or a combination of Inactive, Pro Bono, Suspended, or Judicial for one year or less as of the date the application was submitted, and the member was required to report during that time period, then the member must establish MCLE compliance for that reporting period.
      - (d) completing MCLE requirements as outlined below when a member cannot demonstrate active legal experience as described in subsection (c) above. A member may use MCLE comity to meet the MCLE requirements of this section as provided for in APR 11(c)(6).
        - i. If the member has been Inactive or a combination of Inactive, Pro Bono, Suspended, or Judicial for one year or less as of the date the application was submitted and the member was not required to report during that time period, or if the member is changing status during their first MCLE reporting period, then the member has no additional MCLE requirements.
        - ii. If the member has been Inactive or a combination of Inactive, Pro Bono, Suspended, or Judicial for one year or less as of the date the application was submitted, and the member was required to report during that time period, then the member must establish MCLE compliance for that reporting period.
        - iii. If the member has been Inactive or a combination of Inactive, Pro Bono, Suspended, or Judicial for more than one year or up to six consecutive years as of the date the application was submitted, then the member must earn and report approved MCLE credits in a number and manner consistent with the requirements for one MCLE reporting period under APR 11 except that

the credits required in this section must be earned no earlier than six years prior to the date the application is submitted.

- (e) passing a character and fitness review essentially equivalent to that required of all applicants for admission to the Bar, pursuant to APR 20-24.3; and
  - (f) paying the current Active license fee, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as an Inactive member for the same year.
- 2) If a member has been Inactive or any combination of Inactive, Pro Bono, or Suspended in Washington for more than six consecutive years as of the date the application was submitted, the member must, in addition to complying with subsection 1)(c) or (d) above, complete a reinstatement/readmission course sponsored by the Bar, which must consist of education on law office management and professional responsibility (including the applicable RPC for the member's license type, proper handling of client funds and trust accounts, and client communications), legal research and writing, and changes in the law that apply to the member's license type, as follows:
- (a) For lawyer members, a minimum of 15 MCLE credits, consisting of at least four credit hours on law office management and professional responsibility, at least three credit hours on legal research and writing, and the remaining credit hours on recent significant changes in the law;
  - (b) For LLLT members, a minimum of seven MCLE credits, consisting of at least two credit hours on law office management and professional responsibility, at least one credit hour on legal research and writing, and the remaining credit hours on recent significant changes in the law in approved LLLT practice or core education areas;
  - (c) For LPO members, a minimum of seven MCLE credits, consisting of at least two credit hours on professional responsibility, and the remaining credit hours on recent significant changes in the law covered by the approved LPO Study Topics.

The MCLE credits earned for the course will apply to the total credits required in subsection 1)(d) above. The member must comply with all registration, payment, attendance, and other requirements for the course, and will be responsible for submitting proof of completion to the Bar.

- 3) Any member seeking to change to Active who was Inactive or any combination of Suspended and Inactive in Washington and does not have active legal experience as defined in APR 1(e) in any jurisdiction for more than ten consecutive years as of the date the application is submitted, must, in addition to the requirements in Art. III. Sec.D.1.a.(1)(a), (b), (e) and (f) above, take and pass the examinations required for admission to the Bar for the member's license type.
- 4) A Disability Inactive status member may be reinstated to Active pursuant to the disciplinary rules applicable to their license type. Before being transferred to Active, after establishing compliance with the disciplinary rules, the member also must comply with the requirements in these Bylaws for Inactive members transferring to Active status.

- 5) A member of any type who has transferred to Inactive status during the pendency of a grievance or disciplinary proceedings may not be transferred to Active except as provided herein and may be subject to such discipline by reason of any grievance or complaint as may be imposed under the ELC, ELPOC, or ELLTTC.

**b. Transfer from Judicial to Active.**

A Judicial member may request to transfer to any other status, including Active. Upon a Judicial member's resignation, retirement, or completion of such member's term of judicial office, such member must notify the Bar within 10 days, and any Judicial member desiring to continue an affiliation with the Bar must change to another membership status within the Bar.

- 1) A Judicial member who has complied with all requirements for maintaining eligibility to return to another membership status may transfer to Active by submitting an application for change to Active membership status, paying any MCLE late fees owed, and paying the then current Active license fee for the member's license type, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as a Judicial member for the same licensing year.
- 2) A Judicial member wishing to transfer to Active upon leaving service as a judicial officer who has failed in any year to provide the annual member registry information or pay the annual license fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Active, be required to pay the Active license fee for the member's license type for any years the registry information was not provided or the Judicial fee was not paid, in addition to complying with the requirements of (1) above.

**c. Transfer from Pro Bono to Active**

A Pro Bono member may transfer to Active by complying with the requirements for members returning from Inactive to Active. There is no limit on how long a member may be Pro Bono before returning to Active status.

**d. Referral to Character and Fitness Board**

All applications for readmission, reinstatement or transfer to Active status will be reviewed by Bar staff and handled consistent with the provisions of APR 20-24.3. In all cases reviewed by it, the Character and Fitness Board has broad authority to recommend withholding a transfer to Active status or imposing conditions on readmission to Active status, which may include retaking and passing the licensing examination applicable to the member's license type. The member will be responsible for the costs of any investigation, examination, or proceeding before the Character and Fitness Board and the Washington Supreme Court.

[...]

## **K. CHANGING STATUS AFTER SUSPENSION**

1. Upon the completion of an ordered disciplinary or interim suspension, or at any time after entry of an order for an administrative suspension, a suspended member may seek to change status from suspended to any other membership status for which the member qualifies at the time the change in status would occur.
2. Before changing from suspended status, a member who is suspended pursuant to an interim or disciplinary suspension must comply with all requirements imposed by the Washington Supreme Court and/or the applicable disciplinary rules in connection with the disciplinary or interim suspension. Additionally, such member must comply with all other requirements as stated in these Bylaws and in the applicable APR.
3. All requirements associated with each reason for suspension must be met before the change from suspended status can occur.
4. Unless otherwise provided in the applicable APR, a suspended member may seek to change status by:
  - a. paying the required license fee and any assessments for the licensing year in which the status change is sought, for the membership status to which the member is seeking to change. For members seeking to change to Active or any other status from suspension for nonpayment of license fees, the required license fee will be the current year's license fee and assessments, the assessments for the year of suspension, and double the amount of the delinquent license fee and late fees for the license year that resulted in the member's suspension;
  - b. completing and submitting to the Bar an application for change of status, any required or requested additional documentation, and any required application or investigation fee, and cooperating with any additional character and fitness investigation or hearing that may be required pursuant to APR 20-24.3;
  - c. completing and submitting all licensing forms required for the license year for the membership status to which the member is seeking to change;
  - d. paying any MCLE late fees owed; and
  - e. demonstrating active legal experience as defined in APR 1(e) for at least one year of the three years preceding the filing of the application, or, complying with the MCLE requirements for members returning from Inactive to Active as set forth in Art. III Sec. D.1.a.(1)(d) and D.1.a.2).
5. Any member seeking to change to Active who was Suspended or any combination of Suspended and Inactive in Washington and does not have active legal experience as defined in APR 1(e) in any jurisdiction for more than ten consecutive years at the time the application is submitted, must, in addition to the requirements of Art. III, Sec. K.4.(a)-(d), above, take and pass the examinations required for admission to the Bar for the member's license type.

[...]

## **N. READMISSION AFTER VOLUNTARY RESIGNATION**

Any former lawyer or LPO member who has voluntarily resigned and who seeks readmission to membership must apply for admission under APR 3 unless the member has been voluntarily resigned for less than four years at the time the application is submitted, in which case the member may choose to apply as follows.

1. A former member choosing to file an application for readmission less than four years after voluntary resignation in lieu of filing an application for admission under APR 3 must:
  - a. submit an application for readmission in the form and manner prescribed by the Bar, including a statement detailing the reasons for voluntarily resigning and the reasons for seeking readmission;
  - b. pay an application fee equal to that of a general bar exam applicant;
  - c. establish that such person is morally, ethically, and professionally qualified to be licensed as the applicable member type and is of good moral character and has the requisite fitness to practice law consistent with the requirements for other applicants for admission to practice law as the applicable member type. An application for readmission will be subject to character and fitness investigation and review as described in APR 20-24.3, consistent with other applications for admission;
  - d. demonstrate active legal experience as defined in APR 1(e) for at least one year of the three years preceding the filing of the application, or, earn and report approved MCLE credits in a number and manner consistent with the requirements for one MCLE reporting period under APR 11 except the credits required in this section must have been earned no earlier than six years prior to the date the application was submitted;
  - e. pay any MCLE late fees owed;
  - f. complete the reinstatement/readmission course as required in Art. III Sec. D.1.a.(2); and
  - g. upon successful completion of the above requirements, the former member must satisfy the preadmission requirements and be admitted by Supreme Court order as set forth in APR 5, except that a lawyer who has been resigned for less than four years need not take and pass the Washington Law Component.



## **Proposed Amendments to WSBA Bylaws Article III Section J.3. Administrative Suspension**

[page 15 of WSBA Bylaws Amended April 10, 2023]

### **3. Administrative Suspension**

- a. Administrative suspensions are neither interim nor disciplinary suspensions, nor are they disciplinary sanctions. Except as otherwise provided in the APR and these Bylaws, a member may be administratively suspended for the following reasons:
  - 1) Nonpayment of license fees or late-payment fees;
  - 2) Nonpayment of any mandatory assessment (including without limitation the assessment for the Client Protection Fund);
  - 3) Failure to file a trust account declaration;
  - 4) Failure of a lawyer to file a professional liability insurance disclosure;
  - 5) Failure of a LLLT or LPO to provide proof of financial responsibility;
  - 6) Failure to comply with mandatory continuing legal education requirements;
  - 7) Nonpayment of child support;
  - 8) Failure to designate a resident agent or notify the Bar of change in resident agent or the agent's address;
  - 9) Failure to provide current information required by APR 13 or to notify the Bar of a change of information required by APR 13 within 10 days after the change; and
  - 10) For such other reasons as may be approved by the BOG and the Washington Supreme Court.
- b. Unless requirement for hearing and/or notice of suspension are otherwise stated in these Bylaws or the APR, ELC, ELPOC or ELLLTC, a member will be provided notice of the member's failure to comply with requirements and of the pendency of administrative suspension if the member does not cure the failure within 60 days of the date of the written notice, as follows:
  - 1) Written notice of non-compliance will be sent one time by the Bar to a member at the member's address of record with the Bar by first class mail. Such written notice will inform the member that the Bar will recommend to the Washington Supreme Court that the member be suspended from membership and the practice of law if the member has not corrected the deficiency within 60 days of the date of the notice.
  - 2) In addition to the written notice described above, the Bar will make one attempt to contact the member at the telephone number(s) the member has made of record with the Bar and will speak to the member or leave a message, if possible. The Bar will also make one attempt to contact the member at the member's e-mail address of record with the Bar.
- c. Although not required to provide any additional notice beyond what is described above, the Bar may, in its sole discretion, make such other attempt(s) to contact delinquent members as it deems appropriate for that member's situation.
- d. A member failing to correct any deficiency after two months' written notice as provided above must be suspended from membership. The Executive Director must certify to the

Clerk of the Supreme Court the name of any member who has failed to correct any deficiency, and when so ordered by the Supreme Court, the member will be suspended from membership in the Bar and from the practice of law in Washington. The list of suspended members may be provided to the relevant courts or otherwise published at the discretion of the BOG.

## Suggested Amendments to WSBA Bylaws, Art. VI.C.2.a

1 Clean Copy:

2

3 VI. ELECTIONS

4 A. – B. [Unchanged]

5 C. ELECTION OF GOVERNORS

6 1. [Unchanged]

7 2. Voting in the Election of Governors from Congressional Districts will be conducted in the  
8 following manner:

9 a. Eligibility to Vote. All Active members, as of March 1st of each year, are eligible to vote in  
10 the BOG election for their district, subject to the election schedule shown above. Active  
11 members residing in the State of Washington may only vote in the district in which they  
12 reside. Active members residing outside the State of Washington who engage in the practice  
13 of law in Washington may vote in the district of their primary Washington practice. Active  
14 members residing outside the State of Washington who do not engage in the practice of law  
15 in Washington may only vote in At-Large Governor elections.

16

17

18

19

20

21

22

23

24

25

26