

WSBA SECTIONS: SESSION PRIMER



An overview of the legislative process and preparation for the 2025 session

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AGENDA

- Sections + Legislative Affairs
- Rules & Policies
- Legislative Action overview



SECTIONS + LEGISLATIVE AFFAIRS

Role

- Craft Bar-request bills
- Receive, respond, and track bills
- Provide expertise when requested/needed
 - In coordination with Legislative Affairs staff
- Provide input/comment on relevant bills of importance
 - In coordination with Legislative Affairs Manager, BOG Legislative Committee, guidelines

WSBA LEGISLATIVE AFFAIRS

Legislative goals

- **WSBA Mission:** “serve the public and members of the Bar, ensure the integrity of the legal profession, and to champion justice.”
- **Advocate**
 - Bar-sponsored legislation
 - Bar-supported legislation
 - Other issues outlined in the 2025 Legislative Priorities
- **Respond** to all legislative-related inquiries accurately and timely to advance the overall goals of WSBA.

GR 12.2 ANALYSIS & KELLER STATUS

Laurie Powers, *General Counsel*



RULES & POLICIES

General Rule 12

- Pursuant to GR 12.2(b)(17), the WSBA is authorized to “maintain a legislative presence to inform members of new and proposed laws and to inform public officials about the organization’s positions and concerns.”
- Pursuant to GR 12.2(c), the WSBA only takes positions on legislation that “relate(s) to or affect(s) the practice of law or the administration of justice.”
- Excludes political and/or social issues

BREAKING IT DOWN

Does mean

- WSBA's position as an organization, i.e., BOG, staff, section, committee, etc.
- Relates to or affects the “practice of law or the administration of justice”

Does not mean

- Member in individual capacity
- Anything that says “law” or “legal” or “justice”

WHAT DOES THIS MEAN?

Relates to or affects the
“practice of law or the
administration of justice”

WHAT ABOUT “KELLER”? – WHAT IS IT/ WHY IT MATTERS

- *Keller v. CA State Bar Assn*, 496 US 1 (1990) and cases following address how mandatory bar news may be used and how to address member objections
- Directly impacts legislative and lobbying activities
- Created concept of “germaneness”
- WSBA uses “Keller deduction” broadly to avoid conflict with member objections
- “Keller deduction” does not exempt WSBA from constitutional challenges or duty to comply with GR 12.2

RULES & POLICIES

Public Disclosure Commission

- Lobbyist = anyone attempting to influence state legislative action
- WSBA entities are *not authorized* to engage in lobbying activities.
- People register as lobbyists only if:
 - Activities are beyond public committee hearings; and
 - Compensation is received
- www.pdc.wa.gov

LEGISLATIVE COMMENT PROCESS

[Link](#)

RULES & POLICIES

Sections Legislative Comment Policy (1504) [[link](#)]

- Sections shall seek authorization from the Legislative Affairs Manager or the BOG Legislative Committee **prior to** publicly communicating with anyone.
- WSBA entities must follow direction of WSBA and entities are responsible for advising WSBA on an ongoing basis regarding decisions, comments, and actions.
- Encourages WSBA entities to speak with one voice; maintain consistency
- *Executive Director, Bar President, BOG, or BOG Legislative Committee may enforce*

RULES & POLICIES

2020 Updates in Policy 1504 [[link](#)]

- Makes explicit that Sections need to get approval from the Leg. Affairs Manager if they intend to take a position on legislation or testify before the Legislature. Sections must give 24 hours notice of intent to testify
 - Decision is made erring on the side of approving the request
- Sections may provide technical drafting comments without conducting a GR 12 analysis, but must copy the Leg. Affairs Manager on any such comments

FRAMING OUR ROLE

Our purpose is not to determine what is good or bad policy. Our purpose is to ensure that the policies that are adopted by the Legislature work for practitioners, the public, and the courts.

LEGISLATIVE ACTION: BILL REFERRAL PROCESS

Legislative Affairs staff

- Reviews bills daily during session
- Refers relevant bills to Section(s) via email
- Makes recommendations about next steps
- Communicates with legislators/staff/stakeholders
- Tracks bills of importance throughout session

LEGISLATIVE ACTION: BILL REFERRAL PROCESS

Sections

- Review referred bill(s)
- Offer alternative bill language, as appropriate
- Take a position, if deemed necessary (75%+ vote)*
- Be available for questions, appropriate next steps (e.g. testimony, written correspondence, etc.)

*Session vs. non-session distinction

PLEASE CHOOSE 1 OF THESE 3 OPTIONS WHEN RESPONDING:

- **Option 1:** *We do not find this bill to be of interest or relevance to our Section*
- **Option 2:** *We would like this bill tracked but have no position at this time. Your section will receive a report on the bill at the end of the legislative session if you select this option. If you would like more information about a bill during session (for example: public hearing notifications) please indicate this in your response.*
- **Option 3:** *We would like to provide technical drafting comments (typographical errors, mis-citations, ambiguities, possible conflicts with other RCWs, suggested amendatory language)*
- **Option 4:** *We have followed the WSBA legislative process and are taking a position of _____ on Bill #_____.*

Please 'Reply All' when responding.

SECTION(S): Elder Law

BILL #: [HB 1422](#)

SHORT TITLE: Concerning the protection of vulnerable adults. By request: Department of Social and Health Services

DEADLINE: **Wednesday, February 26**

NOTES: *This bill was monitored by Elder Law last session.*

YOUR OPTION:

LEGISLATIVE ACTION: TAKING POSITIONS ON BILLS

Before taking a position, a Section must:

- Determine the bill meets GR 12; and
- Discuss, vote via Section executive committee (75%+)

Possible positions:

- Support
- Concerns
- Opposed

LEGISLATIVE ACTION: COMMUNICATION

WSBA Legislative Affairs

- Daily bill emails/referrals (beginning-middle of session)
- Support throughout session

Sections

- Track bills of importance
- Keep Legislative Affairs staff apprised of all legislative activity
- Ask questions before determining action (e.g. GR 12 analysis, other legislative communication, etc.)

QUESTIONS?

Resources

- **WSBA Legislative Affairs:**
wsba.org/About-WSBA/Legislative-Affairs
- **WA State Legislature:** leg.wa.gov
 - Bill tracking
 - Committee information
 - Legislator biographies, etc.
- **TVW:** tvw.org
 - Committee hearings
 - Floor action