

WSBA SECTIONS: SESSION PRIMER



An overview of the legislative process and preparation for the 2026 session

Sanjay Walvekar, WSBA Legislative Affairs Manager

Camden Fobert, WSBA Legislative Affairs Coordinator

Laurie Powers, WSBA General Counsel

November 24, 2025

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 2026 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 objectives of GR 12.1 or GR 12.2 (a) or (b)”
- Excludes political and/or social positions of foreign nations

RULES & POLICIES

Objectives of General Rule 12.1

- Protection of the public
- Advancement of the administration of justice/rule of law
- Access to justice in criminal and civil systems
- Affordability of legal services
- Protection of privilege
- Ethical, competent legal services and independence of professional judgment
- Regulation of legal professionals, wellness programs, and accessible civil remedies
- Diversity and inclusion in profession and freedom from discrimination for participants in justice system

RULES & POLICIES

GR 12.2 (a): 11 enumerated purposes

GR 12.2 (b): 23 authorized activities

General buckets relate to:

- Administration of justice
- Independence of judiciary and professional judgment
- Legal professional competency and ethics
- Diversity and equality in courts and profession
- Admission, regulation, and discipline
- Respect for rule of law
- Supporting the judiciary's integrity, independence, financial stability

BREAKING IT DOWN

Does mean

- WSBA's position as an organization, i.e., BOG, staff, section, committee, etc.
- Generally, think of administration and independence of, access to, and funding of justice system

Does not mean

- Member in individual capacity
- Anything that says "law" or "legal" or "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 dues may be used and how to address member free speech 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
- Note: Separate line of cases address challenges based on freedom of association.

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 ACTION PROCESS

[Link](#)

RULES & POLICIES

Legislation and Rulemaking Comment Policy (1501) [[link](#)]

- The Board of Governors, through the Board's Legislative Committee must determine that an issue is within the scope of permissible Bar activities before an entity can comment.
- Technical comments and responses to questions from legislators are generally allowable.
- Encourages WSBA entities to speak with one voice; maintain consistency
- *Executive Director, Bar President, BOG, or BOG Legislative Committee may enforce*

RULES & POLICIES

Updates in Policy 1501 [[link](#)]

- Sections can respond to questions from legislators* without Legislative Committee involvement but must indicate that the response is offered in individual capacities.
- If an issue does not meet the legal requirements for comment, sections may still provide technical advice to the Legislature, in certain circumstances.

*The intent of the policy is to include other legislative stakeholders – including agencies and legislative staff – under the umbrella term “legislators.”

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 **technical comments**, as appropriate (75%+ vote)*
- Take a position, **if deemed necessary** (75%+ vote)*
- Be available for questions, appropriate next steps (written correspondence, etc.)

*Session vs. non-session distinction

PLEASE CHOOSE 1 OF THESE 4 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 comments (insight regarding how a law or rule will be used by legal practitioners; drafting issues, such as typographical errors, mis-citations of statutes or other rules, or ambiguities; or identifying possible conflicts with other laws or rules)*
- **Option 4:** *We would like to follow the WSBA legislative process to take a position_____ 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:

The Board of Governors (through the Legislative Committee) must determine that the issue meets the Bar's legal requirements

- Discuss, vote via Section executive committee (75%+)

Possible positions:

- “Support”
- Concerns (“Other”)
- “Opposed”

LEGISLATIVE ACTION: COMMUNICATION

WSBA Legislative Affairs

- Frequent 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. legal requirements, 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