H-1141.2

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**HOUSE BILL 1788**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representative Stokesbary

AN ACT Relating to the Washington state bar association; adding new sections to chapter 2.48 RCW; creating a new section; and repealing RCW 2.48.010, 2.48.020, 2.48.021, 2.48.030, 2.48.035, 2.48.040, 2.48.050, 2.48.060, 2.48.070, 2.48.080, 2.48.090, 2.48.100, 2.48.110, 2.48.130, 2.48.140, 2.48.150, 2.48.160, 2.48.166, 2.48.170, 2.48.190, 2.48.210, 2.48.220, and 2.48.230.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that while the Washington state bar association has played an important role with respect to the legal profession, it is in the best interests of the practice of law, the administration of justice, the professionalism of the legal community, and the maintenance of the integrity and rightful respect due to the legal profession as a whole to eliminate this mandatory state bar association, to transfer all the mandatory, regulatory, licensing, and disciplinary functions of the Washington state bar association to the Washington state supreme court where those powers belong, and to authorize voluntary bar associations that best represent the diverse professional and personal interests, values, ideals, and principles, of their individual memberships.

NEW SECTION. **Sec.**  (1)(a) All mandatory, regulatory, licensing, and disciplinary functions regarding the practice of law and the administration of justice in this state currently administered by the Washington state bar association are transferred to and placed exclusively in the Washington state supreme court.

(b) The Washington state bar association shall confer and work cooperatively with the Washington state supreme court in order that an orderly transition is accomplished no later than January 1, 2020.

(2) Voluntary, nonmandatory bar associations are authorized. Any such bar association must be entirely voluntary and may not be funded through mandatory dues or fees.

(3) On or before January 1, 2020:

(a) The Washington state bar association shall cease the collection of mandatory dues or fees currently paid by licensees to the Washington state bar association and shall transfer any remaining balances attributable to these mandatory dues or fees to the Washington state supreme court.

(b) The Washington state bar association shall cease the collection of fees and other funds currently paid by licensees for membership in the various sections of the Washington state bar association and shall transfer any remaining balances attributable to each section to the appropriate voluntary, nonmandatory association counterpart for that section or, if no voluntary, nonmandatory association counterpart is in existence by January 1, 2020, to the Washington state supreme court.

NEW SECTION. **Sec.**  The Washington state supreme court is respectfully requested to adopt rules necessary for the transfer to the court of all mandatory, regulatory, licensing, and disciplinary functions regarding the practice of law and the administration of justice in this state currently administered by the Washington state bar association. Court rules should establish an annual assessment of member dues and fees not to exceed the costs necessary for the administration of functions pertaining to the practice of law and the administration of justice.

NEW SECTION. **Sec.**  Nothing in this act transfers, compromises, or otherwise diminishes in any way any constitutional prerogatives of the legislature or its inherent legislative power to establish law, including substantive, remedial, evidentiary, and procedural law, as originally intended by, and implemented in accordance with, the provisions of the Washington state Constitution. Nothing in this act interferes, intrudes, or otherwise assumes any of the constitutional prerogatives of the judiciary or its inherent judicial power to regulate the practice of law and the administration of justice as originally intended by, and implemented in accordance with, the provisions of the Washington state constitution.

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1)RCW 2.48.010 (Objects and powers) and 1933 c 94 s 2;

(2)RCW 2.48.020 (First members) and 1933 c 94 s 3;

(3)RCW 2.48.021 (New members) and 1933 c 94 s 4;

(4)RCW 2.48.030 (Board of governors) and 1982 1st ex.s. c 30 s 1, 1972 ex.s. c 66 s 1, & 1933 c 94 s 5;

(5)RCW 2.48.035 (Board of governors—Membership—Effect of creation of new congressional districts or boundaries) and 1982 1st ex.s. c 30 s 2;

(6)RCW 2.48.040 (State bar governed by board of governors) and 1933 c 94 s 6;

(7)RCW 2.48.050 (Powers of governors) and 1933 c 94 s 7;

(8)RCW 2.48.060 (Admission and disbarment) and 1933 c 94 s 8;

(9)RCW 2.48.070 (Admission of veterans) and 1945 c 181 s 1;

(10)RCW 2.48.080 (Admission of veterans—Establishment of requirements if in service) and 2011 c 336 s 63 & 1945 c 181 s 2;

(11)RCW 2.48.090 (Admission of veterans—Establishment of requirements if discharged) and 2011 c 336 s 64 & 1945 c 181 s 3;

(12)RCW 2.48.100 (Admission of veterans—Effect of disability discharge) and 1945 c 181 s 4;

(13)RCW 2.48.110 (Admission of veterans—Fees of veterans) and 1945 c 181 s 5;

(14)RCW 2.48.130 (Membership fee—Active) and 1957 c 138 s 1, 1953 c 256 s 1, & 1933 c 94 s 9;

(15)RCW 2.48.140 (Membership fee—Inactive) and 1955 c 34 s 1 & 1933 c 94 s 10;

(16)RCW 2.48.150 (Admission fees) and 2011 c 336 s 65 & 1933 c 94 s 11;

(17)RCW 2.48.160 (Suspension for nonpayment of fees) and 2011 c 336 s 66 & 1933 c 94 s 12;

(18)RCW 2.48.166 (Admission to or suspension from practice—Noncompliance with support order—Rules) and 1997 c 58 s 810;

(19)RCW 2.48.170 (Only active members may practice law) and 2011 c 336 s 67 & 1933 c 94 s 13;

(20)RCW 2.48.190 (Qualifications on admission to practice) and 1987 c 202 s 107 & 1921 c 126 s 4;

(21)RCW 2.48.210 (Oath on admission) and 2013 c 23 s 1 & 1921 c 126 s 12;

(22)RCW 2.48.220 (Grounds of disbarment or suspension) and 2011 c 336 s 68, 1921 c 126 s 14, & 1909 c 139 s 7; and

(23)RCW 2.48.230 (Code of ethics) and 1921 c 126 s 15.

NEW SECTION. **Sec.**  Sections 2 through 4 of this act are each added to chapter 2.48 RCW.

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