
HOUSE BILL 1788

State of Washington

66th Legislature

2019 Regular Session

By Representative Stokesbary

Read first time 01/30/19. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to the Washington state bar association; adding
2 new sections to chapter 2.48 RCW; creating a new section; and
3 repealing RCW 2.48.010, 2.48.020, 2.48.021, 2.48.030, 2.48.035,
4 2.48.040, 2.48.050, 2.48.060, 2.48.070, 2.48.080, 2.48.090, 2.48.100,
5 2.48.110, 2.48.130, 2.48.140, 2.48.150, 2.48.160, 2.48.166, 2.48.170,
6 2.48.190, 2.48.210, 2.48.220, and 2.48.230.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that while the
9 Washington state bar association has played an important role with
10 respect to the legal profession, it is in the best interests of the
11 practice of law, the administration of justice, the professionalism
12 of the legal community, and the maintenance of the integrity and
13 rightful respect due to the legal profession as a whole to eliminate
14 this mandatory state bar association, to transfer all the mandatory,
15 regulatory, licensing, and disciplinary functions of the Washington
16 state bar association to the Washington state supreme court where
17 those powers belong, and to authorize voluntary bar associations that
18 best represent the diverse professional and personal interests,
19 values, ideals, and principles, of their individual memberships.

1 NEW SECTION. **Sec. 2.** (1) (a) All mandatory, regulatory,
2 licensing, and disciplinary functions regarding the practice of law
3 and the administration of justice in this state currently
4 administered by the Washington state bar association are transferred
5 to and placed exclusively in the Washington state supreme court.

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

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

12 (3) On or before January 1, 2020:

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

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

26 NEW SECTION. **Sec. 3.** The Washington state supreme court is
27 respectfully requested to adopt rules necessary for the transfer to
28 the court of all mandatory, regulatory, licensing, and disciplinary
29 functions regarding the practice of law and the administration of
30 justice in this state currently administered by the Washington state
31 bar association. Court rules should establish an annual assessment of
32 member dues and fees not to exceed the costs necessary for the
33 administration of functions pertaining to the practice of law and the
34 administration of justice.

35 NEW SECTION. **Sec. 4.** Nothing in this act transfers,
36 compromises, or otherwise diminishes in any way any constitutional
37 prerogatives of the legislature or its inherent legislative power to
38 establish law, including substantive, remedial, evidentiary, and

1 procedural law, as originally intended by, and implemented in
2 accordance with, the provisions of the Washington state Constitution.
3 Nothing in this act interferes, intrudes, or otherwise assumes any of
4 the constitutional prerogatives of the judiciary or its inherent
5 judicial power to regulate the practice of law and the administration
6 of justice as originally intended by, and implemented in accordance
7 with, the provisions of the Washington state constitution.

8 NEW SECTION. **Sec. 5.** The following acts or parts of acts are
9 each repealed:

- 10 (1) RCW 2.48.010 (Objects and powers) and 1933 c 94 s 2;
- 11 (2) RCW 2.48.020 (First members) and 1933 c 94 s 3;
- 12 (3) RCW 2.48.021 (New members) and 1933 c 94 s 4;
- 13 (4) RCW 2.48.030 (Board of governors) and 1982 1st ex.s. c 30 s
14 1, 1972 ex.s. c 66 s 1, & 1933 c 94 s 5;
- 15 (5) RCW 2.48.035 (Board of governors—Membership—Effect of
16 creation of new congressional districts or boundaries) and 1982 1st
17 ex.s. c 30 s 2;
- 18 (6) RCW 2.48.040 (State bar governed by board of governors) and
19 1933 c 94 s 6;
- 20 (7) RCW 2.48.050 (Powers of governors) and 1933 c 94 s 7;
- 21 (8) RCW 2.48.060 (Admission and disbarment) and 1933 c 94 s 8;
- 22 (9) RCW 2.48.070 (Admission of veterans) and 1945 c 181 s 1;
- 23 (10) RCW 2.48.080 (Admission of veterans—Establishment of
24 requirements if in service) and 2011 c 336 s 63 & 1945 c 181 s 2;
- 25 (11) RCW 2.48.090 (Admission of veterans—Establishment of
26 requirements if discharged) and 2011 c 336 s 64 & 1945 c 181 s 3;
- 27 (12) RCW 2.48.100 (Admission of veterans—Effect of disability
28 discharge) and 1945 c 181 s 4;
- 29 (13) RCW 2.48.110 (Admission of veterans—Fees of veterans) and
30 1945 c 181 s 5;
- 31 (14) RCW 2.48.130 (Membership fee—Active) and 1957 c 138 s 1,
32 1953 c 256 s 1, & 1933 c 94 s 9;
- 33 (15) RCW 2.48.140 (Membership fee—Inactive) and 1955 c 34 s 1 &
34 1933 c 94 s 10;
- 35 (16) RCW 2.48.150 (Admission fees) and 2011 c 336 s 65 & 1933 c
36 94 s 11;
- 37 (17) RCW 2.48.160 (Suspension for nonpayment of fees) and 2011 c
38 336 s 66 & 1933 c 94 s 12;

- 1 (18) RCW 2.48.166 (Admission to or suspension from practice—
2 Noncompliance with support order—Rules) and 1997 c 58 s 810;
3 (19) RCW 2.48.170 (Only active members may practice law) and 2011
4 c 336 s 67 & 1933 c 94 s 13;
5 (20) RCW 2.48.190 (Qualifications on admission to practice) and
6 1987 c 202 s 107 & 1921 c 126 s 4;
7 (21) RCW 2.48.210 (Oath on admission) and 2013 c 23 s 1 & 1921 c
8 126 s 12;
9 (22) RCW 2.48.220 (Grounds of disbarment or suspension) and 2011
10 c 336 s 68, 1921 c 126 s 14, & 1909 c 139 s 7; and
11 (23) RCW 2.48.230 (Code of ethics) and 1921 c 126 s 15.

12 NEW SECTION. **Sec. 6.** Sections 2 through 4 of this act are each
13 added to chapter 2.48 RCW.

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