

SENATE BILL REPORT

SB 5980

As Reported By Senate Committee On:
Judiciary, March 5, 2003

Title: An act relating to bar association membership fees for legislative attorneys.

Brief Description: Waiving bar membership fees for legislative attorneys.

Sponsors: Senators Honeyford and McCaslin.

Brief History:

Committee Activity: Judiciary: 3/5/03 [DP, DNP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators McCaslin, Chair; Brandland, Hargrove, Kline and Thibaudeau.

Minority Report: Do not pass.

Signed by Senator Roach.

Staff: Jinnah Rose-McFadden (786-7421)

Background: Under the State Bar Act, the Washington State Bar Association's (WSBA) Board of Governors may adopt rules, subject to the approval of the Washington State Supreme Court: 1) fixing the qualification, requirements, and procedures for admission to the practice of law; 2) establishing and enforcing rules of professional conduct; 3) appointing committees to examine applicants for admission; and 4) investigating and prosecuting all causes involving discipline and disbarment. Ultimately, however, only the Washington State Supreme Court has the authority to admit attorneys to the practice of law.

Currently, admission to practice law in Washington is predicated on the following requirements: 1) passage of the Washington State Bar Examination, and 2) membership in the Washington State Bar Association (WSBA). The unlawful practice of law is a crime.

Members of WSBA must pay annual membership fees. The annual fee gradually increases based on the number of years of membership. Rates for 2004 range from \$187 to \$375, excluding the reduced rates offered to newly admitted attorneys their first year of practice. Additionally, reduced rates are offered to "inactive" practitioners.

Summary of Bill: A new section is added to the State Bar Act, waiving WSBA membership fees for legislative attorneys. Legislative attorneys are full-time employees of the Washington State Senate, the Washington State House of Representatives, and the Statute Law Committee. Legislative attorneys may not be treated differently than other active or inactive members of the WSBA. The WSBA may prorate membership fees for members who work only part of a year as a legislative attorney.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Legislative attorneys work for the legislative body that employs them (the Senate, the House of Representatives, or the Statute Law Committee), drafting laws and policy papers. Private attorneys work for individual clients and cases, on a fee for service basis. While all attorneys must be members of the Bar Association, the services offered to members of the Bar are largely focused on issues of importance to attorneys in private practice. Therefore, legislative attorneys do not receive equal benefit from Bar membership.

The Legislature can pass this bill without fear of constitutional separation of power issues. The Washington State Bar Association is a legislative creation, its powers and authority are granted by statute.

Testimony Against: None.

Testified: PRO: Senator Honeyford, prime sponsor.