

- 264 comments
- [Washington State Bar Association](#)



- [Randall E. Winn](#) • [5 years ago](#)

Will we now see actual dollars-and-cents proposals from referendum supporters as to which services they wish cut?  
Don't be modest; a few thousand here and a few thousand there is unworthy of you. You've got \$3 million to play with, so be bold!  
I'm sure that if you can find a way to stop 10,000 phone calls a year into ODC, the people taking the calls will be grateful!!



- [Windsailer7](#) [Randall E. Winn](#) • [5 years ago](#)

Here you go. Cut out the "Other Member Services and Public Outreach Programs" as described on page 10 of the March Bar News. Taking that action will necessarily decrease the administrative overhead.

Prohibit all WSBA funded out of state travel for Board members and WSBA staff. (that type of action was taken YEARS ago by other state boards and commissions) Limit the BOG meetings to 6 a year. In the past few years, with the down-turn of the economy, many state Boards and Commissions have decreased the number of meetings they hold.

Finally, get rid of that expensive office space in downtown Seattle when the lease is up.



- [JJ](#) [Randall E. Winn](#) • [5 years ago](#)

ODC has 35 people... out of 145 for the WSBA. Other regulatory functions might have an additional 15 people. So, about 2/3's of the 12M salary expenditure i.e. 8M is available for cutting, and all 10000 calls still get handled. In addition to the \$125 rollback, we could cut dues another \$75 to put us at parity with the Virginia State Bar.



Windsailer7 • [6 years ago](#)

I object (and have since I was admitted to practice law in 1975) to being forced to belong to a trade association in order to practice my profession. If I want to belong to a trade association...I prefer to have a choice. If the trade association does not conduct itself in the manner that I find acceptable, I can quit. The WSBA does not allow me to do that. Rather than the WSBA attempting to re-invent itself - which it will have to do because of the passage of the referendum, a much better approach would be to focus on what the state requires the WSBA to do - licensing and discipline. If a group of lawyers want to take on additional responsibilities - set up a voluntary association so that attorneys can choose whether to join or not.



Sheila\_in\_poulsbo • [6 years ago](#)

A further comment on mandatory v irrevocable:

As the number of attorneys in Washington has grown and as the computer revolution has added to the speed of the technical aspects of the law there has grown at the same time a certain impersonality in the practice of law. It is just possible that what we call lack of civility in our dealings with each other is an outgrowth of the lack of dialogue in our busy lives. This distancing may also explain a sense of alienation and frustration which may account for the final result.

Because the voting was by secret ballot, we may never know the final demographics of the vote which is too bad because those demographics might have suggested where change must begin. It would have been more comforting if the vote had been a landslide either way. Instead the portrait that emerges is of a fifty/fifty split much like that which prevails in our national government. It is hard to prosper when one-half of anything is disappointed. This means that the leadership of the bar will need to hear from both sides now and to ask, if these divisions remain, whether it is possible to revise the fee schedule and billing practices so that bar dues reflect, income level, type of practice, need of special services, and whether one is currently in active practice at all.

Fine-tuning bar dues will allow for greater accuracy and equity in bar dues assessments which will only add to the communication level and understanding of the membership of the internal workings of the WSBA.



Windsailer7 • [6 years ago](#)

This is a terrific result. Perhaps now the WSBA will focus on the mandatory regulatory functions and the trade association aspects of the WSBA will go by the wayside.



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Sheila\_in\_poulsbo [Windsailer7](#) • 6 years ago

It will only appear to be a penalty exacted on the members if the trade association aspects are mechanically cut. By their very nature these are the very functions designed to aid attorneys and are of the most value to those who would adhere to ethical standards even without a watch-dog. No, it is the mandatory functions that need to be re-evaluated and if necessary addressed by revising the laws that govern the practice of law.

Mandatory does not equal irrevocable. I think that the bar leadership will now begin to canvass the membership and enter what I hope will be an extensive empirical study from within our own ranks, use the suggestions that are most productive, and re-conceive the WSBA. This process will bring a new level of awareness and involvement for each of us and will in the long run create a new level of loyalty and commitment to the WSBA.



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jj [Sheila\\_in\\_poulsbo](#) • 5 years ago

I wonder about the notion of "loyalty and commitment" to the WSBA, under any circumstances. The WSBA is a regulatory agency, comparable to other agencies, such as the FCC, NRC, DOH, etc. We would think it really strange if, say, the Nuclear Regulatory Commission also functioned as a social club for reactor operators. Wouldn't it be unsettling if reactor operators were separated into two camps, those who were "loyal" or "committed" to the NRC, and those who were not? Would it be OK if a select group of reactor operators formed "Support the NRC" groups, which, among other things, worked to assure adequate funding for NRC employee pensions? Would it be a good thing for NRC employees and reactor operators to be pals, who attend cocktail parties together and go on vacations to Cuba together?

My problem with the notion of "loyalty" or other such attachments to the WSBA is that these are inconsistent with the WSBA's mission of being an honest regulatory agency. Allowing social connections to exist between a regulatory agency and the regulated tends to polarize the regulated into the "ins" and "outs" i.e. those who have pull with the agency and those who don't.

Perhaps I have this wrong. I would like to hear why you think "loyalty" to the WSBA is a good thing.



[Mark Baumann Windsailer7](#) • 6 years ago

Windsailer7, can you explain why you object to the WSBA functioning as a trade association? I assume that function works to protect my interests as a lawyer in a world antagonistic to lawyers. Since things are going to change, I would like to better understand what other peoples thoughts are.  
Thanks.



[jj](#) • 6 years ago

Referendum carries!!!! 52-48 .... election board just verified results. Congratulations to the WSBA membership!



[Chris Carr](#) • 6 years ago

I realize this is late to the discussion, but I wanted to ask why it is that if members want paper ballots, or have questions, they are to contact Debra Carnes at WSBA rather than Intelliscan, Inc., the "independent third-party vendor" that is supposed to be managing all aspects of voting? There is no contact information for this company in the ballot email, which is strange. Also, the use of members' names and bar numbers as identification numbers on their electronic ballots does not give the impression of confidentiality- quite the opposite. Finally, what steps has WSBA taken to limit email "bounce-backs" that would result in disenfranchising many members?

Just some procedural concerns I'm hoping someone can address...



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[jj Chris Carr](#) • 6 years ago

Chris -

These issues have been raised both privately with Executive Director Littlewood, on this form, and on [legalez.com](http://legalez.com). Basically, Littlewood just blew off these concerns, and the usual apparatchiks accused WSBA members who raised them of being paranoid crackpots. This is Standard Operating Procedure.



Howard Todd • [6 years ago](#)

NatureLaw

You've indicated that you are enrolled among the inactive members of the bar. You might take a look at RCW 2.48.140. As I read it, you are entitled to a rebate from the WSBA to the extent your annual membership dues have exceeded the statutory amount.



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NatureLaw [Howard Todd](#) • [6 years ago](#)

Thanks, Mr. Todd...you remember well. As indicated, I opted to assign myself to the inactive status b/c I couldn't see paying the full bar fee while waiting for money that may not have come to offset the outflow. It was too much of a gamble and one I wasn't willing to make. To my knowledge the lowest amount one can pay is \$200, which is the category of inactive membership. I had assumed that amount was harmonized with any statutory provision. Unfortunately, as the only real option I could find, it makes me ineligible conveniently to vote on this referendum (could argue otherwise as pointed out). Maybe other members can appreciate this situation...I will check out the RCW mentioned.



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[Randall E. Winn NatureLaw](#) • [6 years ago](#)

So ... you're no longer practicing law?

You're not actually doing anything with the WSBA except expressing opinions on its operations, without knowing anything about them?

I certainly support wide open discussion and your right to express your opinion, but if you aren't a practicing member of the legal profession, what's your beef?



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[jj](#) [Randall E. Winn](#) • [6 years ago](#)

The WSBA exists to serve the public, so any member of the public has an interest in it. See Kramer v. Union School District.



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[Randall E. Winn](#) [jj](#) • [5 years ago](#)

So your beef is ... what? You say you're just a "member of the public" complaining about ... what? You aren't DOING anything with the WSBA except complaining, according to you. Isn't there anything useful you could be doing?



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DanW [Randall E. Winn](#) • [5 years ago](#)

Randall -

There is a common thread in your responses which attributes some kind of moral failing to persons with whom you disagree. Why not just discuss the issues rather than chastise others, as if you have some kind of moral superiority? You have no obvious merit which entitles you to address others with such arrogance.



[Sheila\\_in\\_poulsbo](#) • [6 years ago](#)

The referendum process is in the home stretch and I am not sure how much perusal of this readily available site it has received by those who are still making up their minds so let me list a few key points that I hope will be some use at this late stage of the proceedings for whatever audience still remains out there:

1. The primary fear seems to be that the disciplinary function will be so compromised that we will lose the privilege of self-government. The problem with this phrase lies in two areas: 1. Privilege and 2. self-government. Would it really make a difference in terms of the content of the rules of professional responsibility if we were governed by a state-paid bureaucracy rather than one that we subsidize out of our own pockets? Are the standards more based upon practical lawyering because we have some input, however slight on the standards imposed upon us? Or is the enforcement more forgiving because we are being judged by essentially one of our own? I don't think so.

The mere privilege to pick up the check does not seem to be such a privilege. Instead, it appears that it is that very "privilege" that keeps us from organizing in voluntary associations to safeguard a valuable skill-base and to contract with society to use us. If the paralegals, real estate agents, and title companies could build a better legal mousetrap, they would be free to do so; but if our vaunted "judgment of an attorney" is as valuable as we think it is then we could feel free to charge what the traffic would bear without feeling guilty because we are burdened with a societal trust and expected to come up with all manner of programs to supplement what the government should be doing to make society work

2. Or perhaps what we really fear is that we would lose our private advocacy role if the government could control us. This assumes that America has not already advanced to the borders of what our Constitution allows. The institution of private attorneys will not save our nation from fascist tendencies like pen-registers, library book surveillance, and other intrusions since the breakdown of FISA post-911.

3. If market forces and malpractice alone governed the provision of legal services our laws would have to change. We would no longer attempt to make a system of endless and meaningless distinctions and endless procedural safeguards (that few people can afford to subsidize) govern our trials and our criminal system let alone our civil law system.

4. By forcing society to admit that it takes more than the law to keep a society intact, other modes of social cohesion and enforcement would emerge and law could be reserved for those who contract for its services for which they would expect to pay just as for any other service. If our society has not found a way even to manage health-care which at least is grounded in flesh and blood and the science of human bodies, how may we hope to place upon attorneys the private solution and even payment for a field of human endeavor as complex as the laws which are only limited by the fertility of the human mind?

5. Somewhere the spigot must be tightened if the current system is to change. So it is that if we are really self-governing then perhaps the membership of the WSBA will take the first major collective action in years and tighten the spigot on the WSBA and by doing so fire a warning shot across the bow by placing upon the society as a whole the governance of society. Then it may no longer be necessary to suggest that the first step to social change is to kill all the lawyers. We may be invited back if all hell breaks loose. The state may not want to govern us after all. The state and counties are having enough trouble just keeping the roads in repair, the firetrucks working, and hiring the police for non-self-governing citizens. I don't think they want to govern fractious attorneys as well.

6. So let there be no talk of "expensive special assessments" to be levied against our members, gutted programs, weakened discipline, or an inability to swell our ranks with new attorneys, nor of lack of access to justice, low cost self-imposed CLE's, or the sybiline pronouncements of an ethics line that cannot give "legal advice". If this referendum is able to produce some ongoing reflection and even a little chaos in order to produce some real change in the system as it is; it will have been well worth the small cash savings per attorney which we can all use to hire own therapists for maybe an hour at least if they will see us on a sliding scale.



- [Randall E. Winn Sheila\\_in\\_poulsbo](#) • 6 years ago

The above is full of propositions for which it is difficult to find support in fact or historical precedent. For example ...

"If market forces and malpractice alone governed the provision of legal services our laws would have to change. We would no longer attempt to make a system of endless and meaningless distinctions and endless procedural safeguards (that few people can afford to subsidize) govern our trials and our criminal system let alone our civil law system."

... is a very large claim, resting on nothing whatsoever.



- [Sheila\\_in\\_poulsbo Randall E. Winn](#) • 6 years ago

The main source of these claims is Critical Legal Theory which argues that with so much law out there it becomes impossible to use law to draw meaningful distinctions. Rules become essentially indeterminate. This means that all that remains is process and process costs money. We sustain our criminal evidentiary rules at the cost of not going to trial with most criminal cases. Instead the system sustains itself through plea bargaining. Similarly, the civil law system is so costly that tort actions are settled rather than litigated, even if the claimed harm is questionable. Our system of laws is so detailed that a state of saturation exists; substantive laws constitute a sort of web that occupies the available space of every human endeavor, but if fully utilized in any human life or enterprise they would exhaust available resources. In that sense laws are illusory because they cannot act as a cost-effective tool to enhance human life for most people in our democracy.



- [Randall E. Winn Sheila\\_in\\_poulsbo](#) • 5 years ago

There is no factual basis to your suggestion that WSBA membership makes law more complicated. Nor does Critical Legal Theory suggest that bar association membership influences the legislature or courts ... you know, the people who make law.





Ron Gomes • [6 years ago](#)

Have any of you been up to the WSBA offices? You should see all the empty space that they are paying class A office rates to spread out their operations on multiple floors.



• [Randall E. Winn](#) [Ron Gomes](#) • [6 years ago](#)

You mean the meeting rooms, to the left as you enter the offices?  
I agree it's an outrage that the meeting rooms are often empty. Sometimes they are full to overflowing, but since they are sometimes unused, clearly the WSBA is not hosting enough meetings!  
Likewise, the hearing room. It is sometimes empty. Why is the WSBA not renting it out to a Starbucks or something?



[Randall E. Winn](#) • [6 years ago](#)

Are referendum proponents aware that the WSBA has been conducting a systematic program review and has terminated some programs, such as the ADR program and public legal education?  
Why is there no recognition of this process in any of the discussion?  
"Cut First Think Later" is not a formula for success. It was tried some years ago when the ODC budget was slashed; do you remember the huge backlogs then?



• [jj](#) [Randall E. Winn](#) • [6 years ago](#)

Take a look at GR5 ... every part of the judicial branch EXCEPT the WSBA consents to audits by the State Auditor. The WSBA also has public records disclosure far more restrictive than the Public Records Act. This is an insult to members. Next time the WSBA wants to audit your trust

account, tell them that you have conducted your own review and that your own auditor has approve. See how that goes over.



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[Randall E. Winn jj](#) • [6 years ago](#)

You changed the subject, without answering the question.

So noted.



[jj jj](#) • [6 years ago](#)

" .... approved."



[NatureLaw](#) • [6 years ago](#)

Many of the programs mentioned are not unique but can be found in other forums, so an argument of redundancy isn't outlandish. The ABA is going through a similar situation as the WSBA finds itself now....while the ABA has the additional misfortune of truly having voluntary membership. While no one who is a "proponent" of the referendum wants to see people lose a job, the WSBA suffers from what most bureaucracies eventually do and that is a defatted liver. Perhaps leadership and employees can take a pay cut, not lose their jobs (the loss of jobs should not be used as a pawn like it is used in many discussions and across industries).

The WSBA doesn't exist for its employees but rather, the members as a whole. Truth be known, it can do more with less if there is a will to do so. If the majority of people can't place value on many of the programs the WSBA provides then the fee for membership should be reduced to assist individual attorneys who find the fee excessive and a real burden.



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[Randall E. Winn NatureLaw](#) • [6 years ago](#)

Those are all truisms, but not helpful for actually making a decision. Specifically, what programs would you cut?

For example, if you cut ODC 25% would you expect the number of complaints about lawyers to be reduced, or would you instead accept dragging out the resolution of complaints 25%?

Are you not aware that the WSBA has been conducting a systematic program review for a couple of years, and has terminated some programs, e.g. the ADR program?



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NatureLaw [Randall E. Winn](#) • [6 years ago](#)

I think a sweeping cut back is in order, not necessarily elimination. As many people have commented, programs like Moderate Means are nice but recently admitted attorneys are unable to participate, since they must provide the malpractice insurance. Many of the programs fail to go far enough to assist attorneys and in many cases, fail to provide attorneys any benefit. I guess the mantra that as long as one person has benefitted, the program has merit. Unfortunately, in these tough economic times, I would prefer to pay less in bar fees and use the money elsewhere.



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[Randall E. Winn](#) NatureLaw • [6 years ago](#)

You didn't answer the question. Why not?

If you cut

ODC 25% would you expect the number of complaints about lawyers to be reduced, or would you instead accept dragging out the resolution of complaints 25%?

Are you not aware that the WSBA has been conducting a systematic program review for a couple of years, and has terminated some programs, e.g. the ADR program?



Lish Whitson • [6 years ago](#)

JJ, Lis Wiehl is a commentator on the O'Reilly Factor on Fox News. Lish Whitson is a small firm practitioner who also pays his license fee and his associate's license fee out of his own pocket. I applaud The Lorax's analysis and have also voted No.



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jj [Lish Whitson](#) • [6 years ago](#)

I remember reading something that said that Lis Wiehl was going to become a WSBA hearing officer, and I said to myself "Gee, isn't she busy enough writing books and being on TV?" Did I just read it wrong i.e. that you were actually appointed to be a hearing officer?



□

The Lorax • [6 years ago](#)

I came prepared to vote "Yes" on the rollback. After all, my officemates on either pole of the political spectrum emphatically support the referendum, and voted as such. I'm a salaried non-profit litigator in Seattle for 24 years. I've worked tirelessly for my clients and exerted thousands of overtime hours without any compensation, yet I make a fraction of the income earned by many contemporaries in this profession. Let's face it, for someone at my income level, the annual dues are a bite. And, unlike many lawyers in firms or corporate settings, I actually pay my own dues, buy my own meals, and fund the annual holiday party, all without the benefit of year-end bonuses, free parking, or paid "CLEs" in Cabo. As an employee, I can't write-off "meals and entertainment" or such other business expenses. I give true grit and good heart to this profession, generating respect from the lay public, yet feel like I don't receive much for my dues beyond a nice monthly newsletter and leadership's annual diatribe about how I "should" be doing more pro bono work. I get that we're talking about a licensing fee here, but my point is that \$495 is a lot to ask from someone in my shoes, especially when I hear about travel tales to spendy locales on my hard-earned dues. I understand why so many lawyers are frustrated.

That said, after a measured review of the For/Against statements, and having considered the numerous posts below, I surprisingly switched gears: I voted "No." Why? While I've no doubt the referendum originator(s) have genuinely sparked a long overdue debate, and while I may feverishly desire saving \$125 every January, I don't feel it is prudent fiscal policy to slash the budget by 26% at once. I would be hard-pressed to slash my own household budget by that chunk, and I daresay most of us on these boards could pull it off quite as easily, our reactive responses notwithstanding.

The Bar does provide lawyer assistance services and disciplinary functions: while I will not find myself needing services on either end of that spectrum, the \$125 I save will not produce a concomitant benefit that outweighs the value of my savings. To the contrary, I – but mostly my brethren in need of these services -- will probably feel the pinch a bit more than we bargained.

Much of the criticism by the proponents seems a visceral reaction against the BOG and related travel expenses . . . and perhaps rightfully so. I, too, have examined the expense sheets and queried the need for BOG awards' dinner, meetings, committees, conference attendance, travel and outreach, and travel/parking in excess of \$250,000. I wholeheartedly agree that travel-budget reform is needed and we should not be funding foreign or spendy travel for "feel good" junkets and conferences: if that is happening, it's not an appropriate expense, in my view, and should be eliminated. But, does criticism of the Board's budget – \$650,000 – warrant slashing roughly \$3.5 million in revenues? And it was precisely this logic – as much as I writhed and resisted -- that foiled my original choice.

WSBA can do much better, and I applaud the referendum's momentum. As others have written, I wish there was a choice somewhere between \$370 and \$495. This is a start.



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[jj The Lorax](#) • 6 years ago

Lorax said: "I've worked tirelessly for my clients and exerted thousands of overtime hours without any compensation, yet I make a fraction of the income earned by many contemporaries in this profession."

Sounds like you need to get a job with the WSBA ... you could get overtime, comp time, paid vacation, and a great public employee pension.



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[Randall E. Winn](#) [jj](#) • 6 years ago

1. Salaried positions at the WSBA don't pay overtime.
2. WSBA reduced its dues-funded headcount (as has already been discussed; only areas that are not dues-funded, e.g. CLE, increased headcount.) So it's going to be hard to get a job there.
3. The pension plan is adequate, but not "great". For example, it doesn't vest immediately. It greatly amuses me that people get angry when workers get pensions; what are people supposed to do when they get old, live off Social Security?



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[jj Randall E. Winn](#) • 6 years ago

"Salaried positions at the WSBA don't pay overtime"

But the WSBA will not release information on the amount paid to any employee, so we cannot verify what anyone gets. Sorry, Randall, but you are not in a position to know. If the WSBA posted check registers on line like the Virginia State Bar, we would know. The WSBA is now paying an extra 8% above salary into a pension plan .... that is "great" by any private industry standard. "...when workers get pensions..." is a red herring that you hatched yourself. The issue is the amount paid for the pension, and whether the original job was worth it.



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[Randall E. Winn jj](#) • 6 years ago

So what you're saying is this:

1. You think WSBA salaried employees are getting overtime. But salaried employees are (by definition) not eligible for overtime; that's what "salaried" means and this is basic labor law. BUT ... you propose that WSBA is violating its own policy by paying overtime anyway. Yeah, whatever!

2nd. You object to part of the compensation package being a pension plan worth (according to you) 8% of salary. But at most, that is to say that WSBA employees are paid 8% more than you think they should be ... it's just that the 8% is deferred until retirement. That is a large claim which you could easily test by comparing advertized positions with comparables. Some positions (e.g. IT jobs) are easily compared against large databases, and you could at least compare the salaries-plus-8-percent offered to ODC prosecutors to those offered other prosecutors. So go ahead: which positions advertized by WSBA are at greatly excessive rates?

3. If you won't do your homework, why should any prudent person accept your argument to cut 26%? This is not a game; you have to come to the table with real numbers.



□

[Sheila\\_in\\_poulsbo](#) [The Lorax](#) • 6 years ago

Remember though the difference of fat v muscle in any trimming program. The referendum is not about a terminal operation but only about a tummy-tuck for the present to a healthier body mass index. Everything will work better when we know what is and is not essential and there is no way to ascertain this absent the motive to do so which the referendum will provide.



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[Randall E. Winn Sheila\\_in\\_poulsbo](#) • 6 years ago

If you lost 26% of your mass in a "tummy tuck", you might want to talk to your surgeon about definitions.

In the real world, would you really tell the surgeon "cut away 26%, we can figure out where later?"



The Lorax [Sheila\\_in\\_poulsbo](#) • 6 years ago

Fair enough, Sheila. I understand your logic and agree with much of what you write in your posts. Where some see "fat," though, others see "muscle," and vice-versa; besides, even healthy bears need fattening before winter's slumber. I didn't arrive at my vote easily, certainly no slam dunk, but believe this boils down to one's comfort level. I, too, have a financial fish in this fry, and wish bar leadership was far more aware to the fact that not all members are part of the shoulder-rubbing-look-at-me legal "elite," nor wish to be, and certainly not all desire funding these pursuits (via mandatory dues) for others. For me, the math isn't computing, and that's my struggle. If we lived in a benevolent monarchy, and I was the ruler, I'd heed the complaints related to expenditures for BOG, travel, and WSBA office space, as these are points most criticized by members. Seems these items need a deeper look. But these items – standing alone -- do not rival 26% of the proposed revenue cuts; hence I'm not comfortable taking a meat cleaver to the budget in the hopes of slashing these items for 1 or 2 years. Besides, why stop here? I'd rather pose a more modest cut and freeze dues for the next 4-5 years. Regardless of outcome, I've welcomed this debate and see only good coming from this.



Sheila\_in\_poulsbo • 6 years ago

The application of fiscal pressure when reserves are as high as they are at present should not precipitate any hasty cancelling of programs or firing of staff. It is precisely the alarmist tone of the early rhetoric that has bred a healthy skepticism and support for the "vote yes" position.

The current trend to augment the vast area of attorney ethics into a virtual speciality area of substantive law does not indicate at all that we are members of self-regulating and noble profession but instead indicates that we are a suspect class of potential ethical malefactors who need an ever increasing body of law and internal investigations unit to define the ever more arcane practice of law. It is one thing to be accountable and another thing to have an ever larger target area painted on our backs. It is a truism that regulations tend over time to create a self-perpetuating momentum of their own. Perhaps budgetary constraints may limit this growth. We can only wait and see.



Lish Whitson • 6 years ago

I have been practicing for almost 40 years. The point has never been to get rich, it was to practice with integrity and hopefully make things better for the clients I served. I find this whole "dues rollback petitions" both depressing and short sighted. First of all, we do not pay "dues" to belong to a country club, we pay a license fee in order to practice as part of a noble profession and, like all regulated professions,

one must pay a fee for the license to practice.

I assume there are a few who will argue that the amount of the reduced fee is significant for their bottom line, but not the bar's bottom line. I would submit it is just the opposite. No one who wants to be a practicing lawyer is going to fail to pay the license fee, whatever it is, (e.g. \$660 in Alaska) that will allow them to continue to practice in this state. But to arrive at a minimally reduced license fee that will eviscerate the bar in a down economy is just wrong.

The fact that some do not use available bar services does not mean they are not valuable and critical to others. Do you want to deprive your colleagues who struggle with clinic depression, drug addiction or alcoholism of the help provided by the Lawyers Assistance Program (LAP)? Do you want to deprive new lawyers, solos and lawyers in transition the help of the Lawyers Office Management Assistance Program (LOMAP)? Do you want to deprive Sections of staff support or eliminate the number of CLE staff necessary to put on quality programs?

The petition proponents' effort to eliminate some license fees will mean significant firing of good people who came to work for the bar believing it had a mission that was worth supporting. Is this really what you want to achieve?

Lish Whitson



NatureLaw [Lish Whitson](#) • 6 years ago

Some of the programs to which you mention are not unique but can be found in other forums, so an argument of redundancy isn't outlandish. The ABA is going through a similar situation as the WSBA finds itself now....while the ABA has the additional misfortune of truly having voluntary membership. While no one who is a "proponent" of the referendum wants to see people lose a job, the WSBA suffers from what most bureaucracies eventually do and that is a defatted liver. The WSBA doesn't exist for its employees but rather, the members as a whole. Truth be known, it can do more even with less if there is a will to do so. If the majority of people can't place value on many of the programs the WSBA provides then the fee for membership should be reduced to assist individual attorneys who find the fee excessive.



[Randall E. Winn](#) NatureLaw • 6 years ago

I'm having difficulty figuring out what a "defatted liver" may be; are you seriously suggesting that the WSBA is a bodybuilding supplement?

From context, it appears you are trying to argue that WSBA has accumulated too many programs and/or staff; this may or may not be the case, but you have offered no evidence for it except for vague allegations that some program can be found in other "forums". Before you cut 26%, don't you need to be a little bit more specific? For example, the fact that there are mental health professionals who don't work for LAP says nothing as to whether LAP is a useful program; the fact that the libraries have books on ethics says nothing as to whether the ethics line has help many attorneys avoid epic screw-ups.





JJ [Lish Whitson](#) • 6 years ago

Am I the only one that mixes up Lish Whitson and Lis Wiehl ?



vote yes! [Lish Whitson](#) • 6 years ago

The WSBA itself has been cutting LOMAP. CLE is self-supporting. Sections are also supported with separate fees, and could easily be self-supporting they are not now. Even with the rollback, and without touching discipline, there is more than enough to cover LAP at current levels.

Other professionals in Washington pay a license fee that is used strictly to finance the regulatory program, and if excess is collected, then the excess is used to reduce fees in subsequent years. Even after the rollback, lawyers will be paying about double regulatory costs, which excess the WSBA can use to continue its "mission".



Chad • 6 years ago

\$4.3M on discipline and \$500,000 on administrative trips/waste??? That is where the cuts need to be made...



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[Randall E. Winn Chad](#) • 6 years ago

Do you think \$2,100 per complaint is too much? Maybe it is; how would you process complaints more effectively?

Do you remember the last time we cut back on the Discipline Budget? How long did the backlog grow? Do you really think WSBA members benefit from dragging out complaints for years? If a complaint was filed against you, wouldn't you want it disposed of as promptly as possible?

I'm not saying there can't be cuts, but be specific. What technology would make them be

processed faster? Would you reduce the investigation of complaints, or just let them drag out longer?



Sheila\_in\_poulsbo • [6 years ago](#)

Standing on the Red Carpet and Wondering -

Somewhere in a lock-box the votes of the WSBA members are waiting to be counted. Will this year's Oscar go to:

The Crying Game (which includes me and most of the opinions on this blog)

Titantic (the budget of the WSBA)

Brokeback Mountain (solo practitioners east of the Cascades)

The Agony and the Ecstasy (those who actually get to count the votes)

Wall Street (the big King County - Seattle types)

Gosford Park (those who are retired or wealthy enough not to care either way)

Nobody knows the outcome but considering the extraordinary opportunity that the bar has afforded us to sound-off here I wonder if the comments received thus far are representative. I would actually feel better with a larger sample of the thousands of members in the bar weighing-in with their two-cents worth. I hope that the fact that only just over two hundred comments are here is not a sign that people are voting with some sort of automatic response in either direction. And the winner is....



•

[Randall E. Winn](#) [Sheila\\_in\\_poulsbo](#) • [6 years ago](#)

In my opinion (FWIW) WSBA members are mostly not accustomed to talking in public forums, with the possible exception of the very active Family Law Section listserve (which is only semi-public, but still very useful.) This may be because most are really busy doing other things, but also because previously technology made it too difficult. Now that tech has simplified the process, perhaps useful forum conversations may become more of a norm. For example, it might be helpful to attach a forum to the agenda for each BOG meeting ahead of the meeting, so members can weigh in and discuss issues - this might lead to better decisionmaking and also more buy-in. At any rate, the experiment is low in cost and low in risk, in my opinion.



Needscoffe • [6 years ago](#)

If I did not have to join the WSBA, I wouldn't. It's an organization way too easily hijacked by Seattle lawyers imposing their political will and agendas across the rest of the state, often without even thinking twice about the Washington that exists outside of King county. You know the drumbeat: President after President issues the obligatory "Pro bono please" articles, then nothing gets done. Over and over. These Presidents take the job for one reason: resume enhancement, or marketing. Plain and simple. Washington's poor need legal services more than ever. Nothing's changed. WSBA's done zip to make a difference. Look at its ridiculous website -- do we really need to pay people at WSBA to do that? No friggin way! Waste. It's a small part, but still a part, of the fees they say we need to pay. Why? On this referendum issue, I applaud Mr. Sorcinelli. WSBA responded by attempting to out-write, and spill more ink to let the Pat Palaces of the world say it's fine for us to support WSBA's bloated, ineffective, agenda-driven bureaucracy. Pat Palace probably wants to join the PI WSBA President's clique, as such would look great on his CV, but I think just having had this referendum was great. Win or lose, many anti-WSBA voices have now been heard. That makes any outcome a victory for lawyers and consumers of legal services in our state, regardless of whether the fees remain unreasonably high. But I hope they don't.



•

[Randall E. Winn Needscoffe](#) • [6 years ago](#)

Did you run for one of the uncontested BOG positions so that you could make a difference? Did you serve on any of the committees addressing the issues you raise, e.g. pro bono? I certainly have plenty of issues with WSBA but complaining gets nothing done. Work does. I happen to have served on the pro bono/legal aid committee and I'm sure your contribution there would be welcome - you can have my seat and I'll just sit in as a volunteer. Last year that committee may not have done enough, but it sure did get a lot of things done, including reforms to Rule 34 and ... contrary to your statement ... useful publicity to pro bono programs (especially the May 2011 Bar News) which I know by personally contacting some of WA's LSPs got more volunteers on deck. More needs to be done of course, and TAG YOU'RE IT!



Sheila\_in\_poulsbo • [6 years ago](#)

The big ticket items are:

discipline, technology, communications, and licensing/membership records. The largest unanswered question is whether these functions can be managed more effectively in order to absorb any budget reductions should the referendum pass.



•

[WSBA DUESROLLBACK Sheila in poulsbo](#) • 6 years ago

The regulatory functions are about \$5M whereas dues collections are about \$13M. So where does the difference go? Obviously, regulatory functions need not be impacted at all, despite the F.U.D. (fear, uncertainty, and doubt) spread around by opponents.



•

[Randall E. Winn WSBA DUESROLLBACK](#) • 6 years ago

What would you cut? I don't know what you mean by FUD - obviously, asking "what would you cut" is not spreading fear, but simply asking a question that any responsible person would want to know the answer to.

This is not a game. Serious issues require serious answers.



[Randall E. Winn Sheila in poulsbo](#) • 6 years ago

That's a very interesting question!

Looking at discipline - page 4 of <http://www.wsba.org/About-W...>

The \$4.3 million and 36 FTEs handle annually:

- \* 10,000 calls
- \* 250 informal resolutions (without filing grievance)
- \* 2,000 grievances
- \* 50 formal complaints.

If the whole budget were for processing grievances, it would work out to about \$2100 per grievance. I don't know how much investigation goes into each grievance, and of course those that are turfed early in the process must not take as many resources as those which are prosecuted. A deeper study of the process would be needed before drawing many conclusions, and that takes time.

Any process can be improved, but can we assume that the number of calls and complaints are not going to drop no matter what happens to the budget?



[Randall E. Winn](#) • 6 years ago

?Can it be true that 75% of BOG elections went uncontested this year:

<http://wsba.org/About-WSBA/...>

It seems to me that the bravest way to effect change is to get into the rodeo and get on the bronco. However the Referendum comes out, SOMEONE has to take the lumps.



[JJ](#) • 6 years ago

Randall Winn has a good idea about "WSBA Lite". He also has presented some original thought concerning a possible need to separate the Regulatory and Discipline Functions into a separate organization from the remainder of the WSBA. A good way to implement "WSBA Lite" would be to put all non-mandatory functions of the WSBA into cost centers that could be checked off like the Keller Deduction. Even better, checkoff deduction options could even be used to afford direct support to private sector charities such as the NW Justice Project or Specialty Bar Associations. This could promote a healthy sense of competition and creative entrepreneurship among programs both within and without the WSBA structure.



•

[Randall E. Winn JJ](#) • 6 years ago

Thank you for the kind words. A check-off system, such as the current check-off for the Law Fund (...or something like that ... I don't remember the exact name....) and Keller might be worth experimenting with (as a measured and systematic approach, not huge and risky like the Referendum). While hooking up to Specialty Bars could be a delicate operation especially if money is involved, yet the potential benefits of a consortium of associations using joint efforts to raise funds (e.g. a pass-through agent might simplify check processing, and one-stop-shopping might actually increase "sales" to local/specialty bars) and operations such as recruiting volunteers and back-office/technical support seems promising. Imagine a Kickstarter to fund public legal education (!)



Chris • [6 years ago](#)

I posted this a week ago but didn't receive a response -

Can you give us some idea of what the \$4.3 million for "discipline" on the budget is being spent on? That seems like a lot.

Are you able to break that number down at all?



[Debra Carnes](#) Mod [Chris](#) • [6 years ago](#)

You'll find a detailed breakdown of the Discipline budget in this budget report on page 27 which is available on this website. Here's the link: <http://www.wsba.org/About-W...> I hope this is helpful.



Jtsmith • [6 years ago](#)

For all those who say its not about the money I say you are wrong. Seasoned trial attorneys know fully well that going after the money sends the strongest message for change - the money is the mechanism to get people and/or organizations to raise their ears, look at you, pay attention and get done what needs to be done.



[Randall E. Winn](#) [Jtsmith](#) • [6 years ago](#)

So what programs should be cut?  
Name them: which ones should be eliminated?



• Christopher Taylor [Randall E. Winn](#) • 6 years ago

Why don't we start with a few of the utterly useless programs, like LOMAP, Lawyers Assistance Program, the Ethics Line, and the Bar News.

And maybe take a look at some counter-productive programs, like the Access to Justice Board and Justice Programs and see about shifting the costs back to the courts. Not to be callous, but every time I hear about the Bar Association pushing volunteer opportunities and pro bono representation, my wallet cringes. The cost of access to the courts for low income folks ought to be borne by the greater public, not lawyers in particular.

Then perhaps we can do away with any general dues going toward individual sections (including YLD) and make those self-sustaining.

Let's look at trimming the technology, communications, and other overhead sorts of line items. [Snail mail for CLE announcements? Closed source software? Downtown Seattle office space? Really?]



• [Randall E. Winn](#) Christopher Taylor • 6 years ago

About closed-source software: I'm a big fan for open-source for all the usual reasons. Before transitioning the bar to it, let's hear from law firms that use OpenOffice or the like about their experiences. Are there really hang-ups other than cultural, or are their hidden costs? I don't know, but there has to be a reason for its slowness of adoption in the competitive sector.

About snail-mail: it amuses me too, but the CLE department is self-funding; the recycling-bin-bait is not paid for out of bar dues and so not affected by the Referendum. How it is cost-justified I don't know but apparently it works often enough; IIRC Mark Sideman said you can't fill up classes if you don't use it (...but he's not here to speak up so don't hold him to it.)



Guilty Bystander [Christopher Taylor](#) • 6 years ago

You needn't worry about sections--they run a surplus, too. Really.



•

JJ [Guilty Bystander](#) • 6 years ago

The FY10 budget chart for "Committee and Section Support" shows a cost of about \$600k. So maybe maybe the Sections are standing by while the committees are guilty of taking the money.



[Randall E. Winn Christopher Taylor](#) • 6 years ago

Well thanks for a list. I don't agree with its contents, but at least you spoke up. It seems to me it makes sense to cost out what might be called "WSBA Lite" and see if you can fit it into the proposed 26% cut. I don't think you can but it would be an interesting exercise. I rather doubt that the taxpayers in general are going to pony up for Justice Programs but who knows?



\*\*\*\* [Christopher Taylor](#) • 6 years ago

You forgot about "Education and Outreach"



Howard Todd • [6 years ago](#)

Mr. Winn challenges the idea that the dues rollback should be funded from reserves. I'd like to respond by reiterating what I said before: the WSBA has no right to accumulate reserves to the extent that it has. It is the members' money. The WSBA acquired it through excessive fees. The WSBA has no right to withhold a greater amount in reserves than is reasonably necessary to meet its responsibilities, and it should return every bit of the reserves that cannot be justified by generally acceptable accounting practices or some other objective standard.

Mr. Winn says that it's "silly" to suggest that the WSBA cut its reserves because we need to worry about how this could affect such things as a move to inexpensive office space in the suburbs. Well, who is being silly now? In the first place, the lease on the WSBA's office space does not expire until 2016, and there is no plan to move to the suburbs. Tapping reserves to fund the dues rollback leaves \$ 1.5 to 2 million in



reserves. Does Mr. Winn contend that, if the WSBA moves its offices three or four years from now, it needs current reserves of \$ 2 million to cover the expense? I think his argument is a makeweight, and he can prove me wrong by documenting whatever basis he had for making it.

Set aside, for the moment, talk of mandatory purposes vs. non-mandatory purposes. The funds in reserve have been set aside without any clear purpose at all. I challenge Mr. Winn or any of the WSBA's apologists to identify any statement of budgeting policy or principle that limits the WSBA's accumulation of reserves. I've reviewed the Bylaws, the Auditor's Report, the Annual Financial Report on the WSBA website, an article by the WSBA Treasurer in the March 2011 Bar News entitled "Should the WSBA Increase Licensing Fees to Meet the Growing Costs of Doing Business?," and WSBA Program Review 2008-2010 Final Report to Board of Governors January 2011, and none of them describe a standard against which the accumulation of reserves can be measured.

I don't mean to ignore the point Mr. Winn raises as a counterpoint to what he characterizes as a cut now, think later mentality. I don't agree with it, but I won't ignore it. I don't think the first order of business is to start skirmishing over particular programs. I think the first order of business is to establish the ground rules. So, in my opinion, the first order of business is to adopt a rule, possibly but not necessarily by amendment to the bylaws, which would limit the WSBA's accumulation of reserves to no more than 10% of operating expenses. The second order of business would be to establish transparency in WSBA finances, accept the State's Public Disclosure Act as applicable to the bar, and following the Virginia State Bar's lead in providing on-line access to the bar's check registers. Then I would expect the WSBA to end its disenfranchisement of inactive attorneys - who, after all, are being assessed \$ 200 a year for the privilege of being inactive but can't vote on this referendum. There's something about participating in a system that legitimizes taxation without representation that rubs me the wrong way.

Now, I'm only speaking for myself, of course, and, speaking for myself, the rest is negotiable. Mandatory assessments for non-mandatory purposes, for example. Thanks for asking.



• [Randall E. Winn Howard Todd](#) • 6 years ago

1. If you are advocating for a rule limiting reserves, enfranchising inactive lawyers, increasing transparency, etc ... those are well and good. Let's have that conversation; I would certainly support at least some of those. But the Referendum does not do that.

2. As to the Reserve, you are arguing that the reserve is more than sufficient and refuse to establish how you know that; instead saying that it is up to \*me\* to say why it is. That's logically flawed; you can't defend your lack of factual basis by claiming that my argument lacks a factual basis. The most that can be said is that both arguments lack a factual basis.

Referendum proponents \*could\* go have done some factual research, e.g. find out how much the last move cost, ask the BOG why the reserve is \$5+ million and so forth. Such research is not in the Statement For; the clear impression is that the proponents didn't do their homework. That's pretty irresponsible.

3. What we \*do\* know about the Reserve is that it won't cover the Referendum's cut for more than 1.5 years. Then what? You have to state which programs you want to eliminate, or say the

Referendum would merely cut dues for 1 or 2 years after which they'd return to the current level, or advocate against the Referendum.

4. This is a worthwhile conversation and, regardless of how the Referendum goes, WSBA should maintain the social media facilities that empower the conversation on this and other topics. Let's hope it doesn't cost much.



•

Howard Todd [Randall E. Winn](#) • 6 years ago

Actually, I didn't "refuse" to identify the basis for my contention that the reserve should not exceed 10% of operating expenses. I quoted the WSBA's Executive Director, Dennis Harwick, from an article that appeared in the April 1993 issue of Bar Leader magazine. Mr. Harwick said that reserves should be at least 10% of operating expenses, and substantiated his position by reference to advice from an auditor. I note that bar offices have moved at least once since that time.

As to whether or not a conversation is worthwhile, my view of the matter tends to be influenced by whether the person I'm talking with acknowledges what I have said.



•

[Randall E. Winn](#) [Howard Todd](#) • 6 years ago

Gee Howard - "whether the person I'm talking with acknowledges what I have said" is a very helpful comment!

Do you see a difference between the phrases "... should not exceed 10%" and "... should be at least 10%" ???



[Randall E. Winn](#) • 6 years ago

Regardless of how this referendum turns out, I like this Comment feature and hope it is continues. There are probably several other issues that would benefit from discussions like these.



Robert Hayes • [6 years ago](#)

I vote for the referendum to decrease the membership fee to \$325.00 per year.



Sheila\_in\_poulsbo • [6 years ago](#)

A yes vote for the referendum is not a complete repudiation of the WSBA governing apparatus. To demand across the board fiscal reform by limiting the funds available is being carried out at a national level as we engage in this debate. It is not essential to short-circuit the internal process by imposing a plan from outside. The function of the reserve funds can serve as a temporary cushion during the process of reform. The referendum is not a freeze. If reforms meet expectations but require additional funds in 2014 a tuning process may commence to raise the dues to a new set-point adequate for the future needs.

Structural reforms on many key issues have not been undertaken on the initiative of the governing body. The referendum will institute a process of dialogue with the membership that will make us truly self-governing and should generate suggestions that may then be formalized and re-submitted for member feedback. The plan that will emerge will be the outcome of this dialogue and cannot be anticipated. The WSBA members should trust that conditions determine outcomes.

By setting a new financial ceiling, should the members vote to approve the referendum, the borders of available energy will alter. The result will be a new structure that addresses precisely those mandatory functions that absorb most of the costs of the WSBA. The belief that no new efficiencies can be discovered is a vote for a status quo of ever more onerous and intrusive discipline of attorneys around a vacuous and evagant ideal of perfect advocacy using the materials of a legal system that appears each year more and more to embody a chaos of distinctions that approach the indeterminate.

Law is not a science nor are lawyers able to function as shock-absorbers for public indignation and frustration with the legal system. When we assume that Professional Responsibility can alone in all of the arenas of the law be certain and determinate and continually allocate funds in pursuit of that goal we make the practice of law the seeking of a mirage that recedes year by year before us.



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[Randall E. Winn Sheila\\_in\\_poulsbo](#) • [6 years ago](#)

So what should be cut?

Is "Cut First Think Later" really the advice you would give a client?



[Randall E. Winn](#) • 6 years ago

The Referendum has two major flaws:

1. It proposes a cut of over \$3 million per annum without saying what should be cut (...the idea that the reserves should be tapped is just silly; even moving to "inexpensive suburban" space costs money and after the reserve runs out, then what?)
2. The Statement For lists a catalog of complaints, but the Referendum does not address them. For example, there is a question a legal challenge to the privacy status of WSBA staff information; the Referendum doesn't do anything about that now or in the future.

If you're going to cut \$3 million a year, you have to have a plan FIRST.  
"Cut Now Think Later" is not professional.



JJ [Randall E. Winn](#) • 6 years ago

Those who are demanding that money be paid to them should bear the burden of proof. We know that about \$4.6M pays for discipline, but the disposition of the remainder is not apparent from vague and summarized documents such as the WSBA budget. Randall might have a point if the WSBA posted its check registers on line as does the Virginia State Bar. However, the WSBA declines to do this, and even redacts simple documents such as travel vouchers and credit card statements. Even if this referendum carries, there will remain more than \$2M in reserves. That should cover moving expenses to the WSBA's new home.



[Randall E. Winn JJ](#) • 6 years ago

Why don't you say which functions you would cut? You can get a list of WSBA functions here: <http://wsba.org/Resources-a...> so pick some and tell us that you support eliminating them.

If you're saying that you don't have the information necessary to make a decision, I agree. A responsible plan to cut \$3 million from an annual budget takes information which you don't have. And that doesn't mean travel vouchers; that means programs and funded positions. Which ones should WSBA dump?

The idea of draining reserves to fund one year doesn't help; at the end of the year you still have to dump programs or raise dues. Which is it going to be?

As for the idea that \$2 million is sufficient reserve, let's see the math on that. What is the total cost of moving an office and supporting it for the life of a lease?

These are things that go into responsible financial planning. The Referendum's proponents refuse to do any of that. Maybe they have a case but they refuse to show it. Even a plan that has blanks for dollar amounts would be SOMETHING, but would you ever hire a carpenter who works by the rule "Cut First Think Later"?



•

W. James Biederman [Randall E. Winn](#) • 6 years ago

I work for a federal agency and budgets are cut all the time without designating which functions bear the brunt of the cuts. That is left up to management, who must discern which functions are required and most important and set priorities for the available funds.



harry m. reichenberg • 6 years ago

To the best of my knowledge this is the first time that bar dues have been presented as an issue with various pros and cons about reducing them. My impression is that both sides have valid arguments. I say let's not reduce them and see if the WSBA addresses the issues that lots of the lawyers are complaining about. Give them a year. If they are not seriously addressed with appropriate responses then I say bring up the reduction of bar dues again and I'll vote for it.

harry m. reichenberg



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Howard Todd [harry m. reichenberg](#) • 6 years ago

This is not the first time bar dues have been subject to referendum. A dues increase was challenged by a referendum in 1992, and the proposed increase was rejected. History teaches that this did not result in the demise of the WSBA, although it was attended by predictions of dire consequences. We seem to have survived.

I don't believe WSBA leadership will interpret a vote against the dues rollback as a reason to change course, and I don't believe the Proponent should have to initiate a second referendum when the leadership fails to respond with meaningful reforms. I say this because the WSBA is sitting on reserves in excess of \$5.4 million. (I am relying on the WSBA's Auditor's Report, which is accessible through the Proponent's website). There is no good reason to accumulate reserves in this amount. When revenue from licensing fees exceeded the amounts forecast in 2010 and 2011, as it did, the WSBA leadership could have and should have recognized that as a reason to reduce dues. What it did, instead, was "front-load" contributions to reserves to cover the costs of refurbishing existing leased space or covering the costs of moving to another space in 2016 (see Auditor's Report at page 8). In my view, the Board of Governors declared its priorities. It's not likely to change them in response to a vote that ratifies its position.

I wanted to refresh my memory about the 1992 referendum, and looked to see what was available on the internet. I came across a contemporaneous article in Bar Leader magazine (March/April issue, p. 8) that illustrates how badly out of touch the WSBA's apologists are with reasonable and objective measures of accountability. In 1993, when Dennis Harwick was Executive Director of the WSBA, the WSBA's dues structure was justified by reference to the need for adequate reserves, which Harwick described as 10 percent of the operating budget. By my calculations, the WSBA's current reserves are well over 30 percent of its current operating budget (again, relying on the Auditor's Report).

I don't believe the WSBA's apologists have acknowledged that reserves have accumulated to this extent, and I am certain they have not presented a valid argument in its defense. In my view, it's more reasonable to use the reserves to cover the costs of a dues rollback than it is to preserve the reserves and hope that the leadership sees fit to do the right thing.



• [Randall E. Winn](#) [Howard Todd](#) • 6 years ago

The referendum cuts revenue over \$3 million per year. The reserve of \$5.4 million can cover that at most 1.5 years. What happens then?

Well, one thing that happens is that when the office lease runs out, we have nothing to fund a move with. That's not prudent.

The other thing is that after 1.5 years, we have to cut \$3+million or raise dues. What goes?

Referendum proponent have not offered \$3 million in cuts. In private life as in public life, it is irresponsible to "Cut First Think Later".



Duesrollback [harry m. reichenberg](#) • 6 years ago

Don't do us any favors.



•

NatureLaw [Duesrollback](#) • [6 years ago](#)

In general response, how long do we have to wait? The reduction of bar dues may have been formally presented now but all the other issues encompassed within the referendum are ongoing...these other issues have been presented to the WSBA by individuals, myself included but no action has yet been taken...



Redacted • [6 years ago](#)

WSBA documents for the Maui trip are posted on [legalez.com](#). The worst redactions are those on documents related to what appears to be a WSBA-owned American Express Card entitled "Expense Reports". The problem? Entire entries have been blotted out, with no indication whatsoever of the purpose or the amounts. You can see these by clicking on the "Aloha" item on [legalez.com](#) and scrolling down toward the end of the PDF file.



Bob Simeone • [6 years ago](#)

How much of the budget is dedicated to Casemaker?



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Redacted [Bob Simeone](#) • [6 years ago](#)

$50,000 / 13,000,000 * 100 = 0.38\%$



NatureLaw • [6 years ago](#)

Due to the economic meltdown and coming into the profession at what amounts to the wrong time, I couldn't afford to pay full fair bar dues, plus pay for all the additives in order to hope I would come into some financial return. As a result, I opted (though no other viable option existed) to pay less bar dues and call myself "inactive".

Unfortunately, I can't now vote on the referendum. I will only add to the myriad of comments and some of my previous ones that ideally persons in leadership would be responsive to the concerns of all members. Since, we know that rarely happens, I think the bar fee referendum is both necessary and a good use of everyone's time.



• [WSBA DUESROLLBACK NatureLaw](#) • [6 years ago](#)

You should ask for a ballot anyway. Take a look at *Kramer v. Union School District*, 395 U.S. 621 (1969).



• NatureLaw [WSBA DUESROLLBACK](#) • [6 years ago](#)

I read the case. It seems to depend on the extent or nexus between the formal day-to-day business of the WSBA and the State of Washington...but disenfranchisement is still disenfranchisement - the distinction between "active" vs. "inactive" in terms of voting on the referendum is discriminatory on its face and there is no apparent rationale for making the distinction. Thanks for the input :)



Mike Bissell • [6 years ago](#)

Did the WSBA pay for the utterly unnecessary trip to Cuba, or any portion thereof?





[anotherneighborhoodactivist](#) • 6 years ago

I do not have time to read all the comments. No one has such time who is doing anything "gainful."

My two bits:

1. The WSBA needs reform. I agree with all the comments about the need for transparency, open records, accountability, etc. I also agree about the ethics line; they should either be empowered to make hypothetical (or even fact specific) judgments, or disbanded.

2. I disagree with using a referendum to bring about accountability and structural reform. It feels like "conservatives" who want to govern via reactionary fisc initiatives instead of playing politics (a certain person from Mukilteo comes to mind). I believe that is the source of the angry tenor of some comments, and I join others to request that the dialogue be kept as civil as possible.

3. I have been a member of the bar since 1978. I have had years when I practiced law, and many years when it was only a few thousand dollars of my income. Like now. I use Casemaker and go to ELUL§ fairly regularly, and would not like to see them eliminated. (Even though [scholar.google](#) is almost as good as Casemaker and better in some respects.)

Point 1 says I vote Yes.

Point 2 says I vote No.

Point 3 is a wash.

I voted No. Caveat; I sent an email to editor of the journal a month ago (Feb. 6) that never got acknowledged. Here it is:

To: [comments@wsba.org](mailto:comments@wsba.org)  
From: Toby Thaler <[toby@loupploup.net](mailto:toby@loupploup.net)>  
Subject: Bar dues  
Cc:  
Bcc:  
X-Attachments:

I do not support an across the board reduction of our license fee.

However, I do support some "regulatory relief" for those of us who do not make a lot with our bar license. Over the years I've been employed as a lawyer in the non-profit sector, and made a decent wage. No longer. I am now self-employed as a "natural resource law and policy analyst." Moreover, most of my legal work is public interest—low hourly rates and pro bono. And my "policy analyst" work does not require a bar license, and commands a much lower hourly rate.

In 2011 I grossed less than \$10,000 as "attorney-at-law" and it will likely be far less this year. That means my bar dues are up to 10% or more of my lawyer-based income. Why should I pay the same license fee as lawyers who are making ten to a thousand times more? I suggest that the best counter to pressure for an

across the board cut is for the WSBA to consider a graduated fee scale, and give us low income lawyers a break!

Many states have a provision for lower fees for recent graduates. California and Minnesota charge lower dues for lower income lawyers. I suggest that the WSBA publish a table comparing bar dues (cf. Wisconsin bar report 2009 BackgroundFeeComparison-SummaryReport.pdf: at <http://www.wisbar.org/AM/Te...>), and then come up with a proposal for consideration by the governors and members.

Toby Thaler  
WSBA #8318



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\*\*\*\*\* [anotherneighborhoodactivist](#) • [6 years ago](#)

Casemaker costs the WSBA \$50k per year i.e. about \$1.50 per member. As Lori explains below, 93% goes to salaries and benefits. Rent, travel, phone bills, office equipment, payments to outside counsel for fighting public records requests, contractor payments, etc. is all in the remaining 7%. And anyone who objects has an "angry tenor", is a "reactionary", and is just "playing politics".



•

[Randall E. Winn](#) \*\*\*\*\* • [6 years ago](#)

What \$3 million per annum would you cut from WSBA's budget?



[Psimmerly](#) • [6 years ago](#)

Can you please provide an explanation of how the Bar paid \$60,000 to partially compensate a lawyer for her attorney fees for defending a completely frivolous disciplinary proceeding, where these funds came from, why an explanation has been refused by the Bar, why this matter has been covered up and why the offending parties still have jobs? In other cases, the Bar itself has asked for Suspensions for attorneys violating CR 11.



•

??? [Psimmerly](#) • [6 years ago](#)

I would also like WSBA to respond to Psimmerly's question above. Psimmerly, how do you know that the Bar paid \$60,000 to partially compensate a lawyer for defending a frivolous bar proceeding?

Thank you.



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Psimmerly [???](#) • [6 years ago](#)

Do you see any denial on here from the Bar? This website is being monitored by their Communications Officer. BAR: PLEASE RESPOND AND ALSO EXPLAIN WHY THIS WAS KEPT A SECRET FROM BAR MEMBERS! Yes, by all means, please ask for an explanation from the Bar and former Justices Sanders, Bridge, Enyeart, Talmadge and Alexander (their email addresses are public record).



JJ [Psimmerly](#) • [6 years ago](#)

p.15 of the Brief says that WSBA Disciplinary Counsel made misrepresentations of fact .... this obviously could not be true.



•

Psimmerly [JJ](#) • [6 years ago](#)

These are not arguments - they are findings of fact made by the Hearing Officer! Since our Supreme Court is in charge of the Discipline process, intentional misrepresentations in a Discipline Proceeding are intentional misrepresentations to the Supreme Court. This should

justify disbarment of the offending attorneys from the Office of Disciplinary Counsel. However, since discipline is not handed out uniformly or fairly, no disciplinary proceedings were brought against the offending attorneys.



Duesrollback [Psimmerly](#) • 6 years ago

A copy of the defendant lawyer's brief, which contains some astounding quotations from the Hearing Officer, is posted at [http://legalez.com/WSBA\\_RUL...](http://legalez.com/WSBA_RUL...). If the link does not work, you can just get it from the main menu at [legalez.com](http://legalez.com).



Hhornre634 • 6 years ago

We are all paying more property taxes, even as our residential properties decline in value, paying for fire districts in addition to property taxes, which is in effect a raise in taxes, we are paying more in gasoline, and we are therefore being constrained in our personal spending. I think this has to be passed on to the WA state bar as well. I also pay CA bar dues, and they are less than the WA state bar dues. I also have to say that the 45 CLE hours required by WA exceeds the 25 CLE hours required in CA for example, and I know that the WA bar brings in significant revenue from the CLE programs. I am in favor of keeping costs down and reducing WA bar dues.



• [Randall E. Winn Hhornre634](#) • 6 years ago

WSBA CLE department is self-funding. Its money doesn't help other departments and vice versa (unless there is some accounting error, which is always possible when humans are involved.) The Referendum's only impact on CLE relates to some free CLE programs, e.g. free training for certain types of volunteers, which may or may not be funded out of non-mandatory funds. Do you think these should be part of the \$3million annual cut the Referendum requires?



Lori • 6 years ago

Budget analysis of how your Bar dues are spent:

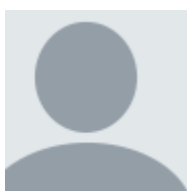
2010 Budget:

Licensing Revenue: \$12,918,428  
Staff Salaries & Benefits: \$12,098,464

2011-2012 Budget

Licensing Revenue: \$13,300,000  
Staff Salary & Benefits: \$12,631,381

In 2010, of the \$450 each lawyer paid in dues, \$28.57 did not go directly to staff salaries and benefits. Put another way, 93.65% of your Bar dues went directly to support the 147 employees of the Bar, all of whom are in the state PERS system. Therefore, our dues must cover their salaries, benefits and contributions on behalf of each employee to the state pension fund.



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Average outrage [Lori](#) • 6 years ago

Has anyone encountered a WSBA employee who seemed to be worth a salary of \$85,927.76? I certainly have not.



[Chris](#) • 6 years ago

Can you give us some idea of what the \$4.3 million for "discipline" on the budget is being spent on? That seems like a lot.



[Debra Carnes](#) Mod • 6 years ago

There have been a lot of comments about the WSBA Expense Report found at [legalez.com](#) that contains redactions. The proponent made a specific request to WSBA for expenses related to the Western States Bar Conference in Hawaii. Therefore, when reviewing the Expense Report posted on [Legalez.com](#) it's important to note that all redactions were for expenses not related to the Western States Bar Conference.



- Carol Smith-Merkulov [Debra Carnes](#) • 6 years ago

The Expense Report lists "Western State" and Maui. The lodging amount in that column is redacted. Perhaps you might want to rethink your explanation? So how much did the WSBA pay for lodging for that event? And - once again - why was it necessary for anyone from the WSBA to attend? Ever hear of video conferencing?



- Account-ability? [Carol Smith-Merkulov](#) • 6 years ago

A 3rd-rate auditor could find a hundred questions in these few pages. Why does someone with offices in Cashmere claim 360 miles when it's only 274 miles round trip to SeaTac. Why would anyone who has ever used an airport pay full (rack) rate to park at SeaTac? Wait, he didn't pay for it. There are too many questions to count. In sum, it shows a ham-handed, arbitrary, and self-serving attempt at controlling information. More support for that? Guess again.



- Chris [Debra Carnes](#) • 6 years ago

I'm a little confused. If the expenses weren't related to the conference, why are they on the expense report? Sorry, maybe I'm misunderstanding.



- [Randall E. Winn](#) [Chris](#) • 6 years ago

The most likely explanation is that the expense report was submitted for a period of time, e.g. a month and some of those expenses related to other matters that were not requested, e.g. in-state BOG meetings. (...where "e.g." emphatically means "I don't know but this is a plausible example")



- JJ [Randall E. Winn](#) • 6 years ago

There is no legal basis for redacting items merely because they pertain to a matter not requested. Besides, such redactions would be a waste of valuable staff time



- [Randall E. Winn JJ](#) • 6 years ago

Yes and no. It may be a good thing to scan and post all expense reports online as a matter of course. The expense would be minimal if it were a semi-automated process and I don't see what the problem with this would be. Probably some embarrassment as people got used to the new regime of openness, in which every purchase of a sandwich will be criticized, but welcome to life in the Internet Era!

That said, the Referendum does not accomplish this goal.

The question of "legal basis" is not one I'm competent to judge but I would suspect that, under Washington State's version of the division of powers, the Court have substantial latitude to limit open records laws. My feeling is that, if so, this is terribly unwise policy; for evidence, look at all the bad feeling generated by the redactions. Simply releasing the unredacted reports may have been legally unnecessary, but it seems unlikely that it would have shown malfeasance.



- Redacted [Debra Carnes](#) • 6 years ago

Thank you for this explanation.

The Bylaws require that all WSBA records be open for public inspection. If a portion of a record is to be withheld, it must be upon the basis of one of the listed exemptions from disclosure. When the records were provided, no exemption was cited as a basis for the redaction, and your comment above cites no exemption either.

Also, are you now able to tell us whether WSBA employee time was used for the trips to Cuba, Vietnam, and Australia?



•

[Randall E. Winn Redacted](#) • [6 years ago](#)

Let me supplement JJ's comment as follows. If my impression of Bar staff practice is correct (and it might not be) the argument may be about to be made that the records are sufficiently open if they may be inspected at the Bar's office. I am not competent to rule whether this is a legally correct argument, but it would be very unwise policy in the internet era. More openness, not less, will be less costly and more efficient in the long run. It is difficult to imagine a harm that would accrue to the WSBA were all expensive reports scanned and posted online as a matter of course. Regardless of the outcome of the Referendum, this is an action that the BOG should consider.



[Sheila\\_in\\_poulsbo](#) • [6 years ago](#)

I certainly hope that members are taking time to read this on-line discussion before voting. The Yes position is being favored. I think this is indicative of the fact that we are hearing from individuals. Does anyone find it paradoxical that several local bar associations took the "vote no position?" Did the leaders take time to poll their membership before recommending opposition to the referendum?

A yes vote is not designed to be an indiscriminate "scorched earth" reaction but is rather designed to return the bar to a sense of itself as a representative body by forcing dialogue and fiscal awareness. If the referendum passes, I hope the WSBA will take the following steps:

1. Look first to reserves before drastic cutting of any existing programs;
2. Preserve all sections since they are partially financed by an additional yearly assessment.
3. Adopt new standards for lawyer discipline by mandating some type of consequences for those who may make reckless or unsupported allegations of lawyer misconduct.
4. Consider re-location of the offices of the WSBA or into purchase of a permanent site for those offices in a suburban setting in Olympia where it may increase its interface with state government.
5. After this process is completed the WSBA may approach the membership for a dues increase in 2014 after the process of weeding and tending has been completed.



•



[Randall E. Winn Sheila\\_in\\_poulsbo](#) • 6 years ago

What, exactly, should the \$3+ million come out of?

#3 has nothing to do with the Referendum. The standards you suggest may be a good idea but has nothing to do with dues.

#4 is what the \$5+million reserve is all about, but the existence of the reserve is a major point of the "Statement For". Are you agreeing that this is an error ... that a reserve for a move is prudent?

#5 so what should be cut? How can you responsibly cut 26% without having some sort of plan with real numbers?

"Cut First Think Later": Is that really responsible?



Away from home • [6 years ago](#)

Wow.... I hope I am misreading what appears to be an incredibly gullible assumption that the existence of links to various resources on the Virginia State Bar website is proof that VSB actually offers decent services. I am currently practicing "next door" in Maryland, so I will ask around to get opinions from colleagues barred in Virginia.

I know that the county bar associations here in Maryland list a variety of services/programs on their websites, such as pro se legal clinics, but I have found that referring someone to these services tends to be a dead end. Also, I regularly deal with parallel administrative agencies in two neighboring counties. If I just read from their websites, I would think that they offered comparable services and quality. Unfortunately, my experience couldn't be further from that assessment--the two are as different as night and day. I have to send certified letters with threats of litigation to the one just to get any response. I don't know the quality of VSB's offerings, but it sounds like most other people commenting here are also lacking in any actual knowledge.

It sounds like a number of you have specific complaints about poor service from WSBA, and I guess your hope is that by cutting funding to WSBA you will send a message about your specific complaint. That seems tremendously optimistic. Your "yes" vote only sends a message that you don't want to pay \$450 in dues--it doesn't explain whether your motivation is a desire to trim WSBA offerings, to punish WSBA governors, to promote efficiency, or some political statement.

Are we, the WSBA, really so lacking in creativity that an arbitrary cut to dues is the only tool for reform we can devise? That's embarrassing...



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Redacted [Away from home](#) • [6 years ago](#)

So are you OK with WSBA employees traveling to Cuba, Vietnam, Australia, and Hawaii on WSBA time? Do you find it "embarrassing" that the WSBA is redacting dollar amounts off of travel vouchers? This is not "poor service"... this is a failure to account for the use of license fees.



•

Away from home [Redacted](#) • [6 years ago](#)

Why stop with allegations about trips and travel vouchers? Let's make the argument even more exciting and assume for purposes of argument that WSBA employees are all axe murderers. Voting "yes" on the referendum doesn't send a message of "Get rid of the axe murderers". It just says "I don't want to pay \$450 in dues."

This is vastly less constructive than, for example, a referendum that says "The 2013 WSBA dues shall be reduced by the amount spent on overseas travel in 2011, and in the future, WSBA dues shall not be spent on overseas travel".



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Redacted [Away from home](#) • [6 years ago](#)

Redactions indicate that WSBA staff are not willing to be candid with members about the use of money and that they are unwilling to be accountable. Cutting dues is more than just sending a message. It is simply declining to place further trust in those who have shown themselves to be unwilling to account. In any case, the redactions are not "allegations". They are a physical reality which you can view for yourself at [legalez.com](http://legalez.com).



•

[Randall E. Winn](#) [Redacted](#) • [6 years ago](#)

So what you're saying is, you don't want to take effective action, e.g. changing the Bylaws to mandate thus-and-so. You just want to cut \$3 million to send a message.

Have you considered ProFlowers (tm) instead?



- [JJ Randall E. Winn](#) • 6 years ago

So are you willing to condemn the redaction of travel vouchers and credit card statements? Do you think the WSBA should disclose usage of employee time for international trips? The burden of proof should be upon those demanding the money, and they are not meeting it.



- [Randall E. Winn JJ](#) • 6 years ago

Yes.

WSBA should change its policy to automatically scan and post on the internet all expense reports. It's difficult to think of a harm that this could cause, although it would represent a large increase in openness.

I suppose a temporary exception might be made in the case of confidential investigations, but otherwise why not? The technology can make this pretty inexpensive, if the membership make it clear that this information is wanted.

That said, the Referendum does not accomplish this goal. By cutting \$3million out of the annual budget, it reduces the chances of meeting this goal. Proponents of openness should consider running for the BOG or other means of implementing openness.



- [Seattle lawyer](#) • 6 years ago

I have been a member for 20 years but not once have I been asked for feedback about services. I have received excellent service from the customer service people who answer the phones, but must agree with the prior comment about committee staff. From what I have heard from others who were the subject of grievances, the disciplinary process is also bloated and inefficient. The ethics line has been so unhelpful recently that I find it is better to ask colleagues than to call. I have already found the RPC and read the opinions online before I call and the condescending references to rule number are just a waste of my time. If the Board of Governors cared about the members, wouldn't it occasionally seek input from the rest of us (those not elite enough to know our governor personally)? Even an email from my governor asking for feedback and suggestions would be a vast improvement over the current complete lack of interest.

I too wish there had been an intermediate choice between \$450 and \$325, but I am voting yes to send a message that members' views have been ignored for too long.



Mharrell • [6 years ago](#)

I agree that WSBA should cut back, and members should see reduced license fees, but \$325 seems more than bare bones. It would have been nice to be given some choices.



• ##### [Mharrell](#) • [6 years ago](#)

With the client security fund assessment, it is really \$355 .... versus \$250 for the comparable Virginia State bar ..... and considerably less than 50% of the license fee goes for lawyer discipline, so it is hardly "bare bones".



• [Randall E. Winn](#) ##### • [6 years ago](#)

You are at best mistaken about Virginia. Virginia has two organizations: the State Bar ( <http://www.vsb.org/> \$225 plus \$25 Client Protection Fund) and the Virginia State Bar Association ( <http://www.vba.org/> base dues \$250 ) which between them cover the functions that the WSBA does ... and together their dues exceed WSBA's \$450 (plus \$13 for Client Protection Fund)



• JJ [Randall E. Winn](#) • [6 years ago](#)

VBA is a private organization that is entirely optional. If you want to make a comparison, add WSBA dues to WSTLA dues or KCBA dues. The ABA Dues Survey is an objective comparison among the states. You can view it at [legalez.com](http://legalez.com).



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[Randall E. Winn JJ](#) • 6 years ago

Please review the history for the VBA: <http://www.vba.org/displayc...> It is not at all comparable to WSTLA or KCBA; rather, Washington's lawyers long ago chose to combine the functions of regulation and of statewide professional service. It may be time to split them up, as Virginia did, and thereby accomplish a reduction in mandatory fees, and many other benefits, but the Referendum does not do this.

What programs would you cut from WSBA to accomplish the annual reduction of \$3million? Feel free to assume that you'll burn through the Reserve in ramping down ... thereafter, what \$3 million of stuff would the WSBA stop doing if you were in charge?



[Lavaux](#) • 6 years ago

When times are tough, I do more with less. So can the WSBA. Times are tough. Vote yes.



[Howard Todd](#) • 6 years ago

I think it's useful to compare the mandatory bar association in Washington with the mandatory bar association in Virginia, and it's not all that difficult to do. The website for the Virginia State Bar (VSB), which is the mandatory state bar association in Virginia, can be reviewed at <http://www.vsb.org>.

The website includes a drop-down menu for "Member Resources" which includes "Ethics Opinions and Questions" and "Lawyers Helping Lawyers" among the programs and services provided by the VSB. "Ethics Opinions and Questions" is specifically described as a legal ethics hotline. "Lawyers Helping Lawyers" is described as a confidential, non-disciplinary 24-hour service that is available to help lawyers take the first steps towards recovery. It's clear that the Virginia State Bar offers an ethics hotline and a lawyer assistance program (and other programs, besides). Tprseattle is wrong to say that it does not.

It is possible to confuse Virginia's mandatory bar association, which is known as the Virginia State Bar, with its voluntary bar association, which is known as the Virginia Bar Association, and thereby obscure

the central point of the Proponent's argument, which is this: the mandatory state bar association in Virginia is fulfilling its responsibilities to the public and the profession while providing programs and services comparable to those provided by the WSBA, and it is doing it for about half the cost.

I have voted for the referendum. I don't mean to suggest that a comparison to the Virginia State Bar is the only reason, but I take it as a symptom of the WSBA's failure to recognize how badly out of touch it has become.



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[Randall E. Winn Howard Todd](#) • 6 years ago

With great respect, you have the conclusion backwards. Virginia chose to separate its regulatory (mandatory) and professional service (voluntary) functions into two organizations, whereas Washington has chosen to keep them together. Perhaps they should be split; this is an idea worth looking into and may have many advantages. However the Referendum does not achieve it and it is illogical to compare Washington's total fees with only part of Virginia's.



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JJ [Randall E. Winn](#) • 6 years ago

"Virginia" made no such choice. The VSB is an integrated bar just like the WSBA, and anyone can see what programs it offers. A few lawyers in Virginia made their own choice to have a private organization, and they called it "VBA". If WSTLA had changed its name to WBA, we would have the same result here.



•

[Randall E. Winn JJ](#) • 6 years ago

You are mistaken. Please read the history of the VBA here: <http://www.vba.org/display...> According to VBA, its history is as I stated; it preceded the VSB by 50 years and led the effort to develop the VSB.

And, at any rate, the key issue is this: what \$3million in stuff should the WSBA cut should the Referendum pass? Assume the Reserve is consumed any way you like, e.g. transition costs or rebated to the membership - once it is gone, WSBA's short \$3million a year. What goes?



Probative value • [6 years ago](#)

Any comparison of this bar or that bar, or for that matter, this profession and that profession, is useless without knowing exactly what each provides, why it's provided, and what benefit it is to the members. Anecdotes make bad policy. Argument based on anecdote leads to faulty conclusions.



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Redacted [Probative value](#) • [6 years ago](#)

We would like to know "exactly" what went on in Hawaii, but WSBA management provided only redacted travel vouchers. We would like to tell you "exactly" whether WSBA time was used for trips to Australia, Cuba, and Vietnam. However, the WSBA Communications Director has not responded to requests for this information, either "exactly" or otherwise.



Howard Todd • [6 years ago](#)

I was curious about the preceding statement, so I checked the website for the Virginia State Bar, which can be accessed at [www.vsb.org](http://www.vsb.org). The Virginia State Bar is Virginia's mandatory bar. It describes itself as an agency of the Supreme Court. It lists member services and programs in a drop-down menu under the Title, "Member Resources." The member services and programs include a legal ethics hotline entitled "Ethics Questions and Opinions," and a lawyer assistance program entitled "Lawyers Helping Lawyers." The fees required for membership in the Virginia State Bar in 2011 were \$ 250; \$ 225 for dues, \$ 25 for a Client Security Fund.

I also checked the website for the Virginia Bar Association, which can be accessed as [www.vba.org](http://www.vba.org). This is Virginia's voluntary bar association. The voluntary bar association does not offer an ethics hotline or a lawyer assistance program. So, yes, it is true that the Virginia State Bar Association does not offer a legal ethics hotline or a lawyer assistance program. The Proponent's Statement attributes membership services to the voluntary bar association (the VBA) that are actually performed by the mandatory bar association (the VSB).

I think it is more helpful to draw a comparison between the mandatory bar association in Washington and the mandatory bar association in Virginia than it is to draw a comparison between a set of acronyms. Upon that basis, it is clear that the mandatory bar association in Virginia offers comparable membership services to the mandatory bar association in Washington, and it fulfills its various responsibilities as a mandatory bar association at roughly half the cost.



[tprseattle](#) • 6 years ago

Mark Baumann's comment below about the Proponent's flawed comparison between the WSBA and the Virginia Bar Association is right on target. My sister, a long-time Virginia attorney confirms to me that: (1) Virginia's mandatory bar is the Virginia State Bar (VSB); (2) the VSB does not offer an ethics helpline, lawyer assistance program, or other programs that the Proponents say the Virginia Bar Association offers; (4) membership in the VSB is about \$250/year; and (5) a Virginia lawyer who is a member of both organizations is assessed an amount similar to the amount assessed for active membership in the WSBA.



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\*\*\*\* [tprseattle](#) • 6 years ago

Here is the VSB Lawyers Helping Lawyers Program

<http://www.valhl.org/>



\*\*\*\* [tprseattle](#) • 6 years ago

Here is the link to the VSB Ethics Hotline:  
<http://www.vsb.org/site/reg...>



Bill Sorcinelli • 6 years ago

Whatever the outcome of this referendum, Great comments and forward looking suggestions have been posted on both websites. Hope the WSBA listens, responds in a more efficient way to effectively support all of its members and not so heavily in favor of the elite. Thank all of you who have taken the time to become conversant on these issues.  
Bill S.





[Donald Graham](#) • 6 years ago

The Bar provides an excellent Bar News (except for occasional bias). It has good content and honors passing members. Of course it includes notices and bar discipline as necessary. The Bar also provides good CLE (that should be at cost and pay for itself) and good access to practice tools such as Casemaker. Of course it also administers bar admission that also should be at cost to the applicants. So the Bar has much value.

However, it has offices in expensive downtown Seattle, does next to nothing for the average small practitioner (except for those in downtown Seattle), and is expensive compared to other bar associations. Its online CLE could be cheaper as it is delivered essentially free after expenses for the time of presenters. It could have offices some place like South Tacoma where its staff lunches, parking fees etc could support blighted communities instead of the high rise owners in Seattle.

Overall the opponents of the referendum are blind to excess and think status overrides efficient delivery to paying members. The Bar needs fees but how about serving the members and not self image.

I am glad to be a member of the Bar and appreciate its work.



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Allbusinessmatters [Donald Graham](#) • 6 years ago

This comment almost precisely mirrors one I was prepared to make. I note also a recent article in the Bar News about the Bar's counsel who asked permission to present the rule permitting non-legally trained individuals, essentially, to practice law, a proposal the Board of Governors opposed, as though the Board's vote was simply advisory or just another process like coffee in the faculty lounge or some sort of bar-created peer review. I tried to think of a single instance, either in the public or private sphere, where the organization's general counsel asked to present a proposal opposing his board of directors, or trustees, and really couldn't think of one.

My point is that the Bar, with its extraordinarily high budget, an edifice complex reflected in prime Seattle digs, and a staff now advancing proposals to allow non-licensed and non-legally trained individuals to engage business that some lawyers now perform, the Bar and its staff have arrived at a point where it ought to be scaled back, and the essential functions of licensing, examining applicants, and disciplining errant lawyers should be the work of the Bar.



\*\*\*\* [Donald Graham](#) • [6 years ago](#)

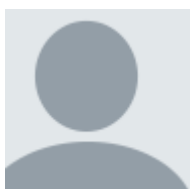
Great idea! Moving the WSBA Office to a minority neighborhood in Tacoma will help involve minorities with the work of the WSBA and allow them to feel more connected with the judicial system, and cost less at the same time.



[Wynnica Kerr](#) • [6 years ago](#)

My experience as a Section leader for several years is that the WSBA staff and its bureaucracy is bloated, grossly inefficient and over-controlling. Dealing with the WSBA staff is like a Monty Python skit sometimes!

I am in favor of the fee reduction because I think it is the best way to send a message to the WSBA management that there is much improvement needed -- now.



[Mark Alexander](#) • [6 years ago](#)

While I don't think passage of the referendum will immediately destroy WSBA, given the acknowledged surplus, that surplus cannot make up the difference for long. I am disappointed in the conclusory claim by WSBA that the proposed cut would impair "mandatory" services. It would have been more helpful to identify which functions are mandatory, with their budgets and the authority making them mandatory. On the other hand, I disagree with those who maintain that WSBA's financial information is not openly disclosed. One need only go the WSBA website, click About WSBA, and then choose Financial Information on the right of the web page for what one listserv member accurately described as "excruciating detail" about the budget and the annual financial report. I do think there are some WSBA programs and services that most members would find unnecessary. However, some are absolutely invaluable. Casemaker comes immediately to mind: a true bargain compared with keeping hard copies of the statutes and decisions (of ALL STATES) current. The Ethics Hotline is another very useful resource, if consulted less often. The reason I am voting No is: this isn't the way to make budget decisions. It's akin to mandating flat percentage budget cuts. They have understandable popular appeal, but have caused major hardships in many places. Those who we elect are given the task of deciding the organization's necessary income and expenses. If we don't like their votes, vote them out. Or volunteer your own time to run for election with a pledge to cut certain programs, if you wish. Our elected governors have the power of the purse, and have to make hard choices, but they are elected to do precisely that. Legislators who decree a flat percentage cut from unspecified programs and services shirk their fundamental duty to their electorate. And that's what this referendum effectively directs. Having seen the effects of such approaches to legislation (unfunded mandates), in good conscience I for one decline to do the same.



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naturelaw [Mark Alexander](#) • 6 years ago

Unfortunately, those that have been sitting in the seats they have been elected for are the ones who have maintained the status quo and it is a rare individual who swims against the current who may be elected in the future, if his / her participation can even change it. This referendum sends a message to those who are in leadership positions and sends a message to those who may consider entering leadership...a top heavy pyramid is built like a house of cards...and it is false to say that everything is just fine.



Yeah [Mark Alexander](#) • 6 years ago

Mark- Your points assume two things I don't think may be assumed. First, the "data" disclosed come from the Bar itself. Given the degree of unexplained redaction in the Hawaii records as an example of the controlled information, they are at least questionable. Second, as with all bureaucracies, the inmates control the asylum--and the information. No short time elected representatives can be said to control such organizations. Running for office will achieve very little. The WSBA has been co-opted for many, many years. The solution is to clean house and start again.



Redacted [Mark Alexander](#) • [6 years ago](#)

Dear Mark -

Please check out the redacted travel voucher for a WSBA Hawaii trip that is posted on [legalez.com](#) . Then tell us if you still think WSBA financial information is "openly disclosed".

Thank you for your thoughtful analysis.



• [Mark Baumann](#) [Redacted](#) • [6 years ago](#)

I looked at those. It looks like they only redacted account numbers. What's the problem? The proponents complain some BOG members went to Hawaii. They went to the Western States Bar Conference. What's the problem?



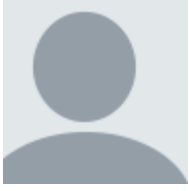
• Carol Smith-Merkulov [Mark Baumann](#) • [6 years ago](#)

Actually there were considerably more entires redated than just the account numbers. Look further up the page. Amount spent for food, lodging redated? Give me a break.



Lynda • [6 years ago](#)

I would like to know the organizational structure and how much are these people paid? What benefits they have? seems we pay so much to support a top heavy over paid staff.....



Seattle Solo • [6 years ago](#)

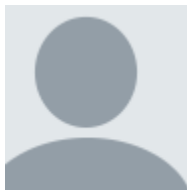
The WSBA's "License Fee Fact Sheet" attempts to justify our fees in part by repeatedly mentioning the growth of the WSBA's membership. ("continued growth of the membership", "membership grew by 5 percent", \$325 is equivalent to license fee "when the WSBA membership was 28 percent smaller") I don't get it: aren't all of those additional members paying license fees too? When the WSBA membership grows, the WSBA's income grows commensurately. Whatever happened to economies of scale?



windblownatty • [6 years ago](#)

I see a wailing that people get nothing from the bar. To some degree it is what you make of it. Those who scoff at the cost of WSBA cle programs apparently have not checked out the higher costs that private providers are charging. I have run across very few live CLE programs that are cheaper than WSBA. It is true that there are fewer offered on the east side of the state. It is a matter of people and economics. As for the complaints of lack of content, please check carefully to make sure you are not one of those I see reading your phone or newspaper during a session or leaving early. As I said before you get out of something what you put in it. I am sure you are all convinced you act ethically. How many of you could pass the multi state ethics exam today? The requirement for ethics education will not go away. If you study the RPC's and apply real facts against them you will find that it is not as easy as you thought to be the ethical lawyer. Just trying to do the right thing does not equal compliance with the RPC's. If you go to a good ethics program and pay close attention you may well leave a little more somber, realizing how easy it is to screw up.

These are tough times. It is painful to pay bar dues if you are not in some well heeled mega firm. I know from years of personal experience. Before you vote recognize that the bar can and does serve all attorneys. If you doubt that get involved. Join a section or two. Become involved with a Committee. You might be surprised to find out that the organization works much better than you think. This referendum may look appealing but is short sighted. The little bit of money it may put in your pocket will look insignificant when the true cost become apparent and you have to pay it. For the record I live in Eastern Washington. Vote No.



•  
Get Real [windblownatty](#) • [6 years ago](#)

You need to check out licensing fees for other professions. Physicians, for example, are \$375 per year. Most are less, and executive branch licensing programs refund money that is not used for actual administration of the licensing program. In any event, the Supreme Court will always

license lawyers based upon our local version of the doctrine of separation of powers, which the Court has firmly established.

Fees in states that have do not have "the unified bar model" are typically MUCH lower. Check out the ABA dues survey on [legalez.com](http://legalez.com).



•

[windblownatty Get Real](#) • 6 years ago

Real Estate Appraisers licence renewal 530.00 per year  
Chiropractors licence renewal 582.00 up from 520.00 Before relying on the Supreme Court to protect lawyers perhaps you should read RCW 2.48 et seq. The legislature in essence delegated licencing to the Bar Association. If you push the non unified bar idea to much it is difficult to say who might end up in charge of determining licencing fees. They may be no bylaws that allow referendums. The referendum is sailing the bar into uncharted waters. I find no comfort in what other states are doing. Washington's revenue generating structure relies heavily on fees. The other states may have a different revenue structure.



•

\*\*\*\*\* [windblownatty](#) • 6 years ago

.... and if RCW 2.48 means that the legislature can tell the Bar what to do, then the WSBA would also need to pay attention to the Public Records Act, the Open Public Meetings Act, and the Ethics in Public Service Act. The WSBA's view is that the legislature has now power over them, and I am sure that is your view also. So why even mention RCW 2.48?



•

\*\*\*\*\* [\\*\\*\\*\\*\\*](#) • 6 years ago

... typo ... should read "no power over them"...



\*\*\*\*\* [windblownatty](#) • 6 years ago

Architect	\$37.50
CPA	230
Court Reporter	125
Optician	100
Electrical Engineer	38
Registered Nurse	101
Pharmacist	190
Surveyor	38

Wow ... you had to pick through a lot of them to find the handful that cost more than the WSBA!



Sheila\_in\_poulsbo • 6 years ago

I was happy to read some comments on this list regarding the quality and the nature and purpose of the CLE requirement. Besides subsidizing a cottage industry, the CLE requirement is if anything more onerous and costly than bar dues. Whatever your practice may be the real incentive provided to stay current comes from three sources: 1. a desire to do good work for your clients; 2. The requirements of the general standard of care that is required for you to do work in that area of the law; 3. The potential sanction of malpractice or attorney discipline. Do we really need a fourth incentive to pile up CLE credits, which may be interesting or not, competently taught (or not), and in the last analysis never a full meal in any case but more like an academic appetitizer or a dessert? The CLE requirement which some may see as setting a minimal standard of on-going professional education fails to understand that the real on-going education after law school is simply practicing law every day. If that is not sufficient you will soon lose clients and be out of business anyway. The CLE requirement is only one more area where a gesture is being made for our own good and to impress the public that the profession is on the ball because our "self-governing bar" is acting like a good nanny with a stick to be sure that we behave. When do we get to be grown-ups and professionals and manage our own lives and continual education? Each year the superstructure of our lives grows more costly and intrusive. Is it any wonder then that we need the LAP when the strains and expense become too much?



east-sider • 6 years ago

I live on the east side of the state and I don't think I have ever benefited from WSBA services other than one CLE. On top of that, I am a member of 4 bar associations and WSBA is by far the most

expensive. And still on top of that, it is a tough time for many attorneys. I therefore support reducing the fees to the more reasonable \$325.



[Mark Baumann](#) • 6 years ago

I'm still trying to understand the facts. I see the proponents try to compare the WSBA with the Virginia Bar Association (VBA). However the VBA is a voluntary bar. The Virginia State Bar (VSB) is a mandatory bar. It's a little hard to compare them apples to apples and I am wondering if anyone has done so? For example, it appears the VBA conducts CLE, has a law office practice program, engages in legislative efforts, promotes best practices, offers networking opportunities and discounts on some programs. The VSB has CLE, sections The WSBA does some these. I also wonder why the VBA needs to exist? Is it because the VSB is limited in what they do? It looks like each bar charges \$250. Has anyone researched how functional it is to have two bar associations in Virginia?



Get Real [Mark Baumann](#) • 6 years ago

WA has state-wide bar associations for trial lawyers and defense lawyers. We also have 17 minority bar associations based upon race, gender, or sexual preferences. Is this because the WSBA is limited in some way? Please clarify your question. Also, please note that the VSB has a Diversity Program, a Leadership Program, Pro Bono programs, and many more programs, plus they publish a magazine comparable, although somewhat less glossy, than the BarNews. Perhaps we could hire away their Executive Director.



[Mark Baumann Get Real](#) • 6 years ago

You are correct, whoever you are. The VSB has several programs which WSBA also has. I think my question was pretty clear, but I suppose I can ask another one. What are we going to lose that is worthwhile and how much work will it take to reinstitute those programs?

Part of the issue is the replacement cost of programs that benefit us, especially those programs that provide a benefit that is not necessarily obvious, like the access to justice programs I mentioned in an earlier post. I remain curious to hear \*facts\* about the issue to help determine if it is really necessary to dump developed and ongoing programs so that another bar can be formed and pick them up. I understand the argument that there might be fluff in the "mandatory"



programs, but again, I haven't seen any hard \*facts\* on that. Without doing a lot of research, it seems difficult to compare what we have that Virginia does not, or vice versa. Without a solid factual comparison, it seems that working to make change from the inside may be a more reasonable approach than a scorched earth policy.



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Get Real [Mark Baumann](#) • [6 years ago](#)

If you demand such "facts" then you should also be demanding that WSBA, per VSB's example, put its check registers on-line so that everyone can find the "facts". Instead, the WSBA has the most restrictive public records policy of any entity in Washington State government. Meanwhile, what "fact" we do have is that 8 out of 10 other states in the country manage to operate with lower mandatory fees. Don't you wonder why this is? Meanwhile, perhaps you can explain why the WSBA refuses ABA recommendations that Disciplinary Counsel be independent of control by the Executive Director. We spend all of this money, but we still have a Discipline system that does not meet ABA standards? The general pattern is that the WSBA operates like a political patronage machine, with none of the usual controls such as financial transparency, civil service hiring, whistleblower protection, Hatch Act prohibitions upon employee involvement in politics, and every other type of governmental reform that has been implemented elsewhere since the time of Oliver Cromwell. An entity that is this non-compliant with democratic norms cannot be expected to spend money efficiently.



Malena • [6 years ago](#)

Where do we vote at?? I don't see a link or anything.



•

[Julia Nardelli Gross](#) Mod [Malena](#) • [6 years ago](#)

Malena,

All active members will receive either a paper or email ballot – not both. If we have a valid email for you, you should have received an email ballot from Intelliscan (the 3rd part handling the ballots) yesterday. If we didn't have a valid email for you, you'll receive a paper ballot – those were sent yesterday as well.

If you think you should have received an email ballot but didn't, check your spam folder. You can email [debrac@wsba.org](mailto:debrac@wsba.org) if you don't receive a ballot.

Note that you can only vote using the link in the email that Intelliscan sends to you – the link from another attorney's ballot won't work. Each link is unique and can only be used to vote once.



Be nice. • [6 years ago](#)

Be kind to one another. I am noticing as I read this blog those who are opposed to the referendum seem to have logical reasons and wish to educate people. Those who are pro referendum seem to be doing a lot of bullying on this blog and accusing. As in every time a person points out reasons to consider a "no" vote they get several nasty or sarcastic remarks. It doesn't look to be going the other way or I would say it to both sides. It looks like attempts by those who want a 'yes' vote to intimidate those who might have a different opinion. I am new to blogging so maybe that is just how it works but bullying isn't cool.

I understand you are bitter and angry about certain aspects of the bar- yeah it needs fixing but I don't know that a cut in your fees is going to get you there. Probably participation in the structure through joining a Board, attending BOG meetings, contacting your local BOG representative could be a good idea. If you don't want a top down run organization be the change, don't just complain about what "they" are doing and decide to cut funding because we all know cutting the funding is only going to cut out the programs that provide people with real value. It isn't going to change the top down nature of the WSBA. We can all agree the WSBA needs fixing. I hope that point is heard loud and clear. Only each one of your participation will do that. That's why we became lawyers right to participate more in the "system" maybe even to change the system. Okay, maybe not. But look, there are a bunch of positions open on Boards on [wsba.org](http://wsba.org), apply for one or two.

I am sure this comment will get some sort of a snarky remark too. Geez.



RaisingTheBar [Be nice.](#) • [6 years ago](#)

Thank you for this post. I think everyone wants to be heard, some just talk louder. I appreciate your suggestions about becoming part of our bar as the best way to effect change. I couldn't agree more.



Get Real [RaisingTheBar](#) • 6 years ago

Yes, membership referenda are inherently illegitimate. The only legitimate way to participate is to apply for a position on some WSBA board and hope that you find enough favor with your local WSTLA-sponsored BOG member to actually get appointed.

"Some just talk louder". WSBA management gave itself a 10:1 advantage in column inches in the BarNews. That is "talking louder".



Huh? [Be nice](#). • 6 years ago

Summary: Proponents are "snarky" and "bitter" and they engage in "bullying", want to "intimidate" and are "nasty" and "sarcastic". They should refrain from name-calling and be nice.



Yes. • 6 years ago

When was the last time that you attended a CLE that was helpful to you in your practice? What a racket. There is a whole industry built up around CLEs. Low cost? Hah. Mandatory CLE seems to be a profit center. The only purposes of mandatory CLE is so that the WSBA can claim to the public that its attorneys are required to be "up to date" so that they can maintain their license. Vote "yes."



Yes, please. • 6 years ago

A yes vote is clearly needed. Not since the days of Alva Long has the Bar leadership been so befuddled. Several observations: 1) Never in more than 20 years have I contacted the Bar on a substantive issue and gotten a satisfactory answer. Voice mail boxes, the wrong person calling back, and frequently answers that are clearly wrong or fail to grasp the issue have been the norm. 2) As others have noted, the advocative involvement of Bar employees and leadership, using Bar communications channels, is at best distasteful. 3) As a judge, if litigants brought the kind of specious argument and proof in front of me as used by many of the people in #2, I would admonish their unprofessionalism and question their capacity. Finally 4) Is there anywhere a peer reviewed study that shows CLE training makes for a better Bar? We assume it's true, but is it? I'm not talking about getting forms or learning tricks--that would be done by any self-interested lawyer even without mandatory CLE. So without proof of benefit, is the requirement not ultra vires?



•

\*\*\*\*\* [Yes, please.](#) • [6 years ago](#)

"Alva did it, like that old commercial, one client at a time," Tolman recalled. "He looked at each person as somebody he might be able to help."

But he also worked at a higher level, elected in 1990 to the Board of Governors of the Washington State Bar Association. During his three-year term as one of the leaders of the organization that represents thousands of working attorneys from across the state, Mr. Long continued to challenge the time-honored traditions of the legal community.

He declared that "tradition sucks," and sought to keep the group's expensive annual conferences in-state. He fought a membership-fee increase.



•

\*\*\*\*\* [\\*\\*\\*\\*\\*](#) • [6 years ago](#)

Howell, who is African American and the only minority member on the otherwise all-white, all-male board, recognizes the difference between Long and other attorneys.

"I'm afraid that sometimes board members forget that they represent day-to-day lawyers that practice, and sometimes we're too puffed up with our own importance rather than realize that we're just there to represent lawyers of the association," he says.

The message the rank and file sent the bar establishment by electing Long, Howell says, is "they want someone to shake them up."

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Neil R. Sarles • [6 years ago](#)

Are there opponents of the measure that dispute the existence of a significant reserve? Does this Referendum only apply to 2013 dues? Does the BOG have the authority to set dues for 2014 and beyond?

Thank you.

Neil R. Sarles  
#8250



• [\\*\\*\\*\\* Neil R. Sarles • 6 years ago](#)

The referendum merely reverses the decision setting 2013 dues, so dues thereafter will be set by another BOG action. It is difficult for anyone to dispute the WSBA financial statement which details reserve funds. You can see it on [legalez.com](http://legalez.com).



[IndieLawyer • 6 years ago](#)

All this talk about LOMAP going away and the ethics line going away and the end of low cost CLEs! Wow! The fuss! The ruckus!!

I seriously doubt LOMAP's going anywhere. First of all, a consultation with Pete Roberts isn't free. If the referendum passes, that cost might go up. Those of us who need the break on our bar dues couldn't afford his services to begin, and a few more bucks an hour for a LOMAP consult won't matter to the firms that CAN afford him. The other LOMAP services that are currently free - the software clinics, etc. - should start charging nominal fees. That way the folks who use them underwrite the cost (rather than having ALL of us underwrite the cost). Seems fair, no?

And the ethics line? Well, that CAN go away. The opponents of the referendum keep bringing that up, and I just have to laugh. Frankly, the ethics line is the most useless "resource" I've ever come across. Why we're paying for it, I do not know. I've called the ethics line at least a half-dozen times over the years and not once has a live person ever picked up. Then, when I've gotten a call back, the only - and I mean the ONLY - advice I have EVER gotten from them has been, "You might want to read RPC \_\_\_\_\_." Um, yeah. I've read the RPCs. And I've researched the ethics opinions on the WSBA website. And I've probably even researched ethics opinions from other states by the time I've picked up the phone. I'm calling YOU because I'm stymied and I need to talk the ethical quandry out. But no. I get the same damn answer each and every time: "You should look at RPC \_\_\_\_\_." Useless. Utterly and completely useless.

As for low cost CLEs, where are they? I'm a solo with a transactional practice, so there are no big payoffs in my future. I could reeeeeeally use those low cost CLEs. Especially ones that relate to the work I do (i.e., business law, not litigation or criminal law or family law). But I haven't seen a "low-cost" CLE come from the WSBA in forever! \$225 isn't "low-cost" by my lights. Perhaps, though, they're talking about things like

the Lawyers Assistance Program Annual Conference, where one can get 9 CLE credits for only \$120. That's a deal....except that it's at Campbell's Resort in Lake Chelan. So add \$100/night for hotel + a couple of meals + gas. I'd love to spend a long weekend at Lake Chelan as much as the next person, but that doesn't change the fact that it isn't a "low-cost CLE program" once you add in the extra costs. Same with the Annual Solo and Small Firm Conference.

The only real benefit I get out of the WSBA at this point is the Business Law Section listserv. It's good to have local colleagues who can and are willing to answer questions and make referrals. Other than that, though? Hmmm....

The sad truth is that outside of my license to practice, I get many, MANY more benefits from my ABA membership than I do from my WSBA membership. How sad is that!? I get great discounts on books that I actually use in my practice, and my section memberships make some of those discounts even bigger (30-40% off the cover price is average). I also get some really good legal publications as a benefit of my section memberships. I get access to some great online resources like form banks and the materials from past section meetings.

Best of all, though, is a new benefit the ABA launched in October or November of last year: 18 hours of free, \*live\* CLE credits every year via monthly 1.5 hour webinars. Granted I don't have any control over the subject, and they don't take care of my ethics credits, but they're FREE and they're LIVE. And the ABA added this benefit even after rolling back their base membership dues two years ago, and cutting solos' dues by something like half.

At this point, the WSBA has precious few worthwhile services to offer me \*except\* my license. If it wasn't mandatory to be a member, I'd ditch my membership, since the only perceivable benefits I get for my money are the Bar News (great bathroom reading) and the Business Law Section listserv.



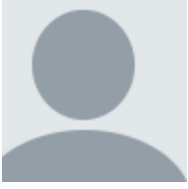
David • [6 years ago](#)

The articles about the WSBA leadership extolling the virtues of Castro's Cuba confirmed to many that the WSBA has become diverted in its energies to pushing 'progressive' causes.

The recent survey seemed to be premised on the notion that the law is about getting clients and lawyers to validate a lawyer's sexual or racial identity and not on doing the best job for our clients.

There has to be a dim awareness in the WSBA elite that pushing such causes will alienate a substantial minority (if not a majority) of the WSBA members.

If the referendum succeeds, it will be in part because the leadership shot itself in the foot.



Dogwatch2000 • [6 years ago](#)

Yes all the way.



seayounglawyer • [6 years ago](#)

A shout out to new & young lawyers who are considering how to vote -- you need to know that a "YES" vote on the referendum will most certainly mean the complete, or near complete, elimination of the Washington Young Lawyers Division (WYLD) as it exists now. The WYLD provides many programs and activities of value to young & new lawyers around the state, including opportunities for leadership and public service. Programs that give young lawyers a leg up in their careers such as the Leadership Institute would also be cut back or eliminated entirely.

The WYLD Board of Trustees and the WYLD at-large Governor are YOUR voice in the bar association and are key to getting your concerns, wants, and needs heard by WSBA leaders. Trustees can help you navigate and access the WSBA -- yes, it seems large, complex, and inaccessible. Those of us who are against the referendum completely "get" that there are many aspects of WSBA that are in need of an overhaul -- but we also understand that a dramatic funding cutback will jeopardize all WSBA programs and services -- and that the WYLD will be one of the first things on the chopping block.

We need a robust association and funding for innovative programs that will change our profession and that address new & young lawyers' needs (such as Statewide Moderate Means, just getting off the ground now). Without good funding, these programs will take ever longer to come to fruition, leaving institutions such as law schools to address the oversupply of new JDs and the increasingly shaky job prospects for new & young lawyers. While the fee reduction might seem like a good idea, in reality it will eliminate most if not all dedicated new & young lawyer programs and services.

For many years there has been pressure to eliminate the WYLD (or to turn it into a section) from those who have little to no understanding of the unique needs of new & young lawyers, the economic reality we face, and the vital role affinity groups such as the WYLD play in a lawyer's professional development. Please vote "NO" if only to keep the WYLD, which is a vital tool for your early career success and is your voice in the WSBA. WYLD leaders have been hard at work evaluating how to communicate better with and outreach to new & young lawyers around the state. WSBA and WYLD leaders want to engage in a dialogue with you about how the WSBA could be more relevant and useful to you, wherever you are and whatever your employment or practice situation.

However you vote, I encourage you to speak out and voice your concerns to WYLD and WSBA leaders, who are in the best position to ensure the WSBA is held accountable, that transparency is increased, and

that WSBA programs undergo the necessary changes to stay relevant, useful, and accessible for ALL members.



•

Erin Mcaleer [seayounglawyer](#) • 6 years ago

Dear WYLD: I have 150K in student loans, a wife and two kids to feed. Your constant begging to provide free and almost free services to crazy ass clients gets old. Your services are useless and should be turned into a section.



Dan [seayounglawyer](#) • 6 years ago

"Without good funding, these programs will take ever longer to come to fruition, leaving institutions such as law schools to address the oversupply of new JDs and the increasingly shaky job prospects for new & young lawyers."

So, the WSBA Young Lawyers Division is going to fix the problem of "an oversupply of new JDs" and fix the problem of "shaky job prospects for young lawyers"?

LOL



•

Dan [Dan](#) • 6 years ago

This is from the WSBA YLD page on this website ... the YLD is actually encouraging more people to go to law school.

Yakima Pre-law Student Leadership Conference

The annual program connects attorneys with Yakima-area high school students. Students who attend are encouraged to pursue a legal career and to take active leadership roles in their communities.





Sheila\_in\_poulsbo • [6 years ago](#)

In the face of the apparent surplus available to the WSBA it would appear that there is a built-in cushion before any draconian cuts would need to be made. During that time the WSBA could strive for means to convey in a more precise and detailed way to the membership how each of its budget items and activities functions, what its elimination would entail, whether a program could be trimmed without complete destruction, etc. I am afraid that we are being placed in an untenable position at this moment of voting.

On the one hand we have a moment where a certain momentum for change has been built up, an ever-present sign of vigilance and commitment to scrutinize the institution that affects our professional lives. A retreat at this point might allow that energy to dissipate with little reform.

On the other hand if we vote yes, then we must watch and wait and see whether, if the cuts have gone too far, whether structural damage may require even greater costs to restore those programs that deserve to continue. I would appreciate some input here so that members could know the risks with greater clarity. If the reserves can buy us time for a long overdue review and trimming, obtained by a yes vote without, as we have been led to believe, a yes vote would mean the creation of a poison pill for the WSBA for which there is no antidote.



• Dan [Sheila in poulsbo](#) • [6 years ago](#)

The rollback will cost about \$3.6M and the WSBA has > \$5M in reserves. The rollback is effective for only one year, so the Board will have to re-vote on the dues level for 2014. What else do you want to know?



Theskyisnotfalling • [6 years ago](#)

"We would lose programs like LOMAP, the Law Office Management Program that provides services to sole and small practitioners and those wishing to begin their practices. Gone would be the lawyers assistance program, our ethics hotline, and free legal research through Casemaker."

...most of which could and should be preserved as fee for service to the lawyers that need them, rather than included as mandatory fees to lawyers that do not.

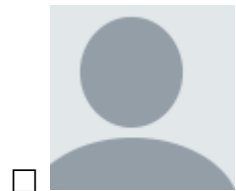
"Who defends our ability to self-regulate...[?]"

Straw man. The state has no money to add additional regulators.

"And a Yes vote would end all WSBA funding ... "

Justify the \$1.2 million surplus in 2011 and \$7+ million in reserves, even after all of those things were paid for. There is a way to preserve programs as well as save the membership money - it starts with budgeting to break even and drawing down the reserves to a reasonable level, and then making judicious cuts to mandatory and non-mandatory programs.

Also: why do public sector lawyers pay into the Client Protection fund? They are not a source of liability to the fund.



Patrick • [6 years ago](#)

I have been watching this discussion about the WSBA referendum with interest. So, as I read comments recommending that the Referendum pass and supporting the defunding of all non-mandatory bar services and programs, I wonder if my friends know that a Yes vote also means defunding programs created to help lawyers like us, and our neighbors, that we have built and paid for over the years. We would lose programs like LOMAP, the Law Office Management Program that provides services to sole and small practitioners and those wishing to begin their practices. Gone would be the lawyers assistance program, our ethics hotline, and free legal research through Casemaker. If we significantly defund the bar, then we lose our lobbyist and legislative committee and our voice in the legislature. Without a unified voice, who defends us? Who fixes the laws? Who protects our bar? Who defends our ability to self-regulate in a world where some legislators believe we should be regulated by the state like any other business with a license. And a Yes vote would end all WSBA funding and support to all diversity programs, ending all support to minority and specialty bars, defunding our staffing and program money for the Leadership Institute, ending all WSBA resources to support all voluntary legal services, ending all WSBA resources supporting the ATJ community and its programming. Voting Yes for the Referendum would also end WSBA support of the Home Foreclosure Legal Aid Program and the Moderate Means Program. Please understand that I do not suggest that anyone wants to end these programs to cause harm to our community. Instead I am seeing that some members have other issues with the WSBA and want to send a message that they need to listen to your voice. But, you have that voice already. It's a voice you give to the governors you elect and it's a voice that you have individually. Ending the WSBA as we know it is not giving you a voice, it is ending it. We cannot change what doesn't exist. Please don't needlessly harm so many that rely on all the good work your WSBA does every day. Be proud of your bar and what it stands for. If you see the need for change, then be a instrument for a better WSBA, and not the tool of destruction and hardship for your fellow lawyers and those in need in our communities. Please join the many bars and organizations who have voted unanimously to oppose the referendum; organizations like WSAJ, the King County Bar Association, the Spokane County Bar Association, minority bars like the Loren Miller Bar and QLaw, the ATJ Board, the Unemployment Law Project, Law Fund, the Campaign for Equal Justice, the American Board of Trial Advocates (Washington Chapter) and Sections like Tax Section, Real Property Probate and Trust Section and the Business Law Section. Please vote No Thank you ,

I have been watching this discussion about the WSBA referendum with interest. So, as I read comments recommending that the Referendum pass and supporting the defunding of all non-mandatory bar services and programs, I wonder if my friends know that a Yes vote also means defunding programs created to help lawyers like us, and our neighbors, that we have built and paid for over the years. We would lose programs like LOMAP, the Law Office Management Program that provides services to sole and small practitioners and those wishing to begin their practices. Gone would be the lawyers assistance program,

our ethics hotline, and free legal research through Casemaker. If we significantly defund the bar, then we lose our lobbyist and legislative committee and our voice in the legislature. Without a unified voice, who defends us? Who fixes the laws? Who protects our bar? Who defends our ability to self-regulate in a world where some legislators believe we should be regulated by the state like any other business with a license. And a Yes vote would end all WSBA funding and support to all diversity programs, ending all support to minority and specialty bars, defunding our staffing and program money for the Leadership Institute, ending all WSBA resources to support all voluntary legal services, ending all WSBA resources supporting the ATJ community and its programming. Voting Yes for the Referendum would also end WSBA support of the Home Foreclosure Legal Aid Program and the Moderate Means Program.

Please understand that I do not suggest that anyone wants to end these programs to cause harm to our community. Instead I am seeing that some members have other issues with the WSBA and want to send a message that they need to listen to your voice. But, you have that voice already. It's a voice you give to the governors you elect and it's a voice that you have individually.

Ending the WSBA as we know it is not giving you a voice, it is ending it. We cannot change what doesn't exist. Please don't needlessly harm so many that rely on all the good work your WSBA does every day. Be proud of your bar and what it stands for. If you see the need for change, then be an instrument for a better WSBA, and not the tool of destruction and hardship for your fellow lawyers and those in need in our communities.

Please join the many bars and organizations who have voted unanimously to oppose the referendum; organizations like WSAJ, the King County Bar Association, the Spokane County Bar Association, minority bars like the Loren Miller Bar and QLaw, the ATJ Board, the Unemployment Law Project, Law Fund, the Campaign for Equal Justice, the American Board of Trial Advocates (Washington Chapter) and Sections like Tax Section, Real Property Probate and Trust Section and the Business Law Section. Please vote No

Thank you ,



• Dan [Patrick](#) • [6 years ago](#)

"Who fixes the laws?"

Uh, maybe the legislature, elected by the people ...

"Who defends our ability to self-regulate"?

It sure isn't the WSBA, which seeks to terminate membership control by pushing for GR12.4, a court rule that will take WSBA financial records away from the Board and give it to the Court. Same goes for court rules that imposed the Client Security Fund and CLE. The obvious goal was to make such programs "untouchable" in membership referenda, so the unwashed would be stuck with them permanently, whether they desired changes or not. It is rather hypocritical to be yelping about "self-regulation" at this point.



Amy W • [6 years ago](#)

This referendum is a wake up call to the WSBA. I thought it was created to regulate the profession and support the members, but it appears to have changed the mission along the way and has become a tyrannical ruler of all member attorneys. When the dues were significantly increased at the height of one of the worst economical downturns in history, it was all too clear how out of touch the WSBA had become. Did they really think the recession did not affect its members? Their response was to remind us that all people needed access to justice and more than ever, people could not afford our services and needed our help. Uh, yeah, they can't afford legal services so how do you think attorneys were making money? What about the bar members that were in need of access to justice? The Bar has lost touch with the reality of modern attorneys. The dues are expensive, the services offered are irrelevant to many, and the WSBA itself is inaccessible to many members. Their response to this referendum is to threaten to dismantle the most important services we are paying for! That is ridiculous. A more relevant and ethical approach would have been to open up communication or propose some new ways to manage OUR funds. Many important programs that use our funds are worried that the WSBA will no longer support their community outreach if we reduce our dues. Many attorneys who work with these various programs are encouraging members to vote no and keep paying the higher dues because they don't want to lose funds to important legal programs. If members want to pay the higher amounts, why can't they just pay the lower mandatory fees and donate the difference? That is always an option when paying your dues anyway. That way, it gives some leeway for attorneys who can't afford the higher dues and still provides funds for the various projects that help local citizens. Another option would have been to offer reduced fees and CLE credit in exchange for pro bono services. That option would have benefitted both attorneys and the very people that so desperately need our help (as the WSBA constantly reminds us.) Hopefully, the WSBA will recognize that some change is needed and there is quite a large contingent of members who are unhappy with the way things are going, not just with the high dues we pay, but how the money is managed.



Publicsector • [6 years ago](#)

According to the audited financial statements, WSBA ran a \$1.2 million surplus in 2011, a \$1.5 million surplus in 2010, and has \$7.2 million in the bank in reserve funds. WSBA could not touch any of its programs including access to justice, etc., immediately rebate \$40+ to every bar member in the state for 2012, cut annual dues by \$40+, and still run a surplus going forward and not touch the reserves.



Andrew Shafer • [6 years ago](#)

I have been bothered by the Bar Association's lack of financial transparency for years. The current process reminded me that at one time the audited financial statement was published in Bar News. I really do not remember the last time I saw an audited financial statement. I assumed the audited financials are now posted to the website. They are not. In fact, the only way I found the 2010 2011 financials was to visit the website of this referendum's proponents. That, in itself, speaks volumes about the bar association's current leadership practices.

A review of the audited financials is not very informative. For example, what exactly is the function of the Access to Justice Board, who are its members, what do they do and why does it cost \$337,000 for this board to do what it does?

The Bar News is a dinosaur. Publish it on line and save a tree (not to mention a few hundred thousand dollars in annual printing costs).

Communications is another area that screams for explanation. What do we communicate, and to whom do we communicate for \$630,000?

Bar discipline is a huge item. It is a core function that ought never to be compromised. But why \$4.3 million? I am not saying this is not money well spent. I just want to know where the money goes.

Technology is another huge cost item (\$1.2 million). I note that Case Master is not itemized on the P&L. How much of this budget item goes to this free legal research service and equally important, why is it free?

What is the professional responsibility program? How does it differ from licensing, CLE and discipline and why are we budgeting \$300,000 for it.

I think it's time all members take the time to review the audited financial statement and start asking questions about how our dues are being spent. From my short, 15 minute review this morning, I have come to the conclusion that it is time to rein in the beast. I will be supporting the referendum.



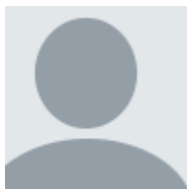
guest • [6 years ago](#)

I support the referendum which would reduce bar dues. As a mandatory bar association the WSBA should have a very narrow purpose and scope—the purpose of the bar should be to oversee admissions and disciplinary actions. If the bar were voluntary perhaps a larger scope would be appropriate, but for an organization that all lawyers must be a part of regardless of their wishes our bar exceeds its legitimate scope. The fact is that the bar serves a very narrow slice of lawyers in this state. As a young government lawyer in Eastern Washington the bar has done nothing to further my career or the vast majority of my colleague's careers. Where I am in my career is due to my own hard work and dedication—not the bar or its non-mandatory programming. Moreover, the bar has little relevance for those outside of the Seattle metro area—nor does the bar seem to ever reach out to the eastern side of this state or take an interest in the communities and people of Eastern Washington and for that matter non-Seattle Western Washington. The bar like many large bureaucracies has grown arrogant and insular, many of its actions and the policies that it advocates serve a small demographic. For example, a recent court rule proposed by a WSBA council to the Supreme Court would severely undermine community safety in small communities and push local governments even further into the red, whilst also hurting small solo-practioners. The more I learn about the bar the more I am convinced that it does not work for the benefit of our profession and to the contrary by onerous bar fees and poor policy positions works against those of us in this profession. In a time of limited means and economic downturn cities, counties, and private citizens are having to trim their budgets and reprioritize—it is time for the bar to do the same. While \$125 is not a lot of money I know that the government agency I work for would be saving over \$1000 a year, money that could be used to send employees to trainings—trainings that would have a practical and positive effect on our careers and hopefully those we serve—the kind of effect the WSBA has never had on me or the community I live in.



Forkslapush • [6 years ago](#)

I voted Yes. Not that I don't trust the WSBA, but who counts the votes?



Charles Gust [Forkslapush](#) • [6 years ago](#)

The email I received with my voting link said that an independent third-party counts the votes (Intelliscan, Inc).



[Mark Baumann](#) • [6 years ago](#)

I am a 23 year solo veteran, litigating family law in Clallam County, mediating family disputes in Puget Sound and specializing in high conflict cases, a member of the WSBA ADR section executive committee a member of the Moderate Means panel and also a member of a fledgling low bono group working to promote access to justice. After reviewing the materials pro and con on the fee reduction issue, I am writing this to express my thoughts.

First, I encourage you all to vote on the WSBA fee referendum and to take some time to familiarize yourself with the issues. Whether you are for or against it, it is a big deal. If the vote passes and your licensing fees are reduced 27% (\$125 per year), it will significantly change the nature of our trade organization and it will result in massive cutbacks in what the WSBA does to protect our interests. It is critical to know that the vote will pass with a majority of those voting, not by a majority of bar members.

The WSBA devotes most of its budget and energy on its mandatory regulatory functions. It also spends about 26% of its budget on what are considered non-mandatory programs, and the fee reduction would reduce the budget by 27%. Non-mandatory programs that would likely be severely impacted or eliminated include the 27 different sections (including family, real property probate and trust, solo, elder etc.), Casemaker, WSBA legislative efforts on behalf of our bar, several access to justice programs including the Moderate Means, Lawyers Assistance Program, LOMAP, the young lawyers division, and many other programs. There has been suggestions that the ethics hotline could be impacted.

Many of the arguments I have seen floated to reduce fees seem to be based on generalized feelings of lawyers wanting to spend less or unspecified feelings that the WSBA budget should be tighter. Both of those are fair feelings and shared by us all to some degree, but fail to answer the questions of what programs fee reduction proponents think should be cut or changed, what might be the significance of a simultaneous massive program cut, and what are other ways we may be able to make changes that the majority can agree on.

You can find out easy to understand information about the WSBA's budget at this link:  
<http://www.wsba.org/About-W...>

Reducing fees could have serious unintended consequences to us, and I believe that two access to justice issues demonstrate the serious damage a fee reduction could cause. The WSBA has invested significant effort in this issue, presumably to prevent the problem from getting away from lawyers.

The first is the impact it would have on the WSBA's state wide non-mandatory programs such as the Moderate Means program being operated in conjunction with the law schools to connect lower income clients with lawyers willing to reduce fees. The Home Foreclosure Legal Aid Project is another example of our organization's work.

The second access to justice issue is one that should be of great concern to us all and it relates to the Supreme Court's proposed APR 28 legal technician rule. Without getting into the details of the rule, it would essentially allow a someone like a paralegal to open an independent office on Front street (or as Cliff Tassie suggests, at Walmart right next to the optometrist's space). It would create a new class of legal practitioners who would compete directly with us and/or the delivery of justice. This is an issue that has been taken seriously by the Supreme Court for the last several years and will ruled on by the Court this June.

The WSBA Board of Governors strongly opposes adopting APR 28, and has invested considerable time holding meetings and hearings and voicing its opinions to the Supreme Court which has expressed great interest in improving access to justice. I can't say that I understand all the political issues involved, but I do know the WSBA has devoted attention to it and is investing to stay in front of the access to justice problems facing our industry. The WSBA spends a non-mandatory \$267,793 to maintain an office in Olympia to conduct legislative affairs (for this and a variety of other issues highly pertinent to our daily practices).

As a member of a rural community, I have seen first hand that a few votes can make a difference in a small electoral group. As a family law litigator and mediator, as a member of the WSBA ADR section executive committee, I believe the WSBA's work is reasonably efficient and greatly benefits my solo practice. I will be voting, and I will be voting NO on the fee referendum. If you have any questions, I hope you will fee free to give me a call at any time.

Regards to all,  
Mark Baumann, WSBA #18632  
Port Angeles  
206-851-9337  
mark@markbaumann.com



Gfrandsen • [6 years ago](#)

I'm curious what I get for my bar dues? I understand the monitoring of attorneys to punish us if we violate the code of professional responsibility, but other than that? Is the bar magazine it? I think the dues are too high considering what we get, or don't get in return. How many employees work for the bar, what do they do and how much are they paid? I'm for lower dues. I don't believe the sky will fall if the referendum passes. The bar magazine can definitely go by the wayside. Who has tikme to read about fellow lawyers' journeys and musings? Not I.



Richard Mathisen • [6 years ago](#)

The ballot and confirmation page were poorly written, especially if one does indeed oppose the referendum.

--Richard G. Mathisen #18698



Christopher Taylor • [6 years ago](#)

Am I reading the "WSBA Budget Charts" correctly that Casemaker actually costs \*negative\* \$22,388? If so, how is that possible?





Dmellowmk • [6 years ago](#)

Get rid of the magazine. It lost \$400,000 last year.



Sheila\_in\_poulsbo • [6 years ago](#)

Shopping for value in the Emerald City:

I thought I might take the shopping cart analogy used to oppose the referendum in the March Issue of Bar News but push that cart in a different direction. It is not a matter of having items that we have paid for taken out of the cart since most of us never put these items in the cart in the first place. We may be glad that they are there but to assume a unanimous consent is to commit the logical error of begging the question. Nor will the referendum take goods out of the shopping carts of those who oppose the referendum since these were not private goods at any time. The "no" position seems to alternate between treating a license to practice law as a monolithic and unchangeable "yes or no" proposition with an attendant common fee and a private shopping cart entitlement just filled with goodies to make the sour pill of mandatory functions more palatable to us as consumers. We are portrayed as consumers as that vast sea of nameless \$125 apiece income streamers - negligible individually but if we all pull together capable of causing havoc in the bar. What no one seems to notice is the big unopened box labeled Mandatory Functions. Why mandatory? Because the Supreme Court has put us in charge of our own private set of laws and the police to enforce them. What the referendum is attempting to do is to open that box and to access whether it contains functional elements as well as looking at the other elements in the cart. The directions on the box state clearly that the box's contents are both in our interest and in the interest of the supposedly adoring public that has entrusted us with the sole right to assemble the parts into some sort of vehicle, if not individually then collectively. Many of us though see the metaphor differently.

When shopping in the Emerald City it is never wise to to ask too many questions of the wizard. Even if there are four of you, five if you count Toto, it is best to simply see the boxes in the shopping cart as part of the value for value transaction of paying the dues every year. The WSBA is a mandatory organization if you want to practice law but does that mandate mean that we are only consumers, only Oliver walking forward with his bowl to ask, "Please Sir, I want some more?" But then what we appear to want is actually less! We want services cut, stuff taken out of our shopping cart. Who would be so foolish? What ungrateful and unmindful citizens of Oz! Do we not realize that we are already living in the best of all possible worlds? Is there not an LAP program to assist tin men with squeaky joints, scarecrows (litigators) with their stuffing coming out, and the occasional cowardly lions who prefer mediation to a real down and out court case which is too expensive for most of their clients anyway. When we leave the big box store of this extended and perhaps not perfect metaphor we notice that the parking lot has in recent years been filled with more Chevrolets and old Buicks than we recall from the days of our BMW and Mercedes dreams, but that's Oz. So we do what we may and try and laugh the day away in the merry old land of Oz.



[\\_in Kitsap\\_](#) • [6 years ago](#)

I do think its a good thing the referendum has raised questions the WSBA will now need to look at even harder as to what licensing fees pay for. And for that I am thankful it was raised. I do not, however, think cutting fees by about 25% is the answer. I think we would see cuts in the worthwhile programs WSBA allocates \$ to such as pro bono and low cost CLE training for attorneys, programs for young lawyers, leadership, and diversity. Some of these programs, I feel, would be pretty much stricken while those expenditures the proponents of the referendum would like to see disappear would likely stay in place. The programming which allows younger lawyers to become leaders I think is so important to the future of the profession. Our attention to our role to the public as public servants is very important- regardless of whether we have the time or the ability or even the desire to do pro bono or moderate means- the fact that the organization as a whole promotes these programs is important. 71% of the fees go to mandatory functions. WSBA's "optional" programming includes Moderate Means and Home Foreclosure. I would like WSBA to be more fiscally responsible as far as those at the top and I think the referendum has already done its job so making the good programs suffer due to the cut is unnecessary. I think we can push WSBA to be more responsible and to be less Seattle-centric without having to risk the association. I think we need to resist the allure of paying \$125 a year even though I know its hard for a lot of us in these times and \$125 is alot of money to some of us but I think in the big picture its not worth it. What I'd like to see is WSBA create a loan repayment assistance program for struggling lawyers given the astronomical cost of law school and the low pay especially in the private sector. That could be a discussion worth having but I do not think it could happen if the fees were cut.



[WSBA DUESROLLBACK](#) [\\_in Kitsap\\_](#) • [6 years ago](#)

The "Leadership" program identifies about a dozen younger attorneys per year and, to borrow the WSBA words, "puts them in the pipeline" for leadership positions such as seats on the Board of Governors, etc. So do other state agencies, for example, the Department of Fish and Wildlife, also identify "leaders" and spend money indoctrinating them for future positions in the State Legislature? Does the Highway Department recruit future legislators who will be compliant to the desires of the Highway Department bureaucracy? Would is be OK for the US Defense Department to use the Navy Budget to recruit and train future Congressmen? Obviously, no. Such things would be contrary to democratic values. It is never fair for government funds to be used for recruitment and grooming of candidates for future elections. This is the kind of thing properly done only by a political party, using wholly private funds. Only authoritarian states merge the work of political parties into the state itself, and use public resources to promote continued empowerment of the existing elite. As for the "71%" figure, it is a complete lie. This figure appears nowhere in any budget documents and the concept of "mandatory" is entirely undefined, except for some very core functions such as discipline. I ask again, was the trip to Hawaii "mandatory" or not? Please explain.



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[WSBA DUESROLLBACK WSBA DUESROLLBACK](#) • [6 years ago](#)

And I might add that only authoritarian governments use state owned newspapers and magazines, and employees on the state payroll, to intervene in elections, such as this referendum. The one-sided use of such resources is wholly anti-democratic and is a blatant violation of human rights standards. The scary part is that these same hacks who trample upon democratic norms for fair elections are also in charge of the lawyer discipline system.



[\\_in Kitsap\\_](#) [in Kitsap](#) • [6 years ago](#)

correction "private sector" should be replaced with "public sector"



[Sheila\\_in\\_poulsbo](#) • [6 years ago](#)

The referendum is not simply about greedy and fatuous bar members trying to save \$125 dollars per year. By making the discussion focus on the money saved to the individual the opposition tilts the discussion and exposes those who favor the referendum to contumely and ridicule. The point at issue is not money but control. In the last analysis the referendum is an example of direct direct democracy at work in the bar to question entire areas of calcified opinion that dictates policy choices. It is about questioning who we are and what we are doing. It is about willingness to ask hard questions of the leadership not merely as individual attorneys but enmasse. It is an assessment of the general will. Had the opposition to the referendum been less complacent, less extreme measures might be taken. If grievances and personal stories such as those recorded below had been seen as general indicators of the state of the profession, the bar would deserve our unqualified support. But such has not been the case as the comments on this discussion page prove.

One of the most sobering aspects of the arguments that oppose the referendum is that the cuts must of necessity come from Member Service and Public Outreach programs. This hides the assumption that Mandatory Programs are being run with complete efficiency. It also denies any ability to recommend revisions of the law so that certain functions of the WSBA would be taken over by the State of Washington or by the law schools. It also implies that the WSBA has sufficient funds to engage in financing the legal system which in a democracy should be a state and federal obligation. It is quite enough that we do our work well. We do not own the system of the laws. They are not our park nor our preserve. Lawyers possess skills that make the system work but the content and operation of that system is a public expense in the case of public law and a private expense in the case of private law. If our laws are unjust or

unwieldy (and many are) they must be changed, not made to work by periodic assessments upon the legal profession. Our pockets are not that deep.

To take certain mandatory functions as an example. Why is it that the WSBA must administer the test for an initial license. Could not law schools meet that requirement by an additional year of legal study including a mandatory internship? Would not the initial practice of law be easier if young attorneys were really prepared to practice law? If that diminished the number of hungry new attorneys scouring about looking for contract positions would that be a bad thing? The item of fixed overhead for the WSBA offices immediately suggests alternatives to lessen rent. Better use of staff may still save positions but result in greater efficiency. The entire matter of the rules of professional conduct might be simplified so as to lessen exposure to vindictive or poorly substantiated charges of professional misconduct. As far as access to justice goes the bar might consider asking the private sector to aid in the diffusion of general legal knowledge so that the pro se client might have some hope of navigating in the treacherous seas of elaborate procedures and endless paperwork. Are there any currents in the broad ocean of the law that might be charted to aid in that very navigation? Does the Board of Governors really have a sense of where the legal profession is tending? Is it as efficient in travel expenses as it might be? Since 71% of our dues is spent for mandatory programs it is there that the surgeon's scalpel must excise excess tissue so that the axe may be spared from the areas that confer an actual benefit to our attorneys as opposed to the ever present threat of retribution beyond mere malpractice issues that hangs over every attorney. Our system of laws is much like the public debt of our nation growing more unmanageable by the year. We lose countless attorneys who leave the profession finding it all simply too stressful and unworkable. Many of these are precisely the ones who find our dues structure oppressive and unequal. It is these that are the Atticus Finches of the bar. They may not conduct vast mergers and acquisitions, their function may be confined to the Dickensian courtrooms of our nation with the remnants of the social destruction of the lower middle-class in America, but they must be heard at last. Desperate times demand desperate measures to be heard and to awaken those who are convinced at that all is well. In any case experience is the best teacher and should the referendum prove excessive, and after all structural adjustments are made, the flood waters may rise again, lock by lock to some new level appropriate to a self-governing profession.



[Mark Baumann](#) • 6 years ago

I am wondering if Casemaker would really on the chopping block. I understand it is funded by premium rebates received for WSBA's sponsorship of a liability insurance program. Even if all non-mandatory programs are cut, would Casemaker likely continue to be funded by these rebates, or might they be applied elsewhere?



[Debra Carnes](#) Mod [Mark Baumann](#) • 6 years ago

There is not a direct correlation between Casemaker expense and the revenue from insurance premium rebates, although they are both shown in the same "member benefits" cost center for accounting purposes. Casemaker is not funded by the insurance premium rebates; it is funded by

license fees. The Bar has received income from insurance premium rebates for many years before Casemaker was offered to members, and the decision to fund Casemaker was never tied to the rebate revenue. Therefore the decision whether to continue to fund Casemaker is independent from the existence of other revenue streams, and the Board may apply the insurance premium rebates to other WSBA programs.



Sweetiekatz • [6 years ago](#)

I don't think the bar dues are too high.



Guest • [6 years ago](#)

I'll definitely be voting for the reduction! I'm an active member in 3 states, and my WSBA dues have consistently been a good \$100 more than the other states. When I'm forking out over \$1,200 at a time, it becomes frustrating. I hope it passes!



Sheila\_in\_poulsbo • [6 years ago](#)

Trade unions are familiar with the need to strike in order to be heard. There is a certain blase attitude that savors of noblesse oblige that implies that attorneys are always in a financial position to render aid as though we alone were some sort of modern knights with extensive freehold land to keep us supplied in Palfreys, lances, and maces as we go forth to battle. If this process does nothing else it may enable the bar to hear from the trenches and to be disabused of the notion that all attorneys have the hours, time, and resources to support this view which may be a legacy from the days of lace cuffs and powdered wigs.



naturelaw [Sheila in poulsbo](#) • [6 years ago](#)

Thanks, Sheila. It is frustrating when long time bar members and even as a whole, the public assumes all attorneys are wealthy. In fact, in the March WSBA magazine, the article about IRS

Form 1099 page 33 states that attorneys make good audit subjects because "they" tend to have significant income. Another good comment came from people who have pointed to a widening gap in income between public and private sector attorneys. Considering buying power these days, I am afraid that every dime counts.



Sheila\_in\_poulsbo • [6 years ago](#)

Naomi Klein's Book The Shock Doctrine may be apropos to this discussion. The response of the WSBA has been visceral and extensive yet surprisingly skimpy as to details though facts and figures are available. The very tone seems indicative of a desire to compel a no vote on the referendum by the very disaster mentality familiar to all of us in recent years because it was one the primary tools of the Bush administration. The WSBA is crying that a mushroom cloud is hovering over us all if we vote for the referendum. Absent a clearer indication than mere assertion, I do not believe that we should buy into this. As attorneys we are accustomed to more than a persuasive opening statement before a verdict is rendered.



Mark Baumann • [6 years ago](#)

Does anyone know which non-mandatory functions are self supporting?



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[Debra Carnes](#) Mod [Mark Baumann](#) • [6 years ago](#)

There are no non-mandatory functions that are self-supporting with the exception of WSBA CLE, which is not part of the General Fund (functions supported by license fees).



SWsolo • [6 years ago](#)

The dues reduction seems reasonable. I have been able to be the member of the bar in two states. The one other than Washington had a mandatory licensing and testing office through the state supreme court

and the state bar association was a voluntary organization that provided topical CLE's and a range of member services superior to those provided by WSBA. The overall fees for the other state were always somewhat lower than WSBA's annual fees.

I think there are many overhead cost savings available to WSBA, beginning with moving to a less expensive headquarters site.

I will be voting for the dues reduction.



[Debra Carnes](#) Mod • [6 years ago](#)

There have been some questions and concerns raised about how WSBA helps those recently out of law school. We want to point out a number of resources members can take advantage of at <http://www.wsba.org/Legal-C...>

LOMAP <http://www.wsba.org/lomap> can help you with starting your own practice, while the Lawyers Assistance Program <http://www.wsba.org/lap> offers assistance for job seekers.

If you're facing a financial hardship, you can apply before that year's licensing fee due date for a license fee exemption. <http://www.wsba.org/Licensi...>

We also offer free and low-cost CLEs for new lawyers, <http://www.wsba.org/WSBA-CL...>

Finally, those with student loans are encouraged to check out the repayment and consolidation options. For example, a new special federal loan consolidation program, offering an interest rate reduction, was recently announced: <http://studentaid.ed.gov/PO...>



• naturelaw [Debra Carnes](#) • [6 years ago](#)

As to hardship exception in your third pariff, it is for a person who applies only for active status (all the other requirements still apply) and as far as I read, a member can only use it once. Once again, this misses the point that financial hardship can occur at any time during a career and more than once...some reduced costs may be helpful but provisions for the member who experiences long term difficulty getting a good start (uhh, with help from an economic downturn) and five or more years down the road later runs out of options. It was noted in a Letter to the Editor in a WSBA magazine issue that many newer attorneys would volunteer for programs like Foreclosure Assistance but for the requirement that malpractice insurance is to be provided by the attorney. If the programs as offered aren't sufficient to satisfy the needs of everyone, including the public then I think most attorneys are saying give me lower bar fees.



Duesrollback [Debra Carnes](#) • 6 years ago

It is completely unethical for WSBA employees to become partisan advocates in the referendum process. If you really want to provide "information" then tell us whether the Executive Director used WSBA time for her trips to Australia and Vietnam, and whether other WSBA employees used WSBA time for the trip to Cuba.



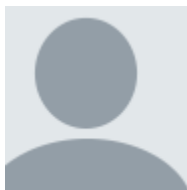
Little yellow smiley face • 6 years ago

WSBA is like Wal-Mart, rolling back prices.



forestresources • 6 years ago

Excuse, me, Mslieb88, how is it that you think the WSBA as a whole has "political agendas of the left?" Equality is not just an abstract construction. And you don't think people of the "right" don't talk down? I think case in point is the recent attack on contraceptive rights...geez...it appears that women either have to be rich to afford it or shouldn't expect to use contraception. You can have your personal view point but don't try to shove it down someone else's throat. You MAY NOT agree with it but then, no one has been saying you have to agree nor have you been forcefully made to do it yourself.



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Damaesq [forestresources](#) • 6 years ago

you are in effect proving Mslieb88's point by blasting him or her for her opinions and trying to prove you are "right" by pushing a liberal view on contraception...that is exactly the complaint many have about the WSBA's lobbying and proslytizing efforts...they do not comport with the views of all members, are condescending to many, and are NOT appropriate for an organization such as this that is funded by money mandatorily paid by people who do not agree with or appreciate the positions taken by the "leadership"





Mslieb88 • [6 years ago](#)

It's about time our dues were lowered. The WSBA is arrogant and out of control. I object to the political agendas of the left being broadcast and propagandized to members of the BAR. The many of us who are conservative in morals and prudent in expenditures are disregarded and disrespected by the very organization purporting to serve us. I hope a reduction of fees does in fact dismantle the WSBA and shock its "leaders" into being more humble and mindful of the many attorneys who believe homosexual marriage is intrinsically immoral and who object to the killing of unborn human beings under the guise of "personal choice". The WSBA does not speak for me and too often speaks down to those of us who have different opinions, despite its claim to promote tolerance, inclusion and diversity. And we pay for board members to take trips to Hawaii?



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[WSBA DUESROLLBACK Mslieb88](#) • [6 years ago](#)

Or, perhaps referendum proponents are left-wing zealots who think WSBA dues amount to a regressive flat-tax that unduly burdens new lawyers and semi-retired members who have lower incomes.



Timothy Roller • [6 years ago](#)

I made \$30K last year. \$25k of it went into student loans. My tax return went straight to the WSBA to pay my bar fees and join sections I hope may help me gain more stable employment. The bar association took a tenth of my income after student loans. Tell me what that gains me in concrete terms. Tell me that a hundred dollar deduction isn't a slap in the face to those of us relying on friends and family for support when we have better job training than they have. Tell me the thousands of us unemployed couldn't do the job of the WSBA at a quarter of the salary. Graduate your payment system and incentivize hiring underemployed attorneys to firms. You lose brilliant people every year purely out of stubborn insistence on an outdated elitist system. Does a huge group of embittered attorneys with a lot of time on their hands seem like a good idea to encourage?



[DuesRollback](#) • 6 years ago

This was posted on [legalez.com](http://legalez.com). We think it is worth sharing:

I completely support your actions and assertions. I wish this came sooner. This past summer my husband committed suicide and I have been forced to voluntarily resign my license because I am unemployed with two children to support. My husband and I were struggling to hold onto our dreams paying the fees annually paying the fees for CLEs right up to the very bitter end literally for my husband. One of the last things I was able to do for my husband was obtain a WA Supreme Court issued certificate to show to ourselves and our children that "yes" we passed the bar and were attorneys for a short stint until we could no longer afford to. A few months later total devastation. There is a class divide in this country and in the practice of law. WSBA is hijacking the profession of law in WA and perverting it to a system where only wealthy elites can maintain a license and control of the Bar. Their financial perspective is completely skewed and out-of-touch if they feel that CLEs around \$100 a pop is affordable or that \$450.00 is reasonable. It is not when your student loans are \$1,000.00/month and rent is \$800+ for a one bedroom apartment in Tacoma and let us not forget commuting costs. The great irony of student loans has been that it has provided people like my husband and I the right and privilege to educate ourselves, but once we graduate we are overwhelmed by debt. Employers (law firms) simply are unwilling or unable to pay a salary that allows recent graduates the ability to self-maintain. As an example, my husband was offered a job with a small firm in Tacoma, WA starting at \$32,000.00 shortly after passing the bar. WSBA, KCBA and more have stressed the importance of helping those without means to have greater access to legal counsel. I challenge them to show that same dedication to assisting their fellow bar members maintain their license (their hope) as many of us who have provided pro bono services were, ourselves, struggling, but still giving.



[Salah A Kornas](#) • 6 years ago

I will be voting yes because we cannot, at least, have a decent bar card. When I show people, especially oversea, my bar card, they think I printed myself with a bad quality printer. What the bar has done for us so far? The bar is good when there is a grievance against a member or when a deposit was delay by the bank in a trust account. I think the suggested fee is too much. I suggest 100 a year is just fine and no fee for the first five years from the day of admission. We should give them a chance to become a member in another State.



[Debra Defreyne](#) • 6 years ago

I will be voting yes for the referendum. As a government lawyer (who does not work in King County) for the past 13 years, I do not feel the WSBA represents me or provides any services for me or to assist me in my work. Recently, state employees have faced furloughs and pay reductions yet continue to work efficiently with the resources provided. I do not understand why the WSBA has felt none of the hardship the rest of us, public and private sector alike, have felt over the last few years. I also feel the glossy "glamour shot" magazine is worthless and the website could be used to provide information at a much lower cost. I know the WSBA has heard these same sort of comments in the past but only now, faced with a referendum, are they attempting to reach out to the entire statewide community in order to defend their actions and budget. Hear, hear for the referendum!



James Crowe • [6 years ago](#)

I support a lowering of license fees and a much lower license fee for any attorney over 75 years of age that still wants a license. Idaho charges \$75 I believe and that is very fair.

James Crowe



Carol Smith-Merkulov • [6 years ago](#)

I have been a WSBA member since 1975. Other than attending CLEs (which I personally paid for) I have never used any of the WSBA "services". While clearly the State should have the ability to regulate the practice of law, for 37 years I have offended that I have been forced to belong to a trade association in order to practice law. During that time I've observed the arrogance of the WSBA in response to efforts by the State Auditor to audit the WSBA as well as the WSBA's refusal for many years to provide records in response to public records requests (and now when provided the documents are redacted far more than the law allows). I suppose the WSBA's distortion of the facts in its opposition to the Referendum shouldn't surprise me.



Windsailer7 • [6 years ago](#)

Well, Debra - how about answering the question that was posed 5 days ago? Did the Executive Director take personal or unpaid leave while in Australia and Vietnam? I assume by your failure to answer that the answer is no. In these tough economic times out of state travel should be prohibited for all WSBA staff and Board members. Yet another example of the arrogance of the WSBA on how they spend our Bar dues.



John P. Lycette, Jr. • [6 years ago](#)

I agree dues are too high. The Bar Association has taken on too many tasks. The Bar Ass'n should curtail its activities and due discipline work primarily plus licensing.



Jtsmith • [6 years ago](#)

I have been part of this bar for a very long time and I simply have not seen anything useful during that time. WSBA presents a budget but no cost-benefit analysis for each category or whether each category is found to be useful by its own members. I have never been asked if these "services" are needed or wanted yet they continue to grow, just like my fee. The WSBA claims fees have been frozen while services increased. Time always shows that "increased" services are nothing more than justification for future increases in fees. Are these services absolutely necessary for the proper functioning of the WSBA or are they simply something nice for the WSBA to have? We all would like things that are nice to have in our practice but in reality most of us are forced to streamline our expenses - why should the WSBA be exempt from the very realities its own members are forced to deal with every day? An additional concern is the exhaustive defensive posture the WSBA takes from the start instead of providing members with detailed information on both sides of the issue. My father once told me that "hell hath no fury like an organization trying to justify itself." The budget presented simply does not adequately address the details or necessity of each category - details that most members are forced to address each and every day in their daily practice because our clients expect no less - why should WSBA members have to be held to a different standard than the WSBA? WSBA members are simply not given any useful information on a managerial level by the WSBA necessary so WSBA members can make an informed decision on whether each category justifies the expense or if rollbacks are indeed necessary. If this response is indicative of the way the WSBA functions in its daily management than I am already inclined to want to vote in favor of rollbacks. To demand anything less amounts to blind faith.



Elmer Higgins • [6 years ago](#)

The public (and attorneys) need the services and protections provided by our dues. In the current economy, a "graduated" dues would make sense. Higher earners should pay a larger share of WSBA expenses.



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[Debra Carnes](#) Mod [Elmer Higgins](#) • 6 years ago

Elmer, thanks for your comment. Because your WSBA license fee is a license to practice law and not a type of membership in the association, WSBA charges the same amount to all attorneys regardless of the types of employers or earning level. Additionally, if we were to have a structure based on income levels, regulating this and ensuring the proper fee is paid would take a greater investment of time and require additional staff that would ultimately increase the overall license fee. Please note that we do offer a lower fee for the first three years in practice (for all lawyers in those years) to acknowledge that newer lawyers are just getting started in their career.



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forestresources [Debra Carnes](#) • 6 years ago

I would disagree. The payment of a fee represents a regulatory necessity in order to practice and at the same time has a membership type feel (e.g. attempting to offer benefits) similar to businesses like Costco, for example. But unlike Costco, we are not intending to buy goods but rather the fee entitles us to provision services. The fact that joining is mandatory in order to practice the law is a significant parameter to consider in how to calculate what is a reasonable fee. Perhaps, if 'membership' was voluntary then your argument has some merit. Otherwise, offering a sliding scale based on income or even in some cases, considering student loan debt versus income makes the task of monitoring easier, since the I.R.S. and other agencies already do a pretty good job of ensuring that adequate documentation is available. The availability of a lower fee for three years isn't enough when people can experience joblessness, health issues that may mandate less hours and other life changing events throughout a career. While it is difficult to plan for those kind of events, it makes it even more important that the WSBA have more than one size fits all fee structure for its members.



Poor\_lawyer [Debra Carnes](#) • 6 years ago

I think that the WSBA shortened the lower fee you identified from three years to two years. I know because I was the bar entry group to only get two years of reduced fees. See <http://wsba.org/Licensing-a...>



[DuesRollback](#) • 6 years ago

The Opponents statement put on line today says this dues rollback would endanger the Discipline function. But the WSBA employs 145 people, and is currently hiring even more. Of these, 35 work in in the office of dicipline counsel. The WSBA budget is about \$19M per year, with Discipline being about \$4.6M. About \$0.6M of the \$4.6 is for "overhead", i.e. for functions which support Discipline. The WSBA currently has fees that are the 8th highest in the US. Even with the rollback, WSBA fees would still be 22nd highest in the US...we would be tied for 22nd with Nebraska and South Carolina. The legal profession in those states is doing just fine. The other 27 states ranked even lower also seem to be managing. Back in 1996 the WSBA itself was in 27th place, and the sky was not falling. Back in 1970 the WSBA had about 1 employee for each 1000 attorneys. Today, despite a massive investment in automation and computer support, we do the same job with about 5 employees for each 1000. So, the employment level is easily high enough to maintain all regulatory functions, and with the WSBA's \$5M in reserve funds, nothing at all would actually need to be cut in the first 18 months or so. After that, elimination of unnecessary travel, meetings, etc. would easily cover the shortfall with no cuts at all in any regulatory function.



• [forestresources](#) [DuesRollback](#) • 6 years ago

Great comments! I would also profer that the heavy emphasis by the WSBA on so called discipline has less to do with the need of such services but rather, the disciplinary process probably generates revenue, too. It is reasonable to assume, however that the vast majority of attorneys work hard to avoid disciplinary proceedings.



[WSBA DUESROLLBACK](#) • 6 years ago

Debra Carnes wrote: " As DuesRollback points out, WSBA's Executive Director traveled to Australia and Vietnam last year but WSBA license fees were not used."

Debra -  
Does this mean that no WSBA employee time was used for these trips i.e. that the Executive Director took personal or unpaid leave while in Australia and Vietnam? Please explain.



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[DuesRollback WSBA DUESROLLBACK](#) • [6 years ago](#)

Debra ... I hope you will take the time to answer this. Also, at least one WSBA employee traveled to Cuba. Was this also on personal or unpaid leave? If no, then the statement in the Bar News to the effect that no WSBA license fees were used should be corrected.



[Debra Carnes](#) Mod • [6 years ago](#)

Recently, we've had inquiries on whether there is a category of Bar membership for active military members. There is, in fact, an exemption that you will find in WSBA Bylaw Section III.H.1.a.2. It provides for a fee exemption for Active members of the Armed Forces who are activated from reserve duty status to full-time active duty for more than 60 days in any calendar year or who are deployed or stationed outside the US. This exemption may be granted for a maximum total of five years for any member. The intent of this bylaw was to accommodate members whose lives were disrupted due to their service.



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Jtsmith [Debra Carnes](#) • [6 years ago](#)

what about all active duty - like most other bar associations? Why only the condition set forth above?



[Debra Carnes](#) Mod • [6 years ago](#)

As DuesRollback points out, WSBA's Executive Director traveled to Australia and Vietnam last year but WSBA license fees were not used. For more information on these trips, please see the October 2011 Bar News starting on Page 9 and the November 2011 News Flash. Regarding, his suggestion about Discipline Counsel, they in fact, contribute numerous hours every year for CLEs offered by many providers, many of which are free.



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[Julia Nardelli Gross](#) Mod [Debra Carnes](#) • 6 years ago

Here's the link to the October 2011 article "Journey to Vietnam":  
<http://www.wsba.org/News-an...>

Here's the link to the November 2011 News Flash: <http://www.wsba.org/News-an...>



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SWsolo [Julia Nardelli Gross](#) • 6 years ago

This sub-thread invites a natural inquiry regarding the number of folks in the Communications office for the WSBA. Seeing an "Online Communications Specialist" pop up to help answer an inquiry to the "Chief Communication Officer" does not inspire confidence that an efficient organization is at work.

Many of us have been through corporate downsizing, wherein former "vital" staff functions have been rolled up into other departments or eliminated to save money. Right now a betting person would lean toward thinking that there are numerous positions at the WSBA ripe for RIF.



[DuesRollback Julia Nardelli Gross](#) • 6 years ago

We have a "Chief Communications Officer" and an "Online Communications Specialist". But we can't get any free ethics CLE posted on the WSBA website. Why not?



[DuesRollback](#) • 6 years ago

Dear Steve-



The WSBA provides very few direct services to most members. This year the Executive Director flew to Vietnam and Australia to provide free legal ethics advice and education to lawyers in those places. But WSBA members who pay \$480/year have to pay another \$35/ credit for CLE. Here is an idea: Let's require that each of the 15 or 20 Discipline Counsel we pay for write and record a one hour CLE ethics lecture each year. These would be made available for free download on the WSBA homepage. Since we are already paying for both the homepage and the Counsel, marginal cost would be zero.



Steve • [6 years ago](#)

The saving of the \$125 per attorney seems to be minimal compared with the revenue it generates for the bar to fund the many services the bar provides. The marginal gain for each licensed attorney seems very small. The impact on the Bar likely would be very significant. So it appears that a NO vote is in order.  
Steve Krafchick



[Debra Carnes](#) Mod • [6 years ago](#)

Below is information in response to the previous two comments regarding electronic voting.

Only active WSBA members are allowed to vote in the member referendum per the WSBA bylaws. WSBA's member services department provides the active member database to the online elections vendor who then generates a random user id for each eligible member voting. No WSBA staff member has access to personally identifying voter information during or after the vote. Once the vote concludes, the vendor will provide a tally of votes to WSBA, again without any personally identifiable information about voters.

Online elections vendors typically allow for real-time status updates related to votes being conducted. In this case, early on Mr. Sorcinelli asked that a firewall be created so that WSBA has no access to the real time voting information. That provision was added to the online elections contract. WSBA will only receive the final tally of votes for and against the referendum.

Hard copy ballots will also be sent out to members from the online elections company. If they receive no email address or they receive "bounce-back" emails indicating an invalid email address, they will mail a hard copy ballot to the member. The actual ballot will contain no personally identifiable information about the voter.



Bills • [6 years ago](#)

JJVance, do you have a suggestion how this secrecy could be maintained on e-mail voting and still assure only attorney, active members are able to vote?

Bills - [Legalez.com](#) wants to know



[JJVance](#) • [6 years ago](#)

I am wondering if the WSBA electronic ballot is a "secret" ballot i.e. will the WSBA have access to a list of each voter and what way the vote was cast. The paper ballot system used a double envelope, with no ID marking on the inner envelope. These inner envelopes were separated from the ID info on the outer envelope prior to counting. This allowed for the ballot to be secret. However, if voters must come to the WSBA website and "log in" to vote, then some electronic system will know who voted and how the vote was cast, won't it? I hope the WSBA will explain the mechanics of how ballot secrecy will be maintained. This is especially critical since the Executive Director, who is making physical arrangements for the balloting, has taken a partisan position against the referendum. The Executive Director is also the direct supervisor of disciplinary counsel and has a yearly meeting with each counsel as part of the "performance" bonus process. This multiple-hat role of the Executive Director may, and probably should, put a chill in any lawyer who wants to express dissatisfaction with WSBA management. Please explain how those who freely express their views in the referendum will be safeguarded against the possibility of retaliation. Thanks.



SWsolo [JJVance](#) • [6 years ago](#)

Good point. Looks like it will be prudent to print and mail the ballot for confidentiality purposes, just like our election mail-in voting process.



Charles Gust [SWsolo](#) • [6 years ago](#)

The email says an independent third-party vendor is managing all voting. (Intelliscan, Inc.).



George • [6 years ago](#)

So, can any of you who liked the survey explain to me what the Bar Association is going to do with the results? Go to employers of attorneys and tell them to be politically correct?



Anthony David Gipe • [6 years ago](#)

In response to George's comment about the WSBA member survey, I offer a completely different perspective. I appreciate and applaud WSBA for caring about member opinions and focusing its efforts on ensuring they fully understand the challenges we face, the trends in our profession, and the programs and services that are most valuable to us, regardless of where we are in our career path.

As attorneys, we all know how crucial research is to our success. WSBA conducting research is no different. I for one want a successful bar association, one that is forward thinking and cares about staying in step with the profession, its members and the public we serve.

As one who has served on the Board of Governors in the past, I experienced firsthand how fiscally responsible the bar is. I believe our license fees are well spent, and an investment in this survey is one more indication of that. The survey will better enable WSBA to serve all its members.

Unlike George, I embrace the survey, and I'll be voting 'no' on the referendum that proposes a reduction in our license fees. It's short-sighted and comes with dire consequences that will put our profession at risk.

Anthony David Gipe  
Former At Large Governor



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Equality55 [Anthony David Gipe](#) • [6 years ago](#)

What gross exaggeration to say that the profession of law is at risk due to a reduction of bar dues! The ability to research and provide quality service in our profession is dependant upon the heart and skill of the individual attorney...not the WSBA.



[Julia Nardelli Gross](#) Mod [Anthony David Gipe](#) • [6 years ago](#)

Edited by moderator to remove extra line breaks. Content was not edited.



[George](#) • [6 years ago](#)

I just completed the Bar Association on-line survey. That survey was beyond any doubt the worst, most ridiculous, and unnecessary example of political correctness that I have ever seen. Since the WSBA apparently paid for this, I cannot in good conscience vote to leave the bar dues as they are now. Such expenditures are beyond the pale, and I will enthusiastically vote to reduce the bar dues on that basis alone!!



[Debra Carnes](#) Mod • [6 years ago](#)

Welcome to our newly added forum for comments and questions related to the License Fee Referendum!

We wanted to provide an avenue for members to publicly make comments as well as post questions. If you post a question, WSBA staff will make every effort to promptly post an answer.

I wanted to also call your attention to the revised License Fee Fact Sheet posted above. It's come to our attention that one of the bullets in the fact sheet contained some incorrect information. The fees for physicians and auto dealer were not annual fees, so we have made corrections to the fact sheet.

All posts to this forum are expected to adhere to the WSBA's social media policy. You'll find the policy here, <http://www.wsba.org/News-an...>, if you'd like to review it.