

October 17, 2012

Stephen Crossland
President
Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Ste. 600
Seattle, WA 98101-2539

Re: **Objection and Protest of WSBA Support of "Yes" Campaign on R-74**

Dear Mr. Crossland:

Enclosed please find our letter of objection and protest of WSBA's support of the "Yes" campaign on Referendum 74.

All 42 signatories to the letter are Washington State attorneys and members of the WSBA.

Sincerely,



Chris Evans

**[Note – our office number has changed – please contact us at 425.247.0600]*

**Board of Governors
Washington State Bar Association
1325 Fourth Ave., Ste 600
Seattle, Washington 98101-2539**

October 17, 2012

OBJECTION AND PROTEST OF WSBA SUPPORT OF “YES” CAMPAIGN ON R-74

On September 20, 2012, the Washington State Bar Association (“WSBA”) Board of Governors voted to support the “YES” campaign on R-74 which would uphold Senate Bill 6239 passed by the Legislature in February 2012 allowing civil “marriage” for same-sex couples. Same-sex “marriage” is a contentious political and social issue upon which many disagree, as is demonstrated by the very fact that R-74 is on the ballot this November. Many Washington State attorneys, including the 42 undersigned attorneys, oppose same-sex “marriage” and, therefore, disagree with, dissent from, and object to the WSBA Board of Governors’ position on R-74.

The WSBA is a mandatory bar association to which all Washington State lawyers are compelled to belong. As such, under the U.S. Supreme Court case of *Keller v. State Bar of California*, the WSBA is not allowed to engage in activities that are of a political or ideological nature that are not necessarily or reasonably related to regulating the legal profession or improving the quality of legal services available to the public. The current public debate on same-sex “marriage,” including whether to support or oppose R-74, is a political and ideological issue and is not necessarily or reasonably related either to regulating the legal profession or improving the quality of legal services to the public. Therefore, the WSBA, in taking a “YES” position on R-74, has violated the mandate of the U.S. Supreme Court in *Keller*.

Furthermore, Article I.C.2 of the WSBA Bylaws specifically provides that the WSBA “will not [t]ake positions on political or social issues which do not relate to or affect the practice of law or the administration of justice.” The current same-sex “marriage” debate, including whether to support or oppose R-74, does not relate to or affect either the practice of law or the administration of justice. Therefore, by taking a “YES” position on R-74 the WSBA has gone beyond its authority and directly violated its own Bylaws.

In light of the above, the undersigned Washington State attorneys and members of the Washington State Bar Association do hereby officially object to, dissent from, and protest the actions of the WSBA in supporting the “YES” campaign on R-74. We also object to the use of our compelled bar dues in support of that effort. We demand that the Board of Governors bring itself into compliance with the U.S. Supreme Court *Keller* mandate, as well as with the WSBA’s Bylaws, by immediately and publicly revoking its support of the “YES” campaign on R-74 and

by refraining from taking any position on R-74 in the future. We also demand in accordance with law that the WSBA refund or allow a future deduction to the undersigned of that proportion of bar dues attributable to the WSBA's activities taken in support of the "YES" campaign on R-74.

Sincerely,

Chris Evans #26458

David Stevens #29839

Jonathan Bechtle #39074

Tyler B. Wilson #43762

Joseph G. Marra #16805

Matt Shea #38145

Trent England #39123

Phil Mattern #16986

Jodi Hammond #043885

Jeffery R. Smith #37460

Yvonne K. Chapman #33682

Joseph Backholm #36877

Greg Casey #02130

Eric S. Carlson #22360

Gregory L. Russell #17280

Mario Ledesma #32212

David DeWolf #10875

Joanna Mupanduki #39769

Laura McClellan #34941

Justin Bristol #29820

Sandra LaCelle #29654
Thomas More Kelleher #12456
David A. Reeve #25481
Richard Tizzano #22296
Paula J. Ranney #20027
Theresa Schremp #8763
David B. Gates #28952
Katherine L. Anderson #41707
James V. Smith #38871
Paul H. Grant #42664
Mark A. Laiminger #16492
Steven T. McFarland #11111
Dominick V. Driano #3469
Andrew J. Toles #23982
Kyle D. Netterfield #27101
Lana M. Floyd #27337
Keith A. Kemper #19438
Steven T. O'Ban #17265
Kristen K. Waggoner #27790
Gregory D. Esau #22404
Benjamin C. Waggoner #28707
Garth L. Dan #11226