

In keeping with the Workgroup's charter to review and assess the WSBA structure in light of recent case law,¹ reorganizations by other Bar associations, and the administration of Supreme Court appointed boards, the Workgroup recommends:

In order to appropriately regulate the legal profession and improve the quality of the legal service available to the people of Washington State,² the Washington State Supreme Court should continue to (i) promote fair access to our judicial system by maintaining the operation of the Access to Justice Board,³ and (ii) support a bias-free system of justice, by maintaining the operation of the Minority and Justice Commission.⁴

¹ The Workgroup has reviewed and considered the implications of recent decisions of the United States Supreme Court and concludes that the Washington Supreme Court can continue to administer critical aspects of the judiciary branch of government without violating the First Amendment or antitrust laws. See "Exaggerating the Effects of Janus" 132 Harv. L. Rev. F. 42, November 2018 and "Memorandum: Application of *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, 135 S. Ct. 1101 (2015), to the WSBA Structure."

² See *Harris v. Quinn*, 573 U.S. 616, 655 (2014).

³ On March 4, 2016, the Washington Supreme Court entered a unanimous order that: (i) concluded "the Washington judicial system is founded upon the fundamental principle that the judicial system is accessible to all persons;" (ii) acknowledged the Access to Justice Board is valuable in responding to "the unmet legal needs of low and moderate income people in Washington State and others who suffer disparate access barriers;" and (iii) reauthorized the Access to Justice Board.

⁴ The Washington State Minority and Justice Commission was created by the Washington Supreme Court in 1990 as successor to the Washington State Minority and Justice Task Force created by the court in 1987, at the request of the Washington State Legislature. By order of the Supreme Court on January 6, 2016, the Commission was renewed for an additional period of five years until December 31, 2020. In creating the Commission and in its subsequent Orders of Renewal, the Supreme Court acknowledged a continuing need existed to identify and to eradicate the effects of racial, ethnic, and cultural bias in our state court system.