

**INITIATIVE 266**

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 266 to the Legislature is a true and correct copy as it was received by this office.

1 AN ACT Relating to the regulation of attorneys; amending RCW  
2 4.24.350; adding a new section to chapter 2.24 RCW; creating a new  
3 section; and repealing RCW 2.48.010, 2.48.020, 2.48.021, 2.48.030,  
4 2.48.035, 2.48.040, 2.48.050, 2.48.060, 2.48.070, 2.48.080, 2.48.090,  
5 2.48.100, 2.48.110, 2.48.130, 2.48.140, 2.48.150, 2.48.160, 2.48.165,  
6 2.48.166, 2.48.170, 2.48.180, 2.48.190, 2.48.200, 2.48.210, 2.48.220,  
7 and 2.48.230.

8 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** (1) The legislature has determined that a  
10 large number of lawyers and attorneys who are members of the Washington  
11 state bar association are wrongfully violating the criminal code under  
12 the immunity provisions of the special rights of actions and special  
13 immunities of our laws.

14 (2) Oversight of the Washington state bar association should be  
15 based at the executive branch.

16 **Sec. 2.** RCW 4.24.350 and 2001 c 253 s 1 are each amended to read  
17 as follows:

1 (1) In any action for damages, whether based on tort or contract or  
2 otherwise, a claim or counterclaim for damages may be litigated in the  
3 principal action for malicious prosecution on the ground that the  
4 action was instituted with knowledge that the same was false, and  
5 unfounded, malicious and without probable cause in the filing of such  
6 action, or that the same was filed as a part of a conspiracy to misuse  
7 judicial process by filing an action known to be false and unfounded.

8 (2) In any action, claim, or counterclaim brought by a judicial  
9 officer, prosecuting authority, or law enforcement officer for  
10 malicious prosecution arising out of the performance or purported  
11 performance of the public duty of such officer, an arrest or seizure of  
12 property need not be an element of the claim, nor do special damages  
13 need to be proved. A judicial officer, prosecuting authority, or law  
14 enforcement officer prevailing in such an action may be allowed an  
15 amount up to one thousand dollars as liquidated damages, together with  
16 a reasonable attorneys' fee, and other costs of suit. A government  
17 entity which has provided legal services to the prevailing judicial  
18 officer, prosecuting authority, or law enforcement officer has  
19 reimbursement rights to any award for reasonable attorneys' fees and  
20 other costs, but shall have no such rights to any liquidated damages  
21 allowed.

22 (3)(a) No action may be brought against an attorney under this  
23 section solely because of that attorney's representation of a party in  
24 a lawsuit.

25 (b) All attorneys and other persons who, in the defense of members  
26 of the Washington state bar association, violate the laws of the land  
27 are liable for their actions and conduct to the injured party.

28 (4) As used in this section:

29 (a) "Judicial officer" means a justice, judge, magistrate, or other  
30 judicial officer of the state or a city, town, or county.

31 (b) "Prosecuting authority" means any officer or employee of the  
32 state or a city, town, or county who is authorized by law to initiate  
33 a criminal or civil proceeding on behalf of the public.

34 (c) "Law enforcement officer" means a member of the state patrol,  
35 a sheriff or deputy sheriff, or a member of the police force of a city,  
36 town, university, state college, or port district, or a fish and  
37 wildlife officer or ex officio fish and wildlife officer as defined in  
38 RCW 77.08.010.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 2.24 RCW  
2 to read as follows:

3        There is created an appointed review board, consisting of twelve  
4 competent and able legal professionals, to act as the governing body of  
5 the Washington state bar association and its members, and to ensure  
6 their accountability for their actions on behalf of all of the people  
7 of Washington state. The review board may be formed and appointed with  
8 the direct consultation and sound advice of the governor's office of  
9 the state of Washington. Board expenses will be paid from the general  
10 fund.

11        NEW SECTION.    **Sec. 4.**    The following acts or parts of acts are each  
12 repealed:

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

1 (17) RCW 2.48.160 (Suspension for nonpayment of fees) and 1933 c 94  
2 s 12;  
3 (18) RCW 2.48.165 (Disbarment or license suspension--Nonpayment or  
4 default on educational loan or scholarship) and 1996 c 293 s 1;  
5 (19) RCW 2.48.166 (Admission to or suspension from practice--  
6 Noncompliance with support order--Rules) and 1997 c 58 s 810;  
7 (20) RCW 2.48.170 (Only active members may practice law) and 1933  
8 c 94 s 13;  
9 (21) RCW 2.48.180 (Definitions--Unlawful practice a crime--Cause  
10 for discipline--Unprofessional conduct--Defense--Injunction--Remedies--  
11 Costs--Attorneys' fees--Time limit for action) and 2001 c 310 s 2;  
12 (22) RCW 2.48.190 (Qualifications on admission to practice) and  
13 1987 c 202 s 107 & 1921 c 126 s 4;  
14 (23) RCW 2.48.200 (Restrictions on practice by certain officers)  
15 and 1992 c 225 s 1, 1975 1st ex.s. c 19 s 3, 1971 c 81 s 13, & 1921 c  
16 126 s 5;  
17 (24) RCW 2.48.210 (Oath on admission) and 1921 c 126 s 12;  
18 (25) RCW 2.48.220 (Grounds of disbarment or suspension) and 1921 c  
19 126 s 14 & 1909 c 139 s 7; and  
20 (26) RCW 2.48.230 (Code of ethics) and 1921 c 126 s 15.

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