

## Washington's Alternate Path to the Bar: APR 6 \_\_\_\_\_ by Marjorie A. Walter

Long before the word apprentice became inextricably linked with a certain tonsorial-challenged real estate mogul, apprenticeship was how most aspiring lawyers gained the knowledge and skill they needed to become practicing attorneys. As late as 1930, only four states mandated any law school attendance, and only one of those required the three-year course of study that is now the norm. By contrast, today Washington is one of only four states that does not require any law school attendance. In a few other states an applicant need not have earned a law degree, but must have completed either one or two years of study at an ABA-accredited law school. As of 2005, there were fewer

than 150 of these legal apprentices in the United States, compared with approximately 140,000 students attending ABA-accredited law schools.

There are currently 51 law clerks (as they are known in Washington) enrolled in the state's four-year program, the scope and requirements of which are prescribed by Admission to Practice Rule 6. For each of those four years, the clerk pays an administrative fee (currently \$1,500) and is required to work full time for a practicing attorney or judge, who serves as the clerk's tutor. APR 6 also provides a means for lawyers from other countries to qualify to take the Washington State Bar Exam. Admission to the program is not automatic. Both clerk and tutor must apply and attend an in-person interview with a member of the WSBA Law Clerk Committee. The clerk must submit letters of recommendation, a personal statement, and proof of a four-year college degree.

Once admitted to the program, each clerk works through 18 required courses (unless they are granted advanced standing) and six electives. Every month, the tutor reports to the WSBA on both the clerk's studies and work for that month. A member of the Law Clerk Committee monitors each clerk's progress. Clerks need to be comfortable studying independently, with-

out the structure and group dynamic of a classroom. Juggling what are essentially two full-time jobs is very challenging, and the workload is relentless. The program is designed to be followed 12 months a year, without breaks. Rule 6 also places enormous demands on the tutor, who must develop reading assignments for each subject (some of which she may not have encountered since her own legal training), discuss the reading with the clerk, and prepare and administer an exam every month.

In addition to studying the various subject areas, clerks are actively involved in their tutor's practice or judicial work. As such, a clerk may, with supervision, spend time working directly with clients to understand their legal needs, interviewing witnesses, drafting and responding to pleadings and discovery requests, performing legal research, preparing contracts, developing case strategy, and other myriad tasks related to the tutor's work. This practical experience is invaluable, but often lacking in the traditional law school curriculum and approach.

Some schools have tried to address this gap between the theoretical and the practical. Harvard, for example, recently announced that 1Ls will take a problem-solving course, while 2Ls and 3Ls will have greater opportunities for clinical work and internships. According to the December 2006 issue of the alumni newsletter *Harvard Law Today*, the revamped curriculum reflects a belief that problem-solving exercises should be a critical component of legal education and that hands-on training should be central to many students' law school experience. The Rule 6 program provides plenty of hands-on training and problem-solving experience.

Direct, or at least statistically significant, comparisons between Rule 6 clerks and law school graduates in Washington are difficult because there are so few clerks, but clearly those who complete the program are well-qualified to take the bar. Since 1984, when the WSBA adopted the current rules and program structure, 92% of clerks who have taken the exam have passed. Rule 6 alumni have achieved success in a wide variety of practice areas. Many are active in the WSBA and their local bar associations; one serves on a county bar association board of trustees, another is a municipal court judge, and at least two are public defenders.

The Rule 6 path to the bar is not any easier than the usual route, but it can provoke resentment from some who sweated through three years of school and spent tens of thousands of dollars earning a JD. Bellingham lawyer Penny Henderson, who completed the Rule 6 program and now serves on the Law Clerk Committee, has encountered outright hostility from other attorneys, who have accused her of being a pretend lawyer. Nothing could be further from the truth. According to Henderson, "Law clerks aren't people who couldn't cut it in law school." They tend to be extremely motivated, and hold themselves to a very high standard of performance. Most tutors, adds Henderson, are equally motivated, with a "huge sense of civic duty and community involvement."

*continued on page 12*

Washington's Alternate Path to the Bar: APR 6	1
by Marjorie A. Walter	
Editor's Column	2
by Jason T. Vail	
President's Column	3
by John Brangwin	
Seventh WYLD Express (the "Ski/LE") a Success!	4
by Adrienne Keith and Julia A. Bahner	
Review of Justice Stephen Breyer's Book on Interpreting the Constitution	5
by Sean T. McLaughlin	
Dear Family Lawyer	6
Clark County Young Lawyers Annual Meeting	8
by Quinn H. Posner	
2007 WYLD Pre-Law Student Leadership Conference - Volunteers Needed!	8
Notice: BarBri Class Action	8
WYLD Seeks Trial Advocacy Program Planning Committee Volunteers	8
WSBA Leadership Institute Seeks Fellows for 2008	9
WYLD President-elect & Trustee Applications Sought	9
The BOG Report	10
by Jason T. Vail	
WYLD Committee and Program Chairs	11
WYLD Board of Trustees	11



Nonprofit Org.  
U.S. Postage  
PAID  
Seattle, WA  
Permit No. 2204

Washington State Bar Association  
Young Lawyers Division  
1325 Fourth Avenue, Suite 600  
Seattle, WA 98101  
[www.wsba.org/wyld](http://www.wsba.org/wyld)

---

*Washington's Alternate Path to the Bar: APR 6*  
*from page 1*

Unfortunately, clerks admitted in Washington find themselves foreclosed from many professional opportunities simply because they lack a law degree. A quick scan of available attorney positions with the federal government reveals that a JD, usually from an ABA-accredited law school, is a standard threshold requirement. The same is true for a number of Washington public entities, including the offices of the Kent City Attorney, the Washington State Senate, and the Spokane County Public Defender. A former clerk can be admitted to practice before federal trial and appellate courts, including the US Supreme Court, but none of the states with which Washington has reciprocity arrangements will admit a clerk. Only in Vermont is it theoretically possible for a clerk, after five years of practice, to be admitted without examination. A clerk cannot even sit for the bar exam in the vast majority of states, no matter how long she or he has practiced.

For the right candidate, the Rule 6 Law Clerk Program is an excellent way to prepare for a career as a lawyer. It is designed to, and does, produce well-trained, capable attorneys with extensive practical experience already under their belts by the time they are sworn in to the bar. Perhaps as word of Washington's Rule 6 Program and its successes spreads, the artificial barriers limiting clerks' career choices will be reduced or even eliminated.

*Marjorie A. Walter is in the fourth year of the Rule 6 Program. She is studying and working with Mike Kipling at Kipling Law Group, PLLC. She can be contacted at 206-545-0347.*

---