



## WSBA LICENSURE PATHWAYS IMPLEMENTATION STEERING COMMITTEE AGENDA

February 10, 2026, 1:00pm – 2:30pm

### REMOTE

To Join by Video Conference:

<https://wsba.zoom.us/j/83174624330?pwd=9WhHviVay5dl6HQs8ULFmUSeiWnWBb.1>

For audio only: (253) 205-0468 || Meeting ID: 831 7462 4330 || Passcode: 044027

- |         |   |  |
|---------|---|--|
| 1:00 pm | <b>Call to Order and Welcome</b>  | <i>Professor Zaida Rivera, Steering Committee Chair</i>  |
| 1:05 pm | <b>Approve Dec.11, 2025 Meeting Minutes</b>   |  |
| 1:10 pm | <b>Member and Public Comment</b>  | <i>Speakers are limited to 3 minutes, however, the Chair may modify the time for comments if necessary</i> |
| 1:15 pm | <b>Updates from Supervised Practice Subcommittee</b>  | <i>Professor Gillian Dutton, Supervised Practice Subcommittee Chair</i>                                    |
|         | <ul style="list-style-type: none"><li>- Candidate compensation</li><li>- Hour and credit requirements</li></ul> |  |
| 1:45 pm | <b>Input from outreach sessions</b>   | <i>Cate Schur, WSBA Assistant General Counsel</i>  |
|         | <ul style="list-style-type: none"><li>- Please RSVP to calendar holds!</li></ul>                                |  |
| 2:00 pm | <b>Preview of draft suggested court rule amendments</b>   |  |
| 2:30 pm | <b>Adjourn</b>  |  |

# WASHINGTON STATE BAR ASSOCIATION

## LICENSURE PATHWAYS IMPLEMENTATION STEERING COMMITTEE MEETING MINUTES

**Virtual Meeting  
December 11, 2025**

### Call to Order and Welcome

The meeting of the Licensure Pathways Implementation Steering Committee of the Washington State Bar Association (WSBA) was called to order by Chair Zaida Rivera on Thursday, December 11, 2025, at 1:00 p.m. Committee members in attendance were:

**Zaida Rivera  
Tom Ahearne  
Jordan Couch  
Greg Crowder  
Alfredo González Benítez  
Judge Cathy Helman  
Vivian Hernández  
Dusty Weber LaMay  
Dean Tamara Lawson  
Judge Leone Reinbold  
Yuriko Hannali Styles**

Also in attendance were WSBA Assistant General Counsel Catherine Schur; WSBA Associate Director Bobby Henry; Assistant Dean Jeff Minnetti; Professor Gillian Dutton, and observers Karina Gomez and Gray B.

### Approve Oct. 20, 2025, and Dec. 4, 2025 Meeting Minutes

Jordan moved to approve the October 20, 2025 minutes; Alfredo seconded. Minutes approved unanimously, with one abstention. Alfredo moved to approve December 4, 2025 minutes; Vivian seconded. Minutes approved unanimously.

### Member and Public Comment

No public comment

### Update from Program Evaluation Subcommittee

Professor Jeff Minetti presented an update on the work of the Program Evaluation Subcommittee. The Subcommittee began by developing a logic model identifying the inputs and activities involved in the experiential licensing pathway; the outputs of the pathway, such as the number of attorneys licensed through the pathway; and the likely short-, medium-, and long-term changes that will flow from the pathway. From this modelling, the Subcommittee will be identifying the data needed to measure these

components and possible methods of collecting that data.

#### Update from Supervised Practice Subcommittee

Professor Gillian Dutton reviewed the Supervised Practice Subcommittee's recommendations made so far for required activities, assessments, portfolio contents and parameters, and candidate and supervisor eligibility requirements. Professor Dutton also reviewed the new recommendations from the Supervised Practice Subcommittee on portfolio parameters and ongoing topics of discussion, including candidate compensation and methods for structuring requirements for the number of hours and credits required for candidate supervised practice time.

The Steering Committee provided input on these topics. Steering Committee members offered thoughts on ensuring candidates' work product is substantially their own work, compensation requirements, and whether simulation courses should count towards supervised practice time.

#### Input-Gathering Sessions

Cate discussed planning for input-gathering sessions with a variety of stakeholder groups in January and February and highlighted upcoming sessions that have already been scheduled. Cate requested that Steering Committee members respond to calendar invitations noting their availability for sessions. Discussion facilitators would then be selected from those who indicated they were available.

#### **ADJOURNMENT**

There being no further business, meeting adjourned at 2:30 p.m. on December 11, 2025.

Respectfully submitted,

Catherine Schur  
Assistant General Counsel

## MEMO

**To:** Licensure Pathways Implementation Steering Committee  
**From:** Supervised Practice Subcommittee  
**Date:** February 9, 2026  
**Re:** Update on Subcommittee Proposals for Portfolio Parameters

---

### Updates from the Supervised Practice Subcommittee:

At the Steering Committee's December meetings, the Supervised Practice Subcommittee shared that they were in the process of developing recommendations for compensation and supervised practice time requirements. The Subcommittee sought input from the Steering Committee to inform the Subcommittee's recommendations. Taking that input into consideration, the Subcommittee developed the recommended compensation requirements described below and a potential option for consolidating the time requirements into a single standard applicable to all candidates. The Subcommittee is continuing to solicit feedback on both proposals during the upcoming stakeholder input sessions and would like to hear the Steering Committee's thoughts, as well.

#### **a. Compensation Requirements**

As discussed at the December Steering Committee meetings, one of the goals of the experiential pathway is to make a legal career possible for people who may not be able to afford the bar exam, bar preparation courses, or to take time off from work to study for the exam. Compensating candidates while they work towards licensure is an important step towards this goal. In addition, although supervisors who employ a candidate in the licensure pathway will undertake additional responsibilities, they will also benefit from the candidate's labor.

The Supervised Practice Subcommittee, however, recognizes that not all employers may have the resources to provide compensation, especially public interest employers or solo practitioners. Nonetheless, completing the required supervised practice time in these settings would still provide valuable experience and opportunities to demonstrate core lawyering skills. The Subcommittee did not want compensation requirements to prevent candidates from completing their supervised practice in those settings. Therefore, the Subcommittee sought to develop recommendations that would encourage compensating candidates while also giving them the ability to pursue licensing through the pathway in a variety of practice settings.

The Subcommittee recommends that the host employer be required to provide compensation to candidates during the candidate's supervised practice time, unless one of the exceptions below applies. The amount of compensation would be left to the employer and candidate to determine, but must be no less than the equivalent amount provided by the employer to similarly qualified and experienced employees.

Compensation would not be required, if:

1. The candidate is receiving credit for their work for the employer as part of a law school externship;
2. The candidate is performing the work as part of a law school clinic;
3. The candidate has a grant or stipend from a third party that will compensate them for their work;

4. The employer is a non-profit organization or government agency; or
5. The candidate volunteers to provide pro bono services to the employer's clients and the employer does not bill the client for those services.

Although employers would not be required to compensate candidates in these circumstances, the Subcommittee recommends that they still be encouraged to do so.

### **b. Required Supervised Practice Time**

Next, the Supervised Practice Subcommittee considered the input from the Steering Committee on the suggestion to deviate from the three supervised practice time pathways recommended by the original Bar Licensure Task Force and instead create a single requirement that would apply to all candidates. In its February 2024 report, the Washington Bar Licensure Task Force originally proposed the creation of three separate experiential pathways with distinct requirements for supervised practice time and experiential learning credits depending on the status of the candidate.<sup>1</sup> Under this proposal, the following requirements would apply to candidates depending on where they were in their legal education:

<b>Candidate Type</b>	<b>Required supervised practice hours</b>	<b>Required law school experiential course credits</b>
<i>Law student</i>	500 hours	12 credits
<i>APR 6 law clerk</i>	500 hours	None required
<i>Law school/APR 6 graduate</i>	6 months	None required

The Supervised Practice Subcommittee noted that these differences might result in some detrimental consequences. In particular, the difference in requirements for APR 6 law clerks and those for law students and graduates could compound perceptions that the law clerk program and the experiential licensing pathway are less valid than traditional legal education and licensing routes.

Basing the time requirements around three separate pathways could also limit flexibility in two ways—first, current students pursuing the pathway would be required to complete all pathway requirements before they graduate and it is unclear under the proposal what the consequences would be if students are unable to finish the requirements before they graduate. Second, law students might be limited in the coursework they could take because there would be no flexibility in the number of experiential learning credits in which they must enroll. A law student, for instance, could not complete the pathway if they were only able to fit 9 credits of experiential learning into their schedule, even though they may be able to achieving significant supervised practice time through their coursework or other employment. Lastly, differing requirements for multiple pathways increases the potential for candidates to misunderstand the requirements applicable to them.

Following discussion of these issues, the consensus from the Steering Committee was that the Subcommittee should devise a proposal with a single requirement if it was feasible to do so. The

---

<sup>1</sup> Washington Bar Licensure Task Force, A Proposal for the Future of WA State Bar Admissions, Updated Following Public Comment, Feb. 28, 2024 (avail. at <https://www.courts.wa.gov/content/publicUpload/Washington%20Bar%20Licensure%20Task%20Force/A%20Proposal%20for%20the%20Future%20of%20WA%20State%20Bar%20Admissions%20Updated%20Following%20Public%20Comment%20022824.pdf>).

Subcommittee accordingly developed recommended time requirements that attempt to remain faithful to the proposed amounts of time from the Bar Licensure Task Force proposal, but that apply one standard to all candidates regardless of where they are in their legal education. The Subcommittee also believes it would be beneficial to frame all time requirements in hours, rather than attempting to convert law school credits into hours. Law schools do not necessarily employ one method for counting the amount of supervised practice time that corresponds to course credit. Students, however, frequently track the hours they spend on case work in externships and some employment settings. Candidates, therefore, could track the time they spend on qualifying activities and apply that to the total number of required hours.

Based on this framework, the Subcommittee recommends that all candidates be required to complete 825 hours of supervised practice time, up to 475 of which could be accrued while enrolled in a law school experiential course. 825 hours equates to approximately six months of practice time allowing for typical holidays and leave. To arrive at the recommended amount of time that may be accrued in experiential learning courses, the Subcommittee started with the assumption that a candidate pursuing the pathway while in law school would likely count their summer employment between 2L and 3L year towards the supervised practice time. Most summer positions for law students are around 10 weeks, or 350 hours at 35 hours per week. Applying those 350 summer employment hours to the total 825 hours leaves 475 hours remaining that could be gained through work performed as part of an experiential learning course. Moreover, 475 hours is approximately the amount of practice time students are required to perform in 12 credits of experiential coursework.

Candidates would be permitted to accrue up to 40 hours per week. The Subcommittee believes a limit on the number of weekly hours would be beneficial to discourage candidates from working excessive hours and trying to speed through the requirements. The Subcommittee suggests that recorded time must be spent on legal work in connection with a current or prospective client matter or working on pathway requirements. While candidates could accrue this time in any type of experiential course—clinic, externship, or simulation—class time could not count towards the requirement.

Candidates could begin accruing their required supervised practice time after they apply to the pathway and receive approval from WSBA to participate. Once the candidate is approved to participate, they would have 18 months in which to complete all pathway requirements. The Subcommittee also suggests that candidates be permitted to request an extension of that time for good cause, for instance if their supervised practice time was interrupted by medical leave. Just as with the bar exam, the Subcommittee recommends there be no limit on the number of times a person may attempt the experiential licensing pathway.

Subcommittee members noted some of the benefits of this recommendation included streamlining the time requirements, creating equity among candidate types, alleviating stress on students to fit the correct number of credits into their courseload, and reducing the pressure on law schools to increase experiential learning courses because law students would have more flexibility to supplement experiential learning fieldwork with postgraduate employment.

Both this proposal and the Bar Licensure Task Force's initial supervised practice time proposal have been shared with stakeholders during input-gathering sessions to collect feedback. The Subcommittee wishes to learn whether the proposal for a single standard applicable to all candidates is feasible and whether there are preferences for one proposal over the other. The two proposals will continue to be shared at future input sessions and the Subcommittee looks forward to hearing the Steering Committee's thoughts on the single-standard proposal, as well.

## **All Prior Recommendations:**

### **I. Candidate Activities and Assessments**

The Supervised Practice Subcommittee proposes a licensing program structure in which candidates would perform and be assessed on a specified set of required activities. These activities would be aligned with the core competencies approved by the Steering Committee so that candidates would have an opportunity to demonstrate and be assessed on all competencies by the time they complete their period of supervised practice.

Candidates would submit a portfolio of written work product generated during their supervised practice and their supervisors' rubrics assessing their performance on the enumerated activities to the Board of Bar Examiners. The Bar Examiners would assess candidates' competence to practice law based on the portfolio.

In sum, the Subcommittee recommends the following activities that all candidates must perform and be assessed on prior to admission through the experiential licensure pathway:

1. Complete a legal education by graduating from law school, completing the APR 6 program, or meeting additional educational requirements for foreign-trained candidates.
2. Demonstrate competence in professional responsibility by:
  - a. Either:
    - i. Achieving a passing score on the Multistate Professional Responsibility Exam, or
    - ii. Engaging with their supervisor in three discussions of professional responsibility issues they encounter in practice. The candidate would submit a reflection documenting each discussion that would be submitted as part of their portfolio.
  - b. And completing the following activities:
    - i. Complete a CLE on issues of professional responsibility;
    - ii. Spend a defined amount of time on client-facing activities;
    - iii. Observe or work with an office manager or other staff who handle billing, trust accounts, client payments, or grant management and reporting; and
    - iv. Keep detailed, contemporaneous timekeeping records.
3. Engage in two verbal client interviews or counselling sessions. The supervisor would observe and submit a rubric assessing the experience.
4. Submit as part of the candidate's portfolio:
  - a. Two written client counselling communications;
  - b. Two persuasive legal documents; and
  - c. Two objective legal memoranda.
5. Engage in one negotiation. The supervisor would observe and submit a rubric assessing the experience.
6. Demonstrate use of research tools to develop the facts of a client matter.

These activities, the assessment methods for each activity, and the core competencies addressed by the activity are explained in greater detail below.

#### **a. Assessing Understanding Legal Processes, Sources of Law, and Threshold Concepts**

**A licensure candidate must demonstrate an understanding of legal processes and sources of law.**

*Includes understanding the appropriate application of state and local law, federal law, administrative rules, and local court rules and understanding the channels of legal practice, including alternative dispute resolution processes, negotiation skills, legislative processes, administrative and regulatory processes, and court processes.*

**A licensure candidate must demonstrate an understanding of threshold concepts in many subjects.**

*A threshold concept is an “insight that transforms understanding of a subject.”<sup>2</sup> Threshold concepts “distinguish individuals who have begun to master a subject from all others” and “allow new learners to understand the ‘how’ and ‘why’ of their field rather than simply the ‘what.’”<sup>3</sup> This competency “focuses on understanding principles and policies that govern the law, rather than memorizing specific black-letter rules” and “allow lawyers to identify issues, search for the appropriate rule, and see nuances in the rule.”*

Candidates will acquire the requisite skills and knowledge to satisfy these competencies through completion of a course of legal study in law school or the APR 6 Law Clerk Program. Candidates who obtained their legal education outside the United States will satisfy these competencies through completion of additional educational requirements. These requirements mirror existing requirements for individuals seeking admission through sitting for the bar exam. Prior to admission to practice law in Washington, candidates will be required to provide proof of:

- 1) Graduation with a J.D. degree from an approved<sup>4</sup> law school;
- 2) Completion of the APR 6 law clerk program;
- 3) Graduation from a university or law school in any jurisdiction where English common law is the basis for its jurisprudence, that they are admitted and in good standing to practice law in a jurisdiction where English common law is the basis for jurisprudence, and that they have active legal experience for at least three of the five years immediately preceding application to the program; or
- 4) Graduation from an unapproved law school or graduation with a law degree from a university or law school in a jurisdiction outside the United States, and graduation with an LL.M degree for the practice of law from an approved law school.

Candidates will also be required to submit a portfolio of work product, described in greater detail below, as part of their application for admission. The Washington Board of Bar Examiners will examine the contents of the portfolio and assess whether the candidate has demonstrated an understanding of legal processes and sources of law and of threshold legal concepts.

## **b. Assessing Professional Responsibility**

**A licensure candidate must demonstrate the ability to act**

*Includes the demonstrated ability to conduct oneself with respect for and in accordance with the law, including*

---

<sup>2</sup> IAALS, *Building a Better Bar: The Twelve Building Blocks of Minimum Competence*, 37 (2020).

<sup>3</sup> *Id.*

<sup>4</sup> APR 2(a)(5) provides that the WSBA Board of Governors “[a]pprove[s] law schools for the purposes of these rules and maintain[s] a list of such approved law schools.”

**professionally and in accordance with the rules of professional conduct.**

*compliance with the requirements of applicable state, local, and federal constitutions, laws, rules and regulations, and any applicable court order. A candidate for licensure may satisfy this competency by managing a law related workload; coping with the stress of legal practice; pursuing self-directed learning; understanding the business of maintaining a legal practice; and appropriately using technology in legal practice.*

Under current admission requirements, applicants who take the bar exam in Washington must also earn a passing score of 85 on the Multistate Professional Responsibility Exam (MPRE). In keeping with the emphasis of the experiential pathway on alternatives to exam-based assessments, the Supervised Practice Committee proposes that candidates have the option of demonstrating competency in professional responsibility through either the MPRE or a supervised practice-based assessment.

Therefore, all candidates for admission through the experiential pathway would demonstrate competence in professional responsibility by either:

- 1) Taking and passing the MPRE with a minimum passing score of 85; or
- 2) Engaging in three discussions with their supervisor of issues of professional responsibility that have come up in the course of the supervised practice. WSBA will also develop a prompt that supervisors and candidates may use instead in the event not enough professional responsibility issues are presented during the candidate's supervised practice. Candidates will write a reflection on each discussion identifying the ethical question they encountered, the applicable rules of professional responsibility, and how they resolved the question. The reflections will be submitted to the Board of Bar Examiners with the candidate's portfolio.

All candidates will also be required to complete several additional activities intended to demonstrate their competency in the specifically-identified components of the professional responsibility core competency. First, candidates will attend a CLE developed by WSBA covering (1) common stressors in legal practice, including secondary trauma, and strategies and resources available to manage them; (2) strategies for managing a law-related workload; (3) resources for answering ethics questions during practice; and (4) the intersection of technology tools, client privacy, and data security.

Second, candidates will be asked to devote a defined amount of time during their supervised practice to client-facing activities. The Utah Supreme Court, for instance, recently approved an experiential licensing pathway that requires 20 of the 240 supervised practice hours to be client facing. This requirement touches on a candidate's ability to manage a law-related workload and cope with the stress of legal practice. The Subcommittee will be continuing discussions to recommend an appropriate amount of time.

Third, candidates will be required to spend time observing or working with an office manager or other staff who handle billing, trust accounts, client payments, or grant management or reporting. This requirement addresses candidates' understanding of the business of maintaining a legal practice. The Subcommittee proposes that the Bar provide a checklist of topics to cover to ensure the experience is meaningful.

Fourth, candidates would be required to keep detailed, contemporaneous timekeeping records. This requirement also addresses candidates' understanding of the business of legal practice. The consensus of Subcommittee members was that, even if timekeeping practices may vary across practice areas, this was an essential element of legal practice and a good habit to develop in prospective lawyers. The time records

need not be submitted to the Bar as part of the portfolio but supervisors would review the records and certify that the records are appropriate for the area of practice.

Lastly, the Subcommittee also recommends that supervisors complete a summative rubric that assesses the candidate's ability to delegate when appropriate, spend their time appropriately, plan for and meet deadlines, manage client files, and manage multistep projects. This rubric touches on many aspects of professional responsibility and the practicalities of legal practice, but primarily addresses the ability to manage a law related workload. The assessment would be based on the supervisor's holistic observation of the candidate's performance over the course of the supervised practice.

### **c. Assessing Client Interactions**

**A licensure candidate must demonstrate the ability to interact effectively with clients.**

*Emphasizes the ability to gain a client's trust; recognize the importance of cross-cultural competence and seek available resources to understand the needs of their clients; gather relevant facts and identify client goals; communicate regularly with clients, convey information and options in terms that a client can understand, and help the client choose a strategy; manage client expectations, convey bad news, and cope with difficult clients.*

**A licensure candidate must demonstrate the ability to communicate as a lawyer.**

*Includes the ability to choose a method of communication appropriate to the circumstances and audience; communicate the application of legal authority to the facts in a written or oral form that is appropriate for the audience, including the client, opposing counsel, the courts, and other stakeholders; draft and edit legal documents and legal correspondence; work collaboratively with others, including opposing counsel, to address a client matter; and apply negotiation skills to advocate on behalf of a client.*

In addition to the activities above, the Supervised Practice Subcommittee proposes that candidates be required to engage in both verbal and written client interactions to demonstrate competence in the ability to interact effectively with clients and to communicate as a lawyer with respect to client communications. The Supervised Practice Subcommittee members noted that verbal and written interactions with clients typically involve different skills, both of which are important for candidates to learn and demonstrate. For that reason, during supervised practice candidates would be required to:

- 1) Conduct two verbal client interviews or counselling sessions. The supervisor would observe the interview or counselling sessions and would complete a rubric assessing the experience. The rubric would be submitted to the Board of Bar Examiners; and
- 2) Write two client counselling letters or emails. The communication would be submitted for evaluation by the Board of Bar Examiners as part of the candidate's portfolio.

While these activities primarily address the candidate's ability to interact effectively with clients and to communicate as a lawyer, they provide an opportunity for assessment of several other competencies. Conducting an initial client interview, for instance, involves identifying relevant issues in the case and asking questions of the client to gather the facts relevant to those issues. Rubrics and grading tools should account for these additional competencies.

### **d. Assessing Written Legal Work**

**A licensure candidate must demonstrate the ability to communicate as a lawyer.**

*Includes the ability to choose a method of communication appropriate to the circumstances and audience; communicate the application of legal authority to the facts in a written or oral form that is appropriate for the audience, including the client, opposing counsel, the courts, and other stakeholders; draft and edit legal documents and legal correspondence; work collaboratively with others, including opposing counsel, to address a client matter; and apply negotiation skills to advocate on behalf of a client.*

**A licensure candidate must demonstrate the ability to interpret legal materials.**

*Emphasizes the ability to understand and interpret constitutional provisions, statutes, judicial opinions, and regulations and the ability to evaluate how legal documents, such as contracts, should be construed.*

**A licensure candidate must demonstrate the ability to apply legal authority to the relevant facts in a client matter.**

*Emphasizes the ability to make logically sound arguments based on precedent, analogy, and policy; assess the strengths and weaknesses in a client's position and an opposing party's position; and forecast potential outcomes of a client matter.*

**A licensure candidate must demonstrate the ability to conduct research.**

*Includes the ability to: research answers to specific legal questions; recognize relevant and/or dispositive legal sources applicable to a client matter; appreciate the authoritative weight of sources of law relevant to a client matter; utilize strategies to update sources of law and/or find additional sources of law that are relevant to a client matter; acquire facts and non-legal information for client matters; develop the factual record; and locate information about local rules or practices.*

**A licensure candidate must demonstrate the ability to identify issues.**

*Emphasizes the ability to understand the "big picture" of client matters; identify legal principles and legally significant facts relevant to a client matter; identify goals and objectives in client matters; identify legal claims and remedies that might address a client's needs; identify legal and practical obstacles to achieving any proposed resolution; and develop strategies to guide client matters.*

The quintessential written legal documents, such as briefs and memoranda, provide one of the most comprehensive opportunities to assess a candidate's foundational legal skills. The Supervised Practice Subcommittee proposes that candidates be required to submit with their portfolio:

- 1) Two persuasive written legal documents, such as a brief in support of a dispositive motion or pre-arbitration memorandum; and
- 2) Two objective written legal memoranda that apply relevant law to the facts of the case, assess the strengths and weaknesses of the client matter, and forecast potential outcomes.

These submissions would be assessed by Bar Examiners based on multiple core competencies.

Similarly to client communication styles, the Supervised Practice Subcommittee divided work product into persuasive writing and objective writing because they generally require distinct perspectives and touch in different ways on several of the core competencies. The Subcommittee believes demonstrating competence in both methods of communication is important for candidates.

### **e. Assessing Communications with Adjudicators and Other Lawyers and Parties**

**A licensure candidate must demonstrate the ability to communicate as a lawyer.**

*Includes the ability to choose a method of communication appropriate to the circumstances and audience; communicate the application of legal authority to the facts in a written or oral form that is appropriate for the audience, including the client, opposing counsel, the courts, and other stakeholders; draft and edit legal documents and legal correspondence; work collaboratively with others, including opposing counsel, to address a client matter; and apply negotiation skills to advocate on behalf of a client.*

In addition to communication with clients, as discussed above, communicating as a lawyer necessarily involves communicating with adjudicators, opposing attorneys, and other parties. First, the description for this core competency specifically notes negotiation as a distinct communication style in which lawyers should be proficient. Researchers for the Institute for the Advancement of the American Legal System (IAALS), also report in *Building a Better Bar: The Twelve Building Blocks of Minimum Competence* (2020), that respondents emphasized the importance of negotiating skills as a separate type of lawyerly communication. Accordingly, candidates for licensure through the experiential pathway would be required to engage in one negotiation.

The Subcommittee proposes a broad definition of negotiation to ensure such experiences would be available to candidates in a variety of practice settings. A negotiation would include any discussion aimed at reaching an agreement. It could occur in the context of litigation, transactional, regulatory, or other matters. The negotiation need not focus on final resolution of the matter and may address preliminary or interim matters. Negotiations need not be lengthy but must involve sufficient activity to allow the supervisor and Bar Examiners to assess the candidate's ability to express and advocate for their client's position and respond to opposing positions. The activity would be observed by the candidate's supervisor who would complete a rubric assessment and submit the assessment to the Board of Bar Examiners.

### **f. Assessing Legal Research and Factual Development**

**A licensure candidate must demonstrate the ability to conduct research**

*Includes the ability to: research answers to specific legal questions; recognize relevant and/or dispositive legal sources applicable to a client matter; appreciate the authoritative weight of sources of law relevant to a client matter; utilize strategies to update sources of law and/or find additional sources of law that are relevant to a client matter; acquire facts and non-legal information for client matters; develop the factual record; and locate information about local rules or practices.*

Lastly, as described above, legal research and writing would be assessed through evaluation of a candidate's persuasive and objective legal writing. This competency also includes development of facts and non-legal information relevant to a client matter. Accordingly, candidates would be asked to demonstrate their competence in using factual research tools, such as discovery requests, issuing subpoenas requesting information, sending FOIA requests, gathering facts from interviews with witnesses, or using other nonlegal research tools. Their supervisor would assess their research process using a rubric, which would be submitted to the Board of Bar Examiners.

## **II. Portfolio Parameters**

### **a. Word Count Requirements**

In developing recommendations for the length of portfolio submissions, the Supervised Practice Subcommittee's goal was to ask candidates to provide enough of their work to accurately assess their competence, without creating too high of a burden for graders or barriers for candidates to complete the requirements. The Subcommittee also looked to practices in other jurisdictions and court rules regarding the length of filings to help guide the recommendations.<sup>5</sup>

Based on these considerations, the Subcommittee concluded it was desirable to include clear guidance for both minimum and maximum word count requirements. The Subcommittee recommends that all portfolio submissions must be between 350 and 4200 words and that at least two submissions must be 1500 words or more. Taken together with requirements for the number of portfolio submissions, these requirements mean each candidate will submit a minimum of 4400 words, or around 15 pages, of material for assessment.

### **b. Addressing Distinct Legal Issues**

The Supervised Practice Subcommittee recommends that individual portfolio submissions must each address at least one distinct legal issue not addressed in the other portfolio submissions. This requirement is intended to ensure candidates demonstrate that they can apply the essential competencies across multiple legal issues. The portfolio submission, therefore, should include sufficient analysis of the distinct legal issue to permit assessment of the candidate's competency. Candidates would identify the unique legal issue in a cover page accompanying the piece of work.

For purposes of this requirement, application of the same legal standard, rule, or test to different facts would not be considered addressing a distinct legal issue. Rather, a submission must analyze some unique legal inquiry—such as application of a distinct statutory provision, administrative rule, or legal test—not present in other portfolio submissions. For example, a brief addressing dismissal under Fed. R. Civ. P. 12(b)(1) due to lack of subject matter jurisdiction presents a distinct legal issue from a brief addressing dismissal under Fed. R. Civ. P. 12(b)(6) for failure to state a claim. In addition, the candidate's discussion of this distinct legal issue must have enough depth to allow bar examiners to assess the submission on the basis of the experiential licensing pathway core competencies. Perfunctory analyses would not be graded as passing.

The Subcommittee recommends that WSBA make this guidance and additional illustrations publicly available, such as in a program guide or FAQ webpage, to help candidates assess whether their submission includes a distinct legal issue and the necessary depth of analysis.

---

<sup>5</sup> Both Minnesota and Oregon require at least two submissions to be 1500 words or more and both jurisdictions will reject submissions if they are too short to permit evaluation. King County Superior Court's word limit for civil motions is 4200 words.

These parameters mirror similar requirements in Oregon’s Supervised Practice Portfolio Examination (SPPE) and Minnesota’s proposed Curricular Pathway. Oregon requires that each piece of work product address at least one legal issue that differs from the legal issues addressed in other pieces of work product.<sup>6</sup> Oregon notes that application of the same issue to different fact patterns would not be sufficient to comply with their rule. Minnesota, likewise, has proposed requiring portfolio submissions to include discussion of at least one legal issue not present in other portfolio submissions and defines “distinct legal issue” in the same manner as Oregon.<sup>7</sup> Minnesota’s proposal also requires that the depth of analysis of the distinct legal issue unique to the submission be sufficient to provide a basis for the examiner to make a judgment about the applicant’s competency.

### **c. AI and Template Use**

The Supervised Practice Subcommittee also determined that guidance should be provided for use of generative AI, templates, or other models in creating portfolio submissions. Rather than simply prohibiting their use, the Subcommittee believed it was important to instead provide guidance for several reasons. First, the reality of legal practice is that lawyers often are not starting from scratch when drafting filings. They frequently begin with a template or model from a prior case and adapt it to the needs of their current case. Second, AI use is commonplace. The Subcommittee concluded a prohibition on AI use would not be useful because it is likely some candidates will use AI tools anyway and consistently detecting its use is difficult and likely to become even more so. Third, the ability to use these tools responsibly is a component of lawyer competence. The Subcommittee, therefore, considered this to be an opportunity to turn AI and template use into additional skill development.

The Subcommittee, therefore, recommends that candidates be required to identify in a cover page whether they used AI, a template, or other model to create any portfolio submission, and, if so, the modifications they made to make the work their own. In addition, if they used an AI tool, they must describe how they ensured they met their ethical obligations in generating the work.

### **d. Confidentiality**

Supervisors and candidates in the experiential pathway have ethical obligations to protect confidential client information. RPC 1.6 prohibits a lawyer from “reveal[ing] information relating to the representation of a client unless the client gives informed consent,” and requires a lawyer to “make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of the client.” In addition, evidentiary privileges protecting confidential client communications and attorney work product may be waived if the information is shared with a third party.<sup>8</sup> It is highly likely work product submitted by candidates in the experiential pathway will contain client information. Accordingly, the experiential pathway requirements must give participants the ability to protect confidential client information.

The Subcommittee, therefore, recommends that candidates be directed to redact all party names, including client and opposing party names, and other information that is reasonably likely to lead to identification of the client. If present in the material, candidates should also redact any other confidential information, such as trade secrets or proprietary information. Candidates may provide background for the work in the cover page if some additional context is needed due to the redactions.

---

<sup>6</sup> Oregon SPPE Rules, 6.4(A)(3) (avail. at [https://www.osbar.org/\\_docs/sppe/4-CLEAN-SPPERulesTo-Court.pdf](https://www.osbar.org/_docs/sppe/4-CLEAN-SPPERulesTo-Court.pdf)).

<sup>7</sup> Minnesota Curricular Pathway Report, Draft 9.18.2025, pg. 9 (avail. at <https://ble.mn.gov/wp-content/uploads/2025/09/Minnesota-Curricular-Pathway-Report-Draft-9.18.2025.pdf>).

<sup>8</sup> Restat. 3d of the Law Governing Lawyers, § 79; *Dietz v. Doe*, 131 Wn.2d 835, 850 (1997) (attorney-client privilege); *Kittitas Cty v. Allphin*, 190 Wn.2d 691, 700 (2018) (work product doctrine).

In addition, candidates will be submitting their own personal information to the Bar when they apply to participate in the experiential pathway and submit portfolio material. That information should also be protected from disclosure. Some in the legal community and public may consider methods of licensure other than the bar exam to have less validity than the bar exam. Keeping licensure applications confidential will help encourage potential employers and clients to select lawyers based on demonstrable skills rather than license method. In addition, candidate information in the portfolio material itself should be protected to facilitate unbiased grading.

Several Washington Supreme Court rules already protect license application material from disclosure. APR 1(d)(1) provides that all records relating to applications for any license type or for the law clerk program are confidential and privileged against disclosure except as necessary to conduct an investigation, hearing, and appeal or review pursuant to the Admission and Practice Rules, or if expressly authorized by the Washington Supreme Court or the applicant. Applications for licensure are likewise exempt from disclosure under General Rule 12.4, which governs public records requests directed to WSBA.<sup>9</sup> The Subcommittee recommends that these rules be applied to applications for the experiential licensure pathway, including the contents of candidate portfolios.

With respect to candidate information that may appear in portfolio submissions, the Subcommittee proposes that candidates redact their own identifying information and information identifying their supervisor and employer. The Bar presently uses a system for grading bar exam essays that anonymizes the material before it is sent to a bar examiner for grading by removing the test taker's name and identifying the exam instead by number. The Subcommittee recommends that this anonymization method be applied to portfolio submissions, as well.

#### **e. Ability to Correct Work**

The Subcommittee also considered the extent to which candidates may be permitted to correct portfolio submissions that have been deemed not passing. Oregon's SPPE program, for instance, permits candidates to substitute new work for any submissions that do not receive a passing score.<sup>10</sup> Oregon places no limit on the number of times a candidate may resubmit work.<sup>11</sup> Minnesota's proposed Curricular Pathway would also permit candidates to submit replacement work for materials that are deemed insufficient.<sup>12</sup> However, Minnesota's program, which is open only to law students, requires all portfolio materials to be submitted by the deadline for the final assessment window prior to the candidate's graduation. If any materials in this final portfolio are deemed insufficient, candidates would have an opportunity to cure or provide replacement materials in the first evaluation window after their graduation.<sup>13</sup>

The Supervised Practice Subcommittee sought to balance several values when developing their recommendation. They considered that one of the goals of the experiential licensing pathway is to provide an opportunity for candidates to demonstrate their competence to practice law without the artificial time pressure of the bar exam. The program, however, should be rigorous enough to protect the public and appropriately assesses candidate competence. The Subcommittee was also cognizant of supervisor and examiner time and Bar resources. The Subcommittee was concerned that providing unlimited opportunities to correct work would create an incentive for candidates to submit a high volume of work of questionable quality in the hopes of eventually meeting the passing threshold.

---

<sup>9</sup> GR 12.4(d)(2)(E).

<sup>10</sup> Oregon SPPE Rules, 7.4(B), 8.2(B).

<sup>11</sup> *Id.*

<sup>12</sup> Minnesota Curricular Pathway Report, Draft 9.18.2025, pg. 5,

<sup>13</sup> *Id.* at 15.

With these interests in mind, the Subcommittee believes candidates should have an opportunity to correct work but that limiting the number of opportunities would encourage candidates to submit their best work upfront and make better use of participant's time and resources. The Subcommittee, therefore, recommends that candidates be permitted to correct any work submitted as part of the midpoint portfolio that is deemed not passing and, if any work submitted as part of the final portfolio is graded not passing, the candidate will have two opportunities to correct that work.

This requirement would not preclude a candidate from reapplying and making a successive attempt to become licensed through the experiential pathway if they are unable to successfully complete all the program requirements within the required timeframe.<sup>14</sup> The candidate would again need to complete all program requirements during this successive attempt, including submitting new work product for assessment as part of the portfolio.

#### **f. Attestation Cover Page**

Lastly, the Supervised Practice Subcommittee recommends that WSBA develop an attestation cover sheet to accompany each work product submitted as part of the portfolio. On the form, the candidate and supervisor would attest that the material is the candidate's own work, noting any use of AI or templates as needed; identify the distinct legal issue addressed in the work; and provide an opportunity for candidates to give context for the piece if they believe that to be necessary. WSBA may request that candidates and supervisors provide additional information on the attestation form if needed.

### **III. Eligibility Requirements for Experiential Pathway Supervisors**

Lastly, the Supervised Practice Subcommittee has developed recommendations for eligibility requirements for supervisors. Supervisors will play a significant role in supporting and assessing candidates' skills and knowledge in the experiential pathway. Supervisors will observe candidates' real-world performance and complete rubrics to be submitted as part of the final portfolio and will ideally impart their own knowledge and experience to their supervisees. When developing recommendations for eligibility requirements for supervisors, the Subcommittee sought to set the requirements high enough to ensure supervisors have the requisite experience to assess admittee's performance, but not so high as to restrict unnecessarily the number of potential supervisors.

The Subcommittee considered existing requirements for supervising attorneys for licensed legal interns under APR 9; law clerks under APR 6; law school externship programs; and other jurisdictions' experiential licensing programs. Although the Washington State Bar Licensure Task Force initially proposed that experiential pathway supervisors meet the requirements for law clerk tutors under APR 6, the Subcommittee ultimately determined for several reasons to recommend that supervisor requirements instead mirror the requirements for APR 9 supervisors.

Under APR 9, a supervisor of a licensed legal intern must be an active member in good standing of the Washington State Bar Association and have been actively engaged in the practice of law in any state or territory of the United States or the District of Columbia for at least three years preceding the date of application.<sup>15</sup> APR 9 supervisors also may not have been disbarred or subject to disciplinary suspension in

---

<sup>14</sup> The Core Competencies Subcommittee has tentatively recommended that, unless otherwise noted in the requirements, required work product and experiences must be completed after the candidate is approved to participate and that candidates must complete all pathway requirements within 18 months of beginning the pathway. The Supervised Practice Subcommittee will be incorporating these recommendations into their discussion of the timing and hours requirements for the pathway more generally.

<sup>15</sup> APR 9(c).

any jurisdiction within the preceding ten years, have a pending or imminent disciplinary proceeding, or have received a disciplinary sanction within the last three years.<sup>16</sup>

The requirements for APR 6 law clerk tutors are substantially stricter. Tutors must have active legal experience for at least ten of the twelve years preceding application, two of which must have been in Washington.<sup>17</sup> In addition, law clerk tutors must not have received any disciplinary sanction within the prior five years and it is within the Bar's discretion to reject someone as a tutor if the person has received a disciplinary sanction more than five years earlier or has a pending disciplinary proceeding.<sup>18</sup>

The Subcommittee concluded that, while the requirements for APR 6 tutors may be appropriate for the law clerk program, they were overly limiting for the experiential licensing pathway. First, the program duration and relationship between supervisor and supervisee in the experiential pathway more closely resemble the licensed legal intern program. In comparison to the four years APR 6 law clerks typically spend in the program, candidates for licensing will spend a much shorter time in the program. Moreover, APR 6 tutors have a substantial role in guiding the law clerk's education and professional and ethical development over many years and do so with a large amount of independence. The relationship between supervisor and candidate in the experiential licensing pathway may involve some of these elements but, on balance, is more like the relationship between a supervisor and employee and will be more closely guided by the Court and Bar. Candidates for licensure in the experiential pathway will obtain the majority of their legal education outside the licensing program. For that reason, the Subcommittee concluded it was not necessary for supervisor requirements in the experiential pathway to be as stringent as those for APR 6 tutors.

Relatedly, the Subcommittee was concerned that requiring experiential pathway supervisors to meet the APR 6 tutor requirements would significantly narrow the available pool of supervisors. Permitting supervisors with three years of experience, instead of ten, allows many more lawyers to participate in the program while still protecting the public.

Lastly, mirroring the APR 9 requirements streamlines administration of the experiential pathway. Experiential candidates will fulfill their practical experience requirements while practicing with an APR 9 license. Creating a new standard for supervisors would increase administrative burdens for participants and the Bar, both of whom would need to navigate different rules applicable to similar, related programs.

---

<sup>16</sup> *Id.*

<sup>17</sup> APR 6(c)(3).

<sup>18</sup> APR 6(c)(2).

# **Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation**

**APR 1**

## **IN GENERAL; SUPREME COURT; PREREQUISITES TO THE PRACTICE OF LAW; COMMUNICATIONS TO THE BAR; CONFIDENTIALITY; DEFINITIONS**

**(a) Supreme Court.** The Supreme Court of Washington has the exclusive responsibility and the inherent power to establish the qualifications for admission to practice law, and to admit and license persons to practice law in this state. Any person carrying out the functions set forth in these rules is acting under the authority and at the direction of the Supreme Court.

**(b) Prerequisites to the Practice of Law.** Except as may be otherwise provided in these rules, a person shall not appear as an attorney or counsel in any of the courts of the State of Washington, or practice law in this state, unless that person ~~has passed an examination for admission,~~ has complied with the ~~other~~ requirements of these rules, and is an active member of the Washington State Bar Association (referred to in these rules as the Bar). A person shall be admitted to the practice of law and become an active member of the Bar only by order of the Supreme Court.

**(c) Communications to the Association.** Communications to the Bar, the Board of Governors, or any individual person, board, committee or other entity administered by the Bar or acting under authority of these rules, are absolutely privileged, and no lawsuit may be predicated thereon.

### **(d) Confidentiality.**

(1) Unless expressly authorized by the Supreme Court or by the applicant, all application records, including related investigation files, documents, and proceedings for admission or for a license to practice law or for enrollment in the law clerk program are confidential and shall be privileged against disclosure, except as necessary to conduct an investigation, hearing, and appeal or review pursuant to these rules.

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

(2) Unless expressly authorized by the Supreme Court, all examination questions, scoring keys for admission examinations and admission portfolios, and other examination data used by the Bar to administer any examinations or to review and grade any portfolios for admission or licensing are not subject to public disclosure.

(3) Unless expressly authorized by the Supreme Court, the following records of the Board of Bar Examiners, Mandatory Continuing Legal Education Board, Limited Practice Board, Limited License Legal Technician Board, Law Clerk Board, Character and Fitness Board, and the Client Protection Fund Board are confidential and shall not be disclosed:

(A) Preliminary drafts, notes, recommendations, and intra-Board memorandums in which opinions are expressed or policies formulated or recommended;

(B) Records that are relevant to a controversy to which the Board is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(4) Motions for permission to practice law under APR 8(b) are not confidential and may be disclosed pursuant to a proper request.

**(e) Definitions.** The following definitions apply throughout these Admission and Practice Rules except where otherwise stated:

(1) “Active legal experience.”

(A) When used to describe a requirement for admission or licensure as, or otherwise regarding, a lawyer means experience in the active practice of law as a lawyer, including practice as a pro bono status lawyer licensed under APR 3(g), or as a teacher at an approved law school, or as a judge of a court of general or appellate jurisdiction or any combination thereof, in a state or territory of the United States or in the District of Columbia or in any jurisdiction where the common law of England is the basis of its jurisprudence;

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

(B) when used to describe a requirement for licensing as, or otherwise regarding, an LLLT, means active experience practicing law as an LLLT, including practice as a pro bono status LLLT licensed under APR 3(g);

(C) when used to describe a requirement for licensing as, or otherwise regarding, an LPO means active experience practicing law as an LPO, including as a pro bono status LPO licensed under APR 3(g).

(2) “Bar” means the Washington State Bar Association, including Bar staff.

(3) “Bar counsel” means a staff lawyer employed by the Bar.

(4) “Board of Governors” means the Board of Governors of the Washington State Bar.

(5) “LLLT” means limited license legal technician.

(6) “LL.M. degree for the practice of law” means an LL.M. program at a law school approved by the Board of Governors that consists of a minimum of 18,200 minutes of total instruction to include at least 12,000 minutes of instruction on principles of domestic United States law, which must include:

(i) a minimum of 2080 minutes in United States Constitutional Law, including principles of separation of powers and federalism;

(ii) a minimum of 2080 minutes in the civil procedure of state and federal courts in the United States;

(iii) a minimum of 1400 minutes in the history, goals, structure, values, rules and responsibilities of the United States legal profession and its members; and

(iv) a minimum of 1400 minutes in legal analysis and reasoning, legal research, problem solving, and oral and written communication.

(7) “LPO” means limited practice officer.

(78) “Member” means a person who is identified as belonging to a group identified as members by the Bar’s Bylaws.

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

(9) “Supervised legal work” means work that requires knowledge of legal concepts or lawyering skills and is customarily, but not necessarily, performed by a lawyer.

(810) “Qualified legal services provider” means a not for profit legal services organization in Washington State whose primary purpose is to provide legal services to low income clients.

(911) “Supreme Court” means the Supreme Court of Washington.

### APR 2

#### BOARD OF GOVERNORS

(a) **Powers.** In addition to any other power or authority in other rules, the Board of Governors shall have the power and authority to:

(1) Appoint a Board of Bar Examiners from among the active and judicial members of the Bar for the purposes of assisting the Bar with grading examinations for admission or licensing, reviewing and grading portfolio items for admission or licensing, and in writing and maintaining the Washington Law Component;

(2) Appoint a Law Clerk Board from among the active and judicial members of the Bar for the purposes of assisting the Bar in supervising the Law Clerk Program;

(3) Appoint a Character and Fitness Board pursuant to Rule 23;

(4) Except as otherwise stated in these Admission and Practice Rules, provide for the administration by the Bar of all aspects of:

(A) developing the form and content, receiving, reviewing, investigating, and approving or denying applications for admission and licensing examinations, participating in programs administered by the Bar, being admitted or licensed to practice law, or changing membership status with the Bar, and any other certificate or document referred to in these Admission and Practice Rules and

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

(B) recommending to the Supreme Court the approval or denial of applicants for admission or licensure to practice law.

(5) Approve law schools for the purposes of these rules and maintain a list of such approved law schools;

(6) Prescribe, subject to review by the Supreme Court, the amount of any fees required by these rules; and

(7) Perform any other functions and take any other actions provided for in these rules, or as may be delegated by the Supreme Court, or as may be necessary and proper to carry out its duties.

**(b) Written Request.** Any request to the Board of Governors for action on any subject under these rules shall be in writing and shall be properly filed. ~~For the purpose of these rules, filing shall occur at the headquarters office of~~ mailed or emailed to the Executive Director of the Bar.

APR 3

### APPLICANTS FOR ADMISSION TO PRACTICE LAW

**(a) Prerequisite for Admission.** Every person desiring to be admitted to the Bar and the practice of law in Washington must be of good moral character and possess the requisite fitness to practice law, and must ~~qualify for and pass an examination except~~ meet the requirements for admission to practice law as provided for in these rules.

**(b) Qualification for Lawyer Bar Examination.** To qualify to sit for the lawyer bar examination, a person must not be eligible for admission by motion or Uniform Bar Examination (UBE) score transfer and must present satisfactory proof of:

(1) graduation with a Juris Doctor (JD) degree from a law school approved by the Board of Governors; or

(2) completion of the law clerk program prescribed by these rules; or

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

(3) graduation from a university or law school in any jurisdiction where the common law of England is the basis for its jurisprudence with a degree in law that would qualify the applicant to practice law in that jurisdiction and admission to the practice of law in that same or other jurisdiction where common law of England is the basis of its jurisprudence, together with current good standing and active legal experience for at least three of the five years immediately preceding the filing of the application; or

(4)~~(A)~~ graduation with a Master of Laws (LL.M.) degree for the practice of law as defined ~~below~~ in APR 1(e) and either:

~~(iA)~~ graduation with a JD degree from a United States law school not approved by the Board of Governors, or

~~(iiB)~~ graduation from a university or law school in a jurisdiction outside the United States, with a degree in law that would qualify the applicant to practice law as a lawyer or the equivalent in that jurisdiction.

~~(B) "LL.M. degree for the practice of law" means an LL.M. program at a law school approved by the Board of Governors that consists of a minimum of 18,200 minutes of total instruction to include at least 12,000 minutes of instruction on principles of domestic United States law, which must include:~~

~~(i) a minimum of 2,080 minutes in United States Constitutional Law, including principles of separation of powers and federalism;~~

~~(ii) a minimum of 2,080 minutes in the civil procedure of state and federal courts in the United States;~~

~~(iii) a minimum of 1,400 minutes in the history, goals, structure, values, rules, and responsibilities of the United States legal profession and its members; and~~

~~(iv) a minimum of 1,400 minutes in legal analysis and reasoning, legal research, problem solving, and oral and written communication.~~

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

Applicants who graduated with an LL.M. degree from a law school approved by the Board of Governors but whose degree program did not include completion of the total instruction required for the LL.M. degree for the practice of law as set forth in ~~this subsection~~ APR 1(e) may qualify to sit for the lawyer bar examination by providing satisfactory proof that they have completed supplemental coursework at one or more law schools approved by the Board of Governors sufficient to satisfy the total required instruction as set forth above.

### **(c) Lawyer Admission by Motion.**

(1) Lawyers admitted to practice law in other states or territories of the United States or the District of Columbia ~~are not required to sit for the lawyer bar examination~~ may be admitted by motion if they:

(A) file a certificate from that jurisdiction certifying the lawyer's admission to practice, and the date thereof, and current good standing or the equivalent; and

(B) present satisfactory proof of active legal experience for at least one of the three years immediately preceding the filing of the application.

(2) *Military Spouse Admission by Motion.* A lawyer admitted to practice law in another state or territory of the United States or the District of Columbia who is the spouse of an active duty service member of the United States Uniformed Services, as defined by the United States Department of Defense, ~~is not required to sit for the lawyer bar examination~~ may be admitted by motion if the applicant meets the following requirements:

(A) the applicant's spouse is stationed in Washington or will be stationed in Washington within six months of filing the application, and the applicant resides or will reside in Washington as the spouse of that member of the United States Uniformed Services within six months of filing the application;

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

(B) the applicant files a certificate from each jurisdiction in which the applicant is admitted certifying the applicant's admission to practice and the date thereof, and current good standing or the equivalent; and

(C) the applicant has no lawyer disciplinary sanctions or pending lawyer disciplinary or incapacity matters in any jurisdiction in which the applicant has been admitted.

**(d) Lawyer Admission by UBE Score Transfer.** Persons with a UBE score earned in another state or territory of the United States or the District of Columbia ~~are not required to sit for the lawyer bar examination in Washington~~ may be admitted by UBE score transfer if they:

(1) file a transcript demonstrating that the applicant received a UBE score that is equal to or higher than the score required to pass the UBE in Washington, and it has been not more than 40 months since the date of the administration of the UBE in which the score was earned; and

(2) file a transcript demonstrating that the applicant received a Multistate Professional Responsibility Examination (MPRE) score equal to or higher than the score required to pass the MPRE in Washington, and the score was received no earlier than three years prior to and no later than 40 months after the date of the administration of the UBE in which the applicant received the UBE score.

**(e) Lawyer Admission by Portfolio Evaluation.** Persons may be admitted by portfolio evaluation if they present satisfactory proof of fulfilling one of the qualifications for the lawyer bar examination in APR 3(b) and successfully complete the portfolio evaluation as set forth in APR 4(c).

(1) To qualify to participate in the portfolio evaluation, a person must not be eligible for admission by motion or UBE score transfer and must present satisfactory proof of:

(A) current enrollment in a J.D. program at a law school approved by the Board of Governors and having completed at least one-half of a required three-year J.D. curriculum or five-eighths of a required four-year J.D. curriculum; or

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

(B) current enrollment in the APR 6 law clerk program and having completed at least five-eighths of the APR 6 law clerk curriculum; or

(C) fulfillment of one of the qualification requirements in APR 3(b).

Applicants may not begin participation in the portfolio evaluation until receiving permission to participate from the Bar.

~~**(e) Qualification for Limited License Legal Technician (LLLT) examination.** To qualify to sit for the LLLT examination, a person must;~~

~~(1) be at least 18 years of age and~~

~~(2) have the following education, unless waived through regulation:~~

~~(A) an associate level degree or higher;~~

~~(B) 45 credit hours of core curriculum instruction in paralegal studies pursuant to APR 28 Regulation 3 with instruction to occur at an American Bar Association (ABA) approved law school, an educational institution with an ABA approved paralegal education program, or an educational institution with an LLLT core curriculum program approved by the LLLT Board; and~~

~~(C) in each practice area in which an applicant seeks licensure, instruction in the approved practice area based on a curriculum developed by or in conjunction with an ABA approved law school, covering the key concepts or topics and the number of credit hours of instruction required for licensure in that practice area, as determined by the LLLT Board.~~

**(f) Qualification for Limited Practice Officer (LPO) Examination.** [unchanged]

**(g) Pro Bono Admission.** [unchanged]

**(h) Qualification for Limited License Legal Technician (LLLT) examination.** To qualify to sit for the LLLT examination, a person must;

(1) be at least 18 years of age and

(2) have the following education, unless waived through regulation:

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

(A) an associate level degree or higher;

(B) 45 credit hours of core curriculum instruction in paralegal studies pursuant to APR 28 Regulation 3 with instruction to occur at an American Bar Association (ABA) approved law school, an educational institution with an ABA approved paralegal education program, or an educational institution with an LLLT core curriculum program approved by the LLLT Board; and

(C) in each practice area in which an applicant seeks licensure, instruction in the approved practice area based on a curriculum developed by or in conjunction with an ABA approved law school, covering the key concepts or topics and the number of credit hours of instruction required for licensure in that practice area, as determined by the LLLT Board.

**(hi) Withholding Approval or Permission to Take Examinations or to Participate in Portfolio Evaluation.** The Bar may, in its discretion, withhold approval of an application or withhold permission to take an examination, or withhold permission to participate in a portfolio evaluation for an otherwise qualified applicant, until the applicant establishes that all requirements have been met or until completion of an inquiry into the applicant's character and fitness.

### **(ij) Applications; Fees; Filing.**

(1) Every applicant for admission shall:

(A) Execute and file an application, in the form and manner and within the time limits that may be prescribed by the Bar;

(B) Pay upon the filing of the application such fees as may be set by the Board of Governors subject to approval by the Supreme Court; and

(C) Furnish whatever additional information or proof may be required in the course of investigating the applicant's qualification for admission or licensure, and investigating the applicant's good moral character and fitness pursuant to APR 20-25.6.

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

(2) Refunds of any application fees shall be handled according to policies established by the Bar.

(3) Transfers of applicants from administration of one examination to administration of another examination shall be handled according to policies established by the Bar.

APR 4

### **EXAMINATIONS FOR ADMISSION AND PORTFOLIO EVALUATIONS;**

#### **NOTIFICATION OF RESULTS**

**(a) Examinations.** Examinations for admission to practice law shall be conducted by and under the direction of the Bar. Examinations shall be held at such times and places as the Bar may designate.

~~**(b) Notification of Results.** As soon as practicable after the completion of an examination, applicants will be notified of the results. The Bar may disclose publicly the names of those applicants who have passed an examination, but not the names of those who failed an examination unless authorized by the applicant or these rules. There shall be no appeal or review of examination results.~~

~~**(c) Repeating Examinations.** There is no limitation on the number of times an unsuccessful lawyer or LPO applicant may apply for and take subsequent administrations of an examination for admission. An LLLT applicant may repeat the examination for admission without limitation on the number of times until the final administration of the LLLT examination after which no examination will be administered.~~

~~**(d) Lawyer Bar Examination.** Unless otherwise provided by these rules, a~~ Applicants for admission by bar examination to practice law as a lawyer must take and pass the National Conference of Bar Examiners' (NCBE) Uniform Bar Examination (UBE) and Multistate Professional Responsibility Examination (MPRE).

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

(1) Washington's minimum passing score for the legacy UBE is 260; the minimum passing score for the NextGen UBE is 610.

(2) Washington's MPRE minimum passing score is 85, which must be earned no earlier than three years prior to and no later than 40 months after the date of the administration of the UBE in which the applicant received the minimum passing score.

~~(3) The Bar may disclose the results of the lawyer bar examination to an applicant's law school and the NCBE.~~

### **(c) Lawyer Portfolio Evaluation.**

(1) Applicants for admission to practice law as a lawyer by portfolio evaluation must:

(A) Complete, if it has been more than six years since graduating from or otherwise completing a qualifying program of education as set forth in APR 3(b), the WSBA CLE Washington Law and Practice Refresher course consisting of at least 15 MCLE credits;

(B) Complete all required supervised practice time as a licensed legal intern pursuant to APR 9 or equivalent license or permission for supervised practice in another U.S. jurisdiction or administrative agency. *[Specific time requirements still under consideration. To be determined prior to submission to Court];*

(C) Engage in two client interviews or counselling sessions;

(D) Engage in one negotiation;

(E) Observe or work with an office manager or other staff who handle business aspects of legal practice, such as billing, trust account management, client payments, or grant management or reporting;

(F) Demonstrate competence in professional responsibility by:

(i) Taking and passing the MPRE. Washington's MPRE minimum passing score is 85; or

(ii) Engaging in three discussions with the applicant's supervisor of professional responsibility issues encountered during the supervised legal work and submit a written

## **Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation**

reflection on each discussion. The written reflection must (1) identify the ethical question encountered, (2) discuss the Washington Rules of Professional Responsibility or other professional responsibility principles applicable to the situation, and (3) describe how they resolved the question;

(G) Complete a CLE course of at least two hours on professional responsibility as prescribed by the Bar;

(H) Keep detailed, contemporaneous timekeeping records; and

(I) Submit a final portfolio demonstrating competence in and an understanding of the core competencies listed below:

(i) understanding of legal processes and sources of law;

(ii) understanding of threshold concepts in many subjects;

(iii) ability to act professionally and in accordance with the rules of professional conduct;

(iv) ability to interpret legal materials;

(v) ability to identify issues;

(vi) ability to conduct research;

(vii) ability to apply legal authority to the relevant facts in a client matter;

(viii) ability to communicate as a lawyer; and

(ix) ability to interact effectively with clients.

Detailed descriptions of the core competencies shall be included in policies established by the Bar.

(2) The final portfolio must include:

(A) Two client counselling communications written by applicant;

(B) Two persuasive legal documents written by applicant;

(C) Two objective legal memoranda written by applicant;

## **Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation**

1 (D) A rubric completed by the applicant's supervisor assessing the applicant's negotiation  
2 performance;

3 (E) Two rubrics completed by the applicant's supervisor assessing the applicant's client  
4 interviews or counselling sessions;

5 (F) A rubric completed by the applicant's supervisor assessing the applicant's ability to  
6 manage a law-related workload;

7 (G) A rubric completed by applicant's supervisor assessing the applicant's use of research  
8 tools to develop the facts of a client matter; and

9 (H) If the applicant does not have a qualifying MPRE score, three reflections on discussions  
10 of professional responsibility issues written by applicant.

11 Requirements for the form in which portfolio items are to be submitted shall be established  
12 by the Bar. Applicants must comply with all such requirements.

13 (3) An applicant with a qualifying MPRE score must submit a midpoint portfolio to include  
14 at least 5 of the required final portfolio items. An applicant without a qualifying MPRE score  
15 must submit a midpoint portfolio to include at least 6 of the required final portfolio items. Items  
16 (A), (B), (C), (D), (E), and (H) above are eligible for inclusion in the midpoint portfolio.

17 (4) Each portfolio item will be reviewed and graded as either pass or fail by the Board of Bar  
18 Examiners under policies and procedures established by the Bar.

19 (5) There shall be no appeal or review of portfolio results including individual portfolio item  
20 results.

21 (6) An applicant can submit replacements for any portfolio items deemed not passing from  
22 the midpoint portfolio.

23 (7) An applicant will have no more than two opportunities to submit replacements for  
24 grading for any and all portfolio items deemed not passing from the final portfolio.

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

(8) Notwithstanding subsection (7) above, an applicant must successfully complete all portfolio evaluation requirements no later than 18 months from receiving notice of permission to participate in the portfolio evaluation.

**(ed) LLLT Examination.** [unchanged]

**(fe) LPO Examination.** [unchanged]

**(f) Notification of Results.** As soon as practicable after the completion of an examination or final portfolio evaluation, applicants will be notified of the results. The Bar may disclose publicly the names of those applicants who have passed an examination or final portfolio evaluation, but not the names of those who failed an examination or a portfolio evaluation unless authorized by the applicant or these rules. (3) The Bar may disclose the results of the lawyer bar examination to an applicant's law school and the NCBE. The Bar may disclose the results of the final portfolio evaluation to the applicant's law school.

There shall be no appeal or review of examination or portfolio evaluation results.

**(g) Repeating Examinations and Portfolio Evaluations.** There is no limitation on the number of times an unsuccessful lawyer or LPO applicant may apply for and take subsequent administrations of an examination for admission. There is no limitation on the number of times an unsuccessful portfolio evaluation applicant may apply for and attempt the portfolio evaluation. An LLLT applicant may repeat the examination for admission without limitation on the number of times until the final administration of the LLLT examination after which no examination will be administered.

APR 5

PREADMISSION REQUIREMENTS; OATH; RECOMMENDATION FOR  
ADMISSION; ORDER ADMITTING TO PRACTICE LAW

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

1       **(a) Preadmission Requirements.** Before an applicant who has ~~passed an examination for~~  
2 ~~admission, or who qualifies for admission without passing an examination,~~ completed the  
3 requirements for admission to practice law under APR 3 may be admitted, the applicant must:

4       (1) pay to the Bar the annual license fee and any mandatory assessments ordered by the  
5 Supreme Court for the current year;

6       (2) file any and all licensing forms required of active lawyers, limited license legal  
7 technicians (LLLTs), or limited practice officers (LPOs); and

8       (3) take the Oath of Attorney, the Oath of LPOs, or the Oath of LLLTs.

9       **(b) Lawyer applicants.** In addition to the requirements in subsection (a) above, lawyer  
10 applicants must:

11       (1) take and pass the Washington Law Component (WLC). The duration, form, and manner  
12 of the WLC shall be as prescribed by the Bar. The WLC minimum pass score is 80 percent; and

13       (2) complete a minimum of 4 hours of education in a curriculum and under circumstances  
14 approved by the Bar.

15       **(c) LLLT Applicants.** [unchanged]

16       **(d) LPO Applicants.** [unchanged]

17       **(e) Expiration of Preadmission Requirements.** The preadmission requirements must be  
18 completed:

19       (1) for lawyer applicants, within 40 months from the date of the administration of the  
20 examination or the date the applicant receives a passing grade on all required final portfolio  
21 items for lawyer applicants;

22       (2) by July 31, 2023, for LLLT applicants;

23       (3) within 12 months from the date of the administration of the examination for LPO  
24 applicants;

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

(4) within 12 months from the date of filing the application for lawyer applicants who apply by motion or Uniform Bar Examination (UBE) score transfer, except for good cause shown.

**(f) Oath of Attorney, Limited Practice Officer, and Limited License Legal Technician.**

[unchanged]

**(g) Contents of Oath of Attorney.** [unchanged]

**(h) Oath for Limited Practice Officers—Contents of Oath.** [unchanged]

**(i) Contents of Oath of Limited License Legal Technician.** [unchanged]

**(j) Recommendation for Admission.** The Bar shall recommend to the Supreme Court the admission or rejection of each applicant who has ~~passed an examination for admission or who qualifies for and has been approved for admission without passing an examination~~ completed the requirements for admission to practice law under APR 3, and who has complied with the preadmission requirements set forth in this rule. A recommendation for admission shall be based upon the Bar's determination, after investigation, that the applicant has met all the requirements for admission and appears to be of good moral character and fit to engage in the practice of law. All recommendations of the Bar shall be accompanied by the applicant's application for admission and any other documents deemed pertinent by the Bar or requested by the Supreme Court. The recommendation and all accompanying documents shall be kept by the Clerk of the Supreme Court in a record which shall not be a public record.

**(k) Order Admitting to Practice.** After examining the recommendation and accompanying documentation transmitted by the Bar, the Supreme Court may enter such order in each case as it deems advisable. For those applicants it deems qualified, the Supreme Court shall enter an order admitting them to the practice of law.

**(l) Nonresident Lawyers, LLLTs or LPOs.** There shall be no requirement that an applicant, lawyer, LLLT, or LPO be a resident in the state of Washington.

# Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

APR 6

## LAW CLERK PROGRAM

(a) **Purpose.** The Law Clerk Program provides access to legal education guided by a qualified tutor using an apprenticeship model that includes theoretical, experiential, and clinical components. Successful completion of the Law Clerk Program provides a way to meet the education requirement to apply for the admission to practice law as a lawyer in Washington by either bar examination or portfolio evaluation in Washington; it is not a special admission or limited license to practice law.

(b) **Application.** [unchanged]

(c) **Tutors.** [unchanged]

(d) **Enrollment.** [unchanged]

(e) **Course of Study.** [unchanged]

(f) **Completion of the program.** A law clerk shall be deemed to have successfully completed the program when:

(1) All required courses have been completed and passed as certified each month by the tutor, and all book reports have been submitted;

(2) The tutor has certified that the law clerk, in the tutor's opinion, is qualified to take the for admission to practice law as a lawyer by bar examination or portfolio evaluation and is competent to practice law; and

(3) The Bar has certified that all program requirements are completed.

(g) **Termination.** [unchanged]

(h) **Effective Date.** [unchanged]

(i) **Confidentiality.** [unchanged]

APR 7

# Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

[RESERVED]

[unchanged]

## APR 8

### NONMEMBER LAWYER LICENSES TO PRACTICE LAW

[unchanged]

## APR 9

### LICENSED LEGAL INTERNS

**(a) Purpose.** Supervised professional practice plays an important role in the development of competent lawyers and expands the capacity of the Bar to provide quality legal services while protecting the interests of clients and the justice system. This rule authorizes supervised professional practice by qualified law students, enrolled law clerks, ~~and recent graduates of approved law schools, and persons who have completed the law clerk program~~ when they are licensed pursuant to this rule to engage in the limited practice of law as “Licensed Legal Interns.” The license granted pursuant to this rule is a limited license, ~~based in part on recognition of the role practice experience plays in developing the competence of aspiring lawyers and in part on the fact~~ that the Licensed Legal Intern will be supervised by an experienced lawyer. Persons granted such a limited license and their supervising lawyers must comply with the obligations and limitations set forth in these rules.

**(b) Eligibility.** To be eligible to apply to be a Licensed Legal Intern, an applicant must have arranged to be supervised by a qualifying lawyer and:

(1) Be a student duly enrolled and in good academic standing in a J.D. program at an ~~approved~~ law school approved by the Board of Governors who has:

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

(A) successfully completed a course on evidence, a course on professional responsibility, and not less than ~~two-thirds~~ one half of a law school's prescribed 3-year course of study or five-eighths of a law school's prescribed 4-year course of study for a J.D., and

(B) obtained the written approval of ~~the law school's dean or a person designated by such dean~~ and a certification by the ~~law school's registrar or designee~~ other law school official designated by the law school's dean that the applicant has met the educational eligibility requirements; or

(2) Be an enrolled law clerk who:

(A) is certified by the Bar staff to be in compliance with the provisions of APR 6 and to have successfully completed a course on evidence, a course on professional responsibility, and not less than five-eighths of the law clerk program's prescribed 4-year course of study; and

(B) has the written approval of the primary tutor if the supervising lawyer is not also the primary tutor; or

(3) Be a J.D. graduate of an ~~approved~~ law school approved by the Board of Governors who has not been admitted to the practice of law in any state or territory of the United States or the District of Columbia, provided that the application is made within nine months of graduation; or

(4) Have completed the APR 6 law clerk program and not been admitted to the practice of law in any state or territory of the United States or the District of Columbia, provided that the application is made within nine months of the completion of the APR 6 law clerk program; or

(5) Be a graduate of an ~~approved~~ law school approved by the Board of Governors with an LL.M. that meets the requirements in APR 3(b)(4) and who qualifies under APR 3(b)(4) to take the Washington lawyer bar examination and who has not been admitted to the practice of law in any state or territory of the United States or the District of Columbia, provided that the application is made within nine months of graduation; or

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

(6) Have applied for admission by portfolio evaluation under APR 3(e) and been granted permission to participate.

**(c) Qualifications To Be a Supervising Lawyer.** Except in the sections regarding the application for issuance of a limited license pursuant to this rule, references in this rule to “supervising lawyer” include both the supervising lawyer named in the application materials and on the Licensed Legal Intern identification card, and any other lawyer from the supervising lawyer’s office who meets the qualifications of a supervising lawyer and who performs the duties of a supervising lawyer. A supervising lawyer must be an active lawyer member in good standing of the Bar, who has been actively engaged in the practice of law in the State of Washington or in any state or territory of the United States or the District of Columbia for at least the 3 years immediately preceding the date of the application, who has not been disbarred or subject to a disciplinary suspension in any jurisdiction within the previous 10 years and does not have a disciplinary proceeding pending or imminent, and who has not received a disciplinary sanction of any kind within the previous 3 years.

**(d) Application.** The applicant must submit an application in a form and manner prescribed by the Bar.

(1) The applicant and the supervising lawyer must fully and accurately complete the application, and they have a continuing duty to correct and update the information on the application while it is pending and during the term of the limited license. Every applicant and supervising lawyer must cooperate in good faith with any investigation by promptly furnishing written or oral explanations, documents, releases, authorizations, or other information reasonably required by the Bar. Failure to cooperate fully or to appear as directed or to furnish additional information as required shall be sufficient reason for the Bar to recommend denial or termination of the license.

(2) The application must include:

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

(A) all requested information about the applicant and the Supervising Lawyer;

(B) the required certification ~~from the law school (or confirmation from the Bar, for APR 6 Law Clerks)~~ as described in (b) above that the applicant has the required educational qualifications; and

(C) certifications in writing under oath by the applicant and the supervising lawyer(s) that they have read, are familiar with, and will abide by this rule and the Washington Rules of Professional Conduct. (3) Full payment of any required fees must be submitted with the application. The fees shall be set by the Board of Governors subject to approval by the Supreme Court.

(4) Bar staff shall review all applications to determine whether the applicant and the supervising lawyer have the necessary qualifications, and whether the applicant possesses the requisite good moral character and fitness to engage in the limited practice of law provided for in this rule. Bar staff may investigate any information contained in or issues raised by the application that reflect on the factors contained in APR 21(a), and any application that reflects one or more of the factors set forth in APR 21 shall be referred to Bar Counsel for review.

(5) Bar Counsel may conduct such further investigation as appears necessary, and may refer to the Character and Fitness Board for hearing any applicant about whom there is a substantial question whether the applicant possesses the requisite good moral character and fitness to practice law as defined in APR 20. Such hearing shall be conducted as provided in APR 20-24.3. Bar Counsel may require any disclosures and conditions of the applicant and supervising lawyer that appear reasonably necessary to safeguard against unethical conduct by the applicant during the term of the limited license. No decision regarding the good moral character and fitness to practice of an applicant made in connection with an application for licensing pursuant to this rule is binding on the Bar or Character and Fitness Board at the time an applicant applies for

## **Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation**

admission to practice law and membership in the Bar, and such issues may be reinvestigated and reconsidered by Bar staff, Bar Counsel, and the Character and Fitness Board.

(6) The Supreme Court shall issue or refuse the issuance of a limited license for a Licensed Legal Intern. The Supreme Court's decision shall be forwarded to the Bar, which shall inform the applicant of the decision.

(7) Upon Supreme Court approval of an applicant, the Bar shall deliver to the supervising lawyer, with a copy to the applicant, a confirmation of approval by the Supreme Court and a Licensed Legal Intern identification card. An applicant must not perform the duties of a Licensed Legal Intern before receiving the confirmation and identification card.

(8) Once an application is accepted and approved and a license is issued, a Licensed Legal Intern is subject to the Washington Rules of Professional Conduct and the Rules for Enforcement of Lawyer Conduct and to all other laws and rules governing lawyers admitted to the Bar of this state, and is personally responsible for all services performed as a Licensed Legal Intern. Any conduct by a Licensed Legal Intern that would subject a lawyer admitted to practice law in this state to discipline may result in the Bar taking action on the Licensed Legal Intern's license, including termination of the Licensed Legal Intern's license or requiring disclosures by or condition on the Licensed Legal Intern and supervising lawyer that may appear reasonably necessary to safeguard against unethical conduct by the Licensed Legal Intern during the term of the limited license.

(9) A Licensed Legal Intern may have up to two supervising lawyers in different offices at one time. A Licensed Legal Intern may submit an application for approval to add a supervising lawyer in another office or to change supervising lawyers any time within the term of the limited license. When a Licensed Legal Intern applies to add a concurrent supervising lawyer in another office, the Intern must notify both the current supervising lawyer and the proposed new supervising lawyer in writing about the application, and both the current and the new supervising

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

lawyer must approve the addition and certify that such concurrent supervision will not create a conflict of interest for the Licensed Legal Intern. The qualifications of the new supervising lawyer will be reviewed by Bar staff who may approve or deny the supervisor. The Licensed Legal Intern will be notified of approval or denial of the new supervising lawyer as described above and must not perform the duties of a licensed legal intern before receiving a new confirmation containing notification of approval and a new identification card.

**(e) Scope of Practice, Prohibitions, and Limitations.** In addition to generally being permitted to perform any duties that do not constitute the practice of law as defined in GR 24, a Licensed Legal Intern shall be authorized to engage in the limited practice of law only as authorized by the provisions of this rule.

(1) A Licensed Legal Intern may engage in the following activities without the presence of the supervising lawyer:

(A) Advise or negotiate on behalf of a person referred to the Licensed Legal Intern by the supervising lawyer;

(B) Prepare correspondence containing legal advice to clients or negotiating on behalf of clients, pleadings, motions, briefs, or other documents. All such correspondence, pleadings, motions, and briefs must be reviewed and signed by the supervising lawyer, as well as any other documents requiring the signature of a lawyer. On any correspondence or legal document signed by the Licensed Legal Intern, the Licensed Legal Intern's signature shall be followed by the title "Licensed Legal Intern" and the Licensed Legal Intern's identification number;

(C) Present to the court ex parte and agreed orders signed by the supervising lawyer, except as otherwise provided in these rules;

(D) After a reasonable period of in-court supervision or supervision while practicing before an administrative agency, which shall include participating with the supervising lawyer in at least one proceeding of the type involved before the same tribunal and being observed by the

## **Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation**

1 supervising lawyer while handling one additional proceeding of the same type before the same  
2 tribunal:

3 (i) Represent the State or the respondent in juvenile court in misdemeanor and gross  
4 misdemeanor cases;

5 (ii) Try hearings, nonjury trials, or jury trials, in courts of limited jurisdiction;

6 (iii) Represent a client in any administrative adjudicative proceeding for which nonlawyer  
7 representation is not otherwise permitted.

8 (2) In any proceeding in which a Licensed Legal Intern appears before the court, the  
9 Licensed Legal Intern must advise the court of the Intern's status and the name of the Intern's  
10 supervising lawyer.

11 (3) A Licensed Legal Intern may participate in Superior Court and Court of Appeals  
12 proceedings, including depositions, only in the presence of the supervising lawyer or another  
13 lawyer from the same office.

14 (4) A Licensed Legal Intern must not receive payment directly from a client for the Intern's  
15 services. A Licensed Legal Intern may be paid for services by the Intern's employer, and the  
16 employer may charge for the services provided by the Licensed Legal Intern as may be  
17 appropriate.

18 (5) A Licensed Legal Intern must not try any motion or case or negotiate for or on behalf of  
19 any client unless the client is notified in advance of the status as a Licensed Legal Intern and of  
20 the identity and contact information of the Licensed Legal Intern's supervising lawyer.

21 (6) A Licensed Legal Intern must not perform any of the actions permitted by this rule on  
22 behalf of or under the supervision of any lawyer other than the supervising lawyer or another  
23 lawyer employed in the same office who is qualified for such supervision under this rule.

24 (7) For purposes of the attorney-client privilege, a Licensed Legal Intern shall be considered  
25 a subordinate of the lawyer providing supervision for the Intern.

## **Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation**

1       **(f) Additional Obligations of Supervising Lawyer.** Agreeing to serve as the supervising  
2 lawyer for a Licensed Legal Intern imposes certain additional obligations on the supervising  
3 lawyer. The failure of a supervising lawyer to comply with the duties set forth in this rule shall  
4 be grounds for disciplinary action pursuant to the Rules for Enforcement of Lawyer Conduct. In  
5 addition to the duties stated or implied above, the supervising lawyer:

6       (1) must provide training to all Licensed Legal Interns supervised by the supervising lawyer,  
7 regarding the Rules of Professional Conduct and how they relate to the limited practice of the  
8 Licensed Legal Intern. Such training may be waived if the supervising lawyer otherwise  
9 determines that the Licensed Legal Intern has previously received such training and the  
10 supervising lawyer deems such training sufficient for the limited practice that will be supervised;

11       (2) must direct, supervise, and review all of the work of the Licensed Legal Intern and shall  
12 assume personal professional responsibility for any work undertaken by the Licensed Legal  
13 Intern while under the lawyer's supervision;

14       (3) must ensure that all clients to be represented by the Licensed Legal Intern are informed of  
15 the intern's status as a Licensed Legal Intern in advance of the representation;

16       (4) must review and sign all correspondence providing legal advice to clients and all  
17 pleadings, motions, briefs, and other documents prepared by the Licensed Legal Intern and  
18 ensure that they comply with the requirements of this rule, and must sign the document if it is  
19 prepared for presentation to a court;

20       (5) must take reasonable steps to ensure that the Licensed Legal Intern is adequately prepared  
21 and knowledgeable enough to be able to handle any assigned matters performed outside the  
22 supervising lawyer's presence, but need not be present in the room while the Licensed Legal  
23 Intern is performing such duties unless such presence is specifically required by this rule;

24       (6) must supervise no more than:  
25  
26

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

1 (a) one Licensed Legal Intern at any one time if the supervising lawyer is in private practice  
2 not otherwise described below;

3 (b) four Licensed Legal Interns at any one time if the supervising lawyer is employed by a  
4 recognized institution of legal aid, legal assistance, public defense, or similar programs  
5 furnishing legal assistance to indigents, or by the legal departments of a state, county, or  
6 municipality; ~~or~~

7 (c) 10 Licensed Legal Interns at any one time if the supervising lawyer is a full-time clinical  
8 supervising lawyer or a member of the faculty of an approved law school for a clinical course  
9 offered by the law school where such course has been approved by its dean and is directed by a  
10 member of its faculty and is conducted within institutions or legal departments described in the  
11 section above or within the law school, provided that a supervising lawyer attends all adversarial  
12 proceedings conducted by the legal interns; or

13 (d) two Licensed Legal Interns at any one time if the Licensed Legal Interns are both enrolled  
14 in the APR 6 law clerk program, the supervising lawyer is in private practice, and the supervising  
15 lawyer is the primary tutor for both of the Licensed Legal Interns;

16 (7) must meet with the Licensed Legal Intern, in person, ~~or~~ by telephone, or remotely a  
17 minimum of one time per week, to review cases being handled and to provide feedback on  
18 performance, to provide additional guidance and instruction, and to answer questions or issues  
19 raised by the Licensed Legal Intern;

20 (8) must inform the Bar staff promptly if circumstances arise that cause the supervising  
21 lawyer to have concern about the good moral character or fitness to practice of a Licensed Legal  
22 Intern supervised by that lawyer, and cooperate in any investigation that may follow such a  
23 report;

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

(9) may terminate supervision of a Licensed Legal Intern under this rule at any time, with or without good cause, and must promptly notify the Bar staff of the effective date of the termination and the reasons for the termination;

(10) may be terminated as a supervising lawyer at the discretion of the Bar, and when so terminated, must take steps to ensure that any Licensed Legal Intern previously supervised by the supervising lawyer ceases to perform duties or hold him/herself out as though supervised by the supervising lawyer.

**(g) Additional Obligations and Limitations.** The following additional general obligations and limitations apply:

(1) A judge or administrative hearing officer may exclude a Licensed Legal Intern from active participation in a case in the interest of orderly administration of justice or for the protection of a litigant or witness. In such case, a continuance shall be granted to secure the attendance of the supervising lawyer, who must assume personal responsibility for that matter.

(2) A Licensed Legal Intern or the supervising lawyer must notify the Bar staff promptly if the supervising lawyer named on a Licensed Legal Intern's identification card terminates supervision of the Licensed Legal Intern, and such Licensed Legal Intern is prohibited from performing any of the actions described in these rules unless and until a change of supervising lawyer has been approved and a new identification card issued.

**(h) Term of Limited License.** A limited license issued pursuant to this rule shall ~~expire~~ be ~~valid, unless it is revoked or supervision is terminated, for a period of not more than 30 consecutive months, and in no case will it be valid if it has been more than 18 months since~~ the Licensed Legal Intern graduates from law school with a J.D., or with an LL.M. that meets the requirements in APR 3(b)(4) and qualifies under APR 3(b)(4) to take the Washington lawyer bar examination, or completes the APR 6 Law Clerk Program, unless application for the license is made after graduation or completion of the law clerk program for the purpose of

## Suggested Amendment to Admission and Practice Rules, Portfolio Evaluation

participating in the portfolio evaluation in which case the license shall expire 18 months after the date it is issued.

(1) The approval given to a law student by the law school ~~dean~~ registrar or the dean's designee or to a law clerk by the tutor may be withdrawn at any time by delivering notice to that effect to the Bar, and must be withdrawn if the student ceases to be duly enrolled as a student prior to graduation, takes a leave of absence from the law school or from the clinical program for which the limited license was issued, or ceases to be in good academic standing, or if the APR 6 law clerk ceases to comply with APR 6. When the approval is withdrawn, the Licensed Legal Intern's license must be terminated promptly.

(2) A limited license is granted at the sufferance of the Supreme Court and may be revoked at any time upon the court's own motion, or upon the motion of the Bar, in either case with or without cause.

(3) A Licensed Legal Intern must immediately cease performing any services under this rule and must cease holding himself out as a Licensed Legal Intern upon:

(A) the termination for any reason of the Intern's limited license under this rule;

(B) the termination of the supervision for any reason or the upon the resignation of the Intern's supervising lawyer;

(C) the suspension or termination by the Bar of the supervising lawyer's status as a supervising lawyer;

(D) the withdrawal of approval of the Intern pursuant to this rule; or

(E) the failure of the supervising lawyer to maintain qualification to be a supervising lawyer under the terms of this rule.