

WSBA APR 6(b)(7) Employment Waiver

Where the Bar is satisfied that a primary tutor has arranged a relationship with the applicant's full-time employer consistent with the purposes of the Program, the requirement that the primary tutor, or primary tutor's employer, be the law clerk's employer may be waived.

Law Clerk Board Regulation 1-3 G "Employment waiver" means a relationship in which the primary tutor is not the law clerk's direct employer but has received Board approval of an alternative relationship under APR 6(b)(7).

Law Clerk Board Regulation 3-1 A(2) Approval of any relationship requiring an employment waiver is within the discretion of the Board. The applicant and proposed tutor must explicitly describe the alternative relationship, show how the purpose of the program will be maintained, and describe how client confidentiality and conflicts of interest will be resolved.

Employment Waiver Guidelines

Applications or requests for reinstatement that include a petition to waive the requirement that the primary tutor or primary tutor's employer be the law clerk's employer, may be approved under the following conditions:

- 1) **The law clerk candidate's application must include an application from both the proposed primary tutor and the proposed lawyer who will be working with the law clerk at the place of employment ("workplace lawyer").** The workplace lawyer must establish that the clerk's employment will include tasks and duties that contribute to the practical aspects of engaging in the practice of law required by APR 6(b)(3).
- 2) **The workplace lawyer must meet the same qualifications as those of an assistant tutor** (whether or not they teach a course). Regulation 4-2 A defines the assistant tutor's qualifications as meeting all the qualifications of a tutor except that the assistant tutor need only have 5 years of active practice instead of 10.
- 3) **The minimum three hours a week of personal supervision between the law clerk and the tutor required by APR 6(d)(2) must occur in person.** Because the law clerk and tutor will not otherwise work together, a minimum amount of personal contact with the tutor is required.
- 4) **The law clerk, workplace lawyer and primary tutor must have regular contact.** It is anticipated that the tutor and workplace lawyer will develop a relationship to discuss the progress of the clerk and guide work and course assignments as required of the tutor in Regulation 4-1D(7).
- 5) **The workplace lawyer must agree to contribute to the monthly certificate.** The certificate will include prompts for what the workplace lawyer should include in the report.
- 6) **All three participants must agree to meet with the liaison for their initial interview and at any other meetings as requested by the Law Clerk Board.** The workplace lawyer, as the provider of the practical, experiential component of the program, may not be a passive participant.
- 7) **A law clerk with an employment waiver may not work and/or learn in a primarily virtual/remote office situation.**

Drafted August 7, 2015, LCB voted 5-2 to approve.

To BOG November 13, 2015. First Reading discussion, added #7.

No changes made by BOG/LCB Subcommittee February 25, 2016.

**WASHINGTON STATE
BAR ASSOCIATION**

**WORKPLACE LAWYER APPLICATION
APR 6 LAW CLERK PROGRAM**

Re: _____
Name of Law Clerk Applicant

(Please print or type)

1. Full Name: _____
Last First Middle

2. WSBA Bar Number: _____

3. Business Address: _____
Name of Business, Firm or Court

Street or P.O. Box

City State Zip Code

Work Email Address

4. Work Telephone: () _____

5. Are you eligible to apply as a Workplace Lawyer? (Must meet qualifications of an assistant tutor as set forth in Regulation 4-2A.) Yes No

6. Does the law clerk applicant have regular, full-time, paid employment in your office that complies with APR 6, the law clerk program regulations and the waiver guidelines, except that the employer is not the tutor or tutor's employer? Yes No

7. Describe how the law clerk applicant's employment will include tasks and duties that contribute to the practical aspects of engaging in the practice of law. (Use a separate sheet if necessary)

**WASHINGTON STATE
BAR ASSOCIATION**

Workplace Lawyer's Certificate

I, _____, state under penalty of perjury under the laws of the State of Washington that:

- 1) I am an attorney at law duly admitted to practice law in the State of Washington;
- 2) I employ or have the same employer as _____ (law clerk applicant);
- 3) I have read the tutor's description of the alternative applicant relationship between the law clerk, tutor and myself and the statements made therein are full, true and correct;
- 4) The law clerk's employment will include tasks and duties which contribute to the practical aspects of the practice of law; and
- 5) We have arranged how client confidentiality will be maintained and conflicts of interest will be resolved.

Signature

Print Name

Date and City/State where signed

**WASHINGTON STATE
BAR ASSOCIATION**
PRIMARY TUTOR APPLICATION
APR 6 LAW CLERK PROGRAM

Re: _____
Name of Law Clerk Applicant

(Please print or type)

1. Full Name: _____
Last First Middle

2. WSBA Bar Number: _____

3. Business Address: _____
Name of Business, Firm or Court

Street or P.O. Box

City State Zip Code

Work Email Address

4. Work Telephone: () _____

5. Is the law clerk applicant employed by you or your employer? Yes No
If no, you must complete questions 13-16.

6. Are you eligible to apply as a Primary Tutor as defined in APR 6(c)? Yes No

7. Have you ever been disbarred, suspended, reprimanded, censured, or otherwise disciplined by any jurisdiction? *If yes, give full details on an attached sheet.* Yes No

8. Name all jurisdictions and courts in which you have been admitted to the practice of law, including any limited practice and *pro hac vice*. Give the date of admission and current standing:

9. Please describe your legal education. List when you completed the Law Clerk Program or law school, degrees and dates earned:

WASHINGTON STATE BAR ASSOCIATION

Tutor's Certificate

I, _____, state under penalty of perjury under the laws of the State of Washington that I am an attorney at law duly admitted to practice law in the State of Washington; that I have read the foregoing application to act as a tutor and that the statements made therein are full, true and correct; and that I am eligible to act as a primary tutor.

I further certify that _____ (law clerk applicant) is employed on a regular, full-time basis: (*initial one below*)

_____ in my office in compliance with APR 6(3) and the Law Clerk Program Regulations.

_____ with the law clerk applicant's workplace lawyer in compliance with the employment waiver guidelines.

I further certify that I will instruct and examine the law clerk applicant faithfully in the branches of the law prescribed by the course of study approved by the Board of Governors, and that I will comply with the Rules and Regulations relating to the Law Clerk Program.

Signature

Print Name

Date and City/State where signed