

WSR 23-13-057
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO ADMISSION) NO. 25700-A-1514
AND PRACTICE RULES (APR) 1, 2, 3,)
8, 9, 11, AND 28)

The Washington State Bar Association, having recommended the adoption of the proposed amendments to Admission and Practice Rules (APR) 1, 2, 3, 8, 9, 11, and 28, and the Court having considered the proposed amendments, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed amendments as shown below are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the proposed amendments will be expeditiously published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 8th day of June, 2023.

Johnson, J.
Madsen, J.
Owens, J.
Stephens, J.
Gonzalez, C.J.
Gordon McCloud, J.
Yu, J.
Montoya-Lewis, J.

APR 1

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

(a) - (d) [Unchanged.]

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

(1) [Unchanged.]

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

(3) - (9) [Unchanged.]

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 grading examinations 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) - (7) [Unchanged.]

(b) [Unchanged.]

APR 3

APPLICANTS FOR ADMISSION TO PRACTICE LAW

(a) [Unchanged.]

(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)-(2) [Unchanged.]

(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 the common law of England is the basis of its jurisprudence, together with current good standing, ~~in any jurisdiction where the common law of England is the basis of its jurisprudence,~~ and active legal experience for at least three of the five years immediately preceding the filing of the application; or

(4)-(5) [Unchanged.]

(c)-(h) [Unchanged.]

(i) **Applications; Fees; Filing.**

(1) Every applicant for admission shall:

(A) [Unchanged.]

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

(C) [Unchanged.]

(2)-(3) [Unchanged.]

APR 5

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

(a)-(g) [Unchanged.]

(h) **Oath for ~~LPOs~~ Limited Practice Officers—Contents of Oath.**

OATH FOR LIMITED PRACTICE OFFICERS

STATE OF WASHINGTON

COUNTY OF _____

I, _____, do solemnly declare:

1.-5. [Unchanged.]

Signature ~~Limited Practice Officer~~

Subscribed and sworn to before me this _____ day of _____, _____.

JUDGE

(i) **Oath for Limited Practice Officer and of ~~LLLT~~ Limited License Legal Technician.** The Oath for Limited Practice Officer and the Oath of ~~LLLT~~ Limited License Legal Technician shall be taken before an elected or appointed judge, excluding judges pro tempore, sitting in open court in the state of Washington.

(j) **Contents of Oath of LLLT Limited License Legal Technician.**

The oath that all applicants shall take is as follows:

OATH OF LIMITED LICENSE LEGAL TECHNICIAN

STATE OF WASHINGTON

COUNTY OF _____

I, _____, do solemnly declare:

1.-8. [Unchanged.]

Signature ~~Limited License Legal Technician~~
Subscribed and sworn to before me this _____ day of

_____, _____.

Judge

(k) - (m) [Unchanged.]

APR 8

NONMEMBER LAWYER LICENSES TO PRACTICE LAW

(a) [Unchanged.]

(b) **Exception for Particular Action or Proceeding.** A lawyer member who is not admitted in Washington state but who is in good standing of, and permitted to practice law in, the bar of any other state or territory of the United States or of the District of Columbia, or a lawyer who is providing legal services for no fee through a qualified legal services provider pursuant to rule 8(f), may appear as a lawyer in any action or proceeding only

(i)-(ii) [Unchanged.]

(1)-(6) [Unchanged.]

(c)-(g) [Unchanged.]

APR 9

LICENSED LEGAL INTERNS

(a) [Unchanged.]

(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 who has:

(A) successfully completed not less than two-thirds 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, and

(B) [Unchanged.]

(2) Be an enrolled law clerk who:

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

(B) [Unchanged.]

(3) Be a J.D. graduate of an approved law school 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 completion of the APR 6 law clerk program; or

(5) Be a graduate of an approved law school 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.

(c) [Unchanged.]

(d) **Application.** The applicant must submit an application ~~on~~ in a form ~~provided and manner as prescribed by the Bar and signed by both the applicant and the supervising lawyer.~~

(1)-(2) [Unchanged.]

(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 ~~review~~ 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)-24, and any application that reflects one or more of the factors set forth in APR 21(a) shall be referred to Bar Counsel for review.

(5)-(6) [Unchanged.]

(7) Upon Supreme Court approval of an applicant, the Bar shall ~~send to the applicant, in care of the supervising lawyer's mailing address on record with the Bar,~~ deliver to the supervising lawyer, with a copy to the applicant, a letter ~~confirming~~ 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 ~~confirming letter~~ 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 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 ~~offense~~ conduct by a Licensed Legal Intern that would subject a lawyer admitted to practice law in this state to ~~suspension or disbarment may be punished by~~ 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 appear reasonably necessary to safeguard against unethical conduct by the Licensed Legal Intern during the term of the limited license. ~~suspension or forfeiture of the Licensed Legal Intern's privilege of taking the lawyer bar examination and being admitted to practice law in this state.~~

(9) A Licensed Legal Intern may have up to two supervising ~~attorneys~~ lawyers in different offices at one time. A Licensed Legal Intern may submit an application for approval to add a supervising ~~attorney~~ lawyer in another office or to change supervising ~~attorneys~~ lawyers any time within the term of the limited license. When a Licensed Legal Intern applies to add a concurrent supervising attorney in another office, the Intern must notify both the current supervising ~~attorney~~ lawyer and the proposed new supervising ~~attorney~~ lawyer in writing about the application, and both the current and the new supervising attorney 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 ~~attorney~~ 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 ~~attorney~~ lawyer as described above and must not

perform the duties of a licensed legal intern before receiving a new ~~confirming letter~~ 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 attorney lawyer:

(A) [Unchanged.]

(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 attorney 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)-(D) [Unchanged.]

(2)-(7) [Unchanged.]

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

(1)-(6) [Unchanged.]

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

(8)-(10) [Unchanged.]

(g) [Unchanged.]

(h) Term of Limited License. A limited license issued pursuant to this rule shall 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 graduated from law school or completed the APR 6 Law Clerk program.

(1) The approval given to a law student by the law school dean or the dean's designee or to a law clerk by the tutor may be withdrawn at any time by ~~mailing~~ 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)-(3) [Unchanged.]

APR 11

MANDATORY CONTINUING LEGAL EDUCATION (MCLE)

(a)-(i) [Unchanged.]

(j) Sponsor Duties. All sponsors must comply with the following duties unless waived by the Bar for good cause shown:

(1) The sponsor must not advertise course credit until the course is approved by the Bar but may advertise that the course credits are pending approval by the Bar after an application has been submitted. The sponsor shall communicate to the lawyer, LLLT, or LPO the number of credits and denominate whether the credits are "law and legal procedure" as defined under subsection (f)(1), "ethics and professional responsibility" as defined under subsection (f)(2), or "other," meaning any of the other subjects identified in subsections (f)(3)-(7).

(2)-(7) [Unchanged.]

(k) [Unchanged.]

APR 28

LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS

A.-F. [Unchanged.]

G. Conditions Under Which A Limited License Legal Technician May Provide Services

(1) [Unchanged.]

(2) Prior to the performance of the services for a fee, the Limited License Legal Technician shall enter into a written contract with the client, signed by both the client and the Limited License Legal Technician that includes the following provisions:

(a) An explanation of the services to be performed, including a conspicuous statement that the Limited License Legal Technician may not represent the client in court, formal administrative adjudicative proceedings, or other formal dispute resolution process ~~or negotiate the client's legal rights or responsibilities~~, unless permitted under GR 24(b) or specifically authorized by the scope of practice regulations for the approved practice area in which the LLLT is licensed;

(b)-(g) [Unchanged.]

(3)-(4) [Unchanged.]

H. [Unchanged.]

I. Continuing Licensing Requirements

(1) [Unchanged.]

(2) *Financial Responsibility.* Each active LLLT shall show proof of ability to respond in damages resulting from their acts or omissions in the performance of services permitted under APR 28 by:

(a)-(c) [Unchanged.]

(3)-(4) [Unchanged.]

J.-O. [Unchanged.]

APPENDIX APR 28

REGULATIONS OF THE APR 28 LIMITED LICENSE

LEGAL TECHNICIAN BOARD

[Unchanged.]

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.