I	TITLE
2	ADMISSION TO -AND PRACTICE RULES (APR)
3	RULE 1. IN GENERAL; SUPREME COURT; PREREQUISITES TO THE PRACTICE
4	OF LAW; COMMUNICATIONS TO THE ASSOCIATION; CONFIDENTIALITY
5	(a) Supreme Court. The Supreme Court of Washington has the exclusive responsibility and the
6	inherent power to establish the qualifications for admission to practice law, and to admit
7	persons to practice law in this state. Any person carrying out the functions set forth in these
8	rules is acting under the authority and at the direction of the Supreme Court.
9	(b) Prerequisites to the Practice of Law. Except as may be otherwise provided in these rules,
10	a person shall not appear as an attorney or counsel in any of the courts of the State of
11	Washington, or practice law in this state, unless that person has passed the Washington State bar
12	examination, has complied with the other requirements of these rules, and is an active member
13	of the Washington State Bar Association (referred to in these rules as the Bar Association). A
14	person shall be admitted to the practice of law and become an active member of the Bar
15	Association only by order of the Supreme Court.
16	(c) Communications to the Association. Communications to the Association, the Board of
17	Governors, the Board of Bar Examiners, the Character and Fitness Board, the Law Clerk Board,
18	mediators, mediation staff, or any other individual person, board, committee or other entity
19	acting under authority of these rules, are absolutely privileged, and no lawsuit may be
20	predicated thereon.
21	(d) Confidentiality.
22	(1) Unless expressly authorized by the Supreme Court or by the applicant, all application
23	records, including related investigation files, documents and proceedings, for the admission or
24	limited admission to practice law and to the law clerk program are confidential and shall be
25	privileged against disclosure, except as necessary to conduct an investigation, hearing, and
26	appeal or review pursuant to these rules.

1	(2) Unless expressly authorized by the Supreme Court, all examination questions, scoring
2	keys and other examination data used by the Association to administer the bar examination and
3	other qualifying examinations for admission or licensing are not subject to public disclosure.
4	(3) Unless expressly authorized by the Supreme Court, the following records of the Board of
5	Bar Examiners, Mandatory Continuing Legal Education Board, Limited Practice Board,
6	Limited License Legal Technician Board, Law Clerk Board, Character and Fitness Board, and
7	the Lawyers' Fund for Client Protection Board shall not be disclosed:
8	(i) Preliminary drafts, notes, recommendations, and intra-Board memorandums in which
9	opinions are expressed or policies formulated or recommended;
.0	(ii) Records that are relevant to a controversy to which the Board is a party but which records
1	would not be available to another party under the rules of pretrial discovery for causes pending
2	in the superior courts.
13	(4) Motions for the limited admission to practice law under APR 8(b) are not confidential and
14	may be disclosed pursuant to a proper request.
15	RULE 2. BOARD OF GOVERNORS
16	(a) Powers. In addition to any other power or authority in other rules, the Board of Governors
17	of the Bar Association (referred to in these rules as the Board of Governors) shall have the
18	power and authority to:
19	(1) Appoint a Board of Bar Examiners from among the active members of the Bar Association
20	for the purposes of assisting the Board of Governors in conducting the bar examination;
21	(2) Appoint a Law Clerk Board from among the active members of the Bar Association for the
22	purposes of assisting the Board of Governors in supervising the Law Clerk Program;
23	(3) Appoint a Character and Fitness Board pursuant to rule 20;
24	(4) Approve or deny applications for permission to take the bar examination, to enroll in the law
25	clerk program, to be admitted to practice pursuant to rule 18 by motion, or to engage in the
26	limited practice of law under pertinent provisions of rules 8, 9, and 14;

1	(5) Investigate all aspects of an applicant's qualifications to take the bar examination, to be
2	admitted to the practice of law, to engage in the limited practice of law under pertinent
3	provisions of rules 8, 9, and 14, or to enroll in the law clerk program;
4	(6) Recommend to the Supreme Court the admission or rejection of each applicant who has
5	passed the bar examination, who is applying to be admitted to practice pursuant to rule 18 by
6	motion, or who is applying to engage in the limited practice of law under pertinent provisions of
7	rules 8, 9, and 14;
8	(7) Approve law schools for the purposes of these rules and maintain a list of such approved law
9	schools on file with the Clerk of the Supreme Court;
10	(8) Prescribe, with the approval of the Supreme Court, the amount of any fees required by these
11	rules;
12	(9) Prescribe the form and content of any application, certificate, or other document referred to
13	in these rules; and
14	(10) Perform any other functions and take any other actions provided for in these rules, or as
15	may be delegated by the Supreme Court, or as may be necessary and proper to carry out its
16	duties.
17	(b) Written Request. Any request to the Board of Governors for action on any subject under
18	these rules shall be in writing and shall be properly filed. For the purpose of these rules, filing
19	shall occur at the headquarters office of the Bar Association.
20	RULE 3. APPLICANTS TO TAKE THE BAR EXAMINATION FOR ADMISSION TO
21	PRACTICE LAW
22	(a) Prerequisite for Admission. Every person desiring to be admitted to the Bar of the State of
23	Washington must be of good moral character, possess the requisite fitness to practice law, and
24	must qualify for and pass a bar examination except as provided for in these rules.
25	(b) Qualification for Bar Examination. To qualify to sit for the bar examination, a person

must present satisfactory proof of either:

1	(i) graduation from a law school approved by the Board of Governors; or
2	(ii) completion of the law clerk program prescribed by these rules; or
3	(iii) graduation from a United States law school not approved by the Board of Governors
4	together with the completion of an LL.M. degree for the practice of law as defined by these
5	rules; or
6	(iv) graduation from a university or law school outside the United States with a degree in law
7	together with the completion of an LL.M. degree for the practice of law as defined by these
8	rules; or
9	(iiiv) admission to the practice of law by examination, together with current good standing, in
0	any state or territory of the United States or the District of Columbia or any jurisdiction where
1	the common law of England is the basis of its jurisprudence, and active legal experience for a
12	least 3 of the 5 years immediately preceding the filing of the application.
13	"Active legal experience" shall means experience either in the active practice of law, or as a
14	teacher at an approved law school, or as a judge of a court of general or appellate jurisdiction, or
15	any combination thereof, in a state or territory of the United States or in the District or
16	Columbia or in any jurisdiction where the common law of England is the basis of its
17	jurisprudence.
18	"LL.M. degree for the practice of law" means an LL.M. program at a law school approved by
19	the Board of Governors that consists of a minimum of 18,200 minutes of total instruction to
20	include at least 12,000 minutes of instruction on principles of domestic United States law
21	which must include:
22	(i) a minimum of 2080 minutes in United States Constitutional Law, including principles of
23	separation of powers and federalism;
24	(ii) a minimum of 2080 minutes in the civil procedure of state and federal courts in the United
25	States;
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1	(iii) a minimum of 1400 minutes in the history, goals, structure, values, rules and
2	responsibilities of the United States legal profession and its members; and
3	(iv) a minimum of 1400 minutes in legal analysis and reasoning, legal research, problem
4	solving, and oral and written communication.
5	(c) Admission by Motion. Lawyers admitted to practice law in other states or territories of the
6	United States or the District of Columbia are not required to sit for the bar examination if they:
7	(i) file a certificate from that jurisdiction certifying the lawyer's admission to practice, and the
8	date thereof, and current good standing or the equivalent; and
9	(ii) present satisfactory proof of active legal experience for at least 3 of the 5 years immediately
0	preceding the filing of the application.
1	(ed) Exceptions. The Board of Governors may, in its discretion, withhold approval of an
12	application or permission to sit for the bar examination for an otherwise qualified person to sit
13	for the bar examination applicant, until completion of an inquiry into the applicant's character
14	and fitness, if the applicant (i) has ever been convicted of a "serious crime" as defined in ELC
15	7.1(a)(2), or (ii) has ever been disbarred or is presently suspended from the practice of law for
16	disciplinary reasons in any jurisdiction, or (iii) has previously been denied admission to the Bar
17	in this or any other jurisdiction for reasons other than failure to pass a bar examination. The
18	Board of Governors may also withhold approval of an application or permission to sit for the
19	bar examination where for any other reason there are serious and substantial questions regarding
20	the present moral character or fitness of the applicant. The Board of Governors may refer such
21	matters to the Character and Fitness Board for investigation and hearing pursuant to these rules.
22	(de) Forms; Fees; Filing. Every applicant to take the bar examination for admission shall:
23	(1) Execute and file an application, in the form and manner and within the time limits that may
24	be prescribed by the Board of Governors;
25	(2) Pay upon the filing of the application such fees as may be set by the Board of Governors
26	with the approval of the Supreme Court; and
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(3) Furnish whatever additional information or proof may be required in the course of
investigating the applicant.
(e) Disclosure of Records Unless expressly authorized by the Supreme Court or by the bar
applicant, bar application forms and related records, documents, and proceedings shall not be
disclosed, except as necessary to conduct an investigation and hearing pursuant to rule 7.
RULE 4. BAR EXAMINATIONS; CERTIFICATION NOTIFICATION OF RESULTS
(a) Bar Examination. The examination for admission to the bar shall be conducted by and
under the direction of the Board of Governors with the assistance of the Board of Bar
Examiners. The bar examination shall be held in February and in July of each year, or at such
other times as the Board of Governors may designate, commencing at the times and in the
locations selected by the Board of Governors.
(b) Certification Notification of Results; Notice. As soon as practicable after the completion
of the bar examination, the Board of Bar Examiners shall certify to the Board of Governors the
grades of all applicants who have taken the bar examination. The Board of Governors shall
cause each applicant to be notified of the results of the bar examination. The Board of
Governors may disclose the results to the applicant's law school and the National Conference of
Bar Examiners. No other information will be divulged to persons other than the applicants
concerning the applicants who failed the bar examination.
(c) Repeating Bar Examination. Any applicant failing a bar examination may apply to take
another bar examination.
RULE 5. RECOMMENDATION FOR ADMISSION; ORDER ADMITTING TO
PRACTICE; PAYMENT OF MEMBERSHIP FEE; OATH OF ATTORNEY;
RESIDENT AGENT
(a) Recommendation for Admission. The Board of Governors shall recommend to the
Supreme Court the admission or rejection of each applicant who has passed the bar examination
or been approved for admission by motion, and, who has complied with the preadmission

education requirements set forth in this rule. A recommendation for admission shall be based
upon the Board of Governors determination, after investigation, that the applicant appears to be
of good moral character and in all respects qualified to engage in the practice of law. All
recommendations of the Board of Governors shall be accompanied by the applicant's
application for examination admission and any other documents deemed pertinent by the Board
of Governors or requested by the Supreme Court. The recommendation and all accompanying
documents and papers shall be kept by the Clerk of the Supreme Court in a separate file which
shall not be a public record.
(b) Preadmission Education Requirements. Before an applicant who has passed the bar
examination, or who qualifies for admission without passing the bar examination, may be
admitted, the applicant must:
(1) take and pass the Washington Law Component;
(2) complete a minimum of 4 hours education in a curriculum and under circumstances
approved by the Board of Governors: These courses will be offered at no cost to the applicant.
(3) pay to the Bar Association the annual license fee and any assessments for the current year;
(4) file any and all licensing forms required of active members;
(5) take the Oath of Attorney; and
(6) designate a resident agent if required to do so by section (f).
For applicants who take and pass the bar examination, the preadmission requirements must be
completed within 40 months from the date of the administration of the bar examination in which
the score was earned. For applicants who apply by motion, the preadmission requirements must
be completed within one year from the date of filing the application, except for good cause
shown.
(dc) Oath of Attorney. The Oath of Attorney must be taken before an elected or appointed
judge elected or appointed to an elected position, excluding judges pro tempore, sitting in open
court, in the state of Washington. In the event a successful applicant is outside the state of

Washington and the Chief Justice is satisfied that it is impossible or impractical for the applicant to take the oath before an elected or appointed judge elected or appointed to an elected position in this state, the Chief Justice may, upon proper application setting forth all the circumstances, designate a person authorized by law to administer oaths, before whom the applicant may appear and take said oath. 6 (ed) Contents of Oath. The oath which all applicants shall take is as follows: **OATH OF ATTORNEY** State of Washington, County of ______ ss. I, _____, do solemnly declare: 10 1. I am fully subject to the laws of the State of Washington and the laws of the United States and will abide by the same. 12 2. I will support the constitution of the State of Washington and the constitution of the United 13 States. 14 3. I will abide by the Rules of Professional Conduct approved by the Supreme Court of the State 15 of Washington. 16 4. I will maintain the respect due to the courts of justice and judicial officers. 5. I will not counsel, or maintain any suit, or proceeding, which shall appear to me to be unjust, 18 or any defense except as I believe to be honestly debatable under the law, unless it is in defense 19 of a person charged with a public offense. I will employ for the purpose of maintaining the 20 causes confided to me only those means consistent with truth and honor. I will never seek to 21 mislead the judge or jury by any artifice or false statement. 22 6. I will maintain the confidence and preserve inviolate the secrets of my client, and will accept 23 no compensation in connection with the business of my client unless this compensation is from 24 or with the knowledge and approval of the client or with the approval of the court. 25 26

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1	7. I will abstain from all offensive personalities, and advance no fact prejudicial to the honor or
2	reputation of a party or witness unless required by the justice of the cause with which I am
3	charged.
4	8. I will never reject, from any consideration personal to myself, the cause of the defenseless or
5	oppressed, or delay unjustly the cause of any person.
6	I acknowledge and accept the solemn trust conferred upon me as an attorney at law;
7	I am fully subject to the laws of the State of Washington and the laws of the United States and
8	will abide by the same.
9	I will support the Constitution of the United States and the Constitution of the State
10	of Washington;
11	I will maintain the respect due to Courts and judicial officers;
12	I will treat all persons whom I encounter with fairness, courtesy, respect and honesty;
13	I will use my knowledge of the law for the betterment of society and the improvement of the
14	legal system;
15	I will give special consideration to the cause of the indigent, defenseless, or oppressed;
16	I will at all times faithfully and diligently adhere to the Washington Rules of Professional
17	Conduct, and, I will employ only such means as are consistent with truth and honor.
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19	(signature)
20	SUBSCRIBED AND SWORN TO before me this day of, 20
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22	Judge
23	(ee) Order Admitting to Practice. After examining the recommendation and accompanying
24	papers transmitted by the Board of Governors, the Supreme Court may enter such order in each
25	case as it deems advisable. For those applicants it deems qualified, the Supreme Court shall
26	enter an order admitting them to the practice of law., conditioned upon such applicants:
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1	(1) Taking and filing with the Clerk of the Supreme Court the Oath of Attorney within 1 year
2	from the date the bar examination results are made public, except for good cause shown; and
3	(2) Paying to the Bar Association its membership fee for the current year; and
4	(3) Designating a resident agent if required to do so by section (e).
5	(f) Nonresident Lawyers; Resident Agent. There shall be no requirement that an applicant or
6	a member of the Bar Association be a resident or a bona fide resident in the state of
7	Washington. Every active member, except a judicial member, of the Bar Association who does
8	not live or maintain an office in the state of Washington shall file with the Bar Association the
9	name and address of an agent within this state for the purpose of receiving service of process or
10	of any other document required or permitted by statute or court rule to be served or delivered to
11	a resident lawyer. Service or delivery to such agent shall be deemed service upon or delivery to
12	the lawyer.
13	RULE 6. LAW CLERK PROGRAM
14	(a) Purpose. The Law Clerk Program provides access to legal education guided by a
15	qualified tutor using an apprenticeship model that includes theoretical, experiential, and clinical
16	components. Successful completion of the Law Clerk Program provides a way to meet the
17	education requirement to apply for the Washington State bar exam; it is not a special admission
18	or limited license to practice law.
19	(b) (a) Applicants. Application. Every applicant for enrollment in the law clerk program
20	shall:
21	(1) Be of good moral character <u>and fitness</u> ;
22	(2) Present satisfactory proof of having been granted a bachelor's degree by a college or
23	university with approved accreditation other than a bachelor of laws, by a college or university

offering such a degree on the basis of a four year course of study; if the degree was earned in a

non-US jurisdiction, the applicant shall provide supporting documentation as to its equivalency;

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(3) Obtain regular, full time employment in the State of Washington as a law clerk with (i) a
judge of a court of general, limited, or appellate jurisdiction, or (ii) a lawyer or firm of lawyers
licensed to practice in this state and actively engaged in the practice of law; Be engaged in
regular, full-time employment in Washington State for an average of 32 hours per week with the
primary tutor or primary tutor's employer in a (i) law office, (ii) legal department or (iii) a court
of general, limited, or appellate jurisdiction in Washington State. The employment must include
tasks and duties which contribute to the practical aspects of engaging in the practice of law;
(4) Submit, on forms provided by the Bar Association (i) an application for admission to the
law clerk enrollment in the program, (ii) the tutor's statement required by section (b)(3) of this
rule application, and, (iii) the application fee;
(5) Appear for an interview, provide any additional information or proof, and cooperate in any
investigation, as may be deemed relevant by the Board of Governors; and
(6) Pay such fees as may be set by the Board of Governors with the approval of the Supreme
Court.
(6) If applicable, present a petition for Advanced Standing based on law school courses
completed or courses completed in this program during a previous enrollment. The Board of
Governors may grant Advanced Standing to an applicant approved for enrollment for courses
deemed recently and successfully passed and equivalent to courses in the program.
(7) Where the Board of Governors 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 the primary tutor's employer, be the law clerk's employer
may be waived.
(c) Tutors . A lawyer or judge may act as tutor for only one law clerk at a time. To be eligible
to act as a tutor in the law clerk program, a lawyer or judge shall:
(1) Act as a tutor for only one law clerk at a time;

$\frac{(1)(2)}{(2)}$ Be an active member in good standing of the Bar Association, or be a judicial member
who is currently elected or appointed to an elected position, who has not received a disciplinary
sanction in the last 5 years, provided that if there is discipline pending or a disciplinary sanction
has been imposed upon the lawyer or judge within the 5 years immediately preceding approval
of-member more than 5 years preceding the law clerk's application for enrollment, the Board of
Governors shall have the discretion to accept or reject the member as tutor;
(2)(3) Have been actively and continuously engaged active legal experience in the practice of
law or have held the required judicial position for at least 10 of the last 12 years immediately
preceding the filing of the law clerk's application for enrollment.; this The 10 years of practice
must include at least 2 years in Washington state and may be a combination of active practice
and judicial experience but may not include periods of suspension for any reason;
(3)(4) Provide a tutor's statement certifying to the law clerk's employment and to the tutor's
eligibility, and agreeing to instruct and examine the law clerk in the curriculum prescribed by
the Law Clerk Board with the approval of the Board of Governors. Certify to the applicant's
employment as required above and to the tutor's eligibility, and to agree to instruct and examine
the applicant as prescribed under this rule; and
(5) Act as a tutor only upon the approval of the Board of Governors which may be withheld or
withdrawn for any reason.
(c) Length of Study. A law clerk, whose application for enrollment has been accepted by the
Board of Governors, shall study for 4 calendar years. Each calendar year shall consist of 12
months, with a minimum of 120 hours of study each month, including the time spent in
performing the duties of a law clerk. The tutor shall give personal supervision to the law clerk
averaging at least 3 hours each week. "Personal supervision" is defined as time actually spent
with the law clerk for the exposition and discussion of the law, the recitation of cases, and the
critical analysis of the law clerk's written assignments.

1	(d) Enrollment. When an application for enrollment has been approved by the Board of
2	Governors, an enrolled law clerk shall:
3	(1) Pay an annual fee as set by the Board of Governors.
4	(2) Meet the minimum monthly requirements of an average of 32 hours per week of
5	employment with the tutor which may include in-office study time and must include an average
6	of 3 hours per week for the tutor's personal supervision of the law clerk. "Personal
7	supervision" is defined as time actually spent with the law clerk for the exposition and
8	discussion of the law, the recitation of cases, and the critical analysis of the law clerk's written
9	assignments.
10	(3) Complete the prescribed course of study which shall be the equivalent of four years of
11	study. Each year of study shall consist of 6 courses completed in 12 months. Months of leave,
12	failed courses, and months in which the enrollee does not meet the minimum number of hours
13	of work and study may not be counted toward the completion of a course and may extend the
14	length of a year of study. Advanced Standing granted may reduce the months of program study.
15	The course of study must be completed within 6 years from the initial date of enrollment.
16	(4) Abide by APR 6 and the Law Clerk Program Regulations approved by the Board of
17	Governors which provide the course of study, program requirements and other guidelines to
18	successfully complete the program.
19	(d)(e) Course of Study. The subjects to be studied, the sequence in which they are to be
20	studied, and any other matters pertaining thereto requirement to successfully complete the
21	program shall be prescribed by the Law Clerk Board with the approval of the Board of
22	Governors in the Law Clerk Program Regulations. Progress toward completion of the program
23	shall be evaluated by submission of exams, certificates, reports and evaluations as follows:
24	(e) Examinations. All law clerks shall:
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(1) Each month, complete a written examination prepared, administered, and graded by the
tutor. The examination shall be answered without research, assistance, or reference to source
materials during the examination;
(2) Annually, or at such other intervals as may be established by the Law Clerk Board
appear with the tutor before the Law Clerk Board for an oral evaluation of the law clerk's
progress.
(f) Certificates. In addition to the tutor's statement required by section (b)(3) of this rule.
the tutor shall submit, on forms provided by the Bar Association:
(1) A monthly certificate, accompanying the written examination, stating the number of
hours the law clerk studied each week, the number of hours spent by the tutor in personal
supervision each week, that the written examination was administered as required, and that, in
the opinion of the tutor, the law clerk is progressing satisfactorily; and
(2) At the conclusion of the law clerk's course of study, a certificate stating that the law
clerk has completed the prescribed length and course of study, and, in the tutor's opinion, is
qualified to take the bar examination and is competent to practice law.
(1) Exams. At the end of each month, the law clerk shall complete a written examination
prepared, administered, and graded by the tutor. The examination shall be answered without
research, assistance, or reference to source materials during the examination. The exam shall be
graded pass/fail.
(2) Certificates. The tutor shall submit the exam, including the grade given for the examination
and comments to the law clerk, and a monthly certificate, stating law clerk's hours engaged in
employment, study and the tutor's personal supervision within 10 business days following the
month of study. If an exam is not given, the monthly certificate shall be submitted stating the
<u>reason.</u>
(3) Book Reports . The law clerk shall submit three book reports for the Jurisprudence course
requirement corresponding to each year of study.

1	(4) Evaluations. Annually, or at other intervals deemed necessary, participate with the tutor in
2	an evaluation of the law clerk's progress.
3	(f) Completion of the program. A law clerk shall be deemed to have successfully completed
4	the program when:
5	(1) All required courses have been completed and passed as certified each month by the tutor,
6	and all book reports have been submitted;
7	(2) The tutor has certified that the law clerk, in the tutor's opinion, is qualified to take the bar
8	examination and is competent to practice law; and
9	(3) The Board has certified that all program requirements are completed.
10	(g) Termination . The Board of Governors may direct a law clerk to change tutors if approval
1	of a tutor is withdrawn., and The Board of Governors may terminate the enrollment of law
12	clerks or remove tutors from the program. The Law Clerk Board may recommend to the Board
13	of Governors that the enrollment of the a law clerk's enrollment in the program be terminated
14	for:
15	(1) Failure to complete the prescribed length and course of study within 6 years from the date
16	the law clerk's application for admission was accepted of enrollment;
17	(2) Failure of the tutor to submit the monthly examinations and certificates at the end of each
18	month in which they are due;
19	(3) Failure to comply with any of the requirements of the law clerk program; and
20	(4) Any other grounds deemed pertinent by the Law Clerk Board.
21	(h) Advanced Standing. The Board of Governors may grant advanced standing to an enrolled
22	law clerk who has attended either an approved or a non-approved law school.
23	(i)(h) Effective Date. The r \underline{R} evision of this rule shall not apply retroactively. to any law clerk
24	whose enrollment has been approved and accepted by the Board of Governors prior to the
25	effective date of this revision. Each law clerk may complete the course of study under the
26	version of the rule in effect on the date the application for enrollment to the law clerk program

1	was accepted. A law clerk may complete the program under the version of the rule in effect at
2	the start of enrollment.
3	(i) Confidentiality. Unless expressly authorized by the Supreme Court, the program applicant,
4	or by a current or former law clerk, enrollment and related records, documents, and proceedings
5	are confidential and shall be privileged against disclosure, except that the fact of successful
6	completion of the program shall be subject to disclosure.
7	RULE 7. INVESTIGATIONS; DUTY OF APPLICANT
8	(a) Investigations. The Board of Governors may refer any application for permission to take
9	the bar examination, to be admitted to the practice of law or to be admitted to the limited
10	practice of law under pertinent provisions of rules 8, 9, and 914, or to enroll in the law clerk
11	program to state bar counsel or to the Character and Fitness Board for investigation pursuant to
12	these rules.
13	(b) Duty of Applicant. It shall be the duty of every applicant to cooperate with any
14	investigation required by the Board of Governors, by promptly furnishing written or oral
15	explanations, documents, releases, authorizations, or anything else reasonably required by the
16	investigator. Failure to appear as directed or to furnish additional proof or answers as required
17	or to cooperate fully shall be sufficient reason for the Board of Governors to reject or to
18	recommend the rejection of an application.
19	(c) Subpoenas: The chairperson of the Character and Fitness Board or Bar Counsel may issue
20	subpoenas to compel attendance of an applicant or witness, or the production of books,
21	documents, or other evidence, at a deposition or hearing. Subpoenas shall be served in the same
22	manner as in civil cases in the superior court.
23	RULE 8. SPECIAL LIMITED ADMISSIONS
24	(a) In General. Lawyers admitted to the practice of law in any state or territory of the United
25	States or the District of Columbia or in any foreign jurisdiction, who do not meet the

requirements of rule 1(b) or 3(c), may engage in the limited practice of law in this state as provided in this rule. (b) Exception for Particular Action or Proceeding. A member 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, who is a resident of and maintains a practice in such other state, territory, or District, or a lawyer who is providing legal services for no fee through a qualified legal services provider pursuant to RPC 5.5(e) rule 8(f), may appear as a lawyer in any action or proceeding only (i) with the permission of the court or tribunal in which the action or proceeding is pending, and (ii) in association with an active member of the Washington State Bar Association, who shall be the lawyer of record therein, responsible for the conduct thereof, and present at proceedings unless excused by the court or tribunal. (1) An application to appear as such a lawyer shall be made by written motion to the court or tribunal before whom the action or proceeding is pending, in a form approved by the Board of Governors, which shall include certification by the lawyer seeking admission under this rule and the associated Washington lawyer that the requirements of this rule have been compiled complied with, and shall include an indication on which date the fee and assessment required in part (2) was were paid, or indicating that the fee and assessment was were waived pursuant to part (2). The motion shall be heard by the court or tribunal after such notice to the Washington State Bar Association as is required in part (2) below, together with the required fee and assessment, unless waived pursuant to part (2), and to adverse parties as the court or tribunal shall direct. Payment of the required fee and assessment shall only be necessary upon a lawyer's first application to any court or tribunal in the same case. The court or tribunal shall enter an order granting or refusing the motion, and, if the motion is refused, the court or tribunal shall state its reasons. (2) The lawyer making the motion shall submit a copy of the motion to the Washington State Bar Association, accompanied by, (i), a <u>nonrefundable</u> fee in each case in an amount set by the

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Board of Governors with the approval of the Supreme Court, and (ii), the Lawyers' Fund for
Client Protection assessment as required of active members under these rules. Payment of the
fee and assessment shall only be necessary upon a lawyer's first motion to any court or tribunal
in the same case. The associated Washington counsel shall be jointly responsible for payment of
the fee and assessment. The fee and assessment shall be waived for a lawyer providing legal
services for no fee through a qualified legal services provider pursuant to RPC 5.5(e) rule 8(f).
The Washington State Bar Association shall maintain a public record of all motions for
admission pursuant to this rule.
(3) No member of the Bar Association shall lend his or her name for the purpose of, or in any
way assist in, avoiding the effect of this rule.
(c) Exception for Indigent Representation. A member in good standing of the Bar of another
state or territory of the United States or of the District of Columbia, who is eligible to take the
bar examination apply for admission under rule 3 in this state, while rendering service in either
a bar association or governmentally sponsored legal services organization or in a public
defender's office or similar program providing legal services to indigents and only in that
capacity, may, upon application and approval, practice law and appear as a lawyer before the
courts of this state in any matter, litigation, or administrative proceeding, subject to the
following conditions and limitations:
(1) Application to practice under this rule shall be made to the Board of Governors, and the
applicant shall be subject to the Rules for Enforcement of Lawyer Conduct and to the Rules of
Professional Conduct.
(2) In any such matter, litigation, or administrative proceeding, the applicant shall be associated
with an active member of the Bar Association, who shall be the lawyer of record and
responsible for the conduct of the matter, litigation, or administrative proceeding.

(3) The applicant shall <u>either apply</u> for and take the first <u>available</u> bar examination which is
given more than 90 days after the date of the applicant's admission to practice under this rule,
or, already have filed an application for admission by motion or Uniform Bar Exam transfer.
(4) The applicant's right to practice under this rule (i) may be terminated by the Supreme Court
at any time with or without cause, or (ii) shall be terminated automatically for failure to take or
pass the required bar examination, or (iii) shall be terminated for failure to become an active
member of the Bar Association within 60 days of the date the bar examination results are made
public, or (iv) shall be terminated automatically upon denial of the application for admission, or
(iv) in any event, shall be terminated within 1 year from the original date of the applicant's
admission to practice law in this state under this rule.
(d) Exception for Educational Purposes. A lawyer who is enrolled and in good standing as a
postgraduate student or as a faculty member in a program of an approved law school in this
state, involving clinical work in the courts or in the practice of law, may apply to the Board of
Governors for admission to the limited practice of law by paying an investigation fee and by
presenting satisfactory proof of (i) admission to the practice of law and current good standing in
any state or territory of the United States or the District of Columbia, and (ii) compliance with
the requirements of rule 3(b)(i), and (iii) good moral character.
(1) Upon approval of the application by the Board of Governors, the applicant shall take the
Oath of Attorney, and the Board of Governors shall transmit its recommendation to the
Supreme Court which shall enter an order admitting the applicant to the limited practice of law
under this section.
(2) The practice of an applicant admitted under this section shall be (i) limited to the period of
time the applicant actively participates in the program, (ii) limited to the clinical work of the
particular course of study in which the applicant is enrolled or teaching, (iii) free of charge for
the services so rendered, and (iv) subject to the Rules of Professional Conduct and the Rules for
Enforcement of Lawyer Conduct.

- 1 (3) An applicant admitted under this section shall be deemed an active member of the Bar 2 Association only for the purpose of serving as a supervising lawyer under rule 9, and for no
- 3 other purpose.
- 4 (4) When the applicant ceases actively to participate in the program, the law school dean shall
- 5 immediately notify the Bar Association and the Clerk of the Supreme Court so that the
- 6 applicant's right to practice may be terminated of record.
- 7 (5) The right to practice under this rule shall terminate three years from the date of admission
- 8 under this rule.

- ⁹ (e) Exception for Emeritus <u>Pro Bono Membership.</u> A lawyer admitted to the practice of law
- 10 in a state or territory of the United States or the District of Columbia, including Washington
- 11 State, may apply to the Board of Governors for a limited license to practice law as an emeritus
- 12 pro bono member in this state when the lawyer is otherwise fully retired from the practice of
- law. An emeritus <u>pro bono member shall provide legal services in Washington State for a legal service services in Washington State for a legal service service services in Washington State for a legal service se</u>
- qualified legal services provider as defined in part (2) below. The lawyer shall apply by (i)
- 15 | filing an application in the form and manner that may be prescribed by the Board of Governors;
- 16 (ii) presenting satisfactory proof of admission by examination to the practice of law and current
- 17 | good standing in any state or territory of the United States or the District of Columbia, provided
- 18 that if a disciplinary sanction has been imposed upon the lawyer within 15 years immediately
- preceding the filing of the application for emeritus status, the Board of Governors shall have the
- discretion to accept or reject the application; (iii) presenting satisfactory proof of active legal
- 21 experience as defined in APR 3(b) for at least 5 of the 10 years immediately preceding the filing
- 22 of the application for lawyers admitted in Washington and for at least 10 of the 15 years
- 23 | immediately preceding the filing of the application for lawyers only admitted to practice in
- 24 jurisdictions other than Washington; (iv) filing certification from a qualified legal services
- 25 provider as defined in part (2) below that the applicant's practice of law will comply with the
 - terms of this rule; (v) paying such fee as may be set by the Board of Governors with approval of

1	the Supreme Court; (vi) complying with training requirements as may be prescribed by the
2	Board of Governors; and (vii) furnishing whatever additional information or proof that may be
3	required in the course of investigating the applicant.
4	(1) Upon approval of the application by the Board of Governors, the lawyer shall take the Oath
5	of Attorney, pay the current year's annual membership fee in the amount required of inactive
6	members, and the Board of Governors shall transmit its recommendation to the Supreme Court
7	which may enter an order admitting the lawyer to the limited practice of law under this section.
8	Emeritus pro bono status membership shall be for one year subject to annual renewal as
9	provided by the Board of Governors.
10	(2) The practice of a lawyer admitted under this section shall be limited to providing legal
11	service for no fee through a qualified legal services provider; or serving as an unpaid governing
12	or advisory board member or trustee of or providing legal counsel or service for no fee to a
13	qualified legal services provider. A qualified legal services provider is a not for profit legal
14	services organization in Washington state whose primary purpose is to provide legal services to
15	low income clients. The prohibition against compensation for emeritus pro bono members shall
16	not prevent a qualified legal services provider from reimbursing an emeritus pro bono member
17	for actual expenses incurred while rendering legal services under this rule. A qualified legal
18	services provider shall be entitled to receive all court awarded attorney's fees for any
19	representation rendered by the emeritus <u>pro bono</u> member.
20	(3) A lawyer admitted under this section shall pay to the Washington State Bar Association an
21	annual license fee in the amount required of inactive members.
22	(4) The practice of a lawyer admitted under this section shall be subject to the Rules of
23	Professional Conduct, the Rules for Enforcement of Lawyer Conduct, and to all other laws and
24	rules governing lawyers admitted to the bar of this state. Jurisdiction shall continue whether or
25	not the lawyer retains the limited license and irrespective of the residence of the lawyer.

(5) Emeritus <u>pro bono</u> members shall be exempt from compliance with rule 11 concerning
Continuing Legal Education. However, prior to engaging in practice as an emeritus pro bond
nember, the lawyer must complete a training course or courses as approved by the Board of
Governors.
(6) An emeritus <u>pro bono</u> member shall promptly report to the Washington State Bar
Association a change in membership status in a state or territory of the United States or District
of Columbia where the applicant has been admitted to the practice of law or the commencement
of any formal disciplinary proceeding in any jurisdiction where the lawyer has been admitted to
he practice of law.
7) The limited license granted under this section shall be automatically terminated when the
awyer's practice fails to comply with part (2) above, the lawyer fails to comply with the terms
of this rule, or on suspension or disbarment in a state or territory of the United States or District
of Columbia where the applicant has been admitted to the practice of law. If the lawyer whose
imited license is terminated was previously admitted to practice in Washington, the lawyer
shall be transferred to inactive membership status upon termination.
(f) Exception for Foreign-House Counsel. A lawyer admitted to the practice of law in a any
urisdiction other than a United States jurisdiction may apply to the Board of Governors for a
imited license to practice law as in-house counsel in this state when the lawyer is employed in
Washington as a lawyer exclusively for a profit or not for profit corporation, including its
subsidiaries and affiliates, association, or other business entity, that is not a government entity,
and whose lawful business consists of activities other than the practice of law or the provision
and whose lawful business consists of activities other than the practice of law or the provision of legal services. The lawyer shall apply by:

(ii) presenting satisfactory proof or of (I) admission by examination to the practice of law and
current good standing in a any jurisdiction other than a United States jurisdiction and (II) good
moral character and fitness to practice;
(iii) filing an affidavit from an officer, director, or general counsel of the applicant's employer in
this state attesting to the fact the applicant is employed as a lawyer for the employer, including
its subsidiaries and affiliates, and the nature of the employment conforms to the requirements of
this rule;
(iv) paying the application fees required of foreign-lawyer applicants for admission under APR
3; and
(v) furnishing whatever additional information or proof that may be required in the course of
investigation investigating the applicant.
(1) Upon approval of the application by the Board of Governors, the lawyer shall take the Oath
of Attorney, pay the current year's annual membership fee and the Board of Governors shall
transmit its recommendation to the Supreme Court which may enter an order admitting the
lawyer to the limited practice of law under this section.
(2) The practice of a lawyer admitted under this section shall be limited to practice exclusively
for the employer, including its subsidiaries and affiliates, furnishing the affidavit required by the
rule and shall not include (i) appearing before a court or tribunal as a person admitted to practice
law in this state, and (ii) offering legal services or advice to the public; or (iii) holding oneself
out to be so engaged or authorized.
(3) All business cards and employer letterhead used by a lawyer admitted under this section
shall state clearly that the lawyer is admitted to practice in Washington as in-house counsel.
(4) A lawyer admitted under this section shall pay to the Washington State Bar Association an
annual license fee in the maximum amount required of active members and the Lawyers' Fund
for Client Protection assessment.

(5) The practice of a lawyer admitted under this section shall be subject to the Rules of
Professional Conduct, the Rules for Enforcement of Lawyer Conduct, and to all other laws and
rules governing lawyers admitted to the active practice of law in this state. Jurisdiction shall
continue whether or not the lawyer retains the limited license and irrespective of the residence
of the lawyer.
(6) The lawyer shall promptly report to the Washington State Bar Association a change in
employment, a change in membership status in any jurisdiction where the applicant has been
admitted to the practice of law or the commencement of any formal disciplinary proceeding in
any jurisdiction where the applicant has been admitted to the practice of law.
(7) The limited license granted under this section shall be automatically terminated when
employment by the employer furnishing the affidavit required by this rule is terminated, the
lawyer has been admitted to the practice of law pursuant to any other provision of the APR, the
lawyer fails to comply with the terms of this rule, the lawyer fails to maintain current good
standing in at least one other jurisdiction where the lawyer has been admitted to the practice of
law, or on suspension or disbarment for discipline in any jurisdiction where the lawyer has been
admitted to the practice of law. If a lawyer's employment is terminated but the lawyer, within
three months from the last day of employment is employed by an employer filing the affidavit
required by (iii), the license shall be reinstated.
(8) A lawyer admitted in another United States jurisdiction and authorized to provide legal
services under this Rule may provide legal services in this jurisdiction for no fee through a
qualified legal services provider, as that term is defined in APR 8(e)(2). If such services involve
representation before a court or tribunal, the lawyer shall seek admission under APR 8(b) and
any fees for such admission shall be waived. The prohibition against compensation in this
paragraph shall not prevent a qualified legal services provider from reimbursing a lawyer
authorized to practice under this rule for actual expenses incurred while rendering legal services

1	under this pro bono exception. In addition, a qualified legal services provider shall be entitled to
2	receive all court awarded attorney's fees for pro bono representation rendered by the lawyer.
3	(g) Exception for Military Lawyers.
4	[no change]
5	RULE 9. <u>LICENSED</u> LEGAL INTERNS
6	(a) Admission to Limited Practice. Qualified law students, enrolled law clerks, and graduates
7	of approved law schools may be admitted to the status of legal intern and be granted a limited
8	license to engage in the practice of law only as provided in this rule. To qualify, an applicant
9	must:
10	(1) Be a student duly enrolled and in good academic standing at an approved law school with
11	legal studies completed amounting to not less than two-thirds of a prescribed 3-year course of
12	study or five-eighths of a prescribed 4-year course of study, and have the written approval of the
13	applicant's law school dean or a person designated by such dean; or
14	(2) Be an enrolled law clerk in compliance with the provisions of rule 6 with not less than five-
15	eighths of the prescribed 4-year course of study completed, and have the written approval of the
16	tutor; or
17	(3) Make the application before the expiration of 9 months following graduation from an
18	approved law school, and submit satisfactory evidence thereof for the Bar Association; and
19	(4) Pay such fees as may be set by the Board of Governors with the approval of the Supreme
20	Court; and
21	(5) Certify in writing under oath that the applicant has read, is familiar with, and will abide by,
22	the Rules of Professional Conduct and this rule.
23	(b) Procedure. The applicant shall submit an application, for which no fee shall be required, on
24	a form provided by the Bar Association, setting forth the applicant's qualifications.
25	(1) The application shall give the name of, and shall be signed by, the supervising lawyer who,
26	in doing so, shall assume the responsibilities of supervising lawyer set forth in this rule if the

applicant is granted a limited license as a legal intern. The supervising lawyer shall be relieved
of such responsibilities upon the termination of the limited license or at an earlier time if the
supervising lawyer or the applicant gives written notice to the Bar Association and the Supreme
Court requesting that the supervising lawyer be so relieved. In the latter event another active
member of the Bar Association may be substituted as such supervising lawyer by giving written
notice of such substitution, signed by the applicant and by such other active member, to the Bar
Association and the Supreme Court.
(2) Upon receipt of the application, it shall be examined and evaluated by the Board of
Governors which shall endorse thereon its approval or disapproval and forward the same to the
Supreme Court.
(3) The Supreme Court shall issue or refuse the issuance of a limited license of a legal intern.
The Supreme Court's decision shall be forwarded to the Bar Association, and the applicant shall
be informed of the Supreme Court's decision.
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(c) Scope of Practice. A legal intern shall be authorized to engage in the limited practice of law,
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(c) Scope of Practice. A legal intern shall be authorized to engage in the limited practice of law,
(c) Scope of Practice. A legal intern shall be authorized to engage in the limited practice of law, in civil and criminal matters, only as authorized by the provisions of this rule. A legal intern
(c) Scope of Practice. A legal intern shall be authorized to engage in the limited practice of law, in civil and criminal matters, only as authorized by the provisions of this rule. A legal intern shall be subject to the Rules of Professional Conduct and the Rules for Enforcement of Lawyer
(e) Scope of Practice. A legal intern shall be authorized to engage in the limited practice of law, in civil and criminal matters, only as authorized by the provisions of this rule. A legal intern shall be subject to the Rules of Professional Conduct and the Rules for Enforcement of Lawyer Conduct as adopted by the Supreme Court and to all other laws and rules governing lawyers
(c) Scope of Practice. A legal intern shall be authorized to engage in the limited practice of law, in civil and criminal matters, only as authorized by the provisions of this rule. A legal intern shall be subject to the Rules of Professional Conduct and the Rules for Enforcement of Lawyer Conduct as adopted by the Supreme Court and to all other laws and rules governing lawyers admitted to the Bar of this state, and shall be personally responsible for all services performed
(c) Scope of Practice. A legal intern shall be authorized to engage in the limited practice of law, in civil and criminal matters, only as authorized by the provisions of this rule. A legal intern shall be subject to the Rules of Professional Conduct and the Rules for Enforcement of Lawyer Conduct as adopted by the Supreme Court and to all other laws and rules governing lawyers admitted to the Bar of this state, and shall be personally responsible for all services performed as an intern. Upon recommendation of the Disciplinary Board, a legal intern may be precluded
(e) Scope of Practice. A legal intern shall be authorized to engage in the limited practice of law, in civil and criminal matters, only as authorized by the provisions of this rule. A legal intern shall be subject to the Rules of Professional Conduct and the Rules for Enforcement of Lawyer Conduct as adopted by the Supreme Court and to all other laws and rules governing lawyers admitted to the Bar of this state, and shall be personally responsible for all services performed as an intern. Upon recommendation of the Disciplinary Board, a legal intern may be precluded from sitting for the bar examination or from being admitted as a member of the Bar Association
(e) Scope of Practice. A legal intern shall be authorized to engage in the limited practice of law, in civil and criminal matters, only as authorized by the provisions of this rule. A legal intern shall be subject to the Rules of Professional Conduct and the Rules for Enforcement of Lawyer Conduct as adopted by the Supreme Court and to all other laws and rules governing lawyers admitted to the Bar of this state, and shall be personally responsible for all services performed as an intern. Upon recommendation of the Disciplinary Board, a legal intern may be precluded from sitting for the bar examination or from being admitted as a member of the Bar Association within the discretion of the Board of Governors. Any such intern barred from the bar
(e) Scope of Practice. A legal intern shall be authorized to engage in the limited practice of law, in civil and criminal matters, only as authorized by the provisions of this rule. A legal intern shall be subject to the Rules of Professional Conduct and the Rules for Enforcement of Lawyer Conduct as adopted by the Supreme Court and to all other laws and rules governing lawyers admitted to the Bar of this state, and shall be personally responsible for all services performed as an intern. Upon recommendation of the Disciplinary Board, a legal intern may be precluded from sitting for the bar examination or from being admitted as a member of the Bar Association within the discretion of the Board of Governors. Any such intern barred from the bar examination or from recommendation for admission by the Board of Governors shall have the
(c) Scope of Practice. A legal intern shall be authorized to engage in the limited practice of law, in civil and criminal matters, only as authorized by the provisions of this rule. A legal intern shall be subject to the Rules of Professional Conduct and the Rules for Enforcement of Lawyer Conduct as adopted by the Supreme Court and to all other laws and rules governing lawyers admitted to the Bar of this state, and shall be personally responsible for all services performed as an intern. Upon recommendation of the Disciplinary Board, a legal intern may be precluded from sitting for the bar examination or from being admitted as a member of the Bar Association within the discretion of the Board of Governors. Any such intern barred from the bar examination or from recommendation for admission by the Board of Governors shall have the usual rights of appeal to the Supreme Court.

(2) No legal intern may receive payment from a client for the intern's services. However,
nothing contained herein shall prevent a legal intern from being paid for services by the intern's
employer or to prevent the employer from making such charges for the service of the legal
intern as may otherwise be proper. A legal intern and the intern's supervising lawyer or a lawyer
from the same office shall, before the intern undertakes to perform any services for a client,
inform the client of the legal intern's status.
(3) A legal intern may advise or negotiate on behalf of a person referred to the intern by the
supervising lawyer. A legal intern may prepare necessary pleadings, motions, briefs or other
documents. It is not necessary in such instances for the supervising lawyer to be present.
(4) A legal intern may participate in superior court and Court of Appeals proceedings, including
depositions, provided the supervising lawyer or another lawyer from the same office is present.
Ex parte and agreed orders may be presented to the court by a legal intern without the presence
of the supervising lawyer or another lawyer from the same office. An intern may represent the
State in juvenile court in misdemeanor and gross misdemeanor cases without in court
supervision after a reasonable period of in court supervision, which shall not be less than one
trial.
(5) Except as otherwise provided in subsection (c)(6), in courts of limited jurisdiction, a legal
intern, only after participating with the supervising lawyer in at least one nonjury case, may try
nonjury cases in such courts without the presence of a supervising lawyer and, only after
participating with the supervising lawyer in at least one jury case, may try jury cases in such
courts without the presence of a supervising lawyer.
(6) Either the supervising lawyer or a lawyer from the same office shall be present in the
representation of a defendant in all preliminary criminal hearings.
(d) Supervising Lawyer. The supervising lawyer shall be an active member of the Bar
(d) Supervising Lawyer. The supervising lawyer shall be an active member of the Bar Association in good standing, provided that if a disciplinary sanction has been imposed upon

Governors shall have the discretion to accept or reject the lawyer as a supervising lawyer. The supervising lawyer shall have been actively engaged in the practice of law in the State of Washington or elsewhere for at least 3 years at the time the application is filed. (1) The supervising lawyer or another lawyer from the same office shall direct, supervise and review all of the work of the legal intern and both shall assume personal professional responsibility for any work undertaken by the legal intern while under the lawyer's supervision. All pleadings, motions, briefs, and other documents prepared by the legal intern shall be reviewed by the supervising lawyer or a lawyer from the same office as the supervising lawyer. When a legal intern signs any correspondence or legal documents, the intern's signature shall be followed by the title "legal intern" and, if the document is prepared for presentation to a court or for filing with the clerk thereof, the document shall also be signed by the supervising lawyer or lawyer from the same office as the supervising lawyer. In any proceeding in which a legal intern appears before the court, the legal intern must advise the court of the intern's status and the name of the intern's supervising lawyer. (2) Supervision shall not require that the supervising lawyer be present in the room while the legal intern is advising or negotiating on behalf of a person referred to the intern by the supervising lawyer, or while the legal intern is preparing the necessary pleadings, motions, briefs, or other documents. (3) As a general rule, no supervising lawyer shall have supervision over more than 1 legal intern at any one time. However, in the case of (i) recognized institutions of legal aid, legal assistance, public defender and similar programs furnishing legal assistance to indigents, or legal departments of a state, county or municipality, the supervising lawyer may have supervision over 2 legal interns at one time, or (ii) a clinical course offered by an approved law school where such course has been approved by its dean and is directed by a member of its faculty, and conducted within institutions or legal departments described in (i) or the law school, each fulltime clinical supervising lawyer may have supervision over 10 legal interns at one time

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provided a supervising lawyer attends all adversarial proceedings conducted by the legal
interns.
(4) A lawyer currently acting as a supervising lawyer may be terminated as a supervising lawyer
at the discretion of the Board of Governors. When an intern's supervisor is so terminated, the
intern shall cease performing any services under this rule and shall cease holding himself or
herself out as a legal intern until written notice of a substitute supervising lawyer, signed by the
intern and by the new and qualified supervising lawyer, is given to the Bar Association and to
the Supreme Court.
(5) The failure of a supervising lawyer, or lawyer acting as a supervising lawyer, to provide
adequate supervision or 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.
(6) For purposes of the attorney-client privilege, an intern shall be considered a subordinate of
the lawyer providing supervision for the intern.
(7) For purposes of the provisions of this rule which permit a lawyer from the same office as the
supervising lawyer to sign documents or be present with a legal intern during court appearances,
the lawyer so acting must be one who meets all of the qualifications for becoming a supervising
lawyer under this rule.
(e) Term of Limited License. A limited license as a legal intern shall be valid, unless revoked,
for a period of not more than 24 consecutive months, provided that a person shall not serve as a
legal intern more than 12 months after graduation from law school.
(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 notice to that effect to the Clerk
of the Supreme Court and to the Bar Association, and shall be withdrawn if the student ceases to
of the Supreme Court and to the Bar Association, and shall be withdrawn if the student ceases to be duly enrolled as a student prior to graduation or ceases to be in good academic standing or if

1	(2) A limited license is granted at the sufferance of the Supreme Court and may be revoked at
2	any time upon the court's own motion, or upon the motion of the Board of Governors, in either
3	case with or without cause.
4	(3) An intern shall immediately cease performing any services under this rule and shall cease
5	holding himself or herself out as a legal intern (i) upon termination for any reason of the intern's
6	limited license under this rule; or (ii) upon the resignation of the intern's supervising lawyer; or
7	(iii) upon the suspension or termination by the Board of Governors of the supervising lawyer's
8	status as supervising lawyer; or (iv) upon the withdrawal of approval of the intern pursuant to
9	this rule.
10	(a) Purpose. Supervised professional practice plays an important role in the development of
11	competent lawyers and expands the capacity of the Bar to provide quality legal services while
12	protecting the interests of clients and the justice system. This rule authorizes supervised
13	professional practice by qualified law students, enrolled law clerks, and recent graduates of
14	approved law schools when they are licensed pursuant to this rule to engage in the limited
15	practice of law as "Licensed Legal Interns". The license granted pursuant to this rule is a limited
16	license, based in part on recognition of the role practice experience plays in developing the
17	competence of aspiring lawyers and in part on the fact that the Licensed Legal Intern will be
18	supervised by an experienced lawyer. Persons granted such a limited license and their
19	supervising lawyers must comply with the obligations and limitations set forth in these rules.
20	(b) Eligibility. To be eligible to apply to be a Licensed Legal Intern, an applicant must have
21	arranged to be supervised by a qualifying lawyer and:
22	(1) Be a student duly enrolled and in good academic standing at an approved law school who
23	has:
24	(A) successfully completed not less than two-thirds of a prescribed 3-year course of study or
25	five-eighths of a prescribed 4-year course of study, and
26	

1	(B) obtained the written approval of the law school's dean or a person designated by such dean
2	and a certification by the dean or designee that the applicant has met the educational
3	requirements; or
4	(2) Be an enrolled law clerk who:
5	(A) is certified by WSBA staff to be in compliance with the provisions of APR 6 and to have
6	successfully completed not less than five-eighths of the prescribed 4-year course of study; and
7	(B) has the written approval of the primary tutor; or
8	(3) Be a graduate of an approved law school who has not been admitted to the practice of law in
9	any state or territory of the United States or the District of Columbia, provided that the
10	application is made within nine months of graduation.
11	(c) Qualifications to Be a Supervising Lawyer. Except in the sections regarding the
12	application for issuance of a limited license pursuant to this rule, references in this rule to
13	"supervising lawyer" include both the supervising lawyer named in the application materials
14	and on the Licensed Legal Intern identification card, and any other lawyer from the supervising
15	lawyer's office who meets the qualifications of a supervising lawyer and who performs the
16	duties of a supervising lawyer. A supervising lawyer must be either:
17	(1) a lawyer currently licensed pursuant to APR 8(d) Exception for Educational Purposes; or
18	(2) an active member in good standing of the Washington State Bar Association, who has been
19	actively engaged in the practice of law in the State of Washington or in any state or territory of
20	the United States or the District of Columbia for at least the 3 years immediately preceding the
21	date of the application, who has not been disbarred or subject to a disciplinary suspension in any
22	jurisdiction within the previous 10 years and does not have a disciplinary proceeding pending or
23	imminent, and who has not received a disciplinary sanction of any kind within the previous
24	three years.
25	(d) Application. The applicant must submit an application on a form provided by the Bar
26	Association and signed by both the applicant and the supervising lawyer.

(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 Board of Governors or Bar Association staff, or Bar Counsel. Failure to cooperate fully or
to appear as directed or to furnish additional information as required shall be sufficient reason
for the Board to recommend denial or termination of the license.
(2) The application must include:
(A) all requested information about the applicant and the Supervising Lawyer;
(B) the required certification from the law school (or confirmation from the Bar Association, for
APR 6 Law Clerks) 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 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 review by the Supreme Court.
(4) Bar Association 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 Association staff may investigate any information contained in or issues raised
by the application that reflect on the factors contained in APR 21-24, and any application that
reflects one or more of the factors set forth in APR 24.2(a) 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. Such hearing shall be conducted as provided in APR 20-24. 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 Association or Character and Fitness Board at the time an applicant applies for
admission to practice law and membership in the WSBA, and such issues may be reinvestigated
and reconsidered by Bar Association 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 Association, which
shall inform the applicant of the decision.
(7) Upon Supreme Court approval of an applicant, the Bar Association shall send to the
applicant, in care of the supervising lawyer's mailing address on record with the Bar
Association, a letter confirming 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 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 that
would subject a lawyer admitted to practice law in this state to suspension or disbarment may be
punished by termination of the Licensed Legal Intern's license, or suspension or forfeiture of
the Licensed Legal Intern's privilege of taking the bar examination and being licensed to
practice law in this state.
(9) A Licensed Legal Intern may have up to two supervising attorneys in different offices at one
time. A Licensed Legal Intern may submit an application for approval to add a supervising

attorney in another office or to change supervising attorneys any time within the term of the
limited license. When a Licensed Legal Intern applies to add a supervising attorney in another
office, the Intern must notify both the current supervising attorney and the proposed new
supervising attorney 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 will be reviewed by Bar Association staff who may approve or deny the
supervisor. The Licensed Legal Intern will be notified of approval or denial of the new
supervising attorney as described above and must not perform the duties of a licensed legal
intern before receiving a new confirming letter 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 General Rule 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:
(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 attorney, 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;

1	(C) Present to the court ex parte and agreed orders signed by the supervising lawyer, except as
2	otherwise provided in these rules;
3	(D) After a reasonable period of in-court supervision or supervision while practicing before an
4	administrative agency, which shall include participating with the supervising lawyer in at least
5	one proceeding of the type involved before the same tribunal and being observed by the
6	supervising lawyer while handling one additional proceeding of the same type before the same
7	<u>tribunal:</u>
8	(i) Represent the State or the respondent in juvenile court in misdemeanor and gross
9	misdemeanor cases;
10	(ii) Try hearings, non-jury trials, or jury trials, in courts of limited jurisdiction;
11	(iii) Represent a client in any administrative adjudicative proceeding for which non-lawyer
12	representation is not otherwise permitted.
13	(2) In any proceeding in which a Licensed Legal Intern appears before the court, the Licensed
14	Legal Intern must advise the court of the Intern's status and the name of the Intern's supervising
15	lawyer.
16	(3) A Licensed Legal Intern may participate in Superior Court and Court of Appeals
17	proceedings, including depositions, only in the presence of the supervising lawyer or another
18	lawyer from the same office.
19	(4) A Licensed Legal Intern must not receive payment directly from a client for the Intern's
20	services. A Licensed Legal Intern may be paid for services by the Intern's employer, and the
21	employer may charge for the services provided by the Licensed Legal Intern as may be
22	appropriate.
23	(5) A Licensed Legal Intern must not try any motion or case or negotiate for or on behalf of any
24	client unless the client is notified in advance of the status as a Licensed Legal Intern and of the
25	identity and contact information of the Licensed Legal Intern's supervising lawyer.
26	

I	(6) A Licensed Legal Intern must not perform any of the actions permitted by this rule on behalf
2	of or under the supervision of any lawyer other than the supervising lawyer or another lawyer
3	employed in the same office who is qualified for such supervision under this rule.
4	(7) For purposes of the attorney-client privilege, a Licensed Legal Intern shall be considered a
5	subordinate of the lawyer providing supervision for the Intern.
6	(f) Additional Obligations of Supervising Lawyer. Agreeing to serve as the supervising
7	lawyer for a Licensed Legal Intern imposes certain additional obligations on the supervising
8	lawyer. The failure of a supervising lawyer to comply with the duties set forth in this rule shall
9	be grounds for disciplinary action pursuant to the Rules for Enforcement of Lawyer Conduct. In
10	addition to the duties stated or implied above, the supervising lawyer:
11	(1) must provide training to all Licensed Legal Interns supervised by the supervising lawyer,
12	regarding the Rules of Professional Conduct and how they relate to the limited practice of the
13	Licensed Legal Intern. Such training may be waived if the supervising lawyer otherwise
14	determines that the Licensed Legal Intern has previously received such training and the
15	supervising lawyer deems such training sufficient for the limited practice that will be
16	supervised;
17	(2) must direct, supervise and review all of the work of the Licensed Legal Intern and shall
18	assume personal professional responsibility for any work undertaken by the Licensed Legal
19	Intern while under the lawyer's supervision;
20	(3) must ensure that all clients to be represented by the Licensed Legal Intern are informed of
21	the intern's status as a Licensed Legal Intern in advance of the representation;
22	(4) must review and sign all correspondence providing legal advice to clients and all pleadings,
23	motions, briefs, and other documents prepared by the Licensed Legal Intern and ensure that they
24	comply with the requirements of this rule, and must sign the document if it is prepared for
25	presentation to a court;
26	

1	(5) must take reasonable steps to ensure that the Licensed Legal Intern is adequately prepared
2	and knowledgeable enough to be able to handle any assigned matters performed outside the
3	supervising lawyer's presence, but need not be present in the room while the Licensed Legal
4	Intern is performing such duties unless such presence is specifically required by this rule;
5	(6) must supervise no more than
6	(a) one Licensed Legal Intern at any one time if the supervising lawyer is in private practice not
7	otherwise described below;
8	(b) four Licensed Legal Interns at any one time if the supervising lawyer is employed by a
9	recognized institution of legal aid, legal assistance, public defense or similar programs
10	furnishing legal assistance to indigents, or by the legal departments of a state, county or
11	municipality; or
12	(c) 10 Licensed Legal Interns at any one time if the supervising lawyer is a full-time clinical
13	supervising lawyer or a member of the faculty of an approved law school for a clinical course
14	offered by the law school where such course has been approved by its dean and is directed by a
15	member of its faculty and is conducted within institutions or legal departments described in the
16	section above or within the law school, provided that a supervising lawyer attends all
17	adversarial proceedings conducted by the legal interns;
18	(7) must meet with any Licensed Legal Intern he/she is supervising, in person or by telephone, a
19	minimum of one time per week, to review cases being handled and to provide feedback on
20	performance, additional guidance and instruction, and to answer questions or issues raised by
21	the Licensed Legal Intern;
22	(8) must inform the Bar Association staff promptly if circumstances arise that cause the
23	supervising lawyer to have concern about the good moral character or fitness to practice of a
24	Licensed Legal Intern supervised by that lawyer, and cooperate in any investigation that may
25	follow such a report;
26	

(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 Association 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 Board of Governors, 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 Association 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 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
<u>Legal Intern graduated from law school or completed the APR 6 Law Clerk program.</u>
(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 notice to that effect to the Bar
Association, 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
- 2 6 law clerk ceases to comply with APR 6. When the approval is withdrawn, the Licensed Legal
- 3 Intern's license must be terminated promptly.
- 4 (2) A limited license is granted at the sufferance of the Supreme Court and may be revoked at
- 5 any time upon the court's own motion, or upon the motion of the Board of Governors, in either
- 6 case with or without cause.
- 7 (3) A Licensed Legal Intern must immediately cease performing any services under this rule
- 8 and must cease holding himself or herself out as a Licensed Legal Intern upon:
- 9 (A) the termination for any reason of the Intern's limited license under this rule;
- 10 (B) the termination of the supervision for any reason or the upon the resignation of the Intern's
- 11 supervising lawyer;
- 12 (C) the suspension or termination by the Board of Governors of the supervising lawyer's status
- 13 as a supervising lawyer;
- 14 (D) the withdrawal of approval of the Intern pursuant to this rule, or
- 15 (E) the failure of the supervising lawyer to maintain qualification to be a supervising lawyer
- under the terms of this rule.
- 17 | RULE 10. [RESERVED]
- 18 [no change]
- 19 RULE 11. CONTINUING LEGAL EDUCATION
- 20 [no change]
- 21 RULE 12. LIMITED PRACTICE RULE FOR LIMITED PRACTICE OFFICERS
- 22 [no change]
- 23 APPENDIX APR 12. REGULATIONS OF THE APR 12 LIMITED PRACTICE BOARD
- 24 | REGULATIONS 1 through 13
- 25 [no change]
- 26 REGULATION 14: VOLUNTARY CERTIFICATION CANCELLATION

1	Any Limited Practice Officer may request to voluntarily surrender the LPO certification by
2	notifying the Limited Practice Board in writing of the desire to cancel and returning the LPO
3	license with the request. The Limited Practice Board may deny requests for voluntary
4	cancellation from any LPO who is the subject of a pending disciplinary investigation or
5	proceeding. The Limited Practice Board will notify the LPO of the effective date of the
6	cancellation if approved.
7	The former LPO shall then promptly notify by registered or certified mail, return receipt
8	request, all clients being represented in pending matters, of the certification cancellation and the
9	consequent inability to act as a Limited Practice Officer.
10	After entry of the cancellation order, the former LPO shall not accept any new clients or engage
11	in work as an LPO in any matter.
12	Within ten (10) days after the effective date of the cancellation order, the former LPO shall file
13	with the Limited Practice Board an affidavit showing:
14	1. The former LPO has fully complied with the provision of the order and with these
15	Regulations;
16	2. The residence or other address of the former LPO for purposes of mailing or for service of
17	process; and
18	3. Attaching to the affidavit a copy of the form of letter of notification sent to clients being
19	represented in pending matters, together with a list of the names and addresses of all clients to
20	whom the notice was sent.
21	The Board will cause a notice of the cancellation to be published in the same manner as notices
22	of discipline under ELPOC 3.5(b).
23	REGULATIONS 15 through 19
24	[no change]
25	

1	RULE 13. SIGNING OF PLEADINGS AND OTHER PAPERS; ADDRESS OF
2	RECORD; ELECTRONIC MAIL ADDRESS; NOTICE OF CHANGE OF ADDRESS
3	TELEPHONE NUMBER, OR NAME
4	(a) Signing of Pleadings and Other Papers. All pleadings and other papers signed by ar
5	attorney and filed with a court shall include the attorney's Washington State Bar Association
6	membership number in the signature block. The law department of a municipality, county, or
7	state, public defender organization or law firm is authorized to make an application to the
8	Administrative Office of the Courts for an office identification number. An office identification
9	number may be assigned by the Administrative Office of the Courts upon a showing that it will
10	facilitate the process of electronic notification. If an office identification number is granted, in
11	shall appear with the attorney's Washington State Bar Association membership number in the
12	signature block.
13	(b) Address of Record; Change of Address. An attorney must advise the Washington State
14	Bar Association of a current mailing address and telephone number. The mailing address shall
15	be the attorney's address of record. An attorney whose mailing address or telephone number
16	changes shall, within 10 days after the change, notify the Executive Director of the Washington
17	State Bar Association, who shall forward changes weekly to the Office of the Clerk of the
18	Supreme Court for entry into the state computer system. The notice shall be in a form
19	acceptable to the Bar Association and shall include (1) the attorney's full name, (2) the
20	attorney's Washington State Bar Association membership number, (3) the previous address and
21	telephone number, clearly identified as such, (4) the new address and telephone number, clearly
22	identified as such, and (5) the effective date of the change. The courts of this state may rely or
23	the address information contained in the state computer system in issuing notices in pending
24	actions.
25	(c) Electronic mail address: An attorney should shall advise the Washington State Bar
26	Association of a current business electronic mail address if one exists . An attorney whose

1	business electronic mail address changes should shall, within 10 days after the change, notify
2	the Executive Director of the Washington State Bar Association, who shall forward changes
3	weekly to the Office of the Clerk of the Supreme Court for entry into the state computer system.
4	Use of electronic mail addresses for court notice, service and filing must comply with GR 30.
5	(d) Change of Name. An attorney whose name changes shall, within 10 days after the change,
6	notify the Executive Director of the Washington State Bar Association, who shall forward
7	changes weekly to the Office of the Clerk of the Supreme Court for entry into the state
8	computer system. The notice shall be in a form acceptable to the Bar Association and shall
9	contain (1) the full previous name, clearly identified as such, (2) the full new name, clearly
10	identified as such, (3) the attorneys Washington State Bar Association membership number, and
11	(4) the effective date of the change.
12	(e) Requirements of Local and Other Court Rules Not Affected. The responsibility of a
13	party or an attorney to keep the court and other parties and attorneys informed of the party's or
14	attorney's correct name and current address, as may be required by local or other court rule, is
15	not affected by this rule.
16	RULE 14. LIMITED PRACTICE RULE FOR FOREIGN LAW CONSULTANTS
17	[no change]
18	RULE 15. LAWYERS' FUND FOR CLIENT PROTECTION
19	(a) Purpose . The purpose of this rule is to create a Lawyers' Fund for Client Protection, to be
20	maintained and administered as a trust by the Washington State Bar Association (WSBA), in
21	order to promote public confidence in the administration of justice and the integrity of the legal
22	profession.
23	(b) Establishment. Funds accruing and appropriated to the Fund may be used for the purpose
24	of relieving or mitigating a pecuniary loss sustained by any person by reason of the dishonesty
25	of, or failure to account for money or property entrusted to, any member of the WSBA as a
26	result of or directly related to the member's practice of law (as defined in GR 24), or while

acting as a fiduciary in a matter directly related to the member's practice of law. Such funds
may also, through the Fund, be used to relieve or mitigate like losses sustained by persons by
reason of similar acts of an individual who was at one time a member of the WSBA but who
was at the time of the act complained of under a court ordered suspension. The Fund shall not
be used for the purpose of relieving any pecuniary loss resulting from an attorney's negligent
performance of services or for acts performed after a member is disbarred. Payments from the
Fund shall be considered gifts to the recipients and shall not be considered entitlements.
(c) Funding. The Supreme Court may provide for funding by assessment of members of the
WSBA in amounts determined by the court upon the recommendation of the Board of
Governors of the WSBA.
(d) Enforcement. Failure to pay any fee assessed by the court on or before the date specified by
the court shall be a cause for suspension from practice until payment has been made.
(e) Restitution . A lawyer whose conduct results in payment to an applicant shall be liable to the
Fund for restitution.
(1) A lawyer on Active status must pay restitution to the Fund in full within 30 days of final
payment by the Fund to an applicant unless the attorney enters into a periodic payment plan
with Bar counsel assigned to the Client Protection Board.
(2) Lawyers on disciplinary or administrative suspension, disbarred lawyers, and lawyers on any
status other than disability inactive must pay restitution to the Fund in full prior to returning to
Active status, unless the attorney enters into a periodic payment plan with Bar counsel assigned
to the Client Protection Board.
(3) An attorney who returns from disability inactive status as to whom an award has been made
shall be required to pay restitution if and as provided in Procedural Rule 6(I).
(4) Restitution not paid within 30 days of final payment by the Fund to an applicant shall accrue
interest at the maximum rate permitted under RCW 19.52.050.

1	(5) Bar counsel assigned to the Client Protection Board may, in his or her sole discretion, enter
2	into an agreement with an attorney for a reasonable periodic payment plan if the attorney
3	demonstrates in writing the present inability to pay assessed costs and expenses.
4	(A) Any payment plan entered into under this rule must provide for interest at the maximum
5	rate permitted under RCW 19.52.050.
6	(B) An attorney may ask the Fund Board to review an adverse determination by Bar counsel
7	regarding specific conditions for a periodic payment plan. The Chair directs the procedure for
8	Fund Board review, and the Fund Board's decision is not subject to further review.
9	(6) An attorney's failure to comply with an approved periodic payment plan or to otherwise pay
10	restitution due under this Rule may be grounds for denial of status change or for discipline.
11	(f) Administration. The Fund shall be maintained and administered by the Board of Governors
12	acting as trustees for the Fund. The Board shall appoint the Lawyers' Fund for Client Protection
13	Board (Client Protection Board) to administer the Fund pursuant to rules adopted by the Board
14	of Governors and approved by the Supreme Court. The Client Protection Board shall consist of
15	11 lawyers and 2 nonlawyers, who will be appointed to serve staggered 3-year terms.
16	(g) Subpoenas. A lawyer member of the Client Protection Board, or counsel for the
17	Washington State Bar Association assigned to the Client Protection Board, shall have the power
18	to issue subpoenas to compel the attendance of the lawyer being investigated or of a witness, or
19	the production of books, or documents, or other evidence, at the taking of a deposition. A
20	subpoena issued pursuant to this rule shall indicate on its face that the subpoena is issued in
21	connection with an investigation under this rule. Subpoenas shall be served in the same
22	manner as in civil cases in the superior court.
23	(h) Reports. The Board of Governors, in consultation with the Client Protection Board, shall
24	file with the Supreme Court a full report on the activities and finances of the Fund at least
25	annually and may make other reports to the court as necessary.

(i) Communications to the Association. Communications to the Association, Board of
Governors (Trustees), Client Protection Board, Association staff, or any other individual acting
under the authority of these rules, are absolutely privileged, and no lawsuit predicated thereon
may be instituted against any applicant or other person providing information.
LAWYERS' FUND FOR CLIENT PROTECTION (APR 15) PROCEDURAL RULES
RULES 1 through 5
[no change]
RULE 6. PROCEDURES
A. Ineligibility. Whenever it appears that an application is not eligible for reimbursement
pursuant to Rule 5, the applicant shall be advised of the reasons why the application may not be
eligible for reimbursement.
B. Investigation and Report . The WSBA staff member assigned to the Board shall conduct as
investigation regarding any application. The investigation may be coordinated with any
disciplinary investigation regarding the lawyer. The staff member shall report to the Board and
make a recommendation to the Board.
C. Notification of Lawyer. The lawyer, or his or her representative, regarding whom a
application is made shall be notified of the application and provided a copy of it, and shall be
requested to respond within 20 days. If the lawyer's address of record on file with the WSBA i
not current, then a copy of the application should be sent to the lawyer at any other address or
file with the WSBA. A copy of these Rules shall be provided to the lawyer or representative.
D. Withdrawal of Application/Restitution. If, during the investigation of an application, the
Applicant withdraws the Application or the Applicant receives full restitution of the amoun
stated in the Application, the Applicant and the lawyer shall be advised that the file will b
closed without further action.

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Washington State Bar Association 1325 Fourth Ave - Suite 600 Seattle, WA 98101-2539

1	E. Testimony . The Board may request that testimony be presented to complete the record
2	Upon request, the lawyer or applicant, or their representatives, may be given an opportunity to
3	be heard at the discretion of the Board.
4	F. Finding of Dishonest Conduct. The Board may make a finding of dishonest conduct for
5	purposes of considering an application. Such a determination is not a finding of dishones
6	conduct for purposes of professional discipline.
7	G. Evidence and Burden of Proof. Consideration of an application need not be conducted
8	according to technical rules relating to evidence, procedure and witnesses. Any relevan
9	evidence shall be admitted if it is the sort of evidence commonly accepted by reasonably
10	prudent persons in the conduct of their affairs. The applicant shall have the burden of
11	establishing eligibility for reimbursement by a clear preponderance of the evidence.
12	H. Pending Disciplinary Proceedings. Unless the Board or Trustees otherwise direct, no
13	application shall be acted upon during the pendency of a disciplinary proceeding or
14	investigation involving the same act or conduct that is alleged in the claim.
15	I. Deferred Disciplinary Proceedings; Lawyer on Disability Inactive Status.
16	(1) If an application relates to a lawyer on disability inactive status, and/or a disciplinary
17	proceeding or investigation is deferred due to a lawyer's transfer to disability inactive status, the
18	Fund Board may act on the application when received or may defer processing the application
19	for up to three years if the lawyer remains on disability inactive status.
20	(2) A lawyer on disability inactive status seeking to return to Active status may, while pursuing
21	reinstatement pursuant to the Rules for Enforcement of Lawyer Conduct, request that the
22	lawyer's obligation to make restitution for any applications approved while the lawyer was or
23	disability inactive status be reviewed.
24	(A) If the request for review is based in whole or in part on the merits of the application(s), the
2425	(A) If the request for review is based in whole or in part on the merits of the application(s), the lawyer may request the Fund Board review and reconsider any such applications. The Fund

the final decision. If the Trustees determine that the application(s) should not have been
approved, the lawyer will not be responsible for restitution and the applicant(s) shall not be
required to repay the Fund. If the Trustees determine that the applications were appropriately
granted and the lawyer is responsible for restitution, the rules regarding restitution shall apply.
(B) If the lawyer does not contest the merits of the applications but simply wants to request that
restitution be waived, the request shall be submitted to the Bar counsel for the Fund, who shall
submit the request to the Trustees together with Fund counsel's recommendation. The decision
of the Trustees shall be final and is not subject to appeal.
IJ. Public Participation. Public participation at Board meetings shall be permitted only by
prior permission granted by the Board chairperson.
JK. Board Action.
(1) Actions of the Board Which Are Final Decisions: A decision by the Board on an application
for payment of \$25,000 or less – whether such decision be to make payment, to deny payment
to defer consideration, or for any action other than payment of more than \$25,000 - shall b
final and without right of appeal to the Trustees.
(2) Actions of the Board Which Are Recommendations to the Trustees: A decision by th
Board (a) on an application for more than \$25,000, or (b) involving a payment of more than
\$25,000 (regardless of the amount stated in the application), is not final and is a recom
mendation to the Trustees which shall have sole authority for final decisions in such cases.
RULES 7 and 8
[no change]
RULE 9. LIMITATIONS ON AMOUNT OF REIMBURSEMENT
A. The Trustees may, at their discretion, set limitations on the amount of reimbursement.
B. Applications approved for \$5,000 or less shall be paid in full upon approval by the Board
(and the Trustees, if required under these Rules). Applications approved for more than \$5,000
shall be paid \$5,000 upon approval by the Board (and the Trustees, if required under thes

1	Rules); payment of the remaining balance approved shall be deferred until fiscal year end and
2	shall be subject to any proration which may be approved by the Trustees.
3	C. At the last meeting of the Trustees for each fiscal year, the Fund Board shall report the total
4	outstanding balance on approved gifts and shall recommend whether the outstanding balance
5	should be paid in full or prorated. When approved gifts are prorated, the prorated payment shall
6	reflect the total amount of the gift, less the initial \$5,000 payment made upon approval by the
7	Board. By way of illustration:
8	Example 1: The application is for an amount in excess of \$75,000.00. The Fund Board
9	recommends and the Board of Governors, as Trustees, approves a gift in the maximum
10	allowable amount of \$75,000. \$5,000 is paid upon approval by the Trustees. At fiscal
11	year end, the Fund Board recommends and the Board of Governors, as Trustees.
12	approves using a prorating formula that would result in applicants receiving 20% of their
13	unpaid gifts. 20% of \$70,000 is \$14,000, so a second payment of \$14,000 is issued to
14	the applicant.
15	Example 2: In the same fiscal year another applicant applies for and receives a gift in
16	the amount of \$7,500. \$5,000 is paid upon approval. At fiscal year end, a second
17	payment is issued for \$500.
18	RULES 10 through 12
19	[no change]
20	RULE 13. CONFIDENTIALITY
21	A. Matters Which Are Public. On approved applications, Tthe facts and circumstances which
22	generated the loss, the Board's findings of fact and recommendations to the Trustees with
23	respect to payment of a claim, the amount of claim, the amount of loss as determined by the
24	Board, the name of the lawyer causing the loss, and the amount of payment authorized and
25	made, shall be public. After payment is authorized, the name of the lawyer causing the loss shall
26	be public.

- 1 **B. Matters Which Are Not Public.** The Board's file, including the application and response,
- 2 supporting documentation, and staff investigative report, investigation and deliberations of any
- application; the name of the applicant, unless the applicant consents; or and the name of the
- 4 lawyer unless the lawyer consents or unless the lawyer's name is made public pursuant to these
- 5 rules, shall not be public.
- 6 RULES 14 through 16.
- 7 [no change]
- 8 RULE 17. ADMINISTRATIVE SUSPENSION FROM PRACTICE
- 9 (a) <u>Basis for Suspension From Practice.</u> The Washington State Bar Association shall request
- that the Supreme Court suspend a member from the practice of law upon:
- 11 (1) notification from the Department of Social and Health Services the execution of written
- 12 | findings from an adjudicative process—that : (1) the member is more than six months delinquent
- 13 in noncompliance with a valid and enforceable order entered by a court of competent
- 14 jurisdiction requiring the member to pay child support; or , and (2) the member has had the
- 15 opportunity for an adjudicative proceeding to contest the issue of compliance with the child
- support order, and (3) there are currently no good faith negotiations for a repayment agreement
- or other modification of the order, and (4) there are no pending judicial or administrative
- 18 proceedings to determine whether child support is delinquent. A member shall be considered in
- 19 compliance with an order of child support if the member is current with a payment arrangement
- 20 pursuant to an order which contemplates payments for past due child support. The hearing will
- 21 be held, on actual notice to the member of no less than sixty days. The hearing shall otherwise
- 22 be conducted pursuant to and in accordance with the Rules for Enforcement of Lawyer Conduct
- 23 but will be for an administrative suspension only so long as the conditions set forth above exist.
- 24 (2) failure of a member to comply with licensing requirements under these rules, the Rules for
- 25 Enforcement of Lawyer Conduct, or the Bar Association Bylaws. This includes but is not
- 26 | limited to a member's:

- 1 (A) failure to pay the annual license fee to the Association;
- 2 (B) failure to pay the annual assessment to the Lawyers' Fund for Client Protection;
- 3 (C) failure to comply with MCLE requirements;
- 4 (D) failure to comply with professional liability insurance requirements;
- 5 (E) failure to file annual trust account information;
- 6 (F) failure to designate a resident agent; and
- 7 (G) failure to timely notify the Association of a change in address, phone number or email
- 8 <u>address.</u>
- 9 (b) Notice and Order of Suspension. The Bar Association shall provide at least 60 days
- written notice of intent to seek suspension to a member at the member's address of record with
- 11 the Bar Association. The Bar Association shall establish notice procedures consistent with this
- 12 rule. A member shall have a right to submit proof that the grounds for the suspension do not
- exist or no longer exist. After 60 days from the execution of the written findings such notice the
- 14 Court may enter an order suspending the member from practice, unless the member submits
- 15 satisfactory proof one of the conditions set forth above does not exist.
- 16 (c) Reinstatement Change of Status After Suspension Pursuant to This Rule. A member
- who has been administratively suspended under this rule shall have a right to submit proof to
- 18 | the Bar Association that the of a condition grounds for suspension no longer exists. The member
- 19 must adhere to status change procedures established by the Bar Association. The Court may
- 20 enter an order of reinstatement changing status upon determination said proof is satisfactory and
- 21 | so long as the member meets all other requirements to practice law.
- 22 (d) Rules of Professional Conduct Not Superseded. Nothing in this rule supersedes any of the
- 23 Rules of Professional Conduct.
- 24 | RULE 18. ADMISSION OF LAWYERS LICENSED IN OTHER STATES OR
- 25 TERRITORIES OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA TO
- 26 PRACTICE LAW IN WASHINGTON [RESERVED]

(a) Purpose. This rule prescribes the procedure, conditions, and limitations for admission of
lawyers from other states or territories of the United States or the District of Columbia, except
as provided in rule 3. Lawyers from other states or territories or the District of Columbia will be
admitted in Washington pursuant to this rule under procedures and conditions that, in the
judgment of the Washington State Supreme Court, are substantially similar to the procedures
and conditions under which the other licensing state or territory or the District of Columbia
allows the admission of licensed Washington lawyers to their states.
(b) Qualifications. Before a lawyer licensed to practice law in another state or territory of the
United States or the District of Columbia qualifies for admission to the practice of law in the
State of Washington, the lawyer must:
(1) Present satisfactory proof of both admission to the practice of law, together with current
good standing, in another state or territory of the United States or the District of Columbia, and
active legal experience as a lawyer or counselor at law at the time of the application;
(2) Possess the good moral character and fitness requisite for a member of the Bar of the State
of Washington;
(3) Execute under oath and file with the Bar Association two copies of an application in such
form as may be required by the Board of Governors; and
(4) File with the application a certificate from the authority in such other state or territory or the
District of Columbia having final jurisdiction over professional discipline, certifying as to the
applicant's admission to practice, and the date thereof, and as to the good standing of such
lawyer or counselor at law or the equivalent; and
(5) Provide with the application such other evidence of the applicant's educational and
professional qualifications, good moral character and fitness and compliance with the
requirements of this rule as the Board of Governors may require; and
(6) Establish to the satisfaction of the Board of Governors that the state or territory or the
District of Columbia that licensed the lawyer applicant allows the admission of licensed
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Washington lawyers under terms and conditions substantially similar to those set forth in these
rules, provided that if the state or territory or the District of Columbia that licensed the lawyer
applicant requires Washington lawyers to complete or meet other conditions or requirements,
the applicant must meet a substantially similar requirement for admission in Washington; and
(7) Pay upon the filing of the application the fee established for such admission which shall be
at least equal to that required pursuant to rule 3(d)(2) to be paid by a lawyer applicant to take the
bar examination.
(c) Procedure.
(1) The Board of Governors shall approve or disapprove applications for admission of lawyers
admitted to the practice of law in other states or territories of the United States or the District of
Columbia. The Board may require additional proof of any facts stated in the application. In the
event of the failure or refusal of the applicant to furnish any information or proof, or to answer
any inquiry of the Board pertinent to the pending application, the Board may deny the
application. Upon approval of the application by the Board of Governors, the Board shall
recommend to the Supreme Court the admission of the applicant for the purposes herein stated.
The Supreme Court may enter an order admitting to practice those applicants it deems qualified,
conditioned upon such applicant:
(i) Completing a minimum of 4 hours approved preadmission education pursuant to rule 5 (b);
and
(ii) Taking and filing with the Clerk of the Supreme Court the Oath of Attorney pursuant to rule
5; and
(iii) Paying to the Bar Association its membership fee for the current year in the maximum
amount required of active members; and
(iv) Filing with the Bar Association in writing his or her address in the State of Washington,
together with a statement that the applicant has read the Rules of Professional Conduct and

1	Rules for Enforcement of Lawyer Conduct, is familiar with their contents and agrees to abide by
2	them.
3	(2) Upon the entry of an order of admission, the filing of the required materials and payment of
4	the membership fee, the applicant shall be admitted to the practice of law in the State of
5	Washington as specified by this rule.
6	RULE 19. LAWYER SERVICES DEPARTMENT
7	[no change]
8	RULE 20. CHARACTER AND FITNESS BOARD
9	(a) Composition. The Board shall consist of not less than three nonlawyer members, appointed
10	by the Supreme Court, and not less than one lawyer member from each congressional district,
11	appointed by the Board of Governors. The validity of the Board's actions is not affected if the
12	Board's makeup differs from the stated constitution due to a temporary vacancy in any of the
13	specified positions.
14	(b) Qualifications. Lawyer members must have been active members of the Bar Association
15	for at least 75 years.
16	(c) Board Chair. The Board of Governors shall annually designate one lawyer member of the
17	Board to act as chair and another as vice-chair. The vice-chair shall serve in the absence of or at
18	the request of the Board chair. If both the chair and the vice-chair will be absent from a meeting
19	or hearing, the chair may appoint another member of the Board to serve as chair pro tem at any
20	hearing.
21	(d) Vacancies. Vacancies in lawyer membership on the Board and in the office of the Board
22	chair and the vice-chair shall be filled by the Board of Governors. Vacancies in nonlawyer
23	membership shall be filled by the Supreme Court. A person appointed to fill a vacancy shall
24	complete the unexpired term of the person he or she replaces, and if that unexpired term is less
25	than 24 months he or she may be reappointed to a consecutive term.

(e) Quorum. A majority of the Board members shall constitute a quorum. Given a quorum, the
concurrence of a majority of those present shall constitute action of the Board. In the event a
quorum is not present, Bar Counsel and the Applicant or Petitioner may agree to waive the
requirement of a quorum.

- (f) **Disqualification**. In the event a grievance is made to the Bar Association alleging an act of misconduct by a lawyer member of the Board the procedures specified in ELC 2.3(b)(5) shall apply.
- (g) Pro Tempore Members. When a member of the Board is disqualified or unable to function on a case for good cause, the chair of the Board may, by written order, designate a member pro tempore to sit with the Board to hear and determine the cause. A member pro tempore may be appointed from among those persons who have previously served as members of the Character and Fitness Board (or its predecessor Character and Fitness Committee), or from among lawyers appointed as alternate Board members by the Board of Governors and nonlawyers appointed as alternate Board members by the Supreme Court. A lawyer shall be appointed to substitute for a lawyer member of the Board, and a nonlawyer to substitute for a nonlawyer member of the board.
- (h) Voting. Each member, whether nonlawyer or lawyer, shall have one vote.
- (i) Terms of Office. The term of office for a member of the Board shall be 3 years. Newly created Board positions may be filled by appointments of less than 3 years, as designated by the Supreme Court or the Board of Governors, to permit as equal a number of positions as possible to be filled each year. All terms of office begin October 1 and end September 30 or when a successor has been appointed, whichever occurs later. Members may not serve more than one term except as otherwise provided in these rules. Members shall continue to serve until replaced.
- **(j) Application of Rules**. These rules and any subsequent amendments will apply in their entirety, on the effective date as ordered by the Supreme Court, to any pending matter, except as

1	would not be feasible or would work an injustice. The Chair may rule on the appropriate
2	procedure with a view to insuring a fair and orderly proceeding.
3	RULE 20.1 AUTHORITY OF BOARD
4	The Board shall have the power and authority to:
5	(a) Accept referrals from the Bar Counsel concerning matters of character and fitness bearing
6	upon the qualification of Applicants for Admission, or Petitioners for Reinstatement, and any
7	other applicants, including Association members changing status or membership class, referred
8	to the Board pursuant to APR 7 or the Bar Association Bylaws.
9	(b) Review each Application for Admission, other application as described in 20.1(a), or
10	Petition for Reinstatement to practice law in the state of Washington.
11	(c) Investigate matters relevant to the admission or reinstatement applications or petitions of any
12	Applicant, or Petitioner, or Bar Association member changing status or membership class and
13	conduct hearings concerning such matters.
14	(d) Perform such other functions and take such other actions as provided in these rules or as
15	may be delegated to it by the Board of Governors or Supreme Court, or as may be necessary
16	and proper to carry out its duties.
17	No Board member shall offer an opinion to an Applicant, Bar Association member, or Petitioner
18	on whether the Applicant's or Petitioner's record establishes good moral character and fitness to
19	practice law until after the completion of a hearing regarding that Applicant's or Petitioner's
20	application or petition.
21	RULE 20.2 MEETINGS
22	The Board shall hold meetings at such times and places as it may determine. Where the chair of
23	the Board determines that prompt action is necessary for protection of the public, and that
24	circumstances do not permit a full meeting of the Board, the Board may vote on a matter
25	otherwise ready for review without meeting together, through telephone, electronic or written
26	communication.

1 RULE 20.3 BAR COUNSEL

- 2 The Bar Association shall be represented by one or more a lawyers appointed by the Executive
- 3 Director of the Bar Association, who shall act as counsel to the Board and/or who may make a
- 4 recommendation in support of or in opposition to the admission or reinstatement of an
- 5 Applicant or Petitioner.

6 RULE 20.4 CLERK

- 7 The Executive Director of the Bar Association may appoint a suitable person or persons to act
- 8 as Clerk to the Board, and to assist the Board in carrying out its functions under these rules.

9 RULE 20.5 SERVICE

- 10 Service of papers and documents shall be made by first class postage prepaid mail to the
- 11 Applicant's, Bar Association member's, or Petitioner's, or his or her counsel's, last known
- 12 address on record with the Bar Association. If properly made, service by mail is deemed
- 13 accomplished on the date of the mailing. Any notice of change of address shall be submitted in
- writing to the Bar Association.

APR 21 CHARACTER DEFINED

- 16 Good moral character is a record of conduct manifesting the qualities of honesty, fairness,
- candor, trustworthiness, observance of fiduciary responsibilities, adherence to the law, and a
- 18 respect for the rights of other persons and the judicial process.

APR 22 FITNESS DEFINED; INDEPENDENT FITNESS EXAMINATION

- 20 (a) **Fitness defined**. Fitness is the absence of any current mental impairment or current drug or
- 21 alcohol dependency or abuse which, if extant, would substantially impair the ability of the
- 22 Applicant, Bar Association member, or Petitioner to practice law.
- 23 (b) **Testimony and Evidence:** If it appears that the Applicant, Bar Association member, or
- Petitioner has engaged in conduct that was or may have been caused in whole or in part by a
- 25 mental impairment or drug or alcohol dependency or abuse, the Applicant, Bar Association

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member, or Petitioner may present testimony or evidence from a licensed or certified mental

2	health professional (hereafter "examining professional").
3	(c) Independent Fitness Examination: If after reviewing such the testimony or evidence at a
4	hearing the Board finds that examination or further examination is necessary or would assist the
5	Board in performing its duties, the Board by majority vote may require an examination of the
6	Applicant, Bar Association member, or Petitioner by an examining professional approved by
7	Bar Counsel and the Lawyers' Assistance Program of the Washington State Bar Association.
8	(d) Failure to Comply: The failure of an Applicant, Bar Association member, or a Petitioner
9	to agree or submit to a required independent fitness examination shall result in the Applicant's
10	Bar Association member's, or Petitioner's application or petition being denied.
11	(e) Costs: The cost of any examination required by the Board shall be borne by the Bar
12	Association.
13	(f) Report: The examining professional shall issue a written report of his or her findings which
14	report shall be provided to the Applicant or Petitioner and his or her counsel, Bar Counsel and
15	the Character and Fitness Board.
16	(g) Confidentiality: Any report and testimony of an examining professional may be admitted
17	into evidence at a hearing on, or review of, the Applicant's, Bar Association member's, or
18	Petitioner's fitness and transmitted with the record on review by the Disciplinary Board or the
19	Supreme Court. Reports and testimony regarding the Applicant's, Bar Association member's
20	or Petitioner's fitness shall otherwise be kept confidential in all respects and neither the report
21	nor the testimony of the examining professional shall be discoverable or admissible in any other
22	proceeding or action without the consent of the Applicant, Bar Association member, or
23	Petitioner.
24	APR 23 CHARACTER AND FITNESS BOARD - PREHEARING PROCEDURE -
25	APPLICATIONS FOR ADMISSION

1	(a) Admissions Staff Review. All applications for admission or licensing to practice law in
2	Washington State or to change membership class or status with the Bar Association, and all
3	petitions for readmission to the practice of law in Washington State shall be reviewed by the
4	Bar Association Admissions staff for purposes of determining whether any of the factors set
5	forth in rule 24.2(a) are present.
6	(b) Admissions Staff Review - Standard. All applications and petitions which reflect one or
7	more of the factors set forth in rule 24.2(a) shall be referred to Bar Counsel for review.
8	(c) Review By Bar Counsel - Standard. Upon receiving a referral from the admissions staff,
9	Bar Counsel may conduct such further investigation as he or she deems necessary and
10	thereafter, applying the factors and considerations set forth in rule 24.2, and upon reviewing the
11	material evidence in the light most favorable to the Bar Association's obligation to recommend
12	the <u>licensing or</u> admission to the practice of law only those persons who possess good moral
13	character and fitness, Bar Counsel shall refer to the Character and Fitness Board for hearing any
14	Applicant about whom there is a substantial question whether the Applicant possesses the
15	requisite good moral character and fitness to practice law.
16	APR 24 APPLICATIONS FOR ADMISSION
17	APR 24.1 DUTY OF APPLICANT
18	"Applicant", as used in APR 20-25.6, means every applicant for admission to practice, for
19	limited licensing or admission, or for change of membership class or status under the Bar
20	Association Bylaws. In matters involving investigations or hearings pursuant to the filing of a
21	petition for reinstatement by a disbarred lawyer, "Applicant" shall also include "Petitioner".
22	(a) It shall be the duty of every Applicant to cooperate in good faith with any investigation by
23	promptly furnishing written or oral explanations, documents, releases, authorizations, or
24	anything else reasonably required by the Board or Bar Counsel. Failure to appear as directed or

to furnish additional proof or answers as required or to cooperate fully shall be sufficient reason

for the Board to recommend the rejection of an application.

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1	(b) Applicants shall not have direct contact with any member of the Board from the time the
2	Applicant's application is filed with the Bar Association until the matter is finally resolved by
3	the Board or the Supreme Court, except to the extent direct contact is required during the
4	hearing. If the Applicant believes that communication with the Board is necessary outside the
5	hearing, such communication shall take place through Bar Counsel. If the Applicant believes
6	that contact about the Applicant's matter with members of the Board is necessary after the
7	matter is finally resolved by the Board or the Court, such contact should be made only through
8	Bar Counsel.
9	(c) Applicants shall appear in person at any hearing before the Board, unless the Applicant's
10	presence is waived by the Board for good cause shown. The presumption is that the Applicant's
11	personal attendance at the hearing will be required.
12	APR 24.2 FACTORS CONSIDERED WHEN DETERMINING CHARACTER AND
13	FITNESS
14	(a) Factors. The following factors shall be considered by the Admissions staff and Bar Counsel
15	when determining whether an applicant shall be referred to the Character and Fitness Board for
16	a determination of the applicant's character and/or fitness to practice law:
17	(1) unlawful conduct.
18	(2) academic misconduct.
19	(3) making of false statements or omitting material information in connection with an
20	application for limited licensing to practice law, to sit for a bar examination, or otherwise for
21	licensing or admission to the practice of law.
22	(4) misconduct in employment.
23	(5) acts involving dishonesty, making false statements, fraud, deceit or misrepresentation.

(8) disregard of professional obligations.

(7) neglect of financial responsibilities.

(6) abuse of legal process.

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Proposed Amendments to Admission to Practice Rules

1	(9) violation of a court order.
2	(10) evidence of a current substantial mental impairment, including without limitation, drug or
3	alcohol dependency or abuse.
4	(11) denial of admission to the bar in another jurisdiction on character and fitness grounds.
5	(12) disciplinary action by any professional disciplinary agency of any jurisdiction.
6	(13) any other conduct or condition which reflects adversely on moral character or fitness of
7	the Applicant to practice law.
8	(b) Factors Considered by the Character and Fitness Board When Determining Good
9	Moral Character. When determining whether past conduct disqualifies the Applicant from
10	taking the Washington Bar Examination, or for licensing or admission to the Bar, the Character
11	and Fitness Board shall consider those factors specified in rule 24.2(a) and the following factors
12	in mitigation or aggravation:
13	(1) Applicant's age at the time of the conduct.
14	(2) Recency of the conduct.
15	(3) Reliability of the information concerning the conduct.
16	(4) Seriousness of the conduct.
17	(5) Factors or circumstances underlying the conduct.
18	(6) Cumulative nature of the conduct.
19	(7) Candor in the admissions process and before the Board.
20	(8) Materiality of any omissions or misrepresentations.
21	(9) Evidence of rehabilitation, which may include but is not limited to the following:
22	(i) absence of recent misconduct.
23	(ii) compliance with any disciplinary, judicial or administrative order arising out of the
24	misconduct.
25	(iii) sufficiency of punishment.
26	(iv) restitution of funds or property, where applicable.

1	(v) Applicant's attitude toward the misconduct, including without limitation acceptance
2	of responsibility and remorse.
3	(vi) personal assurances, supported by corroborating evidence, of a desire and intent to
4	engage in exemplary conduct in the future;
5	(vii) constructive activities and accomplishments since the conduct in question.
6	(viii) the Applicant's understanding and acceptance of the factors leading to the
7	misconduct and how similar misconduct may be avoided in the future.
8	(c) Factors Considered by the Character and Fitness Board in Fitness Cases Involving
9	Drug or Alcohol Dependence or Abuse. When determining whether an Applicant is unfit to
10	practice law due to drug or alcohol dependence or abuse, the Character and Fitness Board shall
11	consider the following factors, no single one of which is determinative:
12	(1) Whether the Applicant is currently using drugs or alcohol.
13	(2) Whether the Applicant's drug or alcohol dependence or abuse is likely to cause or contribute
14	to any of the conduct specified in rule 24.2(a).
15	(3) The nature, extent and duration of the Applicant's drug or alcohol dependence or abuse, and
16	the Applicant's candor in the admissions process and before the Board when describing the
17	problem.
18	(4) Whether the Applicant has been or is now in treatment and, if so:
19	(i) The nature and duration of the treatment.
20	(ii) Whether treatment was or is voluntary or involuntary.
21	(iii) Consistency of participation in or compliance with treatment.
22	(iv) Whether the treatment was effective.
23	(5) Whether the Applicant has undergone a drug or alcohol evaluation by a certified chemical
24	dependency counselor or other professional with credentials acceptable to the Board and, if so,
25	whether the substance of such person's opinion the findings have been made available to the
26	Committee.

1	(6) The length of time the Applicant has been in recovery. In cases where the period of
2	recovery is less than two years, the Applicant must demonstrate through appropriate expert
3	opinion that there has been an adequate period of recovery.
4	(d) Factors Considered by the Character and Fitness Board in Fitness Cases Involving a
5	Mental Impairment. When determining whether an Applicant is unfit to practice law due to a
6	mental impairment, the Character and Fitness Board shall consider the following factors, no
7	single one of which is determinative:
8	(1) Whether there is a current mental impairment.
9	(2) Whether the Applicant's mental impairment is likely to cause or contribute to any of the
10	conduct specified in rule 24.2(a).
11	(3) The nature, extent and duration of the Applicant's mental impairment, and the Applicant's
12	candor in the admissions process and before the Board when describing the impairment.
13	(4) Whether the Applicant's mental impairment is chronic or situational in nature.
14	(5) Whether the applicant has received or is receiving professional mental health treatment
15	appropriate for the impairment, and if so:
16	(i) Whether the Applicant's impairment has been in remission for at least two years as
17	verified by an appropriate mental health professional and, if not, whether the Applicant has
18	demonstrated through appropriate expert opinion that the period of remission has been
19	adequate.
20	(ii) Whether a mental health professional has identified any conditions, including
21	without limitation further treatment, that must be complied with to continue the Applicant's state
22	of remission and, if so, whether the Applicant is in compliance with those conditions.
23	(e) Factors Not Considered by the Character and Fitness Board. The following factors shall not
24	be considered as evidence of an Applicant's character or fitness:
25	(1) Racial or ethnic identity.
26	(2) Sex.

1 (3) Sexual orientation. 2 (4) Marital status. 3 (5) Religious or spiritual beliefs or affiliation. 4 (6) Political beliefs or affiliation. 5 (7) Physical disability. 6 (8) National origin. 7 (9) Age. 8 (10) Learning disabilities. 9 **APR 24.3 HEARINGS** 10 (a) Notice. The Character and Fitness Board may fix a time and place for a hearing on the 11 application, and Bar Counsel shall serve notice thereof not less than 30 days prior to the hearing 12 upon the Applicant and upon such other persons as may be ordered by the Character and Fitness 13 Board. This notice requirement may be waived by the Applicant. 14 **(b) Right to Counsel**. An Applicant may be represented by counsel. 15 (c) Burden of Proof. An Applicant must establish by clear and convincing evidence that he or 16 she is of good moral character and possesses the requisite fitness to practice law. 17 (d) Proceedings Not Civil or Criminal. Hearings before the Character and Fitness Board are 18 not civil nor criminal but are sui generis hearings to determine whether an Applicant possesses 19 is of good moral character and possesses the requisite fitness to be admitted to practice law. 20 (e) Rules of Evidence. 21 (1) Evidentiary rulings shall be made by the Board chairperson. A majority of Board members 22 present may by vote overrule a ruling by the chairperson. 23 (2) Consistent with section (d) of this rule, evidence, including hearsay evidence, is admissible 24 if in the chairperson's judgment it is the kind of evidence on which reasonably prudent persons 25 are accustomed to rely in the conduct of their affairs. The chairperson may exclude evidence 26 that is irrelevant, immaterial, or unduly repetitious.

1 (3) Witnesses shall testify under oath; all testimony shall be transcribed by a certified court 2 reporter. 3 (4) Expert witnesses shall appear and testify in person or by telephone or video conference 4 before the Board, unless in the discretion of the Board their appearance before the Board is 5 waived. 6 (5) Generally, all documentary evidence submitted to the Board for consideration must be 7 delivered to Bar Counsel not less than 4430 days prior to the hearing. Bar Counsel will provide 8 copies of all documentary evidence, and any hearing briefs, memoranda, or other documentary 9 material, to the Board members and to the Applicant prior to the hearing date. 10 (6) The Board may take notice of any judicially cognizable facts, or technical or scientific facts 11 within a Board member's specialized knowledge. 12 (7) Questioning of the Applicant and the Applicant's witnesses shall be conducted by Bar 13 Counsel or his or her designee and by two members of the Board designated by the chair. 14 (f) Confidentiality: All hearings and documents before the Character and Fitness Board on 15 applications for admission or limited admission to the bar-Bar Association, admission to the law 16 clerk program, and return to active membership are confidential, but may be provided to the 17 Disciplinary Board or Supreme Court in connection with any appeal, or to other entities with the 18 written consent of the applicant. 19 APR 24.4 DECISION AND RECOMMENDATION. 20 (a) **Decision**. Within 2030 days after the proceedings are concluded, or if a transcript is 21 ordered, within 30 days after the transcript is received by the Board, unless a greater or shorter 22 period is directed by the Board chair, the Board will file with the Bar Association written 23 findings of fact, conclusions of law, and a recommendation. Any Board member or members 24 may file a written dissent within the same time period. 25 (b) Action on Board Recommendation. The recommendation of the Character and Fitness

Board shall be served upon the Applicant pursuant to rule 20.5.

1	(1) If the Board recommends admission, the record, recommendation and all exhibits
2	shall be transmitted to the Supreme Court for disposition.
3	(2) If the Board recommends against admission, the record and recommendation shall be
4	retained in the office of the Bar Association unless the Applicant requests that it be submitted to
5	the Supreme Court by filing a Notice of Appeal with the Board within 15 days of service of the
6	recommendation of the Character and Fitness Board. If the Applicant so requests, the Board
7	will transmit the record, including the transcript, exhibits, and recommendation to the Supreme
8	Court for review and disposition. If the Applicant does not so request, the bar examination fee
9	shall be refunded to the Applicant. The Applicant must pay to the Supreme Court any fee
10	required by the Court in connection with the Appeal and review.
11	(c) Reapplication. No application for admission may be filed within a period of one year after
12	a decision of the Board recommending against admission that is not appealed to the Supreme
13	Court.
14	APR 24.5 ACTION ON SUPREME COURT'S DETERMINATION
15	(a) Application Approved. If the application is approved by the Supreme Court, admission
16	shall be subject to the Applicant's taking and passing the bar examination and complying with
17	rule 5 all other requirements for admission.
18	(b) Application Denied. If the application is denied, the Bar Association shall maintain a
19	record of the application, hearing, and appeal in the Bar Association records the bar
20	examination fee shall be refunded to the Applicant. No new petition for admission shall be filed
21	within a period of one year after the date of the Supreme Court decision denying the
22	application.
23	APR 25 PETITIONS FOR REINSTATEMENT AFTER DISBARMENT
24	APR 25.1 RESTRICTIONS ON REINSTATEMENT
25	(a) Petitions For Reinstatement. All Petitions for Reinstatement after Disbarment shall be
26	referred for hearing before the Character and Fitness Board.

(b) When Petition May Be Filed. No petition for reinstatement shall be filed within a period
of 5 years after disbarment or within a period of 2 years after an adverse decision of the
Supreme Court upon a former petition, or within a period of 1 year after an adverse
recommendation of the Character and Fitness Board on a former petition when that
recommendation is not submitted to the Supreme Court. If prior to disbarment the lawyer was
suspended from the practice of law pursuant to the provisions of Title 7 of the Rules for
Enforcement of Lawyer Conduct, or any comparable rule, the period of such suspension shall be
credited toward the 5 years referred to above.

- (c) When Reinstatement May Occur. No disbarred lawyer may be reinstated sooner than 6 years following disbarment. If prior to disbarment the lawyer was suspended from the practice of law pursuant to the provisions of Title 7 of the Rules for Enforcement of Lawyer Conduct, or any comparable rule, the period of such suspension shall be credited toward the 6 years referred to above.
- (d) Payment of Obligations. No disbarred lawyer may file a petition for reinstatement until costs and expenses and restitution ordered by the Disciplinary Board or the Supreme Court have been paid and until amounts paid out of the Lawyers' Fund for Client Protection for losses caused by the conduct of the Petitioner have been repaid to the client protection fund, or until periodic payment plans for costs and expenses, restitution and repayment to the client protection fund have been entered into by agreement between the Petitioner and disciplinary counsel. A Petitioner may seek review by the Chair of the Disciplinary Board of an adverse determination by disciplinary counsel regarding the reasonableness of any such proposed periodic payment plan. Such review will proceed as directed by the Chair of the Disciplinary Board and the decision of the Chair of the Disciplinary Board is final unless the Chair of the Disciplinary Board determines that the matter should be reviewed by the Disciplinary Board, in which case the Disciplinary Board review will proceed as directed by the Chair and the decision of the Board will be final.

APR 25.2 REVERSAL OF CONVICTION

If a lawyer has been disbarred solely because of his or her conviction of a crime and the conviction is later reversed and the charges dismissed on their merits, the Supreme Court may in its discretion, upon direct application by the lawyer, enter an order reinstating the lawyer upon such conditions as determined by the Supreme Court. At the time such direct application is filed with the court a copy shall be filed with the Bar Association. The Supreme Court may request a response to the application from the Bar Association.

APR 25.3 PETITIONS AND INVESTIGATIONS

- (a) Form of Petition. A petition for reinstatement after disbarment shall be in writing in such form as the Character and Fitness Board may prescribe. The petition shall be filed with the Character and Fitness Board. The petition shall set forth the age, residence and address of the Petitioner, the date of disbarment, and a concise statement of facts claimed to justify reinstatement. The petition shall be accompanied by the total fees required of a lawyer Applicant under these rules, and by a completed application for admission.
- **(b) Investigations**. The petition for reinstatement shall be referred to the Character and Fitness Board for hearing.
- (c) **Duty to Cooperate**. It shall be the duty of every Petitioner to cooperate in good faith with any investigation by promptly furnishing written or oral explanations, documents, releases, authorizations, or anything else reasonably required by the Board or Bar Counsel. Failure to appear as directed or to furnish additional proof or answers as required or to cooperate fully shall be sufficient reason for the Committee to recommend the rejection of a petition.
- (d) **Proceedings Public**. A petition for reinstatement after disbarment shall be a public proceeding from the time the petition is filed.
- (e) Protective Orders. To protect a compelling interest, a Petitioner may, on a showing of good cause, move for a protective order prohibiting the disclosure or release of specific

information, documents, or pleadings, and directing that the proceedings be conducted so as to implement the order.

APR 25.4 HEARING BEFORE CHARACTER AND FITNESS BOARD

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- (a) Notice. The Character and Fitness Board may fix a time and place for a hearing on the petition, and <u>Bar Counsel</u> shall serve notice thereof not less than 30 days prior to the hearing upon the Petitioner and upon such other persons as may be determined by Bar Counsel or as ordered by the Character and Fitness Board. Notice of the hearing shall also be published at least once in the Washington State Bar News and such other newspaper or periodical as the Character and Fitness Board may direct. Such published notice shall contain a statement that a petition for reinstatement has been filed and shall give the date fixed for the hearing.
- **(b) Statement in Support or Opposition.** On or prior to the date of hearing, anyone wishing to do so may file with the Character and Fitness Board a written statement for or against the petition, such statements to set forth factual matters showing that the Petitioner does or does not meet the requirements for reinstatement as set forth in these rules.
- (c) **Hearings**. Hearings shall be conducted pursuant to rule 24.3.

APR 25.5 ACTION BY CHARACTER AND FITNESS BOARD

- (a) Requirements for Favorable Recommendation. Reinstatement may be recommended by the Character and Fitness Board only upon a showing, supported by clear and convincing proof evidence, that the Petitioner possesses the qualifications and meets the requirements for reinstatement as set forth in these rules and that the Petitioner has been rehabilitated.
- **(b) Factors Considered by the Character and Fitness Board**. In reaching the decision of whether the Petitioner has been rehabilitated, the Board shall consider the factors set forth in Rule 24.2 (b), (c) and (d), where applicable, and the following factors:
- (i) The Petitioner's character, standing, and professional reputation in the community in which the Petitioner resided and practiced prior to disbarment.
 - (ii) The ethical standards which the Petitioner observed in the practice of law.

1 (iii) The nature and character of the conduct for which the Petitioner was disbarred. 2 (iv) The sufficiency of the punishment undergone in connection therewith, and the making or 3 failure to make restitution where required. 4 (v) The Petitioner's attitude, conduct, and reformation subsequent to disbarment. 5 (vi) The time that has elapsed since disbarment. 6 (vii) The Petitioner's current proficiency in the law; and 7 (viii) The sincerity, frankness, and truthfulness of the Petitioner in presenting and discussing 8 the factors relating to the Petitioner's disbarment and reinstatement. 9 (c) Factors Not Considered by the Character and Fitness Board. The following factors 10 shall not be considered as evidence of a Petitioner's character or fitness: 11 (1) Racial or ethnic identity. 12 (2) Sex. 13 (3) Sexual orientation. 14 (4) Marital status. 15 (5) Religious or spiritual beliefs or affiliation. 16 (6) Political beliefs or affiliation. 17 (7) Physical disability. 18 (8) National origin. 19 (9) Learning disabilities. 20 (d) Action on Board Recommendation. The recommendation of the Character and Fitness 21 Board shall be served upon the Petitioner pursuant to rule 20.5. If the Board recommends 22 reinstatement, the record and recommendation shall be transmitted to the Supreme Court for 23 disposition. If the Board recommends against reinstatement, the record and recommendation 24 shall be retained in the office of the Bar Association unless the Petitioner requests that it be 25 submitted to the Disciplinary Board by filing with the Clerk of the Disciplinary Board a request 26 for Disciplinary Board review within 15 days of service of the recommendation of the Character

and Fitness Board. If the Petitioner so requests, the record and recommendation shall be transmitted to the Disciplinary Board for disposition and the review will be conducted under the procedure of rules 11.9 and 11.12 of the Rules for Enforcement of Lawyer Conduct. If the Petitioner does not so request, the bar examination fee shall be refunded to the Petitioner, but the record and recommendation shall be retained in the records of the Bar Association and the Petitioner shall still be responsible for payment of the costs incidental to the reinstatement proceeding as directed by the Character and Fitness Board.

(e) Action on Disciplinary Board Recommendation. The recommendation of the Disciplinary Board shall be served upon the Petitioner. If the Disciplinary Board recommends reinstatement, the record and recommendation shall be transmitted to the Supreme Court for disposition. If the Disciplinary Board recommends against reinstatement, the record and recommendation shall be retained in the office of the Bar Association unless the Petitioner requests that it be submitted to the Supreme Court by filing with the Clerk of the Disciplinary Board a request for Supreme Court review within 30 days of service of the recommendation. If the Petitioner so requests, the record and recommendation shall be transmitted to the Supreme Court for disposition. If the Petitioner does not so request, the bar examination fee shall be refunded to the Petitioner, but the record and the recommendation shall be retained in the records of the Bar Association and the Petitioner shall still be responsible for payment of the costs incidental to the reinstatement proceeding as directed by the Disciplinary Board under the procedure of rule 13.9 of the Rules for Enforcement of Lawyer Conduct.

APR 25.6 ACTION ON SUPREME COURT'S DETERMINATION

(a) Petition Approved. If the petition for reinstatement is approved by the Supreme Court, the reinstatement shall be subject to the Petitioner's taking and passing the bar examination, completing all requirements for admission, paying to the Bar Association its membership license fee for the current year, and paying the costs incidental to the reinstatement proceeding as directed by the Supreme Court.

1	(b) Petition Denied. If the petition for reinstatement is denied, the bar examination fee shall
2	be refunded to the Petitioner, but the Petitioner shall still be responsible for payment of the costs
3	incidental to the reinstatement proceeding as directed by the Supreme Court.
4	RULE 26 INSURANCE DISCLOSURE
5	[no change]
6	RULE 27 PROVISION OF LEGAL SERVICES FOLLOWING DETERMINATION OF
7	MAJOR DISASTER
8	[no change]
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