

To: House Counsel in Washington State

From: Regulatory Services Department, WSBA

Date: 8/20/2013

Re: New Admission and Licensing Requirements for House Counsel in Washington

As of January 1, 2014, under the amendments to the Admission to Practice Rules, house counsel in Washington state will need to either become fully admitted to practice law in Washington or seek limited admission under the house counsel rule.

The amendments change Washington's reciprocity rule to an admission by motion rule (amended APR 3(c)). There are two primary hurdles for lawyers from other states seeking admission by motion: (1) active legal experience for 3 out of the last 5 years; and (2) passing the Washington Law Component (WLC) test, which is an online, open book, multiple choice test that applicants can do anytime and anywhere they have a computer with an internet connection. Practice as house counsel in Washington (or anywhere) counts as active legal experience. We presume that most lawyers practicing as house counsel in Washington will fall into this category and with a bit of reading should be able to pass the WLC fairly easily. All the preadmission requirements are in amended APR 5(b).

For those who do not have three years of active legal experience, APR 8(f) is amended to include U.S. lawyers. Those applying for this limited house counsel license essentially do not have any hurdles except being admitted to practice law elsewhere. House counsel under this rule would have the same licensing requirements as a member of the bar (license fees, MCLE, etc.) but would not be permitted to appear in court and their practice would be limited to their corporate client/employer. We anticipate that very few lawyers will go this route given the ease of admission by motion.

RPC 5.5(d), which is the rule that currently allows house counsel practice is amended so that practice under that provision will be temporary. House counsel applying for admission can use this rule while waiting for the application and admission process to complete.

Applications for admission by motion or the house counsel license will not be accepted until January 1, 2014. There is a \$620 application fee and an investigation fee paid to the NCBE. Expect the application/admission process to take up to six months.

There is no grandfathering. There is no professional responsibility exam. The materials and info for the Washington Law Component test are at the bottom of this page: <u>Uniform Bar Exam</u>. The amended rules are on our website: APR Task Force

Questions should be directed to WSBA Admissions, admissions@wsba.org or 206-727-8209.