

WSBA APR Rule 6 (b) (7) Employment Waiver

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 primary tutor's employer, be the law clerk's employer may be waived.

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

Employment Waiver Guidelines

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

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

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

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

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



APPLICATION FOR TUTOR WITH WAIVER OF EMPLOYMENT IN THE APR 6 LAW CLERK PROGRAM

Re: _____
Name of Law Clerk Applicant

(Please Print or Type)

1. Full Name: _____
Last First Middle

2. WSBA Membership Number: _____

3. Business Address: _____
Firm or Court

Street or P.O. Box

City State Zip Code

E-mail Address

4. Work Telephone: () _____

5. Are you eligible to apply as a primary tutor as defined in APR 6 (b)? _____

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

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

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

9. Please attach a brief statement of your employment during the previous ten years, including the name of employer, inclusive dates, and primary areas of law you practiced.

10. Are you presently engaged in the full-time practice of law? *If yes, attach a brief description of the composition and primary area of practice of your firm or organization.* Yes No

11. Are you presently a judge of a court of general, limited, or appellate jurisdiction who is currently elected or appointed to an elected position? *If yes, please describe* _____

12. Please attach a statement explaining why you wish to act as a tutor and why you believe the applicant is suitable to be enrolled in the Law Clerk Program.
13. Please attach documentation which explicitly describes your relationship as tutor with the law clerk's employer including how the purpose of the program -specifically the theoretical, experiential and clinical components of the program - will be maintained. Describe the law clerk's job duties and tasks and how the tutor, employer and law clerk will protect client confidences and avoid conflicts of interest?
14. Please attach a proposed schedule or table showing how and when personal supervision will occur, where and how exams will be administered.
15. How will the tutor, employer and law clerk protect client confidences and avoid conflicts of interest?
16. Have you read the booklet entitled "Rules and Regulations Governing the Washington State Law Clerk Program"? _____ Do you agree to abide by them? _____

TUTOR'S CERTIFICATE (EMPLOYMENT WAIVER)

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

I certify that _____ is employed on a regular, full-time basis as a law clerk in the office (or court) of _____.

I have established a relationship with _____ (employer above), consistent with the purpose of the Program. Employment will include tasks and duties which contribute to the practical aspects of the practice of law and we have arranged to how client confidentiality will be maintained and conflicts of interest will be resolved. Employment shall also include an adequate workstation with reasonable access to an adequate law library.

I certify that I will instruct and examine _____ faithfully in the branches of the law prescribed by the course of study approved by the Board of Governors, and that I will comply with the rules and regulations relating to the Law Clerk Program.

Signature

Date and City/State where signed



WSBA

EMPLOYER'S STATEMENT FOR WAIVER OF TUTOR'S EMPLOYMENT FOR APR 6 LAW CLERK PROGRAM

Re: _____
Name of Law Clerk Applicant

(Please Print or Type)

1. Full Name: _____
Last First Middle

2. WSBA Membership Number: _____

3. Business Address: _____
Firm or Court

Street or P.O. Box

City State Zip Code

E-mail Address

4. Does the law clerk applicant have regular, full time, paid employment in your office?

5. Do you plan to apply to be an assistant tutor for any courses? Yes/No

If yes, which courses:

EMPLOYER'S CERTIFICATE

I, _____, state under penalty of perjury under the law of the State of Washington that I am an attorney at law duly admitted to practice law in the State of Washington and I employ or have the same employer as _____ (law clerk).

I have read the tutor's description of the proposed relationship between the law clerk, tutor and employer and the statements made there are full, true and correct.

I certify that the law clerk's employment will include tasks and duties which contribute to the practical aspects of the practice of law and we have arranged to how client confidentiality will be maintained and conflicts of interest will be resolved. Employment shall also include an adequate workstation with reasonable access to an adequate law library.

Signature

Date and City/State where signed