

WASHINGTON STATE
B A R A S S O C I A T I O N

Board of Governors Meeting

Late Materials

April 17, 2020
Webcast and Teleconference

BOARD OF GOVERNORS MEETING Late Materials April 17, 2020 Webcast and Teleconference	
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TO: WSBA Office of the President

FROM: WSBA Coronavirus Response Task Force
Kevin Plachy, Chair
Michael Cherry, Deputy Chair

DATE: April 14, 2020

RE: Advice to WSBA Office of the President on Court Inconsistencies

We wish to bring to your attention problems attorneys are having during the current Covid-19 emergency rules put in place by the courts throughout the state pursuant to the implementation of the Supreme Court Amended Order dated March 18, 2020 and revised and extended on April 13, 2020. Specifically, while some cases are being handled in the same manner (such as criminal; civil protection and restraining order cases), other cases (such as family and juvenile cases) have no consistency. That is because each court has been authorized by the Washington State Supreme Court to adopt its own emergency rules based on the local court's situation and interpretation of the order. Therefore, how certain cases are handled are varying from judicial officer to judicial officer; from court to court in the same county; and from county to county. For instance, what constitutes an "emergency matter" or a "true emergency" that allows a party or the parties to seek relief before the resumption of regular court dockets? Simply put, there is a lack of consistency and predictability about how a specific case will be handled.

One example of such inconsistency happens in guardianship cases. How these cases are handled varies from county to county. Experienced elder law attorneys know that nothing is routine about any guardianship because Letters of Guardianship expire. If counsel for a guardian cannot get back into court before those letters expire what should happen under the Covid-19 emergency rules? Another example of inconsistencies in guardianship cases is where an incapacitated person's real property must be sold. Generally, the selling of an incapacitated person's real property is a lengthy process that requires as many as three court hearings together with publication of a notice of the sale. If a sale was pending before a court entered its Covid-19 emergency rules, may a sale-of-real estate hearing proceed? If not, will the guardian or the incapacitated person be held liable for breach of contract?

Like guardianship cases, discovery issues are not being resolved consistently. In some counties with case-issued scheduling orders courts have declined to hear non-emergency civil motions. This may affect

discovery when opposing counsel fails to cooperate in the discovery process. There may be no way to force compliance with requests for production or to obtain other types of discovery such as depositions or medical authorizations. One party can simply say there is no emergency, and the other party is left without a forum to resolve the dispute about whether there is a true emergency.

Often discovery cannot proceed unless certain stipulations are agreed to in advance. If there is no agreement, then normally the party seeking discovery would move to compel. But these disputes don't seem to fit the concept of "emergency", and under the existing emergency rules, may leave such disputes unresolved, causing significant delays.

Likewise, if there is a need to access business records, an attorney or client may not get access to the records because of the Governor's ordered closing of non-essential businesses. Will a contempt motion get filed at some point?

Even if some depositions could be held by video conference, it may be extremely difficult in some situations because some witnesses have no smart phone, computer or internet access, or simply lack the technology expertise to participate in a video conference in order for the deposition to take place. Also, with the Governor's lockdown in place, there may be an inability to use process servers to serve subpoenas for discovery (or any other process) because this type of service may not be classified as "essential."

Despite the inability to compel important discovery, not all the courts are striking case-issued scheduling orders. This forces counsel to complete discovery where it is difficult or impossible to do so. Without cooperation in discovery, some counsel may let the discovery clock run out, whether intentional or not, and there is nothing opposing counsel can do about it. This may actually increase court filings because some counsel may feel forced to file motions they know will be denied just to preserve the record as a way to prove that counsel tried to act to preserve their client's interest. This seems to be a waste of everyone's time.

The situations outlined above, and many other similar case circumstances, make it critical that you and the Board of Governors urge the Washington State Supreme Court to develop more uniform processes and standards applicable to all courts. At the very least you and the Board should seek clarification of what is or is not an "emergency" or "true emergency" or request that these "emergency" standards be removed from the various Covid-19 court rules altogether.

A final concern we ask you and the Board of Governors to address with the Washington State Supreme Court, is to consider how these inconsistencies and others will affect the orderly restart of the court system when the time comes.

Respectfully Submitted

WSBA Coronavirus Response Task Force
Kevin Plachy, Chair
Michael Cherry, Deputy Chair

TO: WSBA Board of Governors
FROM: Kyle Sciuchetti, BOG Legislative Committee Chair and WSBA President-Elect
DATE: April 14, 2020
RE: BOG Legislative Committee Activities

DISCUSSION : ABA resolution and Section advocacy matters before the BOG Legislative Committee

The BOG Legislative Committee was recently asked to consider WSBA co-sponsorship of an American Bar Association (ABA) resolution regarding the prohibition of shark fin sales. This resolution calls upon the ABA to promote the prohibition and criminalization of such conduct (closing federal loopholes) and will go before the ABA House of Delegates in August.

The Legislative Committee and the WSBA member engagement and Section teams were also approached with an idea for Sections to produce advocacy papers to help legal professionals in various practice areas. These papers would be drafted by Sections with the goal of utilizing Section members' expertise to help address emergent legal issues.

The Legislative Committee discussed these topics on Tuesday, April 14. The Committee voted to ask the World Peace Through Law Section to submit a GR 12 analysis of the ABA resolution for the Committee's review at a future Committee meeting. The Committee will request that proponents of the Section advocacy paper idea attend a future Committee meeting to discuss the topic with Committee members.

AMERICAN BAR ASSOCIATION

SECTION OF INTERNATIONAL LAW

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

RESOLVED, That the American Bar Association urges that the United States Congress and the President of the United States enact legislation that criminalizes the possession, sale, and trade of shark fins, and that all relevant federal, state, and territorial governmental entities subsequently ensure compliance with this new legislation; and

FURTHER RESOLVED, That the American Bar Association urges that all states also enact laws that criminalizes the possession, sale, and trade of shark fins; and

FURTHER RESOLVED, That the American Bar Association urges that all nations enact laws criminalizing the possession, sale, and trade of shark fins, if they have not already adopted such laws; and

FURTHER RESOLVED, That the American Bar Association encourages all international, regional, and national state bar associations to ensure that sharks do not become threatened by extinction, by promoting policies and laws that criminalize the possession, sale, and trade of shark fins.

REPORT

Introduction

The Value of Sharks

In 2017 the United Nations proclaimed 2021 to 2030 as the “Decade of Ocean Science for Sustainable Development.”¹ The goal of this Decade is to ensure sustainable management of our oceans. The Decade will focus on the health of our oceans and attempt to reverse unhealthy cycles that may be induced as a result of human activity. The Decade will bring about an unprecedented opportunity for the international community to take action to protect a critical aquatic predator – the shark.

Sharks are considered “apex predators” and are vital to marine ecosystems for numerous reasons.² Sharks maintain other species through “spatial controls,” by removing the weak and sick as well as maintaining balance to “ensure species diversity.”³ Studies suggest that sharks also indirectly maintain seagrass and coral reef habitats.⁴ A decline in shark populations can also hurt the fishing industry as the elimination of an apex predator, like the shark, would allow room for “mid-level” predators to emerge and therefore deplete the fishing industry’s normal target species.⁵ The mid-level predators (e.g., cownose rays) become more abundant as a result of the decrease in the population of the top-level predators (sharks). They, in turn, consume the supply of the fishing industry’s target species (scallops, oysters, clams), often before the human beings can harvest it.⁶ Small marine life is “vital to sustaining the entire marine system” as it is estimated to provide 70% of our oxygen.⁷

Oceana, an international advocacy organization dedicated entirely to ocean conservation, has reported that the eastern coast of the United States which was once abundant with sharks has now “declined to levels of functional elimination.”⁸ Sharks are “slow to mature and only have a small number of pups a year (or every other year); thus, population sizes of sharks don’t recover easily once they have been

¹ G.A. Res. 72/73, Agenda item 77 (a) (Dec. 5, 2017).

² E. Griffin, K.L. Miller, *Predators as Prey: Why Healthy Oceans Need Sharks*, OCEANA (2008), https://oceana.org/sites/default/files/reports/Predators_as_Prey_FINAL_FINAL1.pdf.

³ Oceana, *The Importance of Sharks*, <https://eu.oceana.org/en/importance-sharks-0/> (last visited on Jan. 30, 2020).

⁴ Mark Meekan, *Killing sharks is killing coral reefs too*, THE CONVERSATION (Sept. 18, 2013), <https://theconversation.com/killing-sharks-is-killing-coral-reefs-too-18368>.

⁵ Patrick Mustain, Mariah Pflieger, Lora Snyder, *Shark Fin Trade; Why it Should be Banned in the United States*, OCEANA 5 (2016),

⁶ Ransom A. Myers, et al., *Cascading Effects of the Loss of Apex Predatory Sharks from a Coastal Ocean*, SCIENCE (Mar. 2007).

⁷ Joseph Hincks, *Peace Boat passengers consider the cost of shark fin soup*, NATIONAL GEOGRAPHIC (Mar. 7, 2015), <https://blog.nationalgeographic.org/2015/03/07/peace-boat-passengers-consider-the-cost-of-shark-fin-soup/>.

⁸ Griffin & Miller, *supra* note 2.

decimated.”⁹ Experts suggest that even if all commercial fishing of sharks were to cease at this moment, most large shark species would not recover within 50 years.¹⁰ This is attributed to the reproductive cycles of sharks. Therefore, protecting these apex predators must be done with urgency.

The Problem of Shark Finning

This worldwide decline in the diversity of species of sharks is a result of shark finning. Shark finning occurs when a shark’s fin is sliced off and the rest of the still-living body is discarded into the ocean.¹¹ The shark, still conscious, dies from shock, blood loss, starvation, or predation.¹² Finned sharks have a 100% mortality rate.¹³ Every year, 73 million sharks are reportedly killed in this way¹⁴ (and the inclusion of unreported killings would likely bring that figure closer to 100 million¹⁵). Sharks are generally caught through illegal operations or as bycatch. Bycatch refers to fish or other marine life that are caught while commercial fishing for other species. Essentially, while legal fishing expeditions may intend to catch tuna or billfish, sharks invariably end up in these nets and then finned.¹⁶ A single shark fin fetches a significant sum of money, estimated anywhere between \$100 to \$10,000 depending on the type of shark, the buyer, and market it is sold in.¹⁷ However, the United Nations Food and Agriculture Organization has reported that “knowledge of the specific characteristics of domestic markets is . . . very limited, and there is little concrete information on such things as the types of products being marketed, the prices of these products at different points in the supply chain, the profile of the typical consumer, and the major demand drivers.”¹⁸

The bulk of the demand comes from Asian markets that consider the shark fin valuable for various reasons. Shark fins are considered a “luxury” food item and

⁹ Shark Allies, *Why are Sharks Important?*, <https://www.sharkallies.com/shark-knowledge-1/2018/4/12/why-we-need-sharks> (last visited Jan. 28, 2020).

¹⁰ *Id.*

¹¹ Caty Fairclough, *Shark Finning: Sharks Turned Prey*, OCEAN, <https://ocean.si.edu/ocean-life/sharks-rays/shark-finning-sharks-turned-prey>.

¹² *Shark Fin Sales, Trading Becomes Illegal in New Jersey*, CAPE MAY COUNTY HERALD (Jan. 9, 2020), https://www.capemaycountyherald.com/news/environment/article_93820c96-3305-11ea-be13-f3149cb49cd5.html.

¹³ Worm, et al., *Global Catches, Exploitation Rates, and Rebuilding Options for Sharks*, Marine Policy 40.C 194-204 (2013).

¹⁴ Shark Research Institute, *Ending the Shark Fin Trade in the USA*, <https://oceanconference.un.org/commitments/?id=19799> (last visited on Jan. 29, 2020).

¹⁵ See *Shark Fin Sales*, *supra* note 12.

¹⁶ The University of Hong Kong, *Appetite for shark fin soup serious risk to threatened sharks*, SCIENCE DAILY (Sept. 13, 2018), www.sciencedaily.com/releases/2018/09/180913113841.htm.

¹⁷ Jared R. Wigginton, *Governing a Global Commons: Sharks in the High Seas*, 25 VILL. ENVTL. L.J. 431 (2014); available at <https://digitalcommons.law.villanova.edu/elj/vol25/iss2/2>.

¹⁸ FAO Fisheries and Aquaculture Technical Paper 590, *State of the global market for shark products* (2015), <http://www.fao.org/3/a-i4795e.pdf>.

served in high-end restaurants for wealthy people.¹⁹ Shark fins are also alleged to have medicinal value. One of the driving factors for demand is the belief that shark fins contain anti-cancer properties.²⁰ However, no such nutritional or medicinal values are known to be proven.²¹ The high value of shark fins is a major driver of shark mortality.²² Regardless of specific types of quotas that may be in place to prevent overfishing, shark catches are largely unreported and fly under the radar.

There are several human rights violations associated with shark finning. “The global shark fin industry is rife with criminal activity and cannot be trusted to police itself effectively.”²³ In a recent study, criminal activity specifically related to shark fins has risen because of the demand from Asia. This has resulted in illegal fishing and overseas illicit markets.²⁴ Crime groups involved in illegal fishing activities inevitably link to other industries as the market becomes more lucrative. This allows for other illegal activities such as drugs, arms sales, people smuggling, and sex slavery to flourish.²⁵ The human rights abuses on the high seas have intensified as a result of “lax maritime labor laws and an insatiable global demand for seafood even as fishing stocks are depleted.”²⁶

The shark is a prized catch in the ocean, as it has an 80 percent illegal catch rate.²⁷ The practice of illegally catching seafood, known as fish piracy, is a major factor in the destruction of the world’s oceans. “It contributes to the overfishing of stocks around the globe by circumventing management systems and undermining the sustainability of all fisheries, the communities that depend on them, and food security.”²⁸ Joint enterprises or other “symbiotic relationships” between various state governments and the perpetrators of these illegal acts only serve to encourage such behavior. It is reported that in February 2018, Argentina caught Chinese boats in Argentina’s waters

¹⁹ See Sebastien Strangio, *Rich Chinese are literally eating this exotic mammal into extinction*, PRI (Oct. 20, 2014), <https://www.pri.org/stories/2014-10-20/rich-chinese-are-literally-eating-exotic-mammal-extinction>. See also Shairp, Rachel, et. al, *Understanding Urban Demand for Wild Meat in Vietnam: Implications for Conservation Actions*, PLOS ONE (11)1 (2016), <https://doi.org/10.1371/journal.pone.0134787>.

²⁰ Mark Tutton, *Traditional medicines continue to thrive globally*, CNN (June 24, 2009), <http://www.cnn.com/2009/HEALTH/06/24/traditional.treatment/index.html>.

²¹ Worm et. al., *supra* note 13.

²² Shelley Clarke, et al., *Population Trends in Pacific Oceanic Sharks and the Utility of Regulations on Shark Finning*, 27.1 CONSERVATION BIOLOGY 197-209 (2013).

²³ University of Hong Kong, *supra* note 16.

²⁴ *Australia links organized crime to illegal fishing*, N.Y. TIMES (May 26, 2008), <https://www.nytimes.com/2008/05/26/world/asia/26iht-fish.1.13211096.html>.

²⁵ *Id.* See also *Sharks, fins and the migrants made to fish them*, REVEAL NEWS (June 30, 2018), <https://www.revealnews.org/article/sharks-fins-and-the-migrants-made-to-fish-them/>.

²⁶ Ian Urbina, *Sea Slaves: The Human Misery that Feeds Pets and Livestock*, N.Y. TIMES (July 27, 2015), <https://www.nytimes.com/2015/07/27/world/outlaw-ocean-thailand-fishing-sea-slaves-pets.html>

²⁷ Marine Resources and Fisheries Consultants, *Review of Impacts of Illegal, Unreported and Unregulated Fishing on Developing Countries* (2005).

²⁸ Jane Dalton, *World’s biggest ‘fish factory’ pirate ship ‘activity’*, THE INDEPENDENT (June 8, 2018), <https://www.independent.co.uk/news/world/americas/fish-factory-pirate-ship-seized-illegal-fishing-damanzaihao-worlds-biggest-peru-belize-mackerel-a8390321.html>

poaching a vast amount of seafood. The boats inevitably escaped back to international waters before Argentina could make appropriate arrests.²⁹

Current International Regime on Sharks

The international community attempts to protect oceanic life through various means. The main instrument is the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES), which is the only global treaty that aims to regulate the trade of threatened or endangered species. The parties to the treaty are obligated to “monitor the global trade in wildlife and wildlife products and take action on behalf of species that may be headed for trouble as a result of international trade.”³⁰ The United States ratified the treaty in 1973.

CITES contains three appendices. If a species appears on any of the appendices, then parties to the treaty are obligated to implement import and/or export controls in listed species. Appendix I lists species threatened with extinction. Appendix II lists species that are not threatened with extinction but can become so without regulating trade. Appendix III allows parties to list their own native species to further protect those species globally.³¹

Despite the fact that scientists have repeatedly called upon CITES to protect sharks and list them within the appendices, state parties continue to block efforts to afford all sharks protections.³² Therefore, as of 2016, out of an estimated 500³³ species of sharks known to exist, twelve species of sharks and all manta rays³⁴ have been included in Appendix II.³⁵ The CITES parties were instructed through Resolution Conference 12.6 to increase protections to preserve the shark species.³⁶ As a result, the import, export, and re-export of products derived from those twelve species of

²⁹ *Surface forces: China Subsidizes Pirates*, STRATEGY NEWS (Mar. 25, 2018), <https://www.strategypage.com/htmwh/htsurf/articles/20180325.aspx>. See also Matthew Sedacca, *China has fished itself out of its own waters, so Chinese fishermen are now sticking their rods in other nations' seas*, QUARTZ (Apr. 4, 2017), <https://qz.com/948980/china-has-fished-itself-out-of-its-own-waters-so-chinese-fishermen-are-now-sticking-their-rods-in-other-nations-seas/>.

³⁰ Ginette Hemley, *International Wildlife Trade*, A CITES SOURCEBOOK (1994).

³¹ *Id.*

³² See John Platt, *Shark fin soup : CITES fails to protect 5 species of sharks from overfishing and finning*, SCIENTIFIC AMERICAN (Mar. 25, 2010), <https://blogs.scientificamerican.com/extinction-countdown/shark-fin-soup-cites-fails-to-protect-5-species-of-sharks-from-overfishing-and-finning/>. See also Jessica Spiegel, *Even Jaws Deserves to Keep His Fins: Outlawing Shark Finning Throughout Global Waters*, 24 B.C. INT'L & COMP. L. REV. 409 (2001), <https://lawdigitalcommons.bc.edu/iclr/vol24/iss2/8>.

³³ Ocean Portal Team, *Sharks*, SMITHSONIAN, <https://ocean.si.edu/ocean-life/sharks-rays/sharks>, (last visited on Jan. 28, 2020).

³⁴ "For the purposes of this Resolution, the term 'shark' is taken to include all species of sharks, skates, rays and chimaeras, in alignment with the FAO International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks)." See UN FAO, *International Plan of Action for Conservation and Management of Sharks*, <http://www.fao.org/ipoa-sharks/background/about-ipoa-sharks/en/> (last visited on Feb. 3, 2020).

³⁵ CITES, *Sharks and manta rays*, <https://www.cites.org/eng/prog/shark/more.php> (last visited on Jan. 28, 2020).

³⁶ CITES, *Conservation and management of sharks*, Conf. 12.6 (Rev. CoP17), <https://www.cites.org/sites/default/files/document/E-Res-12-06-R17.pdf>.

sharks all require permits granted by the Government.³⁷ It is important to highlight that this merely regulates legal fishing. "Even with the progress made since 2013, only 3.9 to 17.8 percent of the global fin trade is regulated" as a result of CITES.³⁸ During the August 2019 session of CITES Conference of Parties, a Consideration of Proposal was introduced to amend Appendices I and II to include regulation of one more shark species - the short fin and long fin Mako shark. .³⁹ This was accepted by CITES parties and the Mako shark species is now listed in CITES Appendix II.⁴⁰

The *United Nations Convention on the Law of the Sea* (UNCLOS)⁴¹ is a comprehensive legal framework that governs the world's oceans and seas and use of all its resources. The United States, while not a party, recognizes much of the treaty as customary international law.⁴² "The real work of UNCLOS was to establish the final sea zone of jurisdiction, known as the exclusive economic zone (EEZ)."⁴³ UNCLOS also requires that coastal states protect against "over-exploitation" and "imposes a duty on coastal states to responsibly manage the living resources within its waters."⁴⁴ However, as one scholar notes, UNCLOS is silent with regards to fishing processes and does not define the term over-exploitation.⁴⁵ The *United Nations Fish Stock Agreement* (UNFSA)⁴⁶ is a related international treaty and ensures conservation of highly migratory fish stocks. The UNFSA, to which the United States is a party, creates regional fishery management organizations (RFMO) which are meant to ensure that "stocks are fished sustainably" and "an ecosystem based

³⁷ *Id.* Art. 4.

³⁸ Jen Sawada, *Global Progress on Shark, Ray CITES Listings*, PEW (Mar. 19, 2019), <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2019/03/global-progress-on-shark-ray-cites-listings>.

³⁹ See CITES, "Consideration of proposals for amendment of appendices I and II" Eighteenth Meeting of the Conference of Parties, COP18, Prop 42, CoP18 update, <https://cites.org/sites/default/files/eng/cop/18/prop/060319/E-CoP18-Prop-42.pdf>.

⁴⁰ Project Aware, "Success for Mako Sharks at CITES CoP 18" August 29, 2019, <https://www.projectaware.org/news/success-mako-sharks-cites-cop18>.

⁴¹ United Nations Convention on the Law of the Sea, Dec. 10, 1982, 1833 U.N.T.S. 397.

⁴² Wigginton, *supra* note 17, at 437. The U.S. recognizes the EEZ provisions as customary law, "Under international law, each coastal State controls the waters and seafloor . . . This control is recognized by the international community and has its basis in the United Nations Convention on the Law of the Sea ("UNCLOS") and customary international law . . . Under the UN Convention on the Law of the Sea, every State has a right to establish a territorial sea . . . Within its territorial seas, a coastal State exercises sovereignty over the waters, airspace, and bed and subsoil. UNCLOS Art. 2. Beyond the territorial sea of a coastal State lies the EEZ. A State's EEZ extends from the outer limit of the State's territorial sea to 200 nautical miles from the coast. UNCLOS Art. 55." *Massachusetts Lobstermen's Association v. Ross* (Docket No. 1:17-cv-00406-JEB).

⁴³ Crystal Green, *An International SOS (Save Our Sharks): How the International Legal Framework Should Be Used to Save Our Sharks*, 27 PACE INT'L L. REV. 701 (2015); available at <https://digitalcommons.pace.edu/pilr/vol27/iss2/7>.

⁴⁴ *Id.* at 710.

⁴⁵ *Id.*

⁴⁶ United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, July 24–Aug. 4, 1995, Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, U.N. DOCA/Conf. 164/37.

approach” is utilized.⁴⁷ In the 2010 UNFSA Review Conference, member states agreed to increase conservation and management of sharks. “Shark conservation is not only an important responsibility for the RFMOs, but it also serves as a proxy for determining whether obligations to implement the ecosystem approach are fulfilled.”⁴⁸

Sadly, during the 2016 review it was clear zero progress was made. “Four of the five RFMOs also have not taken sufficient steps to better protect threatened shark species found in the fisheries under their management. None has yet implemented science-based management plans for all shark species associated with its region’s fisheries.”⁴⁹ UNCLOS and UNFSA are two international treaties that are ineffective thus far at protecting the shark species.

U.S. Law

In the United States there is national legislation in place to protect sharks. In 2000, legislation titled the *Shark Finning Prohibition Act* was passed, which required the National Marine Fisheries Service to prohibit shark finning by any person under U.S. jurisdiction. The National Marine Fisheries Service was required to work with other nations to develop international agreements and collect data on shark finning.⁵⁰

Shark finning was banned in 2000 within the United States. However, there was a loophole in the 2000 Act allowing transshipment of shark fins by American-flagged ships; i.e., vessels that merely bought fins that had been taken by other vessels could not be prosecuted. The loophole was identified during a Congressional debate on the 2000 bill, and theoretically resolved through an amendment to the definition of the term “fishing vessel.”⁵¹ However, in 2008, the Ninth Circuit Court of Appeals ruled that a vessel carrying shark fins that it had purchased from other vessels did not come under the act, and therefore the fins had been purchased legally.⁵²

So in 2011, *the Shark Conservation Act of 2010* was passed into law, which increased protections to stop shark finning and to specifically close the loophole in the 2000 Act. The 2010 Act requires that all sharks in the United States be brought to shore with their fins naturally attached. After the passage of this Act, several states, in addition to the American Samoa, Guam and North Mariana Islands territories, have passed local legislation that prohibit fin possession and fin retention even if the shark

⁴⁷ *Global Progress Toward Implementing the United Nations Fish Stocks Agreement*, Pew (May 23, 2016), <https://www.pewtrusts.org/en/research-and-analysis/reports/2016/05/global-progress-toward-implementing-the-united-nations-fish-stocks-agreement>.

⁴⁸ *Id.* See also ERIKA TECHERA AND NATALIE KLEIN, INTERNATIONAL LAW OF SHARKS: OBSTACLES, OPTIONS AND OPPORTUNITIES (LEGAL ASPECTS OF SUSTAINABLE DEVELOPMENT) (Martinus Nijhoff Pub., Apr. 2017).

⁴⁹ *Id.*

⁵⁰ NOAA Fisheries, *2016 Shark Finning Report to Congress*, <https://repository.library.noaa.gov/view/noaa/17060>.

⁵¹ See Mustain, et al., *supra* note 5, at 6-11.

⁵² See *U.S. v. Approximately 64,695 Pounds of Shark Fins*, 520 F. 3d 976 (9th Cir. 2008).

was legally caught.⁵³ The problem with the 2010 Act is that it does not prohibit catching sharks, bringing them ashore and then harvesting their fins.

The current laws allow the shark fin practice to continue. To address these shortcomings, in November 2019, the U.S. House of Representatives passed the *Shark Fin Sales Elimination Act*. This is an important step, but it remains unclear whether the Act will become law as the Senate has not passed the Bill as it is still in committee. Further, the international community must be encouraged to take appropriate action, considering the final destination of most shark fin products are outside of the United States.⁵⁴

States have also taken initiatives to close the loopholes where possible to prevent further decimation of the shark species. The most recent example is in Florida, where the state legislature in March 2020 passed legislation responding to the growing threat of shark finning in Florida.⁵⁵

World Landscape on Fins

The United States is an “important transit hub for shark fin shipments, with fins passing through U.S. ports via air, sea, and land. Some nations in Central America ship as much as one – third to one-half of all their shark fin exports through U.S. ports.”⁵⁶ Researchers found that between 2010 and 2017, “a minimum of 591 to 701 metric tons” possibly as high as 859 metric tons of shark fins pass through the US from Latin America.⁵⁷ Simply put one metric ton of dried shark fins are equivalent to 1,500 sharks. While the United States has been a leader within the international community with regards to shark fin legislation, laws which prohibit finning completely is the only way to protect remaining shark species and finally sanction those who are illegally harvesting fins.

⁵³ There has been some question as to federal preemption with respect to shark finning laws. Under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) -- the primary law to which both the Shark Finning Prohibition Act (2000) and the Shark Conservation Act of 2010 were both amendments -- NOAA Fisheries is authorized to manage sharks in U.S. federal waters. In 2014, NOAA Fisheries challenged the states' local laws, claiming that federal regulations preempted them. After heavy public campaigning from advocacy groups, however, NOAA Fisheries agreed to review each of the laws individually and found that none of them conflicted with the MSA. See NOAA Fisheries, *Ongoing MSA Reauthorization Activities*, <https://www.fisheries.noaa.gov/national/laws-and-policies/ongoing-msa-reauthorization-activities> (accessed February 6, 2020).

⁵⁴ Jason Bittel, *The Surprise Middleman in the Illegal Shark Fin Trade: The United States*, NRDC (Nov. 20, 2019), <https://www.nrdc.org/onearth/surprise-middleman-illegal-shark-fin-trade-united-states>.

⁵⁵ See Danielle Ivanov, “Florida Moves to Ban Imports of Shark Fins; Bill Awaits Governor’s Signature” WUFT (March 13, 2020), <https://www.wuft.org/news/2020/03/13/florida-moves-to-ban-imports-of-shark-fins-bill-awaits-governors-signature/>

⁵⁶ Elizabeth Murdock and Vanessa Villanueva, *Unintentional Partner: How the United States Helps the Illegal Shark Fin Market*, NRDC REPORT 6 (Oct. 2019).

⁵⁷ *Id.* at 19.

Throughout the international community the response to bans on shark fins has been mixed. The first “G7” country to ban shark fins was Canada in the summer of 2019.⁵⁸ The inconsistent response by the international community has made it impossible for shark populations to rebound from human consumption, the main driver of extinction.

The European Union passed similar restrictions to that of the United States prohibiting shark finning since 2003. However, special permits were given to allow fisher people to remove fins at sea.⁵⁹ This created a loophole allowing fisher people to fin sharks unnoticed.⁶⁰ In Europe, since the start of 2017, the United Kingdom has exported “more than 50 tonnes of shark fins” and the majority of the fins were exported to Spain.⁶¹ One expert states “when you consider that Spain, France, Portugal and Britain feature in the top 25 shark fishing nations in the world it’s clear that European fishing fleets are making the most of the fact that there is still no catch limits...”⁶² Several organizations have launched an initiative in the European Union to stop the import, export, and transport of shark fins. The Commission has registered the “Stop finning – stop the trade” initiative as of January 2, 2020.⁶³

Finally, concerns have been raised that this EU resolution would result in World Trade Organization (WTO) violations. The WTO recently ruled on a case regarding dolphin free tuna. The WTO ruled in favor of the United States and this may give some guidance on what the response to a possible challenge regarding shark fins may be.⁶⁴ It can be argued that there is a precedent for WTO trade law to support a shark finning ban initiative. As one legal scholar notes, “the United States should adopt a nationwide ban on all sale and possession of shark fins...such a ban would quell the potential for WTO violations, set a positive example in the international community that could help to encourage other countries to take affirmative action to conserve sharks, and serve as a good domestic policy.”⁶⁵

The American Bar Association Resolution comes at a critical time. The American Bar Association can help to ensure that sharks are protected from the threat of extinction. Further, the American Bar Association resolution would assist in creating awareness that shark protection must be integrated into comprehensive legislation. This

⁵⁸ Leyland Cecco, *Canada becomes first G7 country to ban shark fin imports*, THE GUARDIAN (June 21, 2019), <https://www.theguardian.com/world/2019/jun/21/canada-bans-shark-fin-imports-sale>.

⁵⁹ Mark Kinver, *Shark finning continues despite EU ban, says report*, BBC (Dec. 9, 2010), <https://www.bbc.com/news/science-environment-11951562>.

⁶⁰ *Id.*

⁶¹ Joe Sandler Clarke, *Britain has exported more than 50 tonnes of shark fins since 2017*, UNEARTHED (July 29, 2019), <https://unearthed.greenpeace.org/2019/07/29/shark-fin-soup-uk/>.

⁶² *Id.*

⁶³ Government Europa, *Shark Fin trade initiative aims to end finning industry* (Dec. 18, 2019), <https://www.gouvernementeuropea.eu/shark-fin-trade-initiative/95893/>.

⁶⁴ *US – Tuna II (Mexico)*, United States - Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products - Appellate Body Report and Panel Reports pursuant to Article 21.5 of the DSU - Action by the Dispute Settlement Body – Revision (Jan. 17, 2019), https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds381_e.htm#bkmk381abr2.

⁶⁵ Elizabeth Neville, *Shark Finning: A Ban to Change the Tide of Extinction*, 25 COLO. NAT. RESOURCES, ENERGY & ENVTL.L. REV. 387, 417 (2014).

resolution calls upon the ABA House of Delegates to emphasize the importance of sharks particularly in light of the United Nations Decade of Ocean Science for Sustainable Development 2021- 2030. As the United Nations has succinctly stated, “the marine realm is the largest component of the Earth’s ecosystem.” Sharks, a critical component of that ecosystem are in need of any and all support to continue to allow this ecosystem to flourish.

Respectfully submitted,

Lisa Ryan
Chair, Section of International Law
February 2020

Terra Nevitt

To: Sciuchetti, Kyle
Subject: RE: The WSBA and the ABA: taking steps to respond with alacrity - success!

From: Sciuchetti, Kyle <Kyle.Sciuchetti@MillerNash.com>
Sent: Friday, April 10, 2020 10:17 AM
To: Sanjay Walvekar <Sanjayw@wsba.org>; Terra Nevitt <terran@wsba.org>
Subject: FW: The WSBA and the ABA: taking steps to respond with alacrity - success!

Kyle D. Sciuchetti
Partner

Miller Nash Graham & Dunn LLP
3400 U.S. Bancorp Tower | 111 S.W. Fifth Avenue | Portland, Oregon 97204
Direct: 503.205.2643 | Office: 503.224.5858 | Fax: 503.224.0155
[E-Mail](#) | [Web](#) | [Social](#) | [Blogs](#)

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.....

From: Williams, James F. (Perkins Coie) <JWilliams@perkinscoie.com>
Sent: Tuesday, March 31, 2020 5:36 PM
To: Reg P <reginapaulose@gmail.com>; Dickinson, Lisa <lisa@dickinsonlawfirm.com>; Pritchard, Llewelyn G. <lpritchard@helsell.com>; Rajeev Majumdar <rajeev@northwhatcomlaw.com>
Cc: khopkins@rp-lawgroup.com; Lachman, Arthur <artlachman@lawascart.com>; artlachman@lawasart.com; Rush, Amber <arush@navigatelawgroup.com>; ghuffman@barbarajhoward.com; Felleisen, John <john.felleisen@piercecounywa.gov>; Kaustuv Das <kmdas@intven.com>; Mitchell, Maureen <mmitchell@foxrothschild.com>; Hawk, Jaime M. <jaimehawk@hotmail.com>; Weinkauff, Erin (Perkins Coie) <EWeinkauff@perkinscoie.com>; Orrico, Vicki <orrico@jmmlaw.com>; Davis, RaShelle <rashelle.davis@gov.wa.gov>; Prazuch, Andrew <AndrewP@kcba.org>; Paula Boggs <paulaeboggs@gmail.com>; Sciuchetti, Kyle <Kyle.Sciuchetti@MillerNash.com>; Terra Nevitt <terran@wsba.org>
Subject: RE: The WSBA and the ABA: taking steps to respond with alacrity - success!

Adding Rajeev. We will need BOG approval to co-sponsor.

From: Reg P <reginapaulose@gmail.com>
Sent: Tuesday, March 31, 2020 5:07 PM
To: Dickinson, Lisa <lisa@dickinsonlawfirm.com>; Pritchard, Llewelyn G. <lpritchard@helsell.com>
Cc: khopkins@rp-lawgroup.com; Williams, James F. (SEA) <JWilliams@perkinscoie.com>; Lachman, Arthur

<artlachman@lawascart.com>; artlachman@lawasart.com; Rush, Amber <arush@navigategroup.com>;
ghuffman@barbarajhoward.com; Felleisen, John <john.felleisen@piercecounitywa.gov>; Kaustuv Das
<kmdas@intven.com>; Mitchell, Maureen <mmitchell@foxrothschild.com>; Hawk, Jaime M.
<jaimehawk@hotmail.com>; Weinkauff, Erin (SEA) <EWeinkauff@perkinscoie.com>; Orrico, Vicki <orrico@jmmlaw.com>;
Davis, RaShelle <rashelle.davis@gov.wa.gov>; Prazuch, Andrew <AndrewP@kcba.org>; Paula Boggs
<paulaeboggs@gmail.com>; Sciuchetti, Kyle <Kyle.Sciuchetti@millernash.com>; Terra Nevitt <terran@wsba.org>
Subject: Re: The WSBA and the ABA: taking steps to respond with alacrity - success!

Hi everyone

I am not sure who I am supposed to email (so you are all getting it) because I am not part of the WA delegates to the ABA, but I wanted to get the WSBA to formally sponsor the Shark Fin prohibition resolution that is going to the HOD in August. Washington already has a law prohibiting shark fin sales - <https://oceana.org/press-center/press-releases/washington-passes-legislation-protecting-sharks>

This resolution calls upon the ABA to promote the prohibition and criminalization of such conduct (closing up federal loopholes).

It would be stronger for WSBA to co-sponsor the resolution.

Thanks,
Regina

On Wed, Dec 18, 2019 at 8:47 AM Reg P <reginapaulose@gmail.com> wrote:

This is great news - and thanks so much Rajeev for getting this completed so fast. I look forward to hearing the WSBA's comments on future policy and resolutions taking place in 2020.

Regina

On Tue, Dec 17, 2019 at 9:16 PM Rajeev Majumdar <rajeev@northwhatcomlaw.com> wrote:

Dear ABA Delegates from Washington,

Success. The WSBA now has a more streamlined process to deal with the needs and requests of our delegates, which I hope will better represent the our 41,000 members at the WSBA, better serve the ABA, and the citizens of Washington and the rest of the country as well.

I will be writing separately to our specific WSBA delegates with a few more details, but thank you all for your service to the profession. The BoG Legislative Committee is now empowered to deal with these matters such as endorsement or sponsorship, on a faster track basis than the full Board of Governors could from here forward.

Special Highlighted mention of WSBA member **Regina Palouse**, who reached out and brought this issue to my attention and thus the Board of Governors attention, and whose concern was the inspiration for this happening. Thank you Regina!

Warmly,

Rajeev D. Majumdar, President

Washington State Bar Association

(360) 332-7000

FAX: (360) 332-6677

-----Original Message-----

From: Pritchard, Llewelyn G. [mailto:lpritchard@helsell.com]

Sent: Monday, December 02, 2019 9:13 PM

To: khopkins@rp-lawgroup.com; Rajeev Majumdar; Williams, James F. (Perkins Coie)

Cc: Reg P; Lachman, Arthur; artlachman@lawasart.com; Majumdar, Rajeev; Rush, Amber;

ghuffman@barbarajhoward.com; Felleisen, John; Kaustuv Das; Mitchell, Maureen; Hawk, Jaime M.;

Weinkauff, Erin (Perkins Coie); Orrico, Vicki; Davis, RaShelle; Prazuch, Andrew; Dickinson, Lisa; Sciuchetti, Kyle; Paula Boggs

Subject: RE: The WSBA and the ABA: taking steps to respond with alacrity

Yes!!! President Majumdar. I am a Delegate at Large and Liaison from the Senior Lawyers Division and Family Law to the ABA Immigration Commission. I am Emeritus at Helsell Fetterman. Seattle. Our WSBA should endorse the Commission's efforts to aid immigrants, refugees and newcomers. Llew Pritchard. WSBA. #14

Sent from my handheld, please excuse the typos.

----- Original message -----

From: khopkins@rp-lawgroup.com

Date: 12/2/2019 5:16 PM (GMT-08:00)

To: Rajeev Majumdar <rajeev@northwhatcomlaw.com>, "Williams, James F. (Perkins Coie)" <JWilliams@perkinscoie.com>, "Pritchard, Llewelyn G." <lpritchard@helsell.com>

Cc: Reg P <reginapaulose@gmail.com>, "Lachman, Arthur" <artlachman@lawascart.com>, artlachman@lawasart.com, "Majumdar, Rajeer" <rajeer@northwhatcomlaw.com>, "Rush, Amber" <arush@navigatelawgroup.com>, ghuffman@barbarajhoward.com, "Felleisen, John" <john.felleisen@piercecountywa.gov>, Kaustuv Das <kmdas@intven.com>, "Mitchell, Maureen" <mmitchell@foxrothschild.com>, "Hawk, Jaime M." <jaimehawk@hotmail.com>, "Weinkauf, Erin (Perkins Coie)" <EWeinkauf@perkinscoie.com>, "Orrico, Vicki" <orrico@jmmlaw.com>, "Davis, RaShelle" <rashelle.davis@gov.wa.gov>, "Prazuch, Andrew" <AndrewP@kcba.org>, "Dickinson, Lisa" <lisa@dickinsonlawfirm.com>, "Sciuchetti, Kyle" <Kyle.Sciuchetti@millernash.com>, Paula Boggs <paulaeboggs@gmail.com>

Subject: RE: The WSBA and the ABA: taking steps to respond with alacrity

Dear President Majumdar (cc all),

Thank you for the message. I am the KCBA delegate to the ABA and I have already informed the ABA Commission on Immigration that KCBA will be co-sponsoring this resolution. I am hopeful WSBA will join us.

Kathleen J. Hopkins

Real Property Law Group, PLLC

1326 Fifth Avenue, Suite 654

Seattle, WA 98101

Phone & Fax: (206) 625-0404

email: khopkins@rp-lawgroup.com

<http://scanmail.trustwave.com/?c=4062&d=8Lfl3SenMn6yq8e-9eAxR1fVFcuvOSsyVaSq55Uxsw&s=1714&u=http%3a%2f%2fwww%2erp-lawgroup%2ecom>

*Licensed in Washington State.

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-----Original Message-----

From: Rajeev Majumdar <rajeev@northwhatcomlaw.com>

Sent: Monday, December 02, 2019 4:35 PM

To: Williams, James F. (Perkins Coie) <JWilliams@perkinscoie.com>; Llewelyn G. Pritchard ("Llew") <lpritchard@helsell.com>

Cc: Reg P <reginapaulose@gmail.com>; Lachman, Arthur <artlachman@lawascart.com>; artlachman@lawasart.com; Majumdar, Rajeev <rajeev@northwhatcomlaw.com>; Rush, Amber <arush@navigategroup.com>; ghuffman@barbarajhoward.com; Felleisen, John <john.felleisen@piercecounywa.gov>; Kaustuv Das <kmdas@intven.com>; Mitchell, Maureen <mmitchell@foxrothschild.com>; Hawk, Jaime M. <jaimehawk@hotmail.com>; Weinkauff, Erin (Perkins Coie) <EWeinkauff@perkinscoie.com>; Orrico, Vicki <orrico@jmmlaw.com>; Davis, RaShelle <rashelle.davis@gov.wa.gov>; Prazuch, Andrew <AndrewP@kcba.org>; Dickinson, Lisa <lisa@dickinsonlawfirm.com>; Sciuchetti, Kyle <Kyle.Sciuchetti@millernash.com>; Paula Boggs <paulaeboggs@gmail.com>; Kathleen Hopkins <khopkins@rp-lawgroup.com>

Subject: The WSBA and the ABA: taking steps to respond with alacrity

Just an update for the ABA Delegates of Washington:

Today, the WSBA Board of Governor's Legislative Committee voted to approve a recommendation to the Board of Governors to delegate to the Legislative Committee authority to deal with ABA matters in a rapid fashion (as they do with legislation); this matter will be taken up by the WSBA Board of Governor's at a special meeting later this month - probably on the 13th or 16th. If they pass that policy, Legislative Committee can take up the pending matters fairly quickly. This is as fast as I can navigate the waters.

Warmly,

Rajeev D. Majumdar, President

Washington State Bar Association

(360) 332-7000

FAX: (360) 332-6677

-----Original Message-----

From: Williams, James F. (Perkins Coie) [mailto:JWilliams@perkinscoie.com]

Sent: Tuesday, November 26, 2019 8:23 AM

To: Llewelyn G. Pritchard ("Llew") (lpritchard@helsell.com)

Cc: Reg P; Lachman, Arthur; Rajeev Majumdar; artlachman@lawasart.com; Majumdar, Rajeer; Rush, Amber; ghuffman@barbarajhoward.com; Felleisen, John; Kaustuv Das; Mitchell, Maureen; Hawk, Jaime M.; Weinkauf, Erin (Perkins Coie); Orrico, Vicki; Davis, RaShelle; Prazuch, Andrew; Dickinson, Lisa; Sciuchetti, Kyle; Paula Boggs; Kathleen Hopkins (khopkins@rp-lawgroup.com)

Subject: FW: Proposed resolution for Midyear Meeting

Llew:

I am copying the Washington delegates to the House, WSBA President and others on this. Are you asking for WSBA and/or KCBA to co-sponsor this resolution?

-----Original Message-----

From: Pritchard, Llewelyn G. <lpritchard@helsell.com>

Sent: Monday, November 25, 2019 8:19 PM

To: Williams, James F. (SEA) <JWilliams@perkinscoie.com>

Cc: Kathleen J. Hopkins <khopkins@rp-lawgroup.com>; Paula Boggs <paulaeboggs@gmail.com>

Subject: Fwd: Proposed resolution for Midyear Meeting

James. There is much concern in our Profession about the plight of immigrants refugees and newcomers. The attached is a resolution impacting that issue from the first rate ABA Immigration Commission. I hope it gathers the support of our Washington State Delegation. Happy Thanksgiving. Lew

Sent from my handheld, please excuse the typos.

----- Original message -----

From: "Kneedler, Jennie" <Jennie.Kneedler@americanbar.org>

Date: 11/25/2019 10:06 AM (GMT-08:00)

To: "Pritchard, Llewelyn G." <lpritchard@helsell.com>

Cc: "Mary K. Ryan" <MRyan@nutter.com>, "Bowens, Tanisha" <Tanisha.Bowens@americanbar.org>

Subject: FW: Proposed resolution for Midyear Meeting

Llew: Attached is the draft of the resolution and report that was submitted on the 20th. I apologize for the delay in getting this to you. Best regards, Jennie

From: Kneedler, Jennie

Sent: Wednesday, November 20, 2019 5:53 PM

To: ABA Policy Administration - Resolutions with Reports <ResolutionsWithReports@americanbar.org>

Cc: Linsky, Meredith <Meredith.Linsky@americanbar.org>; Bowens, Tanisha <Tanisha.Bowens@americanbar.org>; Wendy Wayne <wwayne@publiccounsel.net>

Subject: Proposed resolution for Midyear Meeting

Good evening:

On behalf of the Commission on Immigration, attached please find a Resolution with Report to the House of Delegates for consideration at the 2020 Midyear Meeting.

Best regards,

Jennie Kneedler

Jennie L. Kneedler

Staff Attorney, Commission on Immigration American Bar Association

1050 Connecticut Ave., NW, Suite 400

Washington, DC 20036

Phone: (202) 662-1692

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WASHINGTON STATE BAR ASSOCIATION

Board of Governors

Carla J. Higginson, Governor District 2

TO: WSBA Board of Governors
FROM: Carla J. Higginson, Chair, ad hoc committee on sections legislation bylaw
DATE: March 13, 2020
RE: Proposed policy on Sections and the legislative process – March 13, 2020 draft

ACTION/DISCUSSION : Approval of attached WSBA Sections Legislative Policy

BACKGROUND:

The president created an ad hoc committee to consider a proposed bylaw change on Sections and the legislative process. The committee, as reported by myself at our special Board meeting in December 2019, determined that no bylaw change was needed as the bylaw is written generally. However, the consensus of the committee was that a policy should be developed to clarify how Sections proceed with regard to developing legislation to be introduced, and responding to requests for information from the legislature or taking a position on a bill that is before the legislature. The president directed me to develop a policy in that regard for consideration by the Board at our January meeting, which was done and which was discussed at the January Board meeting. The Board approved it in concept and referred the policy to the WSBA Legislative Committee for further consideration and to circulate to the Sections for their review and comment. The draft policy was sent to the Sections on February 19, 2020 with a request for feedback by March 11th so that comments could be considered by the Legislative Committee and the policy modified as necessary to submit to the Board for further consideration and approval. At its February 21, 2020 meeting (at which point no Section comment had yet been received), the Legislative Committee discussed some clarifications to the draft policy, which are reflected in the attached draft.

The revised draft was sent to the Sections for comment on March 10th with a request that comment be provided to the Legislative Committee by March 12th if possible, otherwise to the Board by March 19th. Comment was received from the Administrative Law Section (Richard E. Potter, Legislative Committee Chair of that section), the Alternative Dispute Resolution Section (Paul W. McVicker, Legislative Committee Chair of that section), the Legal Assistance to Military Personnel Section (Eric McDonald, Section Chair), and the WSBA Sections team (I am not clear on who is on this team). Changes were made pursuant to these comments and were approved at the March 13, 2020 Legislative Committee meeting. The March 13, 2020 draft is attached for the Board's consideration.

RECOMMENDATION:

I recommend approval of the attached policy.

WSBA SECTIONS LEGISLATIVE POLICY

March 13, 2020

Preamble

Sections are the experts in their fields and attorneys and other members of the WSBA expect that their sections will monitor legislation, take positions when appropriate, educate the legislators with regard to proposed legislation, recommend changes to previously passed legislation or technical corrections to existing legislation. The WSBA also needs to know about Section legislative activity so that the WSBA Outreach & Legislative Affairs Manager (“Legislative Affairs Manager”) can help avoid divergent positions and unnecessary expenditure of political capital by the WSBA and the Sections. Training should be provided to at least one designee of each Section’s Executive Committee, with other committee members welcome and encouraged to attend, on how to implement and handle these policies, to be given annually. The Legislative Affairs Manager shall be made available to Section Executive Committees as a resource for any questions as a Section works on a legislative matter in accordance with this policy.

There are two separate tracks addressed by this policy.

1. If a Section wants to originate legislation:

- (a) The Section will conduct a GR12 analysis;
- (b) The Section will work through the WSBA Legislative Review Committee and the Legislative Affairs Manager to ready the proposal to submit to the Board;
- (c) The Board will decide if the proposed bill will go to legislature as a WSBA-sponsored bill, or does not go forward;

(d) If the bill is going forward, the Section will work with the Legislative Affairs Manager to find a bill sponsor to introduce the legislation as necessary;

(e) The Section and the Legislative Affairs Manager will continue to work together to promote the bill. The Legislative Affairs Manager will report to the Board's Legislative Committee the progress of the bill and any testimony that has been presented by the Section.

2. If a Section is taking a formal substantive policy position on a bill (support or oppose):

(a) The Section will conduct a GR 12 analysis;

(b) The Section will notify the Legislative Affairs Manager and the chair of Board's Legislative Committee, as soon as possible after the decision is made by the Section on pending or proposed legislation, that the Section supports it, opposes it (including the reasons for the opposition and whether an amendment might be appropriate), or is taking no position. The Section will also notify the Legislative Affairs Manager at least 24 hours in advance of a hearing before a legislative committee on a given bill, if the Section wishes to testify regarding that bill. The Section may do nothing more until the Legislative Affairs Manager gives permission to testify or to move forward with the position being taken by the Section, which permission may be given either verbally or in writing. The Legislative Affairs Manager will bring it to the Board's Legislative Committee for direction on how to proceed if there is time. However, if there is not time to obtain such approval, the Legislative Affairs Manager will make the decision, erring on the side of approving the request to testify or to move forward with the Section's position, unless there is a good and articulable reason to deny the request, which shall be explained to the Section. The Legislative Affairs Manager will notify the Board's Legislative Committee as soon as possible thereafter.

(c) If a bill being addressed by a Section (on which the Section has received approval as set forth above) is carried forward to another legislative session, or an identical bill is introduced in a subsequent legislative session, the prior approval shall be automatically carried forward on that bill without the need to seek approval again. If a bill is not identical, the approval process as set forth above shall be followed.

(d) The Sections, Legislative Affairs Manager and Board's Legislative Committee will develop processes for a quick turnaround on Section requests and this process will be disseminated to Sections.

3. If a Section is taking no position on proposed or pending legislation but would like to work with legislator, or wishes to comment by providing background information or other assistance to the legislature.

If a Section wishes to provide technical drafting comments such as pointing out issues (typographical errors, mis-citations of RCW sections, ambiguities, possible conflicts with other RCWs not covered in the bill, and suggested amendatory language), they shall keep the Legislative Affairs Manager advised of and copied on such comments but shall not be required to go through a GR 12 analysis or obtain approval of the comments.

Shelly Bynum

Subject: FW: Another idea

Importance: High

From: Kevin Plachy [<mailto:kevinp@wsba.org>]
Sent: Friday, April 10, 2020 7:29 AM
To: 'kyle.s@millernash.com'; carla@higginsonbeyer.com; Sanjay Walvekar
Cc: Rajeev Majumdar; Julie Shankland; Paris Eriksen
Subject: FW: Another idea
Importance: High

Kyle, Carla and Sanjay,

I am forwarding some follow up information that Regina from the World Peace Through Law Section sent yesterday.

Regina provides more context and detail about the nature of the papers they are wanting to write and publish – as she states below they would be focused on advocating for change.

Thanks.

Kevin Plachy, JD, MBA | Interim Director of Advancement

From: Reg P [<mailto:reginapaulose@gmail.com>]
Sent: Friday, April 10, 2020 6:08 AM
To: Kevin Plachy <kevinp@wsba.org>
Cc: Rajeev Majumdar <rajeev@northwhatcomlaw.com>
Subject: Re: Another idea

Hi Kevin

I dont think that sections should write law articles - I want to promote this to cause actual change. So my section right now is getting the ball rolling on prison book bans. There is no standard test on how a book gets banned (anywhere in the US). So we are working with the civil rights section which is great because there is a cross issue. I am hoping some more criminal lawyers will jump in which then brings them to the table as well.

So - from there a white paper can be used to make the change or as an advocacy tool and I hope that is what sections can do to be more meaningful in their work. They say their upset their numbers are down - but where is the innovation and the commitment to what we are supposed to really be doing?

I understand we cannot get around GR. It is just I need to figure out a way for my section to survive in light of GR and beyond doing monthly webinars. Our section has grown over the last year which is great, but its also because we have to push the envelope and I think something like that can help. I don't want people to have to be forced to do legislation if they write a advocacy paper. If that makes sense. The paper should cause some open avenues of advocacy, including the ability of people to take up pro bono lawsuit if they want.

Hope that is clear -
Regina

On Fri, Apr 10, 2020 at 12:22 AM Kevin Plachy <kevinp@wsba.org> wrote:

Thank you President Majumdar.

Hi Regina,

I like the idea of the sections utilizing their expertise to write white papers or law articles. As President Majumdar said, the GR12 issue is something we cannot get completely around. The proposed legislative policy for sections will allow for more flexibility for the sections to comment on legislation and this may be a good thing to have the committee working on that policy look at. With that in mind I have forwarded your email to the Legislative Committee and specifically to those working on the sections legislative policy and asked them to review your proposal and see if it is something that would be suited to roll into the legislative policy or not.

Thank you for bringing the idea forward and I will keep tracking on it as we move forward.

Kevin Plachy, JD, MBA | Interim Director of Advancement

On Thu, Apr 9, 2020 at 11:46 AM Rajeev Majumdar <rajeev@northwhatcomlaw.com> wrote:

Regina,

To give you a more thorough answer as to your idea and GR 12- I don't think we can ever get around GR 12 as a WSBA sponsored or facilitated activity- BUT, the idea behind your question is going to potentially greatly liberalized on the 17th at the BoG meeting when the BoG will be (likely) adopting a new policy liberalizing the prior constraints on sections speaking out directly.

That being said- I think there is a section leadership listserve or something that could coordinate such ideas- and I think there are plenty of non-GR12 violative things that could be written about. I am CCing Kevin Plachy, the WSBA Director of Advancement- who can get the right staff member connected to you about furthering this idea.

Warmly,

Rajeev D. Majumdar, President

From: Reg P [mailto:reginapaulose@gmail.com]
Sent: Thursday, April 02, 2020 10:10 AM
To: Rajeev Majumdar
Subject: Another idea

Hi Rajeev

I wanted to run something by you. In my line of work - a lot of non governmental organizations put our reports on various issues. I wanted to see if the WSBA sections can do the same. So for instance, if there is a legal issue concerning wild geese and how the geese have taken over Seattle - the sections would work together in a roundtable and produce a well written report on the issue.

So I was thinking of approaching the section leaders about creating working groups and thereby producing these reports. I don't like calling them "white papers" but that is essentially what it would be - and the issues can be anything related to the law. These reports in turn could help associations like the ABA or the AMA, or whoever.

The reason I am writing you though is that I want to avoid drama on the WSBA level. I want there to be some free speech and expression and - basically avoid what happens with the NW Lawyer in some cases because of GR. I don't know if we can create such a database of papers for people to put research in that also becomes something of a tool for advocacy for people in the public who may want to see what issues that lawyers take up and look at - but if multiple sections are working on it together - in small working groups - it would be pretty awesome.

What do you think? Limitations, challenges? Useful?

Regina



Dear Rajeev:

The ABA Board of Governors, on April 7, 2020, adopted a [resolution](#) that strongly urges the highest court or bar admission authority of each jurisdiction to immediately adopt emergency rules that would authorize 2019 and 2020 law graduates who have not yet taken a bar examination, and who apply for admission to the bar, to engage in the limited practice of law, if the July 2020 bar examination in their jurisdiction is cancelled or postponed due to pandemic-related public health and safety concerns.

The chief justice of your state has been advised of this guidance. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Judy'.

Judy Perry Martinez, President, American Bar Association

cc: Terra K Nevitt, Executive Director



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AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON BAR ACTIVITIES AND SERVICES
LAW STUDENT DIVISION

REPORT TO THE BOARD OF GOVERNORS

RESOLUTION

1 RESOLVED, That the American Bar Association strongly urges the highest
2 court or bar admission authority of each jurisdiction to immediately adopt
3 emergency rules that would authorize

4
5 (1) 2019 and 2020 law graduates, and

6
7 (2) graduates of prior years who have been since graduation serving
8 as judicial law clerks,

9
10 who have not yet taken a bar examination, and who apply for admission to the
11 bar, to engage in the limited practice of law, if the July 2020 bar examination in
12 their jurisdiction is cancelled or postponed due to public health and safety
13 concerns arising from the coronavirus pandemic.

14
15 FURTHER RESOLVED, That this authorization to engage in limited law practice
16 should apply only if the applicant is a graduate of a law school accredited or
17 provisionally accredited by the Council of the Section of Legal Education and
18 Admissions to the Bar of the American Bar Association and the applicant has
19 successfully completed all requirements to be eligible to take the July 2020
20 examination.

21
22 FURTHER RESOLVED, That this authorization to engage in the limited practice
23 of law would extend through licensure of the applicant, or until further order of the
24 court or bar admission authority.

25
26 FURTHER RESOLVED, That this limited authority to practice law should be an
27 emergency measure, available only for a specified time, as necessary to
28 accommodate public health and safety concerns arising from the coronavirus
29 pandemic.

30
31 FURTHER RESOLVED, That in adopting such an emergency rule, the court or
32 bar admission authority should consider requiring that:

33

34 (1) The applicant register with the jurisdiction's bar admissions
35 authority (or other appropriate agency) and comply with all applicable
36 registration requirements;
37

38 (2) The applicant be directly supervised by a lawyer authorized to
39 practice in the jurisdiction whose license is active and in good standing; the
40 supervising lawyer confirms in writing to the appropriate agency that he or
41 she will directly supervise the practice of the applicant; and the supervising
42 lawyer is identified as such in all papers submitted to a court, government
43 agency or authority, or alternative dispute resolution tribunal, on which the
44 applicant's name appears;
45

46 (3) The applicant be subject to the disciplinary authority of the
47 jurisdiction in which the applicant is practicing and the applicant comply
48 with all ethics and related rules of the jurisdiction, including specifically but
49 not limited to rules requiring truthful and non-misleading advertising or
50 other public statements concerning his or her limited authority to practice;
51

52 (4) The applicant and the supervising lawyer disclose, in a clear and
53 prominent manner, the applicant's limited authority to practice to any client
54 for whom the applicant does any work, and the supervising lawyer, by
55 direct contact with the client, obtain the client's consent to be represented
56 by the applicant and provide the client with the supervising lawyer's name
57 and contact information;
58

59 (5) The applicant disclose, in a clear and prominent manner, the
60 applicant's limited authority to practice to any person with whom he or she
61 interacts in the practice, including any court, government agency or
62 authority, or alternative dispute resolution tribunal;
63

64 (6) The applicant adhere to any conditions set by the emergency
65 rule as to limitations on the authorization given to appear before any court,
66 tribunal, governmental agency, or alternative dispute resolution tribunal.
67

68 (7) The applicant take the bar examination by the end of 2021; and
69

70 (8) The applicant's limited authorization will terminate if the applicant
71 fails the bar examination.
72

73 FURTHER RESOLVED, That nothing in the Resolution shall be construed to
74 amend, limit, or call into question, the historic and longstanding policy of the
75 American Bar Association supporting the use of a bar examination as an
76 important criterion for admission to the bar.

REPORT¹

As this Resolution and Report are written, the United States and the world are in the midst of a deadly coronavirus pandemic, and no U.S. community appears to have reached the peak of new infections or deaths. All business and government activities other than those involving health care and public safety have slowed dramatically, and much ordinary business activity has ceased. The primary focus of virtually all government and business has turned to health and safety.

Still, the judicial system, law schools, and the legal profession are today attempting to continue operations, as best they can, while complying with public health and safety orders and guidance that, for example, ban almost all in-person activities like in-person court proceedings, law school classes, and meetings with clients.

In recent days, several jurisdictions, in an effort to comply with public health and safety orders and guidance have decided to cancel or postpone the traditional July administration of the bar examination in 2020. As of this writing, at least four jurisdictions have canceled or postponed the July 2020 bar examination – Connecticut, Hawaii, Massachusetts, and New York.² Other jurisdictions have acknowledged they are contemplating the same action.³ No one can doubt these decisions are necessary to public health and safety. This Resolution in no way questions the necessity for such decisions.

Yet there also can be no doubt that canceling or postponing a bar exam will significantly affect the lives, careers, and immediate personal plans of law graduates, their families, and the lawyers or other organizations with whom they

¹ This Report was prepared and was current as of its submission to the Board of Governors on April 6, 2020. Between that time and approval by the Board, both Arizona and New Jersey have adopted rules similar to the kind proposed in the Resolution.

² Stephanie Francis Ward, “New York bar exam planned for September; Hawaii postpones exam, too,” [www.ABAJournal.com](http://www.abajournal.com/news/article/ny-bar-planned-for-september-court-explores-supervised-practice-for-recent-law-grads) (April 1, 2020), available at <https://www.abajournal.com/news/article/ny-bar-planned-for-september-court-explores-supervised-practice-for-recent-law-grads>.

³ Tennessee has not yet canceled or postponed the July 2020 bar examination, but its high court entered an order extending its current rule allowing law students to engage in limited practice to law graduates. (Order Temporarily Modifying Certain Provisions of Tennessee Supreme Court Rule 7 Related to The July 2020 Bar Examination, *In re: Covid-19 Pandemic*, No. ADM2020-00428 (entered April 2, 2020), available at: http://tncourts.gov/sites/default/files/docs/ble_covid-19_order.pdf (copy of order and underlying amended rule attached as Exhibit A).

might otherwise practice. Every law graduate in this country has planned and worked for years toward the goal not only of graduation from law school, but admission to the bar and licensure. The inability of a law graduate to take the bar examination in July 2020 would mean a delay, at the very least, of months in their ability to begin the practice of law. This delay may lead not only to tangible financial and family hardship, but disruption in the plans and operations of the organization and clients for whom these law graduates may already be planning to work.

Cancelling or postponing a bar examination for public health and safety reasons is not without consequence. The livelihoods, families, and careers of 2019 and 2020 law graduates may be uprooted, and financial security immediately threatened, with even a delayed exam. Upon graduation, the average 2020 law graduate will bear a debt load of \$142,870.⁴ That debt load remains unchanged while their job prospects disappear or diminish in part were their jurisdiction to deny them the opportunity to take the exam in July 2020 and begin to practice law. Public health and safety and the professional and financial security of law graduates need not be mutually exclusive.

This Resolution strongly encourages jurisdictions' supreme courts and bar admission authorities to adopt emergency rules that would mitigate these hardships and disruptions.⁵ One state (Tennessee) has recently adopted such a rule;⁶ another state (Arizona) has published a proposed rule that would accomplish what this Resolution proposes now pending before its high court;⁷

⁴ Tiffane Cochrane, "What Do We Know About Law Student Indebtedness?," AccessLex Institute (Aug. 23, 2019), available at: <https://www.accesslex.org/xblog/what-do-we-know-about-law-student-indebtedness>.

⁵ A few commentators have proposed other means to address these issues. See Angelos, Claudia and Berman, Sara and Bilek, Mary Lu and Chomsky, Carol L. and Curcio, Andrea Anne and Griggs, Marsha and Howarth, Joan W. and Kaufman, Eileen R. and Merritt, Deborah Jones and Salkin, Patricia E. and Wegner, Judith W., *The Bar Exam and the COVID-19 Pandemic: The Need for Immediate Action* (March 22, 2020), Ohio State Public Law Working Paper No. 537 (2020), available at: <https://ssrn.com/abstract=3559060> or <http://dx.doi.org/10.2139/ssrn.3559060>; Letter, New York Law Deans to Chief Judge Janet DiFiore, dated April 3, 2020, available at: <https://www.albanylaw.edu/coronavirus/law-dean-letter-to-court-of-appeals>.

⁶ See Tennessee Order, *supra* fn. 2 (copy attached as Exhibit A).

⁷ Petition, *In the Matter of Petition to Amend Arizona Rule of the Supreme Court 38*, Ariz. Sup. Ct. No. R-20-2007 (filed Jan. 9, 2020), petition and appendix available at: <https://www.azcourts.gov/DesktopModules/ActiveForums/viewer.aspx?portalid=0&moduleid=23621&attachmentid=7440> and <https://www.azcourts.gov/DesktopModules/ActiveForums/viewer.aspx?portalid=0&moduleid=23621&attachmentid=7442> (copy attached as Exhibit B).

and a third state (New York) appears to be considering such a rule⁸ There may also be some states whose rules already permit limited practice of this kind. Arizona’s petition, for example, asserts that its rule “currently allows recent law graduates to engage in a limited practice of law until the first offering of the Arizona bar examination, [but] the rule was drafted in a way that downplayed or masked this opportunity for recent law graduates,” and thus the petition seeks to clarify and add important elements to the grant of limited practice authority.⁹ This Resolution strongly supports these efforts and sets out a number of necessary and appropriate criteria that should be considered by jurisdictions in considering such rules.

Arizona’s pending petition for a rule change notes that at least sixteen jurisdictions allow recent law graduates to engage in the limited practice of law post-graduation and pre-bar admission.¹⁰ While these existing programs do share some common features, not all directly or clearly address the currently anticipated issue of the cancellation or postponement of the July 2020 bar examination. For example, as noted above, Tennessee recently acted to expand its program for this reason.¹¹ Whether a jurisdiction chooses to use this approach to achieve limited practice authority for recent graduates pending admission in this context is, of course, a matter for each jurisdiction.

The Effects of Cancelling or Postponing the Bar Examination

Without adoption of a rule to mitigate the effect of the cancellation or postponement of the July 2020 bar examination, a delay in law graduates’ eligibility to practice law will place an unprecedented financial burden on thousands of law graduates. During this unexpected delay in admission, job security will be in question; reduced salaries are likely; and law student debt remains. Law graduates and their families have invested tens of thousands of dollars into their education with the expectation of promptly graduating, passing the bar exam, and entering the practice of law. Those expectations have been uprooted by an act of God. Without action, this financial burden will fall

⁸ See Ward, *supra* n. 1. Indeed, the deans of all fifteen New York law schools have urged the New York high court to adopt “a broad and universal system of *provisional, temporary* authorization for 2020 graduates to practice law under the supervision of an attorney admitted to practice in New York” (original emphasis). See Letter, New York Law Deans to Chief Judge Janet DiFiore, dated April 3, 2020, at 3 (original emphasis), available at <https://www.albanylaw.edu/coronavirus/law-dean-letter-to-court-of-appeals>.

⁹ See *supra*, fn. 5.

¹⁰ Petition, *supra* fn. 5, at 4-5.

¹¹ Order, *supra* fn. 4.

disproportionately on law graduates who had grounded their futures on taking the 2020 bar examination.

Further, law graduates are by no means the only ones affected. The immediate legal needs of individuals and businesses, from small to large, as a result of this pandemic, are already enormous and will continue to grow. Tens of thousands of graduating law students stand ready to help with those needs, if they are given the regulatory permission to do so. This resolution encourages states to permit these trained law graduates to help serve the public in this crisis.

Components of the Rule that the Resolution Advocates

This Resolution calls for the immediate adoption of an emergency rule, regulation, or policy. The Resolution recognizes that the problem is one of immediate concern and should be addressed as soon as possible. At least one state (Tennessee) has wisely addressed this issue *before* making any decision on whether its bar examination will be offered in July 2020. The Resolution calls for immediate action.

The Resolution also advocates for adoption of a rule that would be considered an emergency rule. The current public health and safety environment is changing daily, and a rule such as this might well need to be adapted to changed conditions in a few months. The Resolution does not advocate for adoption of any change in policy that would be permanent or survive the current challenges created by the coronavirus pandemic as it presents itself today.

Examples of rules of the type advocated by this Resolution include the rules very recently adopted by the supreme courts of Arizona and Tennessee, copies of which are attached to this Report.

A number of the specific features of the type of rule advocated by this Resolution bear comment. The Resolution urges that the following would be the most important features of a rule:

- The rule would cover law graduates from both 2019 and 2020. Some law graduates do, for legitimate reasons (such as judicial clerkships), delay taking the bar exam for a time after their graduation.
- The rule would only apply to first-time takers of the bar examination, consistent with its emergency nature. Thus, a law graduate who had taken either the bar examination of the jurisdiction adopting the rule or any other jurisdiction, whether the law graduate passed or failed the exam, would not qualify under the rule.

- The rule would only cover 2019 and 2019 law graduates who apply for admission to the bar, again consistent with the narrow, emergency nature of the relief granted by the rule.

- Applicants must also be graduates of law schools accredited or provisionally accredited by the Council of the Section of Legal Education and Admissions to the Bar of the ABA.

- The limited authority to practice law would extend through an applicant's licensure, including the taking of the bar examination, the time needed for the examination to be graded and results known, and any time after that ordinarily needed for the bar admission authority to complete its normal licensure process.

The Resolution also advocates that adopting jurisdictions should seriously consider the following features be included as part of such a rule:

- A requirement that the applicant register with an appropriate regulatory authority and comply with any appropriate registration requirements, ranging from completing an application to paying fees associated with the process. The Resolution contemplates that a jurisdiction might decide to impose certain fees associated with the regulation of the profession, as they might deem appropriate.

- Direct supervision of the applicant's limited practice by an identified lawyer already admitted in the jurisdiction. The Resolution contemplates that this supervision be consistent with that required by ABA Model Rule of Professional Conduct 5.1(b) concerning the responsibility of a lawyer with "direct supervisory authority" over another lawyer. The supervising lawyer would be required to commit in writing to the requirements of this role as a part of the applicant's application for this limited authority.

- Disclosure to clients, courts, and others of the limited nature of the applicant's authority to practice law would be required, as would appropriate disclosure of the same limitations in any interactions with others or the public.

- The rule would allow court appearances by the law graduate, but each jurisdiction should consider what conditions it wishes to set on this authorization, such as court permission or attendance by the supervising lawyer.

- The rule would also require that the applicant actually take and pass the bar examination by the end of 2021.

This Resolution *does not* take any position on decisions that are appropriately within the authority and discretion of the highest court or bar admission authority of each jurisdiction, such as whether the July 2020 administration of the bar examination by any jurisdiction should be canceled or postponed, or whether the July 2020 administration of the bar examination by any jurisdiction should be administered online, remotely, or in small groups.

Finally, the Resolution does not intend in any way modify or limit the historic and longstanding policy of the ABA supporting the use of a bar examination as an important criterion for admission to the bar.

Exhibit A

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
04/02/2020
Clerk of the
Appellate Courts

IN RE: COVID-19 PANDEMIC

No. ADM2020-00428

**ORDER TEMPORARILY MODIFYING CERTAIN PROVISIONS OF
TENNESSEE SUPREME COURT RULE 7 RELATED TO
THE JULY 2020 BAR EXAMINATION**

Consistent with the Tennessee Supreme Court’s COVID-19 Pandemic Orders entered March 13, 2020, and March 25, 2020, and in furtherance of the Judicial Branch’s obligation to mitigate the risks and effects of mitigation of risks associated with COVID-19, the Court adopts temporary changes to the provisions of Tennessee Supreme Court Rule 7 listed below. These changes are intended to provide applicants for the July 2020 administration of the Uniform Bar Examination (“UBE”) assurance regarding application deadlines and the steps that the Board of Law Examiners (the “Board”) is to take in the event a July 2020 examination is not deployed and/or a fall 2020 UBE is offered. With the exception of the modification to sections 3.05(a) of Rule 7, these modifications apply to applicants to the July 2020 administration of the Uniform Bar Examination (UBE) in Tennessee.

1. Section 11.03 of Tennessee Supreme Court Rule 7 is suspended temporarily only for applicants for the July 2020 bar examination to permit limited transfer of applications or full refund of fees, as follows:

- a. The July 2020 application for admission by examination and fee paid to the Board will be valid for the UBE administered in July 2020 or on an as-yet-unscheduled fall 2020 date.
 - b. Applicants will be given the option to choose either the July or fall 2020 UBE, but not both.
 - c. After a decision is made regarding the July bar examination and regardless of what that decision is, applicants for the July 2020 administration of the UBE who complete the application process prior to the May 20 deadline will be given the option to transfer the July 2020 application and fee paid to the Board to either the fall 2020 UBE, if one is scheduled, or the February 2021 administration of the UBE on or before a deadline to be set by the Board.
 - d. If a fall examination is not offered and a July 2020 examination is not deployed or cannot be administered, applications and fees paid to the Board will be transferred to the February 2021 examination automatically unless the applicant requests a full refund of the fee paid to the Board on or before a deadline to be set by the Board.
2. Section 10.04 of Tennessee Supreme Court Rule 7 (practice under supervision) is modified for applicants who graduated from law school between March 1, 2020, and July 24, 2020, who completed the application process by the deadline for the July 2020 administration of the UBE, and who register for § 10.04 practice under supervision, by extending the time applicants are permitted to engage in supervised

practice until November 15, 2021. This modification permits qualified applicants the opportunity to practice under supervision until the admission ceremonies in November 2021.

3. Section 10.07 of Tennessee Supreme Court Rule 7 (practice pending admission) is modified for applicants who have an active license in good standing in another jurisdiction, who completed the application process by the deadline for the July 2020 bar examination, and who register for practice pending admission under § 10.07, by extending the time applicants are permitted to engage in practice pending admission until November 15, 2021, provided however, that the applicant sits for and completes the earliest examination offered. This modification permits qualified applicants the opportunity to practice pending admission until completion of the admission ceremonies in November 2021.

4. Section 4.07(d) of Tennessee Supreme Court Rule 7 is modified for applicants who have completed the application process by the deadline for the July 2020 bar examination and have a qualifying score from the August 2018 or November 2018 administration of the MPRE, to extend the validity of the scores for the August and November 2018 MPRE scores through grade release for the February 2021 examination.

5. Section 3.05(a) of Tennessee Supreme Court Rule 7 is modified to permit concurrent applications in order to prevent delays in licensing that applicants for the July 2020 UBE would otherwise experience. A “concurrent application” permits an applicant to apply for admission by Uniform Bar Examination administered in another state and, prior to earning that score, apply to Tennessee for admission by transferred Uniform Bar

Examination score. Sec. 3.05(a)(1) is amended to permit filing of an application to transfer a UBE Score prior to the time an applicant has achieved the required score as long as the applicant achieves the required score on an examination administered between July 2020 and February 2021.

Nothing in this order is to be construed as changing the current status of the July 2020 bar examination. The modifications to Rule 7 are applicable to July 2020 bar examination applicants only and all other provisions of Rule 7 and Board Policies remain unchanged. The Board of Law Examiners remains open and shall continue to provide services, while balancing the health and safety of Board members, staff, exam proctors and the public.

It is so ORDERED.

PER CURIAM

West's Tennessee Code Annotated
State and Local Rules Selected from West's Tennessee Rules of Court
Rules of the Supreme Court of the State of Tennessee
Rule 7. Licensing of Attorneys
Article X. Special or Limited Practice

Sup.Ct.Rules, Rule 7, § 10.04

Sec. 10.04. Practice Before Admission by Examination Score

Currentness

(a) Eligibility.

(1) An applicant may register with the Board in order to perform the services described in paragraph (c) of this section provided the applicant:

(A) has never been licensed to practice law in another state in the United States, the District of Columbia, or U.S. Territories;

(B) has submitted an application pursuant to [section 3.01](#) or 3.05 of this Rule;

(C) meets the educational requirements of [section 2.01](#) and 2.02 of this Rule;

(D) works in Tennessee under the supervision of a licensed lawyer who is admitted and in good standing in Tennessee; and

(E) has:

(i) not yet had an opportunity to take the Tennessee bar examination;

(ii) taken the examination but not yet received notification of the results of the examination; or

(iii) taken the examination or submitted a UBE score transfer application, but has not yet been admitted as a member of the Tennessee bar.

(2) An applicant is eligible for supervised practice under this section beginning with the submission of the first Application to the Bar of Tennessee or the graduation from law school, whichever is later.

(3) Applicants registered for supervised practice who are unsuccessful on the examination and who submit a re-examination application for the next available exam within ten days of the release of examination results may continue to practice under supervision subject to the time limits in paragraph (4). The privilege to engage in supervised practice expires for applicants who are unsuccessful on the examination and do not submit a re-examination application within ten days of notification of examination results.

(4) The privilege to engage in supervised practice expires: upon admission of eligible examination or UBE score transfer applicants; as provided in paragraph (3) for unsuccessful examinees; upon admission in any other state, the District of Columbia, or U.S. Territory; or upon issuance of an order to show cause. In no event shall the privilege to engage in supervised practice continue for more than sixteen months from the date an applicant graduated from law school.

(5) The Board shall have no discretion to extend the time an applicant may engage in limited practice.

(6) An applicant who is licensed in another jurisdiction and seeking admission under [sections 3.01, 3.05, 5.01, or 10.06](#) of this Rule may practice pending admission as provided in [section 10.07](#).

(b) Registration Process. In order to perform the services described in paragraph (c), the applicant must submit to the Board the NCBE application, the Tennessee Supplemental application, and the fees associated with the application. Additionally, the applicant must register for supervised practice according to the procedures established by the Board and pay the required fee. The applicant must include with the registration an affidavit from an attorney licensed and in good standing in Tennessee stating that the attorney agrees to undertake the supervision of the applicant in accordance with this section.

(c) Supervision.

(1) The applicant shall be under the immediate and personal supervision of an attorney who meets the requirements of paragraph (3), below.

(2) It is the responsibility of the supervising attorney to ensure that the applicant is properly supervised and instructed including compliance with [Tenn. Sup. Ct. R. 8, RPC 5.3](#), and be present as provided in paragraph (d)(2), below; however, it is not necessary that the supervising attorney be present when the applicant engages in activities such as interviewing, investigation, drafting, and negotiation.

(3) The supervising attorney must:

(A) be a lawyer licensed and in good standing in Tennessee;

(B) have practiced for a minimum of three years; and

(C) assume professional responsibility for the direct and immediate supervision for the professional work of the applicant.

(d) Services Permitted. Under the supervision of the supervising attorney, and with the written consent of the person on whose behalf the applicant is acting, an applicant approved for supervised practice may render the following services.

(1) Applicant may counsel and advise clients, negotiate in the settlement of claims, represent clients in mediation and other non-litigation matters, and engage in the preparation and drafting of legal instruments. Any communication other than internal communications may be signed by the applicant with the accompanying designation “Tennessee Bar Applicant” but must also be signed by the supervising attorney.

(2) Applicant may appear in the trial courts, courts of review and administrative tribunals of this state, including court-annexed arbitration and mediation, subject to the following qualifications:

(A) Written consent to representation of the person on whose behalf the applicant is acting shall be filed in the case and brought to the attention of the judge or presiding officer.

(B) Appearances, pleadings, motions, and other documents to be filed with the court may be prepared by the applicant and may be signed with the accompanying designation “Tennessee Bar Applicant.”

(C) In criminal cases in which the penalty may be imprisonment, in proceedings challenging sentences of imprisonment, and in civil or criminal contempt proceedings, the applicant may participate in pretrial, trial, and post-trial proceedings as an assistant of the supervising attorney, who shall be present and responsible for the conduct of the proceedings.

(D) In all other civil and criminal cases in the trial courts or administrative tribunals, the applicant may conduct all pretrial, trial, and post-trial proceedings with the Supervising Attorney present unless the applicant is permitted by the judge or presiding officer to participate without direct supervision.

(E) In matters before appellate courts, the applicant may prepare briefs, excerpts from the record, abstracts, and other documents. If any such filings set forth the name of the applicant as a counsel of record in addition to the supervising attorney, the name of the applicant must be accompanied by the designation “Tennessee Bar Applicant” but must be filed in the name of the supervising attorney. Upon motion by the supervising attorney, the applicant may request authorization to argue the matter before the appellate court but, even if the applicant is permitted to argue, the supervising attorney must be present and is responsible for the conduct of the applicant at the hearing.

(e) Compensation. An applicant rendering services authorized by this section shall not request or accept any compensation from the person for whom applicant renders the services. The supervising attorney may make an appropriate charge. The applicant may be compensated as an employee of a firm, agency, clinic or other organization so long as the rate of such compensation is established independent of compensation paid for representation.

(f) Aid in Establishing Supervised Practice. Any applicant who otherwise meets all the qualifications contemplated in this section, but who is unable to make a connection or association with a practicing attorney for purposes of serving as a Supervising Attorney as required by this

section, may apply to any trial judge holding court in the county of such applicant's residence for aid in the establishment of a supervised practice under this section. Such practice must accord strictly with the provisions of this section. No deviation will be permitted.

(g) Disciplinary Complaints.

(1) In the event a disciplinary complaint is filed in a case in which an applicant has been permitted to practice under this section, the authority with whom such complaint is filed shall immediately report the complaint to the Board. Upon receipt of a notice of a complaint, the Board shall provide the Board of Professional Responsibility the name of the supervising attorney for the applicant.

(2) By operation of this Rule, a disciplinary complaint against an applicant permitted to practice under this section constitutes a complaint against the supervising attorney. The Board of Professional Responsibility shall have jurisdiction over the complaint against both the applicant and the supervising attorney and may refer the complaint against the applicant to the Office of the Attorney General and Reporter or the Board.

(h) Board Permitted to Disclose. Notwithstanding the provisions of [section 12.11](#), the Board may disclose that an applicant is authorized to practice pursuant to this section and may disclose if and when that authorization is terminated.

Credits

[Article X amended effective March 1, 1984; effective October 1, 1984; effective May 1, 1999; effective June 2, 2006; May 18, 2009; 10.05 adopted September 3, 2009; December 21, 2015, effective January 1, 2016; effective November 27, 2017; effective April 18, 2018; effective March 29, 2019.]

Sup. Ct. Rules, Rule 7, § 10.04, TN R S CT Rule 7, § 10.04

State court rules are current with amendments received through December 1, 2019.

Exhibit B

Dave Byers¹
Executive Director, Administrative Office of Courts
Member, Task Force on the Delivery of Legal Services
State Courts Building
1501 West Washington
Phoenix, Arizona 85007
Telephone: (602) 452-3303

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of)
) Arizona Supreme Court No. R-20-____
PETITION TO AMEND ARIZONA)
RULE OF THE SUPREME)
COURT 38)
_____)

Pursuant to Rule 28, Rules of the Supreme Court of Arizona, the Task Force on the Delivery of Legal Services (“Task Force”) petitions the Court to amend Arizona Rules of the Supreme Court 38, as reflected in the attachments hereto, effective January 1, 2021.

I. INTRODUCTION AND BACKGROUND.

Established on November 21, 2018, by Arizona Supreme Court Administrative Order 2018-111, the Task Force was asked to address five charges and to make recommendations on each. The Administrative Order gave the chair

¹ Mr. Byers files this petition in his capacity of a member of the Task Force.

discretion to consider and recommend other rule changes on any topic concerning the delivery of legal services. Members of the legal community approached the Task Force with a proposal to amend Rule 38(d). The Task Force agreed to consider the proposal and worked with members of the legal community to draft this proposed rule amendment.

Although Rule 38(d) currently allows recent law graduates to engage in a limited practice of law until the first offering of the Arizona bar examination,² the rule was drafted in a way that downplayed or masked this opportunity for recent law graduates. Further, current Rule 38(d) is unduly complicated and unclear in large part and fails to include certain program essentials. Thus, the amendments proposed in this petition revise and reorganize the rule for clarity and substantive completeness. As revised, the proposed rule sets out the program requirements and practice restrictions for both law students and recent law graduates in a clear, organized, consistent, and complete manner.

The Task Force presented its recommendation to the Arizona Judicial Council (“AJC”) on October 24, 2019. The Report and Recommendations of the Task Force (*Report*), along with other Task Force information, can be found at the Task Force’s webpage: <https://www.azcourts.gov/cscommittees/Legal-Services-Task-Force>. The

² Certification of a certified limited practice student shall commence on the date indicated on a notice of certification and shall remain in effect . . . [until] the certified student fails to take or pass the first general bar examination for which the student is eligible. Ariz. R. S. Ct. 38(d)(5)(F)(iv).

AJC adopted all recommendations of the Task Force, including the recommendation to amend Rule 38(d), identified as Recommendation 4 of the report.

II. SUMMARY OF PROPOSED AMENDMENTS TO ARIZONA RULE OF SUPREME COURT 38(d).

In Arizona, law students can practice law under the supervision of a licensed attorney in accordance with Arizona Supreme Court Rule 38(d). Participants in this limited practice of law must be supervised by an attorney in a public or private legal office or by a clinical law professor in conjunction with a law school clinical program. As discussed above, although Rule 38(d) currently allows recent law graduates to engage in a limited practice of law until the first offering of the Arizona bar examination, the rule was drafted in a way that downplayed or masked this opportunity for recent law graduates. The proposed amendments clarify that recent law graduates may be certified to engage in the limited practice of law under the supervision of an attorney. The proposed amendments also clarify that neither law students nor law graduates must also participate in a clinical law program.

At least 16 states allow recent law graduates to engage in the limited practice of law post-graduation and pre-bar admission. These state programs share common features:

- All programs have specified durations. For example, some programs authorize practice only during the period in which the graduate has applied to take the first bar examination after his or her graduation and is awaiting the

results. Other programs include similar restrictions and incorporate a tiered expiration date for the authorization to practice, such as no later than 12 or 18 months after the graduate graduated from law school.

- Most of these programs authorize graduates to practice law to the same extent law students are authorized to practice law under programs like existing Rule 38(d)(5). Thus, graduates are permitted to meet with clients, go to court, try cases, argue motions, and the like. Most of the states authorize graduates to handle civil and criminal cases, although some restrict the criminal cases to misdemeanors or less-serious felonies.
- Several programs authorize graduates to practice for certain types of employers, such as legal-aid clinics, public defenders, prosecutor's offices, or city, county, and state offices or agencies.
- Many programs impose supervisory requirements that are similar to the supervisory requirements imposed under existing Rule 38(d).
- A few programs require the dean of the graduate's law school, or the graduate's proposed supervising attorney, to certify the graduate's good character and competence to the state supreme court or another entity. Other programs simply require the employer to comply with the requirements of the program and do not require the employer to file any other documentation with any court or state agency.

Although these other state programs vary in operational details, they all provide a means by which law students and non-licensed law graduates may practice law, and effectively result in expanding the delivery of legal services, especially by public agencies or public service groups that provide legal services to individuals with limited resources. These programs do this by allowing recent law school graduates in the process of becoming licensed to gain experience by practicing law under the supervision of admitted lawyers for a limited duration. Because this limited exception to licensure is anticipated to benefit the public, the Task Force's proposed amendments to Rule 38(d) fall squarely within the mandate to consider and evaluate new models for delivering legal services.

Further, the amendments would eliminate, or at least lessen, many of the practical problems experienced by law school graduates given the workload of the individuals involved in the admission and character and fitness process. The amendments permit recent law graduates to practice under the supervision of a lawyer after graduation from an ABA accredited law school if the graduate takes the first Arizona uniform bar examination, or the first uniform bar examination offered in another state for which the graduate is eligible. Certification to practice terminates automatically if the graduate fails the bar examination, if the Committee on Character and Fitness does not recommend to the Supreme Court the graduate's admission to practice, if the graduate is denied admission to practice law by the Supreme Court, or on the expiration of 12 months from the date of the graduate's

graduation from law school unless the Supreme Court extends the 12-month period. If the graduate passes the bar examination, certification terminates 30 days after the graduate has been notified of approval for admission to practice and eligibility to take the oath of admission. Certification to practice for both graduates and law students also terminates on the occurrence of other events such as failure to meet the requirements for certification.

Finally, the amendments set out the program requirements and practice restrictions for both law students and recent law graduates in a clear, organized, consistent, and complete manner. Thus, for example, the amendments separately set out the program details for law students and law graduates and clarify as well as simplify the supervisory obligations of the supervising attorneys.

CONCLUSION

Petitioner respectfully requests that the Court consider this petition and proposed rule changes at its earliest convenience. Petitioner additionally requests that the petition be circulated for public comment, and that the Court adopt the proposed rules as they currently appear, or as modified considering comments received, with an effective date of January 1, 2021.

DATED this 9th day of January, 2020.

_____/s/_____
Dave Byers
Executive Director
Arizona Administrative Office of Courts

APPENDIX 1A: ARIZONA RULE OF SUPREME COURT 38 (CLEAN)

(a) – (c) No change.

(d) Clinical Law Professors, Law Students, and Law Graduates

1. *Purpose.* This purpose of this rule is to provide law students and recent law school graduates with supervised instruction and training in the practice of law for a limited time, and to facilitate volunteer opportunities for those individuals in pro bono contexts.

2. *Definitions.*

A. “Law school” means a law school either provisionally or fully accredited by the American Bar Association.

B. “Certified limited practice student” is a law student of an accredited law school who holds a currently effective Arizona Supreme Court Certification as a certified limited practice student.

C. “Certified limited practice graduate” is a law graduate of an accredited law school who holds a currently effective Arizona Supreme Court Certification as a certified limited practice graduate.

D. “Clinical Law Professor” is a faculty member teaching a clinical law program at a law school in Arizona either provisionally or fully accredited by the American Bar Association.

E. “Dean” means the dean, the academic associate dean, or the dean’s designee of the accredited law school where the law student is enrolled or the law graduate was enrolled on graduation.

F. “Period of supervision” means the dates for which the supervising attorney has declared, on the application for certification or recertification, that he or she will be responsible for any work performed by the certified limited practice student or the certified limited practice graduate under his or her supervision.

G. “Supervising attorney” is an active member of the State Bar of Arizona in good standing who has practiced law or taught law in an accredited law school as a full-time occupation for at least two years, and agrees in writing to supervise the certified limited practice student or certified limited practice graduate pursuant to

these rules, and is identified as the supervising attorney in the application for certification or recertification. The supervising attorney may designate a deputy, assistant, or other staff attorney to supervise the certified limited practice student or certified limited practice graduate when permitted by these rules.

H. “Volunteer legal services program” means a volunteer legal services program managed by an approved legal services organization in cooperation with an accredited law school. Approved legal service organizations are defined in paragraph (e)(2)(C) of this rule.

3. General Provisions.

A. Limited Bar Membership. To the extent a professor, law student, or law graduate is engaged in the practice of law under this rule, the professor, law student, or law graduate shall, for the limited purpose of performing professional services authorized by this rule, be deemed an active member of the state bar (but not required to pay fees). The provisions of this rule shall govern rather than the provisions of other rules relating to admission and discipline.

B. Nonapplicability of Attorney Discipline Rules to Terms of the Certification. The procedures otherwise provided by law or court rule governing the discipline of lawyers shall not be applicable to the termination of the certification of a clinical law professor, certified limited practice student, or certified limited practice graduate pursuant to these rules. Termination of certification shall be without prejudice to the privilege of the professor, law student, or law graduate to apply for admission to practice law if the professor, law student, or law graduate is in other respects qualified for such admission.

C. Effect of Certification on Application for Admission to Bar. The certification of a clinical law professor, law student, or law graduate shall not be considered as an advantage or a disadvantage to the professor, law student, or law graduate in an application for admission to the state bar.

D. Privileged Communications. The rules of law and of evidence relating to privileged communications between attorney and client shall govern communications made or received by and among professors, supervising and designated attorneys, certified limited practice students, and certified limited practice graduates.

4. Clinical Law Professors.

A. Activities of Clinical Law Professors. A clinical law professor who is certified pursuant to this rule may appear as a lawyer solely in connection with supervision of students in a clinical law program in a law school in Arizona. A clinical law professor may appear in any court or before any administrative tribunal in this state in the matters enumerated in paragraph (d)(5)(C) of this rule on behalf of any person, if the person on whose behalf the appearance is being made has consented in writing to that appearance. Such written consent shall be filed in the record of the case and shall be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal.

B. Requirements and Limitations for Clinical Law School Professors. To appear as a lawyer pursuant to these rules, the clinical law professor must:

- i. be admitted by examination to the bar of any state or the District of Columbia;
- ii. neither ask for nor receive any compensation or remuneration of any kind for such services from the person on whose behalf the services are rendered;
- iii. certify in writing that the clinical law professor has read and is familiar with the Arizona Rules of Professional Conduct and the Rules of the Supreme Court of Arizona and statutes of the State of Arizona relating to the conduct of lawyers; and
- iv. submit evidence that the clinical law professor has successfully completed the course on Arizona law described in [Rule 34\(j\)](#).

C. Certification of the Clinical Law Professor. The certification shall be signed by the clinical law professor and the dean of the law school on the form prescribed by the clerk of the Court and shall be filed with the clerk and the state bar. The certification shall remain in effect until withdrawn.

D. Duty to Ensure Adequate Supervision and Guidance of Certified Limited Practice Student. The clinical law professor must ensure that certified limited practice students receive adequate supervision and guidance while participating in the law school's clinical law program.

E. Termination of Certification.

- i. The dean at any time, with or without cause or notice or hearing, may terminate

a certification of a clinical law professor by filing a notice of the termination with the clerk of the Supreme Court. The clerk shall mail copies of the notice to the clinical law professor and the state bar.

ii. The Court at any time, with or without cause or notice or hearing, may terminate a certification of a clinical law professor by filing notice of the termination with the clerk of this Court. The clerk shall mail copies of the notice to the clinical law professor and the state bar.

5. *Law Students*

A. Law Student Eligibility for Limited Practice Certification. To be eligible to become a certified limited practice student, an applicant must

i. have successfully completed legal studies amounting to at least two semesters, or the equivalent academic hour credits if the law school or the student is on some basis other than a semester, at an accredited law school;

ii. neither ask for nor receive any compensation or remuneration of any kind for services rendered by the certified limited practice student from the person on whose behalf the services are rendered; this requirement does not prevent a supervising lawyer, legal services organization, law school, public defender agency, or the state or any political subdivision thereof from paying compensation to the eligible law student, or prevent any such lawyer or agency from requesting compensation or remuneration for legal services as otherwise authorized;

iii. certify in writing that the student has read and is familiar with the Arizona Rules of Professional Conduct, the rules of the Supreme Court of Arizona, and the statutes of the State of Arizona relating to the conduct of attorneys; and

iv. be certified by the dean of the law school where the student is enrolled as being in good academic standing, of good character, and as having either successfully completed or being currently enrolled in and attending academic courses in civil procedure, criminal law, evidence, and professional responsibility.

B. Application to become a Certified Limited Practice Student or Extend the Certification Period

i. All applications to become a certified limited practice student or to extend the period of certification must be submitted on a form provided by the clerk of the Court, to the clerk, with all the information requested on the form, together with any designated fee. The clerk of the Court shall send a copy of all approved student limited practice certifications to the admissions department of the state bar.

ii. The application for certification or extension must be signed by the applicant, the dean of the law school in which the applicant is enrolled, and the supervising attorney.

iii. The applicant must attest that he or she meets all of the requirements of this rule; will immediately notify the clerk of the Court if he or she no longer meets the requirements of the rules; and has read and will abide by the Arizona Rules of Professional Conduct and these rules.

iv. The dean of the law school in which the applicant is enrolled must attest that the applicant meets the requirements of these rules, and, to the best of the dean's knowledge, is qualified by ability, training, or character to participate in the activities permitted by these rules. The dean must immediately notify the clerk of the Court if the certified limited practice student no longer meets the requirements of these rules.

v. The supervising attorney must specify the period during which he or she will be responsible for supervising the applicant and attest that he or she has read and will abide by the Arizona Rules of Professional Responsibility, these rules, and will assume responsibility under the requirements of these rules.

C. Permitted Activities and Requirements of a Certified Limited Practice Student; Presence of Supervising or Designated Attorney

i. Court and Administrative Tribunal Appearances. A certified limited practice student may appear in any court or before any administrative tribunal in this state on behalf of any person who has consented in writing to that appearance if the supervising attorney has provided written approval of that appearance. The written consent and approval shall be filed in the record of the case and shall be brought to the attention of the judge or presiding officer and the certified limited practice student must advise the court on the occasion of the student's initial appearance in the case of the certification to appear as a law student pursuant to these rules.

ii. Presence of Supervising Attorney or Designated Attorney. The supervising attorney or designated attorney must appear with the certified limited practice student in the following circumstances:

- a. In any civil case in justice, municipal, and magistrate court, unless the person on whose behalf the appearance is being made consents to the absence of the supervising attorney or designated attorney;
- b. In any civil case in superior court or before any administrative tribunal.
- c. In any criminal case on behalf of the state or any political subdivision of the state if the case is in the superior court or any appellate court;
- d. In any felony criminal defense case in justice, municipal, and magistrate court, and in any criminal case in superior court;
- e. In any misdemeanor criminal defense case, unless the person on whose behalf the appearance is being made consents to the absence of the supervising attorney or designated attorney; however, the supervising attorney or designated attorney must be present during trial; and
- f. In oral argument in the Arizona Supreme Court and the Arizona Court of Appeals, but only with the specific approval of the court for that case.
- g. Notwithstanding anything in this section, the court may at any time and in any proceeding require the supervising attorney or designated attorney to be present.

ii. Other Client Representation Activities. Under the supervision of the supervising attorney, but outside the supervisor's presence, a certified limited practice student may:

- a. prepare pleadings and other documents to be filed in any matter in which the certified limited practice student is eligible to appear, but such pleadings or documents must be signed by the supervising attorney or designated attorney;

- b. prepare briefs, motions, and other documents to be filed in appellate courts of this state, but such documents must be signed by the supervising attorney or designated attorney;
- c. assist indigent inmates of correctional institutions or other persons who request such assistance in preparing applications and supporting documents for post-conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this Court. If there is a lawyer of record in the matter, all assistance must be supervised by the lawyer of record, and all documents submitted to the court on behalf of such a client must be signed by the lawyer of record and the supervising attorney or designated attorney;
- d. give legal advice and perform other appropriate legal services, but only with the consent of the supervising attorney or designated attorney.

iii. Other Non-Representation Activities. In connection with a volunteer legal services program and at the invitation or request of a court or tribunal, a certified limited practice student may appear as a law student volunteer to assist the proceeding in any civil matter, provided:

- a. the assistance is given to an otherwise unrepresented individual in an uncontested proceeding without entering an appearance as counsel;
- b. the student's supervising attorney is associated with the particular volunteer legal services program;
- c. the certified limited practice student has received the written consent and acknowledgment of non-representation by the unrepresented person, which written consent shall be obtained by the volunteer legal services program and brought to the attention of the court.

D. Use of the Title "Certified Limited Practice Student."

- i. A certified limited practice student may use the title "Certified Limited Practice Student" only in connection with activities performed pursuant to these rules.
- ii. When a certified limited practice student's name is printed or signature is included on written materials prepared pursuant to these rules, the written

material must also state that the student is a certified limited practice student pursuant to these rules; state the name of the supervising attorney; be signed by the supervising attorney or designated attorney; and otherwise comply with these rules.

iii. A certified limited practice student shall not hold himself or herself out as an active member of the state bar.

iv. Nothing in these rules prohibits a certified limited practice student from describing his or her participation in this program on a resume or letter seeking employment as long as the description is not false, deceptive, or misleading.

E. Duties of the Supervising Attorney. The supervising attorney must:

i. supervise and assume professional responsibility for any work performed by the certified limited practice student while under his or her supervision;

ii. assist and counsel the certified limited practice student in the activities authorized by these rules and review such activities with the certified limited practice student, all to the extent required for the proper training of the certified limited practice student and the protection of the client;

iii. read, approve, and sign any pleadings, briefs or other documents prepared by the certified limited practice student before the filing thereof, and read and approve any document prepared by the certified limited practice student for execution by any person. If a designated attorney performs this duty in place of the supervising attorney, the supervising attorney shall still provide general supervision;

iv. promptly notify the clerk of the Court in writing if his or her supervision of the certified limited practice student has or will cease before the date indicated on the certification.

F. Substitution of the Supervising Attorney. If the supervising attorney becomes unable to supervise the certified limited practice student during the period of certification, the certified limited practice student must designate a substitute supervising attorney by submitting a form provided by the clerk of the Court, to the clerk, together with any designated fee. The substitute supervising attorney must sign the form and specify the period during which he or she will be responsible for supervising the certified limited practice student. The substitute supervising attorney

must also attest that he or she has read and will abide by the Arizona Rules of Professional Responsibility and will comply with the requirements of these rules.

G. Duration and Termination of Certification. Certification of a certified limited practice student shall begin on the date specified in the certification and shall remain in effect for the period specified in the certification unless sooner terminated by the earliest of the following occurrences:

i. The certified limited practice student requests termination of the certification in writing or notifies the clerk of the Court that he or she no longer meets the requirements of these rules. In such event the clerk shall send written notice to the student, the student's supervising attorney, the dean, and the state bar.

ii. The supervising attorney notifies the clerk of the Court in writing that his or her supervision of the certified limited practice student will cease before the date specified in the notice of certification. In such event, the clerk shall send written notice to the student, the student's supervising attorney, the dean, and the state bar. The dean may issue a modified certification reflecting the substitution of a new supervising attorney.

iii. The dean at any time, with or without cause and notice or hearing, files notice of the termination with the clerk of the Court.

iv. The Court at any time, with or without cause and notice or hearing, files notice of the termination with the clerk of the Court.

v. One or more of the requirements for certification no longer exists or the certified limited practice student or supervising attorney fails to comply fully with any provision of these rules or any other pertinent statute, rule, or regulation. In the event of termination, the clerk of the Court shall send written notice to the student, the student's supervising attorney, the dean, and the state bar.

6. *Law Graduates*

A. Law Graduate Eligibility for Limited Practice Certificate. To be eligible to become a certified limited practice graduate, an applicant must:

i. have graduated from an accredited law school;

ii. neither ask for nor receive any compensation or remuneration of any kind for

services rendered by the certified limited practice graduate from the person on whose behalf the services are rendered; this requirement does not prevent a supervising lawyer, legal services organization, law school, public defender agency, or the state or any political subdivision thereof from paying compensation to the eligible law graduate, or prevent any such lawyer or agency from requesting compensation or remuneration for legal services as otherwise authorized;

iii. certify in writing that the law graduate has read and is familiar with the Arizona Rules of Professional Conduct, the rules of the Supreme Court of Arizona, and the statutes of the State of Arizona relating to the conduct of attorneys; and

iv. be certified by the dean of the accredited law school where the law graduate was enrolled on graduation as having graduated in good academic standing and being of good character.

B. Application to Become a Certified Limited Practice Graduate

i. All applications to become a certified limited practice graduate must be submitted on a form provided by the clerk of the Court, to the clerk, with all the information requested on the form, together with any designated fee. The clerk of the Court shall send a copy of all approved graduate limited practice certifications to the admissions department of the state bar.

ii. The application for certification must be signed by the applicant, the dean of the law school where the applicant was enrolled on graduation, and the supervising attorney.

iii. The applicant must attest that he or she meets all of the requirements of this rule, will immediately notify the clerk of the Court if he or she no longer meets the requirements of the rules, and has read and will abide by the Arizona Rules of Professional Conduct and these rules.

iv. The dean of the law school where the applicant was enrolled on graduation must attest that the applicant meets the requirements of these rules, and, to the best of the dean's knowledge, is qualified by ability, training, or character to participate in the activities permitted by these rules. The dean must immediately notify the clerk of the Court if the certified limited practice graduate no longer meets the requirements of these rules.

v. The supervising attorney must specify the period during which he or she will be responsible for and will supervise the applicant and attest that he or she has read and will abide by, the Arizona Rules of Professional Responsibility, these rules, and will assume responsibility under the requirements of these rules.

C. Permitted Activities and Requirements of a Certified Limited Practice Graduate; Presence of Supervising Attorney or Designated Attorney

i. Court and Administrative Tribunal Appearances. A certified limited practice graduate may appear in any court or before any administrative tribunal in this state on behalf of any person who has consented in writing to that appearance if the supervising attorney has also provided written approval of that appearance. In each case, the written consent and approval must be filed in the case and be brought to the attention of the judge or the presiding officer. In addition, the certified limited practice graduate must advise the court at the law graduate's first appearance in the case of the certification to appear as a law graduate pursuant to these rules.

ii. Presence of Supervising Attorney or Designated Attorney. The supervising attorney or designated attorney must appear with the certified limited practice graduate in the following circumstances:

a. In any civil case in justice, municipal, and magistrate court unless the person on whose behalf the appearance is being made consents to the absence of the supervising attorney or designated attorney;

b. In any civil case in superior court or before any administrative tribunal;

c. In any criminal case on behalf of the state or any political subdivision of the state if the case is in the superior court or any appellate court;

d. In any felony criminal defense case in justice, municipal, and magistrate court, and in any criminal case in superior court;

e. In any misdemeanor criminal defense case unless the person on whose behalf the appearance is being made consents to the absence of the supervising attorney or designated attorney; however, the supervising attorney or designated attorney must be present during trial; and

f. In oral argument in the Arizona Supreme Court and the Arizona Court of Appeals, but only with the specific approval of the court for that case.

g. Notwithstanding anything in this section, the court may at any time and in any proceeding require the supervising attorney or designated attorney to be present.

ii. Other Client Representation Activities. Under the general supervision of the supervising attorney or designated attorney, but outside his or her presence, a certified limited practice graduate may:

a. prepare pleadings and other documents to be filed in any matter in which the certified limited practice graduate is eligible to appear, but such pleadings or documents must be signed by the supervising attorney or designated attorney if filed in the superior court, Arizona Court of Appeals, Arizona Supreme Court, or with an administrative tribunal;

b. prepare briefs, motions, and other documents to be filed in appellate courts of this state, but such documents must be signed by the supervising attorney or designated attorney;

c. assist indigent inmates of correctional institutions or other persons who request assistance in preparing applications and supporting documents for post-conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this Court. If there is a lawyer of record in the matter, all assistance must be supervised by the lawyer of record, and all documents submitted to the court on behalf of such a client must be signed by the lawyer of record and the supervising attorney or designated attorney;

d. give legal advice and perform other appropriate legal services, but only after consultation with and consent of the supervising attorney or designated attorney.

iii. Other Non-Representation Activities. In connection with a volunteer legal services program and at the invitation and request of a court or tribunal, a certified limited practice graduate may appear as a law graduate volunteer to assist the proceeding in any civil matter, provided:

a. the assistance is given to an otherwise unrepresented individual in an

uncontested proceeding without entering an appearance as counsel;

b. the certified limited practice graduate's supervising attorney is associated with the particular volunteer legal services program;

c. the certified limited practice graduate has received the written consent and acknowledgment of non-representation by the unrepresented person, which written consent shall be obtained by the volunteer legal services program and brought to the attention of the court.

D. Use of the Title "Certified Limited Practice Graduate."

i. A certified limited practice graduate may use the title "Certified Limited Practice Graduate" only in connection with activities performed pursuant to these rules.

ii. When a certified limited practice graduate's name is printed or signature is included on written materials prepared pursuant to these rules, the written material must also state that the law graduate is a certified limited practice graduate pursuant to these rules, state the name of the supervising attorney, be signed by the supervising attorney or designated attorney if required by these rules, and otherwise comply with these rules.

iii. A certified limited practice graduate shall not hold himself or herself out as an active member of the state bar.

iv. Nothing in these rules prohibits a certified limited practice graduate from describing his or her participation in this program on a resume or letter seeking employment as long as the description is not false, deceptive, or misleading.

E. Duties of the Supervising Attorney. The supervising attorney must:

i. supervise and assume professional responsibility for any work performed by the certified limited practice graduate while under his or her supervision;

ii. assist and counsel the certified limited practice graduate in the activities authorized by these rules and review such activities with the certified limited practice graduate, all to the extent required for the proper training of the certified limited practice graduate and the protection of the client;

iii. read and approve all pleadings, briefs, or other documents prepared by the certified limited practice graduate as required by these rules; sign any pleading, brief, or other document if required by these rules, and read and approve any document prepared by the certified limited practice graduate for execution by any person. If a designated attorney performs this duty in place of the supervising attorney, the supervising attorney must still provide general supervision;

iv. assume professional responsibility for all pleadings, briefs, or other documents filed in any court or with an administrative tribunal by the certified limited practice graduate under his or her supervision;

v. promptly notify the clerk of the Court in writing if his or her supervision of the certified limited graduate has or will cease before the date indicated on the certification.

F. Substitution of the Supervising Attorney. If the supervising attorney becomes unable to supervise the certified limited practice graduate during the period of certification, the certified limited practice graduate must designate a substitute supervising attorney by submitting a form provided by the clerk of the Court, to the clerk, together with any designated fee. The substitute supervising attorney must sign the form and specify the period during which he or she will be responsible for supervising the certified limited practice graduate. The substitute supervising attorney must also attest that he or she has read and will abide by the Arizona Rules of Professional Responsibility and will comply with the requirements of these rules.

G. Duration and Termination of Certification. Certification of a certified limited practice graduate shall begin on the date specified in the certification and shall remain in effect for the period specified in the certification unless sooner terminated by the earliest of the following occurrences:

i. The certified limited practice graduate requests termination of the certification in writing or notifies the clerk of the Court that he or she no longer meets the requirements of these rules. In such event, the clerk shall send written notice to the law graduate, the law graduate's supervising attorney, the dean, and the state bar.

ii. The supervising attorney notifies the clerk of the Court in writing that his or her supervision of the certified limited practice graduate will cease before the date specified in the certification. In such event, the clerk shall send written notice to the law graduate, the law graduate's supervising attorney, the dean, and

the state bar.

iii. The dean at any time, with or without cause and notice or hearing, files notice of the termination with the clerk of the Court.

iv. The Court at any time, with or without cause or notice or hearing, files notice of the termination with the clerk of the Court.

v. One or more of the requirements for certification no longer exists or the certified limited practice graduate or supervising attorney fails to comply fully with any provision of these rules or any other pertinent statute, rule or regulation. In the event of termination, the clerk of the Court shall send written notice to the law graduate, the law graduate's supervising attorney, the dean, and the state bar.

vi. The law graduate fails to take the first Arizona uniform bar examination, or the first uniform bar examination offered in another jurisdiction for which the law graduate is eligible.

vii. The law graduate fails to pass the first Arizona uniform bar examination for which the law graduate is eligible or fails to obtain a score equal to or greater than the acceptable score established by the Committee on Examinations on the first uniform bar examination offered in another jurisdiction for which the law graduate is eligible.

viii. Thirty days after the Court notifies the law graduate that he or she has been approved for admission to practice law and is eligible to take the oath of admission.

ix. The Committee on Character and Fitness does not recommend to the Court that the law graduate be admitted to practice law.

x. The law graduate is denied admission to practice law by the Court.

xi. The law graduate is admitted to practice law.

xii. Expiration of 12 months from the date of the law graduate's graduation from law school unless, before expiration of the 12-month period and for good cause shown by the law graduate, the Court extends the 12-month period.

Appendix 1B: RULE 38, ARIZONA RULES OF SUPREME COURT (REDLINE)

(a) – (c) No Change.

(d) Clinical Law Professors, and Law Students, and Law Graduates

1. *Purpose.* ~~This rule is adopted to encourage law schools to provide clinical instruction of varying kinds~~ The purpose of this rule is to provide law students and recent law school graduates with supervised instruction and training in the practice of law for a limited time, and to facilitate volunteer opportunities for those individuals in pro bono contexts.

2. *Definitions.*

A. ~~“Accredited law school”~~ “Law school” means a law school either provisionally or fully approved and accredited by the American Bar Association.

B. “Certified limited practice student” is a law student ~~or a graduate~~ of an accredited law school who holds a currently effective Arizona Supreme Court Certification as a certified limited practice student.

C. “Certified limited practice graduate” is a law graduate of an accredited law school who holds a currently effective Arizona Supreme Court Certification as a certified limited practice graduate.

D. “Clinical Law Professor” is a faculty member teaching a clinical law program at a law school in Arizona either provisionally or fully accredited by the American Bar Association.

~~E.~~ E. “Dean” means the dean, the academic associate dean, or the dean’s designee of the accredited law school where the law student is enrolled or the law graduate was enrolled on graduation.

~~D.~~ “Designated attorney” is, ~~exclusively in the case of government, any deputy, assistant or other staff attorney authorized and selected by a supervising attorney to supervise the certified limited practice student where permitted by these rules.~~

~~E.~~ F. “Period of supervision” means the dates for which the supervising attorney has declared, on the application for certification or recertification, that he or she

will be responsible for any work performed by the certified limited practice student or the certified limited practice graduate under his or her supervision.

F. ~~“Personal presence” means the supervising attorney or designated attorney is in the physical presence of the certified limited practice student.~~

G. ~~“Rules” means Rule 38, Rules of Supreme Court.~~

H. G. ~~“Supervising attorney” is an attorney admitted to Arizona full or limited practice who~~ active member of the State Bar of Arizona in good standing who has practiced law or taught law in an accredited law school as a full-time occupation for at least two years, and agrees in writing to supervise the certified limited practice student or certified limited practice graduate pursuant to these rules, and is identified as the supervising attorney in and whose names appears on the application for certification or recertification. The supervising attorney may designate a deputy, assistant, or other staff attorney to supervise the certified limited practice student or certified limited practice graduate when permitted by these rules.

H. ~~“Volunteer legal services program” means a volunteer legal services program managed by an approved legal services organization in cooperation with an accredited law school. Approved legal service organizations are defined in paragraph (e)(2)(C) of this rule.~~

3. *General Provisions.*

A. ~~Limited Bar Membership. To the extent a professor, or a law student, or law graduate is engaged in the practice of law under this rule, the professor, or law student, or law graduate shall, for the limited purpose of performing professional services authorized by this rule, be deemed an active member of the state bar (but not required to pay fees). The provisions of this rule shall govern rather than the provisions of other rules relating to admission and discipline.~~

B. ~~Nonapplicability of Attorney Discipline Rules to Terms of the Certification. The procedures otherwise provided by law or court rule governing the discipline of lawyers shall not be applicable to the termination of the certification of a clinical law professor, or a certified limited practice student, or certified limited practice graduate pursuant to this rule these rules. Termination of certification shall be without prejudice to the privilege of the professor, or the law student, or law graduate to make application apply for admission to practice law if the professor,~~

~~or the~~ law student, or law graduate is in other respects qualified for such admission.

C. Effect of Certification on Application for Admission to Bar. The certification of a clinical law professor, ~~or a limited practice~~ law student, or law graduate shall ~~in no way~~ not be considered as an advantage or a disadvantage to the professor, ~~or the~~ law student, or law graduate in an application for admission to the state bar.

D. Privileged Communications. The rules of law and of evidence relating to privileged communications between attorney and client shall govern communications made or received by and among professors, supervising and designated attorneys (~~and designated attorneys~~), and certified limited student practice students, and certified limited practice graduates.

4. *Clinical Law Professors.*

A. Activities of Clinical Law Professors. A clinical law professor ~~not a member of the state bar but~~ who is certified pursuant to this rule may appear as a lawyer solely, in connection with supervision of students in a clinical law program approved by the dean and faculty of in a law school in Arizona ~~either provisionally or fully approved and accredited by the American Bar Association~~. A clinical law professor may appear in any court or before any administrative tribunal in this state in the matters enumerated in paragraph (d)(5)(C) of this rule on behalf of any person, if the person on whose behalf the appearance is being made has consented in writing to that appearance. Such written consent shall be filed in the record of the case and shall be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal.

B. Requirements and Limitations for Clinical Law School Professors. ~~In order to make an appearance~~ To appear as a lawyer pursuant to ~~this~~ these rules, the clinical law professor must:

~~i. be duly employed as a faculty member of a law school in Arizona either provisionally or fully approved or accredited by the American Bar Association for the purpose, *inter alia*, of instructing and supervising a clinical law program approved by the dean and faculty of such law school;~~

~~ii.~~ i. be admitted by examination to the bar of ~~another~~ any state or the District of Columbia;

~~iii.~~ ii. neither ask for nor receive any compensation or remuneration of any kind

for such services from the person on whose behalf the services are rendered;

~~iv.~~ iii. certify in writing that the clinical law professor has read and is familiar with the Arizona Rules of Professional Conduct and the Rules of the Supreme Court of Arizona and statutes of the State of Arizona relating to the conduct of lawyers; and

~~v.~~ iv. submit evidence that the clinical law professor has successfully completed the course on Arizona law described in [Rule 34\(j\)](#).

C. Certification of the Clinical Law Professor. The certification shall be signed by the clinical law professor and the dean of the law school on the form prescribed by the clerk of ~~this~~ the Court and shall be filed with the clerk and the state bar. The certification shall remain in effect until withdrawn.

D. Duty to Ensure Adequate Supervision and Guidance of Certified Limited Practice Student. ~~It shall be the responsibility of t~~The clinical law professor must ~~to~~ ensure that certified limited practice students receive adequate supervision and guidance while participating in the law school's clinical law program. ~~In the case of a certified student who has graduated and participates in the program pending the taking of the bar examination, the clinical law professor shall, on a monthly basis, based on such reporting from the certified limited practice student and the supervising attorney as the law school shall require, confirm that the certified graduate has received and is receiving adequate attorney supervision and guidance.~~

E. ~~Withdrawal or~~ Termination of Certification.

i. The dean at any time, with or without cause or notice or hearing, may ~~withdraw~~ terminate a certification of a clinical law professor ~~at any time~~ by filing a notice ~~to that effect, with or without stating the cause for the withdrawal, of the termination~~ with the clerk of ~~this Court, who shall forthwith mail copies thereof to the clinical law professor and the State Bar of Arizona~~ the Supreme Court. The clerk shall mail copies of the notice to the clinical law professor and the state bar.

ii. The Court at any time, with or without cause or notice or hearing, may terminate ~~the~~ a certification of a clinical law professor ~~at any time without cause and without notice or hearing~~ by filing notice of the termination with the clerk of this Court ~~and with the state bar~~. The clerk shall mail copies of the notice to the clinical law professor and the state bar.

5. ~~Practical Training of Law Students~~

A. Law Student Eligibility for Limited Practice Certification. To be eligible to become a certified limited practice student, ~~a law student applicant~~ an applicant must

i. have successfully completed legal studies amounting to at least two semesters, or the equivalent academic hour credits if the law school or the student is on some basis other than a semester, at an accredited law school, ~~subject to the time limitation set forth in these rules;~~

ii. neither ask for nor receive any compensation or remuneration of any kind for services rendered by the certified limited practice student from the person on whose behalf the services are rendered, ~~but this shall not;~~ this requirement does not prevent a supervising lawyer, legal aid bureau services organization, law school, public defender agency, or the state or any political subdivision thereof from paying compensation to the eligible law student, ~~nor shall it or prevent any such lawyer or agency from making such charges for its services as it may otherwise properly require~~ requesting compensation or remuneration for legal services as otherwise authorized;

iii. certify in writing that the student has read and is familiar with the Arizona Rules of Professional Conduct, ~~and~~ the rules of the Supreme Court of Arizona, ~~and~~ the statutes of the State of Arizona relating to the conduct of attorneys; and

iv. be certified by the dean of the ~~accredited~~ law school where the student is enrolled (~~or was enrolled on graduation~~), ~~or by the dean's designee~~, as being in good academic standing, of good character, and as having either successfully completed or being currently enrolled in and attending; academic courses in civil procedure, criminal law, evidence, and professional responsibility.

B. Application ~~for~~ to become a Certified Limited Practice Student or Extend the Certification Period

i. All applications ~~for student~~ to become a certified limited practice ~~certification student~~ or requests to change or add a supervising attorney or to extend the period of certification ~~pursuant to these rules~~ must be submitted on a form provided by the clerk of the Court, to the clerk, with all the information requested on the form, together with any designated ~~appropriate nonrefundable processing~~ fee. The clerk of the Court shall send a copy of all approved student limited practice

certifications to the admissions department of the state bar.

ii. ~~The application for certification shall require the signature of the applicant, the dean, associate dean, or assistant dean of the accredited law school in which the applicant is enrolled, and the signature of the supervising attorney. The application for certification or extension must be signed by the applicant, the dean of the law school in which the applicant is enrolled, and the supervising attorney.~~

iii. The applicant ~~shall~~ must attest that he or she meets all of the requirements of ~~the~~ this rules; ~~agrees to and shall~~ will immediately notify the clerk of the Court ~~in the event if~~ he or she no longer meets the requirements of the rules; and ~~that he or she has read, is familiar with~~ and will abide by the Arizona Rules of Professional Conduct ~~of the State of Arizona~~ and these rules.

iv. The dean, ~~associate dean, or assistant dean~~ of the accredited law school in which the applicant is enrolled ~~shall~~ must attest that the applicant meets the requirements of these rules,; ~~that he or she shall immediately notify the clerk of the Court in the event that the certified limited practice student no longer meets the requirements of these rules; and that he or she has no knowledge of facts or information that would indicate that the applicant is not~~ and, to the best of the dean's knowledge, is qualified by ability, training, or character to participate in the activities permitted by these rules. The dean must immediately notify the clerk of the Court if the certified limited practice student no longer meets the requirements of these rules.

v. The supervising attorney ~~shall~~ must specify the period during which he or she will be responsible for ~~and will supervise~~ supervising the applicant and attest that he or she has read, ~~is familiar with~~, and will abide by the Arizona Rules of Professional Responsibility, these rules, and will assume responsibility under the requirements of these rules.

C. Permitted Activities and Requirements of a Certified Limited Practice Certification Student; ~~Physical~~ Presence of Supervising or Designated Attorney

i. Court and Administrative Tribunal Appearances. A certified limited practice student may appear in any court or before any administrative tribunal in this state on behalf of any person ~~if that person on whose behalf the student is appearing~~ who has consented in writing to that appearance ~~and if the supervising attorney has also indicated in writing~~ provided written approval of that appearance. ~~IN~~

~~each case, The written consent and approval shall be filed in the record of the case and shall be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal. In addition, and the certified limited practice student shall orally must advise the court on the occasion of the student's initial appearance in the case of the certification to appear as a law student pursuant to these rules. A certified limited practice student may appear in the following matters:~~

~~a. Civil Matters. In civil cases in justice, municipal, and magistrate courts, the supervising lawyer (or designated lawyer) is not required to be personally present in court if the person on whose behalf an appearance is being made consents to the supervising lawyer's absence.~~

~~b. Criminal Matters on Behalf of the State. In any criminal matter on behalf of the state or any political subdivision thereof with the written approval of the supervising attorney (or designated attorney), the supervising attorney (or designated attorney) must be present except when such appearance is in justice, municipal, or magistrate courts.~~

~~c. Felony Criminal Defense Matters. In any felony criminal defense matter in justice, municipal, and magistrate courts, and any criminal matter in superior court, the supervising attorney (or designated attorney) must be personally be present throughout the proceedings and shall be fully responsible for the manner in which they are conducted.~~

~~d. Misdemeanor Criminal Defense Matters. In any misdemeanor criminal defense matter in justice, municipal, or magistrate courts, the supervising attorney (or designated attorney) is not required to be personally present in court, so long as the person on whose behalf an appearance is being made consents to the supervising attorney's absence; however, the supervising attorney shall be present during trial.~~

~~e. Appellate Oral Argument. A certified limited practice student may participate in oral arguments in the Arizona Supreme Court and Court of Appeals, but only in the presence of the supervising attorney (or designated attorney) and with the specific approval of the court for that case.~~

~~Notwithstanding anything hereinabove set forth, the court may at any time and in any proceeding require the supervising attorney (or designated attorney) to be personally present for such period and under such circumstances as the court may~~

direct.

ii. Presence of Supervising Attorney or Designated Attorney. The supervising attorney or designated attorney must appear with the certified limited practice student in the following circumstances:

a. In any civil case in justice, municipal, and magistrate court, unless the person on whose behalf the appearance is being made consents to the absence of the supervising attorney or designated attorney;

b. In any civil case in superior court or before any administrative tribunal.

c. In any criminal case on behalf of the state or any political subdivision of the state if the case is in the superior court or any appellate court;

d. In any felony criminal defense case in justice, municipal, and magistrate court, and in any criminal case in superior court;

e. In any misdemeanor criminal defense case, unless the person on whose behalf the appearance is being made consents to the absence of the supervising attorney or designated attorney; however, the supervising attorney or designated attorney must be present during trial; and

f. In oral argument in the Arizona Supreme Court and the Arizona Court of Appeals, but only with the specific approval of the court for that case.

g. Notwithstanding anything in this section, the court may at any time and in any proceeding require the supervising attorney or designated attorney to be present.

ii. Other Client Representation Activities. Under the ~~general~~ supervision of the supervising attorney (~~or designated attorney~~), but outside his or her personal the supervisor's presence, a certified limited practice student may:

a. prepare pleadings and other documents to be filed in any matter in which the certified limited practice student is eligible to appear, but such pleadings or documents must be signed by the supervising attorney (~~or designated attorney~~);

b. prepare briefs, ~~abstracts~~ motions, and other documents to be filed in

appellate courts of this state, but such documents must be signed by the supervising attorney (or designated attorney);

c. ~~provide assistance to~~ assist indigent inmates of correctional institutions or other persons who request such assistance in preparing applications and supporting documents for post-conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this Court. ~~(If there is a lawyer of record in the matter, all such~~ assistance must be supervised by the lawyer of record, and all documents submitted to the court on behalf of such a client must be signed by the lawyer of record and the supervising attorney (or designated attorney);

d. ~~render~~ give legal advice and perform other appropriate legal services, but only ~~after prior consultation with and upon the express~~ with the consent of the supervising attorney (or designated attorney).

iii. Other Non-Representation Activities. ~~A certified limited practice student may perform any advisory or non-representational activity which could be performed by a person who is not a member of the state bar, subject to the approval by the supervising attorney (or designated attorney).~~ In connection with a volunteer legal services program and at the invitation or request of a court or tribunal, a certified limited practice student may appear as a law student volunteer to assist the proceeding in any civil matter, provided:

a. the assistance is given to an otherwise unrepresented individual in an uncontested proceeding without entering an appearance as counsel;

b. the student's supervising attorney is associated with the particular volunteer legal services program;

c. the certified limited practice student has received the written consent and acknowledgment of non-representation by the unrepresented person, which written consent shall be obtained by the volunteer legal services program and brought to the attention of the court.

D. Use of the Title "Certified Limited Practice Student."

i. ~~In connection with activities performed pursuant to these rules, a~~ A certified limited practice student may use the title "Certified Limited Practice Student"

only ~~and may not use the title~~ in connection with activities ~~not~~ performed pursuant to these rules.

ii. When a certified limited practice student's name is printed or signature is included on written materials prepared pursuant to these rules, the written material must also state that the student is a certified limited practice student pursuant to these rules; state the name of the supervising attorney; be signed by the supervising attorney or designated attorney; and otherwise comply with these rules.

iii. A certified limited practice student ~~may not and shall not in any way~~ hold himself or herself out as a ~~regularly admitted or~~ an active member of the state bar.

iv. Nothing ~~contained~~ in these rules prohibits a certified limited practice student from describing his or her participation in this program on a resume or letter seeking employment as long as the description is not false, deceptive, or misleading.

E. ~~Requirements and~~ Duties of the Supervising Attorney. The supervising attorney ~~shall~~ must:

~~i. be an active member of the state bar under these rules, and before supervising a certified limited practice student shall have practiced law or taught law in an accredited law school as a full-time occupation for at least two years;~~

~~ii. supervise no more than five (5) certified limited practice students concurrently; provided, however, that a supervising attorney who is employed full-time to supervise law students as part of an organized law school or government agency training program may supervise up to, but in no case more than fifty (50) certified students;~~

~~iii. i. supervise and~~ assume personal professional responsibility for any work performed by the certified limited practice student while under his or her supervision;

~~iv. ii.~~ assist and counsel the certified limited practice student in the activities authorized by these rules and review such activities with the certified limited practice student, all to the extent required for the proper training of the certified limited practice student and the protection of the client;

~~v.~~ iii. read, approve, and sign any pleadings, briefs or other documents prepared by the certified limited practice student before the filing thereof, and read and approve any document prepared by the certified limited practice student for execution by any person. If a designated attorney performs this duty in place of the supervising attorney, the supervising attorney shall still provide general supervision;

~~vi.~~ provide the level of supervision to the certified limited practice student required by these rules (exclusively in the case of government agencies, a designated attorney may, in the place of the supervising attorney, perform the obligation set forth in this subparagraph, but the Supervising Attorney shall still provide supervision); and

~~vii.~~ in the case of a certified student who is participating in a clinical program post-graduation pending the taking of the bar examination, report to the clinical law professor and the dean of the law school, as the law school shall require, on a monthly basis regarding the supervising attorney's supervision and guidance of the certified student.

~~viii.~~ iv. promptly notify the clerk of the Court in writing if his or her supervision of the certified limited practice student has or will cease before the date indicated on the certification.

F. Substitution of the Supervising Attorney. If the supervising attorney becomes unable to supervise the certified limited practice student during the period of certification, the certified limited practice student must designate a substitute supervising attorney by submitting a form provided by the clerk of the Court, to the clerk, together with any designated fee. The substitute supervising attorney must sign the form and specify the period during which he or she will be responsible for supervising the certified limited practice student. The substitute supervising attorney must also attest that he or she has read and will abide by the Arizona Rules of Professional Responsibility and will comply with the requirements of these rules.

~~F.~~ G. Duration and Termination of Certification. Certification of a certified limited practice student shall ~~commence~~ begin on the date ~~indicated on~~ specified in the certification and shall remain in effect for the period specified in the ~~notice of~~ certification unless sooner terminated ~~pursuant to~~ by the earliest of the following occurrences:

i. ~~Termination by the Student.~~ The certified limited practice student ~~may request~~ termination of the certification in writing or ~~notify~~ notifies the clerk of the Court that he or she no longer meets the requirements of ~~this rule, and these rules.~~ In such event the clerk shall send written notice to the student, the student's supervising attorney, the dean, and the state bar.

ii. ~~Termination by the Supervising Attorney.~~ The supervising attorney ~~may notify~~ notifies the clerk of the Court in writing that his or her supervision of the certified limited practice student will cease before the date specified in the notice of certification. In such event, the clerk shall send written notice to the student, the student's supervising attorney, the dean, and the state bar, ~~and~~ ¶The dean may issue a modified certification reflecting the substitution of a new supervising attorney, ~~as necessary.~~

iii. ~~Termination by the Dean.~~ ~~A certification of student limited practice may be terminated by~~ ¶The dean at any time, with or without cause and without notice or hearing, by filing files notice of the termination with the clerk of the Court. ~~A certification of student limited practice shall be terminated if one or more of the requirements for the certification no longer exists or the certified limited practice student, supervising attorney or designated attorney fails to comply fully with any provision of these rules or any other pertinent statute, rule or regulation. In the event of termination, the clerk of the Court shall send written notice to the student, the student's supervising attorney, the dean, and the state bar.~~

iv. ~~Failure to take or Pass the Bar Examination.~~ ~~A certification of a student limited practice shall be terminated if the certified student fails to take or pass the first general bar examination for which the student is eligible. The Court at any time, with or without cause and notice or hearing, files notice of the termination with the clerk of the Court.~~

v. ~~Termination by the Arizona Supreme Court.~~ ~~A certification of student limited practice may be terminated by the Arizona Supreme Court any time, without cause and without notice or hearing, by filing notice of the termination with the clerk of the Court. A certification of student limited practice shall be terminated if~~ ¶One or more of the requirements for the certification no longer exists or the certified limited practice student, or supervising attorney ~~or designated attorney~~ fails to comply fully with any provision of these rules or any other pertinent statute, rule, or regulation. In the event of termination, the clerk of the Court shall send written notice to the student, the student's supervising attorney, the dean, and the state bar.

6. Law Graduates

A. Law Graduate Eligibility for Limited Practice Certificate. To be eligible to become a certified limited practice graduate, an applicant must:

i. have graduated from an accredited law school;

ii. neither ask for nor receive any compensation or remuneration of any kind for services rendered by the certified limited practice graduate from the person on whose behalf the services are rendered; this requirement does not prevent a supervising lawyer, legal services organization, law school, public defender agency, or the state or any political subdivision thereof from paying compensation to the eligible law graduate, or prevent any such lawyer or agency from requesting compensation or remuneration for legal services as otherwise authorized;

iii. certify in writing that the law graduate has read and is familiar with the Arizona Rules of Professional Conduct, the rules of the Supreme Court of Arizona, and the statutes of the State of Arizona relating to the conduct of attorneys; and

iv. be certified by the dean of the accredited law school where the law graduate was enrolled on graduation as having graduated in good academic standing and being of good character.

B. Application to Become a Certified Limited Practice Graduate

i. All applications to become a certified limited practice graduate must be submitted on a form provided by the clerk of the Court, to the clerk, with all the information requested on the form, together with any designated fee. The clerk of the Court shall send a copy of all approved graduate limited practice certifications to the admissions department of the state bar.

ii. The application for certification must be signed by the applicant, the dean of the law school where the applicant was enrolled on graduation, and the supervising attorney.

iii. The applicant must attest that he or she meets all of the requirements of this rule, will immediately notify the clerk of the Court if he or she no longer meets

the requirements of the rules, and has read and will abide by the Arizona Rules of Professional Conduct and these rules.

iv. The dean of the law school where the applicant was enrolled on graduation must attest that the applicant meets the requirements of these rules, and, to the best of the dean's knowledge, is qualified by ability, training, or character to participate in the activities permitted by these rules. The dean must immediately notify the clerk of the Court if the certified limited practice graduate no longer meets the requirements of these rules.

v. The supervising attorney must specify the period during which he or she will be responsible for and will supervise the applicant and attest that he or she has read and will abide by, the Arizona Rules of Professional Responsibility, these rules, and will assume responsibility under the requirements of these rules.

C. Permitted Activities and Requirements of a Certified Limited Practice Graduate; Presence of Supervising Attorney or Designated Attorney

i. Court and Administrative Tribunal Appearances. A certified limited practice graduate may appear in any court or before any administrative tribunal in this state on behalf of any person who has consented in writing to that appearance if the supervising attorney has also provided written approval of that appearance. In each case, the written consent and approval must be filed in the case and be brought to the attention of the judge or the presiding officer. In addition, the certified limited practice graduate must advise the court at the law graduate's first appearance in the case of the certification to appear as a law graduate pursuant to these rules.

ii. Presence of Supervising Attorney or Designated Attorney. The supervising attorney or designated attorney must appear with the certified limited practice graduate in the following circumstances:

a. In any civil case in justice, municipal, and magistrate court unless the person on whose behalf the appearance is being made consents to the absence of the supervising attorney or designated attorney;

b. In any civil case in superior court or before any administrative tribunal;

c. In any criminal case on behalf of the state or any political subdivision of the state if the case is in the superior court or any appellate court;

d. In any felony criminal defense case in justice, municipal, and magistrate court, and in any criminal case in superior court;

e. In any misdemeanor criminal defense case unless the person on whose behalf the appearance is being made consents to the absence of the supervising attorney or designated attorney; however, the supervising attorney or designated attorney must be present during trial; and

f. In oral argument in the Arizona Supreme Court and the Arizona Court of Appeals, but only with the specific approval of the court for that case.

g. Notwithstanding anything in this section, the court may at any time and in any proceeding require the supervising attorney or designated attorney to be present.

ii. Other Client Representation Activities. Under the general supervision of the supervising attorney or designated attorney, but outside his or her presence, a certified limited practice graduate may:

a. prepare pleadings and other documents to be filed in any matter in which the certified limited practice graduate is eligible to appear, but such pleadings or documents must be signed by the supervising attorney or designated attorney if filed in the superior court, Arizona Court of Appeals, Arizona Supreme Court, or with an administrative tribunal;

b. prepare briefs, motions, and other documents to be filed in appellate courts of this state, but such documents must be signed by the supervising attorney or designated attorney;

c. assist indigent inmates of correctional institutions or other persons who request assistance in preparing applications and supporting documents for post-conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this Court. If there is a lawyer of record in the matter, all assistance must be supervised by the lawyer of record, and all documents submitted to the court on behalf of such a client must be signed by the lawyer of record and the supervising attorney or designated attorney;

d. give legal advice and perform other appropriate legal services, but only after

consultation with and consent of the supervising attorney or designated attorney.

iii. Other Non-Representation Activities. In connection with a volunteer legal services program and at the invitation and request of a court or tribunal, a certified limited practice graduate may appear as a law graduate volunteer to assist the proceeding in any civil matter, provided:

a. the assistance is given to an otherwise unrepresented individual in an uncontested proceeding without entering an appearance as counsel;

b. the certified limited practice graduate's supervising attorney is associated with the particular volunteer legal services program;

c. the certified limited practice graduate has received the written consent and acknowledgment of non-representation by the unrepresented person, which written consent shall be obtained by the volunteer legal services program and brought to the attention of the court.

D. Use of the Title "Certified Limited Practice Graduate."

i. A certified limited practice graduate may use the title "Certified Limited Practice Graduate" only in connection with activities performed pursuant to these rules.

ii. When a certified limited practice graduate's name is printed or signature is included on written materials prepared pursuant to these rules, the written material must also state that the law graduate is a certified limited practice graduate pursuant to these rules, state the name of the supervising attorney, be signed by the supervising attorney or designated attorney if required by these rules, and otherwise comply with these rules.

iii. A certified limited practice graduate shall not hold himself or herself out as an active member of the state bar.

iv. Nothing in these rules prohibits a certified limited practice graduate from describing his or her participation in this program on a resume or letter seeking employment as long as the description is not false, deceptive, or misleading.

E. Duties of the Supervising Attorney. The supervising attorney must:

i. supervise and assume professional responsibility for any work performed by the certified limited practice graduate while under his or her supervision;

ii. assist and counsel the certified limited practice graduate in the activities authorized by these rules and review such activities with the certified limited practice graduate, all to the extent required for the proper training of the certified limited practice graduate and the protection of the client;

iii. read and approve all pleadings, briefs, or other documents prepared by the certified limited practice graduate as required by these rules; sign any pleading, brief, or other document if required by these rules, and read and approve any document prepared by the certified limited practice graduate for execution by any person. If a designated attorney performs this duty in place of the supervising attorney, the supervising attorney must still provide general supervision;

iv. assume professional responsibility for all pleadings, briefs, or other documents filed in any court or with an administrative tribunal by the certified limited practice graduate under his or her supervision;

v. promptly notify the clerk of the Court in writing if his or her supervision of the certified limited graduate has or will cease before the date indicated on the certification.

F. Substitution of the Supervising Attorney. If the supervising attorney becomes unable to supervise the certified limited practice graduate during the period of certification, the certified limited practice graduate must designate a substitute supervising attorney by submitting a form provided by the clerk of the Court, to the clerk, together with any designated fee. The substitute supervising attorney must sign the form and specify the period during which he or she will be responsible for supervising the certified limited practice graduate. The substitute supervising attorney must also attest that he or she has read and will abide by the Arizona Rules of Professional Responsibility and will comply with the requirements of these rules.

G. Duration and Termination of Certification. Certification of a certified limited practice graduate shall begin on the date specified in the certification and shall remain in effect for the period specified in the certification unless sooner terminated by the earliest of the following occurrences:

i. The certified limited practice graduate requests termination of the certification

in writing or notifies the clerk of the Court that he or she no longer meets the requirements of these rules. In such event, the clerk shall send written notice to the law graduate, the law graduate's supervising attorney, the dean, and the state bar.

ii. The supervising attorney notifies the clerk of the Court in writing that his or her supervision of the certified limited practice graduate will cease before the date specified in the certification. In such event, the clerk shall send written notice to the law graduate, the law graduate's supervising attorney, the dean, and the state bar.

iii. The dean at any time, with or without cause and notice or hearing, files notice of the termination with the clerk of the Court.

iv. The Court at any time, with or without cause or notice or hearing, files notice of the termination with the clerk of the Court.

v. One or more of the requirements for certification no longer exists or the certified limited practice graduate or supervising attorney fails to comply fully with any provision of these rules or any other pertinent statute, rule or regulation. In the event of termination, the clerk of the Court shall send written notice to the law graduate, the law graduate's supervising attorney, the dean, and the state bar.

vi. The law graduate fails to take the first Arizona uniform bar examination, or the first uniform bar examination offered in another jurisdiction for which the law graduate is eligible.

vii. The law graduate fails to pass the first Arizona uniform bar examination for which the law graduate is eligible or fails to obtain a score equal to or greater than the acceptable score established by the Committee on Examinations on the first uniform bar examination offered in another jurisdiction for which the law graduate is eligible.

viii. Thirty days after the Court notifies the law graduate that he or she has been approved for admission to practice law and is eligible to take the oath of admission.

ix. The Committee on Character and Fitness does not recommend to the Court that the law graduate be admitted to practice law.

x. The law graduate is denied admission to practice law by the Court.

xi. The law graduate is admitted to practice law.

xii. Expiration of 12 months from the date of the law graduate's graduation from law school unless, before expiration of the 12-month period and for good cause shown by the law graduate, the Court extends the 12-month period.

Terra Nevitt

To: William Treanor
Subject: RE: A Message From the Dean of Georgetown Law Regarding the Bar Exam

From: William Treanor <William.Treanor@law.georgetown.edu>
Sent: Saturday, April 11, 2020 10:55 AM
To: Terra Nevitt <terran@wsba.org>
Subject: A Message From the Dean of Georgetown Law Regarding the Bar Exam

Dear Washington Bar Licensing Jurisdiction:

This is a time of extraordinary challenge for all of us as we confront the coronavirus pandemic and work to protect the health and safety of all members of our community. As you make decisions about the administration of your upcoming 2020 bar exam under these difficult circumstances, I write to ask that you consider alternatives that will ensure that the greatest number of law school graduates -- including both J.D.s and LL.M.s, and including those in law schools both inside and outside your jurisdiction -- will be able to practice law as soon as possible.

As Dean of Georgetown Law, I have overseen the transition over the last month to remote learning for our 2700 J.D. and LL.M. students, who hail from all 50 states and over 70 different countries. While I am proud of our work, I am aware that the challenges facing our students as they continue their law studies are profound. Of all our affected students, however, those J.D. and LL.M. students scheduled to graduate this May and take a bar exam this July are particularly burdened. Any delay in their ability to practice law will impact their employability and financial stability at a time when they already are encountering numerous difficult challenges. Similarly burdened are our students who graduated in 2019 and entered a year-long judicial clerkship with a plan to sit for the July 2020 exam.

As my conversations with employers over the last month have confirmed, I am also aware that the pandemic likely will increase the need for many different kinds of legal services, particularly among the most vulnerable segments of our population. There will be employment, health and housing issues on a scale that has never been faced in the past. These are literally issues of life and death for affected individuals. Companies, too, will immediately face numerous legal questions involving bankruptcies, restructuring, insurance questions and more. The urgent need for lawyers thus continues unabated.

Given the personal and financial calamities our new graduates are facing and the surging, critical need for new lawyers, I urge you to consider alternative ways to allow new graduates to practice immediately, should in-person administration of the July exam be infeasible.

First, I encourage you to consider online administration of your July bar exam.

If online administration is not possible, I encourage you to consider "conditional admission" -- that is, to allow all students graduating with a degree from an accredited law school in May 2020 (or any time during the prior year who have not yet sat for a bar exam) to practice law with a conditional license,

so long as all other admission requirements are satisfied, that permits them to complete the required bar exam for your jurisdiction at any time through July 2022 to achieve full licensure.

Finally, I also encourage you to take advantage of the materials the National Conference of Bar Examiners has announced it is preparing for administration of a bar exam this coming fall for those students who will be able to sit for a bar exam then. (NCBE is providing updated information about these materials at <http://www.ncbex.org/ncbe-covid-19-updates/>.) Offering more bar exam administration dates at this tumultuous time will benefit many graduates.

Of course, a fall bar exam administration will not work for all graduates, which is why I am also asking for conditional admission that gives graduates up to two years to complete the required bar exam. For example, many of our international students have already returned home to continue their studies online, and many more will need to do so within the next two months. These students face tremendous uncertainty as to whether they can return to the United States to sit for an in-person exam this fall. They need additional time to sit for a bar exam.

Adoption of one or more than one of these recommendations will ensure the greatest number of otherwise qualified graduates are able to begin law practice without delay, but will still protect your jurisdiction's important interest in testing the bar member's competency for practice on a timeline that is reasonable under the circumstances.

Thank you for your thoughtful consideration.

Sincerely,

Bill Treanor

--

William M. Treanor
Dean & Executive Vice President
Paul Regis Dean Leadership Chair
GEORGETOWN LAW | wtreanor@georgetown.edu
600 New Jersey Avenue, NW | Washington, DC 20001
Office: 202.662.9030

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3/31/2020 20:52:48	hudnelle@seattleu.edu		Efrain J. Hudnell, Seattle University School of Law, 9874676	
3/31/2020 21:48:43	vraniza3@seattleu.edu		Erika Vranizan, Seattle University School of Law, 9873956	
3/31/2020 21:51:25	rutledg7@seattleu.edu		Kelly Rutledge, Seattle University School of Law, 9875149	
3/31/2020 21:52:05	vraniza1@seattleu.edu		Frederick Vranizan, Seattle University, 9873479	
3/31/2020 21:54:19	abdullea@seattleu.edu			Asha Abdulle, SU Law, 2022
3/31/2020 21:56:16	smiths38@seattleu.edu		Stephanie Smith, Seattle School of Law, Class of 2020	
3/31/2020 21:57:16	mfore@seattleu.edu			Megan Fore, Seattle University School of Law, 2022
3/31/2020 22:01:20	mccorkl2@seattleu.edu		Michael McCorkle, Seattle University School of Law, 9878006	
3/31/2020 22:04:23	harrism5@seattleu.edu		Michael Harris, Seattle University School of Law, 9861046	
3/31/2020 22:06:58	BROWNP5@SEATTLEU.EDU		Patrick Brown, Seattle University School of Law, 9872476	
3/31/2020 22:07:35	rosecboughton@gmail.com		Rose Boughton, University of Washington School of Law, 9872939	
3/31/2020 22:09:39	kimr13@seattleu.edu		Rosemary Kim, Seattle University, 9874671	
3/31/2020 22:12:18	klegg@uw.edu		McKenzie Legg, UW Law, 9827833	
3/31/2020 22:16:30	hdriscoll1012@gmail.com		Hannah Driscoll, University of Washington School of Law, 9872892	
3/31/2020 22:19:35	ksather@seattleu.edu			
3/31/2020 22:36:38	morganAcooper4@gmail.com			
3/31/2020 22:43:12	danikalduffy@gmail.com		Danika Duffy; University of Washington Law School; 9878335	
3/31/2020 22:53:59	gardner8@seattleu.edu		Arianna Gardner, Seattle University School of Law, Applicant 9878175	
3/31/2020 22:55:49	rourkem@seattleu.edu			

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3/31/2020 23:01:31	blitzcat@live.com		Daniel J French, Seattle University School of Law, 9873882	
3/31/2020 23:05:27	dormac@uw.edu		Chehalis Dorman, University of Washington, 9878628	
3/31/2020 23:13:13	andyso@uw.edu		andy so, UW Law	andy So, uw law, 2020
3/31/2020 23:17:18	daniel.keum@nlaw.northwestern.edu		Daniel Keum, Northwestern Law School, 9877905	
3/31/2020 23:48:43	garlockk@seattleu.edu		Kaitlyn Garlock, Seattle University School of Law	
3/31/2020 23:51:29	johns161@seattleu.edu		Aleksandrea Johnson, Seattle University School of Law, 9872928	
4/1/2020 0:02:22	weismana@seattleu.edu		Aaron Weisman, Seattle University, 9872398	
4/1/2020 0:03:11	uekawam@seattleu.edu		Madisyn Uekawa, Seattle University School of Law, 9873694	
4/1/2020 0:04:18	wilsonh6@seattleu.edu			Heather Wilson, Seattle University School of Law, Dec. 2019
4/1/2020 0:06:21	rorystevens@hotmail.com		Rory Lawrence Stevens, Seattle University School of Law, 9872734	
4/1/2020 4:52:54	janetkang94@gmail.com		Hyun Kang, UW School of Law, 9877907	
4/1/2020 5:41:32	laurenromero@seattleu.edu			Lauren Romero, Seattle University School of Law, 2022
4/1/2020 5:48:45	dhogan@seattleu.edu		Devin Hogan, University of Seattle School of Law, 2022	
4/1/2020 5:49:10	barbep@uw.edu		Peter Barber, University of Washington School, 9873489 of Law,	
4/1/2020 7:05:50	bg657@georgetown.edu		Boya Gou, Georgetown Law, 9211742	
4/1/2020 7:35:00	ewingh@uw.edu		Heather Ewing, UW School of Law, 9877975	
4/1/2020 8:06:17	behar17@uw.edu		Brianna Behar, University of Washington School of Law, 9876681	
4/1/2020 8:08:52	blevinsd@uw.edu		Devon Blevins, University of Washington School of Law, 9807445	

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4/1/2020 8:14:59	wckerper@uw.edu		Wonji Kerper, University of Washington Law School, 9876718	
4/1/2020 8:16:29	drewkalm@gmail.com		Andrew Kalm, University of Washington, 9873697	
4/1/2020 8:47:45	ssueoka@seattleu.edu		Sam Sueoka	Sam Sueoka, Seattle University School of Law, 2022
4/1/2020 8:57:55	abramsl@seattleu.edu		Lauren Abrams	Lauren Abrams, Seattle University School of Law, 2019
4/1/2020 8:59:33	mandina@seattleu.edu		Amy Mandin, Seattle University School of Law, 9878483	
4/1/2020 9:09:40	rileyymoos@gmail.com			Riley Moos, TeamChild, SU Law, 2019, WSBA 55616
4/1/2020 9:14:35	clendene@seattleu.edu		Karly Clendenen, Seattle University School of Law, 9872739	
4/1/2020 9:20:41	tsaib@seattleu.edu			Beverly Tsai, Seattle University, December 2019 Graduate (awaiting bar results)
4/1/2020 9:21:08	denbyn@seattleu.edu		Nathan Denby, Seattle University School of Law, 9877249	
4/1/2020 9:23:55	jjessicakaur@gmail.com			Jessica Kaur, Seattle U Law School, 2019
4/1/2020 9:25:47	malonee1@seattleu.edu			Eilish Villa Malone, NW Immigrant Rights Project, Seattle University School of Law, Graduated Spring 2019.
4/1/2020 9:51:54	aubryc@seattleu.edu		Caroline Golshan, Seattle University School of Law, 9875002	
4/1/2020 9:53:49	hilliar3@seattleu.edu		Klien Hilliard, Seattle University School of Law, 9877622	
4/1/2020 10:06:26	santia12@seattleu.edu		Alexis Santiago, Seattle University School of Law, 9878592	
4/1/2020 10:10:05	rechuley@uw.edu		Rachael Clark, University of Washington, 9873486	
4/1/2020 10:11:35	duncabs2@seattleu.edu		Shaquella Duncan: Seattle University School of Law;9872399	

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4/1/2020 10:11:44	hodaie@seattleu.edu		Neeka Hodaie, Seattle University Law School, 9878438	
4/1/2020 10:17:16	konpetrov@gmail.com			Kon Petrov, Perkins Coie, SU Law School class of 2019, 55627
4/1/2020 10:24:48	headrickaria@seattleu.edu			Ariana Headrick, Seattle University School of Law, 2021
4/1/2020 10:25:42	bealee1@seattleu.edu		Emily Beale, Seattle University School of Law, 9878011	
4/1/2020 10:40:13	sincla12@seattleu.edu		Haley Sinclair, Seattle University, 9877480	
4/1/2020 10:40:28	ringold@uw.edu		David RIngold, UW Law, 9877886	
4/1/2020 10:41:52	alexggonzaga@gmail.com			
4/1/2020 10:41:58	kimr14@seattleu.edu		Richard Kim, Seattle University School of Law, 9878596	
4/1/2020 10:43:50	chapma15@seattleu.edu		Cloie Chapman, Seattle University School of Law, 9878368	
4/1/2020 10:51:43	ripsh@uw.edu		Hannah Godwin, University of Washington School of Law, 9873226	
4/1/2020 10:52:18	sherriereed2@gmail.com			
4/1/2020 10:55:03	swedste1@seattleu.edu		Erik Swedstedt, Seattle U law School, 9877482	
4/1/2020 10:55:35	rmousavi@seattleu.edu			Roxanneh Mousavi, Seattle University School of Law, 2022
4/1/2020 11:07:27	schultp5@uw.com		Patricia Schultheis, University of Washington School of Law, 9877124	
4/1/2020 11:08:18	bethanybeal@gmail.com			Bethany Nolan/Stein, Sudweeks, and Stein/Seattle University School of Law/2019/55788
4/1/2020 11:27:08	meglioli@seattleu.edu		Sofia Meglioli, Seattle University School of Law, 9865534	
4/1/2020 11:41:04	statenl@seattleu.edu		Lavena Staten, Seattle University, 9872230	
4/1/2020 11:42:01	sifferm1@seattleu.edu		Jordyn Sifferman, Seattle University School of law	Seattle University School of Law

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4/1/2020 11:48:49	grainne1@uw.edu		Grainne Griffiths, University of Washington School of Law, 9864043	
4/1/2020 11:56:47	jevanh@uw.edu		Jevan Alexander Hutson, University of Washington School of Law, 9878282	
4/1/2020 12:00:23	itomika@uw.edu		Mika Ito, University of Washington, 9876717	
4/1/2020 12:01:54	Apmathis@uw.edu		Aidan Patrick Mathis, University of Washington School of Law, , 9878352	
4/1/2020 12:09:44	kingsly@uw.edu		Kingsly McConnell, University of Washington School of Law, 9878434	
4/1/2020 12:12:15	nichole.pace14@gmail.com		Nichole Pace, Tulane Law School, 9878014	
4/1/2020 12:12:25	dantetyler32@gmail.com			Dante Tyler, UW law school, 2022
4/1/2020 12:15:06	quinlanwheeler@icoud.com			Quinlan Wheeler, University of Washington School of Law, 2019
4/1/2020 12:24:18	kmdavis@uw.edu		Karla M. Davis, UW Law, 9877974	Karla M Davis, UW Law School, 2020
4/1/2020 12:58:23	kayleebc@uw.edu		Kaylee Cox, University of Washington School of Law, 9872736	
4/1/2020 13:03:35	devankholmes@gmail.com			Devan Holmes, Seattle University Law School, 2021
4/1/2020 13:12:04	kevin.d.robinson@gmail.com		Kevin Robinson, University of Texas School of Law, 9872931	
4/1/2020 13:16:53	johns298@seattleu.edu			Philip Johnson, Lewis Brisbois/Seattle University Class of 2018; WSBA No 54023
4/1/2020 13:34:09	ray_christianj@yahoo.com		Christian Ray, Seattle University School of Law, 9872539	
4/1/2020 13:47:01	houstonl@seattleu.edu		LaCades Houston, Seattle University School of Law, 9872485	
4/1/2020 13:47:12	mlramakr@uw.edu		Maya Ramakrishnan, University of Washington School of Law, 9872939	
4/1/2020 13:58:54	ctrell@uw.edu			Cameron Cantrell, University of Washington School of Law, 2022
4/1/2020 14:01:56	rourkey@frontier.com			

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4/1/2020 14:09:53	connermorgan5@gmail.com			Conner Morgan, Seattle University School of Law class of 2019, WSBA #55697
4/1/2020 14:26:39	oortiz@uw.edu			Olivia Ortiz, University of Washington Law, 2021
4/1/2020 14:31:30	mitah@uw.edu			Maya Itah, University of Washington School of Law, 2022
4/1/2020 14:46:08	headrickaria@seattleu.edu			Ariana Headrick, Seattle University School of Law, 2021
4/1/2020 14:46:27	snarlingbear@gmail.com			
4/1/2020 14:48:38	wilsonjamie@seattleu.edu			Jamie Wilson, Seattle University School of Law, 2021
4/1/2020 15:02:38	brindleylaur@seattleu.edu			Laura Brindley, Seattle U Law School, 2021
4/1/2020 15:09:20	jennyly19@gmail.com			
4/1/2020 15:29:01	walshj9@seattleu.edu		Jacob Walsh, Seattle University School of Law, 9872908	
4/1/2020 15:39:02	asareko1@seattleu.edu		Akua Asare-Konadu, Seattle University School, 9878081 of Law,	
4/1/2020 15:40:37	psuelzle@uw.edu			Paige Suelzle, University of Washington School of Law, 2021
4/1/2020 15:45:54	mark@jamlegal.com			Mark A. Larranaga; Walsh & Larranaga; Gonzaga Law, 1993;
4/1/2020 16:09:27	horslenj@seattleu.edu		Joss Horslen, Seattle University Law School, 9878738	
4/1/2020 16:10:56	chandhi@umich.edu		Katie Chan, University of Michigan Law School, 9878541	
4/1/2020 16:23:18	michael.schueler@kingcounty.gov			Michael Schueler, King County Department of Public Defense - ACAD, Seattle U Law, 2014, 47840
4/1/2020 16:27:56	bohnetta@seattleu.edu		Ashley Bohnett, Seattle U Law, 9873231	
4/1/2020 16:29:50	jackie@jamlegal.com			Jacqueline K. Walsh, Gonzaga Law School, 1991, Walsh & Larranaga, WSBA#21651

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4/1/2020 16:36:04	biselryan@seattleu.edu		N/A	Ryan Bisel, Seattle University School of Law, 2021
4/1/2020 16:48:48	mhgeyer14@gmail.com			Martha Geyer, Marten Law, UW Law, 2019, 56115
4/1/2020 17:02:36	askerova@seattleu.edu		Alex Askerov, Seattle University School of Law, 9873475	
4/1/2020 17:06:04	sydmiya@gmail.com		Sydney Miyahara, University of Washington School of Law, 9877973	
4/1/2020 17:09:03	yerigana@seattleu.edu		Alexandra Yerigan, Seattle University School of Law, 9877961	
4/1/2020 17:11:47	mvidger@uw.edu		Madeleine Vidger, University of Washington School of Law	
4/1/2020 17:22:59	griffis5@uw.edu		Adam Griffis, University of Washington School of Law, 9872832	
4/1/2020 17:43:38	rschade@gmail.com			Rebecca Schade, Davies Pearson, P. C., Seattle University School of Law, 2019; WSB# 55394
4/1/2020 17:55:07	rebekah5@uw.edu			Rebekah Ross, UW Law, 2021
4/1/2020 18:35:22	justin4444@gmail.com			Justin Mathews, 2012, #45360
4/1/2020 19:28:06	jtoups@uw.edu		Joseph Toups, UW Law, 9878378	
4/1/2020 19:28:45	markxiao@uw.edu		Mark Xiao, University of Washington School of Law	
4/1/2020 19:31:42	woodj4@seattleu.edu		Javiera L. Wood, Seattle University School of Law, 9878163	
4/1/2020 20:03:32	htonelli@uw.edu			Harley Tonelli, University of Washington School of Law, 2022
4/1/2020 20:24:15	dhaliwa8@seattleu.edu		Karamvir Dhaliwal, Seattle University School of Law, 9873696	
4/1/2020 20:27:19	mussera1@seattleu.edu		Arianah Musser, Seattle U Law School, 9874395	
4/1/2020 21:07:06	marchjac000@gmail.com		Jackson Brown Marchant, University of Washington School of Law, 9872482	
4/1/2020 21:09:55	basij@uw.edu			Jasjit Basi, University of Washington School of Law, 2021

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4/1/2020 21:18:21	hilboale@uw.edu		Alexander Michael Hilborn, University of Washington Law School, 9873900	
4/1/2020 22:02:11	hammingk@seattleu.edu		Kate Hamming, Seattle University School of Law, 9878132	
4/1/2020 22:04:34	cpenny@lawschool.gonzaga.edu		Colleen Penny, Gonzaga School of Law	
4/1/2020 22:16:28	ibozanich@lawschool.gonzaga.edu		I'sabeau Bozanich, Gonzaga School of Law, 9874521	
4/1/2020 22:29:55	mmeadows@lawschool.gonzaga.edu		Micaela R. Meadows, Gonzaga University School of Law	
4/1/2020 22:36:09	eric23schacht@gmail.com			Eric Schacht, Seattle University School of Law, Class of 2019
4/1/2020 22:39:14	flynna@seattleu.edu		Alexandra Flynn, Seattle University School of Law, 9872616	
4/1/2020 22:58:54	merfeldn@seattleu.edu		Noe Merfeld, Seattle University School of Law, 2020	
4/2/2020 3:34:41	kimberly@holdiman.net		Kimberly Holdiman, Gonzaga Law School, 9873057	
4/2/2020 8:28:38	curranam@outlook.com		Amanda Curran, Gonzaga Law School, 9872904	
4/2/2020 8:44:08	khan1bz@uwindsor.ca		Varda Khan, University of Detroit Mercy School of Law, 9877798	
4/2/2020 8:47:19	acooper1519@gmail.com			
4/2/2020 9:07:29	jchenette@lawschool.gonzaga.edu		Jason Chenette, Gonzaga Law School, 9873075	
4/2/2020 9:29:40	mfm@seattleu.edu			
4/2/2020 9:35:57	fung2020@lawnet.ucla.edu		Alexander Fung, UCLA, 9872953	
4/2/2020 9:41:07	gdhatt@lawschool.gonzaga.edu		Gurpreet Dhatt, Gonzaga Law School, 9872562	
4/2/2020 9:50:42	dodriscoll@lawschool.gonzaga.edu		Dane O'Driscoll, Gonzaga School of Law, 9878388	
4/2/2020 10:09:39	ashleyealmon@gmail.com			
4/2/2020 10:35:20	lfranklin@seattleu.edu			Lindsey Franklin, Seattle U School of Law, 2022

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4/2/2020 11:14:04	jvirk@uw.edu			
4/2/2020 11:36:05	hutch2@seattleu.edu		Camille Hutchens, Seattle University School of Law, 9873476	
4/2/2020 11:50:16	gmaldonado@lawschool.gonzaga.edu		Grace Maldonado, Gonzaga Law School	
4/2/2020 13:45:50	nanderson8@lawschool.gonzaga.edu		Nichole Anderson, Gonzaga Law School	
4/2/2020 13:48:29	sduross@lawschool.gonzaga.edu		Sara Duross, Gonzaga Law School, 9878720	
4/2/2020 13:48:40	sduross@lawschool.gonzaga.edu		Sara Duross, Gonzaga Law School, 9878720	
4/2/2020 13:57:37	rbultz@seattleu.edu			
4/2/2020 16:15:23	holub@uw.edu			Chelsea Holub, UW Law 2021
4/2/2020 16:58:32	kmurphy4@uoregon.edu		Kayla Murphy, University of Oregon School of Law, 9872236	
4/2/2020 19:34:44	crossr@seattleu.edu		Ryan Cross, Seattle University Law School, 9873776	
4/2/2020 22:45:15	mthernan@uw.edu		Matthew Hernandez, University of Washington School of Law, 9878666	
4/3/2020 8:30:48	mcphees1@seattleu.edu		Sandra McPhee, Seattle University School of Law, 9865699	
4/3/2020 9:18:41	salyera1@seattleu.edu		Angela Salyer, Seattle University School of Law, 9872369	
4/3/2020 9:25:51	McCaffr4@seattleu.edu		Alan McCaffrey	Alan McCaffrey
4/3/2020 9:43:08	merrill5@seattleu.edu		Jensen Merrill, Seattle University School of Law, 9878636	
4/3/2020 10:15:18	idaknox@uw.edu		Ida Knox, UW School of Law, 9873568	
4/3/2020 10:16:09	lindyl@uw.edu		Lindy Laurence, University of Washington School of Law, 9871972	
4/3/2020 11:03:17	barnesoh@uw.edu		Mallory Barnes-Ohlson, UW Law, 9877981	
4/3/2020 11:22:09	gregory_geist@fd.org			Greg Geist, Federal Public Defender Office (Seattle), UOP McGeorge School of Law, 2006, CA Bar 247902
4/3/2020 11:25:01	leejj9@uw.edu		Joshua Lee, University of Washington School of Law, 9879190	

Timestamp	Email Address	Score	Class of 2020 graduates: your name, law school, and bar application number. [Example: Jane Smith, Gonzaga Law School, 90210]	Members of the Washington legal community: Your name, firm/affiliation/law school, graduation year, Bar number (Optional). [Examples: Jane Smith, Gonzaga Law School, 2022; Jane Smith, ACLU-WA, Gonzaga Law, 2008, 123456].
4/3/2020 11:30:27	Chris.michael.sanders@gmail.com			Christopher Sanders, Federal Public Defender, Seattle University School of Law Class of 2013, WA Bar #47518
4/3/2020 11:32:10	emma.mar.wright@gmail.com		Emma Wright, Seattle University School of Law, 9877888	
4/3/2020 11:38:50	erikaevansseattle@gmail.com			Erika J. Evans, Immediate Past President of the Loren Miller Bar Association
4/3/2020 11:54:14	sandhum@uw.edu		Manveer Sandhu, University of Washington School of Law, 9875164	
4/3/2020 12:30:28	riomowbray@lawschool.gonzaga.edu		Rio Mowbray, Gonzaga School of Law, 9872740	
4/3/2020 12:46:03	hermanb@seattleu.edu		Bryce Herman, Seattle University School of Law, 9878042	
4/3/2020 13:00:27	krisvodak@gmail.com		Kristen Furman, UW School of Law, 9878355	
4/3/2020 14:04:06	karenwmurray@yahoo.com		Karen Murray, Seattle University School of Law	Karen Murray, KCDPD/Seattle University, 1991/KCDPD
4/3/2020 14:06:59	thiarak@seattleu.edu		Kalwaljit Thiara, Seattle University Law School, 9878816	
4/3/2020 14:23:02	oehlsen@uw.edu		Brian Oehlsen, UW law school	
4/3/2020 15:45:18	erall@lawschool.gonzaga.edu		Ellen Rall, Gonzaga University School of Law, 9873634	
4/3/2020 15:57:13	rgirtz@lawschool.gonzaga.edu		Rayna L. Girtz, Gonzaga School of Law, 9223013	
4/3/2020 16:00:11	smitta@uw.edu		Shelly Mittal, University of Washington School of Law, 9878673	
4/3/2020 16:32:23	narmina@uw.edu		Narmina Sharifova, University of Washington School of Law, 9878443	
4/3/2020 16:41:32	xz79@uw.edu		Xinyi Zhao, UW Law School, 9875432	
4/3/2020 17:45:45	smithmaria@seattleu.edu			Maria Smith Graduating 2021 Seattle University School of Law
4/3/2020 17:55:51	vud2@seattleu.edu		Vincent Vu, Seattle University School of Law, 9877909	

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4/3/2020 20:09:58	costel11@seattleu.edu		Jordan Patrick Costello, Seattle U Law School, 9878624	
4/3/2020 20:42:47	aphelps2@lawschool.gonzaga.edu		Austin Phelps, Gonzaga Law School, 9871905	
4/4/2020 0:23:03	cliu2019@uw.edu		Chang Liu, UW school of law, 9878043	
4/4/2020 1:06:45	szheng2@uw.edu		Subei Zheng, UW law school	Subei Zheng, UW law school, 2020
4/4/2020 9:25:10	praggast@seattleu.edu		Elena Praggastis, Seattle University School of Law, 9876449	
4/4/2020 11:28:38	sullivantori@seattleu.edu			Tori Sullivan, Seattle University School of Law, 2021
4/4/2020 11:29:04	xomariaw@gmail.com		Maria E Wiederkehr	Maria E Wiederkehr
4/4/2020 12:33:01	gklindquist@gmail.com		Gabrielle Lindquist, University of Washington School of Law, 9872023	
4/4/2020 12:45:04	camaratakate@seattleu.edu			Kate Camarata, Seattle University School of Law, 2021
4/4/2020 12:54:00	ruffml@uw.edu		Meredith Ruff, University of Washington School of Law, 9872896	
4/4/2020 13:15:07	feniello@uw.edu		Cortney Feniello, University of Washington School of Law, 9873812	
4/4/2020 14:45:26	Rhay15@uw.edu			Rachel Hay, University of Washington School of Law, 2022
4/4/2020 15:31:19	mcginnisbrae@seattleu.edu			Braelah McGinnis, SU School of Law, 2021
4/4/2020 20:52:39	OLSONB7@SEATTLEU.EDU		Brady Olson, Seattle University School of Law, 9869416	
4/5/2020 8:22:26	khainee@seattleu.edu		Erica Khaine, Seattle University School of Law, 9878053	
4/5/2020 14:49:56	esharf@uw.edu		Eva Sharf, University of Washington School of Law	
4/6/2020 5:05:57	dedeauxs@seattleu.edu		Shanece Dedeaux Seattle University School of Law	
4/6/2020 9:59:48	sarah.e.smith822@gmail.com			Sarah E. Smith, UW Law 2019, 55770

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4/6/2020 11:30:47	sfukuhara@lawschool.gonzaga.edu			Sara Fukuhara, Gonzaga Law School, 2021
4/6/2020 11:36:28	rlytle@lawschool.gonzaga.edu			Russell Lytle, Gonzaga Law School, 2021
4/6/2020 11:40:04	rplatin@lawschool.gonzaga.edu			Rachel Platin, Gonzaga School of Law, 2021
4/6/2020 11:41:58	jgrissom@lawschool.gonzaga.edu			Joshua Grissom, Gonzaga Law School, 2021
4/6/2020 11:46:52	abritain@lawschool.gonzaga.edu		Allison Britain, Gonzaga Law	Allison Britain, Gonzaga Law, 2020
4/6/2020 11:47:45	gwolf@lawschool.gonzaga.edu		Grant Wolf, Gonzaga Law School, 9879285	
4/6/2020 11:48:30	ngeorge2@lawschool.gonzaga.edu		Nicholas George, Gonzaga University School of Law, 9872565	
4/6/2020 11:50:04	kely@lawschool.gonzaga.edu		Kelsie Ely, Gonzaga Law School, 9875397	Kelsie Ely, Kuhlmen Law Office, Gonzaga Law School, 2020.
4/6/2020 11:55:42	mhart6@lawschool.gonzaga.edu		Melissa Hart, Gonzaga University School of Law, 9873198	
4/6/2020 11:57:47	kmills3@lawschool.gonzaga.edu			Kailey Mills, Gonzaga Law School, 2021
4/6/2020 11:59:59	cpenny@lawschool.gonzaga.edu			
4/6/2020 12:06:18	ahutchings2@lawschool.gonzaga.edu		Alex Clay Hutchings, Gonzaga	
4/6/2020 12:09:01	kmadsen3@lawschool.gonzaga.edu		Kyle Madsen, Gonzaga Law School, 9872315	
4/6/2020 12:15:06	srife@lawschool.gonzaga.edu		Summer Rife, Gonzaga University School of Law, 9877107	
4/6/2020 12:15:34	mdd6@uw.edu		Michael Diamond, University of Washington School of Law, 9878625	
4/6/2020 12:19:53	liberty.cjohnson@gmail.com		Liberty Johnson, Gonzaga University School of Law, 9873387	
4/6/2020 12:23:22	dpearce@lawschool.gonzaga.edu		Dakota Pearce, Gonzaga University School of Law, 9877843	
4/6/2020 12:31:57	Tsparks@lawschool.gonzaga.edu		Thomas Sparks, Gonzaga Law School, 9875354	

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4/6/2020 12:41:31	bjohnson9@lawschool.gonzaga.edu			Bethany Johnson, Gonzaga Law School, 2021
4/6/2020 12:42:17	swright4@lawschool.gonzaga.edu		Samantha Wright, Gonzaga Law School, 9877627	
4/6/2020 12:46:55	mebel@lawschool.gonzaga.edu		Madeline Ebel, Gonzaga University School of Law, 9877106	
4/6/2020 12:55:38	mmaxey2@lawschool.gonzaga.edu		Mason Maxey, Gonzaga University School of Law, 9877748	
4/6/2020 13:14:19	salsburyzoey@seattleu.edu			Zoey Jordan Salsbury, Seattle University Law School, 2023
4/6/2020 13:15:08	sugarrachel@seattleu.edu			Rachel Sugar, Seattle University Law School, 2022
4/6/2020 13:19:04	renriquez@seattleu.edu			Raquel Enriquez, Seattle University School of Law, 2022
4/6/2020 13:19:15	froembli@seattleu.edu		Robert J Froembling, Seattle University School of Law, 9878732	
4/6/2020 13:23:15	quihuisl@seattleu.edu		Liberty Quihuis, Seattle University School of Law, 9879114	
4/6/2020 13:29:23	cmerino@seattleu.edu			Chloe Merino, Seattle University School of Law, 2022
4/6/2020 13:30:03	niescarsen@seattleu.edu			Carsen Nies, Seattle University School of Law, 2022
4/6/2020 13:43:01	svick@lawschool.gonzaga.edu		Stephanie Vick, Gonzaga Law School, 9872319	
4/6/2020 13:43:34	lking4@lawschool.gonzaga.edu		Lindsay J King, Gonzaga School of Law, 9874779	
4/6/2020 14:12:43	Tshen@seattleu.edu			Timothy Shen, Seattle University School of Law, 2022
4/6/2020 14:37:26	dwyers1@seattleu.edu		Sean Dwyer, Seattle University School of Law, 9878177	
4/6/2020 15:00:37	cls489@nyu.edu		New York University School of Law	
4/6/2020 15:14:39	biancatillma@seattleu.edu			Bianca Tillman, Seattle University School of Law, 2021

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4/6/2020 15:43:39	marquez7@seattleu.edu		Anna Marquez, Seattle University School of Law, 9878726	
4/6/2020 16:22:43	dominic3@seattleu.edu		Austin Dominick, Seattle University, N10478099	
4/6/2020 17:03:57	mikesuh@uw.edu		Michael Suh, University of Washington School of Law, 9878751	
4/6/2020 18:02:17	simantovaman@seattleu.edu			Amanda Simantov, Seattle U School of Law, 2021
4/6/2020 18:04:40	mergaert@uchastings.edu		Myell Jordan Mergaert, University of California Hastings College of the Law, 9878214	
4/6/2020 18:27:43	kranzler7@gmail.com			Andra Kranzler, ULP, Seattle University School of Law, 2011, 44098
4/6/2020 18:48:42	apark094@uw.edu		Ashley Park, UW Law School, 9878216	
4/6/2020 20:11:17	aglendrange@lawschool.gonzaga.edu		Alana Glendrange, Gonzaga Law School, 9878430	
4/6/2020 21:22:22	karlag7@uw.edu		Karl Groeschel, UW School of Law, 9873477	
4/6/2020 22:00:29	Mgoodwin@lawschool.gonzaga.edu			Mikayla Goodwin, Gonzaga Law, 2021
4/6/2020 23:12:01	salexander@seattleu.edu		Seth Alexander, Seattle University School of Law, 9872481	
4/6/2020 23:37:46	takitanitesj@seattleu.edu			Jessica Takitani-Teshima, Seattle University School of Law, 2021
4/7/2020 0:00:46	perkinsandre@seattleu.edu			Andrew Perkins, Seattle University School of Law, Class of 2021
4/7/2020 7:24:35	reinhar9@seattleu.edu		Paul Reinhart, Seattle U, 9841282	
4/7/2020 7:25:02	reinhar9@seattleu.edu		Paul Reinhart, Seattle U, 9841282	
4/7/2020 8:20:25	pmelton@lawschool.gonzaga.edu		Peter Melton, Gonzaga School of Law, 9872564	
4/7/2020 9:42:31	KENYAMA@UW.EDU		Kenrick Yamashita, University of Washington, 9878191	
4/7/2020 10:21:53	kimn7@seattleu.edu		Nicholas Kim, Seattle University School of Law, 9878381	

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4/7/2020 10:23:57	regrysk@uw.edu		Sean Hyde, University of Washington School of Law, 9873474	
4/7/2020 10:25:33	cecilyjurman@seattleu.edu			Cecily Jurman, Seattle University Law School, 2021
4/7/2020 10:34:02	lasanders@uchastings.edu		Luke A. Sanders, UC Hastings, 9876205	
4/7/2020 12:29:10	tschaefer@lawschool.gonzaga.edu		Taylor Schaefer, Gonzaga Law School, 9878010	
4/7/2020 16:57:57	borgoniajeaq@seattleu.edu			Jackie Borgonia, Seattle University School of Law, 2021
4/7/2020 17:21:35	baezaa1@seattleu.edu		Araceli Baeza, Seattle University School of Law	
4/8/2020 0:39:19	palapah@seattleu.edu			Heryk Palapa, Seattle University Law School, 2019.
4/8/2020 10:18:31	lindsay.cason@gmail.com		Lindsay Cason, University of Washington School of Law, 9872826	
4/8/2020 10:28:36	morris34@seattleu.edu		Alexander Morrison, Seattle University School of Law, 9868742	Alexander Morrison, Seattle University School of Law, 2020
4/8/2020 13:25:08	akscarsella@gmail.com		Anthony K Scarsella, Seattle University School of Law, 9878125	
4/8/2020 14:19:17	ssueoka@seattleu.edu		Sam Sueoka Seattle U School of Law 98102	Sam Sueoka, 2022
4/8/2020 14:21:55	weissangelic@seattleu.edu			Angie Weiss, Seattle University School of Law, 2021
4/8/2020 15:30:12	bentleyc@seattleu.edu		Catherine Bentley, Seattle University School of Law	
4/8/2020 17:24:52	taskerk@seattleu.edu		Keegan Tasker, Seattle University School of Law, 9872006	
4/8/2020 19:14:07	campb110@seattleu.edu		Carey Campbell, Seattle University School of Law, 9873237	
4/9/2020 9:01:43	digi@uw.edu		Delaney M. DiGiovanni, UW Law, 9877199	
4/9/2020 12:04:15	kristopher.choe@gmail.com		Kristopher Choe, UW School of Law, 9873393	
4/9/2020 13:02:26	mgerstle@gmail.com			Michael Gerstle, SU SoL 2019, 55381

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4/9/2020 14:00:39	goodwin9@seattleu.edu			Benjamin Goodwin, Seattle University School of Law, 2019
4/9/2020 15:24:16	rmlars@gmail.com			Rachel Luke, Friedman Rubin PLLP, Seattle U Law 2009
4/9/2020 16:06:05	lindseyjwheat@gmail.com			Lindsey Wheat, Gonzaga Law School, 2018
4/9/2020 18:56:43	michaelh@vicwulaw.com			Michael Huynh, Seattle University Law School, 2019
4/10/2020 8:58:21	carrill9@seattleu.edu		Danielle Carrillo, Seattle University School of Law, 9878848	

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Kyle Sciuchetti, BOG Legislative Committee Chair and WSBA President-Elect
DATE: April 14, 2020
RE: Proposed Charter and Roster for Task Force to Begin Collaborative Discussion with Court Regarding Delegated Administrated Entities on Issues Both Substantive, Fiscal, and Administrative Due to Continual Conflicts Resulting

ACTION: Approve proposed charter and roster.

President Majumdar has asked me to chair the above-described Task Force. Attached, please find a proposed charter and roster for your consideration.

Charter

WSBA
Board of Governors

Purpose

TASK FORCE TEAM TO BEGIN COLLABORATIVE DISCUSSION WITH COURT REGARDING DELEGATED ADMINISTRATED ENTITIES ON ISSUES BOTH SUBSTANTIVE, FISCAL, AND ADMINISTRATIVE DUE TO THE CONTINUAL CONFLICTS RESULTING

Overall Role and Responsibility

The Washington State Bar Association (WSBA) Board of Governors recognizes the need for a task force to be able to work with the Washington Supreme Court to coordinate efforts to administer Court Boards and facilitate cooperation and the sharing of information between the Court and the WSBA on issues related to substantive, fiscal and administrative concerns.

The Task Force Team Administering Xenial Involvement with Court Appointed Boards will be comprised of six sitting Governors from the WSBA and one WSBA staff liaison to advise and counsel the Task Force.

The Task Force responsibilities will include:

1. Assessing the WSBA's collaborative role in administering Court appointed Boards, to include current and future boards appointed or established by the Court. Currently, these Boards include the Access to Justice Board, Disciplinary Board, Limited License Legal Technician Board, Limited Practice Board, Mandatory Continuing Legal Education Board and the Practice of Law Board (Court Appointed Boards).
2. Working with the Court to ensure that WSBA's administration of current Court Appointed Boards is consistent with the Court's intent and to share information that will enable the Court Appointed Boards to better serve their missions. This includes providing information regarding the fiscal impact of the Court Appointed Board and substantive measures that could be taken to improve and better facilitate the Boards.
3. Conveying to the court substantive information about the Boards and member concerns.

Action Taken by the Task Force

Action of the Task Force shall be made by majority/consensus decision of the Task Force.

Roster

Kyle Sciuchetti – Chair; Governor District 3

Dan Clark – Governor District 4

P.J. Grabicki – Governor District 5

Jean Kang – Governor District 7 South

Brian Tollefson – Governor District 8

Sunitha Anjilvel – Governor District 1