



WSBA LICENSURE PATHWAYS IMPLEMENTATION STEERING COMMITTEE AGENDA

September 2, 2025, 2:00pm – 4:00pm

REMOTE

To Join by Video Conference:

<https://wsba.zoom.us/j/84424937997?pwd=nwQiyHpr4Wc6oRQ6ttCydo98wEZAnb.1>

For audio only: (253) 215-8782 || Meeting ID: 844 2493 7997 || Passcode: 928652

- | | | |
|---------|---|--|
| 2:00 pm | Call to Order and Welcome | <i>Professor Zaida Rivera, Steering Committee Chair</i> |
| 2:05 pm | Approve August 4, 2025 Meeting Minutes | |
| 2:10 pm | Member and Public Comment | <i>Speakers are limited to 3 minutes, however, the Chair may modify the time for comments if necessary</i> |
| 2:20 pm | Update from Supervised Practice Subcommittee | <i>Professor Gillian Dutton, Supervised Practice Subcommittee Chair</i> |
| 3:30 pm | Discuss Creation of Subcommittee for Pathways Program Evaluation and Data Collection | <i>Catherine Schur, WSBA Assistant General Counsel</i> |
| 4:00 pm | Adjourn | |

WASHINGTON STATE BAR ASSOCIATION

LICENSURE PATHWAYS IMPLEMENTATION STEERING COMMITTEE MEETING MINUTES

Virtual Meeting

August 4, 2025

Call to Order and Welcome

The meeting of the Licensure Pathways Implementation Steering Committee of the Washington State Bar Association (WSBA) was called to order by Chair Zaida Rivera on Monday, August 4, 2025 at 2:35 p.m. Committee members in attendance were:

Zaida Rivera
Greg Crowder
Alfredo González Benítez
Judge Cathy Helman
Vivian Hernandez
Dusty Weber LaMay
Dean Tamara Lawson
Julia McGann
Terra Nevitt
Judge Leone Reinbold
Yuriko Hannali Styles
Dean Anthony Varona

Also in attendance were WSBA Assistant General Counsel Catherine Schur; WSBA Chief Regulatory Counsel Renata Garcia; Professor Gillian Dutton; Assistant Dean Jeff Minneti; Professor Sandra Simpson; Eduardo Krue

Approve July 8, 2025 Meeting Minutes

Executive Director Nevitt moved to approve the July 8, 2025 Steering Committee meeting minutes. Alfredo seconded. Minutes unanimously approved.

Member and Public Comment

No public comment. Greg asked about the role of the ABA in Washington's licensing pathways development. The committee discussed the ABA's accrediting requirements for law schools. Committee members and WSBA staff noted that the Washington pathways may draw on existing programs created to satisfy ABA requirements, but that ABA is not responsible for approving or implementing Washington licensing pathways.

Continued Discussion of Proposed Core Competencies

Assistant Dean Jeff Minneti and Professor Sandra Simpson led continued discussion of the proposed core competencies. Dean Minneti and Professor Simpson noted that, based on questions and feedback from the prior Steering Committee meeting, the Core Competencies Subcommittee had added illustrations of possible assessment methods from other state licensing programs for each competency to demonstrate potential practical applications. Several committee members asked questions and provided input.

Dean Varona moved to support the competencies as basis for the licensure pathways. Judge Reinbold seconded. Motion passed unanimously.

ADJOURNMENT

There being no further business, Chair Rivera adjourned the meeting at 3:25 p.m. on August 4, 2025.

Respectfully submitted,

Catherine Schur
Assistant General Counsel

MEMO

To: Licensure Pathways Implementation Steering Committee
From: Supervised Practice Steering Subcommittee
Date: August 28, 2025
Re: Update on Subcommittee Proposals for Candidate Activities and Assessments

I. Introduction

The Supervised Practice Subcommittee has been working on developing the components of the new licensure programs that candidates for admission will complete during the time they are in a supervised practice setting. To inform this development, the Subcommittee has gathered information from novel licensure programs in other jurisdictions and has spoken to multiple participants in nontraditional legal pathways to hear their perspectives on effective assessment methods for legal competencies.

As of August 21, 2025, the Supervised Practice Subcommittee has identified the activities and assessment methods described below by which candidates may demonstrate their competence to practice law in Washington state. These activities are intended to correspond to the core competencies approved by the Steering Committee on August 4, 2025. The Subcommittee is providing this update on the proposed program requirements and is looking forward to thoughts and feedback from the Steering Committee.

II. Framework for Candidate Activities and Assessments

The Supervised Practice Subcommittee proposes a licensing program structure in which candidates would be asked to perform and be assessed on a specified set of required activities. These activities would be aligned with the core competencies approved by the Steering Committee so that candidates would have an opportunity to demonstrate and be assessed on all competencies by the time they complete their period of supervised practice.

An additional menu of activities could also be offered from which candidates would be required to complete a specified number of activities on the menu. The menu could provide further assessment opportunities for certain competencies. In addition, candidates may complete their supervised practice in a variety of practice settings that provide access to different experiences. A menu of several options could help ensure candidates can select activities available in their practice setting and still demonstrate proficiency in all core competencies.

The Subcommittee has begun identifying which activities and assessments should be required of all candidates and which any experiences should be included on the menu of options. The Subcommittee will be continuing this discussion at upcoming meetings. Thus far, the Subcommittee has identified the following activities that all candidates must perform and be assessed on prior to admission through the non-exam-based licensure pathways:

1. Complete a legal education by graduating from law school, completing the APR 6 program, or meeting several additional educational requirements for foreign-trained candidates.
2. Demonstrate competence in professional responsibility by:
 - a. Completing a CLE on issues of professional responsibility; and either

- b. Achieving a passing score on the Multistate Professional Responsibility Exam, or
 - c. Engaging with their supervisor in a discussion of a professional responsibility issue they encounter in practice. The supervisor would submit a rubric assessing the experience.
- 3. Engage in at least one verbal client interview or counselling session. The supervisor would observe and submit a rubric assessing the experience.
- 4. Submit as part of the candidate's portfolio:
 - a. At least one written client counselling communication;
 - b. At least one persuasive legal document; and
 - c. At least one objective legal memorandum.
- 5. Engage in at least one negotiation, arbitration, or mediation session. The supervisor would observe and submit a rubric assessing the experience.
- 6. Demonstrate use of research tools to develop the facts of a client matter.

These activities, the assessment methods for each activity, and the core competencies addressed by the activity are explained in greater detail below. The primary competencies relevant to the assessment method are noted under each heading, however, some of the activities will provide an opportunity for assessment of multiple competencies.

In addition to the required activities, the Subcommittee has identified other common, though perhaps less essential, activities that candidates could perform to demonstrate proficiency with some of the competencies. These activities could be included on the menu of activities from which candidates could choose to perform some, but not all, of the activities. Where applicable, these activities are listed below.

The Supervised Practice Subcommittee proposes that candidates submit a portfolio of the written work product generated by these activities and their supervisors' rubrics assessing performance of the activities to the Board of Bar Examiners. The Bar Examiners would assess candidates' competence to practice law based on the portfolio. Supervisor rubrics and grading tools used by the Board of Bar Examiners should be designed to evaluate candidate performance and work product across multiple competencies.

III. Assessing Understanding Legal Processes, Sources of Law, and Threshold Concepts

A licensure candidate must demonstrate an understanding of legal processes and sources of law.

Includes understanding the appropriate application of state and local law, federal law, administrative rules, and local court rules and understanding the channels of legal practice, including alternative dispute resolution processes, negotiation skills, legislative processes, administrative and regulatory processes, and court processes.

A licensure candidate must demonstrate an understanding of threshold concepts in many subjects.

A threshold concept is an "insight that transforms understanding of a subject."¹ Threshold concepts "distinguish individuals who have begun to master a subject from all others" and "allow new learners to understand the 'how' and 'why' of their field rather than simply the 'what.'"² This competency "focuses on understanding principles and policies that govern the law, rather than memorizing specific black-letter rules" and

¹ IAALS, *Building a Better Bar: The Twelve Building Blocks of Minimum Competence*, 37 (2020).

² *Id.*

“allow lawyers to identify issues, search for the appropriate rule, and see nuances in the rule.”

Candidates will acquire the requisite skills and knowledge to satisfy these competencies through completion of a course of legal study in law school or the APR 6 Law Clerk Program. Candidates who obtained their legal education outside the United States will satisfy these competencies through completion of additional educational requirements. These requirements mirror the requirements for individuals seeking admission through sitting for the bar exam. Prior to admission to practice law in Washington, candidates will be required to provide proof of:

- 1) Graduation with a J.D. degree from an approved³ law school;
- 2) Completion of the APR 6 law clerk program;
- 3) Graduation from a university or law school in any jurisdiction where English common law is the basis for its jurisprudence, that they are admitted and in good standing to practice law in a jurisdiction where English common law is the basis for jurisprudence, and that they have active legal experience for at least three of the five years immediately preceding application to the program; or
- 4) Graduation from an unapproved law school or graduation with a law degree from a university or law school in a jurisdiction outside the United States, and graduation with an LL.M degree for the practice of law from an approved law school.

Candidates will also be required to submit a portfolio of work product, described in greater detail below, as part of their application for admission. The Washington Board of Bar Examiners will review the contents of the portfolio and assess whether the candidate has demonstrated an understanding of legal processes and sources of law and of threshold legal concepts.

IV. Assessing Professional Responsibility

A licensure candidate must demonstrate the ability to act professionally and in accordance with the rules of professional conduct.

Includes the demonstrated ability to conduct oneself with respect for and in accordance with the law, including compliance with the requirements of applicable state, local, and federal constitutions, laws, rules and regulations, and any applicable court order. A candidate for licensure may satisfy this competency by managing a law related workload; coping with the stress of legal practice; pursuing self-directed learning; understanding the business of maintaining a legal practice; and appropriately using technology in legal practice.

Under current admission requirements, applicants who take the bar exam in Washington must also earn a passing score of 85 on the Multistate Professional Responsibility Exam (MPRE). In keeping with the emphasis of new licensure pathways on alternatives to exam-based assessments, the Supervised Practice Committee proposes that candidates have the option of demonstrating competency in professional responsibility through either the MPRE or a supervised practice-based assessment.

Therefore, all candidates for admission through the new pathways would demonstrate competence in professional responsibility by either:

³ APR 2(a)(5) provides that the WSBA Board of Governors “[a]pprove[s] law schools for the purposes of these rules and maintain[s] a list of such approved law schools.”

- 1) Taking and passing the MPRE with a minimum passing score of 85; or
- 2) Engaging in a discussion with their supervisor of an issue of professional responsibility that has come up in the course of the supervised practice. WSBA will also develop a prompt that supervisors and candidates may use instead in the event no professional responsibility issues are presented during the candidate's supervised practice. Supervisors will complete a rubric assessing the candidate's understanding of professional responsibility concepts and engagement with the issues, which will be submitted to the Board of Bar Examiners with the candidate's portfolio.

All candidates will also be required to attend a CLE developed by WSBA covering (1) common stressors in legal practice, including secondary trauma, and strategies and resources available to manage them; (2) strategies for managing a law-related workload; (3) resources for answering ethics questions during practice; and (4) the intersection of technology tools, client privacy, and data security.

The Supervised Practice Subcommittee has identified several additional activities and assessment methods candidates could undertake to demonstrate their understanding of specific elements of this competence. The Subcommittee is continuing discussions on whether and how to incorporate these activities and assessments into the licensing pathways and is interested in any feedback the Steering Committee may have. These activities include:

Activity	Assessment Method	Professional Responsibility Element Assessed
Engaging in supervised practice	Supervisor would complete a rubric assessing the candidate's ability to delegate when appropriate, spend their time appropriately, plan for and meet deadlines, manage client files, and manage multistep projects.	Managing a law-related workload; Pursuing self-directed learning; Coping with the stress of legal practice
Requiring candidates to spend a certain amount of time interacting with clients	Candidates may note time in time logs or supervisor may certify that candidate completed the requirement.	Managing a law-related workload; Coping with the stress of legal practice
Completing journaling exercises in response to prompts developed by WSBA regarding self-directed learning, imposter phenomenon, growth mindset, and mental health in legal professionals	Journal entries would be submitted as part of candidate portfolio.	Pursuing self-directed learning; Coping with the stress of legal practice
Spending time with office manager or other staff who handle billing, trust accounts, client payments, grant management and reporting	Supervisor would certify that candidate completed the requirement.	Understanding the business of maintaining a legal practice

Drafting a client engagement letter/client conference letter that discusses expectations for representation and, if applicable, representation fees	Candidate would submit letter as part of portfolio.	Understanding the business of maintaining a legal practice
Keeping detailed, contemporaneous timekeeping records	Supervisor would certify that candidate completed the requirement. Candidate may also be asked to submit time records.	Understanding the business of maintaining a legal practice
Using case management software effectively	Supervisor would certify that candidate completed the requirement.	Understanding the business of maintaining a legal practice
Responding to a prompt created by WSBA asking that candidates use legal technology to create a legal document and draft a cover letter explaining how they ensured the document met their ethical obligations	Candidate would submit legal document and cover letter as part of portfolio.	Appropriately using technology in legal practice

V. Assessing Client Interactions

A licensure candidate must demonstrate the ability to interact effectively with clients.

Emphasizes the ability to gain a client's trust; recognize the importance of cross-cultural competence and seek available resources to understand the needs of their clients; gather relevant facts and identify client goals; communicate regularly with clients, convey information and options in terms that a client can understand, and help the client choose a strategy; manage client expectations, convey bad news, and cope with difficult clients.

A licensure candidate must demonstrate the ability to communicate as a lawyer.

Includes the ability to choose a method of communication appropriate to the circumstances and audience; communicate the application of legal authority to the facts in a written or oral form that is appropriate for the audience, including the client, opposing counsel, the courts, and other stakeholders; draft and edit legal documents and legal correspondence; work collaboratively with others, including opposing counsel, to address a client matter; and apply negotiation skills to advocate on behalf of a client.

In addition to the activities above, the Supervised Practice Subcommittee proposes that candidates be required to engage in both a verbal and written client interaction to demonstrate competence in the ability to interact effectively with clients and to communicate as a lawyer with respect to client communications. The Supervised Practice Subcommittee members noted that verbal and written interactions with clients typically involve different skills, both of which are important for candidates to learn and demonstrate. For that reason, during supervised practice candidates would be required to:

- 1) Conduct at least one verbal client interview or counselling session. The supervisor would observe the interview or counselling session and would complete a rubric assessing the experience. The rubric would be submitted to the Board of Bar Examiners; and
- 2) Write at least one client counselling letter or email. The communication would be submitted for evaluation by the Board of Bar Examiners as part of the candidate's portfolio. This client communication could also be evaluated by supervisor rubric.

While these activities primarily address the candidate's ability to interact effectively with clients and to communicate as a lawyer, they provide an opportunity for assessment of several other competencies. Conducting an initial client interview, for instance, involves identifying relevant issues in the case and asking questions of the client to gather the facts relevant to those issues. Rubrics and grading tools should account for these additional competencies.

VI. Assessing Written Legal Work

A licensure candidate must demonstrate the ability to communicate as a lawyer.

Includes the ability to choose a method of communication appropriate to the circumstances and audience; communicate the application of legal authority to the facts in a written or oral form that is appropriate for the audience, including the client, opposing counsel, the courts, and other stakeholders; draft and edit legal documents and legal correspondence; work collaboratively with others, including opposing counsel, to address a client matter; and apply negotiation skills to advocate on behalf of a client.

A licensure candidate must demonstrate the ability to interpret legal materials.

Emphasizes the ability to understand and interpret constitutional provisions, statutes, judicial opinions, and regulations and the ability to evaluate how legal documents, such as contracts, should be construed.

A licensure candidate must demonstrate the ability to apply legal authority to the relevant facts in a client matter.

Emphasizes the ability to make logically sound arguments based on precedent, analogy, and policy; assess the strengths and weaknesses in a client's position and an opposing party's position; and forecast potential outcomes of a client matter.

A licensure candidate must demonstrate the ability to conduct research.

Includes the ability to: research answers to specific legal questions; recognize relevant and/or dispositive legal sources applicable to a client matter; appreciate the authoritative weight of sources of law relevant to a client matter; utilize strategies to update sources of law and/or find additional sources of law that are relevant to a client matter; acquire facts and non-legal information for client matters; develop the factual record; and locate information about local rules or practices.

A licensure candidate must demonstrate the ability to identify issues.

Emphasizes the ability to understand the "big picture" of client matters; identify legal principles and legally significant facts relevant to a client matter; identify goals and objectives in client matters; identify legal claims and remedies that might address a client's needs; identify legal and practical

obstacles to achieving any proposed resolution; and develop strategies to guide client matters.

The quintessential written legal documents, such as briefs and memoranda, provide one of the most comprehensive opportunities to assess a candidate's foundational legal skills. The Supervised Practice Subcommittee proposes that candidates be required to submit with their portfolio:

- 1) At least one persuasive written legal document, such as a brief in support of a dispositive motion or pre-arbitration memorandum; and
- 2) At least one objective written legal memorandum that applies relevant law to the facts of the case, assesses the strengths and weaknesses of the client matter, and forecasts potential outcomes.

These submissions would be assessed by Bar Examiners based on multiple core competencies.

Similarly to client communication styles, the Supervised Practice Subcommittee divided work product into persuasive writing and objective writing because they generally require distinct perspectives and touch in different ways on several of the core competencies. The Subcommittee believes demonstrating competence in both methods of communication is important for candidates.

VII. Assessing Communications with Adjudicators and Other Lawyers and Parties

A licensure candidate must demonstrate the ability to communicate as a lawyer.

Includes the ability to choose a method of communication appropriate to the circumstances and audience; communicate the application of legal authority to the facts in a written or oral form that is appropriate for the audience, including the client, opposing counsel, the courts, and other stakeholders; draft and edit legal documents and legal correspondence; work collaboratively with others, including opposing counsel, to address a client matter; and apply negotiation skills to advocate on behalf of a client.

In addition to communication with clients, as discussed above, communicating as a lawyer necessarily involves communicating with adjudicators, opposing attorneys, and other parties. First, the description for this core competency specifically notes negotiation as a distinct communication style in which lawyers should be proficient. Researchers for the Institute for the Advancement of the American Legal System (IAALS), also report in *Building a Better Bar: The Twelve Building Blocks of Minimum Competence* (2020), that respondents emphasized the importance of negotiating skills as a separate type of lawyerly communication. Accordingly, candidates for licensure through the new pathways would be required to engage in at least one negotiation, mediation, or arbitration session.

The Subcommittee proposes a broad definition of negotiation to ensure such experiences would be available to candidates in a variety of practice settings. A negotiation would include any discussion aimed at reaching an agreement. It could occur in the context of litigation, transactional, regulatory, or other matters. The negotiation need not focus on final resolution of the matter and may address preliminary or interim matters. Negotiations need not be lengthy but must involve sufficient activity to allow the supervisor and Bar Examiners to assess the candidate's ability to express and advocate for their client's position and respond to opposing positions. The activity would be observed by the candidate's supervisor who would complete a rubric assessment and submit the assessment to the Board of Bar Examiners.

Second, the Subcommittee discussed whether appearances or oral argument in court or before an administrative tribunal or other adjudicative body would be required of candidates. These are undoubtedly activities where candidates could demonstrate an ability to communicate as a lawyer and, particularly in the case of oral argument, several other competencies such as the ability to apply legal authority to the facts of a client matter and to identify issues. However, the Subcommittee was concerned that candidates in transactional practice settings would struggle to find opportunities to appear before a tribunal on behalf of a client. For that reason, the Subcommittee recommends that these experiences be included on the menu of additional experiences.

VIII. Assessing Legal Research and Factual Development

A licensure candidate must demonstrate the ability to conduct research

Includes the ability to: research answers to specific legal questions; recognize relevant and/or dispositive legal sources applicable to a client matter; appreciate the authoritative weight of sources of law relevant to a client matter; utilize strategies to update sources of law and/or find additional sources of law that are relevant to a client matter; acquire facts and non-legal information for client matters; develop the factual record; and locate information about local rules or practices.

Lastly, as described above, legal research and writing would be assessed through evaluation of a candidate's persuasive and objective legal writing. In addition, if candidates are provided a menu of additional activities to complete, candidates could complete an upper-level law school legal research class to further demonstrate their proficiency in legal research.

This competency also includes development of facts and non-legal information relevant to a client matter. Accordingly, candidates would be asked to demonstrate their competence in using factual research tools, such as discovery requests, issuing subpoenas requesting information, sending FOIA requests, gathering facts from interviews with witnesses, or using other nonlegal research tools. Their supervisor would assess their research process using a rubric, which would be submitted to the Board of Bar Examiners.