

WASHINGTON STATE BAR ASSOCIATION

LICENSURE PATHWAYS IMPLEMENTATION STEERING COMMITTEE MEETING MINUTES

Virtual Meeting
September 2, 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 Tuesday, September 2, 2025, at 2:10 p.m. Committee members in attendance were:

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

Also in attendance were WSBA Assistant General Counsel Catherine Schur; WSBA Chief Regulatory Counsel Renata Garcia; WSBA Associate Director Bobby Henry; Professor Gillian Dutton; Assistant Dean Jeff Minneti; and observers Gray B; M.S. Hobson, IV.

Approve August 4, 2025 Meeting Minutes

Alfredo moved to approve the August 4, 2025 Steering Committee meeting minutes. Terra seconded. Minutes unanimously approved.

Member and Public Comment

Gray B. described personal experiences with lawyer licensing and spoke in support of lawyer licensing programs that accommodate people for whom the bar exam is not a good option.

Update from Supervised Practice Subcommittee

Seattle University School of Law Professor Gillian Dutton presented an update on recommendations for required activities and assessments developed by the Supervised Practice Subcommittee. The Subcommittee sought feedback on the proposals from the Steering Committee. Steering Committee members asked questions about the proposals thus far. Committee members also offered input on a range

of topics including methods to preserve objectivity in candidate assessments and further developing specific portfolio requirements.

Creation of Subcommittee for Pathways Program Evaluation and Data Collection

WSBA Assistant General Counsel Catherine Schur introduced a proposal to sunset the Core Competencies Subcommittee now that their work has been completed and create a new subcommittee focused on evaluation of the pathways programs. The new subcommittee would identify measures of success for the new licensure pathways and develop a plan for evaluation and data gathering for the new pathways. Members of the Core Competencies Subcommittee would be invited to join the new subcommittee. WSBA staff will seek additional committee members with experience in program evaluation and data collection methods.

Dean Varona moved to approve creation of the Program Evaluation Subcommittee and sunset the Core Competencies Subcommittee; Alfredo seconded the motion. Motion passed unanimously.

Other Updates

Catherine and Zaida reported that Zaida and IAALS researchers will be providing an update on the pathways to the Washington Supreme Court on Sept. 4, 2025. Zaida, Justice Montoya-Lewis, Judge Leone Reinbold, and Marthy Hernandez will be discussing the pathways and access to the legal profession at the ATJ Conference on Sept. 18, 2025 at 10:45 a.m. Zaida also reported that she participated on a panel that discussed the pathways at the June 2025 STAR Summit.

ADJOURNMENT

There being no further business, Chair Rivera adjourned the meeting at 3:40 p.m. on September 2, 2025.

Respectfully submitted,

Catherine Schur
Assistant General Counsel

MEMO

To: Licensure Pathways Implementation Steering Committee
From: Supervised Practice Steering Subcommittee
Date: October 15, 2025
Re: Update on Subcommittee Proposals for Candidate Activities and Assessments and Portfolio Requirements

I. Introduction

Since its last update to the Steering Committee meeting, the Supervised Practice Subcommittee has held three meetings where they have continued to refine the recommended required activities and assessment methods for candidates in the experiential pathway and incorporate feedback from the Steering Committee. The Subcommittee has also begun addressing parameters for portfolio submissions and is seeking Steering Committee input on the proposed method for protecting confidential client information described below. Lastly, the Subcommittee has developed recommendations for eligibility requirements for supervisors participating in the program. The Subcommittee looks forward to input from the Steering Committee on the proposals below.

II. Candidate Activities and Assessments

The Supervised Practice Subcommittee has continued to refine the activities and assessments that would be required of candidates in the experiential pathway. The Subcommittee had previously been considering recommending both a set of activities required of all candidates and a menu of activities from which candidates could select some activities to complete. The Subcommittee had identified several activities predominantly related to professional responsibility that could have appeared on either list. In reviewing those activities, the Subcommittee recommends that the following activities be required for all candidates in addition to those previously identified:

1. Candidates would be asked to spend a defined amount of time on client-facing activities;
2. Candidates would be required to observe or work with an office manager or other staff who handle billing, trust accounts, client payments, or grant management or reporting; and
3. Candidates would be required to keep detailed, contemporaneous timekeeping records.

The Subcommittee also recommends that supervisors be asked to 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. These activities are described in greater detail below. With the inclusion of these additional required activities, the consensus among the Subcommittee was that a menu of options would contribute little to assessing candidates' competency to practice law and would likely be considered busy work by candidates and supervisors. For that reason, the Subcommittee is not recommending any optional activities.

In sum, the Subcommittee recommends 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 additional educational requirements for foreign-trained candidates.
2. Demonstrate competence in professional responsibility by:
 - a. Either:
 - i. Achieving a passing score on the Multistate Professional Responsibility Exam, or
 - ii. 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.
 - b. And completing the following activities:
 - i. A CLE on issues of professional responsibility;
 - ii. Spend a defined amount of time on client-facing activities;
 - iii. Observe or work with an office manager or other staff who handle billing, trust accounts, client payments, or grant management and reporting; and
 - iv. Keep detailed, contemporaneous timekeeping records.
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 were previously preserved to the Steering Committee and are again explained in greater detail below. Where appropriate, the explanations have been updated to reflect the revised recommendations. As before, 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.

a. 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

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"

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

threshold concepts in many subjects.

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 “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 existing 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.

b. 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

² *Id.*

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.”

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:

- 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 complete several additional activities intended to demonstrate their competency in the specifically identified components of the professional responsibility core competency. First, candidates will 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.

Second, as noted above, candidates will also be asked to devote a defined amount of time during their supervised practice to client-facing activities. The Utah Supreme Court, for instance, recently approved an experiential licensing pathway that requires 20 of the 240 supervised practice hours to be client facing. This requirement touches on a candidate's ability to manage a law-related workload and cope with the stress of legal practice. The Subcommittee will be continuing discussions to recommend an appropriate amount of time.

Third, candidates will be required to spend time observing or working with an office manager or other staff who handle billing, trust accounts, client payments, or grant management or reporting. This requirement addresses candidates' understanding of the business of maintaining a legal practice. The Subcommittee proposes that candidates be provided with a checklist of topics to cover to ensure the experience is meaningful.

Fourth, candidates would be required to keep detailed, contemporaneous timekeeping records. This requirement also addresses candidates' understanding of the business of legal practice. The consensus of Subcommittee members was that, even if timekeeping practices may vary across practice areas, this was an essential element of legal practice and a good habit to develop in prospective lawyers. The time records need not be submitted to the Bar as part of the portfolio but supervisors would review the records and certify that the records are appropriate for the area of practice.

Lastly, the Subcommittee also recommends that supervisors complete a summative rubric that assesses the candidate's ability to delegate when appropriate, spend their time appropriately, plan for and meet deadlines, manage client files, and manage multistep projects. This rubric touches on many aspects of professional responsibility and the practicalities of legal practice, but primarily addresses the ability to manage a law related workload. The assessment would be based on the supervisor's holistic observation of the candidate's performance over the course of the supervised practice.

c. 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.

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.

d. 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.

e. 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.⁴

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.

f. 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.

⁴ The Subcommittee is considering feedback from the Steering Committee regarding the differences in each of these settings and how to account for these differences in the pathway requirements.

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.

III. Portfolio Parameters, Confidentiality

The next major focus of the Supervised Practice Subcommittee's work will be to develop recommendations for the parameters applicable to portfolio submissions, such as the number and length of required portfolio submissions and timing for submissions. The Subcommittee began by considering confidentiality measures for application and portfolio materials.

As described above, candidates in the experiential pathway will be asked to submit written work product containing client information. However, supervisors, and candidates in due course, have ethical obligations to protect confidential client information. RPC 1.6 prohibits a lawyer from "reveal[ing] information relating to the representation of a client unless the client gives informed consent," and requires a lawyer to "make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of the client." In addition, evidentiary privileges protecting confidential client communications and attorney work product may be waived if the information is shared with a third party.⁵ Accordingly, the experiential pathway requirements must give participants the ability to protect confidential client information.

The Subcommittee, therefore, recommends that candidates be directed to redact all party names, including client and opposing party names, and other information that is reasonably likely to lead to identification of the client. If present in the material, candidates should also redact any other confidential information, such as trade secrets or proprietary information. Candidates could submit a cover letter providing background for the work if some additional context is needed due to the redactions.

The Subcommittee also began discussing whether candidates should be required to obtain client consent prior to submitting work relating to that client as part of the portfolio, or if the required redactions would be sufficient. For instance, the Oregon State Bar Association requires candidates in their Supervised Practice Portfolio Examination program to obtain client consent to submit material as part of their portfolio. The Subcommittee, however, has not yet come to a final recommendation on this question and would like input from the Steering Committee. In its discussions, the Subcommittee considered the ethical rules and guidance pertaining to client confidences, but also noted that such a requirement could present significant barriers to completing the program. Clients, for instance, sometimes stop responding to their attorney's communications, especially if the representation has concluded. Alternatively, additional protective measures could increase confidence in the program and encourage more participation from established lawyers as supervisors. Keeping these various interests in mind, the Subcommittee will be continuing this discussion and appreciates any input the Steering Committee may have to offer.

In addition, candidates will be submitting their own personal information to the Bar when they apply to participate in the experiential pathway and submit portfolio material. That information should also be protected from disclosure. Some in the legal community and public may consider methods of licensure other than the bar exam to have less validity than the bar exam. Keeping licensure applications confidential will help encourage potential employers and clients to select lawyers based on demonstrable

⁵ Restat. 3d of the Law Governing Lawyers, § 79; *Dietz v. Doe*, 131 Wn.2d 835, 850 (1997) (attorney-client privilege); *Kittitas Cty v. Allphin*, 190 Wn.2d 691, 700 (2018) (work product doctrine).

skills rather than license method. In addition, candidate information in the portfolio material itself should be protected to facilitate unbiased grading.

Several Washington Supreme Court rules already protect license application material from disclosure. APR 1(d)(1) provides that all records relating to applications for any license type or for the law clerk program are confidential and privileged against disclosure except as necessary to conduct an investigation, hearing, and appeal or review pursuant to the Admission and Practice Rules, or if expressly authorized by the Washington Supreme Court or the applicant. Applications for licensure are likewise exempt from disclosure under General Rule 12.4, which governs public records requests directed to WSBA.⁶ The Subcommittee recommends that these rules be applied to applications for the experiential licensure pathway, including the contents of candidate portfolios.

With respect to candidate information that may appear in portfolio submissions, the Subcommittee proposes that candidates redact their own identifying information and information identifying their supervisor and employer. The Bar presently uses a system for grading bar exam essays that anonymizes the material before it is sent to a bar examiner for grading by removing the test taker's name and identifying the exam instead by number. The Subcommittee recommends that this anonymization method be applied to portfolio submissions, as well.

IV. Experiential Pathway Supervisors

Lastly, the Supervised Practice Subcommittee has developed recommendations for eligibility requirements for supervisors. Supervisors will play a significant role in supporting and assessing candidates' skills and knowledge in the experiential pathway. Supervisors will observe candidates' real-world performance and complete rubrics to be submitted as part of the final portfolio and will ideally impart their own knowledge and experience to their supervisees. When developing recommendations for eligibility requirements for supervisors, the Subcommittee sought to set the requirements high enough to ensure supervisors have the requisite experience to assess admittee's performance, but not so high as to restrict unnecessarily the number of potential supervisors.

The Subcommittee considered existing requirements for supervising attorneys for licensed legal interns under APR 9; law clerks under APR 6; law school externship programs; and other jurisdictions' experiential licensing programs. Although the Washington State Bar Licensure Task Force initially proposed that experiential pathway supervisors meet the requirements for law clerk tutors under APR 6, the Subcommittee ultimately determined for several reasons to recommend that supervisor requirements instead mirror the requirements for APR 9 supervisors.

Under APR 9, a supervisor of a licensed legal intern must be an active member in good standing of the Washington State Bar Association and have been actively engaged in the practice of law in any state or territory of the United States or the District of Columbia for at least three years preceding the date of application.⁷ APR 9 supervisors also may not have been disbarred or subject to disciplinary suspension in any jurisdiction within the preceding ten years, have a pending or imminent disciplinary proceeding, or have received a disciplinary sanction within the last three years.⁸

The requirements for APR 6 law clerk tutors are substantially stricter. Tutors must have active legal experience for at least ten of the twelve years preceding application, two of which must have been in Washington.⁹ In addition, law clerk tutors must not have received any disciplinary sanction within the

⁶ GR 12.4(d)(2)(E).

⁷ APR 9(c).

⁸ *Id.*

⁹ APR 6(c)(3).

prior five years and it is within the Bar's discretion to reject someone as a tutor if the person has received a disciplinary sanction more than five years earlier or has a pending disciplinary proceeding.¹⁰

The Subcommittee concluded that, while the requirements for APR 6 tutors may be appropriate for the law clerk program, they were overly limiting for the experiential licensing pathway. First, the program duration and relationship between supervisor and supervisee in the experiential pathway more closely resemble the licensed legal intern program. In comparison to the four years APR 6 law clerks typically spend in the program, candidates for licensing will spend a much shorter time in the program. Moreover, APR 6 tutors have a substantial role in guiding the law clerk's education and professional and ethical development over many years and do so with a large amount of independence. The relationship between supervisor and candidate in the experiential licensing pathway may involve some of these elements but, on balance, is more like the relationship between a supervisor and employee and will be more closely guided by the Court and Bar. Candidates for licensure in the experiential pathway will obtain the majority of their legal education outside the licensing program. For that reason, the Subcommittee concluded it was not necessary for supervisor requirements in the experiential pathway to be as stringent as those for APR 6 tutors.

Relatedly, the Subcommittee was concerned that requiring experiential pathway supervisors to meet the APR 6 tutor requirements would significantly narrow the available pool of supervisors. Permitting supervisors with three years of experience, instead of ten, allows many more lawyers to participate in the program while still protecting the public.

Lastly, mirroring the APR 9 requirements streamlines administration of the experiential pathway. Experiential candidates will fulfill their practical experience requirements while practicing with an APR 9 license. Creating a new standard for supervisors would increase administrative burdens for participants and the Bar, both of whom would need to navigate different rules applicable to similar, related programs.

¹⁰ APR 6(c)(2).