

WASHINGTON STATE BAR ASSOCIATION

LICENSURE PATHWAYS IMPLEMENTATION STEERING COMMITTEE MEETING MINUTES

**Virtual Meeting
October 20, 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, October 20, 2025, at 2:07 p.m. Committee members in attendance were:

**Zaida Rivera
Greg Crowder
Judge Cathy Helman
Dusty Weber LaMay
Julia McGann
Justice Raquel Montoya-Lewis
Terra Nevitt
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; and observer Gray B.

Member and Public Comment

No public comment

Timeline Refresh

Chair Rivera reviewed the timeline for developing the pathways. The goal is to submit any necessary revisions to the court rules in early 2026. Staff and committee members will be communicating with the Washington Supreme Court to submit the suggested amendments outside of the Court's usual schedule. The Court is likely to open the proposed amendments for public comment. The goal is for the graduating class of 2027 to be able to participate following graduation. The Subcommittees will continue meeting between now and submitting suggested amendments to the Court.

Update from Supervised Practice Subcommittee

Seattle University School of Law Professor Gillian Dutton presented an update on recommendations for required activities, assessments, and portfolio parameters 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 requirements for supervisors and confidentiality of application and portfolio materials.

Update on Program Evaluation Subcommittee

WSBA Assistant General Counsel Catherine Schur provided an update on the Program Evaluation Subcommittee. The Subcommittee is made up of a representative from each of the law schools, Andrew Peterson from the State Center for Court Research, and Logan Cornett from IAALS. The Subcommittee began meeting last week and will be meeting on alternating weeks going forward.

Approve September 2, 2025 Meeting Minutes

Terra moved to approve the September 2, 2025 Steering Committee meeting minutes. Dean Varona seconded. Minutes were approved unanimously with one abstention.

ADJOURNMENT

There being no further business, Chair Rivera adjourned the meeting at 3:04 p.m. on October 20, 2025.

Respectfully submitted,

Catherine Schur
Assistant General Counsel

MEMO

To: Licensure Pathways Implementation Steering Committee
From: Supervised Practice Subcommittee
Date: December 3, 2025
Re: Update on Subcommittee Proposals for Portfolio Parameters

Updates from the Supervised Practice Subcommittee:

Since the October 20, 2025 Steering Committee meeting, the Supervised Practice Subcommittee has considered the input from the Steering Committee on the parameters for portfolio submissions and has finalized the Subcommittee's recommendations. In addition, the Subcommittee has begun discussion of the guidelines to provide for candidate compensation and structuring the requirement that candidates complete a certain number of hours of supervised practice or experiential learning credits. Their discussion of those issues will be continuing into future meetings. Some of the considerations the Subcommittee is weighing are described below and the Subcommittee looks forward to input from the Steering Committee.

a. Portfolio Parameters

At the October 20 Steering Committee meeting, the Supervised Practice Subcommittee presented several recommendations for the required parameters of portfolio submissions, including the number of required submissions, page length requirements, and guidance for the use of generative AI and templates. These are described in greater detail in the report of all recommendations thus far. Since then, the Subcommittee has decided upon recommendations for four final issues related to the portfolio requirements: (1) measures to preserve client confidentiality, (2) a requirement that portfolio submissions address distinct legal issues, (3) parameters for candidates to correct work graded as not passing, and (4) attestations to accompany portfolio submissions.

First, the Subcommittee took into consideration the Steering Committee's input on methods to preserve client confidentiality in portfolio submissions. Based on that feedback, the Subcommittee recommends that candidates 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 may provide background for the work in a cover letter if some additional context is needed due to the redactions. The comments to the relevant court rule should include guidance that candidates should discuss with their supervisor which materials to submit, the necessary redactions, and whether any additional measures should be taken to protect client information.

The Subcommittee concluded obtaining client consent was not a necessary requirement given the other protections for portfolio materials and the potential burdens this would pose to participants in the licensing pathway. However, the Subcommittee noted that confidentiality requirements may need to be revisited in the future if changes are made to the required activities and assessment methods. For example, although not presently recommended, it is possible future licensing requirements might ask candidates to submit video of client interviews for direct evaluation by the Board of Bar Examiners. In that instance, client consent may be necessary because of the challenges of protecting client identity in a video.

At this time, however, the types of materials candidates will be submitting as part of their portfolio may readily be redacted and such redactions appear to be sufficient to protect confidential client information.

Second, the Subcommittee recommends that individual portfolio submissions each address at least one distinct legal issue not addressed in the other portfolio submissions. This requirement is intended to ensure candidates demonstrate that they can apply the essential competencies across multiple legal issues. Each portfolio submission, therefore, should include sufficient analysis of the distinct legal issue to permit assessment of the candidate's competency. Candidates would identify the unique legal issue in a cover page accompanying the piece of work.

For purposes of this requirement, application of the same legal standard, rule, or test to different facts would not be considered addressing a distinct legal issue. Rather, a submission must analyze some unique legal inquiry—such as application of a distinct statutory provision, administrative rule, or legal test—not present in other portfolio submissions. For example, a brief addressing dismissal under Fed. R. Civ. P. 12(b)(1) due to lack of subject matter jurisdiction presents a distinct legal issue from a brief addressing dismissal under Fed. R. Civ. P. 12(b)(6) for failure to state a claim. In addition, the candidate's discussion of this distinct legal issue must have enough depth to allow bar examiners to assess the submission on the basis of the experiential licensing pathway core competencies. Perfunctory analyses would not be graded as passing.

The Subcommittee recommends that this guidance and additional illustrations be made publicly available by the WSBA in a program guide or FAQ webpage to help candidates assess whether their submission includes a distinct legal issue and the necessary depth of analysis.

These parameters mirror similar requirements in Oregon's Supervised Practice Portfolio Examination (SPPE) and Minnesota's proposed Curricular Pathway. Oregon requires that each piece of work product address at least one legal issue that differs from the legal issues addressed in other pieces of work product.¹ Oregon notes that application of the same issue to different fact patterns would not be sufficient to comply with their rule. Minnesota, likewise, has proposed requiring portfolio submissions to include discussion of at least one legal issue not present in other portfolio submissions and defines "distinct legal issue" in the same manner as Oregon.² Minnesota's proposal also requires that the depth of analysis of the distinct legal issue be sufficient to provide a basis for the examiner to make a judgment about the applicant's competency.

Third, the Subcommittee considered the extent to which candidates may be permitted to correct portfolio submissions that have been deemed not passing. Oregon's SPPE program, for instance, permits candidates to substitute new work for any submissions that do not receive a passing score.³ Oregon places no limit on the number of times a candidate may resubmit work.⁴ Minnesota's proposed Curricular Pathway would also permit candidates to submit replacement work for materials that are deemed insufficient.⁵ However, Minnesota's program, which is open only to law students, requires all portfolio materials to be submitted by the deadline for the final assessment window prior to the candidate's graduation. If any materials in this final portfolio are deemed insufficient, candidates would have an

¹ Oregon SPPE Rules, 6.4(A)(3) (avail. at https://www.osbar.org/_docs/sppe/4-CLEAN-SPPERulesTo-Court.pdf).

² Minnesota Curricular Pathway Report, Draft 9.18.2025, pg. 9 (avail. at <https://ble.mn.gov/wp-content/uploads/2025/09/Minnesota-Curricular-Pathway-Report-Draft-9.18.2025.pdf>).

³ Oregon SPPE Rules, 7.4(B), 8.2(B).

⁴ *Id.*

⁵ Minnesota Curricular Pathway Report, Draft 9.18.2025, pg. 5,

opportunity to cure or provide replacement materials in the first evaluation window after their graduation.⁶

Here, the Supervised Practice Subcommittee sought to balance several values when developing their recommendation. They considered that one of the goals of the experiential licensing pathway is to provide an opportunity for candidates to demonstrate their competence to practice law without the artificial time pressure of the bar exam. The pathway, however, should be rigorous enough to protect the public and appropriately assesses candidate competence. The Subcommittee was also cognizant of supervisor and examiner time and Bar resources. The Subcommittee was concerned that providing unlimited opportunities to correct work would create an incentive for candidates to submit a high volume of work of questionable quality in the hopes of eventually meeting the passing threshold.

With these interests in mind, the Subcommittee concluded candidates should have an opportunity to correct work but that limiting the number of opportunities would encourage candidates to submit their best work upfront and make better use of participant's time and resources. The Subcommittee, therefore, recommends that candidates be permitted to correct any work submitted as part of the midpoint portfolio that is deemed not passing and, if any work submitted as part of the final portfolio is graded not passing, the candidate will have two opportunities to correct that work.

This requirement would not preclude a candidate from reapplying and making a successive attempt to become licensed through the experiential pathway if they are unable to successfully complete all the program requirements within the required timeframe.⁷ The candidate would again need to complete all program requirements during this successive attempt, including submitting new work product for assessment as part of the portfolio.

Lastly, the Supervised Practice Subcommittee recommends that WSBA develop an attestation cover sheet to accompany each work product submitted as part of the portfolio. On the form, the candidate and supervisor would attest that the material is the candidate's own work, noting any use of AI or templates as needed; identify the distinct legal issue addressed in the work; and provide an opportunity for candidates to give context for the piece if they believe that to be necessary.

These requirements for the portfolio parameters, in addition to the parameters previously presented to the Steering Committee, have been incorporated into the report below of all current program recommendations.

b. Continuing Topics Under Consideration

The Supervised Practice Subcommittee has also begun discussions of two essential components of the experiential pathway—candidate compensation requirements and structuring requirements for time spent in supervised practice. The Subcommittee appreciates any thoughts the Steering Committee has to offer on these topics.

First, with respect to compensation requirements, the Subcommittee's discussion thus far has focused on encouraging equity for candidates, reducing barriers for employers, particularly small firms and nonprofits, to participate as supervisors, and developing requirements that can be adapted across practice

⁶ *Id.* at 15.

⁷ The Core Competencies Subcommittee has tentatively recommended that, unless otherwise noted in the requirements, required work product and experiences must be completed after the candidate is approved to participate in the pathway and that candidates must complete all pathway requirements within 18 months of beginning the pathway. The Supervised Practice Subcommittee will be incorporating these recommendations into their discussion of the timing and hours requirements for the pathway more generally.

settings. The Subcommittee has been looking to other jurisdictions and Washington law schools' externship experiences for guidance.

One of the goals of the experiential pathway is to make a legal career possible for people who may not be able to afford the bar exam, bar preparation courses, or to take time off from work to study for the bar exam. Compensating candidates while they work towards licensure would clearly be an important step towards this goal. In addition, although supervisors who employ a candidate in the licensure pathway will undertake additional responsibilities, they will also benefit from the candidate's labor. The consensus of the Subcommittee, therefore, is that some form of compensation should be provided to candidates.

The question is what guidelines, if any, should be provided regarding that compensation. As noted above, some employers may not be able to provide compensation, or very much compensation, which could exclude them from participating as supervisors. This may be especially true of small firms, solo practitioners, and nonprofit organizations. Some candidates may also have access to outside funding through internship grants or stipends, that may need to be taken into account in any compensation guidelines. Oregon's SPPE program, for example, requires employers to compensate candidates at the same level as other recent law graduates unless the candidate is receiving a stipend or grant or is performing pro bono services for which the employer is not billing a client. The Subcommittee will be continuing to discuss these questions during their upcoming meetings.

Second, the Supervised Practice Subcommittee began discussing the requirements for the amount of time candidates are required to spend in supervised practice or experiential learning courses. In its February 2024 report, the Washington Bar Licensure Task Force proposed the creation of three separate experiential pathways with distinct requirements for supervised practice time and experiential learning credits depending on the status of the candidate.⁸ The proposed Graduate Apprenticeship pathway, for candidates who already graduated law school, would require candidates to perform six months of supervised practice time. The Law School Experiential Pathway, open to students enrolled in law school, would require candidates to complete 12 credits of experiential learning coursework, in addition to 500 hours of supervised practice time. Lastly, the APR 6 Apprenticeship pathway would be open to APR 6 law clerks, who would be required to complete 500 hours of supervised practice.

Factoring in the work time per credit expected of students in experiential learning courses and the practical experience APR 6 law clerks gain during their time in the program, these requirements for the three proposed pathways might result in roughly similar time requirements for each type of candidate. Nonetheless, the requirements do result in different amounts of time based on a candidate's place in their legal education. Assuming full time work, for instance, a law graduate would be required to complete around 960 hours of supervised practice time. If that person graduated from law school, they also would also have completed six experiential learning credits as required by the ABA, providing approximately 245 additional hours of experiential time.⁹ For law students, the proposed requirements would result in 500 hours of supervised practice time plus approximately 490 hours of experiential learning time. The proposed requirement for law clerks is 500 supervised practice hours, noting, however, that law clerks also receive four years of legal education in a practical setting.

⁸ Washington Bar Licensure Task Force, A Proposal for the Future of WA State Bar Admissions, Updated Following Public Comment, Feb. 28, 2024 (avail. at <https://www.courts.wa.gov/content/publicUpload/Washington%20Bar%20Licensure%20Task%20Force/A%20Proposal%20for%20the%20Future%20of%20WA%20State%20Bar%20Admissions%20Updated%20Following%20Public%20Comment%2022824.pdf>).

⁹ Law schools do not necessarily use a standardized scale for converting experiential learning credits to expected work time. The amounts used are an average of the conversions scales used by the three Washington law schools.

The Supervised Practice Subcommittee has noted that these differences may result in some undesirable consequences. In particular, the difference in requirements for APR 6 law clerks and those for law students and graduates could compound perceptions that the law clerk program and the experiential licensing pathway are less valid than traditional legal education and licensing routes. In addition, differing requirements for multiple pathways increases the potential for candidates to misunderstand the requirements applicable to them.

Consequently, the Subcommittee began considering whether it would be beneficial to instead have a single experiential licensing pathway instead of three. The single pathway would require a standard number of supervised practice hours of all candidates, however, candidates could apply credits from experiential coursework up to a certain amount to satisfy a portion of that time. In addition to creating parity among candidate types, one benefit of this structure is additional flexibility for candidates. Candidates who begin the licensing pathway during law school or the APR 6 program could continue to accrue time towards their requirement after graduation. Because law students could apply a variable amount of experiential learning credits to the total time requirement, they may also be able to select from a wider range of experiential learning coursework.

The Subcommittee is very interested in hearing the Steering Committee's thoughts on structuring the experiential pathway in this way, especially because it would take a somewhat different direction from the Task Force recommendations. They look forward to the Steering Committee's input.

All Current Recommendations:

I. Candidate Activities and Assessments

The Supervised Practice Subcommittee proposes a licensing program structure in which candidates would 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.

Candidates would submit a portfolio of written work product generated during their supervised practice and their supervisors' rubrics assessing their performance on the enumerated activities to the Board of Bar Examiners. The Bar Examiners would assess candidates' competence to practice law based on the portfolio.

In sum, the Subcommittee recommends the following activities that all candidates must perform and be assessed on prior to admission through the experiential licensure pathway:

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 three discussions of professional responsibility issues they encounter in practice. The candidate would submit a reflection documenting each discussion that would be submitted as part of their portfolio.
 - b. And completing the following activities:
 - i. Complete 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 two verbal client interviews or counselling sessions. The supervisor would observe and submit a rubric assessing the experience.
4. Submit as part of the candidate's portfolio:
 - a. Two written client counselling communications;
 - b. Two persuasive legal documents; and
 - c. Two objective legal memoranda.
5. Engage in one negotiation. 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.

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 threshold concepts in many subjects.

A threshold concept is an “insight that transforms understanding of a subject.”¹⁰ 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.’”¹¹ 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 approved¹² 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 examine 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

Includes the demonstrated ability to conduct oneself with respect for and in accordance with the law, including

¹⁰ IAALS, *Building a Better Bar: The Twelve Building Blocks of Minimum Competence*, 37 (2020).

¹¹ *Id.*

¹² 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.”

professionally and in accordance with the rules of professional conduct.

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 the experiential pathway 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 experiential pathway 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 three discussions with their supervisor of issues of professional responsibility that have 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 not enough professional responsibility issues are presented during the candidate's supervised practice. Candidates will write a reflection on each discussion identifying the ethical question they encountered, the applicable rules of professional responsibility, and how they resolved the question. The reflections 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, candidates will 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 the Bar provided 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 verbal and written client interactions 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 two verbal client interview or counselling session. The supervisor would observe the interview or counselling sessions and would complete a rubric assessing the experience. The rubric would be submitted to the Board of Bar Examiners; and
- 2) Write two client counselling letters or emails. 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) Two persuasive written legal documents, such as a brief in support of a dispositive motion or pre-arbitration memorandum; and
- 2) Two objective written legal memoranda that apply relevant law to the facts of the case, assess the strengths and weaknesses of the client matter, and forecast 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 experiential pathway would be required to engage in one negotiation.

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. 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.

II. Portfolio Parameters

a. Word Count Requirements

In developing recommendations for the length of portfolio submissions, the Supervised Practice Subcommittee's goal was to ask candidates to provide enough of their work to accurately assess their competence, without creating too high of a burden for graders or barriers for candidates to complete the requirements. The Subcommittee also looked to practices in other jurisdictions and court rules regarding the length of filings to help guide the recommendations.¹³

Based on these considerations, the Subcommittee concluded it was desirable to include clear guidance for both minimum and maximum word count requirements. The Subcommittee recommends that all portfolio submissions must be between 350 and 4200 words and that at least two submissions must be 1500 words or more. Taken together with requirements for the number of portfolio submissions, these requirements mean each candidate will submit a minimum of 4400 words, or around 15 pages, of material for assessment.

b. Addressing Distinct Legal Issues

The Supervised Practice Subcommittee recommends that individual portfolio submissions must each address at least one distinct legal issue not addressed in the other portfolio submissions. This requirement is intended to ensure candidates demonstrate that they can apply the essential competencies across multiple legal issues. The portfolio submission, therefore, should include sufficient analysis of the distinct legal issue to permit assessment of the candidate's competency. Candidates would identify the unique legal issue in a cover page accompanying the piece of work.

For purposes of this requirement, application of the same legal standard, rule, or test to different facts would not be considered addressing a distinct legal issue. Rather, a submission must analyze some unique legal inquiry—such as application of a distinct statutory provision, administrative rule, or legal test—not present in other portfolio submissions. For example, a brief addressing dismissal under Fed. R. Civ. P. 12(b)(1) due to lack of subject matter jurisdiction presents a distinct legal issue from a brief addressing dismissal under Fed. R. Civ. P. 12(b)(6) for failure to state a claim. In addition, the candidate's discussion of this distinct legal issue must have enough depth to allow bar examiners to assess the submission on the basis of the experiential licensing pathway core competencies. Perfunctory analyses would not be graded as passing.

The Subcommittee recommends that WSBA make this guidance and additional illustrations publicly available, such as in a program guide or FAQ webpage, to help candidates assess whether their submission includes a distinct legal issue and the necessary depth of analysis.

¹³ Both Minnesota and Oregon require at least two submissions to be 1500 words or more and both jurisdictions will reject submissions if they are too short to permit evaluation. King County Superior Court's word limit for civil motions is 4200 words.

These parameters mirror similar requirements in Oregon’s Supervised Practice Portfolio Examination (SPPE) and Minnesota’s proposed Curricular Pathway. Oregon requires that each piece of work product address at least one legal issue that differs from the legal issues addressed in other pieces of work product.¹⁴ Oregon notes that application of the same issue to different fact patterns would not be sufficient to comply with their rule. Minnesota, likewise, has proposed requiring portfolio submissions to include discussion of at least one legal issue not present in other portfolio submissions and defines “distinct legal issue” in the same manner as Oregon.¹⁵ Minnesota’s proposal also requires that the depth of analysis of the distinct legal issue unique to the submission be sufficient to provide a basis for the examiner to make a judgment about the applicant’s competency.

c. AI and Template Use

The Supervised Practice Subcommittee also determined that guidance should be provided for use of generative AI, templates, or other models in creating portfolio submissions. Rather than simply prohibiting their use, the Subcommittee believe it was important to instead provide guidance for several reasons. First, the reality of legal practice is that lawyers often are not starting from scratch when drafting filings. They frequently begin with a template or model from a prior case and adapt it to the needs of their current case. Second, AI use is commonplace. The Subcommittee concluded a prohibition on AI use would not be useful because it is likely some candidates will use AI tools anyway and consistently detecting its use is difficult and likely to become even more so. Third, the ability to use these tools responsibly is a component of lawyer competence. The Subcommittee, therefore, considered this to be an opportunity to turn AI and template use into additional skill development.

The Subcommittee, therefore, recommends that candidates be required to identify in a cover page whether they used AI, a template, or other model to create any portfolio submission, and, if so, the modifications they made to make the work their own. In addition, if they used an AI tool, they must describe how they ensured they met their ethical obligations in generating the work.

d. Confidentiality

Supervisors and candidates in the experiential pathway 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.¹⁶ It is highly likely work product submitted by candidates in the experiential pathway will contain client information. 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 may provide background for the work in the cover page if some additional context is needed due to the redactions.

¹⁴ Oregon SPPE Rules, 6.4(A)(3) (avail. at https://www.osbar.org/_docs/sppe/4-CLEAN-SPPERulesTo-Court.pdf).

¹⁵ Minnesota Curricular Pathway Report, Draft 9.18.2025, pg. 9 (avail. at <https://ble.mn.gov/wp-content/uploads/2025/09/Minnesota-Curricular-Pathway-Report-Draft-9.18.2025.pdf>).

¹⁶ 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).

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 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.¹⁷ 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.

e. Ability to Correct Work

The Subcommittee also considered the extent to which candidates may be permitted to correct portfolio submissions that have been deemed not passing. Oregon's SPPE program, for instance, permits candidates to substitute new work for any submissions that do not receive a passing score.¹⁸ Oregon places no limit on the number of times a candidate may resubmit work.¹⁹ Minnesota's proposed Curricular Pathway would also permit candidates to submit replacement work for materials that are deemed insufficient.²⁰ However, Minnesota's program, which is open only to law students, requires all portfolio materials to be submitted by the deadline for the final assessment window prior to the candidate's graduation. If any materials in this final portfolio are deemed insufficient, candidates would have an opportunity to cure or provide replacement materials in the first evaluation window after their graduation.²¹

The Supervised Practice Subcommittee sought to balance several values when developing their recommendation. They considered that one of the goals of the experiential licensing pathway is to provide an opportunity for candidates to demonstrate their competence to practice law without the artificial time pressure of the bar exam. The program, however, should be rigorous enough to protect the public and appropriately assesses candidate competence. The Subcommittee was also cognizant of supervisor and examiner time and Bar resources. The Subcommittee was concerned that providing unlimited opportunities to correct work would create an incentive for candidates to submit a high volume of work of questionable quality in the hopes of eventually meeting the passing threshold.

¹⁷ GR 12.4(d)(2)(E).

¹⁸ Oregon SPPE Rules, 7.4(B), 8.2(B).

¹⁹ *Id.*

²⁰ Minnesota Curricular Pathway Report, Draft 9.18.2025, pg. 5,

²¹ *Id.* at 15.

With these interests in mind, the Subcommittee believes candidates should have an opportunity to correct work but that limiting the number of opportunities would encourage candidates to submit their best work upfront and make better use of participant's time and resources. The Subcommittee, therefore, recommends that candidates be permitted to correct any work submitted as part of the midpoint portfolio that is deemed not passing and, if any work submitted as part of the final portfolio is graded not passing, the candidate will have two opportunities to correct that work.

This requirement would not preclude a candidate from reapplying and making a successive attempt to become licensed through the experiential pathway if they are unable to successfully complete all the program requirements within the required timeframe.²² The candidate would again need to complete all program requirements during this successive attempt, including submitting new work product for assessment as part of the portfolio.

f. Attestation Cover Page

Lastly, the Supervised Practice Subcommittee recommends that WSBA develop an attestation cover sheet to accompany each work product submitted as part of the portfolio. On the form, the candidate and supervisor would attest that the material is the candidates own work, noting any use of AI or templates as needed; identify the distinct legal issue addressed in the work; and provide an opportunity for candidates to give context for the piece if they believe that to be necessary. WSBA may request that candidates and supervisors provide additional information on the attestation form if needed.

III. Eligibility Requirements for 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.²³ APR 9 supervisors also may not have been disbarred or subject to disciplinary suspension in

²² The Core Competencies Subcommittee has tentatively recommended that, unless otherwise noted in the requirements, required work product and experiences must be completed after the candidate is approved to participate and that candidates must complete all pathway requirements within 18 months of beginning the pathway. The Supervised Practice Subcommittee will be incorporating these recommendations into their discussion of the timing and hours requirements for the pathway more generally.

²³ APR 9(c).

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.²⁴

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.²⁵ In addition, law clerk tutors must not have received any disciplinary sanction within the 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.²⁶

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.

²⁴ *Id.*

²⁵ APR 6(c)(3).

²⁶ APR 6(c)(2).