

**PUBLIC**  
**Law Clerk Board**  
**Agenda for June 6, 2025**  
Washington State Bar Association  
In-Person Meeting  
9:00 a.m. to 3:00 p.m.

**Public Session 9:00 am – 9:45 am**

2 min	Review April Public Minutes	Ben Phillabaum	Action
10 min	Outreach and Updates	Kat Skinner	Discussion
5 min	Chair Nomination	Ben Phillabaum	Action
30 min	Expansion Committee Report	Annemarie Weiss	Action

**Executive Session 9:45 am – 10:00 am**

2 min	Review April Confidential Minutes	Ben Phillabaum	Action
15 min	Law Clerk Requests	Ben Phillabaum	Action
5 min	Application Review	Ben Phillabaum	Action

**Evaluations (Confidential)**

10:00 am	Evaluations
12:00 pm	<i>Lunch</i>
1:00 pm	Evaluations
3:00 pm	Meeting End

Program Resources in BOX

Program and Volunteer Information on [WSBA.org](https://www.wsba.org)

**NEXT LAW CLERK BOARD MEETING: August 1, 2025 – Remote**



**WASHINGTON STATE BAR ASSOCIATION  
LAW CLERK BOARD**

**Confidential Minutes**  
**April 4, 2025**

**Law Clerk Board Members in Attendance**

- |   |   |
|---|---|
| <input type="checkbox"/> Benjamin Phillabaum, Chair | <input checked="" type="checkbox"/> Alexa Ritchie   |
| <input type="checkbox"/> Tracy Finnegan             | <input type="checkbox"/> Christell Casey            |
| <input checked="" type="checkbox"/> Michelle Myers  | <input checked="" type="checkbox"/> Sarah Propst    |
| <input type="checkbox"/> John Meyers                | <input checked="" type="checkbox"/> Annemarie Weiss |
| <input checked="" type="checkbox"/> Leone Reinbold  | <input checked="" type="checkbox"/> Gary Epperley   |
| <input checked="" type="checkbox"/> Emily Rose      |   |

**Staff and others in attendance for some or all the meeting**

Renata Garcia, Chief Regulatory Counsel and Katherine Skinner, Law Clerk Program Lead were also in attendance.

**Public Session**

**Approval of Meeting Minutes**

The February 7, 2025, public meeting minutes were approved with the exception that Katherine edits the chair notation in the attendance section.

**Outreach and Updates**

Katherine provided an update regarding the new law clerk program website, which is set to go live on May 20<sup>th</sup>.

Sarah and Annemarie volunteered to table at the July bar examination to congratulate law clerks as they finish the exam.

**Graduate Survey**

Katherine provided the results of the graduate survey. The Board agreed that the quantitative format was helpful for review. Katherine will add to the welcome packet that is sent to applicants upon enrollment more information about the roles of the Board and their assigned liaisons.



### **Application Quiz and Checklist**

Katherine shared the current quiz and checklist provided to applicants during the interview phase of the application process. The Board asked Katherine to add the following items:

- Details on the role of the liaison.
- Emphasize that the law clerk program is self-guided.
- Reminder to read the APR 6 and Regulations.

## **Executive Session**

### **Approval of Meeting Minutes**

The February 6, 2025, confidential meeting minutes were approved with the exception that Katherine edits the chair notation in the attendance section.

### **Requests**

The Board approved three requests for a leave of absence.

The Board denied one jurisprudence book request for not meeting the jurisprudence book request guideline no. 1:

- “Broken Trust: Greed, Mismanagement & Political Manipulation of America’s Largest Charitable Trust”

The Board approved three fourth year proposals.

The Board denied or deferred for more information four fourth year course proposals.

### **Applications**

The Board approved five applications for enrollment in the Law Clerk Program beginning when the final confirmation letter is sent.

### **Evaluations**

- The Board conducted three first-year evaluations and approved continuation in the program upon successful completion of all remaining first year coursework and book reports.
- The Board conducted two fourth-year evaluations and approved completion of the program upon successful completion of all remaining fourth-year coursework and book reports.

Respectfully Submitted,  
Katherine Skinner, Law Clerk Program Lead



**Outreach and Updates**

Program Data as of 6.04.2025
Enrolled: 123
Current and upcoming number of applications: 20
Current applications for consideration: 6
Winter 2025 bar exam pass rate: 44%
Outreach and Updates
New Law Clerk Program Website
STAR Summit
Law Clerk Reception



**To:** Law Clerk Board

**From:** Law Clerk Board Expansion Committee<sup>1</sup>

**Date:** May 28, 2025

**cc:** Katherine Skinner, WSBA Law Clerk Program Lead & Liaison to the Law Clerk Board  
Catherine A. Biestek, WSBA Managing Regulatory Counsel  
Renata de Carvalho Garcia, WSBA Chief Regulatory Counsel

**Re:** Recommendations Regarding Suggested Changes to the APR 6 Law Clerk Program

---

### **Introduction**

In FY2024, the Law Clerk Board created the Program Expansion Committee (Committee) to review ways to increase awareness and expansion of the Law Clerk Program (Program) and make recommendations to the Law Clerk Board regarding the removal of any unnecessary barriers for participation in the program. The Committee met several times in FY2024 and FY2025, including with individuals who contacted WSBA staff with suggested changes to the Program that might support Program expansion. The Committee accepted comments about suggested Program changes and appreciates the interest in and time spent by others in proposing changes and dialoguing with the Committee. In the following sections, the Committee summarizes the seven primary suggested changes to the Program that were reviewed by the Committee and provides recommendations on each.

### **Suggested Changes Considered**

The Committee received and considered suggested changes to the Program, including those listed below. All suggested changes were proposed with a goal to increase program participation by potential law clerks and/or tutors, including an emphasis in underserved communities.

<b>Suggested Change No. 1</b>	<b>Current Potential Barrier</b>	<b>Desired Outcome</b>
<p>Increase the number of law clerks that may be assigned to the same primary tutor and assistant tutor.</p> <p>Suggestions include allowing up to two law clerks per primary and assistant tutor at a time; allowing a primary tutor to act as an assistant tutor for another law clerk; and allowing more than two law clerks per primary tutor if the primary tutor is employed by a qualified legal aid provider or “a recognized institution of legal aid, legal assistance, public defense or similar programs furnishing legal assistance to indigents, or by the legal departments</p>	<p>A primary tutor is permitted to act as a tutor for only one law clerk at a time.</p> <p><i>Note:</i> Suggested change requires amendment to APR 6(c)(1).</p>	<p>Increase clerk enrollment without needing additional tutors.</p>

---

<sup>1</sup> Committee members include Law Clerk Board members Benjamin Phillabaum, Annemarie Weiss, and Gary Epperley.

Suggested Change No. 1	Current Potential Barrier	Desired Outcome
of a state, county or municipality” (quoting APR 9(f)(6)(b)).		

**Committee Analysis of Suggested Change No. 1:**

The Committee is supportive of the general intent to increase law clerk enrollment and allow tutors to work with two clerks at a time (as assistant or primary tutor). While we note that this is a higher burden on tutors and clerks (due to additional time and resource management), we believe that this change would still be in line with the original intent of the Law Clerk Program, which is to provide small-scale, one-to-one instruction alongside workplace experience. Some heightened due diligence will be required by the Board during the assessment and supervision of these tutor/clerk pairings. We acknowledge the need for additional lawyers and legal professionals in underserved communities, and we believe that this Rule change will be a step towards increasing assistance for legal aid organizations while also retaining the integrity of law-clerk instruction and the intent of the Rule 6 Program (please note [WSBA Resolution of June 28, 2020](#) regarding program intent and background).

While there have been suggestions that the Rule 6 Law Clerk Program, and suggested increased clerk/tutor ratios, are analogous to Rule 9 policies, the Committee believes that this analogy does not apply here. The Law Clerk Program is an alternative to traditional law school education that might otherwise be unattainable due to economic and institutional barriers. The Program is designed to provide educational and practical experience through a combination of work and study with an experienced lawyer or judge, and to provide the public with competent, skilled, and proficient lawyers. Whereas Rule 9 provides for limited practice for a defined amount of time for advanced law clerks and law-school students. The time and effort spent as a tutor-clerk pair is substantially higher than the oversight of a Rule 9 Legal Intern, and, especially during the first years of the Law Clerk Program, the law clerk will require more thorough education and supervision.

**Committee Recommendation regarding Suggested Change No. 1:**

The Committee recommends to the Law Clerk Board that APR 6 and Regulations be amended to allow for the option of a total of 2 law clerks to be assigned to a primary tutor or assistant tutor at the same time. Increasing the law clerk: tutor ratio from 1:1 to 2:1 allows additional law clerks to participate in the program and minimizes the risks of compromising the quality of legal instruction and experience provided to a law clerk and of diluting the mentorship relationship and time spent with individual law clerks. Fiscal impacts of this change could include increased enrollment of law clerks in the Program, resulting in more Program fees paid to the WSBA and a need for more Law Clerk Board members who can act as liaisons to law clerks and potentially more staff time to administer the Program.

Suggested Change No. 2	Current Potential Barrier	Desired Outcome
Allow all or portion of required weekly supervision time to include both clerks at the same time where the primary or assistant tutor is instructing more than one clerk.	<p>A tutor must complete an average of 3 hours of weekly personal supervision with a law clerk.</p> <p>“Personal Supervision” is defined as “time actually spent with the law clerk for the exposition and discussion of the law, the recitation of cases, and the critical analysis of the law clerk’s written assignments.” APR 6(d)(2).</p> <p><i>Note:</i> Suggested change may require amendment to APR 6(d)(2).</p>	Facilitate a primary tutor instructing more than one law clerk and still being able to complete the weekly personal supervision requirement.

#### Committee Analysis of Suggested Change No. 2:

The Committee is supportive of the intent of this suggested change in line with the Committee’s analysis of suggested change no. 1. We believe that allowing some joint Personal Supervision for a tutor with two law clerks could facilitate discussion among clerks on topics of the law and would ease the operational burden for the tutor in supporting two clerks. However, the intent of the Law Clerk Program for 1:1 supervision and mentorship should be retained in order to support progress of individual law clerks in the program. Therefore, the Committee proposes that a minimum of 1 of the 3 hours of Personal Supervision time still be required to occur 1:1 between the tutor and each individual law clerk, while the remaining 2 hours of Personal Supervision time may occur at the same time and include both law Clerks. Therefore, a tutor with 2 law clerks would spend a minimum total average of 4 hours of personal supervision each week.

#### Committee Recommendation regarding Suggested Change No. 2:

The Committee recommends to the Law Clerk Board that APR 6 and Regulations be amended to allow for a tutor with two law clerks to satisfy the requirement of an average 3 hours of weekly personal supervision with each law clerk, with a minimum of 1 hour of personal supervision time to occur 1:1 between the tutor and the individual law clerk and a minimum of 2 hours of personal supervision occurring between the tutor and both law clerks at the same time.

Suggested Change No. 3	Current Potential Barrier	Desired Outcome
Increase the number of months an assistant tutor can instruct the same law clerk per year ( <i>e.g.</i> , 8 months or more; 4 courses or more).	<p>Currently, one or more assistant tutors can teach up to 6 months per year (approximately 3 courses) for the same law clerk.</p> <p>(Informal assistance to a lesser degree by other lawyers, judges or staff is already generally acceptable without specific approval.)</p> <p><i>Note:</i> Suggested change requires amendment to Program Regulation 4-2.</p>	Ease primary tutor workload and increase flexibility in program administration if an assistant tutor can instruct more classes/months per year for the same law clerk. More individuals might agree to be a primary tutor.

**Committee Analysis of Suggested Change No. 3:**

The Committee believes allowing someone other than the primary tutor to teach a majority of a law clerk's courses in a year could act to erode the primary tutor's relationship with and investment in the success of law clerk in the program and would be detrimental to the law clerk's experience in the program. In addition, the Committee believes the primary tutor, who in most circumstances would be the more seasoned legal practitioner, would be more qualified and more knowledgeable as a tutor to the law clerk. APR 6 and Program Regulations already allow an assistant tutor to be assigned to a law clerk for up to 6 months per year and other informal assistance to a lesser degree by other lawyers, judges or staff is already generally acceptable without specific approval. This proposed change does not appear to benefit the law clerk, and essentially converts an assistant tutor to the role of primary tutor without having to satisfy the requirements of eligibility of a primary tutor.

**Committee Recommendation regarding Suggested Change No. 3:**

The Committee recommends not moving forward with this suggested change at this time.



Suggested Change No. 4	Current Potential Barrier	Desired Outcome
Decrease the number of years of practice required to qualify as a primary tutor; specifically, decrease the required number of years of practice to 7 years.	Currently, a primary tutor must, among other things, have practiced for 10 of the last 12 years.  <i>Note:</i> Suggested change requires amendment to APR 6(c)(3)	Increase the number of individuals who would qualify to be a primary tutor, and, thereby, enlarge the pool of individuals who might agree to be a primary tutor.

Committee Analysis of Suggested Change No. 4:

The Committee considered that decreasing the number of years of practice required for a primary tutor could correlate to a decrease in quality, knowledge, and time that the primary tutor can provide in tutoring a law clerk. A more seasoned lawyer may be more likely to have an established practice, broader base of legal experience and knowledge, and ability to manage and successfully accomplish the tutoring of an employee as a law clerk. The Committee considered that a more recently licensed attorney is often learning the practice of law and establishing their practice in the first several years after becoming licensed and may be less equipped to serve as primary tutor to a law clerk. The Committee acknowledges that there may be newer attorneys able to fulfill a primary tutor role but that evaluating individual primary tutors for eligibility would be challenging from a regulatory and oversight perspective. The Committee also acknowledges that 10 years of legal practice does not necessarily ensure that a lawyer will be a successful tutor. The Committee could be open to decreasing the required years of practice of a primary tutor to 8 years out of the last 12 years and potentially monitor going forward the rate of law clerk successful completion of the program and their tutor's number of years of practice.

Committee Recommendation regarding Suggested Change No. 4:

The Committee recommends to the Law Clerk Board that APR 6 and Regulations be amended to require a primary tutor to have practiced for 8 out of the last 12 years. The Committee recommends no change to the five-year practice requirements for assistant tutors. Another suggested change included increasing the look-back period within which a primary tutor could complete the required years of practice from 12-year period of time to 14 years. The Committee recommends taking no action on that suggested change and notes that if decreasing the required years of practice to 8 out of the last 12 years, then the look back period is increased to 4 years as a result.

Suggested Change No. 5	Current Potential Barrier	Desired Outcome
Allow members on inactive or voluntary resigned status to serve as tutors.	<p>Currently a primary tutor must, among other things, be an active member in good standing of the Bar (or be a judicial member of the Bar) and have practiced for 10 of the last 12 years immediately preceding the filing of the law clerk's application for enrollment.</p> <p><i>Note:</i> Suggested change requires amendment to APR 6(c)(2)&amp;(3) and to Program Regulation 4-2(A).</p>	Allow inactive and retired attorneys to qualify as a primary tutor and, thereby, enlarge the pool of individuals who might agree to be a primary tutor.

**Committee Analysis of Suggested Change No. 5:**

The Committee believes that to protect the public and maintain program integrity, it is essential that tutors at minimum satisfy MCLE requirements. Even if we were to require inactive and voluntary resigned/retired attorneys who apply to be tutors to provide proof of meeting MCLE requirement for active members, the regulatory and oversight challenges of communicating and verifying MCLEs completed for these license status types would be great, and the Committee does not believe it would result in a lot more tutor applicants.

**Committee Recommendation regarding Suggested Change No. 5:**

The Committee recommends not moving forward with this suggested change at this time.

Suggested Change No. 6	Current Potential Barrier	Desired Outcome
Create a directory or connection webpage for prospective law clerks and tutors (primary and assistant) to post availability/interest in participating in the Program.	<p>Program applicants have to find their own primary and assistant tutors.</p> <p><i>Note:</i> Would not require rule/regulation amendment as does not require Board action. See APR 6 Regulation 1-2(D), providing "[t]he Board will not assist an applicant for the law clerk program to find employment or to evaluate in advance the qualifications of a potential tutor."</p>	Facilitate connections between prospective and current tutors and law clerks.

**Committee Analysis of Suggested Change No. 6:**

The Committee believes that, provided law clerks understand they remain obligated to locate tutors, this change to help law clerks and tutors find one another can be implemented without appreciable risk to the public or the program.

**Committee Recommendation regarding Suggested Change No. 6:**

The Committee recommends to the Law Clerk Board to ask WSBA staff to facilitate the creation of this directory or connection webpage. The Committee acknowledges that this is in addition to the outreach efforts that WSBA staff already engages in on behalf of the Law Clerk Program, including conducting presentations at Washington state paralegal programs.

<b>Suggested Change No. 7</b>	<b>Current Potential Barrier</b>	<b>Desired Outcome</b>
Increase onboarding and other training for tutors at start and during Program and facilitate accessibility to resources.  Specific suggestions include: (1) provide a CLE for APR 6 law clerk tutors regarding update on law and materials can use to instruct law clerks; (2) hold bi-annual meeting for tutors; (3) more WSBA staff communication with tutors asking tutors to share their materials with other tutors.	Tutors need to develop their own exams, etc. when administering the program curriculum to their law clerk.  <i>Note:</i> No rule or regulation amendment needed.	Increase training for and collaboration among tutors to support tutor administration of program courses to their law clerks. Increase the number of attorneys willing to serve as primary tutor.

**Committee Analysis of Suggested Change No. 7:**

The Committee supports the suggestion to increase onboarding and other training for tutors at the start and during the Program and encourage communication and sharing of instruction materials among tutors. The Committee is cautious about the amount of time these additional measures would require of WSBA staff and Board volunteers. The Committee notes that the WSBA and the Board may not engage in creating or providing course or exam materials to program participants.

**Committee Recommendation regarding Suggested Change No. 7:**

The Committee recommends to the Law Clerk Board to ask WSBA staff to engage in more communications with tutors about the program, including to assess and implement additional tutor onboarding and training opportunities and to ask tutors to share their materials with other tutors.

**Conclusion**

The Committee submits the following Committee recommendations to the Law Clerk Board:

- The Committee recommends to the Law Clerk Board that APR 6 and Regulations be amended to allow for the option of a total of 2 law clerks to be assigned to a primary tutor or assistant tutor at the same time.
- The Committee recommends to the Law Clerk Board that APR 6 and Regulations be amended to allow for a tutor with two law clerks to satisfy the requirement of an average 3 hours of weekly personal supervision with each law clerk, with a minimum of 1

hour of personal supervision time to occur 1:1 between the tutor and the individual law clerk and a minimum of 2 hours of personal supervision occurring between the tutor and both law clerks at the same time.

- The Committee recommends to the Law Clerk Board that APR 6 and Regulations be amended to require a primary tutor to have practiced for 8 out of the last 12 years. The Committee recommends no change to the five-year practice requirements for assistant tutors.
- The Committee recommends to the Law Clerk Board to ask WSBA staff to facilitate the creation of this directory or connection webpage for prospective law clerks and tutors (primary and assistant) to post availability/interest in participating in the Program.
- The Committee recommends to the Law Clerk Board to ask WSBA staff to engage in more communications with tutors about the program, including to assess and implement additional tutor onboarding and training opportunities and to ask tutors to share their materials with other tutors.

If the Law Clerk Board votes to approve any of the recommendations that require APR 6 and Regulations to be amended, WSBA staff will work with the Law Clerk Board to draft suggested rule and regulation changes for the Law Clerk Board's review prior to finalizing and submitting to the WSBA Board of Governors.