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Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Dear Clerk:

Regardless of actual competence, some U.S. lawyers could be excluded from admission to practice law in Washington State for at least three years based on the fact that they were admitted in a jurisdiction that has not adopted the Uniform Bar Exam. This is apparently the effect under the proposed changes to APR 3 and elimination of APR 18. The APR Review Task Force was absolutely correct in referring to the Washington State bar exam as the "ultimate test" for determining and the "effective safeguard" of the competence of Washington attorneys. (See September 6, 2012, Report to Board of Governors, page 6.) I respectfully urge you to consider the enclosed additions to APR 3(b) or, alternatively, to consider retaining the reciprocity rule (APR 18).

I agree that the practice of law is becoming more mobile and appreciate the WSBA's concern over access to justice problems facing our profession. I also understand a resulting desire to simplify the admission process. However, the impact the proposed amendments would have on highly-qualified graduates from correspondence schools that have been approved in another U.S. jurisdiction is unfair both to those individuals and the profession. Those individuals should have the opportunity to prove their competence by getting a chance to sit for the "ultimate test," the Washington State bar exam.

With the cost of a law school education on the rise (whether you consider a JD degree or the required LLM under the proposed APR 3), we should be supporting, not discouraging, individuals who have put forth the effort to complete their law school education through a more mobile and less expensive option. Having completed my law school education through a tough California-approved correspondence school, I know firsthand that completing law school debt free allows you to make personal and career choices that would not have otherwise been possible. If the rules now before you had been in place when I began considering law school, I would not have had the chance to serve the people in my home state by entering the legal profession simply because I do not have the financial ability to attend a "traditional" law school (for either a JD degree or an LLM).

The Illinois State Bar Association noted the connection between law school debts and access to justice problems in a March 8, 2013, Report by the Special Committee on the Impact of Law School Debt on the Delivery of Legal Services. Simply put, law school debt very often prevents lawyers from being able to offer pro bono or low cost legal services to those most in need of access to justice. See http://www.isba.org/committees/impactoflawschooldebtondeliveryofle. The proposed amendment to APR 3 that would require a graduate of a "United States law school not approved by the Board of Governors" to undertake the expense of a LLM would likely serve to reduce access to

justice without accomplishing anything to ensure competence that could not be accomplished through the "effective safeguard" known as the Washington State bar exam.

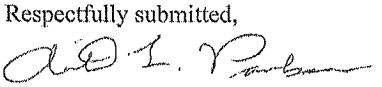
The competence of Washington attorneys can be safeguarded while addressing the access to justice issues raised by law school debt by simply allowing U.S. attorneys to sit for the Washington State bar exam regardless of their experience or education. This could be accomplished by adding to APR 3(b) one of the following provisions:

> To qualify to sit for the bar examination, a person must present satisfactory proof of either:
> ...
> (v) admission to the practice of law by examination, together with current good standing, in any state or territory of the United States or the District of Columbia;
>
> ***OR, alternatively,***
>
> (v) admission to the practice of law by examination in any state or territory of the United States or the District of Columbia within three years of the time of filing the application to take the bar examination.

The first option would clearly be the simplest approach by allowing U.S. lawyers to sit for the bar exam unless they had enough experience to qualify them for admission by motion (without examination). The second option would provide the same "wrap-around" rules to those provided by the proposed rules for anyone who has taken the UBE in another state. Under this proposal, those of us who do not have the finances to attend a traditional "brick and mortar" law school would still have the chance to serve our neighbors as attorneys in the beautiful state of Washington.

Thank you for your consideration of these issues.

Respectfully submitted,



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