

February 5, 2013

Re: Proposed Rule 9(h)(2)—Licensed Legal Interns (Term of Limited License).

“A limited license is granted at the sufferance of the Supreme Court and may be revoked at any time upon the court’s own motion, or upon the motion of the Board of Governors, in either case with or without cause.”

The rule violates both federal and state law.

While each state has wide discretion in determining bar applicant requirements, the requirements must be evenly applied. *Hackin v. Lockwood*, 361 F.2d 499 (C.A.Ariz 1966). Due process always is required. Article I, § 3, Washington State Constitution. Law licensure—and of course the licensure of legal interns as well—is conferred for the public’s benefit. *State ex. rel. Oklahoma Bar Ass’n v. Patterson*, 2001 OK 51, 28 P.3d 551 (2001). The Washington State Bar Association (WSBA) is an “agency of the state.” RCW 2.48.010. Furthermore, the WSBA serves at the public’s pleasure both through the legislature and the elected Washington state Supreme Court. Article IV, § 3, Washington State Constitution. (Justices Elected); *Graham v. Washington State Bar Association*, 86 Wn.2d 624, 628, 548 P.2d 310 (1976)(Washington state Supreme Court administers WSBA); APR 1(a). Furthermore, whether there is a “right” to practice law is irrelevant to the matter at issue in this comment, as is whether there is a right to be licensed as an intern to practice law under the guidelines governing interns. What is relevant is that there is a process for licensure and thus it must be evenly applied. *Hackin v. Lockwood*, supra.

Allowing someone’s limited license to be revoked “at any time . . .without cause” implicates and invites, *on its face*, unequal application.

Furthermore, any process involving revocation, including attempts to revoke for alleged good cause, must have a process in place that ensures each licensee has an equal opportunity to challenge the revocation. Without such procedure, once again, the process invites unequal application.

Sometimes I think the WSBA forgets that it is fulfilling a *public* licensing function for the state, not a membership process for a private club. Nor is it a private company. In fact, it is quite the opposite. It is a “public corporation.” *Graham v. WSBA*, supra.

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