

Foster, Denise

From: Jonathan Bechtle [jdbechtle@gmail.com]
Sent: Tuesday, April 30, 2013 8:12 PM
To: Foster, Denise
Subject: Comments on Proposed Amendments to Admission of Practice Rules

To: The Clerk of the Washington State Supreme Court

From: Jonathan Bechtle, WSBA #39074

Date: April 30, 2013

RE: Proposed Amendments to Admission of Practice Rules

First of all, I'd like to commend the Admission to Practice Rules Task Force for their diligent and exhaustive review of the admission rules, and for the thoughtful approach they took to the changes. In general, I believe they are an improvement.

My specific comments, however, are directed at one change I believe will have the opposite effect intended by the Task Force. This is the elimination of APR 18 and the corresponding change to APR 3.

While it's admirable to widen the doors for foreign students to seek admission to the Washington State Bar, the change actually reduces the opportunity for a diverse legal industry in the state by closing the door on a growing category of domestic attorneys that represent innovative approaches to legal education.

Essentially, the category being discriminated against is that of attorneys who have graduated from non-ABA law schools within the United States and have passed a state bar examination, but have not yet practiced for three years.

A reformation is taking place within higher education due to incredibly high tuition costs and a very weak job market. All over the nation, students are turning to alternative approaches to learning, seeking inexpensive alternatives to the traditional college campus that will lead to good job opportunities. Distance learning is one of the most notable of these alternatives.

The legal education system is not immune to these pressures; it merely lags behind the innovation curve. Several states, most notably California, have led the way in allowing law schools to experiment with new approaches to legal education that are far less costly and more flexible than traditional schools. The ABA has been very slow to recognize the need to innovate, however, and thus many of these schools do not qualify for accreditation.

The Task Force rightly noted the need to recognize the increasing globalization and cross-jurisdictional trends in the legal profession, and the "expense and difficulty" related to obtaining an ABA-accredited juris doctorate. And it repeatedly affirmed that the Washington State Bar Examination provides a secure test for determining minimum competence.

A number of attorneys, myself included, have been admitted to practice in Washington under APR 18. We graduated from non-ABA accredited schools that represent the cutting edge in education, passed some of the

most rigorous bar exams in the nation, and have a stellar track record of providing legal services in both private practice and the nonprofit arena. Yet the changes to APR 3 and APR 18 would mean that a foreign law student graduating from a non-ABA school would find it easier to join the Washington State Bar than a domestic student who had already proven their ability to pass rigorous bar examinations in other states.

Some concerns were raised regarding the administrative burden created by having to track admission rules in many other states. Such a concern could be lessened by placing the full burden on the applicant to provide accurate and timely information on eligibility, or by requiring a small fee for a reciprocity application to cover the administrative costs.

While I have no doubt this result is unintentional, the proposed rules discriminate against American law students who are willing to try innovative, lower cost schooling options. Ironically, these are exactly the kind of students most likely to be able to help increase access to the courts by providing low-cost legal services to nonprofits and disadvantaged individuals, as they are much less likely to finish school deeply in debt. If a strong requirement is kept in place for proof of bar admission in another state and passage of the Washington State Bar, there should be no concern in regards to professionalism or legal knowledge.

Thank you for your consideration of my concerns.

If any additional information would be helpful, I can be reached at jdbechtle@gmail.com or 360-956-3482.