



January 13, 2015

The Supreme Court of Washington  
P.O. Box 40929  
Olympia, WA 98504  
supreme@courts.wa.gov

Re: Support for proposed amendments to APR 11

Dear Chief Justice Madsen and Members of the Supreme Court:

The Pro Bono Council (PBC) enthusiastically endorses the proposed changes to APR 11.2, which expand the opportunity for WSBA members to earn MCLE credits through pro bono service and training. The PBC applauds the proposed changes, specifically the increase in the number of MCLE credit hours WSBA members can earn for pro bono service, and the elimination of the classroom training requirement to receive such credit. The PBC feels that the increased availability of credit for pro bono service will encourage WSBA members to fulfill their MCLE requirement with experiential learning, which is inherent to engaging in pro bono work with a Volunteer Lawyer Program (VLP).

The PBC was established by the Washington State Access to Justice Board to support, provide a unified voice, and advocate for the network of 18 Volunteer Lawyer Programs (VLPs) in the State of Washington. The VLPs provide free, high quality, efficient, and innovative civil legal assistance to low income people through the recruitment, training, supervision, and support of volunteer lawyers. Approximately 3,300 WSBA members volunteer 65,000 hours of attorney time through VLPs each year. The success of the VLPs is dependent on the participation of lawyers who volunteer their time to assist low-income residents of Washington with their civil legal needs.

The VLPs report that, because it gives WSBA members the opportunity to attain MCLE credit through pro bono work and training, the current APR 11.2 is an invaluable recruitment tool. This sentiment is echoed by the ABA's most recent report on pro bono work, which states that receiving CLE credit is one of the most compelling incentives to perform pro bono

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service.<sup>1</sup> Without APR 11.2, the VLPs risk losing volunteers and, therefore, losing capacity to provide services to the already under-served low-income client population in Washington State. Further, APR 11.2 encourages WSBA members to fulfill the aspirational goal to perform 30 hours of pro bono public service each year in accordance with RPC 6.1, and demonstrates that WSBA values its members pro bono efforts.

Although they have in the past performed pro bono service and training, lawyers have not consistently claimed the resultant MCLE credits under the current APR 11.2 due to complicated reporting requirements. The number of pro bono service hours generated by the current APR 11.2 exceed the hours actually claimed. The proposed rule will make the “enticement” of MCLE credits even more compelling and will in our collective judgment result in increased pro bono hours.

In addition to supporting services to low-income clients, APR 11.2 provides an important mechanism for continuing legal education to WSBA members. Pro bono work, because it is real-life experiential learning, is a high quality and hands-on approach to educating lawyers. Through pro bono service, lawyers are faced with immediate situations that are often outside their comfort zone: live clients, opposing parties, the complex realities of court systems and unforeseen case complications. Live pro bono work complements traditional classroom-based CLEs and allows lawyers to put skills learned in the classroom into practice. WSBA members report that doing pro bono work gives them the opportunity to learn and practice many skills that are not part of their legal employment. These skills include client interviewing, advocating in court, conducting legal research, applying law to real life, cultural competency, and legal writing. For these reasons, in the event APR 11.2 maintains a live hour requirement moving forward, the PBC respectfully suggests that pro bono service be included as an activity that satisfies the live requirement.

Furthermore, experiential learning opportunities are now an integral part of formal legal education. Washington’s law schools recognize that working directly with clients complements students’ doctrinal coursework, and have increased the availability of clinical and experiential learning requirements and offerings accordingly. Allowing lawyers to earn MCLE credit for performing pro bono service is consistent with this educational trend. The opportunity to earn MCLE credits for pro bono service extends the availability of experiential learning to practicing lawyers and allows WSBA members to access the highest quality of legal education throughout their careers.

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<sup>1</sup>American Bar Association Standing committee on Pro Bono and Public Service, *Supporting Justice III: A Report on the Pro Bono Work of America’s Lawyers*, 26 (2013).

As a whole, the legal profession is responsible for ensuring that all people, regardless of income, are afforded meaningful access to the justice system, and for ensuring that lawyers are educated and ready to provide high quality legal services. On behalf of the VLPs, their volunteers and their clients, the PBC respectfully supports all the proposed changes to APR 11.2.

Thank you,

Susan Arney  
Pro Bono Council co- Chair

Laurie Davenport  
Pro Bono Council co-Chair

## Tracy, Mary

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Tuesday, January 13, 2015 3:31 PM  
**To:** Tracy, Mary  
**Subject:** FW: Comment on changes to APR 11  
**Attachments:** PBC letter - APR 11 - 1.13.15.pdf

**From:** Beth Leonard [mailto:[BethL@kcba.org](mailto:BethL@kcba.org)]  
**Sent:** Tuesday, January 13, 2015 3:08 PM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Cc:** [susana@ccvlp.org](mailto:susana@ccvlp.org); Laurie Davenport  
**Subject:** Comment on changes to APR 11

Hello,

Attached please find a letter from the Statewide Pro Bono Council in re: the proposed changes to APR 11.

Thank you and please let me know if you have any questions,

Beth Leonard  
Pro Bono Council Manager  
206-267-7026 [bethl@kcba.org](mailto:bethl@kcba.org)

