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April 22, 2022

VIA EMAIL

Honorable Charles W. Johnson
Honorable Mary I. Yu
Supreme Court Rules Committee
c/o Clerk of the Supreme Court
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

RE: Comment on Proposed Amendment to APR 9

Dear Justice Johnson, Justice Yu, and Rules Committee Members:

On behalf of the District and Municipal Court Judges' Association (DMCJA), I am writing to oppose the Washington State Bar Association and state law schools' proposal to amend APR 9, pertaining to Licensed Legal Interns. This proposal would expand the current Rule 9 program and permit law students that have completed one year of law school and who are under the supervision of a law school clinic to try hearings and trials in courts of limited jurisdiction.

A first-year law student at the University of Washington School of Law is required to take Introduction to Perspectives on the Law, Contracts, Civil Procedure, Property, Torts, Criminal Law, Legal Analysis, Research, and Writing, Constitutional Law, and Transnational Law. Evidence is not substantively covered until the student's second year.

APR 9(e) outlines the scope of practice permitted under the rule and is unchanged by this proposal. After a reasonable period of supervision and participation with the supervising attorney, an intern is permitted to try hearings, nonjury trials, or jury trials in courts of limited jurisdiction (CLJs). The DMCJA opposes a rule that permits a second-year law student to represent a defendant in criminal proceedings in the absence of the supervising attorney.

The DMCJA recognizes the benefits identified in the GR 9 cover sheet to both the law student and the bar generally from increased exposure

to real-world practice, and makes no objection to any other scope of practice area for these inexperienced attorneys-to-be. The DMCJA would not be objecting if the supervising attorney were required to be present for CLJ hearings and trials. However, the DMCJA takes the position that a second year law student, in the absence of a supervising attorney, lacks the formal training necessary to defend someone facing a deprivation of their liberty.

If the Rules Committee adopts the proposal, the DMCJA urges them to exempt APR 9(e)(1)(A) and (D)(2) from the scope of practice allowed for a law student who has not completed at least two years of law school education, regardless of their participation in any law school legal clinic.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles D. Short", with a long, sweeping horizontal line extending to the right.

Judge Charles D. Short
DMCJA President

cc: Judge Jeffrey Goodwin, DMCJA Rules Chair
Ms. J Benway, DMCJA Rules Staff

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: Comment Letters (11) re CrRLJ 7.6, CrRLJ 3.1, CJC 2.3, CrRLJ 2.1, CRLJ proposal, GR 26, GR 42, APR 9, CJC 2.2 & 2.6, CrR 3.3, and Nonbiased Language Proposal
Date: Tuesday, April 26, 2022 8:06:57 AM
Attachments: [DMCJA Cmt Ltr re CrRLJ 7.6 April 22, 2022.pdf](#)
[DMCJA Cmt Ltr re CrRLJ 3.1 April 22, 2022.pdf](#)
[DMCJA Cmt Ltr re CJC 2.3 April 22, 2022.pdf](#)
[DMCJA Cmt Ltr re CrRLJ 2.1 April 22, 2022.pdf](#)
[DMCJA Cmt Ltr re CRLJ proposal April 22, 2022.pdf](#)
[DMCJA Cmt Ltr re GR 26 April 26, 2022.pdf](#)
[DMCJA Cmt Ltr re new GR 42 April 22, 2022.pdf](#)
[DMCJA Cmt Ltr re APR 9 April 22, 2022.pdf](#)
[DMCJA Cmt Ltr re CJC 2.2 and 2.6 April 22, 2022.pdf](#)
[DMCJA Cmt Ltr re CrR 3.3 April 22, 2022.pdf](#)
[DMCJA Cmt Ltr re nonbiased language proposal April 22, 2022.pdf](#)
[image002.png](#)

From: Dugas, Tracy
Sent: Monday, April 25, 2022 5:25 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: 'Charles D Short' <cshort@co.okanogan.wa.us>; 'Goodwin, Jeffrey' <Jeffrey.Goodwin@snoco.org>; Benway, Jennifer <Jamanda.Benway@courts.wa.gov>; Oyler, Stephanie <Stephanie.oyler@courts.wa.gov>
Subject: Comment Letters (11) re CrRLJ 7.6, CrRLJ 3.1, CJC 2.3, CrRLJ 2.1, CRLJ proposal, GR 26, GR 42, APR 9, CJC 2.2 & 2.6, CrR 3.3, and Nonbiased Language Proposal

Greetings,

Please see the attached letters intended as comments on the proposed amendments to CrRLJ 7.6; CrRLJ 3.1; CJC 2.3; CrRLJ 2.1; the CRLJ proposal; GR 26; GR 42; APR 9; CJC 2.2 & 2.6; CrR 3.3; and the Nonbiased Language Proposal, sent on behalf of Judge Charles D. Short, DMCJA President.

Thank you,

Tracy Dugas (she/her)

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