

APR 6
LAW CLERK PROGRAM

(a) Purpose. The Law Clerk Program provides access to legal education guided by a qualified tutor using an apprenticeship model that includes theoretical, experiential, and clinical components. Successful completion of the Law Clerk Program provides a way to meet the education requirement to apply for the lawyer bar examination in Washington; it is not a special admission or limited license to practice law.

(b) Application. Every applicant for enrollment in the law clerk program shall:

(1) Be of good moral character and fitness, as defined in APR 20;

(2) Present satisfactory proof of having been granted a bachelors degree by a college or university with approved accreditation; if the degree was earned in a non-United States jurisdiction, the applicant shall provide supporting documentation as to its equivalency;

(3) Be engaged in regular, full-time employment in Washington State for an average of 32 hours per week with the primary tutor or primary tutor's employer in a (i) law office, (ii) legal department, or (iii) court of general, limited, or appellate jurisdiction in Washington State. The employment must include tasks and duties which contribute to the practical aspects of engaging in the practice of law;

(4) Submit in such form and manner as prescribed by the Bar (i) an application for enrollment in the program, (ii) the tutor's application, and (iii) an application fee;

(5) Appear for an interview, provide any additional information or proof, and cooperate in any investigation, as may be deemed relevant by the Bar; and

(6) If applicable, present a petition for Advanced Standing based on law school courses completed or courses completed in this program during a previous enrollment. The Bar may grant Advanced Standing to an applicant approved for enrollment for courses deemed recently and successfully passed and equivalent to courses in the program.

(7) Where the Bar is satisfied that a primary tutor has arranged a relationship with the applicant's full-time employer consistent with the purposes of the Program, the requirement that the primary tutor, or the primary tutor's employer, be the law clerk's employer may be waived.

(8) Where the Bar is satisfied that the applicant has employment with a tutor whose practice has substantial contacts with Washington state, the requirement that the full-time employment be in Washington state may be waived.

(c) Tutors. To be eligible to act as a tutor in the law clerk program, a lawyer or judicial member as defined in the Washington State Bar Association Bylaws, shall:

(1) Act as a tutor for only one law clerk at a time;

(2) Be an active member in good standing of the Bar, or be a judicial member of the Bar, who has not received a disciplinary sanction in the last 5 years, provided that if there is a discipline pending or a disciplinary sanction has been imposed upon the member more than 5 years preceding the law clerk's application for enrollment, the Bar shall have the discretion to accept or reject the member as tutor;

(3) Have active legal experience in the practice of law as defined by APR 1 or have held the required judicial position for at least 10 of the last 12 years immediately preceding the filing of the law clerks application for enrollment. The 10 years of practice must include at least 2

years in Washington state and may be a combination of active practice and judicial experience but may not include periods of suspension for any reason;

(4) Certify to the applicant's employment as required above and to the tutor's eligibility, and agree to instruct and examine the applicant as prescribed under this rule; and

(5) Act as a tutor only upon the approval of the Bar which may be withheld or withdrawn for any reason.

(d) Enrollment. When an application for enrollment has been approved by the Bar, an enrolled law clerk shall:

(1) Pay an annual fee as set by the Board of Governors.

(2) Meet the minimum monthly requirements of an average of 32 hours per week of employment with the tutor which may include in-office study time and must include an average of 3 hours per week for the tutor's personal supervision of the law clerk. "Personal supervision" is defined as time actually spent with the law clerk for the exposition and discussion of the law, the recitation of cases, and the critical analysis of the law clerk's written assignments.

(3) Complete the prescribed course of study which shall be the equivalent of 4 years of study. Each year of study shall consist of 6 courses completed in 12 months. Months of leave, failed courses, and months in which the enrollee does not meet the minimum number of hours of work and study may not be counted toward the completion of a course and may extend the length of a year of study. Advanced Standing granted may reduce the months of program study. The course of study must be completed within 6 years from the initial date of enrollment.

(4) Abide by APR 6 and the Law Clerk Program Regulations approved by the Board of Governors which provide the course of study, program requirements, and other guidelines to successfully complete the program.

(e) Course of Study. The subjects to be studied, the sequence in which they are to be studied, and any other requirement to successfully complete the program shall be as prescribed in the Law Clerk Program Regulations. Progress toward completion of the program shall be evaluated by submission of examinations, certificates, reports and evaluations as follows:

(1) *Examinations.* At the end of each month, the law clerk shall complete a written examination prepared, administered, and graded by the tutor. The examination shall be answered without research, assistance, or reference to source materials during the examination. The examination shall be graded pass/fail.

(2) *Certificates.* Within 10 days following the month of study, the tutor shall submit the examination, including the grade given for the examination and comments to the law clerk, and a monthly certificate, stating the law clerk's hours engaged in employment, study, and the tutor's personal supervision. If an examination is not given, the monthly certificate shall be submitted stating the reason.

(3) *Book Reports.* The law clerk shall submit three book reports for the Jurisprudence course requirement corresponding to each year of study.

(4) *Evaluations.* At intervals deemed necessary, the law clerk shall participate with the tutor in an evaluation of the law clerk's progress.

(f) Completion of the program. A law clerk shall be deemed to have successfully completed the program when:

(1) All required courses have been completed and passed as certified each month by the tutor, and all book reports have been submitted;

(2) The tutor has certified that the law clerk, in the tutor's opinion, is qualified to take the lawyer bar examination and is competent to practice law; and

(3) The Bar has certified that all program requirements are completed.

(g) Termination. The Bar may direct a law clerk to change tutors if approval of a tutor is withdrawn. The Bar may terminate a law clerk's enrollment in the program for:

(1) Failure to complete the prescribed course of study within 6 years from the date of enrollment;

(2) Failure of the tutor to timely submit the monthly examinations and certificates;

(3) Failure to comply with any of the requirements of the law clerk program; and

(4) Any other grounds deemed pertinent.

(h) Effective Date. Revision of this rule shall not apply retroactively. A law clerk may complete the program under the version of the rule in effect at the start of enrollment.

(i) Confidentiality. Unless expressly authorized by the Supreme Court, the program applicant, or a current or former law clerk, enrollment and related records, documents, and proceedings are confidential and shall be privileged against disclosure.

[Adopted effective February 12, 1965; Amended effective September 1, 1984; March 6, 1992; September 1, 1994; June 2, 1998; April 1, 2003; January 13, 2009; January 1, 2014; September 1, 2017; September 1, 2022.]