

Rules relevant to the legal or regulatory relationship between the Washington Supreme Court and the Washington State Bar Association.

Admission and Practice Rules (APR)

APR 1. In General; Supreme Court; Prerequisites to the Practice of Law; Communications to the Bar; Confidentiality; Definitions

(a) Supreme Court - “The Supreme Court of Washington has the exclusive responsibility and the inherent power to establish the qualifications for admission to practice law, and to admit and license persons to practice law in this state. Any person carrying out the function set forth in these rules is acting under authority and at the direction of the Supreme Court.”

(b) Prerequisites to the Practice of Law - “Except as may be otherwise provided in these rules, a person shall not appear as an attorney or counsel in any of the courts of the State of Washington, or practice law in this state, unless that person has passed an examination for admission, has complied with the other requirements of these rules, and is an active member of the Washington State Bar Association.... A person shall be admitted to the practice of law and become an active member of the Bar only by order of the Supreme Court.”

(c) Communications to the Association – Provides for communications to entities acting under the rules to be “absolutely privileged, and no lawsuit may be predicated thereon.”

(d) Confidentiality - (1), (2) & (3) – Supreme Court (not Bar) is the entity that can authorize release of various records – applications, examinations and related information, designated records of Boards performing regulatory functions (other than the Disciplinary Board, which is covered by other rules).

(e) Definitions. (2) Defines “Bar” as used in the rules to mean “the Washington State Bar, including Bar staff;” (4) defines “Board of Governors” as used in the rules to mean “the Board of Governors of the Washington State Bar.” (Also of note: (7) defines “Member” as “a person who is identified as belonging to a group identified as members by the Bar’s Bylaws.”)

APR 2 Board of Governors

Authorizes the BOG to appoint Board of Bar Examiners, Law Clerk Board, Character and Fitness Board, provide for the administration of the bar exam and other licensing exams, and perform some other functions.

Also, specifically, APR 2(a)(6) “Prescribe, subject to review by the Supreme Court, the amount of any fees required by these rules; and (7) Perform any other functions and take any other

actions provided for in these rules or as may be delegated by the Supreme Court, or as may be necessary and proper to carry out its duties.”

APR 3 Applicants for Admission to Practice Law

(i) Applications; Fees; Filing Manner of submitting applications and admission application fees set by the BOG are subject to review by the Supreme Court.

APR 5 Preadmission Requirements: Oath: Recommendation for Admission; Order Admitting to Practice

(a)(1) – mandatory assessments ordered by the Supreme Court must be paid before admission, in addition to license fees.

(f) Chief Justice may designate a person outside the state of Washington for administration of the Oath of Attorney.

(k) Recommendations for admission after applications reviewed and character and fitness determination made must be transmitted to the Supreme Court.

(l) The Supreme Court may enter such order in each (admission application) case as it deems advisable, and for those applicants the Court deems qualified, it shall enter an order admitting them to the practice of law. (This requirement applies to all types of admission or licensing to practice law, whether those specific rules are listed in this compilation or not.)

APR 9 Licensed Legal Interns

(d)(3) “...The fees shall be set by the Board of Governors subject to review by the Supreme Court.”

(d)(6) & (7) – The Supreme Court issues or refuses to issue the licenses, and informs the Bar, which shall inform the applicant, send out a confirming letter, and issue an identification card.

APR 11 Mandatory Continuing Legal Education

(d) The Supreme Court appoints members of the Board and designates the Chair, approves suggested amendments to rules and policies. The Bar shall reimburse for expenses and provide administrative staff.

(i) (7)(iv) & 8 Members can petition the Supreme Court for review of certain decisions of the MCLE Board.

APR 12 Limited Practice Rule for Limited Practice Officers

(b) Supreme Court appoints Limited Practice Board and designates the Chair, approves subjects for the examination, and the Bar shall reimburse Board member expenses and provide administrative support.

(f) BOG sets license fees, which are subject to review by the Court, and the Court may order mandatory assessments.

APR 14 Limited Practice Rule for Foreign Law Consultants

The Court orders these licenses after review and approval by the Bar.

APR 15 Client Protection Fund

(a) Purposes. Creation of a fund to be maintained and administered as a trust by the BarThe Court establishes the Fund and the Board and orders the assessments to be paid for the fund.

(b) Establishment.

(1) Board of Governors act as Trustees for the Fund.

(2) Board of Governors appoints a Client Protection Board to help administer the Funde pursuant to the Court Rules...

(c) Funding. Court orders assessments upon recommendation from the Board.

(d) Enforcement. By the Bar, and is suspension for failure to pay assessment...

(h) Reports. The Bar is to file a report with the Supreme Court at least annually.

(i) Communication to the Bar. Communication to the Bar, BOG, others, under authority of the rules are privileged.

Some more mentions in the CPF Regulations.

APR 17 Administrative Suspension from Practice

The Bar shall request the Supreme Court suspend lawyers, LLLTs and LPOs for failure to meet certain requirements, and the Court may enter an order suspending that person, and when that person fulfills the requirements, the Court may enter an order changing the persons status.

APR 19 Lawyer, LLLT and LPO Services

This rule authorizes the Bar to create and administer for lawyers, LLLTs and LPOs, an assistance program (LAP), an office management assistance program (LOMAP), and a professional responsibility program with an ethics telephone inquiry line. Section (f) states that communications to the Bar, Board of Governors, etc, under authority of the rule are absolutely privileged.

APR 20-25.3(e) – [Character and Fitness Rules]

The Supreme Court authorizes the Character and Fitness Board and specifies the duties and functions of Bar staff, Bar Counsel, and the Board, as well as the standards and procedures to be applied in every case. The rules also provide for direct review by the Supreme Court upon recommendation of the Character and Fitness Board after character and fitness hearings.

APR 26 Insurance Disclosure

This rule requires every active lawyer to disclose to the Bar information regarding whether the lawyer is in private practice and whether the lawyer is covered by professional liability insurance, and provides that the Supreme Court may enter an order suspending any lawyer who fails to comply with the rule.

APR 27 Provision of Legal Services Following Determination of Major Disaster

The Supreme Court determines when an emergency affecting the justice system has occurred and designates and provides for temporary practice in such situation.

APR 28 Limited Practice Rule for Limited License Legal Technician

This rule establishes the LLLT Board with members appointed by the Supreme Court, and directs the Bar to reimburse expenses and provide administrative support for the Board. It provides that the BOG sets the license fee, subject to review by the Supreme Court, and that the Supreme Court may order mandatory assessments.

Rules for the Enforcement of Lawyer Conduct (ELC)

ELC 2.1 Supreme Court “The Washington Supreme Court has exclusive responsibility in the state to administer the lawyer discipline and disability system and has inherent power to maintain appropriate standards of professional conduct and to dispose of individual cases of lawyer discipline and disability. Persons carrying out the functions set forth in these rules act under the Supreme Court’s authority.”

ELC 2.2 Board of Governors; Disciplinary Selection Panel This rule designates the delegated responsibilities of the Board of Governors, and places specific limitations on the authority of the Board of Governors in connection with the discipline system. They also provide that the Supreme Court appoints the Disciplinary Selection Panel.

ELC 2.3 Disciplinary Board The Supreme Court appoints the members and Chair of the Disciplinary Board.

ELC 2.5 Hearing Officers The Supreme Court appoints hearing officers to the hearing officer list, and may remove people from that list, and appoints a Chief Hearing Officer.

ELC 2.7 Conflicts Review Officer The Supreme Court appoints three conflict review officers, or conflicts review officers pro tempore.