

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Todd Alberstone, MCLE Board Chair
Adelaine Shay, WSBA MCLE Manager
DATE: September 7, 2022
RE: Suggested Amendment to Admission and Practice Rule (APR) 11

INFORMATION: In accordance with APR 11(d)(2)(i), the MCLE Board presents to the WSBA Board of Governors the final suggested amendment to Rule 11 of the Admission and Practice Rules (APR) regarding the establishment of MCLE credit for tutors in the APR 6 Law Clerk Program.

Pursuant to APR 11(d)(2)(i), “The MCLE Board shall review and suggest amendments or make regulations to APR 11 as necessary to fulfill the purpose of MCLE and for the timely and efficient administration of these rules and for clarification of education requirements, approved activities, and approved course subjects. Suggested amendments are subject to review by the Board of Governors and approval by the Supreme Court.”

MCLE Board Chair Todd Alberstone and Vice-Chair Robert Malae presented the MCLE Board’s preliminary suggested amendments to APR 11 regarding the establishment of MCLE credit for tutors in the APR 6 Law Clerk Program at the WSBA Board of Governors meeting in July. The Board of Governors decided to support the preliminary suggested amendments. Taking into consideration the feedback and support from the WSBA Board of Governors, the MCLE Board made revisions to the suggested amendments and decided at its August meeting to proceed.

The attached suggested amendments as revised by the MCLE Board clarify that law clerk tutors are eligible for “law and legal” credit, in addition to “other” and ethics credits, by stating clerks are participating in “courses” (see APR 11(c)(1)). Additionally, the revisions create a new subsection so that law clerk tutoring will have its own approved activity category instead of having the credit consolidated with the law school teaching category. The revisions are intended to assist with implementing the suggested amendment, without impacting the spirit of the preliminary suggested amendments presented at the July Board of Governors meeting.

The MCLE Board will submit the suggested amendments to the Supreme Court for consideration in October.

Attachments:

- Suggested Amendments to APR 11 — Redline dated September 6, 2022

WSBA RISK ANALYSIS:

Recommending this rule change to the Court does not appear to create legal risk for the WSBA.



SUGGESTED AMENDMENTS TO APR 11 (Redline)

1 **TITLE**

2 **ADMISSION AND PRACTICE RULES (APR)**

3 **RULE 11. MANDATORY CONTINUING LEGAL EDUCATION (MCLE)**

4 **(a) – (e)(9)** No Changes.

5 **(10) Tutoring clerks through the APR 6 Law Clerk Program courses when providing “personal**
6 **supervision” as defined in APR 6(d)(2).**

7 **(f) – (k)** No Changes.

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