

FILED
JUN - 7 2018
WASHINGTON STATE
SUPREME COURT

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE PROPOSED)
AMENDMENT TO APR 8—LIMITED)
ADMISSIONS)
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ORDER

NO. 25700-A- 1224

Ms. Kristy Healing and the Commission on Children in Foster Care, having recommended the adoption of the proposed amendment to APR 8—Limited Admissions, and the Court having considered the amendment and comments submitted thereto, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the proposed amendment as attached hereto is adopted.
- (b) That the proposed amendment will be published in the Washington Reports and will become effective on September 1, 2018.

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ORDER

IN THE MATTER OF THE PROPOSED AMENDMENT TO APR 8—LIMITED
ADMISSIONS

DATED at Olympia, Washington this 7th day of June, 2018.

Johnson

Madsen, J.

Owens, J.

Steyn, J.

Fairhurst, J.

Wiggin, J.

Contreras, J.

Benfield, J.

Jr., J.

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3 APR 8
4 LIMITED ADMISSIONS

5 (a) In General. Lawyers admitted to the practice of law in any state or territory of the United
6 States or the District of Columbia or in any foreign jurisdiction, who do not meet the requirements
7 of rule 1(b) or 3(c), may engage in the limited practice of law in this state as provided in this rule.
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10 (b) Exception for Particular Action or Proceeding. A lawyer member in good standing of, and
11 permitted to practice law in, the bar of any other state or territory of the United States or of the
12 District of Columbia, or a lawyer who is providing legal services for no fee through a qualified
13 legal services provider pursuant to rule 8(f), may appear as a lawyer in any action or proceeding
14 only

15 (i) with the permission of the court or tribunal in which the action or proceeding is pending, and

16 (ii) in association with an active member of the Washington State Bar Association, who shall be
17 the lawyer of record therein, responsible for the conduct thereof, and present at proceedings unless
18 excused by the court or tribunal. The requirement in (ii) is waived for a lawyer who is a full-time
19 active duty military officer serving in the office of a Staff Judge Advocate of the United States
20 Army, Air Force, Navy, Marines, or Coast Guard, or a Naval Legal Service Office or a Trial
21 Service Office, located in the State of Washington.
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24 (1) An application to appear as such a lawyer shall be made by written motion to the court or
25 tribunal before whom the action or proceeding is pending, in a form approved by the Board of
26 Governors, which shall include certification by the lawyer seeking admission under this rule and the
27 associated Washington lawyer that the requirements of this rule have been complied with, and shall
28 include an indication on which date the fee and assessment required in part (2) were paid, or
29 indicating that the fee and assessment were waived pursuant to part (2). The motion shall be heard
30 by the court or tribunal after such notice to the Washington State Bar Association as is required in
31 part (2) below, together with the required fee and assessment, unless waived pursuant to part (2),
32 and to adverse parties as the court or tribunal shall direct. Payment of the required fee and
33 assessment shall only be necessary upon a lawyer's first application to any court or tribunal in the
34 same case. The court or tribunal shall enter an order granting or refusing the motion, and, if the
35 motion is refused, the court or tribunal shall state its reasons.
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38 (2) The lawyer making the motion shall submit a copy of the motion to the Washington State
39 Bar Association accompanied by,

40 (A) a nonrefundable fee in each case in an amount equal to the license fee required of active
41 lawyer members of the Bar, and

42 (B), the Client Protection assessment as required of active lawyer members of the Bar.
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45 (3) Payment of the fee and assessment shall only be necessary upon a lawyer's first motion to
46 any court or tribunal in the same case. The associated Washington counsel shall be jointly
47 responsible for payment of the fee and assessment. The fee and assessment shall be waived for:

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49 (A) a lawyer providing legal services for no fee through a qualified legal services provider
50 pursuant to rule 8(f).

1 (B) a lawyer rendering service for no fee in either a bar association or governmentally
2 sponsored legal services organization or in a public defender's office or similar program providing
3 legal services to indigents and only in that capacity, or

4 (C) a lawyer who is a full-time active duty military officer serving in the office of a
5 Staff Judge Advocate of the United States Army, Air Force, Navy, Marines, or Coast Guard, a
6 Naval Legal Service Office or a Trial Service Office, located in the State of Washington, and who is
7 not receiving any compensation from clients in addition to the military pay to which they are
8 already entitled.
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11 (4) The Bar shall maintain a public record of all motions for permission
12 to practice pursuant to this rule.
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14 (5) No member of the Bar Association shall lend his or her name for the purpose of, or in any
15 way assist in, avoiding the effect of this rule.
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17 (6) Exception for Indian Child Welfare Cases. A member in good standing of, and permitted to
18 practice law in, the bar of any other state or territory of the United States or of the District of
19 Columbia, may appear as a lawyer in an action or proceeding, and shall not be required to comply
20 with the association of counsel and fee and assessment requirements of subsection (b) of this rule, if
21 the applicant establishes to the satisfaction of the Court that:
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23 (A) The applicant seeks to appear in a Washington Court for the limited purpose of
24 participating in a child custody proceeding as defined by RCW 13.38.040, pursuant to the
25 Washington State Indian Child Welfare Act, Ch.13.38 RCW or by 25 U.S.C. § 1903, pursuant to
26 the Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 et seq.;

27 (B) The applicant represents an Indian tribe as defined by RCW 13.38.040 or 25 U.S.C. §
28 1903;

29 (C) The Indian child's tribe has executed an affidavit asserting the tribe's intent to intervene
30 and participate in the state court proceeding and affirming that under tribal law (i) the child is a
31 member or (ii) the child is eligible for membership and the biological parent of the child is a
32 member; and,
33

34 (D) The applicant has, or will within seven (7) days of appearing on the case, provided
35 written notice to the Washington State Bar of their appearance in the case. Such written notice shall
36 be by providing in writing the following information: the cause number and name of the case, the
37 attorney's name, employer, and contact information, and the bar number and jurisdiction of the
38 applicant's license to practice law.
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- 40 (c) UNCHANGED
41 (d) UNCHANGED
42 (e) UNCHANGED
43 (f) UNCHANGED
44 (g) UNCHANGED
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