



WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

August 15, 2013

AGENDA

Washington State Bar Association
1325 Fourth Avenue – Suite 600
Seattle, Washington 98101
Time: 2:00 p.m. to 5:00 p.m.

1. **Call to Order/Preliminary Matters** (2:00 p.m.)
 - Approval of July 18, 2013 meeting minutes
2. **Admissions & Licensing Subcommittee Consent Agenda** (2:15 p.m.)
 - a. The family law course requirements chart developed by the Family Law Curriculum Workgroup is adopted in its entirety.
3. **Report of Examination Subcommittee Meeting** (2:25 p.m.)
4. **RPC Subcommittee Recommendations Consent Agenda** (2:45 p.m.)
 - a. The existing lawyer RPC will serve as the basis for the LLLT RPC.
 - b. The subcommittee will use the following approach to drafting the RPC: Determine which RPC (1) do not apply, (2) do apply, (3) apply but need modification, and (4) are missing and need to be added.
5. **Report of RPC Subcommittee Meeting** (3:00 p.m.)
6. **Scope: Service Member's Civil Relief Act** (3:15 p.m.)
7. **Governance Task Force Survey** (3:30 p.m.)
8. **Open Discussion**
9. **Adjourn** (5:00 p.m.)

MEETING MATERIALS

1. 2013-07-18 Draft Meeting Minutes [pp. 438-444]
2. 2013-07-18 Approved Admissions & Licensing Subcommittee Minutes [pp. 445-446]
3. 2013-07-18 Approved Scope of Practice Subcommittee Minutes [pp. 447-450]

LLLT Board Meeting Agenda
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4. 2013-07-18 Approved Examination Subcommittee Minutes [pp. 451-452]
5. 2013-07-18 Approved RPC Subcommittee Minutes [pp. 453-456]
6. 2013-07-18 Revised RPC Subcommittee Roster [pp. 457]
7. 2013-07-18 Appendix of Board Decisions [pp. 458-473]
8. 2013-07-18 Final Family Law Course Curriculum Chart [pp. 474-475]
9. Governance Task Force LLLT Questionnaire [pp. 476-477]



WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD MEETING MINUTES

July 18, 2013

Washington State Bar Association
Seattle, Washington

Members present were Steve Crossland (Chair), Guadalupe Artiga, Paul Bastine (BOG Liaison), Brenda Cothary, Greg Dallaire, Jeanne Dawes, Ellen Dial, Janet Olejar, and Elisabeth Tutsch.

Also in attendance was Thea Jennings (Staff Liaison) and Bobby Henry, RSD Associate Director.

Also present was Christy Carpenter, a member of the public.

PRELIMINARY MATTERS

The meeting was called to order at 2:01 p.m.

I. Meeting Minutes

The June 20, 2013 meeting minutes were approved.

II. Chair Updates

Chair Steve Crossland gave a recap of past and upcoming presentations. Specifically, he noted that he met with a mid-sized Seattle firm and their paralegals. The firm expressed great interest in how the program might fit into their business model and whether immigration might be a future practice area.

Chair Crossland also noted that he, Bill Covington, and WSBA staff Bobby Henry, Thea Jennings, and Paula Littlewood met with representatives from 13 community colleges facilitated by Jan Yoshiwara, the Deputy Executive Director for Education Services of the Washington State Board for Community and Technical Colleges. With Ms. Yoshiwara's assistance, an advisory committee under the auspices of the State Board for Community and Technical Colleges will be convened with representation from many of the state community colleges and the LLLT Board. The committee's purpose will be to explore using a unified course numbering system and the Board's required curricular topics for the core education. The goal would be to assure access and affordability of the LLLT education component.

III. Governance Task Force Survey

Board of Governors (BOG) Liaison Paul Bastine presented information on the Governance Task Force, which is reviewing how the WSBA and the BOG function and their structure. The Task Force will make recommendations directly to the Supreme Court regarding whether any restructuring needs to be done.

BOG Liaison Bastine briefly explained the structure of the BOG, including how members are voted in and appointed to the BOG, term lengths, and the general makeup of the BOG. He further clarified questions regarding the current governance structure and principle issues surrounding the BOG's infrastructure.

The Task Force is particularly interested in hearing from all Supreme Court boards that are administered by the WSBA, including the LLLT Board, regarding how the BOG and the WSBA might best serve the needs of the public. One area of discussion is how these boards interrelate with the BOG that controls their budgets. Another area of discussion is whether LLLTs should have representation on the BOG given that LLLTs will be licensed by and the LLLT Program administered through the WSBA.

The Task Force created a survey for the LLLT Board, which was circulated at the meeting. The Board agreed it should respond as a group to the survey. The Board will review the survey and be prepared to discuss possible responses at the next meeting.

IV. Admissions & Licensing Consent Agenda

The Board then discussed the July 18, 2013 consent agenda recommendations of the Admissions & Licensing subcommittee, which were as follows:

- a) Applicants must complete five credit hours in basic domestic relations subjects and ten credit hours in advanced and Washington specific domestic relations subjects.
- b) Tuition for the domestic relations courses will be \$250 per credit.
- c) Prior to enrolling in the domestic relations practice area courses, applicants not seeking a waiver must complete the following core courses: Civil Procedure; Interviewing and Investigation Techniques; Introduction to Law and Legal Process; Legal Research, Writing, and Analysis; and Professional Responsibility.
- d) Appendix APR 28 Regulations 1, 3, and 5-12 are recommended for adoption and submission to the Supreme Court.

The Board approved items A-C with slight revisions to item B, as follows: "For informational purposes, tuition for domestic relations courses is estimated to be \$250."

The Board then discussed item D: Appendix APR 28 Regulations 1, 3 and 5-12. Board members asked the Admissions & Licensing subcommittee for clarification on some of the regulations. The Board then made a slight revision to Regulation 11B to correctly cross-reference Regulation 11A within the text and approved the Regulations as proposed.

V. Admissions & Licensing Subcommittee Meeting Report

Board Chair Steve Crossland presented the report of the July 18, 2013 Admissions & Licensing Subcommittee meeting.

Family Law Curriculum Workgroup Proposed Consent Agenda Items

The Subcommittee discussed the Family Law Curriculum Workgroup's proposed consent agenda items for the August Board meeting, which include:

- a) The family law course requirements chart developed by the Family Law Curriculum Workgroup is adopted in its entirety.
- b) The Workgroup recommends 80% minimum participation in the courses, which shall be tracked using Adobe Connect and classroom attendance.

The Board had concerns regarding requiring 80% participation of students. The Board was more comfortable with two-thirds participation, though they were unsure mandatory participation should be required. They request that the Workgroup reconsider.

Core Education Gap Analysis

The subcommittee then discussed the "gap" in the curriculum of core education courses that have been taught, or are currently being taught at the community colleges. The gap analysis was not completed in time for the July meeting. Preliminary indications are that there is not much of a gap to fill. Scott Haddock will report back to the subcommittee and/or the Board when the gap analysis is complete.

The subcommittee discussed different ideas for how to fill in this "gap" in education. Because it does not look like it will be a big gap, the subcommittee has proposed a day-long gap seminar. This seminar could possibly be held at and webcast from the WSBA CLE conference room. A fee could be charged to cover the costs and expenses. The seminar would need to be scheduled for Spring or Summer 2014 so that people could enroll in the family law curriculum in Fall 2014. Staff will work with the WSBA communications department on planning and developing this event. The subcommittee would like to see the seminar offered once or twice per year as an in-person and live webcast event. The subcommittee believes that the last offering should be in 2016; after which, individuals would need to retake courses to make up the gap in the education.

VI. Scope of Practice Report

Before offering its consent agenda items, the Scope of Practice subcommittee chose to offer its July 18, 2013 meeting report, which it found necessary in order to explain its revisions to proposed Regulation 2. Chair Dallaire presented the report.

Family Law Curriculum Workgroup Report

The Family Law Curriculum Workgroup had questions regarding draft Regulation 2:

- Whether or not any prohibitions apply as to the Uniform Interstate Family Support Act (UIFSA).

- Whether or not anti-stalking orders are within the acceptable scope of practice.
- The reasons for the prohibition against representing parties covered under the Service Member's Civil Relief Act.

The UIFSA has complicated jurisdictional issues similar to UCCJEA issues. Given the subcommittee's determination that UCCJEA issues are beyond the scope, the subcommittee agreed there should be a prohibition for UIFSA issues. The subcommittee concluded anti-stalking orders should be prohibited in domestic violence actions. The Board agreed to the subcommittee's two new prohibitions found in Regulation 2B(3).

Regarding the Service Member's Civil Relief Act, the Workgroup felt there is a great need for legal services for these parties and that if the idea is to promote access to justice, the program is losing a large population of people who have less than optimal access and are younger without the money to hire lawyers. No family law practitioners were at the subcommittee meeting to provide input. Nevertheless, the subcommittee agreed to strike the prohibition against providing legal services if a party to the action is covered under the Service Members' Civil Relief Act or the Servicemembers Civil Relief Act. It did so for the following reasons: (1) High quality education, as will be provided by the family law courses, would likely prevent problems in this area and (2) prohibitions against dividing real estate and defined benefit plans are in place, which would protect service members stationed outside Washington. It removed the issue from the consent agenda and struck the language from Regulation 2B(3)(b).

Board members expressed strong concerns that the family law practitioners were not able to contribute to the discussion and agreed temporarily to strike the prohibition with the understanding that the Board will readdress the issue with necessary input at the next meeting. Regulation 2 will be submitted to the Court with the language omitted.

Final Regulation 2 Revisions

The subcommittee then discussed other final revisions to Regulation 2. Among other minor editorial changes, the subcommittee agreed to the following substantive changes:

- To Regulation 2B(2): Unless an issue beyond the scope arises or a prohibited issues arises act would be required, LLLTs may advise and assist clients (1) to initiate and respond to actions and (2) ~~advise and assist clients~~ regarding motions, discovery, trial preparation, temporary and final orders, ~~i.e. findings of fact and conclusions of law, final decrees, parenting plans, and orders of child support~~; and modifications of ~~final orders of support~~.
- To Regulation 2B(3): LLLTs licensed to practice in domestic relations ... (b) shall not provide legal services: ... (ii) if 25 U.S.C. Chapter 21, the Indian Child Welfare Act, or RCW 13.38, the Washington State Indian Child Welfare Act, applies to the matter.

The Board agreed to these proposed changes.

Concluding the Work of the Subcommittee

Ellen Reed has been working on an informational document explaining the rationale behind decisions on scope. The purpose for the document would be to answer any future questions that may arise regarding scope.

The subcommittee then discussed what should be its approach to publishing and/or informing the public and LLLTs of approved and prohibited forms. It suggests a subcommittee be formed in the future to explore questions relating to forms. At a minimum, a webpage should be devoted to resources LLLTs may use for locating forms.

VII. Scope of Practice Consent Agenda Items

The Board then discussed the July 18, 2013 consent agenda recommendations of the Scope of Practice & Forms Subcommittee, which were as follows:

- a) LLLTs shall not advise and assist clients regarding the determination of Uniform Child Custody Jurisdiction and Enforcement Act issues unless and until jurisdiction has been resolved.
- b) LLLTs shall not provide legal services to clients if a party to the action is covered by the Washington Service Members' Civil Relief Act or the Servicemembers Civil Relief Act.
- c) LLLTs may select, prepare, file, and serve motions consistent with the rule except where other defined prohibitions apply.
- d) LLLTs may assist and advise clients regarding discovery in domestic relations actions except where other defined prohibitions apply.
- e) In domestic relations matters, LLLTs shall not appear or participate in the taking of a deposition.
- f) In domestic relations matters, LLLTs shall not initiate or respond to an appeal to an appellate court.
- g) LLLTs shall not advise and assist clients with anti-stalking orders in domestic violence actions.
- h) After an issue beyond the LLLT's scope of practice has been identified, an LLLT may prepare a document related to the issue only if a lawyer acting on behalf of the client has provided appropriate documents and written instructions for the LLLT as to whether and how to proceed with respect to the issue. The LLLT shall then be required to follow the instructions and incorporate the terms of the necessary documents into the final court orders. The LLLT may proceed in this manner only if no other defined prohibitions apply.
- i) Appendix APR 28 Regulation 2 is recommended for adoption and submission to the Supreme Court.

As discussed previously, item B relating to the Servicemembers Civil Relief Act was removed from the consent agenda for further discussion at the August meeting.

The Board approved all other consent agenda items, though it made one slight revision to Regulation 2. Under Regulation 2B(3)(c)(v), the Board replaced "community property"

with “pseudo-community property,” which is the appropriate term of art in the context of intimate domestic relationship actions.

VIII. Approval of Appendix APR 28 Regulations 1-12

The Board then approved Appendix APR 28 Regulations 1-12 for submission to the Supreme Court.

IX. RPC Subcommittee Report

Chair Ellen Dial presented the report of the July 18, 2013 RPC subcommittee meeting. Subcommittee members first made introductions around and expressed great interest in developing comprehensive RPC that will provide future guidance to practicing LLLTs and protect the interests of the public.

Approach to Drafting the RPC

The subcommittee decided on the following approach to drafting the RPC: Determine which RPC

1. do not apply,
2. do apply,
3. apply but need modification, and
4. are missing and need to be added.

General Commentary on the RPC and Specific Concerns

The subcommittee next discussed problematic RPC or RPC that may be of specific interest to subcommittee members for further analysis. The subcommittee then pointed out the following issues that may require close attention:

- IOLTA rules
- “Title 5—Law Firms & Associations,” including what will be acceptable business arrangements for LLLTs, what will be their obligations for supervision, will they be able to partner with lawyers, with nonlawyers?
- Fee sharing
- Confidentiality in nontraditional business/employment environments, e.g. a domestic violence shelter
- What will be an LLLT’s ethical responsibilities when not acting as an LLLT, e.g. if the LLLT also acts as a guardian ad litem

Reviewing the RPC

At which point, the subcommittee began reviewing the RPC to make initial determinations regarding which RPC do not apply, do apply, apply but need modification, or are missing. The subcommittee deferred decisions regarding whether the rules should include the comments and whether additional comments will be necessary. The subcommittee further reserved discussion on the fundamental principles, scope, and terminology sections of the RPC until it is further into its work. With that, the

subcommittee started reviewing Title 1—Client-Lawyer Relationship. The subcommittee will continue with conflicts of interest at its next meeting.

X. Visit by Chief Justice Madsen

Supreme Court Chief Justice Barbara Madsen stopped by the meeting briefly to thank the Board for its hard work and diligence getting the program implemented.

XI. Report of Examination Subcommittee

Chair Lupe Artiga presented the report of the July 18, 2013 Examination subcommittee meeting. The subcommittee discussed various alternatives to creating and writing the exams themselves. There was not strong support for using an “off-the-shelf” exam from another organization like the NFPA’s PACE or CORE exams. However, the subcommittee is interested in looking at the exam materials and sample exams, as well as learning more about those exams before making a final determination. Brenda Cothary will gather additional information and perhaps someone to speak with the subcommittee for the next meeting.

The subcommittee also discussed the concept of using advisory committees to assist in writing the exam questions. There appeared to be wide support on the subcommittee for this approach. Under this approach, the subcommittee would seek out volunteer lawyers and instructors with knowledge in the subject areas covered on the exams to form both a core advisory committee and a family law advisory committee. The subcommittee would seek help in drafting exam questions from a large group of lawyers, e.g. the family law section. With a large group, just one or two questions per person would yield a large question bank. The subcommittee would then cull through those questions and forward the remaining questions to the advisory committee to be sure the questions are consistent with current law. The subcommittee did not make any final recommendations on the exam writing process.

The subcommittee also briefly discussed the need to determine the number of questions for each part of the exam and how long the exam should be. The subcommittee quickly realized that they needed more information. Staff will seek out a psychometrician for advice and consultation, possibly from the University of Washington. In addition, staff will provide the subcommittee with materials on question writing.

ADJOURNMENT

The meeting adjourned at 4:25 p.m.

NEXT MEETING

The next meeting will be 2:00 p.m. Thursday, August 15, 2013, at the offices of the Washington State Bar Association, 1325 4th Avenue, Seattle, Washington.



WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD ADMISSIONS & LICENSING SUBCOMMITTEE MINUTES

July 18, 2013

Washington State Bar Association
Seattle, Washington

Members present were Brenda Cothary, Caitlin Davis Carlson, Steve Crossland, Scott Haddock (via telephone), Janet Olejar, and Elisabeth Tutsch.

Also in attendance was Bobby Henry (Associate Director for Regulatory Services).

The meeting was called to order at 9:10 a.m.

I. Minutes of Prior Meeting

The minutes from the Subcommittee's June 20, 2103 meeting were reviewed and approved.

II. Consent Agenda Items

The subcommittee then reviewed its July 18, 2013 consent agenda recommendations, which were as follows:

- a) Applicants must complete five credit hours in basic domestic relations subjects and ten credit hours in advanced and Washington specific domestic relations subjects.
- b) Tuition for the domestic relations courses will be \$250 per credit.
- c) Prior to enrolling in the domestic relations practice area courses, applicants not seeking a waiver must complete the following core courses: Civil Procedure; Interviewing and Investigation Techniques; Introduction to Law and Legal Process; Legal Research, Writing, and Analysis; and Professional Responsibility.
- d) Appendix APR 28 Regulations 1, 3, and 5-12 are recommended for adoption and submission to the Supreme Court.

No modifications were made to the consent agenda items.

III. Family Law Curriculum/Work Group

The subcommittee reviewed and approved the curriculum for the family courses as recommended by the family law curriculum workgroup.

The subcommittee discussed the workgroup's recommendation that at least 80% of the attendance at the family law curriculum be live. The subcommittee suggested that it be clear that live means live streaming also.

IV. Core Education Requirements

The subcommittee then discussed the "gap" in the curriculum of core education courses that have been taught, or are currently being taught at the community colleges. The gap analysis was not completed in time for the July meeting. Preliminary indications are that there is not much of a gap to fill. Scott Haddock will report back to the subcommittee and/or the Board when the gap analysis is complete.

The subcommittee discussed different ideas for how to fill in this "gap" in education. Because it does not look like it will be a big gap, the subcommittee has proposed a day-long gap seminar. This seminar could possibly be held at and webcast from the WSBA CLE conference room. A fee could be charged to cover the costs and expenses. The seminar would need to be scheduled for the Spring or Summer 2014 so that people could enroll in the family law curriculum in the Fall 2014. Staff will work with the WSBA communications department on planning and developing this event. The subcommittee would like to see the seminar offered maybe once or twice per year as an in-person and live webcast event. The subcommittee believes that the last offering should be in 2016; after which, individuals would need to retake courses to make up the gap in the education.

V. Appendix APR 28 Regulations

The subcommittee reviewed and discussed the proposed regulations for Appendix APR 28 and did not have any changes.

VI. Next Meeting

The subcommittee's business is concluded and it will not meet again.

ADJOURNMENT

The meeting adjourned at 11:00 a.m.



WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD SCOPE OF PRACTICE & FORMS SUBCOMMITTEE MEETING MINUTES

July 18, 2013

Washington State Bar Association
Seattle, Washington

Members present were Greg Dallaire (Chair), Paul Bastine (BOG Liaison), Jeanne Dawes, Ellen Dial, and Ellen Reed.

Also in attendance was Thea Jennings (Staff Liaison).

Also present was Christy Carpenter, a member of the public.

PRELIMINARY MATTERS

The meeting was called to order at 9:10 a.m.

I. Meeting Minutes

The June 20, 2013 subcommittee minutes were approved.

II. Consent Agenda Recommendations

The subcommittee then discussed its June 20, 2013 consent agenda recommendations, which were as follows:

- a) LLLTs shall not advise and assist clients regarding the determination of Uniform Child Custody Jurisdiction and Enforcement Act issues unless and until jurisdiction has been resolved.
- b) LLLTs shall not provide legal services to clients if a party to the action is covered by the Washington Service Members' Civil Relief Act or the Servicemembers Civil Relief Act.
- c) LLLTs may select, prepare, file, and serve motions consistent with the rule except where other defined prohibitions apply.
- d) LLLTs may assist and advise clients regarding discovery in domestic relations actions except where other defined prohibitions apply.
- e) In domestic relations matters, LLLTs shall not appear or participate in the taking of a deposition.
- f) LLLTs shall not initiate or respond to an appeal to an appellate court.

- g) LLLTs shall not advise and assist clients with anti-stalking orders in domestic violence actions.
- h) After an issue beyond the LLLT's scope of practice has been identified, an LLLT may prepare a document related to the issue only if a lawyer acting on behalf of the client has provided appropriate documents and written instructions for the LLLT as to whether and how to proceed with respect to the issue. The LLLT shall then be required to follow the instructions and incorporate the terms of the necessary documents into the final court orders. The LLLT may proceed in this manner only if no other defined prohibitions apply.
- i) Appendix APR 28 Regulation 2 is recommended for adoption and submission to the Supreme Court.

The subcommittee discussed the consent agenda in context of comments of the Family Law Curriculum Workgroup and revisions to Regulation 2. As such, it reserved approval of the consent agenda until discussions concluded.

III. Family Law Curriculum Workgroup Report & Draft Regulation 2

Thea Jennings reported on the comments of the Family Law Curriculum Workgroup regarding draft Regulation 2. The Workgroup had questions regarding:

1. Prohibitions against advising clients about community property in intimate domestic relationship actions.
2. Whether or not any prohibitions apply as to the Uniform Interstate Family Support Act (UIFSA).
3. Whether or not anti-stalking orders are within the acceptable scope of practice.
4. The reasons for the prohibition against representing parties covered under the Service Member's Civil Relief Act.

The subcommittee reaffirmed its position regarding community property in intimate domestic relationship actions and stated that case law is still evolving and many of these couples will now be covered by the marriage laws.

Before the subcommittee meeting, Ms. Jennings contacted member Lynn Fleischbein for further clarification on issues that may require revisions to Regulation 2. As stated by Ms. Fleischbein, the UIFSA has complicated jurisdictional issues similar to UCCJEA issues. Given the subcommittee's recommendation that determination of UCCJEA issues are beyond the scope, the subcommittee agreed there should be a prohibition for UIFSA issues included in the Regulation 2B(3)(c)(vii). Ms. Fleischbein further clarified anti-stalking orders should be included in the list of prohibitions in domestic violence actions as found in Regulation 2B(3)(c)(iv). The subcommittee agreed with this revision.

Regarding the Service Member's Civil Relief Act, Ms. Jennings stated the Workgroup felt there is a great need for legal services for these parties and that if the idea is to promote access to justice, the program is losing a large population of people who have less than optimal access and are younger without the money to hire lawyers.

No family law practitioners were at the meeting to provide input. Notice requirements can create some problems, but the subcommittee noted that the law is statutory and not based on case law. As such, it is relatively simple. The subcommittee agreed to strike the prohibition against providing legal services if a party to the action is covered under the Service Members' Civil Relief Act or the Servicemembers Civil Relief Act. It did so for the following reasons: (1) High quality education, as will be provided by the family law courses, would likely prevent problems in this area and (2) prohibitions against dividing real estate and defined benefit plans are in place, which would protect service members stationed outside Washington. It agreed to remove the issue from the consent agenda and to present striking the language from Regulation 2B(3)(b) to the Board for consideration at its afternoon meeting.

IV. Revisions to Regulation 2

The subcommittee then discussed final revisions to Regulation 2. Among other minor editorial changes, the subcommittee agreed to the following substantive changes:

Regulation 2B(2)

Unless an issue beyond the scope arises or a prohibited issues arises act would be required, LLLTs may advise and assist clients (1) to initiate and respond to actions and (2) advise and assist clients regarding motions, discovery, trial preparation, temporary and final orders, i.e. findings of fact and conclusions of law, final decrees, parenting plans, and orders of child support; and modifications of final orders of support.

Regulation 2B(3): Indian Child Welfare Act

At its last meeting, the subcommittee failed to address scope issues relating to the Indian Child Welfare Act. Ms. Jennings spoke with Ms. Fleischbein who stated it is a complicated area of the law that should be prohibited. The Admissions & Licensing subcommittee also expressed strong concerns about permitting LLLTs to assist clients with these issues. The Practice of Law Board further recommended that the Indian Child Welfare Act be outside the scope. The subcommittee then approved a prohibition on the issue as follows:

LLLTs licensed to practice in domestic relations ... (b) shall not provide legal services: ... (ii) if 25 U.S.C. Chapter 21, the Indian Child Welfare Act, or RCW 13.38, the Washington State Indian Child Welfare Act, applies to the matter.

Finalizing Regulation 2

After making these final changes, the subcommittee approved Regulation 2 for presentation to the Board for approval at the afternoon meeting.

V. Finalizing the Consent Agenda

After finalizing Regulation, the subcommittee approved its consent agenda, except for item B relating to the Service Members Civil Relief Act, which was removed.

VI. Concluding the Work of the Subcommittee

Ellen Reed noted that she has been working on an informational document explaining the rationale behind decisions on scope. She will distribute it to the group by email for review and any revisions. The purpose for the document would be to answer any future questions that may arise regarding scope.

The subcommittee then discussed what should be its approach to publishing and/or informing the public and LLLTs of approved and prohibited forms. The subcommittee agreed that the instructors teaching family law may need the information for their students. Further for non-pattern forms such as interrogatories, client intake sheets, etc., the Board may want to create and/or approve a list of forms for publishing. A decision regarding whether a list of prohibited forms should be published needs to be made as well. The subcommittee agreed that creating a full list of approved forms, including pattern forms, would be burdensome and would require too much oversight to keep current. However, it agreed a workgroup should be formed in the future to explore questions relating to forms. At a minimum, a webpage should be devoted to resources LLLTs may use for locating appropriate forms.

VII. Next Meeting

The subcommittee's business is concluded and it will not meet again. Chair Dallaire then thanked everyone for their participation in subcommittee.

ADJOURNMENT

The meeting adjourned at 10:45 a.m.



WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD EXAMINATION SUBCOMMITTEE MINUTES

July 18, 2013

Washington State Bar Association
Seattle, Washington

Members present were Lupe Artiga (Chair), Brenda Cothary, Steve Crossland, Jeanne Dawes, Ellen Reed.

Also in attendance were Bobby Henry (Associate Director for Regulatory Services).

PRELIMINARY MATTERS

The meeting was called to order at 11:10 a.m.

I. Discussion

The subcommittee discussed the complexity of the project ahead of them—to create an examination for core competency and for the practice area of family law. The subcommittee fairly easily determined that they have about one year to complete the exams given that people will be finishing the family law curriculum in Spring 2014 and the Court's desire to have the program up and running in 2014.

The subcommittee discussed various alternatives to creating and writing the exams themselves. There was not strong support for using an "off-the-shelf" exam from another organization like the NFPA's PACE or CORE exams. However, the subcommittee is interested in looking at the exam materials and sample exams, as well as learning more about those exams before making a final determination. Brenda Cothary will gather additional information and perhaps someone to speak with the subcommittee for the next meeting.

The subcommittee also discussed the concept of using advisory committees to assist in writing the exam questions. There appeared to be wide support on the subcommittee for this approach. Under this approach, the subcommittee would seek out volunteer lawyers and instructors with knowledge in the subject areas covered on the exams to form both a core advisory committee and a family law advisory committee. The subcommittee would seek help in drafting exam questions from a large group of lawyers, e.g. the family law section. With a large group, just one or two questions per person would yield a large question bank. The subcommittee would then cull

through those questions and forward the remaining questions to the advisory committee to be sure the questions are consistent with current law. The subcommittee did not make any final recommendations on the exam writing process.

The subcommittee also briefly discussed the need to determine the number of questions for each part of the exam and how long the exam should be. The subcommittee quickly realized that they needed more information. Staff will seek out a psychometrician for advice and consultation, possibly from the University of Washington. In addition, staff will provide the subcommittee with materials on question writing.

II. Next Meeting

The subcommittee will review and discuss the information received for and presented at the next meeting.

ADJOURNMENT

The meeting adjourned at 1:00 p.m.

NEXT MEETING

The next meeting will be 9:00 a.m. Thursday, August 15, 2013, at the offices of the Washington State Bar Association, 1325 4th Avenue, Seattle, Washington.



WSBA

WASHINGTON STATE BAR ASSOCIATION

**LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD
LLLT RPC SUBCOMMITTEE
MEETING MINUTES**

July 18, 2013

**Washington State Bar Association
Seattle, Washington**

Members present were Ellen Dial (Chair), Paul Bastine (BOG Liaison), Greg Dallaire, Doug Ende, Brooks Holland (by telephone), Janet Olejar, Debi Perluss (by telephone), and Elisabeth Tustch.

Also in attendance was Thea Jennings (Staff Liaison).

Also present was Christy Carpenter, a member of the public and, by telephone, Sarah Booher, Gonzaga Law School student and research assistant to Mr. Holland.

PRELIMINARY MATTERS

The meeting was called to order at 11:03 a.m.

I. Introductions

Subcommittee Chair Ellen Dial welcomed the LLLT Rules of Professional Conduct (RPC) subcommittee to its first meeting. She noted that the subcommittee is on a short timeline given the projected timeline of the Board. Subcommittee members then made introductions around and expressed great interest in developing comprehensive RPC that will provide future guidance to practicing LLLTs and protect the interests of the public. Several established practitioners in legal ethics introduced themselves: Doug Ende, Chief Disciplinary Counsel of the Office of Disciplinary Counsel, Brooks Holland, Professional Responsibility Professor at Gonzaga School of Law, and Deborah Perluss, Director of Advocacy at NW Justice Project and past member of the 2003 Ethics Committee.

II. RPC Subcommittee Decision Making Process

Chair Dial then explained the LLLT Board and subcommittee decision-making process referring to page 3 of the subcommittee meeting materials. The subcommittee agreed to the decision making process as stated.

III. General Approach to Drafting the RPC

Discussion then began regarding the general approach the subcommittee should take when drafting the LLLT RPC. Generally APR 28 provides that LLLTs shall be held to the same ethical standards as lawyers and that that Board shall draft a set of RPC which must include IOLTA provisions regarding the handling of funds that come into the possession of LLLTs.

The subcommittee agreed that the existing lawyer RPC should be the basis for the LLLT rules, which presents two possible drafting approaches: (1) to redline the rules or (2) to adopt the rules as a whole for legal technicians. The subcommittee noted that the new LLLT RPC may have direct implications on the lawyer RPC, which may necessitate revisions to the lawyer RPC.

In reviewing the lawyer rules, subcommittee members should think in terms of the limited role of LLLTs in that they cannot act as advocates or appear in court. Those privileges are deeply imbedded in the RPC. Nonetheless, LLLTs will have contact with advocates, so some advocacy related rules will apply. Though LLLTs will be educated and experienced legal professionals, the rules also need to be teachable and comprehensible to people who have not attended law school. The subcommittee also discussed whether the RPC for LLLTs should be guided by the access-to-justice purpose behind APR 28.

Generally, it was noted that in the lawyer context, it is important to have one funnel through which all ethical rules are found. As such, a rule should be drafted that states it is a violation of the LLLT RPC to violate a prohibition set forth in APR 28.

The subcommittee then decided on the following approach to drafting the RPC:
Determine which RPC

1. do not apply,
2. do apply,
3. apply but need modification, and
4. are missing and need to be added.

IV. General Commentary on the RPC & Specific Concerns

The subcommittee next discussed problematic RPC or RPC that may be of specific interest to subcommittee members for further analysis. The subcommittee pointed out the following issues that may require close attention:

- IOLTA provisions
- “Title 5—Law Firms & Associations,” including what will be acceptable business arrangements for LLLTs, what will be their obligations for supervision, will they be able to partner with lawyers, with nonlawyers?
- Fee sharing

- Confidentiality in nontraditional business/employment environments, e.g. a domestic violence shelter
- What will be an LLLT's ethical responsibilities when not acting as an LLLT, e.g. if the LLLT also acts as a guardian ad litem

Chair Dial noted that by the next meeting, the subcommittee will begin creating working groups to perform a deeper analysis of these issues.

V. Reviewing the RPC

At which point, the subcommittee began reviewing the RPC to make initial determinations regarding which RPC do not apply, do apply, apply but need modification, or are missing. The subcommittee deferred decisions regarding whether the rules should include the comments and whether additional comments will be necessary. The subcommittee further reserved discussion on the fundamental principles, scope, and terminology sections of the RPC until it is further into its work. With that, the subcommittee began with Title 1—Client-Lawyer Relationship and made recommendations as follows:

RPC 1.1 Competence

Applies but may need some modification, including provisions regarding knowing what an LLLT can and cannot do and when to refer to a lawyer

RPC 1.2 Scope of Representation and Allocation of Authority Between Client and Lawyer

Applies but may need some modification, as the rule discusses the role of the lawyer in advocacy and appearing in court. The special allocation of authority between the client and the LLLT needs further analysis. The subcommittee wants discussion regarding what may currently be missing in the rule that applies in the LLLT context.

RPC 1.3 Diligence

Applies

RPC 1.4 Communication

Applies

RPC 1.5 Fees

Applies but may need some modification. The subcommittee will need someone to take the lead on this issue because it is anticipated LLLTs will work with lawyers in many instances. The financial obligation of the LLLT when referring to a lawyer needs to be resolved. It was noted that the issue of fee sharing may also require a change to the lawyer RPC. Another question for the subcommittee to consider is will LLLTs be prohibited from entering into contingent fee agreements.

RPC 1.6 Confidentiality of Information

Applies but may need some modification. The concept of lawyers advising on certain matters that are outside the scope of the LLLT's practice will need to be addressed.

VI. Next Meeting

For our next meeting, the subcommittee will continue its review of the RPC, beginning with RPC 1.7 Conflict of Interest: Current Clients. WSBA staff will take the lead on drafting the outcome of subcommittee deliberations. It was noted that the subcommittee will need to create a table of decisions that will track progress.

ADJOURNMENT

The meeting adjourned at 12:50 p.m.

NEXT MEETING

The next meeting will be 9:00 a.m. Thursday, August 15, 2013, at the offices of the Washington State Bar Association, 1325 4th Avenue, Seattle, Washington.



WSBA

WASHINGTON STATE BAR ASSOCIATION

Limited License Legal Technician (LLLT) Board: Rules of Professional Conduct Subcommittee Roster

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WSBA STAFF		
Thea Jennings LLLT Board Staff Liaison & Program Lead	(206) 727-8289	theaj@wsba.org

APPENDIX OF LLLT BOARD DECISIONS

No.	Board Meeting Date	Requirement/Topic	Decision
1	1/30/2013	Practice Area	Family law
2	3/14/2013	Scope	Scope limited to Dissolution, Legal Separation, Parenting & Support, Parentage, Intimate Domestic Relationships, and Domestic Violence actions.
3	3/14/2013	Scope	Prohibited from practicing in Defacto Parentage and Nonparental Custody actions.
4	3/14/2013	Forms	Within the approved types of domestic relations actions, LLLTs may select and prepare all pattern forms used to initiate actions.
5	3/14/2013	Education	Must complete 45 credit hours in core curriculum in paralegal studies (each credit hour equals 450 minutes of instruction)
6	3/14/2013	Education	Must complete 12 credit hours in the major or approved practice area (each credit hour equals 450 minutes of instruction)
7	3/14/2013	Education	Core and major course instruction must occur at ABA approved law school or ABA approved paralegal education program
8	3/14/2013	Education	Major curriculum will be developed by or in conjunction with Washington's ABA approved law schools
9	3/14/2013	Experience	Must complete 18 months (3,000 hours) of substantive law-related work experience supervised by a licensed lawyer before admission
10	3/14/2013	Experience	Experience not required before exam
11	3/14/2013	Experience	Must complete experience requirement no later than three years after passing the examination and no more than three years prior to admission
12	3/14/2013	Dual Representation	LLLTs are prohibited from engaging in dual representation of parties in family law matters
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15	4/18/2013	Relocation Actions	In relocation actions, LLLTs may advise and assist clients regarding relocation petitions, ex parte final orders, motions/declarations to waive notice requirements, and child support paperwork.

APPENDIX OF LLLT BOARD DECISIONS

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17	4/18/2013	Relocation Actions	In relocation actions, LLLTs must terminate the legal services and advise the client to seek the advice of a lawyer if an objection is filed or there is a need for temporary orders.
18	4/18/2013	Education	Applicants must have a minimum of an associate level degree subject to any waiver provided for in the regulations
19	4/18/2013	Pro Bono	The pro bono requirement should be stricken from APR 28(D)(3)
20	4/18/2013	Examination	The qualifying examination will include a core exam and a major area of study exam which will be comprised of three parts: a multiple choice section, an essay section, and a practicum section
21	4/18/2013	Examination	The ethics section of the examination shall be built into both the core and major exams
22	5/16/2013	Limited time waiver	The limited time waiver period shall begin when the Board begins accepting applications and shall end on December 31, 2016.
23	5/16/2013	Limited time waiver	During the limited time waiver, educational institutions may waive or give credit for core course requirements if the institution determines the previous courses taken by students are substantially equivalent to the Board-mandated core curriculum requirements.
24	5/16/2013	Fingerprint cards	Fingerprint cards for criminal history checks shall be required of all applicants prior to licensing similar to the LPO model with administrative details to be determined by WSBA staff.
25	5/16/2013	Financial responsibility	Proof of financial responsibility shall be required of all applicants prior to licensing similar to the LPO model with administrative details to be determined by WSBA staff.
26	5/16/2013	Character & Fitness	Good moral character requirements for all applicants shall parallel the procedures used for lawyer applicants with a process that provides for a character and fitness board/panel of three people, with a right of appeal to the full Board if an applicant is rejected on character and fitness grounds.
27	5/16/2013	APR 28 Amendments	The parenthetical should be stricken from APR 28(F)(8)

APPENDIX OF LLLT BOARD DECISIONS

No.	Board Meeting Date	Requirement/Topic	Decision
28	5/16/2013	APR 28 Amendments	Under APR 28(F)(6), amend the language to " <u>Select, and complete, file, and effect service of forms</u> that have been approved by the State of Washington, either through a governmental agency or by the Administrative Office of the Courts . . ."
29	5/16/2013	APR 28 Amendments	Approved APR 28 amendments for submission to the Supreme Court relating to APR 28(D)(3), APR 28(E), and APR 28(F) establishing new education and experience requirements for applicants and amending certain scope provisions in the rule.
30	6/20/2013	Scope	Unless an issue prohibited by regulation arises, for dissolution and legal separation, paternity, parenting and support, and child support modification actions, LLLTs may initiate actions and advise and assist clients regarding trial preparation; final orders, i.e. findings of fact and conclusions of law, final decrees, parenting plans, and orders of child support; and modifications of final orders of support.
31	6/20/2013	Scope	Unless an issue prohibited by regulation arises, LLLTs may select and prepare all forms authorized by APR 28(F)(6) for dissolution and legal separation, paternity, parenting and support, and child support modification actions.
32	6/20/2013	Division of Property	LLLTs will be prohibited from advising and assisting clients regarding division of owned real estate, formal business entities, and retirement assets that require a supplemental order to divide or award, which includes division of all defined benefit plans and defined contribution plans.

APPENDIX OF LLLT BOARD DECISIONS

No.	Board Meeting Date	Requirement/Topic	Decision
33	6/20/2013	Bankruptcy	LLTs will be prohibited from advising and assisting clients regarding bankruptcy, including obtaining a stay from bankruptcy. If one party is in bankruptcy or files a bankruptcy during the pendency of the proceeding, the LLLT may not advise and assist regarding disposition of debts and assets unless: the LLLT's client has retained an lawyer to represent him/her in the bankruptcy; or has consulted with an lawyer and the lawyer has provided written instructions for the LLLT as to whether and how to proceed regarding the division of debts and assets in the domestic relations proceeding; or the bankruptcy has been discharged.
34	6/20/2013	Intimate Domestic Relationship Actions	In intimate domestic relationship actions, LLLTs will be limited to advising and assisting clients regarding parenting and support issues.
35	6/20/2013	Intimate Domestic Relationship Actions	In intimate domestic relationship actions, LLLTs will be prohibited from advising and assisting clients regarding community property issues.
36	6/20/2013	Collaboration with Lawyers	If in the course of the representation, an issue arises with respect to which the LLLT is prohibited from giving advice or assistance under these rules, then the LLLT shall inform the client in writing that the issue may exist, the LLLT is not authorized to assist on this issue, the failure to obtain a lawyer's advice could be adverse to the client's interests, and the client should consult with a lawyer to obtain appropriate advice and documents necessary to protect the client's rights.
37	6/20/2013	Parenting Plan Modifications	In parenting plan modification actions, LLLTs may advise and assist in preparation of all forms authorized by APR 28(F)(6) for minor and agreed major parenting plan modification actions, unless an issue prohibited by regulation arises.
38	6/20/2013	Parenting Plan Modifications	In parenting plan modification actions, LLLTs will be prohibited from advising and assisting clients regarding major parenting plan modification actions, unless there is agreement by the parties at the onset of the representation by the LLLT.
39	6/20/2013	Limited time waiver	Under a limited time waiver, eligible applicants may waive certain admission requirements provided the applicants meet other specified education and/or experience requirements.

APPENDIX OF LLLT BOARD DECISIONS

No.	Board Meeting Date	Requirement/Topic	Decision
40	6/20/2013	Limited time waiver	During the limited time waiver, the Board will grant a waiver of all the core education and the minimum associate level degree to applicants who: (i) have passed the PACE or NALA certification exam; (ii) have maintained the PACE or NALA continuing certification requirements; and (iii) have 10 years of substantive law-related experience supervised by a licensed lawyer within the past 15 years.
41	6/20/2013	Education	The core curriculum requirements chart developed by the Admissions and Licensing Subcommittee is adopted in its entirety, including the minimum credit requirements for each course.
42	6/20/2013	Education	The required core education courses taught at the ABA approved paralegal programs or law schools do not need to have the exact name as listed in the regulations so long as the core curriculum is taught in the courses;
43	6/20/2013	Education	If the required core courses do not total 45 credits, applicants may take any other courses in paralegal studies from an ABA approved paralegal program or law courses at an ABA approved law school to satisfy the 45 credit requirement.
44	6/20/2013	Applications	Applications should instruct the applicant to provide a social security number if the applicant has one; otherwise, it shall not be required.
45	6/20/2013	Examination	If an applicant for initial licensure fails one of the required exams, the applicant will have the opportunity to pass the other exam at the next two administrations of the exam. The passing score is good for a year. If the applicant does not pass after a year, the applicant will be required to retake the previously passed exam.
46	6/20/2013	Examination	For purposes of the experience requirements, the three year clock starts after passing both exams.
47	6/20/2013	Examination	There shall be no limit on the number of times an applicant can sit for the exams.
48	6/20/2013	Examination	Each component of the examinations (multi-choice, essay, performance) will be graded independently from the other. An applicant must score 75% on each component to pass the exam. The Board shall not grade other components after failing one component.

APPENDIX OF LLLT BOARD DECISIONS

No.	Board Meeting Date	Requirement/Topic	Decision
49	6/20/2013	Examination	There shall be no appeal of examination scores and applicants shall not be entitled to receive a copy of their failed exams
50	6/20/2013	Limited time waiver	The Board adopted Regulation 4 Limited Time Waiver for submission to the Supreme Court.
51	7/18/2013	Education	Applicants must complete five credit hours in basic domestic relations subjects and ten credit hours in advanced and Washington specific domestic relations subjects.
52	7/18/2013	Education	For informational purposes, the tuition for the domestic relations courses is estimated to be \$250
53	7/18/2013	Education	Prior to enrolling in the domestic relations practice area courses, applicants not seeking a waiver must complete the following core courses: Civil Procedure; Interviewing and Investigation Techniques; Introduction to Law and Legal Process; Legal Research, Writing, and Analysis; and Professional Responsibility
54	7/18/2013	APR 28 Appendix	Appendix APR 28 Regulations 1, 3, and 5-12 approved for adoption and submission to the Supreme Court.
55	7/18/2013	UCCJEA/UIFSA	LLTs shall not advise and assist clients regarding the determination of Uniform Child Custody Jurisdiction and Enforcement Act issues or Uniform Interstate Family Support Act issues unless and until jurisdiction has been resolved
56	7/18/2013	Motions	In domestic relations actions, LLLTs may select, prepare, file, and serve motions consistent with the rule except where other defined prohibitions apply
57	7/18/2013	Discovery	In domestic relations actions, LLLTs may assist and advise clients regarding discovery in domestic relations actions except where other defined prohibitions apply
58	7/18/2013	Discovery	In domestic relations matters, LLLTs shall not appear or participate in the taking of a deposition
59	7/18/2013	Appeals	In domestic relations matters, LLLTs shall not initiate or respond to an appeal to an appellate court.
60	7/18/2013	Domestic Violence Actions	LLTs shall not advise and assist clients with anti-stalking orders in domestic violence actions

APPENDIX OF LLLT BOARD DECISIONS

No.	Board Meeting Date	Requirement/Topic	Decision
61	7/18/2013	Collaboration with Lawyers	After an issue beyond the LLLT's scope of practice has been identified, an LLLT may prepare a document related to the issue only if a lawyer acting on behalf of the client has provided appropriate documents and written instructions for the LLLT as to whether and how to proceed with respect to the issue. The LLLT shall then be required to follow the instructions and incorporate the terms of the necessary documents into the final court orders. The LLLT may proceed in this manner only if no other defined prohibitions apply
62	7/18/2013	Indian Child Welfare Act	LLLTs shall not provide legal services if the Indian Child Welfare Act applies to the matter.
63	7/18/2013	APR 28 Appendix	Appendix APR 28 Regulation 2 approved for adoption and submission to the Supreme Court
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APPROVED SCOPE ISSUES FOR FAMILY LAW LLLTS

No.	Board Meeting Date	Requirement/Topic	Decision
1	1/30/2013	Practice Area	Family law
2	3/14/2013	Scope	Scope limited to Dissolution, Legal Separation, Parenting & Support, Parentage, Intimate Domestic Relationships, and Domestic Violence actions.
3	3/14/2013	Scope	Prohibited from practicing in Defacto Parentage and Nonparental Custody actions.
4	3/14/2013	Dual Representation	LLTs are prohibited from engaging in dual representation of parties in family law matters.
5	3/14/2013	Forms	Within the approved types of domestic relations actions, LLLTs may select and prepare all pattern forms used to initiate actions.
6	4/18/2013	Domestic Violence Actions	In domestic violence actions, LLLTs may advise and assist clients regarding protection and restraining orders, responses to petitions for protection orders, and modifications and renewals of protection orders
7	4/18/2013	Domestic Violence Actions	In domestic violence actions, LLLTs will be prohibited from advising and assisting clients with anti-harassment orders, criminal no contact orders, and sexual assault protection orders.
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12	5/16/2013	APR 28 Amendments	Under APR 28(F)(6), amend the language to " <u>Select, and complete, file, and effect service of</u> forms that have been approved by the State of Washington, either through a governmental agency or by the Administrative Office of the Courts . . ."

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17	6/20/2013	Intimate Domestic Relationship Actions	In intimate domestic relationship actions, LLLTs will be limited to advising and assisting clients regarding parenting and support issues.
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30	7/18/2013	APR 28 Appendix	Appendix APR 28 Regulation 2 approved for adoption and submission to the Supreme Court

PROHIBITED ACTIONS FOR FAMILY LAW LLLTS

No.	Board Meeting Date	Requirement/Topic	Decision
1	3/14/2013	Scope	Prohibited from practicing in Defacto Parentage and Nonparental Custody actions.
2	3/14/2013	Dual Representation	LLLts are prohibited from engaging in dual representation of parties in family law matters.
3	4/18/2013	Domestic Violence Actions	In domestic violence actions, LLLts will be prohibited from advising and assisting clients with anti-harassment orders, criminal no contact orders, and sexual assault protection orders.
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APPROVED ADMISSIONS REQUIREMENTS

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18	6/20/2013	Limited time waiver	During the limited time waiver, the Board will grant a waiver of all the core education and the minimum associate level degree to applicants who: (i) have passed the PACE or NALA certification exam; (ii) have maintained the PACE or NALA continuing certification requirements; and (iii) have 10 years of substantive law-related experience supervised by a licensed lawyer within the past 15 years.
19	6/20/2013	Education	The core curriculum requirements chart developed by the Admissions and Licensing Subcommittee is adopted in its entirety, including the minimum credit requirements for each course.
20	6/20/2013	Education	The required core education courses taught at the ABA approved paralegal programs or law schools do not need to have the exact name as listed in the regulations so long as the core curriculum is taught in the courses;
21	6/20/2013	Education	If the required core courses do not total 45 credits, applicants may take any other courses in paralegal studies from an ABA approved paralegal program or law courses at an ABA approved law school to satisfy the 45 credit requirement.
22	6/20/2013	Applications	Applications should instruct the applicant to provide a social security number if the applicant has one; otherwise, it shall not be required.

APPROVED ADMISSIONS REQUIREMENTS

No.	Board Meeting Date	Requirement/Topic	Decision
23	6/20/2013	Examination	If an applicant for initial licensure fails one of the required exams, the applicant will have the opportunity to pass the other exam at the next two administrations of the exam. The passing score is good for a year. If the applicant does not pass after a year, the applicant will be required to retake the previously passed exam.
24	6/20/2013	Examination	For purposes of the experience requirements, the three year clock starts after passing both exams.
25	6/20/2013	Examination	There shall be no limit on the number of times an applicant can sit for the exams.
26	6/20/2013	Examination	Each component of the examinations (multi-choice, essay, performance) will be graded independently from the other. An applicant must score 75% on each component to pass the exam. The Board shall not grade other components after failing one component.
27	6/20/2013	Examination	There shall be no appeal of examination scores and applicants shall not be entitled to receive a copy of their failed exams
28	6/20/2013	Limited time waiver	The Board adopted Regulation 4 Limited Time Waiver for submission to the Supreme Court.
29	7/18/2013	Education	Applicants must complete five credit hours in basic domestic relations subjects and ten credit hours in advanced and Washington specific domestic relations subjects.
30	7/18/2013	Education	For informational purposes, the tuition for the domestic relations courses is estimated to be \$250.
31	7/18/2013	Education	Prior to enrolling in the domestic relations practice area courses, applicants not seeking a waiver must complete the following core courses: Civil Procedure; Interviewing and Investigation Techniques; Introduction to Law and Legal Process; Legal Research, Writing, and Analysis; and Professional Responsibility
32	7/18/2013	APR 28 Appendix	Appendix APR 28 Regulations 1, 3, and 5-12 approved for adoption and submission to the Supreme Court.

FAMILY LAW COURSE REQUIREMENTS

Course Name	Credits	Required Contents	Instructor	Comments (if any)
Family Law I	5	<p align="center">Family Law Practice Area Courses</p> <ol style="list-style-type: none"> 1. Family law basics 2. Dissolution 3. Contested child custody 4. Jurisdiction and venue issues 5. Property division 6. Domestic violence 7. Parentage 8. Maintenance and child support 9. Defacto parentage 10. Referral issues 11. WA family law forms 12. WA LLLT scope and practice Issues 		<p>includes multijurisdictional issues</p> <p>includes safety planning, free legal services for DV, mandatory reporting basic</p>
Family Law II	5	<ol style="list-style-type: none"> 1. Community property 2. Personal property 6. Debtor and creditor issues 7. Domestic partnerships 3. Relocation actions 4. Parentage 5. Modification actions 8. International issues 9. Military personnel issues 10. Enforcement orders 11. Referral issues 12. WA family law forms 13. WA LLLT scope and practice Issues 		<p>Includes necessary relationship, characterization issues, intentional vs. unintentional changes in character, management and voluntary disposition, creditors and involuntary disposition, taxation, multistate considerations</p> <p>committed intimate relationships</p> <p>advanced, genetics, complex issues</p>
Family Law III	5	<ol style="list-style-type: none"> 1. Nonparental custody actions 2. Public benefits 3. Taxation and federal taxation issues 4. Immigration issues 5. Bankruptcy 6. Adoption 7. Child advocacy and welfare 8. Indian Child Welfare Act 9. Ethical issues in family law 10. Referral issues 		<p>includes disability benefits, SSI, housing assistance</p> <p>includes child welfare system, appointment of guardian ad litem</p>

FAMILY LAW COURSE REQUIREMENTS

Course Name	Credits	Required Contents	Instructor	Comments (if any)
		11. WA family law forms		
		12. WA LLLT scope and practice Issues		
		13. Mediation and ADRs		

QUESTION LIST FOR THE LIMITED LICENSE LEGAL TECHNICIAN BOARD

ROLE OF THE BOG VIS A VIS THE LIMITED LICENSE LEGAL TECHNICIAN BOARD:

The Supreme Court created the Limited License Legal Technician Board and delegated the responsibility for administering that Board to the WSBA. As such, the BOG is responsible for approving its budget, allocating its funding, and providing it with the necessary support staff.

- ❖ What changes could result in a more productive relationship between the BOG and the Limited License Legal Technician Board?

SELECTION PROCESS FOR GOVERNORS:

The WSBA is governed by the Board of Governors (BOG). Members of the BOG are elected directly or indirectly by the membership. As a result, the BOG is viewed by many as a representative body with individual governors serving as the voice of their electorate. Yet the WSBA is accountable to the Supreme Court and charged with protecting and serving the public. For this reason, the Task Force is exploring whether or not the current electoral system for selecting Governors should be changed.

- ❖ What concerns, if any, do you have if the current electoral system for selection were eliminated or its role reduced (i.e., a minority of Governors are elected)?

COMPOSITION OF THE BOG:

Experience. The Task Force is interested in encouraging individuals who have experience with the WSBA or board service in serving on the BOG. One way to do so, would be to impose minimum qualifications for other public or non profit service on the BOG. Currently, under the WSBA Bylaws any Washington State licensed attorney may run, be elected, and serve as a member of the BOG. What concerns would you have if there were additional requirements or minimum qualifications be imposed in one or more of the following areas?

- ❖ Minimum years of practice
- ❖ Experience with the WSBA
- ❖ Experience serving on a board of directors (public, private, non-profit or for-profit)

Non-Attorneys. Per the WSBA Bylaws only Washington State licensed attorneys may be elected and serve as members of the BOG.

- ❖ Some state bar associations include public, non-lawyer members on their governing board. Should the BOG include such members?
- ❖ The WSBA regulates Limited Professional Officers (LPOs) and, accordingly, they must pay annual licensing fees. In short order, the WSBA will regulate Limited Licensed Legal Technicians (LLLT). These individuals will also be required to pay annual licensing fees. Should members of these groups be permitted to serve as BOG members? Why or why not?

Diversity. The BOG is composed of 15 Governors. Twelve Governors are elected, one per Congressional district, thereby ensuring geographical diversity. Three Governors are elected by the BOG itself. These "at-large" positions are designed to ensure racial and ethnic diversity.

- ❖ Is geographic diversity important for the BOG? Why or why not?
- ❖ Are there other dimensions of diversity that are more important or should be taken into consideration?
- ❖ Are there alternative means to ensure racial and ethnic diversity on the BOG?
- ❖ What concerns, if any, do you have if the majority of governors are appointed (as opposed to elected)?