



WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD MEETING MINUTES

January 30, 2013

**Washington State Bar Association
Seattle, Washington**

Members present were Steve Crossland (Chair), Paul Bastine (BOG Liaison), Guadalupe (Lupe) Artiga, Brenda Cothary, William Covington, Caitlin Davis Carlson, Jeanne Dawes (by videoconference), Ellen Dial, Lynn Fleischbein, Janet Olejar, Ellen Reed, Elisabeth Tutsch, and Vickie Williams (by videoconference).

Also in attendance were Thea Jennings (Staff Liaison), Robert Henry (RSD Associate Director), Jean McElroy (WSBA General Counsel and Chief Regulatory Counsel), and Paula Littlewood (WSBA Executive Director).

Also present were Michael Meredith, an associate at McKinley Irvin, and Christy Carpenter, a member of the public.

PRELIMINARY MATTERS

The meeting was called to order at 1:05 p.m.

I. Introduction

Chair Steve Crossland welcomed the LLLT Board to its inaugural meeting. He shared that Supreme Court Chief Justice Barbara Madsen stressed that she would like the LLLT Program up and running in 12-18 months. He further noted that the work of the Board is of great interest around the country and abroad. Emphasis was placed on creating the best model and best implemented rule possible. Board members then made introductions around, establishing themselves as a group with much experience in volunteerism and a clear desire to see that the Program is properly implemented with an eye toward access to justice and protecting the public.

II. Future of the Profession

WSBA Executive Director Paula Littlewood spoke to the Board on the changing nature of the legal profession, its challenges and its opportunities for growth. She presented on several changes impacting the practice of law, including a changing global context both economically and technologically, changing lawyer demographics, changing business models among law firms, and changing clients who have a desire to do some of the legal work themselves. With regard to the possible effect of the LLLT Program, Executive Director Littlewood emphasized that legal work can be divided into four categories: advocacy and counseling and then content and process. Content and process legal work can be commoditized. She suggested that the work of LLLTs will fit into this content and process piece, which will free lawyers for advocacy and counseling.

III. History of the LLLT Rule

Chair Crossland briefly addressed the history of the LLLT Rule, referring the Board to the Historical Summary found on pages four to five of the meeting materials.

IV. Strategic Planning & Subcommittees

Board decisions will be made by consensus when possible, rather than by vote. Chair Crossland directed the Board to review the Strategic Planning Chart found on pages 42-43 of the meeting materials, which categorizes some of the work that will need to be completed by the Board. It was noted that WSBA staff will be responsible for the financial responsibility piece given its already established procedures for reporting financial responsibility.

The Board will need to divide into subcommittees to accomplish its great amount of work. The subcommittees will then report back to the Board for final decision making. Chair Crossland advised the Board that he had reached out to Board applicants who were not appointed to seek volunteers to help populate the subcommittees.

The Board agreed that two subcommittees should be convened immediately: Scope of Practice & Forms and Admissions & Licensing. Sign-up sheets for these two subcommittees were distributed to Board members, who each selected their preferred subcommittee.

For purposes of planning, it was noted that when structuring the LLLT Program, the Board needs to make its rules and regulations adaptable to multiple practice areas.

V. Future Meeting Planning

Chair Crossland informed the group that the Board will need to meet at least once per month with subcommittees also meeting at least once per month. The next Board meeting will be held on February 21, 2013 and will be a half day meeting starting at 1:00 p.m. The first two subcommittees will meet that morning from 9:00 a.m. until noon. The

Board will meet again for a full day on March 14, 2013 in anticipation of the April 4, 2013 Supreme Court en banc, during which staff and Chair Crossland are expected to report on the Board's progress. After which, the Board will hold all day meetings on the third Thursday of every month through January 2014.

VI. LLLT Practice Area

The Board discussed the first practice area in which to license LLLTs. The Board recognized the hard work and due diligence of the Practice of Law Board in investigating and vetting appropriate practice areas for LLLTs, citing its practice area subcommittee reports (meeting materials pp. 44-70) and the public hearings it held. After some discussion, the Board chose family law as the first practice area in which to license LLLTs.

With respect to individual practice areas, it was suggested that the Board appoint practice area advisors, or perhaps create an "Advisory Board," whose purpose would be to advise the Board of changes in the law in LLLT practice areas. Executive Director Littlewood and Regulatory Services Department (RSD) Director Jean McElroy expressed concerns about creating a new entity which could complicate the process of implementing this new Program, especially when the Board and its subcommittees could be populated by subject matter experts. The idea of an advisory board was tabled as premature. However, it was decided that for the Scope of Practice & Forms subcommittee, family law experts should be sought out to provide input into defining the scope of practice for family law LLLTs.

VII. Annual Timeline for RSD and Proposed Timeline for LLLT Program

Staff Liaison Jennings advised the Board that when planning ahead for when to have the first examination, licensing period, and CLE reporting period for LLLTs, the Board should take into consideration RSD's annual workflow. She referred the Board to the RSD Annual Workflow Chart (meeting materials pp.71), which includes the proposed LLLT annual calendar. She further advised the Board to review RSD's Proposed LLLT Timeline for 2014-2016 (meeting materials pp. 72), which is aspirational and would have the first examination, licensing renewal period, and continuing education reporting period occur in phases, i.e. in 2014, the Board would conduct its first two examinations; in 2015, the first licensing renewal period would occur; and in 2016, the first continuing education reporting period would occur.

ADJOURNMENT

The meeting adjourned at 4:50 p.m.

NEXT MEETING

The next meeting will be at 1:00 p.m. on Thursday, February 21, 2013, at the offices of the Washington State Bar Association, 1325 4th Avenue, Suite 600, Seattle, Washington.