



WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

April 18, 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 March 14, 2013 meeting minutes
2. **Admissions & Licensing Subcommittee Recommendations Consent Agenda** (2:15 p.m.)
 - a. Applicants must have a minimum of an associate-level degree.
 - b. The pro bono requirement should be stricken from APR 28(D)(3).
 - c. 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.
3. **Discussion Regarding Admissions & Licensing Consent Agenda Item B** (2:30 p.m.)
4. **Report of Admissions & Licensing Subcommittee Meeting** (2:45 p.m.)
5. **Scope of Practice Subcommittee Recommendations Consent Agenda** (3:00 p.m.)
 - a. 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.
 - b. 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.
 - c. 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.

- d. In relocation actions, LLLTs will be prohibited from advising and assisting clients regarding objections to relocation petitions, responses to objections, and temporary orders.
 - e. 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.
6. **Report of Scope of Practice Subcommittee Meeting** (3:15 p.m.)
 7. **Admissions & Licensing Subcommittee Discussion Items** (3:30 p.m.)
 8. **Scope of Practice & Forms Subcommittee Discussion Items** (4:00 p.m.)
 9. **Procedures for Adding Members to Subcommittees** (4:30 p.m.)
 10. **Open Discussion** (4:35 p.m.)
 11. **Adjourn** (5:00 p.m.)

MEETING MATERIALS

1. 2013-03-14 Draft Meeting Minutes [pp. 253-257]
2. 2013-03-14 Approved Admissions & Licensing Subcommittee Minutes [pp. 258-261]
3. 2013-03-14 Approved Scope of Practice Subcommittee Minutes [pp. 262-266]
4. Revised LLLT Board Decision-Making Process [pp. 267]
5. 2013-03-14 Appendix of Board Decisions [pp. 268]
6. 2013-03-18 DRAFT APR 28 Revisions [pp. 269-275]
7. 2013-03-18 DRAFT Part 2 – LLLT Regulations (Appendix APR 28) [pp. 276-288]



WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD MEETING MINUTES

March 14, 2013

Washington State Bar Association Seattle, Washington

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

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

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

PRELIMINARY MATTERS

The meeting was called to order at 2:00 p.m.

I. Introduction

Chair Steve Crossland began by reporting that the Supreme Court approved family law as the practice area and that he will present updates on the Board at the Court's April 4, 2013 en banc meeting.

II. Board Decision-Making Process

Chair Crossland then explained the LLLT Board decision-making process referring to page 246 of the meeting materials. With a slight revision to the language, the Board agreed upon the decision-making process going forward.

III. Board Meeting Minutes

The Board adopted the February 21, 2013 Board meeting minutes.

IV. Scope of Practice Subcommittee Consent Agenda

The Board then discussed the March 14, 2013 consent agenda recommendations of the Scope of Practice Subcommittee, which were as follows:

- a) Scope limited to five types of domestic relations actions: Dissolution, Legal Separation, Parenting & Support, Parentage, Intimate Domestic Relationships, and Domestic Violence actions.
- b) LLLTs will be prohibited from practicing in the following types of domestic relations actions: Defacto Parentage and Nonparental Custody actions.
- c) Within the approved types of domestic relations actions, LLLTs may select and prepare all pattern forms used to initiate actions.

The Board adopted all of the recommendations on consent.

V. Scope of Practice Subcommittee Report

Subcommittee Chair Dallaire presented the report of the March 14, 2013 Scope of Practice Subcommittee meeting. The subcommittee discussed and made recommendations regarding LLLTs scope of practice in domestic violence and relocation actions.

Domestic Violence Actions Recommendations

The subcommittee discussed various types of protection/restraining order actions and recommends that family law LLLTs advise and assist clients in the following areas:

- Protection Orders (provided the LLLT notifies the client of available free legal services for obtaining protection orders);
- Restraining Orders;
- Responses to Petitions for Protection Orders; and
- Modifications and Renewals of Protection Orders.

The subcommittee recommends that the following types of protection/restraining order actions are not appropriate for family law LLLTs:

- Anti-harassment Orders;
- Criminal No Contact Order; and
- Sexual Assault Protection Orders.

The subcommittee determined that family law LLLTs should be required to advise clients of free legal services in domestic violence cases.

Relocation Actions Recommendations

As previously approved by the Board, family law LLLTs may assist in initiating relocation actions. The subcommittee further recommends LLLTs advise and assist clients regarding the following in relocation actions:

- Ex parte final orders;
- Motions/Declarations to Waive Notice Requirements for Notice of Intended Relocation (when a child or person is at risk); and
- Child support paperwork.

LLLT Board Meeting Minutes
March 14, 2013

A family law LLLT must terminate his/her legal services and advise the client to seek an attorney if there is an objection filed or a need for temporary orders. The subcommittee recommends that LLLTs be prohibited from advising and assisting clients regarding the following in relocation actions:

- Objections to Relocation Petitions;
- Responses to Objections to Relocation Petitions; and
- Temporary Orders.

Forms Approval

The subcommittee approved a number of forms. Mr. Dallaire directed the Board to review the subcommittee minutes for those specific forms.

Suggested Curriculum for LLLTs in Family Law Practice Area

The subcommittee submits to the Admissions & Licensing subcommittee curriculum criteria for its consideration: A family law LLLT's education should include the following:

- Protection order procedures and safety planning for domestic violence cases;
- When it is time to launch a relocation action; and
- Available pro se resources for clients.

VI. Admissions & Licensing Subcommittee Consent Agenda

The Board then discussed the March 14, 2013 consent agenda recommendations of the Admissions & Licensing Subcommittee, which were as follows:

- a) Must complete 45 credit hours in "Core Curriculum" in paralegal studies
- b) Must complete 12 credit hours in the "Major" or approved practice area
- c) Core course instruction to occur at ABA approved law school or ABA approved paralegal educational program
- d) Major curriculum to be developed by or in conjunction with Washington's ABA approved law schools
- e) 18 months (3,000 hours) of substantive work experience supervised by a lawyer before licensure
 - i. Qualifying examination can be taken prior to the discharge of the experience requirement
 - ii. Students may petition to have prior experience (gained no more than 36 months before the date of the petition) recognized and credited towards this requirement.

Before presenting the consent agenda for adoption, Subcommittee Chair Bill Covington pointed out that the subcommittee had approved a couple of clarifications to the consent agenda items as described below:

- An educational credit shall be quantified using a ten week academic quarter; a "quarter" credit equals 450 minutes of "face-time" (the student or students are directly interacting with the class instructor). The American Bar Association uses the 450 minute standard.
- Experience must be gained no later than three years after passing the exam.

The Board adopted all of the recommendations and clarifications on consent.

VII. Admissions & Licensing Subcommittee Report

Subcommittee Chair Covington presented the report of the March 14, 2013 Admissions & Licensing Subcommittee meeting. The subcommittee further discussed the curriculum for the core and major area of practice courses and what the elements of each course should include. It is expected to finalize its chart of course descriptions at the April meeting.

Grandfather & Waiver Provisions

The subcommittee discussed whether or not there should be any grandfather provisions or waivers of the education requirements based on prior education or experience. The subcommittee agreed that every applicant must have, at a minimum, an associate-level degree and that prior education and/or experience could not substitute for that requirement. The subcommittee has a number of questions to consider, among which include:

- Should prior education be treated as the equivalent of some or all of the core requirements and/or Family Law I?
- Should successful completion of the PACE or NALA examination be treated as the equivalent of discharging some or all of the core requirements?
- Should applicants be allowed to test out of all or some of the core requirements?
- Should prior experience be treated as the equivalent of some or all of the core requirements and/or Family Law I?
- Should prior experience be allowed to count as 33 credits towards an associate degree so as to make an applicant who has successfully completed core and major courses eligible to take the licensing exam?

The subcommittee will continue this discussion at the next meeting.

Pro Bono Requirement Recommendations

The subcommittee discussed the 20 hour pro bono requirement for admission to the program. The subcommittee recommends striking that provision from APR 28, which would require a revision of the rule. A request was made by the Board that the recommendation that the pro bono requirement be stricken be up for discussion rather than on the subcommittee's consent agenda.

Exam Recommendations

The subcommittee discussed the exam requirements and agreed that there should be an ethics exam, core exam, and a major area of study exam. Each exam would be separate. The core and major area of study exam would each be comprised of three parts: a multiple choice part; an essay part; and, a practicum part. The subcommittee is open to the possibility that the ethics material may be combined with the multiple choice or essay parts of the core exam. The subcommittee will continue its discussion of the examination requirements at the next meeting.

VIII. Dual Representation of Parties in Uncontested Matters

The Board then discussed whether LLLTs may engage in dual representation of parties in uncontested matters. Strong concerns were addressed regarding situations where one spouse may have more power than the other. The Board could not reach consensus on the issue, so a motion was made to prohibit LLLTs from engaging in dual representation in family law matters. The motion passed unanimously.

IX. Should LLLTs Be Allowed to Prepare Discovery

The Board discussed whether LLLTs should be allowed to prepare formal discovery, such as interrogatories or requests for production, which created some debate. Concerns were addressed that LLLTs would not have the power to compel responses to discovery and that crafting discovery questions can be complicated. Given that the Scope of Practice & Forms subcommittee is still considering issues of scope, the issue was tabled as premature.

ADJOURNMENT

The meeting adjourned at 3:55 p.m.

NEXT MEETING

The next meeting will be 2:00 p.m. Thursday, April 18, 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

March 14, 2013

**Washington State Bar Association
Seattle, Washington**

Members present were William Covington (Chair), Brenda Cothary, Caitlin Davis Carlson, Patricia Kuszler, Janet Olejar, and Elisabeth Tutsch.

Also in attendance were Bobby Henry (RSD Associate Director), Jean McElroy (WSBA General Counsel & Chief Regulatory Counsel) and Paula Littlewood (WSBA Executive Director).

PRELIMINARY MATTERS

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

I. LLLT Board Decision-Making Process

The subcommittee reviewed the proposed LLLT Board decision-making process and agreed that it was a good plan and to use it for decision-making purposes.

II. Consent Agenda Recommendations

The subcommittee then discussed its March 14, 2013 consent agenda recommendations, which were as follows:

- a) Must complete 45 credit hours in "Core Curriculum" in paralegal studies
- b) Must complete 12 credit hours in the "Major" or approved practice area
- c) Core course instruction to occur at ABA approved law school or ABA approved paralegal educational program
- d) Major curriculum to be developed by or in conjunction with Washington's ABA approved law schools
- e) 18 months (3,000 hours) of substantive work experience supervised by a lawyer before licensure:

- i. Qualifying examination can be taken prior to the discharge of the experience requirement
- ii. Students may petition to have prior experience (gained no more than 36 months before the date of the petition) recognized and credited towards this requirement.

The subcommittee approved the recommendations with a few clarifications as described below:

In an effort to standardize the educational requirements, the subcommittee decided to quantify an educational credit using a ten week academic quarter; a “quarter” credit equals 450 minutes of “face-time” (the student or students are directly interacting with the class instructor). The American Bar Association uses the 450 minute standard.

The subcommittee also confirmed that the course work must be completed at an ABA approved law school or a school with an ABA approved paralegal program. The subcommittee believes this will provide some level of consistency and quality amongst the different providers of the education requirements.

The subcommittee also discussed the time limits on the recommended experience requirement. The subcommittee decided that the experience must be gained no later than three years after passing the exam.

III. Minutes of Prior Meeting

After discussing the clarifications to the subcommittee consent agenda, the subcommittee adopted the February 21, 2013 meeting minutes.

IV. Recommended Education Requirements

The subcommittee made a few decisions that amended or further clarified the recommended education requirements.

The subcommittee discussed the required course content for each of the required core and major courses. The subcommittee prepared an initial list of key elements to be covered in each course. The purpose is to provide a clear and measurable standard for those providing the education. The subcommittee members will review the list and come prepared to finalize the required content for each course at the next meeting.

Paula Littlewood reported that the three Washington ABA approved law schools are beginning a discussion on the family curriculum development. They will be forming a work group to develop the curriculum. Ms. Littlewood suggested that a member of the scope subcommittee be invited to participate on the work group.

Ms. Littlewood also suggested, and the subcommittee agreed, that a letter be mailed out to all the colleges and universities in Washington State informing them of the Board’s work to date and the recommended education requirements. This way the colleges and universities can begin changes to their curriculum if they want to be involved in the education of legal technicians.

The subcommittee recommends that an applicant for the LLLT program complete all the education requirements prior to applying for the program.

V. Grandfather & Waiver Provisions

The subcommittee discussed whether or not there should be any grandfather provisions or waivers of the education requirements based on prior education or experience. The subcommittee agreed that every applicant must have, at a minimum, an associate-level degree and that prior education and/or experience could not substitute for that requirement. The subcommittee members will continue this discussion at the next meeting. The following questions shall be examined:

1. Should prior education be treated as the equivalent of some or all of the core requirements and/or Family Law I?
2. Should successful completion of the PACE or NALA examination (the comprehensive test paralegals have the option of taking) be treated as the equivalent of discharging some or all of the core requirements?
3. Should applicants be allowed to test out of all or some of the core requirements? For example, the Board might provide direction to colleges on testing by recommending that persons may test out of core courses by successfully completing a rigorous and comprehensive examination, which covers all designated learning objectives prescribed for that particular area of study. Passage and waiver of the course for which the test is administered shall only be allowed if the student through the examination has demonstrated a thorough mastery of all elements of the tested topic.
4. Should prior experience be treated as the equivalent of some or all of the core requirements and/or Family Law I?
5. Should prior experience be allowed to count as 33 credits so as to make an applicant who has successfully completed core and major courses eligible to take the licensing exam? That is should the combination of prior experience and successful completion of core and major courses be considered the equivalent of an associate degree?

VI. Pro Bono Requirement for Admission/License Renewal

The subcommittee discussed the 20 hour pro bono requirement for admission to the program. The subcommittee decided to recommend striking that provision from APR 28. The subcommittee had several reasons for its recommendation, including: it felt like “community service” because it would be forced upon the applicant; it is not required of applicants for the Bar or the LPO program; 20 hours is too short of a requirement and would be a burden and drain on the qualified legal service providers with little, if any, benefit to the public after training; and, applicants are able to apply qualified volunteer work to their experience requirement. The subcommittee suggested it may be appropriate to have an aspirational goal of 30 hours of pro bono work for legal technicians. It recommends the future LLLT RPC subcommittee consider the topic.

VII. Exam Recommendations

The subcommittee briefly discussed the exam requirements. The subcommittee agreed that there should be an ethics exam, core exam, and a major area of study exam. Each exam would be separate. The core and major area of study exam would each be comprised of three parts: a multiple choice part; an essay part; and, a practicum part. The ethics exam would most likely be multiple choice (as is the MPRE for lawyers). The subcommittee is open to the possibility that the ethics material may be combined with the multiple choice or essay parts of the core exam.

VIII. Next Meeting

Subcommittee members were asked to review key topics to be taught for each of the core courses and to think about and consider specific conditions and criteria for grandfather provisions. Those will be discussed at the next meeting. In addition, for the next meeting, the subcommittee will come prepared to discuss character and fitness issues.

ADJOURNMENT

The meeting adjourned at 1:15 p.m.

NEXT MEETING

The next meeting will be 9:00 a.m. Thursday, April 18, 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 SCOPE OF PRACTICE & FORMS SUBCOMMITTEE MEETING MINUTES

March 14, 2013

Washington State Bar Association
Seattle, Washington

Members present were Steve Crossland (Chair), Greg Dallaire (Chair), Steve Crossland (LLLT Board Chair), Paul Bastine, Lupe Artiga, Rita Bender, Jeanne Dawes, Ellen Dial, Lynn Fleischbein, and Ellen Reed.

Also in attendance was Thea Jennings (Staff Liaison).

Also present were Kim Anderson, a domestic violence advocate with the King County Protection Order Advocacy Program, and Christy Carpenter, a member of the public.

PRELIMINARY MATTERS

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

I. Introduction

Chair Greg Dallaire began by reporting on the recent WSBA Board of Governors (BOG) meeting, noting that LLLT Board Chair Steve Crossland reported on the progress of the LLLT Board. Of note was an attendee's comment that LLLTs should not be allowed to advertise that they specialize in family law when lawyers are specifically prohibited from doing the same. The subcommittee suggests that we make a recommendation to the Court regarding this issue but notes that this concern can be addressed in the RPC drafting portion of the LLLT Board's work.

II. Board Decision-Making Process

Chair Dallaire then explained the LLLT Board decision making process referring to page 7 of the subcommittee meeting materials. With a slight revision to the language, the subcommittee agreed upon the decision-making process going forward.

III. Consent Agenda Recommendations

The subcommittee then discussed its March 14, 2013 consent agenda recommendations, which were as follows:

- a) Scope limited to five types of domestic relations actions: Dissolution, Legal Separation, Parenting & Support, Parentage, Intimate Domestic Relationships, and Domestic Violence actions.
- b) LLLTs will be prohibited from practicing in the following types of domestic relations actions: Defacto Parentage and Nonparental Custody actions.
- c) Within the approved types of domestic relations actions, LLLTs may select and prepare all pattern forms used to initiate actions.

The subcommittee approved the recommendations without debate. It was noted, however, that with regard to item C, pattern forms used to initiate actions will not be the entire universe of forms LLLTs will use.

IV. Meeting Minutes

The February 21, 2013 subcommittee meeting minutes were approved with one change: Under the header "Approved Types of Domestic Relations Actions," the intimate domestic relationships bullet should have no parenthetical.

V. Prohibited Actions List

The group discussed creating a comprehensive list of prohibited actions for LLLTs. Once an issue outside the scope arises, an LLLT would need to provide a disclosure to the client that s/he is unable to perform the legal service and that the client should seek the advice of a lawyer.

VI. Recommendations as to Scope of Practice in Domestic Violence Actions

The subcommittee then prepared recommendations regarding approved and prohibited actions in domestic violence actions. In attendance to advise the subcommittee on domestic violence advocacy was Ms. Anderson.

Approved Types of Protection Order Actions

The subcommittee discussed various types of protection/restraining order actions and recommends that family law LLLTs advise and assist clients in the following areas:

- Protection Orders (provided the LLLT notifies the client of available free legal services for obtaining protection orders);
- Restraining Orders;
- Responses to Petitions for Protection Orders; and
- Modifications and Renewals of Protection Orders.

Prohibited Types of Protection Order Actions

The subcommittee recommends that the following types of protection/restraining order actions are not appropriate for family law LLLTs:

- Anti-harassment Orders: because it does not fall within family law practice;
- Criminal No Contact Orders: because local prosecutors' offices obtain these in criminal proceedings; and
- Sexual Assault Protection Orders: because clients can obtain domestic violence protection orders in cases of sexual assault.

Approved Forms and/or Documents to Be Selected and Prepared

The subcommittee recommends that family law LLLTs be approved to select and prepare the following forms and/or documents in domestic violence protection order actions:

- Petition for Order of Protection
- Custody Information Sheet
- Temporary Order for Protection and Notice of Hearing
- Proposed Order for Protection and Notice of Hearing
- Case Information Cover Sheet
- Confidential Information Sheet
- Law Enforcement Information Sheet (LEIS)
- Return of Service

There are no pattern forms for preparing responses to protection order petitions. However, the pattern form for the basic family law declaration can be used. The basic declaration was approved for this purpose.

The subcommittee did not discuss specific forms for protection order modification or renewal actions.

VII. Recommendations as to Scope of Practice in Relocation Actions

The subcommittee then discussed what the scope of practice would be in relocation actions. The subcommittee recommends that family law legal technicians be able to advise clients in a very limited capacity regarding relocation actions.

Approved Types of Actions in Relocation Actions

As previously approved by the subcommittee, family law LLLTs may assist in initiating relocation actions. The subcommittee further recommends LLLTs advise and assist clients regarding the following in relocation actions:

- Ex parte final orders (Provided no objection is filed. See prohibited actions);
- Motions/Declarations to Waive Notice Requirements for Notice of Intended Relocation (when a child or person is at risk); and
- Child support paperwork (Provided no objection is filed. See prohibited actions).

Prohibited Types of Actions in Relocation Actions

A family law LLLT must terminate his/her legal services and advise the client to seek an attorney if there is an objection filed or a need for temporary orders. This is due to the difficult statutory requirements that must be satisfied when filing or responding to an objection in a relocation action. The subcommittee recommends that LLLTs be

prohibited from advising and assisting clients regarding the following in relocation actions:

- Objections to Relocation Petitions;
- Responses to Objections to Relocation Petitions; and
- Temporary Orders: because the client must present the case as though an objection has already been filed.

Approved Forms and/or Documents to Be Selected and Prepared

The subcommittee recommends that family law LLLTs be approved to select and prepare the following forms and/or documents for relocation actions:

- Notice of Intended Relocation
- Proposed Parenting Plan or Residential Schedule with Revised Schedule
- Return of Service
- Service by personal service or any form of mail requiring return receipt
- Ex parte Motion and Declaration for Order Modifying Plan
- Ex parte Order Modifying Parenting Plan (relocation)
- Final Parenting Plan or Residential Schedule
- Motions/Declarations to Waive Notice Requirements for Notice of Intended Relocation
- Child Support Worksheets
- Financial Declaration
- Proposed Order of Child Support
- Sealed Cover for financial source documents

VIII. Suggested Curriculum for LLLTs in Family Law Practice Area

The subcommittee submits to the Admissions & Licensing subcommittee curriculum criteria for its consideration: A family law LLLT's education should include the following:

- Protection order procedures and safety planning for domestic violence cases;
- When it is time to launch a relocation action; and
- Available pro se resources for clients.

IX. Next Meeting

For our next meeting, Lupe will obtain information regarding statewide resources available for free legal services in cases of domestic violence.

An issue to be addressed at the next subcommittee meeting is what should be the requirements for communication and collaboration when both an LLLT and a lawyer are working on or have worked on a case.

ADJOURNMENT

The meeting adjourned at 1:00 p.m.

LLLT Board: Scope of Practice & Forms Subcommittee Minutes
March 14, 2013

NEXT MEETING

The next meeting will be 9:00 a.m. Thursday, April 18, 2013, at the offices of the Washington State Bar Association, 1325 4th Avenue, Seattle, Washington.

LLLT Board Decision Making Process

Subcommittees will develop an agenda for issues to be addressed at the next subcommittee meeting.

Each subcommittee shall reserve the last half hour of its meeting for review of what was accomplished, a summary of decisions made, and an agreement on the general contents of a verbal report to be put forward by the subcommittee chair.

At the conclusion of each subcommittee meeting, the subcommittee chair will prepare to report back to the Board at the Board meeting. The report may include recommendations as follows:

- Issues upon which the subcommittee reached consensus;
- Issues that will need further discussion at a future subcommittee meeting;
- Issues that will need to be discussed at a future Board meeting.

Following the Board meeting, the subcommittee report will be reduced to writing in the form of subcommittee meeting minutes and submitted to the subcommittee and Board prior to the next Board meeting.

The recommendations of the subcommittee will constitute the agenda at the next Board meeting. The Board will discuss or approve the recommendations of the subcommittee.

The issues upon which the subcommittee reached consensus will be placed on a consent agenda for the next Board meeting. The chair of the subcommittee, in consultation with the Board Chair, may remove an item if the subcommittee did not approve it at its meeting. Any member of the Board may remove an issue from the consent agenda for discussion. Otherwise, the Board may adopt the issues on the consent agenda by consensus.

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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Apr 28 Limited Practice Rule for Limited License Legal Technicians

- A) Purpose. The Civil Legal Needs Study (2003), commissioned by the Supreme Court, clearly established that the legal needs of the consuming public are not currently being met. The public is entitled to be assured that legal services are rendered only by qualified trained legal practitioners. Only the legal profession is authorized to provide such services. The purpose of this rule is to authorize certain persons to render limited legal assistance or advice in approved practice areas of law. This rule shall prescribe the conditions of and limitations upon the provision of such services in order to protect the public and ensure that only trained and qualified legal practitioners may provide the same. This rule is intended to permit trained Limited License Legal Technicians to provide limited legal assistance under carefully regulated circumstances in ways that expand the affordability of quality legal assistance which protects the public interest.
- B) Definitions. For purposes of this rule, the following definitions will apply:
- 1) "APR" means the Supreme Court's Admission to Practice Rules.
 - 2) "Board" when used alone means the Limited License Legal Technician Board.
 - 3) "Lawyer" means a person licensed and eligible to practice law in any U.S. jurisdiction.
 - 4) "Limited License Legal Technician" means a person qualified by education, training and work experience who is authorized to engage in the limited practice of law in approved practice areas of law as specified by this rule and related regulations. The legal technician does not represent the client in court proceedings or negotiations, but provides limited legal assistance as set forth in this rule to a pro se client.
 - 5) "Paralegal/legal assistant" means a person qualified by education, training or work experience, who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive law-related work for which a lawyer is responsible
 - 6) "Reviewed and approved by a Washington lawyer" means that a Washington lawyer has personally supervised the legal work and documented that supervision by the Washington lawyer's signature and bar number.
 - 7) "Substantive law-related work" means work that requires knowledge of legal concepts and is customarily, but not necessarily, performed by a lawyer.
 - 8) "Supervised" means a lawyer personally directs, approves and has responsibility for work performed by the Limited License Legal Technician.
 - 9) "Washington lawyer" means a person licensed and eligible to practice law in Washington and who is an active or emeritus member of the Washington State Bar Association.

10) Words of authority:

- a) "May" means "has discretion to," "has a right to," or "is permitted to".
- b) "Must" or "shall" mean "is required to."
- c) "Should" means recommended but not required.

C) Limited License Legal Technician Board.

- 1) Establishment. There is hereby established a Limited License Legal Technician Board. The Board shall consist of 13 members appointed by the Supreme Court of the State of Washington, nine of whom shall be active Washington lawyers, and four of whom shall be non-lawyer Washington residents. At least one member shall be a legal educator. The members shall initially be appointed to staggered terms of one to three years. Thereafter, appointments shall be for three year terms. No member may serve more than two consecutive full three year terms.
- 2) Board Responsibilities. The Board shall be responsible for the following:
 - a) Recommending practice areas of law for LLLTs, subject to approval by the Supreme Court;
 - b) Processing applications and fees, and screening applicants;
 - c) Administering the examinations required under this rule which shall, at a minimum, cover the rules of professional conduct applicable to Limited License Legal Technicians, rules relating to the attorney client privilege, procedural rules and substantive law issues related to one or more approved practice areas;
 - d) Determining LLLT Continuing Legal Education (LLLT CLE) requirements and approval of LLLT CLE programs;
 - e) Approving education and experience requirements for licensure in approved practice areas;
 - f) Establishing and over-seeing committees and tenure of members;
 - g) Establishing and collecting examination fees, LLLT CLE fees, annual license fees, and other fees in such amounts approved by the Supreme Court as are necessary to carry out the duties and responsibilities of the Board; and
 - h) Such other activities and functions as are expressly provided for in this rule.
- 3) Rules and Regulations. The Board shall propose rules and regulations for adoption by the Supreme Court that:
 - a) Establish procedures for grievances and disciplinary proceedings;
 - b) Establish trust account requirements and procedures;

- c) Establish rules of professional and ethical conduct; and
- d) Implement the other provisions of this rule.

D) Requirements for Applicants. An applicant for licensure as a Limited License Legal Technician shall:

- 1) Age. Be at least 18 years of age.
- 2) Moral Character and Fitness to Practice. Be of good moral character and demonstrate fitness to practice as a Limited License Legal Technician.
- 3) Education ~~and Experience~~. Have the following education ~~and experience~~:

~~a)~~

~~(i) A minimum associate level degree in addition to or in combination with 45 credit hours of instruction in core curriculum in paralegal studies as approved by the Board with instruction to occur at an ABA approved law school or ABA approved paralegal education program; or equivalent program, or a bachelor degree, in paralegal/legal assistant studies approved by the American Bar Association or the Board, together with a minimum of two years experience as a paralegal/legal assistant doing substantive law-related work under the supervision of a lawyer, provided that at least one year is under a Washington lawyer; or~~

~~(ii) In each practice area in which an applicant seeks licensure, 12 credit hours of instruction in the approved practice area with curriculum developed by or in conjunction with Washington's ABA approved law schools and with instruction to occur at an ABA approved law school or ABA approved paralegal education program;~~

~~(iii) For the purposes of satisfying APR 28(D)(3)(a)(i) and (ii), one credit hour shall be equivalent to 450 minutes of instruction.~~

~~(ii) A post-baccalaureate certificate program in paralegal/legal assistant studies approved by the Board, together with a minimum of three years experience as a paralegal/legal assistant doing substantive law-related work under the supervision of a lawyer, provided that at least one year is under a Washington lawyer; and~~

~~b) Complete at least 20 hours of pro-bono legal service in Washington as approved by the Board, within two years prior to taking the Limited License Legal Technician examination.~~

~~In all cases, the paralegal/legal assistant experience must be acquired after completing the education requirement, unless waived by the Board for good cause shown.~~

- 4) Application. Execute under oath and file with the Board two copies of his/her application, in such form as the Board requires. An applicant's failure to furnish information requested by the Board or pertinent to the pending application may be grounds for denial of the application.

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- 5) Examination Fee. Pay, upon the filing of the application, the examination fee and any other required application fees as established by the Board and approved by the Supreme Court.
- E) Licensing Requirements. In order to be licensed as a Limited License Legal Technician, all applicants must:
- 1) Examination. Take and pass the examinations required under these rules;
 - ~~2)~~ Experience. Gain 18 months, or 3,000 hours, of substantive law-related work experience supervised by a licensed lawyer. The experience must be gained no more than three years prior to admission and no more than three years after passing the examination;
 - ~~3)~~ Annual License Fee. Pay the annual license fee;
 - ~~4)~~ Financial Responsibility. Show proof of ability to respond in damages resulting from his or her acts or omissions in the performance of services permitted by this rules. The proof of financial responsibility shall be in such form and in such amount as the Board may by regulation prescribe; and
 - ~~5)~~ Meet all other licensing requirements set forth in the rules and regulations proposed by the Board and adopted by the Supreme Court.
- F) Scope of Practice Authorized by Limited Practice Rule. The Limited License Legal Technician shall ascertain whether the issue is within the defined practice area for which the LLLT is licensed. If it is not, the LLLT shall not provide the services required on this issue and shall inform the client that the client should seek the services of a lawyer. If the issue is within the defined practice area, the LLLT may undertake the following:
- 1) Obtain relevant facts, and explain the relevancy of such information to the client;
 - 2) Inform the client of applicable procedures, including deadlines, documents which must be filed, and the anticipated course of the legal proceeding;
 - 3) Inform the client of applicable procedures for proper service of process and filing of legal documents;
 - 4) Provide the client with self-help materials prepared by a Washington lawyer or approved by the Board, which contain information about relevant legal requirements, case law basis for the client's claim, and venue and jurisdiction requirements;
 - 5) Review documents or exhibits that the client has received from the opposing side, and explain them to the client;
 - 6) Select and complete forms that have been approved by the State of Washington, either through a governmental agency or by the Administrative Office of the Courts or the content of which is

specified by statute; federal forms; forms prepared by a Washington lawyer; or forms approved by the Board; and advise the client of the significance of the selected forms to the client's case;

- 7) Perform legal research and draft legal letters and pleadings documents beyond what is permitted in the previous paragraph, if the work is reviewed and approved by a Washington lawyer;
- 8) Advise a client as to other documents that may be necessary to the client's case (such as exhibits, witness declarations, or party declarations), and explain how such additional documents or pleadings may affect the client's case;
- 9) Assist the client in obtaining necessary documents, such as birth, death, or marriage certificates.

G) Conditions Under Which A Limited License Legal Technician May Provide Services.

- 1) A Limited License Legal Technician must have a principal place of business having a physical street address for the acceptance of service of process in the State of Washington;
- 2) A Limited License Legal Technician must personally perform the authorized services for the client and may not delegate these to a nonlicensed person. Nothing in this prohibition shall prevent a person who is not a licensed LLLT from performing translation services;
- 3) Prior to the performance of the services for a fee, the Limited License Legal Technician shall enter into a written contract with the client, signed by both the client and the Limited License Legal Technician that includes the following provisions:
 - a) An explanation of the services to be performed, including a conspicuous statement that the Limited License Legal Technician may not appear or represent the client in court, formal administrative adjudicative proceedings, or other formal dispute resolution process or negotiate the client's legal rights or responsibilities, unless permitted under GR 24(b);
 - b) Identification of all fees and costs to be charged to the client for the services to be performed;
 - c) A statement that upon the client's request, the LLLT shall provide to the client any documents submitted by the client to the Limited License Legal Technician;
 - d) A statement that the Limited License Legal Technician is not a lawyer and may only perform limited legal services. This statement shall be on the face first page of the contract in minimum twelve-point bold type print;
 - e) A statement describing the Limited License Legal Technician's duty to protect the confidentiality of information provided by the client and the Limited License Legal Technician's work product associated with the services sought or provided by the Limited License Legal Technician;

- f) A statement that the client has the right to rescind the contract at any time and receive a full refund of unearned fees. This statement shall be conspicuously set forth in the contract; and
 - g) Any other conditions required by the rules and regulations of the Board.
- 4) A Limited License Legal Technician may not provide services that exceed the scope of practice authorized by this rule, and shall inform the client, in such instance, that the client requires should seek the services of a lawyer.
- 5) A document prepared by an LLLT shall include the LLLT's name, signature and license number beneath the signature of the client.
- H) Prohibited Acts. In the course of dealing with clients or prospective clients, a Limited License Legal Technician shall not:
- 1) Make any statement that the Limited License Legal Technician can or will obtain special favors from or has special influence with any court or governmental agency;
 - 2) Retain any fees or costs for services not performed;
 - 3) Refuse to return documents supplied by, prepared by, or paid for by the client, upon the request of the client. These documents must be returned upon request even if there is a fee dispute between the Limited License Legal Technician and the client; or
 - 4) Represent or advertise, in connection with the provision of services, other legal titles or credentials that could cause a client to believe that the Limited License Legal Technician possesses professional legal skills beyond those authorized by the license held by the Limited License Legal Technician;
 - 5) Represent a client in court proceedings, formal administrative adjudicative proceedings, or other formal dispute resolution process, unless permitted by GR 24;
 - 6) Negotiate the client's legal rights or responsibilities, or communicate with another person the client's position or convey to the client the position of another party; unless permitted by GR 24(b).
 - 7) Provide services to a client in connection with a legal matter in another state, unless permitted by the laws of that state to perform such services for the client.
 - 8) Represent or otherwise provide legal or law related services to a client, except as permitted by law, this rule or associated rules and regulations;
 - 9) Otherwise violate the Limited License Legal Technicians' Rules of Professional Conduct.
- I) Continuing Licensing Requirements.

- I
- 1) Continuing Education Requirements. Each Limited License Legal Technician annually must complete the Board-approved number of credit hours in courses or activities approved by the Board; provided that the Limited License Legal Technician shall not be required to comply with this subsection during the calendar year in which he or she is initially licensed.
 - 2) Financial Responsibility. Each Limited License Legal Technician shall annually provide proof of financial responsibility in such form and in such amount as the Board may by regulation prescribe.
 - 3) Annual Fee. Each Limited License Legal Technician shall pay the annual license fee established by the Board and approved by the Supreme Court.
- J) Existing Law Unchanged. This rule shall in no way modify existing law prohibiting non-lawyers from practicing law or giving legal advice other than as authorized under this rule or associated rules and regulations.
- K) Professional Responsibility and Limited License Legal Technician-Client Relationship.
- 1) Limited License Legal Technicians acting within the scope of authority set forth in this rule shall be held to the standard of care of a Washington lawyer.
 - 2) Limited License Legal Technicians shall be held to the ethical standards of the Limited License Legal Technicians' Rules of Professional Conduct, which shall create an LLLT IOLTA program for the proper handling of funds coming into the possession of the Limited License Legal Technician.
 - 3) The Washington law of attorney-client privilege and law of a lawyer's fiduciary responsibility to the client shall apply to the Limited License Legal Technician-client relationship to the same extent as it would apply to an attorney-client relationship.

Adopted effective September 1, 2012

APPENDIX APR 28. REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL TECHNICIAN BOARD

REGULATION 1: IN GENERAL

Every person desiring to be admitted to limited practice as a Limited License Legal Technician (LLLT) pursuant to Admission to Practice Rule (APR) 28 must submit an application in the form and manner and within the time limits established by these Regulations, pay the requisite fee, and satisfy all of the requirements of APR 28.

REGULATION 2: PRACTICE AREAS—SCOPE OF PRACTICE AUTHORIZED BY LIMITED LICENSE LEGAL TECHNICIAN RULE

In each practice area in which an LLLT is licensed, the LLLT shall comply with the provisions defining the scope of practice as found in APR 28 and as described herein.

A. Family Law.

1. Scope of Practice for Family Law Limited License Legal Technicians Authorized by Limited License Legal Technician Rule. *Define family law scope of practice not otherwise provided for in APR 28F or expand upon scope where necessary under APR 28F.*

- a) Family law LLLTs may provide legal services to clients in dissolution, legal separation, parenting and support, parentage, intimate domestic relationship, and domestic violence actions;
- b) In approved types of domestic relations actions, family law LLLTs may select and prepare all pattern forms used to initiate actions as approved by the Board;

2. Conditions Under Which a Family Law Limited License Legal Technician May Provide Services. *Define conditions under which a family law LLLT may provide services not otherwise provided for in APR 28G or expand upon conditions where necessary under APR 28G.*

3. Prohibited Acts. *Define prohibited acts for family law LLLTs not otherwise provided for in APR 28H or expand upon conditions where necessary under APR 28H.*

- a) Family law LLLTs may not provide legal services to clients in defacto parentage and nonparental custody actions.

REGULATION 3: EDUCATION REQUIREMENTS FOR APPLICANTS

An applicant for licensure shall satisfy the following education requirements as required under APR 28(D)(3):

A. Education

1. Core Curriculum. An applicant for licensure must have completed the following courses in paralegal studies:

- a) Civil Procedure (10 credit hours, to include ...);
- b) Contracts (5 credit hours ,to include ...);
- c) Interviewing and Investigation Techniques (5 credit hours, to include ...);
- d) Introduction to Law and Legal Process (5 credit hours, to include ...);
- e) Law Office Procedures and Technology (5 credit hours, to include ...);
- f) Legal Research, Writing and Analysis (10 credit hours, to include ...);
- g) Professional Responsibility (5 credit hours, to include ...).

2. Practice Area Curriculum. An applicant for licensure in a defined practice area must have completed the prescribed curriculum for that defined practice area.

- a) Family Law (12 credit hours). To be comprised of:
 - i. five credit hours in basic family subjects, including dissolution, contested child custody, parentage, adoption, jurisdiction and venue issues, maintenance and child support;
 - ii. seven credit hours in advanced and Washington specific family law subjects, including community property, domestic violence, safety planning, child advocacy, child welfare, modification, relocation, Indian Child Welfare Act, mediation and alternative dispute resolution, Washington family law forms and Washington LLLT scope and practice issues.

REGULATION 4: APPLICATIONS

A. Application. An applicant must complete and file in duplicate with the Washington State Bar Association (WSBA):

1. two copies of a completed application for admission to limited practice under APR 28 (one of which may be a photocopy);
2. a fingerprint card which has been processed by the applicant at a local police department;
3. a signed and notarized Authorization, Release and Affidavit of Applicant.

The application shall not be considered complete and will not be approved pursuant to Regulation 5 unless the applicant has provided a current residential address and a physical street address for the principal place of business as required under APR 28G(1).

B. Fees. An applicant will pay an examination fee in an amount set by the Board with the approval of the Supreme Court, which must be paid with the application and each applicant will be sent a receipt for the application and fee.

C. Verification of Application Information. Each applicant must submit a fingerprint card which shall be forwarded to the Washington State Patrol for a criminal history check, and for each applicant who has not resided in the state of Washington for two years, a Federal Bureau of Investigation check shall also be conducted. A status review on all professional licenses will be conducted for each applicant. The applicant will furnish whatever additional information or proof may be required in the course of investigating the applicant.

D. Refunds and Transfers.

1. For all applicants there is a nonrefundable administration fee totaling one half the amount of the examination fee.
2. An applicant may withdraw from the current examination by written request received at least 14 days prior to the date set for the examination and may also request a refund of the fee less the administration fee.
3. An applicant withdrawing an application less than 14 days prior to the date set for the examination will receive no refund of any kind.
4. If the application is denied before the examination, the examination fee less the nonrefundable administration fee will be refunded. If the applicant reapplies to sit for the examination, the applicant will pay the full examination fee then required of all applicants.
5. If an applicant fails the examination and applies to repeat the next scheduled examination, the applicant will pay the full examination fee then required of all applicants.
6. Any applicant repeating the examination may execute and file a Supplemental Declaration in the form prescribed by the Board in lieu of a new application provided not more than nine months pass from the date the applicant submitted an application; otherwise, the applicant must submit a new application.

E. Filing Deadline. An applicant must file the application to take the LLLT examination not less than **TBD** days prior to the examination date. No applications will be accepted less than **TBD** days prior to the examination date.

REGULATION 5: APPROVAL OR DENIAL OF APPLICATION

A. Approval of Application. The Board will determine if the application meets the criteria established in APR 28.

B. Denial of Application. If the application is denied, the applicant will be granted the right to an appeal of the determination pursuant to Regulation 6.

C. Notification of Action on Application. The applicant will be notified whether the application has been approved or denied. If the application has been approved, the applicant will

be informed of the date, time, and location of the next examination. If the application has been denied, the applicant will be notified of the basis for the denial and of the appeal process of Regulation 6.

REGULATION 6: DENIAL OF APPLICATION—RIGHT OF APPEAL

A. Appeals Panel. The Appeals Panel shall be made up of three members of the Board appointed by the Chair.

B. Right of Appeal. Every applicant who has been denied admission under APR 28 shall have a right of appeal before the Appeals Panel.

C. Time Period for Appeal. An applicant whose application has been denied shall have the right to appeal denial of admission pursuant to APR 28 by submitting a written request within fourteen (14) calendar days of the date the denial of application was issued.

D. Procedure for Appeal.

1. *To begin the appeal procedure.* The applicant's written request for appeal must be filed within the time period for appeal and state the applicant's reason for believing that the application should be approved.

2. *Written submissions.* The complete application will be provided to the Appeals Panel for consideration. The applicant may submit other written materials to the Appeals Panel which may include statements, correspondence, affidavits, memoranda of law or other written items that the applicant believes will assist the Appeals Panel in reviewing the denial. If the Appeals Panel determines the written submissions are merely cumulative or not relevant to the appeal, the Appeals Panel may exclude any submitted materials from consideration.

Written materials must be received no later than ten (10) calendar days prior to the scheduled hearing date.

3. *Stipulations.* Upon agreement of the parties, written stipulations may be utilized by the Appeals Panel.

4. *Review by the Appeals Panel.* The Appeals Panel will consider all relevant written material submitted in accordance with these Regulations. The Appeals Panel may also request oral presentations by the parties if it deems them helpful to a final determination. The Appeals Panel may set time constraints on the oral presentations.

5. *Findings of the Appeals Panel.* The Appeals Panel will make written findings and may affirm or reverse the denial of the application or direct further investigation for the reasons stated in the written findings.

6. *Timelines and scheduling of the appeal.*

a. Upon timely receipt of the request for appeal, the Appeals Panel will schedule the matter for consideration on a date not more than fourteen (14) calendar days from the date the request is received and will notify the applicant of the scheduled date for the consideration of the appeal.

b. The Appeals Panel will not consider any request for appeal which does not strictly comply with these Regulations.

c. Upon a showing of good cause, the Appeals Panel may waive any of the procedural requirements of these Regulations or reschedule the appeal for an earlier or later date.

d. Telephone conferences may be held in lieu of a hearing, and oral presentations may be made by telephone if requested by the Appeals Panel.

7. *Notification of findings.* The Appeals Panel will notify the applicant of the findings of the Appeals Panel. If the application has been approved, the applicant will be supplied any forms or information necessary to sit for the examination. If the application has been denied, the applicant will be informed and supplied a copy of the Appeals Panel's written findings.

REGULATION 7: ADMINISTRATION OF EXAMINATION

The examination will be administered twice a year at appropriate locations within the state at dates and locations established by the Board.

REGULATION 8: EXAMINATION STANDARDS AND NOTIFICATION OF RESULTS

The passing standard for the examination is 75 percent for each section. A failing grade in one section shall result in failure of the exam in which case grading of any remaining sections shall not be required. Each applicant will be notified of the applicant's examination results. Those applicants who fail the examination will be informed of their score on each graded section of the examination. Examination scores shall not be disclosed to those applicants who pass the examination. Copies of the examination shall not be available to any applicant.

REGULATION 9: FINANCIAL RESPONSIBILITY REQUIREMENT

Each limited license legal technician shall show proof of ability to respond in damages resulting from his or her acts or omissions in the performance of services permitted under APR 28 in one of the following described manners.

- (1) Submitted an individual policy for Errors and Omissions insurance in the amount of at least **\$TBD**;
- (2) Submitted an Errors and Omissions policy of the employer or the parent company of the employer who has agreed to provide coverage for the applicant's ability to respond in damages in the amount of at least **\$TBD**;
- (3) Submitted the applicant's audited financial statement showing the applicant's net worth to be at least **\$TBD**; or

- (4) Submitted an audited financial statement of the employer or other surety who agrees to respond in damages for the applicant, indicating net worth of **\$TBD** per each limited license legal technician employee to and including **TBD** and an additional **\$TBD** per each limited license legal technician employee over five, who may be subject to the jurisdiction of the Board.

REGULATION 10: CERTIFICATION OF RESULTS TO SUPREME COURT; OATH

A. Admission Order.

The Board will submit to the Washington State Supreme Court the names of those persons who have passed the examination for admission pursuant to APR 28, taken the oath as prescribed by these rules, and furnished proof of the applicant's financial responsibility requirement pursuant to Regulation 9.

The names of successful applicants will be submitted only after compliance with APR 28 and these Regulations, and the applicants will be admitted under APR 28 only after the admission order has been entered by the Supreme Court.

Each successful applicant shall complete all the requirements for certification within nine (9) months of the date the applicant is notified of the examination results. If an applicant fails to satisfy all the requirements for certification within this period, the applicant shall not be eligible for admission under APR 28 without submitting a new application for admission.

B. Contents of Oath. The oath which all applicants shall take is as follows:

OATH FOR LIMITED LICENSE LEGAL TECHNICIANS

STATE OF WASHINGTON
COUNTY OF

I, _____, do solemnly declare:

1. I am fully subject to the laws of the State of Washington and Rule 28 of the Admission to Practice Rules and APR 28 Regulations adopted by the Washington State Supreme Court and will abide by the same.
2. I will support the constitutions of the State of Washington and of the United States of America.
3. I will abide by the Limited License Legal Technician Rules of Professional Conduct and Rules for Enforcement of LLLT Conduct approved by the Supreme Court of the State of Washington.
4. I will confine my activities as a Limited License Legal Technician to those activities allowed by law, rule and regulation and will only utilize documents approved pursuant to APR 28.

5. I will faithfully disclose the limitations of my services, that I am not able to act as the advocate or representative of any party, that documents prepared will affect legal rights of the parties, that the parties' interests in the documents may differ, that the parties have a right to be represented by a lawyer of their own selection, and that I cannot give legal advice regarding the manner in which the documents affect the parties. **RESTATE**

6. I understand that I may incur personal liability if I violate the applicable standard of care of a Limited License Legal Technician. Also, I understand that I only have authority to act as a Limited License Legal Technician during the times that my financial responsibility coverage is in effect. If I am covered under my employer's errors and omissions insurance policy or by my employer's certificate of financial responsibility, my coverage is limited to services performed in the course of my employment.

Signature Limited License Legal Technician

Subscribed and sworn to before me this ____ day of _____, ____.

JUDGE

REGULATION 11: ANNUAL FEE

A. Except as set forth in section B of this Regulation, every Limited License Legal Technician shall pay an annual fee in an amount set by the Board with the approval of the Supreme Court, which is due July 1 of each year. Annual fees paid after July 15 shall be subject to a late fee equal to one-half the annual fee. Failure to pay the annual fee shall subject the LLLT to suspension from limited practice as a Limited License Legal Technician. If the LLLT fails to comply with conditions for reinstatement pursuant to Regulation 12 within nine (9) months of the date of suspension, the license of the suspended LLLT will be revoked.

B. The prorated annual fee for LLLTs who pass the qualifying examination given in the spring and who request active status prior to July 1 of that same calendar year shall be one half the amount of the annual fee. LLLTs shall pay the annual fee set forth in Regulation 11(A) to retain their active status after June 30 of the calendar year of their admission.

C. An LLLT shall provide his or her residential address to the Board at the time of payment of the annual fee.

REGULATION 12: REINSTATEMENT AFTER SUSPENSION FOR NONPAYMENT OF ANNUAL FEE

An LLLT who is suspended pursuant to Regulation 11(A) shall be reinstated if the LLLT has within nine (9) months of the date of suspension:

1. submitted an application for reinstatement in the form prescribed by the Board;
2. continued to meet the qualifications set out in APR 28 and these Regulations; and
3. paid a sum equal to the amount of all delinquent annual fees, late fees, and any investigation fees as may be determined by the Board.

REGULATION 13: CONTINUING FINANCIAL RESPONSIBILITY

Each LLLT shall either be insured or covered under the financial statement of an employer or employer's parent company or other surety at all times as specified in Regulation 9. If the LLLT is covered under a financial statement, the LLLT, employer, employer's parent company or other surety who has assumed such financial responsibility shall annually file with the Board, by July 1, the audited financial statement for the most-recent fiscal year of the financially responsible party indicating net worth.

Each LLLT shall notify the Board of any cancellation or lapse in coverage. During any period that an LLLT is not covered in accordance with these Regulations, or is not on inactive status pursuant to Regulation 15, the license of the LLLT shall be suspended. Each suspended LLLT must demonstrate compliance with the requirements of APR 28 within nine (9) months of the date of the suspension or the license of the suspended LLLT will be revoked.

REGULATION 14: CONTINUING EDUCATION

Every LLLT shall attend a minimum of ten (10) hours of approved continuing education during each calendar year. Two (2) hours of the required ten (10) hours of continuing education shall be on practice area issues. If an LLLT completes more than ten (10) credit hours in a given calendar year, the excess credit, up to ten credits, may be carried forward and applied to such LLLT's education requirements for the next calendar year. **INSERT CLE REQUIREMENTS FOR LICENSURE IN MULTIPLE PRACTICE AREAS.**

Every LLLT shall submit proof of compliance with the continuing education attendance requirements by filing an Affidavit of Attendance as prescribed by the Continuing Education Regulations of the Board. Failure to comply with the continuing education requirements will subject the LLLT to suspension of license as a Limited License Legal Technician. If the suspended LLLT fails to comply with conditions for reinstatement pursuant to Continuing Education Regulations of the Board within nine (9) months of the date of suspension, the license of the suspended LLLT will be revoked.

REGULATION 15: INACTIVE STATUS

An LLLT may request transfer to inactive status after being certified. An LLLT who has been transferred to inactive status must continue to meet all continuing education requirements applicable during the period of inactive status. An LLLT on inactive status is required to pay the annual fee required by these Regulations.

If an LLLT does not meet the continuing education requirements or the annual fee requirement, the LLLT may be suspended.

An LLLT on inactive status is not required to meet the financial responsibility requirements prescribed by these Regulations during the period of inactive status.

An LLLT on inactive status may return to active status by filing a petition to return to active status with the Board. To be granted active status, the LLLT must be current on the payment of the annual fees, the continuing education requirements and the financial responsibility requirements prescribed by these Regulations.

REGULATION 16: VOLUNTARY CERTIFICATION CANCELLATION

Any Limited License Legal Technician may request to voluntarily surrender the LLLT certification by notifying the Board in writing of the desire to cancel and returning the LLLT license with the request. The Board may deny requests for voluntary cancellation from any LLLT who is the subject of a pending disciplinary investigation or proceeding. The Board will notify the LLLT of the effective date of the cancellation if approved.

The former LLLT shall then promptly notify by registered or certified mail, return receipt request, all clients being represented in pending matters, of the certification cancellation and the consequent inability to act as a Limited License Legal Technician.

After entry of the cancellation order, the former LLLT shall not accept any new clients or engage in work as an LLLT in any matter.

Within ten (10) days after the effective date of the cancellation order, the former LLLT shall file with the Board an affidavit showing:

- (1) The former LLLT has fully complied with the provision of the order and with these Regulations;
- (2) The residence or other address of the former LLLT for purposes of mailing or for service of process; and
- (3) Attaching to the affidavit a copy of the form of letter of notification sent to clients being represented in pending matters, together with a list of the names and addresses of all clients to whom the notice was sent.

The Board will cause a notice of the cancellation to be published in the same manner as notices of discipline under ELLLTC 3.5(b).

REGULATION 17: CHANGE IN STATUS

When an LLLT is demonstrating financial responsibility by 1) an endorsement on the employer's Errors and Omissions insurance policy, or 2) submission of the employer's audited financial statement accompanied by the Certificate of Financial Responsibility, the Board shall notify the employer when the LLLT is transferred to one of the following statuses: inactive status, voluntary certification cancellation, disability inactive status, or the license is suspended or revoked.

REGULATION 18: REINSTATEMENT AFTER REVOCATION

18.1 RESTRICTIONS AGAINST PETITIONING

A. When Petition May Be Filed. No petition for reinstatement shall be filed within a period of two (2) years after revocation or within one (1) year after an adverse decision of the Supreme Court upon a former petition, or within a period of six (6) months after an adverse recommendation of the Board on a former petition when that recommendation is not submitted to the Supreme Court. If prior to revocation the LLLT was suspended pursuant to the provisions of Title 7 of the Rules for Enforcement of LLLT Conduct(ELLLTC), or any comparable rule, the period of suspension shall be credited toward the two (2) years referred to above.

B. Payment of Obligations. No revoked LLLT may file a petition for reinstatement until costs and expenses assessed pursuant to these rules, and restitution ordered as provided, have been paid by the revoked LLLT, or the revoked LLLT has entered into a payment plan for any such obligations as provided for under ELLLTC 13.9.

18.2 REVERSAL OF CONVICTION

If an LLLT has been revoked solely because of the LLLT's conviction of a crime and the conviction is later reversed and the charges dismissed on their merits, the Supreme Court may in its discretion, upon direct application by the LLLT, enter an order reinstating the LLLT to limited practice under APR 28. At the time such direct application is filed with the court, a copy shall be filed with the Board.

18.3 FORM OF PETITION

A petition for reinstatement as an LLLT after revocation shall be in writing in such form as the Board may prescribe. The petition shall set forth the age, residence and address of the petitioner, the date of revocation, and a concise statement of facts claimed to justify reinstatement. The petition shall be accompanied by the total fees required for application under APR 28.

18.4 INVESTIGATION

The Board may, in its discretion, refer the petition for reinstatement for investigation and report to counsel appointed by the Board, if any, or such other person or persons as may be determined by the Board.

18.5 HEARING BEFORE BOARD

A. Notice. The Board may fix a time and place for a hearing on the petition and shall serve notice thereof ten (10) days prior to the hearing upon the petitioner and upon such other persons as may be ordered by the Board. Notice of the hearing shall also be published in such newspaper or periodical as the Board shall direct. Such published notice shall contain a statement that a petition for reinstatement has been filed and shall give the date fixed for the hearing.

B. Statement in Support or Opposition. On or prior to the date of hearing, anyone wishing to do so may file with the Board a written statement for or against reinstatement, such statements to set forth factual matters showing that the petitioner does or does not meet the requirements of Regulation 18.6A. Except by its leave, no person other than the petitioner or petitioner's counsel shall be heard orally by the Board.

18.6 ACTION BY BOARD

A. Requirements for Favorable Recommendation. Reinstatement may be recommended by the Board only upon an affirmative showing that the petitioner possesses the qualifications and meets the requirements as set forth by the Board and APR 28, and that the LLLT's reinstatement will not be contrary to the public interest.

B. Action on Recommendation. The recommendation of the Board shall be served upon the petitioner. If the Board recommends reinstatement, the record and recommendation shall be transmitted to the Supreme Court for disposition. If the Board recommends against reinstatement, the record and recommendation shall be retained by the Board unless the petitioner requests that it be submitted to the Supreme Court. If the petitioner so requests, the record and recommendation shall be transmitted to the Supreme Court for disposition. If the petitioner does not so request, the examination fee shall be refunded to the petitioner, but the petitioner shall still be responsible for payment of costs incidental to the reinstatement proceeding as directed by the Board.

18.7 ACTION ON SUPREME COURT'S DETERMINATION

A. Petition Approved. If the petition for reinstatement is granted by the Supreme Court, the reinstatement shall be subject to the petitioner's taking and passing the examination for APR 28 applicants and paying the costs incidental to the reinstatement proceeding as directed by the Supreme Court.

B. Petition Denied. If the petition for reinstatement be denied, the examination fee shall be refunded to the petitioner, but the petitioner shall still be responsible for payment of the costs incidental to the reinstatement proceeding.

REGULATION 19: RECORDS DISCLOSURE

A. The Board shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of this Regulation or any other Rules and Regulations applicable to Limited License Legal Technicians (LLLTs). A "public record" is defined as written information, regardless of physical form or characteristic, that has been made

or received by the Limited License Legal Technician Board in connection with the transaction of public business.

B. To the extent required to prevent an unreasonable invasion of the privacy interests set forth in these Regulations, the Board shall delete identifying details in a manner consistent with the Regulations when it makes available or publishes any public record.

C. No fee shall be charged for the inspection of public records. The fee charged for the copying of public records shall be the same fee charged by the Washington State Bar Association for making copies of public records.

D. The Board shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate a statute, court order or rule which exempts or prohibits disclosure of specific information or records.

E. The following records are exempt from public inspection and copying:

1. Test questions, scoring keys and other examination data used by the Board to administer the qualifying examination.
2. Preliminary drafts, notes, recommendations, and intra-Board memorandums in which opinions are expressed or policies formulated or recommended.
3. Records which are relevant to a controversy to which the Board is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.
4. The residential address and residential telephone number of a limited license legal technician.
5. Membership information; however, status, business addresses, business telephone numbers, facsimile numbers, electronic addresses, license number and dates of admission shall not be exempt.
6. Applications for admission to limited practice and related records.

F. The disclosure of records in disciplinary files shall be governed by Title 3 of the Rules for Enforcement of LLLT Conduct.

G. The exemptions to disclosure set forth in this Regulation shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or fall within an exemption, can be deleted from the specific records sought.

H. Responses to requests for public records shall be made promptly by the Board. Within five business days of receiving a public record request, the Board must respond by either (1) providing the record; or (2) acknowledging the request and providing a reasonable time estimate for responding to the request, or (3) denying the request. The Board may ask the requestor to

clarify the request. If the requestor fails to clarify the request, the Board may deny the request. Denials of request must be accompanied by a written statement of the specific reasons therefore.

I. Whenever the Clerk concludes that a public record is exempt from inspection and copying, the person may appeal that decision to the Board, whose decision is final.

J. The disclosure of information under this section should not violate an individual's right to privacy by amounting to a disclosure of information about that person that would be highly offensive to a reasonable person and is not of legitimate concern to the public.

REGULATION 20: NOTICE AND FILING; ADMINISTRATION

All notices and filings required by these Regulations, including applications for admission as a Limited License Legal Technician, shall be sent to the headquarters of the Washington State Bar Association. The Washington State Bar Association shall provide administrative support for the Limited License Legal Technician Board. "Clerk" as used in these regulations means WSBA staff designated to support the Board.

REGULATION 21: AMENDMENT

These Regulations may be altered, amended, or repealed by vote of the Board on approval of the Board of Governors and the Supreme Court.