



WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

July 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 June 20, 2013 meeting minutes
2. **Report of Admissions & Licensing Subcommittee Meeting (2:15 p.m.)**
3. **Admissions & Licensing Subcommittee Recommendations Consent Agenda (2:30 p.m.)**
 - 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.
4. **Report of Scope of Practice Subcommittee Meeting (2:45 p.m.)**
5. **Scope of Practice Subcommittee Recommendations Consent Agenda (3:00 p.m.)**
 - 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.
6. **Approval of APR Appendix 28 Regulations 1-12** (3:15 p.m)
 7. **Report of RPC Subcommittee** (3:45 p.m.)
 8. **Report of Examination Subcommittee** (4:00 p.m.)
 9. **Open Discussion** (4:15 p.m.)
 10. **Adjourn** (5:00 p.m.)

MEETING MATERIALS

1. 2013-06-20 Draft Meeting Minutes [pp. 390-396]
2. 2013-06-20 Approved Admissions & Licensing Subcommittee Minutes [pp. 397-399]
3. 2013-06-20 Approved Scope of Practice Subcommittee Minutes [pp. 400-405]
4. 2013-06-20 Appendix of Board Decisions [pp. 406-418]
5. 2013-07-09 Proposed Family Law Course Curriculum Chart [pp. 419-420]
6. 2013-07-08 Suggested Appendix APR 28 Regulations 1-12 [pp. 421-433]
7. RPC Subcommittee Roster [pp. 434]
8. Examination Subcommittee Roster [pp. 435]



WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD MEETING MINUTES

June 20, 2013

Washington State Bar Association
Seattle, Washington

Members present were Steve Crossland (Chair), Guadalupe Artiga, Paul Bastine (BOG Liaison), Brenda Cothary, William Covington, Greg Dallaire, Caitlin Davis Carlson, Janet Olejar, Ellen Reed, and Elisabeth Tutsch.

Also in attendance was Thea Jennings (Staff Liaison), Bobby Henry, RSD Associate Director, and Paula Littlewood, WSBA Executive Director. Theda Yandell of the Washington State Paralegal Association presented on the Paralegal Advanced Competency Examination (PACE).

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

PRELIMINARY MATTERS

The meeting was called to order at 2:02 p.m.

I. Meeting Minutes

The May 16, 2013 meeting minutes were approved.

II. Paralegal Advanced Competency Examination and Certification

In anticipation of the Board's discussion regarding Regulation 4: Limited Time Waiver, Theda Yandell presented on the PACE exam run by the National Federation of Paralegal Associations (NFPA). She noted the history of PACE, which began in the late 1990s as a test to give credibility to the paralegal profession and to be used in states considering the regulation of paralegals. PACE was developed in partnership with a professional testing agency. To develop the exam, in consultation with paralegals, educators, and attorneys, NFPA investigated what is taught in paralegal education programs and what paralegals need to know.

To qualify to sit for the examination, applicants must demonstrate they meet education and paralegal experience requirements. The examination is four hours long and is multiple choice with questions drawn at random from a computer databank. The test is

broken into five domains: administration of client legal matters, development of client matters, factual and legal research, factual and legal writing, and office administration. The questions test analytical thinking and include ethics, legal terminology, and technology components. Test takers must carefully read and formulate their answers. The pass rate for the exam is approximately 70%.

Once applicants pass the exam, they maintain their PACE certification by attending 12 hours of continuing legal education courses with ethics included every two years.

The Board then discussed whether the PACE exam might replace the multiple choice section of the LLLT core exam. The Board expressed some reservations but agreed further investigation is warranted.

Finally, Ms. Yadell discussed the Certified Paralegal Exam conducted by the National Association of Legal Assistants (NALA). She stated NALA is recreating their examination, so that it will be accredited. The new exam should be offered for the first time in September 2013. No NALA associations currently exist in this state, so most qualified LLLT waiver applicants would come from other states.

III. Regulation 4: Limited Time Waiver

The Board then discussed the Regulation 4: Limited Time Waiver for recommendation to the Supreme Court. The Admissions & Licensing subcommittee made one slight revision to the regulation recommending that the time period to request review be extended to 14 days. The Board further struck the language “maintained” from Regulation 4B(2). The Board hopes to implement new practice areas before the end of the waiver period in December 2018. The Board then unanimously approved Regulation 4 with the revisions.

The WSBA then proposed that the waiver application fee be set at \$150, given the education savings for applicants and given the need to recoup the costs of the program. The Board approved the fee recommendation for submission to the Supreme Court.

IV. BOG Report

The 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 the structure of the WSBA. The Task Force will make recommendations directly to the Supreme Court regarding whether any restructuring needs to be done.

One area of discussion is LLLTs and LPOs and how their Boards interrelate with the BOG that controls their budgets. The Task Force will be presenting a survey to different WSBA entities, which should be circulated in the next 30-60 days.

V. New Subcommittees

Two new subcommittees will launch in July 2013: the Rules of Professional Conduct (RPC) subcommittee and the Examination subcommittee. Ellen Dial will chair the RPC

Subcommittee, which will be a smaller subcommittee. Staff Liaison Thea Jennings circulated sign-up sheets for the two subcommittees for Board self-selection.

VI. Scope of Practice Recommendations Consent Agenda

The Board then discussed the June 20, 2013 consent agenda recommendations of the Scope of Practice & Forms Subcommittee, which were as follows:

- a) 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.
- b) 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.
- c) 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.
- d) LLLTs 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.
- e) 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.
- f) An LLLT may prepare an order or decree after an issue beyond the scope of practice has been identified only if a lawyer acting on behalf of the client has provided written instructions for the LLLT as to whether and how to proceed with respect to the issue, and only if other defined prohibitions do not apply.
- g) In intimate domestic relationship actions, LLLTs will be limited to advising and assisting clients regarding parenting and support issues.
- h) In intimate domestic relationship actions, LLLTs will be prohibited from advising and assisting clients regarding community property issues.
- i) 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.
- j) 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.

Chair Greg Dallaire noted that the subcommittee approved these recommendations and incorporated them into draft Regulation 2: Scope of Practice. The Board had no objections to the content and substance of the consent agenda.

VII. Report of the Scope of Practice Subcommittee

Chair Dallaire presented the report of the June 20 2013 Scope of Practice Subcommittee meeting. The subcommittee discussed the remaining scope issues for domestic relations matters and made recommendations as follows:

Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

Due to the complexity of the issues involved UCCJEA cases, the subcommittee recommends that LLLTs not advise or assist clients regarding the determination of UCCJEA issues unless and until jurisdiction has been resolved.

Service Members' Civil Relief Act

Given the notice issues involved when parties are military personnel, the subcommittee recommends that LLLTs 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.

Motion Practice

Motion practice shall be permitted in so far as the Board adopts appropriate forms where there are none or where the forms are drafted by an attorney. As such, LLLTs may select, prepare, file and serve motions consistent with the rule except where other defined prohibitions apply.

Discovery Practice

The subcommittee recommends that LLLTs assist and advise clients regarding discovery in domestic relations actions with one exception: LLLTs may counsel clients about what to expect at a deposition, explain the process, assist in drafting questions, explain cross examination, how to answer questions, etc. but shall be prohibited from appearing or participating in the taking of depositions.

Appeals

The subcommittee recommends that LLLTs be prohibited from initiating or responding to appeals in appellate courts.

Finalizing Regulation 2: Scope of Practice

The subcommittee reviewed draft Regulation 2: Scope of Practice and made some revisions to the language. It further incorporated its new approved scope issues into

Regulation 2, which was circulated to the Board for review. Ms. Jennings will review the revisions to draft Regulation 2 with WSBA staff for finalization. She will submit to the subcommittee a revised version of the Regulation to approve by email, so that it can be included in the Board's meeting materials for approval in July. Following approval by the Board, the Regulation will be forwarded to the Supreme Court for approval.

VIII. Admissions & Licensing Subcommittee Consent Agenda

The Board then discussed the June 20, 2013 consent agenda recommendations of the Admissions & Licensing Subcommittee, which were as follows:

- a) Under a limited time waiver, eligible applicants may waive certain admission requirements provided the applicants meet other specified education and/or experience requirements.
- b) 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.
- c) 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.
- d) 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;
- e) 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.
- f) Applications should instruct the applicant to provide a social security number if the applicant has one; otherwise, it shall not be required.
- g) 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.
 - i. For purposes of the experience requirements, the three year clock starts after passing both exams.
- h) There shall be no limit on the number of times an applicant can sit for the exams.
- i) 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.
- j) There shall be no appeal of examination scores and applicants shall not be entitled to receive a copy of their failed exams.

The Board approved the recommendations without debate.

IX. Admissions & Licensing Subcommittee Meeting Report

Chair Bill Covington presented the report of the June 20 2013 Admissions & Licensing Subcommittee meeting.

Core Education Requirement

The subcommittee discussed the curriculum of core education courses that have been taught, or are currently being taught at the community colleges. Those courses do not necessarily cover all the content that the subcommittee proposes be covered in the core education courses. The subcommittee does not want students, and future applicants, to retake several course simply because a few concepts or topics were not covered in a course. Therefore, subcommittee members Janet Olejar, Scott Haddock and Brenda Cothary are going to do a “gap” analysis to determine what core curriculum topics are missing, if any, from the curriculum taught at ABA approved paralegal programs. They will report back at the July meeting.

The subcommittee discussed different ideas for how to fill in this “gap” in education. Depending on the amount of “fill-in-the-gap” education needed, the subcommittee proposes that either a course or seminar be developed by the community colleges, or that volunteers from the community colleges create a one to three day seminar covering the material missing from the curriculum until the LLLT requirements can be incorporated into the paralegal curriculum. Ideally, the subcommittee would like to see a seminar format that could be recorded and then viewed online by all LLLT applicants until the paralegal curricula are established.

Exam

The subcommittee discussed an alternative to creating the core exam would be to use one of the certifying exams from NFPA or NALA. The subcommittee discussed the alternative and the initial consensus was that they would prefer to write an exam specifically tailored to the core education requirements. Though based on the Board’s discussion, he noted the Examination subcommittee will further investigate this option.

The subcommittee also brainstormed ideas for outside assistance in creating the exams. The subcommittee discussed using law school and paralegal instructors, experts in certain areas, and gathering testing materials and questions from the community colleges.

Family Law Curriculum Recommendations

The subcommittee approved the recommendations of the Family Law Curriculum Workgroup 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.

Regulations

The subcommittee reviewed, discussed, modified and approved draft Regulations 1 and 3 through 13. This included requiring professional liability insurance for financial responsibility and setting the minimum coverage. In addition, they approved the LLLT oath and license fee structure. The Board was instructed to review carefully the Regulations to finalize them for submission to the Supreme Court in July.

X. Other

Chair Crossland reviewed the status of the Board noting that by June 2014 we will be ready to begin accepting applications for licensure. By Fall of next year, the Board will have licensed the first LLLTs. He noted that the Board may want to consider new practice areas soon without necessarily implementing them.

Executive Director Paula Littlewood then addressed the Board briefly regarding the ABA Task Force on the Future of Legal Education. A draft report had arrived that day from the Task Force, which included recommendations regarding the implementation of legal education programs and regulation for limited practitioners. Director Littlewood noted she is a member of the Task Force and would be traveling to the Task Force meeting later that week. She sought guidance from the Board on whether to express concerns as a Task Force member on behalf of the Board regarding these draft recommendations. The Board confirmed its position that the legal education of LLLTs should not necessarily be housed at the law schools or dictated by the ABA and that the Board and the WSBA will be taking an active role in overseeing the implementation of the legal education and regulation of LLLTs.

Finally, the Board approved its May 16, 2013 meeting minutes. .

ADJOURNMENT

The meeting adjourned at 3:55 p.m.

NEXT MEETING

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

June 20, 2013

**Washington State Bar Association
Seattle, Washington**

Members present were William Covington (Chair), 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).

PRELIMINARY MATTERS

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

I. Minutes of Prior Meeting

The minutes from the Subcommittee's May 16, 2103 meeting were reviewed and approved.

II. Consent Agenda Items

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

- a) Under a limited time waiver, eligible applicants may waive certain admission requirements provided the applicants meet other specified education and/or experience requirements.
- b) 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.
- c) 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.

- d) 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;
- e) 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.
- f) Applications should instruct the applicant to provide a social security number if the applicant has one; otherwise, it shall not be required.
- g) 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.
 - i. For purposes of the experience requirements, the three year clock starts after passing both exams.
- h) There shall be no limit on the number of times an applicant can sit for the exams.
- i) 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.
- j) There shall be no appeal of examination scores and applicants shall not be entitled to receive a copy of their failed exams.

No modifications were made to the consent agenda items.

III. Limited Time Waiver

The Subcommittee reviewed the limited time waiver regulation 4. The subcommittee recommended changing the time for requesting review of denial from 10 to 14 days. The regulation was approved with the suggested amendment. The subcommittee noted that the waiver applies to the education requirements regardless of the practice area. Therefore, the subcommittee asks that the communication and marketing plan for the waiver include information that the waiver will apply to future practice areas that are defined within the waiver time period.

IV. Core Education Requirements

The subcommittee then discussed the curriculum of core education courses that have been taught, or are currently being taught at the community colleges. Those courses do not necessarily cover all the content that the subcommittee proposes be covered in the core education courses. The subcommittee does not want students, and future applicants, to retake several course simply because a few concepts or topics were not covered in a course. Therefore, subcommittee members Janet Olejar, Scott Haddock and Brenda Cothary are going to do a “gap” analysis to determine what core curriculum topics are missing, if any, from the curriculum taught at ABA approved paralegal programs. They will report back at the July meeting.

The subcommittee discussed different ideas for how to fill in this “gap” in education. Depending on the amount of “fill-in-the-gap” education needed, the subcommittee proposes that either a

course or seminar be developed by the community colleges, or that volunteers from the community colleges create a one to three day seminar covering the material missing from the curriculum until the LLLT requirements can be incorporated into the paralegal curriculum. Ideally, the subcommittee would like to see a seminar format that could be recorded and then viewed online by all LLLT applicants until the paralegal curricula are established.

V. Exam

Bobby Henry suggested to the subcommittee that an alternative to creating the core exam would be to use one of the certifying exams from NFPA or NALA. The idea would be to save re-creating the wheel where an exam is already in place. This would reduce the Board's workload and reduce the start-up costs. The subcommittee discussed the alternative and the initial consensus was that they would prefer to write an exam specifically tailored to the core education requirements.

The subcommittee also brainstormed ideas for outside assistance in creating the exams. The subcommittee discussed using law school and paralegal instructors, experts in certain areas, and gathering testing materials and questions from the community colleges.

VI. Family Law Workgroup

Steve Crossland reported on the work of the Family Law Curriculum Workgroup and the subcommittee approved the recommendations of the Workgroup as listed in the agenda. The subcommittee expressed concerns about the quality of instruction by practitioners and wants to be sure there is an evaluative mechanism included in the Workgroup's plan.

VII. Regulations

The subcommittee reviewed, discussed, modified and approved draft Regulations 1 and 3 through 13. This included requiring professional liability insurance for financial responsibility and setting the minimum coverage. In addition, they approved the LLLT oath and license fee structure. See the draft regulations.

VIII. Next Meeting

The subcommittee will review the regulations for final approval by the Board at the next meeting. In addition, the subcommittee will review the education "gap" analysis and discuss the fill-in-the-gap education requirement.

ADJOURNMENT

The meeting adjourned at 12:15 p.m.

NEXT MEETING

The next meeting will be 9:00 a.m. Thursday, July 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

June 20, 2013

**Washington State Bar Association
Seattle, Washington**

Members present were Greg Dallaire (Chair), Paul Bastine (BOG Liaison), Lupe Artiga, Rita Bender, Lynn Fleischbein (by telephone), 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 9:12 a.m.

I. Meeting Minutes

The May 16, 2013 subcommittee minutes were approved.

II. Consent Agenda Recommendations

The subcommittee then discussed its May 16, 2013 consent agenda recommendations, which were as follows:

- a) 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.
- b) 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.
- c) 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.

- d) LLLTs 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.
- e) 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.
- f) An LLLT may prepare an order or decree after an issue beyond the scope of practice has been identified only if a lawyer acting on behalf of the client has provided written instructions for the LLLT as to whether and how to proceed with respect to the issue, and only if other defined prohibitions do not apply.
- g) In intimate domestic relationship actions, LLLTs will be limited to advising and assisting clients regarding parenting and support issues.
- h) In intimate domestic relationship actions, LLLTs will be prohibited from advising and assisting clients regarding community property issues.
- i) 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.
- j) 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.

After brief discussion, the Subcommittee approved the consent agenda items.

III. Family Law Curriculum Workgroup Report

Subcommittee representative to the Family Law Curriculum Workgroup Ellen Reed reported on the latest meeting of the Workgroup. She noted that one member had specific concerns regarding why LLLTs cannot advise clients regarding community property in non-disputed committed intimate relationship actions if they can advise a married couple about community property issues. The subcommittee reaffirmed its position and stated that case law is still evolving and many of these couples will now be covered by the marriage laws. For the benefit of the Workgroup, Ms. Reed agreed to draft an informational document that would not be for public distribution regarding the rationale behind decisions on scope.

IV. Remaining Scope Issues

The subcommittee then discussed the remaining scope issues for domestic relations matters and made recommendations as follows:

Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

Due to the complexity of the issues involved UCCJEA cases, the subcommittee recommends that LLLTs not advise or assist clients regarding the determination of UCCJEA issues unless and until jurisdiction has been resolved.

Service Members' Civil Relief Act

Given the notice issues involved when parties are military personnel, the subcommittee recommends that LLLTs 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.

Motion Practice

The subcommittee then discussed at length whether LLLTs may advise and assist clients with preparing and responding to motions in domestic relations matters. Some expressed concerns regarding motions where no mandatory forms are available. The subcommittee then reviewed a list of motions, which included motions:

- for default,
- for temporary orders,
- for contempt,
- to shorten time,
- to amend a pleading,
- for a mental exam,
- to compel discovery,
- to dismiss,
- for attorneys fees,
- for relief from judgment, and
- to appoint a guardian ad litem.

The list was not exhaustive. Some of these motions do not have pattern forms. The subcommittee reiterated that the reasoning behind prohibiting an act is client protection. With that in mind, the subcommittee considered what harm might befall a client by allowing LLLTs to engage in motion practice. After considered discussion, the subcommittee determined that a trained LLLT would likely better state what is requested than a pro se litigant. The subcommittee further agreed that not having assistance and/or not filing a motion would perhaps damage the client more. As such, motion practice shall be permitted in so far as the Board adopts appropriate forms where there are none or where the forms are drafted by an attorney. As such, LLLTs may select, prepare, file and serve motions consistent with the rule except where other defined prohibitions apply.

Discovery Practice

Early in its work the subcommittee discussed discovery practice. Some had very strong concerns about LLLTs advising and assisting clients with discovery, e.g. requests for documents, subpoenas, interrogatories, requests for admissions, etc. The subcommittee tabled the discovery issue until the end of its work.

On rethinking the issue, the subcommittee noted that discovery can be very costly when performed by a lawyer. They also noted the difficulties a pro se litigant faces understanding and navigating the discovery process. Some discovery requests are prescribed by court rule, e.g. a records subpoena, and thus are simple to draft. The subcommittee reviewed the King County Bar Association's form interrogatories and noted that those involved in preparing the form did so thoughtfully and diligently and that it is available to any pro se litigant. These and other types of discovery forms prepared by courts and local Bar Associations can and will assist in a LLLT's work.

After continued discussion, the subcommittee recommends that LLLTs should assist and advise clients regarding discovery in domestic relations actions with one exception: LLLTs may counsel clients about what to expect at a deposition, explain the process, assist in drafting questions, explain cross examination, how to answer questions, etc. but shall be prohibited from appearing or participating in the taking of depositions.

Appeals

The subcommittee recommends that LLLTs be prohibited from initiating or responding to appeals in appellate courts.

V. Regulation 2: Scope of Practice Revisions

The Subcommittee then reviewed draft Regulation 2: Scope of Practice for any necessary revisions. The Subcommittee addressed whether the new stalking order statute would qualify as a domestic violence action. The subcommittee agreed it would not fall within the domestic relations defined practice area, but may qualify like anti-harassment orders as "other civil matters," a potential future practice area for LLLTs. The Subcommittee then revised the draft regulation to include its most recent decisions and a few other additions for clarification as follows:

Regulation 2A

The Subcommittee clarified what an LLLT may do in the event the client has consulted with an attorney when an issue beyond the scope arises. The Subcommittee amended the language in the second paragraph as follows:

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, and only if no other defined

prohibitions apply; 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.

Regulation 2B(2)

The Subcommittee chose to clarify specifically what types of legal services LLLTs may provide within the defined domestic relations practice area:

LLLTs in domestic relations may provide legal services to clients as provided in APR 28F, except as prohibited by APR 28H and Regulation 2B(3). Unless a prohibited issue arises, LLLTs may initiate and respond to actions and advise and assist clients regarding motions, discovery, trial preparation, 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)

The subcommittee added language to Regulation 2B(3) to incorporate their most recent decisions regarding prohibits acts. The additions shall read that LLLTs licensed to practice in domestic relations:

- Shall not provide legal services if a party to the action is covered under RCW 38.42, Service Members' Civil Relief Act, or 50 U.S.C. App. §§ 501-597b, the Servicemembers Civil Relief Act;
- Shall not advise and assist clients regarding the determination of Uniform Child Custody Jurisdiction and Enforcement Act issues under RCW 26.27 unless and until jurisdiction has been resolved;
- Shall not appear or participate at the taking of a deposition; and
- Shall not initiate or respond to an appeal to an appellate court.

Finalizing Regulation 2

Staff liaison Thea Jennings will review the revisions to draft Regulation 2 with WSBA staff for finalization. She will submit to the subcommittee a revised version of the Regulation to approve by email, so that it can be included in the Board's meeting materials for approval at its next meeting. Following approval by the Board at its July meeting, the Regulation will be forwarded to the Supreme Court for approval.

VI. Next Meeting

While the subcommittee may reconvene to approve and finalize prohibited forms, the subcommittee has concluded its work defining scope. The subcommittee will have its last scheduled meeting Thursday, July 18, 2013, for two hours. At its meeting, the subcommittee shall make any final revisions to Regulation 2.

ADJOURNMENT

The meeting adjourned at 12:50 p.m.

NEXT MEETING

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

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	LLTs are prohibited from engaging in dual representation of parties in family law matters
13	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
14	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.
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

No.	Board Meeting Date	Requirement/Topic	Decision
16	4/18/2013	Relocation Actions	In relocation actions, LLLTs will be prohibited from advising and assisting clients regarding objections to relocation petitions, responses to objections, and temporary orders.
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</u> forms 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.
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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.
8	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.
9	4/18/2013	Relocation Actions	In relocation actions, LLLTs will be prohibited from advising and assisting clients regarding objections to relocation petitions, responses to objections, and temporary orders.
10	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.
11	5/16/2013	APR 28 Amendments	The parenthetical should be stricken from APR 28(F)(8)
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 . . ."

APPROVED SCOPE ISSUES FOR FAMILY LAW LLLTS

No.	Board Meeting Date	Requirement/Topic	Decision
13	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.
14	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.
15	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.
16	6/20/2013	Bankruptcy	LLLTs 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.
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.
18	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.

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.
4	4/18/2013	Relocation Actions	In relocation actions, LLLts will be prohibited from advising and assisting clients regarding objections to relocation petitions, responses to objections, and temporary orders.
5	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.
6	6/20/2013	Bankruptcy	LLLts 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.
7	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.
8	6/20/2013	Parenting Plan Modification Actions	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.
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APPROVED ADMISSIONS REQUIREMENTS

No.	Board Meeting Date	Requirement/Topic	Decision
1	3/14/2013	Education	Must complete 45 credit hours in core curriculum in paralegal studies (each credit hour equals 450 minutes of instruction)
2	3/14/2013	Education	Must complete 12 credit hours in the major or approved practice area (each credit hour equals 450 minutes of instruction)
3	3/14/2013	Education	Core and major course instruction must occur at ABA approved law school or ABA approved paralegal education program
4	3/14/2013	Education	Major curriculum will be developed by or in conjunction with Washington's ABA approved law schools
5	3/14/2013	Experience	Must complete 18 months (3,000 hours) of substantive law-related work experience supervised by a licensed lawyer before admission
6	3/14/2013	Experience	Experience not required before exam
7	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
8	4/18/2013	Education	Applicants must have a minimum of an associate level degree subject to any waiver provided for in the regulations
9	4/18/2013	Pro Bono	The pro bono requirement should be stricken from APR 28(D)(3)
10	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
11	4/18/2013	Examination	The ethics section of the examination shall be built into both the core and major exams
12	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.
13	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.
14	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.

APPROVED ADMISSIONS REQUIREMENTS

No.	Board Meeting Date	Requirement/Topic	Decision
15	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.
16	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.
17	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.
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.

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 11. WA family law forms 		<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)
		12. WA LLLT scope and practice Issues		
		13. Mediation and ADRs		

**SUGGESTED NEW REGULATIONS 1-12 TO
APPENDIX APR 28**

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

REGULATION 1: IN GENERAL

Every person desiring to be licensed and to maintain licensure as a Limited License Legal Technician (LLLT) pursuant to Admission to Practice Rule (APR) 28 shall satisfy all of the requirements of APR 28 and Appendix APR 28.

To facilitate prompt administration of APR 28 and these regulations, designated staff of the Washington State Bar Association (WSBA) may act on behalf of the LLLT Board under APR 28 and these regulations.

**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. Issues Beyond the Scope of Authorized Practice.

An LLLT has an affirmative duty under APR 28F to inform clients when issues arise that are beyond the authorized scope of the LLLT's practice. When an affirmative duty under APR 28F arises, then the LLLT shall inform the client in writing that:

1. the issue may exist, describing in general terms the nature of the issue;
2. the LLLT is not authorized to advise or assist on this issue;
3. the failure to obtain a lawyer's advice could be adverse to the client's interests; and,
4. the client should consult with a lawyer to obtain appropriate advice and documents necessary to protect the client's interests.

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

**SUGGESTED NEW REGULATIONS 1-12 TO
APPENDIX APR 28**

1 with respect to the issue. The LLLT shall then be required to follow the instructions and
2 incorporate the terms of the necessary documents into the final court orders. The LLLT may
3 proceed in this manner only if no other defined prohibitions apply.

4 **B. Domestic Relations.**

5 1. Domestic Relations, Defined. For the purposes of these Regulations, domestic relations shall
6 include only: (a) child support modification actions, (b) dissolution actions, (c) domestic
7 violence actions, except as prohibited by Regulation 2B(3), (d) intimate domestic relationship
8 actions only as they pertain to parenting and support issues, (e) legal separation actions, (f) major
9 parenting plan modifications when the terms are agreed to by the parties before the onset of the
10 representation by the LLLT, (g) minor parenting plan modifications, (h) parenting and support
11 actions, (i) paternity actions, and (j) relocation actions, except as prohibited by Regulation 2B(3).

12 2. Scope of Practice for Limited License Legal Technicians — Domestic Relations. LLLTs in
13 domestic relations may provide legal services to clients as provided in APR 28F, except as
14 prohibited by APR 28H and Regulation 2B(3). Unless an issue beyond the scope arises or a
15 prohibited act would be required, LLLTs may initiate and respond to actions and advise and
16 assist clients regarding motions, discovery, trial preparation, temporary and final orders, and
17 modifications of orders.

18 3. Prohibited Acts. In addition to the prohibitions set forth in APR 28H, in the course of dealing
19 with clients or prospective clients, LLLTs licensed to practice in domestic relations:

20 a. shall not represent more than one party in any domestic relations matter;

21 b. shall not provide legal services:

22 i. in defacto parentage or nonparental custody actions;

23 ii. if a party to the action is covered under RCW 38.42, the Service Members' Civil Relief Act,
24 or 50 U.S.C. App. §§ 501-597b, the Servicemembers Civil Relief Act; and

**SUGGESTED NEW REGULATIONS 1-12 TO
APPENDIX APR 28**

1 iii. if 25 U.S.C. Chapter 21, the Indian Child Welfare Act, or RCW 13.38, the Washington State
2 Indian Child Welfare Act, applies to the matter;

3 c. shall not advise or assist clients regarding:

4 i. division of owned real estate, formal business entities, or retirement assets that require a
5 supplemental order to divide and award, which includes division of all defined benefit plans and
6 defined contribution plans;

7 ii. bankruptcy, including obtaining a stay from bankruptcy;

8 iii. disposition of debts and assets, if one party is in bankruptcy or files a bankruptcy during the
9 pendency of the proceeding, unless: (a) the LLLT's client has retained a lawyer to represent
10 him/her in the bankruptcy, (b) the client has consulted with a lawyer and the lawyer has provided
11 written instructions for the LLLT as to whether and how to proceed regarding the division of
12 debts and assets in the domestic relations proceeding, or (c) the bankruptcy has been discharged;

13 iv. anti-harassment orders, criminal no contact orders, anti-stalking orders, and sexual assault
14 protection orders in domestic violence actions;

15 v. community property issues in intimate domestic relationship actions;

16 vi. major parenting plan modifications unless the terms were agreed to by the parties before the
17 onset of the representation by the LLLT;

18 vii. the determination of Uniform Child Custody Jurisdiction and Enforcement Act issues under
19 RCW 26.27 or Uniform Interstate Family Support Act issues under RCW 26.21A unless and
20 until jurisdiction has been resolved;

21 viii. objections to relocation petitions, responses to objections to relocation petitions, or
22 temporary orders in relocation actions;

23 ix. final revised parenting plans in relocation actions except in the event of default or where the
24 terms have been agreed to by the parties.

25 d. shall not appear or participate at the taking of a deposition; and

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**SUGGESTED NEW REGULATIONS 1-12 TO
APPENDIX APR 28**

1 e. shall not initiate or respond to an appeal to an appellate court.

2 **REGULATION 3: EDUCATION REQUIREMENTS FOR APPLICANTS**

3 An applicant for licensure shall satisfy the following education requirements:

4 **A. Core Curriculum.** An applicant for licensure shall have earned the following course credits
5 at an ABA approved law school or ABA approved paralegal program:

- 6 1. Civil Procedure, minimum 8 credits;
- 7 2. Contracts, minimum 3 credits;
- 8 3. Interviewing and Investigation Techniques, minimum 3 credits;
- 9 4. Introduction to Law and Legal Process, minimum 3 credits;
- 10 5. Law Office Procedures and Technology, minimum 3credits;
- 11 6. Legal Research, Writing and Analysis, minimum 8 credits; and
- 12 7. Professional Responsibility, minimum 3 credits.

13 The core curriculum courses in which credit is earned shall satisfy the curricular requirements
14 approved by the Board and published by the WSBA. If the required core curriculum courses
15 completed by the applicant do not total 45 credits as required by APR 28D(3)(b), then the
16 applicant may earn the remaining credits by taking legal or paralegal elective courses at an ABA
17 approved law school or ABA approved paralegal program.

18 **B. Practice Area Curriculum.** An applicant for licensure in a defined practice area shall have
19 completed the prescribed curriculum and earned course credits for that defined practice area, as
20 set forth below and in APR 28D(3)(c). Each practice area curriculum course shall satisfy the
21 curricular requirements approved by the Board and published by the WSBA.

22 1. Domestic Relations.

23 a. Prerequisites: Prior to enrolling in the domestic relations practice area courses, applicants shall
24 complete the following core courses: Civil Procedure; Interviewing and Investigation

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1 Techniques; Introduction to Law and Legal Process; Legal Research, Writing, and Analysis; and
2 Professional Responsibility.

3 b. Credit Requirements: Applicants shall complete five credit hours in basic domestic relations
4 subjects and ten credit hours in advanced and Washington specific domestic relations subjects.

5 **REGULATION 4: LIMITED TIME WAIVERS**

6 [No Change.]

7 **REGULATION 5: APPLICATIONS**

8 **A. Fees.** All applications shall be accompanied by the required application fee.

9 **B. Application for Licensure.** An applicant for licensure as an LLLT shall complete and file
10 with the WSBA:

- 11 1. a completed application for licensure to limited practice under APR 28;
- 12 2. all official transcripts demonstrating completion of
 - 13 a. at a minimum, an associate level degree, except applicants who have been approved for a
14 limited time waiver pursuant to Regulation 4,
 - 15 b. the core curriculum required pursuant to Regulation 3A, except applicants who have been
16 approved for a limited time waiver pursuant to Regulation 4, and
 - 17 c. the practice area curriculum required pursuant to Regulation 3B; and
- 18 3. a signed and notarized Authorization, Release and Affidavit of Applicant.

19 **C. Application for Additional Practice Area.** An LLLT seeking licensure in an additional
20 practice area must complete and file with the WSBA:

- 21 1. a completed practice area application for licensure to limited practice under APR 28;
- 22 2. an official transcript demonstrating completion of the practice area curriculum required under
23 Regulation 3B; and
- 24 3. a signed and notarized Authorization, Release and Affidavit of Applicant.

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1 **D. Background Check.** Each applicant for licensure shall submit a fingerprint card to the
2 Federal Bureau of Investigation (FBI) for a criminal history record check and provide to the FBI
3 a release for the results of the criminal history check to be sent directly to the WSBA. A
4 Washington LLLT applying for licensure in an additional practice area shall not be required to
5 submit a fingerprint card, unless it has been more than two years since the LLLT was last issued
6 a license.

7 The applicant shall furnish whatever additional information or proof may be required in the
8 course of investigating the applicant, and failure to furnish such information may be grounds for
9 denial of licensure.

10 **REGULATION 6: APPROVAL OR DENIAL OF APPLICATION ON**
11 **ADMINISTRATIVE GROUNDS**

12 **A. Review of Application.** WSBA staff shall review each application to determine if the
13 application meets the criteria for licensure established in APR 28. Any application that does not
14 meet the initial criteria for licensure as established by APR 28 shall be denied by the WSBA
15 staff on administrative grounds, except for those applications where there is a substantial
16 question as to the applicant's good moral character or fitness to practice. The applicant will be
17 notified whether the application has been approved or denied. If the application has been
18 denied, the applicant will be notified of the grounds for the denial and the review process.

19 **B. Review of Denial.** Every applicant who has been denied licensure under APR 28 on
20 administrative grounds may request review by the Board chair. To request review, an applicant
21 shall submit a written request within 14 days of the date the denial of application was issued and
22 state the reason for the request.

23 **C. Procedure for Review.** The Board chair shall consider the request for review on the written
24 record only and shall hear no oral arguments. The chair shall enter a written decision which
25 may affirm or reverse the denial of the application or direct further investigation.

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REGULATION 7: CHARACTER AND FITNESS HEARINGS

Reserved.

REGULATION 8: EXAMINATIONS; NOTIFICATION OF RESULTS

A. Administration of Examinations. The examinations will be administered at such times and locations as the Board may designate.

An applicant for initial licensure shall pass a core curriculum examination and a practice area examination.

An LLLT who applies for licensure in an additional practice area shall be required to take only the qualifying practice area examination in the practice area for which he or she is seeking licensure.

B. Core Curriculum Examination. The core curriculum examination shall be comprised of three parts: a multiple choice section, an essay section, and a performance section. The passing standard for the core curriculum examination is a score of 75 percent for each section of the exam. A failing grade in one section shall result in failure of the exam, in which case grading of any remaining sections shall not be completed.

C. Practice Area Examination. All practice area examinations shall be comprised of three parts: a multiple choice section, an essay section, and a performance section. The passing standard for the practice area examination is a score of 75 percent for each section of the exam. A failing grade in one section shall result in failure of the exam, in which case grading of any remaining sections shall not be completed.

D. Results and Reapplications. 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.

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1 An applicant who passes the core curriculum examination but fails the practice area
2 examination or vice versa may retake the failed exam at the next two administrations of the
3 exam. The passing score shall be valid for one year from the date the applicant is notified of
4 passing. If the applicant does not pass the failed exam after the next two administrations of the
5 exam, the applicant shall be required to retake the exam he or she passed.

6 **REGULATION 9: SUBSTANTIVE LAW-RELATED WORK EXPERIENCE**
7 **REQUIREMENT**

8 Each applicant for licensure as a limited license legal technician shall show proof of having
9 completed 3,000 hours of substantive law-related work experience supervised by a licensed
10 lawyer as required by APR 28E(2). The experience requirement shall be completed within three
11 years before or after the date the applicant is notified of passing both the core curriculum and
12 practice area qualifying examinations. The proof shall be provided in such form as the Board
13 requires, but shall include at a minimum:

- 14 1. the name and bar number of the supervising lawyer;
- 15 2. certification that the work experience meets the definition of substantive law-related work
16 experience as defined in APR 28;
- 17 3. the total number of hours of substantive law-related work experience performed under the
18 supervising lawyer; and
- 19 4. certification that the requisite work experience was acquired within the time period required
20 by APR 28E(2).

21 **REGULATION 10: CERTIFICATION OF RESULTS TO SUPREME COURT; OATH**

22 **A. Recommendation for Licensure.** The Board shall recommend to the Washington State
23 Supreme Court the licensure of all applicants who have met all licensing requirements set forth
24 in APR 28 and these regulations, including good moral character and fitness to practice. All
25 recommendations of the Board shall be accompanied by the application for licensure and any
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1 other documents deemed pertinent by the Board or requested by the Supreme Court. The
2 recommendation and all accompanying documents and papers shall not be public record.

3 **B. Pre-licensure Requirements.** Before an applicant who has passed the qualifying
4 examinations may be licensed, the applicant shall:

- 5 1. furnish proof of completion of the requisite hours of substantive law-related work experience
6 supervised by a licensed lawyer as required by Regulation 9;
- 7 2. furnish proof of financial responsibility as required by Regulation 12;
- 8 3. pay the annual license fee and any assessments for the current year as required by Regulation
9 11;
- 10 4. file any and all licensing forms required for active limited license legal technicians; and
- 11 5. take the Oath of Limited License Legal Technician.

12 The pre-licensure requirements shall be completed within three years of the date the applicant is
13 notified of the examination results. If an applicant fails to satisfy all the requirements for
14 licensure within this period, the applicant shall not be eligible for licensure under APR 28
15 without submitting a new application for licensure and retaking the examination.

16 **C. Additional Practice Area Pre-licensure Requirements.** An LLLT who is seeking
17 licensure in an additional practice area shall:

- 18 1. take and pass the additional practice area examination;
- 19 2. pay the additional practice area license fee; and
- 20 3. file any and all licensing forms required for active limited license legal technicians.

21 The requirements above shall be completed within one year of the date the applicant is notified
22 of the examination results. If an LLLT fails to satisfy all the requirements for licensure in an
23 additional practice area within this period, the LLLT shall not be eligible for licensure in the
24 additional practice area without submitting a new application and retaking the examination.

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1 **D. Oath of Limited License Legal Technician.** The Oath of Limited License Legal
2 Technician shall be taken before an elected or appointed judge, excluding judges pro tempore,
3 sitting in open court in the state of Washington.

4 **E. Contents of Oath.** The oath which all applicants shall take is as follows:

5 **OATH FOR LIMITED LICENSE LEGAL TECHNICIANS**

6 STATE OF WASHINGTON

7 COUNTY OF

8 I, _____, do solemnly declare:

9 1. I am fully subject to the laws of the State of Washington, the laws of the United States, Rule
10 28 of the Admission to Practice Rules, and APR 28 Regulations adopted by the Washington
11 State Supreme Court and will abide by the same;

12 2. I will support the constitutions of the State of Washington and of the United States of
13 America;

14 3. I will abide by the Limited License Legal Technician Rules of Professional Conduct
15 approved by the Supreme Court of the State of Washington;

16 4. I will confine my activities as a Limited License Legal Technician to those activities allowed
17 by law, rule and regulation and will only utilize documents approved pursuant to APR 28;

18 5. I will faithfully disclose the limitations of my services and that I am not a lawyer;

19 6. I will maintain the confidence and preserve inviolate the secrets of my client and will accept
20 no compensation in connection with the business of my client, unless this compensation is from
21 or with the knowledge and approval of the client or with the approval of the court;

22 7. I will abstain from all offensive personalities and advance no fact prejudicial to the honor or
23 reputation of a party or witness unless required by the justice of the cause with which I am
24 charged;

**SUGGESTED NEW REGULATIONS 1-12 TO
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1 8. I will never reject, from any consideration personal to myself, the cause of the defenseless or
2 oppressed, or delay unjustly the cause of any person.

3
4 _____

5
6 Signature Limited License Legal Technician

7
8 Subscribed and sworn to before me this ____ day of _____, ____.

9
10 _____

11
12 JUDGE

13 **F. Order Admitting to Limited Practice as LLLT.** After examining the recommendation and
14 accompanying documents transmitted by the Board, the Supreme Court may enter such order in
15 each case as it deems advisable. For those applicants it deems qualified, the Supreme Court
16 shall enter an order admitting them to limited practice as LLLTs. Applicants shall be admitted
17 under APR 28 only after the order has been entered by the Supreme Court.

18 **G. Order Admitting LLLT to Limited Practice in Additional Practice Area.** After
19 examining the recommendation and accompanying documents transmitted by the Board, the
20 Supreme Court may enter such order in each case as it deems advisable. For those LLLTs it
21 deems qualified, the Supreme Court shall enter an order admitting them to limited practice in
22 the additional practice area.

23 **REGULATION 11: ANNUAL LICENSE FEES**

24 **A.** Except as set forth in section B of this Regulation, every Limited License Legal Technician
25 shall pay an annual license fee in an amount set by the Board with the approval of the Supreme
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1 Court, which is due July 1 of each year. Annual license fees paid after July 1 shall be subject to
2 a late fee equal to one half the annual license fee. The annual license fee is for the limited
3 license to practice in one defined practice area.

4 **B.** The prorated annual license fee for LLLTs who pass the qualifying examination given in the
5 spring and who request active status prior to July 1 of that same calendar year shall be one half
6 the amount of the annual license fee. LLLTs shall pay the annual license fee set forth in
7 Regulation 12A to retain their active status after June 30 of the calendar year of their licensure.

8 **C.** A LLLT shall pay an annual additional practice area fee for each additional practice area in
9 which the LLLT is licensed. The annual additional practice area fee for each additional practice
10 area shall be one half the amount of the annual license fee. The combined annual additional
11 practice area fees and annual license fee shall not exceed the total cost of active lawyer annual
12 license fees. Annual license fee payment due dates and late fees shall apply to additional
13 practice area fees.

14 **D.** An LLLT shall provide his or her residential and business addresses, telephone numbers,
15 and business email address to the Board at the time of payment of the annual license fee. An
16 LLLT whose address, telephone number, or email address changes shall notify the WSBA
17 within 10 days after the change.

18 **REGULATION 12: FINANCIAL RESPONSIBILITY**

19 **A. Insurance Requirement.** Each limited license legal technician shall show proof of ability to
20 respond in damages resulting from his or her acts or omissions in the performance of services
21 permitted under APR 28 by:

22 1. Submitting an individual professional liability insurance policy in the amount of at least
23 \$100,000 per claim and a \$300,000 annual aggregate limit; or
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25
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**SUGGESTED NEW REGULATIONS 1-12 TO
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1 2. Submitting a professional liability insurance policy of the employer or the parent company of
2 the employer who has agreed to provide coverage for the LLLT's ability to respond in damages
3 in the amount of at least \$100,000 per claim and a \$300,000 annual aggregate limit.

4 **B. Continuing Requirement.** Each active LLLT who is covered by insurance shall file with the
5 WSBA an annual certificate of coverage. The certificate of coverage shall name the covered
6 LLLT(s) and the policy limits and dates. Each LLLT shall notify the Board of any cancellation
7 or lapse in coverage.

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WSBA

WASHINGTON STATE BAR ASSOCIATION

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