

FILED
SUPREME COURT
SEATTLE, WASHINGTON
2013 JUL 10 P 3:19
BY RICHARD R. CARPENTER
RC
CLERK

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE ADOPTION OF)
AMENDMENTS TO APR 28-LIMITED PRACTICE)
RULE FOR LIMITED LICENSE LEGAL)
TECHNICIANS AND REGULATION 4 TO)
APPENDIX 28)
_____)

ORDER

NO. 25700-A- 1032

The Supreme Court Rules Committee having recommended the adoption of the Limited License Legal Technicians Board's proposed amendments to APR 28-Limited Practice Rule for Limited License Legal Technicians and Regulation 4 to Appendix 28, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

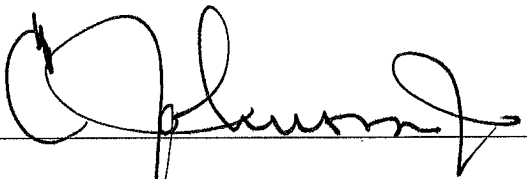
Now, therefore, it is hereby

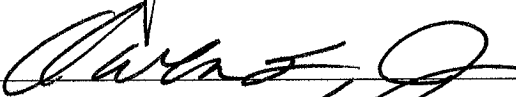
ORDERED:

- (a) That the amendments as attached hereto are adopted.
- (b) That the amendments will be adopted expeditiously and become effective upon their publication.

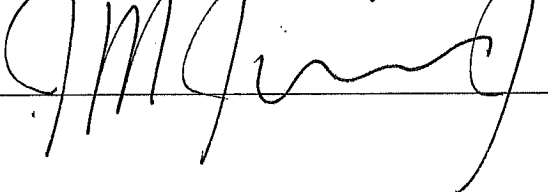
667/113

DATED at Olympia, Washington this 10th day of July, 2013.





Fairhurst, J.



Madsen, C. J.

Styer, J.

Wiggin, J.

Coonrater, J.

Geck McLeod, J.

**PROPOSED AMENDMENTS TO
ADMISSION TO PRACTICE RULE 28**

1 **TITLE**

2 ADMISSION TO PRACTICE RULES (APR)

3 **RULE 28. LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL**
4 **TECHNICIANS**

5 **A. Purpose.**

6 [no change]

7 **B. Definitions.**

8 [no change]

9 **C. Limited License Legal Technician Board.**

10 [no change]

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

13 (1) *Age.* Be at least 18 years of age.

14 (2) *Moral Character and Fitness to Practice.* Be of good moral character and demonstrate
15 fitness to practice as a Limited License Legal Technician.

16 (3) *Education and Experience.* Have the following education, unless waived by the Board
17 through regulation and experience:

18 (a)(i) An associate level degree or higher; equivalent program, or a bachelor degree, in
19 paralegal/legal assistant studies approved by the American Bar Association or the Board,
20 together with a minimum of two years experience as a paralegal/legal assistant doing
21 substantive law-related work under the supervision of a lawyer, provided that at least one year is
22 under a Washington lawyer; or

23 (ii) A post-baccalaureate certificate program in paralegal/legal assistant studies approved by the
24 Board, together with a minimum of three years experience as a paralegal/legal assistant doing
25

**PROPOSED AMENDMENTS TO
ADMISSION TO PRACTICE RULE 28**

1 ~~substantive law-related work under the supervision of a lawyer, provided that at least one year is~~
2 ~~under a Washington lawyer; and~~

3 (b) 45 credit hours of core curriculum instruction in paralegal studies as approved by the Board
4 with instruction to occur at an ABA approved law school or ABA approved paralegal education
5 program; and

6 (c) In each practice area in which an applicant seeks licensure, instruction in the approved
7 practice area, which must be based on a curriculum developed by or in conjunction with an
8 ABA approved law school. For each approved practice area, the Board shall determine the key
9 concepts or topics to be covered in the curriculum and the number of credit hours of instruction
10 required for admission in that practice area.

11 (d) For the purposes of satisfying APR 28(D)(3), one credit hour shall be equivalent to 450
12 minutes of instruction.

13 ~~(b) Complete at least 20 hours of pro bono legal service in Washington as approved by the~~
14 ~~Board, within two years prior to taking the Limited License Legal Technician examination.~~
15 ~~In all cases, the paralegal/legal assistant experience must be acquired after completing the~~
16 ~~education requirement, unless waived by the Board for good cause shown.~~

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

20 (5) *Examination Fee.* Pay, upon the filing of the application, the examination fee and any other
21 required application fees as established by the Board and approved by the Supreme Court.

22 **E. Licensing Requirements.** In order to be licensed as a Limited License Legal Technician, all
23 applicants must:

24 (1) *Examination.* Take and pass the examinations required under these rules;

**PROPOSED AMENDMENTS TO
ADMISSION TO PRACTICE RULE 28**

1 (2) Experience. Acquire 3,000 hours of substantive law-related work experience supervised by
2 a licensed lawyer. The experience must be acquired no more than three years prior to licensure
3 and no more than three years after passing the examination;

4 ~~(32)~~ *Annual License Fee.* Pay the annual license fee;

5 ~~(43)~~ *Financial Responsibility.* Show proof of ability to respond in damages resulting from his or
6 her acts or omissions in the performance of services permitted by this rules. The proof of
7 financial responsibility shall be in such form and in such amount as the Board may by
8 regulation prescribe; and

9 ~~(54)~~ Meet all other licensing requirements set forth in the rules and regulations proposed by the
10 Board and adopted by the Supreme Court.

11 **F. Scope of Practice Authorized by Limited Practice Rule.** The Limited License Legal
12 Technician shall ascertain whether the issue is within the defined practice area for which the
13 LLLT is licensed. If it is not, the LLLT shall not provide the services required on this issue and
14 shall inform the client that the client should seek the services of a lawyer. If the issue is within
15 the defined practice area, the LLLT may undertake the following:

16 (1) Obtain relevant facts, and explain the relevancy of such information to the client;

17 (2) Inform the client of applicable procedures, including deadlines, documents which must be
18 filed, and the anticipated course of the legal proceeding;

19 (3) Inform the client of applicable procedures for proper service of process and filing of legal
20 documents;

21 (4) Provide the client with self-help materials prepared by a Washington lawyer or approved by
22 the Board, which contain information about relevant legal requirements, case law basis for the
23 client's claim, and venue and jurisdiction requirements;

24 (5) Review documents or exhibits that the client has received from the opposing side, and
25 explain them to the client;

**PROPOSED AMENDMENTS TO
ADMISSION TO PRACTICE RULE 28**

1 (6) ~~Select and~~, complete, file, and effect service of forms that have been approved by the State
2 of Washington, either through a governmental agency or by the Administrative Office of the
3 Courts or the content of which is specified by statute; federal forms; forms prepared by a
4 Washington lawyer; or forms approved by the Board; and advise the client of the significance of
5 the selected forms to the client's case;

6 (7) Perform legal research and draft legal letters and pleadings documents beyond what is
7 permitted in the previous paragraph, if the work is reviewed and approved by a Washington
8 lawyer;

9 (8) Advise a client as to other documents that may be necessary to the client's case ~~(such as~~
10 ~~exhibits, witness declarations, or party declarations)~~, and explain how such additional
11 documents or pleadings may affect the client's case;

12 (9) Assist the client in obtaining necessary documents, such as birth, death, or marriage
13 certificates.

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

15 [no change]

16 **H. Prohibited Acts.**

17 [no change]

18 **I. Continuing Licensing Requirements.**

19 [no change]

20 **J. Existing Law Unchanged.**

21 [no change]

22 **K. Professional Responsibility and Limited License Legal Technician-Client Relationship.**

23 [no change]

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**SUGGESTED NEW REGULATION 4 TO
APPENDIX APR 28**

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

REGULATIONS 1-3. Reserved.

REGULATION 4: LIMITED TIME WAIVERS

A. Limited Time Waiver, Defined. For the limited time between the date the Board begins to accept applications and December 31, 2016, the Board shall grant a waiver of the minimum associate-level degree requirement and/or the core curriculum education requirement set forth in APR 28D(3) if an applicant meets the requirements set forth in Regulation 4B. The Board shall not grant waivers for applications filed after December 31, 2016. The Board shall not waive the practice area curriculum requirement. The limited time waiver application will be separate from the application process for licensure set forth in these regulations.

B. Waiver Requirements and Applications. To qualify for the limited time waiver, an applicant shall pay the required fee, submit the required waiver application form, and provide proof, in such form as the Board requires, that he/she has:

1. Passed the Certified Paralegal Exam conducted by the National Association of Legal Assistants (NALA) or the Paralegal Advanced Competency Exam (PACE) conducted by the National Federation of Paralegal Associations (NFPA);

2. Active certification as a Certified Paralegal with NALA or as a PACE Registered Paralegal with NFPA; and

3. Completed 10 years of substantive law-related experience supervised by a licensed lawyer within the 15 years preceding the application for the waiver. Proof of 10 years of substantive-law related experience supervised by a licensed lawyer shall include the following:

a. the name and bar number of the supervising lawyer(s),

b. certification by the lawyer that the work experience meets the definition of substantive law-related work experience as defined in APR 28, and

**SUGGESTED NEW REGULATION 4 TO
APPENDIX APR 28**

1 c. the dates of employment or service.

2 **C. Review of Limited Time Waiver Application.** WSBA staff shall review each limited time
3 waiver application to determine if the application meets the waiver requirements. Any
4 application that does not meet the limited time waiver requirements as established by this
5 Regulation shall be denied by the WSBA staff on administrative grounds, with a written
6 statement of the reason(s) for denial.

7 **D. Review of Denial.** An applicant whose application for waiver has been denied by WSBA
8 staff may request review by the Board chair. Such request shall be filed with WSBA staff
9 within 14 days of the date of the notification of denial. The applicant shall be provided with
10 written notification of the chair's decision, which is not subject to review.

11 **E. Expiration of Limited Time Waiver Approval.** Approval of the limited time waiver
12 application shall expire December 31, 2018. After expiration of the approval, any subsequent
13 application for licensure by the applicant shall meet all of the standard requirements for
14 licensure without waiver.