



WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

September 16, 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 August 15, 2013 meeting minutes
2. **Report of RPC Subcommittee Meeting** (2:15 p.m.)
3. **RPC Subcommittee Issues for Board Discussion** (2:45 p.m.)
 - a. Possible LLLT Business Relationships (Brooks Holland)
 - b. Communicating with Lawyers and LLLTs Representing Opposing Parties (Ellen Dial)
4. **Report of Examination Subcommittee Meeting** (4:00 p.m.)
5. **Open Discussion**
6. **Adjourn** (5:00 p.m.)

MEETING MATERIALS

1. 2013-08-15 Draft Meeting Minutes [pp. 479-482]
2. 2013-08-15 Approved RPC Subcommittee Minutes [pp. 483-488]
3. 2013-08-15 Approved Examination Subcommittee Minutes [pp. 489-490]
4. 2013-08-15 Appendix of Board Decisions [pp. 491-497]



WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD MEETING MINUTES

August 15, 2013

Washington State Bar Association
Seattle, Washington

Members present were Steve Crossland (Chair), Lupe Artiga, Paul Bastine (BOG Liaison), Greg Dallaire, Caitlin Davis Carlson, Jeanne Dawes, Ellen Dial, Janet Olejar, Ellen Reed, and Elisabeth Tutsch (by phone).

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

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

PRELIMINARY MATTERS

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

I. Meeting Minutes

The July 18, 2013 meeting minutes were approved.

II. Chair Updates

Chair Steve Crossland gave a recap of past and upcoming presentations and conferences. He participated on two panels at the ABA Annual Meeting and attended the ABA Task Force on the Future of Legal Education where he was asked to testify. Given the early stages of the LLLT Program, the Task Force decided to wait to see how the Program develops before it determines whether the ABA should take a position on the education and licensure of LLLTs. He and WSBA staff also met with representatives with Kibble Prentice who are evaluating coverage options for LLLTs.

III. Governance Task Force

Board of Governors (BOG) Liaison Paul Bastine presented information on the Governance Task Force. The Board discussed the nature of its relationship with the BOG

and whether LLLTs should have representation on the BOG given that the LLLT Program is administered by the WSBA.

The Board made the following two recommendations to the Task Force: (1) it would welcome the support of its work by the BOG and (2) no matter the number of members on the BOG, nonlawyer professionals regulated by the Bar should have representation on the BOG.

IV. Service Member's Civil Relief Act

The Board readdressed the issue of whether the LLLTs should be able to provide legal services if a party to the action is covered by the Service Member's Civil Relief Act or the Servicemembers Civil Relief Act. The Board unanimously approved allowing LLLTs to provide legal services to parties covered by the Service Member's Civil Relief and the Servicemembers Civil Relief Acts.

V. Family Law Curriculum Workgroup Recommendations

The Board adopted the Family Law Curriculum Workgroup's consent agenda item, which is as follows: (a) The family law course requirements chart developed by the Family Law Curriculum Workgroup is adopted in its entirety.

Family Law Course Attendance

After some discussion about attendance requirements for the family law courses, the Board recommended a minimum 75% participation either remotely or in person with an opportunity for an excused absence at the professor's discretion.

VI. Report of Examination Subcommittee

Chair Lupe Artiga presented the report of the August 15, 2013 Examination subcommittee meeting.

Examination Format

The subcommittee created a possible framework for the examination, which included exam topics, the number of questions within each, and the amount of time allotted for each topic area. The subcommittee preliminarily recommends that the examination take approximately seven hours: 4 hours for the core exam and 3 hours for the practice area exam. Applicants will have approximately two minutes to answer each multiple choice question. The exam framework and timing may require revision as the subcommittee gets further into its work. The subcommittee would like to have an expert in exam writing review its preliminary recommendations to validate its approach.

PACE and NALA Exams

The subcommittee discussed various alternatives to creating and writing the exams themselves. There was not strong support for using an "off-the-shelf" exam from another organization like the NFPA's PACE or CORE exams. The subcommittee will still review the PACE exam but will likely choose to write the core exam itself.

Approach to Developing the Examination

The subcommittee continued its discussions regarding how the subcommittee should develop the core and practice area examinations. It discussed the formation of advisory committees to assist in writing the exam questions. The subcommittee will seek out volunteer lawyers and instructors with knowledge in the subject areas covered on the exams to form both a core advisory committee and a family law advisory committee. For the family law advisory committee, the subcommittee will reach out to family law practitioners in the private bar, at the King County Bar Association, and at the Northwest Justice Project and to desk book contributors. WSBA staff will email the program directors at the ABA approved paralegal programs to request instructors propose exam questions and/or submit copies of their final exams to the Board. From the responses, the subcommittee will begin to develop a bank of questions. Communications will include the one-page guide to writing multiple choice questions found on page 25 of the subcommittee's materials.

VII. RPC Subcommittee Consent Agenda

The Board then discussed the August 15, 2013 consent agenda recommendations of the RPC subcommittee, which were as follows:

- a. The existing lawyer RPC will serve as the basis for the LLLT RPC.
- b. The subcommittee will use the following approach to drafting the RPC:
Determine which RPC (1) do not apply, (2) do apply, (3) apply but need modification, and (4) are missing and need to be added.

The Board approved the recommendations on consent.

VIII. RPC Subcommittee Report

Chair Ellen Dial presented the report of the August 15, 2013 RPC subcommittee meeting. The subcommittee reiterated its process for reviewing the RPC as stated in consent agenda item B. The subcommittee then continued its review of the RPC to make initial determinations regarding which do not apply, do apply, apply but need modification or are missing. The subcommittee made preliminary recommendations regarding all RPC.

Forming Workgroups re Specific RPC

The subcommittee discussed the formation of workgroups to delve into the priority RPC that need to be resolved. The subcommittee pinpointed six topics for in depth examination: IOLTA provisions, Title 5, Preamble and Scope, fees, conflicts and communication. The subcommittee then created its first three workgroups with the following members:

1. IOLTA. Caitlin Davis Carlson, Chair. Additional candidates for the workgroup are Nick Gellert, WSBA Senior Disciplinary Counsel Randy Beitel, and WSBA Audit Manager Rita Swanson. Ms. Davis Carlson anticipates having recommendations prepared for the next subcommittee meeting.

LLLT Board Meeting Minutes
August 15, 2013

2. Title 5. Brooks Holland, Chair. Nonlawyer Christy Carpenter and subcommittee members Doug Ende and Janet Olejar will participate. This Workgroup will discuss possible business arrangements for LLLTs, e.g. a partnership with a law firm, a partnership with an LLLT, a partnership with a nonlawyer business (e.g. Wal-Mart kiosk).
3. Preamble. Chair to be announced. Subcommittee members Greg Dallaire, Debi Perluss, and Elisabeth Tutsch will participate. This Workgroup will discuss the varying roles and responsibilities of an LLLT as a member of the profession, advocate, and member of society. Specifically, the subcommittee noted that the negotiator role will not apply and the advocate role will need to be contextualized in terms of what an LLLT can and cannot do.

Chair Dial then invited Board members to participate in these workgroups.

Communicating with a Lawyer or LLLT Representing an Opposing Party

APR 28 is silent regarding whether an LLLT may contact an unrepresented opposing party. The subcommittee contemplated whether it is the duty of the client to contact the opposing party, given that in the eyes of the court, the client is a pro se litigant. Some stated that any LLLT contact with the opposing party could be considered negotiation, whereas others questioned why simple inquiries, e.g. to request documentation, would be impermissible. The subcommittee will bring this issue to the full Board for discussion at its next meeting. If the Board determines this kind of communication is impermissible, an amendment to APR 28 may be necessary.

ADJOURNMENT

The meeting adjourned at 4:15 p.m.

NEXT MEETING

The next meeting will be 2:00 p.m. Monday, September 16, 2013, at the offices of the Washington State Bar Association, 1325 4th Avenue, Seattle, Washington.



WSBA

WASHINGTON STATE BAR ASSOCIATION

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

August 15, 2013

**Washington State Bar Association
Seattle, Washington**

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

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 9:04 a.m.

I. Minutes of Prior Meeting

The minutes from the subcommittee's July 18, 2103 meeting were approved.

II. Consent Agenda Items

The subcommittee then reviewed and agreed to its August 15, 2013 consent agenda recommendations, which were as follows:

- a. The existing lawyer RPC will serve as the basis for the LLLT RPC.
- b. The subcommittee will use the following approach to drafting the RPC:
Determine which RPC (1) do not apply, (2) do apply, (3) apply but need modification, and (4) are missing and need to be added.

III. Continuing Review of the RPC

The subcommittee reiterated its process for reviewing the RPC as stated in consent agenda item B. The subcommittee then continued its review of the RPC to make initial determinations regarding which RPC do not apply, do apply, apply but need modification or are missing.

Preamble

The subcommittee determined that one of its first focuses should be on finalizing the Preamble and Scope, given that much of the RPC flow from the explanation of the role and responsibilities of the lawyer as a member of the profession, advocate, officer of the court, and member of society. Similarly, the varying roles and responsibilities of an LLLT need definition in order to proceed with many of the RPC. Specifically, the subcommittee noted that the negotiator role will not apply and the advocate role will need to be contextualized in terms of what an LLLT can and cannot do. Whether the term “representation” applies in the LLLT context created some debate, which the subcommittee will need to resolve.

RPC 1.7 Conflict of Interest, Current Clients

Applies but needs modification. The subcommittee needs to examine the rule closely since LLLTs will be working with and referring to lawyers on a regular basis.

RPC 1.8 Conflict of Interest: Current Client: Specific Rules

Applies but needs modification. The rule will require paragraph-by-paragraph review and decision-making. Much of this rule refers to litigation, which may not apply in the context of LLLTs who cannot act as advocates in court. The subcommittee will need to anticipate the full scope of what LLLTs will and will not be able to do, including in not yet defined practice areas.

RPC 1.9 Duties to Former Clients

Applies but needs modification. Some noted that traditional conflicts checking methods may be burdensome for LLLTs given the limited nature of their work, the kinds of unbundled services they will provide, the potential business models under which they may perform their work, e.g. at a Walmart kiosk, and the goal of promoting access to legal services. It was noted that the conflict rules were created to ensure the independent judgment and loyalty of an advocate, which may be compromised if LLLTs are not held to the same standard of care as lawyers.

RPC 1.10 Imputation of Conflicts of Interest, RPC 1.11 Special Conflicts of Interest for Government Officers and Employees, RPC 1.12 Former Judge, Arbitrator, etc.

Apply but need modification.

RPC 1.13 Organization as Client

Does not apply. Reserved. The subcommittee recommends reserving this RPC until a practice area is added that would make this rule applicable, though it may need to create a new rule that would define the relationship an LLLT has to an organization that employs him or her, e.g. an LLLT who is employed by a YMCA DV shelter.

RPC 1.14 Client with Diminished Capacity

Applies but needs modification.

RPC 1.15A Safeguarding Property and RPC 1.15B Required Trust Account Records

Apply but need modification. The subcommittee will form a workgroup for these RPC.

RPC 1.16 Declining or Terminating Representation

Applies but needs modification. The subcommittee should review the rule in terms of the limited nature of the representation.

RPC 1.17 Sale of Law Practice

Applies but needs modification. The subcommittee would like the review of this rule to coincide with the work of the Title 5 workgroup. The workgroup will need to address whether given the prohibition against delegation, any circumstance exists under which an LLLT could sell his or her practice.

RPC 1.18 Duties to Prospective Client

Applies but needs modification. The subcommittee questioned whether the rule may go beyond what is needed for LLLTs and whether RPC 1.6 provides the necessary protections for prospective clients.

RPC 2.1 Counselor

Applies but needs modification. On hold for discussion until the Preamble workgroup completes its work.

RPC 2.3 Evaluation for Use by Third Persons

Applies but needs modification.

RPC 2.4 Lawyer Serving as Third Party Neutral

Applies but needs modification.

RPC 3.1 Meritorious Claims and Contentions, RPC 3.2 Expediting Litigation, and RPC 3.3 Candor toward the Tribunal

Apply but need modification. The rules will require careful revision given the inability of LLLTs to represent clients in court proceedings (unless permitted by GR 24). It was noted that while an LLLT is not an officer of the court, he or she has a duty to the administration of justice. Rather than individual rules, the subcommittee considered creating an overarching rule with prohibitions against obstructing the tribunal.

RPC 3.4 Fairness to Opposing Party

Applies but needs modification. The subcommittee considered creating an overarching rule with prohibitions against obstructing the opposing party or counsel.

RPC 3.5 Impartiality and Decorum of the Tribunal

Applies but needs modification.

RPC 3.6 Trial Publicity

Applies but needs modification. Simplify to emphasize what should be done in the context of a pending case.

RPC 3.7 Lawyer as a Witness, RPC 3.8 Special Responsibilities of a Prosecutor, and RPC 3.9 Advocate in Nonadjudicative Proceedings

Do not apply. Reserved.

RPC 4.1 Truthfulness in Statements to Others

Applies but needs modification.

RPC 4.2 Communication with Persons Represented by Counsel

Applies but needs modification. The rule should state an LLLT cannot communicate with a party represented by a lawyer. However, there should be no prohibition against a lawyer contacting a person represented by an LLLT. Whether an LLLT can contact a person represented by another LLLT requires further analysis and decision-making (see RPC 4.3, below).

RPC 4.3 Dealing with Unrepresented Person

Applies but needs modification. APR 28 is silent regarding whether an LLLT may contact an unrepresented opposing party. The group contemplated whether it is incumbent on the client to contact the opposing party, given that in the eyes of the court, the client is a pro se litigant. Some stated that any LLLT contact with the opposing party could be considered negotiation (which is prohibited by APR 28), whereas others questioned why simple inquiries, e.g. to request documentation, would be impermissible. The subcommittee will bring this issue to the full Board for discussion at its next meeting. If the Board determines this kind of communication is impermissible, an amendment to APR 28 may be necessary.

The subcommittee also noted that, throughout the rules, the term ‘counsel’ will need to be changed to lawyer and/or LLLT where appropriate to avoid confusion.

RPC 4.4 Respect for Rights of Third Persons

Applies but needs modification. The point of RPC 4.2 is to protect privileged information; as such, there should be a comment to the lawyer RPC 4.4 that warns a lawyer against fishing for privileged information from an opposing party represented by an LLLT. A similar comment or section in the LLLT RPC 4.4 will be necessary.

Title 5. Law Firms and Associations

A workgroup shall address Title 5.

RPC 6.1 Pro Bono Publico Service

On hold until the Preamble workgroup completes its work.

RPC 6.2 Accepting Appointments

Does not apply. Reserved. The rule should be reserved until the profession calls for it.

RPC 6.3 Membership in Legal Services Organization

Applies but needs modification.

RPC 6.4 Law Reform Activities Affecting Clients

Does not apply. Reserved.

RPC 6.5 Nonprofit and Court-Annexed Limited Legal Service Programs

Applies but needs modification. On hold until the Title 5 and conflicts workgroups complete their work.

Title 7. Information about Legal Services

On hold until the Title 5 workgroup completes its work.

RPC 8.1 Bar Admission and Disciplinary Matters and RPC 8.2 Judicial and Legal Officials

Applies but needs modification. 8.2(b) does not apply.

RPC 8.3 Reporting Professional Misconduct

On hold until the Preamble workgroup completes its work.

RPC 8.4 Misconduct

Applies but needs modification. The rule will require paragraph-by-paragraph review and decision-making. On hold until the Preamble workgroup completes its work.

RPC 8.5 Disciplinary Authority; Choice of Law

Applies but needs modification. On hold until the Title 5 workgroup completes its work.

IV. Forming Workgroups re Specific RPC

The subcommittee discussed the formation of workgroups to delve into the priority RPC that need to be resolved. The subcommittee pinpointed six topics for in depth examination: IOLTA provisions, Title 5, Preamble and Scope, fees, conflicts and communication. The subcommittee then created its first three workgroups with the following members:

1. IOLTA. Caitlin Davis Carlson, Chair. Additional candidates for the workgroup are Nick Gellert, WSBA Senior Disciplinary Counsel Randy Beitel, and WSBA Audit Manager Rita Swanson. Ms. Davis Carlson anticipates having recommendations prepared for the next subcommittee meeting.
2. Title 5. Brooks Holland, Chair. Nonlawyer Christy Carpenter and subcommittee members Doug Ende and Janet Olejar will participate.
3. Preamble. Chair to be announced. Subcommittee members Greg Dallaire, Debi Perluss, and Elisabeth Tutsch will participate.

Chair Dial will invite Board members to participate in these workgroups.

V. Next Meeting

For our next meeting, the workgroups will report to the subcommittee on their progress and make any recommendations. The subcommittee will then begin drafting rules.

ADJOURNMENT

The meeting adjourned at 1:00 p.m.

LLLT Board: RPC Subcommittee Minutes
August 15, 2013

NEXT MEETING

The next meeting will be 9:00 a.m. Monday, September 16, 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
EXAMINATION SUBCOMMITTEE
MINUTES**

August 15, 2013

**Washington State Bar Association
Seattle, Washington**

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

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

PRELIMINARY MATTERS

The meeting was called to order at 9:00 a.m.

I. Meeting Minutes

The July 18, 2013 meeting minutes were approved.

II. Examination Format

The subcommittee created a possible framework for the examination, which included exam topics, the number of questions within each, and the amount of time allotted for each topic area. The subcommittee preliminarily recommends that the examination take approximately seven hours: 4 hours for the core exam and 3 hours for the practice area exam. Applicants will have approximately two minutes to answer each multiple choice question. The exam framework and timing may require revision as the subcommittee gets further into its work. The subcommittee would like to have an expert in exam writing review its preliminary recommendations to validate its approach.

III. PACE and NALA Exams

The subcommittee discussed various alternatives to creating and writing the exams themselves. There was not strong support for using an "off-the-shelf" exam from another organization like the NFPA's PACE or CORE exams. The subcommittee will still review the PACE exam but will likely choose to write the core exam itself.

IV. Approach to Developing the Examination

The subcommittee continued its discussions regarding how the subcommittee should develop the core and practice area examinations. It discussed the formation of advisory committees or workgroups to assist in writing the exam questions. The subcommittee will seek out volunteer lawyers and instructors with knowledge in the subject areas covered on the exams to form both a core advisory workgroup and a family law advisory workgroup. For the family law advisory workgroup, the subcommittee will reach out to family law practitioners in the private bar, at the King County Bar Association, and at the Northwest Justice Project and to desk book contributors. WSBA staff will email the program directors at the ABA approved paralegal programs to request instructors propose exam questions and/or submit copies of their final exams to the Board. From the responses, the subcommittee will begin to develop a bank of questions. Communications will include the one-page guide to writing multiple choice questions found on page 25 of the subcommittee's materials.

V. Next Meeting

For its next meeting, the subcommittee will prepare a list of names of possible participants in the advisory workgroups. It will further review questions and materials received from instructors.

ADJOURNMENT

The meeting adjourned at 1:00 p.m.

NEXT MEETING

The next meeting will be 9:00 a.m. Monday, September 16, 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 forms</u> that have been approved by the State of Washington, either through a governmental agency or by the Administrative Office of the Courts . . ."
29	5/16/2013	APR 28 Amendments	Approved APR 28 amendments for submission to the Supreme Court relating to APR 28(D)(3), APR 28(E), and APR 28(F) establishing new education and experience requirements for applicants and amending certain scope provisions in the rule.
30	6/20/2013	Scope	Unless an issue prohibited by regulation arises, for dissolution and legal separation, paternity, parenting and support, and child support modification actions, LLLTs may initiate actions and advise and assist clients regarding trial preparation; final orders, i.e. findings of fact and conclusions of law, final decrees, parenting plans, and orders of child support; and modifications of final orders of support.
31	6/20/2013	Scope	Unless an issue prohibited by regulation arises, LLLTs may select and prepare all forms authorized by APR 28(F)(6) for dissolution and legal separation, paternity, parenting and support, and child support modification actions.
32	6/20/2013	Division of Property	LLLTs will be prohibited from advising and assisting clients regarding division of owned real estate, formal business entities, and retirement assets that require a supplemental order to divide or award, which includes division of all defined benefit plans and defined contribution plans.

APPENDIX OF LLLT BOARD DECISIONS

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

APPENDIX OF LLLT BOARD DECISIONS

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

APPENDIX OF LLLT BOARD DECISIONS

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

APPENDIX OF LLLT BOARD DECISIONS

No.	Board Meeting Date	Requirement/Topic	Decision
61	7/18/2013	Collaboration with Lawyers	After an issue beyond the LLLT's scope of practice has been identified, an LLLT may prepare a document related to the issue only if a lawyer acting on behalf of the client has provided appropriate documents and written instructions for the LLLT as to whether and how to proceed with respect to the issue. The LLLT shall then be required to follow the instructions and incorporate the terms of the necessary documents into the final court orders. The LLLT may proceed in this manner only if no other defined prohibitions apply
62	7/18/2013	Indian Child Welfare Act	LLLTs shall not provide legal services if the Indian Child Welfare Act applies to the matter.
63	7/18/2013	APR 28 Appendix	Appendix APR 28 Regulation 2 approved for adoption and submission to the Supreme Court
64	8/15/2013	Education	The family law course requirements chart developed by the Family Law Curriculum Workgroup was adopted in its entirety.
65	8/15/2013	RPC	The existing lawyer RPC will serve as the basis for the LLLT RPC.
66	8/15/2013	RPC	The following approach to drafting the RPC will be used: Determine which lawyer RPC (1) do not apply, (2) do apply, (3) apply but need modification, and (4) are missing and need to be added
67	8/15/2013	Service Member's Civil Relief Act	LLLTs may provide legal services if a party to the action is covered by the Service Member's Civil Relief Act or the Servicemembers Civil Relief Act.
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