



WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

April 17, 2014

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** (Steve Crossland) (2:00 p.m.)
 - Approval of March 13, 2014 meeting minutes
2. **RPC Subcommittee Recommendations Consent Agenda** (2:15 p.m.)
 - a. Proposed RPC 1.14 is approved in its entirety.
3. **Report of RPC Subcommittee Meeting** (2:30 p.m.)
4. **Report of Examination Subcommittee Meeting** (3:00 p.m.)
5. **Report of Admissions & Licensing Subcommittee** (Bill Covington) (3:15 pm.)
6. **LLLT Application Revised Mental Health Questions** (Thea Jennings) (3:30 p.m.)
7. **Agenda for Meeting with the Supreme Court** (Steve Crossland) (3:45 p.m.)
8. **Open Discussion**
9. **Adjourn** (5:00 p.m.)

MEETING MATERIALS

1. 2014-03-13 Draft Meeting Minutes [pp. 843-846]
2. 2014-03-13 Appendix of Decisions [pp. 847-854]
3. 2014-03-13 RPC Subcommittee Minutes [pp. 855-858]
4. 2014-03-13 Examinations Subcommittee Minutes [pp. 859-860]
5. 2014-03-13 Proposed RPC 1.14 [pp. 861]
6. Revised Application for LLLT Licensing Examination [pp. 862-878]



WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD MEETING MINUTES

March 13, 2014

Washington State Bar Association
Seattle, Washington

Members present were Steve Crossland (Chair), Lupe Artiga, Paul Bastine (BOG Liaison), Brenda Cothary, Bill Covington, Greg Dallaire, Jeanne Dawes (by telephone), Ellen Dial, and Elisabeth Tutsch.

Also in attendance was Thea Jennings (Staff Liaison) and Bobby Henry, RSD Associate Director. Reva Siewert, a representative from the Pacific Northwest Paralegal Association based in Oregon, appeared telephonically.

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

I. Preliminary Matters and Meeting Minutes

Steve Crossland reviewed his recent and upcoming travels and outreach conducted to promote the LLLT Program.

The Supreme Court has set a meeting with the LLLT Board for June 4, 2014 from 1:00 to 2:30 p.m. The meeting will be held at the Temple of Justice in Olympia.

The Board approved its February 20, 2014 meeting minutes.

II. Report of RPC Subcommittee Meeting

Subcommittee Chair Dial presented the report of the March 13, 2014 RPC Subcommittee meeting.

RPC 1.14

The Subcommittee again discussed what types of protective actions LLLTs may take when issues relating to a client's diminished capacity arise. The Subcommittee recommends that LLLTs not be encouraged to file guardianship petitions or take other specific protective actions, though such actions will not be expressly prohibited.

Consequently, references to types of protective actions an LLLT may take were taken out of the draft rule, except reference to obtaining the services of a lawyer when necessary. The Subcommittee further recommends adding an admonition that protective actions may not exceed the limited scope of the LLLT's practice.

The Board was then asked to provide input on these issues given the time the Subcommittee spent on RPC 1.14 and its differing opinions. The Board expressed no concerns about the direction of the Subcommittee. Draft RPC 1.14 will be on the Board's April consent agenda.

Conflict Rules

The Subcommittee redrafted the conflicts rules to allow LLLTs to obtain informed consent to a conflict. The Subcommittee reviewed the draft rules and voted to approve several drafts and made recommendations regarding specific revisions that shall be incorporated into a new draft. The Subcommittee will consider a revised draft of the conflicts rules at its April meeting.

Draft Rules

At its next meeting, the Subcommittee will consider revised drafts of the conflicts rules, Title 3, and Title 6. It will further continue discussions regarding draft Title 4 and Title 8 and begin discussions regarding Title 7.

III. Report of Examination Subcommittee

Subcommittee Chair Lupe Artiga presented the report of the March 13, 2014 Examination Subcommittee meeting.

Family Law Advisory Workgroup Participation

The Subcommittee invited all members of the Family Law Advisory Workgroup to attend the Subcommittee's meeting. Four of five were able to participate in the meeting and contributed greatly to the efforts of the Subcommittee. They will be invited to future meetings of the Subcommittee.

Testing Guide & Objectives

With the help of the Workgroup members, the Subcommittee continued to flesh out its family law testing objectives list and assigned weight to certain topics on a scale of 1-3, with one indicating major issues on which to test and 3 indicating topics that should be tested less frequently. The subcommittee will try to finalize the list of topics or Testing Guide by April 1, at which time it will assign members topics. The Testing Guide shall remain confidential. The Subcommittee will develop a separate abbreviated Study Guide for applicants.

Information Sharing with Law Professors

The Subcommittee will share the confidential Testing Guide with the law professors teaching the family law courses, so they may review it and contribute questions, including essay questions, for the licensing exam. The Subcommittee will accept test questions from the professors provided the questions are not used on their exams.

Question Drafting

The family law practitioners of the Board and the Workgroup will create the essay and performance section questions. The remaining Board members will write the multiple choice questions.

Professional Responsibility Testing Guide

Subcommittee member Ellen Reed will begin creating a grid for the professional responsibility exam.

IV. Timing of Rules and Regulation Package to Supreme Court

In order to have all necessary rules and regulations in place at the time of the first licensing of LLLTs, Staff Liaison Thea Jennings explained to the Board the need to present a complete rules package to the Supreme Court by the August 18 deadline for the Court Rules Committee. She indicated that WSBA staff will work to draft amendments to APR 28 and Appendix APR 28, new licensing regulations to Appendix APR 28, and the Rules for Enforcement of LLLT Conduct. The Board will have a chance to review these drafts over the coming months with the expectation that the Board will identify any necessary changes and be prepared to approve the rules package at its full-day meeting on August 10. These rules will be submitted to the Supreme Court with the RPC for LLLTs by August 18.

V. Draft Amendments to APR 28

Jennings then reviewed draft amendments to APR 28 that codify how the administration and expenses of the Board shall be handled by the Washington State Bar Association and the Board of Governors (BOG). Some members of the Board expressed concerns about leaving the financial/budgetary decisions to the BOG.

Jennings explained that the draft amendments that are consistent with new GR 12.4 and the WSBA's confidentiality and public records policies. The Board indicated that rules related to confidentiality and public records should mirror the rules and policies for lawyers.

VI. Draft Amendments to Appendix APR 28 and NEW Licensing Regulations 7 and 13-20

WSBA staff drafted amendments to Appendix APR 28 to simplify the rules and ensure consistency. Jennings walked the Board through the specific changes. She then reviewed new draft regulations for Appendix APR 28 related to character and fitness proceedings

and the licensing of LLLTs. She clarified that the regulations were on for a first reading by the Board and no action was necessary.

Jennings then explained draft Regulation 7: Character and Fitness, which closely mirrors the lawyer APR for character and fitness except that rather than the Character and Fitness Board, a Character and Fitness Committee of the LLLT Board would oversee investigations and hearings and the LLLT Board would hear requests for review of Character and Fitness Committee decisions.

She discussed two proposed versions of Regulation 12 Financial Responsibility to account for additional ways of establishing financial responsibility, if necessary.

The Board discussed Regulation 14: Continuing Education. The Board discussed whether separate regulations regarding procedures for continuing education should be prepared for approval by the Supreme Court. Rather than submitting regulations to the Supreme Court, the Board directed Jennings to provide that continuing education related procedures shall be set forth in continuing education policies that shall be approved and maintained by the Board.

VII. New Practice Areas

The Board continued its discussions regarding the implementation of new practice areas and criteria to consider when making decisions. Preliminarily, the Board would like to consider areas of high need. It was also noted that practice areas that may make the profession viable for practicing LLLTs should also be taken into account. A new civil legal needs study has been commissioned by the Supreme Court. It is expected that statistical information on practice area needs will be available by the end of the year. This information should be considered by the Board as it makes practice area decisions. Member Greg Dallaire volunteered to contribute to the effort to formalize the criteria. The Board would like to have the criteria completed by its June meeting.

At the end of March, Ellen Dial and Elisabeth Tutsch will meet with the Elder Law Section Executive Committee to discuss how the rule may apply in the elder law context.

ADJOURNMENT

The meeting adjourned at 4:04 p.m.

NEXT MEETING

The next meeting will be 2:00 p.m. Thursday, April 17, 2014, 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 | LLLTs 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. |
| 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 | LLTs 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 | LLTs 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. |
| 68 | 9/16/2013 | Communication | An LLLT may not communicate with an unrepresented opposing party or a lawyer and LLLT representing the opposing party |
| 69 | 9/16/2013 | Business Arrangements | Nonlawyer ownership of LLLT practices and/or fee sharing with nonlawyers is prohibited. |
| 70 | 10/17/2013 | RPC Preamble | The Fundamental Principles, Preamble, and Scope Sections of the LLLT Rules of Professional Conduct are adopted in their entirety. |
| 71 | 10/17/2013 | Limited time waiver | The NALS Professional Paralegal exam and the PP certification shall qualify for the limited time waiver. |
| 72 | 10/17/2013 | Education | Students may enroll in the family law courses if they have (1) a paralegal degree or certificate from an ABA approved program and (2) at least half of the required 45 credit hours of core curriculum. |

APPENDIX OF LLLT BOARD DECISIONS

| No. | Board Meeting Date | Requirement/Topic | Decision |
|-----|--------------------|---------------------------------|---|
| 73 | 10/17/2013 | Business Arrangements | Partnerships between lawyers shall be permitted under a new provision to RPC Title 5. |
| 74 | 10/17/2013 | Family Law Exam | A Family Law Curriculum Workgroup should be convened to assist with exam creation and to advise the LLLT Board on changes in the law that may require changes to scope or exam questions. |
| 75 | 11/21/2013 | RPC Title 5 | Proposed Title 5 of the LLLT Rules of Professional Conduct is adopted in its entirety. |
| 76 | 11/21/2013 | Fee sharing | Fee sharing under RPC 1.5(e) should be prohibited. |
| 77 | 11/21/2013 | Retainers | An LLLT shall not accept, collect, or share in retainer funds. |
| 78 | 12/19/2013 | IOLTA rules | Proposed RPC 1.15A and RPC 1.15B of the LLLT RPC are adopted in their entirety. |
| 79 | 1/16/2014 | Core Exam | The National Federation of Paralegal Association's Paralegal Core Competency (PCC) Exam shall be used for testing the LLLT core education |
| 80 | 2/20/2014 | RPC 1.1-1.6 | Proposed RPC 1.1 to RPC 1.6 of the LLLT Rules of Professional Conduct are approved in their entirety |
| 81 | 2/20/2014 | RPC 1.13, RPC 1.16, RPC 1.17 | Proposed RPC 1.13, RPC 1.16, and RPC 1.17 of the LLLT Rules of Professional Conduct are approved in their entirety |
| 82 | 2/20/2014 | RPC Title 2 | Proposed RPC Title 2 of the LLLT Rules of Professional Conduct is approved in its entirety |
| 83 | 2/20/2014 | Core Exam | Waiver applicants who apply prior to waiver expiration do not need to take the PCC Exam |
| 84 | 2/20/2014 | Exam & Application Requirements | Proposed Amendments to Appendix APR 28 Regulations 5 and 8 are approved in their entirety |



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WASHINGTON STATE BAR ASSOCIATION

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

March 13, 2014

**Washington State Bar Association
Seattle, Washington**

Members present were Ellen Dial (Chair), Paul Bastine (BOG Liaison), Vicky Chen, Greg Dallaire, Doug Ende, Brooks Holland (by WebEx), Deborah Perluss, and Elisabeth Tutsch.

Also in attendance was Thea Jennings (Staff Liaison).

PRELIMINARY MATTERS

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

I. Minutes of Prior Meeting

The subcommittee approved the February 20, 2014 meeting minutes.

II. Timeline of Subcommittee

The subcommittee restated its timeline for submission of the RPC for LLLTs to the Supreme Court. The RPC Subcommittee will hold a special, all-day meeting for July 31, 2014 to complete its work for submission to the full Board in time for it to approve the full set of RPC for LLLTs by the Court Rules Committee deadline on August 18, 2014.

III. RPC 1.14 Diminished Capacity

The Subcommittee discussed redraft of RPC 1.14(b) and the comment to RPC 1.14. The Subcommittee voted to amend RPC 1.14(b) as follows: "The LLLT may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client. In taking any protective action under this rule, the LLLT shall not exceed the scope of practice ~~authorized by APR 28~~ for which the LLLT is authorized." The Subcommittee then adopted RPC 1.14 as amended.

The Subcommittee then voted to change Comment 1 as follows: "The rules concerning clients with diminished capacity apply to LLLTs. ~~Many of the protective actions implicated by subsection (b) of this rule, however, may exceed the limited scope of practice authorized by APR 28. In these situations, the appropriate p~~Protective action taken by the LLLT may include ~~seeking the advice~~ obtaining the services of a qualified

~~lawyer, and in appropriate cases, seeking the appointment of a guardian *ad litem*, conservator, or guardian.”~~

The subcommittee further voted to add an additional comment with cautionary language about the difficulty of evaluating such situations and directing the LLLT to look to the comments to lawyer RPC 1.14 for the types of protective action that may be considered.

Chair Dial will take the issue of which protective actions an LLLT should be able to take to the full Board for consideration. A final draft of RPC 1.14 shall be on the April consent agenda.

IV. Report of Conflicts Workgroup

The Subcommittee considered a revised draft of the conflicts rules permitting LLLTs to obtain conflict waivers. The Subcommittee made recommendations re RPC 1.7 as follows:

- Draft 1.7(a) : approved as redrafted
- Draft 1.7(b)(3): restore language from lawyer rule “in the same litigation or other proceeding before a tribunal,” as taking out such language broadens the scope of the rule
- Draft 1.7: approve with change to RPC 1.7(b)(3) discussed above
- Current Note 1 to RPC 1.7: delete second sentence given decisions re RPC 1.7(b)(3)
- Add comment to RPC 1.7 to remind LLLTs that dual representation of clients in family law matter is forbidden under Regulation 2 and, thus, such conflicts are non-consentable

The Subcommittee discussed RPC 1.8 and made recommendations as follows:

- Draft 1.8(a): approved, need comment to make sure that such conflicts are not imputable under RPC 1.8(k)
- Draft 1.8(b): approved, same as for lawyers
- Draft 1.8(c): approved, same as for lawyers
- Draft 1.8(d): approved, same as for lawyers
- Draft 1.8(e): approved with changes to restore language from lawyer rule “while representing a client in connection with contemplated or pending litigation” and “except that”
- Draft 1.8(e)(1): approved with change to restore language from lawyer rule
- Draft 1.8(e)(2): approved. Reserve
- Draft 1.8(f): approved, same as for lawyers
- Draft 1.8(g): approved. Reserve.
- Add comment to 1.8(g) : note that such actions are beyond the scope of practice under APR 28
- Draft 1.8(h)(1): approved with stricken language

- Draft 1.8(h)(2): approved with slight revision to change “independent legal counsel” to “independent lawyer”
- Draft 1.8(i): approved after restoring language from the lawyer rule “An LLLT shall not acquire a proprietary interest in the cause of an action or subject matter of litigation the LLLT is conducting for the client.” The Subcommittee will need to deal with any imputation issues that may arise in lawyer and LLLT jointly owned firms.
- Draft 1.8(j): approved, same as for lawyers
- Draft 1.8(k): discussion was set aside on draft 1.8(k) to consider issues related to firms owned by lawyers who employ LLLTs and firms jointly owned by LLLTs and lawyers. The Subcommittee wants to encourage lawyers to employ LLLTs and enter into business relationships with LLLTs. Imputation of such conflicts may create unnecessary roadblocks to such relationships, as it would prohibit lawyers from engaging in actions they would otherwise be permitted to take, e.g. entering into business relationships with clients under RPC 1.8(a).
- Draft 1.8(l): approved after removing the language “with whom the LLLT is associated in a firm,” as the language limits the scope of the rule
- Draft 1.8(m): approved. Reserved as beyond the scope.
- Note 1 to 1.8: approved after removing “ which does not appear in the RPC for lawyers” from second sentence and adding language “and is different from the lawyer rule” at the end of the sentence. Add clarification that the application of RPC 1.8(a) does not include the initial fee agreement.
- Note 2 to 1.8: modify since RPC 1.8(e) related to advancing costs was reverted to the lawyer rule. Need to clarify that the rule does not authorize actions beyond the scope
- Note 3 to 1.8: remove

The Subcommittee discussed RPC 1.9 and approved the draft rule.

The following draft rules were approved conceptually, with the expectation that the rules would be revised to ensure the rules apply in the same way to firms in which both LLLTs and lawyers are associated in the same way that the lawyer RPC apply to firms in which only lawyers are associated: RPC 1.10, RPC 1.11, RPC 1.12, RPC 1.18, and RPC 6.5. Lawyer RPC changes will also be necessary.

An issue for consideration on the next Subcommittee agenda shall be whether the Subcommittee should define non-consentable conflicts for LLLTs. The Subcommittee will consider a revised draft of the conflicts rules at its April meeting.

V. Draft Title 4

The Subcommittee considered two versions of Title 4: (1) a draft which allows the LLLTs to communicate about non-substantive matters, conduct ministerial communications, etc, and (2) a consolidated draft Title 4 into one rule RPC 4.1 Communications with Third Persons, in light of the prohibition against any

communications by the LLLT with an opposing party or opposing counsel. Title 4 will be considered at the next meeting.

VI. Next Meeting

At its next meeting, the Subcommittee will consider revised drafts of the conflicts rules, Title 3, and Title 6. It will further continue discussions regarding draft Title 4 and Title 8 and begin discussions regarding Title 7.

ADJOURNMENT

The meeting adjourned at 1:00 p.m.

NEXT MEETING

The next meeting will be 9:00 a.m. Thursday, April 17, 2014, 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

March 13, 2014

Washington State Bar Association
Seattle, Washington

Members present were Lupe Artiga (Chair), Brenda Cothary, Jeanne Dawes (by telephone), Lynn Fleischbein (by telephone), Ellen Reed, and Melissa Shaw. Also in attendance were Family Law Advisory Workgroup members Alan Funk (by telephone), Grace Huang, Kimberly Loges, and Jennifer Summerville

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

PRELIMINARY MATTERS

The meeting was called to order at 9:00 a.m. The minutes of the February 20, 2014 meeting were approved.

BUSINESS

I. Family Law Advisory Workgroup Participation

The Subcommittee invited all members of the Family Law Advisory Workgroup to attend the Subcommittee's meeting. Four of five were able to participate in the meeting and contributed greatly to the efforts of the Subcommittee. They will be invited to future meetings of the Subcommittee.

II. Testing Guide & Objectives

With the help of the Workgroup members, the Subcommittee continued to flesh out its family law testing objectives list and assigned weight to certain topics on a scale of 1-3, with one indicating major issues on which to test and 3 indicating topics that should be tested less frequently. The subcommittee will try to finalize the list of topics or Testing Guide by April 1, at which time it will assign members topics. The Testing Guide shall remain confidential. The Subcommittee will develop a separate abbreviated Study Guide for applicants.

III. Information Sharing with Law Professors

The Subcommittee will share the confidential Testing Guide with the law professors teaching the family law courses, so they may review it and contribute questions, including essay questions, for the licensing exam. The Subcommittee will accept test questions from the professors provided the questions are not used on their exams.

IV. Question Drafting

The family law practitioners of the Board and the Workgroup will create the essay and performance section questions. The remaining Board members will write the multiple choice questions.

V. Professional Responsibility Testing Guide

Subcommittee member Ellen Reed will begin creating a grid for the professional responsibility exam.

VI. Next Meeting

By the next meeting, the Subcommittee will have the Testing Guide finalized and will begin drafting questions at that meeting.

ADJOURNMENT

The meeting adjourned at 1:00 p.m.

NEXT MEETING

The next meeting will be 9:00 a.m. Thursday, April 17, 2014, at the offices of the Washington State Bar Association, 1325 4th Avenue, Seattle, Washington.

Rules of Professional Conduct

Title 1. Client-LLLT Relationship

RPC 1.14 Client With Diminished Capacity

- (a) When a client's capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the LLLT shall, as far as reasonably possible, maintain a normal client-LLLT relationship with the client.
- (b) When the LLLT reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client's own interest, the LLLT may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client ~~and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or guardian. In taking any protective action under this rule, the LLLT shall not exceed the limited scope of practice for which the LLLT is authorized by APR 28.~~
- (c) Information relating to the representation of a client with diminished capacity is protected by Rule 1.6. When taking protective action pursuant to paragraph (b), the LLLT is impliedly authorized under Rule 1.6(a) to reveal information about the client, but only to the extent reasonably necessary to protect the client's interests.

Explanatory Note

1. ~~The rules concerning dealing with a clients with diminished capacity apply to LLLTs. Many of the protective actions implicated by subsection (b) of this rule, however, may exceed the limited scope of practice authorized by APR 28, such as actions implicating estate law, mental health law, and benefits law, for example. In these situations, the appropriate protective action taken by an LLLT under subsection (b) of this rule may include seeking the advice obtaining the services of a qualified lawyer and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator, or guardian. in the same way they apply to lawyers. An LLLT should proceed cautiously when independently undertaking protective action on behalf of a person with diminished capacity, and the LLLT should carefully evaluate and weigh all the circumstances and options. For a discussion of potential protective actions and relevant considerations, see Lawyer RPC 1.14, comments 5-7.~~

APPLICATION FOR LIMITED LICENSE LEGAL TECHNICIAN EXAMINATION

PERSONAL INFORMATION

Please provide the following personal identifying information.

1. Are you a licensed LLLT? [Yes] or [No]
2. If yes, please provide your LLLT number: [Data entry field]
3. If no, provide the following information
 - a. Full Name, including middle name
 - b. Birth date (Mo/Day/Yr)
 - c. Social Security Number (if applicable)
 - d. Place of birth (City, State, Country)
 - e. List all other names you have used or been known by and describe when, how, and why that name was used:
 - i. Last month and year known under the former name/surname
 - ii. Reason for change (e.g. marriage, divorce, adoption, etc.)
 - f. Telephone numbers and an email address at which you can be reached regarding this application:
 - i. Home telephone number
 - ii. Office telephone number
 - iii. Email address
 - g. Mailing address at which you can be reached about this application:
 - i. Select whether a residential or business address using a [] check box
 - ii. If business address, name of firm
 - iii. Address/PO Box: physical address, city, state, zip
 - iv. May include country, province

PAYMENT INFORMATION

4. Are you paying by check or credit card? [Check] or [Credit Card]
 - a. If you are paying by check, your payment must be received by the application deadline or your application will be denied.
 - b. If by credit card, Credit card payment info: [Mastercard] [Visa] [Amex]
 - i. Credit card number
 - ii. Expiration date
 - iii. Name as it appears on the card
 - iv. Billing address
 - v. I authorize the WSBA to charge the above noted credit card \$TBD.
 - vi. Signature: may be an electronic signature

LIMITED PRACTICE AREA

5. Please select from the dropdown list the practice area for which you are applying:
 - a. Domestic Relations

- b. TBD

NOTE TO IT: The field selection should feed the questions in the practice area education below, as depending on the selection the requirements will change. And there will be additional practice areas added over time.

- 6. Have you ever previously applied for the Limited License Legal Technician Exam? [Yes] or [No]
 - a. How many times?
 - b. Date application(s) made (Mo/Yr)
 - c. Date examination(s) taken (Mo/Yr)

LIMITED TIME WAIVER

- 7. Do you have an approved limited time waiver? [Yes] or [No].
 - a. If yes, date of approval: Mo/Date/Year

NOTE TO IT: If yes, minimum associate level degree and 45 credit hours of core will not be required.

RESIDENCE INFORMATION

List every permanent or temporary physical address where you have resided for a period of one month or longer for the last five years in reverse chronological order.

- 8. Current address
 - a. From Mo/Year
 - b. Street Address
 - c. City, State, Zip
 - d. May include country and zip
- 9. Past residential address(es)
 - e. From Mo/Year
 - f. To Mo/Year
 - g. Street Address
 - h. City, State, Zip
 - i. May include country and zip

EDUCATION INFORMATION

List and provide the following information for all post-secondary educational institutions that you attended. If the school's name has changed since your attendance, provide the current and former names. Multiple periods of attendance from the same institution require separate entries (other than those interrupted only by school vacations). You must provide an official transcript for each institution you attended.

- 10. Educational Institution(s) Attended:
 - a. Institution name(s)
 - b. Institution mailing address
 - i. Physical address, city, state, zip
 - ii. May include country, province

- c. From Mo/Year
- d. To Mo/Year
- e. Degree received (No degree, A.A, B.A. etc.)
- f. Did you complete the practice area education in [domestic relations] [or other] at this institution? [Yes] or [No]

Scholastic Disciplinary History

11. Have you ever been dropped, suspended, warned, placed on academic or scholastic probation, placed on disciplinary probation, expelled, requested to withdraw, or allowed to withdraw in lieu of discipline from any college or university (including an ABA approved law school or ABA approved paralegal education program), or otherwise subjected to discipline by any such institution or requested or advised by any such institution to discontinue your studies there? [Yes] or [No].
- a. If yes, name of institution
 - b. Type of action
 - c. Date action taken
 - d. Explanation of institution action

EMPLOYMENT INFORMATION

List your employment and unemployment information for the past five years, beginning with the most recent.

- Employment encompasses all part-time and full-time employment, including self-employment, externships, internships (paid and unpaid), military service, volunteer work, and temporary employment. If you were employed by a temporary agency, provide the name, mailing address, and telephone number of the temporary agency and also note the name of the firm/company to which you were assigned.
- Account for any unemployment period of more than three months (i.e. attending school, studying for limited license legal technician examination, seeking employment, etc.). For these periods of time, check the box for “Unemployment Period” and describe your activities while you were unemployed in the field labeled Employment Position/Description of Unemployment.

12. Current employment information

- a. Optional checkbox for “Currently Unemployed” (if unemployed, no need to include address and employer info)
- b. From Mo/Year
- c. Employment Position/Description of Unemployment
- d. Employer or Firm
- e. Supervisor/Associate Name
- f. Employer Mailing Address
 - i. Physical address, city, state, zip
 - ii. May include country, province
- g. Employer Telephone

- h. Employer E-mail
- 13. Past employment information:
 - a. Optional checkbox for “Unemployed” (if unemployed no need to include address and employer info)
 - b. From Mo/Year
 - c. To Mo/Year
 - d. Employment Position/Description of Unemployment
 - e. Employer or Firm
 - f. Supervisor/Associate Name
 - g. Employer Mailing Address
 - i. Physical address, city, state, zip
 - ii. May include country, province
 - h. Employer Telephone
 - i. Employer E-mail
 - j. Reason for leaving

Employment Disciplinary History

- 14. Have you ever been terminated, suspended, disciplined, laid-off for misconduct or dishonesty, or permitted to resign in lieu of termination from any job? [Yes]or [No]. If yes, for each instance, please provide the following information:
 - a. Employer or firm
 - b. Dates of employment in month/year format
 - c. Select the form of discipline from dropdown: terminated, suspended, disciplined, laid-off, permitted to resign
 - d. Date of disposition in month/year format
 - e. Explanation of circumstances

PRACTICE OF LAW INFORMATION

- 15. Have you ever been licensed for the limited practice of law in Washington state, e.g., LPO, LLLT, or Rule 9 Licensed Legal Intern? [Yes] [No]
 - a. If yes, provide license number
 - b. Current status of license
 - c. If revoked, please state reason.
- 16. Have you ever been admitted, licensed, or authorized to practice law in any U.S. jurisdiction, tribal court or foreign jurisdiction? [Yes] or [No]. If yes, for each license, please provide the following information:
 - a. Name of U.S. jurisdiction, tribal court, or foreign jurisdiction
 - b. Name of and address of foreign bar authority
 - i. Name of foreign bar authority
 - ii. Physical address, city, state, zip
 - iii. May include country or province
 - c. Date application made (Mo/Yr)

- d. Date examination taken (Mo/Yr)
 - e. Reason not admitted dropdown: Failed exam, Withdrew application, pending, denied, other reason
 - f. Explanation of reason not admitted, if applicable
 - g. Admission or Readmission date (Mo/Day/Yr)
 - h. Bar Number
17. If you were admitted as an attorney, have you ever been disbarred, suspended, censured or otherwise reprimanded or disqualified as an attorney? [Yes] or [No]
18. If you were admitted as an attorney, have you ever been the subject of any charges, complaints, or grievances (formal or informal) concerning your conduct as an attorney, including any now pending? [Yes] or [No]
19. If yes to 17 and/or 18, please provide the following information for each matter:
- a. Name of Regulatory Agency
 - b. Address
 - i. Physical address, city, state, zip
 - ii. May include country, or province
 - c. Case Number (if applicable)
 - d. Action Taken
 - e. Date Action Taken
 - f. Explanation of circumstances

NOTE TO IT: If this is an e-application, answering yes to 17 and/or 18, would create a dropdown with the information requested in Question 19.

GENERAL INFORMATION

20. Have you ever been the subject of any charges, complaints, or grievances (formal or informal) alleging that you engaged in the unauthorized practice of law, including any now pending? [Yes] or [No]. If yes, please provide the following information for each matter:
- a. Name of Regulatory Agency
 - b. Address
 - i. Physical address, city, state, zip
 - ii. May include country, province
 - c. Case number (if applicable)
 - d. Action taken
 - e. Date action taken
 - f. Explanation of circumstances
21. Have sanctions ever been entered against you, or have you ever been disqualified from participating in any case? [Yes] or [No]. If yes, attach a copy of the order of sanction or disqualification and please provide the following information for each sanction or disqualification
- a. Name of Court
 - b. Address

- i. Physical address, city, state, zip
 - ii. May include country, province
 - c. Case Number
 - d. Action Taken
 - e. Date action taken
 - f. Reason for sanction or disqualification
22. Have you ever held judicial office? [Yes] or [No]. If yes, please provide the following information about each office:
- a. Office Held
 - b. Dates held (Mo/Yr)
 - c. Name of Court
 - d. Address
 - i. Physical address, city, state, zip
 - ii. May include country, province
 - e. Reason for leaving office (if applicable)
23. Have you ever been a member of the armed forces of the United States, its reserve components, or the National Guard? [Yes] or [No]. Attach all copies of your reports of separation (e.g. DD Form 214-Member Copy #4, NGB Form 22, etc.). The DD Form 214 that you provide must indicate your character of service. If yes, please provide the following information:
- a. Select one of the following:
 - i. I am presently a member of the armed forces.
 - ii. I was a member of the armed forces.
 - b. Select whichever applies:
 - i. Regular armed forces: [Air Force] [Army] [Coast Guard] [Marine Corps] [Navy]
 - ii. Reserved components: [Air Force] [Army] [Coast Guard] [Marine Corps] [Navy]
 - iii. National Guard: [Air Force] [Army] [State _____]
 - c. My serial number was/is _____. My rank was/is _____.
 - d. Dates of service
 - i. Active Duty: From Mo/Year to Mo/Year
 - ii. Reserve Duty: From Mo/Year to Mo/Year
 - iii. National Guard: From Mo/Year to Mo/Year
 - e. For PRESENTLY SERVING PERSONNEL ONLY: Check [Active] [Reserve] [National Guard]
 - i. Present duty station
 - ii. Address
 - 1. Physical address, city, state, zip
 - 2. May include country, province
 - f. As a member of the armed forces of the United States:
 - i. Were you ever court-martialed? [Yes*] [No]
 - ii. Were you ever awarded non-judicial punishment? (Art. 15 UCMJ) [Yes*] [No]
 - iii. If you are presently a member of the armed forces, do not answer the following:
 - 1. Did you receive an honorable discharge? [Yes] [No]

2. Were you allowed to resign in lieu of court-martial? [Yes*] [No]
 3. Were you administratively discharged? [Yes*] [No]
 - iv. If you checked a box in Item 23(f) that was followed by an asterisk, provide an explanation for each answer:
 1. Select which applies: Refers to Item (f)(i), (f)(ii), (f)(iii)(2), or (f)(iii)(3).
 2. Date of action
 3. Explanation of circumstances
 4. Result, including any punishment
24. List all other professional licenses issued to you. This includes CPA, notary, escrow, real estate, or other license held in the state of Washington or any other state.
- a. Type of License
 - b. Issuing Agency
 - c. License Number
 - d. Current Status
25. Have you ever been denied a license or had a license terminated or revoked for business, trade, or profession (e.g. CPA, notary, real estate broker, patent practitioner)? [Yes] or [No]. If yes, please provide the following information for each denial or revocation:
- a. Action Type: [Denial] [Revocation]
 - b. License
 - i. Type
 - ii. Application Date
 - iii. License Number
 - c. Name of Regulatory Agency
 - d. Address
 - i. Physical address, city, state, zip
 - ii. May include country, province
 - e. Action taken
 - f. Date action taken
 - g. Explanation of circumstances
26. Have you ever been suspended, censured, or otherwise reprimanded or disqualified as a member of another profession, or as a holder of public office? [Yes] or [No]
27. Have you ever been the subject of any charges, complaints, or grievances (formal or informal) concerning your conduct as a member of any other profession, or as a holder of public office, including any now pending? [Yes] or [No]
28. If yes to 26 and/or 27, for each instance, please provide the following information:
- a. Name of Regulatory Agency
 - b. Address
 - i. Physical address, city, state, zip
 - ii. May include country, province
 - c. Action taken
 - d. Date action taken
 - e. Explanation

NOTE TO IT: If this is an e-application, answering yes to 26 and/or 27, would create a dropdown with the information requested in Question 28.

29. Has any surety on any bond on which you were the principal been required to pay any money on your behalf? [Yes] or [No]. If yes, for each instance, please provide the following information:
- a. Name and complete address of surety (bonding company)
 - i. Name of surety
 - ii. Address
 1. Physical address, city, state zip
 2. May include country, province
 - b. Amount of money paid by surety
 - c. Date money paid: Mo/Date/Year
 - d. Reason for bond
 - e. Brief explanation
30. Have you ever been named a party to any civil action? [Yes] or [No]. NOTE: Family law matters (including continuing orders for child support) should be included here. If yes, for each action, please attach a copy of the pleadings, judgments, and/or final orders and provide the following information:
- a. Complete title of action
 - b. Court file number
 - c. Date filed
 - d. Name and complete address of court involved
 - i. Name of court
 - ii. Address
 1. Physical address, city, state, zip
 2. May include country, province
 - e. Plaintiff's name
 - i. Address
 1. Physical address, city, state, zip
 2. May include country, province
 - ii. Plaintiff's attorney
 - iii. Physical address, city, state, zip
 - iv. May include country, province
 - f. Defendant's name
 - i. Address
 1. Physical address, city, state, zip
 2. May include country, province
 - ii. Defendant's attorney
 - iii. Physical address, city, state, zip
 - iv. May include country, province
 - g. Trial date
 - h. Date of final disposition

- i. Disposition
 - j. Are you the subject of any continuing court order (including continuing orders for child support) for payment of a money judgment? [Yes] or [No]
 - k. If the disposition resulted in a judgment, has the judgment been satisfied? [Yes] or [No] or [Not Applicable] (Disposition did not result in a judgment)
 - i. If yes, give the date of satisfaction
 - ii. If no, what amount is still owing
 - l. Brief explanation of suit
31. Have you ever had a complaint or action (including, but not limited to, allegations of fraud, deceit, misrepresentation, forgery, or malpractice) initiated against you in any administrative forum? [Yes] or [No]. If yes, please attach a copy of the administrative record and provide the following information for each incident:
- a. Date of action/complaint initiated
 - b. Name and complete address of administrative forum or body
 - i. Name administrative forum or body
 - ii. Address
 - 1. Physical address, city, state, zip
 - 2. May include country, province
 - c. Name and complete address of investigative agency (body, board, commission, committee, etc):
 - i. Name of agency
 - ii. Address
 - 1. Physical address, city, state, zip
 - 2. May include country, province
 - d. Date of final disposition
 - e. Disposition
 - f. Brief explanation
32. Have you ever been cited for, arrested for, charged with, or convicted of any alcohol or drug-related traffic violation including any cases resolved in juvenile court? Your responses must include matters that have been dismissed, expunged, subject to diversion or deferred prosecution program, or otherwise set aside. [Yes] or [No]. If yes, for each incident, attach a copy of the arresting agency's report, complaint, indictment, citation, information, disposition, sentence, and appeal, if any, and provide the following information:
- a. Date (or time period) of incident
 - b. Charge(s) on date of arrest or citation
 - c. Incident location (city, county, state)
 - i. May include country and province)
 - d. Title of complaint, indictment, or citation
 - e. Court file number
 - f. Name and complete address of court involved
 - i. Name of court
 - ii. Address

1. Physical address, city, state, zip
 2. May include country, province
 - a. Name and address of law enforcement agency involved
 - i. Name of law enforcement agency
 - ii. Address
 1. Physical address, city, state, zip
 2. May include country, province
 - b. Name and address of defendant's attorney
 - i. Name of defendant's attorney
 - ii. Address
 1. Physical address, city, state, zip
 2. May include country, province
 - c. Date of initial court hearing
 - d. Charge(s) at time of initial court hearing
 - e. Date of final disposition
 - f. Charge(s) at time of final disposition
 - g. Final disposition
 - h. Brief description of incident
33. Have you ever been cited for, arrested for, charged with, or convicted of any moving traffic violation during the past ten years? (Omit parking violations). Traffic violations involving alcohol or drugs should be reported in response to Question 32. Your response must include matters that have been dismissed, expunged, subject to diversion or deferred prosecution program, or otherwise set aside. [Yes] or [No]. If yes, please provide the following information:
- a. Currently licensed in: (State)
 - b. Driver's license number

For each incident, please provide the following information:

- a. Name of law enforcement agency
 - b. Incident location (city, county, state)
 - i. May include country, province
 - c. Date of incident (Mo/Yr)
 - d. Charge(s) on date of incident
 - e. Date of final disposition (Mo/Yr)
 - f. Charge(s) at time of final disposition
 - g. Final disposition
 - h. Brief description of incident
34. Have you ever been cited for, arrested for, charged with, or convicted for a violation of any law including any cases resolved in juvenile court? Your response must include matters that have been sealed, dismissed, expunged, subject to a diversion or deferred prosecution program, or otherwise set aside. (Report traffic violations at Questions 32-33) [Yes] or [No]. If yes, for each

incident, attach a copy of the arresting agency's report, complaint, indictment, citation, information, disposition, sentence, and appeal, if any, and provide the following information:

- a. Date or time period of incident
 - b. Charges on date of arrest or citation
 - c. Incident location (city, county, state)
 - i. May include country, province
 - d. Title of complaint, indictment, or citation
 - e. Court file number
 - f. Name and complete address of court involved
 - i. Name of court
 - ii. Address
 1. Physical address, city, state, zip
 2. May include country, province
 - i. Name and address of law enforcement agency involved
 - i. Name of law enforcement agency
 - ii. Address
 1. Physical address, city, state, zip
 2. May include country, province
 - j. Name and address of defendant's attorney
 - i. Name of defendant's attorney
 - ii. Address
 1. Physical address, city, state, zip
 2. May include country, province
 - k. Date of initial court hearing
 - l. Charge(s) at time of initial court hearing
 - m. Date of final disposition
 - n. Charge(s) at time of final disposition
 - o. Final disposition
 - p. Brief description of incident
35. Have you ever filed a petition for bankruptcy? [Yes] or [No]. If yes, for each instance, attach schedule of indebtedness, petition for bankruptcy, and discharge from bankruptcy order and provide the following information:
- a. Date bankruptcy filed
 - b. Complete title of action
 - c. Court file number
 - d. Name and complete address of court involved
 - i. Name of court
 - ii. Address
 1. Physical address, city, county, state
 2. May include country, province
 - e. For each debt discharged
 - i. Credit Grantor

- ii. Account number
 - iii. Amount discharged
 - f. Date of final disposition
 - g. Disposition
 - h. Were any adversary proceedings instituted? [Yes] or [No]
 - i. Were there any allegations of fraud? [Yes] or [No]
 - j. Were any debts not discharged? [Yes] or [No]
 - k. Brief description of circumstances surrounding filing petition for bankruptcy
36. Have you ever defaulted on any students loans? [Yes] or [No]
37. Have you ever defaulted on any other debt? [Yes] or [No]
38. If you answered yes to Question 35, are there any additional debts not reported in Questions 36-37 that were not discharged in bankruptcy? [Yes] or [No]
39. If you answered yes to Questions 36 and/or 37 and/or 38, for each debt, please provide the following information:
- a. The debt relates to [Defaulted student loan] [Defaulted other debt] [Debt not discharged]
 - b. Type of debt: [Student Loan] [Other _____]
 - c. If the debt was discharged in bankruptcy, check here and do not complete the rest of Question 39 []
 - d. Full account number
 - e. Original amount of debt
 - f. Current balance
 - g. Date of last payment
 - h. Name and complete address of entity extending credit
 - i. Name of entity
 - ii. Address
 - 1. Physical address, city, state, zip
 - 2. May include country, province
 - iii. Telephone number
 - i. Name and complete address of current creditor or collection agency if different from above
 - i. Name
 - ii. Address
 - 1. Physical address, city, state, zip
 - 2. May include country, province
 - iii. Telephone number
 - iv. Full account number
 - j. Current status of this debt
 - k. Describe history of this debt, including any actions taken to collect and any defenses

NOTE TO IT: If this is an e-application, answering yes to 36 and/or 37 and/or 38, would create a dropdown with the information requested in Question 39.

PREAMBLE TO QUESTIONS 40-42

Through this application, the Limited License Legal Technician Board makes inquiry about recent mental health and addiction matters. This information, along with all other information, is treated confidentially by the Limited License Legal Technician Board and the Washington State Bar Association. The purpose of such inquiries is to determine the current fitness of an applicant to perform the duties of a Limited License Legal Technician. The mere fact of treatment for mental health ~~problems-matters~~ or addictions is not, in itself, a basis on which an applicant is denied certification.

The Washington Supreme Court may deny admission to applicants whose ability to practice in a competent and professional manner is ~~affected-substantially impaired~~ by a mental health condition, or drug and alcohol dependency or abuse, or to applicants who demonstrate a lack of candor by their responses. This is consistent with the public purpose that underlies the licensing responsibilities assigned to the Limited License Legal Technician Board and the Washington State Bar Association; further, the applicant bears the burden of proving current fitness to practice.

The Limited License Legal Technician Board does not seek information about treatment or counseling that is commonly characterized as situational or adjustment counseling, provided the reason for the counseling does not arise from an act of violence by the applicant. Examples of situational or adjustment counseling include stress counseling, relationship counseling, grief counseling, and counseling for eating and sleeping disorders.

40. During the past five years, have you experienced, been diagnosed with, or undergone treatment for any condition or impairment (including, but not limited to, substance abuse or dependency, alcohol abuse or dependency, or a psychotic, mental, emotional, or nervous disorder or condition) which ~~affects, or if untreated could affect,~~substantially impairs your ability to perform the duties of a limited license legal technician in a competent and professional matter? [Yes] or [No]
41. If your answer to question 40 is yes, are the limitations by your ~~mental health~~ condition or ~~substance abuse problem~~impairment reduced or ameliorated because you receive ongoing treatment (with or without medication) or because you participate in a monitoring program? [Yes] or [No]
42. If your answer to Questions 40 or 41 is yes, please provide the following information:
 - a. Dates of treatment: From Mo/Yr to Mo/Yr
 - b. Name and complete address of attending physician or counselor
 - i. Name of physician or counselor
 - ii. Physician's or counselor's current address:
 1. Physical address, city, county, state, zip
 2. May include country, province
 - iii. Telephone
 - c. Name and complete address of hospital or institution
 - i. Name of hospital or institution

- ii. Hospital's or institution's current address:
 - 1. Physical address, city, county, state, zip
 - 2. May include country, province
- iii. Telephone
- d. Describe the condition or problem/impairment
- e. Describe any treatment and/or monitoring program

NOTE: The Limited License Legal Technician Board may require you to provide a signed and notarized Authorization to Release Medical Records and a letter or statement from your treatment provider that addresses the factors set forth in APR 24.2(d) and sets forth the treatment provider's opinion about whether your ability to practice law would be substantially affected if the mental impairment is treated or untreated. You may want to submit such a letter or statement with your application, or at least begin the process of obtaining it from your treatment provider so as to avoid delay in sitting for the exam. Additional records may be required in some cases.

NOTE TO IT: If this is an e-application, answering yes to 40 and/or 41 would create a dropdown with the information requested in Question 42.

~~43. Within the past five years, have you ever raised the issue of consumption of drugs or alcohol or the issue of a mental, emotional, nervous, or behavioral disorder or condition as a defense, mitigation, or explanation for your actions in the course of any administrative or judicial proceeding or investigation; any inquiry or other proceeding; or any proposed termination by an educational institution, employer, government agency, professional organization, or licensing authority? Within the past two years, have you engaged in or exhibited any conduct or behavior that could call into question your fitness to practice law as defined in APR 22(a)?~~

APR 22 (a) states: "Fitness is the absence of any current mental impairment or current drug or alcohol dependency or abuse which, if extant, would substantially impair the ability of the applicant, bar association member, or petitioner to practice law."

~~43-44. _____ [Yes] or [No]. If yes, provide and furnish a thorough explanation below, including relevant dates, locations, names, and contact information for persons or agencies that can provide relevant information.~~

- ~~a. —Name of Entity before which the issue was raised (i.e. court, agency, etc.)~~
- ~~b. —Address

 - ~~i. —Shall include physical address, city, county, state, zip~~
 - ~~ii. —May include country, province~~~~
- ~~c. —Telephone~~
- ~~d. —Nature of the Proceeding~~
- ~~e. —Date of disposition~~
- ~~f. —Disposition~~
- a. Explanation

b. Name and contact information for persons or agencies that can provide relevant information

c. Address

i. Shall include physical address, city, county, state, zip

ii. May include country province

44.45. Do you have a disability for which you will need reasonable accommodation in taking the exam? [Yes] or [No]. *If yes, please notify the WSBA in writing at least 30 days prior to the exam. Medical documentation must support all requests.*

AUTHORIZATION, RELEASE AND AFFIDAVIT OF APPLICANT

I, (Name) _____,

born at (City) _____, (State) _____,

(COUNTRY) _____, on (Date of Birth) _____,

having filed an application for admission to limited practice as a Limited License Legal Technician in Washington State, hereby apply for a character report to be prepared by the Washington State Limited License Legal Technician (LLLT) Board. I further consent to allow the LLLT Board to conduct an investigation as to my moral character, professional reputation, and fitness for the limited practice as a Limited License Legal Technician under Rule 28 of the Admission and Practice Rules. I further agree to provide additional information which may be required concerning my past record. I understand that the contents of my character report are treated confidentially by the Washington State LLLT Board and the Washington State Bar Association (WSBA).

I also authorize and request every person, firm, company, corporation, association, court, school, college, university, other educational institution, government agency, law enforcement agency, and any other agency having control of any records, files, documents, writings, or other information pertaining to me to furnish to the WSBA and the LLLT Board any such information regarding any and all charges, complaints, disciplinary actions, grievances, sanctions, suspensions, reprimands, disqualifications, censures, resignations, terminations, citations, arrests, indictments, convictions, judgments, courts-martial, non-judicial punishments, or administrative discharges (including those dismissed or otherwise erased or expunged by law, whether formal or informal, pending or closed), or any other pertinent data or information pertaining to me. I further authorize the LLLT Board, the WSBA or any of its agents or representatives to inspect and make copies of such documents, records, or other information.

I authorize the National Personnel Records Center in St. Louis, MO, or other custodian of my military record to release to the LLLT Board and the WSBA information or photocopies from my military record.

I hereby release, discharge and exonerate the Washington State LLLT Board, its agents and representatives, the WSBA, its agents and representatives, and any person furnishing information from any and all liability of every nature and kind arising out of the furnishing or inspection of such documents, records, and other information, or the investigation made by the WSBA.

~~I have read the foregoing application; and the statements contained in it are full, true, and correct. I also understand that I have a duty to inform the LLLT Board and/or the WSBA in writing of any changes to the information above that occur at any time between the date signed and the date I am admitted to practice as a limited license legal technician.~~

Signature of Applicant Date

STATE/DISTRICT OF _____

COUNTY/PARISH OF _____

Subscribed and sworn to or affirmed before me this _____ day

of _____, _____
Month Year

Signature of Notary Public

My commission expires _____

Seal or stamp must be affixed to each original.

AUTHORIZATION TO RELEASE MEDICAL RECORDS

Upon presentation of the original or a photocopy of this signed authorization,

(Applicant's name) _____

Name of institution, doctor, or counselor _____

Address _____

City _____ State _____ Zip _____

Country _____ Province _____

By signing below, I authorize the above provider to provide information, without limitation, relating to mental illness or the use of drugs and alcohol, including copies of records, concerning advice, care, or treatment provided to me, to representatives of the Limited License Legal Technician (LLLT) Board and the Washington State Bar Association (WSBA) who are involved in conducting an investigation into my moral character, professional reputation, and fitness for the practice of law. I understand that any such information as may be received will be reported only to the admitting authority. The information will be used or disclosed at my request. This authorization will expire one year from the date of my notarized signature below.

I hereby release, discharge, and exonerate the LLLT Board, its agents and representatives, the WSBA, its agents and representatives, and the above named provider, its agents and representatives so furnishing information from any and all liability of every nature and kind arising out of the furnishing or inspection of such documents, records, and other information, or out of the investigation made by the LLLT Board or by the WSBA.

I do not have to sign this authorization in order to receive treatment from the above provider. In fact, I have the right to refuse to sign this authorization. When my information is used or disclosed pursuant to this authorization, it may be subject to redisclosure by the recipient and may no longer be protected by the federal HIPAA Privacy Rule. I have the right to revoke this authorization in writing except to the extent that the provider has acted in reliance upon this authorization. My written revocation must be resubmitted to the privacy officer at the address of the provider above.

Signature of Applicant

Date

STATE/DISTRICT OF _____

COUNTY/PARISH OF _____

Subscribed and sworn to or affirmed before me this _____ day

of _____, _____
Month Year

Signature of Notary Public

My commission expires _____

Seal or stamp must be affixed to each original

The Limited License Legal Technician Board and the Washington State Bar Association are aware of HIPAA requirements.