



WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD MEETING MINUTES

February 21, 2013

**Washington State Bar Association
Seattle, Washington**

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

Also in attendance were Thea Jennings (Staff Liaison), Robert Henry, RSD Associate Director, and Paula Littlewood, WSBA Executive Director.

Also present were Michael Meredith, an associate at McKinley Irvin, and Christy Carpenter, a member of the public.

PRELIMINARY MATTERS

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

I. Defining Education Requirement and 1st Report of Admissions & Licensing Subcommittee

Admissions & Licensing Subcommittee Chair Bill Covington presented the first report of the Admissions & Licensing subcommittee. The subcommittee believes that the educational requirements in APR 28 should be revised as described below.

Key Education Requirements

- must have an associate's degree or higher
- must complete a 45 quarter credit "Core Curriculum" in paralegal studies
- must complete 12 quarter credits in the "Major" or approved practice area.

Core Curriculum Requirements

- must be earned at an ABA approved law school or school with an ABA approved paralegal program
- must consist of the following courses:
 - Introduction to Law and Legal Process—5 credits
 - Civil Procedure I and II—10 credits
 - Legal Research, Writing and Analysis—10 credits
 - Contracts—5 credits
 - Professional Responsibility/Ethics (including RPC, LLLT RPC and basic scope)—5 credits
 - Law Office Procedures—5 credits
 - Interviewing and Investigation Techniques—5 credits
- may be part of a degree program, certificate program, or, separate from any program (“a la carte”)
- may be earned outside the state of Washington (provided it meets ABA approved requirement)

One challenge will be whether coursework can be completed at non-ABA approved institutions and whether applicants should be allowed to get a waiver of core competencies.

Major or Approved Practice Area Course Requirements

- 12 quarter credit hours
- Course should be set up to cover practice area issues over two quarters
- Curriculum is to be developed in conjunction with ABA approved law school(s)
- Curriculum may be taught at any ABA approved law school or school with an ABA approved paralegal program
- May be earned outside the state of Washington (provided it meets ABA approved requirement) but must include any required Washington topics

Family Law Major Specific Course Requirements

- Family Law Basics
- Washington forms and documents*
- Community Property
- Child Advocacy
- Domestic Violence
- Mediation and ADR
- Washington scope and practice issues relating to legal technicians*

*Washington specific topics

The subcommittee also discussed experience requirements and recommends the following:

Recommended Experience Requirements

- 3,000 hours of work experience

- Gained in the three years immediately preceding admission/licensure
- Under the supervision of a licensed attorney
- Doing substantive law-related work
- Paid or volunteer.

II. Defining Scope of Practice and 1st Report of Scope of Practice Subcommittee

Scope of Practice and Forms Subcommittee Chair Greg Dallaire presented the report of the first Scope of Practice & Forms subcommittee. The subcommittee reestablished that family law is the chosen practice area.

The subcommittee then addressed without resolution whether a legal technician can undertake dual representation of two parties in an uncontested matter, if appropriate waivers are obtained. The subcommittee brings the issue to the full Board for discussion.

The subcommittee then discussed the family law scope of practice for legal technicians. The subcommittee recommended establishing regulations regarding the scope of practice for family law LLLTs as described below.

Approved Types of Domestic Relations Actions

The subcommittee discussed the various types of domestic relations actions and recommends the following types as appropriate for family law legal technicians:

- Dissolution of Marriage Actions;
- Legal Separation Actions;
- Parenting and Support Actions;
- Parentage Actions;
- Intimate Domestic Relationship Actions; and
- Domestic Violence Actions.

Prohibited Types of Domestic Relations Actions

The subcommittee recommends that the following types of actions are not appropriate for family law legal technicians:

- Defacto Parentage Actions; and
- Nonparental Custody Actions.

Having discussed the types of actions above, the subcommittee went through the steps of a dissolution beginning with the initial filing of the action, approving the preparation of all pattern forms that are used to initiate an action. This includes forms used to initiate actions for the other approved types of domestic relations actions.

The subcommittee then addressed appropriate actions after the initial filing. Informal discovery or information gathering was deemed to be within an LLLT's purview. The issue of whether an LLLT may prepare formal discovery, such as interrogatories or

requests for production, could not be resolved and, thus, the subcommittee brings it to the full Board for discussion.

III. Updated Strategic Planning Chart

The subcommittee reviewed the aspirational timeline. Staff Liaison Thea Jennings explained that it is a guide for the Board to use to accomplish required tasks.

IV. Draft Admissions & Licensing Regulations

Ms. Jennings also explained the draft regulations that were included in the materials. The template for the regulations came from the LPO regulations. The purpose of the materials is to use them as a model to guide and assist the Board in identifying issues that need to be addressed. As decisions and recommendations are made, the draft regulations will be updated for review and approval by the subcommittee and Board.

V. Overview of Independent Paraprofessionals

Staff Liaison Jennings referred the group to meeting materials at pages 117-124 for an overview of independent paraprofessionals. The document is merely informational and is meant to inform the Board's discussion when creating the operational details of the program.

VI. Open Discussion

Steve Crossland announced that he and WSBA Executive Director Paula Littlewood will be meeting with the Court on March 6 to request approval for the first area of practice.

The Board then briefly addressed the issue of joint representation in domestic relations actions without coming to consensus on how to address the issue.

Finally, the Board approved the meeting minutes from January 30, 2013.

ADJOURNMENT

The meeting adjourned at 3:20 p.m.

NEXT MEETING

The next meeting will be 1:00 p.m. Thursday, March 14, 2013, at the offices of the Washington State Bar Association, 1325 4th Avenue, Seattle, Washington.