



# WSBA

WASHINGTON STATE BAR ASSOCIATION

## LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD MEETING MINUTES

February 20, 2014

Washington State Bar Association  
Seattle, Washington

Members present were Ellen Dial (Acting Chair), Lupe Artiga, Jeanne Dawes, Lynn Fleischbein, Janet Olejar, Ellen Reed, Elisabeth Tutsch, and Ruth Walsh McIntyre.

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. Meeting Minutes**

The minutes from the Board's January 16, 2014 meeting were approved.

### **II. RPC Consent Agenda Items**

The Board then approved the February 20, 2014 consent agenda recommendation of the RPC Subcommittee:

- a. Proposed RPC 1.1 to RPC 1.6 of the LLLT Rules of Professional Conduct are approved in their entirety.
- b. Proposed RPC 1.13, RPC 1.16, and RPC 1.17 of the LLLT Rules of Professional Conduct are approved in their entirety.
- c. Proposed RPC Title 2 of the LLLT Rules of Professional Conduct is approved in its entirety.

### **III. Report of RPC Subcommittee Meeting**

Subcommittee Chair Dial presented the report of the February 20, 2014 RPC subcommittee meeting.

### **RPC Subcommittee Timeline**

The Subcommittee clarified its timeline for submission of the RPC for LLLTs to the Supreme Court. The Court Rules Committee has convened a special meeting on August 25, 2014, to consider the RPC for LLLTs. The LLLT Board must submit the rules to the Committee by August 18, 2014, in time for the special meeting. At its meeting, the RPC Subcommittee then set 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. The Board will need to set a special meeting to consider the package for submission.

### **Waiver of Conflicts**

The Subcommittee revisited the issue of whether to allow LLLTs to obtain informed consent to a conflict and discussed several hypothetical conflicts scenarios for LLLTs. After discussion of these hypotheticals, the Subcommittee voted six to one in favor of allowing LLLTs to obtain conflict waivers. The Subcommittee will consider a revised draft of the conflicts rules at its March meeting.

### **Draft Rules**

At its next meeting, the Subcommittee will consider revised rules for Title 3, Title 4, Title 6, and Title 8. The Subcommittee expects to have draft rules for all sections by April, after which it will begin in its work refining the rules and completing necessary comments for submission to the Board in early August.

## **IV. Examination Consent Agenda**

The Board then approved the February 20, 2014 consent agenda recommendation of the Examination Subcommittee:

- a. Proposed Revised LLLT Board Policies are adopted in their entirety.
- b. Proposed Amendments to Appendix APR 28 Regulations 5 and 8 are adopted in their entirety.

## **V. Report of Examination Subcommittee**

Subcommittee Chair Lupe Artiga presented the report of the February 20, 2014 Examination subcommittee meeting.

### **Appointments to Family Law Advisory Workgroup**

The Subcommittee reviewed the applicants for the Family Law Advisory Workgroup, which included many experienced and competent professionals. The Subcommittee recommends five individuals for appointment to the Family Law Advisory Workgroup:

- Alan S. Funk
- Grace Huang (participation shall be limited to domestic violence issues)
- Kimberly Loges
- Jennifer Summerville

- Charles E. Szurszewski

The Subcommittee still needs to fill the sixth slot for the Advisory Workgroup. The Board then approved the appointments to the Advisory Workgroup. The Subcommittee will invite each appointee to attend the next meeting of the Examination Subcommittee.

### **Testing Objectives**

The Subcommittee further discussed 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 for its next meeting, at which time it will assign members topics.

The Subcommittee will need assistance completing the ethics testing objectives. Ellen Reed will create a table of ethics topics, similar to the family law objectives, each of which will be assigned weight.

### **Board Retreat**

By the date of the Board retreat, the Subcommittee hopes to have the majority of questions written. Everyone on the Board will need to write questions. The Board will then refine and finalize those questions at its retreat.

### **New Scope Issues Identified**

In the process of creating testing objectives, the Subcommittee has identified scope issues that the Scope of Practice Subcommittee did not address, which includes prenuptial agreements, tax debt issues, and whether LLLTs can issue subpoenas. The Examination Subcommittee will complete a list of these new items by May for the Board's consideration.

## **VI. Report re Spokane Crosswalk**

Board member Janet Olejar reported on her recent contact with Bob Loomis, Paralegal Program Director at Spokane Community College, to obtain further information about the paralegal program and to work toward aligning Spokane's curriculum. As it stands, Spokane's curriculum requires further review to determine whether its curriculum meets the Board's core education requirements. Ms. Olejar indicated that Mr. Loomis will be unable to assist the Board in finalizing the Spokane curriculum crosswalk until sometime later in the year.

Staff Liaison Thea Jennings indicated that State Board for Community and Technical Colleges is planning a March press release and a webpage launch regarding the LLLT educational programs currently being offered at Washington State community colleges. Given this and the need to have information available to provide interested applicants regarding what coursework at Spokane applies to the core education, it is important this issue be resolved sooner rather than later. The Board chose to reconvene the Admissions

& Licensing subcommittee to evaluate Spokane's curriculum and make recommendations to the Board.

### **VII. Timing of Family Law III**

The Board discussed the timing of when Family Law III should be offered at UW Law School. After discussion and consideration of all the issues, including student feedback, issues related to development of the RPC for LLLTs, UW staffing issues, and the condensed summer quarter, the Board unanimously approved moving Family Law III to Fall Quarter 2014. This means the first licensing exam will likely be held in March 2015 with the first licenses to be issued in Spring 2015. UW Law School will also offer Family Law I in Fall Quarter 2014.

### **VIII. LLLT Licensing Application**

WSBA staff has begun development with the IT department to create infrastructure for accepting examination applications for the program beginning in December 2014. The Board considered a draft licensing examination application for that purpose. It was noted that the application closely mirrors the application for the bar exam and the limited practice officer exam, including the questions related to character and fitness. The Board then unanimously approved the draft application.

### **IX. Family Soft, Support Calc, and Other Similar Legal Software Products**

The Board discussed whether it needs to approve the use of Family Soft, Support Calc, and other similar legal software products for use by LLLTs. The Board does not approve proprietary software. However, the Board would note that LLLTs may use such or similar programs provided the form that is produced meets the requirements of APR 28F(6), meaning that the forms themselves that are produced by the software (as contrasted to the data and calculations entered into the forms by the software) comply with the rule. It will be the responsibility of each individual LLLT to ensure that the forms meet the requirements of the rule.

### **ADJOURNMENT**

The meeting adjourned at 4:10 p.m.

### **NEXT MEETING**

The next meeting will be 2:00 p.m. Thursday, March 13, 2014, at the offices of Perkins Coie, 1201 3<sup>rd</sup> Ave Ste. 4800, Seattle, Washington.