

GR 9 COVER SHEET

Suggested Amendments ADMISSION AND PRACTICE RULES (APR)

APR 28.

LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS Submitted by the Limited License Legal Technician Board

A. Name of Proponent:

Limited License Legal Technician (LLLT) Board

Staff Liaison/Contact:

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Chair of LLLT Board

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C. Purpose: The primary purpose for the suggested amendments to APR 28 is to provide for the efficient administration of the LLLT program and clarify one issue related to the LLLT's scope of practice. Washington State Bar Association staff prepared the initial drafts of these proposed amendments and presented them to the LLLT Board for discussion at two meetings. Except with respect to the scope issue, the initial drafts were modeled after either the corresponding lawyer rule or the corresponding LPO rule. Decisions as to which rule to use as a model depended on (1) the need to protect the public given the LLLT's scope of practice, (2) the preference of the LLLT Board and (3) the best way to administer the program. The Board discussed and then unanimously

approved these proposed amendments as proposed by staff with only slight modification where necessary.

In addition to some technical amendments, the proposed amendments to APR 28 relate to the administration and expenses of the Board, clarifying an ambiguity regarding whether LLLTs may conduct legal research without the supervision of a lawyer, and confidentiality and public records.

Administration and Expenses of LLLT Board (APR 28C(4))

Suggested new subpart C(4) to APR 28 delineates that anticipated expenses and anticipated revenues of the LLLT Board shall be submitted on a proposed budget for approval by the Washington State Bar Association's Board of Governors, which is consistent with how the budgets of other Supreme Court boards are administered by the WSBA.

Scope of Practice and Legal Research (APR 28F(7) & (8))

In APR 28F relating to the scope of practice for LLLTs, the Board suggests splitting subpart (7) into two subparts to distinguish legal research from the drafting of legal documents that require review by a Washington lawyer, as it is anticipated that LLLTs will perform legal research without the oversight of an attorney. Subpart (7) as it is currently drafted creates ambiguity in that respect. The Board believes that to effectively represent clients, an important part of an LLLT's duties will be to conduct relevant research and analysis. The Board does not believe it was the intent of the rule to require LLLTs to conduct legal research under the supervision of an attorney.

Confidentiality and Public Records (APR 28L)

Suggested new APR 28L is intended to bring LLLT Board policies related to confidentiality and public records into alignment with General Rule 12.4 and the

WSBA's confidentiality and public records policies.

Conclusion

The LLLT Board believes that it is important that these proposed amendments be adopted and effective as soon as possible to provide for the efficient administration of the program and to clarify the legal research scope of practice issue prior to the initial licensing of LLLTs in 2015.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is requested in order to prevent delaying implementation of the LLLT program. The LLLT program's goal is to provide much needed access to justice. Therefore, delay of this program also causes continued delay in providing relief to those in need of LLLT services.

F. Supporting Material: None.