

**SUGGESTED AMENDMENTS TO
ADMISSION AND PRACTICE RULE 28**

1 **TITLE**

2 ADMISSION AND PRACTICE RULES (APR)

3 **RULE 28. LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL**
4 **TECHNICIANS**

5 **A. Purpose.**

6 [Unchanged.]

7 **B. Definitions.** For purposes of this rule, the following definitions will apply:

8 (1) "APR" means the Supreme Court's Admission and Practice Rules.

9 (2) "Board" when used alone means the Limited License Legal Technician Board.

10 (3) "Lawyer" means a person licensed and eligible to practice law in any United States
11 jurisdiction.

12 (4) "Limited License Legal Technician" (LLLT) means a person qualified by education,
13 training and work experience who is authorized to engage in the limited practice of law in
14 approved practice areas of law as specified by this rule and related regulations. The legal
15 technician does not represent the client in court proceedings or negotiations, but provides
16 limited legal assistance as set forth in this rule to a pro se client.

17 (5) "Paralegal/legal assistant" means a person qualified by education, training, or work
18 experience; who is employed or retained by a lawyer, law office, corporation, governmental
19 agency, or other entity; and who performs specifically delegated substantive law-related work
20 for which a lawyer is responsible.

21 (6) "Reviewed and approved by a Washington lawyer" means that a Washington lawyer has
22 personally supervised the legal work and documented that supervision by the Washington
23 lawyer's signature and bar number.

24 (7) "Substantive law-related work" means work that requires knowledge of legal concepts and
25 is customarily, but not necessarily, performed by a lawyer.

**SUGGESTED AMENDMENTS TO
ADMISSION AND PRACTICE RULE 28**

1 (8) "Supervised" means a lawyer personally directs, approves; and has responsibility for work
2 performed by the Limited License Legal Technician.

3 (9) "Washington lawyer" means a person licensed and eligible to practice law in Washington
4 and who is an active or emeritus pro bono member of the Washington State Bar Association.

5 (10) Words of authority:

6 (a) "May" means "has discretion to," "has a right to," or "is permitted to."

7 (b) "Must" or "shall" means "is required to."

8 (c) "Should" means "recommended but not required."

9 **C. Limited License Legal Technician Board.**

10 (1) Establishment. There is hereby established a Limited License Legal Technician Board.
11 The Board shall consist of 13 members appointed by the Supreme Court of the State of
12 Washington, nine of whom shall be active Washington lawyers, and four of whom shall be
13 nonlawyer Washington residents. At least one member shall be a legal educator. The members
14 shall initially be appointed to staggered terms of one to three years.

15 Thereafter, appointments shall be for three year terms. No member may serve more than two
16 consecutive full three year terms.

17 (2) Board Responsibilities. The Board shall be responsible for the following:

18 (a) Recommending practice areas of law for LLLTs, subject to approval by the Supreme Court;

19 (b) Processing applications and fees, and screening applicants;

20 (c) Administering the examinations required under this rule which shall, at a minimum, cover
21 the rules of professional conduct applicable to Limited License Legal Technicians, rules relating
22 to the attorney-client privilege, procedural rules, and substantive law issues related to one or
23 more approved practice areas;

24 (d) Determining LLLT Continuing Legal Education (LLLT CLE) requirements and approval of
25 LLLT CLE programs;

**SUGGESTED AMENDMENTS TO
ADMISSION AND PRACTICE RULE 28**

- 1 (e) Approving education and experience requirements for licensure in approved practice areas;
2 (f) Establishing and overseeing committees and tenure of members;
3 (g) Establishing and collecting examination fees, LLLT CLE fees, annual license fees, and
4 other fees in such amounts approved by the Supreme Court as are necessary to carry out the
5 duties and responsibilities of the Board; and
6 (h) Such other activities and functions as are expressly provided for in this rule.

7 (3) Rules and Regulations. The Board shall propose rules and regulations for adoption by the
8 Supreme Court that:

- 9 (a) Establish procedures for grievances and disciplinary proceedings;
10 (b) Establish trust account requirements and procedures;
11 (c) Establish rules of professional and ethical conduct; and
12 (d) Implement the other provisions of this rule.

13 (4) Administration and Expenses of the Board. The Washington State Bar Association shall
14 provide reasonably necessary administrative support for the Board. Members of the Board shall
15 not be compensated for their services but shall be reimbursed for actual and necessary expenses
16 incurred in the performance of their duties according to the Washington State Bar Association's
17 expense policies. Funds accumulated from examination fees, annual fees, and other revenues
18 shall be used to defray the expenses of the Board. All anticipated expenses and anticipated
19 revenues shall be submitted on a proposed budget for approval by the Washington State Bar
20 Association's Board of Governors.

21 **D. Requirements for Applicants.** An applicant for licensure as a Limited License Legal
22 Technician shall:

- 23 (1) Age. Be at least 18 years of age.
24
25
26

**SUGGESTED AMENDMENTS TO
ADMISSION AND PRACTICE RULE 28**

1 (2) Moral Character and Fitness to Practice. Be of good moral character and demonstrate
2 fitness to practice as a Limited License Legal Technician.

3 (3) Education. Have the following education, unless waived by the Board through regulation:

4 (a) An associate level degree or higher;

5 (b) 45 credit hours of core curriculum instruction in paralegal studies as approved by the Board
6 with instruction to occur at an ABA approved law school or ABA approved paralegal education
7 program; and

8 (c) In each practice area in which an applicant seeks licensure, instruction in the approved
9 practice area, which must be based on a curriculum developed by or in conjunction with an
10 ABA approved law school. For each approved practice area, the Board shall determine the key
11 concepts or topics to be covered in the curriculum and the number of credit hours of instruction
12 required for admission in that practice area.

13 (d) For the purposes of satisfying APR 28(D)(3), one credit hour shall be equivalent to 450
14 minutes of Instruction.

15 (4) Application. Execute under oath and file with the Board ~~his/her~~ an application, in such form
16 as the Board requires. An applicant's failure to furnish information requested by the Board or
17 pertinent to the pending application may be grounds for denial of the application.

18 (5) Examination Fee. Pay, upon the filing of the application, the examination fee and any other
19 required application fees as established by the Board and approved by the Supreme Court.

20 **E. Licensing Requirements.**

21 [Unchanged.]

22 **F. Scope of Practice Authorized by Limited Practice Rule.** The Limited License Legal
23 Technician shall ascertain whether the issue is within the defined practice area for which the
24 LLLT is licensed. If it is not, the LLLT shall not provide the services required on this issue and
25

**SUGGESTED AMENDMENTS TO
ADMISSION AND PRACTICE RULE 28**

1 shall inform the client that the client should seek the services of a lawyer. If the issue is within
2 the defined practice area, the LLLT may undertake the following:

- 3 (1) Obtain relevant facts, and explain the relevancy of such information to the client;
- 4 (2) Inform the client of applicable procedures, including deadlines, documents which must be
5 filed, and the anticipated course of the legal proceeding;
- 6 (3) Inform the client of applicable procedures for proper service of process and filing of legal
7 documents;
- 8 (4) Provide the client with self-help materials prepared by a Washington lawyer or approved by
9 the Board, ~~which~~ that contain information about relevant legal requirements, case law basis for
10 the client's claim, and venue and jurisdiction requirements;
- 11 (5) Review documents or exhibits that the client has received from the opposing ~~side~~party, and
12 explain them to the client;
- 13 (6) Select, complete, file, and effect service of forms that have been approved by the State of
14 Washington, either through a governmental agency or by the Administrative Office of the
15 Courts or the content of which is specified by statute; federal forms; forms prepared by a
16 Washington lawyer; or forms approved by the Board; and advise the client of the significance of
17 the selected forms to the client's case;
- 18 (7) Perform legal research; ~~and~~
- 19 (8) Draft legal letters and documents beyond what is permitted in ~~the previous~~ paragraph (6), if
20 the work is reviewed and approved by a Washington lawyer;
- 21 (8) Advise a client as to other documents that may be necessary to the client's case, and explain
22 how such additional documents or pleadings may affect the client's case;
- 23 (9) Assist the client in obtaining necessary documents or records, such as birth, death, or
24 marriage certificates.

25 **G. Conditions Under Which A Limited License Legal Technician May Provide Services.**

**SUGGESTED AMENDMENTS TO
ADMISSION AND PRACTICE RULE 28**

1 [Unchanged.]

2 **H. Prohibited Acts.**

3 In the course of dealing with clients or prospective clients, a Limited License Legal Technician
4 shall not:

5 (1) Make any statement that the Limited License Legal Technician can or will obtain special
6 favors from or has special influence with any court or governmental agency;

7 (2) Retain any fees or costs for services not performed;

8 (3) Refuse to return documents supplied by, prepared by, or paid for by the client, upon the
9 request of the client. These documents must be returned upon request even if there is a fee
10 dispute between the Limited License Legal Technician and the client;

11 (4) Represent or advertise, in connection with the provision of services, other legal titles or
12 credentials that could cause a client to believe that the Limited License Legal Technician
13 possesses professional legal skills beyond those authorized by the license held by the Limited
14 License Legal Technician;

15 (5) Represent a client in court proceedings, formal administrative adjudicative proceedings, or
16 other formal dispute resolution process, unless permitted by GR 24;

17 (6) Negotiate the client's legal rights or responsibilities, or communicate with another person
18 the client's position or convey to the client the position of another party, unless permitted by GR
19 24(b);

20 (7) Provide services to a client in connection with a legal matter in another state, unless
21 permitted by the laws of that state to perform such services for the client;

22 (8) Represent or otherwise provide legal or law related services to a client, except as permitted
23 by law, this rule or associated rules and regulations;

24 (9) Otherwise violate the Limited License Legal Technicians' Rules of Professional Conduct.

25 **I. Continuing Licensing Requirements.**

**SUGGESTED AMENDMENTS TO
ADMISSION AND PRACTICE RULE 28**

1 [Unchanged.]

2 **J. Existing Law Unchanged.**

3 [Unchanged.]

4 **K. Professional Responsibility and Limited License Legal Technician-Client Relationship.**

5 (1) Limited License Legal Technicians acting within the scope of authority set forth in this rule
6 shall be held to the standard of care of a Washington lawyer.

7 (2) Limited License Legal Technicians shall be held to the ethical standards of the Limited
8 License Legal Technicians' Rules of Professional Conduct, which shall create an LLLT IOLTA
9 program for the proper handling of funds coming into the possession of the Limited License
10 Legal Technician.

11 (3) The Washington law of attorney-client privilege and law of a lawyer's fiduciary
12 responsibility to the client shall apply to the Limited License Legal Technician-client
13 relationship to the same extent as it would apply to an attorney-client relationship.

14 **L. Confidentiality and Public Records**

15 (1) GR 12.4 shall apply to access to Board records.

16 (2) Unless expressly authorized by the Supreme Court or by the applicant, all application
17 records, including related investigation files, documents and proceedings, for the limited
18 admission to the practice of law as an LLLT are confidential and shall be privileged against
19 disclosure, except as necessary to conduct an investigation, hearing, appeal, or review pursuant
20 to these rules.

21 (3) Unless expressly authorized by the Supreme Court, all examination questions, scoring
22 keys and other examination data used by the Board to administer the LLLT licensing
23 examinations are not subject to public disclosure.

24 (4) Unless expressly authorized by the Supreme Court or the LLLT, the following Board
25 and Bar records are exempt from public access: personal information in Board and Bar records

**SUGGESTED AMENDMENTS TO
ADMISSION AND PRACTICE RULE 28**

1 for LLLTs and Board members to the extent that disclosure would violate their right of privacy,
2 including home contact information (unless such information is their address of record), Social
3 Security numbers, driver’s license numbers, identification or security photographs held in Board
4 and Bar records, and personal data including ethnicity, race, disability status, gender, and sexual
5 orientation. LLLT license status, license number, dates of admission or licensing, addresses of
6 record, and business telephone numbers, facsimile numbers, and electronic mail addresses
7 (unless there has been a request that electronic mail addresses not be made public) shall not be
8 exempt, provided that any such information shall be exempt if the Chair of the Board approves
9 the confidentiality of that information for reasons of personal security or other compelling
10 reason, which approval must be reviewed annually.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26