

**SUGGESTED LIMITED LICENSE LEGAL TECHNICIAN
RULES OF PROFESSIONAL CONDUCT**

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11 The continued existence of a free and democratic society depends upon recognition of the
12 concept that justice is based upon the rule of law grounded in respect for the dignity of the
13 individual and the capacity through reason for enlightened self-government. Law so grounded
14 makes justice possible, for only through such law does the dignity of the individual attain
15 respect and protection. Without it, individual rights become subject to unrestrained power,
16 respect for law is destroyed, and rational self-government is impossible.

17 Lawyers, as guardians of the law, play a vital role in the preservation of society. LLLTs, within
18 the scope of their limited licenses to deliver legal services, also play a significant role. The
19 fulfillment of the LLLTs' role requires an understanding of their relationship with and function
20 in our legal system. A consequent obligation of LLLTs is to maintain the highest standards of
21 ethical conduct.

22 In fulfilling professional responsibilities, an LLLT may provide services consistent with the
23 authorized scope of his or her practice that require the performance of many difficult tasks. Not
24 every situation that an LLLT may encounter can be foreseen, but fundamental ethical principles
25 are always present as guidelines.

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1 The Rules of Professional Conduct for LLLTs point the way for the LLLT who aspires to the
2 highest level of ethical conduct, and provide standards by which to judge the transgressor. Each
3 LLLT must find within his or her own conscience the touchstone against which to test the extent
4 to which his or her actions should rise above minimum standards. But in the last analysis it is
5 the desire for the respect and confidence of the members of the legal profession, including
6 LLLTs and the society that LLLTs serve, that should provide to an LLLT the incentive for the
7 highest possible degree of ethical conduct. The possible loss of that respect and confidence is
8 the ultimate sanction.

9 * These Fundamental Principles of the Rules of Professional Conduct are taken from the former
10 Preamble to the Rules of Professional Conduct for lawyers as approved and adopted by the
11 Supreme Court in 1985. Washington lawyers and judges have looked to the 1985 Preamble of
12 the Rules of Professional Conduct as a statement of our overarching aspiration to faithfully
13 serve the best interests of the public, the legal system, and the efficient administration of justice.
14 The former Preamble is preserved here to inspire LLLTs to strive for the highest possible
15 degree of ethical conduct, and these Fundamental Principles should inform many of our
16 decisions as LLLTs. The Fundamental Principles do not, however, alter any of the obligations
17 expressly set forth in the Rules of Professional Conduct, nor are they intended to affect in any
18 way the manner in which the Rules are to be interpreted or applied.

19 **PREAMBLE AND SCOPE**

20 **PREAMBLE: AN LLLT'S RESPONSIBILITIES**

21 [1] An LLLT is authorized to provide limited legal services that lie within the scope of the
22 practice that the LLLT is licensed to undertake. Within that scope, an LLLT is a member of the
23 legal profession, is a representative of clients and has a special responsibility for the quality of
24 justice.

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1 [2] As a representative of clients within a limited scope, an LLLT performs various functions.
2 As advisor, an LLLT provides a client with an informed understanding of the client's legal
3 rights and obligations and explains their practical implications. As an evaluator, an LLLT acts
4 by examining a client's legal affairs and reporting about them to the client or to others. While
5 an LLLT is not authorized to act as advocate or negotiator, an LLLT conscientiously acts in the
6 best interest of the client, and seeks a result that is advantageous to the client but consistent with
7 the requirements of honest dealings with others.

8 [3] In addition to these limited representational functions, an LLLT may serve as a third-party
9 neutral, a nonrepresentational role helping the parties to resolve a dispute or other matter. Some
10 of these Rules apply directly to LLLTs who are or have served as third-party neutrals. See, e.g.,
11 Rules 1.12 and 2.4. In addition, there are Rules that apply to LLLTs who are not active in the
12 practice of law or to practicing LLLTs even when they are acting in a nonprofessional capacity.
13 For example, an LLLT who commits fraud in the conduct of a business is subject to discipline
14 for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. See Rule 8.4.

15 [4] In all professional functions an LLLT should be competent, prompt and diligent. An LLLT
16 should maintain communication with a client concerning the representation. An LLLT should
17 keep in confidence information relating to representation of a client except so far as disclosure
18 is required or permitted by the Rules of Professional Conduct for LLLTs.

19 [5] An LLLT's conduct should conform to the requirements of the law, both in professional
20 service to clients and in the LLLT's business and personal affairs. An LLLT should use the
21 law's procedures only for legitimate purposes and not to harass or intimidate others. An LLLT
22 should demonstrate respect for the legal system and for those who serve it, including judges,
23 lawyers, other LLLTs and public officials.

24 [6] As a member of the legal profession, an LLLT should seek to improve access to the legal
25 system, the administration of justice and the quality of service rendered by the legal profession.

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1 and should also seek to strengthen legal education. An LLLT should be mindful of deficiencies
2 in the administration of justice and of the fact that the poor, and sometimes persons who are not
3 poor, cannot afford adequate legal assistance. Therefore, all LLLTs should devote professional
4 time and resources to ensure equal access to our system of justice for all those who because of
5 economic or social barriers cannot afford or secure adequate legal counsel. An LLLT should
6 aid the legal profession in pursuing these objectives and should help the legal profession
7 regulate itself in the public interest.

8 [7] Many of an LLLT's professional responsibilities are prescribed in the Rules of Professional
9 Conduct for LLLTs, as well as substantive and procedural law to the extent applicable to
10 LLLTs. However, an LLLT is also guided by personal conscience and the approbation of
11 lawyers, clients and professional peers. Within the authorized scope of an LLLT's practice, the
12 LLLT should strive to attain the highest level of skill and to exemplify the legal profession's
13 ideals of public service.

14 [8] An LLLT's responsibilities as a limited-scope representative of clients and as a public citizen
15 are usually harmonious. Thus, an LLLT can be sure that preserving client confidences
16 ordinarily serves the public interest because people are more likely to seek legal advice, and
17 thereby heed their legal obligations, when they know their communications will be private.

18 [9] Notwithstanding the limited scope of authority of an LLLT, however, conflicting
19 responsibilities are encountered. Virtually all difficult ethical problems arise from conflict
20 between an LLLT's responsibilities to clients, to the legal system and to the LLLT's own interest
21 in remaining an ethical person while earning a satisfactory living. The Rules of Professional
22 Conduct for LLLTs often prescribe terms for resolving such conflicts. Within the framework of
23 these Rules, however, many difficult issues of professional discretion can arise. Such issues
24 must be resolved through the exercise of sensitive professional and moral judgment guided by
25 the basic principles underlying the Rules.

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1 [10] The legal profession is largely self-governing. Although other professions also have been
2 granted powers of self-government, the legal profession is unique in this respect because of the
3 close relationship between the profession and the processes of government and law
4 enforcement. This connection is manifested in the fact that ultimate authority over the legal
5 profession is vested largely in the courts.

6 [11] To the extent that LLLTs meet the obligations of their professional calling, the occasion for
7 government regulation is obviated. Self-regulation also helps maintain the legal profession's
8 independence from government domination. An independent legal profession is an important
9 force in preserving government under law, for abuse of legal authority is more readily
10 challenged by a profession whose members are not dependent on government for the right to
11 practice.

12 [12] The legal profession's relative autonomy carries with it special responsibilities of self-
13 government. The profession has a responsibility to assure that its regulations are conceived in
14 the public interest and not in furtherance of parochial or self-interested concerns. Every LLLT
15 is responsible for observance of the Rules of Professional Conduct for LLLTs. An LLLT
16 should also aid in securing their observance by other legal practitioners. Neglect of these
17 responsibilities compromises the independence of the profession and the public interest which it
18 serves.

19 [13] LLLTs are obliged to understand their relationship to our legal system. The Rules of
20 Professional Conduct for LLLTs, when properly applied, serve to define that relationship.

21 **SCOPE**

22 [14] The Rules of Professional Conduct for LLLTs are rules of reason. They should be
23 interpreted with reference to the purposes of legal representation (within the LLLT's authorized
24 scope of practice) and of the law itself. Some of the Rules are imperatives, cast in the terms
25 "shall" or "shall not." These define proper conduct for purposes of professional discipline.

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1 Others, generally cast in the term "may" are permissive and define areas under the Rules in
2 which the LLLT has discretion to exercise professional judgment. No disciplinary action
3 should be taken when the LLLT chooses not to act or acts within the bounds of such discretion.

4 Other rules define the nature of relationships between the LLLT and others. The Rules are thus
5 partly obligatory and disciplinary and partly constitutive and descriptive in that they define an
6 LLLT's professional role. Many of the Comments use the term "should." Comments do not add
7 obligations to the Rules but provide guidance for practicing in compliance with the Rules.

8 [15] The Rules presuppose a context in which the LLLT's role has been or will be shaped. That
9 context includes court rules relating to matters of licensure, laws defining specific authorization
10 and obligations of LLLTs and substantive and procedural law in general. The Comments are
11 sometimes used to alert LLLTs to their responsibilities under such other law.

12 [16] Compliance with the Rules, as with all law in an open society, depends primarily upon
13 understanding and voluntary compliance, secondarily upon reinforcement by lawyer, client,
14 peer and public opinion and finally, when necessary, upon enforcement through disciplinary
15 proceedings. The Rules do not, however, exhaust the moral and ethical considerations that
16 should inform an LLLT, for no worthwhile human activity can be completely defined by legal
17 rules. The Rules simply provide a framework for the ethical practice of law within the
18 authorized scope of an LLLT's practice.

19 [17] For purposes of determining the LLLT's authority and responsibility, principles of
20 substantive law external to these Rules determine whether a client-LLLT relationship exists.

21 Most of the duties flowing from the client-LLLT relationship attach only after the client-LLLT
22 relationship is formed. But there are some duties, such as that of confidentiality under Rule 1.6,
23 that may attach when the LLLT agrees to consider whether a client-LLLT relationship shall be
24 established. See Lawyer RPC 1.18 and Washington Comment [11] thereto. Whether a client-

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1 LLLT relationship exists for any specific purpose can depend on the circumstances and is a
2 question of fact.

3 [18] [Reserved.]

4 [19] Failure to comply with an obligation or prohibition imposed by a Rule is a basis for
5 invoking the disciplinary process. The Rules presuppose that disciplinary assessment of an
6 LLLT's conduct will be made on the basis of the facts and circumstances as they existed at the
7 time of the conduct in question and in recognition of the fact that an LLLT often has to act upon
8 uncertain or incomplete evidence of the situation. Moreover, the Rules presuppose that whether
9 or not discipline should be imposed for a violation, and the severity of a sanction, depend on all
10 the circumstances, such as the willfulness and seriousness of the violation, extenuating factors
11 and whether there have been previous violations.

12 [20] Violation of a Rule should not itself give rise to a cause of action against an LLLT nor
13 should it create any presumption in such a case that a legal duty has been breached. The Rules
14 are designed to provide guidance to LLLTs and to provide a structure for regulating conduct
15 through disciplinary agencies. They are not designed to be a basis for civil liability. The fact
16 that a Rule is a just basis for an LLLT's self-assessment, or for sanctioning an LLLT under the
17 administration of a disciplinary authority, does not imply that a party who is adverse to an
18 LLLT's client in any proceeding or transaction has standing to seek enforcement of the Rule.
19 Nevertheless, since the Rules do establish standards of conduct by LLLTs, an LLLT's violation
20 of a Rule may be evidence of breach of the applicable standard of conduct.

21 [21] The Comment accompanying each Rule explains and illustrates the meaning and purpose
22 of the Rule. The Preamble and this note on Scope provide general orientation. The Comments
23 are intended as guides to interpretation, but the text of each Rule is authoritative.

24 **Additional Washington Comments (22 - 25)**

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1 [22] Nothing in these Rules is intended to change existing Washington law on the use of the
2 Rules of Professional Conduct in a civil action, see *Hizey v. Carpenter*, 119 Wn.2d 251, 830
3 P.2d 646 (1992), or to suggest how that law applies to the obligations of LLLTs. See also APR
4 28K(1).

5 [23] The Rules of Professional Conduct for LLLTs are modeled on Washington's Rules of
6 Professional Conduct for lawyers (Lawyer RPC). The structure of these Rules, like the Lawyer
7 RPC, generally parallels the structure of the American Bar Association's Model Rules of
8 Professional Conduct. When an entire provision that appears in the Lawyer RPC is deleted for
9 purposes of these Rules, the deletion is signaled by the phrase "Reserved." The reservation of a
10 rule or portion of a rule that appears in the Lawyer RPC does not necessarily mean that the
11 conduct of an LLLT in that area is unregulated; the conduct may be regulated under APR 28 or
12 another rule. Should a situation arise where a rule or portion of a rule is reserved but the
13 counterpart rule in the Lawyer RPC addresses the conduct, the LLLT should look to the relevant
14 Lawyer RPC and comments to that rule for guidance. In general, when a Rule has a counterpart
15 in the Lawyer RPC, the comments to that Lawyer RPC may be looked to as a guide to
16 interpretation of that Rule to the extent that both the Lawyer RPC and the LLLT RPC are
17 substantially similar and the content of the comments is applicable to the conduct of an LLLT.

18 [24] Comment [18] of Scope is reserved. The corresponding Comment of the Lawyer RPC
19 relates to the specific role and authority of certain lawyers in government service, and is not
20 applicable to the professional role of an LLLT.

21 [25] The Fundamental Principles of Professional Conduct and the Preamble and Scope sections
22 of these Rules were adapted from the corresponding parts of the Lawyer RPC with only minor
23 modifications. These provisions express the role of an LLLT as a legal professional acting
24 within the justice system. With the exception of the reservation of Comment [18],
25 modifications relate to the limited scope of an LLLT's license to deliver legal services, and the
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1 corresponding limitations on the role that an LLLT will have in the development of certain
2 aspects of the legal profession, such as advocacy and development of the common law.

3 **LLLT RPC 1.0A TERMINOLOGY**

4 (a) "Belief" or "believes" denotes that the person involved actually supposed the fact in question
5 to be true. A person's belief may be inferred from circumstances.

6 (b) "Confirmed in writing," when used in reference to the informed consent of a person, denotes
7 informed consent that is given in writing by the person or a writing that an LLLT promptly
8 transmits to the person confirming an oral informed consent. See paragraph (e) for the
9 definition of "informed consent." If it is not feasible to obtain or transmit the writing at the time
10 the person gives informed consent, then the LLLT must obtain or transmit it within a reasonable
11 time thereafter.

12 (c) "Firm" or "law firm" denotes a lawyer, lawyers, an LLLT, LLLTs or any combination
13 thereof in a law partnership, professional corporation, sole proprietorship or other association
14 authorized to practice law; or lawyers or LLLTs employed in a legal services organization or the
15 legal department of a corporation or other organization.

16 (d) "Fraud" or "fraudulent" denotes conduct that has a purpose to deceive and is fraudulent
17 under the substantive or procedural law of the applicable jurisdiction, except that it is not
18 necessary that anyone has suffered damages or relied on the misrepresentation or failure to
19 inform.

20 (e) "Informed consent" denotes the agreement by a person to a proposed course of conduct after
21 the LLLT has communicated adequate information and explanation about the material risks of
22 and reasonably available alternatives to the proposed course of conduct.

23 (f) "Knowingly," "known," or "knows" denotes actual knowledge of the fact in question. A
24 person's knowledge may be inferred from circumstances.

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1 (g) "Partner" denotes a member of a partnership, a shareholder in a law firm organized as a
2 professional corporation, or a member of an association authorized to practice law.

3 (h) "Reasonable" or "reasonably" when used in relation to conduct by an LLLT denotes the
4 conduct of a reasonably prudent and competent LLLT.

5 (i) "Reasonable belief" or "reasonably believes" when used in reference to an LLLT denotes that
6 the LLLT believes the matter in question and that the circumstances are such that the belief is
7 reasonable.

8 (j) "Reasonably should know" when used in reference to an LLLT denotes that an LLLT of
9 reasonable prudence and competence would ascertain the matter in question.

10 (k) "Screened" denotes the isolation of an LLLT or a lawyer from any participation in a matter
11 through the timely imposition of procedures within a firm that are reasonably adequate under
12 the circumstances to protect information that the isolated LLLT or lawyer is obligated to protect
13 under these Rules, the Lawyer RPC or other law.

14 (l) "Substantial" when used in reference to degree or extent denotes a material matter of clear
15 and weighty importance.

16 (m) "Tribunal" denotes a court, an arbitrator in a binding arbitration proceeding or legislative
17 body, administrative agency or other body acting in an adjudicative capacity. A legislative
18 body, administrative agency or other body acts in an adjudicative capacity when a neutral
19 official, after the presentation of evidence or legal argument by a party or parties, will render a
20 binding legal judgment directly affecting a party's interests in a particular matter.

21 (n) "Writing" or "written" denotes a tangible or electronic record of a communication or
22 representation, including handwriting, typewriting, printing, photostating, photography, audio or
23 videorecording and e-mail. A "signed" writing includes an electronic sound, symbol or process
24 attached to or logically associated with a writing and executed or adopted by a person with the
25 intent to sign the writing.

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LLLT RPC 1.0B ADDITIONAL TERMINOLOGY

(a) "APR" denotes the Washington Supreme Court's Admission and Practice Rules.

(b) "GR" denotes the Washington Supreme Court's General Rules.

(c) "Lawyer" denotes a person licensed and eligible to practice law in any United States jurisdiction.

(d) "Lawyer RPC" denotes the Washington Supreme Court's Rules of Professional Conduct for lawyers.

(e) "Legal practitioner" denotes a lawyer or a limited license legal technician licensed under APR 28.

(f) "Limited License Legal Technician" or "LLLT" denotes a person qualified by education, training and work experience who is authorized to engage in the limited practice of law in approved practice areas of law as specified by APR 28 and related regulations. The LLLT does not represent the client in court proceedings or negotiations, but provides limited legal assistance as set forth in APR 28 to a pro se client.

(g) "LLLT REC" denotes the Washington Supreme Court's Limited License Legal Technician Rules for Enforcement of Conduct.

(h) "Representation" or "represent," when used in connection with the provision of legal assistance by an LLLT, denotes limited legal assistance as set forth in APR 28 to a pro se client.

Comment

[1] Rule 1.0A was adapted from Lawyer RPC 1.0 with no substantive changes and applies to LLLTs analogously. Rule 1.0B adds terms that require definitions in light of the licensing of LLLTs as legal practitioners in Washington.

[2] The definition of the term "lawyer" is taken from APR 28B. When used in the LLLT RPC, however, the term is used to denote a lawyer who is acting within the scope of the lawyer's license and in accordance with the Lawyer RPC. So, for example, the authorization in Rule 5.9

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1 to enter into a law partnership with a lawyer requires that the lawyer is admitted and authorized
2 to practice in the State of Washington.

3 [3] The terms “firm” and “law firm” are used interchangeably in the Lawyer RPC and also in
4 these Rules. An LLLT should be cautious, however, in using the words “law firm” to describe a
5 law practice that includes only LLLTs. The name and description of an LLLT’s practice should
6 not imply that a lawyer is associated with the firm unless that is the case. Rule 7.5(a) requires
7 that any trade name used for an LLLT practice that does not include a lawyer include the words
8 “Legal Technician.”

9 **TITLE 1. CLIENT-LLLTT RELATIONSHIP**

10 **LLLTT RPC 1.1 COMPETENCE**

11 An LLLTT shall provide competent representation to a client. Competent representation requires
12 the legal knowledge, skill, thoroughness and preparation reasonably necessary for the
13 representation.

14 **Comment**

15 [1] Rule 1.1 was adapted from Lawyer RPC 1.1 with no substantive changes and applies to
16 LLLTTs analogously.

17 **LLLTT RPC 1.2 SCOPE OF REPRESENTATION AND ALLOCATION OF**
18 **AUTHORITY BETWEEN CLIENT AND LLLTT**

19 (a) Subject to paragraphs (c), (d) and (g), an LLLTT shall abide by a client's decisions concerning
20 the objectives of representation and, as required by Rule 1.4, shall consult with the client as to
21 the means by which they are to be pursued. An LLLTT may take such action on behalf of the
22 client as is impliedly authorized to carry out the representation.

23 (b) An LLLTT's representation of a client does not constitute an endorsement of the client's
24 political, economic, social or moral views or activities.

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1 (c) An LLLT must limit the scope of the representation and provide disclosures informing a
2 potential client as required by these Rules.

3 (d) An LLLT shall not counsel a client to engage, or assist a client, in conduct that the LLLT
4 knows is criminal or fraudulent.

5 (e) [Reserved.]

6 (f) An LLLT shall not purport to act as an LLLT for any person or organization if the LLLT
7 knows or reasonably should know that the LLLT is acting without the authority of that person
8 or organization and beyond his or her authorized scope of practice, unless the LLLT is
9 authorized or required to so act by law or a court order.

10 (g) Nothing in this Rule expands an LLLT's authorized scope of practice provided in APR 28.

11 **Comment**

12 [1] Rule 1.2 was adapted from Lawyer RPC 1.2 with changes to reflect the limited scope of
13 practice authorized by APR 28. Otherwise, it applies to LLLTs analogously.

14 [2] Negotiation on behalf of a client and representation in court are beyond the authorized scope
15 of an LLLT's practice. See APR 28H. Accordingly, paragraph (a) was modified from the
16 Lawyer RPC to exclude references to settlements and criminal cases, and paragraph (d) was
17 modified from the Lawyer RPC to exclude (and therefore prohibit) an LLLT from discussing
18 with a client the legal consequences of any proposed criminal or fraudulent conduct and
19 assisting a client in determining the validity, scope, meaning or application of the law with
20 respect to any such conduct. In circumstances where a client has engaged or may engage in
21 conduct that the LLLT knows is criminal or fraudulent, the LLLT shall not provide services
22 related to such conduct and shall inform the client that the client should seek the services of a
23 lawyer.

24 [3] Unlike a lawyer, an LLLT may perform only limited services for a client. Under APR
25 28G(3), before performing any services for a fee, an LLLT must enter into a written contract

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1 with the client, signed by both the client and the LLLT, that includes the following: (a) an
2 explanation of the services to be performed, including a conspicuous statement that the LLLT
3 may not appear or represent the client in court, formal administrative adjudicative proceedings,
4 or other formal dispute resolution process, or negotiate the client's legal rights or
5 responsibilities, unless permitted under GR 24(b); (b) identification of all fees and costs to be
6 charged to the client for the services to be performed; (c) a statement that upon the client's
7 request, the LLLT shall provide to the client any documents submitted by the client to the
8 LLLT; (d) a statement that the LLLT is not a lawyer and may only perform limited legal
9 services (this statement shall be on the first page of the contract in minimum twelve-point bold
10 type print); (e) a statement describing the LLLT's duty to protect the confidentiality of
11 information provided by the client and the LLLT's work product associated with the services
12 sought or provided by the LLLT; (f) a statement that the client has the right to rescind the
13 contract at any time and receive a full refund of unearned fees (this statement shall be
14 conspicuously set forth in the contract); and (g) any other conditions to the LLLT's services that
15 are required by the rules and regulations of the Limited License Legal Technician Board.

16 [4] Additional requirements concerning the authorized scope of an LLLT's practice are imposed
17 by APR 28F. An LLLT must ascertain whether the issue is within the defined practice area for
18 which the LLLT is licensed. If not, the LLLT shall not provide the services required on the
19 issue and must inform the client that the client should seek the services of a lawyer. If the issue
20 does lie within the defined practice area for which the LLLT is licensed, then the LLLT is
21 authorized to undertake the services that are enumerated in APR 28F. Those services include
22 only the following: (a) obtain relevant facts and explain the relevancy of such information to the
23 client; (b) inform the client of applicable procedures, including deadlines, documents which
24 must be filed, and the anticipated course of the legal proceeding; (c) inform the client of
25 applicable procedures for proper service of process and filing of legal documents; (d) provide
26

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1 the client with self-help materials prepared by a Washington lawyer or approved by the Limited
2 License Legal Technician Board, which contain information about relevant legal requirements,
3 case law basis for the client’s claim and venue and jurisdiction requirements; (e) review
4 documents or exhibits that the client has received from the opposing side, and explain them to
5 the client; (f) select, complete, file and effect service of forms that have been approved by the
6 State of Washington, either through a governmental agency or by the Administrative Office of
7 the Courts or the content of which is specified by statute; federal forms; forms prepared by a
8 Washington lawyer; or forms approved by the Limited License Legal Technician Board; and
9 advise the client of the significance of the selected forms to the client’s case; (g) perform legal
10 research; (h) draft legal letters and documents beyond what is permitted in (f) if the work is
11 reviewed and approved by a Washington lawyer; (i) advise a client as to other documents that
12 may be necessary to the client’s case, and explain how such additional documents or pleadings
13 may affect the client’s case; and (j) assist the client in obtaining necessary documents, such as
14 birth, death or marriage certificates.

15 [5] An LLLT must personally perform the authorized services for the client and may not
16 delegate those services to a person who is not either an LLLT or a lawyer. This prohibition,
17 however, does not prevent a person who is neither an LLLT nor a lawyer from performing
18 translation services. APR 28G(2).

19 [6] An LLLT may not provide services that exceed the scope of the LLLT’s authority under
20 APR 28. If an issue arises for which the client needs services that exceed the scope of the
21 LLLT’s authority, the LLLT must inform that client that the client should seek the services of a
22 lawyer. APR 28G(5).

23 [7] A document that is prepared by an LLLT for the client’s signature shall include the LLLT’s
24 name, signature and license number beneath the signature of the client. APR 28G(5).

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1 [8] Certain conduct and services are specifically prohibited to an LLLT by APR 28H. In the
2 course of dealing with clients or prospective clients, an LLLT shall not: (a) make any statement
3 that the LLLT can or will obtain special favors from or has special influence with any court of
4 governmental agency; (b) retain any fees or costs for services not performed; (c) refuse to return
5 documents supplied by, prepared by, or paid for by the client, upon the request of the client (the
6 documents must be returned upon request even if there is a fee dispute between the LLLT and
7 the client); (d) represent or advertise, in connection with the provision of services, other legal
8 titles or credentials that could cause a client to believe that the LLLT possesses professional
9 legal skills beyond those authorized by the license held by the LLLT; (e) represent a client in
10 court proceedings, formal administrative adjudicative proceedings, or other formal dispute
11 resolution process, unless permitted by GR 24; (f) negotiate a client's legal rights or
12 responsibilities, or communicate with another person the client's position or convey to the client
13 the position of another party; unless permitted by GR 24(b); (g) provide services to a client in
14 connection with a legal matter in another state, unless permitted by the laws of that state to
15 perform such services for the client; (h) represent or otherwise provide legal or law related
16 services to a client, except as permitted by law, APR 28 or associated rules and regulations; or
17 (i) otherwise violate these Rules.

18 **LLLT RPC 1.3 DILIGENCE**

19 An LLLT shall act with reasonable diligence and promptness in representing a client.

20 **Comment**

21 [1] Rule 1.3 was adapted from Lawyer RPC 1.3 with no substantive changes and applies to
22 LLLTs analogously. See also Comment [5] to Rule 1.2.

23 **LLLT RPC 1.4 COMMUNICATION**

24 **(a) An LLLT shall:**

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1 (1) promptly inform the client of any decision or circumstance with respect to which the client's
2 informed consent, as defined in Rule 1.0(e), is required by these Rules;

3 (2) reasonably consult with the client about the means by which the client's objectives are to be
4 accomplished;

5 (3) keep the client reasonably informed about the status of the matter;

6 (4) promptly comply with reasonable requests for information; and

7 (5) consult with the client about any relevant limitation on the LLLT's conduct when the LLLT
8 knows that the client expects assistance not permitted by the LLLT RPC or other law.

9 (b) An LLLT shall explain a matter to the extent reasonably necessary to permit the client to
10 make informed decisions regarding the representation.

11 **Comment**

12 [1] Rule 1.4 was adapted from Lawyer RPC 1.4 with no substantive changes and applies to
13 LLLTs analogously.

14 **LLLT RPC 1.5 FEES**

15 (a) An LLLT shall not make an agreement for, charge, or collect an unreasonable fee or an
16 unreasonable amount for expenses. The factors to be considered in determining the
17 reasonableness of a fee include the following:

18 (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill
19 requisite to perform the legal service properly;

20 (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will
21 preclude other employment by the LLLT;

22 (3) the fee customarily charged in the locality for similar legal services;

23 (4) the amount involved and the results obtained;

24 (5) the time limitations imposed by the client or by the circumstances;

25 (6) the nature and length of the professional relationship with the client;

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1 (7) the experience, reputation, and ability of the LLLT or LLLTs performing the services;

2 (8) whether the fee is fixed or hourly; and

3 (9) the terms of the fee agreement between the LLLT and the client, including whether the fee
4 agreement or confirming writing demonstrates that the client had received a reasonable and fair
5 disclosure of material elements of the fee agreement and of the LLLT's billing practices.

6 (b) The scope of the representation and the basis or rate of the fee and expenses for which the
7 client will be responsible shall be communicated to the client, in writing, before commencing
8 the representation. Upon the request of the client in any matter, the LLLT shall communicate to
9 the client in writing the basis or rate of the fee.

10 (c) [Reserved.]

11 (d) An LLLT shall not enter into an arrangement for, charge, or collect any fee, the payment or
12 amount of which is contingent upon the outcome of the case.

13 (e) An LLLT may not enter into an arrangement for the division of a fee with another LLLT or
14 lawyer who is not in the same firm as the LLLT.

15 (f) Fees and expenses paid in advance of performance of services shall comply with Rule
16 1.15A, subject to the following exceptions:

17 (1) [Reserved.]

18 (2) An LLLT may charge a flat fee for specified legal services, which constitutes complete
19 payment for those services and is paid in whole or in part in advance of the LLLT providing the
20 services. A flat fee must be agreed to in advance in a writing signed by the client. The written
21 agreement may specify that the flat fee is the LLLT's property on receipt, in which case the fee
22 shall not be deposited into a trust account under Rule 1.15A. To qualify for the exception from
23 the requirements of Rule 1.15A, the written fee agreement shall, in a manner that can easily be
24 understood by the client, include the following: (i) the scope of the services to be provided; (ii)
25 the total amount of the fee and the terms of payment; (iii) that the fee is the LLLT's property

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1 immediately on receipt and will not be placed into a trust account; (iv) that the fee agreement
2 does not alter the client's right to terminate the client-LLLT relationship; and (v) that the client
3 may be entitled to a refund of a portion of the fee if the agreed-upon legal services have not
4 been completed. A statement in substantially the following form satisfies this requirement:

5 [LLLT/law firm] agrees to provide, for a flat fee of \$ _____, the following services:

6 _____ . The flat fee shall be paid as
7 follows: _____ . Upon [LLLT's/law firm's]

8 receipt of all or any portion of the flat fee, the funds are the property of [LLLT/law firm] and
9 will not be placed in a trust account. The fact that you have paid your fee in advance does not
10 affect your right to terminate the client-LLLT relationship. In the event our relationship is
11 terminated before the agreed-upon legal services have been completed, you may or may not
12 have a right to a refund of a portion of the fee.

13 (3) In the event of a dispute relating to a fee under paragraph (f)(2) of this Rule, the LLLT shall
14 take reasonable and prompt action to resolve the dispute.

15 **Comment**

16 [1] Rule 1.5 was adapted from Lawyer RPC 1.5 with changes to reflect the limited scope of an
17 LLLT's authorized practice and special requirements imposed by APR 28. Otherwise, it applies
18 to LLLTs analogously.

19 [2] An LLLT, unlike a lawyer, is prohibited from entering into a contingent fee or retainer
20 agreement with a client. Lawyer RPC 1.5(c) and 1.5(f)(1) address contingent fees and retainers
21 respectively. Accordingly, paragraphs (c) and (f)(1) are reserved under this Rule. Reservation
22 of such paragraphs, however, is not intended to prohibit an LLLT from being apportioned a part
23 of a fee earned by a lawyer under a contingent fee or retainer arrangement when the LLLT and
24 the lawyer are associated in a for profit business relationship authorized under Rule 5.9.

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1 [3] Under the circumstances specified in Lawyer RPC 1.5(e), a lawyer may agree to a division
2 of a fee either with another lawyer who is not in the same firm or with an authorized lawyer
3 referral service. By contrast, paragraph (e) of this Rule categorically prohibits an LLLT from
4 dividing a fee. An LLLT may pay the usual charges of an LLLT referral service. See Rule
5 7.2(e).

6 [4] Unlike a lawyer, an LLLT is required by APR 28G(3) to enter into a written contract with
7 the client before the LLLT begins to perform any services for a fee that includes, among other
8 things, identification of all fees and costs to be charged to the client for the services to be
9 performed. The provisions concerning a flat fee described in (f)(2) of this Rule, if applicable,
10 should be included in that contract. The contract must be signed by both the client and the
11 LLLT before the LLLT begins to perform any services for a fee. See Comment [2] to Rule 1.2
12 for other provisions that are to be included in the contract.

13 [5] An LLLT is ordinarily prohibited from modifying the written contract with the client that is
14 required by APR 28G(3). Courts have applied the provisions of RPC 1.8(a) to modifications or
15 renegotiations of fee arrangements by lawyers made during the representation of a client when
16 the modified or renegotiated terms are more favorable to the lawyer than originally agreed upon.
17 See, e.g., *Valley/50th Ave., L.L.C. v. Stewart*, 159 Wn.2d 736, 743-44, 153 P.3d 186, 189
18 (2007); *Rafel Law Grp. PLLC v. Defoor*, 176 Wn. App. 210, 223-24, 308 P.3d 767, 775 (2013),
19 *review denied*, 179 Wn.2d 1011, 316 P.3d 495 (2014). Under these Rules, business transactions
20 between LLLTs and clients are prohibited. See Rule 1.8(a). Accordingly, any changes in the
21 basis or rate of an LLLT's fee that benefit the LLLT must be identified in the initial contract.
22 See also Comment [8] to Rule 1.2.

23 **LLLT RPC 1.6 CONFIDENTIALITY OF INFORMATION**

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1 (a) An LLLT shall not reveal information relating to the representation of a client unless the
2 client gives informed consent, the disclosure is impliedly authorized in order to carry out the
3 representation or the disclosure is permitted by paragraph (b).

4 (b) An LLLT to the extent the LLLT reasonably believes necessary:

5 (1) shall reveal information relating to the representation of a client to prevent reasonably
6 certain death or substantial bodily harm;

7 (2) may reveal information relating to the representation of a client to prevent the client from
8 committing a crime;

9 (3) may reveal information relating to the representation of a client to prevent, mitigate or
10 rectify substantial injury to the financial interests or property of another that is reasonably
11 certain to result or has resulted from the client's commission of a crime or fraud in furtherance
12 of which the client has used the LLLT's services;

13 (4) may reveal information relating to the representation of a client to secure legal advice about
14 the LLLT's compliance with these Rules;

15 (5) may reveal information relating to the representation of a client to establish a claim or
16 defense on behalf of the LLLT in a controversy between the LLLT and the client, to establish a
17 defense to a criminal charge or civil claim against the LLLT based upon conduct in which the
18 client was involved, or to respond to allegations in any proceeding concerning the LLLT's
19 representation of the client;

20 (6) may reveal information relating to the representation of a client to comply with a court
21 order; or

22 (7) may reveal information relating to the representation of a client to inform a tribunal about
23 any breach of fiduciary responsibility when the client is serving as a court appointed fiduciary
24 such as a guardian, personal representative, or receiver.

25 **Comment**

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1 [1] Rule 1.6 was adapted from Lawyer RPC 1.6 with no substantive changes and applies to
2 LLLTs analogously.

3 [2] Under APR 28(K)(3) the Washington law of attorney-client privilege extends to LLLTs “to
4 the same extent as it would apply to an attorney-client relationship.” In communicating the
5 existence or scope of this privilege to a client, a LLLT must take steps to ensure that the client
6 understands the LLLTs role and to avoid any impression that the LLLT is serving as a lawyer
7 in the matter.

8 **LLLT RPC 1.7 CONFLICT OF INTEREST: CURRENT CLIENTS**

9 (a) Except as provided in paragraph (b), an LLLT shall not represent a client if the
10 representation involves a concurrent conflict of interest. A concurrent conflict of interest exists
11 if:

12 (1) the representation of one client will be directly adverse to another client; or

13 (2) there is a significant risk that the representation of one or more clients will be materially
14 limited by the LLLT's responsibilities to another client, a former client or a third person or by a
15 personal interest of the LLLT.

16 (b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), an
17 LLLT may represent a client if:

18 (1) the LLLT reasonably believes that the LLLT will be able to provide competent and diligent
19 representation to each affected client;

20 (2) the representation is not prohibited by law;

21 (3) the representation does not involve the assertion of a claim by one client against another
22 client represented by the LLLT with respect to the same litigation or other proceeding before a
23 tribunal; and

24 (4) each affected client gives informed consent, confirmed in writing (following authorization
25 from the other client to make any required disclosures).

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1 **Comment**

2 [1] Rule 1.7 was adapted from Lawyer RPC 1.7 with no substantive changes and applies to
3 LLLTs analogously.

4 [2] Under no circumstances may an LLLT represent more than one party in any domestic
5 relations matter. See Appendix APR 28 Regulation 2.

6 **LLLT RPC 1.8 CONFLICT OF INTEREST: CURRENT CLIENTS: SPECIFIC RULES**

7 (a) An LLLT shall not enter into a business transaction with a current client.

8 (b) An LLLT shall not use information relating to representation of a client to the disadvantage
9 of the client unless the client gives informed consent, except as permitted or required by these
10 Rules.

11 (c) An LLLT shall not solicit any substantial gift from a client, including a testamentary gift, or
12 prepare on behalf of the client an instrument giving the LLLT or a person related to the LLLT
13 any substantial gift unless the LLLT or other recipient of the gift is related to the client. For
14 purposes of this paragraph, related persons include spouse, child, grandchild, parent,
15 grandparent or other relative or individual with whom the LLLT or the client maintains a close,
16 familial relationship.

17 (d) Prior to the conclusion of representation of a client, an LLLT shall not make or negotiate an
18 agreement giving the LLLT literary or media rights to a portrayal or account based in
19 substantial part on information relating to the representation.

20 (e) An LLLT shall not, while representing a client in connection with contemplated or pending
21 litigation, advance or guarantee financial assistance to a client, except that:

22 (1) an LLLT may advance or guarantee the expenses of litigation, including court costs,
23 expenses of investigation, expenses of medical examination, and costs of obtaining and
24 presenting evidence, provided the client remains ultimately liable for such expenses.

25 (2) [Reserved.]

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1 (f) An LLLT shall not accept compensation for representing a client from one other than the
2 client unless:

3 (1) the client gives informed consent;

4 (2) there is no interference with the LLLT's independence of professional judgment or with the
5 client-LLLT relationship; and

6 (3) information relating to representation of a client is protected as required by Rule 1.6.

7 (g) [Reserved.]

8 (h) An LLLT shall not:

9 (1) make an agreement prospectively limiting the LLLT's liability to a client for malpractice; or

10 (2) settle a claim or potential claim for such liability with an unrepresented client or former
11 client unless that person is advised in writing of the desirability of seeking and is given a
12 reasonable opportunity to seek the advice of an independent lawyer in connection therewith.

13 (i) An LLLT shall not acquire a proprietary interest in the cause of action or subject matter of
14 litigation in which the LLLT is assisting a client.

15 (j) An LLLT shall not:

16 (1) have sexual relations with a current client of the LLLT unless a consensual sexual
17 relationship existed between them at the time the client-LLLT relationship commenced; or

18 (2) have sexual relations with a representative of a current client if the sexual relations would, or
19 would likely, damage or prejudice the client in the representation.

20 (3) For purposes of Rule 1.8(j), "LLLT" means any LLLT who assists in the representation of
21 the client, but does not include other LLLT members of a firm with which the LLLT is
22 associated if those other LLLTs provide no such assistance.

23 (k) Except as otherwise provided in these Rules,

24 (1) while LLLTs are associated in a firm with other LLLTs, a prohibition in the foregoing
25 paragraphs (a) through (i) that applies to any one of them shall apply to all of them; and

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1 (2) while LLLTs and lawyers are associated in a firm, the prohibitions in Lawyer RPC 1.8(a)
2 through (i) that apply to any lawyer shall apply to any LLLT, and the prohibitions in the
3 foregoing paragraphs (a), (h) and (i) shall not apply to any lawyers unless the conduct is
4 otherwise prohibited by the Lawyer RPC.

5 (l) An LLLT who is related to another LLLT or a lawyer as parent, child, sibling, or spouse, or
6 who has any other close familial or intimate relationship with another LLLT or lawyer, shall not
7 represent a client in a matter directly adverse to a person who the LLLT knows is represented by
8 the related LLLT or lawyer unless:

9 (1) the client gives informed consent to the representation; and

10 (2) the representation is not otherwise prohibited by Rule 1.7.

11 (m) [Reserved.]

12 **Comment**

13 [1] This Rule was adapted from Lawyer RPC 1.8 with modifications described in these
14 Comments. Otherwise, it applies to LLLTs analogously.

15 [2] Under limited and defined circumstances, Lawyer RPC 1.8(a) permits a lawyer to enter into
16 a business transaction with a client, or to acquire a property interest adverse to a client. Because
17 of the limitations on the scope of an LLLT's authorized practice, the analysis and disclosures
18 that suffice under Lawyer RPC 1.8(a) to enable a lawyer to enter into such a transaction despite
19 the existence of a conflict of interest are not feasible in the client-LLLT relationship. For this
20 reason, LLLT RPC 1.8(a) strictly prohibits an LLLT from entering into any business transaction
21 with a current client.

22 [3] LLLTs may not advocate for, or appear in court on behalf of, a client. LLLTs will have no
23 role in class action litigation and Rule 1.8(e)(2) is accordingly reserved in this Rule. LLLT
24 RPC 1.8(e) does not authorize activities that are beyond the scope of the LLLT's limited license.

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1 Nothing in Rule 1.8(e) is intended to prohibit lawyer members of a firm with which an LLLT is
2 associated from engaging in conduct permitted by Lawyer RPC 1.8(e)(2).

3 [4] Rule 1.8(g) is reserved. LLLTs are not permitted to engage in the making of settlements, or
4 aggregated agreements as to guilty or nolo contendere pleas in criminal cases. Nothing in Rule
5 1.8(g) is intended to prohibit lawyer members of a firm with which an LLLT is associated from
6 participating in such settlements if permitted by the Lawyer RPC.

7 [5] Unlike a lawyer, an LLLT is strictly prohibited by Rule 1.8(h)(1) from making any
8 agreement that prospectively limits the LLLT's liability to the client for malpractice.

9 [6] A client or former client of an LLLT who is not represented by a lawyer is unrepresented for
10 purposes of Rule 1.8(h)(2).

11 [7] Unlike a lawyer, an LLLT is prohibited by Rule 1.8(i) from acquiring any proprietary
12 interest in a client's cause of action or the subject matter of litigation.

13 [8] If one LLLT or lawyer in a firm has a conflict of interest specified under this Rule, other
14 LLLTs and lawyers in the firm may, under some circumstances, have the same conflict of
15 interest or be subject to the same prohibition. This is called imputation of a conflict of interest.
16 Similarly, in a firm that includes both LLLTs and lawyers, a conflict of interest of a lawyer will,
17 under some circumstances, be imputed to a LLLT in the firm. Rule 1.8(k) describes the
18 imputations of Rule 1.8 conflicts in a firm.

19 [9] Rule 1.8(m) is reserved. LLLTs are not permitted to engage in the scope of practice
20 anticipated by Lawyer RPC 1.8(m). The reservation of Rule 1.8(m) in these Rules is not
21 intended to prohibit lawyer members of a firm with which an LLLT is associated from engaging
22 in the scope of practice described in Rule 1.8(m) of the Lawyer RPC.

23 **LLLT RPC 1.9 DUTIES TO FORMER CLIENTS**

24 **(a) An LLLT who has formerly represented a client in a matter shall not thereafter represent**
25 **another person in the same or a substantially related matter in which that person's interests are**

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1 materially adverse to the interests of the former client unless the former client gives informed
2 consent, confirmed in writing.

3 (b) An LLLT shall not knowingly represent a person in the same or a substantially related
4 matter in which a firm with which the LLLT formerly was associated had previously
5 represented a client

6 (1) whose interests are materially adverse to that person; and

7 (2) about whom that LLLT had acquired information protected by Rules 1.6 and 1.9(c) that is
8 material to the matter; unless the former client gives informed consent, confirmed in writing.

9 (c) An LLLT who has formerly represented a client in a matter or whose present or former firm
10 has formerly represented a client in a matter shall not thereafter:

11 (1) use information relating to the representation to the disadvantage of the former client except
12 as these Rules would permit or require with respect to a client, or when the information has
13 become generally known; or

14 (2) reveal information relating to the representation except as these Rules would permit or
15 require with respect to a client.

16 **Comment**

17 [1] Rule 1.9 was adapted from Lawyer RPC 1.9 with no substantive changes and applies to
18 LLLTs analogously.

19 **LLLT RPC 1.10 IMPUTATION OF CONFLICTS OF INTEREST: GENERAL RULE**

20 (a) Except as provided in paragraph (e), while LLLTs are associated in a firm, none of them
21 shall knowingly represent a client when any one of them practicing alone would be prohibited
22 from doing so by Rules 1.7 or 1.9, unless the prohibition is based on a personal interest of the
23 disqualified LLLT and does not present a significant risk of materially limiting the
24 representation of the client by the remaining LLLTs in the firm.

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1 (b) When an LLLT has terminated an association with a firm, the firm is not prohibited from
2 thereafter representing a person with interests materially adverse to those of a client represented
3 by the formerly associated LLLT and not currently represented by the firm, unless:

4 (1) the matter is the same or substantially related to that in which the formerly associated LLLT
5 represented the client; and

6 (2) any LLLT remaining in the firm has information that is material to the matter and that is
7 protected by Rules 1.6 and 1.9(c).

8 (c) A disqualification prescribed by this Rule may be waived by the affected client under the
9 conditions stated in Rule 1.7.

10 (d) The disqualification of LLLTs associated in a firm with former or current government
11 LLLTs is governed by Rule 1.11.

12 (e) When the prohibition on representation under paragraph (a) is based on Rule 1.9(a) or (b)
13 and arises out of the disqualified LLLT's association with a prior firm, no other LLLT in the
14 firm shall knowingly represent a person in a matter in which that LLLT is disqualified unless:

15 (1) the personally disqualified LLLT is screened by effective means from participation in the
16 matter and is apportioned no part of the fee therefrom;

17 (2) the former client of the personally disqualified LLLT receives notice of the conflict and the
18 screening mechanism used to prohibit dissemination of information relating to the former
19 representation;

20 (3) the firm is able to demonstrate by convincing evidence that no material information relating
21 to the former representation was transmitted by the personally disqualified LLLT before
22 implementation of the screening mechanism and notice to the former client.

23 Any presumption that information protected by Rules 1.6 and 1.9(c) has been or will be
24 transmitted may be rebutted if the personally disqualified LLLT serves on his or her former firm
25 and former client an affidavit attesting that the personally disqualified LLLT will not participate
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1 in the matter and will not discuss the matter or the representation with any other LLLT or
2 employee of his or her current firm, and attesting that during the period of the LLLT's personal
3 disqualification those LLLTs, or employees who do participate in the matter will be apprised
4 that the personally disqualified LLLT is screened from participating in or discussing the matter.
5 Such affidavit shall describe the procedures being used effectively to screen the personally
6 disqualified LLLT. Upon request of the former client, such affidavit shall be updated
7 periodically to show actual compliance with the screening procedures. The firm, the personally
8 disqualified LLLT, or the former client may seek judicial review in a court of general
9 jurisdiction of the screening mechanism used, or may seek court supervision to ensure that
10 implementation of the screening procedures has occurred and that effective actual compliance
11 has been achieved.

12 (f) When LLLTs and lawyers are associated in a firm, a lawyer's conflict of interest under
13 Lawyer RPC 1.7 or Lawyer RPC 1.9 is imputed to LLLTs in the firm in the same way as
14 conflicts are imputed to LLLTs under this Rule. Each of the other provisions of this Rule also
15 applies in the same way when lawyer conflicts are imputed to LLLTs in the firm.

16 **Comment**

17 [1] Rule 1.10 was adapted from Lawyer RPC 1.10 with no substantive changes except to reflect
18 the fact that LLLTs and lawyers may practice in a firm together. The general rules concerning
19 imputation of conflicts of interest apply to LLLTs and firms in which both LLLTs and lawyers
20 are associated analogously.

21 **LLLT RPC 1.11 SPECIAL CONFLICTS OF INTEREST FOR FORMER AND**
22 **CURRENT GOVERNMENT OFFICERS AND EMPLOYEES**

23 (a) Except as law may otherwise expressly permit, an LLLT who has formerly served as a
24 public officer or employee of the government:

25 (1) is subject to Rule 1.9(c); and

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1 (2) shall not otherwise represent a client in connection with a matter in which the LLLT
2 participated personally and substantially as a public officer or employee, unless the appropriate
3 government agency gives its informed consent, confirmed in writing, to the representation.

4 (b) When an LLLT or lawyer is disqualified from representation under paragraph (a) of this
5 Rule or Lawyer RPC 1.11, no LLLT in a firm with which that LLLT or lawyer is associated
6 may knowingly undertake or continue representation in such a matter unless:

7 (1) the disqualified LLLT or lawyer is timely screened from any participation in the matter and
8 is apportioned no part of the fee therefrom; and

9 (2) written notice is promptly given to the appropriate government agency to enable it to
10 ascertain compliance with the provisions of this Rule.

11 (c) Except as law may otherwise expressly permit, an LLLT having information that the LLLT
12 knows is confidential government information about a person acquired when the LLLT was a
13 public officer or employee, may not represent a private client whose interests are adverse to that
14 person in a matter in which the information could be used to the material disadvantage of that
15 person. As used in this Rule the term "confidential government information" means information
16 that has been obtained under governmental authority and which, at the time this Rule is applied,
17 the government is prohibited by law from disclosing to the public or has a legal privilege not to
18 disclose and which is not otherwise available to the public. A firm with which that LLLT is
19 associated may undertake or continue representation in the matter only if the disqualified LLLT
20 is screened from any participation in the matter and is apportioned no part of the fee therefrom.

21 (d) Except as law may otherwise expressly permit, an LLLT currently serving as a public
22 officer or employee:

23 (1) is subject to Rules 1.7 and 1.9; and

24 (2) shall not:

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1 (i) participate in a matter in which the LLLT participated personally and substantially while in
2 private practice or non-governmental employment, unless the appropriate government agency
3 gives its informed consent, confirmed writing; or

4 (ii) negotiate for private employment with any person who is involved as a party or as LLLT for
5 a party in a matter in which the LLLT is participating personally and substantially, except that
6 an LLLT who may otherwise be serving as a law clerk to a judge, other adjudicative officer or
7 arbitrator may negotiate for private employment as permitted by Rule 1.12(b) and subject to the
8 conditions stated in Rule 1.12(b).

9 (e) As used in this Rule, the term "matter" includes:

10 (1) any judicial or other proceeding, application, request for a ruling or other determination,
11 contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter
12 involving a specific party or parties; and

13 (2) any other matter covered by the conflict of interest rules of the appropriate government
14 agency.

15 **Comment**

16 [1] Rule 1.11 was adapted from Lawyer RPC 1.11 with no substantive changes except to reflect
17 the fact that LLLTs and lawyers may practice in a firm together. This Rule applies to LLLTs
18 and firms in which both LLLTs and lawyers are associated analogously.

19 **LLT RPC 1.12 FORMER JUDGE, ARBITRATOR, MEDIATOR OR OTHER THIRD-**
20 **PARTY NEUTRAL**

21 (a) Except as stated in paragraph (d), an LLLT shall not represent anyone in connection with a
22 matter in which the LLLT participated personally and substantially as a judge or other
23 adjudicative officer or law clerk to such a person or as an arbitrator, mediator or other third-
24 party neutral, unless all parties to the proceeding give informed consent confirmed in writing.

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1 (b) An LLLT shall not negotiate for employment with any person who is involved as a party or
2 as LLLT for a party in a matter in which the LLLT is participating personally and substantially
3 as a judge or other adjudicative officer or as an arbitrator, mediator or other third-party neutral.

4 An LLLT serving as a law clerk to a judge or other adjudicative officer may negotiate for
5 employment with a party or LLLT involved in a matter in which the clerk is participating
6 personally and substantially, but only after the LLLT has notified the judge or other
7 adjudicative officer.

8 (c) If an LLLT or lawyer is disqualified by paragraph (a) of this Rule or Lawyer RPC 1.12, no
9 LLLT in a firm with which that LLLT or lawyer is associated may knowingly undertake or
10 continue representation in the matter unless:

11 (1) the disqualified LLLT or lawyer is timely screened from any participation in the matter and
12 is apportioned no part of the fee therefrom; and

13 (2) written notice is promptly given to the parties and any appropriate tribunal to enable them to
14 ascertain compliance with the provisions of this Rule.

15 (d) An arbitrator selected as a partisan of a party in a multimember arbitration panel is not
16 prohibited from subsequently representing that party.

17 **Comment**

18 [1] Rule 1.12 was adapted from Lawyer RPC 1.12 with no substantive changes. This Rule
19 applies to LLLTs and firms in which both LLLTs and lawyers are associated analogously.

20 **LLLT RPC 1.13 [Reserved]**

21 **Comment**

22 [1] At present, the authorized scope of LLLT practice does not contemplate representation of an
23 organization.

24 **LLLT RPC 1.14 CLIENT WITH DIMINISHED CAPACITY**

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1 (a) When a client's capacity to make adequately considered decisions in connection with a
2 representation is diminished, whether because of minority, mental impairment or for some other
3 reason, the LLLT shall, as far as reasonably possible, maintain a normal client-LLLT
4 relationship with the client.

5 (b) When the LLLT reasonably believes that the client has diminished capacity, is at risk of
6 substantial physical, financial or other harm unless action is taken and cannot adequately act in
7 the client's own interest, the LLLT may take reasonably necessary protective action, including
8 consulting with individuals or entities that have the ability to take action to protect the client. In
9 taking any protective action under this Rule, the LLLT shall not exceed the LLLT's authorized
10 scope of practice.

11 (c) Information relating to the representation of a client with diminished capacity is protected by
12 Rule 1.6. When taking protective action pursuant to paragraph (b), the LLLT is impliedly
13 authorized under Rule 1.6(a) to reveal information about the client, but only to the extent
14 reasonably necessary to protect the client's interests.

15 **Comment**

16 [1] Rule 1.14 was adapted from Lawyer RPC 1.14 with no substantive changes except in Rule
17 1.14(b). Otherwise, this Rule applies to LLLTs analogously.

18 [2] Unlike Lawyer RPC 1.14, Rule 1.14(b) does not suggest seeking the appointment of a
19 guardian ad litem, conservator or guardian. Those actions contemplate court appearances and
20 knowledge of multiple areas of law which may exceed the authorized scope of an LLLT's
21 practice. Accordingly, that language from Lawyer Rule 1.14(b) has been omitted from this
22 Rule.

23 [3] Protective action taken by an LLLT under paragraph (b) of this Rule may include obtaining
24 the services of a lawyer. An LLLT should proceed cautiously when independently undertaking
25 protective action on behalf of a person with diminished capacity, and the LLLT should carefully
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1 evaluate and weigh all the circumstances and options. For a discussion of potential protective
2 actions and relevant considerations, see Lawyer RPC 1.14, Comments [5] - [7].

3 **LLLT RPC 1.15A SAFEGUARDING PROPERTY**

4 (a) This Rule applies to property of clients or third persons in an LLLT's possession in
5 connection with a representation.

6 (b) An LLLT must not use, convert, borrow or pledge client or third person property for the
7 LLLT's own use.

8 (c) An LLLT must hold property of clients and third persons separate from the LLLT's own
9 property.

10 (1) An LLLT must deposit and hold in a trust account funds subject to this Rule pursuant to
11 paragraph (h) of this Rule.

12 (2) Except as provided in Rule 1.5(f), and subject to the requirements of paragraph (h) of this
13 Rule, an LLLT shall deposit into a trust account legal fees and expenses that have been paid in
14 advance, to be withdrawn by the LLLT only as fees are earned or expenses incurred.

15 (3) An LLLT must identify, label and appropriately safeguard any property of clients or
16 third persons other than funds. The LLLT must keep records of such property that identify the
17 property, the client or third person, the date of receipt and the location of safekeeping. The
18 LLLT must preserve the records for seven years after return of the property.

19 (d) An LLLT must promptly notify a client or third person of receipt of the client or third
20 person's property.

21 (e) An LLLT must promptly provide a written accounting to a client or third person after
22 distribution of property or upon request. An LLLT must provide at least annually a written
23 accounting to a client or third person for whom the LLLT is holding funds.

24 (f) Except as stated in this Rule, an LLLT must promptly pay or deliver to the client or third
25 person the property which the client or third person is entitled to receive.

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1 (g) If an LLLT possesses property in which two or more persons (one of which may be the
2 LLLT) claim interests, the LLLT must maintain the property in trust until the dispute is
3 resolved. The LLLT must promptly distribute all undisputed portions of the property. The
4 LLLT must take reasonable action to resolve the dispute.

5 (h) An LLLT must comply with the following for all trust accounts:

6 (1) No funds belonging to the LLLT may be deposited or retained in a trust account except as
7 follows:

8 (i) funds to pay bank charges, but only in an amount reasonably sufficient for that purpose;

9 (ii) funds belonging in part to a client or third person and in part presently or potentially to the
10 LLLT must be deposited and retained in a trust account, but any portion belonging to the LLLT
11 must be withdrawn at the earliest reasonable time; or

12 (iii) funds necessary to restore appropriate balances.

13 (2) An LLLT must keep complete records as required by Rule 1.15B.

14 (3) An LLLT may withdraw funds when necessary to pay client costs. The LLLT may
15 withdraw earned fees only after giving reasonable notice to the client of the intent to do so,
16 through a billing statement or other document.

17 (4) Receipts must be deposited intact.

18 (5) All withdrawals must be made only to a named payee and not to cash. Withdrawals must be
19 made by check or by electronic transfer.

20 (6) Trust account records must be reconciled as often as bank statements are generated or at
21 least quarterly. The LLLT must reconcile the check register balance to the bank statement
22 balance and reconcile the check register balance to the combined total of all client ledger
23 records required by Rule 1.15B(a)(2).

24 (7) An LLLT must not disburse funds from a trust account until deposits have cleared the
25 banking process and been collected, unless the LLLT and the bank have a written agreement by

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1 which the LLLT personally guarantees all disbursements from the account without recourse to
2 the trust account.

3 (8) Disbursements on behalf of a client or third person may not exceed the funds of that person
4 on deposit. The funds of a client or third person must not be used on behalf of anyone else.

5 (9) Only a licensed LLLT or a lawyer admitted to practice law who is associated in a practice
6 with the LLLT may be an authorized signatory on the account, except that a licensed LLLT who
7 is associated in a practice with the lawyer may be an authorized signatory on the account only if
8 a firm lawyer signature is also required for any withdrawals, transfers, or deposits on the
9 account.

10 (i) Trust accounts must be interest-bearing and allow withdrawals or transfers without any delay
11 other than notice periods that are required by law or regulation and meet the requirements of
12 LLLT REC 15.7(d) and LLLT REC 15.7(e). In the exercise of ordinary prudence, an LLLT
13 may select any financial institution authorized by the Legal Foundation of Washington (Legal
14 Foundation) under LLLT REC 15.7(c). In selecting the type of trust account for the purpose of
15 depositing and holding funds subject to this Rule, an LLLT shall apply the following criteria:

16 (1) When client or third-person funds will not produce a positive net return to the client or third
17 person because the funds are nominal in amount or expected to be held for a short period of
18 time the funds must be placed in a pooled interest-bearing trust account known as an Interest on
19 Limited License Legal Technician's Trust Account or IOLTA. The interest earned on IOLTA
20 accounts shall be paid to, and the IOLTA program shall be administered by, the Legal
21 Foundation of Washington in accordance with LLLT REC 15.4 and LLLT REC 15.7(e).

22 (2) Client or third-person funds that will produce a positive net return to the client or third
23 person must be placed in one of the following two types of non-IOLTA trust accounts, unless
24 the client or third person requests that the funds be deposited in an IOLTA account:

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1 (i) a separate interest-bearing trust account for the particular client or third person with earned
2 interest paid to the client or third person; or

3 (ii) a pooled interest-bearing trust account with sub-accounting that allows for computation of
4 interest earned by each client or third person's funds with the interest paid to the appropriate
5 client or third person.

6 (3) In determining whether to use the account specified in paragraph (i)(1) or an account
7 specified in paragraph (i)(2), an LLLT must consider only whether the funds will produce a
8 positive net return to the client or third person, as determined by the following factors:

9 (i) the amount of interest the funds would earn based on the current rate of interest and the
10 expected period of deposit;

11 (ii) the cost of establishing and administering the account, including the cost of the LLLT's
12 services and the cost of preparing any tax reports required for interest accruing to a client or
13 third person's benefit; and

14 (iii) the capability of financial institutions to calculate and pay interest to individual clients or
15 third persons if the account in paragraph (i)(2)(ii) is used.

16 (4) The provisions of paragraph (i) do not relieve an LLLT or law firm from any obligation
17 imposed by these Rules or the LLLT REC.

18 **Comment**

19 [1] Rule 1.15A was adapted from Lawyer RPC 1.15A with no substantive changes except to
20 reflect limitations on the authorized scope of an LLLT's practice. Otherwise, this Rule applies
21 to LLLTs analogously. The Comments to Lawyer RPC 1.15A provide important guidance to
22 the correct interpretation and application of this Rule.

23 [2] Lawyer RPC 1.15A(a) contemplates that lawyers may act as escrow agents for the closing of
24 a purchase and sale of real estate or personal property, a practice area that is not contemplated
25 by APR 28. Accordingly, there is no counterpart in this Rule to Lawyer RPC 1.15A(a)(2).

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LLLT RPC 1.15B REQUIRED TRUST ACCOUNT RECORDS

(a) An LLLT must maintain current trust account records. They may be in electronic or manual form and must be retained for at least seven years after the events they record. At minimum, the records must include the following:

(1) Checkbook register or equivalent for each trust account, including entries for all receipts, disbursements, and transfers, and containing at least:

(i) identification of the client matter for which trust funds were received, disbursed, or transferred;

(ii) the date on which trust funds were received, disbursed, or transferred;

(iii) the check number for each disbursement;

(iv) the payor or payee for or from which trust funds were received, disbursed, or transferred;

and

(v) the new trust account balance after each receipt, disbursement, or transfer;

(2) Individual client ledger records containing either a separate page for each client or an equivalent electronic record showing all individual receipts, disbursements, or transfers, and also containing:

(i) identification of the purpose for which trust funds were received, disbursed, or transferred;

(ii) the date on which trust funds were received, disbursed or transferred;

(iii) the check number for each disbursement;

(iv) the payor or payee for or from which trust funds were received, disbursed, or transferred;

and

(v) the new client fund balance after each receipt, disbursement, or transfer;

(3) Copies of any agreements pertaining to fees and costs;

(4) Copies of any statements or accountings to clients or third parties showing the disbursement of funds to them or on their behalf;

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1 (5) Copies of bills for legal fees and expenses rendered to clients;

2 (6) of invoices, bills or other documents supporting all disbursements or transfers from the trust
3 account;

4 (7) Bank statements, copies of deposit slips, and cancelled checks or their equivalent;

5 (8) Copies of all trust account bank and client ledger reconciliations; and

6 (9) Copies of those portions of clients' files that are reasonably necessary for a complete
7 understanding of the financial transactions pertaining to them.

8 (b) Upon any change in the LLLT's practice affecting the trust account, including dissolution or
9 sale of a law firm or other entity, or suspension or other change in membership status, the LLLT
10 must make appropriate arrangements for the maintenance of the records specified in this Rule.

11 **Comment**

12 [1] Rule 1.15B was adapted from Lawyer RPC 1.15B with no substantive changes and applies
13 to LLLTs analogously.

14 **LLLT RPC 1.16 DECLINING OR TERMINATING REPRESENTATION**

15 (a) An LLLT shall not represent a client or, where representation has commenced, shall
16 withdraw from the representation of a client if:

17 (1) the representation will result in violation of these Rules or other law;

18 (2) the LLLT's physical or mental condition materially impairs the LLLT's ability to represent
19 the client; or

20 (3) the LLLT is discharged.

21 (b) An LLLT may withdraw from representing a client if:

22 (1) withdrawal can be accomplished without material adverse effect on the interests of the
23 client;

24 (2) the client persists in a course of action involving the LLLT's services that the LLLT
25 reasonably believes is criminal or fraudulent;

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1 (3) the client has used the LLLT's services to perpetrate a crime or fraud;

2 (4) the client insists upon taking action that the LLLT considers repugnant or with which the
3 LLLT has a fundamental disagreement;

4 (5) the client fails substantially to fulfill an obligation to the LLLT regarding the LLLT's
5 services and has been given reasonable warning that the LLLT will withdraw unless the
6 obligation is fulfilled;

7 (6) the representation will result in an unreasonable financial burden on the LLLT or has been
8 rendered unreasonably difficult by the client; or

9 (7) other good cause for withdrawal exists.

10 (c) [Reserved.]

11 (d) Upon termination of representation, an LLLT shall take steps to the extent reasonably
12 practicable to protect a client's interests, such as giving reasonable notice to the client, allowing
13 time for employment of a lawyer or another LLLT, surrendering papers and property to which
14 the client is entitled and refunding any advance payment of fee that has not been earned or
15 incurred.

16 **Comment**

17 [1] This Rule was adapted from Lawyer RPC 1.16 with no substantive changes except to reflect
18 that LLLTs are not authorized to represent clients in court or to advocate for clients. For this
19 reason, paragraph (c) is reserved and references to litigation or proceedings before a tribunal
20 that appear in Lawyer RPC 1.16 do not apply and have been omitted from this Rule. Otherwise,
21 this Rule applies to LLLTs analogously.

22 **LLLT RPC 1.17 SALE OF LAW PRACTICE**

23 An LLLT, firm of LLLTs, or a law firm with which one or more LLLTs are associated may sell
24 or purchase a law practice, or an area of law practice, including good will, if the following
25 conditions are satisfied:

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1 (a) [Reserved.]

2 (b) The entire practice, or the entire area of practice, is sold to one or more LLLTs, lawyers,
3 LLLT firms or law firms;

4 (c) The seller gives written notice to each of the seller's clients regarding:

5 (1) the proposed sale;

6 (2) the client's right to retain a lawyer or another LLLT or to take possession of the file; and

7 (3) the fact that the client's consent to the transfer of the client's files will be presumed if the
8 client does not take any action or does not otherwise object within ninety (90) days of receipt of
9 the notice. If a client cannot be given notice, the representation of that client may be transferred
10 to the purchaser only upon entry of an order so authorizing by a court having jurisdiction. The
11 seller may disclose to the court in camera information relating to the representation only to the
12 extent necessary to obtain an order authorizing the transfer of a file.

13 (d) The legal fees and LLLT fees charged clients shall not be increased by reason of the sale.

14 **Comment**

15 [1] This Rule was adapted from Lawyer RPC 1.17 with no substantive changes except to reflect
16 that an LLLT may practice in the same firm with one or more lawyers. Otherwise, this Rule
17 applies to LLLTs analogously.

18 **LLLT RPC 1.18 DUTIES TO PROSPECTIVE CLIENT**

19 (a) A person who discusses with an LLLT the possibility of forming a client-LLLT relationship
20 with respect to a matter is a prospective client.

21 (b) Even when no client-LLLT relationship ensues, an LLLT who has had discussions with a
22 prospective client shall not use or reveal information learned in the consultation, except as Rule
23 1.9 would permit with respect to information of a former client or except as provided in
24 paragraph (e).

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1 (c) An LLLT subject to paragraph (b) shall not represent a client with interests materially
2 adverse to those of a prospective client in the same or a substantially related matter if the LLLT
3 received information from the prospective client that could be significantly harmful to that
4 person in the matter, except as provided in paragraphs (d) or (e). If an LLLT or lawyer is
5 disqualified from representation under this paragraph or Lawyer RPC 1.18(c), no LLLT in a
6 firm with which that LLLT or lawyer is associated may knowingly undertake or continue
7 representation in such a matter, except as provided in paragraph (d) or, with respect to lawyers,
8 Lawyer RPC 1.18(d).

9 (d) When the LLLT has received disqualifying information as defined in paragraph (c),
10 representation is permissible if:

11 (1) both the affected client and the prospective client have given informed consent, confirmed in
12 writing, or:

13 (2) the LLLT who received the information took reasonable measures to avoid exposure to more
14 disqualifying information than was reasonably necessary to determine whether to represent the
15 prospective client; and

16 (i) the disqualified LLLT is timely screened from any participation in the matter and is
17 apportioned no part of the fee therefrom; and

18 (ii) written notice is promptly given to the prospective client.

19 (e) An LLLT may condition conversations with a prospective client on the person's informed
20 consent that no information disclosed during the consultation will prohibit the LLLT from
21 representing a different client in the matter. The prospective client may also expressly consent
22 to the LLLT's subsequent use of information received from the prospective client.

23 **Comment**

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1 [1] This Rule was adapted from Lawyer RPC 1.18 with no substantive changes except to reflect
2 that LLLTs and lawyers may practice in the same firm. It applies to LLLTs and to firms in
3 which both LLLTs and lawyers are associated analogously.

4 [2] The Comments to Lawyer RPC 1.18 offer valuable guidance to the correct interpretation and
5 application of this Rule. In particular, Comment 2 to Lawyer RPC 1.18 explains application of
6 this Rule to unsolicited and unilateral communications of information from a person who does
7 not have a reasonable expectation that the LLLT is willing to discuss the possibility of forming
8 a client-LLLT relationship.

9 **TITLE 2. COUNSELOR**

10 **LLLT RPC 2.1 ADVISOR**

11 In representing a client, an LLLT shall exercise independent professional judgment and render
12 candid advice. In rendering advice, an LLLT may refer not only to law but to other
13 considerations such as moral, economic, social and political factors, that may be relevant to the
14 client's situation.

15 **Comment**

16 [1] This Rule was adapted from Lawyer RPC 2.1 with no substantive changes and applies to
17 LLLTs analogously.

18 [2] This Rule and its requirement regarding the exercise of independent professional judgment
19 do not expand the limitations on the authorized scope of an LLLT's practice under APR 28H.

20 **LLLT RPC 2.2 [Reserved]**

21 **LLLT RPC 2.3 [Reserved]**

22 **Comment**

23 [1] Lawyer RPC 2.3 pertains to a lawyer providing an evaluation of a matter affecting a client
24 for the use of someone other than the client. Unlike lawyers, LLLTs are not authorized to
25 communicate the client's position to third parties. Drafting an opinion letter for the purposes of
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1 its use with a third party is the same as communicating the client's position to a third party and
2 is prohibited by APR 28H(6). Accordingly, this Rule is reserved.

3 **LLLT RPC 2.4 LLLT SERVING AS THIRD-PARTY NEUTRAL**

4 (a) An LLLT serves as a third-party neutral when the LLLT assists two or more persons who
5 are not clients of the LLLT to reach a resolution of a dispute or other matter that has arisen
6 between them. Service as a third-party neutral may include service as an arbitrator, a mediator
7 or in such other capacity as will enable the LLLT to assist the parties to resolve the matter.

8 (b) An LLLT serving as a third-party neutral shall inform unrepresented parties that the LLLT
9 is not representing them. When the LLLT knows or reasonably should know that a party does
10 not understand the LLLT's role in the matter, the LLLT shall explain the difference between the
11 LLLT's role as a third-party neutral and an LLLT's role as one who represents a client.

12 **Comment**

13 [1] This Rule was adapted from Lawyer RPC 2.4 with no substantive changes and applies to
14 LLLTs analogously.

15 **TITLE 3. ADVOCATE**

16 **LLLT RPC 3.1 ADVISING AND ASSISTING CLIENTS IN PROCEEDINGS BEFORE**
17 **A TRIBUNAL**

18 (a) In a matter reasonably related to a pending or potential proceeding before a tribunal, an
19 LLLT shall not counsel a client to engage, or assist a client, in conduct involving

20 (1) an abuse of legal procedure, including asserting or controverting a position that is frivolous
21 or lacks a good faith basis in law and fact;

22 (2) delay of a proceeding without reasonable and substantial purpose;

23 (3) submission of a false statement of fact or law to a tribunal or offering evidence known to be
24 false;

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1 (4) obstruction of another party's access to evidence or the unlawful alteration, destruction or
2 concealment of a document or other material having potential evidentiary value;

3 (5) falsification of evidence or assisting or inducing false testimony of a witness;

4 (6) knowingly disobeying an obligation under the rules of a tribunal; or

5 (7) making frivolous discovery requests or failing to reasonably comply with legally proper
6 discovery requests of an opposing party.

7 (b) An LLLT shall not seek to influence a judge, juror, prospective juror, or other official by
8 means prohibited by law, communicate ex parte with such an individual unless authorized to do
9 so by law or court order, or engage in conduct intended to disrupt a tribunal. An LLLT shall not
10 counsel or assist a client or another person to do such an act.

11 **Comment**

12 [1] This Rule is substantially different from Lawyer RPC 3.1 because LLLTs are not authorized
13 to represent clients in the proceedings of a tribunal. Title 3 of the Lawyer RPC addresses a
14 lawyer's duties as an advocate when representing a client in the proceedings of a tribunal.
15 Because APR 28H(5) expressly prohibits an LLLT from representing a client in a court or
16 administrative-adjudicative proceeding (unless permitted by GR 24), the Title 3 Rules do not
17 apply directly to the conduct of LLLTs. Nevertheless, a number of the ethical principles located
18 in Title 3 address conduct in connection with a proceeding that would be improper and
19 repugnant whether engaged in by a lawyer or a party. In many instances, an LLLT will be
20 providing assistance to a client who is a party to a court proceeding. For this reason, as a
21 member of the legal profession, an LLLT is ethically bound to avoid advising or assisting a
22 client in conduct that undermines the integrity of the adjudicative process or threatens the fair
23 and orderly administration of justice. As applied to the indirect conduct of LLLTs, the ethical
24 proscriptions of Lawyer RPC 3.1, 3.2, 3.3, and 3.4 are less nuanced. Accordingly, they have
25 been consolidated within Rule 3.1(a) as a prohibition on counseling or assisting the client in
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1 such activities. Conduct relating to the impartiality and decorum of a tribunal, Lawyer RPC 3.5,
2 should be prohibited whether engaged in by a LLLT directly or indirectly, and is separately
3 addressed in paragraph (b) of this Rule. Although less comprehensive than Title 3 of the
4 Lawyer RPC, the core Title 3 principles incorporated into Rule 3.1 address the issues likely to
5 be encountered by an LLLT, with supplemental guidance available in the corresponding Lawyer
6 RPC and commentary thereto.

7 [2] An LLLT acting as a "lay representative authorized by administrative agencies or tribunals"
8 under GR 24(b)(3) would not be acting pursuant to the authority of his or her LLLT license in
9 that context, since such representation would be beyond the scope of LLLT practice authorized
10 by APR 28F. Should a LLLT engage in conduct as a lay advocate that would otherwise directly
11 violate a Title 3 obligation—for example, by knowingly making a false statement of fact to an
12 administrative tribunal—such conduct may violate the requirements of other rules. See, e.g.,
13 Rule 8.4(c) (prohibiting conduct involving dishonesty, fraud, deceit, and misrepresentation) and
14 Rule 8.4(d) (prohibiting conduct prejudicial to the administration of justice).

15 [3] Certain Title 3 provisions, such as Lawyer as Witness in Rule 3.7 and the Special
16 Responsibilities of a Prosecutor in Rule 3.8, do not apply to LLLTs. In these instances, the
17 corresponding LLLT RPC has been reserved. Rules 3.6 and 3.9 represent ethical issues that
18 would rarely if ever arise in the context of a LLLT's limited-scope representation. Accordingly,
19 these provisions have been reserved as well, though guidance is available in the corresponding
20 Lawyer RPC in the event that such an ethical dilemma does arise in a LLLT representation.

21 **LLLT RPC 3.2 [Reserved]**

22 **Comment**

23 [1] See Comments [1] and [2] to Rule 3.1.

24 **LLLT RPC 3.3 [Reserved]**

25 **Comment**

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1 [1] See Comments [1] and [2] to Rule 3.1.

2 **LLLT RPC 3.4 [Reserved]**

3 **Comment**

4 [1] See Comments [1] and [2] to Rule 3.1.

5 **LLLT RPC 3.5 [Reserved]**

6 **Comment**

7 [1] See Comment [1] to Rule 3.1.

8 **LLLT RPC 3.6 [Reserved]**

9 **Comment**

10 [1] See Comment [3] to Rule 3.1.

11 **LLLT RPC 3.7 [Reserved]**

12 **Comment**

13 [1] See Comment [3] to Rule 3.1.

14 **LLLT RPC 3.8 [Reserved]**

15 **Comment**

16 [1] See Comment [3] to Rule 3.1.

17 **LLLT RPC 3.9 [Reserved]**

18 **Comment**

19 [1] See Comment [3] to Rule 3.1.

20 **TITLE 4. TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS**

21 **LLLT RPC 4.1 TRUTHFULNESS IN STATEMENTS TO OTHERS**

22 In the course of representing a client an LLLT shall not knowingly:

23 (a) make a false statement of material fact or law to a third person; or

24 (b) fail to disclose a material fact to a third person when disclosure is necessary to avoid

25 assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.

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1 **Comment**

2 [1] This Rule was adapted from Lawyer RPC 4.1 with no substantive changes and applies to
3 LLLTs analogously.

4 [2] LLLTs are required by APR 28G(5) to include the LLLT's name, signature and license
5 number beneath the signature of the client on all documents that the LLLT prepares. This will
6 assure that judges and other court personnel, other parties to a matter, and lawyers representing
7 those parties, are informed of the LLLT's role in the matter.

8 **LLLT RPC 4.2 COMMUNICATION WITH PERSON REPRESENTED BY LAWYER**

9 In representing a client, an LLLT shall not communicate about the subject of the representation
10 with a person the LLLT knows to be represented by a lawyer in the matter.

11 **Comment**

12 [1] A person who has chosen to be represented by a lawyer should be protected against possible
13 overreaching by another lawyer. See Lawyer RPC 4.2 and Comments to that rule. Rule
14 4.2 extends to LLLTs the prohibition on communicating with a person represented by a lawyer.
15 This Rule differs from Lawyer RPC 4.2 in that the prohibition is absolute. While a lawyer may
16 be permitted to communicate directly with a person who is represented by another lawyer with
17 the other lawyer's consent, or if authorized to do so by law or court order, there are no
18 exceptions to the prohibition as it applies to LLLTs, because any such communication would
19 put a LLLT in a position of exceeding the authorized scope of the LLLT's practice under APR
20 28(H). Specifically, APR 28H(6) prohibits negotiating a client's legal rights or responsibilities
21 or communicating with another person the client's position, and APR 28H(5) prohibits a LLLT
22 from representing a client in court proceedings. In light of these limitations, there is no
23 circumstance in which a LLLT could communicate with a person represented by a lawyer about
24 the subject matter of the representation without transgressing the APR.

25 **LLLT RPC 4.3 DEALING WITH PERSON NOT REPRESENTED BY LAWYER**

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1 (a) In dealing on behalf of a client with a person who is not represented by a lawyer, an LLLT
2 shall not state or imply that the LLLT is disinterested. When the LLLT knows or reasonably
3 should know that the unrepresented person misunderstands the LLLT's role in the matter, the
4 LLLT shall make reasonable efforts to correct the misunderstanding. The LLLT shall not give
5 legal advice to an unrepresented person, other than the advice to secure the services of another
6 legal practitioner, if the LLLT knows or reasonably should know that the interests of such a
7 person are or have a reasonable possibility of being in conflict with the interests of the client.

8 (b) An LLLT shall not communicate about the subject of the representation with another party
9 in the matter.

10 **Comment**

11 [1] Paragraph (a) of this Rule was adapted from Lawyer RPC 4.3 with no substantive changes
12 and applies to LLLTs analogously.

13 [2] Paragraph (b) of this Rule does not appear in the Lawyer RPC. It derives from the
14 limitations on the authorized scope of an LLLT's practice under APR 28H(6). See Comment
15 [1] to Rule 4.2 for a discussion of the implications of APR 28H(6).

16 [3] The client of an LLLT is an unrepresented person for purposes of Lawyer RPC 4.2 and 4.3.
17 The definition of an LLLT in APR 28B(4) clarifies that an LLLT does not represent a client in
18 court proceedings or negotiations, but provides limited legal assistance to a pro se client.

19 [4] Although an LLLT is strictly prohibited by paragraph (b) from communicating with a party
20 about the subject matter of the LLLT's representation, a LLLT may have occasion to
21 communicate directly with a non-party who is assisted by another LLLT. A risk of unwarranted
22 intrusion into a privileged relationship may arise when an LLLT deals with a person who is
23 assisted by another LLLT. Client-LLLT communications, however, are privileged to the same
24 extent as client-lawyer communications. See APR 28K(3). An LLLT's ethical duty of
25 confidentiality further protects the LLLT client's right to confidentiality in that professional

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1 relationship. See LLLT RPC 1.6(a). When dealing with a person who is assisted by another
2 LLLT, an LLLT must respect these legal rights that protect the client-LLLT relationship.

3 **LLLT RPC 4.4 RESPECT FOR RIGHTS OF THIRD PERSONS**

4 (a) In representing a client, an LLLT shall not use means that have no substantial purpose other
5 than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that
6 violate the legal rights of such a person.

7 (b) An LLLT who receives a document relating to the representation of the LLLT's client and
8 knows or reasonably should know that the document was inadvertently sent shall promptly
9 notify the sender.

10 **Comment**

11 [1] This Rule was adapted from Lawyer RPC 4.4 with no substantive changes and applies to
12 LLLTs analogously.

13 **TITLE 5. LAW FIRMS AND ASSOCIATIONS**

14 **LLLT RPC 5.1 RESPONSIBILITIES OF PARTNERS, MANAGERS, AND**
15 **SUPERVISORY LLLTS**

16 (a) An LLLT partner in a law firm, and an LLLT who individually or together with other
17 LLLTs possesses comparable managerial authority in a law firm, shall make reasonable efforts
18 to ensure that the firm has in effect measures giving reasonable assurance that all LLLTs in the
19 firm conform to the LLLT RPC.

20 (b) An LLLT having direct supervisory authority over another LLLT shall make reasonable
21 efforts to ensure that the other LLLT conforms to the LLLT RPC.

22 (c) An LLLT shall be responsible for another LLLT's violation of the LLLT RPC if:

23 (1) the LLLT orders or, with knowledge of the specific conduct, ratifies the conduct involved;

24 or

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1 (2) the LLLT is a partner or has comparable managerial authority in the firm in which the other
2 LLLT practices, or has direct supervisory authority over the other LLLT, and knows of the
3 conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable
4 remedial action.

5 (d) An LLLT shall be responsible for a lawyer violation of the Lawyer RPC if the LLLT is a
6 partner or has comparable managerial authority and knows of the conduct at a time when its
7 consequences can be avoided or mitigated but fails to take reasonable remedial action.

8 **Comment**

9 [1] This Rule was adapted from Lawyer RPC 5.1 with no substantive changes and applies to
10 LLLTs analogously.

11 [2] When under Rule 5.9 an LLLT has managerial authority in a firm comprised of both lawyers
12 and LLLTs, the LLLT should support efforts of the firm’s lawyers with managerial authority
13 under Lawyer RPC 5.1 and 5.10 to make reasonable efforts to ensure that the firm has in effect
14 measures giving reasonable assurance that all lawyers in the firm conform to the Lawyer RPC.

15 [3] Under paragraph (d), when an LLLT with managerial authority in a firm comprised of both
16 lawyers and LLLTs knows of a lawyer’s violation of the Lawyer RPC at a time when its
17 consequences can be avoided or mitigated, reasonable remedial action will ordinarily consist of
18 promptly reporting the violation to one of the firm’s lawyers with managerial authority so that
19 the lawyer manager can take appropriate action under Lawyer RPC 5.1(c).

20 **LLLT RPC 5.2 RESPONSIBILITIES OF A SUBORDINATE LLLT**

21 (a) An LLLT is bound by the LLLT RPC notwithstanding that the LLLT acted at the direction
22 of another person.

23 (b) A subordinate LLLT does not violate the LLLT RPC if that LLLT acts in accordance with a
24 supervisory LLLT or a supervisory lawyer's reasonable resolution of an arguable question of
25 professional duty.

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1 **Comment**

2 [1] This Rule was adapted from Lawyer RPC 5.2 with no substantive changes except to reflect
3 that LLLTs and lawyers may practice in the same firm. It applies to LLLTs and to firms in
4 which both LLLTs and lawyers are associated analogously.

5 **LLLT RPC 5.3 RESPONSIBILITIES REGARDING NON-LLLT ASSISTANTS**

6 With respect to a non-LLLT employed or retained by or associated with an LLLT:

7 (a) an LLLT partner, and an LLLT who individually or together with other LLLTs possesses
8 comparable managerial authority in a law firm shall make reasonable efforts to ensure that the
9 firm has in effect measures giving reasonable assurance that the person's conduct is compatible
10 with the professional obligations of the LLLT;

11 (b) an LLLT having direct supervisory authority over the non-LLLT shall make reasonable
12 efforts to ensure that the person's conduct is compatible with the professional obligations of the
13 LLLT; and

14 (c) an LLLT shall be responsible for conduct of such a person that would be a violation of the
15 Rules of Professional Conduct if engaged in by an LLLT if:

16 (1) the LLLT orders or, with the knowledge of the specific conduct, ratifies the conduct
17 involved; or

18 (2) the LLLT is a partner or has comparable managerial authority in the firm in which the
19 person is employed, or has direct supervisory authority over the person, and knows of the
20 conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable
21 remedial action.

22 **Comment**

23 [1] This Rule was adapted from Lawyer RPC 5.3 with no substantive changes and applies to
24 LLLTs analogously.

25 **LLLT RPC 5.4 PROFESSIONAL INDEPENDENCE OF AN LLLT**

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1 (a) An LLLT or LLLT firm shall not share legal fees with anyone who is a non-LLLT, except
2 that:

3 (1) an agreement by an LLLT with the LLLT's firm, partner, or LLLT associate may provide for
4 the payment of money, over a reasonable period of time after the LLLT's death, to the LLLT's
5 estate or to one or more specified persons;

6 (2) an LLLT who purchases the practice of a deceased, disabled, or disappeared LLLT or
7 lawyer may, pursuant to the provisions of Rule 1.17, pay to the estate or other representative of
8 that LLLT or lawyer the agreed-upon purchase price;

9 (3) an LLLT or LLLT firm may include non-LLLT employees in a compensation or retirement
10 plan, even though the plan is based in whole or in part on a profit-sharing arrangement; and

11 (4) [Reserved.]

12 (5) an LLLT authorized to complete unfinished legal business of a deceased LLLT may pay to
13 the estate or other representative of the deceased LLLT that proportion of the total
14 compensation that fairly represents the services rendered by the deceased LLLT.

15 (b) An LLLT shall not form a partnership with a non-LLLT if any of the activities of the
16 partnership consist of the practice of law.

17 (c) An LLLT shall not permit a person who recommends, employs, or pays the LLLT to render
18 legal services for another to direct or regulate the LLLT's professional judgment in rendering
19 such legal services.

20 (d) An LLLT shall not practice with or in the form of a professional corporation or association
21 authorized to practice law for a profit, if:

22 (1) a non-LLLT owns any interest therein, except that a fiduciary representative of the estate of
23 an LLLT may hold the stock or interest of the LLLT for a reasonable time during
24 administration;

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1 (2) a non-LLLT is a corporate director or officer (other than as secretary or treasurer) thereof or
2 occupies the position of similar responsibility in any form of association other than a
3 corporation; or

4 (3) a non-LLLT has the right to direct or control the professional judgment of an LLLT.

5 **Comment**

6 [1] This Rule was adapted from Lawyer RPC 5.4 with no substantive changes except to change
7 references to a “nonlawyer” to “non-LLLT” to avoid confusion. It applies to LLLTs
8 analogously.

9 [2] Notwithstanding Rule 5.4, lawyers and LLLTs may share fees and form business structures
10 to the extent permitted by Rule 5.9.

11 **LLLT RPC 5.5 UNAUTHORIZED PRACTICE OF LAW**

12 (a) An LLLT shall not practice law in a jurisdiction in violation of the regulation of the legal
13 profession in that jurisdiction, or assist another in doing so.

14 (b) [Reserved.]

15 (c) [Reserved.]

16 (d) [Reserved.]

17 **Comment**

18 [1] Lawyer RPC 5.5(a) expresses the basic prohibition on a legal practitioner practicing law in a
19 jurisdiction where that individual is not specifically licensed or otherwise authorized to practice
20 law. It reflects the general notion (enforced through criminal-legal prohibitions and other law)
21 that legal services may only be provided by those licensed to do so. This limitation on the
22 ability to practice law is designed to protect the public against the rendition of legal services by
23 unqualified persons. See Comment [2] to Lawyer RPC 5.5.

24 As applied to LLLTs, this principle should apply with equal force. An actively licensed LLLT
25 should practice law as an LLLT only in a jurisdiction where he or she is licensed to do so, i.e.,

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1 Washington State. An LLLT must not practice law in a jurisdiction where he or she is not
2 authorized to do so. Unless and until other jurisdictions authorize Washington-licensed LLLTs
3 to practice law, it will be unethical under this Rule for the LLLT to provide or attempt to
4 provide legal services extraterritorially. Relatedly, it is unethical to assist anyone in activities
5 that constitute the unauthorized practice of law in any jurisdiction. See also APR 28H(7)
6 (prohibiting an LLLT from providing services to a client in connection with a legal matter in
7 another state unless permitted by the laws of that state to perform the services for the client).

8 [2] Lawyer RPC 5.5(b) through (d) define the circumstances in which lawyers can practice in
9 Washington despite being unlicensed here. For example, lawyers actively licensed elsewhere
10 may provide services on a temporary basis in Washington in association with a lawyer admitted
11 to practice here or when the lawyer's activities "arise out of or are reasonably related to the
12 lawyer's practice in his or her home jurisdiction." These provisions also recognize that certain
13 non-Washington-licensed lawyers may practice here on more than a temporary basis (e.g.,
14 lawyers providing services authorized by federal law), and otherwise prohibit non-Washington-
15 licensed lawyers from establishing a systematic and continuous presence in Washington for the
16 practice of law.

17 These provisions are, at this time, unnecessary in the LLLT RPC because there are no limited
18 license programs in other jurisdictions tantamount to Washington's LLLT rules and no need to
19 authorize non-lawyers in other jurisdictions to practice law in Washington, either temporarily or
20 on an ongoing basis. For this reason, paragraphs (b) through (d) are reserved.

21 **LLLT RPC 5.6 RESTRICTIONS ON RIGHT TO PRACTICE**

22 An LLLT shall not participate in offering or making:

23 (a) a partnership, shareholders, operating, employment, or other similar type of agreement that
24 restricts the rights of an LLLT or lawyer to practice after termination of the relationship, except
25 an agreement concerning benefits upon retirement; or

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1 (b) an agreement in which a restriction on the LLLT's right to practice is part of the settlement
2 of a client controversy.

3 **Comment**

4 [1] This Rule was adapted from Lawyer RPC 5.6 with no substantive changes except to reflect
5 that LLLTs and lawyers may practice in the same firm. It applies to LLLTs and to firms in
6 which both LLLTs and lawyers are associated analogously.

7 **LLLT RPC 5.7 RESPONSIBILITIES REGARDING LAW-RELATED SERVICES**

8 (a) An LLLT shall be subject to the LLLT RPC with respect to the provision of law-related
9 services, as defined in paragraph (b), if the law-related services are provided:

10 (1) by the LLLT in circumstances that are not distinct from the LLLT's provision of legal
11 services to clients; or

12 (2) in other circumstances by an entity controlled by the LLLT individually or with others if the
13 LLLT fails to take reasonable measures to assure that a person obtaining the law-related
14 services knows that the services are not legal services and that the protections of the client-
15 LLLT relationship do not exist.

16 (b) The term "law-related services" denotes services that might reasonably be performed in
17 conjunction with and in substance are related to the provision of legal services, and that are not
18 prohibited as unauthorized practice of law when provided by anyone except an LLLT or a
19 lawyer.

20 **Comment**

21 [1] This Rule was adapted from Lawyer RPC 5.7 with no substantive changes except to change
22 the reference to a "nonlawyer" (in Lawyer RPC 5.7(b)) to "anyone except an LLLT or a lawyer"
23 (in Rule 5.7(b)) to avoid confusion. It applies to LLLTs analogously.

24 **LLLT RPC 5.8 MISCONDUCT INVOLVING LLLTS AND LAWYERS NOT**
25 **ACTIVELY LICENSED TO PRACTICE LAW**

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1 (a) An LLLT shall not engage in the practice of law while on inactive status, or while
2 suspended from the practice of law for any cause.

3 (b) An LLLT shall not engage in any of the following with a LLLT or lawyer who is disbarred
4 or suspended or who has resigned in lieu of disbarment or discipline or whose license has been
5 revoked or voluntarily canceled in lieu of discipline:

6 (1) practice law with or in cooperation with such an individual;

7 (2) maintain an office for the practice of law in a room or office occupied or used in whole or in
8 part by such an individual;

9 (3) permit such an individual to use the LLLT's name for the practice of law;

10 (4) practice law for or on behalf of such an individual; or

11 (5) practice law under any arrangement or understanding for division of fees or compensation of
12 any kind with such an individual.

13 **Comment**

14 [1] This Rule was adapted from Lawyer RPC 5.8 with no substantive changes except to
15 incorporate disciplinary dispositions applicable to LLLTs in paragraph (b). Otherwise, this
16 Rule applies to LLLTs analogously.

17 **LLLT RPC 5.9 BUSINESS STRUCTURES INVOLVING LLLT AND LAWYER**
18 **OWNERSHIP**

19 (a) Notwithstanding the provisions of Rule 5.4, an LLLT may:

20 (1) share fees with a lawyer who is in the same firm as the LLLT;

21 (2) form a partnership with a lawyer where the activities of the partnership consist of the
22 practice of law; or

23 (3) practice with or in the form of a professional corporation, association, or other business
24 structure authorized to practice law for a profit in which a lawyer owns an interest or serves as a
25 corporate director or officer or occupies a position of similar responsibility.

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1 (b) An LLLT and a lawyer may practice in a jointly owned firm or other business structure
2 authorized by paragraph (a) of this Rule only if:

3 (1) LLLTs do not direct or regulate any lawyer's professional judgment in rendering legal
4 services;

5 (2) LLLTs have no direct supervisory authority over any lawyer;

6 (3) LLLTs do not possess a majority ownership interest or exercise controlling managerial
7 authority in the firm; and

8 (4) lawyers with managerial authority in the firm expressly undertake responsibility for the
9 conduct of LLLT partners or owners to the same extent they are responsible for the conduct of
10 lawyers in the firm under Lawyer RPC 5.1.

11 **Comment**

12 [1] This Rule codifies the proposition that LLLTs may enter into fee-sharing arrangements and
13 for-profit business relationships with lawyers. It is an exception to the general prohibition
14 stated in Rule 5.4 that LLLTs may not share fees or enter into business relationships with
15 individuals other than LLLTs. Rule 5.4 governs an LLLT's responsibilities with respect to
16 individuals who are neither LLLTs nor lawyers.

17 [2] In addition to expressly authorizing intra-firm fee-sharing and business structures between
18 LLLTs and lawyers in paragraph (a), paragraph (b) of the Rule sets forth limitations on the role
19 of LLLTs in jointly owned firms, specifying that regardless of an LLLT's ownership interest in
20 such a firm, the business may not be structured in a way that permits LLLTs directly or
21 indirectly to supervise lawyers or to otherwise direct or regulate a lawyer's independent
22 professional judgment. This includes a limitation on LLLTs possessing a majority ownership
23 interest or controlling managerial authority in a jointly owned firm, a structure that could result
24 indirectly in non-lawyer decision-making affecting the professional independence of lawyers.

25 Lawyer managers, by contrast, will be required to undertake responsibility for a firm's LLLT

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1 owners by expressly assuming responsibility for their conduct to the same extent as they are
2 responsible for the conduct of firm lawyers.

3 **TITLE 6. PUBLIC SERVICE**

4 **LLLT RPC 6.1 PRO BONO PUBLICO SERVICE**

5 Every LLLT has a professional responsibility to assist in the provision of legal services to those
6 unable to pay. An LLLT should aspire to render at least thirty (30) hours of pro bono publico
7 service per year. In fulfilling this responsibility, the LLLTs should:

8 (a) provide legal services without fee or expectation of fee to:

9 (1) persons of limited means or

10 (2) charitable, religious, civic, community, governmental and educational organizations in
11 matters which are designed primarily to address the needs of persons of limited means; and

12 (b) provide pro bono publico service through:

13 (1) [Reserved.]

14 (2) delivery of legal services at a substantially reduced fee to persons of limited means; or

15 (3) participation in activities for improving the law, the legal system or the legal profession.

16 Pro bono publico service may be reported annually on a form provided by the WSBA. An
17 LLLT rendering a minimum of fifty (50) hours of pro bono publico service shall receive
18 commendation for such service from the Limited License Legal Technician Board.

19 **Comment**

20 [1] Paragraph (a) of this Rule was adapted from Lawyer RPC 6.1(a) with no substantive
21 changes and applies to LLLTs analogously.

22 [2] Paragraph (b) of this Rule was adapted from Lawyer RPC 6.1(b) with no substantive
23 changes except that paragraph (b)(1) is reserved. Lawyer RPC 6.1(b)(1) refers to the delivery of
24 pro bono public services to individuals or organizations to secure civil rights, civil liberties or
25 public rights, or to further the organizational purposes of certain not-for-profit organizations and

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1 entities. These kinds of services are beyond the scope of a LLLT’s authority under APR 28.
2 Accordingly, Rule 6.1(b)(1) is reserved. Otherwise, this Rule applies to LLLTs analogously.

3 **LLLT RPC 6.2 [Reserved]**

4 **Comment**

5 [1] Lawyer RPC 6.2 relates to appointments by a tribunal for the representation of persons
6 before that tribunal. These kinds of services are beyond the scope of an LLLT’s authority under
7 APR 28. Accordingly, Rule 6.2 is reserved.

8 **LLLT RPC 6.3 MEMBERSHIP IN LEGAL SERVICES ORGANIZATION**

9 An LLLT may serve as a director, officer or member of a legal services organization, apart from
10 the firm in which the LLLT practices, notwithstanding that the organization serves persons
11 having interests adverse to a client of the LLLT. The LLLT shall not knowingly participate in a
12 decision or action of the organization:

13 (a) if participating in the decision or action would be incompatible with the LLLT's obligations
14 to a client under Rule 1.7; or

15 (b) where the decision or action could have a material adverse effect on the representation of a
16 client of the organization whose interests are adverse to a client of the LLLT.

17 **Comment**

18 [1] This Rule was adapted from Lawyer RPC 6.3 with no substantive changes and applies to
19 LLLTs analogously.

20 **LLLT RPC 6.4 LAW REFORM ACTIVITIES AFFECTING CLIENT INTERESTS**

21 An LLLT may serve as a director, officer or member of an organization involved in reform of
22 the law or its administration notwithstanding that the reform may affect the interests of a client
23 of the LLLT. When the LLLT knows that the interests of a client may be materially benefited
24 by a decision in which the LLLT participates, the LLLT shall disclose that fact but need not
25 identify the client.

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1 **Comment**

2 [1] This Rule was adapted from Lawyer RPC 6.4 with no substantive changes and applies to
3 LLLTs analogously.

4 **LLLT RPC 6.5 NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICE**
5 **PROGRAMS**

6 (a) An LLLT who, under the auspices of a program sponsored by a nonprofit organization or
7 court, provides short-term limited legal services to a client without expectation by either the
8 LLLT or the client that the LLLT will provide continuing representation in the matter and
9 without expectation that the LLLT will receive a fee from the client for the services provided:

10 (1) is subject to Rules 1.7, 1.9(a), and 1.18(c) only if the LLLT knows that the representation of
11 the client involves a conflict of interest, except that those Rules shall not prohibit an LLLT from
12 providing limited legal services sufficient only to determine eligibility of the client for
13 assistance by the program and to make an appropriate referral of the client to another program;

14 (2) is subject to Rule 1.10 only if the LLLT knows that another LLLT or lawyer associated with
15 the LLLT in a firm is disqualified by Rule 1.7 or 1.9(a), or by Lawyer RPC 1.7 or 1.9(a), with
16 respect to the matter; and

17 (3) notwithstanding paragraphs (1) and (2), is not subject to Rules 1.7, 1.9(a), 1.10, or 1.18(c) in
18 providing limited legal services within the authorized scope of the LLLT's practice to a client if:

19 (i) any program LLLTs or lawyers representing the opposing clients are screened by effective
20 means from information relating to the representation of the opposing client;

21 (ii) each client is notified of the conflict and the screening mechanism used to prohibit
22 dissemination of information relating to the representation; and

23 (iii) the program is able to demonstrate by convincing evidence that no material information
24 relating to the representation of the opposing client was transmitted by the personally

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1 disqualified LLLTs or lawyers to the LLLT representing the conflicting client before
2 implementation of the screening mechanism and notice to the opposing client.

3 (b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation
4 governed by this Rule.

5 **Comment**

6 [1] This Rule was adapted from Lawyer RPC 6.5 with no substantive changes except to reflect
7 that LLLTs and lawyers may practice in the same firm and to reflect the authorized scope of an
8 LLLT's practice. It applies to LLLTs and to firms in which both LLLTs and lawyers are
9 associated analogously.

10 **TITLE 7. INFORMATION ABOUT LEGAL SERVICES**

11 **LLLT RPC 7.1 COMMUNICATIONS CONCERNING AN LLLT'S SERVICES**

12 An LLLT shall not make a false or misleading communication about the LLLT or the LLLT's
13 services. A communication is false or misleading if it contains a material misrepresentation of
14 fact or law, or omits a fact necessary to make the statement considered as a whole not materially
15 misleading.

16 **Comment**

17 [1] This Rule was adapted from Lawyer RPC 7.1 with no substantive changes and applies to
18 LLLTs analogously. See also APR 28H(1) (prohibiting an LLLT from making any statement
19 that the LLLT can or will obtain special favors from or has special influence with any court or
20 governmental agency).

21 **LLLT RPC 7.2 ADVERTISING**

22 (a) Subject to the requirements of Rules 7.1 and 7.3, an LLLT may advertise services through
23 written, recorded or electronic communication, including public media.

24 (b) An LLLT shall not give anything of value to a person for recommending the LLLT's
25 services, except that an LLLT may

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- 1 (1) pay the reasonable cost of advertisements or communications permitted by this Rule;
2 (2) pay the usual charges of a legal service plan or a not-for-profit LLLT referral service;
3 (3) pay for a law practice in accordance with Rule 1.17; and
4 (4) refer clients to a lawyer or to another LLLT pursuant to an agreement not otherwise
5 prohibited under these Rules that provides for the other person to refer clients or customers to
6 the LLLT, if
7 (i) the reciprocal referral agreement is not exclusive, and
8 (ii) the client is informed of the existence and nature of the agreement.
9 (c) Any communication made pursuant to this Rule shall include the name and office address of
10 at least one LLLT or law firm responsible for its content.

11 **Comment**

12 [1] This Rule was adapted from Lawyer RPC 7.2 with no substantive changes except to reflect
13 that client referrals may occur reciprocally between lawyers and LLLTs. It applies to LLLTs
14 analogously.

15 [2] This Rule prohibits LLLTs from paying others for referrals. See also Rule 1.5(e)
16 (prohibiting the division of fees with another LLLT or lawyer who is not in the same firm as the
17 LLLT); Rule 5.4 (subject to Rule 5.9, prohibiting the sharing of fees with anyone who is not an
18 LLLT).

19 [3] In advertising, an LLLT also has an affirmative obligation to communicate the fact that the
20 LLLT has a limited license to practice in the particular fields of law for which the LLLT is
21 licensed and is prohibited from stating or implying that the LLLT is licensed to practice in any
22 other areas of law, or has an unlimited license to practice law in any area of law. See Rule
23 7.4(a).

24 **LLLT RPC 7.3 DIRECT CONTACT WITH PROSPECTIVE CLIENTS**

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1 (a) An LLLT shall not directly or through a third person, by in-person, live telephone, or real-
2 time electronic contact solicit professional employment from a prospective client when a
3 significant motive for the LLLT’s doing so is the LLLT’s pecuniary gain, unless the person
4 contacted:

5 (1) is a lawyer or an LLLT;

6 (2) has a family, close personal, or prior professional relationship with the LLLT; or

7 (3) has consented to the contact by requesting a referral from a not-for-profit LLLT referral
8 service.

9 (b) An LLLT shall not solicit professional employment from a prospective client by written,
10 recorded or electronic communication or by in-person, telephone or real-time electronic contact
11 even when not otherwise prohibited by paragraph (a), if:

12 (1) the prospective client has made known to the LLLT a desire not to be solicited by the LLLT;
13 or

14 (2) the solicitation involves coercion, duress or harassment.

15 (c) [Reserved.]

16 (d) Notwithstanding the prohibitions in paragraph (a), an LLLT may participate with a prepaid
17 or group legal service plan operated by an organization not owned or directed by the LLLT that
18 uses in-person or telephone contact to solicit memberships or subscriptions for the plan from
19 persons who are not known to need legal services in a particular matter covered by the plan.

20 **Comment**

21 [1] This Rule was adapted from Lawyer RPC 7.3 with no substantive changes except to reflect
22 that LLLTs may solicit employment from lawyers as well as other LLLTs, and that referral
23 services may refer to both lawyers and LLLTs. This Rule applies to LLLTs analogously.

24 **LLLT RPC 7.4 COMMUNICATION OF FIELDS OF PRACTICE AND**
25 **SPECIALIZATION**

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1 (a) In all advertising, an LLLT shall communicate the fact that the LLLT has a limited license
2 practice in the particular fields of law for which the LLLT is licensed, and shall not state or
3 imply that an LLLT is licensed to practice in any other areas of law, or has an unlimited license
4 to practice law in any area of law.

5 (b) [Reserved.]

6 (c) [Reserved.]

7 (d) An LLLT shall not state or imply that an LLLT is "certified", a "specialist", or an "expert".
8 or use any other similar term to describe his or her qualifications as an LLLT, but may identify
9 any award or recognition that the LLLT has received from a group, organization or association.
10 If an LLLT has received any other legal title, credential or certificate from any group,
11 organization, or association, then the LLLT may identify the legal title, credential or certificate
12 provided that the reference must:

13 (1) be truthful and verifiable and otherwise comply with Rule 7.1;

14 (2) identify the group, organization, or association that issued the legal title, credential or
15 certificate; and

16 (3) state that the Supreme Court of Washington does not recognize certification of specialties in
17 the practice of law and that the legal title, credential or certificate is not a requirement of the
18 LLLT's limited license to practice in the particular fields of law for which the LLLT is licensed.

19 **Comment**

20 [1] An LLLT's license to provide legal services is unique and may not be understood by persons
21 who are not familiar with the limited scope of practice of an LLLT and with the differences
22 between an LLLT and a lawyer. Advertising is designed to help educate the public on the
23 availability of legal services, but advertising by an LLLT may not be false or misleading. See
24 Rule 7.1. In order to avoid confusion about the scope of services that an LLLT can provide as
25 distinct from the broader scope of services that a lawyer is authorized to provide, advertising by

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1 an LLLT must communicate that an LLLT may deliver legal services only within a limited
2 scope. Accordingly, Rule 7.4(a) differs from Lawyer RPC 7.4(a) in that it requires that all
3 advertising by an LLLT communicate relevant facts concerning the scope of the LLLT’s license
4 and expressly prohibits communications that state or imply that the LLLT’s license exceeds that
5 scope.

6 [2] Lawyer RPC 7.4(b) pertains to a patent practice before the United States Patent and
7 Trademark Office, a practice that exceeds the authorized scope of APR 28. Accordingly, Rule
8 7.4(b) is reserved.

9 [3] Lawyer RPC 7.4(c) pertains to an admiralty practice, a practice that exceeds the authorized
10 scope of APR 28. Accordingly, Rule 7.4(c) is reserved.

11 [4] In order to avoid confusion about the scope of services that an LLLT can provide, APR
12 28H(4) prohibits an LLLT from representing or advertising, in connection with the provision of
13 legal services, other legal titles or credentials that could cause a client to believe that the LLLT
14 possesses professional legal skills beyond those authorized by the license held by the LLLT.
15 The terms “certified”, “specialist”, “expert” and similar terms suggest achievement of skills
16 beyond those that are authorized by the LLLT’s license, and may not be used when describing
17 an LLLT’s credentials. Other titles and recognitions, however, may provide useful information
18 that is not likely to mislead clients or potential clients concerning the skills and authorized
19 scope of an LLLT's practice. Accordingly, if an LLLT has received a legal title, credential or
20 certificate from a group, organization or association, the LLLT may identify that title, credential
21 or certificate so long as communications about it meet the requirements enumerated in Rule
22 7.4(d)(1)-(3). Those requirements are substantially similar to Lawyer Rule 7.4(d)(1)-(3). An
23 LLLT may also identify awards and recognitions that the LLLT has received from a group,
24 organization or association.

25 **LLLT RPC 7.5 FIRM NAMES AND LETTERHEADS**

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1 (a) An LLLT shall not use a firm name, letterhead or other professional designation that violates
2 Rule 7.1. A trade name may be used by an LLLT in private practice if the trade name does not
3 imply that lawyers are members or employees of the firm unless that is the case, and if it does
4 not imply a connection with a government agency or with a public or charitable legal services
5 organization and is not otherwise in violation of Rule 7.1. If there are no lawyers in the firm,
6 any firm name used by an LLLT in private practice shall include the words "Legal Technician."

7 (b) A law firm with offices in more than one jurisdiction may use the same name or other
8 professional designation in each jurisdiction, but identification of the lawyers or LLLTs in an
9 office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in
10 the jurisdiction where the office is located.

11 (c) The name of an LLLT or lawyer holding a public office shall not be used in the name of a
12 law firm, or in communications on its behalf, during any substantial period in which the LLLT
13 or lawyer is not actively and regularly practicing with the firm.

14 (d) LLLTs may state or imply that they practice in a partnership or other organization only
15 when that is a fact.

16 **Comment**

17 [1] This Rule was adapted from Lawyer RPC 7.5 with no substantive changes except that
18 provisions have been added to subsection (a) to require that any trade name not imply that
19 lawyers are members or employees of the firm unless that is the case, and that, if there are no
20 lawyers in the firm, any trade name include the words "Legal Technician." Otherwise, this Rule
21 applies to LLLTs analogously.

22 [2] An LLLT's license to provide legal services is unique and may not be understood by persons
23 who are not familiar with the limited scope of an LLLT's practice and with the differences
24 between an LLLT and a lawyer. A trade name is a brand and is therefore similar to forms of
25 advertising and is often used in advertising. A trade name must not be false or misleading. See

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1 Rules 7.1 and 7.4. In order to avoid confusion, trade names should communicate the nature of
2 the legal services that a licensed practitioner or firm can deliver. Rule 7.5(a) requires that any
3 trade name communicate relevant facts concerning the scope of the legal services that can be
4 delivered by the legal professional or firm.

5 **LLLT RPC 7.6 POLITICAL CONTRIBUTIONS TO OBTAIN GOVERNMENT LEGAL**
6 **ENGAGEMENTS OR APPOINTMENTS BY JUDGES**

7 An LLLT or law firm shall not accept a government legal engagement or an appointment by a
8 judge if the LLLT or law firm makes a political contribution or solicits political contributions
9 for the purpose of obtaining or being considered for that type of legal engagement or
10 appointment.

11 **Comment**

12 [1] This Rule was adapted from Lawyer RPC 7.6 with no substantive changes and applies to
13 LLLTs analogously.

14 **TITLE 8. MAINTAINING THE INTEGRITY OF THE PROFESSION**

15 **LLLT RPC 8.1 LIMITED LICENSURE AND DISCIPLINARY MATTERS**

16 An applicant for limited licensure, or an LLLT in connection with a limited licensure or
17 reinstatement application, or lawyer's bar admission, or in connection with a lawyer or LLLT
18 disciplinary matter, shall not:

19 (a) knowingly make a false statement of material fact; or

20 (b) fail to disclose a fact necessary to correct a misapprehension known by the person to have
21 arisen in the matter, or knowingly fail to respond to a lawful demand for information from a
22 licensing or disciplinary authority, except that this Rule does not require disclosure of
23 information otherwise protected by Rule 1.6.

24 **Comment**

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1 [1] This Rule was adapted from Lawyer RPC 8.1 with no substantive changes except to reflect
2 the difference between admission to the Bar (for a lawyer) and limited licensure (for an LLLT).

3 This Rule applies to LLLTs analogously.

4 **LLLT RPC 8.2 JUDICIAL AND LEGAL OFFICIALS**

5 (a) An LLLT shall not make a statement that the LLLT knows to be false or with reckless
6 disregard as to its truth or falsity concerning the qualifications, integrity, or record of a judge,
7 adjudicatory officer or public legal officer, or of a candidate for election or appointment to
8 judicial or legal office.

9 (b) [Reserved.]

10 **Comment**

11 [1] Rule 8.2(a) was adapted from Lawyer RPC 8.2(a) with no substantive changes and applies
12 to LLLTs analogously.

13 [2] Lawyer Rule 8.2(b) pertains to lawyers who are candidates for judicial office. Judges in the
14 judicial branch of the state of Washington must be lawyers. Accordingly, Rule 8.2(b) does not
15 apply to LLLTs and is reserved.

16 **LLLT RPC 8.3 REPORTING PROFESSIONAL MISCONDUCT**

17 (a) An LLLT who knows that another LLLT or a lawyer has committed a violation of the
18 applicable Rules of Professional Conduct that raises a substantial question as to that LLLT's or
19 that lawyer's honesty, trustworthiness or fitness as an LLLT or lawyer in other respects, should
20 inform the appropriate professional authority.

21 (b) An LLLT who knows that a judge has committed a violation of applicable rules of judicial
22 conduct that raises a substantial question as to the judge's fitness for office should inform the
23 appropriate authority.

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1 (c) This Rule does not permit an LLLT to report the professional misconduct of another LLLT,
2 a lawyer, or a judge to the appropriate authority if doing so would require the LLLT to disclose
3 information otherwise protected by Rule 1.6.

4 **Comment**

5 [1] This Rule was adapted from Lawyer RPC 8.3 with no substantive changes except to reflect
6 that LLLTs have the same rights and responsibilities with respect to the actions of lawyers that
7 they have with respect to the actions of LLLTs. It applies to LLLTs analogously.

8 **LLLT RPC 8.4 MISCONDUCT**

9 It is professional misconduct for an LLLT to:

10 (a) violate or attempt to violate the LLLT RPC, knowingly assist or induce another to do so, or
11 do so through the acts of another;

12 (b) commit a criminal act that reflects adversely on the LLLT's honesty, trustworthiness or
13 fitness as an LLLT in other respects;

14 (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

15 (d) engage in conduct that is prejudicial to the administration of justice;

16 (e) state or imply an ability to influence improperly a government agency or official or to
17 achieve results by means that violate the LLLT Rules of Professional Conduct or other law;

18 (f) knowingly assist

19 (1) a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct
20 or other law or

21 (2) a lawyer in conduct that is a violation of the lawyer Rules of Professional Conduct or other
22 law;

23 (g) commit a discriminatory act prohibited by state law on the basis of sex, race, age, creed,
24 religion, color, national origin, disability, sexual orientation, or marital status, where the act of
25 discrimination is committed in connection with the LLLT's professional activities. In addition, it

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1 is professional misconduct to commit a discriminatory act on the basis of sexual orientation if
2 such an act would violate this Rule when committed on the basis of sex, race, age, creed,
3 religion, color, national origin, disability, or marital status. This Rule shall not limit the ability
4 of an LLLT to accept, decline, or withdraw from the representation of a client in accordance
5 with Rule 1.16;

6 (h) in representing a client, engage in conduct that is prejudicial to the administration of justice
7 toward LLLTs, lawyers, judges, other parties, witnesses, jurors, or court personnel or officers,
8 that a reasonable person would interpret as manifesting prejudice or bias on the basis of sex,
9 race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status.

10 This Rule does not restrict an LLLT from assisting a client to advance material factual or legal
11 issues or arguments.

12 (i) commit any act involving moral turpitude, or corruption, or any unjustified act of assault or
13 other act which reflects disregard for the rule of law, whether the same be committed in the
14 course of his or her conduct as an LLLT, or otherwise, and whether the same constitutes a
15 felony or misdemeanor or not; and if the act constitutes a felony or misdemeanor, conviction
16 thereof in a criminal proceeding shall not be a condition precedent to disciplinary action, nor
17 shall acquittal or dismissal thereof preclude the commencement of a disciplinary proceeding;

18 (j) willfully disobey or violate a court order directing him or her to do or cease doing an act
19 which he or she ought in good faith to do or forbear;

20 (k) violate his or her oath as an LLLT;

21 (l) violate a duty or sanction imposed by or under the LLLT REC in connection with a
22 disciplinary matter; including, but not limited to, the duties catalogued at LLLT REC 1.5;

23 (m) [Reserved];

24 (n) engage in conduct demonstrating unfitness to practice law; or

25 (o) violate or attempt to violate APR 28F-H or Appendix APR 28 Regulation 2.

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Comment

[1] This Rule was adapted from Lawyer RPC 8.4 with no substantive changes except as discussed in these Comments, and otherwise applies to LLLTs analogously.

[2] An LLLT holds a unique form of license to practice law. As a legal professional, an LLLT has a duty to uphold the integrity of the justice system and of those who are authorized to participate in it as judges, lawyers and LLLTs. Rule 8.4(f)(1) prohibits an LLLT from knowingly assisting a judge or judicial officer in conduct that violates applicable rules of judicial conduct or other law. Rule 8.4(f)(2) adds a prohibition against knowingly assisting a lawyer in conduct that violates the Lawyer RPC or other law. Rule 8.4(f)(2) is substantially identical to Rule 8.4(f)(1) except for its reference to the applicable code of conduct and should be interpreted and applied analogously. Similarly, Rule 8.4(h) has been modified to reflect that an LLLT's obligation to avoid conduct that is prejudicial to the administration of justice extends to an LLLT's conduct toward lawyers.

[3] Lawyer Rule 8.4(m) pertains to lawyers who serve as judges. Judges in the judicial branch of the state of Washington must in nearly all instances be lawyers. Accordingly, because Rule 8.4(m) will have little or no applicability to LLLTs, it is reserved.

[4] LLLTs are subject to discipline when they violate or attempt to violate the LLLT RPC, knowingly assist or induce another to do so, or do so through the acts of another, as when they require or instruct an agent to do so on the LLLT's behalf. In this way, LLLTs are held to the same standards that apply to lawyers. Rule 8.4(o), which does not appear in the Lawyer RPC, states that violating or attempting to violate APR 28F-H or Appendix APR 28 Regulation 2 is professional misconduct that subjects an LLLT to discipline.

LLLT RPC 8.5 DISCIPLINARY AUTHORITY

(a) Disciplinary Authority. An LLLT licensed to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the LLLT's conduct occurs.

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1 (b) [Reserved.]

2 (c) [Reserved.]

3 **Comment**

4 [1] The first sentence of Rule 8.5 was adapted from the first sentence of Lawyer RPC 8.5 with
5 no substantive changes and applies to LLLTs analogously.

6 [2] An LLLT holds a unique form of license to practice law. Unlike lawyers, LLLTs are not
7 recognized licensed legal practitioners in jurisdictions other than Washington. With the
8 exception of the first sentence of Lawyer RPC 8.5, that rule applies either to the conduct of
9 lawyers from this jurisdiction who practice law in another jurisdiction, lawyers from another
10 jurisdiction who practice law in this jurisdiction, and lawyers who serve as judges or justices.

11 For this reason, paragraphs (b) and (c) are reserved.

12 **APPENDIX [Reserved]**