

PRACTICE OF LAW BOARD STATE OF WASHINGTON

ADVISORY OPINION GUIDELINES

The Practice of Law Board issues advisory opinions under the authority of the Washington Supreme Court pursuant to [General Rule 25](#).

The Supreme Court created the Practice of Law Board to:

- promote expanded access to affordable and reliable legal and law-related services,
- expand public confidence in the administration of justice,
- make recommendations regarding the circumstances under which nonlawyers may be involved in the delivery of certain types of legal and law-related services,
- enforce rules prohibiting individuals and organizations from engaging in unauthorized legal and law-related services that pose a threat to the general public, and
- ensure that those engaged in the delivery of legal services in the state of Washington have the requisite skills and competencies necessary to serve the public.

General Rule 25(a).

To further its purpose, the Practice of Law Board is authorized to issue advisory opinions “relating to the authority of non-lawyers to perform legal and law-related services.” General Rule 25(c)(1). Advisory opinions are also guided by:

- [General Rule 24](#) (defining the practice of law and listing authorized exceptions),
- [Revised Code of Washington 2.48.170](#) (prohibiting nonlawyers from engaging in the practice of law),
- [Rule of Professional Conduct 5.5](#) (explaining when lawyers not licensed in Washington are authorized to provide legal and law-related services in Washington),
- Washington State appellate court decisions, court rules, statutes, and regulations regarding the authority of nonlawyers to provide legal and law-related services, and

- [The Supreme Court's Order Adopting the Limited Practice Rule for Limited License Legal Technicians](#), dated June 15, 2012.

Unless stated otherwise, when used in the advisory opinions, the term “nonlawyers” includes lawyers from other jurisdictions who are not admitted to practice law in the State of Washington or otherwise authorized to do so under [Rule of Professional Conduct 5.5](#) (“Unauthorized Practice of Law; Multijurisdictional Practice of Law”), [Admission to Practice Rule 8](#) (“Special Admissions”), and [Admission to Practice Rule 14](#) (“Limited Practice Rule for Foreign Law Consultants”). “Nonlawyers” also includes Washington lawyers who have been suspended or disbarred from practicing law.

An advisory opinion may be issued (1) at the request of any person, (2) in connection with the Board’s consideration of a complaint or investigation, or (3) on the Board’s own initiative. Requests for advisory opinions shall be in writing, signed, and shall identify the person requesting the opinion.

To elicit input on an advisory opinion under consideration, the Board may give notice to and invite written comments from interested persons and organizations, or may conduct a public hearing.

Advisory opinions are not issued if the subject matter is involved in or might influence a matter pending in court or in an administrative proceeding, such as a lawyer discipline matter. The Board may also decline to issue an advisory opinion.

When the Board decides to issue an advisory opinion, it will be in writing. When the opinion is the result of an inquiry, it will be provided to the person who made the inquiry. At the discretion of the Board, an advisory opinion may also be published on the [Practice of Law Board’s website](#)¹ or in the official publication of the Washington State Bar Association, *NWLawyer*. Published opinions will not, insofar as practicable, identify the person who made the inquiry or the person who is the subject of the inquiry.

Advisory opinions may be reviewed by the Washington Supreme Court under the procedures in [General Rule 25\(g\)](#). This rule provides that “any aggrieved member of the bar, bar association, person or entity” may seek review of an advisory opinion within 20 days after the opinion is published. The publication date shall be when it is delivered to an inquirer, if any, or posted on the Board’s website. Rule 25(g) sets forth the appeal procedures.

(November 8, 2013)

¹ www.WSBA.org/Legal-Community/Committees-Boards-and-Other-Groups/Practice-of-Law-Board