



# WSBA

## LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

### AGENDA for March 23, 2017

Washington State Bar Association  
1325 Fourth Avenue – Suite 600  
Seattle, Washington 98101  
1:30 p.m. to 4:30 p.m.

1. **Call to Order/Preliminary Matters** (1:30 p.m.)
  - Outreach Update
  - Approval of Meeting Minutes
  - March Exam
  - Applications for FY 2018 Board Appointments
  - Portland Community College
2. **Supreme Court Meeting Debrief** (Steve Crossland) (1:45 p.m.)
  - Communication regarding assistance in court
3. **Workplan for New Practice Area Committee** (Greg Dallaire) (2:00 p.m.)
4. **Workplan for Family Law** (Nancy Ivarinen) (2:30 p.m.)
5. **Workplan for Estate and Healthcare Law Curriculum** (Genevieve Mann) (3:00 p.m.)
6. **MCLE Credits Discussion** (Ellen Reed, Bobby Henry) (3:30 p.m.)

### MEETING MATERIALS

1. March Update
2. Draft Meeting Minutes from February 16, 2017
3. MCLE Credits Issue Statement
4. Pending Issues List



# WSBA

## LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

### MEETING MINUTES for February 16, 2017

Washington State Bar Association  
1325 Fourth Avenue – Suite 600  
Seattle, Washington 98101  
1:30 p.m. to 4:30 p.m.

Members present were Steve Crossland, Greg Dallaire, William Covington, Amy Riedel, Nancy Ivarinen, Genevieve Mann, and Ruth Walsh McIntyre.

Members attending remotely were Jeanne Dawes, Gail Hammer and Lynn Fleischbein.

Also present were Bobby Henry, Associate Director of the Regulatory Service Department, Ellen Reed, Limited License Legal Technician Program Lead, Christy Carpenter, LLLT #113, and Meg Bridewell, a WSBA member. Paula Littlewood, Executive Director of WSBA and Jean McElroy, General Counsel and Chief Regulatory Counsel attended a portion of the meeting.

#### **Call to Order/Preliminary Matters**

The meeting called to order at 1:31 p.m.

- Outreach Update

Ellen Reed and Professor Terry Price presented to the Eastside Chapter of the Washington State Paralegal Association in late January. Ellen Reed, Jennifer Ortega and Sarah Bove gave a presentation to a class at Tacoma Community College in early February. Also in February, Steve Crossland presented at the Association of Professional Responsibility Counsel conference. The Superior Court Judges Association has requested that a speaker from the LLLT Board attend their meeting on March 4, which Chair Crossland will attend.

- Approval of Meeting Minutes

The meeting minutes from January 19, 2017 were approved.

- Town Hall

The members of the LLLT Board who attended and presented at the Town Hall on February 15 provided feedback on the event. The Board discussed the comments received thus far from various sections and individuals in regards to the Estate and Healthcare Law proposal. The timing and process of creating the curriculum for new practice areas was also discussed. Professor Patricia Kuszler will attend the meeting with the Supreme Court on March 8 to assist in answering any questions from the Justices on this topic.

- Board Appointments

Board member Jessica Neilson has resigned due to time constraints. Alternate Professor Gail Hammer will take her place effective immediately.

### **New Practice Area Committee Report**

Chair Greg Dallaire gave a report on the morning meeting of the New Practice Area Committee. Several immigration law practitioners, including a paralegal, an immigration attorney in private practice, and an attorney from the US Immigration & Customs Office attended and provided feedback. The practitioners identified areas of immigration practice which they thought could be appropriate for LLLTs. Several areas were identified as largely forms-based and therefore potentially appropriate. The committee also discussed whether or not there would be a problem with federal preemption when it came to categorizing the LLLTs into a specific class of authorized immigration provider. The committee thought that the definition of “attorney” in the rules and regulations might be broad enough to encompass the LLLTs as well; this idea will be investigated further in subsequent meetings.

### **Education Committee Report**

The Education Committee discussed the Whatcom Community College Site Report and voted to recommend that the Board approve Whatcom Community College’s application to offer the LLLT core curriculum.

### **Vote on Whatcom Community College Application to Offer LLLT Core Curriculum**

The recommendation from the Site Team and the Admissions, Education and Licensing Committee to approve Whatcom Community College’s core curriculum program retroactive to Fall 2016 passed unanimously. LLLT Board members Amy Riedel and Nancy Ivarinen left the meeting for the LLLT Board’s vote on the Whatcom Community College Core Curriculum approval recommendation; the Board unanimously voted to approve Whatcom Community College’s application. The LLLT Board also unanimously approved a change to the language of the policies and procedures clarifying that program approval can be retroactive if the applying school so requests and the Board approves.

### **Discussion of Presentation to Supreme Court**

The LLLT Board discussed the upcoming meeting with the Supreme Court on March 8. The Board discussed what messages should be transmitted to court, especially in regards to the continuing process of developing new practice areas. Steve Crossland, Nancy Ivarinen, and Greg Dallaire will lead the presentation to the Court in regards to the development of the program, the work of the New Practice Area, and the work of the Family Law Advisory Committee.

### **Adjournment and Next Meeting**

The meeting was adjourned at 3:53pm. The next meeting will be held at the WSBA headquarters on March 23, 2017.



# WSBA

## LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

UPDATE: MARCH 2017

### Outreach & Press

Press:

- March 2017, Northwest Lawyer: LLLT Profile, Kellie Dightman

Recent:

- February 13, 2017: Presentation to Tacoma Community College. Ellen Reed, Sarah Bove & Jennifer Ortega.
- March 1, 2017: Vermont State Supreme Court Access to Justice Commission (via webcast). Paula Littlewood, Steve Crossland.
- March 2, 2017: Presentation to Edmonds Law Society. Sarah Bove, Jennifer Ortega, Ellen Reed, Steve Crossland, & Paula Littlewood.

Upcoming:

- April 1, 2017: Washington Young Lawyers Committee. Jeanne Dawes, Ellen Reed.
- April 5, 2017: King County Bar Association. Paula Littlewood, Steve Crossland.
- April 20, 2017: ABA Standing Committee on Lawyers Professional Liability. Steve Crossland.
- May 5, 2017: Law Society of British Columbia Benchers' Retreat, Steve Crossland (LLLT) & Paula Littlewood (Future of the Profession).
- May 6, 2017: University of California Riverside Paralegal Conference, Steve Crossland & Paula Littlewood.
- June 7-9, 2017: Law Society of Alberta's Benchers Retreat Board of Directors meeting. Steve Crossland (LLLT) & Paula Littlewood (Future of the Profession).
- August 10, 2017, National Organization of Bar Counsel, New York. Paula Littlewood, Steve Crossland.

### Meetings

Recent:

- 3-6-2017: LLLT Exam
- 3-8-2017: Supreme Court Meeting
- 3-9/10, 2017: Board of Governors Meeting
- 3-22-2017: Family Law Exam Graders Meeting
- 3-23-17: LLLT Board Meeting

Upcoming:

- 4-20-2017: LLLT Board Meeting
- 5-18/19-2017: Board of Governors Meeting



# WSBA

LIMITED LICENSE LEGAL TECHNICIAN BOARD

## ISSUE STATEMENT

**To:** LLLT Board  
**From:** Ellen Reed  
**Date:** March 2017  
**Re:** Coordinated MCLE system

---

### **Issue**

The Mandatory Continuing Legal Education (MCLE) Board is seeking an advisory opinion from the LLLT Board and the LPO Board on whether or not all MCLE courses should be approved for all license types.

### **Existing Rules and Regulations & Proposed Unified System**

APR 28 Regulation 14 sets out the basic requirements for LLLT MCLE. The LLLT Board has also set interim policies related to proof of compliance, sponsor duties, and approval of courses. The Washington State Bar Association submitted proposed amendments to the Admission and Practice Rules in October 2016 which included revisions to APR 28 and APR 11. These revisions would coordinate the LLLT and LPO MCLE systems with the current lawyer system. Assuming the Supreme Court adopts the amendments to APR 11, LLLTs would potentially be able to earn credits for exactly the same activities and course material as lawyers, which are as follows:

### Lawyer MCLE Activities and Course Subjects

#### ***APR 11 (e) Approved Activities (Abridged)***

- (1) Attending, teaching, presenting, or participating in a course.
- (2) Preparation time for a teacher, presenter, or panelist of an approved activity.
- (3) Attending law school courses.
- (4) Attending bar review courses for jurisdictions other than Washington.
- (5) Writing for the purpose of lawyer education.
- (6) Teaching law school courses.
- (7) Providing pro bono legal services.
- (8) Participating in a structured mentoring program approved by the MCLE Board.
- (9) Judging or preparing law school students for law school recognized competitions, mock trials, or moot court.

***(f) Approved Course Subjects (Abridged)***

- (1) Law and legal procedure
- (2) Ethics and professional responsibility
- (3) Professional development
- (4) Personal development and mental health
- (5) Office management
- (6) Improving the legal system
- (7) Nexus subject

If the LLLT Board believes that certain activities and subjects which are accredited for lawyers should not be accredited for LLLTs, it will be important for the MCLE Board to understand the LLLT Board's position as they craft accreditation policies for LLLT MCLE activities.

### LLLT Board Pending Issues

#### **In Progress**

Topic	Details	Assigned To	Next Steps
Family Law Scope <ul style="list-style-type: none"> <li>• Clarify, expand, or remove prohibition on dividing retirement assets</li> <li>• Incorporation of mediation, negotiations, communication, or court appearances</li> <li>• Possible incorporation of division of the family home, or basic real property law, into family law practice area; or decide if it should be a separate practice area</li> <li>• Discuss lifting non-parental custody prohibition</li> <li>• Discuss allowing contested major modifications</li> </ul>		Family Law Advisory Committee	Board voted to adopt the Family Law Advisory Committee's scope recommendations. The recommendation was discussed with the Supreme Court on 3/8.
Define next practice area		New Practice Area Committee	Board voted to adopt the New Practice Area Committee's scope recommendations. The recommendation was discussed with the Supreme Court 3/8.
Financial aid for LLLT practice area students		WSBA Staff / AEL Committee	Amy Riedel has identified several options; continuing to research.
Outreach program to paralegal students, lawyers, and potential clients	WSBA staff and Board members are engaged in ongoing outreach to members	Board Members and WSBA Communications Staff	WSBA has developed a new outreach plan that focuses on potential applicants for the license, LLLTs and the public.
Member benefits for LLLTs		WSBA Staff	LLLTs currently can access all member discounts and Casemaker. If the Court adopts proposed changes to APR 19, they may have access to LOMAP and the ethics line in Sept. 2017.
Expansion of core curriculum to non ABA-approved schools		Site Team	Whatcom Community College has received approval to offer the core curriculum. Portland Community College recently aligned curriculum. Several other institutions has inquired about applying.

Vision for long-term access to justice through LLLT program		Caitlin Davis, Greg Dallaire, Ellen Reed	Planning to correlate outreach to VLPs with licensing of actual LLLTs. When more LLLTs are licensed, Board members plan to reach out to VLPs, QLSPs and Facilitator Programs to encourage them to hire LLLTs.
Creation of local court rules to allow LLLTs to access files electronically	See Okanagon County rule. Pierce County wants to talk about it. Chelan county may have rule.	Steve Crossland/ Ellen Reed	Planning to send letter to AOC asking them to grant LLLTs access re Odyssey counties. Researching JIS and other systems regarding where LLLTs have problems.

### Future Issues/Deferred

Should core curriculum be revised (poverty/real estate)?		AEL Committee	TBD
Revise curriculum to require scope/ethics to be taught earlier than 3 <sup>rd</sup> of 3 courses?	To be considered after initial program development is complete	AEL Committee	TBD
May community colleges teach subject area courses?	To be considered after initial program development is complete	AEL Committee	TBD

### Pending

Evaluate existing program- LLLT Board	Public Welfare Foundation spent a week studying the program in June 2016	WSBA staff and LLLT Board Chair	Awaiting results of study
Revise APR 28 G (mailing address requirements) to conform with lawyer rules	Suggested rule change approved by Board of Governors	WSBA staff	Included in APR 28 suggested amendments sent to Court in October 2016
Revise fingerprint requirement for LLLTs to conform to lawyer rule	Suggested rule change approved by Board of Governors	WSBA staff	Included in APR 28 suggested amendments sent to Court in October 2016
Revise APR 28 to include LLLTs in Board composition	Rule change approved by Board of Governors	WSBA staff	Included in APR 28 suggested amendments sent to Court in October 2016