



WSBA

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

AGENDA for June 15, 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
 - BOG Meeting Report
 - Update on Coordination Project
2. **Family Law Advisory Committee Report** (Ellen Reed) (1:45 pm)
3. **Proposed Changes to Family Law Amendments** (Steve Crossland) (2:15 p.m.)
 - Vote on New Draft of Family Law Amendments
4. **Communication to Court Regarding New Practice Area** (Steve Crossland) (3:00 p.m.)

MEETING MATERIALS

1. June Update
2. Draft Meeting Minutes from May 11, 2017
3. Amended APR 28 from Recent Court Order
4. Updated Draft of APR Amendments
5. Pending Issues List



WSBA

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

UPDATE: JUNE 2017

Outreach & Press

Press:

- June 2017: Montana Court Orders: Court creates working group to study Limited License Legal Technician
- [June 7, 2017: Washington Post Op-Ed: The Legal Profession is Failing Low and Middle Income People. Let's Fix That.](#)

Recent:

- April 29, 2017: Joint Conference of the National Federation of Paralegal Associations, Brenda Cothary
- May 19, 2017: Board of Governors Meeting: LLLT Program Updates, Steve Crossland & Nancy Ivarinen
- June 1, 2017: Spokane Community College: LLLT Program, Jennifer Ortega & Sarah Bove
- June 3, 2017: Access to Justice Conference: Incorporating LLLTs into QLSPs, Priscilla Selden & Christa Lennsen
- June 7-9, 2017: Law Society of Alberta's Benchers Retreat Board of Directors meeting, Steve Crossland & Paula Littlewood.

Upcoming:

- August 10, 2017: National Organization of Bar Counsel: New York. Paula Littlewood, Steve Crossland
- September 8-9, 2017: Law Society of Manitoba, Paula Littlewood, Steve Crossland.

Statistics & Other Events

- Number of current LLLTs: 23
- 2nd LLLT licensing year ending on June 30, 2017, as well as the first MCLE reporting cycle
- 4th Cohort of LLLTs turned in final exams at beginning of June
- APR 28 amendments proposed on Oct. 15, 2016 adopted on June 1, 2017- effective September 1, 2017

Meetings

Recent:

- June 12, 2017 Family Law Advisory Meeting
- June 12, 2017 Family Law Examination Meeting

Upcoming:

- July 20, 2017 LLLT Board Meeting



WSBA

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

MEETING MINUTES for May 11, 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 Amy Riedel, Caitlin Davis, Professor Gail Hammer, Nancy Ivarinen, and Steve Crossland.

Members attending remotely were Jeanne Dawes, Genevieve Mann, Brenda Cothary, Bill Covington, and Lynn Fleischbein. BOG Liaison Andrea Jarmon and Laura Genoves, LLLT #122 also attended remotely.

Also in attendance were Christy Carpenter, LLLT #113, Bobby Henry, RSD Associate Director, Jean McElroy, Chief Regulatory Counsel, and Ellen Reed, LLLT Program Lead.

Call to Order/Preliminary Matters

The meeting was called to order at 1:30pm.

- Outreach Update & Legal Tech Talk Report

Various Board members reported back on the recent outreach. Steve Crossland and Nancy Ivarinen described the webcast for LLLTs which was hosted by WSBA on May 10th. The LLLTs submitted questions which were given to the panel in advance of the presentation. Some LLLTs have requested that question and answer sessions be scheduled quarterly between practicing LLLTs and LLLT Board members and/or WSBA staff.

- Approval of Meeting Minutes

The meeting minutes from March 23, 2017 were approved, with one non-substantive change.

- Upcoming BOG Meeting - LLLT Discussion

Board Chair Steve Crossland and Family Law Advisory Committee Chair Nancy Ivarinen will present at the upcoming Board of Governors (BOG) meeting regarding the feedback from the Court related to the proposal for an “Estate and Healthcare Law” practice area and the proposed enhancements to the domestic relations practice area. It will also be an opportunity for the BOG to comment more generally and share their thoughts on the direction of the LLLT program.

Nominations Committee Report

The Nominations Committee met in April to discuss the applicants for four board positions with terms beginning in October 2017. They described their selection process and shared their recommendations. Nominations for Tierra Busby, Andrea Jarmon, Jennifer

Petersen and current Board member Nancy Ivarinen were approved (Nancy Ivarinen recused herself from the vote, which was otherwise unanimous) and will be forwarded to the Supreme Court. The nominations of the LLLT Board will go to the Board of Governors via its Nominations Committee, which has the opportunity to nominate additional candidates.

MCLE Late Fee

The 2106-2017 LLLT license renewal process began the first week of May. If LLLTs do not comply with mandatory continuing legal education (MCLE) requirements by August 1, they will be required to pay a late fee. A late fee of \$50 was proposed to the LLLT Board. This late fee would be in keeping with the current fees for lawyers and limited practice officers (lawyers currently have a three-year MCLE compliance cycle; the fee for late reporting is \$150. Limited Practice Officers have a one year reporting cycle and pay a late fee of \$50). The motion to set the late fee at \$50 passed unanimously.

Education Approval Process Question

The Board discussed a question from a paralegal program which is considering applying for the Board's approval to offer the LLLT core curriculum. The question was related to whether or not the school will have to convert its system of calculating credits in order to be eligible for approval to offer the LLLT core curriculum. The Board decided that it would find a way to equate and evaluate the two systems of awarding credit as a part of considering the application.

Family Law Advisory Committee Report

Family Law Advisory Committee Chair Nancy Ivarinen updated the Board on various changes to the proposed amendments to APR 28 regarding the family law enhancements suggested by the Committee. The committee recommended that certain terms be updated to reflect the plain language forms (such as divorce instead of dissolution of marriage), as well as advocating that LLLTs should not need to sign documents that do not require signature by the clients such as confidential information sheets. Additionally, the committee endorsed allowing LLLTs to attend depositions, allowing LLLTs to work with all protection orders resulting from domestic relations cases, and requiring that LLLTs use a real estate division form which the committee is in the process of developing when dividing real property. The Board voted to approve the enhancements as proposed by the family law advisory committee; one member voted against the motion.

Discussion on Development of Practice Areas

The Board discussed the letter received by the Board from the Court regarding the decision to not move forward at this time with the "Estate and Healthcare Law" practice area and weighed options how to proceed. Several Board members favored putting together a practice area proposal which would center on guardianships, but include powers of attorney and healthcare directives, protection orders, small estate affidavits, and possibly some limited probate actions.

WSBA Staff will work with Board Chair Steve Crossland to draft a proposal to the Court and a letter in response which addresses how the LLLT Board researches and evaluates potential practice areas. The draft will be circulated among the Board members for further discussion.

Adjournment and Next Meeting

The meeting was adjourned at 4:20pm. The next meeting will be held on June 15, 2017 from 1:30-4:30 p.m. at the Washington State Bar Association headquarters.

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 **TITLE**

2 **TITLE**

3 **ADMISSION AND PRACTICE RULES (APR)**

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

5 **TECHNICIANS**

6 **A. Purpose.** The Civil Legal Needs Study (2003), commissioned by the Supreme Court, clearly
7 established that the legal needs of the consuming public are not currently being met. The public
8 is entitled to be assured that legal services are rendered only by qualified trained legal
9 practitioners. Only the legal profession is authorized to provide such services. The purpose of
10 this rule is to authorize certain persons to render limited legal assistance or advice in approved
11 practice areas of law. This rule shall prescribe the conditions of and limitations upon the
12 provision of such services in order to protect the public and ensure that only trained and qualified
13 legal practitioners may provide the same. This rule is intended to permit trained Limited License
14 Legal Technicians to provide limited legal assistance under carefully regulated circumstances in
15 ways that expand the affordability of quality legal assistance which protects the public interest.

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

17 (1) "APR" means the Supreme Court's Admission to Practice Rules.

18 (2) "LLLT Board" ~~when used alone~~ means the Limited License Legal Technician Board.

19 (3) "Lawyer" means a person licensed as a lawyer and eligible to practice law in any United
20 States jurisdiction.

21 (4) "Limited License Legal Technician" (LLLT) means a person qualified by education, training
22 and work experience who is authorized to engage in the limited practice of law in approved
23 practice areas of law as specified by this rule and related regulations. The legal technician does
24

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 not represent the client in court proceedings or negotiations, but provides limited legal assistance
2 as set forth in this rule to a pro se client.

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

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

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

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

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

16 (10) Words of authority:

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

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

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

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

21 (1) *Establishment*. There is hereby established a Limited License Legal Technician Board (LLLT
22 Board). The LLLT Board shall consist of ~~13~~¹⁵ voting members appointed by the Supreme Court
23 ~~of the State of Washington, nine of whom shall be active Washington lawyers, and four of whom~~

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 ~~shall be nonlawyer, and one non-voting ex officio member who is a representative of the~~
2 Washington State Board of Community and Technical Colleges. At least one member shall be a
3 legal educator. At least 11 members shall be Washington lawyers, LLLTs or LPOs. Of those 11
4 members, at least nine shall be active lawyers or LLLTs, and no more than two may be LPOs, or
5 judicial or emeritus pro bono lawyers or LLLTs. Four members of the LLLT Board shall be
6 Washington residents who do not have a license to practice law. ~~The members shall initially be~~
7 ~~appointed to staggered terms of one to three years. Thereafter, a~~Appointments shall be for
8 staggered three year terms. No member may serve more than two consecutive full three year
9 terms. The validity of the Board's actions is not affected if the Board's makeup differs from the
10 stated constitution due to a temporary vacancy in any of the specified positions.

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

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

13 (b) ~~Processing applications and fees, and screening applicants;~~

14 (c) Working with the Bar and other appropriate entities to select, create, maintain, and grade

15 ~~Administering~~ the examinations required under this rule which shall, at a minimum, cover the
16 rules of professional conduct applicable to LLLTs, rules relating to the attorney-client privilege,
17 procedural rules, and substantive law issues related to ~~one or more~~ approved practice areas;

18 (d) ~~Determining LLLT Continuing Legal Education (LLLT CLE) requirements and approval of~~
19 LLLT CLE programs;

20 (ce) Approving education and experience requirements for licensure in approved practice areas;

21 (df) Establishing and overseeing committees and tenure of members;

22 (g) ~~Establishing and collecting examination fees, LLLT CLE fees, annual license fees, and other~~
23 ~~fees in such amounts approved by the Supreme Court as are necessary to carry out the duties and~~

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 ~~responsibilities of the Board;~~

2 ~~(eh) Establishing and maintaining criteria for approval of educational programs that offer LLLT~~
3 ~~core curriculum; and~~

4 ~~(fi) Such other activities and functions as are expressly provided for in this rule.~~

5 ~~(3) *Rules and Regulations.* The LLLT Board shall propose rules, ~~and regulations and~~~~
6 ~~amendments to these rules and regulations, to implement and carry out the provisions of this~~
7 ~~rule, for adoption by the Supreme Court, that:~~

8 ~~(a) Establish procedures for grievances and disciplinary proceedings;~~

9 ~~(b) Establish trust account requirements and procedures;~~

10 ~~(c) Establish rules of professional and ethical conduct; and~~

11 ~~(d) Implement the other provisions of this rule.~~

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

21 ~~(5) *Expenses of the LLLT Board.* Members of the LLLT Board shall not be compensated for~~
22 ~~their services but shall be reimbursed for actual reasonable and necessary expenses incurred in~~
23 ~~the performance of their duties according to the Bar's expense policies.~~

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 ~~D. [Reserved.] Requirements for Applicants. An applicant for licensure as an LLLT shall:~~

2 ~~(1) Age. Be at least 18 years of age.~~

3 ~~(2) Moral Character and Fitness to Practice. Be of good moral character and demonstrate fitness~~
4 ~~to practice as an LLLT.~~

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

6 ~~(a) An associate level degree or higher;~~

7 ~~(b) 45 credit hours of core curriculum instruction in paralegal studies as approved by the Board~~
8 ~~with instruction to occur at:~~

9 ~~(i) an ABA approved law school;~~

10 ~~(ii) an educational institution with an ABA approved paralegal education program; or~~

11 ~~(iii) an educational institution with an LLLT core curriculum program approved by the Board.~~

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

17 ~~(d) For the purposes of satisfying APR 28(D)(3), one credit hour shall be equivalent to 450~~
18 ~~minutes of instruction.~~

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

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

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 **E. [Reserved.] Licensing Requirements.** ~~In order to be licensed as a Limited License Legal~~
2 ~~Technician, all applicants must:~~

3 ~~(1) Examination. Take and pass the examinations required under these rules;~~

4 ~~(2) Experience. Acquire 3,000 hours of substantive law related work experience supervised by a~~
5 ~~licensed lawyer. The experience must be acquired no more than three years prior to licensure and~~
6 ~~no more than three years after passing the examination;~~

7 ~~(3) Annual License Fee. Pay the annual license fee;~~

8 ~~(4) Financial Responsibility. Show proof of ability to respond in damages resulting from his or~~
9 ~~her acts or omissions in the performance of services permitted by this rules. The proof of~~
10 ~~financial responsibility shall be in such form and in such amount as the Board may by regulation~~
11 ~~prescribe; and~~

12 ~~(5) Meet all other licensing requirements set forth in the rules and regulations proposed by the~~
13 ~~Board and adopted by the Supreme Court.~~

14 **F. Scope of Practice Authorized by Limited Practice Rule.** The Limited License Legal
15 Technician shall ascertain whether the issue is within the defined practice area for which the
16 LLLT is licensed. If it is not, the LLLT shall not provide the services required on this issue and
17 shall inform the client that the client should seek the services of a lawyer. If the issue is within
18 the defined practice area, the LLLT may undertake the following:

19 (1) Obtain relevant facts, and explain the relevancy of such information to the client;

20 (2) Inform the client of applicable procedures, including deadlines, documents which must be
21 filed, and the anticipated course of the legal proceeding;

22 (3) Inform the client of applicable procedures for proper service of process and filing of legal
23 documents;

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 (4) Provide the client with self-help materials prepared by a Washington lawyer or approved by
2 the LLLT Board, which contain information about relevant legal requirements, case law basis for
3 the client's claim, and venue and jurisdiction requirements;

4 (5) Review documents or exhibits that the client has received from the opposing side, and
5 explain them to the client;

6 (6) Select, complete, file, and effect service of forms that have been approved by the State of
7 Washington, either through a governmental agency or by the Administrative Office of the Courts
8 or the content of which is specified by statute; federal forms; forms prepared by a Washington
9 lawyer; or forms approved by the LLLT Board; and advise the client of the significance of the
10 selected forms to the client's case;

11 (7) Perform legal research;

12 (8) Draft letters setting forth legal opinions that are intended to be read by persons other than the
13 client, and draft documents beyond what is permitted in paragraph (6), if the work is reviewed
14 and approved by a Washington lawyer;

15 (9) Advise a client as to other documents that may be necessary to the client's case, and explain
16 how such additional documents or pleadings may affect the client's case;

17 (10) Assist the client in obtaining necessary documents, such as birth, death, or marriage
18 certificates.

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

20 ~~(1) A Limited License Legal Technician must have a principal place of business having a~~
21 ~~physical street address for the acceptance of service of process in the State of Washington;~~

22 ~~(2) A Limited License Legal Technician must personally perform the authorized services for the~~
23 ~~client and may not delegate these to a nonlicensed person. Nothing in this prohibition shall~~

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 prevent a person who is not a licensed LLLT from performing translation services;

2 (~~23~~) Prior to the performance of the services for a fee, the Limited License Legal Technician

3 shall enter into a written contract with the client, signed by both the client and the Limited

4 License Legal Technician, that includes the following provisions:

5 (a) An explanation of the services to be performed, including a conspicuous statement that the

6 Limited License Legal Technician may not appear or represent the client in court, formal

7 administrative adjudicative proceedings, or other formal dispute resolution process or negotiate

8 the client's legal rights or responsibilities, unless permitted under GR 24(b);

9 (b) Identification of all fees and costs to be charged to the client for the services to be performed;

10 (c) A statement that upon the client's request, the LLLT shall provide to the client any documents

11 submitted by the client to the Limited License Legal Technician;

12 (d) A statement that the Limited License Legal Technician is not a lawyer and may only perform

13 limited legal services. This statement shall be on the first page of the contract in minimum

14 twelve-point bold type print;

15 (e) A statement describing the Limited License Legal Technician's duty to protect the

16 confidentiality of information provided by the client and the Limited License Legal Technician's

17 work product associated with the services sought or provided by the Limited License Legal

18 Technician;

19 (f) A statement that the client has the right to rescind the contract at any time and receive a full

20 refund of unearned fees. This statement shall be conspicuously set forth in the contract; and

21 (g) Any other conditions required by the rules and regulations of the LLLT Board.

22 (~~34~~) A Limited License Legal Technician may not provide services that exceed the scope of

23 practice authorized by this rule, and shall inform the client, in such instance, that the client

24

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 should seek the services of a lawyer.

2 (45) A document prepared by an LLLT shall include the LLLT's name, signature, and license
3 number beneath the signature of the client.

4 **H. Prohibited Acts.** In the course of dealing with clients or prospective clients, a Limited
5 License Legal Technician shall not:

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

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

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

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

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

18 (6) Negotiate the client's legal rights or responsibilities, or communicate with another person the
19 client's position or convey to the client the position of another party, unless permitted by GR
20 24(b);

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

23 (8) Represent or otherwise provide legal or law related services to a client, except as permitted
24

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 by law, this rule or associated rules and regulations;

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

3 **I. Continuing Licensing Requirements**

4 (1) *Continuing Education Requirements.* Each active Limited License Legal Technician ~~annually~~

5 must complete a minimum number of credit hours of approved or accredited education, as

6 prescribed by APR 11, the Board-approved number of credit hours in courses or activities

7 approved by the Board, provided that the Limited License Legal Technician shall not be required

8 to comply with this subsection during the calendar year in which he or she is initially licensed.

9 (2) *Financial Responsibility.* Each LLLT shall show proof of ability to respond in damages

10 resulting from his or her acts or omissions in the performance of services permitted under APR

11 28 by:

12 a. submitting an individual professional liability insurance policy in the amount of at least

13 \$100,000 per claim and a \$300,000 annual aggregate limit;

14 b. submitting a professional liability insurance policy of the employer or the parent company of

15 the employer who has agreed to provide coverage for the LLLT's ability to respond in damages

16 in the amount of at least \$100,000 per claim and a \$300,000 annual aggregate limit; or

17 c. submitting proof of indemnification by the LLLT's government employer.

18 ~~Each Limited License Legal Technician shall annually provide proof of financial responsibility~~

19 ~~in such form and in such amount as the Board may by regulation prescribe.~~

20 (3) *License Fees and Assessments.* Each Limited License Legal Technician must pay the annual

21 license fee established by the Board of Governors, subject to review by the Supreme Court, and

22 any mandatory assessments as ordered by the Supreme Court. Provisions in the Bar's Bylaws

23 regarding procedures for assessing and collecting lawyer license fees and late fees, and regarding

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 deadlines, rebates, apportionment, fee reductions, and exemptions, and any other issues relating
2 to fees and assessments, shall also apply to LLLT license fees and late fees. Failure to pay may
3 result in suspension from practice pursuant to APR 17. ~~Annual Fee. Each Limited License Legal~~
4 ~~Technician shall pay the annual license fee established by the Board and approved by the~~
5 ~~Supreme Court.~~

6 (4) Trust Account. Each active Limited License Legal Technician shall annually certify
7 compliance with Rules 1.15A and 1.15B of the LLLT Rules of Professional Conduct. Such
8 certification shall be filed in a form and manner as prescribed by the Bar and shall include the
9 bank where each account is held and the account number. Failure to certify may result in
10 suspension from practice pursuant to APR 17.

11 **J. Existing Law Unchanged.** This rule shall in no way modify existing law prohibiting the
12 unauthorized practice of law ~~nonlawyers from practicing law or giving legal advice other than as~~
13 ~~authorized under this rule or associated rules and regulations.~~

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

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

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

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

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 **L. Confidentiality and Public Records.**

2 ~~(1) GR 12.4 shall apply to access to LLLT Board records.~~

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

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

11 ~~(4) Unless expressly authorized by the Supreme Court or the LLLT, the following Board and~~
12 ~~Bar records are exempt from public access: personal information in Board and Bar records for~~
13 ~~LLLTs and Board members to the extent that disclosure would violate their right of privacy,~~
14 ~~including home contact information (unless such information is their address of record), Social~~
15 ~~Security numbers, driver's license numbers, identification or security photographs held in Board~~
16 ~~and Bar records, and personal data including ethnicity, race, disability status, gender, and sexual~~
17 ~~orientation. LLLT license status, license number, dates of admission or licensing, addresses of~~
18 ~~record, and business telephone numbers, facsimile numbers, and electronic mail addresses~~
19 ~~(unless there has been a request that electronic mail addresses not be made public) shall not be~~
20 ~~exempt, provided that any such information shall be exempt if the Chair of the Board approves~~
21 ~~the confidentiality of that information for reasons of personal security or other compelling~~
22 ~~reasons, which approval must be reviewed annually.~~

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 M. **Inactive Status.** An LLLT may request transfer to inactive status after being admitted.

2 An LLLT on inactive status is required to pay an annual license fee as established by the Board

3 of Governors and approved by the Supreme Court.

4 N. **Reinstatement to Active Status.** An LLLT on inactive status may return to active status

5 by filing an application and complying with the procedures set forth for lawyer members of the

6 Bar in the Bar's Bylaws.

7 O. **Voluntary Resignation.** Any Limited License Legal Technician may request to

8 voluntarily resign the LLLT license by notifying the Bar in such form and manner as the Bar

9 may prescribe. If there is a disciplinary investigation or proceeding then pending against the

10 LLLT, or if the LLLT has knowledge that the filing of a grievance of substance against such

11 LLLT is imminent, resignation is permitted only under the provisions of the applicable

12 disciplinary rules. An LLLT who resigns the LLLT license cannot practice law in Washington in

13 any manner, unless they are otherwise licensed or authorized to do so by the Supreme Court.

14

15 APPENDIX APR 28. REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL 16 TECHNICIAN BOARD

17 REGULATION 1: ~~[RESERVED.]~~IN GENERAL

18 ~~Every person desiring to be licensed and to maintain licensure as a Limited License Legal~~

19 ~~Technician (LLLT) pursuant to Admission to Practice Rule (APR) 28 shall satisfy all of the~~

20 ~~requirements of APR 28 and Appendix APR 28.~~

21 ~~To facilitate prompt administration of APR 28 and these regulations, designated staff of the~~

22 ~~Washington State Bar Association (Association) may act on behalf of the LLLT Board under~~

23 ~~APR 28 and these regulations.~~

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1. **REGULATION 2: PRACTICE AREAS--SCOPE OF PRACTICE AUTHORIZED BY** 2 **LIMITED LICENSE LEGAL TECHNICIAN RULE**

3 In each practice area in which an LLLT is licensed, the LLLT shall comply with the provisions
4 defining the scope of practice as found in APR 28 and as described herein.

5 **A. Issues Beyond the Scope of Authorized Practice.**

6 An LLLT has an affirmative duty under APR 28F to inform clients when issues arise that are
7 beyond the authorized scope of the LLLT's practice. When an affirmative duty under APR 28F
8 arises, then the LLLT shall inform the client in writing that:

- 9 1. the issue may exist, describing in general terms the nature of the issue;
- 10 2. the LLLT is not authorized to advise or assist on this issue;
- 11 3. the failure to obtain a lawyer's advice could be adverse to the client's interests; and,
- 12 4. the client should consult with a lawyer to obtain appropriate advice and documents necessary
13 to protect the client's interests.

14 After an issue beyond the LLLT's scope of practice has been identified, if the client engages a
15 lawyer with respect to the issue, then an LLLT may prepare a document related to the issue only
16 if a lawyer acting on behalf of the client has provided appropriate documents and written
17 instructions for the LLLT as to whether and how to proceed with respect to the issue. If the client
18 does not engage a lawyer with respect to the issue, then the LLLT may prepare documents that
19 relate to the issue if:

- 20 1. The client informs the LLLT how the issue is to be determined and instructs the LLLT how to
21 complete the relevant portions of the document, and
- 22 2. Above the LLLT's signature at the end of the document, the LLLT inserts a statement to the
23 effect that the LLLT did not advise the client with respect to any issue outside of the LLLT's
24

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 scope of practice and completed any portions of the document with respect to any such issues at
2 the direction of the client.

3 The LLLT may proceed in the manner described above only if no other defined prohibitions
4 apply.

5 **B. Domestic Relations.**

6 1. *Domestic Relations, Defined.* For the purposes of these Regulations, domestic relations shall
7 include only: (a) child support modification actions, (b) dissolution actions, (c) domestic
8 violence actions, except as prohibited by Regulation 2B(3), (d) committed intimate relationship
9 actions only as they pertain to parenting and support issues, (e) legal separation actions, (f) major
10 parenting plan modifications when the terms are agreed to by the parties before the onset of the
11 representation by the LLLT, (g) minor parenting plan modifications, (h) parenting and support
12 actions, (i) paternity actions, and (j) relocation actions, except as prohibited by Regulation 2B(3).

13 2. *Scope of Practice for Limited License Legal Technicians -- Domestic Relations.* LLLTs in
14 domestic relations may provide legal services to clients as provided in APR 28F, except as
15 prohibited by APR 28H and Regulation 2B(3). Unless an issue beyond the scope arises or a
16 prohibited act would be required, LLLTs may advise and assist clients (1) to initiate and respond
17 to actions and (2) regarding motions, discovery, trial preparation, temporary and final orders, and
18 modifications of orders.

19 3. *Prohibited Acts.* In addition to the prohibitions set forth in APR 28IT, in the course of dealing
20 with clients or prospective clients, LLLTs licensed to practice in domestic relations:

21 a. shall not represent more than one party in any domestic relations matter;

22 b. shall not provide legal services:

23 i. in defacto parentage or nonparental custody actions; and

24

SUGGESTED AMENDMENTS TO APR 28 (Redline)

- 1 ii. if 25 U.S.C. Chapter 21, the Indian Child Welfare Act, or RCW 13.38, the Washington State
2 Indian Child Welfare Act, applies to the matter;
- 3 c. shall not advise or assist clients regarding:
- 4 i. division of owned real estate, formal business entities, or retirement assets that require a
5 supplemental order to divide and award, which includes division of all defined benefit plans and
6 defined contribution plans;
- 7 ii. bankruptcy, including obtaining a stay from bankruptcy;
- 8 iii. disposition of debts and assets, if one party is in bankruptcy or files a bankruptcy during the
9 pendency of the proceeding, unless: (a) the LLLT's client has retained a lawyer to represent
10 him/her in the bankruptcy, (b) the client has consulted with a lawyer and the lawyer has provided
11 written instructions for the LLLT as to whether and how to proceed regarding the division of
12 debts and assets in the domestic relations proceeding, or (c) the bankruptcy has been discharged;
- 13 iv. anti-harassment orders, criminal no contact orders, anti-stalking orders, and sexual assault
14 protection orders in domestic violence actions;
- 15 v. jointly acquired committed intimate relationship property issues in committed intimate
16 relationship actions;
- 17 vi. major parenting plan modifications unless the terms were agreed to by the parties before the
18 onset of the representation by the LLLT;
- 19 vii. the determination of Uniform Child Custody Jurisdiction and Enforcement Act issues under
20 RCW 26.27 or Uniform Interstate Family Support Act issues under RCW 26.21A unless and
21 until jurisdiction has been resolved;
- 22 viii. objections to relocation petitions, responses to objections to relocation petitions, or
23 temporary orders in relocation actions;
- 24

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1. ix. final revised parenting plans in relocation actions except in the event of default or where the terms have been agreed to by the parties.

3. d. shall not appear or participate at the taking of a deposition; and

4. e. shall not initiate or respond to an appeal to an appellate court.

5. **REGULATION 3: EDUCATION REQUIREMENTS FOR LLLT APPLICANTS AND** 6. **APPROVAL OF EDUCATIONAL PROGRAMS**

7. An applicant for licensure admission as an LLLT shall satisfy the following education requirements:

9. **A. Core Curriculum.**

10. 1. *Credit Requirements.* An applicant for licensure shall have earned 45 credit hours as required
11. by APR 3, 28D(3)(b). The core curriculum must include the following required subject matters
12. with minimum credit hours earned as indicated:

13. 1. Civil Procedure, minimum 8 credit hours;
14. 2. Contracts, minimum 3 credit hours;
15. 3. Interviewing and Investigation Techniques, minimum 3 credit hours;
16. 4. Introduction to Law and Legal Process, minimum 3 credit hours;
17. 5. Law Office Procedures and Technology, minimum 3 credit hours;
18. 6. Legal Research, Writing and Analysis, minimum 8 credit hours; and
19. 7. Professional Responsibility, minimum 3 credit hours.

20. The core curriculum courses in which credit for the foregoing subject matters is earned shall
21. satisfy the curricular requirements approved by the LLLT Board and published by the
22. Bar Association. If the required courses completed by the applicant do not total 45 credit hours,
23. then the applicant may earn the remaining credit hours by taking legal or paralegal elective

24.

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 courses. All core curriculum course credit hours must be earned at an ABA approved law
2 school, an educational institution with an ABA approved paralegal program, or at an educational
3 institution with an LLLT core curriculum program approved by the LLLT Board under the
4 Washington State LLLT Educational Program Approval Standards.

5 For purposes of satisfying APR 3(e)(2), one credit hour shall be equivalent to 450 minutes of
6 instruction.

7 2. *LLLT Educational Program Approval Requirements for Programs Not Approved by the ABA.*

8 The LLLT Board shall be responsible for establishing and maintaining standards, to be published
9 by the Association, for approving LLLT educational programs that are not otherwise approved
10 by the ABA. Educational programs complying with the LLLT Board's standards shall be
11 approved by the LLLT Board and qualified to teach the LLLT core curriculum.

12 **B. Practice Area Curriculum.** An applicant for licensure in a defined practice area shall have
13 completed the prescribed curriculum and earned course credits for that defined practice area, as
14 set forth below and in APR 28D(3)(e)3(e). Each practice area curriculum course shall satisfy the
15 curricular requirements approved by the LLLT Board and published by the Bar Association.

16 1. *Domestic Relations.*

17 a. Prerequisites: Prior to enrolling in the domestic relations practice area courses, applicants shall
18 complete the following core courses: Civil Procedure; Interviewing and Investigation
19 Techniques; Introduction to Law and Legal Process; Legal Research, Writing, and Analysis; and
20 Professional Responsibility.

21 b. Credit Requirements: Applicants shall complete five credit hours in basic domestic relations
22 subjects and ten credit hours in advanced and Washington specific domestic relations subjects.

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 REGULATION 4: LIMITED TIME WAIVERS

2 **A. Limited Time Waiver, Defined.** For the limited time between the date the Board begins to
3 accept applications and December 31, 2023~~16~~, the LLLT Board shall grant a waiver of the
4 minimum associate-level degree requirement and/or the core curriculum education requirement
5 set forth in APR (3)~~28D~~ if an applicant meets the requirements set forth in Regulation 4B. The
6 LLLT Board shall not grant waivers for applications filed after December 31, 2023~~16~~. The LLLT
7 Board shall not waive the practice area curriculum requirement. The limited time waiver
8 application will be separate from the application process for licensure admission set forth in
9 these regulations.

10 **B. Waiver Requirements and Applications.** To qualify for the limited time waiver, an
11 applicant shall pay the required fee, submit the required waiver application form, and provide
12 proof, in such form as the Bar~~Board~~ requires, that he/she has:

- 13 1. Passed a LLLT Board approved national paralegal certification examination;
- 14 2. Active certification from a LLLT Board approved national paralegal certification organization;
- 15 and
- 16 3. Completed 10 years of substantive law-related experience supervised by a licensed lawyer
17 within the 15 years preceding the application for the waiver. Proof of 10 years of substantive-law
18 related experience supervised by a licensed lawyer shall include the following:
 - 19 a. the name and bar number of the supervising lawyer(s),
 - 20 b. certification by the lawyer that the work experience meets the definition of substantive law-
21 related work experience as defined in APR 28, and
 - 22 c. the dates of employment or service.

23 **C. Review of Limited Time Waiver Application.** The Bar~~Association~~ shall review each limited
24

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 time waiver application to determine if the application meets the waiver requirements. Any
2 application that does not meet the limited time waiver requirements as established by this
3 Regulation shall be denied by the ~~Bar Association~~ on administrative grounds, with a written
4 statement of the reason(s) for denial.

5 **D. Review of Denial.** An applicant whose application for waiver has been denied by the
6 ~~Bar Association~~ may request review by the LLLT Board chair. Such request shall be filed with
7 the ~~Bar Association~~ within 14 days of the date of the notification of denial. The applicant shall be
8 provided with written notification of the chair's decision, which is not subject to review.

9 **E. Expiration of Limited Time Waiver Approval.** Approval of the limited time waiver
10 application shall expire December 31, 2025~~18~~. After expiration of the approval, any subsequent
11 application for licensure by the applicant shall meet all of the standard requirements for ~~licensure~~
12 admission without waiver.

13 **REGULATION 5: [RESERVED.]APPLICATIONS**

14 ~~**A. Fees.** All applications shall be accompanied by the required examination and application fee.~~

15 ~~**B. Application for Licensure.** An applicant for licensure as an LLLT shall complete and file
16 with the Association:~~

17 ~~1. a completed application for licensure in a form and manner prescribed by the Board;~~

18 ~~2. evidence in a form and manner prescribed by the Board demonstrating completion of~~

19 ~~a. at a minimum, an associate level degree, except applicants who have been approved for a
20 limited time waiver pursuant to Regulation 4,~~

21 ~~b. the core curriculum required pursuant to Regulation 3A, except applicants who have been
22 approved for a limited time waiver pursuant to Regulation 4, and~~

23 ~~c. the practice area curriculum required pursuant to Regulation 3B;~~

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 ~~3. original proof of passing the Core Curriculum Examination as required by Regulation 8; and~~

2 ~~4. a signed and notarized Authorization, Release and Affidavit of Applicant.~~

3 **C. Application for Additional Practice Area.** ~~An LLLT seeking licensure in an additional~~
4 ~~practice area must complete and file with the Association:~~

5 ~~1. a completed practice area application in a form and manner prescribed by the Board;~~

6 ~~2. evidence in a form and manner prescribed by the Board demonstrating completion of the~~
7 ~~practice area curriculum required under Regulation 3B; and~~

8 ~~3. a signed and notarized Authorization, Release and Affidavit of Applicant.~~

9 **D. Background Check.** ~~Each applicant for licensure shall submit a fingerprint card to the~~
10 ~~Federal Bureau of Investigation (FBI) for a criminal history record check and provide to the FBI~~
11 ~~a release for the results of the criminal history check to be sent directly to the Association. A~~
12 ~~Washington LLLT applying for licensure in an additional practice area shall not be required to~~
13 ~~submit a fingerprint card, unless it has been more than two years since the LLLT was last issued~~
14 ~~a license.~~

15 ~~The applicant shall furnish whatever additional information or proof may be required in the~~
16 ~~course of investigating the applicant, and failure to furnish such information may be grounds for~~
17 ~~denial of licensure.~~

18 **REGULATION 6: RESERVED. APPROVAL OR DENIAL OF APPLICATION ON**
19 **ADMINISTRATIVE GROUNDS**

20 **A. Review of Application.** ~~The Association shall review each application to determine if the~~
21 ~~application meets the criteria for licensure established in APR 28. Any application that does not~~
22 ~~meet the initial criteria for licensure as established by APR 28 shall be denied by the Association~~
23 ~~on administrative grounds, except for those applications where there is a substantial question as~~
24

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 to the applicant's good moral character or fitness to practice. The applicant will be notified
2 whether the application has been approved or denied. If the application has been denied, the
3 applicant will be notified of the grounds for the denial and the review process.

4 **B. Review of Denial.** Every applicant who has been denied licensure under APR 28 on
5 administrative grounds may request review by the Board chair. To request review, an applicant
6 shall submit a written request within 14 days of the date the denial of application was issued and
7 state the reason for the request.

8 **C. Procedure for Review.** The Board chair shall consider the request for review on the written
9 record only and shall hear no oral arguments. The chair shall enter a written decision which may
10 affirm or reverse the denial of the application or direct further investigation.

11 **REGULATION 7: [RESERVED.] CHARACTER AND FITNESS**

12 **A. Question of Character and Fitness.** Each applicant for licensure as an LLLT shall establish
13 good moral character and fitness to practice as defined in APR 21 and APR 22(a). When
14 considering an applicant's good moral character and fitness to practice, the Board, Association
15 staff, and Bar Counsel shall apply the factors set forth in APR 24.2. If there is a substantial
16 question as to the good moral character or fitness to practice of an applicant for admission or
17 admission after disciplinary revocation then the application will be referred to the Character and
18 Fitness Committee of the Board for hearing.

19 **B. Character and Fitness Committee.** The Character and Fitness Committee shall be made up
20 of three members of the Board appointed by the Board Chair. The Board Chair shall designate
21 one member of the Board to act as chair of the Committee.

22 The Character and Fitness Committee shall have the power and authority to accept referrals from
23 the Association concerning matters of character and fitness of applicants, order further

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 ~~investigation of matters relevant to the applications; conduct hearings, perform such other~~
2 ~~functions as necessary and proper to carry out its duties, and make appropriate recommendations.~~

3 ~~**C. Association Review.** The Association shall review each application to determine whether~~
4 ~~any of the factors set forth in APR 24.2 are present. The Association shall review the material~~
5 ~~evidence in a light most favorable to the Association's obligation to recommend the licensing or~~
6 ~~admission to the limited practice of law only those persons who possess good moral character~~
7 ~~and fitness to practice.~~

8 ~~**D. Service.** Service of papers and documents shall be made by first class postage prepaid mail~~
9 ~~to the applicant's, LLLT's, or his or her counsel's, last known address on record with the~~
10 ~~Association. If properly made, service by mail is deemed accomplished on the date of the~~
11 ~~mailing. Any notice of change of address shall be submitted in writing to the Association.~~

12 ~~**E. Duty of Applicant.** It shall be the duty of every applicant to cooperate in good faith and~~
13 ~~furnish whatever additional information or documentation may be required in the course of~~
14 ~~investigating the applicant. Failure to furnish such information may be grounds for denial of the~~
15 ~~application. Applicants shall not have direct contact with any member of the Committee or~~
16 ~~Board from the date of filing the application with the Association until the matter is resolved by~~
17 ~~the Board or Supreme Court, except to the extent direct contact is required during the hearing.~~

18 ~~**F. Hearings.** APR 24.3 shall apply equally to character and fitness hearings conducted pursuant~~
19 ~~to this Regulation and is incorporated herein by reference, except that the Character and Fitness~~
20 ~~Board as referenced in APR 24.3 shall mean the Character and Fitness Committee of the LLLT~~
21 ~~Board. Reference to the chair or chairperson in APR 24.3, as applied in this rule, shall mean the~~
22 ~~Character and Fitness Committee Chair. Applicants shall appear in person at any hearing before~~
23 ~~the Character and Fitness Committee, unless the Committee waives the applicant's presence for~~
24

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 ~~good cause shown.~~

2 **~~G. Decisions and Recommendation of Character and Fitness Committee.~~**

3 ~~1. Findings of Character and Fitness Committee.~~ The Character and Fitness Committee will
4 timely file with the Association written findings of fact, conclusions of law, and a
5 recommendation or direct further investigation for the reasons stated in the written findings.

6 ~~2. Action on Recommendation.~~

7 a. If the Committee recommends admission, the record, recommendation, and all exhibits shall
8 be transmitted to the Supreme Court for disposition.

9 b. If the Committee recommends against licensure, the record and recommendation shall be
10 retained in the office of the Association unless the applicant submits a written request for review
11 by the Board within 15 days of service of the recommendation. If the applicant so requests, the
12 Committee will transmit the record, recommendation, and all exhibits to the Board for a
13 recommendation. No additional evidence, materials, or argument shall be considered by the
14 Board.

15 **~~H. Review by the Board.~~**

16 ~~1. Decision of the Board.~~ After receipt of the record, the Board will enter a written decision and
17 may affirm or reverse the findings of the Character and Fitness Committee or direct further
18 investigation for the reasons stated in the written decision.

19 ~~2. Action on Recommendation.~~

20 a. If the Board recommends admission, the record, recommendation, and all exhibits shall be
21 transmitted to the Supreme Court for disposition.

22 b. If the Board recommends against admission, the record and recommendation shall be retained
23 in the office of the Association unless the applicant requests that it be submitted to the Supreme
24

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 Court by filing a Notice of Appeal with the Board within 15 days of service of the
2 recommendation of the Board. If the applicant so requests, the Board will transmit the record,
3 including the transcript, exhibits, and recommendation to the Supreme Court for review and
4 disposition. The applicant must pay to the Supreme Court any fee required by the Court in
5 connection with appeal and review.

6 **~~I. Action on Supreme Court's Determination.~~**

7 ~~1. Application Approved.~~ If the application is approved by the Supreme Court, admission shall
8 be subject to the applicant's taking and passing of the licensing examination and complying with
9 all other requirements for licensure.

10 ~~2. Application Denied.~~ If the application is denied by the Supreme Court, the Board shall
11 maintain a record of the application, hearing, and appeal in the Association records.

12 **~~J. Reapplication.~~**

13 No application for admission may be filed within a period of one year after a final decision of the
14 Character and Fitness Committee, Board, or Supreme Court recommending against admission.

15 **REGULATION 8: RESERVED. EXAMINATIONS; NOTIFICATION OF RESULTS**

16 **~~A. Administration of Examinations.~~** The examinations will be administered at such times and
17 locations as the Board may designate.

18 An applicant for initial licensure shall pass a core curriculum examination, a practice area
19 examination, and a professional responsibility examination.

20 An LLLT who applies for licensure in an additional practice area shall be required to take only
21 the qualifying practice area examination in the practice area for which he or she is seeking
22 licensure.

23 **~~B. Core Curriculum Examination.~~** The core curriculum examination shall be satisfied by
24

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 ~~passing a national certifying paralegal examination as approved by the Board.~~

2 **C. Practice Area Examination.** ~~The practice area examination will test applicants on one~~
3 ~~specific practice area and knowledge of LLLT scope specific to the practice area. All practice~~
4 ~~area examinations shall be comprised of three parts: a multiple choice section, an essay section,~~
5 ~~and a performance section. The duration, form, and manner of the exam shall be as prescribed by~~
6 ~~the Board. The passing standard for the practice area examination is a score of 75 percent for~~
7 ~~each section of the exam. A failing grade in one section shall result in failure of the exam, in~~
8 ~~which case grading of any remaining sections shall not be completed.~~

9 **D. Professional Responsibility Examination.** ~~The professional responsibility examination will~~
10 ~~test applicants on LLLT ethical duties as set forth in APR 28, the LLLT Rules of Professional~~
11 ~~Conduct, and knowledge of the LLLT scope of practice as set forth in APR 28F and H. The~~
12 ~~professional responsibility examination shall be comprised of one multiple choice section. The~~
13 ~~duration, form, and manner of the exam shall be as prescribed by the Board. The passing~~
14 ~~standard for the professional responsibility examination is a score of 75%.~~

15 **E. Results.** ~~Each applicant will be notified of the applicant's practice area and professional~~
16 ~~responsibility examination results. An applicant who fails the practice area examination may~~
17 ~~request a copy of the essay and performance sections. An applicant who passes the practice area~~
18 ~~exam will not receive a copy of the exam. An applicant may not request a copy of the~~
19 ~~professional responsibility examination.~~

20 ~~An applicant who passes the practice area examination but fails the professional responsibility~~
21 ~~examination or vice versa may retake the failed exam at the next two administrations of the~~
22 ~~exam. The passing score shall be valid for one year from the date the applicant is notified of the~~
23 ~~exam results. If the applicant does not pass the failed exam within one year of such notification,~~

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 ~~the applicant shall be required to retake the exam he or she passed.~~

2 **REGULATION 9: SUBSTANTIVE LAW-RELATED WORK EXPERIENCE**

3 **REQUIREMENT**

4 Each applicant for licensure as a limited license legal technician shall show proof of having
5 completed 3,000 hours of substantive law-related work experience supervised by a licensed
6 lawyer as required by APR 528E(2)(c). The experience requirement shall be completed ~~within no~~
7 more than three years before or after and 40 months after the date the applicant is notified of
8 passing both the practice area and professional responsibility qualifying examinations of the
9 LLLT practice area examination that the applicant passed. The proof shall be provided in such
10 form as the ~~Bar Board~~ requires, but shall include at a minimum:

- 11 1. the name and bar number of the supervising lawyer;
- 12 2. certification that the work experience meets the definition of substantive law-related work
13 experience as defined in APR 28;
- 14 3. the total number of hours of substantive law-related work experience performed under the
15 supervising lawyer; and
- 16 4. certification that the requisite work experience was acquired within the time period required
17 by this regulation ~~APR 28E(2)~~.

18 **REGULATION 10: ~~CERTIFICATION OF RESULTS TO SUPREME COURT;~~**

19 **OATH ~~ADDITIONAL PRACTICE AREAS~~**

20 **~~A. Recommendation for Licensure.~~** ~~The Board shall recommend to the Washington State~~
21 ~~Supreme Court the licensure of all applicants who have met all licensing requirements set forth~~
22 ~~in APR 28 and these regulations, including good moral character and fitness to practice. All~~
23 ~~recommendations of the Board shall be accompanied by the application for licensure and any~~

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 ~~other documents deemed pertinent by the Board or requested by the Supreme Court. The~~
2 ~~recommendation and all accompanying documents and papers shall not be public record.~~

3 **B. Pre-licensure Requirements.** ~~Before an applicant who has passed the qualifying~~
4 ~~examinations may be licensed, the applicant shall:~~

5 1. ~~furnish proof of completion of the requisite hours of substantive law related work experience~~
6 ~~supervised by a licensed lawyer as required by Regulation 9;~~

7 2. ~~furnish proof of financial responsibility as required by Regulation 12;~~

8 3. ~~pay the annual license fee and any assessments for the current year as required by Regulation~~
9 ~~11;~~

10 4. ~~file any and all licensing forms required for active limited license legal technicians; and~~

11 5. ~~take the Oath of Limited License Legal Technician.~~

12 ~~The pre-licensure requirements shall be completed within three years of the date the applicant is~~
13 ~~notified of the examination results. If an applicant fails to satisfy all the requirements for~~
14 ~~licensure within this period, the applicant shall not be eligible for licensure under APR 28~~
15 ~~without submitting a new application for licensure and retaking the practice area and~~
16 ~~professional responsibility examinations.~~

17 Application for Additional Practice Area. An LLLT seeking admission in an additional
18 practice area must complete and file with the Bar:

19 1. a completed practice area application in a form and manner prescribed by the Bar;

20 2. evidence in a form and manner prescribed by the Bar demonstrating completion of the
21 practice area curriculum required under Regulation 3(B); and

22 3. a signed and notarized Authorization, Release and Affidavit of Applicant.

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 **BC. Additional Practice Area Pre-licensure Requirements.** An LLLT who is seeking
2 licensure in an additional practice area shall:

- 3 1. take and pass the additional practice area examination;
- 4 2. pay the annual license fee as stated in the fee schedule; and
- 5 3. file any and all licensing forms required for active limited license legal technicians.

6 The requirements above shall be completed within one year of the date the applicant is notified
7 of the practice area examination results. If an LLLT fails to satisfy all the requirements for
8 licensure in an additional practice area within this period, the LLLT shall not be eligible for
9 licensure in the additional practice area without submitting a new application and retaking the
10 practice area examination.

11 ~~**D. Oath of Limited License Legal Technician.** The Oath of Limited License Legal Technician~~
12 ~~shall be taken before an elected or appointed judge, excluding judges pro tempore, sitting in open~~
13 ~~court in the state of Washington.~~

14 ~~**E. Contents of Oath.** The oath which all applicants shall take is as follows:~~

15 ~~**OATH FOR LIMITED LICENSE LEGAL TECHNICIANS**~~

16 ~~STATE OF WASHINGTON~~

17 ~~COUNTY OF~~

18

19 I, _____, do solemnly declare:

20

21 ~~1. I am fully subject to the laws of the state of Washington, the laws of the United States, Rule~~
22 ~~28 of the Admission to Practice Rules, and APR 28 Regulations adopted by the Washington~~
23 ~~State Supreme Court and will abide by the same;~~

24

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 ~~2. I will support the constitutions of the State of Washington and of the United States of~~
2 ~~America;~~

3 ~~3. I will abide by the Limited License Legal Technician Rules of Professional Conduct approved~~
4 ~~by the Supreme Court of the State of Washington;~~

5 ~~4. I will confine my activities as a Limited License Legal Technician to those activities allowed~~
6 ~~by law, rule and regulation and will only utilize documents approved pursuant to APR 28;~~

7 ~~5. I will faithfully disclose the limitations of my services and that I am not a lawyer;~~

8 ~~6. I will maintain the confidence and preserve inviolate the secrets of my client and will accept~~
9 ~~no compensation in connection with the business of my client, unless this compensation is from~~
10 ~~or with the knowledge and approval of the client or with the approval of the court;~~

11 ~~7. I will abstain from all offensive personalities and advance no fact prejudicial to the honor or~~
12 ~~reputation of a party or witness unless required by the justice of the cause with which I am~~
13 ~~eharged;~~

14 ~~8. I will never reject, from any consideration personal to myself, the cause of the defenseless or~~
15 ~~oppressed, or delay unjustly the cause of any person.~~

16 _____

17 Signature Limited License Legal Technician

18

19 Subscribed and sworn to before me this ____ day of _____, ____.

20 _____

21 JUDGE

22 **F. Order Admitting to Limited Practice as LLLT.** After examining the recommendation and
23 accompanying documents transmitted by the Board, the Supreme Court may enter such order in

24

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 ~~each case as it deems advisable. For those applicants it deems qualified, the Supreme Court shall~~
2 ~~enter an order admitting them to limited practice as LLLTs. Applicants shall be admitted under~~
3 ~~APR 28 only after the order has been entered by the Supreme Court.~~

4 **CG. Order Admitting LLLT to Limited Practice in Additional Practice Area.** After
5 examining the recommendation and accompanying documents transmitted by the Bar Board, the
6 Supreme Court may enter such order in each case as it deems advisable. For those LLLTs it
7 deems qualified, the Supreme Court shall enter an order admitting them to limited practice in the
8 additional practice area.

9 **D. Voluntary Termination of Single Practice Area License.** An LLLT licensed in two or more
10 practice areas may request to voluntarily terminate a single practice area by notifying the Bar in
11 writing. After terminating the practice area license, the LLLT shall not accept any new clients or
12 engage in work as an LLLT in any matter in the terminated practice area. The Bar will notify the
13 LLLT of the effective date of the termination.

14 **REGULATION 11: [RESERVED.] ANNUAL LICENSE FEES**

15 ~~A. Except as set forth in section B of this Regulation, every Limited License Legal Technician~~
16 ~~shall pay an annual license fee in an amount set by an established fee schedule approved by the~~
17 ~~Board and the Supreme Court. The annual license fee is due August 1 of each year and shall~~
18 ~~cover the annual license period of July 1 to June 30. Annual license fees paid after August 1 shall~~
19 ~~be subject to a late fee equal to one half the annual license fee.~~

20 ~~B. LLLTs who pass the qualifying examination after January 1 but before July 1 and who request~~
21 ~~active status prior to July 1 of that same calendar year shall pay a prorated annual license fee of~~
22 ~~one half the amount of the annual license fee. LLLTs shall pay the annual license fee set forth in~~
23 ~~Regulation 11A to retain their active status after June 30 of the calendar year of their licensure.~~

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 ~~C. An LLLT shall provide his or her residential and business addresses, telephone numbers, and~~
2 ~~business email address to the Board at the time of payment of the annual license fee. An LLLT~~
3 ~~whose address, telephone number, or email address changes shall notify the Association within~~
4 ~~10 days after the change.~~

5 **REGULATION 12: [RESERVED.] FINANCIAL RESPONSIBILITY**

6 ~~A. Insurance Requirement. Each limited license legal technician shall show proof of ability to~~
7 ~~respond in damages resulting from his or her acts or omissions in the performance of services~~
8 ~~permitted under APR 28 by:~~

9 1. ~~Submitting an individual professional liability insurance policy in the amount of at least~~
10 ~~\$100,000 per claim and a \$300,000 annual aggregate limit;~~

11 2. ~~Submitting a professional liability insurance policy of the employer or the parent company of~~
12 ~~the employer who has agreed to provide coverage for the LLLT's ability to respond in damages~~
13 ~~in the amount of at least \$100,000 per claim and a \$300,000 annual aggregate limit; or~~

14 3. ~~Submitting proof of indemnification by the LLLT's government employer.~~

15 ~~B. Continuing Requirement. Each active LLLT shall certify annually by August 1 financial~~
16 ~~responsibility in a form and manner as prescribed by the Board. Each LLLT shall notify the~~
17 ~~Board of any cancellation or lapse in coverage.~~

18 **REGULATION 13: [RESERVED.] TRUST ACCOUNT DECLARATION**

19 ~~Rules 15.4(a) and (b) and 15.7 of the Rules for Enforcement of Lawyer Conduct (ELC) shall~~
20 ~~apply to LLLT IOLTA (Interest on Lawyer Trust Account) accounts. Annually, each active~~

21 ~~LLLT shall certify compliance with Rules 1.15A and 1.15B of the Limited License Legal~~

22 ~~Technician Rules of Professional Conduct. Such declaration shall be filed by August 1 in a form~~

23 ~~and manner as prescribed by the Board and shall include the bank where each account is held~~

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 and the account number.

2 **REGULATION 14: [RESERVED.]CONTINUING EDUCATION**

3 **A. Minimum Requirement.** ~~An LLLT shall complete a minimum of ten hours of approved~~
4 ~~continuing education each license year by June 30. A newly licensed LLLT shall be exempt for~~
5 ~~the first license year. The education must relate to the LLLT's area of practice, scope of practice~~
6 ~~or the subject matter covered in the required LLLT core curriculum and shall include a minimum~~
7 ~~of two hours in legal ethics and professional responsibility per license year.~~

8 ~~Each continuing education course shall be approved in accordance with the procedures set forth~~
9 ~~in continuing education policies approved by the Board.~~

10 **B. Proof of Compliance.** ~~An LLLT shall certify annually by August 1 compliance with the~~
11 ~~continuing education requirements in a form and manner as prescribed by the Board.~~

12 **C. Policies and Fees.** ~~The Board shall establish continuing education policies for the efficient~~
13 ~~administration of this regulation and shall include, but not be limited to, standards for approval~~
14 ~~of continuing education courses, procedures for reporting attendance, and sponsor duties. The~~
15 ~~Board shall determine and adjust fees to defray the reasonably necessary costs of administering~~
16 ~~this regulation.~~

17 **REGULATION 15: [RESERVED.]ADMINISTRATIVE SUSPENSION FROM LIMITED** 18 **PRACTICE**

19 **A. Basis for Suspension from Limited Practice.** ~~The Board shall request that the Supreme~~
20 ~~Court suspend an LLLT from limited practice upon:~~

21 ~~1. notification from the Department of Social and Health Services that an LLLT is more than six~~
22 ~~months delinquent in noncompliance with a valid and enforceable order entered by a court of~~
23 ~~competent jurisdiction requiring the LLLT to pay child support; or~~

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 ~~2. failure of an LLLT to comply with licensing requirements under APR 28 and these~~

2 ~~Regulations. This includes but is not limited to an LLLT's:~~

3 ~~a. failure to pay the annual license fee as set forth in Regulation 11A;~~

4 ~~b. failure to comply with financial responsibility requirements as set forth in Regulation 12;~~

5 ~~c. failure to file an annual trust account declaration as set forth in Regulation 13;~~

6 ~~d. failure to comply with continuing education requirements as set forth in Regulation 14; and~~

7 ~~e. failure to timely notify the Association of a change of address, telephone number, or email~~
8 ~~address pursuant to Regulation 11C.~~

9 ~~**B. Notice and Order of Suspension.** The Board shall provide at least 30 days written notice of~~
10 ~~intent to seek suspension to an LLLT at the LLLT's address of record with the Board. Written~~
11 ~~notice shall be sent by certified mail. The Board shall establish procedures consistent with these~~
12 ~~Regulations. An LLLT shall have a right to submit proof that the grounds for suspension do not~~
13 ~~or no longer exist. After such notice, the Court may enter an order suspending the LLLT from~~
14 ~~limited practice.~~

15 ~~**C. Change of Status after Suspension Pursuant to This Regulation.** An LLLT who has been~~
16 ~~administratively suspended under this rule shall have a right to submit proof in a manner and~~
17 ~~form prescribed by the Board that the grounds for suspension no longer exist. The Court may~~
18 ~~enter an order changing status upon determination said proof is satisfactory and so long as the~~
19 ~~LLLT meets all other requirements for limited practice under APR 28 and these regulations.~~

20 **REGULATION 16: [RESERVED.] INACTIVE STATUS**

21 ~~An LLLT may request transfer to inactive status after being admitted. An LLLT who has been~~
22 ~~transferred to inactive status shall continue to meet all continuing requirements under APR 28~~
23 ~~and these regulations except for the financial responsibility and trust account declaration~~

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 requirements.

2 An LLLT on inactive status may return to active status by filing an application to return to active
3 status with the Board. To be granted active status, the LLLT shall be current on all licensing
4 requirements, including payment of the annual fees, the continuing education requirements, and
5 the financial responsibility requirements.

6 **REGULATION 17: [RESERVED.] VOLUNTARY CANCELLATION OF LICENSE**

7 ~~**A. Voluntary Cancellation of LLLT License.** Any LLLT may request to voluntarily surrender
8 the LLLT license by notifying the Board in writing of the desire to cancel the LLLT license. The
9 Board may deny requests for voluntary cancellation from any LLLT who is the subject of a
10 pending disciplinary investigation or proceeding. After entry of the cancellation order by the
11 Supreme Court, the former LLLT shall not accept any new clients or engage in work as an LLLT
12 in any matter. The Board will notify the LLLT of the effective date of the cancellation if
13 approved. The former LLLT shall then promptly notify by registered or certified mail, return
14 receipt request, all clients in pending matters of the license cancellation and the consequent
15 inability to act as an LLLT.~~

16 ~~**B. Voluntary Cancellation of Single Practice Area License.** An LLLT licensed in two or
17 more practice areas may request to voluntarily surrender a single practice area license by
18 notifying the Board in writing of the desire to cancel the LLLT single practice area license. The
19 Board may deny requests for voluntary cancellation of a single practice area license from any
20 LLLT who is the subject of a pending disciplinary investigation or proceeding. After entry of
21 the cancellation order by the Supreme Court, the LLLT shall not accept any new clients or
22 engage in work as an LLLT in any matter in the voluntarily cancelled practice area. The Board
23 will notify the LLLT of the effective date of the cancellation if approved. The former LLLT~~

SUGGESTED AMENDMENTS TO APR 28 (Redline)

1 shall then promptly notify by registered or certified mail, return receipt request, all clients with
2 pending matters in the voluntarily cancelled practice area of the license cancellation and the
3 consequent inability to act as an LLLT in the specific practice area.

4 ~~C. Reinstatement after Voluntary Cancellation.~~ In order to be reinstated, an LLLT who
5 voluntarily cancels his or her license must reapply, pass the certifying examinations, and
6 complete all other requirements for licensure pursuant to APR 28 and these Regulations.

7 **REGULATION 18: [RESERVED.]REAPPLICATION FOR LICENSURE AFTER** 8 **DISCIPLINARY REVOCATION**

9 No application for licensure after disciplinary revocation shall be filed within a period of five
10 years after revocation or within one year after an adverse decision of the Supreme Court upon a
11 former application, or within one year after an adverse recommendation of the Board on a former
12 application when that recommendation is not submitted to the Supreme Court. If prior to
13 revocation the LLLT was suspended on an interim basis pending disciplinary proceedings, the
14 period of suspension shall be credited toward the five years referred to above.

15 **REGULATION 19: [RESERVED.]NOTICE AND FILING**

16 All notices and filings required by these Regulations, including applications for licensure as a
17 Limited License Legal Technician, shall be delivered to the headquarters of the Association.

18 **REGULATION 20: AMENDMENT AND BOARD POLICIES**

19 These Regulations may be altered, amended, or repealed by vote of the LLLT Board on approval
20 of the Supreme Court. The LLLT Board has ongoing authority to adopt policies for the
21 administration of the LLLT program consistent with APR 28 and these Regulations.

SUGGESTED AMENDMENTS TO APR 28

TITLE

ADMISSION AND PRACTICE RULES (APR)

RULE 28. LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS

A. Purpose. The Civil Legal Needs Study (2003), commissioned by the Supreme Court, clearly established that the legal needs of the consuming public are not currently being met. The public is entitled to be assured that legal services are rendered only by qualified trained legal practitioners. Only the legal profession is authorized to provide such services. The purpose of this rule is to authorize certain persons to render limited legal assistance or advice in approved practice areas of law. This rule shall prescribe the conditions of and limitations upon the provision of such services in order to protect the public and ensure that only trained and qualified legal practitioners may provide the same. This rule is intended to permit trained Limited License Legal Technicians to provide limited legal assistance under carefully regulated circumstances in ways that expand the affordability of quality legal assistance which protects the public interest.

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

- (1) “APR” means the Supreme Court's Admission ~~and to~~ Practice Rules.
- (2) “LLLT Board” means the Limited License Legal Technician Board.
- (3) “Lawyer” means a person licensed as a lawyer and eligible to practice law in any United States jurisdiction.
- (4) “Limited License Legal Technician” (LLLT) means 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 this rule and related regulations. ~~The legal technician does not represent the client in court proceedings or negotiations, but provides limited legal assistance as set forth in this rule to a pro se client.~~
- (5) “Paralegal/legal assistant” means a person qualified by education, training, or work experience; who is employed or retained by a lawyer, law office, corporation, governmental

SUGGESTED AMENDMENTS TO APR 28

agency, or other entity; and who performs specifically delegated substantive law-related work for which a lawyer is responsible.

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

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

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

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

(10) Words of authority:

(a) “May” means “has discretion to,” “has a right to,” or “is permitted to.”

(b) “Must” or “shall” means “is required to.”

(c) “Should” means “recommended but not required.”

C. Limited License Legal Technician Board

[NO CHANGES]

D. [Reserved.]

E. [Reserved.]

F. Scope of Practice Authorized by Limited Practice Rule. The Limited License Legal Technician shall ascertain whether the issue is within the defined practice area for which the LLLT is licensed. If it is not, the LLLT shall not ~~render any legal assistance~~ ~~provide the services required~~ on this issue and shall ~~advise~~ ~~inform~~ the client ~~to that the client should~~ seek the services of a lawyer. If the issue is within the defined practice area, the LLLT may ~~render~~ ~~undertake~~ the following limited legal assistance to a pro se client:

(1) Obtain relevant facts, and explain the relevancy of such information to the client;

SUGGESTED AMENDMENTS TO APR 28

- (2) Inform the client of applicable procedures, including deadlines, documents which must be filed, and the anticipated course of the legal proceeding;
- (3) Inform the client of and assist with applicable procedures for proper service of process and filing of legal documents;
- (4) Provide the client with self-help materials prepared by a Washington lawyer or approved by the LLLT Board, which contain information about relevant legal requirements, case law basis for the client's claim, and venue and jurisdiction requirements;
- (5) Review documents or exhibits that the client has received ~~from the opposing side~~, and explain them to the client;
- (6) Select, complete, file, and effect service of forms that have been approved by the State of Washington, either through a governmental agency or by the Administrative Office of the Courts or the content of which is specified by statute; federal forms; forms prepared by a Washington lawyer; or forms approved by the LLLT Board; and advise the client of the significance of the selected forms to the client's case;
- (7) Perform legal research;
- (8) Draft letters setting forth legal opinions that are intended to be read by persons other than the client; ~~and~~
- ~~(9) Draft~~ documents beyond what is permitted in paragraph (6), if the work is reviewed and approved by a Washington lawyer;
- ~~(10)~~ Advise the client as to other documents that may be necessary to the client's case, and explain how such additional documents or pleadings may affect the client's case;
- ~~(11)~~ Assist the client in obtaining necessary records~~documents~~, such as birth, death, or marriage certificates.
- (12) Communicate and negotiate with the opposing party or the party's representative regarding procedural matters, such as setting court hearings or other ministerial or civil procedure matters;
- (13) Negotiate the client's legal rights or responsibilities provided that the client has given

SUGGESTED AMENDMENTS TO APR 28

written consent defining the parameters of the negotiation prior to the onset of the negotiation;
and

(14) Render other types of legal assistance when specifically authorized by the scope of practice regulations for the approved practice area in which the LLLT is licensed.

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

(1) A Limited License Legal Technician must personally perform the authorized services for the client and may not delegate these to a nonlicensed person. Nothing in this prohibition shall prevent a person who is not a licensed LLLT from performing translation services;

(2) Prior to the performance of the services for a fee, the Limited License Legal Technician shall enter into a written contract with the client, signed by both the client and the Limited License Legal Technician, that includes the following provisions:

(a) An explanation of the services to be performed, including a conspicuous statement that the Limited License Legal Technician may not ~~appear or~~ represent the client in court, formal administrative adjudicative proceedings, or other formal dispute resolution process or negotiate the client's legal rights or responsibilities, unless permitted under GR 24(b) or specifically authorized by the scope of practice regulations for the approved practice area in which the LLLT is licensed;

(b) Identification of all fees and costs to be charged to the client for the services to be performed;

(c) A statement that upon the client's request, the LLLT shall provide to the client any documents submitted by the client to the Limited License Legal Technician;

(d) A statement that the Limited License Legal Technician is not a lawyer and may only perform limited legal services. This statement shall be on the first page of the contract in minimum twelve-point bold type print;

(e) A statement describing the Limited License Legal Technician's duty to protect the confidentiality of information provided by the client and the Limited License Legal Technician's work product associated with the services sought or provided by the Limited License Legal

SUGGESTED AMENDMENTS TO APR 28

Technician;

(f) A statement that the client has the right to rescind the contract at any time and receive a full refund of unearned fees. This statement shall be conspicuously set forth in the contract; and

(g) Any other conditions required by the rules and regulations of the LLLT Board.

(3) A Limited License Legal Technician may not provide services that exceed the scope of practice authorized by this rule, and shall inform the client, in such instance, that the client should seek the services of a lawyer.

(4) A document prepared by an LLLT shall include the LLLT's name, signature, and license number beneath the signature of the client. LLLTs do not need to sign sworn statements or declarations of the client or a third party, and do not need to sign documents that do not require a signature by the client, such as information sheets.

H. Prohibited Acts. In the course of dealing with clients or prospective clients, a Limited License Legal Technician shall not:

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

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

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

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

(5) Represent a client in court proceedings, formal administrative adjudicative proceedings, or other formal dispute resolution process, unless permitted by GR 24 or specifically authorized by the scope of practice regulations for the approved practice area in which the LLLT is licensed;

SUGGESTED AMENDMENTS TO APR 28

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

~~(67) Provide services to a client in connection with a legal matter in another state, unless permitted by the laws of that state to perform such services for the client;~~

~~(78) Represent or otherwise provide legal or law related services to a client, except as permitted by law, this rule or associated rules and regulations;~~

~~(8) Conduct or defend a deposition;~~

~~(9) Initiate or respond to an appeal to an appellate court; and~~

~~(109) Otherwise violate the Limited License Legal Technicians' Rules of Professional Conduct.~~

I. – O.

[NO CHANGES]

APPENDIX APR 28. REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL TECHNICIAN BOARD

REGULATION 1: [RESERVED.]

REGULATION 2: APPROVED PRACTICE AREAS--SCOPE OF PRACTICE

AUTHORIZED BY LIMITED LICENSE LEGAL TECHNICIAN RULE

In each practice area in which an LLLT is licensed, the LLLT shall comply with the provisions defining the scope of practice as found in APR 28 and as described herein.

A. Issues Beyond the Scope of Authorized Practice.

An LLLT has an affirmative duty under APR 28F to inform clients when issues arise that are beyond the authorized scope of the LLLT's practice. When an affirmative duty under APR 28F arises, then the LLLT shall inform the client in writing that:

1. the issue may exist, describing in general terms the nature of the issue;
2. the LLLT is not authorized to advise or assist on this issue;

SUGGESTED AMENDMENTS TO APR 28

3. the failure to obtain a lawyer's advice could be adverse to the client's interests; and,
4. the client should consult with a lawyer to obtain appropriate advice and documents necessary to protect the client's interests.

After an issue beyond the LLLT's scope of practice has been identified, if the client engages a lawyer with respect to the issue, then an LLLT may prepare a document related to the issue only if a lawyer acting on behalf of the client has provided appropriate documents and written instructions for the LLLT as to whether and how to proceed with respect to the issue. If the client does not engage a lawyer with respect to the issue, then the LLLT may prepare documents that relate to the issue if:

- (1) ~~t~~The client informs the LLLT how the issue is to be determined and instructs the LLLT how to complete the relevant portions of the document, and
- (2) ~~a~~Above the LLLT's signature at the end of the document, the LLLT inserts a statement to the effect that the LLLT did not advise the client with respect to any issue outside of the LLLT's scope of practice and completed any portions of the document with respect to any such issues at the direction of the client.

~~The LLLT may proceed in the manner described above only if no other defined prohibitions apply.~~

B. Domestic Relations.

1. *Domestic Relations, Defined.* For the purposes of these Regulations, domestic relations shall include only the following actions: (a) divorce and dissolution~~child support modification actions~~, (b) parenting and support~~dissolution actions~~, (c) parentage or paternity~~domestic violence actions~~, ~~except as prohibited by Regulation 2B(3)~~, (d) child support modification~~committed intimate relationship actions only as they pertain to parenting and support issues~~, (e) parenting plan modification~~legal separation actions~~, (f) domestic violence protection orders~~major parenting plan modifications when the terms are agreed to by the parties before the onset of the representation by the LLLT~~, (g) committed intimate relationships only as they pertain to parenting and support

SUGGESTED AMENDMENTS TO APR 28

~~issues minor parenting plan modifications, (h) legal separation parenting and support actions, (i) nonparental and third party custody paternity actions, and (j) other protection or restraining orders arising from a domestic relations case, and (k) relocation actions, except as prohibited by Regulation 2B(3).~~

2. Scope of Practice for Limited License Legal Technicians -- Domestic Relations.

LLLTs licensed in domestic relations may ~~render~~provide legal services to clients as provided in APR 28F and this regulation, except as prohibited by APR 28H and Regulation 2B(3).

(a) Unless an issue beyond the scope arises or a prohibited act would be required, LLLTs may advise and assist clients with (1) to initiating and responding to actions and related (2) regarding motions, discovery, trial preparation, temporary and final orders, and modifications of orders.

(b) LLLT legal services regarding the division of real property shall be limited to matters where the real property is a single family residential dwelling with owner equity less than or equal to twice the homestead exemption (see RCW 6.13.030). LLLTs shall use the form for real property division as approved by the LLLT Board.

(c) LLLTs may advise as to the allocation of retirement assets [for defined contribution plans with a value less than the homestead exemption, and as provided in U.S. Internal Revenue Service \(IRC\) Sections 401 a; 401 k; 403 b; 457; and Individual Retirement Accounts as set forth in IRC section 408.](#)

(d) LLLTs may include language [awarding retirement assets](#) in a decree of dissolution [awarding retirement assets as described in APR 28 Regulation 2 B \(2\) \(c\)](#) when the respondent defaults, when the parties agree upon the award or when the court awards the assets following trial. The award language in the decree shall identify (1) the party responsible for having the QDRO or supplemental order prepared and by whom, (2) how the cost of the QDRO or supplemental order preparation is to be paid, (3) by what date the QDRO or supplemental order must be prepared, and (4) the remedy for failure to follow through with preparation of the QDRO or supplemental

SUGGESTED AMENDMENTS TO APR 28

order.

(e) LLLTs may prepare paperwork and accompany and assist clients in dispute resolution proceedings including mediation, arbitration, and settlement conferences where not prohibited by the rules and procedures of the forum.

(f) LLLTs may accompany, assist, and confer with their clients at depositions.

(g) LLLTs may present to a court agreed orders, uncontested orders, default orders and accompanying documents;

(h) LLLTs may accompany, assist, and confer with their pro se clients and respond to questions from the court or tribunal at the hearings listed below:

i. domestic violence protection orders and other protection or restraining orders arising from a domestic relations case;

ii. motions for temporary orders, including but not limited to temporary parenting plans, child support, maintenance, and orders to show cause;

iii. enforcement of domestic relations orders;

iv. administrative child support;

v. modification of child support;

vi. adequate cause hearings for nonparental custody or [parenting plan](#) modifications;

vii. reconsiderations or revisions;

viii. trial setting calendar proceedings with or without the client when the LLLT has confirmed the available dates of the client in writing in advance of the proceeding.

3. *Prohibited Acts.* In addition to the prohibitions set forth in APR 28~~HTF~~, in the course of rendering legal services to~~dealing with~~ clients or prospective clients, LLLTs licensed to practice in domestic relations:

a. shall not render legal services to~~represent~~ more than one party in any domestic relations matter;

b. shall not render~~provide~~ legal services in:

SUGGESTED AMENDMENTS TO APR 28

- i. ~~in~~ defacto parentage ~~or nonparental custody~~ actions; and
- ii. actions that involve ~~if~~ 25 U.S.C. Chapter 21, the Indian Child Welfare Act, or RCW 13.38, the Washington State Indian Child Welfare Act, ~~applies to the matter~~;
- e. ~~shall not advise or assist clients regarding~~:
- iii. division or conveyance of owned real estate, formal business entities, commercial property, or residential real property except as permitted by Regulation 2B ~~or retirement assets that require a supplemental order to divide and award, which includes division of all defined benefit plans and defined contribution plans~~;
- iv. preparation of QDROs and supplemental orders dividing retirement assets beyond what is prescribed in Regulation 2(B)(2)(d);
- v. any retirement assets whereby the decree effectuates the division or the implementation of the division of the asset;
- vii. bankruptcy, including obtaining a stay from bankruptcy;
- viii. disposition of debts and assets, if one party is in bankruptcy or files a bankruptcy during the pendency of the proceeding, unless: (a) the LLLT's client has retained a lawyer to represent him/her in the bankruptcy, (b) the client has consulted with a lawyer and the lawyer has provided written instructions for the LLLT as to whether and how to proceed regarding the division of debts and assets in the domestic relations proceeding, or (c) the bankruptcy has been discharged;
- iv. ~~anti-harassment orders, criminal no contact orders, anti-stalking orders, and sexual assault protection orders in domestic violence actions~~;
- viii. ~~jointly acquired committed intimate relationship property issues in committed intimate relationship actions~~;
- ix. major parenting plan modifications and nonparental custody actions beyond the adequate cause hearing unless the terms are ~~were~~ agreed to by the parties or one party defaults before the onset of the representation by the LLLT;
- xvii. the determination of Uniform Child Custody Jurisdiction and Enforcement Act issues under

SUGGESTED AMENDMENTS TO APR 28

RCW 26.27 or Uniform Interstate Family Support Act issues under RCW 26.21A unless and until jurisdiction has been resolved;

~~viii.~~ objections to relocation petitions, responses to objections to relocation petitions, or temporary orders in relocation actions; and

~~ix.~~ final revised parenting plans in relocation actions except in the event of default or where the terms have been agreed to by the parties.

~~d. shall not appear or participate at the taking of a deposition; and~~

~~e. shall not initiate or respond to an appeal to an appellate court.~~

REGULATION 3: EDUCATION REQUIREMENTS FOR LLLT APPLICANTS AND APPROVAL OF EDUCATIONAL PROGRAMS

An applicant for admission as an LLLT shall satisfy the following education requirements:

A. Core Curriculum.

1. *Credit Requirements.* An applicant for licensure shall have earned 45 credit hours as required by APR 3. The core curriculum must include the following required subject matters with minimum credit hours earned as indicated:

1. Civil Procedure, minimum 8 credit hours;
2. Contracts, minimum 3 credit hours;
3. Interviewing and Investigation Techniques, minimum 3 credit hours;
4. Introduction to Law and Legal Process, minimum 3 credit hours;
5. Law Office Procedures and Technology, minimum 3 credit hours;
6. Legal Research, Writing and Analysis, minimum 8 credit hours; and
7. Professional Responsibility, minimum 3 credit hours.

The core curriculum courses in which credit for the foregoing subject matters is earned shall satisfy the curricular requirements approved by the LLLT Board and published by the Bar. If the required courses completed by the applicant do not total 45 credit hours, then the applicant may earn the remaining credit hours by taking legal or paralegal elective courses. All core curriculum

SUGGESTED AMENDMENTS TO APR 28

course credit hours must be earned at an ABA approved law school, an educational institution with an ABA approved paralegal program, or at an educational institution with an LLLT core curriculum program approved by the LLLT Board under the Washington State LLLT Educational Program Approval Standards.

For purposes of satisfying APR 3(e)(2), one credit hour shall be equivalent to 450 minutes of instruction.

2. LLLT Educational Program Approval Requirements for Programs Not Approved by the ABA.

The LLLT Board shall be responsible for establishing and maintaining standards, to be published by the Association, for approving LLLT educational programs that are not otherwise approved by the ABA. Educational programs complying with the LLLT Board's standards shall be approved by the LLLT Board and qualified to teach the LLLT core curriculum.

B. Practice Area Curriculum. An applicant for licensure in a defined practice area shall have completed the prescribed curriculum and earned course credits for that defined practice area, as set forth below and in APR 3(e). Each practice area curriculum course shall satisfy the curricular requirements approved by the LLLT Board and published by the Bar.

C. Required Supplemental Education. The LLLT Board has discretion to require all LLLTs to complete supplemental education in order to maintain their licenses due to changes in the permitted scope of practice for LLLTs. The LLLT Board shall provide notice to LLLTs of the supplemental education requirement and the deadline for completion of the requirement, allowing at least 12 months to complete the required supplemental education. LLLTs may be administratively suspended pursuant to the procedures set forth in APR 17 if they fail to comply with the supplemental education requirements by the stated deadline.

1. Domestic Relations.

a. Prerequisites: Prior to enrolling in the domestic relations practice area courses, applicants shall complete the following core courses: Civil Procedure; Interviewing and Investigation Techniques; Introduction to Law and Legal Process; Legal Research, Writing, and Analysis; and

SUGGESTED AMENDMENTS TO APR 28

Professional Responsibility.

b. Credit Requirements: Applicants shall complete five credit hours in basic domestic relations subjects and ten credit hours in advanced and Washington specific domestic relations subjects.

REGULATION 4- 20

[NO CHANGES]

DRAFT

LLLT Board Pending Issues

In Progress

Topic	Details	Assigned To	Next Steps
Family Law Scope <ul style="list-style-type: none"> • Clarify, expand, or remove prohibition on dividing retirement assets • Incorporation of mediation, negotiations, communication, or court appearances • 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 • Discuss lifting non-parental custody prohibition • Discuss allowing contested major modifications 		Family Law Advisory Committee/LLLT Board	The Board voted to adopt the Family Law Advisory Committee's scope recommendations. The recommendation was discussed with the Supreme Court on 3/8 and the Court has given approval to move forward with drafting the amendments. The amendments will be discussed at the June meeting.
Define next practice area		New Practice Area Committee	The Estate and Healthcare Law recommendation was discussed with the Supreme Court 3/8; the Court has responded. The Board will discuss how and when to move forward with developing the next practice areas at their June meeting.
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.
Expansion of core curriculum to non ABA-approved schools			Several institutions have inquired about applying, including Wenatchee Valley College and the University of Washington paralegal program.
Vision for long-term access to justice through LLLT program		Caitlin Davis, Greg Dallaire, LLLT Program Lead	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/ LLLT Program Lead	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 rd 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