

GR 9 COVER SHEET

Suggested Amendments ADMISSION AND PRACTICE RULES (APR) 28 Sections C, D, and Regulation 3

Limited License Legal Technician Board

Submitted by the Limited License Legal Technician Board

A. Name of Proponent:

Limited License Legal Technician (LLLT) Board

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C. Purpose:

When making decisions about the design of the LLLT program, the LLLT Board has always weighed whether or not each change they suggest to the Supreme Court will contribute to making the program more affordable, more accessible, and appropriately academically rigorous. In keeping with these guiding principles, the LLLT Board has noted that the rural nature of many communities in Washington suggests that in order to be truly accessible to a large portion of the state's residents, the LLLT core curriculum must be offered in areas not currently served by ABA-approved paralegal education programs and law schools.

Under the current rules and regulations governing the LLLT education, LLLT applicants must meet the LLLT core education requirement at an ABA-approved paralegal program or law school. There are currently four colleges with ABA-approved paralegal programs in Washington and three ABA-approved law schools. All of these schools are located in the Puget Sound area and Spokane. The southern, northern and central portions of the state's population cannot access the LLLT core education except through piecing together an online course schedule, undertaking a long commute to school, or moving closer to the institutions which offer the education. For many students, none of these options are realistic. Furthermore, many schools with excellent paralegal programs are ready and willing to offer the LLLT education to their students, but cannot do so because they lack ABA approval. The ABA approval process is rigorous and respected, but it is also expensive and not an attainable goal for many schools with scarce economic resources.

In order to expand access to the LLLT core education, the LLLT Board has consulted with educators and representatives from paralegal programs and law schools from across the state to develop standards that can be used to approve paralegal or legal studies programs that have not gone through the ABA approval process. The Board also consulted extensively with the Washington State Board of Community and Technical Colleges (SBCTC). The standards developed by the LLLT Board ("LLL Educational Program Approval Standards") are based on the ABA Guidelines for the Approval of Paralegal Education Programs, with a few notable differences. Key differences between the two sets of standards can be found in the "Brief Comparison of the ABA Guidelines for the Approval of Paralegal Programs and LLLT Educational

Program Approval Standards” document which is attached hereto as supporting material item #2.

Implementation of the LLLT Educational Program Approval Standards is possible only if accompanying amendments are made to APR 28 that will allow the LLLT core education to be offered by non-ABA approved programs and will give the LLLT Board the authority to establish and apply an approval process for the LLLT core education programs in Washington. The Standards allow the LLLT Board to delegate the power to review and approve programs to a third party. The LLLT Board has created a partnership with the SBCTC to fill the role of the third party delegate. The SBCTC carries out educational program review and approval for colleges across the state and is a logical and experienced body to which to delegate the LLLT educational program review and approval. In addition, the SBCTC played a very active part in assisting in the creation of the LLLT Educational Program Approval Standards with the intent of fulfilling the role of the delegate responsible for the program approval process.

APR 28 C

Two amendments are suggested to APR 28 (C); the first is merely a grammatical change suggested in order to maintain consistency in the text of APR 28. To that end, the Board suggests that “Limited License Legal Technician” in APR 28 (C)(2)(c) be changed to read “LLLT”. The second change suggested to APR 28 (C) is substantive; the Board proposes adding a new subsection (h) to APR 28 (C)(2) that would grant the LLLT Board the power to “establish and maintain criteria for approval of educational programs that offer LLLT core education.”

APR 28 D

Three amendments are proposed to APR 28 (D). Similarly to APR 28 (C), two of the suggested amendments seek to standardize the use of “LLLT” within the rules, rather than using “Limited License Legal Technician” and “LLLT” interchangeably. These proposed amendments can be found in sections (D) and (D)(2). A substantive amendment is suggested in APR 28(D)(3)(b), that will expand the accessibility of the LLLT core education by permitting LLLT applicants to complete the LLLT core curriculum at an educational institution with an LLLT education program approved by the LLLT Board. Again, the LLLT Board plans to delegate coordination of the program review, approval, and ongoing monitoring to the State Board of Community and Technical Colleges.

APR 28 Regulation 3

Amendments to APR 28 Regulation 3 will allow students completing the LLLT core curriculum to do so at a program approved under the LLLT Educational Program Approval Standards, in addition to an ABA approved law school or paralegal program. It also clarifies how credits are calculated by specifying the number of credit hours needed for completion of the curriculum and allows the evaluation of courses to be focused on the subject matter of the course rather than the name under which it is taught. The language in the proposed amendments to Regulation 3(A)(2) details the responsibility of the Board to establish and maintain standards for approval of non-ABA approved programs.

Conclusion

These proposed rule amendments seek to uphold the spirit and intent of APR 28 and move toward the expansion of access to legal services for all of Washington’s

residents, regardless of their socioeconomic status or geographic location. Approving these changes to APR 28 will allow Washington's 29 community and technical colleges, as well as universities and private colleges, to have the chance to participate in educating future practitioners of this innovative program. It will also allow more LLLT candidates to learn and make professional connections in their communities as they move through their pathway to becoming a LLLT. The LLLT Board believes that it is important that these proposed amendments be adopted and effective as soon as possible.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is requested in order to allow schools that wish to offer the LLLT core education to begin the approval process and start developing their curriculum in anticipation of the 2016-17 school year.

F. Supporting Material:

1. LLLT Educational Program Approval Standards
2. Brief Comparison of the ABA Guidelines for the Approval of Paralegal Programs and LLLT Educational Program Approval Standards

SUGGESTED AMENDMENTS TO APR 28 C and D

TITLE

ADMISSION AND PRACTICE RULES (APR)

RULE 28. LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS

A.-B.

[Unchanged.]

C. Limited License Legal Technician Board

(1)

[Unchanged.]

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

- (a) Recommending practice areas of law for LLLTs, subject to approval by the Supreme Court;
- (b) Processing applications and fees, and screening applicants;
- (c) Administering the examinations required under this rule which shall, at a minimum, cover the rules of professional conduct applicable to LLLTs ~~Limited License Legal Technicians~~, rules relating to the attorney-client privilege, procedural rules, and substantive law issues related to one or more approved practice areas;
- (d) Determining LLLT Continuing Legal Education (LLLT CLE) requirements and approval of LLLT CLE programs;
- (e) Approving education and experience requirements for licensure in approved practice areas;
- (f) Establishing and overseeing committees and tenure of members;
- (g) Establishing and collecting examination fees, LLLT CLE fees, annual license fees, and other fees in such amounts approved by the Supreme

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Court as are necessary to carry out the duties and responsibilities of the Board; ~~and~~

(h) Establishing and maintaining criteria for approval of educational programs that offer LLLT core curriculum; and

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

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

(a) Establish procedures for grievances and disciplinary proceedings;

(b) Establish trust account requirements and procedures;

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

(d) Implement the other provisions of this rule.

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

D. Requirements for Applicants. An applicant for licensure as an LLLT ~~Limited License Legal Technician~~ shall:

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

(2) *Moral Character and Fitness to Practice.* Be of good moral character and demonstrate fitness to practice as an LLLT ~~Limited License Legal Technician~~.

SUGGESTED AMENDMENTS TO APR 28 C and D

- (3) *Education.* Have the following education, unless waived by the Board through regulation:
- (a) An associate level degree or higher;
 - (b) 45 credit hours of core curriculum instruction in paralegal studies as approved by the Board with instruction to occur at:
 - (i) an ABA approved law school; ~~or~~
 - (ii) an educational institution with an ABA approved paralegal education program; ~~or and~~
 - (iii) an educational institution with an LLLT core curriculum program approved by the Board.
 - (c) In each practice area in which an applicant seeks licensure, instruction in the approved practice area, which must be based on a curriculum developed by or in conjunction with an ABA approved law school. For each approved practice area, the Board shall determine the key concepts or topics to be covered in the curriculum and the number of credit hours of instruction required for admission in that practice area.
 - (d) For the purposes of satisfying APR 28(D)(3), one credit hour shall be equivalent to 450 minutes of instruction.
- (4) *Application.* Execute under oath and file with the Board an application, in such form as the Board requires. An applicant's failure to furnish information requested by the Board or pertinent to the pending application may be grounds for denial of the application.
- (5) *Examination Fee.* Pay, upon the filing of the application, the examination fee and any other required application fees as established by the Board and approved by the Supreme Court.

E.-L.

SUGGESTED AMENDMENTS TO APR 28 C and D

[Unchanged.]

SUGGESTED AMENDMENTS TO APPENDIX APR 28 REGULATION 3

TITLE

APPENDIX ADMISSION AND PRACTICE RULE (APR) 28

REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL TECHNICIAN BOARD

REGULATIONS 1-2.

[Unchanged.]

REGULATION 3. EDUCATION REQUIREMENTS FOR APPLICANTS AND APPROVAL OF EDUCATIONAL PROGRAMS

An applicant for licensure 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 28(D)(3)(b). The core curriculum must include the following required subject matters with minimum credits hours earned as indicated: the following course credits at an ABA approved law school or ABA approved paralegal program:

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

The core curriculum courses in which credit for the foregoing subject matters is earned shall satisfy the curricular requirements approved by the Board and published by the Association. If the required ~~core curriculum~~ courses completed by the applicant do not total 45 credits hours as required by APR 28(D)(3)(b), then the applicant may earn the remaining credits hours by taking legal or paralegal elective courses, ~~at an ABA approved law school or ABA approved paralegal program.~~ All core curriculum course credit hours must be earned at an ABA approved law

SUGGESTED AMENDMENTS TO APPENDIX APR 28 REGULATION 3

school, an educational institution with an ABA approved paralegal program, or at an educational institution with an LLLT core curriculum program approved by the Board under the Washington State LLLT Educational Program Approval Standards.

2. *LLLT Educational Program Approval Requirements for Programs Not Approved by the ABA.* The 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 Board's standards shall be approved by the Board and qualified to teach the LLLT core curriculum.

B. Practice Area Curriculum.

[Unchanged.]

REGULATIONS 4-20

[Unchanged.]