

APR 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 to Practice Rules.
- (2) “Board” when used alone means the Limited License Legal Technician Board.
- (3) “Lawyer” means a person licensed 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 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 member of the Washington State Bar Association.

- (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

- (1) *Establishment.* There is hereby established a Limited License Legal Technician Board. The Board shall consist of 13 members appointed by the Supreme Court of the State of Washington, nine of whom shall be active Washington lawyers, and four of whom shall be nonlawyer Washington residents. At least one member shall be a legal educator. The members shall initially be appointed to staggered terms of one to three years. Thereafter, appointments shall be for three year terms. No member may serve more than two consecutive full three year terms.
- (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 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 Court as are necessary to carry out the duties and responsibilities of the Board; and

- (h) 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 a 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 a Limited License Legal Technician.
- (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 an ABA approved law school or ABA approved paralegal education program; and
 - (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. Licensing Requirements. In order to be licensed as a Limited License Legal Technician, all applicants must:

- (1) *Examination.* Take and pass the examinations required under these rules;
- (2) *Experience.* Acquire 3,000 hours of substantive law-related work experience supervised by a licensed lawyer. The experience must be acquired no more than three years prior to licensure and no more than three years after passing the examination;
- (3) *Annual License Fee.* Pay the annual license fee;
- (4) *Financial Responsibility.* Show proof of ability to respond in damages resulting from his or her acts or omissions in the performance of services permitted by these rules. The proof of financial responsibility shall be in such form and in such amount as the Board may by regulation prescribe; and
- (5) Meet all other licensing requirements set forth in the rules and regulations proposed by the Board and adopted by the Supreme Court.

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 provide the services required on this issue and shall inform the client that the client should seek the services of a lawyer. If the issue is within the defined practice area, the LLLT may undertake the following:

- (1) Obtain relevant facts, and explain the relevancy of such information to the client;
- (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 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 Board that 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 party, 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 Board; and advise the client of the significance of the selected forms to the client's case;
- (7) Perform legal research;
- (8) Draft legal letters and documents beyond what is permitted in paragraph (6), if the work is reviewed and approved by a Washington lawyer;
- (9) Advise a 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;
- (10) Assist the client in obtaining necessary documents or records, such as birth, death, or marriage certificates.

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

- (1) A Limited License Legal Technician must have a principal place of business having a physical street address for the acceptance of service of process in the State of Washington;
- (2) 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;
- (3) 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);

- (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 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 Board.
- (4) 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.
 - (5) A document prepared by an LLLT shall include the LLLT's name, signature, and license number beneath the signature of the client.

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;
- (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);
- (7) 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;
- (8) Represent or otherwise provide legal or law related services to a client, except as permitted by law, this rule or associated rules and regulations;
- (9) Otherwise violate the Limited License Legal Technician Rules of Professional Conduct.

I. Continuing Licensing Requirements

- (1) *Continuing Education Requirements.* Each Limited License Legal Technician annually must complete the Board-approved number of credit hours in courses or activities approved by the Board, provided that the Limited License Legal Technician shall not be required to comply with this subsection during the calendar year in which he or she is initially licensed.
- (2) *Financial Responsibility.* Each Limited License Legal Technician shall annually provide proof of financial responsibility in such form and in such amount as the Board may by regulation prescribe.
- (3) *Annual Fee.* Each Limited License Legal Technician shall pay the annual license fee established by the Board and approved by the Supreme Court.

J. Existing Law Unchanged. This rule shall in no way modify existing law prohibiting nonlawyers from practicing law or giving legal advice other than as authorized under this rule or associated rules and regulations.

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

- (1) Limited License Legal Technicians acting within the scope of authority set forth in this rule shall be held to the standard of care of a Washington lawyer.
- (2) Limited License Legal Technicians shall be held to the ethical standards of the Limited License Legal Technician Rules of Professional Conduct, which shall create an LLLT IOLTA program for the proper handling of funds coming into the possession of the Limited License Legal Technician.
- (3) The Washington law of attorney-client privilege and law of a lawyer's fiduciary responsibility to the client shall apply to the Limited License Legal Technician-client relationship to the same extent as it would apply to an attorney-client relationship.

L. Confidentiality and Public Records

- (1) GR 12.4 shall apply to access to Board records.
- (2) Unless expressly authorized by the Supreme Court or by the applicant, all application records, including related investigation files, documents, and proceedings, for the limited admission to the practice of law as an LLLT are confidential and shall be privileged against disclosure, except as necessary to conduct an investigation, hearing, appeal, or review pursuant to these rules.
- (3) Unless expressly authorized by the Supreme Court, all examination questions, scoring keys, and other examination data used by the Board to administer the LLLT licensing examinations are not subject to public disclosure.
- (4) Unless expressly authorized by the Supreme Court or the LLLT, the following Board and Bar records are exempt from public access: personal information in Board and Bar records for LLLTs and Board members to the extent that disclosure would violate their right of privacy, including home contact information (unless such information is their address of record), Social Security numbers, driver's license numbers, identification or security photographs held in Board and Bar records, and personal data including ethnicity, race, disability status, gender, and sexual orientation. LLLT license status, license number, dates of admission or licensing, addresses of record, and business telephone numbers, facsimile numbers, and electronic mail addresses (unless there has been a request that electronic mail addresses not be made public) shall not be exempt, provided that any such information shall be exempt if the Chair of the Board approves the confidentiality of that information for reasons of personal security or other compelling reasons, which approval must be reviewed annually.

[Adopted effective September 1, 2012; amended effective August 20, 2013; February 3, 2015.]

**APPENDIX APR 28
REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL TECHNICIAN**

BOARD

REGULATIONS 1. IN GENERAL

Every person desiring to be licensed and to maintain licensure as a Limited License Legal Technician (LLLT) pursuant to Admission to Practice Rule (APR) 28 shall satisfy all of the requirements of APR 28 and Appendix APR 28.

To facilitate prompt administration of APR 28 and these regulations, designated staff of the Washington State Bar Association (Association) may act on behalf of the LLLT Board under APR 28 and these regulations.

REGULATION 2. 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 28(F) to inform clients when issues arise that are beyond the authorized scope of the LLLT's practice. When an affirmative duty under APR 28(F) 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;
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, 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. The LLLT may proceed in this manner 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: (a) child support modification actions, (b) dissolution actions, (c) domestic violence actions, except as prohibited by Regulation 2(B)(3), (d) committed intimate domestic relationship actions only as

they pertain to parenting and support issues, (e) legal separation actions, (f) major parenting plan modifications when the terms are agreed to by the parties before the onset of the representation by the LLLT, (g) minor parenting plan modifications, (h) parenting and support actions, (i) paternity actions, and (j) relocation actions, except as prohibited by Regulation 2(B)(3).

2. Scope of Practice for Limited License Legal Technicians – Domestic Relations. LLLTs in domestic relations may provide legal services to clients as provided in APR 28(F), except as prohibited by APR 28(H) and Regulation 2(B)(3). Unless an issue beyond the scope arises or a prohibited act would be required, LLLTs may advise and assist clients (1) to initiate and respond to actions and (2) regarding motions, discovery, trial preparation, temporary and final orders, and modifications of orders.
3. Prohibited Acts. In addition to the prohibitions set forth in APR 28(H), in the course of dealing with clients or prospective clients, LLLTs licensed to practice in domestic relations:
 - a. shall not represent more than one party in any domestic relations matter;
 - b. shall not provide legal services:
 - i. in defacto parentage or nonparental custody actions; and
 - ii. 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;
 - c. shall not advise or assist clients regarding:
 - i. division of owned real estate, formal business entities, or retirement assets that require a supplemental order to divide and award, which includes division of all defined benefit plans and defined contribution plans;
 - ii. bankruptcy, including obtaining a stay from bankruptcy;
 - iii. disposition of debt 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;
 - v. jointly acquired committed intimate relationship property issues in committed intimate domestic relationship actions;
 - vi. major parenting plan modifications unless the terms were agreed to by the parties before the onset of the representation by the LLLT;
 - vii. the determination of Uniform Child Custody Jurisdiction and Enforcement Act issues under RCW 26.27 or Uniform Interstate Family Support Act issues under RCW 26.21(A) unless and until jurisdiction has been resolved.
 - viii. objections to relocation petitions, responses to objections to relocation petitions, or temporary orders in relocation actions;
 - 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 APPLICANTS

An applicant for licensure shall satisfy the following education requirements:

A. Core Curriculum. An applicant for licensure shall have earned the following course credits at an ABA approved law school or ABA approved paralegal program:

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

7. Professional responsibility, minimum 3 credits.

The core curriculum courses in which credit 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 as required by APR 28(D)(3)(b), then the applicant may earn the remaining credits by taking legal or paralegal elective courses at an ABA approved law school or ABA approved paralegal program.

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 28(D)(3)(c). Each practice area curriculum course shall satisfy the curricular requirements approved by the Board and published by the Association.

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 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. LIMITED TIME WAIVERS

A. Limited Time Waiver, Defined. For the limited time between the date the Board begins to accept applications and December 31, 2016, the Board shall grant a waiver of the minimum associate-level degree requirement and/or the core curriculum education requirement set forth in APR 28(D)(3) if an applicant meets the requirements set forth in Regulation 4(B). The Board shall not grant waivers for applications filed after December 31, 2016. The Board shall not waive the practice area curriculum requirement. The limited time waiver application will be separate from the application process for licensure set forth in these regulations.

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

1. Passed a Board approved national paralegal certification examination.
2. Active certification from a Board approved national paralegal certification organization; and
3. Completed 10 years of substantive law-related experience supervised by a licensed lawyer within the 15 years preceding the application for the waiver.

Proof of 10 years of substantive-law related experience supervised by a licensed lawyer shall include the following:

- a. the name and bar number of the supervising lawyer(s),
- b. certification by the lawyer that the work experience meets the definition of substantive law-related work experience as defined in APR 28, and
- c. the dates of employment or service.

C. Review of Limited Time Waiver Application. The Association shall review each limited time waiver application to determine if the application meets the waiver requirements. Any application that does not meet the limited time waiver requirements as established by this Regulation shall be denied by the Association on administrative grounds, with a written statement of the reason(s) for denial.

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

E. Expiration of Limited Time Waiver Approval. Approval of the limited time waiver application shall expire December 31, 2018. After expiration of the approval, any subsequent application for licensure by the applicant shall meet all of the standard requirements for licensure without waiver.

REGULATION 5. APPLICATIONS

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

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

1. a completed application for licensure in a form and manner described by the Board;
2. evidence in a form and manner prescribed by the Board demonstrating completion of
 - a. at a minimum, an associate level degree, except applicants who have been approved for a limited time waiver pursuant to Regulation 4,
 - b. the core curriculum required pursuant to Regulation 3(A), except applicants who have been approved for a limited time waiver pursuant to Regulation 4, and

- c. the practice area curriculum required pursuant to Regulation 3B,
3. original proof of passing the Core Curriculum Examination as required by Regulation 8; and
4. a signed and notarized Authorization, Release, and Affidavit of Applicant.

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

1. a completed practice area application in a form and manner prescribed by the Board;
2. evidence in a form and manner prescribed by the Board demonstrating completion of the practice area curriculum required under Regulation 3(B); and
3. a signed and notarized Authorization, Release and Affidavit of Applicant.

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

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

REGULATION 6. APPROVAL OR DENIAL OF APPLICATION ON ADMINISTRATIVE GROUNDS

A. Review of Application. The Association shall review each application to determine if the application meets the criteria for licensure established in APR 28. Any application that does not meet the initial criteria for licensure as established by APR 28 shall be denied by the Association on administrative grounds, except for those applications where there is a substantial question as to the applicant's good moral character or fitness to practice. The applicant will be notified whether the application has been approved or denied. If the application has been denied, the applicant will be notified of the grounds for the denial and the review process.

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

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

REGULATION 7. CHARACTER AND FITNESS HEARINGS

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

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

The Character and Fitness Committee shall have the power and authority to accept referrals from the Association concerning matters of character and fitness of applicants, order further investigation of matters relevant to the applications, conduct hearings, perform such other functions as are necessary and proper to carry out its duties, and make appropriate recommendations.

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

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

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

F. Hearings. APR 24.3 shall apply equally to character and fitness hearings conducted pursuant to this Regulation and is incorporated herein by reference, except that the Character and Fitness Board as referenced in APR 24.3 shall mean the Character and Fitness Committee

of the LLLT Board. Reference to the chair or chairperson in APR 24.3, as applied in this rule, shall mean the Character and Fitness Committee Chair. Applicants shall appear in person at any hearing before the Character and Fitness Committee, unless the Committee waives the applicant's presence for good cause shown.

G. Decisions and Recommendation of Character and Fitness Committee.

1. *Findings of Character and Fitness Committee.* The Character and Fitness Committee will timely file with the Association written findings of fact, conclusions of law, and a recommendation or direct further investigation for the reasons stated in the written findings.
2. *Action on Recommendation.*
 - a. If the Committee recommends admission, the record, recommendation, and all exhibits shall be transmitted to the Supreme Court for disposition.
 - b. If the Committee recommends against licensure, the record and recommendation shall be retained in the office of the Association unless the applicant submits a written request for review by the Board within 15 days of service of the recommendation. If the applicant so requests, the Committee will transmit the record, recommendation, and all exhibits to the Board for a recommendation. No additional evidence, materials, or argument shall be considered by the Board.

H. Review by the Board.

1. *Decision of the Board.* After receipt of the record, the Board will enter a written decision and may affirm or reverse the findings of the Character and Fitness Committee or direct further investigation for the reasons stated in the written decision.
2. *Action on Recommendation.*
 - a. If the Board recommends admission, the record, recommendation, and all exhibits shall be transmitted to the Supreme Court for disposition.
 - b. If the Board recommends against admission, the record and recommendation shall be retained in the office of the Association unless the applicant requests that it be submitted to the Supreme Court by filing a Notice of Appeal with the Board within 15 days of service of the recommendation of the Board. If the applicant so requests, the Board will transmit the record, including the transcript, exhibits, and recommendation to the Supreme Court for review and disposition. The applicant must pay to the Supreme Court any fee required by the Court in connection with appeal and review.

I. Action on Supreme Court's Determination.

1. *Application Approved.* If the application is approved by the Supreme Court, admission shall be subject to the applicant's taking and passing of the licensing examination and complying with all other requirements for licensure.
2. *Application Denied.* If the application is denied by the Supreme Court, the Board shall maintain a record of the application, hearing, and appeal in the Association records.

J. Reapplication.

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

**REGULATION 8. EXAMINATIONS.
NOTIFICATION OF RESULTS**

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

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

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

B. Core Curriculum Examination. The core curriculum examination shall be satisfied by passing a national certifying paralegal examination as approved by the Board.

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

D. Professional Responsibility Examination. The professional responsibility examination will test applicants on LLLT ethical duties as set forth in APR 28, the LLLT Rules of Professional Conduct, and knowledge of the LLLT scope of practice as set forth in APR 28(F) and (H). The professional responsibility examination shall be comprised of one multiple choice section. The duration, form, and manner of the exam shall be as prescribed by the Board. The

passing standard for the professional responsibility examination is a score of 75 percent.

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

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

REGULATION 9. SUBSTANTIVE LAW-RELATED WORK EXPERIENCE REQUIREMENT.

Each applicant for licensure as a limited license legal technician shall show proof of having completed 3,000 hours of substantive law-related work experience supervised by a licensed lawyer as required by APR 28(E)(2). The experience requirement shall be completed within three years before or after the date the applicant is notified of passing both the practice area and professional responsibility qualifying examinations. The proof shall be provided in such form as the Board requires, but shall include at a minimum:

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

REGULATION 10. CERTIFICATION OF RESULTS TO SUPREME COURT; OATH

A. Recommendation for Licensure. The board shall recommend to the Washington State Supreme Court the licensure of all applicants who have met all licensing requirements set forth in APR 28 and these regulations, including good moral character and fitness to practice. All recommendations of the Board shall be accompanied by the application for licensure and any other documents deemed pertinent by the Board or requested by the Supreme Court. The recommendation and all accompanying documents and papers shall not be public record.

B. Prelicensure Requirements. Before an applicant who has passed the qualifying examinations may be licensed, the applicant shall:

1. furnish proof of completion of the requisite hours of substantive law-related work experience supervised by a licensed lawyer as required by Regulation 9;
2. furnish proof of financial responsibility as required by Regulation 12;
3. pay the annual license fee and any assessments for the current year as required by Regulation 11;
4. file any and all licensing forms required for active limited license legal technicians; and
5. take the Oath of Limited License Legal Technician.

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

C. Additional Practice Area Prelicensure Requirements. An LLLT who is seeking licensure in an additional practice area shall:

1. Take and pass the additional practice area examination;
2. pay the annual license fee as stated in the fee schedule; and
3. file any and all licensing forms required for active LLLTs.

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

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

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

OATH OF LIMITED LICENSE LEGAL TECHNICIAN

STATE OF WASHINGTON

COUNTY OF

I, _____, do solemnly declare:

1. I am fully subject to the laws of the State of Washington, the laws of the United States, Rule 28 of the Admission to Practice Rules, and APR 28 Regulations adopted by the Washington State Supreme Court and will abide by the same;
2. I will support the constitutions of the State of Washington and of the United States of America;
3. I will abide by the Limited License Legal Technician Rules of Professional Conduct approved by the Supreme Court of the State of Washington;
4. I will confine my activities as a Limited License Legal Technician to those activities allowed by law, rule and regulation and will only utilize documents approved pursuant to APR 28;
5. I will faithfully disclose the limitations of my services and that I am not a lawyer;
6. I will maintain the confidence and preserve inviolate the secrets of my client and will accept no compensation in connection with the business of my client unless this compensation is from or with the knowledge and approval of the client or with the approval of the court;
7. I will abstain from all offensive personalities and advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which I am charged;
8. I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay unjustly the cause of any person.

Signature Limited License Legal Technician

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

JUDGE

F. Order Admitting to Limited Practice as LLLT. After examining the recommendation and accompanying documents transmitted by the Board, the Supreme Court may enter such order in each case as it deems advisable. For those applicants it deems qualified, the Supreme Court shall enter an order admitting them to limited practice as LLLTs. Applicants shall be admitted under APR 28 only after the order has been entered by the Supreme Court.

G. Order Admitting LLLT to Limited Practice in Additional Practice Area. After

examining the recommendation and accompanying documents transmitted by the Board, the Supreme Court may enter such order in each case as it deems advisable. For those LLLTs it deems qualified, the Supreme Court shall enter an order admitting them to limited practice in the additional practice area.

REGULATION 11. ANNUAL LICENSE FEES

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

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

C. An LLLT shall provide his or her residential and business addresses telephone number, and business e-mail address to the Board at the time of payment of the annual license fee. An LLLT whose address, telephone number or e-mail address changes shall notify the Association within 10 days after the change.

REGULATION 12. FINANCIAL RESPONSIBILITY

A. Insurance Requirement. Each LLLT shall show proof of ability to respond in damages resulting from his or her acts or omissions in the performance of services permitted under APR 28 by:

1. submitting an individual professional liability insurance policy in the amount of at least \$100,000 per claim and a \$300,000 annual aggregate limit;
2. submitting a professional liability insurance policy of the employer or the parent company of the employer who has agreed to provide coverage for the LLLT's ability to respond in damages in the amount of at least \$100,000 per claim and a \$300,000 annual aggregate limit; or
3. submitting proof of indemnification by the LLLT's government employer.

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

REGULATION 13. TRUST ACCOUNT DECLARATION

Rules 15.4(a) and (b) and 15.7 of the Rules for Enforcement of Lawyer Conduct (ELC) shall apply to LLLT IOLTA (Interest on Lawyer Trust Account) accounts. Annually, each active LLLT shall certify compliance with Rules 1.15A and 1.15B of the Limited License Legal Technician Rules of Professional Conduct. Such declaration shall be filed by August 1 in a form and manner as prescribed by the Board and shall include the bank where each account is held and the account number.

REGULATION 14. CONTINUING EDUCATION

A. Minimum Requirement. An LLLT shall complete a minimum of 10 hours of approved continuing education each license year by June 30. A newly licensed LLLT shall be exempt for the first license year. The education must relate to the LLLT's area of practice, scope of practice, or the subject matter covered in the required LLLT core curriculum and shall include a minimum of two hours in legal ethics and professional responsibility per license year.

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

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

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

REGULATION 15. ADMINISTRATIVE SUSPENSION FROM LIMITED PRACTICE

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

1. notification from the Department of Social and Health Services that an LLLT is more than six months delinquent in noncompliance with a valid and enforceable order entered by a court of competent jurisdiction requiring the LLLT to pay child support; or
2. failure of an LLLT to comply with licensing requirements under APR 28 and these Regulations. This includes but is not limited to an LLLT's:
 - a. failure to pay the annual license fee as set forth in Regulation 11(A);
 - b. failure to comply with financial responsibility requirements as set forth in Regulation 12;
 - c. failure to file an annual trust account declaration as set forth in

Regulation 13;

- d. failure to comply with continuing education requirements as set forth in Regulation 14; and
- e. failure to timely notify the Association of a change of address, telephone number, or email address pursuant to Regulation 11(C).

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

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

REGULATION 16. INACTIVE STATUS

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

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

REGULATION 17. VOLUNTARY CANCELLATION OF LICENSE

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

B. Voluntary Cancellation of Single Practice Area License. An LLLT licensed in two or

more practice areas may request to voluntarily surrender a single practice area license by notifying the Board in writing of the desire to cancel the LLLT single practice area license. The Board may deny requests for voluntary cancellation of a single practice area license from any LLLT who is the subject of a pending disciplinary investigation or proceeding. After entry of the cancellation order by the Supreme Court, the LLLT shall not accept any new clients or engage in work as an LLLT in any matter in the voluntarily cancelled practice area. The Board will notify the LLLT of the effective date of the cancellation if approved. The former LLLT shall then promptly notify by registered or certified mail, return receipt requested, all clients with pending matters in the voluntarily cancelled practice area of the license cancellation and the consequent inability to act as an LLLT in the specific practice area.

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

REGULATION 18. REAPPLICATION FOR LICENSURE AFTER DISCIPLINARY REVOCATION

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

REGULATION 19. NOTICE AND FILING

All notices and filings required by these Regulations, including applications for licensure as a LLLT, shall be delivered to the headquarters of the Association.

REGULATION 20: AMENDMENT AND BOARD POLICIES

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

[Adopted effective August 20, 2013; amended effective September 3, 2013; March 31, 2015.]