

Limited License Legal Technician Program



**THE HISTORY AND FUTURE OF THE
PROGRAM**

General Rule (GR) 24 (2001)

Defined the practice of law in an effort to:

Provide ethical competent legal services to public

Protect the public from the unauthorized practice of law

Not unreasonably restrain trade

GR 25 (2001)



Established the Practice of Law Board (POLB) and its powers, including to:

Investigate allegations of the unauthorized practice of law

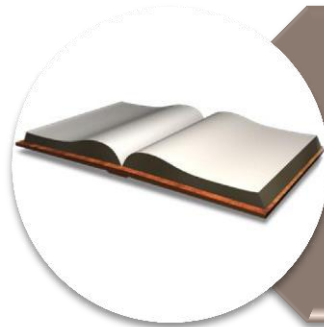
Issue advisory opinions about authority of nonlawyers to perform legal services

Make recommendations to the Supreme Court regarding authorizing non-lawyers to “engage in certain defined activities that would otherwise constitute the practice of law as defined in GR 24.” GR 25(c)(4).



2003 Civil Legal Needs Study

Task Force on Civil
Equal Justice Funding



Study into civil legal needs
of low-income populations



Revealed glaring unmet
need for legal services in
the low-income population
(defined as families with
incomes below 125% of the
Federal Poverty Level)



Legal practice areas of
greatest need for low- and
moderate-income
individuals and families:
housing, family, and
consumer law

Legal Technician Rule History



With Supreme Court directive, drafted proposed “legal technician” rule



In 2005, sought input on proposed rule from numerous interest groups



Mar. 2006, the Board of Governors voted against the proposed rule; others also opposed



Continued its work despite opposition

POLB Practice Area Subcommittees

In 2006, four subcommittees convened to make recommendations regarding a proposed first practice area

Immigration

- Determined to be inappropriate practice area
- Too complex

Landlord/Tenant

- Determined to be appropriate practice area

Elder Law

- Determined to be appropriate practice area

Family Law

- Determined to be appropriate practice area
- Chosen as area of practice to recommend to Supreme Court

Legal Technician Rule History cont.



Jan. 2008, POLB reports to Supreme Court on its proposed rule



Recommends initial practice area of family law



Jan. 2009, Supreme Court publishes rule for comment



Feb. 2012, amendments to rule submitted to provide for efficient administration of program



“Limited license legal technician” proposed as name of practitioner

Supreme Court Order

June 15, 2012: Supreme Court issues order adopting LLLT Rule, stating “[w]e have a duty to ensure the public can access affordable legal and law related services, and that they are not left to fall prey to the perils of the unregulated market place.” Order at 5-6.





LLLT Board

Supreme Court board
authorized to
administer the program

- 13 members, including lawyers, 4 nonlawyers, and a legal educator
- Must create and draft operational details for the program
- First big decisions: practice area and education requirements



Initial Practice Area



Family law
chosen as first
practice area



Approved by
Supreme Court
in March 2013

LLLT Board Subcommittees



Legal technicians shall:

Be at least 18 years of age

Have a minimum associate level degree

Meet education, examination, and experience requirements

Show proof of financial responsibility

Show proof of continuing legal education courses

Abide by a code of ethical conduct (LLLT RPC)

Be subject to discipline

Legal Technicians may:

Inform clients of procedures and course of legal proceedings

Provide approved and lawyer prepared self-help materials

Review documents and exhibits from opposing party and explain them

Select, complete, file, and serve approved and lawyer prepared forms and advise of their relevance

Advise clients of necessary documents and explain their relevance

Assist client in obtaining necessary documents



Legal technicians may not (unless permitted by GR 24):



Limited License Legal Technicians



Defining the Family Law Scope of Practice*

Family law shall include (subject to limitations):

- Child support modification actions
- Dissolution and legal separation actions
- Domestic violence actions
- Committed intimate relationship actions
- Parenting and support actions
- Parenting plan modifications
- Paternity actions
- Relocation actions

* See Appendix APR 28. Regulation 2: Practice Areas—Scope of Practice

Admission Requirements

STEP 1: COMPLETE EDUCATION

- Minimum **associate level degree**
- **Core Education:** 45 credit hours at an ABA approved program
- **Practice Area Education**

STEP 2: PASS EXAMINATIONS

- **Core education exam**
- **Practice area exam:** includes multiple choice, essay, and practice exercise sections

STEP 3: ESTABLISH EXPERIENCE

- **3,000 hours of substantive law-related experience**
- Supervised by a licensed lawyer
- Within 3 years before or after passing examination

Core Education, 45 Credit Hours

Intro to Law and Legal Process, 3 credits

Civil Procedure, 8 credits

Legal Research, Writing, and Analysis, 8 credits

Contracts, 3 credits

Professional Responsibility/Ethics, 3 credits

Law Office Procedures and Technology, 3 credits

Interviewing and Investigation Techniques, 3 credits

ELECTIVES: Applicant may take remaining credits as legal studies elective courses

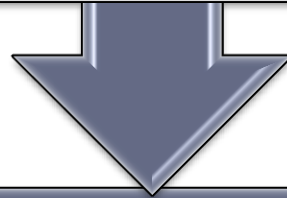


Practice Area Education

Must be taken in each practice area

Must be developed by or in conjunction with an ABA approved law school

Should include WA law specific topics



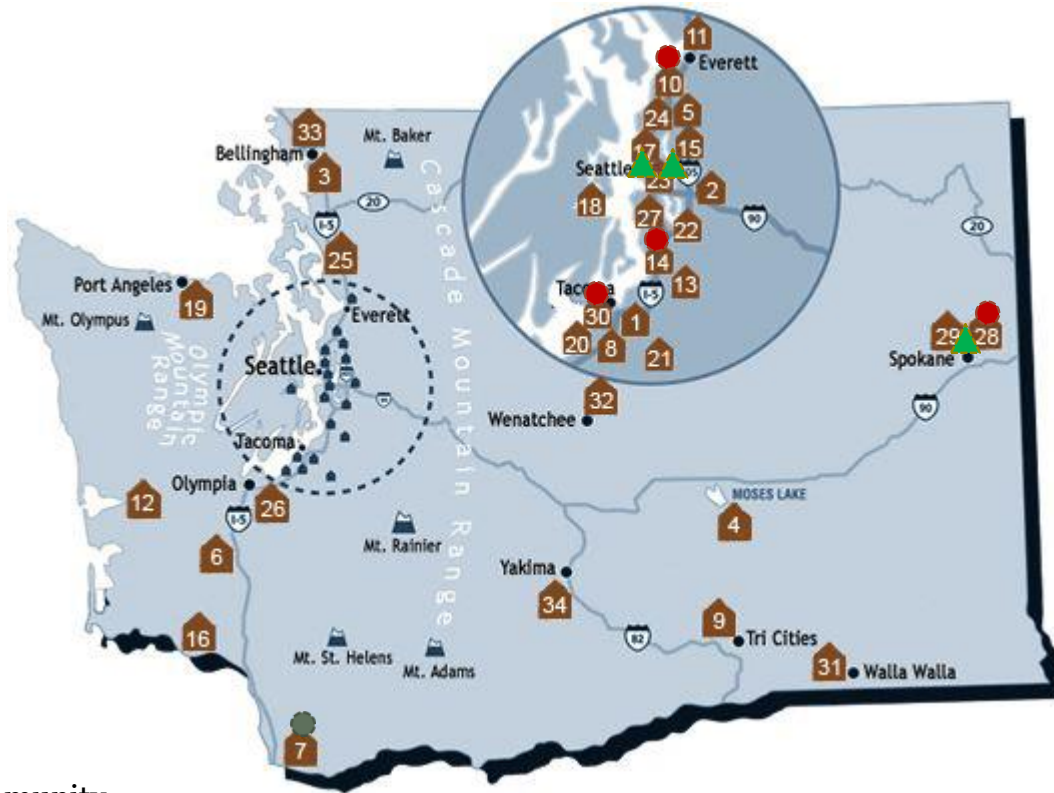
Family Law Courses





Developed & taught by instructors at all 3 WA law schools

5 credits of basic family law & 10 credits of advanced and WA law specific topics

Offered by live webcast at UW beginning Winter Quarter 2014

Map of WA Community Colleges and Law Schools*



-  Washington community college
-  ABA approved paralegal program offering LLLT education
-  Paralegal program seeking ABA approval
-  Washington law school contributing to LLLT education

* Map adapted with permission from SBCTC. See map for schools that correspond with numbers above: http://www.sbctc.edu/general/c_index.aspx.

Limited Time Waiver

Until December 31, 2016, the Board will waive the associate degree and core curriculum requirements, if the applicant has:

1. Passed the Certified Paralegal Exam (NALA) **OR** the Paralegal Advanced Competency Exam (NFPA) **OR** the Professional Paralegal Exam (NALS) **AND**

2. Active certification as a Certified Paralegal **OR** PACE Registered Paralegal **OR** NALS Professional Paralegal **AND**

3. 10 years of substantive law-related experience supervised by a licensed lawyer

LLLT Board's Work in 2014



RPC Subcommittee

- Use existing lawyer RPC as basis
- Must consider limited role of LLLTs when reviewing rules
- Balance protection of the public with the need to increase access to justice

Examination Subcommittee

- Decide core exam requirements
- Write family law exam & professional responsibility questions
- 1st Exam in March 2015

New Practice Area

- Discussions in Fall 2014
- Recommendation to Supreme Court by early 2015