WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

June 20, 2013

AGENDA

Washington State Bar Association
1325 Fourth Avenue – Suite 600
Seattle, Washington 98101
Time: 2:00 p.m. to 5:00 p.m.

1. **Call to Order/Preliminary Matters** (2:00 p.m.)
   - Approval of May 16, 2013 meeting minutes
   - New Subcommittee Launch
2. **Scope of Practice Subcommittee Recommendations Consent Agenda** (2:15 p.m.)
   a. Unless an issue prohibited by regulation arises, for dissolution and legal separation, paternity, parenting and support, and child support modification actions, LLLTs may initiate actions and advise and assist clients regarding trial preparation; final orders, i.e. findings of fact and conclusions of law, final decrees, parenting plans, and orders of child support; and modifications of final orders of support.
   b. Unless an issue prohibited by regulation arises, LLLTs may select and prepare all forms authorized by APR 28(F)(6) for dissolution and legal separation, paternity, parenting and support, and child support modification actions.
   c. LLLTs will be prohibited from advising and assisting clients regarding division of owned real estate, formal business entities, and retirement assets that require a supplemental order to divide or award, which includes division of all defined benefit plans and defined contribution plans.
   d. LLLTs will be prohibited from advising and assisting clients regarding bankruptcy, including obtaining a stay from bankruptcy. If one party is in bankruptcy or files a bankruptcy during the pendency of the proceeding, the LLLT may not advise and assist regarding disposition of debts and assets unless: the LLLT's client has retained an lawyer to represent him/her in the bankruptcy; or has consulted with an 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 the bankruptcy has been discharged.

e. In intimate domestic relationship actions, LLLTs will be limited to advising and assisting clients regarding parenting and support issues.

f. In intimate domestic relationship actions, LLLTs will be prohibited from advising and assisting clients regarding community property issues.

g. If in the course of the representation, an issue arises with respect to which the LLLT is prohibited from giving advice or assistance under these rules, then the LLLT shall inform the client in writing that the issue may exist, the LLLT is not authorized to assist on this issue, the failure to obtain a lawyer's advice could be adverse to the client's interests, and the client should consult with a lawyer to obtain appropriate advice and documents necessary to protect the client's rights.

h. An LLLT may prepare an order or decree after an issue beyond the scope of practice has been identified only if a lawyer acting on behalf of the client has provided written instructions for the LLLT as to whether and how to proceed with respect to the issue, and only if other defined prohibitions do not apply.

i. In intimate domestic relationship actions, LLLTs will be limited to advising and assisting clients regarding parenting and support issues.

j. In intimate domestic relationship actions, LLLTs will be prohibited from advising and assisting clients regarding community property issues.

k. In parenting plan modification actions, LLLTs may advise and assist in preparation of all forms authorized by APR 28(F)(6) for minor and agreed major parenting plan modification actions, unless an issue prohibited by regulation arises.

l. In parenting plan modification actions, LLLTs will be prohibited from advising and assisting clients regarding major parenting plan modification actions, unless there is agreement by the parties at the onset of the representation by the LLLT.

3. **Report of Scope of Practice Subcommittee Meeting** (2:30 p.m.)

4. **Admissions & Licensing Subcommittee Recommendations Consent Agenda** (3:00 p.m.)

   a. Under a limited time waiver, eligible applicants may waive certain admission requirements provided the applicants meet other specified education and/or experience requirements.

   b. During the limited time waiver, the Board will grant a waiver of all the core education and the minimum associate level degree to applicants who:

      i. have passed the PACE or NALA certification exam;

      ii. have maintained the PACE or NALA continuing certification requirements; and

      iii. have 10 years of substantive law-related experience supervised by a licensed lawyer within the past 15 years.

c. The core curriculum requirements chart developed by the Admissions and Licensing Subcommittee is adopted in its entirety, including the minimum credit requirements for each course.

d. The required core education courses taught at the ABA approved paralegal programs or law schools do not need to have the exact name as listed in the regulations so long as the core curriculum is taught in the courses;

e. If the required core courses do not total 45 credits, applicants may take any other courses in paralegal studies from an ABA approved paralegal program or law courses at an ABA approved law school to satisfy the 45 credit requirement.

f. Applications should instruct the applicant to provide a social security number if the applicant has one; otherwise, it shall not be required. If an applicant for initial licensure fails one of the required exams, the applicant will have the opportunity to pass the other exam at the next two administrations of the exam. The passing score is good for a year. If the applicant does not pass after a year, the applicant will be required to retake the previously passed exam.

    i. For purposes of the experience requirements, the three year clock starts after passing both exams.

g. There shall be no limit on the number of times an applicant can sit for the exams.

h. Each component of the examinations (multi-choice, essay, performance) will be graded independently from the other. An applicant must score 75% on each component to pass the exam. The Board shall not grade other components after failing one component**.**

i. There shall be no appeal of examination scores and applicants shall not be entitled to receive a copy of their failed exams.

5. **Discussion of PACE and NALA Examination and Certification Requirements** (Brenda Cothary & Guest) (3:15 p.m.)
6. **Approval of Regulation 4: Limited Time Waiver** (Steve Crossland) (3:30 p.m.)
7. **Report of Admissions & Licensing Subcommittee Meeting** (4:00 p.m.)
8. **Open Discussion** (4:15 p.m.)
9. **Adjourn** (5:00 p.m.)

MEETING MATERIALS

1. 2013-05-16 Draft Meeting Minutes [pp. 359-364]
2. 2013-05-16 Approved Scope of Practice Subcommittee Minutes [pp. 365-369]
3. 2013-05-16 Approved Admissions & Licensing Subcommittee Minutes [pp. 370-373]
4. Regulation 4: Limited Time Waivers [pp. 374]

5. 2013-05-16 Appendix of Board Decisions [pp. 375-381]
6. 2013-05-16 Approved Core Course Descriptions Chart [pp. 382-383]
7. 2012-08 Comparison of National Paralegal Certification Exams [pp. 384-387]

WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD MEETING MINUTES

May 16, 2013

Washington State Bar Association
Seattle, Washington

Members present were Steve Crossland (Chair), Guadalupe Artiga, Paul Bastine (BOG Liaison) Brenda Cothary, William Covington, Greg Dallaire, Caitlin Davis Carlson, Jeanne Dawes, Ellen Dial, Lynn Fleischbein, Janet Olejar, and Elisabeth Tutsch (telephone)..

Also in attendance was Thea Jennings (Staff Liaison), Bobby Henry, RSD Associate Director, and Paula Littlewood, WSBA Executive Director. Janet Skreen and Laurie Garber presented on the Pro Se Forms Project.

Also present was Christy Carpenter, a member of the public.

PRELIMINARY MATTERS

The meeting was called to order at 2:02 p.m.

I. Meeting Minutes

The April 18, 2013 meeting minutes were approved.

II. Approval of Amendments to APR 28

Executive Director Paula Littlewood reported that she spoke with the Supreme Court and the Chief Justice regarding amendments to APR 28 with respect to the education requirements and scope issues. She noted the urgency to have the education components approved given our communications with the educational institutions. Given the short timeline, the Court indicated that the Board may send the portions of the rule that are ready now up to the court for approval. The proposed amendments will not be published for comment, so any additional changes can be forwarded in the future.

The Board then discussed the proposed amendments as found on page 298-301 of the Board's meeting materials. The Board approved the amendments without debate for submission to the Supreme Court.

III. Accessibility of the LLLT Education

The Board then discussed the accessibility of the practice area education component. What has been envisioned is a partnership between the law schools for creation of the family law practice area education component. For the curriculum, emphasis was placed on accessibility, affordability, and academic rigor.

The Family Law Curriculum Workgroup's original purpose as conceived by the Board was to create a "curriculum in a box" that could be distributed to ABA approved paralegal programs at community colleges with the law schools instructing the community colleges regarding how to teach the curriculum. The Workgroup convened its first meeting and the discussion led to offering the courses through a streaming platform. UW has offered to matriculate all students and offer a web-based format for the courses with different course components being taught by different instructors depending on their expertise and offered via podcast to students unable to physically attend. The streaming platform would keep the students actively engaged.

The Admissions & Licensing subcommittee raised specific concerns regarding affordability. It was noted, however, that the need for accessibility and academic rigor would be satisfied. From a public perception perspective, spending time in a law school setting would lend credibility to the profession. The Board asked the Workgroup to consider the following questions as it continues its work:

1. Can community colleges qualify to deliver the education down the road?
2. How can the cost of the proposed delivery system be determined at this point so we can ensure affordability?
3. What technology hurdles could there be (in particular for the students)?
4. What requirements should there be for matriculation in order to take the practice courses?

IV. Pro Se Forms Project

Janet Skreen of the Administrative Office of the Courts and Laurie Garber of the NW Justice Project presented on the Pro Se Forms Project. The Pro Se Project was established to address the complexity and difficulty that pattern forms present to pro se litigants. The Project has undertaken the task of translating the family law pattern forms into plain language. The goal is to make the forms more understandable. Each form goes through a rigorous review process with a thorough legal review conducted. The forms have been tested by various stakeholders, and reviewed by three forms review groups.

The Supreme Court has authorized the Plain Language Forms Review Workgroup to be the final approval body for all plain language forms. A total of 129 forms have been approved. Currently, 60 approved forms have been published for comment on the Court's website. They hope to publish the initial versions of all forms by September 1, 2013 with a comment period through December 1, 2013. Ideally, the final versions will be posted by January 1, 2014 with a three-month window before use of the forms shall be mandatory for all. Other types of pattern forms will be translated to plain language following the launch of the family law pattern forms.

V. Admissions & Licensing Subcommittee Consent Agenda

The Board then discussed the May 16, 2013 consent agenda recommendations of the Admissions & Licensing Subcommittee, which were as follows:

a) Under a limited time waiver, eligible applicants may waive certain admission requirements provided the applicants meet other specified education and/or experience requirements.
b) The limited time waiver period shall occur from January 1, 2014 to December 31, 2016.
c) During the limited time waiver, applicants may waive the minimum associate degree requirement with either PACE or NALA certification combined with * of experience (to be determined).
d) During the limited time waiver, educational institutions may waive or give credit for core course requirements if the institution determines the previous courses taken by students are substantially equivalent to the Board-mandated core curriculum requirements.
e) The core curriculum requirements chart developed by the Admissions and Licensing Subcommittee is adopted in its entirety.
f) Fingerprint cards for criminal history checks and proof of financial responsibility shall be required of all applicants prior to licensing similar to the LPO model with administrative details to be determined by WSBA staff.
g) Good moral character requirements for applicants shall parallel the procedures used for lawyer applicants with a process that provides for a character and fitness board/panel of three people, with a right of appeal to the full Board if an application is rejected on character and fitness grounds.

Except for A, C, and E, all consent agenda items including necessary revisions, were adopted upon consent. A, C, and E were removed for further discussion. Item B was revised as follows: The limited time waiver will end on December 31, 2016, and the limited time waiver will begin when the Board begins accepting applications.

VI. Admissions & Licensing Subcommittee Meeting Report

Chair Bill Covington presented the report of the May 16, 2013 Admissions & Licensing Subcommittee meeting.

Limited Time Waiver

The Subcommittee discussed the limited time waiver. The subcommittee's consensus was that those who have a substantial amount of experience and prior education should have the opportunity to enter the legal technician profession without the burden of returning to school, except for the practice area education requirements. Therefore, the subcommittee decided to expand and further clarify the limited time waiver granted to those who have passed either the PACE or NALA exam as follows:

The LLLT Board will grant a waiver of all the core education and the minimum associate level degree to applicants who:

1. have passed the NALA or PACE certification exam;

2. have maintained the NALA or PACE continuing certification requirements; and
3. have 10 years of substantive law-related experience.

Core Education Requirement

Many of the courses at the community colleges do not have as many credits attributed to them as the subcommittee has proposed. The subcommittee discussed the difficulties that would be placed on students who previously had taken a course for less credit and subsequently wanted to make up the difference. Therefore, the subcommittee agreed that:

1. the core education should remain at 45 credits of paralegal studies;
2. the required courses should have different numbers of minimum credits assigned to the required courses. The five credit courses will require a minimum of 3 credits and the ten credit course will require a minimum of 8 credits (see core education chart);
3. the required core education courses do not need to have the exact name so long as the core curriculum is taught in the paralegal program courses; and
4. if the required courses do not total 45 credits, applicants may take any other courses in paralegal studies to satisfy the 45 credit requirement.

Application and Exam Issues

The subcommittee discussed various issues relating to the application and examination. The subcommittee made the following decisions:

- Social Security Number—the subcommittee decided that the application should instruct the applicant to provide the SSN if the applicant has one; otherwise, it is not required. This is the same as for applicants for the bar exam.
- Passing core exam and failing practice area exam or vice-versa—the subcommittee decided that if an applicant for initial licensure fails one of the required exams, the applicant will have the opportunity to pass the other exam at the next two administrations of the exam. The passing score is good for a year. If the applicant does not pass after a year, the applicant will be required to retake the previously passed exam.
    - For purposes of the experience requirements, the three year clock starts after passing both exams.
- Retaking the exam—the subcommittee decided that there should be no limit on the number of times an applicant can sit for the exams.
- Exam passing standards—the subcommittee decided that each component (multi-choice, essay, performance) will be graded independently from the other and that an applicant must score 75% on each component to pass the exam. There is no need to grade other components after failing one component.
- Exam appeals—the subcommittee decided that there would be no appeal of examination scores and applicants would not be entitled to receive a copy of their failed exams. This is the same as LPO applicants. There is also no appeal of scores for applicants to the bar exam.

VII. Scope of Practice & Forms Subcommittee Recommendations Consent Agenda

The Board then discussed the May 16, 2013 consent agenda recommendations of the Scope of Practice & Forms Subcommittee, which were as follows:

a) Unless an issue prohibited by regulation arises, for dissolution and legal separation, paternity, parenting and support, and child support modification actions, LLLTs may advise and assist clients regarding trial preparation; final orders, i.e. findings of fact and conclusions of law, final decrees, parenting plans, and orders of child support; and modifications of final orders.
b) Unless an issue prohibited by regulation arises, LLLTs may select and prepare all pattern forms for dissolution and legal separation, paternity, parenting and support, and child support modification actions.
c) LLLTs will be prohibited from advising and assisting clients regarding division of owned real estate, formal business entities, and retirement assets, which includes division of all defined benefit plans and defined contribution plans that require a supplemental order to divide or award.
d) LLLTs will be prohibited from advising and assisting clients regarding bankruptcy or the intention to file bankruptcy by either party.
e) An LLLT may continue to provide services to a client after an issue beyond the scope of practice has been identified only if the client provides the LLLT with an attorney's written certification that the issue has been settled, and only if other defined prohibitions do not apply.
f) The parenthetical should be stricken from APR 28(F)(8).
g) Under APR 28(F)(6), amend the language to "Select, ~~and~~ 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 . . ."
h) In intimate domestic relationship actions, LLLTs will be limited to advising and assisting clients regarding parenting and support issues.
i) In intimate domestic relationship actions, LLLTs will be prohibited from advising and assisting clients regarding community property issues.

After reviewing its previous work on the consent agenda items, the Subcommittee had numerous concerns about the language and phrasing of the consent agenda items. Based on these concerns, the Subcommittee decided to remove all items except for Items F and G from the Board's consent agenda. The Board approved Items F & G on consent.

VIII. Scope of Practice Subcommittee Report

Chair Greg Dallaire presented the report of the May 16, 2013 Scope of Practice Subcommittee meeting.

Consent Agenda Revisions

The Subcommittee spent a substantial amount of its time refining the language for Items A-E of its May 16, 2013 consent agenda. Items A-E and H-I shall appear on the June 20, 2013 consent agenda with any necessary revisions.

Reviewing Past Scope Decisions of the Subcommittee
The Subcommittee then reviewed its previous decisions to fine tune language where necessary.

Reviewing the WA Pattern Forms
The subcommittee then reviewed a WA Pattern Forms Chart which listed all domestic relations pattern forms in Washington. The subcommittee agreed that while useful for identifying scope issue that may still need to be discussed by the subcommittee, the chart when published should be limited to those forms that are prohibited for use by LLLTs.

Parenting Plan Modification Actions
The subcommittee made specific recommendations related to parenting plan modification actions. The subcommittee recommends that in parenting plan modification actions:

- LLLTs should be permitted to advise and assist in the preparation of all forms authorized by APR 28(F)(6) for minor and agreed major parenting plan modification actions, unless an issue prohibited by regulation arises.
- LLLTs should be prohibited from advising and assisting clients regarding major parenting plan modification actions, unless there is agreement by the parties at the onset of the representation by the LLLT.

Remaining Scope Issues to Be Resolved
At its next meeting, the Subcommittee will focus on unresolved scope issues, including motions, discovery, UCCJEA issues, military personnel issues, etc. It will further work on the draft regulation for scope.

IX. Other

Chair Crossland then briefly introduced a question regarding how the Board and the WSBA will evaluate the Program after initial launch. The Court will want some sort of unbiased report. The Board will need to establish evaluating criteria and data collecting techniques. Some suggested surveying judges and clients, tracking malpractice complaints, coordinating with legal services to address needs of pro se litigants, and evaluating the educational programs.

ADJOURNMENT

The meeting adjourned at 4:15 p.m.

NEXT MEETING

The next meeting will be 2:00 p.m. Thursday, June 20, 2013, at the offices of the Washington State Bar Association, 1325 4th Avenue, Seattle, Washington.

WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD
SCOPE OF PRACTICE & FORMS SUBCOMMITTEE
MEETING MINUTES

May 16, 2013

Washington State Bar Association
Seattle, Washington

Members present were Greg Dallaire (Chair), Paul Bastine (BOG Liaison), Lupe Artiga, Rita Bender, Jeanne Dawes, Ellen Dial, Lynn Fleischbein, and Ellen Reed.

Also in attendance was Thea Jennings (Staff Liaison).

Also present was Christy Carpenter, a member of the public.

PRELIMINARY MATTERS

The meeting was called to order at 9:05 a.m.

I. Meeting Minutes

The April 18, 2013 subcommittee minutes were approved.

II. Consent Agenda Recommendations

The subcommittee then discussed its May 16, 2013 consent agenda recommendations, which were as follows:

a) Unless an issue prohibited by regulation arises, for dissolution and legal separation, paternity, parenting and support, and child support modification actions, LLLTs may advise and assist clients regarding trial preparation; final orders, i.e. findings of fact and conclusions of law, final decrees, parenting plans, and orders of child support; and modifications of final orders.
b) Unless an issue prohibited by regulation arises, LLLTs may select and prepare all pattern forms for dissolution and legal separation, paternity, parenting and support, and child support modification actions.
c) LLLTs will be prohibited from advising and assisting clients regarding division of owned real estate, formal business entities, and retirement assets, which includes division of all defined benefit plans and defined contribution plans that require a supplemental order to divide or award.
d) LLLTs will be prohibited from advising and assisting clients regarding bankruptcy or the intention to file bankruptcy by either party.

e) An LLLT may continue to provide services to a client after an issue beyond the scope of practice has been identified only if the client provides the LLLT with an attorney's written certification that the issue has been settled, and only if other defined prohibitions do not apply.
f) The parenthetical should be stricken from APR 28(F)(8).
g) Under APR 28(F)(6), amend the language to "Select, ~~and~~ 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 . . ."
h) In intimate domestic relationship actions, LLLTs will be limited to advising and assisting clients regarding parenting and support issues.
i) In intimate domestic relationship actions, LLLTs will be prohibited from advising and assisting clients regarding community property issues.

After reviewing its previous work on the consent agenda items, the Subcommittee had numerous concerns about the language and phrasing of the consent agenda items. Based on these concerns, the Subcommittee decided to remove all items except for Items F and G from the Board's consent agenda. Items F & G were approved without dispute. Items A-E, which follow, and H-I shall appear on the June 20, 2013 consent agenda with any necessary revisions.

III. Revisions to Consent Agenda Items A-E

After lengthy discussion about each item, the Subcommittee recommended revisions to the consent agenda for Items A-E. Items H & I were not disputed and shall be on the June 20, 2013 consent agenda as originally stated. The Subcommittee revised the consent agenda recommendations as follows:

Item A

Unless an issue prohibited by regulation arises, for dissolution and legal separation, paternity, parenting and support, and child support modification actions, LLLTs may initiate actions and advise and assist clients regarding trial preparation; final orders, i.e. findings of fact and conclusions of law, final decrees, parenting plans, and orders of child support; and modifications of final orders of support.

Item B

Unless an issue prohibited by regulation arises, LLLTs may select and prepare all ~~pattern~~ forms authorized by APR 28(F)(6) for dissolution and legal separation, paternity, parenting and support, and child support modification actions.

Item C

LLLTs will be prohibited from advising and assisting clients regarding division of owned real estate, formal business entities, and retirement assets that require a supplemental order to divide or award, which includes division of all defined benefit plans and defined contribution plans ~~that require a supplemental order to divide or award~~.

Item D

LLLTs will be prohibited from advising and assisting clients regarding bankruptcy ~~or the intention to file bankruptcy by either party~~, including obtaining a stay from bankruptcy. If one party is in bankruptcy or files a bankruptcy during the pendency of the proceeding, the LLLT may not advise and assist regarding disposition of debts and assets unless: the LLLT's client has retained a lawyer to represent him/her in the bankruptcy; or 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 the bankruptcy has been discharged.

Item E

Agenda Item E required further discussion and substantial revisions. The Subcommittee determined that an LLLT's obligations regarding how to notify a client of a matter beyond his or her scope of practice should be clearly delineated in the regulations. As such, the Subcommittee recommends the following as an additional consent agenda item for the June 20, 2013 meeting:

- If in the course of the representation, an issue arises with respect to which the LLLT is prohibited from giving advice or assistance under these rules, then the LLLT shall inform the client in writing that the issue may exist, the LLLT is not authorized to assist on this issue, the failure to obtain a lawyer's advice could be adverse to the client's interests, and the client should consult with a lawyer to obtain appropriate advice and documents necessary to protect the client's rights.

After making this recommendation, the subcommittee made its recommendations regarding revisions to Item E, which are as follows:

An LLLT may ~~continue to provide services to a client~~ prepare an order or decree after an issue beyond the scope of practice has been identified only if ~~the client provides the LLLT with an attorney's written certification that the issue has been settled~~ a lawyer acting on behalf of the client has provided written instructions for the LLLT as to whether and how to proceed with respect to the issue, and only if other defined prohibitions do not apply.

IV. Approval of APR 28 Amendments

The subcommittee reviewed the proposed amendments to APR 28 and did not have any changes.

V. Reviewing Scope Issues Previously Approved by the Subcommittee

The subcommittee reviewed its previous scope decisions as found on the Scope of Practice Types of Actions Chart on pages 82-82 of the meeting materials. In addition to revising the consent agenda items regarding bankruptcy and division of assets as described above, the subcommittee revised the relocation language as follows:

- In relocation actions, LLLTs may assist in ~~initiating actions~~ preparing the notice of intended relocation and proposed parenting plan and file and serve the same.

VI. Family Law Curriculum Work Group Questions re Relocation Actions

The subcommittee previously decided that in relocation actions, an LLLT must terminate his/her legal services and advise the client to seek an attorney if there is an objection filed or a need for temporary orders. The Family Law Curriculum Work Group asked for the reasoning for this decision and whether it would make more sense to prohibit relocation actions, given the scope limitations in place. The subcommittee reviewed and upheld its decision due to the difficult statutory requirements found in RCW 26.09.520 that must be satisfied when filing or responding to an objection in a relocation action.

VII. Reviewing the WA Pattern Forms Chart

The subcommittee then reviewed the WA Pattern Forms Chart found on pages 87-101 of the meeting materials. The subcommittee agreed that while useful for identifying scope issue that may still need to be discussed by the subcommittee, the chart when published should be limited to those forms that are prohibited for use by LLLTs.

VIII. Recommendations as to Approved Actions in Parenting Plan Modification Actions

The subcommittee then discussed what the scope of practice would be in parenting plan modification actions.

Approved Actions in Parenting Plan Modification Actions
The subcommittee recommends that in parenting plan modification actions:

- LLLTs should be permitted to advise and assist in the preparation of all forms authorized by APR 28(F)(6) for minor and agreed major parenting plan modification actions, unless an issue prohibited by regulation arises.
- LLLTs should be prohibited from advising and assisting clients regarding major parenting plan modification actions, unless there is agreement by the parties at the onset of the representation by the LLLT.

The subcommittee set aside decisions regarding scope in cases where the Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA) is an issue.

Approved Forms and/or Documents to Be Selected and Prepared
The subcommittee recommends that LLLTs be approved to select and prepare the following forms and/or documents for minor and agreed major parenting plan modification actions:

- Petitions for Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule
- Summons (Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule)

- Responses to Petitions for Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule
- Petitioner/Respondent's Notice of Hearing for Adequate Cause Determination
- Order re Adequate Cause (Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule)
- Orders of Child Support
- Order re Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule

IX. Reviewing Major Course Requirements

The Subcommittee reviewed the Family Law Curriculum Work Group's May 1, 2013 Major Course Components Chart and recommends the Work Group consider adding the following:

- LLLT RPCs;
- Drug and alcohol abuse and mental health issues and dealing with mental health professionals;
- Cultural awareness, e.g. language or cultural barriers, international issues, working with interpreters; and
- Guardian ad litem issues.

X. Next Meeting

It was agreed that the next meeting will focus on unresolved scope issues, including motions, discovery, UCCJEA issues, military personnel issues, etc. The subcommittee shall review the WA Pattern Forms Chart and the Major Course Requirements Chart to identify any other unresolved scope issues. Ms. Jennings shall further prepare a draft scope regulation for review by the subcommittee.

ADJOURNMENT

The meeting adjourned at 1:00 p.m.

NEXT MEETING

The next meeting will be 9:00 a.m. Thursday, June 20, 2013, at the offices of the Washington State Bar Association, 1325 4th Avenue, Seattle, Washington.

WSBA

WASHINGTON STATE BAR ASSOCIATION

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD ADMISSIONS & LICENSING SUBCOMMITTEE MINUTES

May 16, 2013

Washington State Bar Association
Seattle, Washington

Members present were William Covington (Chair), Brenda Cothary, Caitlin Davis Carlson, Steve Crossland, Scott Haddock, Janet Olejar, and Elisabeth Tutsch (via phone).

Also in attendance were Bobby Henry (Associate Director for Regulatory Services) and Paula Littlewood (WSBA Executive Director).

PRELIMINARY MATTERS

The meeting was called to order at 9:10 a.m.

I. Minutes of Prior Meeting

The minutes from the Subcommittee's April 18, 2103 meeting were reviewed, followed by brief re-introductions of subcommittee members and the introduction of Scott Haddock, new subcommittee member from Edmonds Community College.

II. Consent Agenda Items

The subcommittee then discussed its May 16, 2013 consent agenda recommendations, which were as follows:

a) Under a limited time waiver, eligible applicants may waive certain admission requirements provided the applicants meet other specified education and/or experience requirements.
b) The limited time waiver period shall occur from January 1, 2014 to December 31, 2016.
c) During the limited time waiver, applicants may waive the minimum associate degree requirement with either PACE or NALA certification combined with * of experience (to be determined).
d) During the limited time waiver, educational institutions may waive or give credit for core course requirements if the institution determines the previous courses taken by students are substantially equivalent to the Board-mandated core curriculum requirements.

e) The core curriculum requirements chart developed by the Admissions and Licensing Subcommittee is adopted in its entirety.

f) Fingerprint cards for criminal history checks and proof of financial responsibility shall be required of all applicants prior to licensing similar to the LPO model with administrative details to be determined by WSBA staff.
g) Good moral character requirements for applicants shall parallel the procedures used for lawyer applicants with a process that provides for a character and fitness board/panel of three people, with a right of appeal to the full Board if an application is rejected on character and fitness grounds.

A, C, and E were removed for further discussion. Item B was revised as describe below.

III. Limited Time Waiver

The Subcommittee discussed the limited time waiver. The subcommittee discussed accessibility for educated, seasoned paralegals. The subcommittee's consensus was that those who have a substantial amount of experience and prior education should have the opportunity to enter the legal technician profession without the burden of returning to school, except for the practice area education requirements. Therefore, the subcommittee decided to expand and further clarify the limited time waiver granted to those who have passed either the PACE or NALA exam as follows:

The LLLT Board will grant a waiver of all the core education and the minimum associate level degree to applicants who:

1. have passed the NALA or PACE certification exam;
2. have maintained the NALA or PACE continuing certification requirements; and
3. have 10 years of substantive law-related experience.

The subcommittee confirmed that the limited time waiver would end on December 31, 2016. The subcommittee decided that the limited time waiver would begin when the Board begins accepting applications (see Consent Agenda item B).

IV. Core Education Requirements

Ms. Olejar raised an issue relating to the number of credits the core courses were required to have. Many of the courses at the community colleges do not have as many credits attributed to them as the subcommittee has proposed. The subcommittee discussed the difficulties that would be placed on students who previously had taken a course for less credit and subsequently wanted to make up the difference. In addition, it would not be possible or practical for community colleges to offer 1, 2, or 3 credit courses for just a few students trying to obtain the difference. The subcommittee also discussed the benefit of having the course credits match what is currently offered at the community colleges. This will make it easier for those who recently completed, or are about to complete a program to apply for LLLT license because their credits will match and/or they will be able to take an existing course at the community colleges for courses they did not previously complete. This is a definite benefit for the LLLT program; it improves

accessibility and affordability without compromising the education of the applicants. Therefore, the subcommittee agreed that:

1. the core education should remain at 45 credits of paralegal studies;
2. the required courses should have different numbers of minimum credits assigned to the required courses. The five credit courses will require a minimum of 3 credits and the ten credit course will require a minimum of 8 credits (see core education chart);
3. the required core education courses do not need to have the exact name so long as the core curriculum is taught in the paralegal program courses; and
4. if the required courses do not total 45 credits, applicants may take any other courses in paralegal studies to satisfy the 45 credit requirement.

V. Accessibility and Education

Accessibility to the LLLT program, particularly education is an important issue to the subcommittee. WSBA Executive Director, Paula Littlewood, led a discussion about accessibility specifically in relation to the Family Law Curriculum Workgroup. Ms. Littlewood reported that the workgroup began its work. The workgroup began discussions about live-streaming the family law curriculum from the law schools and perhaps this would be the only way to do it in time for the Fall. The workgroup did not seem to consider the so called "curriculum in a box" a good idea so far. Ms. Littlewood reported that the workgroup acknowledged that there are other issues to consider such as cost, financial aid, matriculation, etc. However, she pointed out that a live-streaming option would have the capability of reaching people in remote areas of the state and even those out of state. Some subcommittee members expressed concern about the law schools retaining control over the curriculum and not allowing the community colleges to teach the curriculum in a classroom setting. The workgroup has just begun its work and will continue to report back to the subcommittee.

After discussing the changes to the core education requirements (above), the subcommittee decided that the core education requirements chart should be distributed to the community colleges with ABA paralegal programs so that they can begin to make adjustments to their curriculum as necessary. This will improve access to students seeking required core courses.

VI. APR 28 Amendments

The subcommittee reviewed the proposed amendments to APR 28 and did not have any changes.

VII. Application and Exam Issues

The subcommittee discussed various issues relating to the application and examination. The subcommittee made the following decisions:

- Social Security Number—the subcommittee decided that the application should instruct the applicant to provide the SSN if the applicant has one; otherwise, it is not required. This is the same as for applicants for the bar exam.
- Passing core exam and failing practice area exam or vice-versa—the subcommittee decided that if an applicant for initial licensure fails one of the required exams, the

applicant will have the opportunity to pass the other exam at the next two administrations of the exam. The passing score is good for a year. If the applicant does not pass after a year, the applicant will be required to retake the previously passed exam.
    - For purposes of the experience requirements, the three year clock starts after passing both exams.
- Retaking the exam—the subcommittee decided that there should be no limit on the number of times an applicant can sit for the exams.
- Exam passing standards—the subcommittee decided that each component (multi-choice, essay, performance) will be graded independently from the other and that an applicant must score 75% on each component to pass the exam. There is no need to grade other components after failing one component.
- Exam appeals—the subcommittee decided that there would be no appeal of examination scores and applicants would not be entitled to receive a copy of their failed exams. This is the same as LPO applicants. There is also no appeal of scores for applicants to the bar exam.
- Supervisor's Declaration for Experience—the subcommittee would like to see the definition for "substantive law related work" in the declaration.

VIII. Next Meeting

The subcommittee tabled for the next meeting approval of the supervisor declaration, oath of the legal technician, and the annual license fee. The subcommittee will review in more detail the regulations related to the admissions process.

ADJOURNMENT

The meeting adjourned at 1:05 p.m.

NEXT MEETING

The next meeting will be 9:00 a.m. Thursday, June 20, 2013, at the offices of the Washington State Bar Association, 1325 4th Avenue, Seattle, Washington.

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 Regulation 5.

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

1. Passed the Certified Paralegal Exam conducted by the National Association of Legal Assistants (NALA) or the Paralegal Advanced Competency Exam (PACE) conducted by the National Federation of Paralegal Associations (NFPA);
2. Maintained active certification as a Certified Paralegal with NALA or as a PACE Registered Paralegal with NFPA; 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. WSBA staff 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 WSBA staff 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 WSBA staff may request review by the Board chair. Such request must be filed with WSBA staff within 10 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 must meet all of the standard requirements for licensure without waiver.

APPENDIX OF LLLT BOARD DECISIONS

No.	Board Meeting Date	Requirement/Topic	Decision
1	1/30/2013	Practice Area	Family law
2	3/14/2013	Scope	Scope limited to Dissolution, Legal Separation, Parenting & Support, Parentage, Intimate Domestic Relationships, and Domestic Violence actions.
3	3/14/2013	Scope	Prohibited from practicing in Defacto Parentage and Nonparental Custody actions.
4	3/14/2013	Forms	Within the approved types of domestic relations actions, LLLTs may select and prepare all pattern forms used to initiate actions.
5	3/14/2013	Education	Must complete 45 credit hours in core curriculum in paralegal studies (each credit hour equals 450 minutes of instruction)
6	3/14/2013	Education	Must complete 12 credit hours in the major or approved practice area (each credit hour equals 450 minutes of instruction)
7	3/14/2013	Education	Core and major course instruction must occur at ABA approved law school or ABA approved paralegal education program
8	3/14/2013	Education	Major curriculum will be developed by or in conjunction with Washington's ABA approved law schools
9	3/14/2013	Experience	Must complete 18 months (3,000 hours) of substantive law-related work experience supervised by a licensed lawyer before admission
10	3/14/2013	Experience	Experience not required before exam
11	3/14/2013	Experience	Must complete experience requirement no later than three years after passing the examination and no more than three years prior to admission
12	3/14/2013	Dual Representation	LLLTs are prohibited from engaging in dual representation of parties in family law matters
13	4/18/2013	Domestic Violence Actions	In domestic violence actions, LLLTs may advise and assist clients regarding protection and restraining orders, responses to petitions for protection orders, and modifications and renewals of protection orders
14	4/18/2013	Domestic Violence Actions	In domestic violence actions, LLLTs will be prohibited from advising and assisting clients with anti-harassment orders, criminal no contact orders, and sexual assault protection orders.
15	4/18/2013	Relocation Actions	In relocation actions, LLLTs may advise and assist clients regarding relocation petitions, ex parte final orders, motions/declarations to waive notice requirements, and child support paperwork.

No.	Board Meeting Date	Requirement/Topic	Decision
16	4/18/2013	Relocation Actions	In relocation actions, LLLTs will be prohibited from advising and assisting clients regarding objections to relocation petitions, responses to objections, and temporary orders.
17	4/18/2013	Relocation Actions	In relocation actions, LLLTs must terminate the legal services and advise the client to seek the advice of a lawyer if an objection is filed or there is a need for temporary orders.
18	4/18/2013	Education	Applicants must have a minimum of an associate level degree subject to any waiver provided for in the regulations
19	4/18/2013	Pro Bono	The pro bono requirement should be stricken from APR 28(D)(3)
20	4/18/2013	Examination	The qualifying examination will include a core exam and a major area of study exam which will be comprised of three parts: a multiple choice section, an essay section, and a practicum section
21	4/18/2013	Examination	The ethics section of the examination shall be built into both the core and major exams
22	5/16/2013	Limited time waiver	The limited time waiver period shall begin when the Board begins accepting applications and shall end on December 31, 2016.
23	5/16/2013	Limited time waiver	During the limited time waiver, educational institutions may waive or give credit for core course requirements if the institution determines the previous courses taken by students are substantially equivalent to the Board-mandated core curriculum requirements.
24	5/16/2013	Fingerprint cards	Fingerprint cards for criminal history checks shall be required of all applicants prior to licensing similar to the LPO model with administrative details to be determined by WSBA staff.
25	5/16/2013	Financial responsibility	Proof of financial responsibility shall be required of all applicants prior to licensing similar to the LPO model with administrative details to be determined by WSBA staff.
26	5/16/2013	Character & Fitness	Good moral character requirements for all applicants shall parallel the procedures used for lawyer applicants with a process that provides for a character and fitness board/panel of three people, with a right of appeal to the full Board if an applicant is rejected on character and fitness grounds.
27	5/16/2013	APR 28 Amendments	The parenthetical should be stricken from APR 28(F)(8)

No.	Board Meeting Date	Requirement/Topic	Decision
28	5/16/2013	APR 28 Amendments	Under APR 28(F)(6), amend the language to "Select, ~~and~~ 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 . . ."
29	5/16/2013	APR 28 Amendments	Approved APR 28 amendments for submission to the Supreme Court relating to APR 28(D)(3), APR 28(E), and APR 28(F) establishing new education and experience requirements for applicants and amending certain scope provisions in the rule.
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APPROVED SCOPE ISSUES FOR FAMILY LAW LLLTS

No.	Board Meeting Date	Requirement/Topic	Decision
1	1/30/2013	Practice Area	Family law
2	3/14/2013	Scope	Scope limited to Dissolution, Legal Separation, Parenting & Support, Parentage, Intimate Domestic Relationships, and Domestic Violence actions.
3	3/14/2013	Scope	Prohibited from practicing in Defacto Parentage and Nonparental Custody actions.
4	3/14/2013	Dual Representation	LLLTs are prohibited from engaging in dual representation of parties in family law matters.
5	3/14/2013	Forms	Within the approved types of domestic relations actions, LLLTs may select and prepare all pattern forms used to initiate actions.
6	4/18/2013	Domestic Violence Actions	In domestic violence actions, LLLTs may advise and assist clients regarding protection and restraining orders, responses to petitions for protection orders, and modifications and renewals of protection orders
7	4/18/2013	Domestic Violence Actions	In domestic violence actions, LLLTs will be prohibited from advising and assisting clients with anti-harassment orders, criminal no contact orders, and sexual assault protection orders.
8	4/18/2013	Relocation Actions	In relocation actions, LLLTs may advise and assist clients regarding relocation petitions, ex parte final orders, motions/declarations to waive notice requirements, and child support paperwork.
9	4/18/2013	Relocation Actions	In relocation actions, LLLTs will be prohibited from advising and assisting clients regarding objections to relocation petitions, responses to objections, and temporary orders.
10	4/18/2013	Relocation Actions	In relocation actions, LLLTs must terminate the legal services and advise the client to seek the advice of a lawyer if an objection is filed or there is a need for temporary orders.
11	5/16/2013	APR 28 Amendments	The parenthetical should be stricken from APR 28(F)(8)
12	5/16/2013	APR 28 Amendments	Under APR 28(F)(6), amend the language to "Select, ~~and~~ 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 . . ."

PROHIBITED ACTIONS FOR FAMILY LAW LLLTS

No.	Board Meeting Date	Requirement/Topic	Decision
1	3/14/2013	Scope	Prohibited from practicing in Defacto Parentage and Nonparental Custody actions.
2	3/14/2013	Dual Representation	LLLTs are prohibited from engaging in dual representation of parties in family law matters.
3	4/18/2013	Domestic Violence Actions	In domestic violence actions, LLLTs will be prohibited from advising and assisting clients with anti-harassment orders, criminal no contact orders, and sexual assault protection orders.
4	4/18/2013	Relocation Actions	In relocation actions, LLLTs will be prohibited from advising and assisting clients regarding objections to relocation petitions, responses to objections, and temporary orders.
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APPROVED ADMISSIONS REQUIREMENTS

No.	Board Meeting Date	Requirement/Topic	Decision
1	3/14/2013	Education	Must complete 45 credit hours in core curriculum in paralegal studies (each credit hour equals 450 minutes of instruction)
2	3/14/2013	Education	Must complete 12 credit hours in the major or approved practice area (each credit hour equals 450 minutes of instruction)
3	3/14/2013	Education	Core and major course instruction must occur at ABA approved law school or ABA approved paralegal education program
4	3/14/2013	Education	Major curriculum will be developed by or in conjunction with Washington's ABA approved law schools
5	3/14/2013	Experience	Must complete 18 months (3,000 hours) of substantive law-related work experience supervised by a licensed lawyer before admission
6	3/14/2013	Experience	Experience not required before exam
7	3/14/2013	Experience	Must complete experience requirement no later than three years after passing the examination and no more than three years prior to admission
8	4/18/2013	Education	Applicants must have a minimum of an associate level degree subject to any waiver provided for in the regulations
9	4/18/2013	Pro Bono	The pro bono requirement should be stricken from APR 28(D)(3)
10	4/18/2013	Examination	The qualifying examination will include a core exam and a major area of study exam which will be comprised of three parts: a multiple choice section, an essay section, and a practicum section
11	4/18/2013	Examination	The ethics section of the examination shall be built into both the core and major exams
12	5/16/2013	Limited time waiver	The limited time waiver period shall begin when the Board begins accepting applications and shall end on December 31, 2016.
13	5/16/2013	Limited time waiver	During the limited time waiver, educational institutions may waive or give credit for core course requirements if the institution determines the previous courses taken by students are substantially equivalent to the Board-mandated core curriculum requirements.
14	5/16/2013	Fingerprint cards	Fingerprint cards for criminal history checks shall be required of all applicants prior to licensing similar to the LPO model with administrative details to be determined by WSBA staff.

APPROVED ADMISSIONS REQUIREMENTS

No.	Board Meeting Date	Requirement/Topic	Decision
15	5/16/2013	Financial responsibility	Proof of financial responsibility shall be required of all applicants prior to licensing similar to the LPO model with administrative details to be determined by WSBA staff.
16	5/16/2013	Character & Fitness	Good moral character requirements for all applicants shall parallel the procedures used for lawyer applicants with a process that provides for a character and fitness board/panel of three people, with a right of appeal to the full Board if an applicant is rejected on character and fitness grounds.
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CORE EDUCATION REQUIREMENTS

Course/Subject	Minimum Credits	Required Course Content
Introduction to Law & Legal Process	3	1. Description of state courts and their powers
		2. Description of federal courts and their powers
		3. The concept of personal and subject matter jurisdiction
		4. Overview of court procedure from filing the complaint through appeal
		5. Legal and civil remedies courts may impose
		6. Federal supremacy
		7. Alternative Dispute Resolution
		8. Intro to court rules
		9. Basic causes of action
		10. Civil vs. Common law systems
		11. Sources of law
		12. Roles of judges and lawyers
		13. Basic overview of tribal law
Civil Procedure & Litigation	8	1. Overview of civil court rules (state and local) including how they are developed and modified
		2. Commencement of action
		3. Description of complaints and answers and the diverse types of answers
		4. Motion practice and its elements
		5. Discovery practice and its elements including e-discovery
		6. Statutes of Limitation and other deadlines
		7. Jurisdiction v. Venue
		8. Service of Process
		9. Drafting documents
		10. FOF/COL and Judgments
		11. Alternatives to trial
		12. Intro to choice of law
Legal Research, Writing and Analysis	8	1. Primary sources of law--binding and non-binding
		2. Secondary sources v. Finding tools
		3.Use of research tools/Methods of research
		4. Case law, Statutory Law, Administrative Law
		5. How to state issues
		6. Common law concept and stare decisis
		7. Shepardize/Validate law
		8. Formats for Court Documents
		9. Using Proper Citations
		10. Proofreading
		11. Briefing a Case
		12. Writing Memos and Letters
		13. Preparing a Motion Argument
		14. Techniques of legal reasoning, analysis and synthesis
		16. Objective Memorandum
Contracts	3	1. Elements of contract formation, breach of contract, and remedies for breach
		2. Offer and acceptance
		3. Consideration;
		4. issues of interpretation
		5. Conditions
		6. Performance
		7. Breach
		8. Damages or other remedies
		9. Discharge
		10. The parol-evidence rule
		11. The statute of frauds
		12. Illegality
		13. Assignments
		14. Beneficiaries
		15. Interplay between case law and statutory law
		16. Overview of Article 2 of UCC
		17. Major Contract Issues in Assessing a New Contract
Professional Responsibility/Ethics	3	1. RPC

Course/Subject	Minimum Credits	Required Course Content
		2. LLLT RPC
		3. Basic scope of LLLT practice
		4. LLLT/Client Relationship
		5. Handling client funds
		6. Conflict of Interest
		7. Diligence/Competence
		8. Communication
		9. Unauthorized Practice of Law
		10. Confidentiality
		11. Marketing and advertising
		12. Financial responsibilty
		13. Duty to Report Suspected Child Abuse
Law Office Procedures/Technology	3	1. Managing Client Trust Accounts
		2. Time Management/Prioritizing
		3. Word/Excel/Outlook/Access
		4. Legal Software for the Office/Trial Software
		5. E-Filing
		6. Client representation Agreements
		7. Protection of confidential information/records--hard copy and electronic (e-discovery)
		8. Calendar/Tickle System
		9. Managing difficult clients
		10. Business practices and policies
		11. Referral issues with lawyers and other professionals
Interviewing & Investigation Techniques	3	1. Client Interviews
		2. Working with Expert Witnesses/Third Parties
		3. Drafting Witness Statements
		4. Factual Investigations
		5. Creating an Investigation Plan
		6. Researching general knowledge on a specific subject
		7. Evidence
		8. Working with difficult people

COMPARISON OF NATIONAL LEVEL PARALEGAL CERTIFICATION EXAMS

PLEASE NOTE: the content of this chart is verified only as to the information about NFPA's Paralegal Advanced Competency Exam (PACE[i]) and the new Paralegal CORE Competency Exam (PCCE). Information regarding the NALA and NALS exams is unverified, other than from information generally available on the respective website. This information is for comparison purposes only. Please contact NALA and/or NALS for more information on their exams.

Association	NFPA	NFPA	NALA	NALS
	PARALEGAL CORE COMPETENCY EXAM	**PARALEGAL ADVANCED COMPETENCY EXAM**	**CERTIFIED PARALEGAL/ CERTIFED LEGAL ASSISTANT EXAM**	**PROFESSIONAL PARALEGAL EXAM**
Credential	CORE Registered Paralegal (**CRP**)	PACE Registered Paralegal (**RP**)	Certified Paralegal (CP); Certified Legal Assistant (**CLA**)	Professional Paralegal (**PP**)
Established	2011	1996	1975	2004
Exam Eligibility (Education and/or experience)	Bachelor's degree in any subject, a paralegal certificate , no experience or continuing legal education; **OR** Bachelor's degree in paralegal studies, no experience or CLE; **OR** Bachelor's degree in any subject, no paralegal certificate, six months of experience and 1 hour of ethics taken in the year preceding the examination application date; **OR** Associate's degree in any subject, no experience or CLE required; **OR** Associates degree in paralegal studies, no experience or CLE required; **OR**	Associate's degree in paralegal studies obtained from an institutionally accredited and/or ABA approved paralegal program and six years of substantive paralegal experience; **OR** Bachelor's degree in any course of study obtained from an institutionally accredited school and three years of substantive paralegal experience; **OR** Bachelor's degree and completion of a paralegal program within an institutionally accredited school (which may be embodied in the bachelor's degree) and a minimum of two years substantive paralegal experience; **OR** Four years of substantive legal experience on or before December 31, 2000.	Graduation from legal assistant program approved by the ABA or associate degree program or post-baccalaureate certificate program in legal assistant studies; or bachelor's degree program in legal assistant studies, or legal assistant program of 60+ hours, 15 hours in substantive legal courses; **OR** Bachelor's degree in any field plus one year's experience as a legal assistant (15 hours of substantive legal courses equivalent to one year of experience as a legal assistant; **OR** High school diploma or equivalent plus seven years of experience as a legal assistant under the supervision of an attorney, plus a minimum of 20 hours of CLE within the two year period prior to the exam	Five years of experience performing paralegal duties; **OR** Two years waived for candidates with a paralegal degree; **OR** One year waived for candidates with a post-secondary degree, plus successful completion of the PLS exam or other certification.

Association	NFPA	NFPA	NALA	NALS
	Paralegal certificate from a program that meets or exceeds the requirements set forth in NFPA's Short Term Paralegal Program Position Statement, 1 year of experience, and six hours of CLE, including one hour of ethics taken in the year preceding the examination application date; **OR** High school diploma or GED, five years of experience and 12 hours of CLE, including one hour of ethics taken in the two years preceding examination application date.			
Exam Fees	$215 – non-refundable	Member: $25 application fee; $225 exam fee Non-member: $75 application fee; $250 exam fee	Member: $225 Non-Member: $250 Site fees ranging from $34.50 to $49.50 depending on the session length	Member: $200 Non-member: $250
Testing dates and locations	Every day except Sundays and legal holidays at Prometric Testing Centers across the US, Guam, etc. Candidates must take the exam within 90 days of application approval	Every day except Sundays and legal holidays at Prometric Testing Centers across the US, Guam, etc. Candidates must take the exam within 90 days of application approval.	January, May and September in many major metro areas.	First Saturday of March and last Saturday of September in most major metro areas.
Retesting	$215 and six month waiting period to apply for retest	$250 member fee; $325 non-member fee. Six month waiting period to apply for retest.	$50 per section, plus test site fees as above for both members and non-members.	$50 per section for Members; $60 per section for Non-Members; no waiting period to retest.
Delivery Methods	Computer generated	Computer generated	Computer generated	
Test Length	Two and one-half (2.5) **hours** allowed	Four (4) **hours** allowed	Communications – 1.5 hours (Essay required) Judgment and Analytical Ability – 2 hours (Essay required) Ethics – 1 hour Legal Research – 1.5 hours Substantive Law – 2 hours The Substantive Law section consists of five parts. One is on the American Legal System	One day

Association	NFPA	NFPA	NALA	NALS
			required of all examinees; the other 4 parts are in practice areas of law and are selected by examinees from a list on the application form.	
Composition of Exam	**Domain 01: Paralegal Practice** ♦ Paralegal Practice ♦ Ethics and Professional Practice ♦ U.S. Legal System ♦ Branches of Government ♦ Legal Research ♦ Legal Writing and Critical Analysis ♦ Communication ♦ Law Office Management and Legal Technology ♦ Civil Litigation **Domain 02: Substantive Areas of Law** ♦ Business organizations ♦ Contracts ♦ Criminal ♦ Estates, Wills and Trusts ♦ Family ♦ Real Estate ♦ Torts Exam based on Federal Rules of Civil Procedure For detailed information, please see Appendix A of the PCCE Candidate Handbook available at www.paralegals.org	**Domain I: Administration of Client Legal Matters** **Domain II: Development of Client Legal Matters** **Domain III: Factual and Legal Research** **Domain IV: Factual and Legal Writing** **Domain V: Office Administration** **Exam based on Federal Rules of Civil Procedure**	Federal law and procedure Sections of Substantive Law include FIVE mini-exams in the areas of administrative law, bankruptcy, business/corporate organization; family law, criminal law and procedure; litigation, probate and estate planning, real estate. All candidates MUST take the exam covering the American legal system. There are two (2) essays required: one in communications and one in judgment/analytical ability. These are graded subjectively.	**Part I:** Written Communications **Part II**: Legal knowledge and skills **Part III**: Ethics and Judgment **Part IV**: All areas of substantive law from administrative law to worker's compensation.
Renewal Requirements	Eight hours of CLE every two years, including at least 1 hour of ethics (based on anniversary date).	12 hours of CLE every two years, including at least 1 hour of ethics (based on anniversary date).	50 hours every five years, including at least 5 hours of ethics.	75 hours every five years, including at least 5 hours of ethics.

Renewal Fee	$25.00[1]	$25.00	$50.00	$75.00
Number Certified	164 (7/20/11)	841 (8/15/12)[2]	16,382[3]	504 (10/1/11)[4]

[i] NFPA, PACE, CRP, PACE Registered Paralegal and PCCE are all registered trademarks or service marks of the National Federation of Paralegal Associations, Inc., Edmonds Washington.

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[1] Plus $10 fee to approve any CLE not previously approved by NFPA , a court of competent jurisdiction, a bar association, NALA or AAPI, applies to both CRP and RP designations
[2] This figure represents the cumulative total of Registered Paralegals who have passed the exam, and does not reflect those who are no longer active or who may otherwise have given up their certification.
[3] Figures from NALA website, unknown if this includes those no longer active as paralegals or who may otherwise have given up their certification.
[4] Figures from NALS website, unknown if this includes those no longer active as paralegals or who may otherwise have given up their certification.