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

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

- 1. the issue may exist, describing in general terms the nature of the issue;
- 2. the LLLT is not authorized to advise or assist on this issue;
- 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 shall then be required to follow the instructions and incorporate the terms of the necessary documents into the final court orders. 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 2B(3), (d) committed intimate 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 2B(3).
- 2. Scope of Practice for Limited License Legal Technicians LLLTs in domestic relations may provide legal services to clients as provided in APR 28F, except as prohibited by APR 28H and Regulation 2B(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 28H, 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:
 - 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 debts and assets, if one party is in bankruptcy or files a bankruptcy during the pendency of the proceeding, unless: (a) the LLLT's client has retained a lawyer to represent him/her in the bankruptcy, (b) the client has consulted with a lawyer and the lawyer has provided written instructions for the LLLT as to whether and how to proceed regarding the division of debts and assets in the domestic relations proceeding, or (c) the bankruptcy has been discharged;
 - iv. anti-harassment orders, criminal no contact orders, anti-stalking orders, and sexual assault protection orders in domestic violence actions;
 - v. pseudo-community property issues in committed intimate 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 26.21A unless and until jurisdiction has been resolved;
 - viii. objections to relocation petitions, responses to objections to relocation petitions, or temporary orders in relocation actions;
 - 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 Techniques, minimum 3 credits;
- 4. Introduction to Law and Legal Process, minimum 3 credits;
- 5. Law Office Procedures and Technology, minimum 3credits;
- 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 WSBA. If the required core curriculum courses completed by the applicant do not total 45 credits as required by APR 28D(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 28D(3)(c). Each practice area curriculum course shall satisfy the curricular requirements approved by the Board and published by the WSBA.
- 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 28D(3) if an applicant meets the requirements set forth in Regulation 4B. 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 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. 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 shall be filed with WSBA staff 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 application fee.
- **B. Application for Licensure.** An applicant for licensure as an LLLT shall complete and file with the WSBA:
- 1. a completed application for licensure to limited practice under APR 28;
- 2. all official transcripts 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 3A, 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; and
- 3. 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 WSBA:
- 1. a completed practice area application for licensure to limited practice under APR 28;
- 2. an official transcript demonstrating completion of the practice area curriculum required under Regulation 3B; 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 WSBA. 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.** WSBA staff 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 WSBA staff 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 HEARINGSReserved.

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 and a practice area 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 comprised of three parts: a multiple choice section, an essay section, and a performance section. The passing standard for the core curriculum 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.
- **C. Practice Area Examination.** All practice area examinations shall be comprised of three parts: a multiple choice section, an essay section, and a performance section. 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. Results and Reapplications.** Each applicant will be notified of the applicant's examination results. Those applicants who fail the examination will be informed of their score on each graded section of the examination. Examination scores shall not be disclosed to those applicants who pass the examination. Copies of the examination shall not be available to any applicant.

An applicant who passes the core curriculum examination but fails the practice area 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 passing. If the applicant does not pass the failed exam after the next two administrations of the exam, 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 28E(2). The experience requirement shall be completed within three years before or after the date the applicant is notified of passing both the core curriculum and practice area 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 28E(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. Pre-licensure 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 pre-licensure requirements shall be completed within three years of the date the applicant is notified of the 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 examination.

- **C.** Additional Practice Area Pre-licensure 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 additional practice area license fee; and
- 3. file any and all licensing forms required for active limited license legal technicians.

The requirements above shall be completed within one year of the date the applicant is notified of the 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 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 FOR LIMITED LICENSE LEGAL TECHNICIANS

STATE OF WASH	INGTON
COUNTY OF	

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- 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 Technic	cian
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 section B of this Regulation, every Limited License Legal Technician shall pay an annual license fee in an amount set by the Board with the approval of the Supreme Court, which is due July 1 of each year. Annual license fees paid after July 1 shall be subject to a late fee equal to one half the annual license fee. The annual license fee is for the limited license to practice in one defined practice area.
- **B.** The prorated annual license fee for LLLTs who pass the qualifying examination given in the spring and who request active status prior to July 1 of that same calendar year shall be one half the amount of the annual license fee. LLLTs shall pay the annual license fee set forth in Regulation 11A to retain their active status after June 30 of the calendar year of their licensure.
- **C.** A LLLT shall pay an annual additional practice area fee for each additional practice area in which the LLLT is licensed. The annual additional practice area fee for each additional practice area shall be one half the amount of the annual license fee. The combined annual additional practice area fees and annual license fee shall not exceed the total cost of active lawyer annual license fees. Annual license fee payment due dates and late fees shall apply to additional practice area fees.
- **D.** An LLLT shall provide his or her residential and business addresses, telephone numbers, and business email address to the Board at the time of payment of the annual license fee. An LLLT

whose address, telephone number, or email address changes shall notify the WSBA within 10 days after the change.

REGULATION 12: FINANCIAL RESPONSIBILITY

A. Insurance Requirement. Each limited license legal technician 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; or
- 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.
- **B. Continuing Requirement.** Each active LLLT who is covered by insurance shall file with the WSBA an annual certificate of coverage. The certificate of coverage shall name the covered LLLT(s) and the policy limits and dates. Each LLLT shall notify the Board of any cancellation or lapse in coverage.