

# THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE SUGGESTED )  
AMENDMENTS TO LIMITED LICENSE LEGAL )  
TECHNICIAN RULES OF PROFESSIONAL )  
CONDUCT (LLLT RPC) 1.0B—ADDITIONAL )  
TERMINOLOGY; LLLT RPC 1.5—FEES; LLLT )  
RPC 7.1—COMMUNICATION CONCERNING AN )  
LLLT’S SERVICES; LLLT RPC 7.2— )  
~~ADVERTISING RESERVED; LLLT RPC 7.3— )~~  
~~DIRECT CONTACT WITH PROSPECTIVE )~~  
~~CLIENTS SOLICITATION OF CLIENTS; LLLT )~~  
RPC 7.4— COMMUNICATION OF FIELDS OF )  
PRACTICE AND SPECIALIZATION RESERVED; )  
LLLT RPC 7.5— FIRM NAME AND )  
LETTERHEADS RESERVED )  
\_\_\_\_\_ )  
)

## ORDER

NO. 25700-A-1334

The Limited License Legal Technician Board, having recommended the expeditious adoption of the suggested amendments to Limited License Legal Technician Rules of Professional Conduct (LLLT RPC) 1.0B—Additional Terminology; LLLT RPC 1.5—Fees; LLLT RPC 7.1—Communication Concerning an LLLT’s Services; LLLT RPC 7.2—~~Advertising Reserved~~; LLLT RPC 7.3—~~Direct Contact With Prospective Clients~~ Solicitation of Clients; LLLT RPC 7.4—~~Communication of Fields of Practice and Specialization~~ Reserved; LLLT RPC 7.5—~~Firm Name and Letterheads~~ Reserved, and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;


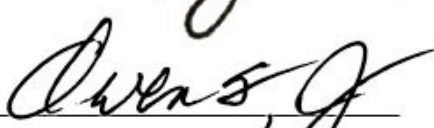
IN THE MATTER OF THE SUGGESTED AMENDMENTS TO LIMITED LICENSE LEGAL  
TECHNICIAN RULES OF PROFESSIONAL CONDUCT (LLLT RPC) 1.0B—ADDITIONAL  
TERMINOLOGY; LLLT RPC 1.5—FEES; LLLT RPC 7.1—COMMUNICATION  
CONCERNING AN LLLT’S SERVICES; LLLT RPC 7.2—ADVERTISING RESERVED;  
LLLT RPC 7.3—DIRECT CONTACT WITH PROSPECTIVE CLIENTS SOLICITATION OF  
CLIENTS; LLLT RPC 7.4—COMMUNICATION OF FIELDS OF PRACTICE AND  
SPECIALIZATION RESERVED; LLLT RPC 7.5—FIRM NAME AND LETTERHEADS  
RESERVED

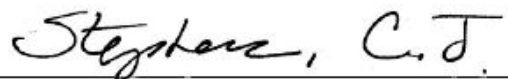

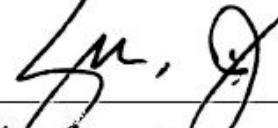
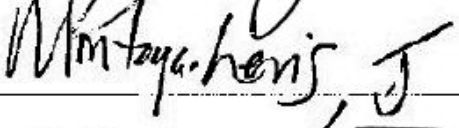

Now, therefore, it is hereby

ORDERED:

- (a) That the suggested amendments as attached hereto are adopted.
- (b) That pursuant to the emergency provisions of GR 9(j)(1), the suggested amendments will be expeditiously published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 8th day of January, 2021.

  
\_\_\_\_\_  
madsen, J.  
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\_\_\_\_\_  
González, J.  
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## LLLT RPC 1.0B

1 **TITLE**

2 Limited License Legal Technician Rules of Professional Conduct

3 **RULE 1.0B. ADDITIONAL TERMINOLOGY**

4  
5 (a)-(h) Unchanged.

6  
7 **Comment**

8 [1]-[2] Unchanged.

9  
10 [3] The terms “firm” and “law firm” are used interchangeably in the Lawyer RPC and also  
11 in these Rules. An LLLT should be cautious, however, in using the words “law firm” to  
12 describe a law practice that includes only LLLTs. The name and description of an LLLT’s  
13 practice should not imply that a lawyer is associated with the firm unless that is the case.  
14 ~~Rule 7.5(a) requires that any firm name used for an LLLT practice that does not include a~~  
15 ~~lawyer include the words “Legal Technician.”~~Any firm name used for an LLLT practice that  
16 does not include a lawyer must include the words “Legal Technician.” See LLLT RPC cmt.

17 2.

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LLLT RPC 1.5

1 **TITLE**

2 Limited License Legal Technician Rules of Professional Conduct

3 **RULE 1.5. FEES**

4  
5 (a)-(f) Unchanged.

6  
7 Comment

8 [1]-[2] Unchanged.

9  
10 [3] Under the circumstances specified in Lawyer RPC 1.5(e), a lawyer may agree to a  
11 division of a fee either with another lawyer who is not in the same firm or with an authorized  
12 lawyer referral service. By contrast, paragraph (e) of this Rule categorically prohibits an  
13 LLLT from dividing a fee. An LLLT may pay the usual charges of an LLLT referral service.  
14 *See* Rule 7.23(eb).

15 [4] - [5] [Unchanged.]

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LLLT RPC 7.1, 7.2, 7.3, 7.4, 7.5

1 **TITLE**

2 Limited License Legal Technician Rules of Professional Conduct

3 **RULE 7.1. COMMUNICATION CONCERNING AN LLLT'S SERVICES**

4  
5 **(a)** An LLLT shall not make a false or misleading communication about the LLLT or the  
6 LLLT's services. A communication is false or misleading if it contains a material  
7 misrepresentation of fact or law, or omits a fact necessary to make the statement considered  
8 as a whole not materially misleading.

9  
10 **(b)** In all communications about the LLLT or the LLLT's services, an LLLT shall  
11 communicate the fact that the LLLT has a limited license to practice in the particular fields  
12 of law for which the LLLT is licensed, and shall not state or imply that an LLLT is licensed  
13 to practice in any other areas of law, or has an unlimited license to practice law in any area  
14 of law.

15  
16 **Comment**

17 [1] ~~This Rule~~Subsection (a) was adapted from is based on Lawyer RPC 7.1 with no  
18 substantive changes and the comments to Lawyer RPC 7.1 applyies to LLLTs analogously.  
19 *See also* APR 28(H)(1) (prohibiting an LLLT from making any statement that the LLLT can  
20 or will obtain special favors from or has special influence with any court or governmental  
21 agency).

22  
23 [2] If there are no lawyers in the firm, any firm name used by an LLLT in private practice  
24 shall include the words "Legal Technician."

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LLLT RPC 7.1, 7.2, 7.3, 7.4, 7.5

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3 **RULE 7.2 Advertising**[RESERVED.]  
4

5 ~~(a) Subject to the requirements of Rules 7.1 and 7.3, an LLLT may advertise services~~  
6 ~~through written, recorded, or electronic communication, including public media.~~

7  
8 ~~(b) An LLLT shall not give anything of value to a person for recommending the LLLT's~~  
9 ~~services, except that an LLLT may~~

10  
11 ~~(1) pay the reasonable cost of advertisements or communications permitted by this Rule;~~

12  
13 ~~(2) pay the usual charges of a legal service plan or a not for profit LLLT referral service;~~

14  
15 ~~(3) pay for a law practice in accordance with Rule 1.17; and~~

16  
17 ~~(4) refer clients to a lawyer or to another LLLT pursuant to an agreement not otherwise~~  
18 ~~prohibited under these Rules that provides for the other person to refer clients or customers~~  
19 ~~to the LLLT, if~~

20  
21 ~~(i) the reciprocal referral agreement is not exclusive, and~~

22  
23 ~~(ii) the client is informed of the existence and nature of the agreement.~~

24  
25 ~~(c) Any communication made pursuant to this Rule shall include the name and office~~  
26 ~~address of at least one LLLT or law firm responsible for its content.~~

LLLT RPC 7.1, 7.2, 7.3, 7.4, 7.5

**Comment**

~~[1]— This Rule was adapted from Lawyer RPC 7.2 with no substantive changes except to reflect that client referrals may occur reciprocally between lawyers and LLLTs. It applies to LLLTs analogously.~~

~~[2]— This Rule prohibits LLLTs from paying others for referrals. See also Rule 1.5(e) (prohibiting the division of fees with another LLLT or lawyer who is not in the same firm as the LLLT); Rule 5.4 (subject to Rule 5.9, prohibiting the sharing of fees with anyone who is not an LLLT).~~

~~[3]— In advertising, an LLLT also has an affirmative obligation to communicate the fact that the LLLT has a limited license to practice in the particular fields of law for which the LLLT is licensed and is prohibited from stating or implying that the LLLT is licensed to practice in any other areas of law, or has an unlimited license to practice law in any area of law. See Rule 7.4(a).~~

**RULE 7.3. DIRECT CONTACT WITH PROSPECTIVE CLIENTS SOLICITATION OF CLIENTS**

~~(a) An LLLT shall not directly or through a third person, by in person, live telephone, or real-time electronic contact may solicit professional employment from a prospective client when a significant motive for the LLLT’s doing so is the LLLT’s pecuniary gain, unless the person contacted:~~

~~(1) is a lawyer or an LLLT the solicitation is false or misleading;~~

LLLT RPC 7.1, 7.2, 7.3, 7.4, 7.5

1  
2 (2) ~~has a family, close personal, or prior professional relationship with the LLLT; or~~  
3 the LLLT knows or reasonably should know that the physical, emotional, or mental state of the  
4 subject of the solicitation is such that the person could not exercise reasonable judgment in  
5 employing an LLLT;

6  
7 (3) ~~has consented to the contact by requesting a referral from a not for profit LLLT referral~~  
8 ~~service.~~the subject of the solicitation has made known to the LLLT a desire not to be solicited  
9 by the LLLT; or

10  
11 (4) the solicitation involves coercion, duress, or harassment.

12  
13 (b) ~~An LLLT shall not solicit professional employment from a prospective client by~~  
14 ~~written, recorded, or electronic communication or by in person, telephone, or real time~~  
15 ~~electronic contact even when not otherwise prohibited by paragraph (a), if;~~compensate, or  
16 give or promise anything of value to, a person who is not an employee or LLLT in the same  
17 firm for the purpose of recommending or securing the services of the LLLT or law firm,  
18 except that an LLLT may:

19  
20 (1) ~~the prospective client has made known to the LLLT a desire not to be solicited by the~~  
21 ~~LLLT; or~~pay the reasonable cost of advertisements or communications permitted by LLLT  
22 RPC 7.1, including online group advertising;

23  
24 (2) ~~the solicitation involves coercion, duress or harassment.~~pay the usual charges of a legal  
25 service plan or a not-for-profit LLLT referral service;

26



LLLT RPC 7.1, 7.2, 7.3, 7.4, 7.5

1 (3) pay for a law practice in accordance with LLLT RPC 1.17;  
2

3 (4) refer clients to a lawyer or to another LLLT or other nonlawyer professional pursuant  
4 to an agreement not otherwise prohibited under these rules that provides for the other person  
5 to refer clients or customers to the LLLT, if:  
6

7 (i) the reciprocal referral agreement is not exclusive, and

8  
9 (ii) the client is informed of the existence and nature of the agreement;  
10

11 (5) give nominal gifts that are neither intended nor reasonably expected to be a form of  
12 compensation for recommending an LLLT's services.  
13

14 (c) [Reserved.]  
15

16 ~~(d) Notwithstanding the prohibitions in paragraph (a), an LLLT may participate with a~~  
17 ~~prepaid or group legal service plan operated by an organization not owned or directed by the~~  
18 ~~LLLT that uses in person or telephone contact to solicit memberships or subscriptions for~~  
19 ~~the plan from persons who are not known to need legal services in a particular matter covered~~  
20 ~~by the plan.~~[Reserved.]  
21

22 **Comment**

23 [1] ~~This Rule was adapted from~~ is based on Lawyer RPC 7.3 with no substantive changes  
24 except to reflect that LLLTs may solicit employment from lawyers as well as other LLLTs,  
25 and that referral services may refer to both lawyers and LLLTs. ~~This Rule~~ The comments to  
26 Lawyer RPC 7.3 apply to LLLTs analogously.

LLLT RPC 7.1, 7.2, 7.3, 7.4, 7.5

1  
2 [2] This Rule prohibits LLLTs from paying others for referrals. See also Rule 1.5(e)  
3 (prohibiting the division of fees with another LLLT or lawyer who is not in the same firm as  
4 the LLLT); Rule 5.4 (subject to Rule 5.9, prohibiting the sharing of fees with anyone who is  
5 not an LLLT).

6  
7  
8 **~~RULE 7.4 COMMUNICATION OF FIELDS OF PRACTICE AND~~**  
9 **~~SPECIALIZATION~~[RESERVED.]**

10  
11 ~~(a) In all advertising, an LLLT shall communicate the fact that the LLLT has a limited~~  
12 ~~license practice in the particular fields of law for which the LLLT is licensed, and shall not~~  
13 ~~state or imply that an LLLT is licensed to practice in any other areas of law, or has an~~  
14 ~~unlimited license to practice law in any area of law.~~

15  
16 ~~(b) [Reserved.]~~

17  
18 ~~(c) [Reserved.]~~

19  
20 ~~(d) An LLLT shall not state or imply that an LLLT is "certified," a "specialist," or an~~  
21 ~~"expert," or use any other similar term to describe his or her qualifications as an LLLT, but~~  
22 ~~may identify any award or recognition that the LLLT has received from a group,~~  
23 ~~organization, or association. If an LLLT has received any other legal title, credential, or~~  
24 ~~certificate from any group, organization, or association, then the LLLT may identify the legal~~  
25 ~~title, credential, or certificate provided that the reference must:~~

26

## LLLT RPC 7.1, 7.2, 7.3, 7.4, 7.5

1 ~~(1) be truthful and verifiable and otherwise comply with Rule 7.1;~~

2  
3 ~~(2) identify the group, organization, or association that issued the legal title, credential, or~~  
4 ~~certificate; and~~

5  
6 ~~(3) state that the Supreme Court of Washington does not recognize certification of~~  
7 ~~specialties in the practice of law and that the legal title, credential, or certificate is not a~~  
8 ~~requirement of the LLLT's limited license to practice in the particular fields of law for which~~  
9 ~~the LLLT is licensed.~~

### 10 11 **Comment**

12 ~~[1] An LLLT's license to provide legal services is unique and may not be understood by~~  
13 ~~persons who are not familiar with the limited scope of practice of an LLLT and with the~~  
14 ~~differences between an LLLT and a lawyer. Advertising is designed to help educate the~~  
15 ~~public on the availability of legal services, but advertising by an LLLT may not be false or~~  
16 ~~misleading. See Rule 7.1. In order to avoid confusion about the scope of services that an~~  
17 ~~LLLT can provide as distinct from the broader scope of services that a lawyer is authorized~~  
18 ~~to provide, advertising by an LLLT must communicate that an LLLT may deliver legal~~  
19 ~~services only within a limited scope. Accordingly, Rule 7.4(a) differs from Lawyer RPC~~  
20 ~~7.4(a) in that it requires that all advertising by an LLLT communicate relevant facts~~  
21 ~~concerning the scope of the LLLT's license and expressly prohibits communications that~~  
22 ~~state or imply that the LLLT's license exceeds that scope.~~

23  
24 ~~[2] Lawyer RPC 7.4(b) pertains to a patent practice before the United States Patent and~~  
25 ~~Trademark Office, a practice that exceeds the authorized scope of APR 28. Accordingly,~~  
26 ~~Rule 7.4(b) is reserved.~~

LLLT RPC 7.1, 7.2, 7.3, 7.4, 7.5

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2 ~~[3]— Lawyer RPC 7.4(c) pertains to an admiralty practice, a practice that exceeds the~~  
3 ~~authorized scope of APR 28. Accordingly, Rule 7.4(c) is reserved.~~

4  
5 ~~[4]— In order to avoid confusion about the scope of services that an LLLT can provide, APR~~  
6 ~~28(H)(4) prohibits an LLLT from representing or advertising, in connection with the~~  
7 ~~provision of legal services, other legal titles or credentials that could cause a client to believe~~  
8 ~~that the LLLT possesses professional legal skills beyond those authorized by the license held~~  
9 ~~by the LLLT. The terms “certified,” “specialist,” “expert,” and similar terms suggest~~  
10 ~~achievement of skills beyond those that are authorized by the LLLT’s license, and may not~~  
11 ~~be used when describing an LLLT’s credentials. Other titles and recognitions, however, may~~  
12 ~~provide useful information that is not likely to mislead clients or potential clients concerning~~  
13 ~~the skills and authorized scope of an LLLT's practice. Accordingly, if an LLLT has received~~  
14 ~~a legal title, credential, or certificate from a group, organization, or association, the LLLT~~  
15 ~~may identify that title, credential, or certificate so long as communications about it meet the~~  
16 ~~requirements enumerated in Rule 7.4(d)(1)–(3). Those requirements are substantially similar~~  
17 ~~to Lawyer Rule 7.4(d)(1)–(3). An LLLT may also identify awards and recognitions that the~~  
18 ~~LLLT has received from a group, organization, or association.~~

19  
20 **~~RULE 7.5 FIRM NAMES AND LETTERHEADS~~[RESERVED.]**

21  
22 ~~(a) — An LLLT shall not use a firm name, letterhead, or other professional designation that~~  
23 ~~violates Rule 7.1. A trade name may be used by an LLLT in private practice if the trade~~  
24 ~~name does not imply that lawyers are members or employees of the firm unless that is the~~  
25 ~~case, and if it does not imply a connection with a government agency or with a public or~~  
26 ~~charitable legal services organization and is not otherwise in violation of Rule 7.1. If there~~

LLLT RPC 7.1, 7.2, 7.3, 7.4, 7.5

1 ~~are no lawyers in the firm, any firm name used by an LLLT in private practice shall include~~  
2 ~~the words "Legal Technician."~~

3  
4 ~~(b) — A law firm with offices in more than one jurisdiction may use the same name or other~~  
5 ~~professional designation in each jurisdiction, but identification of the lawyers or LLLTs in~~  
6 ~~an office of the firm shall indicate the jurisdictional limitations on those not licensed to~~  
7 ~~practice in the jurisdiction where the office is located.~~

8  
9 ~~(c) — The name of an LLLT or lawyer holding a public office shall not be used in the name~~  
10 ~~of a law firm, or in communications on its behalf, during any substantial period in which the~~  
11 ~~LLLT or lawyer is not actively and regularly practicing with the firm.~~

12  
13 ~~(d) — LLLTs may state or imply that they practice in a partnership or other organization only~~  
14 ~~when that is a fact.~~

15  
16 **Comment**

17 ~~[1] — This Rule was adapted from Lawyer RPC 7.5 with no substantive changes except that~~  
18 ~~provisions have been added to subpart (a) to require that any trade name not imply that~~  
19 ~~lawyers are members or employees of the firm unless that is the case, and that, if there are~~  
20 ~~no lawyers in the firm, any trade name include the words "Legal Technician." Otherwise,~~  
21 ~~this Rule applies to LLLTs analogously.~~

22  
23 ~~[2] — An LLLT's license to provide legal services is unique and may not be understood by~~  
24 ~~persons who are not familiar with the limited scope of an LLLT's practice and with the~~  
25 ~~differences between an LLLT and a lawyer. A trade name is a brand and is therefore similar~~  
26 ~~to forms of advertising and is often used in advertising. A trade name must not be false or~~

**LLLT RPC 7.1, 7.2, 7.3, 7.4, 7.5**

1 ~~misleading. See Rules 7.1 and 7.4. In order to avoid confusion, trade names should~~  
2 ~~communicate the nature of the legal services that a licensed practitioner or firm can deliver.~~  
3 ~~Rule 7.5(a) requires that any trade name communicate relevant facts concerning the scope of~~  
4 ~~the legal services that can be delivered by the legal professional or firm.~~

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