

## LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

UPDATE: November 2017

Outreach & Press
<p>Press:</p> <ul style="list-style-type: none"><li>September 3, 2017: <a href="#">Local business achievements, milestones</a>, by Lindsay Francis. The Wenatchee World.</li><li>October 24, 2017: <a href="#">Profession Versus Business: Paraprofessional Protectionism</a>, by Mary Jutten. Above the Law.</li></ul> <p>Recent:</p> <ul style="list-style-type: none"><li>October 25, 2017: Skagit and Whatcom Washington Women Lawyers, Wine with the Bar. Brad Furlong, WSBA President, and Nancy Ivarinen</li></ul> <p>Upcoming:</p> <ul style="list-style-type: none"><li>TBD: KCBA LLLT Clinic Training</li><li>February 7, 2018: NALs presentation. Christy Carpenter</li></ul>
Statistics & Other Events
<ul style="list-style-type: none"><li>Number of current LLLTs: 24</li><li>First status change, 1 LLLT is now inactive</li><li>LLLT Exam: February 26, 2018</li></ul>
Meetings
<p>Recent:</p> <ul style="list-style-type: none"><li>October 19, 2017: New Practice Area Committee Meeting</li><li>October 19, 2017: LLLT Board Meeting</li><li>November 8, 2017: Family Law Exam Workgroup Meeting</li><li>November 9, 2017: New Practice Area Committee Meeting</li></ul> <p>Upcoming:</p> <ul style="list-style-type: none"><li>December 14, 2017: LLLT Board Meeting</li></ul>



**LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD**  
**Meeting Minutes for October 19, 2017**

Washington State Bar Association  
1325 Fourth Avenue – Suite 600  
Seattle, Washington 98101  
1:30 p.m. to 4:30 p.m.

**Attending in person:** Christy Carpenter (LLLT #113), Steve Crossland (LLLT Board Chair), Kendra Hodgson (Ex Officio), Nancy Ivarinen, Ruth McIntyre, Jen Petersen, Geoff Revelle (ATJ Board Liaison), and Amy Riedel.

**Attending remotely:** Tierra Busby, Jeanne Dawes, Laura Genoves (LLLT #122), Gail Hammer, and Andrea Jarmon.

**WSBA Liaison and Staff in Attendance:** Jean McElroy, Chief Regulatory Counsel; Renata de Carvalho Garcia, Innovative Licensing Programs Manager; and Joe Terrenzio, LLLT Program Lead.

**Call to Order/Preliminary Matters**

The meeting was called to order at 1:47 pm.

- **Outreach Update**

Outreach updates were provided by Board Chair Steve Crossland, Board member Nancy Ivarinen, and Renata de Carvalho Garcia.

- **Approval of Meeting Minutes**

Board member Ruth McIntyre moved to approve the September 21, 2017 meeting minutes. The minutes were unanimously approved.

**New Practice Area – Immigration Subcommittee Report**

Board Chair Steve Crossland provided a report on the October 19, 2017 immigration discussion. The subcommittee identified four areas where it may be appropriate for LLLTs to practice: naturalization, family based petitions, domestic violence based petitions, and removal proceedings. The next step is to look at the framework for each area, see what forms are used and what a LLLT working in the area would be able to do. The issue of federal preemption



remains and needs to be resolved but the committee chose not to investigate that issue at this meeting.

### **New Practice Area - Personal Services Subcommittee Report**

Subcommittee Chair Nancy Ivarinen provided a report on the October 19, 2017 personal services discussion. The subcommittee has identified a possible practice area which will focus on consumer protection, money, and debt. This area would include garnishments, small claims court preparations, possibly bankruptcy (pending resolution of the federal preemption question), foreclosure issues, and legal financial obligations. Subcommittee members will gather additional information on civil legal needs and services being currently provided before the next meeting. The subcommittee will then review the data to ensure the proposed practice area is connected to unmet legal needs and the target clientele for LLLTs. The subcommittee also plans to look into uncontested guardianships and protection orders and responses at next month's meeting.

The Board discussed how to approach developing and packaging new practice areas, specifically how much information needs to be provided to the Washington Supreme Court. The Board agreed that it may not be necessary to have the entire curriculum developed in advance but that it may be helpful to have at least an outline of the education components for a proposed new practice area.

### **Review of Committee Rosters**

The Board reviewed its eight committees, how they operate, and the importance of member participation. Staff circulated current rosters and volunteers signed up and corrected information as needed.

### **LLLT Signing Authority on Trust Accounts**

The Board reviewed an issue brought up by the Committee on Professional Ethics regarding LLLT signing authority on trust accounts. The Board reviewed the question and the LLLT Rules of Professional Conduct in question and concluded no action is needed.

### **LLLT RPC Discussion**

Renata de Carvalho Garcia and Jean McElroy provided an update on staff's review and revision of the LLLT RPCs. The Board discussed LLLT RPC 2.3 and the possibilities of LLLTs providing evaluations to third parties. The Board suggests removing the comment that is in the current draft of LLLT RPC 2.3.

### **UW Site Visit**

Kendra Hodgson provided an update on the site team's October 12, 2017 meeting where the site team reviewed the UW paralegal program's application for LLLT Board approval as a Core Curriculum provider. The site team concluded that even though the application provided the minimum requested information, the answers were insufficient for a proper



[Recipient]

[DATE]

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evaluation/determination to be made. Kendra explained that a letter summarizing the site team's impressions and highlighting the biggest concerns is being drafted and will be provided to the UW. The Site team will then re-evaluate the application when it gets more information from the UW. She also mentioned that the site team discussed whether the actual application should be modified to ask for more information up front especially in places where the application currently has yes/no questions.

The Board discussed the importance of looking at the difference between credits in continuing education programs and credits in college programs.

### **Adjournment and Next Meeting**

The meeting was adjourned at 3:36 pm. The next meeting will be held on November 9 at 1:30 pm.



**LIMITED LICENSE LEGAL TECHNICIAN RULES OF PROFESSIONAL CONDUCT  
(LLLT RPC)**

**Table of Rules**

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Scope.

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1.0B Additional Terminology.

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1.2 Scope of Representation and Allocation of Authority between Client and LLLT.

1.3 Diligence.

1.4 Communication.

1.5 Fees.

1.6 Confidentiality of Information.

1.7 Conflict of Interest: ~~Current Clients~~.

1.8 Conflict of Interest: ~~Current Clients~~: ~~Specific Rules~~.

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1.10 Imputation of Conflicts of Interest: ~~General Rule~~.

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1.13 [Reserved].

- 1.14 Client with Diminished Capacity.
- 1.15A Safeguarding Property.
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## **TITLE 2. COUNSELOR**

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## **TITLE 4. TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS**

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- 5.1 Responsibilities of Partners, Managers, and Supervisory LLLTs.
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## **TITLE 6. PUBLIC SERVICE**

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## **TITLE 7. INFORMATION ABOUT LEGAL SERVICES**

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- 7.4 Communication of Fields of Practice and Specialization.
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**TITLE 8. MAINTAINING THE INTEGRITY OF THE PROFESSION**

- 8.1 ~~Limited License~~ Licensing, Admission, and Disciplinary Matters.
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**APPENDIX. [RESERVED].**

**FUNDAMENTAL PRINCIPLES OF PROFESSIONAL CONDUCT FOR ~~AN LLLTA~~  
LLLT\***

The continued existence of a free and democratic society depends upon recognition of the concept that justice is based upon the rule of law grounded in respect for the dignity of the individual and the capacity through reason for enlightened self-government.—Law so grounded makes justice possible, for only through such law does the dignity of the individual attain respect and protection.—Without it, individual rights become subject to unrestrained power, respect for law is destroyed, and rational self-government is impossible.

Lawyers, as guardians of the law, play a vital role in the preservation of society. LLLTs, within the scope of their limited licenses to deliver legal services, also play a significant role.—The fulfillment of the LLLT’s role requires an understanding of their relationship with and function in our legal system.—A consequent obligation of LLLTs is to maintain the highest standards of ethical conduct.

In fulfilling professional responsibilities, ~~an LLLTa~~ LLLT may provide services consistent with the authorized scope of his or her practice that require the performance of many difficult tasks.—Not every situation that ~~an LLLTa~~ LLLT may encounter can be foreseen, but fundamental ethical principles are always present as guidelines.

The Rules of Professional Conduct for LLLTs point the way for the LLLT who aspires to the highest level of ethical conduct, and provide standards by which to judge the transgressor. Each LLLT must find within his or her own conscience the touchstone against which to test the extent to which his or her actions should rise above minimum standards.—But in the last



analysis it is the desire for the respect and confidence of the members of the legal profession, including LLLTs and the society that LLLTs serve, that should provide to ~~an LLLTa~~ LLLT the incentive for the highest possible degree of ethical conduct.—The possible loss of that respect and confidence is the ultimate sanction.

\* These Fundamental Principles of the Rules of Professional Conduct are taken from the former Preamble to the Rules of Professional Conduct for lawyers as approved and adopted by the Supreme Court in 1985.—Washington lawyers and judges have looked to the 1985 Preamble of the Rules of Professional Conduct as a statement of our overarching aspiration to faithfully serve the best interests of the public, the legal system, and the efficient administration of justice. The former Preamble is preserved here to inspire LLLTs to strive for the highest possible degree of ethical conduct, and these Fundamental Principles should inform many of our decisions as LLLTs.—The Fundamental Principles do not, however, alter any of the obligations expressly set forth in the Rules of Professional Conduct, nor are they intended to affect in any way the manner in which the Rules are to be interpreted or applied.

## PREAMBLE AND SCOPE

### PREAMBLE: ~~AN LLLTa~~ LLLT'S RESPONSIBILITIES

[1] ~~An LLLTa~~ LLLT is authorized to provide limited legal services that lie within the scope of the practice that the LLLT is licensed to undertake.—Within that scope, ~~an LLLTa~~ LLLT is a member of the legal profession, is a representative of clients, and has a special responsibility for the quality of justice.

[2] As a representative of clients within a limited scope, ~~an LLLTa~~ LLLT performs various functions.—As advisor, ~~an LLLTa~~ LLLT provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications.—As an evaluator, ~~an LLLTa~~ LLLT acts by examining a client's legal affairs and reporting about them to the client or to others.—~~While an LLLT is not authorized to act as advocate or negotiator, an An LLLT~~ To the extent a LLLT is allowed to act as an advocate or as a negotiator under APR 28, a LLLT conscientiously acts in the best interest of the client, and seeks a result that is advantageous to the client but consistent with the requirements of honest dealings with others.

[3] In addition to these limited representational functions, ~~an LLLTa~~ LLLT may serve as a third-party neutral, a nonrepresentational role helping the parties to resolve a dispute or other matter.—Some of these Rules apply directly to LLLTs who are or have served as third-party neutrals.—*See, e.g.*, Rules 1.12 and 2.4.—In addition, there are Rules that apply to LLLTs who are not active in the practice of law or to practicing LLLTs even when they are acting in a nonprofessional capacity.—For example, ~~an LLLTa~~ LLLT who commits fraud in the conduct of a business is subject to discipline for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.—*See* Rule 8.4.

[4] In all professional functions ~~an LLLTa~~ LLLT should be competent, prompt, and diligent.—~~An LLLTa~~ LLLT should maintain communication with a client concerning the representation.—~~An LLLTa~~ LLLT should keep in confidence information relating to

representation of a client except so far as disclosure is required or permitted by the Rules of Professional Conduct for LLLTs.

[5] ~~An LLLTA LLLT~~'s conduct should conform to the requirements of the law, both in professional service to clients and in the LLLT's business and personal affairs.—~~An LLLTA LLLT~~ should use the law's procedures only for legitimate purposes and not to harass or intimidate others.—~~An LLLTA LLLT~~ should demonstrate respect for the legal system and for those who serve it, including judges, lawyers, other LLLTs, and public officials.

[6] As a member of the legal profession, ~~an LLLTa LLLT~~ should seek to improve access to the legal system, the administration of justice, and the quality of service rendered by the legal profession, and should also seek to strengthen legal education.—~~An LLLTA LLLT~~ should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance.—Therefore, all LLLTs should devote professional time and resources to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel.—~~An LLLTA LLLT~~ should aid the legal profession in pursuing these objectives and should help the legal profession regulate itself in the public interest.

[7] Many of ~~an LLLTa LLLT~~'s professional responsibilities are prescribed in these Rules of Professional Conduct for LLLTs, as well as substantive and procedural law to the extent applicable to LLLTs.—However, ~~an LLLTa LLLT~~ is also guided by personal conscience and the approbation of lawyers, clients, and professional peers.—Within the authorized scope of ~~an LLLTa LLLT~~'s practice, the LLLT should strive to attain the highest level of skill and to exemplify the legal profession's ideals of public service.

[8] ~~An LLLTA LLLT~~'s responsibilities as a limited-scope representative of clients and as a public citizen are usually harmonious.—Thus, ~~an LLLTa LLLT~~ can be sure that preserving client confidences ordinarily serves the public interest because people are more likely to seek legal advice, and thereby heed their legal obligations, when they know their communications will be private.

[9] Notwithstanding the limited scope of authority of ~~an LLLTa LLLT~~, however, conflicting responsibilities are encountered.—Virtually all difficult ethical problems arise from conflict between ~~an LLLTa LLLT~~'s responsibilities to clients, to the legal system, and to the LLLT's own interest in remaining an ethical person while earning a satisfactory living.—The Rules of Professional Conduct for LLLTs often prescribe terms for resolving such conflicts.—Within the framework of these Rules, however, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the Rules.

[10] The legal profession is largely self-governing.—Although other professions also have been granted powers of self-government, the legal profession is unique in this respect because of the close relationship between the profession and the processes of government and law enforcement.—This connection is manifested in the fact that ultimate authority over the legal profession is vested largely in the courts.

[11] To the extent that LLLTs meet the obligations of their professional calling, the occasion for government regulation is obviated.—Self-regulation also helps maintain the legal profession's independence from government domination.—An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice.

[12] The legal profession's relative autonomy carries with it special responsibilities of self-government.—The profession has a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns.—Every LLLT is responsible for observance of the Rules of Professional Conduct for LLLTs.—~~An LLLT~~LLLT should also aid in securing their observance by other legal practitioners.—Neglect of these responsibilities compromises the independence of the profession and the public interest which it serves.

[13] LLLTs are obliged to understand their relationship to our legal system.—The Rules of Professional Conduct for LLLTs, when properly applied, serve to define that relationship.

## SCOPE

[14] The Rules of Professional Conduct for LLLTs are rules of reason.—They should be interpreted with reference to the purposes of legal representation (within the LLLT's authorized scope of practice) and of the law itself.—Some of the Rules are imperatives, cast in the terms "shall" or "shall not." These define proper conduct for purposes of professional discipline. Others, generally cast in the term "may" are permissive and define areas under the Rules in which the LLLT has discretion to exercise professional judgment.—No disciplinary action should be taken when the LLLT chooses not to act or acts within the bounds of such discretion. Other rules define the nature of relationships between the LLLT and others.—The Rules are thus partly obligatory and disciplinary and partly constitutive and descriptive in that they define ~~an~~LLLT's professional role.—Many of the Comments use the term "should."—Comments do not add obligations to the Rules but provide guidance for practicing in compliance with the Rules.

[15] The Rules presuppose a context in which the LLLT's role has been or will be shaped. That context includes court rules relating to matters of licensure, laws defining specific authorization and obligations of LLLTs, and substantive and procedural law in general.—The Comments are sometimes used to alert LLLTs to their responsibilities under such other law.

[16] Compliance with the Rules, as with all law in an open society, depends primarily upon understanding and voluntary compliance, secondarily upon reinforcement by lawyer, client, peer, and public opinion, and finally, when necessary, upon enforcement through disciplinary proceedings.—The Rules do not, however, exhaust the moral and ethical considerations that should inform ~~an LLLT~~LLLT, for no worthwhile human activity can be completely defined by legal rules.—The Rules simply provide a framework for the ethical practice of law within the authorized scope of ~~an LLLT~~LLLT's practice.

[17] For purposes of determining the LLLT's authority and responsibility, principles of substantive law external to these Rules determine whether a client-LLLT relationship exists. Most of the duties flowing from the client-LLLT relationship attach only after the client-LLLT relationship is formed.—\_But there are some duties, such as that of confidentiality under Rule 1.6, that may attach when the LLLT agrees to consider whether a client-LLLT relationship shall be established.—\_See Lawyer RPC 1.18 and Washington Comment [11] thereto.—\_Whether a client-LLLT relationship exists for any specific purpose can depend on the circumstances and is a question of fact.

[18] [Reserved.]

[19] Failure to comply with an obligation or prohibition imposed by a Rule is a basis for invoking the disciplinary process.—\_The Rules presuppose that disciplinary assessment of ~~an LLLT~~ an LLLT's conduct will be made on the basis of the facts and circumstances as they existed at the time of the conduct in question and in recognition of the fact that ~~an LLLT~~ an LLLT often has to act upon uncertain or incomplete evidence of the situation.—\_Moreover, the Rules presuppose that whether or not discipline should be imposed for a violation, and the severity of a sanction, depend on all the circumstances, such as the willfulness and seriousness of the violation, extenuating factors, and whether there have been previous violations.

[20] Violation of a Rule should not itself give rise to a cause of action against ~~an LLLT~~ an LLLT, nor should it create any presumption in such a case that a legal duty has been breached. The Rules are designed to provide guidance to LLLTs and to provide a structure for regulating conduct through disciplinary agencies.—\_They are not designed to be a basis for civil liability. The fact that a Rule is a just basis for ~~an LLLT~~ an LLLT's self-assessment, or for sanctioning ~~an LLLT~~ an LLLT under the administration of a disciplinary authority, does not imply that a party who is adverse to ~~an LLLT~~ an LLLT's client in any proceeding or transaction has standing to seek enforcement of the Rule.—\_Nevertheless, since the Rules do establish standards of conduct by LLLTs, ~~an LLLT~~ an LLLT's violation of a Rule may be evidence of breach of the applicable standard of conduct.

[21] The Comment accompanying each Rule explains and illustrates the meaning and purpose of the Rule.—\_The Preamble and this note on Scope provide general orientation.—\_The Comments are intended as guides to interpretation, but the text of each Rule is authoritative.

### **Additional Washington Comments (22 - 25)**

[22] Nothing in these Rules is intended to change existing Washington law on the use of the Rules of Professional Conduct in a civil action, see *Hizey v. Carpenter*, 119 Wn.2d 251, 830 P.2d 646 (1992), or to suggest how that law applies to the obligations of LLLTs.—\_See also APR 28(K)(1).

[23] The Rules of Professional Conduct for LLLTs are modeled on Washington's Rules of Professional Conduct for lawyers (Lawyer RPC).—\_The structure of these Rules, like the Lawyer RPC, generally parallels the structure of the American Bar Association's Model Rules of

Professional Conduct.—When an entire provision that appears in the Lawyer RPC is deleted for purposes of these Rules, the deletion is signaled by the phrase "Reserved."—The reservation of a rule or portion of a rule that appears in the Lawyer RPC does not necessarily mean that the conduct of ~~an LLLTa LLLT~~ in that area is unregulated; the conduct may be regulated under APR 28 or another rule.—Should a situation arise where a rule or portion of a rule is reserved but the counterpart rule in the Lawyer RPC addresses the conduct, the LLLT should look to the relevant Lawyer RPC and comments to that rule for guidance.—In general, when a Rule has a counterpart in the Lawyer RPC, the comments to that Lawyer RPC may be looked to as a guide to interpretation of that Rule to the extent that both the Lawyer RPC and the LLLT RPC are substantially similar and the content of the comments is applicable to the conduct of ~~an LLLTa LLLT~~.

[24] Comment [18] of Scope is reserved.—The corresponding Comment of the Lawyer RPC relates to the specific role and authority of certain lawyers in government service, and is not applicable to the professional role of ~~an LLLTa LLLT~~.

[25] The Fundamental Principles of Professional Conduct and the Preamble and Scope sections of these Rules were adapted from the corresponding parts of the Lawyer RPC with only minor modifications.—These provisions express the role of ~~an LLLTa LLLT~~ as a legal professional acting within the justice system.—With the exception of the reservation of Comment [18], modifications relate to the limited scope of ~~an LLLTa LLLT~~'s license to deliver legal services, and the corresponding limitations on the role that ~~an LLLTa LLLT~~ will have in the development of certain aspects of the legal profession, such as advocacy and development of the common law.

### LLLT RPC 1.0A TERMINOLOGY

(a) "Belief" or "believes" denotes that the person involved actually supposed the fact in question to be true.—A person's belief may be inferred from circumstances.

(b) "Confirmed in writing," when used in reference to the informed consent of a person, denotes informed consent that is given in writing by the person or a writing that ~~an LLLTa LLLT~~ promptly transmits to the person confirming an oral informed consent.—See paragraph (e) for the definition of "informed consent."—If it is not feasible to obtain or transmit the writing at the time the person gives informed consent, then the LLLT must obtain or transmit it within a reasonable time thereafter.

(c) "Firm" or "law firm" denotes a lawyer, lawyers, ~~an LLLTa LLLT~~, LLLTs, or any combination thereof in a law partnership, professional corporation, sole proprietorship, or other association authorized to practice law; or lawyers or LLLTs employed in a legal services organization or the legal department of a corporation or other organization.

(d) "Fraud" or "fraudulent" denotes conduct that has a purpose to deceive and is fraudulent under the substantive or procedural law of the applicable jurisdiction, except that it is not necessary that anyone has suffered damages or relied on the misrepresentation or failure to inform.

(e) "Informed consent" denotes the agreement by a person to a proposed course of conduct after the LLLT has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct.

(f) "Knowingly," "known," or "knows" denotes actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances.

(g) "Partner" denotes a member of a partnership, a shareholder in a law firm organized as a professional corporation, or a member of an association authorized to practice law.

(h) "Reasonable" or "reasonably" when used in relation to conduct by ~~an LLLT~~ a LLLT denotes the conduct of a reasonably prudent and competent LLLT.

(i) "Reasonable belief" or "reasonably believes" when used in reference to ~~an LLLT~~ a LLLT denotes that the LLLT believes the matter in question and that the circumstances are such that the belief is reasonable.

(j) "Reasonably should know" when used in reference to ~~an LLLT~~ a LLLT denotes that ~~an LLLT~~ a LLLT of reasonable prudence and competence would ascertain the matter in question.

(k) "Screened" denotes the isolation of ~~an LLLT~~ a LLLT or a lawyer from any participation in a matter through the timely imposition of procedures within a firm that are reasonably adequate under the circumstances to protect information that the isolated LLLT or lawyer is obligated to protect under these Rules, the Lawyer RPC, or other law.

(l) "Substantial" when used in reference to degree or extent denotes a material matter of clear and weighty importance.

(m) "Tribunal" denotes a court, an arbitrator in a binding arbitration proceeding, or legislative body, administrative agency, or other body acting in an adjudicative capacity.—A legislative body, administrative agency, or other body acts in an adjudicative capacity when a neutral official, after the presentation of evidence or legal argument by a party or parties, will render a binding legal judgment directly affecting a party's interests in a particular matter.

(n) "Writing" or "written" denotes a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photostating, photography, audio or videorecording, and e-mail.—A "signed" writing includes an electronic sound, symbol, or process attached to or logically associated with a writing and executed or adopted by a person with the intent to sign the writing.

#### LLLT RPC 1.0B ADDITIONAL TERMINOLOGY

(a) "APR" denotes the Washington Supreme Court's Admission ~~to~~ and Practice Rules.

(b) "GR" denotes the Washington Supreme Court's General Rules.

(c) "Lawyer" denotes a person licensed as a lawyer and eligible to practice law in any United States jurisdiction.

(d) "Lawyer RPC" denotes the Washington Supreme Court's Rules of Professional Conduct for lawyers.

(e) "Legal practitioner" denotes a lawyer or a limited license legal technician, ~~licensed under APR 28.~~

(f) "Limited License Legal Technician" or "LLLT" denotes a person qualified by education, training, and work experience who is authorized to engage in the limited practice of law in approved practice areas of law as specified by APR 28 and related regulations. ~~The LLLT does not represent the client in court proceedings or negotiations, but provides limited legal assistance as set forth in APR 28 to a pro se client.~~

(g) "~~LLLT RECELLLTC~~" denotes the Washington Supreme Court's Rules for Enforcement of Limited License Legal Technician Rules for Enforcement of Conduct Rules.

(h) "Representation" or "represent," when used in connection with the provision of legal assistance by ~~an LLLT~~ an LLLT, denotes limited legal assistance as set forth in APR 28 to a pro se client.

### **Comment**

[1] Rule 1.0A was adapted from Lawyer RPC 1.0 with no substantive changes and applies to LLLTs analogously. ~~Rule 1.0B adds terms that require definitions in light of the licensing of LLLTs as legal practitioners in Washington.~~

[2] The definition of the term "lawyer" is taken from APR 28(B). ~~When used in the LLLT RPC, however, the term is used to denote a lawyer who is acting within the scope of the lawyer's license and in accordance with the Lawyer RPC. So, for example, the authorization in Rule 5.9 to enter into a law partnership with a lawyer requires that the lawyer is admitted and authorized to practice in the State of Washington.~~

[3] The terms "firm" and "law firm" are used interchangeably in the Lawyer RPC and also in these Rules. ~~An LLLT~~ An LLLT should be cautious, however, in using the words "law firm" to describe a law practice that includes only LLLTs. ~~The name and description of an LLLT's practice should not imply that a lawyer is associated with the firm unless that is the case. Rule 7.5(a) requires that any firm name used for an LLLT practice that does not include a lawyer include the words "Legal Technician."~~

## **TITLE 1. CLIENT-LLLT RELATIONSHIP**

### **LLLT RPC 1.1 COMPETENCE**

~~An LLLTA LLLT~~ shall provide competent representation to a client.— Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

**Comment**

[1] Rule 1.1 was adapted from Lawyer RPC 1.1 with no substantive changes and applies to LLLTs analogously.

**LLLT RPC 1.2 SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LLLT**

(a) Subject to paragraphs (c), (d), and (g), ~~an LLLTa LLLT~~ shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued.— ~~An LLLTA LLLT~~ may take such action on behalf of the client as is impliedly authorized to carry out the representation. ~~An LLLTA LLLT shall abide by a client's decision whether to settle a matter.~~

(b) ~~An LLLTA LLLT~~'s representation of a client does not constitute an endorsement of the client's political, economic, social, or moral views or activities.

(c) ~~An LLLTA LLLT~~ must limit the scope of the representation and provide disclosures informing a potential client as required by these Rules and APR 28.

(d) ~~An LLLTA LLLT~~ shall not counsel a client to engage, or assist a client, in conduct that the LLLT knows is criminal or fraudulent.

(e) [Reserved.]

(f) ~~An LLLTA LLLT~~ shall not purport to act as ~~an LLLTa LLLT~~ for any person or organization if the LLLT knows or reasonably should know that the LLLT is acting without the authority of that person or organization and beyond his or her authorized scope of practice, unless the LLLT is authorized or required to so act by law or a court order.

(g) Nothing in this Rule expands ~~an LLLTa LLLT~~'s authorized scope of practice provided in APR 28.

**Comment**

[1] Rule 1.2 was adapted from Lawyer RPC 1.2 with changes to reflect the limited scope of practice authorized by APR 28.— Otherwise, it applies to LLLTs analogously.

[2] ~~Negotiation on behalf of a client and representation in court are beyond the authorized scope of an LLLT's practice.— See APR 28(H).— Accordingly, P~~paragraph (a) was modified from the Lawyer RPC to exclude references to settlements and criminal cases, and paragraph (d) was modified from the Lawyer RPC to exclude (and therefore prohibit) ~~an LLLTa LLLT~~ from discussing with a client the legal consequences of any proposed criminal or fraudulent conduct and assisting a client in determining the validity, scope, meaning, or application of the law with



respect to any such conduct.—In circumstances where a client has engaged or may engage in conduct that the LLLT knows is criminal or fraudulent, the LLLT shall not provide services related to such conduct and shall inform the client that the client should seek the services of a lawyer.

[3] Unlike a lawyer, ~~an LLLT~~ a LLLT may perform only limited services for a client. ~~Under APR 28G(3), b~~ Before performing any services for a fee, ~~an LLLT~~ a LLLT must enter into a written contract with the client as required by APR 28(G)(2); ~~signed by both the client and the LLLT, that includes the following:~~ (a) ~~an explanation of the services to be performed, including a conspicuous statement that the LLLT may not appear or represent the client in court, formal administrative adjudicative proceedings, or other formal dispute resolution process, or negotiate the client's legal rights or responsibilities, unless permitted under GR 24(b);~~ (b) ~~identification of all fees and costs to be charged to the client for the services to be performed;~~ (c) ~~a statement that upon the client's request, the LLLT shall provide to the client any documents submitted by the client to the LLLT;~~ (d) ~~a statement that the LLLT is not a lawyer and may only perform limited legal services (this statement shall be on the first page of the contract in minimum twelve point bold type print);~~ (e) ~~a statement describing the LLLT's duty to protect the confidentiality of information provided by the client and the LLLT's work product associated with the services sought or provided by the LLLT;~~ (f) ~~a statement that the client has the right to rescind the contract at any time and receive a full refund of unearned fees (this statement shall be conspicuously set forth in the contract);~~ and (g) ~~any other conditions to the LLLT's services that are required by the rules and regulations of the Limited License Legal Technician Board.~~

[4] Additional requirements concerning the authorized scope of ~~an LLLT~~ a LLLT's practice are imposed by APR 28(F).—~~An LLLT~~ a LLLT must ascertain whether the issue is within the defined practice area for which the LLLT is licensed.—If not, the LLLT shall not ~~provide the services required~~ render any legal assistance on the issue and must ~~inform~~ advise the client ~~to that the client should~~ seek the services of a lawyer.—If the issue does lie within the defined practice area for which the LLLT is licensed, then the LLLT is authorized to ~~undertake~~ render the services that are enumerated in APR 28(F).—~~Those services include only the following:~~ (a) ~~obtain relevant facts and explain the relevancy of such information to the client;~~ (b) ~~inform the client of applicable procedures, including deadlines, documents which must be filed, and the anticipated course of the legal proceeding;~~ (c) ~~inform the client of applicable procedures for proper service of process and filing of legal documents;~~ (d) ~~provide the client with self-help materials prepared by a Washington lawyer or approved by the Limited License Legal Technician Board, which contain information about relevant legal requirements, case law basis for the client's claim, and venue and jurisdiction requirements;~~ (e) ~~review documents or exhibits that the client has received from the opposing side, and explain them to the client;~~ (f) ~~select, complete, file, and effect service of forms that have been approved by the State of Washington, either through a governmental agency or by the Administrative Office of the Courts or the content of which is specified by statute; federal forms; forms prepared by a Washington lawyer; or forms approved by the Limited License Legal Technician Board; and advise the client of the significance of the selected forms to the client's case;~~ (g) ~~perform legal research;~~ (h) ~~draft legal letters and documents beyond what is permitted in (f) if the work is reviewed and approved by a Washington lawyer;~~ (i) ~~advise a client as to other documents that may be necessary to the client's~~

~~case, and explain how such additional documents or pleadings may affect the client's case; and (j) assist the client in obtaining necessary documents, such as birth, death, or marriage certificates.~~

[5] ~~An LLTA LLLT~~ must personally perform the authorized services for the client and may not delegate those services to a person who is not either ~~an LLTa LLLT~~ or a lawyer. This prohibition, however, does not prevent a person who is neither ~~an LLTa LLLT~~ nor a lawyer from performing translation services. ~~APR 28(G)(21)~~.

[6] ~~An LLTA LLLT~~ may not provide services that exceed the scope of the LLLT's authority under APR 28. If an issue arises for which the client needs services that exceed the scope of the LLLT's authority, the LLLT must inform that client that the client should seek the services of a lawyer. ~~APR 28(G)(53)~~.

[7] ~~A document that is prepared by an LLLT for the client's signature shall include the LLLT's name, signature and license number beneath the signature of the client. APR 28(G)(5). [Reserved]~~

[8] Certain conduct and services are specifically prohibited to ~~an LLTa LLLT~~ by APR 28(H). ~~In the course of dealing with clients or prospective clients, an LLLT shall not: (a) make any statement that the LLLT can or will obtain special favors from or has special influence with any court or governmental agency; (b) retain any fees or costs for services not performed; (c) refuse to return documents supplied by, prepared by, or paid for by the client, upon the request of the client (the documents must be returned upon request even if there is a fee dispute between the LLLT and the client); (d) represent or advertise, in connection with the provision of services, other legal titles or credentials that could cause a client to believe that the LLLT possesses professional legal skills beyond those authorized by the license held by the LLLT; (e) represent a client in court proceedings, formal administrative adjudicative proceedings, or other formal dispute resolution process, unless permitted by GR 24; (f) negotiate a client's legal rights or responsibilities, or communicate with another person the client's position or convey to the client the position of another party; unless permitted by GR 24(b); (g) provide services to a client in connection with a legal matter in another state, unless permitted by the laws of that state to perform such services for the client; (h) represent or otherwise provide legal or law related services to a client, except as permitted by law, APR 28, or associated rules and regulations; or (i) otherwise violate these Rules.~~

### LLLT RPC 1.3 DILIGENCE

~~An LLTA LLLT~~ shall act with reasonable diligence and promptness in representing a client.

#### Comment

[1] Rule 1.3 was adapted from Lawyer RPC 1.3 with no substantive changes and applies to LLLTs analogously. ~~See also Comment [5] to Rule 1.2.~~

### LLLT RPC 1.4 COMMUNICATION

(a) ~~An LLLTA LLLT~~ shall:

- (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;
- (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- (3) keep the client reasonably informed about the status of the matter;
- (4) promptly comply with reasonable requests for information; and
- (5) consult with the client about any relevant limitation on the LLLT's conduct when the LLLT knows that the client expects assistance not permitted by the LLLT RPC or other law.

(b) ~~An LLLTA LLLT~~ shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

**Comment**

[1] Rule 1.4 was adapted from Lawyer RPC 1.4 with no substantive changes and applies to LLLTs analogously.

**LLLT RPC 1.5 FEES**

(a) ~~An LLLTA LLLT~~ shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses.—The factors to be considered in determining the reasonableness of a fee include the following:

- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the LLLT;
- (3) the fee customarily charged in the locality for similar legal services;
- (4) the amount involved and the results obtained;
- (5) the time limitations imposed by the client or by the circumstances;
- (6) the nature and length of the professional relationship with the client;

- (7) the experience, reputation, and ability of the LLLT or LLLTs performing the services;
- (8) whether the fee is fixed or hourly; and
- (9) the terms of the fee agreement between the LLLT and the client, including whether the fee agreement or confirming writing demonstrates that the client had received a reasonable and fair disclosure of material elements of the fee agreement and of the LLLT's billing practices.

(b) The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, in writing, before commencing the representation.— Upon the request of the client in any matter, the LLLT shall communicate to the client in writing the basis or rate of the fee.

(c) [Reserved.]

(d) ~~An LLLTA LLLT~~ shall not enter into an arrangement for, charge, or collect any fee, the payment or amount of which is contingent upon the outcome of the case.

(e) ~~An LLLTA LLLT~~ may not enter into an arrangement for the division of a fee with another LLLT or lawyer who is not in the same firm as the LLLT.

(f) Fees and expenses paid in advance of performance of services shall comply with Rule 1.15A, subject to the following exceptions:

(1) [Reserved.]

(2) ~~An LLLTA LLLT~~ may charge a flat fee for specified legal services, which constitutes complete payment for those services and is paid in whole or in part in advance of the LLLT providing the services.— A flat fee must be agreed to in advance in a writing signed by the client.— The written agreement may specify that the flat fee is the LLLT's property on receipt, in which case the fee shall not be deposited into a trust account under Rule 1.15A.— To qualify for the exception from the requirements of Rule 1.15A, the written fee agreement shall, in a manner that can easily be understood by the client, include the following: (i) the scope of the services to be provided; (ii) the total amount of the fee and the terms of payment; (iii) that the fee is the LLLT's property immediately on receipt and will not be placed into a trust account; (iv) that the fee agreement does not alter the client's right to terminate the client-LLLT relationship; and (v) that the client may be entitled to a refund of a portion of the fee if the agreed-upon legal services have not been completed.— A statement in substantially the following form satisfies this requirement:

[LLLT/law firm] agrees to provide, for a flat fee of \$\_\_\_\_\_, the following services: \_\_\_\_\_.— The flat

fee shall be paid as follows:  
\_\_\_\_\_.— Upon [LLLT's/law firm's] receipt of all or any portion of the flat fee, the funds are the property of [LLLT/law firm] and will not be placed in a trust account.— The fact that you have paid your fee in advance does not affect your right to terminate the client-LLLT relationship.— In the event our relationship is terminated before the agreed-upon legal services have been completed, you may or may not have a right to a refund of a portion of the fee.

- (3) In the event of a dispute relating to a fee under paragraph (f)(2) of this Rule, the LLLT shall take reasonable and prompt action to resolve the dispute.

### Comment

[1] Rule 1.5 was adapted from Lawyer RPC 1.5 with changes to reflect the limited scope of ~~an LLLTa~~ LLLT's authorized practice and special requirements imposed by APR 28. Otherwise, it applies to LLLTs analogously.

[2] ~~An LLLTA~~ LLLT, unlike a lawyer, is prohibited from entering into a contingent fee or retainer agreement with a client.— Lawyer RPC 1.5(c) and 1.5(f)(1) address contingent fees and retainers respectively.— Accordingly, paragraphs (c) and (f)(1) are reserved under this Rule. Reservation of such paragraphs, however, is not intended to prohibit ~~an LLLTa~~ LLLT from being apportioned a part of a fee earned by a lawyer under a contingent fee or retainer arrangement when the LLLT and the lawyer are associated in a for profit business relationship authorized under Rule 5.9.

[3] Under the circumstances specified in Lawyer RPC 1.5(e), a lawyer may agree to a division of a fee either with another lawyer who is not in the same firm or with an authorized lawyer referral service.— By contrast, paragraph (e) of this Rule categorically prohibits ~~an LLLTa~~ LLLT from dividing a fee.— ~~An LLLTA~~ LLLT may pay the usual charges of ~~an LLLTa~~ LLLT referral service. *See* Rule 7.2(e).

[4] Unlike a lawyer, ~~an LLLTa~~ LLLT is required by APR 28(G)(~~32~~) to enter into a written contract with the client before the LLLT begins to perform any services for a fee that includes, among other things, identification of all fees and costs to be charged to the client for the services to be performed.— The provisions concerning a flat fee described in (f)(2) of this Rule, if applicable, should be included in that contract.— The contract must be signed by both the client and the LLLT before the LLLT begins to perform any services for a fee.— ~~See Comment [2] to Rule 1.2 for other provisions that are to be included in the contract.~~

[5] ~~An LLLTA~~ LLLT is ordinarily prohibited from modifying the written contract with the client that is required by APR 28(G)(~~32~~).— Courts have applied the provisions of RPC 1.8(a) to modifications or renegotiations of fee arrangements by lawyers made during the representation of a client when the modified or renegotiated terms are more favorable to the lawyer than originally agreed upon.— *See, e.g., Valley/50th Ave., LLC. v. Stewart*, 159 Wn.2d 736, 743-44, 153 P.3d 186, 189 (2007); *Rafel Law Grp. PLLC v. Defoor*, 176 Wn.-App. 210, 223-24, 308 P.3d 767, 775 (2013), *review denied*, 179 Wn.2d 1011, 316 P.3d 495 (2014).— Under these

Rules, business transactions between LLLTs and clients are prohibited. *See* Rule 1.8(a). Accordingly, any changes in the basis or rate of ~~an LLLT's~~ LLLT's fee that benefit the LLLT must be identified in the initial contract. *—See also* Comment [8] to Rule 1.2.

### LLLT RPC 1.6 CONFIDENTIALITY OF INFORMATION

(a) ~~An LLLT~~ LLLT shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).

(b) ~~An LLLT~~ LLLT to the extent the LLLT reasonably believes necessary:

- (1) shall reveal information relating to the representation of a client to prevent reasonably certain death or substantial bodily harm;
- (2) may reveal information relating to the representation of a client to prevent the client from committing a crime;
- (3) may reveal information relating to the representation of a client to prevent, mitigate, or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the LLLT's services;
- (4) may reveal information relating to the representation of a client to secure legal advice about the LLLT's compliance with these Rules;
- (5) may reveal information relating to the representation of a client to establish a claim or defense on behalf of the LLLT in a controversy between the LLLT and the client, to establish a defense to a criminal charge or civil claim against the LLLT based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the LLLT's representation of the client;
- (6) may reveal information relating to the representation of a client to comply with a court order; or
- (7) may reveal information relating to the representation of a client to inform a tribunal about any breach of fiduciary responsibility when the client is serving as a court appointed fiduciary such as a guardian, personal representative, or receiver.

**Comment**

[1] Rule 1.6 was adapted from Lawyer RPC 1.6 with no substantive changes and applies to LLLTs analogously.

[2] Under APR 28(K)(3) the Washington law of attorney-client privilege extends to LLLTs “to the same extent as it would apply to an attorney-client relationship.” In communicating the existence or scope of this privilege to a client, a LLLT must take steps to ensure that the client understands the LLLTs role and to avoid any impression that—the LLLT is serving as a lawyer in the matter.

### **LLLT RPC 1.7 CONFLICT OF INTEREST: CURRENT CLIENTS**

(a) Except as provided in paragraph (b), ~~an LLLT~~ LLLT shall not represent a client if the representation involves a concurrent conflict of interest.—A concurrent conflict of interest exists if:

- (1) the representation of one client will be directly adverse to another client; or
- (2) there is a significant risk that the representation of one or more clients will be materially limited by the LLLT's responsibilities to another client, a former client, or a third person or by a personal interest of the LLLT.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), ~~an LLLT~~ LLLT may represent a client if:

- (1) the LLLT reasonably believes that the LLLT will be able to provide competent and diligent representation to each affected client;
- (2) the representation is not prohibited by law;
- (3) the representation does not involve the assertion of a claim by one client against another client represented by the LLLT with respect to the same litigation or other proceeding before a tribunal; and
- (4) each affected client gives informed consent, confirmed in writing (following authorization from the other client to make any required disclosures).

#### **Comment**

[1] Rule 1.7 was adapted from Lawyer RPC 1.7 with no substantive changes and applies to LLLTs analogously.

[2] Under no circumstances may ~~an LLLT~~ LLLT represent more than one party in any domestic relations matter.—See Appendix APR 28 Regulation 2.

### **LLLT RPC 1.8 CONFLICT OF INTEREST:—CURRENT CLIENTS:—SPECIFIC RULES**

- (a) ~~An LLLTA~~ LLLT shall not enter into a business transaction with a current client.
- (b) ~~An LLLTA~~ LLLT shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by these Rules.
- (c) ~~An LLLTA~~ LLLT shall not solicit any substantial gift from a client, including a testamentary gift, or prepare on behalf of the client an instrument giving the LLLT or a person related to the LLLT any substantial gift unless the LLLT or other recipient of the gift is related to the client. For purposes of this paragraph, related persons include spouse, child, grandchild, parent, grandparent or other relative or individual with whom the LLLT or the client maintains a close, familial relationship.
- (d) Prior to the conclusion of representation of a client, ~~an LLLTa~~ LLLT shall not make or negotiate an agreement giving the LLLT literary or media rights to a portrayal or account based in substantial part on information relating to the representation.
- (e) ~~An LLLTA~~ LLLT shall not, while representing a client in connection with contemplated or pending litigation, advance or guarantee financial assistance to a client, except that:
  - (1) ~~an LLLTa~~ LLLT may advance or guarantee the expenses of litigation, including court costs, expenses of investigation, expenses of medical examination, and costs of obtaining and presenting evidence, provided the client remains ultimately liable for such expenses.
  - (2) [Reserved.]
- (f) ~~An LLLTA~~ LLLT shall not accept compensation for representing a client from one other than the client unless:
  - (1) the client gives informed consent;
  - (2) there is no interference with the LLLT's independence of professional judgment or with the client-LLLT relationship; and
  - (3) information relating to representation of a client is protected as required by Rule 1.6.
- (g) [Reserved.]
- (h) ~~An LLLTA~~ LLLT shall not:
  - (1) make an agreement prospectively limiting the LLLT's liability to a client for malpractice; or



- (2) settle a claim or potential claim for such liability with an unrepresented client or former client unless that person is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of an independent lawyer in connection therewith.

(i) ~~An LLLTA LLLT~~ shall not acquire a proprietary interest in the cause of action or subject matter of litigation in which the LLLT is assisting a client.

(j) ~~An LLLTA LLLT~~ shall not:

- (1) have sexual relations with a current client of the LLLT unless a consensual sexual relationship existed between them at the time the client-LLLT relationship commenced; or
- (2) have sexual relations with a representative of a current client if the sexual relations would, or would likely, damage or prejudice the client in the representation.
- (3) For purposes of Rule 1.8(j), "LLLT" means any LLLT who assists in the representation of the client, but does not include other LLLT members of a firm with which the LLLT is associated if those other LLLTs provide no such assistance.

(k) Except as otherwise provided in these Rules,

- (1) while LLLTs are associated in a firm with other LLLTs, a prohibition in the foregoing paragraphs (a) through (i) that applies to any one of them shall apply to all of them; and
- (2) while LLLTs and lawyers are associated in a firm, the prohibitions in Lawyer RPC 1.8(a) through (i) that apply to any lawyer shall apply to any LLLT, and the prohibitions in the foregoing paragraphs (a), (h), and (i) shall not apply to any lawyers unless the conduct is otherwise prohibited by the Lawyer RPC.

(l) ~~An LLLTA LLLT~~ who is related to another LLLT or a lawyer as parent, child, sibling, or spouse, or who has any other close familial or intimate relationship with another LLLT or lawyer, shall not represent a client in a matter directly adverse to a person who the LLLT knows is represented by the related LLLT or lawyer unless:

- (1) the client gives informed consent to the representation; and
- (2) the representation is not otherwise prohibited by Rule 1.7.

(m) [Reserved.]

## Comment

- [1] This Rule was adapted from Lawyer RPC 1.8 with modifications described in these Comments.—\_Otherwise, it applies to LLLTs analogously.
- [2] Under limited and defined circumstances, Lawyer RPC 1.8(a) permits a lawyer to enter into a business transaction with a client, or to acquire a property interest adverse to a client.—\_Because of the limitations on the scope of ~~an LLLTa~~ LLLT's authorized practice, the analysis and disclosures that suffice under Lawyer RPC 1.8(a) to enable a lawyer to enter into such a transaction despite the existence of a conflict of interest are not feasible in the client-LLLT relationship. For this reason, LLLT RPC 1.8(a) strictly prohibits ~~an LLLTa~~ LLLT from entering into any business transaction with a current client.
- [3] ~~LLLTs may not advocate for, or appear in court on behalf of, a client.~~—\_LLLTs will have no role in class action litigation and Rule 1.8(e)(2) is accordingly reserved in this Rule.—\_LLLT RPC 1.8(e) does not authorize activities that are beyond the scope of the LLLT's limited license.—\_Nothing in Rule 1.8(e) is intended to prohibit lawyer members of a firm with which ~~an LLLTa~~ LLLT is associated from engaging in conduct permitted by Lawyer RPC 1.8(e)(2).
- [4] Rule 1.8(g) is reserved.—\_LLLTs ~~are not permitted to do not~~ engage in the making of aggregate settlements, or aggregated agreements as to guilty or nolo contendere pleas in criminal cases.—\_Nothing in Rule 1.8(g) is intended to prohibit lawyer members of a firm with which ~~an LLLTa~~ LLLT is associated from participating in such settlements if permitted by the Lawyer RPC.
- [5] Unlike a lawyer, ~~an LLLTa~~ LLLT is strictly prohibited by Rule 1.8(h)(1) from making any agreement that prospectively limits the LLLT's liability to the client for malpractice.
- [6] A client or former client of ~~an LLLTa~~ LLLT who is not represented by a lawyer is unrepresented for purposes of Rule 1.8(h)(2).
- [7] Unlike a lawyer, ~~an LLLTa~~ LLLT is prohibited by Rule 1.8(i) from acquiring any proprietary interest in a client's cause of action or the subject matter of litigation.
- [8] If one LLLT or lawyer in a firm has a conflict of interest specified under this Rule, other LLLTs and lawyers in the firm may, under some circumstances, have the same conflict of interest or be subject to the same prohibition.—\_This is called imputation of a conflict of interest.—\_Similarly, in a firm that includes both LLLTs and lawyers, a conflict of interest of a lawyer will, under some circumstances, be imputed to ~~an LLLTa~~ LLLT in the firm.—\_Rule 1.8(k) describes the imputations of Rule 1.8 conflicts in a firm.

[9] Rule 1.8(m) is reserved. LLLTs are not permitted to engage in the scope of practice anticipated by Lawyer RPC 1.8(m).—The reservation of Rule 1.8(m) in these Rules is not intended to prohibit lawyer members of a firm with which ~~an~~ LLLT LLLT is associated from engaging in the scope of practice described in Rule 1.8(m) of the Lawyer RPC.

### **LLLT RPC 1.9 DUTIES TO FORMER CLIENTS**

(a) ~~An LLLT~~ LLLT who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.

(b) ~~An LLLT~~ LLLT shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the LLLT formerly was associated had previously represented a client

(1) whose interests are materially adverse to that person; and

(2) about whom that LLLT had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter; unless the former client gives informed consent, confirmed in writing.

(c) ~~An LLLT~~ LLLT who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:

(1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or

(2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.

#### **Comment**

[1] Rule 1.9 was adapted from Lawyer RPC 1.9 with no substantive changes and applies to LLLTs analogously.

### **LLLT RPC 1.10 IMPUTATION OF CONFLICTS OF INTEREST:—GENERAL RULE**

(a) Except as provided in paragraph (e), while LLLTs are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7 or 1.9, unless the prohibition is based on a personal interest of the disqualified LLLT and does not present a significant risk of materially limiting the representation of the client by the remaining LLLTs in the firm.

(b) When ~~an LLLT~~ a LLLT has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated LLLT and not currently represented by the firm, unless:

- (1) the matter is the same or substantially related to that in which the formerly associated LLLT represented the client; and
- (2) any LLLT remaining in the firm has information that is material to the matter and that is protected by Rules 1.6 and 1.9(c).

(c) A disqualification prescribed by this Rule may be waived by the affected client under the conditions stated in Rule 1.7.

(d) The disqualification of LLLTs associated in a firm with former or current government LLLTs is governed by Rule 1.11.

(e) When the prohibition on representation under paragraph (a) is based on Rule 1.9(a) or

(b) —and arises out of the disqualified LLLT's association with a prior firm, no other LLLT in the firm shall knowingly represent a person in a matter in which that LLLT is disqualified unless:

- (1) the personally disqualified LLLT is screened by effective means from participation in the matter and is apportioned no part of the fee therefrom;
- (2) the former client of the personally disqualified LLLT receives notice of the conflict and the screening mechanism used to prohibit dissemination of information relating to the former representation;
- (3) the firm is able to demonstrate by convincing evidence that no material information relating to the former representation was transmitted by the personally disqualified LLLT before implementation of the screening mechanism and notice to the former client.

Any presumption that information protected by Rules 1.6 and 1.9(c) has been or will be transmitted may be rebutted if the personally disqualified LLLT serves on his or her former firm and former client an affidavit attesting that the personally disqualified LLLT will not participate in the matter and will not discuss the matter or the representation with any other LLLT or employee of his or her current firm, and attesting that during the period of the LLLT's personal disqualification those LLLTs, or employees who do participate in the matter will be apprised that the personally disqualified LLLT is screened from participating in or discussing the matter.—Such affidavit shall describe the procedures being used effectively to screen the personally disqualified LLLT.—Upon request of the former client, such affidavit shall be updated periodically to show actual

compliance with the screening procedures.—The firm, the personally disqualified LLLT, or the former client may seek judicial review in a court of general jurisdiction of the screening mechanism used, or may seek court supervision to ensure that implementation of the screening procedures has occurred and that effective actual compliance has been achieved.

(f) When LLLTs and lawyers are associated in a firm, a lawyer's conflict of interest under Lawyer RPC 1.7 or Lawyer RPC 1.9 is imputed to LLLTs in the firm in the same way as conflicts are imputed to LLLTs under this Rule.—Each of the other provisions of this Rule also applies in the same way when lawyer conflicts are imputed to LLLTs in the firm.

### Comment

[1] Rule 1.10 was adapted from Lawyer RPC 1.10 with no substantive changes except to reflect the fact that LLLTs and lawyers may practice in a firm together.—The general rules concerning imputation of conflicts of interest apply to LLLTs and firms in which both LLLTs and lawyers are associated analogously.

### LLLT RPC 1.11 SPECIAL CONFLICTS OF INTEREST FOR FORMER AND CURRENT GOVERNMENT OFFICERS AND EMPLOYEES

(a) Except as law may otherwise expressly permit, ~~an LLLT~~ an LLLT who has formerly served as a public officer or employee of the government:

- (1) is subject to Rule 1.9(c); and
- (2) shall not otherwise represent a client in connection with a matter in which the LLLT participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation.

(b) When ~~an LLLT~~ an LLLT or lawyer is disqualified from representation under paragraph (a) of this Rule or Lawyer RPC 1.11, no LLLT in a firm with which that LLLT or lawyer is associated may knowingly undertake or continue representation in such a matter unless:

- (1) the disqualified LLLT or lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and
- (2) written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this Rule.

(c) Except as law may otherwise expressly permit, ~~an LLLT~~ an LLLT having information that the LLLT knows is confidential government information about a person acquired when the LLLT was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. As used in this Rule the term "confidential government

information" means information that has been obtained under governmental authority and which, at the time this Rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose and which is not otherwise available to the public.—A firm with which that LLLT is associated may undertake or continue representation in the matter only if the disqualified LLLT is screened from any participation in the matter and is apportioned no part of the fee therefrom.

(d) Except as law may otherwise expressly permit, ~~an LLLT~~ an LLLT currently serving as a public officer or employee:

(1) is subject to Rules 1.7 and 1.9; and

(2) shall not:

(i) participate in a matter in which the LLLT participated personally and substantially while in private practice or nongovernmental employment, unless the appropriate government agency gives its informed consent, confirmed writing; or

(ii) negotiate for private employment with any person who is involved as a party or as LLLT for a party in a matter in which the LLLT is participating personally and substantially, except that ~~an LLLT~~ an LLLT who may otherwise be serving as a law clerk to a judge, other adjudicative officer or arbitrator may negotiate for private employment as permitted by Rule 1.12(b) and subject to the conditions stated in Rule 1.12(b).

(e) As used in this Rule, the term "matter" includes:

(1) any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties; and

(2) any other matter covered by the conflict of interest rules of the appropriate government agency.

### **Comment**

[1] Rule 1.11 was adapted from Lawyer RPC 1.11 with no substantive changes except to reflect the fact that LLLTs and lawyers may practice in a firm together.—This Rule applies to LLLTs and firms in which both LLLTs and lawyers are associated analogously.

### **LLLT RPC 1.12 FORMER JUDGE, ARBITRATOR, MEDIATOR OR OTHER THIRD-PARTY NEUTRAL**

(a) Except as stated in paragraph (d), ~~an LLLT~~ LLLT shall not represent anyone in connection with a matter in which the LLLT participated personally and substantially as a judge or other adjudicative officer or law clerk to such a person or as an arbitrator, mediator, or other third-party neutral, unless all parties to the proceeding give informed consent confirmed in writing.

(b) ~~An LLLT~~ LLLT shall not negotiate for employment with any person who is involved as a party or as LLLT for a party in a matter in which the LLLT is participating personally and substantially as a judge or other adjudicative officer or as an arbitrator, mediator, or other third-party neutral. ~~An LLLT~~ LLLT serving as a law clerk to a judge or other adjudicative officer may negotiate for employment with a party or LLLT involved in a matter in which the clerk is participating personally and substantially, but only after the LLLT has notified the judge or other adjudicative officer.

(c) If ~~an LLLT~~ LLLT or lawyer is disqualified by paragraph (a) of this Rule or Lawyer RPC 1.12, no LLLT in a firm with which that LLLT or lawyer is associated may knowingly undertake or continue representation in the matter unless:

- (1) the disqualified LLLT or lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and
- (2) written notice is promptly given to the parties and any appropriate tribunal to enable them to ascertain compliance with the provisions of this Rule.

(d) An arbitrator selected as a partisan of a party in a multimember arbitration panel is not prohibited from subsequently representing that party.

#### **Comment**

[1] Rule 1.12 was adapted from Lawyer RPC 1.12 with no substantive changes.— This Rule applies to LLLTs and firms in which both LLLTs and lawyers are associated analogously.

### **LLLT RPC 1.13**

[Reserved]

#### **Comment**

[1] At present, the authorized scope of LLLT practice does not contemplate representation of an organization.

### **LLLT RPC 1.14 CLIENT WITH DIMINISHED CAPACITY**

(a) When a client's capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the LLLT shall, as far as reasonably possible, maintain a normal client-LLLT relationship with the client.

(b) When the LLLT reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial, or other harm unless action is taken and cannot adequately act in the client's own interest, the LLLT may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client. In taking any protective action under this Rule, the LLLT shall not exceed the LLLT's authorized scope of practice.

(c) Information relating to the representation of a client with diminished capacity is protected by Rule 1.6.—When taking protective action pursuant to paragraph (b), the LLLT is impliedly authorized under Rule 1.6(a) to reveal information about the client, but only to the extent reasonably necessary to protect the client's interests.

### **Comment**

[1] Rule 1.14 was adapted from Lawyer RPC 1.14 with no substantive changes except in Rule 1.14(b).—Otherwise, this Rule applies to LLLTs analogously.

[2] Unlike Lawyer RPC 1.14, Rule 1.14(b) does not suggest seeking the appointment of a guardian ad litem, conservator or guardian.—Those actions contemplate court appearances and knowledge of multiple areas of law which may exceed the authorized scope of ~~an LLLTa~~ LLLT's practice.—Accordingly, that language from Lawyer Rule 1.14(b) has been omitted from this Rule.

[3] Protective action taken by ~~an LLLTa~~ LLLT under paragraph (b) of this Rule may include obtaining the services of a lawyer.—~~An LLLTA~~ LLLT should proceed cautiously when independently undertaking protective action on behalf of a person with diminished capacity, and the LLLT should carefully evaluate and weigh all the circumstances and options.—For a discussion of potential protective actions and relevant considerations, see Lawyer RPC 1.14, Comments [5] - [7].

### **LLLT RPC 1.15A SAFEGUARDING PROPERTY**

(a) This Rule applies to property of clients or third persons in ~~an LLLTa~~ LLLT's possession in connection with a representation.

(b) ~~An LLLTA~~ LLLT must not use, convert, borrow, or pledge client or third person property for the LLLT's own use.

(c) ~~An LLLTA~~ LLLT must hold property of clients and third persons separate from the LLLT's own property.

(1) ~~An LLLTA~~ LLLT must deposit and hold in a trust account funds subject to this Rule pursuant to paragraph (h) of this Rule.

(2) Except as provided in Rule 1.5(f), and subject to the requirements of paragraph (h) of this Rule, ~~an LLLTa~~ LLLT shall deposit into a trust account legal fees and



expenses that have been paid in advance, to be withdrawn by the LLLT only as fees are earned or expenses incurred.

(3)– ~~An LLLTA LLLT~~ must identify, label, and appropriately safeguard any property of clients or third persons other than funds.—The LLLT must keep records of such property that identify the property, the client or third person, the date of receipt, and the location of safekeeping.—The LLLT must preserve the records for seven years after return of the property.

(d) ~~An LLLTA LLLT~~ must promptly notify a client or third person of receipt of the client or third person's property.

(e) ~~An LLLTA LLLT~~ must promptly provide a written accounting to a client or third person after distribution of property or upon request.—~~An LLLTA LLLT~~ must provide at least annually a written accounting to a client or third person for whom the LLLT is holding funds.

(f) Except as stated in this Rule, ~~an LLLTa LLLT~~ must promptly pay or deliver to the client or third person the property which the client or third person is entitled to receive.

(g) If ~~an LLLTa LLLT~~ possesses property in which two or more persons (one of which may be the LLLT) claim interests, the LLLT must maintain the property in trust until the dispute is resolved.—The LLLT must promptly distribute all undisputed portions of the property.—The LLLT must take reasonable action to resolve the dispute.

(h) ~~An LLLTA LLLT~~ must comply with the following for all trust accounts:

(1) No funds belonging to the LLLT may be deposited or retained in a trust account except as follows:

(i) funds to pay bank charges, but only in an amount reasonably sufficient for that purpose;

(ii) funds belonging in part to a client or third person and in part presently or potentially to the LLLT must be deposited and retained in a trust account, but any portion belonging to the LLLT must be withdrawn at the earliest reasonable time; or

(iii) funds necessary to restore appropriate balances.

(2) ~~An LLLTA LLLT~~ must keep complete records as required by Rule 1.15B.

(3) ~~An LLLTA LLLT~~ may withdraw funds when necessary to pay client costs.—The LLLT may withdraw earned fees only after giving reasonable notice to the client of the intent to do so, through a billing statement or other document.

(4) Receipts must be deposited intact.

- (5) All withdrawals must be made only to a named payee and not to cash. Withdrawals must be made by check or by electronic transfer.
- (6) Trust account records must be reconciled as often as bank statements are generated or at least quarterly.—The LLLT must reconcile the check register balance to the bank statement balance and reconcile the check register balance to the combined total of all client ledger records required by Rule 1.15B(a)(2).
- (7) ~~An LLLTA LLLT~~ must not disburse funds from a trust account until deposits have cleared the banking process and been collected, unless the LLLT and the bank have a written agreement by which the LLLT personally guarantees all disbursements from the account without recourse to the trust account.
- (8) Disbursements on behalf of a client or third person may not exceed the funds of that person on deposit.—The funds of a client or third person must not be used on behalf of anyone else.
- (9) Only ~~an LLLTa LLLT~~ or a lawyer admitted to practice law may be an authorized signatory on the account.—If ~~an LLLTa LLLT~~ is associated in a practice with one or more lawyers, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.

(i) Trust accounts must be interest-bearing and allow withdrawals or transfers without any delay other than notice periods that are required by law or regulation and meet the requirements of ~~LLLT RECEL~~C 15.7(d) and ~~LLLT REC 15.7~~(e).—In the exercise of ordinary prudence, ~~an LLLTa LLLT~~ may select any financial institution authorized by the Legal Foundation of Washington (Legal Foundation) under ~~LLLT RECEL~~C 15.7(c).—In selecting the type of trust account for the purpose of depositing and holding funds subject to this Rule, ~~an LLLTa LLLT~~ shall apply the following criteria:

- (1) When client or third-person funds will not produce a positive net return to the client or third person because the funds are nominal in amount or expected to be held for a short period of time the funds must be placed in a pooled interest-bearing trust account known as an Interest on Limited License Legal Technician's Trust Account or IOLTA.—The interest earned on IOLTA accounts shall be paid to, and the IOLTA program shall be administered by, the Legal Foundation of Washington in accordance with ~~LLLT RECEL~~LTC 15.4 and ~~LLLT RECEL~~C-15.7(e).
- (2) Client or third-person funds that will produce a positive net return to the client or third person must be placed in one of the following two types of non-IOLTA trust accounts, unless the client or third person requests that the funds be deposited in an IOLTA account:

- (i) a separate interest-bearing trust account for the particular client or third person with earned interest paid to the client or third person; or
  - (ii) a pooled interest-bearing trust account with sub-accounting that allows for computation of interest earned by each client or third person's funds with the interest paid to the appropriate client or third person.
- (3) In determining whether to use the account specified in paragraph (i)(1) or an account specified in paragraph (i)(2), ~~an LLLT~~ LLLT must consider only whether the funds will produce a positive net return to the client or third person, as determined by the following factors:
- (i) the amount of interest the funds would earn based on the current rate of interest and the expected period of deposit;
  - (ii) the cost of establishing and administering the account, including the cost of the LLLT's services and the cost of preparing any tax reports required for interest accruing to a client or third person's benefit; and
  - (iii) the capability of financial institutions to calculate and pay interest to individual clients or third persons if the account in paragraph (i)(2)(ii) is used.
- (4) The provisions of paragraph (i) do not relieve ~~an LLLT~~ LLLT or law firm from any obligation imposed by these Rules or the ~~LLLT REC~~ ELLTTC.

~~(i)?~~

**Comment**

[1] Rule 1.15A was adapted from Lawyer RPC 1.15A with no substantive changes except to reflect limitations on the authorized scope of ~~an LLLT~~ LLLT's practice.—\_Otherwise, this Rule applies to LLLTs analogously.—\_The Comments to Lawyer RPC 1.15A provide important guidance to the correct interpretation and application of this Rule.

[2] Lawyer RPC 1.15A(a) contemplates that lawyers may act as escrow agents for the closing of a purchase and sale of real estate or personal property, a practice area that is not contemplated by APR 28.—\_Accordingly, there is no counterpart in this Rule to Lawyer RPC 1.15A(a)(2).

**LLLT RPC 1.15B REQUIRED TRUST ACCOUNT RECORDS**

(a) ~~An LLLT~~ LLLT must maintain current trust account records.—\_They may be in electronic or manual form and must be retained for at least seven years after the events they record.—\_At minimum, the records must include the following:

- (1) Checkbook register or equivalent for each trust account, including entries for all receipts, disbursements, and transfers, and containing at least:

- (i) identification of the client matter for which trust funds were received, disbursed, or transferred;
  - (ii) the date on which trust funds were received, disbursed, or transferred;
  - (iii) the check number for each disbursement;
  - (iv) the payor or payee for or from which trust funds were received, disbursed, or transferred; and
  - (v) the new trust account balance after each receipt, disbursement, or transfer;
- (2) Individual client ledger records containing either a separate page for each client or an equivalent electronic record showing all individual receipts, disbursements, or transfers, and also containing:
  - (i) identification of the purpose for which trust funds were received, disbursed, or transferred;
  - (ii) the date on which trust funds were received, disbursed or transferred;
  - (iii) the check number for each disbursement;
  - (iv) the payor or payee for or from which trust funds were received, disbursed, or transferred; and
  - (v) the new client fund balance after each receipt, disbursement, or transfer;
- (3) Copies of any agreements pertaining to fees and costs;
- (4) Copies of any statements or accountings to clients or third parties showing the disbursement of funds to them or on their behalf;
- (5) Copies of bills for legal fees and expenses rendered to clients;
- (6) of invoices, bills, or other documents supporting all disbursements or transfers from the trust account;
- (7) Bank statements, copies of deposit slips, and cancelled checks or their equivalent;
- (8) Copies of all trust account bank and client ledger reconciliations; and

- (9) Copies of those portions of clients' files that are reasonably necessary for a complete understanding of the financial transactions pertaining to them.

(b) Upon any change in the LLLT's practice affecting the trust account, including dissolution or sale of a law firm or other entity, or suspension or other change in membership status, the LLLT must make appropriate arrangements for the maintenance of the records specified in this Rule.

**Comment**

[1] Rule 1.15B was adapted from Lawyer RPC 1.15B with no substantive changes and applies to LLLTs analogously.

**LLLT RPC 1.16 DECLINING OR TERMINATING REPRESENTATION**

(a) ~~An LLLTA~~ LLLT shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

- (1) the representation will result in violation of these Rules or other law;
- (2) the LLLT's physical or mental condition materially impairs the LLLT's ability to represent the client; or
- (3) the LLLT is discharged.

(b) ~~An LLLTA~~ LLLT may withdraw from representing a client if:

- (1) withdrawal can be accomplished without material adverse effect on the interests of the client;
- (2) the client persists in a course of action involving the LLLT's services that the LLLT reasonably believes is criminal or fraudulent;
- (3) the client has used the LLLT's services to perpetrate a crime or fraud;
- (4) the client insists upon taking action that the LLLT considers repugnant or with which the LLLT has a fundamental disagreement;
- (5) the client fails substantially to fulfill an obligation to the LLLT regarding the LLLT's services and has been given reasonable warning that the LLLT will withdraw unless the obligation is fulfilled;
- (6) the representation will result in an unreasonable financial burden on the LLLT or has been rendered unreasonably difficult by the client; or
- (7) other good cause for withdrawal exists.

(c) [Reserved.]

(d) Upon termination of representation, ~~an LLLT~~ LLLT shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of a lawyer or another LLLT, surrendering papers and property to which the client is entitled, and refunding any advance payment of fee that has not been earned or incurred.

### Comment

[1] This Rule was adapted from Lawyer RPC 1.16 with no substantive changes except to reflect the limited scope of representation that LLLTs provide to pro se clients. ~~are not authorized to represent clients in court or to advocate for clients. For this reason, paragraph (c) is reserved and references to litigation or proceedings before a tribunal that appear in Lawyer RPC 1.16 do not apply and have been omitted from this Rule.~~ Otherwise, this Rule applies to LLLTs analogously.

### LLLT RPC 1.17 SALE OF LAW PRACTICE

~~An LLLT~~ LLLT, firm of LLLTs, or a law firm with which one or more LLLTs are associated may sell or purchase a law practice, or an area of law practice, including good will, if the following conditions are satisfied:

(a) [Reserved.]

(b) The entire practice, or the entire area of practice, is sold to one or more LLLTs, lawyers, LLLT firms or law firms;

(c) The seller gives written notice to each of the seller's clients regarding:

(1) the proposed sale;

(2) the client's right to retain a lawyer or another LLLT or to take possession of the file; and

(3) the fact that the client's consent to the transfer of the client's files will be presumed if the client does not take any action or does not otherwise object within ninety (90) days of receipt of the notice.— If a client cannot be given notice, the representation of that client may be transferred to the purchaser only upon entry of an order so authorizing by a court having jurisdiction.— The seller may disclose to the court in camera information relating to the representation only to the extent necessary to obtain an order authorizing the transfer of a file.

(d) The ~~legal fees and LLLT fees~~ fees charged clients shall not be increased by reason of the sale.

## Comment

[1] This Rule was adapted from Lawyer RPC 1.17 with no substantive changes except to reflect that ~~an LLLT~~ LLLT may practice in the same firm with one or more lawyers. Otherwise, this Rule applies to LLLTs analogously.

### LLLT RPC 1.18 DUTIES TO PROSPECTIVE CLIENT

(a) A person who discusses with ~~an LLLT~~ LLLT the possibility of forming a client-LLLT relationship with respect to a matter is a prospective client.

(b) Even when no client-LLLT relationship ensues, ~~an LLLT~~ LLLT who has had discussions with a prospective client shall not use or reveal information learned in the consultation, except as Rule 1.9 would permit with respect to information of a former client or except as provided in paragraph (e).

(c) ~~An LLLT~~ LLLT subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the LLLT received information from the prospective client that could be significantly harmful to that person in the matter, except as provided in paragraph (d) or (e). If ~~an LLLT~~ LLLT or lawyer is disqualified from representation under this paragraph or Lawyer RPC 1.18(c), no LLLT in a firm with which that LLLT or lawyer is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d) or, with respect to lawyers, Lawyer RPC 1.18(d).

(d) When the LLLT has received disqualifying information as defined in paragraph (c), representation is permissible if:

- (1) both the affected client and the prospective client have given informed consent, confirmed in writing, or:
- (2) the LLLT who received the information took reasonable measures to avoid exposure to more disqualifying information than was reasonably necessary to determine whether to represent the prospective client; and
  - (i) the disqualified LLLT is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and
  - (ii) written notice is promptly given to the prospective client.

(e) ~~An LLLT~~ LLLT may condition conversations with a prospective client on the person's informed consent that no information disclosed during the consultation will prohibit the LLLT from representing a different client in the matter.—The prospective client may also expressly consent to the LLLT's subsequent use of information received from the prospective client.

## Comment

[1] This Rule was adapted from Lawyer RPC 1.18 with no substantive changes except to reflect that LLLTs and lawyers may practice in the same firm.—It applies to LLLTs and to firms in which both LLLTs and lawyers are associated analogously.

[2] The Comments to Lawyer RPC 1.18 offer valuable guidance to the correct interpretation and application of this Rule. In particular, Comment 2 to Lawyer RPC 1.18 explains application of this Rule to unsolicited and unilateral communications of information from a person who does not have a reasonable expectation that the LLLT is willing to discuss the possibility of forming a client-LLLT relationship.

## **TITLE 2.—COUNSELOR**

### **LLLT RPC 2.1 ADVISOR**

In representing a client, ~~an LLLT~~ a LLLT shall exercise independent professional judgment and render candid advice.—In rendering advice, ~~an LLLT~~ a LLLT may refer not only to law but to other considerations, such as moral, economic, social and political factors, that may be relevant to the client's situation.

#### **Comment**

[1] This Rule was adapted from Lawyer RPC 2.1 with no substantive changes and applies to LLLTs analogously.

[2] This Rule and its requirement regarding the exercise of independent professional judgment do not expand the limitations on the authorized scope of ~~an LLLT~~ a LLLT's practice under APR 28(H) and related regulations.

**LLLT RPC 2.2** [Reserved]

**LLLT RPC 2.3** [Reserved]

#### **Comment**

[1] Lawyer RPC 2.3 pertains to a lawyer providing an evaluation of a matter affecting a client for the use of someone other than the client. ~~Unlike lawyers, LLLTs are not authorized to communicate the client's position to third parties. Drafting an opinion letter for the purposes of its use with a third party is the same as communicating the client's position to a third party and is prohibited by APR 28(H)(6).—If the need for an evaluation arises in a LLLT's authorized scope of practice under APR 28, a LLLT should look to lawyer RPC 2.3 for guidance. Accordingly, this Rule is reserved.~~

### **LLLT RPC 2.4 LLLT SERVING AS THIRD-PARTY NEUTRAL**



(a) ~~An LLLTA LLLT~~ serves as a third-party neutral when the LLLT assists two or more persons who are not clients of the LLLT to reach a resolution of a dispute or other matter that has arisen between them.—Service as a third-party neutral may include service as an arbitrator, a mediator, or in such other capacity as will enable the LLLT to assist the parties to resolve the matter.

(b) ~~An LLLTA LLLT~~ serving as a third-party neutral shall inform unrepresented parties that the LLLT is not representing them.—When the LLLT knows or reasonably should know that a party does not understand the LLLT's role in the matter, the LLLT shall explain the difference between the LLLT's role as a third-party neutral and ~~an LLLTa LLLT~~'s role as one who represents a client.

### Comment

[1] This Rule was adapted from Lawyer RPC 2.4 with no substantive changes and applies to LLLTs analogously.

## TITLE 3.—ADVOCATE

### LLLT RPC 3.1 ADVISING AND ASSISTING CLIENTS IN PROCEEDINGS BEFORE A TRIBUNAL

(a) In a matter reasonably related to a pending or potential proceeding before a tribunal, ~~an LLLTa LLLT~~ shall not engage, counsel a client to engage, or assist a client, in conduct involving:

- (1) an abuse of legal procedure, including asserting or controverting a position that is frivolous or lacks a good faith basis in law and fact;
- (2) delay of a proceeding without reasonable and substantial purpose;
- (3) submission of a false statement of fact or law to a tribunal or offering evidence known to be false;
- (4) obstruction of another party's access to evidence or the unlawful alteration, destruction, or concealment of a document or other material having potential evidentiary value;
- (5) falsification of evidence or assisting or inducing false testimony of a witness;
- (6) knowingly disobeying an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.; or

- (7) making frivolous discovery requests or failing to reasonably comply with legally proper discovery requests of an opposing party.

(b) ~~An LLLTA LLLT~~ shall not seek to influence a judge, juror, prospective juror, or other official by means prohibited by law, communicate ex parte with such an individual unless authorized to do so by law or court order, or engage in conduct intended to disrupt a tribunal. ~~An LLLTA LLLT~~ shall not counsel or assist a client or another person to do such an act.

## Comment

[1] This Rule is substantially different from Lawyer RPC 3.1 because the role of the LLLT as an advocate is limited. LLLTs are not authorized to represent clients in the proceedings of a tribunal trials. Title 3 of the Lawyer RPC addresses a lawyer's duties as an advocate when representing a client in the proceedings of a tribunal. Because APR 28(H)(5) expressly prohibits an LLLT from representing a client in a court or administrative adjudicative proceeding (unless permitted by GR 24), the Title 3 Rules do not apply directly to the conduct of LLLTs. Nevertheless, a number of the ethical principles located in Title 3 address conduct in connection with a proceeding that would be improper and repugnant whether engaged in by a lawyer or a party. In many instances, an LLLT will be providing assistance to a client who is a party to a court proceeding. In providing such assistance, a LLLT may be authorized within the scope of a specific practice area to accompany and assist a pro se client in certain proceedings. Assistance may include responding to factual and procedural questions from a tribunal. For this reason, as As a member of the legal profession, an LLLT is ethically bound to avoid ~~advising or assisting a client in~~ conduct that undermines the integrity of the adjudicative process or threatens the fair and orderly administration of justice. ~~As applied to the indirect conduct of LLLTs, the ethical proscriptions of Lawyer RPC 3.1, 3.2, 3.3, and 3.4 are less nuanced. Accordingly, they have been consolidated within Rule 3.1(a) as a prohibition on counseling or assisting the client in such activities. Conduct relating to the impartiality and decorum of a tribunal, Lawyer RPC 3.5, should be prohibited whether engaged in by an LLLT a LLLT directly or indirectly, and is separately addressed in paragraph (b) of this Rule. Although less comprehensive than Title 3 of the Lawyer RPC, the core Title 3 principles incorporated into Rule 3.1 address the issues likely to be encountered by an LLLT a LLLT, with supplemental guidance available in the corresponding Title 3 of the~~ Lawyer RPC and commentary thereto.

[2] ~~An LLLT acting as a "lay representative authorized by administrative agencies or tribunals" under GR 24(b)(3) would not be acting pursuant to the authority of his or her LLLT license in that context, since such representation would be beyond the scope of LLLT practice authorized by APR 28(F). Should an LLLT engage in conduct as a lay advocate that would otherwise directly violate a Title 3 obligation—for example, by knowingly making a false statement of fact to an administrative tribunal—such conduct may violate the requirements of other rules. See, e.g., Rule 8.4(c) (prohibiting conduct involving dishonesty, fraud, deceit, and misrepresentation) and Rule 8.4(d) (prohibiting conduct prejudicial to the administration of justice).~~

[32] Certain provisions of Title 3 of the Lawyer RPC~~provisions~~, such as Lawyer as Witness in Rule 3.7 and the Special Responsibilities of a Prosecutor in Rule 3.8, do not apply to LLLTs. In these instances, the corresponding LLLT RPC has been reserved.— Rules 3.6 and 3.9 represent~~s~~ ethical issues that would rarely if ever arise in the context of ~~an LLLT~~a LLLT's limited-scope representation. Accordingly, these provisions have been reserved as well, though guidance is available in the corresponding Lawyer RPC in the event that such an ethical dilemma does arise in a LLLT representation.

**LLLT RPC 3.2**

[Reserved]

**Comment**

[1] See Comments [1] and [2] to Rule 3.1.

**LLLT RPC 3.3**

[Reserved]

**Comment**

[1] See Comments [1] and [2] to Rule 3.1.

**LLLT RPC 3.4**

[Reserved]

**Comment**

[1] See Comments [1] and [2] to Rule 3.1.

**LLLT RPC 3.5**

[Reserved]

**Comment**

[1] See Comment [1] to Rule 3.1.

**LLLT RPC 3.6**

[Reserved]

**Comment**

[1] See Comment [32] to Rule 3.1.

**LLLT RPC 3.7**

[Reserved]

**Comment**

[1] See Comment [32] to Rule 3.1.

**LLLT RPC 3.8**

[Reserved]

**Comment**

[1] See Comment [32] to Rule 3.1.

**LLLT RPC 3.9**

[Reserved]

**Comment**

[1] See Comment [32] to Rule 3.1.

**TITLE 4. TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS**

**LLLT RPC 4.1 TRUTHFULNESS IN STATEMENTS TO OTHERS**

In the course of representing a client ~~an LLLT~~ a LLLT shall not knowingly:

- (a) make a false statement of material fact or law to a third person; or
- (b) fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.

**Comment**

[1] This Rule was adapted from Lawyer RPC 4.1 with no substantive changes and applies to LLLTs analogously.

~~[2] — LLLTs are required by APR 28(G)(5) to include the LLLT's name, signature, and license number beneath the signature of the client on all documents that the LLLT prepares. This will assure that judges and other court personnel, other parties to a matter, and lawyers representing those parties, are informed of the LLLT's role in the matter.~~

**LLLT RPC 4.2 COMMUNICATION WITH PERSON REPRESENTED BY LAWYER**

In representing a client, ~~an LLLT~~ a LLLT shall not communicate about the subject of the representation with a person the LLLT knows to be represented by a lawyer in the matter.

**Comment**

[1] A person who has chosen to be represented by a lawyer should be protected against possible overreaching by another lawyer.— See Lawyer RPC 4.2 and Comments to that rule. Rule 4.2 extends to LLLTs the prohibition on communicating with a person represented by a lawyer.— This Rule differs from Lawyer RPC 4.2 in that the prohibition is absolute.— While a lawyer may be permitted to communicate directly with a person who is represented by another lawyer with the other lawyer's consent, or if authorized to do so by law or court order, there are no exceptions to the prohibition as it applies to LLLTs, ~~because any such communication would put an LLLT in a position of exceeding the authorized scope of the LLLT's practice under APR 28(H). Specifically, APR 28(H)(6) prohibits negotiating a client's legal rights or responsibilities or communicating with another person the client's position, and APR 28(H)(5)~~

~~prohibits an LLLT from representing a client in court proceedings. In light of these limitations, there is no circumstance in which an LLLT could communicate with a person represented by a lawyer about the subject matter of the representation without transgressing the APR.~~

### LLLT RPC 4.3 DEALING WITH PERSON NOT REPRESENTED BY LAWYER

(a) In dealing on behalf of a client with a person who is not represented by a lawyer, ~~an LLLT~~a LLLT shall not state or imply that the LLLT is disinterested.—When the LLLT knows or reasonably should know that the unrepresented person misunderstands the LLLT's role in the matter, the LLLT shall make reasonable efforts to correct the misunderstanding.—The LLLT shall not give legal advice to an unrepresented person, other than the advice to secure the services of another legal practitioner, if the LLLT knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.

~~(b) —An LLLT shall not communicate about the subject of the representation with another party in the matter.~~

#### Comment

[1] Paragraph (a) of this Rule was adapted from Lawyer RPC 4.3 with no substantive changes and applies to LLLTs analogously.

[2] ~~[Reserved] Paragraph (b) of this Rule does not appear in the Lawyer RPC. — It derives from the limitations on the authorized scope of an LLLT's practice under APR 28(H)(6). — See Comment [1] to Rule 4.2 for a discussion of the implications of APR 28(H)(6).~~

[3] The client of ~~an LLLT~~a LLLT is an unrepresented person for purposes of Lawyer RPC 4.2 and 4.3.—~~The definition of an LLLT in APR 28(B)(4) clarifies that an LLLT does not represent a client in court proceedings or negotiations, but provides limited legal assistance to a pro se client.~~

[4] —~~Although an LLLT is strictly prohibited by paragraph (b) from communicating with a party about the subject matter of the LLLT's representation, a~~An LLLT may have occasion to communicate directly with a nonparty who is assisted by another LLLT. A risk of unwarranted intrusion into a privileged relationship may arise when ~~an~~a LLLT deals with a person who is assisted by another LLLT. Client-LLLT communications, however, are privileged to the same extent as client-lawyer communications. *See* APR 28(K)(3). ~~An~~A LLLT's ethical duty of confidentiality further protects the LLLT client's right to confidentiality in that professional relationship. *See* LLLT RPC 1.6(a). When dealing with a person who is assisted by another LLLT, ~~an~~a LLLT must respect these legal rights that protect the client-LLLT relationship.

### LLLT RPC 4.4 RESPECT FOR RIGHTS OF THIRD PERSONS

(a) In representing a client, ~~an LLLT~~ an LLLT shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

(b) ~~An LLLT~~ An LLLT who receives a document relating to the representation of the LLLT's client and knows or reasonably should know that the document was inadvertently sent shall promptly notify the sender.

**Comment**

[1] This Rule was adapted from Lawyer RPC 4.4 with no substantive changes and applies to LLLTs analogously.

**TITLE 5. ~~LAW FIRMS AND ASSOCIATIONS~~**

**LLLT RPC 5.1 RESPONSIBILITIES OF PARTNERS, MANAGERS, AND SUPERVISORY LLLTS**

(a) ~~An LLLT~~ An LLLT partner in a law firm, and ~~an LLLT~~ an LLLT who individually or together with other LLLTs possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all LLLTs in the firm conform to the LLLT RPC.

(b) ~~An LLLT~~ An LLLT having direct supervisory authority over another LLLT shall make reasonable efforts to ensure that the other LLLT conforms to the LLLT RPC.

(c) ~~An LLLT~~ An LLLT shall be responsible for another LLLT's violation of the LLLT RPC if:

(1) the LLLT orders or, with knowledge of the specific conduct, ratifies the conduct involved; or

(2) the LLLT is a partner or has comparable managerial authority in the firm in which the other LLLT practices, or has direct supervisory authority over the other LLLT, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

(d) ~~An LLLT~~ An LLLT shall be responsible for a lawyer violation of the Lawyer RPC if the LLLT is a partner or has comparable managerial authority and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

**Comment**

[1] This Rule was adapted from Lawyer RPC 5.1 with no substantive changes and applies to LLLTs analogously.

[2] When under Rule 5.9 ~~an LLLT~~ an LLLT has managerial authority in a firm comprised of both lawyers and LLLTs, the LLLT should support efforts of the firm's lawyers with

managerial authority under Lawyer RPC 5.1 and 5.10 to make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Lawyer RPC.

[3] Under paragraph (d), when ~~an LLLTa~~ LLLT with managerial authority in a firm comprised of both lawyers and LLLTs knows of a lawyer's violation of the Lawyer RPC at a time when its consequences can be avoided or mitigated, reasonable remedial action will ordinarily consist of promptly reporting the violation to one of the firm's lawyers with managerial authority so that the lawyer manager can take appropriate action under Lawyer RPC 5.1(c).

### **LLLT RPC 5.2 RESPONSIBILITIES OF A SUBORDINATE LLLT**

(a) ~~An LLLTa~~ LLLT is bound by the LLLT RPC notwithstanding that the LLLT acted at the direction of another person.

(b) A subordinate LLLT does not violate the LLLT RPC if that LLLT acts in accordance with a supervisory LLLT or a supervisory lawyer's reasonable resolution of an arguable question of professional duty.

#### **Comment**

[1] This Rule was adapted from Lawyer RPC 5.2 with no substantive changes except to reflect that LLLTs and lawyers may practice in the same firm.—It applies to LLLTs and to firms in which both LLLTs and lawyers are associated analogously.

### **LLLT RPC 5.3 RESPONSIBILITIES REGARDING NON-LLLT ASSISTANTS**

With respect to a non-LLLT employed or retained by or associated with ~~an LLLTa~~ LLLT:

(a) ~~an LLLTa~~ LLLT partner, and ~~an LLLTa~~ LLLT who individually or together with other LLLTs possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the LLLT;

(b) ~~an LLLTa~~ LLLT having direct supervisory authority over the non-LLLT shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the LLLT; and

(c) ~~an LLLTa~~ LLLT shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by ~~an LLLTa~~ LLLT if:

- (1) the LLLT orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

- (2) the LLLT is a partner or has comparable managerial authority in the firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

**Comment**

[1] This Rule was adapted from Lawyer RPC 5.3 with no substantive changes and applies to LLLTs analogously.

**LLLT RPC 5.4 PROFESSIONAL INDEPENDENCE OF ~~AN-LLLTA~~ LLLT**

(a) ~~An-LLLTA~~ LLLT or LLLT firm shall not share legal fees with anyone who is a not ~~an-~~ LLLT, except that:

(1) an agreement by ~~an-LLLTA~~ LLLT with the LLLT's firm, partner, or LLLT associate may provide for the payment of money, over a reasonable period of time after the LLLT's death, to the LLLT's estate or to one or more specified persons;

(2) ~~an-LLLTA~~ LLLT who purchases the practice of a deceased, disabled, or disappeared LLLT or lawyer may, pursuant to the provisions of Rule 1.17, pay to the estate or other representative of that LLLT or lawyer the agreed-upon purchase price;

(3) ~~an-LLLTA~~ LLLT or LLLT firm may include ~~non-LLLT~~ employees who are not LLLTs in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement; and

(4) [Reserved.]

(5) ~~an-LLLTA~~ LLLT authorized to complete unfinished legal business of a deceased LLLT may pay to the estate or other representative of the deceased LLLT that proportion of the total compensation that fairly represents the services rendered by the deceased LLLT.

(b) ~~An-LLLTA~~ LLLT shall not form a partnership with ~~a non-LLLT~~ anyone who is not a LLLT if any of the activities of the partnership consist of the practice of law.

(c) ~~An-LLLTA~~ LLLT shall not permit a person who recommends, employs, or pays the LLLT to render legal services for another to direct or regulate the LLLT's professional judgment in rendering such legal services.

(d) ~~An-LLLTA~~ LLLT shall not practice with or in the form of a professional corporation or association authorized to practice law for a profit, if:



- (1) a ~~non-LLLT~~person who is not a LLLT owns any interest therein, except that a fiduciary representative of the estate of ~~an LLLT~~a LLLT may hold the stock or interest of the LLLT for a reasonable time during administration;
- (2) a person who is not a LLLT ~~non-LLLT~~ is a corporate director or officer (other than as secretary or treasurer) thereof or occupies the position of similar responsibility in any form of association other than a corporation; or
- (3) a person who is not a LLLT ~~non-LLLT~~ has the right to direct or control the professional judgment of ~~an LLLT~~a LLLT.

**Comment**

[1] This Rule was adapted from Lawyer RPC 5.4 with no substantive changes except to change references to a “nonlawyer” to “person who is not a LLLT~~non-LLLT~~” to avoid confusion.—It applies to LLLTs analogously.

[2] ~~Notwithstanding~~ Rule 5.4 does not prohibit, lawyers and LLLTs may from sharing fees and forming business structures to the extent permitted by Rule 5.9.

**LLLT RPC 5.5 UNAUTHORIZED PRACTICE OF LAW**

- (a) ~~An LLLT~~A LLLT shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.
- (b) [Reserved.]
- (c) [Reserved.]
- (d) [Reserved.]

**Comment**

[1] Lawyer RPC 5.5(a) expresses the basic prohibition on a legal practitioner practicing law in a jurisdiction where that individual is not specifically licensed or otherwise authorized to practice law.—It reflects the general notion (enforced through criminal-legal prohibitions and other law) that legal services may only be provided by those licensed to do so.—This limitation on the ability to practice law is designed to protect the public against the rendition of legal services by unqualified persons.—See Comment [2] to Lawyer RPC 5.5.

As applied to LLLTs, this principle should apply with equal force.—An actively licensed LLLT should practice law as ~~an LLLT~~a LLLT only in a jurisdiction where he or she is licensed to do so, i.e., Washington State.—~~An LLLT~~A LLLT must not practice law in a jurisdiction where he or she is not authorized to do so.—Unless and until other jurisdictions authorize Washington-licensed LLLTs to practice law, it will be unethical under this Rule for the LLLT to provide or attempt to provide legal services extraterritorially.—Relatedly, it is unethical to assist anyone in activities that constitute the unauthorized practice of law in any jurisdiction.— See

also APR 28(H)(76) (prohibiting ~~an LLLT~~ a LLLT from providing services to a client in connection with a legal matter in another state unless permitted by the laws of that state to perform the services for the client).

[2] Lawyer RPC 5.5(b) through (d) define the circumstances in which lawyers can practice in Washington despite being unlicensed here.—\_For example, lawyers actively licensed elsewhere may provide services on a temporary basis in Washington in association with a lawyer admitted to practice here or when the lawyer's activities "arise out of or are reasonably related to the lawyer's practice in his or her home jurisdiction."—\_These provisions also recognize that certain non-Washington-licensed lawyers may practice here on more than a temporary basis (e.g., lawyers providing services authorized by federal law), and otherwise prohibit non-Washington-licensed lawyers from establishing a systematic and continuous presence in Washington for the practice of law.

These provisions are, at this time, unnecessary in the LLLT RPC because there are no limited licenses ~~programs~~ in other jurisdictions tantamount to Washington's LLLT rules and no need to authorize ~~nonlawyers~~ limited license practitioners in other jurisdictions to practice law in Washington, either temporarily or on an ongoing basis.—\_For this reason, paragraphs (b) through (d) are reserved.

#### **LLLT RPC 5.6 RESTRICTIONS ON RIGHT TO PRACTICE**

~~An LLLT~~ a LLLT shall not participate in offering or making:

- (a) a partnership, shareholders, operating, employment, or other similar type of agreement that restricts the rights of ~~an LLLT~~ a LLLT or lawyer to practice after termination of the relationship, except an agreement concerning benefits upon retirement; or
- (b) an agreement in which a restriction on the LLLT's right to practice is part of the settlement of a client controversy.

#### **Comment**

[1] This Rule was adapted from Lawyer RPC 5.6 with no substantive changes except to reflect that LLLTs and lawyers may practice in the same firm.—\_It applies to LLLTs and to firms in which both LLLTs and lawyers are associated analogously.

#### **LLLT RPC 5.7 RESPONSIBILITIES REGARDING LAW-RELATED SERVICES**

- (a) ~~An LLLT~~ a LLLT shall be subject to the LLLT RPC with respect to the provision of law-related services, as defined in paragraph (b), if the law-related services are provided:
  - (1) by the LLLT in circumstances that are not distinct from the LLLT's provision of legal services to clients; or
  - (2) in other circumstances by an entity controlled by the LLLT individually or with others if the LLLT fails to take reasonable measures to assure that a person

obtaining the law-related services knows that the services are not legal services and that the protections of the client-LLLT relationship do not exist.

(b) The term "law-related services" denotes services that might reasonably be performed in conjunction with and in substance are related to the provision of legal services, and that are not prohibited as unauthorized practice of law when provided by anyone except ~~an LLLT~~ a LLLT or a lawyer.

**Comment**

[1] This Rule was adapted from Lawyer RPC 5.7 with no substantive changes except to change the reference to a "nonlawyer" (in Lawyer RPC 5.7(b)) to "anyone except ~~an LLLT~~ a LLLT or a lawyer" (in Rule 5.7(b)) to avoid confusion.—It applies to LLLTs analogously.

**LLLT RPC 5.8 MISCONDUCT INVOLVING LLLTs AND LAWYERS NOT ACTIVELY LICENSED TO PRACTICE LAW**

(a) ~~An LLLT~~ a LLLT shall not engage in the practice of law while on inactive status, or while suspended from the practice of law for any cause.

(b) ~~An LLLT~~ a LLLT shall not engage in any of the following with ~~an LLLT~~ a LLLT or lawyer who is disbarred or suspended, or who has resigned in lieu of disbarment or discipline or whose license has been revoked or voluntarily canceled in lieu of discipline:

- (1) practice law with or in cooperation with such an individual;
- (2) maintain an office for the practice of law in a room or office occupied or used in whole or in part by such an individual;
- (3) permit such an individual to use the LLLT's name for the practice of law;
- (4) practice law for or on behalf of such an individual; or
- (5) practice law under any arrangement or understanding for division of fees or compensation of any kind with such an individual.

**Comment**

[1] This Rule was adapted from Lawyer RPC 5.8 with no substantive changes except to incorporate disciplinary dispositions applicable to LLLTs in paragraph (b).—Otherwise, this Rule applies to LLLTs analogously.

**LLLT RPC 5.9 BUSINESS STRUCTURES INVOLVING LLLT AND LAWYER OWNERSHIP**

(a) Notwithstanding the provisions of Rule 5.4, ~~an LLLT~~ a LLLT may:

- (1) share fees with a lawyer who is in the same firm as the LLLT;
- (2) form a partnership with a lawyer where the activities of the partnership consist of the practice of law; or
- (3) practice with or in the form of a professional corporation, association, or other business structure authorized to practice law for a profit in which a lawyer owns an interest or serves as a corporate director or officer or occupies a position of similar responsibility.

(b) ~~An LLLTA~~ LLLT and a lawyer may practice in a jointly owned firm or other business structure authorized by paragraph (a) of this Rule only if:

- (1) LLLTs do not direct or regulate any lawyer's professional judgment in rendering legal services;
- (2) LLLTs have no direct supervisory authority over any lawyer;
- (3) LLLTs do not possess a majority ownership interest or exercise controlling managerial authority in the firm; and
- (4) lawyers with managerial authority in the firm expressly undertake responsibility for the conduct of LLLT partners or owners to the same extent they are responsible for the conduct of lawyers in the firm under Lawyer RPC 5.1.

**Comment**

[1] This Rule codifies the proposition that LLLTs may enter into fee-sharing arrangements and for-profit business relationships with lawyers.—It is an exception to the general prohibition stated in Rule 5.4 that LLLTs may not share fees or enter into business relationships with individuals other than LLLTs.—Rule 5.4 governs ~~an LLLTa~~ LLLT's responsibilities with respect to individuals who are neither LLLTs nor lawyers.

[2] In addition to expressly authorizing intra-firm fee-sharing and business structures between LLLTs and lawyers in paragraph (a), paragraph (b) of the Rule sets forth limitations on the role of LLLTs in jointly owned firms, specifying that regardless of ~~an LLLTa~~ LLLT's ownership interest in such a firm, the business may not be structured in a way that permits LLLTs directly or indirectly to supervise lawyers or to otherwise direct or regulate a lawyer's independent professional judgment.—This includes a limitation on LLLTs possessing a majority ownership interest or controlling managerial authority in a jointly owned firm, a structure that could result indirectly in nonlawyer decision-making affecting the professional independence of lawyers.—Lawyer managers, by contrast, will be required to undertake responsibility for a firm's LLLT owners by expressly assuming responsibility for their conduct to the same extent as they are responsible for the conduct of firm lawyers.

**TITLE 6.—PUBLIC SERVICE**

## LLLT RPC 6.1 PRO BONO PUBLICO SERVICE

Every LLLT has a professional responsibility to assist in the provision of legal services to those unable to pay.—~~An LLLTA LLLT~~ should aspire to render at least thirty (30) hours of pro bono publico service per year.—In fulfilling this responsibility, the LLLTs should:

- (a) provide legal services without fee or expectation of fee to:
  - (1) persons of limited means or
  - (2) charitable, religious, civic, community, governmental, and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and
- (b) provide pro bono publico service through:
  - (1) [Reserved.]
  - (2) delivery of legal services at a substantially reduced fee to persons of limited means; or
  - (3) participation in activities for improving the law, the legal system or the legal profession.

Pro bono publico service may be reported annually on a form provided by the WSBA. ~~An LLLTA LLLT~~ rendering a minimum of fifty (50) hours of pro bono publico service shall receive commendation for such service from the Limited License Legal Technician Board.

### Comment

[1] Paragraph (a) of this Rule was adapted from Lawyer RPC 6.1(a) with no substantive changes and applies to LLLTs analogously.

[2] Paragraph (b) of this Rule was adapted from Lawyer RPC 6.1(b) with no substantive changes except that paragraph (b)(1) is reserved. Lawyer RPC 6.1(b)(1) refers to the delivery of pro bono public services to individuals or organizations to secure civil rights, civil liberties or public rights, or to further the organizational purposes of certain not-for-profit organizations and entities.—These kinds of services are beyond the scope of a LLLT’s authority under APR 28. Accordingly, Rule 6.1(b)(1) is reserved.—Otherwise, this Rule applies to LLLTs analogously.

## LLLT RPC 6.2 [Reserved]

### Comment

[1] Lawyer RPC 6.2 relates to appointments by a tribunal for the representation of persons before that tribunal.—These kinds of services are beyond the scope of ~~an LLLTa LLLT~~’s authority under APR 28.—Accordingly, Rule 6.2 is reserved.

### **LLLT RPC 6.3 MEMBERSHIP IN LEGAL SERVICES ORGANIZATION**

~~An LLLTA LLLT~~ may serve as a director, officer, or member of a legal services organization, apart from the firm in which the LLLT practices, notwithstanding that the organization serves persons having interests adverse to a client of the LLLT. The LLLT shall not knowingly participate in a decision or action of the organization:

- (a) if participating in the decision or action would be incompatible with the LLLT's obligations to a client under Rule 1.7; or
- (b) where the decision or action could have a material adverse effect on the representation of a client of the organization whose interests are adverse to a client of the LLLT.

#### **Comment**

[1] This Rule was adapted from Lawyer RPC 6.3 with no substantive changes and applies to LLLTs analogously.

### **LLLT RPC 6.4 LAW REFORM ACTIVITIES AFFECTING CLIENT INTERESTS**

~~An LLLTA LLLT~~ may serve as a director, officer, or member of an organization involved in reform of the law or its administration notwithstanding that the reform may affect the interests of a client of the LLLT.—When the LLLT knows that the interests of a client may be materially benefited by a decision in which the LLLT participates, the LLLT shall disclose that fact but need not identify the client.

#### **Comment**

[1] This Rule was adapted from Lawyer RPC 6.4 with no substantive changes and applies to LLLTs analogously.

### **LLLT RPC 6.5 NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICE PROGRAMS**

(a) ~~An LLLTA LLLT~~ who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the LLLT or the client that the LLLT will provide continuing representation in the matter and without expectation that the LLLT will receive a fee from the client for the services provided:

- (1) is subject to Rules 1.7, 1.9(a), and 1.18(c) only if the LLLT knows that the representation of the client involves a conflict of interest, except that those Rules shall not prohibit ~~an LLLTa LLLT~~ from providing limited legal services sufficient only to determine eligibility of the client for assistance by the program and to make an appropriate referral of the client to another program;

- (2) is subject to Rule 1.10 only if the LLLT knows that another LLLT or lawyer associated with the LLLT in a firm is disqualified by Rule 1.7 or 1.9(a), or by Lawyer RPC 1.7 or 1.9(a), with respect to the matter; and
- (3) notwithstanding paragraph (1) and (2), is not subject to Rules 1.7, 1.9(a), 1.10, or 1.18(c) in providing limited legal services within the authorized scope of the LLLT's practice to a client if:
  - (i) any program LLLTs or lawyers representing the opposing clients are screened by effective means from information relating to the representation of the opposing client;
  - (ii) each client is notified of the conflict and the screening mechanism used to prohibit dissemination of information relating to the representation; and
  - (iii) the program is able to demonstrate by convincing evidence that no material information relating to the representation of the opposing client was transmitted by the personally disqualified LLLTs or lawyers to the LLLT representing the conflicting client before implementation of the screening mechanism and notice to the opposing client.

(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.

#### **Comment**

[1] This Rule was adapted from Lawyer RPC 6.5 with no substantive changes except to reflect that LLLTs and lawyers may practice in the same firm and to reflect the authorized scope of ~~an LLLT~~ an LLLT's practice.— It applies to LLLTs and to firms in which both LLLTs and lawyers are associated analogously.

### **TITLE 7.— INFORMATION ABOUT LEGAL SERVICES**

#### **LLLT RPC 7.1 COMMUNICATIONS CONCERNING ~~AN LLLT~~ AN LLLT'S SERVICES**

~~An LLLT~~ An LLLT shall not make a false or misleading communication about the LLLT or the LLLT's services.— A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

#### **Comment**

[1] This Rule was adapted from Lawyer RPC 7.1 with no substantive changes and applies to LLLTs analogously.— *See also* APR 28(H)(1) (prohibiting ~~an LLLT~~ an LLLT from making any statement that the LLLT can or will obtain special favors from or has special influence with any court or governmental agency).

#### **LLLT RPC 7.2 ADVERTISING**

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

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

- (1) pay the reasonable cost of advertisements or communications permitted by this Rule;
- (2) pay the usual charges of a legal service plan or a not-for-profit LLLT referral service;
- (3) pay for a law practice in accordance with Rule 1.17; and
- (4) refer clients to a lawyer or to another LLLT pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the LLLT, if
  - (i) the reciprocal referral agreement is not exclusive, and
  - (ii) the client is informed of the existence and nature of the agreement.

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

#### **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 LLLTa LLLT~~).

[3] In advertising, ~~an LLLTa 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).

#### **LLLT RPC 7.3 DIRECT CONTACT WITH PROSPECTIVE CLIENTS**

(a) ~~An LLLTA LLLT~~ shall not directly or through a third person, by in-person, live telephone, or real-time electronic contact 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~~ an LLLT;
- (2) has a family, close personal, or prior professional relationship with the LLLT; or
- (3) has consented to the contact by requesting a referral from a not-for-profit LLLT referral service.

(b) ~~An LLLT~~ An LLLT shall not solicit professional employment from a prospective client by written, recorded or electronic communication or by in-person, telephone, or real-time electronic contact even when not otherwise prohibited by paragraph (a), if;

- (1) the prospective client has made known to the LLLT a desire not to be solicited by the LLLT; or
- (2) the solicitation involves coercion, duress or harassment.

(c) [Reserved.]

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

#### **Comment**

[1] This Rule was adapted from Lawyer RPC 7.3 with no substantive changes except to reflect that LLLTs may solicit employment from lawyers as well as other LLLTs, and that referral services may refer to both lawyers and LLLTs.— This Rule applies to LLLTs analogously.

### **LLLT RPC 7.4 COMMUNICATION OF FIELDS OF PRACTICE AND SPECIALIZATION**

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

(b) [Reserved.]

(c) [Reserved.]

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

- (1) be truthful and verifiable and otherwise comply with Rule 7.1;
- (2) identify the group, organization, or association that issued the legal title, credential, or certificate; and
- (3) state that the Supreme Court of Washington does not recognize certification of specialties in the practice of law and that the legal title, credential, or certificate is not a requirement of the LLLT's limited license to practice in the particular fields of law for which the LLLT is licensed.

#### **Comment**

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

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

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

[4] In order to avoid confusion about the scope of services that ~~an LLLTa LLLT~~ can provide, APR 28(H)(4) prohibits ~~an LLLTa LLLT~~ from representing or advertising, in connection with the provision of legal services, other legal titles or credentials that could cause a client to believe that the LLLT possesses professional legal skills beyond those authorized by the license held by the LLLT.—The terms "certified," "specialist," "expert," and similar terms suggest achievement of skills beyond those that are authorized by the LLLT's license, and may not be used when describing ~~an LLLTa LLLT~~'s credentials.—Other titles and recognitions, however, may provide useful information that is not likely to mislead clients or potential clients

concerning the skills and authorized scope of ~~an LLLTa LLLT~~'s practice.—Accordingly, if ~~an LLLTa LLLT~~ has received a legal title, credential, or certificate from a group, organization, or association, the LLLT may identify that title, credential, or certificate so long as communications about it meet the requirements enumerated in Rule 7.4(d)(1)-(3).—Those requirements are substantially similar to Lawyer Rule 7.4(d)(1)-(3).—~~An LLLTA LLLT~~ may also identify awards and recognitions that the LLLT has received from a group, organization, or association.

## LLLT RPC 7.5 FIRM NAMES AND LETTERHEADS

(a) ~~An LLLTA LLLT~~ shall not use a firm name, letterhead, or other professional designation that violates Rule 7.1.—A trade name may be used by ~~an LLLTa LLLT~~ in private practice if the trade name does not imply that lawyers are members or employees of the firm unless that is the case, and if it does not imply a connection with a government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1.—If there are no lawyers in the firm, any firm name used by ~~an LLLTa LLLT~~ in private practice shall include the words "Legal Technician."

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

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

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

### Comment

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

[2] ~~An LLLTA LLLT~~'s license to provide legal services is unique and may not be understood by persons who are not familiar with the limited scope of ~~an LLLTa LLLT~~'s practice and with the differences between ~~an LLLTa LLLT~~ and a lawyer.—A trade name is a brand and is therefore similar to forms of advertising and is often used in advertising.—A trade name must not be false or misleading.—See Rules 7.1 and 7.4.—In order to avoid confusion, trade names should communicate the nature of the legal services that a licensed practitioner or firm can deliver.—Rule 7.5(a) requires that any trade name communicate relevant facts concerning the scope of the legal services that can be delivered by the legal professional or firm.

## LLLT RPC 7.6 POLITICAL CONTRIBUTIONS TO OBTAIN GOVERNMENT LEGAL ENGAGEMENTS OR APPOINTMENTS BY JUDGES

~~An LLLTA LLLT~~ or law firm shall not accept a government legal engagement or an appointment by a judge if the LLLT or law firm makes a political contribution or solicits political contributions for the purpose of obtaining or being considered for that type of legal engagement or appointment.

### Comment

[1] This Rule was adapted from Lawyer RPC 7.6 with no substantive changes and applies to LLLTs analogously.

## TITLE 8. MAINTAINING THE INTEGRITY OF THE PROFESSION

### LLLT RPC 8.1 ~~LIMITED LICENSURE~~ LICENSING, ADMISSION, AND DISCIPLINARY MATTERS

An applicant for ~~a LLLT license~~~~limited licensure~~, or ~~an LLLTa LLLT~~ in connection with ~~an application for limited licensure or reinstatement application or~~ ~~or admission to the Bar~~~~lawyer's bar admission~~, or ~~a legal practitioner in connection with a lawyer or LLLT~~ disciplinary matter, shall not:

- (a) knowingly make a false statement of material fact; or
- (b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from a licensing or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6.

### Comment

[1] This Rule was adapted from Lawyer RPC 8.1 with no substantive changes. ~~except to reflect the difference between admission to the Bar (for a lawyer) and limited licensure (for an LLLT).~~ This Rule applies to LLLTs analogously.

### LLLT RPC 8.2 JUDICIAL AND LEGAL OFFICIALS

(a) ~~An LLLTA LLLT~~ shall not make a statement that the LLLT knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications, integrity, or record of a judge, adjudicatory officer, or public legal officer, or of a candidate for election or appointment to judicial or legal office.

(b) [Reserved.]

### Comment

[1] Rule 8.2(a) was adapted from Lawyer RPC 8.2(a) with no substantive changes and applies to LLLTs analogously.

[2] Lawyer Rule 8.2(b) pertains to lawyers who are candidates for judicial office.—Judges in the judicial branch of the state of Washington must be lawyers.—Accordingly, Rule 8.2(b) does not apply to LLLTs and is reserved.

### LLLT RPC 8.3 REPORTING PROFESSIONAL MISCONDUCT

(a) ~~An LLLTa LLLT~~ who knows that another LLLT or a lawyer has committed a violation of the applicable Rules of Professional Conduct that raises a substantial question as to that LLLT's or that lawyer's honesty, trustworthiness, or fitness as ~~an LLLTa LLLT~~ or lawyer in other respects, should inform the appropriate professional authority.

(b) ~~An LLLTa LLLT~~ who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office should inform the appropriate authority.

(c) This Rule does not permit ~~an LLLTa LLLT~~ to report the professional misconduct of another LLLT, a lawyer, or a judge to the appropriate authority if doing so would require the LLLT to disclose information otherwise protected by Rule 1.6.

#### Comment

[1] This Rule was adapted from Lawyer RPC 8.3 with no substantive changes except to reflect that LLLTs have the same rights and responsibilities with respect to the actions of lawyers that they have with respect to the actions of LLLTs.—It applies to LLLTs analogously.

### LLLT RPC 8.4 MISCONDUCT

It is professional misconduct for ~~an LLLTa LLLT~~ to:

(a) violate or attempt to violate the LLLT RPC, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal act that reflects adversely on the LLLT's honesty, trustworthiness, or fitness as ~~an LLLTa LLLT~~ in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;

(d) engage in conduct that is prejudicial to the administration of justice;

(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the LLLT Rules of Professional Conduct or other law;

(f) knowingly assist

(1) a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law or

(2) a lawyer in conduct that is a violation of the lawyer Rules of Professional Conduct or other law;

(g) commit a discriminatory act prohibited by state law on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status, where the act of discrimination is committed in connection with the LLLT's professional activities. In addition, it is professional misconduct to commit a discriminatory act on the basis of sexual orientation if such an act would violate this Rule when committed on the basis of sex, race, age, creed, religion, color, national origin, disability, or marital status. This Rule shall not limit the ability of ~~an LLLT~~a LLLT to accept, decline, or withdraw from the representation of a client in accordance with Rule 1.16;

(h) in representing a client, engage in conduct that is prejudicial to the administration of justice toward LLLTs, lawyers, judges, other parties, witnesses, jurors, or court personnel or officers, that a reasonable person would interpret as manifesting prejudice or bias on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status. This Rule does not restrict ~~an LLLT~~a LLLT from assisting a client to advance material factual or legal issues or arguments.

(i) commit any act involving moral turpitude, or corruption, or any unjustified act of assault or other act which reflects disregard for the rule of law, whether the same be committed in the course of his or her conduct as ~~an LLLT~~a LLLT, or otherwise, and whether the same constitutes a felony or misdemeanor or not; and if the act constitutes a felony or misdemeanor, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action, nor shall acquittal or dismissal thereof preclude the commencement of a disciplinary proceeding;

(j) willfully disobey or violate a court order directing him or her to do or cease doing an act which he or she ought in good faith to do or forbear;

(k) violate his or her oath as ~~an LLLT~~a LLLT;

(l) violate a duty or sanction imposed by or under the ~~LLL~~RECELLTC in connection with a disciplinary matter; including, but not limited to, the duties catalogued at ~~LLL~~RECELLTC 1.5;

(m) [Reserved];

(n) engage in conduct demonstrating unfitness to practice law; or

(o) violate or attempt to violate APR 28-(F)-(H) or Appendix APR 28 Regulation 2.

### Comment

[1] This Rule was adapted from Lawyer RPC 8.4 with no substantive changes except as discussed in these Comments, and otherwise applies to LLLTs analogously.

[2] ~~An LLLTA LLLT~~ holds a unique form of license to practice law.—As a legal professional, ~~an LLLTa LLLT~~ has a duty to uphold the integrity of the justice system and of those who are authorized to participate in it as judges, lawyers, and LLLTs.—Rule 8.4(f)(1) prohibits ~~an LLLTa LLLT~~ from knowingly assisting a judge or judicial officer in conduct that violates applicable rules of judicial conduct or other law.—Rule 8.4(f)(2) adds a prohibition against knowingly assisting a lawyer in conduct that violates the Lawyer RPC or other law. Rule 8.4(f)(2) is substantially identical to Rule 8.4(f)(1) except for its reference to the applicable code of conduct and should be interpreted and applied analogously.—Similarly, Rule 8.4(h) has been modified to reflect that ~~an LLLTa LLLT~~'s obligation to avoid conduct that is prejudicial to the administration of justice extends to ~~an LLLTa LLLT~~'s conduct toward lawyers.

[3] Lawyer Rule 8.4(m) pertains to lawyers who serve as judges.—Judges in the judicial branch of the state of Washington must in nearly all instances be lawyers.—Accordingly, because Rule 8.4(m) will have little or no applicability to LLLTs, it is reserved.

[4] LLLTs are subject to discipline when they violate or attempt to violate the LLLT RPC, knowingly assist or induce another to do so, or do so through the acts of another, as when they require or instruct an agent to do so on the LLLT's behalf.—In this way, LLLTs are held to the same standards that apply to lawyers.—Rule 8.4(o), which does not appear in the Lawyer RPC, states that violating or attempting to violate APR 28(F-H) or Appendix APR 28 Regulation 2 is professional misconduct that subjects ~~an LLLTa LLLT~~ to discipline.

### LLT RPC 8.5 DISCIPLINARY AUTHORITY

(a) **Disciplinary Authority.**—~~An LLLTA LLLT~~ licensed to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the LLLT's conduct occurs.

(b) [Reserved.]

(c) [Reserved.]

#### Comment

[1] The first sentence of Rule 8.5 was adapted from the first sentence of Lawyer RPC 8.5 with no substantive changes and applies to LLLTs analogously.

[2] ~~An LLLTA LLLT~~ holds a unique form of license to practice law.—Unlike lawyers, LLLTs are not recognized licensed legal practitioners in jurisdictions other than Washington. With the exception of the first sentence of Lawyer RPC 8.5, that rule applies either to the conduct of lawyers from this jurisdiction who practice law in another jurisdiction, lawyers from another jurisdiction who practice law in this jurisdiction, and lawyers who serve as judges or justices.—For this reason, paragraphs (b) and (c) are reserved.

[Adopted February 3, 2015.]

APPENDIX [Reserved]

**From:** Joe Terrenzio and Renata de Carvalho Garcia  
**To:** LLLT Board  
**Date:** November 6, 2017  
**Subject:** LLLT RPC Proposed Amendment

At its August meeting, the LLLT Board approved proposed amendments to APR 28. Before those amendments can be sent to the Court for approval, necessary changes must be made to the LLLT Rules of Professional Conduct. Failure to do so would result in situations where the LLLT RPC would not align with the expanded APR 28 scope of practice.

Since the LLLT Board's August meeting, WSBA staff - Douglas Ende (Chief Disciplinary Counsel), Jean McElroy (Chief Regulatory Counsel), Jeanne Marie Clavere (Professional Responsibility Counsel), Robert Henry (Associate Director RSD), Renata de Carvalho Garcia (Innovative Licensing Programs Manager), and Joe Terrenzio (Limited License Legal Technician Program Lead) – have held four meetings for in-depth review and discussion of the LLLT RPCs and the modifications necessary to effectively implement the proposed amendments to APR 28. The draft of the proposed RPCs provided in your meeting materials is the work product of those meetings. The LLLT Board, especially the newly re-formed RPC Committee, should review the draft before the LLLT Board makes a final determination to recommend the proposed amendments to the Court.

In addition, during the process of reviewing the LLLT RPC, it became apparent that certain changes to the LLLT RPC necessitate changes to the Lawyer RPC. Examples include the definition of “lawyer” and rules governing communications with represented and unrepresented parties. Also, references to APR 28 that are changing need to be corrected in the Lawyer RPC. WSBA staff is making these revisions to the Lawyer RPC which will then go to the Committee on Professional Ethics (CPE) for review.

The LLLT and Lawyer RPCs go through different approval processes. For the LLLT RPC, the LLLT Board makes the recommendation that proposed changes be sent to the Court for approval. The LLLT Board's recommendation is sent to the WSBA Board of Governors (BOG) for the BOG's information and any input. For the Lawyer RPCs, the CPE reviews proposed changes and makes a recommendation to the BOG. The BOG then makes the final recommendation that the proposed changes to the Lawyer RPC be sent to the Court. With that framework in mind, here are the next scheduled meetings for all entities involved:

- BOG meeting Nov. 15-16
- LLLT Board meeting Dec. 14
- CPE meeting Dec. 15
- BOG meeting Jan. 18–19



Jeanne Marie Barrans\*  
WSBA #9108084

**Congressional District:** Not Available

**Applied Committee:** Limited License Legal Technician Board

**Application Reason:** There is a huge need for affordable, competent legal help for many people who do not qualify for free legal services and yet cannot afford an attorney. Having worked in this industry for going on 39 years, I believe I can offer insight and assistance with moving the LLLT program forward.

Currently, I am a practicing LLLT in Snohomish County. Prior to obtaining my LLLT license, I worked as a paralegal, primarily in family law. My skills and experience are set out more fully in the attached letter and resume.

**Employer:** Brewe

**Number of Lawyers:** No response

**Areas of Practice:** No response

**Years of Practice:** 1

**Years of Membership:** 0

**Learned of Service From:** Email from WSBA

July 20, 2017

Ken Evans  
*Mediation Services*

Washington State Bar Association  
1325 - 4th Ave., Ste. 600  
Seattle, WA 98101-2539

Re: Position on the LLLT Board

Having been involved in the legal community in Snohomish County for going on 39 years, focusing primarily on family law, I am acutely aware of the exorbitant cost of legal services and the need for affordable, competent legal assistance. That is why I jumped at the opportunity to become a family law LLLT.

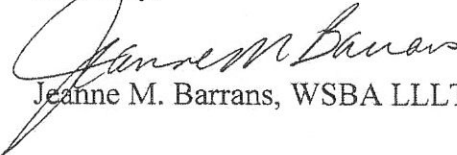
Previously, I volunteered at our local legal clinic on a few occasions as a paralegal but was only able to offer administrative assistance. As an LLLT, I continue to volunteer my time at the clinic but am able to assist in a more substantive manner. Being licensed has also allowed my firm to offer a lower cost alternative to our clients.

Because of my experience, I feel that I can offer insight regarding ways in which the family law LLLT program can be improved and assist in paving the way for upcoming practice areas.

I hope that you will consider my application for a position on the LLLT Board.

Thank you for your time.

Sincerely,



Jeanne M. Barrans, WSBA LLLT #114

P.O. Box 488  
Everett, Washington 98206-0488

425.252.5167 Everett  
206.971.5555 Seattle  
360.419.9191 Mount Vernon  
425.252.9055 Fax

brewelaw.com

Jeanne M. Barrans

Everett, WA 98208-3742

Phone

Email:

[Jeanneb@brewelaw.com](mailto:Jeanneb@brewelaw.com)

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## RESUME

### Objectives

To increase affordable access to justice by working with the LLLT Board to improve and advance the LLLT program.

### Certifications/Licenses

- Licensed as LLLT #114 since June 2016
- Recertification as a Professional Paralegal (PP) 2015
- ABA approved post-college certification through NALS as a Professional Paralegal (PP) 2005
- Post-college certification through NALS as a Professional Legal Secretary (PLS) 1988

### Education

- Completed the family law practice area courses in the Limited License Legal Technician program through the University of Washington in June 2015
- AA Degree, Legal Secretarial Science, 1977

### Experience

#### **LLLT/Paralegal May 2016 to Present**

Brewe Layman, P.S.  
3525 Colby Avenue, Suite 333  
P.O. Box 488  
Everett, WA 98206-0488  
Phone: (425) 252-5167

#### **Paralegal/Office Administrator January 2012 to May 2016**

Cynthia R. First, PLLC, dba Port Gardner Law Group  
2918 Colby Avenue, Suite 201  
Everett, WA 98201  
Phone: (425) 259-5100

**Paralegal/Office Administrator October 2006 – December 2012**

Schwimmer | First  
1721 Hewitt Avenue, Suite 600  
Everett, WA 98201  
Phone: (425) 259-5000

**Paralegal October 2001 – October 2006**

Mark T. Patterson II/Lisa Micheli  
Rockefeller Law Office  
3731 Colby Avenue  
Everett, WA 98201  
Phone: (425) 258-3511

**Legal Secretary/Legal Assistant January 1982 – October 2001**

David T. Patterson  
3731 Colby Avenue  
Everett, WA 98201  
Phone: (425) 258-4451

Professional Organizations

Member of NALS, the association for legal professionals since approximately 1979  
Served as president of NALS of SnoKing (6/10/2010 – 9/24/2013)  
Served as secretary for NALS of Washington (4/13/2009 – 3/19/2010)  
Served as president/secretary of NALS of Snohomish County (7/1/2006 – 6/10/2010)  
Snohomish County Legal Secretaries Association Secretary of the Year (1987-1988)

Miscellaneous

Presented a seminar on the topic of Ethics and the Non-Lawyer Assistant to WSBA at the Family Law Mid-Year and to NALS of Washington in June 2011.

Skills and Other Information

Organized, professional, discreet, loyal, dependable, and trustworthy.  
Familiar with court rules (primarily Snohomish and King Counties) and the Washington State pattern forms.  
Excellent written and oral communication skills.  
Experienced with Abacus and TABS/Practice Master billing and case management software, FamilySoft, Outlook and Microsoft Office.

Ms Sarah Bove\*  
WSBA #9538800

**Congressional District:** Not Available

**Applied Committee:** Limited License Legal Technician Board

**Application Reason:** I have seen the impact that a dedicated group of volunteers can make, and I would love to join the team entrusted to expand the public's legal options in Washington. Taking on one of the most important responsibilities—safeguarding the rule of law -- is not something I take lightly. These are critical times for the public and the shifting legal landscape is fraught with challenges. I take comfort in enthusiastically taking on challenges and working collegially to overcome them.

I also fully understand that the public is our ultimate focus. I will work with other board members to create a shared vision, build strategic partnerships, sustain the board's progress through continuous improvement, maintain strong ethical standards, and objectively seek answers to questions and challenges as they arise.

I have 10 years of client casework experience. I have worked served on an elementary school PTSA board as Co-President and in several other volunteer positions for organizations like the American Red Cross, Employment Security Division, and the Moderate Means Program. I have personally completed the LLLT Family Law educational requirements and passed the licensing exam.

**Employer:** Sarah W. Birkeland, PLLC

**Number of Lawyers:** No response

**Areas of Practice:** No response

**Years of Practice:** No response

**Years of Membership:** 0

**Learned of Service From:** Other: WSPA email

## SARAH E. BOVÉ

• Kirkland, Washington

• message phone: [REDACTED]

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April 4, 2017

Ellen Reed, LLLT Program Lead  
Washington State Bar Association  
1325 Fourth Avenue, Suite 600  
Seattle, WA 98101

Dear Ms. Ellen Reed,

I write to express my interest in the Limited License Legal Technician (LLLT) Board. Growing up in a military family taught me the value of public service. Until recently, I have spent most of my professional life in volunteer service with organizations like the American Red Cross, where I helped coordinate nation-wide relief efforts. I have seen the impact that a dedicated group of volunteers can make, and I would love to join the team entrusted to expand the public's legal options in Washington.

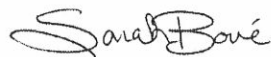
Taking on one of the most important responsibilities—safeguarding the rule of law -- is not something I take lightly. These are critical times for the public and the shifting legal landscape is fraught with challenges. I take comfort in enthusiastically taking on challenges and working collegially to overcome them.

I also fully understand that the public is our ultimate focus. I will work with other board members to create a shared vision, build strategic partnerships, sustain the board's progress through continuous improvement, maintain strong ethical standards, and objectively seek answers to questions and challenges as they arise.

For the past year, I have worked closely the two family law attorneys and won over their support for the LLLT program. I have worked with LLLTs and LLLT candidates to encourage more paralegals and student to consider the program. I believe that my personal experience completing the LLLT education and volunteer experience would be an asset to the LLLT Board.

Thank you for your time and consideration.

Sincerely,



Sarah Bové

# SARAH E. BOVÉ, CRP

• Kirkland, Washington 98034

"[Sarah] is highly intelligent, tenacious and perceptive. She is a sincere pleasure to work with and will be an asset to any team..."

- Dave Madden/  
Brad McGuire, Supervisors  
AmeriCorp Evaluation,  
Nov. 2013

## SKILLS

CLIENT INTERVIEWS,  
ISSUE SPOTTING &  
INVESTIGATIONS,  
DRAFTING PLEADINGS &  
CORRESPONDENCE,  
E-DISCOVERY TECHNIQUES  
& META-DATA  
MANAGEMENT

## QUALIFICATION SUMMARY

Limited Licensed Legal Technician Family Law candidate, the nation's first non-attorney law license, and certified-CORE Registered Paralegal. Tech-savvy and motivated professional with 10 years of client casework experience who excels in goal oriented, client-centered environments.

## EDUCATION

**UNIVERSITY OF WASHINGTON, SCHOOL OF LAW** Seattle, WA  
Special Programs: LLLT Family Law June 2016  
*Focus on New Pattern FL Forms*

**EDMONDS COMMUNITY COLLEGE** Lynnwood, WA  
Advanced Paralegal Certificate June 2015  
LLLT Core Curriculum

**UNIVERSITY OF UTAH** Salt Lake City, Utah  
Bachelor of Science, Political Science August 2013

### HIGHLIGHTED COURSES

*Judicial Process, Constitutional Law, Jurisprudence of Criminal Law & Disability Studies*

## RELEVANT EXPERIENCE

Sarah W. Birkeland, PLLC Seattle, WA  
**Paralegal/Family Law LLLT Candidate** Oct. 2016 – Current  
Family Law firm practicing exclusively in King county. Assists attorney with all aspects of case management, including interviewing clients, drafting pleadings and correspondence, monitoring case deadlines, conducting discovery, and preparing for hearings, settlement conferences and trials.

*Areas of practice: Family Law*

Washington State Bar Association/  
UW School of Law Seattle, WA  
**Law Student Intern** Oct. 2015 – Nov. 2016  
Intern for the Moderate Means Program, the WSBA's flagship legal advocacy program. Conducted client intakes - running conflict checks, screening for client eligibility and case urgency. Perform in-depth interviews, document review and legal research. Referred eligible clients to member attorneys, providing attorneys with relevant case facts and legal analysis. Matched attorneys with mentors, when requested.

*Areas of practice: Family Law, Landlord-Tenant, HOA Disputes, Bankruptcy, and Consumer Protection*

RELEVANT EXPERIENCE, CONTINUED

Humphrey & Associates, PLLC Bellevue, WA  
**Paralegal Intern/Paralegal** May 2016 – October 2016

Lead administrative and paralegal support for the legal team practicing in Snohomish and King counties. Served as primary point of contact for client communication and vendor coordination. Drafted pleadings including declarations, motions and proposed orders, and file pleadings with court clerk. Corresponded with clients, opposing counsel and court administration. Assisted with issue spotting, case strategy and hearing preparation. Internship converted into part-time employment in June 2016.

*Areas of practice: Family Law, Personal Injury and Criminal Law*

Baugher Law Firm, PLLC Mountlake Terrace, WA  
**Paralegal Intern** Nov. 2015

Edmonds Community College internship with a family law firm practicing in Snohomish, King and Pierce counties. Maintained electronic client files, including meta-data management, updated attorney calendars, organized discovery responses and prepared trial binders. Offered full-time employment following internship.

*Area of practice: Family Law*

Utah Disability Law Center Salt Lake City, UT  
**Undergraduate Legal Intern, Special Education** Spring 2012

Assisted in outreach for parents and guardians accessing special education and accommodations. Aided in document preparation to advocate for students when rights under IDEA were violated.

American Red Cross Anchorage, AK & SLC, UT  
**Disaster Services Instructor & Staff Volunteer** 2006 – 2011

Instructed local and national volunteers on the use of two web-based applications which manage client case files, fund distribution as well as staff and volunteer deployments. Part of a team coordinating relief efforts and aid distribution nation-wide.

VOLUNTEER EXPERIENCE

**WSBA Day of Service** Tacoma, WA  
Client Intake, Document Preparation Mar. 2017

**Washington First Responders Will Clinic** Seattle, WA  
Client Intake, Document Preparation Oct. 2016

**Frost PTSA** Kirkland, WA  
Co-President 2016 - 2017

TECHNOLOGY

WINDOWS OS • MS OFFICE  
AMICUS • TABS3 • CASEFOX  
FAMILY SOFT  
ADOBE • HOT DOCS  
WESTLAW NEXT  
KING COUNTY E-FILING

MEMBERSHIPS

NATIONAL FEDERATION OF  
PARALEGALS  
NATIONAL ASSOCIATION OF  
LEGAL ASSISTANCE



Mr. Jody Kris Cloutier  
WSBA #50551  
Active Attorney  
**Congressional District: 1**

**Applied Committee:** Limited License Legal Technician Board

**Application Reason:** The LLLT program is the next big sea change in the practice of law. The rest of the country has its eye on Washington's program, and I want to be part of the committee that is shaping what this practice area will become. One of the areas that LLLT-certified practitioners can practice in is family law - an area that I practice in. I would like to add my voice to the process to help blaze the trail where possible and put in the right controls where necessary to protect the public.

**Employer:** No response

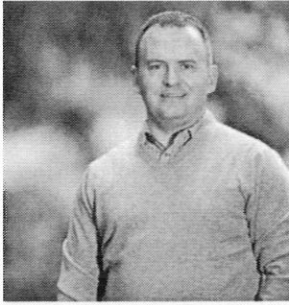
**Number of Lawyers:** 2-5 Lawyers in Firm

**Areas of Practice:** Family

**Years of Practice:** 1

**Years of Membership:** 1

**Learned of Service From:** Email from WSBA



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**JODY CLOUTIER**  
ATTORNEY

### AFFILIATIONS

Washington State Bar Association  
King County Bar Association  
East King County Bar Association

### VITALS

[REDACTED]  
Carnation, WA 98014

T [REDACTED]  
E [jody@flspllc.com](mailto:jody@flspllc.com)

## EXPERIENCE

### **FAMILY LAW SOLUTIONS, PLLC, REDMOND, WA**

2015 – PRESENT

Managing Attorney

I am the founder and managing attorney of Family Law Solutions, PLLC. My firm helps families in King and southern-Snohomish county with all types of family law related issues.

### **EASTSIDE LEGAL ASSISTANCE PROGRAM, BELLEVUE, WA**

2014-2015

Rule 9 Legal Intern

Under the supervision of my family law mentor, I represented survivors of domestic violence in all aspects of family law, including orders of protection, dissolutions, parenting plan modifications, and child custody disputes.

### **MICROSOFT CORPORATION, REDMOND, WA**

2000-2017

Senior Program Manager Lead

17 years of software development experience in all-aspects of development from ideation to shipping to running an established business. I am experienced in complex problem solving across a mutli-stakeholder community. I was also responsible for managing a staff of high-performing individuals.

## EDUCATION

### **SEATTLE UNIVERSITY SCHOOL OF LAW, SEATTLE, WA**

JURIS DOCTOR, CUM LAUDE

### **UNIVERSITY OF PHOENIX, PHOENIX, AZ**

BACHELOR OF SCIENCE, BUSINESS MANAGEMENT

Laura Genoves\*  
WSBA #9477857

**Congressional District:** Not Available

**Applied Committee:** Limited License Legal Technician Board

**Application Reason:** I am a practicing Legal Technician and want to serve my fellow legal professionals. It would be exciting be on the cutting edge of this evolving practice area and contribute practical insight.

**Employer:** No response

**Number of Lawyers:** No response

**Areas of Practice:** No response

**Years of Practice:** No response

**Years of Membership:** 0

**Learned of Service From:** Colleague or friend

September 6, 2017

Laura Genoves, LLLT 122  
[laura@wafamilylawtech.com](mailto:laura@wafamilylawtech.com)

TO: The LLLT Board

RE: Position on the Board

I have been a Washington resident since attending UW as an undergraduate. I have a deep love of this state that has been my home for decades. I have witnessed the evolution of Seattle from a crunchy, artsy, fringe city to a high-tech, condo filled mecca struggling to cope with an increasing populous. Not all residents of King County are high wage earners and becoming an LLLT allows me to provide affordable access to justice to those in need.

I also have first hand experience on the eastside of our state where I spent time with a close friend as she tried to hold her dad's pear and apple growing business together. My son attends school in at Gonzaga in Spokane; part of the reason he chose that school is the strong social justice agenda that they promote. As a single mom of two athletic sons, I have spent many weekends traveling to tournaments around Washington and talking to people both about their lives and what I do in my life. Nearly every person I share the LLLT program with is very excited to learn there is a way they, too, can have affordable access to justice.

Part of living the mission of access to justice is walking the walk; so to speak. For me, this manifests itself in my commitment to the KCBA Neighborhood Legal Clinics. Although the KCBA will not allow me to become a member (yet), by volunteering at the neighborhood legal clinic, I hope to demonstrate my value as an LLLT. I am also leading the KCBA sub-committee to create a LLLT clinic in south King County at the Auburn Library. As St. Francis of Assisi once said, "Teach the gospel at all times, if necessary use words." I am glad to be teaching the Legal Technician "gospel" in the community while also providing a valuable service. In addition I have volunteered with the Moderate Means Program. Outside the legal field, I am on the Leadership Board of the Arthritis Foundation, and have been a volunteer at both of my sons' schools.

I would bring a voice of a solo LLLT to the board. My firsthand experiences might provide helpful insight to others who are serving. I enjoy collaborating to help create something better than what could be created alone. I hope to join the board to help make the LLLT profession more attractive to future practitioners, more accepted in the family law community, and more known to the general public.

Best Regards,

Laura Genoves, LLLT 122

**Laura Genoves**

**Seattle Washington 98117**

**laura@wafamilylawtech.com |**

Licensed as a Limited Licensed Legal Technician May 2017. Certified paralegal, with diverse experience including drafting and filing pleadings, client interaction, and law office management. Completed the LLLT (Limited Licensed Legal Technician) program through the University of Washington School of Law and passed the WSBA LLLT exam September 2016. Experienced with billing, payment of quarterly tax filings, accounting, marketing such as writing blog posts and website copy. Demonstrated ability to work both independently and collaboratively with a team, succeed under pressure, and adapt in a changing work environment. Professional, warm and discreet with clients.

**Education and Credentials**

<b>LLLT Candidate UW School of Law</b> 3.9 GPA	September 2015-June 2016
<b>Mediation Training</b> , Dispute Resolution Center of King County	July 2015
<b>Certified Legal Assistant, King County Bar</b>	January 2012- December 2015
<b>Core Registered Paralegal</b> , National Federation of Paralegal Associations	August 2011-June 2017
<b>Collaborative Law Training</b> , KCCL Association	Spring 2012
<b>Advanced Paralegal Certificate, Edmonds Community College</b>	June 2011
Attended classes while working nearly full-time, and graduated with honors and a 3.91 GPA	
<b>Washington State Paralegal Association</b> , volunteer Marketing Coordinator	February 2013
<b>BA, Communications, University of Washington:</b>	June 1989
Emphasis on advertising copywriting. Additional focus on U.S. History and Communications Law.	
<b>Notary Public for Washington State</b>	November 2010-March 2020
<b>Punahou School</b> , Honolulu, Hawaii	June 1984

**Professional Qualifications**

**Legal Research and Writing:** Fully trained to access and utilize both primary and secondary law library resources including practice guides. Completed certification training in WestLaw with additional experience with Lexis Nexis. Exceeded yearly CLE requirements by attending WSBA and KCBA seminars, which focused on Family Law.

**Communication Skills:** Demonstrated ability to maintain professional contact with clients, court personnel, attorneys and others in the legal field. Completed training in the Collaborative Process through KCCL. Completed Basic Mediation Class at King County Dispute Resolution Center June 2015.

**Technology Skills:** Highly proficient with Mac, Windows for Mac, Adobe Acrobat, and Clio. Working knowledge of FamilySoft. and Microsoft Office Suite. Clio Consultant. Proven ability to skillfully manage electronic mail, recordkeeping, electronic files, word processing and basic spreadsheets. Familiarity with King County ECR, including filing documents and requesting court records. Able to use software to create Child Support Worksheets and draft Child Support Orders.

**Experience**

**Laura Genoves, Legal Technican, PLLC** **May 2017-Present**  
Legal Technican service providing family law services within the parameters of APR 28. Started and marketed my practice as a small business. Provide information and advice to clients regarding their family law matters.

**Wave Broadband, Corporate Paralegal (Contract)** **March 2017-September 21, 2017**  
Assisted with due diligence project prior to sale of company to private equity group. Review contracts, organize documents, and upload to online contract management program.

**KCBA Neighborhood Legal Clinic Volunteer** **June 2017- Present**  
Greet clients and help them with initial paperwork, work with attorneys and clients to help the clinic run smoothly and timely. Submit report to KCBA and return the consultation rooms to pre-clinic condition.

**WSBA Moderate Means Program Volunteer** **March 2016-November 2016**  
Field intake calls from clients provide screening, write up a formal intake and analysis under supervision of an attorney. Additionally the MMP involves tracking client contact and then making calls to attorneys to find low cost representation for the client.

**Contract Paralegal for Attorneys Yasmeen Abdullah, Kristen Bienstock, John Kydd**      **May 2014- June 2016**  
Efficiently performed Family Law paralegal tasks in varied office environments. Flexible and able to adapt to multiple styles of law practice. Adept at helping organize and assist solo practitioners by applying practical working knowledge and experience. Professional and courteous to both clients and court staff.

**Contract Legal Assistant- Law Office of Charles L. Meyer**      **August 2013- September 2014**  
Provided ongoing legal support to personal injury attorney prior to his retirement including drafting and filing pleadings, preparing for court appearances, creating demand letters, and general office support on a contract basis.

**Paralegal, Law Office of Joanna Roth**      **June 2010-June 2014**  
Provide legal support to solo practitioner specializing in family law and estate planning. Responsible for preparing exhibits, drafting pleadings, electronic filing, case management and calendaring, billing, scheduling and client relations. Reorganized the office electronic files as we transitioned to a more paperless model and changed computer systems. Created written step-by-step task lists documenting all major office procedures to streamline and provide consistency. Authored a complete Office Policies and Procedures manual for reference and training purposes.

**Volunteer Leadership Board Member and Past Chair of Advocacy Committee and Washington State AF Representative**      **December 2012- present**  
Work closely with Arthritis Foundation staff and other volunteers to advocate for the health needs of people such as myself, living with chronic auto-immune diseases. Met with national congressional leaders and staff to share the plight of those living with arthritis and related conditions. Recognized as one of the top fundraisers for the Seattle Jingle Bell Run, and helped with the Bone Bash Fundraiser since 2014.

**Technical Writer, Amazon.com and Freelance,**      **September 2008-May 2010**  
Wrote online item descriptions for Amazon.com and Endless.com, a division of Amazon. Demonstrated ability to produce self edited writing with a rapid turnaround under strict deadlines.

**Nordstrom, Sales Promotion and Retail Manager**      **October 1987-November 1996**  
Concierge desk manager at downtown store. Developed and executed marketing strategies, led a staff of up to thirty while meeting then exceeding sales goals as accessories manager. Recognized for meeting and exceeded sales goals and named Customer Service All Star.

Annalise Hazebrouck Martucci  
WSBA #48673  
Active Attorney  
**Congressional District: 1**

**Applied Committee:** Limited License Legal Technician Board

**Application Reason:** I am interested in being a member of the Limited License Legal Technician Board for several reasons. First and foremost, I believe deeply in creative answers to the ever growing civil legal need problem in Washington State. Developing the LLLT program is a way to target and address the needs of those who may not have access to full attorney representation. The creation of this category of paraprofessionals was a bold step forward. The continuing work to hone the scope and develop the legal and ethical boundaries is important work.

Additionally, it is my privilege to be teaching paralegal studies part time at Whatcom Community College. I attended WCC in my young twenties, and while I did not finish a paralegal certificate, my paralegal classes no doubt impacted my decision to pursue law school. I now have the opportunity to be an instructor in one of the institutions on the forefront of making the LLLT curriculum more accessible state wide.

Lastly, as a young, solo attorney, I understand personally much of the pushback on the expansion of the LLLT scope. Many of those attorneys who are concerned about the potential impact of LLLT are solo practitioners or in small practices. They, and I, do cross paths with many clients who may indeed seek the services of a LLLT. However, the role of an attorney must evolve with the changing needs of our demographics, and the majority of people cannot afford traditional hourly rate/retainer fee payments. The LLLT will fill a gap in current services, but also encourage attorneys to utilize creative measures to make their practices approachable and accessible. The LLLT program does not dilute the practice of law, but gives everyone an opportunity to recommit to those who we serve.

**Employer:** Martucci Law PLLC

**Number of Lawyers:** Solo

**Areas of Practice:** Family, Landlord/ Tenant

**Years of Practice:** 3

**Years of Membership:** 3

**Learned of Service From:** Colleague or friend

# ANNALISE H. MARTUCCI

Mount Vernon, WA 98273

## EDUCATION

### **New England Law I Boston**

Boston, MA

Juris Doctor

5/2014

Rank: 12/227 *Magna Cum Laude* GPA: 3.8

Honors: *New England Law Review*: Comment and Note Editor

CALI Awards: Criminal Law, Constitutional Law, Sexual Violence

New England Scholar Award: All Years; Dean's Scholarship: All Semesters

New England Law Class of 2014 Public Service Award Recipient

Publications: "Putting Beer Goggles on the Jury: Rape, Intoxication, and the Reasonable Man in *Commonwealth v. Mountry*" 48 New Eng. L. Rev. 203 (2013)

### **University of Washington**

Seattle, WA

Bachelor of Arts, Political Science

5/2009

### **Guardian Ad Litem Training, RCW Title 26**

Seattle, WA

King County Bar Association

2/2016

### **Domestic Violence Services Annual Training**

Everett, WA

Certification of Achievement: 21 Training Hours

6/2015

## LEGAL EXPERIENCE

### **Martucci Law PLLC**

Mount Vernon, WA

Owner, Operator

8/2015- Present

- Provide legal services for clients in the area of family law and landlord tenant. Provide Guardian ad Litem investigative services under RCW Title 26 as appointed by the court.
- Direct daily work with clients, court personnel, opposing counsel, etc. Multiple court appearances every month.
- Continually attend Continuing Legal Education trainings to learn specific areas of law, or be updated on new and developing jurisprudence.

### **Domestic Violence Services of Snohomish County**

Everett, WA

Legal Advocate

12/14-8/15

- Worked directly with the Marysville Municipal Prosecutors in facilitating and providing information to victims of criminal acts of domestic violence, including assisting with protective orders, explaining and providing context to the criminal system, and working as a liaison between the court system and the survivors.
- Assisted with civil legal issues facing domestic violence survivors, including family law, employment, landlord tenant, immigration, benefits, etc.

### **Morrison Mahoney, LLP**

Boston, MA

Law Clerk

9/13 – 5/14

- Part time, paid law clerk for large civil litigation firm. Responsibilities included legal research, drafting of trial pleadings and discovery documents, extensive motion practice, trial monitoring, creation of trial documents and exhibits, direct client contact, and case analysis and strategy.
- Insurance defense cases covering products liability, toxic and environmental torts, construction indemnity and contribution, medical malpractice



**Northwest Justice Project, Consumer Law Unit**  
 Legal Intern, Rule 9 Certified

Seattle, WA  
 Summer, 2013

- Responsibilities included: client intake at weekly clinic, review of predatory lending cases for potential representation, extensive research and writing, direct client counseling, collaborating with local advocacy groups.
- Regularly drafted pleadings for cases, including multiple successful summary judgment motions; wrote two sections of amicus curiae brief submitted to the Washington State Supreme Court; researched and wrote several legal memoranda for office wide use; assisted pro se clients with court pleadings and correspondence with creditors.
- Assisted other units as needed: drafted trial memorandum to assist family law attorney in complex divorce case; interviewed clients and drafted affidavits for special education unit.

**Greater Boston Legal Services, Family Law Unit**  
 Student Attorney, SJC Rule 3:03 Certified

Boston, MA  
 1/13- 5

Student attorney of record on five divorce cases involving issues of domestic violence and minor children.

- Appeared in court several times for motion and status hearings, uncontested final judgments, and participated in court ordered mediation. Performed case planning and independently handled cases at all stages; including completions of numerous client interviews, counseling clients on legal options, negotiations with opposing counsel.
- Experience drafting divorce agreements, completing financial declaration forms, negotiating child visitation agreements, applying for initial and continuing restraining orders.

**Office of the Attorney General of Washington State**  
 Law Clerk

Seattle, WA  
 Summer, 2012

- Completed two appellate response briefs for the Criminal Litigation Unit in the area of financial crimes.
- Performed legal research on procedural, jurisdictional, and evidentiary issues, drafted memoranda to reflect the findings of research and presented findings at monthly “all unit” meetings; drafted memorandum regarding Superior Court judge pro tem authority that was distributed to Thurston County court for advisory purposes.

**LEADERSHIP AND VOLUNTEER EXPERIENCE**

**Secretary, Washington Women Lawyers**  
 Skagit County Chapter

Mount Vernon, WA  
 2016-Present

**Street Law Volunteer Attorney**  
 Whatcom Community College

Bellingham  
 2014-present

**Housing Justice Project Volunteer Attorney**  
 Skagit Volunteer Lawyer Program

Mount Vernon, WA  
 2015- Present

**Founder and Co-Chair Skagit County Young Lawyers**  
 Skagit County Bar Association

Mount Vernon, WA  
 2015- Present

**President of the Women’s and Children’s Advocacy Project,**  
 New England Law

Boston, MA  
 9/2013-6/2014

Ms. Priscilla A. Selden\*  
WSBA #9112514

**Congressional District:** Not Available

**Applied Committee:** Limited License Legal Technician Board

**Application Reason:** I am the second LLLT licensed under APR 28. I served on the Practice of Law Board when the Rule was adopted in 2012. I have been working as an LT since I was licensed in August 2015. I work as a sole practitioner and as a contract LT with a local nonprofit civil legal aid provider. I also contract as a Courthouse Facilitator. I am active in outreach activities. Thus, I have a breadth of knowledge and experience that is pertinent and valuable for the Board, and a track record of contributing to the development of my profession.

**Employer:** Self

**Number of Lawyers:** No response

**Areas of Practice:** No response

**Years of Practice:** 2

**Years of Membership:** 0

**Learned of Service From:** Email from WSBA

*PRISCILLA A. SELDEN, WSBA LLLT No. 102*

*Entiat, Washington 98822*

*Tel. [REDACTED] cvlts.pllc@gmail.com*

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July 27, 2017

VIA EMAIL: LLLT@wsba.org

Limited License Legal Technician Board  
Attention: Steve Crossland, Chair  
Washington State Bar Association  
1325 4<sup>th</sup> Ave., Ste. 600  
Seattle, WA 98101-2539

Application for Limited License Legal Technician Board Position

Dear Chair and LLLT Board:

Thank you for considering my application for an LLLT position on the LLLT Board.

I was in the first cohort of Legal Technicians to graduate from the practice area classes. I took and passed the first exam, and was the second Legal Technician licensed, in August 2015. Since earning my license, I have opened my own solo practice and signed the first (and to my knowledge only, so far) Legal Technician contract with a nonprofit civil legal aid provider – Chelan-Douglas County Volunteer Attorney Services (CDCVAS - our local VLP). I am also working as the Courthouse Facilitator in Douglas County. All are part-time commitments.

From 2009–2012, I served on the Practice of Law Board, and was serving when APR 28 was adopted. I was a paralegal for 25 years before being licensed as an LT.

With my broad background and relevant current experience, I would be a valuable addition to the Legal Technician Board. I bring knowledge of the development of the Rule including discussions around other practice areas, of the Civil Legal Needs Studies, and of concepts such as the “practice of law” and “substantive law-related work.” I have experience working through the nuances of our rules and regulations. Most importantly, as a sole practitioner and contractor with a VLP, two sectors currently un- or under-represented at the Board and Committee level, I could bring needed perspective to the Board. My experience as a Courthouse Facilitator is also pertinent.

Since earning my license, I have participated in a broad range of outreach activities including speaking to Law and Justice classes at Central Washington University (2015, 2016), Northwest Legal Industry Alliance panelist (January 2016), presenting at a Chelan-Douglas Bar Association CLE on the Plain Language Forms (November 2016), organizing an online LLLT Board outreach activity for LTs – “Legal Tech Talk” (May 2017), and most recently, presenting on “Incorporating LLLTs into the Delivery of Civil Legal Aid” at the Washington State Access to Justice Conference in June. I am a member of my local Bar Association, and was just awarded Legal Services Volunteer of the Month by CDCVAS for my donation of time above and beyond my contracted hours. I have been featured in stories in WSBA’s NW Lawyer magazine (September 2015) and the National Federation of Paralegal Associations’ Paralegal Reporter (Fall 2016), as well as my local newspapers.

Limited License Legal Technician Board

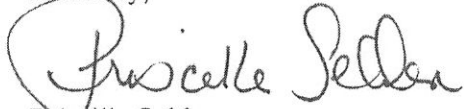
July 27, 2017

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I am also proud to be a regular presence on the LLLT listserv where I have been urged to apply for the Board position.

Thank you, and please do not hesitate to contact me if I can provide additional information.

Sincerely,

A handwritten signature in cursive script that reads "Priscilla Selden". The signature is written in black ink and is positioned above the printed name.

Priscilla Selden

Limited License Legal Technician No. 102

encl: Resume

**PRISCILLA A. SELDEN, WSBA LLLT No. 102**

**Entiat, Washington 98822**

**Tel. [REDACTED] cvlts.pllc@gmail.com**

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## Education

- 2014** Limited License Legal Technician - Domestic Relations  
University of Washington Law School
- 2001-05** Introductory Spanish language (three college quarters)  
Wenatchee Valley College, Wenatchee, WA
- 2004** Complex Litigation, Paralegal Studies  
University of Washington, Tacoma, WA
- 1988** Associate of Technical Arts Degree, Paralegal  
Edmonds Community College, Lynnwood, WA
- 1977** Bachelor of Arts Degree, Political Science  
University of Vermont, Burlington, VT

## Professional Licenses, Appointments, Special Awards, Volunteer Positions

- Legal Services Volunteer of the Month, Chelan-Douglas County Volunteer Attorney Services, June 2017
- Limited License Legal Technician, License No. 102, granted August 26, 2015
- Volunteer Paralegal, Northwest Justice Project, 2014-2015
- Practice of Law Board, Washington State Supreme Court appointment, 2009–2012
- Court Appointed Special Advocate (CASA) Guardian Ad Litem, 2005-2008
- Rural Coordinating Committee, Chelan County Comprehensive Plan Growth Management Act, 2000
- President's Award, Washington State Paralegal Association, 1994-1995
- VISTA Volunteer, Kansas City, MO, 1977–1978

## Employment History

<i>Limited License Legal Technician</i>	Chelan-Douglas County Volunteer Attorney Services – contract position	January 2016 - present
<i>Limited License Legal Technician / Owner</i>	Columbia Valley Legal Technician Services, PLLC Entiat, WA	September 2015 - present
<i>Courthouse Facilitator</i>	Douglas County Superior Court Waterville, WA – contract position	September 2015 - present
<i>Paralegal</i>	Lacy Kane, PS East Wenatchee, WA	January 2014 – August 2015
<i>Paralegal</i>	Davitt Law Group, PLLC Wenatchee, WA	November 2010 – August 2013
<i>Paralegal</i>	Indian Wills Project, Seattle University School of Law, Seattle, WA	July 2007–December 2009
<i>Paralegal</i>	Indian Estate Planning Pilot Project Northwest Justice Project, Wenatchee, WA	January 2006–June 2007
<i>Training Project Manager</i>	Columbia Legal Services Wenatchee, WA	August 2005–November 2005
<i>Paralegal</i>	Columbia Legal Services Wenatchee, WA	November 2000–July 2005
<i>Legal Assistant /Paralegal</i>	Washington State Attorney General’s Office Wenatchee, WA	March 1998–March 2001
<i>Paralegal</i>	Ogden Murphy Wallace, P.L.L.C. Wenatchee, WA	March 1997–December 1997
<i>Paralegal</i>	Thomas E. Janisch, Attorney at Law Wenatchee, WA	June 1995–March 1997
<i>Administrative Assistant</i>	No. Central Washington Resource Conservation and Development Council, Chelan, WA	February 1994–December 1994
<i>Administrator</i>	Washington State Paralegal Association Entiat, WA	October 1992–December 1995
<i>Paralegal</i>	Lacy & Kane, Inc., P.S. East Wenatchee, WA	January 1989-December 1992

## **Limited License Legal Technician**

### Columbia Valley Legal Technician Services, PLLC

One of the first Legal Technicians to be licensed and establish a solo practice. Have opened 19 cases so far, in 22 months of practice.

### Chelan-Douglas County Volunteer Attorney Services

Deliver Legal Technician services as a contractor with local volunteer lawyer program, accepting referrals from and collaborating with pro bono attorneys to deliver extended services to low income program clients.

## **Courthouse Facilitator - Douglas County Superior Court**

Contract with local court system to provide services under GR 27 to self-represented family law litigants.

## **Communication Skills, Formal Presentations**

- Legal drafting
- Interview clients, witnesses, and self-represented litigants from diverse backgrounds to obtain detailed, personal, confidential information for use in legal matters
- Collaborate with community, governmental leaders, and advocates, to deliver services
- Organize community and group events to publicize and share information
- Write and design publicity materials: fliers, press releases, newspaper and journal articles
- Partner with technical and professional staff to collect information and perform services for clients
- Presenter, "Successfully Serving Native American Communities," Seattle University Law School Summer Intern Project Training, May 19-23, 2008
- Co-author and presenter of PowerPoint educating tribal communities about American Indian Probate Reform Act
- Panelist, "The Limited License Legal Technician," Northwest Legal Industry Alliance Winter Program and Reception, January 14, 2016
- Presenter, "Quick Tips and Shortcuts to the Plain Language Forms," Chelan-Douglas Bar Association 6<sup>th</sup> Annual Community Justice CLE Blitz, November 10, 2016
- Presenter, "Incorporating LLLTs into the Delivery of Civil Legal Aid," Washington State Access to Justice Conference, June 2017