

Press and Outreach Update: December 9, 2024

Press
<ul style="list-style-type: none">▪ November 19, 2024, 1-4:30 p.m., Minor Guardianship CLE for LLLTs▪ News Article: <u>Non-Attorneys Get Their Day in Family Court with Colorado’s New Legal License</u>
LLLT Statistics
<ul style="list-style-type: none">▪ Active LLLTs: 73▪ Emeritus Pro Bono: 1▪ Inactive LLLTs: 10▪ Suspended LLLTs: 1▪ Voluntarily resigned: 10
Upcoming Meetings/Events
<ul style="list-style-type: none">▪ April 14-15, 2025<ul style="list-style-type: none">○ April 14, 2025, 1:00 p.m.- 4:00 p.m. In-Person Board Meeting○ April 15, 2025, Committee Meetings, to be scheduled as needed▪ May 12, 2025, 1:00 p.m. – 4:00 p.m. Virtual Board Meeting▪ July 14, 2025, 1:00 p.m. – 4:00 p.m. In-Person Board Meeting▪ September 8, 2025, 1:00 p.m. – 4:00 p.m. Virtual Board Meeting





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Non-attorneys get their day in family court with Colorado’s new legal license

Story by Shelly Bradbury, The Denver Post • 4h • 5 min read

No one quite knew what to do with Casidy Ludwig when she walked into court this summer for her first appearance as one of Colorado’s newly minted licensed legal paraprofessionals.

She pulled the judge and opposing counsel aside for a primer: She’d be representing her client in a limited capacity, making objections and argument, but not examining witnesses.

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“It was scary,” Ludwig said. But the hearing — which came just a few days after the state swore in its first-ever batch of licensed legal paraprofessionals, or LLPs — went smoothly.

“It was probably everyone’s first experience interacting with an LLP,” she said.

Ludwig was among 62 people to pass a six-hour exam earlier this year to become Colorado’s first licensed legal paraprofessionals. The new legal license allows the paraprofessionals — who are not attorneys — to provide limited legal representation in some divorce and child custody cases.

The fledgling new profession's rollout has been relatively straightforward, though clients, attorneys and judges are all sorting through some of the practical nuances of the new job and its scope.

"It's like when nurse practitioners started and when physician assistants started, no one really knew what they were," said Angie Arkin, an attorney who helped develop the program in Colorado. "It's a new licensure, a new role, and not only is the public largely unaware of their existence, but judges, lawyers and LLPs themselves are trying to figure out and navigate the meaning of the rules and what the space is that the LLPs can practice in."



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The Colorado Supreme Court greenlit the new program last year with the goal of reducing the high number of people who go through family law cases entirely without legal representation. In certain cases, licensed legal paraprofessionals can draft and file court documents, represent clients in mediation, give legal advice, accompany clients to court and answer a judge's factual questions. They cannot examine witnesses.

Seventy people sat for the first-ever LLP exam in April, according to the Office of Attorney Regulation Counsel. Sixty-two people passed and eight failed. Testing will happen twice a year; around 35 people were expected to sit through a second exam in early November, though the exam results won't be finalized until early 2025.

The new job involves much of the same work Ludwig did as a paralegal, except that she can sign her own name on filings and no longer needs an attorney's stamp of approval, she said. She can give legal advice and appear on her own for court hearings, which she wasn't allowed to do as a paralegal.



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"This is a natural progression of our experience, since we've been practicing as paralegals for so long, and know so much about Colorado family law," she said.

Many of the people who took the first test in April were mid-career professionals, said Jessica Yates, Colorado's attorney regulation counsel, who oversees the licensing process.

"One of the most heartening developments is that, at least so far, the individuals who have sought to be LLPs and have become LLPs were all individuals who were pretty far along in their careers, and for various reasons were not able to pursue a career as a licensed

attorney," she said. "This has given them an opportunity for a really exciting and interesting development within their own careers."

"Let people practice for a little while"

Denver District Court Judge Adam Espinosa, who helped to develop the program, saw an LLP represent a client in his courtroom for the first time in early October.

Both sides had been represented by attorneys and reached an agreement that needed to be finalized in a hearing. But the attorney for one person in the case was having a hard time scheduling that hearing before February.

"He said, 'How about I have my LLP appear?' " Espinosa said. "And I said, 'Of course.' It allowed the case to be heard on Oct. 3 instead of Feb. 4. So people got their day in court sooner, which in my perspective is a good thing."

When the LLP handled the hearing, there was little to no difference between the way she proceeded and the way an attorney would have, the judge said.

He at one point was not sure whether she was acting within her scope when she asked procedural, non-contested factual questions during the hearing, and later followed up with the Office of Attorney Regulation Counsel to clarify that detail.

Those sort of technical and procedural questions are to be expected and are necessary to fully define LLPs' scope in the coming months and years, said Arkin, the attorney who helped develop the program.

"The only way really to do that is to let people practice for a little while and see what is coming up consistently. What are the questions, what are the issues, what are the concerns?" she said.

Yates said the overall reception for LLPs has been positive across the state. The number of LLPs is currently too small to make a dent in the overall percentage of people who go through family court without an attorney — which hovers around 75% — but she and others are optimistic the number of pro se, or self-represented, parties will drop as the LLP program becomes more robust.

"The real positivity for the long term will be that more litigants in domestic relations cases will be getting some kind of assistance, whereas a number of them right now are getting no assistance at all," she said.

A lower-cost alternative

Part of the reason clients might hire an LLP instead of an attorney is cost — licensed legal paraprofessionals charge less than attorneys.

At Nexus Family Law, where Ludwig works, attorneys charge about \$400 an hour while she charges \$250 an hour for LLP work. She and another LLP at the firm, Paola Garcia, also offer one-hour legal sessions where they can help clients fill out paperwork, or go over a proposed agreement, without committing to representing the client in the entire case.

Related Articles

- Courts | Non-attorneys will be able to practice limited family law in Colorado under new program
- Courts | Non-attorneys practicing law? Colorado eyes new legal license for divorce, child custody cases.

"All of our clients we've had the privilege to do LLP work for are super grateful because it is at a lower cost," Garcia said. "They have more access to the justice system and they really appreciate us explaining in-depth what they could be looking at in a case."

Garcia and Ludwig feel fortunate to be employed by a law firm that is embracing LLPs. Ludwig said support from attorneys at her law firm has been critical as she carves out her new role.

In one case, an opposing attorney tried to bypass Ludwig by saying he'd only negotiate with an attorney, not with an LLP.

"(Our attorney) told him that he needs to show me some respect as the lead counsel on the case," Ludwig said.

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Limited License Review Committee Charter

Effective: Upon approval by the Limited License Legal Technician (LLLT) Board

Purpose

The purpose of the Limited License Review Committee is to conduct an examination of the LLLT license, that includes assessing strengths and areas of opportunities, and considering similar limited licenses in the U.S. and other countries. The Committee will liaison with other Boards, Committees, and entities, and issue a report with recommendations relating to the LLLT license and Admissions and Practice Rule (APR) 28 and Appendix APR 28 Regulations.

Among other things, the purpose of APR 28, the rule authorizing the LLLT license, is to “permit trained LLLTs to provide limited legal assistance under carefully regulated circumstances in ways that expand the affordability of quality legal assistance which protects the public interest.” APR 28(A). The Limited License Review Committee furthers this purpose by determining what changes would improve the LLLT license and also serve to protect the public whose legal needs may be met by LLLTs.

Composition

The committee will consist of approximately 8-10 members outlined as follows:

- Chair (Christy Carpenter)
- 1 Washington State Supreme Court Justice
- 1 WSBA Board of Governors (BOG) Member
- 1 Superior Court Judge or Commissioner
- 1 Oregon legal licensed professional with knowledge of the Oregon Licensed Paralegals
- 1 Community College Administrator and/or 1 Law School Administrator
- 1 representative from a pro bono or legal aid services provider
- 1 Washington lawyer who works with a LLLT
- Up to 1 LLLT or limited license professional from another jurisdiction.

WSBA Staff Liaison: Cathy Biestek, Managing Regulatory Counsel, non-voting

Term

The committee will meet monthly, up to 4 hours each meeting, and will submit its written report to the LLLT Board by December 2025.

Scope of Work

The committee will strive to address the following areas when conducting its evaluation:

- Impact of the license; consumer perspective
- Licensure requirements including education, experience, and examinations
- Scope of practice, including practice areas and ability to appear in court
- Financial impact to the WSBA
- National standards of limited licenses and reciprocity
- Barriers and benefits to reinstating the LLLT license
- Integration of LLLTs into the legal profession

The committee will make recommendations to the LLLT Board regarding the LLLT license and governing rules and regulations.

Measures of Success

A successful committee will

- present recommendations for the LLLT license that will serve to improve the LLLT license,
- explain how the recommendations improve the LLLT license,
- describe how the recommendations will protect the public, including serving unmet legal need in Washington state,
- demonstrate how the recommendations will have an acceptable impact on the WSBA's budget, and
- demonstrate how the recommendations will promote belonging and advance equity considerations with respect to access to justice and pathways to the practice of law in Washington state.

Resource Materials

Resource materials for committee review include:

- [APR 28 and Appendix APR 29 Regulations](#)
- [LLLT RPC](#)
- [ELLLTC](#)
- [2003 Washington State Civil Legal Needs Study](#)
- [2015 Civil Legal Needs Study Update](#)
- [June 2012 Supreme Court Order No. 25700-A-1005](#), adopting APR 28 - LLLT Rule
- [June 2020 Supreme Court Letter re Decision to Sunset](#)
- [June 2020 Justice Madsen's Dissent to Decision to Sunset LLLT Program](#)

- [July 2021 Supreme Court Order No. 25700-A-1361](#) adopted amendments to APR for sunset of LLLT licensing.
- [June 2022 Supreme Court Order No. 25700-A-1428](#) required all remaining LLLT applicants to complete preadmission requirements by July 31, 2023.
- See [Decision to Sunset LLLT Program](#) webpage to review communication and history regarding Court's decision to sunset LLLT Program.
- Jason Solomon & Noelle Smith, [The Surprising Success of Washington State's Limited License Legal Technician Program](#), Stanford Center on the Legal Profession, April 2021, at page 5, <https://law.stanford.edu/publications/the-surprising-success-of-washington-states-limited-license-legal-technician-program/>.
- [LLLT Board PowerPoint presentation](#) to the WSBA BOG in May 2024 (at page 280).
- Lacy Ashworth, [Nonlawyers in the Legal Profession: Lessons from the Sunset of Washington's LLLT Program](#), 74 Arkansas Law Review (2022).
- Brooks Holland, [The Washington State Limited License Legal Technician Practice Rule: A National First in Access to Justice](#), 82 Mississippi Law Journal Supra 75 (2013).
- Clarke, Thomas and Sadefur, Rebecca L., [Preliminary Evaluation of the Washington State Limited License Legal Technician Program](#) (March 2017).
- Institute for the Advancement of the American Legal System, [Allied Legal Professionals: A National Framework for Program Growth](#) (June 2023).