

**LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD**  
**AGENDA for March 15, 2018**

Washington State Bar Association  
1325 Fourth Avenue – Suite 600  
Seattle, Washington 98101  
1:00 p.m. to 4:00 p.m.

1. **Call to Order/Preliminary Matters** (1:00 p.m.)
  - Outreach Update
  - Approval of Meeting Minutes
  - February 2018 Exam Results
  - Retreat Planning
  - Site Team Update
2. **New Practice Area - Personal Services Subcommittee Report** (Nancy Ivarinen) (1:30 p.m.)
  - Discussion of Consumer, Money and Debt Practice Area
  - Next Area for Investigation - Update
3. **Nominations Committee Report** (Brenda Cothary) (2:00 p.m.)
  - Vote on Nominations Committee Recommendations
4. **Supreme Court Meeting** (Steve Crossland) (2:30 p.m.)
5. **Discussion of RPC 1.15A(h)(9)** (Doug Ende) (3:00 p.m.)

**MEETING MATERIALS**

1. Outreach Update
2. Draft Meeting Minutes from February 15, 2018
3. Consumer Money and Debt Summary and Overview – Draft
4. Applications for FY 2019 Board Members
5. Reference Materials for Discussion of RPC 1.15A(h)(9)



## LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

UPDATE: March 2018

### Outreach & Press

Press:

- February 16, 2018: [Recap and Update: What are LLLTs and How Will They Improve Access to Justice?](#)
- February 22, 2018: [Ethics Forum Q&A](#)
- March 5, 2018: [There's a low cost alternative to hiring or becoming a lawyer](#)
- March 5, 2018: [Lawyering up gets easier](#)
- March 9, 2018: [How lawyers are integrating paraprofessionals into practice](#)

Recent Events:

- February 7, 2018: The Association for Legal Professionals (NALS). Christy Carpenter & Jean McElroy.
- February 2018: Presentation to the Law Society of Saskatchewan in Regina, Saskatchewan. Paula Littlewood & Steve Crossland (Funded by Host).
- February 26, 2018: Tacoma Community College. Jean McElroy and Steve Crossland.
- February 27, 2018: Yakima Valley College. Steve Crossland.
- March 8-9, 2018: Washington School Counselor Association's conference, Seattle. Bobby Henry and WSBA Communications staff.
- March 3, 2018: Spokane VLP Advisory Board. Barbara Esselstrom.

Upcoming Events:

- TBD: KCBA LLLT Clinic Training
- March 2018: Penn State Law Review Symposium, Pennsylvania. Paula Littlewood & Steve Crossland (Funded by Host).
- April 2018: Spokane County Public Schools Career Day. Barbara Esselstrom.
- April 28, 2018: Washington State Paralegal Association. Jennifer Ortega and Michelle Cummings.
- June 2018: Spokane Women's Health Expo. Barbara Esselstrom.

### Statistics & Other Events

- Number of current LLLTs: 29, 2 licensing applications at Court
- 2 LLLTs are inactive
- Application Deadline for Summer Exam: March 5 with a late filing deadline of April 5

### Meetings

Recent:

- February 15, 2018: New Practice Area Committee Meeting



- February 15, 2018: LLLT Board Meeting
- February 14, 2018: Site Team Meeting
- February 15, 2018: Meeting re Immigration Questions
- March 5, 2018: Nominations Meeting

Upcoming:

- April 4: Supreme Court Meeting
- April 19, 2018: New Practice Area Committee Meeting
- April 19, 2018: LLLT Board Meeting



**LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD**  
**Meeting Minutes for February 15, 2018**

Washington State Bar Association  
1325 Fourth Avenue – Suite 600  
Seattle, Washington 98101

**LLLT Board Members in Attendance:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Stephen Crossland – LLLT Board Chair | <input checked="" type="checkbox"/> Nancy Ivarinen                      |
| <input checked="" type="checkbox"/> Sarah Bove                           | <input checked="" type="checkbox"/> Andrea Jarmon                       |
| <input checked="" type="checkbox"/> Brenda Cothary                       | <input checked="" type="checkbox"/> Genevieve Mann (Remote)             |
| <input checked="" type="checkbox"/> Greg Dallaire                        | <input checked="" type="checkbox"/> Ruth McIntyre                       |
| <input checked="" type="checkbox"/> Jeanne Dawes (Remote)                | <input checked="" type="checkbox"/> Jennifer Petersen                   |
| <input checked="" type="checkbox"/> Stephanie Delaney                    | <input checked="" type="checkbox"/> Amy Riedel                          |
| <input type="checkbox"/> Lynn Fleischbein                                | <input checked="" type="checkbox"/> Kendra Hodgson, Ex Officio (Remote) |
| <input checked="" type="checkbox"/> Gail Hammer (Remote)                 |   |

**Staff and Others in Attendance:**

Bobby Henry (RSD Associate Director), Christy Carpenter (LLLT #113), Barbara Esselstrom (LLLT #105) via phone, Jennifer Ortega (LLLT #118 ).

**Call to Order/Preliminary Matters**

The meeting was called to order at 1:05 pm.

• **Outreach Update**

Greg reported that meetings continue with immigration lawyers and officials to seek out a resolution to the federal preemption issue blocking the immigration practice area. Amy reported that Whatcom Community College is creating a certificate program for the LLLT core curriculum requirements. Stephanie reported that the site team will be meeting with the University of Washington paralegal program in the Spring. Barbara reported that she will be going to the middle and high schools in the Spokane area to promote the LLLT license as a career choice. Steve went to Saskatchewan where they are very interested in the LLLT license and are likely to start a similar program soon. Steve reported that Wenatchee Community College is very interested in a LLLT education program. He also reported that he and bar leadership will be meeting with Yakima Valley College in February to discuss starting a core



curriculum program there. Steve stressed the importance of getting the LLLT student pipeline full so there are more LLLTs. One way to do that is to get as many colleges as possible delivering the LLLT core curriculum.

- **Approval of Meeting Minutes**

The January 2018 meeting minutes were approved.

- **Staff Update**

Steve reported that Joe Terrenzio is no longer with the WSBA. Bobby Henry reported that Ellen Reed will be filling in on a temporary, part-time basis.

### **Nominations Committee Report**

Brenda reported on the status of board member appointments. The board is still short one public member. To date there are no applications for the next fiscal year. Eligible board members were reminded to reapply. Steve announced that, after discussion with Chief Justice Fairhurst and Justice Madsen, he is eligible for another term. There was no opposition to his remaining on the board.

### **New Practice Area Committee Report**

Nancy Ivarinen reported that the new practice area committee had finished its work on the proposed practice area called Consumer, Money, and Debt Law. The committee will finalize a report for the Board's review at the March meeting. She reported that the committee recommends a 60 day comment period. The Board discussed how it should inform the Court about the proposed practice area. The Board agreed that it should inform the Court about the proposed practice area before or when comments are requested and that information provided to the Court should be brief and general.

Nancy also reported on the Committee's efforts to develop additional practice areas. One possible area is tentatively called "Work and School". The committee reviewed topics that may fit within this area and is working to narrow down and identify areas of administrative law that may also fit within this area. Nancy stressed the importance of keeping records and minutes of what topics were considered and why they were or were not included in the practice area as a sort of legislative history.

### **LLLT and Client Outreach/Communication**

Ruth stressed the importance of getting the word out to students and the public about the LLLT license. The WSBA Communications and Outreach Department continue on their work to develop an outreach plan.

In addition, Andrea suggested that the Board create a video for the purposes of getting the word out about the LLLT license. The Board discussed items to include in the video including client testimonials.



### **Meeting with Court**

The Board discussed preparing for the meeting with the Court in early April. The Board decided that a short, maybe two to three page, report highlighting achievements, progress and goals would be sufficient information for the Court.

### **Board Retreat**

The Board discussed having a retreat. The board's consensus was that a retreat should be held with a preference to holding the retreat some distance from the Seattle area. The board settled on holding a retreat on June 22 and 23 in lieu of its June meeting on June 21. Staff will investigate options for holding the retreat in central Washington at that time. Board members should send ideas for topics to discuss at the retreat to Steve.

### **Adjournment and Next Meeting**

The meeting was adjourned at 2:50 pm. The next meeting will be held on March 15, 2018 at 1:00 p.m.

Submitted by Bobby Henry.



**Consumer, Money, and Debt Law**  
**Proposed New Practice Area for Limited License Legal Technicians**

**Summary**

The Limited License Legal Technician (LLLT) Board invites comment on a proposed new practice area: Consumer, Money, and Debt Law. This new practice area is designed to provide economic protection for the public and to provide legal assistance for certain financial matters, with a focus on consumer debt issues and other problems which contribute to consumer credit problems. For example, LLLTs licensed in this practice area would be able to assist clients with issues related to legal financial obligations, debt collection and garnishment defense, identity theft, preparing for small claims court, and filing protection orders.

**Introduction**

The practice area was developed by a New Practice Area Committee of the LLLT Board in a workgroup chaired by LLLT Board member Nancy Ivarinen. The workgroup is requesting input from other interested parties prior to formalizing the request to the Supreme Court.

While researching new practice areas for LLLTs, the workgroup considered:

- whether the new practice area would increase access to justice for potential clients with moderate or low incomes;
- whether there is a demonstrable unmet legal need in that area;
- whether it's possible to include consumer/client protection for those who use LLLTs;
- whether the new area would provide a viable practice so LLLTs can afford to maintain a business;
- whether the substantive practice area classes can be developed and taught by the law schools in a three-class series, one per quarter, for five credits each; and
- whether there are experts available to help develop the curriculum and teach the classes.

In order to appropriately vet the potential new practice areas, the workgroup considered:

- statistics and reports discussing the legal need;
- comments by invited subject matter experts who explained what the practice areas entail;
- comments by these experts on what the LLLT could potentially do;
- committee discussion about the LLLT being properly trained in a limited scope within the practice area; and
- whether the practice area could be regulated appropriately so that the needs of the clients would be met, while also assuring that the clients would be protected.

The Better Business Bureau (BBB), the Attorney General's Consumer Protection Division, the Federal Trade Commission, and some organizations funded by United Way offer services

related to consumer debt, such as debt management, debt renegotiation; and changing the behavior of businesses that prey upon low and moderate income consumers.

These services have been in existence for decades, and yet the demonstrated need in the Civil Legal Needs Study clearly shows that consumers with debt related legal issues are unaware of these services, do not believe these organizations can or will help them, have not been helped when using these services, or have needs that exceed the scope of the services these organizations can provide.

The proposed practice area is intended to help meet these significant unmet legal needs while giving LLLTs additional practice area options for expanding their businesses.

### **Evidence of Unmet Need**

The starting point of the workgroup's analysis was identifying the unmet need that could be addressed by LLLTs licensed in a consumer law practice area. The workgroup found convincing evidence supporting the existing legal need for consumer law assistance in studies conducted at both the state and national levels. The workgroup also looked at statistics received from county-based volunteer legal services providers and the statewide Moderate Means Program, which demonstrated a consistent legal need in the consumer law area among low and moderate income people.

#### *Statistics from State and Federal Studies*

- The 2003 (Statewide 0-400% of Federal Poverty Level) and 2015 (Statewide, 0-200% of Federal Poverty Level) Civil Legal Needs Studies identified Consumer, Financial Services, and Credit among the three most prevalent problems that people experience and seek legal help to address. There was an increase in legal need in this area from 27% to 37.6% between 2003 and 2014.
- The Legal Services Corporation June 2017 Report: The Justice Gap (National, 0-125% of Federal Poverty Level) identified consumer issues as the second highest problem area for people at this income level.

#### *Moderate Means Program Data*

- The WSBA Moderate Means Program (Statewide, 200-400% of Federal Poverty Level) identified consumer issues as the second highest problem area. In addition, data provided by the program showed that consumer law represented 10% of the 2,321 requests for service from October 26, 2016 to October 27, 2017. Of the 233 consumer law requests, 74 related to bankruptcy or debtor relief and 71 were in collections, repossession, and garnishment.
- Data from the Moderate Means Program on requests for service from January 1, 2015 through May 1, 2017, show 523 of 3,062 requests for service in consumer law matters, about 17% of the total requests over that 28 month period.



### *Statistics from Volunteer Legal Service Providers*

- The King County Bar Association’s Neighborhood Legal Clinics 2016 data showed that 15% (1,298 of 8,259) of legal issues addressed at the clinic were consumer law related.
- From 2012-2017 the King County based Northwest Consumer Law Center received 2,499 requests for service, all directly related to consumer law needs.
- Over the last three years, the Tacoma-Pierce County Bar Association Volunteer Legal Services had an average of 160 clients per year visit their Bankruptcy Clinic and an average of about 43 clients per year attend the Foreclosure – Home Justice Clinic.

### **How LLLTs Can Meet the Legal Need**

When reviewing the Civil Legal Needs Studies, the workgroup noted that it was unclear whether or not legal assistance would materially address the consumer law problems the subjects were reporting, and if so, whether that assistance could be provided through some method other than direct representation exclusively by a lawyer.

The workgroup discussed many examples of consumer legal problems that may not have a legal remedy, such as a debt collection lawsuit where the money is owed. While discussing each example, the workgroup saw advantages to providing the consumer with legal advice, even if there did not appear to be a legal resolution to the issue. For example, in a debt collection lawsuit, the statute of limitations on collection of the debt may have passed, so the debtor may not be obligated to pay even though the debt is owed. For those debtors who do have defenses or where collection agencies are attempting to collect a legitimate debt in an unfair or illegal manner, a LLLT could be a valuable consumer protection tool. Even for consumers who have no defense to a lawfully pursued debt collection lawsuit, having the assistance of a LLLT throughout the process of responding to a lawsuit would speed judicial efficiency, as the defendant would understand the procedures and be able to respond in an appropriate and strategic way.

The extensive collection of self-help resources offered on [washingtonlawhelp.org](http://washingtonlawhelp.org) regarding consumer debt confirms that many consumers already face this issue pro se, and would undoubtedly benefit from consulting with an affordable provider of legal services in this area.

The workgroup enlisted the advice of practitioners and other experts in the various areas of law to identify the legal work which could be effectively performed by LLLTs and provide an economically sustainable practice area. The workgroup identified that Consumer, Money and Debt Law LLLTs should be able to:

- offer advice regarding all identified topics
- fill out certain forms
- engage in limited negotiation in regard to particular issues
- attend specific hearings to advise the client and assist in answering procedural questions
- attend depositions

- prepare paperwork for mediation, and
- attend any administrative proceeding related to the practice area.

The workgroup carefully weighed the pros and cons of each of the above actions and determined that allowing this range of actions would greatly increase the quality of service that LLLTs could provide to their clients.

**Target Clients and Scope**

The target clients of this practice area are moderate and low income people with consumer debt or credit problems, or those to whom a small amount of debt is owed. The workgroup narrowly prescribed the focus of the recommended scope in order to provide a maximum benefit to these clients. The workgroup also identified limitations designed to ensure that LLLTs will provide service to consumers who currently do not have resources in this area.

The *2015 Civil Legal Needs Study* noted that the average number of legal problems per household has increased from 3.3 in 2003 to 9.3 in 2014. In addition, the legal problems that low-income people experience are interconnected in complex ways. Consumer debt, for example, can be exacerbated by landlord/tenant issues, divorce, identity theft, lack of access to benefits, problems with an employer, lack of exposure to options such as bankruptcy, and domestic violence and other protection orders.

The workgroup thought holistically about this range of issues which often go hand in hand with consumer debt and credit problems and identified a range of actions which could appropriately be performed by a LLLT in the areas of protection orders, bankruptcy education, wage theft, and identity theft. Including these areas as part of the consumer law relief a LLLT will be able to provide will allow LLLTs to proactively help their clients to break the cycle of debt creation.

**Proposed Consumer, Money, and Debt Law LLLT Practice Area**

<b>Scope</b>	<b>Permitted Actions &amp; Limitations</b>
Legal Financial Obligations (LFOs)	<p><b>Permitted Actions:</b>            Assistance filling out forms (e.g., Motion for Order Waiving or Reducing Interest on LFO, Order to Waive or Reduce Interest on LFO)</p>
Small Claims	<p><b>Permitted Actions:</b>            Assistance preparing the Notice of Small Claim, Certificate of Service, Response to Small Claim, Small Claims Orders, Small Claims Judgment, and counterclaims            Preparation for mediation and trial            Obtaining and organizing exhibits</p>

Student Loans	<p><b>Permitted Actions:</b>  Negotiation of debt or payment plans  Modifications, loan forgiveness and debt relief  Discharge</p>
Debt Collection Defense and Assistance	<p><b>Permitted Actions:</b>  Negotiation of debt  Assistance filling out Complaints, Answers and Counterclaims  Affirmative Defenses including Statute of Limitations defenses  Reporting Fair Debt Collection Act violations, including statute of limitations and state collection agency statute violations  Reporting to Regulatory Agencies</p> <p><b>Limitations:</b>  LLTs can assist only with debts valued at less than the jurisdictional limits set by the District Court (\$100,000)</p>
Garnishment	<p><b>Permitted Actions:</b>  Negotiation  Voluntary Wage Assignments  Assistance filling out forms (Application for Writ of Garnishment, Continuing Lien on Earnings, Return of Service, Notice Exemption Claim, Release of Writ of Garnishment, Motion and Cert. for Default Answer to Writ of Garnishment, Application for Judgment, Motion/Order Discharging Garnishee, Satisfaction of Judgment)  Exemption Claims, including assistance at court hearings</p> <p><b>Limitations:</b>  LLTs can assist only with debts valued at less than the jurisdictional limits set by the District Court (usually \$100,000)  LLTs may render legal services for debt collection only when there is a direct relationship with the original creditor and may not act as or render legal services for collection agencies or debt buyers as defined under RCW 19.16.  No prejudgment attachments  No executions on judgments</p>

Identity Theft	<p><b>Permitted Actions:</b>          Advise regarding identity theft          Best practices for protecting information          Contacting credit bureaus          Reporting to law enforcement and other agencies such as Federal Trade Commission</p>
Wage complaints and Defenses	<p><b>Permitted Actions:</b>          Representation in negotiations or hearings with Labor and Industries          Accompany and assist in court          Advice and reporting regarding Minimum Wage Act          Advice and reporting regarding Fair Labor Standards Act          Actions permitted under RCW 49.48 (Wages-Payment-Collection)          Actions permitted under RCW 49.52 (Wages-Deductions-Contributions-Rebates)</p> <p><b>Limitations:</b>          LLLTs may not represent clients in wage claims which exceed the jurisdictional limit set by the District Court (\$100,000)</p>
Loan Modification & Foreclosure Defense and Assistance	<p><b>Permitted Actions:</b>          Accompany and advise in mandatory mediation process          Assist with non-judicial foreclosure actions and defenses under RCW 61.24.040          Advise regarding power of sale clauses and the Notice of Sale Right of Redemption</p> <p><b>Limitations:</b>          LLLTs would be prohibited from assisting with non-judicial foreclosures if the LLLT does not meet the requirements of RCW 61.24.010.          No judicial foreclosures</p>
Protection Orders	<p>Selecting and completing pleadings for Protection Orders for domestic violence, stalking, sexual assault, extreme risk, adult protection, harassment, and no contact orders in criminal cases</p>
Bankruptcy Awareness and Advice	<p>Explain the options, alternatives, and procedures as well as advantages and disadvantages          Refer to budget &amp; counseling agency          Refer to bankruptcy attorney          No assistance with bankruptcy filing in court</p>

The LLLT Board will coordinate with the Washington law schools in the development of the practice area curriculum and ensure that appropriate faculty is available to teach the curriculum. The LLLT Board may modify the proposed practice area based on:

1. consideration of public comments;
2. issues discovered during the drafting of new practice area regulations; and
3. issues that arise during the law schools' development of the practice area curriculum.

Please provide comments to the LLLT Board via email to [LLL@wsba.org](mailto:LLL@wsba.org) by \*\*\*, 2018.

FY 2019 LLLT BOARD APPLICATIONS

Glen Bristow\*  
WSBA #9110694

**Congressional District:** Not Available

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

**Application Reason:** Working as a paralegal for the last 10 years, I've heard opinions from all sides about the LLLT program. I would like to join the board to help prioritize the concerns of attorneys & non-attorneys as the LLLT program evolves.

**Employer:** GLP Attorneys, P.S., Inc.

**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

# Glen N. Bristow

## **PROFESSIONAL EXPERIENCE:**

### **GLP ATTORNEYS, P.S., INC. *August 2012 to Present***

**Litigation Paralegal – October 2016 to Present:** Paralegal working with shareholders and staff attorneys on high-complexity cases, and long ongoing projects. Coordinate scheduling of case-specific teams in multiple offices statewide.

**Paralegal – August 2012 to October 2016:** Paralegal to 1 attorney in a law firm devoted exclusively to plaintiff-side personal injury, primarily motor vehicle collision and slip & fall injury cases. Case management from retention to disbursement & file closure. Coordinate efforts of legal assistants, medical records staff, private investigators, transcriptionists, accountants, etc., to manage a high-volume caseload. Draft settlement demands, pleadings, discovery, correspondence, and final accounting documents.

### **TARIO & ASSOCIATES, P.S. *June 2008 to August 2012***

**Paralegal – Personal Injury Department, July 2009 to August 2012:** Paralegal to 3 attorneys in multiple offices in a high volume plaintiff-side torts practice, with case types including medical malpractice, wrongful death, motor vehicle collision, sexual battery, outrage, premises liability, admiralty, etc., against individual and corporate defendants, and occasional civil defense cases. Screen potential clients, file setup, medical records retrieval/compilation/analysis. Draft documents for settlement negotiation, arbitration, mediation, litigation, discovery, trial preparation, trial, disbursement, and appeal. Correspond with medical providers, insurance adjusters, clients, witnesses, and opposing counsel. Maintain contact with clients throughout the litigation process and update clients on case status. Investigate witnesses, parties, and case subject matter, online, telephonically, and in the field. Identify all relevant case information to draft responses to discovery requests, motions, and briefs for settlement/arbitration/mediation. Legal research in conjunction with attorneys, especially relating to court rules and procedure. Communicate with law enforcement and private investigators. Maintain calendars and scheduling. E-filing.

**Paralegal – Family Law Department, June 2008 to July 2009:** Paralegal to 1 attorney in Mount Vernon office practicing family law and family-based immigration law, including dissolution, non-parental custody, child support, domestic and international adoption, paternity, immigrant relative visas, fiancée/spouse visas, and visas for victims of violent crime and domestic violence. Research procedure, compile financial records, draft discovery responses, and maintain contact with clients. Draft and file petitions and related documents for dissolution, custody, adoption, and writs of habeas corpus in multiple counties throughout Washington State. Investigate and locate absentee parties for service of process.

**Interpreter & Translator, June 2008 to August 2012:** Serve as in-house Spanish/English interpreter and translator for up to 9 attorneys. Interpret for clients at informal proceedings including settlement conferences, telephonic hearings, and bankruptcy court creditors' meetings. Translate correspondence, domestic and foreign court documents, financial records, and professional/technical résumés. Orally translate documents for Spanish-speaking clients.

## **VOLUNTEER EXPERIENCE:**

### **WHATCOM COMMUNITY COLLEGE *September 2014 to Present***

Paralegal Program Advisory Committee, September 2014 to Present: Member and Chairperson of advisory committee that includes judges, attorneys, paralegals, and laypersons. Committee assists the Program Director in activities such as graduate placement tracking, general curriculum development, and compliance with WSBA guidelines to offer LLLT pre-licensing curriculum.

### **SKAGIT VALLEY COLLEGE *September 2009 to June 2012***

Paralegal Program Advisory Committee, September 2009 to June 2012: Member and Chairperson of advisory committee that includes judges, attorneys, paralegals, and laypersons. Committee assists the Program Director in activities such as curriculum development and compliance with American Bar Association (ABA) guidelines to maintain Approved standing.

### **SKAGIT DOMESTIC VIOLENCE AND SEXUAL ASSAULT SERVICES *October 2009 to September 2010***

Domestic Violence (DV) and Sexual Assault (SA) Protection Orders (PO): Certified DV & SA Advocate per Revised Code of Washington (RCW) 7.90 et seq. and RCW 5.60.060(7). Completed 42-hour training and qualified to assist clients in preparing petitions for DV/SA Protection Orders and appear with clients at DV/SA court calendar.

DV & SA Hotline: Staff 24/7 hotline for victims of DV & SA. Connect callers to shelter, legal, medical, counseling, and other community-based resources. Respond to hospital calls from Sexual Assault Nurse Examiners (SANE) at request of clients to assist victims in asserting their rights amid influences of hospital staff, law enforcement, family members, and extreme emotional duress.

### **SKAGIT COMMUNITY ACTION AGENCY – VOLUNTEER LAWYER PROGRAM *May 2008 to August 2011***

**General Case Interviews:** Interview clients and assist in developing case plans for clients with legal issues, including dissolution, child custody, paternity, immigration, bankruptcy, landlord/tenant, foreclosure, etc. Familiarize clients with basic concepts including service of process, initiating litigation, scheduling hearings, obligations of persons involved in lawsuits, etc.

**Translate and Interpret:** Written translation of correspondence, declarations and other documents submitted by clients or from attorneys to clients. Oral translation of pleadings and other documents for clients. Interpret for VLP Director and volunteer attorney specialists meeting with clients and witnesses.

**Legal Advice Clinics:** Coordinator/Planner, Interpreter, and Paralegal for Law Day Clinic (2008 to 2016), Citizenship Day, and Immigration Clinics.

### **WASHINGTON STATE PARALEGAL ASSOCIATION**

Paralegal of the Year Award 2009: Nomination cited outstanding service of legal needs of Washington State residents.

Northwest Chapter Network Development: Meet with paralegal job seekers and paralegal students for résumé review, informational interviews; connect employers, job seekers, and other professionals, leading to many successful working relationships.

## **EDUCATION:**

### **SKAGIT VALLEY COLLEGE *September 2007 to June 2008: 43 Credits. 3.93 GPA.***

ABA-Approved Paralegal Program. Paralegal Student of the Year Award 2008. President of Student Paralegal Association September 2007 to June 2008. Leadership Experience Achievement & Development (LEAD) Certificate, 2008. Global Citizenship Award, 2008.

### **WHATCOM COMMUNITY COLLEGE *AAS Transfer Degree, Graduated June 2006.***



Catherine M Brown  
WSBA #38090  
Active Attorney

**Congressional District:** 1

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

**Application Reason:** I am interested in serving on the Limited License Legal Technician (LLLT) Board because I believe LLLTs are an important component of the legal services community. Specifically, I would like to support and advocate for the role of LLLTs in the volunteer lawyer program and pro bono communities throughout Washington. As Pro Bono Council Manager, I have worked with several volunteer lawyer programs who incorporated LLLTs into their work. I am inspired by the many LLLTs who actively seek out professional opportunities to volunteer. I would like to continue support for the role of LLLTs in the network of organizations that deliver civil legal aid to those in our state who experience poverty and other barriers to accessing legal help.

**History of Committee Service:**

**Pro Bono and Public Service Committee:** 10/1/2013 - 10/2/2014

**Employer:** Pro Bono Council

**Number of Lawyers:** Solo

**Areas of Practice:** No response

**Years of Practice:** 11

**Years of Membership:** 11

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

## CATHERINE M. BROWN

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February 27, 2018

Washington State Bar Association  
1325 Fourth Avenue, Suite 600  
Seattle, WA 98101-2539

Dear WSBA Selection Committee:

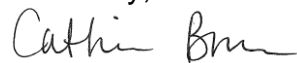
I write with interest to serve on the Limited License Legal Technician (LLLT) Board. I am currently Washington State's Pro Bono Council Manager and am invested in incorporating LLLTs into the local, regional, and statewide legal and pro bono communities.

I joined the LLLT Board's Consumer, Money, and Finance New Practice Area Committee in October 2017 and have enjoyed identifying and developing potential new practice areas. Furthermore, I bring to this Board the perspective of the access to justice community in general and the volunteer lawyer program community specifically. I am encouraged that several pro bono programs currently work with LLLT volunteers and several more are planning to incorporate these legal professionals into the pro bono network. Because LLLTs are so new to Washington and continue to be controversial for some private bar communities, I am particularly interested in whether and how the LLLT Board might support LLLTs to successfully engage in their communities and to advocate for the value they bring as unique and important partners in the delivery of legal services.

My experience building relationships with individuals and organizations to create viable pro bono opportunities positions me well to serve on the LLLT Board. While I enjoy big-picture brainstorming, I also appreciate the importance of concrete and efficient administrative plans and tasks that are vital to implement, monitor, and evaluate programs. I have experience staffing, serving on, and leading committees in Washington's access to justice community. After much careful deliberation, I am eager for the opportunity to invest my energy into continuing the LLLT Board's excellent work for and on behalf of the LLLT community in Washington State.

Thank you for considering the attached materials. I am available to discuss this opportunity at your convenience. I look forward to hearing from you.

Sincerely,



Catherine Brown

# CATHERINE M. BROWN

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## BAR ADMISSION

Passed Washington State Bar July 2006. Admitted to Washington State Bar Association November 2006, #38090

## EDUCATION

**STATE UNIVERSITY OF NEW YORK AT BUFFALO LAW SCHOOL**, *Juris Doctor* May 2006  
**SEATTLE UNIVERSITY**, *Bachelor of Arts in English* June 1999

## PROFESSIONAL EXPERIENCE

**PRO BONO COUNCIL**, *Manager*, Seattle, WA Jan. 2017 – Present  
Support, connect, advocate for, and provide technical assistance to seventeen pro bono programs in Washington • Represent the volunteer lawyer program community at local, regional, state-wide, and national gatherings • Develop resources for and lead trainings about Washington's Alliance for Equal Justice, best practices for volunteer lawyer program staff and boards, and pro bono program operations • Organize state-wide gatherings of Washington's pro bono community

**GONZAGA UNIVERSITY SCHOOL OF LAW**, *Center for Law in Public Svc Asst. Director*, Spokane, WA Aug. 2012 – Dec. 2016  
Supervise and train Moderate Means Program student volunteers • Coordinate weekly social justice speaker series • Launch and coordinate Pro Bono Distinction recognition program • Train law students about professionalism and ethics, client interviewing, and family law • Coordinate law students for juvenile record sealing, family law, and wills clinics • Co-direct Thomas More public interest scholarship program • Coordinate Gonzaga's participation in access to justice events

**GONZAGA UNIVERSITY SCHOOL OF LAW**, *Adjunct Externship Seminar Instructor*, Spokane, WA Jan. 2013 – Aug. 2013  
Design lesson plans for and lead reflective seminar for students at non-profit and government externship placements

**WASHINGTON STATE BAR ASSOCIATION**, *Public Service Program Mgr.*, Seattle, WA Jan. 2011 – Aug. 2012  
Implement the state-wide Moderate Means Program in collaboration with law schools • Expand the Home Foreclosure Legal Aid Project in collaboration with the Northwest Justice Project • Support WSBA's Pro Bono & Legal Aid Committee • Coordinate WSBA's Emeritus membership and expand list of Qualified Legal Service Providers

**SKAGIT COUNTY COMMUNITY ACTION AGENCY**, *Vol. Lawyer Program Mgr.*, Mount Vernon, WA May 2007 – Jan. 2011  
Recruit attorney, paralegal, and interpreter volunteers to provide pro bono assistance • Develop, coordinate and manage legal clinics • Advise and assist pro se clients with family, consumer, and housing law matters • Coordinate volunteer attorneys for local radio show • Secure annual funding from the Legal Foundation of Washington

**NEIGHBORHOOD LEGAL SERVICES**, *Family Violence Clinic Intern*, Buffalo, NY Sept. 2005 – May 2006  
Draft memoranda of law for family, public benefits, and housing law issues • Interview and assist domestic violence clients seeking divorce • Screen legal services clients in landlord-tenant court

**DORAN & MURPHY, LLP**, *Law Clerk*, Buffalo, NY Feb. 2005 – May 2006  
Conduct legal research about asbestos litigation • Research and prepare memoranda of law • Draft motions and responses • Research appellate procedure and draft appellate briefs

**MY SISTERS' PLACE LEGAL CENTER**, *Legal Intern*, Yonkers, NY June 2004 – Aug. 2004  
Compile VAWA self-petitions for victims of domestic violence, including intake interviews and preparation of affidavits, cover letters and legal briefs • Draft work authorization applications

**LAW OFFICES OF LADAS & PARRY**, *Paralegal*, New York, NY Sept. 2000 - Aug. 2003  
Draft and review memos, letters and information requests • Coordinate documentation, legalization and dispatch of trademark assignments for recordation in foreign jurisdictions • Supervise and train legal assistant

**CENTER ON JUVENILE AND CRIMINAL JUSTICE**, *Jesuit Volunteer Corps*, San Francisco, CA Aug. 1999 - Aug. 2000  
Conduct client interviews, analyze and provide sentencing recommendations for Alternative Sentencing Plans • Develop relationships with group homes, rehabilitation centers and state-run institutions for juvenile and adult offenders

## **ACTIVITIES**

### ***Current***

Access to Justice Board Delivery Systems Committee, Co-Chair & Member  
Board for Judicial Administration Public Trust and Confidence Committee, Subcommittee Co-Chair & Member  
Washington Race Equity and Justice Initiatives, Member  
Access to Justice Board Communications Committee, Member  
Statewide Legal Advocates Training Planning Committee 2017 & 2018, Member  
Limited License Legal Technician Board New Practice Area Committee, Member

### ***Past***

Washington Web Lawyer Advisory Committee, Member  
Spokane County Bar Association Volunteer Lawyers Program Standing Advisory Committee, Member  
Access to Justice Board Leadership Development Committee, Co-Chair & Member  
Access to Justice Board Pro Bono Council, Member  
Spokane-area Regional Planning Group, Coordinator & Member  
Washington State Bar Association Pro Bono & Legal Aid Committee, Member  
State-wide Disaster & Wildfire Emergency System Workgroup, Member  
Special Olympics Wolfpack Track Team, Volunteer Coach and Unified Relay Team Member  
Access to Justice Board Equal Justice Community Leadership Academy, Cohort 2 Member  
Access to Justice Board Conference Planning Committee, Member 2015 & 2017  
Northwest Washington Regional Planning Group, Member  
Skagit County Bar Association, Treasurer

Christine M Carpenter\*  
WSBA #9153319

**Congressional District:** Not Available

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

**Application Reason:** I regularly have been attending the LLLT Board meetings as an "interested party" since its inception in 2012 and have been either an official public member or public attendee of the Family Law Scope of Practice, RPC, New Practice Area, and Exam subcommittees of this Board. Having been an active participant, I have a very clear idea of what will be required of me as a member of the Board. I have been a paralegal and LLLT for 23 years in the Seattle/Tacoma area, have owned my own LLLT firm for nearly a year, volunteer in my community as an LLLT, and do a lot of LLLT outreach to the legal community as to the role of LLLTs. I am ready and enthusiastic in taking the next step to be considered as a new member of the Board.

**Employer:** Self

**Number of Lawyers:** No response

**Areas of Practice:** No response

**Years of Practice:** 1.5

**Years of Membership:** 0

**Learned of Service From:** Other: LLLT Board

**CHRISTINE M. CARPENTER**



**SUMMARY**

I am a Limited License Legal Technician, licensed by the Washington State Bar Association in 2016. I am also a paralegal with over 20 years of experience in non-profit, private firm, and government settings. Nearly all of my experience is in family law.

**EXPERIENCE**

**Self-Employed, myLLLT.com** 9/2017 - present  
*Limited License Legal Technician, Contract Family Law Paralegal*

**McKinley Irvin, PLLC - Seattle, WA and Tacoma, WA** 7/2015 – 9/2017  
*Family Law Paralegal*

**Self-Employed** 7/2012 – 7/2015  
*Contract Family Law Paralegal with McKinley Irvin*

**McKinley Irvin, PLLC - Seattle, WA and Tacoma, WA** 2009 – 7/2012  
*Family Law Paralegal*

Worked for the Managing Partner of the Seattle office (David Starks) and the sole partner of the Tacoma office (Marc Christianson). With respect to high-asset divorce and parenting matters:

- Prepared, reviewed and edited, filed, and distributed legal pleadings
- Prepared notebooks for motions, trials, settlement conferences, and mediations
- Reviewed complex tax returns and financial information, and summarized and organized that information into spreadsheets and tables
- Reviewed and indexed high volumes of financial, medical, and property documentation received via records subpoenas and from parties
- Maintained and updated attorney calendars
- Worked closely with clients, attorneys, mediators, and court personnel
- Managed my time efficiently as required by court and attorney deadlines

**CITY OF COVINGTON, Covington, WA** 2006 – 2009  
*Administrative/Legal Assistant, Community Development Dept.*

As legal assistant in Legal Dept. for five months (in-house legal department dissolved):

- Performed legal research and wrote legal memoranda
- Drafted condemnation and criminal misdemeanor pleadings

- Screened defendants for public defense eligibility

As administrative/legal assistant in Community Development Dept.:

- Researched and assisted in revising land use provisions of the municipal code (code enforcement, development regulations, comprehensive plan amendment process, surface water management)
- Acted as liaison for the Census Bureau, completing local address and map update utilizing GIS software
- Drafted and administered contracts, paid invoices, and arranged for travel and registrations for department members
- Acted as clerk for the Planning Commission, preparing agendas and exhibits, recording meetings, and preparing minutes
- Completed inventory of all permitting forms, instituted numbering system, prioritized revisions, designed graphic for new forms, and created several online fillable "pdf" forms using Acrobat Pro/LiveCycle Designer
- Actively participated in City's "Green Team", with my work directly resulting in City Council's adoption of a "sustainability resolution"

**GORDON W. WILCOX, INC. P.S., Seattle, WA**

2002 - 2006

*Family Law Paralegal*

- Performed paralegal duties with respect to mainly high-asset divorce matters
- Drafted pleadings, declarations, correspondence, mediation and arbitration letters, trial briefs, interrogatories, requests for production, and subpoenas
- Interviewed clients and third parties
- Assisted clients in answering discovery requests
- Crafted highly-detailed parenting plans and child support orders
- Reviewed and summarized complex financial documents
- Worked with experts, including business and real estate appraisers, financial advisors, parenting evaluators, and medical and mental health professionals
- Prepared for trial: assembled trial notebooks, scheduled witnesses, prepared Joint Statement of Evidence, communicated with bailiff regarding trial date/time, etc.
- Performed legal research
- Entered agreed orders in *ex parte* department

**LAW OFFICE OF RONALD C. MATTSON, Renton, WA**

2000 - 2002

*Family Law Paralegal*

- Interviewed clients and third parties
- Drafted correspondence, pleadings, and settlement proposals
- Assembled trial notebooks
- Prepared discovery materials
- Performed legal research
- Performed some work in the areas of criminal defense, wills and probate, corporate law, and general civil litigation

**KING COUNTY BAR ASSOCIATION, Seattle, WA**

1996 - 1999

*Paralegal and Program Coordinator, Self Help Plus Program*

- Screened clients for financial eligibility
- Drafted family law pleadings for *pro se* clients
- Maintained database of clients for conflict checks
- Trained two law student interns each year
- Completed comprehensive training manual for law students
- Organized marketing and community outreach
- Participated in numerous CLE's and trainings on subjects of concern to indigent and vulnerable populations, mainly in the areas of family law, domestic violence, substance abuse, senior issues, public benefits and immigration

## **INTERNSHIPS, VARIOUS EMPLOYERS**

1995 - 1996

Interned at Northwest Women's Law Center, the Department of Social and Health Services in Kent, and with two family law attorneys, Elizabeth Berns and Christina Misner.

## **CURRENT PROFESSIONAL AFFILIATIONS / VOLUNTEERING**

- Member, Washington State Bar Association
- Member, Tacoma-Pierce County Bar Association
- Member, WSBA LLLT Board New Practice Area Subcommittee
- Member, WSBA LLLT Board Exam Subcommittee
- Member, WSBA Mandatory Malpractice Insurance Task Force
- Member, KCBA Neighborhood Legal Clinics LLLT Clinic Subcommittee
- Volunteer, TPCBA Pro Se Family Law Clinic
- Volunteer, TPCBA USO Military Family Law Clinic

## **EDUCATION**

University of Washington Law School  
LLLT Program – Family Law 1, 2 & 3  
Certificate of Completion, 2014

Edmonds Community College  
A.T.A. Paralegal Program, 1995  
G.P.A. 3.79

University of Washington  
B.A. Political Science, 1990

## **REFERENCES**

Available upon request



Joanne Marie Watson\*  
WSBA #9847235

**Congressional District:** Not Available

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

**Application Reason:** I am a trained paralegal with nearly a decade of experience working with the low-income community. I have served on the TCC Paralegal Program Board as the student. I have worked as a program coordinator for a legal aid program, working with paralegals and attorneys. I've housed homeless veterans, negotiated tenancies with landlords, taught fair housing training.

I develop and teach fair housing training to landlords, property managers, and to the public. I develop curriculum and teach classes to staff on vicarious trauma, de-escalation and mediation techniques. I attend and participate in committees on behalf of the Fair Housing Center. I attend quarterly meetings and maintain strong professional relationships with the Washington State Human Rights Commission, Seattle Office of Civil Rights, City of Tacoma and King County's Office of Civil Rights.

I research federal, state and local laws and contact experts in their fields to get opinions and to interview them for cases. I investigate cases for filing with enforcement agencies, file cases, negotiate, and settle cases. I want to see this program work. Too often I get a client in who is desperate and needs assistance and there is no place for them to go. The better educated our paralegals are so they are trained to be Limited License Legal Technicians with the capability to handle uncomplicated cases would relieve a huge burden from society. I understand this. I would be willing to listen and interact with other board members in a professional and courteous manner. Not just hearing their thoughts and ideas, but helping strategize them and formulate them into workable policies and curriculums.

**Employer:** Fair Housing Center of Washington

**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

Joanne (Haffly) Watson

February 27, 2018

To Whom It May Concern:

I remember attending paralegal classes from 2008-2010 at Tacoma Community College and serving on the Board for the Paralegal Program as the student representative in during that time that the Limited License Legal Technician was just beginning to take shape.

Since then I have gone on to work with law offices, as a legal coordinator for a pro bono legal aid program, and currently as the investigator at Fair Housing Center of Washington where we are mandated through the Department of Housing and Urban Development to be the first line of civil enforcement of the Fair Housing Act.

When a WSBA colleague contacted me and asked me to apply for this opening, I jumped at the chance to be part of the cutting edge of assisting the Washington State Bar Association develop the necessary curriculum and policies needed to make this program a success.

I believe the LLLT program will allow more people especially low-income individuals with disabilities and other protected classes better access to justice through opportunities to afford the services of the technicians. Too often I see the consequences of evictions, homelessness, domestic violence, divorce and parenting plan disasters due to inability of one or both parties to access someone who knows the legal system.

In my current job, I review policies, create, implement, and teach educational materials to large adult classes, and mediate and negotiate outcomes for clients. I work directly with attorneys regularly.

I am enrolled in the University of Washington Professional Development Center's Nonprofit Management Certificate Program. I believe my expertise working in the legal, social services, and non-profit world makes me a valuable candidate as a board member.

If you have any additional questions, don't hesitate to contact my cell at (253) 549-6429.

Sincerely,

Joanne (Haffly) Watson  
Paralegal/Investigator/Advocate/Mediator

## **Joanne (Haffly) Watson**

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### ***Objective***

To contribute my project management, public speaking, and networking skills to work directly with the legal community in developing the future for the LLLT program throughout Washington State.

### ***Summary of Qualifications***

- Client Focus/Relationship Building – Highest ethical and integrity standards. Provide premiere client service with a strong reputation for building successful partnerships with clients, teammates and community partners.
- Technical Knowledge – Proficient in writing, editing, fair housing law, researching, legal services, administrative excellence, outreach, and teaching. Project management skills. Proven communication skills, detail oriented and highly skilled in MS Office.

### ***Education***

- Mediation Training—Center for Dialog & Resolution-Tacoma/Pierce County- 2017
- Bachelor of Liberal Arts (*emphasis in Environmental and Social Justice*) – Evergreen State College – 2012
- Associates Degree in Paralegal Studies (*graduated with high honors*) – Tacoma Community College – 2010

### ***Professional Experience***

#### **Fair Housing Center of Washington-Investigator**

2016-Present

- Receive and analyze complaints from persons alleging housing discrimination;
- Arrange and conduct investigative interviews, draft & file complaints with government agencies and/or HUD;
- Conduct investigation of discrimination complaints: interview witnesses, review documents, and visit sites as necessary to gather factual information and record searches;
- Communicate with charging parties, attorneys, witnesses and others involved in complaint processing to attempt resolution of charges;
- Research local, state and federal laws related to civil and human rights to establish theories that relate to the charges of discrimination;
- Conduct fair housing training to housing consumers and providers with the goal of to increasing fair housing intakes and cases;
- Prepare monthly and quarterly statistical and narrative reports for contractors, as required; Formulate and prepare analytical reports for the agency;
- Participate in fact finding conferences and negotiate settlements as appropriate; Trained mediator.

#### **MDC SSVF Landlord Liaison**

2013-2016

- Advocated for client, case management,
- Negotiated contracts, and mediated disputes between clients and landlords;
- Investigated properties ownership, criminal backgrounds, and civil cases including evictions;

- Community outreach including presentations in front of large groups.
- Initiated contact with landlords, property managers, real estate companies, community organizations, and government agencies:
- Maintained a computer database of information for the program;
- Collaborated in grant development and data reporting.

### **PNW Publications – Owner**

2010-2013

- Worked as a paralegal creating legal documents, writing, and editing letters and other correspondence.
- Provided copy-editing, copy-writing, marketing, and resume services for clients.
- Transcribed, wrote, and edited transcripts of highly sensitive information for a district attorney office.

### **WA Dept of Ecology – Environmental Justice Intern**

2012

- Provided executive level summaries on environmental presentations, webinars, seminars and conferences;
- Reviewed technical films for subject matter presentation to Ecology staff;
- Presented research project on Environmental Justice programs in the U.S. to senior Ecology staff.

### **TPCBA Volunteer Legal Services – Program Coordinator**

2009-2010

- Recruited attorneys from diverse practices to provide volunteer subject matter expertise to critical need clients;
- Developed training programs and manuals for both attorney and non-attorney volunteers;
- Strategized fund-raising activities to support ongoing legal service activities;
- Prepared and gave presentations to school, civic, and client groups about VLS's role in legal community;
- Assessed client's legal needs through phone and in-person interviews; investigated case backgrounds using computer based programs and government agencies;
- Referred clients to other support agencies, scheduled professional clinics, and oversaw general office staff and volunteers; recruited and trained new non-attorney volunteers.

### ***Volunteer Experience***

EMT/Volunteer Fire Fighter 1983-1987; Gig Harbor Writers' Conference Coordinator 1998-1999; EMT/Red Cross Volunteer 2001-2003; AnySoldier Volunteer 2007-2008; TCC Paralegal Studies Board Member 2009; Classroom Tutor (Olalla Elementary) 2011-13.

### ***Miscellaneous/ Activities***

I enjoy hiking, travel (local and international), reading, family activities, advocacy, theatre, youth sports (soccer director)

***References available upon request.***

CURRENT BOARD MEMBERS SEEKING REAPPOINTMENT IN FY 2019

Amy Riedel, M.Ed.

[REDACTED]  
[REDACTED]  
[REDACTED]

February 23, 2018

Limited License Legal Technician Board  
Washington State Bar Association  
1325 4<sup>th</sup> Avenue Suite 600  
Seattle, WA 98101

Dear Limited License Legal Technician Board,

Please consider my application for renewing my appointment to the LLLT Supreme Court Board. I currently serve in a community/educator position and think I can contribute further beyond my current two-year appointment. In much of my work in higher education, the focus is on equity and social justice. In service on the LLLT Board, I am committed to fostering access to justice, and see this as a priority as we explore new practice areas and work to expand the number of LLLTs in the state of Washington.

A few highlights from my work at Whatcom Community College include: teaching Medical Law and Ethics to students in IBEST- a state wide program to support students who are new to higher education, serving on the Paralegal Studies Committee, creating and steering the Celebrating Diversity in Education conferences, advisor for the Latinx Leadership and curriculum development for the Limited License Legal Technician Courses through the Paralegal Studies program. I was also the Diversity Consultant for the Washington Center for Nursing, co-creating a statewide mentorship program for new nurses of color.

I appreciate your consideration in extending my time of service on the LLLT Supreme Court Board.

Sincerely,

Amy Riedel

**Curriculum Vitae**  
**Amy Riedel, M.Ed.**

**Education**

**Master of Education, Adult Higher Education** **Earned 2005**  
Prevention and Wellness focus  
Western Washington University, 516 High Street Bellingham, WA 98225

**Bachelor of Arts, Psychology** **Earned 1990**  
Mental Health concentration  
Western Washington University, 516 High Street Bellingham, WA 98225

**Licensed Practical Nurse** **Earned 1993**  
Bellingham Technical College 3028 Lindbergh Avenue, Bellingham WA 98225

**Professional Experience**

**Limited License Legal Technician Board Member** **February 2016-Present**  
**Whatcom Community College, 237 West Kellogg Road, Bellingham, WA 98226**

**Associate Director Student Access and Career Pathways/Workforce/Special Projects/Advisor**  
**Adjunct Faculty** **June 2009-Present**

**Credited Courses Taught (Courses taught vary by quarter):** **Fall 2012 - Present**

- Medical Law and Ethics (+IBEST sections) 2 Credits
- Therapeutic Communications in Healthcare (+IBEST sections) 4 Credits
- Advanced Therapeutic Communications in Healthcare 5 Credits
- Career Search Process (+International Students/ELL/ABE/GED) 3 Credits
- Job Search Process 2 Credits

**Non-Credited Courses Taught:**

- Mentorship Best Practices
- Back-to-School Technology Series (first time to college or returning later in life)
- Intergenerational Learning Faculty Workshop
- Adult Learning in a Community College, Faculty Workshop

**Paralegal Studies Advisory Committee** **2014-Present**

**Career and Academic Advising:**

- Group and single student career and academic strength based advising
- Career exploration sessions using e-tools and in person workshops

**Middle and High School Outreach**

- Health Professions Outreach programs, connecting course work and interests to the health professions
- Science, Math and the Health Professions Workshops

**Health Educator, Wellness Outreach Center Manager** **March 2003-July 2006**  
**Western Washington University, 516 High Street, Bellingham, WA 98225**

**Co-Instructor:** Global Perspectives in Education, Graduate Program, Western Washington University, Bellingham, WA

## Winter Quarters 2005, 2006

### Credited Courses Taught:

- Peer Health Education, Health 250 4 Credits
- Global Perspectives in Education 2 Credits

### Diversity Consultant and Interim Diversity Director

March 2010-2015

Washington Center for Nursing, 1101 Andover Park West Ste. Tukwila, WA 98188

- Co-develop, train and implement: Nursing Students of Color Mentorship Program, statewide

### Non-credited Course Taught:

- Mentorship Best Practices

### Publications

Textbook Co-Author: "Comparative Adult Education Around the Globe: International Portraits and Readings of the History, Practice, Philosophy, and Theories of Adult Learning," 2007

Author, "RN to RN, Become a Mentor," Washington Nursing Commission News: Washington Edition 8: 2012

Author, "RN to RN, Become a Mentor," Northwest Retirement Magazine: 2012

Author, "Best Practices in Mentorship," manual produced through higher education for a Department of Labor grant, 2012

### Educational Event Planning Experience

#### Conference Management

##### **"Diversity in Education"**

Spring 2012-2018

Partners: Western Washington University, Skagit Valley College, Center of Excellence for Careers in Education, Ferndale High School, Sedro Woolly High School

##### **"Seeds of Change"**

Spring 2014

Partners: Whatcom Community College students  
Present: Compass to Campus session

##### **"Concept-Based Curriculum to Transform Nursing Education"**

Winter 2012

Partners: regional colleges with Registered Nursing programs

##### **"RN Instructor Recruitment Boot Camp"**

Winter 2010, 2011, 2012

Partners: PeaceHealth, regional colleges with Registered Nursing programs

##### **"Engaging Our Age 50+ Community: Trends and Transitions"**

Spring 2011

Partners: Northwest Regional Council, Encore Advisory Committee

### Job Fair Management

#### **Health Professions Job Fair**

Spring 2014-2018

Partners: WorkSource, Bellingham Technical College, regional employers

#### **All College Job Fair**

Spring 2014-2018

Partners: regional employers



### **All College Faculty and Staff Development Trainer**

- Professional and classified staff Mentorship Best Practices
- Intergenerational Learning
- Adult Student Identity Development

**Winter, Spring 2014**

### **Diversity and Inclusion Facilitation**

#### **Western Washington University:**

**2003-2006**

- National Coalition Building Institute (NCBI) Facilitator: faculty, staff and students
- Controversy and Constructive Dialogue workshops
- From Peer to Professional, Building Inclusive Communities presentations
- Diversity Recruitment and Retention Specialist Hiring Committee

**2014**

### **Technical Skills**

- Online Teaching Learning Management Systems: Canvas, Angel and Blackboard Banner, EASE
- Webpage design and management
- Microsoft Office: Excel, PowerPoint, Word, Access
- Social Media Resources and Outreach
- Career Center Blog and Information Systems

### **Saint Paul's Episcopal School Health Consultant, P-12**

**March 2001- June 2009**

- Design, build and deliver immunization, vision and hearing screening programs
- Design and deliver professional health educational training programs for faculty, staff & students

### **Welcome Home Builders, LLC, Manager, Owner Bellingham, WA**

**March 1994 – May 2009**

- Whole Project and Business Management
- Universal Design Residential Practices
- Contract negotiations: real estate, custom home and speculative building
- Manage Budgets of \$500,000-650,000

# CROSSLAND LAW OFFICE

STEPHEN R. CROSSLAND  
[REDACTED]



February 27, 2018

FILE NUMBER

Limited License Legal Technician Board  
Nominating Committee  
Attn: Brenda Cothary  
1325 4<sup>th</sup> Avenue, Suite 600  
Seattle, WA 98101-2539

Re: Board Position

Dear Brenda,

I would like to be a nominee for another term on the LLLT Board. I have attached a copy of my resume. Let me know if there is additional information that would be helpful to the committee.

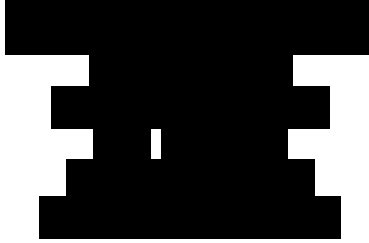
Sincerely,

Stephen R. Crossland

SRC  
Enclosures

**RECEIVED**  
MAR 02 2018  
WSBA Regulatory Services Dept.

## Stephen R. Crossland



### Education:

Stanford University - B. A. Political Science 1969  
Northwestern School of Law, Lewis and Clark - J. D. 1973

### Employment:

Sole Practitioner - Cashmere - 1973-1974  
Chelan County Prosecuting Attorney Deputy - 1974-1975  
Anderson, McCauley and Crossland - 1974-1980  
McCauley and Crossland - 1980-1982  
Stephen R. Crossland, P.S. - 1982-1992  
Johnson, Gaukroger & Crossland - 1992-2001  
Crossland Law Office – 2001 - present

### Professional Activities:

Martindale-Hubbell rated AV for over 20 years  
Recipient of the WSBA Award of Merit – 2002

#### Washington State Bar Association

Special District Counsel  
1986-1995  
Real Property, Probate and Trust Section  
Executive Committee - 1986-1988, 2000 - 2006  
Director Real Property Council 2003 – 2006  
Chairman – 2006-2007  
Speaker at Midyear – 2005, 2006, 2010, 2012  
Unauthorized Practice of Law Committee - 1987-1990  
Chairman 1989-1990  
General Practice Section  
Executive Committee 1989-1995  
Chairman 1989-90  
Computerization of Law Division  
Executive Committee 1990-1994  
Chairman 1990-1993  
Task Force on Non Lawyer Practice 1994-1995

Hanging Out Your Shingle Seminar  
Chairman/Speaker 1994  
Speaker 1995

Skills Training Course  
Program Co-Chair 1995

Winning Strategies Seminar  
Program Co-Chair and Speaker 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006

Committee to Define the Practice of Law  
Chairman 1998-2001

WSBA Board of Governors 1995-1998

Practice of Law Board 2002 – 2009  
Chairman 2002 – 2009

Law Fund  
Executive Committee 2005 – 2007

Alternate Dispute Resolution System-Agriculture Employment Mediation Panel  
2005 – 2009

“Can You Hear Me Now” ADR seminar Speaker 2006

Solo and Small Practice Section  
Executive Committee 2006 – 201  
Steering Committee - 2006, 2007, 2008, 2009, 2010, 2011, 2012  
Speaker – 2006, 2007, 2008, 2009, 2010, 2011, 2012

Alternative Dispute Resolution Section  
Executive Committee 2007 – 2009  
Chairman 2007 – 2008

Succession Planning Handbook Chair - 2008

Real Property Probate and Trust Desk Book Editor – 2008, 2015

Futures Conference (Oregon State Bar Association)  
Speaker - 2008

Northwest Justice Project  
Executive Committee 2009 – 2010

WSBA President Elect 2010-2011

WSBA President 2011-2012

Limited License Legal Technician Board 2012- present  
Chair 2012- present

Speaking engagements and articles relating to the Limited License Legal Technician program available upon request.

**RULE OF PROFESSIONAL CONDUCT (RPC) 1.15A(h)(9)**

(h) A lawyer must comply with the following for all trust accounts:

...

(9) Only a lawyer admitted to practice law or an LLLT may be an authorized signatory on the account. If a lawyer is associated in a practice with one or more LLLT's, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.

**LIMITED LICENSE LEGAL TECHNICIAN RULES OF PROFESSIONAL CONDUCT  
(LLLT RPC) 1.15A(h)(9)**

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

...

(9) Only an LLLT or a lawyer admitted to practice law may be an authorized signatory on the account. If an 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.

LAW OFFICE OF ANNE I. SEIDEL  
1817 QUEEN ANNE AVENUE NORTH, SUITE 311  
SEATTLE, WASHINGTON 98109  
(206) 284-2282 ♦ (206) 284-2491 (fax) ♦ anne@anneseidel.com

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*Sent by email only to supreme@courts.wa.gov*

November 26, 2014

Clerk of the Supreme Court  
P.O. Box 40929,  
Olympia, WA 98504-0929

Re: Proposed Limited Licensed Legal Technician Rules of Professional Conduct

Dear Honorable Justices:

I appreciate the opportunity to provide comments on the proposed Limited Licensed Legal Technician (LLLT) Rules of Professional Conduct. I strongly support increasing access to justice through LLLTs and am pleased that Washington State is the first to create such a program.

Having worked in the lawyer discipline arena since 1994, I also believe that it is crucial that the LLLT Rules of Professional Conduct be carefully crafted to avoid misunderstandings and unintended violations. My comments below are also based on the goals of promoting public confidence in LLLTs and encouraging lawyers to support the presence of LLLTs.

As a member of the WSBA's Committee on Professional Ethics<sup>1</sup>, I was fortunate to hear a presentation by the LLLT Board on their proposed changes to the Lawyer RPC. My comments are informed by answers to questions during that presentation.

**Fee sharing and lawyer/LLLT working relationships (LLLT RPCs 1.5(e) and 5.9)**

Proposed LLLT RPC 1.5(e) prohibits LLLTs from sharing fees from lawyers. Lawyer RPC 1.5(e) permits lawyers not in the same firm to share fees only if the fee split is in proportion to the services provided or each lawyer must assume joint responsibility for the representation, the client approves the fee division, including the share each lawyer would receive, the agreement is confirmed in writing, and the total fee is reasonable.

I believe a variation of this rule should be adopted to permit LLLTs to share fees with lawyers. Specifically, the rule should be the same as Lawyer RPC 1.5(e), except that the fee division would have to be in proportion to the services provided (in other words, the option to have each lawyer or LLLT assume joint responsibility for the representation would be deleted). Permitting lawyers and LLLTs in different firms to share fees under such a rule would assist clients by permitting them to hire a lawyer/LLLT team without needing to make separate arrangements

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<sup>1</sup> My comments are my own and are not submitted in my role as a member of this Committee.

with each. Under such a scenario, the LLLT would be receiving only the share of a fee attributable to services provided within the scope of the LLLT's license. And clients would be fully protected as they would have to agree in advance to any such fee division.

Particularly when LLLTs are new, lawyers may hesitate to make the commitment to hire an LLLT. Allowing lawyers to work with LLLTs who are not employees of their firm will give clients more access to LLLTs. For example, such a rule would allow a client to hire a lawyer/LLLT team where the LLLT would complete documents and the lawyer would only do work beyond the LLLT license. This would save the client money and be easier for the client than having to hire a lawyer and LLLT separately.

On the other hand, I have serious concerns about proposed LLLT RPC 5.9, which permits LLLTs to be owners of law firms composed of LLLTs and lawyers. This rule would allow an LLLT to have an ownership interest in a law firm as long as lawyers own the majority of the firm, LLLTs do not direct any lawyer's professional judgment and have no direct supervisory authority over lawyers. However, LLLTs are permitted to have managerial roles in such a firm. Moreover, LLLTs will be permitted to share in attorney fees, including attorney fees from practice areas in which they are not permitted to practice. For example, although LLLTs are not allowed to charge contingent fees or practice in areas such as personal injury, they would be permitted to share in contingent fees generated by lawyers in the firm from PI cases.

The rule contains no restriction on LLLTs sharing fees earned by lawyers. LLLTs could be rainmakers for firms and compensated based on the business they bring to the firm. For example, a firm could give a LLLT a majority of the fee earned for a personal injury matter because the LLLT was the "originating partner" for that matter.

This may lead to several unintended consequences. First, no other state permits lawyers to form partnerships with nonlawyers to practice law.<sup>2</sup> See Model RPC 5.4(b). Such arrangements are only permitted in the District of Columbia. The prohibition against nonlawyer partners in law firms is longstanding<sup>3</sup> and is designed to protect a lawyer's professional independence.

Many firms now have offices in more than one state. If a Washington firm has an LLLT as a partner, lawyers in other states would not be permitted to join that partnership if they continued to practice law in their home state. See, e.g., ABA Formal Op. 91-360; Michigan Ethics Op. RI-225 (1985), NY Committee on Prof'l Ethics Op. 311 (2012) ("A New York lawyer may not practice law principally in New York as an employee of an out-of-state entity that has non-lawyer owners or managers."). Effectively, this means a Washington firm that has an LLLT as a partner very well may be unable to establish offices in other states. It also means that Washington firms that currently have offices in other states would not be able to have LLLTs as partners. I am concerned that many lawyers may not understand the effect of proposed LLLT RPC 5.9 on their law partners who practice in other states and this could lead to unintended violations of RPC 5.4

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<sup>2</sup> I understand that the LLLT proposal does not use the term "nonlawyer" to include LLLTs. However, because LLLTs are not lawyers, they will be considered nonlawyers by other states.

<sup>3</sup> The ABA prohibited partnerships with nonlawyers in 1928. See Vermont Adv. Ethics Op. 2008-3 at 2, n 2.

on the part of the out-of-state lawyers.

Second, I do not believe that a rule prohibiting LLLTs law firm owners from interfering in the professional judgment of lawyer employees of the firm will be sufficient. Even without permitting nonlawyers to own firms, lawyers have repeatedly been disciplined for abdicating their ethical duties and allowing nonlawyers to influence them. I do not intend to downplay the seriousness of those lawyers' misconduct, as they should have complied with the RPC regardless of the nonlawyers' actions, but I believe it is important that the Court bear in mind the risk presented by permitting those not subject to the full panoply of the RPC to profit from lawyers' work product. Most notably, because LLLTs cannot appear in court, the LLLT RPC do not contain any rules regarding candor toward the tribunal. I fear this could lead to LLLT owners of firms applying pressure on lawyers to be less candid with courts if doing so is in the firm's economic interest.

The LLLT program is in its infancy. I urge the Court to be cautious and not adopt proposed LLLT RPC 5.9 at this time. Such a rule can always be added later if it appears necessary after we have had a chance to see how the LLLT program works and how LLLTs integrate with the existing legal profession. On the other hand, I hope the Court will permit LLLTs to share fees with lawyers who are not in the same firm to allow LLLTs more opportunities to work collaboratively with lawyers.

#### **LLLTs as Signatories on Lawyer Trust Accounts (LLLT RPC 1.15A(h)(9))**

Proposed LLLT RPC 1.15A(h)(9) permits LLLTs who are "associated in a practice with a lawyer" to be a signatory on the trust account, but if the LLLT is a signatory, "a firm lawyer signature is also required for any withdrawals, transfers, or deposits on the account."

A bank does not require a signature to make deposits or transfers. In most law firms, nonlawyers routinely make deposits for the trust account, as that requires at most completing a deposit slip and bringing the deposit to the bank. Many banks no longer require deposit slips and deposits may be made by transmitting photos of the check to the bank. Because transfers are made electronically or telephonically, there is also no place for a signature.

This rule would mean that if a law firm has an LLLT as a signatory on a trust account, a lawyer would have to have significantly more involvement with the trust account than would otherwise be required. I understand from the LLLT Board's presentation that the rule permits the LLLT to be a signatory on the account so a firm that requires two signatures on trust account checks can have the LLLT as a second signer. However, even if a check requires two signatures, most banks' agreements with their customers permit them to cash a check with only one signature. Because checks are processed electronically, the banks are unable and/or unwilling to accept the liability of determining if an account requires two signatures. Permitting LLLTs to be signatories under such a scenario does not accomplish anything. Either an LLLT should be permitted to be a signatory to the same extent as a lawyer, or an LLLT should not be allowed to be a signatory at all.



I also note that this rule uses the phrase "licensed LLLT" which is redundant and does not appear elsewhere in the proposed rules.

#### **LLLTs holding funds of third parties in a trust account (LLLT RPC 1.15A)**

I question the repeated reference to funds of a "third party" in proposed LLLT RPC 1.15A. *See, e.g.,* 1.15A(a), (b), (c), (d), (e) and (f). APR 28 does not appear to permit an LLLT to receive funds of a third party as the LLLT's license is limited to the specific actions listed in APR 28(F). Lawyers typically hold funds belonging to third parties in trust when they receive funds belonging to the client and the opposing party (for example, in a dissolution, a lawyer may receive the proceeds from the sale of a community asset and distribute those proceeds to the lawyer's client and the opposing party). The LLLT is not given authority to act in this capacity and doing so seems inconsistent with the prohibition in APR 28(H)(6) against the LLLT negotiating with the opposing party and communicating the client's position to the opposing party.

A lawyer may also have funds belonging to a third party if the third party is entitled to a portion of funds the lawyer received on behalf of the client, such as when a medical care provider has a lien on settlement proceeds. It appears beyond the scope of the LLLT's license to receive funds belonging to a third party or to be responsible for distributing funds to the LLLT's client and a third party.

Because the references to funds of third parties in proposed LLLT RPC 1.15A may lead to confusion about the scope of the LLLT's practice, I believe that at a minimum, a comment should be included that explains why the rule references funds of a third party and clarifies the LLLT's authority to receive and distribute third party funds.

#### **Language in flat fee agreements (LLLT RPC 1.5(f))**

Proposed LLLT RPC 1.5(f) uses language from Lawyer RPC 1.5(f). This includes recommending that the fee agreement state, "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." However, APR 28(G)(3)(f) requires that an LLLT's fee agreement contain, "[a] statement that the client has the right to rescind the contract at any time and receive a full refund of unearned fees." It would be clearer if the suggested language in RPC 1.5(f) incorporated the language required by APR 28(G)(3). Otherwise, the LLLT flat fee agreement will contain two statements on the same topic that are slightly different, leading to possible confusion.

#### **Terminology**

I concur in the comments submitted by the Northwest Justice Project about the use of the terms "represent," "legal practitioner," and "law firm" for the reasons in Deborah Perluss's November 24, 2014 letter. I also have an additional concern about the use of those terms. When I served on

Ethics 2003 (the WSBA Committee that reviewed the ABA's changes to the model rules and made recommendations that served as the basis for the 2006 changes to Washington's RPC), one of our goals was to keep Washington's rules as close to the Model Rules as possible unless we had a good reason to deviate. Doing so makes it significantly easier for practitioners who are admitted in multiple states to understand their ethical obligations and for Washington lawyers to know whether other states' interpretation of a specific RPC is relevant here. The changes in terminology in the LLLT RPC will form the basis for similar changes to the Lawyer RPC and will make Washington's rules inconsistent with the model rules. For example, because the LLLT RPC state that LLLTs "represent" clients, numerous changes are being proposed to the comments to RPC 4.2. If the term "represent" was limited to lawyers, these changes would be unnecessary.

I believe it would be preferable to use terminology that would reduce the number of changes needed in the Lawyer RPC so our rules will continue to be largely consistent with the model rules.

Thank you for the opportunity to comment on the proposed LLLT RPCs. Please feel free to contact me if you have any questions regarding my suggestions.

Sincerely,



Anne I. Seidel



WSBA

OFFICE OF DISCIPLINARY COUNSEL

RECEIVED  
SUPREME COURT  
STATE OF WASHINGTON  
Dec 01, 2014, 3:48 pm  
BY RONALD R. CARPENTER  
CLERK

RECEIVED BY E-MAIL

Douglas J. Ende  
Chief Disciplinary Counsel

December 1, 2014

Clerk of the Supreme Court  
PO Box 40929  
Olympia, WA 98504-0929

Re: Comment on Proposed LLLT Rules of Professional Conduct

Dear Justices of the Washington Supreme Court:

As Chief Disciplinary Counsel of the Washington State Bar Association, I submit the following two comments pertaining to the Limited License Legal Technician Rules of Professional Conduct (LLLT RPC). These are my own views as Chief Disciplinary Counsel and do not necessarily represent the position of the Washington State Bar Association or its Board of Governors. Please note that I also served as a member of the LLLT Board RPC Committee.

**LLLT RPC 1.15A(h)(9) – Trust account signatories.** A revision to the language of this section is warranted. In August 2014, representatives of the LLLT Board presented the draft LLLT RPC to the WSBA Committee on Professional Ethics (CPE). Some of the discussion pertained to LLLT RPC 1.15A(h)(9), which specifies who can act as a signatory on a trust account. That proposed section provides as follows:

(9) Only a licensed LLLT or a lawyer admitted to practice law who is associated in a practice with the LLLT may be an authorized signatory on the account, except that a licensed LLLT who is associated in a practice with the lawyer may be an authorized signatory on the account only if a firm lawyer signature is also required for any withdrawals, transfers, or deposits on the account.

It was observed by one committee member that signatures are not typically required for some of the transactions specified in the last sentence of section (h)(9), such as deposits.<sup>1</sup>

<sup>1</sup> This point has been comprehensively made in the comment on the proposed LLLT RPC filed by Anne I. Seidel, dated November 26, 2014. Ms. Seidel was the CPE member who raised this concern; while I agree with her analysis of the problem, I do not endorse her suggested solution.

After conferring with Steve Crossland, Chair of the LLLT Board, Ellen Dial, Chair of the LLLT Board RPC Committee, and Professor Brooks Holland, member of the LLLT Board RPC Committee, I concluded that the following language would better serve the purposes of Rule 1.15A and protect the public while doing away with the quandary identified by the CPE:

(9) Only an LLLT or a lawyer admitted to practice law may be an authorized signatory on the account. If an 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 recommend that the Court adopt this revised language rather than the language in the rule as proposed.

I note that the same issue is presented by the suggested “concordance” amendments to the lawyer RPC that have been drafted by the LLLT Board and approved by the WSBA Board of Governors. When the Court considers those amendments, I further suggest that the following version of lawyer RPC 1.15A(h)(9) be adopted in lieu of the originally drafted language:

(9) Only a lawyer admitted to practice law or an LLLT may be an authorized signatory on the account. If a lawyer is associated in a practice with one or more LLLTs, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.

**LLLT RPC 1.0, Comment 3 – “firm name” rather than “trade name”.** Rule of Professional Conduct 7.5(a) governs use of firm names and trade names. It prohibits use of a firm name that violates Rule 7.1 (i.e., that is false or misleading), and it permits use of a trade name in specified circumstances. In the LLLT context, proposed Rule 7.5(a) goes on to require that an LLLT in private practice include the words “Legal Technician” in “any firm name” used by an LLLT if there are no lawyers in the firm.

Comment 3 to LLLT RPC 1.0A & B (Terminology) provides additional guidance regarding the terms “firm” and “law firm,” which are defined in LLLT RPC 1.0A(c). The last sentence of Comment 3 provides as follows: “Rule 7.5(a) requires that any trade name used for an LLLT practice that does not include a lawyer include the words ‘Legal Technician.’”

This creates a minor inconsistency between Rule 7.5(a) and the commentary to Rule 1.0. In Rule 7.5(a) the term “firm name” is used, and in Comment 3 to Rule 1.0A, the term “trade name” is used. This is a material difference because the term “trade name” is narrower in meaning than the term “firm name.” It appears this discrepancy was inadvertent.

I recommend that the Court change the words “trade name” in proposed Comment 3 to RPC 1.0 to “firm name.”

**CONCLUSION.** Ellen Dial presented both of these suggested revisions to the LLLT Board at its meeting November 20, 2014, and both were endorsed by the LLLT Board at that time.<sup>2</sup>

I am happy to answer any questions or provide additional information if the Court so requests.

Sincerely,



Douglas J. Ende  
Chief Disciplinary Counsel

cc: Stephen R. Crossland, Chair, LLLT Board  
Ellen Dial, Chair, LLLT Board RPC Committee  
Paula C. Littlewood, WSBA Executive Director

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<sup>2</sup> I understand that the LLLT Board voted further to suggest the addition of a comment to LLLT RPC 1.15A reflecting the reasoning behind the decision that lawyers maintain signatory authority on firm trust accounts, viz.: When a lawyer and an LLLT are associated in a practice together, the firm lawyer must be a signatory on any check or instrument requiring a signature, as the lawyer must maintain ultimate responsibility for trust account funds belonging to the lawyer's clients. I take no position on that suggestion.

**J D. Curran**

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**m:** Mark Fucile <mark@frllp.com>  
**Sent:** Monday, August 28, 2017 9:28 AM  
**To:** steve@crosslandlaw.net  
**Cc:** J D. Curran; Anne Seidel; Jeanne Clavere; Darlene Neumann  
**Subject:** LLLT Signing Authority on Trust Accounts  
**Attachments:** 7.31.2017 CPE Memorandum to LLLT Board.pdf

Steve,

Hope all is well!

The Committee on Professional Ethics received a question about the signing authority of retired lawyers on trust accounts (when, for example, the retired lawyer is continuing to receive a stream of income from an L&I settlement).

In the course of our review of that issue, we discovered an anomaly in the wording of the trust account rule as it applies to LLLTs that we wanted to bring to the attention of the LLLT Board. I have attached a memo approved by the CPE at its meeting last Friday outlining this issue. In brief, it appears that under the wording of the current rule, a LLLT who is a member of a law firm cannot sign a trust account check, but, at least in theory, a LLLT who is not a member of a law firm could nonetheless be a signatory on the firm's trust account. This might occur, for example, if a solo practitioner wanted to have an independent LLLT be a signatory on the lawyer's trust account as a "back-up" in the event the lawyer became disabled or died.

Anne Seidel is heading the CPE Subcommittee working on the general issue of signing authority and I have copied her.

I have also copied Don Curran, who is our incoming CPE chair.

The CPE would greatly appreciate the LLLT Board's thoughts on the wording involved.

The CPE is happy to answer any questions or to provide any input that the LLLT would find helpful on this issue.

Best regards,

Mark

Mark J. Fucile  
Fucile & Reising LLP  
t: 503.224.4895  
m: 503.860.2163  
f: 503.224.4332  
mark@frllp.com  
www.frllp.com

## MEMORANDUM

To: Limited License Legal Technician Board  
From: Committee on Professional Ethics  
Date: July 31, 2017  
Re: RPC 1.15A(h)(9) and LLLT RPC 1.15A(h)(9)

The Committee on Professional Ethics received an inquiry about whether a lawyer who is not on active status may sign trust account checks. In considering this inquiry, the subcommittee noticed what appears to be a mistake in the second sentence of RPC 1.15A(h)(9). That sentence states, "If a lawyer is associated in a practice with one or more LLLT's, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm." This means that if a law firm has an LLLT who is not part of the firm as a signatory on its trust account, the LLLT would be able to sign a check alone, while an LLLT who is part of that firm would not be permitted to do so. Although it would be uncommon for a firm to have an LLLT who is not part of the firm as a signatory on its trust account, it is conceivable that a sole practitioner might do so to have someone available to sign trust account checks in the event of death or disability. We were informed by Doug Ende that this was not the intent of that sentence.

Because fixing that sentence affects LLLT's, we would like to obtain feedback from the LLLT Board. The subcommittee has recommended that the sentence be stricken for the reasons noted in the attached memo. We welcome your comments on that proposal.

Attachment: Trust Account Signatory Subcommittee Memo dated April 14, 2017

**FROM** Trust Account Signatory Subcommittee (Colin Folawn, Anne Seidel, Ted Stiles)  
**TO:** CPE  
**RE:** Retired lawyer signing trust account checks (proposed rule change)  
**DATE:** April 14, 2017

As discussed in our August 18, 2016 memo, our subcommittee concluded that the RPCs are not clear about whether a lawyer who is not on active status can sign a trust account check. We are therefore proposing a rule change to clarify this. We are also proposing a rule change to address an incongruity in the second sentence of RPC 1.15A(h)(9) regarding LLLTs.

#### **Background of RPC 1.15A(h)(9)**

RPC 1.15A(h)(9) states:

(h) A lawyer must comply with the following for all trust accounts:

...

(9) Only a lawyer admitted to practice law or an LLLT may be an authorized signatory on the account. If a lawyer is associated in a practice with one or more LLLT's, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.

Before the 2006 RPC amendments, anyone could be a signatory on a trust account and law firms frequently had bookkeepers or other nonlawyer staff as signatories. Ethics 2003 proposed that RPC 1.15A restrict signatories to lawyers to protect against theft by nonlawyers employed at a law firm. There is no discussion in the legislative history of what is meant by "lawyer admitted to practice."

#### **Proposed rule change regarding lawyers as signatories on trust accounts**

The following proposal simply removes the requirement that a lawyer be "admitted to practice law" to be a signatory on a trust account. The proposal would make RPC 1.15A consistent with ELC 14.2. That rule prohibits suspended and disbarred lawyers, as well as those who have resigned in lieu or been transferred to disability inactive status, from continuing to practice law. However, ELC 14.2(b) states that the prohibition "does not preclude [such a lawyer] from disbursing assets held by the lawyer to clients." If the ELC does not preclude a suspended or disbarred lawyer from disbursing trust account funds to clients, RPC 1.15A should similarly permit lawyers not on active status to sign trust account checks.

This change would mean that lawyers and LLLTs are treated the same as far as their ability to be signatories on a trust account. As currently written, an LLLT does not need to be "admitted" to be a signatory on a trust account.

The proposed change is as follows:

(h) A lawyer must comply with the following for all trust accounts:

...



(9) Only a lawyer ~~admitted to practice law~~ or an LLLT may be an authorized signatory on the account. . . .

Additional comment:

Only a lawyer or LLLT on active status may open a trust account. A lawyer or LLLT may continue to be an authorized signatory on a trust account even if no longer on active status. However, a lawyer who is not on active status may not engage in the unauthorized practice of law and may not use the trust account if under the particular circumstances doing so would imply that the lawyer is authorized to practice law. See RPC 5.5(a), (b)(2).

Ted has the following concerns about the second sentence of the proposed comment, which he would like the full committee to discuss at the next meeting:

As drafted, the comment would appear to permit an inactive lawyer to maintain a trust account for an indefinite period of time. In the case of an L&I attorney who collects contingent fees from periodic payments, and who retires while the payment stream is running, the comment would allow the inactive lawyer to continue to maintain the account for years, if not a decade or more, considering that a pension award may run for the life of the pensioner, and in some circumstances for the life of the pensioner's spouse. The Association apparently is not set up to monitor or audit trust accounts after a lawyer becomes inactive. Should we endorse the type of situation in which an inactive lawyer is handling funds belonging to others, but is free from Association audit oversight? Also questions regarding the IOLTA requirements—applicable to inactive lawyers? Will banks agree to let inactive lawyers maintain IOLTA accounts?

#### **Proposed rule change regarding LLLTs as signatories on trust accounts**

The second sentence of RPC 1.15A(h)(9) reads, "If a lawyer is associated in a practice with one or more LLLTs, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm." This means that an LLLT who is not part of a law firm would be able to sign a check alone, while an LLLT who is part of that firm would not be permitted to do so. According to Doug Ende, this was not the intent of that sentence.

Our subcommittee considered whether to propose rewording this provision to prevent all LLLTs from signing trust account checks without a lawyer's additional signature. We do not believe that is necessary. LLLTs are licensed law professionals, so an LLLT who stole from a trust account would be subject to discipline. We therefore do not believe permitting LLLTs to sign trust account checks presents the same risk as permitting nonlawyers to do so.

In addition, banks process checks electronically, so it is extremely unlikely that a bank would be able to enforce a two-signature requirement. So if an LLLT is listed as a signatory, the bank would process a check signed by the LLLT alone. The two signature requirement is only an internal control. As such, it would not prevent an LLLT from stealing from the trust account.

Our subcommittee considered whether to limit an LLLT's authority to sign trust account checks to those relating to cases within the LLLT's license. We do not believe such a limitation would be helpful. First, as mentioned above, a bank would not be able to enforce such a restriction so it would not prevent theft from the account. Second, if the LLLT did not handle the trust account appropriately, the LLLT could be subject to discipline (although the current LLLT RPCs could be clearer in that regard if the misconduct is merely recordkeeping). Third, permitting LLLTs to be signatories on lawyer trust accounts will make LLLTs more attractive to law firms and help integrate them into the profession. Finally, allowing LLLTs to issue trust account checks for all matters is consistent with RPC 5.9(a)(1), which permits LLLTs to share fees from cases that are outside their limited licenses.

We recommend that the second sentence of RPC 1.15A(h)(9) be struck. With the two proposed changes, that subsection would read as follows:

(9) Only a lawyer admitted to practice law or an LLLT may be an authorized signatory on the account. ~~If a lawyer is associated in a practice with one or more LLLTs, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.~~

## Doug Ende

---

**From:** Doug Ende  
**Sent:** Tuesday, August 29, 2017 5:23 PM  
**To:** 'Steve Crossland'  
**Cc:** Paula Littlewood; Jean McElroy; Renata Garcia  
**Subject:** RE: LLLT Signing Authority on Trust Accounts

Steve:

The provision at issue was drafted by the LLLT Board's RPC Drafting Committee to address particular concerns in the context of lawyers and LLLTs practicing at the same firm. One concern was that a LLLT should not be the sole signatory on a trust account at such a firm because the LLLT could become responsible for disposition of funds in situations requiring the delivery of legal services beyond the scope of the LLLT license. Additionally, there was a concern that it could put the LLLT in the position of being assigned to administer the trust account in order for the ethical risk of trust account errors to be borne by the LLLT alone rather than lawyers at a firm.

So I would say there is not a "mistake" in that sentence, rather it was drafted advertently to prevent a LLLT from being a sole signatory in combined LLLT-lawyer firms.

True, it was not the intent of the sentence to anomalously permit a non-firm LLLT to be a signatory on an otherwise lawyer-only trust account, and to the extent that the language would permit this, there may be a drafting gap.

The solution, however, would not be to strike the sentence. That would achieve the opposite of the LLLT Board's intent in order to address a rare anomaly. The fix would be to make it clear that a LLLT, whether associated in practice with a lawyer or not, cannot be the sole signatory on a trust account for a firm that includes lawyers.

On the other hand, if the LLLT Board wants to revisit its position and is OK with the idea of LLLTs being sole signatories for firms that include lawyers, then there is not a problem with striking the sentence. (In that case, LLLT RPC 1.15A(h)(9) would also have to be amended accordingly.)

I hope this makes sense. Let me know if you need additional information.



**Douglas J. Ende | Chief Disciplinary Counsel | Office of Disciplinary Counsel**

Washington State Bar Association | ☎ 206.733.5917 | [douge@wsba.org](mailto:douge@wsba.org)

1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | [www.wsba.org](http://www.wsba.org)

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**From:** Steve Crossland [<mailto:steve@crosslandlaw.net>]  
**Sent:** Monday, August 28, 2017 2:39 PM  
**To:** Doug Ende; Paula Littlewood; Jean McElroy; Renata Garcia  
**Subject:** FW: LLLT Signing Authority on Trust Accounts

Thought I would get the impression of those of you before I forward on to the LLLT Board.

---

**From:** Mark Fucile [<mailto:mark@frllp.com>]

**Sent:** Monday, August 28, 2017 9:28 AM

**To:** Steve Crossland <[steve@crosslandlaw.net](mailto:steve@crosslandlaw.net)>

**Cc:** J. Curran <[jdcvlc@dctpw.com](mailto:jdcvlc@dctpw.com)>; Anne Seidel <[anne@anneseidel.com](mailto:anne@anneseidel.com)>; Jeanne Clavere <[jeannec@wsba.org](mailto:jeannec@wsba.org)>; Darlene Neumann <[darlenen@wsba.org](mailto:darlenen@wsba.org)>

**Subject:** LLLT Signing Authority on Trust Accounts

Steve,

Hope all is well!

The Committee on Professional Ethics received a question about the signing authority of retired lawyers on trust accounts (when, for example, the retired lawyer is continuing to receive a stream of income from an L&I settlement).

In the course of our review of that issue, we discovered an anomaly in the wording of the trust account rule as it applies to LLLTs that we wanted to bring to the attention of the LLLT Board. I have attached a memo approved by the CPE at its meeting last Friday outlining this issue. In brief, it appears that under the wording of the current rule, a LLLT who is a member of a law firm cannot sign a trust account check, but, at least in theory, a LLLT who is not a member of a law firm could nonetheless be a signatory on the firm's trust account. This might occur, for example, if a solo practitioner wanted to have an independent LLLT be a signatory on the lawyer's trust account as a "back-up" in the event the lawyer became disabled or died.

Anne Seidel is heading the CPE Subcommittee working on the general issue of signing authority and I have copied her.

I have also copied Don Curran, who is our incoming CPE chair.

The CPE would greatly appreciate the LLLT Board's thoughts on the wording involved.

The CPE is happy to answer any questions or to provide any input that the LLLT would find helpful on this issue.

Best regards,

Mark

Mark J. Fucile  
Fucile & Reising LLP  
t: 503.224.4895  
m: 503.860.2163  
f: 503.224.4332  
[Mark@frllp.com](mailto:Mark@frllp.com)  
[www.frllp.com](http://www.frllp.com)

## MEMORANDUM

TO: CPE Committee

FROM: Trust Account Signatory Subcommittee  
Colin Folawn and Anne Seidel

RE: RPC 1.15A(h)(9)

DATE: December 11, 2017

Because there are new members on the CPE who have not received our subcommittee's prior reports, we thought it would be helpful if we explained the background and provided copies of the previous materials.

This subcommittee was formed at the July 6, 2016 meeting based on a question from Charity Anastasio, who at that time was the Practice Management Advisor for WSBA's Law Office Management Assistance Program. She asked whether a lawyer who has retired can keep a trust account open solely for the purpose of receiving periodic payments on behalf of clients. According to the LOMAP Practice Advisor, this issue arises frequently with lawyers who handle social security disability and workers compensation cases. She was concerned that interpreting the RPCs to require a lawyer be on active status to maintain a trust account would either reduce the fees the retiring lawyer would be able to receive or would delay, sometimes inappropriately, the lawyer's retirement. Her emails are included as the first attachment.

The answer to this question depends on the interpretation of RPC 1.15A(h)(9), which states as follows:

(9) Only a lawyer admitted to practice law or an LLLT may be an authorized signatory on the account. If a lawyer is associated in a practice with one or more LLLT's, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.

The subcommittee reviewed related RPCs as well as the Rules for Enforcement of Lawyer Conduct (ELC) and determined that the phrase "admitted to practice law" in RPC 1.15A(h)(9) did not have a clear meaning. RPC 1.15A(h)(9) was added to the RPC with the 2006 revisions. Prior to that, nonlawyers were permitted to sign trust account checks. The Trust Account Subcommittee report for Ethics 2003 explained this section as follows:

This is from the ABA Model Rule on Financial Recordkeeping B(1), broadened to allow any lawyer to be an authorized signatory even if the lawyer is not admitted to practice law in Washington. The Subcommittee moved it to this rule from the recordkeeping rule as it is not about recordkeeping.

The change was proposed to provide greater protection against nonlawyers stealing from trust accounts. If a nonlawyer was a signatory on a trust account and stole from the account by writing a check, the lawyer would have no recourse against a bank that cashed the check.

The second attachment is our August 18, 2016 memo with our analysis of the meaning of “a lawyer admitted to practice law”.<sup>1</sup> Among other rules, we noted that ELC 14.2 (Lawyer to Discontinue Practice) states that a suspended or disbarred lawyer is not precluded “from distributing assets held by the lawyer to clients or other persons.” We reasoned that because such assets are typically trust account funds, interpreting RPC 1.15A(h)(9) as permitting only active lawyers to sign trust account checks would be inconsistent with ELC 14.2.

The subcommittee concluded that because the phrase “a lawyer admitted to practice law” was not clear, its meaning should be clarified either by changing the rule itself or through a comment. The subcommittee recommended that the phrase be clarified consistent with ELC 14.2 and permit lawyers who are not on active status to sign trust account checks as that does not constitute the practice of law.

Based on feedback from the CPE at the August 2016 meeting, the subcommittee or individual members spoke with the WSBA auditor, an L&I practitioner, and Elijah Forde, who was the former BOG liaison to the CPE and who had purchased an L&I practice from a retiring lawyer. In April 2017, the subcommittee proposed that the phrase “admitted to practice law” be removed from RPC 1.15A(h)(9). The subcommittee also addressed the last sentence of RPC 1.15A(h)(9), which states, “If a lawyer is associated in a practice with one or more LLLT’s, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.” The subcommittee questioned why the rule permitted a LLLT who was not a member of the firm to sign a trust account check when LLLTs who are members of the firm can only co-sign. Doug Ende informed us that was not the intent of this sentence.

The subcommittee therefore considered possible changes to the last sentence, including whether to clarify the rule so it applied regardless of whether the LLLT was associated in a practice with the lawyer and whether to limit the LLLT’s authority to sign trust account checks to cases within the LLLT’s license. We concluded that the last sentence of RPC 1.15A(h)(9) should be eliminated for several reasons. First, the two-signature requirement would not be enforced by a bank, so it would do nothing to prevent theft by a LLLT who was a signatory on the account. Second, unlike a nonlawyer, a LLLT has a limited license so could be disciplined for any irregularities in issuing checks from a lawyer’s trust account (although we believed the current LLLT RPCs could be improved as far as a LLLT’s duty of recordkeeping). Third, we believed that permitting a LLLT to be a signatory on a trust account would make LLLTs more attractive to law firms and thereby help integrate them into the profession. We noted that permitting them to issue trust account checks on any firm case would be consistent with RPC 5.9(a)(1), which allows LLLTs to share fees from cases outside their limited licenses. We did not see why LLLTs should be permitted to share fees from cases outside their limited area of practice but not be

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<sup>1</sup> This Memo also addresses the related issue of the duties of a lawyer who takes over a practice from a retired attorney and receives checks on behalf of that attorney and/or that attorney’s clients. We eventually determined that we could not issue an advisory opinion on this issue because it was dependent on the primary issue of the meaning of “a lawyer authorized to practice law” in RPC 1.15A(h)(9).

trusted with disbursing funds from those cases. The April 14, 2017 Memo is the third attachment.

These issues were discussed at the April 2017 CPE meeting and the subcommittee was asked to confer with ODC about its approach to clarifying whether a lawyer must be on active status to sign a trust account check. The CPE also decided to get feedback from the LLLT Board about the LLLT issue.

Our subcommittee received a draft rule from ODC in August and discussed it by conference call with Doug and two auditors. The subcommittee members described concerns with several aspects of the draft rule. The auditors indicated that this issue came up only rarely. The subcommittee provided ODC's draft to the CPE at the August 2017 meeting, along with Doug's comments that ODC was not advocating for its adoption or even arguing that a rule change is needed. Our August 21, 2017 memo to the subcommittee with ODC's draft rule is the fourth attachment.

At the August meeting, the draft memo to the LLLT Board was approved but no action was taken on whether to clarify the meaning of "lawyer admitted to practice" in RPC 1.15A(h)(9).

The LLLT Board informed Don that it was not going to add anything about the LLLT issue and agreed with Doug Ende's approach. The fifth attachment contains emails from Don Curran, including the email from Doug that the LLLT Board was referencing. Don recommended we consider Advisory Opinion 2156, which addressed whether LPOs could sign trust account checks. The subcommittee looked at that opinion in its initial work, but determined that it would not apply to LLLTs because the opinion hinged in part on LPOs being escrow officers licensed by the Department of Finance. We believe that absent a specific authorization in RPC 1.15A(h)(9), a LLLT cannot sign a trust account check. Don's email containing Advisory Opinion 2156 is also attached.

Our subcommittee, now reduced to two, discussed this additional information. We both continue to believe that the best solution would be to revise RPC 1.15A(h)(9) to remove the phrase "admitted to practice" and eliminate the last sentence for the reasons we have previously noted.

We considered the additional information about whether an inactive lawyer should be permitted to sign trust account checks. We continue to recommend that they be permitted to do so. Signing a trust account check is not the practice of law and we do not wish to forbid or discourage lawyers who are not on active status from disbursing trust funds that belong to others. We understand that there is a concern that our proposal will lead to trust accounts that are not subject to random audits, but that is almost certainly already the case now. Given that nonlawyers used to be allowed to sign trust account checks, we do not believe there would be harm from permitting inactive lawyers to do so. As a practical matter, from the information we obtained from L&I lawyers, we do not believe a lawyer could be on inactive status and continue to receive L&I payments on her former clients' behalf unless the lawyer is associated with an active lawyer. This is because there are continuing obligations to these clients that an inactive lawyer would be unable to fulfill and if the client becomes dissatisfied, the client can ask L&I to change the address to which the check is mailed.

As far as the LLLT issue, in light of the LLLT Board's apparent view that LLLTs should not be permitted to be signatories on lawyer trust accounts, we support either eliminating the last sentence of RPC 1.15A(h)(9), which would allow LLLTs to be signatories on lawyer trust accounts to the same extent as a lawyer, or alternatively, removing all references to LLLTs from RPC 1.15A(h)(9). In our view, no purpose is served by allowing LLLTs to be signatories but not allowing them to sign a check alone. This is confusing and will undoubtedly lead to lawyers unwittingly violating the rule because they do not understand that the LLLT is not a signatory on the account as that term is generally understood. The probability that a firm would want a LLLT to be a signatory on a trust account simply to provide a second signature appears to be extremely remote, and there would be little harm to such a firm if the rule did not permit it to do so. This alternative would entail deleting the reference to LLLT from RPC 1.15A(h)(9) and eliminating comment [22].

Removing LLLTs from RPC 1.15A would not change how LLLTs handle client funds. LLLTs who are not associated in a firm with lawyers would still be able to have a trust account under LLLT RPC 1.15A. Similarly, a law firm that employs one or more LLLTs would still be able to hold funds relating to the LLLTs' clients in its trust account. As is now the case, a lawyer would have to sign any check disbursing those funds.

Attachments