

Press and Outreach Update: May 13, 2024

Press
<ul style="list-style-type: none">• IAALS 2023 Annual Report
Statistics
LLLT Statistics: <ul style="list-style-type: none">▪ Active LLLTs: 76▪ Inactive LLLTs: 9▪ Suspended LLLTs: 1▪ Voluntarily resigned: 8▪ Emeritus Pro Bono: 1
Meetings/Events
Upcoming Events: <ul style="list-style-type: none">▪ July 8, 2024 Virtual LLLT Board Meeting▪ September 9, 2024 In-person LLLT Board Meeting





INSTITUTE *for the* ADVANCEMENT
of the AMERICAN LEGAL SYSTEM

2023 ANNUAL REPORT

FROM ONE TO

MANY



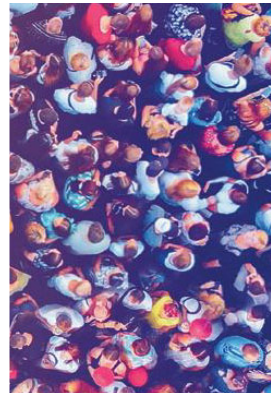
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OUR VISION

IAALS, the Institute for the Advancement of the American Legal System at the University of Denver, is an independent research organization that innovates and advances solutions that make our civil justice system more just.

We believe that justice for all must be a reality for everyone. When innovation is rooted in finding common ground, questioning the status quo, and centering the people, we begin to craft solutions that



FROM THE CEO

The world at large is constantly evolving, and so must our civil justice system.

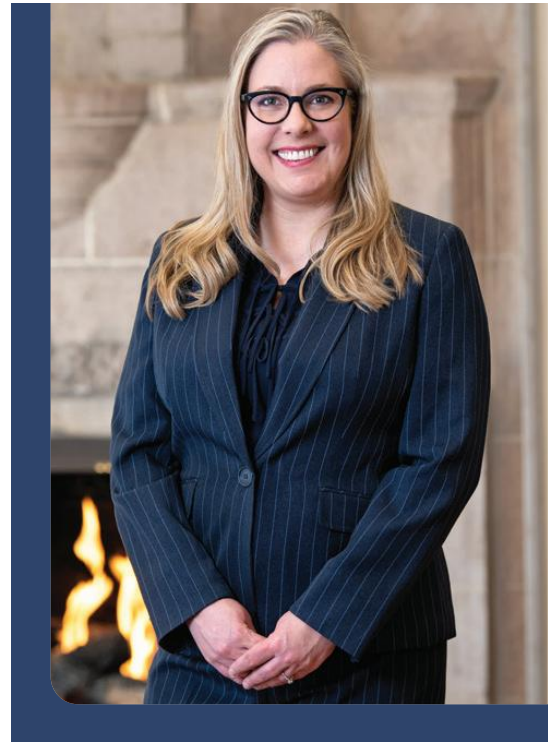
IAALS is uniquely positioned to bring that change. Our nonpartisan, independent approach cuts through the noise that consumes our modern society and empowers data-backed, people-centered innovations that are taking hold in courts, in law schools, and within the legal profession across the country. IAALS is focused on improving how our system serves people today, while also anticipating and preparing for future needs.

Driven by research and strengthened by partnerships, our recommendations provide a blueprint for positive change in courts and communities nationwide. Implementation is essential to innovation, and we partner with broad networks of people and organizations to make our recommendations a reality. From idea to impact—from one to many—IAALS is jumpstarting the groundbreaking and achievable solutions that will clear a path to justice for us all.

You are at the heart of our success. Our partners and collaborators power our solutions and empower the changemakers who bring them to life. At IAALS, we know that all voices must be heard and have a seat at the table for change to be effective and equitable. It takes a diversity of perspective to get better justice outcomes for more people. IAALS' ability to convene all sides is transformational to our work and impact on a system that all sides depend on.

Our work this year centers the people, and our solutions cascade from IAALS to the many who benefit nationwide. When we improve the way we evaluate judges, we improve public trust with millions of voters. When we provide new avenues for legal help, we give millions of people affordable options to resolve life's toughest moments. When we remove barriers and silos within the system, we build an ecosystem where everyone can thrive.

IAALS is leading the way toward a forward-looking system that progresses alongside the society it serves. When innovation is rooted in finding common ground, questioning the status quo, and centering the people, we begin to craft solutions that rebuild a trusted



UNDERSTANDING AND ADDRESSING

THE JUSTICE NEEDS OF AMERICANS

Through the groundbreaking research of our *US Justice Needs* project, IAALS and our partners at HiiL—The Hague Institute for Innovation of Law—revealed the ongoing and unmet justice needs of Americans from all walks of life and backgrounds, of all income levels, and from every corner of the country. Based on the responses of 10,000 people, our research shed new light on how Americans suffer without proper access to legal help and without ways to resolve the problems they face.



experienced at least one legal issue in the previous 4 years



of their legal issues were completely resolved



legal problems are either not resolved or resolved in a way that's seen as unfair each year



read the report and explore the data



THE MOST VULNERABLE & DISADVANTAGED POPULATIONS: lower income, women, multiracial and Black Americans, younger and middle-aged, urban and rural residents



THE MOST PRESSING UNMET NEEDS: employment and money-related problems

With this data, we at IAALS and other changemakers around the country have a better understanding of what's at stake—and what “access to justice” really means for Americans lacking it. Now, we are targeting our work and innovations within the system to make bigger impacts on the ground for more people in critical need.

“

US Justice Needs has changed our collective understanding of what ‘access to justice’ means and how we can solve this crisis for people in our state.

Elisa Marie Overall, Executive Director, Colorado Access to Justice Commission

”

NEXT STEPS & OPPORTUNITIES



FAMILIES NEED BETTER HELP

The critical unmet justice needs of families revealed in our data will be explored further by IAALS in a forthcoming report with empowering and achievable recommendations. Family issues are some of the most burdensome to resolve and are the second-most serious, time-intensive, and costly kind of issues people can experience.



BUSINESSES ALSO HAVE NEEDS

Businesses are a bedrock of our society, from mom and pops, to startups, to name brands. IAALS is conducting a companion study of U.S. businesses of all sizes to better understand their legal needs, whether those needs are being met, and how innovation could help them better navigate the legal system.



THE MIDDLE CLASS IS LEFT BEHIND

Our data also highlights the struggles experienced by everyday Americans seeking justice. A forthcoming report will explore opportunities to target achievable solutions for middle class justice.

STATE COURT RESEARCH & RECOMMENDATIONS

RENEWED LESSONS IN CASE MANAGEMENT

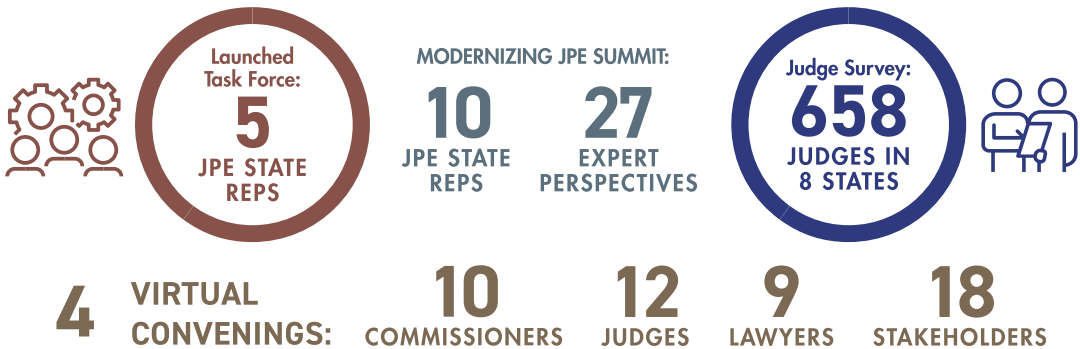
Coming through recent unprecedented challenges, courts must remain focused on ensuring superior access for all. IAALS, the National Center for State Courts, and the Texas Office of Court Administration evaluated the state's Expedited Actions Rules, which streamlined litigation. Alongside recommendations for improving Texas' program, we provide

CASE FILING TRENDS

Understanding the legal issues facing our communities, seen through case filings, can help courts better meet public needs. IAALS partnered with four states—California, Minnesota, Ohio, and Texas—to analyze their long-term civil case filing trends. IAALS' research provides fresh insights that help courts and policymakers nationwide pursue

ENSURING QUALITY AND ACCOUNTABLE JUDGES

Most Americans undergo job evaluations, and there's no reason why judges should not do the same. IAALS is a trusted leader in the movement for robust judicial performance evaluation (JPE) programs nationwide, and 14 states have JPE programs that rely on IAALS' research and recommendations. JPE is critical for maintaining high-caliber and neutral judges on the bench, but the JPE process must evolve to match the evolving roles and daily experiences of judges—and the people who appear before them. Through our *JPE 2.0* project, IAALS is committed to improving and expanding JPE, and ensuring court leaders and the public have the information they need to enhance judicial independence and accountability, and maintain a trusted judiciary. The work so far:



As more states adopt and update JPE, IAALS will continue to be a trusted partner, primed with the expertise to ensure these programs help judges improve performance, help courts maintain a quality bench, and help inform the public about their community's judges.

FROM IAALS TO ACTION

COLORADO IN FOCUS:

IAALS facilitated a summit with **35** STATE LEADERS

IAALS recommendations are informing many improvements underway affecting:

239,591

evaluations sent to litigants, lawyers, court staff, and judges

250

NEXT STEPS & OPPORTUNITIES



BEST PRACTICES AND MODERN UPDATES

Based on this wealth of perspectives and data, IAALS is developing empirically based recommendations to guide new and existing programs, and to spotlight the essential attributes judges need today.



STATE CONSULTING AND PARTNERSHIPS

IAALS has advised four states on making JPE improvements aligned with our recommendations—Arizona, Colorado, New Mexico, and Utah—and anticipates additional state-level partnerships.



STRENGTHENING JUDICIAL LEADERSHIP

IAALS and the Berkeley Judicial Institute will host a summit in 2024 focused on building forward-looking and resilient judicial leaders who are able to thrive in the midst of challenges and drive innovation.

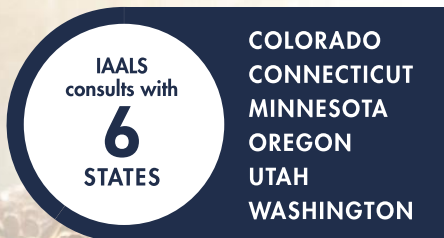
“ IAALS’ leadership toward practical, achievable improvements in the judiciary is felt nationwide. With IAALS’ help, we are targeting JPE changes in Colorado to ensure a stronger



We are proud to have had U.S. Supreme Court Justice Sandra Day O’Connor as part of our IAALS family. Justice O’Connor partnered with IAALS to launch the *Quality Judges Initiative* to house her work on judicial selection reform. The *O’Connor Judicial Selection Plan* continues to provide a foundation for states to improve and refine

UNLOCKING LEGAL REGULATION AND INCREASING LEGAL HELP FOR ALL

Current regulations limit many innovations that could provide the public with more accessible and affordable legal services, leaving people with few alternatives to expensive lawyers or forgoing legal help altogether. Lawyers themselves are also inhibited by rules that prevent them from connecting with and serving clients in new ways. IAALS is leading the country towards solutions that place the justice system back within reach of everyday Americans. The work so far:



IAALS consults with **6** STATES

COLORADO
CONNECTICUT
MINNESOTA
OREGON
UTAH
WASHINGTON



3 SUMMITS with **87** cross-profession expert perspectives

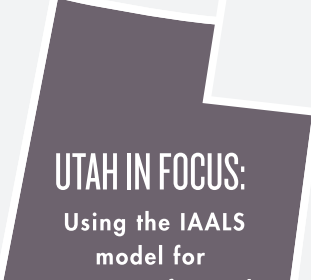


3,600+ WEBINAR PARTICIPANTS



IAALS' MODEL FOR REGULATORY REFORM JUMPSTARTED A NATIONAL MOVEMENT FOR CHANGE. >>> UTAH USED OUR MODEL IN ITS FIRST-IN-THE-NATION REGULATORY SANDBOX.

FROM IAALS TO ACTION



UTAH IN FOCUS:
Using the IAALS model for

105
applicants to provide legal services

51
new legal providers

69,829

- legal services provided:
- business
 - veteran/military benefits
 - immigration
 - end-of-life planning
 - accident/injury
 - marriage/family/domestic violence
 - bankruptcy/debt collection

NEXT STEPS & OPPORTUNITIES



INSPIRING, EVALUATING, AND IMPROVING EXISTING EFFORTS

Washington has proposed a sandbox like Utah's, similarly based on IAALS' model. While that continues to develop, IAALS is formally evaluating the success of and satisfaction with the Utah sandbox; an Interim Report will be published in 2024.



RECOMMENDATIONS FOR FUTURE INNOVATION

Based on multiple convenings of key stakeholders, including our now-annual summit of regulatory reform leaders, IAALS is developing comprehensive recommendations for launching and sustaining regulatory innovation, slated for 2024.



GRASSROOTS, PEOPLE-CENTERED ENGAGEMENT

IAALS will soon launch a national project to develop best practices for public-engagement campaigns around legal needs, regulation strategy, and building a movement of people-centered reform.



EDUCATING THE PROFESSION AND THE PUBLIC

“

The sandbox has allowed lawyers, lay advocates, and technology to help more than 24,000 people who might not have received legal assistance otherwise. The justice crisis demands bold innovations like this one to be replicated

CREATING A NEW, AFFORDABLE TIER OF LEGAL PROFESSIONALS

Like nurse practitioners working alongside doctors, a new type of legal professional is now working alongside lawyers in seven states, providing high-quality and lower-cost legal services. These professionals often help with family law, debt collection, and landlord/tenant cases, which upend the lives of millions each year and leave people worse off when they can't afford legal assistance. IAALS is nationally recognized as the go-to organization researching and supporting these vital Allied Legal Professional (ALP) programs—as well as growing and standardizing them in more states nationwide. The work so far:



“ IAALS’ recommendations and expertise helped guide Oregon in the creation of our new program, which opens the door to much-needed, affordable legal services for the people of our state.

Helen M. Hirschbiel, CEO, Oregon State Bar

”



NEXT STEPS & OPPORTUNITIES



PUBLIC OUTREACH AND EDUCATION

IAALS champions the successes of ALP programs and advocates their adoption nationwide to increase access to justice. We build momentum and consensus within the legal profession and with the public they serve through collaborative events, speaking engagements, webinars, and an online knowledge center with comprehensive, up-to-date information.



A UNIFIED NAME IN EVERY STATE

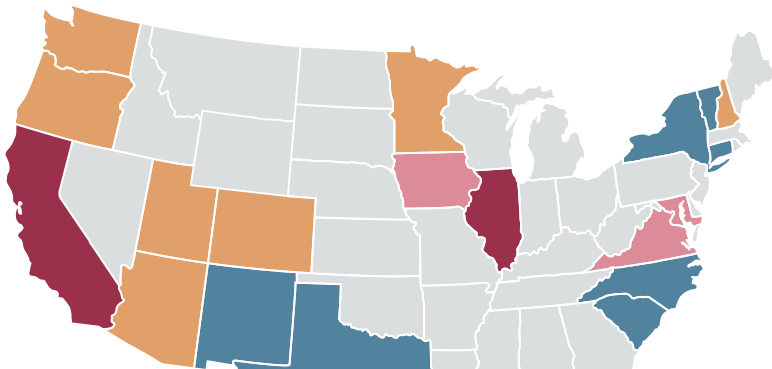
To date, states have varied in how they name or title their allied legal professionals. IAALS is collaborating with existing programs around the country to define a single national title for these legal professionals, based on community focus groups, work with translation experts, and a virtual workshop with partner states.



IMPROVING PROGRAMS, INCREASING ACCESS

IAALS seeks state partnerships to evaluate ALP program data. Continued program improvements will translate to even better legal services and greater access for more people.

ALLIED LEGAL PROFESSIONALS IN PRACTICE



7 states with ALPs

14M

middle class people in those states stand to benefit most

10.7%

of the U.S. population has access to ALPs

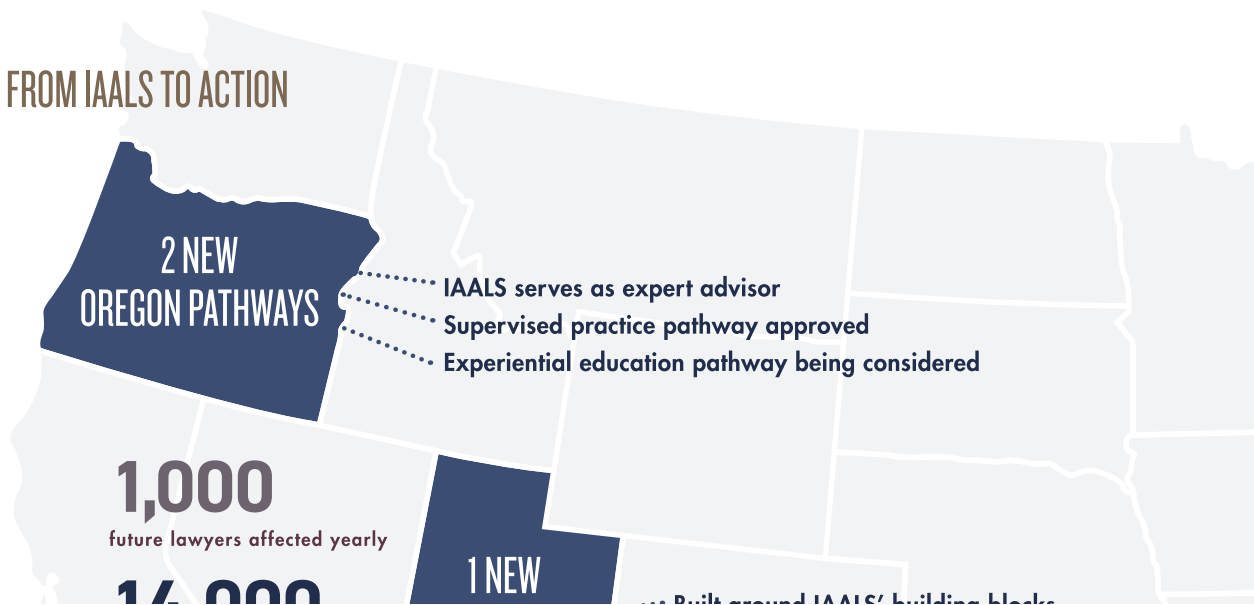
38%

IMPROVING LEGAL LICENSURE AND LOOKING BEYOND THE BAR EXAM

There is now broad recognition that the current bar exam is not aligned with the skills and knowledge required to demonstrate minimum competence to practice law. The exam also has a long and well-documented history of disparate outcomes for people of color, and is administered in a way that creates disadvantages for many test takers. The NextGen bar exam will be an evolution, but it remains doubtful that it will resolve these substantial challenges. IAALS advocates for new approaches to licensure that are valid, equitable, and effective. The work so far:



FROM IAALS TO ACTION



NEXT STEPS & OPPORTUNITIES



RECOMMENDATIONS FOR FUTURE REFORM EFFORTS

Based on a convening with key licensure changemakers, IAALS is developing recommendations for states when planning and implementing new licensure pathways that build on successes to date, promote state collaboration, and address concerns of reform opponents.



EDUCATING THE PROFESSION AND THE PUBLIC

IAALS will launch an online knowledge center with up-to-date scholarship, news, and resources related to the changing legal licensure landscape across the country.



ADVISING STATE EFFORTS

IAALS continues to advise Oregon on the creation, rollout, and evaluation of its new licensure pathways, as well as other states exploring ways to improve their licensure processes.



EXAMS STILL MISS THE MARK

Research is clear that closed-book, multiple-choice

“ IAALS’ building blocks provide the basis for Utah’s proposed alternative pathway to licensure. If the path is approved by the Utah Supreme Court, hundreds of new lawyers would have a better, more equitable path to

REMAKING A PRACTICE-READY AND EQUITABLE LEGAL PROFESSION

Being a successful new lawyer doesn't come from a high class rank or attending a prestigious law school; it comes from attaining the right mix of skills that actually benefit clients and employers. IAALS' original *Foundations for Practice* project developed an empirically driven framework of the necessary knowledge, skills, and abilities new lawyers need, along with models to align legal education and legal hiring around it. These models are built upon data collected in 2014 from more than 24,000 lawyers, representing a broad spectrum of practice areas, practice types, employment settings, geographic locations, and demographic characteristics. Dozens of law schools, law professors, and legal employers today rely on *Foundations* to guide their teaching and hiring practices, resulting in thousands of new lawyers who are better prepared to serve their clients.

NEXT STEPS & OPPORTUNITIES

FOUNDATIONS 2.0

The pandemic and AI have changed—and will continue to change—the face of lawyering, and the time is ripe to refresh the data upon which our *Foundations* models are built. IAALS is partnering with the Law School Admissions Council (LSAC) to update the original survey and future learning and hiring models to reflect today's realities. *Foundations 2.0* will also provide new insights into creating a more equitable profession. New data and recommendations are expected in late 2025.

EMBEDDING FOUNDATIONS WITHIN EDUCATION AND LEGAL HIRING

IAALS is partnering with law schools and individual faculty members to implement *Foundations*-based instructional, programmatic, and curricular design to improve legal education at all levels. IAALS is also partnering with law firms to modernize hiring practices and techniques and measure improved hiring outcomes.

FROM IAALS TO ACTION

Piloted with

LSAC

SOUTHWESTERN
LAW SCHOOL

WHEELER TRIGG
O'DONNELL

FOUNDATIONS-BASED
HIRING PROCESS

INCREASED
DIVERSITY OF
NEW HIRES



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IAALS' work to ensure justice for all is a reality for all makes us an ideal charitable

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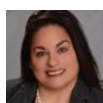
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James Teufel



REBUILDING JUSTICE AWARD

At our 15th Annual Rebuilding Justice Award Dinner, IAALS celebrated and honored the year's Rebuilding Justice Awardee, Michigan Chief Justice Bridget Mary McCormack (Ret.), in recognition of her leadership, innovation, and service in fostering broad reform in our justice system and legal profession, and her work to ensure a system that is more accessible, more transparent, more data driven, and more efficient.

Chief Justice McCormack serves as a model and inspiration for the judiciary, the bar, our court system, legal innovation organizations like IAALS, and the public.

The Rebuilding Justice Award recognizes individuals and organizations who exemplify the spirit of innovation and leadership that we champion as we work toward building a legal system that is accessible, fair, reliable, efficient, and accountable.



ALLI GERKMAN LEGAL VISIONARY AWARD

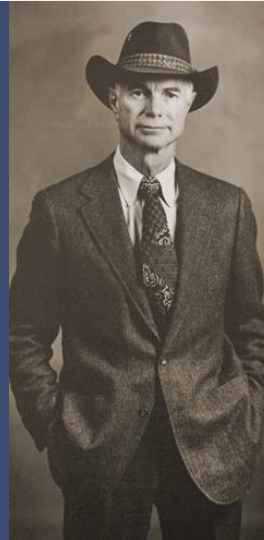
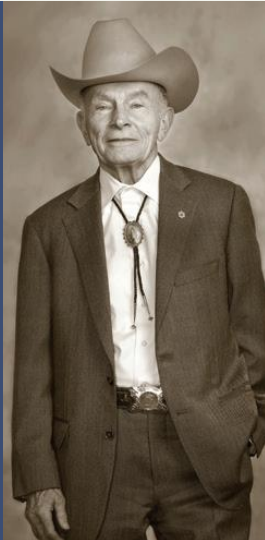
IAALS was also proud to give the third annual Alli Gerkman Legal Visionary Award to Ariadna M. Godreau-Aubert, founder and executive director of Ayuda Legal Puerto Rico, for her efforts to promote access to justice and defend fundamental rights through community legal education, advocacy, and direct services.

The Alli Gerkman Legal Visionary Award is designed to encourage and showcase innovators, risk takers, visionaries, and emerging leaders who bring a different perspective and a reform-minded approach to the improvement of our legal system, and who are early in their legal careers.



HISTORY

Located on the campus of the University of Denver, IAALS opened its doors on January 17, 2006, and was founded by the University's Chancellor Emeritus Daniel L. Ritchie, Denver attorney and bar leader John E. Moyer, business leader and philanthropist Charles C. Gates, and Founding Executive Director Rebecca Love Kourlis.



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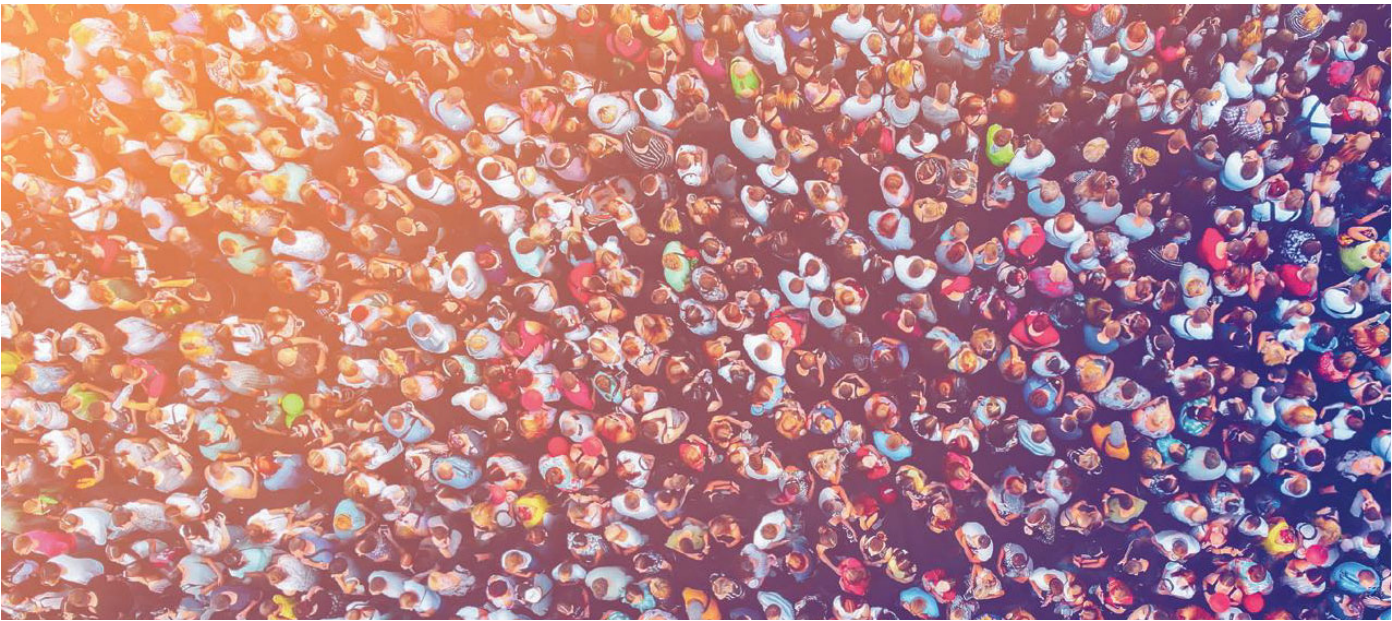
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OVERVIEW OF THE LIMITED LICENSE LEGAL TECHNICIAN (LLLT) LICENSE

Sarah Bové

Christine Carpenter

Stephen Crossland

May 2024



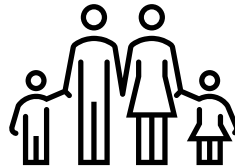
LLLT LICENSE ORIGIN

2003 WASHINGTON STATE CIVIL LEGAL NEEDS STUDY

of low-income populations revealed unmet need for legal services for both low- and moderate-income populations, with areas of greatest need



HOUSING LAW



FAMILY LAW



CONSUMER LAW

LLLT LICENSE: FIRST IN THE NATION

June 2012 Supreme Court Order No. 25700-A-1005

adopted APR 28 - LLLT Rule



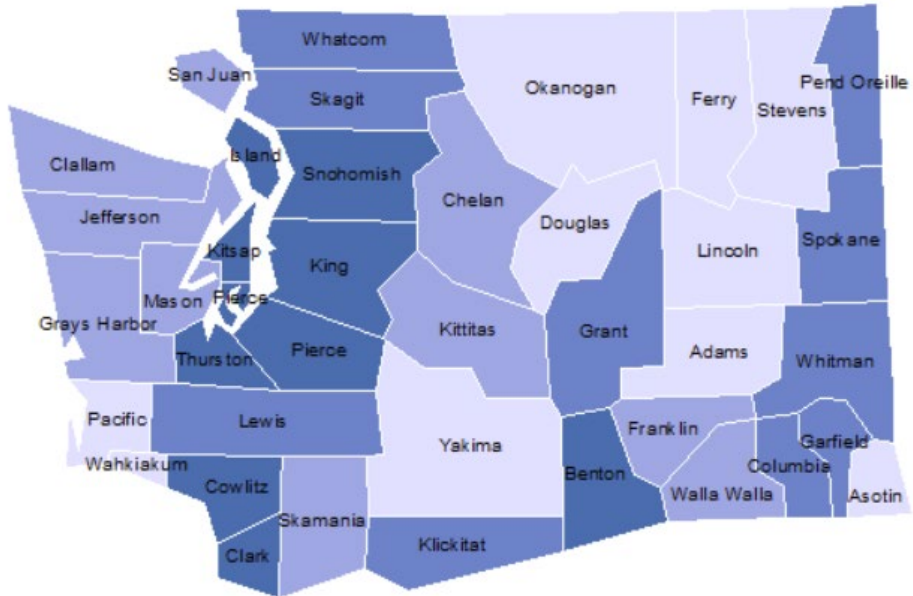
- ➔ “we have ... witnessed the wide and ever-growing **gap in necessary legal and law related services for low and moderate income persons.**”
- ➔ “[The civil legal system] ... is **unaffordable not only to low income people but, as the 2003 Civil Legal Needs Study documented, moderate income people as well** (defined as families with incomes between 200% and 400% of the Federal Poverty Level.”
- ➔ “[w]e have a **duty to ensure the public can access affordable legal and law related services**, and that they are not left to fall prey to the perils of the **unregulated market place.**”

In 2015, Supreme Court issues first LLLT licenses.

WASHINGTON INCOME LEVELS

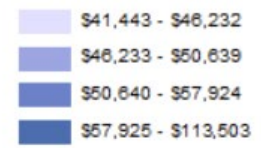
Average Wages, 2021

Inflation-Adjusted to 2021 Dollars



Family Size	2024 Federal Poverty Level (FPL) Income*	Moderate Income 200-400% FPL (2024)
1	\$15,060	\$30,120-\$60,240
2	\$20,440	\$40,880-\$81,760
3	\$25,820	\$51,640-\$103,280
4	\$31,200	\$62,200-\$124,800

*<https://www.healthcare.gov/glossary/federal-poverty-level-fpl/>



WA State Office of Financial Management Average Wages by County Map

<https://ofm.wa.gov/washington-data-research/statewide-data/washington-trends/economic-trends/washington-and-us-average-wages/average-wages-county-map>

THE LLLT LICENSE



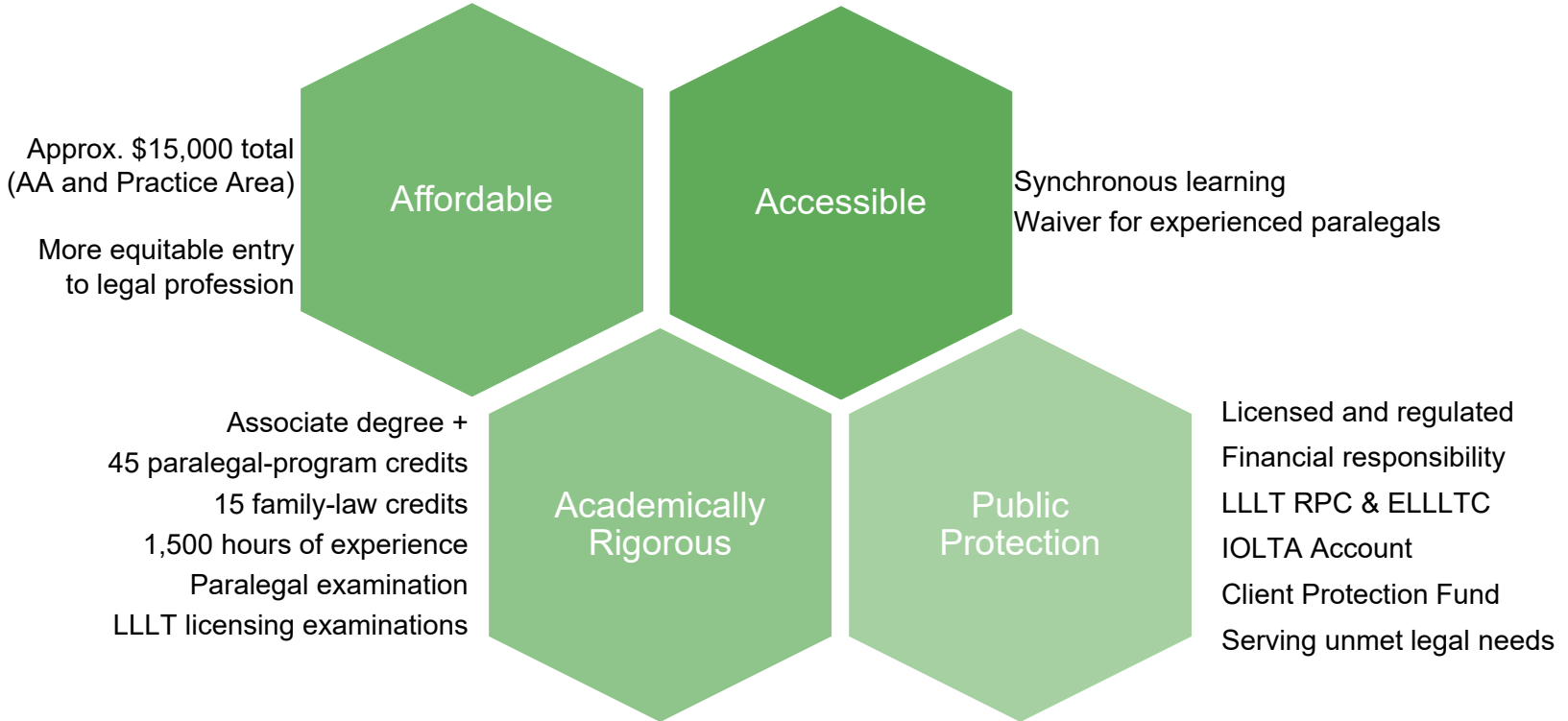
Purpose of the LLLT License: to serve the public with qualified and regulated legal services providers at a price that the consumer can afford.

LLLT Scope of Practice: LLLTs are licensed to provide legal advice and limited legal services in family law matters including child support modification actions, dissolution, and domestic violence actions.

LLLT Business Models:

- Solo LLLT practices
- Employment with firm
- Co-Ownership of Law/LLLT Firm
- Government
- Civil legal aid providers/ volunteer lawyer programs

LLLT LICENSE: AN ALTERNATIVE PATHWAY TO LEGAL PROFESSION



WASHINGTON SUPREME COURT DECISION TO SUNSET LLLT LICENSE

- [June 2020 Supreme Court Letter re Decision to Sunset](#), providing “after careful consideration of the **overall costs** of sustaining the program and the **small number of interested individuals**, a majority of the court determined that the LLLT program is not an effective way to meet these needs....”
- [June 2020 Justice Madsen’s Dissent to Decision to Sunset LLLT Program](#), “disagree[ing] with the court’s vote as well as the way in which it was carried out.”
- [July 2021 Supreme Court Order No. 25700-A-1361](#) adopted amendments to APR for sunset of LLLT licensing.
- [June 2022 Supreme Court Order No. 25700-A-1428](#) required all remaining LLLT applicants to complete preadmission requirements by July 31, 2023.

See [Decision to Sunset LLLT Program](#) webpage to review communication and history regarding Court’s decision to sunset LLLT Program.



WASHINGTON SUPREME COURT

ADMINISTERED BY THE WSBA



Court-Created Boards (Court-appointed)

- Access to Justice
- Disciplinary
- Limited License Legal Technician
- Limited Practice
- Mandatory Continuing Legal Education
- Practice of Law

Court-Created Boards (BOG-appointed)

- Bar Examiners
- Character and Fitness
- Law Clerk
- Client Protection

Other Discipline-Related Entities

- Hearing Officer List (Court-appointed)
- Disciplinary Selection Panel (Court-appointed)
- Adjunct Disciplinary Counsel Panel (Board of Governors-appointed)
- Discipline Advisory Round Table (joint venture of the WSBA and the Supreme Court)



BOARD OF GOVERNORS (BOG)

BOG Committees

- Awards
- Budget & Audit
- Executive
- Legislative
- Nominations
- Personnel

WSBA Committees

- Continuing Legal Education
- Court Rules and Procedures
- Editorial Advisory
- Judicial Recommendation
- Legislative Review
- Pro Bono and Public Service
- Professional Ethics
- Small Town and Rural
- Washington Young Lawyers

Other

- Sections (29)
- Council on Public Defense
- Long-Range Strategic Planning
- Member Engagement Council
- Diversity, Equity & Inclusion Council*

* Includes both WSBA and BOG members

WSBA
Foundation
501(c)(3)

Entity Chart

The WSBA operates under the delegated authority of the Washington Supreme Court to license the state's nearly 40,000 legal professionals.

Created Oct. 25, 2019/Updated Aug. 18, 2022

WASHINGTON STATE
BAR ASSOCIATION

https://www.wsba.org/docs/default-source/legal-community/volunteer/volunteer-toolbox/wsba_entity-chart_8.18.22.pdf?sfvrsn=847010f1_5

CURRENT STATUS OF LLLT LICENSE

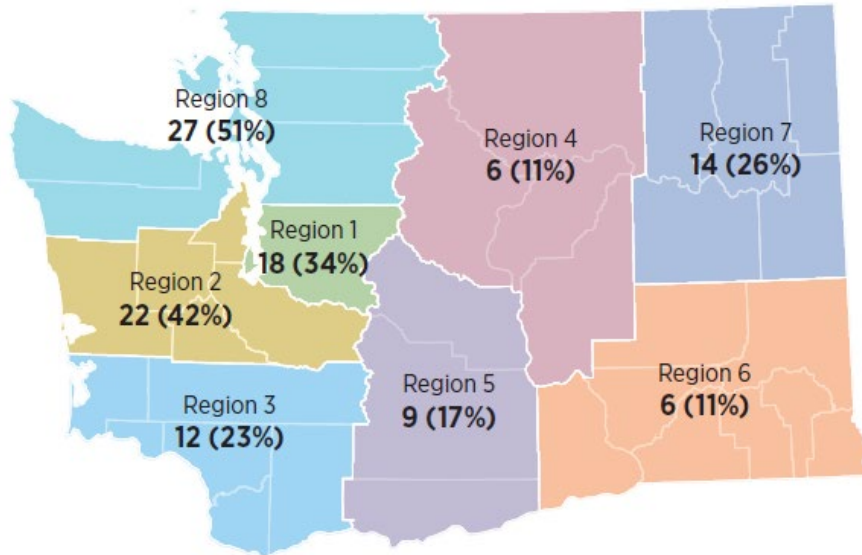
- LLLT Board oversees 86 LLLTs currently
 - Provides required supplemental education to LLLTs.
 - Approves forms, including [real property division form](#) in September 2023.
 - Carries out functions under ELLLTC relating to LLLT discipline system.
- [LLLT License FY2024 Budget:](#)
 - Revenue (\$20,712): LLLT license fees and late fees;
Lack opportunity to increase with LLLT license in sunset status
 - Expense (\$91,840): LLLT Board and WSBA staff expenses related to ongoing regulatory oversight of LLLT license

IMPACT OF LLLTs

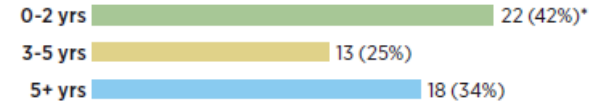


In January 2024, the LLLT Board surveyed the WSBA's then eighty-eight LLLTs to better understand the current impact of the LLLT license in Washington. Fifty-three LLLTs participated (60% response rate), representing a cross-section of LLLT experience levels and demonstrating a LLLT presence throughout the state.

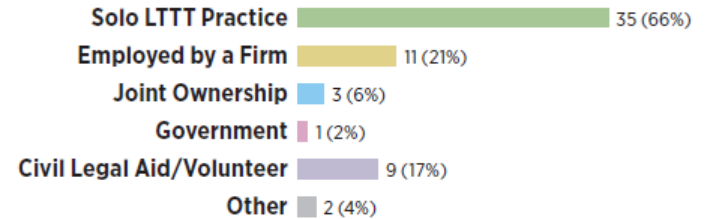
Regions Where LLLTs Practiced or Served Clients



Years Licensed as LLLT



LLLT Business Structure



*Data labels refer to the number of responses and % of total responses.

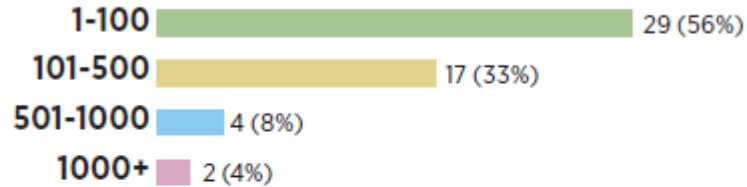
IMPACT OF LLLTs



January 2024 LLLT Survey Responses

- ❖ Significant portion of responding LLLTs' clients are below 400% of Federal Poverty Level

■ Number of Clients Served (since licensed)



■ % of Clients Served Below 400% of Federal Poverty Level



*Data labels refer to the number of responses and % of total responses.

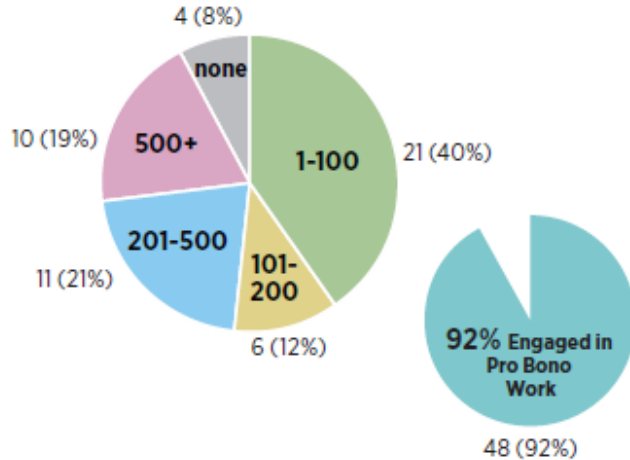
IMPACT OF LLLTs



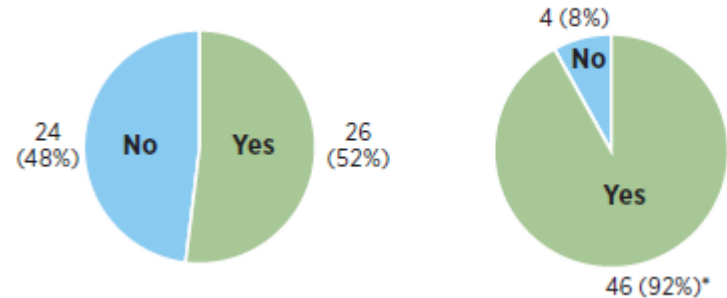
January 2024 LLLT Survey Responses

- ❖ Nearly all responding LLLTs have engaged in pro bono hours (as defined in [LLLT RPC 6.1](#))
- ❖ Over half of responding LLLTs offer sliding fee scale

Total Pro Bono Hours (since licensed)



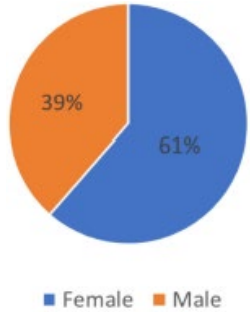
Offer Sliding Fee Scale? Offer Unbundled Legal Services?



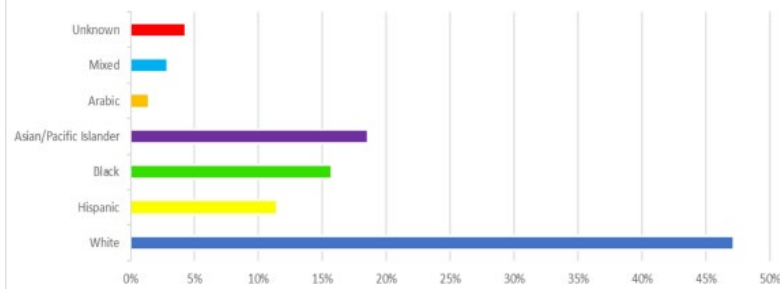
*Data labels refer to the number of responses and % of total responses.

IMPACT OF LLLTs: ONE LLLT's STORY

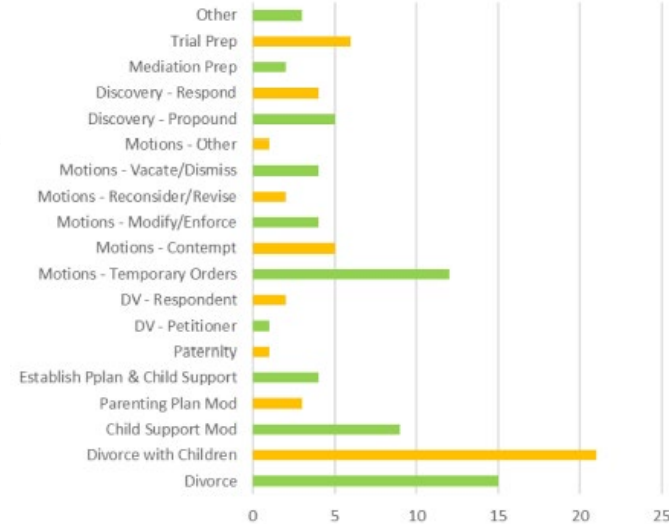
Client (%) Gender



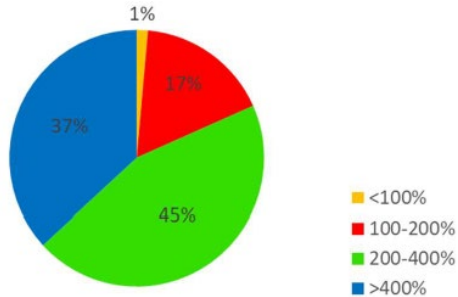
Client (%) Race/Ethnicity



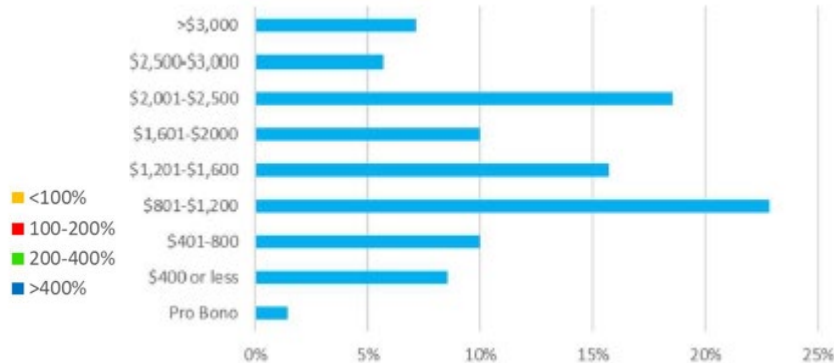
Case/Task Types



Client (%) FPL Level



Fees Paid Per Client for All Actions within Case



IMPACT OF LLLTs

Highlighting a few LLLTs recognized for pro bono service in their communities:

- **Andren Moyer** presented with the Dedicated Service Award in 2024 and recognized as the [June 2023 Very Important Volunteer \(V.I.V.\)](#) by the Volunteer Lawyers Program of Spokane County Bar Association.
- **Mark Von Weber** presented with the [Gene Schuster Award in 2023](#) by the Benton-Franklin Legal Aid Society.
- **Sarah Bové** presented [Pro Bono Award in 2023](#), along with attorney Rene Cespedes, with whom Sarah works, by Eastside Legal Assistance Program (ELAP).
- **Lorena Mendoza** presented with the [Gene Schuster Award in 2022](#) by the Benton-Franklin Legal Aid Society.
- **Lesli Ashley** recognized as the [July 2021 V.I.V.](#) by the Volunteer Lawyers Program of Spokane County Bar Association.

IMPACT OF LLLTs

“There is considerable evidence that for the LLLTs, their clients, the lawyers who work with them, the judges who decide family-law cases, and attorneys who employ LLLTs, the program has been a real success. The LLLTs have provided competent legal services to moderate means Washingtonians at critical moments in their lives. Their professionalism and proficiency in family law have enabled more efficient proceedings and better decision-making for the commissioners who conduct pre-trial proceedings and judges who hold trials, improved outcomes for clients, and added more business for attorneys who have hired LLLTs to capture a previously untapped market.”

Jason Solomon & Noelle Smith, The Surprising Success of Washington State's Limited License Legal Technician Program, Stanford Center on the Legal Profession, April 2021, at page 5, <https://law.stanford.edu/publications/the-surprising-success-of-washington-states-limited-license-legal-technician-program/>.

A NATIONAL TREND

Licensed Legal Paraprofessional Programs:

Year	State	Program	Status
2012	Washington	Limited License Legal Technicians	Sunset (July 2023)
2018	Utah	Licensed Paralegal Practitioner	Currently Licensing
2020	Minnesota	Legal Paraprofessional Pilot Project	Pilot program extended through March 2024
2021	Arizona	Legal Paraprofessional	Currently Licensing
2023	Colorado	Licensed Legal Paraprofessionals	Currently Licensing
2023	Oregon	Licensed Paralegals	Currently Licensing
2023	New Hampshire	Paraprofessional Pilot Program	Pilot program began January 2023

➔ With [other states](#) considering similar licensed legal paraprofessional programs and/or implementing other programs allowing legal-aid workers, court navigators or others to provide legal assistance in discrete areas of law.

➔ Entities in Washington continuing to consider alternative legal-service providers as a way of closing the justice gap, including the [Practice of Law Board](#) and the [Access to Justice Board](#).

LLLT LICENSE: REFLECTIONS ON THE EXPERIENCE

- **Practice Areas**: Provide for more practice areas from the start (e.g., family-law, evictions, and debt-collection matters).
- **Experience Requirement**: Lower experience requirement hours and provide waiver for those who have pursued higher education, bachelor degrees and JDs.
- **Course Delivery**: Work with community colleges to provide practice-area curriculum and create opportunity for financial aid.
- **Mentorship**: Create opportunities for those new to the legal field to form professional mentorships with attorneys and LLLTs.
- **Marketing**: Increase awareness of existence of the license and the services that LLLTs provide.
- **Data**: Gather data to evaluate the effectiveness of the license and ways in which the license might be improved to better serve the public.
- **Collaboration**: Communicate benefits and opportunities of working with LLLTs to judges and attorneys.



Miryam Gordon
12345 Lake City Way NE #200
Seattle, WA 98125
(425) 298-3567 (message)
Miryam@LLLT4familylaw.com

Limited-License Legal Technician

Career Highlights-----

- Title 11 Guardian ad Litem (now Court Visitor)
- Limited License Legal Technician, licensed 6/1/21

Skills and Experiences -----

Limited License Legal Technician

6/2021–current

Solo practitioner in family law, Washington State Bar Association #157LLLT

Contract Paralegal

2015–current

Project-based work, by the case.

- Effective information record management and organizational techniques
- Adept in managing projects and priorities
- Cognizant of US, Washington State and King County Court deadlines and procedures
- Experienced proofreader and editor; meticulous speller; excellent grammarian

Intern – Moderate Means Program (WSBA)

2015–2017

Program providing legal services for potential clients earning between 200-400% federal “poverty” level

Court Visitor/Guardian ad Litem (Title 11 King County)

2007–current

Court-appointed services to investigate the need for guardianships.
Also Minor Guardianships Court Visitor and Guardian ad Litem

Freelance Theater Reviewer

2007–current

Miryam’s Theater Musings

(<https://miryamstheatermusings.blogspot.com>)

Founder of the *Gypsy Rose Lee Awards* for theater excellence 2011-2020.

Owner/ Business Manager, EclerTech Consulting Accounting Services

12 years

Management, accounting services and software installation for small businesses.

Educational and Training Accomplishments -----

BA, University of California at Santa Cruz

Certificate: Paralegal, Edmonds Community College (2003)

Alternative Dispute Resolution Training, Dispute Resolution Center of Everett

Investigative training through Seattle-King County Defender Association

Licensed: Certified Professional Guardian, State of WA (self-decertified)

Certified Paralegal by NFPA

April 24, 2024

VIA EMAIL ONLY ([REDACTED])

Erin L. Lennon, Supreme Court Clerk
Washington Supreme Court
Temple of Justice, P. O. Box 40929
Olympia, WA 98504-0929

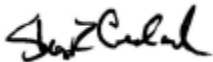
RE: Transmittal of GR 9 Coversheet for Suggested Amendments Technical Change

Dear Erin Lennon,

Attached please find the Limited License Legal Technician (LLLT) Board's GR 9 Coversheet for suggested amendments for a technical change to Admission and Practice Rules (APR) Appendix APR 28, Regulation 2. The suggested amendments are submitted in accordance with GR 9 for the Court's expedited consideration.

Also attached are blackline and clean versions of the suggested amendments in both Word and PDF formats.

Sincerely,



Steve Crossland

Enclosures

cc: Terra Nevitt, WSBA Executive Director
David Ward, Principal Legal Analyst, Administrative Office of the Courts
Kristina Larry, WSBA BOG Liaison to LLLT Board
Renata de Carvalho Garcia, WSBA Chief Regulatory Counsel
Robert Henry, WSBA RSD Associate Director
Catherine Biestek, WSBA Managing Regulatory Counsel and Staff Liaison to LLLT Board



GR 9 COVER SHEET

Suggested Amendments to Admission and Practice Rules Appendix APR 28, Regulation 2, Regulations of the APR 28 Limited License Legal Technician Board Submitted by the Limited License Legal Technician Board

A. Name of Proponent:

Limited License Legal Technician Board

B. Spokesperson:

Steve Crossland, Chair of the LLLT Board

WSBA Staff Contact:

Cathy Biestek, Managing Regulatory Counsel
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539
catherineb@wsba.org • 206.727.8230

C. Purpose:

The suggested amendments are a technical change to clarify language in Regulation 2(B) of the Appendix to APR 28 to accurately reflect the scope of practice for Limited License Legal Technicians (LLLT).

Regulation 2(B) of the APR 28 Appendix comprises regulations covering the scope of permissible practice areas for LLLTs. Prior to January 23, 2024, Regulation 2(B)(1)(i) authorized LLLTs to provide services to clients in some “nonparental and third party custody” matters. Nonparental and third-party custody matters were governed by Chapter 26.10 of the Domestic Relations Code. Effective January 1, 2021, however, the Washington State Legislature repealed the nonparental custody statute for minors (RCW

26.10 et seq.) and replaced it with Article 2 of the Uniform Guardianship Act (RCW 11.130.185 et seq.).

To conform APR 28 and the Appendix to APR 28 to the change in law, in 2022, the LLLT Board suggested amendments to Regulation 2(B) replacing “nonparental and third party custody” with “agreed or default minor guardianships or guardianships arising out of a familial relationship.” As noted in the GR 9 coversheet accompanying the suggested amendments, the changes were intended only to translate LLLTs’ preexisting authority to assist clients with nonparental and third-party custody matters to the new guardianship law. See Attachment 1 at pages 8-9. The suggested amendments were not intended to expand LLLTs’ scope of practice.

The Washington Supreme Court adopted the rule amendments effective January 23, 2024. See Attachment 2 at page 5. Since adoption of the amendments, it has come to the LLLT Board’s attention that the language permitting LLLTs to assist with “guardianships arising out of a familial relationship” may potentially be interpreted to allow LLLTs to represent clients in guardianship matters beyond those involving minors. Again, this was not the intent of the addition of the guardianship language in Regulation 2(B). Prior to the repeal of Chapter 26.10 of the Domestic Relations Code in 2021, the scope of LLLT practice in nonparental and third-party custody proceedings would have involved only custody of minors. The reason for including the provision for “guardianships arising out of a familial relationship” is not apparent from the available materials. However, the documents accompanying the original amendments do make clear that the amendments were not intended to go beyond the preexisting scope of LLLT practice.

Therefore, to ensure the scope of LLLT practice is clear and conforms with the

purpose of the original suggested amendment, the LLLT Board now proposes that references to “agreed or default minor guardianships or guardianships arising out of a familial relationship” in Regulation 2(B) be replaced with “agreed or default minor guardianships.”

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is requested. Expedited consideration will ensure the scope of practice for LLLTs is clear and that LLLTs do not inadvertently exceed their permissible scope of practice in reliance on the imprecise language in Regulation 2.

F. Attachments:

1. 2022 GR 9 Cover Sheet for Suggested Amendments to APR 28
2. January 3, 2024 Court Order No. 25700-A-1562

GR 9 COVER SHEET

Suggested Amendments to ADMISSION AND PRACTICE RULES RULE 28 AND THE APPENDIX APR 28 REGULATIONS Submitted by the Limited License Legal Technician Board

A. Name of Proponent:

Limited License Legal Technician (LLLT) Board

Staff Liaison/Contact:

Jonathan Burke, Innovative Licensing Programs Manager
Washington State Bar Association (WSBA)
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539 (Phone: 206-733-5916)

B. Spokespersons:

Stephen Crossland
Chair of the LLLT Board
PO Box 566
Cashmere, WA 98815-0566 (Phone: 509 782-4418)

Nancy Ivarinen
Vice Chair of the LLLT Board
1504 Broadway St.
Bellingham, WA 98225-3038 (Phone: 360-527-3525)

C. Purposes:

SUMMARY OF PURPOSES

In general, the four primary purposes of the suggested amendments to Admission and Practice Rule (APR) 28 the APR 28 Appendix of Regulations (Reg.) are to (1) reflect changes to the Limited License Legal Technician (LLLT) Program following the entry of the Washington State Supreme Court's (Court's) July 1, 2021, order to sunset the LLLT Program (Sunset Order); (2) remove provisions in the APR that became moot following the Sunset Order and clarify the role of the LLLT Board following the Sunset Order; (3)

update and clarify provisions in APR 28 relating to “nonparental and third party custody” due to recent changes in the law; and (4) clarify a LLLT’s authority to accompany clients to pretrial conferences and settlement conferences. A more specific list of the purposes of the suggested amendments are as follows:

1. To reduce the LLLT Board from 15 to 11 members and to update the LLLT Board duties in APR 28C to reflect the evolution of the LLLT Program following the Sunset Order.
2. To delete responsibilities of the LLLT Board set forth in APR 28C(2) that have become moot because of the Sunset Order.
3. To amend and update APR 28C(2) to more fully and accurately describe the duties and powers of the LLLT Board following the Sunset Order, including duties to process and administer LLLT disciplinary grievances, approve standard forms for LLLTs, propose rules for governing LLLTs, and establish committees to carry out the LLLT Board’s proposed new powers to provide continuing legal education to LLLTs, assess changes in the law that affect a LLLT’s scope of practice, and collaborate with other boards and entities regarding the delivery of law related services.
4. To add a provision to APR 28 that accurately acknowledges and describes the LLLT Board’s power and authority to adopt regulations provided that the proposed regulations are approved by the Court. See suggested APR 28P.
5. To update the provisions in the APR 28 Regulations by deleting references to “nonparental and third party custody” because the Washington state legislature repealed the underlying statutes for “nonparental and third party custody.” See

suggested amendments to APR 28 Reg. 2B.1.(i), APR 28 Reg. 2B.2.(h)vi, and suggested APR 28 Reg. 2B.3.(b)ix.

6. To replace the references in APR 28 Reg 2B to “nonparental and third party custody” with references to the guardianship proceedings for the statute that replaced the repealed statutes for “nonparental and third party custody.” See suggested amendments to APR 28 Reg. 2B.1.(i) and suggested APR Reg. 2B.2.(h)ix.
7. To clarify and describe the scope of practice for LLLTs in connection with pretrial calendar proceedings. See suggested amendments to APR 28 Reg 2B.2.(h)viii.
8. To clarify that LLLTs may accompany their clients in settlement conference proceedings. See suggested APR 28 Reg. 2B.2.(h)x.

The LLLT Board’s suggested amendments seek to clarify, not expand, the prior authority granted by this Court to the LLLT Board and LLLTs.

BACKGROUND AND EXPLANATION OF PROPOSED AMENDMENTS:

A. COURT ENTERS ORDER SUNSETTING LLLT PROGRAM

On July 1, 2021, the Court entered an order sunsetting the LLLT Program, effective July 31, 2022. After July 31, 2023, the Washington State Bar Association (WSBA) will no longer be admitting LLLTs.¹ Consequently, the LLLT Board will no longer be involved in preparing and grading LLLT examinations or reviewing additional areas of practice for LLLTs. There are currently 75 active LLLTs in Washington.

1. On June 9, 2022, the Court entered an order extending by one year the deadline for LLLT applicants who passed the LLLT examination to complete the pre-admission requirements in APR 5(e)(2). The Court’s order did not authorize WSBA or the LLLT Board to administer additional LLLT examinations.

B. PROPOSALS TO CHANGE LLLT BOARD'S SIZE AND COMPOSITION AND UPDATE THE LIST OF THE LLLT BOARD'S DUTIES

APR 28C(1) provides for the establishment of a LLLT Board that is comprised of 15 members. APR 28C(1) requires the composition of the LLLT Board to include a legal educator and one *ex officio* member who is a representative of the Washington State Board of Community and Technical Colleges. The Sunset Order eliminates the need for educators on the LLLT Board because it will no longer be involved in education requirements for licensing LLLTs and licensing exams for LLLTs. The final LLLT examination was administered on May 3-4, 2022.

APR 28C(2) lists six responsibilities of the LLLT Board. The Sunset Order has effectively made moot the following four of the six listed responsibilities in APR 28C(2):

- “Recommending practice areas for LLLTs subject to approval by the Supreme Court.” APR 28 C(2)(a);
- “Working with the Bar . . . to select, create, maintain, and grade the examinations required under this rule. . . .” APR 28 C(2)(b);
- “Approving education and experience requirements for licensure in approved practice areas.” APR 28 C(2)(c); and
- “Establishing and maintaining criteria for approval of educational programs that offer LLLT core curriculum.” APR 28 C(2)(e).

The LLLT Board's suggested amendments to APR 28 seek to remove these four responsibilities from APR 28C(2) because they have been effectively eliminated by the Sunset Order. The suggested amendments also delete the provision making WSBA responsible for notices and filings “including applications for admission as a LLLT” in APR 28C(4) because this responsibility is also now moot for the same reason.

The Sunset Order has effectively changed the focus of the LLLT Board from developing the LLLT Program and licensing LLLTs to improving and sustaining the

current LLLT Program. The suggested amendments refer to the LLLT Board’s “duties and powers” instead of “responsibilities.” APR 28C(2). This suggested change makes the terminology in APR 28 consistent with the terminology contained in the rules governing the Limited Practice Board. See APR 12(b)(2). Following the Sunset Order, the LLLT Board’s duties and powers now focus on administering LLLT disciplinary complaints; developing forms for LLLT practice; improving the LLLT Program by proposing amendments to APR 28, the LLLT Rules of Professional Conduct (LLLT RPC), and procedural rules for LLLT disciplinary matters (ELLLTC); and overseeing committees to carry out the LLLT Board’s duties to the LLLT Program.

The LLLT Board’s suggested amendments seek to clarify and more accurately reflect its evolved role to sustain and improve the LLLT Program by adding the following duties and powers in APR 28C(2):

- Administering grievances and discipline. APR 28C(2)(a);
- Approving standard LLLT forms. APR 28C(2)(b);
- Proposing amendments to LLLT rules. APR 28C(2)(c);
- Overseeing the provision of continuing legal education to LLLTs. APR 28C(2)(d)i;
- Overseeing the assessment of changes in the law that affect the practice of LLLTs. APR 28C(2)(d)ii; and
- Overseeing collaborations with other boards and entities regarding the delivery of law related services. APR 28C(2)(d)iii.

The suggested amendments do not expand the current authority of the LLLT Board. Rather, the suggested amendments reflect the tasks currently performed by the LLLT Board to sustain the LLLT Program. For example, the Rules for Enforcement of Limited License Legal Technician Conduct (ELLLTC), including but not limited to ELLLTC 2.3,

2.4, 5.3, and 6.9, currently establish the authority of the LLLT Board and LLLT Disciplinary Committee to administer grievances and discipline. APR 28F(6) implies that the LLLT Board has authority to approve standard forms as it provides that LLLTs may provide legal assistance to a *pro se* client, including to “select, complete, file, and effect service of . . . forms approved by the LLLT Board.” APR 28C(2)(c).

APR 28C(3) currently provides the LLLT Board with the responsibility to propose rules, regulations, and amendments to APR 28 and other court rules:

Rules and Regulations. The LLLT Board shall propose rules, regulations and amendments to these rules and regulations, to implement and carry out the provisions of this rule, for adoption by the Supreme Court.

The other suggested amendments include tasks that could or would fit under the current catchall provision in APR 28C(2)(f) that the Board is responsible for “[s]uch other activities and functions as are expressly provided for in this rule.” The LLLT Board’s suggested amendments recommend deleting the catchall provision and replacing it with more specific provisions stated above to avoid confusion.

The evolution of LLLT Board duties makes the current size and composition of the Board in APR 28C(2) superfluous for several reasons. First, the Sunset Order effectively eliminated all educational programs needed for qualifying for a LLLT license and, therefore, the need for educators on the LLLT Board. Second, the evolution of the LLLT Board duties from the development of the LLLT Program to sustaining the LLLT Program makes the need for 15 Board members unnecessary.

The description of the LLLT Board’s duties and powers in the suggested amendments is sufficient that there is no longer a need for the catchall provision in APR 28C(2)(f) for “[s]uch other activities and functions as are expressly provided for in this rule.”

Consequently, the suggested amendments delete the catchall provision.

A 15-member LLLT Board is not practical given the small pool of LLLTs in the state (currently 75 active LLLTs) and the scaled back duties of the LLLT Board. Other similarly situated Supreme Court Boards have less members. For example, the Limited Practice Board, which has over 800 active members, is comprised of nine members. APR 12(b)(1). For these reasons, the LLLT Board's suggested amendment to APR 28C(1) reduces the LLLT Board from 15 to 11 members and propose that the LLLT Board be composed of at least four active lawyers, three active LLLTs, and two members who are not licensed to practice law. The LLLT Board's specific proposed amendments in APR 28C(1) regarding the size and composition of the board are contained in the attached redlined version of the proposed amendments.

C. SUGGESTED AMENDMENT FOR LLLT BOARD'S ROLE TO ADOPT REGULATIONS

The LLLT Board's suggested amendments seek to add a provision to APR 28 clarifying its existing authority, currently in APR 28C(3), to adopt regulations pertinent to its duties and powers subject to the approval of the Court. This provision is essentially the same provision governing regulations that the Court adopted for the Practice of Law Board in General Rule (GR) 25(h). This suggested amendment underscores that, as a Supreme Court Board, the LLLT Board regulations are subject to approval by the Court. Moreover, the suggested amendment acknowledges and recognizes that although the LLLT regulations are not governed by the WSBA Board of Governors (BOG), proposed regulations "should" be provided to the BOG for informational purposes. See Suggested amendment APR 28P. To avoid possible confusion or duplication, the LLLT Board's suggested amendments propose to strike the provision on "rules and regulation" in APR

28C(3).

D. AMENDMENTS RELATED TO LLLT SCOPE OF PRACTICE IN MINOR GUARDIANSHIPS F/K/A NONPARENTAL CUSTODY ACTIONS

The Appendix to APR 28 is comprised of regulations covering the scope of approved practice areas for LLLTs. Domestic Relations is the only approved LLLT practice area. APR 28 Reg. 2B authorizes LLLTs to provide services to clients related to “nonparental and third party custody,” but this provision is confusing because later provisions provide that LLLTs are prohibited from providing legal services in “nonparental custody actions beyond the adequate cause hearing unless the terms are agreed to by the parties or one party defaults.” APR 28 Reg. 2B.3.(b)ix.

Effective January 1, 2021, the Washington state legislature repealed the nonparental custody statute for minors (RCW 26.10 *et seq.*) and replaced it with RCW 11.130.185 *et seq.* (Article 2), the Uniform Guardianship Act – minors. Guardianships for incapacitated adult children arising out of a familial relationship are now covered by RCW 11.130 Article 3.

To accommodate the change in law, the LLLT Board’s suggested amendments propose to strike the provisions in APR 28 Reg. 2B referencing “nonparental and third party custody” and replace these terms with provisions authorizing LLLTs to provide services under the new statute, RCW 11.130 *et seq.*, for “agreed or default minor guardianships or guardianships arising out of a familial relationship.” See suggested amendment APR 28 Reg. 2B.1.(i). This suggested amendment is intended to ameliorate confusion that may exist regarding the extent of the services that LLLTs are authorized to provide to clients. The suggested amendments to the provisions in APR 28 Reg 2B include the following:

- Replace “nonparental and third party custody” in APR 28 Reg. 2B.1.(i) with “agreed or default minor guardianships arising out of a familial relationship.”
- Delete “nonparental custody” in APR 28 Reg. 2B.2.(h)vi.
- Add a new subsection for hearings related to “agreed or default minor guardianships or guardianships arising out of a familial relationship” to APR 28 Reg. 2B.2.(h)ix.
- Delete “nonparental custody actions” in APR 28 Reg. 2B.3.b.ix.

The suggested amendments seek to provide LLLTs with the same authority in dealing with “nonparental and third party custody” that they had prior to January 1, 2021, the date that RCW 26.10 was repealed. The suggested amendments do not expand LLLT’s authority. Moreover, *pro se* parties are able to use LLLTs to ensure that nonparental and third party custody issues are dealt with under the most current law.²

E. AMENDMENTS RELATED TO ATTENDING PRETRIAL CALENDAR PROCEEDINGS AND SETTLEMENT CONFERENCES

The LLLT Board has discovered that there was some confusion regarding the provision authorizing LLLTs to assist clients in “trial setting calendar proceedings.” See APR 28 Reg. 2B.2.(h)viii. To ameliorate potential confusion, the LLLT Board’s suggested amendments seek to clarify this provision by striking “trial setting” and replacing it with more specificity regarding the nature of proceedings in which LLLTs may assist clients: “pretrial calendar proceedings such as trial setting, pretrial conferences, and status conferences.” See suggested amendment to APR 28 Reg. 2B.2.(h)viii.

The LLLT Board’s suggested amendments also seek to clarify LLLTs’ authority to attend settlement conference proceedings with clients in APR 28 Reg. 2B by adding more

² The new guardianship statute is a topic that the LLLT Board has been monitoring. It intends to provide mandatory continuing legal education classes to update LLLTs if and when the Court adopts the suggested amendment.

specificity that LLLTs are authorized to attend “settlement conference proceedings” with their clients. See proposed APR 28 Reg. 2B.2.(h)x. The current rules provide that LLLTs may “accompany and assist clients in dispute resolution proceedings including . . . settlement conferences where not prohibited by the rules and procedures of the forum.” APR 28 Reg. 2B.2.(e).

F. BOG MEETING ON LLLT BOARD’S SUGGESTED ADMENDMENTS

On September 23, 2022, the WSBA Board of Governors (BOG) met to consider the LLLT Board’s suggested amendments. Prior to the BOG meeting, the WSBA fiscal analysis opined that the adoption of the suggested amendments would result in estimated costs savings to the LLLT budget of \$4,952. The LLLT Board requested the BOG to support the suggested amendments. Instead, the BOG voted 5-4 to oppose the suggested amendments, with a number of governors absent for the vote. The BOG did not recommend changes to the suggested amendments. Nor did the BOG provide any specific reason for opposing the suggested amendments.

Conclusion

The LLLT Board believes that its suggested amendments will improve and clarify APR 28 and assist in effectuating the Court’s Sunset Order.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is not requested.

F. Supporting Materials: Suggested Amendments to APR 28 and the APR 28 Appendix of Regulations Redlined and Clean Version.

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE PROPOSED
AMENDMENTS TO APR 28--LIMITED PRACTICE
RULE FOR LIMITED LICENSE LEGAL
TECHNICIANS AND THE APPENDIX APR 28
REGULATIONS

ORDER

NO. 25700-A-1562

The Limited License Legal Technician Board (LLLT Board), having recommended the adoption of the proposed amendments to APR 28--Limited Practice Rule for Limited License Legal Technicians and the Appendix APR 28 Regulations, and the Court having considered the proposed amendments, and having determined that several of the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed amendments by the LLLT Board are adopted in part and rejected in part. The proposed amendments as attached hereto are adopted.

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

ORDER

IN THE MATTER OF THE PROPOSED AMENDMENTS TO APR 28--LIMITED PRACTICE
RULE FOR LIMITED LICENSE LEGAL TECHNICIANS AND THE APPENDIX APR 28
REGULATIONS

DATED at Olympia, Washington this 3rd day of January, 2024.



Johnson, J.



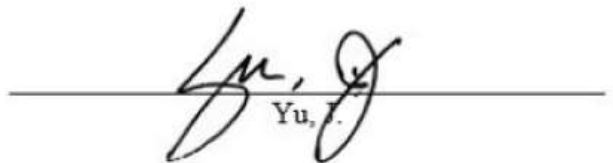
González, C.J.



Gordon McCloud, J.



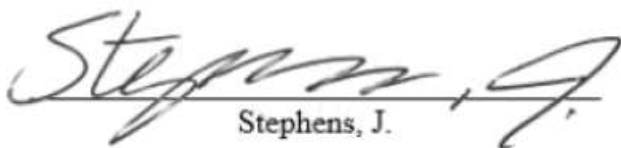
Madsen, J.



Yu, J.



Montoya-Lewis, J.



Stephens, J.

LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS

A. ~~B.~~ [Unchanged.]

C. Limited License Legal Technician Board

(1) *Establishment.* There is hereby established a Limited License Legal Technician Board (LLLT Board). The LLLT Board shall consist of ~~15~~ 11 voting members appointed by the Supreme Court; Nine members of the LLLT Board shall be active members of the Washington State Bar Association with at least four active lawyer members, one of whom must have experience practicing in family law, and three active LLLT members. Two members of the LLLT Board shall be Washington residents who do not have a license to practice law, and one nonvoting ex officio member who is a representative of the Washington State Board of Community and Technical Colleges. At least 11 members shall be Washington lawyers, LLLTs, or LPOs. Of those 11 members, at least 9 shall be active lawyers or LLLTs, and no more than 2 may be LPOs, or judicial or emeritus pro bono lawyers or LLLTs. Four members of the LLLT Board shall be Washington residents who do not have a license to practice law. Appointments shall be for staggered three year terms. No member may serve more than two consecutive full three year terms. The validity of the Board's actions is not affected if the Board's makeup differs from the stated constitution due to a temporary vacancy in any of the specified positions.

(2) *LLLT Board Duties and Powers. Responsibilities.* ~~The LLLT Board shall be responsible for the following:~~

(a) Grievances and discipline. The LLLT Board's involvement in the investigation, hearing, and appeal procedures for handling complaints of persons aggrieved by the failure of LLLTs to comply with the requirements of this rule and of the LLLT RPC shall be established in the Rules for Enforcement of LLLT Conduct (ELLLTC). Recommending practice areas of law for LLLTs, subject to approval by the Supreme Court;

(b) Approval of Forms. The LLLT Board shall approve standard forms for use by LLLTs in the performance of legal services authorized by this rule. Working with the Bar and other appropriate entities to select, create, maintain, and grade the examinations required under this rule which shall, at a minimum, cover the rules of professional conduct applicable to LLLTs, rules relating to the attorney-client privilege, procedural rules, and substantive law issues related to approved practice areas;

(c) Rules. The LLLT Board shall propose to the Supreme Court amendments to APR 28, LLLT Rules of Professional Conduct, the Rules for Enforcement of LLLT Conduct, and these rules as may appear necessary to implement and carry out the provisions of this rule. Approving education and experience requirements for licensure in approved practice areas;

(d) Establishing and overseeing committees and tenure of members on such committees to carry out the LLLT Board's duties and powers; including
i. providing continuing legal education to LLLTs;
ii. assessing changes in the law that effect the scope of practice by LLLTs; and
iii. collaborating with other boards and entities regarding the delivery of law related services.

(e) ~~Establishing and maintaining criteria for approval of educational programs that offer LLLT core curriculum; and~~

(f) ~~Such other activities and functions as are expressly provided for in this rule.~~

ATTACHMENT 2 - Page 3

(3) *Rules and Regulations.* ~~The LLLT Board shall propose rules, regulations and amendments to these rules and regulations, to implement and carry out the provisions of this~~

rule, for adoption by the Supreme Court.

~~(3)~~(4)-*Administration.* The Bar shall provide reasonably necessary administrative support for the LLLT Board. All notices and filings required by these Rules, ~~including applications for admission as an LLLT,~~ shall be sent to the headquarters of the Bar.

~~(4)~~(5)-*Expenses of the LLLT Board.* Members of the LLLT Board shall not be compensated for their services but shall be reimbursed for actual reasonable and necessary expenses incurred in the performance of their duties according to the Bar's expense policies.

D.- O. [Unchanged.]

P. Regulations. The LLLT Board may adopt regulations pertinent to its duties and powers subject to the approval of the Supreme Court. Proposed regulations should be provided to the Washington State Bar Association Board of Governors for informational purposes.

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

REGULATION 1. [Unchanged.]

**REGULATION 2. APPROVED PRACTICE AREAS—SCOPE OF PRACTICE
AUTHORIZED BY LIMITED LICENSE LEGAL TECHNICIAN RULE**

In each practice area in which an LLLT is licensed, the LLLT shall comply with the provisions defining the scope of practice as found in APR 28 and as described herein.

A. [Unchanged.]

B. Domestic Relations.

1. *Domestic Relations, Defined.* For the purposes of these Regulations, domestic relations shall include only the following actions: (a) divorce and dissolution, (b) parenting and support, (c) parentage or paternity, (d) child support modification, (e) parenting plan modification, (f) domestic violence protection orders, (g) committed intimate relationships only as they pertain to parenting and support issues, (h) legal separation, (i) agreed or default minor guardianships or guardianships arising out of a familial relationship ~~nonparental and third party custody~~, (j) other protection or restraining orders arising from a domestic relations case, and (k) relocation.

2. *Scope of Practice for LLLT's—Domestic Relations.* LLLTs licensed in domestic relations may render legal services to clients as provided in APR 28(F) and this regulation, except as prohibited by APR 28(H) and Regulation 2(B).

(a)-(g) [Unchanged.]

(h) LLLTs, when accompanying their clients, may assist and confer with their pro se clients and respond to direct questions from the court or tribunal regarding factual and procedural issues at the hearings listed below:

i.-v. [Unchanged.]

vi. adequate cause hearings for ~~nonparental custody or~~ parenting plan modifications;

vii. [Unchanged.]

viii. trial setting calendar proceedings with or without the client when the LLLT has confirmed the available dates of the client in writing in advance of the proceeding;

ix. agreed or default minor guardianships or guardianships arising out of a familial relationship.

3. *Prohibited Acts.* In addition to the prohibitions set forth in APR 28(H), in the course of rendering legal services to clients or prospective clients, LLLTs licensed to practice in domestic relations:

a. [Unchanged.]

b. shall not render legal services in:

i.- viii. [Unchanged.]

x. major parenting plan modifications ~~and nonparental custody actions~~ beyond the adequate cause hearing unless the terms are agreed to by the parties or one party defaults;

x.- xii. [Unchanged.]

REGULATIONS 3. – 20. [Unchanged.]

**SUGGESTED AMENDMENT(S) TO ADMISSION AND
PRACTICE RULES**

**APPENDIX APR 28, REGULATION 2, REGULATIONS OF THE APR 28 LIMITED
LICENSE LEGAL TECHNICIAN BOARD**

1 **REGULATION 1.** [Unchanged.]

2 **REGULATION 2. APPROVED PRACTICE AREAS—SCOPE OF PRACTICE**
3 **AUTHORIZED BY LIMITED LICENSE LEGAL TECHNICIAN RULE**

4 In each practice area in which an LLLT is licensed, the LLLT shall comply with the
5 provisions defining the scope of practice as found in APR 28 and as described herein.

6 **A. Issues Beyond the Scope of Authorized Practice.** [Unchanged.]

7 **B. Domestic Relations.**

8 *1. Domestic Relations, Defined.* For the purposes of these Regulations, domestic relations
9 shall include only the following actions: (a) divorce and dissolution, (b) parenting and support,
10 (c) parentage or paternity, (d) child support modification, (e) parenting plan modification, (f)
11 domestic violence protection orders, (g) committed intimate relationships only as they pertain to
12 parenting and support issues, (h) legal separation, (i) agreed or default minor guardianships or
13 ~~guardianships arising out of a familial relationship~~, (j) other protection or restraining orders
14 arising from a domestic relations case, and (k) relocation.

15 *2. Scope of Practice for LLLT's—Domestic Relations.* LLLTs licensed in domestic
16 relations may render legal services to clients as provided in APR 28(F) and this regulation,
17 except as prohibited by APR 28(H) and Regulation 2(B).

18 (a) – (g) [Unchanged.]

19 (h) LLLTs, when accompanying their clients, may assist and confer with their pro se
20 clients and respond to direct questions from the court or tribunal regarding factual and procedural
21 issues at the hearings listed below:

22 i. – viii. [Unchanged.]

23 ix. agreed or default minor guardianships or ~~guardianships arising out of a familial~~
24 ~~relationship.~~

1 3. *Prohibited Acts.* [Unchanged.]

2 **REGULATION 3 – REGULATION 10.** [Unchanged.]

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**SUGGESTED AMENDMENT(S) TO ADMISSION AND
PRACTICE RULES [CLEAN COPY]**

**APPENDIX APR 28, REGULATION 2, REGULATIONS OF THE APR 28 LIMITED
LICENSE LEGAL TECHNICIAN BOARD**

1 **REGULATION 1.** [Unchanged.]

2 **REGULATION 2. APPROVED PRACTICE AREAS—SCOPE OF PRACTICE**
3 **AUTHORIZED BY LIMITED LICENSE LEGAL TECHNICIAN RULE**

4 In each practice area in which an LLLT is licensed, the LLLT shall comply with the
5 provisions defining the scope of practice as found in APR 28 and as described herein.

6 **A. Issues Beyond the Scope of Authorized Practice.** [Unchanged.]

7 **B. Domestic Relations.**

8 *1. Domestic Relations, Defined.* For the purposes of these Regulations, domestic relations
9 shall include only the following actions: (a) divorce and dissolution, (b) parenting and support,
10 (c) parentage or paternity, (d) child support modification, (e) parenting plan modification, (f)
11 domestic violence protection orders, (g) committed intimate relationships only as they pertain to
12 parenting and support issues, (h) legal separation, (i) agreed or default minor guardianships, (j)
13 other protection or restraining orders arising from a domestic relations case, and (k) relocation.

14 *2. Scope of Practice for LLLT's—Domestic Relations.* LLLTs licensed in domestic
15 relations may render legal services to clients as provided in APR 28(F) and this regulation,
16 except as prohibited by APR 28(H) and Regulation 2(B).

17 (a) – (g) [Unchanged.]

18 (h) LLLTs, when accompanying their clients, may assist and confer with their pro se
19 clients and respond to direct questions from the court or tribunal regarding factual and procedural
20 issues at the hearings listed below:

21 i. – viii. [Unchanged.]

22 ix. agreed or default minor guardianships.

23 *3. Prohibited Acts.* [Unchanged.]

24 **REGULATION 3 – REGULATION 10.** [Unchanged.]

From: [Limited License Legal Technician](#)
Bcc:

Subject: Amendment to APR 28
Date: Thursday, April 25, 2024 9:14:55 AM

On January 3, 2024, the Washington Supreme Court issued an order approving amendments to APR 28 and Appendix APR 28 Regulation 2(B). These revisions took effect on January 23, 2024. Among other amendments, the Court adopted the LLLT Board’s suggested amendment to Appendix APR 28 Regulation 2(B) replacing “nonparental and third party custody” with “agreed or default minor guardianships or guardianships arising out of a familial relationship.” This amendment was necessary because the Washington State Legislature repealed the nonparental custody statute for minors (RCW 26.10 et seq.) effective January 1, 2021, and replaced it with Article 2 of the Uniform Guardianship Act (RCW 11.130.185 et seq.).

The LLLT Board has recently learned that some LLLTs may be interpreting the amendments to Appendix APR 28 Regulation 2(B)(1)(i) to expand the permissible scope of practice for LLLTs to guardianships beyond those involving minors. The Board is now clarifying that this was not the intent of the amendments. As the materials accompanying the suggested amendments made clear, the purpose of the amendments was to accommodate the legislative changes described above. The Board does not consider the amendments that went into effect on January 23, 2024 to fundamentally change the scope of assistance LLLTs may provide. As stated in the amendment materials, “[t]he suggested amendments seek to provide LLLTs with the same authority in dealing with ‘nonparental and third party custody’ that they had prior to January 1, 2021, the date that RCW 26.10 was repealed. The suggested amendments do not expand LLLTs’ authority.” Any language in the amendments suggesting otherwise was inadvertent.

On April 24, 2024, the LLLT Board suggested amendments to Regulation 2(B) to the Washington Supreme Court to resolve this issue on an expedited basis. While the Court considers this proposal, LLLTs should take care not to undertake matters beyond agreed or default minor guardianship actions under Article 2 of the Uniform Guardianship Act, RCW 11.130.185 – 11.130.260.

Any questions regarding this guidance should be directed to LLLT@wsba.org