

## LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

### Meeting Minutes for March 11, 2024

Virtual Meeting  
2:00 p.m.

#### LLLT Board Members in Attendance:

- Sarah Bové
- Margaret Bridewell
- Christy Carpenter
- Steve Crossland, Chair
- John Darling
- Nancy Ivarinen, Vice Chair

- Crystal Lambert
- Phyllis Lykken
- Jennifer Ortega
- Athan Papailiou
- Nicole Searing

#### Liaisons in Attendance

- Kristina Larry, BOG Liaison
- Cathy Biestek, WSBA Staff Liaison

#### Other WSBA Staff in Attendance:

- Renata de Carvalho Garcia, Chief Regulatory Counsel
- Bobby Henry, RSD Associate Director
- Terra Nevitt, Executive Director
- Kat Skinner, Law Clerk Lead
- Anne Trent, Paralegal

### PUBLIC SESSION

#### Call to Order / Preliminary Matters

The meeting was called to order at 2:27 p.m. by Chair Steve Crossland.

#### Meeting Minutes

The Board approved the January 9, 2024, meeting minutes.

#### Press and Outreach Update

The Board congratulated Mark Von Weber for his receipt of the Gene Schuster Award. Steve Crossland informed the Board that he has been meeting with other Court Board Chairs to discuss shared interests and to make sure the Boards are supporting each other. Steve will keep the LLLT Board updated regarding what is handled at the Court Board Chairs meetings.

#### Amend Research Committee

The Board voted to amend the Research Committee to form new committee called the Rules and Research Committee.



### **Supplemental Education**

The Family Law Practice Area Committee is preparing a recommendation for the Board's review for education and training on guardianships. The FLPA Committee will work on phases for how they will develop education for LLLTs regarding "agreed or default minor guardianships or guardianships arising out of a familial relationship". The FLPA Committee will potentially have the draft of the recommendation ready for the Board to consider at the next LLLT Board meeting.

The live encore presentation of the Real Property Division Form CLE is scheduled for May 9, 2024 and will be moderated by Sarah Bové. Jennifer Ortega will attend, and Nancy Ivarinen may attend to answer questions.

### **LLLT Board member applications for FY2025**

Board terms end September 30<sup>th</sup>, so there will be a few positions open starting October 1, 2024. 1 LLLT member required; 1 public member required; and 2 other positions that require active WSBA membership of any license type. We are in the process of reforming the board to fit the court order. There are terms ending this fall so some members can re-apply. Applications will open in May and WSBA will notify members via mywsba.org.

### **FY2025 Budget**

The Board reviewed the budgets from FY 2023 and FY 2024 in order to propose a budget for FY2025. The Board will budget for six meetings, four in-person and two virtual. They also discussed funding for a third party civil legal needs study regarding the success of the LLLT program and its ability to improve the access to justice gap that currently exists in Washington.

### **Proposed Presentation to the WSBA Board of Governors (BOG)**

The Board discussed the BOG meeting that will be held in Spokane on May 2-3, 2024. The Board will be giving a presentation to provide information about the history and purpose of the LLLT license, national trends relating to adoption of paraprofessional licenses, and a status update of the LLLT program post-sunset.

### **January 2024 LLLT Survey Results**

The WSBA circulated a survey to LLLTs regarding the services they offer and the communities they serve. The survey brought to light the large number of people that have been helped by LLLTs despite the small number of LLLTs that are practicing in Washington. The Board noted the large number of LLLTs in central Washington, which is an area that has a lower number of legal professionals compared to western Washington.

### **Proposed BarNews Article**

The Board discussed the Communications and Family Law Practice Area Committees drafting an article for the WSBA *BarNews* publication about LLLTs. The potential topics for the article include how to incorporate LLLTs into a law firm's service providers, LLLTs in a small town, why LLLTs are becoming attorneys. The Board believes this would be helpful for businesses and the public.

### **Board Member and Public Comments**

Members of the public asked when the LLLT Board committees will be ready for non-board members to participate. Once the FLPA Committee begins the creation of the CLE about guardianships, they will be seeking input from the public.

**Adjournment**

Public session of the meeting adjourned at 3:53 p.m. by Chair Steve Crossland

Respectfully submitted,

Cathy Biestek,  
WSBA Staff Liaison to LLLT Board

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## LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

### Meeting Minutes for April 18, 2024

Virtual Meeting  
1:00 p.m.

#### LLLT Board Members in Attendance:

- Sarah Bové
- Margaret Bridewell
- Christy Carpenter
- Steve Crossland, Chair
- John Darling
- Nancy Ivarinen, Vice Chair

- Crystal Lambert
- Phyllis Lykken
- Jennifer Ortega
- Nicole Searing

#### Liaisons in Attendance

- Kristina Larry, BOG Liaison
- Cathy Biestek, WSBA Staff Liaison

#### Other WSBA Staff in Attendance:

- Renata de Carvalho Garcia, Chief Regulatory Counsel
- Bobby Henry, RSD Associate Director
- Terra Nevitt, Executive Director
- Kat Skinner, Law Clerk Lead
- Anne Trent, Paralegal

### PUBLIC SESSION

#### Call to Order / Preliminary Matters

The meeting was called to order at 1:03 p.m. by Chair Steve Crossland.

#### APR 28 Regulation amendments regarding guardianship

The Board discussed an order issued by the Washington Supreme Court that approved amendments to APR 28 and Appendix APR 28 Regulation 2(B). 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. This was not the Board's intention when suggesting the amendments. The purpose of the amendments was to accommodate the legislative changes described above. The



Board does not consider the amendments to fundamentally change the scope of assistance LLLTs may provide.

The Board voted to approve the GR 9 that WSBA staff drafted (as amended to remove specific reference to statute) and send it to the Supreme Court. The GR 9 outlines the technical changes requested for expedited Court review. Staff to draft transmittal or cover letter for the Board to review that will be sent to Court with GR 9 materials.

**Notice to LLLTs regarding APR 28 amendments**

The Board reviewed and voted to approve the notice that will be sent to LLLTs regarding the APR 28 amendments. WSBA staff will add the date that the GR 9 cover letter is sent to the Supreme Court, then email the notice to all active, inactive, and pro bono LLLTs.

**Family Law Practice Area Committee LLLT education proposal**

Jennifer Ortega presented to the Board the FLPA Committee's proposal and for a CLE regarding minor guardianships that will take place on October 17, 2024 and required to be completed for licensing prior to February 2, 2026. (See attached proposal). The Board reviewed and voted to approve the proposal as drafted.

**Board Member and Public Comments**

**Adjournment**

The meeting adjourned at 2:25 p.m. by Chair Steve Crossland

Respectfully submitted,

Cathy Biestek,  
WSBA Staff Liaison to LLLT Board

LLLT Board  
Family Law Practice Area  
Recommendations for Minor Guardianship CLE

The amendments to APR 28 were intended by the LLLT Board to provide LLLTs with the same authority in dealing with “nonparental and third-party custody” that they had prior to January 1, 2021. The amendments do not expand LLLTs’ authority.

The LLLT scope of practice regarding guardianships is predicated on the GR9 coversheet and actions previously allowed under non-parental custody.

**Recommendations**

1. The LLLT Board should communicate to LLLTs that LLLTs should not assist in guardianships other than agreed or default minor guardianships unless the Washington Supreme Court decides otherwise.
2. The LLLT Board should mandate continuing legal education for LLLTs in guardianships within the intended scope of practice: agreed or default minor guardianships under Article 2 of the Washington Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act, RCW 11.130.185-11.130.260. The GR9 coversheet included footnote 2 stating the LLLT Board “*intends to provide mandatory continuing legal education classes to update LLLTs.*” The training should be a requirement for licensing and should be completed prior to February 2, 2026.
3. The Family Law Practice Area Committee (FLPAC) should form several workgroups to provide subject matter expertise in the development of the CLE.
4. Different workgroups will convene in phases:
  - a. Phase I Workgroup should consist of the FLPAC to develop the outline of the scope for LLLTs assisting in agreed or default minor guardianships.
  - b. Phase II Workgroup should consist of experienced attorneys, law school professors, and subject matter experts from organizations providing guardianship services (i.e. KCBA’s Kinship Care, Whatcom County Kinship Custody Clinic) to develop the course objectives and learning outcomes.
  - c. Phase III Workgroup should consist of a broad group of interested individuals, including LLLTs, attorneys, subject matter experts, and others to provide input on the specific needs of LLLTs representing pro se parties.
  - d. Phase IV should consist of the FLPAC consolidating the information gathered and developing a formal training outline.
  - e. Phase V Workgroup should consist of a small group of subject matter experts to develop the training materials.
5. The CLE should take place on October 17, 2024 as a hybrid in-person & remote training.
6. The CLE should be recorded and made available at a later date for LLLTs unable to attend the first training.