

Press and Outreach Update: September 9, 2024

Press
<ul style="list-style-type: none">• Colorado LLP article• Supreme Court of Texas Preliminar Approval of Rules Governing LLP and LCAA
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">▪ October 7, 2024, 1:00 p.m. – 4:00 p.m. In-Person Board Meeting▪ December 9, 2024, 1:00 p.m. – 4:00 p.m. Virtual Board Meeting▪ April 14-15, 2025<ul style="list-style-type: none">• April 14, 2025, 1:00 p.m.- 4:00 p.m. In-Person Board Meeting• April 15, 2025, Committee Meetings, to be scheduled as needed▪ May 12, 2025, 1:00 p.m. – 4:00 p.m. Virtual Board Meeting▪ July 14, 2025, 1:00 p.m. – 4:00 p.m. In-Person Board Meeting▪ September 8, 2025, 1:00 p.m. – 4:00 p.m. Virtual Board Meeting



https://www.coloradopolitics.com/courts/colorados-newly-minted-legal-workers-step-into-arena/article_ff5a8a6c-37c2-11ef-a8c1-8fb9deb43649.html

TOP STORY

A lifeline inside and outside the courtroom: Colorado's newly minted legal workers step into arena | COVER STORY

The first class of 59 licensed legal paraprofessionals took their oaths of office last month, but plenty of gray areas remain about how they will integrate into the civil justice system

Michael Karlik michael.karlik@coloradopolitics.com

Jul 6, 2024



Grace Cunningham, left, and Hannah Schoeninger, right, get sworn in as the first class of licensed legal paraprofessionals, a newly authorized occupation allowed to practice law to a limited extent, in the Colorado Supreme Court's courtroom on Thursday, June 20, 2024. (Stephen Swofford, Denver Gazette)

Stephen Swofford The Gazette

Last month, Chief Justice Brian D. Boatright looked out at the packed courtroom of the Colorado Supreme Court to usher in a historic moment in the state's 148-year existence.

"We are at a point where people need help. And we're calling in the cavalry," he said.

Boatright proceeded to swear in the first class of licensed legal paraprofessionals — 58 women and one man who will be trailblazers in a new legal occupation. More than a paralegal but not an attorney, LLPs are authorized to practice law in limited fashion. They will represent clients and appear in court in family law cases, where roughly 75% of parties currently are unrepresented.

Justice Melissa Hart, delivering the keynote address at the June 20 swearing-in ceremony, noted the heavy lift required to will the LLPs into existence, changing ethics rules and rules of civil procedure to persuading the legislature to amend Colorado law. She framed the creation of the LLP program as an access-to-justice issue for litigants navigating high-stakes cases from child custody to divorce.

"We need solutions to help middle class people, lower-income people, obtain legal advice and the emotional support, practical support they need as they navigate that process," Hart said.

Referring to the state's highest court, she added: "We have you backs. We're here to support you."



Colorado Supreme Court Chief Justice Brian D. Boatright gives opening remarks during a swearing-in ceremony for the first-ever class of licensed legal paraprofessionals, a newly authorized occupation allowed to practice law to a limited extent. The LLPs took an oath of office in the Colorado Supreme Court's courtroom on Thursday, June 20, 2024. (Stephen Swofford, Denver Gazette)

Stephen Swofford The Gazette

Chelsea Deeder, a paralegal with Lyons Gaddis in Longmont, said she was motivated to become an LLP to avoid the debt that comes with law school, while being able to step up her involvement in domestic cases. Deeder anticipated being able to help clients avoid court in mentally draining family disputes.

"It's been a lot. My husband has been taking care of our kids while I study and do these classes," she said, standing near her young children. "It's pretty cool to be one of the first."

The following morning, dozens of the new LLPs gathered in a meeting room across the street at the headquarters of the Colorado Bar Association. With topics ranging from client intake and substantive law, current and former judges prepped them on how to act in the courtroom — and how to stay out of it, if possible.

"One of the dangers that I want to make sure you're aware of, for your clients' sake, about why not only is settlement better for people," said Angela R. Arkin, a retired judge from the 18th Judicial District and the chair of the Supreme Court's LLP committee, "but being judged — that stranger in a black robe deciding your future, your children's future, your finances?"

"Oh, my goodness, that's harsh. That's painful. It's very, very rare that your client's gonna walk out of the courtroom, hug you and say, 'I'm so glad I paid you so much for that horrible thing that just happened to me,'" Arkin said.

Fighting for respect

As of May 2023, five states had active licensed legal paraprofessional programs, with eight more states in the pipeline. When Colorado's Supreme Court green-lit the LLP framework last March, the director of the state's Access to Justice Commission called the initiative "the future of modern practice of law."

However, progress has not been uniform.

Washington, which adopted the first LLP program in 2012, canceled it in 2020 after the state Supreme Court voted, 7-2, citing a "small number of interested individuals" and the "overall costs of sustaining the program." A subsequent report by the Stanford Center on the Legal Profession called those justifications into question, pointing to hostility from Washington's bar association and turnover on the Supreme Court as more plausible reasons.

"Luckily, we are in a different situation, as you can see how thrilled our entire Supreme Court was with you all becoming members of the bar yesterday," said Arkin.

Jefferson County Magistrate Marianne Tims, who was in the audience, quoted from a text message Boatright sent her, calling the LLP swearing-in "one of the few fun things I've done as chief."

"So, just remember that when you're getting pushback," Tims told the paraprofessionals.



Chelsea Deeder sits with her son, Rider, 4, as she and other graduates of the first-ever class of licensed legal paraprofessionals, a newly authorized occupation allowed to practice law to a limited extent, swear an oath of office in the Colorado Supreme Court's courtroom on Thursday, June 20, 2024. (Stephen Swofford, Denver Gazette)

Stephen Swofford The Gazette

Colorado's LLPs heard from three of their counterparts in other states. One LLP in Washington, who is still allowed to practice despite the state Supreme Court sunseting the program, said she is normally not allowed to sit with clients or talk to them during trial. But after an attorney opposing her had no issue with her moving to counsel table, the judge permitted her to do so — a sign that relationships are mellowing.

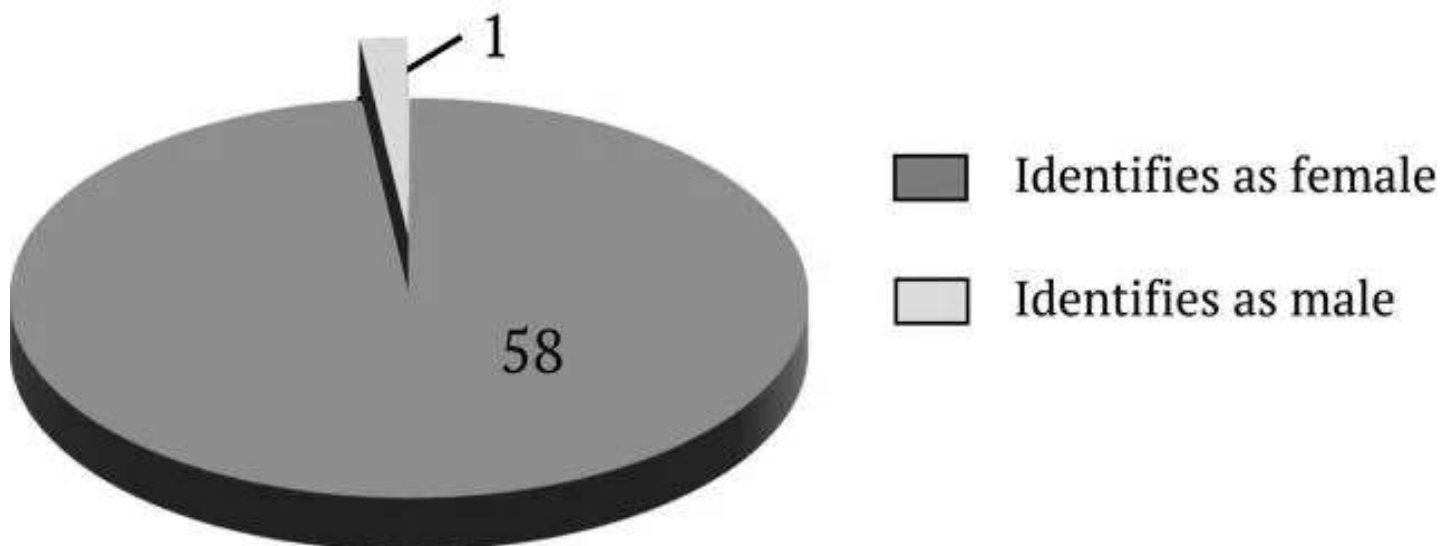
Stephanie D. Villalobos, a paraprofessional in Arizona, said in contrast that some attorneys engaged in bullying and caused her to question her competency.

"Just know that you know what you're doing. You passed exams. You're sworn in now. Everyone is not gonna be in support of it. They're just not," she said.

Speaking to Colorado Politics after the training, Arkin demurred when asked if the belittling of LLPs may stem from the fact that approximately 85% of paralegals — the dominant path to the profession — are women. She believed the newness of the licensure and the lesser amount of formal education required played a larger role in the differential treatment.

"They're very smart, they're knowledgeable, they're capable," Arkin explained. "But there are folks who think they're better than other folks."

Licensed legal paraprofessionals by gender



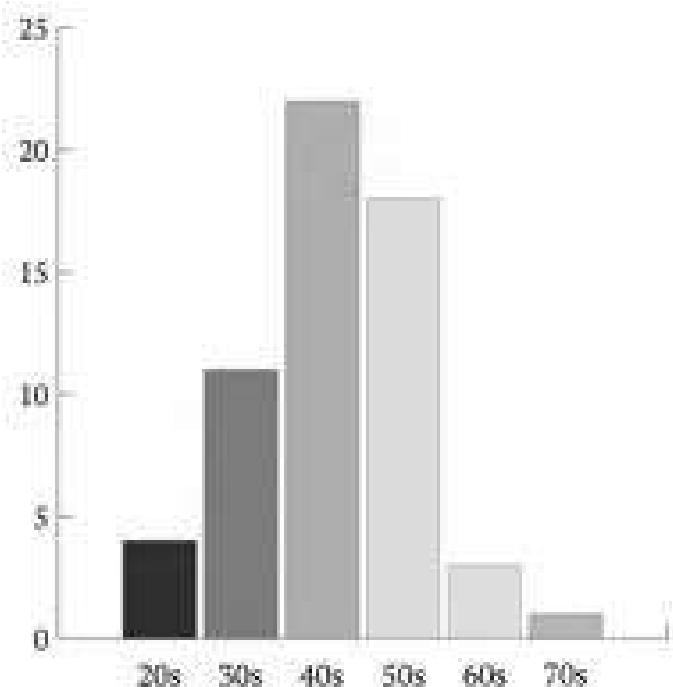
A's, B's and C's of being an LLP

The Colorado Supreme Court's rules for LLPs contain nearly three pages describing what paraprofessionals can and cannot do with their limited law license. They cannot handle matters of disputed common law marriages, expert testimony for the valuation of complex assets or the examination of witnesses. They can make opening and closing statements, address the court, review and file documents, advocate for a client in negotiations, explain court orders and advise a client when a lawyer would need to handle certain aspects of a case.

Although judges have been receiving education about the paraprofessionals, presenters stressed to the LLPs the danger of overstepping their listed responsibilities, even when they are being pushed to do so in court.

"I can envision a judge who is overwhelmed or doesn't really like domestic relations say, 'Just ask questions of the witnesses. We only have an hour. We have to get through this case,'" said Tims, the Jeffco magistrate. "You have to be able to say, 'I can't do that.' And that's a really difficult situation for you to be in. But if you exceed your authority because a judge asks you to, your license is on the line, not that judge's."

Ages of the first class of licensed legal paraprofessionals



Multiple speakers suggested LLPs carry a "bench card" — a reference card to show judges outlining the parameters of paraprofessionals' abilities. But some also emphasized LLPs can be in as equally powerful a position as attorneys to shape outcomes for their clients.



Angela R. Arkin, who helped develop Colorado's licensed legal paraprofessional program, stands outside the University of Denver's Stur姆 College of Law on June 28, 2024.

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The Supreme Court set up two paths to becoming a licensed legal paraprofessional. The first entails a combination of higher education, plus 1,500 hours of law-related experience, including 500 hours of family law. The second path requires 4,500 hours of law experience within the last five years, plus 500 hours in family law.

The licensure also involves two exams, one in ethics and one in family law.

"The ethics portion was brand-new information," said Alexia Smith of the firm Goodspeed Merrill in Englewood, who estimated she knew 99% of the family law content from her years as a paralegal. She added that while other LLPs' experiences varied with the law firms where they worked, her attorney, Angie Whitford, provided multiple levels of support.

"Angie advocated for the firm to cover my application fee, they covered my ethics course fee, they covered my family law (class) fee. Each of those classes were \$750," Smith said. "She gave me two weeks off before the exam to really study and make sure that I was as prepared as I could possibly be. And even probably about two weeks before, started to try and lighten my load as far as what she was assigning to me."

Darla Junger, one of two LLPs working at the Woody Law Firm in Denver and who became a paralegal after her own contentious divorce, said the 59-person class created several smaller groups to support each other during the brand-new process.

"I think the one takeaway that I've gotten over the last couple of weeks is just how much the LLPs that were sworn in wanted to be successful," she said. "I really feel that we as a group will work well together."

LICENSED LEGAL PARAPROFESSIONAL OATH OF ADMISSION

I DO SOLEMNLY SWEAR (OR AFFIRM) that:

I will support the Constitution of the United States and the Constitution of the State of Colorado;

I will maintain the respect due to courts and judicial officers;

I will employ such means as are consistent with truth and honor;

I will treat all persons whom I encounter through my limited practice of law as a licensed legal paraprofessional with fairness, courtesy, respect, and honesty;

I understand that as a member of the legal profession, I am a representative of clients within a limited scope, an officer of the legal system, and a public citizen having special responsibility for the quality of justice;

I will at all times faithfully and diligently adhere to the Colorado Licensed Legal Paraprofessional Rules of Professional Conduct.

The oath for Colorado's licensed legal paraprofessionals.

Business model

A key motivator of the paraprofessional program was the recognition that many litigants in domestic relations cases struggle to afford an attorney, whose rates can exceed \$300 per hour. In Washington, by contrast, paraprofessional billing averaged around \$160 an hour.

More than five decades ago, law professor William P. Statsky argued that non-lawyers providing services within the justice system was consistent with U.S. history and that contemporary attorneys generally imposed counterproductive limitations on what their non-lawyer assistants could do.

"The presence of these nonprofessional specialists in the marketplace may force lawyers to lower the cost and improve the efficiency of the services they render to their clients in order to meet the competition of these groups," he wrote in 1971.

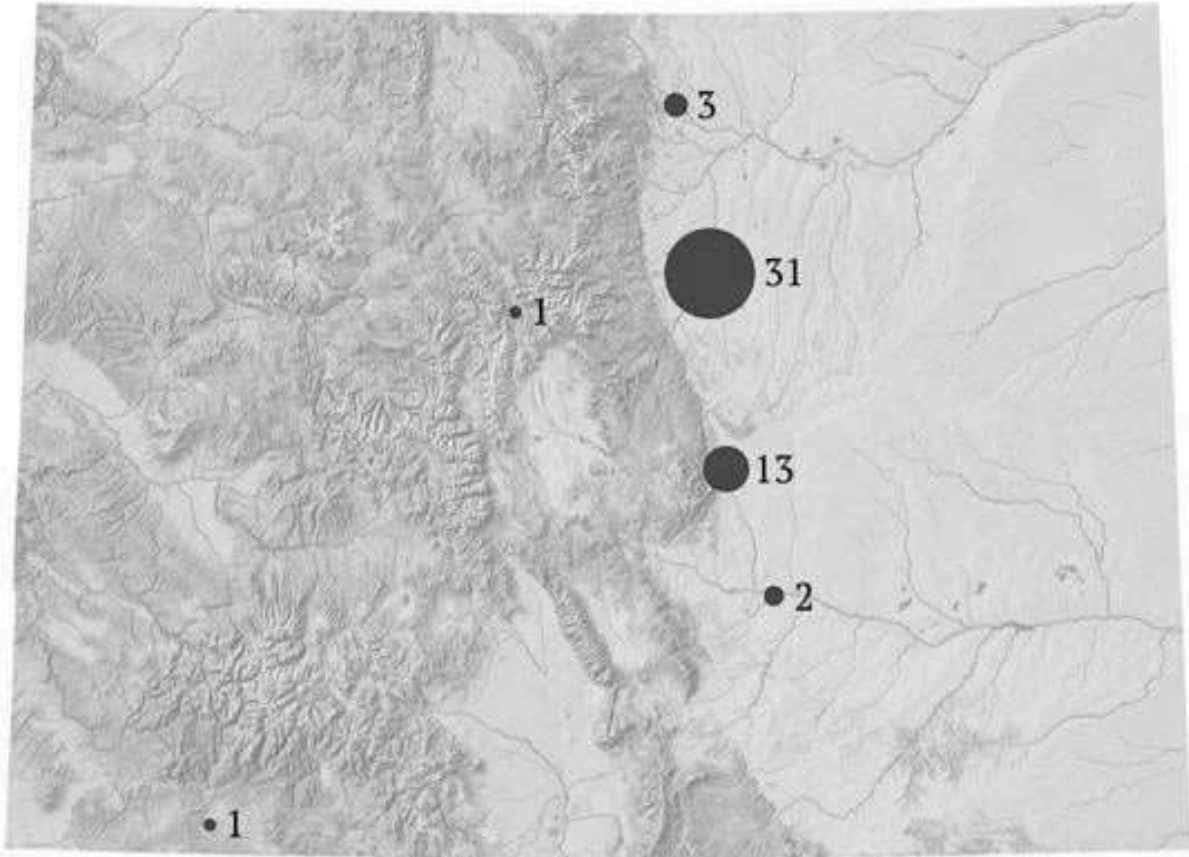
Following a 2021 virtual listening tour, the Colorado Access to Justice Commission included the establishment of an LLP program alongside its other recommendations of increased legal aid funding and simplified court forms.

"Based on the experience of licensed paralegals in other states, the Supreme Court anticipates that LLPs will charge one quarter to one half the rates charged by licensed Colorado attorneys," wrote retired Court of Appeals Judge Daniel M. Taubman, a longtime member of the commission.

Although the commission's focus was on the lack of access to legal services in rural jurisdictions, the first LLP class does not make progress on that front. More than half of paraprofessionals are working in the Denver metro area with one-quarter in Colorado Springs or Pueblo — likely reflecting the concentration of law firms in the state.

Licensed legal paraprofessionals by work address

The Denver metro leads the way with 31, but legal paraprofessionals also work in Colorado Springs (13), Fort Collins/Greeley (3), Pueblo (2), Frisco (1) and Durango (1). Eight legal paraprofessionals also did not list a work address.



Colorado's paraprofessionals heard from LLPs in other states who have since set up their own firms, partially due to the forces underlying those programs.

"My cohort, most of us opened our own shops. I think the reason for that is because we had no attorney support," said Christy Carpenter, a limited license legal technician practicing in Washington.

Although LLPs are technically ready to begin practicing in their existing law firms, several of them acknowledged the rollout will be more gradual, as the concept is still new for the public. "Nurse practitioner, but for law" was the primary analogy suggested for explaining the role.

"As of right now, most of the firms and mine especially, we don't have any plans in place yet. It was more, let's get to this point and now we'll start trying to figure it out," said Brittany Joerger with Colorado Legal Group in Colorado Springs. "So, for me on Monday, I'm still just a paralegal. Maybe we'll start finding me some cases at some point."



Brittany Joerger, a member of Colorado's first class of licensed legal paraprofessionals, stands in the Colorado Bar Association's office during an all-day LLP training on June 21, 2024.

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Breaking into smaller discussion groups during the training, four LLPs talked with Denver District Court Judge Jennifer B. Torrington about the reality that LLPs will need to pass off certain aspects of cases to lawyers when they reach the boundary of their limited practice. Will an attorney even want to litigate a case in that piecemeal fashion, wondered one LLP.

"It's really hard to come in as the new attorney and go, 'Here's what happened.' A lot of people won't take those," Torrington acknowledged. "Because they want to start right, as they see it, from the beginning."

Joerger said she envisioned having "just a couple" cases, in which she serves as an LLP but remains a paralegal for other work. Smith, similarly, said she discussed with her supervising attorney how to navigate the division of labor for incoming cases.

On the other hand, some firms have plowed ahead quickly, as Smith said she spoke to another attendee at the training who was already filing a court case as an LLP.

"She was on break like, 'Oh, I gotta go. I got the client signature back, I gotta go file this now,'" Smith said.

Setting the tone in emotional cases

As much as LLPs heard the nuts and bolts about what they can do to help in a court case, they also received the message that standing before a judge with their client is not necessarily the goal of the program.

"I'm trying to figure out what this family looks like with two people who have no agreement about what this family looks like. I have six hours, at most, to figure that out in a full-day case," said Arkin, the retired judge. "You're gonna be so fantastic. But what we wanted you to hear is: Court is not the best

use of your amazing talent and skill."

A panel of mediators advised the LLPs they might be able to use their status as non-attorneys to their advantage when pitching a non-litigation solution in a domestic case. And if the proceedings are destined for court, an LLP can coach their client about not getting themselves ruffled or violating the rules of evidence when presenting information to the judge.

"Again, you can't be directing the witness. But providing the guidance of, 'The other party just said a lot of stuff that's gonna be irritating to you. Remember, you can't talk about how, well, she cheated on my sister's whatever,'" said Rebekah Pfahler of Colorado Legal Services. "Pay me a more reasonable rate and I can give you the talk of, 'I understand that's frustrating, but that's not what the court will want to hear.'"

"Attorneys, and now LLPs, really set the tone for what happens in the courtroom. I have seen some hotly, hotly contested cases where the attorneys just tone everything down and it's because of the way they interact," said Adams County District Court Judge Rayna Gokli. "So, as LLPs, I would just be aware of the power that you hold as the legal representative in the courtroom to really dictate how that goes."



Professionally, Arkin said there are plans to add an LLP member to the Supreme Court's advisory committee. Although LLPs can join the Colorado Bar Association, they will not be able to substitute for lawyers on judicial performance or nominating commissions, for example, which allocate slots to attorney members.

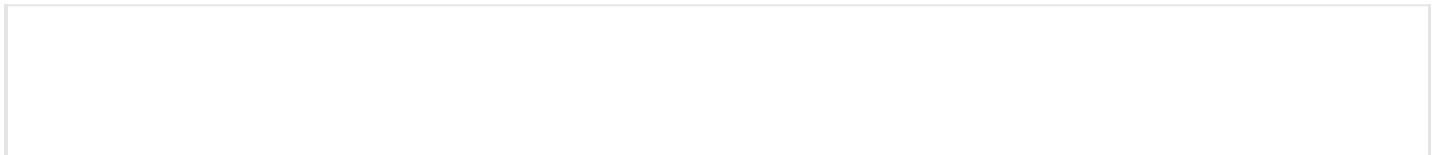
If judges, specifically, mistreat LLPs, Arkin said the existing pathways for reporting judicial misconduct will provide a remedy. But she is optimistic the bench will be more understanding due to the timing of the program's launch.

"LLPs are gonna be coming into a world of judges who might be actually more welcoming and open-minded because they're newer. Not all of them younger, but newer," Arkin said.

She added that in contrast to prosecutors and defense attorneys, who take a more well-trodden pathway to the bench, fewer judges arrive with a background in family law. The high proportion of unrepresented litigants creates a further barrier to competent decision-making.

"One of the reasons that we wanted LLPs to be able to be in the courtroom and help judges understand what the issues are is because it's very challenging to be in a courtroom with no one who can help you understand what these folks are struggling with and unable to resolve," she said. "If we help judges, we help the people who come in front of them. If judges know what they're doing, then the public gets good decisions."

MORE INFORMATION





Colorado Supreme Court to hear cases on Weld County redistricting, Xcel electrocution

YES

NO

Michael Karlik, Colorado Politics

Around the Web

Ads by Revcontent



Washington Audiologist: "This Is The Best Hearing Aid In The US"

hear.com



The Best Anti-aging Serum for Seniors, According to Experts

Vibrance

Clint Eastwood, 93, Now Lives Alone In Washington

Daily Sports Reporter



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Supreme Court of Texas

Misc. Docket No. 24-9050

Preliminary Approval of Rules Governing Licensed Legal Paraprofessionals and Licensed Court-Access Assistants

This Order invites public comments on proposed new and amended rules that allow licensed legal paraprofessionals and licensed court-access assistants to provide certain limited legal services to low-income individuals.

Many individuals have incomes low enough to qualify for assistance from legal aid and volunteer attorney organizations, but resources and staffing constraints allow these organizations to serve only a small fraction of qualified applicants. The Legal Services Corporation reported recently that 92% of low-income Americans have unmet civil legal needs. Often, the only option for individuals who cannot be served is to attempt to represent themselves in court proceedings. For years, the Court has made combating this “justice gap” a top priority, and it has become clear that we must think beyond traditional efforts—such as funding and volunteer work—and focus on reforms that will help bridge the justice gap with new providers.

To that end, the Court, through its liaison to the Texas Access to Justice Commission, Justice Busby, sent a letter on October 24, 2022, requesting that the Commission examine existing rules and propose modifications that would allow qualified non-lawyers to provide limited legal services directly to low-income individuals. The letter expressly directed the Commission to consider qualifications, licensing, practice areas, and oversight of providers; eligibility criteria for clients; and whether compensation for providers should be limited to certain sources, such as government and non-profit funds. It also noted the need for input from the State Bar of Texas and a range of other relevant constituencies in developing a proposal.

In response, the Commission created a Working Group on Access to Legal Services for Low-Income Texans, which was led by the Honorable Michael Massengale, Lisa Bowlin Hobbs, and Kennon L. Wooten, and assisted by Commission Chair Harriet Miers, Commission employees, and representatives from the National Center for State Courts. The Working Group met five times in 2023—on January 30, April 26, July 27, September 26, and November 2. Shortly after its first meeting, the Working Group divided into subject-matter subcommittees, including the Scope of Practice Subcommittee and the Paraprofessional Licensing Subcommittee, to study issues and make recommendations for allowing certain qualified individuals to provide limited legal services to low-income

Texans. These subcommittees included Working Group members as well as others from the bench and bar. Subcommittee members carried the laboring oar, meeting many times in 2023 and working between meetings to ensure timely completion of the tasks assigned to them. In addition, they kept the Working Group apprised of their progress and gathered its input. The Working Group also sought and collected input from others throughout the process, including by conducting an online survey, conducting focus groups, visiting with stakeholders in and beyond the State Bar, and creating an email inbox for suggestions with assistance from the State Bar. All input was carefully reviewed and analyzed.

The Working Group submitted its final report to the Commission on December 5, 2023. The Commission considered the Working Group's recommendations relating to scope of practice and licensing at its December 15, 2023 meeting, and it approved them unanimously (with four Commissioners abstaining) as recommendations of the Commission to the Court.

Records of the above-described meetings, input received, the Working Group's report, and other materials are available at <https://www.texasatj.org/access-legal-services-working-group>.

The Court extends its gratitude to the Commission, the Working Group leaders and members, the subcommittee members, the National Center for State Courts, the State Bar and its various sections, the Texas Board of Law Examiners, the Texas Board of Legal Specialization, the Office of Court Administration, the Justice Court Training Center, and the many other groups and individuals who lent their time and expertise to provide thoughtful input.

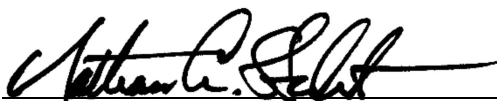
After considering the recommendations of the Commission and the supporting materials provided, the Court concludes that the licensing of legal paraprofessionals and court-access assistants to provide limited legal services to low-income individuals will help narrow the justice gap and expand access to justice for low-income individuals.

Accordingly, it is **ORDERED** that:

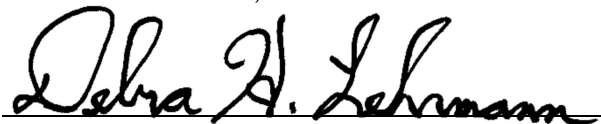
1. The Court invites public comments on proposed new Articles XV and XVI of the State Bar Rules and on proposed amendments to Texas Rules of Civil Procedure 500.4 and 510.4, as set forth in this Order.
2. Articles XV and XVI of the State Bar Rules are provided in clean form. The amendments to Texas Rules of Civil Procedure 500.4 and 510.4 are provided in redline form.
3. Comments regarding the new and amended rules should be submitted in writing to rulescomments@txcourts.gov by November 1, 2024.

4. The Court will issue an order finalizing the new and amended rules after the close of the comment period. The Court may change the new and amended rules in response to public comments. The Court expects the new and amended rules to take effect on December 1, 2024.
5. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

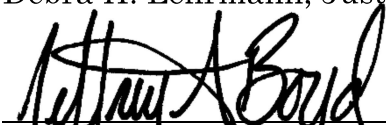
Dated: August 6, 2024.



Nathan L. Hecht, Chief Justice



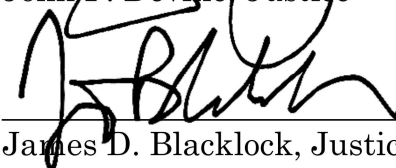
Debra H. Lehrmann, Justice



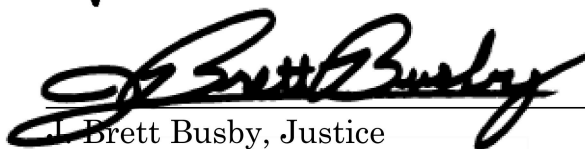
Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



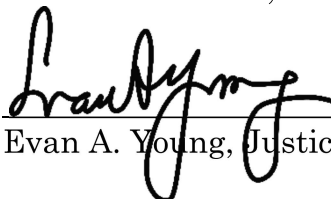
J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

STATE BAR RULES

ARTICLE XV LICENSED LEGAL PARAPROFESSIONALS

Section 1. Definitions

A. “Applicant” means a person who files with the State Bar an application for licensure as a legal paraprofessional.

B. “Approved entity” means:

1. the Court;
2. an organization that reports to the Court, including the Texas Access to Justice Commission, the Office of Court Administration, the Texas Judicial Commission on Mental Health, and the Texas Children’s Commission;
3. any Texas court; and
4. eFileTexas.

C. “Complex property issues” means that the suit involves a third-party sale or title transfer of real estate.

D. “Immigration services” means applying federal, state, and local laws to determine legal strategies, solutions, consequences, and eligibility related to immigration benefits, compliance, defenses, and forms of relief, including actions such as selecting, assisting with, filling out, preparing, and drafting applications, petitions, and filings, and representing individuals and entities in such matters before federal, state, and local agencies. For example, immigration services includes the processes of seeking visas, waivers, lawful permanent residence, and humanitarian benefits (such as asylum, parole, and U visas). Immigration services also includes providing advice and assistance related to immigration laws, forms, policies, strategies, and regulations.

E. “Intentional crime” means:

1. a serious crime that requires proof of knowledge or intent as an essential element; or
2. any crime involving misapplication of money or other property held as a fiduciary.

F. “Lawyer supervision” means that a lawyer reviews all documents before they are filed, is identified in all filings, and is available to answer any questions relating to the tasks

being completed. It does not mean that the supervising lawyer is required to appear, whether in person or electronically, for court proceedings.

G. “Low income” means at or below 200% of the federal poverty guidelines as published annually by the U.S. Department of Health and Human Services.

H. “NALA” means the National Association of Legal Assistants.

I. “NFPA” means the National Federation of Paralegal Associations.

J. “Paralegal” means a person—qualified through various combinations of education, training, or work experience—who is or has been employed or engaged by a lawyer, law office, court, governmental agency, nonprofit, or other entity to perform substantive legal work.

K. “Program” means the Licensed Legal Paraprofessionals Program established by this Article.

L. “Serious crime” means:

1. barratry;
2. any felony involving moral turpitude;
3. any misdemeanor involving theft, embezzlement, or fraudulent or reckless misappropriation of money or other property; or
4. any attempt, conspiracy, or solicitation of another to commit any of the foregoing crimes.

M. “Substantive legal work” includes conducting client interviews and maintaining general contact with a client, locating and interviewing witnesses, conducting investigations and research, drafting pleadings and correspondence, summarizing testimony or discovery, and attending court proceedings. It does not include clerical or administrative work.

N. “TBLE” means the Texas Board of Law Examiners.

O. “TBLS” means the Texas Board of Legal Specialization.

P. “Uncontested divorce” or “uncontested suit” means a suit in which there is no opposition by another party to any issue before the court. Uncontested suits include no-answer default-judgment suits. The filing of a general denial without a request for affirmative relief does not cause a suit to be contested unless the general denial includes a contrary position on an issue before the court. The serving of process upon a party does

not cause the suit to be contested. A suit becomes “contested” when a party files a pleading or motion with the court that takes a contrary position on any issue before the court or otherwise communicates to the court, in a hearing or otherwise, a contrary position on any issue before the court.

Q. “Uncontested court proceeding” means a court proceeding in which there is no opposition by another party to any issue before the court at that court proceeding.

Section 2. Eligibility

To be eligible for licensure as a legal paraprofessional, an applicant must:

- A.** have a high school diploma or equivalent;
- B.** be at least 18 years old;
- C.** be authorized to work lawfully in the United States;
- D.** meet at least one of the following criteria:
 - 1.** be a TBLS Certified Paralegal;
 - 2.** be a Certified Paralegal through NALA;
 - 3.** be a Registered Paralegal through NFPA;
 - 4.** have completed an ABA-approved paralegal education program;
 - 5.** have completed a paralegal education program that consists of at least 15 semester credit hours, 30 quarter credit hours, or 100 clock hours of substantive legal courses;
 - 6.** have been employed as a paralegal for at least 5 years and dedicated at least 50% of the applicant’s work to substantive legal work; or
 - 7.** have a bachelor’s degree or higher;
- E.** meet subject-area specific requirements as provided in Section 4;
- F.** be of present good moral character and fitness as provided in Section 5;
- G.** have successfully completed the legal paraprofessional examinations as provided in Section 6, unless expressly exempted under Section 6;
- H.** be willing to abide by this Article, including the Code of Ethics in Section 9; and

I. pay the appropriate application, licensing, examination, and enrollment fees.

Section 3. Application, Licensure, and Enrollment

A. An applicant must submit to the State Bar an application for licensure as a legal paraprofessional and fees in an amount set by the State Bar in consultation with the Court and TBLE.

B. The application must state the subject matter or matters for which the applicant is requesting licensure. The subject matters available are:

1. family law;
2. estate-planning and probate law; and
3. consumer-debt law.

C. If the State Bar determines that the applicant has satisfied the requirements of Section 2, the State Bar must enroll the applicant as a member of the State Bar and certify the applicant to the Court in the appropriate subject matter or matters. The Clerk of the Court will issue a corresponding license for each subject matter certified.

D. No general licensure as a legal paraprofessional is available.

Section 4. Subject-Specific Requirements

To be eligible for licensure, an applicant must meet at least one of the following criteria in each subject matter for which the applicant is requesting licensure:

- A. be a TBLS Certified Paralegal in the subject matter;
- B. have been employed as a paralegal in Texas and dedicated at least 50% of the applicant's work in 3 of the past 5 years to the subject matter; or
- C. have completed training approved by the Court or the State Bar for the subject matter.

Section 5. Present Good Moral Character and Fitness Requirement

A. To be eligible for licensure as a legal paraprofessional, an applicant must have present good moral character and fitness.

B. Within 270 days after the date of application and fee payment, TBLE or the State Bar will assess the applicant's present good moral character and fitness by considering:

1. school-related discipline;
2. criminal-history information, including a criminal background check;
3. professional licenses and certifications held and any disciplinary history related to those licenses or certifications;
4. reports of unauthorized practice of law either to the Unauthorized Practice of Law Committee or the State Bar's Paralegal Division;
5. employment history;
6. military service;
7. legal and financial information, including information about participation in legal proceedings, child-support judgments and arrearages, and past-due debts; and
8. information about whether a candidate has ever offered immigration services or used the term "notario" to refer to their work.

Section 6. Examinations

A. To be eligible for licensure as a legal paraprofessional, an applicant must have successfully completed:

1. an ethics examination; and
2. except as provided in paragraph (D), the subject-matter examination in each subject matter for which the applicant is requesting licensure.

B. The ethics examination covers the Code of Ethics in Section 9 and other ethics rules, including ethics related to a licensed legal paraprofessional's permitted activities under Section 7.

C. The subject-matter examination covers the subject matter in which the applicant requests licensure. The family-law examination must cover best practices for referring matters that may adversely affect immigration status.

D. An applicant is exempt from the subject-matter examination if the applicant:

1. has received a score of 260 on the Texas State Bar Examination;

2. has taken another examination that tests competency in the subject matter, including an examination by TBLS, NALA, or NFPA; or
3. has met another exemption standard set by the State Bar.

E. An applicant who has failed the ethics examination 5 times cannot become a licensed legal paraprofessional in any subject matter. An applicant who has failed a subject-matter examination 5 times cannot become a licensed legal paraprofessional in that subject matter. For good cause, the State Bar may waive this prohibition.

Section 7. Permitted Practice

A. As set forth in this Section, a legal paraprofessional licensed by the Court may provide limited legal services to clients with low income.

B. In representing a client, a licensed legal paraprofessional must:

1. obtain the client's self-certification, by affidavit or unsworn declaration under Chapter 132 of the Texas Civil Practice and Remedies Code, that the client has low income;
2. enter into a written engagement agreement with the client explaining that the licensed legal professional is not a lawyer and describing the limited scope of the representation; and
3. provide the client with a brochure approved by the State Bar explaining the Program and how to report concerns or potential violations.

C. A legal paraprofessional licensed by the Court in any of the available subject matters may represent a client, without lawyer supervision, in a civil suit in justice court, including:

1. handling the preparation, litigation, and settlement of a suit;
2. communicating with an unrepresented opposing party or, if represented, the lawyer, authorized agent, licensed legal paraprofessional, or court-access assistant for the opposing party;
3. perfecting an appeal of a judgment to the county court; and
4. handling post-judgment collection, discovery, and receiverships.

D. *Family Law.*

1. Except as provided in paragraph (2), a legal paraprofessional licensed by the Court in family law may provide, without lawyer supervision, the following limited legal services in an uncontested divorce that does not involve children or complex property issues:

- a. advise a client on completing and file family law forms that have been approved by an approved entity;
- b. represent a client in court proceedings, including preparation of affidavits in support of temporary orders and divorce decrees;
- c. communicate with the court on issues related to the matters described in paragraphs (a) and (b); and
- d. communicate with an unrepresented opposing party or, if represented, the lawyer or licensed legal paraprofessional for the opposing party on issues related to the matters described in paragraphs (a) and (b).

2. When providing services under paragraph (2), the licensed legal paraprofessional must not, without lawyer review, prepare a qualified domestic relations order (“QDRO”) required to make the division of retirement funds effective. If not preparing a QDRO, the licensed legal paraprofessional must advise the client to seek prompt assistance from a lawyer.

3. A legal paraprofessional licensed by the Court in family law may provide, with lawyer supervision, the following limited legal services in an uncontested suit for protection under Title IV of the Family Code or in an uncontested suit affecting the parent–child relationship—including an uncontested divorce involving children—that only involves standard conservatorship provisions, standard possession schedules, and guideline child-support issues:

- a. advise a client on completing and file family law forms that have been approved by an approved entity;
- b. represent a client in court proceedings, including preparation of affidavits in support of temporary orders and final orders;
- c. communicate with the court on issues related to the matters described in paragraphs (a) and (b); and
- d. communicate with an unrepresented opposing party or, if represented, the lawyer or licensed legal paraprofessional for the opposing party on issues related to the matters described in paragraphs (a) and (b).

4. An uncontested suit affecting the parent–child relationship in paragraph (3) excludes any suit where the Texas Department of Family and Protective Services is a party to the suit.

E. *Estate-Planning and Probate Law.* A legal paraprofessional licensed by the Court in estate-planning and probate law may provide, without lawyer supervision, the following limited legal services:

1. advise a client on completing and file the following forms:
 - a. Health Insurance Portability and Accountability Act release;
 - b. annual reports of a person in guardianship;
 - c. medical power of attorney;
 - d. declaration of guardian;
 - e. directive to physicians;
 - f. declaration for mental health treatment;
 - g. supported decision-making agreements;
 - h. statutory durable power of attorney;
 - i. transfer on death deed;
 - j. small estate affidavit; and
 - k. muniment of title application;
2. in addition to the forms in paragraph (1), advise a client on completing and file estate-planning and probate forms that have been approved by statute or an approved entity;
3. represent a client in an uncontested court proceeding related to a muniment of title;
4. communicate with the court on matters related to annual reports of a person in guardianship, small estate affidavits, or muniment of title applications; and

5. communicate with an unrepresented opposing party or, if represented, the lawyer or licensed legal paraprofessional for the opposing party on issues related to the matters described in paragraphs (1) to (3).

F. *Consumer-Debt Law.* A legal paraprofessional licensed by the Court in consumer-debt law may provide, without lawyer supervision, the following limited legal services in courts other than justice courts:

1. advise a client on completing and file consumer-debt forms that have been approved by statute or an approved entity;
2. represent a client in an uncontested court proceeding related to consumer debt;
3. communicate with the court on issues related to the matters described in paragraphs (1) and (2); and
4. communicate with an unrepresented opposing party or, if represented, the lawyer or licensed legal paraprofessional for the opposing party on issues related to the matters described in paragraphs (1) and (2).

G. Nothing in this Article should be construed as:

1. limiting a licensed legal paraprofessional's or other person's ability to provide legal information, including:
 - a. providing information about court rules, court terminology, and court procedure, including how to initiate, advance, and finalize a suit and compliance with local procedure;
 - b. directing to legal resources, forms, and referrals;
 - c. encouraging litigants to consult a lawyer;
 - d. offering educational classes and informational materials;
 - e. recording on forms verbatim;
 - f. reviewing forms and other documents for completeness and, if incomplete, stating why the form or document is incomplete; and
 - g. explaining how to navigate a courthouse, including providing information about security requirements and directional information and explaining how to obtain access to a suit file or request an interpreter;

2. regulating the use of paralegals by lawyers; or
3. regulating the activities an authorized agent or court-access assistant can perform in justice court suits under Texas Rule of Civil Procedure 500.4.

Section 8. Appearance, Client Protection, and Withdrawal

A. If a licensed legal paraprofessional's representation involves appearing before or communicating with a court, then the licensed legal paraprofessional must file a notice of limited appearance signed by the licensed legal paraprofessional and the client. The notice must be served on all parties. The notice must identify:

1. the licensed legal paraprofessional making the limited appearance;
2. the subject matter or matters in which the licensed legal paraprofessional is licensed;
3. the party the licensed legal paraprofessional represents;
4. the tasks for which the licensed legal paraprofessional will represent the party; and
5. the service information for the licensed legal paraprofessional.

B. If, during the representation of a client, the licensed legal paraprofessional learns that the suit requires performance of activities beyond those permitted in Section 7, the licensed legal paraprofessional must take appropriate steps to protect the client, including:

1. notifying the client in writing or in a court proceeding of the scope issues and of all pending deadlines or settings known to the licensed legal professional;
2. providing the court and the opposing party with the client's service information;
3. requesting an extension or continuance from the court, as appropriate;
4. directing the client to known resources;
5. surrendering papers and property to which the client is entitled; and

6. if the suit requires performance of activities wholly beyond those permitted in Section 7, do at least one of the following:

- a. move to withdraw consistent with Texas Rule of Civil Procedure 10; or
- b. add a lawyer in charge.

Section 9. Code of Ethics

A. A licensed legal paraprofessional must maintain a high standard of competency and ethical conduct to better assist the legal profession in fulfilling its duty to provide quality legal services to the public and to contribute to the integrity of the legal profession.

B. A licensed legal paraprofessional must only engage in the practice of law as permitted in Section 7 or as otherwise authorized by statute or Court rule.

C. A licensed legal paraprofessional must exercise care in using independent professional judgment and in determining the extent to which a client may be assisted within the scope of the licensed legal paraprofessional's license.

D. A licensed legal paraprofessional owes a duty of candor to a court consistent with the duty owed by lawyers under Rule 3.03 of the Texas Disciplinary Rules of Professional Conduct.

E. A licensed legal paraprofessional must preserve and protect the confidences and secrets of a client as required by lawyers under Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct.

F. A licensed legal paraprofessional must avoid any interest or association that constitutes a conflict of interest pertaining to a client matter. Avoidance may include withdrawal if a representation becomes improper.

1. A licensed legal paraprofessional must not represent opposing parties to the same litigation.

2. A licensed legal paraprofessional must not represent a person if the representation of that person:

a. involves a substantially related matter in which that person's interests are materially and directly adverse to the interests of another client of the licensed legal paraprofessional or the licensed legal paraprofessional's firm;
or

b. reasonably appears to be or become adversely limited by:

i. the licensed legal paraprofessional's or the licensed legal paraprofessional's firm's responsibilities to another client or to a third person; or

ii. the licensed legal paraprofessional's or licensed legal paraprofessional's firm's own interests.

3. A licensed legal paraprofessional who has represented multiple parties in a matter must not thereafter represent any of such parties in a dispute among the parties arising out of the matter unless prior consent is obtained from all such parties to the dispute.

G. A licensed legal paraprofessional must not make or sponsor a false or misleading communication about the licensed legal paraprofessional's qualifications or services and, to the extent applicable, should follow the advertising rules applicable to lawyers under Section VII of the Texas Disciplinary Rules of Professional Conduct.

H. A licensed legal paraprofessional must not provide immigration services.

I. A licensed legal paraprofessional must not charge or receive, either directly or indirectly, any compensation for preparing a legal instrument affecting title to real property under Texas Government Code § 83.001.

Section 10. Court Sanctions and Discipline

A. A licensed legal paraprofessional may be sanctioned by a court in the same manner as a lawyer.

B. A complaint against a licensed legal paraprofessional must be filed with the State Bar.

C. The State Bar must notify the licensed legal paraprofessional of the complaint and investigate.

D. After an investigation, the State Bar must:

1. dismiss the complaint with notice to the licensed legal paraprofessional and the complainant; or

2. request a response from the licensed legal paraprofessional and conduct a hearing.

E. The State Bar may suspend or revoke a license for:

1. a violation of this Article;

2. for a court sanction against the licensed legal paraprofessional; or

3. for conviction of a serious crime or intentional crime or being placed on probation, with or without an adjudication of guilt, for a serious crime or intentional crime.

F. A licensed legal paraprofessional seeking to appeal a license suspension or revocation must submit a written appeal to the Executive Director of the State Bar or within 30 days. The licensed legal paraprofessional must elect to have the appeal heard by either:

1. the Executive Director of the State Bar or the Executive Director's designee; or

2. a single member of the Board of Disciplinary Appeals who will be selected on a randomized basis.

G. The State Bar must notify the Clerk of the Court when a licensed legal paraprofessional's license is suspended or revoked.

Section 11. Duty to Notify; Annual Licensing Requirements

A. A licensed legal paraprofessional must notify the State Bar of:

1. any change in contact information within 30 days of the change; and

2. any arrests or court sanctions received immediately after the arrest or sanction.

B. A licensed legal paraprofessional must comply with the following each year to renew licensure:

1. pay annual dues in an amount set by the State Bar in consultation with the Court;

2. complete at least 3 hours of continuing education on ethics;

3. complete at least 7 hours of continuing education in each subject matter in which the licensed legal paraprofessional is licensed to practice; and

4. report the number of clients served by the licensed legal paraprofessional under this Article and any other data requested by the State Bar.

C. The initial compliance year for each member is the 12-month period that begins on the first date of the licensed legal paraprofessional's birth month following the date of licensure. All subsequent compliance years begin on the first date of the licensed legal paraprofessional's birth month.

D. A licensed legal paraprofessional’s license may be suspended for failure to comply with paragraphs (A) or (B). A licensed legal paraprofessional’s license may be revoked for failure to comply with the duty to notify in paragraph (A)(2) and the education requirements in paragraphs (B)(2) and (B)(3).

Section 12. Privilege

The rules of law and evidence relating to privileged communications between lawyer and client govern communications made or received by a licensed legal paraprofessional performing activities under this Article.

ARTICLE XVI LICENSED COURT-ACCESS ASSISTANTS

Section 1. Definitions

A. “Approved legal assistance organization” means:

1. a nonprofit that:

a. is funded in part by the Texas Access to Justice Foundation;

b. is funded in part by the Legal Services Corporation; or

c. provides at least 50% of its legal services at no cost to individuals living at or below 200% of the federal poverty guidelines published annually by the U.S. Department of Health and Human Services;

2. a clinic or pro bono program of a Texas law school; or

3. a pro bono project or program of the State Bar or of a local or specialty bar association within Texas.

B. “JCTC” means the Justice Court Training Center.

Section 2. Eligibility

To be eligible for licensure as a court-access assistant, an applicant must:

A. have completed justice court training approved by the Court or JCTC that includes training on justice court procedures, professional conduct, and the substantive areas of civil law handled by justice courts;

B. pass a criminal-history background check; and

C. provide a certificate of sponsorship by an approved legal assistance organization.

Section 3. Application, Licensure, and Enrollment

A. An applicant must submit to the State Bar an application for licensure as a court-access assistant.

B. The application must be in the form directed by the State Bar and include a certificate of sponsorship by the approved legal assistance organization explaining the scope of the applicant's services, the processes for lawyer supervision, and any training provided.

C. If the State Bar determines that the applicant has satisfied the requirements of Sections 2 and 3, the State Bar must enroll the applicant as a member of the State Bar and certify the applicant to the Court. The Clerk of the Court will issue a corresponding license.

Section 4. Permitted Practice

A. A licensed court-access assistant may, under the supervision of a lawyer at the sponsoring approved legal assistance organization, provide in a civil justice court suit legal services on which they have been trained if the licensed court-access assistant:

1. informs all clients in writing that the court-access assistant is not a lawyer; and
2. obtains written consent from the client to their representation by a non-lawyer.

B. To supervise a licensed court-access assistant, a lawyer must be available to answer any questions relating to documents filed and other tasks undertaken by the licensed court-access assistant but need not appear, whether in person or electronically, with the licensed court-access assistant for court proceedings. A sponsoring approved legal assistance organization must adopt policies for lawyer supervision of its licensed court-access assistants.

C. Nothing in this Article should be construed as limiting a licensed court-access assistant's or other person's ability to provide legal information, including:

1. providing information about court rules, court terminology, and court procedure, including how to initiate, advance, and finalize a suit and compliance with local procedure;
2. directing to legal resources, forms, and referrals;
3. encouraging litigants to consult a lawyer;
4. offering educational classes and informational materials;

5. recording on forms verbatim;
6. reviewing forms and other documents for completeness and, if incomplete, stating why the form or document is incomplete; and
7. explaining how to navigate a courthouse, including providing information about security requirements and directional information and explaining how to obtain access to a suit file or request an interpreter.

Section 5. License Revocation; Reinstatement

A. A license issued to a court-access assistant is revoked and the court-access assistant must cease any activities permitted under Section 4:

1. for good cause and upon notice and an opportunity to be heard by the State Bar;
or
2. upon the termination of sponsorship by the sponsoring approved legal assistance organization.

B. A license revoked under paragraph (A)(2) may be reinstated upon submission of a new application and certification of sponsorship by another approved legal assistance organization.

C. The State Bar must notify the Clerk of the Court when a court-access assistant's license is revoked.

Section 6. Sponsor Obligations

The sponsoring approved legal assistance organization must:

A. require all licensed court-access assistants to complete at least 3 hours of continuing education by the sponsoring approved legal assistance organization or another entity approved by the Court or JCTC; and

B. immediately notify the State Bar if it:

1. has knowledge that the licensed court-access assistant has committed conduct that raises a substantial question as to the court-access assistant's honesty, trustworthiness, or fitness to assist clients; or
2. will no longer sponsor the licensed court-access assistant; and

C. annually report the number of clients served by the licensed court-access assistants under this Article and any other data requested by the State Bar.

Section 7. Compensation

A licensed court-access assistant must not directly charge a client for services or claim or receive a percentage fee, contingency fee, or origination fee. However, nothing in these rules is intended to prevent the licensed court-access assistant from being paid for services by the sponsoring approved legal assistance organization.

Section 8. Privilege

The rules of law and evidence relating to privileged communications between lawyer and client govern communications made or received by a licensed court-access assistant performing activities under this Article.

TEXAS RULES OF CIVIL PROCEDURE

PART V – RULES OF PRACTICE IN JUSTICE COURTS

RULE 500. GENERAL RULES

RULE 500.4. REPRESENTATION IN JUSTICE COURT CASES

(a) *Representation of an Individual.* An individual may:

(1) represent himself or herself;

~~(2) be represented by an authorized agent in an eviction case; or~~

~~(3) be represented by:~~

~~(A) an attorney;~~

~~(B) in an eviction case, an authorized agent;~~

~~(C) a legal paraprofessional licensed by the Supreme Court under Article XV of the State Bar Rules; or~~

~~(D) a court-access assistant licensed by the Supreme Court under Article XVI of the State Bar Rules.~~

- (b) *Representation of a Corporation or Other Entity.* A corporation or other entity may:
- (1) be represented by an employee, owner, officer, or partner of the entity who is not an attorney;
 - (2) be represented by a property manager or other authorized agent in an eviction case; or
 - (3) be represented by an attorney.
- (c) *Assisted Representation.* ~~The court may, for good cause, must~~ allow an self-represented individual representing himself or herself to be assisted in court by a family member or other individual who is not being compensated by the self-represented individual, unless the court determines there is good cause not to allow such assistance. The self-represented individual must be present for any court proceeding in which assistance is provided.
- (d) Notice If representation by a non-attorney under paragraph (a)(2) involves appearing before or communicating with the court, then the non-attorney must file a notice of limited appearance signed by the non-attorney and the client. The notice must be served on all parties. The notice must identify:
- (1) the non-attorney making the limited appearance;
 - (2) the party the non-attorney represents;
 - (3) the tasks for which the non-attorney will represent the party;
 - (4) the service information for the non-attorney; and
 - (5) if the non-attorney is a court-access assistant:
 - (A) the tasks on which the court-access assistant is trained;
 - (B) the court-access assistant's sponsoring approved legal assistance organization, as defined in Article XVI of the State Bar Rules; and
 - (C) any limitations placed on the court-access assistant's representation by that organization.

RULE 510. EVICTION SUITS

RULE 510.4. ISSUANCE, SERVICE, AND RETURN OF CITATION

- (a) *Issuance of Citation; Contents.* When a petition is filed, the court must immediately issue citation directed to each defendant. The citation must:
- (1) be styled “The State of Texas”;
 - (2) be signed by the clerk under seal of court or by the judge;
 - (3) contain the name, location, and address of the court;
 - (4) state the date of filing of the petition;
 - (5) state the date of issuance of the citation;
 - (6) state the file number and names of parties;
 - (7) state the plaintiff’s cause of action and relief sought;
 - (8) be directed to the defendant;
 - (9) state the name and address of attorney for plaintiff, or if the plaintiff does not have an attorney, the address of plaintiff;
 - (10) state the day the defendant must appear in person for trial at the court issuing citation, which must not be less than 10 days nor more than 21 days after the petition is filed;
 - (11) notify the defendant that if the defendant fails to appear in person for trial, judgment by default may be rendered for the relief demanded in the petition;
 - (12) inform the defendant that, upon timely request and payment of a jury fee no later than 3 days before the day set for trial, the case will be heard by a jury;
 - (13) contain all warnings required by Chapter 24 of the Texas Property Code; and
 - (14) include the following statement: “For further information, [visit www.texaslawhelp.org](http://www.texaslawhelp.org) and consult Part V of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this

citation. To determine whether you may represent yourself or be represented by an attorney or other individual in this case, consult Texas Rule of Civil Procedure 500.4.

MINOR GUARDIANSHIP ACTIONS

Course Outcomes

Upon completion of the CLE on Minor Guardianship Actions, LLLTs will have the skills and confidence to identify a minor guardianship action, the ability to apply the applicable statutes, and the capacity to define the scope of services permitted for an LLLT under APR 28.

In particular, students will be able to:

1. Explain the elements of RCW 11.130.185 – 260 and know the law involving minor guardianships.
2. Identify and apply APPENDIX APR 28 REGULATION 2.B(1)(i) and 2.B(2)(h)(ix) and know the limits of the LLLT scope of practice.
3. Discuss the particular issues pro se litigants may encounter when working with an LLLT compared to attorney representation.
4. Describe how a Minor Guardianship action is commenced and how notice must be provided (RCW 11.130.190 – 195).
5. Discuss the elements required for a party to Petition for minor guardianship (RCW 11.130.195)
6. Select and draft the appropriate mandatory court form(s) consistent with RCW 11.130.645.
7. Assist clients with service of the Petition, etc., consistent with RCW 11.130 & CR 4, etc.
8. Assist clients with scheduling applicable hearings per local court rules.
9. Discuss the anticipated course of a legal proceeding following service of a Petition for Minor Guardianship.
10. Assist clients with calculating child support and in drafting a residential schedule.
11. Discuss ethics issues which may arise in minor guardianships, including but not limited to dual representation, independent legal advice for other parties, and what happens when a case becomes contested.

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE SUGGESTED
AMENDMENT TO APPENDIX APR 28—
REGULATIONS OF THE APR 28 LLLT BOARD

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ORDER

NO. 25700-A-1578

The Limited License Legal Technician (LLLT) Board, having recommended the adoption of the suggested amendment to Appendix APR 28—Regulations of the APR 28 LLLT Board, and the Court having considered the suggested amendment, and having determined that the suggested amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the suggested amendment as attached hereto is adopted.
- (b) That pursuant to the emergency provisions of GR 9(j)(1), the suggested amendment will be expeditiously published in the Washington Reports and will become effective upon publication.

ORDER

IN THE MATTER OF THE SUGGESTED AMENDMENT TO APPENDIX APR 28—
REGULATIONS OF THE APR 28 LLLT BOARD

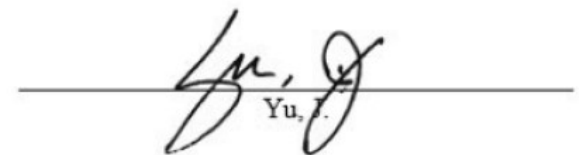
DATED at Olympia, Washington this 11th day of July, 2024.


González, C.J.


Johnson, J.


Gordon McCloud, J.


Madsen, J.


Yu, J.


Montoya-Lewis, J.


Stephens, J.


Whitener, J.

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

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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Cathy Biestek

From: Aziza Ozgoren
Sent: Wednesday, August 28, 2024 10:30 AM
To: Aziza Ozgoren
Cc: Terra Nevitt
Subject: Action Requested: Scheduling Final TAXICAB Meeting
Attachments: WSBA TAXICAB draft policy.V3.2 CLEAN.pdf

Importance: High

On behalf of Terra Nevitt.

Good afternoon, I am writing to invite you to a final meeting of the WSBA Task Force Administering Xenial Involvement of Court Appointed Boards (TAXICAB). TAXICAB was created by the Board of Governors on April 17, 2020, to assess WSBA's role in administering Supreme Court boards, working with the Court to ensure that such administration is consistent with the Court's intent, and conveying to the Court information about the boards and member concerns. After identifying the recurring challenges and determining that a lack of clarity in how GR 12.3 is to be carried out as one of the causes behind those challenges, the task force determined that a policy, approved by the Supreme Court, that detailed WSBA's administration of Supreme Court boards, would help to alleviate some of the recurring challenges.

After several years of discussions and drafting, the attached policy was approved by the Board of Governors in July 2024. Before forwarding the policy on to the Court for approval, Chair Kyle Sciuchetti thought it would be useful to have a final meeting of the Task Force to review our work and ensure alignment on the next step. We are including the current Supreme Court Board Chairs in the interest of efficient communications and acknowledgment that the leadership and membership of each Board has changed several times during this process.

Please complete the poll below to indicate your availability to meet.

[Scheduling Poll](#)

Warmly,
Terra

Joint Administration Policy Between the Washington State Bar Association and the Supreme Court Boards

1.0 Introduction

Under Washington State Court General Rule 12.3, the Supreme Court (Court) delegates to the Washington State Bar Association (WSBA),

“[t]he authority and responsibility to administer certain boards and committees established by court rule or order. This delegation of authority includes providing and managing staff, overseeing the boards and committees to monitor their compliance with the rules and orders that authorize and regulate them, paying expenses reasonably and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court, or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions.”

Supreme Court Boards (Boards) report directly to the Court. The duties and functions these Boards perform on behalf of the Court are important to the public, the Court, and WSBA and its members.

2.0 Scope

This policy applies to all current and future Supreme Court Boards administered by WSBA.

3.0 Board Independence

Supreme Court Boards are created by and derive their authority from the Washington Supreme Court. Boards set their own priorities and goals and determine how to carry out their duties and functions as authorized by the Supreme Court. Boards' independence does not limit WSBA's authority or responsibilities under GR 12.3 or to direct its own activities, including taking action to protect the WSBA from liability.

3.1 Effect of Court Rules and Statutes on Board or Committee Independence

Boards are subject to Washington Statutes, and Washington court rules and orders, including such court orders or rules that authorized the Board, and which regulate each Board's duties and functions. This specifically includes GR 12.4 governing records and public access to records.

3.2 WSBA's Administration of Boards

WSBA recognizes that GR 12.3 provides each Board independence in terms of carrying out its activities consistent with any Court order or rule authorizing its existence. WSBA and the Boards will work cooperatively and maintain respect for the Boards' independence as needed to ensure that the Boards can carry out

their duties and functions as authorized by the Supreme Court and that the WSBA can fulfill its duties under GR 12.3.

3.3 Communication with the Public

WSBA acknowledges that Boards have the authority to communicate with the public. Boards will not state that any communication is being made on behalf of WSBA. Boards will not use WSBA letterhead for any public communication. Boards will not knowingly engage in any communications that would subject the WSBA to liability. If there is a reasonable question as to the risk a communication might pose, Boards will seek input from the Executive Director prior to publishing or distributing the communication. The prohibition on using WSBA letterhead does not apply to communications related to regulatory matters.

3.4 Lobbying Activities

WSBA acknowledges that Boards, in order to carry out their mission, may take positions on matters of public interest. These positions may include communicating with federal, state, and local governmental and community leaders. Constitutional limitation on the use of compelled license fees apply to the Boards' activities to the extent that they are funded by license fees.

3.5 WSBA Policy Changes

When there is proposed change to a WSBA policy, a proposed adoption of a new WSBA policy, or a WSBA proposal to change a Court rule, that the Executive Director believes will directly affect a Board's activities or functions, The Executive Director or their designee will notify the potentially affected Board(s) of the proposal as soon as is practicable and prior to final action, so each Board shall have the opportunity for comment with the Board of Governors, the Executive Director, and the Court.

3.6 Board Action

When a Board is considering taking action that it believes may expose the WSBA to liability, the Board chair will take steps to ensure that the WSBA Executive Director receives notice of the proposed action. The notice will be given so that the WSBA will have adequate time to provide input into the Board's decision-making process.

4.0 Staffing

The Executive Director provides and manages staff for each Board.

4.1 Staff Liaison

The Executive Director shall assign a staff member to serve as a Staff Liaison to each Board. The Staff Liaison shall serve as the primary contact between the Board and WSBA. The Executive Director shall allocate additional staff time to

support each Board in carrying out its duties and functions based on the projected workload for the Board and overall WSBA capacity.

4.2 Staff Liaison Responsibilities and Duties

The WSBA Staff Liaison will work with the Board and make available other WSBA resources as needed and available given WSBA's overall capacity.

The Staff Liaison is not a member of the Board. The Staff Liaison will not vote on matters before a Board that requires Board approval. The presence or absence of the Staff Liaison at any meeting does not affect the quorum for a meeting.

Although a Staff Liaison represents WSBA to the Board it is not the responsibility of the Staff Liaison to direct how the Board proceeds.

4.3 Staff Liaison and Support Personnel are WSBA Employees

Staff Liaisons supporting a Board are WSBA employees and will be hired and have their job performance evaluated per the WSBA Employee Handbook and other WSBA personnel policies.

When evaluating the performance of WSBA staff, the Executive Director, through their representative, should solicit feedback from each Board regarding the performance of the Staff Liaison and any supporting staff working with that Board.

The Board is not involved in the hiring of WSBA staff. However, with any employee whose primary or exclusive role is to support the duties and functions of a Board, WSBA should seek and may receive input from the Board as to skills and experience required for the role.

4.4 Board or Committee Membership

Each Board or Committee will add members to the Board and Committee per the Court rule or order that authorized and regulates the Board or Committee.

4.5 Board of Governors Liaison

The WSBA President may appoint a liaison between the Board of Governors and a Board.

The Board of Governor Liaison is not a member of the Board. They will not vote on matters before a Board that require Board approval. The presence or absence of the Board of Governors Liaison does not affect the quorum for a meeting.

4.6 Internal Structure of a Board

Unless otherwise defined by the court order or rule which authorizes and regulates a Board, the internal structure, such as the creation of subcommittees and appointment of members to such subcommittees, designating a chair or sub-chairs, and other decisions about how the Board conducts its duties and functions, is the sole province of each Board.

5.0 Oversight and Compliance Monitoring

Consistent with GR 12.3, WSBA shall oversee and monitor the compliance of Court Boards with the court rules and orders which authorize and regulate it. This includes GR 12.4 and First Amendment limitations relating to use of compelled license fees.

5.1 Reporting to the Court and WSBA

Boards shall submit an annual report to the Court and submit a copy of the report to the Executive Director and the Board of Governors. Boards shall submit other reports as stated in the court rules and orders authorizing them.

If the court rule or order which authorizes or regulates each Board is silent on the structure of an annual report the Board shall decide the format of the report.

5.2 Resolving Compliance Issues

5.2.1 Good Faith Standard—First Attempt to Resolve

If the Staff Liaison has a good faith belief that a Board is not complying with the court rules or orders which authorize and regulate the Board, the Staff Liaison shall first attempt to resolve the matter with the Board.

5.2.2 Escalation to Executive Director

If resolution fails and/or if the Staff Liaison is unable to address the matter directly, the Staff Liaison shall report any perceived non-compliance issue to the WSBA Executive Director who should attempt to work directly with the Board to resolve the issue.

5.2.3 Escalation to the Court

If these parties cannot resolve the matter, it may be presented to the Court for resolution.

6.0 Budget and Expenditures

6.1 Annual WSBA Budget Process

The Staff Liaison works collaboratively with the Board, and the Executive Director or their designee, to develop a budget that will allow the Board to fulfill its duties and functions, consistent with the rules and orders that authorize and regulate the Board.

The Board's budget will be submitted for approval to the Board of Governors as part of WSBA's overall budget.

WSBA and the Board of Governors cannot pass a budget for a Board without an opportunity for the Board to provide input to the WSBA and Board of Governors.

6.2 Funding Outside the Annual Budget Process

A Board may request additional funding outside of the budget cycle.

Such requests should be submitted to the Executive Director and will be considered by the Executive Director, the Budget & Audit Committee, or Board of Governors as authorized by WSBA Fiscal Policies & Procedures.

6.3 Funding a Board Duties and Functions as Described by GR 12.3

All reasonable and necessary Board duties and functions as defined by each Board's court order or rule must remain funded at a level that ensures the duties and functions can be met. The Boards acknowledge that WSBA has the authority to establish the budget for the WSBA and the Boards. The WSBA acknowledges that this authority cannot be used to interfere with a Board's independence as defined in section 3.0.

6.4 Board Fundraising

A Board may seek additional funding, above and beyond the funding which WSBA provides, including grants for a particular duty or function from a government, private, or public sector entity.

If a Board raises such funds, then WSBA shall not reduce the budget of the Board because of the funds raised, unless it is for the same work.

As a Board is not a legal entity entitled to have and manage a bank account, the Board will need to seek the approval of WSBA, the Washington State Bar Foundation (WSBF), or with the approval of WSBA or the Court another appropriate entity to accept and manage such funds on behalf of the Board.

7.0 Other Actions

Consistent with GR 12.3, WSBA may engage in other activities that are necessary and proper to enable Boards to carry out their duties and functions consistent with the overall capacity of WSBA. This might include access to other WSBA resources and teams, including communication channels, design and publication services, website presence, financial analysis, WSBA technology, and continuing legal education.

8.0 Immunity & Indemnification

8.1 Immunity

If a court order or rule that authorizes and regulates a Board extends immunity to the Board and the members serving on a Board, WSBA shall cooperate with the Board and the Court to provide and defend such immunity.

8.2 Indemnification from Lawsuits

WSBA Bylaw Article XIV indemnification applies to members of court created boards described by this policy to the same extent as volunteers appointed by the WSBA.