

WSR 24-03-070
RULES OF COURT
STATE SUPREME COURT
[January 3, 2024]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO APR 28—) NO. 25700-A-1562
LIMITED PRACTICE RULE FOR)
LIMITED LICENSE LEGAL)
TECHNICIANS AND THE APPENDIX)
APR 28 REGULATIONS)

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

Now, therefore, it is hereby

ORDERED:

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

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

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

Johnson, J.
Madsen, J.
Stephens, J.
Gonzalez, C.J.
Gordon McCloud, J.
Yu, J.
Montoya-Lewis, J.

APR 28
LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS

A.-B. [Unchanged.]

C. Limited License Legal Technician Board

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

fers from the stated constitution due to a temporary vacancy in any of the specified positions.

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

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

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

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

~~(d) Establishing and overseeing committees and tenure of members on such committees to carry out the LLLT Board's duties and powers; including~~

~~i. providing continuing legal education to LLLTs;~~

~~ii. assessing changes in the law that effect the scope of practice by LLLTs; and~~

~~iii. collaborating with other boards and entities regarding the delivery of law related services.~~

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

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

~~(3) Rules and Regulations. The LLLT Board shall propose rules, regulations and amendments to these rules and regulations, to implement and carry out the provisions of this rule, for adoption by the Supreme Court.~~

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

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

D.-O. [Unchanged.]

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

REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL TECHNICIAN BOARD

REGULATION 1. [Unchanged.]

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

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

A. [Unchanged.]

B. Domestic Relations.

1. *Domestic Relations, Defined.* For the purposes of these Regulations, domestic relations shall include only the following actions:

(a) divorce and dissolution, (b) parenting and support, (c) parentage or paternity, (d) child support modification, (e) parenting plan modification, (f) domestic violence protection orders, (g) committed intimate relationships only as they pertain to parenting and support issues, (h) legal separation, (i) agreed or default minor guardianships or guardianships arising out of a familial relationship nonparental and third party custody, (j) other protection or restraining orders arising from a domestic relations case, and (k) relocation.

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

(a)-(g) [Unchanged.]

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

i.-v. [Unchanged.]

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

vii. [Unchanged.]

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

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

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

a. [Unchanged.]

b. shall not render legal services in:

i.-viii. [Unchanged.]

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

x.-xii. [Unchanged.]

REGULATIONS 3.-20. [Unchanged.]

Reviser's note: The typographical errors in the above material occurred in the copy filed by the state supreme court and appear in the Register pursuant to the requirements of RCW 34.08.040.