

WSR 25-02-017
RULES OF COURT
STATE SUPREME COURT
[December 5, 2024]

IN THE MATTER OF THE ) ORDER
SUGGESTED AMENDMENTS TO GR ) NO. 25700-A-1619
24—DEFINITION OF THE PRACTICE )
OF LAW )

The Practice of Law Board (POLB), having recommended the suggested amendments to GR 24—Definition of the Practice of Law, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2025.

(b) The purpose statement as required by GR 9(e) is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2025. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of December, 2024.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendments
GENERAL RULES (GR)
Rule 24 (b) (6)

Submitted by the Practice of Law Board

A. Name of Proponent:

Practice of Law Board

B. Spokesperson:

Lesli Ashley, Chair of the Practice of Law Board

WSBA Staff Contact:

Thea Jennings, Assistant General Counsel
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539
thealj@wsba.org • 206-733-5985

C. Purpose:

The primary purpose of the suggested amendments to General Rule (GR) 24 (b) (6) is to reflect changes in Washington statutory law regarding assistance provided to individuals seeking protection orders.

The Practice of Law Board (POLB) is a Washington Supreme Court-created board governed by GR 25. Among the Board's responsibilities includes receiving and reviewing complaints alleging the unauthorized practice of law and referring complaints that allege harm to the public interest to appropriate enforcement agencies. GR 25 (b) (3).

GR 24(a) defines the practice of law, and GR 24(b) provides a list of its exceptions and exclusions stating certain activities are permitted whether or not they constitute the practice of law. Given its role reviewing complaints, the POLB regularly reviews the definition of the practice of law and its exceptions. Among the GR 24(b) exceptions is "[p]roviding assistance to another to complete a form provided by a court for protection under RCW chapters 10.14 (harassment) or 26.50 (domestic violence prevention) when no fee is charged to do so." GR 24 (b) (6).

On July 1, 2022, changes in Washington law took effect repealing RCW 10.14 and RCW 26.50, which broadly speaking, governed harassment and domestic violence proceedings, and replaced them with new RCW 7.105, Civil Protection Orders.<sup>1</sup> The new statute governs procedures for domestic violence, sexual assault, stalking, vulnerable adult, extreme risk, and antiharassment protection orders.<sup>2</sup> New RCW 7.105 was enacted to "moderniz[e], harmoniz[e], and improv[e] the efficacy and accessibility of laws concerning civil protection orders."<sup>3</sup> Among the goals of new RCW 7.105 include to "make the system less complex [and] provide sufficient victim support, consistency, safety, timeliness, and procedural fairness."<sup>4</sup>

New RCW 7.105 authorizes certain individuals who are not authorized to practice law to provide assistance in civil protection matters, namely court clerks,<sup>5</sup> courthouse facilitators,<sup>6</sup> sexual assault advocates,<sup>7</sup> domestic violence advocates,<sup>8</sup> protection order advocates,<sup>9</sup> and support persons.<sup>10</sup> A general description of the permissible activities under RCW 7.105 is attached as Appendix A.

Given the repeal of RCW 10.14 and RCW 26.50, the POLB suggests amendments to GR 24 (b) (6) to bring it into alignment with these statutory changes. Given the stated goals and purposes of RCW 7.105, the POLB is recommending to the Court that it adopt a slightly broader exception to the rule to (1) apply to all types of RCW 7.105 civil protection order matters and (2) cover the assistance permitted under the statute by any person authorized to do so under the statute. The suggested amendment would therefore expand the scope of civil protection orders to which the GR 24 (b) (6) exception applies and the pool of individuals who may assist those seeking protection orders.

**D. Hearing:** A hearing is not requested.

**E. Expedited Consideration:** Expedited consideration is not requested.

**F. Supporting Material:**

• Appendix A: General Description of Permissible Activities under RCW 7.105

1 See H.D. 1320, 67th Leg., 2021 Reg. Sess. (Wash. 2021), available at <https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/House/1320-S2.SL.pdf?cite=2021%20c%20215%20C2%A7%20>

2 RCW 7.105.100.

3 H.D. 1320, 67th Leg., 2021 Reg. Sess. (Wash. 2021).

4 RCW 7.105.050(3).

5 RCW 7.105.120.

6 *Id.*

7 RCW 7.105.250(1).

8 *Id.*

9 RCW 7.105.250(2).

APPENDIX A TO GR 9 COVER SHEET: GENERAL DESCRIPTION OF PERMISSIBLE ACTIVITIES UNDER RCW 7.105

**RCW 7.105.120(1): Court Clerks and Court[house] Facilitators**

RCW 7.105.120 provides statutory exemptions to court clerks and courthouse facilitators.<sup>1</sup> Under the statute, court clerks must "make available the standardized forms, instructions, and informational brochures required by this chapter, and shall keep current specific program names and telephone numbers for community resources, including civil legal aid and volunteer lawyer programs." RCW 7.105.120(1). The statute specifically exempts as not constituting the practice of law: "Any assistance or information provided by clerks under this chapter, or any assistance or information provided by any person, including court clerks, employees of the department of social and health services, and other court facilitators, to complete the forms provided by the court." *Id.*

**RCW 7.150.250(1) Sexual Assault or Domestic Violence Advocates**

RCW 7.105.250(1) authorizes sexual assault advocates<sup>2</sup> and domestic violence advocates<sup>3</sup> "to accompany the petitioner, or appear remotely with the petitioner, and confer<sup>4</sup> with the petitioner during court proceedings." However, the advocate "shall not provide legal representation." *Id.* Advocates may speak to the Court but are not required to beyond stating their role and organization. *Id.* Advocates "are not engaged in the unauthorized practice of law when providing assistance." *Id.*

**RCW 7.105.250(2) Protection Order Advocates**

RCW 7.105.250(2) authorizes protection order advocates<sup>5</sup> "to accompany the petitioner to any legal proceeding including, but not limited to, sitting or standing next to the petitioner, appearing remotely with the petitioner, and conferring with the petitioner during court proceedings, or addressing the court when invited to do so." However, the advocate "shall not provide legal representation." RCW 7.105.250 (2) (b). Unless they seek to speak directly to the court, advocates are not required to identify themselves beyond stating their role and organization. RCW 7.105.250 (2) (c).

**RCW 7.105.250(3) Support Persons**

RCW 7.105.250(3) authorizes support persons<sup>6</sup> "to accompany the petitioner to any legal proceeding including, but not limited to, sitting or standing next to the petitioner, appearing remotely with the petitioner, and conferring with the petitioner during court proceedings." However, the advocate "shall not provide legal representation." RCW 7.105.250 (3) (a).

1 GR 24 (b)(10) exempts from the definition of the practice of law court clerks providing assistance as authorized by Supreme Court order, and GR 24 (b)(2) exempts courthouse facilitators providing assistance as authorized by court rule.  
2 "Sexual assault advocate" means the employee or volunteer from a community sexual assault program or underserved populations provider, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings." RCW 5.60.060 (7)(a); RCW 7.105.250(1).  
3 "Domestic violence advocate" means an employee or supervised volunteer from a community-based domestic violence program or human services program that provides information, advocacy, counseling, crisis intervention, emergency shelter, or support to victims of domestic violence and who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor's office, or the child protective services section of the department of children, youth, and families as defined in RCW 26.44.020." RCW 5.60.060 (8)(a); RCW 7.105.250(1). Confer is undefined in the statute.  
4 "[P]rotection order advocate" means any employee or volunteer from a program that provides, as some part of its services, information, advocacy, counseling, or support to persons seeking protection orders." RCW 7.105.250 (2)(a).  
6 "[A] support person may be any third party of the petitioner's choosing." RCW 7.105.250(3).

SUGGESTED AMENDMENTS TO THE GENERAL RULES  
GR 24 (b) (6) THE DEFINITION OF THE PRACTICE OF LAW

## GR 24 DEFINITION

(a) [Unchanged.]

(b) **Exceptions and Exclusions: Whether or not they constitute the practice of law, the following are permitted:**

(1)-(5) [Unchanged.]

(6) Providing assistance in civil protection order matters as permitted by RCW 7.105 by any person authorized to do so under RCW 7.105. ~~to another to complete a form provided by a court for protection under RCW chapters 10.14 (harassment) or 26.50 (domestic violence prevention) when no fee is charged to do so.~~

(7)-(11) [Unchanged.]

**(c)-(f) [Unchanged]**