

SENATE BILL REPORT

SB 5380

As of February 13, 1995

Title: An act relating to licensing legal assistants under the direction and supervision of active members of the Washington state bar association.

Brief Description: Regulating legal assistants.

Sponsors: Senator Franklin.

Brief History:

Committee Activity: Law & Justice: 2/14/95.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Cynthia Runger (786-7717)

Background: Paralegals/legal assistants are persons who perform substantive legal work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by licensed attorneys. Their work may include interviewing clients, conducting legal research, and preparing legal documents. There are no licensing requirements in Washington for legal assistants. A person may qualify as a legal assistant through legal education, training or work experience. Legal assistants must work under the supervision of a licensed attorney. This means that a legal assistant may not participate in any proceedings or activities where the legal assistant independently represents a client.

The unlawful practice of law is a growing and serious concern in Washington. To reduce this problem, proponents of this bill want to professionalize the field by mandating licensing and a unified minimum educational requirement for legal assistants.

Summary of Bill: A person must meet certain criteria before he or she may represent himself or herself as a legal assistant. In addition, a legal assistant must obtain a professional license; graduate from a course of study for legal assistants; complete an internship; and demonstrate good moral character. A legal assistant must renew his or her license every two years. The Director of the Department of Licensing must revoke, deny, or suspend a license if the director finds that the licensee or applicant violates these provisions or any rule adopted by the director.

A person who performs the duties of a legal assistant without the supervision of a licensed attorney is guilty of a misdemeanor. This law is repealed June 30, 2002.

Appropriation: None.

Fiscal Note: Requested on February 6, 1995.

Effective Date: Ninety days after adjournment of session in which bill is passed.

