

WSR 14-19-045
RULES OF COURT
STATE SUPREME COURT

[September 3, 2014]

IN THE MATTER OF THE ADOPTION) ORDER
 OF NEW SET OF LIMITED LICENSE) NO. 25700-A-1076
 LEGAL TECHNICIAN (LLT) RULES)
 OF PROFESSIONAL CONDUCT (RPC))

The Limited License Legal Technician (LLLT) Board having recommended the expedited adoption of a new set of LLLT Rules of Professional Conduct (RPC), and the Court having considered the amendments and comments submitted thereto;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed 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 expeditiously.

(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 60 days from the published date. 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 3rd day of September, 2014.

For the Court

Madsen, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested

LIMITED LICENSE LEGAL TECHNICIAN RULES OF PROFESSIONAL CONDUCT (LLT RPC)

Submitted by the Limited License Legal Technician Board

Purpose: The primary purpose of the suggested Limited License Legal Technician Rules of Professional Conduct (LLT RPC) is to establish the ethical conduct rules for practicing LLLTs. In July 2013, the LLLT Board convened the RPC Subcommittee to draft the LLLT RPC.

LLLT Board and RPC Subcommittee Composition

The LLLT Board ("Board") is composed of lawyers in private practice, law school and paralegal educators, legal services providers, access to justice representatives, laypeople, and paralegal advocates. The RPC Subcommittee, chaired by LLLT Board member and past-WSBA president Ellen Dial, was composed of six Board members and three experts in legal ethics, including Douglas Ende (Chief Disci-

plinary Counsel of the Washington State Bar Association's Office of Disciplinary Counsel), Brooks Holland (Gonzaga University School of Law Professor), and Deborah Perluss (Director of Advocacy/General Counsel at Northwest Justice Project). The RPC Subcommittee and the Board had a great diversity of opinion and background, which led to rigorous discussion and well-considered decisions.

The issues that caused the most debate were the following:

- Whether LLLTs "represent" clients in the same sense that lawyers represent client under the lawyer RPC;
- The extent to which LLLTs may communicate with opposing parties and their legal representatives;
- Possible business arrangements involving LLLTs and lawyers;
- The limitations that should apply when LLLTs communicate about their services to prospective clients and in advertising generally.

The rules concerning conflicts of interest also posed a number of challenges and were exhaustively discussed, particularly in the context of LLLT-client business transactions, obtaining client consent to conflicts, and imputation of conflicts among LLLTs and lawyers practicing in the same firm.

RPC Subcommittee Process & Decision Making

The RPC Subcommittee began its work by reviewing the existing Washington Rules of Professional Conduct for lawyers ("Lawyer RPC") to determine which lawyer rules (1) applied, (2) applied but needed modification, or (3) were missing and needed to be added. The RPC Subcommittee considered the limited role of LLLTs, specifically with respect to the prohibitions against LLLTs representing clients in proceedings, negotiating the legal rights of clients, and communicating the positions of parties. Throughout the drafting process, the RPC Subcommittee balanced protection of the public with the need to increase access to justice consistent with APR 28A.

In large part, the LLLT RPC mirror the Lawyer RPC with only slight modification. The RPC Subcommittee chose to follow the same numbering system as the Lawyer RPC for ease of cross-reference and to ensure established case law may be applied in the LLLT context. When a Lawyer RPC did not apply in the LLLT context, the rule was reserved.

The following describes the Board's recommendations regarding some of the key provisions with explanations of how they differ from the Lawyer RPC, if applicable.

The Fundamental Principles, Preamble, and Scope

While the LLLT RPC impart similar aspirational goals for high ethical standards, ideals of public service, and the promotion of improved access to and administration of justice, the proposed counterpart Fundamental Principles of Professional Conduct and Preamble and Scope provisions differ greatly from the Lawyer RPC given the limitations on an LLLT's scope of practice. These proposed paragraphs seek to emphasize that LLLTs are authorized to provide only limited assistance to clients and represent clients only within that limited scope. It further seeks to clarify that LLLTs do not take on the role of negotiators or advocates on their clients' behalves—roles that are engrained in the Lawyer RPC and its

preliminary provisions. Finally, under proposed Comment [23], unlike the Lawyer RPC which states the rules are modeled after the American Bar Association Model Rules of Professional Conduct, the comment states that the LLLT RPC are modeled after the Lawyer RPC and that, when necessary, LLLTs should look to the Lawyer RPC comments for guidance regarding interpretation of the rules to the extent that any LLLT rule and lawyer rule is substantially similar.

Terminology: New Provision 1.0B; Terms "Legal Practitioner" and "Representation"; Deletion of Noun "Counsel" from Rules

The Board recommends dividing Terminology 1.0 into sections A and B. Under Terminology 1.0A, the Board recommends keeping the terminology of the Lawyer RPC with the addition of LLLTs to the definitions of "firm" and "law firm" and "screened," as it is anticipated that lawyers and LLLTs will associate with one another in firms. Under new Terminology 1.0B, the Board recommends new terms for inclusion in the LLLT RPC. Specifically, among some technical terms that mirror definitions from APR 28, the Board recommends defining two new terms: (1) "legal practitioner," which envisions a new legal profession with different practitioners that include both lawyers and LLLTs, and (2) "represent" or "representation," to clarify that the term "represent" when used in connection with an LLLT has a more limited meaning than in the lawyer context.

In addition, the Board recommends deleting all instances of the term "counsel" where it appears as a noun in the lawyer RPC and substituting the term in the LLLT RPC with the appropriate legal practitioner(s) to whom the rule should be applied. This eliminates the ambiguity of whether the term "counsel" references a lawyer only or both an LLLT and a lawyer. See, e.g., LLLT RPC 4.2, LLLT RPC 8.4(h).

LLLT RPC 1.5: Fee Agreements Must Be in Writing; Contingent Fees and Retainers Prohibited

The Board recommends significant changes to RPC 1.5. As proposed, the rule would require LLLTs to obtain fee agreements in writing prior to the provision of legal services for a fee consistent with APR 28G(3). LLLT RPC 1.5 would also prohibit LLLTs from collecting contingent fees or retainers. Finally, LLLT RPC 1.5(e) prohibits a division of a fee between an LLLT and a legal practitioner who is not in the same firm as the LLLT.

LLLT RPC 1.7: Consent to Conflicts of Interest

As proposed, LLLT RPC 1.7(b) allows a LLLT to obtain a client's consent to a conflict of interest in appropriate circumstances. This is consistent to the approach of the Lawyer RPC. There was some discussion about whether LLLTs will have the training, skills, and experience to communicate adequate information and explanation about the risks of and alternatives to a conflict. It was concluded that they would, and that flatly prohibiting LLLTs from obtaining consent to conflicts would impracticably limit access to LLLT services, contrary to the access to justice purpose of APR 28. Further, authorizing LLLTs to obtain a client's informed consent will encourage them to meaningfully analyze conflicts and make appropriate disclosures to clients.

LLLT RPC 1.8: Business Transactions with Clients Prohibited

The Board recommends that proposed LLLT RPC 1.8 prohibit an LLLT from entering into a business transaction with a current client under subpart (a) because LLLTs will not have the depth and breadth of legal education necessary to accurately explain the risks and legal implications of such arrangements to their clients.

New subpart (k)(2) provides that any limitations on an LLLT's conduct shall not apply to other lawyers in the firm unless the conduct is specifically prohibited by the Lawyer RPC, meaning lawyers may enter into business transactions with clients under RPC 1.8(a) where LLLTs may not.

LLLT RPC 1.10 and Imputation of Conflicts under Rules 1.7 and 1.9 and Disqualification When LLLTs and Lawyers Are Associated in a Firm

While Rule 1.10 applies to LLLTs in the same way that it applies to lawyers under Lawyer RPC 1.10, the current rule does not anticipate a profession with additional legal practitioners associated together in a firm. Given that it is envisioned that LLLTs will work alongside lawyers in firms, considerable time was spent on assuring that the language of the rule is clear that imputation of conflicts applies to both practitioners in that context. New LLLT RPC 1.10(f) specifies that when LLLTs and lawyers are associated in a firm, any conflict of interest imputed to lawyers in the firm are imputed to LLLTs in the same way as conflicts are imputed to LLLTs under the other provisions of LLLT RPC 1.10. Further, the language of LLLT RPC 1.11(b), LLLT RPC 1.12(c), LLLT RPC 1.18(c), and LLLT RPC 6.5(a) has been revised to address conflicts of interest in situations where LLLTs and lawyers are associated in a firm.

LLLT RPC 1.14: Protective Actions by LLLTs

The RPC Subcommittee received significant input that protective actions taken on behalf of a client with diminished capacity require knowledge in areas of law that are not currently within the scope of APR 28; as such, the Subcommittee debated the types of protective actions an LLLT should be able to take on behalf of a client. Where some felt that LLLTs should be able to take any protective action otherwise permitted by law, others felt strongly LLLTs should not be encouraged by the language of the rule to deal with such matters because the appropriate protective action would normally involve areas of law that are outside of the authorized scope of practice, e.g. an LLLT licensed in family law filing a petition for a vulnerable adult protection order. Recognizing that certain protective actions may be sought by laypersons, but not wanting to encourage LLLTs to take actions that might exceed the scope of their authorized practice, the Board recommends a rule that omits all reference to specific protective actions under LLLT RPC 1.14(b) and includes a comment that LLLTs proceed cautiously when acting independently under the rule, so as not to encourage LLLTs to go beyond their limited practice authority.

LLLT RPC 1.15A (h)(9): LLLT Signing Authority on Trust Accounts When Associated in a Firm with Lawyers

The Board proposes RPC 1.15A (h)(9) to include a requirement that when an LLLT and lawyer are associated in a practice together, an LLLT may be a signatory on the firm

trust account only if a firm lawyer signature is also required for any withdrawals, transfers, or deposits on the account. The Board proposes this requirement to ensure that lawyers maintain ultimate responsibility for funds belonging to the lawyers' clients.

Title 3: LLLT Duties When Assisting Clients Advocating on Their Own Behaves

Lawyer RPC Title 3 is intended to address issues related to lawyers acting as counsel of record in a case. Applying the same language in Title 3 of the Lawyer RPC presents challenges in the context of LLLTs given their limitations with respect to advocacy and appearing in court. The Board thus recommends the consolidation of all of Title 3 into one rule, LLLT RPC 3.1, to more appropriately address the special duties and obligations of LLLTs when assisting clients who are acting in advocacy roles on their own behaves.

Title 4 and LLLT Communications with Lawyers and Other LLLTs

Title 4 presented challenges regarding permissible communications between LLLTs and parties and their legal representatives. The proposed rules provide that, like lawyers, LLLTs must not communicate with a person represented by a lawyer regarding the subject matter of that representation. LLLT RPC 4.2 goes further than the Lawyer RPC by making this a strict prohibition, i.e., such communication cannot occur even with the consent of the person's lawyer. APR 28H(6) prohibits LLLTs from negotiating clients' legal rights and communicating the position of parties. The Board concluded that there would be no reason for an LLLT to communicate with a represented person that would not put the LLLT at risk of violating the limitations imposed under APR 28H(6). For the same reason, proposed LLLT RPC 4.3(b) would prohibit an LLLT from communicating with an unrepresented party.

The more difficult issue for the Board was whether LLLTs should be able to communicate with lawyers and LLLTs who represent opposing parties. The Board initially pursued a variation of Title 4 that would include strict prohibitions against LLLTs having any contact with representatives of opposing parties, including lawyers and LLLTs. At the time, the RPC Subcommittee and the Board felt such communications should be prohibited to prevent LLLTs from entering into situations where they might unintentionally engage in prohibited conduct. When the Board met with the Supreme Court in June 2014, it explained this position and said the rules would include an absolute prohibition against such communications. However, in finalizing the rules, the RPC Subcommittee and Board have concluded that such a prohibition is unworkable, would create unnecessary difficulties in permitting both LLLTs and lawyers to effectively represent their clients, and would likely impede access to justice in many instances. After considerable further discussion, the Board recommends a rule that permits LLLTs to communicate with opposing lawyers and LLLTs within the bounds of their limited scope of practice. This would leave to an individual legal practitioner the obligation to determine the line of demarcation between a permissible communication and a prohibited negotiation or communication of a party's position.

The Board proposes to provide guidance in the comments to help LLLTs identify and ethically navigate situations where communications with another LLLT or lawyer create a risk of becoming a negotiation or communication of a party's position. The proposed comments clarify that LLLTs should not exceed the scope of their practice authority under APR 28H(6) when communicating with lawyers and LLLTs.

In light of APR 28's characterization of an LLLT's client as one who is acting "pro se, LLLT RPC Title 4 includes other deviations from the lawyer rules that are intended to clarify that the client of an LLLT is not represented by a lawyer for the purposes of Title 4. Specifically, the titles to RPC 4.2 and RPC 4.3 have been changed to eliminate the term "counsel" and to remove the term "unrepresented" as both terms create ambiguity when LLLTs represent an opposing party in a matter.

LLLT RPC 5.5 and 8.5: LLLTs and Multijurisdictional Practice

The Board recommends that all provisions regarding multijurisdictional practice be removed, as no other jurisdictions currently license LLLTs. LLLT RPC 5.5 and 8.5.

NEW LLLT RPC 5.9: LLLT Joint Ownership of Law Firms with Lawyers

The LLLT Board debated appropriate business arrangements LLLTs should be allowed to enter into, specifically with respect to whether LLLTs should be permitted to co-own firms with non-lawyers and lawyers. The RPC Subcommittee spent three months researching and debating the issue and presenting their findings to the LLLT Board. They further consulted with expert and Law Professor at Michigan State University Renee Knake regarding the future of the legal profession and current business structures that challenge the traditional structure of only lawyers owning law firms. While the enactment of APR 28 raised the question of whether nonlawyers should be generally authorized to participate in the ownership of law firms and share fees with lawyers, the Board concluded that the launch of the LLLT program was not the occasion to resolve that momentous question, particularly since LLLTs will be licensed and regulated by the Court, the same authority that licenses and regulates lawyers.

With respect to lawyer and LLLT co-ownership of firms, the discussion revolved around how to limit or eliminate the possibility of undue influence on a lawyer's professional judgment, while increasing access to justice and ensuring the success of this new profession. After much discussion, the LLLT Board recommends the adoption of LLLT RPC 5.9, which would permit LLLT co-ownership of firms with lawyers with very specific restrictions against an LLLT (1) directing a lawyer's professional judgment, (2) having direct supervisory authority over a lawyer, and (3) possessing a majority interest or exercising controlling managerial authority. With new proposed LLLT RPC 5.9, the Board further recommends a new subpart (d) to LLLT RPC 5.1, which would impose a duty on managing LLLTs to ensure that the conduct of lawyers in the firm comports with the Lawyer RPC.

New LLLT RPC 5.9 with its restrictions reflects the Board's desire to protect the public by ensuring lawyer independent judgment is not compromised, while also ensuring that LLLTs are provided every opportunity to build viable businesses. This new proposed rule seeks to recognize, encourage, and legitimize the association and interplay of LLLTs and lawyers together in the marketplace and in the profession.

LLLT RPC 7.4: Communication of Fields of Practice and Specialization

The Board recommends that LLLT RPC 7.4 reflect an LLLT's duty to communicate that he or she has a limited license to practice law. Deviations from the lawyer RPC are for that purpose.

LLLT RPC 7.5: Firm Names and Letterhead

The Board recommends that LLLT RPC 7.5(a) require that LLLTs in private practice use the term "Legal Technician" in their firm name, if no lawyers are in the firm. The Board believes this will reduce the risk of misleading the public about the breadth and scope of services provided by a firm with no lawyers. The Board also discussed whether to prohibit LLLTs from using the term "law firm" in a firm name when no lawyers practice in the firm. Concerns were expressed that persons not familiar with our legal system might be misled by a legal practitioner who is not a lawyer using the words "law firm" to describe his or her practice. Ultimately, the Board felt that the required disclosures LLLTs must make in their written contracts with clients, in advertising, and in their firm names sufficiently put clients on notice of the limited scope of LLLT practice. See APR 28G(3); APR 28H(4); proposed LLLT RPC 7.4(a); proposed RPC 7.5(a). Additionally, it is important that this new profession be recognized as the practice of law, even if within a limited scope. Prohibiting the use of the term "law firm" would undermine the goals of APR 28.

LLLT RPC 8.4: Misconduct Involving Lawyers and Violations of APR 28

The Board recommends two new provisions to RPC 8.4 that would provide that LLLTs not knowingly assist lawyers in violating the Lawyer RPC and to ensure that LLLTs who violate or attempt to violate APR 28F-H or Appendix APR 28 Regulation 2 will be subject to discipline under the LLLT RPC. LLLT RPC 8.4 (f)(2) and LLLT RPC 8.4(o).

Comments

The Board proposes comments to each of the rules to identify whether the rule (1) applies analogously to the Lawyer RPC, (2) does not apply in the LLLT context and is thus reserved, or (3) required modification from the Lawyer RPC and why. Also, where necessary, the LLLT Board drafted proposed comments to provide further guidance regarding the application of the rules.

Conclusion

The LLLT Board voted unanimously to approve the suggested LLLT RPC for submission to the Supreme Court. The LLLT Board believes it is important that these suggested LLLT RPC be adopted and effective as soon as possible. Notably, APR 28C (2)(c) requires the LLLT examination to

cover the ethics rules for LLLTs. The first LLLT licensing exam will be held in March 2015; as such, applicants will need sufficient lead time to study for the professional responsibility portion of the exam. Further, educators training future LLLTs are required to teach the LLLT RPC as part of the core and practice area education. Educators must teach these important ethics rules in a "proposed" state until the Court takes action.

SUGGESTED LIMITED LICENSE LEGAL TECHNICIAN RULES OF PROFESSIONAL CONDUCT

TITLE LIMITED LICENSE LEGAL TECHNICIAN RULES OF PROFESSIONAL CONDUCT (LLLT RPC)

Table of Rules

Fundamental Principles of Professional Conduct for an LLLT.

PREAMBLE AND SCOPE

Preamble: An LLLT's Responsibilities.
Scope.

LLLT RPC

1.0A Terminology.
1.0B Additional Terminology.

TITLE 1. CLIENT-LLLT RELATIONSHIP

1.1 Competence.
1.2 Scope of Representation and Allocation of Authority Between Client and LLLT.
1.3 Diligence.
1.4 Communication.
1.5 Fees.
1.6 Confidentiality of Information.
1.7 Conflict of Interest: Current Clients.
1.8 Conflict of Interest: Current Clients: Specific Rules.
1.9 Duties to Former Client.
1.10 Imputation of Conflicts of Interest: General Rule.
1.11 Special Conflicts of Interest for Former and Current Government Officers and Employees.
1.12 Former Judge, Arbitrator, Mediator or Other Third-Party Neutral.
1.13 [Reserved].
1.14 Client with Diminished Capacity.
1.15A Safeguarding Property.
1.15B Required Trust Account Records.
1.16 Declining or Terminating Representation.
1.17 Sale of Law Practice.
1.18 Duties of Prospective Client.

TITLE 2. COUNSELOR

2.1 Advisor.
2.2 [Reserved].
2.3 [Reserved].
2.4 LLLT Serving as Third-Party Neutral.

TITLE 3. ADVOCATE

3.1 Advising and Assisting Clients in Proceedings Before a Tribunal.
3.2 [Reserved].
3.3 [Reserved].
3.4 [Reserved].
3.5 [Reserved].

- 3.6 [Reserved].
- 3.7 [Reserved].
- 3.8 [Reserved].
- 3.9 [Reserved].

TITLE 4. TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS

- 4.1 Truthfulness in Statements to Others.
- 4.2 Communication With Person Represented by Lawyer.
- 4.3 Dealing With Person Not Represented by Lawyer.
- 4.4 Respect for Rights of Third Persons.

TITLE 5. LAW FIRMS AND ASSOCIATIONS

- 5.1 Responsibilities of Partners, Managers, and Supervisory LLLTs.
- 5.2 Responsibilities of a Subordinate LLLT.
- 5.3 Responsibilities Regarding Non-LLLT Assistants.
- 5.4 Professional Independence of an LLLT.
- 5.5 Unauthorized Practice of Law.
- 5.6 Restrictions on Right to Practice.
- 5.7 Responsibilities Regarding Law-Related Services.
- 5.8 Misconduct Involving LLLTs and Lawyers Not Actively Licensed to Practice Law.
- 5.9 Business Structures Involving LLLT and Lawyer Ownership.

TITLE 6. PUBLIC SERVICE

- 6.1 Pro Bono Publico Service.
- 6.2 [Reserved].
- 6.3 Membership in Legal Services Organization.
- 6.4 Law Reform Activities Affecting Client Interests.
- 6.5 Nonprofit and Court-Annexed Limited Legal Service Programs.

TITLE 7. INFORMATION ABOUT LEGAL SERVICES

- 7.1 Communications Concerning an LLLT's Services.
- 7.2 Advertising.
- 7.3 Direct Contact with Prospective Clients.
- 7.4 Communication of Fields of Practice and Specialization.
- 7.5 Firm Names and Letterheads.
- 7.6 Political Contributions to Obtain Government Legal Engagements or Appointments by Judges.

TITLE 8. MAINTAINING THE INTEGRITY OF THE PROFESSION

- 8.1 Limited Licensure and Disciplinary Matters.
- 8.2 Judicial and Legal Officials.
- 8.3 Reporting Professional Misconduct.
- 8.4 Misconduct.
- 8.5 Disciplinary Authority.

APPENDIX. [RESERVED].

Fundamental Principles of Professional Conduct for an LLLT*

The continued existence of a free and democratic society depends upon recognition of the concept that justice is based upon the rule of law grounded in respect for the dignity of the individual and the capacity through reason for enlightened self-government. Law so grounded makes justice possible, for only through such law does the dignity of the individual attain respect and protection. Without it, individual rights become subject to unrestrained power, respect for law is destroyed, and rational self-government is impossible.

Lawyers, as guardians of the law, play a vital role in the preservation of society. LLLTs, within the scope of their limited licenses to deliver legal services, also play a significant role. The fulfillment of the LLLTs' role requires an understanding of their relationship with and function in our legal system. A consequent obligation of LLLTs is to maintain the highest standards of ethical conduct.

In fulfilling professional responsibilities, an LLLT may provide services consistent with the authorized scope of his or her practice that require the performance of many difficult tasks. Not every situation that an LLLT may encounter can be foreseen, but fundamental ethical principles are always present as guidelines.

The Rules of Professional Conduct for LLLTs point the way for the LLLT who aspires to the highest level of ethical conduct, and provide standards by which to judge the transgressor. Each LLLT must find within his or her own conscience the touchstone against which to test the extent to which his or her actions should rise above minimum standards. But in the last analysis it is the desire for the respect and confidence of the members of the legal profession, including LLLTs and the society that LLLTs serve, that should provide to an LLLT the incentive for the highest possible degree of ethical conduct. The possible loss of that respect and confidence is the ultimate sanction.

* These Fundamental Principles of the Rules of Professional Conduct are taken from the former Preamble to the Rules of Professional Conduct for lawyers as approved and adopted by the Supreme Court in 1985. Washington lawyers and judges have looked to the 1985 Preamble of the Rules of Professional Conduct as a statement of our overarching aspiration to faithfully serve the best interests of the public, the legal system, and the efficient administration of justice. The former Preamble is preserved here to inspire LLLTs to strive for the highest possible degree of ethical conduct, and these Fundamental Principles should inform many of our decisions as LLLTs. The Fundamental Principles do not, however, alter any of the obligations expressly set forth in the Rules of Professional Conduct, nor are they intended to affect in any way the manner in which the Rules are to be interpreted or applied.

Preamble and Scope

Preamble: An LLLT's Responsibilities

[1] An LLLT is authorized to provide limited legal services that lie within the scope of the practice that the LLLT is licensed to undertake. Within that scope, an LLLT is a member of the legal profession, is a representative of clients and has a special responsibility for the quality of justice.

[2] As a representative of clients within a limited scope, an LLLT performs various functions. As advisor, an LLLT provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications. As an evaluator, an LLLT acts by examining a client's legal affairs and reporting about them to the client or to others. While an LLLT is not authorized to act as advocate or negotiator, an LLLT conscientiously acts in the best interest of the client, and seeks a result that is advantageous to the client but consistent with the requirements of honest dealings with others.

[3] In addition to these limited representational functions, an LLLT may serve as a third-party neutral, a nonrepresentational role helping the parties to resolve a dispute or other matter. Some of these Rules apply directly to LLLTs who are or have served as third-party neutrals. See, e.g., Rules 1.12 and 2.4. In addition, there are Rules that apply to LLLTs who are not active in the practice of law or to practicing LLLTs even when they are acting in a nonprofessional capacity. For example, an LLLT who commits fraud in the conduct of a business is subject to discipline for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. See Rule 8.4.

[4] In all professional functions an LLLT should be competent, prompt and diligent. An LLLT should maintain communication with a client concerning the representation. An LLLT should keep in confidence information relating to representation of a client except so far as disclosure is required or permitted by the Rules of Professional Conduct for LLLTs.

[5] An LLLT's conduct should conform to the requirements of the law, both in professional service to clients and in the LLLT's business and personal affairs. An LLLT should use the law's procedures only for legitimate purposes and not to harass or intimidate others. An LLLT should demonstrate respect for the legal system and for those who serve it, including judges, lawyers, other LLLTs and public officials.

[6] As a member of the legal profession, an LLLT should seek to improve access to the legal system, the administration of justice and the quality of service rendered by the legal profession, and should also seek to strengthen legal education. An LLLT should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all LLLTs should devote professional time and resources to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. An LLLT should aid the legal profession in pursuing these objectives and should help the legal profession regulate itself in the public interest.

[7] Many of an LLLT's professional responsibilities are prescribed in the Rules of Professional Conduct for LLLTs, as well as substantive and procedural law to the extent applicable to LLLTs. However, an LLLT is also guided by personal conscience and the approbation of lawyers, clients and professional peers. Within the authorized scope of an LLLT's practice, the LLLT should strive to attain the highest level of skill and to exemplify the legal profession's ideals of public service.

[8] An LLLT's responsibilities as a limited-scope representative of clients and as a public citizen are usually harmonious. Thus, an LLLT can be sure that preserving client confidences ordinarily serves the public interest because people are more likely to seek legal advice, and thereby heed their legal obligations, when they know their communications will be private.

[9] Notwithstanding the limited scope of authority of an LLLT, however, conflicting responsibilities are encountered. Virtually all difficult ethical problems arise from conflict between an LLLT's responsibilities to clients, to the legal sys-

tem and to the LLLT's own interest in remaining an ethical person while earning a satisfactory living. The Rules of Professional Conduct for LLLTs often prescribe terms for resolving such conflicts. Within the framework of these Rules, however, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the Rules.

[10] The legal profession is largely self-governing. Although other professions also have been granted powers of self-government, the legal profession is unique in this respect because of the close relationship between the profession and the processes of government and law enforcement. This connection is manifested in the fact that ultimate authority over the legal profession is vested largely in the courts.

[11] To the extent that LLLTs meet the obligations of their professional calling, the occasion for government regulation is obviated. Self-regulation also helps maintain the legal profession's independence from government domination. An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice.

[12] The legal profession's relative autonomy carries with it special responsibilities of self-government. The profession has a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns. Every LLLT is responsible for observance of the Rules of Professional Conduct for LLLTs. An LLLT should also aid in securing their observance by other legal practitioners. Neglect of these responsibilities compromises the independence of the profession and the public interest which it serves.

[13] LLLTs are obliged to understand their relationship to our legal system. The Rules of Professional Conduct for LLLTs, when properly applied, serve to define that relationship.

Scope

[14] The Rules of Professional Conduct for LLLTs are rules of reason. They should be interpreted with reference to the purposes of legal representation (within the LLLT's authorized scope of practice) and of the law itself. Some of the Rules are imperatives, cast in the terms "shall" or "shall not." These define proper conduct for purposes of professional discipline. Others, generally cast in the term "may" are permissive and define areas under the Rules in which the LLLT has discretion to exercise professional judgment. No disciplinary action should be taken when the LLLT chooses not to act or acts within the bounds of such discretion. Other rules define the nature of relationships between the LLLT and others. The Rules are thus partly obligatory and disciplinary and partly constitutive and descriptive in that they define an LLLT's professional role. Many of the Comments use the term "should." Comments do not add obligations to the Rules but provide guidance for practicing in compliance with the Rules.

[15] The Rules presuppose a context in which the LLLT's role has been or will be shaped. That context includes court rules relating to matters of licensure, laws defining spe-

cific authorization and obligations of LLLTs and substantive and procedural law in general. The Comments are sometimes used to alert LLLTs to their responsibilities under such other law.

[16] Compliance with the Rules, as with all law in an open society, depends primarily upon understanding and voluntary compliance, secondarily upon reinforcement by lawyer, client, peer and public opinion and finally, when necessary, upon enforcement through disciplinary proceedings. The Rules do not, however, exhaust the moral and ethical considerations that should inform an LLLT, for no worthwhile human activity can be completely defined by legal rules. The Rules simply provide a framework for the ethical practice of law within the authorized scope of an LLLT's practice.

[17] For purposes of determining the LLLT's authority and responsibility, principles of substantive law external to these Rules determine whether a client-LLLT relationship exists. Most of the duties flowing from the client-LLLT relationship attach only after the client-LLLT relationship is formed. But there are some duties, such as that of confidentiality under Rule 1.6, that may attach when the LLLT agrees to consider whether a client-LLLT relationship shall be established. See Lawyer RPC 1.18 and Washington Comment [11] thereto. Whether a client-LLLT relationship exists for any specific purpose can depend on the circumstances and is a question of fact.

[18] [Reserved.]

[19] Failure to comply with an obligation or prohibition imposed by a Rule is a basis for invoking the disciplinary process. The Rules presuppose that disciplinary assessment of an LLLT's conduct will be made on the basis of the facts and circumstances as they existed at the time of the conduct in question and in recognition of the fact that an LLLT often has to act upon uncertain or incomplete evidence of the situation. Moreover, the Rules presuppose that whether or not discipline should be imposed for a violation, and the severity of a sanction, depend on all the circumstances, such as the willfulness and seriousness of the violation, extenuating factors and whether there have been previous violations.

[20] Violation of a Rule should not itself give rise to a cause of action against an LLLT nor should it create any presumption in such a case that a legal duty has been breached. The Rules are designed to provide guidance to LLLTs and to provide a structure for regulating conduct through disciplinary agencies. They are not designed to be a basis for civil liability. The fact that a Rule is a just basis for an LLLT's self-assessment, or for sanctioning an LLLT under the administration of a disciplinary authority, does not imply that a party who is adverse to an LLLT's client in any proceeding or transaction has standing to seek enforcement of the Rule. Nevertheless, since the Rules do establish standards of conduct by LLLTs, an LLLT's violation of a Rule may be evidence of breach of the applicable standard of conduct.

[21] The Comment accompanying each Rule explains and illustrates the meaning and purpose of the Rule. The Preamble and this note on Scope provide general orientation. The Comments are intended as guides to interpretation, but the text of each Rule is authoritative.

Additional Washington Comments (22 - 25)

[22] Nothing in these Rules is intended to change existing Washington law on the use of the Rules of Professional Conduct in a civil action, see *Hizey v. Carpenter*, 119 Wn.2d 251, 830 P.2d 646 (1992), or to suggest how that law applies to the obligations of LLLTs. See also APR 28K(1).

[23] The Rules of Professional Conduct for LLLTs are modeled on Washington's Rules of Professional Conduct for lawyers (Lawyer RPC). The structure of these Rules, like the Lawyer RPC, generally parallels the structure of the American Bar Association's Model Rules of Professional Conduct. When an entire provision that appears in the Lawyer RPC is deleted for purposes of these Rules, the deletion is signaled by the phrase "Reserved." The reservation of a rule or portion of a rule that appears in the Lawyer RPC does not necessarily mean that the conduct of an LLLT in that area is unregulated; the conduct may be regulated under APR 28 or another rule. Should a situation arise where a rule or portion of a rule is reserved but the counterpart rule in the Lawyer RPC addresses the conduct, the LLLT should look to the relevant Lawyer RPC and comments to that rule for guidance. In general, when a Rule has a counterpart in the Lawyer RPC, the comments to that Lawyer RPC may be looked to as a guide to interpretation of that Rule to the extent that both the Lawyer RPC and the LLLT RPC are substantially similar and the content of the comments is applicable to the conduct of an LLLT.

[24] Comment [18] of Scope is reserved. The corresponding Comment of the Lawyer RPC relates to the specific role and authority of certain lawyers in government service, and is not applicable to the professional role of an LLLT.

[25] The Fundamental Principles of Professional Conduct and the Preamble and Scope sections of these Rules were adapted from the corresponding parts of the Lawyer RPC with only minor modifications. These provisions express the role of an LLLT as a legal professional acting within the justice system. With the exception of the reservation of Comment [18], modifications relate to the limited scope of an LLLT's license to deliver legal services, and the corresponding limitations on the role that an LLLT will have in the development of certain aspects of the legal profession, such as advocacy and development of the common law.

LLLT RPC 1.0A Terminology

(a) "Belief" or "believes" denotes that the person involved actually supposed the fact in question to be true. A person's belief may be inferred from circumstances.

(b) "Confirmed in writing," when used in reference to the informed consent of a person, denotes informed consent that is given in writing by the person or a writing that an LLLT promptly transmits to the person confirming an oral informed consent. See paragraph (e) for the definition of "informed consent." If it is not feasible to obtain or transmit the writing at the time the person gives informed consent, then the LLLT must obtain or transmit it within a reasonable time thereafter.

(c) "Firm" or "law firm" denotes a lawyer, lawyers, an LLLT, LLLTs or any combination thereof in a law partnership, professional corporation, sole proprietorship or other association authorized to practice law; or lawyers or LLLTs

employed in a legal services organization or the legal department of a corporation or other organization.

(d) "Fraud" or "fraudulent" denotes conduct that has a purpose to deceive and is fraudulent under the substantive or procedural law of the applicable jurisdiction, except that it is not necessary that anyone has suffered damages or relied on the misrepresentation or failure to inform.

(e) "Informed consent" denotes the agreement by a person to a proposed course of conduct after the LLLT has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct.

(f) "Knowingly," "known," or "knows" denotes actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances.

(g) "Partner" denotes a member of a partnership, a shareholder in a law firm organized as a professional corporation, or a member of an association authorized to practice law.

(h) "Reasonable" or "reasonably" when used in relation to conduct by an LLLT denotes the conduct of a reasonably prudent and competent LLLT.

(i) "Reasonable belief" or "reasonably believes" when used in reference to an LLLT denotes that the LLLT believes the matter in question and that the circumstances are such that the belief is reasonable.

(j) "Reasonably should know" when used in reference to an LLLT denotes that an LLLT of reasonable prudence and competence would ascertain the matter in question.

(k) "Screened" denotes the isolation of an LLLT or a lawyer from any participation in a matter through the timely imposition of procedures within a firm that are reasonably adequate under the circumstances to protect information that the isolated LLLT or lawyer is obligated to protect under these Rules, the Lawyer RPC or other law.

(l) "Substantial" when used in reference to degree or extent denotes a material matter of clear and weighty importance.

(m) "Tribunal" denotes a court, an arbitrator in a binding arbitration proceeding or legislative body, administrative agency or other body acting in an adjudicative capacity. A legislative body, administrative agency or other body acts in an adjudicative capacity when a neutral official, after the presentation of evidence or legal argument by a party or parties, will render a binding legal judgment directly affecting a party's interests in a particular matter.

(n) "Writing" or "written" denotes a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photostating, photography, audio or videorecording and e-mail. A "signed" writing includes an electronic sound, symbol or process attached to or logically associated with a writing and executed or adopted by a person with the intent to sign the writing.

LLLT RPC 1.0B Additional Terminology

(a) "APR" denotes the Washington Supreme Court's Admission and Practice Rules.

(b) "GR" denotes the Washington Supreme Court's General Rules.

(c) "Lawyer" denotes a person licensed and eligible to practice law in any United States jurisdiction.

(d) "Lawyer RPC" denotes the Washington Supreme Court's Rules of Professional Conduct for lawyers.

(e) "Legal practitioner" denotes a lawyer or a limited license legal technician licensed under APR 28.

(f) "Limited License Legal Technician" or "LLLT" denotes a person qualified by education, training and work experience who is authorized to engage in the limited practice of law in approved practice areas of law as specified by APR 28 and related regulations. The LLLT does not represent the client in court proceedings or negotiations, but provides limited legal assistance as set forth in APR 28 to a pro se client.

(g) "LLLT REC" denotes the Washington Supreme Court's Limited License Legal Technician Rules for Enforcement of Conduct.

(h) "Representation" or "represent," when used in connection with the provision of legal assistance by an LLLT, denotes limited legal assistance as set forth in APR 28 to a pro se client.

Comment

[1] Rule 1.0A was adapted from Lawyer RPC 1.0 with no substantive changes and applies to LLLTs analogously. Rule 1.0B adds terms that require definitions in light of the licensing of LLLTs as legal practitioners in Washington.

[2] The definition of the term "lawyer" is taken from APR 28B. When used in the LLLT RPC, however, the term is used to denote a lawyer who is acting within the scope of the lawyer's license and in accordance with the Lawyer RPC. So, for example, the authorization in Rule 5.9 to enter into a law partnership with a lawyer requires that the lawyer is admitted and authorized to practice in the State of Washington.

[3] The terms "firm" and "law firm" are used interchangeably in the Lawyer RPC and also in these Rules. An LLLT should be cautious, however, in using the words "law firm" to describe a law practice that includes only LLLTs. The name and description of an LLLT's practice should not imply that a lawyer is associated with the firm unless that is the case. Rule 7.5(a) requires that any trade name used for an LLLT practice that does not include a lawyer include the words "Legal Technician."

TITLE 1. CLIENT-LLLT RELATIONSHIP

LLLT RPC 1.1 COMPETENCE

An LLLT shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Comment

[1] Rule 1.1 was adapted from Lawyer RPC 1.1 with no substantive changes and applies to LLLTs analogously.

LLLT RPC 1.2 SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LLLT

(a) Subject to paragraphs (c), (d) and (g), an LLLT shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. An LLLT may take such action on behalf of the client as is impliedly authorized to carry out the representation.

(b) An LLLT's representation of a client does not constitute an endorsement of the client's political, economic, social or moral views or activities.

(c) An LLLT must limit the scope of the representation and provide disclosures informing a potential client as required by these Rules.

(d) An LLLT shall not counsel a client to engage, or assist a client, in conduct that the LLLT knows is criminal or fraudulent.

(e) [Reserved.]

(f) An LLLT shall not purport to act as an LLLT for any person or organization if the LLLT knows or reasonably should know that the LLLT is acting without the authority of that person or organization and beyond his or her authorized scope of practice, unless the LLLT is authorized or required to so act by law or a court order.

(g) Nothing in this Rule expands an LLLT's authorized scope of practice provided in APR 28.

Comment

[1] Rule 1.2 was adapted from Lawyer RPC 1.2 with changes to reflect the limited scope of practice authorized by APR 28. Otherwise, it applies to LLLTs analogously.

[2] Negotiation on behalf of a client and representation in court are beyond the authorized scope of an LLLT's practice. See APR 28H. Accordingly, paragraph (a) was modified from the Lawyer RPC to exclude references to settlements and criminal cases, and paragraph (d) was modified from the Lawyer RPC to exclude (and therefore prohibit) an LLLT from discussing with a client the legal consequences of any proposed criminal or fraudulent conduct and assisting a client in determining the validity, scope, meaning or application of the law with respect to any such conduct. In circumstances where a client has engaged or may engage in conduct that the LLLT knows is criminal or fraudulent, the LLLT shall not provide services related to such conduct and shall inform the client that the client should seek the services of a lawyer.

[3] Unlike a lawyer, an LLLT may perform only limited services for a client. Under APR 28G(3), before performing any services for a fee, an LLLT must enter into a written contract with the client, signed by both the client and the LLLT, that includes the following: (a) an explanation of the services to be performed, including a conspicuous statement that the LLLT may not appear or represent the client in court, formal administrative adjudicative proceedings, or other formal dispute resolution process, or negotiate the client's legal rights or responsibilities, unless permitted under GR 24(b); (b) identification of all fees and costs to be charged to the client for the services to be performed; (c) a statement that upon the client's request, the LLLT shall provide to the client any documents submitted by the client to the LLLT; (d) a statement that the LLLT is not a lawyer and may only perform limited legal services (this statement shall be on the first page of the contract in minimum twelve-point bold type print); (e) a statement describing the LLLT's duty to protect the confidentiality of information provided by the client and the LLLT's work product associated with the services sought or provided by the LLLT; (f) a statement that the client has the right to rescind the contract at any time and receive a full refund of unearned fees (this statement shall be conspicuously set forth in the contract); and (g) any other conditions to the LLLT's

services that are required by the rules and regulations of the Limited License Legal Technician Board.

[4] Additional requirements concerning the authorized scope of an LLLT's practice are imposed by APR 28F. An LLLT must ascertain whether the issue is within the defined practice area for which the LLLT is licensed. If not, the LLLT shall not provide the services required on the issue and must inform the client that the client should seek the services of a lawyer. If the issue does lie within the defined practice area for which the LLLT is licensed, then the LLLT is authorized to undertake the services that are enumerated in APR 28F. Those services include only the following: (a) obtain relevant facts and explain the relevancy of such information to the client; (b) inform the client of applicable procedures, including deadlines, documents which must be filed, and the anticipated course of the legal proceeding; (c) inform the client of applicable procedures for proper service of process and filing of legal documents; (d) provide the client with self-help materials prepared by a Washington lawyer or approved by the Limited License Legal Technician Board, which contain information about relevant legal requirements, case law basis for the client's claim and venue and jurisdiction requirements; (e) review documents or exhibits that the client has received from the opposing side, and explain them to the client; (f) select, complete, file and effect service of forms that have been approved by the State of Washington, either through a governmental agency or by the Administrative Office of the Courts or the content of which is specified by statute; federal forms; forms prepared by a Washington lawyer; or forms approved by the Limited License Legal Technician Board; and advise the client of the significance of the selected forms to the client's case; (g) perform legal research; (h) draft legal letters and documents beyond what is permitted in (f) if the work is reviewed and approved by a Washington lawyer; (i) advise a client as to other documents that may be necessary to the client's case, and explain how such additional documents or pleadings may affect the client's case; and (j) assist the client in obtaining necessary documents, such as birth, death or marriage certificates.

[5] An LLLT must personally perform the authorized services for the client and may not delegate those services to a person who is not either an LLLT or a lawyer. This prohibition, however, does not prevent a person who is neither an LLLT nor a lawyer from performing translation services. APR 28G(2).

[6] An LLLT may not provide services that exceed the scope of the LLLT's authority under APR 28. If an issue arises for which the client needs services that exceed the scope of the LLLT's authority, the LLLT must inform that client that the client should seek the services of a lawyer. APR 28G(5).

[7] A document that is prepared by an LLLT for the client's signature shall include the LLLT's name, signature and license number beneath the signature of the client. APR 28G(5).

[8] Certain conduct and services are specifically prohibited to an LLLT by APR 28H. In the course of dealing with clients or prospective clients, an LLLT shall not: (a) make any statement that the LLLT can or will obtain special favors from or has special influence with any court of governmental

agency; (b) retain any fees or costs for services not performed; (c) refuse to return documents supplied by, prepared by, or paid for by the client, upon the request of the client (the documents must be returned upon request even if there is a fee dispute between the LLLT and the client); (d) represent or advertise, in connection with the provision of services, other legal titles or credentials that could cause a client to believe that the LLLT possesses professional legal skills beyond those authorized by the license held by the LLLT; (e) represent a client in court proceedings, formal administrative adjudicative proceedings, or other formal dispute resolution process, unless permitted by GR 24; (f) negotiate a client's legal rights or responsibilities, or communicate with another person the client's position or convey to the client the position of another party; unless permitted by GR 24(b); (g) provide services to a client in connection with a legal matter in another state, unless permitted by the laws of that state to perform such services for the client; (h) represent or otherwise provide legal or law related services to a client, except as permitted by law, APR 28 or associated rules and regulations; or (i) otherwise violate these Rules.

LLLT RPC 1.3 DILIGENCE

An LLLT shall act with reasonable diligence and promptness in representing a client.

Comment

[1] Rule 1.3 was adapted from Lawyer RPC 1.3 with no substantive changes and applies to LLLTs analogously. See also Comment [5] to Rule 1.2.

LLLT RPC 1.4 COMMUNICATION

(a) An LLLT shall:

(1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;

(2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;

(3) keep the client reasonably informed about the status of the matter;

(4) promptly comply with reasonable requests for information; and

(5) consult with the client about any relevant limitation on the LLLT's conduct when the LLLT knows that the client expects assistance not permitted by the LLLT RPC or other law.

(b) An LLLT shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Comment

[1] Rule 1.4 was adapted from Lawyer RPC 1.4 with no substantive changes and applies to LLLTs analogously.

LLLT RPC 1.5 FEES

(a) An LLLT shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:

(1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

(2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the LLLT;

(3) the fee customarily charged in the locality for similar legal services;

(4) the amount involved and the results obtained;

(5) the time limitations imposed by the client or by the circumstances;

(6) the nature and length of the professional relationship with the client;

(7) the experience, reputation, and ability of the LLLT or LLLTs performing the services;

(8) whether the fee is fixed or hourly; and

(9) the terms of the fee agreement between the LLLT and the client, including whether the fee agreement or confirming writing demonstrates that the client had received a reasonable and fair disclosure of material elements of the fee agreement and of the LLLT's billing practices.

(b) The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, in writing, before commencing the representation. Upon the request of the client in any matter, the LLLT shall communicate to the client in writing the basis or rate of the fee.

(c) [Reserved.]

(d) An LLLT shall not enter into an arrangement for, charge, or collect any fee, the payment or amount of which is contingent upon the outcome of the case.

(e) An LLLT may not enter into an arrangement for the division of a fee with another LLLT or lawyer who is not in the same firm as the LLLT.

(f) Fees and expenses paid in advance of performance of services shall comply with Rule 1.15A, subject to the following exceptions:

(1) [Reserved.]

(2) An LLLT may charge a flat fee for specified legal services, which constitutes complete payment for those services and is paid in whole or in part in advance of the LLLT providing the services. A flat fee must be agreed to in advance in a writing signed by the client. The written agreement may specify that the flat fee is the LLLT's property on receipt, in which case the fee shall not be deposited into a trust account under Rule 1.15A. To qualify for the exception from the requirements of Rule 1.15A, the written fee agreement shall, in a manner that can easily be understood by the client, include the following: (i) the scope of the services to be provided; (ii) the total amount of the fee and the terms of payment; (iii) that the fee is the LLLT's property immediately on receipt and will not be placed into a trust account; (iv) that the fee agreement does not alter the client's right to terminate the client-LLLT relationship; and (v) that the client may be entitled to a refund of a portion of the fee if the agreed-upon legal services have not been completed. A statement in substantially the following form satisfies this requirement:

[LLLT/law firm] agrees to provide, for a flat fee of \$ _____, the following services: _____.
The flat fee shall be paid as follows: _____.
Upon [LLLT's/law firm's] receipt of all or any portion of the flat fee, the funds are the property of [LLLT/law firm] and will not be placed in a trust account. The fact that you have

paid your fee in advance does not affect your right to terminate the client-LLLT relationship. In the event our relationship is terminated before the agreed-upon legal services have been completed, you may or may not have a right to a refund of a portion of the fee.

(3) In the event of a dispute relating to a fee under paragraph (f)(2) of this Rule, the LLLT shall take reasonable and prompt action to resolve the dispute.

Comment

[1] Rule 1.5 was adapted from Lawyer RPC 1.5 with changes to reflect the limited scope of an LLLT's authorized practice and special requirements imposed by APR 28. Otherwise, it applies to LLLTs analogously.

[2] An LLLT, unlike a lawyer, is prohibited from entering into a contingent fee or retainer agreement with a client. Lawyer RPC 1.5(c) and 1.5 (f)(1) address contingent fees and retainers respectively. Accordingly, paragraphs (c) and (f)(1) are reserved under this Rule. Reservation of such paragraphs, however, is not intended to prohibit an LLLT from being apportioned a part of a fee earned by a lawyer under a contingent fee or retainer arrangement when the LLLT and the lawyer are associated in a for profit business relationship authorized under Rule 5.9.

[3] Under the circumstances specified in Lawyer RPC 1.5(e), a lawyer may agree to a division of a fee either with another lawyer who is not in the same firm or with an authorized lawyer referral service. By contrast, paragraph (e) of this Rule categorically prohibits an LLLT from dividing a fee. An LLLT may pay the usual charges of an LLLT referral service. See Rule 7.2(e).

[4] Unlike a lawyer, an LLLT is required by APR 28G(3) to enter into a written contract with the client before the LLLT begins to perform any services for a fee that includes, among other things, identification of all fees and costs to be charged to the client for the services to be performed. The provisions concerning a flat fee described in (f)(2) of this Rule, if applicable, should be included in that contract. The contract must be signed by both the client and the LLLT before the LLLT begins to perform any services for a fee. See Comment [2] to Rule 1.2 for other provisions that are to be included in the contract.

[5] An LLLT is ordinarily prohibited from modifying the written contract with the client that is required by APR 28G(3). Courts have applied the provisions of RPC 1.8(a) to modifications or renegotiations of fee arrangements by lawyers made during the representation of a client when the modified or renegotiated terms are more favorable to the lawyer than originally agreed upon. See, e.g., *Valley/50th Ave., L.L.C. v. Stewart*, 159 Wn.2d 736, 743-44, 153 P.3d 186, 189 (2007); *Rafel Law Grp. PLLC v. Defoor*, 176 Wn. App. 210, 223-24, 308 P.3d 767, 775 (2013), *review denied*, 179 Wn.2d 1011, 316 P.3d 495 (2014). Under these Rules, business transactions between LLLTs and clients are prohibited. See Rule 1.8(a). Accordingly, any changes in the basis or rate of an LLLT's fee that benefit the LLLT must be identified in the initial contract. See also Comment [8] to Rule 1.2.

LLLT RPC 1.6 CONFIDENTIALITY OF INFORMATION

(a) An LLLT shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).

(b) An LLLT to the extent the LLLT reasonably believes necessary:

(1) shall reveal information relating to the representation of a client to prevent reasonably certain death or substantial bodily harm;

(2) may reveal information relating to the representation of a client to prevent the client from committing a crime;

(3) may reveal information relating to the representation of a client to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the LLLT's services;

(4) may reveal information relating to the representation of a client to secure legal advice about the LLLT's compliance with these Rules;

(5) may reveal information relating to the representation of a client to establish a claim or defense on behalf of the LLLT in a controversy between the LLLT and the client, to establish a defense to a criminal charge or civil claim against the LLLT based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the LLLT's representation of the client;

(6) may reveal information relating to the representation of a client to comply with a court order; or

(7) may reveal information relating to the representation of a client to inform a tribunal about any breach of fiduciary responsibility when the client is serving as a court appointed fiduciary such as a guardian, personal representative, or receiver.

Comment

[1] Rule 1.6 was adapted from Lawyer RPC 1.6 with no substantive changes and applies to LLLTs analogously.

[2] Under APR 28 (K)(3) the Washington law of attorney-client privilege extends to LLLTs "to the same extent as it would apply to an attorney-client relationship." In communicating the existence or scope of this privilege to a client, a LLLT must take steps to ensure that the client understands the LLLT's role and to avoid any impression that the LLLT is serving as a lawyer in the matter.

LLLT RPC 1.7 CONFLICT OF INTEREST: CURRENT CLIENTS

(a) Except as provided in paragraph (b), an LLLT shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(1) the representation of one client will be directly adverse to another client; or

(2) there is a significant risk that the representation of one or more clients will be materially limited by the LLLT's responsibilities to another client, a former client or a third person or by a personal interest of the LLLT.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), an LLLT may represent a client if:

(1) the LLLT reasonably believes that the LLLT will be able to provide competent and diligent representation to each affected client;

(2) the representation is not prohibited by law;

(3) the representation does not involve the assertion of a claim by one client against another client represented by the LLLT with respect to the same litigation or other proceeding before a tribunal; and

(4) each affected client gives informed consent, confirmed in writing (following authorization from the other client to make any required disclosures).

Comment

[1] Rule 1.7 was adapted from Lawyer RPC 1.7 with no substantive changes and applies to LLLTs analogously.

[2] Under no circumstances may an LLLT represent more than one party in any domestic relations matter. See Appendix APR 28 Regulation 2.

LLLT RPC 1.8 CONFLICT OF INTEREST: CURRENT CLIENTS: SPECIFIC RULES

(a) An LLLT shall not enter into a business transaction with a current client.

(b) An LLLT shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by these Rules.

(c) An LLLT shall not solicit any substantial gift from a client, including a testamentary gift, or prepare on behalf of the client an instrument giving the LLLT or a person related to the LLLT any substantial gift unless the LLLT or other recipient of the gift is related to the client. For purposes of this paragraph, related persons include spouse, child, grandchild, parent, grandparent or other relative or individual with whom the LLLT or the client maintains a close, familial relationship.

(d) Prior to the conclusion of representation of a client, an LLLT shall not make or negotiate an agreement giving the LLLT literary or media rights to a portrayal or account based in substantial part on information relating to the representation.

(e) An LLLT shall not, while representing a client in connection with contemplated or pending litigation, advance or guarantee financial assistance to a client, except that:

(1) an LLLT may advance or guarantee the expenses of litigation, including court costs, expenses of investigation, expenses of medical examination, and costs of obtaining and presenting evidence, provided the client remains ultimately liable for such expenses.

(2) [Reserved.]

(f) An LLLT shall not accept compensation for representing a client from one other than the client unless:

(1) the client gives informed consent;

(2) there is no interference with the LLLT's independence of professional judgment or with the client-LLLT relationship; and

(3) information relating to representation of a client is protected as required by Rule 1.6.

(g) [Reserved.]

(h) An LLLT shall not:

(1) make an agreement prospectively limiting the LLLT's liability to a client for malpractice; or

(2) settle a claim or potential claim for such liability with an unrepresented client or former client unless that person is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of an independent lawyer in connection therewith.

(i) An LLLT shall not acquire a proprietary interest in the cause of action or subject matter of litigation in which the LLLT is assisting a client.

(j) An LLLT shall not:

(1) have sexual relations with a current client of the LLLT unless a consensual sexual relationship existed between them at the time the client-LLLT relationship commenced; or

(2) have sexual relations with a representative of a current client if the sexual relations would, or would likely, damage or prejudice the client in the representation.

(3) For purposes of Rule 1.8(j), "LLLT" means any LLLT who assists in the representation of the client, but does not include other LLLT members of a firm with which the LLLT is associated if those other LLLTs provide no such assistance.

(k) Except as otherwise provided in these Rules,

(1) while LLLTs are associated in a firm with other LLLTs, a prohibition in the foregoing paragraphs (a) through (i) that applies to any one of them shall apply to all of them; and

(2) while LLLTs and lawyers are associated in a firm, the prohibitions in Lawyer RPC 1.8 (a) through (i) that apply to any lawyer shall apply to any LLLT, and the prohibitions in the foregoing paragraphs (a), (h) and (i) shall not apply to any lawyers unless the conduct is otherwise prohibited by the Lawyer RPC.

(l) An LLLT who is related to another LLLT or a lawyer as parent, child, sibling, or spouse, or who has any other close familial or intimate relationship with another LLLT or lawyer, shall not represent a client in a matter directly adverse to a person who the LLLT knows is represented by the related LLLT or lawyer unless:

(1) the client gives informed consent to the representation; and

(2) the representation is not otherwise prohibited by Rule 1.7.

(m) [Reserved.]

Comment

[1] This Rule was adapted from Lawyer RPC 1.8 with modifications described in these Comments. Otherwise, it applies to LLLTs analogously.

[2] Under limited and defined circumstances, Lawyer RPC 1.8(a) permits a lawyer to enter into a business transaction with a client, or to acquire a property interest adverse to a client. Because of the limitations on the scope of an LLLT's authorized practice, the analysis and disclosures that suffice under Lawyer RPC 1.8(a) to enable a lawyer to enter into such a transaction despite the existence of a conflict of interest are not feasible in the client-LLLT relationship. For this

reason, LLLT RPC 1.8(a) strictly prohibits an LLLT from entering into any business transaction with a current client.

[3] LLLTs may not advocate for, or appear in court on behalf of, a client. LLLTs will have no role in class action litigation and Rule 1.8 (e)(2) is accordingly reserved in this Rule. LLLT RPC 1.8(e) does not authorize activities that are beyond the scope of the LLLT's limited license. Nothing in Rule 1.8(e) is intended to prohibit lawyer members of a firm with which an LLLT is associated from engaging in conduct permitted by Lawyer RPC 1.8 (e)(2).

[4] Rule 1.8(g) is reserved. LLLTs are not permitted to engage in the making of settlements, or aggregated agreements as to guilty or nolo contendere pleas in criminal cases. Nothing in Rule 1.8(g) is intended to prohibit lawyer members of a firm with which an LLLT is associated from participating in such settlements if permitted by the Lawyer RPC.

[5] Unlike a lawyer, an LLLT is strictly prohibited by Rule 1.8 (h)(1) from making any agreement that prospectively limits the LLLT's liability to the client for malpractice.

[6] A client or former client of an LLLT who is not represented by a lawyer is unrepresented for purposes of Rule 1.8 (h)(2).

[7] Unlike a lawyer, an LLLT is prohibited by Rule 1.8(i) from acquiring any proprietary interest in a client's cause of action or the subject matter of litigation.

[8] If one LLLT or lawyer in a firm has a conflict of interest specified under this Rule, other LLLTs and lawyers in the firm may, under some circumstances, have the same conflict of interest or be subject to the same prohibition. This is called imputation of a conflict of interest. Similarly, in a firm that includes both LLLTs and lawyers, a conflict of interest of a lawyer will, under some circumstances, be imputed to a LLLT in the firm. Rule 1.8(k) describes the imputations of Rule 1.8 conflicts in a firm.

[9] Rule 1.8(m) is reserved. LLLTs are not permitted to engage in the scope of practice anticipated by Lawyer RPC 1.8(m). The reservation of Rule 1.8(m) in these Rules is not intended to prohibit lawyer members of a firm with which an LLLT is associated from engaging in the scope of practice described in Rule 1.8(m) of the Lawyer RPC.

LLLT RPC 1.9 DUTIES TO FORMER CLIENTS

(a) An LLLT who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.

(b) An LLLT shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the LLLT formerly was associated had previously represented a client

(1) whose interests are materially adverse to that person; and

(2) about whom that LLLT had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter; unless the former client gives informed consent, confirmed in writing.

(c) An LLLT who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:

(1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or

(2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.

Comment

[1] Rule 1.9 was adapted from Lawyer RPC 1.9 with no substantive changes and applies to LLLTs analogously.

LLLT RPC 1.10 IMPUTATION OF CONFLICTS OF INTEREST: GENERAL RULE

(a) Except as provided in paragraph (e), while LLLTs are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7 or 1.9, unless the prohibition is based on a personal interest of the disqualified LLLT and does not present a significant risk of materially limiting the representation of the client by the remaining LLLTs in the firm.

(b) When an LLLT has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated LLLT and not currently represented by the firm, unless:

(1) the matter is the same or substantially related to that in which the formerly associated LLLT represented the client; and

(2) any LLLT remaining in the firm has information that is material to the matter and that is protected by Rules 1.6 and 1.9(c).

(c) A disqualification prescribed by this Rule may be waived by the affected client under the conditions stated in Rule 1.7.

(d) The disqualification of LLLTs associated in a firm with former or current government LLLTs is governed by Rule 1.11.

(e) When the prohibition on representation under paragraph (a) is based on Rule 1.9 (a) or (b) and arises out of the disqualified LLLT's association with a prior firm, no other LLLT in the firm shall knowingly represent a person in a matter in which that LLLT is disqualified unless:

(1) the personally disqualified LLLT is screened by effective means from participation in the matter and is apportioned no part of the fee therefrom;

(2) the former client of the personally disqualified LLLT receives notice of the conflict and the screening mechanism used to prohibit dissemination of information relating to the former representation;

(3) the firm is able to demonstrate by convincing evidence that no material information relating to the former representation was transmitted by the personally disqualified LLLT before implementation of the screening mechanism and notice to the former client.

Any presumption that information protected by Rules 1.6 and 1.9(c) has been or will be transmitted may be rebutted if the personally disqualified LLLT serves on his or her former firm and former client an affidavit attesting that the personally disqualified LLLT will not participate in the matter

and will not discuss the matter or the representation with any other LLLT or employee of his or her current firm, and attesting that during the period of the LLLT's personal disqualification those LLLTs, or employees who do participate in the matter will be apprised that the personally disqualified LLLT is screened from participating in or discussing the matter. Such affidavit shall describe the procedures being used effectively to screen the personally disqualified LLLT. Upon request of the former client, such affidavit shall be updated periodically to show actual compliance with the screening procedures. The firm, the personally disqualified LLLT, or the former client may seek judicial review in a court of general jurisdiction of the screening mechanism used, or may seek court supervision to ensure that implementation of the screening procedures has occurred and that effective actual compliance has been achieved.

(f) When LLLTs and lawyers are associated in a firm, a lawyer's conflict of interest under Lawyer RPC 1.7 or Lawyer RPC 1.9 is imputed to LLLTs in the firm in the same way as conflicts are imputed to LLLTs under this Rule. Each of the other provisions of this Rule also applies in the same way when lawyer conflicts are imputed to LLLTs in the firm.

Comment

[1] Rule 1.10 was adapted from Lawyer RPC 1.10 with no substantive changes except to reflect the fact that LLLTs and lawyers may practice in a firm together. The general rules concerning imputation of conflicts of interest apply to LLLTs and firms in which both LLLTs and lawyers are associated analogously.

LLLT RPC 1.11 SPECIAL CONFLICTS OF INTEREST FOR FORMER AND CURRENT GOVERNMENT OFFICERS AND EMPLOYEES

(a) Except as law may otherwise expressly permit, an LLLT who has formerly served as a public officer or employee of the government:

(1) is subject to Rule 1.9(c); and

(2) shall not otherwise represent a client in connection with a matter in which the LLLT participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation.

(b) When an LLLT or lawyer is disqualified from representation under paragraph (a) of this Rule or Lawyer RPC 1.11, no LLLT in a firm with which that LLLT or lawyer is associated may knowingly undertake or continue representation in such a matter unless:

(1) the disqualified LLLT or lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this Rule.

(c) Except as law may otherwise expressly permit, an LLLT having information that the LLLT knows is confidential government information about a person acquired when the LLLT was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. As used in this Rule the term "confidential government information" means informa-

tion that has been obtained under governmental authority and which, at the time this Rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose and which is not otherwise available to the public. A firm with which that LLLT is associated may undertake or continue representation in the matter only if the disqualified LLLT is screened from any participation in the matter and is apportioned no part of the fee therefrom.

(d) Except as law may otherwise expressly permit, an LLLT currently serving as a public officer or employee:

(1) is subject to Rules 1.7 and 1.9; and

(2) shall not:

(i) participate in a matter in which the LLLT participated personally and substantially while in private practice or non-governmental employment, unless the appropriate government agency gives its informed consent, confirmed writing; or

(ii) negotiate for private employment with any person who is involved as a party or as LLLT for a party in a matter in which the LLLT is participating personally and substantially, except that an LLLT who may otherwise be serving as a law clerk to a judge, other adjudicative officer or arbitrator may negotiate for private employment as permitted by Rule 1.12(b) and subject to the conditions stated in Rule 1.12(b).

(e) As used in this Rule, the term "matter" includes:

(1) any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties; and

(2) any other matter covered by the conflict of interest rules of the appropriate government agency.

Comment

[1] Rule 1.11 was adapted from Lawyer RPC 1.11 with no substantive changes except to reflect the fact that LLLTs and lawyers may practice in a firm together. This Rule applies to LLLTs and firms in which both LLLTs and lawyers are associated analogously.

LLLT RPC 1.12 FORMER JUDGE, ARBITRATOR, MEDIATOR OR OTHER THIRD-PARTY NEUTRAL

(a) Except as stated in paragraph (d), an LLLT shall not represent anyone in connection with a matter in which the LLLT participated personally and substantially as a judge or other adjudicative officer or law clerk to such a person or as an arbitrator, mediator or other third-party neutral, unless all parties to the proceeding give informed consent confirmed in writing.

(b) An LLLT shall not negotiate for employment with any person who is involved as a party or as LLLT for a party in a matter in which the LLLT is participating personally and substantially as a judge or other adjudicative officer or as an arbitrator, mediator or other third-party neutral. An LLLT serving as a law clerk to a judge or other adjudicative officer may negotiate for employment with a party or LLLT involved in a matter in which the clerk is participating personally and substantially, but only after the LLLT has notified the judge or other adjudicative officer.

(c) If an LLLT or lawyer is disqualified by paragraph (a) of this Rule or Lawyer RPC 1.12, no LLLT in a firm with

which that LLLT or lawyer is associated may knowingly undertake or continue representation in the matter unless:

(1) the disqualified LLLT or lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) written notice is promptly given to the parties and any appropriate tribunal to enable them to ascertain compliance with the provisions of this Rule.

(d) An arbitrator selected as a partisan of a party in a multimember arbitration panel is not prohibited from subsequently representing that party.

Comment

[1] Rule 1.12 was adapted from Lawyer RPC 1.12 with no substantive changes. This Rule applies to LLLTs and firms in which both LLLTs and lawyers are associated analogously.

LLLT RPC 1.13 [Reserved]

Comment

[1] At present, the authorized scope of LLLT practice does not contemplate representation of an organization.

LLLT RPC 1.14 CLIENT WITH DIMINISHED CAPACITY

(a) When a client's capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the LLLT shall, as far as reasonably possible, maintain a normal client-LLLT relationship with the client.

(b) When the LLLT reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client's own interest, the LLLT may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client. In taking any protective action under this Rule, the LLLT shall not exceed the LLLT's authorized scope of practice.

(c) Information relating to the representation of a client with diminished capacity is protected by Rule 1.6. When taking protective action pursuant to paragraph (b), the LLLT is impliedly authorized under Rule 1.6(a) to reveal information about the client, but only to the extent reasonably necessary to protect the client's interests.

Comment

[1] Rule 1.14 was adapted from Lawyer RPC 1.14 with no substantive changes except in Rule 1.14(b). Otherwise, this Rule applies to LLLTs analogously.

[2] Unlike Lawyer RPC 1.14, Rule 1.14(b) does not suggest seeking the appointment of a guardian ad litem, conservator or guardian. Those actions contemplate court appearances and knowledge of multiple areas of law which may exceed the authorized scope of an LLLT's practice. Accordingly, that language from Lawyer Rule 1.14(b) has been omitted from this Rule.

[3] Protective action taken by an LLLT under paragraph (b) of this Rule may include obtaining the services of a lawyer. An LLLT should proceed cautiously when independently undertaking protective action on behalf of a person with diminished capacity, and the LLLT should carefully

evaluate and weigh all the circumstances and options. For a discussion of potential protective actions and relevant considerations, see Lawyer RPC 1.14, Comments [5] - [7].

LLLT RPC 1.15A SAFEGUARDING PROPERTY

(a) This Rule applies to property of clients or third persons in an LLLT's possession in connection with a representation.

(b) An LLLT must not use, convert, borrow or pledge client or third person property for the LLLT's own use.

(c) An LLLT must hold property of clients and third persons separate from the LLLT's own property.

(1) An LLLT must deposit and hold in a trust account funds subject to this Rule pursuant to paragraph (h) of this Rule.

(2) Except as provided in Rule 1.5(f), and subject to the requirements of paragraph (h) of this Rule, an LLLT shall deposit into a trust account legal fees and expenses that have been paid in advance, to be withdrawn by the LLLT only as fees are earned or expenses incurred.

(3) An LLLT must identify, label and appropriately safeguard any property of clients or third persons other than funds. The LLLT must keep records of such property that identify the property, the client or third person, the date of receipt and the location of safekeeping. The LLLT must preserve the records for seven years after return of the property.

(d) An LLLT must promptly notify a client or third person of receipt of the client or third person's property.

(e) An LLLT must promptly provide a written accounting to a client or third person after distribution of property or upon request. An LLLT must provide at least annually a written accounting to a client or third person for whom the LLLT is holding funds.

(f) Except as stated in this Rule, an LLLT must promptly pay or deliver to the client or third person the property which the client or third person is entitled to receive.

(g) If an LLLT possesses property in which two or more persons (one of which may be the LLLT) claim interests, the LLLT must maintain the property in trust until the dispute is resolved. The LLLT must promptly distribute all undisputed portions of the property. The LLLT must take reasonable action to resolve the dispute.

(h) An LLLT must comply with the following for all trust accounts:

(1) No funds belonging to the LLLT may be deposited or retained in a trust account except as follows:

(i) funds to pay bank charges, but only in an amount reasonably sufficient for that purpose;

(ii) funds belonging in part to a client or third person and in part presently or potentially to the LLLT must be deposited and retained in a trust account, but any portion belonging to the LLLT must be withdrawn at the earliest reasonable time; or

(iii) funds necessary to restore appropriate balances.

(2) An LLLT must keep complete records as required by Rule 1.15B.

(3) An LLLT may withdraw funds when necessary to pay client costs. The LLLT may withdraw earned fees only after giving reasonable notice to the client of the intent to do so, through a billing statement or other document.

(4) Receipts must be deposited intact.

(5) All withdrawals must be made only to a named payee and not to cash. Withdrawals must be made by check or by electronic transfer.

(6) Trust account records must be reconciled as often as bank statements are generated or at least quarterly. The LLLT must reconcile the check register balance to the bank statement balance and reconcile the check register balance to the combined total of all client ledger records required by Rule 1.15B (a)(2).

(7) An LLLT must not disburse funds from a trust account until deposits have cleared the banking process and been collected, unless the LLLT and the bank have a written agreement by which the LLLT personally guarantees all disbursements from the account without recourse to the trust account.

(8) Disbursements on behalf of a client or third person may not exceed the funds of that person on deposit. The funds of a client or third person must not be used on behalf of anyone else.

(9) Only a licensed LLLT or a lawyer admitted to practice law who is associated in a practice with the LLLT may be an authorized signatory on the account, except that a licensed LLLT who is associated in a practice with the lawyer may be an authorized signatory on the account only if a firm lawyer signature is also required for any withdrawals, transfers, or deposits on the account.

(i) Trust accounts must be interest-bearing and allow withdrawals or transfers without any delay other than notice periods that are required by law or regulation and meet the requirements of LLLT REC 15.7(d) and LLLT REC 15.7(e). In the exercise of ordinary prudence, an LLLT may select any financial institution authorized by the Legal Foundation of Washington (Legal Foundation) under LLLT REC 15.7(c). In selecting the type of trust account for the purpose of depositing and holding funds subject to this Rule, an LLLT shall apply the following criteria:

(1) When client or third-person funds will not produce a positive net return to the client or third person because the funds are nominal in amount or expected to be held for a short period of time the funds must be placed in a pooled interest-bearing trust account known as an Interest on Limited License Legal Technician's Trust Account or IOLTA. The interest earned on IOLTA accounts shall be paid to, and the IOLTA program shall be administered by, the Legal Foundation of Washington in accordance with LLLT REC 15.4 and LLLT REC 15.7(e).

(2) Client or third-person funds that will produce a positive net return to the client or third person must be placed in one of the following two types of non-IOLTA trust accounts, unless the client or third person requests that the funds be deposited in an IOLTA account:

(i) a separate interest-bearing trust account for the particular client or third person with earned interest paid to the client or third person; or

(ii) a pooled interest-bearing trust account with sub-accounting that allows for computation of interest earned by each client or third person's funds with the interest paid to the appropriate client or third person.

(3) In determining whether to use the account specified in paragraph (i)(1) or an account specified in paragraph (i)(2),

an LLLT must consider only whether the funds will produce a positive net return to the client or third person, as determined by the following factors:

(i) the amount of interest the funds would earn based on the current rate of interest and the expected period of deposit;

(ii) the cost of establishing and administering the account, including the cost of the LLLT's services and the cost of preparing any tax reports required for interest accruing to a client or third person's benefit; and

(iii) the capability of financial institutions to calculate and pay interest to individual clients or third persons if the account in paragraph (i)(2)(ii) is used.

(4) The provisions of paragraph (i) do not relieve an LLLT or law firm from any obligation imposed by these Rules or the LLLT REC.

Comment

[1] Rule 1.15A was adapted from Lawyer RPC 1.15A with no substantive changes except to reflect limitations on the authorized scope of an LLLT's practice. Otherwise, this Rule applies to LLLTs analogously. The Comments to Lawyer RPC 1.15A provide important guidance to the correct interpretation and application of this Rule.

[2] Lawyer RPC 1.15A(a) contemplates that lawyers may act as escrow agents for the closing of a purchase and sale of real estate or personal property, a practice area that is not contemplated by APR 28. Accordingly, there is no counterpart in this Rule to Lawyer RPC 1.15A (a)(2).

LLLT RPC 1.15B REQUIRED TRUST ACCOUNT RECORDS

(a) An LLLT must maintain current trust account records. They may be in electronic or manual form and must be retained for at least seven years after the events they record. At minimum, the records must include the following:

(1) Checkbook register or equivalent for each trust account, including entries for all receipts, disbursements, and transfers, and containing at least:

(i) identification of the client matter for which trust funds were received, disbursed, or transferred;

(ii) the date on which trust funds were received, disbursed, or transferred;

(iii) the check number for each disbursement;

(iv) the payor or payee for or from which trust funds were received, disbursed, or transferred; and

(v) the new trust account balance after each receipt, disbursement, or transfer;

(2) Individual client ledger records containing either a separate page for each client or an equivalent electronic record showing all individual receipts, disbursements, or transfers, and also containing:

(i) identification of the purpose for which trust funds were received, disbursed, or transferred;

(ii) the date on which trust funds were received, disbursed or transferred;

(iii) the check number for each disbursement;

(iv) the payor or payee for or from which trust funds were received, disbursed, or transferred; and

(v) the new client fund balance after each receipt, disbursement, or transfer;

(3) Copies of any agreements pertaining to fees and costs;

(4) Copies of any statements or accountings to clients or third parties showing the disbursement of funds to them or on their behalf;

(5) Copies of bills for legal fees and expenses rendered to clients;

(6) of invoices, bills or other documents supporting all disbursements or transfers from the trust account;

(7) Bank statements, copies of deposit slips, and cancelled checks or their equivalent;

(8) Copies of all trust account bank and client ledger reconciliations; and

(9) Copies of those portions of clients' files that are reasonably necessary for a complete understanding of the financial transactions pertaining to them.

(b) Upon any change in the LLLT's practice affecting the trust account, including dissolution or sale of a law firm or other entity, or suspension or other change in membership status, the LLLT must make appropriate arrangements for the maintenance of the records specified in this Rule.

Comment

[1] Rule 1.15B was adapted from Lawyer RPC 1.15B with no substantive changes and applies to LLLTs analogously.

LLLT RPC 1.16 DECLINING OR TERMINATING REPRESENTATION

(a) An LLLT shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(1) the representation will result in violation of these Rules or other law;

(2) the LLLT's physical or mental condition materially impairs the LLLT's ability to represent the client; or

(3) the LLLT is discharged.

(b) An LLLT may withdraw from representing a client if:

(1) withdrawal can be accomplished without material adverse effect on the interests of the client;

(2) the client persists in a course of action involving the LLLT's services that the LLLT reasonably believes is criminal or fraudulent;

(3) the client has used the LLLT's services to perpetrate a crime or fraud;

(4) the client insists upon taking action that the LLLT considers repugnant or with which the LLLT has a fundamental disagreement;

(5) the client fails substantially to fulfill an obligation to the LLLT regarding the LLLT's services and has been given reasonable warning that the LLLT will withdraw unless the obligation is fulfilled;

(6) the representation will result in an unreasonable financial burden on the LLLT or has been rendered unreasonably difficult by the client; or

(7) other good cause for withdrawal exists.

(c) [Reserved.]

(d) Upon termination of representation, an LLLT shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of a lawyer or another LLLT, surrendering papers and property to which the client is enti-

pled and refunding any advance payment of fee that has not been earned or incurred.

Comment

[1] This Rule was adapted from Lawyer RPC 1.16 with no substantive changes except to reflect that LLLTs are not authorized to represent clients in court or to advocate for clients. For this reason, paragraph (c) is reserved and references to litigation or proceedings before a tribunal that appear in Lawyer RPC 1.16 do not apply and have been omitted from this Rule. Otherwise, this Rule applies to LLLTs analogously.

LLLT RPC 1.17 SALE OF LAW PRACTICE

An LLLT, firm of LLLTs, or a law firm with which one or more LLLTs are associated may sell or purchase a law practice, or an area of law practice, including good will, if the following conditions are satisfied:

(a) [Reserved.]

(b) The entire practice, or the entire area of practice, is sold to one or more LLLTs, lawyers, LLLT firms or law firms;

(c) The seller gives written notice to each of the seller's clients regarding:

(1) the proposed sale;

(2) the client's right to retain a lawyer or another LLLT or to take possession of the file; and

(3) the fact that the client's consent to the transfer of the client's files will be presumed if the client does not take any action or does not otherwise object within ninety (90) days of receipt of the notice. If a client cannot be given notice, the representation of that client may be transferred to the purchaser only upon entry of an order so authorizing by a court having jurisdiction. The seller may disclose to the court in camera information relating to the representation only to the extent necessary to obtain an order authorizing the transfer of a file.

(d) The legal fees and LLLT fees charged clients shall not be increased by reason of the sale.

Comment

[1] This Rule was adapted from Lawyer RPC 1.17 with no substantive changes except to reflect that an LLLT may practice in the same firm with one or more lawyers. Otherwise, this Rule applies to LLLTs analogously.

LLLT RPC 1.18 DUTIES TO PROSPECTIVE CLIENT

(a) A person who discusses with an LLLT the possibility of forming a client-LLLT relationship with respect to a matter is a prospective client.

(b) Even when no client-LLLT relationship ensues, an LLLT who has had discussions with a prospective client shall not use or reveal information learned in the consultation, except as Rule 1.9 would permit with respect to information of a former client or except as provided in paragraph (e).

(c) An LLLT subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the LLLT received information from the prospective client that could be significantly harmful to that person in the matter, except as provided in paragraphs (d) or (e). If an LLLT or lawyer is disqualified from representation under this para-

graph or Lawyer RPC 1.18(c), no LLLT in a firm with which that LLLT or lawyer is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d) or, with respect to lawyers, Lawyer RPC 1.18(d).

(d) When the LLLT has received disqualifying information as defined in paragraph (c), representation is permissible if:

(1) both the affected client and the prospective client have given informed consent, confirmed in writing, or:

(2) the LLLT who received the information took reasonable measures to avoid exposure to more disqualifying information than was reasonably necessary to determine whether to represent the prospective client; and

(i) the disqualified LLLT is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(ii) written notice is promptly given to the prospective client.

(e) An LLLT may condition conversations with a prospective client on the person's informed consent that no information disclosed during the consultation will prohibit the LLLT from representing a different client in the matter. The prospective client may also expressly consent to the LLLT's subsequent use of information received from the prospective client.

Comment

[1] This Rule was adapted from Lawyer RPC 1.18 with no substantive changes except to reflect that LLLTs and lawyers may practice in the same firm. It applies to LLLTs and to firms in which both LLLTs and lawyers are associated analogously.

[2] The Comments to Lawyer RPC 1.18 offer valuable guidance to the correct interpretation and application of this Rule. In particular, Comment 2 to Lawyer RPC 1.18 explains application of this Rule to unsolicited and unilateral communications of information from a person who does not have a reasonable expectation that the LLLT is willing to discuss the possibility of forming a client-LLLT relationship.

TITLE 2. COUNSELOR

LLLT RPC 2.1 ADVISOR

In representing a client, an LLLT shall exercise independent professional judgment and render candid advice. In rendering advice, an LLLT may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.

Comment

[1] This Rule was adapted from Lawyer RPC 2.1 with no substantive changes and applies to LLLTs analogously.

[2] This Rule and its requirement regarding the exercise of independent professional judgment do not expand the limitations on the authorized scope of an LLLT's practice under APR 28H.

LLLT RPC 2.2 [Reserved]

LLLT RPC 2.3 [Reserved]

Comment

[1] Lawyer RPC 2.3 pertains to a lawyer providing an evaluation of a matter affecting a client for the use of someone other than the client. Unlike lawyers, LLLTs are not authorized to communicate the client's position to third parties. Drafting an opinion letter for the purposes of its use with a third party is the same as communicating the client's position to a third party and is prohibited by APR 28H(6). Accordingly, this Rule is reserved.

LLLT RPC 2.4 LLLT SERVING AS THIRD-PARTY NEUTRAL

(a) An LLLT serves as a third-party neutral when the LLLT assists two or more persons who are not clients of the LLLT to reach a resolution of a dispute or other matter that has arisen between them. Service as a third-party neutral may include service as an arbitrator, a mediator or in such other capacity as will enable the LLLT to assist the parties to resolve the matter.

(b) An LLLT serving as a third-party neutral shall inform unrepresented parties that the LLLT is not representing them. When the LLLT knows or reasonably should know that a party does not understand the LLLT's role in the matter, the LLLT shall explain the difference between the LLLT's role as a third-party neutral and an LLLT's role as one who represents a client.

Comment

[1] This Rule was adapted from Lawyer RPC 2.4 with no substantive changes and applies to LLLTs analogously.

TITLE 3. ADVOCATE

LLLT RPC 3.1 ADVISING AND ASSISTING CLIENTS IN PROCEEDINGS BEFORE A TRIBUNAL

(a) In a matter reasonably related to a pending or potential proceeding before a tribunal, an LLLT shall not counsel a client to engage, or assist a client, in conduct involving

(1) an abuse of legal procedure, including asserting or controverting a position that is frivolous or lacks a good faith basis in law and fact;

(2) delay of a proceeding without reasonable and substantial purpose;

(3) submission of a false statement of fact or law to a tribunal or offering evidence known to be false;

(4) obstruction of another party's access to evidence or the unlawful alteration, destruction or concealment of a document or other material having potential evidentiary value;

(5) falsification of evidence or assisting or inducing false testimony of a witness;

(6) knowingly disobeying an obligation under the rules of a tribunal; or

(7) making frivolous discovery requests or failing to reasonably comply with legally proper discovery requests of an opposing party.

(b) An LLLT shall not seek to influence a judge, juror, prospective juror, or other official by means prohibited by law, communicate ex parte with such an individual unless authorized to do so by law or court order, or engage in conduct intended to disrupt a tribunal. An LLLT shall not counsel or assist a client or another person to do such an act.

Comment

[1] This Rule is substantially different from Lawyer RPC 3.1 because LLLTs are not authorized to represent clients in the proceedings of a tribunal. Title 3 of the Lawyer RPC addresses a lawyer's duties as an advocate when representing a client in the proceedings of a tribunal. Because APR 28H(5) expressly prohibits an LLLT from representing a client in a court or administrative-adjudicative proceeding (unless permitted by GR 24), the Title 3 Rules do not apply directly to the conduct of LLLTs. Nevertheless, a number of the ethical principles located in Title 3 address conduct in connection with a proceeding that would be improper and repugnant whether engaged in by a lawyer or a party. In many instances, an LLLT will be providing assistance to a client who is a party to a court proceeding. For this reason, as a member of the legal profession, an LLLT is ethically bound to avoid advising or assisting a client in conduct that undermines the integrity of the adjudicative process or threatens the fair and orderly administration of justice. As applied to the indirect conduct of LLLTs, the ethical proscriptions of Lawyer RPC 3.1, 3.2, 3.3, and 3.4 are less nuanced. Accordingly, they have been consolidated within Rule 3.1(a) as a prohibition on counseling or assisting the client in such activities. Conduct relating to the impartiality and decorum of a tribunal, Lawyer RPC 3.5, should be prohibited whether engaged in by a LLLT directly or indirectly, and is separately addressed in paragraph (b) of this Rule. Although less comprehensive than Title 3 of the Lawyer RPC, the core Title 3 principles incorporated into Rule 3.1 address the issues likely to be encountered by an LLLT, with supplemental guidance available in the corresponding Lawyer RPC and commentary thereto.

[2] An LLLT acting as a "lay representative authorized by administrative agencies or tribunals" under GR 24 (b)(3) would not be acting pursuant to the authority of his or her LLLT license in that context, since such representation would be beyond the scope of LLLT practice authorized by APR 28F. Should a LLLT engage in conduct as a lay advocate that would otherwise directly violate a Title 3 obligation—for example, by knowingly making a false statement of fact to an administrative tribunal—such conduct may violate the requirements of other rules. See, e.g., Rule 8.4(c) (prohibiting conduct involving dishonesty, fraud, deceit, and misrepresentation) and Rule 8.4(d) (prohibiting conduct prejudicial to the administration of justice).

[3] Certain Title 3 provisions, such as Lawyer as Witness in Rule 3.7 and the Special Responsibilities of a Prosecutor in Rule 3.8, do not apply to LLLTs. In these instances, the corresponding LLLT RPC has been reserved. Rules 3.6 and 3.9 represent ethical issues that would rarely if ever arise in the context of a LLLT's limited-scope representation. Accordingly, these provisions have been reserved as well, though guidance is available in the corresponding Lawyer RPC in the event that such an ethical dilemma does arise in a LLLT representation.

LLLT RPC 3.2 [Reserved]

Comment

[1] See Comments [1] and [2] to Rule 3.1.

LLLT RPC 3.3 [Reserved]

Comment

[1] See Comments [1] and [2] to Rule 3.1.

LLLT RPC 3.4 [Reserved]

Comment

[1] See Comments [1] and [2] to Rule 3.1.

LLLT RPC 3.5 [Reserved]

Comment

[1] See Comment [1] to Rule 3.1.

LLLT RPC 3.6 [Reserved]

Comment

[1] See Comment [3] to Rule 3.1.

LLLT RPC 3.7 [Reserved]

Comment

[1] See Comment [3] to Rule 3.1.

LLLT RPC 3.8 [Reserved]

Comment

[1] See Comment [3] to Rule 3.1.

LLLT RPC 3.9 [Reserved]

Comment

[1] See Comment [3] to Rule 3.1.

TITLE 4. TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS

LLLT RPC 4.1 TRUTHFULNESS IN STATEMENTS TO OTHERS

In the course of representing a client an LLLT shall not knowingly:

(a) make a false statement of material fact or law to a third person; or

(b) fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.

Comment

[1] This Rule was adapted from Lawyer RPC 4.1 with no substantive changes and applies to LLLTs analogously.

[2] LLLTs are required by APR 28G(5) to include the LLLT's name, signature and license number beneath the signature of the client on all documents that the LLLT prepares. This will assure that judges and other court personnel, other parties to a matter, and lawyers representing those parties, are informed of the LLLT's role in the matter.

LLLT RPC 4.2 COMMUNICATION WITH PERSON REPRESENTED BY LAWYER

In representing a client, an LLLT shall not communicate about the subject of the representation with a person the LLLT knows to be represented by a lawyer in the matter.

Comment

[1] A person who has chosen to be represented by a lawyer should be protected against possible overreaching by another lawyer. See Lawyer RPC 4.2 and Comments to that rule. Rule 4.2 extends to LLLTs the prohibition on communicating with a person represented by a lawyer. This Rule differs from Lawyer RPC 4.2 in that the prohibition is absolute.

While a lawyer may be permitted to communicate directly with a person who is represented by another lawyer with the other lawyer's consent, or if authorized to do so by law or court order, there are no exceptions to the prohibition as it applies to LLLTs, because any such communication would put a LLLT in a position of exceeding the authorized scope of the LLLT's practice under APR 28(H). Specifically, APR 28H(6) prohibits negotiating a client's legal rights or responsibilities or communicating with another person the client's position, and APR 28H(5) prohibits a LLLT from representing a client in court proceedings. In light of these limitations, there is no circumstance in which a LLLT could communicate with a person represented by a lawyer about the subject matter of the representation without transgressing the APR.

LLLT RPC 4.3 DEALING WITH PERSON NOT REPRESENTED BY LAWYER

(a) In dealing on behalf of a client with a person who is not represented by a lawyer, an LLLT shall not state or imply that the LLLT is disinterested. When the LLLT knows or reasonably should know that the unrepresented person misunderstands the LLLT's role in the matter, the LLLT shall make reasonable efforts to correct the misunderstanding. The LLLT shall not give legal advice to an unrepresented person, other than the advice to secure the services of another legal practitioner, if the LLLT knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.

(b) An LLLT shall not communicate about the subject of the representation with another party in the matter.

Comment

[1] Paragraph (a) of this Rule was adapted from Lawyer RPC 4.3 with no substantive changes and applies to LLLTs analogously.

[2] Paragraph (b) of this Rule does not appear in the Lawyer RPC. It derives from the limitations on the authorized scope of an LLLT's practice under APR 28H(6). See Comment [1] to Rule 4.2 for a discussion of the implications of APR 28H(6).

[3] The client of an LLLT is an unrepresented person for purposes of Lawyer RPC 4.2 and 4.3. The definition of an LLLT in APR 28B(4) clarifies that an LLLT does not represent a client in court proceedings or negotiations, but provides limited legal assistance to a pro se client.

[4] Although an LLLT is strictly prohibited by paragraph (b) from communicating with a party about the subject matter of the LLLT's representation, a LLLT may have occasion to communicate directly with a non-party who is assisted by another LLLT. A risk of unwarranted intrusion into a privileged relationship may arise when an LLLT deals with a person who is assisted by another LLLT. Client-LLLT communications, however, are privileged to the same extent as client-lawyer communications. See APR 28K(3). An LLLT's ethical duty of confidentiality further protects the LLLT client's right to confidentiality in that professional relationship. See LLLT RPC 1.6(a). When dealing with a person who is assisted by another LLLT, an LLLT must respect these legal rights that protect the client-LLLT relationship.

LLLT RPC 4.4 RESPECT FOR RIGHTS OF THIRD PERSONS

(a) In representing a client, an LLLT shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

(b) An LLLT who receives a document relating to the representation of the LLLT's client and knows or reasonably should know that the document was inadvertently sent shall promptly notify the sender.

Comment

[1] This Rule was adapted from Lawyer RPC 4.4 with no substantive changes and applies to LLLTs analogously.

TITLE 5. LAW FIRMS AND ASSOCIATIONS

LLLT RPC 5.1 RESPONSIBILITIES OF PARTNERS, MANAGERS, AND SUPERVISORY LLLTs

(a) An LLLT partner in a law firm, and an LLLT who individually or together with other LLLTs possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all LLLTs in the firm conform to the LLLT RPC.

(b) An LLLT having direct supervisory authority over another LLLT shall make reasonable efforts to ensure that the other LLLT conforms to the LLLT RPC.

(c) An LLLT shall be responsible for another LLLT's violation of the LLLT RPC if:

(1) the LLLT orders or, with knowledge of the specific conduct, ratifies the conduct involved; or

(2) the LLLT is a partner or has comparable managerial authority in the firm in which the other LLLT practices, or has direct supervisory authority over the other LLLT, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

(d) An LLLT shall be responsible for a lawyer violation of the Lawyer RPC if the LLLT is a partner or has comparable managerial authority and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Comment

[1] This Rule was adapted from Lawyer RPC 5.1 with no substantive changes and applies to LLLTs analogously.

[2] When under Rule 5.9 an LLLT has managerial authority in a firm comprised of both lawyers and LLLTs, the LLLT should support efforts of the firm's lawyers with managerial authority under Lawyer RPC 5.1 and 5.10 to make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Lawyer RPC.

[3] Under paragraph (d), when an LLLT with managerial authority in a firm comprised of both lawyers and LLLTs knows of a lawyer's violation of the Lawyer RPC at a time when its consequences can be avoided or mitigated, reasonable remedial action will ordinarily consist of promptly reporting the violation to one of the firm's lawyers with managerial authority so that the lawyer manager can take appropriate action under Lawyer RPC 5.1(c).

LLLT RPC 5.2 RESPONSIBILITIES OF A SUBORDINATE LLLT

(a) An LLLT is bound by the LLLT RPC notwithstanding that the LLLT acted at the direction of another person.

(b) A subordinate LLLT does not violate the LLLT RPC if that LLLT acts in accordance with a supervisory LLLT or a supervisory lawyer's reasonable resolution of an arguable question of professional duty.

Comment

[1] This Rule was adapted from Lawyer RPC 5.2 with no substantive changes except to reflect that LLLTs and lawyers may practice in the same firm. It applies to LLLTs and to firms in which both LLLTs and lawyers are associated analogously.

LLLT RPC 5.3 RESPONSIBILITIES REGARDING NON-LLLT ASSISTANTS

With respect to a non-LLLT employed or retained by or associated with an LLLT:

(a) an LLLT partner, and an LLLT who individually or together with other LLLTs possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the LLLT;

(b) an LLLT having direct supervisory authority over the non-LLLT shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the LLLT; and

(c) an LLLT shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by an LLLT if:

(1) the LLLT orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(2) the LLLT is a partner or has comparable managerial authority in the firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Comment

[1] This Rule was adapted from Lawyer RPC 5.3 with no substantive changes and applies to LLLTs analogously.

LLLT RPC 5.4 PROFESSIONAL INDEPENDENCE OF AN LLLT

(a) An LLLT or LLLT firm shall not share legal fees with anyone who is a non-LLLT, except that:

(1) an agreement by an LLLT with the LLLT's firm, partner, or LLLT associate may provide for the payment of money, over a reasonable period of time after the LLLT's death, to the LLLT's estate or to one or more specified persons;

(2) an LLLT who purchases the practice of a deceased, disabled, or disappeared LLLT or lawyer may, pursuant to the provisions of Rule 1.17, pay to the estate or other representative of that LLLT or lawyer the agreed-upon purchase price;

(3) an LLLT or LLLT firm may include non-LLLT employees in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement; and

(4) [Reserved.]

(5) an LLLT authorized to complete unfinished legal business of a deceased LLLT may pay to the estate or other representative of the deceased LLLT that proportion of the total compensation that fairly represents the services rendered by the deceased LLLT.

(b) An LLLT shall not form a partnership with a non-LLLT if any of the activities of the partnership consist of the practice of law.

(c) An LLLT shall not permit a person who recommends, employs, or pays the LLLT to render legal services for another to direct or regulate the LLLT's professional judgment in rendering such legal services.

(d) An LLLT shall not practice with or in the form of a professional corporation or association authorized to practice law for a profit, if:

(1) a non-LLLT owns any interest therein, except that a fiduciary representative of the estate of an LLLT may hold the stock or interest of the LLLT for a reasonable time during administration;

(2) a non-LLLT is a corporate director or officer (other than as secretary or treasurer) thereof or occupies the position of similar responsibility in any form of association other than a corporation; or

(3) a non-LLLT has the right to direct or control the professional judgment of an LLLT.

Comment

[1] This Rule was adapted from Lawyer RPC 5.4 with no substantive changes except to change references to a "non-lawyer" to "non-LLLT" to avoid confusion. It applies to LLLTs analogously.

[2] Notwithstanding Rule 5.4, lawyers and LLLTs may share fees and form business structures to the extent permitted by Rule 5.9.

LLLT RPC 5.5 UNAUTHORIZED PRACTICE OF LAW

(a) An LLLT shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) [Reserved.]

(c) [Reserved.]

(d) [Reserved.]

Comment

[1] Lawyer RPC 5.5(a) expresses the basic prohibition on a legal practitioner practicing law in a jurisdiction where that individual is not specifically licensed or otherwise authorized to practice law. It reflects the general notion (enforced through criminal-legal prohibitions and other law) that legal services may only be provided by those licensed to do so. This limitation on the ability to practice law is designed to protect the public against the rendition of legal services by unqualified persons. See Comment [2] to Lawyer RPC 5.5.

As applied to LLLTs, this principle should apply with equal force. An actively licensed LLLT should practice law as an LLLT only in a jurisdiction where he or she is licensed to do so, i.e., Washington State. An LLLT must not practice law in a jurisdiction where he or she is not authorized to do so. Unless and until other jurisdictions authorize Washington-licensed LLLTs to practice law, it will be unethical under this Rule for the LLLT to provide or attempt to provide legal services extraterritorially. Relatedly, it is unethical to assist

anyone in activities that constitute the unauthorized practice of law in any jurisdiction. See also APR 28H(7) (prohibiting an LLLT from providing services to a client in connection with a legal matter in another state unless permitted by the laws of that state to perform the services for the client).

[2] Lawyer RPC 5.5 (b) through (d) define the circumstances in which lawyers can practice in Washington despite being unlicensed here. For example, lawyers actively licensed elsewhere may provide services on a temporary basis in Washington in association with a lawyer admitted to practice here or when the lawyer's activities "arise out of or are reasonably related to the lawyer's practice in his or her home jurisdiction." These provisions also recognize that certain non-Washington-licensed lawyers may practice here on more than a temporary basis (e.g., lawyers providing services authorized by federal law), and otherwise prohibit non-Washington-licensed lawyers from establishing a systematic and continuous presence in Washington for the practice of law.

These provisions are, at this time, unnecessary in the LLLT RPC because there are no limited license programs in other jurisdictions tantamount to Washington's LLLT rules and no need to authorize non-lawyers in other jurisdictions to practice law in Washington, either temporarily or on an ongoing basis. For this reason, paragraphs (b) through (d) are reserved.

LLLT RPC 5.6 RESTRICTIONS ON RIGHT TO PRACTICE

An LLLT shall not participate in offering or making:

(a) a partnership, shareholders, operating, employment, or other similar type of agreement that restricts the rights of an LLLT or lawyer to practice after termination of the relationship, except an agreement concerning benefits upon retirement; or

(b) an agreement in which a restriction on the LLLT's right to practice is part of the settlement of a client controversy.

Comment

[1] This Rule was adapted from Lawyer RPC 5.6 with no substantive changes except to reflect that LLLTs and lawyers may practice in the same firm. It applies to LLLTs and to firms in which both LLLTs and lawyers are associated analogously.

LLLT RPC 5.7 RESPONSIBILITIES REGARDING LAW-RELATED SERVICES

(a) An LLLT shall be subject to the LLLT RPC with respect to the provision of law-related services, as defined in paragraph (b), if the law-related services are provided:

(1) by the LLLT in circumstances that are not distinct from the LLLT's provision of legal services to clients; or

(2) in other circumstances by an entity controlled by the LLLT individually or with others if the LLLT fails to take reasonable measures to assure that a person obtaining the law-related services knows that the services are not legal services and that the protections of the client-LLLT relationship do not exist.

(b) The term "law-related services" denotes services that might reasonably be performed in conjunction with and in substance are related to the provision of legal services, and

that are not prohibited as unauthorized practice of law when provided by anyone except an LLLT or a lawyer.

Comment

[1] This Rule was adapted from Lawyer RPC 5.7 with no substantive changes except to change the reference to a "non-lawyer" (in Lawyer RPC 5.7(b)) to "anyone except an LLLT or a lawyer" (in Rule 5.7(b)) to avoid confusion. It applies to LLLTs analogously.

LLLT RPC 5.8 MISCONDUCT INVOLVING LLLTS AND LAWYERS NOT ACTIVELY LICENSED TO PRACTICE LAW

(a) An LLLT shall not engage in the practice of law while on inactive status, or while suspended from the practice of law for any cause.

(b) An LLLT shall not engage in any of the following with a LLLT or lawyer who is disbarred or suspended or who has resigned in lieu of disbarment or discipline or whose license has been revoked or voluntarily canceled in lieu of discipline:

(1) practice law with or in cooperation with such an individual;

(2) maintain an office for the practice of law in a room or office occupied or used in whole or in part by such an individual;

(3) permit such an individual to use the LLLT's name for the practice of law;

(4) practice law for or on behalf of such an individual; or

(5) practice law under any arrangement or understanding for division of fees or compensation of any kind with such an individual.

Comment

[1] This Rule was adapted from Lawyer RPC 5.8 with no substantive changes except to incorporate disciplinary dispositions applicable to LLLTs in paragraph (b). Otherwise, this Rule applies to LLLTs analogously.

LLLT RPC 5.9 BUSINESS STRUCTURES INVOLVING LLLT AND LAWYER OWNERSHIP

(a) Notwithstanding the provisions of Rule 5.4, an LLLT may:

(1) share fees with a lawyer who is in the same firm as the LLLT;

(2) form a partnership with a lawyer where the activities of the partnership consist of the practice of law; or

(3) practice with or in the form of a professional corporation, association, or other business structure authorized to practice law for a profit in which a lawyer owns an interest or serves as a corporate director or officer or occupies a position of similar responsibility.

(b) An LLLT and a lawyer may practice in a jointly owned firm or other business structure authorized by paragraph (a) of this Rule only if:

(1) LLLTs do not direct or regulate any lawyer's professional judgment in rendering legal services;

(2) LLLTs have no direct supervisory authority over any lawyer;

(3) LLLTs do not possess a majority ownership interest or exercise controlling managerial authority in the firm; and

(4) lawyers with managerial authority in the firm expressly undertake responsibility for the conduct of LLLT

partners or owners to the same extent they are responsible for the conduct of lawyers in the firm under Lawyer RPC 5.1.

Comment

[1] This Rule codifies the proposition that LLLTs may enter into fee-sharing arrangements and for-profit business relationships with lawyers. It is an exception to the general prohibition stated in Rule 5.4 that LLLTs may not share fees or enter into business relationships with individuals other than LLLTs. Rule 5.4 governs an LLLT's responsibilities with respect to individuals who are neither LLLTs nor lawyers.

[2] In addition to expressly authorizing intra-firm fee-sharing and business structures between LLLTs and lawyers in paragraph (a), paragraph (b) of the Rule sets forth limitations on the role of LLLTs in jointly owned firms, specifying that regardless of an LLLT's ownership interest in such a firm, the business may not be structured in a way that permits LLLTs directly or indirectly to supervise lawyers or to otherwise direct or regulate a lawyer's independent professional judgment. This includes a limitation on LLLTs possessing a majority ownership interest or controlling managerial authority in a jointly owned firm, a structure that could result indirectly in non-lawyer decision-making affecting the professional independence of lawyers. Lawyer managers, by contrast, will be required to undertake responsibility for a firm's LLLT owners by expressly assuming responsibility for their conduct to the same extent as they are responsible for the conduct of firm lawyers.

TITLE 6. PUBLIC SERVICE

LLLT RPC 6.1 PRO BONO PUBLICO SERVICE

Every LLLT has a professional responsibility to assist in the provision of legal services to those unable to pay. An LLLT should aspire to render at least thirty (30) hours of pro bono publico service per year. In fulfilling this responsibility, the LLLTs should:

(a) provide legal services without fee or expectation of fee to:

- (1) persons of limited means or
- (2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and

(b) provide pro bono publico service through:

- (1) [Reserved.]
- (2) delivery of legal services at a substantially reduced fee to persons of limited means; or
- (3) participation in activities for improving the law, the legal system or the legal profession.

Pro bono publico service may be reported annually on a form provided by the WSBA. An LLLT rendering a minimum of fifty (50) hours of pro bono publico service shall receive commendation for such service from the Limited License Legal Technician Board.

Comment

[1] Paragraph (a) of this Rule was adapted from Lawyer RPC 6.1(a) with no substantive changes and applies to LLLTs analogously.

[2] Paragraph (b) of this Rule was adapted from Lawyer RPC 6.1(b) with no substantive changes except that paragraph (b)(1) is reserved. Lawyer RPC 6.1 (b)(1) refers to the delivery of pro bono public services to individuals or organizations to secure civil rights, civil liberties or public rights, or to further the organizational purposes of certain not-for-profit organizations and entities. These kinds of services are beyond the scope of a LLLT's authority under APR 28. Accordingly, Rule 6.1 (b)(1) is reserved. Otherwise, this Rule applies to LLLTs analogously.

LLLT RPC 6.2 [Reserved]

Comment

[1] Lawyer RPC 6.2 relates to appointments by a tribunal for the representation of persons before that tribunal. These kinds of services are beyond the scope of an LLLT's authority under APR 28. Accordingly, Rule 6.2 is reserved.

LLLT RPC 6.3 MEMBERSHIP IN LEGAL SERVICES ORGANIZATION

An LLLT may serve as a director, officer or member of a legal services organization, apart from the firm in which the LLLT practices, notwithstanding that the organization serves persons having interests adverse to a client of the LLLT. The LLLT shall not knowingly participate in a decision or action of the organization:

(a) if participating in the decision or action would be incompatible with the LLLT's obligations to a client under Rule 1.7; or

(b) where the decision or action could have a material adverse effect on the representation of a client of the organization whose interests are adverse to a client of the LLLT.

Comment

[1] This Rule was adapted from Lawyer RPC 6.3 with no substantive changes and applies to LLLTs analogously.

LLLT RPC 6.4 LAW REFORM ACTIVITIES AFFECTING CLIENT INTERESTS

An LLLT may serve as a director, officer or member of an organization involved in reform of the law or its administration notwithstanding that the reform may affect the interests of a client of the LLLT. When the LLLT knows that the interests of a client may be materially benefited by a decision in which the LLLT participates, the LLLT shall disclose that fact but need not identify the client.

Comment

[1] This Rule was adapted from Lawyer RPC 6.4 with no substantive changes and applies to LLLTs analogously.

LLLT RPC 6.5 NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICE PROGRAMS

(a) An LLLT who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the LLLT or the client that the LLLT will provide continuing representation in the matter and without expectation that the LLLT will receive a fee from the client for the services provided:

(1) is subject to Rules 1.7, 1.9(a), and 1.18(c) only if the LLLT knows that the representation of the client involves a conflict of interest, except that those Rules shall not prohibit an LLLT from providing limited legal services sufficient

only to determine eligibility of the client for assistance by the program and to make an appropriate referral of the client to another program;

(2) is subject to Rule 1.10 only if the LLLT knows that another LLLT or lawyer associated with the LLLT in a firm is disqualified by Rule 1.7 or 1.9(a), or by Lawyer RPC 1.7 or 1.9(a), with respect to the matter; and

(3) notwithstanding paragraphs (1) and (2), is not subject to Rules 1.7, 1.9(a), 1.10, or 1.18(c) in providing limited legal services within the authorized scope of the LLLT's practice to a client if:

(i) any program LLLTs or lawyers representing the opposing clients are screened by effective means from information relating to the representation of the opposing client;

(ii) each client is notified of the conflict and the screening mechanism used to prohibit dissemination of information relating to the representation; and

(iii) the program is able to demonstrate by convincing evidence that no material information relating to the representation of the opposing client was transmitted by the personally disqualified LLLTs or lawyers to the LLLT representing the conflicting client before implementation of the screening mechanism and notice to the opposing client.

(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.

Comment

[1] This Rule was adapted from Lawyer RPC 6.5 with no substantive changes except to reflect that LLLTs and lawyers may practice in the same firm and to reflect the authorized scope of an LLLT's practice. It applies to LLLTs and to firms in which both LLLTs and lawyers are associated analogously.

TITLE 7. INFORMATION ABOUT LEGAL SERVICES

LLLT RPC 7.1 COMMUNICATIONS CONCERNING AN LLLT'S SERVICES

An LLLT shall not make a false or misleading communication about the LLLT or the LLLT's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

Comment

[1] This Rule was adapted from Lawyer RPC 7.1 with no substantive changes and applies to LLLTs analogously. See also APR 28H(1) (prohibiting an LLLT from making any statement that the LLLT can or will obtain special favors from or has special influence with any court or governmental agency).

LLLT RPC 7.2 ADVERTISING

(a) Subject to the requirements of Rules 7.1 and 7.3, an LLLT may advertise services through written, recorded or electronic communication, including public media.

(b) An LLLT shall not give anything of value to a person for recommending the LLLT's services, except that an LLLT may

(1) pay the reasonable cost of advertisements or communications permitted by this Rule;

(2) pay the usual charges of a legal service plan or a not-for-profit LLLT referral service;

(3) pay for a law practice in accordance with Rule 1.17; and

(4) refer clients to a lawyer or to another LLLT pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the LLLT, if

(i) the reciprocal referral agreement is not exclusive, and

(ii) the client is informed of the existence and nature of the agreement.

(c) Any communication made pursuant to this Rule shall include the name and office address of at least one LLLT or law firm responsible for its content.

Comment

[1] This Rule was adapted from Lawyer RPC 7.2 with no substantive changes except to reflect that client referrals may occur reciprocally between lawyers and LLLTs. It applies to LLLTs analogously.

[2] This Rule prohibits LLLTs from paying others for referrals. See also Rule 1.5(e) (prohibiting the division of fees with another LLLT or lawyer who is not in the same firm as the LLLT); Rule 5.4 (subject to Rule 5.9, prohibiting the sharing of fees with anyone who is not an LLLT).

[3] In advertising, an LLLT also has an affirmative obligation to communicate the fact that the LLLT has a limited license to practice in the particular fields of law for which the LLLT is licensed and is prohibited from stating or implying that the LLLT is licensed to practice in any other areas of law, or has an unlimited license to practice law in any area of law. See Rule 7.4(a).

LLLT RPC 7.3 DIRECT CONTACT WITH PROSPECTIVE CLIENTS

(a) An LLLT shall not directly or through a third person, by in-person, live telephone, or real-time electronic contact solicit professional employment from a prospective client when a significant motive for the LLLT's doing so is the LLLT's pecuniary gain, unless the person contacted:

(1) is a lawyer or an LLLT;

(2) has a family, close personal, or prior professional relationship with the LLLT; or

(3) has consented to the contact by requesting a referral from a not-for-profit LLLT referral service.

(b) An LLLT shall not solicit professional employment from a prospective client by written, recorded or electronic communication or by in-person, telephone or real-time electronic contact even when not otherwise prohibited by paragraph (a), if;

(1) the prospective client has made known to the LLLT a desire not to be solicited by the LLLT; or

(2) the solicitation involves coercion, duress or harassment.

(c) [Reserved.]

(d) Notwithstanding the prohibitions in paragraph (a), an LLLT may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the LLLT that uses in-person or telephone contact to solicit memberships or subscriptions for the plan from persons who

are not known to need legal services in a particular matter covered by the plan.

Comment

[1] This Rule was adapted from Lawyer RPC 7.3 with no substantive changes except to reflect that LLLTs may solicit employment from lawyers as well as other LLLTs, and that referral services may refer to both lawyers and LLLTs. This Rule applies to LLLTs analogously.

LLLT RPC 7.4 COMMUNICATION OF FIELDS OF PRACTICE AND SPECIALIZATION

(a) In all advertising, an LLLT shall communicate the fact that the LLLT has a limited license practice in the particular fields of law for which the LLLT is licensed, and shall not state or imply that an LLLT is licensed to practice in any other areas of law, or has an unlimited license to practice law in any area of law.

(b) [Reserved.]

(c) [Reserved.]

(d) An LLLT shall not state or imply that an LLLT is "certified", a "specialist", or an "expert", or use any other similar term to describe his or her qualifications as an LLLT, but may identify any award or recognition that the LLLT has received from a group, organization or association. If an LLLT has received any other legal title, credential or certificate from any group, organization, or association, then the LLLT may identify the legal title, credential or certificate provided that the reference must:

(1) be truthful and verifiable and otherwise comply with Rule 7.1;

(2) identify the group, organization, or association that issued the legal title, credential or certificate; and

(3) state that the Supreme Court of Washington does not recognize certification of specialties in the practice of law and that the legal title, credential or certificate is not a requirement of the LLLT's limited license to practice in the particular fields of law for which the LLLT is licensed.

Comment

[1] An LLLT's license to provide legal services is unique and may not be understood by persons who are not familiar with the limited scope of practice of an LLLT and with the differences between an LLLT and a lawyer. Advertising is designed to help educate the public on the availability of legal services, but advertising by an LLLT may not be false or misleading. See Rule 7.1. In order to avoid confusion about the scope of services that an LLLT can provide as distinct from the broader scope of services that a lawyer is authorized to provide, advertising by an LLLT must communicate that an LLLT may deliver legal services only within a limited scope. Accordingly, Rule 7.4(a) differs from Lawyer RPC 7.4(a) in that it requires that all advertising by an LLLT communicate relevant facts concerning the scope of the LLLT's license and expressly prohibits communications that state or imply that the LLLT's license exceeds that scope.

[2] Lawyer RPC 7.4(b) pertains to a patent practice before the United States Patent and Trademark Office, a practice that exceeds the authorized scope of APR 28. Accordingly, Rule 7.4(b) is reserved.

[3] Lawyer RPC 7.4(c) pertains to an admiralty practice, a practice that exceeds the authorized scope of APR 28. Accordingly, Rule 7.4(c) is reserved.

[4] In order to avoid confusion about the scope of services that an LLLT can provide, APR 28H(4) prohibits an LLLT from representing or advertising, in connection with the provision of legal services, other legal titles or credentials that could cause a client to believe that the LLLT possesses professional legal skills beyond those authorized by the license held by the LLLT. The terms "certified", "specialist", "expert" and similar terms suggest achievement of skills beyond those that are authorized by the LLLT's license, and may not be used when describing an LLLT's credentials. Other titles and recognitions, however, may provide useful information that is not likely to mislead clients or potential clients concerning the skills and authorized scope of an LLLT's practice. Accordingly, if an LLLT has received a legal title, credential or certificate from a group, organization or association, the LLLT may identify that title, credential or certificate so long as communications about it meet the requirements enumerated in Rule 7.4 (d)(1)-(3). Those requirements are substantially similar to Lawyer Rule 7.4 (d)(1)-(3). An LLLT may also identify awards and recognitions that the LLLT has received from a group, organization or association.

LLLT RPC 7.5 FIRM NAMES AND LETTERHEADS

(a) An LLLT shall not use a firm name, letterhead or other professional designation that violates Rule 7.1. A trade name may be used by an LLLT in private practice if the trade name does not imply that lawyers are members or employees of the firm unless that is the case, and if it does not imply a connection with a government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1. If there are no lawyers in the firm, any firm name used by an LLLT in private practice shall include the words "Legal Technician."

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers or LLLTs in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of an LLLT or lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the LLLT or lawyer is not actively and regularly practicing with the firm.

(d) LLLTs may state or imply that they practice in a partnership or other organization only when that is a fact.

Comment

[1] This Rule was adapted from Lawyer RPC 7.5 with no substantive changes except that provisions have been added to subsection (a) to require that any trade name not imply that lawyers are members or employees of the firm unless that is the case, and that, if there are no lawyers in the firm, any trade name include the words "Legal Technician." Otherwise, this Rule applies to LLLTs analogously.

[2] An LLLT's license to provide legal services is unique and may not be understood by persons who are not familiar

with the limited scope of an LLLT's practice and with the differences between an LLLT and a lawyer. A trade name is a brand and is therefore similar to forms of advertising and is often used in advertising. A trade name must not be false or misleading. See Rules 7.1 and 7.4. In order to avoid confusion, trade names should communicate the nature of the legal services that a licensed practitioner or firm can deliver. Rule 7.5(a) requires that any trade name communicate relevant facts concerning the scope of the legal services that can be delivered by the legal professional or firm.

LLLT RPC 7.6 POLITICAL CONTRIBUTIONS TO OBTAIN GOVERNMENT LEGAL ENGAGEMENTS OR APPOINTMENTS BY JUDGES

An LLLT or law firm shall not accept a government legal engagement or an appointment by a judge if the LLLT or law firm makes a political contribution or solicits political contributions for the purpose of obtaining or being considered for that type of legal engagement or appointment.

Comment

[1] This Rule was adapted from Lawyer RPC 7.6 with no substantive changes and applies to LLLTs analogously.

TITLE 8. MAINTAINING THE INTEGRITY OF THE PROFESSION

LLLT RPC 8.1 LIMITED LICENSURE AND DISCIPLINARY MATTERS

An applicant for limited licensure, or an LLLT in connection with a limited licensure or reinstatement application, or lawyer's bar admission, or in connection with a lawyer or LLLT disciplinary matter, shall not:

- (a) knowingly make a false statement of material fact; or
- (b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from a licensing or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6.

Comment

[1] This Rule was adapted from Lawyer RPC 8.1 with no substantive changes except to reflect the difference between admission to the Bar (for a lawyer) and limited licensure (for an LLLT). This Rule applies to LLLTs analogously.

LLLT RPC 8.2 JUDICIAL AND LEGAL OFFICIALS

(a) An LLLT shall not make a statement that the LLLT knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications, integrity, or record of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.

(b) [Reserved.]

Comment

[1] Rule 8.2(a) was adapted from Lawyer RPC 8.2(a) with no substantive changes and applies to LLLTs analogously.

[2] Lawyer Rule 8.2(b) pertains to lawyers who are candidates for judicial office. Judges in the judicial branch of the state of Washington must be lawyers. Accordingly, Rule 8.2(b) does not apply to LLLTs and is reserved.

LLLT RPC 8.3 REPORTING PROFESSIONAL MISCONDUCT

(a) An LLLT who knows that another LLLT or a lawyer has committed a violation of the applicable Rules of Professional Conduct that raises a substantial question as to that LLLT's or that lawyer's honesty, trustworthiness or fitness as an LLLT or lawyer in other respects, should inform the appropriate professional authority.

(b) An LLLT who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office should inform the appropriate authority.

(c) This Rule does not permit an LLLT to report the professional misconduct of another LLLT, a lawyer, or a judge to the appropriate authority if doing so would require the LLLT to disclose information otherwise protected by Rule 1.6.

Comment

[1] This Rule was adapted from Lawyer RPC 8.3 with no substantive changes except to reflect that LLLTs have the same rights and responsibilities with respect to the actions of lawyers that they have with respect to the actions of LLLTs. It applies to LLLTs analogously.

LLLT RPC 8.4 MISCONDUCT

It is professional misconduct for an LLLT to:

(a) violate or attempt to violate the LLLT RPC, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal act that reflects adversely on the LLLT's honesty, trustworthiness or fitness as an LLLT in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) engage in conduct that is prejudicial to the administration of justice;

(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the LLLT Rules of Professional Conduct or other law;

(f) knowingly assist

(1) a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law or

(2) a lawyer in conduct that is a violation of the lawyer Rules of Professional Conduct or other law;

(g) commit a discriminatory act prohibited by state law on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status, where the act of discrimination is committed in connection with the LLLT's professional activities. In addition, it is professional misconduct to commit a discriminatory act on the basis of sexual orientation if such an act would violate this Rule when committed on the basis of sex, race, age, creed, religion, color, national origin, disability, or marital status. This Rule shall not limit the ability of an LLLT to accept, decline, or withdraw from the representation of a client in accordance with Rule 1.16;

(h) in representing a client, engage in conduct that is prejudicial to the administration of justice toward LLLTs, lawyers, judges, other parties, witnesses, jurors, or court personnel or officers, that a reasonable person would interpret as

manifesting prejudice or bias on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status. This Rule does not restrict an LLLT from assisting a client to advance material factual or legal issues or arguments.

(i) commit any act involving moral turpitude, or corruption, or any unjustified act of assault or other act which reflects disregard for the rule of law, whether the same be committed in the course of his or her conduct as an LLLT, or otherwise, and whether the same constitutes a felony or misdemeanor or not; and if the act constitutes a felony or misdemeanor, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action, nor shall acquittal or dismissal thereof preclude the commencement of a disciplinary proceeding;

(j) willfully disobey or violate a court order directing him or her to do or cease doing an act which he or she ought in good faith to do or forbear;

(k) violate his or her oath as an LLLT;

(l) violate a duty or sanction imposed by or under the LLLT REC in connection with a disciplinary matter; including, but not limited to, the duties catalogued at LLLT REC 1.5;

(m) [Reserved];

(n) engage in conduct demonstrating unfitness to practice law; or

(o) violate or attempt to violate APR 28F-H or Appendix APR 28 Regulation 2.

Comment

[1] This Rule was adapted from Lawyer RPC 8.4 with no substantive changes except as discussed in these Comments, and otherwise applies to LLLTs analogously.

[2] An LLLT holds a unique form of license to practice law. As a legal professional, an LLLT has a duty to uphold the integrity of the justice system and of those who are authorized to participate in it as judges, lawyers and LLLTs. Rule 8.4 (f)(1) prohibits an LLLT from knowingly assisting a judge or judicial officer in conduct that violates applicable rules of judicial conduct or other law. Rule 8.4 (f)(2) adds a prohibition against knowingly assisting a lawyer in conduct that violates the Lawyer RPC or other law. Rule 8.4 (f)(2) is substantially identical to Rule 8.4 (f)(1) except for its reference to the applicable code of conduct and should be interpreted and applied analogously. Similarly, Rule 8.4(h) has been modified to reflect that an LLLT's obligation to avoid conduct that is prejudicial to the administration of justice extends to an LLLT's conduct toward lawyers.

[3] Lawyer Rule 8.4(m) pertains to lawyers who serve as judges. Judges in the judicial branch of the state of Washington must in nearly all instances be lawyers. Accordingly, because Rule 8.4(m) will have little or no applicability to LLLTs, it is reserved.

[4] LLLTs are subject to discipline when they violate or attempt to violate the LLLT RPC, knowingly assist or induce another to do so, or do so through the acts of another, as when they require or instruct an agent to do so on the LLLT's behalf. In this way, LLLTs are held to the same standards that apply to lawyers. Rule 8.4(o), which does not appear in the Lawyer RPC, states that violating or attempting to violate

APR 28F-H or Appendix APR 28 Regulation 2 is professional misconduct that subjects an LLLT to discipline.

LLLT RPC 8.5 DISCIPLINARY AUTHORITY

(a) **Disciplinary Authority.** An LLLT licensed to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the LLLT's conduct occurs.

(b) [Reserved.]

(c) [Reserved.]

Comment

[1] The first sentence of Rule 8.5 was adapted from the first sentence of Lawyer RPC 8.5 with no substantive changes and applies to LLLTs analogously.

[2] An LLLT holds a unique form of license to practice law. Unlike lawyers, LLLTs are not recognized licensed legal practitioners in jurisdictions other than Washington. With the exception of the first sentence of Lawyer RPC 8.5, that rule applies either to the conduct of lawyers from this jurisdiction who practice law in another jurisdiction, lawyers from another jurisdiction who practice law in this jurisdiction, and lawyers who serve as judges or justices. For this reason, paragraphs (b) and (c) are reserved.

APPENDIX [Reserved]

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.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 14-21-005

INTERPRETIVE OR POLICY STATEMENT PUBLIC DISCLOSURE COMMISSION

[Filed October 1, 2014, 4:51 p.m.]

NOTICE OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PDC Interpretation 14-01.

Subject: Campaign loans.

Effective Date: September 25, 2014.

Description: New interpretation that provides guidance to candidates and political committees regarding receiving and repaying campaign loans.

The commission's interpretive statements are available online at <http://www.pdc.wa.gov/home/laws/commissioninterpretation.aspx>.

Copies may be requested by contacting Lori Anderson, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2737 or 1-877-601-2828, e-mail lori.anderson@pdc.wa.gov, fax (360) 753-1112.

WSR 14-21-006
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF HEALTH
 (Health Disparity Council)
 [Filed October 2, 2014, 7:35 p.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of policy committee meetings for the Washington state board of health (WSBOH) and the health disparity council, for the remainder of the year 2014. The board and council meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the WSBOH web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the WSBOH reserves the right to change or amend agendas at the meeting.

Board	Wednesday October 8, 2014 (10 a.m. - 3:20 p.m.)	WSU Riverpoint Campus Innovate WA Building 665 North Riverpoint Boulevard Room 432 Spokane, WA 99210
Board	Wednesday November 12, 2014	Department of Health Point Plaza East 310 Israel Road S.E. Room 152/153 Tumwater, WA 98501
Council	Thursday December 11, 2014	LOTT Clean Water Alliance (and WET Science Center) 500 Adams Street N.E. Olympia, WA 98501

Start time is 9:30 a.m. unless otherwise specified. Time and locations subject to change as needed. See our web site at <http://sboh.wa.gov/> for the most current information.

If you need further information, please contact Melanie Hisaw, Executive Assistant, WSBOH, P.O. Box 47990, Olympia, WA 98504-7990, phone (360) 236-4104, fax (360) 236-4088, Melanie.hisaw@sboh.wa.gov, <http://sboh.wa.gov/>.

Please be advised the commission is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 14-21-011
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Podiatric Medical Board)
 [Filed October 2, 2014, 10:13 a.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, podiatric medical

board, for the year 2015. The podiatric medical board meetings are open to the public, and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and/or the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the podiatric medical board reserves the right to change or amend agendas at the meeting.

Date	Time	Location
January 8, 2015	9:00 a.m.	Renton
April 2, 2015	9:00 a.m.	Renton
July 16, 2015	9:00 a.m.	Renton
October 15, 2015	9:00 a.m.	Renton

If you need further information, please contact Brett Cain, Program Manager, Podiatric Medical Board, Washington State Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4766, fax (360) 236-2901, brett.cain@doh.wa.gov, www.doh.wa.gov.

Please be advised that the podiatric medical board is required to comply with the Public Records Act, chapter 42.56 RCW. This act established a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 14-21-012
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Osteopathic Medicine and Surgery)
 [Filed October 2, 2014, 10:13 a.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of osteopathic medicine and surgery, for the year 2015. The board of osteopathic medicine and surgery meetings are open to the public, and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and/or the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of osteopathic medicine and surgery reserves the right to change or amend agendas at the meeting.

Date	Time	Location
January 23, 2015	9:00 a.m.	Kent
March 13, 2015	9:00 a.m.	Kent
May 15, 2015	9:00 a.m.	Yakima
July 24, 2015	9:00 a.m.	Renton

Date	Time	Location
September 25, 2015	9:00 a.m.	Renton
November 13, 2015	9:00 a.m.	Renton

If you need further information, please contact Brett Cain, Program Manager, Board of Osteopathic Medicine and Surgery, Washington State Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4766, fax (360) 236-2901, brett.cain@doh.wa.gov, www.doh.wa.gov.

Please be advised that the board of osteopathic medicine and surgery is required to comply with the Public Records Act, chapter 42.56 RCW. This act established a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 14-21-013

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ARCHAEOLOGY
AND HISTORIC PRESERVATION
(Advisory Council on Historic Preservation)**

[Filed October 2, 2014, 11:27 a.m.]

In accordance with RCW 42.30.075, following is the quarterly meeting of the Washington state governor's advisory council on historic preservation.

October 24, 2014 City Hall
15 North 3rd Street
Walla Walla, WA

For updated information about our meetings, please contact Michael Houser at the Washington State Department of Archaeology and Historic Preservation at (360) 586-3076 or Michael.Houser@dahp.wa.gov.

If anyone wishes to request disability accommodations, notice should be given to us at least ten days in advance of the meeting in question. Notice may be given by phone at (360) 586-3065, fax (360) 586-3067 or by contacting Beverly Ubias at Beverly.Ubias@dahp.wa.gov.

WSR 14-21-014

**PUBLIC RECORDS OFFICER
SOUTH PUGET SOUND
COMMUNITY COLLEGE**

[Filed October 2, 2014, 11:28 a.m.]

In accordance with RCW 42.56.580, South Puget Sound Community College is designating Kenneth Harden, Chief Human Resource Officer, 2011 Mottman Road S.W., Olympia, WA 98512, e-mail kharden@spscc.edu, phone (360) 596-5360, fax (360) 596-5706 as public records officer.

As president of South Puget Sound Community College, I hereby appoint the person listed above as South Puget

Sound Community College's public records officer in accordance with RCW 42.56.580.

Dr. Timothy Stokes
President

WSR 14-21-015

**PUBLIC RECORDS OFFICER
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed October 2, 2014, 11:29 a.m.]

Pursuant to RCW 42.56.580 Public records officers, the director of the department of retirement systems designates Rozie McClay, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 664-7089, fax (360) 753-3166, PDR@drs.wa.gov, as the agency's public records officer, effective since June 1, 2013.

Please contact Marcie Frost at 664-7312 if you need additional information.

Marcie Frost
Director

WSR 14-21-026

**NOTICE OF PUBLIC MEETINGS
GUARANTEED EDUCATION
TUITION PROGRAM**

[Filed October 3, 2014, 11:35 a.m.]

In accordance with RCW 28B.95.020 and WAC 14-276-030, the advanced college tuition program, known as the guaranteed education tuition (GET) program, has made a change to the start time and location of the meeting noted below:

Revision: GET Committee Retreat, on Monday, October 20, 2014, at 1:00 – 5:00 p.m., at the Washington Student Achievement Council, 919 Lakeridge Way S.W., Olympia, W [WA] 98504.

Please contact Katie Gross, if you need additional information. She can be reached at (360) 753-7839.

WSR 14-21-027

**PUBLIC RECORDS OFFICER
JOINT LEGISLATIVE AUDIT
AND REVIEW COMMITTEE**

(Citizen Commission for Performance Measurement of Tax Preferences)

[Filed October 3, 2014, 12:13 p.m.]

The 2006 legislature created the citizen commission for performance measurement of tax preferences (EHB 1069) to develop a schedule to accomplish an orderly review of tax preferences at least once every ten years and to provide a process for effective citizen input regarding the review of tax preferences. This legislation also directs that the joint legisla-

tive audit and review committee (JLARC) provide clerical, technical and management personnel to serve as commission staff.

Consistent with JLARC's responsibility to provide clerical, technical and management personnel to serve as commission staff, and in compliance with RCW 42.17.253, Marilyn Richter has been appointed as the public records officer for the citizen commission for performance measurement of tax preferences. Requests for disclosure of public records may be directed to Marilyn Richter, Committee Administrative Services Coordinator, 1300 Quince Street, P.O. Box 40910, Olympia, WA 98501-2323, phone (360) 786-5171, fax (360) 786-5180, e-mail Marilyn.Richter@leg.wa.gov.

Keenan Konopaski
Legislative Auditor

WSR 14-21-028

**NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD**

[Filed October 6, 2014, 10:01 a.m.]

NOTICE OF CHANGE TO PUBLIC MEETINGS 2014

The public works board will be holding scheduled meetings on the following dates at 9:00 a.m. as modified below:

July 11, 2014	New date added
August 8, 2014	
September 5, 2014	Cancelled
October 3, 2014	Changed to October 2, 2014
November 7, 2014	Cancelled
November 10, 2014	Rescheduled - early start of 8:30 a.m.
December 5, 2014	

Please contact the public works board at (360) 725-2744 for any further information.

WSR 14-21-033

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 6, 2014, 3:06 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

**Economic Services Administration
Division of Child Support (DCS)**

Document Title: Policy Clarification Memo 14-002: 2014 Change to the Self-Support Reserve.

Subject: 2014 Change to self-support reserve.
Effective Date: January 22, 2014.

Document Description: This policy clarification memo explains that the self-support reserve increased from \$1,197 to \$1,216 effective January 22, 2014.

To receive a copy of the interpretive or policy statements, contact Lori Webb, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5236, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail Webbla@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

WSR 14-21-046

**NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES
OF SPOKANE**

[Filed October 7, 2014, 2:32 p.m.]

The board of trustees of Washington State Community College District 17 (Community Colleges of Spokane) has changed the meeting time of its November 2014, regular meeting:

From:	November 18, 2014 8:30 a.m. - noon Lodge Building 3305 West Fort George Wright Drive Spokane, WA
To:	November 18, 2014 10 a.m. - 12:30 p.m. Lodge Building 3305 West Fort George Wright Drive Spokane, WA

If you need further information, please contact Linda Graham, Community Colleges of Spokane, 501 North Riverpoint Boulevard, Spokane, WA 99217, phone (509) 434-5006, fax (509) 434-5025, e-mail linda.graham@ccs.spokane.edu.

WSR 14-21-048

**NOTICE OF PUBLIC MEETINGS
HORSE RACING COMMISSION**

[Filed October 7, 2014, 3:09 p.m.]

2015 MEETING DATES

DATE	TOPIC	LOCATION
Friday January 9, 2015		9:30 a.m. Auburn City Council
Friday February 13, 2015	Emerald Downs Officials Class C Race Dates Class C Officials Approval of Split Sample Labs	Chambers 25 West Main Auburn, WA 98001
Friday March 13, 2015	Twin Spires Renewal	"

Friday April 10, 2015		"
May, no meeting		
Friday June 12, 2015	TVG Renewal	"
July, no meeting		
Friday August 14, 2015	Annual Review of License Fees (WAC 260-36-085)	"
Friday September 11, 2015	Approval of Agency Budget/Request Legislation Annual Review of Source Market Fee Distribution	"
Friday October 9, 2015	Xpress Bet Renewal WHRC Meeting Dates for 2016 End of Meet Reports	"
Friday November 13, 2015	Owners/Breeders Award Distribution	
December, no meeting		

WSR 14-21-049
POLICY STATEMENT
DEPARTMENT OF AGRICULTURE
[Filed October 7, 2014, 3:13 p.m.]

Policy Statement

Number: PS-14-0002.

Subject: Civil Penalties – Motor Fuel Quality Act.

Description: The Washington state department of agriculture is establishing by policy a framework for fair and consistent determination of civil penalties for violations under the Motor Fuel Quality Act, chapters 19.112 RCW and 16-662 WAC. The agency is required to consider the seriousness of the violation and the history of previous violations. The policy does not amend or replace applicable laws and rules and in the event of a conflict or inconsistency the laws and rules take precedence over the policy.

To receive a copy of the interpretive or policy statement contact Rules Coordinator, Administrative Regulations Office, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2043, fax (360) 902-2092, TDD 1-800-833-6388.

Don R. Hover
Director

WSR 14-21-050
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed October 7, 2014, 3:51 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

Economic Services Administration
Division of Child Support (DCS)

Document Title: DCS Administrative Policy 3.02: Signature Authorizations.

Subject: Signature Authorizations.

Effective Date: May 29, 2013.

Document Description: This policy identifies approval authority for authorizing [authorizing] disbursements (payments), establishes responsibility at each level of the organization, and identifies the procedure for authorizing approval authority.

To receive a copy of the interpretive or policy statements, contact Karen Sundahl, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5194, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail sundaka@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

WSR 14-21-051
CLEMENCY AND PARDONS BOARD
[Filed October 7, 2014, 4:22 p.m.]

Notice of Quarterly Hearing

The Washington state clemency and pardons board hereby gives notice of its quarterly hearing scheduled for December 12, 2014, at 10:00 a.m., in Senate Hearing Room 3, of the John A. Cherberg Building, Olympia, Washington¹. The following petitions will be considered by the board²:

Petitioner:	Relief Requested:
McKiernan, Michael W.	Commutation
Price, Piarre D.	Commutation
Caton, Curtis E.	Commutation
Ballard, Willeen R.	Commutation
Russell, Matthew D.	Commutation
Carey, Stephen D.	Commutation
Gonzalez, Eustolia	Pardon
Baltazar-Juan, Ismael	Pardon
Lecaros, Erwin L.	Pardon

¹Please note that all board hearings are recorded by a court reporter, open to the public, and broadcast on the state public affairs network, TVW.

²At the board's discretion, the order of the petitions to be called for hearing is subject to change.

WSR 14-21-055

**NOTICE OF PUBLIC MEETINGS
OLYMPIC COLLEGE**

[Filed October 8, 2014, 9:46 a.m.]

Pursuant to RCW 42.30.075, Olympic College hereby gives notice that a special meeting of the board of trustees of Olympic College, District Three, will be held on Wednesday, October 29, beginning at 1:20 p.m. and ending at 1:50 p.m. at Olympic College in the president's conference room (CSC 513). The board members will participate in an interview for the Aspen Prize.

WSR 14-21-058

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES**

(Natural Heritage Advisory Council)

[Filed October 8, 2014, 2:31 p.m.]

The natural heritage advisory council will meet on the following dates:

March 5, 2014	9:30 a.m. to 3:30 p.m. Natural Resources Building 1111 Washington Street S.E. Room 175 Olympia, WA 98501
July 8, 2014	10:30 to 4:30 Natural Resources Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501
July 9, 2014	Field trip
December 5, 2014	9:00 to 12:00 Natural Resources Building 1111 Washington Street S.E. Room 461 Olympia, WA 98501

Regular council business generally includes consideration of conservation priorities and proposals for new natural areas, additions to existing natural areas, and management activities within existing natural areas.

For further information contact the Department of Natural Resources, Natural Heritage Program, 1111 Washington Street S.E., Olympia, WA 98504-7014, (360) 902-1916.

WSR 14-21-064

**NOTICE OF PUBLIC MEETINGS
WENATCHEE VALLEY COLLEGE**

[Filed October 9, 2014, 12:55 p.m.]

**BOARD OF TRUSTEE MEETING SCHEDULE
2015**

Unless otherwise notified, work sessions will begin at 10 a.m. and board of trustee meetings at 3 p.m.

This schedule is subject to change.

- January 21, 2015
- February 18, 2015
- March 18, 2015
- April 14, 2015 (board retreat)
- April 15, 2015 (at Omak campus)
- May 20, 2015
- June 17, 2015
- July (no meeting)
- August 19, 2015 (board retreat)
- September 9, 2015
- October 21, 2015 (at Omak campus)
- November 18, 2015

WSR 14-21-065

**INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE**

[Filed October 9, 2014, 1:34 p.m.]

INTERPRETIVE STATEMENT ISSUED

The department of revenue has issued the following excise tax advisory (ETA): **ETA 3192.2014**.

This ETA explains when a professional employer organization providing employer services is eligible for a business and occupation tax deduction from gross income for qualifying costs paid to or on behalf of covered employees under RCW 82.04.540 and includes examples.

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Tim Jennrich
Tax Policy Manager
ETA and Special Projects

WSR 14-21-067

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH**

(Board of Pharmacy)

[Filed October 10, 2014, 7:26 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedures

[Procedure] Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of pharmacy, for the year 2015. The pharmacy quality assurance commission meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the pharmacy quality assurance commission reserves the right to change or amend agendas at the meeting.

Date	Time	Location
January 29, 2015	9:00 a.m.	Department of Health PPE Room 152/153 310 Israel Road S.E. Tumwater, WA 98501
March 12, 2015	9:00 a.m.	Highline Community College Mt. Constance 2400 South 240 Street Des Moines, WA 98198
April 30, 2015	9:00 a.m.	Whatcom County – location to be determined
June 11, 2015	9:00 a.m.	Department of Health PPE Room 152/153 310 Israel Road S.E. Tumwater, WA 98501
July 30, 2015	9:00 a.m.	Blackriver Training and Conference Center 800 Oakesdale Avenue S.W. Renton, WA 98057
September 17, 2015	9:00 a.m.	Yakima County – location to be determined
October 29, 2014 [2015]	9:00 a.m.	Blackriver Training and Conference Center 800 Oakesdale Avenue S.W. Renton, WA 98057
December 11, 2015	9:00 a.m.	Highline Community College 2400 South 240 Street Des Moines, WA 98198

If you need additional information, please contact Doreen E. Beebe, Health Services Consultant 3, Washington Department of Health, Pharmacy Quality Assurance Commission, P.O. Box 47852, Olympia WA 98504-7852, phone (360) 236-4834, e-mail Doreen.Beebe@doh.wa.gov, web www.doh.wa.gov.

Please be advised the board of pharmacy is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 14-21-074
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
ASIAN PACIFIC AMERICAN AFFAIRS

[Filed October 10, 2014, 3:36 p.m.]

The commission on Asian Pacific American affairs has changed the following regular meeting:

From: November 15, 2014
 10:00 a.m. – 2:00 a.m. [p.m.]
 Asian Counseling and Referral Service
 3639 Martin Luther King Jr. Way South
 Seattle, WA 98144

To: November 15, 2014
 10:00 a.m. – 2:00 a.m. [p.m.]
 Chinese Information and Service Center
 611 South Lane Street
 Seattle, WA 98104

If you need further information contact Amy Van, 210 11th Avenue S.W., Suite 301A, P.O. Box 40925, (360) 725-5667, (360) 586-9501, amy.van@capaa.wa.gov, https://capaa.wa.gov.

WSR 14-21-077
NOTICE OF PUBLIC MEETINGS
OFFICE OF
CIVIL LEGAL AID
 (Civil Legal Aid Oversight Committee)

[Filed October 13, 2014, 9:05 a.m.]

The civil legal aid oversight committee established by section 4, chapter 105, Laws of 2005, will meet and conduct business on the following dates during calendar year 2015:

- Friday
March 27, 2015 Location TBD in Olympia, Washington
- Friday
June 12, 2015 Wenatchee Convention Center in conjunction with the 2015 access to justice conference
- Friday
September 18, 2015 Location TBD in Seattle, Washington
- Friday
December 11, 2015 Location TBD in Seattle, Washington

Meetings generally run from 10:00 a.m. to 2:00 p.m. Specific meeting times, locations and agendas will be published prior to the meetings and materials will be available on the office of civil legal aid's web site at www.ocla.wa.gov.

Open meeting and accommodations: All meetings are open to the public. The civil legal aid oversight committee fully complies with applicable laws ensuring access for persons with disabilities. Upon request, the civil legal aid oversight committee will make reasonable accommodation to ensure full accessibility and meaningful opportunity for interested individuals to participate in the meeting, regardless of

physical, mental, cognitive or other disabilities. Requests for translation services or assistive technology should be submitted at least forty-eight hours prior to the meeting in order to allow the oversight committee to accommodate.

For further information about these meetings and/or to request reasonable accommodation, please contact James A. Bamberger, Director, Office of Civil Legal Aid, 1112 Quince Street S.E., Mailstop 41183, Olympia, WA 98504, (360) 704-4135, jim.bamberger@ocla.wa.gov.

WSR 14-21-085**PUBLIC RECORDS OFFICER****TRANSPORTATION IMPROVEMENT BOARD**

[Filed October 13, 2014, 10:47 a.m.]

The public records officer for the transportation improvement board is Kelsey Davis, Transportation Improvement Board, P.O. Box 40901, Olympia, WA 98504-0901, e-mail KelseyD@tib.wa.gov, phone (360) 586-1146, fax (360) 586-1165.

Stevan Gorcester
Executive Director

WSR 14-21-086**RULES COORDINATOR****DEPARTMENT OF****LABOR AND INDUSTRIES**

[Filed October 13, 2014, 11:43 a.m.]

Pursuant to RCW 34.05.312, the designated rules coordinator for the department of labor and industries is Maggie Leland, e-mail maggie.leland@lni.wa.gov, phone (360) 902-4504, fax (360) 902-4202.

Maggie Leland
Senior Policy Advisor

WSR 14-21-091**NOTICE OF PUBLIC MEETINGS****OLYMPIC REGION****CLEAN AIR AGENCY**

[Filed October 14, 2014, 8:24 a.m.]

The Olympic Region Clean Air Agency's board of directors has changed the following regular meeting:

From: December 10, 2014.

To: Cancelled.

If you need further information contact Debbie Moody, 2940 Limited Lane N.W., Olympia, (360) 539-7610, ext. 114, fax (360) 491-6308, debbie.moody@orca.org, www.orca.org.

WSR 14-21-094**NOTICE OF PUBLIC MEETINGS****HIGHLINE COLLEGE**

[Filed October 14, 2014, 10:45 a.m.]

This is a change in the meeting schedule for 2014 for the board of trustees of Highline College, District 9. All regularly scheduled meetings will be held in Building 25 on the Highline campus in Des Moines, Washington and begin with a study session at 8:00 a.m., followed by the regular meeting at 10:00 a.m. Special meetings scheduled by the board of trustees may be held in an alternate location as specified. Due to a conflict in meeting schedules, the meeting that was previously scheduled for December 11 is now scheduled for Wednesday, December 17.

Additionally, the October date which was previously unconfirmed is now scheduled as a special meeting to be held off campus at 3583 S.W. 320th Street, Federal Way, WA 98023, beginning at 6:00 p.m.

The following is the listing for the remaining meeting dates for 2014.

DATE	STUDY SESSION	MEETING
October 28	Special meeting beginning 6:00 p.m.	3583 S.W. 320th Street Federal Way, WA 98023
November 20, 2014	8:00 a.m.	10:00 a.m.
December 17, 2014	8:00 a.m.	10:00 a.m.

WSR 14-21-100**NOTICE OF PUBLIC MEETINGS****CENTRAL WASHINGTON UNIVERSITY**

[Filed October 15, 2014, 10:50 a.m.]

In compliance with RCW 42.30.075, please note the following change of dates for the Central Washington University board of trustees annual planning retreat: The board's annual planning retreat will be held Thursday, July 23 and Friday, July 24, 2015, instead of July 16 and 17, 2015, as previously reported.

WSR 14-21-105**INTERPRETIVE OR POLICY STATEMENT****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

[Filed October 15, 2014, 2:22 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services (DSHS).

**Aging and Long-Term Support Administration
Division of Home and Community Services (HCS)
and Developmental Disabilities Administration (DDA)**

Document Title: Public Notice.

Subject: Development of statewide transition plan for compliance with new federal rules.

Effective Date: January 20, 2015.

Document Description: A final federal rule, published in January 2014, created requirements for home and community-based settings (HCBS) in medicaid programs operated under sections 1915 (c), (i), and (k) of the Social Security Act. The rule supports opportunities to maximize access to the benefits of community living and to receive services in the most integrated setting for HCBS program participants. DSHS is conducting an assessment of settings where medicaid funded HCBS are provided and is preparing a report for Centers for Medicare and Medicaid Services that will include a transition plan for settings that don't meet the new federal requirements. The transition plan includes actions the state will take to address identified issues. Those steps may include but are not limited to revised contractual requirements, standardized residential admission agreements, changes to licensing survey elements and changes to WAC.

To view the new rules and get more information, please visit <http://www.altsa.dshs.wa.gov/stakeholders/hcbs/>. The draft transition plan will be posted on this web site on December 17, 2014. Please note this timeline supersedes the timeline published on WSR 14-19. A webinar will be held on December 17 to review the draft transition plan and gather public comments. To register for this webinar, please go to <https://www2.gotomeeting.com/register/569223674>.

DSHS welcomes all public, tribal, and stakeholder comments. Comments on the development of the transition plan will be received through December 1, 2014. Comments on the posted draft transition plan will be received through January 20, 2015. For a copy of the draft transition plan, when it becomes available, or to submit comments, contact Barbara Hanneman, HCS Program Manager, HCS, P.O. Box 45600, phone (360) 725-2525, TDD/TTY (360) 438-2637, fax (360) 586-9727, e-mail hannebj@dshs.wa.gov, web site <http://www.adsa.dshs.wa.gov>.

WSR 14-21-117
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 17, 2014, 9:59 a.m.]

UPDATED 2015 MEETING CALENDAR

At its October 17, 2014, conference call the fish and wildlife commission updated the dates and locations for its 2015 calendar. Please note the only changes are in the month of March:

Date	Location
January 2	Conference call
January 9-10	Olympia
January 16	Conference call
February 6-7	Olympia
February 20	Conference call

Date	Location
March 6	Conference call
March 20-21	Eastern Washington
April 3	Conference call
April 9-10	Olympia
April 17	Conference call
May 1	Conference call
May 15	Conference call
June 5	Conference call
June 12-13	Olympia
June 19	Conference call
July 17	Conference call
August 7-8	Olympia
August 21	Conference call
September 4	Conference call
September 18	Conference call
September 25-26	Eastern Washington
October 2	Conference call
October 16	Conference call
November 6	Conference call
November 13-14	Olympia
November 20	Conference call
December 4	Conference call
December 11-12	Olympia
December 18	Conference call

All commission meetings, including conference calls, are recorded and open to the public. Audio recordings are generally available the week following each meeting. Contact the commission office for additional information.

Commission meeting agendas are available for viewing electronically on the department's web site prior to each meeting. The web site listed below is updated regularly to include agenda revisions and meeting materials as they become available.

Mailing Address: 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Commission@dfw.wa.gov, web site www.wdfw.wa.gov/commission, phone (360) 902-2267, fax (360) 902-2448, TTY (800) 833-6388.

WSR 14-21-118
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed October 17, 2014, 10:00 a.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services (DSHS).

Aging and Long-Term Support Administration (AL TSA)
Division of Home and Community Services

Document Title: Public Notice.

Subject: Change to residential support waiver.

Effective Date: November 24, 2014.

Document Description: Home and community services, a division of AL TSA, intends to submit a waiver amendment request with the federal Centers for Medicaid and Medicare Services for the residential support waiver (WA# 1086). This amendment will incorporate the new billing and payment information related to implementation of ProviderOne Phase 2 for waiver providers who have 1099 tax status (such as adult family homes, durable medical equipment vendors, home delivered meal providers, and personal emergency response system vendors). After implementation of ProviderOne Phase 2, billing and payment for these waiver providers will no longer be completed by DSHS social service payment system.

To receive a copy of the interpretive or policy statements, contact Sandy Robertson, Home and Community Services, P.O. Box 45600, phone (360) 725-2576, TDD/TTY (360) 438-2637, fax (360) 586-9727, e-mail Sandy.Robertson@dshs.wa.gov, web site <http://www.adsa.dshs.wa.gov/professional>.

WSR 14-21-122
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed October 17, 2014, 12:44 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services (DSHS).

Aging and Long-Term Support Administration
Division of Home and Community Services (HCS)

Document Title: Public Notice.

Subject: Medicaid state plan amendment.

Effective Date: March 1, 2015.

Document Description: The purpose of this notice is to inform the public of the state's plan to submit an amendment to the residential support waiver, WA.1086.R00. The amendment will add enhanced services facility as a qualified waiver provider of residential services. This waiver provides resi-

dential supports to adults who are ready to relocate from a state or community psychiatric hospital to a community setting. The residential support waiver serves individuals who have a need for residential services that provide behavioral supports, personal care assistance, and supervision.

The residential support waiver (WA.1086) was approved on August 1, 2014, by the federal Centers for Medicaid and Medicare Services. The waiver is being amended to add enhanced services facilities as an additional settings option for waiver clients.

Once approved, this amendment allows clients to choose to receive these waiver services in an adult family home setting or in an enhanced services facility setting.

To view the waiver amendment, please visit <http://www.alsa.dshs.wa.gov/stakeholders/hcbs/>. DSHS welcomes all public, tribal, and stakeholder comments. Comments on the posted amendment will be received through December 5, 2014.

To receive a copy of the interpretive or policy statements, or to submit comments on the waiver amendment, please contact Sandy Robertson, Residential Support Waiver Program Manager, HCS, P.O. Box 45600, phone (360) 725-2576, TDD/TTY (360) 438-2637, fax (360) 586-9727, e-mail Sandy.Robertson@dshs.wa.gov, web site <http://www.adsa.dshs.wa.gov>.

WSR 14-21-128
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF HEALTH

[Filed October 20, 2014, 1:15 p.m.]

NOTICE OF ADOPTION OF AN INTERPRETIVE OR POLICY STATEMENTS

Title of Interpretive or Policy Statement: Implementation of expiration of the practical experience pathway to veterinary technician licensure, effective July 1, 2015.

Issuing Entity: Veterinary board of governors.

Subject Matter: Veterinary technician practical experience pathway to licensure.

Effective Date: August 22, 2014.

Contact Person: Judy Haenke, Program Manager, Health Systems Quality Assurance, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4947.

WSR 14-21-131
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY

[Filed October 20, 2014, 2:33 p.m.]

BOARD OF REGENTS MEETING NOTICE

The Washington State University board of regents will hold its next official meetings on Thursday and Friday, October 23-24, 2014, in Pullman, Washington, pursuant to the schedule below.

All meetings will take place at the Compton Union Building, Room 204, as outlined in the schedule below, unless noted otherwise.

The meetings will begin at 1:00 p.m. on Thursday. Unless otherwise indicated, committee meetings also are board of regents meetings and will run consecutively throughout the afternoon; starting times following the first committee meeting are estimates only. If a session ends earlier than expected, the next scheduled session may convene immediately. Committee meetings may be attended by all members of the board of regents and all members may participate.

Thursday, October 23, 2014		Location
11:30 a.m.	Board of Regents Lunch	CUB 208
1:00 p.m.*	Executive Committee	CUB 204
1:15 p.m.*	Finance and Audit Committee	CUB 204
2:30 p.m.*	Academic and Student Affairs Committee	CUB 204
3:45 p.m.*	External Affairs Committee	CUB 204
4:00 p.m.*	Executive Session, if needed	CUB 204
6:30 p.m.	Board of Regents Dinner	President's Residence

**or upon conclusion of previous session.*

Friday, October 24, 2014		Location
7:00 a.m.	Board of Regents Breakfast	CUB 208
8:00 a.m.	Board of Regents Meeting	CUB 204

In addition, on Thursday, October 23, the regents will attend a reception celebrating the official naming of the Carson College of Business held at 4:30 p.m., Todd Hall, Room 268, Pullman, Washington. The regents have also been invited to attend the Carson College of Business public naming celebration and BBQ on Friday at 11:30 a.m. and the home football game (WSU vs. Arizona) on Saturday.

Questions about the Board of Regents meeting and schedule may be directed to Desiree Jacobsen, (509) 335-6662.

WSR 14-21-133
NOTICE OF PUBLIC MEETINGS
CENTRALIA COLLEGE
 [Filed October 20, 2014, 2:53 p.m.]

The Centralia College, Community College District Twelve, board of trustees has changed the following regular meeting:

From: November 13, 2014, at 3:00 p.m.
 To: November 19, 2014, at 3:00 p.m.

If you need further information contact Janet Reaume, 600 Centralia College Boulevard, Centralia, WA, (360) 736-9391 ext. 231, (360) 330-7108, jreaume@centralia.edu, www.centralia.edu.

WSR 14-21-139
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed October 21, 2014, 8:50 a.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

Economic Services Administration
Division of Child Support (DCS)

Document Title: DCS Administrative Policy 1.17: Internet and E-mail Use.

Subject: Internet and e-mail use.

Effective Date: October 10, 2014.

Document Description: This policy states DCS expectations for use of the internet and the intranet.

To receive a copy of the interpretive or policy statements, contact Karen Sundahl, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5194, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail sundaka@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

WSR 14-21-141
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
 (Board of Boiler Rules)
 [Filed October 21, 2014, 9:20 a.m.]

Per chapter 42.30 RCW, the Open Public Meetings Act, the board of boiler rules meeting for November will be held on November 4, 2014, at 10:00 a.m., at the Department of Labor and Industries, 950 Broadway Avenue, Tacoma, WA.

Please feel free to contact Maggie Leland at (360) 902-6244 or alicia.curry@Lni.wa.gov, if you have any questions.

WSR 14-21-142
NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE
 (Invasive Species Council)
 [Filed October 21, 2014, 9:51 a.m.]

The Washington invasive species council is changing the location and time of the regular quarterly meeting scheduled for December 4, 2014:

FROM: 9:00 a.m. to 3:00 p.m. at the Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA.

TO: 9:00 a.m. to 12:00 p.m. at the John A. Cherberg Building, Hearing Room B and C, 416 Sid Snyder Avenue S.E., Olympia, WA.

For further information, please contact Wendy Brown at 1111 Washington Avenue S.E., P.O. Box 40917, Olympia, WA 98504-0917, wendy.brown@rco.wa.gov, phone (360) 902-3021, fax (360) 902-3026.

Meeting information is also available online at www.invasivespecies.wa.gov.

The Washington invasive species council schedules all public meetings at barrier free sites. Persons who need special assistance may contact Wendy Brown at the contact information listed above.

WSR 14-21-143

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF LABOR AND INDUSTRIES

[Filed October 21, 2014, 9:54 a.m.]

Under RCW 34.05.230, enclosed are three policy and interpretive statements issued by the department of labor and industries regarding the insurance services division.

If you have any questions or need additional information, please call Maggie Leland at (360) 902-4504.

Title: Policy 72.04, Verifying an Estimate of Employer Hours.

Date Issued: November 1, 2014.

Description: This policy is being updated to add additional clarification and to reflect current practice. This policy is also being amended to clarify the specific steps the department's revenue agents will perform when calculating an estimate of an employer's quarter hours.

Contact: Nancy Lach, 7273 Linderson Way, Tumwater, WA 98501, (360) 902-4379, nancy.lach@lni.wa.gov.

Title: Policy 14.55, Permanent Partial Disability Awards for Vision Claims.

Date Issued: November 1, 2014.

Description: This new policy applies when calculating permanent partial disability for vision as a result of an industrial injury.

Contact: Suzy Campbell, 7273 Linderson Way, Tumwater, WA 98501, (360) 902-5003, Suzanne.campbell@lni.wa.gov.

Title: Policy 40.01, Chiropractic Rating and Independent Medical Examinations.

Date Repealed: October 1, 2014.

Description: The information in the policy is outdated. The information has been updated, clarified, and is now covered in the Medical Examiners' Handbook. The handbook is updated yearly on July 1.

Contact: Suzy Campbell, 7273 Linderson Way, Tumwater, WA 98501, (360) 902-5003, Suzanne.campbell@lni.wa.gov.

Maggie Leland
Rules Coordinator
Senior Policy Advisor

WSR 14-21-144

NOTICE OF PUBLIC MEETINGS RECREATION AND CONSERVATION OFFICE

(Salmon Recovery Funding Board)

[Filed October 21, 2014, 9:56 a.m.]

The salmon recovery funding board is changing the date and time of the regular quarterly meeting scheduled for December 3-4, 2014:

FROM: December 3 and 4, 2014, from 9:00 a.m. to 5:00 p.m., Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA.

TO: December 3, 2014, from 9:00 a.m. to 5:25 p.m., Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA.

For further information, please contact Wendy Loosle, 1111 Washington Street S.E., P.O. Box 40917, Olympia, WA 98504-0917, wendy.loosle@rco.wa.gov, phone (360) 902-3027, fax (360) 902-3026.

Meeting information is also available online at http://www.rco.wa.gov/boards/srfb_meetings.shtml.

The recreation and conservation office schedules all public meetings at barrier free sites. Persons who need special assistance may contact Ameer Bahr at (360) 725-3943, or by e-mail amee.bahr@rco.wa.gov.

WSR 14-21-170

DEPARTMENT OF FISH AND WILDLIFE

[Filed October 22, 2014, 9:07 a.m.]

PUBLIC NOTICE

NOTICE OF AVAILABILITY FOR PUBLIC REVIEW AND COMMENT ON THE WASHINGTON DEPARTMENT OF FISH AND WILDLIFE (WDFW) REVISED HATCHERY GENETIC MANAGEMENT PLANS (HGMPs) FOR SKAGIT RIVER AND LAKE WASHINGTON HATCHERY PROGRAMS

Revised HGMPs for six Puget Sound artificial production programs are available for a thirty day public review and comment period. The comments, WDFW's response, and any resultant modifications to the HGMPs will be subsequently posted on the WDFW web site and provided to NOAA fisheries for consideration.

The HGMPs describe, in a format prescribed by NOAA fisheries, the operations of WDFW artificial production programs and their potential effects of the programs on listed species. These include summer and spring Chinook salmon at Marblemount Hatchery, and coho salmon at Baker Lake, Marblemount and Issaquah hatcheries, and the sockeye salmon at Cedar River Hatchery. The HGMPs will be provided to NOAA fisheries for consideration as a significant conservation measure under Section 4(d) of the Endangered Species Act.

The HGMPs may be accessed for review through one of the following means: (1) Electronically via the Internet on WDFW's web site at <http://wdfw.wa.gov/hatcheries/>; or (2) in person through a scheduled appointment at WDFW's head-

quarters in Olympia, Washington. To schedule an appointment or to obtain more information, please call (360) 902-2676.

WDFW will be accepting public comments on the HGMPs for these Puget Sound artificial production programs until December 5, 2014. Comments must be submitted in writing to Phil Anderson, Director, WDFW (Attention: Hatcheries - NRB 6th Floor), 600 Capitol Way North, Olympia, WA 98501-1091, or electronically through e-mail addressed to HGMP-PScomments@dfw.wa.gov. All comments must be received by WDFW at the appropriate address or via e-mail by 5 p.m. Pacific Daylight Time on December 5, 2014.

This notice can also be found on the Washington State Register web site at [http://www.leg.wa.gov/CODE REVISER/Pages/Washington_State_Register.aspx](http://www.leg.wa.gov/CODE_REVISER/Pages/Washington_State_Register.aspx).

**WSR 14-21-171
NOTICE OF PUBLIC MEETINGS
LIQUOR CONTROL BOARD**

[Filed October 22, 2014, 9:08 a.m.]

2015 Meeting Schedule

For more information please call (360) 664-1717 or e-mail maureen.malahovsky@lcb.wa.gov.

Meetings	Time	Title	Location
Wednesday January 1, 2015		HOLIDAY	
Tuesday January 6, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday January 7, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday January 7, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday January 13, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday January 14, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday January 14, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday January 20, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday January 21, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday January 21, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday January 27, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday January 28, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday January 28, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday February 3, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday February 4, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday February 4, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom

Meetings	Time	Title	Location
Tuesday February 10, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday February 11, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday February 11, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday February 17, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday February 18, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday February 18, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday February 24, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday February 25, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday February 25, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday March 3, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday March 4, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday March 4, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday March 10, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday March 11, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday March 11, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday March 17, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday March 18, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday March 18, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday March 24, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday March 25, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday March 25, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday March 31, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday April 1, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday April 1, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday April 7, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday April 8, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday April 8, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday April 14, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday April 15, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday April 15, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom

Meetings	Time	Title	Location
Tuesday April 21, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday April 22, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday April 22, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday April 28, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday April 29, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday April 29, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday May 5, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday May 6, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday May 6, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday May 12, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday May 13, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday May 13, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday May 19, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday May 20, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday May 20, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday May 26, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday May 27, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday May 27, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday June 2, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday June 3, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday June 3, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday June 9, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday June 10, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday June 10, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday June 16, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday June 17, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday June 17, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday June 23, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday June 24, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday June 24, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom

Meetings	Time	Title	Location
Tuesday June 30, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday July 1, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday July 1, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday July 7, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday July 8, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday July 8, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday July 14, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday July 15, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday July 15, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday July 21, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday July 22, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday July 22, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday July 28, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday July 29, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday July 29, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday August 4, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday August 5, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday August 5, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday August 11, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday August 12, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday August 12, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday August 18, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday August 19, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday August 19, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday August 25, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday August 26, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday August 26, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday September 1, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday September 2, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday September 2, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom

Meetings	Time	Title	Location
Tuesday September 8, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday September 9, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday September 9, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday September 15, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday September 16, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday September 16, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday September 22, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday September 23, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday September 23, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday September 29, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday September 30, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday September 30, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday October 6, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday October 7, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday October 7, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday October 13, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday October 14, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday October 14, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday October 20, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday October 21, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday October 21, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday October 27, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday October 28, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday October 28, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday November 3, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday November 4, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom

Meetings	Time	Title	Location
Wednesday November 4, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday November 10, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday November 11, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday November 11, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday November 17, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday November 18, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday November 18, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday November 24, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday November 25, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday November 25, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday December 1, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday December 2, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday December 2, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday December 8, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday December 9, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday December 9, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday December 15, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday December 16, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday December 16, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday December 22, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom
Wednesday December 23, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday December 23, 2015	1:30 - 5:00	Executive Management Team	LCB Boardroom
Tuesday December 29, 2015	9:00 - 12:00	Board Caucus	LCB Boardroom

Meetings	Time	Title	Location
Wednesday December 30, 2015	10:00 - 12:00	Board Meeting	LCB Boardroom
Wednesday December 30, 2015	1:30 - 5:00	Executive Man- agement Team	LCB Boardroom

WSR 14-21-172
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed October 22, 2014, 9:08 a.m.]

PUBLIC NOTICE

**NOTICE OF AVAILABILITY FOR PUBLIC REVIEW AND COM-
 MENT ON THE WASHINGTON DEPARTMENT OF FISH AND
 WILDLIFE (WDFW) REVISED HATCHERY GENETIC MANAGE-
 MENT PLAN (HGMP) FOR RINGOLD SPRINGS SUMMER STEEL-
 HEAD HATCHERY PROGRAM**

A revised HGMP for the Ringold Springs summer steelhead artificial production program is available for a thirty-day public review and comment period. The comments, WDFW's response, and any resultant modifications to the HGMP will subsequently be posted on the WDFW web site and provided to NOAA fisheries for its consideration.

The HGMP describes, in a format prescribed by NOAA fisheries, the operation of the artificial production program for summer steelhead, and the potential effects of the program on listed species. The HGMP will be provided to NOAA fisheries for consideration as a significant conservation measure under Section 4(d) of the Endangered Species Act.

The HGMP may be accessed for review through one of the following means: (1) Electronically via the internet on WDFW's web site at <http://wdfw.wa.gov/hatcheries/>; or (2) in person through a scheduled appointment at WDFW's headquarters in Olympia, Washington. To schedule an appointment or to obtain more information, please call (360) 902-2676.

WDFW will be accepting public comments on this HGMP for this mid-Columbia River artificial production program until December 5, 2014. Comments must be submitted in writing to Phil Anderson, Director, WDFW (Attention: Hatcheries - NRB 6th Floor), 600 Capitol Way North, Olympia, WA 98501-1091, or electronically through e-mail addressed to HGMP-LCRcomments@dfw.wa.gov. All comments must be received by WDFW at the appropriate address or via e-mail by 5 p.m. Pacific Daylight Time on December 5, 2014.

This notice can also be found on the Washington State Register web site at http://www.leg.wa.gov/CODE_REVISER/Pages/Washington_State_Register.aspx.

WSR 14-21-177
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed October 22, 2014, 10:25 a.m.]

Prevailing Rate of Wage Corrections – Several Trades and Counties

Pursuant to RCW 39.12.015, 39.12.020 and WAC 296-127-011, on October 20, 2014, the industrial statistician made corrections to the prevailing rates of wage. Pursuant to WAC 296-127-011, the corrected rates will become effective on November 19, 2014, thirty days from the publication on the prevailing wage web site.

The prevailing wage program has made corrections to prevailing wage rates for the following trades: The Inside Wireman Electricians trade, affecting the prevailing wage rates in several Eastern Washington counties; and the Telecommunication Technicians trade, affecting the prevailing wage rate for Adams County.

The prevailing wage program has also made a correction to the overtime rules associated with several trades including: Carpenters, Construction Site Surveyors, Divers and Tenders, Drywall Applicators, Insulation Applicators, Lathers, Millwrights, Pile Drivers, Residential Carpenters, and Residential Drywall Applicators. The correction to overtime rules will affect several counties in Central and Western Washington.

For more information on prevailing wage or a copy of the rates, please visit our web site at www.lni.wa.gov/TradesLicensing/PrevailingWage/ or call (360) 902-5335.

Maggie Leland
 Rules Coordinator
 Senior Policy Advisor