

WSR 21-04-095
RULES OF COURT
STATE SUPREME COURT
[January 8, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1336
APR 4—EXAMINATIONS FOR)
ADMISSION; NOTIFICATION OF)
RESULTS; APR 5—)
RECOMMENDATION FOR)
ADMISSION; ORDER ADMITTING)
TO PRACTICE; PAYMENT OF)
MEMBERSHIP FEE; OATH OF)
ATTORNEY; RESIDENT AGENT; APR)
25.1—RESTRICTIONS ON)
REINSTATEMENT; APR 25.2—)
REVERSAL OF CONVICTION; APR)
25.3—ACTION ON SUPREME)
COURT DETERMINATION; APR 28)
APPENDIX APR 28—REGULATIONS)
OF THE APR 28 LIMITED LICENSE)
LEGAL TECHNICIAN BOARD)

The Washington State Supreme Court, having recommended the adoption of the proposed amendments to APR 4—Examinations for Admission; Notification of Results; APR 5—Recommendation for Admission; Order Admitting to Practice; Payment of Membership Fee; Oath of Attorney; Resident Agent; APR 25.1—Restrictions on Reinstatement; APR 25.2—Reversal of Conviction; APR 25.3—Action on Supreme Court Determination; APR 28 Appendix APR 28—Regulations of the APR 28 Limited License Legal Technician Board, and the Court having considered the proposed amendments, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2021.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2021. 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 8th day of January, 2021.

For the Court

Stephens, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendments to
ADMISSION TO PRACTICE RULES (APRs)

APR 4, APR 5, APR 25.1, APR 25.2, APR 25.3, APR 28 Appendix 28

A. Name of Proponent: Washington State Supreme Court

B. Spokesperson: Justice Charles W. Johnson, Supreme Court Rules Committee Chair on behalf of the court.

C. Purpose: The Washington State Supreme Court voted by majority on July 8, 2020, to sunset the Limited License Legal Technician (LLLT) program. Specifically, the court authorized: (1) an immediate reduction in the experience hours required of LLLT candidates from 3,000 hours to 1,500 hours; (2) allowance of LLLT candidates until July 31, 2022 to complete the experience hours requirement as long as the candidates have completed all other licensure requirements. The suggested amendments implement the majority vote of the court.

D. Suggested Amendments:

APR 4—Clarifies the LLLT applicant's ability to repeat examinations until the final LLLT examination.

APR 5—Replaces the expiration of preadmission requirements to the July 31, 2022 end date.

APR 25.1—Restricts disbarred LLLTs from seeking reinstatement to practice.

APR 25.2—Restricts disbarred LLLTs who have their conviction reversed, when it was the LLLT's sole basis of disbarment, from being able to have direct application for reinstatement as a LLLT.

APR 25.3—APR 25.3—Removes LLLTs from the petition for reinstatement process after disbarment.

APR 28 Appendix 28 Regulation 3—Removes the requirement to complete the core courses prior to enrolling in the Domestic Relations practice area in accordance with Supreme Court Order 25700-A-1304 issued on August 6, 2020.

APR 28 Appendix 28 Regulation 4—Changes the definition of a "Limited Time Waiver" to remove the finite date, which exceeds the court's vote to end LLLT candidate licensure. Changes the expiration of the waiver approval to incorporate the July 31, 2022 end date.

APR 28 Appendix 28 Regulation 10—Removes the ability for existing LLLTs to add additional practice areas.

E. Hearing: A hearing is not requested.

F. Expedited Consideration: Expedited consideration is requested.

PROPOSED AMENDMENT TO

APR 4

EXAMINATIONS FOR ADMISSION; NOTIFICATION OF RESULTS

(a) - (b) [Unchanged.]

(c) **Repeating Examinations.** There is no limitation on the number of times an unsuccessful lawyer or LPO applicant may apply for and take subsequent administrations of an examination for admission. An LLLT applicant may repeat the examination for admission without limitation on the number of times until the final administration of the LLLT examination after which no examination will be administered.

(d) [Unchanged.]

(e) **LLLT Examination.** Unless otherwise stated in these rules, all applicants for admission to practice law in Washington as an LLLT must take and pass an LLLT practice area examination and the LLLT professional responsibility examination.

(1) The practice area examination will test applicants on one specific practice area and knowledge of LLLT scope of practice specific to that practice area.

(A) Each practice area examination shall be comprised of three parts: a multiple choice section, an essay section, and a performance section.

(B) The duration, form, and manner of the exam shall be as prescribed by the LLLT Board.

(C) The minimum passing standard for the practice area examination is a score of 75 percent for each section of the examination. A failing grade in one section shall result in failure of the examination, in which case grading of any remaining sections shall not be required.

(D) An applicant who fails the practice area examination may request a copy of their essay and performance sections if graded. An applicant who passes the practice area examination will not receive a copy of the examination.

(2) The LLLT professional responsibility examination will test applicants on their knowledge of the LLLT Rules of Professional Conduct.

(A) The professional responsibility examination shall be comprised of one multiple choice section.

(B) The minimum passing standard for the professional responsibility examination is a score of 75 percent.

(C) The professional responsibility examination must be passed no earlier than 18 months and no later than 40 months from the date of the administration of the practice area examination in which the applicant receives a passing score.

(f) [Unchanged.]

PROPOSED AMENDMENT TO
APR 5
PREADMISSION REQUIREMENTS; OATH; RECOMMENDATION FOR
ADMISSION; ORDER ADMITTING TO PRACTICE LAW

(a) - (b) [Unchanged.]

(c) LLLT Applicants. In addition to the requirements in subsection (a) above, LLLT applicants must:

(1) demonstrate financial responsibility pursuant to APR 28(I); and

(2) demonstrate completion of ~~3,000~~ 1,500 hours of substantive law-related work experience pursuant to APR 28 Regulation 9; and

(3) present proof of passing a LLLT Board approved paralegal examination.

(d) [Unchanged.]

(e) Expiration of Preadmission Requirements. The preadmission requirements must be completed within:

(1) within 40 months from the date of the administration of the examination for lawyer applicants;

(2) ~~40 months from the date of the administration of the examination by July 31, 2022,~~ for LLLT applicants;

(3) within 12 months from the date of the administration of the examination for LPO applicants;

(4) within 12 months from the date of filing the application for lawyer applicants who apply by motion or Uniform Bar Examination (UBE) score transfer, except for good cause shown.

(f) - (m) [Unchanged.]

PROPOSED AMENDMENT TO
APR 25.1
RESTRICTIONS ON REINSTATEMENT

(a) [Unchanged.]

(b) When Petition May Be Filed. No disbarred LLLT shall be permitted to seek reinstatement to practice as an LLLT. No petition for reinstatement by a disbarred lawyer or LPO shall be filed within a period of five years after disbarment or within a period of two years

after an adverse decision of the Supreme Court upon a former petition, or after an adverse recommendation of the Character and Fitness Board or the Disciplinary Board on a former petition when that recommendation is not submitted to the Supreme Court. If prior to disbarment the lawyer, ~~LLLT~~, or LPO was suspended from the practice of law pursuant to the provisions of Title 7 of the Rules for Enforcement of Lawyer Conduct, or any comparable rule, the period of such suspension shall be credited toward the five years referred to above.

(c) When Reinstatement May Occur. No disbarred lawyer, ~~LLLT~~, or LPO may be reinstated sooner than six years following disbarment. If prior to disbarment the lawyer, ~~LLLT~~, or LPO was suspended from the practice of law pursuant to the provisions of Title 7 of the Rules for Enforcement of Lawyer Conduct, or any comparable rule, the period of such suspension shall be credited toward the six years referred to above.

(d) Payment of Obligations. No disbarred lawyer, ~~LLLT~~, or LPO may file a petition for reinstatement until costs and expenses and restitution ordered by the Disciplinary Board or the Supreme Court have been paid and until amounts paid out of the Client Protection Fund for losses caused by the conduct of the Petitioner have been repaid to the client protection fund, or until periodic payment plans for costs and expenses, restitution and repayment to the client protection fund have been entered into by agreement between the Petitioner and disciplinary counsel. A Petitioner may seek review by the Chair of the Disciplinary Board of an adverse determination by disciplinary counsel regarding the reasonableness of any such proposed periodic payment plan. Such review will proceed as directed by the Chair of the Disciplinary Board and the decision of the Chair of the Disciplinary Board is final unless the Chair of the Disciplinary Board determines that the matter should be reviewed by the Disciplinary Board, in which case the Disciplinary Board review will proceed as directed by the Chair and the decision of the Board will be final.

PROPOSED AMENDMENT TO
APR 25.2
REVERSAL OF CONVICTION

If a lawyer, ~~LLLT~~, or LPO has been disbarred solely because of his or her conviction of a crime and the conviction is later reversed and the charges dismissed on their merits, the Supreme Court may in its discretion, upon direct application by the lawyer, ~~LLLT~~, or LPO enter an order reinstating the lawyer, ~~LLLT~~, or LPO upon such conditions as determined by the Supreme Court. At the time such direct application is filed with the court a copy shall be filed with the Bar. The Supreme Court may request a response to the application from the Bar.

PROPOSED AMENDMENT TO
APR 25.3
PETITIONS AND INVESTIGATIONS

(a) Form of Petition. A petition for reinstatement after disbarment shall be in writing and filed with the Bar. The petition shall set forth the residence and address of the Petitioner, the date of disbarment, and a concise statement of facts claimed to justify reinstatement. The petition shall be accompanied by the total fees required of a lawyer, ~~LLLT~~, or LPO Applicant for admission under these rules, and by a completed application for admission.

(b) - (e) [Unchanged.]

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

PROPOSED AMENDMENT TO
APR 28
LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS

A. - O. [Unchanged.]

APPENDIX APR 28.

REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL TECHNICIAN BOARD

REGULATION 1 - REGULATION 2. [Unchanged.]

REGULATION 3. EDUCATION REQUIREMENTS FOR LLLT APPLICANTS AND APPROVAL OF EDUCATIONAL PROGRAMS

An applicant for admission as an LLLT shall satisfy the following education requirements:

A. Core Curriculum.

1. *Credit Requirements.* An applicant for licensure shall have earned 45 credit hours as required by APR 3. The core curriculum must include the following required subject matters with minimum credit hours earned as indicated:

1. Civil Procedure, minimum 8 credit hours;
2. Contracts, minimum 3 credit hours;
3. Interviewing and Investigation Techniques, minimum 3 credit hours;
4. Introduction to Law and Legal Process, minimum 3 credit hours;
5. Law Office Procedures and Technology, minimum 3 credit hours;
6. Legal Research, Writing and Analysis, minimum 8 credit hours;

and

7. Professional Responsibility, minimum 3 credit hours.

The core curriculum courses in which credit for the foregoing subject matters is earned shall satisfy the curricular requirements approved by the LLLT Board and published by the Bar. If the required courses completed by the applicant do not total 45 credit hours, then the applicant may earn the remaining credit hours by taking legal or paralegal elective courses. All core curriculum course credit hours must be earned at an ABA approved law school, an educational institution with an ABA approved paralegal program, or at an educational institution with an LLLT core curriculum program approved by the LLLT Board under the Washington State LLLT Educational Program Approval Standards.

For purposes of satisfying APR 3 (e) (2), one credit hour shall be equivalent to 450 minutes of instruction.

2. *LLLT Educational Program Approval Requirements for Programs Not Approved by the ABA.* The LLLT Board shall be responsible for establishing and maintaining standards, to be published by the Association, for approving LLLT educational programs that are not otherwise approved by the ABA. Educational programs complying with the LLLT Board's standards shall be approved by the LLLT Board and qualified to teach the LLLT core curriculum.

B. Practice Area Curriculum. An applicant for licensure in a defined practice area shall have completed the prescribed curriculum and earned course credits for that defined practice area, as set forth below and in APR 3(e). Each practice area curriculum course shall satisfy the curricular requirements approved by the LLLT Board and published by the Bar.

1. *Domestic Relations.*

a. ~~Prerequisites: Prior to enrolling in the domestic relations practice area courses, applicants shall complete the following core courses: Civil Procedure; Interviewing and Investigation Techniques;~~

~~Introduction to Law and Legal Process; Legal Research, Writing, and Analysis; and Professional Responsibility [RESERVED].~~

b. Credit Requirements: Applicants shall complete 5 credit hours in basic domestic relations subjects and 10 credit hours in advanced and Washington specific domestic relations subjects.

C. Required Supplemental Education. The LLLT Board has discretion to require all LLLTs to complete supplemental education in order to maintain their licenses due to changes in the permitted scope of practice for LLLTs. The LLLT Board shall provide notice to LLLTs of the supplemental education requirement and the deadline for completion of the requirement, allowing at least 12 months to complete the required supplemental education. LLLTs may be administratively suspended pursuant to the procedures set forth in APR 17 if they fail to comply with the supplemental education requirements by the stated deadline.

REGULATION 4. LIMITED TIME WAIVERS

A. Limited Time Waiver, Defined. ~~For the limited time between the date the Board begins to accept applications and December 31, 2023,~~ ~~the LLLT Board shall grant a waiver of the minimum associate-level degree requirement and/or the core curriculum education requirement set forth in APR 3 if an applicant meets the requirements set forth in Regulation 4(B). The LLLT Board shall not grant waivers for applications filed after December 31, 2023. The LLLT Board shall not waive the practice area curriculum requirement. The limited time waiver application will be separate from the application process for admission set forth in these regulations.~~

B. - D. [Unchanged.]

E. Expiration of Limited Time Waiver Approval. Approval of the limited time waiver application shall expire ~~December 31, 2025~~ July 31, 2022. After expiration of the approval, any subsequent application for licensure by the applicant shall meet all of the standard requirements for admission without waiver.

REGULATION 5. - REGULATION 8 [Unchanged.]

REGULATION 9. SUBSTANTIVE LAW-RELATED WORK EXPERIENCE REQUIREMENT

Each applicant for licensure as a limited license legal technician shall show proof of having completed ~~3,000~~ 1,500 hours of substantive law-related work experience supervised by a licensed lawyer as required by APR 5(c). The experience requirement shall be completed no more than three years before and 40 months after the date of the LLLT practice area examination that the applicant passed, and must be completed by July 31, 2022. The proof shall be provided in such form as the Bar requires, but shall include at a minimum:

1. the name and bar number of the supervising lawyer;
2. certification that the work experience meets the definition of substantive law-related work experience as defined in APR 28;
3. the total number of hours of substantive law-related work experience performed under the supervising lawyer; and
4. certification that the requisite work experience was acquired within the time period required by this regulation.

REGULATION 10. ADDITIONAL PRACTICE AREAS

A. Application for Additional Practice Area. ~~An LLLT seeking admission in an additional practice area must complete and file with the Bar:~~

- ~~1. a completed practice area application in a form and manner prescribed by the Bar;~~
- ~~2. evidence in a form and manner prescribed by the Bar demonstrating completion of the practice area curriculum required under Regulation 3(B); and~~

3. a signed and notarized Authorization, Release, and Affidavit of Applicant.

~~**B. Additional Practice Area Prelicensure Requirements.**~~ An LLLT who is seeking licensure in an additional practice area shall:

1. take and pass the additional practice area examination;
2. pay the annual license fee as stated in the fee schedule; and
3. file any and all licensing forms required for active LLLTs.

The requirements above shall be completed within one year of the date the applicant is notified of the practice area examination results. If an LLLT fails to satisfy all the requirements for licensure in an additional practice area within this period, the LLLT shall not be eligible for licensure in the additional practice area without submitting a new application and retaking the practice area examination.

~~**C. Order Admitting LLLT to Limited Practice in Additional Practice Area.**~~ After examining the recommendation and accompanying documents transmitted by the Bar, the Supreme Court may enter such order in each case as it deems advisable. For those LLLTs it deems qualified, the Supreme Court shall enter an order admitting them to limited practice in the additional practice area.

~~**D. Voluntary Termination of Single Practice Area License.**~~ An LLLT licensed in two or more practice areas may request to voluntarily terminate a single practice area by notifying the Bar in writing. After terminating the practice area license, the LLLT shall not accept any new clients or engage in work as an LLLT in any matter in the terminated practice area. The Bar will notify the LLLT of the effective date of the termination. [Reserved.]

~~REGULATION 11. [Reserved.]~~

~~REGULATION 12. [Reserved.]~~

~~REGULATION 13. [Reserved.]~~

~~REGULATION 14. [Reserved.]~~

~~REGULATION 15. [Reserved.]~~

~~REGULATION 16. [Reserved.]~~

~~REGULATION 17. [Reserved.]~~

~~REGULATION 18. [Reserved.]~~

~~REGULATION 19. [Reserved.]~~

~~REGULATION 20. AMENDMENT AND BOARD POLICIES~~

These Regulations may be altered, amended, or repealed by vote of the LLLT Board on approval of the Supreme Court. The LLLT Board has ongoing authority to adopt policies for the administration of the LLLT program consistent with APR 28 and these Regulations.