

WSR 21-14-104
RULES OF COURT
STATE SUPREME COURT
[July 1, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1361
APR 4; APR 5; APR 25.1; APR 25.2;)
APR 25.3; AND APR 28 APPENDIX 28)

The Washington State Supreme Court, having recommended the adoption of the suggested amendments to APR 4; APR 5; APR 25.1; APR 25.2; APR 25.3; and APR 28 Appendix 28, and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendments as shown below are adopted.

(b) That pursuant to the GR 9, the proposed amendments will be published in the Washington Reports and will become effective on September 1, 2021.

DATED at Olympia, Washington this 1st day of July, 2021.

Johnson, J.
Owens, J.
Gonzalez, C.J.
Gordon McCloud, J.
Yu, J.
Montoya-Lewis, J.
Whitener, J.

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) - (f) [Unchanged.]

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) [Unchanged.]

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

(3) [Unchanged.]

(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.]

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, ~~LLL~~T, 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, ~~LLL~~T, or LPO may be reinstated sooner than six years following disbarment. If prior to disbarment the lawyer, ~~LLL~~T, 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, ~~LLL~~T, 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.

APR 25.2

REVERSAL OF CONVICTION

If a lawyer, ~~LLL~~T, 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, ~~LLL~~T, 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.

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.]

APR 28 APPENDIX

REGULATIONS OF THE APR 28 LIMITED LICENSE

LEGAL TECHNICIAN BOARD

REGULATION 1. - 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. [Unchanged.]

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. [Unchanged.]

c. [Unchanged.]

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. - 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.-4. [Unchanged.]

REGULATION 10. ~~[RESERVED.]~~ 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.

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.