Limited License Legal Technician Program

THE HISTORY AND FUTURE OF THE PROGRAM
General Rule (GR) 24 (2001)

Defined the practice of law in an effort to:

- Provide ethical competent legal services to public
- Protect the public from the unauthorized practice of law
- Not unreasonably restrain trade
Established the Practice of Law Board (POLB) and its powers, including to:

- Investigate allegations of the unauthorized practice of law
- Issue advisory opinions about authority of nonlawyers to perform legal services
- Make recommendations to the Supreme Court regarding authorizing non-lawyers to “engage in certain defined activities that would otherwise constitute the practice of law as defined in GR 24.” GR 25(c)(4).
Study into civil legal needs of low-income populations

Revealed glaring unmet need for legal services in the low-income population (defined as families with incomes below 125% of the Federal Poverty Level)

Legal practice areas of greatest need for low- and moderate-income individuals and families: housing, family, and consumer law
With Supreme Court directive, drafted proposed “legal technician” rule

In 2005, sought input on proposed rule from numerous interest groups

Mar. 2006, the Board of Governors voted against the proposed rule; others also opposed

Continued its work despite opposition
POLB Practice Area Subcommittees

In 2006, four subcommittees convened to make recommendations regarding a proposed first practice area.

**Immigration**
- Determined to be inappropriate practice area
- Too complex

**Landlord/Tenant**
- Determined to be appropriate practice area

**Elder Law**
- Determined to be appropriate practice area

**Family Law**
- Determined to be appropriate practice area
- Chosen as area of practice to recommend to Supreme Court
Jan. 2008, POLB reports to Supreme Court on its proposed rule

Recommends initial practice area of family law

Jan. 2009, Supreme Court publishes rule for comment

Feb. 2012, amendments to rule submitted to provide for efficient administration of program

“Limited license legal technician” proposed as name of practitioner
June 15, 2012: Supreme Court issues order adopting LLLT Rule, stating “[w]e have a duty to ensure the public can access affordable legal and law related services, and that they are not left to fall prey to the perils of the unregulated market place.” Order at 5-6.
LLLT Board
Supreme Court board authorized to administer the program

- 13 members, including lawyers, 4 nonlawyers, and a legal educator
- Must create and draft operational details for the program
- First big decisions: practice area and education requirements
Initial Practice Area

Family law chosen as first practice area

Approved by Supreme Court in March 2013
LLLT Board Subcommittees

- Scope of Practice & Forms
- Admissions & Licensing
- Examination
- RPC & Discipline
- Continuing Legal Education

LLLT Board
Legal technicians shall:

- Be at least 18 years of age
- Have a minimum associate level degree
- Meet education, examination, and experience requirements
- Show proof of financial responsibility
- Show proof of continuing legal education courses
- Abide by a code of ethical conduct (LLLT RPC)
- Be subject to discipline
Legal Technicians may:

- Inform clients of procedures and course of legal proceedings
- Provide approved and lawyer prepared self-help materials
- Review documents and exhibits from opposing party and explain them
- Select, complete, file, and serve approved and lawyer prepared forms and advise of their relevance
- Advise clients of necessary documents and explain their relevance
- Assist client in obtaining necessary documents
Legal technicians may not (unless permitted by GR 24):

- Represent a client in court, administrative, or formal dispute resolution proceedings
- Negotiate the client’s legal rights
- Communicate with another person the client’s position or convey to the client the position of another party
Limited License Legal Technicians

- Advice
- Counsel
- Content
- Process
Defining the Family Law Scope of Practice*

Family law shall include (subject to limitations):

- Child support modification actions
- Dissolution and legal separation actions
- Domestic violence actions
- Committed intimate relationship actions
- Parenting and support actions
- Parenting plan modifications
- Paternity actions
- Relocation actions

* See Appendix APR 28. Regulation 2: Practice Areas—Scope of Practice
Admission Requirements

**STEP 1: COMPLETE EDUCATION**
- Minimum **associate level degree**
- **Core Education**: 45 credit hours at an ABA approved program
- **Practice Area Education**

**STEP 2: PASS EXAMINATIONS**
- Core education exam
- **Practice area exam**: includes multiple choice, essay, and practice exercise sections

**STEP 3: ESTABLISH EXPERIENCE**
- **3,000 hours of substantive law-related experience**
- Supervised by a licensed lawyer
- Within 3 years before or after passing examination
Core Education, 45 Credit Hours

- Intro to Law and Legal Process, 3 credits
- Civil Procedure, 8 credits
- Legal Research, Writing, and Analysis, 8 credits
- Contracts, 3 credits
- Professional Responsibility/Ethics, 3 credits
- Law Office Procedures and Technology, 3 credits
- Interviewing and Investigation Techniques, 3 credits

ELECTIVES: Applicant may take remaining credits as legal studies elective courses
### Practice Area Education

| Must be taken in each practice area | Must be developed by or in conjunction with an ABA approved law school | Should include WA law specific topics |

### Family Law Courses

| Developed & taught by instructors at all 3 WA law schools | 5 credits of basic family law & 10 credits of advanced and WA law specific topics | Offered by live webcast at UW beginning Winter Quarter 2014 |
Map of WA Community Colleges and Law Schools*

- Washington community college
- ABA approved paralegal program offering LLLT education
- Paralegal program seeking ABA approval
- Washington law school contributing to LLLT education

* Map adapted with permission from SBCTC. See map for schools that correspond with numbers above: [http://www.sbctc.edu/general/c_index.aspx](http://www.sbctc.edu/general/c_index.aspx).
Limited Time Waiver

Until December 31, 2016, the Board will waive the associate degree and core curriculum requirements, if the applicant has:

1. Passed the Certified Paralegal Exam (NALA) **OR** the Paralegal Advanced Competency Exam (NFPA) **OR** the Professional Paralegal Exam (NALS) **AND**

2. Active certification as a Certified Paralegal **OR** PACE Registered Paralegal **OR** NALS Professional Paralegal **AND**

3. 10 years of substantive law-related experience supervised by a licensed lawyer
RPC Subcommittee
• Use existing lawyer RPC as basis
• Must consider limited role of LLLTs when reviewing rules
• Balance protection of the public with the need to increase access to justice

Examination Subcommittee
• Decide core exam requirements
• Write family law exam
• Include professional responsibility questions

New Practice Area
• Discussions to begin in early 2014
• Recommendation to Supreme Court by late 2014
Washington State Bar Association
Demographics By Years Licensed
May 1, 2013

- Under 6: 7012
- 6 to 10: 5709
- 11 to 15: 4647
- 16 to 20: 4280
- 21 to 25: 3719
- Over 25: 9796

Years Licensed
A Shortage of Lawyers Coming?

Law School Applications Declining

Baby Boomers Transitioning Out

Law-School Application and Enrollment Rates, 2002-2010

<table>
<thead>
<tr>
<th>Age</th>
<th>21 to 30</th>
<th>31 to 40</th>
<th>41 to 50</th>
<th>51 to 60</th>
<th>Over 60</th>
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<tbody>
<tr>
<td>1986</td>
<td>1986</td>
<td>7125</td>
<td>7183</td>
<td>7718</td>
<td>4405</td>
</tr>
</tbody>
</table>

Graph shows declining law school applications from 2002 to 2010, with a drop in enrollment rates as well. Bar chart indicates a significant drop in the number of baby boomers transitioning out of the workforce, with the highest numbers in the 51 to 60 age group, followed by the 41 to 50 age group, and the lowest in the 21 to 30 age group.