

Comments on Suggested Amendments to
Admission and Practice Rules (APR) 28 and
Limited Practice Rules for Limited License Legal Technicians (LLLTs)

Comment: There seems to be discord between proposed changes to APR 28(G)(4) and LLLT RPC 1.16.

The amendment to APR 28(G)(4) would preserve LLLTs' obligation to sign documents and pleadings they prepare while allowing an exception for LLLTs assisting a client or a third party in preparing a declaration or sworn statement.

However, the amendment to LLLT RPC 1.16, Declining or Termination Representation, clarifies that LLLTs represent pro se clients and, accordingly, LLLTs would not file a notice of appearance.

How would the court know an LLLT should have signed documents if the court doesn't know the LLLT represents the client?

Comment: The proposed changes are a step in the right direction, but they fall short when it comes to case-type restrictions. Restrictions on Major Modifications and Non-Parental Custody cases only through Adequate Cause have the effect of requiring LLLTs to withdraw all assistance at the most crucial steps in the court process.

From my experience as a supervising attorney, LLLTs do not need additional training or education to assist with Major Modifications cases. In contrast, Non-Parental Custody cases would require a CLE to provide LLLTs the necessary training. This is a small hurdle LLLTs would gladly leap in order to eliminate the restriction.

General Comment: The current restrictions on LLLTs' license to practice continue to limit, not level, the playing field for LLLTs' pro se clients. The burdens are disproportionate on LLLTs compared to attorneys when attempting to provide meaningful representation without running afoul of court rules or the law.

WSBA asks LLLTs to accomplish a nearly impossible task: Provide representation without much ability to represent the client when the client needs it the most, in court and at depositions.

WSBA and the attorney population must embrace LLLTs for the gaps they fill and the services they can and want to provide. Just as physician assistants and advanced registered nurse practitioners have become indispensable in the medical field, so will LLLTs. Washington could and should be a progressive leader in this field.

General Comment: Doesn't it make sense to extend LLLTs' representation to clients wanting adoptions, since the WSBA already intends to let LLLTs handle non-parental custody actions?

Comments submitted by:

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Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
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Subject: FW: Comments on proposed amendments
Attachments: LLLT comments 9.13.18.docx

From: Lori PREUSS [mailto:lori012@msn.com]
Sent: Thursday, September 13, 2018 8:43 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments on proposed amendments

Hello. Attached are my comments to proposed amendments to Admission and Practice Rules (APR) 28 and Limited Practice Rules for Limited License Legal Technicians (LLLTs).

Thank you.

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