



# WSBA

## OFFICE OF THE EXECUTIVE DIRECTOR

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Hon. Barbara Madsen  
Chief Justice  
Washington Supreme Court  
Temple of Justice  
P.O. Box 40929  
Olympia, WA 98504-0929

Hon. Charles Johnson  
Associate Chief Justice  
Washington Supreme Court  
Temple of Justice  
P.O. Box 40929  
Olympia, WA 98504-0929

Re: Suggested Amendments to Admission and Practice Rules

Dear Justices Madsen and Johnson,

Enclosed are materials regarding suggested amendments to the Admission and Practice Rules (APR) for consideration by the Supreme Court Rules Committee. The WSBA Board of Governors reviewed these suggested amendments at its July and August meetings, and approved them at its September 2016 meeting for submission to the Court. These suggested amendments are intended to establish a coordinated system for administering admissions, licensing, and continuing education, and providing services by the WSBA for licensed legal professionals whose licenses are administered by the WSBA.

As you know, in Washington under the APR, there are three types of licensed legal professionals (lawyers, limited license legal technicians (LLLTs), and limited practice officers (LPOs)) who are admitted to practice law and whose admission, licensing renewal, status changes, and continuing legal education requirements are administered by the WSBA. The three license types came into existence at different times, under different circumstances, and with varying educational and administrative requirements, processes and policies; each has its own Boards to handle some regulatory functions.

With the need to administer the lawyer, LLLT and LPO licenses, WSBA has essentially been running three separate regulatory and service structures side by side, resulting in duplication of efforts, loss of efficiency and unnecessary expense. Unifying and coordinating requirements, processes, and procedures for lawyers, LLLTs, and LPOs to the extent practicable will allow the WSBA to utilize its staff and resources in the best way possible for all licensed legal professionals in Washington.

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In addition to prescribing the administrative and regulatory structures for the three types of licensed legal professionals, the APR also address educational programs, time-limited licenses, and provide for supportive services that the Bar is permitted to offer for licensed legal professionals.

There are several categories of changes addressed in these suggested amendments.

First, there are suggested amendments that would unify the administrative and regulatory processes for the lawyer, LLLT and LPO licenses. While many of the changes suggested by this category of suggested amendments are minor, they would permit important administrative efficiencies. The more substantive of these amendments would clarify or reassign the authority and responsibility for performing certain functions among the Board of Governors, WSBA staff, or the regulatory boards. Some of these shifts in authority reflect current practice (i.e., designating Bar staff as responsible for administrative functions, rather than the Board of Governors); others, as discussed below, represent a more fundamental reorganization of the administrative structure.

In this first type of suggested amendments, oversight of many of the regulatory procedures related to the LLLT and LPO licenses would be specifically reassigned to regulatory boards currently handling these functions for lawyers and to the associated WSBA staff, and shifted away from the LLLT and LP Boards. These changes would free up time for those Boards to consider and address policy and related issues specific to LLLTs and LPOs. Significant examples of processes that would be coordinated under the suggested amendments include:

- Continuing education - The Mandatory Continuing Legal Education (MCLE) Board, with support from WSBA MCLE staff, would approve and oversee LLLT and LPO MCLE compliance, in conjunction with their current duties related to lawyers MCLE compliance;
- Admissions applications - The administration of the application process and character and fitness reviews and investigations of applicants, and licensing examinations for all license types would be performed by the same WSBA staff, with all character and fitness hearings held by the same Character and Fitness Board;
- License fees and licensing renewal procedures, status changes, and administrative suspensions - Many of the suggested amendments refer to the Bar's Bylaws because the licensing renewal duties and requirements will be administered by the Bar staff in the same manner for all license types.

We have discussed all of these changes with the LLLT and LP Boards, and they have expressed their support for these changes. We have also discussed the increased breadth of responsibility for the Character and Fitness and MCLE Boards, and they are aware of the increased breadth of responsibility that they will be assuming, but they are also aware of the significantly lower numbers of LLLTs and LPOs that would be under their purview. Some of the suggested amendments contain changes requested by the affected Boards.

A second category of suggested amendments would permit the WSBA to offer supportive services to more licensed legal professionals, not just to lawyers. These changes are intended to assist licensed legal professionals with ethically and professionally handling legal matters within the scope of their practice.

A third category of suggested amendments include more minor changes throughout the suggested amendments to substitute or add words for strictly ministerial reasons (often to permit administrative flexibility), and to unify terminology throughout the APR.

APR 10 and 18 are reserved by previous action of the Court and not included in these materials.

We do not believe that a hearing on these suggested amendments will be necessary. Expedited consideration is not being requested.

If I can answer any questions or provide any additional information regarding the proposed changes, please don't hesitate to contact me.

Sincerely,



Paula C. Littlewood  
Executive Director

Enclosures: GR 9 cover sheet for each rule in APR 1-9, 11-16, and 19-28  
Redline versions of suggested APR 1-9, 11-16, and 19-28  
Clean versions of suggested APR 1-9, 11-16, and 19-28

cc: Shannon Hinchcliffe, AOC Legal Services & Appellate Court Support Manager