

**WASHINGTON STATE**  
**B A R A S S O C I A T I O N**  
Regulatory Services Department

**LLLT Board**

Established by Washington Supreme Court APR 28  
Administered by the WSBA  
**Steve Crossland, Chair**

January 30, 2019

Clerk of the Supreme Court  
P.O. Box 40929  
Olympia, WA 98504

Re: Order No. 25700-A-1249 Rescinding and Republishing Suggested Amendments to APR 28 for comment

Dear Clerk of the Supreme Court:

After reviewing the reformatted suggested amendments, the Limited License Legal Technician Board (LLLT Board) concluded that the vast majority of the changes were appropriate. The LLLT Board found that a couple of the changes are problematic as they impact the meaning or purpose of the rule (see APR 28(F)(5) and RPC 5.8 Comment 2 on the attached overview), and one contains a major clerical error (see RPC 4.3 Comment 6 on the attached overview). Therefore, the LLLT Board respectfully requests that the Court carefully review and consider the LLLT Board comments in the attached document in support of the Suggested Amendments to APR 28.

The LLLT Board strongly believes that every individual in this state - and beyond - deserves quality and affordable legal services. This belief is what drives LLLT Board members to meet every month and spend countless hours working on potential practice areas of law for LLLTs, enhancing the existing scope, and supporting the LLLT license in general. As such, the LLLT Board sincerely commends the Court's decision to adopt the suggested amendments with the filing of Order No. 25700-A-1246 on November 1, 2018, enhancing the services that LLLTs can provide. The LLLT Board also appreciates the Court's thoughtful decision to publish a reformatted version of the suggested amendments for comment, after the subsequent discovery of formatting issues in the previously published amendments.

Finally, because the LLLT Board firmly maintains that protection of the public should be at the forefront of any decision impacting the delivery of legal services, the LLLT Board would like to take this opportunity to ask that the Court consider entering a separate expedited order to make abundantly clear that existing LLLTs must complete the mandatory supplemental continuing legal education to be developed by the LLLT Board prior to engaging in the enhanced scope of practice.

Respectfully,



Stephen R. Crossland  
Chair, Limited License Legal Technician Board

Attachment as stated



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## **OVERVIEW OF AND COMMENTS ON REVISED APR 28, LAWYER RPC, AND LLLT RPC AMENDMENTS**

### **APR 28(8)(4)**

Court: The omitted last sentence "The legal technician does not represent the client in court proceedings or negotiations, but provides limited legal assistance as set forth in this rule to a pro so client" is included and stricken through.

Comment: Agree that this change should be made.

### **APR 28(F)**

Court: Corrected strike through and underlines to reflect correct proposed additions and deletions according to existing language.

Comment: Agree that this change should be made.

### **APR 28(F)(5)**

Court: Corrected the word "side" to "party".

Comment: The current rule (both online and within the 2019 Washington Court Rules book) uses the word side. The LLLT Board intentionally used the word "side" in suggesting this rule language initially, because the Board believed that the word "party" could be too narrowly construed.

### **APR 28(G)(2)**

Court: The unchanged language of subsection (2) is included because subsection (2)(a) is modified.

Comment: No objections.

### **APPENDIX APR 28(G)(3)**

Court: Omitted subsection (G)(3) is included but unchanged.

Comment: No objections to making this change, but subsection 28(G)(3) should be listed after subsections 28(G)(2)(a)-(g). The caption should not include the word "Appendix" because this is part of APR 28 itself, not the Appendix.

### **APPENDIX APR 28 REGULATION 2(B)(1)(c)**

Court: The addition of "parentage or paternity" is underlined.

Comment: Agree that this change should be made.

### **APPENDIX APR 28 REGULATION 2(B)(2)(d)**

Court: Qualified Domestic Relations Order replaces "QDRO" the first time the acronym is used.

Comment: Agree that this change should be made.

**APPENDIX APR 28 REGULATION 2(B)(3)**

Court: Corrected the errant strike through to APR 28(H)††

Comment: Agree with the correction but note that the 2019 Washington Court Rules book cites to APR 28IT, not APR 28(H).

**APPENDIX APR 28 REGULATION 2(B)(3)(b)(viii)**

Court: Changed the replacement of domestic with committed.

Comment: We are uncertain why the word domestic appears in this reformatted proposed amendment. Domestic is not used within the current rule and was not used within the LLLT Board's suggested amendments that were sent to the Court in February of 2018. If the Court decides to continue using the word "committed" there is no need to strikethrough "domestic" as it does not appear in any published version of the current rule and was not part of the LLLT Board's suggested amendments.

**RPC 1.0B Washington Comments**

Court: Removed underline and incorporated existing language "(1-3)".

Comment: Agree that this change should be made.

**RPC 1.17 Comment**

Court: Removed underline from the title "Comment".

Comment: Agree that this change should be made.

**RPC 1.17 Comment 19**

Court: Removed underline from the word "sale" as it is existing language.

Comment: Agree that this change should be made.

**RPC 4.3 Comment**

Court: Removed underline from the title "Comment". Changed references to the section to reflect "Comment" and "Additional Washington Comment" sections.

Comment: Agree that this change should be made.

**RPC 5.8 Comment**

Court: Replaced underlined "Washington Comment" with "Comment" as existing language.

Comment: The current rule (both online and within the 2019 Washington Court Rules book) reads "Washington Comment" – changing it to "Comment" would be incorrect since this is not an ABA Model Rule Comment.

**RPC 8.1 Comment**

Court: Removed underline from the title "Comment".

Comment: Agree that this change should be made.

**LLLT RPC PREAMBLE**

Court: Added back the words "AND SCOPE" as existing language.

Comment: Agree that this change should be made.

**LLLT RPC 1.16 Comment 1**

Court: Corrected strike through and underlines to reflect correct proposed additions and deletions according to existing language.

Comment: Agree that this change should be made.

**LLLT RPC 1.17**

Court: The unchanged language prior to subsection (a) is included.

Comment: Agree that this change should be made.

**Additional Comments:****RPC 4.3 Comment 6**

Reference to APR 28 should not have been changed to APR 2. "...[I]mposed on the LLLT by APR 28..." is existing language.

**APR 28(F)**

The LLLT Board asks that the Court consider correcting the existing typographical error "It if is not". It should read "If it is not".

## Tracy, Mary

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Wednesday, January 30, 2019 3:48 PM  
**To:** Tracy, Mary  
**Subject:** FW: LLLT Board Comment Regarding Suggested Amendments to APR 28  
**Attachments:** LLLT Board APR 28 Comments Cover Letter 1.30.19.pdf; LLLT Board APR 28 Comments 1.30.19.pdf

**From:** Renata Garcia [mailto:[renatag@wsba.org](mailto:renatag@wsba.org)]  
**Sent:** Wednesday, January 30, 2019 3:47 PM  
**To:** OFFICE RECEPTIONIST, CLERK <[SUPREME@COURTS.WA.GOV](mailto:SUPREME@COURTS.WA.GOV)>  
**Cc:** Steve Crossland <[steve@crosslandlaw.net](mailto:steve@crosslandlaw.net)>  
**Subject:** LLLT Board Comment Regarding Suggested Amendments to APR 28

Good afternoon –

Attached please find correspondence from the Limited License Legal Technician Board regarding suggested amendments to APR 28.

Please let me know if you have any problems accessing the attached documents. A hardcopy will follow in the mail.

Thank you,  
Renata



**Renata de Carvalho Garcia | Innovative Licensing Programs Manager**

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The WSBA is committed to full access and participation by persons with disabilities. If you have questions about accessibility or require accommodation please contact [barbarao@wsba.org](mailto:barbarao@wsba.org).