

PRACTICE OF LAW BOARD

(a) Board. The Practice of Law Board consists of 13 members appointed and actively supervised by the Supreme Court after considering nominations from the Practice of Law Board and the Board of Governors of the Washington State Bar. A minimum of five Board members must be persons not currently authorized to practice law. Board members may be appointed to three-year terms and no member may serve more than two consecutive full three-year terms. Vacancies may be filled for the unexpired term. The Supreme Court may annually designate a chair and vice-chair, who must be members of the Board.

(b) Responsibilities. The Practice of Law Board's functions are to:

(1) Educate the public about how to receive competent legal assistance;

(2) Consider and recommend to the Supreme Court new avenues for persons not currently authorized to practice law to provide legal and law-related services that might otherwise constitute the practice of law as defined in GR 24. Recommendations must be forwarded to the Washington State Bar Board of Governors for consideration and comment at least 90 days before transmission to the Supreme Court. Upon approval of such recommendations by the Supreme Court, pursuant to the procedures set out in GR 9, those who meet the requirements and comply with applicable regulatory and licensing provisions shall be deemed to be engaged in the authorized practice of law. Recommendations must be accompanied by a determination:

(A) that access to affordable and reliable legal and law-related services consistent with protection of the public will be enhanced by authorizing the recommended legal service provider or legal service delivery model;

(B) that the defined activities outlined in the recommendation can be reasonably and competently provided by skilled and trained legal service providers;

(C) that if the public interest requires regulation under Supreme Court authority, such regulation considers any regulatory objectives in GR 12 et seq. and is tailored to promote access to affordable legal and law-related services while ensuring that those whose important rights are at stake can reasonably rely on the quality, skill and ability of the authorized legal service providers;

(D) that, to the extent that the activities authorized will involve the handling of client trust funds, provision has been made to ensure that such funds are handled in a manner consistent with all applicable court rules, including the requirement that such funds be placed in interest-bearing accounts, with interest paid to the Legal Foundation of Washington; and

(E) that the recommended program, including the costs of regulation, is financially self-supporting within a reasonable period of time.

(3) The Board may receive complaints alleging the unauthorized practice of law in Washington by any person or entity. The Board will review and may refer complaints that allege harm to the public interest to appropriate enforcement agencies. Upon referring a matter to law enforcement or other agency, the Board may notify the complainant of such action in writing.

(c) Board Funding and Administration. The Board must be funded, administered and staffed by the Washington State Bar in accordance with GR 12 et seq. Board members are not compensated for their services, but are reimbursed for their necessary expenses incurred in connection with the Board in a manner consistent with the Bar's reimbursement policies.

(d) Records. All Board records must be maintained at the principal office of the Bar. GR 12.4 applies to access to Board records. All Board records, including unauthorized practice of law complaints are public documents except:

(1) information made confidential by GR 22 and GR 31;

(2) information made confidential by other statutes, court rules, or legal authority, such as unredacted police reports, medical records, confidential disciplinary information, or copies of sealed pleadings.

(e) Meetings and Procedures. The Board may meet as necessary to complete its business. Meetings may be held in person or by videoconference and/or teleconference. All meetings of the Board and its designated committees are open and public, unless the Board meets in Executive Session.

(1) *Executive Session.* The Board may meet in Executive Session on matters within the Board's scope of work and consistent with the Bar Bylaws.

(2) *Quorum.* A majority of the Board shall constitute a quorum.

(3) *Committees.* The Board may establish such committees as the membership may deem necessary and appropriate to the performance of its assigned tasks.

(4) *Voting.* Each member shall be entitled to one vote on each matter submitted to a vote at a meeting.

(f) Annual Report. The Board must file a written report and meet with the court each year. The report must contain the following information:

(1) Board roster, including any committees formed;

(2) Board meeting agendas;

(3) short description of all unauthorized practice of law complaints received; whether the board closed, referred, or deferred the complaint; and the name of the agencies receiving the referral;

(4) progress report or copies of educational materials provided to the public;

(5) progress report on recommended new legal service providers or legal service delivery mechanisms;

(6) work plan for the fiscal year; and

(7) long range work plan.

(g) Immunity from Suit.

(1) The members and staff of the Board shall be absolutely immune from suit, whether legal or equitable in nature, for any conduct in the performance of their official duties.

(2) Persons who bring allegations to the Board concerning any individual or entity shall be immune from suit, whether legal or equitable in nature, for all communications to the Board or to its staff.

(h) Regulations. The Board may adopt regulations pertinent to these responsibilities subject to the approval of the Supreme Court. Proposed regulations should be provided to the Washington State Bar Board of Governors for informational purposes.

[Adopted effective September 1, 2001; Amended effective September 1, 2006; December 18, 2018.]