
SENATE BILL 5380

State of Washington

54th Legislature

1995 Regular Session

By Senator Franklin

Read first time 01/23/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to licensing legal assistants under the direction
2 and supervision of active members of the Washington state bar
3 association; adding new sections to chapter 43.131 RCW; adding a new
4 chapter to Title 18 RCW; prescribing penalties; and providing an
5 effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** Unless the context clearly requires
8 otherwise, the definitions in this section apply throughout this
9 chapter.

10 (1) "Attorney" means an active member of the Washington state bar
11 association as provided in chapter 2.48 RCW.

12 (2) "Department" means the department of licensing.

13 (3) "Director" means the director of licensing.

14 (4) "Legal assistant" means a person qualified through education,
15 training, and work experience to perform substantive legal work
16 requiring knowledge of legal concepts that customarily, but not
17 exclusively, are performed by an attorney licensed by the Washington
18 state bar association. A legal assistant may be retained or employed
19 by a lawyer, law office, or governmental entity or may be authorized by

1 an administrative authority to perform the work. "Legal assistant"
2 does not include a person performing only administrative or clerical
3 duties for a lawyer, law firm, governmental entity, or other entity and
4 does not include participants in a course of study designed to qualify
5 the participant to take the bar exam of any state.

6 NEW SECTION. **Sec. 2.** A person shall not represent himself or
7 herself as a legal assistant or engage in any services as a legal
8 assistant unless licensed by the department.

9 NEW SECTION. **Sec. 3.** A legal assistant licensee shall:

10 (1) Graduate from a course of study for legal assistants approved
11 by the department; and

12 (2) Complete an internship approved by the department that involves
13 working under the supervision and direction of an active member of the
14 Washington state bar association.

15 NEW SECTION. **Sec. 4.** In addition to the educational requirements
16 under section 3 of this act, an applicant must:

17 (1) Demonstrate good moral character;

18 (2) File an application with the department;

19 (3) Pay the required fee; and

20 (4) Neither be a suspended or disbarred attorney in the state of
21 Washington or another state, nor a felon without civil rights restored.

22 NEW SECTION. **Sec. 5.** Persons not meeting the requirements of this
23 chapter, and who are performing the duties of a legal assistant before
24 the effective date of this section, shall apply to the department for
25 a license. A licensee under this section shall have two years of legal
26 assistant experience which is documented by an affidavit from an active
27 member of the Washington state bar association who directly supervised
28 an applicant. A legal assistant that does not apply for a license
29 under this section by two years after the effective date of this act is
30 not eligible for the license.

31 NEW SECTION. **Sec. 6.** A legal assistant shall adhere to rules of
32 professional conduct as adopted by the department. In adopting the
33 rules, the department shall be guided by the rules of professional

1 conduct adopted for active members of the Washington state bar
2 association.

3 NEW SECTION. **Sec. 7.** The department shall issue an applicant a
4 legal assistant's license upon the department confirming that the
5 applicant complies with this chapter.

6 NEW SECTION. **Sec. 8.** (1) A licensed legal assistant shall renew
7 the license on or before the date of the license's second anniversary,
8 and every two years thereafter, by paying a renewal fee as set by rule
9 by the director. Failure to renew a license and pay the renewal fee
10 renders the license invalid. The director shall reinstate a license
11 upon written application by the licensee to the director and payment by
12 the licensee of all delinquent fees.

13 (2) A person who fails to renew his or her license under this
14 section for four years may not renew the license under this section.
15 The person, in order to obtain a legal assistant's license, must file
16 a new application under this chapter along with the required fees.

17 (3) The director shall adopt rules establishing additional fees or
18 penalties for legal assistants who fail to timely renew their licenses.

19 NEW SECTION. **Sec. 9.** The director shall, upon reasonable
20 opportunity for a hearing, revoke, deny, or suspend a license issued or
21 applied for under this chapter if the director finds that:

22 (1) The licensee or applicant violated this chapter, a rule adopted
23 by the director under this chapter, or a decision of the director under
24 this chapter; or

25 (2) A fact or condition exists that, if it had existed at the time
26 of the original application for the license, reasonably would have
27 warranted the director to refuse to issue the original license.

28 NEW SECTION. **Sec. 10.** The director shall adopt rules, set fees,
29 make decisions, orders, and rulings, and take other necessary action
30 for the implementation and enforcement of this chapter, including the
31 implementation of the training and educational requirements. The
32 director may appoint a temporary advisory committee consisting of two
33 practicing attorneys, three legal assistants, and one consumer member
34 to assist in creating the rules necessary to implement this chapter.

1 NEW SECTION. **Sec. 11.** The administrative procedure act, chapter
2 34.05 RCW, if applicable, governs the rights, remedies, and procedures
3 respecting the administration of this chapter.

4 NEW SECTION. **Sec. 12.** A licensed legal assistant or unlicensed
5 person who performs the duties of a legal assistant without the
6 direction and supervision of an active member of the Washington state
7 bar association is subject to RCW 2.48.180.

8 NEW SECTION. **Sec. 13.** The director shall set fees under this
9 chapter at a level adequate to pay the costs of the licensing program.
10 The director shall set the fees in accordance with RCW 43.24.086.

11 NEW SECTION. **Sec. 14.** The legal assistants' licensing account is
12 created in the state treasury. All receipts from fees paid under this
13 chapter shall be deposited into the account. Moneys from the account
14 shall be expended, after appropriation, only for the purposes of this
15 chapter.

16 NEW SECTION. **Sec. 15.** A new section is added to chapter 43.131
17 RCW to read as follows:

18 The program regulating legal assistants under chapter 18.-- RCW
19 (sections 1 through 14 of this act) shall be terminated June 30, 2001,
20 as provided in section 16 of this act.

21 NEW SECTION. **Sec. 16.** A new section is added to chapter 43.131
22 RCW to read as follows:

23 The following acts or parts of acts, as now existing or hereafter
24 amended, are each repealed, effective June 30, 2002:

- 25 (1) Section 1 of this act;
- 26 (2) Section 2 of this act;
- 27 (3) Section 3 of this act;
- 28 (4) Section 4 of this act;
- 29 (5) Section 5 of this act;
- 30 (6) Section 6 of this act;
- 31 (7) Section 7 of this act;
- 32 (8) Section 8 of this act;
- 33 (9) Section 9 of this act;
- 34 (10) Section 10 of this act;

1 (11) Section 11 of this act;
2 (12) Section 12 of this act;
3 (13) Section 13 of this act; and
4 (14) Section 14 of this act.

5 NEW SECTION. **Sec. 17.** Sections 1 through 14 of this act shall
6 constitute a new chapter in Title 18 RCW.

7 NEW SECTION. **Sec. 18.** This act takes effect July 1, 1996.

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