

WSR 17-12-076
RULES OF COURT
STATE SUPREME COURT

[June 1, 2017]

IN THE MATTER OF THE PROPOSED ) ORDER
AMENDMENTS TO APR 1—IN GEN- ) NO. 25700-A-1190
ERAL; SUPREME COURT; PREREQUI- )
SITES TO THE PRACTICE OF LAW; )
COMMUNICATIONS TO THE ASSOCIA- )
TION; CONFIDENTIALITY, APR 2— )
BOARD OF GOVERNORS, APR 4—BAR )
EXAMINATIONS; NOTIFICATION OF )
RESULTS, APR 6—LAW CLERK PRO- )
GRAM, APR 7—INVESTIGATIONS; )
DUTY OF APPLICANT, APR 8—LIM- )
ITED ADMISSIONS, APR 9—LICENSED )
LEGAL INTERNS, APR 11—MANDA- )
TORY CONTINUING LEGAL EDUCA- )
TION, APR 12—LIMITED PRACTICE )
RULE FOR LIMITED PRACTICE OFFI- )
CERS, APR 13—SIGNINGS OF PLEAD- )
INGS AND OTHER PAPERS; ADDRESS )
OF RECORD; ELECTRONIC MAIL )
ADDRESS; NOTICE OF CHANGE OF )
ADDRESS, TELEPHONE NUMBER OR )
NAME, APR 14—LIMITED PRACTICE )
RULE FOR FOREIGN LAW CONSUL- )
TANTS, APR 15—LAWYERS' FUND FOR )
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APR 19—LAWYER SERVICES, )
APR 20—DEFINITIONS RELATING TO )
CHARACTER AND FITNESS DETERMI- )
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ERED WHEN DETERMINING CHARAC- )
TER AND FITNESS, APR 22.1—REVIEW )
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CANT DUTIES AND RIGHTS, APR 23— )
CHARACTER AND FITNESS BOARD, )
APR 23.1—AUTHORITY OF CHARAC- )
TER AND FITNESS BOARD, APR 23.2— )
MEETINGS, APR 23.4—CLERK, APR )
23.5—SERVICE, APR 24.1—HEARING )
PROCEDURE, APR 24.2—DECISION )
AND RECOMMENDATION, APR 24.3— )
ACTION ON SUPREME COURT'S )
DETERMINATION, APR 25.1—RESTRIC- )
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ACTER AND FITNESS BOARD, AND )
APR 25.6—ACTION ON SUPREME )
COURT'S DETERMINATION, APR 26— )
INSURANCE DISCLOSURE, APR 27— )
PROVISION OF LEGAL SERVICES FOL- )
LOWING DETERMINATION OF MAJOR )
DISASTER, APR 28—LIMITED PRACTICE )
RULE FOR LIMITED LICENSE )
LEGAL TECHNICIANS, APR 28 REGU- )
LATIONS, APR 28 APPENDIX—REGU- )
LATIONS OF THE APR LIMITED )
LICENSE LEGAL TECHNICIAN BOARD )

The Washington State Bar Association, having recom-
mended the adoption of the proposed amendments to APR
1—In General; Supreme Court; Prerequisites to the Practice
of Law; Communications to the Association; Confidentiality,
APR 2—Board of Governors, APR 4—Bar Examinations;
Notification of Results, APR 6—Law Clerk Program, APR
7—Investigations; Duty of Applicant, APR 8—Limited
Admissions, APR 9—Licensed Legal Interns, APR 11—
Mandatory Continuing Legal Education, APR 12—Limited
Practice Rule for Limited Practice Officers, APR 13—Sign-
ings of Pleadings and Other Papers; Address of Record; Elec-
tronic Mail Address; Notice of Change of Address, Tele-
phone Number or Name, APR 14—Limited Practice Rule for
Foreign Law Consultants, APR 15—Lawyers' Fund for Cli-
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Administrative Suspension from Practice, APR 19—Lawyer
Services, APR 20—Definitions Relating to Character and
Fitness Determinations, APR 20.1—Application of Rules,
APR 21—Factors Considered When Determining Character
and Fitness, APR 22.1—Review of Applications, APR
22.2—Applicant Duties and Rights, APR 23—Character and
Fitness Board, APR 23.1—Authority of Character and Fit-
ness Board, APR 23.2—Meetings, APR 23.4—Clerk, APR
23.5—Service, APR 24.1—Hearing Procedure, APR 24.2—
Decision and Recommendation, APR 24.3—Action on
Supreme Court's Determination, APR 25.1—Restrictions on
Reinstatement, APR 25.2—Reversal of Conviction, APR
25.3—Petitions and Investigations, APR 25.4—Hearing
Before Character and Fitness Board, APR 25.5—Action by
Character and Fitness Board, and APR 25.6—Action on
Supreme Court's Determination, APR 26—Insurance Disclo-
sure, APR 27—Provision of Legal Services Following Deter-
mination of Major Disaster, APR 28—Limited Practice Rule
for Limited License Legal Technicians, APR 28 Regulations,
APR 28 Appendix—Regulations of the APR Limited License
Legal Technician Board, and the Courthaving considered the
amendments and comments submitted thereto, and having
determined that the proposed amendments will aid in the
prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as shown below are adopted.

(b) That the amendments will be published in the Wash-
ington Reports and will become effective September 1, 2017.

DATED at Olympia, Washington this 1st day of June
2017.

Fairhurst, C.J.
Johnson, J.
Madsen, J.
Owens, J.
Stephens, J.
Wiggins, J.
Gordon McCloud, J.
Yu, J.

SUGGESTED AMENDMENTS TO APR 1 (Redline)

TITLE
ADMISSION AND PRACTICE RULES (APR)
RULE 1. IN GENERAL; SUPREME COURT; PREREQUISITES TO
THE PRACTICE OF LAW; COMMUNICATIONS TO THE ASSOCI-
ATION BAR; CONFIDENTIALITY; DEFINITIONS

**(a) Supreme Court.** The Supreme Court of Washington has the exclusive responsibility and the inherent power to establish the qualifications for admission to practice law, and to admit and license persons to practice law in this state. Any person carrying out the functions set forth in these rules is acting under the authority and at the direction of the Supreme Court.

**(b) Prerequisites to the Practice of Law.** Except as may be otherwise provided in these rules, a person shall not appear as an attorney or counsel in any of the courts of the State of Washington, or practice law in this state, unless that person has passed ~~the Washington State bar~~ an examination for admission, has complied with the other requirements of these rules, and is an active member of the Washington State Bar Association (referred to in these rules as the ~~Bar Association~~ Association). A person shall be admitted to the practice of law and become an active member of the ~~Bar Association~~ Association only by order of the Supreme Court.

**(c) Communications to the Association.** Communications to the ~~Bar Association~~, the Board of Governors, ~~the Board of Bar Examiners, the Character and Fitness Board, the Law Clerk Board, mediators, mediation staff, or any other individual person, board, committee or other entity administered by the Bar~~ or acting under authority of these rules, are absolutely privileged, and no lawsuit may be predicated thereon.

**(d) Confidentiality.**

(1) Unless expressly authorized by the Supreme Court or by the applicant, all application records, including related investigation files, documents and proceedings, for ~~the admission or for a license limited admission~~ to practice law and or for enrollment in ~~to~~ the law clerk program are confidential and shall be privileged against disclosure, except as necessary to conduct an investigation, hearing, and appeal or review pursuant to these rules.

(2) Unless expressly authorized by the Supreme Court, all examination questions, scoring keys and other examination data used by the ~~Association Bar~~ to administer the bar examination and other qualifying any examinations for admission or licensing are not subject to public disclosure.

(3) Unless expressly authorized by the Supreme Court, the following records of the Board of Bar Examiners, Mandatory Continuing Legal Education Board, Limited Practice Board, Limited License Legal Technician Board, Law Clerk Board, Character and Fitness Board, and the ~~Lawyers' Fund for Client Protection Fund Board~~ are confidential and shall not be disclosed:

(~~A~~) Preliminary drafts, notes, recommendations, and intra-Board memorandums in which opinions are expressed or policies formulated or recommended;

(~~B~~) Records that are relevant to a controversy to which the Board is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(4) Motions for ~~the limited admission permission~~ to practice law under APR 8(b) are not confidential and may be disclosed pursuant to a proper request.

**(e) Definitions.** The following definitions apply throughout these Admission and Practice Rules except where otherwise stated:

(1) "Active legal experience"

(A) when used to describe a requirement for admission or licensure as, or otherwise regarding, a lawyer means experience in the active practice of law as a lawyer, or as a teacher at an approved law school, or as a judge of a court of general or appellate jurisdiction or any combination thereof, in a state or territory of the United States or in the District of Columbia or in any jurisdiction where the common law of England is the basis of its jurisprudence;

(B) when used to describe a requirement for licensing as, or otherwise regarding, a LLLT, means active experience practicing law as an LLLT;

(C) when used to describe a requirement for licensing as, or otherwise regarding, a LPO means active experience practicing law as a LPO.

(2) "Bar" means the Washington State Bar, including Bar staff.

(3) "Bar counsel" means a staff lawyer employed by the Bar.

(4) "Board of Governors" means the Board of Governors of the Washington State Bar.

(5) "LLLT" means limited licensed legal technician.

(6) "LPO" means limited practice officer.

(7) "Member" means a person who is identified as belonging to a group identified as members by the Bar's Bylaws.

(8) "Qualified legal services provider" means a not for profit legal services organization in Washington State whose primary purpose is to provide legal services to low income clients.

(9) "Supreme Court" means the Supreme Court of Washington.

**SUGGESTED AMENDMENTS TO APR 2 (Redline)**

**TITLE**

ADMISSION AND PRACTICE RULES (APR)

**RULE 2. BOARD OF GOVERNORS;**

**(a) Powers.** In addition to any other power or authority in other rules, the Board of Governors ~~of the Bar Association (referred to in these rules as the Board of Governors)~~ shall have the power and authority to:

(1) Appoint a Board of Bar Examiners from among the active members of the ~~Bar Association~~ for the purposes of assisting the Board of Governors Bar in conducting grading the bar examinations for admission or licensing and in writing and maintaining the Washington Law Component;

(2) Appoint a Law Clerk Board from among the active members of the ~~Bar Association~~ for the purposes of assisting the Board of Governors Bar in supervising the Law Clerk Program;

(3) Appoint a Character and Fitness Board pursuant to rule ~~20~~ 23;

(4) Except as otherwise stated in these Admission and Practice Rules, provide for the administration by the Bar of all aspects of:

(A) developing the form and content, receiving, reviewing, investigating, and approving or denying applications for admission and licensing examinations, participating in programs administered by the Bar, being admitted or licensed to practice law, or changing membership status with the Bar,

and any other certificate or document referred to in these Admission and Practice Rules and

(B) recommending to the Supreme Court the approval or denial of applicants for admission or licensure to practice law;

Approve or deny applications for permission to take the bar examination, to enroll in the law clerk program, to be admitted to practice by motion, or to engage in the limited practice of law under pertinent provisions of rules 8, 9, and 14;

(5) Investigate all aspects of an applicant's qualifications to take the bar examination, to be admitted to the practice of law, to engage in the limited practice of law under pertinent provisions of rules 8, 9, and 14, or to enroll in the law clerk program;

(6) Recommend to the Supreme Court the admission or rejection of each applicant who has passed the bar examination, who is applying to be admitted to practice by motion, or who is applying to engage in the limited practice of law under pertinent provisions of rules 8, 9, and 14;

(7) Approve law schools for the purposes of these rules and maintain a list of such approved law schools on file with the Clerk of the Supreme Court;

(8) Prescribe, with the approval of subject to review by the Supreme Court, the amount of any fees required by these rules; and

(9) Prescribe the form and content of any application, certificate, or other document referred to in these rules; and

(10) Perform any other functions and take any other actions provided for in these rules, or as may be delegated by the Supreme Court, or as may be necessary and proper to carry out its duties.

**(b) Written Request.** Any request to the Board of Governors for action on any subject under these rules shall be in writing and shall be properly filed. For the purpose of these rules, filing shall occur at the headquarters office of the Bar Association.

#### SUGGESTED AMENDMENTS TO APR 4 (Redline)

##### TITLE

ADMISSION AND PRACTICE RULES (APR)

##### RULE 4. ~~BAR EXAMINATIONS FOR ADMISSION~~; NOTIFICATION OF RESULTS

**(a) Bar Examinations.** ~~The e~~Examinations for admission to the bar practice law shall be conducted by and under the direction of the Bar Board of Governors with the assistance of the Board of Bar Examiners. ~~The bar e~~Examinations shall be held in February and in July of each year, or at such other times and places as the Bar Board of Governors may designate, commencing at the times and in the locations selected by the Board of Governors.

**(b) Notification of Results.** As soon as practicable after the completion of the bar an examination, the Board of Governors shall cause each applicants will to be notified of the results of the bar examination. The Bar Board of Governors may disclose publicly the names of those applicants who have passed an examination, but not the names of those who failed an examination unless authorized by the applicant or these rules. There shall be no appeal or review of examination results, the results to the applicant's law school and the

National Conference of Bar Examiners. No other information will be divulged to persons other than the applicants concerning the applicants who failed the bar examination.

**(c) Repeating Bar Examinations.** There is no limitation on the number of times an unsuccessful applicant may apply for and take subsequent administrations of an examination for admission. Any applicant failing a bar examination may apply to take another bar examination.

**(d) Lawyer Bar Examination.** Unless otherwise provided by these rules, applicants for admission to practice as a lawyer must take and pass the National Conference of Bar Examiners' (NCBE) Uniform Bar Examination (UBE) and Multistate Professional Responsibility Examination (MPRE).

(1) Washington's UBE minimum passing score is 270.

(2) Washington's MPRE minimum passing score is 85, which must be earned no earlier than three years prior to and no later than 40 months after the date of the administration of the UBE in which the applicant received the minimum passing score.

(3) The Bar may disclose the results of the lawyer bar examination to an applicant's law school and the NCBE.

**(e) LLLT Examination.** Unless otherwise stated in these rules, all applicants for admission to practice law in Washington as an LLLT must take and pass an LLLT practice area examination and the LLLT professional responsibility examination.

(1) The practice area examination will test applicants on one specific practice area and knowledge of LLLT scope of practice specific to that practice area.

(A) Each practice area examination shall be comprised of three parts: a multiple choice section, an essay section, and a performance section.

(B) The duration, form, and manner of the exam shall be as prescribed by the LLLT Board.

(C) The minimum passing standard for the practice area examination is a score of 75 percent for each section of the examination. A failing grade in one section shall result in failure of the examination, in which case grading of any remaining sections shall not be required.

(D) An applicant who fails the practice area examination may request a copy of their essay and performance sections if graded. An applicant who passes the practice area examination will not receive a copy of the examination.

(2) The LLLT professional responsibility examination will test applicants on their knowledge of the LLLT Rules of Professional Conduct.

(A) The professional responsibility examination shall be comprised of one multiple choice section.

(B) The minimum passing standard for the professional responsibility examination is a score of 75 percent.

(C) The professional responsibility examination must be passed no earlier than 18 months and no later than 40 months from the date of the administration of the practice area examination in which the applicant receives a passing score.

**(f) LPO Examination.** All applicants for admission to practice law in Washington as an LPO must take and pass the LPO examination, which shall test applicants on the legal knowledge and skills required for LPO practice, as well as the permissible scope of practice for an LPO and the LPO

RPCs. There is not a separate professional responsibility examination.

(1) The LPO examination consists of three parts, a multiple choice examination, an essay examination, and a performance examination.

(2) The minimum passing standard for the examination is 75 percent for each section, and applicants must pass all three sections. A failing grade in one section shall result in failure of the examination in which case grading of any remaining sections shall not be required.

(3) Those applicants who fail the examination will be informed of their score on each graded section of the examination.

(4) Copies of the examination shall not be available to any applicant.

#### SUGGESTED AMENDMENTS TO APR 6 (Redline)

##### TITLE

ADMISSION AND PRACTICE RULES (APR)

##### RULE 6. LAW CLERK PROGRAM

**(a) Purpose.** The Law Clerk Program provides access to legal education guided by a qualified tutor using an apprenticeship model that includes theoretical, experiential, and clinical components. Successful completion of the Law Clerk Program provides a way to meet the education requirement to apply for the Washington State lawyer bar examination; it is not a special admission or limited license to practice law.

**(b) Application.** Every applicant for enrollment in the law clerk program shall:

(1) Be of good moral character and fitness, as defined in APR 20;

(2) Present satisfactory proof of having been granted a bachelor's degree by a college or university with approved accreditation; if the degree was earned in a non-US jurisdiction, the applicant shall provide supporting documentation as to its equivalency;

(3) Be engaged in regular, full-time employment in Washington State for an average of 32 hours per week with the primary tutor or primary tutor's employer in a (i) law office, (ii) legal department or (iii) a court of general, limited, or appellate jurisdiction in Washington State. The employment must include tasks and duties which contribute to the practical aspects of engaging in the practice of law;

(4) Submit in such form and manner as prescribed on forms provided by the Bar Association (i) an application for enrollment in the program, (ii) the tutor's application, and, (iii) the application fee;

(5) Appear for an interview, provide any additional information or proof, and cooperate in any investigation, as may be deemed relevant by the Bar Board of Governors; and

(6) If applicable, present a petition for Advanced Standing based on law school courses completed or courses completed in this program during a previous enrollment. The Bar Board of Governors may grant Advanced Standing to an applicant approved for enrollment for courses deemed recently and successfully passed and equivalent to courses in the program.

(7) Where the Bar Board of Governors is satisfied that a primary tutor has arranged a relationship with the applicant's full-time employer consistent with the purposes of the Pro-

gram, the requirement that the primary tutor, or the primary tutor's employer, be the law clerk's employer may be waived.

**(c) Tutors.** To be eligible to act as a tutor in the law clerk program, a lawyer or judge shall:

(1) Act as a tutor for only one law clerk at a time;

(2) Be an active member in good standing of the Bar Association, or be a judicial member who is currently elected or appointed to an elected position, who has not received a disciplinary sanction in the last 5 years, provided that if there is discipline pending or a disciplinary sanction has been imposed upon the member more than 5 years preceding the law clerk's application for enrollment, the Bar Board of Governors shall have the discretion to accept or reject the member as tutor;

(3) active legal experience in the practice of law as defined by APR 1 or have held the required judicial position for at least 10 of the last 12 years immediately preceding the filing of the law clerk's application for enrollment. The 10 years of practice must include at least 2 years in Washington state and may be a combination of active practice and judicial experience but may not include periods of suspension for any reason;

(4) Certify to the applicant's employment as required above and to the tutor's eligibility, and to agree to instruct and examine the applicant as prescribed under this rule; and

(5) Act as a tutor only upon the approval of the Bar Board of Governors which may be withheld or withdrawn for any reason.

**(d) Enrollment.** When an application for enrollment has been approved by the Bar Board of Governors, an enrolled law clerk shall:

(1) Pay an annual fee as set by the Board of Governors.

(2) Meet the minimum monthly requirements of an average of 32 hours per week of employment with the tutor which may include in-office study time and must include an average of 3 hours per week for the tutor's personal supervision of the law clerk.; "Personal supervision" is defined as time actually spent with the law clerk for the exposition and discussion of the law, the recitation of cases, and the critical analysis of the law clerk's written assignments.

(3) Complete the prescribed course of study which shall be the equivalent of four years of study. Each year of study shall consist of 6 courses completed in 12 months. Months of leave, failed courses, and months in which the enrollee does not meet the minimum number of hours of work and study may not be counted toward the completion of a course and may extend the length of a year of study. Advanced Standing granted may reduce the months of program study. The course of study must be completed within 6 years from the initial date of enrollment.

(4) Abide by APR 6 and the Law Clerk Program Regulations approved by the Board of Governors which provide the course of study, program requirements and other guidelines to successfully complete the program.

**(e) Course of Study.** The subjects to be studied, the sequence in which they are to be studied, and any other requirement to successfully complete the program shall be prescribed in the Law Clerk Program Regulations. Progress toward completion of the program shall be evaluated by sub-

mission of examinations, certificates, reports and evaluations as follows:

(1) Examinations. At the end of each month, the law clerk shall complete a written examination prepared, administered, and graded by the tutor. The examination shall be answered without research, assistance, or reference to source materials during the examination. The examination shall be graded pass/fail.

(2) Certificates. The tutor shall submit the examination, including the grade given for the examination and comments to the law clerk, and a monthly certificate, stating the law clerk's hours engaged in employment, study and the tutor's personal supervision within 10 business days following the month of study. If an examination is not given, the monthly certificate shall be submitted stating the reason.

(3) Book Reports. The law clerk shall submit three book reports for the Jurisprudence course requirement corresponding to each year of study.

(4) Evaluations. Annually, or at other intervals deemed necessary, the law clerk shall participate with the tutor in an evaluation of the law clerk's progress.

**(f) Completion of the program.** A law clerk shall be deemed to have successfully completed the program when:

(1) All required courses have been completed and passed as certified each month by the tutor, and all book reports have been submitted;

(2) The tutor has certified that the law clerk, in the tutor's opinion, is qualified to take the lawyer bar examination and is competent to practice law; and

(3) The Bar Board has certified that all program requirements are completed.

**(g) Termination.** The Bar Board of Governors may direct a law clerk to change tutors if approval of a tutor is withdrawn. The Bar Board of Governors may terminate a law clerk's enrollment in the program for:

(1) Failure to complete the prescribed course of study within 6 years from the date of enrollment;

(2) Failure of the tutor to submit the monthly examinations and certificates at the end of each month in which they are due;

(3) Failure to comply with any of the requirements of the law clerk program; and

(4) Any other grounds deemed pertinent.

**(h) Effective Date.** Revision of this rule shall not apply retroactively. A law clerk may complete the program under the version of the rule in effect at the start of enrollment.

**(i) Confidentiality.** Unless expressly authorized by the Supreme Court, the program applicant, or by a current or former law clerk, enrollment and related records, documents, and proceedings are confidential and shall be privileged against disclosure, except that the fact of successful completion of the program shall be subject to disclosure.

#### SUGGESTED AMENDMENTS TO APR 7 (Redline)

##### TITLE

ADMISSION AND PRACTICE RULES (APR)

##### **RULE 7. [RESERVED] INVESTIGATIONS; DUTY OF APPLICANT**

**(a) Investigations.** ~~The Board of Governors may refer any application for permission to take the bar examination, to be admitted to the practice of law or to be admitted to the lim-~~

~~ited practice of law under pertinent provisions of rules 8, 9, and 14, or to enroll in the law clerk program to state bar counsel or to the Character and Fitness Board for investigation pursuant to these rules.~~

~~**(b) Duty of Applicant.** It shall be the duty of every applicant to cooperate with any investigation required by the Board of Governors, by promptly furnishing written or oral explanations, documents, releases, authorizations, or anything else reasonably required by the investigator. Failure to appear as directed or to furnish additional proof or answers as required or to cooperate fully shall be sufficient reason for the Board of Governors to reject or to recommend the rejection of an application.~~

~~**(c) Subpoenas:** The chairperson of the Character and Fitness Board or Bar Counsel may issue subpoenas to compel attendance of an applicant or witness, or the production of books, documents, or other evidence, at a deposition or hearing. Subpoenas shall be served in the same manner as in civil cases in the superior court.~~

#### SUGGESTED AMENDMENTS TO APR 8 (Redline)

##### TITLE

ADMISSION AND PRACTICE RULES (APR)

##### **RULE 8. NON-MEMBER LAWYER LICENSES TO PRACTICE LAW LIMITED ADMISSIONS**

**(a) In General.** Lawyers admitted to the practice of law in any state or territory of the United States or the District of Columbia or in any foreign jurisdiction, who do not meet the qualifications stated in APR 3 requirements of rule 1 (b) or 3(e), may engage in the limited practice of law in this state as provided in this rule. Lawyers permitted or licensed to practice law under this rule are not members of the Bar.

**(b) Exception for Particular Action or Proceeding.** A lawyer member in good standing of, and permitted to practice law in, the ~~bar~~ Bar of any other state or territory of the United States or of the District of Columbia, or a lawyer who is providing legal services for no fee through a qualified legal services provider pursuant to rule 8(f), may appear as a lawyer in any action or proceeding only

(i) with the permission of the court or tribunal in which the action or proceeding is pending, and

(ii) in association with an active lawyer member of the ~~Washington State Bar Association~~, who shall be the lawyer of record therein, responsible for the conduct thereof, and present at proceedings unless excused by the court or tribunal. The requirement in (ii) is waived for a lawyer who is a full-time active duty military officer serving in the office of a Staff Judge Advocate of the United States Army, Air Force, Navy, Marines, or Coast Guard, a Naval Legal Service Office or a Trial Service Office, located in the State of Washington.

(1) An application to appear as such a lawyer shall be made by written motion to the court or tribunal before whom the action or proceeding is pending, in a form approved by the ~~Bar Board of Governors~~, which shall include certification by the lawyer seeking permission ~~admission~~ under this rule and the associated Washington lawyer that the requirements of this rule have been complied with, and shall ~~include an indication~~ state the date on which ~~date~~ the fee and any mandatory assessment required in part (2) were paid, or ~~indicating~~ state that the fee and assessment were waived pursuant to

part (2). The motion shall be heard by the court or tribunal after such notice to the ~~Washington State Bar Association~~ and payment of fees and assessments as is required in part (2) below, ~~together with the required fee and assessment~~, unless waived pursuant to part (2), and to adverse parties as the court or tribunal shall direct. Payment of the required fee and assessment shall only be necessary upon a lawyer's first application to any court or tribunal in the same case. The court or tribunal shall enter an order granting or refusing the motion, and, if the motion is refused, the court or tribunal shall state its reasons.

(2) The lawyer making the motion shall submit a copy of the motion to the ~~Washington State Bar Association~~ accompanied by:

~~(A) a nonrefundable fee in each case in an amount equal to the license fee required of active lawyer members of the Bar set by the Board of Governors with the approval of the Supreme Court, and~~

~~(B) the Lawyers' Fund for Client Protection Fund assessment as required of active lawyer members of the Bar under these rules.~~

(3) Payment of the fee and assessment shall only be necessary upon a lawyer's first motion to any court or tribunal in the same case. The associated Washington lawyer counsel shall be jointly responsible for payment of the fee and assessment. The fee and assessment shall be waived for:

~~(A) a lawyer providing legal services for no fee through a qualified legal services provider pursuant to rule 8(f),~~

~~(B) a lawyer rendering service for no fee in either a bar association or governmentally sponsored legal services organization or in a public defender's office or similar program providing legal services to indigents and only in that capacity, or~~

~~(C) a lawyer who is a full-time active duty military officer serving in the office of a Staff Judge Advocate of the United States Army, Air Force, Navy, Marines, or Coast Guard, a Naval Legal Service Office or a Trial Service Office, located in the State of Washington, and who is not receiving any compensation from clients in addition to the military pay to which they are already entitled.~~

(4) The ~~Washington State Bar Association~~ shall maintain a public record of all motions for admission permission to practice pursuant to this rule.

(5) No member of the Bar ~~Association~~ shall lend his or her name for the purpose of, or in any way assist in, avoiding the effect of this rule.

**(c) Exception for Indigent Representation.** A member in good standing of the ~~bar~~ Bar of another state or territory of the United States or of the District of Columbia, who is eligible to apply for admission as a lawyer under rule APR 3 in this state, while rendering service in either a bar association or governmentally sponsored legal services organization or in a public defender's office or similar program providing legal services to indigents and only in that capacity, may, upon application and approval, practice law and appear as a lawyer before the courts of this state in any matter, litigation, or administrative proceeding, subject to the following conditions and limitations:

(1) Application to practice under this rule shall be made to the ~~Bar Board of Governors~~, and the applicant shall be subject to the Rules for Enforcement of Lawyer Conduct and to the Rules of Professional Conduct.

(2) In any such matter, litigation, or administrative proceeding, the applicant shall be associated with an active lawyer member of the Bar ~~Association~~, who shall be the lawyer of record and responsible for the conduct of the matter, litigation, or administrative proceeding.

(3) The applicant shall either apply for and take the first available lawyer bar examination after the date of ~~the applicant's admission~~ the applicant was granted authorization to practice under this rule, or, already have filed an application for admission by motion or ~~Uniform Bar Exam~~ UBE score transfer.

(4) The applicant's authorization right to practice under this rule (i) may be terminated by the Supreme Court at any time with or without cause, or (ii) shall be terminated automatically for failure to take or pass the required lawyer bar examination, or (iii) shall be terminated for failure to become an active lawyer member of the Bar ~~Association~~ within 60 days of the date the lawyer bar examination results are made public, or (iv) shall be terminated automatically upon denial of the application for admission, or (v) in any event, shall be terminated within 1 year from the original date of ~~the applicant's admission~~ the applicant was authorized to practice law in this state under this rule.

**(d) [Reserved.] Exception for Educational Purposes.** A lawyer who is enrolled and in good standing as a postgraduate student or as a faculty member in a program of an approved law school in this state, involving clinical work in the courts or in the practice of law, may apply to the Board of Governors for admission to the limited practice of law by paying an investigation fee and by presenting satisfactory proof of (i) admission to the practice of law and current good standing in any state or territory of the United States or the District of Columbia, and (ii) good moral character.

(1) Upon approval of the application by the Board of Governors, the applicant shall take the Oath of Attorney, and the Board of Governors shall transmit its recommendation to the Supreme Court which shall enter an order admitting the applicant to the limited practice of law under this section.

(2) The practice of an applicant admitted under this section shall be (i) limited to the period of time the applicant actively participates in the program, (ii) limited to the clinical work of the particular course of study in which the applicant is enrolled or teaching, (iii) free of charge for the services so rendered, and (iv) subject to the Rules of Professional Conduct and the Rules for Enforcement of Lawyer Conduct.

(3) An applicant admitted under this section shall be deemed an active member of the Bar Association only for the purpose of serving as a supervising lawyer under rule 9, and for no other purpose.

(4) When the applicant ceases actively to participate in the program, the law school dean shall immediately notify the Bar Association and the Clerk of the Supreme Court so that the applicant's right to practice may be terminated of record.

(5) The right to practice under this rule shall terminate three years from the date of admission under this rule.

**(c) [Reserved.] Exception for Emeritus Pro Bono Membership.** A lawyer admitted to the practice of law in a state or territory of the United States or the District of Columbia, including Washington State, may apply to the Board of Governors for a limited license to practice law as an emeritus pro bono member in this state when the lawyer is otherwise fully retired from the practice of law. An emeritus pro bono member shall provide legal services in Washington State for a qualified legal services provider as defined in part (2) below. The lawyer shall apply by (i) filing an application in the form and manner that may be prescribed by the Board of Governors; (ii) presenting satisfactory proof of admission by examination to the practice of law and current good standing in any state or territory of the United States or the District of Columbia, provided that if a disciplinary sanction has been imposed upon the lawyer within 15 years immediately preceding the filing of the application for emeritus status, the Board of Governors shall have the discretion to accept or reject the application; (iii) presenting satisfactory proof of active legal experience as defined in APR 3(b) for at least 5 of the 10 years immediately preceding the filing of the application for lawyers admitted in Washington and for at least 10 of the 15 years immediately preceding the filing of the application for lawyers only admitted to practice in jurisdictions other than Washington; (iv) filing certification from a qualified legal services provider as defined in part (2) below that the applicant's practice of law will comply with the terms of this rule; (v) paying such fee as may be set by the Board of Governors with approval of the Supreme Court; (vi) complying with training requirements as may be prescribed by the Board of Governors; and (vii) furnishing whatever additional information or proof that may be required in the course of investigating the applicant.

(1) Upon approval of the application by the Board of Governors, the lawyer shall take the Oath of Attorney, pay the current year's annual membership fee in the amount required of inactive members, and the Board of Governors shall transmit its recommendation to the Supreme Court which may enter an order admitting the lawyer to the limited practice of law under this section. Emeritus pro bono membership shall be for one year subject to annual renewal as provided by the Board of Governors.

(2) The practice of a lawyer admitted under this section shall be limited to providing legal service for no fee through a qualified legal services provider; or serving as an unpaid governing or advisory board member or trustee of or providing legal counsel or service for no fee to a qualified legal services provider. A qualified legal services provider is a not for profit legal services organization in Washington state whose primary purpose is to provide legal services to low income clients. The prohibition against compensation for emeritus pro bono members shall not prevent a qualified legal services provider from reimbursing an emeritus pro bono member for actual expenses incurred while rendering legal services under this rule. A qualified legal services provider shall be entitled to receive all court awarded attorney's fees for any representation rendered by the emeritus pro bono member.

(3) A lawyer admitted under this section shall pay to the Washington State Bar Association an annual license fee in the amount required of inactive members.

(4) The practice of a lawyer admitted under this section shall be subject to the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, and to all other laws and rules governing lawyers admitted to the bar of this state. Jurisdiction shall continue whether or not the lawyer retains the limited license and irrespective of the residence of the lawyer.

(5) Emeritus pro bono members shall be exempt from compliance with rule 11 concerning Continuing Legal Education. However, prior to engaging in practice as an emeritus pro bono member, the lawyer must complete a training course or courses as approved by the Board of Governors.

(6) An emeritus pro bono member shall promptly report to the Washington State Bar Association a change in membership status in a state or territory of the United States or District of Columbia where the applicant has been admitted to the practice of law or the commencement of any formal disciplinary proceeding in any jurisdiction where the lawyer has been admitted to the practice of law.

(7) The limited license granted under this section shall be automatically terminated when the lawyer's practice fails to comply with part (2) above, the lawyer fails to comply with the terms of this rule, or on suspension or disbarment in a state or territory of the United States or District of Columbia where the applicant has been admitted to the practice of law. If the lawyer whose limited license is terminated was previously admitted to practice in Washington, the lawyer shall be transferred to inactive membership status upon termination.

**(f) Exception for House Counsel.** A lawyer admitted to the practice of law in any jurisdiction may apply to the Bar Board of Governors for a limited license to practice law as in-house counsel in this state when the lawyer is employed in Washington as a lawyer exclusively for a profit or not for profit corporation, including its subsidiaries and affiliates, association, or other business entity, that is not a government entity, and whose lawful business consists of activities other than the practice of law or the provision of legal services. The lawyer shall apply by:

(i) filing an application in the form and manner that may be prescribed by the Bar Board of Governors;

(ii) presenting satisfactory proof of (I) admission to the practice of law and current good standing in any jurisdiction and (II) good moral character and fitness to practice;

(iii) filing an affidavit from an officer, director, or general counsel of the applicant's employer in this state attesting to the fact the applicant is employed as a lawyer for the employer, including its subsidiaries and affiliates, and the nature of the employment conforms to the requirements of this rule;

(iv) paying the application fees required of lawyer applicants for admission under APR 3; and

(v) furnishing whatever additional information or proof that may be required in the course of investigating the applicant.

(1) Upon approval of the application by the Bar Board of Governors, the lawyer shall take the Oath for the Practice of Law of Attorney, pay the current year's annual membership license fee and any mandatory assessments required of active lawyer members. †The Bar Board of Governors shall transmit its recommendation to the Supreme Court which may enter

an order ~~granting~~ ~~admitting~~ the lawyer a license to engage in the limited practice of law under this section.

(2) The practice of a lawyer ~~licensed~~ ~~admitted~~ under this section shall be limited to practice exclusively for the employer, including its subsidiaries and affiliates, furnishing the affidavit required by the rule and shall not include (i) appearing before a court or tribunal as a person admitted to practice law in this state, and (ii) offering legal services or advice to the public; or (iii) holding oneself out to be so engaged or authorized.

(3) All business cards and employer letterhead used by a lawyer ~~licensed~~ ~~admitted~~ under this section shall state clearly that the lawyer is ~~licensed~~ ~~admitted~~ to practice in Washington as in-house counsel.

(4) A lawyer ~~licensed~~ ~~admitted~~ under this section shall pay to the ~~Washington State Bar Association~~ an annual license fee in the maximum amount required of active ~~lawyer~~ members and ~~any mandatory the Lawyers' Fund for Client Protection assessments required of active lawyer members of the Bar.~~

(5) The practice of a lawyer ~~licensed~~ ~~admitted~~ under this section shall be subject to the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, and to all other laws and rules governing lawyers admitted to the active practice of law in this state. Jurisdiction shall continue whether or not the lawyer retains the limited license and irrespective of the residence of the lawyer.

(6) The lawyer shall promptly report to the ~~Washington State Bar Association~~ a change in employment, a change in ~~admission or license membership~~ status in any jurisdiction where the applicant has been admitted to the practice of law or the commencement of any formal disciplinary proceeding in any jurisdiction where the applicant has been admitted to the practice of law.

(7) The limited license granted under this section shall be automatically terminated when employment by the employer furnishing the affidavit required by this rule is terminated, the lawyer has been admitted to the practice of law pursuant to any other provision of the APR, the lawyer fails to comply with the terms of this rule, the lawyer fails to maintain current good standing in at least one other jurisdiction where the lawyer has been admitted to the practice of law, or on suspension or disbarment for discipline in any jurisdiction where the lawyer has been admitted to the practice of law. If a lawyer's employment is terminated but the lawyer, within three months from the last day of employment, is employed by an employer filing the affidavit required by (iii), the license shall be reinstated.

(8) A lawyer admitted in another United States jurisdiction and authorized to provide legal services under this Rule may provide legal services in this jurisdiction for no fee through a ~~Suggested Amendments to Admission to Practice Rules~~ ~~Washington State Bar Association~~ qualified legal services provider, as that term is defined in APR ~~18(e)(2)~~. If such services involve representation before a court or tribunal the lawyer shall seek ~~admission permission~~ under APR 8(b) and any fees for such ~~admission permission~~ shall be waived. The prohibition against compensation in this paragraph shall not prevent a qualified legal services provider from reimbursing a lawyer authorized to practice under this rule for actual

expenses incurred while rendering legal services under this pro bono exception. In addition, a qualified legal services provider shall be entitled to receive all court awarded attorney's fees for pro bono representation rendered by the lawyer.

~~(g) [Reserved.] Exception for Military Lawyers. A lawyer admitted to the practice of law in a state or territory of the United States or of the District of Columbia, who is a full-time active duty military officer serving in the office of a Staff Judge Advocate of the United States Army, Air Force, Navy, Marines, or Coast Guard, a Naval Legal Service Office or a Trial Service Office, located in the State of Washington, may, upon application and approval, appear as a lawyer and practice law before the courts of this state in any matter, litigation, or administrative proceeding, subject to the following conditions and limitations set forth in this rule. The applicant must be of good moral character and shall apply by (i) filing an application in the form and manner that may be prescribed by the Board of Governors; (ii) presenting satisfactory proof of admission by examination to the practice of law and current good standing as a member of the bar in any state or territory of the United States or the District of Columbia; (iii) complying with training requirements as set forth below; and (iv) furnishing whatever additional information or proof that may be required in the course of processing the application.~~

~~(1) To qualify for admission to practice under this rule, an applicant must, prior to admission, complete at least 15 credit hours of approved continuing legal education on Washington practice, procedure, and professional responsibility.~~

~~(2) Military lawyers admitted to practice pursuant to this rule are not, and shall not represent themselves to be members of the Washington State Bar Association.~~

~~(3) The applicant's right to practice under this rule: (i) may be terminated by the Supreme Court at any time with or without cause, or (ii) shall be terminated when the military lawyer ends active duty military service in this state. The lawyer admitted under this rule and his or her supervisory Staff Judge Advocate or his or her Commanding Officer are responsible to advise the Washington State Bar Association of any change in status of the lawyer that may affect his or her right to practice law under this rule.~~

~~(4) Military lawyers admitted pursuant to the rule may represent active duty military personnel in enlisted grades E-1 through E-4 and their dependents in noncriminal matters to the extent such representation is permitted by the supervisory Staff Judge Advocate or Commanding Officer, Naval Legal Service Office or Commanding Officer, Trial Service Office. Other active duty military personnel and their dependents may be represented if approved by the Service Judge Advocate General or his or her designee.~~

~~(5) Military lawyers admitted pursuant to this section may not demand or receive any compensation from clients in addition to the military pay to which they are already entitled.~~

~~(6) The practice of a lawyer admitted under this section shall be subject to the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, the Admission to Practice Rules, and to all other laws and rules governing lawyers admitted to the bar of this state. Jurisdiction shall continue whether or not the lawyer retains the right to practice in Washington and irrespective of the residence of the lawyer.~~



## SUGGESTED AMENDMENTS TO APR 9 (Redline)

## TITLE

ADMISSION AND PRACTICE RULES (APR)

## RULE 9. LICENSED LEGAL INTERNS

**(a) Purpose.** Supervised professional practice plays an important role in the development of competent lawyers and expands the capacity of the Bar to provide quality legal services while protecting the interests of clients and the justice system. This rule authorizes supervised professional practice by qualified law students, enrolled law clerks, and recent graduates of approved law schools when they are licensed pursuant to this rule to engage in the limited practice of law as "Licensed Legal Interns". The license granted pursuant to this rule is a limited license, based in part on recognition of the role practice experience plays in developing the competence of aspiring lawyers and in part on the fact that the Licensed Legal Intern will be supervised by an experienced lawyer. Persons granted such a limited license and their supervising lawyers must comply with the obligations and limitations set forth in these rules.

**(b) Eligibility.** To be eligible to apply to be a Licensed Legal Intern, an applicant must have arranged to be supervised by a qualifying lawyer and:

(1) Be a student duly enrolled and in good academic standing at an approved law school who has:

(A) successfully completed not less than two-thirds of a prescribed 3-year course of study or five-eighths of a prescribed 4-year course of study, and

(B) obtained the written approval of the law school's dean or a person designated by such dean and a certification by the dean or designee that the applicant has met the educational requirements; or

(2) Be an enrolled law clerk who:

(A) is certified by ~~WSBA~~ Bar staff to be in compliance with the provisions of APR 6 and to have successfully completed not less than five-eighths of the prescribed 4-year course of study; and

(B) has the written approval of the primary tutor; or

(3) Be a graduate of an approved law school who has not been admitted to the practice of law in any state or territory of the United States or the District of Columbia, provided that the application is made within nine months of graduation.

**(c) Qualifications to Be a Supervising Lawyer.** Except in the sections regarding the application for issuance of a limited license pursuant to this rule, references in this rule to "supervising lawyer" include both the supervising lawyer named in the application materials and on the Licensed Legal Intern identification card, and any other lawyer from the supervising lawyer's office who meets the qualifications of a supervising lawyer and who performs the duties of a supervising lawyer. A supervising lawyer must be ~~either:~~

~~(1) a lawyer currently licensed pursuant to APR 8(d) Exception for Educational Purposes; or~~

~~(2) an active lawyer member in good standing of the Washington State Bar Association, who has been actively engaged in the practice of law in the State of Washington or in any state or territory of the United States or the District of Columbia for at least the 3 three years immediately preceding the date of the application, who has not been disbarred or subject to a disciplinary suspension in any jurisdiction within the~~

previous 10 years and does not have a disciplinary proceeding pending or imminent, and who has not received a disciplinary sanction of any kind within the previous three years.

**(d) Application.** The applicant must submit an application on a form provided by the ~~Bar Association~~ and signed by both the applicant and the supervising lawyer.

(1) The applicant and the supervising lawyer must fully and accurately complete the application, and they have a continuing duty to correct and update the information on the application while it is pending and during the term of the limited license. Every applicant and supervising lawyer must cooperate in good faith with any investigation by promptly furnishing written or oral explanations, documents, releases, authorizations, or other information reasonably required by the ~~Board of Governors or Bar Association staff, or Bar Counsel~~. Failure to cooperate fully or to appear as directed or to furnish additional information as required shall be sufficient reason for the ~~Bar Board~~ to recommend denial or termination of the license.

(2) The application must include:

(A) all requested information about the applicant and the Supervising Lawyer;

(B) the required certification from the law school (or confirmation from the ~~Bar Association~~, for APR 6 Law Clerks) that the applicant has the required educational qualifications; and

(C) certifications in writing under oath by the applicant and the supervising lawyer(s) that they have read, are familiar with, and will abide by this rule and the Rules of Professional Conduct.

(3) Full payment of any required fees must be submitted with the application. The fees shall be set by the Board of Governors subject to review by the Supreme Court.

(4) ~~Bar Association~~ staff shall review all applications to determine whether the applicant and the supervising lawyer have the necessary qualifications, and whether the applicant possesses the requisite good moral character and fitness to engage in the limited practice of law provided for in this rule. ~~Bar Association~~ staff may investigate any information contained in or issues raised by the application that reflect on the factors contained in APR 21-24, and any application that reflects one or more of the factors set forth in APR 21-24(a) shall be referred to Bar Counsel for review.

(5) Bar Counsel may conduct such further investigation as appears necessary, and may refer to the Character and Fitness Board for hearing any applicant about whom there is a substantial question whether the applicant possesses the requisite good moral character and fitness to practice law as defined in APR 20. Such hearing shall be conducted as provided in APR 20-24.3. Bar Counsel may require any disclosures and conditions of the applicant and supervising lawyer that appear reasonably necessary to safeguard against unethical conduct by the applicant during the term of the limited license. No decision regarding the good moral character and fitness to practice of an applicant made in connection with an application for licensing pursuant to this rule is binding on the ~~Bar Association~~ or Character and Fitness Board at the time an applicant applies for admission to practice law and membership in the ~~WSBA Bar~~, and such issues may be rein-

investigated and reconsidered by Bar ~~Association~~ staff Bar Counsel, and the Character and Fitness Board.

(6) The Supreme Court shall issue or refuse the issuance of a limited license for a Licensed Legal Intern. The Supreme Court's decision shall be forwarded to the Bar ~~Association~~, which shall inform the applicant of the decision.

(7) Upon Supreme Court approval of an applicant, the Bar ~~Association~~ shall send to the applicant, in care of the supervising lawyer's mailing address on record with the Bar ~~Association~~, a letter confirming approval by the Supreme Court and a Licensed Legal Intern identification card. An applicant must not perform the duties of a Licensed Legal Intern before receiving the confirming letter and identification card.

(8) Once an application is accepted and approved and a license is issued, a Licensed Legal Intern is subject to the Rules of Professional Conduct and the Rules for Enforcement of Lawyer Conduct and to all other laws and rules governing lawyers admitted to the Bar of this state, and is personally responsible for all services performed as a Licensed Legal Intern. Any offense that would subject a lawyer admitted to practice law in this state to suspension or disbarment may be punished by termination of the Licensed Legal Intern's license, or suspension or forfeiture of the Licensed Legal Intern's privilege of taking the lawyer bar examination and being ~~licensed~~ admitted to practice law in this state.

(9) A Licensed Legal Intern may have up to two supervising attorneys in different offices at one time. A Licensed Legal Intern may submit an application for approval to add a supervising attorney in another office or to change supervising attorneys any time within the term of the limited license. When a Licensed Legal Intern applies to add a supervising attorney in another office, the Intern must notify both the current supervising attorney and the proposed new supervising attorney in writing about the application, and both the current and the new supervising attorney must approve the addition and certify that such concurrent supervision will not create a conflict of interest for the Licensed Legal Intern. The qualifications of the new supervising attorney will be reviewed by Bar ~~Association~~ staff who may approve or deny the supervisor. The Licensed Legal Intern will be notified of approval or denial of the new supervising attorney as described above and must not perform the duties of a licensed legal intern before receiving a new confirming letter containing notification of approval and a new identification card.

**(e) Scope of Practice, Prohibitions and Limitations.** In addition to generally being permitted to perform any duties that do not constitute the practice of law as defined in General Rule 24, a Licensed Legal Intern shall be authorized to engage in the limited practice of law only as authorized by the provisions of this rule.

(1) A Licensed Legal Intern may engage in the following activities without the presence of the supervising attorney:

(A) Advise or negotiate on behalf of a person referred to the Licensed Legal Intern by the supervising lawyer;

(B) Prepare correspondence containing legal advice to clients or negotiating on behalf of clients, pleadings, motions, briefs or other documents. All such correspondence, pleadings, motions, and briefs must be reviewed and signed by the supervising attorney, as well as any other documents requir-

ing the signature of a lawyer. On any correspondence or legal document signed by the Licensed Legal Intern, the Licensed Legal Intern's signature shall be followed by the title "Licensed Legal Intern" and the Licensed Legal Intern's identification number;

(C) Present to the court ex parte and agreed orders signed by the supervising lawyer, except as otherwise provided in these rules;

(D) After a reasonable period of in-court supervision or supervision while practicing before an administrative agency, which shall include participating with the supervising lawyer in at least one proceeding of the type involved before the same tribunal and being observed by the supervising lawyer while handling one additional proceeding of the same type before the same tribunal:

(i) Represent the State or the respondent in juvenile court in misdemeanor and gross misdemeanor cases;

(ii) Try hearings, non-jury trials, or jury trials, in courts of limited jurisdiction;

(iii) Represent a client in any administrative adjudicative proceeding for which non-lawyer representation is not otherwise permitted.

(2) In any proceeding in which a Licensed Legal Intern appears before the court, the Licensed Legal Intern must advise the court of the Intern's status and the name of the Intern's supervising lawyer.

(3) A Licensed Legal Intern may participate in Superior Court and Court of Appeals proceedings, including depositions, only in the presence of the supervising lawyer or another lawyer from the same office.

(4) A Licensed Legal Intern must not receive payment directly from a client for the Intern's services. A Licensed Legal Intern may be paid for services by the Intern's employer, and the employer may charge for the services provided by the Licensed Legal Intern as may be appropriate.

(5) A Licensed Legal Intern must not try any motion or case or negotiate for or on behalf of any client unless the client is notified in advance of the status as a Licensed Legal Intern and of the identity and contact information of the Licensed Legal Intern's supervising lawyer.

(6) A Licensed Legal Intern must not perform any of the actions permitted by this rule on behalf of or under the supervision of any lawyer other than the supervising lawyer or another lawyer employed in the same office who is qualified for such supervision under this rule.

(7) For purposes of the attorney-client privilege, a Licensed Legal Intern shall be considered a subordinate of the lawyer providing supervision for the Intern.

**(f) Additional Obligations of Supervising Lawyer.** Agreeing to serve as the supervising lawyer for a Licensed Legal Intern imposes certain additional obligations on the supervising lawyer. The failure of a supervising lawyer to comply with the duties set forth in this rule shall be grounds for disciplinary action pursuant to the Rules for Enforcement of Lawyer Conduct. In addition to the duties stated or implied above, the supervising lawyer:

(1) must provide training to all Licensed Legal Interns supervised by the supervising lawyer, regarding the Rules of Professional Conduct and how they relate to the limited practice of the Licensed Legal Intern, Such training may be

waived if the supervising lawyer otherwise determines that the Licensed Legal Intern has previously received such training and the supervising lawyer deems such training sufficient for the limited practice that will be supervised;

(2) must direct, supervise and review all of the work of the Licensed Legal Intern and shall assume personal professional responsibility for any work undertaken by the Licensed Legal Intern while under the lawyer's supervision;

(3) must ensure that all clients to be represented by the Licensed Legal Intern are informed of the intern's status as a Licensed Legal Intern in advance of the representation;

(4) must review and sign all correspondence providing legal advice to clients and all pleadings, motions, briefs, and other documents prepared by the Licensed Legal Intern and ensure that they comply with the requirements of this rule, and must sign the document if it is prepared for presentation to a court;

(5) must take reasonable steps to ensure that the Licensed Legal Intern is adequately prepared and knowledgeable enough to be able to handle any assigned matters performed outside the supervising lawyer's presence, but need not be present in the room while the Licensed Legal Intern is performing such duties unless such presence is specifically required by this rule;

(6) must supervise no more than

(a) one Licensed Legal Intern at any one time if the supervising lawyer is in private practice not otherwise described below;

(b) four Licensed Legal Interns at any one time if the supervising lawyer is employed by a recognized institution of legal aid, legal assistance, public defense or similar programs furnishing legal assistance to indigents, or by the legal departments of a state, county or municipality; or

(c) 10 Licensed Legal Interns at any one time if the supervising lawyer is a full-time clinical supervising lawyer or a member of the faculty of an approved law school for a clinical course offered by the law school where such course has been approved by its dean and is directed by a member of its faculty and is conducted within institutions or legal departments described in the section above or within the law school, provided that a supervising lawyer attends all adversarial proceedings conducted by the legal interns;

(7) must meet with any Licensed Legal Intern he/she is supervising, in person or by telephone, a minimum of one time per week, to review cases being handled and to provide feedback on performance, additional guidance and instruction, and to answer questions or issues raised by the Licensed Legal Intern;

(8) must inform the ~~Bar Association~~ staff promptly if circumstances arise that cause the supervising lawyer to have concern about the good moral character or fitness to practice of a Licensed Legal Intern supervised by that lawyer, and cooperate in any investigation that may follow such a report;

(9) may terminate supervision of a Licensed Legal Intern under this rule at any time, with or without good cause, and must promptly notify the ~~Bar Association~~ staff of the effective date of the termination and the reasons for the termination;

(10) may be terminated as a supervising lawyer at the discretion of the ~~Bar Board of Governors~~, and when so termi-

nated, must take steps to ensure that any Licensed Legal Intern previously supervised by the supervising lawyer ceases to perform duties or hold him/herself out as though supervised by the supervising lawyer.

**(g) Additional Obligations and Limitations.** The following additional general obligations and limitations apply:

(1) A judge or administrative hearing officer may exclude a Licensed Legal Intern from active participation in a case in the interest of orderly administration of justice or for the protection of a litigant or witness. In such case, a continuance shall be granted to secure the attendance of the supervising lawyer, who must assume personal responsibility for that matter.

(2) A Licensed Legal Intern or the supervising lawyer must notify the ~~Bar Association~~ staff promptly if the supervising lawyer named on a Licensed Legal Intern's identification card terminates supervision of the Licensed Legal Intern, and such Licensed Legal Intern is prohibited from performing any of the actions described in these rules unless and until a change of supervising lawyer has been approved and a new identification card issued.

**(h) Term of Limited License.** A limited license issued pursuant to this rule shall be valid, unless it is revoked or supervision is terminated, for a period of not more than 30 consecutive months, and in no case will it be valid if it has been more than 18 months since the Licensed Legal Intern graduated from law school or completed the APR 6 Law Clerk program.

(1) The approval given to a law student by the law school dean or the dean's designee or to a law clerk by the tutor may be withdrawn at any time by mailing notice to that effect to the ~~Bar Association~~, and must be withdrawn if the student ceases to be duly enrolled as a student prior to graduation, takes a leave of absence from the law school or from the clinical program for which the limited license was issued, or ceases to be in good academic standing, or if the APR 6 law clerk ceases to comply with APR 6. When the approval is withdrawn, the Licensed Legal Intern's license must be terminated promptly.

(2) A limited license is granted at the sufferance of the Supreme Court and may be revoked at any time upon the court's own motion, or upon the motion of the ~~Bar Board of Governors~~, in either case with or without cause.

(3) A Licensed Legal Intern must immediately cease performing any services under this rule and must cease holding himself or herself out as a Licensed Legal Intern upon:

(A) the termination for any reason of the Intern's limited license under this rule;

(B) the termination of the supervision for any reason or the upon the resignation of the Intern's supervising lawyer;

(C) the suspension or termination by the ~~Bar Board of Governors~~ of the supervising lawyer's status as a supervising lawyer;

(D) the withdrawal of approval of the Intern pursuant to this rule, or

(E) the failure of the supervising lawyer to maintain qualification to be a supervising lawyer under the terms of this rule.

## SUGGESTED AMENDMENTS TO APR 11 (Redline)

## TITLE

## RULE 11. MANDATORY CONTINUING LEGAL EDUCATION (MCLE)

(a) **Purpose.** Mandatory continuing legal education ("MCLE") is intended to enhance lawyers', LLLTs' and LPOs' legal services to their clients and protect the public by assisting lawyers, LLLTs and LPOs in maintaining and developing their competence as defined in RPC 1.1 or equivalent rule for LLLTs and LPOs, fitness to practice as defined in APR 22 20, and character as defined in APR 20 21. These rules set forth the minimum continuing legal education requirements for lawyers, LLLTs and LPOs to accomplish this purpose.

(b) **Definitions.** For the purposes of this rule, the following definitions shall apply:

(1) "Activity" means any method by which a lawyer, LLLT or LPO may earn MCLE credits.

(2) "~~Association~~" ~~means the Washington State Bar Association.~~

(32) "Attending" means participating in an approved activity or course.

(43) "Calendar year" means a time period beginning January 1 and ending December 31.

(54) "Identical activity" means any prior course or other activity that has not undergone any substantial or substantive changes since last offered, provided or undertaken.

(65) "Lawyer, LLLT or LPO" means an active ~~member lawyer, LLLT or LPO~~ of the ~~Association Bar~~, a judicial member of the ~~Association Bar~~ classified as an administrative law judge, and any other lawyer licensed or authorized admitted to the limited practice of law in Washington who is required by the Admission and Practice Rules (APR) to comply with this rule.

(76) "Reporting period" means a three-year time period as assigned by the ~~Association Bar~~ in which a lawyer, LLLT or LPO must meet the education requirements of this rule.

(87) "Sponsor" means a provider of continuing legal education activities.

(c) **Education Requirements.**

(1) *Minimum Requirement.* Each lawyer must complete 45 credits and each LLLT and LPO must complete 30 credits of approved continuing legal education by December 31 of the last year of the reporting period with the following requirements:

(i) at least 15 credits must be from attending approved courses in the subject of law and legal procedure, as defined in section (f)(1); and

(ii) at least six credits must be in ethics and professional responsibility, as defined in section (f)(2).

(2) *Earning Credits.* A lawyer, LLLT or LPO earns one credit for each 60 minutes of attending an approved activity. Credits are rounded to the nearest quarter hour. A lawyer, LLLT or LPO may earn no more than eight credits per calendar day. A lawyer, LLLT or LPO cannot receive credit more than once for an identical activity within the same reporting period.

(3) *New Lawyers, LLLTs and LPOs.* Newly admitted lawyers, LLLTs and LPOs are exempt for the calendar year of admission.

(4) *Military Personnel.* Military personnel in the United States Armed Forces may be granted an exemption, waiver or modification upon proof of undue hardship, which includes deployment outside the United States. A petition shall be filed in accordance with subsection (i)(5) of these rules.

(5) *Exemptions.* The following are exempt from the requirements of this rule for the reporting period(s) during which the exemption applies:

(i) *Judicial Exemption.* Judicial members of the ~~Association Bar~~, except for administrative law judges;

(ii) *Supreme Court Clerks.* The ~~Washington State~~ Supreme Court clerk and assistant clerk(s) who are prohibited by court rule from practicing law;

(iii) *Legislative Exemption.* Members of the Washington State Congressional Delegation or the Washington State Legislature; and

(iv) *Gubernatorial Exemption.* The Governor of Washington state.

(6) *Comity.* The education requirements in Oregon, Idaho and Utah substantially meet Washington's education requirements for lawyers. These states are designated as comity states. A lawyer may certify compliance with these rules in lieu of meeting the education requirement by paying a comity fee and filing a Comity Certificate of MCLE Compliance from a comity state certifying to the lawyer's subject to and compliance with that state's MCLE requirements during the lawyer's most recent reporting period.

(7) *Carryover Credits.* If a ~~member lawyer, LLLT or LPO~~ completes more than the required number of credits for any one reporting period, up to 15 of the excess credits, two of which may be ethics and professional responsibility credits, may be carried forward to the next reporting period.

(d) **MCLE Board**

(1) *Establishment.* There is hereby established an MCLE Board consisting of seven members, six of whom must be active lawyers, LLLTs or LPOs ~~members of the Bar Association~~ and one who is not licensed to practice law ~~not a member of the Association~~. The Supreme Court shall designate one board member to serve as chair of the MCLE Board. The members of the MCLE Board shall be appointed by the Supreme Court. Appointments shall be staggered for a 3-year term. No member may serve more than two consecutive terms. Terms shall end on September 30 of the applicable year.

(2) *Powers and Duties.*

(i) *Rules and Regulations.* The MCLE Board shall review and suggest amendments or make regulations to APR 11 as necessary to fulfill the purpose of MCLE and for the timely and efficient administration of these rules and for clarification of education requirements, approved activities and approved course subjects. Suggested amendments are subject to review by the ~~Association's~~ Board of Governors and approval by the Supreme Court.

(ii) *Policies.* The MCLE Board may adopt policies to provide guidance in the administration of APR 11 and the associated regulations. The MCLE Board will notify the Board of Governors and the Supreme Court of any policies that it adopts. Such policies will become effective 60 days after promulgation by the MCLE Board.

(iii) Approve Activities. The MCLE Board shall approve and determine the number of credits earned for all courses and activities satisfying the requirements of these rules. The MCLE Board shall delegate this power to the Association Bar subject to MCLE Board review and approval.

(iv) Review. The MCLE Board shall review any determinations or decisions regarding approval of activities made by the Association Bar under these rules that adversely affect any lawyer, LLLT or LPO or sponsor upon request of the lawyer, LLLT or LPO, sponsor or Association Bar. The MCLE Board may take appropriate action consistent with these rules after any such review and shall notify the lawyer, LLLT or LPO or sponsor in writing of the action taken. The MCLE Board's decision shall be final.

(v) Fees. The MCLE Board shall determine and adjust fees for the failure to comply with these rules and to defray the reasonably necessary costs of administering these rules. Fees shall be approved by the Association's Board of Governors.

(vi) Waive and Modify Compliance. The MCLE Board shall waive or modify a lawyer's, LLLT's or LPO's compliance with the education or reporting requirements of these rules upon a showing of undue hardship filed in accordance with these rules. The MCLE Board may delegate this power to the Association Bar subject to (1) parameters and standards established by the MCLE Board, and, (2) review by the MCLE Board.

(vii) Approve Mentoring Programs. The MCLE Board shall approve mentoring programs that meet requirements and standards established by the MCLE Board for the purposes of awarding MCLE credit under these rules.

(viii) Audits for Standards Verification. The MCLE Board may audit approved courses to ensure compliance with the standards set forth in these rules.

(3) *Expenses and Administration*. Members of the MCLE Board shall not be compensated for their services but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties according to the Association Bar's expense policies. ~~All expenses incurred and fees collected shall be submitted on a budget approved by the Association's Board of Governors.~~ The Association Bar shall provide administrative support to the MCLE Board.

**(e) Approved Activities.** A lawyer, LLLT or LPO may earn MCLE credit by attending, teaching, presenting or participating in activities approved by the Association Bar. Only the following types of activities may be approved:

(1) Attending, teaching, presenting or participating in or at a course, provided that any pre-recorded audio/visual course is less than five years old;

(2) Preparation time for a teacher, presenter or panelist of an approved activity at the rate of up to five credits per hour of presentation time, provided that the presentation time is at least 30 minutes in duration;

(3) Attending law school courses with proof of registration or attendance;

(4) Attending bar review courses for jurisdictions other than Washington with proof of registration or attendance;

(5) Writing for the purpose of lawyer, LLLT or LPO education, when the writing has been published by a recognized publisher of legal works as a book, law review or schol-

arly journal article of at least 10 pages, will earn one credit for every 60 minutes devoted to legal research and writing;

(6) Teaching law school courses, when the instructor is not a full-time law school professor;

(7) Providing pro bono legal services provided the legal services are rendered through a qualified legal services provider as defined in APR 18(e);

(8) Participating in a structured mentoring program approved by the MCLE Board provided the mentoring is free to the mentee and the mentor is an active member of the Association Bar in good standing and has been admitted to the practice of law in Washington for at least five years. The MCLE Board shall develop standards for approving mentoring programs; and

(9) Judging or preparing law school students for law school recognized competitions, mock trials or moot court. The sponsoring law school must comply with all sponsor requirements under this rule.

**(f) Approved Course Subjects.** Only the following subjects for courses will be approved:

(1) *Law and legal procedure*, defined as legal education relating to substantive law, legal procedure, process, research, writing, analysis, or related skills and technology;

(2) *Ethics and professional responsibility*, defined as topics relating to the general subject of professional responsibility and conduct standards for lawyers, LLLTs, LPOs, and judges, including diversity and anti-bias with respect to the practice of law or the legal system, and the risks to ethical practice associated with diagnosable mental health conditions, addictive behavior, and stress;

(3) *Professional development*, defined as subjects that enhance or develop a lawyer's, LLLT's or LPO's professional skills including effective lawyering, leadership, career development, communication, and presentation skills;

(4) *Personal development and mental health*, defined as subjects that enhance a lawyer's, LLLT's or LPO's personal skills, well-being and awareness of mental health issues. This includes, stress management, and courses about, but not treatment for, anxiety, depression, substance abuse, suicide and addictive behaviors;

(5) *Office management*, defined as subjects that enhance the quality of service to clients and efficiency of operating an office, including case management, time management, business planning, financial management, office technology, practice development and marketing, client relations, employee relations, and responsibilities when opening or closing an office;

(6) *Improving the legal system*, defined as subjects that educate and inform lawyers, LLLTs or LPOs about current developments and changes in the practice of law and legal profession in general, including legal education, global perspectives of the law, courts and other dispute resolution systems, regulation of the practice of law, access to justice, and pro bono and low cost service planning; and

(7) *Nexus subject*, defined as a subject matter that does not deal directly with the practice of law but that is demonstrated by the lawyer, LLLT or LPO or sponsor to be related to a lawyer's, LLLT's or LPO's professional role as a lawyer, LLLT or LPO.

**(g) Applying for Approval of an Activity.** In order for an activity to be approved for MCLE credit, the sponsor or lawyer, LLLT or LPO must apply for approval as follows.

(1) *Sponsor.* A sponsor must apply for approval of an activity by submitting to the ~~Association Bar~~ an application fee and an application in a form and manner as prescribed by the ~~Association Bar~~ by no later than 15 days prior to the start or availability of the activity.

(i) *Late fee.* A late fee will be assessed for failure to apply by the deadline. The ~~Association Bar~~ may waive the late fee for good cause shown.

(ii) *Repeating Identical Course.* A sponsor is not required to pay an application fee for offering an identical course if the original course was approved and the identical course is offered less than 12 months after the original course.

(iii) *Waiver of Application Fee.* The ~~Association Bar~~ shall waive the application fee for a course if the course is offered for free by a government agency or nonprofit organization. This provision does not waive any late fee.

(2) *Lawyer, LLLT or LPO.* A lawyer, LLLT or LPO may apply for approval of an activity not already approved or submitted for approval by a sponsor by submitting to the ~~Association Bar~~ an application in a form and manner as prescribed by the ~~Association Bar~~. No application fee is required.

**(h) Standards for Approval.** Application of the standards for approval, including determination of approved subject areas and approved activities in subsections (e) and (f) of this rule, shall be liberally construed to serve the purpose of these rules. To be approved for MCLE credit, all courses, and other activities to the extent the criteria apply, must meet all of the following criteria unless waived by the ~~Association Bar~~ for good cause shown:

(1) A course must have significant intellectual or practical content designed to maintain or improve a lawyer's, LLLT's or LPO's professional knowledge or skills, competence, character, or fitness;

(2) Presenters must be qualified by practical or academic experience or expertise in the subjects presented and not disbarred from the practice of law in any jurisdiction;

(3) Written materials in either electronic or hardcopy format must be distributed to all lawyers, LLLTs and LPOs before or at the time the course is presented. Written materials must be timely and must cover those matters that one would expect for a professional treatment of the subject. Any marketing materials must be separate from the written subject matter materials;

(4) The physical setting must be suitable to the course and free from unscheduled interruption;

(5) A course must be at least 30 minutes in duration;

(6) A course must be open to audit by the ~~Association Bar~~ or the MCLE Board at no charge except in cases of government-sponsored closed seminars where the reason is approved by the ~~Association Bar~~;

(7) Presenters, teachers, panelists, etc. are prohibited from engaging in marketing during the presentation of the course;

(8) A course must not focus directly on a pending legal case, action or matter currently being handled by the sponsor if the sponsor is a lawyer, LLLT, LPO, private law firm, cor-

porate legal department, legal services provider or government agency; and

(9) A course cannot have attendance restrictions based on race, color, national origin, marital status, religion, creed, gender, age, disability or sexual orientation.

**(i) Lawyer, LLLT or LPO Reporting Requirements.**

(1) *Certify Compliance.* By February 1 of the year following the end of a lawyer's, LLLT's or LPO's reporting period, a lawyer, LLLT or LPO must certify compliance, including compliance by comity certification, with the education requirements for that reporting period in a manner prescribed by the ~~Association Bar~~.

(2) *Notice.* Not later than July 1 every year, the ~~Association Bar~~ shall notify all lawyers, LLLTs and LPOs who are in the reporting period ending December 31 of that year, that they are due to certify compliance.

(3) *Delinquency.* A lawyer, LLLT or LPO who does not certify compliance by the certification deadline or by the deadline set forth in any petition decision granting an extension may be ordered suspended from the practice of law as set forth in APR 17.

(4) *Lawyer, LLLT or LPO Late Fee.* A lawyer, LLLT or LPO will be assessed a late fee for either (i) or (ii) below but not both.

(i) *Education Requirements Late Fee.* A lawyer, LLLT or LPO will be assessed a late fee for failure to meet the minimum education requirements of this rule by December 31. Payment of the late fee is due by February 1, or by the date set forth in any decision or order extending time for compliance, or by the deadline for compliance set forth in an APR 17 pre-suspension notice.

(ii) *Certification and Comity Late Fee.* A lawyer, LLLT or LPO will be assessed a late fee for failure to meet the certification requirements or comity requirements by February 1. Payment of the late fee is due by the date set forth in any decision or order extending time for compliance or by the deadline for compliance set forth in an APR 17 pre-suspension notice.

(iii) *Failure to Pay Late Fee.* A lawyer, LLLT or LPO who fails to pay the MCLE late fee by the deadline for compliance set forth in an APR 17 pre-suspension notice may be ordered suspended from the practice of law as set forth in APR 17.

(5) *Petition for Extension, Modification or Waiver.* A lawyer, LLLT or LPO may file with the MCLE Board an undue hardship petition for an extension, waiver and/or modification of the MCLE requirements for that reporting period. In consideration of the petition, the MCLE Board shall consider factors of undue hardship, such as serious illness, extreme financial hardship, disability, or military service, that affect the lawyer's, LLLT's or LPO's ability to meet the education or reporting requirements. The petition shall be filed at any time in a form and manner as prescribed by the ~~Association Bar~~ but a petition filed later than 30 days after the date of the APR 17 pre-suspension notice will not stay suspension for the reasons in the APR 17 pre-suspension notice.

(6) *Decision on Petition.* The MCLE Board shall as soon as reasonably practical notify the lawyer, LLLT or LPO of the decision on a petition. A lawyer, LLLT or LPO may

request review of the decision by filing, within 10 days of notice of the decision, a request for a hearing before the MCLE Board.

(7) *Hearing on Petition.* Upon the timely filing of a request for hearing, the MCLE Board shall hold a hearing upon the petition.

(i) The MCLE Board shall give the lawyer, LLLT or LPO at least 10 days written notice of the time and place of the hearing.

(ii) Testimony taken at the hearing shall be under oath and recorded.

(iii) The MCLE Board shall issue written findings of fact and an order consistent with these rules as it deems appropriate. The MCLE Board shall provide the lawyer, LLLT or LPO with a copy of the findings and order.

(iv) The MCLE Board's order is final unless within 10 days from the date thereof the lawyer, LLLT or LPO files a written notice of appeal with the Supreme Court and serves a copy on the Association Bar. The lawyer, LLLT or LPO shall pay to the Clerk of the Supreme Court any required filing fees.

(8) *Review by the Supreme Court.* Within 15 days of filing a notice with the Supreme Court for review of the MCLE Board's findings and order, after such a non-compliance petition hearing, the lawyer, LLLT or LPO shall cause the record or a narrative report in compliance with RAP 9.3 to be transcribed and filed with the Bar Association.

(i) The MCLE Board chairperson shall certify that any such record or narrative report of proceedings contains a fair and accurate report of the occurrences in and evidence introduced in the cause.

(ii) The MCLE Board shall prepare a transcript of all orders, findings, and other documents pertinent to the proceeding before the MCLE Board, which must be certified by the MCLE Board chairperson.

(iii) The MCLE Board shall then file promptly with the Clerk of the Supreme Court the record or narrative report of proceedings and the transcripts pertinent to the proceedings before the MCLE Board.

(iv) The matter shall be considered by the Supreme Court pursuant to procedures established by order of the Court, which may in the Court's discretion consist of consideration solely on the basis of the record presented to the MCLE Board.

(v) The times set forth in this rule for filing notices of appeal are jurisdictional. The Supreme Court, as to appeals pending before it, may, for good cause shown (1) extend the time for the filing or certification of said record or narrative report of proceedings and transcripts; or (2) dismiss the appeal for failure to prosecute the same diligently.

(9) *Compliance Audits.* The Association Bar may audit an individual lawyer's, LLLT's or LPO's compliance certification to substantiate participation in the activities listed in the certification. The Association Bar may request records from a lawyer, LLLT or LPO or sponsor for the purpose of conducting the audit and the lawyer, LLLT or LPO must comply with all such requests. Where facts exist that indicate a lawyer, LLLT or LPO may not have participated in the activities certified to, the lawyer, LLLT or LPO, may be

referred to the Association Bar's Office of Disciplinary Counsel and/or credit for the activities may be rescinded.

**(j) Sponsor Duties.** All sponsors must comply with the following duties unless waived by the Association Bar for good cause shown:

(1) The sponsor must not advertise course credit until the course is approved by the Association Bar but may advertise that the course credits are pending approval by the Association Bar after an application has been submitted. The sponsor shall communicate to the lawyer the number of credits and denominate whether the credits are "law and legal procedure" as defined under section (f)(1), "ethics and professional responsibility" as defined under section (f)(2), or "other," meaning any of the other subjects identified in sections (f)(3)-(7).

(2) The sponsor must provide each participant with an evaluation form to complete. The forms or the information from the forms must be retained for two years and provided to the Association Bar upon request.

(3) The sponsor must submit an attendance report in a form and manner as prescribed by the Association Bar and pay the required reporting fee no later than 30 days after the conclusion of the course. A late fee will be assessed for failure to report attendance by the deadline.

(i) *Waiver of Reporting Fee.* The Association Bar shall waive the reporting fee for a course if the course is offered for free by a government agency or nonprofit organization. This provision does not waive any late fee.

(4) The sponsor must retain course materials for four years from the date of the course. Upon request of the Association Bar, a sponsor must submit for review any written, electronic or presentation materials including copies of audio/visual courses.

(5) The sponsor must keep accurate attendance records and retain them for six years. The sponsor must provide copies to the Association Bar upon request.

(6) The sponsor shall not state or imply that the Association Bar or the MCLE Board approves or endorses any person, law firm or company providing goods or services to lawyers, LLLTs, LPOs or law firms.

(7) *Accredited Sponsors.* The Association Bar may approve and accredit sponsoring organizations as "accredited sponsors" subject to procedures and fees established by the Association Bar. Accredited sponsors have the same duties as sponsors but have the additional responsibility of approving their own courses and determining appropriate MCLE credit in accordance with this rule. Accredited sponsors pay an annual flat fee for all course applications submitted in lieu of an application fee for each individual course.

**(k) Confidentiality.** Unless expressly authorized by the Supreme Court or by the lawyer, LLLT or LPO, all files and records relating to a lawyer's, LLLT's or LPO's individual MCLE requirements are confidential and shall be privileged against disclosure except as necessary to conduct an investigation, hearing, and appeal or review pursuant to these rules. This provision does not apply to the Association Bar except that such records shall not be disclosed to Association Bar staff responsible for creating or marketing CLE products.

## SUGGESTED AMENDMENTS TO APR 12 (Redline)

## TITLE

ADMISSION AND PRACTICE RULES (APR)

## RULE 12. LIMITED PRACTICE RULE FOR LIMITED PRACTICE OFFICERS

(a) **Purpose.** The purpose of this rule is to authorize certain ~~lay~~ persons to select, prepare and complete legal documents incident to the closing of real estate and personal property transactions and to prescribe the conditions of and limitations upon such activities.

(b) **Limited Practice Board.**

(1) *Establishment Composition.* ~~There is hereby established a~~ Limited Practice Board (referred to herein as the "LP Board") ~~shall consist~~ of nine members ~~to be appointed by the Supreme Court of the State of Washington.~~ Not less than four of the members of the LP Board must be lawyers admitted to the practice of law in the State of Washington. Four of ~~the~~ members of the LP Board ~~shall~~ must be business representatives, one each of the following four industries: escrow, lending, title insurance, and real estate. Appointments shall be for 4 3-year staggered terms. No member ~~of the LP Board~~ may serve more than two consecutive terms. Terms shall end on ~~December 31~~ September 30 of the applicable year. The Supreme Court shall designate one of the members of the LP Board as chairperson.

(2) *Duties and Powers.*

(A) *Applications.* ~~The LP Board shall accept and process applications for certification under this rule.~~

(ii) *LPO Examination.* ~~The LP Board shall work with the Bar and others as necessary to create, maintain, and grade an LPO~~ conduct the examination for certification required by admission to practice law under this rule. The examination shall consist of such questions as the LP Board may select on such subjects as may be listed by the Board and approved by the Supreme Court. ~~The LP Board shall establish the number of examinations to be given each year and the dates of the examinations.~~

(iii) *Investigation and recommendation for admission.* ~~The LP Board shall notify each applicant of the results of the examination and shall recommend to the Supreme Court the admission or rejection of each applicant who passes the examination. The Supreme Court shall enter an order admitting to limited practice those applicants it deems qualified, conditioned upon each applicant taking an oath that he or she will comply with this rule and paying to the Board the annual fee for the current year. Upon the entry of such order, the taking and filing of the oath, and payment of the annual fee, an applicant shall be enrolled as a limited practice officer and shall be entitled to perform those services permitted by this rule. The oath must be taken before a court of record in the State of Washington.~~

(iv) *Education.* ~~The Board shall approve individual courses and may accredit all or portions of the entire educational program of a given organization which, in the Board's judgment, will satisfy the educational requirement of these rules. It shall determine the number of credit hours to be allowed for each such course. It shall encourage the offering of such courses and programs by established organizations, whether offered within or outside this state.~~

(B) *Grievances and discipline.* ~~The LP Board's involvement in the shall adopt investigation, hearing and appeal procedures for handling and shall hear~~ complaints of persons aggrieved by the failure of limited practice officers to comply with the requirements of this rule and of the Limited Practice Officer Rules of Professional Conduct shall be as established in the Rules for Enforcement of Limited Practice Officer Conduct (ELPOC). ~~Upon a finding by the Board that a limited practice officer has failed to comply in any material manner with the requirements of this rule, the Board shall take such action as may be appropriate to the degree of the violation, considering also the number of violations and the previous disciplinary record of the limited practice officer. Disciplinary action may include admonitions, reprimands, and recommendations to the Supreme Court for the suspension or revocation of the limited practice officer's certification.~~

(vi) *Investigation.* ~~Upon the receipt of a complaint that a limited practice officer has violated the provisions of this rule and in other appropriate circumstances, the Board may investigate the conduct of the limited practice officer to determine whether the limited practice officer has violated the requirements, conditions or limitations imposed by this rule.~~

(C) *Approval of fForms.* ~~The LP Board shall approve standard forms for use by limited practice officers in the performance of legal services authorized by this rule.~~

(viii) *Fees.* ~~The Board shall establish and collect examination and annual fees in such amounts as are necessary to carry out the duties and responsibilities of the Board.~~

(D) *Rules Regulations.* ~~The LP Board shall propose to the Supreme Court amendments to these rules as may appear necessary to implement and carry out the provisions of this rule.~~ regulations to implement the provisions of this rule for adoption by the Supreme Court.

(3) *Expenses of the Board.* ~~Members of the LP Board shall not be compensated for their services. For their actual reasonable and necessary expenses incurred in the performance of their duties, they shall be reimbursed by the Board in a manner consistent with its rules according to the Bar's expense policies. All such expenses shall be paid pursuant to a budget submitted to and approved by the Washington State Bar Association on an annual basis. Funds accumulated from examination fees, annual fees, and other revenues shall be used to defray all expenses of the Board.~~

(4) *Administration.* ~~The administrative support to the LP Board shall be provided by the Washington State Bar Association. All notices and filings required by these Rules, including applications for admission as a Limited Practice Officer, shall be sent to the headquarters of the Bar.~~

(c) **[Reserved.] Certification Requirements.** ~~An applicant for certification as a limited practice officer shall:~~

(1) *Age.* ~~Be at least 18 years of age.~~

(2) *Moral Character and Fitness.* ~~Be of good moral character and possess the requisite fitness to act as a limited practice officer.~~

(3) *Examination.* ~~Satisfy the examination requirements established by the Board.~~

(4) *Application.* ~~Submit an application in such form as may be required by the Board. Additional proof of any fact stated in the application may be required by the Board. In the~~



event of the failure or refusal of an applicant to furnish any information or proof, the Board may deny the application.

(5) *Examination Fee.* Pay, upon the filing of an application, the examination fee.

**(d) Scope of Practice Authorized by Limited Practice Rule.** Notwithstanding any provision of any other rule to the contrary, a person ~~licensed~~ certified as a limited practice officer under this rule may select, prepare and complete documents in a form previously approved by the LP Board for use by others in, or in anticipation of, closing a loan, extension of credit, sale or other transfer of interest in real or personal property. Such documents shall be limited to deeds, promissory notes, guaranties, deeds of trust, reconveyances, mortgages, satisfactions, security agreements, releases, Uniform Commercial Code documents, assignments, contracts, real estate excise tax affidavits, bills of sale, and powers of attorney. Other documents may be from time to time approved by the LP Board.

**(e) Conditions Under Which Limited Practice Officers May Prepare and Complete Documents.** Limited practice officers may render services authorized by this rule only under the following conditions and with the following limitations:

(1) *Agreement of the Clients.* Prior to the performance of the services, all clients to the transaction shall have agreed in writing to the basic terms and conditions of the transaction. In the case of a power of attorney prepared in anticipation of a transaction, the principal(s) and attorney(s)-in-fact shall have provided the limited practice officer consistent written instructions for the preparation of the power of attorney.

(2) *Disclosures to the Clients.* The limited practice officer shall advise the clients of the limitations of the services rendered pursuant to this rule and shall further advise them in writing:

(A) that the limited practice officer is not acting as the advocate or representative of either of the clients;

(B) that the documents prepared by the limited practice officer will affect the legal rights of the clients;

(C) that the clients' interests in the documents may differ;

(D) that the clients have a right to be represented by lawyers of their own selection; and

(E) that the limited practice officer cannot give legal advice as to the manner in which the documents affect the clients.

The written disclosure must particularly identify the documents selected, prepared, and/or completed by the limited practice officer and must include the name, signature and number of the limited practice officer.

**(f) Continuing License Certification Requirements.**

(1) *Continuing Education.* Each active limited practice officer must complete a minimum number of credit hours of ~~approved or accredited~~ continuing education, as prescribed by APR 11 ~~regulation of the Board, during each license year in courses certified by the Board to be appropriate for study by limited practice officers providing services pursuant to this rule; provided, that the limited practice officer shall not be required to comply with this subsection during the license year in which he or she is initially certified.~~

(2) *Financial Responsibility.* ~~Each active limited practice officer or employer thereof shall show proof of ability to respond in damages resulting from his or her acts or omissions in the performance of services permitted by this rule. The proof of financial responsibility shall be in such form and in such amount as the Board may by regulation prescribe. Each active limited practice officer shall submit to the LP Board proof of ability to respond in damages resulting from his or her acts or omissions in the performance of services permitted under APR 12 in one of the following described manners.~~

A. Submit an individual policy for Errors and Omissions insurance in the amount of at least \$100,000;

B. Submit an Errors and Omissions policy of the employer or the parent company of the employer who has agreed to provide coverage for the LPO's ability to respond in damages in the amount of at least \$100,000;

C. Submit the LPO's audited financial statement showing the LPO's net worth to be at least \$200,000;

D. Submit an audited financial statement of the employer or other surety who agrees to respond in damages for the LPO, indicating net worth of \$200,000 per each limited practice officer employee to and including five and an additional \$100,000 per each limited practice officer employee over five, who may be subject to the jurisdiction of the Limited Practice Board; or

E. Submit proof of indemnification by the limited practice officer's government employer.

Each active LPO shall certify annually continued financial responsibility in the form and manner as prescribed by the Bar. Each LPO shall notify the Bar of any cancellation or lapse in coverage. When an LPO is demonstrating financial responsibility by 1) an endorsement on the employer's Errors and Omissions insurance policy, or 2) submission of the employer's audited financial statement accompanied by the Certificate of Financial Responsibility, the Bar shall notify the employer when the LPO's status changes from Active to another status or when the LPO is no longer admitted to practice.

(3) *Annual License Fees and Assessments.* Each limited practice officer must pay the annual license fee established by the Board of Governors, subject to review by the Supreme Court, and any mandatory assessments as ordered by the Supreme Court. Provisions in the Bar's Bylaws regarding procedures for assessing and collecting lawyer license fees and late fees, and regarding deadline, rebates, apportionment, fee reductions, and exemption, and other issues relating to fees and assessment, shall also apply to LPO license fees and late fees. Failure to pay may result in suspension from practice pursuant to APR 17.

(4) *Trust Account.* Each active limited practice officer shall certify annually compliance with Rules 1.12A and 1.12B of the LPO Rules of Professional Conduct. Such certification shall be filed in a form and manner as prescribed by the Bar and shall include the bank where each account is held and the account number. Failure to certify may result in suspension from practice pursuant to APR 17.

**(g) Existing Law Unchanged.** This rule shall in no way expand, narrow or affect existing law in the following areas:

(1) The fiduciary relationship between a limited practice officer and his or her customers or clients;

(2) Conflicts of interest that may arise between the limited practice officer and a client or customer;

(3) The right to act as one's own attorney under the pro se exception to the unauthorized practice of law including but not limited to the right of a lender to prepare documents conveying or granting title to property in which it is taking a security interest;

(4) The lack of authority of a limited practice officer to give legal advice without being licensed to practice law;

(5) The standard of care which a limited practice officer must practice when carrying out the functions permitted by this rule.

**(h) Treatment of Funds Received Incident to the Closing of Real or Personal Property Transactions.** Persons admitted to practice under this rule shall comply with LPORPC 1.12A and B regarding the manner in which they identify, maintain and disburse funds received incidental to the closing of real and personal property transactions, unless they are acting pursuant to APR 12(g)(3).

**(i) Confidentiality and Public Records.**

(1) GR 12.4 shall apply to access to LP Board records.

~~(2) Unless expressly authorized by the Supreme Court or by the applicant, all application records, including related investigation files, documents and proceedings, for the limited admission to the practice of law as an LPO are confidential and shall be privileged against disclosure, except as necessary to conduct an investigation, hearing, appeal, or review pursuant to these rules.~~

~~(3) Unless expressly authorized by the Supreme Court, all examination questions, scoring keys and other examination data used by the Board to administer the LPO examinations are not subject to public disclosure.~~

~~(4) Unless expressly authorized by the Supreme Court or the LPO, the following Board and Bar records are exempt from public access: personal information in Board and Bar records for LPOs and Board members to the extent that disclosure would violate their right of privacy, including home contact information (unless such information is their address of record), Social Security numbers, driver's license numbers, identification or security photographs held in Board and Bar records, and personal data including ethnicity, race, disability status, gender, and sexual orientation. LPO license status, license number, dates of admission or licensing, addresses of record, and business telephone numbers, facsimile numbers, and electronic mail addresses (unless there has been a request that electronic mail addresses not be made public) shall not be exempt, provided that any such information shall be exempt if the Chair of the Board approves the confidentiality of that information for reasons of personal security or other compelling reason, which approval must be reviewed annually.~~

**(j) Inactive Status.** A LPO may request transfer to inactive status after being admitted. A LPO on inactive status is required to pay an annual license fee as established by the BOG and approved by the Supreme Court. A LPO on inactive status is not required to meet the financial responsibility requirements or the MCLE requirements.

**(k) Reinstatement to Active Status.** A LPO on inactive status or suspended from practice may return to active status by filing an application and complying with the procedures set forth for lawyer members of the Bar in the Bar's Bylaws.

**(l) Voluntary Resignation.** Any Limited Practice Officer may request to voluntarily resign the LPO license by notifying the Bar in such form and manner as the Bar may prescribe. If there is a disciplinary investigation or proceeding then pending against the LPO, or if the LPO has knowledge that the filing of a grievance of substance against such LPO is imminent, resignation is permitted only under the provisions of the applicable disciplinary rules. An LPO who resigns the LPO license cannot practice law in Washington in any manner, unless they are licensed or authorized to do so by the Supreme Court.

COMMENT

**[1] Comment Re: APR 12(d)**

Powers of attorney authorizing a person to negotiate and sign documents in anticipation of, or in the closing of, a transaction are included in the documents limited practice officers are authorized to prepare. Such documents may include, but are not limited to, purchase and sale agreements for real or personal property, loan agreements, and letters of intent.

**[2] Comment Re: LPO Professional Standard Of Care**

The purpose of this comment is to discuss the legal standard of care to which a limited practice officer is subject, while also clarifying the limited duties of a limited practice officer compared to an attorney when selecting and preparing legal documents and to show the greater breadth of a lawyer's duties and services which a party may not expect when engaging a limited practice officer.

Generally, when anyone non-lawyer selects and prepares a legal document for another, ~~the non-lawyer engages in the unauthorized practice of law. Despite this, the non-lawyer they~~ (including a licensed limited practice officers) will be held to the standard of a lawyer: "to comply with the duty of care, an attorney must exercise the degree of care, skill, diligence, and knowledge commonly possessed and exercised by a reasonable, careful and prudent lawyer in the practice of law in this jurisdiction ...." *Hizey v. Carpenter*, 119 Wn.2d 251, 261, 830 P.2d 246 (1992). However, when selecting and preparing approved forms a limited practice officer, though having a limited license to practice law as defined and limited in APR 12, will not be authorized nor charged with many of the duties of a lawyer. Except as provided otherwise in APR 12 rules and regulations, these include the duty to investigate legal matters, to form legal opinions (including but not limited to the capacity of an individual to sign for an entity or whether a legal document is effective), to give legal advice (including advice on how a legal document affects the rights or duties of a party), or to consult with a party on the advisability of a transaction. See also LPORPC 1.1, Competence, and LPORPC 1.3, Communication.

**APPENDIX APR 12. [RESERVED] REGULATIONS OF THE APR 12 LIMITED PRACTICE BOARD****REGULATION 1. IN GENERAL**

Every person desiring to be admitted to limited practice as a Limited Practice Officer (LPO) pursuant to Admission and Practice Rule (APR) 12 must submit an application in the form and manner and within the time limits established by these Regulations, pay the requisite fee, and satisfy all of the requirements of APR 12.

**REGULATION 2. APPLICATIONS**

**A. Application.** An applicant must submit to the Washington State Bar Association (WSBA):

1. a completed application for admission to limited practice under APR 12 in the form and manner prescribed by the Limited Practice Board;
2. a fingerprint card which has been processed by the applicant at a local police department or fingerprinting agency;
3. a signed Authorization and Release; and
4. a signed Affidavit of Applicant.

The application shall not be considered complete and will not be approved pursuant to Regulation 3 unless the applicant has provided a current residential address.

**B. Fees.** An applicant will pay an examination fee in an amount set by the Limited Practice Board with the approval of the Supreme Court, which must be paid with the application, and each applicant will be sent a receipt for the application and fee.

**C. Verification of Application Information.** Each applicant must submit a fingerprint card which shall be forwarded to the Washington State Patrol for a criminal history check, and for each applicant who has not resided in the state of Washington for two years; a Federal Bureau of Investigation check shall also be conducted. A status review on all professional licenses will be conducted for each applicant. The applicant will furnish whatever additional information or proof may be required in the course of investigating the applicant.

**D. Refunds and Transfers.**

1. For all applicants there is a nonrefundable administration fee totaling one half the amount of the examination fee.
2. An applicant may withdraw from the current examination by written request received at least 14 days prior to the date set for the examination and may also request a refund of the fee less the administration fee.
3. An applicant withdrawing an application less than 14 days prior to the date set for the examination will receive no refund of any kind.
4. If the application is denied before the examination, the examination fee less the nonrefundable administration fee will be refunded. If the applicant reapplies to sit for the examination, the applicant will pay the full examination fee then required of all applicants.
5. If an applicant fails the examination and applies to repeat the next scheduled examination, the examination fee shall be the amount set by the Limited Practice Board with the approval of the Supreme Court.

**E. Filing Deadline.** An applicant must file the application to take the LPO examination by the deadline established

by the Board. No applications will be accepted after the deadline.

**REGULATION 3. APPROVAL OR DENIAL OF APPLICATION**

**A. Approval of Application.** The Limited Practice Board will determine if the application meets the criteria established in APR 12.

**B. Denial of Application.** If the application is denied, the applicant will be granted the right to an appeal of the determination pursuant to Regulation 4.

**C. Notification of Action on Application.** The applicant will be notified whether the application has been approved or denied. If the application has been approved, the applicant will be informed of the date, time and location of the next examination. If the application has been denied, the applicant will be notified of the basis for the denial and of the appeal process of Regulation 4.

**REGULATION 4. DENIAL OF APPLICATION — RIGHT OF APPEAL**

**A. Appeals Panel.** The Appeals Panel shall be made up of three members of the Limited Practice Board appointed by the Chair.

**B. Right of Appeal.** Every applicant who has been denied admission under APR 12 shall have a right of appeal before the Appeals Panel.

**C. Time Period for Appeal.** An applicant whose application has been denied shall have the right to appeal denial of admission pursuant to APR 12 by submitting a written request within fourteen (14) calendar days of the date the denial of application was issued.

**D. Procedure for Appeal.**

1. *To begin the appeal procedure.* The applicant's written request for appeal must be filed within the time period for appeal and state the applicant's reason for believing that the application should be approved.

2. *Written submissions.* The complete application will be provided to the Appeals Panel for consideration. The applicant may submit other written materials to the Appeals Panel which may include statements, correspondence, affidavits, memoranda of law or other written items that the applicant believes will assist the Appeals Panel in reviewing the denial. If the Appeals Panel determines the written submissions are merely cumulative or not relevant to the appeal, the Appeals Panel may exclude any submitted materials from consideration.

Written materials must be received no later than ten (10) calendar days prior to the scheduled hearing date.

3. *Stipulations.* Upon agreement of the parties, written stipulations may be utilized by the Appeals Panel.

4. *Review by the Appeals Panel.* The Appeals Panel will consider all relevant written material submitted in accordance with these Regulations. The Appeals Panel may also request oral presentations by the parties if it deems them helpful to a final determination. The Appeals Panel may set time constraints on the oral presentations.

5. *Findings of the Appeals Panel.* The Appeals Panel will make written findings and may affirm or reverse the denial of the application or direct further investigation for the reasons stated in the written findings.

6. *Timelines and scheduling of the appeal.*

a. Upon timely receipt of the request for appeal, the Appeals Panel will schedule the matter for consideration on a date not more than fourteen (14) calendar days from the date the request is received and will notify the applicant of the scheduled date for the consideration of the appeal.

b. The Appeals Panel will not consider any request for appeal which does not strictly comply with these Regulations.

e. Upon a showing of good cause, the Appeals Panel may waive any of the procedural requirements of these Regulations or reschedule the appeal for an earlier or later date.

d. Telephone conferences may be held in lieu of a hearing, and oral presentations may be made by telephone if requested by the Appeals Panel.

7. *Notification of findings.* The Appeals Panel will notify the applicant of the findings of the Appeals Panel. If the application has been approved, the applicant will be supplied any forms or information necessary to sit for the examination. If the application has been denied, the applicant will be informed and supplied a copy of the Appeals Panel's written findings.

**REGULATION 5. ADMINISTRATION OF EXAMINATION.**

The examination will be administered twice a year at appropriate locations within the state at dates and locations established by the Limited Practice Board.

**REGULATION 6. EXAMINATION STANDARDS AND NOTIFICATION OF RESULTS**

The passing standard for the examination is 75 percent for each section. A failing grade in one section shall result in failure of the exam in which case grading of any remaining sections shall not be required. All applicants will be notified of the applicant's examination results. Those applicants who fail the examination will be informed of their score on each graded section of the examination. Examination scores shall not be disclosed to those applicants who pass the examination. Copies of the examination shall not be available to any applicant.

**REGULATION 7. FINANCIAL RESPONSIBILITY REQUIREMENT**

Each limited practice officer shall submit to the Board proof of ability to respond in damages resulting from his or her acts or omissions in the performance of services permitted under APR 12 in one of the following described manners.

1. Submit an individual policy for Errors and Omissions insurance in the amount of at least \$100,000;
2. Submit an Errors and Omissions policy of the employer or the parent company of the employer who has agreed to provide coverage for the applicant's ability to respond in damages in the amount of at least \$100,000;
3. Submit the applicant's audited financial statement showing the applicant's net worth to be at least \$200,000;
4. Submit an audited financial statement of the employer or other surety who agrees to respond in damages for the applicant, indicating net worth of \$200,000 per each limited practice officer employee to and including five and an additional \$100,000 per each limited practice officer employee over five, who may be subject to the jurisdiction of the Limited Practice Board; or

5. Submitted proof of indemnification of the limited practice officer's government employer.

**REGULATION 8. CERTIFICATION OF RESULTS TO SUPREME COURT; OATH**

**A. Admission Order.**

The Limited Practice Board will submit to the Washington State Supreme Court the names of those persons who have passed the examination for admission pursuant to APR 12, taken the oath as prescribed by these rules, and furnished proof of the applicant's financial responsibility requirement pursuant to regulation 7.

The names of successful applicants will be submitted only after compliance with APR 12 and these Regulations, and the applicants will be admitted under APR 12 only after the admission order has been entered by the Supreme Court.

Each successful applicant shall complete all the requirements for certification within nine (9) months of the date the applicant is notified of the examination results. If an applicant fails to satisfy all the requirements for certification within this period, the applicant shall not be eligible for admission under APR 12 without submitting a new application for admission.

**B. Contents of Oath.** The oath which all applicants shall take is as follows:

**OATH FOR LIMITED PRACTICE OFFICERS**

STATE OF WASHINGTON  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, do solemnly declare:

1. I am fully subject to the laws of the State of Washington and Rule 12 of the Admission and Practice Rules and APR 12 Regulations adopted by the Washington State Supreme Court and will abide by the same.

2. I will support the constitutions of the state of Washington and of the United States of America.

3. I will abide by the Limited Practice Officer Rules of Professional Conduct and Rules for Enforcement of LPO Conduct approved by the Supreme Court of the State of Washington.

4. I will confine my activities as a Limited Practice Officer to those activities allowed by law, rule and regulation and will only utilize documents approved pursuant to APR 12.

5. I will faithfully disclose the limitations of my services; that I am not able to act as the advocate or representative of any party, that documents prepared will affect legal rights of the parties, that the parties' interests in the documents may differ, that the parties have a right to be represented by a lawyer of their own selection, and that I cannot give legal advice regarding the manner in which the documents affect the parties.

I understand that I may incur personal liability if I violate the applicable standard of care of a Limited Practice Officer. Also, I understand that I only have authority to act as a Limited Practice Officer during the times that my financial responsibility coverage is in effect. If I am covered under my employer's errors and omissions insurance policy or by my employer's certificate of financial responsibility, my cover-

age is limited to services performed in the course of my employment.

\_\_\_\_\_  
Signature Limited Practice Officer

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
JUDGE

**REGULATION 9. ANNUAL FEE**

A. Except as set forth in section B of this Regulation, every Limited Practice Officer shall pay an annual fee in an amount set by the Limited Practice Board with the approval of the Supreme Court, which is due on or before August 1 of each year and shall cover the annual license period of July 1 to June 30. Annual fees paid after August 1 shall be subject to a late fee equal to one-half the annual fee. Failure to pay the annual fee shall subject the LPO to suspension from limited practice as a Limited Practice Officer. The Board shall provide at least 30 days written notice of intent to seek suspension to an LPO at the LPO's address of record. Written notice shall be sent by certified mail. After such notice, the Court may enter an order suspending the LPO from limited practice. If the LPO fails to comply with conditions for reinstatement pursuant to Regulation 10 within 9 months of the date of suspension, the license of the suspended LPO will be revoked.

B. The prorated annual fee for LPOs who pass the qualifying examination given in the spring and who request active status prior to July 1 of that same calendar year shall be one-half the amount of the annual fee. LPOs shall pay the annual fee set forth in Regulation 9(A) to retain their active status after June 30 of the calendar year of their admission.

C. An LPO shall provide his or her residential address to the Board at the time of payment of the annual fee.

**REGULATION 10. REINSTATEMENT AFTER SUSPENSION FOR NONPAYMENT OF ANNUAL FEE.**

An LPO who is suspended pursuant to Regulation 9(A) shall be reinstated if the LPO has within nine (9) months of the date of suspension:

1. submitted an application for reinstatement in the form prescribed by the Board;
2. continued to meet the qualifications set out in APR 12 and these Regulations; and
3. paid a sum equal to the amount of all delinquent annual fees, late fees, and any investigation fees as may be determined by the Board.

**REGULATION 11. CONTINUING FINANCIAL RESPONSIBILITY AND TRUST ACCOUNT DECLARATIONS**

A. Each active LPO shall certify annually by August 1 continued financial responsibility in the form and manner as prescribed by the Board. Each LPO shall notify the Limited Practice Board of any cancellation or lapse in coverage.

B. Each active LPO shall certify annually compliance with Rules 1.12A and 1.12B of the LPO Rules of Professional Conduct. Such declaration shall be filed by August 1 in a form and manner as prescribed by the Board and shall

include the bank where each account is held and the account number.

C. During any period that an LPO has not reported in accordance with these Regulations, or is not on inactive status pursuant to Regulation 13, the license of the LPO shall be suspended. The Board shall provide at least 30 days written notice of intent to seek suspension to an LPO at the LPO's address of record. Written notice shall be sent by certified mail. After such notice, the Court may enter an order suspending the LPO from limited practice. Each suspended LPO must demonstrate compliance with the requirements of APR 12 within nine (9) months of the date of the suspension or the license of the suspended LPO will be revoked.

**REGULATION 12. CONTINUING EDUCATION**

Every LPO shall attend a minimum of ten (10) hours of approved continuing education during each license year (July 1 to June 30). Two (2) hours of the required ten (10) hours of continuing education shall be on liability issues. If an LPO completes more than ten (10) credit hours in a given license year, the excess credit, up to ten credits, may be carried forward and applied to such LPO's education requirements for the next calendar year.

Every LPO shall submit proof of compliance with the continuing education attendance requirements by filing an Affidavit of Attendance as prescribed by the Continuing Education Regulations of the Limited Practice Board. Failure to comply with the continuing education requirements will subject the LPO to suspension of license as a Limited Practice Officer. The Board shall provide at least 30 days written notice of intent to seek suspension to an LPO at the LPO's address of record. Written notice shall be sent by certified mail. After such notice, the Court may enter an order suspending the LPO from limited practice. If the suspended LPO fails to comply with conditions for reinstatement pursuant to Continuing Education Regulations of the Limited Practice Board within nine (9) months of the date of suspension, the license of the suspended LPO will be revoked.

**REGULATION 13. INACTIVE STATUS**

An LPO may request transfer to inactive status after being certified. An LPO who has been transferred to inactive status must continue to meet all continuing education requirements applicable during the period of inactive status. An LPO on inactive status is required to pay the annual fee required by these Regulations.

If an LPO does not meet the continuing education requirements or the annual fee requirement, the LPO may be suspended.

An LPO on inactive status is not required to meet the financial responsibility requirements prescribed by these regulations during the period of inactive status.

An LPO on inactive status may return to active status by filing a petition to return to active status with the Board. To be granted active status, the LPO must be current on the payment of the annual fees, the continuing education requirements and the financial responsibility requirements prescribed by these Regulations.

**REGULATION 14. VOLUNTARY CERTIFICATION CANCELLATION**

Any Limited Practice Officer may request to voluntarily surrender the LPO certification by notifying the Limited Practice Board in writing of the desire to cancel and returning the LPO license with the request. The Limited Practice Board may deny requests for voluntary cancellation from any LPO who is the subject of a pending disciplinary investigation or proceeding. The Limited Practice Board will notify the LPO of the effective date of the cancellation if approved.

After entry of the cancellation order, the former LPO shall not accept any new clients or engage in work as an LPO in any matter.

The Board will cause a notice of the cancellation to be published in the same manner as notices of discipline under ELPOC 3.5(b).

**REGULATION 15. CHANGE IN STATUS**

When an LPO is demonstrating financial responsibility by 1) an endorsement on the employer's Errors and Omissions insurance policy, or 2) submission of the employer's audited financial statement accompanied by the Certificate of Financial Responsibility, the Limited Practice Board shall notify the employer when the LPO is transferred to one of the following statuses: inactive status, voluntary certification cancellation, disability inactive status, or the license is suspended or revoked.

**REGULATION 16. REINSTATEMENT AFTER REVOCATION****16.1 RESTRICTIONS AGAINST PETITIONING**

**A. When Petition May Be Filed.** No petition for reinstatement shall be filed within a period of two (2) years after revocation or within one (1) year after an adverse decision of the Supreme Court upon a former petition, or within a period of six (6) months after an adverse recommendation of the Board on a former petition when that recommendation is not submitted to the Supreme Court. If prior to revocation the LPO was suspended pursuant to the provisions of Title 7 of the Rules for Enforcement of LPO Conduct (ELPOC), or any comparable rule, the period of suspension shall be credited toward the two (2) years referred to above.

**B. Payment of Obligations.** No revoked LPO may file a petition for reinstatement until costs and expenses assessed pursuant to these rules, and restitution ordered as provided, have been paid by the revoked LPO, or the revoked LPO has entered into a payment plan for any such obligations as provided for under ELPOC 13.9.

**16.2 REVERSAL OF CONVICTION**

If an LPO has been revoked solely because of the LPO's conviction of a crime and the conviction is later reversed and the charges dismissed on their merits, the Supreme Court may in its discretion, upon direct application by the LPO, enter an order reinstating the LPO to limited practice under APR 12. At the time such direct application is filed with the court, a copy shall be filed with the Board.

**16.3 FORM OF PETITION**

A petition for reinstatement as an LPO after revocation shall be in writing in such form as the Board may prescribe.

The petition shall set forth the age, residence and address of the petitioner, the date of revocation, and a concise statement of facts claimed to justify reinstatement. The petition shall be accompanied by the total fees required for application under APR 12.

**16.4 INVESTIGATION**

The Board may, in its discretion, refer the petition for reinstatement for investigation and report to counsel appointed by the Board, if any, or such other person or persons as may be determined by the Board.

**16.5 HEARING BEFORE BOARD**

**A. Notice.** The Board may fix a time and place for a hearing on the petition and shall serve notice thereof ten (10) days prior to the hearing upon the petitioner and upon such other persons as may be ordered by the Board. Notice of the hearing shall also be published in such newspaper or periodical as the Board shall direct. Such published notice shall contain a statement that a petition for reinstatement has been filed and shall give the date fixed for the hearing.

**B. Statement in Support or Opposition.** On or prior to the date of hearing, anyone wishing to do so may file with the Board a written statement for or against reinstatement, such statements to set forth factual matters showing that the petitioner does or does not meet the requirements of Regulation 16.6A. Except by its leave, no person other than the petitioner or petitioner's counsel shall be heard orally by the Board.

**16.6 ACTION BY BOARD**

**A. Requirements for Favorable Recommendation.** Reinstatement may be recommended by the Board only upon an affirmative showing that the petitioner possesses the qualifications and meets the requirements as set forth by the Board and APR 12, and that the LPO's reinstatement will not be contrary to the public interest.

**B. Action on Recommendation.** The recommendation of the Board shall be served upon the petitioner. If the Board recommends reinstatement, the record and recommendation shall be transmitted to the Supreme Court for disposition. If the Board recommends against reinstatement, the record and recommendation shall be retained by the Board unless the petitioner requests that it be submitted to the Supreme Court. If the petitioner so requests, the record and recommendation shall be transmitted to the Supreme Court for disposition. If the petitioner does not so request, the examination fee shall be refunded to the petitioner, but the petitioner shall still be responsible for payment of costs incidental to the reinstatement proceeding as directed by the Board.

**16.7 ACTION ON SUPREME COURT'S DETERMINATION**

**A. Petition Approved.** If the petition for reinstatement is granted by the Supreme Court, the reinstatement shall be subject to the petitioner's taking and passing the examination for APR 12 applicants and paying the costs incidental to the reinstatement proceeding as directed by the Supreme Court.

**B. Petition Denied.** If the petition for reinstatement be denied, the examination fee shall be refunded to the petitioner, but the petitioner shall still be responsible for payment of the costs incidental to the reinstatement proceeding.

**REGULATION 17. ~~RESERVED~~****REGULATION 18. NOTICE AND FILING; ADMINISTRATION**

All notices and filings required by these Regulations, including applications for admission as a Limited Practice Officer, shall be sent to the headquarters of the Washington State Bar Association. The Washington State Bar Association shall provide administrative support for the Limited Practice Board pursuant to APR 12 (b)(3). "Clerk" as used in these regulations means WSBA staff designated to support the Board.

**REGULATION 19. AMENDMENT.**

These Regulations may be altered, amended, or repealed by vote of the Board on approval of the Supreme Court.

**SUGGESTED AMENDMENTS TO APR 13 (Redline)****TITLE**

ADMISSION AND PRACTICE RULES (APR)

**RULE 13. SIGNING OF PLEADINGS AND OTHER PAPERS; ADDRESS OF RECORD; ELECTRONIC MAIL ADDRESS; NOTICE OF CHANGE OF ADDRESS, TELEPHONE NUMBER, OR NAME; RESIDENT AGENT**

**(a) Signing of Pleadings and Other Papers.** All pleadings and other papers signed by an ~~attorney~~ lawyer, LLLT or LPO and filed with a court shall include the ~~attorney's~~ lawyer's, LLLT's or LPO's Washington State Bar Association membership number in the signature block. The law department of a municipality, county, or state, public defender organization or law firm is authorized to make an application to the Supreme Court Clerk for an office identification number. An office identification number may be assigned by the Supreme Court Clerk upon a showing that it will facilitate the process of electronic notification. If an office identification number is granted, it shall appear with the ~~attorney's~~ lawyer's, LLLT's or LPO's Washington State Bar Association membership number in the signature block.

**(b) Address of Record; Change of Address.** An ~~attorney~~ lawyer, LLLT or LPO must advise the ~~Washington State Bar Association~~ of a current mailing address and telephone number. The mailing address shall be the ~~attorney's~~ lawyer's, LLLT's or LPO's public address of record. An ~~attorney~~ lawyer, LLLT or LPO whose mailing address or telephone number changes shall, within 10 days after the change, notify the ~~Washington State Bar Association~~, who shall forward changes weekly to the Administrative Office of the Clerk of the Supreme Court for entry into the state computer system. The notice shall be in a form acceptable to the ~~Bar Association~~ and shall include (1) the ~~attorney's~~ lawyer's, LLLT's or LPO's full name, (2) the lawyer's, LLLT's or LPO's ~~attorney's~~ Washington State Bar Association membership number, (3) the previous address and telephone number, clearly identified as such, (4) the new address and telephone number, clearly identified as such, and (5) the effective date of the change. The courts of this state may rely on the address information contained in the state computer system in issuing notices in pending actions.

**(c) Electronic mail address.** An ~~attorney~~ lawyer, LLLT or LPO shall advise the ~~Washington State Bar Association~~ of a current electronic mail address. A lawyer, LLLT or LPO whose electronic mail address changes shall, within 10 days

after the change, notify the ~~Washington State Bar Association~~, who shall forward changes weekly to the Administrative Office of the Clerk of the Supreme Court for entry into the state computer system. Use of electronic mail addresses for court notice, service and filing must comply with GR 30.

**(d) Change of Name.** A lawyer, LLLT or LPO whose name changes shall, within 10 days after the change, notify the ~~Washington State Bar Association~~, who shall forward changes weekly to the Administrative Office of the Clerk of the Supreme Court for entry into the state computer system. The notice shall be in a form acceptable to the Bar Association and shall contain (1) the full previous name, clearly identified as such, (2) the full new name, clearly identified as such, (3) the ~~attorneys~~ lawyer's, LLLT's or LPO's ~~Washington State Bar Association membership~~ number, and (4) the effective date of the change.

**(e) Requirements of Local and Other Court Rules Not Affected.** The responsibility of a party or an ~~attorney~~ lawyer, LLLT or LPO to keep the court and other parties and ~~attorneys~~ lawyers, LLLTs or LPOs informed of the party's or ~~attorney's~~ lawyer's, LLLT's or LPO's correct name and current address, as may be required by local or other court rule, is not affected by this rule.

**(f) Resident Agent.** If the address of record required under this rule is not in the state of Washington or is not a physical street address, the lawyer, LLLT or LPO shall file with the Bar the name and address of an agent within this state for the purpose of receiving service of process or of any other document required or permitted by statute or court rule to be served or delivered to a resident lawyer, LLLT or LPO. Service or delivery to such agent shall be deemed service upon or delivery to the lawyer, LLLT or LPO. The name and address of the resident agent shall be a public record. If the address or name of the resident agent changes, the lawyer, LLLT or LPO shall notify the Bar of the change within 10 days after the change. Judicial and honorary members of the Bar are exempt from the requirements of this section.

**SUGGESTED AMENDMENTS TO APR 14 (Redline)****TITLE**

ADMISSION AND PRACTICE RULES (APR)

**RULE 14. LIMITED PRACTICE RULE FOR FOREIGN LAW CONSULTANTS**

**(a) Purpose.** The purpose of this rule is to authorize lawyers from a foreign country to advise or consult about foreign law and to prescribe the conditions and limitations upon such limited practice.

**(b) Qualifications.**

(1) To qualify as a Foreign Law Consultant applicant for admission to the limited practice of law in the State of Washington as provided in these rules, a person must:

(i) Present satisfactory proof of both admission to the practice of law, together with current good standing, in a foreign jurisdiction, and active legal experience as a lawyer or counselor at law or the equivalent in a foreign jurisdiction for at least 5 of the 7 years immediately preceding the application; and

(ii) Possess ~~the~~ good moral character and fitness to practice law ~~requisite for a member of the Bar of the State of Washington as defined in APR 20;~~ and

(iii) Execute under oath and file with the Bar Association ~~two copies of~~ an application in such form as may be required by the ~~Bar Board of Governors~~; and

(iv) File with the application a certificate from the authority in such foreign country having final jurisdiction over professional discipline, certifying as to the applicant's admission to practice, and the date thereof, and as to the good standing of such lawyer or counselor at law or the equivalent, together with a duly authenticated English translation of such certificate, if it is not in English; and

(v) File with the application a letter of recommendation from one of the members of the executive body of such authority or from one of the judges of the highest law court or courts of original jurisdiction of such foreign country, together with a duly authenticated English translation of such letter, if it is not in English; and

(vi) Provide with the application such other evidence of the applicant's educational and professional qualifications, good moral character and fitness and compliance with the requirements of this rule as the Board of Governors may require; and

(vii) Pay upon the filing of the application a fee equal to that required ~~pursuant to rule 3(d)(2)~~ to be paid by an ~~attorney-lawyer~~ applicant to take the lawyer bar examination.

(2) Upon a showing that strict compliance with the provisions of subsections (b)(1)(iv) or (b)(1)(v) would cause the applicant unnecessary hardship, the ~~Bar Board of Governors~~ may at its discretion waive or vary the application of such provisions and permit the applicant to furnish other evidence in lieu thereof.

**(c) Procedure.** The ~~Bar Board of Governors~~ shall approve or disapprove applications for admission of Foreign Law Consultants licenses. Additional proof of any facts stated in the application may be required by the ~~Bar Board~~. In the event of the failure or refusal of the applicant to furnish any information or proof, or to answer any inquiry of the Board pertinent to the pending application, the ~~Bar Board~~ may deny the application. Upon approval of the application by the ~~Bar Board of Governors~~, the ~~Bar Board~~ shall recommend to the Supreme Court ~~the admission of that~~ the applicant be granted a license for the purposes herein stated. The Supreme Court may enter an order ~~admitting~~ licensing to practice those applicants it deems qualified, conditioned upon such applicants:

(1) Taking and filing with the Clerk of the Supreme Court the Oath for the Practice of Law of Attorney pursuant to ~~rule~~ APR 5; and

(2) Paying to the Bar Association ~~its membership~~ the license fee and any mandatory assessments for the current year in the maximum amount required of active lawyer members; and

(3) Filing with the Bar Association in writing his or her address in the State of Washington, or the name and address of his or her registered agent as provided in APR 13 5(e), together with a statement that the applicant has read the Rules of Professional Conduct and Rules for Enforcement of Lawyer Conduct, is familiar with their contents and agrees to abide by them.

**(d) Scope of Practice.** A Foreign Law Consultant shall be authorized to engage in the limited practice of law only as

authorized by the provisions of this rule. A Foreign Law Consultant may not:

(1) Appear for a person other than the Foreign Law Consultant as lawyer in any court or before any magistrate or other judicial officer in this state (other than upon admission permission for a particular action or proceeding pursuant to rule 8(b)) or prepare pleadings or any other papers or issue subpoenas in any action or proceeding brought in any court or before any judicial officer of this state;

(2) Prepare any deed, mortgage, assignment, discharge, lease or any other instrument affecting title to real estate located in the United States; or

(3) Prepare any will or trust instrument affecting the disposition on death of any property located in the United States and owned by a resident thereof; or any instrument related to the administration of a decedent's estate in the United States; or

(4) Prepare any instrument with respect to the marital relations, rights or duties of a resident of the United States, or the custody or care of the children of such a resident; or

(5) Render legal advice on the law of the State of Washington, of any other state or territory of the United States, of the District of Columbia or of the United States (whether rendered incident to preparation of legal instruments or otherwise) unless and to the extent that the Foreign Law Consultant is admitted to practice law before the highest court of such other jurisdiction; or

(6) In any way hold himself or herself out as a member of the Bar of the State of Washington; or

(7) Use any title other than "Foreign Law Consultant", the firm name, and/or authorized title used in the foreign country where the Foreign Law Consultant is admitted to practice. In each case, such title or name shall be used in conjunction with the name of such foreign country.

**(e) Regulatory Provisions.** A Foreign Law Consultant shall be subject to the Rules for Enforcement of Lawyer Conduct and the Rules of Professional Conduct as adopted by the Supreme Court and to all other laws and rules governing lawyers admitted to the Bar of this state, except for the requirements of APR 11 relating to mandatory continuing legal education. Jurisdiction shall continue whether or not the Consultant retains the authority for the limited practice of law in this state, and regardless of the residence of the Consultant.

**(f) Continuing Requirements.**

(1) Annual Fee and Assessments. A Foreign Law Consultant shall pay to the Bar Association ~~its membership~~ an annual license fee and any mandatory assessments for the current year in the maximum amount required of active lawyer members.

(2) Report. A Foreign Law Consultant shall promptly report to the Bar Association any change in his or her status in any jurisdiction where he or she is admitted to practice law.

**(g) Termination of License.** A limited license is granted at the sufferance of the Supreme Court and may be revoked at any time upon the court's own motion, or upon the motion of the ~~Bar Board of Governors~~, with or without cause, including failure to comply with the terms of this rule.

**(h) Reciprocity.** A Foreign Law Consultant applicant shall demonstrate that the country or jurisdiction from which he or she applies does not impose, by any law, rule or regula-



tion, any requirements, limitations, restrictions or conditions upon the admission of members of the ~~Washington State Bar Association~~ as Foreign Law Consultants in that foreign country or jurisdiction which are significantly more limiting or restrictive than the requirements of this rule. The Supreme Court may deny a license admission to a Foreign Law Consultant applicant upon that basis, or may impose similar limitations, restrictions or conditions upon foreign legal consultant applicants from that foreign country or jurisdiction.

#### SUGGESTED AMENDMENTS TO APR 15 (Redline)

##### TITLE

ADMISSION AND PRACTICE RULES (APR)

##### RULE 15. ~~LAWYERS' FUND FOR CLIENT PROTECTION FUND~~

**(a) Purpose.** The purpose of this rule is to create a ~~Lawyers' Fund for Client Protection Fund (the Fund)~~, to be maintained and administered as a trust by the ~~Washington State Bar Association (WSBA)~~, in order to promote public confidence in the administration of justice and the integrity of the legal profession.

**(b) Establishment.** The Fund shall be established and funded through assessments ordered by the Supreme Court to be paid by members and other licensees to the Bar.

(1) The Board of Governors shall act as Trustees for the Fund.

(2) The Board of Governors shall appoint a Client Protection Board, to help administer the Fund pursuant to these rules. The Client Protection Board shall consist of 11 lawyers, LLLTs or LPOs and two community representatives who are not licensed to practice law, who shall be appointed to serve staggered three-year terms.

(3) Funds accruing and appropriated to the Fund may be used for the purpose of relieving or mitigating a pecuniary loss sustained by any person by reason of the dishonesty of, or failure to account for money or property entrusted to, any lawyer, LLLT or LPO member of the ~~Bar WSBA~~ as a result of or directly related to the lawyer's, LLLT's or LPO's member's practice of law (as defined in GR-24), or while acting as a fiduciary in a matter directly related to the lawyer's, LLLT's or LPO's member's practice of law. Such funds may also, through the Fund, be used to relieve or mitigate like losses sustained by persons by reason of similar acts of an individual who was at one time a member of the WSBA admitted to the practice of law in Washington as a lawyer, LLLT, or LPO but who was at the time of the act complained of under a court ordered suspension.

(4) The Fund shall not be used for the purpose of relieving any pecuniary loss resulting from an attorney's a lawyer's, LLLT's or LPO's negligent performance of services or for acts performed after a lawyer, LLLT or LPO member is disbarred or revoked.

(5) Payments from the Fund shall be considered gifts to the recipients and shall not be considered entitlements.

**(c) Funding.** The Supreme Court may by order provide for funding by assessment of lawyers, LLLTs and LPOs members of the WSBA in amounts determined by the court upon the recommendation of the Board of Governors ~~of the WSBA~~.

**(d) Enforcement.** Failure to pay any fee assessed by the ~~court~~ Supreme Court in the manner and by the date specified

by the Bar on or before the date specified by the court shall be a cause for suspension from practice until payment has been made.

**(e) Restitution.** A lawyer, LLLT or LPO whose conduct results in payment to an applicant shall be liable to the Fund for restitution.

(1) A lawyer, LLLT or LPO on Active status must pay restitution to the Fund in full within 30 days of final payment by the Fund to an applicant unless the ~~attorney lawyer, LLLT or LPO~~ enters into a periodic payment plan with Bar counsel assigned to the Client Protection Board.

(2) Lawyers, LLLTs or LPOs on disciplinary or administrative suspension, disbarred or revoked lawyers, LLLTs or LPOs, and lawyers, LLLTs or LPOs on any status other than disability inactive must pay restitution to the Fund in full prior to returning to Active status, unless the attorney enters into a periodic payment plan with Bar counsel assigned to the Client Protection Board.

(3) ~~An attorney lawyer, LLLT or LPO~~ who returns from disability inactive status as to whom an award has been made shall be required to pay restitution if and as provided in Procedural Rule Regulation 6(I).

(4) Restitution not paid within 30 days of final payment by the Fund to an applicant shall accrue interest at the maximum rate permitted under RCW 19.52.050.

(5) Bar counsel assigned to the Client Protection Board may, in his or her sole discretion, enter into an agreement with ~~an attorney~~ a lawyer, LLLT or LPO for a reasonable periodic payment plan if the ~~attorney lawyer, LLLT or LPO~~ demonstrates in writing the present inability to pay assessed costs and expenses.

(A) Any payment plan entered into under this rule must provide for interest at the maximum rate permitted under RCW 19.52.050.

(B) A lawyer, LLLT or LPO ~~An attorney~~ may ask the ~~Fund~~ Client Protection Board to review an adverse determination by Bar counsel regarding specific conditions for a periodic payment plan. The Chair of the Client Protection Board directs the procedure for ~~Fund~~ Client Protection Board review, and the ~~Fund~~ Client Protection Board's decision is not subject to further review.

(6) A lawyer's, LLLT's or LPO's ~~An attorney's~~ failure to comply with an approved periodic payment plan or to otherwise pay restitution due under this Rule may be grounds for denial of status change or for discipline.

**(f) Administration.** The Bar shall maintain and administer the Fund in a manner consistent with these rules and Regulations. Fund shall be maintained and administered by the Board of Governors acting as trustees for the Fund. The Board shall appoint the Lawyers' Fund for Client Protection Board (Client Protection Board) to administer the Fund pursuant to rules adopted by the Board of Governors and approved by the Supreme Court. The Client Protection Board shall consist of 11 lawyers and 2 nonlawyers, who will be appointed to serve staggered 3-year terms.

**(g) Subpoenas.** A lawyer member of the Client Protection Board, or ~~Bar e~~ Counsel for the Washington State Bar Association assigned to the ~~Committee~~ Client Protection Board, shall have the power to issue subpoenas to compel the attendance of the lawyer, LLLT or LPO being investigated or

of a witness, or the production of books, or documents, or other evidence, at the taking of a deposition. A subpoena issued pursuant to this rule shall indicate on its face that the subpoena is issued in connection with an investigation under this rule. Subpoenas shall be served in the same manner as in civil cases in the superior court.

**(h) Reports.** The ~~Bar Board of Governors, in consultation with the Client Protection Board,~~ shall file with the Supreme Court a full report on the activities and finances of the Fund at least annually and may make other reports to the court as necessary.

**(i) Communications to the Bar Association.** Communications to the ~~Bar Association,~~ Board of Governors (Trustees), Client Protection Board, ~~Association Bar~~ staff, or any other individual acting under authority of these rules, are absolutely privileged, and no lawsuit predicated thereon may be instituted against any applicant or other person providing information.

~~LAWYERS' FUND FOR CLIENT PROTECTION FUND (APR 15)~~  
**PROCEDURAL RULES REGULATIONS**  
**RULE REGULATION 1. PURPOSE**

**(a) A:** The purpose of these ~~rules~~ regulations is to establish procedures pursuant to Rule 15 of the Admission to and Practice Rules, to maintain and administer a ~~Lawyers' Fund for Client Protection Fund~~ established as a trust by the ~~Washington State Bar Association (WSBA),~~ in order to promote public confidence in the administration of justice and the integrity of the legal profession.

**(b) B:** Funds accruing and appropriated to the Fund may be used for the purpose of relieving or mitigating a pecuniary loss sustained by any person by reason of the dishonesty of, or failure to account for money or property entrusted to, any ~~member lawyer, LLLT or LPO of the WSBA Bar~~ as a result of or directly related to the ~~lawyer's, LLLT's or LPO's member's~~ practice of law (as defined in GR 24), or while acting as a fiduciary in a matter directly related to the ~~member's lawyer's, LLLT's or LPO's~~ practice of law. Such funds may also, through the Fund, be used to relieve or mitigate like losses sustained by persons by reason of similar acts of an individual who was at one time a ~~member lawyer, LLLT or LPO of the WSBA Bar~~ but who was at the time of the act complained of under a court ordered suspension.

**(c) C:** The Fund shall not be used for the purpose of relieving any pecuniary loss resulting from ~~an attorney's a~~ lawyer's, LLLT's or LPO's negligent performance of services.

**RULE REGULATION 2. ESTABLISHMENT OF THE FUND.**

**(a) A: Trustees.** Pursuant to APR 15, the members of the Board of Governors ~~of the WSBA~~ will serve during their terms of office as Trustees (Trustees) for the Fund to hold funds assessed by the Supreme Court for the purposes of the Fund. The ~~WSBA Bar~~ President will serve as President of the Trustees.

**(b) B: Funding.** The Trustees may recommend to the Supreme Court that it order an annual assessment of all active ~~members lawyer's, LLLT's and LPO's of the WSBA Bar~~ in an amount recommended by the Trustees to be held by them in trust for the purposes of the Fund.

**(c) C: Enforcement.** Any active ~~member lawyer, LLLT or LPO~~ failing to pay any annual assessment on or before the

date set for payment by the Supreme Court shall, ~~after 60 days written notice sent to his or her last known business address as shown in the records of the WSBA,~~ be ordered suspended from the practice of law in accordance with APR 17 and the Bar's Bylaws until the assessment is paid.

**RULE REGULATION 3. LAWYERS' FUND FOR CLIENT PROTECTION BOARD**

**(a) A: Membership.** The ~~Lawyers' Fund for Client Protection~~ Board shall consist of 11 lawyers, LLLTs or LPOs and ~~2 nonlawyers~~ two community representatives who are not licensed to practice law, appointed by the Trustees for terms not exceeding ~~3~~ three years each.

**(b) B: Vacancies.** Vacancies on the Client Protection Board shall be filled by appointment of the Trustees.

**(c) C: Officers.** The Trustees shall appoint a chairperson of the Client Protection Board for a term of one-year or until a successor is appointed. The secretary of the Client Protection Board shall be a staff member of the ~~WSBA Bar~~ assigned to the Client Protection Board by the Executive Director of the ~~WSBA Bar~~.

**(d) D: Meetings.** The Client Protection Board shall meet not less than once per year upon call of the chairperson, or at the request of the staff member of the ~~WSBA Bar~~, who shall not be entitled to vote on Client Protection Board matters.

**(e) E: Quorum.** A majority of the Client Protection Board members, excluding the secretary, shall constitute a quorum.

**(f) F: Record of Meetings.** The secretary shall maintain minutes of the Client Protection Board deliberations and recommendations.

**(g) G: Authority and Duties of Client Protection Board.** The Client Protection Board shall have the power and authority to:

(1) Consider claims for reimbursement of pecuniary loss and make a report and recommendation regarding payment or nonpayment on any claim to the Trustees.

(2) Provide a full report of its activities annually to the Supreme Court and the Trustees and to make other reports and to publicize its activities as the Court or Trustees may deem advisable.

**(h) H: Conflict of Interest.**

(1) A Client Protection Board member who has or has had a lawyer/client relationship or financial relationship with an applicant or lawyer, LLLT or LPO who is the subject of an application shall not participate in the investigation or deliberation of an application involving that applicant or lawyer, LLLT or LPO.

(2) A Client Protection Board member with a past or present relationship, other than that as provided in section (1), with an applicant or lawyer, LLLT or LPO who is the subject of an application, shall disclose such relationship to the Client Protection Board and, if the Client Protection Board deems it appropriate, that member shall not participate in any action relating to that application.

**RULE REGULATION 4. APPLICATIONS FOR PAYMENT**

**(a) A: Applications Form.** All applications for payment through the ~~Lawyers' Fund for Client Protection Fund~~ shall be made by submitting to the Bar an application in such form

and manner as determined by the Bar on a form approved by the Board, and shall include all information requested on the form.

**(b) ~~B~~. Disciplinary Grievances.** Before an application for payment from the Fund will be considered, the applicant must also file a disciplinary grievance with the Office of Disciplinary Counsel, unless the lawyer, LLLT or LPO is disbarred, revoked or deceased, or unless the Client Protection Board in its discretion finds that no disciplinary grievance is required.

**(c) ~~C~~. Information about the Fund. ~~C. Notice by Office of Disciplinary Counsel.~~** Any person who has filed a disciplinary grievance with the WSBA alleging a loss occasioned by the dishonest conduct of a lawyer should be provided with a Lawyers Fund for Client Protection Fund application form and given information about the Fund. The application and information about the Fund shall be published on the Bar's public website and provided to any person on request.

#### **RULE REGULATION 5. ELIGIBLE CLAIMS**

**(a) ~~A~~. Eligibility.** To be eligible for payment from the Fund, the loss must be caused by the dishonest conduct of a lawyer, LLLT or LPO or the failure to account for money or property entrusted to a lawyer, LLLT or LPO as a result of or directly related to the lawyer's, LLLT's or LPO's practice of law (as defined in GR 24). The loss must also have arisen out of and by reason of a client-lawyer relationship or a fiduciary relationship in a matter directly related to the lawyer's, LLLT's or LPO's practice of law.

**(b) ~~B~~. Time Limitations.** Any application must be made within three years from the date on which discovery of the loss was made or reasonably should have been made by the applicant, and in no event more than three years from the date the lawyer, LLLT or LPO dies, is disbarred or revoked, is disciplined for misappropriation of funds, or is criminally convicted for matters relating to the applicant's loss, provided that the Client Protection Board or Trustees in their discretion may waive any limitations period for excusable neglect or other good cause.

**(c) ~~C~~. Dishonest Conduct.** As used in these rules and regulations, "dishonest conduct" or "dishonesty" means wrongful acts committed by a lawyer, LLLT or LPO in the nature of theft or embezzlement of money or the wrongful taking or conversion of money, property or other thing of value, including but not limited to refusal to refund unearned fees or expenses as required the Rules of Professional Conduct.

**(d) ~~D~~. Excluded Losses.** Except as provided by Section E of this Regulation Rule, the following losses shall not be reimbursable:

(1) Losses incurred by related persons, law partners and associate ~~attorneys~~ lawyers, LLLTs or LPOs of the lawyer, LLLT or LPO causing the loss. For purposes of these Rules and Regulations, "related persons" includes a spouse, domestic partner, child, grandchild, parent, grandparent, sibling, or other Relative or individual with whom the lawyer, LLLT or LPO maintains a close, familial relationship;

(2) Losses covered by any bond, surety agreement, or insurance contract to the extent covered thereby, including

any loss to which any bonding agent, surety, or insurer is subrogated, to the extent of that subrogated interest;

(3) Losses incurred by any financial institution which are recoverable under a "banker's blanket bond" or similar commonly available insurance or surety contract;

(4) Losses incurred by any business entity controlled by the lawyer, LLLT or LPO or any person or entity described in Regulation Rule 5 D (1), (2) or (3);

(5) Losses incurred by an assignee, lienholder, or creditor of the applicant or lawyer, LLLT or LPO, unless application has been made by the client or beneficiary or the client or beneficiary has authorized such reimbursement;

(6) Losses incurred by any governmental entity or agency;

(7) Losses arising from business or personal investments not arising in the course of or arising out of the client-lawyer or client-LLLT relationship, or the provision of LPO services;

(8) Consequential damages, such as lost interest, or attorney's fees or other costs incurred in seeking recovery of a loss.

**(e) ~~E~~. Special and Unusual Circumstances.** In cases of special and unusual circumstances, the Client Protection Board may, in its discretion, consider an application which would otherwise be excluded by reason of the procedural requirements of these rules and regulations.

**(f) ~~F~~. Unjust Enrichment.** In cases where it appears that there will be unjust enrichment, or that the applicant contributed to the loss, the Client Protection Board may, in its discretion, recommend the denial of the application. No rule should be interpreted as to provide a financial windfall to a claimant from the ~~Fund~~.

**(g) ~~G~~. Investment Victims.** When considering gifts to claimants who were victimized after investing with a lawyer, LLLT or LPO, the Client Protection Board may consider such factors as the sophistication of the investor, the length of the relationship with the lawyer, LLLT or LPO, and whether the investor was aware that the lawyer, LLLT or LPO had ~~non-lawyer~~ partners who were not lawyers, LLLTs or LPOs.

**(h) ~~H~~. Exhaustion of Remedies.** The Client Protection Board may consider whether an applicant has made reasonable attempts to seek reimbursement of a loss before taking action on an application. This may include, but is not limited to, the following:

(1) Filing a claim with an appropriate insurance carrier;

(2) Filing a claim on a bond, when appropriate;

(3) Filing a claim with any and all banks which honored a financial instrument with a forged endorsement;

(4) As a prelude to possible suit under part (5) below, demanding payment from any business associate or employer who may be liable for the actions of the dishonest lawyer, LLLT or LPO; or

(5) Commencing appropriate legal action against the lawyer, LLLT or LPO or against any other party or entity who may be liable for the applicant's loss.

#### **RULE REGULATION 6. PROCEDURES**

**(a) ~~A~~. Ineligibility.** Whenever it appears that an application is not eligible for reimbursement pursuant to Rule 5, the

applicant shall be advised of the reasons why the application may not be eligible for reimbursement.

**(b) ~~B~~: Investigation and Report.** The ~~WSBA Bar~~ staff member assigned to the Client Protection Board shall conduct an investigation regarding any application. The investigation may be coordinated with any disciplinary investigation regarding the lawyer, LLLT or LPO. The staff member shall report to the Client Protection Board and make a recommendation to the Client Protection Board.

**(c) ~~C~~: Notification of lawyer, LLLT or LPO.** The lawyer, LLLT or LPO, or his or her representative, regarding whom an application is made shall be notified of the application and provided a copy of it, and shall be requested to respond within 20 days. If the lawyer's, LLLT or LPO's address of record on file with the ~~WSBA Bar~~ is not current, then a copy of the application should be sent to the lawyer, LLLT or LPO at any other address on file with the ~~WSBA Bar~~. A copy of these Rules and Regulations shall be provided to the lawyer, LLLT or LPO or representative.

**(d) ~~D~~: Withdrawal of Application/Restitution.** If, during the investigation of an application, the Applicant withdraws the Application or the Applicant receives full restitution of the amount stated in the Application, the Applicant and the lawyer, LLLT or LPO shall be advised that the file will be closed without further action.

**(e) ~~E~~: Testimony.** The Client Protection Board may request that testimony be presented to complete the record. Upon request, the lawyer, LLLT, LPO or applicant, or their representatives, may be given an opportunity to be heard at the discretion of the Client Protection Board.

**(f) ~~F~~: Finding of Dishonest Conduct.** The Client Protection Board may make a finding of dishonest conduct for purposes of considering an application. Such a determination is not a finding of dishonest conduct for purposes of professional discipline.

**(g) ~~G~~: Evidence and Burden of Proof.** Consideration of an application need not be conducted according to technical rules relating to evidence, procedure and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence commonly accepted by reasonably prudent persons in the conduct of their affairs. The applicant shall have the burden of establishing eligibility for reimbursement by a clear preponderance of the evidence.

**(h) ~~H~~: Pending Disciplinary Proceedings.** Unless the Client Protection Board or Trustees otherwise direct, no application shall be acted upon during the pendency of a disciplinary proceeding or investigation involving the same act or conduct that is alleged in the claim.

**(i) ~~I~~: Deferred Disciplinary Proceedings; Lawyer, LLLT or LPO on Disability Inactive Status.**

(1) If an application relates to a lawyer, LLLT or LPO on disability inactive status, and/or a disciplinary proceeding or investigation is deferred due to a lawyer's, LLLT's or LPO's transfer to disability inactive status, the ~~Fund~~ Client Protection Board may act on the application when received or may defer processing the application for up to three years if the lawyer, LLLT or LPO remains on disability inactive status.

(2) A lawyer, LLLT or LPO on disability inactive status seeking to return to Active status may, while pursuing reinstatement pursuant to the Rules for Enforcement of Conduct

or other applicable discipline rules, request that the lawyer's, LLLT or LPO's obligation to make restitution for any applications approved while the lawyer, LLLT or LPO was on disability inactive status be reviewed.

(A) If the request for review is based in, whole or in part on the merits of the application(s), the lawyer, LLLT or LPO may request the ~~Fund~~ Client Protection Board review and reconsider any such applications. The ~~Fund~~ Client Protection Board's decision on review shall be reported to the Trustees, which shall have sole authority for the final decision. If the Trustees determine that the application(s) should not have been approved, the lawyer, LLLT or LPO will not be responsible for restitution and the applicant(s) shall not be required to repay the Fund. If the Trustees determine that the applications were appropriately granted and the lawyer, LLLT or LPO is responsible for restitution, the rules regarding restitution shall apply.

(B) If the lawyer, LLLT or LPO does not contest the merits of the applications but simply wants to request that restitution be waived, the request shall be submitted to the Bar ~~eCounsel~~ for the Fund, who shall submit the request to the Trustees together with ~~Fund counsel's Bar Counsel's~~ recommendation. The decision of the Trustees shall be final and is not subject to appeal.

**(j) ~~J~~: Public Participation.** Public participation at Client Protection Board meetings shall be permitted only by prior permission granted by the Client Protection Board chairperson.

**(k) ~~K~~: Client Protection Board Action.**

(1) Actions of the Client Protection Board Which Are Final Decisions: A decision by the Client Protection Board on an application for payment of \$25,000 or less—whether such decision be to make payment, to deny payment, to defer consideration, or for any action other than payment of more than \$25,000—shall be final and without right of appeal to the Trustees.

(2) Actions of the Client Protection Board Which Are Recommendations to the Trustees: A decision by the Client Protection Board (a) on an application for more than \$25,000, or (b) involving a payment of more than \$25,000 (regardless of the amount stated in the application), is not final and is a recommendation to the Trustees which shall have sole authority for final decisions in such cases.

#### **RULE REGULATION 7. ADJUDICATION BY TRUSTEES**

**(a) ~~A~~:** A recommendation by the Client Protection Board (a) concerning applications for more than \$25,000, or (b) that payments of more than \$25,000 be made to applicants regarding any one lawyer, LLLT or LPO, shall be reported to the Trustees which may, in its discretion, adopt, modify, disapprove or take any other appropriate action on the Client Protection Board's recommendation.

**(b) ~~B~~:** A decision of the Trustees shall be final and there shall be no right of appeal from that decision.

#### **RULE REGULATION 8. NOTIFICATION OF APPLICANT AND LAWYER, LLLT OR LPO**

Both the applicant and the lawyer, LLLT or LPO who is the subject of an application shall be advised of any decision of the Client Protection Board or the Trustees.

**RULE REGULATION 9. LIMITATIONS ON REIMBURSEMENT**

**(a) A:** The Trustees may, at their discretion, set limitations on the amount of reimbursement.

**(b) B:** The maximum allowable amount of a gift is \$150,000. There is no limit on the number of gifts that can be made to reimburse clients for the wrongful acts of any one lawyer, LLLT or LPO.

**(c)** Applications approved for \$5,000 or less shall be paid in full upon approval by the Client Protection Board (and the Trustees, if required under these Rules and Regulations). Applications approved for more than \$5,000 shall be paid \$5,000 upon approval by the Client Protection Board (and the Trustees, if required under these Rules and Regulations); payment of the remaining balance approved shall be deferred until fiscal year end and shall be subject to any proration which may be approved by the Trustees.

**(d) C:** At the last meeting of the Trustees for each fiscal year, the Fund Client Protection Board shall report the total outstanding balance on approved gifts and shall recommend whether the outstanding balance should be paid in full or prorated. When approved gifts are prorated, the prorated payment shall reflect the total amount of the gift, less the initial \$5,000 payment made upon approval by the Client Protection Board. By way of illustration:

Example 1: The application is for an amount in excess of \$150,000 ~~75,000.00~~. The Fund Client Protection Board recommends and the Board of Governors, as Trustees, approves a gift in the maximum allowable amount of \$150,000 ~~75,000~~. \$5,000 is paid upon approval by the Trustees. At fiscal year end, the Fund Client Protection Board recommends and the Board of Governors, as Trustees, approves using a prorating formula that would result in applicants receiving 20% of their unpaid gifts. 20% of \$145,000 ~~70,000~~ is \$29,000 ~~14,000~~, so a second payment of \$29,000 ~~14,000~~ is issued to the applicant.

Example 2: In the same fiscal year another applicant applies for and receives a gift in the amount of \$7,500. \$5,000 is paid upon approval. At fiscal year end, a second payment is issued for \$500.

**RULE REGULATION 10. NO LEGAL RIGHT TO PAYMENT**

Any and all payments made to applicants in connection with the Lawyers' Fund for Client Protection Fund are gratuitous and are at the sole discretion of the Trustees.

**RULE REGULATION 11. RESTITUTION AND SUBROGATION**

**(a) A: Restitution.** A lawyer, LLLT or LPO whose conduct results in payment to an applicant shall be liable to the Fund for restitution, and the Trustees may bring such action as they deem advisable to enforce restitution.

**(b) B: Subrogation.** As a condition of payment, an applicant shall be required to provide the Fund with a pro tanto transfer of the applicant's rights against the lawyer, LLLT or LPO, the lawyer's, LLLT's or LPO's legal representative, estate or assigns; and of the claimant's rights against any third party or entity who may be liable for the applicant's loss. Failure to return a signed subrogation agreement to the Fund within three years of approval of the application will result in revocation of that approval.

**(c) C: Action to Enforce Restitution.** In the event the Trustees commence a judicial action to enforce restitution,

they shall advise the applicant who may then join in the action to recover any unreimbursed losses. If the applicant commences such an action against the lawyer, LLLT or LPO or another entity who may be liable for the loss, the applicant shall notify the Fund who may join in the action.

**(d) D: Duty to Cooperate.** As a condition of payment, the applicant shall be required to cooperate in all efforts that the Fund undertakes to achieve restitution.

**RULE REGULATION 12. COMPENSATION FOR REPRESENTING APPLICANTS**

No lawyer shall charge or accept any payment for prosecuting an application on behalf of an applicant, unless such charge or payment has been approved by the Trustees.

**RULE REGULATION 13. CONFIDENTIALITY**

**(a) A: Matters Which Are Public.** On approved applications, the facts and circumstances which generated the loss, the Client Protection Board's recommendations to the Trustees with respect to payment of a claim, the amount of claim, the amount of loss as determined by the Client Protection Board, the name of the lawyer, LLLT or LPO causing the loss, and the amount of payment authorized and made, shall be public.

**(b) B: Matters Which Are Not Public.** The Client Protection Board's file, including the application and response, supporting documentation, and staff investigative report, and deliberations of any application; the name of the applicant, unless the applicant consents; and the name of the lawyer, LLLT or LPO unless the lawyer, LLLT or LPO consents or unless the lawyer's, LLLT's or LPO's name is made public pursuant to these rules and regulations, shall not be public.

**RULE REGULATION 14. NOTICE OF ACTIONS**

Notice of approval of an application to the Fund may be published in the Washington State Bar News official publication of the Bar and elsewhere at the direction of the Client Protection Board or Trustees. Notice may also be posted electronically on any web site maintained by the WSBA Bar. If the lawyer, LLLT or LPO has made full restitution to the Fund, any notice posted electronically by the WSBA Bar may, at the request of the lawyer, LLLT or LPO, be removed.

**RULE REGULATION 15. AMENDMENTS**

These Rules and Regulations may be amended, altered or repealed on the recommendation of the Client Protection Board by a vote of the Trustees, with the approval of the Supreme Court.

**SUGGESTED AMENDMENTS TO APR 16 (Redline)****TITLE**

ADMISSION AND PRACTICE RULES (APR)

**RULE 16. ~~[RESERVED]~~ MEDIATION**

**(a) Policy.** ~~It is the policy of the Supreme Court to encourage through a conciliatory process the informal and prompt resolution of disputes between lawyers and their clients, disputes between lawyers and other lawyers, and other disputes, including disputes between lawyers and other professionals regarding expert witness fees.~~

**(b) Mediation Program.** The Washington State Bar Association is authorized to maintain and administer a Mediation Program for the resolution of disputes voluntarily submitted by the parties, or referred by the Office of Disciplinary Counsel, when mediation appears appropriate, and to be governed by such guidelines as may be adopted by the Bar Association's Board of Governors and approved by the Supreme Court.

**(c) Confidentiality.** Mediation under this rule shall be confidential, and communications made or materials submitted in, or in connection with, the mediation proceeding will be privileged and confidential as provided by RCW 5.60.070, provided that no party to the mediation will be precluded from filing or pursuing a grievance under the Rules for Enforcement of Lawyer Conduct.

**(d) Selection and Appointment of Mediators.** Mediators may be agreed upon by the parties or shall be assigned from a list approved by the Board of Governors and maintained by the Bar Association of both lawyers and non-lawyers with the appropriate training and experience to serve effectively in a facilitative role. Lawyers assigned as mediators shall be active members of the Bar Association for at least 7 years.

**(e) Communications to the Association.** Communications to the Bar Association, Board of Governors, mediator, mediation staff, or any other individual acting under authority of these rules, are absolutely privileged, and no lawsuit predicated thereon may be instituted against any party to a mediation, witness or other person providing information.

#### SUGGESTED AMENDMENTS TO APR 17 (Redline)

##### TITLE

ADMISSION AND PRACTICE RULES (APR)

##### RULE 17. ADMINISTRATIVE SUSPENSION FROM PRACTICE

**(a) Basis for Suspension From Practice.** The Washington State Bar Association shall request that the Supreme Court suspend a member lawyer, LLLT or LPO from the practice of law upon:

(1) notification from the Department of Social and Health Services that the member lawyer, LLLT or LPO is more than six months delinquent in noncompliance with a valid and enforceable order entered by a court of competent jurisdiction requiring the member lawyer, LLLT or LPO to pay child support; or

(2) failure of a member lawyer, LLLT or LPO to comply with licensing requirements under these rules, the Rules for Enforcement of Lawyer Conduct applicable disciplinary rules, or the Bar's Association Bylaws. This includes but is not limited to a member lawyer's, LLLT's or LPO's:

(A) failure to pay the annual license fee or late payment fee to the Association Bar;

(B) failure to pay to the Bar the annual any mandatory assessments ordered by the Supreme Court including to the Lawyers' Fund for Client Protection Fund assessment;

(C) failure to comply with MCLE requirements;

(D) failure to comply with financial responsibility or professional liability insurance requirements;

(E) failure to file annual trust account information;

(F) failure to designate a resident agent when required to do so; and

(G) failure to timely notify the Bar Association of a change in the lawyer's LLLT's or LPO's name, address, phone number or email address or resident agent information as required under APR 13.

**(b) Notice and Order of Suspension.** The Bar Association shall provide at least 60 days written notice of intent to seek suspension to a member lawyer, LLLT or LPO at the member lawyer's, LLLT's or LPO's address of record with the Bar Association. The Bar Association shall establish notice procedures consistent with this rule. A member lawyer, LLLT or LPO shall have a right to submit proof that the grounds for the suspension do not exist or no longer exist. After such notice the Court may enter an order suspending the member lawyer, LLLT or LPO from practice.

**(c) Change of Status After Suspension Pursuant to This Rule.** A member lawyer, LLLT or LPO who has been administratively suspended under this rule shall have a right to submit proof to the Bar Association that the grounds for suspension no longer exist. The member lawyer, LLLT or LPO must adhere to status change procedures established by the Bar Association. The Court may enter an order changing status upon determination said proof is satisfactory and so long as the member lawyer, LLLT or LPO meets all other requirements to practice law.

**(d) Rules of Professional Conduct Not Superseded.** Nothing in this rule supersedes any of the Rules of Professional Conduct.

#### SUGGESTED AMENDMENTS TO APR 19 (Redline)

##### TITLE

ADMISSION AND PRACTICE RULES (APR)

##### RULE 19. LAWYER, LLLT AND LPO SERVICES

**(a) Purpose.** The purpose of this rule is to protect the public, to assist lawyers, LLLTs and LPOs in the performance of their duties and responsibilities in the representation of clients, to maintain and improve the integrity of the legal profession, and to promote the interests of justice.

**(b) Lawyers, LLLTs and LPOs Assistance Program (LAP).**

(1) *Authorization.* The Washington State Bar Association is authorized to create a program to help prevent and alleviate problems that may detrimentally influence a lawyer's, LLLTs or LPOs performance, including physical illnesses, emotional problems or addictions.

(2) *Confidentiality.* Confidential communications between a lawyer- LAP client and staff or peer counselors of the Lawyers', LLLTs' and LPOs' Assistance Program shall be privileged against disclosure without the consent of the lawyer LAP-client to the same extent and subject to the same conditions as confidential communications between a client and psychologist.

(3) *Exoneration From Liability.*

(i) Bar Association and Its Agents. No cause of action shall accrue in favor of any person, arising from any action or proceeding pursuant to these rules, against the Bar Association, or its officers or agents (including but not limited to its staff, members of the Board of Governors, or any other individual acting under the authority of these rules) provided only that the Bar Association, officer or agent or individual shall have acted in good faith. The burden of proving bad

faith in this context shall be upon the person asserting it. The Bar Association shall provide defense to any action brought against an officer or agent of the Bar Association for actions taken in good faith under these rules and shall bear the costs of that defense and shall indemnify the officer or agent against any judgment taken therein.

(ii) Other persons. Communications to the Bar Association, Board of Governors, staff, or any other individual acting under the authority of these rules, are absolutely privileged, and no lawsuit predicated thereon may be instituted against them or other person providing information.

**(c) Fee Arbitration Program. [Reserved.]**

**(d) Law Office Management Assistance Program (LOMAP).**

(1) *Authorization.* The Washington State Bar Association is authorized to create a program to help improve the quality of legal services by assisting lawyers, LLLTs and LPOs to better manage better their offices and improve the professional delivery of legal services.

(2) *Confidentiality.* Information obtained by Bar staff or agents of the Law Office Management Assistance Program shall be confidential unless:

(i) the assisted lawyer, LLLT or LPO consents to disclosure;

(ii) disclosure, based upon reasonable belief, is necessary to prevent the assisted lawyer, LLLT or LPO from committing a crime; or

(iii) pursuant to court order.

**(e) Professional Responsibility Program.**

(1) *Authorization.* The Washington State Bar Association is authorized to maintain a program to assist lawyers, LLLTs or LPOs in complying with their obligations under the Rules of Professional Conduct, thereby enhancing the quality of legal representation provided by Washington lawyers, LLLTs and LPOs.

(2) *Professional Responsibility Counsel.* "Professional responsibility counsel" denotes a lawyer employed or appointed by the Bar Association to act as counsel on the Bar Association's behalf in performing duties under part (e) of this rule, and any other lawyer employed or appointed by the Bar Association, including but not limited to disciplinary counsel or general counsel, whenever such lawyer is temporarily performing those duties.

(3) *Ethics Inquiries.* Any member of the Bar Association, or any lawyer, LLLT, LPO or legal intern admitted, licensed or permitted by rule to practice law in this state, may direct an ethics inquiry to professional responsibility counsel. Such inquiries should be made by telephone to the Bar Association's designated ethics inquiry telephone line. The provisions of this rule also apply to ethics inquiries initially submitted in writing, including facsimile, e-mail, or other electronic means, but do not apply to requests for written ethics opinions directed to the Bar Association's Rules of Professional Conduct Committee on Professional Ethics or its equivalent.

(4) *Scope.* An inquirer may request the guidance of professional responsibility counsel in identifying, interpreting or applying the Rules of Professional Conduct as they relate to his or her prospective ethical conduct. If the inquiry presents a set of facts, those facts should ordinarily be presented in

hypothetical format. Professional responsibility counsel provides no legal advice or opinions, and the inquirer is responsible for making his or her own decision about the ethical issue presented. The inquiry shall be declined if it (i) requires analysis or resolution of legal issues other than those arising under the Rules of Professional Conduct; (ii) seeks an opinion about the ethical conduct of a lawyer person other than the inquirer; or (iii) seeks an opinion about the ethical propriety of the inquirer's past conduct.

(5) *Limitations and Inadmissibility.* Neither the making of an inquiry nor the providing of information by professional responsibility counsel under this rule creates a client-lawyer relationship. Any information or opinion provided during the course of an ethics inquiry is the informal, individual view of professional responsibility counsel only. No information relating to an ethics inquiry, including the fact that an inquiry has been made, its content, or the response thereto, may be asserted in response to any grievance or complaint under the Rules for Enforcement of Lawyer Conduct applicable disciplinary rules, nor is such information admissible in any proceeding under the Rules for Enforcement of Lawyer Conduct applicable disciplinary rules.

(6) *Records.* Professional responsibility counsel shall not make or maintain any permanent record of the identity of an inquirer or the substance of a specific inquiry or response. Professional responsibility counsel may keep records of the number of inquiries and the nature and type of inquiries and responses. Such records shall be used solely to aid the Bar Association in developing the Professional Responsibility Program and developing additional educational programs. Such records shall be exempt from public inspection and copying and shall not be subject to discovery or disclosure in any proceeding.

(7) *Confidentiality.* Communications between an inquirer and professional responsibility counsel are confidential and shall be privileged against disclosure except by consent of the inquirer or as authorized by the Supreme Court. Professional responsibility counsel shall not use or reveal information learned during the course of an ethics inquiry except as RPC 1.9 would permit with respect to information of a former client. The provisions of RPC 8.3 do not apply to information received by professional responsibility counsel during the course of an ethics inquiry.

**(f) Communications to the Bar Association.** Communications to the Bar Association, Board of Governors, staff, or any other individual acting under the authority of this rule, are absolutely privileged, and no lawsuit predicated thereon may be instituted against them or other person providing information.

**SUGGESTED AMENDMENTS TO APR 20-25.6 (Redline)**

**TITLE**

ADMISSION AND PRACTICE RULES (APR)

**RULE 20. DEFINITIONS RELATING TO CHARACTER AND FITNESS DETERMINATIONS**

**(a) Applicant.** "Applicant" as used in APR 20-25.6 means every applicant for admission to practice law, for limited admission or licensure to practice law, for enrollment in the APR 6 law clerk program, or for change of membership class or status under the Bar's Association Bylaws. In matters

involving investigations or hearings pursuant to the filing of a petition for reinstatement by a disbarred or revoked lawyer, LLLT or LPO. "Applicant" shall also include a petitioner for reinstatement.

**(b) Bar Counsel.** "Bar Counsel" as used in APR 20-25.6 means one or more lawyers employed by the Bar Association who shall represent the Bar Association in reviewing applications for admission, readmission and licensure or at hearings before the Character and Fitness Board and/or act as counsel to the Character and Fitness Board. Bar Counsel who represents the Bar Association at hearings before the Character and Fitness Board may make a recommendation in support of or in opposition to the admission, licensure, enrollment or reinstatement of an Applicant.

**(c) Good Moral Character.** Good moral character is a record of conduct manifesting the qualities of honesty, fairness, candor, trustworthiness, observance of fiduciary responsibilities, adherence to the law, and a respect for the rights of other persons and the judicial process.

**(d) Fitness to Practice Law.** Fitness to practice law is a record of conduct that establishes that the Applicant meets the essential eligibility requirements for the practice of law.

**(e) Essential Eligibility Requirements.** The essential eligibility requirements for the practice of law are:

(1) The ability to exercise good judgment and to conduct oneself with a high degree of honesty, integrity, and trustworthiness in financial dealings, legal obligations, professional relationships, and in one's professional business.

(2) The ability to conduct oneself in a manner that engenders respect for the law and adheres to the Washington Rules of Professional Conduct.

(3) The ability to diligently, reliably, and timely perform legal tasks and fulfill professional obligations to clients, attorneys lawyers, LLLTs, LPOs, courts and others.

(4) The ability to competently undertake fundamental lawyering legal skills commensurate with the lawyer, LLLT or LPO license applied for, such as legal reasoning and analysis, recollection of complex factual information and integration of such information with complex legal theories, problem solving, and recognition and resolution of ethical dilemmas; and

(5) The ability to communicate comprehensibly with clients, attorneys lawyers, LLLTs, LPOs, courts, and others, with or without the use of aids or devices.

**(f) Health Diagnosis.** "Health diagnosis" as used in APR 20-25.6 means a determination or conclusion regarding a sensory, mental, or physical condition that:

(1) Is medically cognizable or diagnosable; or

(2) Exists in a record or history; or

(3) Is perceived to exist whether or not it exists in fact.

**(g) Disbarred or Disbarment.** Disbarred or disbarment as used in APR 20-25.6 includes those terms as applied to lawyers or others and also includes the terms revoked or revocation when referring to LLLT and LPO licenses.

#### RULE 20.1 APPLICATION OF RULES

These rules and any subsequent amendments will apply in their entirety on the effective date as ordered by the Supreme Court to any pending matter except as would not be feasible or would work an injustice. The Chair may rule on

the appropriate procedure with a view to insuring a fair and orderly proceeding.

#### RULE 21. FACTORS CONSIDERED WHEN DETERMINING CHARACTER AND FITNESS

**(a) Factors Considered.** The following factors shall be considered when determining an Applicant's good moral character and fitness to practice law:

(1) unlawful conduct;

(2) academic misconduct;

(3) making of false statements or omitting material information in connection with an application for limited admission to practice law, to ~~sit for~~ take an bar examination required for admission, or otherwise for a license licensure or admission to ~~the practice of~~ law;

(4) misconduct in employment;

(5) acts involving dishonesty, making false statements, fraud, deceit or misrepresentation;

(6) abuse of legal process;

(7) neglect of financial responsibilities;

(8) disregard of professional obligations;

(9) violation of a court order;

(10) conduct demonstrating an inability to meet one or more essential eligibility requirements for the practice of law;

(11) denial of admission to the bar in this or another jurisdiction on character and fitness grounds;

(12) disciplinary action by any professional licensing or disciplinary agency of any jurisdiction;

(13) conduct that physically threatens or harms another person; and

(14) any other conduct which reflects adversely on moral character or fitness of the Applicant to practice law.

**(b) Aggravating and Mitigating Factors.** The following factors shall be considered in mitigation or aggravation when determining an applicant's good moral character or fitness to practice law:

(1) Applicant's age at the time of the conduct;

(2) Recency of the conduct;

(3) Reliability of the information concerning the conduct;

(4) Seriousness of the conduct;

(5) Factors or circumstances underlying the conduct;

(6) Cumulative nature of the conduct;

(7) Candor in the admissions process and before the Character and Fitness Board;

(8) Materiality of any omissions or misrepresentations; and

(9) Evidence of rehabilitation, recovery, or remission, which may include but is not limited to the following, no single one of which is determinative:

(i) absence of recent misconduct;

(ii) compliance with any disciplinary, judicial or administrative order arising out of the misconduct;

(iii) sufficiency of punishment;

(iv) restitution of funds or property, where applicable;

(v) Applicant's attitude toward the misconduct, including without limitation acceptance of responsibility and remorse;

(vi) personal assurances, supported by corroborating evidence, of a desire and intent to engage in exemplary conduct in the future;



(vii) constructive activities and accomplishments since the conduct in question;

(viii) the Applicant's understanding and acceptance of the factors leading to the misconduct and how similar misconduct may be avoided in the future;

(ix) length of time in which the Applicant has been in recovery or remission, where applicable, and if it is less than two years, expert opinion that the period of treatment, recovery or remission is adequate for the applicant to meet the essential eligibility requirements for the practice of law; and

(x) compliance with any recommended or prescribed treatment plans.

**(c) Non-Discrimination Policy.** In determining good moral character and fitness to practice law, the Bar ~~Association~~ and the Character and Fitness Board shall not discriminate against any applicant on the basis of:

- (1) Race, color or ethnic identity;
- (2) Gender or gender identity;
- (3) Sexual orientation;
- (4) Marital status;
- (5) Creed or religion;
- (6) Political beliefs or affiliation;
- (7) Sensory, mental or physical disability;
- (8) National origin;
- (9) Age;
- (10) Honorably discharged veteran or military status;
- (11) Use of a trained service animal by a person with a disability; or
- (12) Any other class protected under state or federal law.

## RULE 22. CHARACTER AND FITNESS REVIEW OF APPLICATIONS FOR ADMISSION; APPLICANT DUTIES AND RIGHTS

### RULE 22.1 REVIEW OF APPLICATIONS

**(a) Admissions Staff Review.** All applications for admission or licensure to practice law in Washington state or to change membership class or status with the Bar ~~Association~~, and all petitions for readmission to the practice of law in Washington state shall be reviewed by the Bar ~~Association~~ admissions staff for purposes of determining whether any of the factors set forth in Rule 21(a) are present.

**(b) Referral to Bar Counsel—Standard.** All applications and petitions which reflect one or more of the factors set forth in Rule 21(a) shall be referred to Bar Counsel for review.

**(c) Review By Bar Counsel.** Upon receiving a referral from the Bar admissions staff, Bar Counsel may conduct such further investigation as he or she deems necessary. Bar counsel may issue subpoenas to compel attendance of an applicant or witness, or the production of books, documents, or other evidence, at a deposition or hearing. Subpoenas shall be served in the same manner as in civil cases in the superior court. Any investigation or inquiry into a health diagnosis, alcohol or drug dependence, or treatment for either must comply with sections (e) and (f) of this Rule.

**(d) Referral for Hearing—Standard.** Bar Counsel shall refer to the Character and Fitness Board for hearing any Applicant about whom there is a substantial question whether the Applicant possesses the requisite good moral character and fitness to practice law. In determining whether a substantial question exists, Bar Counsel shall apply the factors and

considerations set forth in Rule 21(a) and review the material evidence in the light most favorable to the Bar ~~Association's~~ obligation to recommend the licensure or admission to the practice of law of only those persons who possess good moral character and fitness to practice law.

**(e) Basis for Inquiry into Health Diagnosis and Drug or Alcohol Dependence.** Any inquiry by the Bar ~~Association~~ or the Character and Fitness Board about drug or alcohol dependence, a health diagnosis, or treatment for either can occur only if it appears that the Applicant has engaged in conduct that demonstrates the inability to meet one or more of the essential eligibility requirements and (1) the drug or alcohol dependence, health diagnosis, or treatment information was disclosed voluntarily to explain the conduct or as a voluntary response to any question on the application; or (2) the ~~Association~~ or the Character and Fitness Board learns from a third-party source that the drug or alcohol dependence, health diagnosis, or treatment was raised as an explanation for the conduct.

**(f) Scope of Inquiry into Health Diagnosis and Drug or Alcohol Dependence.** When a basis for an inquiry by the Bar ~~Association~~ or the Character and Fitness Board has been established under section (e), any such inquiry must be narrowly, reasonably, and individually tailored and adhere to the following:

(1) The first inquiry will be to request statements from the Applicant;

(2) Following completion of the inquiry in section (f)(1) above, additional statements may be requested from treatment providers if reasonably deemed necessary by the Bar ~~Association~~ or the Character and Fitness Board. The statements of treatment providers shall be accorded considerable weight; and

(3) In those cases in which the statements from the Applicant and treatment providers do not resolve reasonable concerns about the Applicant's ability to meet the essential eligibility requirements, the Bar ~~Association~~ or Character and Fitness Board may seek medical or treatment records. Any requests for medical or treatment records shall be by way of narrowly tailored requests and releases that provide access only to information that is reasonably necessary to assess the Applicant's ability to meet the essential eligibility requirements.

(4) Any testimony or records from medical or other treatment providers may be admitted into evidence at a hearing on, or review of, the Applicant's fitness and transmitted with the record on review to the Disciplinary Board and/or the Supreme Court. Records and testimony regarding the Applicant's fitness shall otherwise be kept confidential in all respects and neither the records nor the testimony of the medical or treatment provider shall be discoverable or admissible in any other proceeding or action without the written consent of the Applicant.

### RULE 22.2 APPLICANT DUTIES AND RIGHTS

**(a) Duty of Applicant.** It shall be the duty of every Applicant to cooperate in good faith with any investigation by promptly furnishing written or oral explanations, documents, releases, authorizations, or anything else reasonably required by Bar Counsel, the Bar ~~Association~~ or the Charac-

ter and Fitness Board consistent with these rules. Failure to appear as directed or to furnish additional proof or answers as required or to cooperate fully shall be sufficient reason for the Board to reject or recommend the rejection of an application.

**(b) Applicant Contact with Character and Fitness Board.** Applicants shall not have direct contact with any member of the Character and Fitness Board from the time the Applicant's application is filed with the Bar Association until the matter is finally resolved by the Character and Fitness Board or the Supreme Court, except to the extent direct contact is required during the hearing. If the Applicant believes that communication with the Character and Fitness Board is necessary outside the hearing, such communication shall take place through Bar Counsel. If the Applicant believes that contact about the Applicant's matter with members of the Character and Fitness Board is necessary after the matter is finally resolved by the Character and Fitness Board or the Court, such contact should be made only through Bar Counsel.

**(c) Applicant Right to Counsel.** An applicant may be represented by counsel at any time during the application process.

#### RULE 23. CHARACTER AND FITNESS BOARD

**(a) Composition.** The Character and Fitness Board shall consist of not less than three community representatives who are not lawyers licensed to practice law, appointed by the Supreme Court, and not less than one lawyer, LLLT or LPO member from each congressional district, appointed by the Board of Governors. The validity of the Character and Fitness Board's actions is not affected if the Character and Fitness Board's makeup differs from the stated constitution due to a temporary vacancy in any of the specified positions.

**(b) Qualifications.** Lawyer, LLLT or LPO members must be active lawyers, LLLTs or LPOs members of the Bar Association and have been active members of the Bar Association for at least 5 years.

**(c) Character and Fitness Board Chair.** The Board of Governors shall annually designate one lawyer member of the Character and Fitness Board to act as chair and another as vice-chair. The vice-chair shall serve as chair in the absence of or at the request of the chair. If both the chair and the vice-chair will be absent from a meeting or hearing, the chair may appoint another member of the Character and Fitness Board to serve as chair pro tem at any hearing.

**(d) Vacancies.** Vacancies in lawyer membership on the Character and Fitness Board and in the office of the chair and vice-chair shall be filled by the Board of Governors. Vacancies in community representative membership shall be filled by the Supreme Court. A person appointed to fill a vacancy shall complete the unexpired term of the person he or she replaces, and if that unexpired term is less than 24 months he or she may be reappointed to a consecutive term.

**(e) Quorum.** A majority of the Character and Fitness Board members shall constitute a quorum. Given a quorum, the concurrence of a majority of those present shall constitute action of the Character and Fitness Board. In the event a quorum is not present, Bar Counsel and the Applicant may agree to waive the requirement of a quorum.

**(f) Disqualification.** In the event a grievance is made to the Bar Association alleging an act of misconduct by a lawyer, LLLT or LPO member of the Character and Fitness Board, the procedures specified in ELC 2.3 (b)(5) shall apply.

**(g) Pro Tempore Members.** When a member of the Character and Fitness Board is disqualified or unable to function on a case for good cause, the chair of the Character and Fitness Board may, by written order, designate a member pro tempore to sit with the Character and Fitness Board to hear and determine the cause. A member pro tempore may be appointed from among those persons who have previously served as members of the Character and Fitness Board (or its predecessor Character and Fitness Committee), or from among lawyers, LLLTs or LPOs appointed as alternate Character and Fitness Board members by the Board of Governors and community representatives appointed as alternate Character and Fitness Board members by the Supreme Court. A lawyer, LLLTs or LPO shall be appointed to substitute for a lawyer, LLLT or LPO member of the Character and Fitness Board, and a community representative to substitute for a community representative member of the Character and Fitness Board.

**(h) Voting.** Each member, whether community representative or lawyer, LLLT or LPO, shall have one vote.

**(i) Terms of Office.** The term of office for a member of the Character and Fitness Board shall be 3 years. Newly created Character and Fitness Board positions may be filled by appointments of less than 3 years, as designated by the Supreme Court or the Board of Governors, to permit as equal a number of positions as possible to be filled each year. All terms of office begin October 1 and end September 30 or when a successor has been appointed, whichever occurs later. Members may not serve more than two nonconsecutive terms with a minimum of three years between terms except as otherwise provided in these rules. Members shall continue to serve until replaced.

#### RULE 23.1. AUTHORITY OF CHARACTER AND FITNESS BOARD

**(a)** The Character and Fitness Board shall have the power and authority to:

**(1)** Conduct hearings concerning matters of character and fitness bearing upon the qualification of Applicants referred to the Character and Fitness Board by Bar Counsel and of all petitioners for reinstatement;

**(2)** Request medical or other treatment records, hear testimony from and ask questions of medical or other treatment providers in accordance with Rule 22.1 (e) and (f);

**(3)** Request an Applicant to submit to an Independent Medical Examination in accordance with Rule 24.1(f);

**(4)** Recommend the approval or denial of an Applicant's application after hearing;

**(5)** Issue subpoenas to compel attendance of an applicant or witness, or the production of books, documents, or other evidence, at a deposition or hearing, on the Character and Fitness Board's behalf or at the request of an Applicant. Subpoenas shall be served in the same manner as in civil cases in the superior court; and,

**(6)** Perform such other functions and take such other actions as provided in these rules or as may be delegated to it

by the Board of Governors or Supreme Court, or as may be necessary and proper to carry out its duties.

(b) No Character and Fitness Board member shall offer an opinion to an Applicant on whether the Applicant's record establishes good moral character and fitness to practice law until after the completion of a hearing regarding that Applicant's application or petition.

#### RULE 23.2 MEETINGS

The Character and Fitness Board shall hold meetings at such times and places as it may determine. Where the chair of the Character and Fitness Board determines that prompt action is necessary for protection of the public, and that circumstances do not permit a full meeting of the Character and Fitness Board, the Character and Fitness Board may vote on a matter otherwise ready for review without meeting together, through telephone, electronic or written communication.

#### RULE 23.4 CLERK

The Executive Director of the Bar ~~Association~~ may appoint a suitable person or persons to act as Clerk to the Character and Fitness Board, and to assist the Character and Fitness Board in carrying out its functions under these rules.

#### RULE 23.5. SERVICE

Unless otherwise agreed by the parties in writing, service of papers and documents shall be made by first class postage prepaid mail to the Applicant's, or his or her counsel's, last known address on record with the Bar ~~Association~~. If properly made, service by mail is deemed accomplished on the date of the mailing. Any notice of change of address shall be submitted in writing to the Bar ~~Association~~.

### RULE 24. CHARACTER AND FITNESS BOARD HEARINGS

#### RULE 24.1 HEARING PROCEDURE

(a) **Notice.** The Character and Fitness Board may fix a time and place for a hearing on the application, and Bar Counsel shall serve notice thereof not less than 30 days prior to the hearing upon the Applicant and upon such other persons as may be ordered by the Character and Fitness Board. This notice requirement may be waived by the Applicant.

(b) **Appearance and Right to Counsel.** Applicants shall appear in person at any hearing before the Character and Fitness Board, unless the Applicant's presence is waived by the Character and Fitness Board for good cause shown. The presumption is that the Applicant's personal attendance at the hearing will be required. An Applicant may be represented by counsel.

(c) **Burden of Proof.** An Applicant must establish by clear and convincing evidence that he or she is of good moral character and possesses the requisite fitness to practice law.

(d) **Proceedings Not Civil or Criminal.** Hearings before the Character and Fitness Board are not civil or criminal but are sui generis hearings to determine whether an Applicant is of good moral character and possesses the requisite fitness to practice law.

(e) **Rules of Evidence.**

(1) Evidentiary rulings shall be made by the Character and Fitness Board chair. A majority of Character and Fitness

Board members present may by vote overrule a ruling by the chair.

(2) Consistent with section (d) of this rule, evidence, including hearsay evidence, is admissible if in the chair's judgment it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The chairperson may exclude evidence that is irrelevant, immaterial, or unduly repetitious.

(3) Witnesses shall testify under oath; all testimony shall be transcribed by a certified court reporter.

(4) Expert witnesses shall appear and testify in person or by telephone or video conference before the Character and Fitness Board, unless in the discretion of the Character and Fitness Board their appearance before the Character and Fitness Board is waived.

(5) Generally, all documentary evidence to be submitted to the Character and Fitness Board for consideration must be delivered to Bar Counsel not less than 30 days prior to the hearing. Bar Counsel will provide copies of all documentary evidence, and any hearing briefs, memoranda, or other documentary material, to the Character and Fitness Board members and to the Applicant prior to the hearing date.

(6) The Character and Fitness Board may take notice of any judicially cognizable facts, or technical or scientific facts within a Character and Fitness Board member's specialized knowledge.

(7) Questioning of the Applicant and the Applicant's witnesses shall be conducted by Bar Counsel, by members of the Character and Fitness Board, and by the Applicant or the Applicant's counsel.

(8) The Character and Fitness Board may question medical or other treatment providers and seek medical or other treatment records consistent with the provisions of Rule 22.1(e), 22.1(f) and Rule 24.1(f).

(f) **Independent Medical Examination.** An independent medical examination may be requested by the Character and Fitness Board only when a basis for an inquiry by the Character and Fitness Board exists under Rule 22.1(e) and only after testimony and evidence presented at the hearing has failed to resolve the Character and Fitness Board's reasonable concerns regarding the Applicant's ability to meet the essential eligibility requirements to practice law. If the applicant has not previously been requested to provide information under APR 22.1 (f)(1), (2) and (3), the Character and Fitness Board shall provide the applicant with the opportunity to submit such information, within such reasonable timelines as the Character and Fitness Board shall establish, prior to requesting the independent medical examination.

(1) Time and Place. Any independent medical examination shall occur at a time and place convenient to the applicant and shall be conducted by a provider mutually agreed upon by the applicant and the Bar ~~Association~~.

(2) Failure to Comply: The failure of an Applicant to agree to or submit to a required independent medical examination shall result in the Applicant's application or petition being denied.

(3) Costs: The cost of any independent medical examination required by the Character and Fitness Board shall be borne by the Bar ~~Association~~.

(4) Report: The examining professional shall issue a written report of his or her findings which report shall be provided to the Applicant and his or her counsel, Bar Counsel and the Character and Fitness Board.

(5) Confidentiality of IME: Any report and testimony of an examining professional may be admitted into evidence at a hearing on, or review of, the Applicant's fitness and transmitted with the record on review to the Disciplinary Board and/or the Supreme Court. Reports and testimony regarding the Applicant's fitness shall otherwise be kept confidential in all respects and neither the report nor the testimony of the examining professional shall be discoverable or admissible in any other proceeding or action without the consent of the Applicant.

(6) Rebuttal to IME: Applicants shall have the right to provide rebuttal medical information from their treating clinicians if such information is provided within thirty (30) days from the receipt of the independent medical examination report ~~provided pursuant to section (i)~~.

(g) **Confidentiality:** All hearings and documents before the Character and Fitness Board on applications for admission or ~~limited admission to the Bar Association~~ licensure to practice law, admission to enrollment in the law clerk program, and return to active membership are confidential, but may be provided to the Disciplinary Board or Supreme Court in connection with any appeal or review, or to other entities with the written consent of the applicant.

#### RULE 24.2. DECISION AND RECOMMENDATION

(a) **Decision.** Within 30 days after the proceedings are concluded, or if a transcript is ordered, within 30 days after the transcript is received by the Character and Fitness Board, unless a greater or shorter period is directed by the Character and Fitness Board chair, the Character and Fitness Board will file with the ~~Bar Association~~ written findings of fact, conclusions of law, and a recommendation. Any Character and Fitness Board member or members may file a written dissent within the same time period.

(b) **Action on Character and Fitness Board Recommendation.** The recommendation of the Character and Fitness Board shall be served upon the Applicant pursuant to Rule 23.5.

(1) If the Character and Fitness Board recommends admission, the record, recommendation and all exhibits shall be transmitted to the Supreme Court for disposition.

(2) If the Character and Fitness Board recommends against admission, the record and recommendation shall be retained in the office of the ~~Bar Association~~ unless the Applicant requests that it be submitted to the Supreme Court by filing a Notice of Appeal with the Character and Fitness Board within 15 days of service of the recommendation of the Character and Fitness Board. If the Applicant so requests, the Character and Fitness Board will transmit the record, including the transcript, exhibits, and recommendation to the Supreme Court for review and disposition. The Applicant must pay to the Supreme Court any fee required by the Court in connection with the appeal and review.

(c) **Reapplication.** No application for admission or a license to practice law may be filed within a period of one year after a decision of the Character and Fitness Board rec-

ommending against admission or licensure that is not appealed to the Supreme Court, and the ~~Bar Association~~ shall maintain a record of the application, hearing and Character and Fitness Board recommendation in the ~~Bar Association~~ records.

#### RULE 24.3. ACTION ON SUPREME COURT'S DETERMINATION

(a) **Application Approved.** If the application is approved by the Supreme Court, admission shall be subject to the Applicant's taking and passing any required qualifying examinations and complying with all other requirements for admission or the license to practice law.

(b) **Application Denied.** If the application is denied, the ~~Bar Association~~ shall maintain a record of the application, hearing, and appeal in the ~~Bar Association~~ records. No new petition for admission or a license to practice law shall be filed within a period of one year after the date of the Supreme Court decision denying the application.

#### RULE 25. PETITIONS FOR REINSTATEMENT AFTER DISBARMENT

##### RULE 25.1. RESTRICTIONS ON REINSTATEMENT

(a) **Petitions For Reinstatement.** All Petitions for Reinstatement after Disbarment shall be referred for hearing before the Character and Fitness Board. The provisions of Rules 20 through 24.3 shall apply to Petitions for Reinstatement unless otherwise provided for in rules 25 through 25.6.

(b) **When Petition May Be Filed.** No petition for reinstatement shall be filed within a period of five years after disbarment or within a period of two years after an adverse decision of the Supreme Court upon a former petition, or after an adverse recommendation of the Character and Fitness Board or the Disciplinary Board on a former petition when that recommendation is not submitted to the Supreme Court. If prior to disbarment the lawyer, LLLT or LPO was suspended from the practice of law pursuant to the provisions of Title 7 of the Rules for Enforcement of Lawyer Conduct, or any comparable rule, the period of such suspension shall be credited toward the five years referred to above.

(c) **When Reinstatement May Occur.** No disbarred lawyer, LLLT or LPO may be reinstated sooner than six years following disbarment. If prior to disbarment the lawyer, LLLT or LPO was suspended from the practice of law pursuant to the provisions of Title 7 of the Rules for Enforcement of Lawyer Conduct, or any comparable rule, the period of such suspension shall be credited toward the six years referred to above.

(d) **Payment of Obligations.** No disbarred lawyer, LLLT or LPO may file a petition for reinstatement until costs and expenses and restitution ordered by the Disciplinary Board or the Supreme Court have been paid and until amounts paid out of the ~~Lawyers' Fund for Client Protection Fund~~ for losses caused by the conduct of the Petitioner have been repaid to the client protection fund, or until periodic payment plans for costs and expenses, restitution and repayment to the client protection fund have been entered into by agreement between the Petitioner and disciplinary counsel. A Petitioner may seek review by the Chair of the Disciplinary Board of an adverse determination by disciplinary counsel regarding the reasonableness of any such proposed periodic

payment plan. Such review will proceed as directed by the Chair of the Disciplinary Board and the decision of the Chair of the Disciplinary Board is final unless the Chair of the Disciplinary Board determines that the matter should be reviewed by the Disciplinary Board, in which case the Disciplinary Board review will proceed as directed by the Chair and the decision of the Disciplinary Board will be final.

#### RULE 25.2. REVERSAL OF CONVICTION

If a lawyer, LLLT or LPO has been disbarred solely because of his or her conviction of a crime and the conviction is later reversed and the charges dismissed on their merits, the Supreme Court may in its discretion, upon direct application by the lawyer, LLLT or LPO, enter an order reinstating the lawyer, LLLT or LPO upon such conditions as determined by the Supreme Court. At the time such direct application is filed with the court a copy shall be filed with the Bar Association. The Supreme Court may request a response to the application from the Bar Association.

#### RULE 25.3. PETITIONS AND INVESTIGATIONS

**(a) Form of Petition.** A petition for reinstatement after disbarment shall be in writing and filed with the Bar Association. The petition shall set forth the residence and address of the Petitioner, the date of disbarment, and a concise statement of facts claimed to justify reinstatement. The petition shall be accompanied by the total fees required of a lawyer, LLLT or LPO Applicant for admission under these rules, and by a completed application for admission.

**(b) Investigations.** The petition for reinstatement shall be referred to the Character and Fitness Board for hearing. Bar Counsel and Bar Admissions staff shall conduct such investigation as appears necessary, and in accordance with APR 20-24.3.

**(c) Duty to Cooperate.** It shall be the duty of every Petitioner to cooperate in good faith with any investigation by promptly furnishing written or oral explanations, documents, releases, authorizations, or anything else reasonably required by the Character and Fitness Board or Bar Counsel. Failure to appear as directed or to furnish additional proof or answers as required or to cooperate fully shall be sufficient reason for the Board to recommend the rejection of a petition.

**(d) Proceedings Public.** A petition for reinstatement after disbarment shall be a public proceeding from the time the petition is filed.

**(e) Protective Orders.** To protect a compelling interest, a Petitioner may, on a showing of good cause, move for a protective order prohibiting the disclosure or release of specific information, documents, or pleadings, and directing that the proceedings be conducted so as to implement the order.

#### RULE 25.4. HEARING BEFORE CHARACTER AND FITNESS BOARD

**(a) Notice.** The Character and Fitness Board may fix a time and place for a hearing on the petition, and Bar Counsel shall serve notice thereof not less than 30 days prior to the hearing upon the Petitioner and upon such other persons as may be determined by Bar Counsel or as ordered by the Character and Fitness Board. Notice of the hearing shall also be published at least once in the Bar Association's official publication members' magazine and such other newspaper or peri-

odical as the Character and Fitness Board may direct. Such published notice shall contain a statement that a petition for reinstatement has been filed and shall give the date fixed for the hearing.

**(b) Statement in Support or Opposition.** On or prior to the date of hearing, anyone wishing to do so may file with the Character and Fitness Board a written statement for or against the petition, such statements to set forth factual matters showing that the Petitioner does or does not meet the requirements for reinstatement as set forth in these rules.

**(c) Hearings.** Hearings shall be conducted pursuant to Rule 24.1 except to the extent that provisions of rules 25-25.6 conflict with the provisions of Rule 24.1, and except that such hearings shall be public.

#### RULE 25.5. ACTION BY CHARACTER AND FITNESS BOARD

**(a) Requirements for Favorable Recommendation.** Reinstatement may be recommended by the Character and Fitness Board only upon a showing, supported by clear and convincing evidence, that the Petitioner possesses the requisite good moral character and fitness to practice law as set forth in these rules and that the Petitioner has been rehabilitated.

**(b) Rehabilitation—Factors Considered by the Character and Fitness Board.** In reaching the decision of whether the Petitioner has been rehabilitated, the Character and Fitness Board shall consider the factors set forth in Rule 21(b), where applicable, and the following factors:

(i) The Petitioner's character, standing, and professional reputation in the community in which the Petitioner resided and practiced prior to disbarment;

(ii) The ethical standards which the Petitioner observed in the practice of law;

(iii) The nature and character of the conduct for which the Petitioner was disbarred;

(iv) The sufficiency of the punishment undergone in connection therewith, and the making or failure to make restitution where required;

(v) The Petitioner's attitude, conduct, and reformation subsequent to disbarment;

(vi) The time that has elapsed since disbarment;

(vii) The Petitioner's current proficiency in the law; and

(viii) The sincerity, frankness, and truthfulness of the Petitioner in presenting and discussing the factors relating to the Petitioner's disbarment and reinstatement.

**(c) Non-Discrimination.** The Bar Association and the Character and Fitness Board shall not discriminate against any petitioner based on the factors in Rule 21(c).

**(d) Action on Character and Fitness Board Recommendation.** The recommendation of the Character and Fitness Board shall be served upon the Petitioner pursuant to Rule 23.5. If the Character and Fitness Board recommends reinstatement, the record and recommendation shall be transmitted to the Supreme Court for disposition. If the Character and Fitness Board recommends against reinstatement, the record and recommendation shall be retained in the office of the Bar Association unless the Petitioner requests that it be submitted to the Disciplinary Board by filing with the Clerk of the Disciplinary Board a request for Disciplinary Board review within 15 days of service of the recommendation of

the Character and Fitness Board. If the Petitioner so requests, the record and recommendation shall be transmitted to the Disciplinary Board for disposition and the review will be conducted under the procedure of rules 11.9 and 11.12 of the Rules for Enforcement of Lawyer Conduct. If the Petitioner does not so request, the record and recommendation shall be retained in the records of the Bar Association and the Petitioner shall still be responsible for payment of the costs incidental to the reinstatement proceeding as directed by the Character and Fitness Board.

**(e) Action on Disciplinary Board Recommendation.**

The recommendation of the Disciplinary Board shall be served upon the Petitioner. If the Disciplinary Board recommends reinstatement, the record and recommendation shall be transmitted to the Supreme Court for disposition. If the Disciplinary Board recommends against reinstatement, the record and recommendation shall be retained in the office of the Bar Association unless the Petitioner requests that it be submitted to the Supreme Court by filing with the Clerk of the Disciplinary Board a request for Supreme Court review within 30 days of service of the recommendation. If the Petitioner so requests, the record and recommendation shall be transmitted to the Supreme Court for disposition. If the Petitioner does not so request, the record and the recommendation shall be retained in the records of the Bar Association and the Petitioner shall still be responsible for payment of the costs incidental to the reinstatement proceeding as directed by the Disciplinary Board under the procedure of rule 13.9 of the Rules for Enforcement of Lawyer Conduct.

**RULE 25.6. ACTION ON SUPREME COURT'S DETERMINATION**

**(a) Petition Approved.** If the petition for reinstatement is approved by the Supreme Court, the reinstatement shall be subject to the Petitioner's taking and passing the ~~bar~~ examination required for the relevant license type, completing all requirements for admission, paying to the Bar Association ~~it's~~ the required license fee in the appropriate amount for the current year plus any mandatory assessments, and paying the costs incidental to the reinstatement proceeding as directed by the Supreme Court.

**(b) Petition Denied.** If the petition for reinstatement is denied, the Petitioner shall still be responsible for payment of the costs incidental to the reinstatement proceeding as directed by the Supreme Court.

**SUGGESTED AMENDMENTS TO APR 26 (Redline)**

**TITLE**

ADMISSION AND PRACTICE RULES (APR)

**RULE 26. INSURANCE DISCLOSURE**

**(a)** Each active lawyer member of the Bar Association shall certify annually in a form and manner approved by the ~~Bar Board of Governors~~ by the date specified by the ~~Bar form~~ (1) whether the lawyer is engaged in the private practice of law; (2) if engaged in the private practice of law, whether the lawyer is currently covered by professional liability insurance; (3) whether the lawyer intends to maintain insurance during the period of time the lawyer is engaged in the private practice of law; and (4) whether the lawyer is engaged in the practice of law as a full-time government lawyer or is counsel employed by an organizational client and does not represent

clients outside that capacity. Each active lawyer ~~admitted to the active practice of law~~ who reports being covered by professional liability insurance shall certify in a form and manner prescribed by ~~notify~~ the Bar Association in writing within 30 days if the insurance policy providing coverage lapses, is no longer in effect or terminates for any reason.

**(b)** The information submitted pursuant to this rule will be made available to the public by such means as may be designated by the ~~Bar Board of Governors~~, which may include publication on the website maintained by the Bar Association.

**(c)** Any active lawyer ~~admitted to the active practice of law~~ who fails to comply with this rule by the date specified by the Bar in section (a) may be ordered suspended from the practice of law by the Supreme Court until such time as the lawyer complies. Supplying false information in response to this rule shall subject the lawyer to appropriate disciplinary action.

**SUGGESTED AMENDMENTS TO APR 27 (Redline)**

**TITLE**

ADMISSION AND PRACTICE RULES (APR)

**RULE 27. PROVISION OF LEGAL SERVICES FOLLOWING DETERMINATION OF MAJOR DISASTER**

**(a) Determination of Existence of Major Disaster.** Solely for purposes of this Rule, the Supreme Court shall determine when an emergency affecting the justice system, as a result of a natural or other major disaster, has occurred in:

(1) Washington and whether the emergency caused by the major disaster affects the entirety or only a part of the State of Washington, or

(2) another jurisdiction, but only after such a determination and its geographical scope have been made by the highest court of that jurisdiction. The authority to engage in the temporary practice of law in Washington pursuant to paragraph (c) shall extend only to lawyers who principally practice in the area of such other jurisdiction determined to have suffered a major disaster causing an emergency affecting the justice system and the provision of legal services.

**(b) Temporary Practice in Washington Following Major Disaster in Washington.** Following the determination of an emergency affecting the justice system in Washington pursuant to paragraph (a) of this Rule, or a determination that persons displaced by a major disaster in another jurisdiction and residing in Washington are in need of pro bono services and the assistance of lawyers from outside of Washington is required to help provide such assistance, a lawyer authorized to practice law in another United States jurisdiction, and not disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction, may provide legal services in Washington on a temporary basis. Such legal services must be provided on a pro bono basis without compensation, expectation of compensation or other direct or indirect pecuniary gain to the lawyer. Such legal services shall be supervised by a lawyer licensed to practice in Washington and assigned by a qualified legal services provider as defined in APR 1 Rule 8(e) or as otherwise ordered by the Supreme Court. A qualified legal services provider shall be entitled to receive all court-awarded attorney's fees for any representation rendered by the assigned lawyer pursu-

ant to this Rule. When a lawyer authorized to practice under this rule signs correspondence or pleadings, the lawyer's signature shall be followed by the title "active disaster relief lawyer."

**(c) Temporary Practice in Washington Following Major Disaster in Another Jurisdiction.** Following the determination of a major disaster in another United States jurisdiction, a lawyer who is authorized to practice law and who principally practices in that affected jurisdiction, and who is not disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction, may provide legal services in Washington on a temporary basis. Those legal services must arise out of and be reasonably related to that lawyer's practice of law in the jurisdiction, or area of such other jurisdiction, where the major disaster occurred.

**(d) Duration of Authority for Temporary Practice.** The authority to practice law in Washington granted by paragraph (b) of this Rule shall end when the Supreme Court determines that the emergency affecting the justice system caused by the major disaster in Washington has ended except that a lawyer then representing clients in Washington pursuant to paragraph (b) is authorized to continue the provision of legal services for such time as is reasonably necessary to complete the representation, but the lawyer shall not thereafter accept new clients. The authority to practice law in Washington granted by paragraph (c) of this Rule shall end 60 days after the Supreme Court declares that the emergency affecting the justice system caused by the major disaster in the affected jurisdiction has ended.

**(e) Court Appearances.** The authority granted by this Rule does not include appearances in court except:

(1) pursuant to Rule 8(b) and, if such authority is granted, any fees for such admission shall be waived; or

(2) if the Supreme Court, in any determination made under paragraph (a) of this Rule, grants blanket permission to appear in all or designated courts of Washington to lawyers providing legal services pursuant to paragraph (b) of this Rule. If such an authorization is included, any admission fees shall be waived.

**(f) Disciplinary Authority and Registration Requirement and Approval.** Lawyers providing legal services in Washington pursuant to paragraphs (b) or (c) are subject to the disciplinary authority of Washington and the Washington Rules of Professional Conduct as provided in Rule 8.5 of the Rules of Professional Conduct. Lawyers providing legal services in Washington under paragraphs (b) or (c) must file a registration statement with the ~~Washington State Bar Association~~. The registration statement shall be in a form prescribed by the ~~Bar Association~~. Any lawyer seeking to provide legal services pursuant to this rule must be approved by the Supreme Court before being authorized to provide such legal services. Any lawyer who provides legal services pursuant to this Rule shall not be considered to be engaged in the unlawful practice of law in Washington.

**(g) Notification to Clients.** Lawyers licensed to practice law in another United States jurisdiction who provide legal services pursuant to this Rule shall inform clients in Washington of the jurisdiction in which they are licensed to practice law, any limits on that license, and that they are not authorized to practice law in Washington except as permitted

by this Rule. They shall not state or imply to any person that they are otherwise licensed to practice law in Washington.

#### SUGGESTED AMENDMENTS TO APR 28 (Redline)

##### TITLE

##### TITLE

ADMISSION AND PRACTICE RULES (APR)

#### RULE 28. LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS

**A. Purpose.** The Civil Legal Needs Study (2003), commissioned by the Supreme Court, clearly established that the legal needs of the consuming public are not currently being met. The public is entitled to be assured that legal services are rendered only by qualified trained legal practitioners. Only the legal profession is authorized to provide such services. The purpose of this rule is to authorize certain persons to render limited legal assistance or advice in approved practice areas of law. This rule shall prescribe the conditions of and limitations upon the provision of such services in order to protect the public and ensure that only trained and qualified legal practitioners may provide the same. This rule is intended to permit trained Limited License Legal Technicians to provide limited legal assistance under carefully regulated circumstances in ways that expand the affordability of quality legal assistance which protects the public interest.

**B. Definitions.** For purposes of this rule, the following definitions will apply:

(1) "APR" means the Supreme Court's Admission to Practice Rules.

(2) "LLLT Board" ~~when used alone~~ means the Limited License Legal Technician Board.

(3) "Lawyer" means a person licensed as a lawyer and eligible to practice law in any United States jurisdiction.

(4) "Limited License Legal Technician" (LLL)T means a person qualified by education, training and work experience who is authorized to engage in the limited practice of law in approved practice areas of law as specified by this rule and related regulations. 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 se client.

(5) "Paralegal/legal assistant" means a person qualified by education, training, or work experience; who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity; and who performs specifically delegated substantive law-related work for which a lawyer is responsible.

(6) "Reviewed and approved by a Washington lawyer" means that a Washington lawyer has personally supervised the legal work and documented that supervision by the Washington lawyer's signature and bar number.

(7) "Substantive law-related work" means work that requires knowledge of legal concepts and is customarily, but not necessarily, performed by a lawyer.

(8) "Supervised" means a lawyer personally directs, approves; and has responsibility for work performed by the Limited License Legal Technician.

(9) "Washington lawyer" means a person licensed and eligible to practice law in Washington and who is an active or

emeritus pro bono lawyer member of the ~~Washington State Bar Association~~.

(10) Words of authority:

(a) "May" means "has discretion to," "has a right to," or "is permitted to."

(b) "Must" or "shall" means "is required to."

(c) "Should" means "recommended but not required."

### C. Limited License Legal Technician Board

(1) *Establishment*. There is hereby established a Limited License Legal Technician Board (LLLT Board). The LLLT Board shall consist of 15 voting members appointed by the Supreme Court of the State of Washington, nine of whom shall be active Washington lawyers, and four of whom shall be nonlawyer, and one non-voting ex officio member who is a representative of the Washington State Board of Community and Technical Colleges. At least one member shall be a legal educator. At least 11 members shall be Washington lawyers, LLLTs or LPOs. Of those 11 members, at least nine shall be active lawyers or LLLTs, and no more than two may be LPOs, or judicial or emeritus pro bono lawyers or LLLTs. Four members of the LLLT Board shall be Washington residents who do not have a license to practice law. The members shall initially be appointed to staggered terms of one to three years. Thereafter, appointments shall be for staggered three year terms. No member may serve more than two consecutive full three year terms. The validity of the Board's actions is not affected if the Board's makeup differs from the stated constitution due to a temporary vacancy in any of the specified positions.

(2) *LLLT Board Responsibilities*. The LLLT Board shall be responsible for the following:

(a) Recommending practice areas of law for LLLTs, subject to approval by the Supreme Court;

~~(b) Processing applications and fees, and screening applicants;~~

~~(c) Working with the Bar and other appropriate entities to select, create, maintain, and grade~~ Administering the examinations required under this rule which shall, at a minimum, cover the rules of professional conduct applicable to LLLTs, rules relating to the attorney-client privilege, procedural rules, and substantive law issues related to one or more approved practice areas;

~~(d) Determining LLLT Continuing Legal Education (LLLT CLE) requirements and approval of LLLT CLE programs;~~

~~(e) Approving education and experience requirements for licensure in approved practice areas;~~

~~(f) Establishing and overseeing committees and tenure of members;~~

~~(g) Establishing and collecting examination fees, LLLT CLE fees, annual license fees, and other fees in such amounts approved by the Supreme Court as are necessary to carry out the duties and responsibilities of the Board;~~

~~(h) Establishing and maintaining criteria for approval of educational programs that offer LLLT core curriculum; and~~

~~(i) Such other activities and functions as are expressly provided for in this rule.~~

(3) *Rules and Regulations*. The LLLT Board shall propose rules, and regulations and amendments to these rules

and regulations, to implement and carry out the provisions of this rule, for adoption by the Supreme Court, that:

~~(a) Establish procedures for grievance and disciplinary proceedings;~~

~~(b) Establish trust account requirements and procedures;~~

~~(c) Establish rules of professional and ethical conduct; and~~

~~(d) Implement the other provisions of this rule.~~

~~(4) Administration and Expenses of the Board~~. The ~~Washington State Bar Association shall provide reasonably necessary administrative support for the LLLT Board. Members of the Board shall not be compensated for their services but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties according to the Washington State Bar Association's expense policies. Funds accumulated from examination fees, annual fees, and other revenues shall be used to defray the expenses of the Board. All anticipated expenses and revenues shall be submitted on a proposed budget for approval by the Washington State Bar Association's Board of Governors. All notices and filings required by these Rules, including applications for admission as a LLLT, shall be sent to the headquarters of the Bar.~~

~~(5) Expenses of the LLLT Board~~. Members of the LLLT Board shall not be compensated for their services but shall be reimbursed for actual reasonable and necessary expenses incurred in the performance of their duties according to the Bar's expense policies.

~~D. [Reserved.] Requirements for Applicants~~. An applicant for licensure as an LLLT shall:

~~(1) Age~~. Be at least 18 years of age.

~~(2) Moral Character and Fitness to Practice~~. Be of good moral character and demonstrate fitness to practice as an LLLT.

~~(3) Education~~. Have the following education, unless waived by the Board through regulation:

~~(a) An associate level degree or higher;~~

~~(b) 45 credit hours of core curriculum instruction in paralegal studies as approved by the Board with instruction to occur at:~~

~~(i) an ABA approved law school;~~

~~(ii) an educational institution with an ABA approved paralegal education program; or~~

~~(iii) an educational institution with an LLLT core curriculum program approved by the Board.~~

~~(c) In each practice area in which an applicant seeks licensure, instruction in the approved practice area, which must be based on a curriculum developed by or in conjunction with an ABA approved law school. For each approved practice area, the Board shall determine the key concepts or topics to be covered in the curriculum and the number of credit hours of instruction required for admission in that practice area;~~

~~(d) For the purposes of satisfying APR 28 (D)(3), one credit hour shall be equivalent to 450 minutes of instruction.~~

~~(4) Application~~. Execute under oath and file with the Board his/her application, in such form as the Board requires. An applicant's failure to furnish information requested by the Board or pertinent to the pending application may be grounds for denial of the application.



~~(5) Examination Fee.~~ Pay, upon the filing of the application, the examination fee and any other required application fees as established by the Board and approved by the Supreme Court.

**E. [Reserved.] Licensing Requirements.** In order to be licensed as a Limited License Legal Technician, all applicants must:

~~(1) Examination.~~ Take and pass the examinations required under these rules;

~~(2) Experience.~~ Acquire 3,000 hours of substantive law-related work experience supervised by a licensed lawyer. The experience must be acquired no more than three years prior to licensure and no more than three years after passing the examination;

~~(3) Annual License Fee.~~ Pay the annual license fee;

~~(4) Financial Responsibility.~~ Show proof of ability to respond in damages resulting from his or her acts or omissions in the performance of services permitted by this rule. The proof of financial responsibility shall be in such form and in such amount as the Board may by regulation prescribe; and

~~(5) Meet all other licensing requirements set forth in the rules and regulations proposed by the Board and adopted by the Supreme Court.~~

**F. Scope of Practice Authorized by Limited Practice Rule.** The Limited License Legal Technician shall ascertain whether the issue is within the defined practice area for which the LLLT is licensed. If it is not, the LLLT shall not provide the services required on this issue and shall inform the client that the client should seek the services of a lawyer. If the issue is within the defined practice area, the LLLT may undertake the following:

(1) Obtain relevant facts, and explain the relevancy of such information to the client;

(2) Inform the client of applicable procedures, including deadlines, documents which must be filed, and the anticipated course of the legal proceeding;

(3) Inform the client of applicable procedures for proper service of process and filing of legal documents;

(4) Provide the client with self-help materials prepared by a Washington lawyer or approved by the LLLT Board, which contain information about relevant legal requirements, case law basis for the client's claim, and venue and jurisdiction requirements;

(5) Review documents or exhibits that the client has received from the opposing side, and explain them to the client;

(6) Select, complete, file, and effect service of forms that have been approved by the State of Washington, either through a governmental agency or by the Administrative Office of the Courts or the content of which is specified by statute; federal forms; forms prepared by a Washington lawyer; or forms approved by the LLLT Board; and advise the client of the significance of the selected forms to the client's case;

(7) Perform legal research;

(8) Draft letters setting forth legal opinions that are intended to be read by persons other than the client, and draft documents beyond what is permitted in paragraph (6), if the work is reviewed and approved by a Washington lawyer;

(9) Advise a client as to other documents that may be necessary to the client's case, and explain how such additional documents or pleadings may affect the client's case;

(10) Assist the client in obtaining necessary documents, such as birth, death, or marriage certificates.

**G. Conditions Under Which A Limited License Legal Technician May Provide Services**

~~(1) A Limited License Legal Technician must have a principal place of business having a physical street address for the acceptance of service of process in the State of Washington;~~

~~(2) A Limited License Legal Technician must personally perform the authorized services for the client and may not delegate these to a nonlicensed person. Nothing in this prohibition shall prevent a person who is not a licensed LLLT from performing translation services;~~

~~(3) Prior to the performance of the services for a fee, the Limited License Legal Technician shall enter into a written contract with the client, signed by both the client and the Limited License Legal Technician, that includes the following provisions:~~

~~(a) An explanation of the services to be performed, including a conspicuous statement that the Limited License Legal Technician may not appear or represent the client in court, formal administrative adjudicative proceedings, or other formal dispute resolution process or negotiate the client's legal rights or responsibilities, unless permitted under GR 24(b);~~

~~(b) Identification of all fees and costs to be charged to the client for the services to be performed;~~

~~(c) A statement that upon the client's request, the LLLT shall provide to the client any documents submitted by the client to the Limited License Legal Technician;~~

~~(d) A statement that the Limited License Legal Technician is not a lawyer and may only perform limited legal services. This statement shall be on the first page of the contract in minimum twelve-point bold type print;~~

~~(e) A statement describing the Limited License Legal Technician's duty to protect the confidentiality of information provided by the client and the Limited License Legal Technician's work product associated with the services sought or provided by the Limited License Legal Technician;~~

~~(f) A statement that the client has the right to rescind the contract at any time and receive a full refund of unearned fees. This statement shall be conspicuously set forth in the contract; and~~

~~(g) Any other conditions required by the rules and regulations of the LLLT Board.~~

~~(34) A Limited License Legal Technician may not provide services that exceed the scope of practice authorized by this rule, and shall inform the client, in such instance, that the client should seek the services of a lawyer.~~

~~(45) A document prepared by an LLLT shall include the LLLT's name, signature, and license number beneath the signature of the client.~~

**H. Prohibited Acts.** In the course of dealing with clients or prospective clients, a Limited License Legal Technician shall not:

(1) Make any statement that the Limited License Legal Technician can or will obtain special favors from or has special influence with any court or governmental agency;

(2) Retain any fees or costs for services not performed;

(3) Refuse to return documents supplied by, prepared by, or paid for by the client, upon the request of the client. These documents must be returned upon request even if there is a fee dispute between the Limited License Legal Technician and the client;

(4) Represent or advertise, in connection with the provision of services, other legal titles or credentials that could cause a client to believe that the Limited License Legal Technician possesses professional legal skills beyond those authorized by the license held by the Limited License Legal Technician;

(5) Represent a client in court proceedings, formal administrative adjudicative proceedings, or other formal dispute resolution process, unless permitted by GR 24;

(6) Negotiate the client's legal rights or responsibilities, or communicate with another person the client's position or convey to the client the position of another party, unless permitted by GR 24(b);

(7) Provide services to a client in connection with a legal matter in another state, unless permitted by the laws of that state to perform such services for the client;

(8) Represent or otherwise provide legal or law related services to a client, except as permitted by law, this rule or associated rules and regulations;

(9) Otherwise violate the Limited License Legal Technicians' Rules of Professional Conduct.

#### **I. Continuing Licensing Requirements**

(1) Continuing Education Requirements. Each active Limited License Legal Technician annually must complete a minimum number of credit hours of approved or accredited education, as prescribed by APR 11. ~~the Board approved number of credit hours in courses or activities approved by the Board, provided that the Limited License Legal Technician shall not be required to comply with this subsection during the calendar year in which he or she is initially licensed.~~

(2) Financial Responsibility. Each LLLT shall show proof of ability to respond in damages resulting from his or her acts or omissions in the performance of services permitted under APR 28 by:

a. submitting an individual professional liability insurance policy in the amount of at least \$100,000 per claim and a \$300,000 annual aggregate limit;

b. submitting a professional liability insurance policy of the employer or the parent company of the employer who has agreed to provide coverage for the LLLT's ability to respond in damages in the amount of at least \$100,000 per claim and a \$300,000 annual aggregate limit; or

c. submitting proof of indemnification by the LLLT's government employer.

~~Each Limited License Legal Technician shall annually provide proof of financial responsibility in such form and in such amount as the Board may by regulation prescribe.~~

(3) License Fees and Assessments. Each Limited License Legal Technician must pay the annual license fee established by the Board of Governors, subject to review by the Supreme

Court, and any mandatory assessments as ordered by the Supreme Court. Provisions in the Bar's Bylaws regarding procedures for assessing and collecting lawyer license fees and late fees, and regarding deadlines, rebates, apportionment, fee reductions, and exemptions, and any other issues relating to fees and assessments, shall also apply to LLLT license fees and late fees. Failure to pay may result in suspension from practice pursuant to APR 17.. ~~Annual Fee. Each Limited License Legal Technician shall pay the annual license fee established by the Board and approved by the Supreme Court.~~

(4) Trust Account. Each active Limited License Legal Technician shall annually certify compliance with Rules 1.15A and 1.15B of the LLLT Rules of Professional Conduct. Such certification shall be filed in a form and manner as prescribed by the Bar and shall include the bank where each account is held and the account number. Failure to certify may result in suspension from practice pursuant to APR 17.

**J. Existing Law Unchanged.** This rule shall in no way modify existing law prohibiting the unauthorized practice of law nonlawyers from practicing law or giving legal advice other than as authorized under this rule or associated rules and regulations.

#### **K. Professional Responsibility and Limited License Legal Technician-Client Relationship**

(1) Limited License Legal Technicians acting within the scope of authority set forth in this rule shall be held to the standard of care of a Washington lawyer.

(2) Limited License Legal Technicians shall be held to the ethical standards of the Limited License Legal Technicians' Rules of Professional Conduct, which shall create an LLLT IOLTA program for the proper handling of funds coming into the possession of the Limited License Legal Technician.

(3) The Washington law of attorney-client privilege and law of a lawyer's fiduciary responsibility to the client shall apply to the Limited License Legal Technician-client relationship to the same extent as it would apply to an attorney-client relationship.

#### **L. Confidentiality and Public Records.**

(1) GR 12.4 shall apply to access to LLLT Board records.

(2) ~~Unless expressly authorized by the Supreme Court or by the applicant, all application records, including related investigation files, documents, and proceedings, for the limited admission to the practice of law as an LLLT are confidential and shall be privileged against disclosure, except as necessary to conduct an investigation, hearing, appeal, or review pursuant to these rules.~~

(3) ~~Unless expressly authorized by the Supreme Court, all examination questions, scoring keys, and other examination data used by the Board to administer the LLLT licensing examinations are not subject to public disclosure.~~

(4) ~~Unless expressly authorized by the Supreme Court or the LLLT, the following Board and Bar records are exempt from public access: personal information in Board and Bar records for LLLTs and Board members to the extent that disclosure would violate their right of privacy, including home contact information (unless such information is their address of record), Social Security numbers, driver's license numbers,~~

identification or security photographs held in Board and Bar records, and personal data including ethnicity, race, disability status, gender, and sexual orientation. LLLT license status, license number, dates of admission or licensing, addresses of record, and business telephone numbers, facsimile numbers, and electronic mail addresses (unless there has been a request that electronic mail addresses not be made public) shall not be exempt, provided that any such information shall be exempt if the Chair of the Board approves the confidentiality of that information for reasons of personal security or other compelling reasons, which approval must be reviewed annually.

**M. Inactive Status.** An LLLT may request transfer to inactive status after being admitted. An LLLT on inactive status is required to pay an annual license fee as established by the Board of Governors and approved by the Supreme Court.

**N. Reinstatement to Active Status.** An LLLT on inactive status may return to active status by filing an application and complying with the procedures set forth for lawyer members of the Bar in the Bar's Bylaws.

**O. Voluntary Resignation.** Any Limited License Legal Technician may request to voluntarily resign the LLLT license by notifying the Bar in such form and manner as the Bar may prescribe. If there is a disciplinary investigation or proceeding then pending against the LLLT, or if the LLLT has knowledge that the filing of a grievance of substance against such LLLT is imminent, resignation is permitted only under the provisions of the applicable disciplinary rules. An LLLT who resigns the LLLT license cannot practice law in Washington in any manner, unless they are otherwise licensed or authorized to do so by the Supreme Court.

#### APPENDIX APR 28. REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL TECHNICIAN BOARD

##### REGULATION 1: ~~RESERVED~~ IN GENERAL

~~Every person desiring to be licensed and to maintain licensure as a Limited License Legal Technician (LLL) pursuant to Admission to Practice Rule (APR) 28 shall satisfy all of the requirements of APR 28 and Appendix APR 28.~~

~~To facilitate prompt administration of APR 28 and these regulations, designated staff of the Washington State Bar Association (Association) may act on behalf of the LLLT Board under APR 28 and these regulations.~~

##### REGULATION 2: PRACTICE AREAS—SCOPE OF PRACTICE AUTHORIZED BY LIMITED LICENSE LEGAL TECHNICIAN RULE

In each practice area in which an LLLT is licensed, the LLLT shall comply with the provisions defining the scope of practice as found in APR 28 and as described herein.

###### **A. Issues Beyond the Scope of Authorized Practice.**

An LLLT has an affirmative duty under APR 28F to inform clients when issues arise that are beyond the authorized scope of the LLLT's practice. When an affirmative duty under APR 28F arises, then the LLLT shall inform the client in writing that:

1. the issue may exist, describing in general terms the nature of the issue;
2. the LLLT is not authorized to advise or assist on this issue;

3. the failure to obtain a lawyer's advice could be adverse to the client's interests; and,

4. the client should consult with a lawyer to obtain appropriate advice and documents necessary to protect the client's interests.

After an issue beyond the LLLT's scope of practice has been identified, if the client engages a lawyer with respect to the issue, then an LLLT may prepare a document related to the issue only if a lawyer acting on behalf of the client has provided appropriate documents and written instructions for the LLLT as to whether and how to proceed with respect to the issue. If the client does not engage a lawyer with respect to the issue, then the LLLT may prepare documents that relate to the issue if:

1. The client informs the LLLT how the issue is to be determined and instructs the LLLT how to complete the relevant portions of the document, and

2. Above the LLLT's signature at the end of the document, the LLLT inserts a statement to the effect that the LLLT did not advise the client with respect to any issue outside of the LLLT's scope of practice and completed any portions of the document with respect to any such issues at the direction of the client.

The LLLT may proceed in the manner described above only if no other defined prohibitions apply.

###### **B. Domestic Relations.**

1. *Domestic Relations, Defined.* For the purposes of these Regulations, domestic relations shall include only: (a) child support modification actions, (b) dissolution actions, (c) domestic violence actions, except as prohibited by Regulation 2B(3), (d) committed intimate relationship actions only as they pertain to parenting and support issues, (e) legal separation actions, (f) major parenting plan modifications when the terms are agreed to by the parties before the onset of the representation by the LLLT, (g) minor parenting plan modifications, (h) parenting and support actions, (i) paternity actions, and (j) relocation actions, except as prohibited by Regulation 2B(3).

2. *Scope of Practice for Limited License Legal Technicians—Domestic Relations.* LLLTs in domestic relations may provide legal services to clients as provided in APR 28F, except as prohibited by APR 28H and Regulation 2B(3). Unless an issue beyond the scope arises or a prohibited act would be required, LLLTs may advise and assist clients (1) to initiate and respond to actions and (2) regarding motions, discovery, trial preparation, temporary and final orders, and modifications of orders.

3. *Prohibited Acts.* In addition to the prohibitions set forth in APR 28IT, in the course of dealing with clients or prospective clients, LLLTs licensed to practice in domestic relations:

- a. shall not represent more than one party in any domestic relations matter;
- b. shall not provide legal services:
  - i. in defacto parentage or nonparental custody actions; and
  - ii. if 25 U.S.C. Chapter 21, the Indian Child Welfare Act, or RCW 13.38, the Washington State Indian Child Welfare Act, applies to the matter;
- c. shall not advise or assist clients regarding:

i. division of owned real estate, formal business entities, or retirement assets that require a supplemental order to divide and award, which includes division of all defined benefit plans and defined contribution plans;

ii. bankruptcy, including obtaining a stay from bankruptcy;

iii. disposition of debts and assets, if one party is in bankruptcy or files a bankruptcy during the pendency of the proceeding, unless: (a) the LLLT's client has retained a lawyer to represent him/her in the bankruptcy, (b) the client has consulted with a lawyer and the lawyer has provided written instructions for the LLLT as to whether and how to proceed regarding the division of debts and assets in the domestic relations proceeding, or (c) the bankruptcy has been discharged;

iv. anti-harassment orders, criminal no contact orders, anti-stalking orders, and sexual assault protection orders in domestic violence actions;

v. jointly acquired committed intimate relationship property issues in committed intimate relationship actions;

vi. major parenting plan modifications unless the terms were agreed to by the parties before the onset of the representation by the LLLT;

vii. the determination of Uniform Child Custody Jurisdiction and Enforcement Act issues under RCW 26.27 or Uniform Interstate Family Support Act issues under RCW 26.21A unless and until jurisdiction has been resolved;

viii. objections to relocation petitions, responses to objections to relocation petitions, or temporary orders in relocation actions;

ix. final revised parenting plans in relocation actions except in the event of default or where the terms have been agreed to by the parties.

d. shall not appear or participate at the taking of a deposition; and

e. shall not initiate or respond to an appeal to an appellate court.

### REGULATION 3: EDUCATION REQUIREMENTS FOR LLLT APPLICANTS AND APPROVAL OF EDUCATIONAL PROGRAMS

An applicant for ~~licensure~~ admission as an LLLT shall satisfy the following education requirements:

#### A. Core Curriculum.

1. *Credit Requirements.* An applicant for licensure shall have earned 45 credit hours as required by APR 3, ~~28D~~ ~~(3)(b)~~. The core curriculum must include the following required subject matters with minimum credit hours earned as indicated:

1. Civil Procedure, minimum 8 credit hours;
2. Contracts, minimum 3 credit hours;
3. Interviewing and Investigation Techniques, minimum 3 credit hours;
4. Introduction to Law and Legal Process, minimum 3 credit hours;
5. Law Office Procedures and Technology, minimum 3 credit hours;
6. Legal Research, Writing and Analysis, minimum 8 credit hours; and
7. Professional Responsibility, minimum 3 credit hours.

The core curriculum courses in which credit for the foregoing subject matters is earned shall satisfy the curricular requirements approved by the LLLT Board and published by the ~~Bar Association~~. If the required courses completed by the applicant do not total 45 credit hours, then the applicant may earn the remaining credit hours by taking legal or paralegal elective courses. All core curriculum course credit hours must be earned at an ABA approved law school, an educational institution with an ABA approved paralegal program, or at an educational institution with an LLLT core curriculum program approved by the LLLT Board under the Washington State LLLT Educational Program Approval Standards.

For purposes of satisfying APR 3 (e)(2), one credit hour shall be equivalent to 450 minutes of instruction.

2. *LLT Educational Program Approval Requirements for Programs Not Approved by the ABA.* The LLLT Board shall be responsible for establishing and maintaining standards, to be published by the Association, for approving LLLT educational programs that are not otherwise approved by the ABA. Educational programs complying with the LLLT Board's standards shall be approved by the LLLT Board and qualified to teach the LLLT core curriculum.

**B. Practice Area Curriculum.** An applicant for licensure in a defined practice area shall have completed the prescribed curriculum and earned course credits for that defined practice area, as set forth below and in APR ~~28D~~ ~~(3)(e)~~ 3(e). Each practice area curriculum course shall satisfy the curricular requirements approved by the LLLT Board and published by the ~~Bar Association~~.

#### 1. Domestic Relations.

a. *Prerequisites:* Prior to enrolling in the domestic relations practice area courses, applicants shall complete the following core courses: Civil Procedure; Interviewing and Investigation Techniques; Introduction to Law and Legal Process; Legal Research, Writing, and Analysis; and Professional Responsibility.

b. *Credit Requirements:* Applicants shall complete five credit hours in basic domestic relations subjects and ten credit hours in advanced and Washington specific domestic relations subjects.

### REGULATION 4: LIMITED TIME WAIVERS

**A. Limited Time Waiver, Defined.** For the limited time between the date the Board begins to accept applications and December 31, 2023 ~~16~~, the LLLT Board shall grant a waiver of the minimum associate-level degree requirement and/or the core curriculum education requirement set forth in APR ~~(3)~~ ~~28D~~ if an applicant meets the requirements set forth in Regulation 4B. The LLLT Board shall not grant waivers for applications filed after December 31, 2023 ~~16~~. The LLLT Board shall not waive the practice area curriculum requirement. The limited time waiver application will be separate from the application process for ~~licensure~~ admission set forth in these regulations.

**B. Waiver Requirements and Applications.** To qualify for the limited time waiver, an applicant shall pay the required fee, submit the required waiver application form, and provide proof, in such form as the ~~Bar Board~~ requires, that he/she has:

1. Passed a LLLT Board approved national paralegal certification examination;

2. Active certification from a LLLT Board approved national paralegal certification organization; and

3. Completed 10 years of substantive law-related experience supervised by a licensed lawyer within the 15 years preceding the application for the waiver. Proof of 10 years of substantive-law related experience supervised by a licensed lawyer shall include the following:

a. the name and bar number of the supervising lawyer(s),

b. certification by the lawyer that the work experience meets the definition of substantive law-related work experience as defined in APR 28, and

c. the dates of employment or service.

**C. Review of Limited Time Waiver Application.** The Bar Association shall review each limited time waiver application to determine if the application meets the waiver requirements. Any application that does not meet the limited time waiver requirements as established by this Regulation shall be denied by the Bar Association on administrative grounds, with a written statement of the reason(s) for denial.

**D. Review of Denial.** An applicant whose application for waiver has been denied by the Bar Association may request review by the LLLT Board chair. Such request shall be filed with the Bar Association within 14 days of the date of the notification of denial. The applicant shall be provided with written notification of the chair's decision, which is not subject to review.

**E. Expiration of Limited Time Waiver Approval.** Approval of the limited time waiver application shall expire December 31, 2025 18. After expiration of the approval, any subsequent application for licensure by the applicant shall meet all of the standard requirements for licensure admission without waiver.

#### REGULATION 5: ~~[RESERVED.] APPLICATIONS~~

**A. Fees.** All applications shall be accompanied by the required examination and application fee.

**B. Application for Licensure.** An applicant for licensure as an LLLT shall complete and file with the Association:

1. a completed application for licensure in a form and manner prescribed by the Board;

2. evidence in a form and manner prescribed by the Board demonstrating completion of

a. at a minimum, an associate level degree, except applicants who have been approved for a limited time waiver pursuant to Regulation 4;

b. the core curriculum required pursuant to Regulation 3A, except applicants who have been approved for a limited time waiver pursuant to Regulation 4, and

c. the practice area curriculum required pursuant to Regulation 3B;

3. original proof of passing the Core Curriculum Examination as required by Regulation 8; and

4. a signed and notarized Authorization, Release and Affidavit of Applicant.

**C. Application for Additional Practice Area.** An LLLT seeking licensure in an additional practice area must complete and file with the Association:

1. a completed practice area application in a form and manner prescribed by the Board;

2. evidence in a form and manner prescribed by the Board demonstrating completion of the practice area curriculum required under Regulation 3B; and

3. a signed and notarized Authorization, Release and Affidavit of Applicant.

**D. Background Check.** Each applicant for licensure shall submit a fingerprint card to the Federal Bureau of Investigation (FBI) for a criminal history record check and provide to the FBI a release for the results of the criminal history check to be sent directly to the Association. A Washington LLLT applying for licensure in an additional practice area shall not be required to submit a fingerprint card, unless it has been more than two years since the LLLT was last issued a license.

The applicant shall furnish whatever additional information or proof may be required in the course of investigating the applicant, and failure to furnish such information may be grounds for denial of licensure.

#### REGULATION 6: ~~[RESERVED.] APPROVAL OR DENIAL OF APPLICATION ON ADMINISTRATIVE GROUNDS~~

**A. Review of Application.** The Association shall review each application to determine if the application meets the criteria for licensure established in APR 28. Any application that does not meet the initial criteria for licensure as established by APR 28 shall be denied by the Association on administrative grounds, except for those applications where there is a substantial question as to the applicant's good moral character or fitness to practice. The applicant will be notified whether the application has been approved or denied. If the application has been denied, the applicant will be notified of the grounds for the denial and the review process.

**B. Review of Denial.** Every applicant who has been denied licensure under APR 28 on administrative grounds may request review by the Board chair. To request review, an applicant shall submit a written request within 14 days of the date the denial of application was issued and state the reason for the request.

**C. Procedure for Review.** The Board chair shall consider the request for review on the written record only and shall hear no oral arguments. The chair shall enter a written decision which may affirm or reverse the denial of the application or direct further investigation.

#### REGULATION 7: ~~[RESERVED.] CHARACTER AND FITNESS~~

**A. Question of Character and Fitness.** Each applicant for licensure as an LLLT shall establish good moral character and fitness to practice as defined in APR 21 and APR 22(a). When considering an applicant's good moral character and fitness to practice, the Board, Association staff, and Bar Counsel shall apply the factors set forth in APR 24.2. If there is a substantial question as to the good moral character or fitness to practice of an applicant for admission or admission after disciplinary revocation then the application will be referred to the Character and Fitness Committee of the Board for hearing.

**B. Character and Fitness Committee.** The Character and Fitness Committee shall be made up of three members of the Board appointed by the Board Chair. The Board Chair

shall designate one member of the Board to act as chair of the Committee.

The Character and Fitness Committee shall have the power and authority to accept referrals from the Association concerning matters of character and fitness of applicants, order further investigation of matters relevant to the applications, conduct hearings, perform such other functions as necessary and proper to carry out its duties, and make appropriate recommendations:

**C. Association Review.** The Association shall review each application to determine whether any of the factors set forth in APR 24.2 are present. The Association shall review the material evidence in a light most favorable to the Association's obligation to recommend the licensing or admission to the limited practice of law only those persons who possess good moral character and fitness to practice.

**D. Service.** Service of papers and documents shall be made by first class postage prepaid mail to the applicant's, LLLT's, or his or her counsel's, last known address on record with the Association. If properly made, service by mail is deemed accomplished on the date of the mailing. Any notice of change of address shall be submitted in writing to the Association.

**E. Duty of Applicant.** It shall be the duty of every applicant to cooperate in good faith and furnish whatever additional information or documentation may be required in the course of investigating the applicant. Failure to furnish such information may be grounds for denial of the application. Applicants shall not have direct contact with any member of the Committee or Board from the date of filing the application with the Association until the matter is resolved by the Board or Supreme Court, except to the extent direct contact is required during the hearing.

**F. Hearings.** APR 24.3 shall apply equally to character and fitness hearings conducted pursuant to this Regulation and is incorporated herein by reference, except that the Character and Fitness Board as referenced in APR 24.3 shall mean the Character and Fitness Committee of the LLLT Board. Reference to the chair or chairperson in APR 24.3, as applied in this rule, shall mean the Character and Fitness Committee Chair. Applicants shall appear in person at any hearing before the Character and Fitness Committee, unless the Committee waives the applicant's presence for good cause shown.

**G. Decisions and Recommendation of Character and Fitness Committee.**

1. *Findings of Character and Fitness Committee.* The Character and Fitness Committee will timely file with the Association written findings of fact, conclusions of law, and a recommendation or direct further investigation for the reasons stated in the written findings.

2. *Action on Recommendation.*

a. If the Committee recommends admission, the record, recommendation, and all exhibits shall be transmitted to the Supreme Court for disposition.

b. If the Committee recommends against licensure, the record and recommendation shall be retained in the office of the Association unless the applicant submits a written request for review by the Board within 15 days of service of the recommendation. If the applicant so requests, the Committee will transmit the record, recommendation, and all exhibits to

the Board for a recommendation. No additional evidence, materials, or argument shall be considered by the Board.

**H. Review by the Board.**

1. *Decision of the Board.* After receipt of the record, the Board will enter a written decision and may affirm or reverse the findings of the Character and Fitness Committee or direct further investigation for the reasons stated in the written decision.

2. *Action on Recommendation.*

a. If the Board recommends admission, the record, recommendation, and all exhibits shall be transmitted to the Supreme Court for disposition.

b. If the Board recommends against admission, the record and recommendation shall be retained in the office of the Association unless the applicant requests that it be submitted to the Supreme Court by filing a Notice of Appeal with the Board within 15 days of service of the recommendation of the Board. If the applicant so requests, the Board will transmit the record, including the transcript, exhibits, and recommendation to the Supreme Court for review and disposition. The applicant must pay to the Supreme Court any fee required by the Court in connection with appeal and review.

**I. Action on Supreme Court's Determination.**

1. *Application Approved.* If the application is approved by the Supreme Court, admission shall be subject to the applicant's taking and passing of the licensing examination and complying with all other requirements for licensure.

2. *Application Denied.* If the application is denied by the Supreme Court, the Board shall maintain a record of the application, hearing, and appeal in the Association records.

**J. Reapplication.**

No application for admission may be filed within a period of one year after a final decision of the Character and Fitness Committee, Board, or Supreme Court recommending against admission.

**REGULATION 8: [RESERVED.] EXAMINATIONS; NOTIFICATION OF RESULTS**

**A. Administration of Examinations.** The examinations will be administered at such times and locations as the Board may designate.

An applicant for initial licensure shall pass a core curriculum examination, a practice area examination, and a professional responsibility examination.

An LLLT who applies for licensure in an additional practice area shall be required to take only the qualifying practice area examination in the practice area for which he or she is seeking licensure.

**B. Core Curriculum Examination.** The core curriculum examination shall be satisfied by passing a national certifying paralegal examination as approved by the Board.

**C. Practice Area Examination.** The practice area examination will test applicants on one specific practice area and knowledge of LLLT scope specific to the practice area. All practice area examinations shall be comprised of three parts: a multiple choice section, an essay section, and a performance section. The duration, form, and manner of the exam shall be as prescribed by the Board. The passing standard for the practice area examination is a score of 75 percent for each section of the exam. A failing grade in one section

shall result in failure of the exam, in which case grading of any remaining sections shall not be completed.

**D. Professional Responsibility Examination.** The professional responsibility examination will test applicants on LLLT ethical duties as set forth in APR 28, the LLLT Rules of Professional Conduct, and knowledge of the LLLT scope of practice as set forth in APR 28F and H. The professional responsibility examination shall be comprised of one multiple choice section. The duration, form, and manner of the exam shall be as prescribed by the Board. The passing standard for the professional responsibility examination is a score of 75%.

**E. Results.** Each applicant will be notified of the applicant's practice area and professional responsibility examination results. An applicant who fails the practice area examination may request a copy of the essay and performance sections. An applicant who passes the practice area exam will not receive a copy of the exam. An applicant may not request a copy of the professional responsibility examination.

An applicant who passes the practice area examination but fails the professional responsibility examination or vice versa may retake the failed exam at the next two administrations of the exam. The passing score shall be valid for one year from the date the applicant is notified of the exam results. If the applicant does not pass the failed exam within one year of such notification, the applicant shall be required to retake the exam he or she passed.

#### REGULATION 9: SUBSTANTIVE LAW-RELATED WORK EXPERIENCE REQUIREMENT

Each applicant for licensure as a limited license legal technician shall show proof of having completed 3,000 hours of substantive law-related work experience supervised by a licensed lawyer as required by APR 5 28E(2) (c). The experience requirement shall be completed within no more than three years before or after and 40 months after the date the applicant is notified of passing both the practice area and professional responsibility qualifying examinations of the LLLT practice area examination that the applicant passed. The proof shall be provided in such form as the Bar Board requires, but shall include at a minimum:

1. the name and bar number of the supervising lawyer;
2. certification that the work experience meets the definition of substantive law-related work experience as defined in APR 28;
3. the total number of hours of substantive law-related work experience performed under the supervising lawyer; and
4. certification that the requisite work experience was acquired within the time period required by this regulation APR 28E(2).

#### REGULATION 10: CERTIFICATION OF RESULTS TO SUPREME COURT; OATH ADDITIONAL PRACTICE AREAS

**A. Recommendation for Licensure.** The Board shall recommend to the Washington State Supreme Court the licensure of all applicants who have met all licensing requirements set forth in APR 28 and these regulations, including good moral character and fitness to practice. All recommendations of the Board shall be accompanied by the application for licensure and any other documents deemed pertinent by

the Board or requested by the Supreme Court. The recommendation and all accompanying documents and papers shall not be public record.

**B. Pre-licensure Requirements.** Before an applicant who has passed the qualifying examinations may be licensed, the applicant shall:

1. furnish proof of completion of the requisite hours of substantive law-related work experience supervised by a licensed lawyer as required by Regulation 9;
2. furnish proof of financial responsibility as required by Regulation 12;
3. pay the annual license fee and any assessments for the current year as required by Regulation 11;
4. file any and all licensing forms required for active limited license legal technicians; and
5. take the Oath of Limited License Legal Technician.

The pre-licensure requirements shall be completed within three years of the date the applicant is notified of the examination results. If an applicant fails to satisfy all the requirements for licensure within this period, the applicant shall not be eligible for licensure under APR 28 without submitting a new application for licensure and retaking the practice area and professional responsibility examinations.

**Application for Additional Practice Area.** An LLLT seeking admission in an additional practice area must complete and file with the Bar:

1. a completed practice area application in a form and manner prescribed by the Bar;
2. evidence in a form and manner prescribed by the Bar demonstrating completion of the practice area curriculum required under Regulation 3(B); and
3. a signed and notarized Authorization, Release and Affidavit of Applicant.

**B C. Additional Practice Area Pre-licensure Requirements.** An LLLT who is seeking licensure in an additional practice area shall:

1. take and pass the additional practice area examination;
2. pay the annual license fee as stated in the fee schedule; and
3. file any and all licensing forms required for active limited license legal technicians.

The requirements above shall be completed within one year of the date the applicant is notified of the practice area examination results. If an LLLT fails to satisfy all the requirements for licensure in an additional practice area within this period, the LLLT shall not be eligible for licensure in the additional practice area without submitting a new application and retaking the practice area examination.

**D. Oath of Limited License Legal Technician.** The Oath of Limited License Legal Technician shall be taken before an elected or appointed judge, excluding judges pro tempore, sitting in open court in the state of Washington.

**E. Contents of Oath.** The oath which all applicants shall take is as follows:

**OATH FOR LIMITED LICENSE LEGAL TECHNICIANS**  
STATE OF WASHINGTON  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, do solemnly declare:

1. I am fully subject to the laws of the state of Washington, the laws of the United States, Rule 28 of the Admission to Practice Rules, and APR 28 Regulations adopted by the Washington State Supreme Court and will abide by the same;

2. I will support the constitutions of the State of Washington and of the United States of America;

3. I will abide by the Limited License Legal Technician Rules of Professional Conduct approved by the Supreme Court of the State of Washington;

4. I will confine my activities as a Limited License Legal Technician to those activities allowed by law, rule and regulation and will only utilize documents approved pursuant to APR 28;

5. I will faithfully disclose the limitations of my services and that I am not a lawyer;

6. I will maintain the confidence and preserve inviolate the secrets of my client and will accept no compensation in connection with the business of my client, unless this compensation is from or with the knowledge and approval of the client or with the approval of the court;

7. I will abstain from all offensive personalities and advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which I am charged;

8. I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay unjustly the cause of any person.

\_\_\_\_\_  
Signature Limited License Legal Technician

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
JUDGE

**F. Order Admitting to Limited Practice as LLLT.**

After examining the recommendation and accompanying documents transmitted by the Board, the Supreme Court may enter such order in each case as it deems advisable. For those applicants it deems qualified, the Supreme Court shall enter an order admitting them to limited practice as LLLTs. Applicants shall be admitted under APR 28 only after the order has been entered by the Supreme Court.

**C G. Order Admitting LLLT to Limited Practice in Additional Practice Area.** After examining the recommendation and accompanying documents transmitted by the Bar Board, the Supreme Court may enter such order in each case as it deems advisable. For those LLLTs it deems qualified, the Supreme Court shall enter an order admitting them to limited practice in the additional practice area.

**D. Voluntary Termination of Single Practice Area License.** An LLLT licensed in two or more practice areas may request to voluntarily terminate a single practice area by notifying the Bar in writing. After terminating the practice area license, the LLLT shall not accept any new clients or engage in work as an LLLT in any matter in the terminated practice area. The Bar will notify the LLLT of the effective date of the termination.

**REGULATION 11: [RESERVED.] ANNUAL LICENSE FEES**

**A.** Except as set forth in section B of this Regulation, every Limited License Legal Technician shall pay an annual license fee in an amount set by an established fee schedule approved by the Board and the Supreme Court. The annual license fee is due August 1 of each year and shall cover the annual license period of July 1 to June 30. Annual license fees paid after August 1 shall be subject to a late fee equal to one half the annual license fee.

**B.** LLLTs who pass the qualifying examination after January 1 but before July 1 and who request active status prior to July 1 of that same calendar year shall pay a prorated annual license fee of one half the amount of the annual license fee. LLLTs shall pay the annual license fee set forth in Regulation 11A to retain their active status after June 30 of the calendar year of their licensure.

**C.** An LLLT shall provide his or her residential and business addresses, telephone numbers, and business email address to the Board at the time of payment of the annual license fee. An LLLT whose address, telephone number, or email address changes shall notify the Association within 10 days after the change.

**REGULATION 12: [RESERVED.] FINANCIAL RESPONSIBILITY**

**A. Insurance Requirement.** Each limited license legal technician shall show proof of ability to respond in damages resulting from his or her acts or omissions in the performance of services permitted under APR 28 by:

1. Submitting an individual professional liability insurance policy in the amount of at least \$100,000 per claim and a \$300,000 annual aggregate limit;

2. Submitting a professional liability insurance policy of the employer or the parent company of the employer who has agreed to provide coverage for the LLLT's ability to respond in damages in the amount of at least \$100,000 per claim and a \$300,000 annual aggregate limit; or

3. Submitting proof of indemnification by the LLLT's government employer.

**B. Continuing Requirement.** Each active LLLT shall certify annually by August 1 financial responsibility in a form and manner as prescribed by the Board. Each LLLT shall notify the Board of any cancellation or lapse in coverage.

**REGULATION 13: [Reserved.] TRUST ACCOUNT DECLARATION**

Rules 15.4 (a) and (b) and 15.7 of the Rules for Enforcement of Lawyer Conduct (ELC) shall apply to LLLT IOLTA (Interest on Lawyer Trust Account) accounts. Annually, each active LLLT shall certify compliance with Rules 1.15A and 1.15B of the Limited License Legal Technician Rules of Professional Conduct. Such declaration shall be filed by August 1 in a form and manner as prescribed by the Board and shall include the bank where each account is held and the account number.

**REGULATION 14: [RESERVED.] CONTINUING EDUCATION**

**A. Minimum Requirement.** An LLLT shall complete a minimum of ten hours of approved continuing education each license year by June 30. A newly licensed LLLT shall be exempt for the first license year. The education must relate to



the LLLT's area of practice, scope of practice or the subject matter covered in the required LLLT core curriculum and shall include a minimum of two hours in legal ethics and professional responsibility per license year.

Each continuing education course shall be approved in accordance with the procedures set forth in continuing education policies approved by the Board.

**B. Proof of Compliance.** An LLLT shall certify annually by August 1 compliance with the continuing education requirements in a form and manner as prescribed by the Board.

**C. Policies and Fees.** The Board shall establish continuing education policies for the efficient administration of this regulation and shall include, but not be limited to, standards for approval of continuing education courses, procedures for reporting attendance, and sponsor duties. The Board shall determine and adjust fees to defray the reasonably necessary costs of administering this regulation.

**REGULATION 15: [RESERVED.] ADMINISTRATIVE SUSPENSION FROM LIMITED PRACTICE**

**A. Basis for Suspension from Limited Practice.** The Board shall request that the Supreme Court suspend an LLLT from limited practice upon:

1. notification from the Department of Social and Health Services that an LLLT is more than six months delinquent in noncompliance with a valid and enforceable order entered by a court of competent jurisdiction requiring the LLLT to pay child support; or

2. failure of an LLLT to comply with licensing requirements under APR 28 and these Regulations. This includes but is not limited to an LLLT's:

- a. failure to pay the annual license fee as set forth in Regulation 11A;
- b. failure to comply with financial responsibility requirements as set forth in Regulation 12;
- c. failure to file an annual trust account declaration as set forth in Regulation 13;
- d. failure to comply with continuing education requirements as set forth in Regulation 14; and
- e. failure to timely notify the Association of a change of address, telephone number, or email address pursuant to Regulation 11C.

**B. Notice and Order of Suspension.** The Board shall provide at least 30 days written notice of intent to seek suspension to an LLLT at the LLLT's address of record with the Board. Written notice shall be sent by certified mail. The Board shall establish procedures consistent with these Regulations. An LLLT shall have a right to submit proof that the grounds for suspension do not or no longer exist. After such notice, the Court may enter an order suspending the LLLT from limited practice.

**C. Change of Status after Suspension Pursuant to This Regulation.** An LLLT who has been administratively suspended under this rule shall have a right to submit proof in a manner and form prescribed by the Board that the grounds for suspension no longer exist. The Court may enter an order changing status upon determination said proof is satisfactory and so long as the LLLT meets all other requirements for limited practice under APR 28 and these regulations.

**REGULATION 16: [RESERVED.] INACTIVE STATUS**

An LLLT may request transfer to inactive status after being admitted. An LLLT who has been transferred to inactive status shall continue to meet all continuing requirements under APR 28 and these regulations except for the financial responsibility and trust account declaration requirements.

An LLLT on inactive status may return to active status by filing an application to return to active status with the Board. To be granted active status, the LLLT shall be current on all licensing requirements, including payment of the annual fees, the continuing education requirements, and the financial responsibility requirements.

**REGULATION 17: [RESERVED.] VOLUNTARY CANCELLATION OF LICENSE**

**A. Voluntary Cancellation of LLLT License.** Any LLLT may request to voluntarily surrender the LLLT license by notifying the Board in writing of the desire to cancel the LLLT license. The Board may deny requests for voluntary cancellation from any LLLT who is the subject of a pending disciplinary investigation or proceeding. After entry of the cancellation order by the Supreme Court, the former LLLT shall not accept any new clients or engage in work as an LLLT in any matter. The Board will notify the LLLT of the effective date of the cancellation if approved. The former LLLT shall then promptly notify by registered or certified mail, return receipt request, all clients in pending matters of the license cancellation and the consequent inability to act as an LLLT.

**B. Voluntary Cancellation of Single Practice Area License.** An LLLT licensed in two or more practice areas may request to voluntarily surrender a single practice area license by notifying the Board in writing of the desire to cancel the LLLT single practice area license. The Board may deny requests for voluntary cancellation of a single practice area license from any LLLT who is the subject of a pending disciplinary investigation or proceeding. After entry of the cancellation order by the Supreme Court, the LLLT shall not accept any new clients or engage in work as an LLLT in any matter in the voluntarily cancelled practice area. The Board will notify the LLLT of the effective date of the cancellation if approved. The former LLLT shall then promptly notify by registered or certified mail, return receipt request, all clients with pending matters in the voluntarily cancelled practice area of the license cancellation and the consequent inability to act as an LLLT in the specific practice area.

**C. Reinstatement after Voluntary Cancellation.** In order to be reinstated, an LLLT who voluntarily cancels his or her license must reapply, pass the certifying examinations, and complete all other requirements for licensure pursuant to APR 28 and these Regulations.

**REGULATION 18: [RESERVED.] REAPPLICATION FOR LICENSURE AFTER DISCIPLINARY REVOCATION**

No application for licensure after disciplinary revocation shall be filed within a period of five years after revocation or within one year after an adverse decision of the Supreme Court upon a former application, or within one year after an adverse recommendation of the Board on a former application when that recommendation is not submitted to the

~~Supreme Court. If prior to revocation the LLLT was suspended on an interim basis pending disciplinary proceedings, the period of suspension shall be credited toward the five years referred to above.~~

~~REGULATION 19: [RESERVED.] NOTICE AND FILING~~

~~All notices and filings required by these Regulations, including applications for licensure as a Limited License Legal Technician, shall be delivered to the headquarters of the Association.~~

**REGULATION 20: AMENDMENT AND BOARD POLICIES**

These Regulations may be altered, amended, or repealed by vote of the LLLT Board on approval of the Supreme Court. The LLLT Board has ongoing authority to adopt policies for the administration of the LLLT program consistent with APR 28 and these Regulations.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

The board of trustees of Clark College will hold its general meetings on the fourth Wednesday of the month at 5:00 p.m. except as otherwise noted (March, June, November, and December will be held off schedule). All meetings are held at Clark College in the Ellis Dunn Community Room GH1 213 in Gaiser Hall.

Meeting Dates/Times	Changes
September 27, 2017	The September 27, 2017, work session and board meeting have been rescheduled to September 19, 2017.  The work session will be held at 3:30 p.m. in PUB 258C and the board meeting will be held at 5:00 p.m. in GH1 213 on the main campus.

**WSR 17-14-001**  
**NOTICE OF PUBLIC MEETINGS**  
**CLARK COLLEGE**  
[Filed June 21, 2017, 12:57 p.m.]

**AMENDED NOTICE**

Pursuant to RCW 42.30.075, following is the board of trustees meeting schedule for Clark College for the year 2017.

**WSR 17-14-003**  
**NOTICE OF PUBLIC MEETINGS**  
**TRANSPORTATION COMMISSION**  
[Filed June 21, 2017, 4:30 p.m.]

The transportation commission has changed the meeting date for its 2017 Spokane Valley meeting from November 14, 2017, to November 15, 2017.

**WSR 17-14-006**  
**AGENDA**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**  
[Filed June 22, 2017, 8:30 a.m.]

**Semi-Annual Rule-Making Agenda**  
**July through December 2017**

Below is the board of pilotage commissioner's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on this agenda. Refer to our web site for periodic updates.

Please direct any questions about this agenda to Ms. Jaimie Bever, Board of Pilotage Commissioners, 2901 Third Avenue, Suite 500, Seattle, WA 98121, (206) 515-3904, www.pilotage.wa.gov, or BeverJ@wsdot.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102)	Permanent (CR-103P)
363-116-078	Training program	WSR 17-11-124 5/23/17		

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102)	Permanent (CR-103P)
363-116-301	New revenue collection	WSR 17-11-125 5/23/17		
363-116-360	Exempt vessels	WSR 17-02-080 1/4/17	WSR 17-10-048 4/28/17	WSR 17-14-005 6/22/17

Jaimie Bever  
Executive Director (Interim)

**WSR 17-14-009**  
**NOTICE OF PUBLIC MEETINGS**  
**CENTRAL WASHINGTON UNIVERSITY**

[Filed June 22, 2017, 11:20 a.m.]

In compliance with RCW 42.30.075, please note the following addition to the meeting dates for the Central Washington University board of trustees:

Special telephonic meeting, June 30, 2017, in order to discuss the sustainability options for the BS Aviation degree program.

**WSR 17-14-011**  
**AGENDA**  
**BOARD OF ACCOUNTANCY**

[Filed June 22, 2017, 1:03 p.m.]

Semi-Annual Rule-Making Agenda  
July through December 2017

Following is the Washington state board of accountancy's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

This agenda is for information purposes, and the noted dates of anticipated rule-making actions are estimates. There may be additional rule-making activity not on the agenda as conditions warrant.

If you have questions about this rule-making agenda, please contact Charles Satterlund, CPA, Executive Director, P.O. Box 9131, Olympia, WA 98507-9131, phone (360) 586-0785, fax (360) 664-9190, email charless@cpaboard.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
WAC 4-30-010	Definitions.	CR-101 Expected July 2017	CR-102 Expected August 2017	CR-103 Expected October 2017
WAC 4-30-050	What are the requirements concerning client records and clients confidential information?	CR-101 Expected July 2017	CR-102 Expected August 2017	CR-103 Expected October 2017
WAC 4-30-051	What are the requirements concerning client records, including response to requests by clients and former clients for records?	CR-101 Expected July 2017	CR-102 Expected August 2017	CR-103 Expected October 2017

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
WAC 4-30-132	What are the program standards for CPE?	CR-101 Expected October 2017	CR-102 Expected November 2017	CR-103 Expected January 2018
WAC 4-30-140	What are the authority, structure, and processes for investigations and sanctions?	CR-101 Expected July 2017	CR-102 Expected August 2017	CR-103 Expected October 2017

Charles Satterlund, CPA, CIA  
Executive Director

**WSR 17-14-012**  
**AGENDA**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed June 22, 2017, 2:25 p.m.]

In accordance with RCW 34.05.314, the state parks and recreation commission submits this semi-annual agenda for rules under development for publishing in the Washington State Register.

State parks in [is] conducting a thorough review and may have additional rules as conditions arise.

Any questions related to the specific rules identified in the agenda can be directed to the manager or Valeria Evans, Rule[s] Coordinator, 1111 Israel Road, Olympia, WA 98504-2560, (360) 902-8597 or [valeria.evans@parks.wa.gov](mailto:valeria.evans@parks.wa.gov).

**2017 Semi-Annual Rule-Making Agenda**  
**June 30 to December 31, 2017**  
**Rules Under Development**

WAC Citation	Reason and/or Expected Outcome	Contact	Status of Rule Making	Anticipated Date of Adoption	Comments
WAC 352-32-030 Camping.	Staff proposes to amend this rule to better support state parks as primarily fee-for- service agency. Some programs identified in this rule were rescinded or modified.	Todd Tatum Business Development Manager P.O. Box 42650 Olympia, WA 98504 (360) 902-8631 <a href="mailto:Todd.Tatum@parks.wa.gov">Todd.Tatum@parks.wa.gov</a>	Anticipating		January 24, 2013, commission directed staff to modify rule to conform to Commission Policy 37-13-1.
WAC 352-32-056 Peace and quiet.	Modification of defined quiet hours to allow flexibility in management.	Ed Girard Operations Manager P.O. Box 42650 Olympia, WA 98504 (360) 902-8847 <a href="mailto:Ed.Girard@parks.wa.gov">Ed.Girard@parks.wa.gov</a>	Anticipating		

WAC Citation	Reason and/or Expected Outcome	Contact	Status of Rule Making	Anticipated Date of Adoption	Comments
WAC 352-32-125 Fires and campfires.	Modification of defined quiet hours to allow flexibility in management.	Ed Girard Operations Manager P.O. Box 42650 Olympia, WA 98504 (360) 902-8847 Ed.Girard@parks.wa.gov	Anticipating		
WAC 352-32-130 Aircraft.	Staff propose[s] to add hang gliding to the rule for clarification.	Nadine Selene-Hait Program Specialist P.O. Box 42650 Olympia, WA 98504 (360) 902-8507 Nadine.Selene-Hait@parks.wa.gov	CR-102 filed 6/7/17 WSR 17-12-066 Public hearing adoption date 7/13/17		
WAC 352-37-010 Definitions.	Clarify that applicable provisions of chapter 352-32 WAC also apply to the Seashore Conservation Act.	Ed Girard Operations Manager P.O. Box 42650 Olympia, WA 98504 (360) 902-8847 Ed.Girard@parks.wa.gov	Anticipating		
WAC 352-37-105 Fires and campfires.	On the ocean beaches, the agency does not provide designated campfire pits, rings or other campfire enclosures. A portion of this WAC section is superfluous, and staff recommends that it be eliminated.	Ed Girard Operations Manager P.O. Box 42650 Olympia, WA 98504 (360) 902-8847 Ed.Girard@parks.wa.gov	Anticipating		
WAC 352-32-250 Standard fees charged.	Staff proposes to amend this rule to better support state parks as primarily fee-for-service agency. Some programs identified in this rule were rescinded or modified.	Todd Tatum Business Development Manager P.O. Box 42650 Olympia, WA 98504 (360) 902-8631 Todd.Tatum@parks.wa.gov	Anticipating		January 24, 2013 commission directed staff to modify rule to conform [to] Commission Policy 37-13-1.

WAC Citation	Reason and/or Expected Outcome	Contact	Status of Rule Making	Anticipated Date of Adoption	Comments
WAC 352-32-251 Limited income senior citizen, disability, and disabled veteran passes.	Staff proposes to amend this rule to better support state parks as primarily fee-for-service agency. Some programs identified in this rule were rescinded or modified.	Todd Tatum Business Development Manager P.O. Box 42650 Olympia, WA 98504 (360) 902-8631 Todd.Tatum@parks.wa.gov	Anticipating		January 24, 2013 commission directed staff to modify rule to conform to Commission Policy 37-13-1.
WAC 352-32-251 Limited income senior citizen, disability, and disabled veteran passes.	Editing for consistent language and some minor changes such as adding free day access.	Linda Burnett P.O. Box 426520 [42650] Olympia, WA 98504 (360) 902-8561 Linda.Burnett@parks.wa.gov	Anticipating		
WAC 352-32-252 Off-season senior citizen passes—Fee.	Editing for consistent language and some minor changes such as adding free day access.	Linda Burnett P.O. Box 426520 [42650] Olympia, WA 98504 (360) 902-8561 Linda.Burnett@parks.wa.gov	Anticipating		
WAC 352-32-253 Foster parent program.	Editing for consistent language and some minor changes such as adding free day access.	Linda Burnett P.O. Box 426520 [42650] Olympia, WA 98504 (360) 902-8561 Linda.Burnett@parks.wa.gov	Anticipating		
WAC 352-37-200 Special group recreation event permit.	Staff recommends the agency address in subsection (4) be changed to reflect current headquarters address.	Ed Girard Operations Manager P.O. Box 42650 Olympia, WA 98504 (360) 902-8847 Ed.Girard@parks.wa.gov	Anticipating		
WAC 352-37-250 Games or activities.	Staff propose[s] changing rule from prohibiting "games or activities" that could cause risk or injury.	Ed Girard Operations Manager P.O. Box 42650 Olympia, WA 98504 (360) 902-8847 Ed.Girard@parks.wa.gov	Anticipating		
WAC 352-40-030 Where can I access state parks' public records?	This is a house-keeping item as there are offices and points of contact listed in the section that no longer exist/are active.	Brian Thrasher Records and Forms Manager P.O. Box 42650 Olympia, WA 98504 (360) 902-8514 Brian.Thrasher@parks.wa.gov	Anticipating		

WAC Citation	Reason and/or Expected Outcome	Contact	Status of Rule Making	Anticipated Date of Adoption	Comments
WAC 352-40-040 How is the agency organized and how is it operated?	This is a house-keeping item as some of the contact information in the section is no longer in existence/outdated.	Brian Thrasher Records and Forms Manager P.O. Box 42650 Olympia, WA 98504 (360) 902-8514 Brian.Thrasher@parks.wa.gov	Anticipating		
WAC 352-40-060 Who do I contact to request state parks' public records?	This is a house-keeping item as some of the contact information in the section is no longer in existence/outdated.	Brian Thrasher Records and Forms Manager P.O. Box 42650 Olympia, WA 98504 (360) 902-8514 Brian.Thrasher@parks.wa.gov	Anticipating		
WAC 352-40-080 How do I request state parks' public records?	This is a house-keeping item as some of the contact information in the section is no longer in existence/outdated.	Brian Thrasher Records and Forms Manager P.O. Box 42650 Olympia, WA 98504 (360) 902-8514 Brian.Thrasher@parks.wa.gov	Anticipating		

Valeria Evans

**WSR 17-14-021**  
**NOTICE OF PUBLIC MEETINGS**  
**TRANSPORTATION IMPROVEMENT BOARD**

[Filed June 23, 2017, 11:29 a.m.]

The following dates and locations list the meeting schedule for the transportation improvement board.

DATE	CITY
January 25-26, 2018	Olympia
March 22-23, 2018	Yakima
May 17-18, 2018	Bremerton
September 27-28, 2018	Pullman
November 15-16, 2018	SeaTac

Please contact Kelsey Davis at 586-1146 or kelsey@tib.wa.gov if you need additional information.

**WSR 17-14-028**  
**NOTICE OF PUBLIC MEETINGS**  
**BEEF COMMISSION**

[Filed June 23, 2017, 10:39 a.m.]

This is notification of the change in the meeting date for the Washington state beef commission, as indicated below:

Was scheduled for Thursday, August 31, 2017, regular board meeting, Hal Holmes Center, Ellensburg, Washington.

Is now scheduled for Thursday, August 24, 2017, regular board meeting, Rodeo City BBQ, Conference Room, Ellensburg, Washington.

Should you have questions, please contact Jen Lewis at (206) 444-2902.

**WSR 17-14-029**  
**AGENDA**  
**NOXIOUS WEED**  
**CONTROL BOARD**

[Filed June 26, 2017, 10:45 a.m.]

Following is the state noxious weed control board's semi-annual rules development agenda for the period of July 1 through December 31, 2017. This document is being sent in compliance with RCW 34.05.314.

The board may undertake additional rule-making activity as conditions warrant. If you have any questions, please contact Alison Halpern at (360) 902-2053 or ahalpern@agr.wa.gov.

**Semi-Annual Rules Agenda  
July 1 - December 31, 2017  
P.O. Box 42560  
Olympia, WA 98504-2560**

WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rule Making
			CR-101	CR-102	CR-103	
16-750	State noxious weed list and schedule of monetary penalties	Alison Halpern Executive Secretary Phone (360) 902-2053	July	September	November	Possible changes to noxious weed list and state weed board bylaws.

Alison Halpern  
Executive Secretary

**WSR 17-14-030**  
**RULES COORDINATOR**  
**UNIVERSITY OF WASHINGTON**  
[Filed June 26, 2017, 10:55 a.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the University of Washington is Barbara Lechtanski, University of Washington, Rules Coordination Office, [P.O.] Box 351210, Seattle, WA 98195, phone (206) 543-9219, email rules@uw.edu.

Barbara Lechtanski  
Director of  
Rules Coordination

**WSR 17-14-033**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF REVENUE**  
[Filed June 26, 2017, 1:59 p.m.]

**INTERPRETIVE STATEMENT ISSUED**

The department of revenue has issued the following excise tax advisory (ETA):

**ETA 3204.2017 - Credit Card Processors**

This ETA describes how a credit card processor should measure, for B&O tax purposes, its gross income from processing credit card transactions.

A copy of this document is available via the internet at Rule and Tax Advisory Adoptions and Repeals.

Kevin Dixon  
Tax Policy Manager  
Rules Coordinator

**WSR 17-14-034**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF REVENUE**  
[Filed June 26, 2017, 2:01 p.m.]

**INTERPRETIVE STATEMENT ISSUED**

The department of revenue has issued the following excise tax advisory (ETA):

**ETA 3203.2017 - Use of a Tribal Resale Exemption Certificate**

This ETA explains when tribes and tribal businesses may use, and sellers may accept, a tribal resale exemption certificate to document the retail sales tax-exempt nature of a purchase/sale for resale.

A copy of this document is available via the internet at Rule and Tax Advisory Adoptions and Repeals.

Kevin Dixon  
Tax Policy Manager  
Rules Coordinator

**WSR 17-14-041**  
**RULES COORDINATOR**  
**PUBLIC DISCLOSURE COMMISSION**  
[Filed June 27, 2017, 3:14 p.m.]

Following is the contact information for the rules coordinator of the public disclosure commission as required by RCW 34.05.312. The information to be printed in the Washington State Register is as follows: Barbara (BG) Sandahl, Deputy Director, 711 Capitol Way South, Room 206, P.O. Box 40908, Olympia, WA 98504-0908, pdc@pdc.wa.gov, (360) 586-1042 or (360) 753-1111.

Peter Lavallee  
Executive Director



**WSR 17-14-044**  
**NOTICE OF PUBLIC MEETINGS**  
**BOARD FOR VOLUNTEER**  
**FIREFIGHTERS AND RESERVE OFFICERS**  
 [Filed June 28, 2017, 8:32 a.m.]

The state board for volunteer firefighters and reserve officers has changed the date of July quarterly meeting from July 17, 2017, to August 7, 2017. The meeting will be held at the James R. Larson Forum Building, 605 11th Avenue S.E., Suite 207, Olympia, WA 98501.

**WSR 17-14-046**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (Board of Boiler Rules)  
 [Filed June 28, 2017, 11:27 a.m.]

Per chapter 42.30 RCW, the Open Public Meetings Act, the board of boiler rules board meetings and study sessions for August and November 2017, originally published under WSR 16-23-115, have been updated as indicated below:

Date(s)	Time	Location
August 22, 2017 (Study Session)	11:00 a.m. (new time)	Department of Labor and Industries 950 Broadway Tacoma, WA 98402
August 23, 2017 (Board Meeting)	10:00 a.m. (no change)	Department of Labor and Industries 950 Broadway Tacoma, WA 98402
November 14, 2017 (Study Session)	11:00 a.m. (new time)	Department of Labor and Industries 950 Broadway Tacoma, WA 98402
November 15, 2017 (Board Meeting)	10:00 a.m. (no change)	Department of Labor and Industries 950 Broadway Tacoma, WA 98402

If you have any questions, please contact Alicia Curry, management analyst at (360) 902-6244 or Alicia.Curry@Lni.wa.gov.

**WSR 17-14-049**  
**NOTICE OF PUBLIC MEETINGS**  
**HEALTH CARE AUTHORITY**  
 (Pharmacy and Therapeutics Committee)  
 (Drug Utilization Review Board)  
 [Filed June 28, 2017, 1:23 p.m.]

2017 Meeting Schedule

Contact: Leta Evaskus, (206) 521-2029, leta.evaskus@hca.wa.gov.

An additional meeting was added on September 20, 2017.

Three meetings have been canceled.

July 7, 2017 (Canceled) DUR board only	10:00 a.m.- 12:00 p.m.	Health Care Authority (HCA) Cherry Street Plaza Sue Crystal Conference Room 626 8th Avenue S.E. Olympia, WA 98504
July 18, 2017 (Canceled) DUR board only	10:00 a.m.- 12:00 p.m.	HCA Cherry Street Plaza Sue Crystal Conference Room 626 8th Avenue S.E. Olympia, WA 98504
July 28, 2017 DUR board only	10:00 a.m.- 12:00 p.m.	HCA Cherry Street Plaza Sue Crystal Conference Room 626 8th Avenue S.E. Olympia, WA 98504
August 1, 2017 DUR board only	10:00 a.m.- 12:00 p.m.	HCA Cherry Street Plaza Sue Crystal Conference Room 626 8th Avenue S.E. Olympia, WA 98504
August 16, 2017	9:00 a.m.- 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
August 25, 2017 (Canceled) DUR board only	10:00 a.m.- 12:00 p.m.	HCA Cherry Street Plaza Sue Crystal Conference Room 626 8th Avenue S.E. Olympia, WA 98504
August 29, 2017 DUR board only	10:00 a.m.- 12:00 p.m.	HCA Cherry Street Plaza Sue Crystal Conference Room 626 8th Avenue S.E. Olympia, WA 98504
September 20, 2017	9:00 a.m.- 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
October 18, 2017	9:00 a.m.- 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
December 20, 2017	9:00 a.m.- 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158

**WSR 17-14-058**  
**AGENDA**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed June 29, 2017, 9:15 a.m.]

**Semi-Annual Rule-Making Agenda**  
**June 30 through December 31, 2017**

Following is the liquor and cannabis board's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314. There may be additional rule-making activity not on the agenda as conditions warrant.

If you have questions about this rule-making agenda, please contact Karen McCall, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, phone (360) 664-1631, email rules@lcb.wa.gov.

WAC Chapter or Section(s)	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) or Expedited (CR-105)	Permanent (CR-103)
Create a new section in chapter 314-02 WAC to clarify the relocation of former state and contract liquor stores.	Stakeholder request/I-1183.	WSR 13-08-088 Filed 4/3/13		
Revise several chapters in Title 314 WAC to implement 2016 liquor legislation.	2016 liquor legislation.	WSR 16-10-109 Filed 5/4/16	WSR 16-15-032 Filed 7/13/16 WSR 16-22-095 Supp filed 11/2/16 WSR 17-04-037 2 <sup>nd</sup> Supp filed 1/25/17	WSR 17-08-099 Filed 4/5/17
Review several chapters in Title 314 WAC: Chapters 314-02, 314-07, 314-11, and 314-12 WAC.	Agency rules review.	WSR 16-16-056 Filed 5/4/16 [7/27/16]	WSR 16-22-094 Filed 11/2/16 WSR 17-07-134 Supp filed 3/22/17	WSR 17-12-030 Filed 5/31/17
Review several chapters in Title 314 WAC: Chapters 314-20, 314-24, 314-28 WAC.	Agency rules review.	WSR 17-05-038 Filed 2/8/17		
Chapter 314-03 WAC, Allowed activities.	Stakeholder request.	WSR 16-23-096 Filed 11/2/16	WSR 17-09-088 Filed 4/19/17	
WAC 314-40-040 Club membership drives.	Stakeholder request.	WSR 17-07-132 Filed 3/22/17	WSR 17-11-067 Filed 5/17/17	
Changes to various sections in chapter 314-55 WAC to ensure clarity, proper effect, and functionality of rules.	Marijuana technical, house-keeping, and clarifying changes.	WSR 16-15-035 Filed 7/13/16	Pending - Will be combined with 2017 Marijuana legislation rules	
Chapter 314-55 WAC, Marijuana packaging and labeling rules.	Various changes to marijuana packaging and labeling rules, warnings, and product requirements.	WSR 17-03-072 Filed 1/11/17	Pending - Expected August 2017	
WAC 314-55-045 and 314-55-075.	Marijuana producers licenses, tiers, and licensing and technical related rule changes.	WSR 17-07-036 Filed 3/8/17	WSR 17-12-116 Filed 6/7/17	
Chapter 314-55 WAC.	2017 marijuana legislation rule changes.	Planned 7/12/17		
Chapter 314-55 WAC.	2017 marijuana advertising legislation rule changes.	Planned 7/12/17		
Chapter 314-60 WAC.	Public records rules.	Planned 7/12/17		

**WSR 17-14-060**  
**NOTICE OF PUBLIC MEETINGS**  
**TACOMA COMMUNITY COLLEGE**

[Filed June 29, 2017, 11:30 a.m.]

The following change needs to be reflected for the Tacoma Community College board of trustees regular board meeting scheduled for July 12, 2017.

**From:** July 12, 2017, 4:00 - 6:00 p.m., Tacoma Community College campus.

**To:** July 17, 2017, 4:00 - 6:00 p.m., Tacoma Community College campus.

If you need any other information, Kelly Maxfield can be reached at (253) 566-5169 or via email kmaxfield@tacomacc.edu.

**WSR 17-14-061**  
**PUBLIC RECORDS OFFICER**  
**OLYMPIC COLLEGE**  
 [Filed June 29, 2017, 11:30 a.m.]

The public records officer for Olympic College is Kim Abel, Public Records Manager, Olympic College, College Service Center, Room 300, 1600 Chester Avenue, Bremerton, WA 98337-1699, phone (360) 473-2848, email publicrecords@olympic.edu.

**WSR 17-14-063**  
**HEALTH CARE AUTHORITY**

[Filed June 29, 2017, 1:10 p.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 17-0029 Long-Term Care Provider Rates.

Effective Date: July 1, 2017.

Description: The health care authority (the agency) in conjunction with the aging and long-term support administration (AL TSA) of the department of social and health services (DSHS) intends to submit medicaid SPA 17-0029 in order to update certain long-term care medicaid rates in accordance with anticipated budget appropriations and direction from the state legislature.

SPA 17-0029 is expected to increase the annual aggregate expenditures for adult family homes, individual providers, essential service facilities, and home care agency providers. Increases are listed by provider type below.

SPA 17-0029 is in the development process; therefore a copy is not yet available for review. The agency and DSHS would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available, you may contact the agency in your county listed in the table or the person named below. To submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Interested parties may submit comments and concerns about the rates or the effects the changes may have on beneficiary access to care or continued service access. Please submit comments and concerns to [Elizabeth.Pashley@dshs.wa.gov](mailto:Elizabeth.Pashley@dshs.wa.gov) by August 15, 2017. Please note that all comments are subject to public review and disclosure, as are the names of those who comment.

**NOTE:** Effective March 20, 2017, official public notice of proposed medicaid SPAs is published on the agency's web site at the Public Notices link. As a convenience, the agency will continue to publish copies of SPA notices in the Washington State Register.

Contact Elizabeth Pashley, Long-Term Care Medicaid Rates Unit, P.O. Box 45600, Olympia, WA 98504, phone (360) 725-2447, TDD/TTY 1-877-905-0454, fax (360) 725-2641, email [Elizabeth.Pashley@dshs.wa.gov](mailto:Elizabeth.Pashley@dshs.wa.gov), web site <https://www.dshs.wa.gov/altsa/management-services-division/office-rates-management>.

The proposed rates, methodologies, and justifications are as follows:

*1. Adult family homes*

*The following are the proposed changes to the adult family home rates:*

*a. Adult family home daily rates will increase as follows:*

Service Area	King County	**Metropolitan Counties	***Non metropolitan Counties
Classification	AFH w/CI Daily Rate	AFH w/CI Daily Rate	AFH w/CI Daily Rate
A Low (1)	\$73.78	\$72.55	\$70.78
A Med (2)	\$76.56	\$75.26	\$73.38
A High (3)	\$83.05	\$81.57	\$79.44
B Low (4)	\$75.22	\$73.95	\$72.13
B Med (5)	\$81.60	\$80.16	\$78.09
B Med H (6)	\$88.38	\$86.75	\$84.42
B High (7)	\$90.87	\$89.18	\$86.75
C Low (8)	\$82.85	\$81.38	\$79.26
C Med (9)	\$95.15	\$93.34	\$90.75
C Med H (10)	\$100.23	\$95.40	\$92.72
C High (11)	\$101.58	\$98.80	\$94.79
D Low (12)	\$88.28	\$86.66	\$84.33
D Med (13)	\$97.07	\$95.21	\$92.54
D Med H (14)	\$114.41	\$110.96	\$106.07
D High (15)	\$129.83	\$125.65	\$118.91
E Med (16)	\$156.21	\$150.78	\$142.65
E High (17)	\$182.62	\$175.90	\$166.41

\*\* Metropolitan counties (urban): Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima.

\*\*\* Nonmetropolitan counties: Adams, Asotin, Chelan, Clallam, Columbia, Cowlitz, Douglas, Ferry, Kittitas, Garfield, Grant, Grays Harbor, Jefferson, Klickitat, Lewis, Lincoln, Mason, Okanogan, Pacific, Pend Oreille, San Juan, Skagit, Skamania, Stevens, Wahkiakum, Walla Walla, and Whitman.

*b. The cap on the sum of the adult family home daily rate plus the expanded community service add-on rate will increase from \$117.72 to \$122.43.*

*c. Specialty private duty nursing daily rate will increase from \$591.82 to \$627.33.*

*d. HIV/AIDS rate will increase from \$95.50 to \$99.32. The adult family home will continue to receive either the specialized HIV/AIDS daily rate or the base daily rate, whichever is greater.*

*e. Respite services rates will increase from \$10.03 to \$14.76 per hour. Stays of nine hours or more are paid at a maximum of \$132.84 per day.*

*f. Community integration is a new rate being offered at \$1.82 for providers in King County, \$1.77 for providers in metropolitan statistical areas (MSA), and \$1.71 for providers in nonmetropolitan statistical areas (NMSA). MSA and NMSA are defined in (a) above.*

*g. Adult family home providers who transport residents to medical providers as authorized in the client's care or service plans are compensated per mile driven at the standard set by the IRS up to fifty miles per month.*

*h. Adult family home providers who have a contract with the state to provide meaningful home-based activities (MHBA) for an eligible client will receive the MHBA pilot*

project rate - the rate for providers located in King County will increase from \$14.25 to \$15.11; the rate for providers in MSA will increase from \$13.70 to \$14.52; and the rate for providers in NMSA will increase from \$13.20 to \$13.99. MSA and NMSA are defined in (a) above.

These changes to the adult family home rates have an estimated federal impact of \$1,762,160 for FFY 2017 and \$7,490,396 for FFY 2018. These proposed changes are being made in accordance with a collective bargaining agreement between the state and the adult family home council.

2. Individual providers

Individual provider base rate range will increase from \$13.75 - \$16.00 as follows:

Cumulative Career Hours	Home Care Aide (Without Certification)	Certified Home Care Aide or Certified Nurse Assistant License	Certified Home Care Aide With Completed Advanced Training
0-700	\$13.75	\$14.00	\$14.25
701-2000	\$14.00	\$14.25	\$14.50
2001-4000	\$14.20	\$14.45	\$14.70
4001-6000	\$14.40	\$14.65	\$14.90
6001-8000	\$14.60	\$14.85	\$15.10
8001-10000	\$14.80	\$15.05	\$15.30
10001-12000	\$15.00	\$15.25	\$15.50
12001-14000	\$15.20	\$15.45	\$15.70
14001-16000	\$15.75	\$16.00	\$16.25
16001 and above	\$16.00	\$16.25	\$16.50

Note: Wages shall be adjusted by one dollar (\$1.00) an hour for individual providers who perform duties as mentors, preceptors, or trainers as assigned by the training partnership. Time worked as a mentor will not count toward cumulative care hours.

These changes to the individual provider rates have an estimated federal impact of \$4,130,585 in FFY 2017 and \$24,268,167 in FFY 2018. These changes are in accordance with the collective bargaining agreement reached with individual providers.

3. Enhanced service facility

The daily rate for enhanced service facility providers is increasing from \$350 to \$425. This change is expected to increase federal spending by \$69,000 in FFY 2017 and \$273,750 in FFY 2018. The rates were raised due to provider feedback that the previous rates were insufficient and a lack of interest from providers in offering these services for the old rate.

4. Home care agency providers

The vendor rate for contracted home care agency providers will increase from \$25.96 to \$27.12 per hour. This change to the home care agency providers has an estimated impact of \$2,368,897 for FFY 2017 and \$27,552,917 for FFY 2018. These changes are due to home care agency providers have [having] negotiated parity with individual providers.

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**Benton County**

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**Chelan County**

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**Clallam County**

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**Franklin County**

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**Garfield County**

Garfield County District Court  
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**King County**

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**Kitsap County**

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**Klickitat County**

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3451 Galvin Road  
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Fax (360) 330-7552

**Lincoln County**

Lincoln County Health Department  
90 Nicholls Street  
Davenport, WA 99122  
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**Mason County**

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**Pacific County**

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**Pend Oreille County**

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**Pierce County**

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**San Juan County**

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**Skagit County**

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**Snohomish County**

Smokey Point Home and Community Services Office  
 3906 172nd Street N.E.  
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**Spokane County**

Spokane Home and Community Services Office  
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**Wahkiakum County**

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**Walla Walla County**

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**Whitman County**

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#### **Yakima County**

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### **WSR 17-14-066**

#### **HEALTH CARE AUTHORITY**

[Filed June 29, 2017, 1:33 p.m.]

#### **NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA)  
 17-0030 Nursing Facility Rates.

Effective Date: July 1, 2017.

Description: The health care authority (the agency) in conjunction with the aging and long-term support administration (AL TSA) of the department of social and health services (DSHS) to submit medicaid SPA 17-0030 in order to update the medicaid swing bed rate for hospitals providing nursing facility services and update the calculation language to bring the state plan in line with 42 C.F.R. 447.280 (a)(1).

SPA 17-0030 is expected to increase the annual aggregate expenditures for hospitals providing nursing facility services. The swing bed rate will increase from \$184.75 to \$187.21. The swing bed rate is updated every year to reflect the current weighted average rate calculation. This change to the swing bed rate has an estimated federal impact of \$8,288 in FFY 2017 and \$33,243 in FFY 2018.

SPA 17-0030 is in the development process; therefore a copy is not yet available for review. The agency and DSHS would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available, you may contact the agency in your county listed in the table or the person named below. To submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Interested [Interested] parties may submit comments and concerns about the rates or the effects the changes may have on beneficiary access to care or continued service access. Please submit comments and concerns to *Elizabeth.Pashley@dshs.wa.gov* by August 15, 2017. Please note that all comments are subject to public review and disclosure, as are the names of those who comment.

**NOTE:** Effective March 20, 2017, official public notice of proposed medicaid SPAs is published on the agency's web site at the Public Notices link. As a convenience, the agency will continue to publish copies of SPA notices in the Washington State Register.

Contact Elizabeth Pashley, Long-Term Care Medicaid Rates Unit, P.O. Box 45600, Olympia, WA 98504, phone (360) 725-2447, TDD/TTY 1-877-905-0454, fax (360) 725-

2641, email [Elizabeth.Pashley@dshs.wa.gov](mailto:Elizabeth.Pashley@dshs.wa.gov), web site <https://www.dshs.wa.gov/altsa/management-services-division/office-rates-management>.

#### **County Contacts**

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**Garfield County**

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**King County**

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Bremerton, WA 98312  
Phone (360) 473-2299  
Alt. Phone 1-800-422-7114  
TTY (360) 478-4928  
Fax (360) 478-6467

**Kittitas County**

Ellensburg Home and Community Services Office  
100 East Jackson Avenue  
Suite 100  
Ellensburg, WA 98926  
Phone (509) 925-0433  
Alt. Phone 1-800-310-4999  
Fax (509) 962-7755

**Klickitat County**

White Salmon Home and Community Services Office  
221 North Main Street  
White Salmon, WA 98672  
Phone (509) 493-6157  
Alt. Phone 1-800-504-1180

**Lewis County**

Chehalis Home and Community Services Office  
3451 Galvin Road  
Centralia, WA 98531  
Phone (360) 807-7150  
Alt. Phone 1-800-487-0360  
Fax (360) 330-7552

**Lincoln County**

Lincoln County Health Department  
90 Nicholls Street  
Davenport, WA 99122  
Phone (509) 725-1001



**Mason County**

Shelton Home and Community Services Office  
 2505 Olympic Highway North  
 Suite 440  
 Shelton, WA 98584  
 Phone (360) 664-9050  
 Alt. Phone 1-800-462-4957  
 Fax (360) 432-2045

**Okanogan County**

Omak Home and Community Services Office  
 130 South Main  
 Omak, WA 98841  
 Phone (509) 846-2103  
 Alt. Phone 1-888-437-0529  
 TTY (509) 826-7389  
 Fax (509) 826-7439

**Pacific County**

South Bend Home and Community Services Office  
 307 East Robert Bush Drive  
 P.O. Box 87  
 South Bend, WA 98586  
 Phone (360) 875-4222  
 Alt. Phone 1-800-458-3747  
 Fax (360) 875-0590

**Pend Oreille County**

Newport Home and Community Services Office  
 1600 West First Avenue  
 Newport, WA 99156  
 Phone (509) 447-6223  
 Alt. Phone 1-888-437-0516  
 Fax (509) 447-5256

**Pierce County**

Tacoma Home and Community Services Office  
 1949 South State Street  
 Tacoma, WA 98405  
 Phone (253) 476-7200  
 Alt. Phone 1-800-442-5129  
 TTY (253) 593-5471  
 Fax (253) 597-4161

**San Juan County**

San Juan County Health Services  
 145 Rhone Street  
 Friday Harbor, WA 98250  
 Phone (360) 378-4474  
 Fax (360) 378-7036

**Skagit County**

Mount Vernon Home and Community Services Office  
 900 East College Way  
 Suite 210  
 Mt. Vernon, WA 98273  
 Phone (360) 429-2961  
 Alt. Phone 1-866-608-0836  
 Fax (360) 416-7401

**Skamania County**

Stevenson Home and Community Services Office  
 266 S.W. Second Street

P.O. Box 817  
 Stevenson, WA 98648  
 Phone (509) 427-5611  
 Alt. Phone 1-800-505-4203  
 Fax (509) 427-4604

**Snohomish County**

Smokey Point Home and Community Services Office  
 3906 172nd Street N.E.  
 Suite 101  
 Arlington, WA 98223  
 Phone (360) 651-6800  
 Alt. Phone 1-800-827-2984  
 Fax (360) 651-6832

**Spokane County**

Spokane Home and Community Services Office  
 1330 North Washington Street  
 Suite 3000  
 Spokane, WA 99201  
 Phone (509) 568-3700  
 Alt. Phone 1-800-459-0421  
 TTY (509) 568-3697  
 Fax (509) 568-3771

**Stevens County**

Colville Home and Community Services Office  
 1100 South Main  
 Colville, WA 99114  
 Phone (509) 685-5644  
 Alt. Phone 1-800-437-0516  
 Fax (509) 684-7430

**Thurston County**

Tumwater Home and Community Services Office  
 6639 Capitol Boulevard S.W.  
 Tumwater, WA 98512  
 Phone (360) 664-9050  
 Alt. Phone 1-800-462-4957  
 TTY (360) 407-1678  
 Fax (360) 664-9107

**Wahkiakum County**

Health and Human Services  
 42 Elochoman Valley Road  
 Cathlamet, WA 98612  
 Phone (360) 795-8630  
 Alt. Phone 1-800-635-5989

**Walla Walla County**

Walla Walla Home and Community Services Office  
 206 West Poplar  
 Walla Walla, WA 99362  
 Phone (509) 524-4960  
 Alt. Phone 1-800-310-5678  
 Fax (509) 527-4142

**Whatcom County**

Bellingham Home and Community Services Office  
 600 Lakeway Drive  
 Bellingham, WA 98225  
 Phone (360) 756-5750  
 Alt. Phone 1-800-239-8292

Fax (360) 676-2239

Fax (509) 397-4323

**Whitman County**

Colfax Home and Community Services Office  
418 South Main Street  
Suite 3  
Colfax, WA 99111  
Phone (509) 397-5091  
Alt. Phone 1-800-459-0421

**Yakima County**

Yakima Home and Community Services Office  
1002 North 16th Avenue  
Yakima, WA 98902  
Phone (509) 225-4400  
Alt. Phone 1-800-822-2097  
Fax (509) 575-2286

**WSR 17-14-068****AGENDA****WALLA WALLA****COMMUNITY COLLEGE**

[Filed June 29, 2017, 1:54 p.m.]

**Semi-Annual Rule-Making Agenda  
July through December 2017**

Following is the semi-annual rule-making agenda for Walla Walla Community College, District No. 20, for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant.

WAC Citation	Subject Matter/Title	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
Chapter 132T-175 WAC, Public records.	Rule-making amendments are necessary to replace out-dated information.	Anticipate filing CR-101 by December 2017		
Chapter 132T-18 WAC, Anti-discrimination policy.	Rule making is necessary to meet compliance requirements of all applicable discrimination laws, including recent changes to Title IX and Violence Against Women Act.	Anticipate filing CR-101 by December 2017		
Chapter 132T-20, WAC, Discrimination grievance/complaint procedures.	Rule making is necessary to codify the procedures for filing discrimination grievances/complaints.	Anticipate filing CR-101 by December 2017		
Chapter 132T-22 WAC, Student code of conduct.	Rule making is necessary to articulate standards for student conduct and procedures for adjudicating allegations of student misconduct.	Anticipate filing CR-101 by December 2017		
Chapter 132T-24 WAC, Student conduct process.	Rule making is necessary to articulate the process to be followed in the event a student is charged with a violation of the student code of conduct.	Anticipate filing CR-101 by December 2017		
Chapter 132T-26 WAC, Loss of athletic eligibility for use of steroids.	State law requires institutions of higher education to promulgate rules regarding loss of eligibility to participate in school-sponsored athletic events for any student athlete found to have used steroids or legend drugs illegally.	Anticipate filing CR-101 by December 2017		
Chapter 132T-90 WAC, Implementation of the Family Rights and Privacy Act of 1974.	Rule-making amendments are necessary to replace out-dated information.	Anticipate filing CR-101 by December 2017		
Chapter 132T-28 WAC, Course materials.	State law requires the boards of trustees of each community and technical college district, in collaboration with affiliated bookstores and student and faculty representatives, adopt certain rules for allied bookstores.	Anticipate filing CR-101 by December 2017		
Chapter 132T-06 WAC, Tenure regulations.	Rule-making amendments are necessary to replace out-dated information.	Anticipate filing CR-101 by December 2017		

If you have questions about this rule-making agenda, please contact Jerri Ramsey, Rules Coordinator, 500 Tausick Way, Walla Walla, WA 99362, phone (509) 527-4274, fax (509) 527-4249, email [jerri.ramsey@wwcc.edu](mailto:jerri.ramsey@wwcc.edu).

WSR 17-14-081
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE

[Filed June 30, 2017, 9:38 a.m.]

In compliance with RCW 42.30.075, the following is the 2017-2018 regular meetings of the board of trustees of South Puget Sound Community College, District 24:

Table with 2 columns: Date (Tuesday, September 12, 2017 to Tuesday, June 12, 2018) and Time (2:30 p.m.)

If you have any questions, please contact Diana Toledo at 596-5206.

WSR 17-14-082
RULES OF COURT
STATE SUPREME COURT

[June 28, 2017]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE PROPOSED AMENDMENT TO ) NO. 25700-A-1196
APR 3—APPLICANTS FOR ADMIS- )
SION TO PRACTICE LAW )

The Washington State Bar Association, having recommended the adoption of the proposed amendment to APR 3—Applicants for Admission to Practice Law, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as shown below is adopted.

(b) That the amendment will be published in the Washington Reports and will become effective September 1, 2017.

DATED at Olympia, Washington this 28th day of June, 2017.

Table with 2 columns: Names (Johnson, J., Owens, J., Madsen, J., Stephens, J., Fairhurst, C.J., Wiggins, J., Gonzalez, J., Yu, J.)

TITLE

ADMISSION AND PRACTICE RULES (APR)

RULE 3. APPLICANTS FOR ADMISSION TO PRACTICE LAW

(a) Prerequisite for Admission. Every person desiring to be admitted to the Bar of the State of and the practice of law in Washington must be of good moral character; and possess the requisite fitness to practice law, and must qualify for and pass an bar examination except as provided for in these rules.

(b) Qualification for Lawyer Bar Examination. To qualify to sit for the lawyer bar examination, a person must not be eligible for admission by motion or UBE score transfer and must present satisfactory proof of either:

(i) graduation with a Juris Doctor (JD) degree from a law school approved by the Board of Governors; or

(ii) completion of the law clerk program prescribed by these rules; or

(iii) graduation from a United States law school not approved by the Board of Governors together with the completion of an LL.M. degree for the practice of law as defined by these rules; or

(iv) graduation from a university or law school outside the United States with a degree in law together with the completion of an LL.M. degree for the practice of law as defined by these rules; or

(v) admission to the practice of law, together with current good standing, in any jurisdiction where the common law of England is the basis of its jurisprudence, and active legal experience for at least 3 three of the 5 five years immediately preceding the filing of the application; or

(4) graduation with a Master of Laws (LL.M.) degree for the practice of law as defined below and either:

(A) graduation with a JD degree from a United States law school not approved by the Board of Governors, or

(B) graduation from a university or law school in a jurisdiction outside the United States, with a degree in law that would qualify the applicant to practice law in that jurisdiction.

"Active legal experience" shall mean experience either in the active practice of law, or as a teacher at an approved law school, or as a judge of a court of general or appellate jurisdiction, or any combination thereof, in a state or territory of the United States or in the District of Columbia or in any jurisdiction where the common law of England is the basis of its jurisprudence.

"LL.M. degree for the practice of law" means an LL.M. program at a law school approved by the Board of Governors that consists of a minimum of 18,200 minutes of total instruction to include at least 12,000 minutes of instruction on principles of domestic United States law, which must include:

(i) (A) a minimum of 2080 minutes in United States Constitutional Law, including principles of separation of powers and federalism:

(ii) (B) a minimum of 2080 minutes in the civil procedure of state and federal courts in the United States;

(iii) (C) a minimum of 1400 minutes in the history, goals, structure, values, rules and responsibilities of the United States legal profession and its members; and

~~(i+)~~ (D) a minimum of 1400 minutes in legal analysis and reasoning, legal research, problem solving, and oral and written communication.

**(c) Lawyer Admission by Motion.** Lawyers admitted to practice law in other states or territories of the United States or the District of Columbia are not required to sit for the lawyer bar examination if they:

(1+) file a certificate from that jurisdiction certifying the lawyer's admission to practice, and the date thereof, and current good standing or the equivalent; and

(2+) present satisfactory proof of active legal experience for at least ~~3~~ three of the ~~5~~ five years immediately preceding the filing of the application.

**(d) Lawyer Admission by UBE Score Transfer.** Persons with a Uniform Bar Examination score earned in another state or territory of the United States or the District of Columbia are not required to sit for the lawyer bar examination in Washington if they:

(1) file a transcript demonstrating that the applicant received a UBE score that is equal to or higher than the score required to pass the UBE in Washington, and it has been not more than 40 months since the date of the administration of the UBE in which the score was earned; and

(2) file a transcript demonstrating that the applicant received an MPRE score equal to or higher than the score required to pass the MPRE in Washington, and the score was received no earlier than three years prior to and no later than 40 months after the date of the administration of the UBE in which the applicant received the UBE score.

**(e) Qualification for LLLT examination.** To qualify to sit for the LLLT examination, a person must:

(1) be at least 18 years of age.

(2) have the following education, unless waived through regulation:

(A) An associate level degree or higher;

(B) 45 credit hours of core curriculum instruction in paralegal studies pursuant to APR 28 Regulation 3 with instruction to occur at an ABA approved law school, an educational institution with an ABA approved paralegal education program, or an educational institution with an LLLT core curriculum program approved by the LLLT Board; and

(C) In each practice area in which an applicant seeks licensure, instruction in the approved practice area based on a curriculum developed by or in conjunction with an ABA approved law school, covering the key concepts or topics and the number of credit hours of instruction required for licensure in that practice area, as determined by the LLLT Board.

(3) present original proof of passing the Paralegal Core Competency Exam administered by the National Federation of Paralegal Associations.

**(f) Qualification for LPO Examination.** To qualify to sit for the LPO examination, a person must be at least 18 years of age.

**(g) Emeritus Pro Bono Admission.** A lawyer, LLLT or LPO admitted to practice law in Washington State may apply for emeritus pro bono status when the lawyer, LLLT or LPO is otherwise fully retired from the practice of law. An emeritus pro bono lawyer, LLLT or LPO shall provide legal services in Washington State only for a qualified legal service provider as defined in these rules.

(1) To apply, the lawyer, LLLT or LPO shall

(A) file an application in such form and manner as prescribed by the Bar;

(B) present satisfactory proof of active legal experience as defined in APR 1 or at least 5 of the 10 years immediately preceding the filing of the application;

(C) file a certification from a qualified legal services provider that the applicant's practice of law will comply with the terms of this rule;

(D) comply with training requirements prescribed by the Bar; and

(E) furnish whatever additional information or proof that may be required in the course of investigating the applicant.

(2) Upon approval of the application by the Bar, the lawyer, LLLT or LPO shall pay the current year's annual license fee in the amount required of inactive lawyers, LLLTs or LPOs, whichever is the applicable license type. Emeritus pro bono lawyers, LLLTs or LPOs are subject to annual license renewal as provided by the Board of Governors.

(3) Upon admission under this section, the practice of law by a lawyer, LLLT or LPO shall be limited to

(A) providing legal service for no fee through a qualified legal services provider; or

(B) serving as an unpaid governing or advisory board member or trustee of or providing legal counsel or service for no fee to a qualified legal services provider.

The prohibition against compensation for emeritus pro bono lawyers, LLLTs or LPOs shall not prevent a qualified legal services provider from reimbursing an emeritus pro bono lawyer, LLLT or LPO for actual expenses incurred while rendering legal services under this rule. A qualified legal services provider shall be entitled to receive all court awarded attorney's fees for any representation rendered by the emeritus pro bono lawyer, LLLT or LPO.

(4) Emeritus pro bono lawyers, LLLTs or LPOs shall pay to the Bar an annual license fee in the amount required of inactive lawyers, LLLTs or LPOs, whichever is the applicable license type.

(5) The practice of a lawyer, LLLT or LPO admitted under this section shall be subject to the applicable Rules of Professional Conduct, disciplinary rules, and to all other laws and rules governing lawyers, LLLTs or LPOs admitted to the Bar.

(6) Emeritus pro bono lawyers, LLLTs or LPOs shall be exempt from compliance with rule 11 concerning Mandatory Continuing Legal Education.

(7) Emeritus pro bono admission shall be automatically terminated and converted to inactive status when the lawyer, LLLT or LPO fails to comply with the terms of this rule.

**(d) Exceptions (h) Withholding Approval or Permission to Take Examinations.** The Bar Board of Governors may, in its discretion, withhold approval of an application or withhold permission to sit for the bar take an examination for an otherwise qualified applicant, until the applicant establishes that all requirements have been met or until completion of an inquiry into the applicant's character and fitness, if the applicant ~~(i) has ever been convicted of a "serious crime" as defined in ELC 7.1 (a)(2), or (ii) has ever been disbarred or is presently suspended from the practice of law for disciplinary reasons in any jurisdiction, or (iii) has previously been denied~~

admission to the Bar in this or any other jurisdiction for reasons other than failure to pass a bar examination. The Board of Governors may also withhold approval of an application or permission to sit for the bar examination where for any other reason there are serious and substantial questions regarding the present moral character or fitness of the applicant. The Board of Governors may refer such matters to the Character and Fitness Board for investigation and hearing pursuant to these rules.

(ie) **Forms Applications; Fees; Filing.**

(1) Every applicant for admission shall:

(A) Execute and file an application, in the form and manner and within the time limits that may be prescribed by the ~~Bar Board of Governors~~;

(B) Pay upon the filing of the application such fees as may be set by the Board of Governors subject to review by with the approval of the Supreme Court; and

(C) Furnish whatever additional information or proof may be required in the course of investigating the applicant's qualification for admission or licensure, and investigating the applicant's good moral character and fitness pursuant to APR 20-25.6.

(2) Refunds of any application fees shall be handled according to policies established by the Bar.

(3) Transfers of applicants from administration of one examination to administration of another examination shall be handled according to policies established by the Bar.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 17-14-083  
RULES OF COURT  
STATE SUPREME COURT**

[June 28, 2017]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE PROPOSED AMENDMENTS ) NO. 25700-A-1197  
TO JuCR 7.7—STATEMENT ON PLEA )  
OF GUILTY; CrRLJ 4.2(G)—STATE- )  
MENT OF DEFENDANT ON PLEA OF )  
GUILTY; AND CrRLJ 4.2(G)—"DUI" )  
ATTACHMENT )

The Washington State Pattern Forms Committee, having recommended the adoption of the proposed amendments to JuCR 7.7—Statement on Plea of Guilty; CrRLJ 4.2(g)—Statement of Defendant on Plea of Guilty; and CrRLJ 4.2(g)—"DUI" Attachment, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as shown below is adopted.

(b) That the amendments will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 28th day of June, 2017.

	Fairhurst, C.J.
Johnson, J.	Wiggins, J.
Owens, J.	Gonzalez, J.
Madsen, J.	Gordon McCloud, J.
Stephens, J.	Yu, J.

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 17-15 issue of the Register.

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 17-14-084  
RULES OF COURT  
STATE SUPREME COURT**

[June 28, 2017]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE PROPOSED AMENDMENT TO ) NO. 25700-A-1198  
GR 17—FACSIMILE TRANSMISSION )

The Court Management Council, having recommended the adoption of the proposed amendment to GR 17—Facsimile Transmission, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as shown below is adopted.

(b) That the amendment will be published in the Washington Reports and will become effective September 1, 2017.

DATED at Olympia, Washington this 28th day of June, 2017.

	Fairhurst, C.J.
Johnson, J.	Wiggins, J.
Owens, J.	Gonzalez, J.
Madsen, J.	Gordon McCloud, J.
Stephens, J.	Yu, J.

**GR 17 - FACSIMILE TRANSMISSION**

(a) Facsimile Transmission Authorized; Exceptions.

(1) Except as set forth in subsection (a)(5), the clerks of the court may accept for filing documents sent directly to the clerk or to another by electronic facsimile (fax) transmission. A fax copy shall constitute an original for all court purposes. The attorney or party sending the document via fax to the clerk or to another shall retain the original signed document until 60 days after completion of the case. Documents to be transmitted by fax shall bear the notation: "SENT on \_\_\_\_\_ (DATE) VIA FAX FOR FILING IN COURT."

(2) If a document is transmitted by facsimile to another for filing with a court, by local court rule the person responsible for the filing ~~must~~ may be required to attach an original affidavit as the last page of the document. The affidavit must bear the name of the court, case caption, case number, the name of the document to be filed, and a statement that the individual signing the affidavit has examined the document, determined that it consists of a stated number of pages, including the affidavit page, and that it is complete and legible. The affidavit shall bear the original signature, the printed name, address, phone number and facsimile number of the individual who received the document for filing.

(3) The clerk of the court may use fax transmission to send any document requiring personal service to one charged with personally serving the document. Notices and other documents may be transmitted by the clerk to counsel of record by fax.

(4) Clerks may charge reasonable fees to be established ~~by the Office of the Administrator for the Courts~~ in statute, for receiving, collating, and verifying fax transmissions.

(5) Without prior approval of the clerk of the receiving court, facsimile transmission is not authorized for judge's working copies (courtesy copies) or for those documents for which a filing fee is required. Original wills and negotiable instruments may not be filed by facsimile transmission.

(6) Facsimile Machine Not Required. Nothing in this rule shall require an attorney or a clerk of a court to have a facsimile machine.

(b) Conditions.

(1) Documents transmitted to the clerk by fax shall be letter size (8-1/2 by 11 inches). Unless otherwise provided by local court rule, ~~Documents~~ documents over ~~40~~ 20 pages in length may not be filed by fax without prior approval of the clerk.

(2) Any document transmitted to the clerk by fax must be accompanied by a fax transmittal sheet in a format prescribed by the court. The form must include the case number (if any), case caption, number of pages, the sender's name, the sender's voice and facsimile telephone numbers, and fax fee remittance certification. Transmittal sheets are not considered legal filings.

(3) A document transmitted directly to the clerk of the court shall be deemed received at the time the clerk's fax machine electronically registers the transmission of the first page, regardless of when final printing of the document occurs, except that a document received after the close of normal business hours shall be considered received the next judicial day. If a document is not completely transmitted, it will not be considered received. A document transmitted to another for filing with the clerk of the court will be deemed filed when presented to the clerk in the same manner as an original document.

(4) Court personnel will not verify receipt of a facsimile transmission by telephone or return transmission and persons transmitting by facsimile shall not call the clerk's office to verify receipt.

~~(5) The clerk shall neither accept nor file a document unless it is on bond paper.~~

~~(5)~~ (6) The clerk shall develop procedures for the collection of fax service fees for those documents transmitted

directly to the clerk. Nonpayment of the fax service fee shall not affect the validity of the filing.

(6) (7) Agencies or individuals exempt from filing fees are not exempt from the fax service fees for documents transmitted directly to the clerk. [Adopted effective September 1, 1993.]

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 17-14-085**

**NOTICE OF PUBLIC MEETINGS  
BREE COLLABORATIVE**

[Filed June 30, 2017, 9:40 a.m.]

The following update is to the schedule of a regular meeting for the Dr. Robert Bree Collaborative AMDG opioid prescribing guideline:

Date	Time	Location
Wednesday July 26	Cancelled	
Wednesday August 23	3:00 - 4:30 p.m.	The Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
Wednesday September 27	Cancelled	
Wednesday October 25	3:00 - 4:30 p.m.	The Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
Wednesday November 22	Cancelled	
Wednesday December 13	3:00 - 4:30 p.m.	The Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104

If you need further information contact Ginny Weir, Foundation for Health Care Quality, 705 Second Avenue, Suite 410, Seattle, WA 98104, phone (206) 204-7377, fax (206) 682-3739, email GWeir@qualityhealth.org.

**WSR 17-14-088**

**NOTICE OF PUBLIC MEETINGS  
WESTERN WASHINGTON UNIVERSITY**

[Filed June 30, 2017, 11:41 a.m.]

The August 17, 18, 2017, regular meeting has been changed to meet on one day only, on August 18, 2017, from 8:00 a.m., to 10:30 a.m., in the Board of Trustees Room 340, Old Main Building, 516 High Street, Bellingham, WA.

A public comment period will be held from 8:05 a.m. to 8:15 a.m. A sign-up period will be offered 7:45 a.m. to 8:00 a.m.

Any questions regarding the meeting schedule or the public comment period may be directed to Rayne Rambo, assistant secretary to the board of trustees, at (360) 650-3998, or Rayne.Rambo@wwu.edu. Updated information is also posted on the university's web site <https://trustees.wwu.edu/>.

**WSR 17-14-097**

**NOTICE OF PUBLIC MEETINGS  
BOARD OF TAX APPEALS**

[Filed July 3, 2017, 9:34 a.m.]

The schedule of regular meetings for the Washington state board of tax appeals for July 15 through December 31, 2017, is:

- 9 a.m. July 21, 2017
- 9 a.m. July 28, 2017
- 9 a.m. August 4, 2017
- 9 a.m. August 11, 2017
- 9 a.m. August 18, 2017
- 9 a.m. September 1, 2017
- 9 a.m. September 15, 2017
- 9 a.m. September 29, 2017
- 9 a.m. October 6, 2017
- 9 a.m. October 20, 2017
- 9 a.m. October 27, 2017
- 9 a.m. November 3, 2017
- 9 a.m. November 10, 2017
- 9 a.m. December 1, 2017
- 9 a.m. December 8, 2017
- 9 a.m. December 15, 2017
- 9 a.m. December 22, 2017
- 9 a.m. December 29, 2017

All regular meetings of the Washington state board of tax appeals are conducted at the agency's office at 910 5th Avenue S.E., Olympia, WA 98504. If you need additional information, please contact Kate Adams, (360) 753-5446 or toll-free (866) 788-5446.

**WSR 17-14-098**

**AGENDA**

**UNIVERSITY OF WASHINGTON**

[Filed July 3, 2017, 11:12 a.m.]

**Semi-Annual Agenda for Rules Under Development  
(Per RCW 34.05.314)**

**July 2017**

Rule-making activity not now anticipated may also be added as conditions warrant between semi-annual agendas:

1. Rule making will continue for chapter 478-160 WAC, Admission and registration procedures for the University of Washington, during the second half of 2017 (a CR-101 was filed on August 5, 2015).

2. Separate rule making will continue for WAC 478-160-163 Waivers of tuition and fees, during the second half of 2017 (a CR-101 was filed on August 3, 2016).

3. Rule making is being completed for housekeeping amendments to multiple Title 478 WAC rules during the second half of 2017 (a CR-105 was filed on March 27, 2017, and a CR-103P was filed on June 26, 2017).

4. Rule making will continue for chapter 478-120 WAC, Student conduct code for the University of Washington, during the second half of 2017 (a CR-101 was filed on February 7, 2017, and a CR-102 was filed on April 18, 2017).

5. Rule making is anticipated for chapter 478-116 WAC, Parking and traffic rules of the University of Washington, Seattle, during the second half of 2017.

For more information concerning the above rules, please contact Barbara Lechtanski, Director of Rules Coordination, University of Washington, [P.O.] Box 351210, Seattle, WA 98195-1210, phone (206) 543-9219, email [rules@uw.edu](mailto:rules@uw.edu), web [www.washington.edu/rules/](http://www.washington.edu/rules/).

**WSR 17-14-099**

**NOTICE OF PUBLIC MEETINGS**

**CENTER FOR CHILDHOOD  
DEAFNESS AND HEARING LOSS**

[Filed July 3, 2017, 11:19 a.m.]

The following meeting has been cancelled. We were going to review policies and board member duties with our AAG during this retreat but our AAG is no longer with us and a new one has not yet been assigned.

The Washington State Center for Childhood Deafness and Hearing Loss board of trustees will hold special meetings on July 25 and 26, 2017. Action will only be taken on the published agenda items during these meetings.

These special meetings will be held at the Hotel Murano, 1320 Broadway, Tacoma, from 9 a.m. to 3 p.m. each day.

**WSR 17-14-100**  
**HEALTH CARE AUTHORITY**

[Filed July 3, 2017, 11:22 a.m.]

**NOTICE**

Title or Subject: Voluntary Inpatient Psychiatric Authorization Requirements in FFS System - Medicaid State Plan Amendment 17-0035.

Effective Date: July 4, 2017.

Description: The health care authority (the agency) and the behavioral health administration (BHA) within the department of social and health services intend to submit medicaid state plan amendment (SPA) 17-0035 in order to allow for voluntary psychiatric inpatient treatment without prior authorization and subject to retrospective review. The medicaid state plan currently requires prior authorization for all voluntary inpatient psychiatric care.

This change is necessary due to the July 1, 2017, implementation of a mental health fee for services (FFS) delivery system specifically for American Indians/Alaska Native individuals who do not opt into managed care for behavioral health services.

At this time, it is not clear what effect SPA 17-0035 may have on the annual aggregate expenditures for medicaid-funded community mental health services. The population has historically been served in the managed program and expenses and utilization patterns are not expected to change as a result of the removal of the prior authorization requirement. Admissions will be subject to the same medical necessity standards as those that require prior authorization.

SPA 17-0035 is in the development process; therefore a copy is not yet available for review. The agency and BHA would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available, you may contact the agency in your county listed in the table or the person named below. To submit comments, please contact the person named below.

Interested parties may submit comments and concerns about the rates or the effects the changes may have on beneficiary access to care or continued service access. Please submit comments and concerns to the individual below by August 7, 2017.

Please note that all comments are subject to public review and disclosure, as are the names of those who comment.

Contact Richard VanCleave, Division of Behavioral Health and Recovery, P.O. Box 45330, Olympia, WA 98504-5330, phone (360) 725-3750, email [vanclrl@dshs.wa.gov](mailto:vanclrl@dshs.wa.gov).

**County Contacts**

**Adams County**

Adams County Health Department  
 108 West Main  
 Ritzville, WA 99169  
 Phone (509) 659-3315

**Asotin County**

Clarkston Home and Community Services Office  
 525 Fifth Street  
 Clarkston, WA 99403  
 Web site <http://www.altcWashington.com>

Phone (509) 751-4672  
 Alt. Phone 1-800-310-4881  
 Fax (509) 758-4593

**Benton County**

Tri-Cities Home and Community Services Office  
 500 North Morain Street  
 Suite 2210  
 Kennewick, WA 99336  
 Phone (509) 374-2100  
 Alt. Phone 1-800-310-4833  
 Fax (509) 374-7559

**Chelan County**

Chelan Community Services Office  
 805 South Mission Street  
 Wenatchee, WA 98801  
 Phone (509) 667-6000

**Clallam County**

Port Angeles Home and Community Services Office  
 235 West 1st Street  
 Port Angeles, WA 98362  
 Phone (360) 565-2160  
 Alt. Phone 1-800-280-9891  
 TTY (360) 417-5651  
 Fax (360) 417-1416

**Clark County**

Vancouver Home and Community Services Office  
 800 N.E. 136th Avenue  
 Suite 220  
 Vancouver, WA 98684  
 Phone (360) 397-9500  
 Alt. Phone 1-800-280-0586  
 TTY (360) 750-4079  
 Fax (360) 992-7949

**Columbia County**

Aging and Disability Resource Center  
 410 East Main  
 Dayton, WA 99328  
 Web site <http://www.altcWashington.com/>  
 Phone (509) 382-4787

**Cowlitz County**

Kelso Home and Community Services Office  
 711 Vine Street  
 Kelso, WA 98626  
 Phone (360) 501-2500  
 Alt. Phone 1-800-605-7322  
 TTY (360) 577-7591  
 Fax (360) 578-4106

**Douglas County**

Wenatchee Home and Community Services Office  
 50 Simon Street S.E.  
 Suite B  
 East Wenatchee, WA 98802  
 Phone (509) 886-6140  
 Alt. Phone 1-800-670-8874  
 Fax (509) 886-6221



**Ferry County**

Republic Home and Community Services Office  
89 East Delaware  
Republic, WA 99166  
Phone (509) 775-2227  
Alt. Phone 1-888-437-0516  
TTY (509) 775-2661  
Fax (509) 775-2401

**Franklin County**

Franklin County Commissioners Office  
1016 North 4th Avenue  
Pasco, WA 99301  
Phone (509) 545-3535

**Garfield County**

Garfield County District Court  
789 West Main Street  
P.O. Box 817 or 819  
Pomeroy, WA 99347  
Phone (509) 843-1002

**Grant County**

Moses Lake Home and Community Services Office  
1651 South Pilgrim Street  
Moses Lake, WA 98837  
Phone (509) 764-5657  
Alt. Phone 1-800-671-8902  
TTY 1-800-833-6388  
Fax (509) 764-5656

**Grays Harbor County**

Aberdeen Home and Community Services Office  
415 West Wishkah Street  
Suite A2  
Aberdeen, WA 98520  
Phone (360) 533-9222  
Alt. Phone 1-800-487-0119  
TTY (360) 533-9730  
Fax (360) 533-9782

**Island County**

Oak Harbor Home and Community Services Office  
900 East College Way  
Suite 210  
Mt. Vernon, WA 98273  
Phone (360) 429-2961  
Alt. Phone 1-866-608-0836  
Fax (360) 429-2958

**Jefferson County**

Port Townsend Home and Community Services Office  
915 Sheridan Street  
Suite 201  
Port Townsend, WA 98368  
Phone (360) 379-4326  
Alt. Phone 1-800-280-9991  
Fax (360) 344-4600

**King County**

King County Home and Community Services Office  
1737 Airport Way South  
Suite 130

P.O. Box 24847  
Seattle, WA 98134  
Phone (206) 341-7750  
Alt. Phone 1-800-346-9257  
TTY 1-800-833-6384

**Kitsap County**

Bremerton Home and Community Services Office  
4710 Auto Center Boulevard  
Bremerton, WA 98312  
Phone (360) 473-2299  
Alt. Phone 1-800-422-7114  
TTY (360) 478-4928  
Fax (360) 478-6467

**Kittitas County**

Ellensburg Home and Community Services Office  
100 East Jackson Avenue  
Suite 100  
Ellensburg, WA 98926  
Phone (509) 925-0433  
Alt. Phone 1-800-310-4999  
Fax (509) 962-7755

**Klickitat County**

White Salmon Home and Community Services Office  
221 North Main Street  
White Salmon, WA 98672  
Phone (509) 493-6157  
Alt. Phone 1-800-504-1180

**Lewis County**

Chehalis Home and Community Services Office  
3451 Galvin Road  
Centralia, WA 98531  
Phone (360) 807-7150  
Alt. Phone 1-800-487-0360  
Fax (360) 330-7552

**Lincoln County**

Lincoln County Health Department  
90 Nicholls Street  
Davenport, WA 99122  
Phone (509) 725-1001

**Mason County**

Shelton Home and Community Services Office  
2505 Olympic Highway North  
Suite 440  
Shelton, WA 98584  
Phone (360) 664-9050  
Alt. Phone 1-800-462-4957  
Fax (360) 432-2045

**Okanogan County**

Omak Home and Community Services Office  
130 South Main  
Omak, WA 98841  
Phone (509) 846-2103  
Alt. Phone 1-888-437-0529  
TTY (509) 826-7389  
Fax (509) 826-7439

**Pacific County**

South Bend Home and Community Services Office  
307 East Robert Bush Drive  
P.O. Box 87  
South Bend, WA 98586  
Phone (360) 875-4222  
Alt. Phone 1-800-458-3747  
Fax (360) 875-0590

**Pend Oreille County**

Newport Home and Community Services Office  
1600 West First Avenue  
Newport, WA 99156  
Phone (509) 447-6223  
Alt. Phone 1-888-437-0516  
Fax (509) 447-5256

**Pierce County**

Tacoma Home and Community Services Office  
1949 South State Street  
Tacoma, WA 98405  
Phone (253) 476-7200  
Alt. Phone 1-800-442-5129  
TTY (253) 593-5471  
Fax (253) 597-4161

**San Juan County**

San Juan County Health Services  
145 Rhone Street  
Friday Harbor, WA 98250  
Phone (360) 378-4474  
Fax (360) 378-7036

**Skagit County**

Mount Vernon Home and Community Services Office  
900 East College Way  
Suite 210  
Mt. Vernon, WA 98273  
Phone (360) 429-2961  
Alt. Phone 1-866-608-0836  
Fax (360) 416-7401

**Skamania County**

Stevenson Home and Community Services Office  
266 S.W. Second Street  
P.O. Box 817  
Stevenson, WA 98648  
Phone (509) 427-5611  
Alt. Phone 1-800-505-4203  
Fax (509) 427-4604

**Snohomish County**

Smokey Point Home and Community Services Office  
3906 172nd Street N.E.  
Suite 101  
Arlington, WA 98223  
Phone (360) 651-6800  
Alt. Phone 1-800-827-2984  
Fax (360) 651-6832

**Spokane County**

Spokane Home and Community Services Office  
1330 North Washington Street

Suite 3000

Spokane, WA 99201  
Phone (509) 568-3700  
Alt. Phone 1-800-459-0421  
TTY (509) 568-3697  
Fax (509) 568-3771

**Stevens County**

Colville Home and Community Services Office  
1100 South Main  
Colville, WA 99114  
Phone (509) 685-5644  
Alt. Phone 1-800-437-0516  
Fax (509) 684-7430

**Thurston County**

Tumwater Home and Community Services Office  
6639 Capitol Boulevard S.W.  
Tumwater, WA 98512  
Phone (360) 664-9050  
Alt. Phone 1-800-462-4957  
TTY (360) 407-1678  
Fax (360) 664-9107

**Wahkiakum County**

Health and Human Services  
42 Elochoman Valley Road  
Cathlamet, WA 98612  
Phone (360) 795-8630  
Alt. Phone 1-800-635-5989

**Walla Walla County**

Walla Walla Home and Community Services Office  
206 West Poplar  
Walla Walla, WA 99362  
Phone (509) 524-4960  
Alt. Phone 1-800-310-5678  
Fax (509) 527-4142

**Whatcom County**

Bellingham Home and Community Services Office  
600 Lakeway Drive  
Bellingham, WA 98225  
Phone (360) 756-5750  
Alt. Phone 1-800-239-8292  
Fax (360) 676-2239

**Whitman County**

Colfax Home and Community Services Office  
418 South Main Street  
Suite 3  
Colfax, WA 99111  
Phone (509) 397-5091  
Alt. Phone 1-800-459-0421  
Fax (509) 397-4323

**Yakima County**

Yakima Home and Community Services Office  
1002 North 16th Avenue  
Yakima, WA 98902  
Phone (509) 225-4400  
Alt. Phone 1-800-822-2097  
Fax (509) 575-2286

**WSR 17-14-103****UNIVERSITY OF WASHINGTON**

[Filed July 3, 2017, 4:30 p.m.]

The University of Washington has recently created or revised the following bylaws, orders, policy statements, scholastic regulations, and faculty codes:

- "Faculty Salary Policy," revised effective January 10, 2017 (Executive Order No. 64).
- "Registration for Courses," revised effective January 23, 2017 (*Student Governance and Policies*, Chapter 102, Section 1).
- "Delegation of Authority," revised effective February 9, 2017 (*Board of Regents Governance*, Standing Orders, Chapter 1).
- "Admission to Undergraduate Standing," revised effective March 1, 2017 (*Student Governance and Policies*, Chapter 101, Section 2).
- "Advisory Committees of the Board of Regents," revised effective March 9, 2017 (*Board of Regents Governance*, Standing Orders, Chapter 4).
- "University of Washington Divestment Guideline," new effective March 9, 2017 (*Board of Regents Governance*, Regent Policy No. 17).
- "Student International Travel Policy," new effective March 22, 2017 (*Student Governance and Policies*, Chapter 211).
- "Guidelines Relating to the Expenditure of Public Funds and the Use of University Facilities by the ASUW, GPSS, and Other Affected Organizations," revised effective April 4, 2017 (*Student Governance and Policies*, Chapter 202).
- "Salary Payments and Employment Periods for Academic Personnel," revised effective April 6, 2017 (Administrative Policy Statements 41.1).
- "Meetings of the Board," revised effective May 11, 2017 (*Board of Regents Governance*, Bylaws, Article III).
- "Committees of the Board," revised effective May 11, 2017 (*Board of Regents Governance*, Bylaws, Article IV).
- "Employee-Student Romantic Relationships and Conflicts of Interest," new effective May 12, 2017 (Executive Order No. 54).
- "Civil Disorders," revised effective May 12, 2017 (Administrative Order No. 2).
- "Legal Actions," revised effective May 12, 2017 (Administrative Order No. 3).
- "Delegated Authority for Gifts to the University," revised effective May 12, 2017 (Administrative Order No. 5).
- "Methods of Registration," revised effective June 2, 2017 (*Student Governance and Policies*, Chapter 102, Section 2).
- "Rules Coordination," revised effective June 13, 2017 (Administrative Policy Statements 1.4).
- "Summary of the State Employee Whistleblower Act," revised effective June 22, 2017 (Administrative Policy Statements 47.1).
- "Reporting Suspected Child Abuse or Neglect," revised effective June 26, 2017 (Executive Order No. 56).

- "Qualifications for Appointment at Specific Ranks and Titles," revised effective June 26, 2017 (*Faculty Code and Governance*, Chapter 24, Section 24-34).

To view any item noted above, see the UW Policy Directory: [washington.edu/admin/rules/policies/](http://washington.edu/admin/rules/policies/). For more information regarding these materials contact Barbara Lechtanski, Director of Rules Coordination, University of Washington, [P.O.] Box 351210, Seattle, WA 98195-1210, or email [rules@uw.edu](mailto:rules@uw.edu).

**WSR 17-14-108**

**INTERPRETIVE OR POLICY STATEMENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed July 5, 2017, 10:35 a.m.]

**Notice of Interpretive or Policy Statement**

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services (DSHS).

**Developmental Disabilities Administration (DDA).**

Document Title: Public Comment Notice for Proposed Developmental Disabilities Administration HCBS Waiver Amendments.

Subject: Basic plus, core, community protection, children's intensive in-home behavioral support, and individual and family services HCBS waiver amendments are available for thirty days of public comment from August 1 through August 31, 2017.

Effective Date: June 30, 2017.

Document Description: DDA within DSHS, in cooperation with the health care authority, is posting for thirty days of public comment amendments for the basic plus, core, community protection, children's intensive in-home behavioral support, and individual and family services waivers. The amendments describe a revised method for determining ICF/IID level of care for waiver participants with little or no impact on participants. The proposed waiver amendments are available at [www.dshs.wa.gov/dda](http://www.dshs.wa.gov/dda).

To receive a copy of the interpretive or policy statements, contact Bob Beckman, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 407-1555, TDD/TTY 711 or 1-800-833-6388, fax (360) 407-0955, email [bob.beckman@dshs.wa.gov](mailto:bob.beckman@dshs.wa.gov), web site [www.dshs.wa.gov/dda](http://www.dshs.wa.gov/dda).

**WSR 17-14-110**

**NOTICE OF PUBLIC MEETINGS  
NOXIOUS WEED  
CONTROL BOARD**

[Filed July 5, 2017, 10:48 a.m.]

The updated information of the Washington state noxious weed control board for the August meeting is as follows:

From: Wednesday, August 9, at 9:00 at the Washington state department of transportation (WSDOT) maintenance facility located at 151 South Bullfrog Road, Cle Elum, WA 98922.

To: Wednesday, August 9, at 10:00 at the WSDOT maintenance facility located at 151 South Bullfrog Road, Cle Elum, WA 98922.

If you need further information contact Alison Halpern, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2053, fax (360) 902-2094, [noxiousweeds@agr.wa.gov](mailto:noxiousweeds@agr.wa.gov), [www.nwcb.wa.gov](http://www.nwcb.wa.gov).