

LIMITED LICENSE LEGAL TECHNICIAN

"We need gradations in the [legal] profession. There's a huge unmet need and we must be creative in order to make the justice system available to everyone... The capacity of the state-funded legal aid system to meet the day-to-day problems of the low-income population is now vaneer thin."

"2014 State of the Judiciary" report presented by Chief Justice Barbara A. Madsen

A national first in legal access



A landmark state Supreme Court rule that promises to create new jobs and expand public access to legal help is coming to life at Washington's community and technical colleges.

Four colleges – Highline, Edmonds, Tacoma and Spokane – will start training students to become "Limited License Legal Technicians" (LLLTs) as early as spring 2014. The state Supreme Court authorized the new license in 2012, making Washington the first – and currently only – state to endorse this exciting new profession.¹

Much like nurse practitioners in the medical field, the LLLT license has been dubbed the "next big thing" in the rapidly changing legal environment because it allows licensed individuals to provide limited legal services directly to clients.²

Clark College and Whatcom Community College are gearing up to offer LLLT training in the future.

Limits and opportunities

Limited Licensed Legal Technicians are not lawyers, but they can provide limited advice and assistance directly to clients on legal matters related to family law. This includes routine cases of divorce, child residential placement, child support, and other family matters. If the legal issue requires work beyond the LLLT scope of practice, the LLLT must advise clients to seek the advice of an attorney. LLLTs may:

- Select and complete forms.
- Inform clients of procedures and timelines.
- Review and explain pleadings.
- Identify additional documents that may be needed.

Family law is the only practice area approved thus far, but the state Supreme Court may add other areas in the future, such as landlord tenant law, elder law, and immigration law.

New career path for paralegals

The LLLT license presents an exciting new career path for paralegals. Paralegals work directly for lawyers and cannot give legal advice. In contrast, LLLTs can open their own businesses, independent of attorneys, and provide limited legal advice directly to clients.

Academic rigor

Applicants for the LLLT licensing exams must complete:

- An associate degree or higher.
- 45 credit hours of core curriculum from an American Bar Association (ABA)-approved program.
- Additional credits in the particular practice area – such as 15 credits in family law – with curriculum developed by an ABA-approved university law school.
- About one-and-a-half years' worth (3,000 hours) of full-time, substantive law-related experience supervised by a licensed attorney.

Community and technical colleges and universities have made virtually every course available online. Two-year colleges honor each other's LLLT courses so students can take them from any college.

After completing the educational requirements, applicants must take and pass two exams: a core education exam and a practice area exam. A 13-member Limited License Legal Technician Board administers the exams and sets rules and regulations.

Until Dec. 31, 2016, certified or registered paralegals with at least ten years of experience can apply for a waiver to simply take the practice area credits and sit for the exams.

Sources:

1. "2014 State of the Judiciary" report presented by Chief Justice Barbara A. Madsen on behalf of the courts of Washington, page 4.
2. "Next big thing" reference from University of La Verne Department of Legal Studies (California) July 18, 2013 blog post, citing Washington state.
3. "The Washington State Civil Legal Needs Study," Task Force on Civil Equal Justice Funding, Washington State Supreme Court, September 2003, page 9.

Note: This fact sheet has been approved by the LLLT program of the Washington State Bar Association.

The impetus

The court ruling seeks to make simple, routine legal services more available and affordable to people who might otherwise struggle to pay attorneys' fees, fall prey to unregulated "practitioners," or forego representation in our justice system altogether.

The LLLT rule was recommended by the Practice of Law Board, created by the Supreme Court in 2001. The Practice of Law Board pushed for the new rule for about ten years.

Two-year colleges a natural fit

In its ruling, the state Supreme Court cited a 2003 Civil Legal Needs Study that found "Nearly half of all low-income people with a legal problem did not seek legal assistance because they did not know that there were laws to protect them or that relief could be obtained from the justice system. Others did not know where to turn, were fearful, believed they could not afford legal help, or had language barriers." ³

America's community and technical colleges are often called "Democracy's" colleges because their open-door policies give all residents access to higher education. With the new LLLT license training, our two-year colleges are proud to help expand access to justice as well.