

SENATE BILL REPORT

SJM 8006

As of January 20, 2025

Brief Description: Concerning the limited license legal technician program.

Sponsors: Senators Torres and Hasegawa.

Brief History:

Committee Activity: Law & Justice: 1/20/25.

Brief Summary of Bill

- Asks the Washington State Supreme Court (Court) to reinstate the Limited License Legal Technician (LLLT) program, sunsetted in 2020.
- Asks the Court to expand the LLLT program into the new areas of providing assistance at administrative hearings, and debt collection and eviction proceedings.
- Asks the Court to form a work group to study and recommend how LLLTs could help defendants in courts of limited jurisdiction.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Kevin Black (786-7747)

Background: Authorized Practice of Law. General Rule 29, promulgated by the Washington State Supreme Court (Court), defines the practice of law as the application of legal principles and judgment to circumstances which require the knowledge and skill of a person trained in law. It is illegal for a person who is not licensed as a lawyer in Washington State to practice law within Washington outside of federal court unless they qualify through a number of exceptions, which include practicing as a courthouse facilitator, lay representative, mediator, arbitrator, conciliator, or practicing through a limited license. Limited license opportunities in Washington include those for licensed legal interns, limited practice officers, foreign law consultants, and limited license legal technicians (LLLTs).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Limited License Legal Technicians. The LLLT program, established by order of the Court in 2013, allows nonlawyers licensed as LLLTs to render limited legal assistance as specified by court rule. The scope of the LLLT includes:

- obtaining relevant facts, and explaining their relevancy;
- informing clients of applicable procedures;
- informing clients with services of process and filing of legal documents;
- providing the client with self-help materials;
- reviewing documents and exhibits received by the client and explaining them;
- performing legal research and assisting a client with obtaining necessary records;
- drafting letters or certain legal documents if they are subsequently reviewed by a Washington lawyer;
- communicating and negotiating with the opposing party regarding procedural matters; and
- accompanying and assisting the client in dispute resolution proceedings.

The scope of an LLLT is further limited to domestic proceedings. An LLLT must inform a client when issues arise beyond their authorized scope of practice.

A LLLT must have completed 45 credit hours of coursework related to the legal profession, 15 credit hours of instruction in the LLLT's intended area of practice, 1500 hours of substantive law-related work experience, and passed an examination.

On April 22, 2020, the LLLT board submitted an annual report to the Court and requested expansion of the scope of LLLT practice to include providing assistance to clients at administrative hearings and to provide eviction and debt assistance. On June 5, 2020, the Court voted to sunset the LLLT program and close it to new applicants not already in the pipeline. The deadline to become licensed for those in the pipeline was extended twice until July 31, 2023, and has expired. LLLTs in good standing are permitted to continue to be licensed and to provide services. As of January 6, 2025, there are 73 persons with an active LLLT license.

Summary of Bill: The Chief Justice and members of the Court are requested to:

- reverse the sunset of the LLLT program and reinstate the issuance of new licenses;
- expand the LLLT program within one year to include authorization to provide assistance to clients at administrative hearings and to provide eviction and debt assistance; and
- form a work group to consider how LLLTs can be used to help meet the needs of individuals charged with offenses in courts of limited jurisdiction and within two years deliver recommendations for expansion of the LLLT program into this area.

Appropriation: None.

Fiscal Note: Requested on January 10, 2025.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This came up in work we are doing related to the public defense shortage. Reviving LLLTs would be a great help. Lack of public services and support staff is the biggest bottleneck in our court system. It undermines public confidence in our ability to keep the community safe. LLLTs are another tool in the toolbox to reduce the lawyer shortage. People who can't afford an attorney are desperate for legal help. LLLTs could be licensed in other areas. Most LLLTs are capable of becoming lawyers but have other obstacles or disabilities. Washington used to lead, now other states are passing us up. When I divorced my abusive husband, I had no money and was overwhelmed. Pro se parties don't understand court rules or procedures, and can be easily exploited. We should do everything to assist where we can. LLLTs make a huge impact in people's lives. Tens of thousands of people need help from only 73 LLLTs. People find LLLTs when they are in desperation and need.

OTHER: In response to the persistent gap in legal services for low income people, Washington was the first state in the nation to create a program of this kind. LLLTs were never intended to replace lawyers. The scope of LLLT practice is much narrower than a lawyer. LLLTs can't file appeals or represent clients in court. The education and experience requirements for LLLTs are extensive, which protects the public. LLLTs offer unbundled legal services and engage in pro bono work. Their clients are mostly below 400 percent of the federal poverty level. Several other states have adopted or are considering adopting LLLT programs.

Persons Testifying: PRO: Senator Nikki Torres, Prime Sponsor; Ranae York, Miryam Gordon, Christine Camper, LLLTs; LaDon Linde, Yakima County Commissioner.

OTHER: Renata de Carvalho Garcia, Terra Nevitt, Washington State Bar Association.

Persons Signed In To Testify But Not Testifying: No one.