

August 28, 2018

The Honorable Mary E. Fairhurst, Chief Justice
Washington State Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, Washington 98504-0929

Re: Limited Practice Officer License Fees – FY 2018-2019

Dear Justice Fairhurst:

I am the current chair of the Limited Practice Board. At the LPB's meeting on August 14, 2018, we were informed of the recommendation of the Board of Governors of the Washington State Bar Association to increase the annual license fees for limited practice officers from \$110 per year to \$453 per year – an increase of more than four hundred percent (400%). The LPB unanimously instructed me to communicate with you the LPB's belief this proposed increase is unreasonable and financially unnecessary. Toward that end, I am writing to you to urge you to review and reconsider the recommendation of the BOG for the adjustment of the annual license fee charged Washington LPOs.

Attached is a copy of the recommendation of the Budget and Audit Committee of the WSBA concerning the adjustment of LPO license fees presented to the BOG at its July 2018 meeting in Vancouver, Washington. This recommendation accurately reflects the recommendation of the LPB to essentially double the LPO license fees for the upcoming fiscal year from \$110 to \$200. Although this was a substantial percentage increase, the fees have not been adjusted for some time. The proposed adjustment will generate enough revenue to ensure the LPO program covers all of its expenses, including the allocation of indirect overhead assessed by the WSBA.

At the meeting, the BOG did not accept this recommendation and instead approved an adjustment of the LPO license fees to \$453, the same amount proposed for active practicing attorneys. In addition, LPOs will be assessed a \$30 fee to participate in the WSBA client security fund. It is not possible to review the discussion and rationale of the BOG leading to this decision, since the July meeting location lacked audio-visual facilities and the meeting was not recorded.

The LPB believes a 400% increase in the annual LPO license fee is unreasonable and lacks any factual support. The \$200 annual fee proposed to the BOG fully covers all of direct and indirect expenses associated with the LPO program, which currently has approximately 770 licensees. In effect, the BOG wants LPOs to subsidize the expenses associated with licensed attorneys by an additional \$253 per LPO, or a total of approximately \$195,000.

Recently, the BOG proposed and adopted amendments to the WSBA bylaws making LPOs full members of the WSBA. This change in status does not, however, justify license fees for LPOs equal to those paid by practicing attorneys. The Bar's calculations demonstrate the costs of maintaining the LPO program

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(including an allocable share of WSBA overhead) are fully paid by a \$200 annual license fee. The simple fact is LPOs do not require the same level of administrative support or supervision as active attorneys. While the BOG has made LPOs full members of the Bar, there has been no demonstration the benefits associated with that status are comparable to those available and utilized by practicing attorneys; the very fact LPOs are allowed only to engage in a limited range of the practice of law suggests otherwise. Absent a demonstration the additional fees are required to offset the costs of the LPO program, the suggested annual fee is unreasonable.

The Supreme Court and by extension, the WSBA, have been active supporters of alternative methods of delivering legal services in a cost-effective manner. This broadens the access to the justice system and makes available to the general public the benefits of competent and informed legal assistance in everyday transactions. The LPO program is an essential and successful part of this effort. Imposing unnecessary costs on LPOs in the form of unreasonable license fees is contrary to this policy. I urge you to adjust the annual LPO license fee to \$200 as initially proposed and reject as unreasonable the 400% increase proposed by the BOG.

On behalf of the LPB and the 770 licensed LPOs, thank you for your consideration of this letter.

Very truly yours,


Shelley Miner, Chair
Limited Practice Board

cc: William D. Pickett, President WSBA
Paula Littlewood, Executive Director WSBA

