

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD
AGENDA for August 16, 2018

Washington State Bar Association
1325 Fourth Avenue – Suite 600
Seattle, Washington 98101
1:00 p.m. to 4:00 p.m.

1. **Call to Order/Preliminary Matters** (1:00 p.m.)
 - Outreach Update
 - Approval of Meeting Minutes - **ACTION**
 - Approval of Board Meeting Schedule – **ACTION**
2. **Staff Report** (WSBA Staff) (1:30 p.m.)
3. **Trust Account Committee Report** (Brenda Cothary/Andrea Jarmon) (2:00 p.m.)
4. **Consumer, Money, and Debt Committee Report** (Nancy Ivarinen) (2:30 p.m.)
5. **Board Development Committee Report** (Steve Crossland) (3:00 p.m.)
6. **Coordinated Discipline Discussion** (WSBA Staff) (3:30 p.m.)

MEETING MATERIALS

1. Outreach Update
2. May 10, 2018 Draft Meeting Minutes
3. Proposed FY19 Board Meeting Schedule
4. Consumer, Money, and Debt Comments and Memo
5. Consumer, Money, and Debt Annotated Draft for Discussion
6. Consumer, Money, and Debt Outreach Overview
7. Retreat Summary and Work Plan Outline
8. FY19 Committee Rosters



LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

UPDATE: August 2018

Outreach & Press

Press:

- June 29, 2018: [How the Access-to-Justice Crisis Affects Small Business Owners](#)
- July 16, 2018: [Spokane Young Lawyers provide tuition assistance scholarship to student LLLT program at Spokane Community College](#)
- July 18, 2018: [Can't Afford a Lawyer?](#)
- July 25, 2018: [Who Accesses Justice? The rise of limited license legal technicians](#)
- July 25, 2018: [Framing the Paraprofessional Debate - Views from both sides of the fault line](#)
- July 25, 2018: [Approaching the Bar - A review of paraprofessionalism across jurisdictions](#)
- July 25, 2018: [Addressing the Supply Problem - How medicine made space for physician assistants](#)
- August 1, 2018: [Response To The Obstacles To Innovation In The Law](#)
- August 7, 2018: [First paralegal practitioners in Utah are expected to be licensed in 2019](#)

Recent Events:

- July 23, 2018: Summer Exam

Upcoming Events:

- September 15, 2018: Orientation of UW LLLT Family Law students
- September 29, 2018: Family Law and Mediation CLE with Washington State Paralegal Association (Christy Carpenter will be a guest speaker)
- October 25-28, 2018: NFPA Annual Convention, Hilton Seattle Airport. Steve Crossland & Paula Littlewood.
- October 27, 2018: NALS of Washington Fall Education Conference, Great Wolf Lodge

Statistics & Other Events

- Number of current LLLTs: 38
- 3 LLLTs are inactive
- 5 applicants took LLLT exam in July

Meetings

Recent:

- July 14, 2018: LLLT Quarterly Meeting. Renata Garcia and Jennifer Olegario

Upcoming:

- October 8, 2018: LLLT Board Meeting



LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

Meeting Minutes for May 10, 2018

Washington State Bar Association
1325 Fourth Avenue – Suite 600
Seattle, Washington 98101

LLLT Board Members in Attendance:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Stephen Crossland | <input checked="" type="checkbox"/> Nancy Ivarinen |
| <input checked="" type="checkbox"/> Sarah Bove | <input type="checkbox"/> Andrea Jarmon |
| <input checked="" type="checkbox"/> Brenda Cothary (Remote) | <input checked="" type="checkbox"/> Genevieve Mann (Remote) |
| <input checked="" type="checkbox"/> Greg Dallaire | <input type="checkbox"/> Ruth McIntyre |
| <input type="checkbox"/> Jeanne Dawes | <input checked="" type="checkbox"/> Jennifer Petersen |
| <input type="checkbox"/> Stephanie Delaney | <input checked="" type="checkbox"/> Amy Riedel |
| <input checked="" type="checkbox"/> Lynn Fleischbein (Remote) | <input type="checkbox"/> Gail Hammer |
| <input checked="" type="checkbox"/> Kendra Hodgson, Ex Officio (Remote) | |

Staff and Others in Attendance during some or all of the meeting:

Renata Garcia (Innovative Licensing Programs Manager), Bobby Henry (RSD Associate Director), Laura Sommer (LLLT Lead Temp), Doug Ende (Chief Disciplinary Counsel), Tamara Erickson (remote), and Bill Covington.

Call to Order / Preliminary Matters

The meeting was called to order at 1:00 p.m.

- Outreach Update

The Board discussed targeting community colleges and high schools. Jen mentioned that she is shooting a video at her office on Tuesday. Brenda reported that she was invited by the Workforce Education Director Yesenia Rodriguez at Yakima Community College to talk about the LLLT license. The Board discussed the need for an outreach package (flyers, power points, etc) to make sure that the correct information is being disseminated. Amy Riedel and Nancy Ivarinen both mentioned that they are noticing more interest in the LLLT license at Whatcom College. The Board also discussed the need for a potential certification to demonstrate that the 45 core curriculum credits have been met.



Christy Carpenter, Renata Garcia, and Sarah Bove presented at the NALS CLE in April. There seems to be a lot of interest in LLLT license, but not necessarily in family law. Jennifer Ortega is speaking tomorrow at Highline CC, Barb Esselstrom is presenting on June 2, and Steve Crossland is meeting with Justice Gonzalez.

- Approval of Meeting Minutes

The March 15, 2018 meeting minutes were approved.

- Approval of Board Meeting Schedule

The Board approved the meeting schedule for FY19. The Board discussed changing the day of the meeting, but decided to continue meeting on the third Thursday of each month. Changing the day/time is always open for discussion.

There was a motion to cancel the July Board meeting in order to stay within budget and also because of the deadline for comments on the proposed new practice area. Motion passed.

New Practice Area

A draft of the potential new practice area - Consumer, Money, and Debt Law - has been distributed for comments. Deadline for comments is July 16, 2018.

The Board discussed creating an automated response for questions received via email as well as having someone personally reply as needed. There was a motion that the New Practice Area Committee chair and a subcommittee of the work group be authorized to respond to comments and questions received with the approval of the LLLT Board. The motion passed.

Sarah Niegowski from WSBA Communications Department reported that the LLLT license is a very high priority for her department. One of the main priorities is to make sure that the public is aware of the program. She is putting together an outreach package including a video for different audiences, (mid-career adults, younger students, and counselors), and a plan to attend paralegal CLEs, career fairs, and a quarterly meeting with licensed LLLTs.

The Board discussed a well thought out comment sent by Edgar Hall. Mr. Hall offered to give more input to the Board. The Board discussed the possibility of inviting him and others to speak to the Board.

Site Team Report

Bill Covington reported that current UWCC students are enthusiastic about the program. The Board discussed some concerns including the fact that the UWCC Paralegal Program is still in the design process. There is also no full time teacher or advisory staff.



The Board discussed the possibility of having the site team re-visit the UWCC Paralegal Program in a year to follow up on items of concern. The Board also discussed the fact that Continuum College students don't have access to the same services that other UW students have.

There was a motion that the UWCC paralegal studies program be approved to teach the LLLT core curriculum. The motion passed.

Staff Report

- Renata and Sarah Bove will attend the May 25, 2018 ATJ Board meeting to give a report on the LLLT license and talk about the proposed new practice area.
- LLLT quarterly meeting – should someone from the LLLT Board attend their meetings?

Financial Aid Discussion

There is a meeting set up for next week to discuss the process for getting financial aid for continuing education. State and federal rules prohibit financial aid for continuing education. The Board demonstrated an interest in having a financial aid expert meet with Board.

LLLT RPC Suggested Amendments

Doug Ende reported on draft amendments to Title 7 LLLT RPCs relating to simplifying lawyer advertising. To coordinate LLLT rules with lawyer rules. There was a motion to approve the recommended changes to 1.0B, 1.5, and 7.1 – 7.5 and submit to the Court for review. Motion passed.

Retreat Planning and July Board Meeting

The Board mentioned the importance of focusing on team building at the retreat and the possibility of having someone facilitate the retreat. The Board retreat is on Saturday, June 23, from 11:00am until 5:00pm, followed by a group dinner at 7:00pm, and Sunday morning starting at 9:00am (breakfast included).

Adjournment

The meeting adjourned at 3:30 p.m.



LLLT BOARD MEETING SCHEDULE FY 2019

Meeting Date
October 15, 2018
November 5, 2018
December 10, 2018
January 14, 2019
February 11, 2019
March 11, 2019
April 8, 2019
May 13, 2019
June 10, 2019
July 8, 2019
August 12, 2019
September 9, 2019



WASHINGTON STATE BAR ASSOCIATION

TO: Limited License Legal Technician Board

FROM:

cc:

RE: Comments Received on the Proposed New Practice Area Consumer, Money, and Debt

DATE: July 18, 2018

OVERVIEW

The LLLT Board posted a draft of the proposed new practice area, Consumer, Money, and Debt Law, on the WSBA website and solicited comments between May 15, 2018 and July 16, 2018. Staff received a total of 50 comments from lawyers, the Washington State Collection Agency Board, the Northwest Justice Project, the Access to Justice Board, and members of the public.

COMMENTS OPPOSING THE PROPOSED NEW PRACTICE AREA

Although comments in opposition to the proposed new practice area were wide-ranging, at least four main themes stood out: 1) taking work away from lawyers, 2) potential for harming the public, 3) lack of data supporting the license, and 4) complexity of the law.

Out of the 36 comments opposing the proposed new practice area, 11 referred to the LLLT license as being damaging to attorneys or taking work away from practicing attorneys. Some commenters believe that the legal needs of low income people are being supported by organizations such as the Northwest Justice Project. There was also mention that WSBA should use its resources to help support attorneys in assisting low income clients rather than focus on the LLLT license. One person commented, “[t]here are plenty of attorneys willing to work with low income clients by offering their services pro bono or on a reduced fee schedule.”

Seven of the comments suggested that LLLTs are ineffective and pose harm to the public in part because it can confuse people (clients would assume that LLLTs provide the same services as lawyers). Some also provided examples of situations they or their clients faced when working with someone other than a lawyer on a legal matter that was complicated.

Five people criticized the lack of data on the LLLT license and either asked or inferred that a comprehensive evaluation be completed prior to any expansion. One individual stated, “I think a true analysis of this “program” needs to be performed BEFORE expansion. It needs to be analyzed in terms of whether or not it is meeting the original purpose and evaluation of the unforeseen consequences.”

Four people mentioned the complexity of the Consumer, Money, and Debt practice area as their reason for opposition. One person stated, “[i]t is one of the most impactful areas of the law on individuals. If someone misses a deadline, a house can be in jeopardy, a bank account can be attached or wages can be garnished.”

COMMENTS SUPPORTING THE PROPOSED NEW PRACTICE AREA

We received a total of 10 comments in favor of the potential new practice area.

At least four people believe that LLLTs can help fulfill an unmet need. The following is an excerpt from one of the comments. “The lien services are of varying quality, but overall I think they do better than the majority of the liens and related documents I see that lawyers have prepared and recorded. Having an LLLT course would improve the quality of those services provide, and benefit a lot of individual workers and very small businesses”.

Access to justice was another common theme in support of the proposed new practice area. At least three commenters mentioned access to justice while expressing their support for the expansion. One person stated, “I used an LLLT for a family law matter and now have renewed faith in our legal system as a result”. Another example comes from a lawyer, with 49 years of experience in this practice area, who strongly supports the expansion due to successful collaboration with a LLLT to provide family law services to a mutual client.

SUBSTANTIVE COMMENTS

Comments from attorney Edgar Hall, the Washington State Collection Agency Board, and the Northwest Justice Project, offered concrete suggestions for revisions to the proposed permitted actions. These comments are incorporated in the attached revised proposed new practice area draft.

From: [Gary Morean](#)
To: [Limited License Legal Technician](#)
Subject: [Possible Spam] LLLT
Date: Thursday, July 05, 2018 5:13:31 PM
Importance: Low

Dear LLLT Board,

Do **not** expand this monster into any other areas of law. It should never have been created in the first place. Please kill this expensive, ugly beast.

Gary A. Morean
WSBA #12052

Gary A. Morean, *Partner*
Attorney at Law
INGRAM, ZELASKO & GOODWIN, LLP
120 East First Street | Aberdeen, WA 98520
360.533.2865 (phone) | 360.538.1511 (fax)
Email: gmorean@izglaw.com
Website: www.izglaw.com

From: [Matt Purcell](#)
To: [Limited License Legal Technician](#)
Subject: Against expanding the LLLT program
Date: Tuesday, May 29, 2018 10:57:31 AM
Attachments: [image001.png](#)

The program has ZERO data that it has remotely met the original goals under family law. It is asinine to expand at this time and seriously calls into question the sanity of those running the program. The way this is being run is so offensive it's not even funny at this point...

Happy to talk about how to make the program better but no one asks (certainly not anyone from the eastside of the state where all these LLLTs were allegedly going to help low income and rural communities...).

Truly,

MATHEW M. PURCELL
Attorney



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Richland, WA 99352
Phone: (509) 783-7885
Fax: (509) 783-7886

Please be aware that Domestic Court is held Monday morning, Tuesday all day and Wednesday morning each week; my ability to respond to email is limited during those days/times.

Heather Martinez: HM@PurcellFamilyLaw.com
Maria Diaz: MD@PurcellFamilyLaw.com
Mark Von Weber: MV@PurcellFamilyLaw.com

Office Hours: Monday-Thursday from 9:00 a.m. to 5:00 p.m. Friday from 9:00 a.m. to 4:00 p.m.
Closed for lunch from 12:00 p.m. – 1:00 p.m.

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From: [Bonnie Sterken](#)
To: [Limited License Legal Technician](#)
Cc: [Paula Littlewood](#); [Diana Singleton](#); geoff.revelle@FisherBroyles.com; steve@crosslandlaw.net
Subject: ATJ Board Comments for LLLT Board
Date: Monday, July 16, 2018 11:17:51 AM
Attachments: [ATJ Board letter to LLLT Board 7.16.2018.pdf](#)
[image001.png](#)

Good morning,

Attached, please find the ATJ Board's letter in response to the new proposed practice area.

Thank you!



Bonnie Middleton Sterken | Justice Programs Specialist

Washington State Bar Association | 206.727.8293 | bonnies@wsba.org

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Pronouns: She/Her

The WSBA is committed to full access and participation by persons with disabilities. If you have questions about accessibility or require accommodation please contact bonnies@wsba.org.



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Mirya Muñoz-Roach
Geoffrey G. Revelle, Chair
Andrew N. Sachs

STAFF

Diana Singleton
Access to Justice Manager
(206) 727-8205
dianas@wsba.org



THE ALLIANCE
for Equal Justice

MEMBER

July 16, 2018

Steve Crossland
Limited License Legal Technician Board
1325 4th Ave, #600
Seattle, Washington 98101
Sent by email: LLLT@wsba.org

RE: LLLT Proposed New Practice Area

Dear Steve:

The ATJ Board has reviewed the "Draft for Discussion and Comment: Consumer, Money, and Debt Law Proposed New Practice Areas for Limited License Legal Technicians." We understand that this is just that – a draft proposal and this appears to be a broad outline of a proposal to us where the specifics are still being considered.

We understand that 36 people have graduated from the LLLT program since it began and of those 36, 33 are in practice. We also understand that three LLLTs are practicing in Eastern Washington while the rest practice in Western Washington.

It is our understanding that none of the 33 LLLTs are employed by a civil legal aid provider. (To our understanding one LLLT has a contract with the Chelan-Douglas County Volunteer Attorney Services – how much of her time is involved with that contract is unknown.)

It is also our understanding that the LLLT Board does not know the amount LLLT's are charging for their services. Without that basic information it is difficult to conclude how much of the population would gain access to the justice system if this newest proposal were to be adopted. For purposes of this letter the ATJ Board is assuming that the proposed expansion would provide greater access to the segment of the population that can pay some amount for legal services.

We are aware that your Board is looking for feedback before July 16, 2018, so we will provide some general comments at this point in time.

In order to further access to the justice system, the expansion into the scope of practice that the LLLT Board is recommending should be limited. Your proposal should not allow LLLTs to represent any corporate entity, partnership, or person in connection with the business of debt collection, debt buying, or money lending. Without this restriction your proposal would not expand access to the justice system for those who need it but instead only allow another avenue for those who already have the means to access the justice system.

As an overarching concern, the ATJ Board will want to see how this new proposal would promote access to the justice system. If the overwhelming majority of LLLTs are charging for their services then this proposal will not promote access to the justice system for those who have no ability to pay. It may, however, promote access to the justice system for those who have the ability to pay some amount, i.e., those of moderate means. At this point in time the ATJ Board does not have sufficient information to make that determination.

As I stated throughout this letter our comments are general in nature. The ATJ Board may have concerns about specifics of the proposal as they become clarified.

We look forward to receiving the information that we requested.

Sincerely,

A handwritten signature in cursive script that reads "Geoffrey S. Revelle".

Geoffrey Revelle, Chair
Access to Justice Board

From: [Kylie Purves](#)
To: [Limited License Legal Technician](#)
Subject: Comment on Proposed Consumer, Money, and Debt Law LLLT Practice Area
Date: Tuesday, May 15, 2018 12:39:28 PM

I think there is a weak nexus between the evidence of unmet need and some of the proposed practice areas.

For example, I do not believe these two areas are appropriately under the heading of Consumer, Money, and Debt Law:

Small Claims Proposed Permitted Actions: Assistance preparing the Notice of Small Claim, Certificate of Service, Response to Small Claim, Small Claims Orders, Small Claims Judgment, and counterclaims Preparation for mediation and trial Obtaining and organizing exhibits.

Protection Orders Proposed Actions: Selecting and completing pleadings for Protection Orders for domestic violence, stalking, sexual assault, extreme risk, adult protection, harassment, and no contact orders in criminal cases.

Small claims is broad and could include matters outside of the consumer, bankruptcy, and credit related issues cited in the section entitled Evidence of Unmet Need. The inclusion of protection orders is not supported at all by the evidence provided.

Inclusion of extra practice areas in a call for comments on Consumer, Money, and Debt Law is also potentially misleading because people who have an interest in commenting on something like no contact orders in criminal cases might disregard a call for comments on a seemingly unrelated topic.

Kylie J. Purves

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ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

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From: [Ryan Santini](#)
To: [Limited License Legal Technician](#)
Subject: Comment re New Practice Area
Date: Wednesday, June 20, 2018 10:18:56 AM

Hello,

I am writing you today to voice support for the addition of the practice area Consumer, Money, and Debt. When it comes to access to justice, it should come as no surprise that those who are priced out would have need of legal services related to debt. This proposed practice area is of great interest to me personally as someone with a background in working for a local credit union. Everyday I worked with the under-served members of my community; I am thrilled to think I might be able to continue doing this and draw on some of my financial industry knowledge. I am currently studying for my Associates in Paralegal Studies at Whatcom Community College.

Thank you for your time,

--

Ryan Santini
(808) 457-6063
237 W. Kellogg Rd
Bellingham, WA
98226

From: [Edgar Hall](#)
To: [Limited License Legal Technician](#)
Subject: Commentary on LLLT including money, debt, and consumer law
Date: Monday, May 07, 2018 8:33:27 PM

My name is Edgar Hall. My practice, Washington Debt Law, is entirely focused on all three areas to includes resolution of debt issues via settlement, litigation, and bankruptcy. I have practiced in this area for the last ten years as both debtor and creditor attorney. I believe that I am well situated to discuss these issues.

I will break down my analysis by the anticipated scope of services as presented on pages 4-6.

1. Assisting with LFOs & reducing interest on them

- simple motion, well within LLLT ability
- very supportive of all proposed activities

2. Small Claims

- limited amount in controversy, opposing party likely not represented behind the scenes by serious legal rep, fast and efficient forum
- very supportive of all proposed activities

3. Student Loans

- Often times huge sums, up to 35% mark up under the higher education act, requires deep level understanding of accounting and review of accounting over life of loan, understanding of securitization and how loans are originated, stored, sold and transferred necessary, understanding of state law and federal remedies, understanding of bankruptcy, etc
- Absolutely, 100% against all proposed activities. There are no statute of limitations on federal loans generally, large attorney fees on the other side could be racked up by inarticulate litigation, LLLT licensed in WA cannot practice bankruptcy (often a necessary component to successful defense), LLLT would need to be able to give advice on federal statutes and federal law, LLLT would need to be able to argue administrative law before ALJ's potentially to appeal federal garnishments, etc. If poor advice is given regarding consolidation, it can impact access to income based repayment and other programs. Settling without understanding the threat of bankruptcy, hardship discharge, and deeper level accounting and consumer protection errors would be weak. I could go on and on but essentially LLLT's likely could not obtain proper licenses to give the necessary advice to productively assist clients.

4. Debt Collection Defense and Assistance

- I am mixed on this one. Generally there are three ways to handle a debt: settlement, counterclaims, and bankruptcy. LLLT's cannot practice or advise on bankruptcy matters and that threat is a huge part of the defense and necessary leverage proper settlements. FDCPA is federal law, along with FCRA, TCPA, TILA, etc. Can LLLT advise on federal law and the

strategy of the collection industry would be to just remove every case to escape the free help and magnify fees at the same time, relying on attorney fee clauses and fee shifting statutes to force debtors to pay even more for this trouble. Frivolous, unsuccessful, or missed counterclaims would likely be a problem. The only reason I am mixed is purely based on need and some combination of form discovery and help could be useful. Some matters are straightforward enough that some small portion could be helped.

-I would HESITATINGLY say that these activities would be allowed with the reservations below

- a) negotiation of debt
- b) filling out answers but NOT counter claims unless they associate with someone licensed in federal court as the claim will just get removed and additional attorney fees added
- c) reporting statutory violations to regulatory agencies

-Given the very close interaction of debt defense with bankruptcy, it is very hard to consider anyone not familiar with bankruptcy laws as being competent to render debt defense advice on a gestalt level

-I believe allowing LLLT's to file counterclaims will lead to an increase in additional attorney fees and likely against the debtor

If I had an ideal world, there would be some sort of mandatory BK screen, counter claim screen, and either of those being flagged and a referral given to the client. LLLT's can help with basic notices of appearance, limited discovery, perhaps a review of the accounting with proper background/training, and basic negotiation.

5. Garnishment

To short cut, I support everything stated and would only add that a referral to a BK attorney or a screen would be useful and should be mandatory.

6. Identity Theft

I support as drafted

7. Wage Complaints & Defense

Essentially I will reiterate my objections as listed in section 4 above. I do not know much about the employment side of things, but there are state and federal laws to consider and only being able to handle half the book is problematic at best. Likewise, in fee shifting perspective, this is opening up the employee to some pretty large counterclaims that will mandate their bankruptcy should they fail. But if they are not working, at least they qualify.

8. Loan Modification & Foreclosure Defense

I have worked as a creditor attorney on this side of things at a mortgage default servicing firm and as a consumer atty defending against judicial and non-judicial foreclosures.

Loan modification is fine. The bank is going to do a net present value, determine if its more profitable to foreclose or not, and will basically act accordingly. The only problem here is the

LLLT could mistakenly take away standing arguments by shooting for modification when it should be litigated. That can be the difference between a valid defense and/or a free house. The malpractice the LLLT might have in this market could not cover the amount lost. I would recommend requiring a much higher policy as a minimum to practice here.

As far as foreclosure defense, I am absolutely against it. Defense generally (aside from modification) consists of litigation, possible class action, understanding of numerous federal laws in addition to state laws, understanding of securitization, understanding of how mortgage accounting works and loan processing. I cannot begin to describe the harm that I have seen licensed attorneys without foreclosure experience have harmed files, I shudder to think of what someone with limited licensure and experience could do. Keep in mind, there are fee shifting statutes in all of the contracts, deeds of trust, promissory notes, and most consumer protection statutes that are relevant.

Making a distinction between judicial and non-judicial foreclosures seems like a true distinction, it is not. Here is why. To stop a non-judicial sale, you file a TRO and claims and then essentially you have turned it into a judicial FC because you are alleging all the same issues, just with an additional bond required by RCW 61.24. Do you know what they are going to do? Just start everything as a judicial, ramping up costs and not waiving deficiency. This will compel more bankruptcies. What makes the non-judicial nice is the deficiency is waived, if a slew of LLLTs pop onto the market and the defense knows they are not allowed to work judicial cases, what do you think will happen from a game theory perspective? More judicial foreclosures, more fees, fewer waivers of deficiencies, more bankruptcies, and more bad outcomes.

This is not family law where each side bears their own fees unless they are in contempt, violate a parenting plan, or do something to compel that outcome. These are banks which are always represented by experienced firms and in many instances national/multinational white shoe firms.

I support loan mod assistance, I do not support foreclosure defense other than perhaps through the foreclosure mediation program, RCW 61.24.163.

9. Protection Orders

Not sure how this is debt related but I like it as written

10. Bankruptcy awareness and advice

Support as written

ADDITIONAL OBSERVATIONS

If you really want to help with all of these debt issues. Require more precision of process servers. 90% of my clients claim they are not served. White, black, old, young, religious, non-religious, educated, uneducated, etc- the only pattern is consistency of claims of not being served and legitimate surprise and anger. It is so easy for a process server to sewer serve it is beyond ridiculous. Drive by, see the lights on, and say it happened. A statute should be added making statutory punishments for servers and process serving companies for

fibbing about service as well as higher bonds or insurance.

I actually advise my clients to install drop cams and in several instances the process server can be seen tossing the papers at the door or nothing at all. I do so many motions to vacate it makes me dizzy. A constant stream of false service. I had one recently claim to serve someone at a youth hostel they had not been to in over 10 years because likely it came up on the skip trace at some point.

Further, we need more protective garnishment laws. We need less than 25% of wages to be garnished and more exemptions. Throwing gobs of LLLT's is not the solution, the solution is systemic protections and better process. Imagine how many fewer attorneys and LLLT's would be necessary if only 10% of your income were taken, inline with many other states.

We should reintroduce the old fraud provision of the deed of trust act instead of this victim blaming RCW 61.24.127 that we have instead.

We can require more in the initial complaint than some vague statement that money is owed two or three paragraphs long. Most of my clients actually think its a scam when combined with no case number its so vague. We can make stronger case law that sets judgment interest as the measure rather than hit and miss case law that allows a higher contract rate without necessary TILA disclosures. We can make stronger prove up that service was made.

In any case, this is a topic near and dear to my heart and I would be happy to give more input upon request. I hope this assists.

-Edgar Hall

Edgar I. Hall, Attorney
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www.wadebtlaw.com

From: [Paula Plumer](#)
To: [Limited License Legal Technician](#)
Subject: Comments - new practice area
Date: Tuesday, July 03, 2018 10:38:25 AM

I don't think this expansion is useful and I disagree with watering down the law license to add this or the other practice areas.

/paula plumer

From: [Minh Tran](#)
To: [Limited License Legal Technician](#)
Subject: Comments on "Consumer, Money and Debt Law"
Date: Tuesday, May 15, 2018 3:58:58 PM

Hello,

I have been practicing since 2009. When I started practicing, my focus was on consumer bankruptcy law (Ch 7 and Ch 13). I worked at one of those firms that filed thousands of cases per year. We often charged around \$800-1,200 attorney's fee to file a simple case. I believe the going rate still hasn't changed. What was mind boggling to me back then, and now, is that some people will pay \$500 to an unlicensed bankruptcy document preparer to draft their *pro se* bankruptcy petition. Sure, the cost savings is huge for someone who is completely out of cash, but most of my Ch 7 clients were all in the same boat. We found a way to make it work. After leaving the firm, I started my own practice where I expanded my practice to alternative means of debt resolution--which sometimes include litigation. I have litigated against insurance companies on subrogation claims, against big banks for wrongful foreclosure tactics, and I have also negotiated settlements with creditors and then pursued contribution claims against ex-spouses. I don't find what I do in my practice as "simple", and I wouldn't trust any of my paralegals to advise clients or work on cases without my supervision (for the sake of the client). I find it troubling that the workgroup would trust LLLTs with this role.

I read over the proposed practice area and for the most part, I think the proposal creates a situation where some desperate debtors will end up being more harmed than helped due to advice from untrained "litigators". It should be noted that debt collection is a very broad area, and it could involve other areas such a debtor being sued for an automobile subrogation claim, car accident without insurance, breach of lease agreement, a breach of credit card contract, or even for a tortious action. These are all ordinary lawsuits where the end results is a judgment and garnishment if the defendant loses. To simplify it down to simply a debt collection matter ignores all the complexities of litigation.

The proposal goes beyond simply helping debtors understand their rights and completing forms; it would allow LLLT to draft motions, directly negotiate with opposing parties, coming up with counter claims and affirmative defenses, "accompanying and assisting in court", and advising on bankruptcy matters. All of these actions require both experience and knowledge in litigation strategies. And what's the worst thing that can happen to a desperate debtor who was sold on using a LLLT due to cost savings? Well, the debtor could lose his/her home, waive a statute of limitations defense or other waivable defenses, or be liable for massive amount of attorney's fee due to fee shifting clause in a contract.

I also want to remind the workgroup of United States v. Tally, Western District of Washington CR18-0082-RJB, where a lady ran a business called "Driving Dirty" to help people get their drivers license back. One thing she did was she assisted folks in filing frivolous bankruptcy petitions *pro se* to get their license back. The U.S. Trustee got an injunction against her and eventually she was prosecuted for a felony for lying at a 2004 examination (where she was asked if she ever advised people to file bankruptcy). Although her intentions were good, helping folks who can't afford attorneys get relief, her advice and strategy harmed creditors and wasted public resources. She obviously did not have all the tools to fulfill her goal with her limited knowledge.

While I think LLLT can provide valuable service to family law practice, where the court has developed forms and advice for filers, "debt collection" is too broad of an area. A simple motion to vacate a default judgment so that a summary judgment can later be entered could mean additional attorney's fee assessed against the debtor. Defending and prosecuting "debt collection" requires some litigation experience because every case requires strategy.

While some debtors may benefit from having LLLTs in this area, the risk to others is not worth it. I hope that the workgroup will reconsider LLLT's role in consumer, money, and debt law.

--

MINH T. TRAN

Attorney | Admitted to practice law in Washington and Oregon

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From: vlaparker@aol.com
To: [Limited License Legal Technician](#)
Subject: comments
Date: Tuesday, May 15, 2018 2:04:35 PM

Dear Steve,

I think a true analysis of this "program" needs to be performed BEFORE expansion. It needs to be analyzed in terms of whether or not it is meeting the original purpose and evaluation of the unforeseen consequences.

No one evaluated the actual billings of an attorney throughout the state in the areas "served" before implementing this. Has anyone checked the billings of these fake attorneys? Probably not.

Has anyone checked the numbers of these non-attorneys who have violated the rules and the numbers who depart from their practice?

There are so many questions and NO answers.

Call this what it is -- another "feel good" program -- not a solution.

As you look to expand, consider the reality of the need to go beyond approved forms. Review the problems associated with LPO involved in real estate. I have had to correct many problems created by LPOs.

As an attorney who works with Wills and Probates, I can tell you that there is no such thing as a simple Will or Probate. Not only that but the broadly touted living trusts in which an attorney was a front man for a business in which trusts were churned out by non-attorneys using forms for all sorts of situations. One huge problem was the conflict created as the bits and pieces were selected.

I hate that attorneys are being dismissed by the claim that a person with a little training can adequately do out jobs. The ones who suffer are the clients. This is truly shameful.

I know this will probably circular file but I speak again because someone MUST voice the truth.

Thank you,

Vicki Lee Anne Parker,
Attorney at Law

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PARKER by telephone at 360-491-2757 to arrange for disposition of the original documents.

From: antimony9@gmail.com on behalf of [Vanessa Shaughnessy](#)
To: [Limited License Legal Technician](#)
Subject: Consumer Money and Debt Law
Date: Sunday, July 08, 2018 3:57:09 PM

I'm writing you to strongly support the addition of the new LLLT practice area. I'm intending to become a LLLT and am currently volunteering at an organization that provides legal aid for tenants and those who have past financial issues that are keeping them from getting housing. From that vantage point, I can say that our state absolutely needs more accessible legal resources to help people with their financial issues.

I do hope the scope of the practice area will include settling judgments, as this a crucial need for people trying to get their lives back on track. My family needed this kind of legal help when we purchased our home, and it cost us \$8,000 on top of the existing financial burden of the old judgement. It nearly cost us our chance at homeownership, and we would have jumped at the opportunity to use a moderately priced alternative.

I hope that the new practice area will go forward with a wide enough scope to provide meaningful, coherent help for people.

All the best,
Vanessa Shaughnessy

From: [d.hein](#)
To: [Limited License Legal Technician](#)
Subject: Consumer, Money and Debt law- proposal
Date: Tuesday, May 15, 2018 2:16:23 PM

Dear Ms. Ivarinen and LLLT Board:

Thank you for allowing bar members to comment upon this proposed area of practice.

In short, there are currently plenty of providers for the services that were listed as being considered possibly appropriate as LLLT practice areas. Consumer counseling services are readily available at various price points. In addition, identity theft is usually handled more than adequately with one's Bank and the three major reporting credit bureaus.

A recent LLLT experience:

My husband and I, both lawyers in the state of Washington, sold a house in Washington last month and dealt with a licensed LLLT as the closing officer. Her employer claimed she had been a real estate closing officer for more than 15 years. She was unable to answer questions of any sort including the most basic type, gave unasked-for advice which I believed was unnecessary in the circumstances, and claimed that she had no authority to modify any of the forms she utilized. One form in question was defective on its face, requiring modifications in order to be accurate. When she informed me she could not change the form I had to ask to speak to house counsel. No one knew the name of her supervising attorney. Her service was unsatisfactory, to say the least. Our closing was completed only because I ensured that it was. I cannot imagine what non-lawyers must endure in order to effect a real estate transaction.

This anecdote is not a stand alone, unfortunately. Instead of expanding the powers and authority of LLLTs in the name of serving the public, my recommendation is that we clean up the standards and the competencies of the current group of LLLTs. It is a disservice to the public for us to do anything else.

I believe that LLLTs can and do serve the public. I am a former paralegal educator and am aware of the good that can be done for clients in terms of simple, repetitive tasks. This would not include, for example, much in the areas of debt or loan counselling. But in our hurry to put LLLTs to work quality and standards should not be compromised.

Thank you for this opportunity to raise a red flag.

Dana Hein

From: [Crawford, Sarah \(DOL\)](#)
To: [Limited License Legal Technician](#)
Subject: Consumer, Money, and Debt Law
Date: Friday, July 13, 2018 3:21:03 PM
Attachments: [image2018-07-13-145625.pdf](#)

Good Afternoon,

Please find attached comments submitted on behalf of the Washington State
Collection Agency Board.

Thank you,

Sarah Crawford

Washington State Department of Licensing
Board Support Supervisor
Regulatory Boards Section
Mailing: P.O. Box 9012, Olympia WA 98507
State Mailstop: 48049

WC: 360.819.0620 | 📞 360.664.1567 | ✉️ scrawford@dol.wa.gov



STATE OF WASHINGTON
DEPARTMENT OF LICENSING
PO Box 9020 • Olympia, Washington 98507-9020

July 13, 2018

Washington State Bar Association
LLLT Board
LLLT@wsba.org

Re: Consumer, Money, and Debt Law
Public Comment from the Washington State, Collection Agency Board

Mr. Chairman Crossland and Members of the Board:

Please accept these comments of the Washington State, Collection Agency Board concerning the proposed new practice area for LLLTs in Consumer, Money and Debt Law.

The Washington State Collection Agency Board ("CAB") is a state regulatory board created by statute, RCW 19.16.280, to advise and assist the Department of Licensing (Department) with enforcement of the Washington State Collection Agency Act, RCW 91.16. *et. seq.*, and with the power to adopt rules and regulations, investigate collection agency complaints, impose discipline and grant or deny collection agency licenses. See RCW 18.235.030. The board is comprised of five members, two public and two industry representatives appointed by the Governor, and one member of the Department of Licensing appointed by its director.

The purpose of this letter is to neither support nor oppose the Consumer, Money, and Debt Law LLLT proposal (LLLT Proposal), but rather to request that the CAB be included and consulted as a stakeholder with respect to certain portions of the proposal which may overlap or interfere with the DOL's current regulatory function. The CAB would like to avoid any unintended consequences created by the interplay and potential conflict between the Consumer LLLT proposal and CAB's regulatory duties.

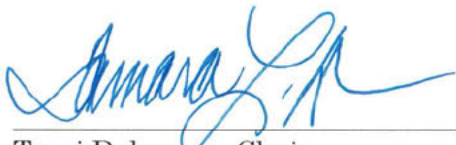
Currently, CAB is concerned by the following services listed in the LLLT proposal, which potentially fit within the definition of a "collection agency activities" under RCW 19.16.100(4)(b):

- Small Claims: "Assistance preparing the Notice of Small Claim ... Small Claims Judgment, and counterclaims."
- Debt Collection Defense and Assistance: "Assistance filling out complaints"; and
- Garnishment: "Assistance filling out forms (Application for Writ of Garnishment, Continuing Lien of Earnings, Return of Service, Notice of Exemption Claim, Release of Writ of Garnishment, Motion and Cert. for Default Answer to Writ of Garnishment, Application for Judgment, Motion/Order Discharging Garnishee, and Satisfaction of Judgment)."

CAB is concerned that by including the activities listed above, LLLTs who perform them could be required to be licensed as collection agencies, or conversely, that their inclusion could cause those activities to fall under the purview of the practice of law, requiring collection agencies to be licensed by the WSBA.

It is the hope of the Board that any LLLT Proposal adopted will account for the Departments function or avoid the potential licensing conflicts identified above. In any case, the CAB would appreciate being included as a stakeholder going forward.

The CAB would like to request that the Washington State Bar Association conduct additional outreach to various stakeholders of the industry and the CAB would like to propose the deadline for comment on this topic be extended past the original July 16, 2018 deadline, to allow for various stakeholders to provide comment that were not included in the original outreach from the Washington State Bar Association and the LLLT Board.



Tami Dohrman, Chair



Date

From: [Matt Crane](#)
To: [Limited License Legal Technician](#)
Subject: Consumer, Money, and Debt Law proposal
Date: Monday, May 21, 2018 6:32:52 AM
Attachments: [image001.png](#)

Dear Mr. Crossland—

I am in favor of the proposed LLLT practice area for consumer, money and debt law. It makes sense to me that trained LLLT practitioners be allowed to provide limited legal services in this area to help fill an unmet need.

Matthew C. Crane, WSBA 18003
Direct | 206.905.3223
Email | mccrane@bmjlaw.com



From: [Cameron Fleury](#)
To: [Limited License Legal Technician](#)
Subject: Do not expand (or keep) the LLLT program
Date: Tuesday, May 15, 2018 4:34:30 PM

To Whom it May Concern:

Thank you for requesting input from Members.

First, by way of full disclosure, let me say that I am opposed to the entire LLLT program. While it may have been well-intentioned to start, the reality is that the LLLT's are not providing a stop-gap for low income persons to avoid being Pro Se. They are competing directly with, and at the same rates, as attorneys and we are being forced to subsidize them with our Dues. The entire program was "sold" as providing low income assistance, which was almost immediately dropped. Then it was "sold" as being a test that once substantial data had been collected and analyzed, if the program was a "success" then it would be considered to be expanded. The truth is that there has not been anything near enough data to support any conclusions (even whether they are harmful) at this time.

Barreling forward at breakneck speed to expand into as many areas of practice as possible is helping Community Colleges and the WSBA Staff dedicated to the LLLT program. It is not assisting the target market (low income persons with access to justice issues), it is in direct competition with those of us who paid our dues in schooling, testing, CLE requirements and disciplinary supervision if/when needed.

That said, I strongly believe that before even considering whether to expand the LLLT program, it should at least be in existence long enough to support a reliable conclusion it is 1) a benefit to the public, 2) does not financially harm attorneys, and 3) does not harm the public (failure to properly distribute retirements, calculate support deviations, address various consequences of different distributions of a marital estate, etc. etc. etc.).

I do not practice debtor/creditor law, but I can envision many issues with allowing under-trained LLLT's into the area and the potential harm to the public.

Regards,
Cameron J. Fleury
WSBA #23422

From: [Kathy Rall](#)
To: [Limited License Legal Technician](#)
Subject: expansion of LLLT program
Date: Tuesday, May 15, 2018 1:05:07 PM

Why don't you just open every area to the practice by LLLT's and all the lawyers can quit their jobs and go do something fun with their time? How to solve problems such as these? Earn more if possible, but more importantly, SPEND LESS and SPEND WISELY. This is an educational process, but my parents taught me that I was entitled to something when I could afford to pay for it. No one is entitled to have expensive TVs, new cars, expensive toys, new clothes every season etc. Each of us is entitled, to have that for which we can pay. As Mom and Dad used to say....."you don't get what you want until you can afford to pay for it" and "you need to decide to purchase that which you need, not what you want". If more people would keep Mr. Visa or Mr. Debit Card, or Mr. contract" etc. in his or her pocket then some of these issues would go away. Call me old fashioned, but if we started here, then perhaps not all of these services would be necessary

--

Kathy J Rall
kjrall8@gmail.com
C: 206-604-4193



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From: [N. Smith \(Smitty\) Hagopian](#)
To: [Limited License Legal Technician](#)
Subject: full speed ahead
Date: Tuesday, May 15, 2018 1:55:45 PM

Hi Board/Steve: This is an area that needs to be filled and an LLLT is the right move for our times. I trust you/your Board will be cautious in drafting the parameters and wish you well.

My two cents.

Thanks,

Smitty Hagopian

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'Sinner' and 'saint' are waves of differing size and magnitude on the surface of the same sea. Each is a natural outcome of forces in the universe; each is governed by time and causation. Nobody is utterly lost, and nobody need despair.

From: [Bar Leaders](#)
To: [Limited License Legal Technician](#)
Subject: FW: LLLT in creditor/debtor practice
Date: Tuesday, July 17, 2018 10:58:04 AM

-----Original Message-----

From: Mark Kaiman [<mailto:mark@lustick.com>]
Sent: Tuesday, July 17, 2018 8:31 AM
To: Bar Leaders
Subject: LLLT in creditor/debtor practice

Why did I bother going to law school? Why did I even bother getting a Bachelor's degree? The WSBA seems determined to allow community college graduates with a few hours of supplemental training to practice law. What practice area is next on your agenda? Which group of lawyers who have worked hard for years to build successful practices are you going to undermine by allowing LLLT's to move in and steal their business? Maybe the WSBA is going to start recommending that LLLT's sit as judges. Why not? You can pay them less than judges who are actually qualified. It sounds absurd, but it is no more absurd than allowing unqualified people to practice family law or creditor/debtor law.

The Bar Association does not represent my interests. Instead of helping hard working attorneys and clearing a path for us to serve our clients and build our practices, the WSBA continually thinks of ways to place roadblocks and obstacles in front of us. LLLT's have should not even be practicing family law. I am extremely disappointed that the Bar Association would even consider allowing LLLT's to move beyond the family law area.

Mark A. Kaiman
Lustick Kaiman & Madrone PLLC
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Bellingham WA 98225
Telephone 360.685.4221
Fax 360.734.4222

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From: [Bar Leaders](#)
To: [Limited License Legal Technician](#)
Subject: FW: Opposition to Allowing LLLTs to Practice Debtor/Creditor Law
Date: Tuesday, July 17, 2018 10:58:25 AM

-----Original Message-----

From: jwchessell@rockisland.com [<mailto:jwchessell@rockisland.com>]
Sent: Monday, July 16, 2018 3:17 PM
To: Bar Leaders
Subject: Opposition to Allowing LLLTs to Practice Debtor/Creditor Law

Monday July 16, 2018

To: Washington State Bar Assn
Seattle, WA 98101

RE: Opposition to Allowing Limited License Legal Technicians to
practice Debtor/Creditor law

Dear WSBA:

I am opposed to allowing Limited License Legal Technicians to practice Debtor/Creditor law. This is a complicated field that embraces many other areas of law, such as contracts, agency, residency, standing, bankruptcy, criminal law, constitutional law, equity, remedies, commercial paper, evidence, and on-and-on.

The proposal does not well-serve the community, but rather allows persons with a limited knowledge of law and a limited experience in practicing law to represent clients who may make their choice of representation based solely on price.

The proposal is a mistake and should be shelved.

Very Truly Yours,

John Chessell Bar # 19370
San Juan Island, WA
jwchessell@rockisland.com

From: [Rick Bartholomew](#)
To: [Limited License Legal Technician](#)
Subject: Input regarding LLLT program
Date: Wednesday, May 16, 2018 12:13:44 PM

I am a retired family law attorney, although I still do GAL work and mediation.

I do not believe the LLLT program should be expanded. I was involved when the original proposal came up years ago. The first (and primary) justification for the program was that there was an unmet need for legal services for those who could not afford attorneys. LLLT's now charge rates comparable to those of attorneys, and indicate that they cannot afford to provide services for less. In addition, there are very few LLLT's. We do not have enough information to know how this program will work.

LLLT's have smaller bar dues than do attorneys. I assume the justification for that is that they were expected to charge lower fees, which they do not do. In other words, attorneys are subsidizing direct competitors.

So LLLT's were supposed to help low income folks, which they do not do. We were told that they would not be allowed to represent clients in court, which they are now asking to be able to do. If the program is to be expanded, it should go back to its original purpose (providing low income clients with legal help), and we should have more information on how well they are doing.

In the past, I had clients come to me to fix problems created by non-attorneys who helped them with their legal work. Sometimes I could do so, although the cost was higher than it would have been for me to represent them in the first place. Sometimes it was too late to do anything. This is why we need time to gather information regarding the effectiveness, and, frankly, competence, of LLLT's, before we expand the program.

Rick Bartholomew
WSBA #3107
Guardian ad Litem and Mediator
1800 Cooper Pt. Rd. SW, Bldg. 14
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From: [Steven Palmer](#)
To: [Limited License Legal Technician](#)
Subject: Letter in opposition to the formation of a Consumer, Money and Debt Law LLLT
Date: Friday, May 25, 2018 3:23:55 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)

Dear WSBA,

The practice of law surrounding debt can be extremely complex, impacting practically every substantive area of the law. It is also one of the most impactful areas of the law on individuals. If someone misses a deadline, a house can be in jeopardy, a bank account can be attached or wages can be garnished. There are enough qualified unemployed members of the bar to pick up the slack in this area of the law. Perhaps the WSBA could act as an advocate for these unemployed attorneys and train them to help the people that this LLLT group would serve.

The average student debt of a newly graduated attorney in Washington state was \$140,616 in 2012. Between 31 and 51% of law school grads do not have long term employment requiring a law license after graduation from Washington law schools. Source – American Bar Association. There are still law school grads that do not have jobs and the subject matter here is too sensitive to leave to non-lawyers to try to figure out.

I can imagine situation after situation where an LLLT would end up inadvertently or purposefully advising clients on the merits of bankruptcy as an alternative. This single scenario would run the LLLT in violation of the bankruptcy code. Further, it would potentially put the assisted person's vulnerable assets at risk.

We do not need another LLLT practice area.

Sincerely,



Steven M. Palmer
ATTORNEY

OH#0085298

WA#48823

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We are a debt relief agency. We help file for bankruptcy relief under the Bankruptcy Code.

From: [Eric Theile](#)
To: [Limited License Legal Technician](#)
Subject: LLLT - Consumer, Money, and Debt Law
Date: Tuesday, May 15, 2018 1:19:25 PM
Attachments: [image003.jpg](#)

Dear Mr. Crossland and Ms. De Carvalho Garcia,

I was formerly a collection attorney in Washington and Arizona, and ran my firm's Washington office. I have filed thousands of collection lawsuits. I now very often represent debtors against those same types of claims.

I think the expansion of the LLLT program to this area is a fantastic idea. I would strongly caution that LLLT's be thoroughly trained on how to provide value and assistance to consumers.

99.9% of debtors owe the accounts and balances being sought by their creditors. And unfortunately, most of those debts provide for default interest rates and attorney's fees. Debtors certainly should not roll over when they don't believe they owe an alleged debt, but any collection attorney will tell you stories of \$2,000 turning into \$5,000 after contested hearings, interest and judgment enforcement.

My point is: as attorneys we are counselors. And while the LLLT program may not mirror all of the duties and obligations of an attorney, their role inevitably will be (and should be) to counsel their clients. Understanding when to fight a debt, and when to seek favorable settlement terms is crucial to providing value to the debtor. Availing oneself of an LLLT in order to file answers or objections is wonderful for people who are intimidated or unable to act on their own. The flip side is that very often, the best result is achieved by picking up the phone and seeing what can be agreed to outside of court.

I welcome the opportunity to speak further with anyone on this issue. Godspeed.

Kind regards,

Eric M. Theile - WSBA 44397

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From: [Malena Pinkham](#)
To: [Limited License Legal Technician](#)
Subject: LLLT - New Practice Area
Date: Tuesday, May 15, 2018 2:45:58 PM

Expanding the LLLT program to additional practice areas is a terrible idea. The entire LLLT program is bad for the citizens of Washington. The answer to limited legal services is not to provide people with sub-standard advice from non-lawyers. Why do the less fortunate deserve lesser quality services? I continue to be amazed and embarrassed that this program was ever started. Expanding it is naïve, dangerous and unfair to the vulnerable people receiving, and making major life decisions based on, the advice and issue-spotting ability of these “technicians.”

Absurd.

Malena F. Pinkham
Staff Attorney
The Confederated Tribes of the Umatilla Indian Reservation
46411 Timi’ne Way
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Phone & Fax: (541)429-7408
Work Cell: (541)215-2004
MalenaPinkham@ctuir.org

From: [Kirk Davis](#)
To: [Limited License Legal Technician](#)
Subject: LLLT
Date: Tuesday, May 15, 2018 2:01:41 PM
Attachments: [LOGO for email.jpg](#)

My concern is the continued expansion of the LLLT and licensing of same by the Bar. I think the continued pushing of LLLT into other areas is a bad idea for the bar and for the public. The public will think they are getting the same service from an LLLT that they would be from an attorney as this activity is sanctioned by the Bar. Of course, this assumption is incorrect.

Kind regards,

Kirk C. Davis
Attorney



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From: [Mark McClain](#)
To: [Limited License Legal Technician](#)
Subject: LLLT
Date: Tuesday, May 15, 2018 1:25:32 PM

This is really disappointing. While I appreciate there are needs for many, we continue to fund them through things like NWJP, yet fail to demand they actually serve these needs. If you are going to take away opportunity from your members with this area of law, you should first reduce the cost for your membership.

From: [Chris Van Vechten](#)
To: [Limited License Legal Technician](#)
Subject: LLLT Consumer & Debt Law
Date: Tuesday, May 15, 2018 7:24:56 PM

Greetings,

While the idea of the LLLT is well meaning, in practice, it strikes me as ineffective and ignorant of the realities on the ground people living in poverty face. I'm primarily a criminal defense attorney (hopefully the Constitution will, in 10 years, still be interpreted to entitle defendants to an attorney and not a LLLT) and the vast majority of people I represent are the sort of people who these programs are targeted to address.

I have often worked for people at rates that work out to less than \$40 an hour, but poverty tends to be the result of compounding problems that often exceed the financial bandwidth of the client. I do not believe that an LLLT could realistically assume the multiple roles an attorney does for less than \$40 an hour, without sacrificing significant quality.

I understand pro ses are frustrating for judges, but I suspect they are also inevitable. I have yet to find a member of my profession who supports this program and other than some super law firms who turn their paralegals into LLLTs to charge additional fees, I rarely confront them in my practice. The program should be scrapped.

--

Chris Van Vechten
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From: [Donna Person Smith](#)
To: [Limited License Legal Technician](#)
Subject: LLLT Expansion
Date: Friday, May 25, 2018 2:14:17 PM

Good Afternoon:

I understand the board is working on a new LLLT practice area — consumer, money and debt law. I am opposed to any expansion of the LLLT program. I am also opposed to any expansion of the role of LLLTs in family law matters. I am appalled that there is now a push for them to be able to appear in court. There are plenty of attorneys willing to work with low income clients by offering their services pro bono or on a reduced fee schedule.

Donna Person-Smith
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From: [stewart law](#)
To: [Limited License Legal Technician](#)
Subject: LLLT expansion
Date: Friday, May 25, 2018 4:37:07 PM

This letter is intended to respond to the call for input on the expansion of LLT's area of practice.

LLLTs were not, are not and will not be a good thing for the WSBA, its members or the public they ostensibly were intended to serve.

Hurting the current and future dues-paying, licensed, educated Attorney members of the WSBA by allowing LLLTs to compete with us, at our expense is an affront. The idea is so obviously contrary to the core function of any professional organization, it remains a mystery how it was initially approved.

No expansion of the areas of practice and allowed functions of LLTs should be made. A complete review of the program and the funding spent by WSBA should be undertaken.

William J. Stewart, Attorney at Law

From: [Carter Hick](#)
To: [Limited License Legal Technician](#)
Subject: LLLT Feedback
Date: Friday, May 25, 2018 1:18:00 PM
Attachments: [image001.png](#)

Hello,

Per your 5/25 e-newsletter, I want to provide feedback on the LLLT program and its possible expansion.

The entire program is a waste. If the WSBA, law schools and state government want lawyers to provide affordable legal services, then efforts should be made at making law school affordable. Tuition at 30k a year, 40k a year . . . and higher for law school? How can you expect a recent grad to work in public service, provide affordable services, or engage in pro bono work if she is saddled with 100k plus in student loan debt?

The solution is to great a LLLT program? Really?

Sad for us and any other person that is not independently wealthy and chooses to go to law school, but I guess it is good for the law schools – they can start collecting LLLT tuition on top of the law school tuition. Oh yeah, lenders will benefit, too. The public? You tell me. How is the LLLT program working so far? How many do we have now in the state?

Carter Hick

[HICK LOGO color-no logo-logo](#)



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From: [Anita Redline](#)
To: [Limited License Legal Technician](#)
Subject: LLLT new fields of law REALLY?
Date: Sunday, May 20, 2018 11:32:20 PM
Attachments: [image001.gif](#)
[image004.jpg](#)

Hello, Just my 0.2

Has there been a study as to whether the needs were actually unmet in these additional legal fields of law?

If the needs of the majority were met but there exists a minority whose needs were unmet, why? Only financial? Many attorneys offer a payment plan, a discount upon an initial sizeable payment, or the attorney's paralegal can handle the matter under supervision of the attorney.

Were the individuals unable to understand how to use the WSBA Directory, unable to find the law group, unable to use various websites like AVVO, etc.?

Many attorneys are not charging the high rates anymore and not charging for every email or phone call. But if LLLTs enter into some of these legal fields filled with new attorneys trying to make a living, those attorneys will leave for other legal fields but those other fields are already filled to the brim with attorneys too. LLLTs are becoming like balloons: you squeeze one end and the other end pops out. We have just too many legal representatives, three law schools, numerous students graduating into the legal fields, we're over capacity to maintain financial supports of these various levels of legal expertise.

Once LLLTs are in another legal field, attorneys struggle to meet their bottom line because attorneys are far more in debt than LLLTs for their education.

LLLTs are undercutting paralegals who work already under supervision by their attorneys. Attorneys graduating in the last 5 years are still struggling.

The real motive for LLLTs is not to help the common person but to help law

schools that are suffering from decreasing students.

The real challenges in the world of law: A law education is so expensive, complexities of law have greatly increased, law schools inadequately prepare potential attorney, rules and regulations continually change, too many experienced attorneys, too many newly graduated law students - how can LLLTs make it?

How are new attorneys suppose to get any experience when LLLTs jump in? These legal fields listed in the report are the types of fields new attorneys use to get their experience. It's like taking away the wetlands from baby salmon. Leave the environment alone so that new attorneys can grow and become great attorneys. (notice I didn't say expensive)

I am so glad that I am not a new attorney!

Very truly yours, Anita Redline

The "secret" to caring for the client is caring *about* the client.



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From: [Rich Davis](#)
To: [Limited License Legal Technician](#)
Subject: LLLT Question
Date: Friday, May 18, 2018 4:35:54 PM

Is the proposal likely to be an expansion of existing licensing authority, or a separate license in the area of consumer debt? I think the former is a good idea, the latter a mistake. I can expand my comment depending on your answer.

This area of practice is full of land mines. The big creditors have a lot of influence in the law, the credit reporting bureaus seem to require a deposition order to begin communicating, and some of the federally required credit resolution processes for credit card companies are not working. I have found a good solution; I use very little credit. However, even the three credit cards I use and pay fully each month cause me trepidation. I also order on-line from very few vendors: Amazon, Southwest Airlines, and two antique car providers is almost a complete list. It is a fright out there.

Thank you,

Richard J. Davis
WSBA 12481

From: [Donald Ferrell](#)
To: [Limited License Legal Technician](#)
Subject: Illt was conjured up by the incompetent idiots at WSBA and so called "supreme court". Family law was first and proved to be a bust. Why keep repeating your errors?
Date: Wednesday, June 20, 2018 10:29:07 AM

Donald W. Ferrell Honorary WSBA 1973
Sent from [Mail](#) for Windows 10

From: [Jennifer R. Smith](#)
To: [Limited License Legal Technician](#)
Subject: LLLT
Date: Tuesday, May 15, 2018 9:52:51 PM

I hate to be so frank but this program is a complete disaster! I practice family law in Thurston County. The documents I have received from LLLTs are not done correctly. Parties will use LLLT to draft and give legal advice but they use the LLLT as a bar to negotiations because they cannot negotiate on the client's behalf. Then what I find absolutely shocking is the amount of money the LLLTs are charging. It is the same amount as many attorneys. This program was to reduce costs. It has done quite the opposite after an attorney has to come in and do clean up.

This program should be discontinued. Complete insult to the legal profession.

Very truly yours,

Jennifer R. Smith

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jennifersmith@thurstonmasonlaw.com

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From: [MICHAEL GOLDENKRANZ](#)
To: [Limited License Legal Technician](#)
Subject: LLT expansion into consumer debt
Date: Tuesday, May 15, 2018 1:46:00 PM

Great idea- keep expanding into more areas and providing the education venues and programs to train LLT's.

Why not have them help with actual bankruptcy filing?

And, while I think the protection order help is essential, confusing that it got folded into consumer debt expansion.

Kudos

Michael Goldenkranz (pro bono attorney)

From: [Steve Lovekin](#)
To: [Limited License Legal Technician](#)
Subject: LLT New Practice Area
Date: Tuesday, May 15, 2018 2:50:03 PM

I strongly object to the addition of new practice areas for the LLT's. It was inevitable when the LLT system started that, like all good bureaucracies it was seek to expand its reach. From what I've seen LLT's often charge a fairly high hourly rate, taking business away from lawyers who are just starting out and who want to charge less than the big established firms in order to gain business. LLT's are also appearing in court in family law cases, which they should not be doing. Court appearances are a quintessentially legal activity that should be reserved for lawyers who have spent the time, energy, and money to attend three years of law school, usually with at least one trial practice course under their belt. If one can essentially practice law without going to law school, why would one even bother going? This expansion of non-lawyers into the practice of law demeans the profession and should be eliminated.

Osgood S. Lovekin

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From: [David Mott](#)
To: [Limited License Legal Technician](#)
Subject: Lt to WSBA -LLLT
Date: Friday, July 06, 2018 4:59:09 PM
Attachments: [Lt to WSBA -LLLT.doc](#)

The MOTT LawFirm

David C. Mott

also admitted in Ohio and Illinois

July 17, 2018

TO: LLLT Board via email to LLLT@wsba.org

RE: Proposed Consumer, Money, and Debt Law LLLT Practice Area
Scope Proposed Permitted Actions & Proposed Limitations

LLLTs should be licensed to assist clients with issues related to legal financial obligations, debt collection and garnishment defense, identity theft, preparing for small claims court, and filing protection orders.

I strongly support the expansion of LLLT's service into this area of practice based on (1) my 49 years of law practice during which I have provided defense services to my clients in this practice area and (2) a successful history of collaborating with an LLLT to provide family law services to mutual clients. In addition, I have extensive experience in the foreclosure defense and mediation practice area.

This debt-collection area of the law is fraught with traps often initiated against unsuspecting consumers. In the consumer debt-collecting defense area, I typically begin my representation of a client by having my client fill out an extensive questionnaire that is designed to establish creditor-collector violations of the debt collection statutes. In almost every case, there is a violation. More recently, there are a lot of statute of limitation violations by collectors. In some cases, the collector does not have a Washington state license to engage in collection services. In almost every case, I conclude such services with a very satisfied client.

If the matter is in litigation, sending an extensive subpoena duces tecum and scheduling a deposition often results in favorable results for my client.

Most often, I do this work at a very minimal fee but it often concludes with most of my services being provided pro bono. I do this because I was raised in a very poor, large family wherein I experienced the devastating adverse effects perpetrated against my parents by bill collectors.

Based on my experience of working collaboratively with an LLLT in the family law area, I can envision an equally successful collaborative practice with LLLTs in this expanded practice area.

MAIL ONLY TO: 16821 Smokey Point Blvd, # 811, ARLINGTON, WA 98223

OFFICE AT: Professional Services Center, Smokey Point Dr., Arlington, WA 98223

PHONE/VOICE MAIL: 360-435-5656 ♦ **FAX:** 360-435-4742 ♦ **EMAIL:**

mott@mottlaw net

I would strongly support the proposed scope of Permitted Actions & Proposed Limitations with one recommendation: that is, that the LLLT be permitted to review with prospective client the requirements for qualifying for Chapter 7 & Chapter 13 relief under the Bankruptcy statutes.

Very truly yours,

The MOTT LawFirm

By /s/ David C. Mott
David C. Mott

DCM/jem

From: [Inez "Ine" Petersen](#)
To: [Limited License Legal Technician](#)
Cc: [Bill Pickett](#)
Subject: My comment: The LLLT Board is developing a new practice area and wants to hear from you
Date: Tuesday, May 15, 2018 1:22:08 PM

Dear LLLT Board:

I recommend that your Board be disbanded immediately.

Is the WSBA undermining its members or representing them? It looks like the former to me.

This is the most absurd idea since mandatory professional liability insurance. And it shows that the Bar has just too much money laying around and must seek ways to spend it no matter how it hurts the attorneys they allegedly represent.

I don't want the WSBA taking action that reduces my chances of making a living. I want the WSBA to facilitate my career, not undermine it!

WHAT ARE YOU THINKING? WHO IS REALLY BEHIND THIS?

This shows that there is a real need for voting to occur at the member level on everything with a greatly reduced staff. All the committees, boards, and huge number of in-house employees seem to be working on projects that are not in the best interest of the attorneys. This is just another one.

A voluntary bar association would nip this problem in the bud or would it? The Titanic needs a new captain, one with eyes to see the icebergs. I look at the WSBA as a professional union; I want that union to plug the holes in the life boats, not create more holes.

Sincerely,
Inez Petersen
WSBA #46213

----- Forwarded message -----

From: **Washington State Bar Association** <noreply@wsba.org>
Date: Tue, May 15, 2018 at 11:46 AM
Subject: The LLLT Board is developing a new practice area and wants to hear from you
To: inezpetersenjd@gmail.com

Washington State Bar Association



The LLLT Board is working on developing a new LLLT licensed practice area—**Consumer, Money, and Debt Law**—and would like your feedback. A [draft outline of the proposed practice area](#) is under development. The LLLT Board is seeking comments through July 16.

There are several ways you can help shape and be involved in the process, and we hope you will be. Please consider reviewing the draft and being involved in the next steps by:

- Providing feedback on the initial draft and subsequent versions,
- Attending the [LLLT Board meetings](#), which are open to the public, and
- If the new practice area is approved by the Washington Supreme Court, assisting the LLLT Board with writing the rule, regulations, and exam for this practice area.

Please submit comments, questions, or concerns to lllt@wsba.org.

The LLLT Board looks forward to hearing from you.

Sincerely,

Stephen R. Crossland

Chair, LLLT Board

Renata de Carvalho Garcia

WSBA Staff Liaison to the LLLT Board

[WSBA seal](#)



Washington State Bar Association

[1325 Fourth Ave., Suite 600](#)

[Seattle, WA 98101](#)-2539 | [Map](#)

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- Licensing and licensing-related materials
- Information about the non-CLE work and activities of the sections to which the member belongs
- Mandatory Continuing Legal Education (MCLE) reporting-related notifications
- Election materials (Board of Governors)
- Selected Executive Director and Board of Governors communications



From: [Lynn Clare](#)
To: [Limited License Legal Technician](#)
Subject: New licensing area
Date: Tuesday, May 15, 2018 2:23:19 PM

Reader:

Originally when the reason for the existence of the LLLT was given as "a way for low income folks to receive legal help", I supported the idea of a limited license. Now however, I hear that is no longer the justification. In my opinion, it was the only reason that justified the existence of this class of license to practice law.

Therefore, not only should this class of license to practice law NOT be extended to Consumer, Money, and Debt -- it's existence to practice any other area of law should be revoked. I am angry and appalled that the WSBA -- which should be defending my license that I worked so hard to obtain -- is, in fact ready and willing to extend this serious dilution of the quality of the legal profession in the state of Washington.

Lynn C. Clare
Clare Law Firm, PLLC
Office: 206-223-8591
Direct: 253-444-4058

From: [Kyle Hills](#)
To: [Limited License Legal Technician](#)
Cc: [Mimi Wagner](#)
Subject: New LLLT Licensed Practice Area - Consumer, Money, and Debt Law
Date: Monday, July 16, 2018 2:40:14 PM
Attachments: [18WSBA-LLLT0716.pdf](#)

Dear Sir/Madam:

Enclosed is a letter from Attorney Mimi M. Wagner in regards to expanding the LLLT practice areas to include consumer, money, and debt law. Please let me know if you have any difficulty opening the attachment.

Sincerely,

Kyle Hills
Legal Assistant
Wagner Law Offices P.C.
kyle@sanjuanlaw.com
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Fax (360) 378-6244
www.sanjuanlaw.com

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MIMI M. WAGNER
ALSO MEMBER OF COLORADO BAR
MIMI@SANJUANLAW.COM

July 16, 2018

Via email to: lllt@wsba.org
Washington State Bar Association
Limited License Legal Technician Board

Re: New LLLT Licensed Practice Area – Consumer, Money, and Debt Law

Dear LLLT Board Members:

I am opposed to the further expansion of the LLLT practice areas to “Consumer, Money, and Debt Law.” In general, I believe the LLLT programs are expanding rapidly without adequate evidence that they are a benefit to the public, do not financially harm attorneys, and do not harm the public. I urge the Board to act with care and consideration in its administration of the program.

Consumer, money, and debt law is enormously complicated, with implications in other bodies of law, and allowing LLLTs to practice in this area is very concerning.

I am also opposed to allowing LLLTs appear in court in this practice area, and in any other practice area for that matter. Attorneys are required to undergo years of training to appear in court, and it is an enormous responsibility to appear in court on behalf of a client. LLLTs need not have a four-year college degree. I expect that LLLTs in general may lack the perspective and appreciation for legal complexities that are borne out of law school, studying for the Bar, and practicing law as a licensed attorney.

I am also opposed to the Bar’s dramatic amounts of money being spent on this program for a limited number of LLLTs. The last information I received was \$1.7 million has been spent on 36 LLLTs. That is over \$47,200 per LLLT. The Bar’s money comes entirely or almost entirely from its members, yet the Bar members are unfairly forced to subsidize the LLLTs.

Thank you for your consideration of my comments.

Very truly yours,



Mimi M. Wagner

From: Kelly.Boodell@faa.gov
To: [Limited License Legal Technician](#)
Subject: New practice areas
Date: Wednesday, May 16, 2018 5:02:57 PM

I am a huge fan of the LLLT program! I used an LLLT for a family law matter and now have renewed faith in our legal system as a result. While access to our legal system is critical to communities who are under represented and have limited economic means, there are many who may not meet that criteria and still can't afford the prohibitive costs of attorneys.

Please continue to expand the LLLT program into all areas of practice that may touch individuals with legal needs.

Respectfully,

Kelly A. Boodell
Director, Civil Rights
Western Service Area

We have moved! Our new address is [2200 S. 216th Street, Des Moines, WA. 98198.](#)

e-mail: Kelly.Boodell@faa.gov
office: (206) 231-2044
cell: [\(425\) 495-4544](tel:(425)495-4544)

From: [Ashley Lauber](#)
To: [Limited License Legal Technician](#)
Subject: Objection to Expansion into Debt Law
Date: Thursday, July 05, 2018 4:47:16 PM

Pursuant to the request for comments, please see my statement as follows:

I've been a bankruptcy and debt settlement practitioner for five years. In the time I have been practicing, I have watched my filing rates and caseload diminish by 15-20% year over year and is now down to the bottom quarter of my overall revenue. Take this from a firm who had a presence in every conceivable advertising channel for debt issues including having run a television commercial for two years on Fox 13. We have done everything possible to sustain our business while providing exceptional services, using sliding scale fees even providing pro bono representation at certain points. We have had to make the decision two years ago to expand into family law, an area which is being undercut by the existing LLLT family law program, and if we hadn't chosen to make that expansion my firm would be out of business. I take great pride in having been a partner of a woman-owned firm this long that provides debt services, but we are far from thriving. It is personally insulting to me that the bar association who happily takes nearly \$500 a year from its members promptly turns its backs on us and spends dues to encourage our competition in the marketplace. It is unconscionable.

There is NO SHORTAGE of affordable legal representation in this practice area. I voice my strong objection to its implementation.

--

Ashley Lauber
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From: jwchessell@rockisland.com
To: [Limited License Legal Technician](#)
Subject: Opposition to Allowing LLLTs to Practice Debtor/Creditor Law
Date: Monday, July 16, 2018 3:24:06 PM

Monday July 16, 2018

To: Washington State Bar Assn
Seattle, WA 98101

RE: Opposition to Allowing Limited License Legal Technicians to
practice Debtor/Creditor law

Dear WSBA:

I am opposed to allowing Limited License Legal Technicians to practice Debtor/Creditor law. This is a complicated field that embraces many other areas of law, such as contracts, agency, residency, standing, bankruptcy, criminal law, constitutional law, equity, remedies, commercial paper, evidence, and on-and-on.

The proposal does not well-serve the community, but rather allows persons with a limited knowledge of law and a limited experience in practicing law to represent clients who may make their choice of representation based solely on price.

The proposal is a mistake and should be shelved.

Very Truly Yours,

John Chessell Bar # 19370
San Juan Island, WA
jwchessell@rockisland.com

From: [Daggett, Teresa](#)
To: [Limited License Legal Technician](#)
Subject: Opposition to proposed new LLLT practice area
Date: Friday, May 25, 2018 12:48:11 PM
Attachments: [image001.png](#)

Please register my opposition to expanding the LLLT program. With only 33 active participants, expanding the program is not reasonable.

Teresa Daggett

[Attorney at Law](#)

[Gordon Thomas Honeywell LLP](#)



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From: [Law Office of Reed Speir](#)
To: [Limited License Legal Technician](#)
Subject: Please stop taking work from lawyers
Date: Wednesday, June 20, 2018 3:34:50 PM

It is bad enough that LLLTs are taking work away from lawyers in the areas of family law. Please do not take more work away from lawyers by invading another area where lawyers can earn a living. There are sliding scale and low-income options all over the State that have been available to low-income individuals for years. LLLTs undercut small firms and solo practitioners and put them out of business. Why am I paying dues to an organization that is actively working to decrease my client base? I see lots of concern for making sure that LLLTs can have a practice that thrives, but what about the lawyers who are losing clients and going out of business because of LLLTs? Seattle is an aberration. Lawyers all over the State are struggling to make ends meet and the WSBA is promoting a program to take away more clients from those struggling lawyers. The WSBA is not serving its membership at all by pushing LLLTs.

Reed Speir

From: [Kerry Lawrence](#)
To: [Limited License Legal Technician](#)
Subject: Proposed new LLLT for consumer, debt, etc.
Date: Friday, May 25, 2018 12:51:48 PM

I think this is a great area for LLLT's.

One question I have is whether the forms they are allowed to fill out would include mechanic's lien forms, RCW 60.04?

Individual workers and small businesses need help in this area, and there definitely is a demand for these services as demonstrated by the number of lien services that already offer these services.

The lien services are of varying quality, but overall I think they do better than the majority of the liens and related documents I see that lawyers have prepared and recorded. Having an LLLT course would help improve the quality of what those services provide, and benefit a lot of individual workers and very small businesses.

Kerry Lawrence
WSBA #8479

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Kerry C. Lawrence
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kerry@pillar-law.com

From: REDACTED
To: [Limited License Legal Technician](#)
Cc: REDACTED
Subject: RE: [EXTERNAL] The LLLT Board is developing a new practice area and wants to hear from you
Date: Tuesday, May 15, 2018 1:07:12 PM

Abolish the LLLT board entirely. They hurt attorneys and hurt litigants who are not getting the best legal representation possible by people without law degrees.

Thank you,
REDACTED

From: Washington State Bar Association [mailto:noreply@wsba.org]
Sent: Tuesday, May 15, 2018 1:05 PM
To: REDACTED
Subject: [EXTERNAL] The LLLT Board is developing a new practice area and wants to hear from you

[Washington State Bar Association](#)



The LLLT Board is working on developing a new LLLT licensed practice area—**Consumer, Money, and Debt Law**—and would like your feedback. A [draft outline of the proposed practice area](#) is under development. The LLLT Board is seeking comments through July 16.

There are several ways you can help shape and be involved in the process, and we hope you will be. Please consider reviewing the draft and being involved in the next steps by:

- Providing feedback on the initial draft and subsequent versions,
- Attending the [LLL T Board meetings](#), which are open to the public, and
- If the new practice area is approved by the Washington Supreme Court, assisting the LLLT Board with writing the rule, regulations, and exam for this practice area.

Please submit comments, questions, or concerns to lllt@wsba.org.

The LLLT Board looks forward to hearing from you.

Sincerely,

Stephen R. Crossland
Chair, LLLT Board

Renata de Carvalho Garcia

Name withheld upon request

WSBA Staff Liaison to the LLLT Board

Washington State Bar Association

1325 Fourth Ave., Suite 600

Seattle, WA 98101-2539 | [Map](#)

Toll-free: 800-945-9722

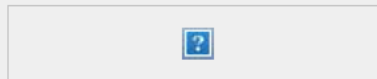
Local: 206-443-9722



Official WSBA communication

All members will receive the following email, which is considered official:

- Licensing and licensing-related materials
- Information about the non-CLE work and activities of the sections to which the member belongs
- Mandatory Continuing Legal Education (MCLE) reporting-related notifications
- Election materials (Board of Governors)
- Selected Executive Director and Board of Governors communications



From: REDACTED
To: [Limited License Legal Technician](#)
Subject: RE: [EXTERNAL] The LLLT Board is developing a new practice area and wants to hear from you
Date: Wednesday, May 23, 2018 2:45:39 PM

In light that you will consider all comments, please add the following to my additional comment:

I speak as a member of the WSBA since 2009, but also as a former low-income customer of paralegal services for a divorce with children in the early 2000's in Lakewood, Washington. These paralegals caused so many problems for me that I had to pay a real, licensed attorney several years later to undo all of the issues (major modification) that they could not foresee due to their limited training. Thus, these paralegals, specializing in family and equivalent to the LLLT program, caused nothing but heartache, frustration, and economic loss for the people they are allegedly serving. I will never refer anyone to a paralegal for legal services, regardless of the alleged training differences. They are simply not trained enough (as only law school gives this training) to handle the complex issues that lower income folks tend to present in family law cases. Period.

Thank you kindly,

REDACTED

From: Limited License Legal Technician [mailto:LLLT@wsba.org]
Sent: Wednesday, May 23, 2018 2:40 PM
To: REDACTED
Subject: RE: [EXTERNAL] The LLLT Board is developing a new practice area and wants to hear from you

REDACT

Thank you for your input regarding the new proposed Limited License Legal Technician (LLLT) practice area, Consumer, Money, and Debt Law.

WSBA staff members are compiling all comments, which will be provided to the LLLT Board for consideration in deciding next steps. In the meantime, we appreciate all feedback as we work toward fulfilling our mandate by the Washington Supreme Court under [APR 28](#) to continue to recommend and develop practice areas of law for LLLTs.

At the end of the comment period in July, the LLLT Board will carefully review all comments and input. LLLT Board members may modify the proposed practice area based on the comments, issues discovered during the drafting of regulations, and issues that arise during the law schools' development of the curriculum.

From: REDACTED
Sent: Tuesday, May 15, 2018 1:07 PM
To: Limited License Legal Technician
Cc: REDACTED
Subject: RE: [EXTERNAL] The LLLT Board is developing a new practice area and wants to hear from you

Abolish the LLLT board entirely. They hurt attorneys and hurt litigants who are not getting the best legal

Name withheld upon request

representation possible by people without law degrees.

Thank you,

REDACTED

From: Washington State Bar Association [<mailto:noreply@wsba.org>]

Sent: Tuesday, May 15, 2018 1:05 PM

To: REDACTED

Subject: [EXTERNAL] The LLLT Board is developing a new practice area and wants to hear from you

[Washington State Bar Association](#)



The LLLT Board is working on developing a new LLLT licensed practice area—**Consumer, Money, and Debt Law**—and would like your feedback. A [draft outline of the proposed practice area](#) is under development. The LLLT Board is seeking comments through July 16.

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- Providing feedback on the initial draft and subsequent versions,
- Attending the [LLL Board meetings](#), which are open to the public, and
- If the new practice area is approved by the Washington Supreme Court, assisting the LLLT Board with writing the rule, regulations, and exam for this practice area.

Please submit comments, questions, or concerns to lllt@wsba.org.

The LLLT Board looks forward to hearing from you.

Sincerely,

Stephen R. Crossland
Chair, LLLT Board

Renata de Carvalho Garcia
WSBA Staff Liaison to the LLLT Board

Washington State Bar Association

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From: [Scott M. Kinkley](#)
To: [Limited License Legal Technician](#)
Cc: [César Torres](#)
Subject: RE: Consumer, Money, and Debt Law - comments from the Northwest Justice Project
Date: Friday, June 29, 2018 1:20:49 PM
Attachments: [Revised NJP Response to Proposed Expansion of LLLT Program To Consumer Law 6-29-18 smk.pdf](#)

Mr. Chairman,

Please accept the revised Northwest Justice Project letter, concerning the LLLT Board's Consumer, Money and Debt Law proposal. The revision removes my bio reference to my position on the state Collection Agency Board. Please discard the prior proposal and substitute it for this. The content is otherwise the same. Thank you.

Scott M. Kinkley
Staff Attorney
Northwest Justice Project
1702 W. Broadway
Spokane, WA 99201
(509) 324-9128
scottk@nwjustice.org

CONFIDENTIALITY NOTE: This electronic mail transmission may contain legally privileged and/or confidential information. This communication originates from the law firm of Northwest Justice Project, and is protected under the Electronic Communication Privacy Act, 18 U.S.C. § 2510-2521. Do not read this if you are not the person(s) named. Any use, distribution, copying, or disclosure by any other person is strictly prohibited. If you received this transmission in error, please notify the sender by telephone (509) 324-9128 or send an electronic mail message to the sender or ScottK@nwjustice.org and destroy the original transmission and its attachments without reading or saving in any manner. Do not deliver, distribute or copy this message and/or any attachment and, if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

From: Limited License Legal Technician [<mailto:LLLT@wsba.org>]
Sent: Thursday, June 14, 2018 8:34 AM
To: Scott M. Kinkley <ScottK@nwjustice.org>; Limited License Legal Technician <LLLT@wsba.org>
Cc: César Torres <Cesart@nwjustice.org>
Subject: RE: Consumer, Money, and Debt Law - comments from the Northwest Justice Project

Hi Scott,

Thank you for your input regarding the new proposed Limited License Legal Technician (LLLT) practice area, Consumer, Money, and Debt Law.

WSBA staff members are compiling all comments, which will be provided to the LLLT Board for consideration in deciding next steps. In the meantime, we appreciate all feedback as we work toward fulfilling our mandate by the Washington Supreme Court under [APR 28](#) to continue to recommend and develop practice areas of law for LLLTs.

At the end of the comment period in July, the LLLT Board will carefully review all comments

and input. LLLT Board members may modify the proposed practice area based on the comments, issues discovered during the drafting of regulations, and issues that arise during the law schools' development of the curriculum.

From: Scott M. Kinkley [<mailto:ScottK@nwjustice.org>]
Sent: Wednesday, June 13, 2018 11:20 AM
To: Limited License Legal Technician
Cc: César Torres
Subject: Consumer, Money, and Debt Law - comments from the Northwest Justice Project

Mr. Chairman Crossland and Members of the Board,

Please accept the attached letter from the Northwest Justice Project, concerning the LLLT Board's Consumer, Money and Debt Law proposal. Thank you.

Scott M. Kinkley
Staff Attorney
Northwest Justice Project
1702 W. Broadway
Spokane, WA 99201
(509) 324-9128
scottk@nwjustice.org

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Northwest Justice Project

1702 W Broadway
Spokane, WA 99201
Tel. (509) 324-9128
Fax (509) 324-0065

Toll Free 1-888-201-1019
www.nwjustice.org

César E. Torres
Executive Director

June 29, 2018

Washington State Bar Association
LLLT Board
LLLT@wsba.org

Re: Consumer, Money, and Debt Law
Public Comment From The Northwest Justice Project

Mr. Chairman Crossland and Members of the Board:

Please accept these comments of the Northwest Justice Project concerning the proposed new practice area for LLLTs in Consumer, Money and Debt Law.

A. ABOUT THE NORTHWEST JUSTICE PROJECT

The Northwest Justice Project (NJP) is a dynamic statewide law firm providing low income legal advice and representation, community partnerships, and education to empower low income clients and combat injustice in all its forms.

NJP also maintains WashingtonLawHelp.org, the public website referenced in your proposal which contains an extensive library of legal resources and self-help materials including necessary court forms in areas of law needed most by low income people, the great majority of whom are forced to appear in court unrepresented. In addition, NJP is an integral member of, and provides support for, the Alliance for Equal Justice, Washington's coordinated statewide civil legal aid delivery system which brings together a network of volunteer attorney programs, specialty legal aid providers, and supporters working to ensure equal justice for all low-income communities in Washington. It was largely through this network, and through the work of NJP staff and attorneys, that the Civil Legal Needs Study was conducted.

In response to the Civil Legal Needs Study, NJP re-organized its Strategic Advocacy Focus (SAF) and dedicated roughly one third of its resources to addressing consumer debt, legal financial obligations and landlord tenant debt. There is without a doubt an expanding need for representation in these areas. However, NJP has significant concerns with aspects of the proposal but is in support of others. More specifically,

the proposal to permit LLLTs to negotiate consumer debt would likely revive the predatory debt settlement industry. In addition, the Board's proposal to permit LLLTs to engage in debt collection, including garnishments, supplements the competitive debt collection industry, a result directly averse to the Board's mandate and the findings of the Civil Legal Needs Study.

Ancillary to NJP's primary concerns, the Board's proposal does not recognize or address the various legislative statutes and executive enforcement bodies that already regulate the majority of privileges the Board proposes to grant to LLLTs. In other words, the Board's proposal creates a secondary licensing system over non-legal professionals already engaging in many of the activities the Board intends to license. This is a concern that was not relevant to the debate over granting LLLTs the right to practice of family law, which is an exclusive domain of attorneys. Consumer law, by contrast, is substantially intertwined with market participants, statutory regulation and for profit non-lawyer services; many of which are historically predatory. For example, permitting an LLLT to "negotiate" debts would immediately subject LLLTs to regulation as a "debt adjuster" under the Debt Adjustment Act. LLLTs permitted by the WSBA to commence garnishments or prepare a debt collection complaint, would fall squarely within federal regulation as "debt collectors" under the Fair Debt Collection Practices Act, 15 USC § 1692a(5) and as "collection agencies" under Washington Collection Agency Act, RCW 19.16.100(4)(a). Moreover, the Board has not addressed the significant question of what the impact would be of creating a secondary licensing system under Washington's judicial branch of government regulating and licensing existing businesses already subject to statutory regulation and executive agency oversight.

Notwithstanding these concerns, with appropriate training and oversight, permitting LLLTs to engage in limited form based practices and non-adversarial proceedings (such as preparing answers to civil lawsuits, exemption claims to bank garnishments, and assisting with driver's relicensing and legal financial obligation waivers, restoration of civil rights etc.), and with training to identify and appropriately refer cases of unfair and abusive conduct to consumer attorneys or regulatory bodies, might positively serve the public and meet the Board's mission.

B. DEBT ADJUSTING

The proposal permits Consumer LLLTs to provide "Debt Collection Defense and Assistance" through "negotiation of debt or payment plans, loan modifications, loan forgiveness and debt relief discharge." NJP has grave concerns that these activities will increase the number of people operating as "Debt Adjusters" in Washington.

Debt adjusting is a highly regulated profession in this state. The Debt Adjusting Act was enacted in 1978, in response to rampant abuse and victimization of low income people struggling with debt collectors. The profession is defined by statute, and

clearly includes the activities proposed for LLLTs.¹ The licensing proposal also overlaps and interferes with federal bankruptcy law permitting non-lawyers to engage in credit counseling. See 11 U.S. Code § 111.

With respect to debt adjusting, Washington's Supreme Court observed that the Debt Adjuster Act was passed in response to "deep-seated concern about the abuses inherent in the debt adjusting industry." The Court found, "the lack of industry regulation, and the frequently unsophisticated and/or desperate client seeking relief from bill collectors' harassment, gave rise to numerous unfair and deceptive practices." *Carles v. Global Client Solutions*, 171 Wn.2d 486, P.3d 321 (2011) quoting *Performance Audit: Debt Adjusting Licensing and Regulatory Activities*, Report no. 77-13, Jan. 20, 1978, at 7 (on file with the Wn. State Archives, H.B. 86 (1979) at 7).

"Debt Adjusting," or selling services to negotiate settlement of debt with creditors, is an existing private industry that does not require either a full or limited license to practice law. However, people licensed as LLLTs who engage in debt negotiation will also meet the statutory definition of a "Debt Adjusters" and be separately regulated by that Act. This fact produces at least two truths in opposition to the proposed rule. First, requiring licensing as a LLLT merely supplements the existing legislative and executive regulatory framework of the debt adjusting profession with a licensing requirement governed by the judicial branch of government (raising separation of power concerns). More importantly, the proposal fails to achieve the purpose of fulfilling an "unmet need" where it merely supplements an existing, often predatory, highly regulated, non-legal profession.

The Board's current proposal also ignores the hard-learned lessons of the past. For example, NJP attorneys know from their clients' experiences that operators in the debt settlement industry often take consumers' money and fail to provide meaningful service, leaving the consumer with no benefit, and depleted resources to offer creditors. In response, many debt collectors have adopted policies to accelerate collection efforts and immediately sue debtors when a debt adjuster appears on their behalf in a race to collect depleting resources since the consumer has demonstrated an ability to pay something by hiring the service. In these instances, consumers are often betrayed by a false sense of security and allowed default judgments to be entered on the assumption the debt adjuster they hired is providing meaningful relief. Debt adjusters, as well as the putative Consumer LLLTs, cannot provide meaningful representation; Northwest Justice Project attorneys repeatedly expend substantial effort to vacate, when possible, default judgments resulting from this practice. The

¹ "Debt Adjusting means the managing, counseling, settling, adjusting, prorating, or liquidating of the indebtedness of a debtor, or receiving funds for the purpose of distributing said funds among creditors in payment or partial payment of obligations of a debtor." RCW 18.28.010(2).

proposal does not offer any protection or solution, and NJP anticipates this portion of the LLLT proposal will lead to similar harm to low income debtors.

Further, fully licensed attorneys are subject to regulation under the Debt Adjustment Act, and it is axiomatic that LLLTs will be as well. See *Bronzich v. Persels & Assocs., LLC*, No. CV-10-0364-EFS, 2011 WL 2119372, at *6 (E.D. Wash. May 27, 2011) (“Even if the Attorney Defendants are licensed to practice in Washington and therefore can seek reliance on the services-solely-incidental-to-legal-practice exemption, the Court determines this exemption does not apply to an attorney or law firm specializing in debt adjustment”).

Permitting LLLTs to engage in a business already available to non-lawyers, but subject to existing regulation, creates a confusing overlap of WSBA licensing policies with pre-existing state industry regulations. Worse, the licensing of LLLTs to specifically engage in debt settlement encourages a false perception that existing regulation is inapplicable to LLLT licensees. This perception is likely to lead to temporary growth in a predatory industry; it will likely be up to NJP and private consumer attorneys to bring consumer protection litigation against LLLTs unfamiliar with Washington’s extensive consumer protection regulations to counter regulatory transgressions and generally unfair and deceptive practices that are part and parcel with this industry.

NJP encourages the Board to strike the provisions of the proposal that authorizes Consumer LLLTs to engage in any activities classified as “Debt Adjusting”, debt settlement, credit counseling, or the like.

C. WASHINGTON STATE COLLECTION AGENCY ACT AND THE FEDERAL FAIR DEBT COLLECTION PRACTICES ACT

By allowing LLLTs to provide debt collection services, such as garnishments or ghost writing collection complaints, the Board’s current proposal also infringes on existing state and federal regulatory statutes and unnecessarily supplements a competitive industry in derogation of the LLLTs mandate to meet unmet civil legal needs.² Similarly, the proposed licensing requirement to allow certain debt collection activity places the putative LLLTs squarely within existing state and federal debt collection regulation.

The FDCPA prohibits debt collectors from engaging in various abusive and unfair practices. *McCullough v. Johnson, Rodenburg & Lauinger, LLC*, 637 F.3d 939, 947–48 (9th Cir. 2011) (internal citations omitted). “The statute was enacted to eliminate abusive debt collection practices; to ensure debt collectors who abstain from such

² On March 27, 2018, 1,524 entities had an active collection agency licensed issued by the Department of Licensing, representing a growth of 35 licensees since the fall of 2017.

practices are not competitively disadvantaged; and to promote consistent state action to protect consumers.” *Id.*; 15 U.S.C. § 1692(e). The statute defines a “debt collector” as one who “regularly collects ... debts owed or due or asserted to be owed or due another,” 15 U.S.C. § 1692a(6), and covers lawyers who regularly collect debts through litigation, *Heintz*, 514 U.S. at 293–94, 115 S.Ct. 1489. Consumer LLLTs licensed to garnish, draft collection complaints or participate in collection cases in Small Claims Court meet this definition and will be regulated by the FDCPA.

Similarly, the Washington State Collection Agency Act, chapter 19.16 RCW, enacted in 1971, requires collection agencies to obtain a license, follow certain internal procedures, and adhere to a code of conduct. Washington has a strong public policy underlying the state and federal laws regulating the practice of debt collection. *Panag v. Farmers Ins. Co. of Washington*, 166 Wn.2d 27, 54, 204 P.3d 885, 897 (2009) (“the business of debt collection affects the public interest, and collection agencies are subject to strict regulation to ensure they deal fairly and honestly with alleged debtors”). Consumer LLLTs licensed to garnish, draft collection complaints or participate in collection cases in small claims courts meet this definition, are regulated by the WCAA and must be separately licensed by the Department of Licensing.

What is confusing about the LLLT proposal, is these “services” are already widely available by regulated non-lawyer businesses (i.e. collection agencies) which also happen to be the antithesis of consumer protection law.

The Board must seriously consider whether licensing LLLTs to engage in these activities serves any unmet need identified in the Civil Legal Needs Study. It must also seriously give weight to the fact that the proposal will extend WSBA regulatory authority over thousands of non-lawyers legally performing the function the LLLT Board intends to license.

D. CONCLUSION

Finally, it is concerning that the initial Consumer LLLT proposal was developed without seeking input from Washington’s consumer protection community or legal services organizations. Consumer lawyers in this state are highly self-organized both as a subgroup of the National Association of Consumer Advocates, via participation in Washington based restricted email listservs, in person CLEs and galvanized together by the common experience of difficult litigation against well organized and well-funded corporate opponents. When the proposal was revealed, it came as a complete surprise to this community of consumer attorneys. It is regrettable that this wealth of experience and knowledge was not consulted in the development of this proposal. There is real and ongoing harm to low income consumer and debtor’s in this state; there are not enough consumer attorneys helping them to enforce their rights. But while the proposal has some promising features for our client base, our experience predicts it will, as currently drafted, be largely ineffective and in several ways harmful to consumers with unmet legal needs. Moreover, the licensing proposal cuts both

ways: LLLTs will be able to represent creditors as well as debtors thereby increasing access to justice for creditors – the unintended consequence of this rule. The unintended consequence is not theoretical given the financial resources available to hire LLLTs are greater for creditors than for debtors.

Consumer LLLTs may have a role in the quest to combat predatory practices and inform the public, but the proposed rule as drafted seems ineffective to serve that purpose. Significant modifications should be made. NJP would like to see the proposal revised to focus more on helping consumers with form based or non-adversarial proceedings, and not grant any authority to engage debt collection or to engage directly with debt collectors on a consumer's behalf.

Therefore, NJP recommends that the LLLT Board:

1. **Abandon** the proposed permitted actions of:
 - a. Negotiation of debt;
 - b. Assistance filling out complaints and counterclaims;
 - c. All actions related to garnishment except assistance with exemption claims;
 - d. All actions related to loan modification and foreclosure defense and assistance; and
 - e. Representation in court and at depositions.
2. **Consider** revising the scope of the proposed permitted actions of:
 - a. Activity involving student loan debt by permitting LLLTs to assist a debtor only with *federal* student loan repayment options;
 - b. Reporting unfair acts, deceptive practices, and consumer statutory violations to consumer protection attorneys and/or a legal services agency in addition to regulatory authorities;
 - c. Providing bankruptcy advice in a manner that conforms with and does not overlap with 11 U.S. Code § 111 (creating non-lawyer credit counseling) and fulfills an identified legal need or supplements a need not already met by “credit counselors”; and
 - d. Reducing the level of participation permitted in Small Claims Court cases to not exceed the participation restrictions in place against fully licensed attorneys. In addition, a strict prohibition against LLLTs assisting creditors in small claims litigation or engaging in other conduct

meeting the definition of “debt collector” under the FDCPA or a “collection agency” under WCAA.

3. **Adopt** the proposed permitted actions of:

- a. Assistance with waiving legal financial obligations or interest on legal financial obligations;
- b. Preparing answers to debt collection lawsuits, including helping consumers apply for Charity Care from hospitals where appropriate;
- c. Providing advice regarding identity theft, including assistance with filing police reports and filling out necessary forms from government entities or private creditors;
- d. Educate consumers on identity theft issues, best practices and provide resources (i.e. www.washingtonlawhelp.org);
- e. Assisting consumers with wage complaints to Labor and Industries, assistance with negotiation and administrative hearing in wage complaints cases, advice and reporting under the Minimum Wage Act and Fair Labor Standards Act, and referral to private attorneys or legal services of claims and statutory rights enforcement that requires civil litigation; and
- f. Assisting consumer with billing disputes with original creditors that are not in litigation, which may include preparing complaints to local, state and/or federal agencies.

4. **Add** proposed permitted actions of:

- a. Assisting consumers in obtaining relief in abbreviated or form based procedures in addition to applying for legal financial obligation (LFOs) interest waivers such as:
 - i. Waiver of LFOs (or a limited waiver of LFO interest);
 - ii. Exemption claims in garnishment;
 - iii. Relicensing programs;
 - iv. Expungement or sealing of criminal records;
 - v. Restoration of civil rights (voting);

- vi. GR 34 waiver of Court fees;
 - vii. Other appropriate form based or non-adversarial proceedings.
- b. Assisting and advising consumers with pre-unlawful detainer landlord tenant disputes, such as documenting the condition of the property, habitability rights, applications for subsidized housing, education and resources.

Sincerely,

NORTHWEST JUSTICE PROJECT

Scott M. Kinkley³
Attorney at Law

smk/np

cc Cesar E. Torres, NJP Executive Director

³ Presenter at twenty-two WSBA accredited CLEs on debt collection defense and related issues, author of the WSAJ's Consumer Protection Handbook chapters on the Fair Debt Collection Practices Act and the Washington Collection Agency Act, , and 10-year member of the National Association of Consumer Advocates.

From: [Inez "Ine" Petersen](#)
To: [Limited License Legal Technician](#)
Subject: Re: My comment: The LLLT Board is developing a new practice area and wants to hear from you
Date: Wednesday, May 23, 2018 4:17:21 PM

Dear LLLT Board:

Did it ever occur to you that you should be lobbying the State Supreme Court to change APR 28 instead of undermining the very jobs of the attorneys to whom you owe a duty of loyalty of the first order?

Mission creep needs to stop with the goal to reduce dues by 40%. Now that is a goal I believe the majority of members of the Bar could support.

Perhaps you are too close to the problem to see that you have a problem.

Sincerely,
Inez Petersen, WSBA #46213

On Wed, May 23, 2018 at 3:08 PM, Limited License Legal Technician
<LLLT@wsba.org> wrote:

Inez,

Thank you for your input regarding the new proposed Limited License Legal Technician (LLLT) practice area, Consumer, Money, and Debt Law.

WSBA staff members are compiling all comments, which will be provided to the LLLT Board for consideration in deciding next steps. In the meantime, we appreciate all feedback as we work toward fulfilling our mandate by the Washington Supreme Court under [APR 28](#) to continue to recommend and develop practice areas of law for LLLTs.

At the end of the comment period in July, the LLLT Board will carefully review all comments and input. LLLT Board members may modify the proposed practice area based on the comments, issues discovered during the drafting of regulations, and issues that arise during the law schools' development of the curriculum.

From: Inez "Ine" Petersen [mailto:inezpetersenjd@gmail.com]
Sent: Tuesday, May 15, 2018 1:21 PM
To: Limited License Legal Technician

Cc: Bill Pickett

Subject: My comment: The LLLT Board is developing a new practice area and wants to hear from you

Dear LLLT Board:

I recommend that your Board be disbanded immediately.

Is the WSBA undermining its members or representing them? It looks like the former to me.

This is the most absurd idea since mandatory professional liability insurance. And it shows that the Bar has just too much money laying around and must seek ways to spend it no matter how it hurts the attorneys they allegedly represent.

I don't want the WSBA taking action that reduces my chances of making a living. I want the WSBA to facilitate my career, not undermine it!

WHAT ARE YOU THINKING? WHO IS REALLY BEHIND THIS?

This shows that there is a real need for voting to occur at the member level on everything with a greatly reduced staff. All the committees, boards, and huge number of in-house employees seem to be working on projects that are not in the best interest of the attorneys. This is just another one.

A voluntary bar association would nip this problem in the bud or would it? The Titanic needs a new captain, one with eyes to see the icebergs. I look at the WSBA as a professional union; I want that union to plug the holes in the life boats, not create more holes.

Sincerely,

Inez Petersen

WSBA #46213

----- Forwarded message -----

From: **Washington State Bar Association** <noreply@wsba.org>

Date: Tue, May 15, 2018 at 11:46 AM

Subject: The LLLT Board is developing a new practice area and wants to hear from you

To: inezpetersenjd@gmail.com

Washington State Bar Association



The LLLT Board is working on developing a new LLLT licensed practice area—**Consumer, Money, and Debt Law**—and would like your feedback. A [draft outline of the proposed practice area](#) is under development. The LLLT Board is seeking comments through July 16.

There are several ways you can help shape and be involved in the process, and we hope you will be. Please consider reviewing the draft and being involved in the next steps by:

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- Attending the [LLL T Board meetings](#), which are open to the public, and
- If the new practice area is approved by the Washington Supreme Court, assisting the LLLT Board with writing the rule, regulations, and exam for this practice area.

Please submit comments, questions, or concerns to lllt@wsba.org.

The LLLT Board looks forward to hearing from you.

Sincerely,

Stephen R. Crossland
Chair, LLLT Board

Renata de Carvalho Garcia
WSBA Staff Liaison to the LLLT Board

WSBA seal



**Washington State Bar
Association**

[1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539](#) | [Map](#)

Toll-free: 800-945-9722

Local: 206-443-9722



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- Selected Executive Director and Board of Governors communications



From: [susanne.rodriguez](#)
To: [Limited License Legal Technician](#)
Subject: Re: proposed consumer LLLT
Date: Wednesday, May 16, 2018 10:52:04 AM
Attachments: [image001.png](#)

Looks good. I'm a bankruptcy attorney and I think it's a great idea to have LLLTs available.

thx,
Susanne

On Wed, May 16, 2018 at 8:07 AM, Limited License Legal Technician <LLLT@wsba.org> wrote:

Hi Susanne,

You can read the draft here:

https://www.wsba.org/docs/default-source/legal-community/committees/llt-board/consumer-money-and-debt---draft-for-discussion-and-comment.pdf?sfvrsn=a86007f1_4



Laura Sommer | Interim Limited License Legal Technician Program Lead

Washington State Bar Association | 206.727.8289 | laura.sommer@wsba.org

[1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539](#) | www.wsba.org

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From: susanne rodriguez [mailto:lacamaslegal@gmail.com]
Sent: Tuesday, May 15, 2018 2:38 PM
To: Limited License Legal Technician
Subject: proposed consumer LLLT

Is there a link to the draft somewhere?

thanks,
Susanne

--

Susanne Ruiz Rodriguez, Esq., M.S.

Attorney & Counselor at Law

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[Camas WA 98607](#)

(360) 835-0457

--

Susanne Ruiz Rodriguez, Esq., M.S.

Attorney & Counselor at Law
532 NE 3rd #101
Camas WA 98607
(360) 835-0457

From: vlaparker@aol.com
To: [Limited License Legal Technician](#)
Subject: specific comment
Date: Wednesday, May 16, 2018 8:40:01 AM

As stated in the documents regarding the specific expansion, people do not know about existing services. So, why not advertise those existing services. They were designed to help.

Also, the research is biased. The groups used to gather information have incomplete information and are looking to reduce their load and not truly serve people (see first paragraph).

Vicki Lee Anne Parker,
Attorney at Law

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Jaimie Patneau

From: Barry Meyers <barry@elderlaw-nw.com>
Sent: Thursday, August 09, 2018 12:42 PM
To: Limited License Legal Technician
Subject: Proposed Consumer, Money and Debt Law LLLT Practice Area

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Jaimie

My comments are directed to adult protection orders under the Proposed Actions for Protection Orders of this proposal.

First, you need to distinguish who is the petitioner: the victim or an interested third party. Will an LLLT represent either? Do Court Facilitators already offer some assistance with these orders?

I have participated in numerous contested adult protection order matters under RCW 74.34 and other sections of the code. Most of these are initiated by interested third parties. Many of these matters require numerous court hearings, gathering of evidence, calling lay or professional witnesses and examining them (or cross examining witnesses) before a judge or commissioner, and, crafting orders or relief (to name a few) that require expertise that an LLLT may not have.

I would be very careful in allowing LLLTs to undertake such representation. Good intentions may result in bad outcomes.

Barry M. Meyers, CELA
Elder Law Offices of Barry M. Meyers, P.S.
Certified since 2003 as an Elder Law Attorney
by the National Elder Law Foundation
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Jaimie Patneau

From: Damian Mendez <mendezlaw@gmail.com>
Sent: Tuesday, August 07, 2018 7:54 PM
To: Limited License Legal Technician
Subject: Comment on proposed LLT practice area of wage Complaints and Defenses

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Escalate

Dear LLT Board,

On July's issue of NW Lawyer I was surprised to find out that the LLLT Board is planning to create a practice area for Licensed Technicians to practice in the area of wage complaints. My understanding is that the Board was identifying areas of the law where people were underserved because attorneys did not take those cases. The area of wage claims, especially wage claims with values of less than \$100,000, is an area in which I have for years routinely represented people that were not paid what they were owed. Many times I have represented several employees at the same time. The cases are hard fought and I have taken them all the way to **jury trial**. I know several attorneys that practice in this area and with cases that fall in the \$100,000 range. Wage claims are a complex area of the law that involves strategies that need an attorney to also have knowledge of other areas of the law to ensure that his/her clients are paid.

Many of these cases that appear to have small value are also litigated as class actions. I know of many attorneys that also practice in that area.

I don't believe that many of the WSBA member that practice in this area are aware of the proposal. I myself only found out by chance while browsing NW lawyer. I oppose the creating of an LLLT in that area and would like to have the opportunity to give a live presentation to the Board and perhaps talk to other attorneys that share my opinion. If the WSBA has identified a large underserved population perhaps is a matter of advising people that there are attorneys that can represent people with small wage cases, not to create a situation where technicians, without in depth knowledge of collateral areas of the law, are practicing at a substandard level and competing with WSBA members. Furthermore, I was for years part of the King Count Bar referral service and I never received referrals for small wage cases. I would like to see what specific wage cases were identified as being part of an underserved area of the law.

Please let me know about how I can attend a meeting of the board that I can expand on my view of the proposal.

Thank you.

--

Damian Mendez
Attorney
Mendez Law Group, PLLC
PLEASE NOTE NEW ADDRESS:*****

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Creditor/Debtor Section
Executive Committee
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, Washington 98101

August 13, 2018

LLLT Board
Attn: Stephen Crossland, Chair
LLLT@wsba.org

Re: Expansion of Services by LLLTs

Dear Stephen:

The undersigned are the Chair and the Chair-Elect of the Creditor-Debtor Section of the Washington State Bar Association (“CD”). We are writing with regards to concerns CD has with the proposed expansion of the Limited License Legal Technician (“LLLT”) program into the area of Consumer, Money, and Debt law. The proposed expansion was a topic of conversation at a recent CD Executive Board meeting (the “Meeting”) that you attended. This letter is to memorialize our concerns and suggested recommendations with respect to the proposal for expansion of the LLLT program into the creditor/debtor area, as well as several suggestions to better tailor any expansion of the LLLT program into this area from the perspective of practitioners already offering services in this area.

Currently there are 1,045 Washington licensed attorneys who list Creditor-Debtor as an area of practice, 815 attorneys who list consumer law as an area of practice, and 1,094 attorneys who list bankruptcy as an area of practice. These practitioners are on the front line working with low income homes to address the issues that prompted the proposed expansion of the LLLT Program. As the number of attorneys indicates, there is already a substantial number of professionals who stand ready, willing, and able to render assistance the proposed expansion would include. While access for low income families is an important issue, the lack of access to justice does not appear to be an issue stemming from lack of sufficient assistance being available.

CD has formed a subcommittee tasked with responding to the proposed expansion in an effort to help the proposed expansion target the constituencies it purports to assist based on the practical knowledge the day to day practice in these areas entails. The subcommittee was comprised of attorneys who represent both creditors and debtors, a mix of attorneys handling large corporate Creditor-Debtor cases and attorneys handling smaller consumer related cases, from varying firms by both size and location, and a Federal Bankruptcy Judge. The subcommittee is still reviewing the empirical evidence the proposed expansion relies on, and we may be submitting additional comments after the review of the data is complete.

CD is supportive of actions to increase access to legal services for low income individuals. This response refers only to low income individuals as middle income is never defined in the studies relied upon, and that constituency is currently served by consumer creditor

or debtor practitioners in the State of Washington. CD believes the proposed expansion will not achieve increased access to legal services for low income individuals because:

1. The proposed expansion fails to address concerns that would arise from existing federal and state regulations of this area of law;
2. The proposed expansion is not tailored to address the identified need for legal services;
3. The proposed expansion fails to acknowledge alternative avenues to address the problems that already exist, or changes that could be made to the existing system to meet the need of the targeted constituency.

THE EXISTING REGULATORY STRUCTURE UNDER STATE AND FEDERAL LAW

Regulations at both the state and federal level make the proposed expansion difficult absent some legislative coordination with the expansion. For example, limitations imposed under federal law as it relates to bankruptcy filings are presumably the reason proposed allowed bankruptcy services from LLLTs are quite limited. However, the Bankruptcy Code is not the only federal law covering the areas the proposed expansion would cover. For example, the Credit Repair Organizations Act, 15 U.S.C. §§1679-1679 would apply to LLLTs practicing in the areas under the proposed expansion, and would prohibit LLLTs from certain actions, compel disclosures, and impose restrictions on a LLLT's ability to enter into contracts with potential clients. Under state law, Debt Adjusting, RCW 18.28.010-900, Collection Agencies, RCW 19.16.100-960, and Credit Services Organizations Act, RCW 19.134.010-900, would all be applicable to LLLTs. The above-referenced statutes would impose additional compliance overhead, and create the potential for exposure to personal liability for failure to comply with the various statutory regimes, for LLLTs working in the proposed expansion areas. This would increase the cost LLLTs would have to charge for their services because they would not have the benefit of the exemption for attorneys created in the various statutes. This is not necessarily an exhaustive list of statutes that are implicated in the proposed expansion, and there are additional federal and state regulations that are potentially implicated as well.

While the LLLT Board considered some regulator schemes, such as the Fair Debt Collection Practices Act, it does not appear to have addressed the impact of several of the various statutory regimes that would be applicable, absent a statutory exception similar to the exemption for attorneys. In order to address these issues, the LLLT Workgroup needs to consider further refinements to the authorized scope, and the need for legislative enactments before proceeding with the proposed expansion to avoid unintended consequences for LLLTs.

SCOPE OF PROPOSAL TOO BROAD

While the asserted aim of the proposed expansion embraces a goal all interested parties would like to accomplish (increasing access to justice for low income individuals), the proposal is unlikely to meet this need based on the potential problems identified in this letter. CD also believes the proposed expansion will have unintended consequences harming attorneys because of a lack of a system to pre-qualify individuals seeking to utilize these services, and the use of an inflated cap on the amount that can be in controversy for an LLLT to assist.

One concern that was addressed at the Meeting was the lack of any means testing to qualify individuals for representation by LLLTs in order to justify the proposed expansion of the LLLT practice areas. Without a means testing requirement, the stated goal of the proposed expansion rings hollow. LLLTs will simply be a lower cost alternative to lawyers for anyone seeking legal guidance, not just low income individuals who is supposed to be the targeted population.

Another concern raised at the Meeting was the proposed dollar limitation of \$100,000.00. This amount is, in almost all situations, well over the dollar amount low income individuals have in a single obligation (student loans and mortgages notwithstanding). A more workable limitation would be to utilize the \$5,000.00 jurisdiction amount of small claims courts or an amount that is at least close to that amount.

Furthermore, the method of determining what the “value” of a debt is should be clearly delineated. The proposed expansion does not indicate whether this amount is based on the principal, a combination of principal with accrued unpaid interest and fees, or the amount in controversy (which may include additional amounts for attorney’s fees and costs) or for each debt or the total multiple debts for which assistance is being sought. Any finalized proposal must contain explicit instructions on calculating the dollar cap LLLTs can assist with. It is also important to note that on the creditors’ side, debt collection is more complex than many would think. LLLTs acting to collect debt would, like lawyers, be subject to provisions of the Fair Debt Collection Practices Act, the Fair Credit Reporting Act, and state consumer protections in these areas. Compliance with these legal requirements is fraught with perils even for seasoned lawyers.

ALTERNATIVES ALREADY EXIST TO MEET THE IDENTIFIED NEED

As described in the empirical evidence in the proposed expansion, and discussed at the Meeting, there are already services available to low income individuals for services in this area. For example, the Washington State Bar Association (Low Bono Section) and the King County Bar Association already provide moderate means programs for low income individuals. For example, the King County Bar Association already operates legal clinics to address the concerns used to justify the LLLT expansion. The Spokane County Bar Association has a volunteer lawyers program that can provide many of the services proposed to be provided by LLLTs, without cost. There are also several federal and state government agencies and approved non-profit agencies that will assist consumers in loan modifications and budgeting services at no charge. These services are in addition to the services the LLLT Board identifies in the proposed expansion, and the legal clinics at all three of the ABA approved law schools in Washington State. While there is no disputing the need for additional access to justice for low income individuals, there is no evidence or analysis to support the conclusion that expanding the LLLTs practice to include services that are already available would provide any meaningful additional relief for the issues the proposed expansion alleges to target. This conclusion is buttressed by the conclusion by the LLLT proposal identifying that one of the largest hurdles to individuals seeking legal assistance with consumer related issues are either not knowing services exist or lack of trust in the entities providing such services. Nothing in the proposed expansion adequately addresses why LLLTs would be any different than those services already available.

Additionally, the limitations on LLLTs ability to consult in various areas of law that may be related to the issues a client is facing raises the specter that LLLTs would be unwilling or unable to effectively refer matters to attorneys if the attorney could provide better assistance to the LLLT's client.

Furthermore, consumer creditor-debtor attorneys have the ability to serve the need the proposed expansion seeks to address. Most consumer bankruptcy attorneys, for example, provide free initial consultations of between 30 minutes and an hour for prospective clients, and all have relatively modest hourly rates, and reasonably priced flat fee products for more routine matters. These practitioners could also assist in achieving the goal of expanding access to justice for low income individuals if WSBA focused on revising the Rules of Professional Conduct ("RPC") regulations for advertising of services to bring costs down for practitioners and clients. The RPC limitations on advertising their services is nearly identical to LLLT Rules of Professional Conduct (LLLT RPC"), as noted in official comment [1] to LLLT RPB 7.1. These very limitations on advertising are part of the identified issue with low income individuals' ignorance of available assistance which call into doubt the efficacy of the proposed expansion.

Another change to the RPCs that would allow attorneys in this area the ability to more cost-effectively assist in this area is more leeway in "unbundling" services under the RPCs. While the LLLT RPCs explicitly limit the scope of representation to specific areas, the RPCs applicable to attorneys take a different approach by limiting what services an attorney can unbundle from representation. By affording additional latitude for attorneys to unbundle service, the identified need for low income individuals could better be met by decreasing the cost of services attorneys could offer for simple cases, while ensuring a client has the same quality of representation, without the interim step of retaining the LLLT.

With respect to the area of bankruptcy, the primary service proposed to be provided by LLLTs would be initial counseling and then referral to a bankruptcy attorney. Currently, the vast majority of debtors' attorneys provide the initial counseling free of charge. Thus, the LLLTs would be charging clients for services that the clients could receive free of charge. This is antithetical to the goals of the Board's proposal. More education of consumers regarding bankruptcy services that are already available would seem to be more effective. Furthermore, practice in the area of bankruptcy by non-lawyers is specifically addressed in the Bankruptcy Code, and would therefore preempt any authorization by the WSBA for LLLTs to practice in the bankruptcy area.

RECOMMENDED REVISIONS TO PROPOSAL

While CD has significant reservations about the expansion of the LLLT program into the Consumer, Money, and Debt Law, we recognize the need for additional access to justice for low income individuals. If LLLTs are going to be authorized to practice in this area of law, for the reasons set forth above, CD recommends the following be incorporated into any final rules permitting such practice:

1. Potential clients should be subject to some form of means testing to ensure the goal of the expansion is met. CD believes the appropriate amount is 200% of the poverty level.
2. LLLTs should only be authorized to assist with debts within the same dollar limitations applicable to claims in small claims court or an amount close to that.
3. LLLTs should only be authorized to represent natural persons, and not business entities.
4. LLLTs representation should be limited only to debtors.
5. Undertake a review of the RPC to consider changes that would allow more flexibility for attorneys to address the identified needs through the relaxation of rules on the unbundling of services and/or advertising to enact changes in concert with the potential expansion of the LLLT program.
6. Revision of the proposal, in consultation with CD, to address the various statutory and regulatory regimes applicable to the proposed expansion practice area.
7. Removal of the Bankruptcy Awareness and Advice area from proposal in any final proposed expansion.

In addition to the matters cited above, there are some practice areas included in the Board's proposal that do not neatly mesh with the money and debt areas proposed. For instance, the proposal includes personal restraint matters and the like. Most creditor debtor attorneys do not also practice in these areas, and thus, the Board's proposal would create LLLT practitioners engaged in incongruent practices. We have concerns about the breadth of practice by individuals who do not have formal law school training. It seems to us that the more focused the LLLTs can be, the more value they will have to their clients.

/s/ Thomas S. Linde
Thomas S. Linde; Chair
WSBA Creditor-Debtor Executive
Committee

/s/ Kevin D. O'Rourke
Kevin D. O'Rourke; Chair-Elect
WSBA Creditor-Debtor Executive
Committee

Cc: WSBA Board of Governors
c/o Margaret Shane
margarets@wsba.org

Draft for Discussion and Comment:

Consumer, Money, and Debt Law **Proposed New Practice Area for Limited License Legal Technicians**

Summary

The Limited License Legal Technician (LLLT) Board invites comment on a proposed new practice area: Consumer, Money, and Debt Law. This new practice area is designed to provide economic protection for the public and to provide legal assistance for certain financial matters, with a focus on consumer debt issues and other problems which contribute to consumer credit problems. For example, LLLTs licensed in this practice area would be able to assist clients with issues related to legal financial obligations, debt collection and garnishment defense, identity theft, preparing for small claims court, and filing protection orders.

Introduction

The practice area was developed by a New Practice Area Committee of the LLLT Board in a workgroup chaired by LLLT Board member Nancy Ivarinen. The workgroup is requesting input from other interested parties prior to formalizing the request to the Supreme Court.

While researching new practice areas for LLLTs, the workgroup considered:

- whether the new practice area would increase access to justice for potential clients with moderate or low incomes;
- whether there is a demonstrable unmet legal need in that area;
- whether it's possible to include consumer/client protection for those who use LLLTs;
- whether the new area would provide a viable practice so LLLTs can afford to maintain a business;
- whether the substantive practice area classes can be developed and taught by the law schools in a three-class series, one per quarter, for five credits each; and
- whether there are experts available to help develop the curriculum and teach the classes.

In order to appropriately vet the potential new practice areas, the workgroup considered:

- statistics and reports discussing the legal need;
- comments by invited subject matter experts who explained what the practice areas entail;
- comments by these experts on what the LLLT could potentially do;
- committee discussion about the LLLT being properly trained in a limited scope within the practice area; and
- whether the practice area could be regulated appropriately so that the needs of the clients would be met, while also assuring that the clients would be protected.

The Better Business Bureau (BBB), the Attorney General’s Consumer Protection Division, the Federal Trade Commission, and some organizations funded by United Way offer services related to consumer debt, such as debt management, debt renegotiation; and changing the behavior of businesses that prey upon low and moderate income consumers.

These services have been in existence for decades, and yet the demonstrated need in the Civil Legal Needs Study clearly shows that consumers with debt related legal issues are unaware of these services, do not believe these organizations can or will help them, have not been helped when using these services, or have needs that exceed the scope of the services these organizations can provide.

The proposed practice area is intended to help meet these significant unmet legal needs while giving LLLTs additional practice area options for expanding their businesses.

Evidence of Unmet Need

The starting point of the workgroup’s analysis was identifying the unmet need that could be addressed by LLLTs licensed in a consumer law practice area. The workgroup found convincing evidence supporting the existing legal need for consumer law assistance in studies conducted at both the state and national levels. The workgroup also looked at statistics received from county-based volunteer legal services providers and the statewide Moderate Means Program, which demonstrated a consistent legal need in the consumer law area among low and moderate income people.

Statistics from State and Federal Studies

- The 2003 (Statewide 0-400% of Federal Poverty Level) and 2015 (Statewide, 0-200% of Federal Poverty Level) Civil Legal Needs Studies identified Consumer, Financial Services, and Credit among the three most prevalent problems that people experience and seek legal help to address. There was an increase in legal need in this area from 27% to 37.6% between 2003 and 2014.
- The Legal Services Corporation June 2017 Report: The Justice Gap (National, 0-125% of Federal Poverty Level) identified consumer issues as the second highest problem area for people at this income level.

Moderate Means Program Data

- The WSBA Moderate Means Program (Statewide, 200-400% of Federal Poverty Level) identified consumer issues as the second highest problem area. In addition, data provided by the program showed that consumer law represented 10% of the 2,321 requests for service from October 26, 2016 to October 27, 2017. Of the 233 consumer law requests, 74 related to bankruptcy or debtor relief and 71 were in collections, repossession, and garnishment.
- Data from the Moderate Means Program on requests for service from January 1, 2015 through May 1, 2017, show 523 of 3,062 requests for service in consumer law matters, about 17% of the total requests over that 28 month period.

Statistics from Volunteer Legal Service Providers

- The King County Bar Association's Neighborhood Legal Clinics 2016 data showed that 15% (1,298 of 8,259) of legal issues addressed at the clinic were consumer law related.
- From 2012-2017 the King County based Northwest Consumer Law Center received 2,499 requests for service, all directly related to consumer law needs.
- Over the last three years, the Tacoma-Pierce County Bar Association Volunteer Legal Services had an average of 160 clients per year visit their Bankruptcy Clinic and an average of about 43 clients per year attend the Foreclosure – Home Justice Clinic.

How LLLTs Can Meet the Legal Need

When reviewing the Civil Legal Needs Studies, the workgroup noted that it was unclear whether or not legal assistance would materially address the consumer law problems the subjects were reporting, and if so, whether that assistance could be provided through some method other than direct representation exclusively by a lawyer.

The workgroup discussed many examples of consumer legal problems that may not have a legal remedy, such as a debt collection lawsuit where the money is owed. While discussing each example, the workgroup saw advantages to providing the consumer with legal advice, even if there did not appear to be a legal resolution to the issue. For example, in a debt collection lawsuit, the statute of limitations on collection of the debt may have passed, so the debtor may not be obligated to pay even though the debt is owed. For those debtors who do have defenses or where collection agencies are attempting to collect a legitimate debt in an unfair or illegal manner, a LLLT could be a valuable consumer protection tool. Even for consumers who have no defense to a lawfully pursued debt collection lawsuit, having the assistance of a LLLT throughout the process of responding to a lawsuit would speed judicial efficiency, as the defendant would understand the procedures and be able to respond in an appropriate and strategic way.

The extensive collection of self-help resources offered on washingtonlawhelp.org regarding consumer debt confirms that many consumers already face this issue pro se, and would undoubtedly benefit from consulting with an affordable provider of legal services in this area.

The workgroup enlisted the advice of practitioners and other experts in the various areas of law to identify the legal work which could be effectively performed by LLLTs and provide an economically sustainable practice area. The workgroup identified that Consumer, Money and Debt Law LLLTs should be able to:

- offer advice regarding all identified topics
- fill out certain forms
- engage in limited negotiation in regard to particular issues
- attend specific hearings to advise the client and assist in answering procedural questions

- attend depositions
- prepare paperwork for mediation, and
- attend any administrative proceeding related to the practice area.

The workgroup carefully weighed the pros and cons of each of the above actions and determined that allowing this range of actions would greatly increase the quality of service that LLLTs could provide to their clients.

Target Clients and Scope

The target clients of this practice area are moderate and low income people with consumer debt or credit problems, or those to whom a small amount of debt is owed. The workgroup narrowly prescribed the focus of the recommended scope in order to provide a maximum benefit to these clients. The workgroup also identified limitations designed to ensure that LLLTs will provide service to consumers who currently do not have resources in this area.

The *2015 Civil Legal Needs Study* noted that the average number of legal problems per household has increased from 3.3 in 2003 to 9.3 in 2014. In addition, the legal problems that low-income people experience are interconnected in complex ways. Consumer debt, for example, can be exacerbated by landlord/tenant issues, divorce, identity theft, lack of access to benefits, problems with an employer, lack of exposure to options such as bankruptcy, and domestic violence and other protection orders.

The workgroup thought holistically about this range of issues which often go hand in hand with consumer debt and credit problems and identified a range of actions which could appropriately be performed by a LLLT in the areas of protection orders, bankruptcy education, wage theft, and identity theft. Including these areas as part of the consumer law relief a LLLT will be able to provide will allow LLLTs to proactively help their clients to break the cycle of debt creation.

Proposed Consumer, Money, and Debt Law LLLT Practice Area

Scope	Proposed Permitted Actions & Proposed Limitations
Legal Financial Obligations (LFOs)	<p><i>Proposed Permitted Actions:</i> Assistance filling out forms (e.g., Motion for Order Waiving or Reducing Interest on LFO, Order to Waive or Reduce Interest on LFO)</p>
Small Claims	<p><i>Proposed Permitted Actions:</i> Assistance preparing the Notice of Small Claim, Certificate of Service, Response to Small Claim, Small Claims Orders, Small Claims Judgment, and counterclaims Preparation for mediation and trial Obtaining and organizing exhibits</p>

Student Loans	<p>Proposed Permitted Actions: Negotiation of debt or payment plans Modifications, loan forgiveness and debt relief Discharge</p>
Debt Collection Defense and Assistance	<p>Proposed Permitted Actions: Negotiation of debt Assistance filling out Complaints, Answers and Counterclaims Affirmative Defenses including Statute of Limitations defenses Reporting Fair Debt Collection Act violations, including statute of limitations and state collection agency statute violations Reporting to Regulatory Agencies</p> <p>Proposed Limitations: LLTs can assist only with debts valued at less than the jurisdictional limits set by the District Court (\$100,000)</p>
Garnishment	<p>Proposed Permitted Actions: Negotiation Voluntary Wage Assignments Assistance filling out forms (Application for Writ of Garnishment, Continuing Lien on Earnings, Return of Service, Notice Exemption Claim, Release of Writ of Garnishment, Motion and Cert. for Default Answer to Writ of Garnishment, Application for Judgment, Motion/Order Discharging Garnishee, Satisfaction of Judgment) Exemption Claims, including assistance at court hearings</p> <p>Proposed Limitations: LLTs can assist only with debts valued at less than the jurisdictional limits set by the District Court (usually \$100,000) LLTs may render legal services for debt collection only when there is a direct relationship with the original creditor and may not act as or render legal services for collection agencies or debt buyers as defined under RCW 19.16. No prejudgment attachments No executions on judgments</p>

Identity Theft	<p>Proposed Permitted Actions: Advise regarding identity theft Best practices for protecting information Contacting credit bureaus Reporting to law enforcement and other agencies such as Federal Trade Commission</p>
Wage complaints and Defenses	<p>Proposed Permitted Actions: Representation in negotiations or hearings with Labor and Industries Accompany and assist in court Advice and reporting regarding Minimum Wage Act Advice and reporting regarding Fair Labor Standards Act Actions permitted under RCW 49.48 (Wages-Payment-Collection) Actions permitted under RCW 49.52 (Wages-Deductions-Contributions-Rebates)</p> <p>Proposed Limitations: LLLTs may not represent clients in wage claims which exceed the jurisdictional limit set by the District Court (\$100,000)</p>
Loan Modification & Foreclosure Defense and Assistance	<p>Proposed Permitted Actions: Accompany and advise in mandatory mediation process Assist with non-judicial foreclosure actions and defenses under RCW 61.24.040 Advise regarding power of sale clauses and the Notice of Sale Right of Redemption</p> <p>Proposed Limitations: LLLTs would be prohibited from assisting with non-judicial foreclosures if the LLLT does not meet the requirements of RCW 61.24.010. No judicial foreclosures</p>
Protection Orders	<p>Proposed Actions: Selecting and completing pleadings for Protection Orders for domestic violence, stalking, sexual assault, extreme risk, adult protection, harassment, and no contact orders in criminal cases</p>
Bankruptcy Awareness and Advice	<p>Proposed Actions: Explain the options, alternatives, and procedures as well as advantages and disadvantages Refer to budget & counseling agency Refer to bankruptcy attorney</p> <p>Proposed Limitation: No assistance with bankruptcy filing in court</p>

The LLLT Board will coordinate with the Washington law schools in the development of the practice area curriculum and ensure that appropriate faculty is available to teach the curriculum. The LLLT Board may modify the proposed practice area based on:

1. consideration of public comments;
2. issues discovered during the drafting of new practice area regulations; and
3. issues that arise during the law schools' development of the practice area curriculum.

Please provide comments to the LLLT Board via email to LLL@wsba.org by July 16, 2018.

Draft for Discussion and Comment:

Consumer, Money, and Debt Law

Article I. Proposed New Practice Area for Limited License Legal Technicians

Summary

The Limited License Legal Technician (LLLT) Board invites comment on a proposed new practice area: Consumer, Money, and Debt Law. This new practice area is designed to provide economic protection for the public and to provide legal assistance for certain financial matters, with a focus on consumer debt issues and other problems which contribute to consumer credit problems. For example, LLLTs licensed in this practice area would be able to assist clients with issues related to legal financial obligations, debt collection and garnishment defense, identity theft, preparing for small claims court, and filing protection orders.

Article II. Introduction

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While researching new practice areas for LLLTs, the workgroup considered:

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- whether it's possible to include consumer/client protection for those who use LLLTs;
- whether the new area would provide a viable practice so LLLTs can afford to maintain a business;
- whether the substantive practice area classes can be developed and taught by the law schools in a three-class series, one per quarter, for five credits each; and
- whether there are experts available to help develop the curriculum and teach the classes.

In order to appropriately vet the potential new practice areas, the workgroup considered:

- statistics and reports discussing the legal need;
- comments by invited subject matter experts who explained what the practice areas entail;
- comments by these experts on what the LLLT could potentially do;
- committee discussion about the LLLT being properly trained in a limited scope within the practice area; and
- whether the practice area could be regulated appropriately so that the needs of the clients would be met, while also assuring that the clients would be protected.

The Better Business Bureau (BBB), the Attorney General’s Consumer Protection Division, the Federal Trade Commission, and some organizations funded by United Way offer services related to consumer debt, such as debt management, debt renegotiation; and changing the behavior of businesses that prey upon low and moderate income consumers.

These services have been in existence for decades, and yet the demonstrated need in the Civil Legal Needs Study clearly shows that consumers with debt related legal issues are unaware of these services, do not believe these organizations can or will help them, have not been helped when using these services, or have needs that exceed the scope of the services these organizations can provide.

The proposed practice area is intended to help meet these significant unmet legal needs while giving LLLTs additional practice area options for expanding their businesses.

Article III. **Evidence of Unmet Need**

The starting point of the workgroup’s analysis was identifying the unmet need that could be addressed by LLLTs licensed in a consumer law practice area. The workgroup found convincing evidence supporting the existing legal need for consumer law assistance in studies conducted at both the state and national levels. The workgroup also looked at statistics received from county-based volunteer legal services providers and the statewide Moderate Means Program, which demonstrated a consistent legal need in the consumer law area among low and moderate income people.

Statistics from State and Federal Studies

- The 2003 (Statewide 0-400% of Federal Poverty Level) and 2015 (Statewide, 0-200% of Federal Poverty Level) Civil Legal Needs Studies identified Consumer, Financial Services, and Credit among the three most prevalent problems that people experience and seek legal help to address. There was an increase in legal need in this area from 27% to 37.6% between 2003 and 2014.
- The Legal Services Corporation June 2017 Report: The Justice Gap (National, 0-125% of Federal Poverty Level) identified consumer issues as the second highest problem area for people at this income level.

Moderate Means Program Data

- The WSBA Moderate Means Program (Statewide, 200-400% of Federal Poverty Level) identified consumer issues as the second highest problem area. In addition, data provided by the program showed that consumer law represented 10% of the 2,321 requests for service from October 26, 2016 to October 27, 2017. Of the 233 consumer law requests, 74 related to bankruptcy or debtor relief and 71 were in collections, repossession, and garnishment.
- Data from the Moderate Means Program on requests for service from January 1, 2015 through May 1, 2017, show 523 of 3,062 requests for service in consumer law matters, about 17% of the total requests over that 28 month period.

Statistics from Volunteer Legal Service Providers

- The King County Bar Association’s Neighborhood Legal Clinics 2016 data showed that 15% (1,298 of 8,259) of legal issues addressed at the clinic were consumer law related.
- From 2012-2017 the King County based Northwest Consumer Law Center received 2,499 requests for service, all directly related to consumer law needs.
- Over the last three years, the Tacoma-Pierce County Bar Association Volunteer Legal Services had an average of 160 clients per year visit their Bankruptcy Clinic and an average of about 43 clients per year attend the Foreclosure – Home Justice Clinic.

Article IV. How LLLTs Can Meet the Legal Need

When reviewing the Civil Legal Needs Studies, the workgroup noted that it was unclear whether or not legal assistance would materially address the consumer law problems the subjects were reporting, and if so, whether that assistance could be provided through some method other than direct representation exclusively by a lawyer.

The workgroup discussed many examples of consumer legal problems that may not have a legal remedy, such as a debt collection lawsuit where the money is owed. While discussing each example, the workgroup saw advantages to providing the consumer with legal advice, even if there did not appear to be a legal resolution to the issue. For example, in a debt collection lawsuit, the statute of limitations on collection of the debt may have passed, so the debtor may not be obligated to pay even though the debt is owed. For those debtors who do have defenses or where collection agencies are attempting to collect a legitimate debt in an unfair or illegal manner, a LLLT could be a valuable consumer protection tool. Even for consumers who have no defense to a lawfully pursued debt collection lawsuit, having the assistance of a LLLT throughout the process of responding to a lawsuit would speed judicial efficiency, as the defendant would understand the procedures and be able to respond in an appropriate and strategic way.

The extensive collection of self-help resources offered on washingtonlawhelp.org regarding consumer debt confirms that many consumers already face this issue pro se, and would undoubtedly benefit from consulting with an affordable provider of legal services in this area.

The workgroup enlisted the advice of practitioners and other experts in the various areas of law to identify the legal work which could be effectively performed by LLLTs and provide an economically sustainable practice area. The workgroup identified that Consumer, Money and Debt Law LLLTs should be able to:

- offer advice regarding all identified topics
- fill out certain forms
- engage in limited negotiation in regard to particular issues
- attend specific hearings to advise the client and assist in answering procedural questions

- attend depositions
- prepare paperwork for mediation, and
- attend any administrative proceeding related to the practice area.

The workgroup carefully weighed the pros and cons of each of the above actions and determined that allowing this range of actions would greatly increase the quality of service that LLLTs could provide to their clients.

Article V. Target Clients and Scope

The target clients of this practice area are moderate and low income people with consumer debt or credit problems, or those to whom a small amount of debt is owed. The workgroup narrowly prescribed the focus of the recommended scope in order to provide a maximum benefit to these clients. The workgroup also identified limitations designed to ensure that LLLTs will provide service to consumers who currently do not have resources in this area.

The 2015 Civil Legal Needs Study noted that the average number of legal problems per household has increased from 3.3 in 2003 to 9.3 in 2014. In addition, the legal problems that low-income people experience are interconnected in complex ways. Consumer debt, for example, can be exacerbated by landlord/tenant issues, divorce, identity theft, lack of access to benefits, problems with an employer, lack of exposure to options such as bankruptcy, and domestic violence and other protection orders.

The workgroup thought holistically about this range of issues which often go hand in hand with consumer debt and credit problems and identified a range of actions which could appropriately be performed by a LLLT in the areas of protection orders, bankruptcy education, wage theft, and identity theft. Including these areas as part of the consumer law relief a LLLT will be able to provide will allow LLLTs to proactively help their clients to break the cycle of debt creation.

Article VI. Proposed Consumer, Money, and Debt Law LLLT Practice Area

Scope	Proposed Permitted Actions & Proposed Limitations
Legal Financial Obligations (LFOs)	Proposed Permitted Actions: Assistance filling out forms (e.g., Motion for Order Waiving or Reducing Interest on LFO, Order to Waive or Reduce Interest on LFO)
Small Claims	Proposed Permitted Actions: Assistance preparing the Notice of Small Claim, Certificate of Service, Response to Small Claim, Small Claims Orders, Small Claims Judgment, and counterclaims Preparation for mediation and trial Obtaining and organizing exhibits

Comment [JP1]: NJP encourages striking the provisions of the proposal that authorizes LLLTs to engage in any activities classified as "Debt Adjusting", debt settlement, credit counseling or the like. NJP feels these services are widely available and asks the Board to consider whether licensing LLLTs to engage in these activities serves any unmet need identified in the Civil Legal Needs Study. NJP asks the Board to consider reporting unfair acts, deceptive practices and consumer statutory violations to consumer protection attorneys and/or legal services agency in addition to regulatory authorities

Comment [JP2]: NJP asks to adopt the proposed permitted action of assistance with waiving legal financial obligations. Edgar Hall supportive of these activities

Comment [JP3]: NJP asks the Board to consider revising the score of the proposed permitted actions of reducing the level of participation permitted in Small Claims Court cases to not exceed the participation restrictions in place against fully licensed attorneys, as well as a strict prohibition against LLLTs assisting creditors in small claims litigation or engaging in other conduct meeting the definition of "debt collector" under the FDCPA or a "collection agency" under WCAA. Edgar Hall supportive of all proposed activities

Comment [JP4]: State of Washington, Collection Agency Board is concerned with these services and concerned that any LLLT who performs these activities could be required to be licensed as collection agencies or require collection agencies to be licensed by the WSBA. CAB would like to be included as a stakeholder going forward and ask that WSBA conduct additional research (along with extending the comment period)

Student Loans	<p>Proposed Permitted Actions: Negotiation of debt or payment plans Modifications, loan forgiveness and debt relief Discharge</p>
Debt Collection Defense and Assistance	<p>Proposed Permitted Actions: Negotiation of debt Assistance filling out Complaints, Answers and Counterclaims Affirmative Defenses including Statute of Limitations defenses Reporting Fair Debt Collection Act violations, including statute of limitations and state collection agency statute violations Reporting to Regulatory Agencies</p> <p>Proposed Limitations: LLTs can assist only with debts valued at less than the jurisdictional limits set by the District Court (\$100,000)</p>

Comment [JP5]: NJP asks the Board to consider revising activity involving student loan debt by permitting LLLTs to assist a debtor with only federal student loan repayment options
Edgar Hall feels this area requires deep level understanding of these accounts/accounting/background in general. He is completely opposed to all activities due to no statute of limitations, the possibility of attorney fees on the other side being racked up, LLLTs would need to give advice on federal statutes and federal law, LLLTs would need to argue administrative law before ALJs to appeal federal garnishments. Bottom line LLLTs could not obtain proper licenses to give out necessary advice to productively assist clients.

Comment [JP6]: Edgar Hall "hesitatingly" says these activities should be allowed with the reservations of: 1) negotiation of debt 2) filling out answers but not counter claims unless they associate with someone licensed in federal court as the claim would be removed and incur additional attorney's fees 3) reporting statutory violations to regulatory agencies. He feels it is hard to consider anyone not familiar with bankruptcy laws being competent to render debt defense. He also feels by allowing LLLTs to file counterclaims will lead to additional attorney fees against the debtor.
He says in a perfect world, there would be some kind of mandatory bankruptcy screen, counter claim screen and with either of those being flagged a referral would be given to the client.

Comment [JP7]: NJP feels permitting LLLTs to negotiate debts would subject LLLTs to regulation as a debt adjuster under the Debt Adjustment Act.
NJP asks the Board to abandon this permitted action.
ATJ Board suggests the proposal should not allow LLLTs to represent any corporate entity, partnership or person in connection with the business of debt collection, debt buying or money lending.

Comment [JP8]: State of Washington, Collection Agency Board is concerned with these services and concerned that any LLLT who performs these activities could be required to be licensed as collection agencies or require collection agencies to be licensed by the WSBA.
NJP also voiced concerns about LLLTs filling out complaints, as this falls squarely within federal regulation as "debt collectors" under the Fair Debt Collection Practices Act and as a debt collection agency under Washington Collections Agency Act.
NJP asks the Board to abandon this permitted action.

Comment [JP9]: NJP asks the Board to adopt the permitted action of preparing answers to debt collection lawsuits as well as assistance in applying for Charity Care when appropriate

Garnishment	<p>Proposed Permitted Actions: Negotiation Voluntary Wage Assignments Assistance filling out forms (Application for Writ of Garnishment, Continuing Lien on Earnings, Return of Service, Notice Exemption Claim, Release of Writ of Garnishment, Motion and Cert. for Default Answer to Writ of Garnishment, Application for Judgment, Motion/Order Discharging Garnishee, Satisfaction of Judgment) Exemption Claims, including assistance at court hearings</p> <p>Proposed Limitations: LLLTs can assist only with debts valued at less than the jurisdictional limits set by the District Court (usually \$100,000) LLLTs may render legal services for debt collection only when there is a direct relationship with the original creditor and may not act as or render legal services for collection agencies or debt buyers as defined under RCW 19.16. No prejudgment attachments No executions on judgments</p>
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Comment [JP10]: NIP asks the Board to abandon all actions related to garnishment except assistance with exemption claims
Edgar Hall supports all permitted actions and would like to add that a referral to a bankruptcy attorney or screen would be useful and should be mandatory

Comment [JP11]: State of Washington, Collection Agency Board is concerned with these services and concerned that any LLLT who performs these activities could be required to be licensed as collection agencies or require collection agencies to be licensed by the WSBA.
NIP also voiced concerns about LLLTs filling out complaints, as this falls squarely within federal regulation as "debt collectors" under the Fair Debt Collection Practices Act and as a debt collection agency under Washington Collections Agency Act.

Comment [JP12]: NIP asks the Board to abandon the proposed permitted action of representation in court and at depositions

Identity Theft	<p>Proposed Permitted Actions: Advise regarding identity theft Best practices for protecting information Contacting credit bureaus Reporting to law enforcement and other agencies such as Federal Trade Commission</p>
Wage complaints and Defenses	<p>Proposed Permitted Actions: Representation in negotiations or hearings with Labor and Industries Accompany and assist in court Advice and reporting regarding Minimum Wage Act Advice and reporting regarding Fair Labor Standards Act Actions permitted under RCW 49.48 (Wages-Payment-Collection) Actions permitted under RCW 49.52 (Wages-Deductions-Contributions-Rebates)</p> <p>Proposed Limitations: LLLTs may not represent clients in wage claims which exceed the jurisdictional limit set by the District Court (\$100,000)</p>
Loan Modification & Foreclosure Defense and Assistance	<p>Proposed Permitted Actions: Accompany and advise in mandatory mediation process Assist with non-judicial foreclosure actions and defenses under RCW 61.24.040 Advise regarding power of sale clauses and the Notice of Sale Right of Redemption</p> <p>Proposed Limitations: LLLTs would be prohibited from assisting with non-judicial foreclosures if the LLLT does not meet the requirements of RCW 61.24.010. No judicial foreclosures</p>

Comment [JP13]: NIP asks the Board to adopt the proposed permitted action of providing advice regarding identity theft including assistance with filling out police reports and necessary forms from government entities or private creditors and educating consumers on identity theft issues, best practices and provide resources. Edgar Hall supports as drafted.

Comment [JP14]: NIP asks the Board to adopt the proposed permitted actions of assisting consumers with wage complaints to L&I, assistance with negotiation and administrative hearings in wage complaint cases, advice and reporting under the MWA and FLSA and referral to a private attorney or legal services of claims and statutory rights enforcement that requires civil litigation. Edgar Hall shares same reiterates same concerns shared with debt collection defense and assistance permitted actions ("hesitatingly" says these activities should be allowed with the reservations of: 1) negotiation of debt 2) filling out answers but not counter claims unless they associate with someone licensed in federal court as the claim would be removed and incur additional attorney's fees 3) reporting statutory violations to regulatory agencies. He feels it is hard to consider anyone not familiar with bankruptcy laws being competent to render debt defense. He also feels by allowing LLLTs to file counterclaims will lead to additional attorney fees against the debtor. He says in a perfect world, there would be some kind of mandatory bankruptcy screen, counter claim screen and with either of those being flagged a referral would be given to the client.) He feels with state and federal laws to consider and LLLTs only being able to handle half the book is problematic at best. Feels this would open employee up to large counterclaims that will mandate their bankruptcy if they fail.

Comment [JP15]: NIP asks the Board to abandon representation in court as a permitted action. Edgar Hall has concerns regarding malpractice in the loan modification area. Suggests requiring a higher policy minimum in this area to practice. Has strong opposition to foreclosure defense. Has seen firsthand what harm inexperienced attorneys have done in this area and cannot imagine the harm a LLLT could do. Feels there has to be a base knowledge of litigation, possibility of class actions, understanding of mortgage accounting works and loan processing. Has additional concerns because banks are represented by experienced national/multinational firms. Bottom line, he supports loan modification assistance but does not support foreclosure defense other than through the foreclosure modification program.

Comment [JP16]: NIP asks the Board to abandon all actions related to loan modification and foreclosure defense and assistance.

Protection Orders	<p>Proposed Actions: Selecting and completing pleadings for Protection Orders for domestic violence, stalking, sexual assault, extreme risk, adult protection, harassment, and no contact orders in criminal cases</p>
Bankruptcy Awareness and Advice	<p>Proposed Actions: Explain the options, alternatives, and procedures as well as advantages and disadvantages Refer to budget & counseling agency Refer to bankruptcy attorney</p> <p>Proposed Limitation: No assistance with bankruptcy filing in court</p>

Comment [JP17]: Edgar Hall supports this as written

Comment [JP18]: NJP asks the Board to consider revising the scope of permitted actions of providing bankruptcy advice in a manner that conforms with and does not overlap with 11 US Code 111 and fulfills an identified legal need or supplements a need not already met by "credit counselors"
Edgar Hall supports as written.

Additions

Comment [JP19]: Edgar Hall feels one way to help with the debt issues is to require more precision of process servers.
He also feels garnishment laws need to be more protective, and feels we need less than 25% of wages to be garnished.
Also feels more should be required in initial complaint than vague statements.

Comment [JP20]: NJP proposes permitted actions of:
a) Assisting consumers in obtaining relief in form based procedures in addition to applying for LFO interest waivers such as: waiver of LFO; exemption claims in garnishment; relicensing programs; expungement or sealing or criminal records; restoration of civil rights (voting); GR 34 waiver of Court fees; other appropriate form based on non-adversarial proceedings
b) Assisting and advising consumers with pre-unlawful detainer landlord tenant disputes, such as documenting the condition of the property, habitability rights, applications for subsidized housing, education and resources

The LLLT Board will coordinate with the Washington law schools in the development of the practice area curriculum and ensure that appropriate faculty is available to teach the curriculum. The LLLT Board may modify the proposed practice area based on:

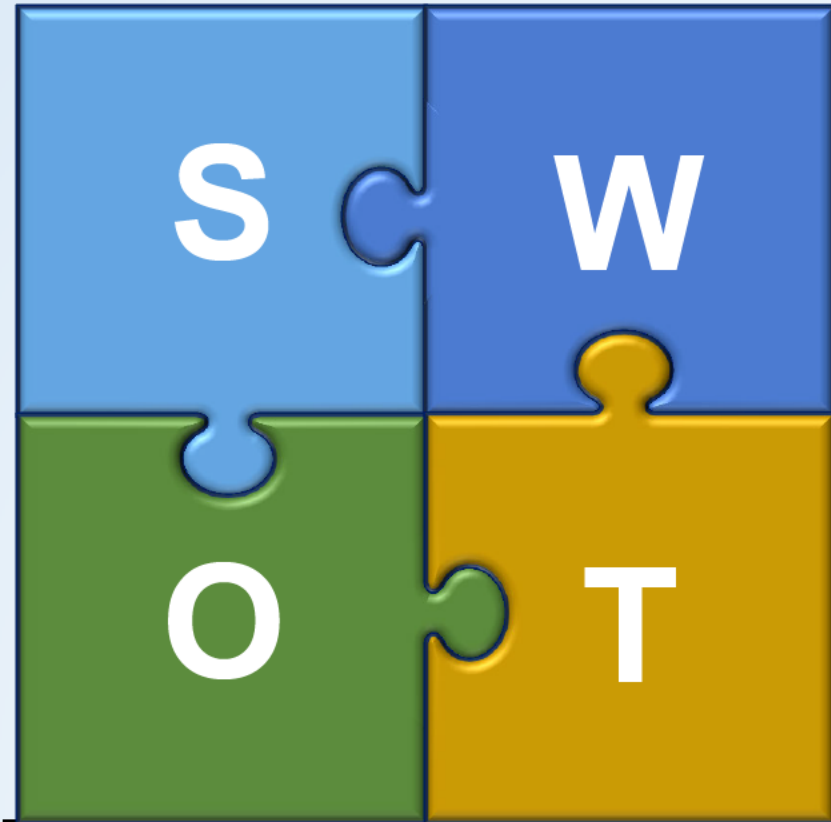
1. consideration of public comments;
2. issues discovered during the drafting of new practice area regulations; and
3. issues that arise during the law schools' development of the practice area curriculum.

Please provide comments to the LLLT Board via email to LLL@wsba.org by July 16, 2018.

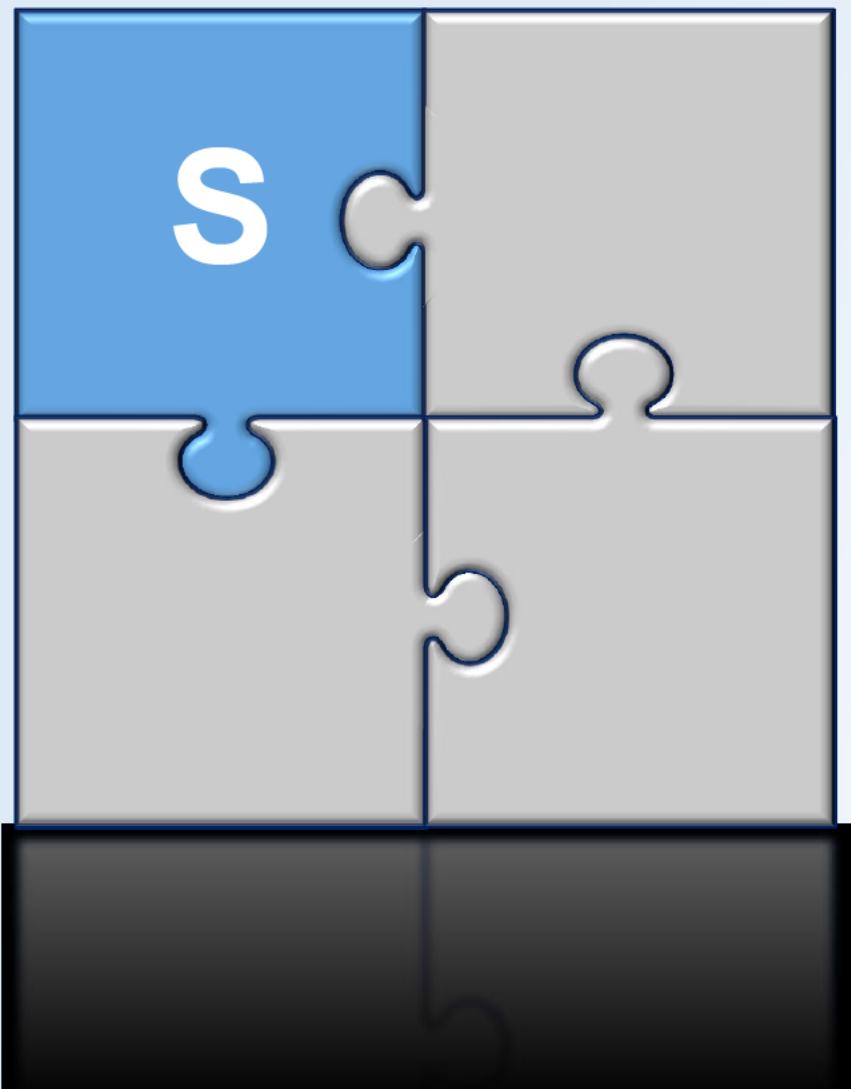
LLLT and Family Law Curriculum Outreach

Date	Communication	Comments
March 9, 2018 and March 15, 2018	Emailed community colleges	<ul style="list-style-type: none"> • Whatcom – 20 paralegal program students (15 interested in the LLLT license) • Spokane CC – 50 students in the paralegal program (10-15 seriously interested in the LLLT license; 5 graduating in 2018) • Tacoma CC – 25 students interested in the license • Portland – 400 students in the program; 2-3 plan to apply immediately
June 29, 2018	Posted Family Law Curriculum Application to WSBA Website	
June 29, 2018	Emailed 6 prospective applicants attaching application	
July 9, 2018	Emailed flyers to Brenda	Brenda is a paralegal and LLLT Board member who agreed to help spread the word to paralegal associations.
July 11, 2018	Emailed LLLT program contacts	Provided information and application for enrollment into UW family law courses as well as LLLT student flyer to Whatcom, Highline, Spokane, Tacoma, Portland Community Colleges and UW.
July 14, 2018	Attended LLLT Quarterly meeting	Talked about enrollment. LLLTs were enthusiastic about sharing it with people they know and may be qualified.
July 19, 2018	Distributed the flyers to LLLT Board	
August 2, 2018	Email to Spokane Young Lawyer Division	Discussed scholarship for paralegal/LLLT program and availability of scholarship next year.
August 6, 2018	Emailed WSPA with limited time waiver flyer	Theda promised to add to website and will determine if they can email information to all members.
August 7, 2018	Emailed NFPA with limited time waiver flyer	
August 7, 2018	Emailed community colleges about setting	<ul style="list-style-type: none"> • Spokane CC is interested in setting up a time for us to come.

Date	Communication	Comments
	up a Q&A session this summer	<ul style="list-style-type: none"> • Whatcom CC is also interested in setting up a Q&A session in early September. (tentative date: 9/6) • Highline CC would like to arrange for an event fall quarter as this would be challenging to arrange while the campus is on break. We have asked for Highlight to select a date that works well for students. • UW will not be able to provide a location but they are willing to connect us with interested students.
October 25-28, 2018	NFPA Convention	WSBA will have a booth to promote the LLLT license
October 27, 2018	NALS Conference	WSBA will have a booth to promote the LLLT license

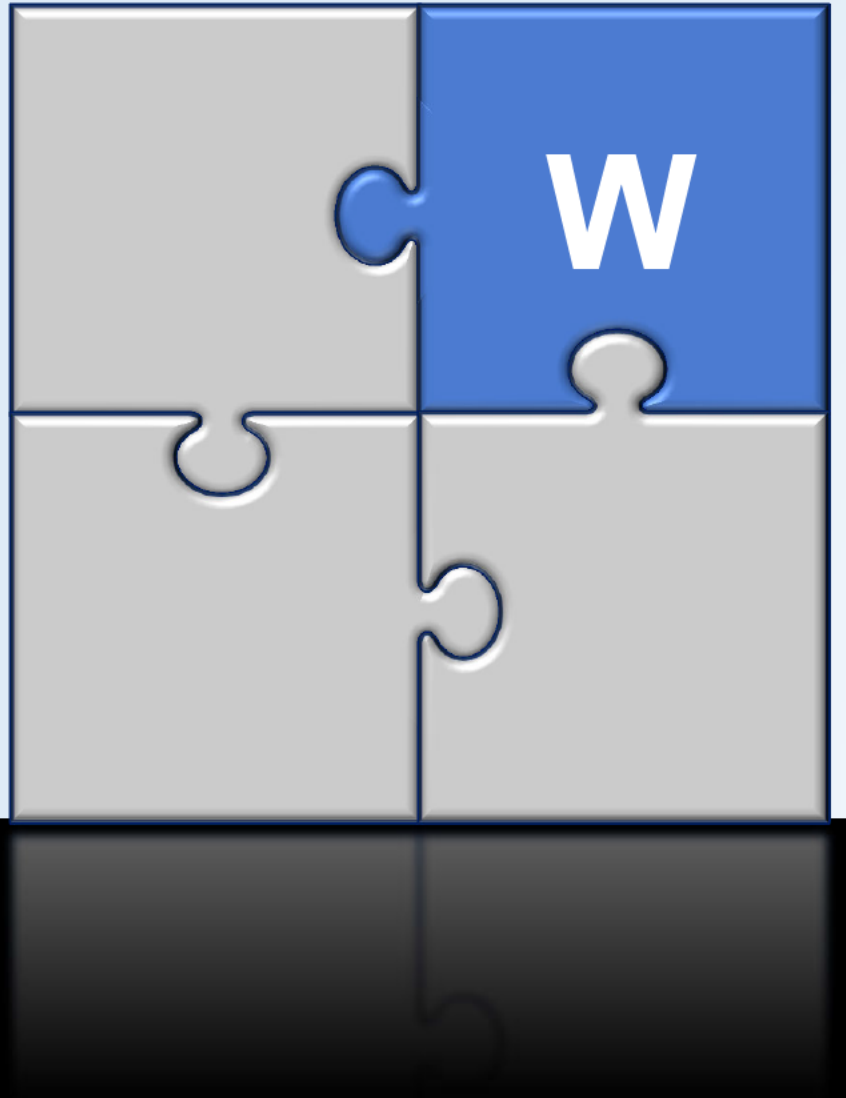


SWOT Analysis - LLLT Board Retreat



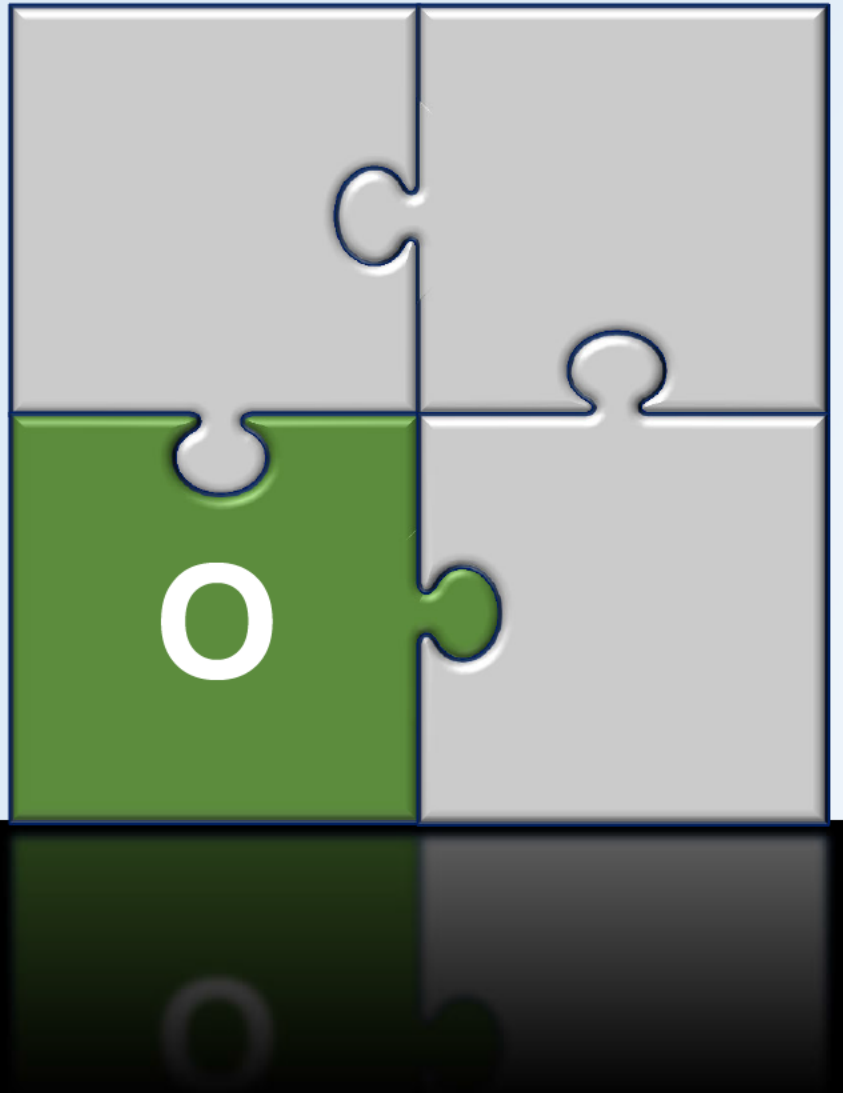
STRENGTHS (+)

- Committee Involvement - Board members work well together
- Size of the Committee is a plus
- Everyone has passion for their respective committees and are diligent in completing their assignments
- Contributions are valued
- Committee leads are knowledgeable and assign work based on strengths
- Strong LLLTs who are working and representing the profession well.
- Dedication and passion of the board members for the LLLT Program



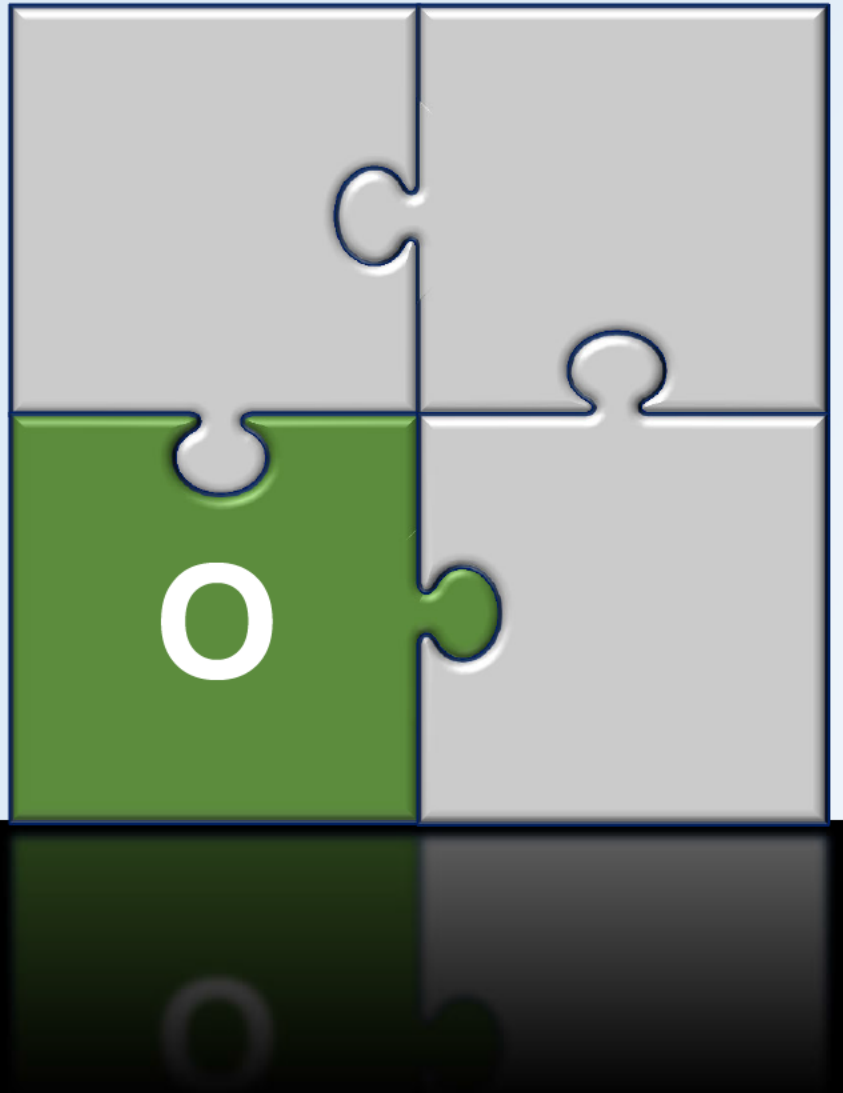
WEAKNESSES (-)

- Volunteer Engagement
- Succession Planning
- Presence of Board members at meetings
- Confidence / Will of the Board to move forward in the face of opposition
- Missed opportunities with Justices; not clearly documenting LLLT progress
- Communications with the Court are not crafted as they need to for the best "reception" by the Court.



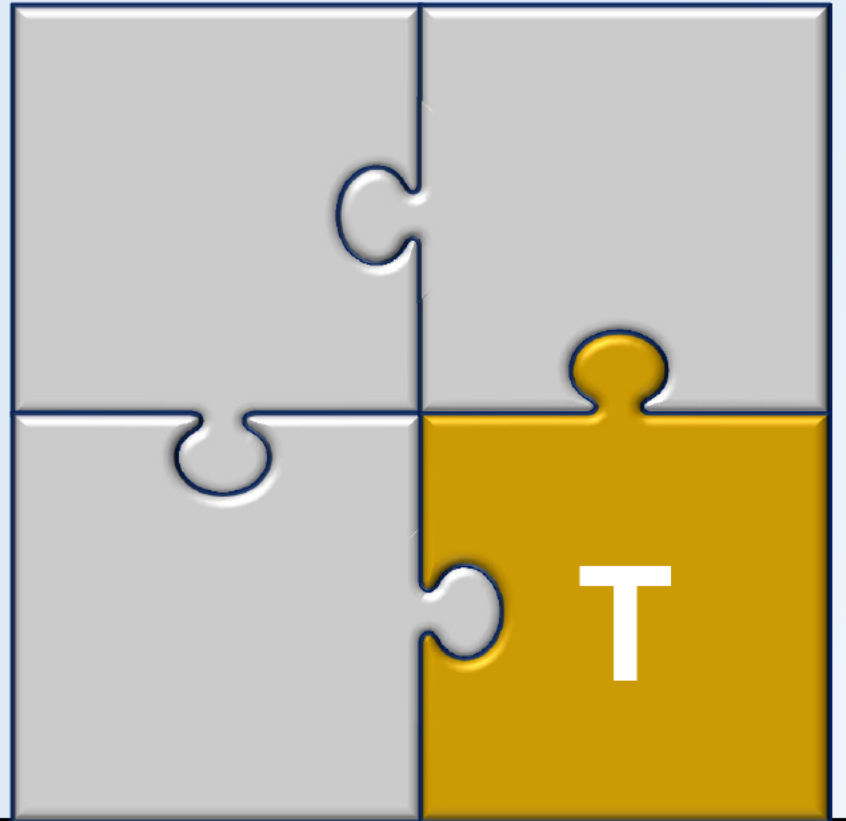
OPPORTUNITIES (+)

- To adjust the scheduling of Board meetings to optimize attendance (agreement on new scheduling reached on June 24 2018 at 10:59 AM)
- Creation of a new CLE - "Family Law Lawyers Guide to working with LLLTs"
- Approve forms (LLLT "kit") ; form a committee to approve / standardize forms that LLLT's can work on
- Marketing / Elevator pitch
- Educate new attorneys in Family Law
- Initiate / enhance Public Relations opportunities with Allies (e.g., debt collection)
- Meet with Practitioners who are knowledgeable



OPPORTUNITIES (+)

- Going to the Law Schools to speak with Future Attorneys
- Town Hall Meetings (Attorney and prospective LLLT's)
- "Career Hours in a box"
- Committee of the LLLT Board has a regular meeting with the court. (Shorter distance between dialogue)
- Teaching at Community Colleges (expanding education to more communities colleges)
- Board Development committee (includes such areas as succession planning, volunteer engagement)
- Scholarship programs for prospective LLLTs
- Board members "sit-in" on LLLT classes



THREATS (-)

- Resistance / Skepticism from Attorneys
- Misperception of the LLLT work
 - How they are licensed
 - Qualifications
- How is the LLLT Practice being perceived?
- How is the practice area divided? (Family Law attorneys are competing for the same clients)
- Supreme Court – how do we get through to them?
- Current Board of Governors
- “There is no problem with Access to Justice”
- Lack of support from the legal community
- Lack of practicing LLLTs
- Funding resources for LLLTs
- Number of hours required (3000) is this excessive or the right amount? Inhibitor to participation for some?
- Scholarships / financial aid

LLLT BOARD 2018 Retreat Summary & Work Plan Outline

WORK PLAN DRAFT

1.0 - Overview

LLLT Board Responsibilities under APR 28. *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) Working with the Bar and other appropriate entities to select, create, maintain, and grade 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 approved practice areas;
- (c) Approving education and experience requirements for licensure in approved practice areas;
- (d) Establishing and overseeing committees and tenure of members;
- (e) Establishing and maintaining criteria for approval of educational programs that offer LLLT core curriculum; and
- (f) Such other activities and functions as are expressly provided for in this rule.

Rules and Regulations. The LLLT Board shall propose rules, regulations and amendments to these rules and regulations, to implement and carry out the provisions of this rule, for adoption by the Supreme Court.

2.0 - Outline

A set of 5 priorities were established during the recent LLLT Board retreat, with the goal of implementation in a 12 month time frame. The Priorities as identified appear below:

	WORK PLAN 2018 PRIORITY AREAS				
2018 LLLT Board Priority →	Mission Statement	Strengthening of the Relationship with the State Supreme Court	Creation of An Outreach strategy	Board Development (Volunteer Engagement)	Form Approval Process
New or existing committee?	New Committee	New Committee	New Committee	New Committee	Existing Committee
Assigned Committee	Board Development Committee	State of the Profession Committee	Outreach Committee	Board Development Committee	Family Law Workgroup

Mission Statement

What tasks have been identified to accomplish this?	Key Action Step(s)	Expected Outcome(s)	Data Evaluation and Measurement(s)	Person / Area Responsible(s)	Comment(s)
1. Review of the two draft statements created during the retreat	Review APR 28 for alignment, ensure what is a priority.				
2. Agreement of language and length					

Strengthening of relationship with the Supreme Court

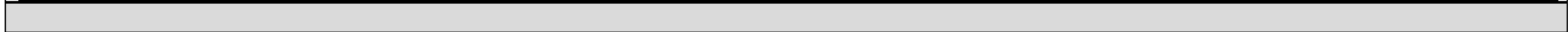
What tasks have been identified to accomplish this?	Key Action Step(s)	Expected Outcome(s)	Data Evaluation and Measurement(s)	Person / Area Responsible(s)	Comment(s)
1. Arrange Quarterly Meetings					
2. Encourage those involved with the LLLT practitioners to communicate positive results					

to the Court					
3. Collect Client testimonials					
4. Contact Judges and the Courts where LLLT practitioners are working to gather positive feedback and report back.					
5. Encourage informal interaction with the Justices at LLLT Board-sponsored events					
6. Bi-Monthly Letter to the Justices					
7. Provide "Good-News" articles to the Justices					
8. Data collection from LLLT practitioners to provide to the Court					

Creation of An Outreach strategy

What tasks have been identified to accomplish this?	Key Action Step(s)	Expected Outcome(s)	Data Evaluation and Measurement(s)	Person / Area Responsible(s)	Comment(s)
1. Core Curriculum in a box <i>(potentially under the purview of another committee)</i> – Taught at a Community college where no curriculum currently exists.					
2. Outreach to Educators, Students, Schools. (Including middle schools → high Schools →					
3. Law Schools (e.g., Social justice day at the UW)					
4. Local bar Associations					
5. Volunteer Clinics					
6. Libraries					
7. Centralized Outreach calendar					

8. Inclusion in the Standard Occupational Classification (SOC) system					
9. Seattle Times – career inclusions (need more data)					
10. Legal Lunchbox sessions at the WSBA					
11. General CLE courses					
12. Tribal Court					
13. WSBA Media Outlets (NW Lawyer, Blog)					
14. Sections					
15. Other media outlets					
16. Personal outreach by LLLT Board members (speaking opportunities?)					
17. Centralized database for marketing related information and collateral					



Board Development (volunteer engagement and succession planning)					
What tasks have been identified to accomplish this?	Key Action Step(s)	Expected Outcome(s)	Data Evaluation and Measurement(s)	Person / Area Responsible(s)	Comment(s)
1. <i>(To be worked on by Family Law Work group subcommittee)</i>					

Forms Approval process					
What tasks have been identified to accomplish this?	Key Action Step(s)	Expected Outcome(s)	Data Evaluation and Measurement(s)	Person / Area Responsible(s)	Comment(s)
1. <i>(To be worked on by subcommittee)</i>					

Other Priorities Identified

These additional priority areas were identified by the LLLT Board without a specific time line for completion

1. <i>Educate others on the LLLT license; students, attorneys, public at large</i>					
2. <i>Education of multiple audiences / marketing</i>					
3. <i>Practice Area delivery mechanism (how to formalize the feedback loop for the broader review of a practice area by members).</i>					
4. <i>Teaching more core classes at Community Colleges</i>					
5. <i>Communications Plan. Establishment of similar talking points</i>					

2019 Board Development Committee Roster

Description: Recruit & support board members so that they have the tools needed to contribute to further the mission of the LLLT Board. Provide support & cultivate relationships through various opportunities.

Anticipated Commitment: The Committee will hold approximately 3-5 meetings annually. The Committee will meet to develop a mission statement, develop a succession plan and review orientation materials.

NAME	E-MAIL	Participant Type
Stephanie Delaney	stephanie.delaney@seattlecolleges.edu	LLLT Board Member
Steve Crossland	steve@crosslandlaw.net	LLLT Board Member
Amy Riedel	ariedel@whatcom.edu	LLLT Board Member
Nancy Ivarinen	nancy@ncilegal.com	LLLT Board Member
Jennifer Petersen	jen@saalawoffice.com	LLLT Board Member
Brenda Cothary	bcothary@msn.com	LLLT Board Member
Lynn Fleischbein	lkf@lmflaw.com	LLLT Board Member (9/30/2018)
Glen Bristow	gnelsonbristow@yahoo.com	LLLT Board Member
WSBA STAFF		
Renata de Carvalho Garcia Innovative Licensing Programs Manager	renatag@wsba.org	
Jaimie Patneau LLLT Program Lead	jaimiep@wsba.org	



2019 Core Curriculum Site Team Roster

Description: The Core Curriculum Site Team is appointed by the LLLT Board to review any applications submitted for approval under the [LLLT Educational Program Approval Standards](#). The Site Team reviews application materials, requests more information if needed, visits the applying institution, and writes a fact-finding report, which is submitted to Admissions, Education, and Licensing Committee. The Committee when appointed will consist of:

- A representative from an ABA-approved paralegal program.
- A representative from a non-ABA approved paralegal program.
- A representative from the State Board of Community and Technical Colleges.
- An LLLT Board member.
- An additional person who may be an LLLT, paralegal, or anyone else appointed by the LLLT Board Chair.

No more than two members of the Site Team will be members of the Admissions, Education, and Licensing Committee.

Anticipated Commitment: The Committee will be appointed and will meet ad hoc as necessary to review applications. When formed, individuals are expected to conduct a thorough review of application materials, meet at least once as a group to review the application, schedule and attend an in-person site visit, and develop a fact-finding report.

NAME	E-MAIL	Participant Type
Amy Riedel	ariedel@whatcom.edu	LLLT Board Member
Stephanie Delaney	stephanie.delaney@seattlecolleges.edu	Representative from a non-ABA approved paralegal program
Nancy Ivarinen	nancy@ncilegal.com	LLLT Board Member
Sarah Bove	Sarah@ LTDivision.com	LLLT Board Member
Glen Bristow	gnelsonbristow@yahoo.com	LLLT Board Member
TBD		Representative from the State Board of Community and Technical Colleges
Andrea Jarmon	andrea@jarmonlawgroup.com	LLLT Board Member
Genevieve Mann	manng@lawschool.gonzaga.edu	LLLT Board Member



Bobby Wheeler	BWHEELER@highline.edu	Representative from an ABA-approved paralegal program
WSBA STAFF		
Renata de Carvalho Garcia Innovative Licensing Programs Manager	renatag@wsba.org	
Jaimie Patneau LLLT Program Lead	jaimiep@wsba.org	



2019 Discipline Committee Roster

Description: The Committee is governed by and performs the functions described in the Enforcement of Limited License Legal Technician Conduct Rules (ELLLTC) and those delegated by the LLLT Board Chair. The Committee is 3-5 members appointed by the LLLT Board Chair, who does not serve on the Committee.

Anticipated Commitment: The Committee meets at times and places as necessary to review grievances filed against LLLTs under the ELLLTC.

NAME	E-MAIL	Participant Type
Nancy Ivarinen, Chair	nancy@ncilegal.com	LLLT Board Member
Ruth McIntyre	Drruth1@havi.net	LLLT Board Member
Jen Petersen	jen@saalawoffice.com	LLLT Board Member
WSBA STAFF		
Renata de Carvalho Garcia Innovative Licensing Programs Manager	renatag@wsba.org	
Jaimie Patneaude LLLT Program Lead	jaimiep@wsba.org	



2019 Family Law Exam Workgroup Roster

Description: The Workgroup reviews the multiple choice, essay, and performance exam components of the LLLT Family Law Practice Area Exam. The Workgroup revises materials written by a third party exam writing company, Ergometrics. After the exam, the Workgroup grades the essays and performance exams.

Anticipated Commitment: The Workgroup meets at least 4-6 times each year. One or two meetings occur before each exam to review questions drafted by Ergometrics and provide subject matter feedback. Members are expected to work independently between meetings to revise draft materials. After the exam, Workgroup members will grade the essays and the performance exam according to grading guidelines created by Ergometrics then meet once to review the results for accuracy and consistency.

NAME	E-MAIL	Participant Type
Nancy Ivarinen	nancy@ncilegal.com	LLLT Board Member
Guadalupe (Lupe) Artiga	Lupea@nwjustice.org	Workgroup Member
Christy Carpenter	christy@myllt.com	LLLT Board Member
Jeanne Dawes	jjdawes@goregrewe.com	LLLT Board Member
Lynn Fleischbein	lkf@lmflaw.com	LLLT Board Member (term expires 9/30/2018)
Gail Hammer	hammerg@gonzaga.edu	LLLT Board Member
Andrea Jarmon	jarmonlaw@hotmail.com	LLLT Board Member
Lianne Malloy	LianneM@ATG.WA.GOV	Workgroup Member
Ruth Walsh McIntyre	druth1@nwi.net	LLLT Board Member
Jennifer Petersen	jen@saalawoffice.com	LLLT Board Member
WSBA STAFF		
Renata de Carvalho Garcia RSD Innovative Licensing Programs Manager	renatag@wsba.org	
Jaimie Patneau LLLT Program Lead	jaimiep@wsba.org	



2019 Family Law Practice Area Workgroup Roster

Description: The Workgroup reviews the APR and the scope of the Family Law Practice Area. It suggests changes to scope or curriculum based on developments in the practice of family law. It considers enhancements to the Family Law Practice Area and develops any continuing legal education requirements and changes to practice area education necessary because of those enhancements.

Anticipated Commitment: The frequency of meetings varies depending on developments in the practice area. The workgroup will meet at least twice each year to review the practice area and any developments. While creating any potential enhancements or rule changes, the workgroup will meet monthly with members expected to perform individual research and writing between meetings.

NAME	E-MAIL	Participant Type
Nancy Ivarinen	nancy@ncilegal.com	LLLT Board Member
Lynn Fleischbein	lkf@lmflaw.com	LLLT Board Member (term ends on 9/30/2018)
Christy Carpenter	Christy@mylllt.com	Workgroup Member
Sarah Bove	sarah@LTDivision.com	LLLT Board Member
Jeanne Dawes	jjdawes@goregrewe.com	LLLT Board Member
Gail Hammer	hammerg@gonzaga.edu	LLLT Board Member
Andrea Jarmon	jarmonlaw@hotmail.com	LLLT Board Member
Ruth Walsh McIntyre	druth1@nwi.net	LLLT Board Member
Jennifer Petersen	jen@saalawoffice.com	LLLT Board Member
WSBA STAFF		
Renata de Carvalho Garcia RSD Innovative Licensing Programs Manager	renatag@wsba.org	
Jaimie Patneau LLLT Program Lead	jaimiep@wsba.org	



2019 New Practice Area Committee Roster

Description: The Committee determines possible new practice areas and the scopes of new practice areas. It also draft changes to APR 28 to add new practice areas.

Anticipated Commitment: The Committee will hold monthly meetings and members are expected to perform significant individual research, writing, and outreach between meetings.

Standing Committee Members		
NAME	E-MAIL	Participant Type
Nancy Ivarinen	nancy@ncilegal.com	LLLT Board Member
Stephanie Delaney	stephanie.delaney@seattlecolleges.edu	LLLT Board Member
Andrea Jarmon	andrea@jarmonlawgroup.com	LLLT Board Member
Jeanne Dawes	jjdawes@goregrewe.com	LLLT Board Member
Brenda Cothary	bcothary@msn.com	LLLT Board Member
Jennifer Petersen	jen@saalawoffice.com	LLLT Board Member
Christy Carpenter	Christy@mllt.com	LLLT Board Member
Sarah Bove	sarah@LTDivision.com	LLLT Board Member
Ruth Walsh McIntyre	drruth1@nwi.net	LLLT Board Member
Catherine Brown	CatherineB@kcba.org	LLLT Board Member
Gail Hammer	hammer@gonzaga.edu	LLLT Board Member
Genevieve Mann	manng@lawschool.gonzaga.edu	LLLT Board Member
Hon. Lorraine Lee	lorraine.lee@oah.wa.gov	Committee Member
Sheila O' Sullivan	Sheila.OSullivan@outlook.com	Committee Member
WSBA STAFF		



Renata de Carvalho Garcia Innovative Licensing Programs Manager	renatag@wsba.org	
Jaimie Patneau LLLT Program Lead	jaimiep@wsba.org	



2019 Outreach Committee Roster

Description: To create, initiate and coordinate community outreach programs to educate members of the public, educators, legal professionals and students about Limited Licensed Legal Technicians.

Anticipated Commitment: The Committee will hold approximately 3-5 meetings annually. The Committee will meet to develop code curriculum education for additional schools. Committee member engagement and participation is integral to this committee and members are anticipated to attend community events to educate the legal community and professionals about LLLTs.

NAME	E-MAIL	Participant Type
Brenda Cothary	bcothary@msn.com	LLLT Board Member
Christy Carpenter	cristy@mylllt.com	LLLT Board Member
Ruth Walsh McIntyre	drruth1@nwi.net	LLLT Board Member
Catherine Brown	CatherineB@kcba.org	LLLT Board Member
Amy Riedel	ariedel@whatcom.edu	LLLT Board Member
Bobby (Buzz) Wheeler	bwheeler@highline.edu	Committee Member
Steve Crossland	steve@crosslandlaw.net	LLLT Board Member
WSBA STAFF		
Renata de Carvalho Garcia RSD Innovative Licensing Programs Manager	renatag@wsba.org	
Jaimie Patneau LLLT Program Lead	jaimiep@wsba.org	



2019 Rules of Professional Conduct Committee Roster

Description: The Committee reviews the LLLT RPCs and drafts any needed changes to LLLT RPCs. The Committee reviews the multiple choice questions for the LLLT Professional Responsibility Exam written by a third party exam writing company, Ergometrics. After the exam, the Committee reviews any questions that were especially problematic.

Anticipated Commitment: The Committee will hold approximately 4-6 meetings annually. The Committee will review LLLT RPCs at least once per year. One or two meetings occur before each exam to review questions drafted by Ergometrics and provide subject matter feedback. Members are expected to work independently between meetings to revise draft materials. After the exam, Committee members will review the results for accuracy and consistency.

NAME	E-MAIL	Participant Type
Andrea Jarmon	andrea@jarmonlawgroup.com	LLLT Board Member
Greg Dallaire	gdallaire1@comcast.net	Committee Member
Glen Bristow	gnelsonbristow@yahoo.com	LLLT Board Member
WSBA STAFF		
Renata de Carvalho Garcia Innovative Licensing Programs Manager	renatag@wsba.org	
Jaimie Patneau LLLT Program Lead	jaimiep@wsba.org	



2019 State of the Profession Committee Roster

Description: Strengthen the relationship between the Supreme Court and LLLTs and Board. Work to encourage supporters of LLLTs to engage with the Supreme Court.

Anticipated Commitment: The Committee will hold approximately 3-5 meetings annually. The Committee will work to provide bi-monthly letters to the court along with holding quarterly meetings with Judges.

NAME	E-MAIL	Participant Type
Jeanne Dawes	jjdawes@goregrewe.com	LLLT Board Member
Andrea Jarmon	andrea@jarmonlawgroup.com	LLLT Board Member
Ruth Walsh McIntyre	druth@nwi.net	LLLT Board Member
Steve Crossland	steve@crosslandlaw.net	LLLT Board Member
Sarah Bove	sarah@LTDivision.com	LLLT Board Member
WSBA STAFF		
Renata de Carvalho Garcia Innovative Licensing Programs Manager	renatag@wsba.org	

