

## LLLT Board

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Steve Crossland, Chair

**WASHINGTON STATE**  
**BAR ASSOCIATION**  
Regulatory Services Department

### LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD New Practice Area Committee – Consumer, Money, and Debt Workgroup

#### Meeting Minutes for November 19, 2018

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

#### Workgroup Members in Attendance:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Nancy Ivarinen (Committee Chair) | <input type="checkbox"/> Andrea Jarmon                      |
| <input checked="" type="checkbox"/> Sarah Bove                       | <input checked="" type="checkbox"/> Genevieve Mann (remote) |
| <input checked="" type="checkbox"/> Catherine Brown                  | <input checked="" type="checkbox"/> Jen Petersen            |
| <input checked="" type="checkbox"/> Christy Carpenter                | <input checked="" type="checkbox"/> Ruth McIntyre           |
| <input checked="" type="checkbox"/> Brenda Cothary                   |   |
| <input type="checkbox"/> Jeanne Dawes                                |   |
| <input type="checkbox"/> Stephanie Delaney                           |   |
| <input type="checkbox"/> Gail Hammer (remote)                        |   |

#### Staff and Others in Attendance:

Renata Garcia (Innovative Licensing Program Manager); Jaimie Patneau (Innovative Programs Lead); Sam Leonard (subject matter expert); Jennifer Ortega (subject matter expert); Scott Kinkley (subject matter expert); Sart Rowe (subject matter expert); Steve Crossland (LLLT Board Chair)

#### Call to Order/Preliminary Matters

The meeting was called to order at 10:10 am.

#### Minutes

The minutes for the October 8, 2018 meeting were approved.



Renata de Carvalho Garcia, WSBA Staff Liaison  
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### **Responses to New Practice Area Comments**

The workgroup discussed how responding to the new practice area comments has gone. Christy received two replies to her responses and Genevieve also reported receiving a few replies. All substantive comments to the new practice area have received responses.

### **Consumer, Money, and Debt Discussion**

The workgroup proceeded to review and discuss the individual topics in the practice area table as follows.

**LFOs:** Genevieve advised this area has an unmet need and the biggest obstacle is advising people about this option. Scott Kinkley voiced his support of LLLTs working in this area. He also shared the contact within his office handling LFOs. Genevieve agreed she would reach out to connect with this contact.

**Small Claims:** Nancy explained that some states have a prohibition on attorneys assisting someone with small claims, but Washington State does not have this prohibition. Nancy also advised that small claims would probably be a large portion of the curriculum due to evidence issues, jurisdiction, venue, causes of action, and ADR all being skills and training needed for this area. Sart Rowe voiced support of this area, even if it would just be assistance in preparing forms and getting ready for the court date. Sam Leonard also shared his support of LLLTs practicing in this area.

Scott Kinkley voiced concerns about LLLTs preparing complains to collect money and then crossing the threshold into being a debt collector and being required to get a license from the state. Scott also was concerns about LLLTs being aware of all the regulations around this area. Sam Leonard also brought up concerns about how hard it is for debt collection attorneys to comply with all of these regulations.

**Student Loans:** Sart Rowe asked why this area was being limited to federal loans when private loans are more abusive. Scott Kinkley explained that private loans are very complicated and the lawsuits are drawn out and not form based. Sam Leonard advised if a person does work for a nonprofit work student loans can be forgiven but 95% of people who apply for this are denied due to the forms being done incorrectly. The company that services these loans has no desire to help the applicants so he feels there would be a lot of work for LLLTs if the borrower in this situation could pay a small amount of money as they must reapply for this forgiveness each year.

Sam also mentioned there is a woman who counsels at Seattle University about this issue and the workgroup will connect with her. The workgroup agreed that limiting this area to federal loans is a good idea.



**Debt Collection Defense and Assistance:** Nancy explained that this area was envisioned as helping clients through the forms and if something were to fall outside of this scope, the LLLT would then refer to an attorney. Sam Leonard voiced concerns that clients will be charged more and shared that he does work in this area on a contingent basis. He also shared his concerns that most of the time the only way to settle these cases is to threaten a lawsuit, and LLLTs don't have that leverage. Scott Kinkley discussed how he feels LLLTs can help in this area by spot checking and filing answers to complaints. Scott also advised that summary judgment is likely in these cases but he doesn't feel LLLTs should be allowed to participate in the summary judgment. Sam followed up with concerns about how people can get asked the wrong questions in court and the person doesn't know how to respond properly (example: do you owe this money? Answer: "Yes" but the person should have answered "some yes, but I don't believe the total balance is correct") and a judgment is entered.

Jennifer Ortega raised the possibility of having LLLTs help with debt collection letters that come before a lawsuit is filed Scott Kinkley explained that a response to these letters will kick off a complaint being filed. Sam Leonard and Scott Kinkley both shared they were opposed to LLLTs negotiating settlements and raised concerns about LLLTs falling under the debt adjustor act. The workgroup determined they should review the Washington Law Help packet for debt collection defense and the debt adjustor act at the December meeting.

**Garnishments:** Nancy reminded the workgroup that LLLTs would not be able to work for a collection agency, debt buyer, etc. LLLTs would only be eligible to work for individual people, not for any group. Scott Kinkley brought up concerns of abuse, the high penalties and difficulty complying with the regulations of the area as reasons LLLTs should not be able to practice in this area. Nancy advised that when collection agencies take on cases of a large judgment that can only be collected in small pieces there is little to no movement on collecting the judgment. The workgroup collectively discussed how this would be helpful in working with family law cases and the value in LLLTs being able to collect family law judgments.

**Identity Theft:** The workgroup was again supportive of this area.

**Wage Complaints & Defenses:** Scott Kinkley spoke about NJP being in favor of this area because CLEAR receives many calls but cannot assist with all requests for assistance. Sam Leonard advised he felt this area relates to employment and the workgroup should be working with Washington Employment Lawyers. Renata advised they have been invited to these meetings. Brenda Cothary mentioned she was going to reach out to Labor and Industries and will do so before the next meeting.

**Loan Modification and Foreclosure:** Nancy summarized comments from the last meeting and the workgroup decided it will not be moving forward with loan modification and foreclosure in the final proposal.



**Protection Orders:** This area was again supported by the workgroup.

**Bankruptcy Awareness and Advice:** Overall, this area appears to be supported as long as LLLTs do not give advice regarding bankruptcy and refer clients to a bankruptcy attorney.

Advised the group the next workgroup meeting will be held December 10<sup>th</sup> and all subject matter experts are invited.

**Adjournment and Next Meeting**

The meeting was adjourned 11:42 a.m. The next meeting will be held on December 10, 2018, at 10:00 am.

