

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

UPDATE: February 2019

Outreach & Press
<p>Press:</p> <ul style="list-style-type: none">January 19, 2019: The Big Read: Rise of the machine — how technology is disrupting Singapore’s law firmsJanuary 29, 2019: Are Some Law Offices Just Like The Mall? <p>Recent Events:</p> <ul style="list-style-type: none">January 26, 2018: Career Day at Portland Community College with Jaimie Patneau (WSBA), and Michelle White (LLLT) <p>Upcoming Events:</p> <ul style="list-style-type: none">February 21, 2019 – February 23, 2019: Career and Employment Services Counsel winter meeting, Lake Washington Institute of TechnologyFebruary 25, 2019: LLLT ExamFebruary 27, 2019 – March 1, 2019: Washington School Counselor Association ConferenceMarch 6, 2019 – Spring Career Panel at Showalter Middle SchoolMay 8, 2019: Career and Employment Services Counsel spring meeting, Walla Walla Community College
Statistics & Other Events
<ul style="list-style-type: none">Number of current LLLTs: 393 LLLTs are inactive
Meetings
<p>Recent:</p> <ul style="list-style-type: none">January 14, 2018: LLLT Board Meeting and New Practice Area Workgroup Meeting <p>Upcoming:</p> <ul style="list-style-type: none">March 11, 2019: LLLT Board Meeting



January 30, 2019

Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504

Re: Order No. 25700-A-1249 Rescinding and Republishing Suggested Amendments to APR 28 for comment

Dear Clerk of the Supreme Court:

After reviewing the reformatted suggested amendments, the Limited License Legal Technician Board (LLLT Board) concluded that the vast majority of the changes were appropriate. The LLLT Board found that a couple of the changes are problematic as they impact the meaning or purpose of the rule (see APR 28(F)(5) and RPC 5.8 Comment 2 on the attached overview), and one contains a major clerical error (see RPC 4.3 Comment 6 on the attached overview). Therefore, the LLLT Board respectfully requests that the Court carefully review and consider the LLLT Board comments in the attached document in support of the Suggested Amendments to APR 28.

The LLLT Board strongly believes that every individual in this state - and beyond - deserves quality and affordable legal services. This belief is what drives LLLT Board members to meet every month and spend countless hours working on potential practice areas of law for LLLTs, enhancing the existing scope, and supporting the LLLT license in general. As such, the LLLT Board sincerely commends the Court's decision to adopt the suggested amendments with the filing of Order No. 25700-A-1246 on November 1, 2018, enhancing the services that LLLTs can provide. The LLLT Board also appreciates the Court's thoughtful decision to publish a reformatted version of the suggested amendments for comment, after the subsequent discovery of formatting issues in the previously published amendments.

Finally, because the LLLT Board firmly maintains that protection of the public should be at the forefront of any decision impacting the delivery of legal services, the LLLT Board would like to take this opportunity to ask that the Court consider entering a separate expedited order to make abundantly clear that existing LLLTs must complete the mandatory supplemental continuing legal education to be developed by the LLLT Board prior to engaging in the enhanced scope of practice.

Respectfully,



Stephen R. Crossland
Chair, Limited License Legal Technician Board

Attachment as stated



OVERVIEW OF AND COMMENTS ON REVISED APR 28, LAWYER RPC, AND LLLT RPC AMENDMENTS

APR 28(8)(4)

Court: The omitted last sentence "The legal technician does not represent the client in court proceedings or negotiations, but provides limited legal assistance as set forth in this rule to a pro so client" is included and stricken through.

Comment: Agree that this change should be made.

APR 28(F)

Court: Corrected strike through and underlines to reflect correct proposed additions and deletions according to existing language.

Comment: Agree that this change should be made.

APR 28(F)(5)

Court: Corrected the word "side" to "party".

Comment: The current rule (both online and within the 2019 Washington Court Rules book) uses the word side. The LLLT Board intentionally used the word "side" in suggesting this rule language initially, because the Board believed that the word "party" could be too narrowly construed.

APR 28(G)(2)

Court: The unchanged language of subsection (2) is included because subsection (2)(a) is modified.

Comment: No objections.

APPENDIX APR 28(G)(3)

Court: Omitted subsection (G)(3) is included but unchanged.

Comment: No objections to making this change, but subsection 28(G)(3) should be listed after subsections 28(G)(2)(a)-(g). The caption should not include the word "Appendix" because this is part of APR 28 itself, not the Appendix.

APPENDIX APR 28 REGULATION 2(B)(1)(c)

Court: The addition of "parentage or paternity" is underlined.

Comment: Agree that this change should be made.

APPENDIX APR 28 REGULATION 2(B)(2)(d)

Court: Qualified Domestic Relations Order replaces "QDRO" the first time the acronym is used.

Comment: Agree that this change should be made.

APPENDIX APR 28 REGULATION 2(B)(3)

Court: Corrected the errant strike through to APR 28(H)††

Comment: Agree with the correction but note that the 2019 Washington Court Rules book cites to APR 28IT, not APR 28(H).

APPENDIX APR 28 REGULATION 2(B)(3)(b)(viii)

Court: Changed the replacement of domestic with committed.

Comment: We are uncertain why the word domestic appears in this reformatted proposed amendment. Domestic is not used within the current rule and was not used within the LLLT Board's suggested amendments that were sent to the Court in February of 2018. If the Court decides to continue using the word "committed" there is no need to strikethrough "domestic" as it does not appear in any published version of the current rule and was not part of the LLLT Board's suggested amendments.

RPC 1.0B Washington Comments

Court: Removed underline and incorporated existing language "(1-3)".

Comment: Agree that this change should be made.

RPC 1.17 Comment

Court: Removed underline from the title "Comment".

Comment: Agree that this change should be made.

RPC 1.17 Comment 19

Court: Removed underline from the word "sale" as it is existing language.

Comment: Agree that this change should be made.

RPC 4.3 Comment

Court: Removed underline from the title "Comment". Changed references to the section to reflect "Comment" and "Additional Washington Comment" sections.

Comment: Agree that this change should be made.

RPC 5.8 Comment

Court: Replaced underlined "Washington Comment" with "Comment" as existing language.

Comment: The current rule (both online and within the 2019 Washington Court Rules book) reads "Washington Comment" – changing it to "Comment" would be incorrect since this is not an ABA Model Rule Comment.

RPC 8.1 Comment

Court: Removed underline from the title "Comment".

Comment: Agree that this change should be made.

LLLT RPC PREAMBLE

Court: Added back the words "AND SCOPE" as existing language.

Comment: Agree that this change should be made.

LLLT RPC 1.16 Comment 1

Court: Corrected strike through and underlines to reflect correct proposed additions and deletions according to existing language.

Comment: Agree that this change should be made.

LLLT RPC 1.17

Court: The unchanged language prior to subsection (a) is included.

Comment: Agree that this change should be made.

Additional Comments:**RPC 4.3 Comment 6**

Reference to APR 28 should not have been changed to APR 2. "...[I]mposed on the LLLT by APR 28..." is existing language.

APR 28(F)

The LLLT Board asks that the Court consider correcting the existing typographical error "It if is not". It should read "If it is not".

SENT BY EMAIL

Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929
supreme@courts.wa.gov

RECEIVED
FEB - 5 2019
Washington State
Supreme Court

January 31, 2019

Dear Chief Justice Fairhurst,

I am writing to offer comments on the proposed amendments to APR 28, the admission to practice rule that creates the LLLT in Washington State.

Having seen my family benefit from the services of a LLLT firm in the last year, I applaud that Legal Technicians exist and enthusiastically encourage the expansion of the scope of LLLTs. I specifically encourage the idea that LLLTs could help people with negotiations, mediations, and the handling real property matters and pensions. That our LLLT was not authorized to engage in simple negotiations on our behalf became very difficult for us.

I encourage the Washington State Supreme Court to expedite the proposed amendments to APR 28 as soon as possible and to add as much authority as possible to the license for the benefit of the public.

Sincerely,

Carol Odom

Carol Odom
206-713-0265
Lynnwood, WA

Dear Supreme Court Justices:

Priscilla assisted me with my divorce from my husband. We have one son, aged 3. We had a very high conflict divorce about our parenting plan. Priscilla was able to prepare me through motion hearings, writing a protective plan for our son, and writing up final orders. I did utilize an attorney (who referred me to Priscilla for the work within her license) to negotiate for me with my spouse - who was represented - and to appear at hearings for me, if necessary.

Priscilla's work was thorough, she spent hours working with me to design a protective plan for our son. She was responsive, timely, professional, and understanding. I was also satisfied with the work by the attorney, but it was significantly more expensive than the work performed by Priscilla. I think it would be very valuable and helpful to clients if Priscilla could attend hearings with clients and could negotiate with opposing parties. I am confident Priscilla is capable to take on both these roles.

Cortney Howisey



Columbia Valley
Legal Technician Services, PLLC
Priscilla Selden
LLLT No. 102
P.O. Box 432 Entiat, WA 98822
509-560-4787 cvlts.pllc@gmail.com



RECEIVED
JAN 29 2019

Washington State
Supreme Court

MY LEGAL PIT STOP

LEGAL TECHNICIANS

CONTACT Alicia DeGon, LLLT #131
425.299.7791 alicia@MyLegalPitStop.com

February 1, 2019

Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Jeanne McElroy, Chief Regulatory Counsel
Washington State Bar Association
1325 Fourth Avenue, Suite
Seattle, WA 98101-2539

Stephen R. Crossland
Chair of the LLLT Board
P.O. Box 566
Cashmere, WA 98815

re: Comments regarding proposed APR 28 Amendments

Dear Chief Justice Fairhurst,

Thank you for inviting comments on this important topic.

We are a start-up Legal Technician firm that had the privilege of serving more than 200 clients in Washington State in 2018 under APR 28. In fact, when we shared the call for comments with our clients, we heard more than 60 people express an interest in offering their own comments in support of this important movement. We are proud to be joining them in sharing our shared experiences.

Our core comment is well summarized by describing our sense of collective

My Legal Pit Stop, Legal Technicians 707 153rd Street SW, Lynnwood, WA 98087

gratitude that the **GR 9 Coversheet submitted by the LLLT Board speaks for us well**. As such, in an effort to underscore our strong agreement with the proposed amendments as written, we have decided to offer our comments from the perspective of how much more we could have helped unrepresented Washington residents in acting *pro se* in family law court, had the proposed amendments been implemented earlier.

Based on our practical experience, we agree with the proposed amendments in *this order of priority*:

- 1. Enabling opposing party communications & negotiations.** The current prohibitions on negotiating and even communicating with opposing parties and their counsel posed severe limitations on our clients' outcomes as well as our business in 2018. We passionately agree with shifting the rules to support helping people solve disputes outside of the court system and believe doing so benefits the courts as well.
- 2. Making ex parte appearances.** It would have saved an enormous amount of frustration, time and effort for us and our clients had we been allowed to present agreed orders and defaults ex parte.
- 3. Appearing with (rather than for) clients in court** and other formal proceedings. Expressly enabling LLLTs to provide assistance that stops short of assisting a client through to getting an order in court borders on cruel. This was especially true when the *pro se* is opposed by a skilled,

- perhaps ruthless, attorney in court. We were not surprised when this was the top theme to emerge in the comments we saw our clients submit.
4. **Dividing real property assets**, up to a defined equity limit. As we sent more than 60 cases to attorneys in 2018 because of the client's status as a home owner in 2018, we are delighted to see this proposed amendment.
 5. **Assisting with contested relocations**. While we turned away more than a dozen cases that fell into this category in 2018, we also see few areas in family law that are more vulnerable to socioeconomically driven injustices than a when a person is served with an Intent to Relocate that would effectively destroy a hard-won final parenting plan simply because they lack the funding to secure counsel. We hope to see LLLTs trained to use the recent relevant case law to provide effective assistance in those cases as soon as possible.
 6. **Dividing retirement assets**, up to certain limits. As more than half of our clients in 2018 had retirement assets to be characterized, we deeply appreciate the proposed amendments in this area.
 7. **Appearing at Mediation**. As pro se litigants get to choose to have anyone accompany them to this unregulated proceeding anyway, it would appear to be very much in both the public interest as well as that of the court, to enable LLLTs to support ADR as much as possible.

MY LEGAL PIT STOP

LEGAL TECHNICIANS

CONTACT Alicia DeGon, LLLT #131
425.299.7791 alicia@MyLegalPitStop.com

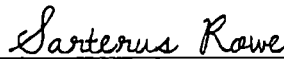
Lastly, while we appreciate this call for comments is specific to currently proposed amendments, we ask to plant these seeds for the next round of subsequent amendments:

1. **Remove the prohibitions preventing LLLTs from leveraging support staff.** We'd ask instead that LLLTs be held accountable for the performances of their organizations as licensed professionals, just like lawyers are.
2. **Position LLLTs to serve as mediators** who are trained and authorized to write effective, binding CR 2 (a) agreements that they can enter with the court as agreed orders.

Sincerely,



Alicia DeGon, LLLT #131



Sart Rowe, WSBA# 47010

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, February 1, 2019 4:59 PM
To: Tracy, Mary
Subject: FW: APR 28 Comments from My Legal Pit Stop Legal Technicians
Attachments: MLPS_APR_28_Comments_SIGNED.pdf

From: alicia@mylegalpitstop.com [mailto:alicia@mylegalpitstop.com]
Sent: Friday, February 1, 2019 4:59 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>; steve@crosslandlaw.net; jeanm@wsba.org
Cc: 'Sart Rowe' <sart@mylegalpitstop.com>; emily@mylegalpitstop.com
Subject: APR 28 Comments from My Legal Pit Stop Legal Technicians

Dear Clerk of the Court, Mr. Crossland, and Mr./Ms. McElroy,

Thank you for inviting comments on the pending APR 28 amendments.

Please see the attached letter.

Thank you,

Alicia DeGon, WSBA LLLT #131
My Legal Pit Stop, *Legal Technicians*
425.299.7791
www.mylegalpitstop.com

Limited License Legal Technicians (LLLT), are experienced legal professionals, trained and licensed to advise and assist individuals in family-law matters defined by APR 28 in the State of Washington. LLLTs are not attorneys, and at this time, we don't represent people in court.

This e-mail message is intended only for the named recipient(s) above and is covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This e-mail is confidential and may contain information that is privileged, or exempt from disclosure under applicable law. Recipients should not file copies of this e-mail with publicly accessible records. If you have received this message in error, please immediately notify the sender by return e-mail and delete this e-mail and any attachments from your computer. Thank you

January 28, 2019

Sent via email and USPS regular

Clerk of the Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Re: Comments to Suggested Amendments to APR 28 (LLLT) ORDER NO. 25700-A-1249

Dear Supreme Court of Washington State,

My name is Derek Ralph. I am a family law paralegal in Arlington, Washington. I graduated with honors from Edmonds Community College with my Paralegal ATA degree. I have passed the NFPA's Paralegal Core Competency Exam. Moreover, I am currently taking LLLT courses through the University of Washington's School of Law. I write this letter in support of the suggested amendments to APR 28 and LLLT RPCs.

First, Washington State needs an affordable and effective option for family law representation. The average family law attorney hourly rate in Washington State is \$250.00 per hour. This statistic encompasses the entire state including rural areas. Moreover, Seattle's average is closer to \$400.00 per hour. Low income individuals simply cannot afford this high cost of representation. There is no statistical data yet for what LLLTs charge, however I would imagine they will charge between \$75.00 and \$125.00 per hour. This hourly rate will allow low income individuals to afford the representation they need. I feel that family law representation is too expensive and is a privilege for people who have money. In fact, in my past career I was a machinist and programmer, and I made around \$65,000 per year, and I even struggled to pay my attorney! My girlfriend and I had separated during her pregnancy and she had no intentions of allowing me to be in our child's life. Therefore, I was forced to start an action to fight for visitation with our child. My attorney's hourly rate was \$275.00 per hour. Fortunately, my ex-girlfriend's position became more reasonable during mediation and we reached an agreement thus avoiding trial. However, I paid a grand total of \$17,000.00 to my attorney. Minimum wage in Washington State is \$12.00 an hour, which is only \$24,960.00 per year. Could you imagine trying to pay an attorney \$275.00 an hour while making minimum wage?

Furthermore, could you imagine taking out a loan for \$17,000.00 and how long it would take to repay it while making minimum wage?

Second, APR 28 is currently too restrictive to provide the effective relief needed for lower income individuals. In fact, it appears that the citizens of Washington State are still unaware of the presence of LLLTs. I feel this is due to how restricted LLLTs are, thus translating into an inefficient service. I believe learning law is similar to learning a foreign language. I believe it is complicated, hard to understand, and takes considerable time to learn. I also believe not everyone possesses the capacity to understand law, legal concepts, or how the Court system operates. While the original APR 28 rules had good intentions, I think they have proved themselves to be unavailing. The current APR 28 rules restrict the LLLT to the point that their services are difficult to render and are not as effective. I recently came across a LLLT business's website that explained how they could empower you to "represent yourself like a pro". I cannot fathom how this would ever be possible or easily achievable. If an individual has no legal knowledge, then certainly it would take a bountiful number of hours to get that person to where they could "represent themselves like a pro." The amount of time and money it would take to educate an individual would defeat the purpose of a cheaper alternative to expensive family law legal fees. This theory places a huge burden on the individual to educate themselves to hopefully feel confident enough to represent themselves. I feel this business model is incorrect, the wrong approach, and ineffective. Moreover, it proves how restrictive the current APR 28s are. The amendments to APR 28 correct all of this by allowing LLLT's to negotiate on behalf of their clients, represent their client in court, represent their client in mediations, and attend depositions. All within the defined scope. It is my belief that by the time an individual in Washington State has become a licensed LLLT they have devoted themselves to learning law. First, the prospective LLLT must complete their AA or Advanced Paralegal Certificate from an America Bar Association Accredited Paralegal Program. (Or their bachelor's degree) Second, the prospective LLLT must become a registered paralegal by passing a national standardized paralegal exam. The exam consists of questions from criminal law, real estate law, wills estates and trusts law, family law, business law, contract law, torts, civil procedure, federal procedure, ethics, legal technology, legal research, and legal writing. Third, the prospective LLLT must take 3 quarters of family law through the University of Washington's School of Law LLLT Program. Fourth, the prospective LLLT must log 3000 hours of substantive legal work under an attorney's supervision. Finally, the prospective LLLT must pass the WSBA LLLT Practice Area Exam and WSBA Professional Responsibility

Exam. Therefore, this rigid requirement theatrically eliminates individuals who should not practice law, are not motivated, or competent of becoming a LLLT.

Third, pro-se representation congests the Courts. I have attended many family law motion hearings in both Skagit and Snohomish County. I have observed that hearings with a pro-se party take longer than hearings where both parties are represented. Moreover, the Courts usually continue the hearing because of an improperly filed document, missed deadline, or perplexity of the pro-se litigant. The Courts are usually empathetic toward pro-se litigants which unfortunately congests the Courts and creates a backlog of family law cases. LLLTs under the proposed APR 28 rules could help reduce the number of low income pro-se litigants. This would help the Court system run more efficiently and reduce the back log of cases. This is especially true where the LLLT could help the client navigate and attend a mediation. Not all cases are best resolved at trial. I believe LLLTs could provide their clients with representation during a mediation thus increasing the chance of settlement and avoiding trial. Moreover, allowing LLLTs to negotiate their client's position would allow a LLLT to negotiate with opposing counsel. I have seen cases avoid trial and even mediation by negotiations/settlement proposals simply sent back and forth between counsel. I believe LLLTs should be allowed to do this. Again, attempting to avoid mediation and trial is judicially efficient.

Finally, the children of Washington State will benefit from the amendments to APR 28. I would imagine there are many low-income individuals that cannot get divorced because they cannot afford it or cannot navigate the Court system. Moreover, pro-se litigants' cases typically take longer to resolve. This directly affects the children because parenting plans/support orders cannot be filed with the Court or the time it takes for a parenting plan/support order to be entered is delayed. Children of divorced parents need these parenting plans/support orders. Allowing the amendments to APR 28, is allowing more available representation for low income individuals. The more effective and efficient LLLTs that are out there, the more available affordable representation there will be.

In conclusion, Washington State needs an affordable and effective option for family law representation, APR 28 is currently too restrictive to provide the effective relief needed for lower income individuals, pro-se representation congests the Courts, and the children of Washington State would benefit from the amendments to APR 28 and LLLT RPCs. I am passionate and strongly believe in the idea of the LLLT. This is the reason I am on the career path to become one. Moreover, the amendments to APR 28 will provide the effectiveness a LLLT needs to be successful in resolving

cases. I feel Washington State would be taking a step in the right direction by allowing the amendments to APR 28 and LLLT RPCs. I strongly support the amendments to APR 28 and LLLT RPCs.

Very Truly,

A handwritten signature in black ink, appearing to read "Derek Ralph", with a stylized flourish at the end.

Derek Ralph, CRP®

DJR/DJR

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Tuesday, January 29, 2019 8:09 AM
To: Tracy, Mary
Subject: FW: Comments to APR 28
Attachments: comments to apr28.pdf

From: Derek Ralph [mailto:derekjralph@gmail.com]
Sent: Monday, January 28, 2019 8:19 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments to APR 28

Hello,

Please see attached letter in support of the amendments to APR 28(LLLT).

Thank you,

Derek Ralph, CRP

SENT BY EMAIL

Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929
supreme@courts.wa.gov

RECEIVED
FEB - 5 2019
Washington State
Supreme Court

January 31, 2019

Dear Chief Justice Fairhurst,

I am writing to offer comments on the proposed amendments to APR 28, the admission to practice rule that creates the LLLT in Washington State.

I have sought the help of a LLLT firm over the last year and been very glad I did. The help that was available to me at that price I could afford helped a lot. The level of care I received was also very welcome.

I am grateful the rules were changed in time for me to have benefitted.

I strongly encourage the Supreme Court to expedite the implementation of its proposed amendments to APR 28 for the benefit of the people like me.

Sincerely,

Donna E. Fisher

Donna Fisher
425-591-8108
donna.e.fisher@hotmail.com

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Thursday, January 31, 2019 8:05 AM
To: Tracy, Mary
Subject: FW: Proposed Amendments to APR 28

From: Langi, Eric [mailto:Eric.Langi@kingcounty.gov]
Sent: Thursday, January 31, 2019 4:57 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Amendments to APR 28

Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929
supreme@courts.wa.gov

January 30, 2019

To Whom It May Concern,

I am writing to offer comments on the proposed amendments to APR 28, the admission to practice rule that creates the LLLT in Washington State.

Having benefitted from the services of a LLLT firm in the last year myself, I applaud that Legal Technicians exist and enthusiastically encourage the expansion of the scope of LLLTs. I specifically encourage the idea that LLLTs could help people with negotiations, mediations, and the handling real property matters and pensions.

I encourage the Washington State Supreme Court to expedite the proposed amendments to APR 28 as soon as possible and to add as much authority as possible to the license for the benefit of the consuming public.

Sincerely,
Eric Langi
7450 S 116th Pl
Seattle, WA 98178
(206) 261-3304 _____

1/14/19

RECEIVED
JAN 22 2019

Washington State Supreme Court

Washington State
Supreme Court

Dear Justices:

I am working with Legal Technician Priscilla Selden on my divorce. I was referred to Priscilla by a local bankruptcy attorney. My spouse is also self-representing. It would be very helpful to me if Priscilla could communicate and negotiate with my spouse on my behalf. I know Priscilla can give me legal advice, but it would remove a lot of the stress and difficulty if she could deal directly with my spouse for me. I am hopeful I can finalize my divorce without hearings, but if not, I will have to go alone, as I can't afford an attorney to represent me. It would help me tremendously if I could have Priscilla attend any hearings with me.

Kern Bender

Kern Bender

January 30, 2019

Clerk of the Supreme Court
PO Box 40929
Olympia, WA 98504-0929

RE: June 2018 Proposed Rules Published for Comment
RPC 1.0B, 1.17, 4.3, 5.8, 8.1
APR 28 and APR 28 Appendix
LLLT RPCs

Dear Supreme Court Justices:

We, the undersigned, hereby submit this letter to support the proposed changes to the rules mentioned above (hereafter “LLLT rule changes”). We do so on behalf of the University of Washington School of Law, which has developed and taught the LLLT Family Law curriculum for the last five years, and on behalf of ourselves, two members of the Family Law advisory committee that spent 18 months developing these rule changes.

The Limited License Legal Technician program has been a grand and successful experiment in Washington State. Contrary to the fears that it would somehow topple the provision of family law services to clients, it has in fact provided more competent providers than the typical law school curriculum can provide, where students may take one or two courses in family law, but not nearly at the level of detail that a practitioner would need. The LLLT students take 3 courses solely on family law practice. Our students have been extremely engaged and somewhere between 35 and 40 are now licensed.

The issue that the LLLT rule changes seeks to address is to re-balance some of the initial trade-offs when the program was first created. In order to balance the authority given to LLLTs and the supervision by attorneys, the rules were initially drawn narrowly. We have learned over these five years that the rules are actually too narrow, that they do not allow for the LLLTs to develop a full breadth of the family law practice, and hence, will not lead to a sustainable business model. The LLLT rule changes will allow for expanded authority by the practitioners but still within very defined limits. They will, appropriately, allow for the LLLTs to handle the fullness of their clients’ matters.

As you may be aware, the Legislature this year passed and the Governor signed SB 5213, which will permit the court to order respondents to pay LLLTs fees in domestic violence cases. What is notable about this bill is that there was no negative testimony. That the bill sailed

through with no amendments and no controversy demonstrates how LLLTs have become integral and accepted in the family law practice field.

We have seen over these five years that the program is working, the training is working, and most importantly, the civil legal needs of the clients are getting met. The LLLT rule changes will make some well considered changes to the scope of practice. We encourage the Court to adopt these changes.

Please feel free to contact us if we can answer any questions or provide additional information.

Sincerely,



Professor Patricia Kuszler
Charles I. Stone Professor of Law



Terry J. Price
Director, LLLT Education

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, January 30, 2019 10:20 AM
To: Tracy, Mary
Subject: FW: Proposed APR 28 changes
Attachments: Kuszler Price letter re APR 28 Proposed Changes.pdf

More ☺

From: Terry J. Price [mailto:tprice@uw.edu]
Sent: Wednesday, January 30, 2019 10:17 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed APR 28 changes

Attached please find our letter regarding proposed APR 28 changes. Please let me know if you have difficulty with the attachment. Thanks! Terry Price

Terry J. Price, MSW, JD | 溥泰来
Pronouns: He/Him
Executive Director, Asian Law Center and Center for Law, Science and Global Health
University of Washington School of Law
William H. Gates Hall, Rm. 438
P.O. Box 353020
Seattle, WA 98195-3020
Direct: (206) 221-6030
Fax: (206) 543-5671
tprice@uw.edu www.law.washington.edu



Leaders for the Global Common Good™

SENT BY EMAIL

Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929
supreme@courts.wa.gov

January 31, 2019

To Whom It May Concern,

I am writing to offer comments on the proposed amendments to APR 28, the admission to practice rule that creates the LLLT in Washington State.

I applaud that Legal Technicians exist and enthusiastically encourage the expansion of the scope of LLLTs. I specifically encourage the idea that LLLTs could help people with negotiations, mediations, and the handling real property matters and pensions.

I encourage the Washington State Supreme Court to expedite the proposed amendments to APR 28 as soon as possible and to add as much authority as possible to the license for the benefit of the consuming public.

Sincerely,



Leonard Bruce Jolliff
206 N 41st ST, Unit 1
Yakima, WA
509-952-9923
Bjolliff@Hotmail.com

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Thursday, January 31, 2019 9:48 AM
To: Tracy, Mary
Subject: FW: enhancing the scope of LLLT"s
Attachments: enhancing the scope of LLLTs.docx

From: Bruce Jolliff [mailto:bjolliff@hotmail.com]
Sent: Thursday, January 31, 2019 9:44 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: enhancing the scope of LLLT"s

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, February 1, 2019 2:00 PM
To: Hinchcliffe, Shannon
Cc: Jennings, Cindy; Tracy, Mary
Subject: FW: Expand LLLT - Comments to LLLT RPC and APRs

Forwarding.

From: Lesli Ashley [mailto:leskash75@gmail.com]
Sent: Friday, February 1, 2019 1:59 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Expand LLLT - Comments to LLLT RPC and APRs

Please accept this email as a comments on the expansion of the access of justice to the public through the expansion of the license for the Limited License Legal Technician.

Access to justice is limited by how much money you have. It is difficult, if not impossible to navigate the legal system when you do not understand it. Attorney time is expensive and beyond the reach of most Washington residents. People miss opportunities to be with their children or receive or pay a fair amount of child support due to simply not understanding the process.

Washington's leadership in this arena is refreshing. Although, there are people who oppose these changes, their opposition is in large part based on the potential that they themselves will be without some amount of fees. This relates not to the public's needs but rather a selfish desire.

The opportunity for a grandparent involved in a third party custody action to get children into a safe environment should not be thwarted simply by a lack of funds to start the process.

I urge the court and the committee to think about all of the constituents and residents of the state of Washington – not just the vocal attorneys on the state bar. The areas of practice should be expanded for the LLLT so more persons are able to benefit from the services available.

There are vast portions of the state where there are no LLLT - people in these areas deserve help also.

Additionally from a business perspective, without more practice areas, this area of law is difficult to justify the added expenses.

Thank you.
Lesli Ashley
LLLT candidate - 2/2019

September 4, 2018

Clerk of the Supreme Court
PO Box 40929
Olympia, WA 98504-0929

RE: June 2018 Proposed Rules Published for Comment
RPC 1.0B, 1.17, 4.3, 5.8, 8.1
APR 28 and APR 28 Appendix
LLLT RPCs

Dear Supreme Court Justices:

I write to echo the letter from two of our faculty members that support adoption of the June 2018 proposed rules (RPC 1.0B, 1.17, 4.3, 5.8, 8.1; APR 28 and APR 28 Appendix LLLT RPCs). These rules clarify and slightly expand the scope of practice for Limited License Legal Technicians (LLLT).

The University of Washington School of Law has worked in cooperation with the Washington State Bar Association on the LLLT program since its inception. Several of our faculty members have been involved in the educational components of the program, from design of the curriculum through actual teaching of the material. We wholeheartedly support the aim of the LLLT program, which is to provide underserved populations better access to family law assistance.

Our experience with the program suggests that a number of areas were prescribed too narrowly to allow for both practicality and a viable practice arena. As detailed in the letter from our faculty members, the proposed changes will remedy and clarify the scope of practice, while maintaining the overall restricted scope of practice for LLLTs.

Although I am new to University of Washington School of Law, I am fully committed to the access to justice aims that are a hallmark of our law school's culture. The LLLT program is fully consistent with those aims. We fully support the proposed limited expansion to the LLLT scope of practice and urge the Court to adopt the proposed changes.

Thank you for your consideration,

Sincerely,



Mario L. Barnes
Toni Rembe Dean & Professor of Law

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, January 30, 2019 10:18 AM
To: Tracy, Mary
Subject: FW: June 2018 Proposed Rules Published for Comment/RPC 1.0B, 1.17, 4.3, 5.8, 8.1/APR 28 and APR 28 Appendix/LLLT RPCs
Attachments: LLT LTR 2018_Supreme Court Justices.pdf

These still go to you?

From: Dawn M. Bell [mailto:belld3@uw.edu]
Sent: Wednesday, January 30, 2019 10:17 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: RE: June 2018 Proposed Rules Published for Comment/RPC 1.0B, 1.17, 4.3, 5.8, 8.1/APR 28 and APR 28 Appendix/LLLT RPCs

Dear Clerk of the Washington Supreme,

I am re-sending you this letter on behalf of Dean Mario Barnes. Kindly let me know if you have any questions.

Best,
Dawn

Dawn Bell

Pronouns: She/Her

Assistant to the Dean

Washington Leadership Institute Coordinator

William H. Gates Hall |371

Box 353020 |Seattle, WA |98195

P: 206.543.2586 F: 206.616.5305

[Belld3@uw.edu](mailto:belld3@uw.edu)

W SCHOOL OF LAW
UNIVERSITY of WASHINGTON

Leaders for the Global Common Good™

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Thursday, December 20, 2018 2:31 PM
To: Hinchcliffe, Shannon
Cc: Jennings, Cindy; Tracy, Mary
Subject: FW: Please stop - LLLT rules expansion

Forwarding.

From: Matt Purcell [mailto:mp@purcellfamilylaw.com]
Sent: Thursday, December 20, 2018 2:26 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Please stop - LLLT rules expansion

Please, please stop with the LLLT expansion.

You have no basis or evidentiary support to keep this going and you are using the WSBA funds to support a program that is COSTING bar members hundreds of thousands of dollars without ANY evidence it has remotely supported the original intentions that pushed this program though.

Wisdom comes from those that are ACTUALLY practicing in this area. Please, please start listening.

**Notice: Our office will be closed from 12/24/2018-1/1/2019 for the Christmas Holiday.*

Truly,

MATHEW M. PURCELL

Attorney

PL PURCELL LAW
A FAMILY LAW OFFICE

7301 W. Deschutes Ave., Ste. E

Kennewick, WA 99336

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

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.

Confidentiality Note: This e-mail message (including any attachments) may contain information that is confidential, protected by applicable legal provisions, or constitute non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, distribution or reproduction of this message by unintended recipients is strictly prohibited. Thank you.

Washington State Supreme Court Justices
APR 28 Proposed Rule Change Comments

Dear Justices:


I am working with Limited License Legal Technician Priscilla Selden on my contested divorce. I cannot afford to hire an attorney, and so I have had to go into court alone to argue several hearings. Priscilla's drafting and preparation has helped me to succeed in my requests, but the process would be much more manageable and less frightening if Priscilla could attend the hearings with me.

I would also appreciate it if Priscilla could communicate and negotiate directly with my spouse, sparing me the conflict.

My spouse and I own a home together. It would be very helpful if Priscilla could provide me advice on the division and award of our home. I believe she is capable to do so, and it would save me expenses and time that I can devote instead to my children. I believe it would also help the Judge if we could present a realistic proposal for the award of the home.

Thank you.

Miguel Rodriguez



RECEIVED
JAN 29 2019
Washington State
Supreme Court

RECEIVED
FEB - 5 2019

Washington State
Supreme Court

Russell Brunelle
707 153rd St SW
Lynnwood, WA 98087

January 31, 2019

Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Dear Chief Justice Fairhurst:

I'm writing to urge the adoption of the proposed APR 28 amendments described in Order No. 25700-A-1249.

In addition to the compelling reasons already given in the GR 9 purpose statements for these amendments, I'd like to point out that insofar as the actions of a state's legislature is any guide to the desires of its electing public, our state's LLLT program enjoys broad public support: Senate Bill 5213, whose only effect was to expand the ability to award fees to LLLTs in certain domestic violence cases, was signed into law on March 15, 2018, after passing both houses of our legislature with 139 yes votes, and only 4 no votes.

Sincerely,

Russell Brunelle

Russell Brunelle
206-255-8154

RECEIVED
FEB - 5 2019

Washington State
Supreme Court

SENT BY EMAIL

Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929
supreme@courts.wa.gov

January 31, 2019

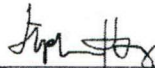
Dear Chief Justice Fairhurst,

I am writing to offer comments on the proposed amendments to APR 28, the admission to practice rule that creates the LLLT in Washington State.

I worked on and off with a LLLT I trust over the last year and dearly appreciate that her help was available to my family without the traditional costs of a lawyer.

I strongly encourage the Washington State Supreme Court to implement its proposed amendments to APR 28 as soon as possible.

Sincerely,



Stephanie Harvey
stephaniej.harvey@yahoo.com
Mukilteo, WA

SENT BY EMAIL

Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929
supreme@courts.wa.gov

RECEIVED
FEB - 5 2019
Washington State
Supreme Court

January 30, 2019

To Whom It May Concern,

I am writing to offer comments on the proposed amendments to APR 28, the admission to practice rule that creates the LLLT in Washington State.

Sitting here at my desk pondering how I can possibly articulate my story to give the court an idea of what it would mean for me and the countless citizens of the state who have had disastrous life altering experience(s) in the WA family court system is daunting. It is also virtually impossible to do so in a way that could possibly give any oratorical or textual meaning, limited in number, to sway the opinion of the court.

I and many others (citizens of the state) believe the courts hand was forced to rescinded their original November 2018 decision under extreme scrutiny and pressures from their peers and a powerful association, the American Bar Association, which the court are standing members.

I am a father who has been through the WA family courts and after the 2008 "crash" was forced to pro se for himself. Prior to 2008 in my case the mother of my children used every advantage in the legal system the state provides. If you think about it, the rules and laws of the court are made of legislators who are

members of the ABA and in mine and many others opinion have created a monopoly.

A monopoly that many have agreed is the sole reason of the rescission just days after the November 2018 change in APR 28 allowing LLLT's the abilities to provide more affordable representation and legal options.

Since 2010 I have had to represent myself in the family courts as a pro se to fight for my rights to be relevant in my children(s) life. My experiences have given me knowledge that %99.999 of individuals in many cases, are forced to represent themselves are not privy.

A few of the things I have learned is, a) 70% of family law attorneys are inept in the area of family law, and I am being very generous on the numbers.

Furthermore, these inept lawyers charge large amounts of monies for representation even though they themselves do not have the experience and or knowledge any normal legal professional should have in other parts/area of law.

Also, I have learned through the process anyone with a knack for the law, persistence, courage, and a willingness to learn can easily represent themselves in a family law courtroom without an attorney.

And finally, favorable outcomes can be reached without "winning" in the courtroom. Law schools across the world teach law students to "think outside the box." Strategy is just as an important ingredient as much as all the other skillset's combined. Is winning an argument more important as an outcome getting their client favorable results?


Moreover, "godlike" discretionary powers allow the courts to bypass state, county, and local laws as well as statutes. That has led to, in my opinion, the

family courts to be nothing more than a hybrid administrative authority rather than a court of laws and conclusion.

If the court would reconsider, and reverse its decision to rescind the ruling on APR 28 it would open the doors for professionals who can assist pro se's to effectively represent themselves in the courts, while also eliminating the majority of issues the court has when dealing with pro se's. It is the right thing to do for the citizens of this state and the morale thing to do as a parent, child, sibling, and human being.

It is time the court does right by us the **CITIZEN**'S of Washington State and NOT fall prey to political pressures and or the ABA affectionally known as the "good ol' boys club." *It's time the court's act for the best interest of the children and **both** parents.* And **NOT** special interests groups vying for a **piece** of the 50+ billion a year pie.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Holley", with a long horizontal flourish extending to the right.

Thomas Holley
3611 I street NE #137
Auburn, WA 98002
P: (253) 561-6226
E: annaandkatiesdad@yahoo.com
ECR#: 00-3-04018-4 KNT

Trust Account Committee Recommendation

Attorney RPC 1.15A(h)(9) currently reads “Only a lawyer admitted to practice law or an LLLT may be an authorized signatory on the account. If a lawyer is associated in a practice with one or more LLLT’s, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.”

Revised Version

(9) Only a lawyer or an LLLT admitted to practice law may be an authorized signatory on the account.

LLLT RPC 1.15(h)(9) currently reads “Only an LLLT or lawyer admitted to practice law may be an authorized signatory on the account. If an LLLT is associated in a practice with one more lawyers, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm”

Revised Version

(9) Only an LLLT or a lawyer admitted to practice law may be an authorized signatory on the account.