

Press and Outreach Update: May 8-9, 2023

Press
<ul style="list-style-type: none">• Colorado will license paraprofessionals to perform limited legal work (abajournal.com)• Colorado Judicial Branch - Media - Press Releases (state.co.us)• Colorado Rule re legal paraprofessional.pdf Powered by Box
Statistics
LLLT Statistics: <ul style="list-style-type: none">▪ Active LLLTs: 79▪ Inactive LLLTs: 7▪ Suspended LLLTs: 1▪ LLLTs currently in pipeline: 4
Meetings/Events
Upcoming Events: <ul style="list-style-type: none">▪ July 10, 2023, LLLT Board meeting via video conference▪ September 11, 2023, in-person LLLT Board meeting



WASHINGTON STATE
BAR ASSOCIATION
Office of the Executive Director

April 21, 2023

BY EMAIL ONLY

Hon. Steven González
Chief Justice
Washington Supreme Court

Hon. Charles W. Johnson
Associate Chief Justice
Washington Supreme Court

Hon. Mary I. Yu
Justice
Washington Supreme Court

RE: Per Order Number 25700-A-1495, proposed changes to APR 28

Dear Chief Justice González,

At the September 2022 Board of Governors Meeting, the Limited License Legal Technician (LLLT) Board presented proposed amendments to the Admission and Practice Rules (APR) 28 and sought support from the Board of Governors. The Board of Governors voted to recommend to the Court that it deny the proposed amendments.

Sincerely,



Terra Nevitt
Executive Director

CC: Daniel D. Clark, 2022-2023 WSBA President
Steve Crossland, LLLT Board Chair

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Order Number 25700-A-1495, proposed changes to APR 28
Date: Monday, April 24, 2023 2:53:08 PM
Attachments: [2023-04-21.BOG Response to Proposed Amendments APR28 by LLLT Board.pdf](#)
[image001.png](#)

From: Shelly Bynum <Shellyb@wsba.org>
Sent: Monday, April 24, 2023 2:36 PM
To: Gonzalez, Justice Steve <J_S.Gonzalez@courts.wa.gov>; Johnson, Justice Charles W. <Charles.Johnson@courts.wa.gov>; Yu, Justice Mary <Mary.Yu@courts.wa.gov>; Lipford, Ashley <Ashley.Lipford@courts.wa.gov>
Cc: Terra Nevitt <terran@wsba.org>; Dan Clark (danclarkbog@yahoo.com) <danclarkbog@yahoo.com>; steve@crosslandlaw.net
Subject: Order Number 25700-A-1495, proposed changes to APR 28

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Good afternoon,

Please see the attached letter regarding order number 25700-A-1495, proposed changes to APR 28.

Thank you,

Shelly



Shelly Bynum | Executive Administrator I

Washington State Bar Association | 206.239.2125 | shellyb@wsba.org
1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | www.wsba.org

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

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Comment on Proposed Changes to APR 28 from LAARK (Legal Advice and Referral for Kinship Care)
Date: Tuesday, April 25, 2023 2:50:55 PM
Attachments: [image002.png](#)

From: Celeste Miller <celestem@kcba.org>
Sent: Tuesday, April 25, 2023 2:46 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on Proposed Changes to APR 28 from LAARK (Legal Advice and Referral for Kinship Care)

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LAARK

Legal Advice And Referral for Kinship Care

April 25, 2023

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

With a copy to: supreme@courts.wa.gov

To the Clerk of the Supreme Court:

As attorneys who talk with kinship caregivers interested in filing for minor guardianship for children in their care, we are writing to voice our strong support for proposed rule changes to Admission and Practice Rule (APR) 28 that would allow Limited License Legal Technicians to provide legal services on minor guardianship cases. We do not believe that the minor guardianship cases LLLTs are allowed to work on should be limited to those arising out of familial relationships. We believe that the proposed language “agreed or default minor guardianships or guardianships arising out of a familial relationship” is confusing and could be interpreted as a limit to cases where the guardian is related to the child. We do not want this limitation, since there are proposed guardians who are family friends or fictive kin and they would be arbitrarily excluded from the LLLTs scope. We believe that the above language is intended to mean *agreed or default minor guardianships or **adult** guardianships arising out of a familial relationship*, based on the GR 9 Cover Sheet submitted by the LLLT Board where they stated,

“Effective January 1, 2021, the Washington state legislature repealed the nonparental custody statute for minors (RCW 26.10 *et seq.*) and replaced it with RCW 11.130.185 *et seq.* (Article 2), the Uniform Guardianship Act – minors. **Guardianships for incapacitated adult children arising out of a familial relationship** (emphasis added) are now covered by RCW 11.130 Article 3. To accommodate the change in law, the LLLT Board’s suggested amendments propose to strike the provisions in APR 28 Reg. 2B referencing “nonparental and third party custody” and replace those terms with provisions authorizing LLLTs to provide services under the new statute, RCW 11.130 *et seq.*, for “agreed and default minor guardianships or guardianships arising out of a familial relationship.”

If the LLLT Board did not intend to include adult guardianships of incapacitated adult children arising out of a familial relationship in the scope of LLLT work, we propose that the language solely state “agreed or default minor guardianships.”

The Legal Advice and Referral for Kinship (LAARK) program provides free legal advice to grandparents, aunts, uncles, and other relatives and family friends who step in to care for children when parents are unable to do so. In Washington, there are 43,000 children being raised by kin. [\[1\]](#)

LAARK is a new program funded by the Office of Civil Legal Aid and housed at the King County Bar Association. Since launching in October 2022, we have assisted nearly 90 kinship caregivers from across the state, with the number of referrals growing each week. In many cases, the children in need have never had contact with the child welfare system at all. And in some cases, Child Protective Services (CPS) has investigated the parents, identified serious safety concerns but because the children are living with kin, declined to open a case or file for dependency. Our clients are then faced with filing for minor guardianship on their own to protect the children, with orders for custody and decision-making.

The need for LLLTs to help caregivers petition for minor guardianship is urgent. Due to the eviction crisis, impacts of COVID and the law change from non-parental custody to minor guardianship, few volunteer lawyer programs help with these cases. Most family law lawyers are not taking these cases. Moreover, filing even an uncontested case is an arduous process: at least eight court forms are required to start a case and serving the parents is often challenging. The caregivers we speak to, often senior citizens who had no plans of ever raising children again, are overwhelmed by the paperwork burden.

Kinship caregivers are poorer than average and most cannot afford attorneys. Kinship caregivers report a median income between \$30,000-\$39,999, which is lower than Washington State’s 2018 median income of \$73,294. Kinship caregivers over 55 are more likely to have income below the \$30,000 to \$39,999 range than kinship caregivers overall. [\[2\]](#)

Petitioners for minor guardianship are also more likely to be people of color. According to the Census Bureau, Black/African Americans make up 4.4% of Washington’s population. Yet 30% of kinship caregivers in Washington are Black/African American. American Indian and Alaska Native people make up 1.9% of the state’s population, but 13% of the state’s kinship caregivers. These disparities due to systemic racism further support the need for LLLTs to accept Minor Guardianship cases.

LAARK is grateful to OCLA to be funded for two staff attorneys and one legal assistant, but the need for assistance is much greater. Allowing LLLTs to take these cases would help serve caregivers whose legal needs are not being met.

Sincerely,

Kerry Clayman
Staff Attorney, LAARK

Celeste Miller
Statewide Kinship Care Legal Aid Coordinator & LAARK Supervisor

Catherine West
Staff Attorney, LAARK

Footnote 1: Grandfamilies.org data from the United Census Bureau, the Annie E. Casey Foundation, and the Adoption and Foster Care Analysis Reporting System.

Footnote 2: Partners For Our Children, Washington State Department of Children, Youth and Families, & DSHS Aging and Long-Term Support Administration. (2020). Kinship Care in Washington State – 2020. Available at <https://www.dshs.wa.gov/altsa/home-and-community-services-kinship-care/kinship-care>

Celeste E. Miller (she/her)

Statewide Kinship Care Legal Aid Coordinator

KING COUNTY BAR

(206) 267-7100

Direct: (206) 267-7073

1200 5th Ave, Suite 700

Seattle, WA 98101

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[1] Grandfamilies.org data from the United Census Bureau, the Annie E. Casey Foundation, and the Adoption and Foster Care Analysis Reporting System.

[2] Partners For Our Children, Washington State Department of Children, Youth and Families, & DSHS Aging and Long-Term Support Administration. (2020). Kinship Care in Washington State – 2020. Available at <https://www.dshs.wa.gov/altsa/home-and-community-services-kinship-care/kinship-care>

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: SUPPORT for RULE CHANGE TO APR 28
Date: Monday, April 24, 2023 9:58:27 AM

From: Lesli Ashley <lesli@empowerfamilylawllt.com>
Sent: Monday, April 24, 2023 9:58 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: SUPPORT for RULE CHANGE TO APR 28

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I am writing to express my strong support for the proposed court rule change APR 28 that would allow LLLTs to assist with minor guardianship cases. As you are likely aware, when the legislature sunset the Nonparental Custody Statute and replaced with the guardianship statute, the knowledge gap grew substantially. The public need for affordable and accessible legal services in this area is significant, and there is a limited number of practitioners available to meet this demand. This is especially true in rural and economically depressed areas.

By allowing LLLTs to assist with minor guardianship cases, we can help bridge this gap and ensure that more people have access to the legal support they need. LLLTs are trained and qualified to provide legal services in specific areas of law, and their expertise can be particularly valuable in minor guardianship cases, where many individuals may be navigating complex legal issues for the first time.

Moreover, by reintroducing the role of LLLTs in minor guardianship cases, we can help reduce the burden on the court system and free up resources to address other pressing legal needs. This is particularly important given the current strain on our courts due to the COVID-19 pandemic.

Overall, I believe that the proposed court rule change to allow LLLTs to assist with minor guardianship is a sensible and necessary step that will benefit both the public and the legal system as a whole. I strongly urge you to support this change and work to ensure that it is implemented as quickly and effectively as possible.

Thank you for your time and attention.

Sincerely,

--

Lesli Ashley

Empower Family Law LLLT

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: In Support of Amendments to APR 28
Date: Thursday, April 6, 2023 8:17:06 AM

From: Miryam Gordon <miryam@lllt4familylaw.com>
Sent: Wednesday, April 5, 2023 5:03 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: In Support of Amendments to APR 28

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I write to support the entire slate of changes proposed by the LLLT Board, both the practice rules for the Board itself and the LT profession via changes to APR 28.

I hope the Court will accept all the suggested changes, since each one of them has been carefully crafted and thought about to make positive changes for the future.

Changes to LT Board Structure:

Changes to how the LLLT Board is composed and what it is tasked with seem fairly simple to agree to, and adjusting the Board activities into a future where, right now, there are not going to be any further LTs "created" through education, training or testing. I live in hope that in the not-too-distant future, there might be some kind of resurrection of the LT license or similar intermediate legal license so that access to justice isn't just a phrase that the Court proclaims, but there is a program and expansion of legal services that provide more access, as the LT program and license were meant to do and which we do actually practice.

Allowing LTs to practice in Minor Guardianship (Title 11.130)

Amending the practice rules regarding non-parental custody are extremely important. The set of statutes in Title 26 simply disappeared two years ago. But the need and the family desperations that cause children to be unstable and unsafe did not.

The new Title 11 minor guardianships offer an important support for emergency guardianship, for parents in physically damaging accidents, or the death of a parent, or abusive situations, or many other ways in which children must be kept safe and given stable care, most often within the same family structures (grandparents, aunts, uncles, etc.). At this moment, LTs run the risk of being considered "outside their license" and facing disciplinary actions if they help a client obtain an emergency guardianship, even if the client has no idea how to do that themselves, and even if the child/children is/are in grave distress.

Yet minor guardianships are essentially the same function of the "old" Title 26 statutes, just refined a bit more, and giving older children a lot more agency over their lives. The success of obtaining a minor guardianship also lessens the need for the State to step in in a dependency procedure, lessens the possible foster care placement, and increases the options for continued family care, in the larger family structure. This keeps the child(ren) close to all the family that they are used to having in their lives.

Further, in my role of Court Visitor/GAL for minor guardianships in King County, I have personal knowledge of just how few attorneys are taking on client petitioners in minor or any other guardianships, right now, since many attorneys have shied away from working within the new UGA rules (Title 11.130), which they see as complicated. It was most unfortunate that all of the case law developed from Title 26 NonParental Custody statutes was basically swept away.

This lack of legal services increases the probability of pro se petitioners who are in the midst of trying to take care of a children, sometimes completely without warning, while also trying to figure out extremely complicated guardianship statutes. This decreases the options family face to keep children safe and secure.

There are thousands of family members or friends of family who need help establishing a minor guardianship, and only handfuls of attorneys to help. This is an area that LTs could and should be allowed to serve in.

If LTs can provide services in this area of law (guardianships), it enhances safety for families across the state. The fact that LTs also charge less than attorneys means that they might help these families be served more easily than attorneys.

The UGA may eventually be amended in order to work more effectively. But from a services perspective, allowing LTs to do this work, now, increases families' access to help. LTs' scope already allowed this work under a different set of statutes.

The only small amendment I would like to request is to change the sentence: "ix. agreed or default minor guardianships or guardianships arising out of a familial relationship; and" by striking the words "arising out of a familial relationship" because I find them confusing and limiting in a way that could cause confusion among both LTs and potential clients as far as what the word "arising" means and it might limit a friend of the family's attempt to help a child even if the other family members agree. Allowing minor guardianships to be "in scope" just as non-parental custody actions were "in scope" would be a cleaner, easier-to-understand concept.

Thank you,

--

Miryam Gordon

Legal Technician, WSBA #157LLLT

12345 Lake City Way NE #200, Seattle WA 98125

(message phone) 425-298-3567

Limited License Legal Technicians (LLLTs) are licensed to advise and assist people going through divorce, child custody and other family-law matters in Washington. (see WSBA.org for more information)

The LLLT RPC Preamble says: A LLLT'S RESPONSIBILITIES

[1] A LLLT is authorized to provide limited legal services that lie within the scope of the practice that the LLLT is licensed to undertake. Within that scope, a LLLT is a member of the legal profession, is a representative of clients, and has a special responsibility for the quality of justice.

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WASHINGTON STATE
BAR ASSOCIATION
 Regulatory Services Department

FY 2023 LLLT Board Roster

Name	Position	Term Expiration
Stephen Crossland	Chair	Chair 10/01/2022-9/30/2023 1st term (full) Member 10/01/2022-09/30/2025
Nancy Ivarinen	Vice Chair	Vice Chair 10/01/2022-09/30/2023 1st term Member 10/01/2021-09/30/2022
Athanasios Papailiou	Member	1st term (full) 10/01/2021- 09/30/2024
Thomi Leigh Manker	Member	1st term (partial) 10/01/2021-09/30/2023
Nicole Searing	Member	1st term (full) 10/01/2021- 09/30/2024
Deanna George	Public	1st term (partial) 02/02/2021-09/30/2024
John Darling	Public	1st term (full) 10/01/2021- 09/30/2024
Sara Bové	Member	1st term (full) 10/01/2020- 09/30/2023
Jennifer Ortega	Member	2nd term (full) 10/01/2022-09/30/2025
Christy Carpenter	Member	2nd term (full) 10/01/2021- 09/30/2024
Jennifer Bull	Member	2nd term (full) 10/01/2020-09/30/2023
Crystal Lambert	Member	1st term (full) 10/01/2020-09/30/2023
Margaret Bridewell	Member	1st term (full) 10/01/2020-09/30/2023
Amy Riedel	Public	2nd term (full) 10/01/2021- 09/30/2024
Phyllis Lykken	Public	1st term (full) 10/01/2022- 09/30/2025

Name	Position	Term Expiration
Ex Officio		
Carolyn McKinnon	SBCTC Representative	
BOG Liaison		
Lauren Boyd		
Sunitha Anjivel		
ATJ Board Liaison		
Judge Fred Corbit		
WSBA Staff		
Cathy Biestek	Innovative Licensing Manager & Regulatory Counsel, Regulatory Services Department	



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