



Home / Daily News / The path forward for the legal technician...

ACCESS TO JUSTICE

The path forward for the legal technician model

BY MARY JUETTEN

POSTED MAY 11, 2018, 8:30 AM CDT

Like 6

Share

Tweet

Share

submit



On Easter Sunday, my husband woke me at 4 a.m. because his eyes were red and his vision clouded. Although it was painful, it was not an emergency-room situation, so we waited until the urgent care center opened. There, he was seen by a physician's assistant who was more than capable of diagnosing his condition and providing a remedy—all without a doctor present.

Yet, as I mentioned last time

Mary Juetten

(http://www.abajournal.com/news/article/legal_technicians_belong_in_court), the Utah Supreme Court Task Force to Examine Limited Legal Licensing states that much like how only doctors provide medical services, lawyers are the only ones who should provide legal advice. It's simply not the case now or the way of the future. The law must follow other professions and offer the clients a range of services or risk irrelevance.

Washington Limited License Legal Technician Laura Genoves received this comment on her practice management blog post (<https://nwsidebar.wsba.org/2018/04/03/wsba-practice-management-tools-and-member-discounts-evolve/>):

“I never understood the [Washington State Bar Association’s] dedication to creating an auxiliary profession which cuts into the business base of lawyers ... It seemed disloyal to me; my ‘union’ was undermining my ability to earn a living.”

Washington, like other states, does not have enough legal services for its citizens as 80 percent cannot access justice for a variety of reasons. What exactly is being protected?

Change needs to come from both within the law and from outside forces. And, as I mentioned in the first article

(http://www.abajournal.com/news/article/the_limited_license_legal_technician_story_start_with_why) in this series, paraprofessionals or legal technicians are only one solution to access to justice. However, if lawyers continue to block innovation in the form of LTs, the clients will find another way to solve their problems. As the Oregon State Bar Futures Task Force report (http://www.osbar.org/_docs/resources/taskforces/futures/futurestf_summary.pdf) stated: “Efforts to resist change will likely be unsuccessful. The appointment of this task force reflects the bar’s recognition that adhering to the status quo is not really a choice at all.”

Over the past almost nine months, I have enjoyed interviewing and researching this topic, but I have also been shocked by the number of vehement detractors. I believe that we have reached a tipping point because other states are imitating the Washington model. However, the lengthy process in each state will not allow for any acceleration in adoption of LTs. As discussed before, the LTs’ numbers in Washington are low, but it is still early. With some changes, the path to the LLLT could be easier and the numbers would increase.

Below are my recommendations both specific to Washington and overall. Without changes, we will continue to underserve the majority of the population in all states.

REDUCE LLLT SUPERVISED TRAINING HOURS

At the top of my list is a reduction in the supervised hours from 3,000 to something more reasonable such as 1,000. Even Utah’s proposal of 1,500 supervised hours is too high; part-time at 15 hours per week, that is still is two years.

Washington LLLT-in-training, Miryam Gordon, explains: “I think the 3,000 hour rule is onerous, arbitrary as a decided amount, and unjustified. I understand why those who developed the program probably put it in place, due to the pushback on the whole program by fearful attorneys, and some kind of perception that a lot of supervised hours would ensure professionalism and expertise. I’d much rather see 750 to 1,000 hours with all of them being particularly focused in the specialties that are being taught (whichever ones are chosen next to augment family law).”

“As of this writing, all 3,000 hours could be in probate or commercial law or any law. I actually perform work as a nonattorney guardian ad litem for Title 11 guardianships and have for the last 11 years. I stand in front of a judge and give a professional opinion and write legal reports to court, and do exactly the same work as an attorney-GAL does. But none of those hours and experience counts toward the accumulated LLLT hour requirement because I am not ‘supervised by an attorney’ for Title 11 work.”

CLIENTS FIRST

As I mentioned at the end of my last article

(http://www.abajournal.com/news/article/legal_technicians_belong_in_court), there was talk of changes to the LLLT board. Instead there was a meeting of the WSBA Board of Governors to discuss whether board will include two members of the “public” or nonlawyers such as LLLTs as full voting board members. The Washington Supreme Court had directed the board to include diverse legal professionals, or not just lawyers, but there is now a group to study whether these two members should be added. Adding in nonlawyers to the WSBA Board of Governors seems like a no-brainer to reflect the broader service providers in the state.

If we are to reach more clients, why are we spending time studying what seems like an obvious positive impact on the delivery of legal services? How can the county bars in Washington state reject the LTs as members and still claim that they are serving the public? Instead of focusing inward, let’s allow for members other than lawyers on the board. And further, let’s survey the LLLT clients for satisfaction levels and improvement ideas for the program.

CENTRALIZED CHANGE EFFORTS

The ABA Commission on the Future of Legal Services drafted a resolution

(https://www.americanbar.org/content/dam/aba/images/office_president/final_regulatory_objectives_resolution_november_2015.pdf) urging “each state’s highest court, and those of each territory and tribe, be guided by the ABA Model Regulatory Objectives” to help (1) assess the court’s existing regulatory framework and (2) identify and implement regulatory innovations related to legal services beyond the traditional regulation of the legal profession. However, at this rate, changes will take decades. Each state is re-inventing the others’ futures reports with slight tweaks based on reading about Washington, Oregon, and Utah, and most fall short of either providing help for people in court or creating meaningful alternatives to a full-priced lawyer. Perhaps a coalition or other national approach to this change would improve the timeline.

We lawyers must get over ourselves. There are more clients with legal needs than attorneys with affordable services and many more people who do not know that they need legal help. There is a huge potential market but only if we provide alternatives to the current offerings, and the LT model is worth examining to replicate in other states without years of study.

Mary E. Juetten, CA, CPA, JD is founder and CEO of Traklight (<http://www.traklight.com/>). **In 2015, Mary co-founded Evolve Law** (<http://evolve.lawnow.com/>), **an organization for change and technology adoption in the law. She was named to the ABA's Legal Technology Resource Center 2016 Women in Legal Tech list and the Fastcase 50 Class of 2016. She is the author of** (http://legalsolutions.thomsonreuters.com/law-products/Other/Small-Law-Firm-KPIs-How-to-Measure-Your-Way-to-Greater-Profits/p/103744978?trkcode=666584H51426_VAN&trktype=external&ts=true) **Small Law Firm KPIs: How to Measure Your Way to Greater Profits** (http://legalsolutions.thomsonreuters.com/law-products/Other/Small-Law-Firm-KPIs-How-to-Measure-Your-Way-to-Greater-Profits/p/103744978?trkcode=666584H51426_VAN&trktype=external&ts=true). **She is always looking for success stories where technology has been used to bridge the justice gap, from pro-bono through low-bono to non-traditional legal services delivery. Reach out to her on Twitter @maryjuetten** (<http://www.twitter.com/maryjuetten>).



Copyright 2018 American Bar Association. All rights reserved.