

LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD
AGENDA for October 8, 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.)
 - Introductions
 - Outreach Update
 - Approval of Meeting Minutes - **ACTION**
2. **Trust Account Committee Report** (Jeanne Dawes, Sarah Bove and Andrea Jarmon) (1:30 p.m.)
3. **Consumer, Money, and Debt Committee Report** (Nancy Ivarinen) (1:45 p.m.)
4. **Board Development Committee Report** (Steve Crossland) (2:00 p.m.)
5. **RPC and Family Law Enhancement Comments** (WSBA Staff) (2:15 p.m.)
6. **Courthouse Facilitator Discussion** (WSBA Staff) (2:30 p.m.)
7. **ELC & ELLTTC: Overview and Comparison** (Felice Congalton) (3:00 p.m.)

MEETING MATERIALS

1. Outreach Update
2. August 16, 2018 Draft Meeting Minutes
3. Consumer, Money, and Debt Comments
4. Signing Authority on Trust Accounts Issue Summary
5. Court Facilitators Issue Summary
6. Family Law Enhancements Comments sent to Supreme Court
7. LLLT RPC Comments sent to Supreme Court
8. Consumer, Money and Debt FAQs



LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD

UPDATE: October 2018

Outreach & Press
<p>Press:</p> <ul style="list-style-type: none">July 24, 2018: Limited License Legal Technician with guest host Patrick Palace (Episode #27 7/24/18)August 6, 2018: Utah Nears Licensing of Paralegals to Practice Law in Limited Circumstances <p>Recent Events:</p> <ul style="list-style-type: none">September 4, 2018: Q&A session at Spokane Community College for students. Attended by Jaimie Patneaude and Barbara Esselstrom, LLLT.September 24, 2018: LLLTs added to the WOIS.org database <p>Upcoming Events:</p> <ul style="list-style-type: none">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. WSBA table will be staffed by Renata Garcia, Jaimie Patneaude and LLLTs.October 27, 2018: NALS of Washington Fall Education Conference, Great Wolf Lodge. WSBA table will be staffed by Sara Niegowski and LLLTs.
Statistics & Other Events
<ul style="list-style-type: none">Number of current LLLTs: 384 LLLTs are inactive
Meetings
<p>Recent:</p> <ul style="list-style-type: none">September 18, 2018: Collection Agency Board Meeting attended by Jean McElroy, Renata Garcia, Sarah Bove, and Jennifer Ortega <p>Upcoming:</p> <ul style="list-style-type: none">November 19, 2018: LLLT Board MeetingNovember 19, 2018: New Practice Area, Consumer Money and Debt Workgroup Meeting



LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD
Meeting Minutes for August 16, 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 | <input type="checkbox"/> Genevieve Mann |
| <input checked="" type="checkbox"/> Greg Dallaire | <input checked="" 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 type="checkbox"/> Lynn Fleischbein | <input checked="" type="checkbox"/> Gail Hammer (remote) |

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

Renata Garcia (Innovative Licensing Programs Manager), Jean McElroy (RSD Associate Director), Jaimie Patneau (LLLT Lead), Doug Ende (Chief Disciplinary Counsel), Geoff Revelle (ATJ liaison), Dan Clark (BOG liaison, remote), Christy Carpenter (FY2019 Board Member), Catherine Brown (FY2019 Board Member), and Kim Kinchen (paralegal student, remote)

Call to Order / Preliminary Matters

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

- **Outreach Update**

Sarah Bove advised the Board of a class she is involved in preparing that will be held at the King County Law Library. This class will be recorded and shared with anyone interested and will cover LLLTs and unbundled legal services. Sarah's goal is to get this recording shared at other law libraries and local libraries.

Steve Crossland mentioned he is working on creating a group that will work with LLLTs and attorneys.



Brenda advised Seattle will be hosting the National Federation of Paralegal Association convention October 25th-28th. WSBA will have a booth at the convention and Steve and Paula Littlewood will be speaking at the convention.

The Board generally discussed making connections with community colleges in other states and Steve discussed the steps for redoubling efforts in this area.

Amy discussed how Whatcom Community College has created a certification of completion for the paralegal courses, and this change allows someone with a Bachelor's degree to take these courses and receive financial aid.

- Approval of Meeting Minutes

The May 10, 2018 meeting minutes were approved.

- Approval of Board Meeting Schedule

The Board approved the meeting schedule for FY19. The Board discussed the agreement made at the Board retreat to adjust the meeting day to every second Monday. The Board changed the November meeting from November 12th to November 19th.

License fee increase for LLLTs

Steve discussed a letter he has drafted to the Supreme Court regarding the increased license fee for LLLTs. This letter will also discuss the LLLT/LPO seat on the Board of Governors that has not been filled.

Staff Report

- LLLT exam was held on July 23rd
- Applications are being accepted for the family law curriculum at the University of Washington
 - Discussion of other outreach options to spread the word to people who qualify for the limited-time waiver

Trust Account Report

Members of this committee need to connect on trust account issue. Steve asked the committee to make a recommendation to the Board at the next board meeting.

New Practice Area Discussion

The Board requested that staff create a chart detailing all substantive comments received related to Consumer, Money and Debt along with a FAQ page on the website we can direct



people to. The Board determined that the people who provided substantive comments should be invited to the next New Practice Area committee meeting to assist with this process.

The family law enhancements comment period was also discussed. Members were advised to encourage contacts to provide comments to the Supreme Court.

Board Development Committee Report

Steve discussed the ATJ meeting and support. He asked Geoff Revelle for clarification on how to respond to the ATJ Board. Geoff suggested gathering more statistics and providing information on what is changing and if there are a significant amount of people interesting in becoming licensed. Geoff explained they are not opposed but would like to see more documentation before a new practice area is requested.

Steve described the committee determining a workgroup is a group of Board Members and public members working together on a specific topic. Committees are considered the long standing groups (exam committee, education committee, etc.) who meet consistently and are comprised of only Board Members. Steve also discussed how the committee determined the best way to set chairs for each committee would be to have an executive committee assign chair positions.

Coordinated Discipline Presentation from Jean McElroy, Doug Ende, and Paula Littlewood

Executive Session

The Board went into executive session to answer staff questions related to applicant qualifications for enrollment in the Family Law classes at the University of Washington.

Adjournment

The meeting adjourned at 4:00 p.m.



NANCY HAWKINS
ATTORNEY AT LAW

6814 GREENWOOD AVE. N.
SEATTLE WA 98103
(206) 781-2570
FAX (206) 781-7014

July 16, 2018

Cindy Phillips
Judicial Administrative Assistant to
Chief Justice Mary E. Fairhurst
Washington State Supreme Court

Re: LLLT Expansion Proposal

Dear Ms. Phillips:

Please provide this letter to the Justices of the Washington Supreme Court for their consideration.

At the time that I started to be active in the Family Law section and started attending meetings of the WSBA Board of Governors, the Family Law section's opposition to the LLLT program was well-known. Detailed comments had been submitted by individuals and the section executive committee for several years. Nonetheless, I approached the subject with an open mind. I write today as an individual member and not as a representative of the Family Law Section. It is a continuing concern that issues are raised without adequate time for Section Executive Committee's to discuss and formulate detailed responses. This letter has not been reviewed nor approved by the Family Law section; I speak only for myself.

I comment today against the proposed expansion of the LLLT program into debt issues or any other subject area. The presently considered expansion seems truly ill-advised. As another attorney stated in a listserve email recently "the fact that many lawyers don't know how to do this stuff and/or do it badly is not an argument that other people who don't have a law school education should be taught it so they can represent people." Another said with regard to the LLLT program, "the cost was incredibly high for the number of people who are licensed, and I can't believe that anyone would want to replicate that result with other disciplines...FDCPA stuff is so insanely complicated that very few lawyers really understand it...."

While there are consumer and/or debt issues that the low income public struggles with, the LLLT program that is being considered is clearly headed for failure. The LLLT Board itself said that "it was unclear whether or not legal assistance would materially address the consumer law problems ... and whether that assistance could be provided through some method other than direct representation exclusively by a lawyer." The LLLT Board also reported that significant advice already exists through the Northwest Justice Project site washingtonlawhelp.org. Yet the recommendation continued to be pushed forward.

The LLLT Board recommendation is that LLLTs be able to assist with RCW 10.82 Motions re Interest in LFOs. These apply to convicts trying to integrate into society. I didn't see that the LLLT Board provided any number of the people seeking help in this matter. There is a recommendation that LLLTs help with small claims court matters. There are numerous websites and materials available to help pro se parties with these small claims. Certainly paying a LLLT is not a likely priority when a person is trying to get someone to pay them \$500 that is owed. The recommendation is that LLLTs can help with debt collection not involving collection agencies. In fact, in this day and age, most collection actions involve collection agencies. There is a recommendation that LLLTs help with garnishments. Very few consumers initiate garnishment actions and there are limits on reimbursable "legal" fees. There are rarely court hearings. Packets of forms and instructions are generally available in every county and are also part of the legal forms available through the Administrator of the Courts. The recommendation regarding identity theft is also ill-advised. This information is available through the Attorney General's office at no cost. The recommendation regarding loan modifications is also somewhat laughable. These programs are very complicated and there are attorneys that specialize in it. These loan modifications are rarely granted and adding LLLTs to the mix will not improve that. LLLTs are not needed with regard to protection orders since each county is required to have people at the courthouse to help provide forms. It is not explained how they would help get no contact orders in criminal cases; this is routinely done by prosecutors at initial criminal hearings. LLLTs cannot provide meaningful help in bankruptcy issues since federal laws govern the debt counseling that consumers must obtain. The program is simply designed for failure; hundreds of thousands of dollars will be spent and any LLLT eventually trained will have few clients, if any, able to pay his/her fees.

The LLLT program is not being forthright with the WSBA membership and, perhaps, the Washington Supreme Court. The program seems to be exploring expansion into numerous fields and, is now doing so without any meaningful oversight. I have reviewed the LLLT Board meeting minutes, as much as are available. This can be difficult since I have sometimes had to prompt staff to get the minutes online. Of course, I do not know if the LLLT board is not providing their minutes to the staff on a timely basis. Most recently, the LLLT Board cancelled its April and June 2018 meetings so no minutes are available. The May 2018 draft minutes are not available either. See attached email of July 9, 2018 from Renata Garcia.

The minutes of the New Practice Area sub-committee which explores subject expansion used to be on-line. That is no longer the case. In fact, I was informed this morning that I would have to submit a public records request to get them. See the attached email of July 16, 2018 from Margaret Shane.

My review of LLLT board minutes and the New Practice Area Committee have been

revealing and startling, particularly with regard to a previously planned expansion into immigration law. The April 2018 minutes state that the LLLT program is expanding into immigration law and that they had already contacted Governor Inslee to get his support for legislation to try and “preempt” the federal law to allow local LLLTs to practice in the immigration field. This action by the LLLT program seems to have been done without the permission of the Washington Supreme Court or the WSBA Board of Governors. This attempted expansion is ill-advised and should not be encouraged or permitted. The Washington State Immigration Services page on the Attorney General website calls immigration law “one of the most complicated areas in the legal field.” ... [and] specialized training” is required...[and] the lawyer/expert must be “authorized under federal law to provide immigration services.” While it seems that this attempted expansion has been dropped, the LLLT board seemed to have acted improperly by going to the Washington State Governor without the support of the BOG or the Supreme Court.

I also ask the Washington Supreme Court to demand some answers from the LLLT board. Such answers should be in writing and made available to WSBA members. How many LLLTs are presently in practice and whom are they representing? What are they charging? While their fees may not be controlled under anti-trust considerations, the fees can certainly be used to determine whether this program is meeting the needs of low-income people. What is the goal of the LLLT program?

I am concerned that the LLLT program seems to be operating without true and objective oversight or administration. The meeting with the Governor’s office involving the Executive Director, Paula Littlewood, is a prime example. It is troubling that this action was not disclosed in her monthly activity reports. She apparently had two BOG members with her but this action was not reported in their monthly activity reports provided to the BOG and the membership. The Executive Director report of January 12, 2018 makes no mention of LLLT issues at all. Steve Crossland’s report to the Board of Governors of January 4, 2018 discusses proposed expansion of the LLLT Family Law work and needed amendments to APR 28 and RPCs but no mention of immigration or consumer debt expansion.

How was it acceptable for these people to go to the Governor to lobby for changes in the law? Sections are not allowed to make any public statements without approval of the WSBA yet a meeting was apparently conducted with the Governor of this state without any such prior approval. Making public statements on the LLLT program and potential expansion without any report of the meeting to the BOG means that the BOG and the membership is being denied information that it should have.

I have another concern about the LLLT program and its administration. The program is marketed enthusiastically by Paula Littlewood and Steve Crossland. It is an open secret that they are involved in a personal relationship. This is a delicate issue that seems to be ignored. I do not easily raise this issue; it should be personal and private. But, it cannot be ignored in this circumstance. I do not see how the program can be administered by the WSBA appropriately under those circumstances. Paula and Steve travel to various other states and countries together “wearing WSBA hats” to talk up the LLLT program concept. I am concerned about the direct and indirect costs of their joint travel to various locales, including Hawaii and Canada. I am concerned about the appearance to the membership. It would certainly seem that the WSBA and the WSC are leaving themselves open to public criticism.

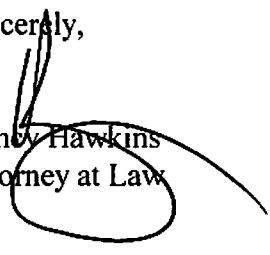
The lack of independent and objective analysis and administration by Littlewood is also clear if the WSBA website is reviewed. The website lauds the LLLT program as a way to practice law without going to law school. It is excited and enthusiastic about the program. Contrast this with the website with regard to lawyers. There is no reference to the long and distinguished role of lawyers in civil rights, or in helping people access the justice system. There is instead a dry description of the costs and burdens of becoming an attorney (fees, testing, etc.) The legal directory now lists LLLTs and lawyers in the same directory. Not only are the lines being blurred, the preference for LLLTs by the Executive Director is obvious.

It also seems that the LLLT program is described by Crossland and Littlewood in their various travels as a “success.” This seems to be an inaccurate description of the program. After years of funding, the program continues to operate at a substantial loss and has very few people working in the field. There is no proof that the program is truly meeting the needs of low-income people and, in fact, the anecdotal information conveyed at meetings is that LLLTs are charging significant rates for their work, generally comparable to attorneys. The Washington Supreme Court should require that Crossland and Littlewood provide transcripts of any speeches and copies of any written materials that either has provided with regard to the LLLT program. Their representations must be accurate and complete so that the reputation of this state bar association and the Washington Supreme Court is not harmed.

Washington Supreme Court
LLLT Expansion Program
July 16, 2018
Page 5

I think it is time for the Washington Supreme Court to take another good hard look at the LLLT program and its purpose and structure. It is time for a plan for reasonable administration. It is also time for the Washington Supreme Court to demand that the WSBA administration enthusiastically support and applaud the work of lawyers.

Sincerely,



Nancy Hawkins
Attorney at Law

cc. LLLT Board

Nancy Hawkins

From: Margaret Shane <Margarets@wsba.org>
Sent: Monday, July 16, 2018 11:10 AM
To: Nancy Hawkins
Subject: RE: LLLT New Practice Area Committee minutes

Hi Nancy –

Since minutes for LLLT committee and work group meetings are not posted on the website, it has been determined that the information you are looking for needs to be obtained through a Public Records Request. To request Bar records, please send your request to WSBA's public records officer at PublicRecords@wsba.org. Under Washington General Rule 12.4(e)(1), requests must be made in writing to WSBA's public records officer, and may not be made to other Bar staff.

Best,
Margaret



Margaret Shane | Executive Assistant

Washington State Bar Association | 206.727.8244 | fax 206-727.8316 | margarets@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 karar@wsba.org.

From: Nancy Hawkins [<mailto:nhawkins@seanet.com>]
Sent: Friday, July 13, 2018 2:10 PM
To: Margaret Shane
Subject: LLLT New Practice Area Committee minutes

These used to be on the website. Are they somewhere else now?

Nancy Hawkins
Attorney at Law
6814 Greenwood Avenue North
Seattle, WA 98103
(206) 781-2570
Fax: (206) 781-7014
nhawkins@seanet.com

CONFIDENTIALITY NOTICE: This e-mail transmission contains information from the Law Office of Nancy Hawkins, which may be confidential and/or legally privileged. This information is intended only for use by the individual or entity named. If you are not the intended recipient, you are hereby notified that any disclosure, copying, forwarding and/or distribution of or taking action in reliance on this information is hereby prohibited. If you have received this e-mail in error, please notify me immediately by reply and delete all occurrences of this record. Thank You.

Nancy Hawkins

From: Renata Garcia <renatag@wsba.org>
Sent: Monday, July 09, 2018 2:55 PM
To: Margaret Shane; Nancy Hawkins
Subject: RE: LLLT Board minutes

Hi Nancy –

The LLLT Board April meeting was cancelled. The June meeting was also cancelled which means that the May meeting minutes have not yet been approved.

The meeting materials are posted on the website. Here is one way to access them:

1. <https://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/LLLT-board>
2. Click on WSBA Event Calendar

Meeting Materials

NB: Starting October 2017 meeting materials are linked to the meeting event item in the [WSBA Event Calendar](#). This static list was not be updated.

January 2017
February 2017
March 2017

3. Select Limited License Legal Technician Board

HOME | EVENTS CALENDAR



Updated: June 8, 2018

Filter Event

Today • • 27 July 2018							Day	Week	Agenda
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday			

4. Select the month and click on the event
5. Click on the link under "Agenda"

Add to:

- Outlook
- iCal
- Google Calendar

The Limited License Legal Technician (LLLT) Board

Agenda:

LLLT Board Meeting Materials - March 2018

Let me know if you have any other questions.

Thank you,
Renata



Renata de Carvalho Garcia | Innovative Licensing Programs Manager

Washington State Bar Association | 206.733.5912 | renatag@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 barbarao@wsba.org.

From: Margaret Shane

Sent: Friday, July 06, 2018 1:49 PM

To: Nancy Hawkins

Cc: Renata Garcia

Subject: RE: LLLT Board minutes

Hi Nancy –

Renata Garcia is the person to contact for LLLT matters, but she is out of the office today. I have copied her on this email so she can contact you when she returns to the office next week.

Please let me know if you need anything further at this time.

Best,

Margaret



Margaret Shane | Executive Assistant

Washington State Bar Association | 206.727.8244 | fax 206-727.8316 | margarets@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 karar@wsba.org.

From: Nancy Hawkins [<mailto:nhawkins@seanet.com>]

Sent: Friday, July 06, 2018 10:32 AM

To: Margaret Shane

Subject: RE: LLLT Board minutes

I also don't see any board meeting materials for the past year or so on the website.

Nancy

Nancy Hawkins

Attorney at Law

6814 Greenwood Avenue North

Seattle, WA 98103

(206) 781-2570

Fax: (206) 781-7014

nhawkins@seanet.com

CONFIDENTIALITY NOTICE: This e-mail transmission contains information from the Law Office of Nancy Hawkins, which may be confidential and/or legally privileged. This information is intended only for use by the individual or entity named. If you are not the intended recipient, you are hereby notified that any disclosure, copying, forwarding and/or distribution of or taking action in reliance on this information is hereby prohibited. If you have received this e-mail in error, please notify me immediately by reply and delete all occurrences of this record. Thank You.

From: Nancy Hawkins [<mailto:nhawkins@seanet.com>]
Sent: Friday, July 06, 2018 10:30 AM
To: 'Margaret Shane'
Subject: LLLT Board minutes

Do you have minutes for their April, May and June board meetings?
Nancy

Nancy Hawkins
Attorney at Law
6814 Greenwood Avenue North
Seattle, WA 98103
(206) 781-2570
Fax: (206) 781-7014
nhawkins@seanet.com

CONFIDENTIALITY NOTICE: This e-mail transmission contains information from the Law Office of Nancy Hawkins, which may be confidential and/or legally privileged. This information is intended only for use by the individual or entity named. If you are not the intended recipient, you are hereby notified that any disclosure, copying, forwarding and/or distribution of or taking action in reliance on this information is hereby prohibited. If you have received this e-mail in error, please notify me immediately by reply and delete all occurrences of this record. Thank You.

NANCY HAWKINS
ATTORNEY AT LAW

6814 GREENWOOD AVE. N.
SEATTLE WA 98103
(206) 781-2570
FAX (206) 781-7014

September 14, 2018

Cindy Phillips
Judicial Administrative Assistant to
Chief Justice Mary E. Fairhurst
Washington State Supreme Court

Re: LLLT Expansion Proposal

Dear Ms. Phillips:

Please provide this letter to the Justices of the Washington Supreme Court for their consideration.

I am a 36 year member of the Washington State Bar Association. I am a proud family law attorney. I practice law in Seattle, Washington, and am a sole practitioner. Almost all of my practice is family law.

I graduated from the University of Puget Sound Law School in 1981 and was admitted to the Washington State Bar in 1982. I am also admitted to practice in the Federal courts in the State of Washington. In addition to being a member of the family law sections of the Washington State Bar Association and the King County Bar Association, I am a former chair of the King County Bar Association's Family Law Section's Legislative Committee and a former chair of the King County Bar Association's Family Law Section. I have spoken at numerous continuing legal education seminars on the subject of family law. I am a chapter author for the Washington State Bar Association's Family Law Deskbook. I have received awards for my work from the Greater Seattle Business Association as well as the King County Bar Association Access to Justice Award, and the WSBA Family Law Section Attorney of the Year award for 2017. I coordinate a neighborhood family law clinic in King County and have performed hundreds of hours of pro bono work.

Over the past two years, I have studied the LLLT situation and I write today after learning more disturbing information about the program. I urge the Washington Supreme Court to reject any expansion of the program in Consumer, Money and Debt Law, reject any expansion of the Family Law Program and, instead, examine this entire program in detail and determine its future.

Program training.

The training provided to prospective LLLTs is clearly inadequate since, according to information provided at the July WSBA Board of Governors meeting, more than 50% of the

persons taking the test fail. No information was given as to the results of those who passed. It would be appropriate to know how many barely pass, solidly pass or sail through with flying colors. It appears that the training is not being improved but, instead, the qualifications of the trainers is being reduced down. There is no indication that the LLLT Board is concerned in any way about the low passage rate and the apparent inadequacy of the training provided to date.

With such a poor passage rate, it is inconceivable to me that it would be appropriate that there would be an increase in the curriculum/program in the areas of family law to be taught. As has been demonstrated by prior submissions from the Family Law Section, family law is an extremely complex area covering a broad gamut of legal issues. Adding subjects is far more likely to further reduce the passage rate. This seems grossly ill-advised at this time.

There has been no objective determination that the LLLT program is a success in family law. After years of efforts and hundreds of thousands of dollars, there are a minimal number of independently practicing LLLTs. There has been no determination of the number of low income people actually helped by the program. In fact, it seems that most of the LLLTs work as paralegals just as they were doing prior to any certification or licensing at a LLLT. With the poor passage rate and the lack of success of the LLLT program with regard to family law, it seems further ill-advised to add any new subject area or any expansion of the existing subject area. Without objective analysis and determination of the flaws in the curriculum design, teaching methods and training overall in the family law program, the flaws are likely to be repeated in a new or expanded subject area. Expansion into a new subject area is premature, at best.

The choice of Consumer, Money and Debt Law for expansion is particularly ill-advised.

Expansion into Consumer, Money and Debt Law.

I comment again against the proposed expansion of the LLLT program into debt issues or any other subject area. The presently considered expansion seems truly inappropriate. As another attorney stated in a list serve email recently "the fact that many lawyers don't know how to do this stuff and/or do it badly is not an argument that other people who don't have a law school education should be taught it so they can represent people." Another said with regard to the LLLT program, "the cost was incredibly high for the number of people who are licensed, and I can't believe that anyone would want to replicate that result with other disciplines...FDCPA stuff is so insanely complicated that very few lawyers really understand it...."

While there are certainly consumer and/or debt issues that the low income public struggles with, the LLLT program that is being considered is clearly knowingly headed for failure. The LLLT Board itself said that "it was unclear whether or not legal assistance would materially address the consumer law problems ... and whether that assistance could be provided through some method other than direct representation exclusively by a lawyer." The LLLT Board also reported that significant advice already exists through the Northwest Justice Project site washingtonlawhelp.org. Yet the expansion recommendation continued to be pushed

forward.

The LLLT Board recommendation is that LLLTs be able to assist with RCW 10.82 Motions re Interest in LFOs. These motions apply to convicts trying to integrate into society. I didn't see that the LLLT Board provided any number of the people actually seeking help in this matter. In my 36 years of practice, including work with convicted criminals, no one has ever sought help with this kind of matter. I wouldn't think that this is a population with the funds to hire a LLLT.

There is a recommendation that LLLTs help with small claims court matters. There are numerous websites and materials available to help pro se parties with these small claims. Certainly paying a LLLT is not a likely priority when a person is trying to get someone to pay them \$500.

The LLLT Board recommendation is that LLLTs can help with debt collection not involving collection agencies. In fact, in this day and age, most collection actions involve collection agencies. If they don't initially, they surely will shortly.

There is a recommendation that LLLTs help with garnishments. Very few consumers initiate garnishment actions and there are limits on reimbursable "legal" fees. Packets of forms and instructions are generally available in every county and are also part of the legal forms available through the Administrator of the Courts.

The recommendation regarding identity theft is also ill-advised. This information is available through the Attorney General's office at no cost.

The recommendation regarding loan modifications is also somewhat laughable. These programs are very complicated and there are attorneys that specialize in it. These loan modifications are rarely granted and adding LLLTs to the mix will not improve that.

LLLTs are not needed with regard to protection orders since each county is required to have people at the courthouse to help provide forms. It is not explained how LLLTs would help get no contact orders in criminal cases; this is routinely done by prosecutors at initial criminal hearings.

LLLTs cannot provide meaningful help in bankruptcy issues since federal laws govern the debt counseling that consumers must obtain.

This proposed expansion of the LLLT program is simply designed for failure. If it is approved by the Washington Supreme Court, hundreds of thousands of dollars will be spent by the WSBA and any LLLT eventually trained and licenses will have few clients, if any, able to pay his/her fees.

LLLT family law program costs.

The Washington Supreme Court mandated the existing LLLT program and required the Washington State Bar Association to pay its costs. But, the Court also anticipated that the program would be self-sufficient in a reasonable period of time. In fact, the Court required that it do so in its Order: "[t]he Court is confident that the WSBA and the Practice of Law Board, in consultation with this Court, will be able to develop a fee-based system that ensures that the licensing and ongoing regulation of limited license legal technicians will be cost-neutral to the WSBA and its membership." June 15, 2012 Order by the Washington Supreme Court, page 11. Despite the Court's good intentions, this confidence has not been borne out.

At this point, it is six years since that order by the Court. Not only is the program not self-sufficient, it is operating at a greater loss year after year. In 2017, the program sustained a loss of \$189,508.00. It was budgeted to lose \$262,022 in 2018. The draft budget for 2019 projects a loss of \$240,000 but this figure is misleading in that it does not reflect the total cost of the program. It is my understanding that many of the costs for the program are now included in other portions of the WSBA budget so this \$240,000 appears to be artificially lowered. See page 48 of the materials for the July 2018 BOG meeting, attached hereto. I am making a request for the data necessary to determine the cost of those other line items not included in the \$240,000 (see the footnote to that same page 48). It is concerning to note that the LLLT Board claimed that its expenses, direct and indirect, for 2018 were \$17,000 and \$92,636 (see page 433 of the materials for the July 2018 BOG meeting, attached hereto.) These significant costs seem to be in addition to the \$240,000. Additional data for those expenses has also been requested.

Time for a limit.

The lawyers of Washington State pay a significant sum in license fees. Many object to the amount of fees. Many sought to hold a referendum on the amount of fees but were not allowed to do so when the Court issued an order that the fee increase that had been imposed was "reasonable." Unhappiness with the fee increase and the inability to register an opinion with the referendum still resonates with many. This is made more concerning to many when the fees paid are used to pay for unpopular and unsuccessful programs such as the LLLT program. The BOG seems to feel that they are powerless to control costs in this program since the Court has mandated the program. But, the Court did not mandate a program that would be funded at the present extent by the lawyers of the WSBA or that the program would operate at such a loss. At this point, it seems this annual substantial financial loss seems to be permanent. This concern is not abated by the July 2018 fee development. As the Court likely knows, at its July 2018 meeting, the Board of Governors recommended that the LLLT license fees be increased to that of lawyers. That increase, even if approved by the Washington Supreme Court, would not make the present program self-sufficient. There would need to be over 500 LLLTs to even come close to paying for the program for one year. There is no realistic expectation that this will ever happen, let alone happen before another \$2,000,000-\$3,000,000 in WSBA losses occur.

The LLLT program simply shows no promise whatsoever that it will EVER be self-sufficient. Its budgeted costs are approximately 35% higher for 2019 than for 2018. This cannot be sustained for even another year or two without hurting other more successful WSBA programs, a further increase in fees or staff reductions. Yet the LLLT Board and the Executive Director do not seem to be concerned about this in any way.

In the June 15, 2012 order which established the program, it was clear that the program was not necessarily permanent but that it would be "a sound opportunity to determine whether and, if so, to what degree the involvement of effectively trained, licensed and regulated non-attorneys may help expand access to necessary legal help in what that serve the justice system and protect the public. June 15, 2012 Order by the Washington Supreme Court, page 11-12. That objective analysis has never been done.

Time for a program assessment.

The LLLT program was designed to meeting the needs of low income Washingtonians. The program has provided no substantive analysis demonstrating that this goal has been met. The hourly rate charged by LLLTs is, quite simply, beyond the ability of low income people. The rates are also beyond the ability of almost all moderate income people.

After over five years of work, there are only 38 active LLLTs. I have reviewed the information available via the internet and/or the WSBA website. Most work in law firms and it is reasonable to assume that their work is little changed from that of an employed paralegal. It is likely that each of those LLLTs are being billed out at a significant rate. My review concludes that about half or less of the LLLTs are independently employed.

The needed type of assessment of the LLLT program must be done objectively. It is not reasonable to expect the Executive Director or staff under her control to conduct this objective analysis since, in fact, they have not done so. In the past several years, there have been no flags raised over the low number of active LLLTs given the funds spent and the hours of work, no flags raised over the increasing cost of the program, no flags raised over the dismal passage rate, etc. If the LLLT Board or the Executive Director have not done so by now, and given the conflict of interest posed by the personal relationship between the LLLT Board President and the WSBA Executive Director, the Court must provide a mechanism for this kind of objective analysis. Frankly, I believe that the available information should be sufficient to determine that the program is an utter failure already without any further analysis.

Lack of transparency.

I am also concerned about the large gaps in transparency about this program. The April, June, July and September 2018 LLLT Board meetings were cancelled. Without minutes from meetings, it is not possible to review the work of that Board during that time. The meetings of

the sub-committee that considers new subject areas used to be announced on the WSBA website with minutes available for review but are not any longer. My request for the minutes of the sub-committee working on new subject areas was denied. I was told I needed to make a public records request. This lack of transparency is quite troubling, particularly given the funds being expended and the demonstrably poor decision-making by the Board and the Sub-Committee from my perspective (and that of many others).

My review of the materials for the August LLLT Board meeting were troubling. The Board supposedly was given all of the comments about the program expansion but, upon review, my own prior comments were not included in the material provided. I don't know how many comments from others were withheld from the Board. The Board also commented about a letter favorable to the expansion and suggested that the author be invited to a meeting to elaborate. There seems to be little concern that the majority of responses were negative to the expansion idea.

It was also disturbing to see that the LLLT Board seems to be planning on offering scholarships to LLLTs. With a program operating hundreds of thousands of dollars in the red, even consideration of a program scholarship is inappropriate.

My review of the available LLLT board minutes and the New Practice Area Committee raise more concerns, particularly with regard to a previously planned expansion into immigration law. The April 2018 minutes state that the LLLT program is expanding into immigration law and that they had already contacted Governor Inslee to get his support for legislation to try and, in effect, "preempt" the federal law to allow local LLLTs to practice in the immigration field. This action by the LLLT program seems to have been done without the permission of the Washington Supreme Court or the WSBA Board of Governors. That attempted expansion was also ill-advised and should not be encouraged or permitted. The Washington State Immigration Services page on the Attorney General website calls immigration law "one of the most complicated areas in the legal field." ... [and] specialized training" is required...[and] the lawyer/expert must be "authorized under federal law to provide immigration services." While it seems that this attempted expansion is not presently being pursued, the LLLT board seemed to have acted improperly by going to the Washington State Governor without the support of the BOG or the Supreme Court.

The Washington Supreme Court should demand some answers from the LLLT board and the Executive Director. Such answers should be in writing and made available to WSBA members. How many LLLTs are presently in practice and whom are they representing? What are they charging? While their fees may not be controlled under anti-trust considerations, the fees can certainly be analyzed to determine whether this program is meeting the needs of low-income or moderate means people. After all, this was the intent of the LLLT program. It is odd that the Executive Director and the LLLT Board are quick to say that they cannot/will not look at the fees charged by LLLTs while allowing LLLTs to advertise that they charge one-third of that

of a lawyer. How do they make that assertion without a factual basis for it?

I am concerned that the LLLT program seems to be operating without true and objective oversight or administration. The meeting with the Governor's office involving the Executive Director, Paula Littlewood, is a prime example. It is troubling that this action was not disclosed in her monthly activity reports. She apparently had two BOG members with her but this action was not reported in their monthly activity reports either. The Executive Director report of January 12, 2018 makes no mention of LLLT issues at all. Steve Crossland's report to the Board of Governors of January 4, 2018 discusses proposed expansion of the LLLT Family Law work and needed amendments to APR 28 and RPCs but no mention of immigration or consumer debt expansion.

How was it acceptable for these people to go to the Governor to lobby for changes in the law? Sections are supposedly not allowed to make any public statements without approval of the WSBA yet a meeting was apparently conducted with the Governor of this state without any such prior approval. Making public statements on the LLLT program and potential expansion without any advance consideration of the BOG or a subsequent report of the meeting to the BOG means that the BOG and the membership is being denied information that it should have.

Promotion of the program as a success.

I am particularly concerned about the promotion of the LLLT program to other states as a success. This program has 35 people working in the field, only some of which work independently. The others work in law firms and it seems that their work is that of a normal paralegal.

This program has cost the WSBA over \$1,000,000 since its inception. It operates at a considerable loss and that loss is increasing each year. This is not a success. The program should not be "sold" to other states as a success. Doing so will only serve to lower our standing with those states when they, too, suffer such losses and failures. It is distressing that our funds are being spent by Paula Underwood and Steve Crossland to visit various other states and countries "wearing WSBA hats" to talk up the LLLT program concept. I am concerned about the direct and indirect costs of their joint travel to various locales, including Hawaii and Canada. While I have been told that their "travel costs" are not paid by the WSBA, I do not know the status of their other costs. But, even if the costs are out of the picture, I am concerned about the appearance to the membership of this joint travel. It would certainly seem that the WSBA and the Washington Supreme Court are leaving themselves open to public criticism.

WSBA approach to LLLT program.

The present Executive Director's unbalanced and unobjective support for the LLLT program compared with her tepid or non-existent support for actual lawyers is disturbingly clear

Washington Supreme Court
LLLT Expansion Program
September 14, 2018
Page 8

when the new website is examined. I am proud to be a lawyer. From my childhood spent reading and watching Perry Mason and other legal shows, I have always wanted to be a lawyer. This was solidified as I became an active feminist starting at age 16 or so and has continuing for the last 46 years. I followed and studied a civil rights movement that included landmark legal cases regarding education, public facilities, marriage (interracial and gay), sexuality, privacy and many others. None of that glorious history is reflected in the WSBA website, not even a reference to Thurgood Marshall, Ruth Bader Ginsburg or, even, our own William O. Douglas. Not a mention of any landmark cases which have resulted in improved lives for millions of Americans. In fact, the website page which describes becoming a lawyer is a dry recitation of the costs and burdens of being a lawyer.


By contrast, the website pages which describe becoming a LLLT is enthusiastic and glowing and makes broad promises about a career as a LLLT.

Conclusion.

I think it is time for the Washington Supreme Court to take another good hard look at the LLLT program and its purpose and structure. If it is to continue, it is time for reasonable and unbiased administration. It is also time for the Washington Supreme Court to demand that the WSBA administration enthusiastically support and applaud the work of lawyers.

If the Court agrees with my concerns, it is likely time to end this failed program. The 35 people that are presently licensed would likely just continue as well-paid paralegals.

Sincerely,


Nancy Hawkins, a proud lawyer.

cc. LLLT Board (with enclosures)

Washington State Bar Association
Budget Comparison Report
For the Period from October 1, 2018 to September 30, 2019

LIMITED LICENSE LEGAL TECHNICIAN	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
LLLT BOARD	17,000.00	17,000.00	-	0%
LLLT OUTREACH	8,000.00	8,000.00	-	
STAFF TRAVEL/PARKING	600.00	600.00	-	0%
TOTAL DIRECT EXPENSES:	<u>25,600.00</u>	<u>25,600.00</u>	<u>-</u>	<u>0%</u>
INDIRECT EXPENSES:				
FTE	1.70	1.55	(0.15)	-9%
SALARY EXPENSE	142,602.00	135,526.00	(7,076.00)	-5%
BENEFIT EXPENSE	49,304.00	41,592.00	(7,712.00)	-16%
OVERHEAD	42,495.00	38,095.00	(4,400.00)	-10%
TOTAL INDIRECT EXPENSES:	<u>234,401.00</u>	<u>215,213.00</u>	<u>(19,188.00)</u>	<u>-8%</u>
TOTAL ALL EXPENSES:	<u>260,001.00</u>	<u>240,813.00</u>	<u>(19,188.00)</u>	<u>-7%</u>
NET INCOME (LOSS):	<u>(260,001.00)</u>	<u>(240,813.00)</u>	<u>19,188.00</u>	

The Limited License Legal Technician (LLLT) license type (APR 28), was created by the Supreme Court and delegated to WSBA in 2012. In the past, this cost center was used to track all revenues and expenses associated with the "LLLT Program". LLLTs are now WSBA members, and consistent with the WSBA Bylaws and the Washington Supreme Court Admission and Practice Rules, the administration and regulation of these member license types has been consolidated within existing work groups and cost centers that already perform these functions for lawyers, including Admissions, License and Membership Records, and MCLE (although it continues to be possible to determine these costs separately by member type if needed). For FY19, this cost center is used primarily to track staffing and expenses related to the LLLT Board, which by court rule oversees the license.

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Limited License Legal Technician (LLLT) Board Chair: Steve Crossland Staff Liaison: Renata Garcia BOG Liaison: Dan Clark	Size of Committee: 15 Number of FY19 Applicants: 6 FY18 direct expenses: \$17,000 FY18 indirect expenses: \$92,636
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 12:2:0 (0 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 3 (0 did not answer) • Number of members self-identified as having a disability: 2 (0 did not answer) • Number of members self-identified as LGBT: 2 (0 did not answer) 	
Background & Purpose: The Limited License Legal Technician (LLLT) Board derives its authority from the Washington Supreme Court under Rule 28 of the Admission to Practice Rules (APR), adopted effective September 1, 2012. By order of the Court, the WSBA is to administer and fund the LLLT Board and the program. APR 28 authorizes persons who meet certain educational and licensing requirements to advise clients on specific areas of law. The only currently approved practice area is domestic relations. The Supreme Court established the LLLT Board to oversee the LLLT license.	
Strategy to Fulfill Purpose: From 2013-2016, the LLLT Board concentrated on creating the operational details for the LLLT license; the LLLT Board is now focusing on the promotion, expansion, and development of the license.	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none"> 1) In February 2018, the LLLT Board submitted suggested amendments to APR 28, the LLLT RPC and the RPC for lawyers for consideration by the Washington Supreme Court. These amendments would enhance the scope of the current family law practice area. The Court recently published the suggested amendments for comment. Comments are due by no later than September 14, 2018. 2) The LLLT Board is currently circulating a new proposed practice area, Consumer, Money, and Debt, for comment before taking further action, i.e., developing curriculum requirements, seeking approval by the Court, etc. The LLLT Board hopes to engage as many subject matter experts as possible in the development of this and any future proposed practice areas. 	

- 3) The LLLT Board recently approved the University of Washington Continuum College Paralegal Studies Program to teach the LLLT core curriculum.
- 4) The LLLT Board has been engaging in discussions to explore ways in which LLLT students may qualify for financial aid.

2018-2019 Goals:

- 1) The LLLT Board will continue to consider and recommend new practice areas for approval by Supreme Court.
- 2) If the family law enhancements are approved by the Court, the LLLT Board will develop the required training for currently licensed LLLTs.
- 3) The LLLT Board also plans to expand the accessibility of the LLLT core curriculum across the state by continuing to approve core class programs at additional community colleges.
- 4) The LLLT Board will continue to engage in outreach efforts, including working with the WSBA communication team to expand outreach to a diverse pool of LLLT candidates, including college and high school students.
- 5) The LLLT Board also plans to advance its efforts to provide access to financial aid for students in the LLLT practice area classes.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The LLLT Board seeks members from different backgrounds and experiences who work together to foster a positive work environment in concert with WSBA's commitment to diversity and inclusion.
- 2) The LLLT Board will schedule training with WSBA's Inclusion and Equity Specialist.
- 3) The LLLT Board seeks input from all WSBA members as well as the legal community in general when making important decisions such as developing a new practice area.
- 4) APR 28 has been amended at the request of the LLLT Board to allow LLLTs and LPOs as well as attorneys with judicial and emeritus pro bono status to serve as Board members.
- 5) The core curriculum educational approval process reflects the LLLT Board's commitment to diversity in that it requires any institution offering the core curriculum to have diversity, inclusion, and equal access policies and practices in place. The LLLT Board also sought to increase diversity within the LLLT profession by extending the limited time waiver (see APR 28 Regulation 4) to 2023 in order to allow a group of candidates qualified by work experience rather than by education to enroll in the practice area classes. The ongoing effort to provide a pathway to financial aid for the practice area classes also aims to provide more opportunities to join the LLLT profession to prospective applicants from diverse socio-economic backgrounds.
- 6) N/A

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community?
- 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients?
- 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior?
- 4) Other?

- 1) The LLLT Board has set up rules of professional conduct and a disciplinary system for LLLTs, as well as requiring LLLTs to carry malpractice insurance and conform to the same rules as lawyers regarding IOLTA accounts.
- 2) The LLLT Board has worked to promote LLLTs in the legal community and educate all legal professionals about the permitted scope and models for LLLT practice, as well as highlighting the ways in which collaboration with LLLTs can contribute to the efficiency and accessibility of any legal practice.
- 3) N/A
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) All WSBA members are invited to provide comments on rules and new practice area suggestions and development, including new and young lawyers.
- 2) N/A
- 3) N/A

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



2001 N. Columbia Center Blvd.
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.

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.

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

1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | www.wsba.org

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.



MEMBERS

Francis Adewale
Judge Laura T. Bradley
Hon. Frederick P. Corbit
Lynn Greiner
Hon. David S. Keenan
Lindy Laurence
Michelle Lucas
Salvador A. Mungia
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 black ink, reading "Geoffrey S. Revelle". The signature is written in a cursive, flowing style.

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
Assistant City Attorney
City of Bremerton
345 6th Street, Suite 100
Bremerton, Washington 98337
(360) 473-2336
kylie.purves@ci.bremerton.wa.us

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

This e-mail message and its attachments may contain confidential attorney work product and be subject to the attorney-client communication privilege. It is intended solely for the use of the individual named above. If you are not the intended recipient, or the person responsible to deliver it to the intended recipient, you are hereby advised that any dissemination, distribution or copying of this communication is prohibited. If you have received this e-mail in error, please immediately notify the sender by reply e-mail and delete and/or destroy the original and all copies of the e-mail message.

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
Washington Debt Law, PLLC
2611 NE 113th St Suite 300A
Seattle, WA 98125
Phone: (206) 535-2559
Fax: (206) 374-2749
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

Arrow Law Group, PLLC | 12826 SE 40th Ln, Ste A11 · Bellevue, WA 98006 | Ph. [\(425\) 531-7946](tel:4255317946)

Clients can now schedule an appointment online [by clicking here](#).

Link: [Business Card](#)

NOTICE OF CONFIDENTIALITY: This e-mail and its attachments, if any, are for the exclusive and confidential use of the intended recipient. If you are not the intended recipient, please do not read, distribute or take action in reliance upon this e-mail. If you have received this email in error, please notify the sender immediately by reply e-mail and delete this e-mail and any attachments from your computer system. The transmission of this message does not constitute the waiver of attorney-client or work product privilege. Arrow Law Group is also a debt relief agency helping people file for bankruptcy relief under the bankruptcy code.

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 epart 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

CONFIDENTIALITY NOTICE: The information and documents in this electronic mailing contains confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity stated herein. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify VICKI LEE ANNE

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 LLT 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



Virus-free. www.avg.com

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

DUNKIN, HAGOPIAN PC
ATTORNEYS
330 King St., Suite 6
Wenatchee, WA 98801
509-888-0750 - ph
509-888-0751 - fax

The information contained in this message is intended only for the addressee or addressee's authorized agent. The message and enclosures may contain information that is privileged, confidential, or otherwise exempt from disclosure. If the reader of this message is not the intended recipient or recipient's authorized agent, then you are notified that any dissemination, distribution or copying of this message is prohibited. If you have received this message in error, please notify the sender by telephone and return the original and any copies of the message by mail to the sender at the address noted above.

'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
222 Grand Ave. Suite A
Bellingham WA 98225
Telephone 360.685.4221
Fax 360.734.4222

NOTICE: Confidentiality Warning: This e-mail is for the sole use of the intended recipient(s) and contains information belonging to Lustick Kaiman & Madrone PLLC, which is confidential and/or legally privileged. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this e-mail information is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender by reply e-mail and destroy all copies of the original message.

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: [Irwin Law Firm](#)
To: [Limited License Legal Technician](#)
Subject: General comment on LLLT
Date: Thursday, June 21, 2018 9:38:21 AM

My general feedback on LLLT's is that LLLTs are a band-aid on the cancer of the current legal practice/service delivery model. There is a huge need that lawyers are not addressing because they are busy making money, in part because it costs so much to become and stay a lawyer. LLLT's have been developed in part so that "real" lawyers don't ever have to become affordable, yet under the best of conditions poor/moderate income people assisted by an LLLT will not be represented or assisted as well, or as holistically. Whereas at least to some degree a little less qualified help is better than nothing, it can also be problematic because their knowledge base is not as broad. Furthermore, it only postpones the ultimate outcome – LLLT practice areas will/must continue to expand to cover all legal areas (or it will not address the disparities we see). IMO, the WSBA should stop bifurcating the problem and start figuring out alternate models that make becoming and staying a full-fledged attorney affordable and accessible. I imagine the biggest push back against it are those attorneys that charge good money just for being well-dressed and breathing, and forgive me for saying that paradigm needs to die. As officers of the courts there should be better regulation of not only our conduct but gender and other equity in terms of fees. If these things happened, we wouldn't need an LLLT program.

Thanks for your attention.

C. Olivia Irwin, J.D.

Irwin Law Firm, Inc.
358 E. Birch Ave., Ste. 202
Colville, WA 99114
(509) 684-9250
FAX: (509) 684-9252

[illegible]

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
Olympia, WA 98502

Kinickinic50@gmail.com
360-701-5257

NOTICE: This electronic communication and any attachments may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately and permanently delete the message and any attachments without copying, transmitting, or disclosing the contents. Thank you.

I HANDLE GUARDIAN AD LITEM CASES AND MEDIATIONS, BUT I HAVE RETIRED FROM THE PRIVATE PRACTICE OF LAW, MEANING I NO LONGER ACCEPT PRIVATE CLIENTS. I DO MEDIATIONS IN CASES IN WHICH BOTH PARTIES ARE REPRESENTED BY COUNSEL.

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
SPALMER@CURTISLAW-PLLC.COM
PH: (425)409-2745
FAX: (425) 645-7878
CURTISLAW-PLLC.COM



CURTIS, CASTEEL & PALMER
3400 188TH ST SW, SUITE 565
LYNNWOOD, WA 98037

CONFIDENTIALITY: This email and attachments are solely for the use of the named addressees, and may contain information that is PRIVILEGED, CONFIDENTIAL and/or ATTORNEY WORK PRODUCT. If you have received this email in error, any dissemination is prohibited; please delete it, destroy all copies and promptly notify the sender. Thank you.

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

O: (970) 945-6546 | D: (970) 928-3473 | www.balcombgreen.com
P.O. Box 790 | 818 Colorado Ave | Glenwood Springs, CO 81602

B+G-HOR-Logo-3C-grey



This message may contain or attach confidential or privileged information. Any disclosure, use or retention of this message and/or any attachments is unauthorized. If you have received this email in error and are not the intended recipient of this message, do not read this email and inform the sender of the transmittal error. If you are a client, please do not forward this message. No privilege waiver is implied.

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
Pendleton, OR 97801
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



Seattle Tower
1218 Third Avenue
Suite 1000
Seattle, WA 98101
Office: (206) 684-9339
Cell: (206) 999-8677
Fax: (206) 260-3685
www.kirkdavislaw.com

CONFIDENTIALITY STATEMENT

This message contains information that is protected by the attorney-client or work product privilege. If this message was sent to you in error, any use, disclosure or distribution of its contents is prohibited. If you receive this message in error, please contact me at the e-mail address listed above and delete this message without printing, copying, or forwarding it. Thank you.

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

Attorney at Law
The Law Office of Chris Van Vechten
253-666-8987
www.soundlawyering.com
705 S 9th St #206,
Tacoma, WA, 98405-4622

This e-mail may be protected by the Attorney-client privilege or Attorney work product doctrine. If you are not the intended recipient of this e-mail please reply to sender indicating that you received it inadvertently and please immediately delete this e-mail.

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
Managing Attorney
Law Office of Donna Person Smith, PLLC
3708 14th Street Place Southwest
Puyallup, Washington 98373
(253) 840-0288- office
(253) 465-5929-fax

CONFIDENTIALITY NOTICE

This transmission may contain information which is privileged, confidential, and protected by the attorney-client or attorney work product privileges. If you are not the addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this transmission in error, please destroy it and notify me immediately by email or at 253-840-0288

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.

LLTs 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 LLTs 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](#)



STATEMENT OF CONFIDENTIALITY: The information in this electronic mail (e-mail) message is legally privileged and confidential information and intended only for the use of the addressee listed in this message. If the reader of this e-mail is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately erase this message.

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.



Anita Redline, Attorney at Law
A Professional Limited Liability Company
Waterfront Park Building
Edmonds Law Center
144 Railroad Avenue, Suite 308
Edmonds, WA 98020
Mailing Address: PO Box 772, Edmonds, WA 98020
(425) 879-4628 (Phone)
(425) 771-7919 (Fax)
Anita@RedlineLaw.net

Notice: Unless you have previously signed an engagement agreement with this firm and the firm has accepted you as a client, then no exchange of information by virtue of emails or other communications will create an attorney-client relationship, including a duty of confidentiality between sender and/or recipient.

Confidentiality Notice: This communication and any document(s) accompanying it contains confidential information

belonging to the sender which is protected by attorney-client privilege and other privileges pertaining to the documents. If you are not the intended recipient, you are hereby notified that disclosure, copying, distributing, or taking any action whatsoever with regard to the contents of this communication is strictly prohibited.

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 the 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

LAW OFFICES OF JENNIFER R. SMITH, P.S.
[1800 Cooper Point Road, S.W.](#), Bldg. 12
[Olympia, Washington 98502](#)

[\(360\) 339-7488](#) Tel.

[\(877\) 669-8509](#) Fax

jennifersmith@thurstonmasonlaw.com

Confidentiality Notice: This message is being sent by or on behalf of an attorney. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

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

Law Office of Osgood S. Lovekin
705 Second Avenue, Suite 1050
Seattle, WA 98104
Phone: 206-447-1560
Fax: 206-447-1523

IMPORTANT NOTICE: This communication, including any attachment, contains information that may be confidential or privileged, and is intended solely for the entity or individual to whom it is addressed. If you are not the intended recipient, you should delete this message and are hereby notified that any disclosure, copying, or distribution of this message is strictly prohibited. Nothing in this email, including any attachment, is intended to be a legally binding signature.

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

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

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 [LLLTT 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



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: [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
Phone (360) 378-6234
Fax (360) 378-6244
www.sanjuanlaw.com

This email is sent by a law office and contains information that may be privileged and confidential, or protected by the work product doctrine. If you believe that it has been sent to you in error, do not read it. Please notify the sender that you have received the message in error, and then delete it. To comply with IRS rules, we must tell you that if this message contains advice relating to federal taxes, that advice was not intended to be used, and cannot be used, for avoiding penalties that may be imposed under federal tax law.



Virus-free. www.avg.com

WAGNER LAW OFFICES P.C.
385 COURT STREET, SUITE 4
POST OFFICE BOX 3019
FRIDAY HARBOR, WASHINGTON 98250
WWW.SANJUANLAW.COM • TELEPHONE (360) 378-6234 • FAX (360) 378-6244

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
Partner, Attorney at Law
Lauber Dancey PLLC
2817 Wetmore Ave, Suite B
Everett, WA 98201
Phone (425) 312-7956
Fax (866) 497-7028
alauber@lauberdancey.com
www.lauberdancey.com
www.startfreshnw.com

CONFIDENTIALITY NOTICE: This email and any attachments may contain confidential or attorney-client protected information that may not be further distributed by any means without permission of the sender. If you are not the intended recipient, you are hereby notified that you are not permitted to read its content and that any disclosure, copying, printing, distribution or use of any of the information is prohibited. If you have received this email in error, please immediately notify the sender by return e-mail and delete the message and its attachments without saving in any manner.

Under IRS regulations, we must inform you that any U.S. tax advice contained in the body of this e-mail was not intended or written to be used, and cannot be used, by the recipient for the purpose of avoiding penalties that may be imposed under federal tax law. By regulation, a taxpayer cannot rely on professional advice to avoid federal tax penalties unless that advice is reflected in a comprehensive tax opinion that conforms to strict requirements.

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](#)



One Union Square Building
600 University Street, Suite 2100
Seattle, Washington 98101

T 206 676 7584

F 206 676 7575

<http://www.gth-law.com>

NOTICE: The information contained in this e-mail communication is confidential and may be protected by the attorney/client or work product privileges. If you are not the intended recipient or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Also, please indicate to the sender that you have received this email in error and delete the copy you received. Thank you.

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

This e-mail contains confidential, privileged information intended only for the addressee. Do not read, copy, or disseminate it unless you are the addressee. If you are not the addressee, please permanently delete it without printing and call me immediately at [\(425\) 941-6887](tel:425-941-6887).

Kerry C. Lawrence
Pillar Law PLLC
1420 Fifth Avenue, Suite 3369
Seattle, WA 98101
Phone: 425-941-6887
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 [LLLTT 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

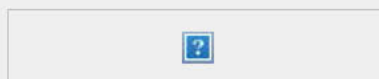
Local: 206-443-9722



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

REDACTED

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.

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

Washington State Bar Association

Name withheld upon request

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: [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

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.



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. *McCollough 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 license 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:

- Providing feedback on the initial draft and subsequent versions,
- Attending the [LLLTT 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



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: [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/lllt-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

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

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

[532 NE 3rd #101](#)

[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

CONFIDENTIALITY NOTICE: The information and documents in this electronic mailing contains confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity stated herein. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify VICKI LEE ANNE PARKER by telephone at 360-491-2757 to arrange for disposition of the original documents.

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></p> <p>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></p> <p>Assistance preparing the Notice of Small Claim, Certificate of Service, Response to Small Claim, Small Claims Orders, Small Claims Judgment, and counterclaims</p> <p>Preparation for mediation and trial</p> <p>Obtaining and organizing exhibits</p>

Student Loans	<p>Proposed Permitted Actions:</p> <p>Negotiation of debt or payment plans</p> <p>Modifications, loan forgiveness and debt relief</p> <p>Discharge</p>
Debt Collection Defense and Assistance	<p>Proposed Permitted Actions:</p> <p>Negotiation of debt</p> <p>Assistance filling out Complaints, Answers and Counterclaims</p> <p>Affirmative Defenses including Statute of Limitations defenses</p> <p>Reporting Fair Debt Collection Act violations, including statute of limitations and state collection agency statute violations</p> <p>Reporting to Regulatory Agencies</p> <p>Proposed Limitations:</p> <p>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:</p> <p>Negotiation</p> <p>Voluntary Wage Assignments</p> <p>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)</p> <p>Exemption Claims, including assistance at court hearings</p> <p>Proposed Limitations:</p> <p>LLTs can assist only with debts valued at less than the jurisdictional limits set by the District Court (usually \$100,000)</p> <p>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.</p> <p>No prejudgment attachments</p> <p>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) Proposed Limitations: LLTs 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 Proposed Limitations: LLTs would be prohibited from assisting with non-judicial foreclosures if the LLT 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 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.

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: Completed

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:*****
811 1st Ave. Suite 340

Seattle, WA 98104

Phone (206)290-5148 Fax (206)260-9010

damianmendezlaw.com

dmendezlaw.com

Jaimie Patneaude

From: Jonathan Baner <jonathan@banerbaner.com>
Sent: Tuesday, August 14, 2018 2:20 PM
To: Limited License Legal Technician
Subject: Expanded practice area LLT for consumer/debt law

Follow Up Flag: Follow up
Flag Status: Completed

I note that there is an ongoing discussion.

About me:

I represent hundreds of consumer debtors at a firm I am of-counsel with. Mostly we look for errors from creditor counsel and try to settle the debts. Lots of client counseling. On the other side of it I represent individual and corporate creditors in collection matters including post-judgment enforcement. Routinely other attorneys hire me to assist in judgment enforcement.

My concern about LLT for or against collection is the FDCPA, FCRA, Bankruptcy, and state collection law all interact in not at all clear ways. Many an LLT can find themselves subject to FDCPA as collectors. That's some training that LLT should need.

As far as state collection go in the form of garnishment: it isn't complicated. I don't know that attorneys are charging high rates for doing them as it isn't really complicated and the statute provides for award of \$300 in attorney fees (thus I think most of us just charge \$300 flat). A garnishment often leads to motion to vacate when a default judgment is involved (and it frequently is). Such a motion will come up quickly, so my only real concern would be that a LLT might end up having a client trusting them to handle interest or defenses when they probably cannot do so.

I believe there is some discussion about LLT handling BK advice. This is just a no-go. This is federal law of immense complexity with more pitfalls than coherent paths.

--

Jonathan Baner
Baner and Baner Law Firm
724 S. Yakima Ave.
Tacoma, WA 98405

Ph. (253) 212-0353
www.BanerBaner.com

Jaimie Patneau

From: Vanessa Zink <vanessa.zink@gmail.com>
Sent: Tuesday, August 14, 2018 3:23 PM
To: Limited License Legal Technician
Subject: LLLT Practice Areas for Consumer, Money & Debt law

I fully support the Creditor/Debtor Section Executive Committee's response and proposal regarding proposed expanded practice areas for LLT's in the area of Consumer, Money & Debt Law. In particular, I feel that any areas that touch on federal law would be sorely under-represented by an LLT potentially leaving the most vulnerable clients unprotected/facing unforeseen liabilities. Personally I believe allowing such representation by LLT's would be grossly negligent and far from the best interest of the consumer.

Vanessa Zink
Attorney at Law

Zink Law Offices, PLLC
(509) 464-2884

Jaimie Patneaude

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: Completed

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
2828 Northwest Avenue
Bellingham, WA 98225
Tel: 360-647-8846
Fax: 360-647-8854
barry@elderlaw-nw.com

2006 to 2017 SuperLawyer

Rated "Superb" by avvo.com

Accredited by the Veterans Administration

CONFIDENTIAL AND/OR PRIVILEGED COMMUNICATION

This communication may contain information that is confidential and/or protected by attorney-client privilege. It was intended only for the named recipient. If you have received this communication in error, please delete it immediately and contact the sender to advise them of improper delivery. Thank you.

TAX ADVICE DISCLOSURE

To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

SERVICE

We do not accept service of any kind by e-mail unless expressly authorized in writing by the attorney of record. Acceptance of service of process by e-mail for one pleading does not authorize service of process by e-mail of any other pleading. Each must be authorized separately.

Jaimie Patneau

From: Edgar Hall <edgar@wadebtlaw.com>
Sent: Tuesday, August 14, 2018 9:20 AM
To: Creditor Debtor Section
Cc: Limited License Legal Technician
Subject: Request for comments on new LLLT practice area for Consumer, Money, & Debt Law

Follow Up Flag: Follow up
Flag Status: Completed

Listmates,

If you have an opportunity, please submit any comments (for or against) regarding this new LLLT practice area for Consumer, Money, and Debt Law. The email for comments is:

lllt@wsba.org

There are numerous areas that are state law specific, low chance for serious malpractice, and low levels of controversy that (in my opinion) absolutely make sense as proposed. I sincerely hope that if this practice area is approved, that Washington residents can get help in these areas as it is desperately needed.

- Assistance on LFO's (particularly reduction of interest)
- Small Claims
- Garnishment
- ID Theft
- Protection Orders

There are, though, numerous areas so integrated with federal law or so tightly intertwined as a mix of state and federal law, that I do not believe the LLLT program limitations can provide for the proper advice and representation of Washington citizens. This includes:

- **Bankruptcy Awareness & Advice** (How can you advise about something you cannot advise about? The best here is a handout without analysis, this is dangerous at best)
- **Debt Collection Defense** (could not advise on federal claims like FDCPA, FCRA, TCPA, etc, bankruptcy options, etc)
- **Foreclosure Defense** (an area ripe with federal issues, securitization issues, FDCPA, bankruptcy, etc).
- **Loan Modifications** (same as foreclosure)
- **Student Loans** (could not advise on bankruptcy options, hardship discharge options, issues under the Higher Education Act, FDCPA actions, FCRA actions, servicing violation, securitization issues, etc)
- **Wage Complaints** (I lack the knowledge of this area personally, but I am fairly certain a good amount of federal claims are involved potentially)

As a debt defense attorney (and I mean more than bankruptcy but actually filing RCW 19.16, FDCPA, and other claims), I know debt defense is far more than state law allows and if properly done is an amalgam of knowing bankruptcy options, threat of federal and state litigation, using those threats as leverage in a settlement, and knowledge of other options.

My issue is the LLLT program and WA state have the right to authorize whoever they want to practice state law. But the inability to practice federal law is near fatal and given the nature of compulsory counterclaims, tight statutes of limitation windows on most federal claims, and the sheer amount on the line of the value of houses or large debts, it is an almost impermissibly high risk of malpractice. I am concerned that the solution may cause more harm than good.

There are other ways to assist.

- Require debt collectors to prove up their debt much like eviction show cause hearings do that you have a prima facie case. Just saying John Doe owes \$5k is at the absolute outer boundary of notice pleading. I cannot count the number of clients who call to make sure the complaint is real and not a scam.
- Enhanced service of process requirements on debt collection or statutory penalties for sewer service and higher bond for process servers. About 80% of my clients claim to have not been served. I frequently see ancient addresses from date of application rather than a realistic address derived from a proper skip trace being used. The problem typically is a combo of sewer service and the difficulty/expense of vacating a default judgment. Throwing a horde of LLLT's doesn't solve the problem, it just grinds the sausage meat even faster.
- More pro bono dollars and programs, like NWJP or NWCLC, neighborhood legal clinics, etc.

I know as a former creditor attorney, I would be salivating that this would pass as two thirds of the defenses I would fear most (FDCPA claims and bankruptcy discharge) would be off the table and outside of the toolbox for advice or representation of a LLLT opposing.

In any case, you don't have to agree with me and feel free to tell me off if you don't. Just get the WSBA your comments so hopefully concerns (or praise) are heard from those who actually practice in this area. I have a sense that in an echo chamber, this new practice area seems fantastic. In reality, I do not believe that some aspects of this can be pulled off without the ability to advise on federal law or practice in federal courts. This does not even address malpractice concerns for LLLT's operating in this area.

-Edgar

Edgar I. Hall, Attorney
Washington Debt Law, PLLC
2611 NE 113th St Suite 300A
Seattle, WA 98125
Phone: (206) 535-2559
Fax: (206) 374-2749
www.wadebtlaw.com

NANCY HAWKINS
ATTORNEY AT LAW

6814 GREENWOOD AVE. N.
SEATTLE WA 98103
(206) 781-2570
FAX (206) 781-7014

July 16, 2018

Cindy Phillips
Judicial Administrative Assistant to
Chief Justice Mary E. Fairhurst
Washington State Supreme Court

Re: LLLT Expansion Proposal

Dear Ms. Phillips:

Please provide this letter to the Justices of the Washington Supreme Court for their consideration.

At the time that I started to be active in the Family Law section and started attending meetings of the WSBA Board of Governors, the Family Law section's opposition to the LLLT program was well-known. Detailed comments had been submitted by individuals and the section executive committee for several years. Nonetheless, I approached the subject with an open mind. I write today as an individual member and not as a representative of the Family Law Section. It is a continuing concern that issues are raised without adequate time for Section Executive Committee's to discuss and formulate detailed responses. This letter has not been reviewed nor approved by the Family Law section; I speak only for myself.

I comment today against the proposed expansion of the LLLT program into debt issues or any other subject area. The presently considered expansion seems truly ill-advised. As another attorney stated in a listserve email recently "the fact that many lawyers don't know how to do this stuff and/or do it badly is not an argument that other people who don't have a law school education should be taught it so they can represent people." Another said with regard to the LLLT program, "the cost was incredibly high for the number of people who are licensed, and I can't believe that anyone would want to replicate that result with other disciplines...FDCPA stuff is so insanely complicated that very few lawyers really understand it...."

While there are consumer and/or debt issues that the low income public struggles with, the LLLT program that is being considered is clearly headed for failure. The LLLT Board itself said that "it was unclear whether or not legal assistance would materially address the consumer law problems ... and whether that assistance could be provided through some method other than direct representation exclusively by a lawyer." The LLLT Board also reported that significant advice already exists through the Northwest Justice Project site washingtonlawhelp.org. Yet the recommendation continued to be pushed forward.

The LLLT Board recommendation is that LLLTs be able to assist with RCW 10.82 Motions re Interest in LFOs. These apply to convicts trying to integrate into society. I didn't see that the LLLT Board provided any number of the people seeking help in this matter. There is a recommendation that LLLTs help with small claims court matters. There are numerous websites and materials available to help pro se parties with these small claims. Certainly paying a LLLT is not a likely priority when a person is trying to get someone to pay them \$500 that is owed. The recommendation is that LLLTs can help with debt collection not involving collection agencies. In fact, in this day and age, most collection actions involve collection agencies. There is a recommendation that LLLTs help with garnishments. Very few consumers initiate garnishment actions and there are limits on reimbursable "legal" fees. There are rarely court hearings. Packets of forms and instructions are generally available in every county and are also part of the legal forms available through the Administrator of the Courts. The recommendation regarding identity theft is also ill-advised. This information is available through the Attorney General's office at no cost. The recommendation regarding loan modifications is also somewhat laughable. These programs are very complicated and there are attorneys that specialize in it. These loan modifications are rarely granted and adding LLLTs to the mix will not improve that. LLLTs are not needed with regard to protection orders since each county is required to have people at the courthouse to help provide forms. It is not explained how they would help get no contact orders in criminal cases; this is routinely done by prosecutors at initial criminal hearings. LLLTs cannot provide meaningful help in bankruptcy issues since federal laws govern the debt counseling that consumers must obtain. The program is simply designed for failure; hundreds of thousands of dollars will be spent and any LLLT eventually trained will have few clients, if any, able to pay his/her fees.

The LLLT program is not being forthright with the WSBA membership and, perhaps, the Washington Supreme Court. The program seems to be exploring expansion into numerous fields and, is now doing so without any meaningful oversight. I have reviewed the LLLT Board meeting minutes, as much as are available. This can be difficult since I have sometimes had to prompt staff to get the minutes online. Of course, I do not know if the LLLT board is not providing their minutes to the staff on a timely basis. Most recently, the LLLT Board cancelled its April and June 2018 meetings so no minutes are available. The May 2018 draft minutes are not available either. See attached email of July 9, 2018 from Renata Garcia.

The minutes of the New Practice Area sub-committee which explores subject expansion used to be on-line. That is no longer the case. In fact, I was informed this morning that I would have to submit a public records request to get them. See the attached email of July 16, 2018 from Margaret Shane.

My review of LLLT board minutes and the New Practice Area Committee have been

revealing and startling, particularly with regard to a previously planned expansion into immigration law. The April 2018 minutes state that the LLLT program is expanding into immigration law and that they had already contacted Governor Inslee to get his support for legislation to try and “preempt” the federal law to allow local LLLTs to practice in the immigration field. This action by the LLLT program seems to have been done without the permission of the Washington Supreme Court or the WSBA Board of Governors. This attempted expansion is ill-advised and should not be encouraged or permitted. The Washington State Immigration Services page on the Attorney General website calls immigration law “one of the most complicated areas in the legal field.” ... [and] specialized training” is required...[and] the lawyer/expert must be “authorized under federal law to provide immigration services.” While it seems that this attempted expansion has been dropped, the LLLT board seemed to have acted improperly by going to the Washington State Governor without the support of the BOG or the Supreme Court.

I also ask the Washington Supreme Court to demand some answers from the LLLT board. Such answers should be in writing and made available to WSBA members. How many LLLTs are presently in practice and whom are they representing? What are they charging? While their fees may not be controlled under anti-trust considerations, the fees can certainly be used to determine whether this program is meeting the needs of low-income people. What is the goal of the LLLT program?

I am concerned that the LLLT program seems to be operating without true and objective oversight or administration. The meeting with the Governor’s office involving the Executive Director, Paula Littlewood, is a prime example. It is troubling that this action was not disclosed in her monthly activity reports. She apparently had two BOG members with her but this action was not reported in their monthly activity reports provided to the BOG and the membership. The Executive Director report of January 12, 2018 makes no mention of LLLT issues at all. Steve Crossland’s report to the Board of Governors of January 4, 2018 discusses proposed expansion of the LLLT Family Law work and needed amendments to APR 28 and RPCs but no mention of immigration or consumer debt expansion.

How was it acceptable for these people to go to the Governor to lobby for changes in the law? Sections are not allowed to make any public statements without approval of the WSBA yet a meeting was apparently conducted with the Governor of this state without any such prior approval. Making public statements on the LLLT program and potential expansion without any report of the meeting to the BOG means that the BOG and the membership is being denied information that it should have.

I have another concern about the LLLT program and its administration. The program is marketed enthusiastically by Paula Littlewood and Steve Crossland. It is an open secret that they are involved in a personal relationship. This is a delicate issue that seems to be ignored. I do not easily raise this issue; it should be personal and private. But, it cannot be ignored in this circumstance. I do not see how the program can be administered by the WSBA appropriately under those circumstances. Paula and Steve travel to various other states and countries together “wearing WSBA hats” to talk up the LLLT program concept. I am concerned about the direct and indirect costs of their joint travel to various locales, including Hawaii and Canada. I am concerned about the appearance to the membership. It would certainly seem that the WSBA and the WSC are leaving themselves open to public criticism.

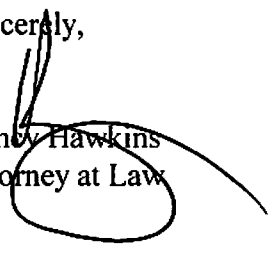
The lack of independent and objective analysis and administration by Littlewood is also clear if the WSBA website is reviewed. The website lauds the LLLT program as a way to practice law without going to law school. It is excited and enthusiastic about the program. Contrast this with the website with regard to lawyers. There is no reference to the long and distinguished role of lawyers in civil rights, or in helping people access the justice system. There is instead a dry description of the costs and burdens of becoming an attorney (fees, testing, etc.) The legal directory now lists LLLTs and lawyers in the same directory. Not only are the lines being blurred, the preference for LLLTs by the Executive Director is obvious.

It also seems that the LLLT program is described by Crossland and Littlewood in their various travels as a “success.” This seems to be an inaccurate description of the program. After years of funding, the program continues to operate at a substantial loss and has very few people working in the field. There is no proof that the program is truly meeting the needs of low-income people and, in fact, the anecdotal information conveyed at meetings is that LLLTs are charging significant rates for their work, generally comparable to attorneys. The Washington Supreme Court should require that Crossland and Littlewood provide transcripts of any speeches and copies of any written materials that either has provided with regard to the LLLT program. Their representations must be accurate and complete so that the reputation of this state bar association and the Washington Supreme Court is not harmed.

Washington Supreme Court
LLLT Expansion Program
July 16, 2018
Page 5

I think it is time for the Washington Supreme Court to take another good hard look at the LLLT program and its purpose and structure. It is time for a plan for reasonable administration. It is also time for the Washington Supreme Court to demand that the WSBA administration enthusiastically support and applaud the work of lawyers.

Sincerely,



Nancy Hawkins
Attorney at Law

cc. LLLT Board

Nancy Hawkins

From: Margaret Shane <Margarets@wsba.org>
Sent: Monday, July 16, 2018 11:10 AM
To: Nancy Hawkins
Subject: RE: LLLT New Practice Area Committee minutes

Hi Nancy –

Since minutes for LLLT committee and work group meetings are not posted on the website, it has been determined that the information you are looking for needs to be obtained through a Public Records Request. To request Bar records, please send your request to WSBA's public records officer at PublicRecords@wsba.org. Under Washington General Rule 12.4(e)(1), requests must be made in writing to WSBA's public records officer, and may not be made to other Bar staff.

Best,
Margaret



Margaret Shane | Executive Assistant

Washington State Bar Association | 206.727.8244 | fax 206-727.8316 | margarets@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 karar@wsba.org.

From: Nancy Hawkins [<mailto:nhawkins@seanet.com>]
Sent: Friday, July 13, 2018 2:10 PM
To: Margaret Shane
Subject: LLLT New Practice Area Committee minutes

These used to be on the website. Are they somewhere else now?

Nancy Hawkins
Attorney at Law
6814 Greenwood Avenue North
Seattle, WA 98103
(206) 781-2570
Fax: (206) 781-7014
nhawkins@seanet.com

CONFIDENTIALITY NOTICE: This e-mail transmission contains information from the Law Office of Nancy Hawkins, which may be confidential and/or legally privileged. This information is intended only for use by the individual or entity named. If you are not the intended recipient, you are hereby notified that any disclosure, copying, forwarding and/or distribution of or taking action in reliance on this information is hereby prohibited. If you have received this e-mail in error, please notify me immediately by reply and delete all occurrences of this record. Thank You.

Nancy Hawkins

From: Renata Garcia <renatag@wsba.org>
Sent: Monday, July 09, 2018 2:55 PM
To: Margaret Shane; Nancy Hawkins
Subject: RE: LLLT Board minutes

Hi Nancy –

The LLLT Board April meeting was cancelled. The June meeting was also cancelled which means that the May meeting minutes have not yet been approved.

The meeting materials are posted on the website. Here is one way to access them:

1. <https://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/LLL-Board>
2. Click on WSBA Event Calendar

Meeting Materials

NB: Starting October 2017 meeting materials are linked to the meeting event item in the [WSBA Event Calendar](#). This static list was not be updated.

January 2017

February 2017

March 2017

3. Select Limited License Legal Technician Board

HOME | EVENTS CALENDAR



Updated: June 8, 2018

Filter Event

Today • • 27 July 2018						
Day	Screen	Agenda				
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

4. Select the month and click on the event
5. Click on the link under "Agenda"

Add to:

- Outlook
- iCal
- Google Calendar

The Limited License Legal Technician (LLL) Board

Agenda:

LLL Board Meeting Materials - March 2018

Let me know if you have any other questions.

Thank you,
Renata



Renata de Carvalho Garcia | Innovative Licensing Programs Manager

Washington State Bar Association | 206.733.5912 | renatag@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 barbarao@wsba.org.

From: Margaret Shane

Sent: Friday, July 06, 2018 1:49 PM

To: Nancy Hawkins

Cc: Renata Garcia

Subject: RE: LLLT Board minutes

Hi Nancy –

Renata Garcia is the person to contact for LLLT matters, but she is out of the office today. I have copied her on this email so she can contact you when she returns to the office next week.

Please let me know if you need anything further at this time.

Best,
Margaret



Margaret Shane | Executive Assistant

Washington State Bar Association | 206.727.8244 | fax 206-727.8316 | margarets@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 karar@wsba.org.

From: Nancy Hawkins [<mailto:nhawkins@seanet.com>]

Sent: Friday, July 06, 2018 10:32 AM

To: Margaret Shane

Subject: RE: LLLT Board minutes

I also don't see any board meeting materials for the past year or so on the website.

Nancy

Nancy Hawkins

Attorney at Law

6814 Greenwood Avenue North

Seattle, WA 98103

(206) 781-2570

Fax: (206) 781-7014

nhawkins@seanet.com

CONFIDENTIALITY NOTICE: This e-mail transmission contains information from the Law Office of Nancy Hawkins, which may be confidential and/or legally privileged. This information is intended only for use by the individual or entity named. If you are not the intended recipient, you are hereby notified that any disclosure, copying, forwarding and/or distribution of or taking action in reliance on this information is hereby prohibited. If you have received this e-mail in error, please notify me immediately by reply and delete all occurrences of this record. Thank You.

From: Nancy Hawkins [<mailto:nhawkins@seanet.com>]
Sent: Friday, July 06, 2018 10:30 AM
To: 'Margaret Shane'
Subject: LLLT Board minutes

Do you have minutes for their April, May and June board meetings?
Nancy

Nancy Hawkins
Attorney at Law
6814 Greenwood Avenue North
Seattle, WA 98103
(206) 781-2570
Fax: (206) 781-7014
nhawkins@seanet.com

CONFIDENTIALITY NOTICE: This e-mail transmission contains information from the Law Office of Nancy Hawkins, which may be confidential and/or legally privileged. This information is intended only for use by the individual or entity named. If you are not the intended recipient, you are hereby notified that any disclosure, copying, forwarding and/or distribution of or taking action in reliance on this information is hereby prohibited. If you have received this e-mail in error, please notify me immediately by reply and delete all occurrences of this record. Thank You.

NANCY HAWKINS
ATTORNEY AT LAW

6814 GREENWOOD AVE. N.
SEATTLE WA 98103
(206) 781-2570
FAX (206) 781-7014

September 14, 2018

Cindy Phillips
Judicial Administrative Assistant to
Chief Justice Mary E. Fairhurst
Washington State Supreme Court

Re: LLLT Expansion Proposal

Dear Ms. Phillips:

Please provide this letter to the Justices of the Washington Supreme Court for their consideration.

I am a 36 year member of the Washington State Bar Association. I am a proud family law attorney. I practice law in Seattle, Washington, and am a sole practitioner. Almost all of my practice is family law.

I graduated from the University of Puget Sound Law School in 1981 and was admitted to the Washington State Bar in 1982. I am also admitted to practice in the Federal courts in the State of Washington. In addition to being a member of the family law sections of the Washington State Bar Association and the King County Bar Association, I am a former chair of the King County Bar Association's Family Law Section's Legislative Committee and a former chair of the King County Bar Association's Family Law Section. I have spoken at numerous continuing legal education seminars on the subject of family law. I am a chapter author for the Washington State Bar Association's Family Law Deskbook. I have received awards for my work from the Greater Seattle Business Association as well as the King County Bar Association Access to Justice Award, and the WSBA Family Law Section Attorney of the Year award for 2017. I coordinate a neighborhood family law clinic in King County and have performed hundreds of hours of pro bono work.

Over the past two years, I have studied the LLLT situation and I write today after learning more disturbing information about the program. I urge the Washington Supreme Court to reject any expansion of the program in Consumer, Money and Debt Law, reject any expansion of the Family Law Program and, instead, examine this entire program in detail and determine its future.

Program training.

The training provided to prospective LLLTs is clearly inadequate since, according to information provided at the July WSBA Board of Governors meeting, more than 50% of the

persons taking the test fail. No information was given as to the results of those who passed. It would be appropriate to know how many barely pass, solidly pass or sail through with flying colors. It appears that the training is not being improved but, instead, the qualifications of the trainers is being reduced down. There is no indication that the LLLT Board is concerned in any way about the low passage rate and the apparent inadequacy of the training provided to date.

With such a poor passage rate, it is inconceivable to me that it would be appropriate that there would be an increase in the curriculum/program in the areas of family law to be taught. As has been demonstrated by prior submissions from the Family Law Section, family law is an extremely complex area covering a broad gamut of legal issues. Adding subjects is far more likely to further reduce the passage rate. This seems grossly ill-advised at this time.

There has been no objective determination that the LLLT program is a success in family law. After years of efforts and hundreds of thousands of dollars, there are a minimal number of independently practicing LLLTs. There has been no determination of the number of low income people actually helped by the program. In fact, it seems that most of the LLLTs work as paralegals just as they were doing prior to any certification or licensing at a LLLT. With the poor passage rate and the lack of success of the LLLT program with regard to family law, it seems further ill-advised to add any new subject area or any expansion of the existing subject area. Without objective analysis and determination of the flaws in the curriculum design, teaching methods and training overall in the family law program, the flaws are likely to be repeated in a new or expanded subject area. Expansion into a new subject area is premature, at best.

The choice of Consumer, Money and Debt Law for expansion is particularly ill-advised.

Expansion into Consumer, Money and Debt Law.

I comment again against the proposed expansion of the LLLT program into debt issues or any other subject area. The presently considered expansion seems truly inappropriate. As another attorney stated in a list serve email recently “the fact that many lawyers don’t know how to do this stuff and/or do it badly is not an argument that other people who don’t have a law school education should be taught it so they can represent people.” Another said with regard to the LLLT program, “the cost was incredibly high for the number of people who are licensed, and I can’t believe that anyone would want to replicate that result with other disciplines...FDCPA stuff is so insanely complicated that very few lawyers really understand it....”

While there are certainly consumer and/or debt issues that the low income public struggles with, the LLLT program that is being considered is clearly knowingly headed for failure. The LLLT Board itself said that “it was unclear whether or not legal assistance would materially address the consumer law problems ... and whether that assistance could be provided through some method other than direct representation exclusively by a lawyer.” The LLLT Board also reported that significant advice already exists through the Northwest Justice Project site washingtonlawhelp.org. Yet the expansion recommendation continued to be pushed

forward.

The LLLT Board recommendation is that LLLTs be able to assist with RCW 10.82 Motions re Interest in LFOs. These motions apply to convicts trying to integrate into society. I didn't see that the LLLT Board provided any number of the people actually seeking help in this matter. In my 36 years of practice, including work with convicted criminals, no one has ever sought help with this kind of matter. I wouldn't think that this is a population with the funds to hire a LLLT.

There is a recommendation that LLLTs help with small claims court matters. There are numerous websites and materials available to help pro se parties with these small claims. Certainly paying a LLLT is not a likely priority when a person is trying to get someone to pay them \$500.

The LLLT Board recommendation is that LLLTs can help with debt collection not involving collection agencies. In fact, in this day and age, most collection actions involve collection agencies. If they don't initially, they surely will shortly.

There is a recommendation that LLLTs help with garnishments. Very few consumers initiate garnishment actions and there are limits on reimbursable "legal" fees. Packets of forms and instructions are generally available in every county and are also part of the legal forms available through the Administrator of the Courts.

The recommendation regarding identity theft is also ill-advised. This information is available through the Attorney General's office at no cost.

The recommendation regarding loan modifications is also somewhat laughable. These programs are very complicated and there are attorneys that specialize in it. These loan modifications are rarely granted and adding LLLTs to the mix will not improve that.

LLLTs are not needed with regard to protection orders since each county is required to have people at the courthouse to help provide forms. It is not explained how LLLTs would help get no contact orders in criminal cases; this is routinely done by prosecutors at initial criminal hearings.

LLLTs cannot provide meaningful help in bankruptcy issues since federal laws govern the debt counseling that consumers must obtain.

This proposed expansion of the LLLT program is simply designed for failure. If it is approved by the Washington Supreme Court, hundreds of thousands of dollars will be spent by the WSBA and any LLLT eventually trained and licenses will have few clients, if any, able to pay his/her fees.

LLLT family law program costs.

The Washington Supreme Court mandated the existing LLLT program and required the Washington State Bar Association to pay its costs. But, the Court also anticipated that the program would be self-sufficient in a reasonable period of time. In fact, the Court required that it do so in its Order: "[t]he Court is confident that the WSBA and the Practice of Law Board, in consultation with this Court, will be able to develop a fee-based system that ensures that the licensing and ongoing regulation of limited license legal technicians will be cost-neutral to the WSBA and its membership." June 15, 2012 Order by the Washington Supreme Court, page 11. Despite the Court's good intentions, this confidence has not been borne out.

At this point, it is six years since that order by the Court. Not only is the program not self-sufficient, it is operating at a greater loss year after year. In 2017, the program sustained a loss of \$189,508.00. It was budgeted to lose \$262,022 in 2018. The draft budget for 2019 projects a loss of \$240,000 but this figure is misleading in that it does not reflect the total cost of the program. It is my understanding that many of the costs for the program are now included in other portions of the WSBA budget so this \$240,000 appears to be artificially lowered. See page 48 of the materials for the July 2018 BOG meeting, attached hereto. I am making a request for the data necessary to determine the cost of those other line items not included in the \$240,000 (see the footnote to that same page 48). It is concerning to note that the LLLT Board claimed that its expenses, direct and indirect, for 2018 were \$17,000 and \$92,636 (see page 433 of the materials for the July 2018 BOG meeting, attached hereto.) These significant costs seem to be in addition to the \$240,000. Additional data for those expenses has also been requested.

Time for a limit.

The lawyers of Washington State pay a significant sum in license fees. Many object to the amount of fees. Many sought to hold a referendum on the amount of fees but were not allowed to do so when the Court issued an order that the fee increase that had been imposed was "reasonable." Unhappiness with the fee increase and the inability to register an opinion with the referendum still resonates with many. This is made more concerning to many when the fees paid are used to pay for unpopular and unsuccessful programs such as the LLLT program. The BOG seems to feel that they are powerless to control costs in this program since the Court has mandated the program. But, the Court did not mandate a program that would be funded at the present extent by the lawyers of the WSBA or that the program would operate at such a loss. At this point, it seems this annual substantial financial loss seems to be permanent. This concern is not abated by the July 2018 fee development. As the Court likely knows, at its July 2018 meeting, the Board of Governors recommended that the LLLT license fees be increased to that of lawyers. That increase, even if approved by the Washington Supreme Court, would not make the present program self-sufficient. There would need to be over 500 LLLTs to even come close to paying for the program for one year. There is no realistic expectation that this will ever happen, let alone happen before another \$2,000,000-\$3,000,000 in WSBA losses occur.

The LLLT program simply shows no promise whatsoever that it will EVER be self-sufficient. Its budgeted costs are approximately 35% higher for 2019 than for 2018. This cannot be sustained for even another year or two without hurting other more successful WSBA programs, a further increase in fees or staff reductions. Yet the LLLT Board and the Executive Director do not seem to be concerned about this in any way.

In the June 15, 2012 order which established the program, it was clear that the program was not necessarily permanent but that it would be "a sound opportunity to determine whether and, if so, to what degree the involvement of effectively trained, licensed and regulated non-attorneys may help expand access to necessary legal help in what that serve the justice system and protect the public. June 15, 2012 Order by the Washington Supreme Court, page 11-12. That objective analysis has never been done.

Time for a program assessment.

The LLLT program was designed to meeting the needs of low income Washingtonians. The program has provided no substantive analysis demonstrating that this goal has been met. The hourly rate charged by LLLTs is, quite simply, beyond the ability of low income people. The rates are also beyond the ability of almost all moderate income people.

After over five years of work, there are only 38 active LLLTs. I have reviewed the information available via the internet and/or the WSBA website. Most work in law firms and it is reasonable to assume that their work is little changed from that of an employed paralegal. It is likely that each of those LLLTs are being billed out at a significant rate. My review concludes that about half or less of the LLLTs are independently employed.

The needed type of assessment of the LLLT program must be done objectively. It is not reasonable to expect the Executive Director or staff under her control to conduct this objective analysis since, in fact, they have not done so. In the past several years, there have been no flags raised over the low number of active LLLTs given the funds spent and the hours of work, no flags raised over the increasing cost of the program, no flags raised over the dismal passage rate, etc. If the LLLT Board or the Executive Director have not done so by now, and given the conflict of interest posed by the personal relationship between the LLLT Board President and the WSBA Executive Director, the Court must provide a mechanism for this kind of objective analysis. Frankly, I believe that the available information should be sufficient to determine that the program is an utter failure already without any further analysis.

Lack of transparency.

I am also concerned about the large gaps in transparency about this program. The April, June, July and September 2018 LLLT Board meetings were cancelled. Without minutes from meetings, it is not possible to review the work of that Board during that time. The meetings of

the sub-committee that considers new subject areas used to be announced on the WSBA website with minutes available for review but are not any longer. My request for the minutes of the sub-committee working on new subject areas was denied. I was told I needed to make a public records request. This lack of transparency is quite troubling, particularly given the funds being expended and the demonstrably poor decision-making by the Board and the Sub-Committee from my perspective (and that of many others).

My review of the materials for the August LLLT Board meeting were troubling. The Board supposedly was given all of the comments about the program expansion but, upon review, my own prior comments were not included in the material provided. I don't know how many comments from others were withheld from the Board. The Board also commented about a letter favorable to the expansion and suggested that the author be invited to a meeting to elaborate. There seems to be little concern that the majority of responses were negative to the expansion idea.

It was also disturbing to see that the LLLT Board seems to be planning on offering scholarships to LLLTs. With a program operating hundreds of thousands of dollars in the red, even consideration of a program scholarship is inappropriate.

My review of the available LLLT board minutes and the New Practice Area Committee raise more concerns, particularly with regard to a previously planned expansion into immigration law. The April 2018 minutes state that the LLLT program is expanding into immigration law and that they had already contacted Governor Inslee to get his support for legislation to try and, in effect, "preempt" the federal law to allow local LLLTs to practice in the immigration field. This action by the LLLT program seems to have been done without the permission of the Washington Supreme Court or the WSBA Board of Governors. That attempted expansion was also ill-advised and should not be encouraged or permitted. The Washington State Immigration Services page on the Attorney General website calls immigration law "one of the most complicated areas in the legal field." ... [and] specialized training" is required...[and] the lawyer/expert must be "authorized under federal law to provide immigration services." While it seems that this attempted expansion is not presently being pursued, the LLLT board seemed to have acted improperly by going to the Washington State Governor without the support of the BOG or the Supreme Court.

The Washington Supreme Court should demand some answers from the LLLT board and the Executive Director. Such answers should be in writing and made available to WSBA members. How many LLLTs are presently in practice and whom are they representing? What are they charging? While their fees may not be controlled under anti-trust considerations, the fees can certainly be analyzed to determine whether this program is meeting the needs of low-income or moderate means people. After all, this was the intent of the LLLT program. It is odd that the Executive Director and the LLLT Board are quick to say that they cannot/will not look at the fees charged by LLLTs while allowing LLLTs to advertise that they charge one-third of that

of a lawyer. How do they make that assertion without a factual basis for it?

I am concerned that the LLLT program seems to be operating without true and objective oversight or administration. The meeting with the Governor's office involving the Executive Director, Paula Littlewood, is a prime example. It is troubling that this action was not disclosed in her monthly activity reports. She apparently had two BOG members with her but this action was not reported in their monthly activity reports either. The Executive Director report of January 12, 2018 makes no mention of LLLT issues at all. Steve Crossland's report to the Board of Governors of January 4, 2018 discusses proposed expansion of the LLLT Family Law work and needed amendments to APR 28 and RPCs but no mention of immigration or consumer debt expansion.

How was it acceptable for these people to go to the Governor to lobby for changes in the law? Sections are supposedly not allowed to make any public statements without approval of the WSBA yet a meeting was apparently conducted with the Governor of this state without any such prior approval. Making public statements on the LLLT program and potential expansion without any advance consideration of the BOG or a subsequent report of the meeting to the BOG means that the BOG and the membership is being denied information that it should have.

Promotion of the program as a success.

I am particularly concerned about the promotion of the LLLT program to other states as a success. This program has 35 people working in the field, only some of which work independently. The others work in law firms and it seems that their work is that of a normal paralegal.

This program has cost the WSBA over \$1,000,000 since its inception. It operates at a considerable loss and that loss is increasing each year. This is not a success. The program should not be "sold" to other states as a success. Doing so will only serve to lower our standing with those states when they, too, suffer such losses and failures. It is distressing that our funds are being spent by Paula Underwood and Steve Crossland to visit various other states and countries "wearing WSBA hats" to talk up the LLLT program concept. I am concerned about the direct and indirect costs of their joint travel to various locales, including Hawaii and Canada. While I have been told that their "travel costs" are not paid by the WSBA, I do not know the status of their other costs. But, even if the costs are out of the picture, I am concerned about the appearance to the membership of this joint travel. It would certainly seem that the WSBA and the Washington Supreme Court are leaving themselves open to public criticism.

WSBA approach to LLLT program.

The present Executive Director's unbalanced and unobjective support for the LLLT program compared with her tepid or non-existent support for actual lawyers is disturbingly clear

Washington Supreme Court
LLLT Expansion Program
September 14, 2018
Page 8

when the new website is examined. I am proud to be a lawyer. From my childhood spent reading and watching Perry Mason and other legal shows, I have always wanted to be a lawyer. This was solidified as I became an active feminist starting at age 16 or so and has continuing for the last 46 years. I followed and studied a civil rights movement that included landmark legal cases regarding education, public facilities, marriage (interracial and gay), sexuality, privacy and many others. None of that glorious history is reflected in the WSBA website, not even a reference to Thurgood Marshall, Ruth Bader Ginsburg or, even, our own William O. Douglas. Not a mention of any landmark cases which have resulted in improved lives for millions of Americans. In fact, the website page which describes becoming a lawyer is a dry recitation of the costs and burdens of being a lawyer.


By contrast, the website pages which describe becoming a LLLT is enthusiastic and glowing and makes broad promises about a career as a LLLT.

Conclusion.

I think it is time for the Washington Supreme Court to take another good hard look at the LLLT program and its purpose and structure. If it is to continue, it is time for reasonable and unbiased administration. It is also time for the Washington Supreme Court to demand that the WSBA administration enthusiastically support and applaud the work of lawyers.

If the Court agrees with my concerns, it is likely time to end this failed program. The 35 people that are presently licensed would likely just continue as well-paid paralegals.

Sincerely,


Nancy Hawkins, a proud lawyer.

cc. LLLT Board (with enclosures)

Washington State Bar Association
Budget Comparison Report
For the Period from October 1, 2018 to September 30, 2019

LIMITED LICENSE LEGAL TECHNICIAN	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
LLLT BOARD	17,000.00	17,000.00	-	0%
LLLT OUTREACH	8,000.00	8,000.00	-	
STAFF TRAVEL/PARKING	600.00	600.00	-	0%
TOTAL DIRECT EXPENSES:	<u>25,600.00</u>	<u>25,600.00</u>	<u>-</u>	<u>0%</u>
INDIRECT EXPENSES:				
FTE	1.70	1.55	(0.15)	-9%
SALARY EXPENSE	142,602.00	135,526.00	(7,076.00)	-5%
BENEFIT EXPENSE	49,304.00	41,592.00	(7,712.00)	-16%
OVERHEAD	42,495.00	38,095.00	(4,400.00)	-10%
TOTAL INDIRECT EXPENSES:	<u>234,401.00</u>	<u>215,213.00</u>	<u>(19,188.00)</u>	<u>-8%</u>
TOTAL ALL EXPENSES:	<u>260,001.00</u>	<u>240,813.00</u>	<u>(19,188.00)</u>	<u>-7%</u>
NET INCOME (LOSS):	<u>(260,001.00)</u>	<u>(240,813.00)</u>	<u>19,188.00</u>	

The Limited License Legal Technician (LLLT) license type (APR 28), was created by the Supreme Court and delegated to WSBA in 2012. In the past, this cost center was used to track all revenues and expenses associated with the "LLLT Program". LLLTs are now WSBA members, and consistent with the WSBA Bylaws and the Washington Supreme Court Admission and Practice Rules, the administration and regulation of these member license types has been consolidated within existing work groups and cost centers that already perform these functions for lawyers, including Admissions, License and Membership Records, and MCLE (although it continues to be possible to determine these costs separately by member type if needed). For FY19, this cost center is used primarily to track staffing and expenses related to the LLLT Board, which by court rule oversees the license.

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Limited License Legal Technician (LLLT) Board Chair: Steve Crossland Staff Liaison: Renata Garcia BOG Liaison: Dan Clark	Size of Committee: 15 Number of FY19 Applicants: 6 FY18 direct expenses: \$17,000 FY18 indirect expenses: \$92,636
FY18 Demographics: <ul style="list-style-type: none">• Gender (Female: Male: Not Listed): 12:2:0 (0 did not answer)• Number of members self-identified with a racial/ethnic under-represented group: 3 (0 did not answer)• Number of members self-identified as having a disability: 2 (0 did not answer)• Number of members self-identified as LGBT: 2 (0 did not answer)	
Background & Purpose: <p>The Limited License Legal Technician (LLLT) Board derives its authority from the Washington Supreme Court under Rule 28 of the Admission to Practice Rules (APR), adopted effective September 1, 2012. By order of the Court, the WSBA is to administer and fund the LLLT Board and the program.</p> <p>APR 28 authorizes persons who meet certain educational and licensing requirements to advise clients on specific areas of law. The only currently approved practice area is domestic relations. The Supreme Court established the LLLT Board to oversee the LLLT license.</p>	
Strategy to Fulfill Purpose: <p>From 2013-2016, the LLLT Board concentrated on creating the operational details for the LLLT license; the LLLT Board is now focusing on the promotion, expansion, and development of the license.</p>	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none">1) In February 2018, the LLLT Board submitted suggested amendments to APR 28, the LLLT RPC and the RPC for lawyers for consideration by the Washington Supreme Court. These amendments would enhance the scope of the current family law practice area. The Court recently published the suggested amendments for comment. Comments are due by no later than September 14, 2018.2) The LLLT Board is currently circulating a new proposed practice area, Consumer, Money, and Debt, for comment before taking further action, i.e., developing curriculum requirements, seeking approval by the Court, etc. The LLLT Board hopes to engage as many subject matter experts as possible in the development of this and any future proposed practice areas.	

- 3) The LLLT Board recently approved the University of Washington Continuum College Paralegal Studies Program to teach the LLLT core curriculum.
- 4) The LLLT Board has been engaging in discussions to explore ways in which LLLT students may qualify for financial aid.

2018-2019 Goals:

- 1) The LLLT Board will continue to consider and recommend new practice areas for approval by Supreme Court.
- 2) If the family law enhancements are approved by the Court, the LLLT Board will develop the required training for currently licensed LLLTs.
- 3) The LLLT Board also plans to expand the accessibility of the LLLT core curriculum across the state by continuing to approve core class programs at additional community colleges.
- 4) The LLLT Board will continue to engage in outreach efforts, including working with the WSBA communication team to expand outreach to a diverse pool of LLLT candidates, including college and high school students.
- 5) The LLLT Board also plans to advance its efforts to provide access to financial aid for students in the LLLT practice area classes.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The LLLT Board seeks members from different backgrounds and experiences who work together to foster a positive work environment in concert with WSBA's commitment to diversity and inclusion.
- 2) The LLLT Board will schedule training with WSBA's Inclusion and Equity Specialist.
- 3) The LLLT Board seeks input from all WSBA members as well as the legal community in general when making important decisions such as developing a new practice area.
- 4) APR 28 has been amended at the request of the LLLT Board to allow LLLTs and LPOs as well as attorneys with judicial and emeritus pro bono status to serve as Board members.
- 5) The core curriculum educational approval process reflects the LLLT Board's commitment to diversity in that it requires any institution offering the core curriculum to have diversity, inclusion, and equal access policies and practices in place. The LLLT Board also sought to increase diversity within the LLLT profession by extending the limited time waiver (see APR 28 Regulation 4) to 2023 in order to allow a group of candidates qualified by work experience rather than by education to enroll in the practice area classes. The ongoing effort to provide a pathway to financial aid for the practice area classes also aims to provide more opportunities to join the LLLT profession to prospective applicants from diverse socio-economic backgrounds.
- 6) N/A

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community?
- 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients?
- 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior?
- 4) Other?

- 1) The LLLT Board has set up rules of professional conduct and a disciplinary system for LLLTs, as well as requiring LLLTs to carry malpractice insurance and conform to the same rules as lawyers regarding IOLTA accounts.
- 2) The LLLT Board has worked to promote LLLTs in the legal community and educate all legal professionals about the permitted scope and models for LLLT practice, as well as highlighting the ways in which collaboration with LLLTs can contribute to the efficiency and accessibility of any legal practice.
- 3) N/A
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) All WSBA members are invited to provide comments on rules and new practice area suggestions and development, including new and young lawyers.
- 2) N/A
- 3) N/A

September 7, 2018

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

Transmitted via email

Re: Comment on Proposal Regarding Addition of Practice Area for Limited License Legal Technicians

Dear Justices of the Washington Supreme Court:

I am writing to support the addition of Consumer, Money & Debt as the next practice area available in the Limited License Legal Technician program. I am commenting in my personal capacity, not as a representative of my employer, LAW Advocates, the volunteer lawyer program for Whatcom County. However, my opinion is informed by my three years of experience as full-time executive director of that organization as well as my prior 24 years as a private practice civil lawyer in this community.

I am surprised to hear comments that sufficient resources already exist to assist individuals with legal difficulties involving finances. That is certainly not the case in our community. Although our county's population now exceeds 200,000, we have perhaps a half-dozen private attorneys in the county who handle consumer debt cases. And those practitioners' practices are geared mostly toward bankruptcy filings, where assets usually exist to support an attorney fee. Obviously, it is economically unfeasible for attorneys to take cases where clients have so few assets that attorney fees are out of the question. This leaves most of this work to someone other than experienced creditor/debtor attorneys.

A few for-profit and nonprofit organizations provide various levels of education and general advice on debt and credit issues, but they do not provide legal representation. Ours is the only organization in our county that provides that service. (Northwest Justice Project has an office in Bellingham, but it does virtually no creditor/debtor work other than occasionally as a supplemental service to an existing client.) But while we accept consumer debt cases, all we are able to do in most instances is refer the clients to one particular attorney who has agreed to take a limited number of such cases pro bono. We have been unable to find an attorney to provide a more comprehensive debt clinic as we have done at times in the past. Also, the cases we take must meet our financial qualifications, which restrict our services to those whose income is less than 200 percent of the federal poverty guideline. Individuals with income above that—who often are still low-income by any reasonable definition—have nowhere to turn for legal assistance. Sadly, if we see those individuals again it is usually after they have become entirely indigent and show up in our Homeless Disability or Street Law programs.

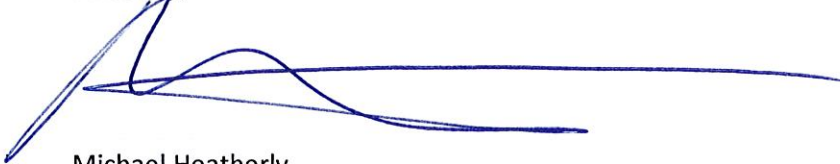
We have only one licensed LLLT in our community. Fortunately, she has provided considerable volunteer work for us. She regularly serves at our Street Law clinic, where she is able to answer family law questions within the authority of her license. She sometimes supplements the work of a family law attorney at the clinic and other times is the only family law specialist available. As our community also faces a dramatic shortage of family law attorneys, having a LLLT available in that legal field is extremely valuable for our

organization. A LLLT who was licensed to do similar work in the Consumer, Money & Debt field would be a godsend.

Even before I became executive director of a legal aid organization I believed that innovations such as the LLLT program were essential in providing legal assistance to the vast number of individuals who cannot afford to hire a lawyer in the conventional fashion. I am even more convinced of that from what I see every day at LAW Advocates, where we serve over 1,000 clients per year but are unable to help many times more who need it. We constantly field questions from elderly people struggling with medical debt, young families with exorbitant credit card balances because of home or auto repair, and recent college graduates unable to keep up with student loans. Consumer, Money & Debt is one of the highest areas of demand for services and one of the areas with the lowest supply of attorneys. That is undoubtedly true in our county and I suspect it is true statewide, especially in more rural areas that have even fewer attorneys and other social services available.

I enthusiastically encourage the court to approve Consumer, Money & Debt as the next practice area for the LLLT program.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Heatherly", with a long horizontal flourish extending to the right.

Michael Heatherly
WSBA #20803

Signing Authority on Trust Accounts

The Committee on Professional Ethics (CPE) reviewed the LLLT RPCs and has a question about LLLT signing authority on trust accounts. The language in question appears in the lawyer and LLLT RPC 1.15A(h)(9):

Only an LLLT or a lawyer admitted to practice law may be an authorized signatory on the account. If an LLLT is associated in a practice with one or more lawyers, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.

The CPE notes this language 1) makes it so a LLLT who is a member of a law firm cannot sign a trust account check for that firm, however, 2) a LLLT who is not a member of a law firm could be a signatory on the firm's trust account. This could happen if a solo practitioner wanted to have an independent LLLT be a signatory on the lawyer's trust account as a "back-up" in the event the lawyer became disabled or died. The CPE wonders if this result was intended.

Doug Ende reviewed the question and noted that the LLLT Board's RPC Committee drafted this provision with the first in mind but not necessarily the second. On point 1, the Committee considered that a LLLT should not be the sole signatory on a trust account at a firm jointly owned with a lawyer because the LLLT could become responsible for disposition of funds in situations requiring the delivery of legal services beyond the scope of the LLLT license. There was also a concern that it could put the LLLT in the position of being assigned to administer the trust account in order for the ethical risk of trust account errors to be borne by the LLLT alone rather than lawyers at a firm.

The intent was not to permit a non-firm LLLT to be a signatory on an otherwise lawyer-only trust account.

If the LLLT Board wants to revisit the language and allow a LLLT to be the sole signatory on trust accounts for firms that include lawyers, 1.15A(h)(9) can be deleted. If the LLLT Board wants to retain the prohibition, the language could be amended to make clear that a LLLT, whether associated in practice with a lawyer or not, cannot be the sole signatory on a trust account for a firm that includes lawyers. Amended language could read:

Only an LLLT or a lawyer admitted to practice law may be an authorized signatory on the account. If an LLLT is associated in a practice with one or more lawyers, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.

A LLLT cannot be the sole signatory on a trust account for a firm that includes lawyers.

Background

July 31, 2017 – Memo from the CPE to the LLLT Board regarding RPC 1.15A(h)(9) and LLLT RPC 1.15A(h)(9). See attached.

August 28, 2017 – The CPE asked for feedback from the LLLT Board regarding RPC and LLLT RPC language related to signing authority on trust accounts.

March 15, 2018 – Doug Ende attended the LLLT Board meeting and discussed trust account signatory permissions. Doug explained that if a lawyer and an LLLT are in business together, the lawyer must sign all trust account checks. The board discussed concerns about a LLLT's ethical responsibilities being thwarted by a lawyer's delay in action or failure to act. A motion to reconsider this was presented (seven for, four opposed) and passed. The Board also appointed a committee to look at this issue and bring suggestions to the next board meeting (April 19, 2018).

April, June, and July LLLT Board meetings were cancelled.

August 29, 2018 – Jeanne Marie Clavere informed the CPE that she was advised that this topic is on the agenda for the October 8, 2018 meeting.

September 24, 2018 - The Committee sent an email to LLLTs asking for their feedback on the issue.

MEMORANDUM

To: Limited License Legal Technician Board
From: Committee on Professional Ethics
Date: July 31, 2017
Re: RPC 1.15A(h)(9) and LLLT RPC 1.15A(h)(9)

The Committee on Professional Ethics received an inquiry about whether a lawyer who is not on active status may sign trust account checks. In considering this inquiry, the subcommittee noticed what appears to be a mistake in the second sentence of RPC 1.15A(h)(9). That sentence states, "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." This means that if a law firm has an LLLT who is not part of the firm as a signatory on its trust account, the LLLT would be able to sign a check alone, while an LLLT who is part of that firm would not be permitted to do so. Although it would be uncommon for a firm to have an LLLT who is not part of the firm as a signatory on its trust account, it is conceivable that a sole practitioner might do so to have someone available to sign trust account checks in the event of death or disability. We were informed by Doug Ende that this was not the intent of that sentence.

Because fixing that sentence affects LLLTs, we would like to obtain feedback from the LLLT Board. The subcommittee has recommended that the sentence be stricken for the reasons noted in the attached memo. We welcome your comments on that proposal.

Attachment: Trust Account Signatory Subcommittee Memo dated April 14, 2017

FROM Trust Account Signatory Subcommittee (Colin Folawn, Anne Seidel, Ted Stiles)
TO: CPE
RE: Retired lawyer signing trust account checks (proposed rule change)
DATE: April 14, 2017

As discussed in our August 18, 2016 memo, our subcommittee concluded that the RPCs are not clear about whether a lawyer who is not on active status can sign a trust account check. We are therefore proposing a rule change to clarify this. We are also proposing a rule change to address an incongruity in the second sentence of RPC 1.15A(h)(9) regarding LLLTs.

Background of RPC 1.15A(h)(9)

RPC 1.15A(h)(9) states:

(h) A lawyer must comply with the following for all trust accounts:

...

(9) 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.

Before the 2006 RPC amendments, anyone could be a signatory on a trust account and law firms frequently had bookkeepers or other nonlawyer staff as signatories. Ethics 2003 proposed that RPC 1.15A restrict signatories to lawyers to protect against theft by nonlawyers employed at a law firm. There is no discussion in the legislative history of what is meant by "lawyer admitted to practice."

Proposed rule change regarding lawyers as signatories on trust accounts

The following proposal simply removes the requirement that a lawyer be "admitted to practice law" to be a signatory on a trust account. The proposal would make RPC 1.15A consistent with ELC 14.2. That rule prohibits suspended and disbarred lawyers, as well as those who have resigned in lieu or been transferred to disability inactive status, from continuing to practice law. However, ELC 14.2(b) states that the prohibition "does not preclude [such a lawyer] from disbursing assets held by the lawyer to clients." If the ELC does not preclude a suspended or disbarred lawyer from disbursing trust account funds to clients, RPC 1.15A should similarly permit lawyers not on active status to sign trust account checks.

This change would mean that lawyers and LLLTs are treated the same as far as their ability to be signatories on a trust account. As currently written, an LLLT does not need to be "admitted" to be a signatory on a trust account.

The proposed change is as follows:

(h) A lawyer must comply with the following for all trust accounts:

...

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

Additional comment:

Only a lawyer or LLLT on active status may open a trust account. A lawyer or LLLT may continue to be an authorized signatory on a trust account even if no longer on active status. However, a lawyer who is not on active status may not engage in the unauthorized practice of law and may not use the trust account if under the particular circumstances doing so would imply that the lawyer is authorized to practice law. *See* RPC 5.5(a), (b)(2).

Ted has the following concerns about the second sentence of the proposed comment, which he would like the full committee to discuss at the next meeting:

As drafted, the comment would appear to permit an inactive lawyer to maintain a trust account for an indefinite period of time. In the case of an L&I attorney who collects contingent fees from periodic payments, and who retires while the payment stream is running, the comment would allow the inactive lawyer to continue to maintain the account for years, if not a decade or more, considering that a pension award may run for the life of the pensioner, and in some circumstances for the life of the pensioner's spouse. The Association apparently is not set up to monitor or audit trust accounts after a lawyer becomes inactive. Should we endorse the type of situation in which an inactive lawyer is handling funds belonging to others, but is free from Association audit oversight? Also questions regarding the IOLTA requirements—applicable to inactive lawyers? Will banks agree to let inactive lawyers maintain IOLTA accounts?

Proposed rule change regarding LLLTs as signatories on trust accounts

The second sentence of RPC 1.15A(h)(9) reads, "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." This means that an LLLT who is not part of a law firm would be able to sign a check alone, while an LLLT who is part of that firm would not be permitted to do so. According to Doug Ende, this was not the intent of that sentence.

Our subcommittee considered whether to propose rewording this provision to prevent all LLLTs from signing trust account checks without a lawyer's additional signature. We do not believe that is necessary. LLLTs are licensed law professionals, so an LLLT who stole from a trust account would be subject to discipline. We therefore do not believe permitting LLLTs to sign trust account checks presents the same risk as permitting nonlawyers to do so.

In addition, banks process checks electronically, so it is extremely unlikely that a bank would be able to enforce a two-signature requirement. So if an LLLT is listed as a signatory, the bank would process a check signed by the LLLT alone. The two signature requirement is only an internal control. As such, it would not prevent an LLLT from stealing from the trust account.

Our subcommittee considered whether to limit an LLLT's authority to sign trust account checks to those relating to cases within the LLLT's license. We do not believe such a limitation would be helpful. First, as mentioned above, a bank would not be able to enforce such a restriction so it would not prevent theft from the account. Second, if the LLLT did not handle the trust account appropriately, the LLLT could be subject to discipline (although the current LLLT RPCs could be clearer in that regard if the misconduct is merely recordkeeping). Third, permitting LLLTs to be signatories on lawyer trust accounts will make LLLTs more attractive to law firms and help integrate them into the profession. Finally, allowing LLLTs to issue trust account checks for all matters is consistent with RPC 5.9(a)(1), which permits LLLTs to share fees from cases that are outside their limited licenses.

We recommend that the second sentence of RPC 1.15A(h)(9) be struck. With the two proposed changes, that subsection would read as follows:

(9) 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 LLLTs, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.~~

Courthouse Facilitator Requirement

Issue Summary

It was brought to our attention that, in some counties, pro se litigants are being asked to go through the court facilitator's office to have their paperwork reviewed before presenting final orders to the court (even if they were prepared by an LLLT). It was also mentioned that they charge a small fee. It looks like in King County the fee to meet with a facilitator is \$30. We couldn't find anything in the King County local rules so maybe it is not a formal requirement but rather a preference. We are doing some research and will provide an update at the next LLLT Board meeting.

Question regarding courthouse facilitator requirement (email received on 8/9/2017):

"When parties are going through their divorce pro se, they are required to meet with a Family Law Facilitator to ensure their papers are in order. If a LLLT has prepared the documents for them, are they still required to do this?"

LLLT Board Decision (9/21/2017 meeting):

The LLLT Board reviewed the question above at its meeting on September 21, 2017 and determined that it needed additional information in order to provide direction. The Board requested that WSBA staff look into how court facilitators work across the counties and what the various local rules say.

Research in progress. Staff will provide an update at the LLLT Board meeting.

Questions regarding courthouse facilitator requirement (email received on 8/28/2018):

A LLLT emailed WSBA after receiving a call from her client who was unable to enter final documents because the commissioner required her to schedule an appointment with the courthouse facilitator to have the documents reviewed. The concern is that courthouse facilitators, who are not licensed to practice law, are reviewing documents prepared by LLLTs. The LLLT also mentioned that there might be a small fee involved.

Questions raised in the email:

- Is there anything that can be done about the requirement in Snohomish County? (King County was also mentioned)
- Is there a way to bring this to the courts' attention?
- Should a LLLT send a letter to the Court Administrator?

**Comments submitted
to the Washington
Supreme Court
regarding APR 28 and
APR 28 Appendix Regs
2 and 3**

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, September 14, 2018 8:08 AM
To: Hinchcliffe, Shannon
Cc: Jennings, Cindy; Tracy, Mary
Subject: FW: Comment Regarding Legal Technician Changes

From: Alicia Kelly [mailto:alicia.kelly9@gmail.com]
Sent: Thursday, September 13, 2018 9:32 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: LTDivision Admin <admin@ltdivision.com>
Subject: Comment Regarding Legal Technician Changes

Re: Regarding Important Changes that permit **Legal Technicians** to Assist Their Clients

To the Supreme Court,

I am receiving assistance from an LLLT division regarding a revision in my parenting plan and child support.

I have already gone through the process of mediation. I was not able to have the LLLT who was assisting me come to mediation. I had to call and ask questions, and the LLLT was not there to speak or negotiate for me. My ex-husband had brought an attorney to represent and speak for him.

I had to do my best in this negotiation process without legal representation physically present, and had to make phone calls to my LLLT to ask for advice. I had to decide what to do while his lawyer was pressuring me to settle on certain terms, when it would have been very helpful to have my LLLT right there to speak for me.

Legal technicians have passed the Bar exam for attorneys in order to practice. They have much knowledge and could well represent their clients. **They should be able to communicate on behalf of their clients, negotiate for them, appear in varying court proceedings and at mediation for them. With their knowledge and expertise, they should be able to assist with major parenting plan modifications, and up to adequate cause hearings.**

We should allow LLLTs these rights to practice under. If it weren't for this new field, my husband and I wouldn't be able to afford any legal help. We would have to face my ex-husband with his attorney, and try to navigate the legal world without any help.

Lawyers are extremely expensive, and many cannot afford to hire one. Many citizens who can't afford them often suffer without any legal representation. The LLLT is a wonderful, more affordable solution. They are very competent, knowledgeable, and well able to assist clients in varying legal issues.

I am asking the Supreme Court to allow these changes as it will benefit many who could otherwise not afford legal assistance and representation.

Sincerely,

Alicia Kelly



GOLDBERG JONES

SEATTLE | PORTLAND | SAN DIEGO

GOLDBERG & JONES, PLLC
1200 WESTLAKE AVE. N. SUITE 700 SEATTLE, WA 98109
206 448 1010 *Tel* 206 448 0736 *Fax*
WWW.GOLDBERGJONES-WA.COM

September 14, 2018

Washington Supreme Court
415 12th Street W
Olympia, WA 98504

RE: Proposed Expansion of LLLT Program

Dear Honorable Justices,

As we are all well aware the typical lawyer answer is, "it depends". However, the pending issue before the Court is easy. The answer is no. It is disappointing to know the Washington State Bar Association is attacking their own. It is equally frustrating to know that the Bar Association would be so willing to abdicate its responsibility to its members and the public. The inevitable result of the decision to expand the LLLT scope would be disastrous for the following reasons:

1. LLLTs are only required to have an associate's degree. There is a reason why attorneys attend law school. It provides a rigorous and demanding curriculum designed to rewire an individual's brain, so they know how to properly analyze the law and identify important issues; among other important skills. The minimal education that LLLTs have received is no substitute for the education of an attorney. It is a disservice to the public to enable less qualified individuals to assist them in important legal matters that will have serious ramifications upon their lives.
2. Other state bar associations have already rejected similar proposals. The primary reasoning is that more information is needed to determine the efficacy of the LLLT program. That is the situation in Washington. Rather than jump right into expanding the LLLT scope, more data should be required to determine the impact to the public and attorneys in the state.
3. If the concern is improved access to the legal system for low income individuals, there are better options beyond giving LLLTs de facto attorney status. Compulsory pro bono work may be an option, as would increasing funding for legal aid associations.

The WSBA should be an organization that supports attorneys while protecting the public through licensing and discipline, versus an association that protects the public from attorneys. The bottom line is that this is a half-baked idea that will have potentially disastrous consequences for the public and licensed attorneys in this state.

Sincerely,

Amanda N. Gamble
WSBA #52982

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, September 14, 2018 4:47 PM
To: Hinchcliffe, Shannon
Cc: Jennings, Cindy; Tracy, Mary
Subject: FW: Expansion of LLLT Program
Attachments: Signed LLLT Letter .pdf

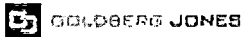
From: Amanda Gamble [mailto:agamble@goldbergjones.com]
Sent: Friday, September 14, 2018 4:42 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Expansion of LLLT Program

Honorable Justices,

Please see my attached letter in response to the comment period for the expansion of the LLLT program.

Thank you.

Amanda N. Gamble
ATTORNEY AT LAW



1200 Westlake Ave. N. Suite 700
Seattle, WA 98109
Phone: (206) 448 -1010
Fax: (206) 448-0736

www.goldbergjones-wa.com

Confidentiality Notice: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, September 12, 2018 3:29 PM
To: Hinchcliffe, Shannon
Cc: Jennings, Cindy; Tracy, Mary
Subject: FW: Enhancements to APR 28

From: Ann Vetter-Hansen [mailto:ann@whatcomfamilylaw.com]
Sent: Wednesday, September 12, 2018 2:57 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Enhancements to APR 28

Good afternoon:

My name is Ann Vetter-Hansen and I am a Bellingham, Washington family law attorney. I have also been fortunate to serve a term on the Practice of Law Board.

The GR 9 Cover Sheet provides ample justification for the proposed enhancements to APR 28, the LLLT rule. Many of the proposed enhancements were recommended by the law professors who teach the family law class to the LLLTs and who have followed up on the implementation of the program.

The LLLT rule is the result of GR 25. The concept of a legal technician was developed by the Practice of Law Board, organized in 2002. The members of the POLB and the LLLT Board are thoughtful volunteers, like me, who have donated thousands of uncompensated hours to the vision and implementation of the program. The Court gave these good thoughtful people a task and the Court should trust their monumental effort and approve the enhancements as proposed by LLLT Board. This is a necessary step to make a modest but meaningful improvement to access to justice in our state.

Ann Vetter-Hansen

Philip Vetter-Hansen, PLLC
1200 Old Fairhaven Pkwy., Suite 203
Bellingham, WA 98225
(360) 392-3988

Tracy, Mary

From: Jennings, Cindy
Sent: Wednesday, September 5, 2018 2:29 PM
To: Hinchcliffe, Shannon
Subject: FW: N. Hawkins Letter of July 16, 2018 Re LLLT Expansion

From: Bill Pickett [mailto:Bill@wdpickett-law.com]
Sent: Tuesday, July 17, 2018 8:16 PM
To: Fairhurst, Justice Mary <Mary.Fairhurst@courts.wa.gov>; Madsen, Justice Barbara A. <J_B.Madsen@courts.wa.gov>; Johnson, Justice Charles W. <Charles.Johnson@courts.wa.gov>; Wiggins, Justice Charles <Charles.Wiggins@courts.wa.gov>; Stephens, Justice Debra L. <Debra.Stephens@courts.wa.gov>; Fairhurst, Justice Mary <Mary.Fairhurst@courts.wa.gov>; Yu, Justice Mary <Mary.Yu@courts.wa.gov>; Gonzalez, Steve <J_S.Gonzalez@courts.wa.gov>; Owens, Justice Susan <Susan.Owens@courts.wa.gov>; Gordon McCloud, Justice Sheryl <J_S.GordonMcCloud@courts.wa.gov>
Cc: Paula Littlewood <PaulaL@wsba.org>; Steve Crossland <steve@crosslandlaw.net>; Nancy Hawkins <nhawkins@seanet.com>
Subject: N. Hawkins Letter of July 16, 2018 Re LLLT Expansion

Dear Chief Justice and Justices of the Washington Supreme Court,

I am compelled to respond to attorney Nancy Hawkins' letter to you regarding enhancements for the Limited License Legal Technician (LLLT) license, dated July 16, 2018. While much of the letter is based on Ms. Hawkins' personal opinion about the enhancements, I want to set the record straight on several points:

- The March 7 meeting with Governor Inslee was the annual meeting that the Executive Director, WSBA President, and WSBA President-Elect hold with the Governor in conjunction with the board's yearly meeting in Olympia. The full board is informed about the meeting and what is discussed. The first issue Gov. Inslee raised this year was immigration and the legal profession's role in finding solutions; as the Court is aware, immigration has been discussed as a possible practice area for LLLTs since the early 2000s.
- With respect to Executive Director Littlewood and Washington Supreme Court LLLT Board Chair Steve Crossland, travel to other jurisdictions and organizations to speak about the LLLT license were by invitation, and no WSBA funds were used to pay for travel.

Please let me know if you would like additional information on anything noted in Ms. Hawkins' letter.

Peace,
Bill Pickett, WSBA President

Bill Pickett
Trial Lawyer
The Pickett Law Firm
917 Triple Crown Way, Suite 100
Yakima, WA. 98908
Phone: 509-972-1825
Fax: 509-972-1826

CONFIDENTIALITY NOTICE

This message and any attachments are confidential, may contain privileged information, and are intended solely for the recipient named above. If you are not the intended recipient, or an authorized agent for the recipient, you are notified that any review, distribution, dissemination or copying is prohibited. If you have received this message in error, you should notify the sender by return email and delete the message from your computer system.

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Thursday, August 30, 2018 4:37 PM
To: Tracy, Mary
Subject: FW: Comment on APR 28 - Limited Practice Rule Suggested Amendments

Forwarding

From: Rachel Brooks [mailto:rachel@guardianship-law.com]
Sent: Thursday, August 30, 2018 4:33 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on APR 28 - Limited Practice Rule Suggested Amendments

I am writing to comment on the suggested amendment to enhance the scope of the LLLT domestic relations practice area.

I support this amendment.

I do not practice family law. However, I am on the Board of the Clark County Law Library, and our librarians frequently field questions from unrepresented persons seeking information on family law questions. Fortunately, Clark County has a Family Law Facilitator which can assist many low-income clients, but our Clerk's Office has proposed to eliminate the facilitator program. Even if it preserved, it is inadequate to meet the needs of the public.

The proposed amendment will be useful to our community and helpful to our court system.

Thank you for allowing me to comment.

Rachel Brooks

I accept service by email from Guardians ad Litem.

This message is sent from an attorney's office and may be subject to the attorney-client privilege and/or attorney confidentiality rules. If you have received this message by mistake, please notify the sender and delete all copies of this message. If this message relates to taxes, it is not intended to be used and may not be used for the purpose of avoiding tax penalties or for the purpose of promoting, marketing, or recommending to another party any tax-related matter.

Rachel Anne Brooks

Attorney at Law

1014 Franklin Street, Library Suite

Vancouver, WA 98660

Tel. (360) 699-5801

Fax. (360) 699-5802

rachel@guardianship-law.com

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, August 29, 2018 12:33 PM
To: Hinchcliffe, Shannon; Jennings, Cindy
Subject: FW: LLLT Rule changes comments

Forwarding

From: Cameron Fleury [mailto:CJF@mcgavick.com]
Sent: Wednesday, August 29, 2018 12:31 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: LLLT Rule changes comments

Justices,

I am writing to ask that you do not further expand any LLLT rights to represent parties. I have been a Family Law practitioner since admitted to the WSBA in December 1993. I was a member of the FLEC of the WSBA when the LLLT program was being championed by Ms. Littlewood and Mr. Crossland. I resigned from the FLEC, in part, over the manner that program was being pursued and implemented, over the crystal clear and virtually unanimous voice of the attorneys in Washington. In fact, the only attorneys that supported were in support because the program was being touted as "Access to Justice" for low income parties. Further, it was to be "an experiment" and only expanded after data supported such an expansion. As you will recall, before the program was even implemented the income limit was removed and virtually immediately the program was expanded and it continuing to be expanded despite NO DATA supporting an expansion.

I believe it is clear that the Justices only supported the program because they were not made aware of the vast amount of negative input all across the State during Paula and Steve's "Town Hall style meetings". In fact, I believe a major reason for the WSBA Membership's current anti-WSBA (see the recent "reform" movement to take the BOG back over, etc.) is the unethical and egregious manner in which the WSBA has created the LLLT program, the "dues rollback Petition" that received the requisite number of signatures to put it to the membership for a vote, but that being refused by the Supreme Court's Order after Ex Parte input from Paula making the referendum "moot", and the recent Bylaw Amendment debacle.

Before considering expanding the LLLT program, I urge you each to contact some (attorney) members of the Bar and hear their feelings and opinions and NOT take what the ED of the WSBA tells you at face value.

Respectfully,
Cameron J. Fleury
WSBA 23422

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, September 14, 2018 12:54 PM
To: Hinchcliffe, Shannon
Cc: Jennings, Cindy; Tracy, Mary
Subject: FW: Enhancements to LLLT License

From: Camille Walton [mailto:camillew1092@gmail.com]
Sent: Friday, September 14, 2018 12:48 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Enhancements to LLLT License

To whom it may concern,

I am writing regarding the possible enhancements to the LLLT license. Personally when faced with my divorce I wasn't sure how I could afford a lawyer to help me. When I learned about what a LLLT could offer I was very pleased I would be able to afford my divorce more easily. While working with an LLLT I feel as though they are just as knowledgeable as a lawyer would be. I am so glad I went this route but the only drawback for me is that if I do end up having to go to court my LLLT will not be there with me to represent me. The prospect of facing court and my ex and his lawyer without anyone there representing me is very terrifying. I have no legal background and it would mean so much to me if a LLLT would be able to be there with me so I wouldn't have to go through it alone. Please consider adding to the scope of the LLLT license. I know it would positively impact myself and many others as well.

Thank you for your time

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, August 27, 2018 8:16 AM
To: Hinchcliffe, Shannon; Jennings, Cindy
Subject: FW: Family Law Enhancements - LLLT Rule, Statement in support of suggested amendments

Forwarding

From: Deborah Ellen Baker [mailto:Bakerwa1@outlook.com]
Sent: Saturday, August 25, 2018 1:08 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: RE: Family Law Enhancements - LLLT Rule, Statement in support of suggested amendments

August 25, 2018

Washington Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Subject: Family Law Enhancements
Statement in Support of LLLT Rule, Suggested Amendments
ADMISSION AND PRACTICE RULES (APR) 28
Sections C, D, and Regulation 3

Dear Reviewer(s),

I live in rural Whatcom County and I see that not having enough money to hire a lawyer has a disparate impact on women. Often the men in the rural areas have jobs that pay very well – refineries, logging, heavy equipment operator, construction; while women are either stay-at-home moms or work for minimum wage in service industry jobs. Access to the legal system is impaired by the economics of gender and obstructed by a person's lack of sophistication and disabilities.

The proposed enhancements to the LLLT practice would expand the ability of the LLLTs to provide better access to the courts. I support adding the ability to divide real estate. Frequently the only asset of any value (besides the pickup truck) is some minimal amount of equity in the family home. Many people do not know how to understand and write up the division of equity in the home or to provide remedies when the agreed division is not followed.

I also support the idea that a LLLT can go to court with the client. Even with the proper paperwork, self-represented litigants are terrified of going to court. People have mental health problems, literacy issues or cognitive impairments but still need a divorce. Having a support person who is also a legal resource will make the court experience better for everyone.

Thank you for your consideration of these amendments with significant potential to tangibly improve equitable access to the legal system.

Very truly yours,

D. Ellen Baker

P.O. Box 5149
Glacier, WA 98244-5149
(360) 599-2544

Cc: 42nd District Representatives Vincent Buys and Luanne VanWerven, State Sen. Doug Ericksen

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, September 14, 2018 8:04 AM
To: Hinchcliffe, Shannon
Cc: Jennings, Cindy; Tracy, Mary
Subject: FW: LLLT Consideration

From: David Brown [mailto:david@neo1seo.com]
Sent: Thursday, September 13, 2018 5:13 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: LLLT Consideration

Hi there,

I'd like to drop a quick note to let you know how much my LLLT has helped me these last few months. My divorce came at me from out of the blue and I definitely did not have an extra 10k sitting around for a retainer. It would be extremely helpful if my LLLT was able to accompany me to mediation and even talk to my wife via phone, email, or some other medium. I'd like to say thanks for the LLLT's in the first place, as I'd be out of luck otherwise.

Best,

DB

--

David Brown - [@neoblog](#) | [db Consulting](#)
"I can rank you, or your competition... Your call!"

Confidentiality Notice: This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information exempt from disclosure under applicable law. Unauthorized review, use, disclosure, or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all original copies of the message. Thank you.

Please consider the environment before printing this email or any attachments.

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, September 7, 2018 2:42 PM
To: Hinchcliffe, Shannon
Cc: Jennings, Cindy; Tracy, Mary
Subject: FW: Do Not Expand the LLLT Program

From: Dayna Ducey [mailto:dayna.ducey@gmail.com]
Sent: Friday, September 7, 2018 2:40 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: re: Do Not Expand the LLLT Program

Good Afternoon,

As a WSBA attorney (who previously practiced in Canada), I have serious concerns about the proposed expansions to the LLLT program (and the LLLT program as a whole).

I am a family law attorney and executive committee member of the Low Bono Section. Along with the majority of family law attorneys in the state, I am disappointed that unqualified practitioners are being invited to assist the most vulnerable of populations. Family law practitioners are so frustrated that many of them are distancing themselves from the WSBA. In fact, some 500 family law attorneys joined the non-WSBA affiliated and *attorney only* DRAW group (Domestic Relations Attorneys of Washington).

WSBA's website says, "The Washington Supreme Court directed the WSBA to develop and administer the LLLT license as part of the effort to make legal services more available for people with low or moderate incomes." What low bono attorneys are seeing is that many LLLTs charge close to (or more!) than what we as low bono *attorneys* charge.

I'm concerned that we are supporting LLLTs *to the detriment of new and young lawyers*. As a young attorney, I know of many peers (attorneys) who are struggling to find employment. All while they must pay off student debt. We should be supporting young attorneys, not unqualified LLLTs. It is also frustrating that attorneys are paying for the LLLT program.

I urge you to think of the clients who are being poorly served by unqualified LLLTs. Family law is not an area to be dabbled in by inexperienced, unqualified non-lawyers.

Dayna Ducey
51533

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, September 10, 2018 8:03 AM
To: Hinchcliffe, Shannon
Cc: Jennings, Cindy; Tracy, Mary
Subject: FW: Proposed changes to the LLLT practice areas

From: Genissa Richardson [mailto:Genissa@lawadvocates.org]
Sent: Sunday, September 9, 2018 6:25 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Jen Petersen <jen@saalawoffice.com>
Subject: Proposed changes to the LLLT practice areas

To: Washington State Supreme Court
From: Genissa Richardson, APR 6 Law Clerk and Licensed Legal Intern, LAW Advocates, Bellingham, WA

September 9, 2018

Dear Honorable Justices of the Washington State Supreme Court,

I am contacting you regarding the proposed changes to the LLLT practice area. Next July, I will complete the APR 6 Law Clerk Program. I have worked at LAW Advocates, in Bellingham, since October of last year. Much of my work involves helping clients in our Dissolution and Parenting Plan clinic – designed specifically to assist victims of domestic violence. I also counsel tenants on a weekly basis at our Landlord-Tenant Clinic. The issues I assist with range from unlawful detainers to orders of limited dissemination, and more minor issues that never go to court, such as damage deposits.

All of our clients are indigent, and a good portion of them are homeless. I see firsthand how many civil legal issues the citizens of Whatcom County have – issues that most cannot afford to retain an attorney for. My family law clients have concerns about their housing, their employment rights, and their debts. And my tenant law clients have concerns about keeping their housing and employment, or clearing their rental history and money judgments against them, so they can regain housing.

I, our staff attorney, David Henken, and our contract family law attorney, Catherine O'Connell, cannot meet the needs of nearly everyone who seeks our assistance. We have many additional programs, including Street Law, yet we turn away potential clients, who qualify for our services, every day.

We have a nationwide access to justice crisis on our hands. This is evident from the day to day experiences of legal professionals such as myself, and from in-depth studies, such as the Office of Civil Legal Aid's 2015 Civil Legal Needs Study Update.

The answer to this crisis is to empower more legal professionals to assist those who are low income and indigent. Access to legal services must not continue to be available only for the affluent. Kirsten Barron, a colleague whom I have much respect for, regularly reminds our local bar that "it's not justice if it's not equal." I couldn't agree more. I have the means to hire an attorney if need be. The vast majority of Washington State residents do not have the means to do so.

I am at a loss for why so many people oppose the proposed changes to the LLLT practice areas. The volunteer lawyer programs and other non-profit agencies cannot meet the demand for free or reduced-cost legal services. There is no harm in expanding the LLLT Family Law practice area to include allocation of

retirement accounts. The exclusion of QDRO's is understandable. These are so complicated that experienced attorneys shudder at the mere mention of a QDRO. There is no harm in allowing LLLTs to attend court with their clients, with the caveat that they only answer questions of fact from the bench. Any potential risks of expanding the LLLT practice areas are overshadowed by the benefits that will result and by the Bar's regulation of the profession.

Another concern I have is the claims being made that LLLTs are not volunteering and/or providing reduced cost services. These claims are false. Our local LLLT, Jen Peterson, regularly volunteers at Street Law, and her services are provided at a very reasonable rate. I have heard from colleagues in other parts of the state that they know LLLTs who also are committed to volunteerism.

The arguments against expanding the LLLT Family Law practice area and against licensing LLLTs in the area of Consumer, Money & Debt fail to recognize the fragile state of justice in Washington. We have a local attorney, Lee Grochmal, who graciously volunteers her time to assist many of our clients with bankruptcy matters. Yet, we have no attorneys who assist with creditor/debtor issues before bankruptcy is necessary. The lack of available legal advice further perpetuates poverty. Licensing LLLTs for this practice area can bring nothing but positive results to this crisis.

Many attorneys are not willing to work *pro bono* or at a reduced rate. Yet many attorneys seem to think that LLLTs will take all of their clients. This is ridiculous. There is no shortage of clients to go around. In Whatcom County, someone who can afford to pay full-price for an attorney can scarcely find a family law attorney to take a case right now. There aren't enough attorneys practicing family law. How does someone in a low-income bracket stand a chance at retaining legal counsel? The reality is that not everyone can pay \$200-300 an hour for an attorney. LLLTs can play a large role in solving this crisis. We need more regulated and educated legal professionals who are dedicated to serving the public – including the lower and middle classes.

I sincerely hope the proposed changes to the LLLT Family Law practice area are approved, and that the practice area continues to expand with time. I also sincerely hope the Consumer, Money and Debt practice area is approved. These changes alone will not solve our State's access to justice problem. They signal significant progress, however, and bring hope for a more just and balanced future for all of our citizens.

Sincerely,

Genissa Sygitowicz Richardson

APR 6 Law Clerk, APR 9 Licensed Legal Intern #9281085

LAW Advocates in partnership with the Volunteer Lawyer Program of Island County

Phone (360)-671-6079 Ext. 14 / Fax (360)-671-6082

Genissa@LAWadvocates.org

www.lawadvocates.org

www.facebook.com/LAW-Advocates-154954291280272/

<https://www.instagram.com/lawadvocates1987/>



Statement of Confidentiality

The contents of this e-mail message and any attachments are confidential and are intended solely for addressee. The information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately **notify** the sender by reply e-mail or phone and **delete** this message and its attachments, if any.

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, September 5, 2018 1:48 PM
To: Tracy, Mary
Subject: FW: Comment re: Expansion of LLLT Program

For you?

From: Denise Diskin [mailto:Denise@stellerlaw.com]
Sent: Wednesday, September 5, 2018 1:47 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment re: Expansion of LLLT Program

Dear Justices:

I am writing to express my support for limiting the reach of WSBA's existing LLLT Program to advising and undisputed matters, and to ask that the Court oppose any expansion of the program, for a period of time measured in years, to allow its current iteration to be tested.

I appreciate the need for low-cost legal assistance more than most, having served as a volunteer legal clinic attorney, Moderate Means attorney, and solo/small firm attorney for the entirety of my career. I am familiar with the statistics regarding the dire need low-income people have for attorneys. However, I do not believe an expansion of the LLLT program is the answer that the public in Washington need. While I have no doubt that LLLTs are smart, dedicated, and careful people who have every desire to serve their clients well, there is no substitute for the intense legal training, and bar exam study and passage, held by lawyers.

While introduction of LLLTs into areas of law where there is particular need, such as family law, is no doubt helpful, allowing LLLTs to represent family law clients in court hearings and disputed matters reflects a lack of understanding on WSBA's part as to how complicated that area of law is. As a solo attorney almost 10 years ago, I began taking on family cases thinking they would be emotionally complicated but procedurally and legally simple. How complicated can it be to calculate child support when all those forms exist to help pro se parties, right? Wrong. Family law has proven to be more complicated by far than any other area of law I have learned, and it is made only more complicated by the web of rules and procedures (including both the state and local court rules) meant to account for the large number of pro se parties trying to navigate the court system. These are not simply ten-minute child custody or parenting plan hearings – they are legal proceedings which touch on every aspect of a family's logistical and financial life and which can carry serious consequences if orders are not followed. I regret now the cavalier attitude I began taking these cases with, and I cannot imagine leaving these cases in the hands of people lacking a complete legal education.

There is no doubt that legal services need to get cheaper. I think most attorneys would agree. But they are expensive for reasons that are tied to the complexity of the work and the industry's reliance on price points fitting large corporate law firms, not a shortage of people willing to do the work. If my firm could charge our clients less, but still pay office rent, staff and attorney salaries (which are modest, particularly for Seattle – I am eligible for income-based repayment of my six-figure student loans, for example), bar dues, CLE fees, Westlaw accounts, and other necessary overhead costs, we would. If I could afford to still be a solo attorney and still pay my student loans, my child's daycare, my health insurance, and my rent, I likely would. But the economics of our industry are such that firms like mine cannot stay afloat if we only charged what our clients could pay. We have to bridge that gap – but sending non-attorneys out to the public to provide those services is not the answer. Being an attorney is a humbling, challenging job, and WSBA needs to spend its energy making our industry more affordable so that the public has equal access, regardless of class, to trained and skilled and certified attorneys.

Thank you for your consideration.

Respectfully,

J. Denise Diskin, Attorney
Teller and Associates, PLLC
1139 34th Avenue, Suite B
Seattle, WA 98122
206-324-8969 fax 206-860-3172
www.stellerlaw.com

This communication is confidential

ATTORNEY CLIENT &/OR WORK PRODUCT PRIVILEGED

This e-mail is sent by a law firm and contains information that may be privileged and confidential. If you are not the intended recipient, please delete the email and notify us immediately. If this message contains advice relating to federal taxes, it is not intended or written to be used, and cannot be used, for the purpose of avoiding penalties that may be imposed under federal tax law.

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, September 12, 2018 3:33 PM
To: Hinchcliffe, Shannon
Cc: Jennings, Cindy; Tracy, Mary
Subject: FW: APR 28 LLLT enhancements

From: jujupotterwa@gmail.com [mailto:jujupotterwa@gmail.com]
Sent: Wednesday, September 12, 2018 3:33 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: APR 28 LLLT enhancements

Dear Supreme Court:

I am a concerned citizen for those who do not have access to affordable legal help.

The proposed enhancements to APR 28 should be enacted. Self-represented clients do not have the money to hire attorneys. The local pro bono attorneys and Northwest Justice Project take on very few divorce clients. The courthouse facilitators help with forms, but cannot give legal advice. People are confused and overwhelmed by the forms and the process. Having the LLLT help them and go with them to court would be welcome by the clients and assist the judges if they have questions.

There is a critical need for having LLLTs provide assistance with non-parental custody actions - either as agreed by the parties or through the adequate cause hearing. Most often it is grandparents, relatives and friends who take on the task of caring for children when the parents cannot. Often the child's caregiver has limited means and cannot navigate the legal system. It is critically important to have someone help the caregivers get legal status to obtain medical and educational decision making for the children in their care.

The court should implement all of the proposed LLLT enhancements.

Thank you for your consideration regarding a solution for this important issue.

Judith Potter



SCHOOL OF LAW
UNIVERSITY of WASHINGTON

RECEIVED
SEP 06 2018

Washington State
Supreme Court

August 31, 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:

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

Comments on Suggested Amendments to
Admission and Practice Rules (APR) 28 and
Limited Practice Rules for Limited License Legal Technicians (LLLTs)

Comment: There seems to be discord between proposed changes to APR 28(G)(4) and LLLT RPC 1.16.

The amendment to APR 28(G)(4) would preserve LLLTs' obligation to sign documents and pleadings they prepare while allowing an exception for LLLTs assisting a client or a third party in preparing a declaration or sworn statement.

However, the amendment to LLLT RPC 1.16, Declining or Termination Representation, clarifies that LLLTs represent pro se clients and, accordingly, LLLTs would not file a notice of appearance.

How would the court know an LLLT should have signed documents if the court doesn't know the LLLT represents the client?

Comment: The proposed changes are a step in the right direction, but they fall short when it comes to case-type restrictions. Restrictions on Major Modifications and Non-Parental Custody cases only through Adequate Cause have the effect of requiring LLLTs to withdraw all assistance at the most crucial steps in the court process.

From my experience as a supervising attorney, LLLTs do not need additional training or education to assist with Major Modifications cases. In contrast, Non-Parental Custody cases would require a CLE to provide LLLTs the necessary training. This is a small hurdle LLLTs would gladly leap in order to eliminate the restriction.

General Comment: The current restrictions on LLLTs' license to practice continue to limit, not level, the playing field for LLLTs' pro se clients. The burdens are disproportionate on LLLTs compared to attorneys when attempting to provide meaningful representation without running afoul of court rules or the law.

WSBA asks LLLTs to accomplish a nearly impossible task: Provide representation without much ability to represent the client when the client needs it the most, in court and at depositions.

WSBA and the attorney population must embrace LLLTs for the gaps they fill and the services they can and want to provide. Just as physician assistants and advanced registered nurse practitioners have become indispensable in the medical field, so will LLLTs. Washington could and should be a progressive leader in this field.

General Comment: Doesn't it make sense to extend LLLTs' representation to clients wanting adoptions, since the WSBA already intends to let LLLTs handle non-parental custody actions?

Comments submitted by:

Lori Preuss

WSBA #33045

1554 Amethyst St SE

Olympia, WA 98501

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, September 14, 2018 8:06 AM
To: Hinchcliffe, Shannon
Cc: Jennings, Cindy; Tracy, Mary
Subject: FW: Comments on proposed amendments
Attachments: LLLT comments 9.13.18.docx

From: Lori PREUSS [mailto:lori012@msn.com]
Sent: Thursday, September 13, 2018 8:43 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments on proposed amendments

Hello. Attached are my comments to proposed amendments to Admission and Practice Rules (APR) 28 and Limited Practice Rules for Limited License Legal Technicians (LLLTs).

Thank you.

Lori Preuss
WSBA #33045
Lori012@mns.com

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, July 23, 2018 4:04 PM
To: Hinchcliffe, Shannon; Jennings, Cindy
Subject: FW: Expansion of LLLT functions

Forwarding.

From: Lynn Clare [mailto:lynnclare@clarelawfirm.com]
Sent: Monday, July 23, 2018 3:54 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Expansion of LLLT functions

To the members of the Washington Supreme Court:

Regarding the recent proposal to extend the practices of LLLT's to negotiating procedural matters, I wish to strenuously object to ANY addition to the substantive legal work LLLT's may perform.

LLLT's are not attorneys. They do not have a legal education. They do not have licenses to practice law. Their ostensible reason for existing was to provide scrivener-like services to modest-means clients. When it was presented in that way, I was actually a fan of the idea.

No more, for I now wish that the problematic LLLT program had never been authorized. The LLLT license has mushroomed into something very different from how it was originally presented to us, and I foresee substantial potential for harm to clients and my profession. Allowing "negotiation of procedural issues" creeps uncomfortably close to practicing law without a license. I urge the Court not to approve this change to the license.

Lynn Clare
Clare Law Firm, PLLC
WSBA #47867

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Thursday, August 30, 2018 9:28 AM
To: Hinchcliffe, Shannon; Jennings, Cindy
Subject: FW: Expansion of LLLT functions

Forwarding

From: Lynn Clare [mailto:lynnclare@clarelawfirm.com]
Sent: Thursday, August 30, 2018 9:26 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Expansion of LLLT functions

To the members of the Washington Supreme Court:

I was just informed that my previous comment on this issue might not receive attention as it may not have been received during the official comment period. In an abundance of caution, and because I want my opinion in this matter to count, I am re-sending my previous comment.

Regarding the recent proposal to extend the practices of LLLT's to negotiating procedural matters, I wish to strenuously object to ANY addition to the substantive legal work LLLT's may perform.

LLLT's are not attorneys. They do not have a legal education. They do not have licenses to practice law. Their ostensible reason for existing was to provide scrivener-like services to modest-means clients. When it was presented in that way, I was a fan of the idea.

No more, for I now wish that the problematic LLLT program had never been authorized. The LLLT license has mushroomed into something very different from how it was originally presented to us, and I foresee substantial potential for harm to clients and my profession. Allowing "negotiation of procedural issues" creeps uncomfortably close to practicing law without a license. I urge the Court not to approve this change to the license.

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

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: Thursday, September 6, 2018 12:07 PM
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

From: Dawn M. Bell [mailto:belld3@uw.edu]
Sent: Thursday, September 6, 2018 12:06 PM
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 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

 **SCHOOL OF LAW**
UNIVERSITY of WASHINGTON
Leaders for the Global Common GoodSM

The track record of the Limited License Legal Technician Program does not warrant expansion at this point. While the program was motivated by good intentions, the program does not appreciably help those with low income, the costs outweigh the benefits, and interest is dwindling.

Although the stated objective of the LLLT program is to increase access to justice for low and moderate-income persons¹, no requirement limits their fees nor their clients' incomes. The savings due to reduced hourly fees have long been available through appropriate use of paralegals, who at least are subject to the supervision of an attorney.

At the 2/15/17 WSBA town hall meeting, one of the first questions raised from the floor was from a Superior Court judge, who asked how the LLLT program can be evaluated. LLLT Board Chair Stephen Crossland said that an evaluation was being conducted, and that its preliminary findings were very positive and that steps were being taken to address the shortcomings. The evaluation was published in March 2017, after evidently being circulated earlier to the LLLT Board, judging by Mr. Crossland's reference to it a month before.

The March 2017 Preliminary Evaluation of the Washington State Limited License Legal Technician Program, funded by the American Bar Foundation, is available online.² It appears that its primary sources for information were the LLLT Board and the WSBA Executive Director. The LLLT Board Chair and WSBA Executive Director have stumped the country to paint glowing pictures of the LLLT program's success in self-justifying efforts to have other jurisdictions adopt similar programs.

Mr. Crossland's 9/15/17 letter responding to Chief Justice Fairhurst's 4/3/17 concerns (*If there are no additional subject matter areas, can the program continue?*) stated:

As the LLLT profession has evolved, four realities are presented. While they are not determinative of the continuance of the profession, they cannot be ignored. First, the LLLT Board's outreach to community colleges reveals that those students who are not interested in Family Law may be interested in other practice areas. Second, classes taught

¹ The first line on the WSBA website about LLLTs still claims: "Washington is the first state in the country to offer an affordable legal services option to help meet the needs of those unable to afford the services of a lawyer."

² Clarke, Thomas M. and Sandefur, Rebecca L., *Preliminary Evaluation of the Washington State Limited License Legal Technician Program*, March 2017, available online at https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwits_6rioDWAhVkwVQKHZoNDAsQFggoMAA&url=http%3A%2F%2Fwww.americanbarfoundation.org%2Fuploads%2Fcms%2Fdocuments%2Fpreliminary_evaluation_of_the_washington_state_limited_license_legal_technician_program_032117.pdf&usg=AFQjCNFkkXtoM5aRpojT2nXXNUa4VO3NTw, p. 3. Note: the role of LLLTs surveyed didn't include the pending amendments to APR 28, which would allow LLLTs to help their clients in court, to negotiate with opposing parties and counsel, and to appear at mediations and arbitrations.

through the University of Washington Law School must reach a sustainable level in order for the School to financially afford to teach LLLT classes. Third, the Washington State Bar Association is currently underwriting the LLLT profession in its initial stages. In order to offset the start-up costs and continuing costs of the license, the population of LLLT practitioners must expand. Fourth, and most importantly, there is a significant unmet need in areas beyond Family Law. We simply can't put off trying to meet the painful and significant unmet needs in other areas of the practice of law.

Fallacies:

- A. The statement that community college students who are not interested in family law "may be" interested in other practice areas is speculation.
- B. There is no indication whether such students are interested in the areas of greatest unmet need.
- C. The fees which LLLTs can charge are not regulated and probably can't be, due to antitrust issues, so there is no showing that low income needs will be met.
- D. Nothing indicates that their numbers would be sufficient to make the LLLT Program economically viable.

The program costs outweigh the benefits. For fiscal year 2016, the LLLT Program deficit was \$216,358. For fiscal year 2017, the budgeted deficit was \$221,664. Subsequent costs are more difficult to identify, because WSBA combined LLLT program costs with other WSBA costs starting in FY 2018. The March 2017 evaluation findings noted that the UW law school must *subsidize* the LLLT program at current student levels, while Seattle University and Gonzaga law schools are struggling financially and felt unable to subsidize a new program like the LLLTs (though Gonzaga contributed faculty to the courses at UW law school.) The study further found that, though it's not clear how much student levels would need to increase for the law school to break even on the program, rough estimates ranged from 30 to 60 students per year.³

I attended the LLLT Board's 4/4/18 annual meeting with the Supreme Court, and heard Mr. Crossland assure the court that the LLLT program had an estimated 100-200 "in the pipeline". That phrase rang a bell. I remember him using similar words over a year earlier at the WSBA town hall meeting on 2/15/17. After six years (four years of exams), there are only 35 active LLLTs since the Washington Supreme Court authorized LLLT practice through APR 28 on June 15, 2012. Many of that number essentially grandfathered in, using their multiple years of family law paralegal experience. The numbers aren't escalating. Despite the glowing reports and predictions to the Supreme Court, only 3 passed the February 2018 LLLT exam, mirroring the 3 in spring 2017.

So where are those hundreds "in the pipeline"? The ABA Foundation's Findings in the March 2017 Preliminary Report found that:

³ Clarke and Sandefur, at p. 8

While it may be difficult to estimate what number of new licensed practitioners per year would be required to achieve a breakeven point for operating the program with precision, presumably the WSBA could do so for various enrollment and certification scenarios.

The WSBA estimates that such a breakeven point may be achieved in five to seven years, which would include paying back the startup costs, but does not indicate what level of licenses would be needed to do so. *It does estimate that up to 200 people may be currently enrolled in its core programs.* If so, the WSBA can determine when the breakeven point will be achieved at least approximately. *Community colleges know how many students are in their paralegal programs, but not how many of those students might go on to become licensed LLLTs. Previous estimates of LLLT cohorts have consistently proven to be too optimistic,* but that may change as the program becomes better known and gathers momentum with a track record. (p. 10)(emphasis added)

Apart from the LLLT Program's generally failing to serve low income needs, costs outweighing benefits, and minimal interest, the proposed APR 28 rule changes were not appreciably altered in response to the detailed criticism provided by the King County Bar Association's Family Law Section and others. In Mr. Crossland's summary of input efforts, notable by its absence was any reference to WSBA's Family Law Section, the American Academy of Matrimonial Lawyers, or the Domestic Relations Attorneys of Washington.

There should be no expansion ("enhancement" is marketing spin), either to new areas of family law or to new legal fields. Before embarking on areas of new practice, the court should wait and determine whether the unmet legal needs of the public are being significantly met by this program, and whether the benefits justify the costs. Rather than continuing the LLLT Board as a large standing committee of the Supreme Court, incurring triple-digit deficits annually, it makes more sense to have it convene only periodically to evaluate progress and identify whether expansion is warranted.⁴

The foregoing represents my opinion, and not that of any bar association or section.

Mark Alexander

⁴ For example, the Child Support Schedule Workgroup convenes every four years to make recommended changes to the Legislature.

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Thursday, September 6, 2018 4:29 PM
To: Hinchcliffe, Shannon
Cc: Jennings, Cindy; Tracy, Mary
Subject: FW: Comments on APR 28 changes re: LLLTs
Attachments: LLLT ltr Supreme Ct 2018-09-06-1535.docx

From: Mark [mailto:mark@seattledivorceservices.com]
Sent: Thursday, September 6, 2018 4:27 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments on APR 28 changes re: LLLTs

I respectfully submit my attached comments about the proposed rule changes to APR 28.

Mark Alexander
Seattle Divorce Services
2317 NW Market Street
Seattle, WA 98107
(206) 784-3049

NANCY HAWKINS
ATTORNEY AT LAW

6814 GREENWOOD AVE. N.
SEATTLE WA 98103
(206) 781-2570
FAX (206) 781-7014

July 16, 2018

Cindy Phillips
Judicial Administrative Assistant to
Chief Justice Mary E. Fairhurst
Washington State Supreme Court

Re: LLLT Expansion Proposal

Dear Ms. Phillips:

Please provide this letter to the Justices of the Washington Supreme Court for their consideration.

At the time that I started to be active in the Family Law section and started attending meetings of the WSBA Board of Governors, the Family Law section's opposition to the LLLT program was well-known. Detailed comments had been submitted by individuals and the section executive committee for several years. Nonetheless, I approached the subject with an open mind. I write today as an individual member and not as a representative of the Family Law Section. It is a continuing concern that issues are raised without adequate time for Section Executive Committee's to discuss and formulate detailed responses. This letter has not been reviewed nor approved by the Family Law section; I speak only for myself.

I comment today against the proposed expansion of the LLLT program into debt issues or any other subject area. The presently considered expansion seems truly ill-advised. As another attorney stated in a listserve email recently "the fact that many lawyers don't know how to do this stuff and/or do it badly is not an argument that other people who don't have a law school education should be taught it so they can represent people." Another said with regard to the LLLT program, "the cost was incredibly high for the number of people who are licensed, and I can't believe that anyone would want to replicate that result with other disciplines...FDCPA stuff is so insanely complicated that very few lawyers really understand it...."

While there are consumer and/or debt issues that the low income public struggles with, the LLLT program that is being considered is clearly headed for failure. The LLLT Board itself said that "it was unclear whether or not legal assistance would materially address the consumer law problems ... and whether that assistance could be provided through some method other than direct representation exclusively by a lawyer." The LLLT Board also reported that significant advice already exists through the Northwest Justice Project site washingtonlawhelp.org. Yet the recommendation continued to be pushed forward.

The LLLT Board recommendation is that LLLTs be able to assist with RCW 10.82 Motions re Interest in LFOs. These apply to convicts trying to integrate into society. I didn't see that the LLLT Board provided any number of the people seeking help in this matter. There is a recommendation that LLLTs help with small claims court matters. There are numerous websites and materials available to help pro se parties with these small claims. Certainly paying a LLLT is not a likely priority when a person is trying to get someone to pay them \$500 that is owed. The recommendation is that LLLTs can help with debt collection not involving collection agencies. In fact, in this day and age, most collection actions involve collection agencies. There is a recommendation that LLLTs help with garnishments. Very few consumers initiate garnishment actions and there are limits on reimbursable "legal" fees. There are rarely court hearings. Packets of forms and instructions are generally available in every county and are also part of the legal forms available through the Administrator of the Courts. The recommendation regarding identity theft is also ill-advised. This information is available through the Attorney General's office at no cost. The recommendation regarding loan modifications is also somewhat laughable. These programs are very complicated and there are attorneys that specialize in it. These loan modifications are rarely granted and adding LLLTs to the mix will not improve that. LLLTs are not needed with regard to protection orders since each county is required to have people at the courthouse to help provide forms. It is not explained how they would help get no contact orders in criminal cases; this is routinely done by prosecutors at initial criminal hearings. LLLTs cannot provide meaningful help in bankruptcy issues since federal laws govern the debt counseling that consumers must obtain. The program is simply designed for failure; hundreds of thousands of dollars will be spent and any LLLT eventually trained will have few clients, if any, able to pay his/her fees.

The LLLT program is not being forthright with the WSBA membership and, perhaps, the Washington Supreme Court. The program seems to be exploring expansion into numerous fields and, is now doing so without any meaningful oversight. I have reviewed the LLLT Board meeting minutes, as much as are available. This can be difficult since I have sometimes had to prompt staff to get the minutes online. Of course, I do not know if the LLLT board is not providing their minutes to the staff on a timely basis. Most recently, the LLLT Board cancelled its April and June 2018 meetings so no minutes are available. The May 2018 draft minutes are not available either. See attached email of July 9, 2018 from Renata Garcia.

The minutes of the New Practice Area sub-committee which explores subject expansion used to be on-line. That is no longer the case. In fact, I was informed this morning that I would have to submit a public records request to get them. See the attached email of July 16, 2018 from Margaret Shane.

My review of LLLT board minutes and the New Practice Area Committee have been

revealing and startling, particularly with regard to a previously planned expansion into immigration law. The April 2018 minutes state that the LLLT program is expanding into immigration law and that they had already contacted Governor Inslee to get his support for legislation to try and “preempt” the federal law to allow local LLLTs to practice in the immigration field. This action by the LLLT program seems to have been done without the permission of the Washington Supreme Court or the WSBA Board of Governors. This attempted expansion is ill-advised and should not be encouraged or permitted. The Washington State Immigration Services page on the Attorney General website calls immigration law “one of the most complicated areas in the legal field.” ... [and] specialized training” is required...[and] the lawyer/expert must be “authorized under federal law to provide immigration services.” While it seems that this attempted expansion has been dropped, the LLLT board seemed to have acted improperly by going to the Washington State Governor without the support of the BOG or the Supreme Court.

I also ask the Washington Supreme Court to demand some answers from the LLLT board. Such answers should be in writing and made available to WSBA members. How many LLLTs are presently in practice and whom are they representing? What are they charging? While their fees may not be controlled under anti-trust considerations, the fees can certainly be used to determine whether this program is meeting the needs of low-income people. What is the goal of the LLLT program?

I am concerned that the LLLT program seems to be operating without true and objective oversight or administration. The meeting with the Governor’s office involving the Executive Director, Paula Littlewood, is a prime example. It is troubling that this action was not disclosed in her monthly activity reports. She apparently had two BOG members with her but this action was not reported in their monthly activity reports provided to the BOG and the membership. The Executive Director report of January 12, 2018 makes no mention of LLLT issues at all. Steve Crossland’s report to the Board of Governors of January 4, 2018 discusses proposed expansion of the LLLT Family Law work and needed amendments to APR 28 and RPCs but no mention of immigration or consumer debt expansion.

How was it acceptable for these people to go to the Governor to lobby for changes in the law? Sections are not allowed to make any public statements without approval of the WSBA yet a meeting was apparently conducted with the Governor of this state without any such prior approval. Making public statements on the LLLT program and potential expansion without any report of the meeting to the BOG means that the BOG and the membership is being denied information that it should have.

I have another concern about the LLLT program and its administration. The program is marketed enthusiastically by Paula Littlewood and Steve Crossland. It is an open secret that they are involved in a personal relationship. This is a delicate issue that seems to be ignored. I do not easily raise this issue; it should be personal and private. But, it cannot be ignored in this circumstance. I do not see how the program can be administered by the WSBA appropriately under those circumstances. Paula and Steve travel to various other states and countries together “wearing WSBA hats” to talk up the LLLT program concept. I am concerned about the direct and indirect costs of their joint travel to various locales, including Hawaii and Canada. I am concerned about the appearance to the membership. It would certainly seem that the WSBA and the WSC are leaving themselves open to public criticism.

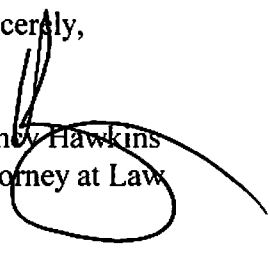
The lack of independent and objective analysis and administration by Littlewood is also clear if the WSBA website is reviewed. The website lauds the LLLT program as a way to practice law without going to law school. It is excited and enthusiastic about the program. Contrast this with the website with regard to lawyers. There is no reference to the long and distinguished role of lawyers in civil rights, or in helping people access the justice system. There is instead a dry description of the costs and burdens of becoming an attorney (fees, testing, etc.) The legal directory now lists LLLTs and lawyers in the same directory. Not only are the lines being blurred, the preference for LLLTs by the Executive Director is obvious.

It also seems that the LLLT program is described by Crossland and Littlewood in their various travels as a “success.” This seems to be an inaccurate description of the program. After years of funding, the program continues to operate at a substantial loss and has very few people working in the field. There is no proof that the program is truly meeting the needs of low-income people and, in fact, the anecdotal information conveyed at meetings is that LLLTs are charging significant rates for their work, generally comparable to attorneys. The Washington Supreme Court should require that Crossland and Littlewood provide transcripts of any speeches and copies of any written materials that either has provided with regard to the LLLT program. Their representations must be accurate and complete so that the reputation of this state bar association and the Washington Supreme Court is not harmed.

Washington Supreme Court
LLLT Expansion Program
July 16, 2018
Page 5

I think it is time for the Washington Supreme Court to take another good hard look at the LLLT program and its purpose and structure. It is time for a plan for reasonable administration. It is also time for the Washington Supreme Court to demand that the WSBA administration enthusiastically support and applaud the work of lawyers.

Sincerely,



Nancy Hawkins
Attorney at Law

cc. LLLT Board

Nancy Hawkins

From: Margaret Shane <Margarets@wsba.org>
Sent: Monday, July 16, 2018 11:10 AM
To: Nancy Hawkins
Subject: RE: LLLT New Practice Area Committee minutes

Hi Nancy –

Since minutes for LLLT committee and work group meetings are not posted on the website, it has been determined that the information you are looking for needs to be obtained through a Public Records Request. To request Bar records, please send your request to WSBA's public records officer at PublicRecords@wsba.org. Under Washington General Rule 12.4(e)(1), requests must be made in writing to WSBA's public records officer, and may not be made to other Bar staff.

Best,
Margaret



Margaret Shane | Executive Assistant

Washington State Bar Association | 206.727.8244 | fax 206-727.8316 | margarets@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 karar@wsba.org.

From: Nancy Hawkins [<mailto:nhawkins@seanet.com>]
Sent: Friday, July 13, 2018 2:10 PM
To: Margaret Shane
Subject: LLLT New Practice Area Committee minutes

These used to be on the website. Are they somewhere else now?

Nancy Hawkins
Attorney at Law
6814 Greenwood Avenue North
Seattle, WA 98103
(206) 781-2570
Fax: (206) 781-7014
nhawkins@seanet.com

CONFIDENTIALITY NOTICE: This e-mail transmission contains information from the Law Office of Nancy Hawkins, which may be confidential and/or legally privileged. This information is intended only for use by the individual or entity named. If you are not the intended recipient, you are hereby notified that any disclosure, copying, forwarding and/or distribution of or taking action in reliance on this information is hereby prohibited. If you have received this e-mail in error, please notify me immediately by reply and delete all occurrences of this record. Thank You.

Nancy Hawkins

From: Renata Garcia <renatag@wsba.org>
Sent: Monday, July 09, 2018 2:55 PM
To: Margaret Shane; Nancy Hawkins
Subject: RE: LLLT Board minutes

Hi Nancy –

The LLLT Board April meeting was cancelled. The June meeting was also cancelled which means that the May meeting minutes have not yet been approved.

The meeting materials are posted on the website. Here is one way to access them:

1. <https://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/LLL-Board>
2. Click on WSBA Event Calendar

Meeting Materials

NB: Starting October 2017 meeting materials are linked to the meeting event item in the [WSBA Event Calendar](#). This static list was not be updated.

January 2017
February 2017
March 2017

3. Select Limited License Legal Technician Board

HOME | EVENTS CALENDAR



Updated: June 8, 2018

Filter Event

Today • • 27 July 2018						
Day	Screen	Agenda				
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

4. Select the month and click on the event
5. Click on the link under "Agenda"

Add to:

- Outlook
- iCal
- Google Calendar

The Limited License Legal Technician (LLL) Board

Agenda:

LLL Board Meeting Materials - March 2018

Let me know if you have any other questions.

Thank you,
Renata



Renata de Carvalho Garcia | Innovative Licensing Programs Manager

Washington State Bar Association | 206.733.5912 | renatag@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 barbarao@wsba.org.

From: Margaret Shane

Sent: Friday, July 06, 2018 1:49 PM

To: Nancy Hawkins

Cc: Renata Garcia

Subject: RE: LLLT Board minutes

Hi Nancy –

Renata Garcia is the person to contact for LLLT matters, but she is out of the office today. I have copied her on this email so she can contact you when she returns to the office next week.

Please let me know if you need anything further at this time.

Best,

Margaret



Margaret Shane | Executive Assistant

Washington State Bar Association | 206.727.8244 | fax 206-727.8316 | margarets@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 karar@wsba.org.

From: Nancy Hawkins [<mailto:nhawkins@seanet.com>]

Sent: Friday, July 06, 2018 10:32 AM

To: Margaret Shane

Subject: RE: LLLT Board minutes

I also don't see any board meeting materials for the past year or so on the website.

Nancy

Nancy Hawkins

Attorney at Law

6814 Greenwood Avenue North

Seattle, WA 98103

(206) 781-2570

Fax: (206) 781-7014

nhawkins@seanet.com

CONFIDENTIALITY NOTICE: This e-mail transmission contains information from the Law Office of Nancy Hawkins, which may be confidential and/or legally privileged. This information is intended only for use by the individual or entity named. If you are not the intended recipient, you are hereby notified that any disclosure, copying, forwarding and/or distribution of or taking action in reliance on this information is hereby prohibited. If you have received this e-mail in error, please notify me immediately by reply and delete all occurrences of this record. Thank You.

From: Nancy Hawkins [<mailto:nhawkins@seanet.com>]
Sent: Friday, July 06, 2018 10:30 AM
To: 'Margaret Shane'
Subject: LLLT Board minutes

Do you have minutes for their April, May and June board meetings?
Nancy

Nancy Hawkins
Attorney at Law
6814 Greenwood Avenue North
Seattle, WA 98103
(206) 781-2570
Fax: (206) 781-7014
nhawkins@seanet.com

CONFIDENTIALITY NOTICE: This e-mail transmission contains information from the Law Office of Nancy Hawkins, which may be confidential and/or legally privileged. This information is intended only for use by the individual or entity named. If you are not the intended recipient, you are hereby notified that any disclosure, copying, forwarding and/or distribution of or taking action in reliance on this information is hereby prohibited. If you have received this e-mail in error, please notify me immediately by reply and delete all occurrences of this record. Thank You.

NANCY HAWKINS
ATTORNEY AT LAW
6814 GREENWOOD AVE. N.
SEATTLE WA 98103
(206) 781-2570
FAX (206) 781-7014

September 14, 2018

Cindy Phillips
Judicial Administrative Assistant to
Chief Justice Mary E. Fairhurst
Washington State Supreme Court

Re: LLLT Expansion Proposal

Dear Ms. Phillips:

Please provide this letter to the Justices of the Washington Supreme Court for their consideration.

I am a 36 year member of the Washington State Bar Association. I am a proud family law attorney. I practice law in Seattle, Washington, and am a sole practitioner. Almost all of my practice is family law.

I graduated from the University of Puget Sound Law School in 1981 and was admitted to the Washington State Bar in 1982. I am also admitted to practice in the Federal courts in the State of Washington. In addition to being a member of the family law sections of the Washington State Bar Association and the King County Bar Association, I am a former chair of the King County Bar Association's Family Law Section's Legislative Committee and a former chair of the King County Bar Association's Family Law Section. I have spoken at numerous continuing legal education seminars on the subject of family law. I am a chapter author for the Washington State Bar Association's Family Law Deskbook. I have received awards for my work from the Greater Seattle Business Association as well as the King County Bar Association Access to Justice Award, and the WSBA Family Law Section Attorney of the Year award for 2017. I coordinate a neighborhood family law clinic in King County and have performed hundreds of hours of pro bono work.

Over the past two years, I have studied the LLLT situation and I write today after learning more disturbing information about the program. I urge the Washington Supreme Court to reject any expansion of the program in Consumer, Money and Debt Law, reject any expansion of the Family Law Program and, instead, examine this entire program in detail and determine its future.

Program training.

The training provided to prospective LLLTs is clearly inadequate since, according to information provided at the July WSBA Board of Governors meeting, more than 50% of the

persons taking the test fail. No information was given as to the results of those who passed. It would be appropriate to know how many barely pass, solidly pass or sail through with flying colors. It appears that the training is not being improved but, instead, the qualifications of the trainers is being reduced down. There is no indication that the LLLT Board is concerned in any way about the low passage rate and the apparent inadequacy of the training provided to date.

With such a poor passage rate, it is inconceivable to me that it would be appropriate that there would be an increase in the curriculum/program in the areas of family law to be taught. As has been demonstrated by prior submissions from the Family Law Section, family law is an extremely complex area covering a broad gamut of legal issues. Adding subjects is far more likely to further reduce the passage rate. This seems grossly ill-advised at this time.

There has been no objective determination that the LLLT program is a success in family law. After years of efforts and hundreds of thousands of dollars, there are a minimal number of independently practicing LLLTs. There has been no determination of the number of low income people actually helped by the program. In fact, it seems that most of the LLLTs work as paralegals just as they were doing prior to any certification or licensing at a LLLT. With the poor passage rate and the lack of success of the LLLT program with regard to family law, it seems further ill-advised to add any new subject area or any expansion of the existing subject area. Without objective analysis and determination of the flaws in the curriculum design, teaching methods and training overall in the family law program, the flaws are likely to be repeated in a new or expanded subject area. Expansion into a new subject area is premature, at best.

The choice of Consumer, Money and Debt Law for expansion is particularly ill-advised.

Expansion into Consumer, Money and Debt Law.

I comment again against the proposed expansion of the LLLT program into debt issues or any other subject area. The presently considered expansion seems truly inappropriate. As another attorney stated in a list serve email recently "the fact that many lawyers don't know how to do this stuff and/or do it badly is not an argument that other people who don't have a law school education should be taught it so they can represent people." Another said with regard to the LLLT program, "the cost was incredibly high for the number of people who are licensed, and I can't believe that anyone would want to replicate that result with other disciplines...FDCPA stuff is so insanely complicated that very few lawyers really understand it..."

While there are certainly consumer and/or debt issues that the low income public struggles with, the LLLT program that is being considered is clearly knowingly headed for failure. The LLLT Board itself said that "it was unclear whether or not legal assistance would materially address the consumer law problems ... and whether that assistance could be provided through some method other than direct representation exclusively by a lawyer." The LLLT Board also reported that significant advice already exists through the Northwest Justice Project site washingtonlawhelp.org. Yet the expansion recommendation continued to be pushed

forward.

The LLLT Board recommendation is that LLLTs be able to assist with RCW 10.82 Motions re Interest in LFOs. These motions apply to convicts trying to integrate into society. I didn't see that the LLLT Board provided any number of the people actually seeking help in this matter. In my 36 years of practice, including work with convicted criminals, no one has ever sought help with this kind of matter. I wouldn't think that this is a population with the funds to hire a LLLT.

There is a recommendation that LLLTs help with small claims court matters. There are numerous websites and materials available to help pro se parties with these small claims. Certainly paying a LLLT is not a likely priority when a person is trying to get someone to pay them \$500.

The LLLT Board recommendation is that LLLTs can help with debt collection not involving collection agencies. In fact, in this day and age, most collection actions involve collection agencies. If they don't initially, they surely will shortly.

There is a recommendation that LLLTs help with garnishments. Very few consumers initiate garnishment actions and there are limits on reimbursable "legal" fees. Packets of forms and instructions are generally available in every county and are also part of the legal forms available through the Administrator of the Courts.

The recommendation regarding identity theft is also ill-advised. This information is available through the Attorney General's office at no cost.

The recommendation regarding loan modifications is also somewhat laughable. These programs are very complicated and there are attorneys that specialize in it. These loan modifications are rarely granted and adding LLLTs to the mix will not improve that.

LLLTs are not needed with regard to protection orders since each county is required to have people at the courthouse to help provide forms. It is not explained how LLLTs would help get no contact orders in criminal cases; this is routinely done by prosecutors at initial criminal hearings.

LLLTs cannot provide meaningful help in bankruptcy issues since federal laws govern the debt counseling that consumers must obtain.

This proposed expansion of the LLLT program is simply designed for failure. If it is approved by the Washington Supreme Court, hundreds of thousands of dollars will be spent by the WSBA and any LLLT eventually trained and licenses will have few clients, if any, able to pay his/her fees.

LLLT family law program costs.

The Washington Supreme Court mandated the existing LLLT program and required the Washington State Bar Association to pay its costs. But, the Court also anticipated that the program would be self-sufficient in a reasonable period of time. In fact, the Court required that it do so in its Order: "[t]he Court is confident that the WSBA and the Practice of Law Board, in consultation with this Court, will be able to develop a fee-based system that ensures that the licensing and ongoing regulation of limited license legal technicians will be cost-neutral to the WSBA and its membership." June 15, 2012 Order by the Washington Supreme Court, page 11. Despite the Court's good intentions, this confidence has not been borne out.

At this point, it is six years since that order by the Court. Not only is the program not self-sufficient, it is operating at a greater loss year after year. In 2017, the program sustained a loss of \$189,508.00. It was budgeted to lose \$262,022 in 2018. The draft budget for 2019 projects a loss of \$240,000 but this figure is misleading in that it does not reflect the total cost of the program. It is my understanding that many of the costs for the program are now included in other portions of the WSBA budget so this \$240,000 appears to be artificially lowered. See page 48 of the materials for the July 2018 BOG meeting, attached hereto. I am making a request for the data necessary to determine the cost of those other line items not included in the \$240,000 (see the footnote to that same page 48). It is concerning to note that the LLLT Board claimed that its expenses, direct and indirect, for 2018 were \$17,000 and \$92,636 (see page 433 of the materials for the July 2018 BOG meeting, attached hereto.) These significant costs seem to be in addition to the \$240,000. Additional data for those expenses has also been requested.

Time for a limit.

The lawyers of Washington State pay a significant sum in license fees. Many object to the amount of fees. Many sought to hold a referendum on the amount of fees but were not allowed to do so when the Court issued an order that the fee increase that had been imposed was "reasonable." Unhappiness with the fee increase and the inability to register an opinion with the referendum still resonates with many. This is made more concerning to many when the fees paid are used to pay for unpopular and unsuccessful programs such as the LLLT program. The BOG seems to feel that they are powerless to control costs in this program since the Court has mandated the program. But, the Court did not mandate a program that would be funded at the present extent by the lawyers of the WSBA or that the program would operate at such a loss. At this point, it seems this annual substantial financial loss seems to be permanent. This concern is not abated by the July 2018 fee development. As the Court likely knows, at its July 2018 meeting, the Board of Governors recommended that the LLLT license fees be increased to that of lawyers. That increase, even if approved by the Washington Supreme Court, would not make the present program self-sufficient. There would need to be over 500 LLLTs to even come close to paying for the program for one year. There is no realistic expectation that this will ever happen, let alone happen before another \$2,000,000-\$3,000,000 in WSBA losses occur.

The LLLT program simply shows no promise whatsoever that it will EVER be self-sufficient. Its budgeted costs are approximately 35% higher for 2019 than for 2018. This cannot be sustained for even another year or two without hurting other more successful WSBA programs, a further increase in fees or staff reductions. Yet the LLLT Board and the Executive Director do not seem to be concerned about this in any way.

In the June 15, 2012 order which established the program, it was clear that the program was not necessarily permanent but that it would be "a sound opportunity to determine whether and, if so, to what degree the involvement of effectively trained, licensed and regulated non-attorneys may help expand access to necessary legal help in what that serve the justice system and protect the public. June 15, 2012 Order by the Washington Supreme Court, page 11-12. That objective analysis has never been done.

Time for a program assessment.

The LLLT program was designed to meeting the needs of low income Washingtonians. The program has provided no substantive analysis demonstrating that this goal has been met. The hourly rate charged by LLLTs is, quite simply, beyond the ability of low income people. The rates are also beyond the ability of almost all moderate income people.

After over five years of work, there are only 38 active LLLTs. I have reviewed the information available via the internet and/or the WSBA website. Most work in law firms and it is reasonable to assume that their work is little changed from that of an employed paralegal. It is likely that each of those LLLTs are being billed out at a significant rate. My review concludes that about half or less of the LLLTs are independently employed.

The needed type of assessment of the LLLT program must be done objectively. It is not reasonable to expect the Executive Director or staff under her control to conduct this objective analysis since, in fact, they have not done so. In the past several years, there have been no flags raised over the low number of active LLLTs given the funds spent and the hours of work, no flags raised over the increasing cost of the program, no flags raised over the dismal passage rate, etc. If the LLLT Board or the Executive Director have not done so by now, and given the conflict of interest posed by the personal relationship between the LLLT Board President and the WSBA Executive Director, the Court must provide a mechanism for this kind of objective analysis. Frankly, I believe that the available information should be sufficient to determine that the program is an utter failure already without any further analysis.

Lack of transparency.

I am also concerned about the large gaps in transparency about this program. The April, June, July and September 2018 LLLT Board meetings were cancelled. Without minutes from meetings, it is not possible to review the work of that Board during that time. The meetings of

the sub-committee that considers new subject areas used to be announced on the WSBA website with minutes available for review but are not any longer. My request for the minutes of the sub-committee working on new subject areas was denied. I was told I needed to make a public records request. This lack of transparency is quite troubling, particularly given the funds being expended and the demonstrably poor decision-making by the Board and the Sub-Committee from my perspective (and that of many others).

My review of the materials for the August LLLT Board meeting were troubling. The Board supposedly was given all of the comments about the program expansion but, upon review, my own prior comments were not included in the material provided. I don't know how many comments from others were withheld from the Board. The Board also commented about a letter favorable to the expansion and suggested that the author be invited to a meeting to elaborate. There seems to be little concern that the majority of responses were negative to the expansion idea.

It was also disturbing to see that the LLLT Board seems to be planning on offering scholarships to LLLTs. With a program operating hundreds of thousands of dollars in the red, even consideration of a program scholarship is inappropriate.

My review of the available LLLT board minutes and the New Practice Area Committee raise more concerns, particularly with regard to a previously planned expansion into immigration law. The April 2018 minutes state that the LLLT program is expanding into immigration law and that they had already contacted Governor Inslee to get his support for legislation to try and, in effect, "preempt" the federal law to allow local LLLTs to practice in the immigration field. This action by the LLLT program seems to have been done without the permission of the Washington Supreme Court or the WSBA Board of Governors. That attempted expansion was also ill-advised and should not be encouraged or permitted. The Washington State Immigration Services page on the Attorney General website calls immigration law "one of the most complicated areas in the legal field." ... [and] specialized training" is required...[and] the lawyer/expert must be "authorized under federal law to provide immigration services." While it seems that this attempted expansion is not presently being pursued, the LLLT board seemed to have acted improperly by going to the Washington State Governor without the support of the BOG or the Supreme Court.

The Washington Supreme Court should demand some answers from the LLLT board and the Executive Director. Such answers should be in writing and made available to WSBA members. How many LLLTs are presently in practice and whom are they representing? What are they charging? While their fees may not be controlled under anti-trust considerations, the fees can certainly be analyzed to determine whether this program is meeting the needs of low-income or moderate means people. After all, this was the intent of the LLLT program. It is odd that the Executive Director and the LLLT Board are quick to say that they cannot/will not look at the fees charged by LLLTs while allowing LLLTs to advertise that they charge one-third of that

of a lawyer. How do they make that assertion without a factual basis for it?

I am concerned that the LLLT program seems to be operating without true and objective oversight or administration. The meeting with the Governor's office involving the Executive Director, Paula Littlewood, is a prime example. It is troubling that this action was not disclosed in her monthly activity reports. She apparently had two BOG members with her but this action was not reported in their monthly activity reports either. The Executive Director report of January 12, 2018 makes no mention of LLLT issues at all. Steve Crossland's report to the Board of Governors of January 4, 2018 discusses proposed expansion of the LLLT Family Law work and needed amendments to APR 28 and RPCs but no mention of immigration or consumer debt expansion.

How was it acceptable for these people to go to the Governor to lobby for changes in the law? Sections are supposedly not allowed to make any public statements without approval of the WSBA yet a meeting was apparently conducted with the Governor of this state without any such prior approval. Making public statements on the LLLT program and potential expansion without any advance consideration of the BOG or a subsequent report of the meeting to the BOG means that the BOG and the membership is being denied information that it should have.

Promotion of the program as a success.

I am particularly concerned about the promotion of the LLLT program to other states as a success. This program has 35 people working in the field, only some of which work independently. The others work in law firms and it seems that their work is that of a normal paralegal.

This program has cost the WSBA over \$1,000,000 since its inception. It operates at a considerable loss and that loss is increasing each year. This is not a success. The program should not be "sold" to other states as a success. Doing so will only serve to lower our standing with those states when they, too, suffer such losses and failures. It is distressing that our funds are being spent by Paula Underwood and Steve Crossland to visit various other states and countries "wearing WSBA hats" to talk up the LLLT program concept. I am concerned about the direct and indirect costs of their joint travel to various locales, including Hawaii and Canada. While I have been told that their "travel costs" are not paid by the WSBA, I do not know the status of their other costs. But, even if the costs are out of the picture, I am concerned about the appearance to the membership of this joint travel. It would certainly seem that the WSBA and the Washington Supreme Court are leaving themselves open to public criticism.

WSBA approach to LLLT program.

The present Executive Director's unbalanced and unobjective support for the LLLT program compared with her tepid or non-existent support for actual lawyers is disturbingly clear

Washington Supreme Court
LLLT Expansion Program
September 14, 2018
Page 8

when the new website is examined. I am proud to be a lawyer. From my childhood spent reading and watching Perry Mason and other legal shows, I have always wanted to be a lawyer. This was solidified as I became an active feminist starting at age 16 or so and has continuing for the last 46 years. I followed and studied a civil rights movement that included landmark legal cases regarding education, public facilities, marriage (interracial and gay), sexuality, privacy and many others. None of that glorious history is reflected in the WSBA website, not even a reference to Thurgood Marshall, Ruth Bader Ginsburg or, even, our own William O. Douglas. Not a mention of any landmark cases which have resulted in improved lives for millions of Americans. In fact, the website page which describes becoming a lawyer is a dry recitation of the costs and burdens of being a lawyer.

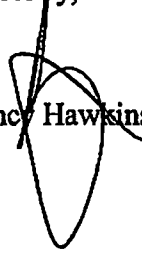
By contrast, the website pages which describe becoming a LLLT is enthusiastic and glowing and makes broad promises about a career as a LLLT.

Conclusion.

I think it is time for the Washington Supreme Court to take another good hard look at the LLLT program and its purpose and structure. If it is to continue, it is time for reasonable and unbiased administration. It is also time for the Washington Supreme Court to demand that the WSBA administration enthusiastically support and applaud the work of lawyers.

If the Court agrees with my concerns, it is likely time to end this failed program. The 35 people that are presently licensed would likely just continue as well-paid paralegals.

Sincerely,



Nancy Hawkins, a proud lawyer.

cc. LLLT Board (with enclosures)

Washington State Bar Association Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

LIMITED LICENSE LEGAL TECHNICIAN

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
LLT BOARD	17,000.00	17,000.00	-	0%
LLT OUTREACH	8,000.00	8,000.00	-	
STAFF TRAVEL/PARKING	600.00	600.00	-	0%
TOTAL DIRECT EXPENSES:	<u>25,600.00</u>	<u>25,600.00</u>	<u>-</u>	<u>0%</u>
INDIRECT EXPENSES:				
FTE	1.70	1.55	(0.15)	-9%
SALARY EXPENSE	142,602.00	135,526.00	(7,076.00)	-5%
BENEFIT EXPENSE	49,304.00	41,592.00	(7,712.00)	-16%
OVERHEAD	42,495.00	38,095.00	(4,400.00)	-10%
TOTAL INDIRECT EXPENSES:	<u>234,401.00</u>	<u>215,213.00</u>	<u>(19,188.00)</u>	<u>-8%</u>
TOTAL ALL EXPENSES:	<u>260,001.00</u>	<u>240,813.00</u>	<u>(19,188.00)</u>	<u>-7%</u>
NET INCOME (LOSS):	<u>(260,001.00)</u>	<u>(240,813.00)</u>	<u>19,188.00</u>	

The Limited License Legal Technician (LLLT) license type (APR 28), was created by the Supreme Court and delegated to WSBA in 2012. In the past, this cost center was used to track all revenues and expenses associated with the "LLLT Program". LLLTs are now WSBA members, and consistent with the WSBA Bylaws and the Washington Supreme Court Admission and Practice Rules, the administration and regulation of these member license types has been consolidated within existing work groups and cost centers that already perform these functions for lawyers, including Admissions, License and Membership Records, and MCLE (although it continues to be possible to determine these costs separately by member type if needed). For FY19, this cost center is used primarily to track staffing and expenses related to the LLLT Board, which by court rule oversees the license.

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Limited License Legal Technician (LLLT) Board Chair: Steve Crossland Staff Liaison: Renata Garcia BOG Liaison: Dan Clark	Size of Committee: 15 Number of FY19 Applicants: 6 FY18 direct expenses: \$17,000 FY18 Indirect expenses: \$92,636
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 12:2:0 (0 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 3 (0 did not answer) • Number of members self-identified as having a disability: 2 (0 did not answer) • Number of members self-identified as LGBT: 2 (0 did not answer) 	
Background & Purpose: The Limited License Legal Technician (LLLT) Board derives its authority from the Washington Supreme Court under Rule 28 of the Admission to Practice Rules (APR), adopted effective September 1, 2012. By order of the Court, the WSBA is to administer and fund the LLLT Board and the program. APR 28 authorizes persons who meet certain educational and licensing requirements to advise clients on specific areas of law. The only currently approved practice area is domestic relations. The Supreme Court established the LLLT Board to oversee the LLLT license.	
Strategy to Fulfill Purpose: From 2013-2016, the LLLT Board concentrated on creating the operational details for the LLLT license; the LLLT Board is now focusing on the promotion, expansion, and development of the license.	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none"> 1) In February 2018, the LLLT Board submitted suggested amendments to APR 28, the LLLT RPC and the RPC for lawyers for consideration by the Washington Supreme Court. These amendments would enhance the scope of the current family law practice area. The Court recently published the suggested amendments for comment. Comments are due by no later than September 14, 2018. 2) The LLLT Board is currently circulating a new proposed practice area, Consumer, Money, and Debt, for comment before taking further action, i.e., developing curriculum requirements, seeking approval by the Court, etc. The LLLT Board hopes to engage as many subject matter experts as possible in the development of this and any future proposed practice areas. 	

- 3) The LLLT Board recently approved the University of Washington Continuum College Paralegal Studies Program to teach the LLLT core curriculum.
- 4) The LLLT Board has been engaging in discussions to explore ways in which LLLT students may qualify for financial aid.

2018-2019 Goals:

- 1) The LLLT Board will continue to consider and recommend new practice areas for approval by Supreme Court.
- 2) If the family law enhancements are approved by the Court, the LLLT Board will develop the required training for currently licensed LLLTs.
- 3) The LLLT Board also plans to expand the accessibility of the LLLT core curriculum across the state by continuing to approve core class programs at additional community colleges.
- 4) The LLLT Board will continue to engage in outreach efforts, including working with the WSBA communication team to expand outreach to a diverse pool of LLLT candidates, including college and high school students.
- 5) The LLLT Board also plans to advance its efforts to provide access to financial aid for students in the LLLT practice area classes.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The LLLT Board seeks members from different backgrounds and experiences who work together to foster a positive work environment in concert with WSBA's commitment to diversity and inclusion.
- 2) The LLLT Board will schedule training with WSBA's Inclusion and Equity Specialist.
- 3) The LLLT Board seeks input from all WSBA members as well as the legal community in general when making important decisions such as developing a new practice area.
- 4) APR 28 has been amended at the request of the LLLT Board to allow LLLTs and LPOs as well as attorneys with judicial and emeritus pro bono status to serve as Board members.
- 5) The core curriculum educational approval process reflects the LLLT Board's commitment to diversity in that it requires any institution offering the core curriculum to have diversity, inclusion, and equal access policies and practices in place. The LLLT Board also sought to increase diversity within the LLLT profession by extending the limited time waiver (see APR 28 Regulation 4) to 2023 in order to allow a group of candidates qualified by work experience rather than by education to enroll in the practice area classes. The ongoing effort to provide a pathway to financial aid for the practice area classes also aims to provide more opportunities to join the LLLT profession to prospective applicants from diverse socio-economic backgrounds.
- 6) N/A

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community?
- 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients?
- 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior?
- 4) Other?

- 1) The LLLT Board has set up rules of professional conduct and a disciplinary system for LLLTs, as well as requiring LLLTs to carry malpractice insurance and conform to the same rules as lawyers regarding IOLTA accounts.
- 2) The LLLT Board has worked to promote LLLTs in the legal community and educate all legal professionals about the permitted scope and models for LLLT practice, as well as highlighting the ways in which collaboration with LLLTs can contribute to the efficiency and accessibility of any legal practice.
- 3) N/A
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) How have you brought new and young lawyers into your decision making process?
- 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?
- 3) Other?

- 1) All WSBA members are invited to provide comments on rules and new practice area suggestions and development, including new and young lawyers.
- 2) N/A
- 3) N/A

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, September 14, 2018 4:26 PM
To: Hinchcliffe, Shannon
Cc: Jennings, Cindy; Tracy, Mary
Subject: FW: LLLT program
Attachments: 9-14-18 Phillips Letter.pdf

From: Nancy Hawkins [mailto:nhawkins@seanet.com]
Sent: Friday, September 14, 2018 4:08 PM
To: Phillips, Cindy <Cindy.Phillips@courts.wa.gov>; OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>; LLL@wsba.org
Subject: LLLT program

See attached. Hard copy to follow by mail to the Washington Supreme Court.
Nancy Hawkins

Nancy Hawkins
Attorney at Law
6814 Greenwood Avenue North
Seattle, WA 98103
(206) 781-2570
Fax: (206) 781-7014
nhawkins@seanet.com

CONFIDENTIALITY NOTICE: This e-mail transmission contains information from the Law Office of Nancy Hawkins, which may be confidential and/or legally privileged. This information is intended only for use by the individual or entity named. If you are not the intended recipient, you are hereby notified that any disclosure, copying, forwarding and/or distribution of or taking action in reliance on this information is hereby prohibited. If you have received this e-mail in error, please notify me immediately by reply and delete all occurrences of this record. Thank You.



GOLDBERG JONES

SEATTLE | PORTLAND | SAN DIEGO

GOLDBERG & JONES, PLLC
1200 WESTLAKE AVE. N. SUITE 700 SEATTLE, WA 98109
206 448 1010 T / 206 448 0736 F
WWW.GOLDBERGJONES-WA.COM

September 14, 2018

Washington Supreme Court
415 12th Street W
Olympia, WA 98504

RE: Proposed LLLT Rule Change

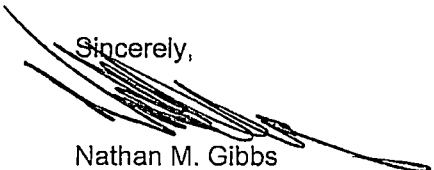
Dear Justices,

I was shocked and disappointed when I heard that the WSBA was considering changes to expand the scope of LLLTs. It is frustrating to know that the Bar Association would be so willing to abdicate its responsibility to its members and the public. The inevitable result of the decision to expand the LLLT scope would be disastrous for the following reasons:

1. LLLTs are only required to have a college degree. There is a reason why attorneys attend law school. It provides a rigorous and demanding curriculum designed to rewire an individual's brain so they know how to properly analyze the law and identify important issues; among other important skills. The minimal education that LLLTs have received is no substitute for the education of an attorney. It is a disservice to the public to enable less qualified individuals to assist them in important legal matters that will have serious ramifications upon their lives.
2. Other state bar associations have already rejected similar proposals. The primary reasoning is that more information is needed to determine the efficacy of the LLLT program. That is the situation in Washington. Rather than jump right into expanding the LLLT scope, more study should be authorized to determine the impact to the public and attorneys in the state.
3. If the concern is improved access to the legal system for low income individuals, there are better options beyond giving LLLTs de facto attorney status. Compulsory pro bono work may be an option, as would increased funding for legal aid societies.

The bottom line is that this is a half baked idea that will have potentially disastrous consequences for the public and licensed attorneys in this state. At a minimum, more study is needed before the Bar decides to expand the LLLT scope.

Sincerely,



Nathan M. Gibbs
WSBA #43594

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, September 14, 2018 3:10 PM
To: Tracy, Mary
Subject: FW: Comment on LLLT Proposal
Attachments: Against LLLT Proposal.pdf

From: Nathan Gibbs [mailto:ngibbs@goldbergjones.com]
Sent: Friday, September 14, 2018 3:02 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on LLLT Proposal

Please see attached. Thank you.

Nathan M. Gibbs

ATTORNEY AT LAW



GOLDBERG JONES

1200 Westlake Ave. N. Suite 700
Seattle, WA 98109
Phone: (206) 448 -1010
Fax: (206) 448-0736

www.goldbergjones-wa.com



Confidentiality Notice: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, August 17, 2018 3:55 PM
To: Hinchcliffe, Shannon
Cc: Jennings, Cindy
Subject: FW: LLLT changes

Forwarding.

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

From: Nicole Gitts [mailto:ms.nicolegitts@gmail.com]
Sent: Friday, August 17, 2018 3:53 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: LLLT changes

Hello,

The proposed LLLT enhancements are needed and appropriate. Family law clients cannot find good reasonably priced attorneys for their family law cases. There are on-line and unlicensed paralegals providing expensive and wrong advice and form preparation. Going to court alone is scary. Having a LLLT to accompany a self-represented person is not much different than having a domestic violence advocate or even just a friend to offer support. Please enact the proposed expansion to the rules.

Nicole Gitts spaur
360-318-6687

Sent from my iPhone

WASHINGTON STATE
BAR ASSOCIATION
Office of General Counsel

Practice of Law Board
Established by Washington Supreme Court
Administered by the WSBA
Hon. Paul Bastine, ret, Chair

August 23, 2018

Chief Justice Mary Fairhurst
Washington State Supreme Court
415 12th Street W.
Olympia, WA 98504

Dear Chief Justice Fairhurst,

I have enclosed a Resolution unanimously adopted by the Practice of Law Board at its August 16, 2018 meeting. The Resolution expresses the Board's strong support for the LLLT license adopted by the Court to protect the public and expand access to legal services and the legal system. The Resolution also expresses the Board's strong support for Court action directing the WSBA Board of Governors to expeditiously comply with the Court's January 4, 2018 order adding an LLLT/LPO member and two community representatives to the Board of Governors. Please share this letter and the enclosed Resolution with all of the Supreme Court Justices.

Very Truly Yours,



Hon. Paul Bastine (ret.)
Practice of Law Board Chair

Enclosure

cc: William D. Pickett, President, WSBA
Paula C. Littlewood, Executive Director, WSBA
Steven Crossland, Chair, LLLT Board
Governor Dan Bridges, Co-Chair, Addition of New Governors Work Group
Governor Alec Stephens, Co-Chair, Addition of New Governors Work Group



Julie Shankland, WSBA Staff Liaison
1325 4th Avenue | Suite 600 | Seattle, WA 98101-2539
206-727-8280 | julies@wsba.org | www.wsba.org

RESOLUTION

Adopted unanimously by the Practice of Law Board
August 16, 2018

WHEREAS the Washington Supreme Court has stated that the purposes of the Practice of Law Board include “to promote expanded access to affordable and reliable legal and law-related services, expand public confidence in the administration of justice, and make recommendations regarding the circumstances under which nonlawyers may be involved in the delivery of certain types of legal and law-related services”; and

WHEREAS, in the course of performing its functions, the Practice of Law Board recommended the development of what is now called the Limited License Legal Technician license in order to expand access to legal services and the legal system through the licensing of people other than lawyers to offer some legal services; and

WHEREAS the LLLT license has been developed and is currently being administered by the WSBA and LLLTs currently are providing legal services within the scope of their licenses; and

WHEREAS the Board of Governors in September 2016 amended the WSBA Bylaws to add a seat to the BOG specifically for either an LLLT or an LPO member, as well as to add two seats to the BOG for “public” members; and

WHEREAS the Washington Supreme Court entered an order on January 4, 2018, directing the BOG to add the additional seats to the BOG as described in the WSBA Bylaws; and

WHEREAS the Practice of Law Board believes that adding these seats to the BOG would be beneficial to expanding access to affordable and reliable legal and law-related services and would expand public confidence in the administration of justice;

The Practice of Law Board hereby **RESOLVES**

- 1) That it strongly supports the administration of the LLLT license in a manner that allows for the robust development of this type of legal services provider; and
- 2) That it strongly supports LLLTs in their provision of legal services to the public in order to expand access to legal services and the legal system; and

- 3) That it strongly supports the lifting by the BOG of any BOG "stay" on filling the three new seats; and
- 4) That it strongly supports the Supreme Court taking action to direct the BOG to expeditiously comply with the Court's January 4, 2018 order as issued.

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Tuesday, August 28, 2018 2:56 PM
To: Hinchcliffe, Shannon; Jennings, Cindy
Subject: FW: LLLT proposed enhancements/rules

Forwarding

From: Penny Henderson [mailto:pennyhenderson2008@gmail.com]
Sent: Tuesday, August 28, 2018 2:55 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: LLLT proposed enhancements/rules

Dear Ms./Sir:

I write to you regarding the LLLT program and recently proposed enhancements. As an attorney working a monthly clinic for kinship caregivers, I have worked closely with our resident LLLT, Jennifer Petersen, and I have heard and seen what she has been able to accomplish, not only in our clinic but in other areas.

I lend my support to LLLTs being able to draft retirement provisions in final dissolution documents, save the actual preparation of a QDRO. Frankly, I don't know any attorney doing a QDRO in-house anymore, and there are reasons for that. Allowing the LLLT to designate proportions of benefits in a decree make sense to me, and would be a great benefit. Otherwise, would that portion of the paperwork be farmed out to an attorney? Why?

As to appearing in court, I agree that LLLTs should not be arguing cases in the place of a client, but to appear in court as an advocate or support is not only reasonable but assures access to justice for these folks in a palpable, understandable way. DV advocates are able to appear in court, why not LLLTs? In addition, if the Court has basic factual questions about the documents, the LLLT is there to answer them.

In my experience, many middle-income folks are not served by pro bono or low bono programs, and fall through the cracks. The demand for self-help or moderately priced legal help is great and largely unaddressed. It has been my honor and privilege to help develop programs in my community to address some of these needs, and those clinics are wildly successful.

Please feel free to contact me if you would like further information.

Thank you,
Penny Henderson
Guardian ad Litem/Attorney
WSBA 28408
103 E. Holly, Suite 509
Bellingham, WA 98225
360.733.8180

The information contained in this transmission is attorney privileged and confidential. It is intended only for the use of the individual or entity named herein. **IF THIS MESSAGE IS NOT ADDRESSED TO YOU, YOU ARE HEREBY NOTIFIED THAT YOU ARE NOT AUTHORIZED TO REVIEW THE ATTACHED PAGES AND THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED.** If you have received this communication in error, please notify me immediately by telephone collect at 1-360-733-8180, and return the original message (and/or delete from email). Thank you.



GOLDBERG JONES

SEATTLE | PORTLAND | SAN DIEGO

GOLDBERG & JONES, PLLC
1200 WESTLAKE AVE, N. SUITE 700 SEATTLE, WA 98109
206 448 1010 Tel 206 448 0736 Fax
WWW.GOLDBERGJONES-WA.COM



September 14, 2018

Washington Supreme Court
415 12th Street W
Olympia, WA 98504

RE: Proposed LLLT Rule Changes

Dear Justices,

I was nonplussed when I heard that the WSBA is considering expanding the scope of LLLT practice. The WSBA should not abdicate responsibility to its members and the public in this way. The inevitable result would be undesirable for the following reasons:

1. LLLTs would be authorized to talk about the facts in court but not the law. That makes no sense, particularly if court rules are law, e.g. the rules of evidence. Confronted with an LLLT in court, I could simply object to everything he says and he could not argue the objections because he cannot talk about evidence rules. What is more, how would the LLLT know what facts are relevant to the extent that the law determines the same?
2. Even a lousy family lawyer will have an outsized advantage against any LLLT, and the LLLTs' clients will bear the cost of that advantage. That equates to access to justice with guaranteed bad results. To put it differently, you get what you pay for.

Other state bar associations have already rejected similar proposals. Their reasoning is that more information is needed to determine the efficacy of an LLLT program. I doubt this because the call can be made at first blush – “No way.” The bottom line is that this is a half baked idea that will have undesirable consequences for the public and some of my clients who have to pay me to clean up LLLT messes.

Sincerely,

Robert C. Bennett
WSBA #28385

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, September 5, 2018 3:38 PM
To: Hinchcliffe, Shannon; Jennings, Cindy
Cc: Tracy, Mary
Subject: FW: Objection to LLLT program & non-elected additions to the BOG

Forwarding

From: Sandra E. Johnston [mailto:sej@tacomatrialwarrior.com]
Sent: Wednesday, September 5, 2018 3:31 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Objection to LLLT program & non-elected additions to the BOG

Dear Honorable Justices;

I am writing to you as a 20+ year family law, criminal defense, and general trial practice lawyer. I have had a solo practice since 1997. The reason for this email is to share my strong objections to the LLLT program and any expansion thereof. I feel like what started out as a sincere idea to provide greater legal coverage to the general population has morphed into a program that does far more harm than good. It is my understanding that this program was to be "an experiment" to see if it would work. Yet the reality is that the LLLTs are charging the same amount for legal advice that a new lawyer would charge. The same overhead remains, but the person giving the advice has woefully less education for how the law works.

Often I have had occasion in my practice to have litigants call me for help after "We the People" (a group of paralegals providing "guidance" for do-it-yourself divorces) had made a complete mess of things. It is very difficult to undo these scenarios after they are already a mess. I cannot imagine this bloodbath being imposed on other areas of practice. Shall they draft wills? I don't even do that because I have done probate litigation and it is not an uncomplicated area of the law. Would you have a LLLT draft a will for your loved one? Not only is an expansion a horrible idea from a knowledge perspective, this program is consuming a lot of Bar resources. Why are attorneys being made to pay for LLLTs. This makes no sense to me. Further, because of all this upheaval in how the Bar is running itself, the Family Law Section has broken off of the Bar and formed its own organization. It saddens me that such draconian measures are necessary. It seems like the Bar Association is dissolving before my eyes, even if the original premise was well meaning.

As for Family Law cases, those are largely decided at a motion for temporary orders. Not because the facts are so compelling early on, but because most litigants do not have the time or inclination to go to trial. I have had several occasions where the trial results were quite different from the orders entered after a quick look by a Commissioner, but it is the rare client that can hang in for what is often years of litigation. Temporary Orders is such a crucial stage of litigation, you really need an actual Family Law practitioner advise the clients before, during and after this stage. Giving a parent more time with a child, does not make that parent a better parent to the child. On more than one occasion, I have had the Court give more time to a parent (usually the mom) than that which the parent had ever actually spent with the child during the marriage. Unfortunately, not all moms are good moms. Knowing what to present to a Commissioner is often key in getting a sensible outcome, that eventually leads to settlement in most cases. I submit to you that LLLTs will never be able to practice at this level, not to mention what legal work must be done to get a case ready for trial.

As for the proposed non-elected non-lawyer additions to the BOG, I offer you this. I was in Commissioner's Court in Ex Parte the other day and mentioned, "did you know that the Bar wants to put regular citizens and an LLLT on the BOG?" The response was a big eye roll. That's pretty much the reaction from every lawyer with whom I have spoken. America's regular citizenry has spoken out in an unprecedented manner in the age of Trump and what they have to say is pretty scary. I am absolutely against non-lawyers being made a part of our BOG and would like to see the Executive Director take a much less active role in our governance than elected members of the BOG. This is our Bar Association. Let's please keep it that way.

Warm Regards,

Sandra E. Johnston

Attorney At Law

The Law Office of Sandra E. Johnston

705 S. 9th Street, Suite #104

Tacoma, Washington 98405

Office: 253-272-0566

Fax: 253-572-4137

The information contained in this e-mail message may be privileged, confidential and protected from disclosure. It may also be subject to the attorney-client privilege or be privileged work product or proprietary information. If you are not the intended recipient, any dissemination, distribution or copying of the contents of this message is strictly prohibited. If you think you received this message in error, please delete the message and e-mail the sender regarding your receipt of the message at legal.johnstonlaw@gmail.com.

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, September 14, 2018 9:43 AM
To: Tracy, Mary
Subject: FW: Proposed Amendments to APR 28 - Comments

From: Virginia Tucker [mailto:virginia.tucker@sjsu.edu]
Sent: Friday, September 14, 2018 9:43 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Amendments to APR 28 - Comments

To: Washington State Supreme Court Rules Committee (supreme@courts.wa.gov)
Re: Proposed Amendments to APR 28

The court should amend APR 28 as requested by the LLLT Board and the University of Washington law professors. The suggested enhancements are well researched and reasoned, and they will provide better access to justice for people of moderate means.

My support for the APR 28 amendments is based on my experiences working directly with people representing themselves in civil matters due to the inability to hire legal representation. For eleven years, I was the County Law Librarian for Whatcom County in Bellingham, WA. Over 75 percent of the inquiries I helped with were from private citizens with no legal experience who were pro se out of economic necessity. I was able to help them with their legal questions by assisting them through the basic processes of legal research and teaching them about legal resources and the processes of the court system. I also did much to alleviate anxiety and the paralysis of where-to-begin, because a person facing a legal matter who is wracked with legal questions typically needs the guidance of an information professional to formulate the question itself. However, because, as a non-attorney I was prohibited from providing legal advice, I regularly recommended to library patrons that they sit in and observe in court hearings that were open to the public before their own hearings were held. In this way, they could fully listen and observe, without the angst of being a party in the case being heard, and could learn how matters are conducted in the courtroom, even with the variations from one case to the next. People often came back to the Law Library to thank me, both for the help with legal research and court forms and also for what they had learned about courtroom processes. I often wished they could have someone in the courtroom with them to explain in real time the questions that arose for their specific case and, at the same time, to help streamline the court's efforts for justice.

I know that the LLLTs for family law are making immense contributions to these goals. Now this same contribution can be made for non-parental custody matters through the proposed amendments to APR 28. Non-parental custody actions can be critical to children with dysfunctional parents. Frequently it is grandparents or other relatives stepping in to help the parents who are unable or unwilling to care for the children. And, complicating the situation for these uprooted children, the relatives caring for the children often do not have enough money to afford an attorney. Very few attorneys will take on non-parental custody cases, and if they do, the retainers are over \$3,000 in our local community, an amount out of reach for most families, particularly when at the same time taking additional children into their homes. Having the LLLT to provide the initial paperwork and to accompany people to court would be a great help and would improve the lives of many children.

To sum up, I believe the Court should implement all of the proposed LLLT enhancements, including non-parental custody, major modifications, the proposed limited division of retirement assets and real estate, and allowing LLLTs to accompany a client in negotiations, alternative dispute resolution, and court.

Sincerely,

Virginia Tucker, PhD, MLS

Former County Law Librarian, Whatcom County, Bellingham WA

Author, *Finding the Answers to Legal Questions, 2nd edition* (ALA Editions, 2018)

"Highly recommended for public, academic, and law libraries" --Booklist *Starred Review

Virginia M. Tucker, PhD, MLS Assistant Professor
Associate Coordinator, Gateway PhD Program
School of Information, San José State University
<http://ischoolapps.sjsu.edu/facultypages/view.php?fac=tuckerv>

**Comments submitted
to the Washington
Supreme Court
regarding LLLT RPCs**



SCHOOL OF LAW
UNIVERSITY of WASHINGTON

RECEIVED
SEP 06 2018

Washington State
Supreme Court

August 31, 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:

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

Comments on Suggested Amendments to
Admission and Practice Rules (APR) 28 and
Limited Practice Rules for Limited License Legal Technicians (LLLTs)

Comment: There seems to be discord between proposed changes to APR 28(G)(4) and LLLT RPC 1.16.

The amendment to APR 28(G)(4) would preserve LLLTs' obligation to sign documents and pleadings they prepare while allowing an exception for LLLTs assisting a client or a third party in preparing a declaration or sworn statement.

However, the amendment to LLLT RPC 1.16, Declining or Termination Representation, clarifies that LLLTs represent pro se clients and, accordingly, LLLTs would not file a notice of appearance.

How would the court know an LLLT should have signed documents if the court doesn't know the LLLT represents the client?

Comment: The proposed changes are a step in the right direction, but they fall short when it comes to case-type restrictions. Restrictions on Major Modifications and Non-Parental Custody cases only through Adequate Cause have the effect of requiring LLLTs to withdraw all assistance at the most crucial steps in the court process.

From my experience as a supervising attorney, LLLTs do not need additional training or education to assist with Major Modifications cases. In contrast, Non-Parental Custody cases would require a CLE to provide LLLTs the necessary training. This is a small hurdle LLLTs would gladly leap in order to eliminate the restriction.

General Comment: The current restrictions on LLLTs' license to practice continue to limit, not level, the playing field for LLLTs' pro se clients. The burdens are disproportionate on LLLTs compared to attorneys when attempting to provide meaningful representation without running afoul of court rules or the law.

WSBA asks LLLTs to accomplish a nearly impossible task: Provide representation without much ability to represent the client when the client needs it the most, in court and at depositions.

WSBA and the attorney population must embrace LLLTs for the gaps they fill and the services they can and want to provide. Just as physician assistants and advanced registered nurse practitioners have become indispensable in the medical field, so will LLLTs. Washington could and should be a progressive leader in this field.

General Comment: Doesn't it make sense to extend LLLTs' representation to clients wanting adoptions, since the WSBA already intends to let LLLTs handle non-parental custody actions?

Comments submitted by:

Lori Preuss

WSBA #33045

1554 Amethyst St SE

Olympia, WA 98501

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, September 14, 2018 8:06 AM
To: Hinchcliffe, Shannon
Cc: Jennings, Cindy; Tracy, Mary
Subject: FW: Comments on proposed amendments
Attachments: LLLT comments 9.13.18.docx

From: Lori PREUSS [mailto:lori012@msn.com]
Sent: Thursday, September 13, 2018 8:43 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments on proposed amendments

Hello. Attached are my comments to proposed amendments to Admission and Practice Rules (APR) 28 and Limited Practice Rules for Limited License Legal Technicians (LLLTs).

Thank you.

Lori Preuss
WSBA #33045
Lori012@mns.com

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: Thursday, September 6, 2018 12:07 PM
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

From: Dawn M. Bell [mailto:belld3@uw.edu]
Sent: Thursday, September 6, 2018 12:06 PM
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 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

 **SCHOOL OF LAW**
UNIVERSITY of WASHINGTON
Leaders for the Global Common GoodSM

Consumer, Money, and Debt FAQ

What do Limited License Legal Technicians (LLLTs) do?

Like lawyers, LLLTs can provide clients with legal advice and complete court documents, but their scope of practice is limited. Think of them as being similar to a nurse practitioner who can treat patients and prescribe medication independently but do not do everything a doctor can. LLLTs currently practice in family law only.

Why was the LLLT license created?

The Washington Supreme Court approved the LLLT license in 2012 in response to a Civil Legal Needs Study showing the overwhelming amount of legal needs of the consuming public are currently not being met. WSBA operates under the delegated authority of the Court to oversee the license and develop new practice areas.

What type of education and training do LLLTs have?

[LLLTs receive extensive education and training](#), including:

- An associate's degree or higher;
- 45 credits at an ABA or LLLT Board-approved school;
- Three quarters of practice area education (currently being taught at the [University of Washington School of Law](#));
- Three examinations (Paralegal Core Competency Exam, practice area and professional responsibility exams); and
- At least 3,000 hours of substantive law-related work experience as a paralegal or legal assistant supervised by a lawyer.

How much do LLLTs charge?

The Bar does not ask, suggest, or control how much licensed legal professionals (LLLTs, lawyers, and LPOs) charge for their services. Anecdotally, LLLTs charge between a quarter to one-third of what lawyers charge.

Why is the LLLT Board pursuing Consumer Law as the potential new practice area for LLLTs?

The Court has determined that unmet legal need is one of the primary thresholds for developing new practice areas for the LLLT license. The new practice area workgroup reviewed statistics from county-based volunteer legal-services providers and the statewide Moderate Means Program as well as studies such as the [Civil Legal Needs Study](#), and found significant unmet legal need in the consumer-law area among low- and moderate-income people. 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.

What happens next?

The LLLT Board is in the process of carefully reviewing all comments and input received so far. The LLLT Board has also extended invitations to people who have provided substantive comments to attend future committee meetings and participate in the development process. 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.

Jaimie Patneau

From: Sarah Bove <sarah@ltdivision.com>
Sent: Monday, October 08, 2018 1:04 PM
To: Jaimie Patneau
Subject: Fwd: LLLT Board Subcommittee - Request for Comment

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

From: **Sarah Bove** <sarah@ltdivision.com>
Date: Mon, Sep 24, 2018 at 3:41 PM
Subject: LLLT Board Subcommittee - Request for Comment
To: <WashingtonLLTs@googlegroups.com>

Dear LLLTs:

A subcommittee of the LLLT Board is making a recommendation regarding the signing of trust account checks when LLLTs and attorneys associate in a practice. Here is the current rule:

RPC 1.15A(h)(9)/LLLT RPC 1.15A(h)(9)

Only a lawyer admitted to practice law or an LLLT may be an authorized signatory on the [IOLTA] account. If a lawyer is associated in a practice with one or more LLLTs, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.

A question about the rule was brought to the LLLT Board's by the Committee on Professional Responsibility (CPE) during a review of attorney RPCs. The LLLT Board discussed issues regarding clarity, enforceability, and intent, as banks do not recognize 2-signature restrictions any more.

The LLLT Board originally drafted the rule to protect LLLTs. The concern was that LLLTs could be pressured by lawyers into signing trust account checks for matters they were not involved in, or familiar with; thus increasing the potential for trust account mismanagement and theft.

The Board thought the rule requiring a lawyer's signature in addition to the LLLT's signature would protect the LLLT from such pressure.

Some board members believe the rule should be changed to allow LLLTs associated in a practice with a lawyer to sign trust account checks (without the associated lawyer's signature) in matters in which the LLLT is licensed. Other board members don't agree, and think there should be a flat restriction from LLLTs signing trust account checks when the LLLT is associated with lawyers.

This subcommittee would like to get your feedback as to whether/how this rule should be changed. Please know this would require a rule change, a lengthy process including review by multiple bodies at the WSBA, before it is presented to the Supreme Court.

This subcommittee is comprised of Jeanne Dawes, Sarah Bové and Andrea Jarmon, and they will be making a recommendation to the LLLT Board on 10/8/2018.

LLLTs can email their feedback directly to committee members with the subject line **Trust Account Subcommittee**, but it would be most helpful if the LLLTs as a group come up with a consensus about how this matter should be resolved and email the collective position to the subcommittee.

Deadline for comments is Friday, September 28th at 4:00 pm.

Subcommittee email addresses: jjdawes@goregrewe.com, andrea@jarmonlawgroup.com, sarah@ltdivision.com

Thank you for your consideration.

Jeanne Dawes, Trust Account Subcommittee Chair

Andrea Jarmon, Trust Account Subcommittee Member

Sarah Bové, Trust Account Subcommittee Member

--

Sarah Cates Bové, LLLT | Legal Technician Division, PLLC

sarah@LTDivision.com | P: (866) 432-6529 ext. 700

Family Law Legal Technicians (LLLTs) are licensed and trained to counsel and assist people going through divorce, child custody and other family-law matters in Washington.

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

--

Sarah Cates Bové, LLLT | Legal Technician Division, PLLC

sarah@LTDivision.com | P: (866) 432-6529 ext. 700

Family Law Legal Technicians (LLLTs) are licensed and trained to counsel and assist people going through divorce, child custody and other family-law matters in Washington.

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Comments from LLLTs

I don't have a recommendation for your subcommittee. I defer to those LLLTs who are in practice with attorneys.

Kim Lancaster

I agree that "... the rule should be changed to allow LLLTs associated in a practice with a lawyer to sign trust account checks (without the associated lawyer's signature) in matters in which the LLLT is licensed. "

Without such a rule, an LLLT is potentially subject to malpractice for mismanagement of client funds. For example, a client requests the return of funds held in trust, but, because the attorney associated with the LLLT is unavailable for an extended period, the LLLT does not return those funds to the client in a timely manner. Because a LLLT is responsible for the management of her/his client funds, it is important the LLLT maintains control over those funds, regardless of whether an attorney is associated in practice with the LLLT or not.

I firmly believe the LLLT must retain the ability to sign checks for funds held in trust for the LLLT's client regardless of the structure of the LLLT's practice.

Jennifer Ortega

I agree with Jennifer Ortega. LLLT is not protected with the current rule. The LLLT should be able to manage their client's funds, solely.

Sherri Farr

Sorry - I haven't had the opportunity to weigh in but as an LT in this exact position, I completely agree with Jennifer's statement. I think I voiced this pretty clearly at a Board meeting but if I need to write something up beyond I completely concur w/ Jennifer - I can tomorrow (I hope - not for lack of interest just time)!

Jen Peterson

I agree with Jennifer & Jen.

Angela Wright

Proposed changes to RPC 1.15A (h)(9)

(9) 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.

(9) 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, or an LLLT is associated with one or more LLLT's, the LLLT is only authorized to sign ~~any~~ checks or other instruments involving practice areas for which they are licensed. requiring
a signature must be signed by a signatory lawyer in the firm.

MEMORANDUM

To: WSBA LLLT Board
From: Christy Carpenter, LLLT
Date: October 8, 2018
RE: Reporting of LLLT Client and Practice Information to WA State Supreme Court

The Limited License Legal Technician profession was authorized by the Washington State Supreme Court with the intent that the LLLT profession would expand “access to justice” by permitting the provision of legal services by legal professionals other than attorneys. Given that goal, I propose that the LLLT Board consider how to go about reporting LLLT client demographics and LLLT practice information to the Supreme Court that would help to show how the profession has successfully expanded access to justice.

I have spoken with Danna Moore, a researcher who worked on the Civil Legal Needs Study. She is the Associate Director of the Social and Economic Sciences Research Center at WSU. I also spoke with Jim Bamberger of the Office of Civil Legal Aid. Some information I gleaned from these conversations were:

- 1) Where the data is “housed” is extremely important. An individual name should not be attached to where the data is as there would be too much liability on that person. An organization should store and present the data. The data should be stored as encrypted files, and access should be limited.
- 2) There should be a policy on how long the data will be stored, and when it will be destroyed.
- 3) The biggest risk in collecting the data is if we use “personal identifiers” such as names, birth dates, social security numbers, etc. We are not doing that, however the more data we collect per each survey, the easier it would be to figure out who that person is, so it is advisable to identify the information that is important for our reporting, and not gather any more. “Need to know” vs. “nice to know.” For every survey question, what purpose does it serve?
- 4) She advised to never use a service like Survey Monkey, because there is no control over where that data is stored. She also advised to not transmit survey information by email. The best option would be to go to a link, where the data input would be housed on an encrypted server.
- 5) There needs to be disclosure to and voluntary agreement by the client that their personal data may be collected, the purpose of the collection, the benefit of the collection, and what will happen to the info (stored, compiled

into reports, deleted at the time the annual report is complete). I have added a checkbox on my LSA with this information, and have the client check it and initial if they agree.

Some questions to consider:

- How to get funding (WSBF?)
- What questions will provide relevant information to Supreme Court?
- Length of study?
- How to get highest participate rate - survey LLLTs, or survey clients directly
- Should we convene a workgroup?
- Anything else?

SUGGESTED QUESTIONS (WITH DROPDOWN MENUS)

Gender:

- Female
- Male
- Other

Age:

- 18-24 years old
- 25-34 years old
- 35-44 years old
- 45-54 years old
- 55-64 years old
- 65-74 years old
- 75 years or older

Number of Members in your Household:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 8+

Gross Monthly Household Income Per Number of Household Members:

- Less than 100% of Federal Poverty Level
- 100% - 200% of FPL
- 200% - 400% of FPL
- Over 400% of FPL

1 • Less than \$1,005 • \$1,006 - \$2,010 • \$2,011 - \$4,020 • Over \$4,020	2 • Less than \$1,353 • \$1,354 - \$2,707 • \$2,708 - \$5,413 • Over \$5,413	3 • Less than \$1,702 • \$1,703 - \$3,403 • \$3,404 - \$6,807 • Over \$6,807	4 • Less than \$2,050 • \$2,051 - \$4,100 • \$4,101 - \$8,200 • Over \$8,200
5 • Less than \$2,398 • \$2,399 - \$4,797 • \$4,798 - \$9,594 • Over \$9,594	6 • Less than \$2,747 • \$2,748 - \$5,493 • \$5,494 - \$10,987 • Over \$10,987	7 • Less than \$3,095 • \$3,096 - \$6,190 • \$6,191 - \$12,380 • Over \$12,380	8 • Less than \$3,443 • \$3,444 - \$6,887 • \$6,888 - \$13,773 • Over \$13,773

Ethnicity:

- White /Caucasian
- Hispanic / Latino
- Black / African American
- Native American
- Asian / Pacific Islander
- African
- Arabic
- Other

Primary language:

- English
- Spanish
- Russian/Ukrainian
- Chinese
- Korean
- Vietnamese
- Somali
- Tagalog
- Arabic
- Other

Are you a US citizen?

- Yes
- No

Education Level:

- No schooling completed
- Nursery school to 8th grade

- Some high school, no diploma
- High school graduate, diploma or the equivalent (for example: GED)
- Some college credit, no degree
- Trade/technical/vocational training
- Associate degree
- Bachelor's degree
- Master's degree
- Professional degree
- Doctorate degree

Employment status:

- Employed for wages
- Self-employed
- Out of work and looking for work
- Out of work but not currently looking for work
- Homemaker / Stay-at-home mother
- Student
- Military
- Retired
- Unable to work / Disabled

Type of case:

- Divorce with children
- Divorce without children
- Child support modification
- Minor parenting plan modification
- Relocation notice
- Motion - Moving party or responding party
 - Immediate restraining order/temporary order
 - Temporary order
 - Contempt of child support or parenting plan
 - Reconsideration or revision of a commissioner's order
 - Adjust child support
 - Modify or vacate order
 - Other: _____
- Consultation to review completed papers/seek advice on same
- Discovery (Propound or Respond)
- Mediation Preparation
- Trial Preparation
- Other: _____

Amount paid for LLLT services, not including court fees and other costs:

- Less than \$400
- \$400 - \$800

- \$800 - \$1,200
- \$1,200 - \$1,600
- \$1,600 - \$2,000
- Over \$2,000