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

BY EMAIL: CAMILLA.FAULK@COURTS.WA.GOV

BY U. S. MAILS

**RE: Proposed Legal Technician Rule, APR 28**

To the Honorable Justices of the Washington Supreme Court:

The State of Washington has a monopoly on divorce. If one wants to end a marital relationship in the Evergreen State, all roads eventually lead to a county Superior Court. Americans have a long tradition of regulating monopolies. We delimit their monopoly markets, regulate monopoly prices, look over monopolists' shoulders, and make monopolies meet the needs of their entire market.

In America, each state's divorce monopoly is administered jointly by the court system, which keeps the gate and renders judgment, and the divorce practitioners, who process clients' lives into the pleadings courts want to see. As is typical of lawyers (both the judges and practitioners), the process they have created is convoluted, structured to address all the permutations of human marital and parenting relations.

About half of our practice is divorce work. Between us, Kim and I have seventeen years of post-high-school education. Frankly, Kim and I frequently find ourselves scratching our heads, trying to figure out the latest local rules change or the meaning of Washington's black letter divorce law as it may apply to a client's circumstance. I work in the Snohomish County Legal Services family law clinic. Uniformly, the clinic clients do not comprehend the divorce process. They frequently speak English poorly, have learning disabilities, and lack resources for divorce. My paying clients are not in a greatly improved circumstance. They find the process mystifying as well, and infamously expensive.

The public, for purposes of divorce, falls into three categories: 1) those who can afford an attorney, 2) those who cannot afford an attorney but can afford some guidance, and 3) those who cannot afford any help whatsoever. Unfortunately, the largest segment of the population falls into categories two and three. Those who can afford some guidance, but not an attorney, face another obstacle. Many attorneys decline to provide unbundled services. They do not want to provide only guidance. They prefer full representation.

It appears to us that APR 28, the proposed family law legal technician rule, might address the needs of those who cannot afford counsel, but can afford some guidance. We ask the Court to approve APR 28.

We hear the howls of some colleagues. They fear financial ruin. Their worries are ill-founded. The people who may use the services of a family law legal technician were unlikely to hire an attorney under any circumstances.

Regardless, Washington courts exercise a monopoly over divorce. The courts have a duty to make it accessible and affordable for those least able to pay. APR 28 is a step in the right direction.

I thank you for your courtesies in this matter, and we thank you for your service.

Respectfully,

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