

Faulk, Camilla

From: Brian Fain [bmfain@yahoo.com]
Sent: Tuesday, April 28, 2009 4:23 PM
To: Faulk, Camilla
Subject: Comment regarding APR 28

Brian Fain
Bellingham, WA

April 28, 2009

Dear Supreme Court Clerk:

I am writing in support of APR 28, proposing the creation of Legal Technicians in Washington State. I am currently studying to become a paralegal in Whatcom County, and believe the proposition will offer access to legal services to many that cannot afford a lawyer.

I'd like to answer the criticisms I've seen levied against APR 28. Essentially, objections come from two camps: those who are concerned that the creation of legal technicians will dilute the professionalism of the practice of law, and those who fear that allowing legal technicians to practice will expose consumers to greater risk of malpractice.

To those in the first party, I answer that Law is not mysticism, and lawyers are not priests. APR 28 outlines a rigorous (if less lengthy and complete) course of study and certification, and legal technicians are to be required to attend continuing education. Incompetent and unethical technicians will certainly exist, as incompetent lawyers already do. However, qualification is matter of certification and law, not opinion—even an incompetent lawyer is a lawyer, however briefly. The same considerations would be given to the created class.

To those in the second party, I answer that the consumer exposes himself to greater risk by wading into legal matters on his own or with an unlicensed, unscrupulous guide. The creation of the legal technician does not sanctify the unauthorized practice of law—it protects against it, by creating an affordable alternative to an attorney. Again, it is not as if APR 28 allows any opinionated and enterprising entrepreneur to hang a shingle—there are strenuous education and service requirements.

As APR 28 seeks to aid both the legal system and communities which it ought to better serve, I must support it and ask that the Court does so as well.

Thank you for your consideration,

Brian Fain