

Faulk, Camilla

From: Marc Christianson [mtc4808@comcast.net]
Sent: Monday, January 19, 2009 2:27 PM
To: Faulk, Camilla
Subject: Legal Technician

To the Members of the Washington State Supreme Court:

I was a member of the Executive Board of the Family Law Section of the WSBA Family Section when this rule was being investigated by the Committee formed in response to your mandate. This is a slippery slope upon which you trod. As a long time practitioner of family law in my community I have seen the havoc wreaked by paralegals who were undertrained or unscrupulous or both. Legal action for the unauthorized practice of law was never undertaken for fear of anticompetitive complaint exposure. Now we are to believe that a new category of practitioner franchised by the Washington State Bar Association with an AA degree is going to be closely monitored and controlled by an all volunteer board which is responsible for licensing and policing these practitioners. This is a tall order even for a paid staff. The Washington State Bar Association is in difficult financial straights so where will the money come from?

I have read the studies from other states regarding similar technician programs and there is a significant malpractice risk associated with this type of program. I recall in Arizona a large number of complaints were from folks harmed by people holding themselves out as licensed who were not. Is the all- volunteer board going to have the time and resources to ferret out and eliminate such problems from this program? The assumption of this program is that technicians will offer cost effective services to those of limited financial means. There is nothing built into the rule to require this. The fees charged by licensed technicians in Arizona is acceptably low in some categories and high in others.

I also believe there is an assumption that this program will be self funding at some point. If not, are the lawyers of this state expected to continue to fund a program whose benefits are only assumed?

There is a mandate that this new class of practitioners be able to "respond to damages" for acts and omissions. The exact details of this financial responsibility are delegated to the all- volunteer board. How will they determine the costs and consequences of technician acts and omissions? Will they be able to effectively police this requirement to protect citizens using technicians. Will the Bar bear responsibility for the failures of the all-volunteer board?

There is no doubt there is a need to be met here. Using the money needed for this program would be better served by modeling the young lawyer program in Spokane throughout the state. Persons seeking help will be advised by a licensed attorney with substantially more training than someone with an AA degree.

I urge you to not adopt APR 28. Thank you.

Marc Christianson

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