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January 29, 2009

Ronald Carpenter
Clerk of the Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Re: Proposed Legal Technician Rule

Dear Mr. Carpenter:

The Court has requested comments on a proposed rule authorizing limited practice by legal technicians in Washington. This proposed rule would allow such legal technicians to provide limited law-related services to clients in the family law context. As I understand it, the Court is taking public comments until April 30, 2009.

I write to support the proposed rule for legal technicians. It is long been my view that non-lawyers, properly regulated by the Washington Supreme Court and the Washington State Bar Association ("WSBA"), can provide appropriate services to clients. There is a precedent for this view in the Court's regulation of limited practice officers (LPO) who handle real estate closings. Such LPO have proven to be cost-effective in providing what have been viewed as traditional legal services in some parts of the state. There have been relatively few complaints about the quality of LPO services.

Similarly, in the context of family law, it is well-known that far too many people appear before family law commissioners and superior court judges attempting to navigate their way through our complex system for addressing family law issues. These individuals cannot afford the cost of legal counsel, and often do not have the assistance of courthouse facilitators in presenting materials pertaining to dissolution, child support, and the Washington's Parenting Act. It is my recollection that in the King County Superior Court, for example, in more than 50% of the dissolution cases one or more of the parties appears pro se. This means that the pleadings provided by such pro se litigants often will not meet the requirements of statute or court rule. This places the family law commissioner or superior court judge in an extraordinarily difficult

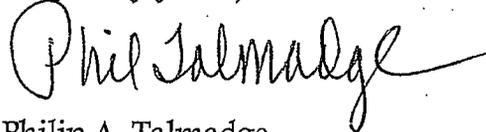
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position. The commissioner or judge must attempt to assist that pro se party in dealing with the complexities of family law while retaining the necessary status as an impartial decision maker. This is very difficult for the hard working commissioners and family law judges in Washington. If pro se people could utilize the service of legal technicians to assist them with the paperwork necessary to present their dissolution action to the court, it would improve the administration of justice and streamline case processing.

In discussing the issue of access to justice, many believe that only by providing additional lawyers can we assist people in Washington who are unrepresented. That is far too narrow a view. Nonlawyer assistance, properly regulated by the Court and by the WSBA, can significantly improve access to justice. Legal technicians in the family law area would certainly be less expensive for many people and would encourage people to utilize the service of trained individuals who could assist them in handling their family law matter.

If I can provide further information to the Court regarding my position on the legal technicians rule, please do not hesitate to let me know. Thank you for your assistance in conveying this letter to the members of the Court as they consider the proposed legal technician rule.

Very truly yours,

A handwritten signature in cursive script that reads "Phil Talmadge". The signature is written in black ink and is positioned above the printed name.

Philip A. Talmadge