

April 15, 2009

Camilla Faulk
Clerk of the Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Re: Proposed Legal Technician Rule, APR 28

Dear Ms. Faulk:

Please accept this letter as my comments on the proposed rule, APR 28, which addresses the creation of the "Legal Technician." As a paralegal student, I support the adoption of this rule however, I do have some concerns. The need is great in our community for legal services that are low-fee or pro bono. This proposed rule addresses that need by creating jobs for trained paralegals in our community at the same time as providing low-fee legal aid to the people in our community who need it. My concern is that this proposed rule does not require enough training before a paralegal can become a legal technician.

This proposed rule fails to require enough education for the paralegals to act without the guidance of a lawyer. The requirement for the legal technician to have at least 3 years of experience in a law office needs to be longer. I feel that the requirement should be extended to at least 5 years. With any less than this, it is my concern that the legal technicians would be faced with issues that they have not been fully prepared to address.

The training of a legal technician needs to be significantly more than just an associate's degree, especially when dealing with family law practices. The hands-on training in a law office is the most valuable experience for a legal technician. This is why I firmly believe that there is a need for at least 5 years of experience in a law office before a paralegal would be ready to work at the capacity of a legal technician. Also, sufficient testing is necessary to determine an applicant's ability to perform at the level required for a legal technician. This proposed rule does encompass the requirements for the testing and education.

I also feel that there is great potential in APR 28. With the downturn of the economy, many people have lost their jobs. Just during this past month the unemployment rate for Washington State rose to 9.4 percent. Limiting the access to legal assistance to those who can afford the cost of representation is like withholding medical aid from homeless or impoverished people.

Furthermore, in many other professions there are different levels of trained persons who can work without supervision. For example, in the medical field physician's assistants and nurse practitioners are allowed to have their own patients without the supervision of a medical doctor. To avoid malpractice, the medical profession limits the

types of cases that physician's assistants and nurse practitioners can take. This idea of providing less expensive avenues for people to get medical care is no different than allowing the general population access to less expensive legal assistance. The legal field is complex and requires extensive training to understand, but so does the medical field. This proposed rule, APR 28, creates professionals, much like nurse practitioners and physician's assistants, for the legal field.

There is no question that there is a need for inexpensive legal aid in our community. The Civil Needs Study that was conducted in 2003 confirms that there is an overwhelming need for low-fee or pro bono legal assistance. The programs already set up to provide legal assistance are overbooked with clients and because of this there are many people in need who are not able to get the assistance that they need. I feel that APR 28 provides a remedy for this need. I urge you to consider adopting APR 28 with respect to these concerns I have presented, in order to continue your support for low-fee and pro bono legal assistance in Washington State.

Sincerely yours,

Rebecca Gutschmidt
Paralegal Student