

April 30, 2009

Clerk of the Supreme Court
Washington State Supreme Court
P.O. Box 40929, Olympia, WA 98504-0929
Via email
Camilla.Faulk@courts.wa.gov

Re: Proposed APR 28 --Legal Technician Rule

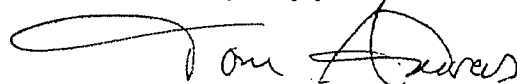
Dear Supreme Court Justices:

I am writing to add my support for the proposed Legal Technician Rule. I have been teaching the subject of professional responsibility at the University of Washington since 1985. I have been studying, thinking, speaking and writing about the rules governing the practice of law, unauthorized practice of law, and the problem of access to justice, for even longer. Although I am now on the Practice of Law Board, the proposed rule was developed before I joined the Board. In point of fact, it was the development of this proposal and the serious attention that it shows for attacking the problem of access to justice that made me interested in serving on the Board.

I do not have much to add to the arguments forcefully made in support of the proposal by the members of the Practice of Law Board who developed it. In particular, I wish to align myself with the comments of Steve Crossland and Judge (Ret.) Paul Bastine. But I will add these thoughts: There is no magical expertise or capacity or knowledge that flows from graduation from law school and/or passing the bar exam, as much as we legal educators might like to think to the contrary. Legal education is a continuum and it can be acquired many places other than law school. Many non-lawyers and non-law graduates can and do acquire expertise in particular areas of the law that puts many law school graduates and licensed lawyers to shame. Many lawyers will tell you this in reflecting on the expertise of their paralegals. Many others will tell you this in reflecting on friends and colleagues who have never gone to law school, but who have simply studied the law on their own. What this proposal does is to try to harness that kind of legal expertise for the public benefit and to deploy it to help relieve the problem of access to justice.

In my short time on the Practice of Law Board, I have come to realize that non-lawyers are, in fact, acting to fill the gap left open by the unwillingness or inability of lawyers to provide low cost services to those in need of them, even though what they are doing is the unauthorized practice of law and thus illegal. The lack of any mechanism for licensing and regulating such services—other than the unauthorized practice law—means that members of the public have no way of discerning whether service providers have the capacity to deliver on their promises, or of ensuring that clients can hold them accountable if they do not. It is my view that the current proposal lays out just such a mechanism for insuring the appropriate legal training of those who would be licensed, and for holding them accountable for the work they do. I urge you to adopt it.

Very truly yours,

A handwritten signature in black ink that reads "Tom Andrews". The signature is fluid and cursive, with a large initial "T" and "A".

Tom Andrews
Professor of Law