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From: Angela Wright <kangigilaw@gmail.com>
Sent: Friday, May 13, 2016 3:48 PM
To: OFFICE RECEPTIONIST, CLERK
Subject: Suggested amendments to APR 28 Regulation 2 - Practice Areas-Scope of Practice Authorized by Limited License Legal Technician Rule and Rule 28F

Dear Justices:

I am LLLT #103. My comments to the suggested amendments to APR 28 Regulation 2 - Practice Areas-Scope of Practice Authorized by Limited License Legal Technician Rule and Rule 28F are as follows:

As a Family Law LLLT, I feel that I am charged with the duty to help moderate means clients in the area of family law, yet my hands are tied from being able to do so by regulations that require me to send clients to attorneys for something as simple as an agreed property division if it involves something as common as the family home, and rules that prevent me from writing a letter expressing an opinion. I have read the suggested amendments and cannot determine if the amendments will be helpful for the problems I am faced with in my practice. Therefore, my comments are meant to portray the realities of trying to practice as an LLLT in family law under the rules as they exist in the hope it will be helpful to the court in determining what changes to the scope and rules should be made.

In dealing with clients I must make it clear that I am assisting them as a pro se party and as a pro se party they are free to do as they see fit, for instance, regarding a property division. I can advise them to seek a professional opinion regarding the division and the transfer of the family home, but ultimately they can do as they please and in all honesty I advise them as such. But it leaves me with a professional and moral dilemma: Should I fill out what parts of the final orders that are within my scope and give them the documents to finish themselves? They have every right to do so as long as they pay me for the work I have done, the documents are their property. Maybe they will figure it out and get it right, or maybe they won't understand something as simple as the fact the home can't just be quit claim deeded to the other party if there is a mortgage still owing. As a paralegal, this is a mistake I frequently heard about from pro se parties, after the fact. For instance: One party learns the other isn't paying the mortgage on the home that was quit claimed to him or her and the grantor party to the QCD is now getting foreclosure notices; or when the grantor party tries to buy a new home but then learns he or she is still liable for the mortgage of the home given to the former spouse who now refuses to, or can't, refinance it into his or her name. These scenarios are not easy to resolve after the final orders have been entered and are of serious financial consequences, but it is out of my scope and I can't help them with that (even though I did it for 12 years as a paralegal).

Regarding writing letters, I simply don't understand what Rule 28F is supposed to mean. Can I not write a letter to my client? I feel I must put information my client needs to understand into a letter, for the client's sake as well as mine. Is it better for me to make a phone call, instead of writing a letter, on behalf of my client to discuss my client's situation with an accountant or other expert? How then does my client know exactly what was said? If my client wishes his or her position in a matter to be communicated to the other party or to their attorney, do I just say: "Sorry Rule 28F prohibits that, you will have to do it yourself or hire an attorney"? That is not an effective way to help a moderate means family law client.

And then there is the matter of explaining these things to a prospective client. It is almost impossible to do so without apologizing for all the things I cannot do, which I believe does not speak well for the LLLT profession. Needless to say, I have had a lot of prospective clients that chose not to retain my services. At this point I seriously question if I can make a living doing this work, but hope remains that changes to the scope of practice and LLLT rules will be implemented which will help me to be able to effectively do this work.

I thank the Court for the opportunity to be heard and I would be happy to answer any questions you may have regarding my comments.

Sincerely,

Angela Wright, WA LLLT No. 103