

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, September 10, 2018 8:03 AM
To: Hinchcliffe, Shannon
Cc: Jennings, Cindy; Tracy, Mary
Subject: FW: Proposed changes to the LLLT practice areas

From: Genissa Richardson [mailto:Genissa@lawadvocates.org]
Sent: Sunday, September 9, 2018 6:25 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Jen Petersen <jen@saalawoffice.com>
Subject: Proposed changes to the LLLT practice areas

To: Washington State Supreme Court
From: Genissa Richardson, APR 6 Law Clerk and Licensed Legal Intern, LAW Advocates, Bellingham, WA

September 9, 2018

Dear Honorable Justices of the Washington State Supreme Court,

I am contacting you regarding the proposed changes to the LLLT practice area. Next July, I will complete the APR 6 Law Clerk Program. I have worked at LAW Advocates, in Bellingham, since October of last year. Much of my work involves helping clients in our Dissolution and Parenting Plan clinic – designed specifically to assist victims of domestic violence. I also counsel tenants on a weekly basis at our Landlord-Tenant Clinic. The issues I assist with range from unlawful detainers to orders of limited dissemination, and more minor issues that never go to court, such as damage deposits.

All of our clients are indigent, and a good portion of them are homeless. I see firsthand how many civil legal issues the citizens of Whatcom County have – issues that most cannot afford to retain an attorney for. My family law clients have concerns about their housing, their employment rights, and their debts. And my tenant law clients have concerns about keeping their housing and employment, or clearing their rental history and money judgments against them, so they can regain housing.

I, our staff attorney, David Henken, and our contract family law attorney, Catherine O’Connell, cannot meet the needs of nearly everyone who seeks our assistance. We have many additional programs, including Street Law, yet we turn away potential clients, who qualify for our services, every day.

We have a nationwide access to justice crisis on our hands. This is evident from the day to day experiences of legal professionals such as myself, and from in-depth studies, such as the Office of Civil Legal Aid’s 2015 Civil Legal Needs Study Update.

The answer to this crisis is to empower more legal professionals to assist those who are low income and indigent. Access to legal services must not continue to be available only for the affluent. Kirsten Barron, a colleague whom I have much respect for, regularly reminds our local bar that “it’s not justice if it’s not equal.” I couldn’t agree more. I have the means to hire an attorney if need be. The vast majority of Washington State residents do not have the means to do so.

I am at a loss for why so many people oppose the proposed changes to the LLLT practice areas. The volunteer lawyer programs and other non-profit agencies cannot meet the demand for free or reduced-cost legal services. There is no harm in expanding the LLLT Family Law practice area to include allocation of

retirement accounts. The exclusion of QDRO's is understandable. These are so complicated that experienced attorneys shudder at the mere mention of a QDRO. There is no harm in allowing LLLTs to attend court with their clients, with the caveat that they only answer questions of fact from the bench. Any potential risks of expanding the LLLT practice areas are overshadowed by the benefits that will result and by the Bar's regulation of the profession.

Another concern I have is the claims being made that LLLTs are not volunteering and/or providing reduced cost services. These claims are false. Our local LLLT, Jen Peterson, regularly volunteers at Street Law, and her services are provided at a very reasonable rate. I have heard from colleagues in other parts of the state that they know LLLTs who also are committed to volunteerism.

The arguments against expanding the LLLT Family Law practice area and against licensing LLLTs in the area of Consumer, Money & Debt fail to recognize the fragile state of justice in Washington. We have a local attorney, Lee Grochmal, who graciously volunteers her time to assist many of our clients with bankruptcy matters. Yet, we have no attorneys who assist with creditor/debtor issues before bankruptcy is necessary. The lack of available legal advice further perpetuates poverty. Licensing LLLTs for this practice area can bring nothing but positive results to this crisis.

Many attorneys are not willing to work *pro bono* or at a reduced rate. Yet many attorneys seem to think that LLLTs will take all of their clients. This is ridiculous. There is no shortage of clients to go around. In Whatcom County, someone who can afford to pay full-price for an attorney can scarcely find a family law attorney to take a case right now. There aren't enough attorneys practicing family law. How does someone in a low-income bracket stand a chance at retaining legal counsel? The reality is that not everyone can pay \$200-300 an hour for an attorney. LLLTs can play a large role in solving this crisis. We need more regulated and educated legal professionals who are dedicated to serving the public – including the lower and middle classes.

I sincerely hope the proposed changes to the LLLT Family Law practice area are approved, and that the practice area continues to expand with time. I also sincerely hope the Consumer, Money and Debt practice area is approved. These changes alone will not solve our State's access to justice problem. They signal significant progress, however, and bring hope for a more just and balanced future for all of our citizens.

Sincerely,

Genissa Sygitowicz Richardson

APR 6 Law Clerk, APR 9 Licensed Legal Intern #9281085

LAW Advocates in partnership with the Volunteer Lawyer Program of Island County

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