

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, September 5, 2018 1:48 PM
To: Tracy, Mary
Subject: FW: Comment re: Expansion of LLLT Program

For you?

From: Denise Diskin [mailto:Denise@stellerlaw.com]
Sent: Wednesday, September 5, 2018 1:47 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment re: Expansion of LLLT Program

Dear Justices:

I am writing to express my support for limiting the reach of WSBA's existing LLLT Program to advising and undisputed matters, and to ask that the Court oppose any expansion of the program, for a period of time measured in years, to allow its current iteration to be tested.

I appreciate the need for low-cost legal assistance more than most, having served as a volunteer legal clinic attorney, Moderate Means attorney, and solo/small firm attorney for the entirety of my career. I am familiar with the statistics regarding the dire need low-income people have for attorneys. However, I do not believe an expansion of the LLLT program is the answer that the public in Washington need. While I have no doubt that LLLTs are smart, dedicated, and careful people who have every desire to serve their clients well, there is no substitute for the intense legal training, and bar exam study and passage, held by lawyers.

While introduction of LLLTs into areas of law where there is particular need, such as family law, is no doubt helpful, allowing LLLTs to represent family law clients in court hearings and disputed matters reflects a lack of understanding on WSBA's part as to how complicated that area of law is. As a solo attorney almost 10 years ago, I began taking on family cases thinking they would be emotionally complicated but procedurally and legally simple. How complicated can it be to calculate child support when all those forms exist to help pro se parties, right? Wrong. Family law has proven to be more complicated by far than any other area of law I have learned, and it is made only more complicated by the web of rules and procedures (including both the state and local court rules) meant to account for the large number of pro se parties trying to navigate the court system. These are not simply ten-minute child custody or parenting plan hearings – they are legal proceedings which touch on every aspect of a family's logistical and financial life and which can carry serious consequences if orders are not followed. I regret now the cavalier attitude I began taking these cases with, and I cannot imagine leaving these cases in the hands of people lacking a complete legal education.

There is no doubt that legal services need to get cheaper. I think most attorneys would agree. But they are expensive for reasons that are tied to the complexity of the work and the industry's reliance on price points fitting large corporate law firms, not a shortage of people willing to do the work. If my firm could charge our clients less, but still pay office rent, staff and attorney salaries (which are modest, particularly for Seattle – I am eligible for income-based repayment of my six-figure student loans, for example), bar dues, CLE fees, Westlaw accounts, and other necessary overhead costs, we would. If I could afford to still be a solo attorney and still pay my student loans, my child's daycare, my health insurance, and my rent, I likely would. But the economics of our industry are such that firms like mine cannot stay afloat if we only charged what our clients could pay. We have to bridge that gap – but sending non-attorneys out to the public to provide those services is not the answer. Being an attorney is a humbling, challenging job, and WSBA needs to spend its energy making our industry more affordable so that the public has equal access, regardless of class, to trained and skilled and certified attorneys.

Thank you for your consideration.

Respectfully,

J. Denise Diskin, Attorney
Teller and Associates, PLLC
1139 34th Avenue, Suite B
Seattle, WA 98122
206-324-8969 fax 206-860-3172
www.stellerlaw.com

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