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September 14, 2018

Washington Supreme Court
415 12th Street W
Olympia, WA 98504

RE: Proposed LLLT Rule Changes

Dear Justices,

I was nonplussed when I heard that the WSBA is considering expanding the scope of LLLT practice. The WSBA should not abdicate responsibility to its members and the public in this way. The inevitable result would be undesirable for the following reasons:

1. LLLTs would be authorized to talk about the facts in court but not the law. That makes no sense, particularly if court rules are law, e.g. the rules of evidence. Confronted with an LLLT in court, I could simply object to everything he says and he could not argue the objections because he cannot talk about evidence rules. What is more, how would the LLLT know what facts are relevant to the extent that the law determines the same?

2. Even a lousy family lawyer will have an outsized advantage against any LLLT, and the LLLTs' clients will bear the cost of that advantage. That equates to access to justice with guaranteed bad results. To put it differently, you get what you pay for.

Other state bar associations have already rejected similar proposals. Their reasoning is that more information is needed to determine the efficacy of an LLLT program. I doubt this because the call can be made at first blush – "No way." The bottom line is that this is a half baked idea that will have undesirable consequences for the public and some of my clients who have to pay me to clean up LLLT messes.

Sincerely,

Robert C. Bennett
WSBA #28385