

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, September 5, 2018 3:38 PM
To: Hinchcliffe, Shannon; Jennings, Cindy
Cc: Tracy, Mary
Subject: FW: Objection to LLLT program & non-elected additions to the BOG

Forwarding

From: Sandra E. Johnston [mailto:sej@tacomatrialwarrior.com]
Sent: Wednesday, September 5, 2018 3:31 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Objection to LLLT program & non-elected additions to the BOG

Dear Honorable Justices;

I am writing to you as a 20+ year family law, criminal defense, and general trial practice lawyer. I have had a solo practice since 1997. The reason for this email is to share my strong objections to the LLLT program and any expansion thereof. I feel like what started out as a sincere idea to provide greater legal coverage to the general population has morphed into a program that does far more harm than good. It is my understanding that this program was to be "an experiment" to see if it would work. Yet the reality is that the LLLTs are charging the same amount for legal advice that a new lawyer would charge. The same overhead remains, but the person giving the advice has woefully less education for how the law works.

Often I have had occasion in my practice to have litigants call me for help after "We the People" (a group of paralegals providing "guidance" for do-it-yourself divorces) had made a complete mess of things. It is very difficult to undo these scenarios after they are already a mess. I cannot imagine this bloodbath being imposed on other areas of practice. Shall they draft wills? I don't even do that because I have done probate litigation and it is not an uncomplicated area of the law. Would you have a LLLT draft a will for your loved one? Not only is an expansion a horrible idea from a knowledge perspective, this program is consuming a lot of Bar resources. Why are attorneys being made to pay for LLLTs. This makes no sense to me. Further, because of all this upheaval in how the Bar is running itself, the Family Law Section has broken off of the Bar and formed its own organization. It saddens me that such draconian measures are necessary. It seems like the Bar Association is dissolving before my eyes, even if the original premise was well meaning.

As for Family Law cases, those are largely decided at a motion for temporary orders. Not because the facts are so compelling early on, but because most litigants do not have the time or inclination to go to trial. I have had several occasions where the trial results were quite different from the orders entered after a quick look by a Commissioner, but it is the rare client that can hang in for what is often years of litigation. Temporary Orders is such a crucial stage of litigation, you really need an actual Family Law practitioner advise the clients before, during and after this stage. Giving a parent more time with a child, does not make that parent a better parent to the child. On more than one occasion, I have had the Court give more time to a parent (usually the mom) than that which the parent had ever actually spent with the child during the marriage. Unfortunately, not all moms are good moms. Knowing what to present to a Commissioner is often key in getting a sensible outcome, that eventually leads to settlement in most cases. I submit to you that LLLTs will never be able to practice at this level, not to mention what legal work must be done to get a case ready for trial.

As for the proposed non-elected non-lawyer additions to the BOG, I offer you this. I was in Commissioner's Court in Ex Parte the other day and mentioned, "did you know that the Bar wants to put regular citizens and an LLLT on the BOG?" The response was a big eye roll. That's pretty much the reaction from every lawyer with whom I have spoken. America's regular citizenry has spoken out in an unprecedented manner in the age of Trump and what they have to say is pretty scary. I am absolutely against non-lawyers being made a part of our BOG and would like to see the Executive Director take a much less active role in our governance than elected members of the BOG. This is our Bar Association. Let's please keep it that way.

Warm Regards,

Sandra E. Johnston

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