

## Tracy, Mary

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Friday, September 14, 2018 9:43 AM  
**To:** Tracy, Mary  
**Subject:** FW: Proposed Amendments to APR 28 - Comments

**From:** Virginia Tucker [mailto:virginia.tucker@sjsu.edu]  
**Sent:** Friday, September 14, 2018 9:43 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Proposed Amendments to APR 28 - Comments

To: Washington State Supreme Court Rules Committee ( [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov) )  
Re: Proposed Amendments to APR 28

The court should amend APR 28 as requested by the LLLT Board and the University of Washington law professors. The suggested enhancements are well researched and reasoned, and they will provide better access to justice for people of moderate means.

My support for the APR 28 amendments is based on my experiences working directly with people representing themselves in civil matters due to the inability to hire legal representation. For eleven years, I was the County Law Librarian for Whatcom County in Bellingham, WA. Over 75 percent of the inquiries I helped with were from private citizens with no legal experience who were pro se out of economic necessity. I was able to help them with their legal questions by assisting them through the basic processes of legal research and teaching them about legal resources and the processes of the court system. I also did much to alleviate anxiety and the paralysis of where-to-begin, because a person facing a legal matter who is wracked with legal questions typically needs the guidance of an information professional to formulate the question itself. However, because, as a non-attorney I was prohibited from providing legal advice, I regularly recommended to library patrons that they sit in and observe in court hearings that were open to the public before their own hearings were held. In this way, they could fully listen and observe, without the angst of being a party in the case being heard, and could learn how matters are conducted in the courtroom, even with the variations from one case to the next. People often came back to the Law Library to thank me, both for the help with legal research and court forms and also for what they had learned about courtroom processes. I often wished they could have someone in the courtroom with them to explain in real time the questions that arose for their specific case and, at the same time, to help streamline the court's efforts for justice.

I know that the LLLTs for family law are making immense contributions to these goals. Now this same contribution can be made for non-parental custody matters through the proposed amendments to APR 28. Non-parental custody actions can be critical to children with dysfunctional parents. Frequently it is grandparents or other relatives stepping in to help the parents who are unable or unwilling to care for the children. And, complicating the situation for these uprooted children, the relatives caring for the children often do not have enough money to afford an attorney. Very few attorneys will take on non-parental custody cases, and if they do, the retainers are over \$3,000 in our local community, an amount out of reach for most families, particularly when at the same time taking additional children into their homes. Having the LLLT to provide the initial paperwork and to accompany people to court would be a great help and would improve the lives of many children.

To sum up, I believe the Court should implement all of the proposed LLLT enhancements, including non-parental custody, major modifications, the proposed limited division of retirement assets and real estate, and allowing LLLTs to accompany a client in negotiations, alternative dispute resolution, and court.

Sincerely,

Virginia Tucker, PhD, MLS

Former County Law Librarian, Whatcom County, Bellingham WA

Author, *Finding the Answers to Legal Questions, 2nd edition* (ALA Editions, 2018)

"Highly recommended for public, academic, and law libraries" --Booklist \*Starred Review

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