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TEMPLE OF JUSTICE

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April 13, 2009

Washington State Supreme Court
P. O. Box 41174
Olympia, Wa 98504-1174

Re: Comments in Opposition to Legal Technician Rule

Dear Justices:

I am a private attorney working primarily in the field of family law in Vancouver, Washington. I have practiced since 1977.

I wish to express my opposition to the adoption of the proposed Legal Technician Rule for the following reasons:

1. Family Law is a legal field which requires legal knowledge of many areas of law in addition to dissolution law. As we assess the needs of the client, the merits of the available evidence, and satisfactory resolution of the issues, we go far beyond the field of family law in almost every case. Not only is it necessary to have this broad legal background in the very initial evaluation of the case, but the need continues as the case develops. A Legal Technician will not have that background and thus, from the very beginning, will miss issues an attorney will not miss.

2. I believe the Legal Technician Rule will encourage a "fill in the forms" practice on the part of the Legal Technicians. That is not satisfactory representation of parties in a family law matter. That is what I see with the current paralegal services which are practicing.

3. A Legal Technician Rule approved by the Supreme Court will lead the public to think they are receiving complete and adequate representation from the Legal Technician, even if there are disclosures otherwise. I have already seen this on the part of the public with the paralegal services currently available, in spite of the waivers and warning provided them to read and sign. Endorsement by the Supreme court will raise this confidence to another level without justification.

4. There is no reason to assume a Legal Technician Rule will specifically address the issue of need for low income parties. Legal Technicians will offer their services with the intent to make a profit, and their clients will have to have the ability to pay their fees.

5. I would venture to say every family law attorney in this state has seen first hand the horrors arising out of paralegal prepared work which is mailed from other counties to be filed in Lincoln County. Ironically, those cases end up costing the parties more money than if the parties had initially hired an attorney. Oftentimes, the problems created by the lack of knowledge of the parties and the paralegal cannot be remedied. I have felt for some time that the bar association should attempt to end the Lincoln County abuse. This rule would extend this to the entire state!!!

6. I believe implementation of such a rule would economically discriminate unfairly against women. In my experience, women are the parties who financially suffer the most from inadequate knowledge of their rights in court. They tend to go along with their husbands to keep the peace, and without adequate advice from an attorney, make decisions about property division, retirements, and maintenance which place them in a disadvantageous position economically, and which would not have happened with adequate advice and representation. The rule would thus create a group of lower income women whose opportunity to fairly and equitably correct the above mentioned matters is very limited, if not impossible, to do once the final dissolution is entered.

7. There is no redress for the clients regarding malpractice or a client reimbursement fund managed by the bar.

8. There is no doubt in my mind that more limited training than that provided currently for licensed attorneys is not enough to grasp the family law field adequately. That is a lesson of which I am regularly reminded when I see the lack of legal knowledge and understanding exhibited by non-lawyers who have worked in the field for many years, along with the inadequate work done by paralegals in preparing papers when they are not totally and adequately supervised by an attorney. Family law attorneys are more than just scriveners. And there is no substitute for a complete legal education.

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The public is entitled to expect protection from the Bar Association and its court system. Reducing the adequacy of the parties certified to represent them does not provide this guarantee.

I encourage you to not adopt the Legal Technician Rule.

Sincerely,


MARLENE N. HANSEN