

More than 30 years of excellence



Washington State Paralegal Association

RECEIVED
SUPREME COURT
STATE OF WASHINGTON

2009 APR 30 P 12:47

BY RONALD R. CARPENTER

PO Box 58530, Seattle WA 98138-1530

April 28, 2009

CLERK

Honorable Gerry L. Alexander
and Justices of the Supreme Court
Temple of Justice
415 12th Ave. SW
P.O. Box 40929
Olympia, WA 98504-0929

Re: Support of Proposed APR 28 - Legal Technician Rule

Dear Chief Justice Alexander:

Thank you for the opportunity to comment on proposed Admission to Practice Rule 28 (the "Rule") submitted for consideration to the Supreme Court by the Washington State Practice of Law Board (the "Board").

The Washington State Paralegal Association ("WSPA") recognizes the hard work and dedication of the members of the Board commissioned by the Court under General Rule 25. Having followed the activities of the Board for several years, including attending Board meetings and public hearings, WSPA strongly endorses the Board's work in the creation of the Rule as directed by the Court.

WSPA supports the Rule because it will help facilitate greater access to legal and law-related services for Washington's low-income residents who might otherwise go without legal assistance. The landmark 2003 Civil Legal Needs Study confirmed what has long been known by the legal community. Washington State, like most states, has a large deficit in the delivery of quality legal services. The Study revealed that each year, Washington's low-income residents encounter more than one million urgent civil legal problems, and that those unmet civil legal needs disproportionately affect women and children in our society.

More than 75 percent of low-income households experience at least one important civil legal problem each year, but only 15 percent of those receive any legal help. Low-income residents face more than 85 percent of civil legal problems without help from attorneys. Unlike civil legal problems of middle- and high-income residents, the civil problems of low-income residents primarily involve basic needs such as housing, family safety and employment.

The approval of the Legal Technician proposal is an important step that will serve the public good by helping to shrink this gap.

ORIGINAL

FILED AS
ATTACHMENT TO EMAIL

Our Association has been supporting and promoting the paralegal profession in Washington State since 1975. We are dedicated to the enhancement of the paralegal profession, and we strive for personal and professional development. We have long advocated high quality paralegal educational programs in preparation for entry into the profession, and it is our belief that well trained and tested paralegals, working under clear guidelines and rules, can deliver quality legal services to the public.

It should be obvious that not every legal need requires the expertise of an attorney. Just as skilled nurses have an important role to play in support of the medical profession, many well seasoned paralegals often possess knowledge, skills, and real world legal experience that newer associate level attorneys don't learn in law school and won't gain "on the job" for many years.

The Rule safeguards the public by carefully regulating the practice of legal and law-related services by licensing Legal Technicians and requiring them, among other things, to be held to the same standard of care as an attorney pursuant to the Rules of Professional Conduct. Indeed, while acting within the scope of authority set forth in the rule, the relationship between the Legal Technician and the client is to be governed by all rules, expectations, privileges and considerations that govern the relationship between lawyers and their clients.

WSPA commends the Board for its adoption of strict licensing qualification criteria, including a competency exam, to ensure that only paralegals and those qualified through education programs approved by the American Bar Association are eligible under the Rule. If not certified under this rule, excluded from unauthorized practice pursuant to GR 24 (b), or practicing under the direct supervision of an attorney, an individual should be subject to prosecution for unauthorized practice. Thus, we believe that the rule will assist in the effort to limit the unauthorized practice of law by undertrained and unqualified individuals now ostensibly offering legal services via the internet or other solicitation channels.

Some writers have argued that Pro Bono work alone can fill the need. WSPA commends those attorneys and law firms that encourage Pro Bono work in the community and WSPA looks forward to actively participating in the American Bar Association's National Pro Bono Celebration in October, 2009, but it is clear that there are simply not enough attorneys volunteering their services to meet the needs of more than a tiny fraction of our state's residents.

WSPA encourages the Court to promptly adopt and implement the Rule. We commend the Court for its foresighted creation of the Practice of Law Board. We now see the enactment of the Rule proposed by the Board as the logical next step in the effective delivery of legal services to an underserved class of Washington residents.

Creation of the Legal Technician role will demonstrate Washington State's commitment in being a national leader in providing real access to legal services for all of our citizens, and not just those who can afford an attorney.

Very truly yours,

Washington State Paralegal Association

Brian K. Haberly

Brian K. Haberly, RP

WSPA President