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March 23, 2009

Honorable Charles W. Johnson
and the Justices of the Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504 -0929

Re: Proposed APR 28 - *Legal Technicians Rule*

Dear Justice Johnson:

I am writing to lend my support to the *Legal Technicians Rule* which is now before you for consideration and for which you are seeking public comment.

By way of disclosure, my wife and law partner, Rita Bender served on the Practice of Law Board and has written to you separately to support adoption of the rule. I have followed the spirited debate regarding this proposed rule from the beginning.

In a perfect world, we would provide a competent civil lawyer for every person who needed one and could not afford to pay for legal services. In a perfect world, we would not need legal technicians. However, we are very far from being in a perfect world. Providing access to justice is a largely unmet need that works great hardship on those who cannot afford an attorney and it also burdens our already overburdened civil justice system.

The proposed rule is a modest step at aiding access to civil justice in our State for those in need. The practice limitations, training and licensing components of this program offer sufficient controls to protect the public. Well-trained and licensed legal technicians can help our citizens navigate the complexities of our legal system. This aid will be of assistance to the public and will also help ease the burdens on our court personnel.

Candidly, I have found the debate on the proposed rule a poor reflection on our profession. There have been many reasons offered in opposition to the rule. I fear most are a smokescreen for a heavy dose of protectionism.

I have been in private practice for 30 years and worked as a Federal Public Defender, in a law school litigation clinic, and for a non-profit before that. I believe I have a good handle on the growing inability of our profession to meet the needs for affordable civil representation, no matter how strong the commitment to pro bono and reduced fee practice. It is completely unrealistic that the cadre of newer, younger attorneys, pro bono programs and non-profits will

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meet this need and most especially in the current economic climate. This program can complement, rather than compete with those pro bono and other laudatory efforts.

In short, we are losing, rather than gaining, ground in meeting the civil justice need. This program is a modest step to help reverse that trend.

I hope you and your colleagues will be able to cut through the smokescreen of protectionism and see the wisdom in adopting this program in the hope that it can be of some modest assistance in providing meaningful access to civil justice for all of our fellow citizens.

Very truly yours,

SKELLENGER BENDER, P.S.



William J. Bender

cc: Chief Justice Gerry L. Alexander
Justice Tom Chambers
Justice Mary E. Fairhurst
Justice James M. Johnson
Justice Barbara Madsen
Justice Susan Owens
Justice Richard B. Sanders
Justice Debra L. Stephens

Stephen Crossland, Chair, Practice of Law Board
Paul Bastine, Practice of Law Board