

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, May 16, 2016 8:46 AM
To: Tracy, Mary
Subject: FW: Comments regarding proposed changes to APR 28 C and D, Regulation 3

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Miryam Gordon [mailto:miryamgordon@gmail.com]
Sent: Friday, May 13, 2016 5:25 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments regarding proposed changes to APR 28 C and D, Regulation 3

Please note this was emailed on May 13, 2016 as required (though perhaps after official business hours).

Dear LLLT deciders,

I am a member of what is being referred to as the "third cohort," those who are in the process of finishing the third year of the educational program at the University of Washington Law School. I only recently found out about this new career opportunity, in time to be able to join the class in September, 2015.

I have a very eclectic background, and I think it is potentially what the legal community and the Supreme Court might have had in mind in broad terms of those people with different backgrounds who could contribute their services to the thousands of pro se applicants for family law relief in Washington. I have been self-employed for most of my adult life, in a number of different kinds of activities.

I had a small business accounting company where I both worked in and advised small businesses with everything from quarterly taxes, IRS filings, employee matters, to scheduling employees, managing over-time, and dealing with debt collection. I certified as a Certified Professional Guardian in 2007, and self-decertified after realizing the difficult path to self-sufficiency there, but in the process, found Title 11 GAL work and have been doing that since 2007 through today.

I received a paralegal certificate from Edmonds Community College in 2003, and found working in legal offices to be of enough difficulty in that hiring environment (during the “dot bomb” years) that I gave up trying and then re-trained in Technical Writing and Editing at Bellevue (Community) College, subsequently.

Having always had an interest in legal issues, being able to provide legal services to people in desperate need of that help who may be unable to afford standard legal fees is of great interest to me. I see this as the way I can do so without having to incur three years of full time law school (which I cannot afford), yet have the requisite requirements to legally be allowed.

Regarding Suggested Amendments to APR 28 C, D, and Regulation 3:

I recognize that all these amendments as proposed are specifically dedicated to allowing a broader range of educational opportunities than the limitation of ABA-approved institutions and are not designed to address the specific educational requirements, themselves. I defer to others to defend or support the basis of ABA approval for a program in their comments.

I would like to address the educational requirements themselves – D(3)(b) and (c) and Regulation 3(A) and by implication E(2). Perhaps this will open a discussion that can continue on and result in further refinements to these same APR sections.

My specific concern about the range of topics identified as required curriculum reflects my background as a small business person. There are a number of areas of needed knowledge and understanding when someone is a small business owner. LLLTs have been created to be allowed and even encouraged to become sole proprietors or to be in partnership with either other LLLTs or attorneys in providing services to the community.

A small business provider must understand basic accounting principles, make decisions as to whether to set up their business as a “cash” or “accrual” accounting system, become incorporated in any of several options or stay a sole proprietorship, manage basic tax reporting requirements, keep records of income and expenses and manage the flow of money appropriately, and in addition for legal purposes, manage an IOLTA account within required parameters. These are just a few of the many aspects that are required.

So far, while there is an implied hope for LLLT practitioners to go out and proliferate, there is no mechanism to ensure that they are provided with the appropriate educational tools to allow them to successfully manage a business.

An option clearly exists to incorporate a certain amount of required education in the curriculum parameters in the APR, where an educational institution could choose to incorporate a special class developed by and offered in their Accounting Program or could create a special class for Paralegals/LLLTs that ensures that knowledge. A waiver test of basic business understand could be developed for those who might have that background already, people like me, who can demonstrate that they are ready and competent for managing their own business.

My understanding about the 3000 hour requirement (here is where E(2) is related) is that there is a possible impression that if someone spends 3000 hours immersed in law firm work, that person will, by osmosis or definitive experience, understand “how a law firm works” and absorb some kind of accounting know-how in the process. Even from a somewhat limited experience in law firms, I feel confident that there are many people who have worked for years in law firms who never come into contact with the business workings of the firm, with the exception of how to bill their own time in increments of 6 minutes, perhaps.

If such a class were to be required, I would suggest removing 200 hours (the approximate amount of hours for a five credit college class) from the 3000 to accommodate the extra instruction that would give explicit information in its place.

I appreciate your time and attention to this idea.

Sincerely,

Miryam Gordon

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3rd Cohort LLLT class of 2016

Moderate Means Program Intern