

May 12, 2016

Clerk of the Court
Washington Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

RE: Comments to APR 28 C, D and F and Regulation 3, Rules Governing Limited License Legal Technicians (LLLT)

Good Day Madam Clerk:

This letter formally submits comments to the proposed changes to APR 28 that govern the Limited License Legal Technician (LLLT) license. The comments focus on three areas: the removal of American Bar Association (ABA) standards from the required LLLT Education, the proposed oversight and review of colleges offering the LLLT education, and the signature provisions contained in the practice rule Regulation 3.

Edmonds Community College and its Paralegal Educators are supporters of, and have helped to establish, the LLLT program and its required curriculum. Edmonds Community College has been a respected provider of outstanding paralegal education for nearly 40 years. It was one of the first schools in the nation to obtain approval by the ABA for its program. Its Paralegal Program is continually reviewed and approved, which contributes to its longstanding reputation for excellence. ABA-approved paralegal programs have been the “gold standard” for paralegal education in Washington and across the country. The ABA ensures that rigorous educational requirements are met and consistently maintained. As paralegal educators, we are acutely aware of the lack of affordable legal services in underserved communities in Washington and we believe properly trained paralegals can and should fill this legal gap. Unfortunately, the rules as drafted do not provide the necessary information to assess whether there are quality educational standards required. We believe an ongoing review mechanism needs to be clearly established and its work should be modelled after and ideally parallel what the ABA requires.

The Washington Supreme Court has always been interested in providing quality legal services for underserved communities at a reasonable cost. The Court has supported both the LLLT program and the “academically rigorous” education needed to meet this goal. Unfortunately, neither the GR 9 coversheet nor the rule itself provides guidance on the educational standards. The rule itself only states that the LLLT Board will “establish and maintain criteria for approval of educational programs . . .” APR 28(c)(2)(h). It then sweepingly eliminates reference to “ABA-approved” paralegal programs throughout APR 28. This is not to suggest that the rigorous educational standards needed cannot be replicated by the LLLT Board. The concern is that neither the standards nor the agency that would supervise these standards is in place currently, as proposed in the rules.

The GR 9 coversheet supporting the rule is incomplete. “Supporting Materials” are referenced throughout as support for eliminating the ABA-approved educational component. The supporting materials are said to include “LLLT Educational Program Standards” and a “Brief Comparison of the ABA Guidelines for Approval of Paralegal Programs and LLLT Educational Program Standards.” However, neither of these is attached to the rules as stated.

The GR 9 coversheet claims that non-ABA-approved schools with “excellent paralegal programs” currently provide such education, but does not support that assertion with any factual information. It is inconsistent that the rule eliminates the requirement for ABA-approval for paralegal programs, yet it maintains the ABA requirement for law schools. Again, information is needed to assess the standards for approval of non-ABA-approved paralegal education providers. It is difficult to specifically comment without the attached information. Moreover, it is difficult to know that Legal Technicians from non-ABA-approved programs will have received the quality education necessary to protect some of our most vulnerable citizens.

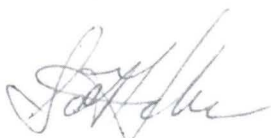
The GR 9 comments also suggest that the Washington State Board of Community and Technical Colleges (SBCTC) can approve paralegal programs, and that the LLLT Board intends to delegate this authority to the SBCTC. Unfortunately, this misapplies the role of the SBCTC and fails to understand that legally the SBCTC may lack authority to accept this type of delegation. In several meetings with the SBCTC, we have been specifically informed that they will not be approving, reviewing, establishing, or maintaining paralegal program review. This simply is not the role of the SBCTC. As a result, this leaves no agency in place to develop the rules, or to oversee, review, and maintain standards for rigorous paralegal education.

The final comment relates to the requirement that LLLTs specifically sign a statement about their representation in particular cases. This rule is sound and provides good guidance and identification of LLLTs that are providing legal services and the scope of those services. The reasoning supporting this rule should be expanded to have LLLTs sign and identify themselves on all work they do. Several Judges have noted the difficulty caused by a lack of information about LLLTs that may be providing assistance to *pro se* litigants who appear before them. An easy solution would be to have a LLLT identify him or herself (by signature or otherwise) on pleadings that are presented in Court. This identification would also help the Court and the Bar Association track work performed by LLLTs. Both the quality and quantity of work could be measured by their signature or identification on documents prepared.

The LLLT program is an important step to assuring access to justice. As paralegal educators, we want to insure that rigorous educational standards are maintained for the success of our students and especially for the clients they serve. The ABA-approval process currently provides the rigor needed for paralegal education. Certainly, this can be done as effectively by an agency with similar standards. Unfortunately, the rules as proposed do not provide a mechanism nor a proposed set of standards that would achieve this objective. It is concerning that at a time when we are allowing paralegals to do more, we are requiring them to complete an education that is considerably less. The quality of legal services must remain excellent.

Thank you for the opportunity to comment and your consideration. We look forward to working together to insure underserved communities receive affordable and high-quality legal services.

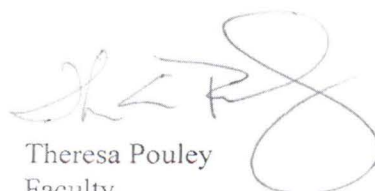
Sincerely,



Scott Haddock
Faculty



Daniel White
Faculty



Theresa Pouley
Faculty

OFFICE RECEPTIONIST, CLERK

From: Gwen Fisher <gwen.fisher@email.edcc.edu>
Sent: Friday, May 13, 2016 12:54 PM
To: OFFICE RECEPTIONIST, CLERK
Subject: LLLT Comment from Edmonds Community College Faculty
Attachments: LLLT Comment from Edmonds Community College.pdf

Clerk of the Supreme Court,

Attached you will find a PDF of a letter to follow with comments from the faculty of the Paralegal program at Edmonds Community College.

If you have questions, please feel free to contact any of the faculty listed, or my office as noted below.

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Gwen Fisher
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ECE, Legal & SHS
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A woman in charge of her own destiny is a wonderful thing.