

THERESA M. POULEY

May 14, 2016

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

SUBMITTED VIA EMAIL

RE: Comments to APR 28 Rules Governing Limited License Legal Technicians (LLLT)

Good Day Madam Clerk:

This letter is written to formally submit comments to the proposed changes to APR 28 governing the LLLT license. My comments focus on three areas: the removal of ABA standards from the required LLLT Education, the signature provisions contained in the practice area rules and the potential for expansion of the practice area for LLLT's.

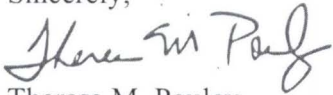
As a long time paralegal educator, I agree with all the comments contained in the letter written by Edmonds Community College. I am very concerned that a lack of educational standards will leave our paralegals without the training they will so desperately need to provide direct representation services to persons in Washington State. I also agree that such review and oversight can be done without ABA involvement but there is currently no mechanism to do so. In several meetings with the State Board of Community and Technical Colleges (SBCTC) they have stated they are not going to approve, review or institutionalize paralegal programs. It is not their role and they currently cannot expand to meet that role. This is not to say that as an ABA approved program we should not do more to either help create standards or partner with programs whose curriculum does provide rigorous educational requirements. We have been investigating a variety of mechanisms to help reach rural communities and provide the needed education. In my view, however, lessening educational standards should be the last thing we do to encourage more persons to become LLLT's.

My second comment relates to Regulation 2A which sets forth a signature requirement for LLLT's when representing clients in matters beyond their permitted practice. This is a great idea and should be expanded so that LLLT's have to sign and or identify any documents they prepare. The LLLT practice is a historic rule for Washington and the Nation. We should insure that we know how many LLLT's are preparing documents, what kind of documents they prepare and set systems in place to track both the number of documents and type of documents prepared. This practice would also insure that Judges can in some respects "supervise" the work of the LLLT because the LLLT's name will appear on pleadings even if a pro se client is presenting the documents. Both the quality and quantity of work could be measured by their signature or identification on documents prepared.

Finally, as a long time tribal court trial judge and a current justice on the Colville Court of Appeals, I think the LLLT program should be expanded to include "tribal law". All of the statistics point to tribal people as a single group who lack access to legal representation at an alarming rate often because of the unavailability of attorneys willing to practice in Indian Country. This is coupled with the fact that tribal court's generally have the ability to qualify "spokespersons", non-lawyers able to represent clients both in filling out needed paperwork but also in actual representation of clients in court. These facts combined with the excellent legal education available on tribal issues in this state militate in favor of an easy expansion of the LLLT program to tribal communities. The cases in tribal courts typically involve family law, landlord tenant law, elder law and protection order issues. These are many of the areas already slated for the LLLT expansion. Finally, this expansion could be part of the Tribal-State Court Consortium which would combine two of the Supreme Court's goals into one project. As small often rural communities they could easily track the LLLT's progress in particular areas to provide much needed data to support the expanded practice areas for LLLTs. As a tribal court judge, I would welcome the expertise the LLLT could bring to several of the tribal courts on which I have served.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Theresa M. Pouley".

Theresa M. Pouley

OFFICE RECEPTIONIST, CLERK

From: Mark Pouley <mark@pouley.com>
Sent: Friday, May 13, 2016 3:31 PM
To: OFFICE RECEPTIONIST, CLERK
Subject: comments for APR 28 from Theresa M. Pouley
Attachments: tmpsupremecourtcomment2016.pdf

Attached please find Comments to proposed APR 28 C,D, and Regulation 3 and APR 28 F and Regulation 2A

Submitted by Theresa M. Pouley theresa.pouley@edcc.edu