

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, May 16, 2016 8:47 AM
To: Tracy, Mary
Subject: FW: Comments re: APR 28 F and Reg. 2

Supreme Court Clerk's Office

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From: Ortega Independent [mailto:ortegaindependent@gmail.com]
Sent: Friday, May 13, 2016 5:31 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments re: APR 28 F and Reg. 2

Dear Justices;

I am writing in support of the proposed changes to APR 28F and Regulation 2 of Appendix APR 28 for the LLLT practice. Currently I am enrolled in the Family Law LLLT program at the University of Washington and plan to take the LLLT licensing exam this coming August.

Regarding APR 28(F)(8), I believe it is clear that an LLLT must have the ability to write legal letters to clients. A letter to a client explaining their rights or suggesting a course of action is not an opinion letter, as such a letter is meant to be read only by the client and is not intended for anyone else. The LLLT must be able write letters to clients about legal matters that are within the LLLT's scope without the need for an attorney's review. Requiring an attorney to review every letter the LLLT writes to a client is senseless, and a terrible barrier to the LLLT's ability to serve clients.

Additionally, I strongly agree with Professor Terry Price that an LLLT must be able to act as a "speaking agent" for a client for the purpose of obtaining information necessary to competently assist a client. The LLLT must be able to call or write to third parties to request documents or other information that is crucial for the timely completion of the LLLT's work. Relying on clients to obtain all needed information is overly burdensome on the client, and will (and does, according to current LLLTs) lead to great frustration for both the client and the LLLT.

Regarding Regulation 2, the LLLT must be able to complete a document for a client when the client is not willing to consult an attorney or not able to afford an attorney's service. Given the widely quoted statistic that 80% of people with legal needs are currently not getting legal assistance, mainly due to prohibitive costs, it is highly likely that the LLLT's clients will not seek the advice of an attorney. Thus, an LLLT must be able to assist a client in the completion of documents and forms when the client gives the LLLT clear direction, even when the issue may be outside of the LLLT's scope.

LLLTs are very clear on what is and is not within their scope, and understand that a client must be informed of the LLLT's limitations. When a client, however, refuses or is not able to consult an attorney regarding issues beyond the LLLT's scope, that client cannot be left hanging in legal limbo – unable to resolve a legal issue because the LLLT is prohibited from completing a form that contains information about an out-of-scope issue, such as a dissolution that includes the division of real property. When the client is clear in his or her decisions and directs the LLLT how to complete that particular section of the form or document, the LLLT must have the ability to do so.

The provision that the LLLT must insert a line stating the client directed the LLLT to include information about an issue beyond the LLLT's scope is an acceptable method for documenting that the decision was the client's and was not based on legal advice from the LLLT.

Thank you for the opportunity to comment and for your consideration of my comments.

Jennifer Ortega

LLLT Candidate 2016