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July 16, 2018

Cindy Phillips
Judicial Administrative Assistant to
Chief Justice Mary E. Fairhurst
Washington State Supreme Court

Re: LLLT Expansion Proposal

Dear Ms. Phillips:

Please provide this letter to the Justices of the Washington Supreme Court for their consideration.

At the time that I started to be active in the Family Law section and started attending meetings of the WSBA Board of Governors, the Family Law section's opposition to the LLLT program was well-known. Detailed comments had been submitted by individuals and the section executive committee for several years. Nonetheless, I approached the subject with an open mind. I write today as an individual member and not as a representative of the Family Law Section. It is a continuing concern that issues are raised without adequate time for Section Executive Committee's to discuss and formulate detailed responses. This letter has not been reviewed nor approved by the Family Law section; I speak only for myself.

I comment today against the proposed expansion of the LLLT program into debt issues or any other subject area. The presently considered expansion seems truly ill-advised. As another attorney stated in a listserve email recently "the fact that many lawyers don't know how to do this stuff and/or do it badly is not an argument that other people who don't have a law school education should be taught it so they can represent people." Another said with regard to the LLLT program, "the cost was incredibly high for the number of people who are licensed, and I can't believe that anyone would want to replicate that result with other disciplines...FDCPA stuff is so insanely complicated that very few lawyers really understand it..."

While there are consumer and/or debt issues that the low income public struggles with, the LLLT program that is being considered is clearly headed for failure. The LLLT Board itself said that "it was unclear whether or not legal assistance would materially address the consumer law problems ... and whether that assistance could be provided through some method other than direct representation exclusively by a lawyer." The LLLT Board also reported that significant advice already exists through the Northwest Justice Project site washingtonlawhelp.org. Yet the recommendation continued to be pushed forward.

The LLLT Board recommendation is that LLLTs be able to assist with RCW 10.82 Motions re Interest in LFOs. These apply to convicts trying to integrate into society. I didn't see that the LLLT Board provided any number of the people seeking help in this matter. There is a recommendation that LLLTs help with small claims court matters. There are numerous websites and materials available to help pro se parties with these small claims. Certainly paying a LLLT is not a likely priority when a person is trying to get someone to pay them \$500 that is owed. The recommendation is that LLLTs can help with debt collection not involving collection agencies. In fact, in this day and age, most collection actions involve collection agencies. There is a recommendation that LLLTs help with garnishments. Very few consumers initiate garnishment actions and there are limits on reimbursable "legal" fees. There are rarely court hearings. Packets of forms and instructions are generally available in every county and are also part of the legal forms available through the Administrator of the Courts. The recommendation regarding identity theft is also ill-advised. This information is available through the Attorney General's office at no cost. The recommendation regarding loan modifications is also somewhat laughable. These programs are very complicated and there are attorneys that specialize in it. These loan modifications are rarely granted and adding LLLTs to the mix will not improve that. LLLTs are not needed with regard to protection orders since each county is required to have people at the courthouse to help provide forms. It is not explained how they would help get no contact orders in criminal cases; this is routinely done by prosecutors at initial criminal hearings. LLLTs cannot provide meaningful help in bankruptcy issues since federal laws govern the debt counseling that consumers must obtain. The program is simply designed for failure; hundreds of thousands of dollars will be spent and any LLLT eventually trained will have few clients, if any, able to pay his/her fees.

The LLLT program is not being forthright with the WSBA membership and, perhaps, the Washington Supreme Court. The program seems to be exploring expansion into numerous fields and, is now doing so without any meaningful oversight. I have reviewed the LLLT Board meeting minutes, as much as are available. This can be difficult since I have sometimes had to prompt staff to get the minutes online. Of course, I do not know if the LLLT board is not providing their minutes to the staff on a timely basis. Most recently, the LLLT Board cancelled its April and June 2018 meetings so no minutes are available. The May 2018 draft minutes are not available either. See attached email of July 9, 2018 from Renata Garcia.

The minutes of the New Practice Area sub-committee which explores subject expansion used to be on-line. That is no longer the case. In fact, I was informed this morning that I would have to submit a public records request to get them. See the attached email of July 16, 2018 from Margaret Shane.

My review of LLLT board minutes and the New Practice Area Committee have been

revealing and startling, particularly with regard to a previously planned expansion into immigration law. The April 2018 minutes state that the LLLT program is expanding into immigration law and that they had already contacted Governor Inslee to get his support for legislation to try and “preempt” the federal law to allow local LLLTs to practice in the immigration field. This action by the LLLT program seems to have been done without the permission of the Washington Supreme Court or the WSBA Board of Governors. This attempted expansion is ill-advised and should not be encouraged or permitted. The Washington State Immigration Services page on the Attorney General website calls immigration law “one of the most complicated areas in the legal field.” ... [and] specialized training” is required...[and] the lawyer/expert must be “authorized under federal law to provide immigration services.” While it seems that this attempted expansion has been dropped, the LLLT board seemed to have acted improperly by going to the Washington State Governor without the support of the BOG or the Supreme Court.

I also ask the Washington Supreme Court to demand some answers from the LLLT board. Such answers should be in writing and made available to WSBA members. How many LLLTs are presently in practice and whom are they representing? What are they charging? While their fees may not be controlled under anti-trust considerations, the fees can certainly be used to determine whether this program is meeting the needs of low-income people. What is the goal of the LLLT program?

I am concerned that the LLLT program seems to be operating without true and objective oversight or administration. The meeting with the Governor’s office involving the Executive Director, Paula Littlewood, is a prime example. It is troubling that this action was not disclosed in her monthly activity reports. She apparently had two BOG members with her but this action was not reported in their monthly activity reports provided to the BOG and the membership. The Executive Director report of January 12, 2018 makes no mention of LLLT issues at all. Steve Crossland’s report to the Board of Governors of January 4, 2018 discusses proposed expansion of the LLLT Family Law work and needed amendments to APR 28 and RPCs but no mention of immigration or consumer debt expansion.

How was it acceptable for these people to go to the Governor to lobby for changes in the law? Sections are not allowed to make any public statements without approval of the WSBA yet a meeting was apparently conducted with the Governor of this state without any such prior approval. Making public statements on the LLLT program and potential expansion without any report of the meeting to the BOG means that the BOG and the membership is being denied information that it should have.

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I have another concern about the LLLT program and its administration. The program is marketed enthusiastically by Paula Littlewood and Steve Crossland. It is an open secret that they are involved in a personal relationship. This is a delicate issue that seems to be ignored. I do not easily raise this issue; it should be personal and private. But, it cannot be ignored in this circumstance. I do not see how the program can be administered by the WSBA appropriately under those circumstances. Paula and Steve travel to various other states and countries together “wearing WSBA hats” to talk up the LLLT program concept. I am concerned about the direct and indirect costs of their joint travel to various locales, including Hawaii and Canada. I am concerned about the appearance to the membership. It would certainly seem that the WSBA and the WSC are leaving themselves open to public criticism.

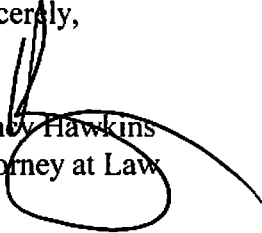
The lack of independent and objective analysis and administration by Littlewood is also clear if the WSBA website is reviewed. The website lauds the LLLT program as a way to practice law without going to law school. It is excited and enthusiastic about the program. Contrast this with the website with regard to lawyers. There is no reference to the long and distinguished role of lawyers in civil rights, or in helping people access the justice system. There is instead a dry description of the costs and burdens of becoming an attorney (fees, testing, etc.) The legal directory now lists LLLTs and lawyers in the same directory. Not only are the lines being blurred, the preference for LLLTs by the Executive Director is obvious.

It also seems that the LLLT program is described by Crossland and Littlewood in their various travels as a “success.” This seems to be an inaccurate description of the program. After years of funding, the program continues to operate at a substantial loss and has very few people working in the field. There is no proof that the program is truly meeting the needs of low-income people and, in fact, the anecdotal information conveyed at meetings is that LLLTs are charging significant rates for their work, generally comparable to attorneys. The Washington Supreme Court should require that Crossland and Littlewood provide transcripts of any speeches and copies of any written materials that either has provided with regard to the LLLT program. Their representations must be accurate and complete so that the reputation of this state bar association and the Washington Supreme Court is not harmed.

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I think it is time for the Washington Supreme Court to take another good hard look at the LLLT program and its purpose and structure. It is time for a plan for reasonable administration. It is also time for the Washington Supreme Court to demand that the WSBA administration enthusiastically support and applaud the work of lawyers.

Sincerely,



Nancy Hawkins
Attorney at Law

cc. LLLT Board

Nancy Hawkins

From: Margaret Shane <Margarets@wsba.org>
Sent: Monday, July 16, 2018 11:10 AM
To: Nancy Hawkins
Subject: RE: LLLT New Practice Area Committee minutes

Hi Nancy –

Since minutes for LLLT committee and work group meetings are not posted on the website, it has been determined that the information you are looking for needs to be obtained through a Public Records Request. To request Bar records, please send your request to WSBA's public records officer at PublicRecords@wsba.org. Under Washington General Rule 12.4(e)(1), requests must be made in writing to WSBA's public records officer, and may not be made to other Bar staff.

Best,
Margaret



Margaret Shane | Executive Assistant

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From: Nancy Hawkins [<mailto:nhawkins@seanet.com>]
Sent: Friday, July 13, 2018 2:10 PM
To: Margaret Shane
Subject: LLLT New Practice Area Committee minutes

These used to be on the website. Are they somewhere else now?

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Nancy Hawkins

From: Renata Garcia <renatag@wsba.org>
Sent: Monday, July 09, 2018 2:55 PM
To: Margaret Shane; Nancy Hawkins
Subject: RE: LLLT Board minutes

Hi Nancy –



The LLLT Board April meeting was cancelled. The June meeting was also cancelled which means that the May meeting minutes have not yet been approved.

The meeting materials are posted on the website. Here is one way to access them:

1. <https://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/LLLT-board>
2. Click on WSBA Event Calendar

Meeting Materials

NB: Starting October 2017 meeting materials are linked to the meeting event item in the [WSBA Event Calendar](#). This static list was not be updated.

January 2017
February 2017
March 2017

3. Select Limited License Legal Technician Board

HOME | EVENTS CALENDAR



Updated: June 8, 2018

Filter Event

Today	27 July 2018						Day	Week	Agenda
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday			

4. Select the month and click on the event
5. Click on the link under "Agenda"

Add to:

- Outlook
- iCal
- Google Calendar

The Limited License Legal Technician (LLLT) Board

Agenda:

LLLT Board Meeting Materials - March 2018

Let me know if you have any other questions.

Thank you,
Renata



Renata de Carvalho Garcia | Innovative Licensing Programs Manager

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From: Margaret Shane

Sent: Friday, July 06, 2018 1:49 PM

To: Nancy Hawkins

Cc: Renata Garcia

Subject: RE: LLLT Board minutes

Hi Nancy –

Renata Garcia is the person to contact for LLLT matters, but she is out of the office today. I have copied her on this email so she can contact you when she returns to the office next week.

Please let me know if you need anything further at this time.

Best,

Margaret



Margaret Shane | Executive Assistant

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From: Nancy Hawkins [<mailto:nhawkins@seanet.com>]

Sent: Friday, July 06, 2018 10:32 AM

To: Margaret Shane

Subject: RE: LLLT Board minutes

I also don't see any board meeting materials for the past year or so on the website.

Nancy

Nancy Hawkins

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From: Nancy Hawkins [<mailto:nhawkins@seanet.com>]
Sent: Friday, July 06, 2018 10:30 AM
To: 'Margaret Shane'
Subject: LLLT Board minutes

Do you have minutes for their April, May and June board meetings?
Nancy

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