

January 28, 2019

*Sent via email and USPS regular*

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

**Re: Comments to Suggested Amendments to APR 28 (LLLT) ORDER NO. 25700-A-1249**

Dear Supreme Court of Washington State,

My name is Derek Ralph. I am a family law paralegal in Arlington, Washington. I graduated with honors from Edmonds Community College with my Paralegal ATA degree. I have passed the NFPA's Paralegal Core Competency Exam. Moreover, I am currently taking LLLT courses through the University of Washington's School of Law. I write this letter in support of the suggested amendments to APR 28 and LLLT RPCs.

First, Washington State needs an affordable and effective option for family law representation. The average family law attorney hourly rate in Washington State is \$250.00 per hour. This statistic encompasses the entire state including rural areas. Moreover, Seattle's average is closer to \$400.00 per hour. Low income individuals simply cannot afford this high cost of representation. There is no statistical data yet for what LLLTs charge, however I would imagine they will charge between \$75.00 and \$125.00 per hour. This hourly rate will allow low income individuals to afford the representation they need. I feel that family law representation is too expensive and is a privilege for people who have money. In fact, in my past career I was a machinist and programmer, and I made around \$65,000 per year, and I even struggled to pay my attorney! My girlfriend and I had separated during her pregnancy and she had no intentions of allowing me to be in our child's life. Therefore, I was forced to start an action to fight for visitation with our child. My attorney's hourly rate was \$275.00 per hour. Fortunately, my ex-girlfriend's position became more reasonable during mediation and we reached an agreement thus avoiding trial. However, I paid a grand total of \$17,000.00 to my attorney. Minimum wage in Washington State is \$12.00 an hour, which is only \$24,960.00 per year. Could you imagine trying to pay an attorney \$275.00 an hour while making minimum wage?

Furthermore, could you imagine taking out a loan for \$17,000.00 and how long it would take to repay it while making minimum wage?

Second, APR 28 is currently too restrictive to provide the effective relief needed for lower income individuals. In fact, it appears that the citizens of Washington State are still unaware of the presence of LLLTs. I feel this is due to how restricted LLLTs are, thus translating into an inefficient service. I believe learning law is similar to learning a foreign language. I believe it is complicated, hard to understand, and takes considerable time to learn. I also believe not everyone possesses the capacity to understand law, legal concepts, or how the Court system operates. While the original APR 28 rules had good intentions, I think they have proved themselves to be unavailing. The current APR 28 rules restrict the LLLT to the point that their services are difficult to render and are not as effective. I recently came across a LLLT business's website that explained how they could empower you to "represent yourself like a pro". I cannot fathom how this would ever be possible or easily achievable. If an individual has no legal knowledge, then certainly it would take a bountiful number of hours to get that person to where they could "represent themselves like a pro." The amount of time and money it would take to educate an individual would defeat the purpose of a cheaper alternative to expensive family law legal fees. This theory places a huge burden on the individual to educate themselves to hopefully feel confident enough to represent themselves. I feel this business model is incorrect, the wrong approach, and ineffective. Moreover, it proves how restrictive the current APR 28s are. The amendments to APR 28 correct all of this by allowing LLLT's to negotiate on behalf of their clients, represent their client in court, represent their client in mediations, and attend depositions. All within the defined scope. It is my belief that by the time an individual in Washington State has become a licensed LLLT they have devoted themselves to learning law. First, the prospective LLLT must complete their AA or Advanced Paralegal Certificate from an America Bar Association Accredited Paralegal Program. (Or their bachelor's degree) Second, the prospective LLLT must become a registered paralegal by passing a national standardized paralegal exam. The exam consists of questions from criminal law, real estate law, wills estates and trusts law, family law, business law, contract law, torts, civil procedure, federal procedure, ethics, legal technology, legal research, and legal writing. Third, the prospective LLLT must take 3 quarters of family law through the University of Washington's School of Law LLLT Program. Fourth, the prospective LLLT must log 3000 hours of substantive legal work under an attorney's supervision. Finally, the prospective LLLT must pass the WSBA LLLT Practice Area Exam and WSBA Professional Responsibility

Exam. Therefore, this rigid requirement theatrically eliminates individuals who should not practice law, are not motivated, or competent of becoming a LLLT.

Third, pro-se representation congests the Courts. I have attended many family law motion hearings in both Skagit and Snohomish County. I have observed that hearings with a pro-se party take longer than hearings where both parties are represented. Moreover, the Courts usually continue the hearing because of an improperly filed document, missed deadline, or perplexity of the pro-se litigant. The Courts are usually empathetic toward pro-se litigants which unfortunately congests the Courts and creates a backlog of family law cases. LLLTs under the proposed APR 28 rules could help reduce the number of low income pro-se litigants. This would help the Court system run more efficiently and reduce the back log of cases. This is especially true where the LLLT could help the client navigate and attend a mediation. Not all cases are best resolved at trial. I believe LLLTs could provide their clients with representation during a mediation thus increasing the chance of settlement and avoiding trial. Moreover, allowing LLLTs to negotiate their client's position would allow a LLLT to negotiate with opposing counsel. I have seen cases avoid trial and even mediation by negotiations/settlement proposals simply sent back and forth between counsel. I believe LLLTs should be allowed to do this. Again, attempting to avoid mediation and trial is judicially efficient.

Finally, the children of Washington State will benefit from the amendments to APR 28. I would imagine there are many low-income individuals that cannot get divorced because they cannot afford it or cannot navigate the Court system. Moreover, pro-se litigants' cases typically take longer to resolve. This directly affects the children because parenting plans/support orders cannot be filed with the Court or the time it takes for a parenting plan/support order to be entered is delayed. Children of divorced parents need these parenting plans/support orders. Allowing the amendments to APR 28, is allowing more available representation for low income individuals. The more effective and efficient LLLTs that are out there, the more available affordable representation there will be.

In conclusion, Washington State needs an affordable and effective option for family law representation, APR 28 is currently too restrictive to provide the effective relief needed for lower income individuals, pro-se representation congests the Courts, and the children of Washington State would benefit from the amendments to APR 28 and LLLT RPCs. I am passionate and strongly believe in the idea of the LLLT. This is the reason I am on the career path to become one. Moreover, the amendments to APR 28 will provide the effectiveness a LLLT needs to be successful in resolving

cases. I feel Washington State would be taking a step in the right direction by allowing the amendments to APR 28 and LLLT RPCs. I strongly support the amendments to APR 28 and LLLT RPCs.

Very Truly,

A handwritten signature in black ink, appearing to read "Derek Ralph", with a stylized flourish at the end.

Derek Ralph, CRP®

DJR/DJR

**Tracy, Mary**

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Tuesday, January 29, 2019 8:09 AM  
**To:** Tracy, Mary  
**Subject:** FW: Comments to APR 28  
**Attachments:** comments to apr28.pdf

**From:** Derek Ralph [mailto:derekjralph@gmail.com]  
**Sent:** Monday, January 28, 2019 8:19 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comments to APR 28

Hello,

Please see attached letter in support of the amendments to APR 28(LLLT).

Thank you,

Derek Ralph, CRP