

LLLT Reinstatement Letter

4/25/21

This letter is in regard to the decision by the Washington State Supreme Court to sunset the Limited License Legal Technician (LLLT) program. My experience is that LLLTs can play an important role in serving low- and moderate-income family law clients and I encourage the Supreme Court to reconsider this decision.

I am writing this letter as an expression of my personal views, not those of the Seattle University Moderate Means Program, for which I have worked for the last ten years. My experience with LLLTs, however, is through the Moderate Means Program. There are a number of LLLTs on the MMP panel, and they have proven to be a valuable asset to the program. In several situations it makes sense for us to refer applicants to LLLTs. Where applicants want to represent themselves in their family law actions but need help filling out their paperwork or need substantive advice about their legal issue, LLLTs are perfectly situated to deliver such services. The scope of these services is beyond what courthouse family law facilitators can provide, and are often services that private attorneys are reluctant to engage in. If a potential client does not have a strong case, someone still needs to explain that to them. The LLLTs I have worked with are happy to take these sorts of cases and provide such clients with the necessary information and advice on how to proceed.

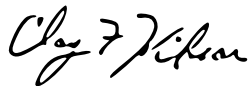
Another situation in which LLLTs can play a key role for clients is where the client wants representation but has limited funds. In these situations, clients can save money by hiring a LLLT to ghost write their pleadings, give them legal advice, and explain court procedures to them. When ready for court, the client can then hire an attorney to represent them, using the LLLT work as a foundation. Many LLLTs work with low bono attorneys who use a sliding fee scale and can be a referral resource to those attorneys. Having a LLLT begin the case saves the attorney time and the client money. It also increases the likelihood that the client will be able to pay the attorney during the pendency of the case and not have to represent themselves pro se after the attorney withdraws partway through the case for lack of payment.

At this time, we should be increasing legal service providers in Washington State, not decreasing them. The practicing Bar is approaching a concerning situation in which its membership is going to shrink precipitously, due in part to the increasing number of current attorneys who will be retiring in the next few years. As these members of the Baby Boom Generation leave the profession, the numbers coming up to replace them are much smaller. Another cause is that since the Great Recession, law schools, including the three law schools in our state, have decreased their class sizes, thus graduating fewer young attorneys. In addition, the population of Washington State continues to grow by a considerable amount each year. To meet this looming challenge, we not only need more attorneys, but also more allied professionals such as LLLTs. Reducing the overall legal resources available to Washingtonians at this critical time is exactly the opposite of what we, the legal community, should be doing. As a

privileged monopoly, we have an obligation to provide adequate legal services to the community, and LLLTs can be a vital part of fulfilling that obligation.

LLLTs can help shrink the access to justice gap in Washington State. The gap has existed in Washington State for a long time and does not seem to be getting any smaller. The Moderate Means Program can help a few thousand clients per year, but this is a small percentage of the moderate-income population who are in need of legal assistance. History has clearly shown that attorneys cannot – or will not – provide adequate services for low- and moderate-income families on their own. We cannot count on pro bono attorneys to provide these services and there are few other resources available. The LLLT program could play a vital role in shrinking the access to justice gap, but only if it is allowed to continue and receives adequate support. I encourage the Supreme Court to reconsider its decision, and indeed, not only to reinstate the LLLT program, but to expand it, simplify its rules, and increase its scope. If these actions were taken, I think we would see more applicants attracted to the LLLT program, less money spent on the program because there would be more paying LLLT students, and most importantly, increased legal services to those currently being underserved by the legal system in Washington State.

Thank you for your time and consideration.

A handwritten signature in black ink, reading "Clay F. Pihlman". The signature is written in a cursive, flowing style.

WSBA # 29171

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Dear Justices, attached are my comments regarding your decision to sunset the LLLT program. Thank you for giving me the opportunity to comment on this important decision.

Clay Wilson
WSBA # 29171