

Miryam Gordon, LLLT-to-be
12345 Lake City Way NE #200
Seattle, WA 98125

Washington State Supreme Court
415 12th Ave SW
Olympia, WA 98501

Re: In support of the Limited License Legal Technician program

Honorable Supreme Court Justices:

I write on the cusp of qualifying to obtain licensing as a LLLT. The process was arduous and there were many times I did not know if I could or should continue to move forward. Partly due to adjustments that the Court made to the requirement set, I have been finally able to complete that process. I don't really want to join a very small club that is destined to become smaller and smaller; I'd so much rather that the club be able to grow and thrive. I address here my perceptions of the reasons the Court may have had to vote as they did on June 4, 2020.

1. Funding the license and training

The WSBA Treasurer made a presentation to the Court in Spring 2020 which appears to be the most important basis for sunseting the LLLT program due to the financial drain on the bar association. In his public summation, shortly afterward, on the state of finances of WSBA, the Treasurer then publicly extolled how great a job of treasurer he was doing because the association has been revenue positive for the last three years. These presentations seem at odds with one another.

I believe the Court has been presented a series of mischaracterizations which could certainly cause a flawed understanding of how the LLLT license is progressing, how it works, and the costs to the legal community in terms of fiscally supporting it. From my background of providing accounting to small businesses for 12 years, I am very aware of how numbers can be picked in order to create the narrative of your choice and that narrative was designed with a specific negative impact in mind.

The Court's action to sunset the license came just as the light was getting brighter at the end of the tunnel. The years-long expenses of developing the training, the hundreds of hours of retooling the paralegal college coursework and the slow process of building a reliable "pipeline" of candidates has already been expensed. The success of that financial investment could now be more visible if given the time to present itself in subsequent data. The LT Board has given the Court exactly those kinds of reasonable projections. As more legal technicians get licensed, more fees will be collected and the costs of the training and managing of the program will become revenue neutral and inevitably revenue positive.

The sudden decision of the Court to eliminate all that progress, when every other decision about the course of the program had been made with lengthy, public deliberation, literally took my breath away when I read it. The decision threatened to abruptly halt my own six-year determination to gain the license.

2. Criticism from attorneys regarding a perceived lack of success in creating access to justice

Many critiques from lawyers lodged against the LT license are focused on how the license is not, and was not, specifically linked to Legal Aid in some way. The critiques go much further, though, to claim, without evidence, that therefore the license is not reaching the low to medium income clientele that need access so direly.

I'll address this in several different ways. First, evidence is growing that the lower-cost services of LTs is indeed being provided to much of the exact population the Court might have intended. LTs are significantly more likely to give pro bono services than the like percentage of attorneys. LTs who are working steadily can provide and have provided statistics of the clients they are reaching and can show this. The new Stanford Law report (presented to the Court in the meeting on April 28, 2021) on the program provides ample examples, as well.

Next, I have heard lawyers claim they know that LTs charge \$400/hour. They may well have seen a fee of \$400. However, is it almost 100% likely that it was for a flat fee service provided unbundled as many LTs are doing for public convenience. I do not know a single LT who is charging anything more than \$150/hour, and often significantly less. As every lawyer out there knows, law firms charge clients \$125-\$180/hour for their paralegals because they can.

Last, the WSBA, itself, has barely supported the proliferation of the public knowledge of the license or its availability to that population. WSBA's primary funding is fees from attorneys. Why would they want to robustly support a program that could result in a small reduction of income to their main clientele? It is very apparent that the Washington State budget set by our legislature is underfunding every aspect of the justice system, from the county court systems, to provision of mandatory criminal legal help, to legal aid organizations such as the Northwest Justice Project and CLEAR, and has failed to meet even the basic financial requirements needed. That funding need is constantly struggling to compete with other perceived higher priorities in government budgets.

This is not to say that the LT license could not or should not be more linked to access-to-justice programs. However, there is no funding source being provided to make that connection. Indeed, those who are candidates for the LT license must themselves fund their education without student loans and pay any other costs associated with licensing—unlike law schools which are heavily subsidized by various funding sources, for instance student loans and scholarships. The lack of funding for the candidate population has been a significant barrier for many people who want to aspire to provide services under this license. I know, personally, that several have invested upwards of \$10,000 or \$20,000 of their personal finances into becoming a LLLT.

The lack of financial support is part of a systemic failure to recognize that access to justice must also include access to education.

3. Diversity of practitioners as well as clients

Attorneys have been vocal about the kind of people who are working toward an LT license. I've heard directly, out loud, from a (privileged, male) sitting member of the LT Board that if LT candidates think they are competent enough to provide legal services that they could "just go to law school."

Many of us, myself included, came into the pipeline with disabilities that preclude law school. I've been told innumerable times in my life that I "should be an attorney." However, I couldn't afford three years of law school full time when I was a single parent, and now have issues that

preclude working full time. Yet, this license still allowed me to dream of providing needed legal services where no other pathway appeared available. I have spoken with quite a number of candidates who are physically or mentally disabled in one form or another. This population is not called out in any documentation that I am aware of.

Diversity of service providers is also important while considering the diverse population that should be served. I've talked with candidates who heard about the license after going through their own horrid experience of divorce or family dysfunction with little help in the legal process. Their experiences inspired them to help people avoid what they went through. These candidates become LTs who understand their clients' needs from "been there, done that" experience.

4. Sunsetting the LT program because it's not perfect, rather than fixing it to be better

I saw a powerful letter submitted by Nancy Lundsgaard to the Court last year after the June 4, 2020 vote to sunset the LT license. I want to echo the disappointment she felt when seeing the Court affirm the need for systemic change (letter also issued on June 4, 2020) and vote to sunset the LT program that same day.

There are plenty of fixes that could improve LT process. Some come from those of us who have gone through it. Extending the practice areas would be extremely helpful to LTs who don't want to have to provide family law services, as one example.

The best analogy I have is the ACA (Obamacare). It's not perfect, far from it. For 10 years, there has been talk of replacement. There is no replacement and so many would be hurt by simply repealing it. Better than no health care plan at all, fixing the one we have so painstakingly put in place is a much better action. This applies to the federal program and to this LT license as well.

I ask the Court to forgive the lack of perfection by way of approving and improving a currently existing start to providing real access to justice. Sunrise the LLLT Program!

Thank you.

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Date: Monday, May 3, 2021 8:17:12 AM
Attachments: [Letter to Supreme Court on sunseting of LLLT program 4.26.21.docx](#)

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Please submit my attached document to the comments on changes to APR 28. Thank you so much.

Miryam Gordon
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