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DATE: April 7, 2021

TO: Washington State Supreme Court

FROM: Nancy Lundsgaard *Nancy*

Washington State
Supreme Court

RE: Request to rescind LLLT sunseting

First, thank you so much for opening this issue up to formal comments and questions. I wrote you last year in a state of disbelief and disappointment that a program as important as this could slide through the transparency test and disappear into the sunset without input. I am delighted that you have chosen to take a closer look and listen to voices beyond WSBA; the willingness to change one's mind is, in my opinion, a necessary and beneficial component of good government.

My thoughts on the importance of the LLLT program haven't changed. As I wrote before, the "it costs too much" and "the program isn't getting enough use" are excuses I've heard from years in banking and education whenever reforms are being implemented. We try this and that and this and that and don't support anything long enough to create real change. The system wins; individuals (and often justice) lose.

But while my basic opinion hasn't changed, many of the events of this awful year have opened my eyes in a new way to just how DEEP the roots of systemic injustice are. It just happened to be the year when my husband and I revisited our will (a once a decade process). Sitting in our lawyer's office, I recognized for the first time how lucky I am to have enough knowledge to search out a good lawyer, enough funds to pay for the process, enough funds to even consider needing a will. I kept thinking, "What if?" What if I was young and broke with my three little kids and getting a divorce? What if my ex was threatening me? What if I didn't have a college education to fall back on? What if I didn't have a whole bunch of lawyers in my family to give me good advice? What if? What if? I'm grateful for all these supports—a partner, an education, lawyers in the family, etc., but I don't "deserve" them any more than poor folks. EVERYONE should have access to legal counsel in civil litigation, not just a fortunate few.

I do understand that giving up or even sharing power is really hard – and not just a problem for WSBA (see *AMA v. nurse practitioners*, *NEA v. charter schools*, etc.) But as long as we, and in particular, our professions (law, medicine, education, finance, policing, unions etc.) cling to "the way we've always done things," our SYSTEMS won't change. They will probably continue to serve me okay—a white privileged woman; they were developed to serve my needs, after all. But what about all the others whose "what ifs" are realities? I implore you to think of them. And if the LLLT program doesn't work well yet, we should fix it, not scrap it! It's more expensive to start a new program—which would probably happen as other states are going that route—than to fix the one we have. Finally, it's hard for me to even respond anymore to the "it costs too much" excuse, given the way we've ignored the huge hidden costs of social injustice and racism for centuries and the fact that you probably recognize these costs better than I.

Before I wrote this letter, I looked for a picture of the Washington State Supreme Court, and when I found one, I felt so proud of our state and our voters. What amazing, beautiful diversity we have elected. I pray that it is trickling (or better yet, flowing) down. Into law school students and profs; into the court system, into WSBA administration teams.

In closing, thank you again for the opportunity to comment. I hope it's not just pro forma, that you will also allow discussion in your next meeting, and that you will each ultimately decide to rescind your order sunseting the LLLT license.



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