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From: Tamara Garrison [mailto:famlawlegaltechnician@gmail.com]
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To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
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Honorable Supreme Court Justices:

I have been a LLLT since 2017 and I am presently a 2L at Seattle University School of Law. I write this letter with the clear-eyed knowledge that the road to convincing a majority of Justices to support the continuation, let alone expansion, of the LLLT license is an uphill battle. Some have been against the concept of the license before the first LLLT class commenced. I attended that class, and it was a very lonely place to be. We have suffered public disparaging remarks from attorneys, the WSBA Board of Governors, and the majority of this Court for years. Nonetheless, LLLTs and aspiring LLLTs have pushed through because we want to serve a sector of the community who has been overlooked for decades. Ironically, after attending two years of law school it has become even more apparent to me that we need LLLTs more than ever and in other practice areas.

There have been many arguments over the years in opposition of LLLTs. I cannot speak to how all LLLTs practice, but I can explain my own experience.

THE COMMUNITY WHO I SERVE

On April 15, 2021, I had the pleasure of hearing Justice McCloud and others speak at the Gender and Justice Commission. Justice McCloud spoke about how family law and domestic violence are two areas in the legal system where women experience barriers to justice, often due to financial hardship.

Since I established my own firm in August 2018, I have assisted 107 pro bono and 93 low bono clients. Seventy percent of my clients were women and approximately 90% of all my clients fell between 200% and 400% of the FPL. My practice tears down those barriers that Justice McCloud identified. While I am sure there are a couple of LLLTs that focus on higher income individuals, I think a careful survey of LLLTs will show that the vast majority of practicing LLLTs reach a similar demographic of clients that I do.

LEGAL FEES

When I first received my license, I practiced in a family law firm with other attorneys. I had been a paralegal in that firm for four years, and because of that my knowledge of family law was extensive. I was billed out at \$165/hour as a LLLT, as determined by the managing attorney. That was the same rate that I was billed out at as a senior paralegal. Rather than choosing to promote more affordable choices for potential clients, the firm decided to hire a newly licensed attorney and bill him out at \$200/hour. I have nothing against their decision. It is a business, and they have a right to make a profit. Attorneys must eat too. Unfortunately, the new attorney's lack of experience was very evident and drove clients away.

I decided to leave the firm and establish my own so I could control the amount that I charge my clients. I charge flat fees, sliding-scale, traditional advance fee deposit fee structures, and hourly consultations. My base hourly rate is less than what the managing attorney charged clients for my services as an entry-level paralegal. I offer payment plans, sometimes as low as \$50/month. I work with every client to address their unique financial circumstances and find a method of payment that works specifically for them. It is the reality of today's economy that very few people have several thousands of dollars (on average \$5000) to pay an attorney for an advance fee deposit that will be blown through after filing one motion and making one court appearance. It is not my intention to disparage attorneys. I intend to join their ranks. This is simply a fact of our society today and basic math.

The fees I charge are fair and attainable. I have numerous return, low-income clients, who have clear expectations of the cost of my services. They know that my services have value and bring them a positive outcome. Even the very few clients who have not "won" in court tell me that the sheer sense of confidence and empowerment they have when they appear in court, now educated on the process, rather than terrified of facing off against an attorney or abusive spouse, was enough for them.

TRAINING AND EXPERIENCE

I will not claim that the LLLT licensing program is perfect. There are aspects of the process and curriculum that I think could be improved. However, it makes no sense to throw away this extensively developed program, with a robust infrastructure, which is now integrated in numerous local community colleges because the program needs some changes. That would be like abandoning your car because it has a flat tire. It would have been better to ask how the program could be improved. Attorney legal aid programs are already being gutted out and overloaded. Removing the license only creates another vacuum.

Before the reduction of the experiential element from 3000 to 1500 hours, if a candidate started the program with no prior college or paralegal experience, it took about three years to complete the program. (3000 hours of substantive legal experience is the equivalent of 1.5 years full-time). The first few groups of LLLTs had been practicing paralegals for several years and they were able to obtain the licenses more quickly.

Now, most of the candidates in the pipeline are entering community college for the first time with the intention of becoming LLLTs. Previously, the paralegal courses could not be taken concurrently with the LLLT specific classes. It was challenging for students, many of whom are single-moms or supporting families, to go to school full-time and work full-time.

The LLLT courses cannot be paid with student loans, which is prohibitive to some. Let's focus on removing these roadblocks. This is a great opportunity to provide a meaningful profession in the legal field for those who cannot afford law school, many of whom are women starting careers later in life.

ATTORNEYS VS. LLLTS – THE FUTURE

I have learned many aspects of the law in my two years of law school. It is clear to me that there is most definitely an important role for attorneys to play in the legal field. For example, after taking Evidence last year, I saw the importance of that knowledge in the courtroom, especially during trials. I do not believe that is a role that a LLLT should fill. Conversely, in law school, I have never learned how to complete court forms, local court rules, the procedures for motion hearings in each county, how to file a case or confirm a hearing, and other aspects of actually practicing family law. I learned this as a paralegal. There also is not a practice manual for attorneys or pro se litigants to reference this information. Yet, newly licensed attorneys are set free to practice any type of law and/or case, no matter how complex or unknown the subject matter is to them.

Also, beyond family law, with the passage of E2SSB 5160 and the establishment of the Eviction Resolution Program and guaranteed right to counsel for indigent tenants on the verge of eviction, this seems like a very logical next step in the expansion of the LLLT license. In my Landlord/Tenant law class, my professors have said that there are not sufficient resources in the legal aid programs to support the onslaught of tenants who will qualify for representation once the eviction moratorium expires in June 2021. The ratio of available attorneys to clients just does not add up. A LLLT offering limited services to tenants to help them complete forms, guide them through the mandatory mediation requirement, and educate them on their rights would be a huge help to our community and the real homelessness crisis in Washington. For example, many tenants simply need a Satisfaction of Judgment form completed and filed to qualify for housing. Do you need a law degree for that?

CONCLUSION

Rather than scrapping the program, let us improve it. Honing the curriculum to develop the practical skills of less experienced LLLT students, streamlining the process to move interested candidates through the pipeline more expeditiously, and expanding the fields of practice to not only reach more of the public in need, but interested potential LLLTs who may not feel called to practice family law.

How many members of the public must be reached before the program will be considered successful? 5,000? 10,000? 100,000? Which one of my clients should have been left helpless because I did not attend law school? Do not each one of these people have value and worth, independent of their income? How much is too much to invest to provide the chance for equality in the courtroom?

More and more states in the U.S. are starting programs like the LLLT license. Let us not slide backwards but continue to be trailblazers in our goal for access to justice for all. Thank you.

Respectfully,

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