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THE SURPRISING SUCCESS OF WASHINGTON STATE'S LIMITED LICENSE LEGAL TECHNICIAN PROGRAM

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EXECUTIVE SUMMARY

Washington State launched the Limited License Legal Technician program in 2015, aiming to provide competent, regulated, and reasonably priced legal services to moderate means Washingtonians with family law issues. By 2020, the Washington Supreme Court had soured on the program and voted to sunset it. What happened? For this white paper, we interviewed key stakeholders and looked at the available public data to answer that question. We found that:

The LLLT program was demonstrating real success in expanding access to justice in Washington.

- LLLTs provided legal services to many Washingtonians who would have otherwise proceeded without representation in their family law cases. In family law court, cost "is the most consistently referenced motivation for proceeding without an attorney."
- LLLTs provided expanded legal services to traditionally underserved communities, including Washington's immigrant communities. Commissioner Jonathon Lack, a King County judge who handles pre-trial litigation in family law cases, observed that the program "provides access for women and people of color, who are also getting better results in their cases." One bilingual LLLT in Eastern Washington reported that 90% of her clients were Spanish-speaking individuals.
- LLLTs allowed for more efficient proceedings and better decision-making for family law judges and commissioners by reducing procedural errors, submitting high-quality work product, and preparing clients to present their cases effectively.
 - One family law commissioner said that "with LLLTs, I saw an immediate improvement in the information I received in family law and domestic violence cases."
 - One judge reported that having a LLLT involved can reduce trial time by about one-third because the judge did not have to explain to the parties what information he would need and could rely on LLLTs for proposed orders.
- LLLTs obtained improved legal outcomes for moderate means clients and empowered clients to feel confident in the courtroom.
 - One LLLT client said that "I have no question in my mind that without [my LLLT's] assistance we would be starting over again, having missed some form, or mis-entered some value, dragging this process on." Another reported that "[a]fter 3 years of going in and out of court trying to square away my divorce without hiring a lawyer . . . [my LLLT] was able to get my orders finalized and provide me the relief I have been waiting for."
- Adding LLLTs allowed lawyers to expand their practice by capturing a previously untapped market. Lawyers who hired LLLTs report that the relationship between LLLTs and attorneys at the firm is "absolutely symbiotic" with LLLTs providing services to clients the firm would have otherwise turned away and attorneys assisting LLLTs in matters that fall outside of LLLT scope of practice.

The LLLT program's most fundamental issues were political and structural.

- The WSBA and the Washington Supreme Court took several steps to limit the program, including declining to expand to new practice areas, declining to establish a LLLT fund, and refusing to allow the LLLT program to use Bar technology for its practice area curriculum. The program also had a high barrier to entry, with the original **experiential requirement** (3,000 supervised hours) quite high compared to comparable programs in other states and provinces.
- The LLLT program was housed at and funded by the Washington State Bar Association (“WSBA”), which had **“a long-standing, vocal group opposed to the program, thinking it would take away business.”** The WSBA is both the trade association and the regulatory agency for legal services. And the Justices of the Supreme Court are elected and depend on lawyers for campaign contributions.
- The sunseting of the program occurred when two justices retired within a few months and their replacements – both facing imminent retention elections – swung the balance in opposition to the program.

The Supreme Court's reasons for sunseting – cost and lack of interest – ring hollow.

- The WSBA Treasurer persuaded the Court deemed the program too expensive to justify, but that argument is not persuasive. The LLLT program cost \$1.3 million over seven years, or less than \$200,000 per year. That means **the cost to lawyers of administering the program was just \$7 per attorney per year, and less than 1% of the WSBA budget.** The WSBA Treasurer also argued that it was “tremendously unfair” for lawyers to be subsidizing the program, but this misunderstands the Bar’s dual role. Lawyers’ annual payment to the bar in WA are both “dues” to the trade association and “fees” to the regulatory agency, and the latter can be seen as the price of being the last self-regulating profession.
- **Over 200 students were in the LLLT pipeline when the court chose to sunset the program**, with interest increasing. At the time of sunseting, the LLLT Board had proposed expanding the program to two new practice areas, and reducing the experiential requirement to 1500 hours. Based on those changes, the Board’s model was reasonable in suggesting that the program would be on track to become self-sustaining by 2029.
- **The Court also did not have any evidence of the benefits of the program when it made the decision.** The National Center on State Courts was in the middle of a full-scale evaluation at the time of sunseting, but the sunseting decision brought the evaluation to a halt.

INTRODUCTION

It is a shameful irony that the nation with one of the world's highest concentrations of lawyers does so poorly in making legal services available to its citizens. The U.S. ranks just 109 out of 128 countries in access to justice and affordability of civil legal services, below Zambia, Nicaragua, and Afghanistan.¹ Two-thirds of American adults reported having a civil legal problem in the past year, but only one-third of those received any help.²

And the access to justice problem is not limited to low-income Americans. As former New Hampshire Chief Justice John T. Broderick observed, "the population of people who go at it alone ventures far outside our traditional definition of those the legal system would have historically defined as indigent."³ Rather, according to former Chief Justice Broderick, the "access to justice gap is now enveloping an entirely new class of self-represented party—those who are modest and/or of moderate means."⁴

Studies estimate that 40-60% of legal needs go unmet for middle-class individuals.⁵

The "access to justice gap is now enveloping an entirely new class of self-represented party—those who are modest and/or of moderate means."

- Former New Hampshire Chief Justice Broderick

In 2003, Washington State conducted its own civil legal needs study and found that low-income people in Washington State faced more than 85% of their legal problems without assistance from an attorney.⁶ The study also found that legal assistance—even limited assistance—made a difference.

Nearly two-thirds of those who sought and received some level of legal assistance were able to solve at least a portion of their problem.⁷

Low-income Washingtonians faced 85% of their legal problems without assistance from an attorney.

While the justice gap spans many different legal areas, it is particularly acute in family law cases, where upwards of 80-90% of cases involve at least one self-represented party.⁸ Cost is the biggest barrier to representation.⁹ Individuals who cannot afford to put down thousands of dollars for a retainer fee or pay an attorney hundreds of dollars per hour are left with no representation at all. Legal aid organizations lack both the capacity to meet the extensive demand for free- and reduced-cost legal services and the mandate to support moderate means individuals.

Litigants and courts alike are frustrated. As one study found, "the cycle of litigant mistakes and court rejections is taxing for both."¹⁰ Pre-trial proceedings must frequently be continued because of a procedural defect in a document submitted by a self-represented party. Self-represented parties fumble to reach settlements without legal guidance and waste the time of commissioners – the judges who handle pre-trial litigation – expounding on legally irrelevant facts. And when cases go to trial, self-represented litigants struggle to identify and communicate relevant aspects of their case to judges, who then must wade through the record to attempt to understand the parties' goals. In fact, when parties are self-represented, judges often have to physically fill out paperwork for the parties, leading to incredible inefficiency in the family law court system.

Washington State chose to begin addressing its justice gap by targeting moderate means individuals. In 2012, the Washington Supreme Court adopted Admission and Practice Rule 28 which authorized the Limited License Legal Technician (“LLLT”) role.¹¹ Through the LLLT license, Washington State created a novel blueprint for addressing access to justice challenges by licensing technicians to provide family law services at a price point affordable for moderate means clients.

This blueprint was based on an idea that had been circulating among scholars and access-to-justice advocates for years: that the legal profession expand its ranks to include professionals who, akin to nurse practitioners in medicine, can perform certain kinds of legal services.¹² Ontario has employed such a program since 2007, and though their “independent paralegals” are limited to certain practice areas, they can do essentially all that a lawyer can – including conducting trials – within those areas. People without law degrees also provide legal advice in England and other countries, and in the U.S., lay advocates can represent clients before federal administrative agencies in areas like immigration and Social Security benefits. But before Washington, no U.S. state had launched such a program.¹³

Just five years after issuing the first LLLT license, the Washington Supreme Court voted to sunset the program. The vote split 5-4 and the decision was issued without notice, process, or any substantial evidence to support the Court’s decision. The upshot was that the 46 active licensees would be able to continue, with a number of students in the pipeline able to complete the license as well. But after that no more licenses would be issued.

With just one sentence of explanation, the majority cited “the overall costs of sustaining the program and the small number of interested individuals” as reasons why the program was not an effective way to help people who could not afford a lawyer. The dissent criticized the majority’s reasoning as “hollow,” while objecting to the notable lack of process around this significant decision.



At the time of the decision, the National Center on State Courts (NCSC) was in the midst of a full-scale evaluation of the program that was supported and authorized by the Court, but the evaluation came to a halt with the sunset decision. A preliminary evaluation, completed in 2017, suggested the results of the NCSC evaluation could be promising. The preliminary evaluation found that the LLLT program “offers an innovative way to extend affordable legal services to a potentially large segment of the public that cannot afford traditional lawyers” and that the program “offers the possibility of improving the quality of filings in court cases involving self-represented litigants and thus reducing the time and cost required for courts to deal with such cases.”¹⁴ However, the sunset decision means these outcomes were never fully measured by the full-scale NCSC evaluation.

The pause in the NCSC evaluation – combined with the short lifespan of the program – make it challenging to provide a comprehensive assessment of the program thus far. But given the lack of process and accompanying developed record around the sunseting decision, there was a troubling gap in our knowledge around this landmark program: What have been the costs and benefits of this program so far? We embarked on this study to begin to answer that question.

To conduct the study, we interviewed more than twenty of the key stakeholders involved in the design, implementation, and day-to-day work of the LLLT program including lawyers, judges, educators, LLLT clients, and LLLTs themselves.

To encourage participants to speak candidly about the program, we granted all interviewees anonymity. We also examined the publicly available data collected throughout the life of the program. This includes all prior reports on the program and all submissions to the Supreme Court before and after its recent sunseting decision. In addition to speaking with individual LLLT clients, we reviewed testimonials gathered from a broad swath of clients by the LLLT Board to better understand the client experience. Finally, we reviewed all public comments made by LLLTs and the LLLT Board. Quotes from these interviews are attributed to the speakers.

Our conclusions are surprising in light of the sunseting decision: There is considerable evidence that for the LLLTs, their clients, the lawyers who work with them, the judges who decide family-law cases, and attorneys who employ LLLTs, the program has been a real success. The LLLTs have provided competent legal services to moderate means Washingtonians at critical moments in their lives. Their professionalism and proficiency in family law have enabled more efficient proceedings and better decision-making for the commissioners who conduct pre-trial proceedings and judges who hold trials, improved outcomes for clients, and added more business for attorneys who have hired LLLTs to capture a previously untapped market.

This report proceeds in five sections. First, we outline the contours of the Washington LLLT program, including program requirements and scope of practice. Second, we recount and analyze the experience of clients, attorneys, and judges who work with LLLTs. Third, we discuss current LLLT practice models in Washington. Fourth, we describe challenges that the LLLT program has faced. Finally, we provide important context around the decision to sunset the LLLT program in Washington.

Timeline of the LLLT Program Sunset

Understanding how the LLLT program fits into the broader timeline of other changes on the Supreme Court is critical to understanding the political pressures that ultimately brought the downfall of the LLLT program. In 2015, Washington issued its first legal technician licenses for practice in family law.

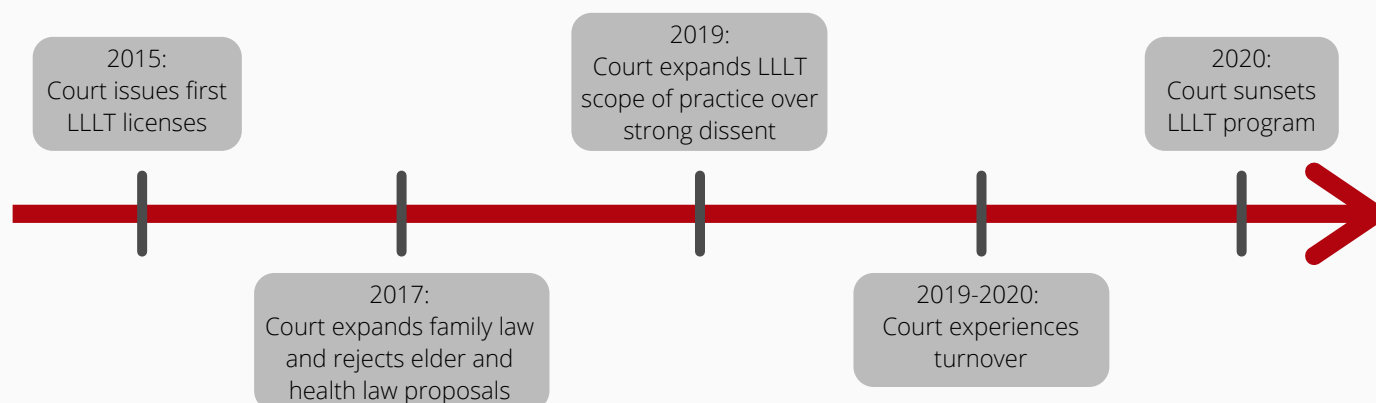
In 2017, the Court agreed to expand the scope of family law practice for LLLTs but rejected the recommendation to add health and elder law as practice areas.¹⁵ A majority of the Court asked that additional practice areas be explored.¹⁶

On May 1, 2019, the Court voted 5-4 to expand the role of legal technicians to allow them to negotiate with representatives of opposing parties and appear and answer questions from the judge in court.¹⁷ The dissent, written by Justice González, complained that the LLLTs' role was being expanded without evidence of success, and expressed "serious doubts" about the financial sustainability of both the program and individual LLLT practices.¹⁸

Around the same time, a divided Court addressed scrutiny regarding the structure of the bar. In September 2018, the Court announced it would undertake a "comprehensive review of the structure of the bar" in light of recent case law questioning whether the mandatory nature of bar membership violated the First Amendment and whether the Bar's current structure violated antitrust law.¹⁹

The Court appointed a working group, chaired by Chief Justice Fairhurst. Among the issues the group examined was whether to retain an "integrated" bar structure, where the professional association and regulatory agency are the same organization. The group delivered its recommendations on August 28, 2019, including a recommendation to retain the integrated bar structure, while the minority report to the working group described the "strong disquiet felt by some members about the recommendation to maintain, without further discussion, the current Washington State Bar Association (WSBA) structure."²⁰ The Court voted 5-4 in September 2019 to retain the integrated bar structure "for now."²¹

The court soon faced turnover. Between October 2019 and April 2020, two justices retired, both part of the May 2019 majority to expand the LLLTs' roles. One of the retirees was Chief Justice Fairhurst, a strong proponent of the program. Governor Inslee appointed their replacements, Justice Montoya-Lewis and Justice Whitener, and they both faced imminent retention votes in November 2020. On June 4, 2020, the Court voted to sunset the program, with Justices Montoya-Lewis and Whitener swinging the balance against the LLLT program.²²



LLLT PROGRAM STRUCTURE

Comprehensive Education, Experience, and Examination Requirements

The LLLT Board carefully designed rigorous requirements to become a LLLT. The requirements reflect the LLLT Board's mission to serve and protect the public by providing qualified and regulated legal providers. Throughout its deliberations, the Board focused on accessibility, affordability, and academic rigor.²³

First, LLLTs must complete an associate-level degree or higher, including forty-five credit hours of core curriculum at an ABA- or LLLT-Board-approved paralegal program. The core curriculum includes familiar legal courses such as Civil Procedure, Contracts, and Legal Research and Writing.²⁴ LLLTs without previous legal experience must complete 3,000 hours working under the supervision of a licensed attorney. The Supreme Court reduced this requirement to 1,500 hours in July 2020 to help candidates already in the pipeline complete their experiential hours before the sunset date.²⁵ Additionally, all LLLTs must complete the practice- area curriculum which consists of fifteen credits specifically covering family law, including five credits of basic family law and ten credits of advanced and Washington law-specific topics.²⁶ Professors from all three Washington law schools developed the courses which cover the fundamentals of family law as they would appear in a traditional JD family law course and additionally cover practical applications to prepare LLLTs for practice.²⁷ Finally, LLLTs must take three exams throughout their training – the Paralegal Core Competency Exam upon completion of the core education requirements, the LLLT Rules of Professional Conduct Exam, and a family law exam upon completion of the practice area education.

KEY LLLT REQUIREMENTS

- **Core curriculum:** Associate degree and 45 hours of paralegal coursework
 - **Experiential requirement:** Originally 3,000 hours; now 1,500 hours; waiver for highly experienced paralegals
 - **Practice area curriculum:** 15 family law credits from LLLT Board-designed program
 - **Three licensing examinations:** Paralegal Core Competency Exam, Ethics Exam, and Family Law Exam
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Initially, existing paralegals who had (a) spent at least ten years performing substantive legal work under the supervision of an attorney and (b) had a paralegal certification from a national paralegal association could bypass the core curriculum and experiential requirements and proceed directly to the practice area education and exams.²⁸ The waiver option extended through December 31, 2016 to attract highly experienced paralegals to bolster the program, although the LLLT Board repeatedly advocated to extend the waiver even further.²⁹ Most of the initial candidates utilized the waiver.

Clearly Defined – and Limited – Scope of Practice

SCOPE OF LLLT PRACTICE

- Prepare and review legal documents
- Explain legal proceedings to clients
- Assist clients in meeting upcoming filing deadlines
- Assist clients in obtaining necessary records
- Assist and confer with clients during court or administrative proceedings
- Respond to direct questions from the court

LLLTS MAY NOT:

- Speak for a client during an administrative or court proceeding unless the court asks a direct question
 - Participate in any activity not enumerated in APR 28
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Initially, LLLTs could do many legal tasks associated with preparing a family law case but LLLTs could not speak on clients' behalf in court or administrative proceedings. Specifically, they could assist clients in preparing and reviewing legal documents and forms; keep clients apprised of upcoming filing deadlines, explain legal proceedings to clients, assist clients in obtaining necessary records, and communicate with the opposing party regarding procedural matters. After a few years of the program, the Court added the ability for LLLTs to accompany their clients to court or administrative proceedings, assist and confer with their clients during the proceedings, and respond to direct questions from the court regarding factual and procedural issues at certain hearings.³² Legal technicians can also provide legal advice on any issues that fall within their scope of practice and negotiate a client's legal rights or responsibilities.³³

Once licensed, LLLTs are subject to a similar regulatory framework as attorneys. LLLTs must pay annual licensing fees, fulfill annual continuing education requirements, and set up IOLTA accounts where relevant. In fact, some regulatory requirements for LLLTs are more stringent than those for attorneys. For instance, LLLTs are required to maintain malpractice insurance of at least \$100,000 per claim and \$300,000 annual aggregate (at a cost of over \$1,000 per month) while Washington attorneys are not required to carry malpractice insurance.

ANECDOTAL REPORTS ON LLLTs

Improved Client Outcomes and Reduced Stress with LLLTs

A TYPICAL LLLT CASE

Laura (name changed to protect confidentiality) was in a relationship with a long history of domestic violence. Her partner made all of the money and owned all of the community property except a car. Laura's ex-partner hired an attorney for the divorce. Initially, Laura tried to manage her case by herself. But her ex-partner ended up getting nearly everything in the initial stages, including custody of the children.

After hiring a LLLT, Laura was able to regain custody over her children. Her abusive ex-partner is no longer permitted to see the children and Laura has a domestic violence protection order against him. Laura and her LLLT reached an agreement that the LLLT would not bill Laura up front for any costs and would wait until Laura's former house sold to collect payment.

Interview with LLLT (Feb. 24, 2021)

Clients describe overwhelmingly positive experiences with LLLTs. According to a 2017 report on the Washington LLLT program, “[c]lients uniformly reported that LLLTs provide competent services.”³⁴ One former LLLT client shared that her LLLT’s “experience and expertise was as good as many of the attorneys I consulted with.”³⁵ Another client reported that after hiring a LLLT she felt confident that everything was in order when she arrived at the courthouse, and “had the sense that the judge did too because my case was heard and processed quite quickly and smoothly compared to others.”³⁶ The lack of bar complaints also reflects LLLTs’ competent work. LLLTs have faced only two complaints in seven years, and both complaints were dismissed.³⁷ No LLLT has ever been disciplined.

LLLTs have improved clients' legal outcomes as well.³⁸ One client shared that before she hired a LLLT, her spouse was taking advantage of her, filing repeated restraining orders, misleading law enforcement officers, and threatening to limit her access to the children.³⁹ If the client had not hired a LLLT, she said, “I would have struggled to make it through my divorce on my own, or gone into debt to pay my attorney bills.”⁴⁰ Another client reported going “from having nothing to having 50/50 joint custody” after hiring a LLLT.⁴¹ And another client shared that “[m]y divorce ended well with details such as child custody and assets/debt distribution as I had hoped for, I believe all thanks to [my LLLT].”⁴²

Clients frequently acknowledged that hiring a LLLT reduced the stress, fear, and confusion related to their legal proceedings.⁴³ To illustrate this, one client said that “[d]ealing with family court can be very confusing and scary for most people, but I can

honestly say that [my LLLT] has made it very tolerable for me to deal with. She has made navigating the court system stress free.”⁴⁴ Another client described feeling frightened, intimidated, and alone when her ex-husband came to the

A TYPICAL LLLT CASE

Hannah (name changed to protect confidentiality) originally hired an attorney to handle her divorce and custody issues. She had no choice but to leave her attorney when the attorney’s bill ran over \$20,000 and her case had not yet reached trial. As an elementary school teacher, continuing to pay her attorney was simply not an option. It would have required Hannah to sell her car or go into debt. Hannah hired a LLLT who was able to assist her with filing her paperwork, preparing for trial, compiling evidence binders, and corresponding with the opposing party for around \$4,000. For Hannah, her LLLT’s prices were “100% affordable” and “did not cause any financial stress.” In fact, Hannah felt that her LLLT “was worth so much more than every penny [she] paid.” Hannah felt equally prepared with her LLLT as when she had an attorney.

Hannah’s LLLT empowered her to understand her legal proceedings in a way her attorney did not. Often Hannah’s attorney would use big words that she would google after the appointment whereas her LLLT broke everything down for her in a digestible manner. Hannah’s LLLT took time to understand her goals and listened with empathy. The divorce was highly stressful for Hannah but preparing with her LLLT made her feel calm, relaxed, and confident in the most high-stress moments during trial. Her LLLT prepared her in advance for various contingencies that could happen at trial and helped her craft a compelling statement to communicate her goals regarding her son’s safety to a skeptical judge. Having a LLLT made Hannah believe in herself and feel powerful enough to advocate for herself and her son in the courtroom—all while remaining financially stable.

(Interview with LLLT Client, Feb. 18, 2021)

pre-trial, conference with an attorney.⁴⁵ After finding a LLLT the client said, “it made me feel safe—like I have a voice and have rights.”⁴⁶ Another client described that “I knew when I started this process it was over my head . . . There’s no way I could have made it through the legal process without [my LLLT’s] help.”⁴⁷

In fact, because LLLTs are not allowed to provide full scope representation at trials, LLLTs have to train their clients in how to participate in a trial by objecting or making statements. LLLTs often educate and coach their clients about the law and process more than an attorney who provides full representation, and who may not have time to provide comprehensive explanations of court proceedings to clients. This leaves LLLT clients feeling confident about their understanding of their own legal proceedings.

“My clients report to me that [their LLLT] offers a compassionate listening ear, and is able to break down the paperwork and court processes in ways that are understandable.”

- Nonprofit Program Advocate

Many clients viewed their LLLT’s involvement as critical to wading through the complex forms required in family law proceedings. One client

reported that “I have no question in my mind that without [my LLLT’s] assistance we would be starting over again, having missed some form, or mis-entered some value, dragging this process on.”⁴⁸ Another client hired her LLLT after she noticed that enlisting a LLLT was a “gamechanger” for her ex-husband’s case.⁴⁹

Prior to engaging a LLLT, he frequently missed deadlines but with his LLLT he was highly organized and consistently turned detailed paperwork in on time.⁵⁰

“I have no question in my mind that without [my LLLT’s] assistance we would be starting over again, having missed some form, or mis-entered some value, dragging this process on.”

- LLLT Client

Several LLLTs reported that some of their clients had unsuccessfully attempted to execute their divorces on their own for years before approaching a LLLT who was able to assist with filing the final dissolution documents in just months.⁵¹ One client reported that “[a]fter 3 years of going in and out of court trying to square away my divorce without hiring a lawyer . . . [my LLLT] was able to get my orders finalized and provide me the relief I have been waiting for.”⁵²

Reflections from Attorneys, Judges, and Commissioners

Attorneys

Attorneys who work with LLLTs report high satisfaction with their work. Several attorneys stated that LLLTs at their firm started with far more knowledge about family law than most beginning attorneys and required less training than new attorneys.⁵³ In one attorney's view, most law school graduates require about two years to get up to speed in family law practice because law school provides little to no instruction in family law.⁵⁴ In contrast, most LLLTs have at least two years of hands-on experience in a firm – and many complete the experiential requirements at a family law firm. Further, LLLTs' practice area education focuses exclusively on family law while most beginning attorneys have taken only one or two family law courses, if any. As one attorney remarked, "LLLTs' experience and extensive education in family law allows LLLTs to provide competent representation from day one in a way that new associates may find challenging."⁵⁵

Professors who teach LLLTs agree. One professor from the University of Washington Law School said that because of their specialized training, LLLTs "know a lot more about family law than the ordinary JD graduate."⁵⁶ This makes sense: LLLTs graduate with fifteen quarter credits in family law, whereas even a University of Washington Law graduate intending to practice family law might have no more than five quarter credits in family law.

Solo attorneys who try cases prepared by LLLTs express similar sentiments. One attorney who represented a LLLT client at trial said that working with a LLLT was "a very positive experience" that "made trying the case a lot easier."⁵⁷ He shared that most of the paperwork submitted to the court was

actually completed by the LLLT.⁵⁸ For this attorney "it was like having an associate attorney or high-quality paralegal working with me on a case."⁵⁹

And for attorneys who prefer trying cases over the legwork required to prepare a case for trial, collaborating with a LLLT can provide an ideal arrangement.

LLLTs "know a lot more about family law than the ordinary JD graduate."

- University of Washington Law Professor

Several public interest attorneys who have worked with LLLTs also expressed appreciation for their work. One executive director of a volunteer attorney program "saw LLLTs as an additional source of help for us and our clients."⁶⁰ The director reported that the LLLT who volunteered at his organization's clinic "was extremely helpful" and that the organization "was looking forward to more LLLTs being licensed."⁶¹ Additional support from LLLTs – both in terms of volunteer hours and taking on sliding scale clients – is particularly critical for legal aid providers in semi-rural and rural counties. For instance, one attorney in a semi-rural county said that it is a constant challenge to find enough attorneys to assist the over 15,000 clients his organization serves each year.⁶² Family law is particularly challenging. He said, "we don't have enough family law attorneys in the county to handle all of the family law questions we get. Even paying clients sometimes have a hard time finding a family law attorney."⁶³ Genissa Richardson, an

employee at a Volunteer Lawyer Program in a semi-rural county, echoed the same sentiment in her submission to the court, saying that “[i]n Whatcom County, someone who can afford to pay full price for an attorney can scarcely find a family law attorney to take a case right now. There aren’t enough attorneys practicing family law.”⁶⁴ Given this dearth of available legal service providers, legal aid attorneys – particularly in rural counties – recognize the important role LLLTs could play in expanding access to legal services. As one federal judge who previously worked in legal aid noted, “low-bono and legal services are not getting the job done. Many people live in smaller communities without any legal services.”⁶⁵

Unfortunately, many attorneys have resisted LLLT practice. Both commissioners and judges reported observing attorney opposition in their courtrooms. For instance, one attorney refused to speak with the opposing LLLT or work with them outside of court.⁶⁶ The presiding commissioner would have to force the parties to work on orders while in court thus hampering efficient resolution of the case.⁶⁷ LLLTs also reported negative interactions with some attorneys – what one LLLT likened to a “hostile work environment.”⁶⁸ Even outside the adversarial setting, some lawyers were hesitant to certify their paralegals’ hours towards the experiential requirement to become a LLLT.

Judges and Commissioners

The judges and commissioners that we spoke with highly valued LLLT work. One judge reported that most family law judges are grateful when otherwise unrepresented litigants work with a LLLT.⁶⁹ He called LLLTs “enormously helpful” and reported that the quality of LLLT work product is “very high,”

even when forms required legal acumen.⁷⁰ In fact, the judges and commissioners we spoke with reported that LLLT work product is often higher quality and easier for the court to consume than attorney work product.⁷¹ Because LLLTs have a limited ability to participate during the hearing, LLLTs must lay out everything clearly in advance of a hearing.⁷² According to one family law judge, LLLTs do critical legwork prior to a hearing to ensure a party knows what she needs to communicate to the court.⁷³ Without this assistance, the judge said, parties often do not know what to tell the judge or what to ask each other, leaving the judge to wade through the facts and attempt to understand the parties’ goals.⁷⁴

“With LLLTs, I saw an immediate improvement in the information I received in family law and domestic violence cases.”

- Family Law Commissioner

Judges and commissioners we spoke with reported significant efficiency gains when parties had a LLLT. To begin, having a LLLT involved can help keep matters from ever reaching trial. One family law judge analogized handling family law matters without legal assistance to not having health insurance.⁷⁵ For individuals without health insurance, a minor health problem can fester until the individual is forced to seek care at an Emergency Room. Similarly, basic family law problems can balloon and litigants can end up at trial simply because they are unable to successfully navigate the paperwork on their own.⁷⁶

We spoke with commissioners who said that having a LLLT increases efficiency in the pre-trial proceedings as well. At the pre-trial stage about half of family-law cases have to be continued because of some procedural defect, according to one family-law commissioner.⁷⁷ The commissioners we spoke with reported that these procedural problems simply do not happen when a party has a LLLT.⁷⁸ As compared to unrepresented parties, the commissioners noted that LLLT clients were more likely to reach a settlement and were more likely to complete their cases.⁷⁹ They also reported that LLLTs were more likely to submit a proposed order than a lawyer, which allows the commissioner to process the case more efficiently by entering orders during the hearing.⁸⁰ During pre-trial proceedings, parties have limited time to speak. Commissioners we spoke to found that parties with LLLTs typically used their time more efficiently, presented more focused statements, and avoided raising legally irrelevant material such as a spouse's past affair (Washington is a no-fault divorce state).⁸¹

When LLLT clients have complex cases that go to trial, one judge we spoke to reported efficiency gains. He said that having a LLLT involved can reduce trial time by about one-third.⁸² When hearing a LLLT-client case, the judge did not have to stop and explain to the parties what information he would need or fill out proposed order paperwork for the parties.⁸³ While LLLTs cannot advocate at a trial, one judge who had presided over LLLT-client trials noted that the LLLTs attended the trials to observe and consulted with clients during the breaks to explain what was happening in the trial.⁸⁴

The judge said he could tell that LLLTs were paying close attention and taking careful notes because the parties would promptly turn in new proposed forms the following day that encompassed all of the requested revisions.⁸⁵

LLLTs AND EFFICIENCY

- LLLT clients are **more likely to settle** and more likely to complete their cases than unrepresented parties.
- Having a LLLT **eliminates frivolous motions and unnecessary continuances.**
- LLLT clients present focused statements and **avoid legally irrelevant information.**

At least one commissioner noted improved outcomes for people who would otherwise go unrepresented. Commissioner Jonathon Lack, a King County commissioner who handles pre-trial litigation in family law cases, told the California Paraprofessional Program working group that he was a “huge fan of the program.” He said the legal technicians “can answer questions, they’re prepared, and they really do help people,” while observing that the program “provides access for women and people of color, who are also getting better results in their cases.”⁸⁶

CURRENT LLLT PRACTICE

There are currently fifty-three licensed LLLTs in the WSBA database.⁸⁷ Forty-six have active licenses. Over 50% of current LLLTs have at least ten years of substantive law-related experience, and some LLLTs have bachelors or advanced degrees in addition to the minimum LLLT requirements.⁸⁸

This section profiles typical LLLT clients, examines the LLLT program's impact on racial and gender equity, and discusses the viability of LLLT business models.



LLLT Clientele

In family law matters, at least one party appears without a lawyer in upwards of 80-90% of cases. And representation matters.⁸⁹ Unlike other areas of the law where parties may settle without ever setting foot in a court, family law litigants have no choice but to participate in court. Studies of family law cases reveal that unrepresented litigants often give up claims for important resources like maintenance and child support.⁹⁰

Most litigants who chose to forego counsel in family law proceedings cite the expense. One study found

Cost “is the most consistently referenced motivation for proceeding without an attorney.”

*- Natalie Anne Knowlton,
Cases Without Counsel: Research on Experiences
of Self-Representation in U.S. Family Courts*

that cost “is the most consistently referenced motivation for proceeding without an attorney.”⁹¹ The retainer fee is a particular barrier. One judge stated that “[p]eople don’t have cash for the retainer, so even if they could potentially afford it over time, they don’t have the money that a lawyer wants to get into a case.”⁹² Unfortunately, as one legal aid advocate told the Washington Supreme Court, “[t]he volunteer lawyer programs and other non-profit agencies cannot meet the demand for free or reduced-cost legal services.”⁹³ Washington has a few programs that provide full or limited representation to domestic violence victims.

Otherwise, individuals who do not fit that criteria are left with legal clinics. Most clinics allow individuals to consult with a lawyer for about thirty minutes. While people can talk through their legal issues and get general advice, they still have to draft their paperwork and navigate court procedures on their own. Often, people end up returning to the clinics multiple times for help which can be a slow process because it can take weeks to book an appointment

at the busy clinics. And in rural or semi-rural counties, the problem is exacerbated. One volunteer attorney program in a semi-rural county receives calls from 15,000 clients per year in a county with only a few hundred attorneys—a small handful of whom volunteered.⁹⁴ At times, legal aid organizations can become so overwhelmed that calls slip through the cracks. As one legal aid attorney said, “we have referred people to CLEAR [legal aid hotline] for legal assistance, but that system is overwhelmed and we are hearing that calls are not answered much of the time.”⁹⁵

TYPICAL LLLT CLIENT PROFILE

- **Moderate means:** often between 200-400% of FPL, get by month-to-month
- **Common occupations:** substitute teachers, soldiers, daycare workers, construction workers, receptionists, firefighters

The LLLT program provides services to moderate-income clients who are either ineligible for legal aid, or beyond legal aid’s capacity to serve. LLLTs we spoke with reported that the bulk of their clients fall between 200-400% of the federal poverty level – people that LLLTs often described as working

class or “moderate means.”⁹⁶ LLLT clients are substitute teachers, soldiers, daycare workers, construction workers, receptionists, and firefighters. They work for power or electric companies, or are stay-at-home military spouses. They generally get by on a month-to-month basis. They may own a home or have a small retirement nest egg but they would have to mortgage their house or draw on their 401K to pay an attorney’s legal fees. Some clients have already gone to an attorney and run out of money. Others have called firms and discovered that attorneys require a \$5,000 to \$10,000 retainer fee – an untenable price with their limited monthly income. One LLLT summed up the typical client by saying that LLLT clients are average people with pressing problems who would fall through the cracks if LLLT services were not available.⁹⁷

LLLTs also serve some clients who fall below 200% of the federal poverty level. LLLTs described that a typical client in this category may have already sought help from a free legal clinic and received a packet with instructions on how to fill out the forms and submit them to the court.⁹⁸ But the client then feels completely overwhelmed by completing the task. In these cases, LLLTs reported filling the gap by helping clients complete the paperwork and file it properly.⁹⁹ When working with these clients, LLLTs often did some or all of the case pro bono at their discretion. In fact, LLLTs do more pro bono work per capita than most lawyers.¹⁰⁰ In addition to directly serving some low-income clients, LLLTs hoped that their services would relieve some of the pressure on Washington’s legal aid system.

Racial and Gender Equity

LLLTs have played a role in bringing legal services to diverse communities across Washington. According to a recent survey of four LLLTs, the LLLTs surveyed serve about 30% clients of color.¹⁰¹

One example are the large Latinx immigrant communities in southern King County and Eastern Washington.¹⁰² Many Latinx immigrants are familiar with the concept of “notarios” in their home country. Unlike American notaries, notarios are trained and licensed to provide some limited legal services. A family law commissioner reported that many members of the Latinx community in southern King County feel comfortable working with LLLTs because of their cultural comfort with the concept of a notario.¹⁰³ And providing bilingual legal services increases client comfort by allowing clients to communicate directly with their legal provider, instead of through a translator. LLLTs who speak Spanish and can provide culturally competent services have benefitted the immigrant community across Washington, particularly as increased

immigration enforcement made immigrants nervous to appear in court. And unlike notarios, LLLTs are licensed, trained, and subject to ongoing regulation to protect consumers.

Latinx communities in Washington otherwise struggle to access justice. One bilingual LLLT in Eastern Washington reported that 90% of her clients were Spanish-speaking individuals.¹⁰⁴ They worked jobs like agriculture and truck driving.¹⁰⁵ These Spanish speakers could not engage with the court system prior to finding a LLLT because the court facilitator in their county – the person to whom judges often referred pro se clients to for assistance in organizing their papers – did not speak Spanish.¹⁰⁶

Beyond serving a racially diverse clientele, the legal-technician program provides expanded legal job opportunities for women and people of color. One practitioner who taught LLLT and paralegal courses at a community college noted that the students were frequently women and disproportionately people of color.¹⁰⁷ The practitioner noted that the LLLT

LLLTs AND UNDOCUMENTED IMMIGRANTS

Bilingual LLLTs are critical to helping undocumented immigrants access their rights. In one case, a bilingual LLLT worked with an undocumented client whose wife wouldn't let him see their child. Until the client spoke with a LLLT, the client assumed he had no rights with regard to his child because of his lack of citizenship status. The LLLT helped the client through the divorce process. By the end of the process, the client obtained a domestic violence order against his ex-partner and had full custody of the child.

Interview with LLLT (Apr. 1, 2021)

students represented a much more diverse slice of the population in terms of gender, race, and income than many law school student bodies.¹⁰⁸ One family law commissioner noted that the increase in women in the family law field may be particularly important for domestic violence victims who may prefer to work with a female legal provider.¹⁰⁹

Several current LLLT candidates have shared that they joined the program with the goal of returning to their communities to provide much needed bilingual legal services.¹¹⁰

The diversity of LLLTs also increases the probability that LLLTs may have experienced the challenges that their clients face. In fact, one LLLT reported that clients' "lived experience is more similar to [the LLLT's] own than an attorney."¹¹¹

Many have their own experiences with divorce or domestic violence.¹¹² Others navigated divorces alone when they were unable to afford an attorney.¹¹³ And working with a LLLT may reduce the cultural barriers between the "low income person who comes in and needs some help sitting across the table from someone who was able to afford law school."¹¹⁴ Shared backgrounds also help LLLTs anticipate challenges their clients may face. When

one LLLT asked her client about transportation to court and discovered that her client was struggling to arrange transportation, the LLLT personally picked the client up and drove her to court.¹¹⁵

One LLLT speculated that LLLTs may bring a particularly "empathetic, communicative skill set" to their work.¹¹⁶ And clients agree. One client said that "[i]n addition to the legal side of matters, [my LLLT] was empathetic and always willing to listen when I felt frustrated or overwhelmed."¹¹⁷ Another client said that she felt like her LLLT was invested in her well-being – "it felt like she was there to support me and not to make a paycheck. My LLLT would check in on me to make sure I felt safe, not just to discuss the logistics of my case."¹¹⁸

Finally, for several LLLTs, earning a LLLT license was only the beginning of their legal career. A handful of LLLTs have continued their legal studies through Washington's Rule 6 program which allows individuals to become attorneys through four years of experience and education.¹¹⁹ Across the board, LLLTs strengthen the legal profession by adding diversity of backgrounds and experience.

LLLT Business Models and Billing Practices

LLLTs operate under a variety of business models in Washington. LLLTs in Washington have gravitated towards the setting that best fits their personal and professional goals. Regardless of the practice setting, LLLTs uniformly reported financially sustainable practices. LLLTs in a variety of practice settings said that they frequently have to turn away clients due to a full calendar.

Solo, LLLT firm, or mixed practice

Some LLLTs choose to set up solo practices or LLLT firms. These LLLTs cite the flexibility and autonomy inherent in setting their own rates and selecting their clients.¹²⁰ This model also allows LLLTs to continue to work on a case pro bono if they want to stay with a particular client who has run out of money.¹²¹ Solo practice also has the added benefit of increased control over workflow. Other LLLTs do a mix of contract work and solo practice.

LLLTs in solo practice or LLLT firms report that their business models are sustainable. Teaming up to create LLLT firms has allowed many LLLTs to reduce overhead costs.¹²² Some LLLTs expressed concern that a LLLT practicing in a rural area might struggle to establish a sustainable business with family law as the only practice area. This concern is reflected in the fact that very few LLLTs practice in Eastern Washington. However, LLLTs that practice in mid-size cities report an overwhelming demand for their services.¹²³ In fact, one LLLT in a mid-size city in Western Washington said that she could not keep up with demand and frequently had to refer cases to other LLLTs.¹²⁴

In addition to private practice, several LLLTs we spoke with volunteer with their local volunteer

lawyer program or offer some portion of their services at a low-bono or pro-bono rate.¹²⁵ In addition, within five months of inclusion in the WSBA's Moderate Means Program, 29% of active LLLTs signed up to reduce their fees by 50% when serving clients in the 200-250% of federal poverty level bracket.¹²⁶

Traditional law firms

Some LLLTs work in traditional law firms. Both LLLTs and attorneys reported advantages to this arrangement, calling it an “absolutely symbiotic” relationship.¹²⁷ Individuals who approach the firm but are unable to pay a retainer fee can be referred to a LLLT within the firm. Thus, employing a LLLT allows firms to capture additional business that the firm would otherwise lose, while consumers get legal services that they would otherwise go without.

When issues arise in a case that are outside of a LLLT's scope, the LLLT can easily approach a firm attorney so that the client is billed at the attorney rate only for the discrete tasks that require attorney attention. This hybrid representation saves clients money and leaves attorneys available to spend more of their time on complex matters. Additionally, clients working with a LLLT who are particularly apprehensive about appearing in court may retain a firm attorney solely for court representation. Because the LLLTs and attorneys work together frequently at a firm, attorneys often feel comfortable stepping into this role because they are familiar with the LLLT's work and trust that everything will be properly prepared in advance of the hearing.¹²⁸

The symbiotic relationship extends to attracting business. One firm with a LLLT reported that some clients approach the firm specifically because of the option for lower cost services.¹²⁹ And the same firm reported that its LLLT generated more five-star

Google reviews than any other attorney, and perhaps more than all of its attorneys combined.¹³⁰

In fact, many firms frequently turn away LLLT-income-level clients because their LLLTs are already at capacity.¹³¹ Further, if clients initially seek attorney services, firms can transfer the client to a LLLT if the client runs out of money, which allows the firm to avoid losing the client altogether.

Other states that have implemented comparable paraprofessional programs have discovered similar benefits for law firms. The Associate General Counsel for the Utah State Bar wrote that practitioners licensed under Utah's version of the LLLT program "make firms more well-rounded in their offerings and thus capture more of the market as a 'full-service firm,' and in doing so, have the potential to greatly benefit the public at large."¹³²

"[T]he market predominantly captured by [paraprofessionals] are not those who would otherwise hire lawyers, but instead those who would opt for self-representation."

-Scotti Hill, Associate General Counsel at the Utah State Bar

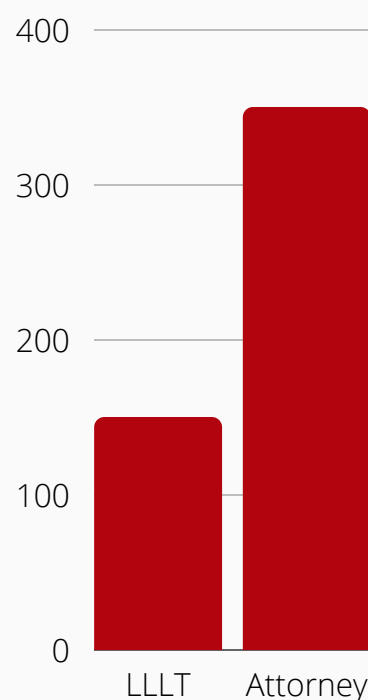
Attorneys at Utah firms recognize the benefits too. One partner said that "[h]aving a [paraprofessional] at our firm allows us to meet the needs of more clients than we could have helped previously" and that when "it's an issue that doesn't justify a

partner's fees, it's great to have the option to still take care of that person."¹³³ And in Utah, "[t]he data bears out that the market predominantly captured by [paraprofessionals] are not those who would otherwise hire lawyers, but instead those who would opt for self-representation."¹³⁴

Billing practices

LLLTs' billing practices are responsive to the clients they serve. Most LLLTs bill hourly, and many bill on a sliding scale based on the client's income. For instance, one LLLT in King County billed an average of \$125 per hour, although her full fee was \$175 per hour.¹³⁵ LLLTs at firms billed around \$160 per hour. For comparison, attorneys in King County (Seattle) may charge between \$300 to \$375 per hour.

TYPICAL HOURLY RATES IN KING COUNTY



LLLTs located in small cities also chose to bill on a sliding scale, but adjusted their scale downward to about \$65 to \$120 per hour to meet the local demand.¹³⁷ Some LLLTs also offer flat fee sessions for individuals who cannot afford hourly rates, which allows the LLLT to conduct a one-time consultation with a client about their case.¹³⁸

Other LLLTs opt for flat rates for most services. This model means the LLLT can spend less time on administrative tasks like billing clients and more time on substantive work. It also means clients won't receive a surprise bill at the end of representation, which provides clients peace of mind about their financial commitment. As an example, one LLLT charges \$1,200 for a divorce or legal separation with children, but the rate reduces to \$1,000 for individuals who are 200-400% of the federal poverty level, and \$850 for individuals who are below 200% of the federal poverty level.¹³⁹ For comparison, an individual filing for dissolution of marriage with children with the help of an attorney could pay over \$20,000 per side.

One LLLT client's experience illustrates the disparity between attorney and LLLT fees. This client worked with her LLLT for about a year to prepare for a divorce trial.¹⁴⁰ She then hired an attorney for about five weeks to do the final preparations and represent her at trial.¹⁴¹ Although the client felt like the LLLT did the vast majority of the legwork in her case, she owed the LLLT only \$5,000 for her year of work while she owed the attorney \$28,000 for his five weeks of work.¹⁴²

As we have seen, the LLLT program has achieved remarkable success in its first five years. Clients, judges, many lawyers, and the legal technicians themselves are quite pleased with the contribution that LLLTs are making to the justice system. These achievements are all the more remarkable given the challenges the program faced – specifically, the opposition from the Bar, the reluctance to expand to other practice areas, significant barriers to entry, and the lack of a stable home for the practice-area curriculum.

CHALLENGES FOR THE LLLT PROGRAM

Opposition from the Washington State Bar Association

The LLLT program has faced strong hostility from many lawyers from the start, and increasingly from the WSBA itself – a level of resistance that one attorney described as “just remarkable.”¹⁴³ The WSBA’s Board of Governors voted twice to reject the program in 2006 and again in 2008.¹⁴⁴ The Board of Governors voted to support the program in 2016, but annual turnover quickly produced changes in the makeup of the Board of Governors. The new Board pushed out the WSBA’s Executive Director Paula Littlewood, who was a strong advocate for the program.¹⁴⁵ Many of the newer members were hostile to the LLLT program which led the Board of Governors to impose more barriers to the LLLT program. One federal judge put it succinctly: “There has been a long-standing, vocal group opposed to the program, thinking it would take away business.”¹⁴⁶

Indeed, as one observer put it, opposition from some Washington attorneys was the “fundamental problem with the program from the beginning.”¹⁴⁷

“The Supreme Court basically forced the Bar to be in charge of the LLLT program. From the start, it has been a program supervised by an organization that was officially opposed to doing it.”

- Washington Attorney

Some of the Bar’s opposition hampered the LLLT Board’s ability to balance its budget. For instance, the Board of Governors rejected the LLLT Board’s

“My impression as a member of the Bar was that I never felt that the Bar Association rallied support for the program.”

- Washington Attorney

request to use WSBA technology to host the practice area courses, despite the fact that the Bar’s chief regulatory counsel estimated to the ABA Journal that “it would net somewhere between \$5,700 and \$7,300 per quarter, or [three] times that amount per year” because courses are offered for three quarters.¹⁴⁸ The WSBA also requested that its logo be removed from bench cards designed to inform judges about the role of LLLTs in the courtroom.¹⁴⁹ And the WSBA directed the LLLT Board to revise “rack cards” (cards designed to raise public awareness of LLLT services) to remove the WSBA logo and any reference to lower costs for services.¹⁵⁰ In addition to their symbolic significance, these decisions carry a price for the LLLT program which must spend money to redesign and reprint the cards.

Other opposition from the WSBA did not affect the LLLT Board’s bottom line, but made clear where the Bar stood on the LLLT program. For instance, the Bar asked the Supreme Court to approve bylaw changes that would eliminate a seat on the board for LLLTs.¹⁵¹ According to one LLLT, “[i]t seems like

any opportunity that [the WSBA] had, they've acted in a way to quiet, limit or undermine this license."¹⁵²

And many lawyers in Washington remain resistant to the idea of LLLTs. When LLLTs were eventually permitted to join the family law section of the WSBA, family law attorneys created Domestic Relations Attorneys of Washington ("DRAW"), an exclusive organization open only to family law practitioners with JDS.¹⁵³ Much of the opposition stems from concerns about losing clientele. The ABA Journal reported that many Washington lawyers fear "that their market share [would] be eroded by non-lawyers."¹⁵⁴ But as one Washington family law

attorney offered as a rebuttal, "attorneys who are charging \$400 per hour should not be concerned about LLLTs taking their clients."¹⁵⁵ LLLTs pointed out that many attorneys could actually add business by hiring a LLLT, allowing firms to capture business from moderate-income clients. And some lawyers have done this. Other lawyers argue that every individual deserves nothing short of full representation by an attorney – an impossible goal as the Civil Legal Needs Survey made clear¹⁵⁶ – and research from around the world indicates that advocates who are not lawyers do as well or better in less complex cases.¹⁵⁷

Failure to Approve Additional Practice Areas

Washington's decision to limit LLLT practice to a single area of law may have dampened interest in the program, and raised challenges for LLLTs trying to build a sustainable practice. Selecting family law as the sole area of law created unique challenges in attracting LLLTs, although the need for family-law services is great. Family law can be an intense and contentious area of law to practice.¹⁵⁸ Many potential LLLT candidates have little desire to enter such an emotionally draining practice area.

Further, family law involves heavy motions practice. Deadlines that are out of a LLLT's control can arise with little notice, which makes establishing a healthy work-life balance challenging for LLLTs practicing full time.¹⁵⁹

"There are paralegals in many other practice areas who are ready to jump on the opportunity to enter in the program if other practice areas are offered."

- Christy Carpenter, LLLT

In fact, the LLLT Board reported in 2020 that many students who have completed the LLLT education waiting for new practice areas to be developed

before they complete their licensure or become more active in representing clients.¹⁶⁰ Christy Carpenter, a current LLLT, told the ABA Journal that “[t]here are paralegals in many other practice areas who are ready to jump on the opportunity to enter in the program if other practice areas are offered.”¹⁶¹ Other states have recognized the importance of providing multiple practice areas.

For instance, paraprofessionals in Utah’s parallel program can assist with eviction and debt collection matters, in addition to certain family law issues.¹⁶²

While not unique to family law, designating a single practice area could make building a sustainable LLLT practice challenging. This is particularly true in rural areas. One LLLT reported that if she wanted to leave King County for a more affordable area of the state, she would likely be unable to sustain a full-time business if she were limited to solely family law cases.¹⁶³ However, other LLLTs working in rural or semi-rural counties reported turning away clients due to high caseloads.¹⁶⁴

The Washington Supreme Court rebuffed several attempts by the LLLT Board to expand LLLT practice areas. In 2017, the LLLT Board submitted a recommendation that elder law and health law be adopted as new practice areas.¹⁶⁵ In a brief letter, the Washington Supreme Court rejected the proposal and said “a majority of the court would like the LLLT Board to explore other areas.”¹⁶⁶ In 2020, the LLLT Board submitted a new proposal, this time for state administrative law, and eviction and debt matters. The administrative law proposal carried the strong support of the Chief Administrative Law Judge because LLLT assistance would allow ALJs

to have more efficient hearings.¹⁶⁷ Instead of responding to the proposals, the court elected to sunset the LLLT program. By failing to expand the practice areas, the Washington Supreme Court may have hindered interest in and sustainability of the LLLT program.

The LLLT Board's proposal "would promote access to administrative justice for Washingtonians by addressing some of the need for civil legal services noted in the 2015 Civil Legal Needs Study."

- Chief Administrative Law Judge Lorraine Lee

Finally, within the single practice area, many practitioners found the LLLT rules convoluted and arbitrary.¹⁶⁸ Even when LLLTs provided detailed, correct explanations of their scope of practice, clients were sometimes confused about exactly what LLLTs can and cannot do.¹⁶⁹ APR 28’s distinctions often make no sense to a lay client.¹⁷⁰

For example, APR 28 Regulation B(2)(a) permits LLLTs to assist their clients with discovery and trial for *establishment* of parenting plans, but under APR 28 Regulation B(3)(b)(ix) LLLTs cannot assist clients with discovery and trial for *modification* of their parenting plan. As the Seattle Times Editorial Board argued, “[r]egulators hobbled the program, then blamed it for limping.”¹⁷¹

Experiential and Cost Requirements

Some stakeholders view the 3,000-hour experiential requirement as an overly burdensome barrier to entry. Compared to many states – and Ontario, which has a robust and well-established “independent paralegal” program – this requirement is quite high.¹⁷² 3,000 hours requires about one-and-a-half years of full-time work. For the many LLLT candidates who work part time, the experiential requirement can stretch over three years. Compounding this challenge, some lawyers have resisted signing off on their paralegals’ hours for LLLT certification because of opposition to the LLLT program.¹⁷³ Other attorneys have avoided hiring paralegals who want to become LLLTs.¹⁷⁴ Perhaps the Washington Supreme Court recognized this burden when it chose to lower the number of experience hours to 1,500 as part of the sunseting process.¹⁷⁵ In addition, the LLLT Board and other stakeholders argued that the experiential-requirement waiver available for experienced paralegals should be a permanent fixture of the program.¹⁷⁶

Some LLLTs see benefits to the robust experiential requirement. LLLTs commented that the practical

experience requirement “provided them with valuable networking experience and opportunities to learn more about strategies for running a business.”¹⁷⁷ Many of the early LLLTs thought the experience requirement was about right, but would recommend a subset of the hours be practice-area specific.¹⁷⁸ Other LLLTs recommended a scaled approach, whereby candidates with an associate’s degree complete more experiential hours than candidates with a bachelor’s degree.¹⁷⁹

Cost was also a barrier for candidates. The typical cost to become an LLLT was about \$15,000. While significantly lower than the price tag for law school, the program had very little financial aid available for the practice-area curriculum for the first four years, which made completing the program dependent on having the money to invest in pursuing the license. The LLLT Board reported in 2016 that “[t]he lack of financial aid appears to be the largest barrier to students in continuing their education as they transition from the core curriculum at the community college level to the practice area curriculum at the law school level.”¹⁸⁰

Practice Area Curriculum

The LLLT Board faced challenges in finding a stable and cost-effective home for the practice area curriculum. The fifteen-credit practice area component was developed and taught by instructors at all three Washington law schools, but it was initially housed at the University of Washington School of Law. A preliminary evaluation of the LLLT program identified the year of training at the University of Washington as the most significant bottleneck in the process of scaling up the program.¹⁸¹ The evaluation noted that it was unclear whether the university would be able to staff the program as the cohort size grew.¹⁸² The University of Washington stopped hosting the program at the law school in fall 2019 because of budgetary concerns.

Subsequently, the LLLT Board approached the WSBA about building an online LLLT education platform. The WSBA declined, despite the fact that the proposal would have generated at least \$15,000 a year in revenue for the Bar.¹⁸³

Instead, current cohorts are taking practice area classes at a community college.¹⁸⁴ Because the practice area education was designed as a “curriculum in a box” to be used at multiple educational institutions, the program was easily able to shift to the community college setting.¹⁸⁵ In fact, instructors were able to begin curriculum only one month after reaching an agreement to host the practice area curriculum at Whatcom Community

College.¹⁸⁶ Ultimately, community college has provided a stable home for the practice area curriculum. Some of the same professors teach the classes as taught the course when it was provided at UW School of Law, and the courses are offered remotely and at a lower price to students.

In the end, the community-college setting provided several advantages to the program. Students are able to access some financial support that was not

available at the university to reduce the price tag. The program was able to raise its profile by recruiting directly from the community college's paralegal program. The program also benefitted the community college by expanding its curriculum and opening up a new career path to community college students. These benefits were not considered in the sunseting decision. In fact, community college leaders were not contacted prior to the decision to sunset the program.



SUNSET DECISION

On April 22, 2020, the chair of the LLLT Board, Steve Crossland, sent a report to the Washington Supreme Court about the program. The report included a recommendation that the program be expanded into two new practice areas, as well as a business plan for raising more revenue to cover program's costs. On May 12, 2020, the WSBA Treasurer Daniel Clark sent a letter to the Supreme Court following up on a discussion about the LLLT program that day before the Court. The letter expressed serious concern about “clear deficiencies in the LLLT Board’s current proposed business plan and request for expansion.” Clark repeatedly mentioned the “continued subsidization” of the program by WSBA’s attorney membership.

The role of the WSBA Treasurer here is ambiguous. Did the Treasurer represent the WSBA’s position? It would be strange if not, and yet it is strange that the Treasurer – and not the WSBA President – was the author and sole signatory. And did the Treasurer speak for of the WSBA as professional association or regulatory agency? The language about WSBA “members” having to “subsidize” the LLLTs certainly sounds like a professional association, but the WSBA is also (and most relevant here) the regulatory agency that administers the LLLT program.¹⁸⁷

Either way, the Court was convinced. On June 5, 2020, the Washington Supreme Court wrote that “after careful consideration of the overall costs of sustaining the program and the small number of interested individuals, a majority of the court determined that the LLLT program is not an effective way to meet” the needs of Washington residents who cannot afford a lawyer.¹⁸⁸

Two dimensions of the political and institutional context in Washington are particularly important to understanding the sunseting decision. First,

Washington has a “unified” bar where the regulatory agency and professional association are combined in one organization. Although the intent of the program was to be self-sustaining eventually, the outrage from some lawyers about having to “subsidize” the perceived competition misunderstands the Bar’s role. As a regulatory agency, it is “part of the judicial branch,” and charged with regulating legal professionals in a way that best serves the public, not lawyers.¹⁸⁹

Lawyers complaining about the “subsidy” seem to be thinking of their annual payment as simply trade-association dues when it is also a fee to fund the government function of regulating legal services in the public interest. At the same time, the Court’s original order establishing the program expressed confidence that there would be a “fee-based system” for licensing and regulating legal technicians that would be “cost-neutral to the WSBA and its membership.”¹⁹⁰ And Justice Susan Owens’ dissent to the creation of the program specifically objected to “the significant start up costs which the court order requires the WSBA to pay.”¹⁹¹

Second, the LLLT program was disadvantaged by structural issues related to the Washington Supreme Court. Unlike states like Utah and Arizona who have recently launched similar paraprofessional programs, the Supreme Court Justices in Washington are elected, not appointed.¹⁹² Justices facing competitive races rely on lawyers for campaign contributions. Some lawyers have expressed concern that legal technicians will encroach on their territory with lower-cost alternatives, ignoring that lawyers and legal technicians serve vastly different populations. So it is unsurprising, if disappointing, that elected justices seem to have prioritized the interests of lawyers over consumers.

Administrative Process

The Court's decision to bypass standard administrative process in making the sunseting decision was unfortunate. State supreme courts are adept at deciding disputes between a limited number of parties according to an established judicial process. But on policy decisions like this, the Washington Supreme Court acts not as a court deciding a dispute but rather in its role as the regulatory agency overseeing the legal services market: deciding the parameters of legal services.

Administrative law rests on the fundamental tenet that regulatory agencies follow a transparent process when making policy decisions. Such a process gives all stakeholders the opportunity to weigh in and provide evidence on the costs and benefits of a particular policy decision. Following the comment period, the agency provides reasons supported by evidence for its decision – a practice critical to both the legitimacy and soundness of the decision.¹⁹⁴ Providing a standard and open process bolsters legitimacy by reducing concerns that the regulator will base its decision solely on input from lobbyists and campaign contributors. The stated evidence and reasoning must stand on its own, and can be evaluated as such.

Notice and comment is particularly important where concentrated interest groups have an incentive and ability to guide a regulator towards a particular outcome. In fact, legal services regulation is a classic example of an administrative decision subject to what political scientists call “agency capture.” This can happen when “the diffuse public is limited in its capacity to affect public decisions through the public political process, while concentrated interest groups possess an unequalled ability to ‘capture’ lawmakers and regulators and steer them to shape public policy that favors narrow special interests at the expense of the broad public interest.”¹⁹⁵ Additionally, administrative law doctrine

also recognizes that abrupt changes in policy – like this one – particularly require a “reasoned explanation . . . for disregarding facts and circumstances that underlay or were engendered by the prior policy.”¹⁹⁶

“There was no process. No questions. No comments. The public was not consulted . . . In no other professional area would a regulated license be so summarily erased with so little thought given to those who will be most affected.”

- Justice Barbara Madsen

Despite the fact that the program took over a decade to build with input from many stakeholders, the court decided unilaterally to rescind the program in an afternoon. Justice Madsen's dissent reveals the surprising lack of administrative process: “There was no process. No questions. No comments. The public was not consulted . . . In no other professional area would a regulated license be so summarily erased with so little thought given to those who will be most affected.”¹⁹⁷

Stakeholders worry that this lack of process means that the court failed to fully take into account the views of LLLT clients, students in the LLLT pipeline, community colleges that host LLLT curriculum, and LLLTs themselves. And to the extent the Washington Supreme Court simply followed the recommendation of the WSBA's Treasurer without any process, it raises questions about whether the Court is really practicing “active supervision” over the bar as required by the U.S. Supreme Court's antitrust doctrine.¹⁹⁸

This remainder of this section discusses the court's stated reasons – the size and cost of the program – for the sunseting decision.

Small Size

Although the court attributed the small number of licensees to lack of interest in the LLLT program, the program's stringent requirements, lack of marketing, and insufficient time to complete the program may have also impacted the size of the program.

HOW BIG IS THE LLLT PROGRAM?

- **46** LLLTs have active licenses.
- **17** LLLT candidates took the most recent bar exam.
- Over **40** candidates are enrolled in the practice area courses.
- Over **150** candidates were enrolled in core curriculum courses prior to the sunset decision.

As discussed above, the significant number of experiential hours, and the lack of financial aid for the practice area component may have discouraged some potential applicants. Similarly, the limited practice area may have deterred others. Had the court expanded practice areas or reduced the experiential requirement to 1,500 hours before sunseting the program, the program likely would have received more interest.

Sunseting the program after only five years meant many students barely had time to complete the licensure process. In an ideal scenario, an individual who heard about the program in 2015 when the first LLLT licenses were issued and who could work on the program full-time would take

about five years to complete the requirements. That student would need two years to complete an associate degree along with forty-five credits of paralegal courses – if the courses aligned perfectly. They would then need to take the year-long practice area curriculum, and complete a year and a half of experiential work. The candidate would also need to study for and complete the three required exams, at which point they may have been working on becoming an LLLT for over five years. More realistically, many LLLT applicants complete their education while working part- or full-time. This is particularly true because about 53% of current LLLT practice area candidates are over 40 years old, meaning many split time between studying and working or raising a family. For many of these candidates, the time to complete the program requirements could extend well beyond five years. Thus, the current number of LLLTs may not reflect the full interest in the program.

HOW LONG IS THE LLLT PROGRAM?

- **2 years** to complete an associate degree.
- **1 year** to complete the practice area curriculum.
- **1.5 years** of experiential work.
- Additional 1-3 years if completing the program part-time.

Despite the program's rigorous requirements, over 200 students were in the LLLT pipeline when the court chose to sunset the program. And interest

was increasing. About twice as many applicants sat for the February 2021 exam as for recent past exams, and between 40-56 candidates will be eligible for the next exam, more than double the participation in the February 2021 exam.¹⁹⁹ In all, the LLLT Board projects that the number of licensed LLLTs could nearly double by July 2022.²⁰⁰

"Not enough people were recruited to support this program as something that would be good for the profession as a whole and good for society."

- Washington Attorney

Lack of marketing may have also hampered the program. Initially, the LLLT Board shied away from aggressive advertising to avoid over-promoting the LLLT program before it was firmly established.²⁰¹

Once the Board was ready to increase outreach, it was limited by its budget – only \$3,000 to cover outreach to potential LLLTs and the legal community, and to increase public awareness of the availability of LLLTs.²⁰² As a result, potential

LLLT candidates were unlikely to hear about the program unless they were already steeped in the Washington legal community. Seen this way, just under 50 licensees after five years of the program might be a reasonable outcome. Indeed, it is not clear there were projections at the outset that one could use to say how the program did relative to expectations.

LLLT and client experiences reflect the challenges associated with limited outreach. One LLLT described it as random luck that she heard about the program while helping a co-worker stay organized at a settlement conference.²⁰³ A client said that “[i]t was a total fluke that I found out about the LLLT program” and that “it should really be more advertised.”²⁰⁴ Increased marketing may have assisted the program in growing more rapidly. And of course, the WSBA did not invest in selling the program to attorneys.²⁰⁵

"It was a total fluke that I found out about the LLLT program . . . it should really be more advertised."

- LLLT Client

Cost Rationale

Justice Madsen critiqued the Court's cost rationale as "hollow," suggesting that the fiscal justification deserves greater scrutiny.²⁰⁶ A closer look suggests that the LLLT Board outlined reasonable expectations for growth to reach self-sufficiency by 2029, but the WSBA Treasurer took advantage of a lack of clarity on a date for achieving sustainability to argue the program failed to become self-sustaining quickly enough.

What constitutes a reasonable period of time to achieve cost neutrality?

The Supreme Court never made clear when exactly the program should become fully cost-neutral. The original recommendation to establish the program from the Court's Practice of Law Board required the program to be "financially self-supporting within a reasonable period of time."²⁰⁷ But no one ever articulated what qualified as a "reasonable period of time" for an unprecedented access to justice project to become self-sustaining. In the absence of clear expectations for "a reasonable period of time" to achieve self-sufficiency, some lawyers opposed to the program understandably seized on this issue.

And the Supreme Court may have limited its flexibility by using very strong language about the LLLT program being cost-neutral in its initial order creating the program. The order responded to concerns that attorneys would be asked to "underwrite the costs of regulating non-attorney limited license legal technicians against whom they are now in competition for market share" by saying bluntly "[t]his will not happen." Given the lack of clear expectations around "a reasonable period of time," we are unsure why a majority of the Court settled on five years. If the Court was guilty of overpromising or a lack of clarity on self-sufficiency in its initial order, people of modest means seeking legal help ought not bear the burden.

This is particularly true given the Court's role in slowing the LLLT program's growth. The LLLT Board has submitted four separate proposals for new practice areas that would allow the program to reach complete self-sufficiency.²⁰⁸ The Court has rejected every proposal despite the potential revenue gains for the program. For example, when the LLLT Board proposed new practice areas in 2020, they projected that if the Court accepted just one of their proposals the program would collect over \$27,000 per year more in licensing and new admittee fees by 2029 on top of the projected \$78,000 for family law LLLTs.²⁰⁹

BUDGET FACTS

- The LLLT program uses **<1%** of the total annual WSBA budget.
- It costs **\$7 per lawyer** per year to administer the LLLT program.
- LLLT revenue is projected to fully cover all program expenses by **2029**.

Further, some stakeholders questioned whether self-sufficiency was an appropriate goal for an access to justice program in the first place.²¹⁰ The total net cost of creating and maintaining the LLLT program from 2013 to 2019 was about \$1.3 million, including both direct and indirect costs.²¹¹ The Bar's Treasurer argued that it was unfair for Bar members, who include LLLTs, to subsidize the LLLT program.²¹² But at less than \$200,000 per year, the subsidy represents less than one percent of the WSBA's total expenses paid from the general fund over the same period of time.²¹³

And the “tremendously unfair” subsidy amounts to *just \$7 per attorney per year*.²¹⁴ Nevertheless, the LLLT Board projected that the program would generate enough revenue to cover WSBA’s direct costs for administering the program by 2022 and to cover all costs of administering the program by 2029.²¹⁵

The LLLT Board projected reasonable program growth.

The LLLT Board’s model assumed a reasonable annual growth in licensees – an average of 23% yearly growth in the program across the next ten years, leading to more than 200 licensees by 2030.²¹⁶ This level of growth was based on the Washington Supreme Court adopting two additional practice areas – each driving an additional 5% in growth – and reducing the experiential requirement to 1,500 hours.²¹⁷ Given the level of growth over the past few years, the assumed level of growth seems quite realistic.²¹⁸ And this level of growth would provide more than \$200,000 in revenue by 2029 – exactly what was discussed at the outset of the program.²¹⁹



The only issue is whether it was “reasonable” that it would take nearly fifteen years to achieve self-sufficiency, or whether five years is the outer limit of reasonableness in this context.

The LLLT Board’s plan for growth by adding administrative practice seems particularly promising. Chief Administrative Law Judge Lee stated that the Office of Administrative Hearing receives approximately 50,000 requests for administrative hearings a year.²²⁰ Many of these are for unemployment or other government benefits, and over 7,500 of those hearings involve child support disputes – an area of law with which many LLLTs are already familiar.²²¹ The potential for growth – in an area frequently underserved by

attorneys – is enormous. And data suggests LLLTs are eager to expand to a new practice area. A December 2019 survey of LLLTs found that 74% were either definitely or possibly interested in another practice area.²²² Thus the LLLT Board’s projection that 70% of active LLLTs would become licensed in a second practice area within three years seems reasonable.²²³

Just as the Board predicted reasonable growth, it reasonably expected expenses were declining. The LLLT Board spent the majority of its budget on start-up costs. For instance, much of the Board’s direct costs consisted of paying for LLLT Board members’ travel to and from Board meetings in Seattle. Because the program is now established, the LLLT Board forecasted fewer costs and more revenue from new LLLTs in the future. For instance, by 2026, the LLLT Board estimated spending on \$4,600 on LLLT Board travel – down from a projected budget for the Board of \$18,000 in 2020.²²⁴ For reference, \$4,600 would cover one in-person meeting per quarter.²²⁵ This number could be further reduced by holding all meetings virtually.

PROJECTED LLLT BOARD TRAVEL BUDGET

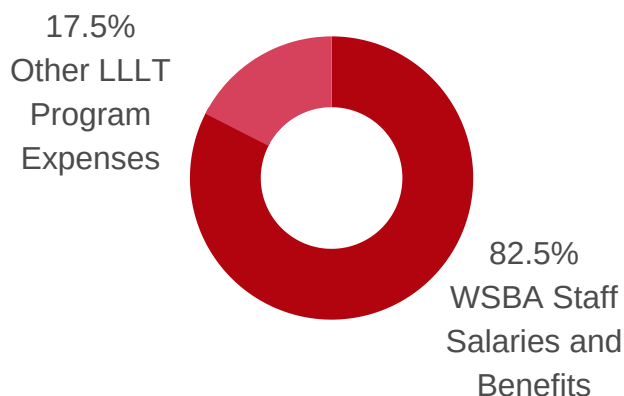
| | |
|---|---|
| | \$18,000 |
| 2020 Projected LLLT Board Travel Budget |  |
| 2026 Projected LLLT Board Travel Budget |  \$4,600 |

Of course, reasonable growth would depend, in part, on the Court’s actions. The LLLT Board’s model assumed that the Court would permanently extend the experiential waiver and present 1,500-hour experiential requirement.²²⁶ The Board also assumed that Court would expand the program to two additional practice areas.²²⁷

Housing the LLLT program at the WSBA may have hampered growth.

The overwhelming majority of the LLLT budget pays for the WSBA staff time spent administering the program. Over the life of the program, this was 82.5% of the LLLT program budget, which pays for the equivalent of between 1 and 1.5 full-time employees. Though there is one main staff liaison for the program, that person and other WSBA staff split their time among various WSBA programs. In practice, the volunteer LLLT Board is primarily responsible for administering the program with the help of WSBA staff. There is nothing in the record to suggest that the Court or WSBA explored the option of using less staff time – and leaning more on the LLLT Board and other volunteers – until the revenue from licensing and exam fees increased.

BREAKDOWN OF LLLT PROGRAM EXPENSES



Even though a large portion of the LLLT budget went to WSBA staff salaries, the WSBA continued to make decisions that slowed the program's self-sufficiency. At the outset, the Board elected not to

pursue outside funding. Later, when the LLLT Board proposed that the WSBA create an LLLT fund to enable the LLLT Board to seek contributions from potential donors and grantors, the WSBA denied the proposal.²²⁸ As already discussed, decisions to refuse to permit the LLLT Board to use WSBA technology for the practice area curriculum and the lack of investment in widespread advertising may have also reduced the number of LLLT applicants, thus diminishing revenue and hampering the program's self-sufficiency.

"The program didn't get enough of a chance. It was like a start-up company that was undercapitalized from the start. They never got enough buy-in from the profession to get a good start."

- Washington Attorney

One LLLT offered an apt analogy to evaluate the cost rationale offered by the Court: Critiquing the cost of the LLLT program at this stage is like critiquing the cost of a subdivision intended for 100 houses where the builders lay down the water line, the power lines, and other infrastructure, then build only five houses, divide the cost among the five houses, and find that the subdivision is too expensive.²²⁹ Put simply, the program was never allowed to grow to a size to benefit from economies of scale.



CONCLUSION

Key Takeaways for Other States Considering LLLT-Style Programs

As the considerable benefits of the program continue to emerge, perhaps the majority of the Washington Supreme Court will reconsider its decision not to allow additional licensees. Even if they do not, there are important lessons for policymakers in other states from Washington's experience.

- **Expect that ramping up enrollment in the program will take several years.** Recognize that more onerous education and experiential requirements mean that the program may take more time to grow to a robust size.
- **Consider setting the experiential requirement at 1,000-1,500 hours concentrated in the given practice area.** Many other states use 1,500 as a benchmark, and the Washington Supreme Court reduced the required number of hours to 1,500 as part of the sunseting decision. New lawyers, of course, are allowed to practice with zero hours of experience in a practice area, and their education is often less relevant to practice than that of LLLTs.
- **Implement a permanent waiver for experienced paralegals** to allow individuals with significant legal experience to easily make the transition to the paraprofessional role.
- **Set aside resources to advertise the program** to the public and promote the program among potential candidates.
- **Promote buy-in among the attorney community.** Explain efficiency benefits of LLLTs to judges. Discuss with attorneys who practice in the relevant area how they can use LLLTs to expand their practice to capture a larger market share.
- **Consider seeking funding from outside of the state bar** to reduce reliance on the bar. Grants or corporate sponsorships may assist in funding the program.
- **Expect reasonable start-up costs** and that the program will require financial support from the bar or other sources before become self-sustaining.

FOOTNOTES

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¹ See *Rule of Law Index*, WORLD JUST. PROJECT, <https://worldjusticeproject.org/rule-of-law-index/country/2020/United%20States/Civil%20Justice/> (last accessed April 21, 2021) (listing the U.S. at 109th out of 128 countries for the factor “people can access and afford civil justice”).

² *Id.*

³ Krista A. Hess, *The Broad Reach of Limited Scope Representation: A Pathway to Access to Justice*, 39 W. NEW ENG. L. REV. 263, 277 (2017).

⁴ *Id.*

⁵ Brooks Holland, *The Washington State Limited License Legal Technician Practice Rule: A National First in Access to Justice*, 82 MISS. L.J. SUPRA 75, 79 (2013).

⁶ CIV. LEGAL NEEDS STUDY UPDATE COMM., WASH. STATE SUP. CT., Civil Legal Needs Study Update 15 (2015); Robert Ambrogio, *Washington State Moves Around UPL, Using Legal Technicians to Help Close the Justice Gap*, ABA J., Jan. 1, 2015.

⁷ CIV. LEGAL NEEDS STUDY UPDATE COMM., *supra* note 6, at 16.

⁸ NATALIE ANNE KNOWLTON ET AL., INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., CASES WITHOUT COUNSEL: RESEARCH ON EXPERIENCES OF SELF-REPRESENTATION IN U.S. FAMILY COURT 1 (2016), https://iaals.du.edu/sites/default/files/documents/publications/cases_without_counsel_research_report.pdf (citing TASK FORCE ON SELF-REPRESENTED LITIGANTS, JUD. COUNCIL OF CAL., IMPLEMENTATION TASK FORCE: FINAL REPORT 2-3 (2014)) (discussing the rise in self-representation in various states over the last 30 years); Marsha M. Mansfield, *Litigation Without Lawyers: Measuring Success in Family Court*, 67 HASTINGS L.J. 1389, 1391 (2016).

⁹ KNOWLTON ET AL., *supra* note 8, at 12-14.

¹⁰ KNOWLTON ET AL., *supra* note 8, at 2.

¹¹ THOMAS M. CLARKE, NAT’L CTR. FOR STATE CTS., PRELIMINARY EVALUATION OF THE WASHINGTON STATE LIMITED LICENSE LEGAL TECHNICIAN PROGRAM 5 (2017).

¹² DEBORAH L. RHODE, THE TROUBLE WITH LAWYERS 47-51 (2015).

¹³ Annemarie E. Bonkalo, *Family Legal Services Review*, MINISTRY OF THE ATT’Y GEN. (Dec. 31, 2016), https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/family_legal_services_review/#_Toc469667352. One existing analog is legal document assistants, which exist in Arizona, California and other states, but they are limiting to assisting clients in filling out forms. See, e.g., *Legal Document Preparer Program*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/cld/Legal-Documents-Preparer-Program>; *What Is a Legal Document Assistant?*, CAL. ASS’N OF LEGAL DOCUMENT ASSISTANTS, [https://calda.org/What-is-a-Legal-Documents-Assistant-\(LDA\)](https://calda.org/What-is-a-Legal-Documents-Assistant-(LDA)); FLA. ASS’N OF LEGAL DOCUMENT PREPARERS, <https://www.faldp.org/>.

¹⁴ CLARKE, *supra* note 11, at 15.

¹⁵ Letter from Mary E. Fairhurst, C.J., Wash. State Sup. Ct., to Stephen Crossland, Chair, LLLT Board (Apr. 3, 2017).

¹⁶ *Id.*

¹⁷ Washington Supreme Court Order No. 25700-A-1258, IN THE MATTER OF PROPOSED AMENDMENTS TO APR 28 (May 1, 2019).

¹⁸ *Id.* (González, J., dissenting).

¹⁹ Letter from Mary E. Fairhurst, C.J., Wash. State Sup. Ct., to Wash. State Bar Bd. of Governors (Sept. 21, 2018), available at <https://www.courts.wa.gov/content/publicUpload/Communications/SupremeCourtLettertoWSBA092118.pdf>.

²⁰ Letter from Eileen Farley and Hunter Abell, to Mary E. Fairhurst, C.J., Wash. State Sup. Ct. (Aug. 28, 2019), available at https://www.wsba.org/docs/default-source/legal-community/committees/bar-structure-work-group/wsba-work-group---minority-report-final-2.pdf?sfvrsn=d0710df1_0.

²¹ Letter from Mary E. Fairhurst, C.J., Wash. State Sup. Ct., to Wash. State Bar Bd. of Governors (Sept. 25, 2019), available at https://www.wsba.org/docs/default-source/legal-community/committees/bar-structure-work-group/9-25-19-executive-director-and-wsba-bog-re-court-decision-on-work-group-recommendations.pdf?sfvrsn=7f3e0df1_0.

²² Justice Johnson, also part of the May 2019 majority to expand the LLLTs’ roles, shifted and supported sunseting as well.

²³ Stephen R. Crossland, *The Evolution of Washington’s Limited License Legal Technician Rule*, BAR EXAM’R, June 2014, at 23.

²⁴ STEVE CROSSLAND, PAULA LITTLEWOOD & ELLEN REED, REPORT OF THE LIMITED LICENSE LEGAL TECHNICIAN BOARD TO THE WASHINGTON SUPREME COURT: THE FIRST THREE YEARS 56 (2016).

²⁵ CLARKE, *supra* note 11, at 6; Letter from Debra L. Stephens, C.J., Wash. State Sup. Ct., to Stephen R. Crossland, Chair, LLLT Board, Rajeev Majumdar, Pres., Wash. State Bar Assoc. & Terra Nevitt, Exec. Dir., Wash. State Bar Assoc. (July 9, 2020).

- ²⁶ CLARKE, *supra* note 11, at 6; CROSSLAND, LITTLEWOOD & REED, *supra* note 24 (see attached slides).
- ²⁷ Interview with University of Washington Law Professor, Mar. 30, 2021.
- ²⁸ CLARKE, *supra* note 11, at 7.
- ²⁹ CROSSLAND, LITTLEWOOD & REED, *supra* note 24, at 15, 25.
- ³⁰ Washington State Court Rules: Admission and Practice Rule 28(H)(5).
- ³¹ *Id.* 28(F).
- ³² *Id.* 28 Reg. 2(B)(2)(h); Washington Supreme Court Order No. 25700-A-1258, *supra* note 17.
- ³³ Washington State Court Rules: Admission and Practice Rule (F)(13). The client must give written consent defining the parameters of the negotiation prior to the onset of the negotiation.
- ³⁴ CLARKE, *supra* note 11, at 9.
- ³⁵ LLLT CLIENT SATISFACTION TESTIMONIALS 1 (2017) (on file with author).
- ³⁶ *Id.* at 2.
- ³⁷ Interview with Steve Crossland, Jan. 26, 2021.
- ³⁸ CLARKE, *supra* note 11, at 9.
- ³⁹ LLLT CLIENT SATISFACTION TESTIMONIALS, *supra* note 35, at 3.
- ⁴⁰ *Id.*
- ⁴¹ *Id.* at 7.
- ⁴² *Id.* at 4.
- ⁴³ CLARKE, *supra* note 11, at 9.
- ⁴⁴ LLLT CLIENT SATISFACTION TESTIMONIALS, *supra* note 35, at 1.
- ⁴⁵ Interview with LLLT Client, April 5, 2021.
- ⁴⁶ *Id.*
- ⁴⁷ LLLT CLIENT SATISFACTION TESTIMONIALS, *supra* note 35, at 2.
- ⁴⁸ Joshua Robinson, Reviews of Genesis Law Firm, PLLC, GOOGLE REVIEWS.
- ⁴⁹ Interview with LLLT Client, Feb. 18, 2021.
- ⁵⁰ *Id.*
- ⁵¹ Interview with LLLT, Jan. 22, 2021; Interview with LLLT, Jan. 29 2021.
- ⁵² Karen Mathieu, Reviews of Genesis Law Firm, PLLC, GOOGLE REVIEWS.
- ⁵³ Interview with Attorney, Feb. 3, 2021; Interview with Attorney, Apr. 2, 2021.
- ⁵⁴ Interview with Attorney, Feb. 3, 2021.
- ⁵⁵ *Id.*
- ⁵⁶ Interview with University of Washington Law Professor, Feb. 26, 2021.
- ⁵⁷ Interview with Attorney, Apr. 6, 2021.
- ⁵⁸ *Id.*
- ⁵⁹ *Id.*
- ⁶⁰ Interview with Non-Profit Executive Director, Mar. 1, 2021.
- ⁶¹ *Id.*
- ⁶² *Id.*
- ⁶³ *Id.*
- ⁶⁴ Letter from Genissa Richardson, Licensed Legal Intern, LAW Advocates, to JJ. of the Wash. State Sup. Ct. 2 (Sept. 9, 2018), available at https://www.courts.wa.gov/court_Rules/proposed/2018Jun/Prpsd%20Chngs-APR%2028%20and%20APR%2028%20Appendix%20Regs%20%20and%203/Genissa%20Richardson%20-%20APR%2028.pdf.
- ⁶⁵ Interview with Federal Judge, Mar. 1, 2021.
- ⁶⁶ Interview with Family Law Commissioner, Feb. 23, 2021.
- ⁶⁷ *Id.*
- ⁶⁸ Interview with LLLT, Feb. 24, 2021.
- ⁶⁹ Interview with Family Law Judge, Feb. 18, 2021.
- ⁷⁰ *Id.*
- ⁷¹ Interview with Family Law Commissioner, Feb. 19, 2021; Interview with Family Law Commissioner, Feb. 23, 2021.
- ⁷² Interview with Family Law Commissioner, Feb. 19, 2021.
- ⁷³ Interview with Family Law Judge, Feb. 18, 2021.
- ⁷⁴ *Id.*
- ⁷⁵ *Id.*
- ⁷⁶ *Id.*

- ⁷⁷ Interview with Family Law Commissioner, Feb. 19, 2021.
- ⁷⁸ *Id.*; Interview with Family Law Commissioner, Feb. 23, 2021.
- ⁷⁹ Interview with Family Law Commissioner, Feb. 19, 2021.
- ⁸⁰ Interview with Family Law Commissioner, Feb. 23, 2021.
- ⁸¹ Interview with Family Law Commissioner, Feb. 19, 2021.
- ⁸² Interview with Family Law Judge, Feb. 18, 2021.
- ⁸³ *Id.*
- ⁸⁴ *Id.*
- ⁸⁵ *Id.*
- ⁸⁶ Remarks at Feb. 26, 2021 meeting of the California Paraprofessional Working Group.
- ⁸⁷ *Legal Directory*, WASH. ST. BAR ASS'N, <https://www.mywsba.org/PersonifyEbusiness/default.aspx?TabID=1536&ShowSearchResults=TRUE&LicenseType=LLLT> (last visited Feb. 21, 2021).
- ⁸⁸ STEPHEN R. CROSSLAND, REPORT OF THE LIMITED LICENSE LEGAL TECHNICIAN BOARD TO THE WASHINGTON SUPREME COURT: THE CHALLENGES OF BEING FIRST IN THE NATION 4 (2020).
- ⁸⁹ KNOWLTON ET AL., *supra* note 8, at 1; Mansfield, *supra* note 8, at 1391.
- ⁹⁰ Russell Engler, *And Justice For All—Including the Unrepresented Poor: Revisiting the Roles of the Judges, Mediators, and Clerks*, 67 FORDHAM L. REV. 1987, 2049 (1999).
- ⁹¹ KNOWLTON ET AL., *supra* note 8, at 12.
- ⁹² *Id.* at 14.
- ⁹³ Letter from Genissa Richardson, *supra* note 64 at 1.
- ⁹⁴ Interview with Non-Profit Executive Director, Mar. 1, 2021.
- ⁹⁵ LLLT CLIENT SATISFACTION TESTIMONIALS, *supra* note 35, at 2.
- ⁹⁶ Interview with LLLT, Jan. 29, 2021; Interview with LLLT, Feb. 1, 2021. *See also* LLLT BOARD REPORT TO WASHINGTON SUPREME COURT (Apr. 21, 2021) (attachment one) (showing in a survey of four LLLTs that 42% of LLLT clients fall between 200-400% of FPL and 30% of LLLT clients fall under 200% of FPL).
- ⁹⁷ Interview with LLLT, Feb. 1, 2021.
- ⁹⁸ Interview with LLLT, Jan. 29, 2021.
- ⁹⁹ *Id.*
- ¹⁰⁰ Letter from Stephen R. Crossland, Chair, LLLT Board, to JJ. of the Wash. State Sup. Ct. 1 (June 19, 2020).
- ¹⁰¹ 2021 LLLT BOARD REPORT TO WASHINGTON SUPREME COURT, *supra* note 96 (attachment one).
- ¹⁰² Interview with Family Law Commissioner, Feb. 19, 2021; Interview with LLLT, Apr. 1, 2021.
- ¹⁰³ Interview with Family Law Commissioner, Feb. 19, 2021.
- ¹⁰⁴ Interview with LLLT, Apr. 1, 2021.
- ¹⁰⁵ *Id.*
- ¹⁰⁶ *Id.*
- ¹⁰⁷ Interview with Family Law Commissioner, Feb. 19, 2021.
- ¹⁰⁸ *Id.*
- ¹⁰⁹ *Id.*
- ¹¹⁰ Interview with LLLT, Apr. 2, 2021.
- ¹¹¹ Nicole Schilling, Loosening a Legal Monopoly: Perspectives from Paraprofessional Pioneers 15 (May 16, 2018) (unpublished manuscript) (on file with author).
- ¹¹² Interview with LLLT, Apr. 8, 2021.
- ¹¹³ *Id.*
- ¹¹⁴ Schilling, *supra* note 112, at 15.
- ¹¹⁵ Interview with LLLT Client, Apr. 5, 2021.
- ¹¹⁶ Schilling, *supra* note 112, at 16.
- ¹¹⁷ LLLT CLIENT SATISFACTION TESTIMONIALS, *supra* note 35, at 6.
- ¹¹⁸ Interview with LLLT Client, Apr. 5, 2021.
- ¹¹⁹ Interview with LLLT, Apr. 2, 2021; Interview with Family Law Commissioner, Feb. 23, 2021.
- ¹²⁰ Interview with LLLT, Jan. 22, 2021.
- ¹²¹ Interview with LLLT, Jan. 29, 2021.
- ¹²² Interview with LLLT, Jan. 22, 2021.
- ¹²³ Interview with LLLT, Apr. 1, 2021; Interview with LLLT, Apr. 2, 2021; Interview with LLLT, Feb. 24, 2021.
- ¹²⁴ Interview with LLLT, Feb. 24, 2021.
- ¹²⁵ Interview with LLLT, Jan. 22, 2021; Interview with LLLT, Jan. 29, 2021.
- ¹²⁶ CROSSLAND, CHALLENGES OF BEING FIRST, *supra* note 88, at 4.

- ¹²⁷ Interview with LLLT, Feb. 1, 2021; Interview with Attorney, Feb. 3, 2021.
- ¹²⁸ Interview with Attorney, Feb. 3, 2021.
- ¹²⁹ *Id.*
- ¹³⁰ *Id.*
- ¹³¹ *Id.*
- ¹³² Scotti Hill, *Why Lawyers Should Embrace LPPs*, 34 UTAH. B.J. 44, 44 (2021).
- ¹³³ *Id.* at 45.
- ¹³⁴ *Id.* at 46.
- ¹³⁵ Interview with LLLT, Jan. 22, 2021.
- ¹³⁶ Interview with LLLT, Feb. 1, 2021.
- ¹³⁶ Interview with LLLT, Feb. 24, 2021.
- ¹³⁸ Interview with LLLT, Jan. 22, 2021.
- ¹³⁹ *Services Pricing*, MYLLLT.COM, <http://mylllt.com/about-mylllt/fees/> (last visited February 21, 2021).
- ¹⁴⁰ Interview with LLLT Client, Apr. 5, 2021.
- ¹⁴¹ *Id.*
- ¹⁴² *Id.*
- ¹⁴³ Interview with University of Washington Law Professor, Mar. 20, 2021. *See also* Holland, *supra* note 5 for a discussion of opposition to the LLLT program by WSBA members.
- ¹⁴⁴ Ambrogi, *supra* note 6.
- ¹⁴⁵ Lyle Moran, *How the Washington Supreme Court's LLLT Program Met Its Demise*, ABA J., July 9, 2020.
- ¹⁴⁶ Interview with Federal Judge, Mar. 1, 2021.
- ¹⁴⁷ Interview with Attorney, Apr. 2, 2021.
- ¹⁴⁸ Moran, *Demise*, *supra* note 145.
- ¹⁴⁹ STEPHEN R. CROSSLAND, LLLT BOARD ANNUAL REPORT TO THE COURT 4 (Apr. 22, 2020).
- ¹⁵⁰ *Id.* at 5.
- ¹⁵¹ Moran, *Demise*, *supra* note 145.
- ¹⁵² *Id.*
- ¹⁵³ Interview with University of Washington Law Professor, Mar. 20, 2021.
- ¹⁵⁴ Moran, *Demise*, *supra* note 145.
- ¹⁵⁵ Interview with Attorney, Apr. 2, 2021.
- ¹⁵⁶ CIV. LEGAL NEEDS STUDY UPDATE COMM., *supra* note 6, at 15.
- ¹⁵⁷ *See* Deborah Rhode, *Professional Integrity and Professional Regulation: Nonlawyer Practice and Nonlawyer Investment in Law Firms*, 39 HASTINGS INT'L & COMPARATIVE L. REV. 111, 115 (2016) (citing Richard Moorhead et al., *Contesting Professionalism: Legal Aid and Nonlawyers in England and Wales*, 37 L. & SOC'Y REV. 765, 785-87 (2003)); *id.* (citing Herbert Kritzer, LEGAL ADVOCACY: LAWYERS AND NONLAWYERS AT WORK (Univ. of Mich. Press 1998)); Deborah J. Cantrell, *The Obligation of Legal Aid Lawyers to Champion Practice by Nonlawyers*, 73 FORDHAM L. REV. 883, 888-90 (2004).
- ¹⁵⁸ CROSSLAND, 2020 ANNUAL REPORT, *supra* note 149, at 5.
- ¹⁵⁹ Interview with LLLT, Jan. 22, 2021.
- ¹⁶⁰ CROSSLAND, 2020 ANNUAL REPORT, *supra* note 149, at 5.
- ¹⁶¹ Moran, *Demise*, *supra* note 145.
- ¹⁶² Rules Governing the Utah State Bar 14-802(c); Moran, *Demise*, *supra* note 145.
- ¹⁶³ Interview with LLLT, Jan. 22, 2021.
- ¹⁶⁴ Interview with LLLT, Feb. 24, 2021; Interview with LLLT, Apr. 1, 2021.
- ¹⁶⁵ Moran, *Demise*, *supra* note 145.
- ¹⁶⁶ Letter from Mary E. Fairhurst, C.J., *supra* note 15.
- ¹⁶⁷ CROSSLAND, 2020 ANNUAL REPORT, *supra* note 149, at 5. (citing Letter from Lorraine Lee, C. Admin. L.J., to Debra L. Stephens, C.J., Wash. State Sup. Ct. (March 20, 2020) ("I support the LLLT Board's proposal. It would promote access to administrative justice for Washingtonians by addressing some of the need for civil legal services noted in the 2015 Civil Legal Needs Study.")).
- ¹⁶⁸ Interview with LLLT, Apr. 2, 2021; Interview with Attorney, Apr. 2, 2021.
- ¹⁶⁹ CLARKE, *supra* note 11, at 9.
- ¹⁷⁰ *Id.*
- ¹⁷¹ Editorial, *Supreme Court Should Reinstate Low-Cost Legal-Assistance Program*, SEATTLE TIMES, Aug. 2, 2020.
- ¹⁷² CROSSLAND, 2020 ANNUAL REPORT, *supra* note 149, at 6 (noting that 1,500 experiential hours seems to be the most common requirement).

- ¹⁷³ *Id.*
- ¹⁷⁴ *Id.*
- ¹⁷⁵ Letter from Debra L. Stephens, *supra* note 25.
- ¹⁷⁶ CROSSLAND, LITTLEWOOD & REED, *supra* note 24, at 33.
- ¹⁷⁷ Andrea L. Miller, Paula Hannaford-Agor, and Kathryn Genthon, An Evaluation Framework for Allied Legal Professional Programs: Assessing Improvements in Access to Justice (National Center for State Courts 1st ed. 2021).
- ¹⁷⁸ CLARKE, *supra* note 11, at 9.
- ¹⁷⁹ Interview with LLLT, Jan. 22, 2021.
- ¹⁸⁰ CROSSLAND, LITTLEWOOD & REED, *supra* note 24, at 33.
- ¹⁸¹ CLARKE, *supra* note 11, at 3.
- ¹⁸² *Id.* at 7-8.
- ¹⁸³ CROSSLAND, 2020 ANNUAL REPORT, *supra* note 149, at 7.
- ¹⁸⁴ *Id.*
- ¹⁸⁵ Interview with LLLT, Apr. 2, 2021.
- ¹⁸⁶ *Id.*
- ¹⁸⁷ Indeed, its website refers to it as part of the judicial branch.
- ¹⁸⁸ Letter from Debra L. Stephens, C.J., Wash. State Sup. Ct., to Stephen R. Crossland, Chair, LLLT Board, Rajeev Majumdar, Pres., Wash. State Bar Assoc. & Terra Nevitt, Exec. Dir., Wash. State Bar Assoc. 1 (June 5, 2020).
- ¹⁸⁹ *History of the WSBA*, WASH. STATE BAR ASS'N, <https://www.wsba.org/about-wsba/who-we-are/history-of-the-wsba> (last updated Jan. 14, 2021).
- ¹⁹⁰ Washington Supreme Court Order No. 25700-A-1005, IN THE MATTER OF THE ADOPTION OF NEW APR 28 – LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS (June 15, 2012).
- ¹⁹¹ *Id.* at n.2 (J. Owens, dissenting).
- ¹⁹² Note, however, that Justices in WA are appointed to vacancies in between elections.
- ¹⁹³ See Cary Coglianese, *Administrative Law in the Automated State*, DAEDALUS (forthcoming 2021) (manuscript at 8) (calling one of administrative law's "primary tenets" that "governmental processes should be transparent and susceptible to reason-giving").
- ¹⁹⁴ *Id.* at 12 ("Reasoned decision-making provides a basis for helping ensure that agencies both remain faithful to their democratic mandates and base their decisions on sound evidence and analysis.").
- ¹⁹⁵ Eyal Benvenisti and Amnon Morag, *Regulatory Capture and the Marginalized Majority: The Case for the Constitutional Protection of the Majority's Disposable Income*, 22 J. CONST. LAW 171, 173 (2019) (citing Mancur Olson, *The Logic of Collective Action: Public Goods and the Theory of Groups* (1965)).
- ¹⁹⁶ *FCC v. Fox*, 556 U.S. 502, 515-16 (2009).
- ¹⁹⁷ Letter from Barbara A. Madsen, J., Wash. State Sup. Ct., to Stephen R. Crossland, Chair, LLLT Board, Rajeev Majumdar, Pres., Wash. State Bar Assoc. & Terra Nevitt, Exec. Dir., Wash. State Bar Assoc. 3 (June 5, 2020).
- ¹⁹⁸ *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, 574 U.S. 494, 506-07 (2015).
- ¹⁹⁹ 2021 LLLT BOARD REPORT TO WASHINGTON SUPREME COURT, *supra* note 96, at 1.
- ²⁰⁰ *Id.* at 4.
- ²⁰¹ Interview with Steve Crossland, Chair, LLLT Board, Jan. 26, 2021.
- ²⁰² CROSSLAND, 2020 ANNUAL REPORT, *supra* note 149, at 4.
- ²⁰³ Interview with LLLT, Jan. 22, 2021.
- ²⁰⁴ LLLT CLIENT SATISFACTION TESTIMONIALS, *supra* note 35, at 13.
- ²⁰⁵ Interview with Non-Profit Executive Director, Mar. 1, 2021.
- ²⁰⁶ Letter from Barbara A. Madsen, J., *supra* note 197, at 3.
- ²⁰⁷ General Rule (GR) 25, Practice of Law Board.
- ²⁰⁸ CROSSLAND, 2020 ANNUAL REPORT, *supra* note 149 (see attached proposals) (proposing administrative law and eviction and debt practice); Moran, *Demise*, *supra* note 145 (discussing elder law and health law proposals).
- ²⁰⁹ LLLT Board, Draft LLLT Business Plan (March 27, 2020) (on file with author).
- ²¹⁰ CROSSLAND, 2020 ANNUAL REPORT, *supra* note 149, at 2 n.1.
- ²¹¹ *Id.* (see attached slides).
- ²¹² Letter from Daniel D. Clark, Treas., Wash. State Bar Assoc., to Debra Stephens, C.J., Wash. State Sup. Ct. 3 (May 12, 2020).
- ²¹³ Letter from Barbara A. Madsen, *supra* note 197, at 3.
- ²¹⁴ Letter from Danial D. Clark, *supra* note 212, at 4 (arguing that the LLLT program "is unwise, improper, and most of all tremendously unfair to the members of the Washington State Bar Association")

²¹⁵ Lyle Moran, *Washington Supreme Court Sunsets Limited License Program for Nonlawyers*, ABA J., June 8, 2020. Direct expenses include costs such as LLLT Board travel, LLLT outreach, exam writing. Indirect expenses include WSBA staff salaries and benefits.

²¹⁶ Draft LLLT Business Plan, *supra* note 209.

²¹⁷ CROSSLAND, 2020 ANNUAL REPORT, *supra* note 149 (see attached slides).

²¹⁸ The LLLT Board's model assumed that each additional practice area would drive an additional 5% of growth. Draft LLLT Business Plan, *supra* note 209.

²¹⁹ The \$200,000/year figure is referenced in Justice Owens dissent from the original order.

²²⁰ CROSSLAND, 2020 ANNUAL REPORT, *supra* note 149, at 5. (citing Letter from Lorraine Lee, C. Admin. L.J., to Debra L. Stephens, C.J., Wash. State Sup. Ct. (March 20, 2020)).

²²¹ *Id.*

²²² Draft LLLT Business Plan, *supra* note 209.

²²³ *Id.*

²²⁴ *Id.*; WSBA Budget and Audit Committee Minutes 24 (Feb. 24, 2020), <https://www.wsba.org/docs/default-source/legal-community/committees/budget-and-audit-committee/final-materials.pdf?page=97>.

²²⁵ Draft LLLT Business Plan, *supra* note 209.

²²⁶ *Id.*

²²⁷ *Id.*

²²⁸ Letter from Stephen R. Crossland, Chair, LLLT Board, to Wash. State Bar Found. Bd. of Trs. (Mar. 13, 2020); Letter from Kristina Larry, Pres., Wash. State Bar Found. Bd. of Trs., to Stephen R. Crossland, Chair, LLLT Board (Apr. 10, 2020).

²²⁹ Statement of Sarah Bove to California Paraprofessional Program Working Group, Feb 26, 2021.