



NATIONAL
FEDERATION
of
PARALEGAL
ASSOCIATIONS Inc.

*NFPA – The Leader
of the Paralegal Profession®*

June 16, 2020

VIA EMAIL

The Honorable Debra L. Stevens
Chief Justice
Supreme Court of Washington State
415 – 12th Avenue SW
Olympia, WA 98504

Re: NFPA Position Statement in Opposition to Washington State Supreme Court
Sunsetting Limited License Legal Technician (LLLT) Program

Dear Chief Justice Stevens:

The National Federation of Paralegal Associations, Inc. (NFPA), a professional organization founded in 1974 as the first national paralegal association, is an issues-driven, policy-oriented professional association directed by its membership, comprised of nearly 50 paralegal associations and representing approximately 8,000 individual members. NFPA promotes a global presence for the paralegal profession and leadership in the legal community. Its core purpose is to advance the paralegal profession.

Sunsetting LLLT Program.

NFPA was disappointed to learn recently that the Washington State Supreme Court had voted to “sunset” the Limited License Legal Technician (“LLLT”) Program. NFPA is a strong advocate of the regulation of paralegals to expand access to justice, and it is our opinion that the State of Washington Supreme Court’s action to sunset the LLLT program takes a step backwards in the provision of quality affordable legal services to those who need them. We strongly urge you to reconsider.

400 South 4th Street
Suite 754e
Minneapolis, MN
55415

info@paralegals.org
www.paralegals.org

NFPA’s Contributions to the LLLT.

In 2005, when the Washington State Bar Association Practice of Law Board (POLB) was beginning to explore the idea of a limited license for non-lawyers, NFPA provided input regarding its preferred qualifications for limited licensing, including

post-secondary education standards, continuing education requirements, attestation by a supervising attorney of experience and work history, and character and fitness standards. At that time NFPA believed, and still does, that paralegals providing services directly to the public must meet stringent education and experience requirements. NFPA believes that protection of the public is of utmost importance to the delivery of legal services to underserved populations. In addition, NFPA participated in “town hall” style meetings sponsored by the POLB to provide input and support to the idea of a limited license. In 2006, NFPA provided input to the POLB request for pilot project ideas for potential non-lawyer practice areas, scope of practice, and licensing requirements.

More recently, when the LLLT Board was developing educational standards for the core/basic learning requirements, it chose NFPA’s Paralegal CORE Competency Exam® (PCCE®) as the standard to demonstrate preparation for entry into the profession. Utilizing the PCCE® as a standardized test for those in the LLLT program served a dual purpose. First, it saved the Washington State Bar Association (WSBA) thousands of dollars in costs to develop and administer an exam that would test core educational knowledge. Second, those that had already taken the PCCE® would start their LLLT careers with a professional certification from a nationally-recognized organization.

NFPA has a long-standing commitment to pro bono and access to justice and is the only national paralegal association with a seat on the American Bar Association (ABA) Standing Committee on Pro Bono and Public Service. In this capacity, NFPA partners with local and national pro bono agencies and associations throughout the United States on volunteer opportunities. NFPA has worked tirelessly throughout the years to identify and facilitate paralegal and non-lawyer legal professional opportunities in the interest of advancing access to justice. In addition, our local associations have worked to collaborate and expand on ideas on innovative approaches for paralegals to assist in the ever-growing need for affordable legal services. This very issue was recently addressed by the American Bar Association at their 2020 Midyear Meeting. In fact, on February 27, 2020, the Board of Governors passed ABA Resolution 115 encouraging U.S. jurisdictions to consider innovative approaches to the access to justice crisis.

Access to Justice.

Individuals throughout the United States struggle to afford legal assistance. Legal aid clinics nationwide are overwhelmed and struggle with proper funding, leaving many pro se litigants to face their legal issues without competent affordable legal assistance. The LLLT was created to offer affordable options for legal services, particularly in certain practice areas with high demand. The LLLT program allowed well-trained, experienced, and competent legal professionals to meet the needs of those unable to afford a lawyer. NFPA supported, promoted and highlighted the LLLT program nationally via conferences, webinars and presentations, including the ABA/National Legal Aid and Defender Association (“NLADA”) Equal Justice Conference. Other states and jurisdictions noticed and recognized the importance of developing innovative programs similar to the LLLT to address the shortfall in the growing demand of the access to justice. It was hoped that the LLLT program would be expended to other areas of law to allow LLLTs to continue to serve individuals (in both urban and rural areas).

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Instead, the Washington State Supreme Court now seeks to sunset the very program that served as a lifeline for many individuals. Instead of seeking to expand and support this program, both financially and by marketing the LLLT program within the legal profession, the Washington Supreme Court seeks to “close the door” on this program, with no insight or comment, at a crucial time in our country’s history. Civil Legal Needs and Access to Justice surveys have repeatedly indicated a lack of quality, affordable legal services for low to middle income individuals. NFPA has been, and continues to be, committed to increasing the availability of affordable, quality legal services through the expansion of paralegal roles and responsibilities into the “non-traditional” realm. Having paralegals qualified through education and training available to provide limited legal services directly to the public would facilitate improved access to the legal system.

NFPA strongly encourages the Washington State Supreme Court to reconsider its decision. We cannot stand by and allow the significant access to justice gap to grow even larger. Now is certainly not the time to dismantle the LLLT program; rather, we extend our hand to Washington State to collaborate with the lawyers, local and state bar associations, legal aid providers and the judiciary to not only sustain the LLLT program, but to grow the volume of LLLTs and expand the program to encompass other practice areas. By working together to sustain this program, we believe LLLTs can address and assist with the unmet legal needs of the public in order to narrow the access to justice gap with affordable legal services.

In closing, the time for leadership is now. There is substantially more support for the LLLT than there is opposition, and a significant amount of time and money have been spent and resources allocated to establish this program. The LLLT program is a testament of the outstanding leadership from those who developed the LLLT, creating an innovative framework for offering limited scope legal services for the unmet needs of Washingtonians, and their example has been an inspiration to multiple states for exploring their own programs.

NFPA stands in support of continuing the fight for providing equal access to justice.

Sincerely,

NFPA - The Leader of the Paralegal Profession™



Nita Serrano, RP®, FRP, AACP

NFPA President

President@paralegals.org

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Lori J. Boris, RP®, MnCP

NFPA Vice President & Director of Positions and Issues

VPPI@paralegals.org



Brenda Cothary

NFPA Region I Director



Christine Flynn

NFPA Pro Bono Coordinator

NFPA/ABA Liaison- Standing Committee on Pro Bono & Public Service



Cynthia Bynum, MBA

NFPA Regulation Coordinator

NFPA Diversity, Inclusion & Equity Committee Member