

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.