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The Voices of Washington's Legal Community



Limited License Legal Technician Program Under the Lens

*June 1,
2020*



Updated June 8, 2020

Citing the program costs and lower-than-expected participation, a majority of the Washington Supreme Court on June 5 voted to sunset the Limited License Legal Technician (LLLT) Program and to reject requests by the LLLT Board to expand the program's practice areas and its proposed rule revisions.

"The program was an innovative attempt to increase access to legal services," Chief Justice Debra Stephens said in a letter to officials with the WSBA and LLLT Board. "However, 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 these needs, and voted to sunset the program."

The letter provides assurance to current legal technicians in good standing that they "may continue to provide services" and that those "in the pipeline" to become licensed can do so if they complete the license requirements by July 31, 2021.

One member of the court dissented from the majority vote. In a subsequent letter to WSBA and LLLT Board officials, Justice Barbara Madsen voiced concern about “the elimination of an independent legal license” that was conducted “at a single meeting, without question or comment from LLLT license holders, legal practitioners, or the public at large.”

In the coming weeks, the Supreme Court Rules Committee will meet to discuss next steps to look at revisions and amendments to all LLLT related Court rules.

[Read the June 5 letters from the Supreme Court regarding its decision to sunset the LLLT license.](#)

Original post from June 1

Eight years after it was created, the future of the Limited License Legal Technician (LLLT) program is at a crossroads and, following a May 12 meeting with members of the LLLT Board, WSBA staff, and the Budget and Audit Committee, the Washington Supreme Court has been asked take action ranging from expanding the program to sunseting it.

At the center of the decision are the past and future costs associated with keeping the program afloat. The LLLT Board has said that expanding into new practice areas will help address costs, the access-to-justice gap, and draw a larger and more diverse group of people into the career path.

Critics have said the cost of maintaining the program, and the substance of the program, has gone beyond its intended scope and react to estimates that it will take at least another decade for LLLTs to be financially self-sustaining as unreasonable.

LLLTs—often pronounced “triple el tees”—came into existence in 2012 when Washington became the first state in the country to [develop the license type](#), allowing those qualified by education, training, and work experience to practice law in a limited capacity. LLLTs were put forward as one way to help address unmet legal needs in the state where, according to the [2015 Civil Legal Needs Study](#), 30 percent of Washingtonians who’ve sought legal help can’t afford it, 76 percent of those who experienced a civil legal problem do not get the help they need to solve it, and 65 percent of those who have a civil legal issue do not pursue help at all.

The first LLLTs were licensed in 2015 and to date the WSBA has licensed 45 people, of which 39 are active. LLLTs are currently permitted to assist clients with family law matters, but the [LLLT Board has proposed expanding the allowable practice areas](#) into eviction and debt assistance and administrative law. Other [states like Utah have adopted similar license types](#), and a handful of populous states like California and Connecticut, as well as Canadian provinces, are considering the license. Earlier this year the [American Bar Association adopted a resolution](#) encouraging states to adopt innovative approaches toward developing more affordable and accessible legal assistance. Though the [attached report](#) alludes to innovative ideas in several states, it stopped short of making specific recommendations.

According to [an overview of the LLLT Board business plan](#)—which has been sent to the Supreme Court and WSBA Budget and Audit Committee—revenue generated through LLLT license fees is expected to cover direct costs by 2022, and by 2029 LLLTs are expected to cover both direct and indirect costs.

The LLLT Board has also begun efforts to coordinate with more community colleges to increase education opportunities for new LLLTs, and has requested adjustments to the licensing and testing rules in order to increase diversity of the candidate pool. (Currently, in addition to education requirements and a LLLT exam, LLLTs must spend 3,000 hours working under the supervision of a licensed attorney before qualifying to be licensed.)

Based on assumptions laid out in the business plan, the LLLT Board has said the number of LLLTs could increase to 338 by 2029.

Some have balked at such estimates as being overly optimistic. In a response to the business plan, WSBA Treasurer Dan Clark asserted that historic growth rates predict less than half the number of new LLLTs (128) than the business plan forecasts. That response further states that the roughly 10-year timeframe for the program to become cost-neutral is far too long after keeping LLLTs afloat for too long already.

In a letter to the Supreme Court, Clark contends that the program is in violation of the 2012 court order requiring it to be self-sustaining within a reasonable period. The LLLT program has accrued a \$1.4 million deficit since the first LLLT was licensed in 2015; it will require another \$1 million investment between now and the end of the decade, at which point the LLLT Board expects it will begin generating revenue.

The LLLT Board has countered that the program is the first of its kind, with no model for the amount of fiscal support and the length of time it will take to become self-sustaining. Members of the LLLT Board further contend that much of the cost is indirect due to required staff time and even so has amounted to just 1 percent of WSBA General Fund expenditures.

All of these positions were advanced before the Supreme Court at the May 12 meeting. The Court has taken under advisement a decision on how to proceed, but some justices made their initial positions known.

“I don’t think the proof of concept has worked so far. I don’t see why we should be expanding it when it doesn’t work where it is,” Justice Steven González said. “I’m very troubled by how much it has cost and how much it will cost.”

Conversely, Justice Barbara Madsen questioned whether the Board of Governors has thrown enough support behind LLLTs. “I haven’t seen any support for any [new] practice area coming from the Board of Governors or the bar,” Madsen said.

Chief Justice Debra Stephens said the Court would take the matter under advisement until its next en banc meeting, tentatively scheduled for early June. On May 13, the WSBA Budget and Audit Committee voted to adopt Treasurer Clark’s response, and to submit the LLLT business plan along with Clark’s response to the full Board of Governors for consideration at its June 26-27 meeting.

About the Author



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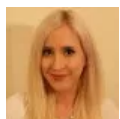
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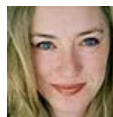
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