

Chief Justice Richard P. Guy  
Washington State Supreme Court  
Temple of Justice  
P.O. Box 40929  
Olympia, WA 98504-0929

Re: Definition of Practice of Law

Dear Chief Justice Guy:

The Washington State Access to Justice Board was appointed by the Washington Supreme Court to improve access to the civil justice system for low and moderate income people in Washington. In the 5½ years since the Access to Justice Board was created, we have worked with lawyers, judges, and citizens throughout the state to make our civil justice system work better for the public. One of the significant obstacles we have encountered is the severe shortage of available and affordable legal assistance.

It is with these concerns in mind that we comment on the proposed definition of the practice of law that has been presented to you by the Washington State Bar Association. While we are mindful of and support the important goal of protecting the public from the perils of unregulated practice, we are concerned that the proposed rule may serve to limit, rather than expand, the availability of affordable legal assistance to low and moderate income people. The rule, if adopted in the present form and without further action by the Supreme Court or the Washington State Bar Association, would frustrate access to justice for many people.

We believe the Supreme Court should consider the proposed rule in the context of determining how legal services actually have been, and perhaps more importantly, should be delivered to the public. Adoption of a rule in a vacuum may not serve the public. There are other means of protecting the public from incompetent practitioners, such as greater training and education, improved supervision, regulation, licensing, and accountability, increased public information and education, required disclosure of qualifications, or mandatory bonding or insurance requirements. While the Court may decide that the proposed definition is part of the solution, we believe these alternatives should also be explored with a unwavering focus on the paramount goal of serving the public.

We enclose the letter and accompanying materials we sent to the Washington State Bar Association committee that first proposed this rule. These materials detail the position of the Access to Justice Board.

The proposed definition of the practice of law will provide the Court and the bar with an opportunity to focus on these key issues and perhaps revitalize our collective commitment to ensuring access to justice for all. Thank you for your consideration.

Sincerely,

Judge T.W. Small  
Chair, Access to Justice Board

cc (w/ encls.):

Supreme Court Justices

Richard Eymann, President, WSBA

Jan Eric Peterson, President-Elect, WSBA

Board of Governors, WSBA

M. Janice Michels, Executive Director, WSBA