



The American Association for Paralegal and Legal Education (AAfPE), the nation's largest and oldest organization dedicated to paralegal and legal studies education, opposes the sunset of the LLLT program in Washington state. The LLLT program addressed the gap in access to justice, a great and growing problem in the US. Further, the program by design had excessive barriers to entry that a team of experts in paralegal and legal studies educators can fix. Finally, the state used inappropriate means to measure the program's success.

The gap in access to justice is a universally recognized crisis:

- Eighty-six percent of the civil legal problems faced by low-income Americans in a given year receive inadequate or no legal help ...;
- Of the estimated 1.7 million civil legal problems for which low-income Americans seek legal services corporation (LSC)-funded legal aid, 1.0 to 1.2 million (62% to 72%) receive inadequate or no legal assistance ...
- In 2017, low-income Americans will likely not get their legal needs fully met for between 907,000 and 1.2 million civil legal problems that they bring to LSC-funded legal aid programs, due to limited resources among LSC grantees. This represents the vast majority (85% to 97%) of all of the problems receiving limited or no legal assistance from LSC grantees ...<sup>1</sup>

The US Department of Justice's Office for Access to Justice has recommended "new statutory, policy, and practice changes that support development of quality indigent defense and civil legal aid delivery systems at the state and federal level; less lawyer-intensive and court-intensive solutions to legal problems; and expand[ing] research on innovative strategies to close the gap between the need for, and the availability of, quality legal assistance."<sup>2</sup>

The current global crisis magnifies the need for access to justice. Since the Washington bar announced they would sunset the LLLT programs, at least 1.5 million Washingtonians have filed for unemployment due to the pandemic. Washington state allocated \$3-million to legal aid to help with the crisis.<sup>3</sup> This kind of financial support for the LLLT program could provide a long term solution rather than a stopgap fix.

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<sup>1</sup> "Justice Gap Report | LSC - Legal Services Corporation ...." <https://www.lsc.gov/media-center/publications/2017-justice-gap-report>. Accessed 25 Jun. 2020.

<sup>2</sup> "About the Office - Department of Justice." 24 Oct. 2018, <https://www.justice.gov/archives/atj/about-office>. Accessed 25 Jun. 2020.

<sup>3</sup> "Legal aid is key to fixing pandemic-damaged lives in ...." 14 Jun. 2020, <https://www.thenewstribune.com/opinion/op-ed/article243476086.html>. Accessed 25 Jun. 2020.

Throughout the world paralegals and other nonlawyers independently administer legal services with much success. The LLLT program and others like it can build upon these models. For these programs to be successful, however, states must design and administer them right.

Including AAFPE members in the teams that design and administer these programs would bring expertise and experience to the process. AAFPE educators have been designing and administering high quality legal education that buttresses our legal system and increases access to justice at every level for over 40 years. The rigorous legal education AAFPE institutions provide ensures that legal service providers have the knowledge, skills, and abilities to serve their constituents. In concert with state bars, paralegal educators can create roadmaps rather than roadblocks to developing qualified practitioners.

In its decision to sunset the program, the Washington high court cited the costs of the program. Yet, Washington state developed the LLLT program in 2012 to provide access to justice for its citizens – many of whom couldn't afford even the most basic legal services – and to protect them from unscrupulous unlicensed providers who would take advantage of them. Cost should not be the primary measure of efficacy, then.

The most effective way to assess the cost of a program like this is by money saved and justice served, not by money spent. Programs that aim to increase access to justice may cost money, but the lack of justice costs more. The ABA notes:

The justice gap not only most affects those living in poverty but also perpetuates poverty. It also comes at great cost to government: Preventing eviction, for instance, is less expensive for governments than providing emergency housing or covering the higher costs associated with homelessness. In particular, providing attorneys for litigants in cases involving housing, health care, and domestic violence saves governments money and creates both social and economic benefits.

In New York state, every dollar spent on civil legal aid creates \$10 in benefits for the recipients of the assistance, their communities, and the state combined. Likewise, North Carolina aid providers found that each dollar the state spends on legal aid yields \$10 in economic benefits. Montana and Pennsylvania have each seen a return on investment of \$11 per dollar spent on legal aid.<sup>4</sup>

The challenge of bridging the access to justice gap is great. The dangers of failing to face this challenge, however, are greater. AAFPE is here to provide expertise in designing educational programs for nonlawyers who can rise to the challenge. AAFPE's goal is to teach paralegals and other legal professionals to serve the cause of justice. We look forward to working toward that goal together.

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<sup>4</sup> "Making Justice Equal - Center for American Progress." 8 Dec. 2016, <https://www.americanprogress.org/issues/criminal-justice/reports/2016/12/08/294479/making-justice-equal/>. Accessed 22 Jun. 2020.