

HEAD of the CLASS

A Q&A with LLLT Graduate
Priscilla Selden

by Michael Heatherly



Seven Limited License Legal Technician candidates have passed the first-ever licensing exam in Washington, the first state to establish a program in which independent legal paraprofessionals are licensed to give legal advice. We have previously published articles about the establishment of the program (for recent updates, see "The Practice of Law in Transition," July/August 2015 *NWLawyer*, and "Supreme Court Adopts Changes to Rules of Professional Conduct to Recognize Limited License Legal Technicians," June 2015 *NWLawyer*). We wanted to get the perspective of one of this new group of practitioners. Priscilla Selden of Wenatchee, one of the seven candidates to pass the exam, talks about her experiences as a pioneer in the field, which included participating in an online class session in her car and taking a course final from Costa Rica. She also discusses the present and future of the LLLT program and how it may affect the practice of law in general.



At a gathering to honor the first LLLT graduates, Priscilla Selden poses with Washington Supreme Court Chief Justice Barbara Madsen.

Michael Heatherly: What was the nature of your career in the legal field before you decided to enter the LLLT program?

Priscilla Selden: I have worked in the paralegal field in Wenatchee for 25 years, for private firms, sole practitioners, nonprofit legal aid organizations, Seattle University Law School, and the AG's office. I have worked primarily in the areas of plaintiff's personal injury and employment litigation, real estate, Indian law, bankruptcy, estate planning, and probate. I was also a CASA volunteer and served on the Practice of Law Board (POLB), created by the

Washington State Supreme Court and administered by the WSBA. I was administrator for the Washington State Paralegal Association from 1992-95. My commitment to my profession has been a mainstay of my career, which has not always been straightforward where understanding of the unique role and skills of paralegals is not familiar. I feel I succeeded in my mission, and my professional development has taken an overall upward trajectory.

LLLTXAM RESULTS

Congratulations to the seven candidates who passed the first Limited License Legal Technician exam on May 11, 2015. Of the nine candidates who sat for the exam, seven (77.8%) passed both the Professional Responsibility Exam and Domestic Relations Practice Area exam. Those candidates are:

Leisa Bulick, White Salmon
Christine Carpenter, Auburn
Michelle Cummings, Auburn
Kimberly Lancaster, Shoreline
Melodie Nicholson, Auburn
Priscilla Selden, Entiat
Angela Wright, Granite Falls

Candidates must meet additional requirements before admission, including 3,000 hours of paralegal experience. When licensed, a legal technician will be able to provide limited legal services and legal advice to clients on family law matters. More information is available at wsba.org/LLLT.

What led you to pursue LLLT education and licensure?

Having served for three years on the POLB and being a member when the rule passed in 2012, I was well-acquainted with the rule and its development. When I was laid off from a paralegal position in 2013, and the practice area classes were slated to start up, I could see that the next logical step for me professionally was this licensure. I wanted to continue to be a part of this profound change in service delivery, I wanted to experience how the rule worked in practice and I decided to follow the path as far as I could.

How did you receive your LLLT education?

LLLT candidates are required to have underlying paralegal coursework adhering to a specific curriculum. There is also a temporary option, a "limited time waiver," requiring 10 years' work as a paralegal, and current certification based on national testing — grandfathering in. I earned my Legal Assistant Certificate in Edmonds Community College's ABA-approved program in 1989. I already had a B.A. in political science from the University of Vermont, so was only required to take the core subjects to earn my certificate.

Historically, there has been confusion about the terms "legal assistant" and "paralegal," which are used interchangeably, as well as "legal secretary," because there is no regulatory scheme. There is a well-known inside joke of the "Poof. You're a paralegal" way of being granted the title by law firm partners. Courts and the ABA have, however, come up with a definition of paralegal, which includes education or training, substantive nature of the work performed — which is key — and supervision by licensed attorneys. The National Federation of Paralegal Associations, the Washington State Paralegal Association, and the ABA are good sources for up-to-date information.

My courses from Edmonds did not perfectly align with the LLLT curriculum — more of some credits, less of others. So even though I earned my certificate from their ABA-approved program, I opted for the limited time

waiver, which I was granted. It's important for those looking into the license to do their research, now that curricula are being aligned.

The "practice area classes" are the classes my cohort just completed, which are specific to this first LLLT license in family law. They were taught via livestream Internet by attorney instructors from Washington law schools, practicing attorneys, and from other disciplines. As the first class, we were test subjects using the technology. It made for some interesting and challenging moments! I live in a rural area of north central Washington where my only Internet access at home, via satellite, doesn't allow for livestreaming. I was fortunate that my local library system and my small community of Entiat provided locations for me to take the twice-weekly classes over three quarters using their high-speed Internet. Once, due to Internet connectivity problems, I had to take the class in my car!

I also had to take my third-quarter final exam while on a trip to Costa Rica

with my family. There was no flexibility scheduling the trip. Fortunately, no connectivity issues there! I would like to go back to Costa Rica one day, when I can truly relax and enjoy it.

Did you find the LLLT education fulfilling?

The Edmonds CC paralegal program is comprehensive, thorough, and suited to the practice, and gave me a great foundation I still return to. It is among the oldest and largest in Washington, and has been ABA-approved since 1976. It is widely recognized for its content and rigor.

The practice area courses we just completed were very dense, practical as well as theoretical, and well-taught. The attention to curriculum was evident, and included in-depth study of the ethical rules as well as the family law subjects. We students often had suggestions along the way, and it was gratifying when they were incorporated. We were a lively group! I didn't have much back-

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ground in family law, and, along with my volunteer work at NJP Wenatchee with their family law practitioners, I feel the classes gave me a solid base for my practice moving forward.

How was the experience of studying for the LLLT exam?

I think I over-prepared for the exam, although I can't be sure of that, as we

weren't told our scores — only pass/fail. I almost made myself sick, as it was my exclusive focus for several months. This being the first exam, we didn't know what to expect. It's probably similar to studying for a bar exam. The Board provided study materials consisting of a list of about 100 questions or topics we needed to be familiar with. It was daunting, but in the end, I'm glad I studied as hard as I did.

How did you feel when you learned you had passed the exam?

A mix of relief, exhaustion, and elation. My first words to my husband were "Thank you," and "I'm sorry." We put our families through a lot getting through this program and the exam.

What is your current work?

I work part-time with Lacy Kane, PS, a small, busy litigation firm in East Wenatchee that focuses on plaintiff's personal injury and employment law, as well as a general practice. They were my first paralegal employer in 1989. I answer discovery for them. I set my own schedule, working a lot from home and meeting with clients at the office. Answering interrogatories can be a dreaded task, but I've developed a system that works and I enjoy the client interaction.

Are you putting your LLLT education and credentials directly to use at this point?

I have satisfied all the criteria on my end for the license. Finishing touches are being put on the licensing regime, and I will be ready to go. I am in talks with a couple of local public organizations who are interested in contracting with me to provide my services to low- and moderate-income clients. With one, Chelan-Douglas County Volunteer Attorney Services, we are planning a pilot project, and a contract should be drafted shortly.

I will also be setting up my own sole practice, and I am already receiving requests for my services. Until the malpractice insurance piece is in place [LLTs are required to have professional liability insurance], which I understand the LLLT Board is working hard to finalize, I won't be able to practice unless it is under an employer's policy. So, basically I am waiting for these final pieces to fall into place. Then I'm ready to go — and am eager to get started.

What do you envision yourself doing in your career a year or two from now?

For sure, I want to have a sole practice. I have worked largely independently before, managed a client caseload, and

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had a very small sole proprietorship as administrator for the Washington State Paralegal Association, though I will establish a PLLC to practice under this license. I want the autonomy not only of running a practice, but also establishing fees. My thought is to incorporate a sliding fee schedule. Though I'm not ignorant of the challenges, I feel I have the experience to be successful in a sole practice. I'm hoping I'll be busier than I can even imagine. At this time, I am the only LLLT candidate at this stage in Eastern Washington. Soon, others will join me, and I look forward to welcoming them.

How do you feel the existence of LLLTs will affect the overall practice of law in the coming years, both for legal professionals and for clients?

The hope is, of course, that we will make a dent in the unmet need. While it's clearly not the entire solution, I do believe it is an additional important tool. Hopefully, LLLTs can reduce the bottlenecks in the courts that arise when parties who need professional assistance and advice try to handle their cases without it.

I don't think fears that LLLTs will cut into attorneys' client base in significant measure will materialize. The Civil Legal Needs Study and other indicators show that over 80 percent of family law litigants conduct their cases on their own. Many people find the cost of an attorney prohibitive. Due to the shorter, less costly education, the expectation is LLLTs can or will charge less than an attorney. While LLLTs still need to refer some issues in a family law matter to an attorney (for example, advice and documents to divide real estate of a divorcing couple), clients should experience significant savings using an LLLT. This referral process also likely will result in new work for attorneys.

What do you expect to see in the near future regarding the growth and public acceptance of LLLTs?

I do believe that in short order LLLTs will become accepted, much as nurse practitioners are in the medical field. As a result, demand and the market will grow.

Being in the first class of LLLTs to get licensed, do you feel that the pressure of making the LLLT concept work falls disproportionately on you?

Not disproportionately. But yes, all of us in this first class are well aware of the focus on us and the significance of being pioneers in this new field. I have complete confidence in my fellow classmates that we will demonstrate

by our competence and ethics the viability of this new license and its effectiveness in addressing at least some of the unmet need. **NWL**

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