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Kameron L. Kirkevold
Chair of the WSBA Elder Law Section
Hellsell Fetterman LLP
1001 Fourth Avenue, Suite 4200
Seattle, WA 98154-1154

Re: Expansion of the LLLT Program into Elder Law

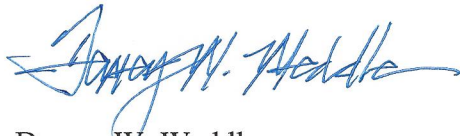
Dear Mr. Kirkevold:

I am writing to express my concerns regarding the expansion of the LLLT program into the practice of Elder Law. By way of background, I have practiced law in Skagit County since 1999 and my primary practice areas are Elder Law, Estate Planning, and Probate. I have helped petitioners establish guardianships, and I have represented AIP's in contested guardianship proceedings. I currently represent both professional and lay guardians in several cases in Skagit and Island counties, and I have also appeared in cases in Whatcom and Snohomish counties. I have been a Title 11 Guardian ad Litem for many years. In addition to drafting Wills and Trusts for my clients, I give advice regarding qualifying for Medicaid and other programs that assist elderly clients in need.

It is more than a little troubling to hear that the WSBA is considering expanding the LLLT program into the practice of Elder law. To cite just one example of the need for experienced counsel in this practice area, a lawyer helping a client with estate planning must know whether a Will or a Trust meets the client's needs. That simple question alone involves a thorough understanding and discussion of the client's finances, health, and family status, as well as Medicaid qualification and tax issues. Are there other ways to transfer title and ownership from a decedent to a survivor without a Trust or Will? What are the advantages and disadvantages of Wills versus Trusts? Is a Will containing a Testamentary Trust preferable to a Revocable Living Trust? Is it advisable to have a Revocable Living Trust rather than a Will merely to avoid probate? Should a client appoint a single Trustee or Personal Representative or is it more advisable to appoint Co-Trustees or Co-Personal Representatives? How does one preserve assets and still qualify for Medicaid? Is it advisable to give away assets if it is likely that a client or his spouse might need long-term care? Is it advisable for a married couple to have a Community Property Agreement? Does a beneficiary who would receive a distribution from an estate have a disability and receive government benefits so that it would be advisable to direct the beneficiary's distribution to a Supplemental Needs Trust? I could go on in this vein for pages and pages. The point is that there is no one-size-fits-all answer to estate planning. Yes, anyone can draft a Will (or purchase a form over the internet or from a stationery store), but it is another thing altogether to determine whether a Will or a Trust is what the client needs.

When a client receives poor estate planning advice, the consequences can be financially and emotionally devastating, not only to the client, but also to the client's family. Elderly clients present all kinds of challenges that require skills and expertise that are acquired only through years of education and experience. It cannot be in the public interest to allow non-lawyers to enter into this complex area of the law and put at risk our elderly citizens, many of whom are already vulnerable as a result of age-related cognitive and physical decline. This is not a practice area for a novice. One can only presume that those who are in favor of this ill-advised idea are also ill-informed. I hope this letter serves to give them a better understanding of the potentially disastrous consequences of allowing LLLT's to practice in this area of the law.

Sincerely,

A handwritten signature in blue ink that reads "Dewey W. Weddle". The signature is written in a cursive style with a long, sweeping underline.

Dewey W. Weddle

cc: Steve R. Crossland, Chair of the LLLT Board
Ellen Reed, LLLT Program Lead
Susan L. Carlson, Clerk of the Supreme Court