



Task Force on the Delivery of Legal Services

October 4, 2019

Report and Recommendations

REPORT AND RECOMMENDATIONS

I. Background

The American Bar Association Commission on the Future of Legal Services found that “[d]espite sustained efforts to expand the public access to legal services, significant unmet needs persist” and that “[m]ost people living in poverty, and the majority of moderate-income individuals, do not receive the legal help they need.”² In 2017, the Legal Services Corporation released a report, finding that 86% of civil legal matters reported by low-income Americans in the prior year received no or inadequate legal help.³ Relevant to the task force’s work, the Commission found that as of the last census, 63 million people met the financial qualifications for legal aid, but funding for the Legal Services Corporation is inadequate.”⁴ In fact, in some jurisdictions more than 80% of civil litigants are in poverty and unrepresented.⁵ Importantly, one study has shown that “well over 100 million Americans [are] living with civil justice problems many involving what the American Bar Association has termed ‘basic human needs,’” including

² Commission on the Future of Legal Services, *Report on the Future of Legal Services in the United States*, 11-14 (American Bar Association 2016), available at https://www.americanbar.org/content/dam/aba/images/abanews/2016FLSReport_FNL_WEB.pdf

³ Legal Services Corporation, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans* (2017), available at <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>; National Center for State Courts, *Nonlawyer Legal Assistant Roles Efficacy, Design, and Implementation*, 1 (2015) (Research on unmet civil legal needs suggest that around 80% of such need does not make it into a court. At the same time, legal aid organizations are able to satisfy less than half of those that request legal help.).

⁴ Commission on the Future of Legal Services, *supra* note 2, at p. 12.

⁵ *Id.*

matters such as housing (evictions and mortgage foreclosure), child custody proceedings, and debt collection.⁶

One reason for the current “justice gap” is that the costs of hiring lawyers has increased since the 1970s, and many individual litigants have been forced to forego using professional legal services and either represent themselves or ignore their legal problems.⁷ Professor William D. Henderson, Indiana University Maurer School of Law, has noted the alarming decline in legal representation for what he calls the “PeopleLaw sector,” observing that law firms have gradually shifted the core of their client base from individuals to entities. Indeed, while total receipts of United States law firms from 2007 to 2012 rose by \$21 billion, receipts from representing individuals declined by almost \$7 billion. Correspondingly, the percentage of revenue generated by representing individuals fell 4.8% during that time period.⁸ And according to a report issued by the National Center for State Courts, 76% of 900,000 civil cases examined from July 1, 2012 through June 30, 2013 involved at least one self-represented party.⁹

Small firm lawyers, who primarily serve the PeopleLaw sector, are struggling to earn a living, which curtails their abilities to represent people unable to pay adequate amounts for legal services.¹⁰ According to the 2017 Clio Legal Trends Report, the average small firm lawyer bills

⁶ *Id.* (quoting Rebecca L. Sandefur, What We Know and Need to Know About the Legal Needs of the Public, 67 S.C. L. Rev. 433, 466 (2016)).

⁷ William Henderson, *The Decline of the People Law Sector*, November 19, 2017, Post 037, available at <https://www.legalevolution.org/2017/11/decline-peoplelaw-sector-037/>.

⁸ *Id.* at i.

⁹ National Center for State Courts, *The Landscape of Civil Litigation in State Courts*, 31-33 (2015), available at <https://www.ncsc.org/~media/Files/PDF/Research/CivilJusticeReport-2015.ashx>.

¹⁰ See Henderson, *supra* note 7 at p. 14-15.

\$260 per hour, performs 2.3 hours billable work a day, bills 1.9 hours of that work, and collects 86% of invoiced fees.¹¹ As a result, the average small firm lawyer earns \$422 per day before paying overhead costs. These lawyers are spending roughly the same amount of time looking for legal work and running their business as they are performing legal work for clients.¹² Professor Henderson suggests that this lagging legal productivity may result in part from ethical rules that restrict ownership of law firms to lawyers because “ethics rules are the primary mechanism for regulating the market for legal services.”¹³ Also, a growing mismatch between the cost of litigation and amounts in controversy has made many cases unattractive to lawyers and clients alike.¹⁴

Courts across the nation strive to give litigants greater access to civil justice. Much of that focus, in the past decade, has been on providing clear information to self-represented litigants about court processes and procedures. But despite these efforts, the justice gap has grown between those who can afford to pay for legal services and those who cannot do so. Clearly, merely assisting litigants to navigate the justice system alone is insufficient to ensure that Arizonans have meaningful access to our courts to resolve legal issues. And although subsidized and free legal

¹¹ Clio, *2017 Legal Trends Report*, 17 (2017), <https://www.clio.com/resources/legal-trends/2017-report/>.

¹² *Id.*

¹³ Henderson, *supra* note 7, at p. 21 (citing Larry E. Ribstein, *Ethical Rules, Agency Costs, and Law Firm Structures*, 84 Va. L. Rev. 1707 (1998) (noting that “[e]thical rules are a form of professional self-regulation enforced by civil liability or professional discipline.”)).

¹⁴ National Center for State Courts, *Civil Justice Initiative: The Landscape of Civil Litigation in State Courts*, 25 (2015), available at <https://www.ncsc.org/~media/Files/PDF/Research/CivilJusticeReport-2015.ashx>.

services, including low bono and pro bono legal services, are a key part to solving this access to justice gap, they are insufficient. “U.S. lawyers would have to increase their pro bono efforts . . . to over nine hundred hours each to provide some measure of assistance to all households with civil legal needs.”¹⁵

Considering the large market for legal services left unserved by lawyers, technology-based and artificial intelligence platforms have stepped in to serve clients. Online entities assist customers to form businesses, register trademarks, and draft wills and other legal forms.

Arizona has long explored new ways of delivering legal services. Since 2003, the Arizona Supreme Court has authorized the certification of Legal Document Preparers (“LDPs”), and the State Bar of Arizona recently implemented a web-based “Find A Lawyer” program, connecting those with legal needs to lawyers willing to do the work pro bono or at an affordable cost.¹⁶ Arizona courts have also worked to expand and clarify ways in which court staff can provide legal information to self-represented parties.¹⁷ Arizona, like other states, has also recently turned to technology to help bridge the justice gap. Examples include implementing a virtual resource center through the award-winning webpage AZCourtHelp.org with legal information sheets and legal information videos, pilot online dispute resolution programs, and the design of an online program (AZPoint.org) to streamline drafting, filing, serving, and transmitting orders of protection.

¹⁵ Commission on the Future of Legal Services, *supra* note 2, at p. 14 (citing Gillian K. Hadfield, *Innovating Access: Changing the Way Courts Regulate Legal Markets*, Daedalus 5 (2014)).

¹⁶ <https://azbar.legalserviceslink.com/>

¹⁷ See, e.g., the Arizona Commission on Access to Justice’s Question and Response Handbook available in print for court employees and accessible online through AZCourtHelp.org available at <https://www.azcourthelp.org/faq>.

It is against this backdrop and Arizona's many years of efforts to advance access to justice that the task force was established and carried out its work. The task force developed 10 recommendations in relation to the six topics it was charged with analyzing. The following pages summarize those recommendations and the impetus and rationale behind them.

Recommendation 6: Develop, via a future steering committee, a tier of nonlawyer legal service providers, qualified by education, training, and examination, to provide limited legal services to clients, including representation in court and at administrative proceedings.

The task force recommends that Arizona develop a program to license nonlawyer “limited license legal practitioners,” (“LLLPs”) qualified by education, training, and examination, to provide legal advice and to advocate for clients within a limited scope of practice to be determined by future steering committees. The task force discussed at length the elements that would be required to establish an LLLP program, and we offer recommended next steps and component parts below. But the “in the weeds” details required for different areas of certification and regulation are many, and beyond the collective expertise of this task force. We therefore recommend that the Supreme Court appoint a steering committee (and perhaps subcommittees) to establish reasonable parameters for LLLPs, including (A) different areas and scopes of practice; (B) common ethical rules and discipline, (C) education, examination and licensing requirements, and (D) assessment and evaluation methods for proposed program. The task force highly recommends an early focus on family law as a subject area for LLLPs, as this is where the greatest need lies. However, the task force believes several other subject matter areas deserve serious consideration, including all limited jurisdiction civil practice matters, limited jurisdiction criminal matters that carry no prospect for incarceration, and many matters within administrative law.³⁷ Self-represented litigants encounter these practice areas every day in Arizona court with no access to legal assistance.

Members of a steering committee should include lawyers experienced in the subject area, judges who have presided over cases in the subject area, legal educators from law school and

³⁷ The task force also identified areas of the law where practice should specifically be excluded from the new tier due to their complexity and conflict with federal law. For example, federal law prohibits nonlawyers from giving legal advice in bankruptcy (*see* 11 U.S.C. § 110(e)(2)).

paralegal programs, court administrators, and public representatives. Litigants and potential litigants currently excluded from most legal services should play some role in the steering committee's process. Guiding principles should include access to justice, service to the public, economic sustainability, professional competence and accountability, and respect for our system of justice.

Arizona is not the first state to consider licensing nonlawyers to provide limited legal services. Washington and Utah have established programs to license nonlawyers to provide limited legal services, as has Ontario, Canada, all of which the task force heard from during its work. Other jurisdictions, including California, Colorado, Nevada, New Mexico, New York, and Oregon are also examining the potential for nonlawyers to provide limited legal services.

Evidence exists that licensing nonlawyers to provide limited legal services will not undermine the employment of lawyers. First, the legal needs targeted for LLLPs involve routine, relatively straight-forward, high-volume but low-paying work that lawyers rarely perform, if ever. Second, other recommendations in this report would allow lawyers to team with LLLPs to provide complementary services, thereby increasing business opportunities for lawyers. Moreover, to date no jurisdiction that allows certified nonlawyers to provide limited legal services has reported any diminution in lawyer employment. The task force acknowledges that some lawyers may prove instinctive skeptics on this issue, but the task force can find no empirical evidence that lawyers risk economic harm from certified LLLPs who provide limited legal services to clients with unmet legal needs.

The task force offers the following specific recommendations for consideration and refinement by a steering committee:

A. Areas of Practice and Scope of Practice

The steering committee should familiarize itself with the report and recommendation of the Delivery of Legal Services Task Force, consider the practice areas explored by the task force including hearing from members of the task force who were involved in the analysis of subject matter areas and educational needs, and address questions raised by the task force about areas of practice and scope of practice. Scope decisions include role definition, as well as identifying areas of law and particular tasks suitable for LLLPs to perform.

The task force recommends that the scope of the new tier — unlike the current role of LDPs — include the ability to provide legal advice and to make appearances in court on behalf of clients. The task force recommends that the steering committee consider whether LLLPs should be able to provide pre-litigation education about legal rights and responsibilities (for example, counseling tenants about how to avoid eviction and counseling debtors about avoiding debt collection litigation).

B. Oversight

The task force recommends that the steering committee develop ethical rules and regulation for LLLPs and create a disciplinary process for the unauthorized practice of law and ethical violations. In general, the task force recommends that such rules be approved by the Supreme Court in the same manner that the Court governs rules for attorneys. The task force further recommends that disciplinary matters for LLLPs be overseen by the State Bar of Arizona in the same manner that the State Bar governs attorney discipline.

Oversight is a critical aspect of the program. Making regulatory requirements that are too onerous will make the new tier unattractive and cost-prohibitive to both participants and users.³⁸

³⁸ The stifling effect of over-regulation on expansion of a new tier of service was one caution shared by the State of Washington.

At the same time, the market cannot be the only regulatory control. The steering committee should identify a balance between existing regulatory processes and the scope of practice LLPs will be engaged in.

C. Education, Examination and Licensing

The steering committee should develop rules, regulations, and administration processes for application and examination to certify LLPs. The task force recommends, based on requirements for lawyers and other legal paraprofessionals in Arizona, that the steering committee consider regulations in the following areas:

- application and licensing;
- examination; and
- development of curriculum to meet the requirements for obtaining a license.

Questions the task force did not have time or expertise to resolve include whether a minimum number of academic credits in legal ethics be required; whether only ABA-accredited legal training program be accepted; and whether equivalent credentials from other states or nations might satisfy the education requirements in whole or in part. The task force considered whether training should require an experiential learning component. If so, the task force recommends that any experiential learning requirement be integrated into a broader academic program, as opposed to a separate stand-alone endeavor. This recommendation comes after considering the barrier that high experiential learning requirements have posed to the existing Washington State Limited License Legal Technician program, and after considering what other states have shared with the task force about barriers that experiential learning requirements can pose for people in rural areas who apply for certification. Finally, the task force recommends that the steering committee might explore a separate path to certification for existing LDPs and paralegals, who may have had a head start on education and on-the-job experience.

D. Assessment and Evaluation of the Program

The task force recommends that the steering committee develop methods for measuring the appropriateness, effectiveness and sustainability of the LLLP program. Program goals should be to increase access to justice and to protect consumers of legal services. Appropriateness might require that the authorized tasks for LLLPs directly impact access to the courts and unmet legal needs. Appropriateness might also include whether the education requirements and regulations enable LLLPs to perform tasks competently.

Effectiveness might be measured by competence and usage. If self-represented litigants do not engage the services of LLLPs, of course the program fails. But other measures of effectiveness might include reduced burden on courts from self-represented litigants, improvements in procedural justice, improvements in litigant understanding, and improved litigant outcomes such as reduced costs for limited legal services and increased satisfaction ultimate legal outcomes.

Finally, the program should be assessed for sustainability, which would include economic viability for the public, for the court system, and for LLLPs.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 7: Administrative Office of the Courts
Chapter 2: Certification and Licensing Programs
Section 7-210: Legal Paraprofessional

A. Definitions. In addition to the definitions in ACJA § 7-201(A), the following definitions apply to this section:

“Advocacy” means course content or practical experience that demonstrates and develops skills that are associated with conducting court hearings and trials, administrative hearings, mediation and arbitration, and settlement and plea negotiation.

“Board” means the Board of Nonlawyer Legal Service Providers.

“Civil procedures course” means at least 3 credits from a course dedicated to civil procedure and the remaining required credits can be obtained through a course or courses that cover an area of civil law, such as administrative law, if the course includes procedural law content.

“Experiential learning” means learning through a format such as an internship, externship or clinical experience during which students develop knowledge, skills, and values from direct experiences outside a traditional academic setting.

“Legal Paraprofessional” (“LP”) means an individual licensed pursuant to this section to provide legal services without the supervision of an attorney in the areas of law and within the scope of practice defined herein.

“Legal specialization course” means a course that covers substantive law or legal procedures and that was developed specifically for, and that teaches practical skills needed by, paralegals or legal paraprofessionals. For clarity, courses in general “business law” designed for undergraduate or graduate business curriculums and law-related courses that focus solely on theory do not qualify as a legal specialization course.

“Substantive law-related experience” means the provision of legal services as a paralegal or paralegal student including, but not limited to, drafting pleadings, legal documents or correspondence, completing forms, preparing reports or charts, legal research, and interviewing clients or witnesses in the area(s) or practice the applicant seeks to be licensed. Substantive law-related experience does not include routine clerical or administrative duties

C. Purpose. The supreme court has inherent regulatory power over all persons providing legal services to the public, regardless of whether they are lawyers or nonlawyers. Accordingly, this section is intended to result in the effective administration of the legal paraprofessional licensing program.

E. Licensure. In addition to the requirements of ACJA § 7-201(E)(1) through (5), the following requirements apply:

1. Necessity. A person shall not represent that the person is a legal paraprofessional, or is authorized to provide legal services, without holding a valid license pursuant to this section.
2. Eligibility for Applying for a License.
 - a. All potential applicants for a license, in addition to meeting the requirements set forth in subsection (E)(3), shall meet the examination requirements of this subsection.
 - (1) Potential applicants for a license shall successfully pass the examination prior to submitting an application for licensure.
 - (2) Upon a potential applicant passing the examination, division staff shall forward notice to the potential applicant of the potential applicant's fulfillment of the examination requirement and provide the potential applicant with a license application form which shall include forms necessary for a review of qualification based on character and fitness.
 - b. Administration of the Examination. In addition to the requirements of ACJA § 7-201(E):
 - (1) The examinations for a license shall consist of:
 - (a) a test on legal terminology, substantive law, client communication, data gathering, document preparation, the ethical code for LPs, and professional and administrative responsibilities pertaining to the provision of legal services, as identified through a job analysis conducted at the direction of the board; and
 - (b) a substantive law test on each of the areas of practice described in subsection (F)(2) in which the applicant seeks to be licensed. The examinations shall be administered in a board-approved format and delivery method.
 - (2) Administration of reexaminations. These requirements are contained in ACJA § 7-201(E)(1)(f)(2).

3. Licensing.

- a. Fingerprinting. Pursuant to ACJA § 7-201(E)(1)(d), an applicant shall furnish fingerprints for a criminal background investigation.
- b. Eligibility for License; Education. The board shall grant a license to an applicant who possesses the following qualifications:
 - (1) A citizen or legal resident of the United States;
 - (2) At least twenty-one years of age;
 - (3) Not have been denied admission to the practice of law in Arizona or any other jurisdiction;
 - (4) An applicant disbarred or suspended from the practice of law in Arizona or any other jurisdiction may only be granted a license if approved by the supreme court;
 - (5) Of good moral character;
 - (6) Complies with the laws, court rules, and orders adopted by the supreme court governing legal paraprofessionals in this state;
 - (7) The applicant has successfully passed the legal paraprofessional examination for each area of practice in which they seek licensure;
 - (8) The applicant has been deemed qualified by the board based on character and fitness; and
 - (9) The applicant shall also possess one of the following combinations of education:
 - (a) An associate-level degree in paralegal studies or an associate-level degree in any subject plus a certificate in paralegal studies approved by the American Bar Association or is offered by an institution that is accredited by an institutional accrediting agency recognized by the U.S. Department of Education or the Council for Higher Education Accreditation (CHEA) and that requires successful completion of a minimum of 24 semester units, or the clock hour equivalent, in legal specialization courses which shall include a minimum of:
 - (i) For the family law and civil practice endorsement: 3 credit hours in family law and 6 credit hours in civil procedures, 3 credit hours in evidence, 3

credit hours of legal research and writing, and a minimum of 120 hours of experiential learning under the supervision of a lawyer that includes content on advocacy;

- (ii) For the criminal law endorsement: 3 credit hours in criminal law, 3 credit hours in evidence, 3 credit hours of legal research and writing, and a minimum of 120 hours of experiential learning under the supervision of a lawyer that includes content on advocacy;
- (iii) For the administrative law endorsement: 3 credit hours in administrative law, 3 credit hours in evidence, 3 credit hours of legal research and writing, and a minimum of 120 hours of experiential learning under the supervision of a lawyer that includes content on advocacy;
- (iv) For all endorsements, a minimum of 3 credit hours in professional responsibility.

All applicants meeting the education requirements of (9)(a) must also have one (1) year of substantive law-related experience under the supervision of a lawyer in the area of practice of each endorsement sought.

- (b) Four-year bachelor's degree in law from an accredited college or university and approved by the court that included the following coursework:
 - (i) For the family law and civil practice endorsement: 3 credit hours in family law and 6 credit hours in civil procedures, 3 credit hours in evidence, 3 credit hours of legal research and writing, and a minimum of 120 hours of experiential learning that includes content on advocacy;
 - (ii) For the criminal law endorsement: 3 credit hours in criminal law, 3 credit hours in evidence, 3 credit hours of legal research and writing, and a minimum of 120 hours of experiential learning that includes content on advocacy;
 - (iii) For the administrative law endorsement: 3 credit hours in administrative law, 3 credit hours in evidence, 3 credit hours of legal research and writing, and a minimum of 120 hours of experiential learning that includes content on advocacy;
 - (iv) For all endorsements, a minimum of 3 credit hours in professional responsibility.
- (c) Completed a certification program for legal paraprofessionals approved by the Arizona Judicial Council. Certification programs may be for credit or non-credit but must be offered through an educational institution that is at least regionally accredited. Certification programs must provide the subject matter courses that meet the credit hours or equivalent clock hours in the subject matter areas required for each subject matter area endorsement.
- (d) A Master of Legal Studies (MLS) from an American Bar Association accredited law school that included the following coursework:
 - (i) For the family law and civil practice endorsement: 3 credit hours in family law and 6 credit hours in civil procedures, 3 credit hours in evidence, 3 credit hours of legal research and writing, and a minimum of 120 hours of experiential learning that includes content on advocacy;
 - (ii) For the criminal law endorsement: 3 credit hours in criminal law, 3 credit hours in evidence, 3 credit hours of legal research and writing, and a

- minimum of 120 hours of experiential learning that includes content on advocacy;
 - (iii) For the administrative law endorsement: 3 credit hours in administrative law, 3 credit hours in evidence, 3 credit hours of legal research and writing, and a minimum of 120 hours of experiential learning that includes content on advocacy;
 - (iv) For all endorsements, a minimum of 3 credit hours in professional responsibility.
 - (e) A Juris Doctor from a law school accredited by the American Bar Association.
 - (f) Foreign-trained lawyers with a Master of Laws (LLM) from an American Bar Association accredited law school that included the following coursework:
 - (i) For the family law and civil practice endorsement: 3 credit hours in family law and 6 credit hours in civil procedures, 3 credit hours in evidence, 3 credit hours of legal research and writing, and a minimum of 120 hours of experiential learning that includes content on advocacy;
 - (ii) For the criminal law endorsement: 3 credit hours in criminal law, 3 credit hours in evidence, 3 credit hours of legal research and writing, and a minimum of 120 hours of experiential learning that includes content on advocacy;
 - (iii) For the administrative law endorsement: 3 credit hours in administrative law, 3 credit hours in evidence, 3 credit hours of legal research and writing, and a minimum of 120 hours of experiential learning that includes content on advocacy;
 - (iv) For all endorsements, a minimum of 3 credit hours in professional responsibility.
- c. Eligibility for License; Experience. The board shall grant a license to an applicant who does not meet the requirements of (b)(9) of this section, but who possesses the following qualifications:
 - (1) A citizen or legal resident of the United States;
 - (2) At least twenty-one years of age;
 - (3) Not have been denied admission to the practice of law in Arizona or any other jurisdiction;
 - (4) An applicant disbarred or suspended from the practice of law in Arizona or any other jurisdiction may only be granted a license if approved by the Supreme Court;
 - (5) Of good moral character;
 - (6) Complies with the laws, court rules, and orders adopted by the supreme court governing legal paraprofessionals in this state;
 - (7) The applicant has successfully passed the legal paraprofessional examination pursuant to (E)(2)(b) herein;
 - (8) The applicant has been deemed qualified by the board based on character and fitness; and
 - (9) Has completed 7 years of full-time substantive law-related experience within the 10 years preceding the application, including experience in the practice area in which the applicant seeks licensure as follows:

- (a) For licensure in family law, limited jurisdiction civil, and limited jurisdiction criminal, 2 years of substantive law-related experience in each area in which the applicant seeks licensure.
 - (b) For landlord-tenant, debt collection, and administrative law, 2 years of substantive law-related experience in each area in which the applicant seeks licensure.
- (10) Proof of substantive law-related experience will be certified by supervising attorney, meeting the following requirements:
- (a) The name and Bar number of the supervising lawyer(s);
 - (b) Certification by the lawyer that the work experience meets the definition of substantive law-related experience in the practice area in which the applicant will be licensed as defined in (A); and
 - (c) The dates of the applicant's employment by or service with the lawyer(s) or licensed paralegal practitioner(s).
- d. Professionalism Course. Within one year after being licensed, a newly licensed LP shall complete the state bar course on professionalism. A newly licensed LP who fails to comply with the requirements of this paragraph shall be summarily suspended upon motion of the state bar pursuant to Rule 62, provided that a notice of non-compliance shall have been sent to the LP, mailed to the LP's last address of record at least thirty days prior to such suspension, but may be reinstated in accordance with the rules of reinstatement herein.

F. Role and Responsibilities of Licensees.

1. Authorized Services. Upon successful completion of a substantive law exam described in subsection (E)(2)(b) for one or more of the areas of practice described in subsection (F)(2) and the board's endorsement on the legal paraprofessional's license, a legal paraprofessional is authorized to render legal services within the scope of practice defined in subsection (F)(2), without the supervision of an attorney, including:
 - a. Prepare and sign legal documents;
 - b. Provide specific advice, opinions, or recommendations about possible legal rights, remedies, defenses, options, or strategies;
 - c. Draft and file documents, including initiating and responding to actions, related motions, discovery, interim and final orders, and modification of orders, and arrange for service of legal documents;
 - d. Appear before a court or tribunal on behalf of a party, including mediation, arbitration, and settlement conferences where not prohibited by the rules and procedures of the forum; and
 - e. Negotiate legal rights or responsibilities for a specific person or entity.

2. Areas of Practice; Scope of Practice.

- a. Family Law. Legal paraprofessionals may render authorized services in domestic relations, except they may not represent any party in a matter that involves the following unless the legal paraprofessional has met additional qualifications as established by the supreme court.

- (1) Preparation of a Qualified Domestic Relations Order (QDRO) and supplemental orders dividing retirement assets;
- (2) Division or conveyance of formal business entities or commercial property; or
- (3) An appeal to the court of appeals or supreme court.

- b. Limited Jurisdiction Civil. Legal paraprofessionals may engage in authorized services in any civil matter that may be or is before a municipal or justice court of this state.

- c. Limited Jurisdiction Criminal. Legal paraprofessionals may render authorized services in criminal misdemeanor matters before a municipal or justice court of this state where, upon conviction, a penalty of incarceration is not at issue, whether by law or by agreement of the prosecuting authority and trial court.

- d. Administrative Law. Legal paraprofessionals may engage in authorized services before any Arizona administrative agency that allows it. Legal paraprofessionals are not authorized to represent any party in an appeal of the administrative agency's decision to a superior court, the court of appeals, or the supreme court, except that the legal paraprofessional may file an application or notice of appeal. LPs are not authorized to represent any lawyer or LP before the court, presiding disciplinary judge, or hearing panel.

3. Code of Conduct. Each legal paraprofessional shall adhere to the code of conduct in subsection J.

4. Identification. A legal paraprofessional shall include the practitioner's name, the title "Arizona Legal Paraprofessional" or the abbreviation "LP" and the legal paraprofessional's license number on all documents prepared by the legal paraprofessional, unless expressly prohibited by a non-judicial agency or entity. The legal paraprofessional shall also provide the practitioner's name, title and license number to any person upon request.

5. Notification of Discipline. A license holder who has been disbarred from the practice of law in any state since original licensure as a legal paraprofessional shall provide the information regarding the disbarment to the board within 30 days of service of the notice of the disbarment.

6. Notification of Denial of Admission. A license holder who has been denied admission to the practice of law or suspended or disbarred from the practice of law in any jurisdiction since original licensure as a legal paraprofessional shall provide the information regarding the denial to the board and state bar within 30 days of service of the notice of the denial.

Report and Recommendations of the Working Group on Regulatory Innovation



**Produced by the Regulatory Innovation Working Group of the
Commission to Reimagine the Future of New York's Courts**

December 2020

***COMMISSION TO REIMAGINE THE FUTURE OF
NEW YORK'S COURTS***

**REPORT AND RECOMMENDATIONS OF THE
WORKING GROUP ON REGULATORY INNOVATION**

December 3, 2020

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Summary of Recommendations

The charge given to the Working Group on Regulatory Innovation was to “explore regulatory and structural innovations to more effectively adjudicate cases and improve the accessibility, affordability and quality of services for all New Yorkers.” After study and interviews with many experts in the area of regulatory innovation, the Working Group makes the following recommendations that it believes have the potential to increase access to justice and improve the delivery of legal services in New York State:

1. The provision of certain “legal” services and advocacy by trained and certified social workers should be permitted;
2. The Court Navigators program should be expanded both in scope and substance;¹ and
3. Alternate Business Structures (“ABS”) for law firms should not be permitted in New York at the present time, but current experiments under way in Arizona, Utah, and California should be followed carefully and, if they are successful, the creation of an ABS model or models in New York State with the use of a “sandbox” should be reconsidered.

We explain each of these recommendations further below.

Background

In its groundbreaking 2016 report, *Report on the Future of Legal Services in the United States*, the American Bar Association’s (“ABA”) Commission on the Future of Legal Services in

¹ We also considered, but ultimately decided not to pursue for a variety of reasons, trying to resurrect and reimagine the Court Advocates proposal. Our recommendation with respect to social workers, if accepted, may serve as a potential forerunner of other possibilities for using non-lawyers to close the access-to-justice and delivery-of-legal-services gaps.

the United States found that “despite sustained efforts to expand the public’s access to legal services, significant unmet needs persist,” that “funding of legal aid providers remains insufficient and will continue to be inadequate in the future,” and that “pro bono alone cannot provide the poor with adequate legal services to address their unmet legal needs.”

There are at least two aspects of the problem that the ABA identified: inadequate legal services and inadequate access to justice. In a 2014 report, the ABA found that only sixteen percent of individuals who have a legal need even considered consulting a lawyer and in New York State, then Chief Judge Jonathan Lippman was told in 2010 that “each year, more than 2.3 million New Yorkers try to navigate the State’s complex civil justice system without a lawyer . . . 99 percent of tenants are unrepresented in eviction cases in New York City . . . 99 percent of borrowers are unrepresented in hundreds of thousands of consumer credit cases . . . 97 percent of parents are unrepresented in child support matters in New York City and 95 percent are unrepresented in the rest of the State . . . ”.²

The ABA Commission’s primary suggested solution was innovation: “Courts should consider regulatory innovations in the area of legal services delivery” and “the legal profession should partner with other disciplines and the public for insights about innovating the delivery of legal services.” Unfortunately, that is easy to state but hard to implement.

For decades, legal scholars such as Professors Deborah Rhode, William Henderson and Gillian Hadfield have argued that the legal profession has failed “to put aside self-interest and live up to its obligation to promote access to the justice system and the interests of consumers of legal

² 2010 Report to the Chief Judge of the State of New York, *Permanent Commission on Access to Justice*, November 2010, p. 1.

services, particularly personal (as opposed to business) legal services.”³ In its Resolution 115, passed on February 17, 2020, the ABA’s House of Delegates “encourages U.S. jurisdictions to consider regulatory innovations that have the potential to improve the accessibility, affordability, and quality of civil legal services . . .”⁴

The situation in New York is serious. In its Annual Report for 2019, the New York State Permanent Commission on Access to Justice concluded that notwithstanding a number of significant reforms, including phased-in state funding for civil legal services of \$100 million annually and Legal Hand’s five neighborhood storefront centers that serve about 25,000 individuals annually by having trained community non-lawyer volunteers provide free legal information, assistance and referrals, “the gap between the number of people who need legal services and the resources available to meet that need (the justice gap) remains significant.”⁵ The purpose of our Working Group was to explore ways to bridge that gap through innovation.

Methodology

In addition to reviewing a selection from the literature available on this general subject, members of the Working Group interviewed a number of experts, who we would like to thank for their very helpful contributions to our work:

³ G. Hadfield, Legal Barriers to Innovation: The Growing Economic Cost of Professional Control over Corporate Legal Markets, 60 Stan. L. Rev. 101 (2008); *see also* D. Rhode, Policing the Professional Monopoly: A Constitutional and Empirical Analysis of Unauthorized Practice Prohibitions, 34 Stan. L. Rev. 1 (1981); W. Henderson, Legal Market Landscape Report, Commissioned by the State Bar of California, July 2018.

⁴ There was an important caveat to that Resolution, however: “[N]othing in this Resolution should be construed as recommending any changes to any of the ABA Model Rules of Professional Conduct, including Rule 5.4, as they relate to nonlawyer ownership of law firms, the unauthorized practice of law, or any other subject.”

⁵ 2019 Report to the Chief Judge of the State of New York, *Permanent Commission on Access to Justice* November 2019, p. 2.

- Hon. Scott Bales, former Chief Justice of the Arizona Supreme Court;
- Professor Rebecca Sandefur, a sociologist who founded the American Bar Foundation's access to justice research initiative and who is a Professor in the School of Social and Family Dynamics at Arizona State University;⁶
- Professor Alan Morrison, Associate Dean for Public Interest and Public Service Law, founder of the Public Citizen Litigation Group and an expert on unauthorized practice of law;⁷
- David Udell and Chris Albin-Lackey from the National Center for Access to Justice at Fordham Law School;⁸
- Professor John Sexton, former President of New York University and former Dean, New York University School of Law;⁹
- Zach DeMeola, Director of Legal Education and the Legal Profession, Institute for the Advancement of the American Legal System ("IAALS") and Director of the IAALS Virtual Convening on Regulatory Innovation;
- Brittany Kaufmann, Director of the IAALS Unmet Legal Needs ("Justice Needs") Survey;

⁶ See, e.g., R. Sandefur et al, Roles Beyond Lawyers: Summary, Recommendations and Research Report of an Evaluation of the New York City Court Navigators Program and its Three Pilot Projects, American Bar Foundation/National Center for State Courts, December 2016, reprinted in 122 Dickinson L. Rev. 825 (2018).

⁷ See, e.g., A. Morrison, Defining the Unauthorized Practice of Law: Some New Ways of Looking at an Old Question, 4 Nova L.J. 363 (1980).

⁸ See, e.g., R. Zorza & D. Udell, New Roles for Non-Lawyers to Increase Access to Justice, 41 Fordham Urban Law Journal 1259 (2016).

⁹ See, e.g., J. Sexton, "Out of the Box" Thinking about the Training of Lawyers in the Next Millennium, Address delivered at the Churchill Auditorium, Queen Elizabeth II Conference Center, London, July 18, 2000.

- Rochelle Klempner, Counsel, NYS Judicial Institute on Professionalism in the Law and Counsel, NYS Permanent Commission on Access to Justice and an expert on unbundled legal services;
- David Byers, Administrative Director, Arizona Court System and Member of the 2019 Arizona Task Force on the Delivery of Legal Services, who is now leading the effort to implement the Arizona Alternate Business Structure and Legal Paraprofessionals program;
- Judge Constandinos “Deno” Himonas of the Utah Supreme Court, who led the efforts in Utah to create the Licensed Paralegal Professionals program;
- Andrew Arruda, Member and Co-Chair, State Bar of California Access Through Innovation of Legal Services Task Force;
- Debra McPhee, PhD, Dean, Fordham University Graduate School of Social Service;
- Nancy Wackstein MSW, Director of Community Engagement and Partnerships, Fordham University School of Social Work;
- Judge Anthony Cannataro, Administrative Judge, Civil Court of the City of New York, Justice of the New York Supreme Court and a member of this Commission;
- Jennifer Vallone, Associate Executive Director, Adults, Arts and Advocacy, University Settlement; and
- Melissa Aase, Executive Director, University Settlement.

RECOMMENDATION ONE

Trained and Certified Social Workers Should be Permitted to Provide Limited Legal Services and Advocacy.

The provision of certain legal services and advocacy by non-lawyers¹⁰ is an idea whose time has come. For many years, law students working in clinics and elsewhere have been permitted to give legal advice and to make arguments in court under the supervision of law professors or other lawyers. In fact, there is a fairly long history of non-lawyers providing legal services in the United States.¹¹ For example:

- New York’s Housing Court Answers staffs desks within Housing Court with non-lawyers who provide information about the Court’s proceedings;
- Under the Resolution Assistance Program (“RAP”), discussed further below, law students and undergraduates assisted tenants in non-payment proceedings;

¹⁰ The use of the phrase “non-lawyer” to describe anyone who has not been admitted to a bar has come under significant criticism. Professor Alan Morrison has noted that with respect to no other profession is such a description used. A. Morrison, Defining the Unauthorized Practice of Law: Some New Ways of Looking at an Old Question, 4. Nova L. J. 363 (1980). For example, we do not refer to nurses as “non-doctors” or electricians as “non-plumbers.” Ralph Baxter has written that the use of the phrase “impedes the ability of our profession to make the changes we need to make” and he proposes that the better phrase would be “legal service professionals.” R. Baxter, Stop Calling Legal Service Professionals “Non-Lawyers”, Legal Executive Institute May 19, 2015, <https://www.legalexecutiveinstitute.com/stop-calling-legal-service-professionals-non-lawyers/>. Out of custom we will continue to use the phrase “non-lawyers” in this Report with a full understanding of the difficulties that the phrase creates.

¹¹ As early as 1786, Benjamin J. Austin, a Massachusetts citizen who disguised himself as “Honestus,” attacked the legal profession as an “elite legal order” and recommended replacing it with a system that permitted lay advocates. Recalling that the Massachusetts Constitution recognized the right of self-representation in court, Austin went further and proposed that “every man has the privilege of being represented by his own counsel.” The “counsel” did not have to be a skilled orator, own legal treatises or possess certain educational qualifications. It was sufficient that the “counsel” would swear that he would not be “biassed [sic] to mislead the Court or Jury.” See K. Jeon, “This ‘order’ must be ANNIHILATED”: How Benjamin Austin’s Call to Abolish Lawyers Shaped Early Understandings of Access to Justice, 1786-1819, Senior Thesis, Yale History Department, August 6, 2020. Of relevance here, Ms. Jeon was a participant in the Court Navigator program in the New York State Office for Justice Initiatives program in the summer of 2018 and was supervised by our colleague, Judge Edwina G. Mendelson.

- Non-lawyers can become Guardians Ad Litem for mentally or physically impaired litigants facing eviction;
- Debtors in New York have received free legal information and limited legal assistance from law students through the Civil Legal Advice and Resource Office (“CLARO”);
- Non-lawyers have served as special advocates in Family Court for abused, neglected or at-risk children through the Court Appointed Special Advocates program (“CASA”);
- In certain tribal courts, non-lawyer lay counselors may represent clients in both civil and criminal proceedings;¹²
- The U.S. Social Security Administration allows non-lawyers to represent claimants seeking disability insurance benefits;
- In immigration cases, non-lawyers who are “accredited representatives” of a “recognized” nonprofit organization may participate in Immigration Court proceedings to the same extent as lawyers;
- New York State’s Unemployment Appeals Board allows non-lawyers to serve as “registered representatives” of claimants seeking unemployment benefits; and
- New York State’s Workers’ Compensation Board authorizes non-lawyers to practice before the Board, subject to a licensing requirement.¹³

¹² See, e.g., Law and Order Code of the Ute Indian Tribe of the Uintah and Ouray Reservation, <http://www.narf.org/nill/Codes/uteuocode/utebodytt1.htm>.

¹³ See generally, NY City Bar, Narrowing the “Justice Gap: Roles for Nonlawyer Practitioners, June 2013, pp. 12-20.

In addition, Washington State, Utah, Arizona and Minnesota have created Limited License Legal Technicians (“LLLTs”), Legal Paraprofessionals (“LPs”) and Licensed Paralegal Professionals (“LPPs”) positions that, when fully implemented, will permit trained and certified non-lawyers to offer legal services and to make appearances in certain courts.¹⁴ While the details are still being worked out for three of those programs (the Washington program is in the process of closing), they will be implemented within the next two years. These programs are described further in Appendix B. We understand that several other states are also considering similar programs.

Arguments for such programs have been robust and are driven in part by uncertainty as to what is or is not the unauthorized practice of law. State legislative or administrative definitions leave much to be desired. The most that can be said of most definitions is that the practice of law is what lawyers typically do and the unauthorized practice of law is what non-lawyers should not do. Former ABA President Chesterfield Smith once said that “the practice of law is anything my client will pay me to do.”¹⁵

In an address to the United Kingdom-United States Legal Exchange sponsored by the American College of Trial Lawyers in September 2015, Justice (then Judge) Neil Gorsuch said “it seems well past time to consider our sweeping UPL [“unauthorized practice of law”] prohibitions. The fact is non-lawyers already perform—and have long performed—many kinds of work

¹⁴ For example, the Minnesota Supreme Court issued an order on September 29, 2020, approving a pilot project that will allow LPs to provide legal service in landlord-tenant disputes and family law. The rule becomes effective on March 1, 2021, and will continue until March 31, 2023. There was considerable adverse public comment but the Court responded that “we conclude that the point of a pilot project is to test the assumptions that underlie our decision . . .”. L. Moran, Minnesota will launch legal paraprofessional pilot project, ABA Journal, Oct. 1, 2020.

¹⁵ A. Morrison, *supra* note 7, p. 365.

traditionally and simultaneously [performed] by lawyers.” He added that “exactly what constitutes the practice of law . . . turns out to be a pretty vexing question.”¹⁶

The ABA’s 2016 *Report on the Future of Legal Services in the United States* recommended that courts should examine the possibility of permitting “judicially authorized and regulated legal service providers” who were not lawyers such as Courthouse Navigators in New York (who do not actually provide legal services), LLLTs in Washington State and Document Preparers in Arizona. Similarly, in 2014, Professors Rhode and Lucy Ricca argued that the practice of law should be opened to qualified and licensed providers who were not lawyers. “[T]hat would surely be preferable to the current system, where, in contexts such as domestic relations or family law, the majority of cases involve at least one party who lacks representation by a trained professional.”¹⁷ When Professor Rhode spoke to our full Commission, she told us that she believed that there was no real likelihood of harm from the unauthorized practice of law and she said that studies in the UK had confirmed that non-lawyers trained in specific legal areas often outperformed lawyers when giving legal advice.

On August 27, 2020, the Arizona Supreme Court issued an order that, among other things, created the Licensed Paraprofessional (“LP”), a position that would be occupied by non-lawyers who would be permitted to offer certain types of legal services, to make appearances in court and to represent in court defendants who are charged with misdemeanors that do not carry the possibility of incarceration.¹⁸ The LPs would be qualified by education, training and examination

¹⁶ His address was reprinted in *Judicature*, Vol. 100, No. 3, Autumn 2016, p. 47.

¹⁷ D. Rhode & L. Ricca, Protecting the Profession or the Public? Rethinking Unauthorized Practice Enforcement, 82 Fordham L. Rev. 2587 (2014). Professor Rhode made a presentation to the full Commission on September 24, 2020.

¹⁸ For many years, Arizona has certified non-lawyers to become Legal Document Preparers.

to provide legal services within a limited scope of practice that is yet to be fully defined, but would include legal services offered by social workers to their clients. Arizona is in the process of developing ethical rules and regulation for the LPs. It is contemplated that the work of the LPs will typically “involve routine, relatively straight-forward, high volume but low paying work that lawyers rarely perform, if ever.”¹⁹

In 2015, a Task Force created by the Utah Supreme Court recommended the creation of licensed paralegal professionals who would be officers of the court and would be permitted to practice law. The program would be administered by the Utah State Bar. The Utah task force has written that “subject to proper regulatory oversight, [LPPs] will bring innovation to the legal services industry in ways that are not even imaginable today. Critically, we believe that allowing for that innovation will be the solution to the access-to-justice problem that plagues our country.” The Utah LPPs may practice law with respect to specific family law matters, forcible entry and detainer, and debt collection matters in which the dollar amount at issue does not exceed the statutory limit for small claims cases. They may represent natural persons, interview clients, advocate for a client in a mediated negotiation, complete a settlement agreement and explain a court order to a client. However, they may not appear in court and may not charge contingency fees.²⁰

¹⁹ Arizona Task Force Report, *supra*, p. 40.

²⁰ Applicants must have either a law degree from an accredited law school, an associate’s degree in paralegal studies, a bachelor’s degree in paralegal studies, or a bachelor’s degree in any subject plus a paralegal certificate or 15 hours of paralegal studies. In addition, they must have 1500 hours of substantive law-related experience, take course in ethics and the substantive areas in which they will practice, must pass a professional ethics exam, pass a LPP examination and have at least one relevant paralegal or legal assistant certification.

In May 2020, the California State Bar Board of Trustees voted to keep alive the possibility of access to justice reforms, despite substantial opposition, by creating a regulatory “sandbox” that will test proposals to allow lawyers to partner with non-lawyers in offering legal services through innovative structures, such as online legal platforms offering services to the public and allowing big box retailers to offer flat fee legal services for consumers through a technology platform in their stores.²¹

After having thoroughly studied these programs, our recommendation for bridging the access-to-justice and delivery-of-legal-services gaps is more limited. We propose that the New York legislature or, if possible, the Office of Court Administration (“OCA”), create a program in which social workers would be trained and certified (or licensed) by the State to provide limited legal services to their social work clients including, in limited circumstances, appearing in court on their behalf. Some—perhaps all—of those services might not constitute the unauthorized practice of law under current definitions, in which case no authorization would be required. Even in that case, however, an acknowledgement of that fact from OCA might be in order.²² There has long been a close relationship between social workers and lawyers in New York State and elsewhere. Often their clients are the same and the problems those clients present often reflect a variety of related legal and social issues. For example, Paula Galowitz, a Clinical Professor of Law at NYU Law School, has written about an experience she had in a clinic when a client was referred to the clinic because he had a housing problem. However, it turned out that the client’s issues were

²¹ Memorandum from J. Mendoza to California ATILS Task Force, Regulatory Sandbox Recommendation, January 31, 2020.

²² The New York State Education Department (“NYSED”) currently oversees social work licensing. If certification is required for social workers who would be authorized to render “true” legal advice, certification could come either from the OCA, the NYSED or perhaps both.

not limited to the housing problem. The client was about to lose his telephone service because of unpaid bills and his food stamps because of his immigration status. The client also needed mental health services. She wrote:

The clinic's experience in that case forced me to rethink the role of lawyers and their need to collaborate with mental health professionals in some cases. As a social worker and a lawyer, I have given a great deal of thought to the relative similarities and differences between the two professions and the ways in which they intersect.²³

She urged recognition of “the value of and a need for collaboration for lawyers and social workers, particularly in the legal services context.” Of course, in the case she described, the students in the clinic were law students, not social workers, but the point remains the same.

Similarly, Thea Zajac, a social worker, has written that as resources for underserved populations become scarcer and the populations' needs become greater, it is important that providers continually re-evaluate how they serve their neediest clients. Legal services clients often have more than just legal issues. Clients seeking legal services often have complex problems with health, housing, and social environments along with a multitude of other challenges. Several organizations have found innovative solutions to provide more comprehensive and holistic services to their clients by coordinating with other disciplines. One such partnership that has become more common—and even necessary—is the collaboration of social workers with legal services providers.²⁴

A 1979 study of the relationship of lawyers and social workers in the UK and its relationship to unmet legal needs concluded that “if social workers do not spot the potentially legal problems in their clients' histories, often those problems will remain unsolved. The client relies on the social worker to use all means available to help; if law is not recognized as a legitimate tool of the social worker it is the client who will suffer.”²⁵ Our recommendation would, we hope, help

²³ P. Galowitz, Collaboration Between Lawyers and Social Workers: Re-examining the Nature and Potential of the Relationship, 67 Fordham L. Rev. 2123 (1999).

²⁴ T. Zajac, Social Workers and Legal Services Integrating Disciplines: Lessons from the Field, Legal Aid Association of California (2011).

²⁵ A. Phillips, Social Work and the Delivery of Legal Services, 43 Modern L. Rev. 29, 32 (1979).

to remedy such a situation. In 2005, the National Association of Social Workers (“NASW”) created an institute, the Social Work Ethics and Law Institute, to “enhance social workers’ understanding and knowledge of legal and ethical issues affecting the social work profession.” The Institute conducts educational activities and education programs related to legal, ethical and professional issues to assist NASW members, the social work profession and the public to understand the importance of ethical social work issues.

Fordham University’s School of Social Work, among others in New York State, teaches “forensic social work” and in July 2017 held a Forensic Social Work Conference titled “Social Justice in Tandem with Legal System.” Fordham’s Professor Tina Maschi told the conferees that “there are many definitions of forensic social work, but it’s often described as social workers working in legal settings or in justice centers, such as in the courts, in prisons, or in jails.”

From 2015-2018, the Fordham University School of Social Work offered an elective course on “Social Work and the Law” taught by Denise Colon Greenaway, an attorney and social worker with the NYS Unified Court System’s Office for Justice Initiatives (“OJI”), which is led by Deputy Chief Administrative Judge and Commission member Edwina G. Mendelson.

Brigit Coleman, a lawyer and a social worker, has written that

in our complex world, legal problems are often intertwined with problems in other areas, including social problems, medical problems, and economic problems. [For that reason], it is critical that social workers have some familiarity with the law in order to understand and explain their clients’ legal rights. Since the two fields complement each other so well, both lawyers and social workers are increasingly called upon to consult with each other and work in multidisciplinary teams to provide better services to their clients.²⁶

There are, to be sure, challenges that would have to be overcome if social workers were empowered to give traditional legal advice to their clients. One of the most obvious challenges is

²⁶ B. Coleman, Lawyers Who Are Also Social Workers: How to Effectively Combine Two Different Disciplines to Better Serve Clients, 7 Wash. U. J. L. & Pol’y 131 (2001).

the fact that the legal profession and the social work profession are governed by ethical rules that are not entirely the same. For example, Rule 1.6 of the New York Rules of Professional Conduct for lawyers severely limits the circumstances in which a lawyer may reveal or use confidential information coming from the client. The Code of Ethics of the NASW is more liberal, permitting or even requiring disclosure if there are “compelling professional reasons.”²⁷ If they are both representing the same client there is very little guidance as to which set of rules must be followed. The New York Rules do not address the lawyer’s obligations when dealing with professionals in other disciplines, but the NASW Code of Ethics calls on social workers to “cooperate with colleagues of other professions when such cooperation serves the well-being of clients” and expressly encourages social workers to participate in interdisciplinary teams.²⁸ One solution to this challenge may be to provide clients with a disclosure, at the onset of services, that clearly delineates what the client can expect from the social worker in terms of confidentiality and other potentially competing principles, and how this may be different from working with a lawyer. The up-front disclosure may also serve to engender trust and to promote public acceptance.

Assuming that the social workers would be rendering traditional legal services, another challenge would be insurance coverage for malpractice. If social workers who are certified to participate in this program are already employed by legal services agencies or legal aid agencies, this may not be a problem but if not, that issue would have to be addressed unless, of course, what the social workers were offering did not come within the definition of the practice of law, a subject that we discuss further below.

²⁷ Section 1.07.

²⁸ Section 2.03.

Social workers are the natural object of experimentation in the offering of legal services because their training already requires skills in interviewing, empathetic listening, identification of clients' goals, evaluation, crisis intervention and referral.²⁹ Brigid Coleman put it like this:

Attorneys and social workers each have a central commitment to serve their clients. They both act as advocates for their clients, help their clients determine what their needs are, and then, help them to meet those needs. Both fields use a problem-solving approach to address their clients' needs and resolve issues. The two professions also require extensive training and have licensing requirements. The similarities are even more obvious when comparing a social worker with a public interest or legal services attorney because both focus on enhancing the lives of poor people through direct services to individuals as well as social reform of societal systems.³⁰

Implementation of our proposal will require collaboration with schools of social work and law schools to develop an academic curriculum—probably in a school of social work—that will allow social workers to learn about the law and how to provide legal as well as social work services. The breadth of that curriculum will depend on the type of “legal” services that the social workers will be permitted to render. It will also require public acceptance. Arizona’s experience with the latter will be instructive. When the Arizona Task Force’s work was relatively far along, the Task Force commissioned a survey company to conduct a public opinion survey that later confirmed public support for Arizona’s Legal Paraprofessional program. The same could be done with respect to our recommendation. The sample might include social workers, lawyers and potential clients of both.

Many of the “legal-type” services and advice that we believe could be rendered by social workers may not constitute the practice of law. If we are correct in that opinion, no future certification or authorization would be required. In the event that the legal services to be offered by the social workers were deemed to constitute the practice of law, our proposal may require

²⁹ B. Coleman, *supra* note 30, p. 139.

³⁰ *Id.* pp. 137-138.

authorizing legislation. It may also require formulating an oversight and ethical enforcement plan that will be able to regulate the social worker/legal-service provider and decide the extent to which the social worker/legal-service provider will be bound by New York's Rules of Professional [legal] Conduct or some variation of them. In such an event, the entity chosen to provide oversight and ethical enforcement should be well-versed in the role of a social worker as well as that of a lawyer and how they are distinguishable. Particular attention should be given to defining the social worker's role within a legal context. Social workers are trained to view people within a broad context of interrelating systems (e.g. family, community, work, health system, justice system and the like). Their approach to empowering clients to solve problems is governed by this broader thinking. Therefore, it is imperative that social workers in this program be trained to understand their expected role and scope of service delivery when rendering legal services to clients. We have already conferred with one Dean and one Director of a New York school of social work, both of whom were supportive of our proposal, and we expect to confer with others in the days ahead.

Our Working Group is unanimous in its support of allowing social workers who are trained, certified and properly regulated to offer limited legal and "adjunct" legal services to and to make limited court advocacy on behalf of their clients.³¹ While not a complete answer to the access-to-justice and delivery-of-legal-services gaps, we believe that doing so will significantly improve access to justice and the delivery of legal services.

³¹ "Adjunct legal services" is our term for services that have legal components but that do not meet the State's definition of "the practice of law."

APPENDIX C

Memo

To: Hon. Edwina G. Mendelson,
Deputy Chief Administrative Judge for Justice Initiatives

From: Shante Thomas, MPA

Date: October 2, 2020

Re: Research on National and International Nonlawyer Programs

Below are general descriptions and information on national and international nonlawyer programs. Please note that this is an ongoing research project and as I uncover additional programs or resources these materials will be updated.

Report: Nonlawyer Navigators in State Courts

In July 2019, the Justice Lab at Georgetown Law Center published a study to survey the landscape of nonlawyer navigator programs in state courts assisting self-represented litigants. The report identified and analyzed 23 programs in 15 states and the District of Columbia. The study presents a new look at the outlines of these programs and suggests recommendations to further incorporate nonlawyer navigators into justice system settings. Information about national programs referenced in this memo were drawn from this study.

Varied Approaches to Nonlawyer Navigator Programs

The Georgetown study found no visible single model for the navigator program; rather, there were considerable variations in staffing, scope, and design. The most common staffing arrangements involved paid staff, AmeriCorps members, and community volunteers (including high school, undergraduate, and graduate students). All of the programs studied required navigators to undergo training prior to assisting litigants, and navigators were supervised in some manner during their time with the programs.

With considerable variation across programs, navigators assisted litigants in several ways, including help filling out paperwork, physically navigating the courthouse, getting information and referrals, and communicating with opposing counsel. Some navigators also reported serving as emotional support to self-represented litigants. While many of those served by these programs were self-represented, some services were offered to both parties in a case.

Program Impacts and Recommendations for Further Expansion

At the time of the study, several of the programs had conducted evaluations to assess impact. The most common themes were the beneficial impact on the completeness and accuracy of self-represented litigants' forms and filings, as well as feeling prepared. With respect to procedural justice measurements, the impact of giving litigants a space to be heard and share their stories also had positive impacts.

One major takeaway from the study was the need for funding to maintain navigator programs. According to the report, "many programs lack the institutional commitment to garner necessary resources for longer-term program sustainability, let alone expansion." The report also highlights the opportunities presented by these programs for courts to learn more about the self-represented litigant experience.

Canadian Report on Public Legal Education

I also reviewed a report conducted by Clare Shirtcliff, a solicitor with Law for Life: The Foundation for Public Legal Education, a charity which runs the website AdviceNow. This website provides quality information on rights and legal issues for the general public in England and Wales. Ms. Shirtcliff spent five weeks in four provinces researching Public Legal Education (PLE) projects to find out how Self-Represented Canadian citizens are given the knowledge, skills and confidence to help them resolve everyday legal problems (and see if it could be replicated in the UK).

The report looked at four service providers: Vancouver Access to Justice Centre, Law Information Centres (LinC), Genesis Project and the Legal Services Society (LSS). In terms of service delivery, these programs reminded me of similar programs we have like Help Centers, Law Libraries and Legal Hand. The one program that stood out to me was the Legal Services Society. This organization accepts and processes applications for Legal Aid but also provides some direct legal services to the public. Unlike the other programs, only LSS provided limited legal advice and representation in family law.

Litigant in Person Support Strategy - England, Wales and Scotland

Part of the research done by Clare Shirtcliff in Canada contributed to the development of the Litigant in Person Support Strategy (LIPSS). LIPSS is a national partnership of charities working together to improve the experience of people facing the legal process alone by improving access to information, practical support, advice and representation. It is a collaborative project involving The Access to Justice Foundation, RCJ Advice, LawWorks, Law for Life, and Support Through Court and Advocate. Working in partnership with the Ministry of Justice, these six organizations, while independent, come together to deliver on the aims of LIPSS ("the Partners"). Through these services, people can access help online, in person and over the phone. The journey of a litigant in person is not linear, people access help at different points and require support tailored to their legal matter and wider needs. Whether it be through using an online benefits calculator and letter writing tool, getting one-time pro bono advice and representation, or having someone

provide emotional support during their hearing, the Partners work to ensure that each or all of these services are available for those who need them.

New York Court Navigator Program

Angela Redman, Esq., Coordinator of the NYS Court Navigator Program met with colleagues in the Office for Justice Initiatives (OJI) in April 2020 to discuss revamping the program. The consensus was that for the program to be expanded statewide there are a few considerations. The program would need a funding source and partnerships with non-profit organizations, legal service providers and local colleges. The OJI should provide guidance and support to establish the programs, but they would ultimately be supervised by the local court.

Listed below are some of the national programs that have been identified:

1. **Alaska-** Abused Women's Aid in Crisis (AWAIC) is fortunate to have three legal advocates, covering all open courthouse hours, including evenings and weekends. Their legal advocates provide assistance with protective orders and can make referrals to outside agencies for legal representation in matters of divorce and custody. This service ensures that victims who are in crisis will have access to someone who can help them navigate a sometimes-confusing process.
2. **Maricopa County, AZ-** Providing Access to Court Services (PACS) AmeriCorps Members help self-represented litigants navigate the often-confusing court system. While serving in the PACS program members: learn about the judicial system and court process, gain real-life experience assisting court customers, promote access to justice to court visitors and provide resources to court customers.
3. **California-** JusticeCorps is a unique national service program that has helped over one million Californians find access to justice since it began in 2004. Powered by a partnership among California courts, campuses, community legal assistance providers, and AmeriCorps, JusticeCorps recruits college students and recent graduates who help people coming to court without attorneys. JusticeCorps members assist self-represented litigants by serving in court-based self-help centers in the Bay Area, Los Angeles and San Diego educating litigants on their legal options, mapping out next steps, and helping them tell their story. By providing neutral assistance—not legal advice—JusticeCorps members empower litigants to understand their options, to have their voices heard, and to confidently move forward with their legal matter.
4. **Westchester, NY-** The mission of the Bravehearts, a youth-led non-profit, is to empower young adults touched by the child welfare system to become active and authentic leaders in their own lives as they transition into adulthood. Bravehearts M.O.V.E. New York is the chapter-lead for the state. They work to improve services and systems that support positive growth and development by uniting the voices of individuals who have a “lived”

experience in various systems including mental health, juvenile justice, education and child welfare. *(not currently active)*

5. **New York City-** Housing Court Answers (HCA) was founded in 1981 when a group of concerned advocates working at community-based groups and legal service offices started two task forces to help tenants without lawyers in the Bronx and Brooklyn Housing Courts. HCA educates and empowers NYC tenants and small homeowners through information tables and a hotline. They provide guidance and support on Housing Court and housing law, rent arrears assistance, and homeless prevention. They also assist NYCHA tenants with an information table at 803 Atlantic Avenue in Brooklyn. HCA also conducts trainings for community groups, unions, elected officials and others on Housing Court procedures, eviction prevention programs and housing law. And, last but most important, they fight every day for the rights of unrepresented people in Housing Court.
6. **Queens, NY** - Pro Bono Net partnered with Legal Services for the Elderly in Queens (Part of Jewish Association for Services for the Aged - JASA) to develop a new web app that enables social workers to perform quick legal screenings for homebound and disabled seniors. JASA assists many at risk Queens seniors with their emergency issues, in particular housing, consumer debt, and elder abuse cases. However, many seniors are homebound or face significant obstacles getting legal help and to a courthouse. In many ways they personify the broader justice gap in America.
7. **New York City-** Legal Hand trains local volunteers at storefront centers in some of New York's most vulnerable neighborhoods. These volunteers provide free legal information and referrals to their neighbors. Assistance can take many forms, including help with navigating the social services system, completing online legal forms, and drafting form letters. A legal services attorney is on-site at each Legal Hand office to train and assist volunteers.

Legal Hand operates in the Brooklyn neighborhoods of Brownsville and Crown Heights, in Jamaica, Queens, and in the Highbridge and Tremont neighborhoods of the Bronx. The program is run by the Center for Court Innovation in collaboration with the New York State court system, the Legal Aid Society, Legal Services NYC, and New York Legal Assistance Group.

8. **New York City-** Guardian Ad Litem Program (GAL). While most GALs are attorneys, it is not necessary to be an attorney to become a GAL in Housing Court. It is necessary for the prospective GAL to have some legal or social service background. Court-appointed GALs are expected to advocate on behalf of their client with the goal of making any necessary interventions to prevent eviction. Although the specific responsibilities of a GAL vary according to the case, common duties often include making court appearances, coordinating with social service agencies to secure needed entitlements or services, and negotiating settlements with other parties involved in the case

9. **New York City-** Sanctuary for Families Court Advocates Project (CAP) trains and mentors summer associates and new law firm associates not yet admitted to the bar to advocate for pro se domestic violence victims seeking orders of protection. CAP places advocates directly in the courthouse and supervises them while they interview petitioners, draft petitions, and serve as advocates during their initial court appearance. CAP participants receive a five-hour intensive training and a detailed training manual before going to family court.
10. **Nassau County, NY-** Nassau County's Matrimonial Navigator Program utilizes students from Hofstra Law School who are taking the Family Law and Skills class during the school year, and it utilizes court interns during summer months. The Navigators help unrepresented litigants fill out motion papers, statements of net worth and Judgment of Divorce packets. The Navigators are trained by the Supervising Matrimonial Judge's staff and personnel from the clerk's office. Navigators explain the paperwork and identify where information should be listed on the forms, but do not provide legal advice. Due to the pandemic, the program is currently operating virtually.
11. **District of Columbia-** Supportive Advocacy Team (SAT) members are essential personnel at the city's two Domestic Violence Intake Centers (DVIC), providing comprehensive court-based advocacy services. SAT Advocates are a foundational link to further support survivors navigating the aftermath of a crisis. Some of the services they provide include: guidance through the Civil Protection Order process; referrals to a pro bono attorney; court preparation and accompaniment; social service referrals for mental health services, housing, and more; safety planning; assistance with public benefits; basic needs support; and assistance with any other portion of the court or social services system.
12. **Georgia-** The Southwest Georgia Legal Self-Help Center began the Legal Navigator program in June 2018. They provide legal information while also helping people navigate through the court system. While the courts were closed during the height of the pandemic, navigators went outside to serve people wearing masks and practicing social distancing to help patrons fill out forms. Calls to the center were re-routed to their personal cell phones. Navigators also used Facebook to inform the public and even met with people in local grocery stores to provide legal assistance. They maintained contact with 38+ partners, meeting almost anywhere. Between March 1, 2020 and June 30, 2020, they serviced 1,033 patrons. They have also used technology like Lifesize, Zoom or Facebook for videoconferencing purposes. Looking forward, navigators hope to host virtual town halls and zoom classes for the public.
13. **Illinois-** The Illinois JusticeCorps currently serves 13 courthouses in 11 counties. Three years ago, the Access to Justice (ATJ) Commission launched the Self-Represented Litigant (SRL) Coordinator grant program which is the second program to serve SRLs. This year, to fulfill a major goal of the Illinois Judicial Conference's strategic agenda, the ATJ Commission expanded these existing networks to encompass representatives in all 24 judicial circuits. This Court Navigator Network of clerks and court staff based in

courthouses throughout the state serves as a bridge, linking their courthouses with others throughout the state to share ideas, develop new resources, and establish programs for assisting SRLs, perhaps through additional and new methods because of COVID-19.

14. **Maryland-** Court navigators are undergraduate, graduate and law students who have been trained about how the court works and can help an unrepresented person navigate the steps of the court process. This program focuses on helping tenants who are suing landlords for failure to repair hazardous housing conditions. The program also assists defendants in debt collection cases, working alongside attorneys from the Maryland Volunteer Lawyers Service and Pro Bono Resource Center.

Court navigators provide tenants with basic information about their legal options, assist them with filling out court forms, go with them into the courtroom hearings and into hallway negotiations, and aid with any follow-up steps afterward. They also help tenants with organizing their paperwork, figuring out budgets, and getting access to resources.

15. **Montana-** Justice for Montanans Americorps project places 23 members directly in local Montana communities to help provide and expand intake and outreach, legal information and referral services for low to moderate income residents seeking civil legal assistance.
16. **Oklahoma-** The courthouse Navigator Project provides guides to assist individuals who don't have legal representation. Initiated by the Access to Justice Commission, in collaboration with Americorps, Legal Aid Services and the University of Oklahoma College of Law. The project stations volunteer law students within the Office of the Court Clerk to provide basic legal information and serve as guides for self-represented court users.

FILED

September 29, 2020

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM19-8002

ORDER IMPLEMENTING LEGAL PARAPROFESSIONAL PILOT PROJECT

The Implementation Committee for the Legal Paraprofessional Pilot Project was established in 2019 to evaluate the delivery of legal services in areas of unmet civil legal needs, particularly in the areas of family law, landlord-tenant disputes, or debtor-creditor disputes. The committee was directed to define the structure and rules to implement a pilot project for the delivery of civil legal services by legal paraprofessionals under the supervision of a licensed Minnesota attorney. *See In re Implementation Committee for Proposed Legal Paraprofessional Pilot Project*, No. ADM19-8002, Order at 2–3 (Minn. filed Mar. 8, 2019).

The Implementation Committee filed a report on March 2, 2020, recommending that a pilot project be established to evaluate the expanded use of legal paraprofessionals in providing legal services in two substantive legal areas: landlord-tenant disputes and family law disputes. We opened a public comment period; eleven comments were filed. We held a public hearing on August 11, 2020, at which the co-chair of the Implementation Committee, Judge John Rodenberg, spoke. Representatives of the Minnesota Paralegal Association, the National Federal Paralegal Association, and Mid-Minnesota Legal Aid, along with attorney Peter Swanson, also presented remarks.

We directed the Implementation Committee to develop a plan to implement a pilot project to evaluate the use of legal paraprofessionals, supervised by an attorney, in certain family law and landlord-tenant case types. The committee's report provides that plan. We have carefully considered the comments filed during the public comment period that express disagreement with a decision we have already made: to proceed forward with a pilot project. We appreciate the views and concerns expressed in these comments, but ultimately, we conclude that the point of a pilot project is to test the assumptions that underlie our decision: that the need for civil legal aid, particularly in the areas of family law and landlord-tenants disputes is great, and that legal paraprofessionals can contribute to the legal needs of Minnesota citizens in these areas.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. The attached amendments to the Supervised Practice Rules are promulgated. The effective date of the amendments shall be March 1, 2021.

2. The pilot project to evaluate use of legal paraprofessionals shall be administered by a Standing Committee, to which appointments will be made by December 1, 2020. Among other tasks, the Standing Committee shall oversee implementation of the pilot project, review applications for certification submitted by paraprofessionals, evaluate whether the pilot project satisfies the goal of improving access to legal services, and prepare an interim report and a final report on the pilot project.

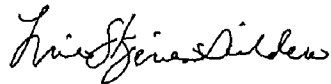
3. The Standing Committee is directed to work with the State Court Administrator or his designee to establish procedures to monitor, evaluate and report on

the pilot project. On or before December 31, 2021, the committee shall file an interim status report on the pilot project with recommendations for any further rule amendments or other refinements to the pilot project. On or before January 17, 2023, the committee shall file a final status report on the pilot project that includes recommendations for continuation, abandonment, or modification of the pilot project, or for permanent codification of the rules for the pilot project.

4. Unless extended by further order of this court, the pilot project shall end and the Supervised Practice Rules that govern the pilot project shall expire on March 31, 2023.

Dated: September 29, 2020

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Lorie S. Gildea".

Lorie S. Gildea
Chief Justice

AMENDMENTS TO THE SUPERVISED PRACTICE RULES

[The text of Rule 12 is entirely new and therefore is shown without underlining]

Supervised Practice Rules

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Rule 12. Authorized Practice by Legal Paraprofessionals in Pilot Project

Rule 12.01 Scope of Work

An eligible legal paraprofessional may, under the supervision of a member of the bar, provide the following services:

- (a) Provide advice to and appear in court on behalf of tenants in housing disputes as defined in Minnesota Statutes Chapter 504B and Minnesota Statutes § 484.014. Eligible legal paraprofessionals may only provide such services in district courts that have established a Housing Court or a dedicated calendar for housing disputes, except that eligible legal paraprofessionals shall not appear in Housing Court in the Fourth Judicial District.
- (b) Provide advice to and appear in court on behalf of clients in family law cases, but such services shall be limited to advice and hearings related to child-support modifications, parenting-time disputes, and paternity matters. With the approval of the supervising attorney, legal paraprofessionals may also appear in court in family law cases for the following purposes: (1) default hearings, (2) pretrial hearings, and (3) informal family court proceedings. Legal paraprofessionals may also appear with a client in family law mediations where, in the judgment of the supervising lawyer, the issues are limited to less complex matters, which may include simple property divisions, parenting-time matters, and spousal-support determinations. Under no circumstances shall a legal paraprofessional provide advice or appear in court or at a mediation under this paragraph if the family law case involves allegations of domestic abuse or child abuse.
- (c) With authorization from the supervising attorney, prepare and file a limited set of documents identified in Appendix 1 to these rules without the supervising attorney's final review.

Communications between the client and the eligible legal paraprofessional shall be privileged under the same rules that govern the attorney-client privilege and work product doctrine.

For each case where a legal paraprofessional will appear in court on behalf of the client, the certificate of representation for the matter must identify both the supervising attorney and the legal paraprofessional. The legal paraprofessional may sign the certificate of representation, but must include with the filed certificate of representation a statement signed by the supervising attorney that authorizes the legal paraprofessional to appear in court. The signed authorization must identify the types of proceedings for which the legal paraprofessional is authorized to provide services and the starting and ending dates during which the paralegal is authorized to appear in court.

Rule 12.02 Eligible Legal Paraprofessionals

An eligible legal paraprofessional must meet the following requirements:

(a) Education and Work Experience Requirements. To participate in the pilot project, a legal paraprofessional must have the following education or work experience:

- (1) an Associate's or Bachelor's Degree in paralegal studies from an institutionally accredited school; or
- (2) a paralegal certificate from an institutionally accredited school in addition to an Associate's or Bachelor's degree in any subject from an institutionally accredited school; or
- (3) a law degree from an ABA accredited school; or
- (4) a high school diploma and 5 years of substantive paralegal experience.

(b) Ethics and Continuing Legal Education Requirements. To participate in the pilot project, a legal paraprofessional must satisfy the following ethics and continuing education requirements:

- (1) hold Minnesota Certified Paralegal credentials from the Minnesota Paralegal Association; or
- (2) provide proof that the legal paraprofessional has earned ten continuing legal education credits, including two credit hours in ethics, within the two years prior to seeking certification under Rule 12.04(a); or
- (3) provide proof that the legal paraprofessional has obtained a paralegal studies degree or certificate, or a juris doctorate within the two years prior to seeking certification under Rule 12.04(a). Such a program must include an ethics component.

(c) Written Agreement with a Supervisory Attorney. To participate in the pilot project, a legal paraprofessional must enter into a written agreement with a licensed Minnesota attorney who agrees to serve as the paralegal's supervisory attorney. The written agreement must set forth the scope and types of work the legal paraprofessional may undertake consistent with the scope of the pilot project and the steps the supervisory attorney will take to ensure that the paralegal is serving the client's interests.

(d) Roster of Approved Legal Paraprofessionals. To participate in the pilot project, a legal paraprofessional must remain in good standing on the roster of approved legal paraprofessionals established and maintained by the Standing Committee on the Legal Paraprofessional Pilot Project.

Rule 12.03 Supervisory Attorney

The attorney who supervises a legal paraprofessional authorized to participate in the pilot project shall:

- (a) be a member in good standing of the bar of this court;
- (b) assume personal professional responsibility for and supervision of the legal paraprofessional's work, including court appearances;
- (c) assist the legal paraprofessional to the extent necessary, and sign all pleadings;
- (d) carry malpractice insurance that will sufficiently cover the attorney's supervision of the legal paraprofessional and the work and actions of the supervised legal paraprofessional, or ensure that the legal paraprofessional has secured adequate malpractice insurance; and
- (e) execute a written agreement that establishes the terms of the supervised legal paraprofessional's work and the supervision conditions.

Rule 12.04 Standing Committee for Legal Paraprofessional Pilot Project.

The Standing Committee for the Legal Paraprofessional Pilot Project shall establish, in collaboration with the State Court Administrator, procedures as follows:

- (a) for certifying legal paraprofessionals as authorized to participate in the pilot project and establishing and maintaining a public roster of legal paraprofessionals eligible to participate in the pilot project;
- (b) for evaluating the results and outcome of the pilot project and making further recommendations to the Supreme Court; and
- (c) for submitting, reviewing, investigating, and resolving complaints made against legal paraprofessionals and supervising attorneys, including removing legal paraprofessionals from the roster and prohibiting supervising attorneys from participating in the pilot project if there is a good cause to do so. Rostered legal paraprofessionals and supervising attorneys shall cooperate with standing committee investigations and failure to cooperate may be the basis for removal from the pilot project.

Appendix 1 to Rule 12 of the Supervised Practice Rules

General Filing Documents

- Notice of Appearance
- Certificate of Representation
- Application to Serve by Alternate Means
- Affidavit of Default
- Affidavit of Service
- Substitution of Counsel
- Notice of Withdrawal
- Notice of Filing
- Affidavit for Proceeding In Forma

Pauperis

- Proposed In Forma Pauperis Order
- Settlement Agreement
- Request for Continuance
- Motion to Request Correction of Clerical Mistakes

Landlord-Tenant Specific

- Affidavit of Compliance and Proposed Order for Expungement
- Notice of Motion and Motion for Expungement of Eviction Record
- Petition for Emergency Relief Under Tenant Remedies Act
- Rent Escrow Affidavit
- Eviction Answer
- Eviction Action Proposed Findings of Fact, Conclusions of Law, Order and Judgment
- Answer and Motion for Dismissal or Summary Judgment (Eviction)
- Notice of Motion and Motion to Quash Writ of Recovery
- Petition for Possession of Property After Unlawful Lockout

Family Law Specific

- Confidential Information Form 11.1
- Confidential Information Form 11.2
- Felon name change notice
- Notice to Public Authority
- Notice of Default and Nonmilitary Status

Affidavit of Non-Military Status

- Default Scheduling Request
- Notice of Intent to Proceed to Judgment
- Proposed Default Findings
- Initial Case Management Conference

Data Sheet

- Scheduling Statement
- Parenting/Financial Disclosure Statement
- Discovery (Interrogatories, Request for Production of Documents, Request for Admissions)

- Summary Real Estate Disposition

- Judgment

- Certificate of Dissolution

- Delegation of Parental Authority

- Revocation of Delegation of Parental Authority

- Application for Minor Name Change

- Parenting/Financial Disclosure Statement

- Certificate of Settlement Efforts

- Notice of Motion and Motion to Modify Parenting Time

- Stipulation of the Parties

- Notice of Motion and Motion to Modify Child Support/Medical Support

- Notice of Motion and Motion (examples: Stop COLA, Reinstate Driver's License)

- Request for County to Serve Papers