



# DISTRICT OF COLUMBIA COURTS CIVIL LEGAL REGULATORY REFORM TASK FORCE

July 2025 Report

Hon. Roy W. McLeese III and Hon. Alfred S. Irving, Jr., Co-Chairs

## **I. INTRODUCTION AND EXECUTIVE SUMMARY**

In 2023, in the face of the significant gap in access to justice among low- and moderate-income District of Columbia residents, the D.C. Courts created the Civil Legal Regulatory Reform Task Force<sup>1</sup> to explore ways that nonlawyers could help to close the gap by providing civil legal services.

The Courts were partially responding to a draft report by a working group of what is now the D.C. Bar's Innovations in Legal Practice Committee ("D.C. Bar subcommittee")<sup>2</sup> recommending that the Courts establish a program permitting trained and licensed nonlawyers to provide legal services in certain civil cases.

In response, the Courts directed the task force to study the D.C. Bar subcommittee's draft report, gather feedback from stakeholders, and prepare its own report recommending ways to address the gap in access to civil legal services.

The task force investigated the draft report's conclusions and recommendations, explored other states' nonlawyer assistance programs, and solicited feedback on its ideas from the D.C. community.

The task force's efforts and conclusions are detailed throughout this report. After considerable deliberation, the task force developed the following recommendations.

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<sup>1</sup> See D.C. Courts Administrative Order, *Civil Legal Regulatory Reform Task Force of the District of Columbia Courts* (July 19, 2023). This order was subsequently amended twice to adjust the membership and/or timelines set forth in the original order. See D.C. Courts Administrative Order, *Civil Legal Regulatory Reform Task Force of the District of Columbia Courts Amendment* (April 24, 2024) and D.C. Courts Administrative Order, *Civil Legal Regulatory Reform Task Force of the District of Columbia Courts Amendment* (May 31, 2024). Each available at <https://www.dccourts.gov/about/civil-legal-regulatory-task-force>.

<sup>2</sup> Internal Draft Report of the Specially Licensed Legal Professional Working Group of the District of Columbia Bar Global Legal Practice Committee (July 2022). Available at <https://www.dccourts.gov/about/civil-legal-regulatory-task-force>.

## **RECOMMENDATIONS**

**1. The task force unanimously recommends that the Courts establish a framework for Community Justice Worker (CJW) programs.** In such programs, trained nonlawyers assist low-income individuals with legal matters, working under the auspices of a legal-services organization and under the supervision of an attorney working for such an organization. CJWs may be social workers, nurses, public-health workers, librarians, teachers, clergy members, employees of legal-services organizations, law students, and volunteers, among others. After training and under appropriate supervision, CJWs can expand the types of help they are able to provide to the community members with whom they may already interact. Clients do not pay CJWs for their services, because CJWs work through nonprofit legal-services organizations who serve low-income populations.

The task force concluded that the courts could establish a framework for CJW programs relatively quickly and without committing substantial judicial or administrative resources. Further, the task force concluded that CJW programs could effectively serve low-income DC residents and have the potential to be implemented on a scale that could substantially reduce the access-to-justice crisis.

In summary, the proposed framework would include the following features:

- Non-profit organizations providing free or low-cost legal services to residents of the District of Columbia would be eligible to apply to the Courts for authorization to operate a CJW program;
- Pursuant to such a program, nonlawyer CJWs working under the auspices of an eligible organization would be authorized to engage in the limited practice of law under the supervision of a D.C. Bar member;
- An application to operate a CJW program would be required to include specific information about various requirements, including eligibility criteria, training, areas of practice, and the nature of supervision;
- CJWs would be authorized to perform a variety of tasks but would not be permitted to take or defend depositions or to conduct an evidentiary hearing or trial; and

- CJWs would be required to adhere to a set of ethical obligations and would be subject to discipline pursuant to the procedures in Rule XI of the District of Columbia Bar Rules.

**2. A majority of the task force recommends that the Courts direct further study of the Licensed Legal Practitioner (LLP) model.** Under that model, appropriately trained nonlawyer legal practitioners serve the public directly, typically without attorney supervision. They generally charge fees for their services. The LLP model is generally intended to benefit moderate-income individuals who have no access to traditional legal aid but can also be utilized by legal-services organizations who are assisting low-income individuals, with no cost to the consumer. The LLP model is more complex than the CJW model, and a majority of the task force concluded that further study of that approach is needed.

A majority of the task force recommends further study for several reasons: (1) the task force believes that the Courts should give initial priority to establishing a framework for CJW programs; (2) establishing an LLP program could require a significant investment of judicial and other resources, including, for example, to establish and grade subject-matter tests; (3) further research is required to determine if there would be a sufficient market for the services of independent LLPs, especially for those LLPs who would charge market rates for their services; (4) although the task force has made an extensive effort to consider the issues raised by the LLP model, the task force is not yet confident that the benefits of such an approach will justify the burden that such a program would place on limited judicial resources; (5) a period of further study would also permit the Courts to get the benefit of additional information about the experience of other jurisdictions that have recently adopted LLP programs; and (6) the LLP model merits further inquiry because, if feasible, it would provide a means of helping to address the unmet civil legal needs of individuals who have very limited means but do not meet the stringent income-eligibility limits that would be applicable to CJW programs under the auspices of legal-services providers.

**3. The task force recommends that the Courts encourage organizations to develop and seek approval of innovative approaches to allow people who are not members of the D.C. Bar, including nonlawyers, to provide legal services,**

**pursuant to Rule 49(c)(10) of the Rules of the District of Columbia Court of Appeals.** This rule has long provided an opportunity to seek approval of creative approaches permitting persons who are not members of the D.C. Bar, including nonlawyers, to provide legal services, especially for low- or moderate-income individuals.<sup>3</sup> States such as Hawaii, Minnesota, and New Hampshire have implemented pilot programs permitting nonlawyers to provide legal assistance under various circumstances.

**Part II** of this report catalogues the gravity and magnitude of the access-to-justice crisis. Despite substantial pro bono efforts by the members of the D.C. Bar and the outstanding work of legal-services providers, the access-to-justice crisis has persisted for decades. Legal assistance is critically important in high-stakes matters in areas such as family law, domestic violence, housing, debtor-creditor, public benefits, and probate, especially where the other party is represented. Yet in D.C. between 75 to 97% of parties in these civil cases are unrepresented.<sup>4</sup>

**Part III** briefly describes the CJW model and the LLP model, which are the two main approaches to addressing the civil access-to-justice crisis that other jurisdictions have adopted or are considering. We note that jurisdictions that have adopted such models use various labels. Most use the label Community Justice Worker for the first model, and we do the same in this report. The D.C. Bar subcommittee used the label Specially Licensed Legal Practitioners for the second model. This report refers to the model using the phrase licensed legal practitioner (LLP), as several other jurisdictions do.

**Part IV** briefly describes the D.C. Bar subcommittee's draft report.

**Part V** briefly describes the composition and activities of the task force.

**Part VI** describes the ways in which the D.C. Bar subcommittee and the task force gathered information, including outreach to judicial officers, court and professional committees, lawyers, social-service professionals, and community

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<sup>3</sup> See [D.C. App. R. 49\(c\)\(10\)](#) (granting Courts authority to approve programs permitting persons who are not members of D.C. Bar to provide legal services).

<sup>4</sup> D.C. Access to Justice Commission, [Delivering Justice: Addressing Civil Legal Needs in the District of Columbia](#) (December 2019) at 4

members; surveys of lawyers, social-service professionals, and community members; communications with jurisdictions that have adopted or are considering similar proposals; and outreach to organizations addressing the access-to-justice crisis. Part VI also summarizes the feedback that the task force received as a result of its efforts. The task force found broad support for the CJW model and more mixed views with respect to the LLP model.

**Part VII** describes the CJW and LLP programs that other states have adopted or are considering. The CJW programs that have been adopted elsewhere appear to be effective and scalable without requiring substantial court resources. The results of LLP programs have been somewhat more mixed.

**Part VIII** presents the task force's recommendations.

**Part IX** is the text of a proposed new D.C. Court of Appeals Rule 49(c)(14), which would establish the framework for CJW programs.

**Part X** outlines the task force's recommended next steps.

**The Appendices** include valuable details and further context for the discussion contained in the main report. Readers are encouraged to review the Appendices in detail for the fullest understanding of the task force's work and recommendations.

In conclusion, the task force is pleased that its work has ultimately coalesced around this set of recommendations, which it believes can have a substantial impact on the profound access-to-justice crisis that confronts the District of Columbia.

## **II. THE ACCESS TO JUSTICE CRISIS: MOST CIVIL LEGAL NEEDS OF LOW-AND MODERATE- INCOME D.C. RESIDENTS ARE UNMET**

In Washington D.C., anywhere between 75 and 97% of high-volume, high-stakes civil cases in our local courts involve at least one unrepresented party.<sup>5</sup> Despite the substantial pro bono efforts of D.C. Bar members and the outstanding

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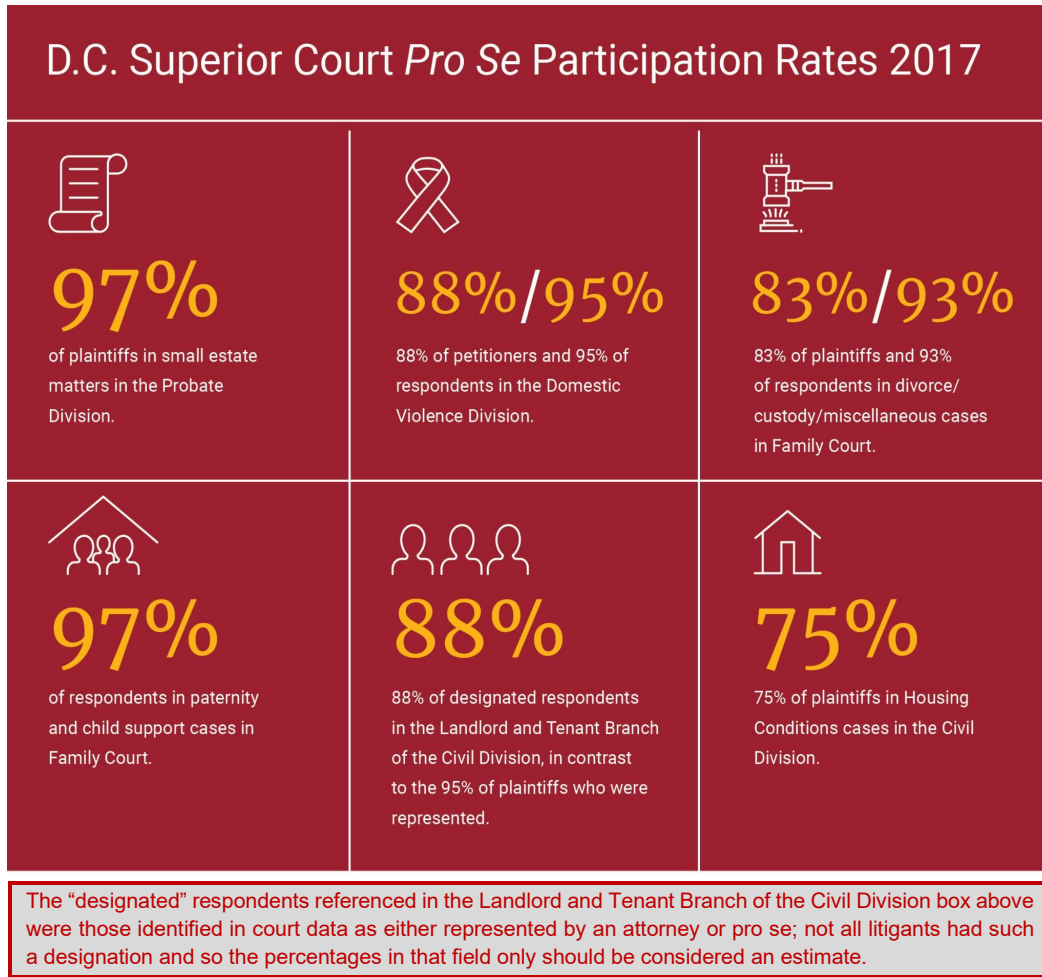
<sup>5</sup> [\*Id.\*](#)

work of legal-services providers, the access-to-justice crisis has persisted for decades.

The District of Columbia Access to Justice Commission's 2019 report, *Delivering Justice: Addressing Civil Legal Needs in the District of Columbia*, is the most recent and comprehensive study of civil legal needs in our jurisdiction; it shows that 50-90% of cases in the D.C. Court of Appeals involve at least one unrepresented party; and 86% of parties appealing public-benefits determinations and 91% of parties challenging unemployment-compensation determinations in the D.C. Office of Administrative Hearing are unrepresented.

In the D.C. Superior Court, the percentage of parties who are unrepresented is also high:

- 88% of petitioners and 95% of respondents in the Domestic Violence Division;
- 83% of plaintiffs and 93% of respondents in divorce and custody cases;
- 97% of respondents in paternity and child-support cases;
- 88% of respondents in Landlord Tenant Branch, compared to 5% of plaintiffs;
- 75% of plaintiffs in Housing Conditions cases; and
- 97% of plaintiffs in small estate probate.



*Representation Rates – D.C. Access to Justice Commission Delivering Justice Report*

## **National Research on Unmet Civil Legal Needs**

This is not just an issue confronting the District. The lack of access to assistance for civil legal needs throughout the United States has been well documented. Although most of the research on the justice gap—the difference between civil legal needs and the resources available to meet those needs – has focused on the low-income population, the issue also affects those with higher income levels.



A 2022 survey by the Legal Services Corporation (LSC), the United States' largest funder of civil legal aid, found that low-income Americans do not receive any or sufficient legal assistance for 92% of their substantial civil legal problems.<sup>6</sup>

The 2022 LSC study also found that moderate-income Americans faced significant difficulty in getting help with civil legal problems. Of those living in households with incomes between 125 and 400% of the federal poverty guideline,<sup>7</sup> 86% of their substantial civil problems received no or inadequate help, and for those in households with incomes at or above 400% of the federal poverty guideline, 78% of their civil legal problems received no or inadequate help.

A 2021 study by the Institute for the Advancement of the American Legal System and The Hague Institute for Innovation of Law, based on a survey of 10,058 people, found that while low-income people are particularly vulnerable to access-to-justice challenges, access-to-justice problems run well up the income scale and affect “people from all walks of life.”<sup>8</sup>

Every year, the World Justice Project ranks the nations of the world on their compliance with various indicators of the rule of law. One of those indicators is the affordability and accessibility of civil justice. In the 2024 Rule of Law Index – the most recent index available – the United States ranked 107<sup>th</sup> out of 142 countries on

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<sup>6</sup> Legal Services Corporation, [\*The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans\*](#) (2022).

<sup>7</sup> In 2025, for the 48 contiguous states, eligibility for LSC-funded legal aid requires that an applicant's income be no more than \$19,563 for an individual, which is 125% of the federal poverty guideline. Some legal services providers serve people with incomes up to 200% of the federal poverty guideline, which for an individual is \$31,300 in 2025. For a family of four, the 2025 income eligibility limit is \$40,188 for LSC-funded legal aid and \$64,300 for legal aid organizations serving people with incomes up to 200% of the federal poverty guideline. For more on the guidelines, go to <https://www.federalregister.gov/documents/2025/01/28/2025-01789/income-level-for-individuals-eligible-for-assistance>.

<sup>8</sup> Hague Institute for Innovation of Law and Institute for the Advancement of the American Legal System, [\*Justice Needs and Satisfaction in the United States of America\*](#) (2021).

the affordability and accessibility of civil justice. Among the world's 47 wealthiest countries, the United States ranked 47<sup>th</sup>.<sup>9</sup>

State studies on the access-to-justice crisis have uniformly reached conclusions like those of the national studies: most civil legal needs of low-income people go unmet, and low-income people are unrepresented in most state civil cases, particularly in family-law, housing, and debt-collection cases.<sup>10</sup>

The prevalence of self-represented litigants in state courts has increased dramatically over the last 50 years. The earliest studies of self-representation date from the mid-1970s and found self-representation rates ranging from 2.7% of cases to approximately 20% of cases.<sup>11</sup> As of 2015, according to the National Center for State Courts, more than three-quarters of civil cases in state courts involved at least one self-represented litigant.<sup>12</sup> Our legal system has not adapted to a dramatic shift in the identity of its users—a decline in lawyer-users and a large increase in self-represented users.

### **Why Low- and Moderate-Income Individuals Are Unrepresented**

Why do so many D.C. residents end up handling their legal matters, including court cases, alone?

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<sup>9</sup> [World Justice Project Rule of Law Index](#) (2024).

<sup>10</sup> See, e.g., [California Justice Gap Study](#) (California State Bar 2024) (Californians do not receive any or enough help for 85% of their civil legal problems).

<sup>11</sup> See, e.g., [The Unauthorized Practice of Law and Pro Se Divorce: An Empirical Analysis](#), 86 Yale L.J. 104 (1976) (examining 2,500 divorce cases in two Connecticut trial courts and finding at least one self-represented party in 2.7% of the cases).

<sup>12</sup> Agor, Paula Hannaford and Graves, Scott E. and Miller, Shelley, *The Landscape of Civil Litigation in State Courts*, 32 (October 1, 2015), available at SSRN: <https://ssrn.com/abstract=2700745> or <http://dx.doi.org/10.2139/ssrn.2700745>

There is no constitutional right to counsel in a civil case, so if you cannot afford a lawyer in a civil matter, your only alternatives are legal aid and other publicly or privately funded legal-services providers.

Low-income residents end up without representation due to limited legal-aid and pro bono resources, lack of knowledge as to how to access these services, or failure to appreciate the significance of the legal issues they are facing.<sup>13</sup>

Moderate-income D.C. residents also often cannot afford standard D.C. lawyer fees, which by one estimate average \$291 per hour.<sup>14</sup> They also do not qualify for legal aid, and they often do not benefit from pro bono programs.

### **The Importance of Legal Representation**

Our legal system is structured around the assumption that people will have adequate access to the legal assistance they need. For example, the theory is that, when cases go to court, a just result will emerge from zealous presentation of each side's positions. When one party or both lack representation, the basic fairness of the legal system can be drawn into question. More generally, people with legal problems often cannot handle them without assistance. Legal problems can touch on people's most fundamental interests – whether they have places to live, whether they lose their jobs, whether they can get essential government benefits, whether they are physically safe. When people are left to face such problems without assistance, law can actually become an obstacle to justice rather than a way of achieving it.

### **Lawyers Alone Cannot Bridge the Justice Gap**

The District of Columbia has a large number of lawyers relative to the size of the city and a strong pro bono culture. Each year, the D.C. Courts honor lawyers who provide at least fifty hours of pro bono service (regular honors) or at least 100 hours of pro bono service (high honors) through the Capital Pro Bono Honor Roll.

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<sup>13</sup> [\*Lawyer Up? Increasingly, Americans Won't, or Can't\*](#), New York Times Magazine. April 17, 2025.

<sup>14</sup> Clio, [\*How Much Should I Charge as a Lawyer in DC?\*](#)

In 2024, 5,400 attorneys registered for the Honor Roll, with 3,033 (56%) qualifying for high honors. This represents at least 421,650 hours of pro bono service.<sup>15</sup>

Despite these advantages, the percentages of unrepresented litigants in our courts are no lower than the national averages and have not changed markedly over time. Expecting lawyers alone to close the justice gap is not realistic.

Although the number of lawyers in the United States has more than tripled over the last fifty years,<sup>16</sup> lawyers are not meeting the demand for legal assistance from low- and moderate-income individuals and are not likely to for the foreseeable future. American lawyers have shifted their practices away from serving individuals and toward serving businesses. In 1973, 52.2% of law firm revenue came from serving individuals. By 2017, the most recent year for which data is available, only 25.4% of law firm revenue came from serving individuals.<sup>17</sup> Thus, while the lawyer population was tripling, the percentage of law-firm services for individual people halved.

The unmet need for civil legal assistance is enormous. With more than three-quarters of civil cases in state courts involving at least one self-represented party and 92% of the significant civil legal needs of low-income people and 78% of the civil legal needs of moderate-income people going unmet, it is unrealistic to expect that the existing population of lawyers will find the capacity to close or to even narrow the justice gap significantly. The problem is too big.

The traditional interventions to improve access to justice – increasing funding for legal aid and increasing pro bono work – will not scale at the pace and the magnitude necessary to address the problem.

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<sup>15</sup> D.C. Courts, [2024 Capital Pro Bono Honor Roll](#).

<sup>16</sup> <https://www.americanbar.org/news/profile-legal-profession/demographics>.

<sup>17</sup> William D. Henderson, [Legal Market Landscape Report](#) (State Bar of California 2024) (citing U.S. Census Bureau Class of Consumer data).

- Funding for civil legal aid is a perennial challenge. Public and private funding for civil legal aid has to compete with a variety of other civic needs.
- Providing even one hour of attorney time to every American household facing a legal problem would cost on the order of \$40 billion.
- Providing just one hour of pro bono assistance per problem to households facing legal difficulties would require 200 hours of pro bono work per year by every licensed attorney in the country.<sup>18</sup>

Many D.C. residents cannot afford a lawyer. If they cannot afford a lawyer and do not qualify for and receive legal aid, their only choice is self-representation. CJW and LLP programs are intended to give them another option: a trained, competent, regulated nonlawyer to assist them.

### **III. A PATH TO REDUCING THE ACCESS TO JUSTICE GAP: NONLAWYERS WHO PROVIDE LEGAL ASSISTANCE**

A number of jurisdictions across the nation have decided to try to reduce the civil-justice gap by authorizing nonlawyers to provide legal assistance in specified areas. This approach aims to increase the supply of helpers available to meet the huge demand for legal assistance. Jurisdictions have adopted versions of two basic models:

#### **Community Justice Workers (CJWs)**

CJWs are trained nonlawyers who assist low-income clients with legal matters under the auspices of a legal-services organization and under the supervision of attorneys working for the legal-services organization. Community justice workers may be social workers, nurses, public-health workers, librarians, teachers, clergy members, employees of legal-services organizations, law students, and volunteers, among others. After receiving appropriate training from legal-services providers,

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<sup>18</sup> G. Hadfield and D. Rhode, [\*How to Regulate Legal Services to Promote Access, Innovation, and the Quality of Lawyering\*](#), 67 *Hastings L.J.* 1191 (2016).

CJWs can expand the type of help they are able to provide to individuals in the community with whom they may already interact. Clients do not pay them for their services since they work through nonprofit legal-services organizations who serve low-income populations or are volunteers.

The legal-services provider employing or affiliating with CJWs is typically responsible for training CJWs and assuring the quality of their work.

States that have adopted a CJW model include Alaska, Arizona, Delaware, Hawaii, and Utah. The South Carolina Supreme Court approved a CJW program that is awaiting implementation. California, Illinois, Michigan, and Texas are considering CJW programs.<sup>19</sup>

Part VII and Appendix G describe the nation's existing and proposed CJW programs in more detail.

### **Licensed Legal Practitioners (LLPs)**

LLPs are licensed nonlawyers who provide legal services directly to the public, typically without attorney supervision. They generally charge fees for their services—which clients may pay directly to the LLPs— but they are not restricted from working for nonprofit organizations. Educational, experiential, and testing requirements for LLPs are generally higher than those for CJWs.

States that have adopted LLP programs include Arizona, Colorado, Minnesota, New Hampshire, Oregon, Utah, and Washington state.<sup>20</sup>

Part VII and Appendix G detail the nation's LLP programs.

## **IV. THE D.C. BAR SUBCOMMITTEE'S DRAFT REPORT**

The Courts created the task force to investigate the idea of allowing nonlawyers who have sufficient qualifications and training to provide certain kinds of legal help in civil cases to people whose important interests are involved. The

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<sup>19</sup> Andrew Pei, [\*Self-Represented Litigants and the Pro Se Crisis\*](#), Cornell Journal of Law and Public Policy (2023).

<sup>20</sup> [\*The Diverse Landscape of Community-Based Justice Workers\*](#) (IAALS).

Courts noted prior efforts of the Courts and the D.C. Bar to address the access-to-justice crisis and referred to a draft report prepared by a working group of what is now the D.C. Bar's Innovations in Legal Practice Committee. The draft report recommended that the Courts adopt a program permitting licensed legal practitioners with appropriate education, training, and experience to provide legal assistance in certain areas of civil law.

The draft report described the civil access-to-justice crisis and explained the importance of legal assistance, particularly in cases involving basic human needs, such as housing, family law, and access to government benefits. The draft report surveyed similar programs that other states had adopted or were considering and summarized stakeholder input. Finally, the draft report detailed the results of three surveys the Working Group conducted.

The draft report proposed an LLP program with the following features:

- Subject matter: The LLP program would initially be limited to practice in landlord-tenant cases, with the possibility of subsequent expansion into other areas, including other housing matters, family law, estate planning and probate, and unemployment and government-benefits matters before the D.C. Office of Administrative Hearings.
- Education: LLPs would be required to have a J.D. degree from an accredited law school; a college degree in any subject plus a paralegal credential meeting certain requirements; or a college degree in paralegal education plus certain additional courses and training. LLPs with sufficient recent prior experience in their chosen area of practice would not have to meet this requirement.
- Experience: LLPs would be required to have 1,920 hours of experience under the supervision of an attorney in the area of law in which the LLP would practice. LLPs with a J.D. from an accredited law school would be exempted from this requirement.
- Testing: LLPs would be required to take a subject-matter test in their area of intended practice and an ethics exam.

- Character and Fitness: LLPs would be required to pass a character and fitness evaluation.
- Scope of Practice: LLPs would be authorized to assist clients by completing forms, gathering information, negotiating on behalf of clients, explaining legal rights to clients, and participating in mediation on behalf of their clients.
- Supervision: LLPs would be permitted to work without attorney supervision.

## **V. THE CIVIL LEGAL REGULATORY REFORM TASK FORCE**

The order creating the task force directed it to consider the recommendations of the Working Group, conduct further outreach with the Courts and other stakeholders, and prepare a report making recommendations to the Courts.

The Task Force is co-chaired by Judge Roy W. McLeese III of the D.C. Court of Appeals and Judge Alfred S. Irving, Jr. of the D.C. Superior Court. The current members of the Task Force are:

Judge Laura A. Cordero, D.C. Superior Court  
Judge Darlene M. Soltys, D.C. Superior Court  
Herbert Rouson Jr., Executive Officer, D.C. Courts  
Julio Castillo, Esq., Clerk of the Court, D.C. Court of Appeals  
Erin Larkin, Esq., Director, D.C. Courts Access to Justice Unit  
Willa Obel, Esq., Special Counsel to the Chief Judge, D.C. Superior Court  
James Sandman, Vice Chair, D.C. Access to Justice Commission  
Nancy Drane, Executive Director, D.C. Access to Justice Commission  
Charles (Rick) Talisman, Former Co-Chair, Innovations in Legal Practice Committee, D.C. Bar  
Amy Neuhardt, Co-Chair, Innovations in Legal Practice Committee, D.C. Bar  
Carla Freudenburg, Director, Regulation Counsel, D.C. Bar  
Kirra Jarratt, Chief Executive Officer, D.C. Bar Foundation  
Judge Sharon Goodie, Administrative Law Judge, D.C. Office of Administrative Hearings  
Toni Marsh, President, American Association for Paralegal Education



The task force met biweekly for two years, reached out to stakeholders, researched programs throughout the United States, interviewed and hosted focus groups with D.C. legal professionals and community members, conducted surveys, and established committees that held additional meetings and reported back to the full task force.

## **VI. ENGAGING STAKEHOLDERS AND THE PUBLIC**

The administrative order that established the task force charged it with seeking and summarizing feedback from stakeholders and then addressing that feedback in its final recommendations.

The task force followed an iterative approach rather than a traditional notice-and-comment procedure so that feedback could be shared and considered in real time. Although the administrative order specifically directed the task force to seek feedback on the D.C. Bar subcommittee's draft report, the task force also inquired more broadly about using individuals who are not lawyers to assist unrepresented litigants.

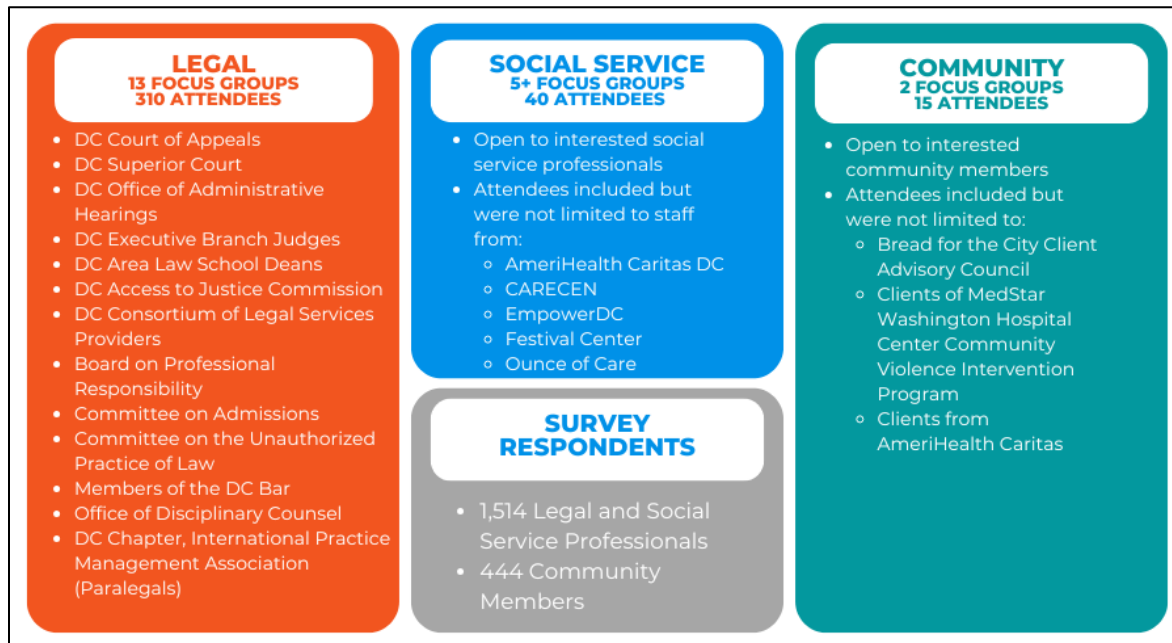
### **Methodology**

The task force reached out to an array of legal stakeholders, social-service professionals, and community members:

- Hosted more than twenty focus groups attended by over 360 individuals, organized by stakeholder groups. Each group included a uniform overview presentation<sup>21</sup> and a facilitated discussion of a standard list of questions.
- Invited members of the public to comment via an email address on the court's website, receiving fewer than ten responses.
- Offered two online surveys: one for legal and social-service professionals that received 1,514 responses and another for members of the community that received 444 responses.

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<sup>21</sup> A version of the task force's presentation can be found at [https://www.dccourts.gov/sites/default/files/divisionspdfs/PPT\\_Reg\\_Reform\\_TF\\_Community.pdf](https://www.dccourts.gov/sites/default/files/divisionspdfs/PPT_Reg_Reform_TF_Community.pdf).



### *Task Force Outreach*

A list of the focus groups held, the focus-group questions, and both surveys are available in the Appendix.

To maximize participation, the task force emailed stakeholders directly and through listservs, attended standing meetings of stakeholder groups, posted signs at the courthouse and in the community, and spread the word through its members' networks. It is important to note that participants in the task force's outreach efforts were largely self-selected.

Although general perceptions about the use of nonlawyers solicited by the D.C. Bar subcommittee in 2020 and 2021 were considered, that information was more limited in volume than the feedback later secured by the task force and did not contemplate newer ideas such as CJWs.

A more detailed summary of the stakeholder and public feedback that was received and considered is available in Appendix A. What follows is a high-level summary of that feedback.

## General Sentiments

*“If you can’t afford a lawyer, you can’t afford justice.”*

Focus-group attendees expressed general enthusiasm for allowing nonlawyers to provide legal assistance, stating, “clients deserve more help and don’t require a lawyer at all times.”

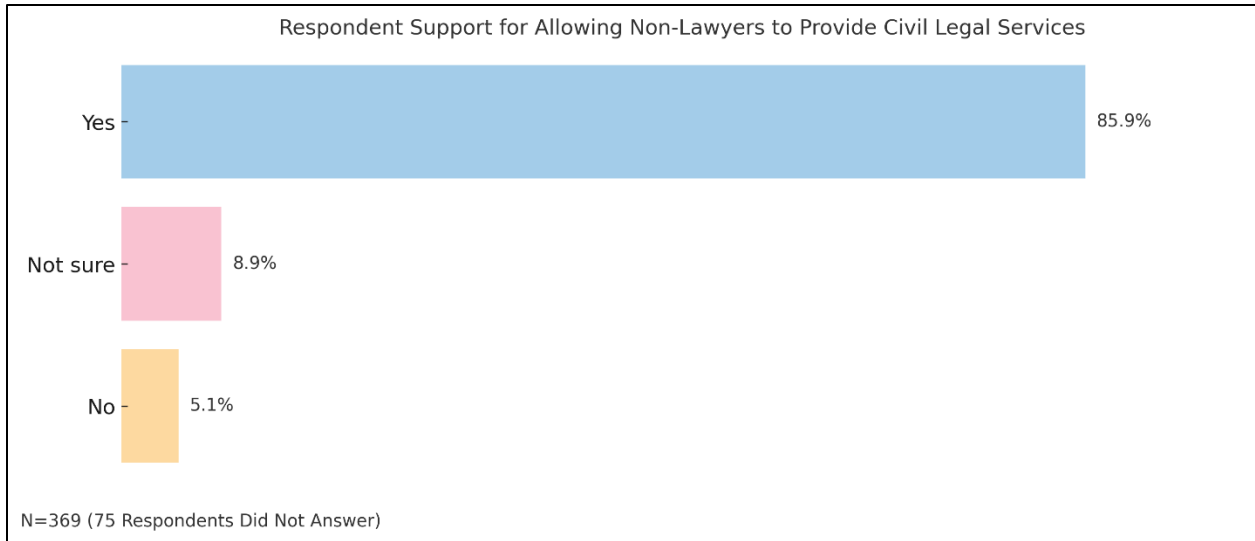
A retired private lawyer was “ecstatic” that the task force was considering the topic. Said one legal services leader, “I’m a person who doesn’t believe in *not* giving people lawyers, but we need to do business differently.”

Community members and social-services professional focus-group attendees agreed, saying this approach could “fill a gap.” A medical provider at a community health clinic said that access to legal help is a “huge barrier.” Community member focus-group attendees “applaud[ed] [the task force’s] creativity” and “strongly support[ed]” the idea, opining that it would “increase equity” in our justice system.

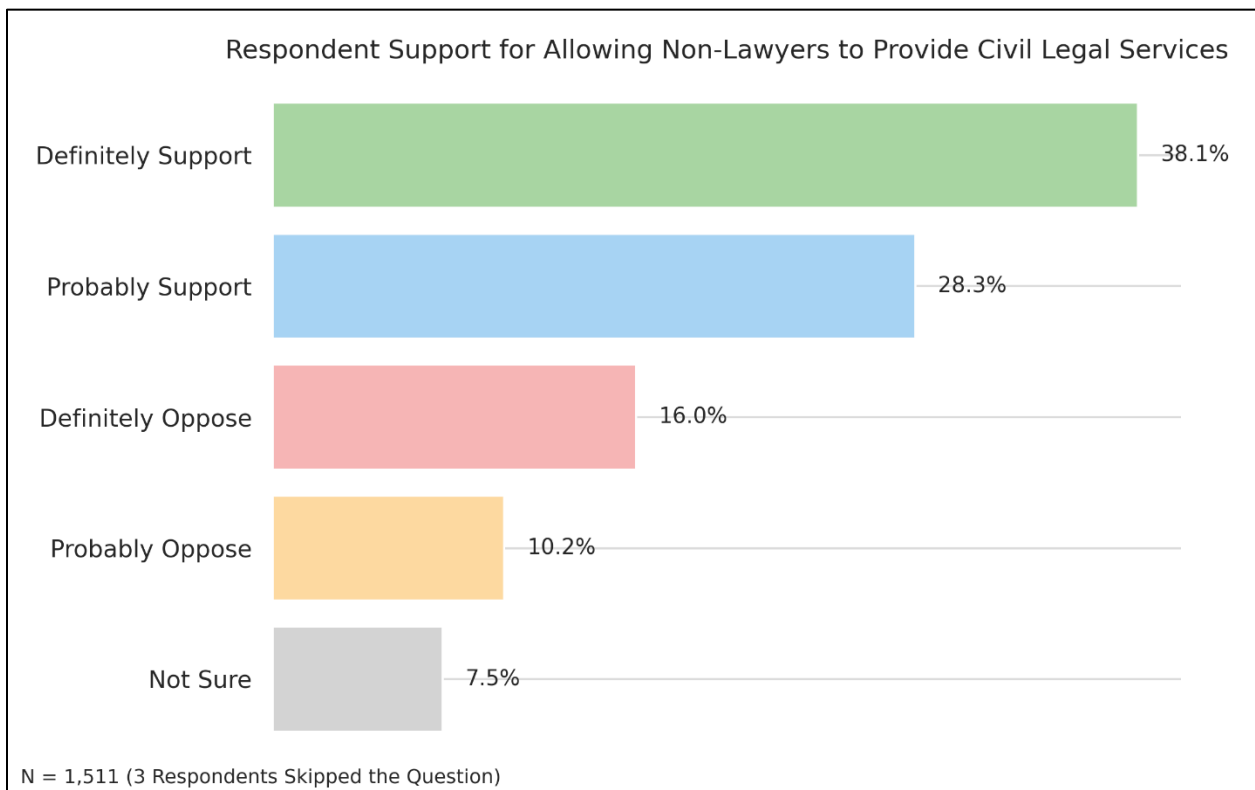
One community member said, “if you can’t afford a lawyer, you can’t afford justice.”

Data from the task force’s survey was also positive: 85.9% of community-member survey respondents (“community-member respondents”) and 66.4% of legal and social-services professional survey respondents (“professional respondents”) supported nonlawyer legal assistance. A majority of the professional respondents who answered the question said they were likely to refer someone looking for legal assistance to a trained and regulated nonlawyer.

As set out in more detail in the Appendix, there was some variation between professional respondents who self-identified their role. For example, paralegals had the highest percentage of support (98.4%) and private lawyers the lowest (56.5%). The majority of the professional respondents who “definitely opposed” the idea were private lawyers (23.9% of lawyers definitely opposed, constituting 72% of those who did so).



*Community Member Survey – Support for Nonlawyer Legal Services*



*Legal and Social Service Professional Survey – Support for Nonlawyer Legal Services*

Several focus-group attendees shared positive experiences with nonlawyers authorized to offer legal help in administrative or federal government contexts, such as accredited representatives in federal administrative proceedings, that caused them to change their initially skeptical views on LLPs. Focus-group attendees from a hospital-based program shared that its nonlawyer navigator program resolves 90% of the civil legal issues its clients encounter. Others were less sure about the approach, questioning the quality of nonlawyer support they had observed.

As between the CJW and LLP models, some focus-group attendees suggested that given the scale of the problem, a multilayered recommendation where the task force considers more than one approach might be wise. Others had a strong preference for the CJW model, believing that it has a greater potential to address the justice gap at scale.

Many felt another plus of the CJW model is that it would uniquely connect people with legal services in the community and bridge the “trust gap” that sometimes exists between lawyers and clients, expanding the availability of culturally relevant and linguistically appropriate help: “While any assistance is welcome assistance, if you can get assistance from an individual in the community that you already know, or someone who has some exposure to the key issues, that is beneficial.”

Social-services professionals shared that “[c]alling a lawyer is so intimidating,” and “people often don’t seek out help because they don’t want to engage in ‘another apparatus’ that will force them to tell their story again.”

On the other hand, a limited number of focus-group attendees suggested that the task force’s efforts might be better focused on expanding the availability or accessibility of current legal helpers working within the confines of the existing practice rules, like paralegals, navigators, and pro bono attorneys, suggesting that this could have an equal or greater impact without adding another potentially confusing title to the list of available legal helpers. Another focus-group attendee expressed a concern that nonlawyer legal assistance might take away from our community’s focus on high-quality lawyer representation for low-income District residents and thus create a type of “second tier” justice.

## **Potential market and participation**

The nature of the CJW model – working under the auspices of legal-service organizations that customarily offer free, legal services to low-income people – limited market-based concerns among focus-group attendees. However, focus-group attendees urged the task force to consider the resource demands that legal-services organizations would experience in launching a CJW program and maintaining ongoing staff support for training and supervision. These comments were made in the context of ongoing concern about the sustainability and predictability of both public and private funding for civil legal aid more generally.

There were a range of market concerns with respect to LLPs. Some wondered whether enough individuals would seek LLP licensure to justify the time and expense of creating and administering a LLP program, and relatedly, whether the benefits of pursuing a license might be outweighed by the burden on potential applicants to secure it.

Focus-group attendees uniformly wondered whether the fees that LLPs would charge would be out of reach for low-income unrepresented litigants. Yet at the same time, others urged the task force not to limit its recommendations to address the needs of the low-income community alone: “[E]quity requires that we come up with a model that will reach as many people as possible, including those up the income scale” who struggle paying standard legal rates.

Professional survey respondents were asked how likely their organization would be to hire trained and regulated nonlawyers to provide legal services to District residents, with mixed results. However, focus-group attendees expressed enthusiasm for this idea as a way to leverage untapped human resources among existing paralegals, service professionals, and community members and offer them advancement opportunities that could promote staff retention and offer a viable, long-term career path:

- A legal services leader would “love” the paralegals she currently has on staff to be able to do more: “They have so much knowledge and skills to be able to work independently. This would be easy for them to scale up if rules changed.”

- A social-service organization leader said “[t]his would be very appealing to our demographic [community health workers] . . . having a community justice worker program aligns with our model of advocating for enrollees with health-harming issues.”
- One current nonlawyer would welcome additional training: “I see clients who have something to say, but don’t know how to say it. This is especially true for non-English speaking clients. When I am with them in court, I want to speak but feel like I can’t because I am not a lawyer. It would be great to be trained so that I can help people when I’m with them in court.”

While the majority of those expressing this view were in the nonprofit space, at least one lawyer said, “it isn’t just nonprofits that are interested; the staff at my for-profit organization would like to go to hearings.”

### **Practice areas**

A wide range of legal areas were mentioned as potential places to target expanded services, further demonstrating the range and depth of the access-to-justice-gap.

Family-law issues like child support, divorce, and qualified domestic relations orders were mentioned, while child custody was cited as potentially less amenable to nonlawyer support due to its adversarial nature – but not insurmountable with proper training. Other areas included administrative proceedings, civil actions, housing, guardianship, and immigration. Probate was described as a “perfect fit,” as paralegals often do most of the prep work on these cases for paying clients.

Focus-group attendees suggested that distinctions could be drawn between contested and uncontested matters or those matters that inherently require more formal training within these broader categories. One participant described this as a conundrum – that the complexity of certain legal issues may make it more difficult to ensure a nonlawyer is sufficiently trained yet even harder for an unrepresented individual to navigate alone.

Several focus-group attendees cautioned that clients often present with multiple, co-occurring civil legal issues that could potentially go beyond the scope of a nonlawyer’s knowledge and training, and that there are often less obvious collateral consequences that a nonlawyer would need to be trained to flag.

## **Tasks**

Community members were asked what type of tasks a nonlawyer could help with. Similarly, legal and social-service professionals were asked to identify out-of-court and in-court tasks that trained and regulated individuals who are not lawyers could perform.

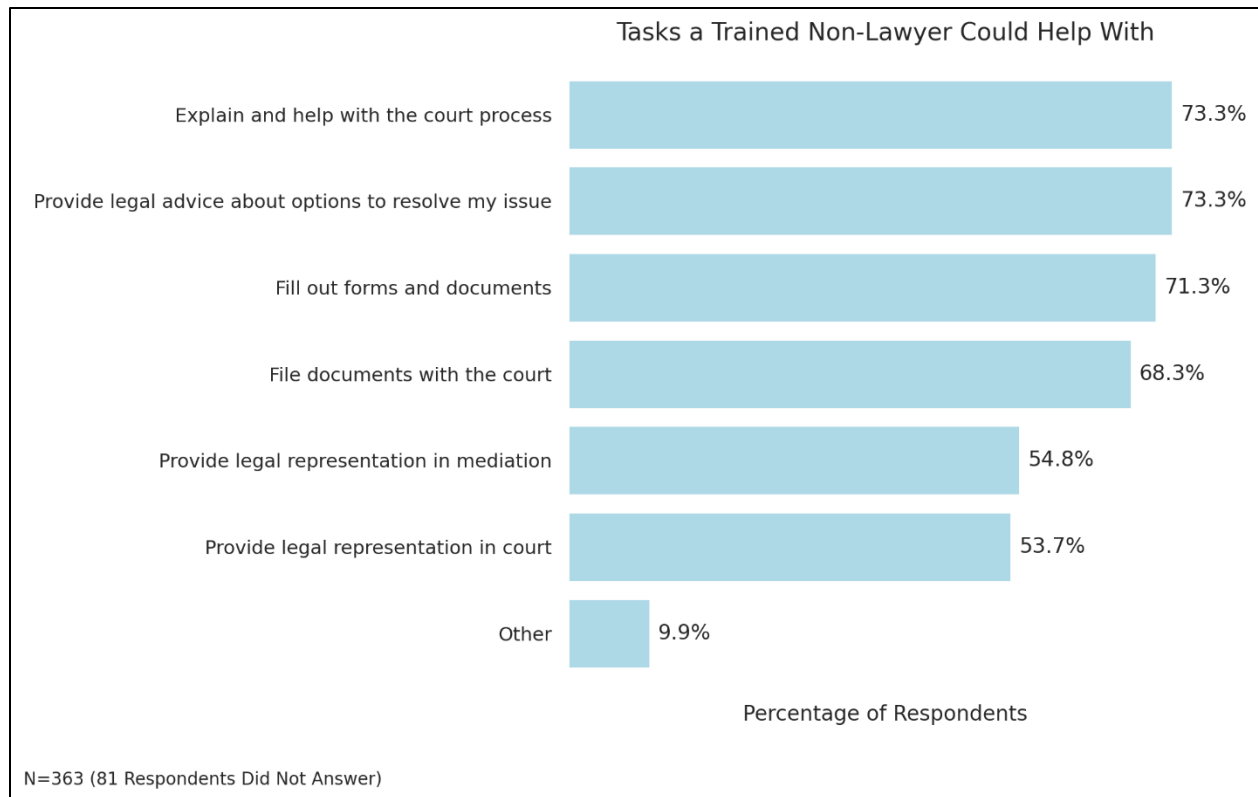
There was wide agreement that nonlawyers could offer valuable support in a range of tasks, particularly those that help individuals navigate the civil justice process. One participant put it as getting “from point A to point B,” while a lawyer said such assistance could “set clients up for success” and free up lawyers to focus on tasks squarely within their advanced training and expertise.

There was similar consensus that nonlawyers could perform other tasks like help with discovery, reviewing and potentially filing pleadings, and “helping people understand what to do and what direction to take,” while “demystifying legal jargon.”

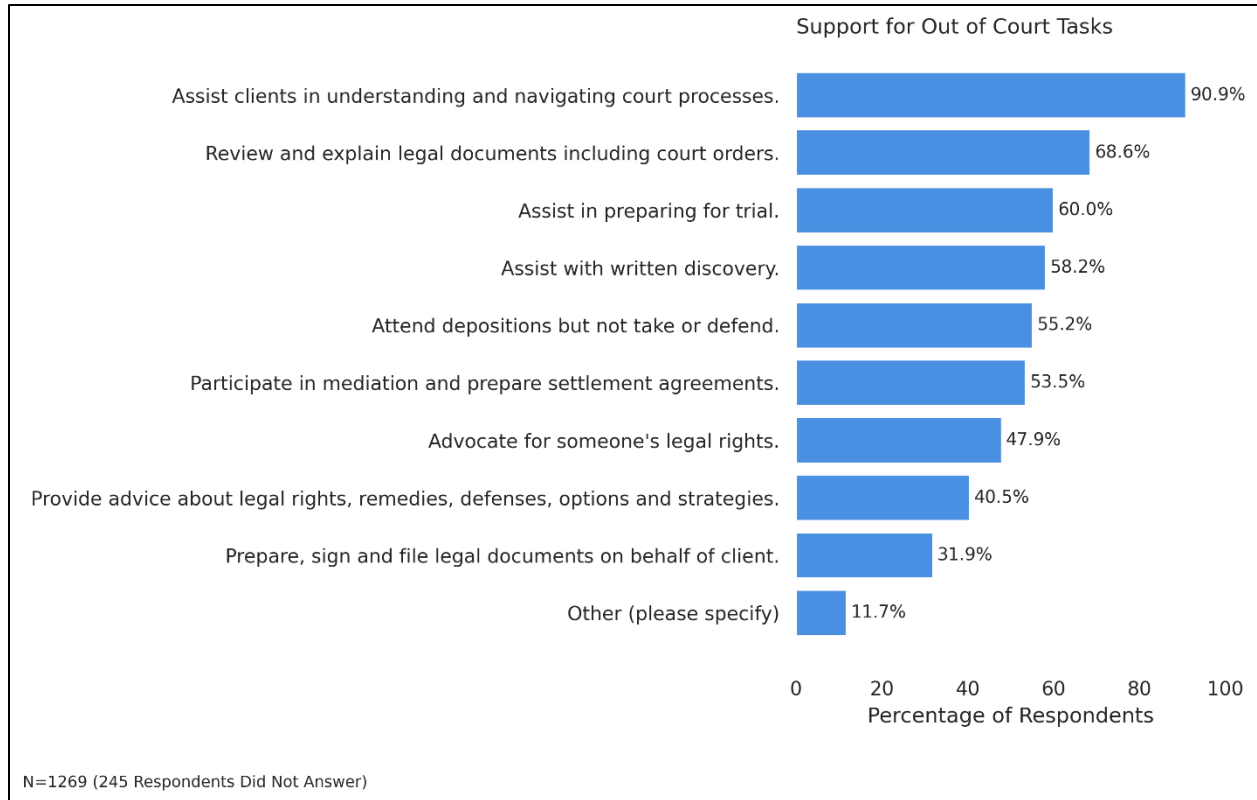
There were some differences in the types of tasks community members wanted help with and the tasks professionals seemed comfortable with nonlawyers providing. For example, while 53.7% of community members said they would want the trained person to provide legal representation in court, only 20.2% of professionals selected “representing a client in court” as a task that trained and regulated individuals who are not lawyers should perform, and just 8.4% selected “conduct a trial including examining witnesses.”

Generally, there was significantly more support for out-of-court over in-court tasks beyond basic emotional and note-taking support from legal and social-service professionals.

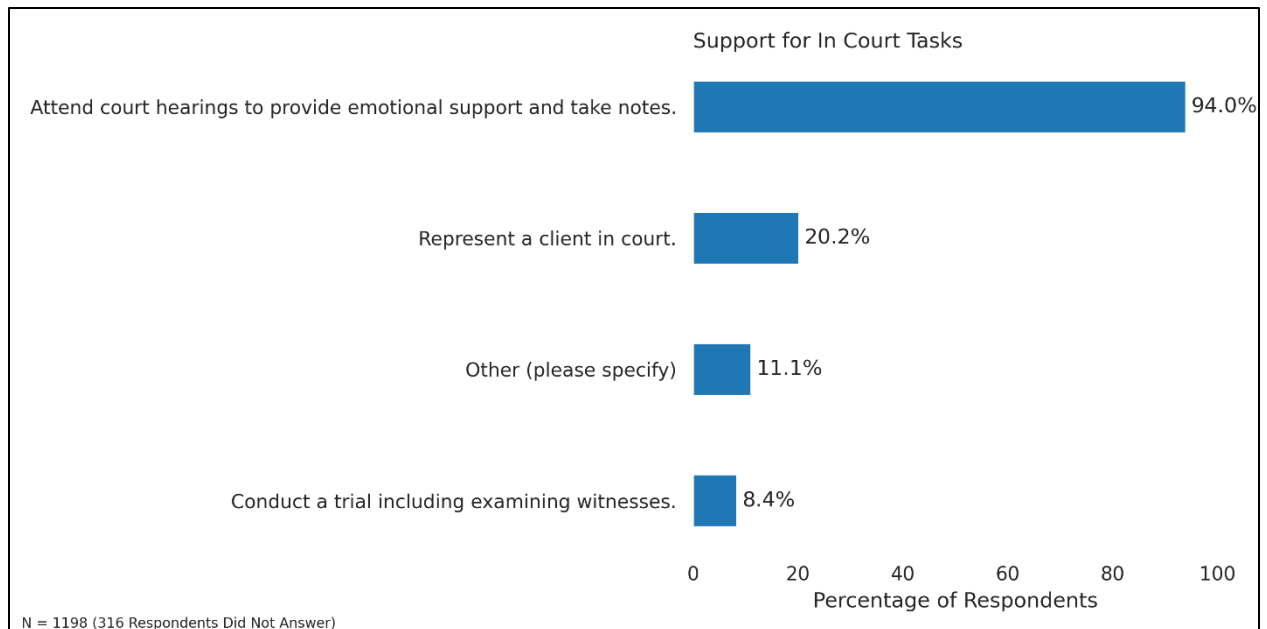




*Community Member Survey – Tasks Nonlawyers Could Help With*



*Legal and Social Service Professional Survey – Out-of-Court Tasks*



*Legal and Social Service Professional Survey – In-Court Tasks*

The views disfavoring in-court tasks were not universal, however. One focus-group attendee said: “[Clients] are afraid of appearing in court alone. Any program should address [nonlawyers] appearing in court.” Another said, “advice and guidance are not helpful; they want people to represent them in court.” Focus-group attendees who observed paralegals offer authorized in-court representation in administrative tribunals were more supportive of the idea, provided the nonlawyer had the appropriate training. But this deviated significantly from the survey data among professionals.

One focus-group attendee with experience working with nonlawyer legal advocates in another jurisdiction shared that specialization is often the key to highly competent legal services, and that tasks where repetition will help nonlawyers hone their skills would be ideal to include under authorized activities. Finally, she noted that carefully drawing the line between what is and is not authorized is beneficial for both the professionals and the client.

### **Education and Training**

Focus-group attendees uniformly expressed a concern that overly burdensome credentialing requirements could undermine the success of the program and that the task force should “avoid burdening the program with excessive requirements that are not predictors of success.” They urged the task force to “design the qualifications to fit the job duties rather than starting from a regulatory perspective” and to consider the value of experiential, on-the-job training alongside traditional education qualifications, stating that otherwise “we may be limiting access to this opportunity and excluding people who are reflective of the community they would be serving.”

In addition to substantive legal issues, focus-group attendees urged the task force to “ensure training in legal ethics, trauma-informed care, cultural humility, and an appreciation of the power differentials involved.” Legal-services attorneys familiar with these issues advised that this training “would not be difficult” to arrange. Although they acknowledged that standing up training programs would require resources, they cited the benefits and relative ease of training and mentoring individuals like potential CJWs who already have practical familiarity with a substantive area over training that they often offer to pro bono lawyers who know

the law but have little experience with the realities on the ground: “I like the approach in Alaska where they are using trusted community members who are trained.” Law school focus-group attendees suggested that their institutions or affiliated schools of continuing studies or paralegal programs could be of assistance in training.

### **Other Comments**

Focus-group attendees identified two other categories of issues that the task force should consider when developing its recommendations.

The first category encompassed issues related to the oversight and regulation of nonlawyers potentially providing these services. The task force was urged to consider issues like character and fitness; professional liability and malpractice; and the regulation of advertising, marketing, and fees.

Second, focus-group attendees wanted to be sure that nonlawyers authorized to perform these services were subject to clear disclosure requirements so that potential clients were aware of the scope and limitations of what they are authorized to do. This was deemed particularly important to ensure that certain populations that have been socialized to avoid predatory individuals like notarios<sup>22</sup> and directed “only to talk to lawyers” understood these services were sound.

Finally, focus-group attendees emphasized the importance of monitoring and tracking the development and success of such programs for continuous assessment and improvement.

### **Conclusion**

Taken as a whole, the task force gleaned from focus-group attendees and survey respondents a general enthusiasm for the suggestion that nonlawyers could offer valuable legal help in a broad range of legal issues. As for the program parameters, there was a prevailing sentiment that entry to these new nonlawyer roles should be reasonable and should aim to accommodate those with experience in the community. The feedback emphasized the importance of having guardrails to ensure

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<sup>22</sup> Notarios are commonly understood as individuals who fraudulently represent themselves as qualified to offer legal advice or services concerning immigration or other matters of law. *See, e.g.,* [https://www.americanbar.org/groups/public\\_interest/immigration/projects\\_initiatives/fight\\_notario\\_fraud/about\\_notario\\_fraud/](https://www.americanbar.org/groups/public_interest/immigration/projects_initiatives/fight_notario_fraud/about_notario_fraud/)

nonlawyer legal assistance was sufficiently targeted and within the scope of the training that participants receive. Although there was consensus on most of the legal tasks considered for nonlawyer authorization, the vast majority of focus-group attendees and survey respondents were not comfortable with the most formal of in-court tasks such as proffering evidence or conducting trials. Finally, although there was widespread support for CJW programs, the views about LLP programs were more mixed, including concerns about whether there would be a sufficient number of clients who could pay LLP fees, to the extent that LLPs charged for their services.

## **VII. MODELS ADOPTED AND PROPOSED IN OTHER JURISDICTIONS**

The task force studied every CJW and LLP program that other states have implemented or proposed. We reviewed the elements of such programs, examined progress reports outlining their performance, spoke with the officials responsible for creating and overseeing such programs, and spoke with CJWs and LLPs.

Task force members also participated in an ad hoc group called the Multi-Jurisdictional Roundtable, where representatives of jurisdictions that have created or are considering CJW or LLP programs confer monthly to review the progress of such programs and discuss issues of mutual concern.

Here is a brief synopsis of the status of the various existing programs:

### **CJW Programs**

Alaska implemented the first CJW program in the nation in 2019. As of 2025, nearly 500 CJW workers have either completed or are currently taking training courses, and over 190 are active in 47 different communities. Initially Alaska's CJW's were primarily assisting clients to apply and qualify for Supplemental Nutrition Assistance Program benefits, but today they can receive training from the Alaska Legal Services Corporation to assist with debt collection defense, domestic violence advocacy, the Indian Child Welfare Act, and wills. Further courses are planned for disaster response advocacy, eviction defense, probate and title clearing, and ethics and professionalism by the end of 2025. In 2022, the Alaska Supreme Court approved Alaska Bar Rule 43.5, which waives restrictions on the unauthorized

practice of law for nonlawyers trained by, supervised by, and working full- or -part-time under the auspices of the Alaska Legal Services Corporation.

Arizona instituted a CJW-style program called Certified Legal Advocate for domestic violence issues in 2021; it added a housing stability program in 2024. In 2025, Arizona created CJW-style programs for consumer issues, housing, debt relief, public benefits, and unemployment law.

Delaware adopted a CJW program for tenant housing issues in 2022, in which tenant advocates working with one of three Delaware legal-aid groups can help tenants in eviction proceedings, engage in settlement negotiations, file pleadings and other documents, and appear in the Justice of the Peace Court.

Hawaii established a CJW pilot program in a portion of the Big Island of Hawaii in 2023 in the areas of paternity, child support, and visitation in Family Court.

In 2024, the South Carolina Supreme Court approved a CJW program for Housing Legal Advocates to be trained under a program developed by the South Carolina NAACP. The program is not yet in effect.

Utah implemented a CJW program to assist victims of domestic violence in 2021. Since then, Utah has established similar CJW programs relating to medical debt (2023) and housing stability (2025).

Discussion with persons involved in those programs indicated that they have been viewed as effective and as having had a substantial positive effect on the access-to-justice gap.

### **LLP Programs**

Arizona established an LLP program in 2021 for (1) most domestic-relations matters, (2) civil matters before a municipal or justice court, (3) criminal misdemeanor matters before a municipal or justice court where incarceration is not at issue, (4) authorized services before any Arizona administrative agency, or (5) juvenile dependency proceedings except contested adjudication. As of July 2025, eighty-eight LLPs were licensed, eighty-five of whom were listed as active. The LLP

program further expanded its practice areas with the juvenile dependency law exam in 2024 and will continue to expand in 2025 with the potential addition of Qualified Domestic Relations Orders (QDRO) and probate practice areas. Arizona is the only jurisdiction that permits LLPs to try cases, and then only in limited areas of law.

Colorado has adopted an LLP model in which Licensed Legal Paraprofessionals may provide services relating solely to family-law issues (including domestic-violence issues). The first exams were administered in 2024. To date ninety-two LLPs have been licensed in the first year of the program, with another thirty applicants awaiting the next licensing exam.

Minnesota adopted an LLP pilot program that was implemented in 2021 and became permanent in 2024. Today, there are roughly thirty paraprofessionals who work under attorney supervision. The supervising attorney and paralegal are approved together as a team and are permitted to work in the practice areas of family law and housing.

New Hampshire adopted a paraprofessional pilot program in family-law matters, available exclusively to clients who earn up to 300% of the federal poverty level. The first phase of the pilot program took effect January 1, 2023, and allowed paralegals to assist qualifying clients in family and landlord/tenant matters with case preparation tasks (such as drafting pleadings, parenting plans, protection orders, and financial affidavits). The second phase permitted paralegals to provide what is being referred to as “paraprofessional representation” in family and district courts in three New Hampshire judicial districts. In 2024, legislation was passed to expand the program statewide and extend the pilot project through 2029.

Oregon has developed a Licensed Paralegal program in the area of family law and in landlord-tenant matters. The Bar began accepting applications in July of 2023 and issued the first licenses in January of 2024. As of early 2024, ten licenses had been issued, all in the area of family law.

Utah has developed an LLP program that allows practitioners to work in family law, debt collection in small claims, and evictions. Currently, LLPs cannot appear in court; there is an amendment that if adopted would allow LLPs to appear

in court but not orally advocate for their client. There are approximately thirty-seven LLPs licensed in Utah.

Washington has an LLP program for licensees in the family-law area, which began operation in 2015 and was sunset in 2020. As of June 2025 the Washington State Bar Association had licensed seventy active Limited License Legal Technicians, twelve inactive LLLTs, and one pro bono LLLT.<sup>23</sup>

A detailed summary of the various jurisdictions' existing or proposed programs, with links to selected source materials, is attached as Appendix G. The Appendix summaries provide details about educational, experiential and training requirements of the various programs, and other details relating to implementation.

## **VIII. TASK FORCE RECOMMENDATIONS**

The task force recommends that the Court:

- (1) Adopt a CJW program;
- (2) Direct that further study of the LLP model be conducted by the task force, reconstituted to the extent the Courts deem appropriate;
- (3) Encourage the development of other innovative approaches to addressing the access-to-justice crisis through D.C. App. R. 49(c)(10), which grants the Courts authority to approve programs permitting persons who are not members of the D.C. Bar, including nonlawyers, to provide legal services.

### **CJW Program**

The task force unanimously recommends that the Courts establish a framework for CJW programs. Such programs have been adopted in a number of

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<sup>23</sup> [Washington State Bar Association Membership Demographics](#).



jurisdictions and have proven to be effective in providing quality legal assistance to low-income individuals who would not otherwise have been able to obtain such assistance. The programs also appear to require modest commitment of court resources, while at the same time having the apparent capability to attract participation at a scale that could have a substantial impact on the access-to-justice crisis. The task force's outreach indicates that there is broad enthusiasm and support for such programs.

The task force recommends the following requirements for CJW programs to help ensure that CJWs provide competent, effective, and ethical legal assistance:

- CJWs must be trained by a legal-services provider and operate under the supervision of an active D.C. Bar member in good standing employed by a legal services provider.
- CJW proposals by legal-services providers must be approved by the Courts and include specific information about how CJWs will be trained, supervised, and used.
- CJWs must be trained in and comply with ethical obligations and be subject to discipline.

The task force does not recommend any specific subject-matter limits on CJW programs, beyond the limitation to civil matters. The experience of other jurisdictions and the task force's outreach indicate that the critical unmet need for legal assistance spans many different areas of civil law. Moreover, permitting legal-services providers to develop and propose their own CJW programs in various subject-matter areas takes advantage of the fact that legal-services providers have direct knowledge about the unmet needs for legal assistance. The task force therefore decided to give legal-services providers the discretion to select legal areas they felt were most appropriate and/or highest priority. Legal-services providers also have relationships with other community-based professionals and community members who might be well-equipped to supply candidates to be CJWs.

The task force believes that with appropriate supervision and training CJWs could effectively perform a relatively broad list of tasks. The task force recommends against, however, permitting CJWs to conduct evidentiary proceedings or depositions. Most jurisdictions with CJW programs do not permit CJWs to handle such matters, and the task force's outreach revealed substantial reservations about doing so.

The proposed framework would include the following features:

- Non-profit organizations providing free or low-cost legal services to residents of the District of Columbia would be eligible to apply to the Courts for authorization to operate a CJW program;
- CJWs affiliated with an eligible organization would be authorized to engage in the limited practice of law under the supervision of a D.C. Bar member;
- Applications to operate a CJW program would detail program requirements, including eligibility criteria, training, areas of practice, and the nature of supervision;
- CJWs would be required to adhere to a set of ethical obligations and would be subject to discipline pursuant to the procedures in Rule XI of the District of Columbia Bar Rules.
- Under the supervision of an active member of the District of Columbia Bar in good standing and employed by a non-profit organization providing free or low-cost legal services to District of Columbia residents, CJWs would be authorized to:
  - Assist clients in understanding and navigating court and administrative proceedings;
  - Assist with written discovery;
  - Write, sign, and file legal documents on behalf of clients;
  - Provide advice about legal rights, remedies, defenses, options, and strategies;

- Attend depositions;
  - Advocate for clients' rights;
  - Participate in mediation;
  - Prepare settlement agreements;
  - Assist in preparing for evidentiary hearings and trials;
  - Attend court and administrative proceedings to provide support and assistance; and
  - Represent clients in court, including making representations on behalf of a client, answering questions from the court on behalf of a client, and making legal arguments on behalf of a client.
- CJWs would not be permitted to take or defend depositions or to conduct an evidentiary hearing or trial.

The full text of recommended new D.C. Court of Appeals Rule 49(c)(14) creating a CJW framework is provided in Part IX of the report.

In addition to recommending a proposed new rule to provide a framework for CJW programs, the task force recommends that the Courts designate a person or entity to assist the Courts with oversight of CJW programs.

Among other things, this monitor would:

- Guide and counsel applicants for authorization of CJW programs;
- Assist the Chief Judge of the D.C. Court of Appeals in reviewing applications;
- Maintain records of approved programs and certified CJWs;
- Receive and review reports provided by participating legal-services providers;
- Monitor the program; and
- Suggest changes to improve the program.

The monitor would report annually on:

- The number of clients served by CJWs;

- The number of legal matters handled by CJWs, broken down by legal area; and
- The number of client complaints received, if any.

Approved CJW programs will be required to provide this data to the Courts.

The task force recommends that the responsible person or entity also conduct regular surveying of CJWs and clients served to solicit feedback on the program.

### **LLPs**

The task force undertook an extensive inquiry into the LLP model. Nevertheless, the majority of the task force recommends further study for six main reasons:

(1) the task force believes that the Courts should give initial priority to establishing a framework for CJW programs;

(2) establishing an LLP program could require a significant investment of judicial and other resources, including for example to establish and grade subject-matter tests;

(3) further research is required to determine if there would be a sufficient market for the services of independent LLPs;

(4) although the task force has made an extensive effort to consider the issues raised by the LLP approach, the task force is not yet confident that the benefits of such an approach will justify the burden that such a program would place on scarce court resources that would be required to administer the program;

(5) a period of further study would also permit the Courts to get the benefit of additional information about the experience of other jurisdictions that have adopted LLP programs recently; and

(6) the LLP model merits further inquiry because, if feasible, it would provide a means of helping to address the unmet civil legal needs of individuals who have very limited means but do not meet the stringent income-eligibility limits that would be applicable to CJW programs under the auspices of legal-services providers.

We note that several task-force members concluded that the resources necessary to establish and maintain an LLP program would outweigh the benefits of such a program. In particular, they were skeptical that LLPs would be willing and able to provide legal services at a price that people of moderate income could afford, given information received by the task force indicating that moderate-income D.C. residents often cannot afford standard D.C. attorney fees, which by one estimate average \$291 per hour; that LLPs in other jurisdictions charge rates in the range of \$225 to \$250 per hour; and that “low bono” law firms in D.C. have faced challenges attracting paying clients for full-scope representation at rates as low as \$75 per hour. Those task-force members voted against recommending an LLP program. They also voted against further study of the idea of establishing an LLP program.

Conversely, several task-force members concluded that the task force already has sufficient information, based on its outreach and the experience with LLP programs in other jurisdictions, to decide that an LLP program would make an important contribution to the access-to-justice crisis. Those task-force members were of the view that the task force should recommend now that the Courts adopt and implement an LLP program in addition to authorizing CJW programs.

A majority of the task force recommended that further study of the LLP model be conducted by the task force, reconstituted to the extent the Courts deem appropriate. Several members of the task force voted to recommend that any further study of the LLP model be conducted by the D.C. Bar’s Innovations in Legal Practice Committee.

### **Other Court-Approved Programs**

Several jurisdictions that have taken steps to address the access-to-justice crisis have encouraged experimentation and innovation through pilot programs or other similar approaches.

The rules of the D.C. Court of Appeals already provide a framework for such innovation. *See* D.C. App. R. 49(c)(10) (granting Courts authority to approve programs permitting persons who are not members of D.C. Bar to provide legal services). The task force recommends that the Courts encourage organizations to

consider developing other innovative approaches to addressing the access-to-justice crisis for possible approval under R. 49(c)(10).

## **IX. PROPOSED CJW RULE**

The task force unanimously recommends that the Court adopt the following rule that would authorize development of CJW programs and provide a framework for review and approval of such programs.

Proposed new D.C. App. R. 49(c)(14): *Community Justice Worker Programs.*

A. Community Justice Workers. Pursuant to a court-approved program as provided in this Rule, persons who are not members of the D.C. Bar, including nonlawyers, may engage in the limited practice of law under the supervision of an active member of the D.C. Bar in good standing who is employed by an eligible organization that provides free or low-cost legal services to residents of the District of Columbia.

B. Eligible Organizations. An organization may apply to operate a community justice worker (“CJW”) program if the organization (i) is a non-profit organization that is tax-exempt under section 501(c)(3) of the federal Internal Revenue Code; and (ii) provides free or low-cost legal services to residents of the District of Columbia.

C. Court Approval. An eligible organization that seeks to operate a CJW program must submit an application to the Chief Judge of the District of Columbia Court of Appeals.

(i) Application. The application must contain the following information:

- the eligibility criteria for CJWs;
- the area or areas of practice in which CJWs will work;
- a list of the legal tasks that CJWs will be permitted to perform;
- a description of the training that the organization will provide to CJWs, including substantive training, training on applicable

procedures, and training on compliance with the ethical obligations of CJWs (specifically including the obligation to avoid conflicts of interest);

- a description of the manner in which CJWs will be supervised by members of the District of Columbia Bar employed by the applicant;

- a description of the applicant's procedures for receiving and addressing any complaints about the performance of a CJW;

- a representation that CJWs will be covered by the applicant's legal malpractice insurance;

- a representation that the applicant will obtain written informed consent, as required by D.C. App. R. 49(c)(14)(I), from clients to be represented by a CJW; and

- a representation that attorneys who supervise CJWs will be informed of their obligation to do so as required by D.C. App. R. 49(b)(9) and D.C. R. Prof. Conduct 5.1(b).

(ii) Approval Process. The Chief Judge of the District of Columbia Court of Appeals, or a judicial officer designated by the Chief Judge, shall determine whether to approve or deny an application. The Chief Judge may request additional information from an applicant. If an application is approved, an order shall issue to that effect. Applications that are approved shall be available to the public.

D. List of Approved CJWs. If an application is approved, the applicant must provide the Chief Judge of the District of Columbia Court of Appeals or a designate with a list of all CJWs that the applicant has approved to serve as a CJW. The applicant shall keep that list current. Such lists shall be available to the public.

E. Disbarred and Suspended Attorneys. An attorney who is disbarred or suspended may not serve as a CJW.

F. Permissible Tasks for CJWs. A CJW may perform the following tasks:

- (i) assisting clients in understanding and navigating court and administrative proceedings;

- (ii) assisting with written discovery;
- (iii) writing, signing, and filing legal documents on behalf of clients;
- (iv) providing advice about legal rights, remedies, defenses, options, and strategies;
- (v) attending depositions;
- (vi) advocating for clients' rights;
- (vii) participating in mediation;
- (viii) preparing settlement agreements;
- (ix) assisting in preparing for evidentiary hearings and trials;
- (x) attending court and administrative proceedings to provide support and assistance; and
- (xi) representing clients in court, including making representations on behalf of a client, answering questions from the court on behalf of a client, and making legal arguments on behalf of a client.

G. Prohibited Tasks. A CJW may not take or defend a deposition or conduct an evidentiary hearing or trial on behalf of a client.

H. Appearances in administrative or judicial proceedings. A CJW who seeks to represent a client in a judicial or administrative proceeding must file a written appearance containing the following information:

- (i) the CJW's name and contact information;
- (ii) the name and contact information of the organization with whom the CJW is affiliated;
- (iii) the name and contact information of the supervising member of the D.C. Bar;
- (iv) a statement that the CJW is not a member of the D.C. Bar and is providing assistance pursuant to this Rule and under the supervision of a member of the D.C. Bar.



I. Disclaimer. CJWs may not hold themselves out as authorized to generally engage in the practice of law. In any written documents or materials relating to their work as CJWs, CJWs must state that they are not members of the D.C. Bar and that they are authorized to provide legal assistance solely pursuant to this Rule and under the supervision of an active member of the D.C. Bar in good standing.

J. Informed Consent. Before a CJW may provide legal assistance to a client, the client must sign a written informed-consent agreement that explains that:

(i) the CJW is not a member of the D.C. Bar (and, where applicable, is not a lawyer);

(ii) the CJW is authorized to provide legal assistance solely pursuant to this Rule and under the supervision of an active member of the D.C. Bar in good standing;

(iii) the CJW may not receive compensation from the client; and

(iv) the attorney-client privilege extends to the activities of the CJW.

K. Supervision. An organization that utilizes CJWs must make reasonable efforts to ensure that the CJWs conform to the Rules of Professional Conduct. *See* D.C. R. Prof. Conduct 5.1(a). An attorney who is supervising a CJW must make reasonable efforts to ensure that the CJW's activities conform to the applicable Rules of Professional Conduct. *See* D.C. App. R. 49(b)(9); D.C. R. Prof. Conduct 5.1(b). The name, bar number, and contact information of the supervising member of the D.C. Bar shall appear on every pleading submitted on behalf of the client receiving assistance from the CJW.

L. Ethical Obligations.

(i) A CJW may only engage in the practice of law as permitted under this Rule 49(c)(14) or as otherwise authorized by statute or court rule.

(ii) A CJW must exercise care in determining the extent to which a client may be assisted within the scope of the CJW's authority.

(iii) A CJW must provide competent and zealous advice and assistance to clients, act with reasonable diligence, reasonably consult with clients, keep

clients reasonably informed, and consult as appropriate with the attorney supervising the CJW's work.

(iv) A CJW must preserve and protect the confidences and secrets of clients and prospective clients to the same extent as is required for lawyers under Rules 1.6 and 1.18 of the District of Columbia Rules of Professional Conduct.

(v) A CJW must avoid conflicts of interest pertaining to client matters, as is required for lawyers under Rules 1.7 through 1.10 of the District of Columbia Rules of Professional Conduct.

(vi) A CJW must comply with the requirements of Rule 1.16 of the District of Columbia Rules of Professional Responsibility, which governs declining and terminating representation.

(vii) A CJW owes a duty of candor to courts and administrative agencies, as is required for lawyers under Rule 3.3 of the District of Columbia Rules of Professional Conduct.

(viii) A CJW must comply with the requirements of Rule 4.1 of the District of Columbia Rules of Professional Conduct, which governs truthfulness in statements to others.

(ix) A CJW must not make or sponsor a false or misleading communication about the CJW's qualifications or services.

(x) A CJW may not engage in misconduct that is prohibited for lawyers by Rule 8.4 of the District of Columbia Rules of Professional Conduct.

M. CJWs are subject to discipline pursuant to the procedures established in Rule XI of the District of Columbia Bar Rules.

## **X. NEXT STEPS**

As directed by the order creating the task force, this report will be released for public comment for a period of at least sixty days. A separate order will be issued by the D.C. Court of Appeals to that effect. The report also will be provided to the

Chief Judges of the D.C. Court of Appeals and the D.C. Superior Court and the Boards of Judges of both courts.

After consideration of public comments and the views of the judges of both Courts, the Courts will determine how further to proceed.

## **CONCLUSION**

There is an enormous unmet need in the District of Columbia for civil legal services, often in cases of critical importance to the people involved. Prior efforts to address that crisis have not been able to come close to meeting the need presented, so it is necessary to consider creative alternatives. Several jurisdictions have adopted programs attempting to address the access-to-justice crisis by authorizing nonlawyer practitioners to provide legal services in certain civil cases. Other jurisdictions are actively considering the adoption of such programs. Those programs take various forms, one of which involves authorizing CJWs to provide legal assistance under supervision. After extensive investigation and careful consideration, the task force unanimously concluded that the Courts should give high priority to establishing a framework for CJW programs that would be court-approved and designed by legal-services providers. The task force concluded that such a framework could be established relatively quickly, without requiring commitment of substantial court resources. Also, such programs would be focused on low-income individuals for whom the need is greatest and could be implemented at a scale that would have a real impact in addressing the access to justice crisis.

The task force also conducted an extensive investigation into the LLP model. For the reasons that have been stated, a majority of the task force recommends that further study of the LLP approach be conducted by the task force, reconstituted to the extent the Courts deem appropriate.

## **TABLE OF APPENDICES**

- A: Summary of Stakeholder and Public Feedback Considered**
- B: List of Focus Groups and Questions**
- C: Legal and Social Service Professional Survey (Form)**
- D: Aggregated Results, Legal and Social Service Professional Survey**
- E: Community Member Survey (Form)**
- F: Aggregated Results, Community Member Survey**
- G: Summary of CJW, LLP Programs Adopted or Proposed in Other Jurisdictions**

## **APPENDIX A: Summary of Stakeholder and Public Feedback Considered**

## **Summary of Stakeholder and Public Feedback Considered**

The following summary captures in more detail the feedback the D.C. Bar subcommittee and the task force received in response to their inquiries about the potential use of nonlawyers to offer legal services to District residents, summarized in Part V of the main report.

### **A. D.C. Bar Subcommittee's Prior Outreach Efforts**

In 2020 and 2021, the D.C. Bar subcommittee reached out to the legal community via a roundtable event and through a series of surveys. A full description of these efforts can be found in Part IV.C and IV.D of the D.C. Bar subcommittee's draft report and is summarized below.

#### ***A-1. Roundtable Event***

The D.C. Bar subcommittee held a virtual roundtable in October 2020. The roundtable, moderated by former D.C. Bar President Jim Sandman, featured a presentation from the D.C. Access to Justice Commission on the state of civil legal needs in the District. Roundtable attendees included representatives from legal services and access to justice groups, low bono legal services and law firms, pro bono legal services, law schools, paralegal education and certification programs and associations, disciplinary and admissions entities, D.C. Bar committees, and representatives from comparable programs in Arizona and Utah. Generally, roundtable attendees supported an LLP program, especially for areas with low rates of attorney representation like housing and family law.

#### ***A-2. Surveys***

The D.C. Bar subcommittee distributed three surveys to D.C. stakeholders. The first was distributed to 128 students and alumni of two D.C.-based paralegal programs, the majority of whom favored an LLP program and said that they would focus on clients from low- and moderate-income populations.

Paralegal survey respondents supported allowing licensed legal practitioners to assist in completing forms, interview clients, explain the scope and obligations of court orders, review and explain documents, communicate with other parties, participate in mediation activities, and provide advice about possible legal rights, remedies, defenses, options, or strategies for routine matters in areas of law – all without attorney supervision.

Only a minority of those surveyed endorsed appearances before a court or tribunal, drafting and filing legal documents, completing a settlement agreement, or contracting with clients. Paralegal survey respondents estimated they'd charge flat fee rates between less than \$100 to \$250, depending on the task. Preferred practice areas included family law, civil cases, and domestic violence.

The second survey was distributed to 12,689 active D.C. Bar members who self-identified as solo or small firm practitioners in the D.C. metropolitan area, those who the D.C. Bar committee surmised would be most affected by the new model.

Forty-six percent favored the LLP model. Of the 54 percent of those who didn't support the model, 34 percent opposed it because they thought it would take business away from attorneys.

A minority of attorney survey respondents thought licensed legal practitioners would help their practices grow. Slightly over half of the respondents did not support the program because they thought only lawyers were competent to practice law or out of concerns around client confusion about permissible practice. Those who did support the idea thought it would be particularly helpful in matters related to public benefits, unemployment insurance, and probate.

The third survey was directed towards community members and generated 36 complete responses. For a variety of reasons, including concerns about the statistical significance of the responses, the subcommittee determined the results were not meaningful enough to be considered.

Finally, the D.C. Bar subcommittee conducted informal discussions with stakeholder groups. These discussions are detailed in the draft report. Generally, respondents supported the idea in areas including family law, housing, public benefits, domestic violence, contract disputes/debt collection, and education/student discipline.

## **B. The Task Force's Outreach Efforts**

As described above, the task force secured feedback through focus groups; an open e-mail address; and two online surveys.



### **Focus groups**

#### ***B.1.a. Focus Groups – Legal Stakeholders***

The task force arranged 12 focus groups attended by approximately 300 legal stakeholders: judicial officers from the D.C. Court of Appeals, D.C. Superior Court, the D.C. Office of Administrative Hearings, and D.C.'s executive branch; the D.C. Consortium of Legal Services Providers; area law school Deans; the D.C. Access to Justice Commission; members of the

Committee on Unauthorized Practice of Law, Committee on Admissions, Board of Professional Responsibility, and Office of Disciplinary Counsel; and members of the D.C. Bar.

### ***Judges***

Judicial officers who participated in the task force's focus groups generally supported the CJW model, while reactions to the LLP model were more mixed.

### **General reaction**

There was broader support of the CJW model over the LLP model, principally because the judicial officers were concerned that the fees LLPs would charge would be out of reach for low-income unrepresented litigants. They were also concerned about whether enough practitioners would seek licensure to justify the time and expense of administering a LLP program, and whether the benefits of pursuing such a license could be outweighed by the burden on potential applicants in securing it.

At least one participant also suggested that expanding the availability of currently available legal helpers, like paralegals, navigators, and pro bono attorneys, could have an equal or greater impact without adding another potentially confusing title to the list of available legal helpers.

D.C. Office of Administrative Hearings judges with experience having paralegals perform certain legal tasks in court (which is permissible under some circumstances in that forum) had a positive view, sharing that they observed some paralegals as sometimes more organized or better equipped than some lawyers.

### **Practice areas**

While the judicial focus groups did not include in depth discussion of target legal areas, judges mentioned estate administration and planning, family law, and administrative proceedings. Focus group attendees cited the importance of licensed individuals sticking to the subject matter specialization authorized through the program and voiced some concern about the risk that untrained individuals might try to serve other collateral issues that can often arise. Some judges pointed out the conundrum that the complexity of certain legal issues makes it harder for unrepresented individuals to navigate alone, while also making it more difficult to ensure a nonlawyer is sufficiently trained to offer services.

### **Tasks**

The tasks the judges mentioned included navigating the legal process, reviewing and preparing forms and filings, and getting litigants ready for hearings by organizing and constructing the case ("being the car that can get you from A to B").

Some judges voiced concern about nonlawyers appearing or speaking in court while others noted that allowing assistance preceding a hearing but *not* during the hearing that followed might undermine the desired effect, since some unrepresented litigants struggle with incorporating advice into oral presentations during court hearings.



At least one judge supported allowing nonlawyers to conduct evidentiary hearings with sufficient practice and training, but the vast majority voiced concern about allowing this generally, and particularly in more complex legal matters. (In the survey discussed below, 82 of the 83 judges who responded to the survey disfavored allowing nonlawyers to conduct a trial including examining witnesses.)

### **Education, training, ethics, and assessment**

Judges noted that experiential, on-the-job training could be considered alongside traditional education qualifications, and adult education programs might be resources beyond area law schools. Several judges noted the importance of some form of accountability to ensure the quality of services provided, one noting that, “this shouldn’t be a second-rate option for legal advice for the poor.”

### ***Lawyers***

#### **General reaction**

The task force met with a variety of private practice and legal services lawyers with experience in a range of practice areas. Focus group attendees generally supported both models.

One retired lawyer from private practice was “ecstatic” that the task force was considering this. A legal services lawyer said, “clients deserve more help and don’t require a lawyer at all times.”

Several lawyers urged the task force not to limit its assessment to the capacity of low-income individuals to benefit from nonlawyer assistance, noting that the inability to get legal help extends to the middle class. These individuals could be an “untapped market” that nonlawyers could serve. One lawyer said that “equity requires that we come up with a model that will reach as many people as possible, including those up the income scale.”

The lawyer focus group attendees were more confident that individuals would be interested in the CJW role than that individuals would be interested in the LLP role but recognized that funding would be necessary to support legal services organizations interested in standing up CJW programs, supervising authorized CJWs, and potentially hiring new staff in that role. That said, several lawyers cited the benefit and relative ease of training and mentoring individuals who already have practical familiarity with a substantive area over pro bono lawyers who know the law but have little experience with the realities on the ground: “I like the approach in Alaska where they are using trusted community members who are trained.”

Several focus group attendees cited current contexts where nonlawyers provide valuable assistance that could serve as models, like accredited representatives, nonlawyers who are authorized to provide support in administrative proceedings, and federal government programs.

#### **Practice areas**

Several legal areas were mentioned as potentially benefiting from nonlawyer support. Family law issues like child support, divorce, and qualified domestic relations orders were mentioned,

while child custody was cited as potentially less amenable to nonlawyer support due to its adversarial nature – but not insurmountable with proper training.

Other areas mentioned included guardianship, small estates, civil actions, and housing. Probate was described as a “perfect fit,” as paralegals often do most of the prep work on these cases for paying clients. Several focus group attendees observed that civil legal aid clients often present with multiple, overlapping issues at the same time, and voiced a concern that some legal needs presented by an individual client could go beyond the scope of a nonlawyer’s knowledge and training.

Similarly, others emphasized the importance of authorized individuals being aware of and guarding against the potential collateral consequences of legal matters. Issues like liability and ethics were mentioned as areas the task force should consider, as was the need to ensure any future program is evaluated and studied.

### **Potential market and participation**

Legal employers generally voiced interest in hiring individuals as either CJWs or LLPs: “My organization would be very likely interested in hiring an LLP or having a member of our team receive community justice worker training.”

Another said, “I would absolutely hire community justice workers.”

One legal services attorney described the work her organization currently does through paralegal support and the constraints on its utility due to concerns about running afoul of unauthorized practice rules. She would “love” these colleagues to be able to do more independently without having to seek out a lawyer’s signature or approval. “They have so much knowledge and skills to be able to work independently. This would be easy for them to scale up if rules changed.”

While the majority of those expressing this view were in the nonprofit space, at least one lawyer said, “it isn’t just nonprofits that are interested; the staff at my for-profit organization would like to go to hearings.” Several legal employers said offering these types of opportunities would give nonlawyer staff “something to work towards,” and that these “advancement opportunities” could promote staff retention.

However, there was some skepticism about the practicalities of a LLP program, including whether there would be enough individuals who would consider pursuing this licensure worthwhile and whether there would be a sufficient market of clients able to pay for services if fees were involved.

As to the potential pool of individuals who might serve, one attendee urged the task force not to limit its recommendations to LLPs who’d likely have higher qualification and education requirements than CJWs, stating that otherwise “we may be limiting access to this opportunity and excluding people who are reflective of the community they would be serving for these positions.”

## **Education, training, ethics, and assessment**

With respect to education and training, there was some concern that if entry requirements were too stringent or costly, individuals “might as well go to law school,” which could mean fewer people will choose this path. Some cited the potential qualifications of any authorized program as a racial equity issue.

One attendee said that the task force should “avoid burdening the program with excessive requirements that are not predictors of success.” Another urged the task force to “design the qualifications to fit the job duties rather than starting from a regulatory perspective.”

Others cited the importance of standard training and testing and ongoing mentorship or supervision. “We need to ensure training in legal ethics, trauma-informed care, cultural humility, and an appreciation of the power differentials involved.” Legal services attorneys stated that providing this training “would not be difficult.”

### **Tasks**

Lawyers provided feedback on the type of tasks these individuals could be authorized to provide. They said that permitting work handling calls from clients and doing case management would free up lawyers for casework and “set clients up for success.”

There was some support among focus group attendees for allowing nonlawyers to appear in court. One attendee said: “[Clients] are afraid of appearing in court alone. Any program should address [practitioners] appearing in court.” Another said, “advice and guidance are not helpful; they want people to represent them in court.” Several legal services attorneys shared that the paralegals at their organization have conducted evidentiary hearings at OAH, where such practice is allowed. The experience has been positive, with lawyers available by phone or chat if the paralegals need support. That said, other focus group attendees cited the importance of adequate training and preparation to be comfortable with nonlawyers playing a greater in-court role.

Finally, one attendee who had experience with a comparable program in another jurisdiction urged the task force to guard against a concern they experienced, where differentiation of allowed tasks by subject area led to confusion among consumers.

### ***Law School Deans***

#### **General reaction**

Representatives from all six of the District’s area law schools showed considerable interest in the ideas being considered by the task force. When asked if anyone opposed the idea, only one Dean expressed concern. Deans suggested that given the scale of the problem, a multilayered recommendation where the task force considers more than one approach (i.e., CJW and LLP) might be wise.

Law school representatives thought that these approaches could help individuals “well up the income scale, beyond low and moderate income,” sharing the observation that people well beyond 200-400% of the federal poverty level struggle paying standard rates and “should be included as beneficiaries of the services [the task force is] contemplating.”

Deans knowledgeable with comparable programs in other jurisdictions cautioned the task force to avoid the pitfalls other programs have suffered in setting regulations that were too burdensome for potential participants to meet.

### **Tasks**

Deans noted that the line between routine and non-routine matters should be drawn with care, and there was some concern about allowing practice in evidentiary hearings. Focus group attendees suggested that the task force consider issues like malpractice, professional liability, and the regulation of advertising, marketing, and fees.

### **Education, training, ethics, and assessment**

Several of the Deans seemed open to exploring whether their institutions would be in a position to support the training aspects of the program through their law schools or affiliated schools of continuing studies, Master of Law or Jurisprudence programs, or paralegal programs, suggesting that the court might wish to partner with one local university to launch the training program.

### **Potential market and participation**

This focus group had a unique perspective on the professional attractiveness of such a program. Some saw this as a viable, long-term career path; others as an opportunity for those at the beginning of their career, like college graduates (but cautioned the more junior the participant, the more supervision and training is important). They urged the task force to consider the market and whether rates like those potentially charged by LLPs could be paid by the District residents most in need of legal help. Another attendee expressed a concern that this might take away from our community’s focus on high-quality lawyer representation for low-income District residents and thus create a type of “second tier” justice.

### ***Court Commissions and Committees***

#### **General reaction**

D.C. Access to Justice Commission members were enthusiastic about the ideas being considered by the task force. One Commissioner said, “I’m a person who doesn’t believe in *not* giving people lawyers, but we need to do business differently.” While supporting both models, Commissioners preferred the CJW model for having a greater potential to address the justice gap at scale than LLPs, since even modest fees have been proven to be unattainable by low- and middle-income D.C. residents.

Commissioners felt that disclosure requirements and procedures would be critical, particularly to ensure that certain populations that have been socialized to avoid predatory individuals like

notarios and directed “only to talk to lawyers” understood these services were sound. One Commissioner with experience with the U.S. Department of Justice’s accredited representative program spoke of the value that these nonlawyers brought to his organization and immigrant clients.

Commissioners who were leaders of legal services organizations expressed a willingness to hire or host these nonlawyers professionals (either LLPs or CJWs), noting that current nonlawyer staff or staff at nonprofits with whom they currently partner were good candidates for such a program.

The Board on Professional Responsibility and Office of Disciplinary Counsel shared some feedback during focus groups, with the Board on Professional Responsibility also following up with a written response after the focus group was held.

While acknowledging the scope of the problem, the Board on Professional Responsibility suggested that other approaches were preferable to authorizing nonlawyers to offer legal support. Specifically, the Board promoted more lawyer representation in the types of matters with the greatest need on either a pro bono basis or by setting up a fund to pay lawyers a set hourly rate or flat fee for services provided.

### **Education, training, ethics, and assessment**

From an equity standpoint, members of the D.C. Access to Justice Commission urged the task force to not impose educational and training requirements that would create barriers for individuals with lived experience who might be best situated to offer community-based support.

### **Other issues**

The Committee on Unauthorized Practice of Law raised several areas that it suggested the task force examine and potentially address in its final report. These included the confidentiality of communications between clients and licensed nonlawyers, and whether malpractice or participation in the IOLTA program would be required.

The Committee on Unauthorized Practice of Law also urged the task force to ensure that the lines between what nonlawyers and attorneys were authorized to do were not “blurred.” Generally, they urged the task force to do further outreach to assess whether there was a market for the services of nonlawyers and whether this model might concern D.C. Bar members worried about losing potential business.

Several members of the Committee on Admissions expressed a preference for the CJW model, particularly because it leverages existing community connections. One attendee observed that “[w]hile any assistance is welcome assistance, if you can get assistance from an individual in the community that you already know, or someone who has some exposure to the key issues, that is beneficial.”

“[I]t is sometimes difficult to create a trusting relationship with clients, and that can result in clients not being honest or candid with their lawyer. Utilizing existing community members could help bridge that trust gap, as people are known and trusted already.”

One concern was whether this could be a “back door” for individuals who are otherwise not permitted to practice law in D.C. and thus the need for monitoring of disclosure requirements and professional standards. One committee member asked whether in setting educational requirements, foreign education would qualify.

### **Education, training, ethics, and assessment**

The Committee on Admissions questioned how the character and fitness requirements would be administered and assessed and urged the task force to ensure the regulatory entity assigned to that task had sufficient resources.

### **Tasks**

One Committee on Admissions member shared experiences with two programs with nonlawyer legal advocates. She observed that one way to manage ethics and competency concerns is through specialization; the more specialized an individual is, the more likely they can develop expertise to provide competent representation. She shared that access to continuing mentorship or supervision is helpful to help develop emerging skills after training. She observed that tasks where repetition will help nonlawyers hone their skills would be ideal to include under authorized activities. Finally, she noted that carefully drawing the line between what is and is not authorized is beneficial for both the nonlawyers and the client.

#### ***B.1.b. Focus Groups – Community Nonprofits and Social Service Professionals***

The task force arranged four focus groups that were specifically promoted to community nonprofits and social service professionals. The approximately 40 attendees included D.C.-based social workers, community health workers, tenant advocates, and community empowerment specialists. Task force members also held several less formal discussions with organizations in these same areas of practice and experience.

### **General reaction**

Focus group attendees were universally supportive of the task force’s ideas. One community health worker said that the approach would “fill a gap; lawyer referral hotlines are not enough.” Another said that access to legal help is a “huge barrier” at her community health clinic.

One theme was the benefit of “lower gatekeeping” to make it as easy as possible for those in the community to offer help, leveraging the familiarity that many nonlawyers have with the substantive issues at hand: “This would be so helpful to have people be able to ask those they already feel comfortable with for help. Calling a lawyer is so intimidating.” Another said, “the connection to the community would be a huge benefit” and that “people often don’t seek out help

because they don't want to engage in 'another apparatus' that will force them to tell their story again."

Some focus group attendees thought that this approach would expand the availability of culturally relevant and linguistically appropriate help: "It is valuable and important to have helpers who come from the same community as the people who need them." Focus group attendees made comments like, "I applaud your creativity," "I strongly support this," "this is great!" "amazing," and "phenomenal," and thought it would "increase equity" in our justice system.

Most focus group attendees had experience helping individuals navigate legal issues. Several mentioned how helpful it would be for them to be trained and authorized to offer legal help in those areas. "It would be invaluable to give people in the community more training, especially on housing issues." Said another, "we often feel frustrated because we are in a position to help, but we are limited in what we can do and what advice we can give them."

One hospital-based program shared that it helps 1,000-2,000 individuals per year with its nonlawyer navigators by offering 6 months of wraparound services, including help with civil legal needs. They have "years of data" that shows that 90% of the needs presented by clients can be resolved through the work of non-attorney advocates. They would embrace this; it would capture work that may already be happening but move it "above ground." They said their navigator program is successful because clients get help from someone they are already working and have a relationship with.

One focus group attendee with experience working with accredited representatives described how her personal views on this idea had changed. Her initial impression was negative because she observed mistakes that "had to be undone." Over time, however, her impression changed, and she now believes that on balance, these programs are beneficial. She said in her view, training makes the difference.

Another focus group attendee wondered about the power dynamic that might still exist if a nonlawyer was opposing a lawyer in a case, and whether judges might see it as a "fair fight" even though one professional has less credentials. Would that judge provide more assistance if that individual was unrepresented? Others noted that disclosure of nonlawyer status would be critical to ensure the protection of consumers and all parties.

### **Potential market and participation**

Focus group attendees were asked whether they might hire a nonlawyer to provide services to clients or whether they would seek training as an individual. "Absolutely yes," said one. "This would be very appealing to our demographic [community health workers]," going on to say, "having a community justice worker program aligns with our model of advocating for enrollees with health-harming issues."

One focus group attendee stated that she thinks her organization could help 30% more people if this was available. A tenant support specialist said that this would offer a good career pipeline for people, a “fast track” for people who want to help in a discrete area. Another participant noted a recent study of volunteers that showed that knowing that there is a career path after service incentivizes and motivates engagement.

Another focus group attendee shared that her organization does not have a lawyer on staff, limiting the help that it can provide. If its staff could be trained and connected to a lawyer for supervision, that would address a huge barrier its patients face. This would also allow the organization to “leverage partnerships” it has with legal services providers.

Some felt that the volunteers that they currently work with would be particularly well suited to be trained and help in this way. That said, some noted that non-legal community helpers are already overwhelmed and cautioned against assuming that they’d always be in the position to pursue additional training and tasks.

Some individuals relayed personal experiences with nonlawyers. One housing counselor shared that she would support formalizing the process and access to nonlawyer resources in the housing context – something she and her peers do with regularity outside of prohibited legal advice.

Another individual voiced concerns about the limited time nonlawyers currently working in the community have available and whether taking on additional legal tasks might compromise the core work they do. This same individual asked questions about how the task force was considering the marketplace for LLPs and what potential funding would be available to support any nonlawyer approach.

## **Practice areas**

Legal areas that were mentioned include public benefits, family law, probate, small claims, housing, guardianship, and immigration. Some observed that distinctions could be drawn between contested and uncontested matters or those types of matters that inherently require more formal training.

## **Tasks**

Many focus group attendees shared that they already regularly accompany individuals to court hearings and feel deeply the limitations of the support they can provide. One nonlawyer who works at a resource center for immigrants said that while they have accredited representatives and lawyers on staff for the immigration issues confronted by clients, they don’t have the equivalent for non-immigration issues that arise, like eviction. She finds herself preparing the individual about what to say and how to prepare for court based on training she has received – but cannot represent them.

Having more specialized training “would be helpful.” Another nonlawyer in a similar situation said, “I see clients who have something to say, but don’t know how to say it. This is especially true for non-English speaking clients. When I am with them in court, I want to speak but feel like



I can't because I am not a lawyer. It would be great to be trained so that I can help people when I'm with them in court."

Focus group attendees mentioned a wide range of tasks where nonlawyers could be of help. Generally, they acknowledged that the underpinning of legal problems often involves administrative or process-oriented challenges that nonlawyers are well equipped to handle, as opposed to a dispute on the merits. One said that attorneys don't have the bandwidth to address some of these tasks, but that if they were involved, nonlawyers could "help prevent a case from becoming a bigger problem" – "This is preventative."

Focus group attendees endorsed involving nonlawyers in a "full range" of services, from emotional support, paperwork management, individualized process and technology navigation, case management, communication with other parties, mediation and negotiation, discrete advice, and more. "Helping people understand what to do and what direction to take" and "demystifying legal jargon" was mentioned, especially for those with literacy limitations.

There was some skepticism about the ability of nonlawyers to represent individuals in court and to appreciate the potential collateral consequences of their cases – but it was acknowledged that this could be addressed with training and that court is where the "real need is."

### **Education, training, and assessment**

Focus group attendees felt that training and familiarity with legal processes is enough; that one doesn't need a law degree for some of what needs to be done in some legal areas, like public benefits. Orientation to the key forms and procedures in the legal area they're being trained in would be essential. Others emphasized that nonlawyers need to be well versed in the collateral consequences of their cases, to be able to identify intersectionality of legal issues and when to seek out help or consult with a lawyer or other professional. Training should be offered on an ongoing basis and should not be so high a barrier that not enough people will go into the program. A strong component should be apprenticeship.

#### ***B.1.c. Focus Groups – Community Members***

The task force arranged two focus groups with approximately 15 members of the community. Every community member who participated in these focus groups had experience with civil legal issues, with and without the assistance of an attorney. One simply said, "if you can't afford a lawyer, you can't afford justice."

Several mentioned how hard it is to get legal help and that even if connected with a legal organization, they often get "minimal information" that doesn't always help. Another attendee talked about how hard it was to get help when she assumed care of her grandson. She needed to get custody and access to other supports like housing and child care, but didn't know her legal rights. She wished someone could have helped her with these processes. Several mentioned that not knowing how to navigate the legal system is overwhelming and causes stress and impacts

their mental health and that the proposals being considered by the task force could help reduce that.

### **General reaction**

Community members were supportive of efforts to expand the availability of legal help: “You’ll help a lot of people.” They felt the approach of working with people in the community (especially with the CJW model) would be effective, saying we could “reach more people” that way. One participant talked about how pleased he was to be able to put a friend in touch with someone in the community who wasn’t a lawyer but knew a lot about how the housing system worked. He said, “we should have more people like this in the community.”

Another participant said that he likes the idea of using people who are already in the community because it is “hard to build a new relationship.” He said that he has sometimes not sought out legal help because he “didn’t want to start over.”

Others had experience working with nonlawyer navigators or paralegals. One talked about having the help of a community navigator who was not a lawyer. She said that they walked her through the process, had knowledge of the resources, and went to court with her. It made her feel better. “We need more [navigator’s name]s,” she said. “Their personal support and ability to calm me down meant so much.”

### **Tasks**

Focus group attendees thought nonlawyers could help in a variety of tasks, like helping them to understand how the court system works, walking them through the process, help understanding “rules and guidelines,” talking to the other side in a case, connecting them to other resources, going to court, giving advice about available options, and “doing the things that lawyers do.”

One attendee worked with a paralegal who gave her information so that she could represent herself. It was “great,” and she was “very informative” and “right on it.” They checked in once a week and the paralegal gave her homework on things she needed to bring back to her the following week to help prepare.

### **Practice areas**

Legal issues mentioned included housing, immigration, education/special education, employment, probate and wills, and generally “a wider list of areas beyond the ones that [were listed in the task force’s presentation].”

### **Potential market and participation**

Focus group attendees – several of whom were identified as community leaders – voiced a strong desire to participate in a CJW program. “I want to be trained!” They felt that having the training offered in the community would be best and would attract those already involved in the community.

They asked about the length of the training and said they'd like some form of certificate to demonstrate that they (or anyone they worked with) were trained.

#### ***B.1.d. Focus Group – Paralegals***

Finally, the task force arranged a focus group with 10 area paralegal managers associated with the Atlantic (D.C.) Chapter of the International Practice Management Association, most of whom were employed by D.C.-based law firms.

#### **General reaction**

Paralegal focus group attendees were supportive of this idea, recognizing that so many cases involve administrative tasks and paperwork, process issues, and navigation of the court system. “Anytime there is a helping hand, it is helpful.” They acknowledged that legal services providers are bogged down and cannot help many people. For this reason, they thought that these are the types of tasks most amenable to this type of program.

There was some nervousness about practice in the courtroom, representation of clients, and advising on legal rights. For focus group attendees, the level of experience could make a difference in reassuring them of the appropriateness here.

One attendee had experience working with Arizona’s LLP program and shared that it has been especially helpful in family law, where paralegals can “do much of everything” but where they are trained to know when they must “put a lawyer’s eyes on something.” She said that she was apprehensive when the program was launched, but that she is now “100% supportive.”

#### **Education, training, ethics, and assessment**

With respect to training, focus group attendees emphasized that “real world experience” is important. They urged any program to establish some sort of mentoring or shadowing program to provide additional support.

#### **Potential market and participation**

Most focus group attendees agreed that this would be an attractive and viable path for paralegals. They’d be inclined to hire someone with the LLP credential, although they thought firm leadership would have to be educated about the credential before allowing paralegals to serve clients in this way. They mentioned that it could be a good way to encourage more pro bono involvement among paralegals.

#### ***B.2. Feedback Received through E-Mail***

The task force offered a general e-mail address for members of the public to share additional thoughts on the ideas the task force was considering. Some focus group attendees also sent follow up comments via e-mail. Overall, the task force received less than 10 responses of this nature.

## **General reaction**

One individual reached out to share concern about the “potential pitfalls” of allowing nonlawyers to provide these services; a concern based on past experiences with accredited nonlawyers being allowed to prepare, present, and prosecute an individual’s claim for Veterans benefits. He reported that notwithstanding the requirement that these individuals adhere to the same character, ethical, and professional training standards as lawyers, his recollection was that the rate of disciplinary complaints related to nonlawyers outnumbered those lodged against attorneys. If the task force did pursue that idea, he urged it to establish “sufficient guardrails” to prevent these types of problems.

Another individual, a courtroom clerk, shared that in her view, pro se litigants need help in areas like document preparation, preparing witnesses, correctly labeling, exchanging, and presenting exhibits, and in how to cross examine witnesses. She said that there have been “countless times” when pro se litigants were confused as to what they were supposed to do, with trials sometimes continued. She also felt that nonlawyer support could be helpful in assisting litigants with following the case schedule, responding to deadlines, exchanging documents, and similar tasks.

A third individual said that the ideas the task force was considering were “an ineffective solution to the problem,” and that “[t]here is no way that the litigation playing field can be even when one party is represented by an attorney and the other is relying on a non-attorney.” This writer urged the task force to instead consider steps to require the D.C. Bar’s over 100,000 members to comply with Rule 6.1 of the Rules of Professional Conduct, that calls on members to either accept a court appointment, perform pro bono service, or if that is not feasible, provide financial support to a legal service organization.

One individual from the law school setting urged the task force to consider how law students, outside of clinics, could be utilized to bridge the justice gap – either through the ideas the task force was considering or other means. Others shared resources, including a [Texas Access to Justice Commission report](#) on the use of nonlawyers, and an [article from GWU Law Professor Jessica Steinberg](#) examining how cities are using nonlawyers to enable the domestic violence courts to function effectively.

### ***B.3. Online Surveys***

A third avenue for soliciting feedback was through an online survey. With the support of the D.C. Courts’ Strategic Management Division, the task force created two surveys: one for legal and social service professionals; and another for community members. Each survey and its aggregate results are available in Appendices C-F.

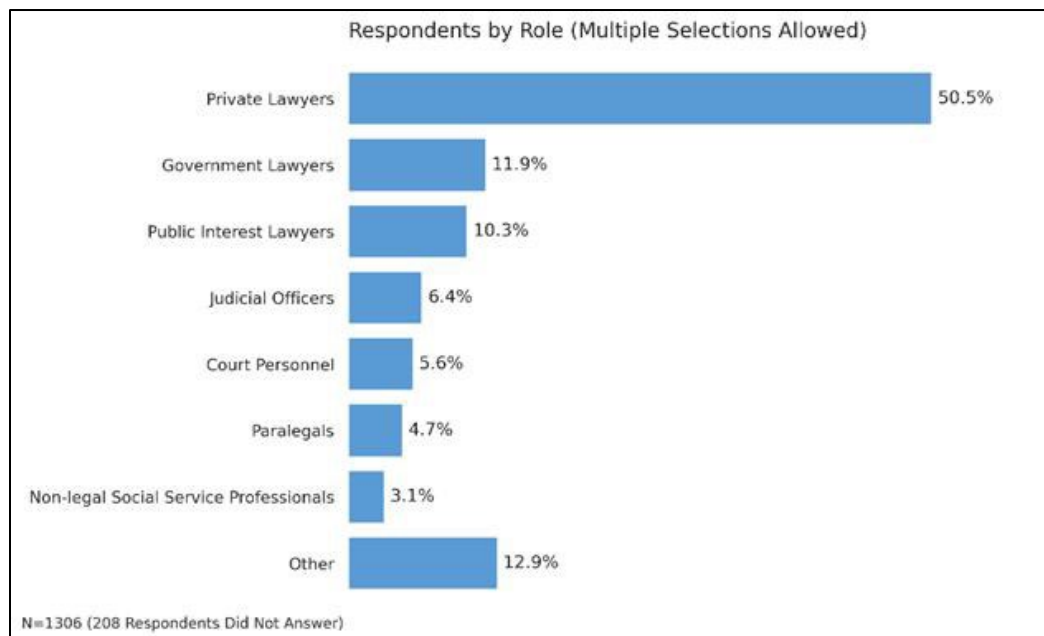
#### ***B.3.a. Survey of Legal and Social Service Professionals***

The task force received responses from 1,514 individuals to its survey of legal and social service professionals. The survey was distributed directly to judicial officers, court personnel, and lawyers (via the D.C. Bar). Paralegals and social service professionals were reached primarily

through word of mouth and informal outreach, which may explain differences in participation rates across groups. A discussion of key findings appears below. A full set of aggregated results is provided in Appendices D and F.

### *Respondent Characteristics*

- Most survey respondents lived, worked, or practiced in the District of Columbia.
- Survey respondents reported experience assisting clients across a range of legal issues.
- Among those who self-identified their professional role, the distribution was as follows:

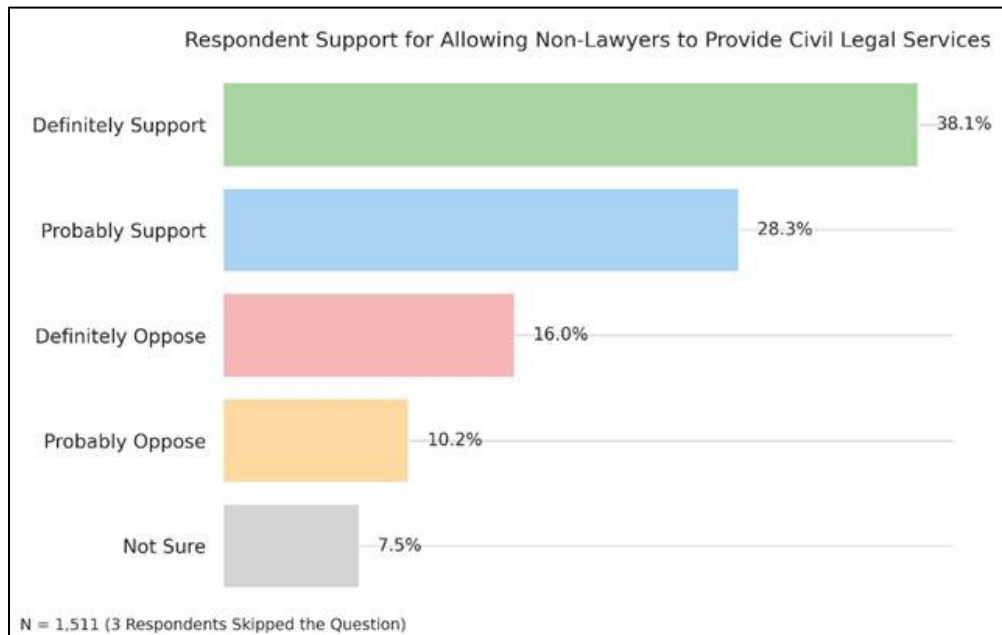


### *Legal and Social Service Professional Survey Respondents by Role*

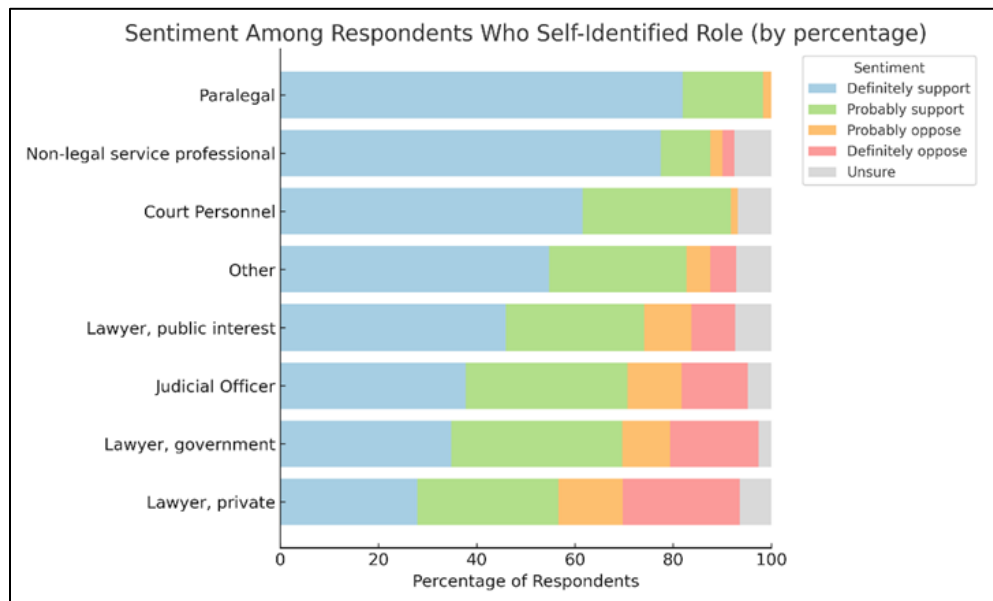
### *Respondent Sentiments*

- A majority of survey respondents who answered the question were supportive of allowing trained and regulated individuals who are not lawyers to provide some type of civil legal services.
- There was some variation between respondents who self-identified their role. For example, paralegals had the highest percentage of support (98.4%) while private lawyers had the lowest (56.5%). The majority of the professional survey respondents who “definitely opposed” the idea were private lawyers (23.9% of lawyers definitely opposed, constituting 72% of all professional survey respondents who did so).
- A majority of the total professional survey respondents who answered the question said they were likely to refer someone looking for legal assistance to a trained and regulated individual who is not a lawyer.

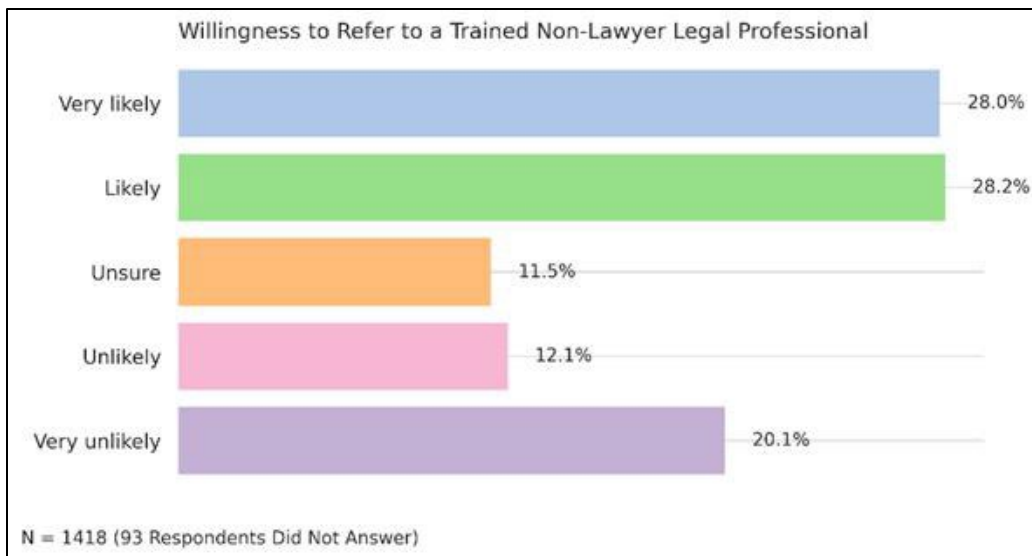
- Survey respondents had largely consistent answers to a question about the potential impact of a program like this across various access-to-justice factors.



*Legal and Social Service Professional Survey – Support For Nonlawyer Legal Services*



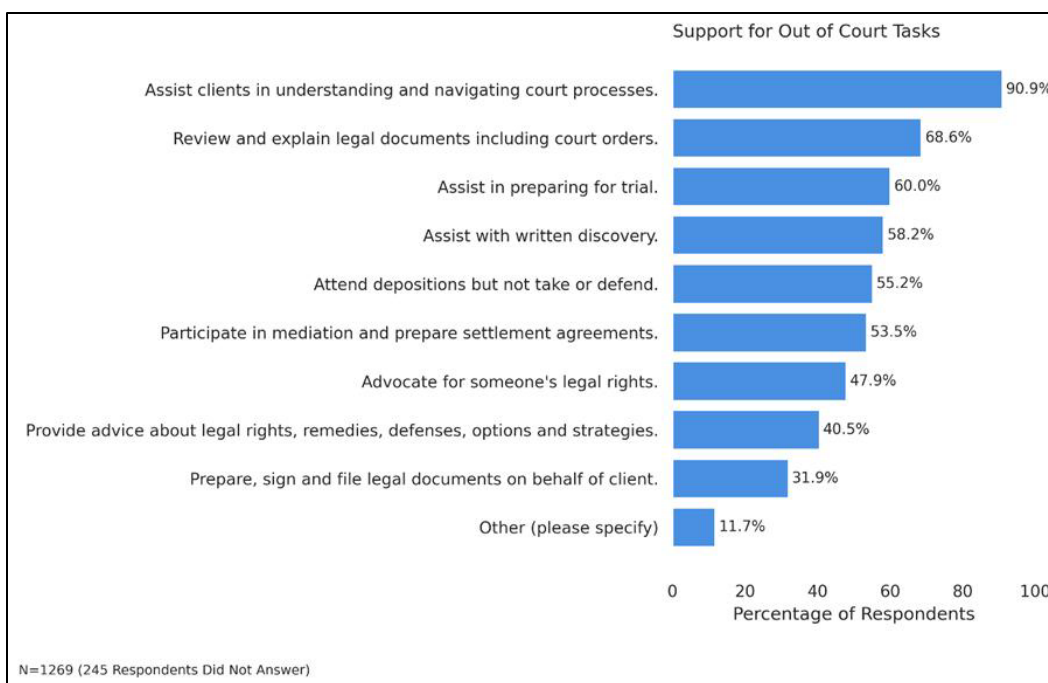
*Legal and Social Service Professional Survey – Support for Nonlawyer Legal Services, by Role*



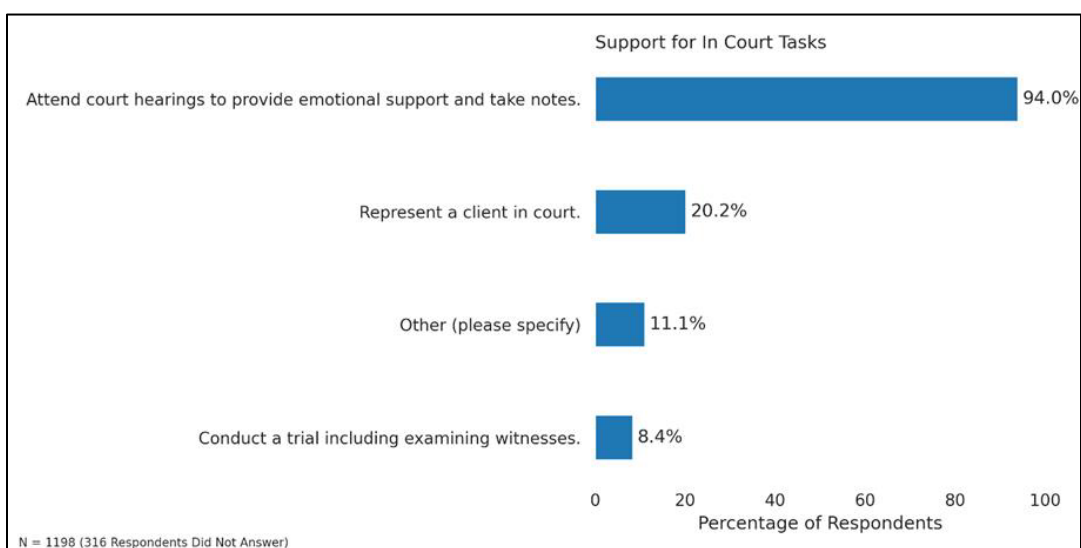
*Legal and Social Service Professional Survey – Willingness to Refer to a Nonlawyer*

*Allowable Tasks*

- Survey respondents were asked to identify *out of court* and *in court* tasks that trained and regulated individuals who are not lawyers could perform, with significantly more support for *out of court* over *in court* tasks beyond basic emotional and notetaking support.
- Sentiment was generally consistent across respondent roles, with some limited variation.
- Respondents who selected “other” *out of court* tasks listed activities such as service of process, providing moral support or physical accompaniment, conducting research, and offering community legal education and *in court* tasks such as routine motions, scheduling hearings, pre-trial conferences, and procedural matters.
- Some survey respondents who selected “other” indicated that their support would depend on the complexity of the legal issue or wrote “none,” signaling general opposition to the idea.



*Legal and Social Service Professional Survey – Support for Out of Court Tasks*



*Legal and Social Service Professional Survey – Support for In-Court Tasks*



### ***B.3.b. Online Survey – Community Members***

The task force received responses to its community member survey from 444 individuals. A discussion of key findings appears below. A full set of aggregated results is in Appendix F.

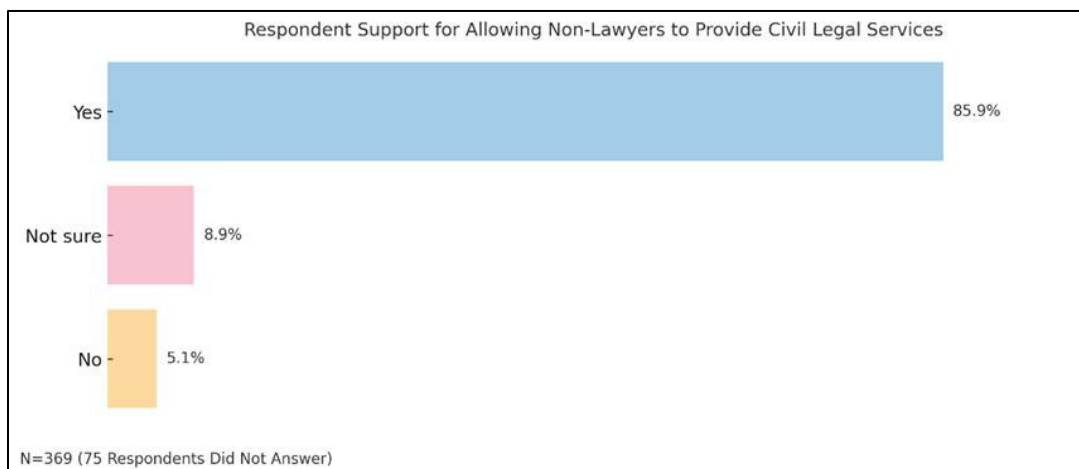
#### *Respondent Characteristics*

- Most community member survey respondents lived or worked in the District of Columbia.
- Survey respondents were nearly evenly split on whether they had used the services of a lawyer to help with a legal problem in the past five years: 47.9% had and 52.1% had not.
- Among those who had used a lawyer, they sought help for:
  - Housing – 30.8%
  - Probate – 28.8%
  - Family law – 23.7%
  - Public benefits – 12.6%
  - Consumer issues – 10.6%
  - Other – 31.8% (including employment, traffic, civil rights, personal injury, contract disputes, guardianship, small claims, discrimination, and immigration)

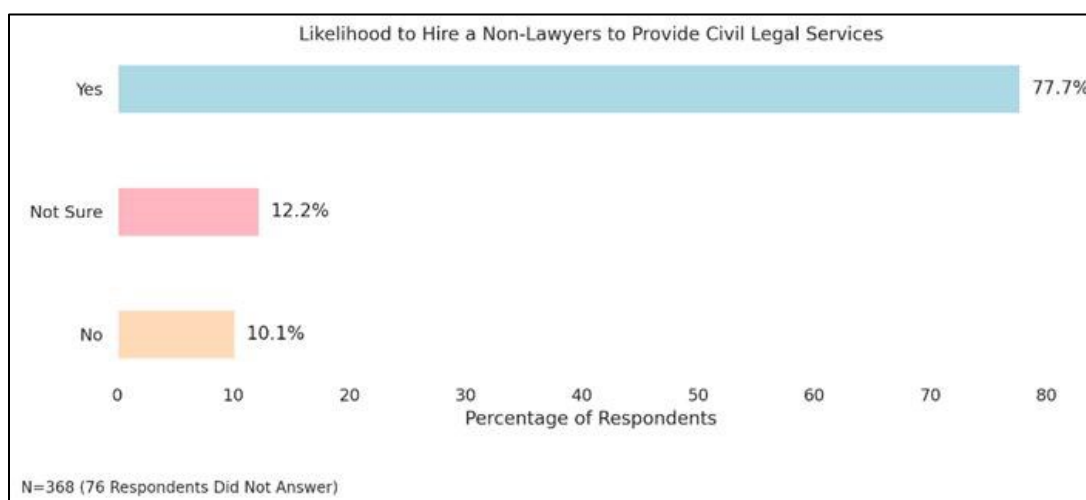
A significant portion of respondents (68.8%) reported having faced a legal problem where they wished they could have obtained civil legal help; almost half (43.4%) had represented themselves in court for a civil matter. When asked why they did not obtain legal help or why they represented themselves, they cited: lack of affordability (62.2% and 62.5%); did not qualify (38.5% and 33.3%); were turned away (19.3% and 20.2%); they didn't know where to go (22.0% and 11.9%); or they didn't think they needed a lawyer (15.6% and 24.4%).

#### *Respondent Sentiments*

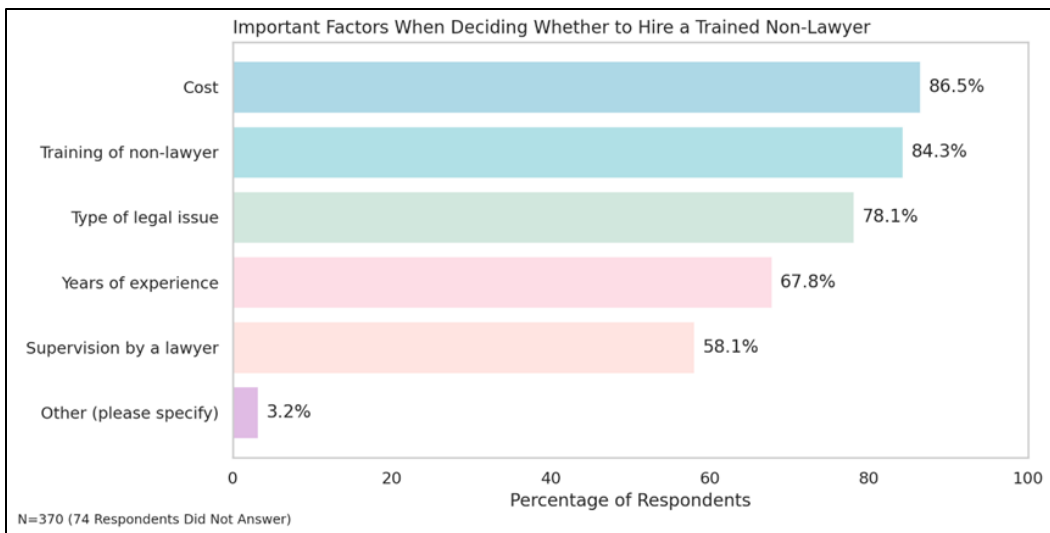
- A vast majority of community member survey respondents supported allowing trained individuals who are not lawyers to provide certain types of civil legal services to District residents.
- A similarly high number of community member survey respondents would consider getting help from a trained person who is not a lawyer if they were facing a civil legal problem.
- Community member survey respondents generally agreed on the importance of a range of issues when deciding whether or not to hire a trained person who is not a lawyer, with responses to “other” covering things like emotional intelligence, level of accountability, whether they are supervised, and language access.



*Community Member Survey – Support for Nonlawyer Legal Services*



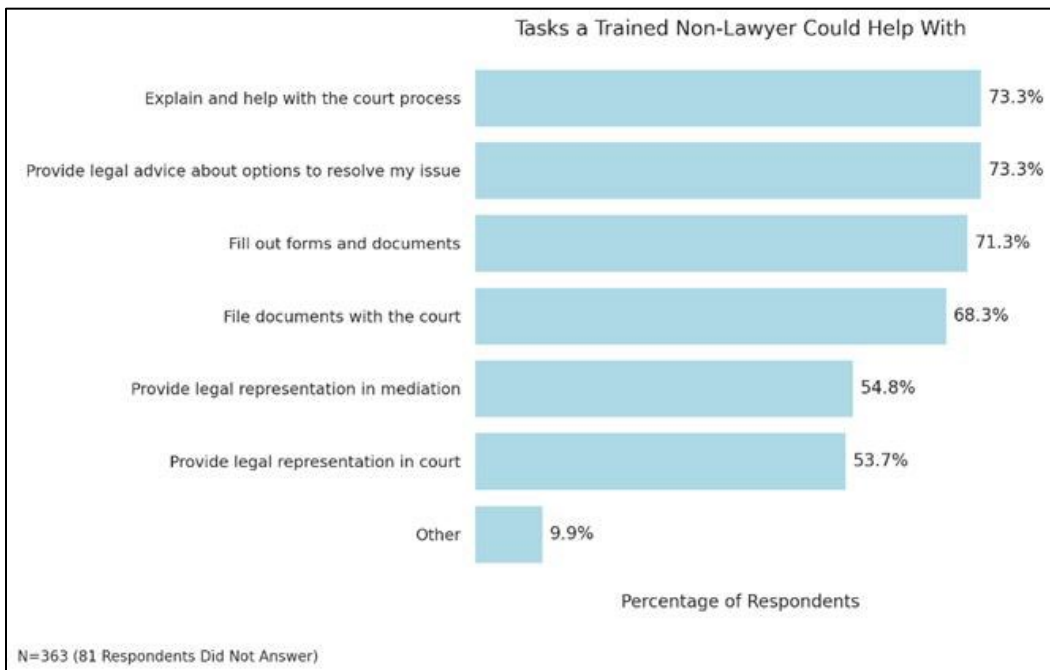
*Community Member Survey – Likelihood to Use the Services of a Nonlawyer for Legal Help*



*Community Member Survey – Factors to Consider When Seeking Nonlawyer Legal Assistance*

*Allowable Tasks*

- There were a wide range of tasks community member respondents said they would want a trained person who is not a lawyer to help them with, with “other” tasks identified including preparing pro se litigants in advance of a hearing, settlement, and financial counseling.



*Community Member Survey – Tasks Nonlawyers Could Help With*

## **APPENDIX B: List of Focus Groups and Questions**

## **List of Focus Groups Held and Focus Group Questions**

### **FOCUS GROUPS HELD**

1. April 16, 2024 – D.C. Access to Justice Commission
2. May 8, 2024 – D.C. Superior Court Judges
3. May 13, 2024 – D.C. Court of Appeals Judges
4. June 4, 2024 – D.C. Office of Administrative Hearings Administrative Law Judges
5. June 13, 2024 – Committee on the Unauthorized Practice of Law
6. July 16, 2024 – D.C. Bar Communities Members
7. July 17, 2024 – Area Law School Deans
8. July 18, 2024 – D.C. Bar Communities Members
9. July 18, 2024 – D.C. Consortium of Legal Services Providers
10. July 24, 2024 – Committee on Admissions
11. July 25, 2024 – Board on Professional Responsibility & Office of Disciplinary Counsel
12. August 5, 2024 – Administrative Judges from DC Government Agencies
13. September 30, 2024 – Community Nonprofits
14. October 1, 2024 – Community Nonprofits
15. October 7, 2024 – AmeriHealth Community Health Workers
16. October 14, 2024 – Bread for the City Client Advisory Council
17. October 21, 2024 – Community Nonprofits
18. October 31, 2024 – Community Members (MedStar Health, AmeriHealth)
19. November 12, 2024 – Paralegals
20. Varied – Mini Focus Groups with Community Nonprofits (AmeriHealth, MedStar Health, Festival Center, Empower DC, Ounce of Care)

### **FOCUS GROUP QUESTIONS**

1. What types of issues do the people you work with need help with?
2. What do you think about the solutions the Task Force is exploring related to allowing qualified nonlawyers to provide limited legal services directly to individuals in need of legal assistance?
3. What type of tasks do you think nonlawyers would be particularly good at helping with?
4. Are there tasks that you think nonlawyers should not be permitted to do?
5. Could you see your organization working with these nonlawyers to expand service? How?
6. What type of education and/or training should nonlawyers have?
7. What else should we know about? Is there anything that we didn't ask that you wish we had?
8. Any final thoughts or comments you wish to share with us?

**APPENDIX C: Legal and Social Service Professional Survey (Form)**

## Expansion of Legal Services for District Residents

### Legal and Service Provider Survey

The DC Courts' Civil Legal Regulatory Reform Task Force is studying ways to expand the availability of civil legal assistance to the consumer (including low and moderate income individuals) by allowing trained and regulated individuals who are not lawyers to provide some types of limited legal services.

The task force is examining several models. In one, these individuals would be licensed and could work independently or within an organization, and may charge a lower fee than traditional attorney's fees (unless they work for a non-profit). In another, these individuals would work under the supervision of a non-profit legal services organization at no cost to the consumer.

Please complete this 5-minute survey which seeks your candid input; your responses are anonymous and cannot be traced back to you.

You can learn more about the Task Force at <https://www.dccourts.gov/about/civil-legal-regulatory-task-force>

1. In general, would you support or oppose allowing trained and regulated individuals who are not lawyers to provide some types of civil legal services?

- ☐ Definitely support
- ☐ Probably support
- ☐ Probably oppose
- ☐ Definitely oppose
- ☐ Unsure at this point

## Expansion of Legal Services for District Residents

### Legal and Service Provider Survey

2. How likely would you be to refer someone looking for legal assistance to a trained and regulated individual who is not a lawyer?

- ☐ Very likely
- ☐ Likely
- ☐ Unlikely
- ☐ Very unlikely
- ☐ I don't know

3. If trained and regulated individuals who are not lawyers are allowed to provide some civil legal services, how important are each of the following?

	Not at all important	Not important	Important	Very important	I don't know
The ability of these individuals to stay within the scope of their licensure.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The ability of consumers to understand the limits of services that can be provided.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The cost to the consumer.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The cost and time commitment for educating and training these individuals.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adequate oversight of these individuals.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Formal education of these individuals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Training of these individuals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Experience of these individuals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



4. Do you agree or disagree with the following statements? The use of trained and regulated individuals who are not lawyers to provide some civil legal services could...

	Strongly agree	Agree	Disagree	Strongly disagree
...lessen the focus on pro bono or other legal aid services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...enhance access to justice for persons who cannot afford a lawyer.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...diminish the role of lawyers.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...enhance fairness by reducing the number of cases where only one party has legal assistance.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...increase diversity in the legal system.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Expansion of Legal Services for District Residents

### Legal and Service Provider Survey

5. For each of the following legal areas where trained and regulated individuals who are not lawyers could potentially provide legal services, please rate the level of need for legal services among your clients, with 1 being Not a Need and 3 being A Great Need.

	1 - Not a Need	2 - A Slight Need	3 - A Great Need
Benefits (e.g., Food stamps/SNAP, worker's compensation, TANF, Medicaid, unemployment insurance, paid family leave, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Family Law (e.g., child support, child custody, paternity, divorce, annulment, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Housing (e.g., evictions, subsidized housing, rent control, housing code violations, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Probate (e.g., power of attorney, wills, trusts, estates, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Consumer debt (e.g. debt, foreclosure)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other non-criminal area(s) (please specify)

6. Which of the following OUT OF COURT tasks do you believe trained and regulated individuals who are not lawyers could perform? (Select all that apply).

- ☐ Assist clients in understanding and navigating court processes.
- ☐ Assist with written discovery.
- ☐ Prepare, sign and file legal documents on behalf of client.
- ☐ Review and explain legal documents including court orders.
- ☐ Provide advice about legal rights, remedies, defenses, options and strategies.
- ☐ Attend depositions but not take or defend.
- ☐ Advocate for someone's legal rights.
- ☐ Participate in mediation and prepare settlement agreements.
- ☐ Assist in preparing for trial.
- ☐ Other (please specify)

7. Which of the following IN COURT tasks do you believe trained and regulated individuals who are not lawyers could perform? (Select all that apply).

- ☐ Attend court hearings to provide emotional support and take notes.
- ☐ Represent a client in court.
- ☐ Conduct a trial including examining witnesses.
- ☐ Other (please specify)

8. How likely is it that your organization would hire trained and regulated individuals who are not lawyers to provide legal services to District residents?

- ☐ Very likely
- ☐ Likely
- ☐ Unlikely
- ☐ Very unlikely
- ☐ I don't know

## Expansion of Legal Services for District Residents

### Legal and Service Provider Survey

9. Which of the following represents your primary current role?

- ☐ Judicial Officer
- ☐ Court Personnel
- ☐ Lawyer, private
- ☐ Lawyer, public interest
- ☐ Lawyer, government
- ☐ Paralegal
- ☐ Non-legal service professional (e.g., social worker, community health worker, tenant advocate)
- ☐ Other (please specify)

10. In which of the following areas do you primarily assist your clients?

- ☐ Administrative Law (e.g., public benefits, etc.)
- ☐ Civil
- ☐ Criminal
- ☐ Domestic Violence
- ☐ Family
- ☐ Probate/estate planning
- ☐ Consumer
- ☐ Other (please specify)

11. Do you live, work, or practice in the District of Columbia?

- ☐ Yes
- ☐ No

## **APPENDIX D: Aggregated Results, Legal and Social Service Professional Survey**

## Expansion of Legal Services for District Residents

**Q1. In general, would you support or oppose allowing trained and regulated individuals who are not lawyers to provide some types of civil legal services?**

	%	N
Definitely support	38.1%	576
Probably support	28.3%	427
Probably oppose	10.2%	154
Definitely oppose	16.0%	241
Unsure at this point	7.5%	113
	Answered	1511
	Skipped	3

**Q2. How likely would you be to refer someone looking for legal assistance to a trained and regulated individual who is not a lawyer?**

	%	N
Very likely	28.0%	398
Likely	28.2%	401
Unlikely	12.1%	172
Very unlikely	20.1%	286
I don't know	11.5%	164
	Answered	1421
	Skipped	93

**Q3. If trained and regulated individuals who are not lawyers are allowed to provide some civil legal services, how important are each of the following?**

	Not at all important	Not important	Important	Very important	I don't know	Total
The ability of these individuals to stay within the scope of their licensure.	15	19	217	1135	28	1414
	1.1%	1.3%	15.3%	80.3%	2.0%	
The ability of consumers to understand the limits of services that can be provided.		19	186	1192		1416
		1.3%	13.1%	84.2%		
The cost to the consumer.	36	56	405	840	66	1403
	2.6%	4.0%	28.9%	59.9%	4.7%	
The cost and time commitment for educating and training these individuals.	49	169	498	626	70	1412
	3.5%	12.0%	35.3%	44.3%	5.0%	
Adequate oversight of these individuals.	12	25	240	1110	28	1415
	0.8%	1.8%	17.0%	78.4%	2.0%	
Formal education of these individuals	30	208	424	700	51	1413
	2.1%	14.7%	30.0%	49.5%	3.6%	
Training of these individuals			198	1170	26	1413
			14.0%	82.8%	1.8%	
Experience of these individuals	14	87	526	743	44	1414
	1.0%	6.2%	37.2%	52.5%	3.1%	

**Q4. Do you agree or disagree with the following statements? The use of trained and regulated individuals who are not lawyers to provide some civil legal services could...**

	Strongly agree	Agree	Disagree	Strongly disagree	Total
...lessen the focus on pro bono or other legal aid services.	171	527	536	172	1406

	12.2%	37.5%	38.1%	12.2%	
...enhance access to justice for persons who cannot afford a lawyer.	591	527	164	130	1412
	41.9%	37.3%	11.6%	9.2%	
...diminish the role of lawyers.	203	264	626	320	1413
	14.4%	18.7%	44.3%	22.6%	
...enhance fairness by reducing the number of cases where only one party has legal assistance.	438	578	253	139	1408
	31.1%	41.1%	18.0%	9.9%	
...increase diversity in the legal system.	316	546	317	207	1386
	22.8%	39.4%	22.9%	14.9%	

**Q5. For each of the following legal areas where trained and regulated individuals who are not lawyers could potentially provide legal services, please rate the level of need for legal services among your clients, with 1 being Not a Need and 3 being A Great Need.**

	1 - Not a Need	2 - A Slight Need	3 - A Great Need	Total	Weighted Average (weighted based on need; higher number represents greater need)
Benefits (e.g., Food stamps/SNAP, worker's compensation, TANF, Medicaid, unemployment insurance, paid family leave, etc.)	284	261	636	1181	2.3
	24.0%	22.1%	53.9%		
Family Law (e.g., child support, child custody, paternity, divorce, annulment, etc.)	232	299	654	1185	2.36



	19.6%	25.2%	55.2%		
Housing (e.g., evictions, subsidized housing, rent control, housing code violations, etc.)	250	189	757	1196	2.42
	20.9%	15.8%	63.3%		2.13
Probate (e.g., power of attorney, wills, trusts, estates, etc.)	281	463	439	1183	
	23.8%	39.1%	37.1%		
Consumer debt (e.g. debt, foreclosure)	258	343	569	1170	2.27
	22.1%	29.3%	48.6%		

**Q6. Which of the following OUT OF COURT tasks do you believe trained and regulated individuals who are not lawyers could perform? (Select all that apply).**

	%	N
Assist clients in understanding and navigating court processes.	90.9%	1154
Assist with written discovery.	58.2%	738
Prepare, sign and file legal documents on behalf of client.	31.9%	405
Review and explain legal documents including court orders.	68.6%	870
Provide advice about legal rights, remedies, defenses, options and strategies.	40.5%	514
Attend depositions but not take or defend.	55.2%	700
Advocate for someone's legal rights.	47.9%	608
Participate in mediation and prepare settlement agreements.	53.5%	679
Assist in preparing for trial.	60.1%	762

Other (please specify)	11.66%	148
Answered		1269
Skipped		245

**Q7. Which of the following IN COURT tasks do you believe trained and regulated individuals who are not lawyers could perform? (Select all that apply).**

	%	N
Attend court hearings to provide emotional support and take notes.	94.0%	1126
Represent a client in court.	20.2%	242
Conduct a trial including examining witnesses.	8.4%	101
Other (please specify)	11.1%	133
Answered		1198
Skipped		316

**Q8. How likely is it that your organization would hire trained and regulated individuals who are not lawyers to provide legal services to District residents?**

	%	N
Very likely	7.4%	95
Likely	9.9%	128
Unlikely	12.3%	159
Very unlikely	34.0%	439
I don't know	36.5%	471
Answered		1292
Skipped		222

**Q9. Which of the following represents your primary current role?**

	%	N
Judicial Officer	6.4%	83
Court Personnel	5.6%	73
Lawyer, private	50.5%	659
Lawyer, public interest	10.3%	135
Lawyer, government	11.9%	155
Paralegal	4.7%	61
Non-legal service professional (	3.1%	40
Other (please specify)	12.9%	168

Answered 1306

Skipped 208

**Q10. In which of the following areas do you primarily assist your clients?**

	%	N
Administrative Law (e.g., public benefits, etc.)	8.7%	106
Civil	34.7%	425
Criminal	5.7%	70
Domestic Violence	1.4%	17
Family	8.5%	104
Probate/estate planning	8.5%	104
Consumer	3.6%	44
Other (please specify)	29.0%	356

Answered 1226

Skipped 288

**Q11. Do you live, work, or practice in the District of Columbia?**

	%	N
Yes	76.6%	999

No	23.5%	306
	Answered	1305
	Skipped	209

**Prepared by the Strategic Management Division, DC Superior Court**

## **APPENDIX E: Community Member Survey (Form)**

## EXPANSION OF LEGAL SERVICES FOR DISTRICT RESIDENTS - COMMUNITY SURVEY

The DC Courts established the Civil Legal Regulatory Reform Task Force to look at different ways to get more legal help to District residents with their civil legal problems. Civil legal problems are non-criminal. Examples of "civil" legal problems include housing/eviction, protection from abuse/domestic violence, family issues like child custody and child support, and money issues like public benefits and debt.

The Task Force would like your feedback about using trained people, who would not be lawyers, to provide certain kinds of legal services. The services could include providing legal advice, preparing and filing legal documents, assisting people in mediation and court hearings, etc.

These trained people would charge a fee that may be lower than traditional attorney rates, or they may work with a licensed attorney or legal services firm which provides free services to people who qualify. Please take a few minutes to answer the questions below about your need for civil legal help. The survey should take less than five (5) minutes to complete, and your responses are anonymous.

Click on the link for more information on the Civil Legal Regulatory Reform Task Force: <https://www.dccourts.gov/about/civil-legal-regulatory-task-force>

Thank you for your participation!

1. Within the last five (5) years, have you used the services of a lawyer to get help with a legal problem?

☐ Yes

☐ No

1a. What kind of non-criminal problem did the lawyer assist with? (Select all that apply.)

☐ Benefits (e.g., food stamps/SNAP, worker's compensation, TANF, Medicaid, unemployment insurance, paid family leave, etc.)

☐ Family Law (e.g., child support, child custody, paternity, divorce, annulment, etc.)

☐ Housing (e.g., evictions, subsidized housing, rent control, housing code violations, etc.)

☐ Probate (e.g., power of attorney, wills, trusts, estates, etc.)

☐ Consumer (e.g., debt, foreclosure)

☐ Other non-criminal area(s) (please specify)

2. Have you ever had a problem where you wish you could have obtained civil legal help?

☐ Yes

☐ No

2a. Why didn't you obtain legal help? (Select all that apply.)

☐ I could not afford a lawyer.

☐ I did not qualify for free legal services.

☐ I was turned away from legal aid or other legal services.

☐ I didn't know where to find a lawyer.

☐ I didn't think I needed a lawyer.

☐ Other (please specify)

3. Have you ever represented yourself in court in a civil issue?

☐ Yes

☐ No

3a. Why did you represent yourself? (Select all that apply.)

☐ I could not afford a lawyer.

☐ I did not qualify for free legal services.

☐ I was turned away from legal aid or other legal services.

☐ I didn't know where to find a lawyer.

☐ I didn't think I needed a lawyer.

☐ Other (please specify)

4. If you had a civil legal problem today, would you consider getting help from a trained person who is not a lawyer?

- ☐ Yes
- ☐ No
- ☐ Not sure

5. What factors would be most important to you in deciding to hire a trained person who is not a lawyer? (Select all that apply.)

- ☐ Cost
- ☐ Experience and education
- ☐ Easily accessible
- ☐ Good recommendation from family or friend
- ☐ Could be as good as a lawyer
- ☐ Type of legal problem
- ☐ Other (please specify)

6. What types of things would you want that trained person to help you with? (Select all that apply.)

- ☐ Explain and help with the court process
- ☐ Fill out legal forms and documents
- ☐ File documents with the court
- ☐ Provide legal advice about options to resolve my issue
- ☐ Provide legal representation in court
- ☐ Provide legal representation in mediation
- ☐ Other (please specify)

7. Would you support allowing trained people who are not lawyers to provide some types of civil legal services to District residents?

- ☐ Yes
- ☐ No
- ☐ Not sure

8. Do you live or work in the District of Columbia?

- ☐ Yes
- ☐ No



## **APPENDIX F: Aggregated Results, Community Member Survey**

## Expansion of Legal Services for District Residents - Community Survey

### All Respondents (N=444)

**Q1. Within the last five (5) years, have you used the services of a lawyer to get help with a legal problem?**

	Responses	
	Number	Percent
Yes	212	47.9%
No	231	52.1%
<b>Answered</b>	<b>443</b>	<b>100.0%</b>
<b>Skipped</b>	<b>1</b>	

**Q1a. What kind of non-criminal problem did the lawyer assist with? (Select all that apply.)**

	Responses	
	Number	Percent
Benefits (e.g., food stamps/SNAP, worker's compensation, TANF, Medicaid, unemployment insurance, paid family leave, etc.)	25	12.6%
Family Law (e.g., child support, child custody, paternity, divorce, annulment, etc.)	47	23.7%
Housing (e.g., evictions, subsidized housing, rent control, housing code violations, etc.)	61	30.8%
Probate (e.g., power of attorney, wills, trusts, estates, etc.)	57	28.8%
Consumer (e.g., debt, foreclosure)	21	10.6%
Other non-criminal area(s) (please specify)	63	31.8%
<b>Answered</b>	<b>198</b>	
<b>Skipped</b>	<b>246</b>	

**Q2. Have you ever had a problem where you wish you could have obtained civil legal help?**

	Responses	
	Number	Percent
Yes	282	68.6%
No	129	31.4%
<b>Answered</b>	<b>411</b>	<b>100.0%</b>
<b>Skipped</b>	<b>33</b>	

**Q2a. Why didn't you obtain legal help? (Select all that apply.)**

	Responses	
	Number	Percent
I could not afford a lawyer.	168	62.2%
I did not qualify for free legal services.	104	38.5%
I was turned away from legal aid or other legal services.	52	19.3%
I didn't know where to find a lawyer.	60	22.2%
I didn't think I needed a lawyer.	42	15.6%
Other (please specify)	55	20.4%
<b>Answered</b>	<b>270</b>	
<b>Skipped</b>	<b>174</b>	

**Q3. Have you ever represented yourself in court in a civil issue?**

	Responses	
	Number	Percent
Yes	172	43.4%
No	224	56.6%
Not Sure	0	0.0%
<b>Answered</b>	<b>396</b>	<b>100.0%</b>
<b>Skipped</b>	<b>48</b>	

**Q3a. Why did you represent yourself? (Select all that apply.)**

	Responses	
	Number	Percent
I could not afford a lawyer.	105	62.5%
I did not qualify for free legal services.	56	33.3%
I was turned away from legal aid or other legal services.	34	20.2%
I didn't know where to find a lawyer.	20	11.9%
I didn't think I needed a lawyer.	41	24.4%
Other (please specify)	33	19.6%
<b>Answered</b>	<b>168</b>	
<b>Skipped</b>	<b>276</b>	

**Q4. If you had a civil legal problem today, would you consider getting help from a trained person who is not a lawyer?**

	Responses	
	Number	Percent
Yes	286	77.7%
No	37	10.1%
Not Sure	45	12.2%
<b>Answered</b>	<b>368</b>	<b>100.0%</b>
<b>Skipped</b>	<b>76</b>	

**Q5. What factors would be most important to you in deciding to hire a trained person who is not a lawyer? (Select all that apply.)**

	Responses	
	Number	Percent
Cost	256	69.2%
Experience and education	287	77.6%
Easily accessible	166	44.9%
Good recommendation from family or friend	140	37.8%
Could be as good as a lawyer	189	51.1%
Type of legal problem	222	60.0%
Other (please specify)	47	12.7%
<b>Answered</b>	<b>370</b>	
<b>Skipped</b>	<b>74</b>	

**Q6. What types of things would you want that trained person to help you with? (Select all that apply.)**

	Responses	
	Number	Percent
Explain and help with the court process	266	73.3%
Fill out legal forms and documents	259	71.3%
File documents with the court	248	68.3%
Provide legal advice about options to resolve my issue	266	73.3%
Provide legal representation in court	195	53.7%
Provide legal representation in mediation	199	54.8%
Other (please specify)	36	9.9%
<b>Answered</b>	<b>363</b>	
<b>Skipped</b>	<b>81</b>	

**Q7. Would you support allowing trained people who are not lawyers to provide some types of civil legal services to District residents?**

	Responses	
	Number	Percent
Yes	317	85.9%
No	19	5.1%
Not Sure	33	8.9%
<b>Answered</b>	<b>369</b>	<b>100.0%</b>
<b>Skipped</b>	<b>75</b>	

**Q8. Do you live or work in the District of Columbia?**

		Percent
Yes	316	85.4%
No	54	14.6%
<b>Answered</b>	<b>370</b>	<b>100.0%</b>
<b>Skipped</b>	<b>74</b>	

**Prepared by the Strategic Management Division, District of Columbia Courts, October 2024**

**APPENDIX G: Summary of CJW, LLP Programs Adopted or Proposed in Other Jurisdictions**

## **Summary of CJW, LLP Programs Adopted or Proposed in Other Jurisdictions**

### **Alaska (CJW)**

#### **Community Justice Workers**

Established in 2019, Alaska's Community Justice Worker Program allows the Alaska Legal Services Corporation to train community members to provide legal assistance.

In 2023, ALSC established the Community Justice Worker Resource Center (CJWRC) to support the growing CJW network in Alaska and collaborate with partners in the lower 48 states to grow a nationwide CJW movement.

Today, ALSC offers training in Supplemental Nutrition Assistance Program advocacy, debt collection defense, domestic violence advocacy, the Indian Child Welfare Act, and wills. Further courses are planned for disaster response advocacy, eviction defense, probate and title clearing, and ethics and professionalism by the end of 2025.

With the recent passage of [Alaska Bar Rule 43.5](#), the CJWRC is developing a curriculum and certification process to prepare CJWs to represent clients in court under the new waiver. In addition to reviewing the written literature on Alaska's CJW program, the task force interviewed the former Executive Director of the ALSC to gather information about the program. A detailed discussion of the Alaska program can be found at [Community Justice Workers: Part of the Solution to Alaska's Legal Deserts | Alaska Law Review](#).

### **Arizona (CJW and LLP)**

#### **Legal Paraprofessionals**

Arizona has established an LP model in which licensed legal practitioners represent clients in most domestic relations matters; civil matters before a municipal or justice court; criminal misdemeanor matters before a municipal or justice court where incarceration is not at issue; authorized services before any Arizona administrative agency; or juvenile dependency proceedings except contested adjudication. A recent report on the LP program can be found at [2024 Legal Paraprofessional Annual Report.pdf](#).

#### **Certified Legal Advocates**

Arizona also has two Certified Legal Advocate programs: Domestic Violence Legal Advocates and Housing Stability Legal Advocates.

The DVLA program has been in place since 2021, while HSLA went into effect in the summer of 2024. Eligibility is similar in both: 18 years old, high school or GED diploma, abridged character and fitness exam, and employment or volunteer experience with a sponsoring organization. DVLAAs are required to have 2,000 hours of experience in lay legal advocacy; there is no such requirement for HSLAs.

The Administrative Office of the Courts oversees approval of organizations who can employ DVLAAs/HSLAs and administers a test given to the applicants. Training is provided by Innovation 4 Justice, a nonprofit located in Arizona and Utah.

DVLAAs/HSLAs are subject to a code of conduct that closely parallels the code applicable to attorneys. DVLAAs and HSLAs can help with forms and “quietly” attend court hearings and advise clients and answer questions addressed to them by the Court. Attorneys with the sponsoring organization assist with training. HSLAs/DVSAAs can reach out to attorneys for help at any time, and each HSLA/DVSA has an attorney mentor. More details are available at the [Legal Advocates](#) section of the Arizona Courts website.

### **Community Justice Workers**

Arizona also has an Authorized Community Justice Worker program, where CJWs can provide limited-scope legal assistance on consumer issues, housing, debt relief, public benefits, and unemployment law. This program is just getting underway in 2025. Information about the program appears on the [Arizona Courts website](#) and an article discussing development of the program appears [here](#).

The task force had numerous contacts with persons involved in Arizona’s programs, including interviews with staff of the Administrative Office of the Courts, attendance at presentations by the Innovations Legal Service Manager who oversees the LP program, and individual and group interviews of an LP participating in the program.

### **Colorado (LLP)**

Colorado has adopted an LLP model in which Licensed Legal Practitioners may provide services relating solely to family law issues (including domestic violence issues). LLPs may provide services outside and inside the courtroom. They may deliver opening statements and closing arguments, but may not examine witnesses.

LLPs are not required to be under the supervision of an attorney, but must have a JD; an associate or bachelor’s degree in paralegal studies; a bachelor’s degree in any subject with a



paralegal certificate or 15 credit hours of paralegal studies; or the equivalent of three full-time years in employment constituting substantive law-related practical experience, which must include the equivalent of one full-time year focused on Colorado family law, during the five years immediately preceding the date of filing the application. LLPs must have ethics training and pass the LLP bar exam, which includes an ethics component.

To date, 92 applicants have been approved as LLPs, 75% of whom are working in firms and 25% of whom work for themselves.

In addition to reviewing the terms of the program, task force members have interviewed members of the Committees overseeing the creation and regulation of the program on two occasions. Detailed information may be found at [Frequently Asked Questions About Licensed Legal Practitioners \(LLPs\) - Colorado Supreme Court](#).

### **Delaware (CJW)**

Delaware has adopted a CJW model in which Qualified Tenant Advocates (QTA) can represent tenants in landlord-tenant proceedings. With the consent of their residential tenant-client, QTAs may prosecute or defend eviction proceedings; negotiate settlements; file pleadings and other documents; and appear in the Justice of the Peace Court.

QTA applicants must take an online course; pass a certification exam; and be employed by one of the state's three authorized legal services organizations. There are no educational requirements for QTAs prior to taking the online educational module.

The task force interviewed three members of the Committee that recommended adoption of the program, including the Committee's chair and the Executive Director of Delaware's Community Legal Aid Society, Inc., which initiated the proposal to establish the QTA program. Program requirements are set forth in Rule 57.1 of the [Rules of the Delaware Supreme Court](#) and summarized in a Court [press release](#).

### **Hawaii (CJW)**

Hawaii established a pilot program for Rural Paternity Advocates (RPA) in a portion of the Big Island of Hawaii in 2023.

RPAs practice in paternity; child support; and visitation in Family Court.

Participants must have a college degree or ABA approved paralegal certificate or degree or seven years of experience at the Legal Aid Society of Hawaii, and must be employed by Legal Aid.

RPAAs must complete 14 hours of classroom sessions, five hours of courtroom observation, and 20-50 hours shadowing an attorney handling paternity cases.

RPAAs are trained in the basics of paternity law; child custody; visitation and support; paternity; evidence; developing legal strategies; mediation; court advocacy; court proceedings and rules; exhibits; examination practice; client interviewing; and legal ethics.

Clients must be eligible for services by Legal Aid.

RPAAs must be supervised by Hawaii-licensed Legal Aid attorneys, who consult during case conferences. RPAAs are governed by Hawaii Rule of Professional Conduct 5.3.

RPAAs are permitted to appear in court alone if the supervising attorney is in the courthouse or available by telephone.

The task force interviewed two Legal Aid attorneys who supervise RPAAs to gather information about the program. The Hawaii Supreme Court's Order establishing the pilot program can be found [here](#).

### **Minnesota (LLP)**

Minnesota adopted a Legal Practitioner pilot program that was implemented in 2021 and became permanent in 2024. There are roughly 30 practitioners who work under attorney supervision. The practitioners are “qualified” but not licensed. The supervising attorney and paralegal are approved together as a team and are permitted to work in the practice areas of family and housing.

About half of the practitioners work in legal aid organizations and half work in private practice. Most cases from legal aid organizations are in housing. In addition to reviewing the program's documentation, the task force interviewed the Chair and a paralegal member of the Standing Committee for Legal Practitioner Pilot Project. Information about the Practitioner Program can be found on the [Minnesota Supreme Court's website](#), including the [Supreme Court's 2024 Order](#) reviewing the results of the pilot program and making the program permanent.

### **New Hampshire (LLP)**

New Hampshire enacted a two-phase pilot practitioner program in family law, effective January 1, 2023.

The program is available exclusively to clients who earn up to 300 percent of the federal poverty level. Participating paralegals must hold either a bachelor's degree in any field or an associate's degree in a law-related field; and have at least two years of work experience in a law-related setting with attorney supervision. New Hampshire LLPs may only act under the supervision of an active attorney.

The first phase of the pilot program authorizes paralegals to assist qualifying clients in family and landlord/tenant by performing tasks such as drafting pleadings, parenting plans, protection orders, and financial affidavits.

The second phase authorizes paralegals to provide what is being referred to as “practitioner representation” in family and district courts in three New Hampshire judicial districts. In 2024, the legislature expanded the program statewide and extended the pilot project through 2029.

The [revised legislation](#) requires that qualified clients receive written notice that the paralegal is a non-attorney acting under the supervision of an attorney admitted to practice and include the attorney's name. Any pleadings filed in court must disclose the same.

The task force interviewed the legislator who initially proposed the program, who also served as a family law judge for 13 years. The detailed requirements of the program are set forth in New Hampshire Supreme Court [Rule 35](#).

## **Oregon (LLP)**

Oregon has developed a Licensed Paralegal program in family and landlord-tenant matters. The Bar began accepting applications in July of 2023 and issued the first licenses in January of 2024. Licensure requires passing an exam that focuses on the scope of authorized practice. As of early 2024, ten licenses had been issued, nine of which were issued to employees of a single law firm, and all in family law.

The task force interviewed the Chief Executive Officer of the Oregon State Bar to gather information about the program. Information about the Oregon program can be found at [Background and Resources on Oregon's Licensed Paralegals](#).

## **Utah (LLP and CJW)**

### **Licensed Paralegal Practitioner Program**

LPPs work in family law, debt collection in small claims, and evictions. They cannot appear in court, but a proposed amendment would allow LPPs to appear in court but not orally advocate for their client. LPPs can own their own firms but cannot charge contingency fees.

There are approximately 36 LPPs. Consumers are satisfied so far, particularly in the family law area, and most judges support the program.<sup>1</sup>

Information about the LPP program can be found at [Licensed Paralegal Practitioner – Utah State Bar](#).

## **CJW**

Certified Advocate Partners (CAP) may advocate in domestic violence matters.

CAPs must be at least 18 years of age with two years of experience as Victims Advocates. They receive 40-50 hours of training.

A Utah-based nonprofit, Timpanogos Legal Center (TLC), trains CAPs; administers exams; and conducts a final interview before certifying applicants. TLC established the program in 2021 and reports to Utah's Innovation Office.

CAPs may give advice; prepare documents; prepare clients for hearings; and sit at the counsel table "to provide quiet promptings and support on presenting their case and interacting with the court"; and answer questions from the court when so requested (pending approval). Attorneys review the first five protective orders; periodically review intake materials; assist with training; and are available to answer questions.

More information and data can be found at [Timpanogos Legal Center](#).

## **Medical Debt Legal Advocates**

Medical Debt Legal Advocates (MDLA) may provide legal advice outside of court, prepare clients for court, and sit at the counsel table and answer questions from the court (pending approval). Lawyers train MDLAs and are available to answer questions.

MDLAs must be at least 18 years of age and be employed by an organization handling clients experiencing medical debt. They receive 60-80 hours of training.

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<sup>1</sup> [Utah State Courts Licensed Paralegal Practitioner program overview](#).

Innovation for Justice trains, assesses, and certifies candidates. Community Justice Advocates of Utah oversees post-service audits.

The program was established in May 2023. An article providing background to the program can be found [here](#).

### **Housing Stability Legal Advocates (expected to begin June 2025):**

Housing Stability Legal Advocates (HSLA) will provide legal advice outside of court; prepare clients for court, sit at the counsel table, and answer questions from the court.

HSLAs must be 18 years of age and working for an approved organization that handles housing stability issues.

Innovation For Justice administers 60 hours of training, administers exams, and certifies candidates. Lawyers also provide training and are available to answer questions. Community Justice Advocates of Utah oversees post-service audits.

The Utah Supreme Court's [Standing Order No. 16](#) sets forth the need for the program and details its terms.

In addition to reviewing written materials about Utah's programs, the task force interviewed the former Associate General Counsel and Licensed Paralegal Practitioner administrator of the Utah State Bar.

### **Washington (LLP)**

Washington Limited License Legal Technicians (LLLT) practice in family law.

LLLTs were required to complete 45 credit hours of legal education (a standard credit hour represents 450 minutes of instruction); 1,500 hours of substantive law-related work experience completed no more than three years before or 40 months after the application; and pass a two-day examination.

This was the nation's first licensed practitioner program. It was adopted in 2012 and began operation in 2015.

The Washington Supreme Court [decided in 2020 to sunset the program](#), citing "the overall costs of sustaining the program and the small number of interested individuals." [Many observers asserted that the requirements to become an LLLT were too stringent and costly to attract significant numbers of applicants.](#)

Those LLLTs who already were licensed or had applied to enroll in the program were permitted to continue to practice. Under the program, approximately 95 LLLTs were licensed, 70 of whom are listed on active status today.

The task force had numerous contacts with the Chair of the LLLT Board regarding the status of the program.

### **Other Outreach**

In addition to its review and study of existing nonlawyer legal assistance programs, the task force and its members monitored information on nonlawyer legal assistance programs made available by the Institute for the Advancement of the American Legal System (IAALS) and maintained regular contact with IAALS staff who assist with such programs. Notably, task force member James Sandman is the Chair of the IAALS Board of Advisors and on its Executive Committee.

Task force members also regularly attended meetings of the Multi-Jurisdictional Roundtable, an ad hoc group of representatives of various jurisdictions which either have nonlawyer legal assistance programs or are studying or monitoring the issue. This mechanism assisted the task force in keeping abreast of the status of various programs and provided a forum to discuss issues regarding such programs.

Finally, the task force observed developments in jurisdictions that do not have active programs but are developing or considering such programs. Such jurisdictions include:

- Texas, whose Supreme Court issued proposed rules establishing an LP and a CJW program and is expected to issue final rules after considering comments that were submitted last Fall; and
- South Carolina, where a Court provisionally approved a three-year pilot program, the NAACP housing advocate program. Advocates will provide limited-scope advice in eviction actions, limited to magistrate court. Advocate assistance will be free for tenants; advocates will be supervised by South Carolina attorneys, who are involved in their training; and the program will share data and other relevant information with the court for evaluation of consumer harm within the pilot program period.