



INSTITUTE FOR THE  
ADVANCEMENT OF THE  
AMERICAN LEGAL SYSTEM



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*Submitted via email to the Supreme Court of Tennessee at Nashville*

## **Re: Comments in Support of Potential Regulatory Reforms to Increase Access to Quality Legal Representation**

Dear Justices of the Supreme Court of Tennessee,

We write on behalf of IAALS, the Institute for the Advancement of the American Legal System, regarding the Tennessee Supreme Court's call for written comments concerning the wide range of access to affordable quality legal service issues outlined in Administrative Order No. ADM2025-01403 (the "Administrative Order"). IAALS is a national, independent research center at the University of Denver that innovates and advances solutions that make the civil justice system more just. IAALS identifies and researches issues in the legal system; convenes experts, stakeholders, and users of the system to develop and propose concrete solutions; and empowers and facilitates the implementation of those solutions to achieve impact. We are a nonpartisan organization that champions people-first reforms to the legal system and the legal profession. Since 2019, IAALS has had an Unlocking Legal Regulation initiative through which it has worked with leaders in states across the country to rethink how we regulate and deliver legal services to ensure a more robust ecosystem and market of models and providers—one that is competitive, broadly accessible, and better meets the needs of the people. IAALS has developed a robust body of research and implementation work focused on one particular new provider—Allied Legal Professionals—and has developed recommendations on regulating the use of AI and technology in consumer-facing legal services. Additionally, IAALS is currently conducting a comprehensive study of licensure models to assess their effectiveness in ensuring competence, fairness, and

public protection as well as designing an evaluation for Alternative Business Structure programs. We will discuss this work in relation to the issues outlined in the Administrative Order.

## Defining the "Access to Justice Gap"

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As the legal profession continues to have discussions about closing the justice gap and ensuring that all Americans have access to the legal help they need, it is important that we first use a common definition for the "access to justice gap" in legal services so that we are all on the same page. Some legal professionals define the access to justice gap as limited to people who qualify for free legal aid (usually people who have an income of 125% or less of the federal poverty guidelines and who cannot access legal services). It is [well documented](#)<sup>1</sup>, however, that people above this income eligibility line—and far into the middle-class—also cannot access the legal help they need. Therefore, at IAALS, we include people and small businesses who would be considered low- or middle-income in this access to justice gap, and we bring this perspective to our comments below.

## The Access to Justice Gap Requires an Ecosystem of Legal Service Providers

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The breadth and depth of the problem are alarming. It is so extensive and dire that even if the Tennessee Supreme Court moves forward with all the pathways referenced in the Administrative Order, it will still not be enough. This reality is reflected in the Legal Services Corporation's *Rural Justice Task Force Report*, which highlights Tennessee and recommends expanding opportunities for professionals beyond lawyers to help close the rural justice gap.<sup>2</sup> The reality is that we need an entire ecosystem of legal service providers—one that includes each of the pathways referenced in the Administrative Order, as well as many pathways that have yet to be fully explored. Given this reality, IAALS recommends that the Tennessee Supreme Court establish paraprofessional, justice worker, tech-based legal service delivery, and alternative pathways to

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<sup>1</sup> IAALS and Hil, *Justice Needs and Satisfaction in the United States of America* (2021), available at <https://iaals.du.edu/sites/default/files/documents/publications/justice-needs-and-satisfaction-us.pdf>

<sup>2</sup> Legal Servs. Corp., *Rural Justice Task Force Report* 41 (2023), available at <https://www.lsc.gov/ruralreport>.

licensure programs while also promoting interstate mobility and evidence-based cost-reducing alternatives to the traditional three-year J.D.

## The Court Should Move Forward with Implementation of a Paraprofessional Program

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IAALS is thrilled to hear that Tennessee is considering establishing a legal paraprofessional program. Over the past seven years, the number of states adopting these programs has increased significantly, reflecting the need for greater access to justice, especially for those who do not qualify for legal aid but cannot afford an attorney.

IAALS has devoted considerable time and energy to advancing this emerging tier of legal service providers nationwide and, to establish a unified way to refer to both the providers and these programs, coined the term Allied Legal Professional (“ALP”). Allied Legal Professionals function as the nurse practitioners of the legal profession and are trained and licensed to offer legal advice and services to certain case types. This can be a market-based model that targets middle and low-income individuals or a legal aid model. In November 2022, IAALS published [\*The Landscape of Allied Legal Professionals Programs in the United States\*](#) (the “Landscape Report”), which examines why many states have begun creating ALP programs and describes the similarities and differences among them. Also in late 2022, IAALS convened a group of expert stakeholders to review the Landscape Report and discuss best practices and lessons learned from existing programs. Based on those stakeholder discussions, in June 2023 IAALS published [\*Allied Legal Professionals: A National Framework for Program Growth\*](#) that summarizes areas of convergence, divergence, and lessons learned. In August 2024, IAALS convened stakeholders from each of the seven states with ALP programs to discuss reciprocity among programs. In June 2025, IAALS published a report [\*Building Bridges: Guidelines for Creating Reciprocity between Allied Legal Professional Programs\*](#) that shares insights and outcomes from the convening, including a framework for states on what to include in a reciprocity rule.

In November 2025, IAALS re-convened leaders from each of the seven states with ALP programs to discuss what title would best define and unify the profession to build public confidence and consistency across states, during which IAALS presented its monthslong focus group and survey

research on naming completed in the spring of 2025. This convening was grounded in IAALS’s 2025 research, which included focus groups with community members and surveys of ALPs across the seven states with existing programs, offering insight into how different titles are perceived in terms of clarity, trust, and role understanding, as well as how current titles support or hinder practice. Based on these findings, along with lessons from analogous professions, stakeholder input, and broader programmatic experience, IAALS will recommend the term “legal practitioner” in a forthcoming 2026 report. Several states working with IAALS are already considering adopting this title for new programs or transitioning from their current titles. Establishing consistent terminology across states is important for building public understanding, strengthening professional identity, and supporting the long-term development of a cohesive national framework for this emerging tier of providers.

In addition, IAALS has created an [ALP Knowledge Center](#)<sup>3</sup> on the IAALS website—an up-to-date resource with current state information and recommendations that jurisdictions like Tennessee can draw on as they study and design a paraprofessional program.

The current legal market in Tennessee, as noted by the Court, leaves a significant portion of the population, particularly those in rural legal deserts and those above the poverty line who cannot afford legal representation, without any viable path to legal assistance. Over the years, there have been nationwide, lawyer-centric efforts to close the access to justice gap. A greater push to provide unbundled legal services, along with an increase in pro bono and legal aid efforts, can improve access, but those measures alone will never be enough to truly affect the change this Court is looking for “to ensure that all Tennesseans have access to affordable quality legal services.” Decades of research, including IAALS’ national U.S. Justice Needs Study, demonstrate that closing the justice gap requires an ecosystem of legal service models and providers, including attorneys, legal aid organizations, court-based assistance, and ALPs. For that reason, we recommend that this Court move away from an attorney-only model and implement a paraprofessional program. The discussion below addresses the Court’s questions in turn, drawing

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<sup>3</sup> Allied Legal Professionals Knowledge Center, available at <https://iaals.du.edu/projects/allied-legal-professionals/knowledge-center>

on evidence from existing ALP programs to inform considerations around competency, qualifications, and scope of practice.

## Competency

Evidence from states like Arizona and Washington demonstrates that trained and licensed ALPs can competently provide a variety of legal services on their own. Minnesota's ALP program has demonstrated that with attorney supervision and fewer requirements for entry, ALPs can competently represent clients both in and out of the courtroom. In [Arizona](#)<sup>4</sup> and [Washington](#),<sup>5</sup> the percentage of complaints against ALPs has been consistently lower than that of attorneys. In [Minnesota](#),<sup>6</sup> attorneys supervising ALPs have been so impressed with paraprofessionals' competency that they have advocated for an *increase* in responsibilities. Based on this data, the question is not whether ALPs can competently provide legal services, but rather what the qualifications, limitations, and scope of representation should be.

## Qualifications

The qualifications for ALPs vary across jurisdictions, reflecting a range of approaches balancing education and practical training. While some states require specific degrees, others accept professional certifications or extensive work experience. Overall, requirements remain broad enough to encompass various backgrounds. Importantly, data indicates that ALPs can competently deliver authorized legal services across a range of entry pathways, suggesting that competency depends less on a single educational model and more on targeted training and oversight.

As the Court considers the design of a new program, it will be critical to avoid unnecessarily restrictive or gatekeeping requirements that could exclude qualified individuals and constrain

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<sup>4</sup> <https://www.azcourts.gov/Portals/0/26/2024%20Legal%20Paraprofessional%20Annual%20Report.pdf> (pg. 12)

<sup>5</sup> [https://www.wsba.org/docs/default-source/licensing/discipline/2024-discipline-snapshot.pdf?sfvrsn=f56e1af1\\_5](https://www.wsba.org/docs/default-source/licensing/discipline/2024-discipline-snapshot.pdf?sfvrsn=f56e1af1_5) (pg. 2)

<sup>6</sup> [https://mncourts.gov/\\_media/migration/archived-documents/supreme-court-archive/lppp-final-report-and-recommendations.pdf](https://mncourts.gov/_media/migration/archived-documents/supreme-court-archive/lppp-final-report-and-recommendations.pdf) (pgs. 7-8)

program growth without corresponding public protection benefits. The most effective approach for this Court would be to reach out to states with well-established ALP programs—Arizona, Colorado, Minnesota, Oregon, Utah, and Washington—to discuss their specific requirements and learn from their implementation successes.

## **Limitations**

When considering the limitations to be imposed on ALPs, available evidence from existing programs does not indicate that narrowly defined or rigid activity restrictions are necessary to protect the public. On the contrary, existing data from multiple jurisdictions suggest that once ALPs meet established education, training, and licensing standards, they can competently provide a wide range of authorized legal services.

Overly restrictive limitations on ALP practice do not necessarily enhance consumer protection; instead, they often limit the availability of meaningful help for those who need it most. When ALPs are prohibited from performing core functions, such as addressing the court or participating fully in hearings, clients may still be left without effective representation at critical moments, and courts may receive less complete information. As a result, the more narrowly Tennessee constrains what ALPs can do—such as restricting their ability to argue before the court—the less actual assistance Tennesseans will be able to receive in navigating the complexities of the legal system.

## **Subject Matter Restrictions**

In designing an ALP program, the Court's approach to subject matter restrictions will play a significant role in determining how effectively the program can expand access to legal services while maintaining appropriate safeguards. Historically, many states have limited authorized practice to a small number of high-volume civil areas, such as family law, landlord-tenant disputes, and debt collection. However, states like Arizona have pioneered a broader model, proving that paraprofessionals can competently provide services in a much broader range of legal matters when appropriately trained and regulated, including administrative law and limited criminal matters.

Restricting paraprofessional practice to only a narrow set of subject areas risks overlooking the breadth of the justice gap, which affects individuals across nearly every facet of the law. Just as with procedural limitations, excessive subject matter restrictions can reduce the availability of affordable legal assistance without clear public protection benefits. It can also reduce the viability of the program and sustainability of a paraprofessional's practice. For example, while a paraprofessional is in a good position to offer legal services on eviction or consumer debt cases at a lower cost than attorneys, due to the financial limitations these clients have, it would be difficult for most legal professionals, ALPs or attorneys, to create a sustainable practice only offering these services. This would make the program not just ineffective, but unviable. By adopting a broad scope of practice that is inclusive, evidence-informed, and capable of evolving as the program matures, Tennessee can ensure that its citizens have access to a robust tier of legal professionals capable of addressing their diverse needs.

## Looking Ahead

IAALS' national research and these jurisdictional lessons show that well-designed paraprofessional programs can play a vital role in closing the justice gap. Still, we continue to gather more data on these programs, including a current project assessing Colorado's paraprofessional program (to be completed in 2027), to better inform jurisdictions like Tennessee as they design and implement their own models.

We applaud the Court's commitment to data-driven exploration and recommend that Tennessee continue to engage with lessons learned from other jurisdictions while considering how paraprofessionals might best serve residents.

## **The Court Should Explore Establishing a Community-Based Justice Worker Program**

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While the Tennessee Supreme Court did not explicitly reference community-based justice worker (justice worker) programs in the Administrative Order, justice worker is another promising tier of provider that is an important part of the expanding legal service delivery ecosystem. Justice worker models involve training and certifying or authorizing individuals working on the frontlines

at community-based or legal aid organizations to offer limited scope legal advice and services in certain case types. Think of community-based justice workers as the EMTs of the legal profession. These models target low-income individuals. [The Diverse Landscape of Community-Based Justice Workers](#)<sup>7</sup> explores the landscape of this work and the U.S. Justice Worker Program Index<sup>8</sup> provides an overview of authorized programs and the similarities and differences among different forms of justice work in the U.S.

While IAALS has supported the development and monitoring of justice worker programs across the country, we have not worked directly on any of them. Because of this, we recommend that the Tennessee Supreme Court look to the recommendations provided by other organizations (i.e., Frontline Justice for legal aid-based models and Innovation for Justice and Community Justice Advocates of Utah for community-based models) that have worked extensively on creating and monitoring these justice worker programs.

## **The Court Should Explore Evidence-Based Cost-Reducing Alternatives to the Traditional Three-Year J.D.**

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IAALS agrees with the Court that the cost of legal education can contribute to barriers to entry into the profession and, in turn, may affect the supply and distribution of legal services. High tuition and associated educational debt can deter qualified individuals from entering the profession, particularly those from lower-income backgrounds or communities historically underrepresented in law.<sup>9</sup> Over time, these barriers can affect not only who becomes a lawyer,

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<sup>7</sup> Cayley Balser and Stacy Rupprecht Jane, *The Diverse Landscape of Community-Based Justice Workers*, Institute for the Advancement of the American Legal System (February 2024), available at <https://iaals.du.edu/news/diverse-landscape-community-based-justice-workers>

<sup>8</sup> The U.S. Justice Worker Program Index, Institute for the Advancement of the American Legal System, available at <https://iaals.du.edu/news/national-justice-worker-program-index-relaunched>

<sup>9</sup> See Meghan Dawe, *The Black-White Student Debt Gap Among Law School Graduates*, Center on the Legal Profession Harvard Law School (Sep. 2023), available at <https://clp.law.harvard.edu/knowledge-hub/magazine/issues/student-debt/the-black-white-student-debt-gap-among-law-school->

but also where and how lawyers practice, with implications for the overall supply of legal services and the availability of representation in underserved and rural communities.

As the Court considers reforms aimed at expanding access to affordable, high-quality legal representation, it is appropriate to examine whether there are educational models that reduce cost while still ensuring that new lawyers are prepared to practice competently and ethically. In evaluating potential alternatives, the central question should not be the duration of legal education, but whether graduates meet clearly defined standards of minimum competence. In 2014, IAALS conducted its Foundations for Practice study, a national survey identifying the skills, characteristics, and competencies new lawyers need to succeed in practice, which has been widely used over the past decade by law schools, regulators, and other stakeholders to better align legal education with the demands of practice. More than a decade later, as the profession has evolved, IAALS is now revisiting this work through Foundations for Practice 2.0, with a forthcoming report in 2026. Together, this research underscores the importance of aligning legal education with real-world lawyering demands rather than focusing solely on time-based requirements.<sup>10</sup>

A range of models could be explored in this context. These might include accelerated degree programs (including two-year J.D. programs), apprenticeship programs (such as the California Law Office Study Program), or curricula that integrate structured experiential learning in more intensive or streamlined formats. IAALS does not take a position at this stage on any specific model, but supports careful, evidence-based exploration of approaches that may lower costs without compromising quality.

Importantly, any alternative to the traditional three-year curriculum should be evaluated alongside licensure requirements and assessments. Education, licensure, and practice readiness are

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<sup>10</sup> Inst. for the Advancement of the Am. Legal Sys., *Foundations for Practice*, <https://iaals.du.edu/projects/foundations-practice>.

interconnected components of a single regulatory system. Changes in one area should not occur in isolation from the others.

IAALS encourages the Court to ensure that any reforms to licensure pathways are accompanied by meaningful data collection and evaluation measures. Systematic tracking of outcomes, including measures of demonstrated competence, disciplinary trends, client impact, and access to justice effects, will be critical to determining whether alternative models achieve the Court's goals of expanding access while safeguarding the public. Ongoing assessment will help ensure that reforms remain aligned with evidence and can be refined as needed to preserve rigor, fairness, and public protection.

## **The Court Should Support Carefully Designed Alternative Pathways to Licensure**

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IAALS strongly supports the Court's interest in exploring alternative pathways to admission to the Tennessee Bar as a potential means of expanding access to affordable legal services while safeguarding competence and public protection. As the Court has recognized, regulatory reform must balance lowering barriers to entry with ensuring that Tennessee attorneys are prepared to serve clients effectively.

IAALS research has long examined whether traditional bar examinations fully assess the competencies required for modern legal practice. Through its *Building a Better Bar* project, IAALS developed an evidence-based definition of minimum competence consisting of twelve interlocking "building blocks," including client interaction, legal analysis, professional judgment, workload management, and self-directed learning.<sup>11</sup> The study's findings indicate that closed-book, time-pressured, and multiple-choice examinations offer a poor measure of many of these competencies and bear little resemblance to the cognitive tasks new lawyers perform in practice.

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<sup>11</sup> IAALS, *Building a Better Bar: The Twelve Building Blocks of Minimum Competence* (2020), [https://iaals.du.edu/sites/default/files/documents/publications/building\\_a\\_better\\_bar.pdf](https://iaals.du.edu/sites/default/files/documents/publications/building_a_better_bar.pdf).

In addition, the design and administration of the bar exam can advantage those with access to costly preparation resources and significant time for study, raising concerns about fairness in the licensure process. These findings suggest that while written exams may assess certain foundational knowledge, they cannot, standing alone, fully evaluate minimum competence for law practice.

Alternative pathways such as structured apprenticeships, supervised practice models, or service-based pathways may offer promising avenues for enhancing practice readiness while broadening access to the profession. When carefully designed, such models can increase early exposure to client-facing work and professional responsibility, expand the pool of competent legal service providers, and help address persistent shortages in rural and underserved communities.

At the same time, IAALS emphasizes that alternative pathways must be built with strong safeguards. Any pathway to licensure should include clear, articulated competency benchmarks aligned with minimum competence standards; structured supervision requirements, where applicable; transparent accountability and oversight mechanisms; and meaningful assessment tools to ensure that candidates meet objective performance criteria before admission.

To support state courts navigating these questions, IAALS has launched its multi-state *Pathways to Legal Licensure: Individualized & Comparative Outcomes* study.<sup>12</sup> This empirical project is examining multiple licensure models across jurisdictions—including states with traditional bar-only systems and states with alternative pathways—to understand more about validity, reliability, fairness, feasibility, and alignment with practice readiness across each studied pathway. The study will provide evidence-based recommendations designed to remove unnecessary barriers while preserving rigor and protecting the public.

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<sup>12</sup> IAALS, *Pathways to Legal Licensure: Individualized & Comparative Outcomes*, available at <https://iaals.du.edu/projects/pathways-legal-licensure>.

Ongoing data collection, including measures of competence, professional discipline, access to justice impact, and participant outcomes, will be essential to ensuring that any reform advances both accessibility and public protection.

## **The Court Should Promote Interstate Mobility to Advance Access to Justice**

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IAALS supports reforms that promote interstate practice and attorney mobility, consistent with the Court's stated goal of ensuring that all Tennesseans have access to affordable, high-quality legal services. Modern legal practice is increasingly multi-jurisdictional, and regulatory frameworks should reflect that reality.

Expanded reciprocity and mobility can help increase the supply of legal services, particularly in rural or underserved communities that struggle to attract and retain attorneys. Greater portability of licensure credentials also reduces unnecessary barriers for experienced attorneys who have already demonstrated competence and ethical fitness in another jurisdiction.

At the same time, mobility reforms should preserve core safeguards, including clear competence standards, ethical accountability, and effective disciplinary oversight. Reciprocity should not diminish public protection but rather streamline admission for attorneys who have already met substantially equivalent standards.

As Tennessee considers reforms, it may also examine developments related to UBE score portability and the forthcoming NextGen UBE. Greater portability of examination scores, where appropriate and consistent with competence thresholds, can further support mobility while maintaining uniform standards. Thoughtful expansion of reciprocity, particularly when aligned with substantially similar licensure requirements, can meaningfully increase service availability without compromising rigor.

Across each of the questions posed, IAALS encourages the Court to pursue reforms that lower unnecessary barriers to entry while preserving minimum competence and robust public protection, consistent with the Court's directive. Licensure reform should be grounded in empirical evidence rather than anecdote or assumption, drawing on research into what actually predicts practice readiness and protects clients. At the same time, the current system may

disadvantage those without access to costly preparation resources and strong support structures, raising important considerations of fairness and accessibility. As Tennessee explores innovation, reforms should be implemented deliberately, with piloting, data collection, and ongoing evaluation built in from the outset to ensure that changes advance both competence and access to justice.

## The Court Should Explore Regulatory Reforms to Expand Access to Justice through Technology

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Today, people are turning online to solve their legal problems in increasing numbers.<sup>13</sup> For many, online tools are the only tools practically available when a legal issue arises. Given the important role that technology, in particular, Large Language Models (LLMs), are playing in the legal services landscape, a meaningful and comprehensive response to the access to justice crisis should consider these technologies and how they can be harnessed to provide high-quality legal services to the public.

While many Tennesseans may be more likely to turn to Google or ChatGPT when they have legal questions, a small universe of bespoke tools exist that are tailor-made and specifically trained for legal issues. These tools have the potential to provide high-quality legal services at scale, but Unauthorized Practice of Law (UPL) regulations are chilling potential innovation in this space. UPL rules can be broad, sweeping everything from full representation in court arguing complex legal issues to assistance with simple document drafting into its purview.<sup>14</sup> As a result, even developers

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<sup>13</sup> In an IAALS-HiiL study, the internet ranked first among resources for legal information and advice: of respondents who encountered a legal issue and sought legal information or advice, 31% reported using the internet, while 29% reported using a lawyer. See *Justice Needs and Satisfaction in the United States of America*, THE HAGUE INST. FOR INNOVATION OF L. AND INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. (2021), <https://iaals.du.edu/sites/default/files/documents/publications/justice-needs-and-satisfaction-us.pdf>. A recent survey indicates that 65% of Americans have used AI for legal help. Sarah Hollenbeck, *65% Use AI Legal Advice, But Accuracy Concerns Remain*, Rev (Jan. 28, 2026), <https://www.rev.com/blog/ai-legal-advice-index>.

<sup>14</sup> In Tennessee, the practice of law is defined as “the appearance as an advocate in a representative capacity or the drawing of papers, pleadings or documents or the performance of any act in such capacity in connection with

with tools that are in fact compliant with UPL rules may be hesitant to release them (or investors hesitant to invest in them) because of the lack of certainty around the rules themselves and their enforcement.<sup>15</sup>

Consumer protection should be a primary concern, but the extent to which these tools would in fact harm consumers is unknown. In states where technology-enabled tools are permitted to provide legal services, like Utah’s regulatory sandbox, complaints of consumer harm have been infrequent.<sup>16</sup> Meanwhile, the potential benefits are significant: scores of people who currently cannot access support for their legal issues may finally get the help they need to navigate them.

States are recognizing the importance of exploration in this area. Utah’s aforementioned sandbox has allowed entities to use technology-enabled tools to provide legal services, Minnesota is considering a similar sandbox approach,<sup>17</sup> Colorado has adopted a non-prosecution policy for tools that comply with certain requirements and safeguards,<sup>18</sup> and Washington is allowing novel use of tools through its Entity Regulation Pilot Program.<sup>19</sup> IAALS tracks developments in this area

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proceedings pending or prospective before any court, commissioner, referee or any body, board, committee or commission constituted by law or having authority to settle controversies, or the soliciting of clients directly or indirectly to provide such services.” TN Code § 23-3-101 (2024). Each state defines UPL differently and with varying degrees of broadness and clarity.

<sup>15</sup> Kelli M. Raker, *From Founded to Funded: Challenges & Visions for Justice Tech*, DUKE CENTER ON LAW & TECH (2023), [https://law.duke.edu/sites/default/files/images/embed/from\\_founded\\_to\\_funded\\_challenges\\_visions\\_for\\_justice\\_tech\\_oct2023.pdf](https://law.duke.edu/sites/default/files/images/embed/from_founded_to_funded_challenges_visions_for_justice_tech_oct2023.pdf).

<sup>16</sup> Logan Cornett, Jessica Bednarz & James Teufel, *An Interim Evaluation of Utah’s Legal Regulatory Sandbox: Part 3 – Outcomes Evaluation* (Inst. for the Advancement of the Am. Legal Sys. Nov. 2025), [https://iaals.du.edu/sites/default/files/documents/publications/utah\\_interim\\_outcomes\\_evaluation.pdf](https://iaals.du.edu/sites/default/files/documents/publications/utah_interim_outcomes_evaluation.pdf).

<sup>17</sup> *Implications of Large Language Models (LLMs) on the Unauthorized Practice of Law (UPL) and Access to Justice*, Minnesota State Bar Association (June 2024), <https://mnbars.org/docDownload/2458601>.

<sup>18</sup> Jessica Bednarz & Ericka Byram, *Colorado’s New Non-Prosecution Policy Seeks to Balance Innovation, Access, and Consumer Safety*, IAALS (Feb. 23, 2026), <https://iaals.du.edu/news/colorados-new-non-prosecution-policy-seeks-balance-innovation-access-and-consumer-safety>.

<sup>19</sup> *Entity Regulation Pilot Project*, Washington State Bar Association (updated Jan. 9, 2026).

on its [Regulating AI Knowledge Center](#)<sup>20</sup>. IAALS recommends that Tennessee also explore this important avenue for access when it reconsiders its approach to the regulation of legal services.

## **The Court Should Consider, but Not Prioritize, Establishing an Alternative Business Structure Program**

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Alternative Business Structures ("ABS")—entities in which people who are not lawyers have an economic interest or decision-making authority in a law firm—exist in Arizona, Utah (via the Sandbox), Washington (via its Entity Regulation Pilot), Washington, D.C. (in a limited capacity), Puerto Rico, and in a few other countries. The programs in Arizona and Utah have generated early insights through annual program reports and two studies by the Deborah L. Rhode Center on the Legal Profession at Stanford Law<sup>21</sup>, which analyzed data from initial license applications. While not plentiful or definitive, the data does offer insights into consumer harm, innovation, and the public's perspective. These efforts provide a valuable baseline, but many important questions remain unanswered. For this reason, IAALS is developing an ABS Evaluation Blueprint<sup>22</sup> for how to successfully evaluate ABS programs and to assist leaders in states like Tennessee who are considering whether to develop similar programs.

Because we have scant data on ABS entities and programs at this time, IAALS recommends that the Tennessee Supreme Court prioritizes other initiatives that have more data to support their

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<sup>20</sup> Regulating AI Knowledge Center, available at <https://iaals.du.edu/projects/unlocking-legal-regulation/artificial-intelligence-ai>

<sup>21</sup> David Freeman Engstrom, Lucy Ricca, Graham Ambrose, and Maddie Walsh, *Legal Innovation After Reform: Evidence From Regulatory Change* (September 2022), available at <https://law.stanford.edu/wp-content/uploads/2022/09/SLS-CLP-Regulatory-Reform-REPORTExecSum-9.26.pdf> [In the 2022 study, researchers also interviewed entities in Utah and Arizona.]; Legal Innovation After Reform: Five Years of Data on Regulatory Change by David Freeman Engstrom, Natalie A. Knowlton, and Lucy Ricca [https://law.stanford.edu/wp-content/uploads/2025/06/SLS\\_CLP\\_LegalInnovation\\_REPORT\\_v5.pdf](https://law.stanford.edu/wp-content/uploads/2025/06/SLS_CLP_LegalInnovation_REPORT_v5.pdf)

<sup>22</sup> IAALS ABS Evaluation Blueprint project page, available at <https://iaals.du.edu/projects/unlocking-legal-regulation/abs-evaluation-blueprint>

effectiveness, such as those listed above, and monitor the progress and learnings from states with ABS programs.

## **Conclusion**

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IAALS is grateful to the Tennessee Supreme Court for the opportunity to share our insights on several of the access to justice pathways outlined in the Administrative Order and applauds its leadership in this process. We believe that establishing paraprofessional, justice worker, technology-based legal service, and alternative pathways to licensure programs while also promoting interstate mobility and evidence-based cost-reducing alternatives to the traditional three-year J.D. will help ensure that more low- and middle-income Tennesseans, including those residing in rural areas, are able to obtain the legal help they need. If the Tennessee Supreme Court has any follow-up questions based on our comments, we welcome the opportunity to discuss IAALS' work in these areas in more detail.

Sincerely,

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