

MOMENTUM FOR CHANGE



2022 ANNUAL REPORT



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OUR MISSION

IAALS, the Institute for the Advancement of the American Legal System at the University of Denver, is a national, independent research center dedicated to facilitating continuous improvement and advancing excellence in the American legal system. Our mission is to forge innovative and practical solutions to problems within the American legal system.



FROM THE CEO

Over the last seventeen years, IAALS has built momentum for change across the American legal system—from civil courts to family justice, from judicial selection to the pipeline of legal professionals. That momentum continues to grow—as do our impacts—and our justice system is now exploring needed changes and aligning around a vision for a better future.

The public needs improved access to the system at every stage—from expanded legal services to fair justice outcomes. People need the opportunity to present their case and have a fair hearing, and from start to finish the legal process must treat everyone with dignity and respect. Families need better pathways to resolve divorce and custody issues without further breaking the family dynamic. The legal profession needs to reregulate and open their ranks to new paraprofessionals to ensure quality legal help is available to all. The system at large needs to dismantle barriers to enter and thrive within the legal profession that have historically hindered diversity.

Every person from every walk of life deserves a trusted and trustworthy justice system that hears them, respects them, and responds to them. Everyone deserves to have affordable help with their legal problems. Everyone deserves equal justice under the law.

IAALS' work is making this vision a reality.

It begins by bringing all perspectives to the table, where every voice is heard. IAALS bolsters these conversations with empirical research and a nonpartisan approach to identifying key issues and their solutions. Then we take action. On the ground nationwide, we work alongside partners and stakeholders to implement real change, with an eye toward innovation and continuous improvement. IAALS uses each step to propel our justice system forward, and each step builds momentum for further change.

Over the course of its history, IAALS has sparked undeniable momentum to change the status quo, and our reach grows further each year. The projects we have undertaken in 2022 are reshaping our system for the greater good and set the stage for what comes next.

Thank you for being part of that momentum and the big things to come.



FOR THE PEOPLE

What good is the promise of justice for all if costs, complexity, and inaccessibility make it impossible for so many? And how effective can reform really be if the people who need access to our legal system are left out of the conversation? At IAALS, we bring not only research and analytics to understanding the challenges people face—we also bring the actual people affected to the table. Our system is designed to serve the people, so IAALS places them at the center of all we do.

CREATING PATHS TO POST-PANDEMIC ACCESS & RACIAL JUSTICE

Impact

IAALS has put new resources to improve civil and racial justice in the hands of national leaders, strengthened relationships among stakeholders and across systems, and moved the conversation—and innovation—forward.

Overview

The pandemic forced our justice system to make long-overdue improvements when it comes to virtual access and flexible procedures. The last few years have also spurred increased conversations around the injustices and inequities that exist in our justice system, the impact on public trust and confidence in the system, and the need to move beyond just talking about it to actually improving justice outcomes for the people our system serves.

IAALS has charted several paths for courts and justice system stakeholders to follow to better understand the complexity and interrelated nature of these important issues, and to implement systems-wide changes to address them on the ground. Through our Paths to Justice series, we convened with national experts to assess pathways coming out of the pandemic, pathways to greater access, and pathways to racial justice. As we honed our recommendations, we hosted a series of webinars over six months that were attended by over 500 people.

In the end, IAALS published five issue papers with pathways for reform, including fresh takes on topics like reducing costs and delays, improving access in high-volume cases like landlord/tenant and debt collection matters, utilizing our *US Justice Needs* data to drive action and targeted reforms, and identifying and overcoming barriers to public trust, equity, and racial justice. These pathway papers give clear direction and recommendations for prioritizing and enacting reforms—and the papers will be re-released as an omnibus publication with new takeaways in early 2023.

While our system has yet to fully realize the promise of equal justice for all, the broad, transformative change we need is within reach—and IAALS is mapping the paths forward.

**“IAALS CONTINUES
TO LEAD US
FORWARD WITH
PRACTICAL
SOLUTIONS TO
CREATE A TRULY
ACCESSIBLE AND
EQUITABLE
JUSTICE
SYSTEM.”**

Marcus W. Reinkensmeyer,
Deputy Director,
Administrative Office
of the Courts,
Arizona Supreme Court

ASSESSING JUSTICE NEEDS IN THE UNITED STATES

Impact

IAALS has uncovered the true depth of our nation's justice needs, and equipped courts and policymakers with new data and targeted areas for reform that can ensure those needs are met.

Overview

We know the access-to-justice crisis is real and that justice gaps exist, and our *US Justice Needs* project has brought our collective understanding of these critical issues into much sharper focus. In partnership with HiiL—The Hague Institute for Innovation of Law—IAALS surveyed over 10,000 Americans across the country, revealing new data and stark realities of how people seek and find justice—or not. The facts on their justice needs are clear:



66%

experienced at least one legal issue in the previous 4 years

49%

of their legal issues were completely resolved



120 MILLION

legal problems are either not resolved or resolved in a way that's seen as unfair each year

Survey data also revealed that access to justice is a broad societal problem that affects everyone, yet certain sociodemographic and racial/ethnic groups are particularly disadvantaged. And when seeking justice, the path people take does not always flow from attorney to court to resolution; there is a clear need—and market—for forward-looking models for delivering justice at scale.

The full extent of the justice crisis is clear, and we encourage everyone to dive deeper and interact directly with the survey data in our Justice Dashboard. The cumulative negative impacts on people's lives are immense, and increased advocacy and funding for policies and services that expand access broadly across our society is essential.

Business Study:

IAALS is currently conducting a companion study of U.S. businesses—from small to large—to develop a greater understanding of their legal needs, the extent to which those needs are being met, the impacts of legal issues, and the potential for forward-looking models that could help businesses navigate the legal system. As part of this effort, IAALS is interviewing approximately 30–50 businesses, with diversity in size, industry, and geography.

Family-Related Issues:

IAALS will also publish a companion report taking a closer look at Americans' justice needs when it comes to family issues, which are some of the most burdensome issues for people to resolve. Family issues are the second-most serious, time-intensive, and costly kind of issues people can experience, and in our report we will explore the survey data more closely and suggest actionable takeaways.

THROUGH THE COURTS

In today's rapidly evolving world, courts must modernize to meet the public's needs and respond to continuing declines in trust and confidence. At IAALS, we're identifying innovations that make the court system easier to navigate for everyone, from individuals to families to businesses, while also helping courts increase efficiency, reduce procedural complexity, retain high-caliber judges, and make the most of the often-limited resources they have.

TRANSFORMING STATE COURTS FOR THE PUBLIC GOOD

Impact

IAALS' recommendations for streamlining civil processes in state courts have taken hold in several states, and IAALS is working with national partners on the ground to support their implementation.

Overview

State courts handle the vast majority of all cases filed across the United States, and they are on the front lines of the most difficult legal matters people face in their lives. The public depends on state courts to keep the gears of justice turning, and to do so, courts must innovate and adapt to better meet the public's needs. The Civil Justice Initiative's 13 recommendations for civil justice reform aim to help courts do just that, and take on even greater importance coming out of the pandemic. In partnership with the National Center for State Courts (NCSC) and with funding from the State Justice Institute, IAALS continues to lead efforts to transform our state courts to provide superior access for all.

For these recommendations to have impact, implementation is key—and we are working closely with Texas and its Office of Court Administration to support the continued success of civil justice reforms in the state. Paired with an NCSC docket study, IAALS conducted a survey and supplemental interviews of court stakeholders in Texas to learn more about the impact of the state's Expedited Actions Rules, which established a streamlined litigation process with limits on discovery. Our joint report provides important insights into whether the rules meet their goals of increasing access and decreasing cost and delay, and includes suggested improvements that can be made by the bench, the bar, and court administration.

One key takeaway is clear: given all the recent stressors on our justice system, prompt and collaborative case management is more important than ever to battle backlogs and meet the public's needs. And our takeaways are not limited to Texas: this study provides key conclusions and recommendations that can and should be used by all states to tackle the challenges courts share.

IMPROVING COURTS' UNDERSTANDING OF CASE-FILING TRENDS

Impact


IAALS partnered with four states and analyzed their long-term civil case filing trends, bringing fresh insights to help courts and policymakers nationwide pursue more targeted research, strategic planning, and reform in high-impact areas.

Overview

Historically, it's been accepted that state court case filings climb over time in step with population growth, which has informed court planning for buildings, staff, judges, and other resources. More recently, courts saw a decline in filings, now followed by fluctuation stemming from the pandemic. Courts need a better understanding of what types of cases are being brought before them—and in what numbers—so that planning and policymaking can respond accordingly.

To bring more clarity and guidance, IAALS completed a multifaceted study to explore civil case filings over a long timeframe—16 to 41 years—in four states: California, Minnesota, Ohio, and Texas. Our forthcoming report, *The Past and Future of State Court Civil Filings*, provides important new insights into long-term filing trends and areas that courts may need resource shifts, like declining tort and small claims cases, and increasing debt collection cases. Building off a review of historical events, IAALS also developed a framework around the numerous factors that may influence filings, which can further guide analysis.

To stay relevant and effectively deliver justice in our rapidly changing world, courts must keep their finger on the pulse of current case trends and anticipate what is coming next. IAALS' report highlights a number of opportunities for courts to seize that mandate. New technologies make consistent and granular data collection easier than ever, and can help courts make a stronger commitment to quality data collection in general. And, when courts commit to internal policies that prioritize and standardize data and research, they can expect more-informed decision making, a more nimble organization, and a more responsive forum for the public.



**“INCREASING COURT
EFFICIENCIES AND DATA
COLLECTION WILL HELP
COURTS BETTER ALLOCATE
RESOURCES TO SERVE
THE PUBLIC AND RESOLVE
THEIR LEGAL DISPUTES.”**

Jeffrey Tsunekawa,
Director of Research and Court Services,
Texas Office of Court Administration

MODERNIZING THE WAY WE EVALUATE OUR JUDGES

Impact

IAALS leads the national conversation around modernizing judicial performance evaluation programs to better meet the needs of judges, courts, and the public—with new guidance on the horizon.

Overview

The foundations of most judicial performance evaluation (JPE) programs were first developed in the 1980s. Today, JPE programs continue to focus on the right goals—politically neutral qualities of judging like impartiality, transparency, and consistency, and accountability for job performance instead of the specific decisions a judge makes—but updating their evaluation methods is essential. Despite their critical importance, JPE programs have suffered from waning enthusiasm in the past decade, with some critics expressing concern about the accuracy and validity of the surveys used and the lack of overall transparency and participation in the process.

IAALS launched our JPE 2.0 project to help JPE programs update their approaches to reflect today's realities, while remaining accurate, trusted, and relevant. Our JPE 2.0 Task Force, comprised of program leaders from across the country, meets regularly to discuss and collaborate on current issues and challenges facing state JPE programs, and IAALS hosted a convening in May 2022 to gather additional perspectives. IAALS also surveyed state judges in eight states about their experiences with the JPE process and how it might be improved. Based on this wealth of perspectives and data, IAALS is developing a set of new, empirically based recommendations to guide JPE programs into the future.

States around the country are already beginning to launch reform efforts based on IAALS' work, and we are working with Arizona, Colorado, and New Mexico to provide expert support as they address their own unique challenges and create a framework for improvements. As more states join this effort, IAALS will continue to be a trusted partner, primed with the expertise to ensure these programs help judges improve performance, help courts maintain a quality bench, and help inform the public about their community's judges.

**“UPGRADING JUDICIAL
PERFORMANCE EVALUATION
IS NO SMALL TASK GIVEN
TODAY’S SKEPTICAL VOTERS
AND HYPER-PARTISAN
SOCIETY. BUT WITH JPE 2.0,
A MODEL JPE UPGRADE
IS FINALLY ON THE
HORIZON!”**

Jennifer Yim,
Executive Director,
Utah Judicial Performance
Evaluation Commission







WITH THE LEGAL PROFESSION

Fostering justice for all is possible only if the legal profession evolves to put client and consumer needs at the center of its work. That begins with rethinking how we train and license lawyers, but also extends to how we regulate legal services. At IAALS, we're helping law schools to better educate the lawyers of tomorrow while also rethinking the way legal services can and should be delivered so they are more available and responsive to all.

ENSURING EFFECTIVE AND EQUITABLE LEGAL LICENSURE BEYOND A BAR EXAM

Impact

IAALS' research and recommendations are paving new pathways for people to enter the legal profession and are ensuring the future of legal licensure—and the bar exam—is not just more of the same.

Overview

The legal profession is finally reaching consensus that the current bar exam is failing—and yet it remains the sole path to legal licensure in most jurisdictions. Substantial discrepancies exist between what minimum competence to practice law consists of and what the current bar exam actually tests, and the exam itself is also an artificial barrier for many, including those from underrepresented communities, who wish to enter the legal profession. IAALS is challenging the legal community to open-mindedly explore new approaches to licensure that are more effective and more equitable.

IAALS continues to gain a great deal of traction from *Building a Better Bar*, in which we outlined the first comprehensive, evidence-based definition of minimum competence to practice law. The research has been cited by states across the country that are looking to explore new approaches to legal licensure—and momentum for change is building. Drawing heavily on our research and recommendations, an Oregon task force has recommended two new paths to licensure in the state—a supervised practice pathway and an experiential learning pathway—and IAALS is now working closely with the task force on implementation and assessing minimum competence for the new pathways.

California is also exploring the possibility of a non-exam pathway to licensure, and IAALS collaborated with the state bar to collect feedback on the state's two provisional licensure programs—one implemented in response to the COVID-19 pandemic, the other in response to a change in California's bar pass cut score. Our goals are to better understand how these programs have worked in practice and how they might inform future non-exam pathways in California and elsewhere. As these trailblazing programs take shape, other states are watching closely—and IAALS has already been in contact with several about what change for those states could look like.



MAKING UNBUNDLED LEGAL SERVICES THE NEW NORMAL

Impact

New IAALS resources give direct guidance to lawyers, courts, and rulemakers on making limited scope legal services more available nationwide for people who could not otherwise afford a lawyer.

Overview

People need help with their legal problems, but too many don't receive it. When people can't afford a lawyer or can't find a lawyer willing to take their case, they navigate the minefields of our legal system alone. The stakes are already high for people facing common, life-changing legal issues like child custody, eviction, and debt collection, and the legal profession's inaction leaves the public vulnerable to avoidable, negative legal outcomes. While work is being done to unlock legal regulation so more legal help can enter the marketplace, lawyers themselves have the ability right now to meet this dire need through unbundled legal services.

Whether you call it unbundled legal services or limited scope representation, this innovative business model allows people to hire a lawyer for only certain legal tasks instead of the entire case. This approach creates a more cost-effective way for people to get legal help targeted to where they need it most, and allows lawyers to grow a broader client base with people who would not (or could not) otherwise hire them.

In 2022, IAALS released a new report and resources designed to help lawyers and courts more easily offer and promote these services, and to help the public understand how to find and get them. Our report, *Unbundled Legal Services in the New Normal*, provides how-to guidance on establishing and optimizing an unbundled practice, as well as promoting widespread adoption systemwide and nationwide. Further online resources provide high-level strategic planning guidance for jurisdictions looking to adopt or increase these services, as well as resources specifically tailored to consumers, lawyers, courts, and rulemakers. The availability of limited scope representation is a critical component of increasing access to justice, and the legal profession now has the additional tools it needs to make them a reality in every community.

Strengthening the Pipeline from Law School to Lawyer

Our landmark *Foundations for Practice* project continues its outreach to and partnership with law schools and legal employers. In collaboration with the University of Denver Sturm College of Law, we are developing and piloting tailored learning outcomes and teaching methodologies. And following our successful partnership with Wheeler Trigg O'Donnell, which resulted in improved hiring practices and increased diversity, IAALS is now partnering with two additional law firms—Davis Graham & Stubbs and Sherman & Howard—to pilot innovative hiring practices.

IAALS is also thrilled to continue its partnership with the Denver Law Firm Coalition for Racial Equity to advance racial equity within the member law firms and the greater Denver legal community. Following IAALS' report detailing best practices and recommendations to recruit, retain, and advance racially diverse attorneys, the Coalition has built additional momentum with recruiting events in Chicago and a strong commitment to commitment to Colorado's LAW SCHOOL...Yes We Can program, which mentors up-and-coming would-be lawyers from underserved communities.

UNLOCKING LEGAL REGULATION AROUND THE COUNTRY

Impact

IAALS is driving national momentum around people-focused improvements to the regulation of legal services, and is supporting, facilitating, and evaluating efforts to expand access to quality legal services.

Overview

Too many people cannot access the legal help they need to protect their rights and resolve their disputes, creating a vast unmet need for legal services. Legal aid and pro bono services, while critical, have not and cannot erase this crisis. The fact is, people don't need a lawyer for every legal issue, but regulations controlled by lawyers prevent other reasonable providers of legal help from reaching the public and closing the gap.

IAALS' *Unlocking Legal Regulation* work has begun opening doors nationally for a better regulatory structure that puts consumers first and expands the market for high-quality, cost-effective legal services. Our expertise, advice, and collaboration are frequently sought by state court officers, state task forces, and other organizations exploring new regulatory innovations, and we curate updates from around the country in our online Knowledge Center.

Utah Sandbox:

IAALS is serving as an independent evaluator for Utah's historic regulatory sandbox, which allows new, creative ways for lawyers and other professionals to practice law together and reach more clients. We are collecting and assessing data on the types of new services offered, the quality of those services, and consumer experiences with them. IAALS will release an interim report analyzing results from the sandbox in 2023.

Redesigning Legal Speaker Series:

Over the last two years, IAALS, the American Bar Association (ABA) Center for Innovation, the ABA Center for Professional Responsibility, the ABA Standing Committee on the Delivery of Legal Services, and Legal Hackers have co-hosted a virtual Redesigning Legal webinar series attended by over 2,500 people. Industry leaders and experts offered a variety of perspectives on regulatory changes underway and the opportunities they provide. This popular series is continuing in 2023.

Community & Cooperation:

As a growing number of states pursue some variation of the regulatory sandbox model or consider regulatory reform in other ways, IAALS has begun focusing on creating synergies between and among these efforts. In summer 2022, IAALS held a Community & Cooperation convening with key players in the regulatory movement to further this momentum and build collaborations. In 2023, IAALS will publish a follow-up report with key themes and ideas for further exploration, and will host this summit again on an annual basis.

Elevating Voices from the Public:

The public rarely has an easy way to directly and substantively participate in the regulatory processes that are designed to protect them. When discussing ways legal regulation can better serve the public, it is critical to connect directly with the people who experience today's justice system—especially given that lawyers' perspectives are influenced by their own interests in the legal services market. IAALS is working on storytelling projects and public awareness campaigns to engage consumers and make their voices a fundamental part of the solution.

PROVIDING THE PUBLIC WITH A NEW TIER OF LEGAL SERVICE PROVIDERS

Impact

IAALS has spearheaded new, national momentum to bolster the ranks of allied legal professionals nationwide, which will increase the number of people who can receive affordable legal help.

Overview

To hire a lawyer when faced with legal issues, people either need considerable money or have so little money that they qualify for the limited legal aid available. The majority of people reside in the middle and are left out of the equation—what some call “The Missing Middle.” Lawyers could never meet this vast legal need even if every one of them took on pro bono clients, and research shows that people who need legal help are open to receiving it from qualified and authorized providers who are not lawyers. Enter: allied legal professionals.

Like nurse practitioners working alongside doctors, these legal professionals work alongside lawyers and show great potential for lower-cost, excellent public service that targets legal issues people need the most help with. While states have varied in how they name or title these allied legal professionals, the programs are united in purpose and are finally getting the recognition they deserve for their successes—and IAALS is leading the work to standardize and grow these programs nationwide.



In 2022, IAALS published *The Landscape of Allied Legal Professional Programs in the United States*, a first-of-its-kind review and comparison of existing and planned programs. To track progress as states explore and refine these programs, we paired our report with an online Knowledge Center map with up-to-date information on every state effort. Capping off a year of advocacy and building partnerships across the country, IAALS brought national experts to Colorado to help create recommendations and best practices for new and existing programs, which IAALS will publish in 2023 along with a framework for a new national model for allied legal professionals.



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REBUILDING JUSTICE AWARD

At our 14th Annual Rebuilding Justice Award Dinner, IAALS welcomed partners and friends back in person after three years to celebrate the year's Rebuilding Justice Awardees, **Utah Supreme Court Justice Deno Himonas (Ret.)** and **Utah attorney John Lund**, in recognition of their efforts in founding Utah's Office of Legal Services Innovation.

The office provides a safe environment for nontraditional legal service providers to forge the future of law in Utah's groundbreaking legal regulatory sandbox, the data from which is being evaluated by IAALS as part of our *Unlocking Legal Regulation* work. The office is poised to help more people of all backgrounds get the legal help they need—and it would not have been possible without Justice Himonas and Lund's tireless work to make it happen.

The Rebuilding Justice Award recognizes individuals who exemplify the spirit of innovation and leadership that we champion as we work toward building a legal system that is accessible, fair, reliable, efficient, and accountable.



ALLI GERKMAN LEGAL VISIONARY AWARD

IAALS was also proud to give the second annual Alli Gerkman Legal Visionary Award to **Rohan Pavuluri, CEO and co-founder of Upsolve**, for his work to leverage technology to help those without a lawyer navigate the legal system and, ultimately, achieve economic mobility.

The Alli Gerkman Legal Visionary Award is designed to encourage and showcase innovators, risk takers, visionaries, and emerging leaders who bring a different perspective and a reform-minded approach to the improvement of our legal system, and who are early in their legal careers.



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DANIEL L. RITCHIE

President,
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Chancellor Emeritus,
University of Denver

*We are proud to have had John as part of our IAALS family. Among the brilliant coalition who conceived and established IAALS, John was a visionary in the practice of law and an innovator within our legal system. His passions for justice and the betterment of society were at the forefront throughout his life and career. Our building bears John's name, and his legacy will continue to renew our own commitment to the mission he supported.



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for the Northern District of Ohio,
Western Division



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President, Governance Institute
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SAM WALKER

Executive in Residence, Office of the
Colorado Attorney General

IAALS BY THE NUMBERS IN 2022



13

EVENTS,
CONVENINGS
& WEBINARS

2K+

ATTENDEES

36

SPEAKING
ENGAGEMENTS
BY IAALS EXPERTS

7

NEW
PUBLICATIONS

43

EXPERT OPINIONS
& BLOGS

119

DIRECT MEDIA
MENTIONS



75%

INCREASE IN WEBSITE
VISITORS

HISTORY

Located on the campus of the University of Denver, IAALS opened its doors on January 17, 2006, and was founded by the University’s Chancellor Emeritus Daniel L. Ritchie, Denver attorney and bar leader John E. Moye, business leader and philanthropist Charles C. Gates, and Founding Executive Director Rebecca Love Kourlis.



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