

*Submitted electronically to the Supreme Court of Georgia Study Committee on Legal Regulatory Reform*

Re: Comments in Support of the Supreme Court of Georgia Study Committee on Legal Regulatory Reform's Final Report and Recommendations

Dear Supreme Court of Georgia Study Committee on Legal Regulatory Reform Members,

We write on behalf of IAALS, the Institute for the Advancement of the American Legal System, regarding the Supreme Court of Georgia Study Committee on Legal Regulatory Reform's ("Study Committee") final report and recommendations. IAALS is a national, independent research organization at the University of Denver that innovates and advances solutions that make our 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 then goes one step further to empower and facilitate 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 deliver and regulate legal services. We applaud the Study Committee for their leadership in regulatory reform efforts in Georgia.

### 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 are not able to access legal services). It is [well documented](#) in our 2021 US Justice Needs Study, 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 is alarming. It is so extensive and dire that even if all of the recommendations and suggestions offered by stakeholder groups included in the Study Committee’s report are accepted, it will still not be enough. The reality is that we need an entire ecosystem of legal service providers, which includes each of the recommended solutions in the Study Committee’s report and probably dozens more that we have not yet contemplated. Given this reality, IAALS recommends the Study Committee prioritize the establishment of the proposed pilot program for alternative legal service providers.

## The Study Committee Should Move Forward with Establishing the Pilot Program for Community Justice Workers

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IAALS is thrilled to hear that the Study Committee recommends that the Supreme Court of Georgia establish a pilot program for alternative legal service providers. As the report highlights, existing programs generally fall into two categories: allied legal professionals (“ALPs”) and community justice workers (“CJWs”), both of which are essential components of the legal service delivery ecosystem.

A key difference between these models is that ALPs are not restricted to a specific type of organization, whereas CJWs must be affiliated with a legal aid or non-profit group. And while not universal across all ALP programs, the majority of ALPs are licensed and can practice independently. Additionally, ALPs legally represent their clients and can do so in some form in court. By contrast, the Study Committee’s recommendations envision professionals who partner

with community-based or non-profit organizations and assist litigants *without* representing them in or out of court. For this reason, we believe the proposed program aligns more squarely with the CJW model.

We are concerned that the proposed title—Limited Licensed Legal Practitioner ("LLLP")—will likely create confusion for litigants and other legal professionals. The title has strong similarities to Washington's Limited License Legal Technician ("LLLT") program, which falls under the ALP category. To avoid confusion, we recommend adopting a clearer and more accurate title like Community Justice Worker. Renaming the role from LLLP to CJW will help clarify these professionals' identity, eligibility, and scope of their work for all involved. This clarity will be crucial as Georgia, and others in this space, look to create and evaluate these programs.

While IAALS has supported the development of and monitored community justice worker programs across the country, we have not worked directly on any of these programs. For this reason and because many different CJW models exist, we recommend that the Task Force look to the recommendations provided by and seek out help from other national organizations (i.e., Innovation for Justice and Frontline Justice) that have worked extensively on developing and monitoring these community justice worker programs.

## Conclusion

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IAALS is grateful to the Supreme Court of Georgia Study Committee on Legal Regulatory Reform for the opportunity to share our support for its recommendation to establish a CJW program. If the Task Force has any follow-up questions based on our comments, we welcome the opportunity to discuss in more detail IAALS' extensive research and work in these areas.

Sincerely,

Jessica Bednarz  
Director of Legal Services and the Profession

Michael Houlberg  
Director of Special Projects