



October 31, 2024

**Re: Comments on the Proposed New Articles XV and XVI of the State Bar Rules**

Dear Supreme Court of Texas,

On behalf of IAALS, the Institute for the Advancement of the American Legal System, we commend the Texas Access to Legal Services Working Group for its recommendations that have led to the proposed new Articles XV and XVI to facilitate the provision of needed civil legal services for low-income Texans.

IAALS is a national, independent research center at the University of Denver that innovates and advances solutions that make our civil justice system more just. Since 2019, IAALS has had an Unlocking Legal Regulation initiative and Allied Legal Professionals (ALP) project through which it has worked with leaders in states across the country to rethink how we deliver and regulate legal services.

IAALS would like to thank the Supreme Court of Texas for empowering the Working Group with this vital assignment, and the Working Group for its hard work in tackling this task. IAALS supports Articles XV and XVI to license legal paraprofessionals and court-access assistants. We offer the following recommendations and encouragement based on what we and other leaders have learned from other regulatory and innovation initiatives, including initiatives focused on serving people who are above 200% of the federal poverty guidelines.

**Licensed Legal Paraprofessionals Can Have Even More Impact Without the 200%  
Income Cap and Supervision Requirements**

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IAALS supports the adoption of licensed legal paraprofessionals (LLPs) in Texas. Over the past four years, there has been a significant increase in the number of states adopting—and considering—what IAALS refers to as allied legal professional programs. This increased interest in these programs is a response to the call for greater access to justice, particularly for people who fall between not qualifying for legal aid and not being able to afford the market rates for an attorney—which is a considerable portion of the middle class.

As we noted in our December 2023 public comment to the Texas Access to Justice Commission regarding the Access to Legal Services Working Group’s Recommendations, the 200% income cap should be removed so as to not leave stranded the millions of Texans who cannot afford an attorney and who will not qualify under this cap. LLPs must complete rigorous training and education programs that equip them with in-depth knowledge and skills in specific practice areas. This comprehensive experience prepares them to provide valuable legal services to clients. Their expertise and ability to handle various legal matters make them indispensable in serving the needs of the community. To ensure their effectiveness and accessibility, it's essential that they not be subject to income cap levels, which will limit their ability to serve clients across different socioeconomic backgrounds. It is important to note, too, that the removal of this income cap level will not remove lower-income Texans from receiving help from LLPs. Data from Washington’s Limited License Legal Technician (LLLT) program shows that many LLLTs bill on a sliding scale based on the client’s income, allowing them to serve lower-income clients in addition to clients who earn above the 200% threshold. Removing this cap would broaden the impact that LLPs can have on the access to justice needs that exist in Texas, while also ensuring an attractive new tier of legal professional with robust opportunities to ensure growth and long-term success of LLPs in Texas.

We also recommend that the requirement of attorney supervision be removed for family law cases that involve children. The five other states with ALP programs that do not require attorney supervision all allow their ALPs to assist clients on family law matters involving children. The percentage of complaints against these professionals has often been less, and never greater, than the complaints against attorneys. Their practice area-specific education, training, and testing provide them with the necessary expertise to handle these cases, and the requirement of attorney supervision will only limit the number of people that these LLPs will be able to serve.

### **We Support Article XVI Licensed Court-Access Assistants**

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We recognize and support the need for an ecosystem of legal service providers to serve people at all income levels. In addition to LLPs—whom in other states often serve people in both the middle- and lower-income brackets—Texans are in desperate need for the services of Licensed Court-Access Assistants. While IAALS has monitored similar community justice worker programs across the country, we have not worked directly on, or developed national recommendations for, these programs like we

have for ALP programs. Because of this, we recommend that the Supreme Court of Texas look to the recommendations provided by other national organizations (i.e., Innovation for Justice and Frontline Justice) that have worked extensively on creating and monitoring these community justice worker programs.

Articles XV and XVI represent a critical effort to address the access to justice crisis in Texas, and IAALS applauds the Supreme Court of Texas for its leadership in this process. The purpose of these two proposed programs is to provide legal help for people who cannot afford the services of an attorney, and we believe that our recommended modifications to the LLP program will better help this purpose be realized for all Texans. We look forward to watching these programs develop, and we are happy to serve as a resource at any point during the creation and implementation of these programs.

Sincerely,

Michael Houlberg  
Director of Special Projects