

THE LANDSCAPE OF  
**ALLIED LEGAL  
PROFESSIONAL  
PROGRAMS**  
IN THE UNITED STATES

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INSTITUTE *for the* ADVANCEMENT  
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DENVER

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# I. PURPOSE & ORGANIZATION

The purposes of this paper are to explain why many states have begun to create a new tier of legal service providers (“Allied Legal Professional” or “ALP”)<sup>1</sup> and to describe the similarities and differences between each one. One of the first steps states have taken when developing their own program has been to look at what other states are doing. This report is designed to be used as a resource for states interested in creating their own ALP program to understand not only what other states’ programs consist of, but also their reasoning behind many of their decisions.

The paper begins with an overview of the current access to justice problem that is plaguing the United States of America. It then details which states currently have active programs and which states have created proposals for a program in the future. The paper then describes each of the major pieces of the framework that makes up an ALP, how states’ programs and proposals differ from one another, and why states have chosen the framework they have. It ends with a look at the benefits and challenges that exist with the active programs based on the various studies that have been done.

## II. OVERVIEW

There is a well-documented and critical access to justice problem that exists in the United States and across the world. According to a national 2021 joint study—[\*Justice Needs and Satisfaction in the United States of America\*](#)—by IAALS, the Institute for the Advancement of the American Legal System at the University of Denver, and HiiL, The Hague Institute for Innovation of Law, two-thirds of Americans faced at least one legal issue in the past four years.<sup>2</sup> Of the issues experienced, 46% either have no expected future resolution or were resolved in a way perceived as unfair.<sup>3</sup> A [Pew Research Center study](#) found that, in 2018 alone, less than half of all U.S. households that experienced legal issues sought relief in court, and those who sought such relief

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<sup>1</sup> There is no single commonly used name for allied legal professionals around the country, as jurisdictions have adopted a broad range of different titles and acronyms. IAALS selected this title as a placeholder name for this project, starting from what ALPs contribute as professionals rather than how they differ from lawyers. It is IAALS’ goal to work with industry leaders to develop a standard name for these providers so that there is uniformity among states, as opposed to the current situation where most states have created a different name for their providers. *See infra* Section III.E.

<sup>2</sup> HAGUE INST. FOR INNOVATION OF LAW & INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., JUSTICE NEEDS AND SATISFACTION IN THE UNITED STATES OF AMERICA 31 (2021), <https://iaals.du.edu/sites/default/files/documents/publications/justice-needs-and-satisfaction-us.pdf>.

<sup>3</sup> *Id.* at 222.

largely did so on their own.<sup>4</sup> Studies suggest that over 70% of [civil](#)<sup>5</sup> and [family](#)<sup>6</sup> law cases have at least one party that is self-represented, with over 90% of [eviction](#)<sup>7</sup> and [debt-collection](#)<sup>8</sup> cases in some jurisdictions involving an unrepresented defendant. These problems have only grown with the COVID-19 pandemic.

The crisis in access to justice is a crisis for our democracy. According to the [World Justice Project](#), in 2021 the United States ranked 126 out of 139 countries for accessibility to court and legal services, and the problem reaches far up the income scale.<sup>9</sup> It is not only the poorest who lack access to legal services, but also the middle class and small businesses. In a [2022 justice gap survey](#) by the Legal Services Corporation, only 59% of the middle class (yearly income of \$34,689 to \$111,000 for a family of four) were confident in their ability to afford an attorney.<sup>10</sup> Other studies show a grimmer view—that between 40–60% of the needs of middle-income individuals are unaddressed.<sup>11</sup> People want legal help, and they are not getting the help they need. When this reality collides with our ideal of “equality under the law,” the sustainability of the legal system is threatened.

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<sup>4</sup> PEW CHARITABLE TRS., HOW DEBT COLLECTORS ARE TRANSFORMING THE BUSINESS OF STATE COURTS 4 (2020), <https://www.pewtrusts.org/-/media/assets/2020/06/debt-collectors-to-consumers.pdf> (citing Erika Rickard, *Many U.S. Families Faced Civil Legal Issues in 2018*, PEW CHARITABLE TRS. (Nov. 19, 2019), <https://www.pewtrusts.org/en/research-and-analysis/articles/2019/11/19/many-us-families-faced-civil-legal-issues-in-2018>).

<sup>5</sup> PAULA HANNAFORD-AGOR ET AL., NAT’L CTR. FOR STATE COURTS, THE LANDSCAPE OF CIVIL LITIGATION IN STATE COURTS 31 (2015), [https://www.ncsc.org/data/assets/pdf\\_file/0015/25305/civiljusticereport-2015.pdf](https://www.ncsc.org/data/assets/pdf_file/0015/25305/civiljusticereport-2015.pdf).

<sup>6</sup> PAULA HANNAFORD-AGOR ET AL., NAT’L CTR. FOR STATE COURTS & INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., FAMILY JUSTICE INITIATIVE: THE LANDSCAPE OF DOMESTIC RELATIONS CASES IN STATE COURTS 20-24 (2018), [https://www.ncsc.org/data/assets/pdf\\_file/0018/18522/fji-landscape-report.pdf](https://www.ncsc.org/data/assets/pdf_file/0018/18522/fji-landscape-report.pdf).

<sup>7</sup> Russell Engler, *Connecting Self-Representation to Civil Gideon: What Existing Data Reveal about When Counsel Is Most Needed*, 37 FORDHAM URBAN L.J. 37, 47 n.44 (2010), <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=2321&context=ulj>.

<sup>8</sup> PEW CHARITABLE TRS., HOW DEBT COLLECTORS ARE TRANSFORMING THE BUSINESS OF STATE COURTS 2 (2020), <https://www.pewtrusts.org/-/media/assets/2020/06/debt-collectors-to-consumers.pdf>.

<sup>9</sup> *WJP Rule of Law Index (Civil Justice in the U.S. in 2021)*, WORLD JUSTICE PROJECT, <https://worldjusticeproject.org/rule-of-law-index/factors/2021/United%20States/Civil%20Justice> (results from query “Country: United States” + “Year: 2021” + “Factors: Civil Justice”) (last visited Nov. 1, 2022).

<sup>10</sup> LEGAL SERVS. CORP., THE JUSTICE GAP: THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS 64 (2022), <https://lsc-live.app.box.com/s/xl2v2uraitbbrhuwtjlgioemp3myz1>.

<sup>11</sup> Deborah L. Rhode, *Access To Justice: A Roadmap For Reform*, 41 FORDHAM URBAN L.J. 1227, 1228 (2016), <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2544&context=ulj>.

The access to justice problem reflects the stranglehold current regulations have on the delivery of legal services. With few exceptions, anyone other than a lawyer providing legal services is engaging in the unauthorized practice of law and can be punished—regardless of whether those services actually help consumers. Current regulations constrict new pathways to accessible legal services and leave consumers with few alternatives. And, while legal aid services and pro bono work are critical in mitigating the access to justice issue, reliance on lawyers and these programs is not enough. According to law professor and economist Gillian Hadfield, it would cost roughly \$70 billion to provide just one hour of legal help to all the households in America currently facing legal problems.<sup>12</sup> And relying on pro bono work alone is just as unrealistic. If every lawyer in the country did 100 hours more of pro bono work on top of the pro bono work they already do, this would provide just 30 minutes of legal help per dispute-related problem per household.<sup>13</sup> Not only is this additional 100 hours unfathomable—in 2016, the average amount of pro bono hours provided by the 52% of lawyers who provide such services is around 37<sup>14</sup>—the 30 minutes of legal help it would provide is a far cry from the actual amount of help people need.

As a result, organizations and states have begun creating a variety of advocacy programs to help people who cannot afford an attorney. Some states have altered their unauthorized practice of law rules to allow a new tier of legal services providers—allied legal professionals (ALPs)—to perform limited services in discrete areas of the law. The few programs that have been created—and those still in the planning stage—have all been set up with a slightly different framework to fit their jurisdictions’ needs. IAALS’ created its [Allied Legal Professionals](#) project with the goal to map out what these different programs look like, understand the benefits and challenges that exist within each one, and then create recommendations for a national model with the assistance of subject-matter experts based on data and best practices.

Separate from the ALP programs mentioned above, organizations and states have created other advocacy programs that allow for people other than attorneys to provide legal services. In 2014, New York City created a [Court Navigator Program](#) where specially trained professionals who are not attorneys can provide general information, written materials, and one-on-one assistance for

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<sup>12</sup> Gillian K. Hadfield & Jamie Heine, Life in the Law-Thick World: The Legal Resource Landscape for Ordinary Americans, USC L. LEGAL STUD. PAPER NO. 15-2, 37 (2015), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2547664](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2547664), reprinted in *BEYOND ELITE LAW: ACCESS TO CIVIL JUSTICE IN AMERICA* 21-52 (Samuel Estreicher & Joy Radice eds., Cambridge Univ. Press 2016).

<sup>13</sup> *Id.*

<sup>14</sup> AM. BAR ASS’N, STANDING COMM. ON PRO BONO & PUB. SERV., SUPPORTING JUSTICE: A REPORT ON THE PRO BONO WORK OF AMERICA’S LAWYERS 6 (2018), [https://www.americanbar.org/content/dam/aba/administrative/probono\\_public\\_service/ls\\_pb\\_supporting\\_justice\\_iv\\_final.pdf](https://www.americanbar.org/content/dam/aba/administrative/probono_public_service/ls_pb_supporting_justice_iv_final.pdf).

self-represented litigants during their court appearances in landlord-tenant and consumer-debt cases. [Upsolve](#) is different in that it is a nonprofit organization that has implemented a program—the American Justice Movement—“to train professionals who are not lawyers to provide free legal advice on whether and how to respond to a debt collection lawsuit.”<sup>15</sup> [Innovation for Justice](#) (i4J) is different from Upsolve, as it is a social-justice-focused legal innovation lab that creates disruptive, human-centered solutions to the access to justice gap. In 2019, it created a [Licensed Legal Advocate](#) pilot where nonlawyer community-based advocates could give free legal advice on family law issues. Most recently, i4J published a [report](#) on how Utah’s and Arizona’s ALP programs could be leveraged to create a less intensive specialized certificate for people who work in community-based organizations and help low-income tenants with housing issues.<sup>16</sup> The certificate would allow them to provide free, limited-scope legal advice on the common legal problems their clients face.<sup>17</sup> And while not created as an advocacy program, the United States Department of Justice allows accredited representatives who are not attorneys to represent clients before immigration courts.

The United States is not alone in creating programs that allow for people other than lawyers to provide legal services with the aim of increasing access to legal help. Unlike the United States, paralegals in Canada have been allowed to provide limited legal services for many years. In Ontario, the existence of the independent paralegal profession dates back around the 1960s,<sup>18</sup> and paralegals have been regulated by the Law Society of Ontario since 2007.<sup>19</sup> While there are restrictions on the types of cases they can handle, licensed paralegals are allowed to provide legal advice, prepare documents, and represent clients in court.<sup>20</sup> And since 2012, designated

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<sup>15</sup> Complaint at 2, *Upsolve, Inc. & Rev. John Udo-Onkon v. Letitia James*, No. 1:22-cv-00627 (S.D.N.Y. 2022).

<sup>16</sup> INNOVATION FOR JUSTICE, UNIV. ARIZ. JAMES E. ROGERS COLL. OF LAW & UNIV. UTAH DAVID ECCLES SCH. OF BUS., REPORT TO ARIZONA AND UTAH SUPREME COURTS: EXPANDING ARIZONA’S LP AND UTAH’S LPP PROGRAM TO ADVANCE HOUSING STABILITY 46 (2022), <https://docs.google.com/document/d/1j-K2L1FOm6lFkXKkSZ89MeEumuFeGtuBQJ2-8ocTx5w/edit>.

<sup>17</sup> *Id.* at 46.

<sup>18</sup> R. W. IANNI, REPORT OF THE TASK FORCE ON PARALEGALS 11 (1990), [https://archive.org/details/mag\\_00004736/mode/2up](https://archive.org/details/mag_00004736/mode/2up).

<sup>19</sup> *Paralegal Regulation Resources*, L. SOC’Y ONT., <https://lso.ca/paralegals/about-your-licence/paralegal-regulation-resources> (last visited Nov. 1, 2022).

<sup>20</sup> *About Paralegals*, L. SOC’Y ONT., <https://lso.ca/public-resources/choosing-the-right-legal-professional/about-paralegals> (last visited Nov. 1, 2022).

paralegals in British Columbia have been permitted to give legal advice and appear before a court or tribunal while under the supervision of a lawyer.<sup>21</sup>

### III. METHODOLOGY

In an effort to obtain the most comprehensive and accurate information available on the many states' allied legal professional programs and proposals, IAALS implemented a multi-step process to understand the current landscape.

#### A. DISCOVERY OF WHICH STATES HAVE ACTIVE PROGRAMS & PROPOSALS

We started this process with a basic understanding of the states with active programs and the states with proposals by participating in a virtual roundtable group created by Steve Crossland, which meets monthly and is attended by many leaders of these states. Throughout the other steps of our research, such as the reviewing of states' proposals and speaking with state leaders, we discovered the remaining states that have created proposals for ALP programs.

#### B. THE FRAMEWORK OF ALLIED LEGAL PROFESSIONAL PROGRAMS

We reviewed the proposals and adopted rules from the four states that have active programs to gain an understanding of the many framework pieces that make up an ALP program. We created a detailed chart of each state, including a description of what they included and excluded for each piece of the general framework. We followed the same process with each state that has an ALP proposal, whether the proposal has been accepted, rejected, or not yet voted on. We then reached out to program/proposal leaders to get a sense of why their committees chose to include or exclude different pieces of their programs' framework. In conjunction with speaking to program leaders, we reviewed available meeting minutes from each state to get a better sense of why each committee chose to develop their program the way they did.

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<sup>21</sup> CODE OF PROF'L CONDUCT B.C. app. E (2013), <https://www.lawsociety.bc.ca/support-and-resources-for-lawyers/act-rules-and-code/code-of-professional-conduct-for-british-columbia/appendix-e-%E2%80%93-supervision-of-paralegals/>.

## C. VERIFICATION OF ACCURACY

Lastly, once we drafted an initial version of this landscape report based on all the information we had gathered, we reached back out to program/proposal leaders in each state to review the accuracy of the report. Based on the responses we received, we revised this report to include the most accurate information available.

## IV. DISCUSSION

### A. PROGRAMS & THEIR VARYING STAGES

Of the 16 programs listed below, many of them are in varying stages of implementation. States under “Programs Implemented,” including Washington, Utah, Arizona, and Minnesota, have active programs with licensed providers. States under “Programs Under Development,” including New Hampshire and Oregon, have proposed programs that have been approved by their state supreme court or legislature but are not yet implemented. States under “Programs Under Consideration,” including Colorado, Connecticut, New Mexico, New York, North Carolina, South Carolina, and Vermont, have developed proposals, but those proposals have not yet been accepted or denied. And states under “Programs Currently Not Moving Forward,” including California, Florida, and Illinois, have developed proposals that are currently halted.

#### I. PROGRAMS IMPLEMENTED<sup>22</sup>

##### WASHINGTON

In 2002, Washington created the Practice of Law Board (POLB) that was to, in part, propose a rule to the Washington Supreme Court that nonlawyers be authorized to engage in certain legal or law-related activities. The POLB twice submitted recommendations to the Board of Governors of the Washington State Bar Association, which rejected POLB’s recommendations

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<sup>22</sup> The states in this subsection are listed in order of implementation, as opposed to alphabetically like the three subsections that follow this one.

both times.<sup>23</sup> Many lawyers voiced concerns that nonlawyers would be unqualified to deliver legal services and that they would take away work from lawyers.<sup>24</sup>

After the POLB revised its recommendations, in June 2012 the Washington Supreme Court issued an order adopting the Limited License Legal Technician (LLLT) Rule.<sup>25</sup> The court stated that “[w]e have a duty to ensure that the public can access affordable legal and law related services, and that they are not left to fall prey to the perils of the unregulated marketplace.”<sup>26</sup> Washington admitted its first LLLTs in 2015.

In June 2020, the Washington Supreme Court voted to sunset the LLLT program. The court stated that due to “the overall costs of sustaining the program and the small number of interested individuals . . . the LLLT program is not an effective way to meet these needs.”<sup>27</sup> Current LLLTs and those working at the time to become a LLLT, so long as they completed the licensing requirements by July 31, 2020, can continue to be licensed and provide services. There are a total of 91 licensed LLLTs.<sup>28</sup>

## UTAH

In May 2015, the Utah Supreme Court created the Supreme Court Task Force to Examine Limited Legal Licensing with the charge to “examine emerging strategies and programs that authorize individuals to provide specific legal assistance in areas currently restricted to licensed lawyers.”<sup>29</sup> The task force recommended, among other things, the creation of “a subset of

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<sup>23</sup> Stephen R. Crossland, *The Evolution of Washington’s Limited License Legal Technician Rule*, 83 B. EXAMINER 20, 21 (June 2014), <https://thebarexaminer.ncbex.org/article/june-2014/the-evolution-of-washingtons-limited-license-legal-technician-rule/>.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> In the Matter of the Adoption of New APR 28—Limited Practice Rule for Limited License Legal Technicians, No. 25700-A-1005 (Wash. S. Ct. June 15, 2012), <https://www.courts.wa.gov/content/publicUpload/Press%20Releases/25700-A-1005.pdf>.

<sup>27</sup> Letter from C.J. Debra L. Stephens, Wash. Sup. Ct., to Stephen R. Crossland et al., Ltd. License Legal Technician Bd. & Wash. State Bar Ass’n (June 5, 2020), [https://www.wsba.org/docs/default-source/licensing/lllt/1-2020-06-05-supreme-court-letter-to-steve-crossland-et-al.pdf?sfvrsn=8a0217f1\\_7](https://www.wsba.org/docs/default-source/licensing/lllt/1-2020-06-05-supreme-court-letter-to-steve-crossland-et-al.pdf?sfvrsn=8a0217f1_7).

<sup>28</sup> *LLLT Legal Directory*, MYWSBA, <https://www.mywsba.org/PersonifyEbusiness/LegalDirectory.aspx?ShowSearchResults=TRUE&LicenseType=LLLT> (last visited Nov. 1, 2022).

<sup>29</sup> SUP. CT. TASK FORCE TO EXAMINE LTD. LEGAL LICENSING, UTAH STATE COURTS, REPORT AND RECOMMENDATIONS 7 (2015),

discrete legal services that can be provided by a licensed paralegal practitioner in three practice areas.”<sup>30</sup> These three areas include family law, debt collection, and unlawful detainer or eviction actions. The task force’s recommendations were assigned to a Licensed Paralegal Practitioner (LPP) Steering Committee.<sup>31</sup> The steering committee developed the criteria for LPPs and, in November 2018, the Utah Supreme Court adopted amendments to Utah’s Authorization to Practice Law Rule, creating the new role of LPPs.<sup>32</sup> There are currently a total of 26 LPPs.<sup>33</sup>

## ARIZONA

In November 2018, the Arizona Supreme Court established the Task Force on Delivery of Legal Services.<sup>34</sup> The task force’s purpose was, in part, to “[e]xamine and recommend whether nonlawyers, with specific qualifications, should be allowed to provide limited legal services.”<sup>35</sup> The task force submitted its October 2019 report and recommendations to the Arizona Supreme Court, which included the development of a tier of nonlawyer legal service providers (“Legal Paraprofessionals” or “LPs”).<sup>36</sup> In August 2020, the Arizona Supreme Court voted unanimously in favor of modifying the court rules regulating the practice of law so that LPs could provide limited legal services, including going into court with their clients.<sup>37</sup> The creation of LPs went into effect in January 2021. There are currently a total of 26 LPs.<sup>38</sup>

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[https://www.utcourts.gov/committees/limited\\_legal/Supreme%20Court%20Task%20Force%20to%20Examine%20Limited%20Legal%20Licensing.pdf](https://www.utcourts.gov/committees/limited_legal/Supreme%20Court%20Task%20Force%20to%20Examine%20Limited%20Legal%20Licensing.pdf).

<sup>30</sup> *Id.* at 8.

<sup>31</sup> *Licensed Paralegal Practitioner*, UTAH COURTS, <https://www.utcourts.gov/legal/lpp/> (last visited Nov. 1, 2022).

<sup>32</sup> *Id.*

<sup>33</sup> *Licensed Paralegal Practitioners*, LICENSED LAWYER, <https://www.licensedlawyer.org/Find-a-Lawyer/Licensed-Paralegal-Practitioners> (last visited Nov. 1, 2022).

<sup>34</sup> TASK FORCE ON THE DELIVERY OF LEGAL SERVS., ARIZ. SUPREME COURT, REPORT AND RECOMMENDATIONS 1 (2019), <https://www.azcourts.gov/Portals/74/LSTF/Report/LSTFReportRecommendationsRED10042019.pdf>.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* at 39-43.

<sup>37</sup> News Release, Ariz. Supreme Court, Arizona Supreme Court Makes Generational Advance in Access to Justice (Aug. 27, 2020), <https://www.azcourts.gov/Portals/201/Press%20Releases/2020Releases/082720RulesAgenda.pdf>.

<sup>38</sup> *Legal Paraprofessional Program Directory*, ARIZ. JUDICIAL BRANCH, [https://www.azcourts.gov/Portals/26/LP/Directory/LP%20Master%20Directory%208-9-2022.pdf?ver=VEuH1wOYfYJ7Y4cAa\\_oKPg%3d%3d](https://www.azcourts.gov/Portals/26/LP/Directory/LP%20Master%20Directory%208-9-2022.pdf?ver=VEuH1wOYfYJ7Y4cAa_oKPg%3d%3d) (last visited Nov. 1, 2022).

## MINNESOTA

In 2014, the Minnesota State Bar Association's (MSBA) Task Force on the Future of Legal Education examined ways of making legal careers more affordable while also addressing the existing unmet need for legal representation.<sup>39</sup> One of their recommendations was to create a separate task force focused on studying the LLLT program.<sup>40</sup> The MSBA then created the Alternative Legal Models Task Force with the charge of "examin[ing] the advisability of supplementing traditional lawyer representation through the creation of a new type of limited-scope certified legal assistance provider to increase access to justice for those who cannot afford a lawyer."<sup>41</sup> In 2017, the Alternative Legal Models Task Force submitted its report and recommendations to the MSBA that included the recommendation to create legal practitioners, based on the British Columbia model of paralegals.<sup>42</sup>

In 2019, the Minnesota Supreme Court issued an order establishing the Implementation Committee for Proposed Legal Paraprofessional Pilot Project with the charge to expand the task force's recommendations and develop a pilot project that would allow legal paraprofessionals (LPs) to provide legal advice under the supervision of an attorney.<sup>43</sup> The implementation committee submitted its March 2020 report and recommendations to the Minnesota Supreme Court, recommending the framework for the LP pilot project.<sup>44</sup> In September 2020, the

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<sup>39</sup> ALT. LEGAL MODELS TASK FORCE, MINN. STATE BAR ASS'N, REPORT AND RECOMMENDATIONS 2 (2017), [https://msbawebtest.mnbar.org/docs/default-source/policy/alm-task-force-report-and-recommendations-final.pdf?sfvrsn=3c0fld10\\_0](https://msbawebtest.mnbar.org/docs/default-source/policy/alm-task-force-report-and-recommendations-final.pdf?sfvrsn=3c0fld10_0).

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.* at 8-14.

<sup>43</sup> IMPLEMENTATION COMM. FOR PROPOSED LEGAL PARAPROFESSIONAL PILOT PROJECT, MINN. SUPREME COURT, REPORT AND RECOMMENDATIONS TO THE MINNESOTA SUPREME COURT 2 (2020) [hereinafter 2020 REPORT AND RECOMMENDATIONS TO THE MINNESOTA SUPREME COURT], <https://static1.squarespace.com/static/5e3ad81df16b3b261f358798/t/5f3ee98c960c20305f9e7111/1597958553059/Report-and-Recommendations-to-Minnesota-Supreme-Court-reduced-size.pdf>.

<sup>44</sup> *Id.* at 8-13.

Minnesota Supreme Court ordered that the LP pilot project be implemented starting in March 2021.<sup>45</sup> There are currently a total of 23 LPs.<sup>46</sup>

## II. PROGRAMS UNDER DEVELOPMENT

### NEW HAMPSHIRE

In November 2021, the New Hampshire House introduced House Bill 1343, which would allow limited legal services by paraprofessionals.<sup>47</sup> The bill was passed by the house and senate and then signed by the governor in June 2022. The bill provides for a two-year pilot program beginning on January 1, 2023. It will allow qualified paraprofessionals, working under the supervision of a licensed attorney, to provide legal services in domestic violence, divorce, custody, and landlord-tenant cases, including courtroom representation in three of New Hampshire's Circuit Courts.

### OREGON

In 2017, the Oregon State Bar (OSB) Futures Task Force recommended that a limited-scope license be established for paralegals to help address the access to justice gap.<sup>48</sup> In September 2019, the OSB Board of Governors voted unanimously to establish the Paraprofessional Licensing Implementation Committee and charged the committee to “[e]ngage stakeholders to develop a regulatory framework for licensing paralegals consistent with the recommendations of the OSB Futures Task Force Report in order to increase access to the justice system while ensuring the competence and integrity of the licensed paralegals and improving the quality of their legal services.”<sup>49</sup>

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<sup>45</sup> Order Implementing Legal Paraprofessional Pilot Project, ADM19-8002 (Minn. S. Ct. Sept. 29, 2020), <https://mncourts.gov/mncourtsgov/media/Appellate/Supreme%20Court/RecentRulesOrders/Administrative-Order-Implementing-Legal-Paraprofessional-Pilot-Project.pdf>.

<sup>46</sup> *Roster of Approved Legal Paraprofessionals*, MINN. JUDICIAL BRANCH, <https://www.mncourts.gov/mncourtsgov/media/Appellate/Supreme%20Court/LPPP-Roster-of-Approved-Legal-Paraprofessionals.pdf> (last visited Nov. 1, 2022).

<sup>47</sup> H.B. 1343, 2022 Reg. Sess. (N.H. 2022), <https://legiscan.com/NH/text/HB1343/2022>.

<sup>48</sup> FUTURES TASK FORCE, OR. STATE BAR, REPORTS AND RECOMMENDATIONS OF THE REGULATORY COMMITTEE AND INNOVATIONS COMMITTEE 3 (2017) [hereinafter OR. FUTURES REPORT 2017], [https://iaals.du.edu/sites/default/files/documents/publications/or\\_futures\\_tf\\_reports.pdf](https://iaals.du.edu/sites/default/files/documents/publications/or_futures_tf_reports.pdf).

<sup>49</sup> *Id.*

In April 2022, the implementation committee submitted its final report to the OSB Board of Governors, detailing the framework of a licensed paralegal (“LP”) program.<sup>50</sup> The Board of Governors approved the recommendations in the report in July 2022 and submitted it to the Oregon Supreme Court,<sup>51</sup> which approved the proposal that same month.

### III. PROGRAMS UNDER CONSIDERATION

#### COLORADO

In February 2015, the Colorado Supreme Court’s Attorney Regulation Advisory Committee formed the Providers of Alternative Legal Services (PALS) subcommittee to study Washington State’s LLLT program.<sup>52</sup> The PALS subcommittee met for four years and published its preliminary report in August 2019, recommending that the Colorado Supreme Court create and fund a legal paraprofessional pilot project to provide legal assistance in eviction cases.<sup>53</sup> In February 2020, the Colorado Supreme Court ordered the creation of a new subcommittee of the Supreme Court Advisory Committee to explore the creation and licensing of qualified paraprofessionals to practice law in uncomplicated domestic cases.<sup>54</sup> It was to focus on the 73% of parties in Colorado domestic cases who represent themselves. The Advisory Committee’s Paraprofessionals and Legal Services (PALS II) Subcommittee proposed a licensed legal paraprofessionals (LLP) program,<sup>55</sup> which the Advisory Committee approved in May 2021. In

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<sup>50</sup> PARAPROFESSIONAL LICENSING IMPLEMENTATION COMM., OR. STATE BAR, FINAL REPORT 9-31 (2022) [hereinafter OR. IMPLEMENTATION COMM. 2022 REPORT], [https://paraprofessional.osbar.org/files/2021\\_PPLIC\\_BOGReport.pdf](https://paraprofessional.osbar.org/files/2021_PPLIC_BOGReport.pdf).

<sup>51</sup> Letter from Helen M. Hierschbiel, CEO, Or. State Bar, to Martha L. Walters, C.J., Or. Supreme Court (July 11, 2022), [https://www.osbar.org/\\_docs/resources/2022.07.11SupremeCourtPLICletterFINAL.pdf](https://www.osbar.org/_docs/resources/2022.07.11SupremeCourtPLICletterFINAL.pdf).

<sup>52</sup> *Subcommittees: Paraprofessionals and Legal Services (PALS) Subcommittee*, COLO. SUPREME COURT, <https://www.coloradosupremecourt.us/AboutUs/Subcommittees.asp#:~:text=PALS%20was%20originally%20formed%20on,access%2Dto%2Djustice%20issues> (last visited Nov. 1, 2022).

<sup>53</sup> SUBCOMM. ON PROVIDERS OF ALT. LEGAL SERVS. (PALS) OF THE COLO. SUPREME COURT ATTORNEY REGULATION ADVISORY COMM., PRELIMINARY REPORT 2 (2019), <https://chicagobarfoundation.app.box.com/s/155oiqddgvqz5f8dlg9wjhtfw5isgpy>.

<sup>54</sup> In RE: Advisory Committee’s Recommendation of a Pilot Program Concerning Paraprofessionals and Legal Services (Colo. S. Ct. Feb. 27, 2020), <https://coloradosupremecourt.com/PDF/AboutUs/PALS/Order%20re%20PALS.pdf>.

<sup>55</sup> PARAPROFESSIONALS AND LEGAL SERVS. (PALS) SUBCOMM., COLO. SUPREME COURT, PRELIMINARY REPORT (MAY 2021) OUTLINING PROPOSED COMPONENTS OF PROGRAM FOR LICENSED LEGAL PARAPROFESSIONALS 3 (2021), <https://coloradosupremecourt.com/PDF/AboutUs/PALS/PALSprelimrept%20Final%20as%20amended%20by%20Advisory%20Comm%205-21-21.pdf>.

June 2021, the Colorado Supreme Court ordered that the Advisory Committee develop a plan to implement the LLP program.<sup>56</sup>

In May 2022, the Providers of Alternative Legal Services (PALS) II Subcommittee submitted its report<sup>57</sup> to the Colorado Supreme Court Advisory Committee, who voted unanimously to recommend the LLP program to the Colorado Supreme Court.<sup>58</sup> The Colorado Supreme Court has requested and received written public comment on the PALS II implementation report, and a public hearing is scheduled for November 16, 2022.

## CONNECTICUT

In December 2016, a task force commissioned by the Judiciary Committee of the Connecticut General Assembly produced a report with the recommendation to “enact a statute establishing an accredited representative pilot program allowing trained nonlawyers to assist in matters ancillary to eviction defense proceedings and consumer debt cases.”<sup>59</sup> In 2020, the Connecticut Bar Association created a State of the Legal Profession Task Force with five subcommittees, one of which is the Advancing the Legal Industry through Alternative Business Models.

That subcommittee was tasked with “study[ing] the pros and cons of allowing legal paraprofessionals to assist clients and provide a variety of legal services.”<sup>60</sup> In September 2021, the subcommittee submitted its report and recommendations to the task force, including a recommendation to develop a program to license nonlawyers (“Limited Legal Advocates” or

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<sup>56</sup> In RE: Advisory Committee’s Recommendation Concerning Paraprofessionals and Legal Services (Colo. S. Ct. June 3, 2021), <https://coloradosupremecourt.com/PDF/AboutUs/PALS/PALS%20Committee%20Order%2006-03-2021.pdf>.

<sup>57</sup> PROVIDERS OF ALT. LEGAL SERVS. (PALS) II SUBCOMM., COLO. SUPREME COURT, LICENSED LEGAL PARAPROFESSIONALS IMPLEMENTATION REPORT AND PLAN 1 (2022) [hereinafter PALS II 2022 REPORT], [https://www.courts.state.co.us/userfiles/file/Court\\_Probation/Supreme\\_Court/Rule\\_Changes/PALS%20attachment%201.pdf](https://www.courts.state.co.us/userfiles/file/Court_Probation/Supreme_Court/Rule_Changes/PALS%20attachment%201.pdf).

<sup>58</sup> Letter from Jessica E. Yates, Colo. Supreme Court Attorney Regulation Counsel, to JJ. Monica M. Márquez & Maria E. Berkenkotter, Colo. Supreme Court (May 20, 2022), [https://www.courts.state.co.us/userfiles/file/Court\\_Probation/Supreme\\_Court/Rule\\_Changes/PALS%20letter%20to%20advisory%20committee.pdf](https://www.courts.state.co.us/userfiles/file/Court_Probation/Supreme_Court/Rule_Changes/PALS%20letter%20to%20advisory%20committee.pdf).

<sup>59</sup> SUBCOMM. ON ADVANCING THE LEGAL INDUS. THROUGH ALT. BUS. MODELS, STATE OF THE LEGAL PROFESSION TASK FORCE, CONN. BAR ASS’N, REPORT AND RECOMMENDATIONS 1 (2021) [hereinafter] (on file with author).

<sup>60</sup> *Sub-Committees*, CONN. BAR ASS’N, <https://www.ctbar.org/members/sections-and-committees/task-forces/state-of-the-legal-profession-task-force/sub-committees> (last visited Nov. 1, 2022).

“LLAs”) to provide legal advice and to advocate for clients within a limited scope of practice.<sup>61</sup> The subcommittee recommended that LLAs be trained and authorized to counsel clients and to appear in court for clients within limited practice areas, including summary process (evictions), small claims, portions of family law, administrative law, and criminal law with express limitations (i.e., those that carry no prospect for incarceration).

## NEW MEXICO

In 2015, the New Mexico Access to Justice Commission recommended that the New Mexico Supreme Court consider a legal paraprofessional program.<sup>62</sup> A few years later, in 2018, a team of judges, court staff, and bar representatives attended a Conference of Chief Justices Innovation Summit, which sparked them to identify projects to address the access to justice gap.<sup>63</sup> An Ad Hoc Licensed Legal Technicians Workgroup was created and tasked with “studying alternative methods to address unmet legal needs for low and moderate needs individuals, specifically considering an assessment of licensed legal technicians or other non-attorney professionals.”<sup>64</sup>

The working group submitted its December 2019 report to the New Mexico Supreme Court.<sup>65</sup> One of its four recommendations was to conduct further study regarding licensing nonlawyers to perform limited legal work, including monitoring the currently existing legal paraprofessional programs to get a sense of how successful these programs might be. In January 2020, the New Mexico Supreme Court endorsed this proposal.<sup>66</sup> In July 2020, the New Mexico Supreme Court created a committee to work on this recommendation and study the feasibility of creating a licensed legal technician (“LLT”) program.

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<sup>61</sup> Hon. Elizabeth A. Bozzuto et al., *Task Force Final Report*, 32 CONN. LAW. 20, 22-23 (2022), [https://www.ctbar.org/docs/default-source/publications/connecticut-lawyer/ctl-vol-32/6-julyaug-2022/ctl\\_julyaug-2022---state-of-the-legal-profession-task-force-report.pdf](https://www.ctbar.org/docs/default-source/publications/connecticut-lawyer/ctl-vol-32/6-julyaug-2022/ctl_julyaug-2022---state-of-the-legal-profession-task-force-report.pdf).

<sup>62</sup> Letter from J. Donna J. Mowrer, N.M. Ninth Jud. Cir., to JJ. Nakamura et al., N.M. Sup. Ct.(Dec. 23, 2019) in AD HOC N.M. LICENSED LEGAL TECHNICIANS WORKGROUP, N.M. SUPREME COURT, INNOVATION TO ADDRESS THE ACCESS TO JUSTICE GAP 2 (2019) [hereinafter N.M. 2019 WORKGROUP REPORT], <https://cms.nmcourts.gov/uploads/files/News/Report%20to%20Supreme%20Court-Ad%20Hoc%20Licensed%20Legal%20Technicians%20Workgroup.pdf>.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *See id.*

<sup>66</sup> Jayne Reardon, *New Mexico Supreme Court Endorses Proposals to Expand Civil Legal Services*, 2CIVILITY (Jan. 30, 2020), <https://www.2civility.org/new-mexico-supreme-court-endorses-proposals-to-expand-civil-legal-services/>.

## NEW YORK

In June 2020, the Chief Judge of New York appointed the Commission to Reimagine the Future of New York’s Courts. One of its working groups, the Working Group on Regulatory Innovation, was charged with “explor[ing] regulatory and structural innovations to more effectively adjudicate cases and improve the accessibility, affordability and quality of services for all New Yorkers.”<sup>67</sup> In December 2020, the working group submitted its report and recommendations to the commission, including a recommendation to allow social workers to provide limited legal services and advocacy.<sup>68</sup> The full commission accepted the recommendations and, per the request of the Chief Judge of the State of New York, work is underway to implement them.

## NORTH CAROLINA

In January 2021, the North Carolina Justice for All Project<sup>69</sup> submitted to North Carolina’s Chief Justice and the Chair of North Carolina’s State Bar Board of Paralegal Certification a Proposal for a Limited Practice Rule to Narrow North Carolina’s Access to Justice Gap.<sup>70</sup> In June 2021, the Bar’s Issues Subcommittee on Regulatory Change recommended that the bar create an ad hoc committee to lay out a plan for limited licensing. A month later, the Executive Committee of the Bar approved the formation of an ad hoc committee to develop a limited licensing plan.

While the ad hoc committee was never formed, in January 2022 the Subcommittee on Regulatory Change submitted a report to the Issues Committee with recommendations that included pursuing a limited license for paraprofessionals.<sup>71</sup> In July 2022, the state bar voted to create a standing Access to Justice Committee.

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<sup>67</sup> REGULATORY INNOVATION WORKING GRP., COMM’N TO REIMAGINE THE FUTURE OF N.Y.’S COURTS, REPORT AND RECOMMENDATIONS OF THE WORKING GROUP ON REGULATORY INNOVATION 3 (2020) [hereinafter N.Y. REGULATORY INNOVATION WG 2020 REPORT], <https://www.cravath.com/a/web/53HijtU9o67QzfYo7BAr8v/2fWXYD/report-and-recommendations-of-the-working-group-on-regulatory-innovation.pdf>.

<sup>68</sup> *Id.* at 8.

<sup>69</sup> N.C. JUSTICE FOR ALL PROJECT, <https://www.ncjfab.org/> (last visited Nov. 1, 2022).

<sup>70</sup> JUSTICE FOR ALL PROJECT, PROPOSAL FOR A LIMITED PRACTICE RULE TO NARROW NORTH CAROLINA’S ACCESS TO JUSTICE GAP 1 (2021), <https://ncbarblog.com/wp-content/uploads/2021/03/Justice-for-All-Proposal-for-Limited-Practice-Rule-to-Supreme-Court-and-North-Carolina-State-Bar-Final.pdf>.

<sup>71</sup> N.C. STATE BAR ISSUES SUBCOMM. ON REGULATORY CHANGE: REPORT AND RECOMMENDATIONS 5 (2022), [https://www.ncjfab.org/files/ugd/8a3baf\\_e6fe61abff614570a7c73eaf98342f07.pdf](https://www.ncjfab.org/files/ugd/8a3baf_e6fe61abff614570a7c73eaf98342f07.pdf).

The proposed charge of the new committee is as follows:

Access to Justice Committee. It shall be the duty of the Access to Justice Committee to study and to recommend to the council programs and initiatives that respond to the profession's responsibility, set forth in the Preamble to the Rules of Professional Conduct, 'to ensure equal access to our system of justice for all those who, because of economic or social barriers, cannot afford or secure adequate legal counsel.'<sup>72</sup>

On October 19, 2022, the Access to Justice Committee met for the first time to discuss its charge and first assignment. During that meeting, they established that they would meet four times per year and that subcommittees, including the only currently existing subcommittee on the study of legal deserts, may meet at other times. Limited licensing was not discussed as a group during that meeting, and the only action item was for committee members to bring ideas to the next meeting for pro se initiatives. Of note, this is a study committee, not an action committee.

## SOUTH CAROLINA

In 2015, the South Carolina [Chief Justice's Commission on the Profession](#) requested that the South Carolina Supreme Court adopt a voluntary certification of paralegals program. The South Carolina Supreme Court adopted the program in November 2015,<sup>73</sup> leading to the creation of the South Carolina Board of Paralegal Certification, which has jurisdiction over the certification of paralegals. The South Carolina Supreme Court asked the board to study which areas of practice would be the most practical to assist the underserved communities of South Carolina.

The board explored ways to expand the role of South Carolina Certified Paralegals (SCCPs), focusing on 1) appropriate tasks that many be performed by certified paralegals to broaden the availability of legal services currently provided by attorneys only, and 2) the process for implementation.<sup>74</sup> In February 2021, the board sent a letter to Chief Justice Beatty with a proposal to expand the role of SCCPs.<sup>75</sup> Following, the board met in October 2021 and voted to advance three of their previously proposed areas to expand the role of SCCPs, and in June 2022 the board submitted its proposal to the South Carolina Supreme Court.

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<sup>72</sup> At its meeting on October 19, 2022, the North Carolina Access to Justice Committee proposed an amendment to N.C. Admin. Code § 01A .0701(a) that would add a 9<sup>th</sup> paragraph outlining the charge of the Access to Justice Committee (on file with author).

<sup>73</sup> S.C. APP. CT. R. 429 (2022).

<sup>74</sup> Letter from Meliah Bowers Jefferson, Chair, S.C. Bd. of Paralegal Certification, to C.J. Donald W. Beatty, S.C. Sup. Ct. (Feb. 9, 2021) (on file with author).

<sup>75</sup> *Id.*

## VERMONT

In 2014, the Vermont Bar Association created a Joint Commission on the Future of Legal Services after the Vermont Chief Justice called on the legal community, business community, and the public to come together to determine how Vermonters can obtain quality, affordable legal representation.<sup>76</sup> In September 2015, the Joint Commission submitted its final report to the Vermont Bar Association, which comprised the work of four committees on legal education, court process, legal services, and technology.<sup>77</sup> One of its recommendations was to expand the role of paralegals (“paraprofessionals”) who work under the supervision of a licensed attorney.

## IV. PROGRAMS CURRENTLY NOT MOVING FORWARD

### CALIFORNIA

In March 2018, the State Bar of California Board of Trustees updated the State Bar’s 2017–2022 Strategic Plan to include exploring “options to increase access to paraprofessionals, limited license legal technicians, and other paraprofessionals.”<sup>78</sup> Later that year in July 2018, the board of trustees directed the creation of the Task Force on Access Through Innovation of Legal Services (ATILS), following consideration of the [Legal Market Landscape Report](#). ATILS was charged with “identifying possible regulatory changes to enhance the delivery of, and access to, legal services through the use of technology, including artificial intelligence and online legal service delivery models.”<sup>79</sup> The following year, the state bar completed a comprehensive study of California’s justice gap, which highlighted a significant gap between the need and availability of civil legal services.<sup>80</sup>

In January 2020, coming off the heels of the 2019 justice gap study and to fulfill part of its strategic plan, the board of trustees adopted a resolution to form a working group to develop

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<sup>76</sup> VT. JOINT COMM’N ON THE FUTURE OF LEGAL SERVS., VT. BAR ASS’N, FINAL REPORTS & RECOMMENDATIONS OF THE FIRST YEAR STUDY COMMITTEES 3 (2015) [hereinafter VT. FUTURE OF LEGAL SERVS. 2015 REPORT], <https://www.isba.org/sites/default/files/committees/futures/Vermont%20Joint%20Bar%20%26%20Court%20Report%20%28September%202015%29.pdf>.

<sup>77</sup> *Id.*

<sup>78</sup> CAL. PARAPROFESSIONAL PROGRAM WORKING GROUP, STATE BAR OF CAL., REPORT AND RECOMMENDATIONS 4 (2021) [hereinafter CAL. PARAPROFESSIONAL WG 2021 REPORT], <https://www.calbar.ca.gov/Portals/0/documents/publicComment/2021/CPPWG-Report-to-BOT.pdf>.

<sup>79</sup> *Task Force on Access Through Innovation of Legal Services*, STATE BAR OF CAL., <https://www.calbar.ca.gov/About-Us/Who-We-Are/Committees/Task-Force-on-Access-Through-Innovation-of-Legal-Services> (last visited Nov. 1, 2022).

<sup>80</sup> ROCIO AVALOS ET AL., STATE BAR OF CAL., 2019 CALIFORNIA JUSTICE GAP STUDY: EXECUTIVE REPORT 4 (2019), <https://www.calbar.ca.gov/Access-to-Justice/Initiatives/California-Justice-Gap-Study>.

recommendations for a paraprofessional program.<sup>81</sup> Two months later, as the California Paraprofessional Program Working Group (CPPWG) was being formed, ATILS submitted its report to the board of trustees with a recommendation that the CPPWG consider key principles it identified as it studied the regulatory issues presented by a paraprofessional program.<sup>82</sup>

The CPPWG was directed to develop recommendations for creating a paraprofessional licensure/certificate program, and in September 2021 it submitted its report and recommendations to the State Bar of California.<sup>83</sup> The CPPWG revised its recommendations in May 2022 based on comments it received from the public, the large majority of which came from lawyers.<sup>84</sup> In June 2022, the California Senate’s Judiciary Committee advanced Assembly Bill 2958 requiring the state bar to, among other things, “[a]dhere to, and not propose any abrogation of, the restrictions on the unauthorized practice of law.”<sup>85</sup> The board of trustees sent a letter in July 2022 to the Chair of the Senate Judiciary Committee and the Chair of the Assembly Judiciary Committee with proposed amendments to Assembly Bill 2958 that would allow the state bar to continue studying legal regulatory reform while also addressing concerns from the legislature,<sup>86</sup> but state lawmakers passed the bill without the board of trustees’ proposed amendments, effectively shutting down the CPPWG until January 1, 2025.

## FLORIDA

In November 2019, the Florida Supreme Court sent a letter to the president of the Florida Bar with a request that the bar “conduct a study of the rules governing the practice of law to ensure that our regulation meets the needs of Floridians for legal services while also protecting against misconduct and maintaining the strength of Florida’s legal profession.”<sup>87</sup> The Special Committee

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<sup>81</sup> CAL. PARAPROFESSIONAL WG 2021 REPORT, *supra* note 78.

<sup>82</sup> TASK FORCE ON ACCESS THROUGH INNOVATION OF LEGAL SERVS., STATE BAR OF CAL., FINAL REPORT AND RECOMMENDATIONS 24-31 (2020), <https://www.calbar.ca.gov/Portals/0/documents/publicComment/ATILS-Final-Report.pdf>.

<sup>83</sup> CAL. PARAPROFESSIONAL WG 2021 REPORT, *supra* note 78.

<sup>84</sup> *State Bar of Cal. – Paraprofessional Proposal – Sept. 2021*, STATE BAR CAL., [https://drive.google.com/drive/folders/1Sp-EHL3GRNTVZRpmw\\_CJsQP5xT50D8IV](https://drive.google.com/drive/folders/1Sp-EHL3GRNTVZRpmw_CJsQP5xT50D8IV) (open “Paraprofessional Recommendations - Support and Opposition” folder; scroll to “Attorneys and Consumers (Individuals)” pie charts).

<sup>85</sup> A.B. 2958, 2022 Leg. (Cal. 2022), [https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill\\_id=202120220AB2958&showamends=false](https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=202120220AB2958&showamends=false).

<sup>86</sup> Letter from Ruben Duran & Leah T. Wilson, State Bar Cal., Sen. Tom Umberg & Assemb. Mark Stone, Cal. State Leg. (Dec. 7, 2021), <https://fingfx.thomsonreuters.com/gfx/legaldocs/akpezwogev/CA%20Bar%20letter.pdf>.

<sup>87</sup> Letter from J. Charles T. Canady, Fla. Supreme Court, to Pres. John M. Stewart, Fla. Bar (Nov. 6, 2019) in JOHN STEWART ET AL., FINAL REPORT OF THE SPECIAL COMMITTEE TO IMPROVE THE DELIVERY OF LEGAL SERVICES app.

to Improve the Delivery of Legal Services was subsequently appointed and submitted its [final report](#) to the Florida Supreme Court in June 2021. In its report, the committee unanimously voted to approve in concept a Limited Assistance Paralegal Pilot Program. In March 2022, the Florida Supreme Court submitted a letter to the executive director of the Florida Bar explaining that it does not intend to adopt the committee’s recommendations on a limited assistance paralegal pilot program.<sup>88</sup>

## ILLINOIS<sup>89</sup>

In October 2019, the Chicago Bar Association and Chicago Bar Foundation launched the Task Force on the Sustainable Practice of Law & Innovation. In October 2021, the task force submitted its report with 11 recommendations to the Illinois Supreme Court. One of the recommendations was to “recognize a new licensed paralegal model so that lawyers can offer more efficient and affordable services in high volume areas of need.”<sup>90</sup> In April 2021, the Illinois Supreme Court deferred consideration of creating licensed paralegals (“LPs”).

## B. PRACTICE AREAS

The practice area/scope of ALPs is one of the first and most important determinations states make when ironing out their program’s framework. It affects the success of the programs in a number of ways, from the number of people interested in joining the program to the types of issues that people can receive help on by an ALP. It also sets the stage for all other aspects of the framework, including roles and responsibilities, educational requirements, testing requirements, and practical training requirements.

### I. STATES’ CONSIDERATIONS OF PRACTICE AREAS

States often begin looking into ALP programs to decrease the access to justice gap. With this goal in mind, the rate of self-representation is one of the major considerations for states when choosing practice areas. Aside from considering where ALPs can be of greatest benefit, states are also concerned about the potential harm that can come from these programs. Some of the worries

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A (2021), <https://www-media.floridabar.org/uploads/2021/06/FINAL-REPORT-OF-THE-SPECIAL-COMMITTEE-TO-IMPROVE-THE-DELIVERY-OF-LEGAL-SERVICES.pdf>.

<sup>88</sup> Letter from John A. Tomasino, Clerk of Court Fla. Supreme Court, to Joshua Doyle, Exec. Dir. Fla. Bar (Mar. 3, 2022), [https://www.abajournal.com/files/Florida\\_Supreme\\_Court\\_letter.pdf](https://www.abajournal.com/files/Florida_Supreme_Court_letter.pdf).

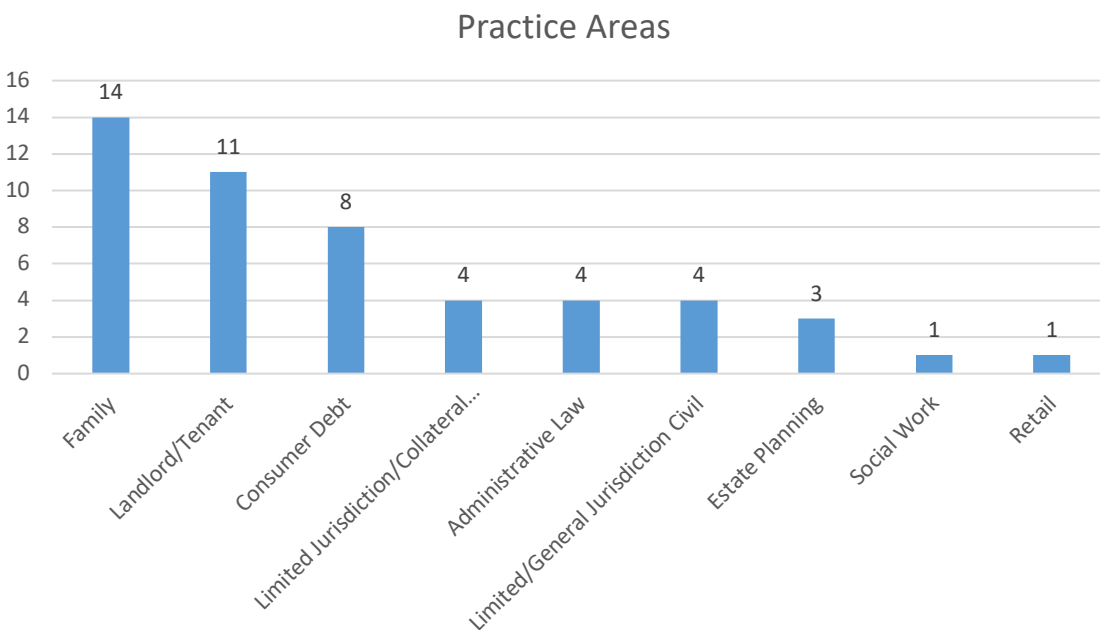
<sup>89</sup> The proposed recommendations apply solely to Chicago, Illinois.

<sup>90</sup> CBA/CBF TASK FORCE ON THE SUSTAINABLE PRACTICE OF LAW & INNOVATION, CHI. BAR ASS’N & CHI. BAR FOUND., TASK FORCE REPORT 67-72 (2020) [hereinafter CBA/CBF 2020 TASK FORCE REPORT], <https://chicagobarfoundation.org/pdf/advocacy/task-force-report.pdf>.

at the forefront of states' minds include the technicality or need for expertise in a practice area and the potential for significant legal consequences if litigants receive inadequate help. Others worry about ALPs working in practice areas that use a contingency-fee model (e.g., personal injury) because such a model already provides an avenue for lower-income people to retain legal help. Due to these worries—and the scrutiny and distrust that many in the profession have in these programs—most states have taken the approach to focus on a limited number of practice areas and exclude contingency-fee case types.

The hope from many states is that, once their programs have been implemented and data has been collected on the positive effects and minimal harm that have come from their programs, they will then be able to add additional practice areas into their programs to both increase membership and decrease the access to justice gap. On average, states are including around three practice areas in their initial programs, with a list of case types within those practice areas that are either explicitly included or excluded. Figure 1 breaks down the number of states that have included the varying practice areas being considered.

*Figure 1: Practice Areas*



## FAMILY LAW

Family law is included in more programs and proposals than any other practice area, with 14 of the 16 programs and proposals including it.<sup>91</sup> Washington was initially looking at four practice areas (family law, landlord-tenant, elder law, and immigration) and chose to implement family law because it was the highest unmet need.<sup>92</sup> Leaders of Washington's program always believed, though, that the scope of practice should have been applied more broadly.<sup>93</sup> Other states that have included family law have done so for the same reason—the high rate of self-representation and the negative consequences that often come with it.

Within family law, most states have detailed which case types are included and excluded, while a couple states have left it general.<sup>94</sup> The most commonly included case types are divorce and dissolution,<sup>95</sup> child custody and support,<sup>96</sup> domestic violence,<sup>97</sup> and paternity.<sup>98</sup> A few of the excluded case types—or those that require additional qualifications—include qualified domestic relations orders (QDROs), nullity matters, contempt actions, division or conveyance of formal business entities or commercial property, and appeals to the court of appeals or supreme court.

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<sup>91</sup> Arizona, California, Colorado, Connecticut, Florida, Illinois, Minnesota, New Hampshire, New Mexico, North Carolina, Oregon, South Carolina, Utah, and Washington.

<sup>92</sup> Jean McElroy & Paul A. Bastine, Limited License Legal Technician Program: The History and Future of the Program, Presentation at the Am. Acad. of Law Libraries WestPac Annual Meeting (Oct. 10, 2014), [http://chapters.aallnet.org/westpac/meeting\\_archive/2014seattle/files/LLLT%20Program%20Oct%202014.pdf](http://chapters.aallnet.org/westpac/meeting_archive/2014seattle/files/LLLT%20Program%20Oct%202014.pdf).

<sup>93</sup> THOMAS M. CLARKE & REBECCA L. SANDEFUR, AM. BAR FOUND. & NAT' CTR. FOR STATE COURTS, PRELIMINARY EVALUATION OF THE WASHINGTON STATE LIMITED LICENSE LEGAL TECHNICIAN PROGRAM 6 (2017), [https://www.americanbarfoundation.org/uploads/cms/documents/preliminary\\_evaluation\\_of\\_the\\_washington\\_state\\_limited\\_license\\_legal\\_technician\\_program\\_032117.pdf](https://www.americanbarfoundation.org/uploads/cms/documents/preliminary_evaluation_of_the_washington_state_limited_license_legal_technician_program_032117.pdf).

<sup>94</sup> Connecticut and Illinois have generally included family law without indicating specific practice areas that are included or excluded.

<sup>95</sup> Arizona, California, Colorado, Florida, Minnesota (limited generally to drafting of stipulated agreements), New Hampshire, New Mexico, North Carolina, Oregon, South Carolina (simple uncontested divorces with no children or with an agreement on custody and support), Utah, and Washington.

<sup>96</sup> Arizona, California, Colorado, Florida, Minnesota (child custody limited to stipulated agreements only), New Hampshire, New Mexico, North Carolina, Oregon, Utah, and Washington.

<sup>97</sup> Arizona, California, Colorado, Florida, Minnesota (dependent on required training), New Hampshire, North Carolina, Utah, and Washington.

<sup>98</sup> Arizona, California, Colorado, Florida, Minnesota, New Mexico, North Carolina, Oregon, Utah, and Washington.

Colorado is the only state with a proposal that has put a dollar limit on family law cases by requiring parties to have no more than \$200,000 combined net marital assets.<sup>99</sup>

While most programs allow ALPs to handle domestic-violence cases within family law, there is more opposition to its inclusion than any other case type. When Minnesota's program was implemented, cases with allegations of domestic or child abuse were excluded due to the serious and complicated nature of such cases. In June 2022, after reviewing a six-month interim report, reading public comments, and presiding over a public hearing, the Minnesota Supreme Court ordered the inclusion of cases with allegations of domestic and child abuse conditioned on additional training or experience requirements for legal paraprofessionals.<sup>100</sup> A workgroup of stakeholders was established but did not reach a consensus on the required training and experience. However, the standing committee submitted its recommendation, which was adopted by the court, based upon the information it received from stakeholders, including the exclusion of cases with pleadings involving allegations of sexual violence.<sup>101</sup>

## LANDLORD-TENANT

Landlord-tenant law is the second most common practice area, with 11 of the 16 of programs and proposals including it.<sup>102</sup> Similar to family law, landlord-tenant cases are included in most states' programs and proposals because of its high percentage of self-represented litigants. Within the landlord-tenant category, states have included cases that deal with evictions/forcible entry and detainer and lien clearing.

There are a couple restrictions that some of the states have placed within this practice area. In Minnesota, their LPs can only represent tenants in housing law disputes.<sup>103</sup> This is permissible because it falls under a pilot project, but outside of a pilot project the tenant-only requirement will likely have to change to include landlords as well. New Hampshire's proposal has created a

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<sup>99</sup> PALS II 2022 REPORT, *supra* note 57.

<sup>100</sup> ADM19-8002 (Minn. S. Ct. Sept. 29, 2020).

<sup>101</sup> *Id.*

<sup>102</sup> Arizona, California, Connecticut, Florida, Illinois, Minnesota, New Mexico, New Hampshire, North Carolina, Oregon, and Utah.

<sup>103</sup> 2020 REPORT AND RECOMMENDATIONS TO THE MINNESOTA SUPREME COURT, *supra* note 43, at 8.

restriction where the person being represented must have a household income no greater than 300% of the federal poverty guidelines<sup>104</sup> at the commencement of representation.<sup>105</sup>

## CONSUMER DEBT

Consumer-debt law is the third most common practice area, with eight of the 16 of programs and proposals including it.<sup>106</sup> Along with family law and landlord-tenant, it is included in a number of programs and proposals because it ranks among the top three case types with the highest percentage of self-represented litigants. A few states have placed restrictions on consumer-debt cases, such that the dollar amount does not exceed the statutory limit for small claims cases<sup>107</sup> or that it be applied to only non-bankruptcy aspects of the relationship between creditors and debtors.<sup>108</sup>

## LIMITED JURISDICTION/COLLATERAL CRIMINAL

Out of the 16 states that have a program or proposal, only four have proposed adding limited jurisdiction criminal cases, with Arizona being the only active state to include it.<sup>109</sup> In Arizona, LPs can handle criminal misdemeanor cases where, upon conviction, a penalty of incarceration is not at issue.<sup>110</sup> Like Arizona, Connecticut's proposal would allow their LLAs to handle any limited jurisdiction criminal law matter where incarceration is not at issue. With California's proposal, providers would have been allowed to handle expungements and reclassification of convictions, in addition to infractions. And North Carolina's proposal would allow their North Carolina Legal Technicians ("NCLTs") to handle expungements.

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<sup>104</sup> Office of the Assistant Secretary for Planning and Evaluation, *HHS Poverty Guidelines for 2022*, U.S. DEP'T OF HEALTH AND HUMAN SERVS., <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines> (last visited Nov. 1, 2022).

<sup>105</sup> N.H. H.B. 1343.

<sup>106</sup> Arizona, California, Connecticut, Florida, Illinois, New Mexico, North Carolina, and Utah.

<sup>107</sup> Arizona, Connecticut, Illinois, and Utah.

<sup>108</sup> North Carolina.

<sup>109</sup> Arizona, California, Connecticut, and North Carolina.

<sup>110</sup> ARIZ. CODE OF JUDICIAL ADMIN. § 7-210(F)(2)(c)(2) (2022).

## ADMINISTRATIVE LAW

Four of the 16 states also include administrative law in the list of acceptable practice areas.<sup>111</sup> Interestingly, it is the same four states that also include limited jurisdiction/collateral criminal cases. Three of the four states kept the scope broad, while California limited it to a small number of case types. In California's proposal, their providers would have been limited to employment and income-maintenance issues, including wage and hour cases, unemployment insurance proceedings, and all public benefit proceedings.<sup>112</sup>

Arizona's scope is quite broad (their LPs can engage in authorized services before any Arizona administrative agency that allows it), but they cannot represent a party in an appeal of the administrative agency's decision to a superior court, court of appeals, or supreme court, apart from filing an application or notice of appeal.<sup>113</sup> Arizona's LPs also cannot represent a lawyer or another LP before a court, presiding disciplinary hearing, or hearing panel.<sup>114</sup> The North Carolina Justice for All Project narrowed its scope a little more in its proposal by including employment law, municipal and county boards, Medicaid appeals, housing discrimination, DMV hearings, and North Carolina Department of Justice complaints.<sup>115</sup> And the proposal in Connecticut is high level, so it has listed "administrative law matters" without going into more detail.<sup>116</sup>

## LIMITED/GENERAL JURISDICTION CIVIL

Four out of the 16 states have included case types within the broad practice area of limited or general jurisdiction civil.<sup>117</sup> Arizona has kept this practice area the most open by allowing their LPs to engage in authorized services in any civil matter that may be or is before a municipal or justice court in its state.<sup>118</sup> These include, in part, traffic, harassment, and landlord-tenant cases. In contrast, California had limited the case types in its proposal to consumer debt and creditor

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<sup>111</sup> Arizona, California, Connecticut, and North Carolina.

<sup>112</sup> CAL. PARAPROFESSIONAL WG 2021 REPORT, *supra* note 78, at 10.

<sup>113</sup> ARIZ. CODE OF JUDICIAL ADMIN. § 7-210(F)(2)(d).

<sup>114</sup> *Id.*

<sup>115</sup> JUSTICE FOR ALL PROJECT, *supra* note 70, at 34-35 (noting that paralegals are already allowed to represent individuals in Social Security Administration, Department of Employment Security, and Equal Employment Opportunity Commission matters since the law does not restrict those areas to only attorneys).

<sup>116</sup> CONN. ALTERNATIVE BUSINESS MODELS 2021 REPORT, *supra* note 59, at 7.

<sup>117</sup> Arizona, California, Connecticut, and South Carolina.

<sup>118</sup> ARIZ. CODE OF JUDICIAL ADMIN. § 7-210(F)(2)(b).

harassment, enforcement of judgment, and name and gender change.<sup>119</sup> Connecticut's proposal also has a more limited scope of civil law by including only summary process evictions and small claims cases.<sup>120</sup> South Carolina's proposal limited the case types in this area to adult name changes.

## ESTATE PLANNING

Only Florida, North Carolina, and South Carolina have included estate planning in their proposals. The North Carolina Justice for All Project included in their proposal that NCLTs would be allowed to plan for the conservation and disposition of estates, prepare legal instruments to effectuate estate plans, and represent the probate of wills and administration of estates.<sup>121</sup> South Carolina included uncontested small estate matters—both testate and intestate—in their proposal. And while Florida's proposal did not specifically mention estate planning as a list of practice areas, it would have permitted their advanced Florida registered paralegals to work on wills, advance directives, and guardianship law cases.<sup>122</sup>

## SOCIAL WORK

New York is the only state whose proposal has included social work in their areas of practice. In fact, New York has limited their providers' areas of practice to include only issues that social workers handle.<sup>123</sup> New York's working group notes in its proposal that there is a close relationship between attorneys and social workers, as they often have the same clients and their clients' problems often include both legal and social issues.<sup>124</sup> Often, if social workers do not recognize legal issues while helping their clients, those issues do not get resolved. New York's working group proposal is aimed at alleviating that situation by both enhancing social workers' knowledge of legal issues and allowing them to provide limited legal services.

## RETAIL

Vermont is the only state that has specifically included retail services as a scope of practice for their paraprofessionals. In their proposal, the Vermont commission mentions expanding the use

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<sup>119</sup> CAL. PARAPROFESSIONAL WG 2021 REPORT, *supra* note 78, at 10.

<sup>120</sup> CONN. ALTERNATIVE BUSINESS MODELS 2021 REPORT, *supra* note 59, at 7.

<sup>121</sup> JUSTICE FOR ALL PROJECT, *supra* note 70, at 34.

<sup>122</sup> STEWART ET AL., FINAL REPORT TO THE SPECIAL COMMITTEE TO IMPROVE THE DELIVERY OF LEGAL SERVICES, *supra* note 87, app. D, at 97.

<sup>123</sup> N.Y. REGULATORY INNOVATION WG 2020 REPORT, *supra* note 67, at 8.

<sup>124</sup> *Id.* at 13.

of paralegals solely for common retail problems, permitting them to assist with preparation, service, and filing of forms; identifying unseen issues; and directing traffic under attorney supervision.<sup>125</sup> As the proposal is very high level, the Vermont commission does not expand on the specific case types within retail law that their paraprofessionals would be allowed to work on.

## II. CONSIDERATIONS WHEN CREATING AN ALP PROGRAM

- Which practice areas have the greatest numbers of self-represented litigants that could benefit from legal services?
- Which case types within those practice areas have the greatest number of self-represented litigants?
- Which practice areas can paralegals provide legal services in without significant additional education and training?
- How many practice areas are needed to create enough interest from potential applicants to make a program viable?
- Which practice areas bring about the strongest opposition within the legal community?
- Should ALPs be allowed to work in practice areas that do not require case filings (e.g., estate planning)?
- Should there be a process to allow ALPs to apply for admission on motion/reciprocity in other jurisdictions?
- Are there practice areas where the substantive law renders assistance less effective?

## C. ROLES & RESPONSIBILITIES

The determination of practice areas goes hand in hand with what specific roles and responsibilities ALPs should have within those practice areas. States are mostly aligned on which tasks ALPs should be allowed to take on prior to trial, such as preparing, signing, and filing legal documents. There is greater disagreement in requiring ALPs to obtain written consent and in permitting them to represent clients at depositions. Figure 2 below includes the most common acceptable and restricted roles and responsibilities listed in various proposals.

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<sup>125</sup> VT. FUTURE OF LEGAL SERVS. 2015 REPORT, *supra* note 76, at 48.

Figure 2: Roles & Responsibilities

	Provide Clear Provisions and Obtain Written Consent	Provide Legal Advice	Prepare, Sign, and File Legal Documents	Review Documents from Opposing Party with Client	Communicate with Opposing Party	Represent Clients at Depositions, Mediations, Settlement Conferences
Arizona <sup>126</sup>	✓	✓	✓	✓	✓	✓
California <sup>127</sup>	✓	✓	✓			
Colorado <sup>128</sup>	✓	✓	✓	✓	✓	✓
Connecticut <sup>129</sup>	✓	✓	✓	✓	✓	✓
Florida <sup>130</sup>		✓	✓			
Illinois <sup>131</sup>		✓	✓	✓	✓	✓
Minnesota <sup>132</sup>		✓	✓	✓	✓	✓
New Hampshire <sup>133</sup>	✓	✓	✓	✓	✓	✓

<sup>126</sup> ARIZ. CODE OF JUDICIAL ADMIN. § 7-210(F)(1).

<sup>127</sup> CAL. PARAPROFESSIONAL WG 2021 REPORT, *supra* note 78, at app. B § 1.2.

<sup>128</sup> PALS II 2022 REPORT, *supra* note 57, at 6-8.

<sup>129</sup> CONN. ALTERNATIVE BUSINESS MODELS 2021 REPORT, *supra* note 59, at 6-8 (noting that each function would be limited to the specified areas of practice of summary process (evictions), small claims, portions of family law, administrative law, and criminal law with express limitations (i.e., those that carry no prospect for incarceration).

<sup>130</sup> STEWART ET AL., FINAL REPORT TO THE SPECIAL COMMITTEE TO IMPROVE THE DELIVERY OF LEGAL SERVICES, *supra* note 87, at 16.

<sup>131</sup> CBA/CBF 2020 TASK FORCE REPORT, *supra* note 90, at 68-69.

<sup>132</sup> 2020 REPORT AND RECOMMENDATIONS TO THE MINNESOTA SUPREME COURT, *supra* note 43, at 8-9.

<sup>133</sup> N.H. H.B. 1343.

New Mexico <sup>134</sup>		✓	✓	✓		
New York <sup>135</sup>		✓	✓	✓		
North Carolina <sup>136</sup>	✓	✓	✓	✓	✓	
Oregon <sup>137</sup>	✓	✓	✓	✓	✓	✓
South Carolina <sup>138</sup>	✓	✓	✓ <sup>139</sup>	✓		
Utah <sup>140</sup>	✓	✓	✓	✓	✓	✓
Vermont <sup>141</sup>		✓	✓			
Washington <sup>142</sup>	✓	✓	✓	✓	✓	✓ <sup>143</sup>

<sup>134</sup> N.M. 2019 WORKGROUP REPORT, *supra* note 62, at 40.

<sup>135</sup> N.Y. REGULATORY INNOVATION WG 2020 REPORT, *supra* note 67, at 39.

<sup>136</sup> JUSTICE FOR ALL PROJECT, *supra* note 70, at 35-36 (omitting mention of representation in mediations and depositions).

<sup>137</sup> OR. IMPLEMENTATION COMM. 2022 REPORT, *supra* note 50, at 17-27.

<sup>138</sup> South Carolina’s proposal does not mention whether their ALPs would be allowed to communicate with opposing parties.

<sup>139</sup> South Carolina’s ALPs would be allowed to prepare and file legal documents, but not sign them.

<sup>140</sup> UTAH CODE OF JUDICIAL ADMIN. § 14-802(c) (2022), <https://www.utcourts.gov/utc/rules-approved/wp-content/uploads/sites/4/2022/02/Rule-14-802-redline.pdf>. Note: Under “Represent Clients at Depositions, Mediations, Settlement Conferences,” Utah’s program allow representation at mediations only.

<sup>141</sup> VT. FUTURE OF LEGAL SERVS. 2015 REPORT, *supra* note 76, at 48.

<sup>142</sup> WASH. ADMISSION & PRACTICE R. 28(F) (2019), [https://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.list&group=ga&set=apr](https://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=ga&set=apr).

<sup>143</sup> LLLTs can represent clients during mediations and settlement conferences but can only assist and confer with their clients at depositions.

## I. STATES' CONSIDERATIONS OF ROLES & RESPONSIBILITIES

### PROVIDE CLEAR PROVISIONS AND OBTAIN WRITTEN CONSENT

There is concern among some in the legal profession that clients will unknowingly request the services of an ALP thinking they are an attorney, or mistakenly believe that they cannot afford one. Due to these concerns, most ALPs are required to inform their clients as to what services they can and cannot provide, with a few states requiring that ALPs provide clients with a disclosure letter and receive written consent before providing legal help.

In California, the proposal required that providers give clients a statement that the provider is not a lawyer. They would have also needed to disclose “other available choices for obtaining legal services, including the potential availability of a free consultation with a lawyer, limited-scope services from a lawyer, free services from a self-help center or family law facilitator’s office, and that free legal services may be available to low-income individuals from a legal aid program if the client qualifies.”<sup>144</sup> The disclosure would have also needed to highlight the provider’s limitations by explaining the areas of law they are allowed to practice and the potential need to hire a lawyer if the services needed go beyond their scope.<sup>145</sup>

North Carolina is an example of another state whose proposal requires written consent, but their requirements are less intensive. They would require their NCLTs to explain what services will be performed, including what services are beyond their scope of practice.<sup>146</sup> They also require a statement that the NCLT is not a lawyer and can only provide limited services.<sup>147</sup>

### PROVIDE LEGAL ADVICE

All active states allow their ALPs to give clients legal advice. Washington and Utah, for example, allow their ALPs to provide general opinions and recommendations, in addition to advice related to particular circumstances.<sup>148</sup> As for the states that have implemented or proposed the requirement of attorney supervision, none have explicitly restricted ALPs from giving legal advice.

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<sup>144</sup> CAL. PARAPROFESSIONAL WG 2021 REPORT, *supra* note 78, at app. B § 1.4.3(a)(2).

<sup>145</sup> *Id.* § 1.4.3(a)(3)-(4).

<sup>146</sup> JUSTICE FOR ALL PROJECT, *supra* note 70, at 66.

<sup>147</sup> *Id.* at 68.

<sup>148</sup> WASH. LTD. LICENSE LEGAL TECHNICIAN RULES OF PROF’L CONDUCT 2.1 (2021); UTAH CODE OF JUDICIAL ADMIN. § 14-802(c)(1).

Within the scope of providing legal advice, states have given examples of what that advice can consist of. Arizona LPs can provide specific advice about possible legal rights, remedies, defenses, options, and strategies—essentially anything attorneys can do within the limited scope of matters.<sup>149</sup> In North Carolina, their proposal permits NCLTs to advise their clients on which forms to use, how to complete those forms, the applicable procedures in their case, upcoming deadlines, and the anticipated course of the legal proceeding.<sup>150</sup> While there is a range of advice that can be given, there seems to be a consensus that this is a task suitable for ALPs.

### PREPARE, SIGN, AND FILE LEGAL DOCUMENTS

Similar to providing legal advice, all active state programs and the vast majority of proposals specifically allow ALPs to prepare, sign, and file legal documents. While only a couple of states differ on what all ALPs can do with legal documents, no state has specifically excluded all tasks. Each state's laws vary on what constitutes the unauthorized practice of law, and this has played a role in why some states omitted mention of these tasks in their proposals. California, for example, did not expressly outline these tasks in its proposal in part because these tasks can already be performed by legal document assistants, who are not attorneys.<sup>151</sup> As for the states that did mention these tasks, one of the reasons is that self-represented litigants have a difficult time understanding which court forms to use and how to complete and file them, all of which can create negative outcomes.

### REVIEW AND EXPLAIN OPPOSING PARTY'S DOCUMENTS, FORMS, AND EXHIBITS

Reviewing and explaining documents, forms, and exhibits of another party is also permitted or proposed in the majority of states. In North Carolina, the Justice for All Project's proposal provides an example of need in unemployment claims.<sup>152</sup> The employer's attorney often submits exhibits to refute the former employee's claim, and the former employee is usually unaware that they can object to evidence or even introduce their own evidence, resulting in an unfavorable decision for them. The more information that a self-represented litigant has about the meaning and power of legal documents, the better chance they will have to defend their case.

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<sup>149</sup> ARIZ. CODE OF JUDICIAL ADMIN. § 7-210(F)(1)(b).

<sup>150</sup> JUSTICE FOR ALL PROJECT, *supra* note 70, at 64.

<sup>151</sup> *What Is A Legal Document Assistant?*, CAL. ASS'N OF LEGAL DOCUMENT ASSISTANTS, [https://calda.org/What-is-a-Legal-Document-Assistant-\(LDA\)](https://calda.org/What-is-a-Legal-Document-Assistant-(LDA)) (last visited Nov. 1, 2022).

<sup>152</sup> JUSTICE FOR ALL PROJECT, *supra* note 70, at 37.

## COMMUNICATE WITH OPPOSING PARTY

For the most part, states tend to agree that communicating with the opposing party (or the opposing party's counsel) is a task that ALPs can perform. Not all proposals specifically mention whether this task is permitted or not, but the majority of states allow it. One reason for allowing this task is that self-represented litigants often need help negotiating with other parties. In Oregon's 2017 Futures Task Force report, they gave the example of self-represented litigants being encouraged to negotiate stipulated agreements in eviction proceedings. "The tenant, never having seen one before, may have no idea whether the offered terms are reasonable or whether she should (or even may) ask for something better."<sup>153</sup>

## REPRESENT AT DEPOSITION, MEDIATIONS, AND SETTLEMENT CONFERENCES

Representation at depositions, mediations, and settlement conferences requires more technical oral advocacy skills than with the other tasks mentioned. This has played a role in why states take differing approaches on whether such responsibilities are allowed.

Out of the currently active states, only Arizona and Minnesota allow their ALPs to fully represent their clients at depositions, mediations, and settlement conferences, although in Minnesota depositions would likely not apply to any case an LP is permitted to handle. In Arizona, LPs can represent their clients the same as attorneys within the limited jurisdictions of the matter. This is also the case in Minnesota, so long as there are no allegations of domestic or child abuse and the supervising attorney believes the issues are not complex. In Washington, LLLTs are limited in how they can help during depositions. They are allowed to provide support, but they cannot themselves conduct or defend depositions. In Utah, there is no rule language or other authority that permits them to assist with depositions. There is a similar trend among other states that have detailed proposals, where ALPs can represent their clients at mediations and settlement conferences but are limited in how they can assist at depositions.

## II. CONSIDERATIONS WHEN CREATING AN ALP PROGRAM

- Which services will provide the greatest benefit and positive impact to self-represented litigants and the court?
- Which services do self-help centers and pro bono programs provide the least help with?
- What is the level of complexity with each service?
- Which services, if any, are beyond the education and training that ALPs receive?

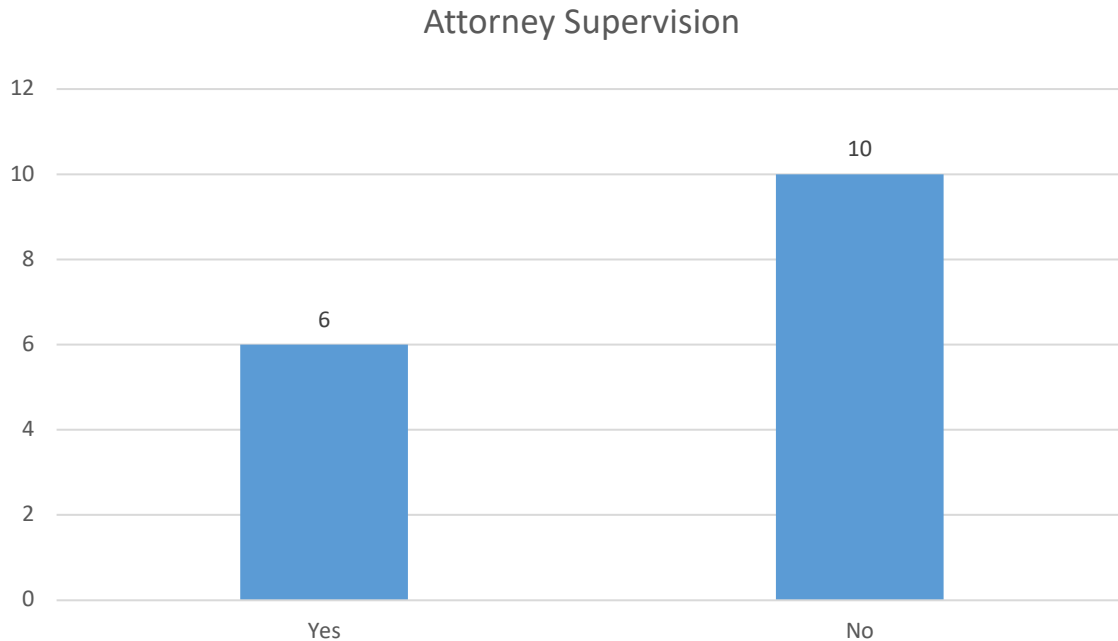
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<sup>153</sup> OR. FUTURES REPORT 2017, *supra* note 48, at 23.

## D. ATTORNEY SUPERVISION

As shown below in Figure 3, most states have not required attorney supervision, including both active programs and proposals.

*Figure 3: Attorney Supervision*



Every active state except for Minnesota has foregone requiring attorney supervision, and most of the states that are moving their proposals toward implementation are also recommending no attorney supervision. That being said, it is still an issue that states disagree on—and one that concerns many people in the legal profession.

### I. STATES' CONSIDERATIONS FOR REQUIRING ATTORNEY SUPERVISION<sup>154</sup>

There are a few reasons that states have decided to require attorney supervision. Minnesota's task force, for example, looked at the different models that exist in the United States and even those in Canada; while the original task force recommended both the Washington LLLT model and the British Columbia model, the supreme court's chief justice made the determination to

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<sup>154</sup> Florida, Illinois, Minnesota, New Hampshire, New Mexico, and Vermont.

move forward with the British Columbia model.<sup>155</sup> (In British Columbia, paralegals are allowed to perform legal services beyond what their license permits so long as they are supervised by a lawyer.<sup>156</sup>) By requiring attorney supervision, Minnesota was able to extend paralegals' responsibilities without requiring them to fulfill extensive education and testing requirements. This allowed Minnesota to accelerate the implementation of its program without sacrificing the quality of service provided by legal paraprofessionals.

Another main reason some states are requiring attorney supervision is to help get their proposals passed. A major concern from many in the legal profession is that ALPs are not competent to provide legal services because they did not attend law school and pass the bar exam; by requiring attorneys to supervise ALPs, this concern is lessened.

## II. STATES' CONSIDERATIONS FOR NOT REQUIRING ATTORNEY SUPERVISION<sup>157</sup>

One of the main reasons for programs and proposals not requiring attorney supervision is the belief that ALPs will have the necessary education, training, and skills to provide legal services. Other factors that have played a role in decision-making include the concern over the creation of a bottleneck (as attorneys look over every aspect of an ALP's work) and the vocal support from the state supreme court.

## III. CONSIDERATIONS WHEN CREATING AN ALP PROGRAM

- Does the data show that attorney supervision is necessary or unnecessary?
- How would attorney supervision affect interest in becoming licensed as an ALP?
- Is there interest from attorneys in supervising ALPs?
- Is there a certain amount of education and training that would alleviate the need for attorney supervision?
- Is attorney supervision a way of reducing the burden and cost of licensing or regulation, and if so, is that a reason to require it?

<sup>155</sup> 2020 REPORT AND RECOMMENDATIONS TO THE MINNESOTA SUPREME COURT, *supra* note 43, at 10.

<sup>156</sup> *Legal Professions Regulatory Modernization: Ministry of Attorney General Intentions Paper*, B.C. (Sept. 2022), <https://www2.gov.bc.ca/gov/content/justice/about-bcs-justice-system/legislation-policy/current-reviews/legal-professions-regulatory-modernization#:~:text=Paralegals%20are%20not%20directly%20regulated,is%20responsible%20for%20their%20conduct> (last visited Nov. 1, 2022).

<sup>157</sup> Arizona, California, Colorado, Connecticut, North Carolina, New York, Oregon, South Carolina, Utah, and Washington.

## E. TITLE/TERMINOLOGY

When it comes to the creation of a new profession, the title can have a lot of influence over how successful the profession becomes. This is one area where states have struggled to settle on common terminology, with many ideas and very little consensus.

### I. STATES' CONSIDERATIONS OF TITLE

Starting in 2012, Washington came up with the first title for their providers in the United States—Limited License Legal Technicians (LLLTs). Utah was next and went a different direction, calling their providers Licensed Paralegal Practitioners (LPPs). Arizona and Minnesota have named their providers Legal Paraprofessionals (LPs). There are a whole host of other titles that states have come up with, each state having its own reasons for how they came up with them.

*Figure 4: Title*



Some states surveyed members of their respective task forces, including paralegals, to see which title resonated best.<sup>158</sup> One state, California, used professional translators to determine which title would work best in other languages. They ended up with three titles to choose from: Limited License Legal Practitioner, Limited Legal Practitioner, and Limited Legal Advisor. Two common factors that state committees have taken into consideration when thinking through the

<sup>158</sup> North Carolina, for example, conducted surveys of the members of the Paralegal Division of the North Carolina Bar Association and Certified Paralegals of the North Carolina State Bar, in addition to sending surveys to state and local paralegal associations.

appropriate title were avoiding a negative connotation (e.g., nonlawyer) and avoiding the perception that these professionals were attorneys. This has mainly been achieved by using the terms “Limited,” “Paraprofessional,” and “Paralegal.” When looking at all the different titles together, there appears to be interest in “technician,” “practitioner,” “paraprofessional,” “paralegal,” “advisor,” and “advocate,” with a word or two beforehand showing the limited scope of their practice.

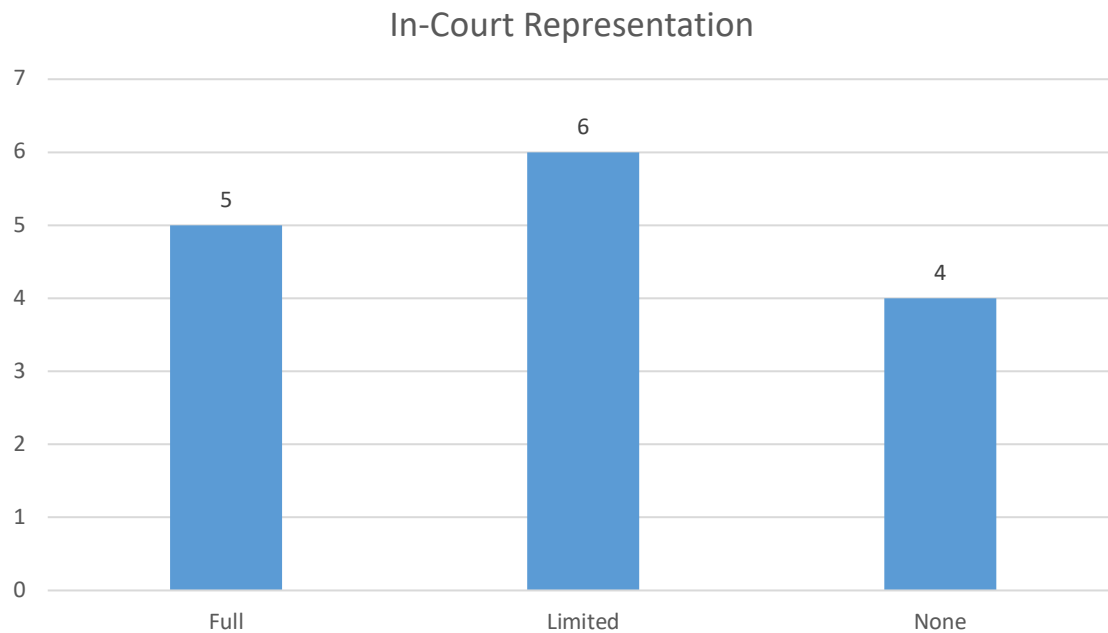
## II. CONSIDERATIONS WHEN CREATING AN ALP PROGRAM

- What does the title need to describe?
  - That they can provide legal services?
  - That the services they can provide are limited?
  - That they are not attorneys and not paralegals?
- What title can be easily translated to other languages without confusion?
- What considerations are important in the title from the perspective of clients?

## F. IN-COURT REPRESENTATION

In-court representation is another one of the ALP roles and responsibilities that states are deciding whether to allow. It is being given its own section in this report because it is highly contested within the legal community and, as such, has led to states disagreeing on how much of a role ALPs should have in the courtroom.

Figure 5: In-Court Representation



Only 15 of the 16 states with programs and proposals are represented in the above figure because North Carolina’s proposal left the question for a later committee.

## I. STATES’ CONSIDERATIONS OF FULL REPRESENTATION

Two of the four active states, Arizona and Minnesota, allow their ALPs to fully represent their clients in court.<sup>159</sup> State committees recommending full representation include California, Connecticut, and New Hampshire. While there are concerns that there would be a power imbalance in the courtroom between attorneys and ALPs, one main factor in allowing for full in-court representation has been the struggle self-represented litigants face in attempting to handle hearings on their own.<sup>160</sup> That being said, opponents to these programs have argued that self-represented litigants are better off on their own because the court will be more flexible with them than with allied legal professionals, though proof of this concern is lacking. Beyond the benefit that full representation provides for litigants, another factor mentioned is the benefit it would

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<sup>159</sup> In Minnesota, LPs can fully represent their clients in housing matters, child support, child support modifications, parenting time, and paternity. LPs are also allowed to fully represent their clients in harassment restraining orders (HROs) and orders for protection (OFPs) pending completion of required training. Other family law cases are limited to default hearings, pretrial hearings, and informal proceedings.

<sup>160</sup> CAL. PARAPROFESSIONAL WG 2021 REPORT, *supra* note 78, at 42.

provide courts in that hearings would likely become more efficient when there is a professional representative on both sides.<sup>161</sup>

## II. STATES' CONSIDERATION OF LIMITED REPRESENTATION

The other two active states, Washington and Utah, as well as Oregon's recently adopted proposal, allow for limited in-court representation. State committees considering this approach include Colorado and New York. Illinois also considered limited representation, limiting representation to appearing "in the civil trial courts and administrative tribunals of Illinois for all pretrial proceedings, and court-annexed arbitration and mediation."<sup>162</sup> These limited approaches often entail allowing ALPs to sit at the table with their clients to provide emotional support, answer factual questions, and respond to direct questions from the court. A main reason for this is that litigants struggle greatly in the courtroom, often lacking a basic understanding of the process itself, so an ALP assisting in even a limited role can benefit their clients. At the same time, many of these states are wary of the limited knowledge these ALPs will have of evidentiary issues, so this limited approach strikes a balance between the needs of self-represented litigants and the worries of many in the legal profession.<sup>163</sup> While its proposal was ultimately rejected, Illinois also considered limited representation, proposing that their LPs be allowed to appear in civil trial courts and administrative tribunals without their supervising attorney for all pretrial proceedings and court-annexed arbitration and mediation.<sup>164</sup>

## III. STATES' CONSIDERATIONS OF NO REPRESENTATION

Florida, New Mexico, South Carolina, and Vermont all created proposals recommending that their ALPs not be allowed to provide in-court representation in any form. There are a few reasons that brought these state committees to recommend this approach. Like the state committees proposing a limited approach, one worry among some of these committees was that their proposal would not pass if they allowed any kind of in-court representation. Another worry is that these ALPs are not experienced enough to represent their clients in court and that their representation could result in more harm than good.

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<sup>161</sup> *Id.*

<sup>162</sup> CBA/CBF 2020 TASK FORCE REPORT, *supra* note 90, at 71.

<sup>163</sup> OR. IMPLEMENTATION COMM. 2022 REPORT, *supra* note 50, at 18-19.

<sup>164</sup> CBA/CBF 2020 TASK FORCE REPORT, *supra* note 90, at 71.

## IV. CONSIDERATIONS WHEN CREATING AN ALP PROGRAM

- What do self-represented litigants need the most help with in court?
- Will ALPs have enough knowledge and training to help their clients in any capacity in court?
- Will limited or full representation provide more help or more harm?
- If ALPs are allowed to represent their clients in court, should representation be full like attorneys or limited?
- Are there in-court services an ALP can provide that will help make hearings more efficient?
- Can the judiciary be adequately trained on an ALP's limited scope of practice to not encourage overreach?

## G. OWNERSHIP INTEREST

One of the more hotly contested issues is whether ALPs should be able to have an ownership interest in law firms. The question of who should be allowed to have ownership interest in a law firm is not new. Model Rule of Professional Conduct 5.4 states that “A lawyer shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.”<sup>165</sup> Up until a couple years ago, only Washington D.C. had allowed people other than lawyers to have an ownership interest in law firms.<sup>166</sup> Though Washington D.C. does require that three qualifications be met: 1) the sole purpose of the organization has to be providing legal services, 2) everyone with an ownership interest has to abide by the Rules of Professional Conduct, and 3) the lawyers with a financial interest have to be reasonable for the nonlawyer owners to the same extent as if they were lawyers.<sup>167</sup>

Recently, both Utah and Arizona have now permitted others to have an ownership stake in firms. Utah created a legal regulatory sandbox, whereby entities can offer new and innovative models of legal practice in a limited and controlled space outside of the traditional rules governing legal practice.<sup>168</sup> Arizona took a different approach, and in August 2020 it eliminated Rule 5.4 so that

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<sup>165</sup> MODEL RULES OF PROF'L CONDUCT r. 5.4 (Am. Bar Ass'n 2020).

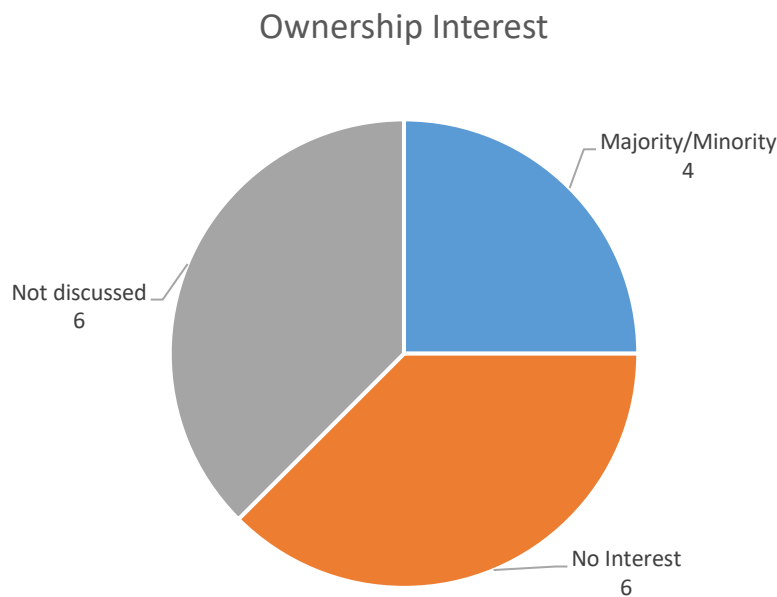
<sup>166</sup> D.C. RULES OF PROF'L CONDUCT r. 5.4 (2022).

<sup>167</sup> *Id.*

<sup>168</sup> *Frequently Asked Questions*, OFFICE OF LEGAL SERVS. INNOVATION, <https://utahinnovationoffice.org/frequently-asked-questions/> (last visited Nov. 1, 2022).

law firms that are licensed as alternative business structures (ABSs) can be owned by people or entities other than lawyers.<sup>169</sup> Only those who are otherwise licensed to practice law may deliver legal services through an ABS in Arizona.<sup>170</sup> Therefore, Arizona LPs can technically own a majority interest in a law firm, so long as that law firm is licensed as an Arizona ABS. While a few other states are considering making changes to Rule 5.4, there is strong opposition within the legal profession against modifying the rule.<sup>171</sup> As to ALP programs, some of the proposals lack any mention of the issue,<sup>172</sup> but those that do mention it are split between allowing minority ownership interest and not allowing any ownership interest.

*Figure 6: Ownership Interest*



<sup>169</sup> *Alternative Business Structures*, ARIZ. JUDICIAL BRANCH, <https://www.azcourts.gov/cld/Alternative-Business-Structure> (last visited Nov. 1, 2022).

<sup>170</sup> ARIZ. R. SUP. CT. 31.1(c)(3) (2022), <https://casetext.com/rule/arizona-court-rules/arizona-rules-of-the-supreme-court/regulation-of-the-practice-of-law/supreme-court-jurisdiction-over-the-practice-of-law/rule-311-authorized-practice-of-law>.

<sup>171</sup> AM. BAR ASS'N, RESOLUTION 402 (Aug. 8-9 2022), <https://www.americanbar.org/content/dam/aba/directories/policy/annual-2022/402-annual-2022.pdf>.

<sup>172</sup> Connecticut, Minnesota, New Mexico, New York, South Carolina, and Vermont.

## I. STATES' CONSIDERATIONS OF MAJORITY/MINORITY INTEREST<sup>173</sup>

Out of the four states that allow for any form of ownership interest, Utah is the only state that permits majority ownership. This is because Utah LPPs are bound by the same Rules of Professional Conduct as attorneys, so Rule 5.4 does not consider LPPs and attorneys sharing a legal practice as attorneys sharing a practice with nonlawyers. One of the main considerations for states that have opted to allow for ownership interest in law firms was that it would encourage attorneys and ALPs to work together. People who have an equity stake in the organization they work at have an incentive to remain loyal and work hard to grow the organization. Additionally, in every state with an ALP program, there are some tasks that an ALP cannot perform and that they must refer out to an attorney. These limitations create an incentive for ALPs and attorneys to partner up, so that any work beyond the scope of an ALP can get passed off smoothly to the attorney. However, it should be noted that while data shows many ALPs are working in law firms with attorneys, this does not suggest they have undertaken an ownership interest in those law firms.<sup>174</sup>

## II. STATES' CONSIDERATIONS OF NO INTEREST<sup>175</sup>

The prime consideration in forbidding ALP ownership interest in law firms revolves around ethical concerns. While there is no empirical evidence that nonlawyer ownership interest in law firms results in ethical malfeasance, there is a strong belief from many in the legal profession that attorneys would be unduly pressured to break their ethical code to the benefit of the firm or to stakeholders. Because of this, whether from members of the committees who drafted the proposals or from members of the legal profession who submitted public comments, there has been enough pushback to the idea of any ownership interest that many states have kept Rule 5.4 untouched.

## III. STATES' CONSIDERATIONS OF FEE SHARING

The issue of fee sharing is often discussed in conjunction with ownership interest, though the allowance of one has not always resulted in the allowance of the other. Fee sharing is not being

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<sup>173</sup> Colorado, North Carolina, Utah, and Washington.

<sup>174</sup> JASON SOLOMON & NOELLE SMITH, STAN. CTR. ON THE LEGAL PROFESSION, THE SURPRISING SUCCESS OF WASHINGTON STATE'S LIMITED LICENSE LEGAL TECHNICIAN PROGRAM 19-20 (2021), <https://law.stanford.edu/wp-content/uploads/2021/04/LLLT-White-Paper-Final-5-4-21.pdf>.

<sup>175</sup> Arizona (plans to soon propose an amendment to allow LPs to have ownership interest), California, Florida, Illinois, New Hampshire, and Oregon.

recommended by all states developing an ALP program, but all existing programs do allow for some form of fee sharing between an ALP and an attorney.

In California, it was initially recommended that their ALPs be allowed to share fees with attorneys in addition to being allowed to have a minority ownership interest in law firms. After receiving public comments—the large majority of which came from attorneys—and rediscussing the issue amongst the committee, the recommendation of minority ownership interest changed to no longer allowing any ownership interest or fee sharing.<sup>176</sup> Oregon, on the other hand, will allow their legal paraprofessionals to share fees with attorneys—even though they are not allowed to share any ownership interest in law firms.<sup>177</sup>

#### IV. CONSIDERATIONS WHEN CREATING AN ALP PROGRAM

- What are the potential harms of ownership interest and what does data show on how likely those harms are to occur?
- What are the potential benefits of ownership interest and what does data show on how likely those benefits are to occur?
- How does minority ownership interest versus majority ownership interest affect these potential harms and benefits?
- Do the harms outweigh the benefits or vice versa?

#### H. ELIGIBILITY

The eligibility requirements for ALPs are generally consistent among states and follow eligibility requirements of attorneys. There is an age requirement that applicants be at least 18 or 21 years old, and that they are a citizen or legal resident of the United States of America. States are requiring that applicants have not previously been denied admission to the practice of law, disbarred, or have had their license suspended unless they receive approval by the state supreme court. Applicants must also have good moral character and a proven record of ethical, civil, and professional behavior like that of attorneys. This is often determined via the information provided in applications, which includes a background check and history on employment and housing.

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<sup>176</sup> Memorandum from the Cal. State Bar to the Cal. State Bar Bd. of Trs. 3 n.3 (May 20, 2022), <https://board.calbar.ca.gov/docs/agendaItem/Public/agendaitem1000029067.pdf>.

<sup>177</sup> OR. IMPLEMENTATION COMM. 2022 REPORT, *supra* note 50, at 5.

In Utah, for example, applicants must provide a variety of documents to the bar that illustrate the applicant’s character, including criminal records, military records, credit history, bankruptcy records, traffic violations, child/spousal support, and history of past jobs.<sup>178</sup> Most ALP programs are requiring similar documentation from their applicants, mirroring the character and fitness requirements that their states have imposed on attorneys.

## I. EDUCATION

Every state has come up with its own unique educational requirements, though many states’ requirements are similar. They start with a degree or certification requirement as a foundation, followed by topic-specific classes based on the practice areas being pursued. Limited-time waivers of some of these educational requirements are often included based on the applicant’s prior degrees and substantive law-related experience. Directly below is an example of Washington’s education and waiver requirements. For a full list of the requirements laid out in each state, see Appendix A.

### I. FOUNDATIONAL, SPECIALTY & WAIVER REQUIREMENTS

#### WASHINGTON

Pathways	Foundational Education	Additional/Specialty Education	Experience Waiver
Pathway 1	Associate degree or higher	<ul style="list-style-type: none"> <li>45 hours of core curriculum instruction: <ul style="list-style-type: none"> <li>8 credit hours in civil procedure</li> <li>3 credit hours in contracts</li> <li>3 credit hours in interviewing and investigating techniques</li> <li>3 credit hours in the introduction to law and legal process</li> <li>3 credit hours in law office procedures and technology</li> <li>8 credit hours in legal research, writing, and analysis</li> <li>3 credit hours in professional responsibility</li> </ul> </li> </ul>	X

<sup>178</sup> *Licensed Paralegal Practitioner Program*, UTAH STATE BAR, [https://wordpress-678678-2232594.cloudwaysapps.com/wp-content/uploads/LPP-Application-Steps\\_12\\_2020.pdf](https://wordpress-678678-2232594.cloudwaysapps.com/wp-content/uploads/LPP-Application-Steps_12_2020.pdf) (under the subheading “LPP Admissions Information” click on No. 2 “LPP Applications Steps”) (last visited Nov. 1, 2022).

		<ul style="list-style-type: none"> <li>• For domestic relations: <ul style="list-style-type: none"> <li>○ 5 credit hours in basic domestic relations subjects</li> <li>○ 10 credit hours in advanced and Washington-specific domestic relations subjects</li> </ul> </li> </ul>	
Pathway 2 <sup>179</sup>	X	X	10 years of legal work experience in the past 15 years

## II. CONSIDERATIONS WHEN CREATING AN ALP PROGRAM

- What educational courses do paralegals complete that overlap with existing ALP programs' requirements?
- Should educational requirements be tailored to available practice areas, or should they include general aspects of the law?
- Should an evidence course be required if allowed to represent clients in court?
- How many credit hours would potential applicants consider overly burdensome compared to the benefits of the license?
- What types of schools (e.g., law schools, universities, community colleges) should provide the courses, and how does this impact cost?
- What is the potential cost of a given education requirement, and how will that impact client fees?

## J. PRACTICAL TRAINING

There is a consensus among states that ALPs should have practical training experience prior to licensure. In terms of how many hours of practical training and whether that training should be practice-area-specific or more general, states vary from as little as 1,000 hours to as many as 4,000 hours (see Appendix A).

<sup>179</sup> In addition to completing 10 years of legal work experience in the past 15 years, LLLTs must pass an LLLT Board approved national paralegal certification examination and have an active certification from an LLLT Board approved national paralegal certification organization.

## I. STATES' CONSIDERATIONS OF PRACTICAL TRAINING

Both active and proposal states are requiring and recommending a certain number of hours of total work experience, including in the specific practice area in which they will concentrate. These hours often must be worked within the last few years prior to licensure. For example, Washington requires 1,500 hours of experience in the three years prior to taking the LLLT exam. Interestingly, Washington initially required 3,000 hours of experience, which LLLTs felt was appropriate,<sup>180</sup> but the requirement was lowered to 1,500 hours because it was difficult finding attorneys willing to supervise for that long.

In terms of the ratio of overall hours and practice area-specific hours, states differ. Both Utah and Colorado require a total of 1,500 hours of substantive work experience, with a minimum of 500 family-law hours for those choosing that specialty. Utah also requires a minimum of 100 hours worked in debt collection or forcible entry and detainer if their LPPs plan to specialize in that area of law.<sup>181</sup> In Arizona, however, most pathways to licensure require only 120 hours of experiential learning in each practice area for endorsement.

Some states are providing options for how the work experience requirement may be fulfilled, including combinations of work and education or work and certification. Illinois, for example, offers multiple pathways to earning an ALP license. An applicant with a high school degree must complete 4,000 hours as a general litigation paralegal; an applicant with a bachelor's degree in any discipline must complete 2,000 hours as a general litigation paralegal. In contrast, applicants with a paralegal degree or certification or a law degree would not be required to complete any additional practical training. Other states, such as Utah, also remove the practical training requirement for applicants who have earned a law degree.

Most states require the practical training be completed in the “real world,” such as at a law firm under a supervising attorney. California's program, in addition to having a 1,000-hour work experience requirement (to be completed in a minimum of six months, with 500 hours in the area of specialization), allowed for the work to be completed in a law clinic, if the clinic director deems it sufficient.<sup>182</sup>

Depending on the state, the practical training requirement can also include trauma-informed training or ethics training. California required trauma-informed training for its

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<sup>180</sup> CLARKE & SANDEFUR, *supra* note 93, at 9.

<sup>181</sup> In May 2022, Utah amended the rule to allow for “qualifying academic credit” to be applied toward the requirement of 1,500 hours of experience, at a cap of 700 hours.

<sup>182</sup> CAL. PARAPROFESSIONAL WG 2021 REPORT, *supra* note 78, at 14.

paraprofessionals,<sup>183</sup> and Minnesota recently adopted a trauma-informed training requirement for their legal paraprofessionals who wish to work on domestic and child abuse cases.<sup>184</sup> Meanwhile, Colorado requires ethics training for its paraprofessional licensure program.<sup>185</sup>

## II. CONSIDERATIONS WHEN CREATING AN ALP PROGRAM

- To what extent, if at all, should practical experience be allowed to substitute for education requirements?
- Should practical training requirements be more extensive than those for attorneys?
- How many hours could be considered overly burdensome for either the ALP or the supervising attorney?
- Can practical training be completed in clinics or as part of classes, or must it be completed outside of education?
- Should all or some of the practical training be in the area that ALPs plan to practice?
- Who or what entities should be qualified to sign off on an applicant's experience hours?

## K. TESTING

The testing requirements that states have created for ALPs are roughly consistent with each other, with a few differences in some states. ALPs must complete a general exam (or the educational requirements include the completion of a paralegal exam), a practice-area-specific exam, and a professional responsibility exam. The exams include multiple choice, essay, and/or issue spotting, and the passage rates have been under 50%.

### I. STATES' CONSIDERATIONS OF EXAMINATIONS

Not every state that has created a proposal has also outlined their testing requirements, but Figure 7 provides a general view of how many states are requiring which types of examinations.

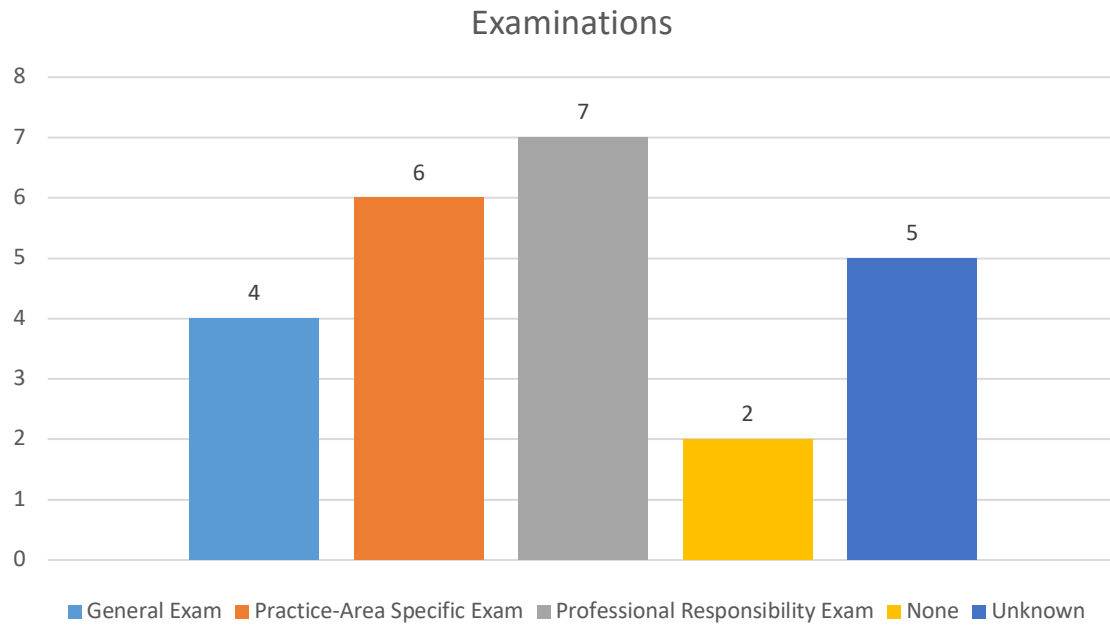
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<sup>183</sup> *Id.*

<sup>184</sup> Order Implementing Legal Paraprofessional Pilot Project, ADM19-8002.

<sup>185</sup> PALS II 2022 REPORT, *supra* note 57, at 41.

Figure 7: Examinations



The information below provides details on the active states and their testing requirements. See Appendix B for a full list of states and their testing requirements.

## WASHINGTON

Applicants must pass three examinations:

1. LLLT Board Approved Paralegal Exam, which includes the National Federal of Paralegal Associations Paralegal Core Competency Exam
2. Practice area exam
3. Washington State Bar Association Professional Responsibility exam

## UTAH

Applicants must pass two examinations:

1. Licensed Paralegal Practitioner examination for each practice area for which the applicant seeks to practice
2. Professional ethics examination

## ARIZONA

Applicants must pass two examinations:

1. Core examination, which includes the topics of legal terminology, substantive law, client communication, data gathering, document preparation, the ethical responsibilities of legal paraprofessionals, and professional and administrative responsibilities pertaining to the provision of legal services
2. Substantive law examination, with one exam for each of the areas of practice in which the applicant seeks to be licensed

## MINNESOTA

No examinations are required since Minnesota's program is in a pilot test phase.

## II. MAKEUP OF EXAMINATIONS

There are three states—Washington, Utah, and Arizona—that have fully developed the makeup of their examinations. Both Washington and Utah have structured their examinations similar to state bar exams, where they consist of multiple-choice questions, essay, questions, and an issue spotting/practical section. Arizona has opted to have their examinations consist solely of multiple-choice questions.

## III. EXAMINATION RESULTS

Data on examination results is sparse due to only three of four active programs implementing testing, and two of those three programs have been in existence for five years or less. A common theme so far has been that passage rates are low. In Washington, passage rates are around 50%. And in Arizona, from June 2021 through June 2022, less than 40% of test takers passed their exams.<sup>186</sup> It is important to note that Arizona does not require candidates to apply for licensure prior to taking the examinations, so many examinees are not qualified to practice or are not adequately prepared for the examinations. In fact, applicants have noted that they did not study enough—and the improvement in second-time pass rates show this to be the case. It should also be noted that these poor passage rates are nothing new to the legal profession. In February 2022, California's bar exam passage rate was 33.9%.<sup>187</sup>

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<sup>186</sup> *Legal Paraprofessional Exam: Exam Results*, ARIZ. JUDICIAL BRANCH, <https://www.azcourts.gov/Licensing-Regulation/Legal-Paraprofessional/Legal-Paraprofessional-Exam/Exam-Results> (access updated exam passage rates through “Updated June 22, 2022” under the “Overall” column) (last visited Nov. 1, 2022).

<sup>187</sup> News Release, State Bar of Cal., State Bar of California Releases Results of February 2022 Bar Exam (May 6, 2022), <https://www.calbar.ca.gov/About-Us/News/News-Releases/state-bar-of-california-releases-results-of->

## IV. CONSIDERATIONS WHEN CREATING AN ALP PROGRAM

- Should exams cover the law generally or focus on the practice areas the ALPs will work in?
- Should states create a professional responsibility exam that is tailored toward ALPs, or is the attorney Multistate Professional Responsibility Examination (MPRE) sufficient?
- Which examination format, if any, best tests for minimum competency?
- Are exams necessary, or is a certain amount of education and practical training sufficient?
- Should all jurisdictions incorporate a mandatory ethics component?
- How should, if at all, subject-matter experts be retained to write and grade the examinations?

## L. REGULATORY REQUIREMENTS

As with attorneys, ALPs are subject to an array of regulatory requirements. Some states have put in place the same requirements given to attorneys, while other states have created stricter requirements, but for the most part states align around these requirements.

### I. STATES' CONSIDERATIONS OF REGULATORY REQUIREMENTS

The following is a list of the main regulatory requirements that states are placing upon ALPs. Not all states require or recommend each of these items. For a complete list of each state's regulatory requirements, see Appendix C on Regulatory Requirements.

- Trust account
- Liability/malpractice insurance
- Pay into the state's client security fund
- Continuing Legal Educating (CLE)
- Pro bono work

Some of the states took the regulatory requirements placed on attorneys and copied them over for ALPs, reasoning that if attorneys are required to adhere to certain requirements to protect clients and the public, so should ALPs. In Colorado, LLPs, like attorneys, are required to use a trust

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[february-2022-bar-exam#:~:text=This%20year's%2033.9%20percent%20pass,pass%20rate%20of%2026.8%20percent.](#)

account. They are not required to have malpractice insurance (because attorneys are not required to have it), but if attorneys are ever required to have malpractice insurance, then LLPs should as well. The proposal also specifies that the ethics rules for LLPs should parallel the Colorado Rules of Professional Conduct for attorneys. In Oregon, “LPs should be required to comply with the same requirements in dealing with clients and the public as apply to attorneys.”<sup>188</sup> This includes having a trust account, paying into the Client Security Fund, having malpractice insurance, and fulfilling continuing legal education requirements.

Other states have modified the regulatory requirements placed on attorneys and made them more rigorous. In Washington, attorneys are not required to carry malpractice insurance, but LLLTs must either have an individual professional liability insurance policy or their employer must have one and agree to provide coverage for the LLLT. Likewise, North Carolina recommends that NCLTs be required to have professional liability insurance, despite attorneys having no such requirement.

## II. CONSIDERATIONS WHEN CREATING AN ALP PROGRAM

- Should regulatory requirements for ALPs follow those for attorneys, should they be stricter, or should they be looser?
- Should ALPs be subject to the Rules of Professional Conduct?
- What impact on cost of services will regulatory requirements create?

## M. PROGRAM COSTS

When it comes to program costs, this section looks at both the cost it takes to become an ALP and the cost it takes to fund an ALP program. The information available is understandably limited given the small number of active programs.

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<sup>188</sup> OR. IMPLEMENTATION COMM. 2022 REPORT, *supra* note 50, at 28.

## I. COSTS TO BECOME AN ALP

In Washington, the typical cost to become a LLLT is around \$15,000.<sup>189</sup> This takes into account all necessary education, from an associate degree up to the specialized family law classes. Annual licensing fees to remain active cost around \$250.<sup>190</sup>

In Utah, the cost varies significantly depending on the education one has already attained. For paralegals who are already working, getting certified can cost roughly \$600.<sup>191</sup> For those who have not attained an associate degree or higher, that cost increases to around \$10,000 or more.<sup>192</sup> Annual licensing fees to remain active cost around \$220 per year.<sup>193</sup>

In Arizona, the cost depends on the applicants' previous education and the school they go to for the remainder of their studies. Those interested have a variety of schools they can attend to obtain the necessary LP education, including but not limited to the University of Arizona, Pima Community College, Maricopa Community Colleges, Yavapai College, and Arizona State University. As an example, for the cost of an LP education, the University of Arizona educational track for enrolled MLS students consists of 30 units and costs \$19,500 for online learning, and \$26,010 for in-person learning.<sup>194</sup> Annual licensing fees to remain active cost around \$345 per year.

## II. COSTS TO FUND AN ALP PROGRAM

In Washington, Utah, and Arizona, the state bar associations have taken it on themselves to fund these programs. The Washington State Bar Association (WSBA) spent less than \$200,000 per year funding their LLLT program.<sup>195</sup> While one of the main reasons for sunseting Washington's program was due to the overall costs of sustaining the program, \$200,000 is less than 1% of the

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<sup>189</sup> SOLOMON & SMITH, *supra* note 174, at 25.

<sup>190</sup> *License Fees*, WASH. STATE BAR ASS'N, <https://www.wsba.org/for-legal-professionals/license-renewal/license-fees> (last visited Nov. 1, 2022).

<sup>191</sup> Annie Knox, *How a new program connects Utahns to lower-cost legal advice*, DESERET NEWS (2020), <https://www.deseret.com/utah/2020/2/17/21069591/utah-paralegal-practitioner-program-lawyer-advice-cheaper-himonas-supreme-court-state-bar-divorce>.

<sup>192</sup> *Id.*

<sup>193</sup> *Licensing*, UTAH STATE BAR, <https://www.utahbar.org/licensing/> (last visited Nov. 1, 2022).

<sup>194</sup> INNOVATION FOR JUSTICE, *supra* note 16, at 39.

<sup>195</sup> SOLOMON & SMITH, *supra* note 174, at 31.

WSBA’s budget.<sup>196</sup> In contrast, the Utah State Bar spends just over \$100,000 per year to fund their LPP program.<sup>197</sup>

### III. CONSIDERATIONS WHEN CREATING AN ALP PROGRAM

- What is the cost to become an ALP compared to an ALP’s earning potential?
- How many ALPs need to be licensed for a program to be self-sustaining?
  - Around how many years will it take to license that many ALPs?
- Who is best situated to fund ALP programs until they can be self-sustaining?

## V. EXISTING DATA ON THE OUTCOMES/SUCCESSES/CHALLENGES OF ALP PROGRAMS

With the creation of any new program—especially ones as large and detailed as these ALP programs—it is vital to collect data to see what is working and what needs to be revised. No matter how many bright minds work on creating a program of this scale, there will always be room for improvement. Since the implementation of Washington’s program, and even more so with additional programs, researchers have been gathering data to assess impact. The data that has been gathered is limited because of the short timespan many of these programs have existed and because of the small sample size of ALPs across these four states. Nevertheless, the existing data does highlight where these programs are succeeding, where there is room for improvement, and where more research is needed.

### A. SOURCES OF DATA

To date, data has been gathered on all three programs at varying levels. Most of the data has been gathered on Washington’s LLLT program because it has been around for 10 years, but Utah, Arizona, and Minnesota have also been collecting data to see where improvements can be made.

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<sup>196</sup> *Id.*

<sup>197</sup> UTAH STATE BAR, UTAH STATE BAR FINAL BUDGET FY 2022/23 30 (May 26, 2022), [https://www.utahbar.org/wp-content/uploads/USB\\_2022-23BudgetWorkbook.pdf](https://www.utahbar.org/wp-content/uploads/USB_2022-23BudgetWorkbook.pdf).

- *Preliminary Evaluation of the Washington State Limited License Legal Technician Program*<sup>198</sup>
- *The Surprising Success of Washington State's Limited License Legal Technician Program*<sup>199</sup>
- *Law by Non-Lawyers: The Limit to Limited License Legal Technicians Increasing Access to Justice*<sup>200</sup>
- *Nonlawyers in the Legal Profession: Lessons from the Sunset of Washington's LLLT Program*<sup>201</sup>
- *Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability*<sup>202</sup>
- *Interim Report and Recommendations to the Minnesota Supreme Court*<sup>203</sup>
- *Utah's Licensed Paralegal Practitioner Program: Preliminary Findings and Feedback from Utah's First LPPs*<sup>204</sup>

## B. BENEFITS

Some of the biggest concerns focus on whether ALPs would be able to provide competent legal service and whether they would end up charging a similar fee to attorneys, thereby undermining the goals of the programs. Based on the available data, it appears that these concerns have not come to fruition.

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<sup>198</sup> CLARKE & SANDEFUR, *supra* note 93.

<sup>199</sup> SOLOMON & SMITH, *supra* note 174.

<sup>200</sup> Rebecca M. Donaldson, *Law by Non-Lawyers: The Limit to Limited License Legal Technicians Increasing Access to Justice*, 42 SEATTLE U. L. REV. 1 (2018), <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=2561&context=sulr>.

<sup>201</sup> Lacy Ashworth, *Nonlawyers in the Legal Profession: Lessons from the Sunset of Washington's LLLT Program*, 74 ARK. L. REV. 689 (2022), [https://www.wsba.org/docs/default-source/licensing/lllt/nonlawyers-in-the-legal-profession-lessons-from-the-sunset-of-washington's-lllt-program.pdf?sfvrsn=e5b11f1\\_4](https://www.wsba.org/docs/default-source/licensing/lllt/nonlawyers-in-the-legal-profession-lessons-from-the-sunset-of-washington's-lllt-program.pdf?sfvrsn=e5b11f1_4).

<sup>202</sup> INNOVATION FOR JUSTICE, *supra* note 16.

<sup>203</sup> STANDING COMM. FOR LEGAL PARAPROFESSIONAL PILOT PROJECT, MINN. SUPREME COURT, INTERIM REPORT AND RECOMMENDATIONS TO THE MINNESOTA SUPREME COURT (2021) [hereinafter MINN. STANDING COMM. 2021 REPORT], <https://www.mncourts.gov/mncourtsgov/media/Appellate/Supreme%20Court/Administrative-Interim-Report-and-Recommendations-from-the-Standing-Committee-for-LPPP.pdf>.

<sup>204</sup> Ashton Ruff, Anna E. Carpenter & Alyx Mark, *Utah's Licensed Paralegal Practitioner Program: Preliminary Findings and Feedback from Utah's First LPPs* (unpublished manuscript) (on file with author).

## I. CLIENT SATISFACTION

In the National Center for State Court’s 2017 Preliminary Evaluation, clients uniformly reported that their Washington LLLTs provided competent assistance and that their legal outcomes were improved by utilizing the services of LLLTs.<sup>205</sup> While unable to articulate how justice was improved, they did report less stress, fear, and confusion. In another survey, Washington LLLT clients reported that LLLTs were “gamechangers” and were able to provide them the relief they wanted in just months after years of trying to navigate the system themselves.<sup>206</sup>

There are countless stories of clients who were very satisfied but expressed a desire that LLLTs could do more.<sup>207</sup> Some clients wished their LLLT could have been able to represent them in negotiations with the other party, and other clients wished their LLLTs could have accompanied them in court and helped with answering questions.

## II. COMPETENT WORK

In a study conducted by the Stanford’s Deborah L. Rhode Center on the Legal Profession,<sup>208</sup> attorneys who worked with Washington LLLTs reported a high level of satisfaction their work. Attorneys reported that LLLTs at their firm were more knowledgeable about family law and required less training than new attorneys.<sup>209</sup> This is not surprising, as LLLTs are required to take classes, pass exams, and complete practical training requirements in family law, whereas new attorneys have no such family law-related requirements. To corroborate this thought, a law professor at the University of Washington Law School said that LLLTs “know a lot more about family law than the ordinary JD graduate.”<sup>210</sup>

In Minnesota, attorneys that supervised LPs had equally positive things to say. They found their LPs to be “careful, serious, and excellent.”<sup>211</sup> They did not have complaints with their

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<sup>205</sup> CLARKE & SANDEFUR, *supra* note 93, at 9.

<sup>206</sup> SOLOMON & SMITH, *supra* note 174, at 11.

<sup>207</sup> CLARKE & SANDEFUR, *supra* note 93, at 9.

<sup>208</sup> SOLOMON & SMITH, *supra* note 174.

<sup>209</sup> *Id.* at 12.

<sup>210</sup> *Id.*

<sup>211</sup> MINN. STANDING COMM. 2021 REPORT, *supra* note 203, at 6.

performance in or outside of the courtroom, and they wished that their LPs would be allowed to work on more serious family law cases that involve claims of domestic abuse and child abuse.

In both Washington and Minnesota, judicial officers have been impressed with ALPs. In Washington, most family law judges are grateful when self-represented litigants work with a LLLT. They report LLLTs being “enormously helpful,” and that their quality of work is “very high.”<sup>212</sup> Judges and commissioners have said that “LLLT work product is often higher quality and easier for the court to consume than attorney work product.”<sup>213</sup> In Minnesota, judges who have worked with LPs in their courtroom reported that they “displayed appropriate decorum in the courtroom and knew the applicable court rules.”<sup>214</sup>

### III. DECREASED COST FOR LEGAL SERVICES

In Washington, LLLTs in law firms bill around a rate of \$160 per hour.<sup>215</sup> While this amount remains a barrier for people in lower income brackets, it is lower than the comparable attorney rate of \$300, thereby making it more affordable for many.<sup>216</sup> That difference grows significantly as the number of hours increases.

## C. CHALLENGES

In their short time since implementation, while programs have increased access to legal services, there are improvements to be made. Two big challenges are the low number of licensees, and—similar to the legal profession—poor exam passage rates.

### I. LOW NUMBERS OF APPLICANTS

There are many factors that may have contributed to the low number of licensees (Washington, 91; Utah, 26; Arizona, 26; and Minnesota, 23), from a new profession causing concerns of instability to a lack of advertisement by the programs and understanding by the public. Whatever the reason, it is a serious issue.

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<sup>212</sup> SOLOMON & SMITH, *supra* note 174, at 13.

<sup>213</sup> *Id.*

<sup>214</sup> MINN. STANDING COMM. 2021 REPORT, *supra* note 203, at 7.

<sup>215</sup> SOLOMON & SMITH, *supra* note 174, at 20.

<sup>216</sup> *Id.*

The Washington Supreme Court cited their low numbers as one of the main reasons for sunseting their program, even though the program was continuing to receive an increase in applicants each year. Using Washington as an example, other states need to be sure to secure appropriate funding while they work to build up their program, anticipating a slow start in their numbers of licensees. But the numbers in each state do show signs of hope. Arizona's program has been running for less than two years, and it already has nearly as many licensees as Utah. As more states create these programs—and more people recognize this new profession is not going to disappear in the next few years—there is hope that more people will become interested in earning an ALP license and joining the profession. But it is vital that states and state bar associations go beyond just creating these programs; they must actively promote and advertise ALPs and the services they provide.

## II. POOR TEST PASSAGE RATES

The issue of poor test passage rates has been discussed previously in the testing section above, but it bears repeating because it is a hindrance to more ALPs joining the profession. Clients deserve to be represented by someone who is competent to give them legal advice, so there need to be measures in place to make sure only people competent in the law are becoming ALPs. That said, it is not clear that the current tests are the appropriate gatekeepers as many of these tests are modeled after the bar exam, which itself has been shown to lack being an appropriate gatekeeper of minimum competence.<sup>217</sup>

## VI. CONCLUSION

The ability of people other than attorneys to provide some form of legal help is not a new concept. From New York City's Court Navigators to the Department of Justice's accredited representatives, the legal profession has viewed the providing of legal assistance as a task not strictly reserved for attorneys. In 2012, Washington was the first state to create an ALP program, and to date there are three other states with active programs and close to a dozen other states with proposals to do the same. Each of these programs are modeled off each other, having more similarities than they do differences. And the data coming out of these programs highlights that

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<sup>217</sup> DEBORAH JONES MERRITT & LOGAN CORNETT, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., 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) (noting that the fairness, efficacy, and validity of the bar exam all depend upon one thing: a clear definition of what minimum competence means when it comes to allowing lawyers to practice law. Yet, the bar exam continues to be administered to incoming lawyers without taking into account the minimum competence they should possess upon entering the profession. IAALS' *Building a Better Bar* project has now contributed that critical missing piece—a fair, evidence-based definition of minimum competence—which must now be used to improve the lawyer licensing process.).

not only are these professionals competent enough to handle the work, but they have more specialized education and training in their focused areas of practice than most incoming attorneys.

As more data comes out on these programs showing that ALPs provide an avenue to legal help for many who cannot afford an attorney, it is likely that more states will join in implementing these programs. One of the first steps states have taken when developing their own program has been to look at what other states are doing. This report is designed to be used as a resource for states interested in creating their own ALP program to understand not only what other states' programs consist of, but also their reasoning behind many of their decisions.

# APPENDIX A: EDUCATIONAL & PRACTICAL TRAINING REQUIREMENTS

ARIZONA<sup>218</sup>

Pathways	Foundational Education	Additional/Specialty Education	Practical Training
Pathway 1	Associate degree in paralegal studies or associate degree in any subject plus a paralegal studies certificate <sup>219</sup>	<ul style="list-style-type: none"> <li>Family law and civil practice endorsement:               <ul style="list-style-type: none"> <li>3 credit hours in family</li> <li>6 credit hours in civil procedure</li> <li>3 credit hours in evidence</li> <li>3 credit hours in legal research and writing</li> <li>3 credit hours in professional responsibility</li> </ul> </li> <li>Criminal law endorsement:               <ul style="list-style-type: none"> <li>3 credit hours in criminal law</li> <li>3 credit hours in evidence</li> <li>3 credit hours in legal research and writing</li> <li>3 credit hours in professional responsibility</li> </ul> </li> <li>Administrative law endorsement:               <ul style="list-style-type: none"> <li>3 credit hours in administrative law</li> <li>3 credit hours in evidence</li> <li>3 credit hours in legal research and writing</li> <li>3 credit hours in professional responsibility</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>120 hours of experiential learning in each endorsement; and</li> <li>One year of substantive law-related experience under the supervision of a lawyer in the area of practice of each endorsement sought</li> </ul>
Pathway 2	Bachelor's degree in law	<ul style="list-style-type: none"> <li>Family law and civil practice endorsement:               <ul style="list-style-type: none"> <li>3 credit hours in family</li> <li>6 credit hours in civil procedure</li> <li>3 credit hours in evidence</li> </ul> </li> </ul>	120 hours of experiential learning in each endorsement

<sup>218</sup> ARIZ. CODE OF JUDICIAL ADMIN. § 7-210(E)(3)(b)(9).

<sup>219</sup> Arizona intends to include Bachelor's degrees along with Associate degrees in Pathway 1.

		<ul style="list-style-type: none"> <li>○ 3 credit hours in legal research and writing</li> <li>○ 3 credit hours in professional responsibility</li> <li>• Criminal law endorsement: <ul style="list-style-type: none"> <li>○ 3 credit hours in criminal law</li> <li>○ 3 credit hours in evidence</li> <li>○ 3 credit hours in legal research and writing</li> <li>○ 3 credit hours in professional responsibility</li> </ul> </li> <li>• Administrative law endorsement: <ul style="list-style-type: none"> <li>○ 3 credit hours in administrative law</li> <li>○ 3 credit hours in evidence</li> <li>○ 3 credit hours in legal research and writing</li> <li>○ 3 credit hours in professional responsibility</li> </ul> </li> </ul>	
Pathway 3	Certification Program	The Arizona Supreme Court reserved a section in the Arizona Code of Judicial Administration to allow for the creation and proposal of a certification program for licensure that is approved by the Arizona Judicial Council. This would allow individuals with specialized training (e.g., social workers) to complete certain requirements that would allow them to become licensed as LPs. No programs have been proposed to date.	X
Pathway 4	MLS (Master of Legal Studies)	<ul style="list-style-type: none"> <li>• Family law and civil practice endorsement: <ul style="list-style-type: none"> <li>○ 3 credit hours in family</li> <li>○ 6 credit hours in civil procedure</li> <li>○ 3 credit hours in evidence</li> <li>○ 3 credit hours in legal research and writing</li> <li>○ 3 credit hours in professional responsibility</li> </ul> </li> <li>• Criminal law endorsement: <ul style="list-style-type: none"> <li>○ 3 credit hours in criminal law</li> <li>○ 3 credit hours in evidence</li> <li>○ 3 credit hours in legal research and writing</li> </ul> </li> </ul>	120 hours of experiential learning in each endorsement

		<ul style="list-style-type: none"> <li>○ 3 credit hours in professional responsibility</li> <li>● Administrative law endorsement: <ul style="list-style-type: none"> <li>○ 3 credit hours in administrative law</li> <li>○ 3 credit hours in evidence</li> <li>○ 3 credit hours in legal research and writing</li> <li>○ 3 credit hours in professional responsibility</li> </ul> </li> </ul>	
Pathway 5	Juris Doctor	X	X
Pathway 6	Foreign Juris Doctor <sup>220</sup> with an LLM	<ul style="list-style-type: none"> <li>● Family law and civil practice endorsement: <ul style="list-style-type: none"> <li>○ 3 credit hours in family</li> <li>○ 6 credit hours in civil procedure</li> <li>○ 3 credit hours in evidence</li> <li>○ 3 credit hours in legal research and writing</li> <li>○ 3 credit hours in professional responsibility</li> </ul> </li> <li>● Criminal law endorsement: <ul style="list-style-type: none"> <li>○ 3 credit hours in criminal law</li> <li>○ 3 credit hours in evidence</li> <li>○ 3 credit hours in legal research and writing</li> <li>○ 3 credit hours in professional responsibility</li> </ul> </li> <li>● Administrative law endorsement: <ul style="list-style-type: none"> <li>○ 3 credit hours in administrative law</li> <li>○ 3 credit hours in evidence</li> <li>○ 3 credit hours in legal research and writing</li> <li>○ 3 credit hours in professional responsibility</li> </ul> </li> </ul>	120 hours of experiential learning in each endorsement
Waiver	X	X	Complete 7 years of full-time substantive law-related experience within the 10 years preceding the application:

<sup>220</sup> Non-ABA approved Juris Doctors will be included in the definition of “Foreign Juris Doctor.”

			<ul style="list-style-type: none"> <li>• 2 years of substantive law-related experience in each area the applicant seeks licensure</li> </ul>
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# CALIFORNIA

Pathways	Foundational Education	Additional/Specialty Education	Practical Training
Pathway 1	Juris Doctor or LLM	<p>If not completed with degree, applicants must complete the following pursuant to the practice area they plan to work in:</p> <ul style="list-style-type: none"> <li>• All practice areas (13 units): <ul style="list-style-type: none"> <li>○ 3 units in ethics and professional responsibility</li> <li>○ 3 units in pretrial discovery and evidence</li> <li>○ 3 units in court procedure</li> <li>○ 3 units in court advocacy</li> <li>○ 1 unit in trauma-informed representation</li> </ul> </li> <li>• Collateral criminal: 3 units</li> <li>• Consumer debt and general civil: 9.5 units</li> <li>• Family, children, and custody: 13 units</li> <li>• Employment and income maintenance: 3 units</li> <li>• Housing: 13 units</li> </ul>	<p>1,000 hours over a minimum of 6 months</p> <ul style="list-style-type: none"> <li>• 500 hours in specific practice area</li> <li>• Must include trauma-informed training</li> </ul>
Pathway 2	Paralegal program	<p>If not completed with degree, applicants must complete the following pursuant to the practice area they plan to work in:</p> <ul style="list-style-type: none"> <li>• All practice areas (13 units): <ul style="list-style-type: none"> <li>○ 3 units in ethics and professional responsibility</li> <li>○ 3 units in pretrial discovery and evidence</li> <li>○ 3 units in court procedure</li> <li>○ 3 units in court advocacy</li> <li>○ 1 unit in trauma-informed representation</li> </ul> </li> <li>• Collateral criminal: 3 units</li> <li>• Consumer debt and general civil: 9.5 units</li> <li>• Family, children, and custody: 13 units</li> </ul>	<p>1,000 hours over a minimum of 6 months</p> <ul style="list-style-type: none"> <li>• 500 hours in specific practice area</li> <li>• Must include trauma-informed training</li> </ul>

		<ul style="list-style-type: none"> <li>• Employment and income maintenance: 3 units</li> <li>• Housing: 13 units</li> </ul>	
Pathway 3	Legal Document Assistant	<ul style="list-style-type: none"> <li>• All practice areas (13 units): <ul style="list-style-type: none"> <li>○ 3 units in ethics and professional responsibility</li> <li>○ 3 units in pretrial discovery and evidence</li> <li>○ 3 units in court procedure</li> <li>○ 3 units in court advocacy</li> <li>○ 1 unit in trauma-informed representation</li> </ul> </li> <li>• Collateral criminal: 3 units</li> <li>• Consumer debt and general civil: 9.5 units</li> <li>• Family, children, and custody: 13 units</li> <li>• Employment and income maintenance: 3 units</li> <li>• Housing: 13 units</li> </ul>	<p>1,000 hours over a minimum of 6 months</p> <ul style="list-style-type: none"> <li>• 500 hours in specific practice area</li> <li>• Must include trauma-informed training</li> </ul>

## COLORADO

Pathways	Foundational Education	Additional/Specialty Education	Practical Training
Pathway 1	Juris Doctor	X	1,500 hours of substantive law-related experience within 3 years prior to application <ul style="list-style-type: none"> <li>• Including 500 hours of substantive law-related experience in Colorado family law</li> </ul>
Pathway 2	Associate's degree in paralegal studies	X	1,500 hours of substantive law-related experience within 3 years prior to application <ul style="list-style-type: none"> <li>• Including 500 hours of substantive law-related experience in Colorado family law</li> </ul>
Pathway 3	Bachelor's degree in paralegal studies	X	1,500 hours of substantive law-related experience within 3 years prior to application <ul style="list-style-type: none"> <li>• Including 500 hours of substantive law-related experience in Colorado family law</li> </ul>
Pathway 4	Bachelor's degree in any subject	<ul style="list-style-type: none"> <li>• Paralegal certificate, or</li> <li>• 15 hours of paralegal studies</li> </ul>	1,500 hours of substantive law-related experience within 3 years prior to application <ul style="list-style-type: none"> <li>• Including 500 hours of substantive law-related experience in Colorado family law</li> </ul>
Pathway 5	Master's degree in legal studies	X	1,500 hours of substantive law-related experience within 3 years prior to application

			<ul style="list-style-type: none"> <li>• Including 500 hours of substantive law-related experience in Colorado family law</li> </ul>
Waiver	X	X	3 years of full-time substantive law-related experience within 5 years <ul style="list-style-type: none"> <li>• Including 500 hours of substantive law-related experience in Colorado family law</li> </ul>

## FLORIDA

<b>Pathways</b>	<b>Foundational Education</b>	<b>Additional/Specialty Education</b>	<b>Practical Training</b>
Pathway 1	Florida Registered Paralegal	Be certified as a Certified Legal Assistant or Certified Paralegal	Additional work experience (number of years undetermined)

ILLINOIS

Pathways	Foundational Education	Additional/Specialty Education	Practical Training
Pathway 1	<ul style="list-style-type: none"> <li>• Associate's degree in paralegal education</li> <li>• Bachelor's degree in paralegal education</li> <li>• Bachelor's degree in any discipline plus a post-bachelor's certificate or master's degree in paralegal or legal education/studies program</li> </ul>	X	X
Pathway 2	Bachelor's degree in any discipline	5 hours of approved CLEs in legal ethics and professional responsibility	2,000 hours of substantive legal work in any of the permitted case types, or as a general litigation paralegal under the supervision of a licensed attorney
Pathway 3	High school diploma or its equivalent	5 hours of approved CLEs in legal ethics and professional responsibility	4,000 hours of substantive legal work in any of the permitted case types, or as a general litigation paralegal under the supervision of a licensed attorney
Pathway 4	Certification or accreditation by: <ul style="list-style-type: none"> <li>• Paralegal Association</li> <li>• National Association of Legal Assistants</li> <li>• National Federation of Paralegal Associations</li> <li>• Association for Legal Professionals</li> </ul>	X	X

	<ul style="list-style-type: none"> <li>American Alliance of Paralegals</li> <li>Other national or state competency examination</li> </ul>		
Pathway 5	Juris Doctor	X	X

# MINNESOTA

Pathways	Foundational Education	Additional/Specialty Education	Practical Training
Pathway 1	Associate's or bachelor's degree in paralegal studies	<ul style="list-style-type: none"> <li>Obtain the Minnesota Certified Paralegal credentials from the Minnesota Paralegal Association, or</li> <li>10 CLE credits, including 2 credit hours in ethics within 2 years prior to seeking certification</li> </ul>	X
Pathway 2	Associate's or bachelor's degree in any field with a paralegal certificate	<ul style="list-style-type: none"> <li>Obtain the Minnesota Certified Paralegal credentials from the Minnesota Paralegal Association, or</li> <li>10 CLE credits, including 2 credit hours in ethics within 2 years prior to seeking certification</li> </ul>	X
Pathway 3	Juris Doctor	<ul style="list-style-type: none"> <li>Obtain the Minnesota Certified Paralegal credentials from the Minnesota Paralegal Association, or</li> <li>10 CLE credits, including 2 credit hours in ethics within 2 years prior to seeking certification</li> </ul>	X
Pathway 4	High school diploma	<ul style="list-style-type: none"> <li>Obtain the Minnesota Certified Paralegal credentials from the Minnesota Paralegal Association, or</li> <li>10 CLE credits, including 2 credit hours in ethics within 2 years prior to seeking certification</li> </ul>	5 years of substantive paralegal experience

NEW HAMPSHIRE

Pathways	Foundational Education	Additional/Specialty Education	Practical Training
Pathway 1	Bachelor's degree in any field	X	2 years of work experience in a law-related setting with attorney supervision
Pathway 2	Associate's degree in a law-related field	X	2 years of work experience in a law-related setting with attorney supervision

NORTH CAROLINA

Pathways	Foundational Education	Additional/Specialty Education	Practical Training
Pathway 1	Juris Doctor	X	X
Pathway 2	Associate degree in paralegal or legal studies	X	1,500 hours of substantive law-related experience as a paralegal supervised by a lawyer, acquired no more than 3 years prior to passing the practice area exam
Pathway 3	Bachelor's degree in paralegal or legal studies	X	1,500 hours of substantive law-related experience as a paralegal supervised by a lawyer, acquired no more than 3 years prior to passing the practice area exam
Pathway 4	Associate or bachelor's degree in any subject	<ul style="list-style-type: none"> <li>• Paralegal certificate; or</li> <li>• 15 credit hours of paralegal studies covering:               <ul style="list-style-type: none"> <li>○ Civil procedure</li> <li>○ Contracts</li> <li>○ Interviewing and investigation techniques</li> <li>○ Introduction to law and legal process</li> <li>○ Law office procedures and technology</li> <li>○ Legal research, writing, and analysis</li> <li>○ Professional responsibility</li> </ul> </li> </ul>	1,500 hours of substantive law-related experience as a paralegal supervised by a lawyer, acquired no more than 3 years prior to passing the practice area exam
Waiver	X	X	10+ years of experience, including at least 9,600 hours of substantive law-related experience

# OREGON

Pathways	Foundational Education	Additional/Specialty Education	Practical Training
Pathway 1	<ul style="list-style-type: none"> <li>Associate's degree or higher in paralegal studies, or</li> <li>Associate's degree in any subject plus a paralegal certificate, or</li> <li>Bachelor's degree or higher in any subject</li> </ul>	<p>20 hours of designated pre-licensure coursework:</p> <ul style="list-style-type: none"> <li>2 hours on legal ethics for paralegals</li> <li>1 hour on IOLTA account administration</li> <li>2 hours on Oregon Rules of Civil Procedure</li> <li>1 hour on identifying scope-of-license issues and practical identification of mandatory referral scenarios</li> <li>1 hour on limited scope law practice management skills for newly licensed paraprofessionals</li> <li>1 hour on mental health/substance abuse in the legal profession</li> </ul>	<p>1,500 hours of substantive experience in the last 3 years</p> <ul style="list-style-type: none"> <li>500 hours in family law for endorsement</li> <li>250 hours in landlord-tenant law for endorsement</li> </ul>
Pathway 2	Juris Doctor	<p>20 hours of designated pre-licensure coursework:</p> <ul style="list-style-type: none"> <li>2 hours on legal ethics for paralegals</li> <li>1 hour on IOLTA account administration</li> <li>2 hours on Oregon Rules of Civil Procedure</li> <li>1 hour on identifying scope-of-license issues and practical identification of mandatory referral scenarios</li> <li>1 hour on limited scope law practice management skills for newly licensed paraprofessionals</li> <li>1 hour on mental health/substance abuse in the legal profession</li> </ul>	<p>6 months or 750 hours of substantive experience</p> <ul style="list-style-type: none"> <li>500 hours in family law for endorsement</li> <li>250 hours in landlord-tenant law for endorsement</li> </ul>
Pathway 3	<ul style="list-style-type: none"> <li>Paralegal credentials from a nationally-recognized</li> </ul>	<p>20 hours of designated pre-licensure coursework:</p> <ul style="list-style-type: none"> <li>2 hours on legal ethics for paralegals</li> </ul>	<p>1,500 hours of substantive experience in the last 3 years</p>

	paralegal association, or <ul style="list-style-type: none"> <li>• Military paralegal experience, or</li> <li>• Equivalent licensure in another jurisdiction</li> </ul>	<ul style="list-style-type: none"> <li>• 1 hour on IOLTA account administration</li> <li>• 2 hours on Oregon Rules of Civil Procedure</li> <li>• 1 hour on identifying scope-of-license issues and practical identification of mandatory referral scenarios</li> <li>• 1 hour on limited scope law practice management skills for newly licensed paraprofessionals</li> <li>• 1 hour on mental health/substance abuse in the legal profession</li> </ul>	<ul style="list-style-type: none"> <li>• 500 hours in family law for endorsement</li> <li>• 250 hours in landlord-tenant law for endorsement</li> </ul>
Waiver	X	20 hours of designated pre-licensure coursework: <ul style="list-style-type: none"> <li>• 2 hours on legal ethics for paralegals</li> <li>• 1 hour on IOLTA account administration</li> <li>• 2 hours on Oregon Rules of Civil Procedure</li> <li>• 1 hour on identifying scope-of-license issues and practical identification of mandatory referral scenarios</li> <li>• 1 hour on limited scope law practice management skills for newly licensed paraprofessionals</li> <li>• 1 hour on mental health/substance abuse in the legal profession</li> </ul>	5 years or 7,500 hours of substantive experience <ul style="list-style-type: none"> <li>• At least 1,500 hours in the last 3 years</li> <li>• 500 hours in family law for endorsement</li> <li>• 250 hours in landlord-tenant law for endorsement</li> </ul>

# SOUTH CAROLINA

Pathways	Foundational Education	Additional/Specialty Education	Practical Training
Pathway 1	Certified Paralegal by: <ul style="list-style-type: none"> <li>National Association of Legal Assistants</li> <li>National Federation of Paralegal Associations</li> </ul>	X	While the quantity is not yet determined, ALPs will need additional up-front practical training and CLE credit hours

UTAH

Pathways	Foundational Education	Additional/Specialty Education	Practical Training
Pathway 1	Juris Doctor	Ethics course	X
Pathway 2	Associate's degree in paralegal studies	<ul style="list-style-type: none"> <li>Course based on area of specialty: <ul style="list-style-type: none"> <li>Debt collection</li> <li>Family law</li> <li>Landlord-tenant</li> </ul> </li> <li>Ethics course</li> </ul>	<p>1,500 hours of substantive law-related experience within 3 years prior to the application</p> <ul style="list-style-type: none"> <li>500 hours in family law for endorsement</li> <li>100 hours in debt collection or forcible entry for endorsement</li> </ul>
Pathway 3	Bachelor's degree in paralegal studies	<ul style="list-style-type: none"> <li>Course based on area of specialty: <ul style="list-style-type: none"> <li>Debt collection</li> <li>Family law</li> <li>Landlord-tenant</li> </ul> </li> <li>Ethics course</li> </ul>	<p>1,500 hours of substantive law-related experience within 3 years prior to the application</p> <ul style="list-style-type: none"> <li>500 hours in family law for endorsement</li> <li>100 hours in debt collection or forcible entry for endorsement</li> </ul>
Pathway 4	MLS (Master of Legal Studies)	<ul style="list-style-type: none"> <li>Course based on area of specialty: <ul style="list-style-type: none"> <li>Debt collection</li> <li>Family law</li> <li>Landlord-tenant</li> </ul> </li> <li>Ethics course</li> </ul>	<p>1,500 hours of substantive law-related experience within 3 years prior to the application</p> <ul style="list-style-type: none"> <li>500 hours in family law for endorsement</li> <li>100 hours in debt collection or forcible entry for endorsement</li> </ul>
Pathway 5	Certified Paralegal, Professional Paralegal, or Registered Paralegal credential from authorized agencies	<ul style="list-style-type: none"> <li>Course based on area of specialty: <ul style="list-style-type: none"> <li>Debt collection</li> <li>Family law</li> <li>Landlord-tenant</li> </ul> </li> <li>Ethics course</li> </ul>	<p>1,500 hours of substantive law-related experience within 3 years prior to the application</p> <ul style="list-style-type: none"> <li>500 hours in family law for endorsement</li> </ul>

			<ul style="list-style-type: none"> <li>100 hours in debt collection or forcible entry for endorsement</li> </ul>
Waiver	X	X	7 years full-time substantive paralegal experience

# WASHINGTON

Pathways	Foundational Education	Additional/Specialty Education	Practical Training
Pathway 1	Associate degree or higher	<ul style="list-style-type: none"> <li>45 hours of core curriculum instruction:               <ul style="list-style-type: none"> <li>8 credit hours in civil procedure</li> <li>3 credit hours in contracts</li> <li>3 credit hours in interviewing and investigating techniques</li> <li>3 credit hours in the introduction to law and legal process</li> <li>3 credit hours in law office procedures and technology</li> <li>8 credit hours in legal research, writing, and analysis</li> <li>3 credit hours in professional responsibility</li> </ul> </li> <li>For Domestic relations:               <ul style="list-style-type: none"> <li>5 credit hours in basic domestic relations subjects</li> <li>10 credit hours in advanced and Washington-specific domestic relations subjects.</li> </ul> </li> </ul>	1,500 hours of substantive law-related work experience as a paralegal or legal assistant supervised by a lawyer, acquired no more than 3 years prior to passing the LLLT Practice Area exam
Waiver	X	X	10 years of work experience in the past 15 years

## APPENDIX B: EXAMINATIONS

### ARIZONA

Applicants must pass two examinations:

1. Core examination, which includes the topics of legal terminology, substantive law, client communication, data gathering, document preparation, the ethical responsibilities of legal paraprofessionals, and professional and administrative responsibilities pertaining to the provision of legal services
2. Substantive law examination, with one exam for each of the areas of practice in which the applicant seeks to be licensed

### CALIFORNIA

Applications must pass two examinations:

1. Subject matter-specific examination, with one exam for each of the areas of practice in which the applicant seeks to be licensed
2. Professional Responsibility Exam, modeled after the attorney exam

### COLORADO

Applications must pass two examinations:

1. The Colorado LLP Family Law Examination
2. The Colorado LLP Professional Ethics Examination

### ILLINOIS

Applications must pass one examination:

1. Multi-State Professional Ethics Exam

### MINNESOTA

No examination is required since Minnesota's program is in a pilot test phase.

### NEW HAMPSHIRE

No examination is required.

## NORTH CAROLINA

Applications must pass two examinations:

1. Subject matter-specific examination, potentially modeled after the North Carolina State Bar Board Certified Specialist Exams
2. Professional Responsibility examination

## OREGON

Oregon is unique compared to other states because it requires applicants to submit a portfolio prior to taking the examination. Once applicants have completed the necessary education, applicants must then submit a portfolio of work product completed exclusively by the applicant for the applicant's education or employment. All portfolio work product must have been completed within three years immediately preceding the date of the application, and it must demonstrate that the applicant has the necessary qualities, skills, learning, and abilities.

In addition to submitting a portfolio, applicants must prove they have the necessary knowledge of the professional responsibilities of a Licensed Paralegal. This can be satisfied by taking a course on the Rules of Professional Conduct, passing a bar-conducted professional responsibility exam, or passing the Multistate Professional Responsibility Examination. Once these requirements have been met, applicants must pass one additional examination:

1. Entry examination, which tests an applicant's learning and ability to retain and apply the rules and laws related to the scope of practice for, and the referral obligations applicable to, Licensed Paralegals in the State of Oregon

## SOUTH CAROLINA

Applicants must pass the examinations required by the National Association of Legal Assistants or the National Federation of Paralegal Associations to become a South Carolina Certified Paralegal prior to becoming an ALP.

## UTAH

Applicants must pass two examinations:

1. Licensed Paralegal Practitioner examination for each practice area for which the applicant seeks to practice
2. Professional ethics examination

## WASHINGTON

Applicants must pass three examinations:

1. LLLT Board Approved Paralegal Exam, which includes the National Federal of Paralegal Associations Paralegal Core Competency Exam
2. Practice area exam
3. Washington State Bar Association Professional Responsibility exam

## APPENDIX C: REGULATORY REQUIREMENTS

	Trust Account	Liability/ Malpractice Insurance	Pay into state's client security fund	Pro Bono Requirement	CLE
Arizona	✓				15 hours every year
California	✓		✓		36 hours every 3 years: <ul style="list-style-type: none"> <li>• 28 hours on specific practice areas</li> <li>• 4 hours on legal ethics</li> <li>• 1 hour on competence issues</li> <li>• 1 hour on recognition and elimination of bias in the legal profession and society</li> <li>• 1 hour on trauma-informed practice</li> </ul>
Colorado	✓		✓		30 hours every 3 years: <ul style="list-style-type: none"> <li>• 5 hours of professional responsibility</li> </ul>
Illinois			✓		7 hours every 2 years: <ul style="list-style-type: none"> <li>• 5 hours in practice area</li> <li>• 2 hours of professional ethics</li> </ul>
Minnesota			✓		No ongoing requirement due to pilot status
North Carolina	✓	✓		✓	12 credit hours: <ul style="list-style-type: none"> <li>• Professional responsibility</li> <li>• Trauma-informed legal advocacy</li> <li>• Technology</li> </ul>
Oregon	✓	✓	✓		40 hours every 3 years
South Carolina	✓	✓			The number of hours has not yet been discussed
Utah	✓			✓	6 hours every year
Washington	✓	✓	✓		30 hours every year