
Leveraging Regulatory Reform to Advance Access to Justice

Innovation for Justice
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Specific students, community partners, and co-creators are named in project-specific reports. These reports include:

- [Designing a New Tier of Legal Professional for Survivors of Domestic Violence](#)
- [December 2020 Interim Report: Leveraging the Utah Sandbox to Advance Legal Empowerment for Utah Community Members Experiencing Medical Debt](#)
- [Report to Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#)
- Embedding Regulatory Reform-Based Problem-Solving in Patient Care (forthcoming)

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Executive Summary

Access to justice is a stated goal of regulatory reform efforts in Utah, Arizona, and the 13 other states considering unauthorized practice of law (UPL) reform. But what is largely missing from legal service innovations to date are service models that target innovations in service delivery for low-income community members. In these early days of UPL reform, there is both risk and opportunity. The risk: UPL reform efforts may fall short of their potential, creating new service models that embed old legal service problems into new regulation. The opportunity: to view UPL reform from the outset as a chance to radically re-imagine the pathways for connecting ALL community members with civil justice needs to civil justice problem-solving.

Regulatory reform strategies which allow non-lawyer ownership and relax unauthorized practice of law restrictions will purportedly invite investment in new forms of legal services, drive innovation, and create legal service models that leverage economies of scale to meet basic legal needs through technology and people who have specialized legal training but are not lawyers triaging legal needs and providing legal advice. But what about the consumer who simply does not think of legal services as a solution, or who will not be able to afford legal services, whether they are \$500 or \$2,000? i4J's research explores whether THAT consumer – who in the current legal ecosystem does nothing, attempts self-help, or goes unserved because of the limited resources of legal aid – could be helped by non-market driven legal service innovation: specifically, building the bench of those in the nonprofit social service sector equipped to engage in preventative civil justice problem-solving.

Over the course of 4 years of research, key findings have emerged regarding the factors that states adopting UPL reform need to consider at the outset to ensure that, if increasing access to legal help is a primary goal of UPL reform, the new regulatory structures adopted maximize that potential. i4J's research highlights four key system actor categories in the design of new legal regulation: community-based organizations, consumers, UPL reform decision-makers, and design hubs. The first three system actors interface at various opportunity spaces in the system of civil justice problem-solving; the design hub brings these system actors to the table to work together to create systems that are more equitable and informed by multiple perspectives, including consumers and community-based organizations.

Key findings suggest that these system actors have gaps in knowledge when it comes to implementing reforms that are successful in narrowing the access to justice gap. First, community-based organizations are generally not aware of

regulatory reform opportunities. Even if community-based organizations are aware of opportunities, they are unable to take advantage of such opportunities to provide legal advice due to unauthorized practice of law regulations. Where the opportunity presents itself, community-based organizations want to give legal advice to their clients after their staff has been adequately trained, and they are interested in creating educational pathways and providing more services to their clients. However, community-based organizations face several barriers to leveraging UPL reform opportunities: concern for liability; potential conflicts with ethical codes for some professions employed at community-based organizations; and the time, education and training requirements set by UPL reform decision makers,

Second, consumers tend to trust someone who has received legal training but not a JD as their legal advocate more than they trust an attorney. In fact, consumers are more likely to try to solve their legal problems on their own than seek assistance from an attorney. Because UPL prevents anyone who does not have a JD and a law license from providing legal advice to consumers, consumers must choose between taking advice from someone they do not trust or attempting to solve their problem on their own. Consumers report feeling comfortable speaking with advocates about a wide range of justice needs, but they want assurance that their advocate is properly trained and certified. Early data from the Domestic Violence Legal Advocate (DVLA) initiative suggest that consumers trust DVLA's and find them to be helpful. Furthermore, consumers want the same person to help them through the problem-solving process, and they want upstream intervention, before problems become court-involved.

Third, many regulatory reform decision-makers are not considering non-market driven innovation in the design and implementation of UPL reform. Because most UPL reform decision-makers are judges and lawyers, they bring assumptions to the table about who can safely provide civil legal services. However, these decision-makers are open to considering non-market driven innovation and courts are generally receptive to changes that make space for such innovations. Decision-makers must consider the barriers that community-based organizations face in implementing regulatory reform opportunities, including: (1) application processes are not designed for community-based organizations, and (2) the design of ALP programs assumes that the applicant has a paralegal education and legal experiential background, or has the time, financial means, and work flexibility to complete the course work and other requirements. Additionally, decision-makers must consider consumer harm, but they generally are not including the consumer perspective in their decision-making processes. It is important that these decision-makers include community-based organizations in design and

implementation so they can provide feedback on the feasibility of eligibility, training, certification, ethics, and discipline requirements associated with UPL reform, especially since UPL reform decision-makers are navigating uncharted waters with limited court resources for design and implementation. Utilizing a design hub can help facilitate these interactions between system actors.

As a field, we must first address the threshold issue of clarifying the goals of UPL reform. If the primary aim is to increase access to civil legal help, does that include free, preventative civil legal problem-solving for those who face the largest social and financial barriers to accessing the civil legal system? Assuming that is true, it is crucial to include diverse voices, including community-based organizations and consumers, at the outset of designing and implementing UPL reform efforts.

Introduction

Regulatory reform has begun to change the way in which states approach the practice of law in the United States. Arizona and Utah have led the charge in the regulatory reform movement. In August 2020, the Supreme Court of Utah enacted significant changes to the regulations that govern the practice of law.¹ Arizona followed suit shortly afterwards.² The changes create pathways for new forms of legal services by modifying restrictions on unauthorized practice of law and non-lawyer ownership of legal services. Thirteen other states are currently considering similar regulatory reforms and looking to Arizona and Utah as case studies, models, and early adopters.³ In these early days of regulatory reform of the practice of law, there is both risk and opportunity. The risk: regulatory reform efforts may fall short of their potential, creating new service models that embed old legal service problems into new regulation. The opportunity: to view regulatory reform from the outset as a chance to radically re-imagine the pathways for connecting people with civil justice needs to civil justice problem-solving. In this report, Innovation for Justice shares findings and recommendations from four years of research designed to leverage emerging unauthorized practice of law (UPL) reform efforts to advance access to justice for low-income community members.

What's Happening in Utah and Arizona:

Regulatory reform-based innovations in Utah are authorized and supervised by the Office of Legal Services Innovation, which houses a regulatory sandbox for legal innovation. The regulatory sandbox permits non-lawyer ownership and non-lawyer services by authorized entities.⁴ A range of entities have been authorized to practice law in several service models across many service categories.⁵ Fifty separate entities, classified as either Low, Moderate, or High Innovation, have been authorized to provide legal services in at least one service category.⁶ Several entities have been authorized to provide legal services in several service categories in more than one service model.⁷ All but one entity has been classified as a Low or Moderate Innovation as most of the approved entities provide services with some sort of

¹ Utah Supreme Court Standing Order No. 15 (Aug. 14, 2020).

² Ariz. Supreme Court Order No. R-20-0034 (Aug. 27, 2020).

³ Institute for the Advancement of the American Legal System, [Unlocking Legal Regulation Knowledge Center](#), (last visited Dec. 13, 2022).

⁴ The Office of Legal Services Innovation and Sandbox were created through revised Rule 5.4 and Utah Supreme Court Standing Order No. 15 (Aug. 14, 2020). For more information about what types of business structures are suitable for Sandbox authorization, see The Office of Legal Services Innovation, *Frequently Asked Questions*, <https://utahinnovationoffice.org/sandbox/frequently-asked-questions/> (last visited Jan. 13, 2023).

⁵ Office of Legal Services Innovation, [Authorized Entities](#), (last visited Nov. 16, 2022).

⁶ Office of Legal Services Innovation, [Authorized Entities](#), (last visited Nov. 16, 2022).

⁷ Office of Legal Services Innovation, [Authorized Entities](#), (last visited Nov. 16, 2022).

lawyer involvement.⁸ A significant number of the approved entities provide legal services in accident/injury, business, consumer financial issues, end of life planning, healthcare, housing, immigration, marriage and family, public benefits, and/or real estate.⁹

Utah has also created an exception to the authorization to practice law for Licensed Paralegal Practitioners (LPPs) which permits these trained individuals to assist clients in specific practice areas in which they are licensed.¹⁰ LPPs can be licensed to assist clients in certain family law matters, forcible entry and detainer, and debt collection matters as long as the debt amount at issue is not greater than that allowed to be processed in small claims court.¹¹ While LPPs may engage in several actions on behalf of their clients, they may not appear in court for their clients.¹²

Arizona has authorized Alternative Business Structures (ABS), or “business entities that include nonlawyers who have an economic interest or decision-making authority in a firm.”¹³ The Arizona Supreme Court has authorized 39 ABS entities via Administrative Order.¹⁴

Arizona has similarly established licensure options for paraprofessionals without a Juris Doctorate — Licensed Paraprofessionals (LPs).¹⁵ There are two paths to licensure in Arizona: 1) an education-based pathway and 2) an experience-based pathway.¹⁶ LPs may become licensed to practice in four areas: 1) family law, 2) limited jurisdiction civil cases, 3) criminal cases where no jail time will apply, and 4) some state administrative law.¹⁷

Other States Considering Regulatory Reform:

Regulatory reform efforts in the United States can be sorted into three categories: community-based advocacy projects similar to i4J's domestic violence legal advocate (DVLA), medical debt legal advocate (MDLA), and housing stability legal advocate (HSLA models), “allied legal professional” (ALP) models similar to the LP

⁸ Office of Legal Services Innovation, [Authorized Entities](#), (last visited Nov. 16, 2022).

⁹ Office of Legal Services Innovation, [Authorized Entities](#), (last visited Nov. 16, 2022).

¹⁰ [Licensed Paralegal Practitioner](#), (last visited Nov. 16, 2022).

¹¹ [Licensed Paralegal Practitioner](#), (last visited Nov. 16, 2022).

¹² [Licensed Paralegal Practitioner](#), (last visited Nov. 16, 2022).

¹³ Arizona Judicial Branch, [Alternative Business Structures](#) (last visited Jan. 4, 2023).

¹⁴ See [Alternative Business Structures Program](#), (last updated Dec. 14, 2022).

¹⁵ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), 35 (Jan. 2022).

¹⁶ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), 36 (Jan. 2022).

¹⁷ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), 38-39 (Jan. 2022).

and LPP programs in Arizona and Utah,¹⁸ and Sandbox and alternative business structure (ABS) efforts.

Community-Based Advocacy Projects similar to i4J's DVLA, MDLA, and HSLA models.

Community-based advocacy projects permit modification of / exemption from UPL restrictions in order to allow individuals other than lawyers to provide legal services and legal advice. Currently, existing projects like these are authorized through state supreme court Administrative Orders or the Utah Sandbox. This report discusses the research findings from i4J's initiatives advancing the community-based advocacy model. Other community-based advocacy projects include:

- The Supreme Court of the State of Alaska has adopted Bar Rule 43.5, authorizing the provision of certain legal services by nonlawyers, with lawyer supervision.¹⁹ Alaska Legal Services Corporation (ALSC) began the Community Justice Worker program in 2019, and as of 2022 these Community Justice Workers may train to provide limited scope legal help with the supervision of ALSC attorneys.²⁰
- The Delaware Supreme Court adopted Rule 57.1, permitting non-lawyer advocates to give legal advice to tenants in eviction court. These advocates are supervised by legal aid agencies in Delaware.²¹
- In New York, the nonprofit Upsolve created "a free legal advice program for low-income New Yorkers facing debt collection lawsuits."²² The Attorney General is enforcing UPL laws prohibiting Upsolve from providing these services, and Upsolve has filed a complaint challenging that decision. This case is currently on appeal in the Second Circuit. Twenty-three "empirical scholars who study the legal profession, the provision of legal services across jurisdictions, and people's interaction with the legal system" support

¹⁸ Because each state has a different term for their Allied Legal Professional, i4J is using ALP across states and programs within this article for consistency. See Institute for the Advancement of the American Legal System, *The Landscape of Allied Legal Professional Programs in the United States*, 4 (Nov. 2022) for requirements and terms, such as Licensed Paralegal Professional (UT), used in each state.

¹⁹ The Supreme Court of the State of Alaska, Supreme Court Order No. 1994 (Nov. 29, 2022).

²⁰ Alaska Legal Services Corporation, *Community Justice Worker Program* (last visited Jan. 13, 2023), <https://www.alsc-law.org/community-justice-worker-program/>.

²¹ National Low Income Housing Coalition, *Delaware to Allow Non-Lawyer Representation for Tenants in Eviction Cases* (Feb. 14, 2022), <https://nlihc.org/resource/delaware-allow-non-lawyer-representation-tenants-eviction-cases>.

²² Sara Merken, *Nonprofit sues N.Y. AG over practice rules in bid to provide free legal advice*, Reuters (Jan. 25, 2022), <https://www.reuters.com/legal/legalindustry/nonprofit-sues-ny-ag-over-practice-rules-bid-provide-free-legal-advice-2022-01-25/>.

appealing the Attorney General's decision, and have filed an Amicus Brief containing empirical support for this program with the Second Circuit.²³

Other Allied Legal Professional Programs

ALP programs in other states, similar to the LP and LPP programs in Arizona and Utah, permit modification of / exemption from UPL restrictions in order to allow individuals other than lawyers to provide legal services and legal advice. These programs are generally authorized through the state bar.

- The Washington Supreme Court adopted the Limited License Legal Technician (LLLT) program in 2012.²⁴ Before the LLLT program was sunset in 2020, 91 LLLTs were trained and licensed; these LLLTs may continue to provide services to the public.²⁵
- The Minnesota Supreme Court similarly ordered the implementation of its legal paraprofessionals (LP) program in September 2020; 23 LPs have been trained to date.²⁶
- The New Hampshire legislature passed a bill providing for a two-year initiative program to allow for limited legal services provided by paraprofessionals; this program will begin in January 2023.²⁷
- The Oregon Supreme Court approved recommendations for a licensed paralegal program in July 2022.²⁸
- Colorado is currently developing a licensed legal paraprofessionals (LLP) program which has been recommended to the Colorado Supreme Court.²⁹
- Connecticut is developing a proposal for a Limited Legal Advocate program.³⁰
- The New Mexico Supreme Court created a committee to develop a recommendation for a licensed legal technician program in July 2020.³¹

²³ Brief for Upsolve, Inc., at 2-Rebecca L. Sandefur et al. as Amici Curiae Supporting Appellees, *Upsolve, Inc. v. James*, No. 22-1345 (2d Cir. Jan. 11, 2023).

²⁴ Institute for the Advancement of the American Legal System, [The Landscape of Allied Legal Professional Programs in the United States](#), 8 (Nov. 2022).

²⁵ Institute for the Advancement of the American Legal System, [The Landscape of Allied Legal Professional Programs in the United States](#), 8 (Nov. 2022).

²⁶ Institute for the Advancement of the American Legal System, [The Landscape of Allied Legal Professional Programs in the United States](#), 10-11 (Nov. 2022).

²⁷ Institute for the Advancement of the American Legal System, [The Landscape of Allied Legal Professional Programs in the United States](#), 11 (Nov. 2022).

²⁸ Institute for the Advancement of the American Legal System, [The Landscape of Allied Legal Professional Programs in the United States](#), 12 (Nov. 2022).

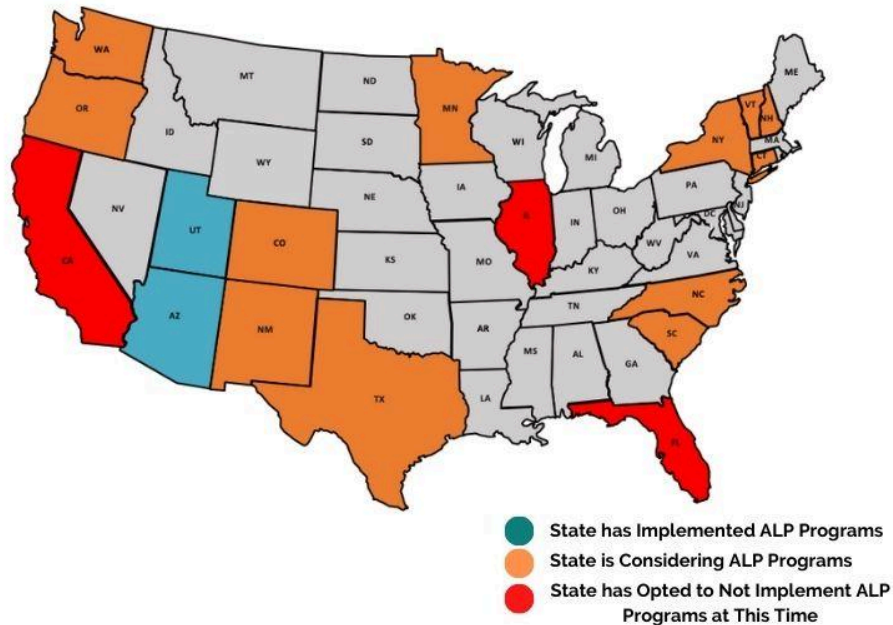
²⁹ Institute for the Advancement of the American Legal System, [The Landscape of Allied Legal Professional Programs in the United States](#), 12-13 (Nov. 2022).

³⁰ Institute for the Advancement of the American Legal System, [The Landscape of Allied Legal Professional Programs in the United States](#), 13-14 (Nov. 2022).

³¹ Institute for the Advancement of the American Legal System, [The Landscape of Allied Legal Professional Programs in the United States](#), 13 (Nov. 2022).

- New York is working to implement a program that will allow social workers to provide limited legal services.³²
- North Carolina has formed an Access to Justice Committee to potentially develop a limited-licensing program in the future.³³
- South Carolina is developing the South Carolina Certified Paralegals program which will allow voluntarily certified paralegals to provide some legal services.³⁴
- The Vermont Bar Association has formed a Joint Commission on the Future of Legal Services which has recommended the expansion of the role of paralegals working under the supervision of a licensed attorney.³⁵
- Finally, the Texas Supreme Court recently requested an examination and modification of existing rules in order to allow paraprofessionals to provide limited legal services.³⁶
- Several states, including California, Florida, and Illinois, have opted to not pursue ALP programs at this time.³⁷

The State of Allied Legal Professional (ALP) Programs in the United States



³² Institute for the Advancement of the American Legal System, [The Landscape of Allied Legal Professional Programs in the United States](#), 15 (Nov. 2022).

³³ Institute for the Advancement of the American Legal System, [The Landscape of Allied Legal Professional Programs in the United States](#), 15-16 (Nov. 2022).

³⁴ Institute for the Advancement of the American Legal System, [The Landscape of Allied Legal Professional Programs in the United States](#), 16 (Nov. 2022).

³⁵ Institute of the Advancement of the American Legal System, [The Landscape of Allied Legal Professional Programs in the United States](#), 17 (Nov. 2022).

³⁶ American Bar Association, [Legal Innovation Regulatory Survey: Texas](#) (Nov. 21, 2022).

³⁷ Institute of the Advancement of the American Legal System, [The Landscape of Allied Legal Professional Programs in the United States](#), 17-19 (Nov. 2022).

Sandbox and Alternative Business Structure efforts

Similar to the Sandbox in Utah and the ABS program in Arizona, a few jurisdictions are exploring regulatory reform strategies related to non-lawyer ownership of legal services:

- California has made efforts to establish a Sandbox, but those efforts are currently on hold.³⁸
- Connecticut is contemplating ABS through the Connecticut Bar Association's Advancing the Legal Industry through Alternative Business Models subcommittee of the State of the Legal Profession Task Force.³⁹
- Florida has a limited ABS exception. The Florida Supreme Court amended Rule 4-5.4, now allowing not-for-profit legal service providers to organize as corporations. Additionally, not-for-profit legal services providers can allow "nonlawyers to serve on their boards of directors."⁴⁰

Access to Justice as a UPL Reform Goal vs. The Reality of A2J Achievements in Regulatory Reform To Date:

Stated goals of regulatory reform include 1) access to justice, 2) encouraging innovation, and 3) improving access to legal services/affordability of legal services.⁴¹ Access to justice refers to the ability of individuals to receive some kind of legal assistance in handling legal problems.⁴² Regulatory reform — specifically UPL reform — has the potential to meet that goal through reforming restrictions that prevent anyone but a lawyer from giving legal assistance. With UPL reform, states can authorize legal service providers other than lawyers and expand the number of authorized legal service providers available for those who need them.⁴³

³⁸ In California, both nonlawyer ownership of law firms and paralegals performing certain legal services were proposed by a State Bar of California, but in September of 2022 the governor "signed a bill requiring legislative approval for regulatory sandbox spending." Stephanie Francis Ward, *California bill signed into law restricts state bar sandbox proposal*, ABA Journal (Sept. 21, 2022), <https://www.abajournal.com/news/article/california-bill-signed-into-law-restricts-state-bar-sandbox-proposals>.

³⁹ Institute for the Advancement of the American Legal System, *The Landscape of Allied Legal Professional Programs in the United States*, 13 (Nov. 2022).

⁴⁰ Mark D. Killian, *Court Amends Rules to Allow Legal Service Providers to Organize as a Corporation*, The Florida Bar (Jun 3, 2022), <https://www.floridabar.org/the-florida-bar-news/court-amends-rules-to-allow-legal-service-providers-to-organize-as-a-corporation/>.

⁴¹ See *Narrowing the Access-to-Justice Gap by Reimagining Regulation: Report and Recommendations from the Utah Work Group on Regulatory Reform*, 1-2 (Aug. 2019); *Task Force on the Delivery of Legal Services: Report and Recommendations*, 6-10 (Oct. 4, 2019).

⁴² Rebecca L. Sandefur, Thomas M. Clarke & James Teufel, *Seconds to Impact?: Regulatory Reform, New Kinds of Legal Services, and Increased Access to Justice*, 84 L. Contemp. Probs. 69, 70 (2021).

⁴³ Rebecca L. Sandefur, Thomas M. Clarke & James Teufel, *Seconds to Impact?: Regulatory Reform, New Kinds of Legal Services, and Increased Access to Justice*, 84 L. Contemp. Probs. 69, 74 (2021).

What is missing from legal service innovations to date are service models that do more than nibble around the edges of the legal services market. In Utah, the majority of authorized entities are providing for-profit services with attorney supervision. Of the 39 authorized entities,⁴⁴ only four — Rasa Legal, Timpanogos Legal Center, Holy Cross Ministries, and AAA Fair Credit — are nonprofits providing no-cost legal assistance to low-income populations.⁴⁵ The Utah LPP curriculum provides for credentialing in family law, debt and housing.⁴⁶ There are 26 licensed LPPs in Utah.⁴⁷ As of January 2022, 17 of the LPPs were providing family law assistance, most through the law firms where they worked as paralegals.⁴⁸

In Arizona, LPs may also be licensed to provide services in family law, debt, and housing.⁴⁹ As of January 2022, 25 LP applicants have passed both the core and subject-matter examinations.⁵⁰ Of the applications that have been submitted, all 14 that have been approved and licensed to provide services have been in family law.⁵¹

⁴⁴ David Freeman Engstrom et al., [Legal Innovation After Reform: Evidence From Regulatory Change](#), 36 (Sept. 2022).

⁴⁵ David Freeman Engstrom et al., [Legal Innovation After Reform: Evidence From Regulatory Change](#), 40 (Sept. 2022).

⁴⁶ Jessica K. Steinberg et al., *Judges and the Deregulation of the Lawyer's Monopoly*, 89 Fordham L. Rev. 1315, 1325-26 (2021).

⁴⁷ Institute for the Advancement of the American Legal System, [The Landscape of Allied Legal Professional Programs in the United States](#), 9 (Nov. 2022).

⁴⁸ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), 40 (Jan. 2022).

⁴⁹ See Ariz. Code Jud. Admin. § 7-210.

⁵⁰ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), 53 (Jan. 2022).

⁵¹ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), 54 (Jan. 2022).

The Need for Non-Market Opportunities in Emerging UPL Reform

As states look to Utah, Arizona and other early adopters of UPL reform, it is critical that those driving the change position the justice needs of their community as their North Star without losing sight of the current failed state of the legal services ecosystem. UPL reform is being considered by courts across the U.S. because of the staggering failure of current legal service offerings to meet the needs of consumers. Big Law is rising and the People's Lawyer is disappearing. The PeopleLaw sector of the legal profession has been declining since the mid-1970s; this sector shrank by nearly \$7 billion between 2007 and 2012.⁵² In fact, nearly 70% of the legal industry in 2017 served businesses while only 25% of the industry served people.⁵³ The inadequacy and unavailability of legal services for low-income Americans has been well documented.⁵⁴ However, the lack of legal services also affects middle class Americans; between 40 and 60% of middle class legal needs are not being met by currently existing legal services.⁵⁵

Those market-based statistics alone demonstrate that consumers cannot afford, or do not see value in purchasing, legal services. But reforming UPL restrictions to allow new market-driven services potentially ignores a gaping legal need among low-income Americans. Fifteen percent, or approximately 50 million Americans, live in households below 125% of the poverty threshold.⁵⁶ Seventy-four percent of low-income households have experienced at least one civil legal problem within the past year; 62% of households experienced at least two civil legal problems; 39% of households experienced at least five civil legal problems; and 20% of households experienced at least 10 civil legal problems.⁵⁷ Thirty-eight percent of low-income households experienced a civil legal problem that "substantially impacted" their lives.⁵⁸ These substantial impacts arise from a variety of problems: 54% of low-income Americans who reported a substantial impact on their lives reported a

⁵² Bill Henderson, [Legal Services Landscape Report](#), (July 22, 2018).

⁵³ Bill Henderson, [Eight updated graphics on the US legal services market](#), (Jan. 23, 2022).

⁵⁴ See Legal Services Corporation, [The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans](#) (Apr. 2022).

⁵⁵ Kathryn Graham, *Increasing Access to Legal Services for the Middle Class*, 33 Geo. J. Legal Ethics 537, 537 (2020).

⁵⁶ Legal Services Corporation, [The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans](#), 22 (Apr. 2022).

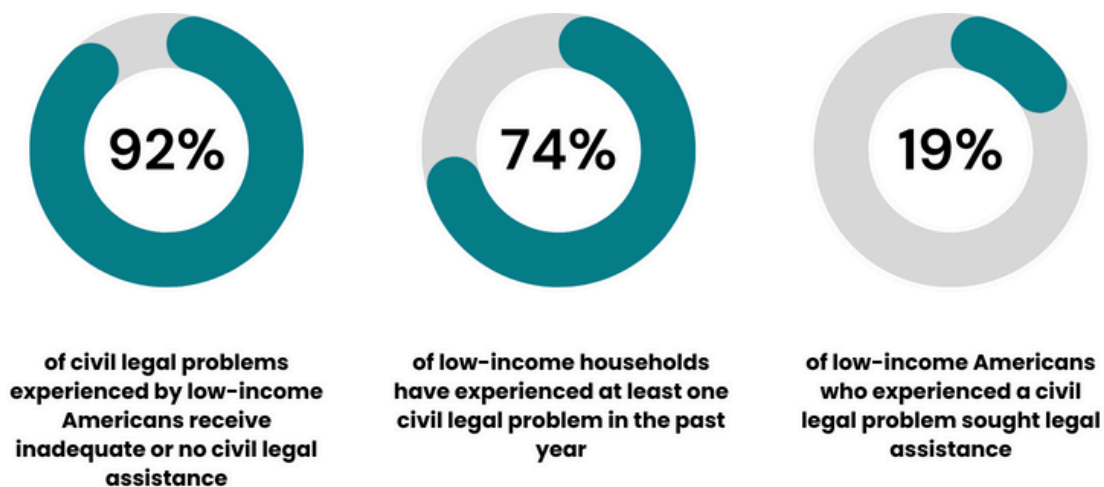
⁵⁷ Legal Services Corporation, [The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans](#), 32 (Apr. 2022).

⁵⁸ Legal Services Corporation, [The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans](#), 37 (Apr. 2022).

housing legal problem, 52% reported a family and safety problem, 42% reported consumer issues, and 30% reported a healthcare problem.⁵⁹

While a large percentage of low-income Americans experienced a civil legal problem within the last year, only 19% sought legal help for these problems; 25% sought legal help for problems that substantially impacted their lives.⁶⁰ Thirty-three percent of low-income Americans sought legal help for family and safety problems; 22% sought legal help for housing help; 14% sought legal help for consumer issues; and 13% sought legal help for health care problems.⁶¹

The current systems in place are inadequate to provide legal aid to all of the Americans who are experiencing a legal problem; low-income Americans do not get any or enough legal help for 92% of the legal problems that have substantially impacted their lives.⁶² All licensed attorneys are encouraged to engage in pro bono work every year. However, this expectation is not enough to adequately address the legal needs for all Americans experiencing a civil legal need. It would take 189 hours of pro bono work from each licensed attorney to provide one hour of legal assistance to every household experiencing a civil legal problem.⁶³



⁵⁹ Legal Services Corporation, [The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans](#), 38 (Apr. 2022).

⁶⁰ Legal Services Corporation, [The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans](#), 44 (Apr. 2022).

⁶¹ Legal Services Corporation, [The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans](#), 45 (Apr. 2022).

⁶² Legal Services Corporation, [The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans](#), 48 (Apr. 2022).

⁶³ Zachariah DeMeola, [Pro Bono Work Should Be Encouraged and Celebrated, But Much, Much More is Needed](#), IAALS (Oct. 18, 2019); Innovation for Justice, [Report to the Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), 30 (Jan. 2022).

In the current justice needs ecosystem, more than market-driven innovation is needed. In order to facilitate access to justice, innovation must be encouraged to improve access to legal services by including the justice needs of the low-income population in the design of UPL reform, and authorizing new service models that can serve those needs through non-market-driven innovation.

UPL Reform Presents an Opportunity to Position Legal Help Where It Is Wanted and Needed

The current system governing the ability to provide legal services falls short in three ways: 1) there are too few individuals trained and authorized to help; 2) the legal help comes too late in the process; and 3) the legal services are too far separated from other services that the individuals experiencing a legal problem need to adequately address the problem. As previously explained, pro bono hours will not fix the access to justice problem faced by so many Americans. While training more attorneys may seem like an option to address the problem, the number of applicants and applications to law schools have begun to dip over the past couple of admission cycles. As of the end of October 2022, the number of applications reported by the Law School Admission Council was down 16.2% from the same time in the 2022 cycle and down 12.8% from the 2021 cycle which may suggest less interest in training to become a licensed attorney which makes this option less viable.⁶⁴

Additionally, when individuals actually seek assistance for their legal problems, it can be too late to adequately address the issue before adverse consequences occur. The odds weigh heavily in favor of the individual or organization filing a lawsuit in many types of civil cases, including debt collection and eviction.⁶⁵ However, many individuals experiencing a civil legal need do not realize that they are experiencing a problem until the legal consequences begin to affect them.⁶⁶ Americans are not seeking the available legal help until it is too late.

Finally, in most jurisdictions, the legal assistance is too separate and siloed from the other services the individual experiencing the legal problem may need to adequately address the issue. For many civil legal problems, individuals seek help from social services and other organizations that are not trained nor authorized to

⁶⁴ Susan Krinsky, [Early Trends in the 2023 Admission Cycle](#), LSAC (Nov. 2, 2022).

⁶⁵ See Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), 12 (Jan. 2022); see Innovation for Justice, [December 2020 Interim Report: Leveraging the Utah Sandbox to Advance Legal Empowerment for Utah Community Members Experiencing Medical Debt](#), 5-9 (Dec. 2020).

⁶⁶ See Rebecca L. Sandefur, *Bridging the Gap: Rethinking Outreach for Greater Access to Justice*, 37 U. Ark. Little Rock L. Rev. 721, 725 (2015).

give legal advice.⁶⁷ In order to receive all of the services needed to address the problem, individuals must seek out several different organizations which puts them at risk of re-traumatization as they navigate all of these organizations to address the same problem.⁶⁸ These negative effects can be combated by allowing for more diverse options for providing legal advice: the individuals experiencing the problem will be able to visit fewer organizations and will not have to open “too many doors” to resolve their problem.⁶⁹

The Justice Awareness Gap

Additionally, UPL reform is emerging in the context of a larger socio-economic problem, which is that 1) people do not identify legal problems as legal, and 2) even when low-income community members are aware that their problem is legal, they do not seek help from lawyers. When faced with a legal problem, many Americans are more likely to do nothing than seek help.⁷⁰ One reason many individuals who are experiencing a civil legal problem do not seek legal help is that they do not realize that the problem is legal in nature, but rather believe that the situations they find themselves in as “bad luck/part of life” or “part of God’s plan” or the problems are “private” and should not be shared with third parties.⁷¹ Only nine percent of legal problems were described “wholly or partially” legal in nature.⁷² These community members who are experiencing civil legal problems without recognizing that the problem is legal are in the “justice awareness gap,” and will never be served by traditional legal service models that assume consumers will seek out legal assistance.

By focusing on market-driven innovation, UPL reform efforts are at risk of failing to reach those in the justice gap and missing an opportunity to radically re-consider who can and should receive legal education and provide legal help. The nonprofit

⁶⁷ See Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona’s LP and Utah’s LPP Program to Advance Housing Stability](#), 12 (Jan. 2022).

⁶⁸ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona’s LP and Utah’s LPP Program to Advance Housing Stability](#), 12-13 (Jan. 2022). See also Cayley Balser, *Trauma-Informed Practices at Innovation for Justice (ij4)*, INNOVATION FOR JUST., <https://www.innovation4justice.org/updates/trauma-informed-practices-at-ij4/> (last visited Oct. 1, 2023) (discussing ij4’s implementation of trauma-informed practices in the classroom and within the community).

⁶⁹ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona’s LP and Utah’s LPP Program to Advance Housing Stability](#), 12-13 (Jan. 2022).

⁷⁰ Kathryn M. Young, What the Access Crisis Means for Legal Education, 11 U.C. Irvine L. Rev. 811, 184-15 (2021).

⁷¹ Rebecca L. Sandefur, *Bridging the Gap: Rethinking Outreach for Greater Access to Justice*, 37 U. Ark. Little Rock L. Rev. 721, 725 (2015).

⁷² Rebecca L. Sandefur, *Bridging the Gap: Rethinking Outreach for Greater Access to Justice*, 37 U. Ark. Little Rock L. Rev. 721, 725 (2015).

sector, including community-based organizations,⁷³ has potential reach. Consider the mapping project in Alaska, which demonstrated that 40 legal aid offices serve 740,000 Alaskans, but if the pathway to civil justice problem-solving included legal, social services, medical services, and information services providers there would be approximately 1,500 possible entry points for consumers.⁷⁴ In addition, community-based organizations interface with consumers potentially earlier (ie. the rent eats first, so community members experiencing housing instability may go to the food pantry) and work as a network to offer continuum-of-care, wrap-around services which UPL restrictions have typically siloed legal services from.

Regulatory reform strategies which allow non-lawyer ownership and unauthorized practice of law will purportedly invite investment in new forms of legal services, drive innovation, and create legal service models that leverage economies of scale to meet basic legal needs through technology and non-lawyers triaging legal needs and providing legal advice. But what about the consumer who simply does not think of legal services as a solution, or who will not be able to afford legal services, whether they are \$500 or \$2000? i4J's research explores whether THAT consumer – who in the current legal ecosystem does nothing, attempts self-help, or goes unserved because of the limited resources of legal aid – could be helped by non-market driven legal service innovation: specifically, building the bench of those in the nonprofit social service sector equipped to engage in preventative civil justice problem-solving.

⁷³ As used in this paper, community-based organizations are “public or private not-for-profit resource hubs that provide specific services to the community or targeted population within the community.” U.S. Dep’t of Health & Hum. Servs., [Engaging Community-Based Organizations](#), (Feb. 26, 2021).

⁷⁴ Stacey Marz, Mara Kimmel & Miguel Willis, [Alaska’s justice ecosystem: Building a partnership of providers](#), 7-8 (Dec. 22, 2017).

i4J's Community-Based Advocacy Initiatives

Since 2019, i4J has been leveraging the UPL reform opportunities in Arizona and Utah to design and implement new legal service models grounded in community-based advocacy and partnership with community-based organizations. i4J has designed three initiative programs to implement these new legal service models: the Domestic Violence Legal Advocate initiative (DVLA), the Medical Debt Legal Advocate initiative (MDLA), and Housing Stability Legal Advocate initiative (HSLA).⁷⁵ These initiatives are in various stages of implementation and evaluation.

The Domestic Violence Legal Advocate initiative

The DVLA initiative was launched in Spring 2021 after being delayed due to the COVID-19 pandemic; this initiative empowers non-lawyer advocates to provide "trauma-informed, limited scope legal advice to domestic violence survivors."⁷⁶ DVLA's assist survivors navigate the legal system for several legal problems including obtaining child support and spousal maintenance as well as equitable divisions of property and debt.⁷⁷ DVLA's are able to assist survivors by 1) giving legal advice on urgent legal issues present during the initial intake, 2) giving legal advice while a survivor is completing legal forms, 3) giving legal advice about preparing a case, and 4) having a seat at the table at the survivor's court hearings.⁷⁸

The Medical Debt Legal Advocate initiative

The MDLA initiative encompasses two separate initiative programs: the Medical Debt Court Diversion initiative and the Community Health Worker Medical Debt Advocate initiative.⁷⁹ The Medical Debt Court Diversion initiative will provide defendants with a medical debt legal advocate before a complaint is filed.⁸⁰ The MDLA's will assist people experiencing medical debt to negotiate their debt before trial, potentially reducing the amount owed and avoiding extra costs associated with the debt collection court processes.⁸¹ The Community Health Worker Medical Debt Advocate initiative will empower bilingual community health workers to provide legal advice regarding medical debt on a variety of issues including insurance options and

⁷⁵ See [Our Work](#) (last visited Nov. 16, 2022).

⁷⁶ Innovation for Justice, [Designing a New Tier of Civil Legal Professional for Domestic Violence Survivors](#).

⁷⁷ Innovation for Justice, [Designing a New Tier of Civil Legal Professional for Domestic Violence Survivors](#).

⁷⁸ Innovation for Justice, [Report to the Arizona Supreme Court Task Force on Delivery of Legal Services: Designing a New Tier of Civil Legal Professional for Survivors of Domestic Violence](#), (Spring 2019).

⁷⁹ Innovation for Justice, [Advancing Legal Empowerment for Utahns Experiencing Medical Debt](#).

⁸⁰ Innovation for Justice, [Advancing Legal Empowerment for Utahns Experiencing Medical Debt](#).

⁸¹ Innovation for Justice, [Advancing Legal Empowerment for Utahns Experiencing Medical Debt](#).

financial-aid applications.⁸² The community health workers will also be trained to negotiate settlements on their clients' behalf.⁸³

The Housing Stability Legal Advocate initiative

The HSLA initiative is designed to train advocates in the nonprofit social services sector who already interact with people experiencing housing instability to problem-solve and spot a housing instability legal issue before it goes to court.⁸⁴ The HSLAs will also be trained to give legal advice to clients regarding their eviction cases and possible legal defenses to the case as well as post-judgment procedures.⁸⁵ This initiative is authorized state-wide in Arizona through Administrative Order⁸⁶ and i4J has authorization in Utah through a Standing Order to create the curriculum and certification, and community-based organizations will apply and be authorized to provide HSLA services through the Office of Legal Services Innovation Sandbox.⁸⁷

West Valley Project

The West Valley Project, in collaboration with the University of Utah Health, explored innovative approaches to embedding civil justice problem-solving within a healthcare setting. This project is slightly different from other i4J regulatory reform projects because it did not seek to address a predefined civil justice need, but instead focused on collaborative opportunities to address one or more civil justice needs based on community need. One of the service model ideas tested within this project is a community justice worker (CJW) model, training people who already live and work in the West Valley community to provide legal advice.⁸⁸ Community justice workers could be community health workers, staff from area community-based organizations, or other community members pursuing workforce development.⁸⁹ Further development of the community justice worker model is advancing in Spring 2023. This project is ongoing.

⁸² Innovation for Justice, [Advancing Legal Empowerment for Utahns Experiencing Medical Debt](#).

⁸³ Innovation for Justice, [Advancing Legal Empowerment for Utahns Experiencing Medical Debt](#).

⁸⁴ Innovation for Justice, [Report to the Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), 47 (Jan. 2022).

⁸⁵ Innovation for Justice, [Report to the Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), 48 (Jan 2022).

⁸⁶ This initiative was authorized in Arizona through [Administrative Order 2023-19](#) on January 18, 2023.

⁸⁷ UT SO citation coming soon

⁸⁸ For more information about the proposed Community Justice model, see Innovation for Justice, *Embedding Regulatory Reform-Based Civil Justice Problem-Solving in Patient Care* (forthcoming, Feb. 2023).

⁸⁹ Innovation for Justice, *Embedding Regulatory Reform-Based Civil Justice Problem-Solving in Patient Care* (forthcoming, Feb. 2023).

This work is intended to maximize the innovation opportunity and serve the A2J goals of regulatory reform. Over the course of 4 years of research, key findings have emerged regarding what states that are considering regulatory reform need to consider at the outset to ensure that, if increasing access to legal help is a primary goal of regulatory reform, the new regulatory structures adopted maximize that potential.

i4J's Research Focus: Four Key system actors Central to Community-Led Regulatory Reform

Research has speculated that “librarians, social workers, organizers, counselors, navigators...”⁹⁰ might become a new non-lawyer sector, but early adopters of the UPL reform pathways in Arizona and Utah do not support that hypothesis. One possible explanation for the limited reach of emerging innovations is that UPL reform decision-makers have been attorneys and judges from within the legal service monopoly they are tasked with reforming.⁹¹ Membership of the Arizona Innovating Legal Services Task Force included five judges and justices and 13 individuals who are lawyers or work within the court system.⁹² The Utah Sandbox was designed by approximately 13 attorneys, with input in design and implementation from two researchers, two court administrators, and a city council member.⁹³ Similarly, four of the five Board Members of the Office of Legal Services Innovation in Utah have legal training and/or experience.⁹⁴ Outside voices to date have not been widely included in the design and implementation of UPL reform strategies. But innovation requires deep knowledge and a fresh set of eyes.⁹⁵ The judges and lawyers who have called for UPL reform to date are to be commended for their willingness to embrace change, but they bring the “deep knowledge” to the table. To serve the access to justice goals of UPL reform, the lived experiences and perspectives of those who are excluded from the current system need to be included as a fresh set of eyes. UPL reform decision-makers should be listening to the voices of non-lawyers, consumers, and social service providers when making decisions on what reforms to make to the rules governing the provision of legal services.

⁹⁰ Marc Lauritsen et al., [Presentation at LSC's Innovations in Tech. Conf. 2020: Changing the Unauthorized Practice of Law Rules in More than a Few Ways. Now](#) (Jan. 16, 2018).

⁹¹ Lauren Sudeall, *The Overreach of Limits on “Legal Advice”*, Yale L. R. F. 637, 643 (2022).

⁹² [Task Force on Delivery of Legal Services](#) (last visited Nov. 17, 2022).

⁹³ Recollection of the author.

⁹⁴ [Board and Staff](#) (last visited Nov. 17, 2022).

⁹⁵ Gillian K. Hadfield, *Rule for a Flat World*, 223 (2016).

To remediate the siloing that occurs when evaluating and addressing the access to justice crisis, i4J research supports the inclusion of four key system actor categories in the design of new legal regulation:

1. Community-based organizations: resource hubs that are public or private nonprofit that provide services to a targeted population within the community.
2. Consumers: people experiencing a civil justice problem.
3. UPL reform decision-makers: generally state Supreme Courts and State Bar Associations, and lawyers who are part of commissions making recommendations to both courts and bar associations.
4. A design hub: a research and design neutral who can gather legal need information from the first three system actors and help synthesize the potentially divergent goals of these 3 system actors into effective new legal service models.

These key system actors interface at various opportunity spaces in the civil justice problem-solving ecosystem. Consumers are interacting with community-based organizations when they are experiencing problems and seek help. UPL reform decision-makers interact with both consumers and community-based organizations by making decisions about the regulation of legal services, including whether community-based organizations can provide legal advice, and to what extent. That impacts both consumers and community-based organizations by dictating where and who can provide legal advice. The decision-makers are the difference between UPL enforcements and carve outs. The design hub is the link connecting these system actors — interfacing with community-based organizations, consumers, and regulatory reform decision-makers, centralizing data and communication, with the purpose of designing replicable and scalable innovative service models. The design hub brings these key system actors to the table to work together to create systems that are more equitable and informed by multiple perspectives, including consumers and community-based organizations.

Community-based organizations:

Community-based organizations often engage with under-represented and historically marginalized populations before “human problems” become “legal problems.” These organizations are well-positioned to provide upstream preventative civil legal problem-solving in permissive regulatory environments for several reasons. First, community-based organizations want to give legal advice to their clients if their employees have been trained adequately in this area. Community members already ask individuals at community-based organizations legal questions; training is needed to ensure that clients are being given proper information. Second, community-based organizations have the capacity to give legal advice to their

clients within their existing client interaction structure; legal training is seen as another skill set for their employees. Third, community-based organizations are frustrated with the siloing of services. Community members do not usually experience justice needs without other related needs; these needs intersect and impact each other. Community-based organizations are unable to help clients with their justice needs which forces clients to engage many different services to get their needs met, increasing the risk of retraumatization and disengagement from problem-solving. Fourth, community-based organizations are interested in creating educational pathways and providing more services to their clients. These organizations see legal training as an important additional resource for their staff.

While community-based organizations are willing and capable of providing important legal services to the community, several barriers stand in their way. These barriers include: (1) concern about liability, (2) opposition from legal professionals, (3) providing concrete advice is in conflict with ethical codes for some helping professions, and (4) the time, education requirements, and financial cost of legal paraprofessional training are too high. However, reducing the time and cost barriers may increase participation in regulatory reform opportunities.

Consumers:

For the purposes of this research, “consumers” refers to under-represented and historically marginalized populations that are currently only served by legal aid organizations or qualify for and/or need free civil legal services in the current legal market. These consumers are woefully underserved due to lack of legal aid and pro bono assistance.⁹⁶ UPL reform decision-makers often cite concerns for consumer protection / preventing consumer harm in the design of new legal service models.⁹⁷ However, UPL reform decision-makers who are judges and lawyers may bring assumptions to the table about who can safely provide legal services and what risk consumers who are currently excluded from services entirely are willing to bear. First, consumers trust an individual with legal training but not a formal law degree as their legal advocate more than they trust an attorney. Consumers see finding an attorney as a waste of time and money, and attorneys are viewed as being out of touch with the communities they serve. Second, consumers are more likely to try to solve their problems on their own rather than seeking assistance from an attorney. Third, consumers want legal advice from a social worker. In fact, consumers trust social workers almost as much as they trust their friends and family when they are

⁹⁶ See Legal Services Corporation, [The Justice Gap: The Unmet Civil Legal Needs of Low-income Americans](#), 48 (Apr. 2022).

⁹⁷ Lucy Ricca & Graham Ambrose, [The High Highs and Low Lows of Legal Regulatory Reform](#), (Oct. 17, 2022).

experiencing certain legal problems. Fourth, consumers are comfortable speaking with advocates about many justice needs. Fifth, consumers want the same person to help them through the problem-solving process. This is not available in many markets. Sixth, consumers want easily-digestible information specific to their situation. Finally, consumers want upstream intervention rather than waiting until the problems become court-involved.

Decision-makers:

UPL reform requires amendment to the existing rules governing the profession, and for that reason it needs to be endorsed by decision-makers with the authority to change those rules. Two separate mechanisms of change have been explored: state supreme court driven change and state bar driven change.⁹⁸ Change in Utah and Arizona has been driven by the supreme courts. Other states, like California and Florida, have attempted to implement reforms through working groups that were formed by the state bar.⁹⁹ Following a report on the California State Bar that “revealed numerous lapses in the discipline system that allowed dishonest or incompetent attorneys to continue to practice law, endangering the public,” the California legislature passed a new law that limited the State Bar’s ability to pursue regulatory reform efforts.¹⁰⁰ This legislation also halted any further exploration of paraprofessional licensing in California.¹⁰¹

i4J’s early experiences suggest that UPL reform is most successful when it is championed by state judicial leadership. However, judges and attorneys designing regulatory reform structures without outside input runs the risk of embedding new barriers and obstacles for community-based organizations and consumers. For example, the Utah Sandbox application process was not designed for community-based organizations, making it difficult for these organizations to be authorized to provide legal services to the community. The current design of ALP programs assumes that applicants have a paralegal education and experience or have the time, money, and flexibility to complete the course work, experiential requirements, and certification exam. The current landscape of innovations primarily consists of market-driven options which can pose problems for community-based organizations in participating in UPL reform opportunities. It is important for

⁹⁸ David Freeman Engstrom et al., [Legal Innovation After Reform: Evidence From Regulatory Change](#), 17-18 (Sept. 2022).

⁹⁹ David Freeman Engstrom et al., [Legal Innovation After Reform: Evidence From Regulatory Change](#), 18 (Sept. 2022).

¹⁰⁰ Joyce E. Cutler, [California Restrains State Bar From Expanding Nonlawyer Practice](#), Bloomberg Law, (Sept. 19, 2022, 6:03 A.M.).

¹⁰¹ Lucy Ricca & Graham Ambrose, [The High Highs and Low Lows of Legal Regulatory Reform](#), (Oct. 17, 2022).

decision-makers to include other perspectives in the design and implementation of innovations so that those other system actors can provide feedback on the feasibility of eligibility, training, certification, ethics, and discipline requirements associated with UPL reform.

A design hub:

A design hub is an organization well-versed in Design and Systems thinking who are engaging the community as co-creators to develop new and innovative approaches to solving legal problems by bridging sectors using an interdisciplinary approach. In this research, i4J played this role — but any state considering UPL reform should consider partnering with a research and design neutral who can gather legal need information from the first three system actors and help synthesize the potentially divergent goals of these system actors into effective new legal service models. The use of a design hub can help bridge the gap between the other 3 system actors in four ways: First, the design hub can gather information as a trusted intermediary across sectors. Second, it can synthesize information and ensure goals of varied system actors are accounted for. Third, the design hub can trouble-shoot the design and implementation of UPL reform efforts. Finally, design hubs may involve future members of the legal profession who can help build future UPL reform efforts and lead future innovative efforts.

Research Questions

Through i4J's work, research questions have been identified for each of these key system actors.

Research questions for community-based organizations:

Creating opportunities for community-based organizations to leverage UPL reform is only a worthwhile endeavor if they want to be a part of a new frontier of civil legal help for low-income community members. To explore the interest and needs of this system actor, this research focused on three key questions:

- Are community-based organizations aware of UPL reform opportunities?
- Do community-based organizations want to give legal advice to their clients?
- What barriers limit community-based organizations' ability to leverage UPL reform opportunities?

Research questions for consumers:

Embedding new forms of preventative civil-justice problem-solving within community-based organizations is only a worthwhile endeavor if community members want to receive civil legal help from these organizations and view these organizations as trusted intermediaries. To explore the interest and needs of this system actor, this research focused on three key questions:

- Will people experiencing civil legal issues trust someone with legal training but not a JD as their legal advocate?
- What will effectively nudge consumers to engage with advocates who have legal training but not a JD?
- What types of legal advocate services are most important to people experiencing civil justice issues?

Research question for UPL reform decision-makers:

The UPL reform efforts in Arizona and Utah were launched by the Supreme Courts of those states, and failed efforts to stand up UPL reform in California through the State Bar suggest that UPL reform is likely going to be most successful when it is designed and implemented by state court leaders. For this system actor, the goal of increasing access to affordable legal services must be balanced against the responsibility of consumer protection. UPL reform decision-makers are charged with ensuring that the people and technologies that provide legal help in a new legal services frontier are properly trained, that consumers are not harmed by these new forms of legal services, and that regulatory oversight is in place to monitor for consumer harm. Recent research by Ricca and Clarke sets out a useful framework

for these regulatory considerations.¹⁰² In addition to those components of regulatory structure, this research focused on three key questions:

- Are UPL reform decision-makers considering non-market driven innovation in the design and implementation of regulatory reform?
- What practical limitations do UPL reform decision-makers face in designing and implementing UPL reform to include non-market-driven innovation?
- What tools and strategies can assist UPL reform decision-makers in diversifying perspectives in the design and implementation of UPL reform to allow for non-market driven innovation?

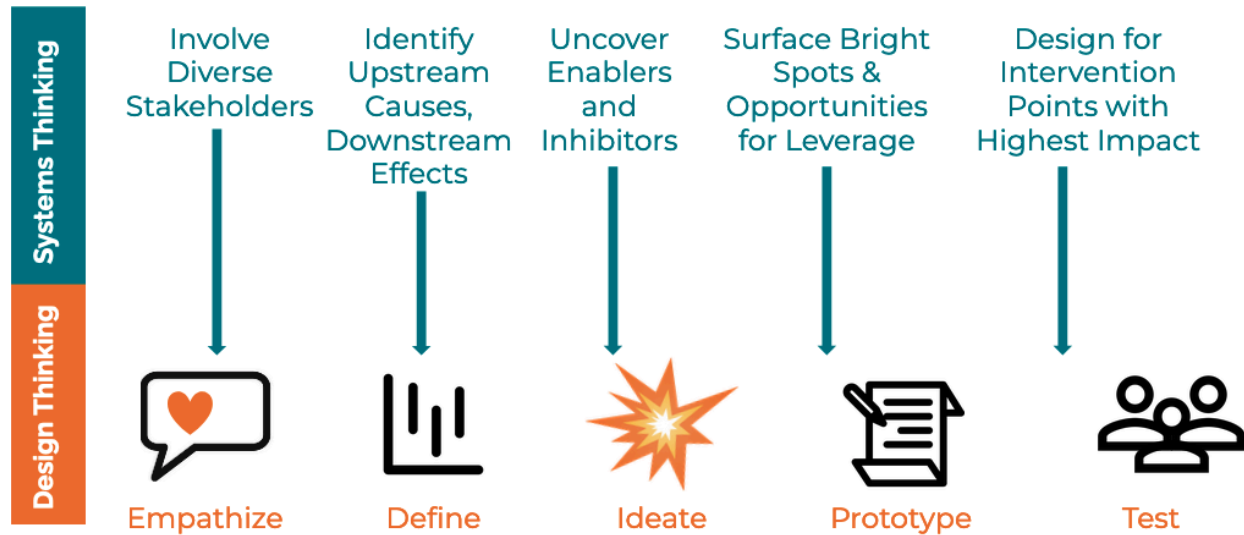
¹⁰² Thomas Clarke & Lucy Ricca, [Designing and Implementing Legal Regulation](#) - White Paper - Stanford Law School (July 2022).

Research Approach

i4J's interdisciplinary research teams conduct action-based, community-engaged research that exposes inequalities in the legal system and create new, replicable strategies for legal empowerment using design and systems thinking methodologies. i4J's research methodology posits that change does not happen in silos; innovation calls for broad insight, engagement, and support. i4J collaborates with community partners in the nonprofit, government and private sectors, as well as lived experience experts from the community, to create new legal empowerment models for underrepresented and historically marginalized populations.

i4J's design and systems thinking¹⁰³ framework engages in problem identification and problem-solving through a highly visual, five-part iterative design process — empathize, define, ideate, prototype, and test — layered with systems thinking strategies. In the empathize stage, i4J seeks to understand the landscape of civil justice issues through semi-structured, qualitative, community-based interviewing, observation, and robust cross-sector engagement. Systems thinking approaches are deployed to broadly engage diverse system actors in exploration of the problem space. In the define stage, i4J combines existing research with the community-based data and information gathered during the empathy phase. i4J also conducts system mapping during the define stage, identifying causes and effects of the problem being explored, mapping the forces at work in the system and identifying levers and opportunities that can deliver effective and positive change. In the ideate stage, i4J thinks creatively about possible solutions and then prioritizes the most feasible and impactful possibilities based on analysis of systems assets and opportunities. In the prototype and test stages, i4J creates low-fidelity, tangible models of potential interventions seeking feedback from community members through structured qualitative interviews and asynchronous mixed-methods surveys, to lab-validate interventions before development in the field.

¹⁰³ Waters Center for Systems Thinking, [Habits of a Systems Thinker](#) (Dec. 4, 2022).



This 2-pronged design and systems thinking approach positions community at the center of the design process as solution co-creators,¹⁰⁴ and is reinforced with trauma-informed practices that are responsive to the needs of low-income populations experiencing civil justice problems. i4J recognizes that interactions with legal service providers and the justice system can be traumatizing, and utilizes trauma-informed practices when engaging with all community members.¹⁰⁵ i4J's work is guided by the understanding that "legal advocates have a duty to align our work to uplift the voices and demands of those who don't have a seat at the table."¹⁰⁶ The methodology is further rooted in the concept that it is not the lawyer's role to lead the movements, but rather to "assist the communities that do to reach their goals."¹⁰⁷

¹⁰⁴ Design Kit, [Case Studies](#) (Dec. 4, 2022).

¹⁰⁵ These trauma-informed practices include, but are not limited to: recognizing that anyone can experience a traumatic event and have varying reactions to that event; minimizing the risk of retraumatization through creating a safe environment and supporting control, choice, and autonomy; collaborating with community members throughout the entire project; showing organizational commitment to trauma-informed care; and discussing secondary trauma and self care strategies with all research team members throughout the research process. See Cayley Balser, *Trauma-Informed Practices at Innovation for Justice (i4J)*, INNOVATION FOR JUST., <https://www.innovation4justice.org/updates/trauma-informed-practices-at-i4j> (last visited Oct. 1, 2023).

¹⁰⁶ Allyssa Victory and Janani Ramachandran, [Call to Action: The Need for Community Lawyering](#), Alameda County Bar Association (Mar 18, 2021).

¹⁰⁷ Allyssa Victory and Janani Ramachandran, [Call to Action: The Need for Community Lawyering](#), Alameda County Bar Association (Mar 18, 2021).

DVLA Case Study

The Domestic Violence Legal Advocate (DVLA) Initiative¹⁰⁸ upskills trauma-informed lay legal advocates at a domestic violence (DV) service provider with the ability to give limited scope legal advice on protective orders and family law. This initiative was designed by a research team including graduate and undergraduate students from the Spring 2019 cohort of i4J's Innovating Legal Services (ILS) course.¹⁰⁹ The challenge presented was framed as: "should Arizona create a new tier of civil legal professional, and what could that mean for survivors of domestic abuse?" This challenge was selected because in November 2018 the Arizona Supreme Court commissioned its Task Force on Delivery of Legal Services to examine, among other issues, adoption of regulatory reform and the creation of a different type of civil legal service provider in the State of Arizona. One of i4J's goals in selecting this challenge for the Spring 2019 ILS course was to add several important voices to this UPL reform discussion: first, the voices of domestic violence survivors, who generally receive little or no legal assistance in navigating the civil legal system as they attempt to break a cycle of violence. Second, the voice of community-based organizations currently interfacing with a population experiencing high rates of unmet civil justice needs under traditional legal service models. And third, the voices of JD and BA in Law students, both of whom could be affected by the creation of a new type of legal service in Arizona. More broadly, i4J's interest was in applying its design and systems thinking approach to policy-making with the goal of proposing a new type of civil legal service provider that is informed by and endorsed by diverse system actors in the community.

The DVLA research project began with deep community engagement through co-instruction with subject matter experts and semi-structured interviews with community members. State Bar President Jeffrey Willis and retired Pima County Superior Court Judge Karen Adam joined the course as co-professors, lending decades of legal profession governance and family law expertise to the project. Emerge! Center Against Domestic Abuse ("Emerge") joined the course as the community partner, to provide critical insights into DV services in the community.

Empathize

Dozens of community members participated in interactive interviews with research team members designed to identify the opportunities and risks associated with

¹⁰⁸ Innovation for Justice, [Report to the Arizona Supreme Court Task Force on Delivery of Legal Services: Designing a New Tier of Civil Legal Professional for Survivors of Domestic Violence](#), (Spring 2019).

¹⁰⁹ Innovation for Justice, [Report to the Arizona Supreme Court Task Force on Delivery of Legal Services: Designing a New Tier of Civil Legal Professional for Survivors of Domestic Violence](#), (Spring 2019).

creating a new tier of legal service provider for survivors of domestic violence. Team members mapped the intended civil legal system process and identified assumptions about how the process is designed to work. Emerge leadership joined the research team to articulate the reality of attempting to navigate that system from the perspective of a DV survivor. These sessions produced two parallel but conflicting journey maps —one the promise, one the reality —that research team members referenced throughout the semester.

Define & Ideate

Community members, including members of the family law bench and bar, worked with the research team to identify opportunity spaces on those journey maps: areas where survivors experience a justice gap that could be addressed by empowering lay legal advocates to do more. Six opportunity spaces were identified in that process. Members of the legal profession who had self-identified as opposing the idea of a new tier of legal service provider then worked with members of the research team to vet those six ideas in a discussion of the risks associated with the ideas, and the mental models underlying the risks and fears related to this potential policy change. After that vetting, four possible service areas by a new type of civil legal professional surfaced as having a broad base of community support if the necessary training and regulation were in place.

Research team members also visited Emerge lay legal advocates on-site, to explore the possibility of expanding their services to include legal advice (and to select the name for the new tier —Licensed Legal Advocates!). The research team then engaged with leaders from the Washington State Bar, the medical profession and the behavioral health profession to understand how varied services are working in other jurisdictions and professions and to brainstorm the building blocks necessary to create a new type of civil legal professional for survivors of DV.

Prototype & Test

The research team focused on prototyping and testing a proposed policy for varied legal services in DV. Research team members were divided into teams to begin building the various components of a proposed initiative program: scope of service, education, regulation, and public education. The research team collaborated on a policy prototype and i4J hosted an “open classroom” event in April, where approximately 40 members of the community — many who had previously consulted on the project, and some who had simply heard of the research team’s work and wanted to learn more — engaged with the policy prototype and offered feedback. The research team solicited, collected, and sorted feedback across four general categories: portions of the project that received positive feedback; portions

of the project that received critical feedback; changes that were suggested by the community; and questions presented by the community. The research team utilized the captured feedback to revise their proposal.

Ongoing Work

After the course concluded, the i4J research team presented the DVLA proposal to the Arizona Supreme Court, who approved the initiative through Administrative Order Number 2020-88 in June of 2020.¹¹⁰ This initiative is the first of its kind to adapt unauthorized practice of law (UPL) rules to train advocates already embedded in the social service field to give legal advice concurrently with the delivery of social services. Two DVLA's have been trained and approved by the Arizona Supreme Court as of November 2022, with a new statewide cohort of DVLA's to be trained in Spring of 2024. i4J continues to evaluate the efficacy of the initiative through data gathering as of December 2022.¹¹¹

MDLA Case Study

The Medical Debt Legal Advocate (MDLA) initiative upskills community health workers and debt relief counselors with the ability to give limited scope legal advice on medical debt.¹¹² This initiative began as the course project for the i4J Fall 2020 cohort.¹¹³ The challenge presented was framed as: "how might we leverage regulatory reform in Utah to advance legal empowerment for Utahns experiencing medical debt?" The challenge was selected because the Utah Supreme Court had recently created a regulatory Sandbox to encourage innovation in the provision of legal services.¹¹⁴ i4J saw a research opportunity to utilize this new innovative space to build upon the community-led regulatory reform research that produced the DVLA initiative in Arizona. Medical debt was selected as the focus for this research team because debt collection is the most common type of civil case in the United States. In Utah, medical debt is the single-most common type of debt in collection, accounting for 36% of all debt collection lawsuits in Utah.¹¹⁵

Empathize

As with all i4J courses, this research project began with empathy. The team engaged in a research simulation that tasked them with navigating a medical debt lawsuit in Utah from the perspective of the defendant. The team also observed debt collection

¹¹⁰ See [Arizona Supreme Court Administrative Order 2020-88](#).

¹¹¹ Innovation for Justice, DVLA [Interim Report Fall 2022](#).

¹¹² Innovation for Justice, [Medical Debt Legal Advocate initiative](#).

¹¹³ Innovation for Justice, [December 2020 Medical Debt Legal Advocate initiative Interim Report](#).

¹¹⁴ The Office of Legal Services Innovation, [What We Do](#) (Dec. 10, 2022).

¹¹⁵ Colleen Shanahan & Anna Carpenter, [Simplified Courts Can't Solve Inequality](#), 148 Daedalus 128, 129–30 (Winter 2019).

court hearings and interviewed 18 lived experience experts who had been sued for medical debt in Utah. In addition, i4J engaged with and interviewed over 30 individuals and organizations in the nonprofit sector who provide services to low-income community members including affordable housing, asylum, migration and refugee services, credit counseling, crisis intervention, emergency services, mental and physical health services, and legal aid. 14 subject-matter experts from the legal profession, including attorneys who represent defendants and plaintiffs, judges, and professionals focused on access to justice participated in interviews along with 6 healthcare providers: the 2 major nonprofit healthcare providers in Utah, and several small-scale nonprofit and for-profit medical clinics. 5 subject-matter experts on health law policy, medical billing, and medical debt also engaged in the project at this stage to share expertise regarding the medical debt service and policy landscape.

Define

The research team synthesized data from community interviews and observations in order to identify intervention points with the potential to disrupt the medical debt cycle and empower people experiencing medical debt. In preparation for ideation, the research team organized the data collected into thematic clusters and mapped the upstream causes and downstream effects of common themes. This analysis positioned the research to focus on solutions targeting key findings.

Ideate

The research team generated hundreds of possible solutions based on the findings from the empathize and define stages, then prioritized those solutions based on feasibility and impact. Three promising opportunities for intervention emerged from this ideation process. Each proposed intervention utilized UPL reform through the Sandbox in Utah to provide new forms of legal assistance at different intervention points in the medical debt journey.

Community Health Worker (CHW) Medical Debt Advocate initiative: CHW organizations in Utah empower bilingual CHWs to provide no-cost legal advice about medical debt to the community members they serve. This initiative is designed to deliver upstream intervention. CHW medical debt legal advocates may provide advice about insurance options and financial-aid applications, while considering collateral effects on citizenship. They are trained to identify legal levers for settlement negotiations and can empower people experiencing medical debt to engage with the justice system by helping them to understand court processes and file court forms. Equipping promotoras (CHWs who are bilingual Hispanic/Latino community members)

with knowledge about the law of medical debt advances their continuum-of-care approach and minimizes the risk of retraumatization. It also offers a unique opportunity for innovative, bilingual legal assistance for an underserved population.

Medical Debt Court Diversion initiative: a court-sanctioned, medical debt diversion initiative that provides defendants with no-cost, medical debt legal advocates when they are served with a 10-day summons (before a debt collection lawsuit is filed). The medical debt legal advocates (MDLAs) are staff members at community-based organizations who have received specialized legal training to provide limited-scope legal advice and assistance to people experiencing medical debt. This initiative empowers people experiencing medical debt to negotiate their debt with the assistance of an advocate, potentially reducing the debt itself and avoiding additional costs associated with litigation. It leverages a defendant touchpoint with the system – the ten-day summons, which is the last touchpoint before a lawsuit is filed – to attempt out-of-court resolution of the debt and minimize the post-judgment consequences commonly experienced by medical debt collection defendants.

Bachelor's of Social Work (BSW) Medical Debt Advocate initiative: Emerging conversations about UPL reform have speculated that social workers might be equipped to act as legal advocates, but the willingness and ability of social workers to give legal advice in the course and scope of their social work services has yet to be evaluated. The research team saw a potential to leverage the Utah Regulatory Sandbox to embed medical debt legal advice training in undergraduate BSW curriculum; students graduating with a credential to provide medical debt legal advice would be positioned as front-line staff at various community-based organizations and could identify medical debt legal issues early and offer assistance as part of social services. This initiative utilizes a continuum-of-care model that creates an opportunity to intervene at multiple points in the medical debt journey.

Prototype & Test

During the Prototype & Test phase of the project, the research team identified the assumptions underlying team's proposed interventions; tested the riskiest assumptions with community members; assessed the feedback received from assumption testing; developed a service blueprint for team's proposed interventions; created prototypes for some of the intended users of the intervention; presented the

prototypes and captured feedback; modified the proposed intervention based on that feedback; and outlined next steps.

Ongoing Work

The Medical Debt Court Diversion and Community Health Worker Medical Debt Advocate initiatives were submitted to the Utah Sandbox for approval in May 2020, and both initiatives were subsequently authorized by the Sandbox.¹¹⁶ These two initiatives will empower community health workers at Holy Cross Ministries and financial coaches at AAA Fair Credit to give limited-scope legal advice to medical debt defendants. They are the first initiatives in the nation to empower non-lawyers to give legal advice about medical debt. Nine subject matter experts contributed to the MDLA online curriculum in 2022. The first cohort of MDLAs was trained in 2022 and began providing services in May 2023. The Bachelor's of Social Work (BSW) Medical Debt Advocate initiative is on hold; results of prototype testing flagged challenges to embedding UPL reform projects in higher education that need to be resolved through further research before the initiative can be tested in the field.

HSLA Case Study

The Housing Stability Legal Advocate Initiative (HSLA) upskills front line staff at community-based organizations to give limited scope legal advice to community members experiencing housing instability.¹¹⁷ This Initiative leverages Arizona and Utah UPL reform opportunities to train and authorize community members working in community-based organizations to upskill their existing community services by providing limited-scope legal advice to tenants navigating rental housing issues that can lead to homelessness.¹¹⁸ Designed by i4J's Fall 2021 cohort, the HSLA Initiative enables community-based organizations who already interface with tenants at multiple different intervention points to provide free, holistic, trauma-informed, limited-scope legal advice to tenants experiencing housing instability, to supplement the various social services they already provide.

Empathize

The research team engaged with over 160 organizations and individuals in both Arizona and Utah during the empathy phase of the HSLA Initiative. Community participants included tenants, property owners, judges, lawyers, community-based organizations, and housing policy experts. The research team conducted

¹¹⁶ See [AAA Fair Credit Foundation Sandbox Authorization Packet](#) & [Holy Cross Ministries Authorization Packet](#).

¹¹⁷ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#) (Jan. 2022).

¹¹⁸ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), 10 (Jan. 2022).

semi-structured, qualitative interviews in the community about rental-housing-related challenges in the Arizona and Utah low-income communities, the degree to which they become court-involved, the outcomes and downstream consequences of court-involvement, tenants' ability to self-help or find assistance, and the community-based organizations' capacity to provide assistance in the current UPL regulatory environment.

Define

The research team analyzed and synthesized the data from community interviews and observations in order to identify intervention points with the potential to disrupt housing instability for low-income Arizona and Utah community members. The research team organized the collected data into thematic clusters and mapped the upstream causes and downstream effects of common themes. This analysis positioned the research team to focus on solutions targeting key findings, paying particular attention to those community members who are experiencing the problem.

Ideate

One promising idea that emerged at this stage of the research was to add a track to the existing Legal Paraprofessional (LP) and Licensed Paralegal Practitioner (LPP) programs in Arizona and Utah respectively to train Housing Stability Legal Advocates (HSLAs). With this intervention, community-based organization staff who already interface with people experiencing housing instability could take a free training course and become certified by Arizona and Utah State Courts to provide *free* limited-scope legal advice about legal issues related to housing. The HSLA training and certification process would be designed as a knowledge gap filler to meet the needs of community-based organization staff who already assist people experiencing housing instability and can benefit from adding limited-scope legal advice to their social service toolkit. The proposed HSLA track is designed to be responsive to the social service sectors' interest in providing legal services to better assist the community members they work with, while aligning with the real-world constraints these community-based organizations are managing.

The proposed scope of HSLA service is designed to address high-need areas in the current housing instability landscape, including: issue-spotting for housing instability at intake, helping tenants problem-solve before a housing issue goes to court, giving legal advice regarding engaging with the civil legal system, and assisting tenants after an eviction. This initiative was designed across two jurisdictions simultaneously to allow for capacity evaluation of a non-market-driven, UPL reform-based service

model and potential for scaling based on results in two jurisdictions with varying eviction landscapes.

Prototype & Test

The research team identified research needs related to the curriculum, community-based organization desire and capacity, the opportunity for technology integration, and decision-maker perspectives. Based on these identified categories, the research team drafted research questions to test through the creation of low-fidelity prototypes. These prototypes were shared with community members and system actors through semi-structured qualitative interviews and mixed-methods asynchronous surveys. Based on data collected, the research team drafted a proposal to the Utah and Arizona Supreme Courts outlining the project and data supporting the creation of the HSLA service model.

Ongoing Work

The Arizona Supreme Court indicated that authorization through Administrative Order instead of a new LP track would be the most feasible and appropriate way forward and published the Order in January of 2023.¹¹⁹ The Utah Supreme Court also provided feedback indicating that authorization through the Utah Sandbox would be the most effective and feasible means of introducing the HSLA initiative in Utah, rather than drafting and approving new rules for the LPP program. In March of 2023, the Supreme Court of Utah published a Standing Order authorizing the creation of the HSLA initiative training and certification materials,¹²⁰ while CBOs will individually submit applications to the Sandbox for authorization before providing services.¹²¹

Now that the HSLA Initiative has been authorized in both jurisdictions, subject matter experts from law and other disciplines are being recruited to build out and record the HSLA curriculum on an online learning platform. This methodology ensures a holistic approach to curriculum development, including multiple system perspectives beyond traditional legal system functions. Leveraging its community network, i4J will recruit approximately 40 community-based organization staff members in Arizona and Utah to participate in the first HSLA cohort. HSLA services in Arizona are anticipated to begin summer 2024.

West Valley Project

The Fall 2022 cohort of Innovating Legal Services explored how embedding new, regulatory reform-based forms of civil legal services and civil justice

¹¹⁹ This initiative was authorized in Arizona through [Administrative Order 2023-19](#) on January 18, 2023.

¹²⁰ Citation coming soon.

¹²¹ Citation coming soon.

problem-solving in the West Valley Health and Community Center can empower people experiencing civil legal issues to understand their options, resolve their legal issues, and improve their health.

The aims of this project included identifying: the most immediate legal and civil justice needs of the West Valley community; the viable intervention points for assisting those experiencing civil justice issues; the capacity of system actors in the University of Utah Health System to address interventions; and the public's willingness to accept new forms of assistance.

Empathize

This research project began with seeking to understand the social, health, and economic needs of the West Valley community. 38 individuals participated in 30-minute semi-structured interviews on Zoom to help the research team understand the healthcare system and patient social, economic, and health needs from the system actor perspective. The research team also conducted semi-structured interviews with 9 West Valley community members who shared their experience with civil justice needs and the healthcare system.¹²²

Define

The research team synthesized data from the justice needs survey, community interviews, and observations using an adapted version of Code for America's methodology.¹²³ This research team visualized the collected data including the frequency of justice needs identified by interview participants, identified challenges seeking services and problem-solving help, as well as the interactions between system actors and patients within the healthcare system. This generated identification of opportunity spaces in the system, where interventions are more likely to be successful.

¹²² At the start of the West Valley Project, no specific civil justice need was identified. This is a different approach than the one taken in the DVLA, MDLA and HSLA projects, which each began with an identified civil justice need (domestic violence, medical debt and housing instability). Instead, in the West Valley project, the research team sought to understand the most common civil justice needs in the West Valley community. To do this, the research team created a justice needs survey that was distributed to community members. Any community member who completed the survey and identified at least one justice need was invited to participate in an interview with a research team member. For more information about the justice needs survey and the responses, see Innovation for Justice, *Embedding Regulatory Reform-Based Civil Justice Problem-Solving in Patient Care* (forthcoming, Feb 2023).

¹²³ Code for America, [Qualitative Research Practice Guide](#), 46-48 (Spring 2020). For more information on methodology adaptation, see Innovation for Justice, *Embedding Regulatory Reform-Based Civil Justice Problem-Solving in Patient Care* (forthcoming, Feb 2023).

Ideate

After analyzing the data and mapping the system interactions, the research team brainstormed possible ways to address the social, economic, justice and health needs of the West Valley community. The research team's idea generation was guided by the IDEO rules for ideation.¹²⁴ After brainstorming, the research team sorted ideas based on their feasibility and impact. Two service model ideas moved forward into prototype testing.

Service Model Idea One: An interdisciplinary, student-staffed clinic housed at West Valley UHealth that acts as the patient's health and justice advocate. Patients are screened for health and justice problems through their interactions with West Valley UHealth. Patients experiencing civil justice problems are referred to the clinic by UHealth and served by students from multiple disciplines, which could include social work, law, and public health. Student participation in the clinic would count toward internship credit and, for students interested in becoming licensed paraprofessionals, Licensed Paralegal Practitioner requirements.

Service Model Idea Two: A service model that trains Community Justice Workers (CJWs)– people already living and working in the West Valley community. These CJWs could be Community Health Workers (CHWs), staff from area community-based organizations, or other community members / LEEs pursuing workforce development. Patients will be screened for health and justice problems through their interactions with West Valley UHealth, and referred to CJWs for the needs identified in the screening. These CJWs are available in evenings and on weekends to help patients with their health and justice needs.

Prototype & Test

During the prototype and test phase of the project, the research team identified five system actor categories and identified research questions for each of them: 1. those who would authorize the service models, 2. Those who would design the service models, 3. Those who would provide the proposed services, 4. Those who would receive the proposed services, and 5. Those who would be affected by the proposed services. To test with these five system actor categories, 4 synchronous and 4 asynchronous prototypes were created.

¹²⁴ IDEO, [Rules of Brainstorming](#) (last visited Jan. 13, 2023).

Research Findings

Research questions for community-based organizations

1. *Are community-based organizations aware of UPL reform opportunities?*

Community-based organizations are generally not aware of UPL reform opportunities.

Most of i4J's research in this area has focused on the awareness of Allied Legal Professional (ALP) training programs in Arizona and Utah. In the instances in which community-based organizations have heard of ALP programs, they are not familiar with the requirements or scope of authorization after certification.¹²⁵ At the start of each i4J UPL reform project, the research team engages with many system actors, including community-based organizations. These conversations center around explaining the project, often including education about UPL reform vehicles and the scope of possibility when leveraging those vehicles. This is often new information for the community-based organizations and requires further explanation.¹²⁶

While most of i4J's research in this area has focused on awareness of ALP programs, most community-based organizations are also unaware of the ways they could leverage the Sandbox. As discussed in the UPL reform decision-makers section of this report, the Sandbox application process is confusing for community-based organizations. Additionally, community-based organizations are often overburdened and under-resourced, not having the capacity to complete the arduous Sandbox application process and keep up with the data reporting requirements.

2. *Do community-based organizations want to give legal advice to their clients?*

Community-based organizations see the opportunity to provide legal advice in-house as a valuable solution to the current challenges caused by the siloing of legal services.

Justice needs and health needs intersect and impact each other, but are often treated in siloes.¹²⁷ Consumers have to go to many different services to get their needs met, often times when the event that precipitated these needs was a singular incident. This increases the risk of consumer retraumatization from having to explain

¹²⁵ Housing Stability Legal Advocate Project, West Valley Project. Data on file with author.

¹²⁶ Medical Debt Legal Advocate Project, Housing Stability Legal Advocate Initiative, West Valley Project. Data on file with author.

¹²⁷ West Valley Project interviews, transcript on file with author.

their situation to multiple providers over and over.¹²⁸ The siloing of services that requires consumers to interact with multiple providers to problem-solve leads to consumer disengagement with the system.¹²⁹ Consumers often prioritize housing, financial, and health needs over civil justice problem-solving, meaning that if they have to seek legal services somewhere beyond where they are already going for help, it often doesn't happen.¹³⁰

One interviewee for the West Valley project expressed their frustration with the siloing of services, saying "the social service providers are all doing really incredible work, but are not legally empowered to assist clients with these needs."¹³¹ Community-based organizations desire more coordination between service providers — both legal and nonlegal — to streamline and meet consumer needs in a helpful and efficient way.¹³² Another staff member at a community-based organization expressed frustration with unlicensed practice of law restrictions. During an interview for i4J's Housing Stability Legal Advocate project they said, "it is difficult to explain the eviction process without giving legal advice and getting into potential jeopardy."¹³³

Community-based organizations want to give legal advice to their clients, with adequate training.

The ability to give legal advice to clients that community-based organizations are already serving is a strong incentive for participation in advocate training.¹³⁴ People are already asking community-based organizations legal questions and staff would like training to properly advise clients.¹³⁵ Knowledge from legal training can seamlessly fit into services that community-based organization staff are already providing to consumers.¹³⁶ However, it is important to community-based organizations that this training is manageable and does not take significant time away from their existing duties.¹³⁷

¹²⁸ Mitigating the risk of retraumatization is a priority in all of i4J's regulatory reform projects. For more information about retraumatization as a barrier to justice, see Negar Katirai, *Retraumatized in Court*, 62 Ariz. L. Rev 81 (2020).

¹²⁹ West Valley Project interviews, transcript on file with author.

¹³⁰ West Valley Project interviews, transcript on file with author.

¹³¹ West Valley Project interviews, transcript on file with author.

¹³² Medical Debt Legal Advocate Project interviews, transcript on file with author.

¹³³ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), 24 (Jan. 2022).

¹³⁴ Housing Stability Legal Advocate Initiative prototype testing, data on file with author.

¹³⁵ Housing Stability Legal Advocate Initiative prototype testing, data on file with author.

¹³⁶ Housing Stability Legal Advocate Initiative prototype testing, data on file with author.

¹³⁷ Licensed Legal Advocate initiative, Housing Stability Legal Advocate Project, Medical Debt Legal Advocate project. Data on file with author. For more see the section on scope.

Community-based organizations indicated that proper training would assuage their fear of providing the wrong information.¹³⁸ They also expressed desire for any legal training to have the standard markers of credibility — an accompanying certificate, endorsement by a University or the State, etc.¹³⁹

DVLA Curriculum

| Module | Learning Goal |
|------------------------------------|--|
| Legal Advocacy & Ethics | Covers the differences between lay legal advocacy and licensed legal advocacy. Included are detailed discussions of the scope of service of licensed legal advocates and the Rules of Professional Responsibility that apply within the scope of service. |
| Procedure Part One | Begins the discussion of the civil legal process and the rules of procedure that apply to the civil cases within the DVLA scope of service. The emphasis is on locating, selecting, and completing the applicable family law forms, including Orders of Protection. |
| Procedure Part Two | Continues the discussion of the civil legal process and the rules of procedure that apply to the civil cases within the scope of service. It addresses next steps after the appropriate forms are chosen and completed. Those include service of process, special requests, mediation, and trial/hearing requirements. |
| Family Law Part One | This module is the first to address the family law issues, both those within the DVLA scope of service and those outside the Scope. Students are introduced to the types of cases included in the Arizona family law statutes, Arizona Rules of Family Law Procedure, and the local rules of family law practice for Pima County Superior Court. |
| Family Law Part Two | Continues the discussion of family law and addresses the impact of domestic abuse on family law issues within the Licensed Legal Advocate scope of service, including child support, spousal maintenance, legal decision-making and parenting time. |
| Case & Trial | Covers the process and procedures to help the client |

¹³⁸ Medical Debt Legal Advocate initiative assumption testing; Housing Stability Legal Advocate Initiative prototype testing. Data on file with author.

¹³⁹ Medical Debt Legal Advocate assumption testing, data on file with author.

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| Preparation | present supporting evidence in the case. It includes information about how to obtain, preserve and present hospital and other medical records, public records, school records, photographs, text messages, and social media posts. |
| Procedural Fairness | This module includes a discussion of procedural fairness, what the threats to procedural fairness are, including implicit bias, and how licensed legal advocates can recognize and challenge violations of procedural fairness that affect their clients. |
| Collateral Issues and Issues beyond the Scope of Service | Covers common collateral issues faced by survivors that are not within the Licensed Legal Advocate scope of service and should be referred to a licensed attorney. These collateral issues include housing, immigration, financial abuse, and child welfare as well as family law issues that are outside the scope of service. Those include: violations of family law orders such as child support and spousal maintenance; conflicting family law orders from other courts; requests to modify existing orders; relocation of children; related criminal cases; and orders from different states or countries. |

MDLA Curriculum

| Module | Learning Goal |
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| Medical Insurance | Lack of knowledge regarding what coverage is, how it works, and how remainder balances appear can be an early preventative step in the medical debt journey. By the end of this module, the medical debt legal advocate will have a deeper understanding of how medical insurance works and what may or may not be covered under certain plans. Although the intricacies of plans are complex and the choices are vast, this module will provide the medical debt legal advocate with baseline knowledge regarding the basics of medical insurance and coverage. |
| Medicaid 101 | Access to Medicaid can be one of the most powerful tools to combat medical debt. The process, however, is not easy to most. Some may even be worried to file. By the end of this module, the medical debt legal advocate will know how to enroll individuals in Medicaid and |

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| | provide legal advice regarding how collateral issues such as immigration status may interface with Medicaid eligibility. |
| Medical Billing | To prevent surprise billing from becoming medical debt, consumers need assistance in disputing and negotiating the bill. By the end of this module, the medical debt legal advocate will understand what surprise billing is and how to counsel clients on best practices to contest the billing or negotiate with the care provider. |
| Negotiating Payment Plans | Being one individual going up against a big care provider, collection agency, or attorney can be intimidating. But the task can be a lot less daunting, and a lot more successful, with the right tools and knowledge in hand. By the end of this module, the medical debt legal advocate will be able to assist people experiencing medical debt in reaching out, responding to, and negotiating with these entities or individuals to achieve the most positive outcome for the consumer. |
| Debt Management | Medical debt will not disappear, and a good debt management strategy can help avoid negative downstream consequences like eviction, foreclosure, wage garnishment and a low credit score. In this module, the medical debt legal advocate will learn how to connect participants to financial assistance resources that might help them pay other life expenses, and how to manage medical debt in relation to other debts. |
| Fees | The accumulation of fees can end up making the debt seem insurmountable. Early advice from a medical debt legal advocate about fees and how they can effect the overall amount due could be useful knowledge to consumers. By the end of this module, the medical debt legal advocate will understand the potential negative consequences that come with fee accumulation and how it can effect the overall debt and subsequent payment. |
| Scope of Service | The practice of law is a self-regulating industry that is held to a higher code of conduct than most professions. Because legal issues have such a profound impact on peoples' lives, it is important that anyone practicing in the area of law is ethical and looking out for their client's |

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| | best interest. Additionally, the practice of law is highly adversarial--an environment many aren't used to. By the end of this module, the medical debt legal advocate will understand what is expected of them to conduct themselves within the parameters of their code of conduct and scope of service, and how to navigate the adversarial system. |
| initiative Specific Training/Sandbox Reporting | CHW: Will need instruction on when cases can be referred to the Court Diversion MDLA and how to do so. Because reporting is an essential component of these programs, it is important the medical debt legal advocate understands what is required and how to properly report to the Sandbox. By the end of this module, the medical debt legal advocate will know what the Sandbox is and what reporting is required. |
| Procedure | Once a 10-day notice is served, action is needed or legal rights are forfeited. Unless the defendant actively engages at each stage of the case, the case will become a judgment against them. By the end of this module, the medical debt legal advocate will know the basics of civil procedure for debt collection cases in Utah district court. The medical debt legal advocate will also be able to advise a person experiencing medical debt regarding how to litigate their case. |
| Defending Medical Debt | By the end of this module, the medical debt legal advocate will be knowledgeable in the basic law of medical debt. They will also be able to counsel their clients on their rights and be able to discuss legal strategy with them. |
| Court Preparation | An important aspect of any litigation is preparation. A person is more likely to obtain a positive case outcome if they understand what documents they should bring to court, and what evidence is relevant to prove one's case. By the end of this module, the medical debt legal advocate will be knowledgeable in medical debt court procedures for evidence and in-court appearances. |
| Settlement | Settlement can be an effective way to dismiss the lawsuit and deal with the medical debt. But the process requires some skills so that the participant is not taken advantage of. By the end of this module, the medical |

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| | debt legal advocate will be versed in the art of settlement and negotiation so as to advise a participant in how to approach and go about settling with the opposing party. |
| Garnishment | By the end of this module, the medical debt legal advisor will be able to counsel a client on how court judgments become garnishments and the legal and economic consequences of a garnishment. The medical debt legal advisor will also be knowledgeable about how to contest a garnishment due to lack of notice or service, some form of deficiency in the proceedings, or inaccuracies with the collections process. |
| Bankruptcy | By the end of this module, the medical debt legal advocate will understand the basics of bankruptcy law, the basics of bankruptcy procedures, and be able to advise a client regarding whether bankruptcy may be a viable strategy for responding to medical debt. |
| Trauma-Informed Advocacy | One of the keys of an effective advocate is being able to understand trauma, which can inject itself into many areas of life and inhibit an individual from thinking rationally or being able to understand difficult life situations, like dealing with debt. Advocates are also at risk of vicarious trauma. By the end of this module, the medical debt legal advocate will know what trauma is, the signs of it, and how to best serve a participant that is dealing with trauma. |

HSLA Proposed Curriculum

| Module | Learning Goal |
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| Code of Conduct, Scope of Legal Services & Regulatory Oversight | HSLAs will be expected to operate under the same ethical rules as attorneys and with an understanding of how to provide limited-scope representation. By the end of this module, HSLAs will understand how to conduct themselves ethically and within the appropriate bounds of their limited license. |
| Trauma-Informed Advocacy | One of the keys of an effective advocate is being able to understand trauma, which often accompanies legal issues and can inhibit an individual from thinking |

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| | rationally or being able to navigate a problem like housing instability. Advocates are also at risk of vicarious trauma. By the end of this module, the HSLA will know what trauma is, the signs of it, and how to best serve a participant that is experiencing trauma. |
| Law and Leases- Rights and Obligations for Landlords and Tenants | A tenant's risk of housing instability increases when the tenant does not understand the rights and obligations provided for by law and in their lease. By the end of this module, the HSLA will know the legal rights and obligations specific to landlords and tenants. The HSLA will be able to read, understand and explain standard residential housing lease terms and discuss how these may affect the tenant's specific situation. |
| Negotiation, Alternate Dispute Resolution, & Informal Resolution | Tenants often feel powerless to solve housing disputes. By the end of this module, the HSLA will be able to navigate non-court resolutions to eviction, provide guidance to tenants in what options may be available to them outside of the courtroom, and engage with property owners on tenants' behalf in problem-solving. |
| Receipt of Notice of Eviction: What to Do | A tenant is typically experiencing multiple life stressors at the time they receive an eviction notice, and may not have the capacity to engage with property owners or the court and/or may be unaware of the rapid and rigid timeline that governs eviction proceedings. By the end of this module, the HSLA will know what a correctly-executed notice of eviction looks like and what steps tenants need to take if they receive one. |
| Eviction Procedures | The legal process is often confusing, and people experiencing housing instability struggle to navigate the legal system's procedural requirements. By the end of this module, the HSLA will be able to walk the tenant through each step of the eviction process, including court rules governing how and when to file responses, when and where to appear, and other procedural matters. |
| Engaging in An Eviction Case | Even when tenants recognize the potential legal consequences of an eviction notice, the process of responding to an eviction notice and defending an eviction against a counseled property owner is daunting. In this module, HSLAs will understand the timeline, proper procedure, and necessary content for filing an |

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| | answer. |
| Going to Eviction Court | Most tenants who participate in their eviction proceedings do so without legal representation or understanding of the civil legal system, and many have a deep distrust of courts and other institutions. HSLAs will not represent tenants in court, but by the end of this module, the HSLA will understand relevant landlord-tenant law and relevant rules of evidence for self representation so that they may equip a tenant with the knowledge and understanding of how to present their arguments in court, themselves. |
| Judgment Implications: What Tenants Need To Know After a Judgment is Entered | Eviction judgments can have long-lasting and damaging consequences, but tenants who receive a judgment from the court often may not understand those consequences. By the end of this module, the w |
| Post-eviction harms: what tenants can do | People who experience housing instability face a host of downstream consequences related to housing instability and eviction, such as difficulty finding housing, getting a job, separation from family members, poor health outcomes, etc. By the end of this module, a HSLA will be able to assist a tenant in navigating the legal aspects of these related issues. |

Community-based organizations have the capacity to give legal advice to their clients within their existing client interaction structure.

i4J learned from Community Health Workers in Utah that their interactions with clients are long enough to provide legal advice, and that many of their clients would benefit from legal advice.¹⁴⁰ They see this training and certification as a way of furthering their Community Health Worker skills, and this authorization would help them provide more complete services.¹⁴¹

Community-based organizations are interested in creating educational pathways and providing more services to their clients.

¹⁴⁰ Medical Debt Legal Advocate prototype testing, data on file with author.

¹⁴¹ Medical Debt Legal Advocate prototype testing, data on file with author.

One community member in West Valley, Utah, said “any way you can open doors for people is powerful. Such as educational pathways.”¹⁴² When asked about limited-scope legal training for landlord tenant issues, one staff member at a community-based organization said it “would be a great added resource for agency staff that are faced with these situations all the time who are not comfortable with providing that advice or have to refer them out to legal aid.”¹⁴³ In Utah, university and professional organizations are exploring various educational pathways specifically for Community Health Workers and are contemplating providing legal training through courses offered through the university or continuing education requirements for certification.¹⁴⁴

3. What barriers limit community-based organizations' ability to leverage UPL reform opportunities?

Concern about liability is a barrier to community-based organizations leveraging UPL reform opportunities.

One of the most-identified barriers to community-based organizations' ability to leverage UPL reform is the concern about liability, asking questions like: who would be responsible for malpractice insurance? Who would be willing to insure nonlawyers providing legal advice? What standard would advocates be held to—that of an attorney or that of their existing role? What happens if the nonlawyer provides the wrong information?¹⁴⁵ Community-based organizations also expressed concerns about overstepping the bounds of certification, and desire specific modules within training to explain the scope of legal services they would be authorized to provide.¹⁴⁶

Providing concrete advice is in conflict with ethical codes for some helping professions, many of whom are employed at community-based organizations.

To date, similar duties and obligations as lawyers have been applied to individuals providing legal services who are not lawyers.¹⁴⁷ However, the Rules¹⁴⁸ conflict with

¹⁴² West Valley Project prototype testing participant, transcript on file with the author.

¹⁴³ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), 43 (Jan. 2022).

¹⁴⁴ West Valley Project, notes on file with author.

¹⁴⁵ Medical Debt Legal Advocate initiative, Housing Stability Legal Advocate Initiative. Data on file with author

¹⁴⁶ Medical Debt Legal Advocate assumption testing.

¹⁴⁷ For an example of creating rules for advocates who are not lawyers, see Innovation for Justice, [Report to the Arizona Supreme Court Task Force on Delivery of Legal Services: Designing a New Tier of Civil Legal Professional for Survivors of Domestic Violence](#), (Spring 2019).

¹⁴⁸ “Rules” refers to the ABA Model Rules of Professional Conduct (2009).

social workers' code of ethics in two main areas: confidentiality and giving advice.¹⁴⁹ The Rules prohibit breaking confidentiality, with few exceptions.¹⁵⁰ In contrast, the National Association of Social Workers code of ethics allows for more confidentiality exceptions, and imposes mandatory reporting requirements on social workers.¹⁵¹ Further, the role of a legal service provider necessitates giving advice to achieve the desired case outcome. This conflicts with the NASW Standard for self-determination — where social workers help clients to identify and clarify goals, while allowing clients to determine their best course of action. It is generally accepted that this standard does *not* include providing advice about courses of action to take.¹⁵² The conflict between ethical codes and professional rules must be reconciled before this service model is implemented, so both service provider and consumer will know the scope of services.¹⁵³ “Anyone doing this type of [housing] advocacy would need to know when they have to say ‘I don’t know’ and direct them to a lawyer.”¹⁵⁴

The time, education requirements, and financial cost of ALP training and certification are too high.

Community-based organizations are overtaxed and under-resourced, they are already overwhelmed.¹⁵⁵ Providers express concerns about having enough staff and time within work schedules to participate in training.¹⁵⁶ Regarding the ALP regulatory reform vehicle specifically, the time and cost required to complete ALP certification are too arduous.¹⁵⁷

¹⁴⁹ For a more in-depth examination of these challenges, see Brigid Coleman, *Lawyers who are also social workers: How to effectively combine two different disciplines to better serve clients*, 7 Wash. Univ. J. Law & Policy 131 (2001).

¹⁵⁰ Exceptions include permissive, not mandatory, exceptions. Model Rules of Prof’l Conduct R. 1.6 (2009).

¹⁵¹ Mandatory reporting includes suspected child abuse and Nat’l Ass’n Soc. Workers, Code of Ethics (2021).

¹⁵² “A social worker’s goal is not to give advice to his clients but rather to help his clients think and act for themselves.” Brigid Coleman, *Lawyers who are also social workers: How to effectively combine two different disciplines to better serve clients*, 7 Wash. Univ. J. Law & Policy 131, 144 (2001).

¹⁵³ Some possible ways to reconcile include explicitly stating what rule or code takes precedent in which situation within authorizing documents, with input from ethics experts in both law and social work.

¹⁵⁴ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona’s LP and Utah’s LPP Program to Advance Housing Stability](#), 42 (Jan. 2022). While this quote is from i4J’s research around housing instability, this sentiment has been echoed by consumers, community-based organizations, and legal professionals throughout all i4J regulatory reform projects.

¹⁵⁵ Medical Debt Legal Advocate initiative, Housing Stability Legal Advocate Initiative prototype testing. Data on file with author.

¹⁵⁶ Housing Stability Legal Advocate Initiative prototype testing, data on file with author.

¹⁵⁷ Housing Stability Legal Advocate Initiative prototype testing, data on file with author. For an in-depth explanation of licensed paraprofessional requirements across the country, see Institute for the Advancement of the American Legal System, [The Landscape of Allied Legal Professional Programs in the United States](#), (Nov. 2022).

| Arizona LP | Utah LPP |
|--|---|
| Who is Eligible? | |
| <p>There are two distinct paths to licensure in Arizona.¹⁵⁸</p> <p>Education pathway: Applicants must have one of the following:</p> <ul style="list-style-type: none"> • Associates Degree in paralegal studies or any Associates Degree PLUS a certificate in paralegal studies that requires a minimum of 24 semester units PLUS 1 year of substantive law-related experience under supervision of an attorney. • Bachelor's Degree, Masters of Legal Studies Degree, or foreign trained lawyers with an LLM degree, all of which must include 12-18 credit hours of law-related coursework (depending on the subject matter) and 120 hours of experiential learning. • Juris Doctor <p>Experience pathway: 7 years of full-time substantive law-related experience within the 10 years preceding the application.</p> <ul style="list-style-type: none"> • For landlord-tenant law, 2 years of substantive landlord-tenant-law-related experience is required | <p>Utah's primary licensing path requires education and experience,¹⁵⁹ but the education components can be waived with seven years of paralegal experience.¹⁶⁰</p> <p>Education + Experience pathway: Applicants must have one of the following:</p> <ul style="list-style-type: none"> • A degree in law from an accredited law school; An Associate degree in paralegal studies from an accredited school; • A Bachelor's degree in paralegal studies from an accredited school; • A Master's Degree in legal studies or equivalent that is offered through an Approved Law School; or • Obtained either the Certified Paralegal (CP or CLA) credential from the National Association of Legal Assistants (NALA); the Professional Paralegal (PP) credential from the National Association of Legal Professionals (NALS); or the Registered Paralegal (RP) credential from the National Federation of Paralegal Associations (NFPA). |

¹⁵⁸ The education requirements are set forth in section [7-210\(E\)\(3\)\(b\)\(9\)](#). If an applicant does not meet the education requirements in 7-210(E)(3)(b)(9), they may qualify through experience described in [7-210\(E\)\(3\)\(c\)](#) that allows applicants to take the exam and apply for a license. Fees associated with the process are listed in [7-210\(K\)](#).

¹⁵⁹ [Licensed Paralegal Practitioner](#), Utah Courts (last visited Jan. 9, 2022); [RGLPP 15-703](#).

¹⁶⁰ [Licensed Paralegal Practitioner](#), Utah Courts (last visited Jan. 9, 2022); [RGLPP 15-705](#).

| | |
|--|--|
| | <p>Additionally, applicants must:</p> <ul style="list-style-type: none"> • Complete 1,500 hours of substantive law-related experience within the 3 years prior to the application • Pass a professional ethics examination. • Pass a Licensed Paralegal Practitioner Examination for each practice area for which the applicant seeks to practice. <p>Paralegal Experience pathway: education requirements can be waived if:</p> <ul style="list-style-type: none"> • Applicant has seven years of full-time substantive law-related experience as a paralegal within the previous ten years. |
| What is the time commitment? | |
| <p>As of January 1, 2021, no certification programs have been brought to the Arizona Judicial Council for review. It is expected that educational institutions will develop programs that will be approved by the Arizona Judicial Council and allow candidates to qualify for LP licensure under 7-210(E)(3)(b)(g)(c).</p> <p>i4J anticipates that these programs will require at least a semester of full-time study.</p> <p>The University of Arizona has created an educational track for BA in Law or MLS students interested in becoming certified as an LP. It is not open to persons not seeking legal degrees at the University. The MLS program consists of 30 units or two semesters.</p> | <p>At minimum, a four-month semester of study is required, with 30 credit hours required for the legal ethics course and up to 60 credit hours required for each substantive course for each practice area. All courses—ethics, debt collection, family law, and tenant/landlord law—amount to a total of 130 Hours or 16 Weeks.¹⁶¹ Additional time is needed for the exams offered only in March and August.</p> |

¹⁶¹ See [UVU Course Catalog](#) (last visited Jan 10, 2022).

| | |
|--|---|
| <p>The BA in Law plus accelerated masters route allows students to earn their masters in one semester (15 units). https://law.arizona.edu/legal-paraprofessional.</p> | |
| What practice areas are offered? | |
| <p>There are four available areas of practice:¹⁶²</p> <ul style="list-style-type: none"> • Family law; • Limited jurisdiction civil cases; • Limited jurisdiction criminal cases where no jail time is involved; and • State administrative law (where the administrative agency allows). | <p>There are three available practice areas:¹⁶³</p> <ul style="list-style-type: none"> • Specific family law matters, such as temporary separation, divorce, parentage, cohabitant abuse, civil stalking, custody and support, or name change; • Forcible entry and detainer; and • Debt collection matters in which the dollar amount at issue does not exceed the statutory limit for small claims cases. |
| How much does it cost? | |
| <p>The core exam costs \$100 and each of the subject matter tests cost \$150, so a minimum \$250 in exam fees are required for licensure.</p> <p>Additionally, because there is currently no certificate program, applicants may incur additional costs of study materials.</p> <p>Cost to enroll in forthcoming educational programs offered by state universities is unknown.</p> <p>The University of Arizona educational track for enrolled MLS students consists of 30 units, and costs \$19,500 for online learning \$26,010 for in-person learning.</p> | <p>All offered coursework amounts to \$1,050, while just the legal ethics course cost \$180 and tenant / landlord costs \$260.¹⁶⁴ Exams total \$200-400 depending on the number of practice areas applicants test in. There are also fees to incomplete and late examination applications.</p> <p>For paralegals who are already working, the total cost is roughly \$600. Persons who have yet to complete an associate's degree or higher, the cost can be roughly \$10,000.¹⁶⁵</p> |

¹⁶² A description of the areas and scope of practice for each area can be found in section [7-210\(F\)\(2\)](#).

¹⁶³ [Licensed Paralegal Practitioner](#), Utah Courts (last visited Jan. 9, 2022).

¹⁶⁴ See [UVU Course Catalog](#) (last visited Jan 10, 2022).

¹⁶⁵ Annie Knox, [How a new program connects Utahns to lower-cost legal advice](#), Deserted News (Feb. 17, 2020, 4:30pm MST).

| | |
|--|--|
| <p>The BA in Law plus accelerated masters route has the same per-unit cost for online and in-person units. https://law.arizona.edu/legal-paraprofessional..</p> | |
| Who is graduating from LP / LPP | |
| <p>25 LP Applicants have passed both the core examination and one subject-matter examination.</p> <p>17/25 applications have been submitted.</p> <ul style="list-style-type: none"> • 15 applications for Family Law • 1 application for Criminal Law • 1 application for Civil Law | <p>13 LPPs have passed exams and graduated from the program.</p> |
| What services are they providing? | |
| <p>Of the 17 applications submitted, all approved and licensed are for Family Law:¹⁶⁶</p> <ul style="list-style-type: none"> • 10 LPs have been approved • 4 LPs are licensed | <p>Data from interviews and publicly available info on 11/13 LPPs demonstrates LPs are active in the following areas:¹⁶⁷</p> <ul style="list-style-type: none"> • 11/11 Family Law • 3/11 Debt Collection • 5/11 Housing |

Education and experience requirements were the greatest concern for staff employed at community-based organizations. Social service providers have a range of education experience: 21.7% have a high school diploma or equivalent, 34.7% have some college experience, 22.9% have a college degree, and 12.8% have an advanced degree.¹⁶⁸ While many community-based organization staff interviewed had at least an associates degree, no community-based organization staff had substantive legal experience.

The training time commitment and cost were the next greatest concerns. Community-based organization staff could not dedicate a full-semester of work

¹⁶⁶ Data provided by Arizona Supreme Court Administrative Office of the Courts (on file with author).

¹⁶⁷ Research from University of Utah Professor Anna Carpenter and Wesleyan University Professor Alyx Mark (on file with authors).

¹⁶⁸ Hye Jin Rho, et al., [A Basic Demographic Profile of Workers in Frontline Industries](#), at Table 1 (Apr. 2020).

while working a full-time job in the public sector. The costs of the programs were also seen as large barriers: between 25% and 27% of social service providers providing individual and family services and community food and housing, and emergency services earn an income below 200% of the federal poverty guidelines.¹⁶⁹

i4J's DVLA initiative was the first of i4J's projects to identify the barrier that time-intensive training presents to community-based organizations who wish to train advocates. i4J worked with lay legal advocates at Emerge to balance their lives as working professionals who need to do their job with providing them with enough training for them to confidently provide competent legal advice to the consumers they interact with. Creating the training online offered flexibility for advocates to participate in the initiative, and the inclusion of an in-person meet up allowed the advocates to ask questions and receive in-person feedback about their training.¹⁷⁰ This initiative was authorized through an Administrative Order by the Arizona Supreme Court; this allowed for more flexibility in design in contrast to other i4J projects attempting to leverage other already-existing UPL reform mechanisms such as ALP programs or the Utah Sandbox.

Some things i4J heard from interview participants in the Housing Stability Legal Advocate project include:

- "Staff time and current stress levels just don't leave room to take on too many additional things."
- "The programs are intimidating. Time commitment and costs would for sure be a barrier."
- "The amount of time and the cost would be huge barriers."
- "Our staff don't make a lot of money. They want to help people. They often take free trainings or join free webinars so they can better assist."¹⁷¹

This was echoed in i4J's West Valley project:

- "1500 hours of experience...would be a significant barrier."¹⁷²
- "The cost... \$10,000 is a lot. And then the \$600 is not not a lot."¹⁷³

¹⁶⁹ Hye Jin Rho, et al., [A Basic Demographic Profile of Workers in Frontline Industries](#), at Table 2 (Apr. 2020).

¹⁷⁰ Innovation for Justice, [Report to the Arizona Supreme Court Task Force on Delivery of Legal Services: Designing a New Tier of Civil Legal Professional for Survivors of Domestic Violence](#), 10 (Spring 2019).

¹⁷¹ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), 41-42 (Jan. 2022).

¹⁷² West Valley Project prototype testing, transcript on file with author.

¹⁷³ West Valley Project prototype testing, transcript on file with author. The prototype test participant was also curious about the drastic cost range and what contributes to that.

- Of the 14 masters of public health students who participated in the West Valley research, all 14 of them had never heard of the ALP program in Utah. When asked about barriers to participation, “not enough time” and “too expensive” were the two highest-identified.

Reducing the time and cost barriers may increase community-based organization participation in UPL reform opportunities.

If cost, education, and experience requirements were reduced, a majority of community-based organizations that i4J spoke with would be interested in participating in training, and enthusiastic about such a program.¹⁷⁴ There is an appetite for engagement and collaboration among community health workers, especially, and a desire to create more education pathways for workforce development.¹⁷⁵ An executive director of a community-based organization told i4J “if the training were free, both staff and volunteers would take it. Volunteers always are looking to do more help, and this would be a nice thing to offer to staff.”¹⁷⁶

Research questions for Consumers

1. Will people experiencing civil legal issues trust someone with legal training but not a JD as their legal advocate?

Consumers trust someone with legal training but not a JD as their legal advocate more than they trust an attorney.

Community members think engaging with the justice system is pointless, and that “lawyers are for rich people.”¹⁷⁷ Community members view interacting with attorneys as time consuming, expensive, and intimidating.¹⁷⁸ A person who has experienced housing instability told i4J that “[Finding legal help] will probably just be a waste of time and money. I know lawyers are expensive, and I wouldn't even know where to go.”¹⁷⁹ Consumers don't think that lawyers look like or understand the community.¹⁸⁰ Consumers want a safe and supportive venue for expressing their concerns and learning how to successfully navigate their justice issue, and are excited about

¹⁷⁴ Housing Stability Legal Advocate Initiative prototype testing, data on file with author.

¹⁷⁵ West Valley Project prototype testing, transcript on file with author.

¹⁷⁶ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), 41-42 (Jan. 2022).

¹⁷⁷ West Valley Project interview, transcript on file with author.

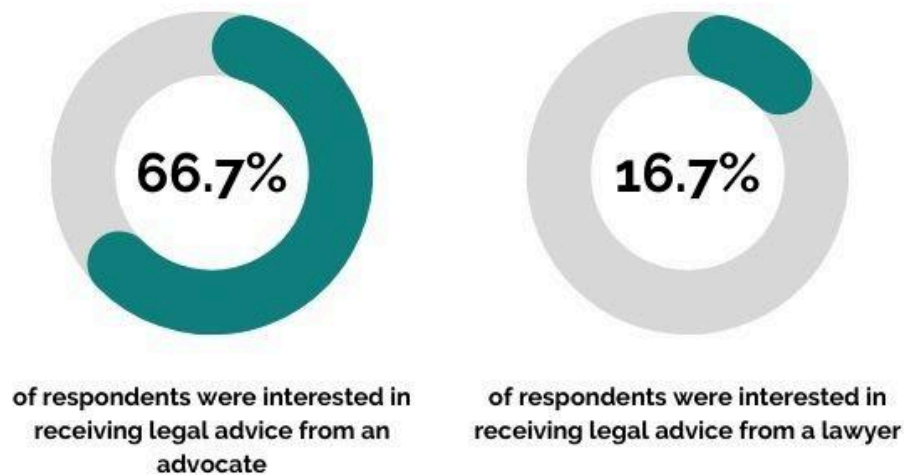
¹⁷⁸ West Valley Project interviews, Housing Stability Legal Advocate Initiative interviews, Medical Debt Legal Advocate initiative interviews, data on file with author.

¹⁷⁹ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), 27 (Jan. 2022).

¹⁸⁰ West Valley Project interviews, data on file with author.

advocates who know the systems and would be able to provide direction regarding resources and what to do next.¹⁸¹

When community members were surveyed as part of the Housing Stability Legal Advocate initiative creation, 66.7% of respondents were interested in receiving legal advice from an advocate, compared to only 16.7% interested in receiving legal advice from a lawyer. This is consistent with other responses across i4J service model creation efforts, including Medical Debt Legal Advocates.¹⁸²



Consumers already ask community-based organizations legal questions, indicating that consumers are comfortable with these services and would like them to also cover legal problems. When experiencing housing instability, consumers trust social workers almost as much as they trust friends and family when they are experiencing a problem, followed by places of worship next, and lawyers last.¹⁸³ When a justice need is not specified, Utah consumers are most likely to seek help from an organization in the community that specializes in helping with that problem, with an average rank of 3.7101 out of 5,¹⁸⁴ with a friend or family member coming in next with an average of 3.6811 out of 5.

| Likelihood to seek services from particular provider when a justice need is not identified | Average for 69 Utah responses |
|--|-------------------------------|
|--|-------------------------------|

¹⁸¹ Housing Stability Legal Advocate Initiative prototype testing, data on file with author.

¹⁸² Medical Debt Legal Advocate initiative, West Valley Project, Licensed Legal Advocate initiative, data on file with author.

¹⁸³ Housing Stability Legal Advocate Initiative prototype testing, data on file with author.

¹⁸⁴ It is likely that a community organization such as this would have a social worker or social-work-type role on staff.

| | |
|---|--------|
| An organization in your community that specializes in helping with that problem | 3.7101 |
| Friend or family member | 3.6811 |
| I would try to handle the problem myself | 3.5942 |
| A social worker who has helped me with other problems | 3.5217 |
| Attorney | 3.5217 |
| Community justice worker (CJW) ¹⁸⁵ | 3.4057 |
| Someone in my community that I trust | 3.4057 |
| Someone who works for my local government providing resources | 3.2028 |
| Someone who works at a nonprofit in my community providing resources | 3.1594 |
| Student service provider (SSP) ¹⁸⁶ | 3.0579 |

When choosing between self-help, technology, or a human to help with their civil justice problem-solving, community members overwhelmingly prefer trusted human help. Trusted community members include community health workers, social workers, and other staff members at community centers and community-based organizations.¹⁸⁷

Consumers are more likely to try to solve problems on their own than seek help from an attorney.

In both West Valley and Housing Stability Legal Advocate projects, consumers reported preferring to solve problems on their own instead of seeking help from an attorney. One community member who participated in a Housing Stability Legal Advocate project interview said “I like to solve these issues by myself. Because, you know, you seek legal help. That's like more money, you know, you're spending more

¹⁸⁵ CJW refers to a service model proposed in the Fall 22 West Valley project. To learn more about this proposed service model, see Innovation for Justice, *Embedding Regulatory Reform-Based Civil Justice Problem-Solving in Patient Care* (forthcoming, Feb. 2023).

¹⁸⁶ SSP refers to a service model proposed in the Fall 22 West Valley project. To learn more about this proposed service model, see Innovation for Justice, *Embedding Regulatory Reform-Based Civil Justice Problem-Solving in Patient Care* (forthcoming, Feb. 2023).

¹⁸⁷ Housing Stability Legal Advocate Initiative, Medical Debt Legal Advocate initiative. Data on file with author.

money for someone to help you.”¹⁸⁸ Similarly, when asked how likely they were to seek help from various people on a scale of 1-5, Utah community members said they were more likely to try to handle the problem themselves instead of contacting an attorney– with an average for self-help at 3.5942 out of 5 and an average for help from an attorney at 3.5217 out of 5.

Consumers are comfortable speaking with advocates about a wide range of justice needs.

When a specific justice need has not yet been identified, consumers report comfortability speaking with an advocate who is not an attorney about a wide range of justice needs. When surveyed, 69 Utah consumers said they were most comfortable speaking with a Community Justice Worker¹⁸⁹ about housing issues with an average score of 3.7826 out of 5, followed next by disability insurance at 3.8260 out of 5. The third highest comfortability for seeking help from a CJW are health insurance and custody, separation, or divorce with an average of 3.7536 out of 5. Tied for third are financial assistance, including debt, and domestic violence.¹⁹⁰

| Information sharing comfort level | Average for Utah data set for CJW (69 responses) |
|---|--|
| Do you feel comfortable sharing vulnerable and private information? | 3.7826 |
| Housing | 3.8840 |

¹⁸⁸ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona’s LP and Utah’s LPP Program to Advance Housing Stability](#), 45 (Jan. 2022).

¹⁸⁹ A Community Justice Worker, in this prototype, is someone in the community who is not an attorney but has been trained to provide legal advice and problem-solving help on specific issues. To learn more about this proposed service model, see Innovation for Justice, *Embedding Regulatory Reform-Based Civil Justice Problem-Solving in Patient Care* (forthcoming, Feb. 2023).

¹⁹⁰ West Valley Project prototype testing, data on file with author. These responses were a result of an online survey, where participants were not speaking with a person and minimal context was provided about the relationship between the participant and the prototype service provider. Further research about the impact of familiarity and relationship on comfortability is recommended.

| | |
|--------------------------------------|--------|
| Disability insurance | 3.8260 |
| Health insurance | 3.7536 |
| Custody, separation, or divorce | 3.7356 |
| Financial assistance, including debt | 3.7391 |
| Domestic violence | 3.7391 |

Early evaluations of the DVLA initiative indicate that consumers trust DVLA's and find them to be helpful.

While the evaluation is still ongoing, data from exit surveys in the DVLA initiative indicate that the majority of consumers who interact with an DVLA report positive, helpful interactions. One consumer said that she felt like the DVLA she worked with "was very detailed, knowledgeable, and kind"¹⁹¹ and that the DVLA "was incredibly understanding about the situation."¹⁹² Another said that the DVLA "was pleasant and very knowledgeable. She stressed important points to remember and that helped a lot."¹⁹³ One consumer emphasized that the DVLA's patience and kindness "helped a lot."¹⁹⁴ Additionally, consumers reported that "the support at any given time was much appreciated,"¹⁹⁵ and the DVLA's were "helpful"¹⁹⁶ and "amazing."¹⁹⁷

2. What will effectively nudge consumers to engage with advocates who have legal training but not a JD?

Consumers want the same person to help them through the problem-solving process.

Consumers want help at the first sign of a problem and feel that continuity of service is critical: when asked to rank what is most important to them when seeking help, every person experiencing housing instability that i4J surveyed selected "working with the same person until the problem is solved (not having to work with multiple

¹⁹¹ Licensed Legal Advocate initiative exit survey, response on file with author.

¹⁹² Licensed Legal Advocate initiative exit survey, response on file with author.

¹⁹³ Licensed Legal Advocate initiative exit survey, response on file with author.

¹⁹⁴ Licensed Legal Advocate initiative exit survey, response on file with author.

¹⁹⁵ Licensed Legal Advocate initiative exit survey, response on file with author.

¹⁹⁶ Licensed Legal Advocate initiative exit survey, response on file with author.

¹⁹⁷ Licensed Legal Advocate initiative exit survey, response on file with author.

people).¹⁹⁸ They want a person who is there to help them “throughout the entire process” so that things don’t get lost between steps.¹⁹⁹ This would also increase and align with the trauma-informed practices that are important to community-based organizations and consumers, because it would reduce the number of times a consumer has to relive trauma experiences through explaining their situation to siloed service providers.²⁰⁰ On a scale of 1-5, the average score from 20 participants was 3.95 when asked how important it is to them that the person helping them is the same person throughout the entire process.²⁰¹ When it isn’t possible for the same person to help throughout the process, warm handoffs between providers is more desirable than providing resources that the consumer must contact themselves.²⁰² Consumers also prioritize speaking to a real person, as opposed to using technology, when problem-solving their justice issue.²⁰³

Consumers want assurances that their advocate is properly trained and certified.

They want to know that the person providing the services did complete the requisite training for certification, and are providing information and advice that the consumer can trust and rely on.²⁰⁴ When asked what qualifications of an advocate are important, on a scale of 1-5, 69 Utah consumers ranked “hours of experience” as most important, with an average of 3.8115. Second was references from certified experts averaging 3.7826, third is recommendations from someone they know at 3.5652, fourth is number of outside certifications at 3.4347, and least important is training at a recognized University at 3.4057.²⁰⁵ Consumers want to know that their advocate knows the extent of their training and accompanying limitations – they expect a referral when services are outside the scope of what the advocate is authorized to provide.²⁰⁶

| Qualification importance | Average for Utah participants (69 |
|--------------------------|-----------------------------------|
|--------------------------|-----------------------------------|

¹⁹⁸ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona’s LP and Utah’s LPP Program to Advance Housing Stability](#), 45 (Jan. 2022).

¹⁹⁹ Housing Stability Legal Advocate Initiative and West Valley Project. Data on file with author.

²⁰⁰ Housing Stability Legal Advocate Initiative, Medical Debt Legal Advocate initiative, West Valley Project. Data on file with author. See also Negar Katirai, *Retraumatized in Court*, 62 Ariz. L. Rev 81 (2020).

²⁰¹ West Valley Project assumption testing with consumers, data on file with author.

²⁰² West Valley Project interviews, data on file with author.

²⁰³ Housing Stability Legal Advocate prototype testing, data on file with author.

²⁰⁴ Housing Stability Legal Advocate Initiative, Medical Debt Legal Advocate initiative, data on file with author.

²⁰⁵ West Valley Project prototype testing, data on file with author.

²⁰⁶ West Valley Project interviews and assumption testing, data on file with author. This is also important to community-based organization staff who may become advocates as well as the current bench and bar including regulatory reform decision makers.

| | responses) |
|-------------------------------------|------------|
| Hours of experience | 3.8115 |
| References from certified experts | 3.7826 |
| Recommendation from someone I know | 3.5652 |
| Number of outside certifications | 3.4347 |
| Trained at a University I recognize | 3.4057 |

Representation is very important to consumers when seeking legal services.

Consumers want to seek services from legal advocates that look like the consumers to whom they are providing services, who understand and are trusted members of the community.²⁰⁷ On a scale of 1-5, the average of 20 survey participants was 4.5 out of 5 importance that the provider speaks the same language as the consumer.²⁰⁸

This is especially important in areas where there are many different minorities. For example, this is a theme that came up through three distinct rounds of community engagement in i4J's West Valley City, Utah, project where there are over 100 languages spoken and is home to a vibrant, diverse community who are experiencing many civil justice needs.²⁰⁹

²⁰⁷ West Valley Project interviews, data on file with author.

²⁰⁸ West Valley Project assumption testing, data on file with author.

²⁰⁹ Civil justice needs data on file with the author, available in Innovation for Justice, *Embedding Regulatory Reform-Based Civil Justice Problem-Solving in Patient Care* (forthcoming, Feb. 2023). See also The University of Utah, [U West Valley](#) (last visited Jan. 13, 2023).

3. What types of legal advocate services are most important to people experiencing civil justice issues?

Regardless of scope of service, trauma informed care should be the standard when providing services.

Generally, people who are experiencing a civil justice need are dealing with some of the worst moments of their lives. Further, interacting with the civil legal system can be a trauma experience, regardless of what is going on in the consumer's life outside of court involvement. Someone who previously experienced housing instability shared that "the psychological impact of being in survival mode still has effects to this day."²¹⁰ In a different interview, a community-based organization staff member explained the importance of consistency when interacting with someone experiencing housing instability: "we need to be alongside the person because they are traumatized and they can't really do it alone, so you need to be with them going through this. What do you give an 84-year-old experiencing homelessness for the first time? They need an advocate."²¹¹

In the US, 82.7% of the population has experienced at least one traumatic event in their life.²¹² Experiencing a traumatic event may have long-lasting impacts on physical health, including disruption to all major system functioning.²¹³ Mental health impacts may include behavior changes, memory challenges, inability to complete routine tasks, difficulty with interpersonal relationships and other symptoms associated with Post Traumatic Stress Disorder.²¹⁴ Re-traumatization can happen in many settings, causing the person to relive their previous trauma experience in the moment through re-creating conditions of that trauma. Re-traumatization may create or worsen existing trauma symptoms.

There are steps that professionals can take, called trauma-informed practices or trauma-informed care, to mitigate the effects of re-traumatization.²¹⁵ Extant legal scholarship examines how exposure to others' traumatic events impacts legal

²¹⁰ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), 22 (Jan. 2022).

²¹¹ Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), 44 (Jan. 2022).

²¹² Sandro Galea, Trauma and Its Aftermath, Boston University School of Public Health (July 12, 2018), <https://www.bu.edu/sph/news/articles/2018/trauma-and-its-aftermath/>.

²¹³ Sandro Galea, Trauma and Its Aftermath, Boston University School of Public Health (July 12, 2018), <https://www.bu.edu/sph/news/articles/2018/trauma-and-its-aftermath/>.

²¹⁴ Sandro Galea, Trauma and Its Aftermath, Boston University School of Public Health (July 12, 2018), <https://www.bu.edu/sph/news/articles/2018/trauma-and-its-aftermath/>.

²¹⁵ American Psychiatric Association, What Does it Mean to be Trauma Informed?, SMI ADVISOR (Aug. 12, 2020), https://smiadviser.org/knowledge_post/what-does-it-mean-to-be-trauma-informed.

professionals,²¹⁶ and a recognition that these traumatic events also impact the clients that legal professionals serve.²¹⁷ Various attempts have been made at recommending best practices, with varying success in implementation.²¹⁸

Trauma informed care looks like:²¹⁹

- Continuity of care
- Warm handoffs when referrals must be made
- Recognizing that trauma-related symptoms and behaviors originate from adapting to traumatic responses
- Minimizing the risk of re-traumatization
- Reducing the number of times that a consumer must repeat their story
- Creating a safe environment
- Supporting control, choice, and autonomy
- Creating collaborative relationships and participation opportunities
- Conducting universal routine trauma screening
- Showing organizational and administrative commitment to Trauma Informed Care
- Developing strategies to address secondary trauma and promote self-care

To date, all i4J UPL reform initiatives have incorporated a trauma-informed practices module. This seems to be the exception, rather than the rule, when innovative service models are proposed and authorized. Out of the 16 states that have active ALP programs, only California has required all allied legal professionals to complete additional trauma-informed practice training.²²⁰ Minnesota requires trauma-informed training for allied legal professionals working on child and domestic abuse cases.²²¹

²¹⁶ MONICA K. MILLER & BRIAN H. BORNSTEIN, STRESS, TRAUMA, AND WELLBEING IN THE LEGAL SYSTEM (2012).

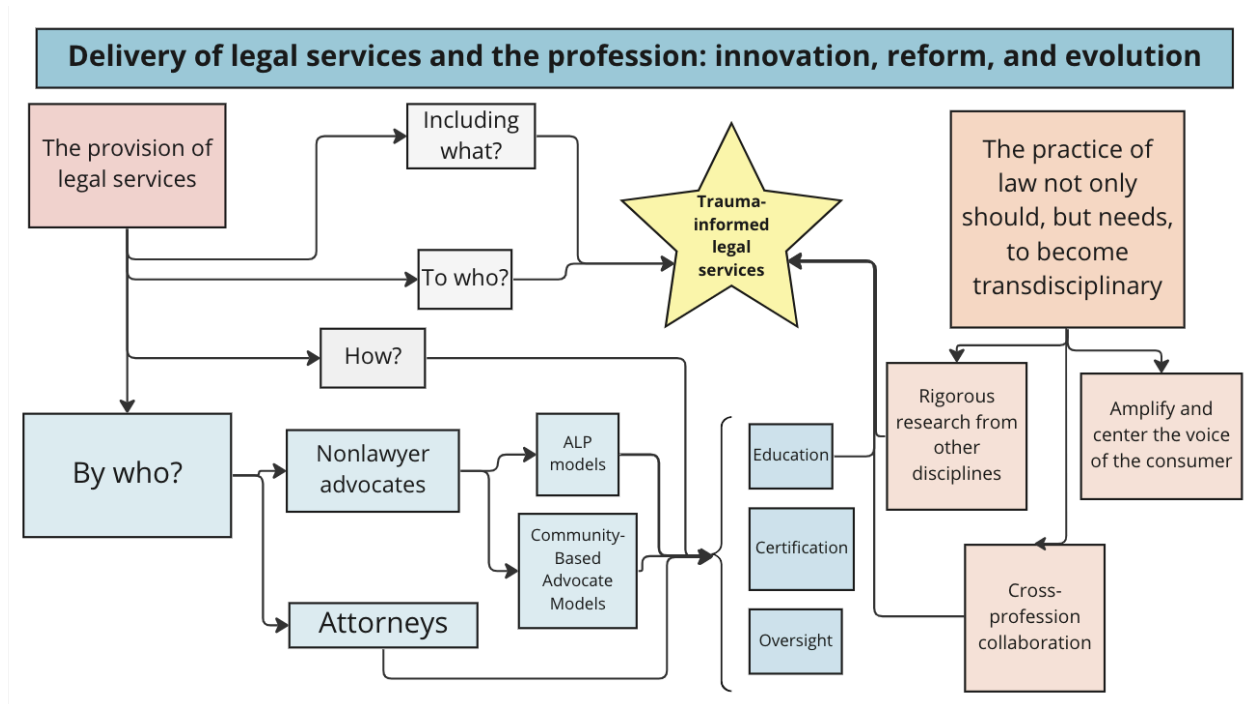
²¹⁷ Vivianne Mbaku, Trauma-Informed Lawyering, NAT'L CNTR. LAW & ELDER RIGHTS (last visited Nov. 12, 2022), available at <https://ncler.acl.gov/files/trauma-informed-lawyering.aspx>.

²¹⁸ Colin James, Towards trauma-informed legal practice: a review, 27 PSYCHIATRY PSYCHOLOGY & LAW 275 (2020). Deeya Haldar, Sarah Katz, Best Practices: Trauma Informed Lawyering and Advocacy, AMERICAN BAR ASSOCIATION CLE, (March 18, 2022), <https://www.americanbar.org/events-cle/ecd/ondemand/420605044/>. Sarah Katz & Deeya Haldar, The Pedagogy of Trauma-Informed Lawyering, 22 CLINICAL L. REV. 359 (2016).

²¹⁹ American Psychiatric Association, What Does it Mean to be Trauma Informed?, SMI ADVISOR (Aug. 12, 2020), https://smiadviser.org/knowledge_post/what-does-it-mean-to-be-trauma-informed.

²²⁰ Institute for the Advancement of the American Legal System, [*The Landscape of Allied Legal Professional Programs in the United States*](#), 44 (Nov. 2022). However, it must be noted that California is no longer moving forward with their paraprofessional program. *Id.* at 18.

²²¹ Institute for the Advancement of the American Legal System, [*The Landscape of Allied Legal Professional Programs in the United States*](#), 45 (Nov. 2022).



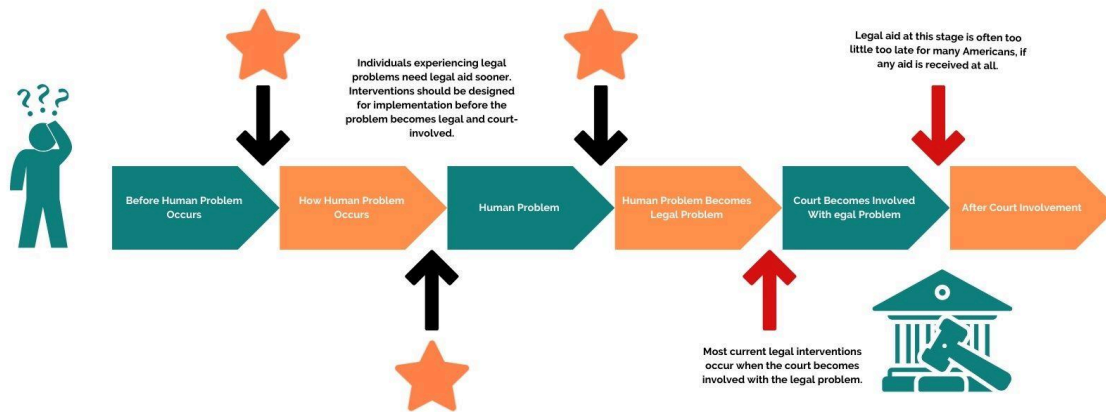
Consumers want upstream intervention, before problems become court-involved.

Consumers experiencing housing instability want help at the first sign of a problem, as soon as they think they might miss a rent payment.²²² People experiencing medical debt in Utah want the opportunity to speak with an advocate as soon as they receive a medical bill, especially if they know they will not be able to pay it in full.²²³

When a specific justice need is not identified, consumers still want upstream intervention. Out of 69 Utah community members, 30 indicated that they would like problem-solving help with a legal issue when the problem begins interfering with their daily life. Participants felt that this timing "seem[ed] to be the most appropriate use of resources," that this "is when [they] would be the most stressed out and need help," and that they "wouldn't want to bother [anyone] unless it interfere[d] with [their] life." Additionally, community members said that at this point the problem "is no longer ignorable" and "it would become more difficult to manage" and they "would need more help."

²²² Housing Stability Legal Advocate prototype testing, data on file with author.

²²³ Medical Debt Legal Advocate prototype testing, data on file with author.



24 out of 69 Utah community members indicated it would be most helpful to be contacted even further upstream, when they think it might become a problem. Participants felt that this timing “would give ... the most control over the situation,” would be “before things get out of hand,” would “prevent the worst from happening,” and that it would be “best to receive help before it becomes a bigger problem.” Further, community members told the research team that it’s “better to solve the problem early on” and problem solve whether “what was becoming a stress factor was a real issue.”

Consumers have different priorities for what types of legal advocate services are most important depending on the legal issue.

Domestic Violence Legal Advocate scope

Domestic Violence Legal Advocates are authorized to assist DV survivors by giving legal advice on urgent legal needs during initial intake, giving legal advice during completion of forms, giving legal advice about case preparation, and having a quiet seat at the table when consumers go to court hearings. Consumers, family law judges, law professors, and practitioners provided feedback on the DVLA scope of service. Findings from those feedback interviews included that “DVLAs should identify both legal and emotional issues and the type of help that [consumers] need to navigate the legal process.”²²⁴ It was suggested that DVLAs should have a seat at the table during hearings “because as someone who would prepare the [consumers] for the hearings, they would be well-equipped to assist them during the hearings.”²²⁵

²²⁴ Innovation for Justice, [Report to the Arizona Supreme Court Task Force on Delivery of Legal Services: Designing a New Tier of Civil Legal Professional for Survivors of Domestic Violence](#), 6 (Spring 2019).

²²⁵ Innovation for Justice, [Report to the Arizona Supreme Court Task Force on Delivery of Legal Services: Designing a New Tier of Civil Legal Professional for Survivors of Domestic Violence](#), 6 (Spring 2019).

The DVLA initiative was “designed to fill the specific legal knowledge gaps of DV lay legal advocates.”²²⁶ This training was designed to supplement the real-world experience that the lay advocates already have, not to provide them with a JD-level of comprehensive legal training.²²⁷

Medical Debt Legal Advocate scope

The Medical Debt Legal Advocate initiatives have varying intervention points to meet the needs and desires of a wide range of consumers and other system actors.

Consumers expressed a desire for CHWs to do all negotiations with healthcare providers, but want to take a more active role and collaborate with their advocate during negotiations with creditors.

The court diversion initiative is focused on intervention further downstream from CHW intervention, but still seeks to problem-solve before the complaint is filed. At this stage in the medical debt journey, consumers want help from an advocate navigating the system, filing documents, preparing for court, and finding and accessing other legal resources.²²⁸ Accordingly, MDLAs scope of service can include assisting with insurance coverage, Medicaid, billing, negotiating payment plans, financial assistance programs and debt management, fees, court procedure, settlement, garnishment, and bankruptcy options. However, the MDLA curriculum is modular, allowing the community-based organizations participating in the MDLA initiative to customize their advocates' learning for offering either upstream or court-adjacent legal help.

Housing Stability Legal Advocate scope.

Consumers experiencing housing instability want to work with an advocate when it comes to completing legal paperwork, negotiating with landlords, and planning next steps for problem-solving their housing situation.²²⁹ Consumers

²²⁶ Innovation for Justice, [*Report to the Arizona Supreme Court Task Force on Delivery of Legal Services: Designing a New Tier of Civil Legal Professional for Survivors of Domestic Violence*](#), 9 (Spring 2019).

²²⁷ Innovation for Justice, [*Report to the Arizona Supreme Court Task Force on Delivery of Legal Services: Designing a New Tier of Civil Legal Professional for Survivors of Domestic Violence*](#), 9 (Spring 2019).

²²⁸ Medical Debt Legal Advocate initiative prototype testing, data on file with author.

²²⁹ Housing Stability Legal Advocate Initiative prototype testing, data on file with author.

are more confident in an advocate's ability to prepare legal paperwork for them than they are in their own ability to prepare legal paperwork.²³⁰

| On a scale of 1 to 7, 1 being doing it on your own without help, and 7 being getting help from a Housing Stability Legal Advocate, how would you prefer to... ²³¹ | |
|---|------|
| Read and complete legal paperwork | 6 |
| Negotiate with your landlord/ property manager | 5.43 |
| Plan next steps in problem-solving your housing situation? | 5.57 |

Given what i4J learned from consumers when creating the HSLA initiative, the proposed scope of the initiative has five parts: first, community-based organizations issue-spot for housing instability at intake and know the scope and limits of their authorization as a legal advocate. Issue spotting at intake is often before consumers recognize that their housing problem is also a legal problem, and allows for consumer-desired upstream intervention. Second, help tenants problem-solve before a housing issue goes to court. This continues issue-spotting, and adds providing legal advice and negotiating with landlords on behalf of tenants. Third, give legal advice to tenants about engaging with the civil legal system. Housing Stability Legal Advocates will not represent consumers in court, but will be positioned to advise consumers who have received an eviction notice about the process and timeline, completion of forms, and the potential value of interacting with the civil legal system during the eviction case. Fourth, HSLAs will be trained to identify viable defenses and assist tenants in asserting those defenses. Last, HSLAs would be able to assist tenants after eviction. This would include identifying any potential appeals, navigating any debt collection actions that result from the eviction suit, and aiding in finding housing.²³²

²³⁰ Housing Stability Legal Advocate Initiative prototype testing, data on file with author. On a scale of 1-7, the average confidence level in HSLAs was 5.86, while the average self confidence level was 4.

²³¹ Results from Housing Stability Legal Advocate Initiative prototype testing with consumers, data on file with author.

²³² In some states, such as Utah, the debt collection case is a continuation of the eviction case. Most consumers don't know that they have to update their address with the court after they leave their housing, and therefore do not receive important court communications about the debt collection action. For a further in-depth explanation of the prototype curriculum and scope of the HSLA initiative, see Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona's LP and Utah's LPP Program to Advance Housing Stability](#), (Jan. 2022).

Research questions for UPL Reform Decision-Makers:

1. Are UPL reform decision-makers considering non-market driven innovation in the design and implementation of UPL reform?

i4J's early experiences in Arizona and Utah suggest that no, UPL reform decision-makers are not considering non-market driven innovation when designing and implementing UPL reform, but that they are open to changing that. The Utah Sandbox application process and ALP programs present barriers and challenges specifically for community-based organizations trying to leverage the mechanisms for non-market-driven services.

The Sandbox application process was not designed for community-based organizations.

The Sandbox application process is confusing for community-based organizations who are seeking approval in five key areas.²³³

First, the required disclosure language for entities that are not law firms is geared towards a for-profit model. The references to "ownership" and "company" in the required disclosure to consumers is confusing because community-based organizations often have several funding sources and typically do not consider themselves to be "owned."

Second, the use of the words "business," "corporate," and "company" in the Sandbox application's Confirmation of Eligibility section is confusing for community-based organization applicants because they do not have business motives, but want to answer the questions fully and accurately. Community-based organizations do not have traditional business structures or relationships and have expressed concern about the time it could take to list all donors, grant funding, or government funding sources. There is confusion about whether company or business relationships encompassed the structure of a 501(c)(3) nonprofit, and anxiety about whether questions were answered correctly based on the community-based organization's interpretation of "business," "corporate," and "company."

²³³ These areas were identified through i4J's work assisting community-based organizations in drafting Sandbox applications for the Medical Debt Legal Advocate project. These applications were prepared between January and April 2021, when the September 20, 2020 and March 22, 2021 versions of the Sandbox manual were available. The Sandbox is actively engaged in ongoing iteration and improvement of its processes and forms.

Third, the distinction between nonlawyers with lawyer involvement and nonlawyers without lawyer involvement is unclear because the footnote describing “involvement,” while encouraging innovation by being open-ended, is largely focused on software and technology. On the Sandbox application, the footnote defining involvement reads, “[i]nvolvement denotes a range of activities, including guidance on initial development of forms, scripts, processes, software. It could mean a lawyer does sample reviews of product/service performance. It could mean a lawyer is available to advise the nonlawyer provider as needed - including via red flag trap doors in software.” In contrast to this definition, the “without lawyer involvement” is more clearly defined, as “mean[ing] either (1) a Utah-licensed lawyer provides guidance and oversight at the front end of the development of the service model only but has no ongoing oversight, or (2) no Utah-licensed lawyer is involved in the development or provision of legal service at all.” This raised questions as to whether anything a lawyer did to stay involved with the nonlawyer provider that did not fit within either of the two conditions for without lawyer involvement would count as meeting the standard for a service model that has lawyer involvement. Because lawyer involvement reduces the risk categorization and has corresponding differences in reporting requirements, resolving this uncertainty early is important for community-based organizations considering the Sandbox who seek to make an informed decision about the resources they will need to commit to a Sandbox project. The existing definition of lawyer involvement appears to be intentionally broad, which encourages innovation of what lawyer involvement can look like.

Fourth, understanding the Sandbox reporting requirements is important for community-based organization applicants, who often have existing case management systems and are concerned that employees will be burdened with having to duplicate work. Community-based organizations who are considering entering the Sandbox face challenges including limited funding, personnel, and time vis a vis the community’s need for services/existing case loads. While they recognize that leveraging the Sandbox’s opportunity for new legal service models has great potential to benefit the communities they serve, interested community-based organization applicants are concerned about ensuring they understand the reporting obligations should they be approved for the service model they have chosen. They want to be able to streamline data entry so that the employees who are working directly with the consumers can meet the organization’s existing case management requirements and the Sandbox’s reporting requirements in one submission at the end of each session. They also want to be able to plan to pull the data the Sandbox needs from their systems in just one click for the monthly submissions. Their concerns about the difference between with- and without-lawyer

involvement heightened their concerns about how much data reporting might burden their organization because of the differences in risk categorization.

Fifth, the required risk assessment category of the risk that a consumer might “purchase an unnecessary or inappropriate legal service” is also confusing for community-based organization applicants that do not propose to charge for their legal advice or services. Community-based organizations that serve low- and middle-income and minority communities may have concerns about charging consumers even marginal fees for their legal services. Instead, they can offer free legal services and fund their personnel and operations cost through grant or donor funding. When addressing the risk that their proposed service model may pose to their target population, looking at the risk that the consumer might purchase an unnecessary or inappropriate legal service is confusing if a community-based organization does not plan to charge for their services because the only legal services a client may purchase would be for legal matters outside of the limited scope of their Sandbox approval.

The design of ALP programs assumes that the applicant has a paralegal education and legal experiential background, or has the time, financial means, and work flexibility to complete the course work, experiential requirements, and a certification exam.

As mentioned above, the education and experience requirements for ALP programs are too arduous for most staff at community-based organizations to undertake.²³⁴ Additionally, ALP programs are inherently a market-driven approach. They exist to create a new tier of legal professionals who are a step above paralegals and will charge for services, but at a lower rate than fully licensed lawyers. An often-cited reason for the steep education and experience requirements of ALP programs is consumer protection. However, there is no empirical evidence showing that more education and experience mitigates consumer harm.²³⁵

²³⁴ For a comprehensive list of existing and contemplated ALP programs around the country, see Institute for the Advancement of the American Legal System, [The Landscape of Allied Legal Professional Programs in the United States](#), (Nov. 2022).

²³⁵ In fact, a recent article from Institute for Justice indicates that occupational licensing is more likely to increase barriers instead of increasing the quality of service provided. See Kyle Sweetland & Dick M. Carpenter III, [Raising Barriers, Not Quality: Occupational Licensing Fails to Improve Services](#), Institute for Justice (Oct 21, 2022).

Courts are generally receptive to changes that make space for non-market driven innovation.

“courts, if they do make regulatory reforms, they [need to] resist the temptation to over-regulate. . . . That’s a natural first step but if you over-regulate, and [impose] too many burdens on things like legal paraprofessionals, no one is going to want to do it ... if it is so expensive to do it, if you need too many hours to prove your experience, etc.”²³⁶

– Arizona Supreme Court Vice Chief Justice Ann Timmer, LSC
ITC Conference Jan 2022

In both Arizona and Utah, the Courts have been willing to collaborate with i4J to make space for authorizing non-market driven service models.²³⁷ The Arizona Supreme Court has authorized the Domestic Violence Legal Advocate initiative through administrative order, and is working with i4J on an expansion cohort. Throughout the creation of the MDLA initiative, i4J worked with Utah Sandbox leadership to help community-based organizations through the application process. While challenges were identified, Sandbox leadership has continued to work with i4J seeking feedback on usability and ways to mitigate those challenges. The Office of Legal Services Innovation wants to see more community-based organizations enter the Sandbox and are working towards lowering the barriers for entry to make that happen.²³⁸

The Housing Stability Legal Advocate initiative was initially designed as an expansion of ALP programs in both Arizona and Utah. Ultimately, it was decided in both states that rewriting the rules to accommodate lessening the educational and experiential burdens for ALPs was too steep. However, both states acknowledged that barriers exist to ALP certification, and are committed to seeing the initiative succeed through other UPL reform mechanisms.²³⁹

²³⁶ Arizona Supreme Court Vice-Chief Justice Ann Scott Timmer, Opening Plenary at the Legal Service Corporation Innovations in Technology Conference, Regulatory Reform, Technology, and Access to Justice (Jan. 12, 2022). Innovation for Justice, [Report to Arizona and Utah Supreme Courts: Expanding Arizona’s LP and Utah’s LPP Program to Advance Housing Stability](#), 46 (Jan. 2022).

²³⁷ In addition to Arizona and Utah, Alaska has recently approved a UPL waiver for nonlawyer advocates supervised by Alaska Legal Services Corporation. The Order can be found here: <https://courts.alaska.gov/sco/docs/sco1994.pdf>.

²³⁸ As of October 2022, The Office of Legal Services Innovation is creating focus groups to solicit feedback about the application process in an effort to make it more user-friendly, less cumbersome, and increase engagement with community-based organizations and other nonlawyer service models.

²³⁹ HSLA is poised to proceed through the Sandbox in Utah, and through Administrative Order in Arizona.

2. *What practical limitations do UPL reform decision-makers face in designing and implementing UPL reform to include non-market-driven innovation?*

When UPL reform decision-makers are judges and lawyers, they bring assumptions to the table about who can safely provide civil legal services.

Historically, only lawyers give legal advice and they have earned a bachelors, earned a JD, passed a bar exam and passed a character and fitness exam.²⁴⁰ Anyone else providing legal advice is at risk of violating Unauthorized Practice of Law (UPL) restrictions.²⁴¹ Because of the long tradition of legal service monopolies, decision-makers have used attorneys as the baseline for evaluating the potential consumer harm associated with new service models.²⁴² However, this is not an accurate baseline for two reasons. First, there is no empirical evidence of attorneys and consumer harm. The recourse that consumers have for subpar legal services is to file a complaint with the state bar association in the jurisdiction that has licensed the lawyer, or to bring a malpractice suit. Both of those options presume that the consumer knows how to contact the state bar or has the expendable capital to pursue court action against the lawyer. There is no measurement of consumer harm by attorneys because there is no uniform mechanism for data collection on outcomes. Second, attorneys aren't the right baseline for comparative evaluation of new service models for the low-income community because the current status quo for low-income community members is self-representation, not lawyers. In a UPL reform landscape, low-income community members are not choosing between an attorney and an advocate, they are choosing between navigating the system alone or with an advocate.²⁴³ Comparing advocate outcomes to attorney outcomes is not indicative of the reality for low-income community members, and should not be the measuring standard.

²⁴⁰ David Freeman Engstrom et al., [Legal Innovation After Reform: Evidence From Regulatory Change](#), 13 (Sept. 2022); Institute for the Advancement of the American Legal System, [The Landscape of Allied Legal Professional Programs in the United States](#), 4 (Nov. 2022).

²⁴¹ David Freeman Engstrom et al., [Legal Innovation After Reform: Evidence From Regulatory Change](#), 15 (Sept. 2022).

²⁴² For a discussion about entity- and individual-based regulation, see David Freeman Engstrom et al., [Legal Innovation After Reform: Evidence From Regulatory Change](#) (Sept. 2022).

²⁴³ 92% of low-income Americans receive inadequate or no civil legal assistance. Legal Services Corporation, [The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans](#), 45 (Apr. 2022).

In a regulatory reform landscape, low-income community members are not choosing between an attorney and an advocate, they are choosing between navigating the system alone or with an advocate.



Attorneys aren't the right baseline for comparative evaluation of new service models for the low-income community because the current status quo for low-income community members is self-representation, not lawyers.

UPL reform decision-makers must consider consumer harm but aren't including the consumer perspective.

Recognition of low-income civil justice needs is anecdotal during policy creation. Outside voices are generally not included in the process until the public comment period, and few members of the public engage in the process.²⁴⁴ Commissions and task forces created by state courts to make recommendations about UPL reform are generally made up of attorneys, with minimal involvement from nonlegal professions, and rarely including consumer perspectives.²⁴⁵ In addition, consumer risk must be balanced against the reality of the unmet civil legal needs in the US.²⁴⁶ Asking consumers the level of harm that they are willing to risk would be beneficial when making decisions about threshold level of risk acceptability.

UPL reform decision-makers are navigating uncharted waters with limited court resources for design and implementation.

Courts leading the way in adopting UPL reform are creating pathways to new service models that will require evaluation and iteration. However, advancing these new UPL reform efforts must be balanced with the many other demands on the court's time and staff capacity. Creating ABS, ALP, and Sandbox structures also requires staffing

²⁴⁴ Data provided by the Office of Professional Competence, State Bar of California, indicates that during California's public comment period, comments were received from 760 lawyers (73% of whom opposed regulatory reform) and 32 members of the public. See Memorandum to ATILS Task Force on Staff Summary of Outreach and Public Input (Oct. 2, 2019) (on file with author).

²⁴⁵ Regulatory Innovation Working Grp. of the Comm'n to Reimagine the Future of N.Y. Courts, Report and recommendations of the Working Group on Regulatory Innovation (2020); Task Force on Delivery of Legal Services,

<https://www.azcourts.gov/Portals/74/LSTF/MemberList011019LSTF.pdf?ver=2019-01-10-100147-403> (last visited Nov. 17, 2022); Board and Staff, <https://utahinnovationoffice.org/about/staff-list/> (last visited Nov. 17, 2022).

²⁴⁶ See [The Need for Non-Market Opportunities in Emerging Regulatory Reform](#) within this article for a discussion of the unmet civil legal needs in the US.

and funding to administer these new programs. In addition, those who serve on task forces and committees charged with developing these new programs are volunteering their time on the task force / committee and balancing that time commitment with other work commitments.

3. What tools and strategies can assist UPL reform decision-makers in diversifying perspectives in the design and implementation of UPL reform to allow for non-market driven innovation?

Include community-based organizations in design and implementation so they can provide feedback on the feasibility of eligibility, training, certification, ethics, and discipline requirements associated with UPL reform.

UPL reform building blocks for non-lawyer service providers include eligibility, training including continuing legal education, certification, ethics, and discipline. Giving community-based organizations and consumers a seat at the table during design and implementation helps ensure that these building blocks are equitable and inclusive.

Eligibility:

Community-based organizations can inform decisions about what level of education and experience community-based advocates can realistically bring to the table. Community-based organization staff are the experts on their workload and capacity for certifications. Including them in the design and authorization process when determining eligibility requirements can increase community-based organization involvement in UPL reform efforts by providing further insight into their existing education and experience requirements. This creates an opportunity space for courts to realistically, instead of arbitrarily, supplement the existing real-world experience that community-based organization staff already possess.

Training and Continuing Legal Education:

Community-based organizations can inform decisions about what level of training they have capacity for. Additionally, they are able to provide information about what they've already learned through work experience. Consumers can weigh in on the types of services they really want and need to help limit the scope of community-based organization advocate services. i4J research has shown that community-based organizations are interested in Continuing Legal Education. DVLAs have asked to be included in bar association CLE and continued mentoring from lawyers. Prototype test data from MDLA and HSLA projects are consistent, with participants reporting

increased comfortability with providing limited-scope legal services when there are opportunities for further training and updates after initial certification.²⁴⁷

Certification:

Building the certification process to include non-market models out of the gate and can save time and re-design energy later. Collaborating with community-based organizations in the design of the certification process will save time and energy on behalf of community-based organizations, design hubs, and courts. In i4J's research in Arizona and Utah, establishing community-based advocacy models has required problem-solving to retro-fit the existing UPL reform processes, codes, rules and forms to make them accessible for nonprofit services: work that could be avoided in future UPL reform jurisdictions by including consumers and community-based organizations at the outset.

Ethics and Discipline:

Attorney ethical rules assume fee for service. i4J's approved DVLA and HSLA administrative orders include a code of conduct adapted to fit nonprofit legal services, through redlining each line of the code to fit the proposed service models. Additionally, ethical rules applied to attorneys assume that they are only acting as an attorney and do not have another ethical code that they must abide by. When designing training and certification for community-based advocates, special attention must be paid to potential ethical conflicts based on the advocate's existing role in the community.²⁴⁸ Thoughtfully and critically considering and problem-solving these ethical code conflicts prior to authorization may increase community-based organization staff interest in leveraging UPL reform opportunities.

²⁴⁷ Medical Debt Legal Advocate initiative prototype testing, Housing Stability Legal Advocate Initiative prototype testing, data on file with author.

²⁴⁸ While many exist, one example of this is the conflict between the Model Rules and the National Association of Social Workers Code of Ethics.

The Role of the Design Hub

This research was initially designed to better understand the needs and capacities of three system actors: community-based organizations, low-income community members, and UPL reform decision-makers — but additional findings emerged over the course of research regarding the value that a design hub can bring to leveraging UPL reform to advance legal empowerment for low-income populations. While Innovation for Justice is an example of a design hub housed in the university setting, any entity that is not involved in the direct provision of legal services or the regulation of the legal profession could potentially serve as a capacity-building design hub. There are four major roles for design hubs to play in UPL reform efforts. First, the design hub can engage in information gathering as a trusted intermediary across sectors. Second, the design hub can synthesize the information gathered and be a helpful driver of ensuring the varied goals of diverse system actors are accounted for. Third, the design hub can aid in trouble-shooting the design and implementation of UPL reform to help improve the systems to work for all users. Fourth, design hubs that involve future members of the profession can help to build future capacity in the UPL reform space by training them to take on leadership roles and to have a critical eye toward existing systems and innovative efforts.

The first major role of the design hub is information gathering as a trusted intermediary. To do this successfully, leaders in the design hub must first build trust within the community. This begins through thoughtful engagement of existing leaders in the community who are subject matter experts and serving the target population. In these engagement efforts, it is helpful to have a standardized framework for background information gathering. As those relationships grow organically, the design hub's network also grows through warm handoffs from those trusted organizations to other system actors in the community. Often, trusted organizations are also a source for gathering information directly from the target population. Standardized methods of deeper data-gathering are key to ensuring that the information gathered from diverse perspectives is comparable. Underlying all of these interactions is an understanding that the design hub's role is to help bring diverse perspectives together, not to assert its agenda onto a community.

The second major role of the design hub is synthesizing the information gathered from diverse perspectives into a comprehensible narrative. This synthesis promotes new and innovative ideas for testing in the community with co-creators because it brings together knowledge from multiple sectors in new ways. Where old problem-solving methods are limited by information existing in silos, the design hub

is positioned to make new connections and reimagine the system by identifying the forces that are inhibiting or promoting outcomes in question.

The third major role of the design hub is trouble-shooting the design and implementation of UPL reform efforts as they play out in the real world. Because the design hub works as an intermediary between the provision of legal services and the regulation of the legal profession, a portion of the information gathered may identify unexpected pain points for users navigating the authorization and compliance processes. To date, UPL reform structures, policies, processes, rules and forms have been created by members of the legal profession with market-based approaches in mind, which inhibits accessibility for community-based organizations seeking to enter the UPL reform space. By gathering feedback from community-based organizations and presenting that feedback to decision-makers, the design hub can serve to further the access to justice goals of UPL reform by decreasing barriers to entry for community-based organizations. Where UPL reform is based on administrative provisions, the design hub can play a role in reviewing and redlining those provisions to help decision-makers iterate and improve in ways that allow community-based organizations to more easily integrate into these new opportunities.

The fourth major role of the design hub is to build the bench of future professionals. This is most easily done in university settings, where students from the legal and adjacent disciplines are first forming their perspectives on the role of lawyers and legal professionals. By leveraging their fresh perspectives and building their leadership skills, a design hub can position these future professionals to become thought-leaders in the new frontier who are embedded in the field with subject-matter expertise on UPL reform.

The design hub provides capacity building in nascent efforts to design, build, and launch UPL reform efforts. Given that UPL reform is being driven largely by state supreme courts, advancing these new efforts must be balanced with the many other demands on the court's time and staff capacity. In addition, those who serve on task forces and committees charged with developing these new programs are volunteering their time on the task force / committee and balancing that with other work commitments. By serving as a trusted community intermediary, synthesizing input provided by the community, trouble-shooting early-stage design and implementation, and building the bench of UPL reform leadership, the design hub plays a critical role in legal services innovation.

Conclusion and Recommendations

When states consider adopting UPL reform, they should be guided by actionable data and community-engaged research in order to invest in the most promising and impactful UPL experiments. If those experiments are successful, it increases the likelihood that other states will consider UPL change as an effective tool in deepening the reach of access to justice efforts and combating poverty. As a field, we must first address the threshold issue of clarifying the goals of UPL reform. If the primary aim is to increase access to civil legal help, does that include free, preventative civil legal problem-solving for those who face the largest social and financial barriers to accessing the civil legal system? Assuming that is true, **it is crucial to include diverse voices, including community-based organizations and consumers, at the outset of designing and implementing UPL reform efforts.**

Thoughtfully and intentionally responding to feedback from those diverse perspectives improves the process for both those seeking to participate in UPL reform opportunities, and the consumers that UPL reform seeks to serve. While states and UPL decision-makers may not have the capacity to take these steps directly, a design hub can serve as a neutral capacity-building intermediary guided by these goals.

When including diverse voices at the outset of designing a UPL reform scheme, diversity should be thought of broadly. Community members of all backgrounds should be included in these conversations to gather honest feedback about their experiences navigating the civil legal system, if applicable, as well as the specific challenges that prevent them from accessing it at all. While literature reviews are helpful in drafting interview questions, each community is different. The findings in one community regarding the largest barriers to accessing the civil legal system may not be applicable in another, even one in close geographic proximity. These are valuable perspectives to include because they are the intended end-users of UPL reform efforts.

In addition to prospective consumers, the perspectives of those who might serve those consumers ought to be taken into account. In addition to organizations that might provide a market-based offering to those who can afford it, the community-based organizations that are already serving the low- to moderate-income population should be included. Community-based organizations offer perspectives on how they have gained a place of trust within the community, their experiences working with consumers under UPL restrictions, and aspects of proposed UPL experiments that would or would not work for them. Providing a seat at the table for this system actor group leverages an existing resource that is well-positioned to mitigate the justice crisis for those highest in need. Based on its

research, i4J recommends the following strategies for states to improve the effectiveness of UPL reform efforts for community-based organizations and low-income community members.

First, community-based organizations need to be included in marketing strategies that advertise both the availability and requirements of UPL reform opportunities. Community-based organizations view legal training and the capacity to provide legal advice as a value-add for their employees and the populations they serve, but they cannot join the UPL reform arena if they are not aware of the opportunities. In addition, community-based organizations may face increased difficulty in joining if they are not a part of the design and implementation, as training and reporting requirements established without their input may be too onerous.

Second, consumers need to be made aware of legal services providers operating under UPL reform authorizations in a way that distinguishes them from lawyers. Lawyers have a public relations problem: low-income community members do not see lawyers as helpful or accessible and would rather problem-solve on their own than seek help from a lawyer. However, they are receptive to obtaining legal help from a community-based organization who can provide continuity of care, as long as they have assurances that their advocate has been properly trained and certified. Furthermore, low-income consumers are comfortable speaking with their advocates about a wide range of justice needs, indicating that UPL reform schemes need to have a way for advocates embedded within community-based organizations to be certified in as many legal issues as is consistent with their existing scope of services. If community members are made aware of these kinds of services and their breadth in a way that builds trust in their advocates, they are more likely to seek out and receive the help they need.

Third, in addition to taking these perspectives into account, it is beneficial for UPL reform decision-makers to seek feedback on the design and implementation of their UPL experiments. Although the Arizona LP and Utah LPP and Sandbox models presented significant barriers to entry for community-based organizations, regulators' willingness to receive feedback and implement adjustments have been helpful in creating an environment where community-based organizations are willing to invest time and resources to initiative services. As more states consider UPL experiments, they should be cognizant of the potential need to adjust the regulatory schema over time as design issues are identified in the implementation phase.

Finally, design hubs can serve as helpful, capacity-building, neutral intermediaries to further the access to justice aims of UPL reform efforts. Creating permissive regulatory environments which relax unauthorized practice of law restrictions to allow for roles beyond lawyers will not, in-and-of-itself, expand legal services for low-income community members. Community-based organizations see the value in empowering their clients with legal help and legal advice, but they feel powerless to provide that help not only because UPL prevents them from doing so, but also because they have no legal training. States considering UPL reform should prioritize partnerships with legal education and re-think who has access to legal education with the goal of democratizing that access. **It's law school, not lawyer school, after all.** Design hubs can play a helpful role in both collecting and disseminating information from a diverse range of perspectives, and can help build the bench of future professionals who can play a leading role changing the tide of the provision of legal services.

A Guide for Jurisdictions Considering Community-Led UPL Reform

In these early days of unauthorized practice of law (UPL) reform, there is both risk and opportunity. The risk: UPL reform efforts may fall short of their potential, creating new service models that embed old legal service problems into new regulation. The opportunity: to view UPL reform from the outset as a chance to radically re-imagine the pathways for connecting people with civil justice needs to civil justice problem-solving. As states look to Utah, Arizona and other early adopters of UPL reform, it is critical that those driving the change position the justice needs of their community as their North Star. This guide provides recommendations for community-centered UPL reform, based on four years of community-based research. It is designed to elicit thoughtful design of UPL reform in your community to ensure that low-income and under-represented populations benefit from the reform.

5 Steps to Community-Led UPL Reform:

Step 1: Who has a seat at your UPL reform table?

Research has speculated that “librarians, social workers, organizers, counselors, navigators...” might become a new non-lawyer sector, but early adopters of the regulatory reform pathways in Arizona and Utah do not support that hypothesis. One possible explanation for the limited reach of emerging innovations is that UPL reform decision-makers have been primarily attorneys and judges. Inclusion in design ensures equitable systems – UPL reform decisions should include not just lawyers and judges, but also consumers and the social service providers that are helping them problem-solve.

Task: Working from community need surveys, justice need surveys, social service provider networks, and other sources of community information, make a list of community-based organizations and consumer-facing organizations that could contribute to the membership of your UPL reform decision-making body.

Step 2: Consider partnership with a design hub.

During the design of new UPL reform structures, processes, rules and forms, a research and design neutral can gather information from diverse system actors and help synthesize the potentially divergent goals of these system actors into effective new legal service models. Design hubs help short-staffed, under-resourced UPL reform decision-makers with capacity building. They provide a safe space for consumers to share perspectives. They assist community-based orgs that have

limited capacity to network and cross-pollinate and aren't aware of UPL reform opportunities. And they bring these key system actors to the table to work together to create systems that are more equitable and informed by multiple perspectives

Task: Educational institutions can provide useful design hub services if they have a course or program with the ability to house the work. Inventory the educational institutions in your community and inquire about their interest in helping with UPL reform design. Or, consider a legal innovation lab that can provide this assistance remotely. Or, funding permitting, can your team hire a consultant to provide design hub services?

Step 3: Involve consumers from the outset and throughout the design process.

In *Rules for a Flat World*, Gillian Hadfield writes: "Innovation takes deep knowledge and a fresh set of eyes." The judges and lawyers who have called for UPL reform to date are to be commended for their willingness to embrace change, but they bring the "deep knowledge" to the table. To serve the access to justice goals of UPL reform, the lived experiences and perspectives of those who are excluded from the current system need to be included as a fresh set of eyes.

Tasks:

1. Review existing justice needs surveys for your community, or conduct one. Of those with justice needs, who has the ability to pay for legal services? What are the justice needs of those who do NOT have the ability to pay?
2. Where do community members with justice needs but without the ability to pay go for help in your community? How can you involve the clients of those organizations in your work?
3. Does your UPL reform design ensure consumers that their advocate is:
 - a. Consistent / able to stay connected with the client through the entire problem-solving process?
 - b. Credentialed?
 - c. A member of their community?
4. Are the advocate services you are designing aligned with consumer needs?
 - a. Regardless of scope of service, trauma-informed care should be the standard when providing services.
 - b. In addition, consumers want upstream intervention, before problems become court-involved.
5. What are the stages of the problem from the perspective of the consumer, and where do they want / need help the most? This may vary based on case type.

Step 4: Involve community-based organizations from the outset and throughout the design process.

Community-based organizations are public or private not-for-profit resource hubs that provide specific services to the community or targeted population within the community. Community-based organizations often engage with under-represented populations before “human problems” become “legal problems.” These organizations are well-positioned to provide upstream preventative civil legal problem-solving in permissive UPL environments.

Tasks:

1. Engage CBOs early in the design process for their perspectives in the design of UPL reform — many are excited to be a part of the innovation!
2. Work with CBOs early to identify their capacity to participate in training and certification
3. Explore strategies for alleviating CBOs liability risk

Step 5: Ensure that UPL reform leaders and decision-makers have the support they need, now and going forward.

Courts leading the way in adopting UPL reform are creating pathways to new service models that will require evaluation and iteration. However, advancing these new UPL reform efforts must be balanced with the many other demands on the court's time and staff capacity. Creating ABS, ALP and Sandbox structures also requires staffing and funding to administer these new programs. In addition, those who serve on task forces and committees charged with developing these new programs are volunteering their time on the task force / committee and balancing that time commitment with other work commitments.

Task: Support your UPL reform decision-making team by embedding collaboration with CBOs and consumers to ensure that new UPL reform structures aren't built on assumptions about what components of the traditional, lawyer-based service model should be included in new service models. Ensure that resources exist to support the time and staffing required to fully explore the potential of UPL reform and to evaluate and iterate on new UPL reform structures.