

Expanding Legal Practitioner Models to Enhance Services to Clients:

Current and Emerging Practices from the Field

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COMMUNITY JUSTICE

Roadmap

- Welcome and Introductions
- History of working with other professionals in legal services
- The current debate re expanding legal practitioner models as a solution to the justice gap
- Current and emerging examples of expanded legal practitioner models
- Contemplating options for your program
- Q & A

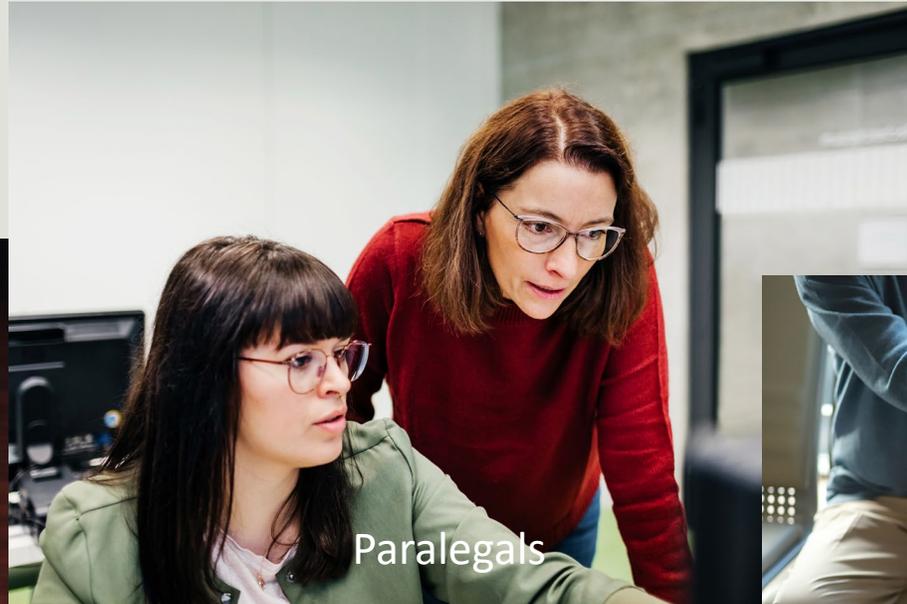


Who are “legal practitioners?”

A note about language....



Social Workers



Paralegals



Community Advocates

...and so many more!

Are “legal practitioners” allowed?

It depends....

Depends on what?

State Rules

- UPL
- RPC
- Court rules

Legal Services Provided

- Information
- Forms
- Advice
- Representation
- Administrative matters
- Litigation

Attorney Supervision

- Yes
- No

Snapshot in Florida

“A ‘nonlawyer’ or ‘nonattorney’ is an individual who is not a member of The Florida Bar. Rule 10-2.1(g).

FL State Rules

- 4-5.3 Responsibilities Re Nonlawyer Assistants
- 4-5.5 UPL
- 4-5.7 Responsibilities Re Nonlegal Services
- 454.23 UPL, 3rd deg felony
- Ch. 10 Rules re UPL
- Ch. 11 Law School Practice
- Ch. 13 Legal Aid Practitioner

FL Legal Services Provided

- Forms (10-2.2)
- Preparation of pleadings and other documents (11-1.6)
- Preparing briefs (11-1.6)
- Interviews (Ethics Op. 88-6)
- Information
- Federal administrative agency practice

FL Attorney Supervision

- Required for paralegals, etc. (4-5.3)
- Required for students/grads (11-1.7)

Current example – as part of program

Client requests help with eviction. During the initial interview, client shares they are experiencing domestic violence. With client's permission, attorney invites a colleague who is a client support specialist to join them. Together they learn client's goal is to leave the abusive relationship and live separately. Attorney begins working on legal strategies to buy time and prevent client from having eviction on her record. CSS helps client develop a safety plans. They work on alternative housing options, applications, and financial support. All three agree to keep each other updated on status with both abuser and landlord. With the extra time the attorney secures, the CSS helps the client access shelter and complete an application for a voucher. The client vacates the unit, escapes the abuse, and the eviction is dismissed.

Client Support Services @ The Legal Aid Society of Cleveland:

Address barriers clients face to effectively participating in their legal case.



Current example – partnership model

- Expanding the legal ecosystem
- Community-based provider partners
- Legal navigation assistance
 - Identify legal issues
 - Access legal protections
 - Provide justice-related support
- Legal First Aid
- Community Navigator



Legal Services by Non-Lawyers

Common Types of Activities

- Providing legal advice
- Preparing, signing, and filing legal documents
- Reviewing documents from opposing party with client
- Communicating with clients and opposing party
- Representing clients at administrative hearings, depositions, mediations, settlement conferences

Florida Bar's Special Committee on Greater Public Access to Legal Services

Reports and Recommendations

- 2021: Regulatory Sandbox (Lab) and Limited Assistance Paralegal Pilot Program
- 2022: Florida Registered Paralegals Limited Pilot Program

Types of Program

Types of Program

- Community Justice Workers
- Licensed Paraprofessionals
- Regulatory Sandboxes
- Alternative Business Structures / Technology

Examples

Alaska

- Trained and Supervised by ALSC; *SNAP, will drafting, ICWA enforcement, debt collection defense, protective orders*

Minnesota

- Licensed by MN Supreme Court, education and experience requirement, attorney supervised; *family law, housinge*

Washington

- Licensed by WA Supreme Court, exam and experience requirement, not attorney supervised; *family law*

Utah

- Regulatory Sandbox; entities licensed, monitored, and audited by Utah Supreme Court

Other examples: AZ, CO, DE, MI, NH, OR

Issues to Consider

Quality

Equity

Accountability

Contemplating options

Scenario A:

Overwhelming numbers of requests for help with divorce

Scenario B:

Pro se litigants having cases dismissed at high rates

Scenario C:

Too much attorney time on nonlegal issues or tasks

What is the problem you want to solve? Or issue you want to address?

Who are the stakeholders? Are client communities engaged in the conversation?

What do you know about the root cause of the problem? What data are available?

How might employing legal practitioners help address the problem/issue? Are there discrete pieces that could be tackled?

How will you evaluate and iterate your strategies? Is progress proceeding as planned? What does success look like?

Questions?

Resources

[ABA Standards on the Provision of Civil Legal Aid, Standard 4.9 on Use of Other Practitioners \(americanbar.org\)](#)

[Florida Rules of Court Procedure](#)

<https://lasclev.org/mylegalaidstory-css/>

<https://legallink.org/>

[Landscape of Allied Legal Professionals in the United States](#)

[Legal Advice from Nonlawyers: Consumer Demand, Provider Quality, and Public Harms](#)