

# **NCAJ** National Center for Access to Justice

## **Comments**

**on**

### **California Paraprofessional Program Recommendations**

**January 12, 2022**

**By**

**David Udell, Matthew Burnett & Bruce Green<sup>1</sup>**

#### **Introduction**

The National Center for Access to Justice (NCAJ) is a national nonprofit organization dedicated to expanding access to justice in American society. We work to ensure that people and groups can learn their rights, assert their claims and defenses, obtain a fair resolution under the rule of law, and enforce the result.<sup>2</sup>

We support the proposal to establish the paraprofessional licensing program as an essential policy response to the ongoing crisis in California and across the country that puts vulnerable people at the mercy of more powerful antagonists in a justice system that does not yet guarantee access to millions of people.

We also urge the Bar to take additional steps to meet the needs of the state's most vulnerable residents. Thus, we urge the Bar to consider authorizing professionals who are working in trained and/or licensed roles in nonprofit and governmental organizations, such as social workers, librarians, and other professionals, to provide limited legal services without prohibitive new licensing requirements. We also urge the Bar to adopt certain specific changes to UPL enforcement policies and processes.

In submitting these comments, we are reminded of California Chief Justice Ron George's observation to the California legislature in 2001, "If the motto 'and justice for all' becomes 'justice only for those who can afford it,' we threaten the very underpinnings of our social contract."<sup>3</sup> The paraprofessional program, and our supplemental recommendations, below, would help the state fulfill its commitment.

#### **I.**

#### **Importance of Access to Justice**

At root, access to justice is the meaningful opportunity to be heard when in need of the protection of the law. It is unavailable to millions in our society, but it is important to all. It is often least available to individuals who are poor and to people living in marginalized or excluded communities.<sup>4</sup> As we write these comments, the pandemic has made life more difficult for millions of people, and underscored the need for access to justice, especially for those already

living on the edge and in the low income communities that have been among the hardest hit. We applaud the California Bar for its recognition of the enormous societal challenge before us, and for its comprehensive effort to meet the moment.

## **II. NCAJ's Mission and Perspective**

At NCAJ, our work enables us to understand and appreciate the nation's infrastructure of justice, both in its strengths and weaknesses. We are a nonprofit national organization housed in a leading law school and university. We do not have a financial stake in the outcome of the California Bar's investigation and proposal, we are not investors in legal technology, we are not private sector lawyers, we do not own a management consulting firm, and we are not a company with a business model that includes newly authorized paraprofessionals.

Rather, NCAJ is a nonprofit organization relying on data from our research, and on the best policies and practices, to expand access to justice. NCAJ's Justice Index (accessible at [NCAJ.org](http://NCAJ.org)) tracks and ranks the performance of each state in establishing selected best access to justice policies and practices. Initiated in 2014, and renewed most recently in 2021, the Justice Index is the go-to source for policies improving access to justice used by the courts, the bar, the legislatures, the academy, the press, other justice system stakeholders, and the public at large. In addition to coverage in the press, in journals, and in various reports, NCAJ's findings have most recently been relied on by Attorney General Merrick Garland in *Age of Covid-19, A Roundtable Report*,<sup>5</sup> the document supporting the White House's restoration of the US DOJ's Office on Access to Justice in 2021.

In the Justice Index, NCAJ tracks and elevates numerous and diverse state-level policies, including:

- A target ratio of 10 free civil legal aid lawyers for every 10,000 people in the state with incomes below 200% of federal poverty;
- The guarantee of a civil right to counsel in eviction proceedings, and in other matters that implicate basic human needs;
- Rules that support and expand access to pro bono counsel;
- Lay navigators in the courtrooms;
- Guidance to judges to advise unrepresented litigants of potentially dispositive legal and evidentiary issues;
- Authorization of court administrative staff to provide instruction and assistance to unrepresented litigants;
- Rules for assuring the provision and quality of foreign language interpreting and sign language interpreting;
- Waiver of filing fees (and other court fees) for litigants who are indigent; and
- Accommodations for people with disabilities.<sup>6</sup>

At NCAJ, we recognize that lawyers perform an essential role in our civil society and are a bulwark of our democracy, but we also recognize that many services currently denominated "legal assistance" can be provided competently by people who are not lawyers. Our role is unusual in the legal community in that we support classic models of legal representation, such as

civil legal aid organizations, best laws and policies for pro bono lawyers, and civil rights to counsel, as well as, at the other end of the continuum,<sup>7</sup> self-help policies that include innovative technologies for people without counsel, deployment of Court Navigators in courtrooms,<sup>8</sup> and guidance for judges and court clerks on assisting people without counsel.

Our interest in new roles for nonlawyer practitioners is longstanding. In 2013, we guided a process in the Professional Responsibility Committee of the New York City Bar Association that produced a report, *Narrowing the “Justice Gap”: Roles for Nonlawyer Practitioners*.<sup>9</sup> In 2014, we co-authored (with Richard Zorza) an analysis of *New Roles For Non-Lawyers To Increase Access To Justice*.<sup>10</sup> We served on a Committee appointed by the Chief Judge of the State of New York<sup>11</sup> that developed the now familiar model of Court Navigators, now established in multiple jurisdictions in the United States.<sup>12</sup> We have submitted comments in support of the paraprofessional and “sandbox” initiatives in Arizona, California, and Utah, and in support of the working group processes in California.<sup>13</sup> We have also researched and written two recent reports on the impacts of UPL rules on people seeking legal assistance from practitioners who are not lawyers: i) *Working with Your Hands Tied Behind Your Back: Non-Lawyer Perspectives on Regulatory Reform* (2021),<sup>14</sup> and ii) *Protection or Protectionism? “Unauthorized Practice of Law” Enforcement in California* (forthcoming in 2022).<sup>15</sup>

### **III. Comments**

#### **A. Adopt the proposed paraprofessional program**

The paraprofessional licensing proposal is an essential response to the ongoing crisis that puts people at the mercy of powerful antagonists in a justice system that does not yet deliver on its promise of equal justice. NCAJ’s Justice Index reports 0.72 civil legal aid attorneys per 10,000 people in California, placing the state below the national average and well behind the policy goal. On a daily basis, the access to justice crisis is a cause of social, economic, and human harms. The Bar’s proposal delineates appropriate activities for the paraprofessionals, defines professional guidelines for accountability, and also provides for evaluation.

If licensed paraprofessionals are permitted to make legitimate legal services accessible and affordable in the manner proposed, people will have less need to turn to other unauthorized providers. As the California Association of Legal Document Assistants put it in its own early submission in the Bar’s process, “Unregistered rogues and notarios continue to harm consumers because there is no reasonable alternative.”<sup>16</sup> The paraprofessional proposal offers a reasonable alternative.

Once legitimate legal services become more readily available and become subject to evaluation, as the pending proposal contemplates, California will be able to develop an empirical record to guide decisionmaking on whether the new program should be continued, curbed, or expanded. The challenge for everyone at this current moment is that the Bar’s flat criminal prohibition on legal work by paraprofessionals is effectively preventing meaningful examination of the degree to which the model can succeed. It is impossible to study the impact of interventions that are almost entirely prohibited.

Thus, the paraprofessional proposal has much to offer. But, we also are aware of limitations that we believe can and must be addressed through additional and complementary policy recommendations we set forth below.

**Recommendation:** Adopt the Paraprofessional Licensing Program.

**B. Consider authorizing professionals who are working in trained and/or licensed roles in nonprofit and governmental organizations, such as social workers, librarians, and other professionals, to provide limited legal services without prohibitive new licensing requirements.**

We strongly support the paraprofessional licensing proposal, but we recognize that implementing it, without more, would not meet the vast unmet legal need. Many who are unable to afford lawyers would benefit from the paraprofessional program, but others will remain unable to afford to retain paraprofessionals, either.

To understand the legal services people need, and whether their social services providers are able to deliver those services despite “unauthorized practice of law rules” that prohibit all non-lawyers from engaging in the practice of law (UPL rules), we researched and wrote NCAJ’s report, *Working with Your Hands Tied Behind Your Back: Non-Lawyer Perspectives on Regulatory Reform*.<sup>17</sup> We conducted interviews with people across the country whose positions involved working closely on the front lines with people seeking a variety of human and informational services. We asked these service providers and community advocates – librarians, legal document assistants, social workers, community organizers, tenant advocates, and others – to share with us their perspectives on the kinds of legal problems their beneficiaries encounter, and on whether the UPL rules pose any obstacle to their work.

What we learned was surprising to us. These experts told us they are rarely asked to provide formal legal representation, and instead, they are routinely asked basic questions that touch on the law in a variety of ways, often very mundane. They explained that they usually decline to respond because of their concern that providing any legal advice at all would run afoul of the UPL rules. Their observations inform our view that, with modest training, they would be well-situated and well-equipped to provide the legal services that are the focus of the requests that come to them. We share several of their observations, below:

- **Legal Document Assistant (LDA) in California.** This individual described many of her clients this way: My firsthand experience here is, people come to me when they are fed up and frustrated with the self-help services [offered to self-represented litigants by the court] because it will not provide any kind of legal advice, they are tight-lipped. People are blowing up, frustrated, I just attended this class and wasted hours, what do you *mean* you are still not accepting my documents! She went on to lament the apparent absurdity of rules that prevented her from giving even the most basic legal advice. She asked rhetorically, “How is society benefited by them not knowing that their landlord can’t just change the locks?”<sup>18</sup>

- **Director of non-profit that offers financial counseling and debt management help in Utah.** This director explained that her organization’s client base includes many unrepresented alleged debtors. She described a clamoring for basic legal advice that she and her non-attorney staff were not equipped or indeed allowed to offer:

We have so, so many clients that are in the dark and honestly, my stance in leadership for several years now has been to very strictly and firmly tell my counselors, “do not give them legal advice,” because so many of our clients want it. That’s the first thing many of them ask for. We can’t tell them, “pay this bill but don’t pay that one,” but so many of them really, really want us to make that decision for them.

There is a lot of advice we could give as long as I had some security that it wouldn’t come back and shut us down as an organization... Sometimes we *know* they need bankruptcy, they cannot repay the debt in any way, and they have to file for bankruptcy.

But we can’t say that. If we could just remove that red tape and say, “you should file for bankruptcy, here are some attorneys.” Conversely, sometimes a client is adamant that they want to file for bankruptcy but we know it’s a very poor decision for them, I’d like to tell them, *don’t do that*, you’re going to destroy your credit for seven years, a settlement would be a better option.<sup>19</sup>

- **Head of librarian patron services in a New York library.** This librarian said that he and his staff regularly encounter patrons who are desperate for help with various civil legal matters, from probate issues to immigration cases. Many ask for help – from filling out forms to understanding the content and import of those forms – that would put librarians dangerously close to the line on prohibited legal advice. For example, he explained, “What is good advice for trying to get your court date moved up? That’s a common one. Who should they talk to? What should they say?”<sup>20</sup>

UPL rules permit non-lawyers to share “information” about what the law says, but not “advice” about how the law relates to their own situation. That line is not always easy to identify. The librarian lamented that the blurry line between allowable help and forbidden “unauthorized practice of law” means that even when librarians might be on safe ground, “a lot of librarians just won’t help...they don’t feel comfortable [helping] period.”<sup>21</sup> And indeed, NCAJ spoke with another librarian in Suffolk County who reacted with horror at the idea that librarians could be trained to give any kind of legal help. “I could tell you where the medical books are,” she said, “but you don’t want me to cut you open.”<sup>22</sup>

The head of library patron services, and some other librarians, see things differently—they believe there is advice they could usefully be trained to give, including a more active role in guiding people who need help filling out legal forms. Our interviewee was acutely aware of the fact that declining to help often meant leaving people to the

wolves. “When someone really needs help,” he said, “the last thing you want to do is just turn them away.”<sup>23</sup>

Unfortunately, he said, UPL rules prohibited librarians from offering help they might be well equipped to offer with the right training. He was drawn to the idea of a “Good Samaritan” exception from UPL prohibitions, perhaps one accompanied by a robust training and certification process. “Liability has to be addressed,” he said. “If it’s not clear that the library is not liable, then it’s going to be difficult to reach mass adoption.”<sup>24</sup>

Our view, having carried out the research for our report, is that at the very least, it is important for the bar to hear directly from these frontline workers – social services providers in nonprofit organizations and in governmental organizations who have specific interactions with people seeking basic help with legal problems – about the range and nature of the legal services that are needed in low income communities, and the reasons to consider authorizing them to provide the needed advice.

But, more fundamentally, it is apparent from our investigation that a strong claim exists that the UPL rules, and their implementation, should be adjusted to enable these frontline workers to freely provide the kinds of support that are needed. This model should be tested promptly, perhaps in a pilot program, and/or in a regulatory sandbox of the type already approved in Utah, and under consideration before a separate working group in California.

Indeed, the NYS Court System reached a similar conclusion with respect to social workers in a report authored by its Commission to Reimagine the Future of New York’s Courts titled, *Report and Recommendations of the Working Group on Regulatory Innovation* (2020).<sup>25</sup> Among the report’s main recommendations is: “Trained and Certified Social Workers Should be Permitted to Provide Limited Legal Services and Advocacy.” In gathering information from earlier publications alongside additional facts and analysis, the Working Group recommended: “allowing social workers who are trained, certified and properly regulated to offer limited legal and adjunct legal services to and to make limited court advocacy on behalf of their clients.”<sup>26</sup> A similar report prepared by the Law Foundation of Canada’s Community Legal Education Organization, and grounded in interviews with community-based social services professionals, reached a similar set of conclusions.<sup>27</sup>

Implicit throughout these reports, and at times explicit, is that authorizing advocacy roles for a range of professional employees, including social workers, is a sensible step forward, and that such roles should be considered for more categories of professionals whose education, experience and training, and whose employment in nonprofit organizations and/or governmental offices, may likewise situate and equip them to perform advocacy roles suited to their expertise.

In comparison to the pending proposal to license paraprofessionals, authorization of social services professionals who are working in nonprofit organizations and governmental programs would have some of the same virtues, but would also be more accessible to low-income people. Thus, for example, many social services providers are embedded in organizations in which they provide their services without charging a fee to the recipients. For individuals without financial

resources, it would be a great advantage to receive needed assistance from an expert who is a salaried professional and does not charge a fee.

Also, in light of training and/or licensing already required of these professionals, their employers and their credentialing institutions may be able to manage the expansion of service, although this will need to be examined. As noted in the NYS Court report, some of the “legal adjacent” services performed by professionally trained social services workers are barely legal in nature. Thus, if a librarian gets to pick a book off the shelf and recommend it, the librarian should also be able to select a form and tell you about it. That’s not a huge change, and while it would benefit from the provision of supplemental training on what is allowed and what is not, this could be done without a new elaborate, or expensive set of regulatory requirements and protocols.

**Recommendation:** Consider authorizing professionals in their existing trained and/or licensed roles in nonprofit and governmental organizations, such as social workers, librarians, and other professionals, to provide limited legal services without prohibitive new licensing requirements.

### **C. Improve the UPL Enforcement Process**

In researching NCAJ’s report, *Protection or Protectionism? Unauthorized Practice of Law Enforcement in California*,<sup>28</sup> NCAJ conducted interviews with people in California who received cease and desist letters from the California Bar that instruct them to immediately stop engaging in the unauthorized practice of law. We asked these individuals, and also certain other observers of the process, for their perspectives on whether the process is fair and working well. Based on these conversations (some details of which are referenced below), we recommend the following:

#### **1) Improve the collection and publication of enforcement data**

One conspicuous problem is that the Bar does not publish the cease and desist letters, nor any information about the kinds of UPL activities in which the named individuals allegedly engaged. Consequently, neither consumers nor those seeking to assist them have a clear sense of the scope of UPL, and of UPL enforcement -- what conduct is permitted, prohibited, or considered harmful by the Bar.

People who commit minor or technical violations have their names published and linked to the violation, but without indicating whether they caused harm or acted dishonestly. The screen appears to be quite broad. For example, NCAJ interviewed one former state official who was found to be a UPL violator because a consulting firm for which she worked gave her the job title of “counsel.” She and her employer immediately moved to change it, but any internet search of her name now prominently features her as a UPL violator.<sup>29</sup> The Bar does not appear to track these such meaningful distinctions.

OCTC’s decision in mid-2021 to start collecting more data including on the proportion of complaints brought by aggrieved clients as contrasted with complaints brought by attorneys or others, is a welcome development that should be illuminating in the future.<sup>30</sup>

**Recommendation:** Collect and publish data about the UPL caseload of the Office of the Chief Trial Counsel of the California Bar (OCTC) including the following:

- The proportion of cases that involve allegations of consumer harm.
- The proportion of complainants who are clients of the alleged violator, as distinct from other parties, lawyers, judges, members of the public, etc.
- The proportion of complainants who are attorneys performing work connected to a legal matter the alleged violator is also working on.
- The areas of law implicated.

**2) Provide basic information as to whether a complainant is a conflicted person**

The use of cease and desist letters in California is largely driven by public complaints. According to OCTC this is in large part a function of resource constraints. While the office does engage in public education efforts, it told us that it does not have the human or investigative resources to take a more proactive approach to discovering harmful UPL violations. “If we had more resources, I suspect we’d be more proactive in going out there and looking for violators,” one official told NCAJ. “Our resources essentially just allow us to investigate the cases that are brought to us.”<sup>31</sup>

NCAJ interviewed several non-lawyers, and also some lawyers, who said that the complaints against them, or, their clients, were brought by lawyers rather than consumers alleging harm. Some claimed that the complaints against them were brought by competitors attempting to put them out of business. As one California attorney who had helped several non-lawyers with UPL investigations put it: “What I don’t like about that is, it’s unfair competition. It’s for a business reason and not really because of the unauthorized practice.”<sup>32</sup>

Some paralegals and legal document assistants told NCAJ that their client’s opposing counsel in a legal dispute threatened to report them for UPL activity. They felt that this was essentially a strong-arm tactic aimed at disempowering their own client. One independent paralegal described the problem this way:

It’s totally unfair because once an opposing attorney realizes it’s a paralegal helping the other side, he can just say hey, cut it out or I’m going to call up the state bar and tell them you are committing UPL. That used to happen to me five, seven times a year... [UPL rules] were created to protect the public. But when you look at all these cases brought to the state bar, it doesn’t match up with that goal. I just think the UPL practices right now are being misused and providing a disservice to consumers by knocking out the competition.<sup>33</sup>

**Recommendation:** For each entry on the Bar’s published list of UPL cease and desist letter recipients, provide basic information as to whether the complaint is driven by a conflicted person:

- The nature of the UPL activity at issue in the complaint;
- The existence of any allegation of consumer harm;
- The relationship of the complainant to the alleged UPL violator; and

- Information about any guidance provided to the alleged UPL violator on activities they must cease to bring their operations into compliance.

**Recommendation:** Consider whether to stop publishing the names of UPL cease and desist letter recipients in cases where there is no allegation of consumer harm.

### 3) **Inquire of the complainant as to whether there is a factual allegation of consumer harm**

We also found that several of the people we interviewed were frustrated by an investigative process they described as incurious about the actual nature of their work, and in particular whether they are providing good service or causing consumer harm. As one non-attorney who the Bar ultimately found to be engaged in UPL activity put it:

The Bar was 100% uninterested in whether we were competent, whether the outcome for the consumer was positive, anything like that. We did try to introduce facts about how our customers benefit and how good our service is. But those were just ignored. They did not want to know, for example, how our fees compare to an attorney's, or how good our outcomes are... The lack of interest about the consumer needs and the consumer outcomes is really striking.<sup>34</sup>

**Recommendation.** In every investigation, proactively inquire of the complainant whether there are any allegations of consumer harm connected to the case – regardless of whether these are alleged in the complaint initially put forward.

### 4) **Ensure cease and desist letters alert recipients to specific actions that must be ceased.**

Most of the UPL violators with whom we spoke said that the process of investigation left them frustrated, aggrieved and confused as to what action they were required to stop.

As one Legal Document Assistant put it, “I’m totally on board with making sure everyone doing this work is doing it competently. And I’m totally on board with making sure non-lawyers are not practicing law. But this is not a fair process.”<sup>35</sup> Another LDA said, “I thought it was really misguided of them to fire off a really nasty [cease and desist] letter without doing any kind of a real investigation. It says ‘pursuant to an investigation,’ but there was no real investigation.”<sup>36</sup>

The limited nature of the inquiry is clear from the cease and desist letters we examined, which generally mark the end point of OCTC’s interaction with an alleged violator. Letters reviewed by NCAJ include a “summary of alleged conduct,” which lays out facts that evidence UPL activity. A “Notice” at the end of the letter then asserts that OCTC has determined that the recipient has engaged in UPL, and orders them to cease and desist. The letters contained no guidance as to what change of course would be satisfactory.

**Recommendation:** Ensure that UPL cease and desist letters alert recipients to the specific actions that must be ceased.

## Conclusion

NCAJ supports the proposed paraprofessional licensing program as an important policy response to help address the ongoing crisis in California and nationally which puts vulnerable people at the mercy of more powerful antagonists in the justice system. But it is not enough.

We also urge the Bar to take further steps to meet the needs of the state's most vulnerable residents, including by considering authorizing professionals who are working in trained and/or licensed roles in nonprofit and governmental organizations, such as social workers, librarians, and other professionals, to provide limited legal services without prohibitive new licensing requirements.

Last, we also urge the Bar to adopt changes to the UPL enforcement policies and processes that would: 1) improve the collection and publication of enforcement data, 2) provide basic information as to whether the complainant is a conflicted person, 3) inquire of the complainant as to whether there is a factual allegation of consumer harm, and 4) ensure that UPL cease and desist letters alert recipients to specific actions that must be ceased.

### **Endnotes:**

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- <sup>1</sup> David Udell is Executive Director of the National Center for Access to Justice at Fordham University School of Law; Matthew Burnett is Senior Program Officer, Access to Justice Research Initiative, American Bar Foundation, and an adviser to the National Center for Access to Justice; Bruce Green is the Louis Stein Chair of Law and Director of the Stein Center for Law and Ethics, Fordham University School of Law, and a Member of the Board of Directors of the National Center for Access to Justice. This submission is a response to the notice of the California Bar inviting comments, <https://fs22.formsite.com/sbcta/jkzblts9fd/index.html>. For more on NCAJ, see NCAJ's website, <https://ncaj.org>; *Justice Index*, <https://ncaj.org/state-rankings/2021/justice-index>; and Legal Empowerment webpage, <https://ncaj.org/tools-for-justice/legal-empowerment>.
  - <sup>2</sup> For NCAJ's definition of access to justice, see *What is Access to Justice*, <https://ncaj.org/what-access-justice>.
  - <sup>3</sup> Ronald M. George, Chief Justice, Cal. Supreme Court, State of the Judiciary Address (Sept. 8, 2001), at [https://www.google.com/books/edition/The\\_Little\\_Black\\_Book\\_of\\_Lawyer\\_s\\_Wisdom/gHSCDwAAQBAJ?hl=en&gbpv=1&dq=If+justice+for+all+becomes+justice+only+for+those+who+can+afford+it,+we+threaten+the+very+underpinnings+of+our+social+contract&pg=PT77&printsec=frontcover](https://www.google.com/books/edition/The_Little_Black_Book_of_Lawyer_s_Wisdom/gHSCDwAAQBAJ?hl=en&gbpv=1&dq=If+justice+for+all+becomes+justice+only+for+those+who+can+afford+it,+we+threaten+the+very+underpinnings+of+our+social+contract&pg=PT77&printsec=frontcover).
  - <sup>4</sup> *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans*, Legal Services Corporation (June 2017), at <https://www.lsc.gov/about-lsc/what-legal-aid/unmet-need-legal-aid/justice-gap-measuring-unmet-civil-legal-needs-low>; William D. Henderson, *Legal Market Landscape Report*, Attachment A to Memorandum from Randall Difuntorum, Program Manager, Professional Competence, to Members, Board of Trustees (July 19, 2018), at <http://board.calbar.ca.gov/docs/agendaItem/Public/agendaitem1000022382.pdf>.

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- <sup>5</sup> <https://www.justice.gov/ag/page/file/1445356/download>.
- <sup>6</sup> *Justice Index*, <https://ncaj.org/state-rankings/2021/justice-index>.
- <sup>7</sup> <https://www.srln.org/node/1535/srln-brief-advocacy-strategies-relationship-building-improve-srl-services-srln-2021>.
- <sup>8</sup> Mary McClymont, *Nonlawyer Navigators in State Courts: An Emerging Consensus* (2020), at <https://www.law.georgetown.edu/news/mary-mcclymont-176-closing-the-civil-justice-gap-with-nonlawyer-navigators/>.
- <sup>9</sup> *Roles for Nonlawyer Practitioners*, Committee on Professional Responsibility, Association of the Bar of the City of New York (June 2013)(David Udell, Chair, Access to Justice Subcommittee), available at <https://www2.nycbar.org/pdf/report/uploads/20072450->.
- <sup>10</sup> Richard Zorza and David Udell, *New Roles For Non-Lawyers To Increase Access To Justice*, 41Fordham Urb. L.J. 1259 (2014), available at <https://ir.lawnet.fordham.edu/ulj/vol41/iss4/8>.
- <sup>11</sup> *Press Release, Chief Judge Names Members of Committee Charged With Examining How Non-Lawyer Advocates Can Help Narrow New York’s Justice Gap*, New York State Unified Court System (May 28, 2013), available at, [http://ww2.nycourts.gov/sites/default/files/document/files/2018-05/PR13\\_07.pdf](http://ww2.nycourts.gov/sites/default/files/document/files/2018-05/PR13_07.pdf).
- <sup>12</sup> Mary McClymont, *Nonlawyer Navigators in State Courts: An Emerging Consensus* (2020), at <https://www.law.georgetown.edu/news/mary-mcclymont-176-closing-the-civil-justice-gap-with-nonlawyer-navigators/>.
- <sup>13</sup> Chris Albin-Lackey, *California Should Embrace Non-lawyer Providers*, Law360 (2019), at <https://www.law360.com/articles/1211183/california-should-embrace-nonlawyer-providers>.
- <sup>14</sup> *Working with Your Hands Tied Behind Your Back: Non-Lawyer Perspectives on Regulatory Reform* (2020), National Center for Access to Justice, <https://ncaj.org/sites/default/files/2021-06/NCAJ%20Working%20With%20Your%20Hands%20Tied%20Behind%20Your%20Back.pdf>.
- <sup>15</sup> *Protection or Protectionism? “Unauthorized Practice of Law” Enforcement in California* (forthcoming on NCAJ’s website, at <https://ncaj.org/tools-for-justice/legal-empowerment>).
- <sup>16</sup> Comments on Behalf of California Association of Legal Document Assistants (CALDA), <https://www.dropbox.com/sh/baciiac6ecvva5/AADfSgqwqkY88bi1MxqUwZn8a/Public%20Comments%20Received/California%20Association%20of%20Legal%20Document%20Assistants%20%28Ludlow%29-1199a-ABS%20%5B2.0%5D.pdf?dl=0>.
- <sup>17</sup> *Working with Your Hands Tied Behind Your Back: Non-Lawyer Perspectives on Regulatory Reform* (2020), National Center for Access to Justice, <https://ncaj.org/sites/default/files/2021-06/NCAJ%20Working%20With%20Your%20Hands%20Tied%20Behind%20Your%20Back.pdf>.
- <sup>18</sup> NCAJ telephone interview with Legal Document Assistant, California, September 2020.
- <sup>19</sup> Report, citing NCAJ zoom interview with Ellen Billie, AAA Fair Credit, Salt Lake City, UT, August 24, 2020.
- <sup>20</sup> Report, citing NCAJ telephone interview with Michael Buono, September 28, 2020.
- <sup>21</sup> Report, citing NCAJ telephone interview with Michael Buono, September 28, 2020.
- <sup>22</sup> Report, citing NCAJ telephone interview with law librarian, Suffolk County, NY, October 22, 2020.
- <sup>23</sup> Report, citing Michael Buono, remarks delivered on panel at *Decolonizing Justice* event, November 17, 2020.
- <sup>24</sup> Report, citing NCAJ telephone interview with Michael Buono, September 28, 2020.

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- <sup>25</sup> [https://www.nycourts.gov/LegacyPDFS/publications/RWG-RegulatoryInnovation\\_Final\\_12.2.20.pdf](https://www.nycourts.gov/LegacyPDFS/publications/RWG-RegulatoryInnovation_Final_12.2.20.pdf)
- <sup>26</sup> The Commission explained that “adjunct legal services” is “our term for services that have legal components but that do not meet the State’s definition of ‘the practice of law,’” while noting in the report that there is some uncertainty around whether certain activities are within, or outside of, the scope of coverage of the UPL rules.
- <sup>27</sup> *Community Justice Help: Advancing Community-Based Access to Justice* (2019), [https://cleoconnect.ca/wp-content/uploads/2020/07/Community-Justice-Help-Advancing-Community-Based-Access-to-Justice\\_discussion-paper-July-2020.pdf](https://cleoconnect.ca/wp-content/uploads/2020/07/Community-Justice-Help-Advancing-Community-Based-Access-to-Justice_discussion-paper-July-2020.pdf)
- <sup>28</sup> *Protection or Protectionism? “Unauthorized Practice of Law” Enforcement in California* (link to be provided) .
- <sup>29</sup> NCAJ interview, August 2021.
- <sup>30</sup> NCAJ interview with officials in Office of Chief Trial Counsel, August 25, 2021. NCAJ welcomes this change, and looks forward to the possibility of evaluating whether additional available data would warrant a further report.
- <sup>31</sup> NCAJ interview with officials in Office of Chief Trial Counsel, August 25, 2021.
- <sup>32</sup> NCAJ interview, June 2021.
- <sup>33</sup> NCAJ interview, July 2021.
- <sup>34</sup> NCAJ interview, August 2021.
- <sup>35</sup> NCAJ interview, August 2021.
- <sup>36</sup> NCAJ interview, August 2021.