

**Comment of Innovation for Justice  
Supporting the Adoption of Section 7-211 with Amendments  
to the Arizona Code of Judicial Administration**

Submission Date: December 20, 2024

To the Arizona Judicial Council:

Innovation for Justice (i4J) appreciates the opportunity to submit this comment letter in support of Section 7-211's addition to the Arizona Code of Judicial Administration. We are encouraged to see Arizona's continued leadership in expanding access to justice through the authorization of innovative legal service models. We support the adoption of Section 7-211 and have identified three opportunities for refinement to the Section that we believe, if enacted, will ensure the future success of community-based justice work in Arizona. We have attached our suggested language changes and are providing an overview below.

As the nation's first and only cross-discipline, cross-institution, and cross-jurisdiction social justice legal innovation lab, Innovation for Justice works to realize a future where the legal needs and goals of all peoples are met, where justice is realized by a diverse ecosystem of actors, and where legal power is accessible, usable, and shapeable by everyone. Jointly housed at the University of Arizona James E. Rogers College of Law and the University of Utah David Eccles School of Business, i4J seeks to serve as a catalyst for justice sector transformation that prioritizes increasing access to justice for all. Like fellow advocates in the legal empowerment space, we believe in a democratized legal profession and a new vision for justice-making that is premised on shared community legal power.

One of the ways that we strive to achieve this mission is through i4J's Community Legal Education Initiatives:<sup>1</sup> Virtual legal empowerment courses that train advocates other than lawyers who are already in community-helping roles to provide free limited-scope legal help as "community-based justice workers." This work with and in service of systemically disinvested communities is made possible through unauthorized practice of law (UPL) reform in the states where we train, Arizona and Utah. These efforts are part of an ever-growing national movement to advance community-based justice work through the reform of state-level UPL restrictions.

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<sup>1</sup> "Community Legal Education," Innovation for Justice,  
<https://www.innovation4justice.org/education/community>.

Arizona has long been a national trailblazer and early adopter of legal service innovations to address the civil access to justice crisis. Indeed, the Arizona Supreme Court was the first in the nation to authorize community-based justice workers through UPL reform in January 2020. Since Arizona's bold leadership in expanding its civil justice ecosystem nearly half a decade ago, this rapidly growing area of legal innovation has seen the subsequent authorization of seven community-based justice worker programs in five jurisdictions nationwide.<sup>2</sup> As numerous states have recognized, the promise of a democratized legal practice lies in community legal advocacy. In our state, this work has redefined how and for whom legal knowledge is accessible:

- More than 2,000 domestic violence survivors in Arizona were served by i4J's first two Domestic Violence Legal Advocates with 562 hours of free legal help (from 2021 to 2023). Our statewide Domestic Violence Legal Advocate network is poised to reach approximately 3,000+ survivors in Arizona between Fall 2024 and the end of 2025;
- i4J's multi-state Housing Stability Legal Advocate Initiative trained and certified 13 community-based justice workers from across Arizona in our inaugural Spring 2024 cohort. Our current Fall 2024 cohort includes 33 Housing Stability Legal Advocates-in-training in Arizona, and we are excited to maintain a waitlist for our Spring 2025 cohort due to overwhelming interest; and
- Our network of legal advocates are predominantly women who identify as BIPOC (Black, Indigenous, and people of color), and the community-based organizations that house them serve predominantly low-income BIPOC communities.

These early successes demonstrate the power of community-centered approaches in increasing access to justice across Arizona. The addition of Section 7-211 to the Arizona Code of Judicial Administration will cement community-based justice work within Arizona's legal ecosystem while furthering the Arizona Supreme Court's strategic goal of expanding and promoting access to justice.

In line with our support for Section 7-211's adoption, i4J has identified several opportunities where the Judicial Council can act to ensure the future success of community-based justice work in Arizona. We have attached our suggested language changes and use the subsections that follow to provide an overview.

First, we begin with a brief note on nomenclature: Section 7-211 as drafted uses two terms to refer to people other than lawyers who receive specialized legal training and authorization to provide limited-scope legal advice, these being "authorized community justice workers" and "certified community legal advocates." Throughout this comment, we use the term "community-based justice worker" ("CBJW") to refer to both of these categories

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<sup>2</sup> Cayley Balser & Stacy Rupprecht Jane, "The Diverse Landscape of Community-Based Justice Workers," Institute for the Advancement of the American Legal System (Sept. 5, 2024), [bit.ly/communitybasedjusticeworker](https://bit.ly/communitybasedjusticeworker); Jessica Bednarz, "i4J Develops New Tool for Leaders Interested in Developing Community-Based Justice Worker Programs," Institute for the Advancement of the American Legal System (Sept. 5, 2024), [bit.ly/new-CBJW-tool](https://bit.ly/new-CBJW-tool).

of helpers. Individuals referred to in Section 7-211 as “certified community legal advocates” have been active in Arizona since 2021 and have been recognized as “community-based justice workers” within the national movement prior to Section 7-211’s drafting.

**(1) Community-based justice workers are legal professionals whose clients and services should be equally protected.**

Since their first authorization in 2020, community-based justice workers in Arizona have followed the same high ethical and practice standards as lawyers and allied legal professionals. I4J-trained CBJWs understand why these standards are necessary to follow. They, perhaps better than most, understand the need to foster trust with the vulnerable communities to whom they provide legal services and, likewise, understand how crucial trust is to the sharing of both information and legal advice. Much in the same way that nurses, nurse practitioners, and physician assistants are recognized as medical professionals, CBJWs are legal professionals. They are legal professionals even if legal services do not make up the bulk of their day-to-day work and even when their legal services are limited in scope.

While CBJWs are expected to uphold the high standards of the legal profession, they and the communities they serve have been left open to inequitable risk of legal harms because they are not protected by communication and work-product privileges. Attorney-client privilege and work-product privileges are deeply rooted concepts in U.S. legal service provision that are considered vital to competent, ethical legal advice. These privileges protect not only attorneys, but their clients. As this Council is aware, these privileges play a critical role in engendering public trust with Arizonans who are navigating their most personal, life-altering civil issues. Section 7-211, as proposed, would exclude certified community legal advocates from these privilege protections. If these privileges are not extended to all CBJWs, Arizona would be the only state in the national movement where not all CBJWs are protected by communication and work-product privileges. We do not wish to see Arizona inadvertently create a tiered system of justice-making.

In the interest of clarity and parity within our state’s legal ecosystem, the following summary represents our recommended changes to Section 7-211:

- We recommend removing Section O (“Code of Conduct”) and replacing this section with the following language: “Code of Conduct. Each authorized Community Based Justice Worker must abide by the code of conduct contained in 7-210(J).” This includes our recommendation below to remove the dual naming convention for Section 7-211’s two authorization pathways; and
- We recommend including the following language under Section O: “Privilege. Communications between the participant and the authorized Community-Based Justice Worker (those hosted by LSOs and CBOs) shall be privileged under the same rules that govern the attorney-client privilege and work-product doctrine.” This

suggestion is in alignment with protections explicitly afforded to community-based justice workers in Delaware.<sup>3</sup>

**(2) 7-211's naming and evaluation distinctions for CBJWs are not supported by empirical data and risk confusing the public, the bench, and the bar.**

We are supportive of establishing two authorization pathways for CBJWs in Arizona but believe that the access to justice goals of this proposed code section would be undermined by a two-prong approach to the naming and evaluation of CBJWs. In short, the rich diversity of community-based justice work need not be artificially segmented based on whether an advocate is supervised by an attorney or trained by a legal education institution.

Creating two pathways for the authorization of CBJWs—permitting both legal service organizations and community-based organizations to participate in this innovation—is not only wise, but necessary, based on Arizona's current legal ecosystem:

- An estimated 15.1% of Arizonans qualify for Legal Services Corporation (LSC)-funded legal aid,<sup>4</sup> with over 900,000 Arizonans living between 125% and 200% of the Federal Poverty Level;<sup>5</sup>
- According to LSC's 2022 *Justice Gap Report*, an estimated 74% of low-income households reported experiencing one or more civil legal problems within the past year.<sup>6</sup> In Arizona, this would correspond to approximately 870,922 individuals living below 125% of the Federal Poverty Level with one or more civil legal needs.
- There is a significant number of Arizonans who do not qualify for LSC-funded legal services, including an estimated 250,000 undocumented community members and 52,000 community members who are incarcerated;<sup>7</sup> and

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<sup>3</sup> "Communications between the tenant and the Qualified Tenant Advocate shall be privileged under the same rules that govern the attorney-client privilege and work-product doctrine." Rule 57.1(a)(3), Rules of the Supreme Court of the State of Delaware.

<sup>4</sup> "Arizona State Profile," Legal Services Corporation,

<https://www.lsc.gov/grants/our-grantees/arizona-state-profile>.

<sup>5</sup> Currently, 125% of the 2024 Federal Poverty Guidelines is the equivalent of \$39,000 for a family of four, with 200% corresponding to an income of \$62,400 within the Guidelines. "2024 Poverty Guidelines: 48 Contiguous States," U.S. Department of Health & Human Services (2024),

<https://aspe.hhs.gov/sites/default/files/documents/7240229f28375f54435c5b83a3764cd1/detailed-guide-lines-2024.pdf>. The most recent one-year estimates from the 2023 American Community Survey (ACS)

report that 1,176,921 Arizonans lived below 125% of the Federal Poverty Level (FPL) and 2,091,356 lived below 200% of the FPL. "Poverty Status in the Past 12 Months," U.S. Census Bureau (2023),

<https://data.census.gov/table/ACSST1Y2023.S1701?q=poverty+by+percent+arizona&moe=false>.

<sup>6</sup> Legal Services Corporation, *The Justice Gap: The Unmet Civil Legal Needs of Low-income Americans 18* (2022), <https://lsc-live.app.box.com/s/xl2v2uraiotbbzrhwtjlgioemp3myz1>.

<sup>7</sup> Lauren Gilger, "Report: Undocumented Migrants Make Up 3.5% of Arizona's Population," KJZZ (July 30, 2024),

<https://www.kjzz.org/kjzz-news/2024-07-30/report-undocumented-migrants-make-up-3-5-of-arizonas-population>; "Arizona Profile," Prison Policy Initiative, <https://www.prisonpolicy.org/profiles/AZ.html>.

- Reporting by the American Bar Association underscores the reality that Arizona lacks sufficient resources to support attorney-centered legal services in low-income communities, with 2023 estimates ranking our state 45th in the nation for legal aid attorneys and 49th for attorneys, period.<sup>8</sup>

These statistics in Arizona highlight the overwhelming number of community members who do not qualify for LSC-funded legal aid, who have unmet civil legal needs, and/or who likely cannot afford legal services. While Arizona has taken important steps to expand the number of attorneys in our state, we know that these efforts will take years to be fully realized. As Section 7-211's drafters recognized, a model for community-based justice work that relies solely on traditional legal service organizations will never be enough.

Despite the demonstrated need for a diversity of community-based justice work, Section 7-211 makes two authorization distinctions that we believe introduce an unnecessary risk of confusion for our state:

- First, Section 7-211 contemplates two different naming conventions, proposed by the Code's drafters to make apparent whether the CBJW is (i) trained and supervised by a legal service organization, or (ii) trained by a legal education institution and mentored by a licensed attorney; and
- Second, Section 7-211 outlines two different evaluation models for determining a CBJW's practice-readiness. Of note, this distinction hinges on the authorization pathway. For "authorized community justice workers," a single trainer-administered evaluation of an advocate's competence is provided for under Section 7-211. By contrast, "certified community legal advocates" would be required to undergo two evaluations, including (i) one by the designated training organization as to an advocate's competence, and (ii) a second via substantive law examination through the Administrative Office of the Courts.

We believe both of the above distinctions are unnecessary for several reasons.

We believe these proposed naming and evaluation distinctions are based on an uninterrogated assumption that the "authorized community justice worker" pathway poses less of a risk to the public than the "certified community legal advocate" pathway. To date, there is no public data suggesting that attorney-supervised CBJWs provide more effective or safer legal services than their attorney-mentored counterparts. We are proud to report that i4J-trained and attorney-mentored CBJWs have been safely delivering free legal services for the last three years in Arizona with no consumer complaints. Moreover, CBJWs in i4J's statewide network were trained by lawyers, law professors, and other subject-matter experts—that our advocates' training occurred outside the traditional legal service organization says nothing about the quality of said training. Of note, it was the overwhelming

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<sup>8</sup> American Bar Association, 2023 Profile of the Legal Profession 12 (2023), <https://www.americanbar.org/content/dam/aba/administrative/news/2023/potlp-2023.pdf>.

success of a small number of i4J-trained and mentored CBJWs that led to the expansion of community-based justice work in Arizona in 2023.

Similarly, Arizona's recently authorized pathway for attorney licensure, Arizona Administrative Order 2024-148, does not create a new naming distinction between individuals who have obtained a passing score on the bar exam and those who achieve licensure through an apprenticeship. We believe this is analogous to the two authorization pathways currently contemplated by Section 7-211. Based on our years of experience administering innovative legal service models, we believe that Section 7-211's current regulatory distinctions are not supported by evidence of differing risk levels or consumer concerns and will only prove to be confusing for the public, the bench, and the bar.

The following represents our recommendation and is a summary of our redlining:

- We recommend removing Section 7-211's naming distinctions, instead designating all individuals authorized through this code as "authorized Community-Based Justice Workers;"
- We recommend changing "Approved Certified Community Legal Advocate Training" to "Approved Community Legal Education Course;" and
- As the state's only existing Approved Community Legal Education Organization, i4J already provides practice-readiness evaluation. Requiring practice-readiness evaluation from all CBJW trainers within this code would eliminate the need for a substantive law exam and any associated administrative fees. Accordingly, we recommend removing these provisions. We believe the evaluation and authorization for both CBJW pathways should take place through the training organization and the advocate's host organization. Such an approach is already contemplated in Section 7-211 for "authorized community justice workers" hosted at approved legal service organizations.

**(3) Arizona should continue to lead the nation in regulatory reform by lowering barriers to community-based justice work.**

As discussed above, we believe the "authorization" versus "certification" distinction contemplated by Section 7-211 is unsupported by empirical evidence of differing risk of consumer harm and introduces an unnecessary risk of public confusion. Beyond these concerns, we believe the authorization distinctions proposed in Section 7-211 place an unnecessary and disproportionate financial burden on CBJWs authorized through community-based organizations. Individuals wishing to pursue a "certification" pathway under Section 7-211 would be charged \$100 each time that they test and—as is the case with licensure for attorneys—some advocates may need to sit for the certifying exam more than once to obtain a passing score. We recognize and appreciate the need for the Administrative Office of the Courts to support its programmatic responsibilities in

administering these initiatives. With this in mind, we want to call attention to the ways that the testing requirement and associated fees uniquely present a financial burden for smaller community-based organizations or organizations who may wish to add several "certified" CBJWs to their staff.

We recommend uniform treatment of both authorization pathways under Section 7-211: First, the training organization should evaluate the CBJW's competence and, second, the hosting organization—whether legal service organization or community-based organization—should authorize and support their CBJW's legal services. Our recommended changes are further outlined above under Heading (2) of this comment.

Should this Council decide that an examination is only required for CBJWs who are not supervised by legal service organizations, we strongly recommend offering a fee waiver or a sliding fee scale. We believe this will minimize financial burdens on smaller community-based organizations in our state, particularly those in rural communities where there are fewer legal service organizations. We further recommend the following change:

- Section M is titled "Continuing Education" but later employs the language "Continuing Legal Education." As this Council is aware, these phrases have different meanings across the ACJA. For consistency and to lower barriers to entry, we recommend uniformly using "Continuing Education" within Section 7-211.

We believe the above recommendations will best position Arizona for the sustained, intentional growth of community-based justice work in our communities, and we greatly welcome the opportunity to be a resource to the Council in any revisions it makes. On behalf of the undersigned individuals and organizations, we thank you for your time and work to advance access to justice in our state.

Sincerely,

Innovation for Justice (i4J)

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The Arizona Fair Housing Center

AZ NAACP East Valley Branch

AZ NAACP Maricopa County Branch

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Sarah Mauet, Director, UX4Justice at Innovation for Justice

Stacy Jane, Director, Innovation for Justice

Shannon Hayes, HSLA, Hayes Resource Group

Wanda Butler, Justice Tech Founder, We Decide Technology

Resources for the Judicial Council's Consideration:

- **Community-Based Justice Work Webinars**  
Innovation for Justice, "A Place Called Justice:" Celebrating 5 Years of Community-Based Justice Work (Fall 2024) ([link](#)).
- **Community-Based Justice Work Database**  
Innovation for Justice, "U.S. Community-Based Justice Worker Programs Information Chart" (August 2024) ([link](#)).
- **Expert Opinion**  
The Institute for the Advancement of the American Legal System (IAALS), "The Diverse Landscape of Community-Based Justice Workers" (February 2024) ([link](#)).
- **Law Review Article**  
Cayley Balser, Erin Weaver, Stacy Rupprecht Jane, Gabriela Elizondo-Craig, Tate Richardson, and Antonio Coronado, *Leveraging Unauthorized Practice of Law Reform to Advance Access to Justice*, XVIII Law Journal for Social Justice 66 (2024) ([link](#)).
- **Law Review Article**  
Antonio M. Coronado, Rachel Crisler, Cayley Balser, and Stacy Rupprecht Jane, *Re-Regulating Justice: Realizing Housing Stability Through Community Legal Advocacy*, 32 Journal of Affordable Housing and Community Development 393 (2024) ([link](#)).

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 7: Administrative Office of the Courts**  
**Chapter 2: Certification and Licensing Programs**  
**Section 7-211: Community-Based Justice Work Service Delivery Models**  
*[all text is new]*

**A. Definitions.** In addition to the definitions in 7-201(A), the following definitions apply:

“Approval by the AOC” means approval by the Administrative Director, Administrative Office of the Courts, or the Administrative Director’s designee.

“Approved area of law” means each the following specified areas of civil law, approved by the Arizona Supreme Court, for which services may be provided to participants by authorized community justice workers or certified community legal advocates: (1) domestic violence (regarding orders of protection and family law matters); (2) evictions/housing stability; (3) public benefits; (4) debt/debt relief; (5) unemployment law; and (6) consumer issues. Approved areas of law may be added, removed, or changed in accordance with 1-201.

“Approved community-based organization” means a public or private not-for-profit organization, including a designated community action agency, approved to provide services to participants as a result of having submitted a completed application form to the Division for approval by AOC, having received notice from the Division confirming the organization’s approval, and for which that approval has not expired or been revoked.

“Approved legal services organization” means a non-profit legal entity that has as one of its primary purposes the provision of free legal assistance to low-income individuals and that has obtained approval under Rule 38(d), which approval has not expired or been revoked.

“Approved community legal ~~education training~~” means ~~a training course for community-based justice workers~~ provided by a public or private not-for-profit organization approved by the Division to provide such ~~community legal education~~ as a result of having submitted a completed application form to the Division for approval by the AOC, having received notice from the Division confirming the organization’s approval, and for which that approval has not expired or been revoked.

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“Authorized community-based justice worker” means an individual, ~~either (1) supervised by an approved legal services organization licensed attorney, or (2) mentored by a licensed attorney or by instructors of an approved community legal education organization~~, who is authorized under this section to provide specified legal assistance and legal advice in one or more approved areas of law to a participant client of an approved legal services organization ~~or an approved community-based organization~~.

“Board” means the Board of Nonlawyer Legal Service Providers.

**Deleted:** “Certified community legal advocate” means an individual certified under this section, mentored by a licensed attorney or by instructors of an approved certified community legal advocate training organization, to provide specified legal assistance and legal advice in one or more approved areas of law to a participant client of an approved community-based organization.

“Division” means the certification and licensing division of the AOC.

“Participant” means a low-income individual experiencing challenges in one or more approved areas of law and who is a client of an approved legal services organization or an approved community-based organization.

“Rule” means one of the Rules of the Arizona Supreme Court

**B. Applicability.** This section applies to individuals authorized under this section as community-based justice workers to provide legal services, as specified in this section, within the Rule 31.2 and Rule 31.3(e)(10)<sup>[\*]</sup> exception to the prohibition against the unauthorized practice of law. This section is read together with 7-201. In the event of any conflict between this section and 7-201, the provisions of this section govern.

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**C. Purpose.** The supreme court has inherent regulatory power over all individuals providing legal services to the public, regardless of whether they are lawyers or nonlawyers. Accordingly, this section is intended to protect the public and to result in the effective administration of the authorized community justice worker and certified community legal advocate programs.

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**D. Administration.** The supreme court is responsible for administering the authorized community justice worker and certified community legal advocate programs. The roles and responsibilities of the AOC officers and employees involved in administering these programs are governed by 7-201(D) to the extent applicable and not in conflict with this section.

**E. Authorization or Certification.**

1. Necessity. An individual may not represent that they are an authorized community-based justice worker unless the individual holds a valid authorization under this section. An organization may not represent that they are affiliated with an authorized community-based justice worker unless the organization is an approved legal services organization or an approved community-based organization, as applicable.

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2. Ineligibility. An individual who has been disbarred by the highest court in any state; has been denied admission to the practice of law in Arizona for any reason other than the failure to secure a passing examination score; or has been denied certification, or whose certification has been revoked or suspended, by a regulatory governing body is not eligible to become an authorized community-based justice worker.

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3. Community-based justice worker authorization through a legal service organization.

a. Authorization. To be authorized as a community-based justice worker through a legal service organization, an individual must:

<sup>[\*]</sup> The Commission also proposes an amendment to Rule 31.3(e)(10) to include authorized community justice workers and certified community legal advocates as an exception to the unauthorized practice of law provision in Rule 31.2.

- (1) Be nominated in writing by the applicable approved legal services organization and
  - (2) Have the following minimum qualifications as confirmed in writing by the approved legal services organization:
    - (a) Be a citizen or legal resident of the United States;
    - (b) Be at least eighteen years of age;
    - (c) Be of good moral character;
    - (d) Have obtained a high school diploma or a general equivalency diploma (GED) evidencing the passing of the general education development test;
    - (e) Be employed (full or part time) by, or provide volunteer service for, the applicable approved legal services organization;
    - (f) Have successfully completed study and training provided by, or with the approval of, the applicable approved legal services organization;
    - (g) Have successfully completed applicable training provided by the approved legal services organization, or provided by an approved certified community legal advocate training organization, on professional conduct obligations, including conflicts of interest, confidentiality, and the duty of candor, and training in any approved area of law in which the individual will provide authorized legal services;
    - (h) Have been evaluated by the approved legal services organization and found competent to provide authorized legal services in any approved area of law in which the individual will provide authorized legal services;
    - (i) Have satisfactorily completed a background check conducted by the approved legal services organization and cleared that check to the satisfaction of the approved legal services organization; and
    - (j) Agree in writing to comply with all applicable rules and regulations of the approved legal services organization and to provide authorized services under the supervision of an attorney affiliated with the approved legal services organization and in accordance with this section.
- b. Issuance of authorization. An individual meeting the requirements of (E)(3)(a) may be designated an authorized community-based justice worker by the applicable approved legal services organization to provide, in any approved area of law in which the individual has received training and been found competent, authorized legal services to participants while under the supervision of a lawyer affiliated with the approved legal services organization.
- c. Record of authorization. The approved legal services organization must keep written records identifying each authorized community-based justice worker affiliated with that organization; the date when the community-based justice worker became authorized; the approved areas of law in which the community-based justice worker is authorized to provide specified legal assistance and legal advice; and other information relevant to the authorized community-based justice worker's services.
- d. Expiration of authorization. A community-based justice worker's authorization expires on the occurrence of the earlier of the following:

- (1) Termination of the authorized community-based justice worker's program; or
  - (2) The individual is no longer employed by, or providing volunteer services for, the approved legal services organization for more than 60 days without obtaining a waiver from the AOC.
- e. Termination or suspension of authorization. A community-based justice worker's authorization may be terminated or suspended as a result of disciplinary action by the Board.
4. Community-based justice worker authorization through an approved community-based organization.
- a. Authorization. To be authorized as a community-based justice worker through an approved community-based organization, an individual must:
- (1) Be nominated in writing by the applicable approved community-based organization and
  - (2) Have the following minimum qualifications as certified in writing by the approved community-based organization:
    - (a) Be a citizen or legal resident of the United States;
    - (b) Be at least eighteen years of age;
    - (c) Be of good moral character;
    - (d) Have obtained a high school diploma or a general equivalency diploma (GED) evidencing the passing of the general education development test;
    - (e) Be employed (either full or part-time) by or provide volunteer service for the applicable approved community-based organization;
    - (f) Have successfully completed study and training provided by, or with the approval of, the applicable approved community-based organization;
    - (g) Have successfully completed approved certified community legal advocate training provided by an approved certified community legal advocate training organization, or provided by an approved legal services organization, on professional conduct obligations, including conflicts of interest, confidentiality, and the duty of candor, and training in any approved area of law in which the individual will provide authorized legal services;
    - (h) Have been evaluated by the entity providing the approved community legal education training course, either a certified community legal education organization or an approved legal services organization, and found competent to provide authorized legal services in any approved area of law in which the individual will provide authorized legal services;
    - (j) Have satisfactorily completed a background check conducted by the approved community-based organization and cleared that check to the satisfaction of the approved community-based organization; and
    - (k) Agree in writing to comply with all applicable rules and regulations of the approved community-based organization and to provide authorized legal services as a certified community legal advocate in accordance with this

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section.

- (l) Agree in writing to timely respond to communications from the AOC or the Division.

- b. Issuance of authorization. An individual meeting the requirements in (E)(4)(a) may be designated an authorized community-based justice worker by the applicable approved community legal education organization and the applicable approved community-based organization to provide, in any approved area of law in which the individual has received training and been found competent, authorized legal services to participants otherwise being served by that approved community-based organization.
  - c. Record of training. Any approved certified community legal education organization, and any approved legal services organization providing approved community legal education training course, must keep written records identifying each community-based justice worker trained by that entity; the date when the training occurred; the subjects addressed in the training; and other information relevant to the training and education of that individual.
  - d. Record of authorization. The approved community-based organization must keep written records identifying each community-based justice worker authorized by that entity; the date when the community-based justice worker obtained authorization; the approved areas of law in which the community-based justice worker has been authorized to provide specified legal assistance and legal advice; and other information relevant to the community-based justice worker's services.
  - e. Expiration of authorization. A community-based justice worker's authorization expires on the occurrence of the earlier of the following:
    - (1) Termination of the community-based justice worker program; or
    - (2) The individual is no longer employed by, or providing volunteer services for, the approved community-based organization for more than 60 days without obtaining a waiver from the AOC.
  - f. Termination or suspension of authorization. A community-based justice worker's authorization may be terminated or suspended as a result of disciplinary action by the Board.
  - g. Mentoring. A community-based justice worker must be mentored by instructors from an approved community legal education organization or attorneys with subject-matter expertise in the approved areas of law in which the community-based justice worker has been authorized.
5. Directory. The AOC will establish a directory of all authorized community-based justice workers, based on records maintained by each approved legal services organization and

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authorized community-based organization and reported to the Division as specified in (N)(1)(a)-(d). The reports to the Division must contain:

- a. A list of all authorized community-based justice workers providing legal assistance and legal advice to participants of the organization, including:
  - (1) The name of each authorized community-based justice worker;
  - (2) The contact information for each authorized community-based justice worker; and
  - (3) The approved areas of law in which each community-based justice is authorized to provide legal assistance or legal advice.
- b. Information on all deletions, additions, corrections, and revisions to the list reported for the prior quarter.

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**G. Role and Responsibilities.**

1. Authorized legal services.

- a. Authorized community-based justice worker through legal service organizations. An authorized community-based justice worker may provide authorized legal advice and legal assistance to participant clients of the applicable approved legal services organization, in the approved areas of law in which the authorized community-based justice worker has been authorized, while supervised by a lawyer at that approved legal services organization.
  - (1) An authorized community-based justice worker is only authorized to:
    - (a) Provide advice to the participant client;
    - (b) Prepare a document, in any medium, on behalf of a participant client for filing in any court, administrative agency, or tribunal;
    - (c) Negotiate legal rights or responsibilities on behalf of the participant client;
    - (d) Prepare a document, in any medium, intended to affect or secure a participant client's legal rights; or
    - (e) Represent a participant client in an administrative proceeding.
  - (2) An authorized community justice worker is not authorized to provide legal assistance and legal advice of any kind in the area of criminal litigation.

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1. -> Community Legal Advocate Test ->>>>>> \$100.00

2. -> Community Legal Advocate Test Re-examination ->>> \$100.00

-> (For any applicant who does not pass the examination on the first attempt. The \$100.00 fee applies to each reexamination for up to 3 times under 7-201(E)(1)(f)(2).)

3. -> Community Legal Advocate Test Re-registration for Examination -> \$100.00

(For any applicant who registers for an examination date and fails to appear at the designated site on the scheduled date and time.)

4. -> Nonsufficient Funds Fee ->>>>>> \$40.00

- b. Community-based justice worker through approved community-based organization. A community-based justice worker is only authorized to provide legal assistance and legal advice, without a lawyer's supervision, to a participant otherwise being served by an approved community-based organization regarding issues individuals commonly experience in the approved areas of law in which the community-based justice worker has been authorized, as follows:
  - (1) Concerning the rights and obligations of individuals involved in such proceedings, dispute resolution strategies, and screening for legal defenses;
  - (2) Concerning the process and timeline of such proceedings, the completion of court forms and other documents for filing, and how to assert viable claims and

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- defenses in a timely and procedurally accurate manner;
- (3) By taking on an advocacy role in negotiations;
- (4) Concerning preparation for hearings and mediations;
- (5) By sitting at counsel table during administrative and court hearings to advise and assist participants who are representing themselves;
- (6) By responding to requests for information from the administrative law judge or judicial officer presiding over a hearing; and
- (7) By assisting with directly related post-hearing issues.

2. Practice area limitation. When legal needs or matters of the participant are outside of the authorized areas of law in which the authorized community-based justice worker has been authorized, the authorized community-based justice worker must refer the participant to a licensed attorney and will not provide any legal assistance, advice, or services regarding such matters.

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3. Identification. On all documents prepared by the authorized community-based justice worker, unless expressly prohibited by an agency or court, an authorized community-based justice worker must include: the name, address, and contact information for the authorized community-based justice worker; the title of "Arizona Authorized Community-Based Justice Worker"; the name and contact information of the applicable approved community-based organization or approved legal services organization; and, for authorized community-based justice workers hosted by approved legal service organizations, the name of the supervising attorney.

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**H. No Fees May Be Charged to Participants.** Participants must not be charged any fees or costs for legal assistance or legal advice provided by authorized community-based justice workers. Neither an authorized community-based justice worker may ask for or receive any compensation or remuneration of any kind from a participant for legal assistance or legal advice provided to a participant.

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**I. Written Consent of Participant Required.**

1. Before providing authorized legal assistance or legal advice to a participant, an authorized community-based justice worker must enter into a written agreement with the participant that:

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a. Advises the participant that the authorized community-based justice worker is not a lawyer;

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b. Advises the participant of the limited scope of legal assistance and legal advice the authorized community-based justice worker is authorized to provide in the areas of law in which they are authorized; and

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c. Is signed by the participant consenting to receiving such limited legal assistance and legal advice from the authorized community-based justice worker.

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2. For authorized community-based justice workers hosted through approved legal service

organizations, in addition to any requirements for written consent of, and signed agreement by, the applicable approved legal service organization, the agreement must include rights and responsibilities substantially similar to the sample in Appendix 1.

3. For authorizaed community-based justice workers hosted through approve community-based organizations, the written agreement must also:
  - a. Advise the participant that the authorized community-based justice worker is not supervised by a lawyer; and
  - b. In addition to any requirements for written consent of, and signed agreement by, the applicable approved community-based organization, the agreement must include rights and responsibilities substantially similar to the sample in Appendix 2.
4. Each authorized community-based justice worker must maintain a copy of each fully signed agreement with any participant for whom they provide authorized legal assistance or legal advice.

**J. Confidentiality of Files.** An authorized community-based justice worker must maintain a separate, confidential file for each participant for whom authorized they provide legal assistance or legal advice. These separate files must be treated confidentially and not accessible to the public or other employees or volunteers of the approved legal service organization or approved community-based organization who are not authorized to access such information. For authorized community-based justice workers hosted through approve legal service organizations, their supervising attorney is authorized to access the participant's file.

**K. Complaints, Investigations, and Disciplinary Proceedings.** These process for complaints, investigations, and discipline involving authorized community-based justice workers are governed by 7-201(H) and under the jurisdiction and authority of the Nonlawyer Legal Service Providers Board under 7-208.

**L. Policies and Procedures for Board Members.** The policies and procedures in 7-201(I) are applicable to members of the Nonlawyer Legal Service Providers Board.

**M. Continuing Legal Education Policy.**

1. Purpose. Ongoing continuing legal education is one method to ensure authorized community justice workers and certified community legal advocates maintain competence in the approved areas of law for which they are authorized to provide legal assistance and legal advice. Continuing legal education also provides opportunities for authorized community justice workers and certified community legal advocates to keep abreast of changes in the law and the Arizona judicial system.
2. Applicability. All authorized community-based justice workers must participate in 4 hours of continuing legal education each year between the period of July 1 and June 30 of the following year. Those 4 hours must include 1 hour of ethics continuing legal

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education. Continuing legal education must be related to the authorized areas of law in which they are authorized or certified to provide legal assistance and legal advice.

3. Responsibilities. It is the responsibility of each authorized community-based justice worker to ensure compliance with the continuing legal education requirements, maintain documentation of completion of continuing legal education, and submit documentation to the applicable approved legal service organization or approved community-based organization. Upon request by the Division, an approved legal service organization or approved community-based organization must provide documentation and any other requested information regarding compliance with continuing legal education requirements by the authorized community-based justice workers affiliated with the organization.

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#### N. Reporting and Auditing.

##### 1. Reporting requirements.

- a. Notice of changes. An approved legal service organization, approved community-based organization, approved community legal education organization, and authorized community-based justice worker must notify the Division in writing by U.S. Post, facsimile, or email within 30 days of the following events, as applicable to the individual or organization:

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- (1) Any change in individual's or organization's name, address, telephone number, or email address;
- (2) Any designation of an authorized community-based justice worker by an approved legal service organization or by an approved community-based organization, including the date of designation and identification of the approved areas of law in which the community-based justice worker is authorized to provide specified legal assistance and legal advice;
- (4) Any change in an individual's affiliation, employment, or volunteer status with an approved legal services organization or approved community-based organization;

**Deleted:** (3) = Any certification of a community legal advocate by an approved community-based organization, including the date of certification and identification of the approved areas of law in which the community legal advocate has been certified to provide specified legal assistance and legal advice;

- b. Quarterly reports. Each approved legal service organization and approved community legal education organization must provide quarterly reports to the Division on or before March 31, June 30, September 30, and December 31 of each calendar year.

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- c. Annual report. Each approved community-based organization must provide an annual report to the Division on or before December 31 of each calendar.

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- d. Report content. These quarterly and annual reports must include the number of participants served, the outcomes achieved, the authorized areas of law in which participants were served, and information regarding the implementation and potential improvement of the applicable authorized community-based justice worker

program.

2. Auditing.

a. The Division is authorized to request information concerning an individual's or organization's status under this section at any time. An approved legal service organization, approved community-based organization, approved community legal education organization, or authorized community-based justice worker, must respond to the Division's request for information in writing by U.S. Post, facsimile, or email within 30 days of receiving the request.

b. The Division is authorized to audit an individual's or organization's compliance with this section at any time. An approved legal service organization, approved community-based organization, approved community legal education organization, or authorized community-based justice worker, must cooperate with such an audit and must make all records required to be kept under this section available for inspection.

3. Enforcement. The failure of an approved legal service organization, approved community-based organization, approved community legal education organization, and authorized community-based justice worker, to comply with any record-keeping, reporting, or audit provision of this section is grounds for summary, administrative suspension by the Division of any approval, authorization, or certification issued under this section to remain in effect until the individual or organization is in compliance.

O. **Conduct and Privilege.**

1. Code of Conduct. Each authorized community-based justice worker must abide by the code of conduct contained in 7-210(J).

2. Privilege. Communications between the participant and the authorized community-based justice worker shall be privileged under the same rules that govern the attorney-client privilege and work-product doctrine.

**APPENDIX 1 – Sample**

**Authorized Community Justice Worker Limited Scope Agreement.**

This Agreement is made between [INSERT NAME] (the Participant) and [INSERT NAME] (the Authorized Community Justice Worker) and supplements the agreement between Participant and the [INSERT NAME OF APPROVED LEGAL SERVICES ORGANIZATION]. The Participant wishes to receive legal advice and assistance from the Authorized Community Justice Worker in dealing with certain [INSERT SCOPE OF WORK HERE] issues that Participant is facing.

**Notice of Limited Authority – Scope of Service**

Notice is hereby given that the Authorized Community Justice Worker is not a lawyer and is not authorized to advise and assist the Participant in all legal matters that Participant may be facing. Instead, under the supervision of a lawyer affiliated with [INSERT NAME OF APPROVED

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Deleted: Each authorized community justice worker and certified community legal advocate must comply with the following Code of Conduct. The purpose of this Code of Conduct is to establish minimum standards for performance by authorized community justice workers and certified community legal advocates.

Definitions. For purposes of this Code of Conduct, the following definitions apply in addition to the other definitions provided in this section.

"Belief" or "believes" means that the person involved actually supposed the fact in question to be true. A person's belief may be inferred from circumstances.

"Confirmed in writing," when used in reference to the informed consent of a person, means informed consent that is given in writing by the person or a writing that the Individual promptly transmits to the person confirming an oral informed consent. If it is not feasible to obtain or transmit the writing at the time the person gives informed consent, then the Individual must obtain or transmit it within a reasonable time period.

"Fraud" or "fraudulent" means conduct that is fraudulent under the substantive or procedural law of the applicable jurisdiction and has a purpose to deceive.

"Individual" means an authorized community justice worker or a certified community legal advocate as the context requires.

"Informed consent" means the agreement by a person to a proposed course of conduct after the Individual has communicated adequate information and explanation about the material risks of, and reasonably available alternatives to, the proposed course of conduct.

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LEGAL SERVICES ORGANIZATION], the Authorized Community Justice Worker's authority is limited by the Arizona Supreme Court to the following specific current approved area(s) of law [INSERT HERE] and specific types of authorized legal services, as follows:

1. Issues individuals commonly experience in the applicable approved area(s) of law, including the rights and obligations of individuals involved in such proceedings, dispute resolution strategies and screening for legal defenses;
2. Legal assistance and legal advice regarding the process and timeline of proceedings, the completion of court forms and other documents for filing, and how to assert viable claims and defenses in a timely and procedurally accurate manner;
3. Taking on an advocacy role in negotiations;
4. Providing legal assistance and legal advice with respect to preparing for hearings and mediations;
5. Sitting at counsel table during administrative and court hearings to advise and assist participants who are representing themselves;
6. Responding to requests for information from the administrative law judge or judicial officer presiding over a hearing; and
7. Assisting with directly related post-hearing issues.

#### **Participant Responsibilities**

1. Participant understands that, although an Authorized Community Justice Worker will be handling the Participant's case, the Participant will remain in control of the case and be responsible for all decisions made in the course of the case.
2. Participant understands that the Authorized Community Justice Worker cannot speak for, appear for, or sign papers on Participant's behalf, and will not make decisions for the Participant about any aspect of the Participant's case.
3. Participant understands that the Authorized Community Justice Worker is not authorized to provide legal assistance or legal advice with any legal problem, other than those identified above, and that any additional legal assistance or legal advice will require that the Participant seek advice and assistance from a licensed attorney.
4. Participant agrees to cooperate with the Authorized Community Justice Worker and provide all information and documents that Participant has access to that are relevant to their case.
5. Participant agrees to provide only truthful information in responding to the Authorized Community Justice Worker's questions.
6. Participant understands that the Authorized Community Justice Worker will diligently pursue all appropriate legal actions within the Authorized Community Justice Worker's authority to resolve Participant's issues. The Authorized Community Justice Worker will not pursue legal actions in matters other than those identified above or actions outside of the Authorized Community Justice Worker's authority.

#### **Participant Consent**

By signing below, I agree that I have read this Agreement and I understand that the area(s) of law listed above are the only area(s) of law for which the Authorized Community Justice Worker

can provide me with advice and assistance. I further understand that, although supervised by a lawyer, the Authorized Community Justice Worker who is advising and assisting me is not an Arizona licensed attorney and is not my lawyer.

Participant:

Authorized Community Justice Worker:

\_\_\_\_\_  
Signature

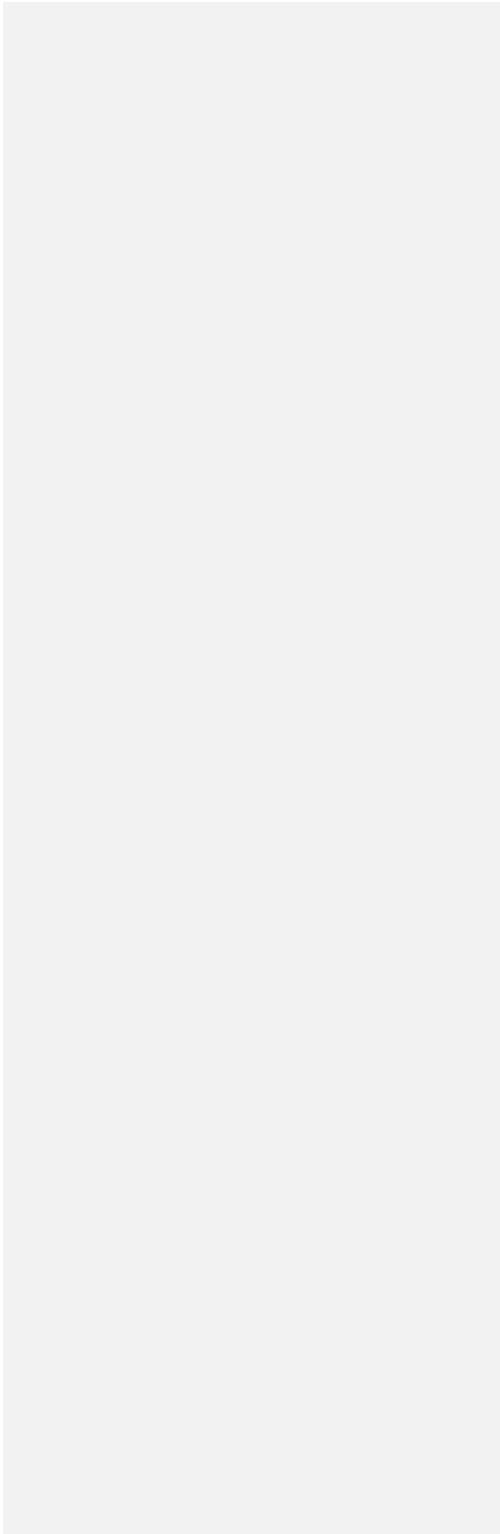
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**APPENDIX 2 – Sample  
Certified Community Legal Advocate Limited Scope Agreement**

This Agreement is made between [INSERT NAME] (the Participant) and [INSERT NAME] (the Certified Community Legal Advocate). The Participant wishes to receive legal assistance and legal advice from the Certified Community Legal Advocate in dealing with certain [INSERT SCOPE OF WORK HERE] issues that Participant is facing.

**Notice of Limited Authority – Scope of Service**

Notice is hereby given that the Certified Community Legal Advocate is not a lawyer and is not authorized to advise and assist the Participant in all legal matters that Participant may be facing. Instead, the Certified Community Legal Advocate’s authority is limited by the Arizona Supreme Court to the following specific current approved area(s) of law [INSERT HERE] and specific types of authorized legal services, as follows:

1. Issues individuals commonly experience in the applicable approved area(s) of law, including the rights and obligations of individuals involved in such proceedings, dispute resolution strategies and screening for legal defenses;
2. Legal assistance and legal advice regarding the process and timeline of proceedings, the completion of court forms and other documents for filing, and how to assert viable claims and defenses in a timely and procedurally accurate manner;
3. Taking on an advocacy role in negotiations;
4. Providing legal assistance and legal advice with respect to preparing for hearings and mediations;
5. Sitting at counsel table during administrative and court hearings to advise and assist participants who are representing themselves;
6. Responding to requests for information from the administrative law judge or judicial officer presiding over a hearing; and
7. Assisting with directly related post-hearing issues.

**Participant Responsibilities**

1. Participant understands that, although a Certified Community Legal Advocate will be handling the Participant’s case, the Participant will remain in control of the case and will be responsible for all decisions made in the course of the case.
2. Participant understands that the Certified Community Legal Advocate cannot speak for, appear for, or sign papers on Participant’s behalf, and will not make decisions for the Participant about any aspect of the Participant’s case.
3. Participant understands that the Certified Community Legal Advocate is not authorized to provide advice and assistance with any other legal problem, other than those identified above, and that any additional advice and assistance will require that the Participant seek advice and assistance from a licensed attorney.
4. Participant agrees to cooperate with the Certified Community Legal Advocate and provide all information and documents that Participant has access to that are relevant to their case.

5. Participant agrees to provide only truthful information in responding to the Certified Community Legal Advocate's questions.
6. Participant understands that the Certified Community Legal Advocate will diligently pursue all appropriate legal actions within the Certified Community Legal Advocate's authority to resolve Participant's issues. The Certified Community Legal Advocate will not pursue legal actions in matters other than those identified above or actions outside of the Certified Community Legal Advocate's authority.

**Participant Consent**

By signing below, I agree that I have read this Agreement and I understand that the approved area(s) of law listed above are the only area(s) of law for which the Certified Community Legal Advocate can provide me with advice and assistance. I further understand that the Certified Community Legal Advocate who is advising and assisting me is not an Arizona licensed attorney, is not my lawyer and is not supervised by a lawyer.

Participant:

Certified Community Legal Advocate:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

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