

December 20, 2024

Re: Comments on the Proposed Section 7-211 of the Arizona Code of Judicial Administration

Dear Arizona Judicial Council,

We write on behalf of IAALS, the Institute for the Advancement of the American Legal System, regarding the proposed addition of Section 7-211 to the Arizona Code of Judicial Administration. IAALS is a national, independent research center at the University of Denver that innovates and advances solutions that make the civil justice system more just. IAALS identifies and researches issues in the legal system; convenes experts, stakeholders, and users of the system to develop and propose concrete solutions; and then goes one step further to empower and facilitate the implementation of those solutions to achieve impact. We are a nonpartisan organization that champions people-first reforms to the legal system and the legal profession. Since 2019, IAALS has had an Unlocking Legal Regulation initiative through which it has worked with leaders in states across the country to rethink how we regulate and deliver legal services to ensure a more robust ecosystem and market of models and providers—one that is competitive, broadly accessible, and better meets the needs of the people.

We applaud the Arizona Judicial Council for its leadership in regulatory reform efforts in Arizona. Arizona has been a national leader in the regulatory reform space for years. From the launch of certified legal document preparers in 2003 to the launch of community-based justice workers in 2020 to the launch of alternative business structures in 2021, Arizona has and continues to lead the way when it comes to regulatory innovation.

It is well documented that the vast majority of low and middle-income Americans do not have access to affordable legal help when they need it. The breadth and severity of the legal services gap will require a more robust ecosystem of business models and providers to meet the need. Both types of community-based justice worker models—models tied to legal aid organizations and models tied to community-based organizations—are proving to be a successful avenue for serving people who are at or below the income eligibility line for free legal aid. Those below this income eligibility line are a particularly vulnerable population and it is critical that we continue to innovate our justice system to ensure access to justice. We also know the access to justice crisis extends above this line as well, with serious social, legal, and economic consequences for individuals and communities. It is worth noting that the community-based justice worker model tied to community-based organizations and non-LSC-funded legal aid organizations offer the additional advantages of being able to serve people who sit slightly

above the income eligibility line for free legal aid—a giant gap in the legal service delivery ecosystem—and people who fall within a LSC “restricted activity” such as undocumented individuals and prisoners. Innovation for Justice’s Domestic Violence Legal Advocate program, which has been operating in Arizona since 2020, continues to grow and serve more people each year, and their Housing Stability Legal Advocate program is on track to do the same. Arizona has long recognized that there is not a single one-size-fits-all approach to the challenges in our justice system, including in civil justice reform efforts, and we appreciate that Arizona brings this same approach to regulatory reform by supporting innovation and the creation of a broad ecosystem of solutions. Continuing to allow community-based justice worker models tied to community-based organizations, and adding models tied to legal aid organizations to operate in Arizona, is a win for Arizonans.

While IAALS has monitored community-based justice worker programs across the country, we have not worked directly on any of these programs. Because of this, we recommend that the Arizona Judicial Council look to the recommendations provided by other national organizations (i.e., Innovation for Justice and Frontline Justice) that have worked extensively on creating and monitoring these community-based justice worker programs. Because Innovation for Justice has been administering community-based justice worker programs in Arizona since 2020, they are uniquely positioned to offer valuable insight on this proposal informed by their experiences to date in the state.

One area in which IAALS does have expertise and would like to offer feedback is titles. Since 2022, IAALS has hosted an Allied Legal Professionals (ALP) project that is focused on establishing national best practices for the new tier of legal service providers: people who are not lawyers but are trained and licensed to offer legal help in specific areas. Seven states currently have ALP programs, and there are six different titles among those seven states. This inconsistency in titles has led to confusion within the profession, and more importantly, among the public. For this reason, IAALS is organizing focus groups with the goal of selecting a uniform title that works for the public and ALPs. Based on this experience in the ALP space, IAALS recommends that the Arizona Judicial Council does not create two categories of community-based justice workers and instead uses one uniform name for this category of provider in Arizona.

Proposed Section 7-211 represents a critical effort to address the gap in legal services in Arizona, and IAALS applauds the Arizona Judicial Council for its leadership in this process. The purpose of this proposal is to expand the current community-based justice worker models that exist in the state such as Innovation for Justice’s Domestic Violence Legal Advocates and Housing Stability Legal Advocates. We believe that the proposal, paired with recommendations shared in public comments submitted by other national organizations working in the community-based justice worker space, will achieve this

goal. We look forward to watching the existing community-based justice worker programs grow and new ones sprout so as to achieve this ecosystem and meet this great need.

Sincerely,

Jessica Bednarz

Director of Legal Services and the Profession