



**Limited License Legal Technicians Subcommittee
Colorado Supreme Court Advisory Committee
Second Meeting
August 28, 2015, 2:00 p.m. – 4:20 p.m.
Colorado Bar Association Offices, 9th Floor
Meeting Minutes**

Members Present: Alec Rothrock (Chair), Jim Coyle, Daniel Vigil, Susan Gleeson, Melissa Oakes, Jonathan Asher, Cynthia Covell, Patrick Flaherty, Loren Brown, Velvet Johnson, Margarita Lopez, Kevin Hanks, Marie Nakagawa (Subcommittee Secretary), Kara Martin, David Stark, Christopher Ryan, Steve Lass, Hon. Liz Starrs, Allison Gerkman, Hon. Adam Espinosa, Helen Shreves, Hon. Dan Taubman.

Members Absent: Kristen Burke, Steven Vasconcellos, Barbara Butler, Chuck Turner, Hon. Suzanne Grant, Judy Graff, Lynne Weitzel, Michelle Sylvain.

Approximately twelve members of the public were also present.

1. Introduction

Mr. Rothrock welcomed everyone to the second meeting of the LLLT Subcommittee. He reminded everyone that the first meeting occurred on June 26, 2015, and we had decided to meet every other month. Mr. Rothrock proposed that the Subcommittee meet one more time and work on a recommendation to the Advisory Committee. If there is no unanimity, then additional reports may be written to explain those reasons. He suggested that the Subcommittee focus on those recommendations at the next meeting.

At the first meeting, three smaller groups from the Subcommittee decided to look further into issues that were raised during the meeting. Those three groups looked into: 1) what other jurisdictions are doing with licensing; 2) other ways of addressing these issues in domestic cases; and 3) what other areas have the legislature or Supreme Court allowed non-lawyers to provide legal services. Mr. Rothrock asked each group to give an update to the Subcommittee.

2. Reports from the groups and discussion

The first group, represented by Mr. Joseph Slonka, looked into what other jurisdictions were doing with licensing, but did not limit their research to only law licenses. This group also looked at how other jurisdictions were using non-lawyers. He passed out a handout summarizing the findings

Group Research Tracking

Snapshot

State Name	Status?	Websites	Key Points
Alabama			
Alaska			
Arizona	Yes	URL: https://www.azcourts.gov/cld/Legal-Docum ent-Preparers	CLE Requirement Area of Law is family
Arkansas			
California	Yes		Name of Program: Legal Document Assistant CLE Requirement - Yes
Colorado	Being Discussed		The Colorado Supreme Court Advisory Committee, Subcommittee of Limited License Legal Technicians has compiled materials to begin consideration of whether Colorado should adopt a program allowing licensed legal technicians to perform limited legal services for the public.
Connecticut	In Progress		Task Force Assembled. Scope is broader than LLLT and seeks middle ground between lawyer and paralegal.
DC	Wait and watch approach	Gene Shipp, <i>Change is the Only Constant</i> , WASH. LAW. (2015), available at https://www.washingtonlawyer.com/2015/06/01/change-is-the-only-constant/ .	
Delaware			
Florida	Being	http://c.ymcdn.com/sit	The Admission Committee of The Florida Bar's

	considered	es/www.inbar.org/resource/resmgr/Conclave/Alt_license_table_May_18__20.pdf	Vision 2016 Commission is looking at the issue. If the Vision 2016 Commission approves a proposal, then that proposal may be presented to the Florida Commission on Access to Civil Justice.
Georgia			
Hawaii			
Idaho			
Illinois	In Progress	http://iln.isba.org/blog/2015/08/19/proponents-critics-sound-limited-license-legal-technicians	Task force assembling this fall (2015).
Indiana	No	Marilyn Odendahl, <i>Limited Licensing Programs Gain Traction in the Legal Community</i> , IND. LAW. (2013), available at https://www.indianalawyer.com/article.php?id=77&cat=10 .	"The section recommended against moving forward with legal technicians at this time but left the door open for future consideration by advising the state bar to monitor the success of such programs in other jurisdictions"
Iowa			
Kansas			
Kentucky			
Louisiana			
Maine			
Maryland			
Massachusetts	Being discussed	http://c.ymcdn.com/sites/www.inbar.org/resource/resmgr/Conclave	Access to Justice Commission and Supreme Court's Rules Committee are scheduled to have preliminary discussions about alternative

		e/Alt_license_table_May_18__20.pdf	licensed professionals some time in 2015.
Michigan			
Minnesota	In Progress	http://www.mnbar.org/docs/default-source/general-policy/recommendations-and-report-from-the-future-of-legal-education-task-force.pdf	Task Force Assembled. Report due June 2016. State has a certification called MnCP. It's voluntary.
Mississippi	Being discussed	See Eugene M. Harlow, <i>Reflections from the ABA Mid-Year Meeting in Houston, Texas</i> , MISS. LAW. (2015), available at http://www.missbar.org/Portals/0/PDFs/Reflections%20from%20the%20ABA%20Mid-Year%20Meeting%20in%20Houston%20TX.pdf .	
Missouri	no	http://missouriparalegalassoc.org/	weak paralegal participation, paralegal bar group on hiatus http://missouriparalegalassoc.org/wp-content/uploads/2013/02/Paralegal-Committee-Letter_pub.pdf
Montana			
Nebraska			
Nevada		http://c.ymcdn.com/sites/www.inbar.org/resource/resmgr/Conclave/Alt_license_table_May_18__20.pdf	Non-lawyer document preparers are allowed pursuant to statute enacted in 2013. At the direction of a paying client, document preparers are allowed to prepare or complete pleadings, applications or other documents for clients, translate an answer to a question posed in such a document, secure supporting documents, such as birth certificates, in connection with a legal matter and submit completed documents to a court or administrative agency. Document preparers are required to register with and are regulated by the Nevada Secretary of State. For more information please see

			http://nvsos.gov/index.aspx?page=1346
New Hampshire			
New Jersey			
New Mexico	Being discussed	<p>D.D. Wolohan, <i>Limited License Legal Technician May Be in New Mexico's Future</i>, BAR BULL. 7 (2015), available at http://www.nybar.org/Portals/0/2015/07/07%20Bar%20Bulletin%20July%202015.pdf.</p> <p>http://c.ymcdn.com/sites/www.inbar.org/resource/resmgr/Conclave/Alt_license_table_May_18__20.pdf</p>	<p>Optimistic discussions. In January, 2015, the New Mexico Access to Justice Commission formed a working group to study the suitability of an alternative licensure program in New Mexico. The discussion and research are in the initial stages. Contact Elizabeth McGrath (505) 244 - 1101 or William Slease (505) 842 - 5781 for more information.</p>
New York	Yes	http://nylawyer.nylj.com/adgifs/decisions/15/022415report.pdf	<p>Title: Court Navigators</p> <p>Area of law : Tenant, Debt</p>
North Carolina	Wait and watch approach	<p><i>Washington State LLLT Program</i>, N.C. STATE BAR J. 16 (2014), available at http://www.ncbar.org/Portals/0/2014/07/07%20State%20Bar%20Journal%20July%202014.pdf.</p>	
North Dakota			
Ohio			
Oklahoma			
Oregon	In progress	<p>http://www.oregonparaleg.com/oregonparaleg.html</p> <p>http://oregonparaleg.com/oregonparaleg.html</p>	<p>Title: Limited License Legal Technician</p> <p>Focus on: advice regarding landlord/tenant law, name changes, wills, divorces, chapter 7 bankruptcies, and powers of attorney for health care.</p>

		als.org/committees-and-groups/llt-town-hall-1-29-14/	Oregon's 1992 report recommended that the Oregon State Bar implement a "Limited Law Advisor (LLA). So this has been a decade long discussion for the State.
Pennsylvania			
Rhode Island	Being Discussed	https://www.ribar.com/UserFiles/Nov-Dec_2013%20Jrnl.pdf	
South Carolina			
South Dakota			
Tennessee			
Texas	No		<p>1. There is a state program called TBLS that certifies Paralegals in seven areas (it also certifies lawyers too).</p> <p>2. Texas has addressed our issue by narrowing the definition of UPL and providing exceptions certain types of workers/advocates.</p>
Utah	In Progress	http://www.utcourts.gov/committees/limited_legal/ http://www.utcourts.gov/committees/limited_legal/materials/2015-07-09.pdf	<p>Task Force assembled and actively working.</p> <p>Contact Elizabeth A. Wright, General Counsel, Utah State Bar, (801) 297-7047.</p>
Vermont	Being discussed		<p>The Virginia State Bar's Committee to Study the Future of Legal Practice is looking at a variety of issues, including limited license legal technicians.</p> <p>http://www.vsb.org/site/publications/vlawyer/april_2015</p>
Virginia			
Washington	Yes	http://www.wsba.org/li	Title: Limited License Legal Technician

		censing-and-lawyer-conduct/limited-licenses/legal-technicians	Must complete ABA approved coursework Area of Law: Family
West Virginia			
Wisconsin			
Wyoming			

In Depth Analysis:

State Name
Alabama
Alaska
Arizona <u>Arizona</u> - Legal Document Preparer Certification testing – Yes CLE requirement – Yes Areas of law - Family Legal Document Preparer Program certifies non-attorney legal document preparers in Arizona who provide document preparation assistance and services to individuals and entities not represented by an attorney. Legal document preparers may provide general legal information but may not give legal advice. URL: https://www.azcourts.gov/cld/Legal-Document-Preparers
Arkansas
California <u>California</u> – Legal Document Assistant Certification testing - ?? CLE requirement – Yes Areas of Law - see below CALDA promotes growth, development, and recognition of the Legal Document Assistants' profession as an integral partner in the delivery of legal services. Membership consists of registered and bonded California Legal Document Assistants, Bankruptcy Petition Preparers, Social Security Disability Advocates, SSI Advocates, and sustaining members who support and enhance the LDA profession. Legal Document Assistants, may:

- Distribute to their customers legal materials that have been published or approved by a lawyer
- Prepare the customers' legal documents under the direction of their customers
- File the customers' legal documents in the appropriate courts

LDA may be able to help you prepare your documents for:

- | | |
|---|--|
| • Adoption | • Orders to show cause |
| • Annulments | • Paternity |
| • Assignment of Personal Property | • Pre-nuptial and post-nuptial |
| • Bankruptcy | • Probate |
| • Case completion | • Powers of Attorney |
| • Certification of Trust | • Qualified Domestic Relations Orders (QDRO) |
| • Child Support Calculation | • Quit Claim Deeds |
| • Child Support / Modifications | • Resumes |
| • Child Custody | • Small Claims |
| • Collection | • Living trusts |
| • Corporations, partnerships, LLCs | • Separations |
| • Civil actions | • Settlement Agreements / Mediation |
| • Deeds | • Spousal support |
| • Divorce and other "Family law" | • Stipulations |
| • Emancipation of Minor | • Typing documents |
| • Evictions | • Unlawful detainer / eviction |
| • Guardianships | • Visitation |
| • Health Care Directives | • Wage garnishments |
| • Immigration and Marital Settlement Agreements | • Wills |

URL: <http://calda.org/>

Colorado

In Colorado, the LLLT is being discussed. The ~~Colorado Bar~~ has a subcommittee with public meetings.

This article cites the need for inexpensive legal aid since "In 78 percent of family law cases, one party is not represented. In 53 percent of family law cases, both sides are self-represented."

<http://www.coloradosupremecourt.us/Newsletters/Spring2015/Colorado%20studying%20new%20limited%20legal%20license.htm>

Connecticut

In Connecticut, the bar association's Task Force on the Future of Legal Education and Standards of Admission recommended, "non-lawyers be permitted to offer some basic legal services to the public." [1] Interestingly, in Connecticut the task force recommended that licensed non-lawyers have a bachelor's degree, with the idea they would be "more than a paralegal but less than a JD." [2]

[1] <http://www.coloradosupremecourt.us/Newsletters/Spring2015/Colorado%20studying%20new%20limited%20legal%20license.htm>

Delaware

Florida

Georgia

Hawaii

Idaho

Illinois

Indiana

Iowa

Kansas

Kentucky

Louisiana

Maine

Maryland

Massachusetts

Michigan

Minnesota

Task Force Assembles and meeting regularly, with report due in a few months.

Minnesota has historically been active on our issue:

"Several efforts were made in Minnesota to put some form of paralegal regulation in place through the legislature and the courts. In fact, in 1994, Minnesota was one of several other states exploring some type of specialized paralegal licensing, and Minnesota Statute 481.02 actually contained a provision for "specialized legal assistants" in anticipation of its passing. However, all endeavors in Minnesota have ultimately failed – both the legislative and judicial branches of the government declined to take on paralegal regulation, as did the Minnesota State Bar Association."

article continues...

"So what form of paralegal regulation makes sense for Minnesota? Three types of regulation for professionals exist: registration, certification and licensure. Registration constitutes a list of names with an association or agency; voluntary or mandatory, usually with no education or training requirements involved. Certification, generally voluntary, requires applicants to meet certain criteria, such as education, experience and testing. Several examples of paralegal certification exist across the nation, including state voluntary certification programs (like MnCP), as well as PACE Registered Paralegals (RP) and CORE Registered Paralegals (CRP), credentials earned through exams offered by the National Federation of Paralegal Associations (NFPA). Currently, six states offer a certification credential (including Minnesota): Delaware, Pennsylvania, New Jersey, Florida, North Carolina and Minnesota. Licensure, the most restrictive form of regulation, includes granting a license to practice by meeting certain qualifications for a particular occupation."

continued..

"Despite all of these perceived negatives to paralegal regulation, the MPA created the MnCP program to foster the growth and professionalism of each and every Minnesota paralegal. What does the MnCP program entail? A voluntary program, the MnCP seeks to establish a standard of competency for Minnesota paralegals. The program provides an opportunity for paralegals to validate their qualifications as a career paralegal. The credential, offered only to paralegals meeting certain education and experience requirements, requires paralegals to maintain the credential with 10 hours of CLE credits in a two-year period – with one credit in ethics. You can find the clearly outlined eligibility requirements on the MPA's website."

MPA is a 501(c)(3) nonprofit organization. All contributions are tax-deductible. For more information, please contact the MPA at 612.338.1111 or www.mnmpa.org.

Mississippi		
Missouri		
Montana		
Nebraska		
Nevada		
New Hampshire		
New Jersey		
New Mexico		
New York <u>New York</u> - Court Navigators Certification testing - CLE requirements - Areas of Law – LL/ Tenant, Debt “Court Navigators” – nonlawyers trained to assist pro se litigants in Housing Court cases in Brooklyn and consumer debt cases in the Bronx and Brooklyn. They will not be permitted to address the court on their own, but if the judge directs factual questions to them, they will be able to respond. They will also provide moral support and information to litigants, help them keep paperwork in order, assist them in accessing interpreters and other services, and, before they even enter the courtroom, explain what to expect and what the roles are of each person in the courtroom. NY Chief Justice Lippman said: I am pleased to announce today, that I intend to introduce legislation this year that calls for a further level of involvement by non-lawyers in assisting litigants. This proposal would codify a more substantial role for non-lawyers by establishing a category of service providers called “Court Advocates” in Housing Court and in consumer credit cases to assist low-income litigants. While there is no substitute for a lawyer, the help of a well-trained non-lawyer standing by a litigant’s side is far preferable to no help at all. We have already seen what a difference it can make.		

Lippman noted that New York's Committee on Nonlawyers and the Justice Gap had recently completed a [report on the Justice Gap](http://www.courtsonline.org/nyjcr/nyjcr-report-2015.pdf) and had concluded that it demonstrated "a marked difference in the behavior of litigants accompanied by Navigators — a greater ability to more clearly set out the relevant facts and circumstances and a significant increase in use of relevant defenses for those litigants."

URL: <http://nylawyer.nylj.com/adgifs/decisions15/022415report.pdf>

North Carolina

North Dakota

Ohio

Oklahoma

Oregon

Oregon - Limited License Legal Technician
 Certification testing - Yes CLE requirements – Yes Areas of
 Law – Family Law, LL/ Tenant, Estates

The reason for the delay, Jennings said, is that the [Oregon] LLLT board is waiting for the Washington Supreme Court to vote on [an amendment](http://www.washsupremecourt.org/Portals/0/LLLT%20Rules%20Amendment%202015.pdf) to the LLLT rules that would alter the exam requirements. The amendments would allow an LLLT applicant to satisfy the core examination requirement by passing the National Federation of Paralegal Association's Paralegal Core Competency Exam. The amendment would also make the ethics portion of the exam a separate, one-time exam, graded separately from the practice area exam.

URL: Task force report dated February 13, 2015

<http://www.washsupremecourt.org/Portals/0/LLLT%20Rules%20Amendment%202015.pdf>

Pennsylvania

Rhode Island

The president of the bar association, Robert Weisberger, as voiced support for LLLTs.

South Carolina

South Dakota

Tennessee

Texas

FIRST

Texas has a program of State Certification. It is completed through the Texas Bar.

Paralegal Certification

The Texas Board of Legal Specialization certifies paralegals in seven select areas of law. Paralegal certification *"recognizes and promotes the availability, quality, and utilization of the services of paralegals who, working under the supervision of duly licensed attorneys, have achieved a level of special knowledge in particular areas of law... ."*

The paralegal certification process closely parallels the attorney certification process. It includes a thorough assessment of the paralegal's experience under the supervision of a licensed Texas attorney as well as their record of Continuing Legal Education and specialty area duties. It requires the completion of Baccalaureate or higher degree, or completion of an accredited paralegal program or four additional years of relevant experience. References from attorneys, judges and other professionals associated with the specialty area are evaluated, and a passing score on a half day area examination is required. Visit the <http://www.tlscertification.com> web site for complete information related to the paralegal certification process. More than 300 paralegals have distinguished themselves with board certification.

More than 300 paralegals have distinguished themselves with board certification. Begin your work with a Certified Paralegal.

News

Visit the individual links below for current TBLS news:

- [The Official Accredited Attorney & Paralegal Website](#)
- [Texas Bar News](#)
- [The National Association of Legal Assistants](#)

Links

The TBLS maintains a list of [professional resources](#) for consumers and legal professionals. Professional resources include other Bar Organizations, Certified Attorneys Organizations, Paralegal and TBLS Accredited Attorney Certifying Organizations.

SECOND

Texas seems to grapple the the issue we are discussing by narrowing the definition of UPL.

[Texas Bar News](#) "The Texas Board of Legal Specialization has announced that it will be narrowing the definition of Unlawful Practice of Law (UPL) to include only the practice of law by non-lawyers." [Texas Bar News](#)

Sec. 81.1011. EXCEPTION FOR CERTAIN LEGAL ASSISTANCE. (a) Notwithstanding Section 81.1009, (a), the **"practice of law" does not include technical advice, consultation, and document completion assistance provided by an employee or volunteer of an area agency** on aging affiliated with the Texas Department on Aging who meets the requirements of Subsection (b) if that advice, consultation, and assistance relates to:

- Added by Acts 2001, 77th Leg., ch. 845, Sec. 1, eff. Sept. 1, 2001.

There is an only Texas Bar CLE that lists caselaw discussing situations where filling out forms was considered UPL.

http://www.texasbarcle.com/materials/events/11010/141194_01.pdf

Vermont

Virginia

Washington

Limited License Legal Technician

Certification testing – Yes

CLE requirements – Yes

Areas of

Law – Family

LLLT's are trained and licensed to advise and assist people going through divorce, child custody and other family law matters in Washington. Think of them like nurse practitioners, who can treat patients and prescribe medication like a doctor. Licensed Legal Technicians bring a similar option to the legal world, making legal services more accessible to people who can't afford an attorney. While they cannot represent clients in court, Legal Technicians are able to consult and advise, complete and file necessary court documents, help with court scheduling and support a client in navigating the often confusing maze of the legal system.

URL:

<http://www.wa.gov/department-of-social-and-humanservices/child-support/limited-license-legal-technician>

West Virginia

Wisconsin

Wyoming

from the group.¹ Mr. Slonka explained that the handout is a snapshot view of each state, and he would be happy to follow-up in more depth if that is what the Subcommittee wanted. The Arizona document preparers program and the New York Navigators program were noted. He explained that the handout does not include Canada, but Canada has already licensed paralegals.

Mr. Rothrock asked why the LLLT idea is so radical when Canada has already been licensing paralegals. Mr. Slonka replied that the Canadian paralegals cannot give legal advice.

Someone asked whether other states have unbundled legal services. It was believed that yes, other states do allow unbundled legal services. It was asked whether document preparers, such as those in Arizona, are available to the intended consumers and providing the help those consumers need. Mr. Slonka did not know of any data that shows the success of the document preparers program, but noted that paralegal licensing in Canada has been a great success. Someone pointed out that Canada is not a good comparison because Canada gives significantly more money for legal aid and access to justice programs.

Mr. Andrew Oh-Willeke represented the group that considered what other areas the legislature or Supreme Court has allowed non-lawyers to provide legal services. Mr. Oh-Willeke explained that in federal law, there are areas in which non-lawyers have been authorized to provide legal advice; for example, CPAs can give tax advice, patent agents may practice specifically in patent court, and there are document preparers allowed in immigration and bankruptcy law. It was noted that for matters concerning public benefits, such as food stamps, paralegals may appear in administrative courts.

Before the third group's report was presented, there was discussion regarding the cost of Washington's LLLT program. It was explained that the cost to implement the LLLT program was approximately \$160,000, with \$25,000 to create the LLLT exam. The cost is estimated to be paid back in around five years through LLLT license fees. The law schools and community colleges in Washington developed curricula for LLLT education. The biggest cost appears to have been the technological infrastructure. However, Washington's transition to incorporate LLLTs was relatively smooth because the state had already implemented Limited Practice Officers. There were nine exam takers for the first LLLT exam; seven passed. The incoming class for LLLT classes have approximately 120 students, and there is already a waitlist of about 100 students.

The Institute for the Advancement of the American Legal System (IAALS) at the University of Denver had two members present, Ms. Alli Gerkman and Ms. Natalie Knowlton, who discussed IAALS' study of self-represented litigants. The preliminary evaluation of the results showed that self-represented litigants are interested in getting legal representation regardless of whether the help comes from a lawyer or a non-lawyer. Very few self-represented litigants did not want representation. Mr. Rothrock asked if the pro se litigants would pay for legal assistance, and how much. The research did not ask that specifically, but most of the pro se litigants in the study said they could not afford lawyers, and many were low-income but not enough to qualify for legal aid. The study focused on self-represented litigants whose income for one person was in the \$20,000-\$60,000 a year range, some had college degrees, some had post-college degrees, ages 20-70 years

¹ Group #1 Handout is attached hereto as Attachment 1.

old, and had anywhere from one to seven children. The study focused only on self-represented litigants in family law cases. Everyone agreed the information on the IAALS study was very interesting and helpful, and asked for an update when the full results became available.

Mr. Rothrock asked the Subcommittee for thoughts on where they should go from here. Is the Subcommittee, as a whole, thinking that something like the LLLT program should be recommended? Does the Subcommittee think we should look at other ideas? It was pointed out that this question comes up in bar association meetings all the time. People want to know whether the LLLT program will happen in Colorado, and there seems to be guarded response about whether it is a good idea, especially in rural areas. It was asked whether we could expand the Self-Represented Litigant Coordinators (SRLCs) program to help the pro se litigants. SRLCs already help pro se litigants with forms. Perhaps we could have a Navigators type of program to fill the void in the courtrooms. However, there is a concern with the scope of what SRLCs can do due to the court's responsibility for judicial neutrality. Court employees cannot give legal advice to both sides of a case, and SRLCs wanted guidance on this in the early stages of the program. As for budget, the Court is now limited in terms of how many SRLCs can be hired. If the need is representation in the courtroom, then the focus may have to be on the modest means program or more attorneys working on a sliding fee scale. Someone asked if the IAALS study showed pro se litigants would pay for representation by a non-lawyer. We know there is a market for non-lawyer representation because consumers can pay something, just not the rates lawyers are charging. Consumer are currently paying for the unauthorized practice of law, so we just need to figure out how to get those non-lawyer providers under regulation in order to protect the public.

Someone asked what family law lawyers charge. The consensus appeared to be the hourly rates are anywhere between \$150 to \$550 per hour. The highest anyone had heard of was \$600 per hour, but that was rare.

There was discussion regarding the third group's report, which considered creating an alternative forum for resolving cases with pro se litigants. Ms. Helen Shreves talked with several people and came up with a plan for a simplified family claims court. She handed out her plan to the group.² The idea is based on the concept of a Small Claims Court and using bankruptcy court procedures with a presiding Administrative Law Judge or Magistrate. Someone wondered who would pay for the decision maker, and it was suggested that the filing fee could be directed to pay for that cost. Someone asked if this would be a private court or a court in the judicial branch, and Ms. Shreves said it would be part of the judicial branch. It was expressed that this was a very interesting concept, similar to the IAALS program where pro se parties can enter into a process together in a positive way. This simplified court could be a similar process and eliminate the long wait in the court for simpler cases. Someone suggested that perhaps qualified paralegals could even represent these parties in the simplified court, or even LLLTs if we are concerned about the cost for representation. Someone asked about the average rate for contract paralegals, and while no one had any data, someone knew of a paralegal who charges \$75 to \$100 per hour. There was discussion regarding the high rate of landlord tenant cases as well, where probably 98% of the pro se parties are tenants.

² Simplified Family Claims Court handout is attached hereto as Attachment 2.

3. Conclusion

Mr. Rothrock asked the Subcommittee about wrapping up the discussion. There were a lot of good ideas today, from a simplified claims court to using navigators to thinking about landlord tenant law.

There was discussion that the Subcommittee could brainstorm as a group about what the consumers need, and to think about the specific profiles of the consumers of legal services. It was pointed out that consumers need an array of choices; a consumer cannot make good choices if there is no selection to choose from.

Someone pointed out that if doctors have internships, why can't we have the same process for lawyers to train with a supervising lawyer? In New York, there is a mandatory requirement for all lawyers to have 50 hours of pro bono service. However, young lawyers who need training also need to make a living as well, which has become an important issue as new lawyers are graduating with law school debt of \$150,000 to \$200,000 and are having problems finding employment. It would be unfair to push the cost of the pro se litigants issue onto the already struggling young lawyers. But there must be a way to connect the pro se litigants with the unemployed new lawyers.

The Subcommittee concluded that three different groups should pursue specific ideas for the next meeting. The groups are the following: 1) One group will study in more detail the three different models of providers – the document preparers, navigators, and LLLTs; 2) the second group will consider the profiles and needs of different consumers; and 3) the third group will consider how lawyers could get more involved in helping to resolve the access to justice issues. Also, Ms. Shreves will pursue the simplified court idea and develop it further for the next meeting.

Judge Taubman suggested that someone from the Modest Means Task Force could present to the Subcommittee at the next meeting.

The next meeting is on Friday, October 30th at 2:00 p.m. at the same location at the CBA.

Mr. Rothrock thanked everyone for a lively discussion and adjourned the meeting at 4:20 p.m.

MEMO

TO: 3LT CBA SUBCOMMITTEE
FROM: HELEN C. SHREVES, ESQ.
RE: ALTERNATIVE FORUM
DATE: AUGUST 28, 2015

A proposal for an alternate forum for hearing disputed family law cases with the concept of an Administrative Law Judge or Magistrate for Small Claims Court::

A. The forum shall be based on the concept of Small Claims Court and bankruptcy court procedures, named Simplified Family Claims Court and will provide a hearing for disputes:

B. Procedures to Utilize Simplified Family Claims Court (SFCC):

1. Form completed to request SFCC with agreement of parties.
2. Concept based on knowledgeable family law lawyer.

C. Special Procedures in FCC:

1. No attorneys of record are allowed.
2. Parties may bring a support person to the hearing.
3. Due process followed with appropriate notices to parties.
4. Witnesses allowed with or without subpoena.
5. Forms will be prepared as in bankruptcy court with lists to check for pleadings, documents, exhibits.
6. Parties must submit Request for Hearing - form to complete.
7. All completed forms submitted 10 days prior to hearing.
8. Hearings scheduled for two hours maximum.
9. Parties are responsible for three hour cost on sliding scale.
10. Hearing officer issues arbitration award entered as an order of court.

B. Areas of disputes defined and/or exempted from process:

1. Any parental responsibility matters, except child support.
2. Completed Parenting Plan must be submitted.
3. Any issues regarding defined benefit plan, i.e., pensions.
4. Any business ownership requiring valuation.
5. Any asset which has a verifiable cash value allowed.
6. Division of personal property, except by agreement to alternate choice method