



“...and justice for all”

Proposal for a Limited Practice Rule to Narrow North Carolina’s Access to Justice Gap

Respectfully submitted to:

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Rachel began her career as a paralegal in 2015 in the fields of family law, domestic violence protective orders, and public defender overflow cases. Throughout her legal career, she has volunteered for statewide pro bono projects, including Disaster Legal Services and FEMA Clinics after Hurricane Florence, Wills for Heroes, and as a group leader for Legal on the Line - Paralegal Partnership. She has been a council member and pro bono co-chair for the North Carolina Bar Association Paralegal Division since 2018, as well as a liaison to the Constitutional Rights & Responsibilities section since 2020. Rachel is a history buff, a consistent contributor to the NCBA Paralegal Division blog, and her favorite legal task is legal research and writing. She lives in Wilmington, NC with her husband, two boys, and a mini Australian shepherd.




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Shawana has a demonstrated history of working in state and local government administration. A lady of many capacities, she dutifully served the Mecklenburg County community as a Family Court Case Coordinator and as an Absolute Divorce Clinic facilitator for the 26th Judicial District's Self-Serve Center. She has also served as a child custody advocate for the Council for Children's Rights, and has volunteered in a variety of pro bono statewide projects.

Presently Shawana is a successful freelance paralegal and owner of NC Paralegal Consulting Services. She is also an event planner, grant writer, mentor and trainer. Her skill set includes coaching, consulting, team building, and legal research. In 2015, Shawana joined the North Carolina Bar Association's Paralegal Division. She has served the Paralegal Division as Treasurer and presently serves as the Paralegal Division's Secretary.



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She has served as the District 1 Director for the NC Paralegal Association, and served on the board of the NCBA Paralegal Division as a member at large and holding the office of treasurer. She is a graduate of the NALA leadership program (LEAP) and has earned her Advanced Certification (ACP) from NALA in Social Security Disability, Child Custody and Visitation, and Trademark and Patent Law. She also serves the NC Fourth Judicial District as a Guardian ad Litem.

SUGGESTIONS FOR NAVIGATING PROPOSAL

Please consider the following suggestions for navigating this document.

1. **Hyperlinked Table of Contents.** The Table of Contents contains anchors/hyperlinks. Each section title, subtitle, or heading under the table of contents links to the corresponding section of this document.
2. **Footnotes.** URLs (web addresses) to all research materials used in creating this proposal are provided in the footnotes. Clicking on the hyperlinked reference in the footnotes will take you to the corresponding website or document where research materials were found at the time they were accessed.
3. **Appendix.** The appendix duplicates the most important reference materials provided in the footnotes to provide ease of access to that content in the event a hyperlink no longer works. The appendix contains reference materials for reports, rules and regulations, judicial opinions, and journal articles. We suggest accessing reference materials through hyperlinks in the footnotes as the easiest way to review reference materials. Use the appendix only if a link to reference material in the footnotes does not work (or if you prefer it).

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PROPOSAL FOR A LIMITED PRACTICE RULE TO NARROW NORTH CAROLINA’S ACCESS TO JUSTICE GAP

I. PURPOSE

This proposal requests exploration by the North Carolina Supreme Court and the North Carolina State Bar (collectively the “State”) into the efficacy and viability of a limited practice rule. The proposed rule would allow certain certified paralegals and unlicensed law school graduates, after meeting certain requirements, to provide limited legal services to the public under carefully regulated circumstances in ways that expand the affordability of quality legal assistance while protecting the public interest.

This proposal discusses the need for such a role in the legal community to counter the growing access to justice gap and makes recommendations concerning the conditions of and limitations upon the provision of such services in order to protect the public and ensure that only trained and qualified legal technicians provide the same.

II. INTRODUCTION - THE ACCESS TO JUSTICE GAP

“I have relationships with a number of Legal Aid lawyers, public defenders, and similar practitioners. I know, I see, and I experience that despite their Herculean efforts with all too scarce resources, the problem – or the opportunity – they confront is bigger than what all of them combined can bring to bear. And in this political day and age, those resources are shrinking. These front-line lawyers, these first responders to too many lives in legal crisis need help. They need help in addressing the legal needs of the least of these. — Julian H. Wright Jr., Attorney, Robinson Bradshaw & Hinson, P.A. and Vice Chair of the North Carolina Equal Access to Justice Commission”¹

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<https://www.nccourts.gov/commissions/north-carolina-equal-access-to-justice-commission/about-equal-access-to-justice-commission> [Accessed Jan. 9, 2021]

Access to Justice Initiatives

Legal aid is the provision of assistance to people who are unable to afford legal representation and access to the court system. Legal aid is regarded as central in providing access to justice by ensuring equality before the law, the right to counsel, and the right to a fair trial. Nearly one million people each year who seek help for civil legal problems are turned away because of the lack of adequate resources. The justice gap represents the difference between the level of civil legal assistance available and the level that is necessary to meet the legal needs of low-income individuals and families. Below we discuss available legal aid programs in North Carolina and why these programs are insufficient to meet the enormous legal need of North Carolina's impecunious population.

North Carolina Equal Access to Justice Commission

According to the North Carolina Equal Access to Justice Commission, “[i]n 2018, more than 2 million North Carolinians were eligible for the services of legal aid providers (i.e., with income at or below 125% of the Federal Poverty Level). Within this low-income population, 71% of families will experience at least one civil legal problem in a given year. Nevertheless, a staggering 86% of these legal needs will go unmet because of limited resources for civil legal aid providers. There is only one legal aid attorney for every 8,000 North Carolinians eligible for legal services, compared to one private lawyer for every 367 North Carolina residents.”²

This is North Carolina's “Access to Justice Gap.”

Civil legal problems impact the most basic human needs: housing, health care, safety, economic stability, and family structure, among others. Legal aid providers help meet these fundamental needs through providing expert representation in the areas of domestic violence protection, divorce, child

² <https://www.nccourts.gov/commissions/north-carolina-equal-access-to-justice-commission> [Accessed Jan. 9, 2021]

custody, housing, consumer protection, employment, veterans' benefits, and health.

The North Carolina Equal Access to Justice Commission's website states that "the North Carolina General Assembly repealed the Access to Civil Justice Act and eliminated funding for general legal services in 2017. Federal funding for legal services is often in jeopardy."³

Legal Aid of North Carolina

Legal Aid of North Carolina (LANC) provides free legal help to low-income North Carolinians in civil cases involving basic human needs like safety, shelter, income, and more. Legal Aid of North Carolina (LANC) manages many programs⁴ including, but not limited to:

- Eviction Negotiation Program
- Lawyer on the Line
- Volunteer Lawyers Program
- Self-Help Clinic Volunteer Program
- Legal on the Line - Paralegal Partnership

They also have a number of self-help clinics and other programs that are created as needed (e.g., disaster-relief programs). Unfortunately, despite well-meaning intentions, Legal Aid of North Carolina (LANC) has been unable to fully fund each program they purport to offer and has historically fallen below the national average regarding case closures. According to LANC's Annual Report 2018:

Our major obstacle remains a lack of necessary resources to meet the growing need for our services. **About 37% of the state's population is eligible for our services. We can only serve 1 in 10 households who need our help.**

Each year we set priorities and guidelines to ensure we serve those who need us the most and for whom legal help can have the largest impact. **This year we stretched our resources to touch the lives of 61,714 North Carolinians including 26,796 children.**

³ <https://www.nccourts.gov/commissions/north-carolina-equal-access-to-justice-commission> [Accessed Jan. 8, 2021]

⁴ <https://www.legalaidnc.org/get-help/our-services> [Accessed Jan. 18, 2021]

For those we cannot represent, we create self-help materials and conduct clinics to expand our impact and empower communities. We conducted more than 1,200 outreach events in 2018. Online, our many self-help videos garnered 22,381 views (see attachment 1).⁵

Those rejected are also referred to the NCBA Lawyer Referral Service, Advocate, or to social services programs for non-legal issues (see attachment 2).⁶

Of the population LANC does serve, there are often long delays in receiving assistance. For example, the Legal Aid of North Carolina (LANC) helpline has four (4) specialized areas - Senior Legal Hotline, Fair Housing, NC Navigator, and a Battered Immigrant helpline. If an applicant's matter meets the screening criteria, the applicant's file is passed to the file assignment team. They then send the file to either the (VLP) Volunteer Lawyer Project team or an (IA) Intake Attorney. This process is extremely time consuming and often yields low confidence in the legal services process (see attachment 3).⁷ If the client is directed to the VLP team, it could be weeks before a volunteer actually contacts the client. The VLP team has to confirm that volunteers are available, then refer the client's information to the volunteer, and the volunteer may take up to a week to actually contact the client. Additionally, these volunteers mostly provide limited legal assistance (e.g., preparation of a demand letter or assistance with filling out standardized court forms) rather than full representation. This often leaves clients without a complete remedy for their situation weeks or months after they initially reach out for assistance.

Legal Services Corporation

According to a study (see attachment 2)⁸ performed by the Legal Services Corporation (LSC), problems preventing Legal Aid from meeting the needs of

⁵ [https://www.legalaidnc.org/about-us/mission-\(Annual-Report-2018\)](https://www.legalaidnc.org/about-us/mission-(Annual-Report-2018)) [Accessed Jan. 9, 2021]

⁶ <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf> [Accessed Jan. 9, 2021]

⁷ <https://lsc-live.app.box.com/s/k8a3gk5l6bhsot9zmj20xclsan2jg9l5> [Accessed Jan 11, 2021]

⁸ <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf> [Accessed Jan. 9, 2021]

those who seek legal services include staffing, technology, and other resources.

The Legal Services Corporation (LSC) estimated in 2016 that 71% of low-income families will experience at least one civil legal issue each year including problems with health care, housing conditions, disability access, veterans' benefits, and domestic violence. The rate is even higher for households with survivors of domestic violence or sexual assault (97%), with parents/guardians of kids under 18 (80%), and with disabled persons (80%). To make matters worse, most Americans incorrectly believe that they have a right to an attorney in any court case. They are shocked to learn that legal assistance in a civil case is difficult and expensive to attain.

North Carolina Pro Bono Center and Other Non-profit Programs

North Carolina's financially disadvantaged population has some additional options for legal aid and pro bono services including:

- North Carolina Pro Bono Resource Center
 - Driver's License Restoration Project
 - Disaster Relief Legal Services Project (Hurricane Florence victims)
 - Small Business and Non-Profit Project
 - And many other projects that are collaborations with other pro bono programs
- North Carolina Bar Foundation
 - COVID-19 Legal Hotlines
 - 4All Statewide Service Day
 - NC Free Legal Answers
 - Patent Pro Bono Program
 - NC LEAP
 - Wills for Heroes
- Carolina Justice Policy Center
 - Emancipate NC
- LawHelpNC.org
- Charlotte Center for Legal Advocacy
- Pisgah Legal Services
- D.E.A.R. Durham Expunction & Restoration Program
- Justice Matters NC
- NC Prisoner Legal Services

One of the commonalities with most pro bono projects is that they offer clinics or remote consultations for only a limited scope of the individual's legal need rather than actual representation. The majority of these projects are coordinated in large part by compassionate volunteer attorneys. Those organizations that actually have staff attorneys are often funded either by the state, organizations like IOLTA, or private contributors. In recent years, pro bono projects have seen an increase in paralegal volunteers, and many projects would not be able to function at a high capacity without non-lawyers. Some examples include Legal on the Line (a Paralegal Partnership through Legal Aid and the NCBA Paralegal Division), the Drivers License Restoration Program through the NC Pro Bono Resource Center, the Durham Expunction & Restoration Program, and Disaster Legal Services Hotlines and FEMA clinics that were held to assist victims of Hurricane Florence.

As discussed above, one of the drawbacks of these pro bono projects is the inability to secure enough volunteer attorneys to serve clients. Most volunteer attorneys are either unwilling or unable to offer extended representation to these clients beyond providing limited legal advice. If qualified non-lawyers were offered the opportunity to obtain licensing for limited representation, the number of volunteers able to provide actual representation to those in need could potentially increase by more than 40%. According to the Bureau of Labor Statistics, in May 2019, there were 13,620 employed lawyers in North Carolina, compared to 10,950 paralegals and legal assistants.⁹ The state bar currently regulates over 28,000 licensed lawyers¹⁰ and oversees the North Carolina Certified Paralegal program for approximately 4000 certified paralegals. Although paralegal certification is voluntary in North Carolina and not all paralegals have sought certification, the number of

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https://www.bls.gov/oes/current/oes_nc.htm?fbclid=IwAR1jKv7yRtKH9LkZzvGs44zA7eBckJduI-VIK930Hmuyrj1b0q4HA3Nyuk4#23-0000 [Accessed Jan. 13, 2021].

¹⁰ <https://www.ncbar.gov/about-us/who-we-are/> [Accessed Jan. 13, 2021].

certified paralegals would likely increase if certification were a prerequisite to a licensing program.

North Carolina Commission on the Administration of Law and Justice

Over the years, a number of recommendations have been made by various organizations and commissions to alleviate the access to justice concerns. Notably, on March 15, 2017 the Final Report of the North Carolina Commission on the Administration of Law and Justice (NCCALJ), titled Recommendations for Strengthening the Unified Court System (see attachment 4)¹¹ was completed. The NCCALJ was convened by former Chief Justice Mark Martin (now Dean of Regent University School of Law) in September 2015 as an independent, multidisciplinary commission to undertake a comprehensive evaluation of the North Carolina judicial system and make recommendations for strengthening the courts. The NCCALJ was composed of leaders from business, academia, the Judicial Branch, the Legislative Branch, the Executive Branch, the legal profession, and the nonprofit sector. The Commission included five Committees: Civil Justice Committee, Criminal Investigation, Legal Professionalism Committee, Public Trust and Confidence Committee, and Technology Committee.

The 2017 Final Report of the Commission states, in part:

For those who cannot afford representation, a number of legal aid organizations, as well as private lawyers, offer free legal counsel in North Carolina. In 2014, the North Carolina Equal Access to Justice Commission estimated that private attorneys supplied approximately 18,000 hours of legal services worth more than \$3.6 million on a pro bono basis....(see attachment 5)¹²

Notwithstanding their efforts, one-half of the approximately 70,000 individuals who seek a lawyer are turned away without one, with 80 percent of the civil legal needs of low-income people in North Carolina going unmet (see attachment 5).¹³ Legal aid is supported by private donations, by members of the legal profession, and by

¹¹ https://www.nccourts.gov/assets/documents/publications/nccalj_final_report.pdf [Accessed Jan. 12, 2021]

¹² Available at [North Carolina Equal Access to Justice Commission, 2014 Impact Report, 2015](#) [Accessed Jan. 12, 2021]

¹³ Available at [North Carolina Equal Access to Justice Commission, 2014 Impact Report, 2015](#) [Accessed Jan. 12, 2021]

federal, state, and local funding. All funding levels have dropped by one-third to one-half since 2008; over the same time period, the need for legal aid has increased by 30 percent, with many clients who present significant literacy and language obstacles to representation. Attorneys working in legal aid face challenges including low wages, high debt burdens from law school, and heavy caseloads.

When litigants do not want, cannot afford, or cannot find a lawyer, they sometimes represent themselves. The number of self-represented litigants has been increasing nationwide. According to Landscape of Civil Litigation in State Courts, a 2015 report from the National Center for State Courts....went on to note that in more than three-quarters of the nearly one million non-domestic civil cases in the data set, at least one party, typically the defendant, is self-represented (see attachment 6).¹⁴ As in other states, the increase in self-represented litigants is a significant issue in North Carolina. Because self-represented litigants must navigate complex procedures, they challenge the resources of the court system, which can lead to delays further exacerbated by the same types of literacy and language barriers faced by many legal aid clients....judges suggest that self-represented litigation is concentrated in areas such as domestic relations, housing, and debt collection. Self-represented litigants can account for up to half of the docket in those matters (see attachment 4).¹⁵

As a result, in the same 2017 Report referenced above, the NCCALJ Committees collectively presented 12 recommendations to Chief Justice Martin. Among them was the recommendation of "assisting the growing number of self-represented litigants" and "creating an entity to confront the changes in the market for legal services." Establishing limited licensing can be used to address both of those recommendations.

Right and Justice Shall Be Administered Without Favor, Denial, or Delay

After reviewing the NCCALJ Report, former Chief Justice Martin wrote an article titled, "A Worthy Cause--Commission Report A Blueprint for Future of

¹⁴ [National Center for State Courts. The Landscape of Civil Litigation in State Courts. 2015.](#) [Accessed January 12, 2021].

¹⁵ [March 15, 2017 Final Report of the North Carolina Commission on the Administration of Law and Justice \(NCCALJ\), titled Recommendations for Strengthening the Unified Court System](#) [Accessed Jan. 12, 2021]

Justice System" for the NCBA's May 2017 Edition of North Carolina Lawyer (see attachment 7).¹⁶ In it he states:

The committee reports are unified by three fundamental principles of sound judicial administration—fairness, accessibility and efficiency. Those principles echo the Judicial Branch's constitutional mandate to administer justice "without favor, denial, or delay." N.C. Constitution, art. I, § 19....The majority of the NCCALJ's recommendations are within the judicial branch's authority to implement on its own. Almost all of the recommendations require involvement by the North Carolina Administrative Office of the Courts' (NCAOC) various offices and divisions, including Technology Services, and Planning, Court Services, Court Programs and the Governmental Affairs Office, which can continue working on recommendations....

The establishment of limited licensing can assist the NCAOC in fulfilling its constitutional mandate.

III. MULTIPLE STATES LEVERAGE PARAPROFESSIONALS AND UNLICENSED LAW SCHOOL GRADUATES AS ONE SOLUTION TO NARROW THE ACCESS TO JUSTICE GAP

Washington Pioneers Limited Legal Licensing Technician Program

To date, several states have embraced limited legal licenses, the trailblazer being Washington state. Washington created its Limited Legal License Technician (LLLT) Program in 2012. The LLLT program allowed specially trained paralegals (and unlicensed law school graduates) to help self-represented litigants fill out paperwork as well as answer any questions they may have about legal procedures. The Institute for the Advancement of the American Legal System (IAALS' Cases Without Counsel) project found that paperwork was one of the chief difficulties experienced by self-represented litigants. "The paperwork can become

¹⁶ [A Worthy Cause--Commission Report A Blueprint for Future of Justice System": North Carolina Bar Association, May 2017 Edition of North Carolina Lawyer](#) [Accessed Jan. 14, 2021]

overwhelming. Forms, while helpful, are not sufficient because many are unclear about the appropriate content to include when completing them. The cycle of litigant mistakes and court rejections is taxing for both.¹⁷ [We discuss Washington Supreme Court's June 4, 2020 decision to sunset the LLLT program below.]

Additional States Following Washington's Lead

Efforts in other states are also underway. The following states - not an exhaustive list - are also researching, starting, or have begun similar programs, and plenty of other states are looking to see if these programs can help more people access legal services who would otherwise be unable to afford traditional representation by lawyers.

Arizona

Effective July 1, 2003, all individuals and businesses preparing legal documents without the supervision of an attorney in good standing with the State Bar of Arizona, must be certified pursuant to Rule 31, and Arizona Codes of Judicial Administration § 7-208 and § 7-201. The 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 advice¹⁸. The Arizona's Supreme Court Access to Justice Commission also started a study with the goal of promoting access to justice for individuals who cannot afford legal counsel or who choose to represent themselves.¹⁹

¹⁷ <https://iaals.du.edu/blog/limited-legal-license-programs-are-important-opening-access-they-need-be-unencumbered> [Accessed Jan. 8, 2021]

¹⁸ [Arizona Courts | Legal Document Preparer Program](#) [Accessed Jan. 14, 2021]

¹⁹ [Arizona Commission on Access to Justice](#) [Accessed Jan. 14, 2021]

California

In February, 2015, the State Bar of California Civil Justice Strategies Task Force issued its final report endorsing the use of licensed, trained legal practitioners to provide limited legal services to low-income individuals (see attachment 8).²⁰ At a meeting on March 12, 2020, the State Bar Board of Trustees Approved a charter and initial members of the Paraprofessional Program Working Group. By July 2021, the working group is tasked with developing specific recommendations for a new category of legal paraprofessionals in California, such as limited license legal technicians or limited legal advocates. Recommendations will include eligibility requirements, pathways for licensure, practice areas to be included, types of tasks that paraprofessionals will be permitted to perform, financial responsibility requirements, and the development of a licensing/certification and regulatory model to implement the program. The Board approved ten (10) initial members and appointed Chris Iglesias, member of the Board of Trustees and CEO of The Unity Council, as chair.²¹

Colorado

In 2015, The Colorado Supreme Court Advisory Committee, a Subcommittee of Limited License Legal Technicians, compiled materials to begin consideration of whether the state should adopt a program allowing LLLTs to perform limited legal services to the public.²² In December of 2016, the focus shifted from researching the LLLT program to New York's Court Navigator program. Colorado Supreme Court Attorney Regulation Counsel Jessica Yates said in an email in July 2020, that a group is "in the early stages of discussing the potential of allowing paralegals to have more authority in domestic relations matters."²³

²⁰ [State Bar of California | Civil Justice Strategies Task Force Report & Recommendations 2015](#) [Accessed Jan. 14, 2021]

²¹ [The State Bar of California | Board of Trustees Accepts Final Report from Legal Tech Task Force; Approves Access and Diversity Initiatives](#) [Accessed Jan. 14, 2021]

²² [Colorado Supreme Court | Colorado Studying New Limited Legal License](#) [Accessed Jan. 14, 2021]

²³ [Law Week Colorado | What's the Future For Limited Legal Liability Technicians?](#) [Accessed Jan. 14, 2021]

Connecticut

The Connecticut Bar Association has convened a State of the Legal Profession Task Force. The Task Force has been divided into subcommittees to address: Leveraging Technology to Advance the Legal Profession, Advancing the Legal Industry through Alternative Business Models, Law School and Future Lawyers, Modernizing Lawyer Referrals and Law Firm Models and Revising Ethics Rules. The Task Force committee's goal was to submit a report of recommendation in March 2021, and provide that report to the CBA members at the annual legal conference in June 2021. However, that timeline has shifted due COVID.

Florida

Review of a proposal under consideration by the Florida Commission on Access to Civil Justice to create a new category of Advanced Florida Registered Paralegals to provide limited legal assistance to some limited-represented litigants has been delegated for further study by the Bar Board of Governors.

President John Stewart announced at the Board's meeting in Tallahassee on January 31, 2020, that he has referred the matter to the Bar's Rules Committee to consider objections from the Bar's Family Law, Real Property, Probate and Trust Law, Elder, and Public Interest Law sections.²⁴

Minnesota

The Minnesota Supreme Court issued an order (see attachment 9)²⁵ on Tuesday, September 29, 2020, approving a pilot project that will permit "legal paraprofessionals" to provide legal services in two practice areas with a high percentage of self-represented litigants: landlord-tenant disputes and family law.

The paraprofessionals will be able to provide advice and make court appearances on behalf of tenants in housing disputes in certain jurisdictions. They

²⁴ [Advanced Florida Registered Paralegals proposal goes to Bar's Rules Committee for study](#) [Accessed Jan. 16, 2021]

²⁵ [Minnesota Supreme Court | Proposed Legal Paraprofessional Pilot Project, No. ADM19-8002, Order at 2-3](#) [Accessed Jan. 14, 2021]

will also be able to appear in court for some family law matters and handle family law mediations that are “limited to less complex matters.”

Additionally, the legal paraprofessionals are required to enter into an agreement with a licensed Minnesota lawyer who agrees to serve as the paraprofessional’s supervisory attorney.

The state supreme court’s recent order said it was acting on recommendations from the Implementation Committee for Proposed Legal Paraprofessional Pilot Project (see attachment 10)²⁶ and it took into account public comments disagreeing with the decision to move forward.

“We appreciate the views and concerns expressed in these comments, but ultimately, we conclude that the point of a pilot project is to test the assumptions that underlie our decision: that the need for civil legal aid, particularly in the areas of family law and landlord-tenants disputes is great, and that legal paraprofessionals can contribute to the legal needs of Minnesota citizens in these areas,” the order states.

The pilot project’s supervised practice rules are effective March 1, 2021, and the pilot will continue until March 31, 2023, unless extended by the court.²⁷

Nevada

During the 2013 Nevada Legislature, a new statute NRS Chapter 240A governing the registration and conduct of persons who provide document preparation services was enacted. Effective March 1, 2014, a person who, for compensation and under the direction of a client, provides assistance in certain legal matters is required to be registered with the Secretary of State as a document preparation service. The law provides consumers protections and remedies for violations of conduct by a document preparation service. However, a person acting as a document preparation service cannot provide legal advice unless he or she is a

²⁶ [Report And Recommendations To The Minnesota Supreme Court Implementation Committee For Proposed Legal Paraprofessional Pilot Pro](#) [Accessed Jan. 14, 2021]

²⁷ [ABA Journal | Minnesota will launch legal paraprofessional pilot program](#) [Accessed Jan 14, 2021]

licensed attorney in the State of Nevada.²⁸

New Mexico

On May 13, 2019, the New Mexico Supreme Court ordered a working group to study the limited license legal technician initiative and submit results to the Court by January 1, 2020 (see attachment 11).^{29,30} No additional updates were received before this proposal was submitted.

New York

The Court Navigator Program was launched in February 2014, (see attachment 12)³¹ to support and assist unrepresented litigants during their court appearances in landlord-tenant and consumer debt cases. Specially trained and supervised non-lawyers, called Court Navigators, provide general information, written materials, and one-on-one assistance to eligible unrepresented litigants. In addition, Court Navigators provide moral support to litigants, help them access and complete court forms, assist them with keeping paperwork in order, assist with access to interpreters and other services, and explain what to expect and what the roles of each person is in the courtroom. Court Navigators are also permitted to accompany unrepresented litigants into the courtroom in the Bronx, New York, Kings, and Queens County Housing Court and Bronx Civil Court. While these Court Navigators cannot address the court on their own, they are able to respond to factual questions asked by the judge.

In addition to this court-based program, the courts will also be utilizing non-lawyers to provide legal information and access to homebound individuals.

According to a recent evaluation of the Court Navigator Program, “people without formal legal training can provide meaningful assistance and services to

²⁸ <https://www.nvsos.gov/sos/licensing/document-preparation-services> [Accessed Jan. 18, 2021]

²⁹ https://www.nmbar.org/Nmstatebar/About_Us/LLLT_Dashboard [Accessed Jan. 18, 2021]

³⁰ <https://www.nmbar.org/NmbarDocs/AboutUs/committees/LLLT/SupremeCourtLLTOrder.pdf> [Accessed Jan. 18, 2021]

³¹ [New York Courts | Administrative Order of the Chief Administrative Judge of the Courts relating to the Court Navigator Program \(February 10, 2014\)](#) [Accessed Jan. 18, 2021]

litigants who are not represented by a lawyer.” Roles Beyond Lawyers: Evaluation of the New York City Court Navigator Programs (see attachment 13).³²

Oregon

Oregon has taken two major steps towards enhancing access to justice in the state, as the Oregon State Bar’s Board of Governors has voted to approve a recommendation to create a paraprofessional licensing program in the state and another to enable individuals to become licensed lawyers without attending law school, by completing a four-year tutelage program.

At its meeting on September 27, 2019, the OSB’s Board of Governors (BOG) voted to approve the two recommendations. In both cases, the approvals mean that the bar will initiate further actions to develop more detailed plans and regulations for implementing the recommendations. Ultimately, both programs will require approval by the Oregon Supreme Court before becoming final.

With regard to paraprofessional licensing, the BOG will now appoint an implementation committee to plan for the establishment of the program. With regard to the bar admission program, called Writing for the Bar, the BOG will forward the recommendation to Oregon’s Board of Bar Examiners with a request that it take the steps necessary to establish the program.³³

Utah

Rule 14-802 of the Rules Governing the Utah State Bar creates an exception to the authorization to practice law for a Licensed Paralegal Practitioner (LPP). The exception permits an LPP to assist a client only in the practice areas for which the LPP is licensed. The rule limits an LPP’s possible practice areas to specific family

³²

http://www.americanbarfoundation.org/uploads/cms/documents/new_york_city_court_navigators_report_final_with_final_links_december_2016.pdf [Accessed Jan. 18, 2021]

³³

<https://www.lawsitesblog.com/2019/10/in-move-to-enhance-access-to-justice-oregon-bar-oks-licensed-paralegals-and-bar-admission-without-law-school.html> [Accessed Jan. 18, 2021]

law matters, such as temporary separation, divorce, parentage, cohabitant abuse, civil stalking, custody and support, or name change; forcible entry and detainer; and debt collection matters in which the dollar amount at issue does not exceed the statutory limit for small claims cases.

British Columbia, Canada

On September 25, 2020, The Benchers approved the Licensed Paralegal Task Force's proposal (see attachment 14)³⁴ to adopt a grassroots approach to advance the licensed paralegal initiative within a "regulatory sandbox."

The regulatory sandbox would permit alternate legal service providers to apply to the Law Society. The Law Society will assess to see if it is in the public interest to permit the services to be provided in the "sandbox" and, if so, issue no-action agreements, which will set out the terms and conditions on the limited scope of legal services the applicant can perform. The sandbox will eventually provide the basis for the formal recognition of licensed paralegals.³⁵

IV. Washington Supreme Court Unexpectedly Sunsets Limited License Program for Non-lawyers

The State is likely aware that Washington began the process of sunseting their LLLT program on June 4, 2020. The Washington Supreme Court issued a brief letter penned by Chief Justice Debra L. Stephens (see attachment 15)³⁶ explaining their vote to sunset the LLLT license as follows:

I am writing to you on behalf of the Supreme Court to advise you that the court voted by majority Thursday, June 4, 2020, to sunset the Limited License Legal Technicians (LLL) Program. The majority also rejected the LLL Board's requested expansion of practice areas and proposed rule revisions. The LLL program was created in 2012 as an effort to respond to unmet legal needs of Washington residents who could not afford to hire a lawyer. Through this program, licensed

³⁴ [The Law Society of BC | Licensed Paralegal Task Force Report](#) [Accessed Jan. 16, 2021]

³⁵ [Law Society Of British Columbia, Licensed Paralegals Homepage](#) [Accessed Jan. 18, 2021]

³⁶ https://www.wsba.org/docs/default-source/about-wsba/governance/supreme-court_lllt-sunset_letters-combined.pdf [Accessed Jan. 12, 2021]

legal technicians were able to provide narrow legal services to clients in certain family law matters. The program was an innovative attempt to increase access to legal services. However, after careful consideration of the overall costs of sustaining the program and the small number of interested individuals, a majority of the court determined that the LLLT program is not an effective way to meet these needs, and voted to sunset the program. Current legal technicians in good standing may continue to be licensed and may continue to provide services. Individuals already in the pipeline as of June 4, 2020, who can complete all the requirements to be licensed as a LLLT by July 31, 2021, may do so. No new LLLTs will be admitted after that date.

What Happened in Washington?

When we began sharing our intention to submit this proposal to the State, many paralegals, educators, and attorneys asked questions about Washington's LLLT program. No one wants their name on a failed project. Since we are using Washington's model as inspiration for this proposal, we thought it important to share how this program, which was lauded as successful by several reporting organizations (discussed more below), came to such an unexpected end.

Therefore, we reviewed several years of monthly meeting minutes held by the LLLT Board. While most meetings minutes were just a few pages of brief updates, the minutes from the Board's meeting on October 8, 2018, were much livelier. At this point, just two (2) years before the Supreme Court began sunsetting the program, the Board was actually considering *expanding* the practice areas for the LLLT program. The Board requested that staff create a chart detailing all substantive comments received from the public related to Consumer, Money, and Debt, along with an FAQ page on the website for public review.

The Board determined that the people who provided substantive comments should be invited to the next New Practice Area committee meeting to assist with this process. The family law enhancements comment period was also discussed. Members were advised to encourage contacts to provide comments to the

Supreme Court.

The 247-page document (minutes) with 242 pages of comments (see attachment 16)³⁷ from the public and legal community yielded favorable and unfavorable responses. We confirmed with a LLLT Board member, Christy Carpenter, that the program started to face intense opposition as a result of this meeting in 2018. While the entire document is available in the appendix, we have provided certain comments below to give you a brief look at the content of those communications. For the record, we are not interested in talebearing, but we also understand that the legal community has made certain assumptions about the reason behind the sunseting of Washington’s LLLT program, and we wanted to respond to some of those assumptions. The page number (from the provided PDF) for each comment is provided at the top of each print screen.

Some favorable comments from attorneys include:

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From: [Matt Crane](#)
To: [Limited License Legal Technician](#)
Subject: Consumer, Money, and Debt Law proposal
Date: Monday, May 21, 2018 6:32:52 AM
Attachments: [image001.png](#)

Dear Mr. Crossland—

I am in favor of the proposed LLLT practice area for consumer, money and debt law. It makes sense to me that trained LLLT practitioners be allowed to provide limited legal services in this area to help fill an unmet need.

³⁷ [Washington State Bar | LLLT Board Meeting Minutes Oct. 8, 2018](#) [Accessed Jan. 6, 2021]

RE: Proposed Consumer, Money, and Debt Law LLLT Practice Area
Scope Proposed Permitted Actions & Proposed Limitations

LLLTs should be licensed to assist clients with issues related to legal financial obligations, debt collection and garnishment defense, identity theft, preparing for small claims court, and filing protection orders.

I strongly support the expansion of LLLT's service into this area of practice based on (1) my 49 years of law practice during which I have provided defense services to my clients in this practice area and (2) a successful history of collaborating with an LLLT to provide family law services to mutual clients. In addition, I have extensive experience in the foreclosure defense and mediation practice area.

This debt-collection area of the law is fraught with traps often initiated against unsuspecting consumers. In the consumer debt-collecting defense area, I typically begin my representation of a client by having my client fill out an extensive questionnaire that is designed to establish creditor-collector violations of the debt collection statutes. In almost every case, there is a violation. More recently, there are a lot of statute of limitation violations by collectors. In some cases, the collector does not have a Washington state license to engage in collection services. In almost every case, I conclude such services with a very satisfied client.

Re: Comment on Proposal Regarding Addition of Practice Area for Limited License Legal Technicians

Dear Justices of the Washington Supreme Court:

I am writing to support the addition of Consumer, Money & Debt as the next practice area available in the Limited License Legal Technician program. I am commenting in my personal capacity, not as a representative of my employer, LAW Advocates, the volunteer lawyer program for Whatcom County. However, my opinion is informed by my three years of experience as full-time executive director of that organization as well as my prior 24 years as a private practice civil lawyer in this community.

I am surprised to hear comments that sufficient resources already exist to assist individuals with legal difficulties involving finances. That is certainly not the case in our community. Although our county's population now exceeds 200,000, we have perhaps a half-dozen private attorneys in the county who handle consumer debt cases. And those practitioners' practices are geared mostly toward bankruptcy filings, where assets usually exist to support an attorney fee. Obviously, it is economically unfeasible for attorneys to take cases where clients have so few assets that attorney fees are out of the question. This leaves most of this work to someone other than experienced creditor/debtor attorneys.

From: [Eric Theile](#)
To: [Limited License Legal Technician](#)
Subject: LLLT - Consumer, Money, and Debt Law
Date: Tuesday, May 15, 2018 1:19:25 PM
Attachments: [image003.jpg](#)

Dear Mr. Crossland and Ms. De Carvalho Garcia,

I was formerly a collection attorney in Washington and Arizona, and ran my firm's Washington office. I have filed thousands of collection lawsuits. I now very often represent debtors against those same types of claims.

I think the expansion of the LLLT program to this area is a fantastic idea. I would strongly caution that LLLT's be thoroughly trained on how to provide value and assistance to consumers.

99.9% of debtors owe the accounts and balances being sought by their creditors. And unfortunately, most of those debts provide for default interest rates and attorney's fees. Debtors certainly should not roll over when they don't believe they owe an alleged debt, but any collection attorney will tell you stories of \$2,000 turning into \$5,000 after contested hearings, interest and judgment enforcement.

Some attorneys had mixed reviews and broke them down by practice area:

I will break down my analysis by the anticipated scope of services as presented on pages 4-6.

1. Assisting with LFOs & reducing interest on them

- simple motion, well within LLLT ability
- very supportive of all proposed activities

2. Small Claims

- limited amount in controversy, opposing party likely not represented behind the scenes by serious legal rep, fast and efficient forum
- very supportive of all proposed activities

3. Student Loans

- Often times huge sums, up to 35% mark up under the higher education act, requires deep level understanding of accounting and review of accounting over life of loan, understanding of securitization and how loans are originated, stored, sold and transferred necessary, understanding of state law and federal remedies, understanding of bankruptcy, etc
- Absolutely, 100% against all proposed activities. There are no statute of limitations on federal loans generally, large attorney fees on the other side could be racked up by inarticulate litigation, LLLT licensed in WA cannot practice bankruptcy (often a necessary component to successful defense), LLLT would need to be able to give advice on federal statutes and federal law, LLLT would need to be able to argue administrative law before ALJ's potentially to appeal federal garnishments, etc. If poor advice is given regarding consolidation, it can impact access to income based repayment and other programs. Settling without understanding the threat of bankruptcy, hardship discharge, and deeper level accounting and consumer protection errors would be weak. I could go on and on but essentially LLLT's likely could not obtain proper licenses to give the necessary advice to productively assist clients.

4. Debt Collection Defense and Assistance

- I am mixed on this one. Generally there are three ways to handle a debt: settlement,

The majority of unfavorable responses also came from attorneys. For example, one attorney stated the following:

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Program training.

The training provided to prospective LLLTs is clearly inadequate since, according to information provided at the July WSBA Board of Governors meeting, more than 50% of the

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persons taking the test fail. No information was given as to the results of those who passed. It would be appropriate to know how many barely pass, solidly pass or sail through with flying colors. It appears that the training is not being improved but, instead, the qualifications of the trainers is being reduced down. There is no indication that the LLLT Board is concerned in any way about the low passage rate and the apparent inadequacy of the training provided to date.

With such a poor passage rate, it is inconceivable to me that it would be appropriate that there would be an increase in the curriculum/program in the areas of family law to be taught. As has been demonstrated by prior submissions from the Family Law Section, family law is an extremely complex area covering a broad gamut of legal issues. Adding subjects is far more likely to further reduce the passage rate. This seems grossly ill-advised at this time.

While we are unable to speak to the quality of education of the LLLT program, we thought this attorney's point of view, that the poor passage rate indicated the LLLTs' inability to serve the public well, was curious considering that the Winter 2018 Washington State Bar Exam's total passage rate was 49.2% (see attachment 17).³⁸

³⁸ [Winter 2018 Washington State Bar Exam Statistics](#) [Accessed Jan. 17, 2020]

Winter 2018 Washington State Bar Exam Statistics

Overall Pass Rates				
Applicant Type	Pass	Fail	Total	Pass Rate
ABA-JD	110	109	219	50.2%
APR 6 Law Clerk	2	9	11	18.2%
U.S. Attorneys	30	4	34	88.2%
Foreign/LLM Graduate	12	28	40	30.0%
Foreign Common Law Attorney	1	7	8	12.5%
Non-ABA JD/ABA LLM	1	4	5	20.0%
Total	156	161	317	49.2%



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But that wasn't all; there were also allegations of illicit relationships and intrigue that, in our view, had nothing to do with the quality of the program.

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I have another concern about the LLLT program and its administration. The program is marketed enthusiastically by Paula Littlewood and Steve Crossland. It is an open secret that they are involved in a personal relationship. This is a delicate issue that seems to be ignored. I do not easily raise this issue; it should be personal and private. But, it cannot be ignored in this circumstance. I do not see how the program can be administered by the WSBA appropriately under those circumstances. Paula and Steve travel to various other states and countries together "wearing WSBA hats" to talk up the LLLT program concept. I am concerned about the direct and indirect costs of their joint travel to various locales, including Hawaii and Canada. I am concerned about the appearance to the membership. It would certainly seem that the WSBA and the WSC are leaving themselves open to public criticism.

And, some attorneys, without addressing the needs of the public, expressed frustration that LLLTs were permitted to encroach on their territory (profession).

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From: [Bar Leaders](#)
To: [Limited License Legal Technician](#)
Subject: FW: LLLT in creditor/debtor practice
Date: Tuesday, July 17, 2018 10:58:04 AM

-----Original Message-----

From: Mark Kaiman [<mailto:mark@lustick.com>]
Sent: Tuesday, July 17, 2018 8:31 AM
To: Bar Leaders
Subject: LLLT in creditor/debtor practice

Why did I bother going to law school? Why did I even bother getting a Bachelor's degree? The WSBA seems determined to allow community college graduates with a few hours of supplemental training to practice law. What practice area is next on your agenda? Which group of lawyers who have worked hard for years to build successful practices are you going to undermine by allowing LLLT's to move in and steal their business? Maybe the WSBA is going to start recommending that LLLT's sit as judges. Why not? You can pay them less than judges who are actually qualified. It sounds absurd, but it is no more absurd than allowing unqualified people to practice family law or creditor/debtor law.

The Bar Association does not represent my interests. Instead of helping hard working attorneys and clearing a path for us to serve our clients and build our practices, the WSBA continually thinks of ways to place roadblocks and obstacles in front of us. LLLT's have should not even be practicing family law. I am extremely disappointed that the Bar Association would even consider allowing LLLT's to move beyond the family law area.

Still, other attorneys seemed to blame the public for their financial issues and took the position that, if John Q. Public could not afford attorneys fees, it was his own fault and they should not be entitled to legal assistance:

From: [Kathy Rall](#)
To: [Limited License Legal Technician](#)
Subject: expansion of LLLT program
Date: Tuesday, May 15, 2018 1:05:07 PM

Why don't you just open every area to the practice by LLLT's and all the lawyers can quit their jobs and go do something fun with their time? How to solve problems such as these? Earn more if possible, but more importantly, SPEND LESS and SPEND WISELY. This is an educational process, but my parents taught me that I was entitled to something when I could afford to pay for it. No one is entitled to have expensive TVs, new cars, expensive toys, new clothes every season etc. Each of us is entitled, to have that for which we can pay. As Mom and Dad used to say....."you don't get what you want until you can afford to pay for it" and "you need to decide to purchase that which you need, not what you want". If more people would keep Mr. Visa or Mr. Debit Card, or Mr. contract" etc. in his or her pocket then some of these issues would go away. Call me old fashioned, but if we started here, then perhaps not all of these services would be necessary

Of course, we believe there were some legitimate concerns regarding LLLT program transparency.

From: [Matt Purcell](#)
To: [Limited License Legal Technician](#)
Subject: Against expanding the LLLT program
Date: Tuesday, May 29, 2018 10:57:31 AM
Attachments: [image001.png](#)

The program has ZERO data that it has remotely met the original goals under family law. It is asinine to expand at this time and seriously calls into question the sanity of those running the program. The way this is being run is so offensive it's not even funny at this point...

Happy to talk about how to make the program better but no one asks (certainly not anyone from the eastside of the state where all these LLLTs were allegedly going to help low income and rural communities...).

for those who already have the means to access the justice system.

As an overarching concern, the ATJ Board will want to see how this new proposal would promote access to the justice system. If the overwhelming majority of LLLTs are charging for their services then this proposal will not promote access to the justice system for those who have no ability to pay. It may, however, promote access to the justice system for those who have the ability to pay some amount, i.e., those of moderate means. At this point in time the ATJ Board does not have sufficient information to make that determination.

As I stated throughout this letter our comments are general in nature. The ATJ Board may have concerns about specifics of the proposal as they become clarified.

We look forward to receiving the information that we requested.

Sincerely,



Geoffrey Revelle, Chair
Access to Justice Board

Some attorneys stated concerns about a lack of information regarding how many LLLTs were in the program (discussed more later) and whether they were actually helping the segment of the population for which the program was created. Those are legitimate concerns. A fundamental project management philosophy is that you cannot manage what you cannot measure - meaning you cannot know whether or not you are successful unless success is defined and tracked. If Washington's model failed in this regard, North Carolina can learn from this.

However, we believe, after reviewing those minutes, that the decision to sunset the program was more about attorney opposition to the program and stringent requirements that made it difficult to complete the program than the actual quality of the LLLT services. And, we are not alone. After the decision was made to sunset the program, a number of stakeholders weighed in on that outcome. We share some of these opinions below:

“Overly Burdensome” Licensing Requirements

“As Responsive Law recently noted in its written comment to the California ATILS Task Force’s recommendations, if the reach and impact of Washington’s LLLTs is relatively limited, that is due to overly burdensome licensing requirements—three semesters of classes and 3000 hours of apprenticeship under a lawyer’s supervision.

That is not to say that there should not be some minimum training for LLLTs and other similar programs. Yet hefty licensing requirements can work to defeat the purpose of a limited legal licensing program, particularly when the idea is to create a para-professional dedicated to discrete topics rather than full service lawyering. It is disingenuous to create LLLTs and constrain their ability to reach people in need or offer more affordable help by tethering them to the same regulations that are preventing lawyers from doing the same thing, then call the idea a failure. While programs such as Washington’s LLLT Program were a fantastic step in the right direction, they cannot be effective if they’re weighed down by expensive schooling, limitations on advertising, and other roadblocks to actually delivering legal services.³⁹”

Opinions - ABA Journal and Seattle Times

Lyle Moran, in an Opinion piece for the ABA Journal, further indicated that attorney financial interests, opposition to new practice areas, elimination of non-lawyer board seats, and opposition from state bar leaders all contributed to the “demise” of the LLLT program.⁴⁰

Additionally, Bill Neukom, Andrea Jarmon, and Mark Hutcheson, in an Opinion piece for the Seattle Times, stated, “The state Supreme Court has failed Washingtonians who need affordable legal services.”⁴¹

³⁹ <https://iaals.du.edu/blog/limited-legal-license-programs-are-important-opening-access-they-need-be-unencumbered>
[Accessed Jan. 9, 2021]

⁴⁰ <https://www.abajournal.com/web/article/how-washingtons-limited-license-legal-technician-program-met-its-demise>
[Accessed Jan. 8, 2021]

⁴¹ <https://www.seattletimes.com/opinion/the-state-supreme-court-has-failed-washingtonians-who-need-affordable-legal-service/>
[Accessed Jan. 9, 2021]

Washington Supreme Court Justice Barbara A. Madsen's Dissent

However, perhaps the most passionate reproof regarding the sunset of this program comes in the form of a dissenting opinion from Washington Supreme Court Justice Barbara A. Madsen. Justice Madsen was the Washington Supreme Court's chief justice when it voted 6-3 to adopt the limited license rule in 2012 and when it approved the LLLT Board's proposal to make family law the first practice area for technicians in 2013. Justice Madsen, who remains on the court, was replaced as chief by Mary Fairhurst in 2017. By the time the LLLT program was put on the chopping block, two other justices, who had voted for the LLLT rule, had left the court and were replaced by new justices. In a 4-page dissenting opinion, dated June 5, 2020, Justice Madsen states:

Today, the court issued a letter announcing its vote to “sunset” the Limited License Legal Technician (LLLT) “program.” Despite these benign words, let there be no mistake about the nature of the court's action: the elimination of an independent legal license. What's more, the court did so at a single meeting, without question or comment from LLLT license holders, legal practitioners, or the public at large. What took over a decade of toil to create, this court erased in an afternoon. I passionately disagree with the court's vote as well as the way in which it was carried out.

Unlike the opaque process governing the court's June 4, 2020 vote, I believe it is useful to review the history of the LLLT “program”—to use the court's preferred terminology—before opining on its future. First, as a matter of definitions, limited legal technicians are those qualified by education, training, and work experience who are authorized to engage in the limited practice of law in specific subject areas. APR 28(B)(4). Turning to history, the LLLT license did not spring fully formed from the head of Zeus. Rather, it is the work of thousands upon thousands of hours dedicated to rectifying a simple truth: that access to justice in this country is not equal. The Civil Legal Needs Survey of 2003 confirmed that almost 80 percent of low income and nearly 50 percent of moderate income Americans cannot access or afford legal services (see attachment 2).⁴² Critically important to addressing this disparity was protecting the public from

⁴² <https://www.lsc.gov/media-center/publications/2017-justice-gap-report> [Accessed Jan. 18, 2021]

the unauthorized practice of law. The solution to both was expanding the options for providing legal services. Thus, APR 28 was approved and the limited legal technician license was born.

The creation of the LLLT was by no means the end of our labors. In many ways it was only the beginning. Since 2012, stakeholders have crafted and this court has approved the contours of the LLLT license: educational requirements, scope of practice, and governing ethical rules. ... Throughout this rule-making process, we have heard from interested parties, students, legal professionals, and members of the public. The questions and comments from all sides have formed and shaped the LLLT from an ambitious plan into a concrete professional license. Make no mistake, LLLT is a new professional license.

2014 marked the first class of LLLT candidates and more have added to these ranks. ... The Public Welfare Foundation studied this new legal practice after its creation and found it was significant in helping create access to justice and was replicable. See *id.* at 14. [discussed below] As a testament to this, other states are considering adopting similar licenses: efforts are underway in states such as Utah, California, Oregon, Colorado, New Mexico, Minnesota, Massachusetts, and Connecticut; and in Canada, British Columbia. Simply put, countless individuals have contributed thousands of hours of their time and energy to devise, bring about, grow, and support the LLLT practice. Not to mention the men and women who have taken on the challenge of trailblazing this innovative, new profession in our state.

I recall this history in order to illustrate the depth of the court's misunderstanding in eliminating the LLLT license. Not only is the LLLT not simply a "program" that was easily created, and just as easily paused and canceled as budgets—or attitudes—permit, the LLLT is an independent legal license. As such, it warrants the respect of time and consideration before alteration, let alone total elimination. With yesterday's vote, the court *sua sponte* ended a completely viable licensing category that the public can draw on. There was no process. No questions. No comments. The public was not consulted. This is not how an institution should go about changing or dismantling such a bold initiative. In no other professional area would a regulated license be so summarily erased with so little thought given to those who will be most affected.

Not only was yesterday's vote a disservice to the stakeholders, current and aspiring LLLT license holders, and to the people of Washington, it stands in stark contrast to the way in which the LLLT

license was crafted and directed for over a decade. The primary reason offered by the Washington State Bar Association Board of Governors for eliminating the LLLT “program” is cost: it is too expensive to maintain and lawyers should not have to underwrite the cost. This ignores the fact that the cost of growing and maintaining this group of licensed professionals is less than 1 percent of the Association’s budget. It also ignores the many thousands of dollars the Bar expends every year investigating lawyer misconduct and does not acknowledge the lack of grievances against LLLT practitioners. I find the Board of Governors’ cost rationale a hollow one. While current LLLT license holders are “grandfathered in” and allowed to continue practicing, there has been no evaluation offered about the cost of this decision and whether there would be any appreciable change in the cost of administering the LLLT license. As a fiscal matter, the silence on this point speaks loudly, as does the lack of deliberation on other options to address concerns expressed by the Bar while maintaining this professional license and the valuable services it provides in the pursuit of access to justice. ... (see attachment 18)⁴³

A Joint Study by the Public Welfare Foundation, the American Bar Foundation, and the National Center for State Courts Called Washington’s LLLT Program a “Success”

Take note that Justice Madsen's dissent refers to a study by the “Public Welfare Foundation.” The full title of the study is the “Preliminary Evaluation of the Washington State Limited License Legal Technician Program” and is dated March 2017. The study was prepared by Thomas M. Clarke, National Center for State Courts, and Rebecca L. Sandefur, American Bar Foundation, with support from the Public Welfare Foundation. Justice Madsen refers the reader to page 14 of that report, where it states:

In many ways the current LLLT program is a success. It is appropriate, efficacious, and at least potentially sustainable. It meets a significant need and is viewed as a legitimate legal role. For a new kind of program designed “from scratch” to be so successful is quite impressive. Clearly a lot of careful thought went into program design.

⁴³

https://www.wsba.org/docs/default-source/licensing/lllt/lllt-sunset-supreme-court-dissent-letter-june-5-2020.pdf?sfvrsn=ba6b09f1_4 [Accessed Jan. 9, 2021]

Several of the concerns identified in this evaluation report may be mitigated or eliminated by program modifications being considered by the LLLT Board (and several of them have now been approved by the Board). These proposals include the addition of a new practice area that targets a broad and known need, the ability to draft legal letters, and the ability to help clients fill out legal forms not in the approved practice areas. The Board considered and approved proposals to permit appearances in court, participation in legal negotiations, partial elimination of the real property exclusion from the family practice area, and an indefinite extension of the time waiver. These proposals are now before the state supreme court, except for the last one which has already been approved by that body. The WSBA regulates the LLLT program very much after the model of the traditional bar with lawyers. This model is a fairly costly regulatory approach that is viable with lawyers because of the scale at which it operates. Fortunately, the bulk of the regulatory costs are incurred at the beginning of the program. Still, the use of LLLTs will either have to scale up significantly or a more lightweight regulatory approach will be needed. Balancing consumer protection with regulatory costs may require innovative strategies (see attachment 19).⁴⁴

The Study further made the following recommendations:

1. Require a dedicated subset of the experience hours to be in the specific practice area.
2. Expand the training devoted to practical document assembly tasks.
3. Allow community colleges without ABA certification to qualify as trainers (now approved).
4. Consider shifting the law school training to the community colleges.
5. Provide more training and practical advice on business management.
6. Provide practical advice and assistance on marketing.

Finally, the Study concluded:

The LLLT program offers an innovative way to extend affordable legal services to a potentially large segment of the public that cannot afford traditional lawyers. While the scope of the role is

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http://www.americanbarfoundation.org/uploads/cms/documents/preliminary_evaluation_of_the_washington_state_limited_license_legal_technician_program_032117.pdf [Accessed Jan. 6, 2021]

limited and will not be the answer for every legal problem, LLLTs definitely can provide quality legal services to those who need it and also significantly reduce the stress of navigating a foreign process that is complex and daunting.

The LLLT program also offers the possibility of improving the quality of filings in court cases involving self-represented litigants and thus reducing the time and cost required for courts to deal with such cases. The Washington State example suggests that LLLTs and lawyers may form mutually advantageous business relationships, making referrals to each other as appropriate. Since LLLTs appear to assist customers who could not afford lawyers, they do not compete directly with lawyers.

This program should be replicated in other states to improve access to justice. As experience is gained and its program design is optimized, affordable legal services should become widely available to those with needs in areas where the public typically must now use self-representation. By offering low cost legal services, state bar associations will be able to compete directly with for profit businesses operating outside the regulatory umbrella of state justice systems. By doing so, they can ensure that the public has access to quality legal services (see attachment 19).⁴⁵

Although Washington state is sunsetting its LLLT program, those who are already licensed or have started the application process will be able to retain or complete their LLLT credential as long as they remain in good standing. On January 8, 2021, Christy Carpenter, a LLLT Board Member stated via LinkedIn that, "As you know, our WA State Supreme Court voted last year to "sunset" the LLLT license, meaning that there would be no new licenses issued beyond July 2022. The Court is now going through the proper public comment process regarding the proposed rule to sunset the license. This license has enabled thousands of low- and moderate-income self-represented litigants to receive affordable legal services from highly qualified and trained Limited License Legal Technicians. Please voice your opposition to the proposed rule to sunset the license. Your comments can make a difference. Submit comments to the Clerk of the Supreme Court by either U.S. Mail

⁴⁵ [Preliminary Evaluation of the Washington State Limited License Legal Technician Program: March 2017. By Thomas M. Clarke, National Center for State Courts, and Rebecca L. Sandefur, American Bar Foundation, with support from the Public Welfare Foundation](#) [Accessed Jan. 17, 2021]

or Internet E-Mail by no later than April 30, 2021. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov⁴⁶.” It remains unclear whether this request for comments will change the outcome for this program.

In addition to the LLLT program, Washington also has a Limited Practice Officer program. A limited practice officer, or LPO, is a person licensed by the Washington Supreme Court under Rule 12 of the Washington Supreme Court's Admission and Practice Rules (APR). A LPO is licensed to select, prepare, and complete approved documents for use in closing a loan, extension of credit, sale, or other transfer of real or personal property. LPOs have a limited license to practice law, and are held to the same standard of care as a lawyer when performing the services authorized by the LPO license.

V. NORTH CAROLINA PRIMED TO NARROW ACCESS TO JUSTICE GAP

North Carolina’s Certified Paralegals and Unlicensed Law School Graduates Are Willing to Assist

It is clear that the legal needs of North Carolina residents are not being met. The “Access to Justice Gap” is not decreasing despite the best efforts of the plethora of non-profit groups and programs set forth above. However, North Carolina paralegals (and unlicensed law school graduates) are better prepared than ever to step in and fill this need. North Carolina has already established a successful certification program “to assist in the delivery of legal services to the public by identifying individuals who are qualified by education and training, and have demonstrated knowledge, skill, and proficiency to perform substantive legal work under the direction and supervision of a licensed lawyer (including any individual who may be otherwise authorized by applicable state or federal law to provide legal services directly to the public), and to improve the competency of

⁴⁶ [LLLT Board Member Christy Carpenter Posts Supreme Court's Request for Public Comments](#) [Accessed Jan. 16, 2021]

those individuals by establishing mandatory continuing legal education and other requirements of certification.⁴⁷” Using the NCCP credential (and certain other state and national certifications) as a prerequisite for limited licensing would only serve to increase the competency levels of those seeking limited licensing.

A limited licensing program would also increase the number of eligible pro bono volunteers, as NCLTs would be able to offer free services in certain circumstances without the need for an attorney to review all of their work product.

Some Government Agencies Already Utilize Non-Lawyers to Assist the Public

Take into consideration that some federal and/or state agencies already permit non-lawyers to represent parties under limited circumstances such as United States bankruptcy courts and immigration courts. Additionally, non-lawyers are permitted to represent parties in Social Security Administration and Department of Health and Human Services hearings.

A Review of Statutory Requirements in Other States

In our research for this proposal, we have found Washington’s Limited License Legal Technicians⁴⁸ program and Utah’s Licensed Paralegal Practitioner Program to be most useful in creating a plan for North Carolina. We have provided the statutory requirements for Washington (see attachment 20)⁴⁹ and Utah’s (see attachments 21, 22, and 23)^{50,51,52} limited licensing programs. However, we are neither suggesting that North Carolina precisely duplicate either of those state standards, nor are we suggesting that North Carolina reinvent the wheel. Rather, we

⁴⁷ <https://www.nccertifiedparalegal.gov/for-paralegals/frequently-asked-questions/> [Accessed Jan. 17, 2021]

⁴⁸ <https://www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/limited-license-legal-technicians> [Accessed Jan. 10, 2021]

⁴⁹ https://www.courts.wa.gov/court_rules/pdf/APR/GA_APR_28_00_00.pdf [Accessed Jan. 9, 2021]

⁵⁰ <https://www.utcourts.gov/resources/rules/ucja/ch14/08%20Special%20Practice/USB14-802.html> [Accessed Jan. 9, 2021]

⁵¹ <https://www.utcourts.gov/resources/rules/ucja/ch15/URGLPP%2015-0703.html> [Accessed Jan. 9, 2021]

⁵² <https://www.utcourts.gov/resources/rules/ucja/ch15/URGLPP%2015-0705.html> [Accessed Jan. 9, 2021]

have endeavored to learn from the mistakes of predecessor programs by walking back requirements that act as an impediment to buy-in from potential limited licensees and, by extension, a successful program, while including those requirements that ensure the competency of potential limited licensees. This topic is covered in further detail below.

VI. PROPOSED PROGRAM OVERVIEW

This proposal requests an exception to the authorization to practice law for a North Carolina Legal Technician (hereinafter "North Carolina Legal Technician" or "NCLT"). The requested exception would permit an NCLT to assist a client only in the practice areas for which the NCLT is licensed.

NCLT Proposed Practice area(s)

The proposal requests consideration of the following possible practice areas for NCLTs:

- **Family law** is the practice of law relating to marriage, divorce, alimony, child custody and support, equitable distribution, enforcement of support, domestic violence, legitimacy, and adoption.
- **Landlord-tenant law** includes rights and obligations that landlords and tenants have, respectively, with regard to the rental property.
- **Estate planning and probate law** is the practice of law dealing with planning for the conservation and disposition of estates, including consideration of federal and state tax consequences; the preparation of legal instruments to effectuate estate plans; and the probate of wills and administration of estates, including federal and state tax matters.
- **Debtor-creditor law** applies to all non-bankruptcy aspects of the relationship between creditors and debtors. One of the main goals of debtor-creditor lawyers is to keep their clients out of bankruptcy court. Issues include, but are not limited to, the proper procedures for extending credit; consumers' rights with respect to debt collection; and the different forms of credit satisfaction, such as liens and debt priority.
- **Administrative law** created by the agencies and departments of the government, which carry out the laws passed by state legislature, and, by extension, county and municipal code including, but not limited to:
 - Employment:

- Equal Employment Opportunity Commission (EEOC) (e.g., discrimination)
 - Division of Employment Security Claims (DES) (e.g., unemployment)
 - North Carolina Department of Labor Complaints (NCDOL) (e.g., FLSA)
 - Workers' Compensation
- Municipal and County boards:
 - Board of Adjustment quasi-judicial hearings and appeals
 - Civil Service Commission hearings and appeals
 - City Council quasi-judicial hearings and appeals
- Other:
 - Medicaid appeals
 - Housing discrimination
 - NCDMV Hearings
 - North Carolina Department of Justice Complaints
- **Expungement** is the legal process through which an arrest or conviction may be erased from a person's criminal record.

Permissible Actions

Within a practice area or areas in which an NCLT is licensed, the NCLT who is in good standing, may represent the interests of a natural person who is not represented by a lawyer unaffiliated with the NCLT by:

- a. establishing a contractual relationship with the client;
- b. interviewing the client to understand the client's objectives and obtaining facts relevant to achieving that objective;
- c. completing forms approved by the State;
- d. informing, counseling, advising, and assisting in determining which form to use and giving advice on how to complete the form;
- e. signing, filing, and completing service of the form;
- f. obtaining, explaining, and filing any document needed to support the form;
- g. reviewing documents of another party and explaining them;
- h. informing, counseling, assisting, and advocating for a client in mediated

- negotiations;
- i. filling in, signing, filing, and completing service of a written settlement agreement form in conformity with the negotiated agreement;
- j. communicating with another party or the party's representative regarding the relevant form and matters reasonably related thereto; and
- k. explaining a court order that affects the client's rights and obligations.

Permissible actions are described more fully in the scope of practice section below.

Please take note that this proposal does not request pro hac vice admissions and or reciprocal licensing. NCLTs would be required to have trust accounts, error and omission/professional liability insurance, and would have the same obligation to provide pro bono services as licensed attorneys. Further, we would suggest language that bars NCLTs from charging contingency fees. We would propose, however, that NCLTs be permitted to own their own firms, own a non-controlling equity interest in a firm with attorneys, and use the courts' e-filing systems, where and when available.

Benefits

Benefits to the Underserved Public

Clearly, the greatest advantage of an NCLT program would be to perform specific legal services for North Carolina's disadvantaged population. The underserved portion of the population may, in fact, be the largest portion of the population requiring legal assistance. Unfortunately, even reasonable attorneys fees are unaffordable for many North Carolinians.

Legal services should not be attainable only by the affluent. On the contrary, legal services should be available and accessible to North Carolina residents at all income levels. Although a lawyer's education and experience is laudable, the cost of them has driven attorneys' fees out of the reach of much of the population. This

tremendous gap between cost and need can be filled by NCLTs, who can produce quality work at greatly reduced rates. Such a program would also fulfill the professional responsibility to provide additional legal services for a modest fee to those of limited means as prescribed by NC Rule of Professional Conduct 6.1(b)(1).⁵³

An Example of Need in the Area of Administrative Law

In the next few sections of this proposal, we will cover various areas of law in which NCLTs could potentially benefit North Carolina residents. At the state level, administrative hearings represent one particular area of law in which many individuals are grossly underserved. For example, approved unemployment claims are often opposed by employers, and claimants may also appeal a denial of benefits. When an appeal is filed, a telephone appeals hearing is the next step. At these hearings, the attorney representing the employer often submits exhibits and oral evidence to refute the former employee's claim. Claimants are generally unaware that they can object to evidence or that they can introduce their own evidence or witness testimony. These cases can be appealed further to the Board of Review where they may either be remanded back to an appeals referee or affirmed. An unfavorable decision may then be petitioned for judicial review by the Superior Court or the North Carolina Court of Appeals. Predictably, individuals filing for unemployment are generally unable to afford attorneys fees for employment hearings. These individuals could greatly benefit from affordable legal services offered by an NCLT, who could help them understand the process and offer advice or representation to claimants so they are more adequately prepared for these hearings.

As another example, city and county residents often appear in front of municipal or county boards for quasi-judicial hearings concerning property disputes

⁵³ <https://www.ncbar.gov/for-lawyers/ethics/rules-of-professional-conduct/rule-61-voluntary-pro-bono-publico-service/>
[Accessed Jan. 6, 2021]

over matters such as zoning and special use permits. They have the option of retaining an attorney to represent them in front of a board or council for these proceedings. For example, a property owner may object to a building being heightened because it will obstruct their water view, thus affecting the enjoyment and value of their home. However, many people cannot afford an attorney or do not realize that the testimony and other evidence presented at these hearings will comprise the only record that will be considered if a quasi-judicial decision is appealed to Superior Court for judicial review. NCLTs, who are well-versed in municipal or county law, could assist residents who would otherwise be unable to obtain representation.

Limited Licensing in Other Jurisdictions Shows Client Satisfaction

An article titled “Access to Justice Through Limited Legal Assistance” (see attachment 24)⁵⁴ published in the *Northwestern Law Journal of Human Rights* states:

....In a study comparing outcomes for low- income clients in the United Kingdom on matters such as welfare benefits, housing, and employment, non-lawyers generally outperformed lawyers in terms of concrete results and client satisfaction. After reviewing their own and other empirical studies, the authors of that study concluded that “it is specialization, not professional status, which appears to be the best predictor of quality.” Ontario also allows licensed paralegals to represent individuals in minor court cases and administrative tribunal proceedings, and a five year review reported “solid levels of [public] satisfaction with the services received.” In the United States, research on lay specialists who provide legal representation in bankruptcy and administrative agency hearings finds that they generally perform as well or better than attorneys. Extensive formal training is less critical than daily experience for effective advocacy....states should build on this research and develop a limited licensing system that would enable qualified non-lawyers to offer limited legal assistance on routine matters. Consumer protections could be required concerning

⁵⁴ Deborah L. Rhode, Kevin Eaton, and Anna Porto, *Access to Justice Through Limited Legal Assistance*, 16 *Nw. J. Hum. Rts.* 1 (2018). <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1208&context=njihr> [Accessed Jan. 6, 2021]

qualifications, disclaimers, ethical standards, malpractice insurance, and discipline. The ...[state regulatory authority] could oversee the development of such licensing systems and the courts could approve legislatively authorized structures as consistent with the public interest.

Benefits to Community - Economic Impact

When we think about the economic impact of access to justice, we tend to focus on the benefit to the legal services provider (revenue) and the benefit to the client, both tangible and intangible. But there is an economic benefit to providing access to legal services, not just for low-income individuals, but for the entire state of North Carolina.

“A 108% Return on Investment: The Economic Impact to the State of North Carolina of Civil Legal Services in 2012 (see attachment 25),⁵⁵ found the work of legal services providers across the state generated \$48,775,276 in economic impact that year. Measured impact included...(3) cost savings to the state and local economies due to the advocacy of providers in domestic violence, foreclosure, and eviction prevention.”

The report shared indirect economic impact and costs savings generated by provided legal assistance. The data allows for an economic perspective on the investment in a program like the NCLT program, which would provide lower-cost legal services. While the work of legal aid providers has many positive economic impacts, only some of this economic benefit is easily captured. For example, obtaining expunctions for adults with a criminal record better positions them to secure employment, resulting in a clear economic benefit to the individual and community, though not one which can be easily calculated.

The indirect economic impact is the passive economic benefit to the state and local economies through increases in employment, wages, and business outputs. According to the 2012 report, the indirect economic impact totals

⁵⁵ [North Carolina Equal Access to Justice Commission: A 108% Return on Investment: The Economic Impact to the State of North Carolina of Civil Legal Services in 2012](#). [Accessed Jan. 10, 2021]

\$13,893,362. Additionally, through representation of clients, the legal aid providers generated \$16,857,503 in cost savings, including domestic violence prevention, eviction prevention, and foreclosure prevention. The chart below details the amounts in each category:

COST SAVINGS FROM 2012 REPRESENTATION	
Source	Cost Savings
Domestic violence advocacy	\$1,004,963
Foreclosure prevention	
Cost to local government	\$209,840
Cost to neighboring homeowners	\$11,297,200
Eviction prevention	\$4,345,500
Total Cost Savings	\$16,857,503

[See footnote (see attachment 25)⁵⁶.]

In the event you are having difficulty visualizing “indirect impact,” the following examples are provided:

Child Support Awards

Representation in family law cases by three providers resulted in child support awards to custodial parents totaling \$115,681.88.28.⁵⁷

In addition to providing an economic boost to the local community of funds that custodial parents in turn spend to obtain shelter, food, clothing, and other necessities for their children, child support awards reduce dependency of low-income families on the state for support.

Housing-related Awards

As of 2012, 287,600 low-income households in North Carolina spent more than half of their monthly net income on housing costs. Awards such as rent

⁵⁶ [North Carolina Equal Access to Justice Commission; A 108% Return on Investment: The Economic Impact to the State of North Carolina of Civil Legal Services in 2012](#). [Accessed Jan. 10, 2021]

⁵⁷ Providers calculated total child support awards by multiplying the monthly child support amount obtained by 12 months, the expected length of the receipt of the award over a one year period. Where a specific monthly award was not ordered, the amount was calculated under the child support guidelines.

abatement due to uninhabitability, receipt of funds owed like security deposits, and landlord charges avoided allow individuals to put their limited funds toward other basic necessities. Further, housing representation in these cases may allow individuals to stay in their homes, saving the state potential costs due to homelessness, as outlined in more detail below.

Domestic Violence

Most clients who receive legal services in domestic violence cases do not receive a direct economic benefit (with the exception of those who are granted child support for their children within the order). However, indirect economic benefits flow to the state on account of costs saved by preventing violence.

By preventing violence, legal providers can mitigate the high cost of medical and mental health care expenses for victims and families. A study from the Centers for Disease Control and Prevention found that women who were the victims of physical assault in the past twelve (12) months experienced an average of 3.4 separate assaults. Victims were injured in 41.5% of assaults, and 28.1% of those received some form of medical care.⁵⁸ On average, the cost of medical and mental health services per physical assault was \$816 when the study was authored in 2003, a cost of more than \$1,000 dollars today.⁵⁹ In addition to the productivity loss of victims, other potential costs include the cost of sheltering victims and families and the use of police and law enforcement resources in response to continued violence.

According to the 2012 report, “[i]f legal representation prevents one assault in half of the cases where domestic violence protective orders were obtained, the annual savings from the prevention of domestic violence by calculating the avoided

⁵⁸ Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, “Costs of Intimate Partner Violence Against Women in the United States” 14 (Mar. 2003), available at <https://www.cdc.gov/violenceprevention/pdf/IPVBook-a.pdf>, at 15. [Accessed Jan. 10, 2021]

⁵⁹ CPI Inflation Calculator, Department of Labor, Bureau of Labor Statistics, https://www.bls.gov/data/inflation_calculator.htm. According to the calculator, \$816 in 2003 has the same buying power as \$1,018.20 in 2012 (the time period on which this study focuses). [Accessed Jan. 10, 2021]

medical costs alone is \$1,004,963.44.”

Evictions and Foreclosures

Each year, the legal aid providers in this study generate cost savings for the state of North Carolina and local governments by preventing homelessness through their advocacy in foreclosure and eviction proceedings. Representation in eviction proceedings which prevent or delay eviction help low-income families avoid homelessness by allowing families to stay in their home and search for new housing, if necessary. Advocates assist clients to oppose eviction where landlords have not followed the proper process for lawfully evicting tenants or where they do not have grounds to evict the tenant. In the absence of advocacy, some clients would likely become homeless, seeking temporary or extended housing at a homeless shelter or living unsheltered. Further, once individuals have been evicted, finding new housing in the future may prove more difficult, leading to a greater chance of becoming or remaining homeless following an initial eviction.

Estimates of the cost of homelessness vary. However, the consensus remains that emergency shelter may be an “adequate” response to an immediate housing crisis for most individuals, but it is an expensive solution for the community. Average homeless systems costs for individuals (\$1,634 to \$2,308) are much lower than those for families (\$3,184 to \$20,031), who usually have higher daily costs and stay much longer (see attachment 27).⁶⁰

With the implementation of the NCLT program, the legal community would be offering another line of defense against excessive cost to taxpayers related to negative legal outcomes for members of the community. Many of these negative outcomes could be prevented if the individuals involved had been able to afford legal representation.

For more information about the economic benefits of civil legal aid, read the

⁶⁰ U.S. Department of Housing and Urban Development Office of Policy Development and Research; [Cost Associated With first-Time Homelessness for Families and Individuals](#) [Accessed Jan. 10, 2021]

executive summary and full report (see attachment 25).⁶¹ For additional information, see “The Bottom Line – Legal Services is a Good Investment,” published in the North Carolina State Bar Journal Volume 19, Number 3, page 18 (see attachment 28).⁶²

Benefits to Community - Additional Impacts

Today the gap between legal needs and the services available exacerbates systemic inequities and disadvantages that have already increased to an alarming rate. Without access to legal services or advice, many are unaware of their legal rights and potential claims.

The impact of the justice gap is crippling to those in the community who may have limited education, limited financial resources, disabilities, medical impairments, or have been displaced due to the COVID–19 pandemic.

Residents who, in the past, navigated the legal system for unfair evictions or foreclosures related to being either under-employed or unemployed, now may have to face lawsuits almost immediately when the state and federal moratoria of protection in these areas are lifted.

Example:⁶³ For two years, Mary Hicks paid \$975 per month for a run-down Washington, D.C., apartment. When she contacted the landlord about mold and mildew in the bathroom and holes in the walls, he did nothing. After Mary began to withhold rent, her landlord sued her.

Mary sought help from a law clinic. Her student attorneys not only kept her from being evicted and ensured that her landlord made the repairs but also reduced

⁶¹ North Carolina Equal Access to Justice Commission; A 108% Return on Investment: The Economic Impact to the State of North Carolina of Civil Legal Services in 2012; https://www.nccourts.gov/assets/inline-files/NC-EAJC-econ-report.pdf?0daVXrz00PXJodiPeG_Hvjuh2r8Ei7G. [Accessed Jan. 10, 2021]

⁶² North Carolina State Bar Journal Volume 19, Number 3, page 18; <https://www.ncbar.gov/media/121125/journal-19-3.pdf> [Accessed Jan. 10, 2021]

⁶³ Mary Hicks, Testimony before the Council of the District of Columbia Committee on the Judiciary hearing on B21-0879, “Expanding Access to Justice Act of 2016,” October 19, 2016 <https://www.americanprogress.org/issues/criminal-justice/reports/2016/12/08/294479/making-justice-equal/> [Accessed Jan. 6, 2021]

her rent to \$480 after discovering that her unit was rent-controlled.

Literacy

Literacy impacts the justice gap as well. Today one in five U.S. adults (21%) have low literacy skills, which translates to about 43.0 million adults.⁶⁴ North Carolina's literacy rate is 86.40%. That means 13.6%, or nearly 14 out of every 100 adult North Carolinians suffer from illiteracy.⁶⁵

The consequences of illiteracy are many and harmful in several respects - but particularly so when engaging with a legal system that has the authority to change the trajectory of one's life. Legal jargon and documents are difficult to understand, even for those with graduate-level education. Illiteracy makes it nearly impossible to make sense of what people are saying or to understand what that pleading, notice, or other legal document means. These difficulties are significantly compounded when the person is under stress, anxious, intimidated, or overwhelmed.

It's critical to understand the connection between adults with low literacy skills and those who re-offend or find themselves in a cycle of needing legal services for matters beyond their control. Many who suffer with illiteracy are more likely to have encounters with the legal system than others.

Example: Mr. Franklin works part time and cannot read. He goes to court for a traffic infraction. He is fined and given ninety (90) days to pay. Unfortunately, upon his return to work Mr. Franklin is laid off by his employer due to cutbacks. Ninety (90) days have now passed, and he has failed to pay. Due to his inability to read, he was unaware of the penalty(ies) if he failed to pay.

Eventually Mr. Franklin is able to find another job. His court date is approaching, and he believes the judge will be understanding. On the day of his hearing, he explains to the judge that he was laid-off and was unable to pay the fine

⁶⁴ <https://worldpopulationreview.com/state-rankings/us-literacy-rates-by-state> [Accessed Jan. 6, 2021]

⁶⁵ <https://worldpopulationreview.com/state-rankings/us-literacy-rates-by-state> [Accessed Jan. 9, 2021]

within the timeframe he was previously given. The judge disregards his explanation, imposes additional fines, and suspends his license for six (6) months. Mr. Franklin needs his driver's license to work. If he risks driving on a suspended license, he will incur additional repercussions. If he doesn't pay the fines, he will be incarcerated.

The COVID-19 Era and the Court's Expectation of Access to Technology

COVID-19 has caused a significant backlog of cases. State governments and organizations are creating ways to remotely help clients and families such as notarizing documents, assisting clients in obtaining unemployment insurance benefits, having the hearing virtually or walking a client through required online form submission.

Unfortunately, many of the people these technological advancements were created to help do not have access to computers or the internet.

Benefit to Attorneys and Alleviating Concerns

There are many legitimate policy reasons for the restrictions against the unauthorized practice of law. These reasons include preserving and strengthening the lawyer-client relationship and protecting 'the public from being advised and represented in legal matters by unqualified and undisciplined persons over whom the judicial department could exercise slight or no control.' The functioning of the legal system would not be possible without the privileges afforded to and obligations imposed on lawyers when they enter into a formal attorney-client relationship. The formation of an attorney-client relationship subjects a lawyer to 'duties of care, loyalty, confidentiality, and communication, duties enforceable by the client and through disciplinary sanctions.' An individual receiving legal advice from an individual or entity not authorized to practice law would therefore not be afforded the protections of an attorney-client relationship, which is a serious reason why the unauthorized practice of law could end up being problematic for people seeking legal advice. The other chief reason behind the policy requiring a license to practice law is to ensure that an individual rendering legal services is competent and that the public is not injured by individuals who are not qualified to provide the services for which they are charging people.

There is little doubt that the proposal's requested changes will

affect the ways that legal services are offered to the public. There is often resistance to these changes that stem from the ethical issues surrounding them. The rule against the unauthorized practice of law has been invoked based on legitimate concerns about how the public may be harmed. But perhaps also based on lawyers' resistance to economic competition (see attachment 29).⁶⁶

If that is the case, it is incumbent upon the legal profession to consider the consequences of that point of view. We echo the statement of NCSC above, "The Washington State example suggests that LLLTs and lawyers may form mutually advantageous business relationships, making referrals to each other as appropriate. Since LLLTs appear to assist customers who could not afford lawyers, they do not compete directly with lawyers." But even if attorneys reject this as fact, should the economic interests of attorneys eclipse the serious legal needs of clients whose access to justice directly impacts life, liberty, and the pursuit of happiness? Unfortunately, unauthorized practice of law rules that are hostile to innovation may hinder efficiency and access to justice.

We offer a new way of framing the attorney-NCLT relationship. The initial reaction of some attorneys may be unfavorable. There will certainly be a number of NCLTs who choose to work as a sole proprietor or form some type of business organization by themselves or with other NCLTs. However, just like there are attorneys who could start their own practice but choose to work for a private firm or legal department, there will be NCLTs who are not inclined to start their own businesses with all of the additional responsibility that this entails. In those situations, NCLTs and attorneys may enjoy a mutually beneficial relationship. For example, an attorney employing or contracting with an NCLT will be able to extend services to a much larger segment of the population. Moreover, because the NCLT will enjoy a certain degree of autonomy under the provisions of their limited license and because attorneys won't be required to supervise every aspect of their

⁶⁶ The Georgetown Journal of Legal Ethics; [Unauthorized Practice of Law Claims Against LegalZoom—Who Do These Lawsuits Protect, and is the Rule Outdated?](#) [Accessed Jan. 9, 2021]

work-product, the attorneys that work with them will have more time to work on other legal projects - perhaps more profitable ones.

In this way, the NCLT could bring additional revenue into a firm while simultaneously extending services to the underserved population that the firm would ordinarily turn away if the client were unable to afford the attorney's higher price point. In addition, the NCLT, instead of going through the painstaking process of establishing a client base and building name recognition on their own, would benefit from the firm's name recognition. And so, all involved - underserved North Carolinians, the NCLT, and the attorney - would benefit.

Notwithstanding our position that NCLTs are not in competition with attorneys, there are actions the State could take to remedy the concerns of some attorneys regarding competition for business in the requested areas of practice. For example, in family law or estate planning cases, the State may wish to limit NCLT legal services to clients with marital estates less than or equal to a set amount. Or, NCLTs may be limited to assisting families below a certain income threshold.

Although it is impossible to work out all of the details in this proposal, the point we would like to impart is that with some creativity and reframing, the State could develop solutions that would serve the public and alleviate the reasonable concerns of attorneys.

Benefits to NCLTs

Of course, while the benefit to NCLTs would not be the primary reason the State chooses to pursue limited licensing, naturally, there should be some motivating factors to encourage applicants.

Intangible Benefits to NCLTs

Many paralegals in North Carolina are civic-minded. Paralegals throughout the state volunteer their time, money, and energy to help others through programs

with the North Carolina Bar Foundation (NCBF); the North Carolina Bar Association, Paralegal Division; state and local paralegal associations; Legal Aid of North Carolina; NC Pro Bono Resource Center; the North Carolina Guardian ad Litem program; and other non-profits in the legal community. Many paralegals also volunteer with the NCBF’s Middle School Mock Trials and Lawyers for Literacy programs, as well as the North Carolina Advocates for Justice (NCAJ) High School Mock Trial Competitions. Bearing the burdens of others and educating the next generation, who may enter the legal field, don't just make the world better—it also makes us better. Studies indicate that the very act of giving back to the community boosts happiness, health, and sense of well-being.

Economic Benefits to NCLTs

We want to reiterate that the NCLT client base would consist of those who cannot afford attorneys fees but may be able to afford the reduced fee structure of NCLTs. One important question may be how NCLTs will build and sustain their business serving clients who cannot afford an attorney. Before we answer this question, we will briefly go over income and billing rate statistics for paralegals and attorneys in North Carolina.

According to the U.S. Bureau of Labor Statistics, as of 2019, North Carolina’s average mean paralegal salary is \$47,370 per year, and the average hourly mean wage is \$22.77.

Area name	Hourly mean wage	Annual mean wage(2)	Hourly median wage	Annual median wage(2)
North Carolina(3700000)	22.77	47370	21.65	45030

Footnotes:

(2) Annual wages have been calculated by multiplying the corresponding hourly wage by 2,080 hours.

SOC code: Standard Occupational Classification code -- see <http://www.bls.gov/soc/home.htm>

Data extracted on January 11, 2021

As in other states, large law firms headquartered in urban commercial centers generally offer the highest wages for paralegals. The largest employment of paralegals and legal assistants in North Carolina is centered in urban areas such as Raleigh and Charlotte.

According to a Legal Trends Report published by Clio (a practice management and accounting software provider), the average hourly rate for attorneys in North Carolina is \$269.00. In metropolitan areas, the hourly rate for attorneys can be much greater. Additionally, according to the Yale Law School Career Development Office, firms “average,” “target,” or “minimum” stated billables typically range between \$1,700 and \$2,300, although informal networks often quote much higher numbers⁶⁷. Taking the average of those two figures results in 2,000 billable hours each year. The average billable rate for attorneys in North Carolina (\$269.00) times the average number of billable hours each year (2000) provides total revenue in the amount of \$538,000/yr.

In comparison, if an NCLT were to have billables of 2,000/year while billing 100/hour for legal services, total revenue would be \$200,000/yr. According to Neuvo tax calculator,⁶⁸ if one makes \$200,000/yr. living in North Carolina, they will be taxed \$63,000/yr. That leaves net pay of \$137,000/yr. or \$11,417 per month. This calculation takes into account an average tax rate of 31.50% and a marginal tax rate is 42.36%.

Of course, there are other costs associated with doing business. However,

⁶⁷ https://law.yale.edu/sites/default/files/area/department/cdo/document/billable_hour.pdf [Accessed Jan. 12, 2021]

⁶⁸ <https://neuvo.com/tax-calculator/North+Carolina-20000#:~:text=If%20you%20make%20%24200%2C000%20a,marginal%20tax%20rate%20is%2042.36%25> [Accessed Jan. 12, 2021]

even if an NCLT spent 25% of total revenue or \$50,000.00 on business expenses annually (and we believe that a sole proprietorship could be managed for much less than this) that leaves a net profit of \$87,000.00. The net profit of \$87,000.00 is still nearly twice the annual mean wage for paralegals in North Carolina.

Of course, we know these numbers are a very basic starting point for trying to determine if an NCLT business structure is viable. But, having the NCLT program would effectively erase the glass ceiling that exists for paralegals and support economic mobility.

Although COVID-19 has dealt a devastating blow to small business and the economy as a whole, one outcome of the pandemic is that businesses have been forced to innovate using available technology, such as videoconference, electronic document sharing, etc. Major corporations to small businesses have realized that they can greatly reduce overhead by applying lean project management concepts to increase value while reducing waste.

You'll recall at the beginning of this proposal, the American Bar Foundation had made several recommendations (see attachment 19)⁶⁹ to improve NCLT business outcomes in Washington, some of which go directly to business administration, including:

1. Provide more training and practical advice on business management.
2. Provide practical advice and assistance on marketing.

If we provide NCLTs with the necessary tools, we believe hardworking NCLTs will be successful.

Program Cost

The North Carolina State Bar can implement the NCLT program without

⁶⁹ [Preliminary Evaluation of the Washington State Limited License Legal Technician Program: March 2017. By Thomas M. Clarke, National Center for State Courts, and Rebecca L. Sandefur, American Bar Foundation, with support from the Public Welfare Foundation](#), at 14-15. [Accessed Jan. 12, 2021]

significantly inflating overhead (administrative and marketing) costs by considering the following suggestions:

1. Place the NCLT program under the oversight of the existing Board of Paralegal Certification and delegate administrative tasks to Bar personnel who are responsible for overseeing administration of the North Carolina Certified Paralegal program.
2. Allow the Board to establish volunteer-based exam committees for each area of limited practice that falls under the NCLT program. This would reduce the amount of work required for the Board.
3. Legal Specialization exams already exist for the Board Certified Specialist Programs. Subject matter examinations could be created for NCLTs, which substantially mirror those exams.

Marketing

Marketing to Potential NCLTs and Consumers

When the NCCP program was approved in North Carolina more than fifteen (15) years ago, the marketing landscape was very different. Although the authors of this proposal were not a part of that process, we expect that there were expenditures related to disseminating information about the program in print media. In 2021, the most effective method of marketing is social media. If such a program were implemented, the cost of marketing would be minimal if social media were properly leveraged as a tool to advertise the new licensure.

Marketing to Potential NCLTs

Marketing to Board-approved college programs and law schools would assist in making students aware of the ability to become an NCLT when they have met the requirements.

Marketing to Potential Consumers

Additionally, with the support of the State, NCLTs would potentially be able to establish a relationship with the various legal aid and pro bono service providers that North Carolina has to offer. When applicants to these programs are denied, legal aid providers can refer clients to the NCLT program for assistance.

Program Fees and Program Funding

Program Fees

Program fees should be high enough to defray the cost of administering the program but low enough to prevent the program from becoming cost-prohibitive to potential applicants. In consideration of that fact, the Board may wish to consider the following information:

1. The Washington LLLT (see attachment 31)⁷⁰ program charges the following fees:
 - a. LLLT Applicants - \$300
 - b. Practice Area Exam Only - \$250
 - c. Professional Responsibility Exam Only - \$80
 - d. Late Filing Fee - \$150
 - e. An additional fee was charged for background checks.
 - f. Annual Fees⁷¹
 - i. Active LLLT admitted prior to 2019 - \$239
 - ii. Active LLLT admitted in 2019 or 2020 - \$124.50
2. The Utah Paralegal Practitioner (see attachment 32)⁷² program charges the following fees:
 - a. Applicants taking All Practice Areas (4) and Professional Responsibility

⁷⁰

https://www.wsba.org/docs/default-source/licensing/admissions/bar-exam/wsba-admission-policies---10-4-17---sep-1-2017.pdf?sfvrsn=b4ed38f1_30, Page 4. [Accessed Jan. 9, 2021]

⁷¹ <https://www.wsba.org/for-legal-professionals/license-renewal/license-fees> [Accessed Jan. 9, 2021]

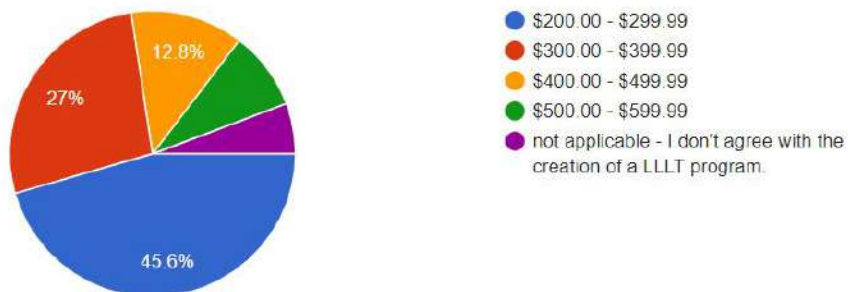
⁷² <https://www.utahbar.org/wp-content/uploads/2019/09/LPP-Filing-Instructions-and-Info.pdf> [Accessed Jan. 9, 2021]

- Examination - \$400
- b. Applicants taking one or two Practice Areas and Professional Responsibility Examination - \$100/each exam area AND
- c. Professional Responsibility - \$100
- d. Incomplete Application Fee - Varies, up to \$150
- e. Annual Fees⁷³
 - i. Active - \$200 + Client Security Fund (<\$20.00)
 - ii. Inactive - \$75

A recent survey of North Carolina’s paralegals (NCCPs and non-certified paralegals) indicates that potential NCLTs would be willing to pay the following fees:

What application/licensing fee would you consider reasonable when paying for initial licensure? Please consider that any limited licensing program would likely need to be financially self-sustaining in order to be approved. Choose a response that reflects what you would be willing to pay and not what you would prefer the price to be.

540 responses



⁷³ <https://www.utahbar.org/licensing/> [Accessed Jan. 9, 2021]

What fee would you consider reasonable for annual dues? Please consider that any limited licensing program would likely need to be financially self-sustaining in order to be approved. Choose a response that reflects what you would be willing to pay and not what you would prefer the price to be.

540 responses



Potential Program Funding Sources

Grant options for 2022 may be available from the providers below.

- U.S. Department of Justice - Office of Justice Programs
Application Instructions: [OJP Grant Application Resource Guide | Office of Justice Programs](#)⁷⁴
- [OVW Fiscal Year 2021 Justice for Families Program Solicitation: Due Date January 25th](#) (see attachment 33)⁷⁵ - We will miss the funding deadline for 2021. We will follow up with this organization regarding possible funding for 2022.
- [Opportunity Grants | American Bar Endowment \(ABE\)](#) ([abendowment.org](#))(see attachment 34)⁷⁶
We have missed the funding deadline for 2021. We will inquire regarding funding for 2022.
- North Carolina IOLTA; Deadline: October 2021 (see attachment 35)⁷⁷
[Grant Information | North Carolina IOLTA \(nciolta.org\)](#)
Grants are awarded on a calendar year basis. Information on how to apply is typically available in midsummer. The grant application deadline is October 1

⁷⁴ <https://www.ojp.gov/funding/apply/ojp-grant-application-resource-guide#apply> [Accessed Jan. 19, 2021]

⁷⁵ [U.S. Department of Justice | O-OVW-2021-30001 Justice for Families VI SI-30001](#) [Accessed Jan. 19, 2021]

⁷⁶ [American Bar Endowment Opportunity Grant Program Eligibility and Guidelines](#) [Accessed Jan. 19, 2021]

⁷⁷ [Grant Purpose NC IOLTA's Civil Legal Aid Grants provide general support for a network of legal aid organizations that together](#) [Accessed Jan. 19, 2021]

(or the first business day after October 1 when it falls on a weekend or legal holiday).

- Justice Initiatives in Charlotte, NC; Deadline:

GRANT FUNDING | Justice Initiatives

Note: JI is undergoing some significant changes, and accepted grant invitations by invitation ONLY for the 2019-2020 cycle. We will follow up to check on grant options for 2021 or 2022.

VII. PROPOSED PROGRAM ADMINISTRATION AND REGULATIONS

A. Definitions. The following definitions will apply:

1. “NCLT Board” means North Carolina Legal Technician Board (which shall be the same as the presently existing North Carolina State Bar Board of Paralegal Certification).
2. “Lawyer” means a person licensed as a lawyer and eligible to practice law in any United States jurisdiction.
3. “North Carolina Legal Technician” (NCLT) means a person qualified by education, training, and work experience who is authorized to engage in the limited practice of law in approved practice areas of law as proposed below.
4. “Paralegal” means a person qualified by education, training, or work experience; who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity; and who performs specifically delegated substantive law-related work for which a lawyer is responsible.
5. “Substantive law-related experience” means the provision of legal services as a paralegal, paralegal student, or law student including, but not limited to, drafting pleadings, legal documents or correspondence, completing forms, preparing reports or charts, legal

research, and interviewing clients or witnesses. Substantive law-related experience does not include routine clerical or administrative duties.

6. “North Carolina lawyer” means a person licensed and eligible to practice law in North Carolina and who is an active or emeritus pro bono lawyer member of the Bar.

B. North Carolina Legal Technician Board

1. *Establishment.* The North Carolina State Bar should establish the existing Board of Paralegal Certification as the North Carolina Legal Technician Board (NCLT Board). This delegation of authority would drastically reduce program costs and would simplify the implementation and administration process.
2. *Responsibilities.* The composition and regulation of the existing Board should remain unchanged. Additional responsibilities would include:
 - a. Establishment of an exam committee for each practice area subject to limited licensing. Each exam committee should consist of 2 attorneys and 5 certified paralegals that practice in the area of the exam’s subject matter.
 - b. Recommending a “pilot” practice area in addition to future practice areas of law for NCLTs, subject to approval by the Supreme Court;
 - c. Working with the Bar and other appropriate entities to select, create, maintain, and grade the examinations required under this rule which shall, at a minimum, cover the rules of professional conduct applicable to NCLTs, rules relating to the attorney-client privilege, procedural rules, and substantive law issues related to approved practice areas;

- d. Approving education and experience requirements for licensure in approved practice areas;
 - e. Establishing and overseeing committees and tenure of members;
 - f. Establishing and maintaining criteria for approval of educational programs that offer NCLT core curriculum; and
 - g. Such other activities and functions as are expressly provided for in the rules established for this program.
3. *Rules and Regulations.* The NCLT Board shall propose rules, regulations, and amendments to implement and carry out the program.
 4. *Administration.* The Bar shall provide reasonably necessary administrative support for the NCLT Board. All notices and filings required by these Rules, including applications for admission as an NCLT, shall be sent to the headquarters of the Bar.
 5. *Expenses of the NCLT Board.* Members of the NCLT Board shall not be compensated for their services but shall be reimbursed for actual reasonable and necessary expenses incurred in the performance of their duties according to existing policies.

C. NCLT Licensing and Admission

Under our proposal, there are three key requirements to be licensed as a legal technician: education, experience, and examination.

1. Education⁷⁸:

Applicant must have:

- a. A first professional law degree from an accredited law school; or

⁷⁸ References to accreditation refer to accreditation by the U.S. Department of Education.

- b. An Associate degree in paralegal or legal studies from an accredited school; or
- c. A Bachelor's degree in paralegal or legal studies from an accredited school; or
- d. An Associate or Bachelor's degree in any subject from an accredited school, plus a paralegal certificate, or fifteen (15) credit hours of paralegal studies from an accredited school, both of which must cover at a minimum:
 - Civil Procedure
 - Contracts
 - Interviewing and Investigation Techniques
 - Introduction to Law and Legal Process
 - Law Office Procedures and Technology
 - Legal Research, Writing, and Analysis
 - Professional Responsibility

Note: Paralegals with at least ten (10) years of experience⁷⁹ including at least 9,600 hours of substantive law-related experience may qualify for a waiver of the core education and AA degree.

2. Experience:

- a. An applicant with a first professional law degree is exempt from experience requirements.
- b. An applicant without a first professional law degree must obtain 1,500 hours of substantive law-related work experience as a paralegal supervised by a lawyer prior to licensing; and

⁷⁹ We suggest 9600 hours, which was calculated by taking 10 years * 48 weeks each year (assuming 4 weeks of vacation) * 5 work days each week * 4 hours each day = 9600.

- c. Experience must be acquired no more than three years prior to passing the LLLT Practice Area exam.

3. Examination:

Six-hour Legal Specialization exams already exist for the North Carolina State Bar Board Certified Specialist Programs. We propose creating subject matter examinations that are substantially similar in structure to the Board Certified Specialist Exams.⁸⁰

- a. Pass an NCLT Professional Responsibility Examination: Tests knowledge in the Rules of Professional Conduct.
- b. Pass an NCLT examination for each practice area for which the applicant seeks to practice. We suggest consideration of the following practice areas:
 - Family law⁸¹
 - Landlord-tenant law
 - Estate planning and probate law⁸²
 - Debtor-creditor law
 - Administrative law
 - Expungements

As an example, detailed legal specialization law exam guides for family law and estate planning are attachment 36 and 37 in the appendix.

4. Other requirements:

- a. Is at least 21 years old; and
- b. Has one of the following paralegal certifications in good standing for at least one (1) year preceding the date of application⁸³:

⁸⁰ <https://www.nclawspecialists.gov/for-the-public/find-a-board-certified-specialist/> [Accessed Jan. 6, 2021]

⁸¹ <https://www.nclawspecialists.gov/for-lawyers/the-specialty-exams/exam-guides/family-law/> [Accessed Jan. 6, 2021]

⁸² <https://www.nclawspecialists.gov/for-lawyers/the-specialty-exams/exam-guides/estate-planning-and-probate-law/> [Accessed Jan. 6, 2021]

⁸³ We considered removing certification as a prerequisite for the NCLT licensure. However, we ultimately

- North Carolina Certified Paralegal (NCCP) from the North Carolina State Bar; or
 - South Carolina Certified Paralegal (SCCP) from the South Carolina State Bar; or
 - Certified Paralegal (CP) or Certified Legal Assistant (CLA) from NALA - The Paralegal Association (NALA); or
 - Professional Paralegal (PP) Certification from the National Association of Legal Professionals (NALS); or
 - CORE Registered Paralegal (CRP) or Registered Paralegal (RP) designation from the National Federation of Paralegal Associations (NFPA).
- c. Is of good moral character; and must provide references from at least two legal professionals who have significant legal or judicial experience in the area in which licensing is sought or a related field. A reference may not be related by blood or marriage to the applicant.
- d. Has no less than twelve (12) CLE credits.⁸⁴ Of these twelve (12) CLE credits, two (2) must be in the area of professional responsibility or professionalism or any combination thereof, one (1) must be in the area of trauma-informed legal advocacy, and at least one (1) hour shall be devoted to technology training.
- Note: If an NCLT takes more than the required twelve (12) hours in a calendar year, up to two (2) additional hours of professional responsibility and up to ten (10) additional hours of general education may be carried over to the next calendar year. There is

rejected this idea. Licensed attorneys, despite their years of experience, must still satisfy stringent requirements, including a six-hour exam, to obtain certification as a legal specialist. Most paralegal certifications are entry-level, meaning they require little or no in-office experience prior to applying for the certification exam. We believe certification (like attorney licensure for the certified specialist program) should be a mandatory minimum requirement for the NCLT program.

⁸⁴ CLEs and CPEs shall both meet this requirement.

no provision to carry hours over multiple years. At least once every three (3) calendar years, each NCLT must complete one (1) additional hour of professional responsibility devoted exclusively to instruction in trauma-informed legal advocacy, and an NCLT's professional responsibilities. NCLTs licensed before July 1 are subject to all CLE requirements for that calendar year. NCLTs licensed on or after July 1 of any year do not have CLE requirements until the next calendar year. Every active NCLT, regardless of exempt status, shall file an annual written report of his/her CLE activity for the preceding year.

- e. Has a proven record of ethical, civil and professional behavior; and
- f. Complies with all provisions concerning licensing and enrollment fees.

Trauma-Informed Legal Advocacy

We believe that all legal service providers should avail themselves of information concerning trauma-informed legal advocacy. Some legal communities have already started this process.

In 2018, Mecklenburg County's 26th Judicial District sent many of its judges to the Mecklenburg Resilience Symposium: Building Hope for Tomorrow Through Action Today.⁸⁵ The American Psychological Association defines Resilience as the process of adapting well in the face of adversity, trauma, tragedy, threats, or significant sources of stress. Resilience is not a trait that people either have or lack. It involves behaviors, thoughts, and actions that can be learned and developed in anyone. The symposium focused on understanding the effects of adverse child events and toxic stress on the human body and community. Mecklenburg County

⁸⁵ Charlotte Area Health Education Center; [Mecklenburg Resilience Symposium: Building Hope for Tomorrow Through Action Today](#) [Accessed Jan. 4, 2021]

District Attorney Spencer Merriweather, Charlotte City Councilwoman Julie Eiselt, Mecklenburg County Com Elect Mark Jerrell and Rep. Carla Cunningham, provided a legal/legislative perspective on applying trauma-informed care in the legal community.

Given the special needs of the population, NCLTs would be positioned to serve, they should be required to take at least one (1) CLE or CEU (from a social services provider) each year on the subject of trauma-informed care.

A trauma-informed care approach strives to understand the whole of an individual who is seeking services. When trauma occurs, it affects an individual's sense of self, their sense of others and their beliefs about the world. These beliefs can directly impact an individual's ability or motivation to connect with and utilize support services. A system utilizing a trauma-informed care approach realizes the direct impact that trauma can have on access to services and responds by changing policies, procedures, and practices to minimize potential barriers. A system utilizing a trauma-informed care approach also fully integrates knowledge about trauma into all aspects of services and is trained to recognize the signs and symptoms of trauma and thus avoid any possibility of re-traumatization.⁸⁶

Trauma-informed care recognizes the widespread prevalence of trauma and its impact while aiming to reduce re-traumatization⁸⁷. The term 'trauma-informed' was coined in 2001 by PhD researchers Maxine Harris and Roger Fallot.⁸⁸

Trauma-informed lawyering "asks clients not 'what is wrong with you?' but instead, 'what happened to you?'"⁸⁹

The central goal of trauma-informed legal services is to reduce re-traumatization and to improve legal advocacy by recognizing the role trauma

⁸⁶ Buffalo Center for Social Research School of Social Work; [What is Trauma-Informed Care?](#) [Accessed January 10, 2021]

⁸⁷ Trauma-Informed Legal Advocacy Project of the National Center on Domestic Violence, Trauma & Mental Health, nationalcenterdvtraumamh.org/trainingta/trauma-informed-legal-advocacy-tila-project/. [Accessed Jan. 6, 2021]

⁸⁸ Trauma-Informed Legal Advocacy Project of the National Center on Domestic Violence, Trauma & Mental Health, nationalcenterdvtraumamh.org/trainingta/trauma-informed-legal-advocacy-tila-project/. [Accessed Jan. 6, 2021]

⁸⁹ Sarah Katz & Deeya Haldard, *The Pedagogy of Trauma-Informed Lawyering*, 22 Clinical L. Rev. 359, 363.; https://www.law.nyu.edu/sites/default/files/upload_documents/Katz%20-%20Halder%20Pedagogy%20of%20Trauma-Informed%20Lawyering.pdf [Accessed Jan. 6, 2021]

plays in the legal service provider's relationship with their clients. Considering high rates of trauma among the general population, it is imperative that NCLTs integrate trauma-informed practices to reduce re-traumatization. Common examples of trauma-informed practice include providing accommodations for client interviewing or extensive witness preparation to alleviate client anxiety. Regardless of its form, a trauma-informed practice assists legal service providers in connecting to their clients, creating better legal outcomes and more robust advocacy.

Case Example

Theresa is a new client coming in for assistance with a debt collection case. As you ask her questions, you realize her leg is literally "jumping" because she is shaking so much. She seems a bit withdrawn and keeps looking toward the door. You stop questioning, note that she seems uncomfortable, and ask if there is anything you can do to make her feel more at rest. Theresa shares that she was recently a victim of sexual assault and feels tremendous anxiety when she is seated so far from the door. She also does not like being in rooms with closed doors, as she feels she cannot escape.

Strategies for helping the client feel comfortable:

- You stop legal questioning and note that she seems uncomfortable. You realize that you jumped into the interview without really explaining your role or what you will be doing today.
- You acknowledge that she seems uncomfortable and ask if there is anything you can do to make her more at ease.
- Theresa shares that she was a victim of sexual assault and feels tremendous anxiety when she is seated so far from the door. She also does not like being in rooms with closed doors as she feels she cannot escape.
- You readjust the seating and move to the open conference room in your office. You assure Theresa that if she had any other concerns to

let you know.

- You then explain the process and what will happen at this interview. You let Theresa know that if she needs breaks or anything else to let you know (see attachment 39).⁹⁰

Providing trauma-informed legal practice not only reduces re-traumatization; it also makes better legal service providers. An NCLT who is able to recognize the role trauma plays in the NCLT-client relationship is able to be a better advocate.

D. Authorized Scope of Practice

The North Carolina Legal Technician shall ascertain whether the issue is within the defined practice area for which the NCLT is licensed. If it is not, the NCLT shall not render any legal assistance on this issue and shall advise the client to seek the services of a lawyer. If the issue is within the defined practice area, the NCLT may render the following limited legal assistance to a *pro se* client:

1. Establish a contractual relationship with the client;
2. Interview the client to understand the client's objectives and obtaining facts relevant to achieving that objective;
3. Informing, counseling, advising, and assisting in determining which form to use and giving advice on how to complete the form;
4. Inform the client of applicable procedures, including deadlines, documents which must be filed, and the anticipated course of the legal proceeding;
5. Signing, filing, and completing service of the form;
6. Obtaining, explaining, and filing any document needed to support the form;

⁹⁰ <https://ncler.acl.gov/Files/Trauma-Informed-Lawyering.aspx> [Accessed Jan. 10, 2021]

7. Reviewing documents of another party and explaining them;
8. Informing, counseling, assisting, and advocating for a client in mediated negotiations;
9. Filling in, signing, filing, and completing service of a written settlement agreement form in conformity with the negotiated agreement;
10. Communicating with another party or the party's representative regarding the relevant form and matters reasonably related thereto; and
11. Explaining a court order that affects the client's rights and obligations.
12. Obtain relevant facts, and explain the relevancy of such information to the client;
13. Inform the client of and assist with applicable procedures for proper service of process and filing of legal documents;
14. Provide the client with materials prepared by a North Carolina lawyer or approved by the NCLT Board, which contain information about relevant legal requirements, basis for the client's claim, and venue and jurisdiction requirements;
15. Review documents or exhibits that the client has received and explain them to the client;
16. Select, complete, file, and effect service of forms that have been approved by the State of North Carolina, either through a governmental agency or by the Administrative Office of the Courts or the content of which is specified by statute; federal forms; forms prepared by a North Carolina lawyer; or forms approved by the NCLT Board; and advise the client of the significance of the selected forms to the client's case;
17. Perform legal research;
18. Draft letters setting forth legal opinions that are intended to be

- read by persons other than the client;
19. Draft documents beyond what is permitted in paragraph (6), if a form does not meet the needs of a client in substance or scope;
 20. Advise the client as to other documents that may be necessary to the client's case, and explain how such additional documents or pleadings may affect the client's case;
 21. Assist the client in obtaining necessary records, such as birth, death, or marriage certificates.
 22. Communicate and negotiate with the opposing party or the party's representative regarding procedural matters, such as setting court hearings or other ministerial or civil procedure matters;
 23. Negotiate the client's legal rights or responsibilities, provided that the client has given written consent defining the parameters of the negotiation prior to the onset of the negotiation; and
 24. Render other types of legal assistance when specifically authorized by the scope of practice regulations for the approved practice area in which the NCLT is licensed.

E. Circumstances Beyond the Authorized Scope of Practice

An NCLT has an affirmative duty to inform clients when issues arise that are beyond the authorized scope of the NCLT's practice. When an affirmative duty arises, then the NCLT shall inform the client in writing that:

1. the issue may exist, describing in general terms the nature of the issue;
2. the NCLT is not authorized to advise or assist on this issue;
3. the failure to obtain a lawyer's advice could be averse to the client's interests; and

4. the client should consult with a lawyer to obtain appropriate advice and documents necessary to protect the client's interests.

After an issue beyond the NCLT's scope of practice has been identified, if the client engages a lawyer with respect to the issue, then an NCLT may prepare a document related to the issue only if a lawyer acting on behalf of the client has provided appropriate documents and written instructions for the NCLT as to whether and how to proceed with respect to the issue. If the client does not engage a lawyer with respect to the issue, then the NCLT may prepare documents that relate to the issue if the client informs the NCLT how the issue is to be determined and instructs the NCLT on how to complete the relevant portions of the document. Additionally, above the NCLT's signature at the end of the document, the NCLT must insert a statement to the effect that the NCLT did not advise the client with respect to any issue outside of the NCLT's scope of practice and the NCLT completed any portions of the document with respect to any such issues at the direction of the client.

F. Conditions to Providing Limited Legal Services.

1. A North Carolina Legal Technician must personally perform the authorized services for the client and may not delegate these to a non-licensed person. Nothing in this prohibition shall prevent a person who is not a licensed NCLT from performing translation services;
2. Prior to the performance of the services for a fee, the North Carolina Legal Technician shall enter into a written contract with the client, signed by both the client and the North Carolina Legal Technician that includes the following provisions:
 - a. An explanation of the services to be performed, including a

conspicuous statement that the North Carolina Legal Technician may not represent the client beyond the scope of practice regulations for the approved practice area in which the NCLT is licensed;

b. Identification of all fees and costs to be charged to the client for the services to be performed;

c. A statement that upon the client's request, the NCLT shall provide to the client any documents submitted by the client to the North Carolina Legal Technician;

d. A statement that the NCLT is not a lawyer and may only perform limited legal services. This statement shall be on the first page of the contract in minimum twelve-point bold type print;

e. A statement describing the North Carolina Legal Technician's duty to protect the confidentiality of information provided by the client and the North Carolina Legal Technician's work product associated with the services sought or provided by the North Carolina Legal Technician;

f. A statement that the client has the right to rescind the contract at any time and receive a full refund of unearned fees. This statement shall be conspicuously set forth in the contract; and

g. Any other conditions required by the rules and regulations of the NCLT Board.

3. A NCLT may not provide services that exceed the scope of practice authorized by the established rules, and shall inform the client, in such instance, that the client should seek the services of a lawyer.

4. A document prepared by an NCLT shall include the NCLT's name, signature, and license number beneath the signature of the client. NCLTs do not need to sign sworn statements or declarations of the client or a third party, and do not need to sign documents that do not require a signature by the client, such as information sheets.

G. Prohibited Acts

In the course of dealing with clients or prospective clients, a NCLT shall not:

1. Make any statement that the North Carolina Legal Technician can or will obtain special favors from or has special influence with any court or governmental agency;
2. Retain any fees or costs for services not performed;
3. Refuse to return documents supplied by, prepared by, or paid for by the client, upon the request of the client. These documents must be returned upon request even if there is a fee dispute between the NCLT and the client;
4. Represent or advertise, in connection with the provision of services, other legal titles or credentials that could cause a client to believe that the NCLT possesses professional legal skills beyond those authorized by the license held by the North Carolina Legal Technician;
5. Provide services to a client in connection with a legal matter in another state, unless permitted by the laws of that state to perform such services for the client;
6. Represent or otherwise provide legal or law related services to a client, except as permitted by law, this rule or associated rules and regulations;
7. Initiate or respond to an appeal to an appellate court; and
8. Otherwise violate the North Carolina Legal Technician Rules of Professional Conduct.

H. Continuing Licensing Requirements

1. *Continuing Education Requirements.* Each active NCLT must complete a minimum number of twelve (12) hours (6 hours in the licensee's limited area of practice) of approved or accredited education as determined by the Board.

2. *Financial Responsibility.* Each NCLT shall show proof of ability to respond in damages resulting from his or her acts or omissions in the performance of services by:

- a. submitting an individual professional liability insurance policy in an amount to be determined by the Board;
- b. submitting a professional liability insurance policy of the employer or the parent company of the employer who has agreed to provide coverage for the NCLT's ability to respond in damages in an amount to be determined by the Board; or
- c. submitting proof of indemnification by the NCLT's government employer.

3. *License Fees and Assessments.* Each North Carolina Legal Technician must pay the annual license fee established by the Board of Governors, subject to review by the Supreme Court, and any mandatory assessments as ordered by the Supreme Court.

4. *Trust Account.* Each active North Carolina Legal Technician shall annually certify compliance with 27 N.C.A.C. Chapter 2, Rule 1.15-3 Records and Accountings or another rule created for the limited licensing program.

I. Professional Responsibility and Client Relationships

1. North Carolina Legal Technician acting within the scope of authority set forth in this rule shall be held to the standard of care of a North Carolina lawyer.

2. North Carolina Legal Technician shall be held to the ethical standards of the North Carolina Rules of Professional Conduct, which shall create an NCLT IOLTA program for the proper handling of funds coming into the possession of the North Carolina Legal Technician.

3. The North Carolina law of attorney-client privilege and law of a lawyer's fiduciary responsibility to the client shall apply to the North Carolina Legal Technician-client relationship to the same extent as it would apply to an attorney-client relationship.

J. Confidentiality and Public Records

G.S. § 132 shall apply to access to NCLTs and NCLT Board records.

K. Inactive Status

An NCLT may request transfer to inactive status after being admitted. An NCLT on inactive status is required to pay an annual license fee as established by the Board of Governors and approved by the Supreme Court.

L. Reinstatement to Active Status

An NCLT on inactive status may return to active status by filing an application and complying with the procedures set forth for lawyer members of the Bar in the Bar's Bylaws.

M. Voluntary Resignation

Any North Carolina Legal Technician may request to voluntarily resign the NCLT license by notifying the Bar in such form and manner as the Bar may

prescribe. If there is a disciplinary investigation or proceeding then pending against the NCLT, or if the NCLT has knowledge that the filing of a grievance of substance against such NCLT is imminent, resignation is permitted only under the provisions of the applicable disciplinary rules. An NCLT who resigns the NCLT license cannot practice law in North Carolina in any manner, unless they are otherwise licensed or authorized to do so by the Supreme Court.

V. LIMITED TIME WAIVERS (GRANDFATHER PROVISION)

A. Limited Time Waiver, Defined

For the limited time between the date the Board begins to accept applications and [date to be determined], a period of two years, the NCLT Board shall grant a waiver of the minimum associate-level degree requirement if an applicant meets the requirements set forth in the section immediately below. The NCLT Board shall not grant waivers for applications filed after [date to be determined]. The NCLT Board shall not waive the CLE/CPE requirement. The limited time waiver application will be separate from the application process for admission set forth in these regulations.

B. Waiver Requirements and Applications

To qualify for the limited time waiver, an applicant shall pay the required fee, submit the required waiver application form and, and provide proof, in such form and manner as the Bar requires, that he/she:

1. Is at least 21 years old
2. Has one of the following paralegal certifications in good standing for at least one (1) year preceding the date of application:
 - a. North Carolina Certified Paralegal (NCCP) from the North Carolina State Bar; or

- b. South Carolina Bar (SCCP) from the South Carolina State Bar;
 - c. Certified Paralegal (CP) or Certified Legal Assistant (CLA) from NALA - The Paralegal Association (NALA); or
 - d. Professional Paralegal (PP) Certification from the National Association of Legal Professionals (NALS); or
 - e. CORE Registered Paralegal (CRP) or Registered Paralegal (RP) designation from the National Federation of Paralegal Associations (NFPA);
3. Completed ten (10) years of substantive law-related experience supervised by a licensed lawyer within the fifteen (15) years preceding the application for the waiver. Proof of ten (10) years of substantive-law related experience supervised by a licensed lawyer shall include the following:
- a. the name and bar number of the supervising lawyer(s),
 - b. certification by the lawyer that the work experience meets the definition of substantive law-related work experience as set forth in the definition section above, and the dates of employment or service.
4. Passed an NCLT Professional Responsibility Examination: Tests knowledge in the Rules of Professional Conduct.
5. Passed an NCLT examination for each practice area for which the applicant seeks to practice.
6. Is of good moral character; and must provide references from at least two legal professionals who have significant legal or judicial experience in the area in which licensing is sought or a related field. A reference may not be related by blood or marriage to the applicant.
7. Completed one (1) additional hour of professional responsibility devoted exclusively to instruction in trauma-informed legal advocacy
8. Has a proven record of ethical, civil and professional behavior; and
9. Complied with all provisions concerning licensing and enrollment fees.

C. Review of Limited Time Waiver Application

The Board shall review each limited time waiver application to determine if the application meets the waiver requirements. Any application that does not meet the limited time waiver requirements as established herein shall be denied by the Board on administrative grounds, with a written statement of the reason(s) for denial.

D. Review of Denial

An applicant whose application for waiver has been denied by the Board may request review by the NCLT Board chair. Such request shall be filed with the Board within fourteen (14) days of the date of the notification of denial. The applicant shall be provided with written notification of the chair's decision, which is not subject to review.

E. Expiration of Limited Time Waiver Approval

Approval of the limited time waiver application shall expire [date to be determined]. After expiration of the approval, any subsequent application for licensure by the applicant shall meet all of the standard requirements for admission without waiver.

VI. STAKEHOLDER SURVEYS

Consumer Survey

While it was our desire to acquire survey data related to consumer interest in the proposed NCLT program, the authors of this proposal do not have direct access to the appropriate population sample to conduct a meaningful survey. Therefore, we were unable to collect enough meaningful data to share. We defer to “justice gap” statistics provided by the North Carolina Equal Access to Justice

Commission, Legal Aid of North Carolina, and the Legal Services Corporation in determining need. If the State is interested in pursuing a formal survey of the affected populations, we are more than willing to assist in that process given access to the appropriate resources. For example, if we were assisting with research in an official capacity, non-profit entities may be more likely to assist us with obtaining this information.

Paralegal/NCCP Survey⁹¹

Pursuant to our public records request, the North Carolina State Bar provided a contact list of all NCCPs. A recent 21-question survey was sent to all NCCPs via email. We received 536 responses to the survey and responses indicate that there is a strong interest among paralegals to pursue licensing should a program become available. Ninety-four point four percent (94.4%) (506 respondents) believed that creating a limited licensing option would assist with North Carolina's access to justice concerns. Eighty-eight point four percent (88.4%) of paralegals expressed an interest in licensure as an NCLT (given the available practice areas). Aggregated survey results (excluding personally identifiable information) are provided in the appendix (see attachment 40).

Educator Survey⁹²

Pursuant to our public records request, the North Carolina State Bar provided an email list of all educational programs approved for the NCCP program. We sent a survey to 38 educational institutions to inquire whether they were in support of the creation of a limited licensing program and whether they would be willing to provide the classes necessary to meet NCLT education requirements. Eight (8) educational institutions responded. Of the respondents, 100% of program

⁹¹ Aggregated Paralegal Survey Results. Our survey includes a question regarding whether there is any additional information the submitter would like to share. The comments are available upon request.

⁹² Aggregated Educator Survey Results. Our survey includes a question regarding whether there is any additional information the submitter would like to share. The comments are available upon request.

directors were in favor of the creation of an NCLT program. Fifty percent (50%) of educators stated their institution would be willing to work with the North Carolina State Bar to provide classes to facilitate requirements. Fifty percent (50%) said “maybe” implying that they needed more information before they responded. Aggregated survey results (excluding personally identifiable information) are provided in the appendix (see attachment 41).

Attorney Survey

We prepared an attorney survey but have not actively solicited responses as we have for the paralegal and educator surveys. We thought it wise to determine the State’s position on the proposal before seeking input from attorneys. However, for the attorneys who saw our paralegal and educator surveys on social media and wanted to give input, we provided an attorney survey link so they would have a way to share their opinions.

VII. ADDITIONAL RESEARCH

Collectively, we have spent hundreds of hours and many years researching access to justice concerns across the country and in North Carolina. To keep the volume of this proposal manageable and the presentation engaging, we have not provided all of the exhaustive research we have collected. Instead, we have provided a synopsis of access to justice concerns affecting North Carolinians along with a plan proactively addressing those concerns.

In addition, we continue to monitor activities in other states. Alicia Mitchell-Mercer has received an invitation to roundtable discussions created by Steve Crossland, Washington’s LLLT Board Chair. It is an unofficial (not bar-sponsored) discussion group. The roundtable includes members from WA, OR, CA, CO, NV, AZ, NM, UT, CT, MA, NY, plus the Canadian provinces of BC, Saskatchewan, Manitoba, Ontario, and Alberta. Through these roundtable

discussions, we've been able to obtain additional information regarding activities in other jurisdictions that may not be readily available to the public.

Should the State have questions after reviewing this proposal, we remain available to research any topic or concern that may require clarification. Additionally, if the State decides to form an official committee to explore this option further, the authors of this proposal request to be considered for appointment to that committee.

VIII. CONCLUSION

A North Carolina Legal Technician program would not, by itself, eradicate the mounting crisis in access to affordable legal services. However, it could be a critical piece to the puzzle, and, if administered well, one way to significantly narrow the access to justice gap.

Many organizations are advocating for non-lawyers to play a larger part in our legal system. The National Center of Access to Justice (NCAJ) at Fordham Law School expressed its support for authorizing professionals other than lawyers to provide legal services and gain exemption from UPL laws in its written comment to ATILS (see attachment 42).⁹³ Despite apprehension about relaxing UPL, we believe the size and severity of the access to affordable legal services issue outweighs the concerns. We also believe that most, if not all, concerns can be properly addressed through comprehensive and proactive oversight.

Conceptually, a limited licensing program makes sense and has had success in other heavily regulated professions where access to services is at issue. For example, in the medical field, nurse practitioners and physician assistants are independently licensed health care providers. They are not doctors, but they take on some roles traditionally provided by doctors, including making diagnoses and

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<https://ncforaj.org/wp-content/uploads/2019/09/NCAJ-Final-Comment-on-California-Bar-Recommendation-2.0-pdf-as-submitted-9-23-19.pdf> [Accessed Jan. 18, 2021]

prescribing medication. You wouldn't expect a neurosurgeon to be the person taking your blood sample, nor would it be reasonable to pay that person's rate to do so.

The legal field owes it to the public to discover the tasks that can effectively be managed by professionals other than lawyers with specific training (such as LLLTs). Keeping the current outdated and obstructive UPL restrictions in place is only keeping countless people from getting the legal help they urgently need.

NCLTs can provide quality representation by being licensed only in certain specialty areas where they have shown a high level of competence through a combination of education, experience, testing, and licensing. By licensing qualified non-lawyers to practice in only certain areas, the public can be assured of competent representation.

Our communities, our state, our country, and our world are changing - and not always for the better. In the past year, every single individual has experienced an unprecedented shift in our way of life due to the COVID-19 pandemic. Government, corporations, nonprofit organizations, private businesses, and individuals have all had to embrace change. The mounting recognition of civil and social injustices that have coincided with the pandemic have also called for change. As a community of professionals that is specially educated, certified, and licensed to provide a service to the public that no other profession is allowed to provide, we have a duty to think beyond what has always been done. We have a duty to grow and change within our government and communities and meet the changing needs of the public.

North Carolina now stands at the edge of opportunity while its underserved population languishes under the weight of bureaucratic injustice. North Carolina should learn from the mistakes of its limited licensing predecessors while implementing a program that will greatly and positively impact the quality of life for North Carolinians, who rely on our legal system to protect them.

Respectfully submitted this the 22nd day of January, 2021.

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APPENDIX

The appendix duplicates the most important reference materials provided in the footnotes to provide ease of access to that content in the event a hyperlink in the footnotes no longer works. The appendix contains reference materials for reports, rules and regulations, judicial opinions, and journal articles. We suggest accessing reference materials through hyperlinks in the footnotes as the easiest way to review reference materials. Use the appendix only if a link to reference material in the footnotes does not work (or if you prefer it). The appendix is provided to you as a separate document.