

A Comparison of Non-Lawyer Legal Professionals for Colorado Supreme Court Advisory Committee on Licensing Paralegals

I. INTRODUCTION

In a continuing effort to support the Colorado Supreme Court Advisory Committee on Limited License Legal Technicians, this report was created following a request from the Committee to further explore non-lawyer positions that are in effect in other jurisdictions and States. The authors of this report were charged with an in-depth look at four particular positions: New York's Court Navigators, Arizona's Legal Document Preparers, Washington's Limited License Legal Technicians, and paralegals/non-lawyers who are allowed to "practice" before an administrative panel.

The report below takes a look at these four positions and focuses on comparisons and contrasts between them, while outlining the basic essence and limitations of each position. Special attention was placed, as much as possible, on the public sector being served and in what capacity, the legal areas of operations for these positions, and the effect of each professional.

This report concludes with a look at how these positions can guide Colorado in deciding whether an intermediary position could be effective in this State, and whether such a position should be pursued further. It is the hope and intention of this report to simply provide information for comparison purposes to allow a knowing and informed decision to be reached in Colorado. The authors are humbly proud and pleased to have been given the opportunity to assist in this endeavor.

II. ADMINISTRATIVE ACCREDITED REPRESENTATIVES (AAR) IN COLORADO

A. Summary. If a Federal, State or local regulatory agency authorizes participation by a non-lawyer, and adequate protections are in place, then legal representation that would otherwise be considered the practice of law may be allowed by a non-lawyer. For example, accredited representatives working for recognized agencies and reputable individuals may be authorized to represent persons in immigration law matters. Additionally, business and labor unions may represent employers or employees in employment matters before the state department of labor, and engineers or development planners may participate and represent others in county commissioner and land use planning matters. While the Colorado Supreme Court maintains exclusive jurisdiction to regulate the practice of law in Colorado, the Court often defers to the Colorado legislature, and the U.S. Congress, in their determination of appropriate exceptions to the practice of law.

B. Scope and practice of AARs in Colorado. Administrative Accredited Representatives are authorized under 8 C.F.R. § 292.2 and § 1292.2. An AAR may or may not be an attorney, but must be a staff member of a BIA-accredited organization. Currently, the State of Colorado has 18 Accredited Representative recognized organizations, seven of which

are located in the City and County of Denver. Services include legal representation in immigration, criminal, and family law. Examples include:

1. Department of Veteran Affairs. The Department of Veteran Affairs has 9,327 Administrative Accredited Representatives nationwide, 44 registered in the State of Colorado. These representatives are sometimes referred to as “Claim Agents” due to their specialty in filing disability benefits for veterans.

2. Department of Homeland Security. The Department of Homeland Security utilizes Accredited Representatives for immigration proceedings which can and usually involve federal and state services for participants and their family members usually in the area of family law which includes adoption, custody, and guardianship.

3. Professional Licensing/Certification Organizations. The Colorado Supreme Court has authorized licensed brokers and given them leeway to practice law in limited situations due to specialized training and strict licensing requirements. Pursuant to C.R.S. 12-61-101, et seq., Real Estate Brokers are licensed, but only after passing an examination to demonstrate the competency of the applicant to select and use standard form legal documents approved by the Real Estate Commission on behalf of clients, *see Conway-Bogue Realty v. Denver Bar Assoc.*, 135 Colo. 398, 312 P.2d 998 (1957).

4. Pro Bono Legal Service Organizations. Other Colorado organizations that offer pro bono legal services with the assistance of paralegals in Colorado are Mi Casa Resource Center, Colorado Legal Services, Family Tree, and many local County Bar Associations, including Adams, Jefferson, Weld, and Boulder. Most of the pro bono organizations service low-income clients seeking representation in the areas of family, landlord tenant, and elder law.

C. What AARs are authorized to perform. Accredited Representatives can provide legal advice and represent clients in hearings. A Board of Immigration Appeals-accredited representative working for a BIA-approved organization is eligible to represent clients before the United States Citizenship and Immigration Services (USCIS) and Executive Office for Immigration Review (EOIR). BIA Accredited Representatives are not attorneys, but they may give immigration legal advice. An Accredited Representative must work for a BIA-approved non-profit, religious, charitable, social service or similar organization in the United States. He or she may only charge nominal (small) fees, if any, for legal services.

For more info, go to <http://www.justice.gov/eoir/recognition-and-accreditation-program>

III. NEW YORK COURT NAVIGATORS

A. Summary. The New York Court Navigator Program was created in 2013 by the New York State Chief Judge Lippman’s Committee on Non-lawyers and the Justice Gap. The Navigator Program is composed of a series of pilot projects which began in March 2014. The Navigator Program provides free services to litigants by trained non-lawyers in Housing Court in Brooklyn and in the Civil Court consumer debt section in the Bronx. The information that follows is a summary of the information contained within the *New York State Court*

Navigator Program Navigator Snapshot Report drafted by the Committee on Non-lawyers and the Justice Gap, dated December 2014.

B. Navigator Pilot Programs in Kings County Housing Court. There are three Navigator programs in Kings County Housing Court that together provide comprehensive services to assist unrepresented litigants: (1) Housing Court Answers Program, (2) University Settlement Program, and (3) Access to Justice Program. Each Navigator program has its own structure and supervising entity.

1. Housing Court Answers Program. Housing Court Answers (HCA) is an information and advocacy organization that supervises Navigators as part of its program. On Monday and Thursday mornings, HCA Navigators approach litigants as they wait outside of the Clerk's Office of the Kings County Housing Court. This is the "earliest contact that litigants in Housing Court have with the Navigator Program in Kings County Housing Court."

HCA Navigators assist litigants in two ways: 1. help litigants to file their Answers, and 2. screen litigants to determine if they would be better served by University Settlement Navigators who provide more comprehensive, ongoing services to specific populations.

HCA Navigators "do not accompany litigants into the courtroom, cannot offer any legal advice, and do not conduct any follow-up with litigants." HCA Navigators offer one time assistance to eligible litigants and handle approximately 30 cases per week. As of August 2014, HCA Navigators screened 2,368 litigants, assisted 329 of them in filing Answers, and referred 91 to the University Settlement Program.

2. University Settlement Program. The University Settlement Program is administered by University Settlement, a settlement house on the Lower East Side of Manhattan. The Navigators are University Settlement employees and are primarily social workers or case workers. The Navigators are in court on Monday and Wednesday and complete intakes on litigants referred by Housing Court Answers.

University Settlement Navigators assist litigants with more complex cases that are referred to them through Housing Court Answers. University Settlement Navigators "stay with litigants through the entire court process and thus provide the most comprehensive case assistance of the three Navigator groups" in the Navigator Pilot Programs in Kings County Housing Court. University Settlement Navigators "accompany litigants to court and speak in the courtroom if asked a factual question by the judge or court attorney." They provide the "social services needed throughout the process to ensure that tenants are able to maintain their homes."

As of August 31, 2014, University Settlement Navigators completed intakes for over 100 unrepresented litigants and provided case assistance to 57 of them.

3. Access to Justice Program. The Access to Justice (A2J) Program is supervised by the New York State Unified Court System's Access to Justice Program. Court employees "train college students and other approved volunteers to improve unrepresented litigants' court experience." The A2J Program "operates in partnership" with the Housing Court Answers Program and the University Settlement Program.

A2J Navigators are able to help litigants in nonpayment cases who need assistance but do not meet the eligibility guidelines for the Housing Court Answers Program and the University Settlement Program.

A2J Navigators are positioned in the courtroom and in the hallway near the courtroom. The judge announces that the Navigators are available and puts out a sign-up sheet for those who wish to participate. Two to three A2J Navigators are available every day. They volunteer “a minimum of 30 hours within three months of their training.”

A2J Navigators provide limited services which include:

- 1) provide moral support
- 2) explain what to expect and what the role of each person is in the courtroom
- 3) help to locate legal information and information on how to find a lawyer on a website called LawHelp.org
- 4) help litigants to fill out DIY forms
- 5) help litigants identify resources in the courthouse and outside the court to assist in resolving their cases
- 6) help litigants collect and organize documents needed for their cases
- 7) accompany litigants during hallway negotiations with opposing attorneys to provide support
- 8) accompany litigants in conferences with the judge or the judge’s court attorney to provide support
- 9) assist litigants by responding to a judge’s or court attorney’s questions concerning facts related to the case

C. Bronx Consumer Debt Navigator Program. The Consumer Debt Navigator Program is a navigator program that assists litigants in consumer debt proceedings in the Consumer Debt Part of the New York City Civil Court in Bronx County. Similar to the A2J Navigators in Kings County, the Consumer Debt Navigators in the Bronx are supervised by the New York State Unified Court Systems Access to Justice Program. The Consumer Debt Navigators work in Civil Court from Monday through Friday. Two to five volunteers and a supervisor provide on-site services each day. The Navigators are primarily college students in the Bronx and are stationed in the courtroom. A court officer announces their availability to litigants.

Consumer Debt Navigators offer the same services as A2J Navigators in Brooklyn Housing Court. Their primary role is “to explain the court process, sit with litigants, and encourage them to be ‘proactive’ in their cases.”

Fourteen Navigators were trained in the first semester. They assisted 434 defendants in the Consumer Credit part in the Bronx. Many of the Navigators were fluent Spanish speakers. They attended a training program provided by the court which include a two and a half hour seminar composed of “a video and comprehensive role-playing scenarios.” They were instructed on topics such as the “Basics of Consumer Debt Cases,” “Interviewing and Communications Skills,” and “Using the DIY Computers and Law Help.” The Consumer Debt Navigators

“assisted 891 unrepresented litigants in the Bronx Consumer Debt part” through August 31, 2014.

D. Data Collected. An analysis was conducted of the outcomes of 100 housing cases having similar issues handled in Brooklyn Housing Court between January and August 2014. Tenant litigants in fifty cases received help from a University Settlement Navigator, and tenant litigants in the other 50 cases did not. A pre-printed form available to all tenants in housing court lists more than 12 defenses that may apply in a landlord/tenant dispute. Those tenants who were assisted by the University Settlement Navigators asserted an average of 4.1 defenses per case. Likewise, the “range and diversity of defenses” were in stark contrast to those defenses raised by tenant litigants who did not receive assistance. Those not assisted asserted an average of 1.3 defenses, the most common defense being a general denial. In more than one third of the cases of those not assisted, a general denial was the only defense raised.

IV. WASHINGTON’S LIMITED LICENSE LEGAL TECHNICIANS (LLLTs) AND ARIZONA’S CERTIFIED LEGAL DOCUMENT PREPARERS (CLDPs)

A. Summary. Arizona and Washington both allow limited legal services to be provided by a qualified legal worker who is not a licensed attorney. While Washington has just recently established the LLLT position, Arizona’s CLDPs have been practicing for over a decade. Both states are similar in that they allow such workers to engage in a myriad of legal specialties; however, Washington stands alone by allowing their LLLTs to give legal advice.

B. Washington. Washington is the first state in the country to offer an affordable legal support option to help meet the needs of those unable to afford the services of an attorney. Legal Technicians, also known as Limited License Legal Technicians (LLLTs), are trained and licensed to advise and assist people going through divorce, child custody and other family law matters in Washington. While they cannot represent clients in court, Legal Technicians are able to consult and advise, complete and file necessary court documents, help with court scheduling and support a client through the often confusing maze of the legal system.

A significant new provision covers permissible business structures for Legal Technicians and lawyers, including joint ownership of firms. The proposed rules include specific restrictions against a Legal Technician: (1) directing a lawyer’s professional judgment, (2) having direct supervisory authority over a lawyer, and (3) possessing a majority interest or exercising controlling managerial authority.

1. Certification and Education. All applicants for licensure as an LLLT must pass the LLLT exam and meet the following education requirements:

- 1) An associate level degree or higher,
- 2) **45 credit hours of core curriculum** through an ABA approved law school or ABA approved paralegal program, and
- 3) **Practice area courses with curriculum** developed by an ABA approved law school Core Curriculum Requirement

To satisfy the 45 credit hours of core curriculum requirement, you must take the following seven courses at an ABA approved legal studies program:

- 1) Civil Procedure, minimum 8 credits,
- 2) Contracts, minimum 3 credits,
- 3) Interviewing and Investigation Techniques, minimum 3 credits,
- 4) Introduction to Law and Legal Process, minimum 3 credits,
- 5) Law Office Procedures and Technology, minimum 3 credits,
- 6) Legal Research, Writing, and Analysis, minimum 8 credits, and
- 7) Professional Responsibility, minimum 3 credits.

Applicants may also apply for a limited time waiver that provides a partial education waiver for certified or registered paralegals who have ten years of substantive law-related experience. The education waiver will waive the following education requirements: (1) an associate level degree, and (2) 45 credits of core curriculum.

Those who pass the examination will be eligible for licensure provided they meet all pre-licensure requirements including completing 3,000 hours of substantive law-related experience supervised by a licensed attorney.

2. Scope of Practice. The Limited License Legal Technician shall ascertain whether the issue is within the defined practice area for which the LLLT is licensed. If it is not, the LLLT shall not provide the services required on this issue and shall inform the client that the client should seek the services of a lawyer. If the issue is within the defined practice area, the LLLT may undertake the following:

- 1) Obtain relevant facts, and explain the relevancy of such information to the client;
- 2) Inform the client of applicable procedures, including deadlines, documents which must be filed, and the anticipated course of the legal proceeding;
- 3) Inform the client of applicable procedures for proper service of process and filing of legal documents;
- 4) Provide the client with self-help materials prepared by a Washington lawyer or approved by the Board that contain information about relevant legal requirements, case law basis for the client's claim, and venue and jurisdiction requirements;
- 5) Review documents or exhibits that the client has received from the opposing party, and explain them to the client;
- 6) Select, complete, file, and effect service of forms that have been approved by the State of Washington, either through a governmental agency or by the Administrative Office of the Courts, the content of which is specified by statute; federal forms; forms prepared by a Washington lawyer; or forms approved by the Board; and advise the client of the significance of the selected forms to the client's case;
- 7) Perform legal research;

- 8) Draft legal letters and documents beyond what is permitted in paragraph (6), if the work is reviewed and approved by a Washington lawyer;
- 9) Advise a 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;
- 10) Assist the client in obtaining necessary documents or records, such as birth, death, or marriage certificates.

C. Arizona. The Arizona Supreme Court enacted the practice of Certified Legal Document Preparers in 2003 with the passage of an amendment to Arizona Supreme Court Rule 31 and Arizona Code of Judicial Administration § 7-208 and § 7-201. The Certification and Licensing Division assists in administering the program. The term "Legal Document Preparer" is defined under the code as "an individual or business entity certified ... to prepare or provide legal documents, without the supervision of an attorney, for an entity or a member of the public who is engaging in self representation in *any* legal matter." CLDP licenses fall under one of two categories, either Individual Certification or Business Entity Certification.

1. Individual Certification. An individual applicant must pass the Legal Document Preparer Knowledge Examination, submit to a criminal background check, and meet educational/work requirements. The examination consists of "legal terminology, client communication, data gathering, document preparation, ethical issues, and professional and administrative responsibilities pertaining to legal document preparation, as identified through a job analysis conducted at the direction of the board." Professional Responsibility comprises 39% of the Exam and includes Ariz. Admin Code § 7-208 and other statutes, rules, and orders designed to maintain professional conduct and protect the public. In February 2015, the total average pass rate was 58.5%.

An applicant must submit finger prints for a criminal background check, be a citizen of the United States, and be at least eighteen years of age. There are seven categories of education/work experience that the applicant may fall under to qualify including: (1) high school diploma plus two years supervised legal experience, (2) four-year degree plus one year supervised legal experience, (3) Paralegal/Legal Assistant Certification from an American Bar Association approved program, (4) certificate from an institutionally accredited program that requires completion of a minimum 24 semester hours in legal courses, (5) certificate from an accredited educational program designed specifically for certification as a legal document preparer, (6) law school degree from an American Bar Association accredited law school, and (7) degree from a law school that is institutionally accredited. Continuing legal educational is required to maintain the individual certification.

2. Scope of Practice. Under Ariz. Admin Code § 208(F)(1), CLDPs are authorized to:

- 1) Prepare or provide legal documents, without the supervision of an attorney, for a person or entity in any legal matter when that person or entity is not represented by an attorney;

- 2) Provide general legal information, but may not provide any kind of specific advice, opinion, or recommendation to a person or entity about possible legal rights, remedies, defenses, options, or strategies;
- 3) Provide *general factual information* pertaining to legal rights, procedures, or options available to a person or entity in a legal matter when that person or entity is not represented by an attorney;
- 4) Make legal forms and documents available to a person or entity who is not represented by an attorney; and
- 5) File, record, and arrange for service of legal forms and documents for a person or entity in a legal matter when that person or entity is not represented by an attorney.

CLDPs are subject to additional requirements and ethical standards. They must identify their certificate number on all legal documents prepared. An individual must notify the Supreme Court of Arizona of a change of employment or home address. Ethics, professionalism, and fees are further discussed in Ariz. Admin Code § 208. Currently, it costs \$650 for an individual to be certified for the two-year period.

3. Business Entity Certification. Business entities that offer legal document preparation services or trainee programs must obtain a license from the State of Arizona. Today, there are about 630 active licenses for the period beginning July 2015 to June 2017. Around 30% are issued to business entities and 70% to individuals. All business entities that offer legal document preparation services or supervise relevant trainees must obtain a business certification.

CLDP Businesses engage in a wide range of legal specialties. The most prevalent include family law, immigration, probate, bankruptcy, lien/real estate services, business formation, and HOA/property management services. Most CLDP businesses engage in multiple types of law and charge a package rate. For example, Arizona Legal Document Services, L.L.C. charges \$300 for a divorce without children and \$400 for a divorce with children. A disclaimer is written at the bottom of the webpage: "Arizona Legal Document Services, L.L.C. is not a law firm, does not employ attorneys and cannot provide you with legal advice. If you seek representation or have complex legal issues that cannot be resolved on your own, you should hire an attorney. We have references available. Any information you provide to Arizona Legal Document Services, L.L.C. is kept completely confidential and will not be divulged to any third party except by court-order or subpoena."

V. COLORADO LEGAL SERVICES - PARALEGAL SERVICES IN SPECIFIC TYPES OF BENEFITS CASES

A. Summary. Colorado Legal Services (CLS) is a non-profit organization with a long established history in Colorado. In 2014, about half the clients received services related to family law, with housing and consumer/finance tying for second. In 2014, approximately 1,955 people obtained legal representation through the programs and 5,676 others

were provided legal information, materials or brochures because the applicant's household income/assets exceeded the eligibility requirements to qualify for representation. CLS provides services to low-income Coloradoans and seniors.

B. What CLS paralegals are authorized to perform:

1. Direct clients to legal information. This includes an array of online and printed resources. Areas of law include families and children, housing, consumer issues, elder law, health law, government benefits, employment, civil rights, business law migrant workers, immigration, juvenile, taxes, and Native American legal issues. The legal information disclaimer is clear before one begins the tutorial: "This program is NOT legal advice. ... If you aren't sure if you should file for bankruptcy, or you aren't sure what kind of bankruptcy to file, you should talk to a lawyer." The online training provides hyperlinks for the applicant to explore other resources like: fee waivers, national median family income websites, definitional help, and resources for dealing with harassing debt collectors.

2. Perform interviews. CLS paralegals and trained volunteers perform intake interviews. Such interviews are performed in person and can also be completed online through an interactive web-based program.

3. Represent clients at Administrative Hearings. CLS paralegals perform a variety of casework under the supervision of a licensed attorney, as well as assisting clients at administrative hearings. Paralegals attend hearings with clients at the Office of Administration Courts located at 1525 Sherman Street, Denver, CO 80203, Department of Veteran Affairs, and sometimes at a County Department of Human Services office if the Administrative Judge is willing to make that concession. Although supervised by an attorney, it is more common than not that the paralegal appears alone with the client at the hearings.

VI. SELF-REPRESENTED LITIGANT COORDINATORS (SRLCs)

A. Summary. The Supreme Court of Colorado, Office of the Chief Justice, issued a Directive Concerning Colorado Courts' Self-Represented Litigant Assistance. The directive "concerns assistance provided by Clerks, Family Court Facilitators, Self-Represented Litigant Coordinators, and others to litigants or potential litigants in *non-criminal matters*." The goal is to "provide, within the bounds of the directive, assistance to achieve fair and efficient resolution of cases, and to minimize the delays and inefficient use of court resources that may result from use of the court system by litigants who are not represented by lawyers."

B. What SRLCs are not authorized to do:

- 1) Recommend whether a case should be brought to court;
- 2) Give an opinion about what will happen if a case is brought to court;
- 3) Represent litigants in court;
- 4) Tell a Self-Represented Litigant that Self-Help Personnel may provide legal advice;

- 5) Provide legal analysis, strategy, or advice;
- 6) Disclose information in violation of a court order, statute, rule, chief justice directive, or case law;
- 7) Deny a Self-Represented Litigant access to the court;
- 8) Tell the Self-Represented Litigant anything Self-Help Personnel would not repeat in the presence of the opposing party, or any other party to the case;
- 9) Refer the Self-Represented Litigant to a specific lawyer or law firm for fee-based representation.

C. What SRLCs are authorized to do: Under the Directive Concerning Colorado Courts' Self-Represented Litigant Assistance (Chief Justice Directive 13-01), the role of the SRLC includes the following basic services in non-criminal matters:

- 1) Provide general information about court procedures and logistics
- 2) Provide information about court rules, terminology, procedures and practices
- 3) Explain options within and outside the court systems
- 4) Assist self-represented litigants (hereinafter "SRL") in selecting correct forms, and provide instructions on how to complete them based on what the litigant wants to pursue or request of the court
- 5) Record information provided by the SRL on approved forms if the litigant cannot do so themselves
- 6) Assist SRL to understand what information is needed to complete filling the approved forms
- 7) Answer general questions about the court system, court process, timelines, docket information, how to get a hearing scheduled, and the availability of an interpreter
- 8) Assist the SRL with preparation of court orders or discover whether an order has been issued
- 9) Provide language and/or citations of statutes / rules.

VII. RECOMMENDATIONS

A. Can the SRLC model in Colorado be "revamped" to address the current needs and concerns of the legal community? The current Colorado Self-Represented Litigant Coordinators were created to facilitate access to the courts, to provide assistance to achieve fair and efficient resolution of cases, and to minimize the delays and inefficient use of court resources that may result from the use of the court system by litigants who are not represented by an attorney.

B. Scope of the SRLC program. Under the Directive Concerning Colorado Courts' Self-Represented Litigant Assistance (Chief Justice Directive 13-01), the role of the SRLCs includes the following basic services in non-criminal matters:

- 1) Provide general information about court procedures and logistics
- 2) Provide information about court rules, terminology, procedures and practices
- 3) Assist self-represented litigants (“SRL”) in selecting correct forms, and provide instructions on how to complete them based on what the litigant wants to pursue or request of the court
- 4) Record information provided by the SRL on approved forms if the litigant cannot do so themselves
- 5) Assist SRL to understand what information is needed to complete filling the approved forms
- 6) Assist the SRL with preparation of court orders or discover whether an order has been issued
- 7) Provide language and/or citations of statutes / rules.

The SRLCs are not permitted to, among other tasks:

- 1) Represent SRLs in court, and
- 2) Provide legal advice, analysis, or strategy.

The Directive also makes it clear, and directs the SRLCs to notify the SRL, that they:

- 1) Are employees of the court and cannot act as the SRL’s lawyer or provide legal advice.
- 2) Have no obligation to confidentiality for the SRL.
- 3) Are not creating an attorney-client relationship, and are not responsible for the outcome of the case.

C. Problems with the SRLC program. According to the SRLCs who have been interviewed (and have chosen to remain anonymous), they have wavering faith in the part of the directive that states an attorney-client relationship is not created, and, given the amount of information that the Directive says a SRLC may share with the SRL, question whether or not they are “practicing law”. Thus, the SRLCs interviewed see the current program as one that raises the following issues:

- 1) The apparent conflict between what they can do and what constitutes the practice of law.
- 2) The possibility that the court could still decide that the SRLC has created an attorney-client relationship and order the SRLC to continue representation pro bono.
- 3) The limitations placed by being branded a “court employee or volunteer”.

Comparing the SRLC model to that of the Administrative Accredited Representative (“AAR”), the differences in the AAR model are that they can:

- 1) Give immigration legal advice to include which forms to submit and explain legal options available,

- 2) Communicate with Immigration authorities about the case, and
- 3) Charge nominal fees, if any, for their services.

D. Combined approach. The AAR model is designed to include lawyers, accredited representatives, law students and graduates, and friends or relatives for assistance. The SRLC system is designed to include court clerks, family court facilitators, law librarians and others. The AAR system is also designed to allow a small fee charged for their services, while the SRLCs are paid through the court system, if at all.

It does not seem feasible to revamp the SRLC system, as it would necessarily still exist as a “voluntary court employee” designation with seemingly conflicting issues about legal advice, the practice of law, and further representation demands. Alleviating these issues would allow the SRLCs to provide the services the Directive asks for while relieving the fear for reprisal or further representation.

However, combining the two systems outlined above could provide the blueprint for a legal professional intermediary that has the potential to meet the needs of the community in Colorado and help assist the judicial efficiency and preparedness of self-represented litigants. Combining the two systems, with ideas from other legal jurisdictions from across the U.S., can provide an intermediary legal professional who can:

- 1) Give legal advice about approved forms and assist in preparing them (per AARs and SRLCs).
- 2) Explain options for the case in general (per AARs, and SRLCs).
- 3) Represent the SRL before a court and address court at the court’s request (per NY Navigators).
- 4) Provide information on court rules / practices / processes (per SRLCs and AARs).
- 5) Maintain separation from creating attorney-client relationships (per SRLCs).
- 6) Maintain confidentiality.

This new position can be placed under the direction and authority of the Attorney Regulation Office (instead of the courts), and be open for lawyers, paralegals, 3rd year law students and law school graduates, social workers, and/or court personnel as well. A fee schedule can also be created (much like a court-appointed attorney), or market conditions can set the rates.

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Below is a snapshot comparison of the Non-lawyer legal positions discussed in this report in order as they appear in this report.

Position	Legal Info/Advice?	Represent?	Address court?	Fees?
<u>AAR</u>	Limited	Yes (Admin)	No	Yes
<u>Navigators</u>				
HCA	No	No	No	No
US	No	No	Yes	No
A2J	Limited	No	Yes	No
CDN	Limited	No	Yes	No
<u>Wash LLLT</u>	Yes	No	No	Yes
<u>CLDP</u>	Limited	No	No	No
<u>CLS</u>	No	Yes (Admin)	No	Yes
<u>SRLC</u>	Limited	No	No	No

