



**REPORT TO THE ARIZONA SUPREME COURT
TASK FORCE ON DELIVERY OF LEGAL SERVICES**

**Designing a New Tier of
Civil Legal Professional for
Survivors of Domestic Violence**

Innovation for Justice Program

Innovating Legal Services Course, Spring 2019

www.law.arizona.edu/i4j



THE UNIVERSITY OF ARIZONA
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INTRODUCTION

Students in the Innovating Legal Services course at the University of Arizona designed a one-year pilot program that would provide legal training to lay legal advocates at Emerge Center Against Domestic Abuse (“Emerge”). Emerge currently has seven lay legal advocates who assist domestic violence survivors (“participants”) in navigating civil legal processes. Domestic violence survivors typically navigate the civil legal system without the assistance of counsel, or with limited advice and brief service from legal aid agencies. Currently, lay legal advocates can provide legal information to survivors, but cannot offer legal advice.

In this pilot program, lay legal advocates who complete a training and exam offered by the University of Arizona James E. Rogers College of Law would be certified for a one-year period as “LLAs,” a new tier of civil legal service provider. As LLAs, they would be licensed to provide legal advice to Emerge participants in specific areas. The pilot would provide valuable information about whether a new tier of legal service can improve access to justice in the civil legal system.

This report provides an overview of the pilot program, including: (1) the scope of legal services that LLAs could provide; (2) how LLAs would be trained at University of Arizona Law; (3) how the LLAs would be certified, licensed and regulated by the State Bar of Arizona; (4) how the bench, bar and public would receive education regarding the new LLA program; (5) recommendations for evaluation of the pilot; (6) expected costs of the pilot.

To learn more about the Innovation for Justice program at University of Arizona Law, please visit www.arizona.law.edu/i4j.

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THE INNOVATION FOR JUSTICE APPROACH: USING PARTICIPATORY DESIGN IN POLICY CREATION

The Innovation for Justice Program (i4J) offers project-based, community-engaged learning opportunities for students in undergraduate and graduate programs at the University of Arizona using a design- and systems-thinking methodology. The design-thinking framework engages students in problem identification and problem-solving through a highly visual, five-part iterative process: empathize, define, ideate, prototype and test. In systems-thinking, students view the problem through multiple lenses, considering the diverse stakeholders affected by the problem, identifying causes and effects of the problem components, mapping the forces at work in an existing system and identifying levers and opportunities that can deliver effective and positive change across the system.

Each spring, the i4J program applies its innovative approach to social-justice problem solving to a particular policy-level challenge in the community through the Innovating Legal Services course (ILS). ILS is an interdisciplinary course open to both graduate and undergraduate students. The fundamental premise of the ILS course is this: the majority of Americans can't afford to hire counsel when confronted with a civil legal need. As a result, they attempt to navigate the civil legal system without representation, or simply do not engage with the system at all. The fundamental question of the course is this: what are the societal implications of that system failure, and what can we do to change the status quo? ILS students focus on a particular avenue of legal service and explore what's working and what's not, with the goal of generating creative solutions. Guest participants from the community are invited to work with students in problem identification and solution building.

In spring 2019, ILS framed its challenge as "should Arizona create a new tier of civil legal professional, and what could that mean for victims of domestic abuse?" That challenge was selected because in November 2018 the Arizona Supreme Court commissioned its Task Force on Delivery of Legal Services to examine, among other issues, the creation of a new tier of civil legal service provider in the State of Arizona. The i4J Program is uniquely situated to bring together diverse voices around this important proposed policy change. Specifically, one of i4J's goals in selecting this challenge for the Spring 2019 ILS course was to add several important voices to this discussion: first, the voices of domestic violence survivors, who generally receive little or no legal assistance in navigating the civil and criminal legal systems as they attempt to break a cycle of violence. Second, the voices of JD and BA in Law students, both of whom could be affected by the creation of a new tier of legal services in Arizona. State Bar President Jeffrey Willis and retired Pima County Superior Court Judge Karen Adam joined the course as co-professors, lending decades of legal profession governance and family law expertise to the project. Emerge! Center Against Domestic Abuse ("Emerge") joined the course as the community partner, to provide critical insights into domestic violence (DV) services in the community.

More broadly, i4J's interest was in applying its design- and systems-thinking approach to policy-making with the goal of proposing a new tier of civil legal service provider that was informed by and endorsed by diverse stakeholders in the community. Practically speaking, that process begins with soliciting deep community engagement around the topic. To that end, i4J hosted an Innovating Legal Services event at the beginning of the semester, featuring Arizona Supreme Court Chief Justice Scott Bales, Arizona Access to Justice Commission Chair Judge Lawrence Winthrop, and Arizona State Bar President Jeffrey Willis. These three speakers shared updates on how Arizona is innovating legal services to expand their reach, and the event provided the Pima County community with information about the ILS challenge and opportunities to engage with the course on the topic.

Over the first six weeks of the semester, dozens of community members attended ILS classes with students and participated in interactive exercises designed to identify the opportunities and risks associated with creating a new tier of legal service provider for survivors of domestic violence. Students mapped the intended civil legal system process and identified assumptions about how the process is designed to work. Emerge leadership then joined students to explain the reality of attempting to navigate that system from the perspective of a DV survivor. These sessions produced two parallel but conflicting journey maps — one the promise, one the reality — that students referenced throughout the semester. Members of the family law bench and bar then worked with students to identify opportunity spaces on those journey maps: areas where survivors experience a justice gap that could be addressed by empowering lay legal advocates to do more. Six opportunity spaces were produced in that process. Members of the legal profession who had self-identified as opposing the idea of a new tier of legal service provider then worked with students to vet those six ideas in a discussion of the risks associated with the ideas, and the mental models underlying the risks and fears related to this potential policy change. After that vetting, four possible service areas by a new tier of civil legal professional surfaced as having a broad base of community support if the necessary training and regulation were in place. A team of students also visited Emerge lay legal advocates on-site, to explore the possibility of expanding their services to include legal advice (and to select the name for the new tier — Licensed Legal Advocates!). Students then engaged with leaders from the Washington State Bar, the medical professional and the behavioral health profession to understand how tiered services are working in other jurisdictions and professions and began to brainstorm on the building blocks necessary to create a new tier of civil legal professional for survivors of DV. The empathize-define-and-ideate portion of the course wrapped up with a class dedicated to evaluation, under the leadership of Professor Christopher Griffin (Harvard Access to Justice Lab and UA Law).

For the second half of the course, students focused on prototyping and testing a proposed policy for tiered legal services in DV. Students were divided into teams to begin building the various components of a proposed pilot program: scope of service, education, regulation, and public education. As a class, students also began to identify the costs associated with the pilot and the evaluation methodology for the pilot. Students collaborated on a policy prototype and i4J hosted an “open classroom” event in April, where approximately 40 members of the community — many who had previously consulted on the project, and some who had simply heard of the students’ work and wanted to learn more — engaged with the policy prototype and offered feedback. Students solicited, collected and sorted feedback across four general categories: portions of the project that received positive feedback; portions of the project that received critical feedback; changes that were suggested by the community; and questions presented by the community. Students utilized the captured feedback to revise their proposed pilot program.

The pilot program proposed in this report is the result of the students’ efforts this semester, as they worked with more than 50 members of the community — judges, attorneys, lay legal advocates, social service providers, government representatives, domestic violence survivors, other students, social scientists and interested community members — to understand their challenge and build a policy from the ground up. I could not be more proud of their efforts or more grateful for the insight, support and participation of the many people who engaged with the ILS course. I am particularly grateful to Emerge for shining a light on the reality of the justice gap for survivors of domestic abuse and helping these students to craft a policy proposal that has tremendous potential to lift unnecessary barriers that are preventing those survivors from securing justice.

— *Stacy Butler*

WHAT CAN AN LLA DO? RECOMMENDATIONS FOR SCOPE OF SERVICE

I. INTRODUCTION

Emerge! Center Against Domestic Abuse helps nearly 6,000 domestic abuse survivors (“participants”) a year by building a relationship of trust and providing them with much needed emotional support.¹ Lay legal advocacy is a critical part of Emerge’s work. A lay legal advocate is a person who provides information and explains options and rights within all aspects of the legal system but cannot provide legal advice. The six lay legal advocates at Emerge serve 2,736 per year.² The services provided by lay legal advocates at Emerge empower participants to break the cycle of violence and rediscover their strength and independence. However, participants’ legal needs are not fully met because the Lay Legal Advocates cannot provide legal advice.

Our proposed pilot would transform Lay Legal Advocates into Licensed Legal Advocates (LLAs), who would be able to legally advise participants as they navigate the civil legal system. The proposed pilot removes the barrier imposed by unauthorized practice of law restrictions, giving the LLAs the ability to handle specific legal needs of participants and enhancing participants’ access to justice. Our Team was tasked with identifying the scope of service that lay legal advocates currently provide and how their service could be expanded to meet participants’ legal needs.

II. WHY IS THE LLA NEEDED?

Most participants do not have legal representation. Lay legal advocates provide them with trauma-oriented emotional support and legal information. However, they cannot give them legal advice because they are not authorized to practice law. They must refer them to civil legal service providers, which is a limited resource. In 2017, 97% of low-income survivors of domestic violence or sexual assault experienced one and 67% six or more civil legal problems. They sought professional legal help for 23% of their civil legal problems and received inadequate or no professional legal help for approximately 86% of them. In addition, attorneys often lack trauma-informed training regarding domestic violence. Unfortunately, when confronted with the option of a referral to legal counsel outside of Emerge, many participants will decide not to seek legal advice and will choose to navigate the legal system on their own or simply return to their abuser.

Participants who navigate civil legal processes on their own are confronted with many challenges. The limited scope of lay legal advocate’s services makes participants feel like the legal process is happening without them. Participants are revictimized as they progress in the justice system. Emerge reports that nine out of ten participants represent themselves, while most abusers are entitled to a court appointed attorney or have the financial means to hire a lawyer.

LLAs would offer several advantages to participants currently in the justice gap. Licensed Legal Advocates would combine the trauma-informed training of lay legal advocacy with legal skills and knowledge. By approaching cases holistically, LLAs would not miss relevant legal information and would be able to identify participants’ legal and non-legal issues.

By supplementing lay legal advocates’ trauma-informed skills with the ability to give participants legal advice, we can satisfy participants’ need to receive emotional support and legal advice.

¹ Additional information about Emerge is provided at Appendix A and Appendix B.

² Emerge recently received funding for a seventh position which it anticipates will be filled by the time the pilot program is launched.

III. WHAT WOULD LLAS BE ABLE TO DO?

1. GIVE LEGAL ADVICE ON URGENT LEGAL ISSUES DURING INITIAL INTAKE

On the initial intake level, lay legal advocates currently provide 24-hour bilingual crisis hotline, crisis intervention and safety planning assistance, domestic abuse education, goal planning assistance, support and education groups, and other resources. However, because of unauthorized practice of law restrictions, lay legal advocates are not able to answer legal questions when assisting participants, and must instead refer participants to legal aid services. The extra step of legal resource referral does not align with the urgency of the participant's situation or the relative simplicity of the legal information and advice needed.

LLAs would provide the same intake services as lay legal advocates, but they would also be able to identify and advise participants regarding immediate legal issues, such as how a DV matter affects housing, what participants may need to know to protect themselves from financial abuse, whether participants need an Order of Protection, and how or whether participants' immigration status is relevant to their legal options. LLAs would also discuss legal next steps.

2. GIVE LEGAL ADVICE DURING COMPLETION OF FORMS

Lay legal advocates currently help participants with Orders of Protection and provide them with general information regarding the dissolution of marriage, paternity, annulment, legal separation, child custody, child visitation, and child support. They also prepare participants to attend court proceedings by educating them about the criminal justice process, civil legal processes, and their options. Although lay legal advocates empower participants to have a voice in the system, they cannot give them legal advice as to completion of the forms. To get answers to specific legal questions that arise during the completion of the forms, participants have to seek help from legal aid services.

Lay legal advocates and the family law bar reported many examples of how unauthorized practice of law (UPL) restrictions prevent lay legal advocates from meeting client needs during form completion. Participants' lack knowledge about the possible legal consequences of how they summarize accounts of abuse when filing for an Order of Protection. The sample form for Orders of Protection provides only a few lines for participants to describe incidents of abuse, which often leads participants to think they should provide only limited information. Participants don't understand what types of property to list, kind of property they can list or how to estimate the value of property when completing family law forms. Participants struggle with navigating service of process alone. Participants often have questions about whether they should request spousal maintenance, or what to do if a spouse refuses to pay child support.

LLAs would assist in the completion of forms by answering these specific legal questions that commonly arise during form completion. Although participants would continue to be self-represented and would complete forms for themselves, LLAs would be able to answer questions about forms instead of saying "I cannot give you legal advice." They would be able to help participants with the decisions that must be made in order to complete forms like Dissolution of Marriage, Legal Decision Making, Spousal Maintenance, Child Support, and Orders of Protection.

3. GIVE LEGAL ADVICE ABOUT CASE PREPARATION

Lay legal advocates can only provide participants with general legal information about court hearings and case preparation. They have to use general language. For example, they can say, “You might want to consider doing this,” but they cannot give participants legal advice regarding supporting exhibits and documents needed for an Order of Protection. To satisfy participants’ legal needs, lay legal advocates have to refer them to legal service providers.

LLAs would assist participants in understanding what documents and supporting materials they need to save and bring to hearings and trials. Although their training would not include in-depth education regarding the Federal or Arizona Rules of Evidence, the training would prepare LLAs to make participants aware of ways to preserve, prepare, and ensure admissibility of evidence such as text messages, police reports, and witness testimony.

4. HAVE A SEAT AT THE TABLE WHEN PARTICIPANTS GO TO COURT HEARINGS

Lay Legal Advocates provide participants with information about court procedures, empower them to speak and advocate for themselves in legal proceedings, and transport participants to the courthouse. However, they cannot assist participants during the hearings. They are not allowed to sit next to them at the counsel table and must sit in the gallery, separated by a bar from the rest of the courtroom.

LLAs would continue to do the court-related work that lay legal advocates do, but they would be able to sit with participants during the hearings. This way, they would be able to provide quiet advice and consultation to participants and support them when they lose their voices or freeze under the stress of having to face their abusers. For example, they could hand them a note, point to the documents they need to use, and tell the judge that they need some time outside the courtroom to compose themselves.

LLAs would assist participants at contested Order of Protection hearings; dissolution proceedings, including dissolution with children; separation hearings; and child support modification hearings that take place at the Pima County Superior Court and the Tucson City Court. They could also assist participants in the Pima County Juvenile Court.

To explain their role in the hearings to the judge and the opposing counsel, LLAs would say, “I am an LLA. I am here to assist and support the participant. She/he is representing herself, but I am prepared to help her/him by giving her/him quiet advice, guiding her/him through the process, and asking for a break in the hearing on her/his behalf.”

By empowering LLAs to give legal advice at the intake, during the completion of forms, during case preparation, and during hearings, LLAs would be able to provide legal assistance to survivors of domestic abuse, who typically navigate the legal system without any legal advice.

IV. OUR RESEARCH PROCESS

We started our work on the proposed pilot by mapping how the civil legal system is designed to work for survivors of domestic abuse, and then interviewing Emerge to understand the areas where the system is not working as designed and to understand the challenges that self-represented litigants face when trying to navigate the civil legal system to resolve their domestic abuse issues.

Next, we worked with lay legal advocates from Emerge and members of the family law bench and bar to identify where the potential for services by a new tier of a legal professional exists. That discussion

produced six possible areas identified as possible intervention points for the new tier. We vetted those ideas with members of the family law bench and bar and other community members who had expressed concern about the idea of a new tier of legal service provider. Following those discussions, the four areas of service identified in this report appeared to have a broad base of community support, provided we could design training and education that would properly equip LLAs to perform those services.

In expanding these four ideas into a detailed description of what an LLA could do, we worked with lay legal advocates at Emerge to gather more details about these four possible areas of service. We also considered lessons learned from other jurisdictions that have created tiered legal service programs, like Washington, and other professions that offered tiered services, such as the medical and behavioral health professions. Lastly, we vetted our ideas by presenting them to community members and revising our project in light of the community's feedback.

V. THE PEOPLE WE SPOKE WITH, THE FEEDBACK WE RECEIVED, AND HOW WE IMPLEMENTED FEEDBACK INTO THE FINAL VERSION OF THIS PROJECT

Lay legal advocates from Emerge provided us with the information we needed to determine the scope of service lay legal advocates provide and the scope of service LLAs would be able to provide. Members of Emerge leadership helped us determine how lay legal advocates' services can be expanded to meet the participants' legal needs. They also explained to us how LLAs could be able to help participants at intake, during the completion of forms, in preparing for court, and at court hearings. Lay legal advocates shared with us numerous participants' stories and helped us get an idea of the challenges the domestic violence survivors face.

Our event with Arizona Supreme Court Chief Justice Scott Bales, Arizona State Bar President Jeffrey Willis, and Arizona Access to Justice Commission Chair Lawrence Winthrop helped us understand the bigger picture challenges that self-represented litigants face when trying to navigate the civil legal system.

Dozens of community members, including family law judges, University of Arizona professors, Arizona and Washington state bar representatives, and practitioners provided feedback that we incorporated into our design. Their feedback included:

- ▶ Noting that, at the intake level, LLAs should identify both legal and emotional issues and the type of help that participants need to navigate the legal process;
- ▶ Advising us to clearly identify the types of forms that LLAs would assist participants in completing and the types of courts that they would accompany the participants to;
- ▶ Remarking how important it is to explain that LLAs should be allowed to sit next to participants in the courtroom because as someone who would prepare the participants for the hearings, they would be well-equipped to assist them during the hearings;
- ▶ Identifying the hearings LLAs could attend and articulating how LLAs could help participants during the hearings; and
- ▶ Suggesting that LLAs should assist participants in the Pima County Juvenile Court.

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TRAINING LAY LEGAL ADVOCATES TO BECOME LLAS

I. INTRODUCTION

As Team Education, the goal of our project was to design a course and curriculum to educate and prepare Emerge lay legal advocates to become LLAs. This required us to create an education plan that would leverage the existing skills and experience of lay legal advocates and provide additional legal and professional education to meet the goals of service for LLAs. In order to achieve this, we built a curriculum and platform that would align with the existing job demands of Emerge lay legal advocates while also adhering to the University of Arizona's guidelines and requirements for an educational course provided via the university's online platform.

II. OUR RESEARCH PROCESS

Our team spoke with leadership and lay legal advocates from Emerge to understand what lay legal advocates currently do and the limitations they experience while assisting domestic violence survivors with legal needs. We also spoke with Paula Littlewood and Steve Crossland from the Washington State Bar, who were both involved in the creation of Washington's Limited Licensed Legal Technicians program (LLLT). Using lessons learned from the LLLT program, we considered how our own new tier of legal professional could be trained. We then worked with family law educators, practicing attorneys, and judges to understand what additional legal knowledge was necessary for lay legal advocates to be able to fulfill the four goals identified by Team Scope of Service.

Once we identified these knowledge gaps, we drafted a curriculum consisting of six topics to be included in an LLA education program. After drafting a curriculum, we met with the College of Law's Associate Director of Instructional Design to design an online course through the University of Arizona D2L Community platform. After completing our draft curriculum, we shared our proposed curriculum at the open classroom event, which afforded members of the legal community an opportunity to review our proposed educational program, provide feedback on our curriculum and identify areas for improvement.

There are three core reasons why we chose a seven-week course consisting of both online and in-person instruction in order to train lay legal advocates to become LLAs. They are:

1. SPECIFIC LEGAL KNOWLEDGE

A common concern our team heard from community participants was whether seven weeks was enough time to train LLAs. It is important to note that this training is designed to fill the specific legal knowledge gaps of Emerge lay legal advocates. We are not attempting to teach lay legal advocates comprehensive JD-level curriculum for the subjects included in the training. Rather, we are supplementing the extensive real-world experience of lay legal advocates with tailored training and education. Our team did not land on the seven-week program arbitrarily. The training program was the result of conversations, brainstorming and research with the family bench and bar, University of Arizona technology staff, and experienced legal professionals.

2. ADVOCATES' EXISTING KNOWLEDGE AND EXPERIENCE

Emerge lay legal advocates need to complete 2,000 hours (or roughly one year of work) at Emerge in order to be eligible to participate in the pilot. The lay legal advocates who would participate in the pilot are not newly hired individuals; they are seasoned Emerge employees with extensive training and real-world experience with survivors of domestic violence. Our educational program would look significantly different without this level of experience and

knowledge. The Emerge lay legal advocates we spoke with impressed us with not only their knowledge regarding issues of domestic violence and the legal system, but with their passion and desire to help survivors of DV. If their current experience with the DV legal process were combined with the training provided by the pilot legal course, they would be even more prepared to help our community and survivors of domestic violence.

3. EMERGE TIME ALLOCATIONS

Lastly, Emerge advocates are working professionals who need to do their job while also setting aside time for the course. For the pilot, we had to balance their current work with the pilot course. The online component is therefore crucial. By leveraging University of Arizona's technological resources, we can empower Emerge lay legal advocates to receive training and materials online. This provides flexibility for Emerge and the advocates participating in the pilot. However, the course is not entirely online. Each week there is an in-person meet up where advocates can meet with their peers and ask the professor specific questions. The seven-week hybrid course ultimately provides the most flexibility while not compromising the legal education received by Emerge advocates.

III. OUR PROPOSED CURRICULUM

We envision an LLA training program hosted by University of Arizona Law that would be managed by an attorney coordinator but taught by adjunct professors who are subject matter experts. We propose that LLAs receive a combination of online and in-person training in six subjects as follows:

- ▶ Procedure (8 hours): Procedure, an important concept for LLAs, will train LLAs how to instruct participants when and where to appear for hearings as well as what paperwork is necessary for each step of a domestic violence case.
- ▶ Case Preparation – Supporting Materials (8 hours): focuses on what documents need to be preserved as well as any evidence, such as text messages and/or emails the participant should bring to court.
- ▶ Family Law (12 hours): Family law will cover the typical issues that arise for participants that are married and/or have children.
- ▶ Child Welfare (12 hours): Because children can present a complex issue with the involvement of DCS and other juvenile agencies, the fourth class, Child Welfare, will focus on how participants' legal custody could be affected by the domestic violence.
- ▶ Advice and Counseling (10 hours): Advice and Counseling is a course that will explain forms practice as well as how to properly give legal advice and non-legal advice to participants.
- ▶ Collateral Topics (12 hours): This course will focus on collateral civil issues that often arise during the course of a suit such as landlord/tenant issues, debt or bankruptcy claims and the relevance of immigration status to legal decision-making.

A sample course schedule and screen shots of the D2L platform are attached at Appendix C and Appendix D.

Each course week includes a one-hour weekly meetup for the participants. The professor has discretion to determine how the hour will be spent, but it can include class discussion, hypotheticals concerning the course material, and experiential learning exercises. The weekly meetup also allows students to engage with each other and the professor face-to-face. Because some of the topics have more hours than other topics, some topics would overlap with certain weeks. There would also be at least two hours of lecture and review for the students to complete over each weekend in order to complete all six topics in the allotted time. At the end of each topic, there would be a two-hour exam preparation review session. Each course topic would feature a three-hour exam at the end of the program. The exams would be written by the adjunct professor who administers the course and would be similar to an issue-spotter law school exam, written in essay format.

Team Education drafted a seven-week calendar as an example curriculum schedule, showing how the hours could be distributed over the seven weeks. That calendar is attached as Appendix E. Lectures are completed two hours at a time, Monday, Wednesday and Saturday, with the one-hour meetup taking place every Friday. After the substantive course material is completed, the two-hour review sessions begin in week five, finishing at the end of week six. The last week of the course, exam week, features six three-hour exams. Students must take two exams on Monday, Wednesday and Friday to complete the course. However, for the pilot educational course, Team Education would recommend adding an additional week of exams so that students would only need to take two exams a week.

IV. THE PEOPLE WE SPOKE WITH, THE FEEDBACK WE RECEIVED, AND HOW WE IMPLEMENTED FEEDBACK INTO THE FINAL VERSION OF THIS PROJECT

Many members of the community were confused by a portion of our proposed curriculum that unintentionally suggested that the licensed lay legal advocates would be expected to learn the Federal and Arizona Rules of Evidence in a short period of time. The feedback from the community led us to re-frame the “evidence” portion of the proposed course so it was more clearly described as a course that teaches LLAs how to help participants prepare for trial and what documents to preserve, not a traditional evidence course covering all of the Federal and Arizona Rules of Evidence. At the community event, we also received some questions about the advocacy course and whether that would include oral advocacy skills, so that LLAs could effectively represent the participant in court and speak on their behalf. Because that is not one of the goals for this pilot program, we changed the name of the advocacy course to Advice and Counseling. This course is meant to train LLAs how to properly administer legal advice in the context of a domestic violence suit as well as how to properly fill out necessary forms and counsel participants to do the same.

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LICENSING AND REGULATING LLAS

I. INTRODUCTION

We were tasked with exploring and prototyping the ethics and regulation of LLAs and creating the ethical code and the regulatory structure for the new tier. Because LLAs would have legal training, be licensed by the State Bar, and have greater latitude to provide legal services, there would need to be increased ethical and regulatory structures in place to protect clients. To respond to these challenges, we created: (1) the Top 10 Ethical Rules that would apply to the LLAs, attached at Appendix F; (2) a recommended revision of the Arizona Rules of Professional Conduct that would apply to the LLAs, attached at Appendix G; and (3) a proposed Administrative Order that would launch the pilot program attached at Appendix H.

After completing the LLA Education Course through the University of Arizona, Emerge's lay legal advocates participating in the pilot program would be eligible to apply for licensure with the State Bar of Arizona. The participating lay legal advocates would take an LLA Licensing Exam created and administered by the State Bar of Arizona.³ After passing the exam and completing other application requirements as determined by the Bar, the participating lay legal advocates would receive their license and begin work as an LLA. For the first 100 hours of LLA work, the LLAs would be supervised by a licensed attorney.

The proposed tasks of an LLA are: (1) provide legal advice to triage immediate legal needs at intake; (2) provide legal advice in completing domestic violence and family law forms; (3) provide legal advice regarding preparation for court appearances and hearings; and (4) have a seat at the table when participants attend court. Because of the similarities between LLAs and attorneys, we modeled the revised LLA rules and regulation generally after the regulation of attorneys.

The Regulation and discipline of LLAs would also closely parallel that of attorneys. Complaints could be filed with the State Bar of Arizona by the general public. These complaints would be processed and investigated by the State Bar. If the complaint warranted action, an LLA could face discipline, suspension, or revocation of their license.

Because LLAs will give legal advice that would otherwise constitute the unauthorized practice of law, the Arizona Supreme Court would have to exempt this pilot program from UPL restrictions and empower the State Bar of Arizona to oversee the licensing and regulation of LLAs. The draft Administrative Order attached at Appendix H outlines how the Court could implement the necessary changes for the Pilot Program, including changes to rules about the unauthorized practice of law.

II. OUR RESEARCH PROCESS

We considered several possible models for the ethical code, including: (1) Washington's LLLT ethical rules; (2) Code of Conduct of ACJA § 7-208 Legal Document Preparer; (3) Arizona Rules of Professional Conduct (AZRPC) for attorneys; and (4) creating a brand-new code of ethics. We decided that a revised version of the AZRPC made the most sense because some of the LLAs tasks are similar to the tasks licensed attorneys handle, and modification of the existing attorney regulations would provide for an efficient regulatory system. We also reviewed how attorney regulations were adapted for Washington's LLLTs, and modeled some of our proposed changes to the AZRPC accordingly. Some of the rules for LLAs are the same or similar to AZRPC, while others are modified or removed.

³ The design and content of the Arizona State Bar LLA Licensing Exam was beyond the scope of this project.

We also considered how client confidences would be protected in the pilot. LLAs will be bound by Rule 1.6 and its duty of confidentiality. That means LLAs will only be able to reveal client information in certain circumstances.

While LLAs and their clients would not be covered by attorney-client privilege, The LLAs in the Emerge pilot program will have a limited privilege as domestic violence victim advocates under A.R.S. § 12-2239. Section 12-2239 prevents a domestic violence victim advocate from being examined regarding client communications in most civil cases.

LLAs would still be mandatory reporters. Under A.R.S. § 13-3620, LLAs would be required to report child abuse under certain circumstances, which might violate client confidentiality. Moreover, LLAs would have no immunity from examination in criminal cases. We considered whether the Administrative Order would need to include great protection for LLAs and their client's information. We decided the current protections would be sufficient for the pilot, and greater protections might require legislative action.

III. THE PEOPLE WE SPOKE WITH, THE FEEDBACK WE RECEIVED, AND HOW WE IMPLEMENTED FEEDBACK INTO THE FINAL VERSION OF THIS PROJECT

We received a great deal of support from Jeffrey Willis, the president of the State Bar of Arizona. Mr. Willis assisted us in choosing the Top 10 Rules of Professional Conduct for LLAs, he helped us revise the draft of the Administrative Order, and he guided us through the process of drafting the proposed regulations for LLAs. Judge Karen Adam also assisted us through the entire process, encouraged us, and shared her life experience and possible solutions.

Dr. Beverly Tobiason, PsyD., Clinical Director at Pima County Juvenile Court, was essential to our process. She shared stories about issues with ethics and regulation in the behavioral health field. Specifically, she pointed out how important regulating the new tier will be, and her stories lead us to choose the AZRPC for attorneys as a better fitting option for the new tier. Dean Marc Miller, Arizona Law, provided us with feedback on the Top 10 Rules of Professional Conduct for LLAs, and we revised LLA RPC 1.1 Competence according to his suggestions.

Feedback from Professor Chris Griffin (Harvard Access to Justice Lab and UA Law) lead us to expand the explanation sections of the Top 10 Rules to provide clearer explanation of how and why each rule was created.

John Phelps, the Executive Director of the Arizona State Bar (retired), provided us with feedback that lead to additional revision of the Top 10 Rules. We removed LLA RPC 1.8(f), Conflict of Interest, because John Phelps and others believed it was not applicable to LLAs.

Craig Henley, AZ State Bar Ethics Counsel, provided feedback regarding the proposed Top 10 Rules, and we changed the language in a few sections based on his input. For example, we revised Section 1.1, Competence, to more clearly frame the scope of competency for LLAs as limited to DV, family law, housing, and immigration.

Many local attorneys and other community members gave us positive feedback on our decision to model the LLA RPC after AZRPC, as an effective regulatory structure to ensure protection for both LLAs and the participants they assist. We received a broad base of support from the community members who visited our classroom and consistently opined that empowering lay legal advocates to do more is a change that has been needed for a long time.

IV. REFERENCES

- ▶ *Limited License Legal Technician Rule of Professional Conduct*, Washington State Bar Association, <https://www.wsba.org/docs/default-source/licensing/lllt/lllt-rpc.pdf>.
- ▶ *Rules of Professional Conduct*, State Bar of Arizona, <https://www.azbar.org/ethics/rulesofprofessionalconduct>.
- ▶ Ariz. Code of Jud. Admin. § 7-208, “Legal Document Preparer.”
- ▶ Administrative Orders Index, AZCourts.gov, <https://www.azcourts.gov/orders/Administrative-Orders-Index> (last visited May 1, 2019).
- ▶ “Limited License Legal Technicians,” Washington State Bar Association, <https://www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/limited-license-legal-technicians> (last visited May 1, 2019).
- ▶ LLLT Grievance Form, Washington State Bar Association <https://www.wsba.org/docs/default-source/licensing/discipline/lllt-grievance-form.pdf> (last visited May 1, 2019).
- ▶ “Rules and Regulations,” Washington State Bar Association, <https://www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/lawyers/rules-and-regulations> (last visited May 1, 2019).

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EDUCATING THE BENCH, THE BAR AND THE PUBLIC ABOUT LLAS

I. INTRODUCTION

Our team was tasked with designing tools to educate the bench, bar and public about LLAs, in recognition of the fact that successful policy change, particularly innovative / disruptive policy change, requires community engagement and education. Our final project consists of two distinct one-page documents that provide education about the new legal tier of LLAs. These information sheets are provided at Appendix I and Appendix J. The documents were intended for two different audiences: one for the legal community (*i.e.*, the bench and bar) and one for the general public. The document for the legal community was intended to outline the concerns that those in this group may have and address those concerns directly. The document for the general public was not focused on addressing concerns, but rather informing the public about why this legal tier is needed, and how LLAs are distinct from other categories of legal service providers.

II. OUR RESEARCH PROCESS

Our work was informed by many members of the community that have experience working in domestic violence. We worked closely with Emerge, and they provided details about their organization, the challenges faced by domestic violence survivors, and why a new legal tier could be of immense value. It was also critical to our work to hear from those whom were concerned about a new tier, in order to better understand the nature of their concerns. We relied on the Six Conditions of Systems Change pyramid created by Peter Senge to frame our discussions with concerned community stakeholders, which helped us identify the relationships, connections, power dynamics and mental models that need to be acknowledged in order to effectuate systems-level change.

Our group was fortunate to have the opportunity to work alongside family law judges, including Judge Karen Adam, who helped us understand the issues from the perspective of a judge who encounters domestic violence survivors in the legal system as a routine part of court operations. This expertise further allowed us to pinpoint the concerns that are most pertinent to lawyers and judges, and how to address these concerns.

We researched the underlying issues of the justice gap in the United States, and we found that both low-income and middle-class Americans are struggling to have their legal needs met. 80% of low-income individuals cannot afford the legal help that they require, and the same is true for as high as 60% of middle-class people. 88% of domestic violence cases in Arizona involve self-represented litigants. These numbers show the breadth of the justice gap in this country, and the need for innovative ways to increase access to justice.

The book “Rebooting Justice” by Benjamin Barton and Bibas Stephanos highlights ways to make legal services more accessible and affordable, including Washington’s Limited Licensed Legal Technicians program. The Washington approach, which relaxes UPL laws and increases access to justice, was a useful model for understanding how to educate the public and the bench and bar about the launch of a new tier of legal service provider.

III. THE PEOPLE WE SPOKE WITH, THE FEEDBACK WE RECEIVED, AND HOW WE IMPLEMENTED FEEDBACK INTO THE FINAL VERSION OF THIS PROJECT

We were able to present our ideas to current judges and lawyers working in the family law arena, as well as other members of the community. Through our interactions with these members of the bar and

bench, we were able to obtain feedback that made our information sharing more effective. Various members advocated for additional oversight of LLAs, so we worked with the other teams to incorporate 100 hours of attorney supervision for LLAs. We also received feedback from the legal community that that the LLA could be beneficial to opposing counsel because a litigant with legal assistance, as opposed to a self-represented litigant, will allow the legal process to move more smoothly, while also minimizing the psychological and sociological factors that would otherwise be in play for self-represented litigants. That feedback prompted us to highlight the fact that opposing counsel can benefit from this new legal tier, which underscores our argument that this pilot program can be beneficial to the legal community.

IV. REFERENCES

- ▶ Barton, Benjamin H., and Stephanos, Bibas. *Rebooting Justice: More Technology, Fewer Lawyers, and the Future of Law*. Encounter Books, 2017.
- ▶ Peter Senge, John Kania, Mark Kramer, *The Water of Systems Change*, June 2018, https://www.fsg.org/publications/water_of_systems_change#download-area.
- ▶ Jennifer S. Bard & Larry Cunningham, *The legal profession is failing low-income and middle-class people. Let's fix that.*, Wash. Post (June 5, 2017), https://www.washingtonpost.com/opinions/the-legal-profession-is-failing-low-income-and-middle-class-people-lets-fix-that/2017/06/02/e266200a-246b-11e7-bb9d-8cd6118e1409_story.html?utm_term=.644eb79e3294
- ▶ David Liu, *Civil Legal Aid by the Numbers*, Ctr. for Am. Prog., (Aug. 9, 2011), <https://www.americanprogress.org/issues/general/news/2011/08/09/10080/civil-legal-aid-by-the-numbers/>
- ▶ Arizona Coalition to End Sexual and Domestic Violence, *Advocacy in Sexual and Domestic Violence Cases: A Lay Legal Advocates' Guide to Arizona Law*. (2014).

RECOMMENDATIONS FOR EVALUATING THE LLA PILOT

Evaluating the LLA Pilot Program can produce useful data regarding whether a new tier of legal service provider is successful at improving access to justice and if so, in what ways. We've considered several approaches to evaluation during the pilot phase.

RANDOMIZED CONTROL TRIAL APPROACH TO EVALUATION

Our team initially designed a randomized control (RCT) trial approach to evaluating the pilot, on the assumption that some, but not all, of the seven lay legal advocates at Emerge would elect to participate in the pilot.⁴

During Emerge intake, participants who are eligible for lay legal assistance would be randomly assigned to either (1) a lay legal advocate (the "control group") or (2) an LLA ("the treated group"). Random assignment could be based on a factor such as client birth month or an internally-generated computer-based case number, with even numbers receiving treatment and odd numbers receiving the control condition.

During the pilot, the following data would be collected about both the control and treated groups:

- ▶ Survey responses to an instrument capturing procedural fairness;
- ▶ Whether a participant's civil legal need could not be met, requiring referral to an attorney;
- ▶ Adjudicatory outcomes (e.g., protective order obtained, divorce completed);
- ▶ Survey responses to an instrument capturing participants' satisfaction with case outcomes (e.g., terms of divorce, terms of child custody); and
- ▶ Number of days to case disposition

At the end of the pilot, data from both the control and treated groups would be analyzed to determine whether assistance from an LLA improved access to justice as measured by comparing (relative to the control group):

- ▶ Responses regarding perceived procedural fairness;
- ▶ The mean number of cases referred to attorney assistance after assignment to a non-lawyer;
- ▶ The mean rates at which participants obtain protective orders and complete divorce proceedings;
- ▶ The mean rates at which participants are satisfied with case outcomes; and
- ▶ The mean number of days between case initiation and disposition.

This evaluation plan compares the outcomes produced when LLA services are offered to outcomes produced when lay legal advocate services are offered. Additional "treatment arms" could expand the range of comparison groups in one of two ways:

⁴Emerge has not yet determined whether all seven current lay legal advocates would participate. If all seven lay legal advocates participate in the training and certification, the evaluation would require participation by another domestic violence social service or legal service agency that offers lay legal assistance but does not participate in the legal technician training. The data identified above would be collected from both Emerge and this additional agency, with the additional agency serving as the "control group" and Emerge serving as the "treated group."

- ▶ Creating a third arm in which participants are randomly assigned an offer of attorney representation, which would require a pool of attorneys willing to take all cases randomized to them; and
- ▶ Creating a third arm in which participants do not receive any assistance at all, which would require that some participants receive less assistance than in the status quo.

RESEARCH THAT COULD SUPPLEMENT AN RCT APPROACH

To gather additional information regarding the quality of LLA work product, a small case study could randomly sample the filings of participants who were assisted in document preparation by LLAs and compare them to filings submitted by lawyers. Qualitative feedback from judges regarding competency and case outcomes could also be collected.

To gather additional information about lay legal advocates' current frustrations over UPL restrictions and limited ability to serve participants, a small case study could gather qualitative feedback from LLAs regarding self-assessment of competency and ability to achieve positive outcomes.

RESPONDING TO FEEDBACK REGARDING THE RCT APPROACH

Several community members who utilize evaluation in their academic research or their profession engaged with us during our open classroom event. Some were strongly supportive of the RCT approach, and others suggested that additional process evaluation should be conducted either in addition to or before an RCT evaluation. Process evaluation allows the researcher to learn more about what went well and what did not, and to obtain the perceptions of those involved in the project. We worked closely with Joanne Basta, Director of Evaluation and Research at Pima County Juvenile Court, to identify process evaluation questions.

If process evaluation were included in the evaluation plan, the pilot could also provide insight into why the results of the outcome evaluation (such as an RCT) were as observed. For example, one could ask how well the research and field teams implemented the intervention. If the LLA training program did not lead to the results expected, the reason could be suboptimal implementation rather than an ineffective intervention. A process evaluation also affords opportunities to make midstream adjustments (*e.g.*, changes to the certification training curriculum) that do not impair the outcome evaluation. Finally, a process evaluation would collect subjective data on stakeholder perceptions. The research team could speak with small groups at various intervals to obtain: (1) advocates' perceptions of the certification curriculum and suggestions for improvement; (2) LLAs' perceived confidence and capability in working with survivors; (3) survivor perceptions/suggestions for improvement; and (4) reflections from other key stakeholder perceptions (*e.g.*, the bench, bar, and public).

THE ANTICIPATED COSTS OF THE LLA PILOT

Our proposed pilot program would require funding to build and run the pilot, train and regulate the LLAs and collect the necessary data and research. We envision the pilot being funded through research foundation funding secured by the University of Arizona College of Law and Emerge. We worked with the leadership at Emerge, University of Arizona Law Dean Marc Miller, University of Arizona Law Associate Dean for Research & Innovation Christopher Robertson, and University of Arizona Law Assistant Director of Finance Robert Leu Dell Tripp to create a proposed budget and schedule for the pilot. Some portions still require further development, but the work-in-progress is shared here.

PROPOSED BUDGET: UNIVERSITY OF ARIZONA, LLA PROJECT

Description	Cost	Unit	Expense	Notes
Incentive pay for seven lay legal advocates	\$2,000	7	\$14,000	Emerge has requested additional time to consider this portion of the grant budget; this is an estimate for purposes of this report. The pilot will require an estimated 3% of lay legal advocate annual time.
Emerge indirect costs	\$10,000	1	\$10,000	Provided for expenses such as supervising staff time, coverage when lay legal advocates are out of the office for training, and liability insurance.
Instruction during LLA training	\$5,000	1	\$ 5,000	To be allocated toward honorariums or adjunct salaries for a team of adjunct subject matter experts who design the curriculum and teach the various special topics within the course. Arizona Law has a network of available adjunct professors who could be recruited for the pilot.
Principal Investigator (Stacy Butler, JD)			(in kind)	
Co-PI, Project Mgr. (Post Graduate Fellowship Position)	\$70,000	1.5	\$105,000	Post-graduate fellow who will design, launch and evaluate the pilot program (see timeline). Full time months 1-8, part-time during one-year pilot, full time in final 4 months of project.
ERE	\$105,000	31.40%	\$32,970	
Statistician	\$100	40	\$4,000	\$100 per hour for 40 hours
Education and Testing Expert	\$100	40	\$4000	\$100 per hour for 40 hours
UA overhead rate	\$176,234	12%	\$21,148	Curriculum design support, online learning managements system, financial accounting and reporting, etc.
TOTAL			\$195,966	

PROPOSED SCHEDULE

Date(s)	Milestone(s)
Jan. 2020:	Project begins; project manager hired
Jan. – July 2020	Licensing exam developed through collaboration with State Bar
Jan. – May 2020	Project manager develops LLA curriculum
Mar. – May 2020	Project manager recruits instructors for LLA curriculum
Mar. – May 2020	Recruit lay legal advocates
Jun. 2020	Launch LLA curriculum/LLA training program
Jun. – July 2020	Lay legal advocates participate in LLA training program
Aug. 2020	LLA training graduates participate in licensing exam
Sep. 2020 – Sep. 2021	LLA services are piloted and evaluated
Jan. 2022	Project manager completes evaluation

CONTRIBUTORS

Matt Caylor

Matt is a third-year law student at University of Arizona Law. A native of El Paso, Texas, Matt graduated from Baylor University in 2015. Matt is a Managing Editor with the Arizona Journal of International and Comparative Law, and a Student Representative with the College of Law's Workers' Rights Clinic. Matt will sit for the Arizona Bar in July 2019 and hopes to practice in Tucson.

Victoria D'Amato

Victoria is a second-year law student at University of Arizona Law. She is a mother of three children. Born and raised in Poland, she was a resident of Massachusetts for 12 years, where she graduated summa cum laude from Western New England University. Victoria works part time as a fellow/research assistant for the RENT Project (Renter Education for Neighborhoods and Tenants) at University of Arizona Law. She also works part time as a law clerk for a criminal defense/personal injury law firm in Tucson.

Fred Hiner

Fred Hiner is an undergraduate student at the University of Arizona majoring in Law with a journalism minor. Prior to pursuing his undergraduate degree, he worked as a RICO Consultant for 16 years.

Micaiah Hiner

Micaiah is a third-year undergraduate at the University of Arizona studying law and political science. At the age of 16, she was nominated to attend the National Youth Leadership Forum for National Security in Washington, DC where she discovered her interest in law. Micaiah's aspirations include attending law school to earn her Juris Doctorate, practicing law in a way that benefits her community, and becoming a Supreme Court Justice.

John Huerta

John Huerta is a native Tucsonan doing a dual master's in public administration and Latin American studies at the University of Arizona. From a very young age he has been inspired through experiences with his family to work to make change and a difference through public service. This class struck him as the perfect opportunity to work with people of similar conviction on a project that collaborated across multiple disciplines and sectors on a programmatic solution to an issue of great importance. When he completes his career at the University he will be working towards a career in city/county management.

Claudia Kozłowska

Claudia is a second-year law student at University of Arizona Law, pursuing a JD/LLM dual degree with a concentration in Health Law. She holds a Master of Arts in Law (JD equivalent) from the University of Wrocław. Born in Augsburg, Germany and raised in Wrocław, Poland, Claudia moved to Tucson following her graduation from the University of Wrocław. She hopes to focus her professional career on Health Care Law and Intellectual Property for the Medical Device Industry.

Martin Landon

Martin is an undergraduate student at the University of Arizona School of Government and Public Policy, pursuing a Bachelor of Arts in Law. A resident of Tucson for 20 years, Martin is a disability advocate and an active volunteer in local schools and non-profit organizations. His goal is to continue his education by attending University of Arizona Law.

Angelo Lavo

Angelo Lavo is a dual master's candidate at the University of Arizona Law and the school of journalism. He is a Tucson native who lived in Montana for 13 years before returning to attend graduate school at the University of Arizona. Angelo has four children and his wife is a nurse in the community. He intends to stay in Tucson after graduation and operate [tucsondelsur.news](#), a hyperlocal digital news outlet he started for his thesis project. Angelo is interested in numerous aspects of the law and is a staunch advocate for the rights and societal support of domestic violence survivors.

Catie Medina

Catie is a third-year law student at University of Arizona Law, graduating in May of 2019 with her Juris Doctor. Born and raised in Phoenix, Arizona, Catie plans to return home after graduation and begin practicing, pending her acceptance to the Arizona Bar. She is interested in immigration, family law and human rights.

Matthew Rein

Matthew Rein is a senior studying Political Science and Law at the University of Arizona and graduating in May of 2019. Born and raised in Tucson, Matthew has always had a passion for the University of Arizona and volunteering in the community. Following graduation, Matthew plans to move to Washington, DC to work for a law firm. His goal is to attend law school and eventually work in the environmental law field.

Hank Thiel

Hank is a third-year law student at University of Arizona Law, graduating with a Juris Doctor in May 2019. Hank plans to sit for the Arizona Bar Exam in July 2019 and hopes to practice in Phoenix. He focused primarily on business law during law school but is interested in a variety of areas, including intellectual property, real estate, sports and employment law.

Austin Wallace

Austin is a third-year law student at University of Arizona Law, graduating in May of 2019. His focus in law school has been on criminal law and policy. Following his graduation, Austin plans to sit for the California Bar Exam in the summer of 2019, and will be working as a Judicial Clerk for Pima County Superior Court Judge Deborah Bernini. Pending his acceptance to the California Bar, Austin hopes to move to Southern California to begin a career as a criminal attorney, specifically in public defense.

Jeffrey Willis, State Bar of Arizona President, Senior Partner at Snell & Wilmer

Jeffrey Willis is the 2018–19 president of the State Bar of Arizona and is a senior partner with Snell & Wilmer LLP based in the Tucson office. Jeff has engaged in substantial service to the Bar and the public regarding Access to Justice issues, including co-chairing the 2015 “Arizona Forward” initiative at the request of Chief Justice Scott Bales. He has served in the American Bar Association House of Delegates and as Chair of the ABA Legal Services Training Committee. He is currently on the Board of the Arizona Justice Project and a Fellow of the American College of Trial Lawyers. From 2012 to 2016 he was an Adjunct Professor at University of Arizona Law teaching Advanced Trial Advocacy.

Hon. Karen S. Adam, Pima County Superior Court Judge (Ret.)

Karen Adam retired from the bench in November 2015 after 34 years of service as a Tucson City Court Magistrate, a Pima County Superior Court Commissioner, and a Pima County Superior Court Judge. She was the presiding judge of the Pima County Juvenile Court from 2011–14. Judge Adam is a member of the National Council of Juvenile and Family Court Judges (NCJFCJ) and the Arizona and National Chapters of the Association of Family and Conciliation Courts. She is president of the board of the Children’s Center for Law and Policy and is a member of the Prevention and Family Recovery National Advisory Council at Children and Family Futures. Judge Adam writes and lectures on juvenile and family law topics and has served as faculty for the National Judicial College since 2007.

Stacy Butler, Director, Innovation for Justice Program at UA Law

Stacy Butler has two decades of experience in community advocacy and expanding the reach of civil legal services for under-served populations. In 2017, she launched Step Up to Justice, a pro bono civil legal center that delivers free legal services to low-income families in Pima County. Butler created an Access to Justice course at University of Arizona Law in 2017. She earned a BA from Trinity University and a JD from University of Arizona Law. Butler was named one of the Top 50 Pro Bono Attorneys in Arizona by the Arizona Foundation for Legal Services in 2006, 2014 and 2015.

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THANK YOU TO OUR COMMUNITY PARTNERS AND COMMUNITY MEMBERS

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Cozetta Blow, Emerge Center Against Domestic Abuse
The lay legal advocates at Emerge Center Against Domestic Abuse
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Joanne Basta, Evaluation and Research, Pima County Juvenile Court

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APPENDIX A

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IN FISCAL YEAR 2017, EMERGE! CENTER AGAINST DOMESTIC ABUSE

... provided critical services such as crisis intervention, safety planning and emergency shelter to support families as they rebuilt their lives. Safety for survivors of domestic abuse and their children can mean **life or death**.



As a community member,
you are an important part
of this safety net.



Thank you.

5,861

Participants served



2,381

Received community-based services



5,594

Calls to 24-hour hotline



20,944

Shelter nights provided

Emerge! supported

58 survivors

in creating a new home for
themselves and their children



150,000+

Received educational emails during
Domestic Violence Awareness Month



2,892

Community members received
domestic abuse education



Emerge! Center Against Domestic Abuse
2545 E. Adams Street, Tucson
520.795.8001
www.emergecenter.org



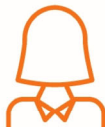
@EmergeTucson

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APPENDIX B

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10	YEARS
	<i>of creating safety</i>
and creating change in our community	

	270,000 safe nights provided to families
	45,000 Hotline calls answered
	11,190 participants who received community-based services
	36,500 total participants served
	31,390 of those 36,500 participants identify as women or girls
	5110 of those 36,500 participants identify as men or boys
	4380 of those 36,500 participants are under the age of 18
	56% approximate overall increase in services between 2008 - 2018

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APPENDIX C

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Sample Course Schedule for LLA Education

Procedure:

- 2 hour lecture
- 1 hour weekly meetup
- 2 hour review
- 3 hour exam

Case Preparation - Supporting Materials:

- 2 hour lecture
- 1 hour weekly meetup
- 2 hour exam
- 3 hour exam

Family Law:

- 6 hour lecture
- 1 hour weekly meetup
- 2 hour review
- 3 hour exam

Child Welfare:

- 6 hour lecture
- 1 hour weekly meetup
- 2 hour review
- 3 hour exam

Advice and Counseling:

- 4 hour lecture
- 1 hour weekly meetup
- 2 hour review
- 3 hour exam

Collateral - Landlord Tenant, Financial Abuse, etc.

- 6 hour lecture
- 1 hour weekly meetup
- 2 hour review
- 3 hour exam

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APPENDIX D

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James E. Rogers
College of Law



EMERGE Program



Stacy Rupprecht Butler



[Course Home](#) [Content](#) [Classlist](#) [Discussions](#) [Assignments](#) [Grades](#) [Quizzes](#) [UA Tools](#)  [Library Tools](#) [Course Admin](#)

EMERGE Program

Announcements 

Welcome to the LLA Education Course



Posted Apr 1, 2019 5:54 PM

Over the course of the next few weeks you will be educated on 6+ topics of substantive law that will better prepare you to pass the State LLA certification exam. The courses is designed to best prepare you to advise victims of domestic abuse in areas of initial intake, filling out forms, managing and presenting evidence, and appearing in court for hearings.

[Show All Announcements](#)



Thu, May 2, 2019
1:58:21 pm MST

Official UA Time

Calendar 

Thursday, May 2, 2019



Search Topics



 Overview

 Bookmarks

 Course Schedule

Table of Contents

 Week One: Procedure

 Week Two: Family Law

 Week Three: Child
Welfare

 Week Four: Evidence

 Week Five: Advocacy

 Week Six: Collateral
Legal Education

Overview ▾

 Print

 Settings

Welcome to the LLA Education Course! Here you will find the content for each week including lectures, discussions, additional readings, assignments and quizzes.

Drag a file here to update the attachment

Search Topics



-  Overview
-  Bookmarks
-  Course Schedule

Table of Contents

-  [Week One: Procedure](#)
-  Week Two: Family Law
-  Week Three: Child Welfare
-  Week Four: Evidence
-  Week Five: Advocacy
-  Week Six: Collateral Legal Education

Week One: Procedure ▾

 Print

 Settings

Add dates and restrictions...

Published ▾

Students will learn the basics of Civil Procedure for civil actions on matters of domestic violence.

Upload / Create ▾

Existing Activities ▾

 Bulk Edit

Drag and drop files here to create and update topics

Do not include the following symbols in your file names:

*< > : " / \ | ? **

They will not upload.

Add a sub-module...

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APPENDIX E

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Licensed Legal Advocate Course Schedule

Week Beginning Apr 1, 2019

timeanddate.com

1
Mon
April
Procedure
2 hr lecture

2
Tue
8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

3
Wed
Evidence
2 hr lecture

4
Thu
8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

5
Fri
8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm
1 hr meet up

6
Sat
7
Sun
Family Law
2 hr lecture

New Moon ●

April

M	T	W	T	F	S	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Licensed Legal Advocate Course Schedule

Week Beginning Apr 8, 2019

timeanddate.com

8

Mon

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

Family Law

2 hour lecture

11

Thu

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

1 hr mechp

9

Tue

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

12

Fri

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

1st Quarter

10

Wed

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

Family Law

2 hour lecture

13

Sat

14

Sun

H/W

2 hr chudw

April

M	T	W	T	F	S	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Licensed Legal Advocate Course Schedule

Week Beginning Apr 15, 2019

timeanddate.com

15

Mon

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

child welfare

Tax Day

2 hour lecture

18

Thu

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

1 hr meetup

16

Tue

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

19

Fri

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

Full Moon O

17

Wed

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

child welfare

2 hr lecture

20

Sat

21

Sun

Easter Sunday

Advocacy
H/W

2 hr lecture

April

M	T	W	T	F	S	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Licensed Legal Advocate Course Schedule Week Beginning Apr 22, 2019

timeanddate.com

22
 Mon
 8:00 am
 9:00 am
 10:00 am
 11:00 am
 12:00 noon
 1:00 pm
 2:00 pm
 3:00 pm
 4:00 pm

Advocacy

2 hr lecture

Easter Monday

23
 Tue
 8:00 am
 9:00 am
 10:00 am
 11:00 am
 12:00 noon
 1:00 pm
 2:00 pm
 3:00 pm
 4:00 pm

24
 Wed
 8:00 am
 9:00 am
 10:00 am
 11:00 am
 12:00 noon
 1:00 pm
 2:00 pm
 3:00 pm
 4:00 pm

Collateral

2 hr lecture

25
 Thu
 8:00 am
 9:00 am
 10:00 am
 11:00 am
 12:00 noon
 1:00 pm
 2:00 pm
 3:00 pm
 4:00 pm

1 hr meetup

26
 Fri
 8:00 am
 9:00 am
 10:00 am
 11:00 am
 12:00 noon
 1:00 pm
 2:00 pm
 3:00 pm
 4:00 pm

3rd Quarter

27
 Sat

28
 Sun

H/w

2 hr collat

April						
M	T	W	T	F	S	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Licensed Legal Advocate Course Schedule

Week Beginning Apr 29, 2019

timeanddate.com

29
Mon

collateral

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

2 hr lect

2
Thu

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

1 hr meeting

30
Tue

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

3
Fri

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

1
Wed

May

procedure

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

2 hr review

4
Sat

New Moon ●

5
Sun

Cinco de Mayo

H/W

2 hr evidence review

April

M	T	W	T	F	S	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Licensed Legal Advocate Course Schedule

Week Beginning May 6, 2019

timeanddate.com

6
Mon

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

Family

2 hr review

7
Tue

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

8
Wed

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

Child

2 hr review

9
Thu

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

10
Fri

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

Advocacy

2 hr review

11 **12**
Sat Sun

1st Quarter

collateral

2 hr review

Mother's Day

May

M	T	W	T	F	S	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

8

Exam week

Licensed Legal Advocate Course Schedule

Week Beginning May 13, 2019

timeanddate.com

13
Mon

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

procedure
Exam

Break

Evidence exam

14
Tue

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

16
Thu

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

17
Fri

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

Advocacy exam

Break

collateral exam

15
Wed

8:00 am
9:00 am
10:00 am
11:00 am
12:00 noon
1:00 pm
2:00 pm
3:00 pm
4:00 pm

Family law
Exam

Break

child welfare

18
Sat

Full Moon O

19
Sun

May

M	T	W	T	F	S	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

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APPENDIX F

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We were tasked with creating the ethical code and the regulatory structure for the new tier. We considered several possible models for the ethical code, including Washington's LLLT ethical rules, rules for document preparers, or creating a brand-new code of ethics. We decided that a revised version of the AZRPC made the most sense because some of the Licensed Legal Advocate's tasks are similar to the tasks licensed attorneys handle and would regulate the new tier more efficiently. Upholding ethical standards designed for licensed attorneys by requiring LLA's to obtain the State BAR license to practice will ensure that clients are fairly and reasonably represented.

Some of the rules for LLA's are similar to AZRPC, if not the same, while others are modified or removed.

If the text is yellow, it means the section was added.

If the text is red, it means the section was removed.

If the text is green, it means the rules were adjusted for the new tier.

If the text is blue, it means this is an explanatory section.

LICENSED LEGAL ADVOCATE TOP 10 RULES OF PROFESSIONAL CONDUCT

LLA RPC 1.1 Competence

Client-LLA Relationship

An LLA shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

How we got there:

[1] Rule 1.1 was adapted from AZRPC 1.1 with no substantive changes except:

[2] LLA scope of competence differs substantially from a competence scope of an attorney

[3] LLA shall stay within scope of competence limited to to DV, family law, housing, and immigration.

LLA RPC 1.3 Diligence

A LLA shall act with reasonable diligence and promptness in representing a client.

How we got there:

[1] Rule 1.3 was adapted from AZRPC 1.3 with no substantive changes and applies to

LLAs analogously.

LLA RPC 1.4 Communications

Client-LLA Relationship

(a) A LLA shall:

- (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in ER 1.0(e), is required by these Rules;
- (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- (3) keep the client reasonably informed about the status of the matter;
- (4) promptly comply with reasonable requests for information; and
- (5) consult with the client about any relevant limitation on the LLA's conduct when the LLA knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) An LLA shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

How we got there:

[1] Rule 1.4 was adapted from AZRPC 1.4 with no substantive changes and applies to LLAs analogously.

LLA RPC 1.6 Confidentiality of Information

Client-LLA Relationship

(a) An LLA shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted or required by paragraphs (b).

(b) An LLA to the extent the LLA reasonably believes necessary may:

1. Prevent the client from committing a crime that would harm a child or vulnerable adult;
2. reveal information relating to the representation of a client to prevent the client from committing a crime;
3. To secure legal advice about the LLA's compliance with these Rules;

4. reveal information relating to the representation of a client to secure legal advice about the LLA's compliance with these Rules;
5. comply with other law or a final order of a court or tribunal of competent jurisdiction directing the LLA to disclose such information;
6. prevent reasonably certain death or substantial bodily harm;
7. [Removed.]

How we got there:

- [1] Rule 1.6 was adapted from AZRPC 1.6 with modifications described below.
[2] Rule 1.6(b)(7) was removed.

LLA RPC 1.7 Conflict of Interest: Current Clients

Client-LLA Relationship

(a) Except as provided in paragraph (b), an LLA shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

- (1) the representation of one client will be directly adverse to another client;
or
- (2) there is a significant risk that the representation of one or more clients will be materially limited by the LLA's responsibilities to another client, a former client or a third person or by a personal interest of the LLA.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), an LLA may represent a client if each affected client gives informed consent, confirmed in writing, and:

- (1) the LLA reasonably believes that the LLA will be able to provide competent and diligent representation to each affected client;
- (2) the representation is not prohibited by law; and
- (3) [Removed.]

How we got there:

- [1] This Rule was adapted from AZRPC 4.1 with no substantive changes except Rule 1.7(b)(3) and applies to LLAs analogously.
[2] Rule 1.7(b)(3) did not apply to LLA and was removed.

LLA RPC 1.8 Conflict of Interest: Current Clients: Specific Rules

Client-LLA Relationship

(a) An LLA shall not enter into a business transaction with a current client.

1. [Removed.]

2. [Removed.]

3. [Removed.]

(b) An LLA shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by these Rules.

(c) An LLA shall not solicit any substantial gift from a client, including a testamentary gift, or prepare on behalf of the client an instrument giving the LLA or a person related to the LLA any substantial gift unless the LLA or other recipient of the gift is related to the client. For purposes of this paragraph, related persons include spouse, child, grandchild, parent, grandparent or other relative or individual with whom the LLA or the client maintains a close, familial relationship.

(d) Prior to the conclusion of representation of a client, an LLA shall not make or negotiate an agreement giving the LLA literary or media rights to a portrayal or account based in substantial part on information relating to the representation.

(e) An LLA shall not, while representing a client in connection with contemplated or pending litigation, advance or guarantee financial assistance to a client, except that:

(1) An LLA may guarantee the expenses of litigation,

(2) [Removed.]

(f) [Removed.]

(g) [Removed.]

(h) An LLA shall not:

(1) make an agreement limiting the LLA's liability to a client for malpractice; or

(2) [Removed.]

(3) settle a claim or potential claim for such liability with an unrepresented client or former client unless that person is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of an independent lawyer in connection therewith.

(i) An LLA shall not acquire a proprietary interest in the cause of action or subject matter of litigation in which the LLAs is assisting a client.

1. [Removed.]

(2) [Removed.]

(j) An LLA shall not have sexual relations with a current client of the LLA unless a consensual sexual relationship existed between them at the time the client-LLA relationship commenced; or

(k) [Removed]

(l) [Removed.]

How we got there:

[1] This Rule is based on AZRPC adapted from Rule 1.8 with modifications described in these comments. Otherwise, it applies to LLAs analogously.

[2] Rule 1.8 (2) was removed.

[3] LLAs may appear in court on behalf of, a client.

(4) Rule 1.8(g) was removed. LLAs are not permitted to engage in the making of settlements.

[5] Unlike a lawyer, an LLA is prohibited by Rule 1.8(h)(1) from making any agreement that prospectively limits the LLA's liability to the client for malpractice.

LLA RPC 1.16 Declining or Terminating Representation

Client-LLA Relationship

(a) An LLA shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(1) the representation will result in violation of these Rules or other law;

(2) the LLA's physical or mental condition materially impairs the LLA's ability to represent the client; or

(3) the LLA is discharged.

(b) An LLA may withdraw from representing a client if:

- (1) withdrawal can be accomplished without material adverse effect on the interests of the client;
- (2) the client persists in a course of action involving the LLA's services that the LLA reasonably believes is criminal or fraudulent;
- (3) the client has used the LLA's services to perpetrate a crime or fraud;
- (4) the client insists upon taking action that the LLA considers repugnant or with which the LLA has a fundamental disagreement;
- (5) the client fails substantially to fulfill an obligation to the LLA regarding the LLA's services and has been given reasonable warning that the LLA will withdraw unless the obligation is fulfilled;
- (6) the representation will result in an unreasonable financial burden on the LLA or has been rendered unreasonably difficult by the client; or
- (7) other good cause for withdrawal exists.

(c) [Removed.]

(d) Upon termination of representation, an LLA shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of a lawyer or another LLA, surrendering papers and property to which the client is entitled, and refunding any advance payment of fee that has not been earned or incurred.

How we got there:

[1] This Rule was adapted from AZRPC 1.16 with no substantive changes except Rule 1.16(c) and 1.16(d).

[2] Rule 1.16(c) is [Removed.] because LLAs are not authorized to represent clients in court.

[3] Rule 1.16(d) was adjusted to fit the new tier, two last sentences were omitted.

Otherwise, this Rule applies to LLAs analogously.

LLA RPC 4.1 Truthfulness in Statements to Others

Transactions with Persons Other Than Clients

In the course of representing a client a LLA shall not knowingly:

(a) make a false statement of material fact or law to a third person; or

(b) fail to disclose a material fact when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by ER 1.6.

How we got there:

[1] This Rule was adapted from AZRPC 4.1 with no substantive changes and applies to LLAs analogously.

LLA RPC 8.3 Reporting Professional Misconduct

Maintaining the Integrity of Profession

(a) An LLA who knows that another LLA has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as an LLA or lawyer in other respects, shall inform the appropriate professional authority, except as otherwise provided in these Rules or by law.

(b) An LLA who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.

(c) This Rule does not permit an LLA to report the professional misconduct of another LLA, a lawyer, or a judge to the appropriate authority if doing so would require the LLA to disclose information otherwise protected by Rule 1.6.

How we got there:

[1] This Rule was adapted from AZRPC 8.3 with no substantive changes, except that LLAs have the same rights and responsibilities with regards to the actions of lawyers that they have with respect to the actions of LLAs.

[2] Rule 8.3(c) was modified to fit the new tier.

LLA RPC 8.4 Misconduct

Maintaining the Integrity of Profession

It is professional misconduct for a LLA to:

(a) violate or attempt to violate the LLA Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal act that reflects adversely on the LLA's honesty, trustworthiness or fitness as an LLA in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) engage in conduct that is prejudicial to the administration of justice;

(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the LLA Rules of Professional Conduct or other law; or

(f) knowingly assist

(1) a judge or judicial officer in conduct that is a violation of applicable LLA Code of Judicial Conduct or other law.

(2) a lawyer in conduct that is a violation of the AZRPC or other law;

(g) Engage in conduct that the LLA knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law.

How we got there:

[1] This Rule was adapted from AZRPC 8.4 with no substantive changes except 8.4(2)(g), and otherwise applies to LLAs analogously.

[2] As a legal professional, an LLA has a duty to uphold the integrity of the justice system and of those who are authorized to participate in it as judges, lawyers, and LLAs. Rule 8.4(f)(1) prohibits an LLA from knowingly assisting a judge or judicial officer in conduct that violates applicable rules of judicial conduct or other law. Rule 8.4(f)(2) adds a prohibition against knowingly assisting a lawyer in conduct that violates the AZRPC or other law.

APPENDIX G

This page intentionally blank.

Some of the rules for LLA's are similar to AZRPC, if not the same, while others are modified or removed.

If the text is yellow, it means the section was added.

If the text is red, it means the section was removed.

If the text is green, it means the rules were adjusted for the new tier.

If the text is blue, it means this is an explanatory section.

LICENSED LEGAL ADVOCATE RULES OF PROFESSIONAL CONDUCT

(Full version-first draft)

LLA RPC 1.0 Terminology

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

(b) "Confirmed in writing," when used in reference to the informed consent of a person, denotes informed consent that is given in writing by the person or a writing that a Licensed Legal Advocate promptly transmits to the person confirming an oral informed consent. See paragraph (e) for the definition of "informed consent." If it is not feasible to obtain or transmit the writing at the time the person gives informed consent, then the Licensed Legal Advocate must obtain or transmit it within a reasonable time thereafter.

(c) "Firm" or "law firm" denotes a lawyer, lawyers, an Licensed Legal Advocate, LLAs, or any combination thereof in a law partnership, professional corporation, sole proprietorship, or other association authorized to practice law; or lawyers or LLAs employed in a legal services organization or the legal department of a corporation or other organization.

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

(e) "Informed consent" denotes the agreement by a person to a proposed course of conduct after the Licensed Legal Advocate has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct.

(f) "Knowingly," "known," or "knows" denotes actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances.

(g) "Partner" denotes a member of a partnership, a shareholder in a law firm organized as a professional corporation, or a member of an association authorized to practice law.

(h) "Reasonable" or "reasonably" when used in relation to conduct by an LLA denotes the conduct of a reasonably prudent and competent LLA.

(i) "Reasonable belief" or "reasonably believes" when used in reference to an LLA denotes that the LLA believes the matter in question and that the circumstances are such that the belief is reasonable.

(j) "Reasonably should know" when used in reference to an LLA denotes that an LLA of reasonable prudence and competence would ascertain the matter in question.

(k) "Screened" denotes the isolation of an LLA or a lawyer from any participation in a matter through the timely imposition of procedures within a firm that are reasonably adequate under the circumstances to protect information that the isolated LLA or lawyer is obligated to protect under these Rules.

(l) "Substantial" when used in reference to degree or extent denotes a material matter of clear and weighty importance.

(m) "Tribunal" means a court, an arbitrator in an arbitration proceeding or a legislative body, administrative agency or other body acting in an adjudicative capacity.

(n) "Writing" or "written" means a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photostating, photography, audio or video recording and electronic communications. A "signed" writing includes an electronic sound, symbol or process attached to or logically associated with a writing and executed or adopted by a person with the intent to sign the writing.

LLA RPC 1.1 Competence

Client-LLA Relationship

An LLA shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

How we got there:

- [1] Rule 1.1 was adapted from AZRPC 1.1 with no substantive changes except:
- [2] LLA scope of competence differs substantially from a competence scope of an attorney
- [3] LLA shall stay within scope of competence limited to DV, family law, housing, and immigration.

LLA RPC 1.2 Scope of Representation and Allocation of Authority between Client and LLA

(a) Subject to paragraphs (c), (d), and (f), an LLA shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. An LLA may take such action on behalf of the client .

(b) An LLA's representation of a client does not constitute an endorsement of the client's political, economic, social, or moral views or activities.

(c) An LLA must limit the scope of the representation and provide disclosures informing a potential client as required by these Rules.

(d) An LLA shall not counsel a client to engage, or assist a client, in conduct that the LLA knows is criminal or fraudulent.

(e) An LLA shall not purport to act as an LLA for any person or organization if the LLA knows or reasonably should know that the LLA is acting without the authority of that person or organization and beyond his or her authorized scope of practice, unless the LLA is authorized or required to so act by law or a court order.

How we got there:

- [1] Rule 1.2 was adapted from AZRPC 1.2. It applies to LLA analogously.

LLA RPC 1.3 Diligence

A LLA shall act with reasonable diligence and promptness in representing a client.

How we got there:

[1] Rule 1.3 was adapted from AZRPC 1.3 with no substantive changes and applies to LLAs analogously.

LLA RPC 1.4 Communications

Client-LLA Relationship

(a) A LLA shall:

- (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in ER 1.0(e), is required by these Rules;
- (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- (3) keep the client reasonably informed about the status of the matter;
- (4) promptly comply with reasonable requests for information; and
- (5) consult with the client about any relevant limitation on the LLA's conduct when the LLA knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) An LLA shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

How we got there:

[1] Rule 1.4 was adapted from AZRPC 1.4 with no substantive changes and applies to LLAs analogously.

LLA RPC 1.5 Fees

(a) An LLA shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:

- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the LLA;
- (3) the fee customarily charged in the locality for similar legal services;
- (4) the amount involved and the results obtained;
- (5) the time limitations imposed by the client or by the circumstances;
- (6) the nature and length of the professional relationship with the client;
- (7) the experience, reputation, and ability of the LLA or LLAs performing the services; and
- (8) the degree of risk assumed by the LLA.
- (9) the terms of the fee agreement between the LLA and the client, including whether the fee agreement or confirming writing demonstrates that the client had received a reasonable and fair disclosure of material elements of the fee agreement and of the LLA's billing practices.

(b) The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, in writing, before commencing the representation. Upon the request of the client in any matter, the LLA shall communicate to the client in writing the basis or rate of the fee.

(c) [Reserved.]

(d) An LLA shall not enter into an arrangement for, charge, or collect any fee, the payment or amount of which is contingent upon the outcome of the case.

(e) An LLA may not enter into an arrangement for the division of a fee with another LLA or lawyer who is not in the same firm as the LLA.

(f) Fees and expenses paid in advance of performance of services shall comply with Rule 1.15A, subject to the following exceptions:

- (1) [Reserved.]
- (2) [Reserved.]
- (3) [Reserved.]

How we got there:

[1] Rule 1.5 was adapted from AZRPC 1.5.

[2] An LLA, unlike a lawyer, is prohibited from entering into a contingent fee or retainer agreement with a client. An LLA may pay the usual charges of an LLA referral service.

LLA RPC 1.6 Confidentiality of Information

Client-LLA Relationship

(a) An LLA shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted or required by paragraphs (b).

(b) An LLA to the extent the LLA reasonably believes necessary may:

1. Prevent the client from committing a crime that would harm a child or vulnerable adult;
2. reveal information relating to the representation of a client to prevent the client from committing a crime;
3. To secure legal advice about the LLA's compliance with these Rules;
4. reveal information relating to the representation of a client to secure legal advice about the LLA's compliance with these Rules;
5. comply with other law or a final order of a court or tribunal of competent jurisdiction directing the LLA to disclose such information;
6. prevent reasonably certain death or substantial bodily harm;
7. [Removed.]

How we got there:

[1] Rule 1.6 was adapted from AZRPC 1.6 with modifications described below.

[2] Rule 1.6(b)(7) was removed.

LLA RPC 1.7 Conflict of Interest: Current Clients

Client-LLA Relationship

(a) Except as provided in paragraph (b), an LLA shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

- (1) the representation of one client will be directly adverse to another client; or
- (2) there is a significant risk that the representation of one or more clients will be materially limited by the LLA's responsibilities to another client, a former client or a third person or by a personal interest of the LLA.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), an LLA may represent a client if each affected client gives informed consent, confirmed in writing, and:

- (1) the LLA reasonably believes that the LLA will be able to provide competent and diligent representation to each affected client;
- (2) the representation is not prohibited by law; and
- (3) [Removed.]

How we got there:

[1] This Rule was adapted from AZRPC 4.1 with no substantive changes except Rule 1.7(b)(3) and applies to LLAs analogously.

[2] Rule 1.7(b)(3) did not apply to LLA and was removed.

LLA RPC 1.8 Conflict of Interest: Current Clients: Specific Rules

Client-LLA Relationship

(a) An LLA shall not enter into a business transaction with a current client.

1. [Removed.]

2. [Removed.]

3. [Removed.]

(b) An LLA shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by these Rules.

(c) An LLA shall not solicit any substantial gift from a client, including a testamentary gift, or prepare on behalf of the client an instrument giving the

LLA or a person related to the LLA any substantial gift unless the LLA or other recipient of the gift is related to the client. For purposes of this paragraph, related persons include spouse, child, grandchild, parent, grandparent or other relative or individual with whom the LLA or the client maintains a close, familial relationship.

(d) Prior to the conclusion of representation of a client, an LLA shall not make or negotiate an agreement giving the LLA literary or media rights to a portrayal or account based in substantial part on information relating to the representation.

(e) An LLA shall not, while representing a client in connection with contemplated or pending litigation, advance or guarantee financial assistance to a client, except that:

(1) An LLA may guarantee the expenses of litigation,

(2) [Removed.]

(f) [Removed.]

(g) [Removed.]

(h) An LLA shall not:

(1) make an agreement limiting the LLA's liability to a client for malpractice; or

(2) [Removed.]

(3) settle a claim or potential claim for such liability with an unrepresented client or former client unless that person is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of an independent lawyer in connection therewith.

(i) An LLA shall not acquire a proprietary interest in the cause of action or subject matter of litigation in which the LLAs is assisting a client.

1. [Removed.]

(2) [Removed.]

(j) An LLA shall not have sexual relations with a current client of the LLA unless a consensual sexual relationship existed between them at the time the client-LLA relationship commenced; or

(k) [Removed]

(l) [Removed.]

How we got there:

[1] This Rule is based on AZRPC adapted from Rule 1.8 with modifications described in these comments. Otherwise, it applies to LLAs analogously.

[2] Rule 1.8 (2) was removed.

[3] LLAs may appear in court on behalf of, a client.

(4) Rule 1.8(g) was removed. LLAs are not permitted to engage in the making of settlements.

[5] Unlike a lawyer, an LLA is prohibited by Rule 1.8(h)(1) from making any agreement that prospectively limits the LLA's liability to the client for malpractice.

LLA RPC 1.9 Duties to Former Clients

(a) An LLA who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.

(b) An LLA shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the LLA formerly was associated had previously represented a client:

- (1) whose interests are materially adverse to that person; and
- (2) about whom that LLA had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter; unless the former client gives informed consent, confirmed in writing.

(c) An LLA who has formerly represented a client in a matter shall not thereafter:

- (1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or
- (2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.

How we got there:

[1] Rule 1.9 was adapted from AZRPC 1.9 with no substantive changes and applies to LLAs analogously.

LLA RPC 1.10 Imputation of Conflicts of Interest: General Rule

(a) Except as provided in paragraph (e), while LLAs are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7 or 1.9, unless the prohibition is based on a personal interest of the disqualified LLA and does not present a significant risk of materially limiting the representation of the client by the remaining LLAs in the firm.

(b) When an LLA has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated LLA and not currently represented by the firm, unless:

- (1) the matter is the same or substantially related to that in which the formerly associated LLA represented the client; and
- (2) any LLA remaining in the firm has information protected by ERs 1.6 and 1.9(c) that is material to the matter.

(c) A disqualification prescribed by this Rule may be waived by the affected client under the conditions stated in ER 1.7.

(d) The disqualification of LLAs associated in a firm with former or current government LLAs is governed by Rule 1.11.

(e) When the prohibition on representation under paragraph (a) is based on Rule 1.9(a) or (b) and arises out of the disqualified LLA's association with a prior firm, no other LLA in the firm shall knowingly represent a person in a matter in which that LLA is disqualified unless:

(1) the personally disqualified LLA is screened by effective means from participation in the matter and is apportioned no part of the fee therefrom;
(2) the former client of the personally disqualified LLA receives notice of the conflict and the screening mechanism used to prohibit dissemination of information relating to the former representation;
(f) When LLAs and lawyers are associated in a firm, a lawyer's conflict of interest under Lawyer RPC 1.7 or Lawyer RPC 1.9 is imputed to LLAs in the firm in the same way as conflicts are imputed to LLAs under this Rule.

How we got there:

[1] Rule 1.10 was adapted from AZRPC 1.10 with a few substantive changes to fit the new tier.

LLA RPC 1.11 Special Conflicts of Interest for Former and Current Government Officers and Employees

(a) Except as law may otherwise expressly permit, an LLA who has formerly served as a public officer or employee of the government:

- (1) is subject to Rule 1.9(c); and
- (2) shall not otherwise represent a client in connection with a matter in which the LLA participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation.

(b) When an LLA or lawyer is disqualified from representation under paragraph (a) of this Rule or Lawyer RPC 1.11, no LLA in a firm with which that LLA or lawyer is associated may knowingly undertake or continue representation in such a matter unless:

1. the disqualified LLA or lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom;
2. written notice is promptly given to the appropriate government agency

(c) Except as law may otherwise expressly permit, an LLA having information that the LLA knows is confidential government information about a person acquired when the LLA was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person

(d) Except as law may otherwise expressly permit, an LLA currently serving as a public officer or employee:

(1) is subject to Rules 1.7 and 1.9; and

(2) shall not:

(i) participate in a matter in which the LLA participated personally and substantially while in private practice or nongovernmental employment, unless the appropriate government agency gives its informed consent, confirmed writing; or

(ii) negotiate for private employment with any person who is involved as a party or as attorney for a party in a matter in which the lawyer is participating personally and substantially except that an LLA who may otherwise be serving as a law clerk to a judge, other adjudicative officer Page 26 or arbitrator may negotiate for private employment as permitted by Rule 1.12(b) and subject to the conditions stated in Rule 1.12(b).

(e) As used in this Rule, the term "matter" includes:

(1) any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties; and

(2) any other matter covered by the conflict of interest rules of the appropriate government agency.

How we got there:

[1] Rule 1.11 was adapted from AZRPC 1.1, relying heavily on the Fundamental Principles of Professional Conduct for an LLA, with no substantive changes except to reflect the fact that LLAs and lawyers may practice in a firm together.

LLA RPC 1.12 Former Judge, Arbitrator, Mediator or Other Third-Party Neutral

Entire rule removed, does not apply to LLAs.

LLA RPC 1.13--Organization as Client REMOVED

LLA RPC 1.14 Client with Diminished Capacity

(a) When a client's capacity to make adequately considered decisions in connection with the representation is diminished, whether because of minority, mental impairment or for some other reason, the LLA shall, as far as reasonably possible, maintain a normal client-LLA relationship with the client.

(b) When the LLA reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client's own interest, the LLA may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client. In taking any protective action under this Rule, the LLA shall not exceed the LLA's authorized scope of practice.

(c) Information relating to the representation of a client with diminished capacity is protected by ER 1.6. When taking protective action pursuant to paragraph (b), the LLA is impliedly authorized under ER 1.6(a) to reveal information about the client, but only to the extent reasonably necessary to protect the client's interests.

How we got there:

[1] Rule 1.14 was adapted from AZRPC 1.14 with no substantive changes except in Rule 1.14(b). Otherwise, this Rule applies to LLAs analogously.

LLA RPC 1.15a Safeguarding Property

a. This Rule applies to property of clients or third persons in an LLA's possession in connection with a representation.

(b) An LLA must not use, convert, borrow, or pledge client or third person property for the LLA's own use.

(c) An LLA must hold property of clients and third persons separate from the LLA's own property.

(1) An LLA must deposit and hold in a trust account funds subject to this Rule pursuant to paragraph (h) of this Rule.

(2) Except as provided in Rule 1.5(f), and subject to the requirements of paragraph (h) of this Rule, an LLA shall deposit into a trust account legal fees and expenses that have been paid in advance, to be withdrawn by the LLA only as fees are earned or expenses incurred.

(3) An LLA must identify, label, and appropriately safeguard any property of clients or third persons other than funds. The LLA must keep records of such property that identify the property, the client or third person, the date of receipt, and the location of safekeeping. The LLA must preserve the records for seven years after return of the property.

(d) An LLA must promptly notify a client or third person of receipt of the client or third person's property.

(e) An LLA must promptly provide a written accounting to a client or third person after distribution of property or upon request. An LLA must provide at least annually a written accounting to a client or third person for whom the LLA is holding funds.

(f) Except as stated in this Rule, an LLA must promptly pay or deliver to the client or third person the property which the client or third person is entitled to receive.

(g) If an LLA possesses property in which two or more persons claim interests, the LLA must maintain the property in trust until the dispute is resolved.

(h) An LLA must comply with the following for all trust accounts:

(1) No funds belonging to the LLA may be deposited or retained in a trust account except as follows:

(i) funds to pay bank charges, but only in an amount reasonably sufficient for that purpose;

(ii) funds belonging in part to a client or third person and in part presently or potentially to the LLA must be deposited and retained in a trust account

(iii) funds necessary to restore appropriate balances.

(2) An LLA must keep complete records

(3) An LLA may withdraw funds when necessary to pay client costs. The LLA may withdraw earned fees only after giving reasonable notice to the client of the intent to do so, through a billing statement or other document.

(4) Receipts must be deposited intact.

(5) All withdrawals must be made only to a named payee and not to cash. Withdrawals must be made by check or by electronic transfer.

(6) Trust account records must be reconciled as often as bank statements are generated or at least quarterly.

(7) An LLA must not disburse funds from a trust account until deposits have cleared the banking process and been collected, unless the LLA and the bank have a written agreement by which the LLA personally guarantees all disbursements from the account without recourse to the trust account.

(8) Disbursements on behalf of a client or third person may not exceed the funds of that person on deposit. The funds of a client or third person must not be used on behalf of anyone else.

(9) Only an LLA or a lawyer admitted to practice law may be an authorized signatory on the account. If an LLA is associated in a practice with one or more lawyers, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.

How we got there:

[1] Rule 1.5 was adapted from AZRPC 1.1, relying heavily on the Fundamental Principles of Professional Conduct for an LLA.

LLA RPC 1.15B Required Trust Account Records

Rule removed.

LLA RPC 1.16 Declining or Terminating Representation

Client-LLA Relationship

(a) An LLA shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(1) the representation will result in violation of these Rules or other law;

(2) the LLA's physical or mental condition materially impairs the LLA's ability to represent the client; or

(3) the LLA is discharged.

(b) An LLA may withdraw from representing a client if:

(1) withdrawal can be accomplished without material adverse effect on the interests of the client;

(2) the client persists in a course of action involving the LLA's services that the LLA reasonably believes is criminal or fraudulent;

(3) the client has used the LLA's services to perpetrate a crime or fraud;

(4) the client insists upon taking action that the LLA considers repugnant or with which the LLA has a fundamental disagreement;

(5) the client fails substantially to fulfill an obligation to the LLA regarding the LLA's services and has been given reasonable warning that the LLA will withdraw unless the obligation is fulfilled;

(6) the representation will result in an unreasonable financial burden on the LLA or has been rendered unreasonably difficult by the client; or

(7) other good cause for withdrawal exists.

(c) [Removed.]

(d) Upon termination of representation, an LLA shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of a lawyer or another LLA, surrendering papers and property to which the client is entitled, and refunding any advance payment of fee that has not been earned or incurred.

How we got there:

[1] This Rule was adapted from AZRPC 1.16 with no substantive changes except Rule 1.16(c) and 1.16(d).

[2] Rule 1.16(c) is [Removed.] because LLAs are not authorized to represent clients in court.

[3] Rule 1.16(d) was adjusted to fit the new tier, two last sentences were omitted.

Otherwise, this Rule applies to LLAs analogously.

LLA RPC 1.17

The rule was removed.

LLA RPC 2.1 Advisor

In representing a client, an LLA shall exercise independent professional judgment and render candid advice. In rendering advice, an LLA may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.

How we got there:

[1] This Rule was adapted from AZRPC 2.1 with no substantive changes and applies to LLAs analogously.

LLA RPC 2.2

The rule is removed.

LLA RPC 2.3 Evaluation for Use by Third Persons

The rule was removed.

LLA RPC 2.4

Removed.

LLA RPC 3.1

Removed.

LLA RPC 3.2

Removed.

LLA RPC 3.3 Candor Toward the Tribunal

Removed.

LLA RPC 3.4 Fairness to Opposing Party and Counsel

Removed.

LLA RPC 3.5 Impartiality and Decorum of the Tribunal

Removed.

LLA RPC 3.6 Trial Publicity

Removed.

LLA RPC 3.7 Lawyer as Witness

Removed.

LLA RPC 3.8 Special Responsibilities of a Prosecutor

Removed.

Ethical Rule 3.9 Advocate in Non adjudicative Proceedings

Removed.

LLA RPC 3.10 Credible and Material Exculpatory Information about a Convicted Person

Removed.

LLA RPC 4.1 Truthfulness in Statements to Others

Transactions with Persons Other Than Clients

In the course of representing a client a LLA shall not knowingly:

(a) make a false statement of material fact or law to a third person; or

(b) fail to disclose a material fact when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by ER 1.6.

How we got there:

[1] This Rule was adapted from AZRPC 4.1 with no substantive changes and applies to LLAs analogously.

LLA RPC 4.2 Communication with Person Represented by Lawyer

In representing a client, an LLA shall not communicate about the subject of the representation with a person LLA knows to be represented by another lawyer in the matter.

How we got there:

[1] A person who has chosen to be represented by a lawyer should be protected against possible overreaching by another lawyer.

LLA RPC 4.3 Dealing with Unrepresented Person

a. In dealing on behalf of a client with a person who is not represented by counsel, a LLA shall not state or imply that the LLA is disinterested. When the LLA knows or reasonably should know that the unrepresented person misunderstands the LLA's role in the matter, the LLA shall make reasonable efforts to correct the misunderstanding. The LLA shall not give legal advice to an unrepresented person, other than the advice to secure the services of another legal practitioner, if the LLA knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.

b. An LLA shall not communicate about the subject of the representation with another party in the matter.

How we got there:

[1] Paragraph (a) of this Rule was adapted from AZRPC 4.3 with no substantive changes and applies to LLAs analogously.

LLA RPC 4.4 Respect for Rights of Third Persons

(a) In representing a client, an LLA shall not use means that have no substantial purpose other than to embarrass, delay, or burden any other person, or use methods of obtaining evidence that violate the legal rights of such a person.

(b) An LLA who receives a document relating to the representation of the LLA's client and knows or reasonably should know that the document was inadvertently sent shall promptly notify the sender.

How we got there:

[1] This Rule was adapted from AZRPC 4.4 with no substantive changes and applies to LLAs analogously.

LLA RPC 5.1 Responsibilities of Partners, Managers, and Supervisory LLA

Removed.

LLA RPC 5.2 Responsibilities of a Subordinate LLA

(a) An LLA is bound by the LIA Rules of Professional Conduct notwithstanding that the LLA acted at the direction of another person.

(b) A subordinate LLA does not violate the LLA Rules of Professional Conduct if that LLA acts in accordance with a supervisory LLA's reasonable resolution of an arguable question of professional duty.

How we got there:

[1] This Rule was adapted from AZRPC 5.2 with no substantive changes except to reflect that LLAs and lawyers may practice in the same firm.

LLA RPC 5.3 Responsibilities Regarding Non-LLA Assistanants

With respect to a non-LLA employed or retained by or associated with an LLA:

(a) an LLA partner, and an LLA who individually or together with other LLAs possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the LLA;

(b) an LLA having direct supervisory authority over the non-LLA shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the LLA; and

(c) an LLA shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a LLA if:

- (1) the LLA orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or
- (2) the LLA is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct

at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

How we got there:

[1] This Rule was adapted from Lawyer RPC 5.3 with no substantive changes and applies to LLAs analogously.

LLA RPC 5.4 Professional Independence of an LLA

Removed.

LLA RPC 5.5 Unauthorized Practice of Law

Removed.

LLA RPC 5.6 Restrictions on Right to Practice

An LLA shall not participate in offering or making:

(a) a partnership, shareholders, operating, employment, or other similar type of agreement that restricts the right of a lawyer to practice after termination of the relationship, except an agreement concerning benefits upon retirement; or

(b) an agreement in which a restriction on the LLA's right to practice is part of the settlement.

How we got there:

[1] This Rule was adapted from AZRPC 5.6 with no substantive changes except to reflect that LLAs and lawyers may practice in the same firm.

LLA RPC 5.7 Responsibilities Regarding Law-Related Services

(a) An LLA shall be subject to the LLA RPC with respect to the provision of law-related services

(1) by the LLA in circumstances that are not distinct from the LLA's provision of legal services to clients; or

(2) in other circumstances by an entity controlled by the LLA individually or with others if the LLA fails to take reasonable measures to assure that a person obtaining the law-related services knows that the services are not legal services and that the protections of the client-LLA relationship do not exist.

(b) The term law-related services denotes services that might reasonably be performed in conjunction with and in substance are related to the provision of legal services, and that are not prohibited as unauthorized practice of law when provided by an LLA or a lawyer.

How we got there:

[1] This Rule was adapted from AZRPC 5.7 with no substantive changes except to change the reference to a "non lawyer to anyone except an LLA or a lawyer" It applies to LLAs analogously modeled on Washington LLAs.

LLA RPC 6.1 Pro Bono Publico Service

Removed.

LLA RPC 6.2 Accepting Appointments

Removed.

LLA RPC 6.3 Membership in Legal Services Organization

An LLA may serve as a director, officer, or member of a legal services organization, apart from the firm in which the LLA practices, notwithstanding that the organization serves persons having interests adverse to a client of the LLA. The LLA shall not knowingly participate in a decision or action of the organization:

(a) if participating in the decision would be incompatible with the LLA's obligations to a client under Rule 1.7; or

(b) where the decision could have a material adverse effect on the representation of a client of the organization whose interests are adverse to a client of the LLA.

How we got there:

[1] This Rule was adapted from AZRPC 6.3 with no substantive changes and applies to LLAs analogously.

LLA RPC 6.4 Law Reform Activities Affecting Client Interests

An LLA may serve as a director, officer or member of an organization involved in reform of the law or its administration notwithstanding that the reform may

affect the interests of a client of the LLA. When the LLA knows that the interests of a client may be materially benefited by a decision in which the LLA participates, the LLA shall disclose that fact but need not identify the client.

How we got there:

[1] This Rule was adapted from AZRPC 6.4 with no substantive changes and applies to LLAs analogously.

LLA RPC 6.5 Nonprofit and Court-Annexed Limited Legal Service Programs

(a) An LLA who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the LLA or the client that the LLA will provide continuing representation in the matter:

(1) is subject to Rules 1.7, 1.9(a), and 1.18(c) only if the LLA knows that the representation of the client involves a conflict of interest,

(2) is subject to Rule 1.10 only if the LLA knows that another LLA or lawyer associated with the LLA in a firm is disqualified by Rule 1.7 or 1.9(a), or by Lawyer RPC 1.7 or 1.9(a), with respect to the matter; and

(b) Except as provided in paragraph (a)(2), ER 1.10 is inapplicable to a representation governed by this Rule.

(c) Removed.

How we got there:

[1] This Rule was adapted from AZRPC 6.5 with no substantive changes except to reflect that LLAs and lawyers may practice in the same firm and to reflect the authorized scope of an LLA's practice.

LLA RPC 7.1 Communications Concerning an LLA Services

An LLA shall not make a false or misleading communication about the LLA or the LLA's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

How we got there:

[1] This Rule was adapted from AZRPC 7.1 with no substantive changes and applies to LLAs analogously.

LLA RPC 7.2 Advertising

Removed.

LLA RPC 7.3 Solicitation of Clients

(a) An LLA shall not by in-person, live telephone or real-time electronic contact solicit professional employment from the person contacted or employ or compensate another to do so when a motive for the LLA's doing so is the LLA's pecuniary gain, unless the person contacted:

- (1) is a lawyer; or an LLA;
- (2) has a family, close personal, or prior professional relationship with the LLA

(b) An LLA shall not solicit professional employment or knowingly permit solicitation on the lawyer's behalf from the person contacted by written, recorded or electronic communication or by in-person, telephone or real-time electronic contact even when not otherwise prohibited by paragraph (a), if:

- (1) the prospective client has made known to the LLA a desire not to be solicited by the LLA; or
- (2) the solicitation involves coercion, duress or harassment; or

(c) Removed.

(d) Notwithstanding the prohibitions in paragraph (a), an LLA may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the LLA that uses in-person or telephone contact to solicit memberships or subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan.

How we got there:

[1] This Rule was adapted from AZRPC 7.3 with no substantive changes

LLA RPC 7.4 Communication of Fields of Practice and Specialization

Removed.

LLA RPC 7.5 Firm Names and Letterheads

Removed.

LLA RPC 8.1 Limited Licensure and Disciplinary Matters

An applicant for limited licensure, or an LLA in connection with a limited licensure or reinstatement application, or lawyer's bar admission, or in connection with a lawyer or LLA disciplinary matter, shall not:

(a) knowingly make a false statement of material fact; or

(b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by ER 1.6.

How we got there:

[1] This Rule was adapted from AZRPC 8.1 with no substantive changes

LLA RPC 8.2 Judicial and Legal Officials

(a) An LLA shall not make a statement that the LLA knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.

(b) Removed.

How we got here:

[1] Rule 8.2(a) was adapted from AZRPC 8.2(a) with no substantive changes and applies to LLAs analogously.

LLA RPC 8.3 Reporting Professional Misconduct

Maintaining the Integrity of Profession

(a) An LLA who knows that another LLA has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as an LLA or lawyer in other respects, shall inform the appropriate professional authority, except as otherwise provided in these Rules or by law.

(b) An LLA who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.

(c) This Rule does not permit an LLA to report the professional misconduct of another LLA, a lawyer, or a judge to the appropriate authority if doing so would require the LLA to disclose information otherwise protected by Rule 1.6.

How we got there:

[1] This Rule was adapted from AZRPC 8.3 with no substantive changes, except that LLAs have the same rights and responsibilities with regards to the actions of lawyers that they have with respect to the actions of LLAs.

[2] Rule 8.3(c) was modified to fit the new tier.

LLA RPC 8.4 Misconduct

Maintaining the Integrity of Profession

It is professional misconduct for a LLA to:

(a) violate or attempt to violate the LLA Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal act that reflects adversely on the LLA's honesty, trustworthiness or fitness as an LLA in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) engage in conduct that is prejudicial to the administration of justice;

(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the LLA Rules of Professional Conduct or other law; or

(f) knowingly assist

(1) a judge or judicial officer in conduct that is a violation of applicable LLA Code of Judicial Conduct or other law.

(2) a lawyer in conduct that is a violation of the AZRPC or other law;

(g) Engage in conduct that the LLA knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law.

How we got there:

[1] This Rule was adapted from AZRPC 8.4 with no substantive changes except 8.4(2)(g), and otherwise applies to LLAs analogously.

[2] As a legal professional, an LLA has a duty to uphold the integrity of the justice system and of those who are authorized to participate in it as judges, lawyers, and LLAs. Rule 8.4(f)(1) prohibits an LLA from knowingly assisting a judge or judicial officer in conduct that violates applicable rules of judicial conduct or other law. Rule 8.4(f)(2) adds a prohibition against knowingly assisting a lawyer in conduct that violates the AZRPC or other law.

LLA RPC 8.5 Disciplinary Authority

(a) Disciplinary Authority. An LLA admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the LLA's conduct occurs.

(b) Removed.

(c) Removed.

How we got there:

[1] The first sentence of Rule 8.5 was adapted from the first sentence of AZRPC 8.5 with no substantive changes and applies to LLAs analogously.

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APPENDIX H

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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:	)	
	)	Administrative Order
AUTHORIZING THE LICENSED	)	No. 2020-____
LEGAL ADVOCATE	)	
PILOT PROGRAM	)	
	)	
	)	

“Promoting Access to Justice” is Goal 1 of the Judiciary’s Strategic Agenda, *Advancing Justice Together, Courts and Communities 2014-2019*. Judicial, legal, and community leaders have worked diligently to identify justice gaps: points in the legal system where legal services are critical but are not available through traditional means. There are not enough lawyers willing or able to handle the majority of cases in certain areas of practice such as evictions, family violence and domestic relations. Current alternatives to lawyer-representation such as self-help centers, forms clinics and on-line tutorials often fall short of meeting the needs of litigants in these important cases. New models are needed.

The Task Force on Delivery of Legal Services, established by Administrative Order [2018-111](#), has been charged with reviewing the regulation of the delivery of legal services in Arizona. Included in the order is the direction to “examine and recommend whether other non-lawyers, with specified qualifications, should be allowed to provide limited legal services, including representing individuals in civil proceedings in limited jurisdiction courts, administrative hearings not otherwise allowed by Rule 31(d), and family court matters ...In addition to considering Arizona’s current practices, such a review should also consider on-going work by nationally-involved organizations, such as the Conference of Chief Justices (including its 2016 Resolution recommending consideration of the ABA’s Model Regulatory Objectives for the Provision of Legal Services) and the Institute for the Advancement of the American Legal System (“IAALS”) at the University of Denver; experience in other states with limited license legal technicians or other non-J.D. licensed professionals; and efforts at the law schools at the University of Arizona and Arizona State University.”

The Innovating Legal Services class at the University of Arizona Rogers College of Law, together with Emerge! Center Against Domestic Violence, developed a Pilot Program model that is consistent with the goals of Administrative Order 2018-01. Domestic violence (“DV”) survivors typically navigate the civil legal system without the assistance of counsel, or with limited advice and brief service from legal aid agencies. Currently, lay legal advocates can provide legal information to survivors, but cannot offer legal advice. The pilot will train, license and regulate lay legal advocates to serve as a new tier of legal service provider -- the licensed legal advocate. An evaluation of this one-year pilot will provide valuable information about whether a new tier of legal service assisting domestic violence survivors can improve access to justice in the civil legal system.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that:

1. The Licensed Legal Advocate Pilot Program shall run for a period of 12 months from the date of implementation.
2. Rule 31(d) of the Arizona Rules of Supreme Court is deemed modified as set forth in Appendix A for the duration of the Licensed Legal Advocates Pilot Program.
3. Licensed lay legal advocates may provide legal advice in the following areas:
 - a. Identifying legal needs at intake;
 - b. Assisting self-represented DV survivors with the completion of DV and family law forms;
 - c. Preservation of evidence in preparation for court hearings; and
 - d. Assisting survivors at court hearings and helping them prepare for mediation.
4. Licensed Legal Advocates are be subject to the Licensed Legal Advocates Rules of Professional Conduct, as set forth in Appendix B, adapted from the Arizona Rules of Professional Conduct for the duration of the Licensed Legal Advocates Pilot Program.
5. Qualifications of Licensed Legal Advocates are set forth in Appendix C.
6. The State Bar of Arizona shall develop a licensing exam for the Licensed Legal Advocates Pilot Program and shall oversee the regulation of the Licensed Legal Advocates during the pilot.
7. The Licensed Legal Advocate Pilot Program shall be administered by a designated Pilot Program Director.

Dated this ____ day of _____, 2020.

ROBERT BRUTINEL
Chief Justice

APPENDIX I

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Educating the Public About Licensed Legal Advocates: A New Tier of Legal Professional for Survivors of Domestic Abuse

Lay Legal Advocacy for Survivors of Domestic Abuse

Domestic abuse is a complex issue that affects 1 in 4 women in the United States. The effects of domestic abuse cannot be addressed by victim services alone. Domestic abuse survivors face a myriad of civil legal issues. Emerge! lay legal advocates provide program participants with emotional and practical support in navigating civil legal issues. Lay advocates divide their time between case management and legal assistance and advocacy. However, Arizona unauthorized practice of law regulations prohibit lay advocates from doing the following: (1) preparing any document to affect or secure legal rights; (2) negotiating on behalf of victims; (3) preparing any legal document for filing in court or administrative agencies (with some exceptions); and (4) advising clients on legal matters.

This restriction against providing advice presents a difficult challenge for many lay advocates working in Arizona organizations like Emerge!. The line between what is, and what is not advice, is not bright. For instance, legal advocates can educate participants on their available options but cannot say what the best option would be given their particular circumstances. Consequently, when survivors need legal advice, lay legal advocates must refer survivors to one of three possible options in the state.

1

Navigate the civil legal system alone. Challenges associated with this option include: the survivor's inability to track legal procedures (survivors may not know their issues are legal issues and may have inadequate knowledge of their rights); the survivor's inadequate presentation of information (incomplete forms, confusion about what goes on the form, insufficient or no evidence); and the survivor's emotional and practical limitations (fear of interacting w/institutions and systems, isolation from support system caused by abuser, revictimization/lasting impacts, fear of interacting w/abuser).

2

Hire a certified document preparer (CDP). Challenges associated with this option include: CDPs cannot provide legal advice regarding the completion of court forms; CDPs cannot provide advocacy or assistance at court hearings; CDPs are not necessarily trained to understand the emotional needs of survivors; and CDPs may be cost prohibitive.

3

Hire an attorney. Challenges associated with this option include: attorneys are expensive -- 86 percent of civil legal problems reported by low-income Americans received inadequate or no legal help, and attorneys are not necessarily trained to understand the emotional needs of survivors.

4

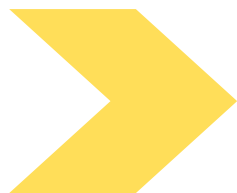
Adding a fourth option for survivors of domestic abuse

Expanding Legal Services for Survivors of Domestic Abuse: the Licensed Legal Advocate

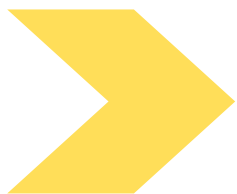
During a one-year pilot, Emerge lay legal advocates will be trained and certified to act as Licensed Legal Advocates (LLA), a new tier of civil legal service provider in Arizona. LLAs will provide all of the services lay advocates currently offer, and will also be able to provide legal advice in certain situations. Specifically, LLAs will be able to:



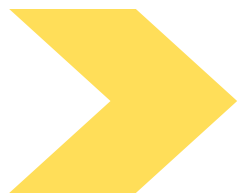
Provide limited legal advice during the intake process regarding possible related legal issues in addition to the immediate dv and family law needs of survivors, such as housing and immigration, to help survivors identify areas where they may need additional legal assistance and guidance.



Provide limited legal advice during the completion of forms, such as petitions for orders of protection and common family law forms.



Provide limited legal advice about the preservation and admission of evidence in court in preparations for hearings.



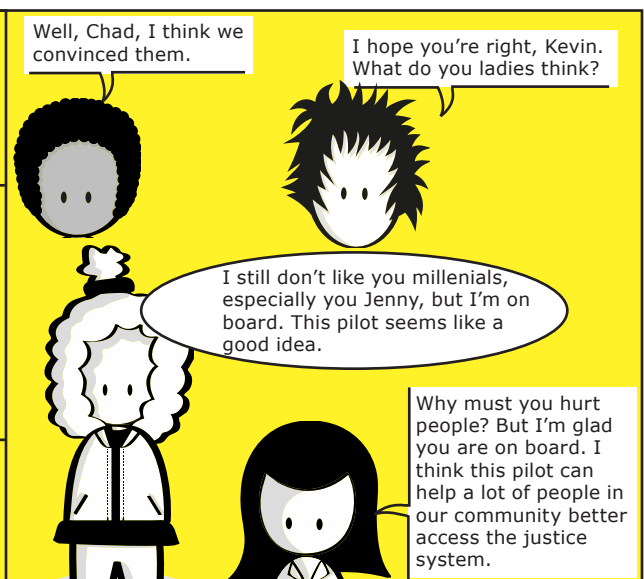
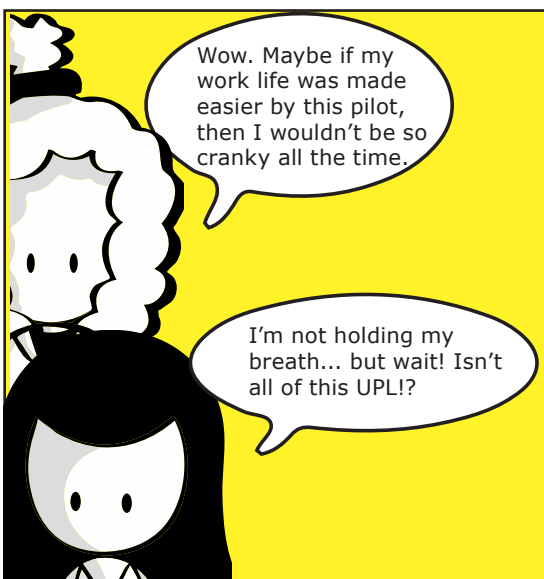
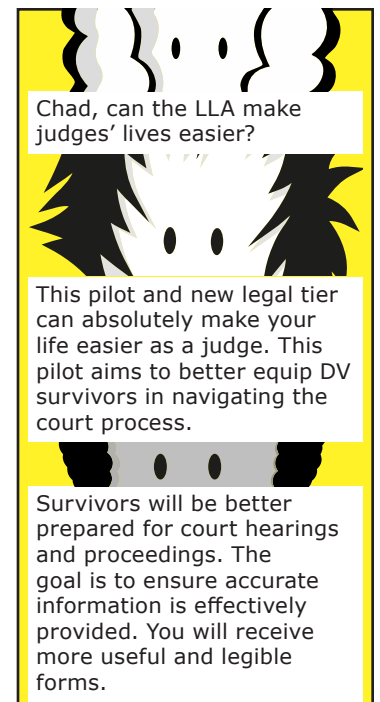
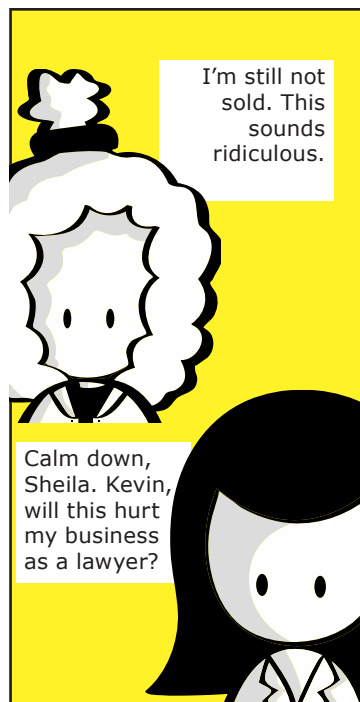
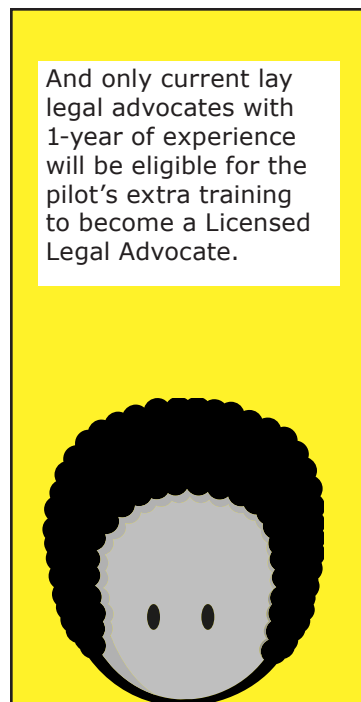
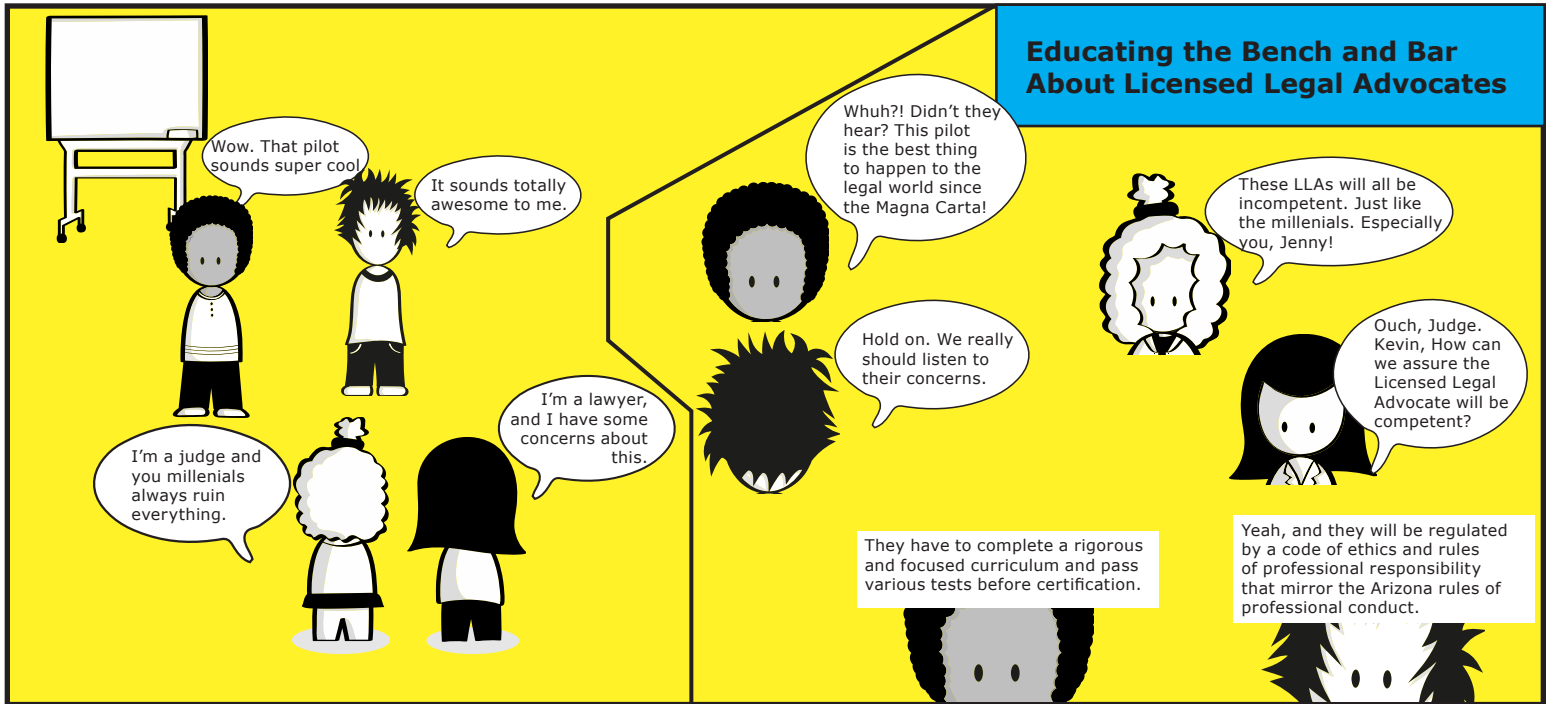
Attend court hearings, and be able to advise survivors during the course of such hearings.

Licensed Legal Advocates will be part of the services offered by Emerge, at no cost to survivors who receive those services.

APPENDIX J

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Educating the Bench and Bar About Licensed Legal Advocates



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