

**ARIZONA JUDICIAL COUNCIL**

Request for Council Action

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- Formal Action/Request
- Information Only
- Other

**Subject:**

Update from the Arizona Commission on Access to Justice

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**FROM:**

Arizona Commission on Access to Justice

**DISCUSSION:**

Update on the Commission's efforts to address access to justice issues and a recent law review article, "Reimagining Access to Justice: Arizona's Community-Based Justice Work Service Delivery Models."

**RECOMMENDED COUNCIL ACTION:**

Informational only.



# REIMAGINING ACCESS TO JUSTICE: ARIZONA’S COMMUNITY-BASED JUSTICE WORK SERVICE DELIVERY MODELS

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## I. INTRODUCTION

In March 2025, Arizona took a bold step to expand access to justice. On March 26, 2025, the Arizona Supreme Court approved Section 7-211 of the Arizona Code of Judicial Administration (ACJA) titled “Community-Based Justice Work Service Delivery Models.”<sup>1</sup> This novel provision “authorize[s] trained and trusted community advocates to provide free limited-scope legal help in six newly designated areas of law,” either through an approved legal services organization (*with* attorney supervision) or a community-based organization (*without* attorney supervision).<sup>2</sup> The goal is simple but profound: to “address unmet legal needs.”<sup>3</sup>

This innovation builds on prior regulatory reforms in Arizona, including pilot programs authorizing nonlawyers to provide legal advice addressing domestic violence and housing stability.<sup>4</sup> Section 7-211 “provides a long-term regulatory structure” and “oversight” for such programs “as well as a roadmap for future expansion.”<sup>5</sup>

While the concept is innovative, its roots run deep. Nonlawyers

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<sup>1</sup> Alberto Rodriguez, *Arizona Supreme Court Approves Expanding Community-Based Justice Worker Programs*, NEWS RELEASE: Ariz. Supreme Ct. (Mar. 26, 2025), <https://www.azcourts.gov/Portals/0/201/NewsReleaseArizonaSupremeCourtApprovesExpandingCommunityBasedJusticeWorkerPrograms.pdf> [https://perma.cc/6E74-ZSZS] (last visited Jan. 7, 2026). *See also* Ariz. Code Jud. Admin. § 7-211(A) (2026).

<sup>2</sup> Rodriguez, *supra* note 1.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

providing legal services is not new; historically, such practices were common before the rise of unauthorized practice of law prohibitions. Today, Arizona's enactment stands out as the only program of its kind in the United States, blending lessons from history with modern regulatory reform for these two service delivery models having nonlawyers provide legal services to those most in need. It is at the cutting edge of advancements authorizing nonlawyers to help those with legal needs and is designed to work in Arizona and as a model adaptable and adoptable elsewhere.

This article provides a roadmap for understanding and replicating Arizona's enactment. The article begins with a brief history of the regulation of legal services generally, and in Arizona. From there, it explores Arizona's 2019 Task Force on the Delivery of Legal Services -- a catalyst for reform -- and the resulting pilot programs that laid the foundation for Section 7-211. After highlighting the Arizona Commission on Access to Justice, the article describes the work of the Commission's Community Justice Workers Task Force, which crafted the proposal. Describing the process for seeking approval of Section 7-211, the article follows with an overview of the code and its requirements.

The article then discusses lessons learned (including mistakes and surprises in the effort) before describing responses and evaluations to date, followed by a conclusion. Along with describing this innovation, its evolution and its purpose, the article is designed to be practical: to serve as a playbook for jurisdictions seeking to expand access to justice for those most in need through community-based service delivery models. The hope is that this candid description of the Arizona experience will help pave the way for other jurisdictions to consider and implement similar approaches that work best in those jurisdictions.

## II. A BRIEF HISTORY OF THE REGULATION OF LEGAL SERVICES

Over time, the qualifications required to practice law in the United States have ebbed and flowed. Although more formal in Colonial times, the American Revolution prompted a "decline in restrictions on law practice and bar admissions."<sup>6</sup> In the 1840s and 1850s, several states -- through legislation or by constitutional provision -- "explicitly permitted" adult citizens, residents, or

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<sup>6</sup> Laurel A. Rigertas, *The Birth of the Movement to Prohibit the Unauthorized Practice of Law*, 37 QUINNIPIAC L. REV. 97, 105 (2018) (footnote and citation omitted).

voters to practice law.<sup>7</sup> From then “[i]nto the first third of the 20th century, the justice work ecosystem included robust and effective practice [of law] by people who were not licensed attorneys but held other roles as volunteers or employees of what we would not call nonprofit organizations.”<sup>8</sup> “The roots of contemporary social work and legal aid, for example, involved extensive practice by women who were not attorneys and not formally legally trained.”<sup>9</sup> “Legal practice by people who were not attorneys extended well beyond free services to the poor. Auto clubs, labor unions, trade associations, and homeowners’ associations, among others, provided direct legal services to their members.”<sup>10</sup>

This free market approach to providing legal advice then changed significantly. Through the creation and evolution of state and local bar associations in the late 1800s and the first part of the 1900s, the concept of the unauthorized practice of law (“UPL”), and the regulation of the practice of law, emerged and then grew for various reasons.<sup>11</sup> By the late 1930s, more than “400 unauthorized practice [of law] committees” existed throughout the United States.<sup>12</sup> Fast forward to more recent times, where “[a]ll states prohibit the unauthorized practice of law.”<sup>13</sup> Some of these UPL prohibitions are by statute, including many making UPL a criminal offense,<sup>14</sup> others are in supreme court rules, given some separation of powers tension regarding regulating the practice of law.<sup>15</sup>

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<sup>7</sup> Matthew Burnett & Rebecca L. Sandefur, *A People-Centered Approach Designing and Evaluating Community Justice Community Justice Worker Programs in the United States*, 51 *FORDHAM URB. L. J.* 1509, 1512 (2024) (footnote and citation omitted).

<sup>8</sup> *Id.* at 1513.

<sup>9</sup> *Id.* (footnote omitted; citing Felice Batlan, *The Birth of Legal Aid: Gender Ideologies, Women, and the Bar in New York City, 1863–1910*, 28 *L. & HIST. REV.* 931, 938 (2010)); *accord.* at 1513–14 (discussing such efforts “[i]n New York City in the 19th century” as well as in Chicago and “the settlement house movement”).

<sup>10</sup> *Id.* at 1514.

<sup>11</sup> Rigertas, *supra* note 6, at 98–100 (citing authority).

<sup>12</sup> Mathew Rotenberg, Note, *Stifled Justice: The Unauthorized Practice of Law and Internet Legal Resources*, 97 *MINN. L. REV.* 709, 714 (2012) (footnote and citation omitted).

<sup>13</sup> See Meredith Ann Munro, Note, *Deregulation of the Practice of Law: Placenta or Placebo*, 42 *HASTINGS L.J.* 203, 205 n.13 (1990) (citing authority).

<sup>14</sup> See Deborah L. Rhode, *Policing the Professional Monopoly: A Constitutional and Empirical Analysis of Unauthorized Practice Prohibitions*, 34 *STAN. L. REV.* 1, 11 (1981) (“[T]he judiciary has punished unauthorized practice as contempt of court, and a number of states have contempt statutes expressly providing for such enforcement. Thirty-seven jurisdictions also prescribe misdemeanor penalties for unauthorized practice.”) (footnotes and citations omitted).

<sup>15</sup> Rigertas, *supra* note 6, at 128 (citing authority).

## III. ARIZONA'S REGULATION OF LEGAL SERVICES

“Starting in the 1930s (if not before), and for many decades that followed, Arizona was fairly traditional in regulating the practice of law.”<sup>16</sup> In the main, that tradition meant that only lawyers who were admitted to the mandatory bar association after passing the Arizona bar examination could provide legal advice in Arizona.<sup>17</sup> Lawyers admitted to the bar had a monopoly in providing those legal services. “In 1933, Arizona criminalized the unauthorized practice of law, with that criminal statute remaining on the books for decades.”<sup>18</sup> There were some accidental reforms along the way.<sup>19</sup> But “[f]or decades, these traditional, foundational concepts for regulating lawyers and the practice of law in Arizona remained largely unchanged.”<sup>20</sup>

*Arizona Decriminalizes the Unauthorized Practice of Law in 1986*

Things changed in the 1980s, when UPL was decriminalized. Given “what was diplomatically called ‘a disagreement’” between the Arizona Supreme Court and the Arizona Legislature “over the legislature’s power to involve itself in State Bar matters,” in 1986, Arizona’s UPL criminal statute expired.<sup>21</sup> In the 40 years that followed, there has been no UPL statute in Arizona “and there does not appear to be any significant interest in passing a new UPL statute.”<sup>22</sup> This decriminalization of UPL facilitated Arizona’s regulatory reform and innovation, including changes in how

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<sup>16</sup> Samuel A. Thumma, *Expanding Access to Justice Through Regulatory Reform and Innovation: Arizona Lessons from the Past, Present, and Future*, 93 U. CINN. L. REV. 410, 413 (2024).

<sup>17</sup> *See id.*

<sup>18</sup> *Id.* at 414.

<sup>19</sup> *See id.* at 415–16 (explaining that the most significant accidental reform was prompted by an Arizona Supreme Court decision in November 1961 concluding that actions by real estate agents and title companies constituted the unauthorized practice of law, with the real estate agents successfully pressing a general election ballot initiative easily approved by voters in November 1962 amending the Arizona Constitution to provide that licenses real estate agents have a right to do legal work required to sell and transfer real estate).

<sup>20</sup> *Id.* at 414.

<sup>21</sup> *Id.* at 416 (quoting Robert B. Van Wyck & Lynda C. Shely, *Unauthorized Practice of Law: Should We Just Give Up?*, 35 ARIZ. ATT’Y 22, 24 (Jan. 1999); and then citing George C. Leef, *Lawyer Fees Too High? The Case for Repealing Unauthorized Practice of Law Statutes*, CATO INST. REGUL., <https://www.cato.org/sites/cato.org/files/serials/files/regulation/1991/1/reg20n1c.html>) [<https://perma.cc/6DXK-46CK>] (last visited Mar. 11, 2026).

<sup>22</sup> Thumma, *supra* note 16, at 416.

nonlawyers can provide legal services.<sup>23</sup>

*The Resulting Advent of Legal Document Preparers in Arizona*

After Arizona's UPL statute expired in 1986, "unlicensed nonlawyers began preparing or helping individuals prepare legal documents."<sup>24</sup> These legal document preparers were not subject to certification or regulation, raising a variety of concerns.<sup>25</sup> These concerns (and the passage of time) prompted a regulatory process, including certification and disciplinary procedures, authorizing legal document preparers to provide specified legal services.<sup>26</sup> Adopted by the Arizona Supreme Court in 2003 at the request of the State Bar of Arizona, this effort birthed the certified legal document preparer concept in Arizona, driven by pragmatic circumstances and the potential to enhance access to justice.<sup>27</sup> To date, the Arizona Supreme Court has recognized about seven hundred certified legal document preparers.<sup>28</sup>

IV. INNOVATION LEADING TO THE COMMUNITY-BASED JUSTICE  
WORK SERVICE DELIVERY MODELS

Given these and other experiences with regulatory reform, and given a profound need, various Arizona Supreme Court and State Bar of Arizona groups have focused on other ways to expand the delivery of legal services to those most in need. Those efforts have come at various times, and in various forms, over the decades.<sup>29</sup> As applicable here, a 2019 Arizona Supreme Court Task Force was a particularly significant catalyst for regulatory reform in Arizona and elsewhere.

*Arizona's 2019 Task Force on the Delivery of Legal Services*

Chaired by Arizona Supreme Court Justice (now Chief Justice) Ann Scott Timmer, the Arizona Supreme Court's 2019 Task Force on the Delivery of Legal Services ("2019 Timmer Task Force")

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<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at 423.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* (citing and quoting ARIZ. CODE. JUD. ADMIN. § 7-208 (2026): Legal Document Preparers, Ariz. Sup. Ct. Admin. Order No. 2003-14 (Jan. 16, 2003)).

<sup>28</sup> Thumma, *supra* note 16, at 424.

<sup>29</sup> *See generally id.* at 414–40 (explaining regulations and reform to laws regarding legal services in Arizona over time).

identified significant unmet needs for legal services in Arizona.<sup>30</sup> As noted in the 2019 Timmer Task Force Report and Recommendations, at that time, “Arizona rank[ed] 51st in lawyer per capita in the United States.”<sup>31</sup> That Report made ten primary recommendations, including enhancing the certified legal document preparer program; adopting a new category of nonlawyer legal-service providers, ultimately called legal paraprofessionals;<sup>32</sup> allowing nonlawyers to co-own businesses that engage in the practice of law,<sup>33</sup> and, as relevant here, encouraging licensed nonlawyers to provide limited legal services, including in court and administrative hearings.<sup>34</sup>

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<sup>30</sup> See Establishment of the Task Force on Delivery of Legal Services and Appointment of Members, Ariz. Sup. Ct. Admin. Order No. 2018-111 (Nov. 21, 2018), <https://www.azcourts.gov/Portals/0/22/admorder/Orders18/2018-111.pdf?ver=2018-11-21-132501-367> [<https://perma.cc/VS4S-BPAB>]. The 2019 Timmer Task Force issued its Report and Recommendations on Oct. 4, 2019. *Report and Recommendations*, TASK FORCE ON THE DELIVERY OF LEGAL SERVS. (Oct. 4, 2019), <https://www.azcourts.gov/Portals/0/0/aoc/pdf/LSTFReportRecommendationsRED10042019.pdf> [<https://perma.cc/FL4V-VJ96>] (last visited Jan. 7, 2026). See also Ann A. Scott Timmer, *Task Force on the Delivery of Legal Services: An Overview*, 56 ARIZ. ATT’Y 20, (April 2020) (describing the recommendations of the Task Force). The 2019 Timmer Task Force built on the work of a 2015 Committee also chaired by Justice Timmer that addressed similar issues and made recommendations about possible rule changes, reflecting a cautious route. See Thumma, *supra* note 16, at 424–25.

<sup>31</sup> See *Report and Recommendations*, *supra* note 30, at 62. Arizona’s lawyers per capita rank has not changed much since then. In July 2024, the Arizona Supreme Court noted that “Arizona ranks 49th of 50 states in lawyers per capita.” Establishing a Lawyer Apprentice Program to Serve the Public in Rural Arizona and Through Public Law Firms, Ariz. Sup. Ct. Admin. Order No. 2024-148 (July 17, 2024).

<sup>32</sup> See ARIZ. JUD. BRANCH, *Legal Paraprofessionals*, <https://www.azcourts.gov/cld/Legal-Paraprofessional> [<https://perma.cc/EM4N-H53T>] (last visited Feb. 22, 2026). Although beyond the scope of this article, the legal paraprofessional program, approved effective January 2021, has grown significantly, with more than 100 active legal paraprofessionals as of December 2025, who are eligible for licensure in family law, administrative law, limited jurisdiction civil law, criminal law, probate law, and juvenile dependency law. See also Thumma, *supra* note 16, at 429 (discussing legal paraprofessional evolution in Arizona).

<sup>33</sup> See ARIZ. JUD. BRANCH, *Alternative Business Structures Directory*, <https://www.azcourts.gov/cld/Alternative-Business-Structure/Directory> [<https://perma.cc/8XBD-CDL7>] (last visited Feb. 22, 2026). Although beyond the scope of this article, the alternative business structure (“ABS”) model, approved effective January 2021, has grown significantly, with approximately 150 approved ABS entities as of the end of 2025. The ABS model has captured significant attention nationally. See Thumma, *supra* note 16, at 430–31 (discussing ABS evolution in Arizona).

<sup>34</sup> See Thumma *supra* note 16, at 425–27 (discussing and summarizing the 2019 Timmer Task Force Report).

*Arizona's Resulting Pilot Programs*

The 2019 Timmer Task Force Report facilitated three pilot programs that, in turn, paved the way for what would become Arizona's Community-Based Justice Work Service Delivery Models.

**First**, in January 2020, the Arizona Supreme Court established the Domestic Violence Legal Document Preparer (DVLDP) Pilot Program.<sup>35</sup> A specific application of the certified legal document preparer effort, the DVLDP Pilot Program is under the auspices of the Arizona Bar Foundation for Legal Services and Education.<sup>36</sup> The DVLDP Pilot Program allows certified employees of authorized domestic violence shelters and service providers to help the shelters' clients complete court forms in seeking orders of protection "and related civil proceedings, including family law, creditor/debtor law, landlord/tenant law, and applications for public benefits."<sup>37</sup> Under the DVLDP Pilot Program, certified individuals also can assist with service of process, help prepare evidence for hearings and mediations, assist clients during court and administrative hearings, and respond to requests for information from a judge or hearing officer during a hearing.<sup>38</sup>

**Second**, in June 2020, the Arizona Supreme Court established the Domestic Violence Legal Advocate (DVLA) Pilot Program.<sup>39</sup> Under the auspices of the University of Arizona James E. Rogers College of Law's Innovation for Justice Program, the DVLA Pilot Program involves trained "lay legal advocates" who are "authorized to provide advice and assistance with respect to specifically-identified legal needs of people experiencing domestic violence by removing regulatory barriers imposed by rules governing the unauthorized practice of law."<sup>40</sup>

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<sup>35</sup> See Authorizing a Legal Document Preparer Pilot Program for Domestic Violence Cases and Related Matters, Ariz. Sup. Ct. Admin. Order No. 2020-25 (Jan. 29, 2020).

<sup>36</sup> *Id.* at 3.

<sup>37</sup> See Thumma, *supra* note 16, at 428 (quoting Admin. Order No. 2020-25).

<sup>38</sup> See *id.*

<sup>39</sup> See Authorizing a Licensed Legal Advocate Pilot Program for Domestic Violence Cases and Related Matters, Ariz. Sup. Ct. Admin. Order No. 2020-88 (June 10, 2020) (replacing Admin. Order No. 2020-84). Originally called the Licensed Legal Advocate Pilot Program for Domestic Violence Cases and Related Matters (LLA Pilot Program); Authorizing a Domestic Violence Legal Advocate Pilot Program, Ariz. Sup. Ct. Admin. Order No. 2024-35 (Feb. 7, 2024) (replacing Admin. Order No. 2023-21). In February 2024, the LLA Pilot Program was expanded and renamed the DVLA Pilot Program. See also Thumma, *supra* note 16, at 431-34.

<sup>40</sup> See Authorizing a Licensed Legal Advocate Pilot Program for Domestic

*Third*, in January 2023, the Arizona Supreme Court established the Housing Stability Legal Advocate (HSLA) Pilot Program, also under the auspices of the Innovation for Justice Program,<sup>41</sup> which is similar to the DVLA Pilot Program but with a different focus: the “legal needs of people experiencing housing instability by removing regulatory barriers imposed by rules governing the unauthorized practice of law.”<sup>42</sup>

Each of these Pilot Programs allow non-lawyers to provide limited legal services to clients in specified areas of law. Significantly, however, they do so in different ways, as the following chart demonstrates:<sup>43</sup>

|   | <b>DVLDP Pilot Program<br/>(Document Preparer)</b>   | <b>DVLA Pilot Program<br/>(Legal Advice)</b>  | <b>HSLA Pilot Program<br/>(Legal Advice)</b>   |
|---|--|---|--|
| Defined/Practice Governed By            | A.O. 2020-25   | A.O.2024-35 (amending A.O. 2023-21)   | A.O.2024-34 (amending A.O. 2023-19)  |
| Curriculum/<br>Training<br>Requirements | Completed course of study presented by Arizona Coalition to End Sexual & Domestic Violence in Arizona + high school graduate + 1 year training<br>OR 4-year degree + 6 months training | High school graduate/GED with 2000 hours experience of lay legal advocacy + training by i4J Program     | High school graduate/GED with employment or volunteer service with approved organization + training by i4J Program |
| Supervision                             | 6-months or 1-year training by legal aid attorneys   | i4J professors support continued education and volunteer attorneys serve as mentors after certification | i4J professors support continued education and volunteer attorneys serve as mentors after certification            |
| Testing                                 | Certification exam administered by Administrative Office of the Courts (“AOC”)   | Substantive law exam administered by AOC  | Substantive law exam administered by AOC   |
| Allowed Areas of Law                    | Family law, housing, consumer protection, protective orders, public benefits   | Orders of protection and family law   | Housing matters commonly experienced before, during, and after eviction  |

Violence Cases and Related Matters, Ariz. Sup. Ct. Admin. Order No. 2020-88.

<sup>41</sup> Authorizing a Housing Stability Legal Advocate Pilot Program, Ariz. Sup. Ct. Admin. Order No. 2023-19 (Jan. 18, 2023).

<sup>42</sup> *Id.* at 1.

<sup>43</sup> See Thumma, *supra* note 16, at 461–63 app. 1.

|                                    |     |  |  |
|------------------------------------|-----|--|--|
| Provide Legal Representation?      | No  | Technically, no but may sit at the counsel table, quietly advise the self-represented litigant during a hearing, respond to the judge from the counsel table and may file a “Notice of Assistance” | Technically, no but may sit at the counsel table, quietly advise the self-represented litigant during a hearing, respond to the judge from the counsel table and may file a “Notice of Assistance” |
| Provide Legal Advice?              | No  | Yes, in specified areas of law   | Yes, in specified areas of law   |
| Prepare Documents?                 | Yes | No, but can provide legal advice and assistance during the completion of court forms and other documents for filing.   | No, but can provide legal advice regarding completion of eviction court forms, and how to assert viable eviction defenses in a timely and procedurally accurate manner.                            |
| Subject to Unique Code of Conduct? | No  | Yes  | Yes  |

The individuals providing services in each of these Pilot Programs: (1) are not members of the State Bar of Arizona; (2) are required to be certified by the Arizona Supreme Court; (3) are subject to discipline and regulation by the Arizona Board of Non-Lawyer Legal Service Providers; (4) are subject to background checks consisting of fingerprint clearance and legal issue checks; and (5) are not required to be covered by legal malpractice or professional liability insurance.<sup>44</sup>

Although the DVLDP Pilot Program was authorized in January 2020, the COVID-19 Pandemic presented a significant obstacle to implementation, and that program has been paused.<sup>45</sup> The DVLA Pilot Program launched in April 2021, while the HSLA Pilot Program launched in June 2024.<sup>46</sup> Over the years, the DVLA and HSLA Pilot Programs have grown significantly. Currently, there are about thirty active legal advocates in Arizona, most of whom practice in housing stability, with the remainder in domestic

<sup>44</sup> *See id.*

<sup>45</sup> Email from Chris Groninger, Chief Strategy Officer, Ariz. Bar Found., to author (September 4, 2025) (copy on file with author).

<sup>46</sup> *See* INNOVATION FOR JUST., *Community Legal Educ.*, <https://www.innovation4justice.org/education/community> [<https://perma.cc/K354-BQL3>] (describing “The Domestic Violence Legal Advocate Program” and “The Housing Stability Legal Advocate Program”) (last visited Feb. 28, 2026).

violence.<sup>47</sup> The generally positive experiences with these Pilot Programs helped pave the way for Arizona’s Community-Based Justice Work Service Delivery Models undertaking.

#### V. THE ARIZONA COMMISSION ON ACCESS TO JUSTICE

Established in 2014 by Arizona Supreme Court Administrative Order,<sup>48</sup> the Arizona Commission on Access to Justice (the “Commission”) has as its mission “improv[ing] lives by working to promote and expand civil legal services in Arizona and by collaborating, educating, improving, and advocating for access to civil justice for all.”<sup>49</sup> Now authorized by a different section of the ACJA,<sup>50</sup> the Commission consists of about thirty volunteers working hard to improve and enhance access to justice, including state appellate, superior court and limited jurisdiction judges; tribal judges; court administrators; law professors; a law librarian; a law student; leaders in nonprofit legal service law firms; the State Bar of Arizona; the Arizona Bar Foundation; lawyers in public, private and in-house practice; and others.<sup>51</sup>

With no budget (other than significant work by staff of the Arizona Administrative Office of the Courts), “[t]he Commission is an information exchange forum, and a source of information,

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<sup>47</sup> See *Certified Community Legal Advocates*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/Certification-Licensing/Legal-Advocates/CCLA-Directory> [<https://perma.cc/N2B3-8HMP>] (Apr. 24, 2026).

<sup>48</sup> See *Establishing the Arizona Commission on Access to Justice*, Ariz. Sup. Ct., Admin. Order No. 2014–83, 1–2, (Aug. 20, 2014), <https://www.azcourts.gov/Portals/0/22/admorder/Orders14/2014-83.pdf> [<https://perma.cc/G3RY-3EKX>].

<sup>49</sup> See *Arizona Commission on Access to Justice Plan For Excellence* (Nov. 3, 2022), <https://www.azcourts.gov/Portals/0/74/ACAJ%20Plan%20for%20Excellence.pdf> [<https://perma.cc/KQ7H-9KZH>].

<sup>50</sup> See Ariz. Code Jud. Admin. § 1–113 (“Arizona Commission on Access to Justice”) (Mar. 19, 2025), <https://www.azcourts.gov/Portals/0/0/admcode/pdfcurrentcode/1-113%20ACAJ%2003-2025.pdf?ver=8KQ-ldaJmcRpfXINQ7R7Hg%3d%3d> [<https://perma.cc/5BTH-THE7>].

<sup>51</sup> See *Arizona Commission on Access to Justice Membership List*, <https://azcourts.sharepoint.com/teams/csd-courtprograms/Shared%20Documents/Forms/AllItems.aspx?id=%2Fteams%2Fcsd%2Dcourtpro%2Dcourtprograms%2FShared%20Documents%2FGeneral%2FCommittees%20Working%20Folder%2FACAJ%2FACAJ%20Membership%20List%20010726%2Epdf&parent=%2Fteams%2Fcsd%2Dcourtprograms%2FShared%20Documents%2FGeneral%2FCommittees%20Working%20Folder%2FACAJ&p=true&ga=1> [<https://perma.cc/65R8-MP7J>] (last visited Feb. 14, 2026).

education and training, to help enhance and improve Arizona's civil justice system and the experience of those involved in that system."<sup>52</sup> The Commission's core values include to enhance civil access to justice include supporting reform and expanding resources; increasing and expanding attorney engagement; supporting and collaborating with courts; enhancing resources and funding for civil legal services; working to improve legal information and access; collaborating to increase access to legal information and services and supporting online legal resources.<sup>53</sup> The Commission is also driven by the Arizona Supreme Court Strategic Agendas, with the current Strategic Plan, adopted in 2024, listing the first goal as "[e]xpanding and [p]romoting [a]ccess to [j]ustice."<sup>54</sup> Along with programming, quarterly meetings with leadership of the Four Corners Access to Justice Commissions (Arizona, Colorado, New Mexico, and Utah) and many other undertakings, the Commission is pursuing a Plan for Excellence and Five-Year Audacious Goals adopted in November 2022.<sup>55</sup>

At its three regular annual meetings, the Commission features various topics and presenters along with reports from Commission workgroups and other activities.<sup>56</sup> Given a desire to expand legal services for those most in need in Arizona -- including enormous legal deserts in rural parts of the state -- at its February 2024

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<sup>52</sup> See Arizona Commission on Access to Justice Plan For Excellence, *supra* note 49.

<sup>53</sup> See *id.*

<sup>54</sup> See ARIZ. JUD. BRANCH, *Strategic Agenda ". . . and Justice for All" (2024-29)*, 4, <https://www.azcourts.gov/AZ-Courts/Strategic-Agenda> [<https://perma.cc/3PRJ-UNM9>] (last visited Feb. 14, 2026).

<sup>55</sup> See Arizona Commission on Access to Justice Plan For Excellence, *supra* note 49; ARIZ. JUD. BRANCH, *Arizona Commission on Access to Justice Resources*, <https://www.azcourts.gov/cscommittees/Arizona-Commission-on-Access-to-Justice/ACAJ-Resources> [<https://perma.cc/8E9F-68NH>] (last visited Feb. 14, 2026).

<sup>56</sup> See ARIZ. JUD. BRANCH, *Arizona Commission on Access to Justice, Committees & Commissions*, <https://www.azcourts.gov/cscommittees/Arizona-Commission-on-Access-to-Justice> [<https://perma.cc/BX5K-4UWR>] (last visited Feb. 14, 2026); ARIZ. JUD. BRANCH, *ACAJ Meeting Schedule and Materials*, <https://www.azcourts.gov/cscommittees/Arizona-Commission-on-Access-to-Justice/ACAJ-Meeting-Information> [<https://perma.cc/6G7Z-T274>] (last visited Mar. 1, 2026); ARIZ. JUD. BRANCH, *Arizona Commission on Access to Justice, February 26, 2026 Meeting Agenda*, <https://azcourts.sharepoint.com/teams/csd-courtprograms/Shared%20Documents/Forms/AllItems.aspx?id=%2Fteams%2Fcsd%2Dcourtprograms%2FShared%20Documents%2FGeneral%2FCommittees%20Working%20Folder%2FACAJ%2F02%2D26%2D26%2F01%2E%20Agenda%20ACAJ%20022626%2Epdf&parent=%2Fteams%2Fcsd%2Dcourtprograms%2FShared%20Documents%2FGeneral%2FCommittees%20Working%20Folder%2FACAJ%2F02%2D26%2D26&p=true&ga=1> [<https://perma.cc/5AK6-2WPG>] (last visited Mar. 1, 2026).



workgroup” became the Arizona Community Justice Workers Task Force.

#### VI. THE ARIZONA COMMUNITY JUSTICE WORKERS TASK FORCE

Designed to secure a broad-based view of access to justice efforts in Arizona and elsewhere, the Arizona Community Justice Workers Task Force had thirteen members: (1-3) representatives from the three Legal Services Corporation funded-entities in Arizona (Rudolfo Sanchez, DNA People’s Legal Services; Pamela Bridge, Community Legal Services, and Anthony Young, Southern Arizona Legal Aid); (4) Stacy Jane, Director of Innovation for Justice; (5) Kevin Ruegg, Chief Executive Officer, Arizona Bar Foundation; (6) Drew Schaaffer, Director, William E. Morris Institute for Justice; (7) Janet Regner, Consultant, The Regnar Group; (8) Dave Byers, Director, Arizona Supreme Court Administrative Office of the Courts; (9) Will Knight, Decriminalization Director, National Homeless Law Center; (10) Arizona State University Professor Rebeca Sandefur; (11) Kevin Groman, Co-Founder and Managing Partner, Sonoran Founders Fund; (12) Joe Kanefield, Snell & Wilmer, LLP; and (13) Samuel A. Thumma, Commission and Task Force chair.<sup>61</sup> The Task Force met remotely eight times during 2024.<sup>62</sup>

The effort addressed a wide variety of topics, including training, education, certification, examination, regulation, nomenclature, and a host of other issues. The Task Force built on Arizona’s experience with the Pilot Programs listed above and Alaska’s experience, recognizing Alaska has non-lawyers who passed an examination who then provided legal assistance *with* lawyer supervision, while Arizona’s Pilot Programs have non-lawyers who passed an examination who then provided legal assistance *without* lawyer supervision.

The first Task Force meeting, held in April 2024, broadly considered a variety of topics, including: (1) current types of legal service providers in Arizona; (2) what categories of legal services to consider in an Arizona community justice worker effort; (3)

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 programs%2FShared%20Documents%2FGeneral%2FCommittees%20Working%20Folder%2FACA&p=true&ga=1 [https://perma.cc/65R8-MP7J] (last visited Feb. 14, 2026).

<sup>61</sup> See Arizona Commission on Access to Justice, *Community Justice Workers Task Force Recommendations* app. A at 1 (Oct. 31, 2024) (erroneously stating there were 10 Task Force members, but listing the 13 members).

<sup>62</sup> *Id.* at 3.

identifying geographic and demographic areas with the most need; (4) what groups/partners should be considered for the undertaking; (5) what adjustments to Arizona's current rules/regulations/environment would be needed; (6) what variations to the Alaska program would be needed to adapt and adopt a comparable program in Arizona; and (7) how would this new alternative fit within Arizona's regulatory environment.<sup>63</sup>

The second Task Force meeting in mid-May 2024 refined the effort, focusing on: (1) current Arizona programs relating to community justice workers; (2) a comparison chart of law related services regulation in Arizona (what would become a matrix used at a September 2024 University of Cincinnati Law School Symposium on Access to Justice and a subsequent law review article);<sup>64</sup> (3) some mapping to address areas of need in Arizona; (4) musings on thoughts on nonlawyer legal assistance in Arizona; and (5) a call for other, better topics and subjects to address as they arise.<sup>65</sup> A memorandum from the chair, dated May 1, 2024, titled "Thoughts on Nonlawyer Legal Assistance in Arizona for the Community Justice Workers Task Force," set forth some thoughts that the Task Force "may wish to further address and focus on [in] our efforts."<sup>66</sup> That memorandum, which comprehensively summarized the effort at that time, became a significant reference point in the effort and is repeated here verbatim:

**Broad goals and objectives.**

The [Task Force] seeks to address whether to recommend that Arizona pursue a community justice worker program or programs by exploring how the Arizona Commission on Access to Justice may assist such program(s). While recognizing the efforts cannot be and will not be, everything for everyone and the tools to be provided will be limited in scope, subject matter and duration, the [Task Force] will focus on how best:

- To expand provision of help for law-related matters to those most in need in Arizona.

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<sup>63</sup> See Agenda for Community Justice Workers Task Force Meeting on April 4, 2024 (April 4, 2024) (on file with author).

<sup>64</sup> Thumma, *supra* note 16, at app. 1.

<sup>65</sup> See Agenda for Community Justice Workers Task Force Meeting on May 13, 2024 Agenda (May 13, 2024) (on file with author).

<sup>66</sup> See Draft Memorandum from Samuel A. Thumma to the Arizona Community Justice Workers Task Force, Thoughts on Nonlawyer Legal Assistance in Arizona for the Community Justice Workers Task Force (May 1, 2024) (on file with author).

- To avoid duplication of services and programs already in place or in progress in Arizona.
- To provide additional tools to individuals already serving communities in Arizona.
- To train individuals currently in place doing related (or unrelated) things right now, not to place new employees to do so.
- To ensure that required training and education efforts are not unduly burdensome.
- To ensure that sufficient support is in place to assist with safeguarding clients and aid individuals in serving communities.
- To develop and/or recommend evaluation tools for measuring the impact of such program(s).

**Possible entities to consider that currently are serving their communities in needed areas of law or law-like services.**

- Community Action Agencies
  - Community Action Network
  - Wildfire
  - Arizona Department of Economic Security as a docent for such agencies/services.  
<https://des.az.gov/CommunityActionAgencies>
- Social Service Agencies Generally including Tribal Social Services
- Social Workers
- Colleges of Social Work
- Law School Clinics
- Medical and Pharmacy Schools
- Pharmacies
- Public Libraries/Public Law Libraries
- Health Clinics
- Food Banks
- Area Agency on Aging
- Medical Providers/Medical Provider Networks
- Education facilities
- Mandatory reporters
- Law enforcement officers
- Churches and other faith-based organizations
- Community-based organizations
- City and town employees

- Court Appointed Special Advocates
- Patient advocates/medical advocates
- Others

**Possible subject matter areas to target**

The needs for legal assistance in Arizona are essentially unlimited. The [Task Force], however, cannot address all of those unmet needs. Accordingly, the [Task Force] will need to triage priorities in our efforts, recognizing our Best Practices listings can be considered, and hopefully used, in broader follow-up efforts.

The following listing includes possible subject matter areas to target in our undertaking, noting the five areas the Alaska Program currently addresses. The list is in no particular order, will need to be both expanded and reduced and also enhanced by further discussion and also will need to be prioritized to help direct the work of the [Task Force].

- Domestic violence/protective orders/injunctions against harassment - Alaska Program
- Evictions
- Homelessness/housing
- Public benefits
  - Arizona Cash Assistant Program/Temporary Assistance for Needy Families (TANF)
  - Supplemental Nutrition Assistance Program (SNAP) - Alaska Program
  - Unemployment benefits
  - Disaster relief benefits
  - Healthcare and medical assistance
  - Financial assistance
  - Other public benefits
- Debt relief - Alaska Program
  - Medical debt
  - Other debt
- Consumer law
- Family law
- Employment law
- Immigration
- Children
  - Foster children aging out of the system
  - Education (independent education plans)
  - Department of Development Disabilities
- Special needs populations generally
- Farm workers

- Consumer law
- Guardianships
- Wills – Alaska Program
- Indian Child Welfare Act – Alaska Program
- Other

#### **Potential populations for focus**

- Poverty generally
- The elderly
- Rural
- Veterans
- Persons with disabilities
- Youth, including those aging out of Foster Care
- Other

#### **Best practices**

The following is an initial listing of best practices, that will grow and be refined, with the hope that a comprehensive listing can help both this effort and similar future efforts.

- Accountability
  - Proper training and accountability
  - Measures to ensure correct and proper advice is given
- Core needs identification (both subject matter areas and populations)
- Selection/eligibility for participation by individuals in training
- Train individuals currently serving their communities, not place them
- Focused scope of work best suited for individuals' area of service and level of education/training provided
- Continuing education
- Insurance
- Recordkeeping/follow up.<sup>67</sup>

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<sup>67</sup> *Id.*

To further focus the effort going forward, following the May 2025 meeting, Task Force members were asked to identify up to five priority topics to focus on from the following list:

- Domestic violence
- Evictions
- Homelessness/housing
- Public benefits
- Debt/debt relief
- Consumer law
- Family law
- Employment law
- Immigration
- Children
- Special needs populations generally
- Farm workers
- Guardianships
- Wills
- Indian Child Welfare Act
- Other – Please specify.<sup>68</sup>

In response to these topics, although the voting showed support for many, the five topics receiving the most support were:

- Domestic violence
- Public benefits
- Debt/debt relief
- Evictions
- Family law<sup>69</sup>

Along with mental health issues, these five topics helped focus the Task Force as it moved forward.

At the third Task Force meeting, held in June 2024, the group discussed these topics along with some modelling and map-based visuals, including using Geographic Information System (GIS) mapping provided by the National Center for State Courts, looking at a variety of different demographic perspectives in Arizona.<sup>70</sup>

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<sup>68</sup> See E-mail from Samuel A. Thumma to Task Force members (May 23, 2024, at 5:33 pm MST) (on file with author) (entitled “Community Justice Workers Task Force Polling (Action Requested)”).

<sup>69</sup> See E-mail from Samuel A. Thumma to Task Force members (June 5, 2024, at 7:54 pm MST) (on file with author) (entitled “Community Justice Workers Task Force—The Votes Are In (and a related pro-access to justice development)”).

<sup>70</sup> See Agenda for Community Justice Workers Task Force Meeting on June

Selected Task Force members involved with front line service providers, from private and public sectors, presented and participated in a panel discussion about efforts in Arizona, in other states, and in other countries. The Task Force then continued its work, including focusing on seven questions:

- What are the unmet community needs?
- Who in the community is trusted and positioned to meet those needs?
- Will the service model require regulatory reform?
- Who will do the training and mentoring?
- Who will credential the justice worker?
- Will this service model need insurance?
- What will be the scope of service?<sup>71</sup>

By the time of the fourth Task Force meeting in August 2024, an initial draft of what would become the final Task Force report was circulated for consideration. It would be modified substantially, but the draft helped continue to focus the effort. The agenda for that meeting was to follow up on the prior work of the group and to review and discuss that initial draft.<sup>72</sup>

The fifth Task Force meeting in September 2024 focused on additional information about the Alaska effort (including community justice worker efforts dealing with SNAP benefits), descriptions about community justice worker efforts in Alaska, Hawaii, Delaware, and Texas and mapping information obtained from the University of Arizona Center for Rural Health.<sup>73</sup> The Task Force also considered the ACJA Section governing certified legal document preparers,<sup>74</sup> a listing of the current justice worker

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17, 2024 (June 17, 2024). The timing was good as the NCSC originally provided this information at a Conference of Chief Justices/Conference of State Court Administrators Legal Deserts Summit in Las Vegas, Nevada, held May 20-22, 2025; E-Mail from Abby Kuschel to conference attendees (May 13, 2024, at 11:44 am MST) (on file with author) (entitled “What to [sic] Need to Know Before You Go—NCSC Legal Deserts Summit.”)

<sup>71</sup> See Community Justice Workers Task Force June 17, 2024 Agenda (on file with author). These questions were adapted from Cayley Balser & Stacy Rupprecht Jane, *The Diverse Landscape of Community-Based Justice Workers*, IAALS Blog (Feb. 22, 2024), <https://iaals.du.edu/blog/diverse-landscape-community-based-justice-workers> [<https://perma.cc/L6U8-JCLS>].

<sup>72</sup> See Agenda for Community Justice Workers Task Force Meeting on August 27, 2024 (Aug. 27, 2024) (on file with author).

<sup>73</sup> See Agenda for Community Justice Workers Task Force Meeting on September 23, 2024 (Sept. 23, 2024) (on file with author).

<sup>74</sup> See ARIZ. CODE JUD. ADMIN. § 7-208 (“Legal Document Preparer”). The Arizona Code of Judicial Administration is a compilation of the Arizona Supreme

partners affiliated with the DVLA and HSLA Pilot Programs and a draft proposed community justice worker administrative order prepared by Arizona's Legal Services Corporation-funded entities,<sup>75</sup> a revised version of which was adopted by the Arizona Supreme Court in December 2024.<sup>76</sup>

Given the need to present a final report to the Arizona Commission on Access to Justice in November 2024, the Task Force held three meetings in October 2024, each about a week apart. Along with discussing a draft final Task Force report, and a draft ACJA Section, these meetings addressed non-urban community needs<sup>77</sup> as well as nomenclature,<sup>78</sup> along with a variety of other topics.

For nomenclature, the issue was whether there was uniform terminology in other jurisdictions for various programs where nonlawyers provided legal services, either while supervised by lawyers or not.<sup>79</sup> As summarized in a memorandum to the Task Force, that research revealed “no generally accepted terminology for the various efforts in these areas.”<sup>80</sup>

At the last of these three October 2024 meetings, the Task Force

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Court's policies and procedures for the administration of all Arizona Courts. *See Code of Judicial Administration*, <https://www.azcourts.gov/AZ-Supreme-Court/Code-of-Judicial-Administration> (last visited Jan. 8, 2025). As applicable here, the ACJA contains provisions for Certification and Licensing Programs, including for legal document preparers, alternative business structures, legal paraprofessionals, and now, the Community-Based justice Work Service Delivery Models. *See* ARIZ. CODE JUD. ADMIN. §§ 7-201–211.

<sup>75</sup> *See* Community Justice Workers Task Force September 23, 2024 Agenda and attachments (on file with author).

<sup>76</sup> *See In re Authorizing a Legal Services Community Justice Worker Program*, Ariz. Sup. Ct. Admin. Order No. 2024-250 (Dec. 18, 2024), <https://www.azcourts.gov/Portals/0/22/admorder/Orders24/2024-250.pdf?ver=YYDz3bAZqH-jJnkdK9jiWA%3d%3d> [https://perma.cc/6NKP-4PKF].

<sup>77</sup> *See* Community Justice Workers Task Force October 11, 2024 Agenda and attachments (on file with author).

<sup>78</sup> *See* Community Justice Workers Task Force October 18, 2024 Agenda and attachments (on file with author).

<sup>79</sup> *See* Sam Thumma's "Nomenclature Research" Memorandum October 16, 2024 to the Community Justice Workers Task Force (on file with author).

<sup>80</sup> *See id.* at 1. *See also id.* at 2–3 (listing the following terms used in various jurisdictions: “Community Justice Worker” (Alaska); “Qualified Tenant Advocate” (Delaware); “Rural Paternity Advocate” (Hawaii); “Licensed-Court Access Assistant” (Texas); “Legal Advocate,” “Non-Lawyer Legal Advocate,” “Community-Based Justice Worker,” “Certified justice Workers,” and “Justice Workers,” (Arizona); “Community Justice Advocate,” “Medical Debt Legal Advocate,” and “Housing Stability Legal Advocate” (Utah); “Tribal Advocate” and “Tribal Lay Advocate” (Montana); “Housing Navigators” (South Carolina); “Accredited Representatives” (fully or partially) (U.S. Immigration Proceedings) and “Navigator” (generically) (citations omitted).

approved its final report, and a draft ACJA Section titled “Community-Based Justice Work Service Delivery Models,” for submission to and consideration by the Arizona Commission on Access to Justice at its November 2024 meeting.<sup>81</sup> The final Community Justice Workers Task Force *Recommendations*, dated October 31, 2024, are attached as Appendix A.

During its work, the Task Force considered many issues, and conflicting perspectives, with a particular focus on the experience of community-based justice worker efforts in Arizona and elsewhere. The Task Force also sought external input, including from the Arizona Judicial Council, the Arizona Superior Court Presiding Judges, the State Bar of Arizona, and other groups and individuals.

The Task Force presented its final *Recommendations* at the November 7, 2024 meeting of the Arizona Commission on Access to Justice.<sup>82</sup> After discussion, the Commission unanimously passed a motion supporting the Recommendations and to “move forward with next steps.”<sup>83</sup> A considerable amount of work followed to ensure that the proposed ACJA Section adopting the Community-Based Justice Work Service Delivery Models, and a corresponding rule change adding the concept as an exception to Arizona’s UPL rules, corresponded to other provisions of Arizona law and were ready for filing.

## VII. THE PROCESS SEEKING APPROVAL OF THE COMMUNITY-BASED JUSTICE WORK SERVICE DELIVERY MODELS

The Commission filed petitions seeking the adoption of the proposed ACJA Section (November 22, 2024) and to amend Arizona’s UPL rules (December 30, 2024).<sup>84</sup> Meanwhile, in

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<sup>81</sup> See Community Justice Workers Task Force October 28, 2024 Agenda and attachments (on file with author).

<sup>82</sup> See Arizona Commission on Access to Justice November 7, 2024 Minutes at 3, <https://azcourts.sharepoint.com/teams/csd-courtprograms/Shared%20Documents/Forms/AllItems.aspx?id=%2Fteams%2Fcsd%2Dcourtprograms%2FShared%20Documents%2FGeneral%2FCommittees%20Working%20Folder%2FACAJ%2FArchived%20Minutes%202024%20ACAJ%2Epdf&parent=%2Fteams%2Fcsd%2Dcourtprograms%2FShared%20Documents%2FGeneral%2FCommittees%20Working%20Folder%2FACAJ&p=true&ga=1> [https://perma.cc/PZ83-U8PC] (last visited Dec. 17, 2025).

<sup>83</sup> See *id.*

<sup>84</sup> See ARIZ. JUD. BRANCH, *New ACJA 7-211: Community-Based Justice Work Service Delivery Models* (filed Nov. 22, 2024 with a Dec. 22, 2024 comment

December 2024, the Arizona Supreme Court issued an Administrative Order Authorizing a Legal Services Community Justice Worker Program for Arizona's three Legal Services Corporation-funded entities authorizing trained nonlawyer community justice workers affiliated with those entities to provide legal services in specified areas of law under the supervision of lawyers affiliated with those entities.<sup>85</sup> The issuance of that Administrative Order created a second path for community-based justice work service delivery models in Arizona (legal assistance by nonlawyers with lawyer supervision) joining the preexisting DVLA and HSLA Pilot Programs (legal assistance by nonlawyers without lawyer supervision).

For the Commission's rule change petition, no comments were received.<sup>86</sup> The Arizona Supreme Court adopted that requested change in late January 2025, amending the rule on an emergency basis effective immediately,<sup>87</sup> and adopting it on a permanent basis in August 2025.<sup>88</sup>

For the Commission's petition seeking adoption of the proposed ACJA Section, formal comments were filed by Frontline Justice, Innovation for Justice, the Institute for the Advancement of the

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deadline), <https://acjaforum.azcourts.gov/ACJA-Forum/aft/1666> [https://perma.cc/3SMG-MMUH] (last visited Dec. 18, 2025); Petition R-24-0063 (as amended) to Amend Rule 31.3, Rules of the Arizona Supreme Court, filed Dec. 30, 2024 and amended Jan. 2, 2025 (seeking to add an exception (Rule 31.3(10)) to the unauthorized practice of law provision in Rule 31.2 and allowing for the Authorized Community Justice Workers and Certified Community Legal Advocates), <https://rulesforum.azcourts.gov/Rules-Forum/aft/1679> [https://perma.cc/AD2T-CHL9] (last visited Mar. 13, 2025).

<sup>85</sup> *In re Authorizing a Legal Services Community Justice Worker Program*, Ariz. Sup. Ct. Admin. Order No. 2024-250 (Dec. 18, 2024), <https://www.azcourts.gov/Portals/0/22/admorder/Orders24/2024-250.pdf?ver=YYDz3bAZqH-jJnkdK9jWA%3d%3d> [https://perma.cc/5J74-TW3G].

<sup>86</sup> See generally Petition R-24-0063 (as amended) to Amend Rule 31.3, Rules of the Arizona Supreme Court (demonstrating that no comments were received), <https://rulesforum.azcourts.gov/Rules-Forum/aft/1679> [https://perma.cc/AD2T-CHL9] (last visited Mar. 13, 2026).

<sup>87</sup> See Ariz. Sup. Ct. Ord. (Jan. 28, 2025), in R-24-0063, *In re Rule 31.3, Rules of the Supreme Court*, file:///C:/Users/sthumba/Downloads/R-24-0063%20Order%20re%20Emergency%20Adoption%20of%20Amendments%20to%20SCt%20R%2031.3e\_1%20(4).pdf [https://perma.cc/8U59-GDNW] (last visited Dec. 18, 2025).

<sup>88</sup> See Ariz. Sup. Ct. Ord. (Aug. 28, 2025), in R-24-0063, *In re Rule 31.3, Rules of the Supreme Court*, <https://www.azcourts.gov/Portals/0/20/2025%20Rules/R-24-0063%20FinalRulesOrderAdoptingAmendmentOnAPermanent.PDF?ver=fBY1MBcSxIGWaUnNnuQulw%3d%3d> [https://perma.cc/E9VQ-YEFJ] (last visited Dec. 18, 2025).

American Legal System, and the Deborah L. Rhode Center for the Legal Profession at Stanford Law School.<sup>89</sup> The Commission also received informal comments from various sources, including the State Bar Board of Governors, Arizona Superior Court Presiding Judges, and the Arizona Judicial Council.<sup>90</sup>

Those comments were summarized in a memorandum to the Commission, listing the comment and source and any resulting suggested revision to the proposed revised draft ACJA Section.<sup>91</sup> At its February 2025 meeting, the Commission then unanimously passed a motion to approve the revised draft ACJA Section.<sup>92</sup>

In March 2025, the Commission presented the revised draft ACJA Section to the Presiding Judges of the Arizona Superior Courts (Arizona's fifteen general jurisdiction trial courts) and the Arizona Judicial Council (the policy setting body for the Arizona Judiciary).<sup>93</sup> Both groups passed motions approving the draft ACJA Section, with the Presiding Judges unanimously approving it on March 12, 2025, and the Arizona Judicial Council approving it the next day.<sup>94</sup> On March 19, 2025, Arizona Supreme Court Chief

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<sup>89</sup> ARIZ. JUD. BRANCH, *New ACJA 7-211: Community-Based Justice Work Service Delivery Models* (including Dec. 20-21, 2024 comments), <https://acjforum.azcourts.gov/ACJA-Forum/aft/1666> [https://perma.cc/3SMG-MMUH] (last visited Mar. 13, 2026).

<sup>90</sup> Arizona Commission on Access to Justice February 13, 2025 Meeting Minutes at 4 <https://azcourts.sharepoint.com/teams/csd-courtprograms/Shared%20Documents/Forms/AllItems.aspx?id=%2Fteams%2Fcsd%2Dcourtprograms%2FShared%20Documents%2FGeneral%2FCommittees%20Working%20Folder%2FACAJ%2F02%2D13%2D25%2FMinutes%20021325%20ACAJ%2Epdf&parent=%2Fteams%2Fcsd%2Dcourtprograms%2FShared%20Documents%2FGeneral%2FCommittees%20Working%20Folder%2FACAJ%2F02%2D13%2D25&p=true&ga=1>.

<sup>91</sup> See Memorandum from Samuel A. Thumma on Suggested Responses to Comments Received on Draft Arizona Code of Judicial Administration (ACJA) Section 7-211 (Feb. 5, 2025) (attached as Appendix B), [https://www.azcourts.gov/Portals/0/84/MeetingMaterials/2025/AZ%20Code%20of%20Judicial%20Administration%20\(ACJA\).pdf?ver=15xYPIxfW9y8Xm6tfPt8Jg%3D%3D](https://www.azcourts.gov/Portals/0/84/MeetingMaterials/2025/AZ%20Code%20of%20Judicial%20Administration%20(ACJA).pdf?ver=15xYPIxfW9y8Xm6tfPt8Jg%3D%3D) [https://perma.cc/86A4-BJY4].

<sup>92</sup> See Memorandum Ariz. Comm'n on Access to Just., Archived Minutes Feb. 13, 2025, at 4, <https://azcourts.sharepoint.com/teams/csd-courtprograms/Shared%20Documents/Forms/AllItems.aspx?id=%2Fteams%2Fcsd%2Dcourtprograms%2FShared%20Documents%2FGeneral%2FCommittees%20Working%20Folder%2FACAJ%2FArchived%20Minutes%202025%20ACAJ%2Epdf&parent=%2Fteams%2Fcsd%2Dcourtprograms%2FShared%20Documents%2FGeneral%2FCommittees%20Working%20Folder%2FACAJ&p=true&ga=1> [https://perma.cc/3JSK-X4FH] (visited Dec. 18, 2025).

<sup>93</sup> *Id.*

<sup>94</sup> Ariz. Jud. Council, Mar. 13, 2025 Meeting Minutes, <https://www.azcourts.gov/Portals/0/84/MeetingMaterials/2025/FINAL%20Meetin>

Justice Ann A. Scott Timmer – the same person who chaired the 2019 Timmer Task Force – adopted ACJA Section 7-211 by issuing an Administrative Order.

#### VIII. ARIZONA’S COMMUNITY-BASED JUSTICE WORK SERVICE DELIVERY MODELS

Arizona’s Community-Based Justice Work Service Delivery Models are governed by ACJA Section 7-211 and the related rule change. The rule change is short and technical, providing an exception for authorized community justice workers and certified community legal advocates (sometimes collectively referred to as “service delivery models”) to the Arizona Supreme Court’s UPL rule.<sup>95</sup> Section 7-211, by contrast, is a comprehensive structure for these service delivery models.<sup>96</sup> As described here, Section 7-211 has three parts: (1) definitions, requirements, regulations, reporting, and administrative provisions; (2) a code of conduct; and (3) sample limited scope agreements.<sup>97</sup>

##### *Key Terms and Definitions*

#### 1. “Authorized Community Justice Worker” and “Approved Legal Services Organization”

An authorized community justice worker “means an individual, supervised by an approved legal services organization licensed attorney, who is authorized under [ACJA § 7-211] to provide specified legal assistance and legal advice in one or more approved areas of law to a participant client of an approved legal services organization.”<sup>98</sup> An authorized community justice worker must be either an employee of, or a volunteer at, an “approved legal services organization.”<sup>99</sup> An “approved legal services organization,”

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g%20Minutes-March%202025.pdf?ver=Z6AmY7f0ePIqLw0GXAY7tg%3d%3d [https://perma.cc/4ZNN-6JFK].

<sup>95</sup> See *In re Adopting New Arizona Code of Judicial Administration § 7-211: Community-Based Justice Work Service Delivery Models*, Ariz. Sup. Ct. Admin. Order No. 2025-60 (Mar. 19, 2025), [https://www.azcourts.gov/Portals/0/22/admorder/Orders25/2025-60.pdf?ver=i7y8U\\_X-0F-1EGmyLNt1Cg%3d%3d](https://www.azcourts.gov/Portals/0/22/admorder/Orders25/2025-60.pdf?ver=i7y8U_X-0F-1EGmyLNt1Cg%3d%3d) [https://perma.cc/T7PB-EFMH] (last visited Dec. 17, 2025).

<sup>96</sup> See generally Ariz. Sup. Ct. R. 31.3(e)(10).

<sup>97</sup> See generally ARIZ. CODE JUD. ADMIN. § 7-211 (2025).

<sup>98</sup> *Id.*

<sup>99</sup> See § 7-211(A) (“Authorized community justice worker” definition).

<sup>99</sup> See § 7-211(E)(3)(a)(2)(e).

in turn, is “a non-profit legal entity that has as one of its primary purposes the provision of free legal assistance to low-income individuals and that has obtained approval under [Arizona Supreme Court] Rule 38(d), which approval has not expired or been revoked.”<sup>100</sup> As of February 2026, Arizona had recognized twenty-six approved legal services organizations, including Arizona’s three Legal Services Corporation-funded entities; the William E. Morris Institute for Justice; Step Up to Justice; the NAACP State Conference; Legal Services for Crime Victims in Arizona; Florence Immigrant & Refugee Rights Project; Homeless Legal Assistance Project (Arizona State University); the American Civil Liberties Union Foundation of Arizona; the Christian Legal Society of Tucson, Inc.; the Secular Coalition/Secular Communities for Arizona; and the Mohave County Public Defender.<sup>101</sup> Although largely concentrated in the Phoenix area, these organizations have a presence in many (if not all) of Arizona’s fifteen counties.<sup>102</sup>

As of April 2026, sixteen individuals are Authorized Community Justice Workers in Arizona, with all sixteen authorized in unemployment law, and eight also authorized in debt relief.<sup>103</sup>

## 2. “Certified Community Legal Advocate,” “Approved Community-Based Organization,” and “Approved Certified Community Legal Advocate Training”

In contrast to an authorized community justice worker, a certified community legal advocate:

means an individual certified under [ACJA § 7-211], mentored by volunteer attorneys admitted to practice in Arizona, including attorneys admitted to practice in Arizona for at least five years but who are now on inactive or retired status and are in compliance with [the Arizona Supreme Court Rule regarding “Certification of Pro Bono Counsel”], with subject-matter expertise, or by instructors of the organization providing approved certified community legal advocate training, to provide specified legal assistance and legal advice in one or more approved areas of law to a participant client

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<sup>100</sup> See § 7-211(A) (“Approved legal services organization” definition).

<sup>101</sup> *Approved Legal Services Organization*, ARIZ. JUD. BRANCH, (Feb. 17, 2026) <https://www.azcourts.gov/clerkofcourt/Legal-Services-Organizations> [<https://perma.cc/UD3M-EU4N>] (the current list of approved legal services organizations can be found here).

<sup>102</sup> *Id.*

<sup>103</sup> See *Authorized Community Justice Workers Directory*, ARIZ. JUD. BRANCH (Apr. 21, 2026), <https://www.azcourts.gov/cld/Community-Justice-Workers/Directory> [<https://perma.cc/76J4-XNDD>].

of an approved community-based organization.<sup>104</sup>

“A certified community legal advocate must be mentored by instructors from an organization providing approved certified community legal advocate training or attorneys with subject-matter expertise in the approved areas of law in which the community legal advocate has been certified.”<sup>105</sup> A certified community legal advocate must be an employee of, or a volunteer at, an “approved community-based organization.”<sup>106</sup> An “approved community-based organization” is “a public or private not-for-profit organization, including a designated community action agency, approved to provide services to participants” by the Certification and Licensing Division of the Arizona Administrative Office of the Courts, “and for which that approval has not expired or been revoked.”<sup>107</sup> As of March 2026, Arizona had twenty-one approved community-based organizations, including the Arizona Association of Manufactured Home Owners; the Arizona Commission for the Deaf and Hard of Hearing; the Arizona Justice Center; Chicanos Por Lau Causa; the City of Tucson, Community Health, Wellness and Safety; Emerge -- Center against Domestic Abuse; International Rescue Committee; National Coalition of 100 Black Women, Phoenix Metro; Santa Cruz County Justice Project; Society of St. Vincent de Paul; and Tempe Community Action Agency.<sup>108</sup> Although concentrated in Maricopa County, some of these organizations have a presence in all of Arizona’s fifteen counties.<sup>109</sup>

A certified community legal advocate also must have receive “approved certified community legal advocate training,” defined as:

training for certified community legal advocates provided by a public or private not-for-profit organization approved by the [Certification and Licensing] Division [of the Arizona Administrative Office of the Courts] to provide such training as a result of having submitted a completed application form to the Division for approval by the [Arizona Administrative Office of the Courts], having received notice from the Division confirming the organization’s

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<sup>104</sup> § 7-211 (A) (“Certified community legal advocate” definition).

<sup>105</sup> § 7-211(E)(4)(g).

<sup>106</sup> § 7-211(E)(4)(a)(2)(e).

<sup>107</sup> § 7-211(A) (defining “Approved community-based organization”). *See also id.* (defining “Division”).

<sup>108</sup> Certified Community Legal Advocates, *supra* note 47.

<sup>109</sup> *Id.*

approval, and for which that approval has not expired or been revoked.<sup>110</sup>

As of April 2026, there are thirty-four active certified community legal advocates in Arizona, twenty-seven of whom work in housing stability with the remainder in domestic violence approved areas of law.<sup>111</sup>

### 3. “Participant”

Both of these service delivery models can provide legal services to a “Participant,” defined as “a low-income individual experiencing challenges in one or more approved areas of law and who is a client of an approved legal services organization or an approved community-based organization.”<sup>112</sup> This means legal services are provided to individuals that otherwise are clients of the approved legal services organization or approved community-based organization. These are the individuals that the Community-Based Justice Worker Service Delivery Models are designed to help.

## *Requirements*

### 1. Common Requirements

Both service delivery models are express exceptions to Arizona’s UPL rule,<sup>113</sup> and are administered by the Arizona Supreme Court.<sup>114</sup> Many of the requirements for both are identical,<sup>115</sup> including: being a citizen or legal resident of the United States at least eighteen years old; of good moral character; having a high school diploma or general equivalency diploma; successfully completing a background check (by the approved legal services organization for the authorized community justice worker and the approved community-based organization for the certified

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<sup>110</sup> § 7-211(A) (defining “Approved certified community legal advocate training”).

<sup>111</sup> Certified Community Legal Advocates, *supra* note 47 (listing certified community legal advocates).

<sup>112</sup> § 7-211(A) (defining “Participant”).

<sup>113</sup> ARIZ. CODE JUD. ADMIN. § 7-211(B) (2025). *See also* ARIZ. SUP. CT. R. 31.2(a)(2)(B) (2025) (addressing unauthorized practice of law); ARIZ. SUP. CT. R. 31.3(e)(10) (2025) (providing an exception for authorized community justice workers and certified community legal advocates).

<sup>114</sup> § 7-211(D).

<sup>115</sup> *See generally* §§ 7-211(E)(3)–(4) (addressing community justice worker authorization and certification as a community legal advocate).

community legal advocate) and agreeing in writing to comply with all applicable rules and regulations (of the approved legal services organization for the authorized community justice worker and by the approved community-based organization for the certified community legal advocate).<sup>116</sup>

Certain individuals are ineligible to participate:

An individual who has been disbarred by the highest court in any state; has been denied admission to the practice of law in any state for any reason other than the failure to secure a passing examination score; or has been denied certification, or whose certification has been revoked or suspended, by a regulatory governing body is not eligible to become an authorized community justice worker or a certified community legal advocate.<sup>117</sup>

Significantly, and intentionally, this prohibition allows an individual who otherwise would qualify for admission to the practice of a lawyer but did have a high enough score to pass the bar examination, to serve as either.

## 2. Where Requirements Differ

There are differences in qualifications for the two service delivery models, particularly in training.

### *a) Authorized Community Justice Workers*

Authorized community justice workers, who are supervised by lawyers, must: (1) “[b]e nominated in writing by the applicable approved legal services organization;” (2) “[h]ave successfully completed study and training provided by, or with the approval of, the applicable approved legal services organization;” and (3):

[h]ave successfully completed applicable training provided by the approved legal services organization, or provided by an organization providing approved certified community legal advocate training, on professional conduct obligations, including conflicts of interest, confidentiality, and the duty of candor, and training in any approved area of law in which the individual will provide authorized legal services.<sup>118</sup>

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<sup>116</sup> See §§ 7-211(E)(3)(a)(2)(a)–(d), (i)–(j), (4)(a)(2)(a)–(d), (j)–(k).

<sup>117</sup> § 7-211(E)(2).

<sup>118</sup> § 7-211(E)(3)(a)(1), (a)(2)(f)–(g).

They also must “[h]ave been evaluated by the approved legal services organization and found competent to provide authorized legal services in any approved area of law in which the individual will provide authorized legal services.”<sup>119</sup> Authorized community justice workers also must “[a]gree in writing to comply with all applicable rules and regulations of the approved legal services organization and to provide authorized services under the supervision of an attorney affiliated with the approved legal services organization and in accordance with this section.”<sup>120</sup> An individual meeting these qualifications “may be designated an authorized community worker by the applicable approved legal services organization to provide, in any approved area of law in which the individual had received training and been found competent, authorized legal services to participants while under the supervision of a lawyer affiliated with the approved legal services organization.”<sup>121</sup> An authorized community justice worker is not required to pass a substantive law examination.

*b) Certified Community Legal Advocates.*

Certified community legal advocates, who are not supervised by lawyers, are required to do more. They must (1) “[b]e nominated in writing by the applicable approved community-based organization;” (2) “[h]ave successfully completed study and training provided by, or with the approval of, the applicable approved community-based organization;” (3) “[h]ave successfully completed approved certified community legal advocate training provided by an organization providing approved certified community legal advocate training on professional conduct obligations, including conflicts of interest, confidentiality, and the duty of candor, and training in any approved area of law in which the individual will provide authorized legal services;” (4) “[h]ave been evaluated by the entity providing the approved certified community legal advocate training and found competent to provide authorize legal service in any approved area of law in which the individual will provide authorized legal services;” and (5) “[h]ave obtained a passing grade on the certified community legal advocate substantive law examination administered by the [Administrative Office of the Courts] in any approved area of law in which the

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<sup>119</sup> § 7-211(E)(3)(a)(2)(h).

<sup>120</sup> § 7-211(E)(3)(a)(2)(j).

<sup>121</sup> § 7-211(E)(3)(b).

individual will provide authorized legal services.”<sup>122</sup> To offset administrative costs, there is a \$100 fee charged for the certified community legal advocate examination.<sup>123</sup>

Certified community legal advocates must agree in writing “to comply with all applicable rules and regulations of the approved community-based organization and to provide authorized legal services as a certified community legal advocate in accordance with this section” and “to timely respond to communications from the [Administrative Office of the Courts] or the Division.”<sup>124</sup>

An individual who meets all these qualifications:

may be certified as a community legal advocate by the applicable organization providing approved certified community legal advocate training and the applicable approved community-based organization to provide, in any approved area of law in which the individual has received training and been found competent, authorized legal services to participants otherwise being served by that approved community-based.<sup>125</sup>

*Approved Areas of Law, Authorized legal Services, and Practice Area Limitations*

Both service delivery models are limited to providing legal assistance and legal advice in an “[a]pproved area of law” in which the individual is properly trained to provide (and for certified community legal advocates, certified after obtaining a passing grade on a substantive law examination).<sup>126</sup>

Currently:

“[a]pproved area of law” means each of the following specified areas of civil law, approved by the Arizona Supreme Court, for which services may be provided to participants by authorized community

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<sup>122</sup> § 7-211 (E)(4)(a)(1), (a)(2)(f)–(i).

<sup>123</sup> See § 7-211(F). A fee for online exam administration and remote proctoring also may be charged. *Id.* Although the individual seeking such certification is responsible for ensuring the fee is paid, such “fees may be paid by an approved community-based organization, an organization providing approved certified community legal advocate training, a third party, or the individual seeking to become a certified community legal advocate.” *Id.*

<sup>124</sup> See § 7-211(E)(4)(a)(2)(k)–(l).

<sup>125</sup> See § 7-211 (E)(4)(b).

<sup>126</sup> See § 7-211(A) (“Approved area of law” definition). See also § 7-211(A) (“Authorized community justice worker” and “Certified community legal advocate training” definitions).

justice workers or certified community legal advocates: (1) domestic violence (regarding orders of protection and family law matters); (2) evictions/housing stability; (3) public benefits; (4) debt/debt relief; (5) unemployment law; and (6) consumer issues.<sup>127</sup>

These six approved areas of law reflect what the Arizona Supreme Court Administrative Orders allow for the DVLA and HSLA Pilot Programs and the Legal Services Community Justice Worker Program.<sup>128</sup> Approved areas of law can be added or removed.<sup>129</sup>

Given the scope and text of these Arizona Supreme Court Administrative Orders, under Section 7-211, the authorized legal advice and legal assistance differ. An authorized community justice worker is “only authorized” to “provide legal advice and legal assistance” in an approved area of law in which the authorized community justice worker has been authorized, “while supervised by a lawyer at that approved legal services organization,” as follows:

(a) Provide advice to the participant clients; (b) Prepare a document, in any medium, on behalf of the participant client for filing in any court, administrative agency, or tribunal; (c) Negotiate legal rights or responsibilities on behalf of the participant client; (d) Prepare a document, in any medium, intended to affect or secure a participant client’s legal rights; or (e) Represent a participant client in an administrative proceeding.<sup>130</sup>

“An authorized community justice worker is not authorized to provide legal assistance and legal advice of any kind in the area of

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<sup>127</sup> *See id.* (“Approved area of law” definition).

<sup>128</sup> *See* Authorizing a Domestic Violence Legal Advocate Pilot Program, Ariz. Sup. Ct. Admin. Ord. No. 2024-35, at 3 (Feb. 7, 2024) (“The DVLA may provide general legal information and legal advice regarding orders of protection and family law matters); Authorizing a Housing Stability Legal Advocate Pilot Program, Ariz. Sup. Ct. Admin. Ord. No. 2024-34, at 3–4 (Feb. 7, 2024) (“The HSLA may provide general legal information and legal advice regarding housing matters . . . [and] regarding the eviction process.”); Authorizing a Legal Services Community Justice Worker Program, Ariz. Sup. Ct. Admin. Ord. No. 2024-250, at 3 (Dec. 18, 2024) (authorizing Legal Services Authorized Community Justice Worker to provide legal assistance “only in the areas of debt relief, public benefits, consumer, housing or unemployment law”).

<sup>129</sup> § 7-211(A) (“Approved area of law” definition).

<sup>130</sup> ARIZ. CODE JUD. ADMIN. § 7-211(G)(1)(a)(1)(a)–(e) (2025). *See also* Authorizing a Legal Services Community Justice Worker Program, Ariz. Sup. Ct. Admin. Ord. No. 2024-250, at 2 (Dec. 18, 2024) (using similar language in defining “legal assistance”).

criminal litigation.”<sup>131</sup> By contrast, “[a] certified community legal advocate is only authorized to provide legal assistance and legal advice, without a lawyer’s supervision . . . regarding issues individually commonly experience” in an approved area of law “in which the community advocate has been certified, as follows:”

(1) Concerning the rights and obligations of individuals involved in such proceedings, dispute resolution strategies, and screening for legal defenses; (2) Concerning the process and timeline of such proceedings, the completion of court forms and other documents for filing, and how to assert viable claims and defenses in a timely and procedurally accurate manner; (3) By taking on an advocacy role in negotiations; (4) Concerning preparation for hearings and mediations; (5) By sitting at counsel table during administrative and court hearings to advise and assist participants who are representing themselves; (6) By responding to requests for information from the administrative law judge or judicial officer presiding over a hearing; and (7) By assisting with directly related post-hearing issues.<sup>132</sup>

These specifications come from the Administrative Orders authorizing the Legal Advocate Pilot Programs.<sup>133</sup> Although containing no express prohibition of dealing with criminal law matters, because the “approved areas of law” are “specified areas of civil law,” certified community legal advocates also cannot provide legal assistance or legal advice in criminal matters.<sup>134</sup>

To add force to the authorized areas of law, and guidance when other legal issues arise, Section 7-211 contains a “[p]ractice area limitation” provision:

When legal needs or matters of the participant are outside of the authorized areas of law in which the authorized community justice worker has been authorized or in which the certified community legal advocate has been certified, the authorized community justice worker or certified community legal advocate

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<sup>131</sup> ARIZ. CODE JUD. ADMIN. § 7-211(G)(1)(a)(2) (2025). *See also* Authorizing a Legal Services Community Justice Worker Program, *supra* note 130.

<sup>132</sup> § 7-211(G)(1)(b)(1)–(7).

<sup>133</sup> *See* Authorizing a Domestic Violence Legal Advocate Pilot Program, Ariz. Sup. Ct. Admin. Ord. No. 2024-35, at 3–4 (Feb. 7, 2024) (using similar language in defining authority of DVLA); Authorizing a Housing Stability Legal Advocate Pilot Program, Ariz. Sup. Ct. Admin. Ord. No. 2024-34, at 3–4 (Feb. 7, 2024) (using similar language in defining authority of HSLA).

<sup>134</sup> *See* § 7-211(A)(“Approved area of law” definition).

must refer the participant to a licensed attorney and will not provide any legal assistance, advice, or services regarding such matters.<sup>135</sup>

*Advance Express Written Consent Requirement*

Before providing any legal assistance or legal advice to a participant, both service delivery models “must enter into a written agreement with the participant” that (1) “[a]dvises the participant that the authorized community justice worker or certified community legal advocate is not a lawyer;” (2) “[a]dvises the participant of the limited scope of legal assistance and legal advice the authorized community justice worker or certified community legal advocate is authorized to provide in the areas of law in which they are authorized or certified;” and (3) “[i]s signed by the participant consenting to receiving such limited legal assistance and legal advice from the authorized community justice worker or certified community legal advocate.”<sup>136</sup>

Section 7-211 includes two appendices containing sample agreements complying with these requirements. Appendix 1 is a “Sample Authorized Community Justice Worker Limited Scope Agreement,” while Appendix 2 is a “Sample Certified Community Legal Advocate Limited Scope Agreement.”<sup>137</sup> “For authorized community justice workers, in addition to any requirements for written consent of, and signed agreement by, the applicable approved legal service organization, the agreement must include rights and responsibilities substantially similar to the sample in Appendix 1.”<sup>138</sup> For certified community legal advocates:

the written agreement must also: (a) [a]dvises the participant that the certified community legal advocate is not supervised by a lawyer; and (b) [i]n addition to any requirements for written consent of, and signed agreement by, the applicable approved community-based organization, the agreement must include rights and responsibilities substantially similar to the sample in Appendix 2.<sup>139</sup>

These limited scope agreements were modeled after those adopted by the Arizona Supreme Court for the DVLA and HSLA Pilot Programs, with the certified community legal advocate agreement modified to account for language recommended by the

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<sup>135</sup> § 7-211(G)(2).

<sup>136</sup> § 7-211(I)(1)(a)–(c).

<sup>137</sup> § 7-211 app. 1, 2.

<sup>138</sup> § 7-211(I)(2).

<sup>139</sup> § 7-211(I)(3).

Legal Service Corporation-funded entitles.<sup>140</sup> Authorized community justice workers and certified community legal advocates “must maintain a copy of each fully signed agreement with any participant for whom they provide authorized legal assistance or legal advice.”<sup>141</sup>

### *Privilege and Confidentiality*

Communication between either of these service delivery models and a participant “is privileged if it is made for the purpose of securing or giving legal advice, is made in confidence, and is treated confidentially. This privilege is co-extensive with, and affords the same protection as, the attorney-client privilege.”<sup>142</sup> To ensure this privilege is protected both outside, and within the applicable organization, the privilege provision further provides that:

An authorized community justice worker and a certified community legal advocate must maintain a separate, confidential file for each participant for whom authorized they provide legal assistance or legal advice. These separate files must be treated confidentially and not accessible to the public or other employees or volunteers of the approved legal service organization or approved community-based organization who are not authorized by the participant to access such information. For authorized community justice workers, their supervising attorney is authorized to access the participant’s file.<sup>143</sup>

### *Identification In Documents*

Only individuals properly authorized or certified with a valid authorization or certification (as appropriate) can provide legal advice under these service delivery models.<sup>144</sup> An express provision

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<sup>140</sup> Authorizing a Domestic Violence Legal Advocate Pilot Program, Ariz. Sup. Ct. Admin. Ord. No. 2024-35 app. at 2 (SAMPLE Limited Scope Agreement for Domestic Violence Legal Advocates Pilot Program) (Feb. 7, 2024); Authorizing a Housing Stability Legal Advocate Pilot Program, Ariz. Sup. Ct. Admin. Ord. No. 2024-34 app. at 2 (SAMPLE Limited Scope Agreement for Housing Stability Legal Advocate Pilot Program) (Feb. 7, 2024).

<sup>141</sup> § 7-211(I)(4).

<sup>142</sup> ARIZ. CODE JUD. ADMIN. § 7-211(J) (2025). *Accord* ARIZ. R. EVID. 503 (affording a substantially similar privilege for communications between a legal paraprofessional and a client).

<sup>143</sup> § 7-211(J).

<sup>144</sup> § 7-211(E)(1). In addition, “[a]n organization may not represent that they are affiliated with an authorized community justice worker or a certified community legal advocate unless the organization is an approved legal services organization or an approved community-based organization, as applicable.” § 7-

also specifies disclosure required in documents prepared by these individuals:

On all documents prepared by the authorized community justice worker or certified community legal advocate, unless expressly prohibited by an agency or court, an authorized community justice worker and a certified community legal advocate must include: the name, address, and contact information for the authorized community justice worker or certified community legal advocate; the title of “Arizona Authorized Community Justice Worker” or “Arizona Certified Community Legal Advocate,” as applicable; the name and contact information of the applicable approved community based organization or approved legal services organization; and, for authorized community justice workers, the name of the supervising attorney.<sup>145</sup>

To help facilitate this requirement and to avoid confusion, the Administrative Office of the Courts has issued license numbers for authorized community justice workers and certified community legal advocates.<sup>146</sup>

*No Fees May Be Charged or Received*

Neither of these service delivery models can charge or receive fees for the legal services they provide.<sup>147</sup> A detailed express prohibition, titled “No Fees May Be Charged to Participants,” makes that plain:

Participants must not be charged any fees or costs for legal assistance or legal advice provided by authorized community justice workers or certified community legal advocates. Neither an authorized community justice worker, a certified community legal advocate, an approved community-based organization, nor an approved legal services organization may ask for or receive any compensation or remuneration of any kind from a participant for legal assistance or legal advice provided to a participant.<sup>148</sup>

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211(E)(1).

<sup>145</sup> § 7-211(G)(3).

<sup>146</sup> See Authorized Community Justice Workers Directory *supra* note 103; Certified Community Legal Advocates, *supra* note 47 (identifying license status and numbers).

<sup>147</sup> § 7-211(H).

<sup>148</sup> *Id.*

*Other Provisions*

## 1. Expiration, Suspension, or Termination of Authorization or Certification

The authorized community justice worker's authorization expires on the earlier of termination of the program or when "[t]he individual is no longer employed by, or providing volunteer services for, the approved legal services organization for more than 30 days without obtaining a waiver from the" Administrative Office of the Courts.<sup>149</sup> Similarly, the certified community legal advocate's certification expires on the earlier of termination of the program or when "[t]he individual is no longer employed by, or providing volunteer services for, the approved community-based organization for more than 30 days without obtaining a waiver from the" Administrative Office of the Courts.<sup>150</sup>

Section 7-211 adopts a process for complaints, investigation, and discipline involving authorized community justice workers or certified community legal advocates that is also used for other certification and licensing programs, including fiduciaries, confidential intermediaries, and legal paraprofessionals.<sup>151</sup> Those proceedings are under the jurisdiction and authority of the Arizona Nonlawyer Legal Service Providers Board.<sup>152</sup> An authorized community justice worker's authorization or a certified community legal advocate's certification "may be terminated or suspended as a result of disciplinary action by the Board."<sup>153</sup>

## 2. Recordkeeping, Reporting, and Auditing

Approved legal services organizations with affiliated an authorized community justice worker must keep written records (1) "listing each authorized community justice worker affiliated with that organization;" (2) "the date that individual was authorized;" (3) the approved areas of law the individual is authorized to practice in and (4) "other information relevant to the authorized

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<sup>149</sup> § 7-211(E)(3)(d)(2).

<sup>150</sup> § 7-211(E)(4)(e).

<sup>151</sup> § 7-211(K) (referencing § 7-201(H)) ("Complaints, Investigations, Disciplinary Actions, Proceedings and Certification and Disciplinary Hearings").

<sup>152</sup> *Id.* (referencing § 7-208). *See also* § 7-211(L) ("The policies and procedures in [§ 7-201(I)] are applicable to members of the Nonlawyer Legal Service Providers Board.").

<sup>153</sup> §§ 7-211(E)(3)(e), (4)(f).

community justice worker's services."<sup>154</sup>

The recordkeeping requirements for certified community legal advocates differs, focusing on both training and certification. Organizations providing approved certified community legal advocate training must keep written records "identifying each certified community legal advocate trained by that entity; the date when the training occurred; the subjects addressed in the training; and other information relevant to the training and education of that individual."<sup>155</sup> Each approved community-based organization affiliated with a certified community legal advocate, in turn, must keep written records:

identifying each community legal advocate certified by that entity; the date when the certified community legal advocate obtained certification; the approved areas of law in which the community legal advocate has been certified to provide specified legal assistance and legal advice; and other information relevant to the certified community legal advocate's services.<sup>156</sup>

Each approved legal service organization and organization providing approved certified community legal advocate training must provide quarterly reports to the Division, reporting "the number of participants served, the outcomes achieved, the authorized areas of law in which participants were served, and information regarding the implementation and potential improvement" of the program.<sup>157</sup> These reports also require a list of authorized community justice workers or certified community legal advocates providing legal assistance and advice to participants of the organization, including names, contact information and approved areas of law for each, as well as deletions, additions, corrections and revisions to the prior report.<sup>158</sup> Annually, each approved community-based organization is required to report the number of participants served, the outcomes achieved, the authorized areas of law in which participants were served and information regarding the implementation and potential improvement of the program.<sup>159</sup>

All three groups, as well as authorized community justice workers and certified community legal advocates themselves, are

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<sup>154</sup> § 7-211(E)(3)(c).

<sup>155</sup> § 7-211(E)(4)(c).

<sup>156</sup> § 7-211(E)(4)(d).

<sup>157</sup> §§ 7-211(N)(1)(b), (d).

<sup>158</sup> § 7-211(E)(5).

<sup>159</sup> §§ 7-211(N)(1)(c)–(d).

required to notify the Division in writing within 30 days of specified events, including changes in contact information, specifics about an individual designated as an authorized community justice worker or certification of a community legal advocate, as well as “any change in an individual’s affiliation, employment, or volunteer status with an approved legal services organization or approved community-based organization.”<sup>160</sup> The Division also is authorized to request information from and audit these organizations and individuals and take for failure to properly keep and report specified information or comply with audit requests.<sup>161</sup>

### 3. Directory

The Administrative Office of the Courts is charged with establishing and maintaining a directory of all authorized community justice workers and certified community advocates based on the information reported to the Division.<sup>162</sup> The Arizona Judicial Branch has resource pages, including this information, for both service delivery models.<sup>163</sup>

### 4. Continuing Legal Education Requirements

Continuing legal education is one method to ensure competency and to keep abreast of changes in the approved areas of law for which authorized community justice workers and certified community legal advocates provide legal assistance and legal advice to participants.<sup>164</sup> Each authorized community justice worker and certified community legal advocate must participate in four hours of continuing legal education each year, including one hour of ethics, related to the approved areas of law in which they are authorized or certified to provide legal assistance and legal advice.<sup>165</sup> Each authorized community justice worker and certified community legal advocate is required to ensure compliance with this obligation, to submit documentation of compliance to the

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<sup>160</sup> § 7-211(N)(1)(a).

<sup>161</sup> § 7-211(N)(2).

<sup>162</sup> § 7-211(E)(5).

<sup>163</sup> See *Authorized Community Justice Workers*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/cld/Community-Justice-Workers> [<https://perma.cc/8NXA-S36W>] (last visited Apr. 9, 2026); *Certified Community Legal Advocates*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/cld/Legal-Advocates> [<https://perma.cc/U92E-5VT4>] (last visited Apr. 9, 2026).

<sup>164</sup> § 7-211(M)(1).

<sup>165</sup> § 7-211(M)(2).

applicable approved legal service organization or approved community-based organization and to make sure that documentation can be provided to the Division upon request.<sup>166</sup>

## 5. Code of Conduct

Both service delivery models are governed by the same stand-alone Code of Conduct.<sup>167</sup> The Code of Conduct was adapted from a similar provision governing the DVLA and HSLA Pilot Programs.<sup>168</sup> As discussed below, although consideration was given to using the Ethical Rules applicable to members of the State Bar of Arizona, this stand-alone Code of Conduct was deemed a better fit. Although lengthy -- the Code of Conduct and the sample Limited Scope Agreements make up about half of the text in Section 7-211 -- the decision was made to have a stand-alone provision for ease of reference and application.

## IX. LESSONS LEARNED

The journey for Arizona to get to where it is today for these service delivery models has taken time, patience, input, thought, reflection, recalculation, change in direction, and significant effort by many. It was not a straight-line process or journey. Now that Section 7-211 is in place, the hope is that the service delivery models will continue to grow dramatically, and efforts are underway to do just that.

The description above is intended to be objective and to recount the background, approaches, steps taken, and undertakings in securing the adoption of Section 7-211 and its provisions. What follows are lessons learned from that journey. It is, by definition, more subjective. But the lessons learned -- successes, mistakes, and surprises alike -- are critically important for other jurisdictions looking at these types of service delivery models. Recognizing that it is from the perspective of the chair of the Arizona Commission on Access to Justice and the former chair of the Arizona Community Justice Workers Task Force, who also was the primary author of Section 7-211 (which is certainly a team effort), what follows are ten general lessons learned along the way.

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<sup>166</sup> § 7-211(O).

<sup>167</sup> § 7-211(M)(3).

<sup>168</sup> See Authorizing a Domestic Violence Legal Advocate Pilot Program, Ariz. Sup. Ct. Admin. Order No. 2024-35 (Feb. 7, 2024); Authorizing a Housing Stability Legal Advocate Pilot Program, Ariz. Sup. Ct. Admin. Order. No. 2024-34 (Feb. 7, 2024).

#### A. The Importance of a Small Task Force, with Smart and Wise Members, that Met Frequently

The Arizona Community Justice Workers Task Force had thirteen members, an odd number that would have helped avoid a tie vote (although that issue never arose). Members were intentionally curated to include leaders in the DVLA and HSLA Pilot Programs; what became the Authorized Community Justice Worker Model; the Arizona Bar Foundation; others involved in access to justice efforts (including the Alaska effort); the Director of the Arizona Supreme Court Administrative Office of the Courts; an in-house lawyer, and a lawyer in private practice. Each came with experience, perspective, preconceptions, and questions.

That Task Force size seemed to work well, neither too small nor too big. Members were busy, complicating scheduling, and not everyone was able to participate in all eight meetings. But that was not a surprise; the focus of creating the Task Force was to get busy, committed, smart, wise, and thoughtful people in the same room to think about, and then act on, a novel approach to time-worn issues.

Although they did not always agree, or share the same perspective, Task Force members showed genuine respect for the perspectives of others. They each shared a common goal of working hard to figure out a creative, innovative way to have non-lawyers provide legal services to those most in need. These members, with these qualities and common goal, did miracles to further the essential function of the Task Force.

#### B. The Importance of Information, Discussion, and Course Correction

The Task Force was provided information from a variety of sources, including from the Alaska program, GIS and other mapping showing various metrics in Arizona (things like courthouse location, population density, attorney distribution, limited English proficiency, poverty, limited Internet, and broadband access), presentations from front-line service providers providing legal services to those most in need, research and materials from efforts in other jurisdictions, and numerous other sources. When a Task Force member asked for additional information, or information on a new topic, we worked hard to gather and distribute that information before or at the next Task Force meeting. These efforts helped provide important background in identifying needs, how those needs are being met currently (if at all), and how the Task Force could take action to do more.

Particularly at the beginning, this information provided the basis for wide ranging Task Force conversations about needs and barriers and possible approaches to meeting those needs. At the start, these conversations were general and went down paths that diverged from the final Task Force report, and the information helped in charting the course, as the group refined and focused the effort.

At least in hindsight, that was a really important part of the effort. Having information about, and discussing the needs and current service providers and possibilities and challenges, were critically important for the Task Force members to learn from, to be heard, and to help the ultimate focus of the effort. Considering such broad information, correcting course after considering new information and reflection, and having candid, meaningful discussions helped focus on a final goal and deliverable.

### C. The Importance of Capturing and Narrowing

Meaningful conversations and areas of focus that meandered and were diffuse at times was intentional and a very good thing. It was important to try to get as much as we could on the table, broadly, before we began to narrow and more precisely define the effort. A corollary to that, however, was the need to capture that information in one spot in writing and then use that capture to narrow the effort.

That need for capturing is what prompted the May 1, 2024 memorandum “Thoughts on Nonlawyer Legal Assistance in Arizona for the Community Justice Workers Task Force,” quoted above in full.<sup>169</sup> That memorandum attempted to put wide-ranging and expansive conversations, topics, and approaches in one place to further address and provide focus in the effort.<sup>170</sup> It also attempted to begin categorizing to help focus future discussion, including broad goals and objectives; possible entities consult or include; possible subject matter areas to target; potential populations for focus; and best practices.<sup>171</sup> The breadth of the document described the profound needs in so many areas, but also helped the group recognize the need to identify priorities. If the Task Force attempted to do everything for everyone, all at once, it likely would have nothing (or almost nothing productive). Recognizing the importance of narrowing after capturing this

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<sup>169</sup> See *supra* note 66–67 and accompanying text.

<sup>170</sup> See *supra* note 66–67 and accompanying text.

<sup>171</sup> See *supra* note 66–67 and accompanying text.

information, after the second Task Force meeting, members were asked to identify up to five priority topics (out of a list of more than fifteen) to help focus the effort going forward.<sup>172</sup> Perhaps not surprisingly, that process yielded broad support for the approved areas of law ultimately identified by the Task Force, the Commission, and the Arizona Supreme Court in Section 7-211. Even more importantly, however, that process of capturing the information and then narrowing the focus proved to be critically important in moving forward the work of the Task Force.

#### D. The Importance of Outreach

Throughout the effort, Task Force members sought and obtained information from a variety of different sources, both in Arizona and elsewhere. The responses to this outreach effort both yielded information and insight that was incorporated into the proposal, and also developed broad support for the effort.

These formal and informal outreach efforts were persistent and sustained. The provision ultimately would be adopted (or rejected) by the Chief Justice of the Arizona Supreme Court, so the Task Force provided her periodic updates on the effort. The Arizona Judicial Council, the policy-making body for the Arizona Courts, was the group that would be asked to consider our proposal for approval. Accordingly, the Task Force made presentations to the Council well in advance of our final proposal in March 2025. Those efforts yielded helpful feedback in response. As a result, and by the time of the final proposal, the Council had a good idea (at least in general terms) what the proposal was seeking to do.

These Authorized Community Justice Workers and Certified Community Legal Advocates would be authorized to appear in Arizona's trial courts. Accordingly, the Task Force made presentations to the Presiding Judges of Arizona's Superior Courts well in advance of the final proposal. Again, those efforts resulted in helpful feedback, and by the time of the final proposal, the Presiding Judges had a good idea of what the effort was trying to accomplish.

The Task Force wanted the support of the State Bar of Arizona, but even if that support had not come, the Task Force wanted to make sure that Arizona's attorneys knew something about the proposal, and what it did and did not do. Accordingly, the Task Force presented the proposal to the Board of Governors of the State

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<sup>172</sup> See *supra* note 68–69 and accompanying text.

Bar of Arizona. Ultimately, and delightfully, the State Bar of Arizona Board of Governors formally took action to support the proposal, and the President of the State Bar of Arizona, who also serves on the Arizona Judicial Council, personally supported it. That helpful support was a product of this outreach.

Outreach also occurred in in less formal settings, including in access to justice presentations generally, in presentations to other bar associations and groups and in written communications by the Arizona Commission on Access to Justice. To be sure, even more outreach could have been done, but the formal comments received on the petition to approve what became Section 7-211 were from an impressive group. Along with the Innovation for Justice (which was represented on the Task Force),<sup>173</sup> the petition attracted comments from (1) Frontline Justice, a national, non-partisan group at the cutting edge of the community justice worker effort, including in Alaska;<sup>174</sup> (2) the Institute for the Advancement of the American Legal System (IAALS), a national, independent research organization that innovates and advances solutions to make the civil justice system more just;<sup>175</sup> and (3) the Deborah L. Rhode Center on the Legal Profession at Stanford Law School, which uses a multidisciplinary approach to teaching, research and policy to, among other things, make civil justice more equitable, accessible, and transparent.<sup>176</sup> These outreach efforts both improved and refined the ultimate proposal but also helped secure these comments and unanimous formal approval for the proposal in March 2025, by the Presiding Judges of the Arizona Superior Court as well as the Arizona Judicial Council, facilitating adoption of

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<sup>173</sup> See *Comment of Innovation for Justice Supporting the Adoption of Section 7-211 with Amendments to the Arizona Code of Judicial Administration*, INNOVATION FOR JUST. 3–4 (Dec. 20, 2024) (on file with the Albany Law School Government Law Review).

<sup>174</sup> See *Public Comment on Proposed Section 7-211: Community-Based Justice Worker Service Delivery Models*, FRONTLINE JUST. (Dec. 19, 2024) (on file with the Albany Law School Government Law Review). See also FRONTLINE JUST., *About*, [frontlinejustice.org/about](https://perma.cc/U3R3-76NA) [https://perma.cc/U3R3-76NA] (last visited Jan. 2, 2026).

<sup>175</sup> See *Comments on the Proposed Section 7-211 of the Arizona Code of Judicial Administration*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. (Dec. 20, 2024) (on file with the Albany Law School Government Law Review). See also INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., *About*, [iaals.du.edu/about](https://perma.cc/T4W7-DEGQ) [https://perma.cc/T4W7-DEGQ] (last visited Jan. 2, 2026).

<sup>176</sup> See David Freeman Engstrom & Nora Freeman Engstrom, *Support for the Community-Based Justice Worker Service Delivery Models*, STAN. L. SCH. DEBORAH L. RHODE CTR. ON THE LEGAL PRO (Dec. 20, 2024) (on file with the Albany Law School Government Law Review). See also STANFORD LAW SCHOOL, *About the Rhode Center*, [clp.law.stanford.edu/about-the-rhode-center/](https://perma.cc/TFV8-9R6W) [https://perma.cc/TFV8-9R6W] (last visited Jan. 2, 2026).

Section 7-211 by Arizona's Chief Justice that month.

#### E. The Importance of Privilege

Neither the HSLA and DVLA Pilot Programs nor the Legal Services Community Justice Worker Program have an express privilege for communications with clients.<sup>177</sup> Although the Task Force discussed the confidentiality of files, there was no mention of whether the service providers would have a privilege in their work with participants. That was a substantial oversight. Innovation for Justice, the driver of those Pilot Programs, made the wise comment to the petition that a privilege provision should be added.<sup>178</sup> That comment asked that such a privilege state that communications by a service provider with a participant “shall be privileged under the same rules that govern the attorney-client privilege and work-product doctrine.”<sup>179</sup>

The Task Force considered the issue and, ultimately, suggested a revision recognizing a privilege for both service delivery models. In doing so, the Task Force noted that Arizona's legal document preparers are not afforded a privilege.<sup>180</sup> By contrast, Arizona's legal paraprofessionals are afforded a privilege in Arizona Rule of Evidence 503.<sup>181</sup>

The Task Force then considered the following hypothetical in deciding that adding a privilege was warranted: Suppose a person seeking an order of protection against a former intimate partner secures help of an Authorized Community Justice Worker or a Certified Community Legal Advocate to fill out and file the required petition (and suppose, for this hypothetical, there is no victim advocate privilege). The respondent then requests an evidentiary hearing (which he or she has a right to do) and the

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<sup>177</sup> See Authorizing a Domestic Violence Legal Advocate Pilot Program, Ariz. Sup. Ct. Admin. Ord. No. 2024-35 (Feb. 7, 2024); Authorizing a Housing Stability Legal Advocate Pilot Program, Ariz. Sup. Ct. Admin. Ord. No. 2024-34, 3–4 (Feb. 7, 2024); Authorizing a Legal Services Community Justice Worker Program, Ariz. Sup. Ct. Admin. Ord. No. 2024-250, 3 (Dec. 18, 2024).

<sup>178</sup> See INNOVATION FOR JUSTICE, *supra* note 173.

<sup>179</sup> See *Id.*

<sup>180</sup> See ARIZ. CODE JUD. ADMIN § 7-208(J)(2)(a) (2025) (requiring legal document preparers to treat information confidentially, although “the privilege of attorney-client confidential communications is not extended to certified legal document preparers.”).

<sup>181</sup> See ARIZ. R. EVID. 503 (2021) (“A communication between a legal paraprofessional and a client is privileged if it is made for the purpose of securing or giving legal advice, is made in confidence, and is treated confidentially. This privilege is co-extensive with, and affords the same protection as, the attorney-client privilege.”).

Authorized Community Justice Worker or a Certified Community Legal Advocate attends the hearing to provide legal assistance and advice to the petitioner. Should the respondent be able to call the Authorized Community Justice Worker or a Certified Community Legal Advocate as a witness to testify about what that person discussed with the petitioner (the client)? Without a privilege, there would be nothing to preclude those questions. A privilege, however, would protect the discussion between the petitioner and his or her advocate as privileged when seeking legal advice.

The Task Force determined that a privilege was appropriate, and recommended proposed text based on the legal paraprofessional rule as modified to use Section 7-211 terminology. As a result, Section 7-211 contains the following privilege at the beginning of the “Privilege and Confidentiality” provision:

A communication between an authorized community justice worker or a certified community legal advocate and a participant is privileged if it is made for the purpose of securing or giving legal advice, is made in confidence, and is treated confidentially. This privilege is co-extensive with, and affords the same protection as, the attorney-client privilege.<sup>182</sup>

This is an important provision. Adding it also demonstrates the importance of the public comment process.

#### F. The Importance of Limits

The process clarified the need for, and importance of limits. The Task Force built on the experience of the HSLA and DVLA Pilot Programs, where nonlawyers provide legal advice without lawyer supervision. It seemed that the Pilot Programs were the product of a more challenging innovation process than seeking authorization for Authorized Community Justice Workers, where nonlawyers provide legal advice with lawyer supervision. Given that, however, the importance of moving forward with limits was apparent, again recognizing that if we attempted to do everything for everyone, all at once, we would likely do nothing (or almost nothing). Three of the more significant limits in the effort are mentioned here, recognizing there are many others.

First, the effort is limited to six specified areas of civil law: “(1) domestic violence (regarding orders of protection and family law matters); (2) evictions/housing stability; (3) public benefits; (4) debt/debt relief; (5) unemployment law; and (6) consumer

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<sup>182</sup> ARIZ. CODE JUD. ADMIN § 7-211(J) (2025).

issues.”<sup>183</sup> These track the current DVLA and HSLA Pilot Programs and the Legal Services Community Justice Worker Program Administrative Orders.<sup>184</sup> These six approved areas of law, at least in a general sense, also track the voting priorities by the Task Force members.<sup>185</sup> They are a start, not intended to be comprehensive for all time, and there is good reason to believe they will expand.<sup>186</sup> But the Task Force wanted to start with some specific, priority areas of need, and to start in a limited way consistent with what the Arizona Supreme Court had already approved.

Second, participants may not be charged for legal services provided to them by Authorized Community Justice Workers or Certified Community Legal Advocates.<sup>187</sup> To be sure, this limit may limit the expansion of the service delivery models. Indeed, the comment by Frontline Justice noted that allowing fees to be charged would help ensure sustainability.<sup>188</sup> Recognizing there is merit to such suggestions, that is not the route the Task Force took, for a variety of reasons.

The DVLA and HSLA Pilot Programs and the Legal Services Community Justice Worker Program Administrative Orders do not allow participants to be charged for legal services.<sup>189</sup> So allowing for fees to be charged or received would have changed the current regulatory scheme in Arizona for both service delivery models. The Task Force also noted that Arizona has other options for those seeking or seeking to provide nonlawyer fee-based services, “including legal paraprofessionals, legal document preparers,

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<sup>183</sup> § 7-211(A).

<sup>184</sup> *See supra* note 129.

<sup>185</sup> *See supra* note 68–69.

<sup>186</sup> *See supra* note 91 at 1, 8 (referencing suggestion at November 2024 Yuma County Bar Association Presentation to allow service providers to assist in Title 14 (Probate) guardianships by adding that work to the “Approved area of law” definition).

<sup>187</sup> *See* § 7-211(H).

<sup>188</sup> FRONTLINE JUSTICE, *supra* note 175, at 5; *See* Burnett & Sandefur *supra* note 7, at 1534, 1537.

<sup>189</sup> *See* Authorizing a Domestic Violence Legal Advocate Pilot Program, Ariz. Sup. Ct. Admin. Ord. No. 2024-35, at 3 ¶ 13 (“Recipients of DVLA services (participants) must not be charged any fees for those services) (Feb. 7, 2024); Authorizing a Housing Stability Legal Advocate Pilot Program, Ariz. Sup. Ct. Admin. Ord. No. 2024-34, at 3 ¶ 13 (Feb. 7, 2024) (“Recipients of HSLA services (participants) must not be charged any fees for those services.”); Authorizing a Legal Services Community Justice Worker Program, Ariz. Sup. Ct. Admin. Ord. No. 2024-250, at 4 ¶ 3(f) (Dec. 18, 2024) (the Legal Services Authorized Community Justice Worker “provides legal assistance in matters in which the legal assistance is free of any charges, costs, fees, or other financial obligations to the client”).

alternative business structures,” and other options where non-lawyers may charge fees.<sup>190</sup> In addition, in Arizona, the charging and receipt of fees for legal services implicates heightened regulation and oversight, including trust accounts, financial audits, and other regulatory supervision that would undercut the lighter regulatory touch upon which ACJA § 7-211 is based.<sup>191</sup> Finally, although never expressly stated, this prohibition of charging and receiving fees may have helped in securing support by the State Bar of Arizona. But first and last, this limit was for the proposal to be consistent with what the Arizona Supreme Court had already approved.

Third, neither of these service providers are required to be covered by liability insurance, but they must “[i]nform the participant in writing, before providing authorized legal assistance or legal advice to a participant, if they are not covered by professional liability insurance.”<sup>192</sup> A similar disclosure is required to a participant if a service provider was insured but “is no longer covered by professional liability insurance.”<sup>193</sup> The DVLA and HSLA Pilot Programs and the Legal Services Community Justice Worker Program Administrative Orders do not require liability insurance.<sup>194</sup> More broadly, the final Task Force report noted the reasoning for not requiring insurance: “Although insurance could be beneficial for community-based justice workers, currently, no legal service provider in Arizona has to carry insurance. That is true for lawyers, paralegals, licensed paraprofessionals and others. Accordingly, although beneficial, this service model would not require insurance.”<sup>195</sup> The Task Force recommendation on the point was consistent with current regulation in Arizona, both for lawyers and nonlawyers providing legal services.

#### G. The Importance of Measuring Success

Great recognition went into the importance of measuring success (or hoped success) for the effort. As one way to do so,

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<sup>190</sup> See *supra* note 91 at 9.

<sup>191</sup> See ARIZ. CODE JUD. ADMIN § 7-210(J)(3) (2025) (Arizona’s Legal Paraprofessionals who charge fees for services “must abide by Rule 43, Rules of the Supreme Court,” “Trust Accounts”).

<sup>192</sup> See § 7-211(O)(5)(g) (2025).

<sup>193</sup> *Id.*

<sup>194</sup> See *supra* note 189.

<sup>195</sup> See Memorandum from Community Justice Workers Task Force on Recommendation to Seek Amendments to the Arizona Code of Judicial Administration Regarding Community-Based Justice Work Service Delivery Models in Arizona, 9 (Oct. 31, 2024) (attached as Appendix A).

approved legal service organizations, approved community-based organizations, and organizations providing approved certified community legal advocate training must, at least annually, report the Certification and Licensing Division of the Administrative Office of the Courts the number of participants served, the authorized areas of law in which participants were served, outcomes, and information regarding implementation and improvement.<sup>196</sup> Although too early to tell, the hope is that these reports will not only provide helpful feedback on the impact of the program but also information useful to refined and improving the program.

#### H. Some Mistakes

The effort involved some mistakes that certainly are lessons learned. Let me mention a few here, all of which are my own making.

First, we had more Task Force meetings than I had planned. Those meetings were a very good thing, but my incorrect guestimate on how many meetings would be needed was not. My thought on the number of meetings was based on an uneducated (and wrong) guess about: (1) what the end product of the Task Force would be and (2) (to state the obvious) how many times we might need to meet. The eight Task Force meetings absolutely were necessary. And that is true even though a good deal of work (including drafting what became Section 7-211) was done in between Task Force meetings, given that meetings of a dozen or more people are not the best way to draft specific text or do sentence edits.

Second, the effort took longer than I had anticipated, not a lot longer but longer nonetheless. The hope was to have the final Task Force report submitted to the Arizona Judicial Council to consider (and hopefully approve) at its December 2024 meeting. We missed that by a quarter, with the ultimate consideration (and approval) at the March 2025 meeting. One advantage of that delay is that it allowed Section 7-211 and the proposed rule change to be posted for comments, to have those comment periods close, and to then account for the comments received well in advance of the March 2025 meeting. But the process did slip by a few months, compared to what I had hoped for when we began.

Third, as we worked through the issues and the regulatory

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<sup>196</sup> See § 7-210(N)(1)(d) (2025).

scheme that became Section 7-211, I thought we could develop one or more Authorized Community Justice Worker placements at the same time. That was a mistake. As the Task Force began its work, the HSLA and DVLA Pilot Programs were in place, meaning the Certified Community Legal Advocate concept already had placements. And as it turned out, in December 2024, the three Legal Services Corporation-funded entities secured an Administrative Order authorizing such an Authorized Community Justice Worker effort.<sup>197</sup> But my contemplation was to identify preexisting entities -- “approved community-based organizations” to use the Section 7-211 term -- particularly in rural Arizona, *during* the work of the Task Force, that could start up an Authorized Community Justice Worker placement as, or shortly after, the adoption of what became Section 7-211.

The agenda for the first Task Force meeting in April 2024 even included a bullet point stating “What groups/partners should be considered for the undertaking,” referencing groups in Arizona that would house these service providers that we could bring on during the work of the Task Force. That focus also explains why I obtained the information from the University of Arizona Center for Rural Health and had other materials for consideration by the Task Force. That did not happen. Other than the three Legal Services Corporation-funded entities securing an Administrative Order authorizing an Authorized Community Justice Worker effort late in the effort, the Task Force did not secure the participation of any new approved community-based organization during the creation of Section 7-211. Given the complexity of the effort, including drafting and refining Section 7-211, it was unrealistic for me to think that such an effort properly could have been undertaken at the same time. If asked to do it over again, I would not have included the concept of that sort of parallel path effort.

Fourth, although more of a lesson learned than a mistake, there was more work to be done in gathering information requested or needed between Task Force meetings (particularly the early meetings, where we were broadly considering concepts) than I anticipated. Moreover, information we were able to secure and then share for the Task Force was more word-of-mouth than scientific, and at times involved more original research than off-the-shelf information (particularly when looking at what other

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<sup>197</sup> See Authorizing a Legal Services Community Justice Worker Program, Ariz. Sup. Ct. Admin. Ord. No. 2024-250 (Dec. 18, 2024).

jurisdictions were doing). That, in turn, may have led to overlooking or not fully appreciating some issues (the oversight of the privilege issue discussed above immediately comes to mind).

As a final example (and, again, this is far from an exhaustive list), apart from the code section and rule amendment, there was no parallel effort to create a user-friendly brochure. Section 7-211 is dense, as is any provision comprehensively regulating a group of individuals providing legal services. But Section 7-211 is not something that can be used with potential participants interested in information about how things work if they are seeking legal advice. Nor does Section 7-211 provide an overview of the system for someone who may be interested in becoming authorized or certified. And Section 7-211 does not include a short explanation for interested entities about the benefits of becoming an approved community-based organization or an approved legal services organization.

It is not the place of Section 7-211 to do these things, but there is need for other materials that would do so that the Task Force did not create. For the HSLA and DVLA Pilot Programs, Innovation for Justice has material addressing the Certified Community Legal Advocate.<sup>198</sup>

Other descriptions and overview materials for these efforts, and the other potential participants in them, exist in some form and are in process in others.<sup>199</sup> But neither the Task Force nor the Commission prepared such materials to be launched at the same time Section 7-211 was adopted. In hindsight, creating such materials at the same time as the Section 7-211 was being drafted would have been helpful to get a jump start on education and implementation.

### I. Some Surprises

Any effort like this has surprises, some large and some small. A few are summarized here.

The complexity of an effort to comprehensively regulate a group of individuals providing legal services seems obvious. But appreciating that complexity is abstract until such an effort is undertaken. That was, believe it or not, a surprise.

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<sup>198</sup> See generally *Innovation for Justice*, INNOVATION FOR JUST., <https://www.innovation4justice.org/> [<https://perma.cc/SR3V-4BEW>] (visited Jan. 4, 2026).

<sup>199</sup> See Authorized Community Justice Workers, *supra* note 163; Certified Community Legal Advocates, *supra* note 163.

Along with the HSLA and DVLA Pilot Programs, Arizona had the good fortune of regulatory systems for nonlawyers providing legal services in adjacent areas. Of particular help were provisions governing certified legal document preparers<sup>200</sup> and legal paraprofessionals.<sup>201</sup> Other certification and licensing programs in Arizona also provided analogous systems that were referenced.<sup>202</sup> These were helpful resources, recognizing these other provisions provided analogous guidance, and needed to be tailored in significant ways when drafting what became Section 7-211.<sup>203</sup>

Another surprise was substantial attention to nomenclature (what these two service delivery models should be called) and whether a single term, or two different terms, should be used for what became Authorized Community Justice Workers and Certified Community Legal Advocates. All three October 2024 Task Force meetings focused, in varying respects, on nomenclature. Indeed, given this focus, a single topic memorandum to the Task Force in advance of the October 18, 2024, meeting, addressed “Nomenclature Research.”<sup>204</sup> And two of the four public comments focused primarily on nomenclature, wanting to use one common term for both service delivery models.<sup>205</sup>

In the end, Section 7-211 retains the Authorized Community Justice Workers and Certified Community Legal Advocates models recommended by the Task Force. The reasoning for using these two distinct terms includes that they were already adopted in Arizona, designated as such by the Arizona Supreme Court in the Administrative Orders and more broadly.<sup>206</sup> It also seemed important to use different terms for individuals who are supervised by a lawyer (Authorized Community Justice Worker) and those who are not (Certified Community Legal Advocate), and to use different terms for individuals who had successfully

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<sup>200</sup> See ARIZ. CODE JUD. ADMIN. § 7-208 (Legal Document Preparers) (2025).

<sup>201</sup> See § 7-210 (Legal Paraprofessional).

<sup>202</sup> See §§ 7-202–204; 206.

<sup>203</sup> See *supra* note 195.

<sup>204</sup> See *supra* note 79.

<sup>205</sup> See *supra* note 195 at 4 (summarizing Innovation for Justice comment, which sought to replace “Authorized Community Justice Worker” and “Certified Community Legal Advocate,” and corresponding distinctions, with “[A]uthorized Community-Based Justice Workers” to reference both groups); *id.* at 9 (2025) (summarizing IAALS comment, which recognized that, in states with comparable programs, “there are six different titles among those seven states,” but recommended Arizona “not create two categories of community-based justice workers and instead uses one uniform name for this category of provider in Arizona.”).

<sup>206</sup> See *supra* note 195 at 4.

completed training and passed an examination (Certified Community Legal Advocate) from those who had not (Authorized Community Justice Worker). Given those distinctions, which continue to make sense and seem important, this focus on nomenclature came as a surprise.

#### J. The Importance of Judicial and Attorney Leadership

Section 7-211 could never have gotten anywhere without judicial and attorney leadership. Arizona's Chief Justice Ann A. Scott Timmer, first by chairing the 2019 Timmer Task Force, then by supporting both the Commission (generally) and the Task Force (specifically), and then adopting Section 7-211 in March 2025, was and remains a strong voice in regulatory reform to help those most in need. That innovative approach to access to justice and public service is broadly followed throughout the Arizona judiciary, for the bench, in court administration, in the Administrative Office of the Courts and in Clerks of Court, who for Superior Court are independent constitutional officers. That type of leadership is critically important.

Attorney leadership also was and is critically important. The State Bar of Arizona Board of Governors supported the undertaking from the start, as did the President of the State Bar of Arizona, who also serves on the Arizona Judicial Council. The Arizona Bar Foundation supported the effort as did Innovation for Justice (the driver behind the HSLA and DVLA Pilot Programs). Arizona's three LSC-funded entities not only supported the effort but also secured an Administrative Order authorizing LSC-affiliated Authorized Community Justice Workers during the seeking the adoption of Section 7-211. All this attorney leadership and support, along with judicial leadership and support, was and is crucial for the effort.

#### X. RESPONSES AND EVALUATION TO DATE

The adoption of Section 7-211 in March 2025 was well received in Arizona and elsewhere.<sup>207</sup> Arizona is an early adopter, with

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<sup>207</sup> See Kiera Riley, *Community Justice Workers to Fill the Gap in Legal Aid for Arizona Communities*, ARIZ. CAPITOL TIMES (Apr. 27, 2025), <https://azcapitoltimes.com/news/2025/04/27/community-justice-workers-to-fill-the-gap-in-legal-aid-for-arizona-communities/> [https://perma.cc/NW4Z-5MTE]; *Bridging the Justice Gap in Legal Deserts: Community Justice Workers and Legal Advocates in Arizona*, PRO BONO INST. (May 13, 2025), <https://www.probonoinst.org/2025/05/13/bridging-the-justice-gap-in-legal->

these unique parallel paths, for such a program in what is a part of a national call to action,<sup>208</sup> including resources now available for jurisdictions seeking to do so.<sup>209</sup> Almost immediately, training and education efforts started for Arizona's trial courts who may be seeing these individuals in the courtrooms and also training for the bench, members of the bar, civic organizations and others to spread the word about the program.

It is early days in the application and administration of Section 7-211. As noted above, however, as of April 2026, sixteen individuals have become Authorized Community Justice Workers in Arizona, authorized to provide legal services in unemployment insurance and debt relief approved areas of law.<sup>210</sup> As of April 2026, there are thirty-four Certified Community Legal Advocates in Arizona, authorized to provide legal services domestic violence and housing stability approved areas of law.<sup>211</sup> In February 2026, the annual reports from the various participants<sup>212</sup> were summarized

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deserts-community-justice-workers-and-legal-advocates-in-arizona/  
[<https://perma.cc/9BQ6-PYFJ>]; Natalie Robbins, *Arizona Supreme Court Approves Program to Allow Non-lawyers to Give Legal Advice*, TUCSONSENTINEL.COM (Apr. 1, 2025, at 15:43 ET), [https://www.tucson sentinel.com/local/report/040125\\_community\\_justice\\_worker\\_s/arizona-supreme-court-approves-program-allow-non-lawyers-give-legal-advice/](https://www.tucson sentinel.com/local/report/040125_community_justice_worker_s/arizona-supreme-court-approves-program-allow-non-lawyers-give-legal-advice/)[<https://perma.cc/E6CR-36X5>].

<sup>208</sup> *Bridging the Justice Gap in Legal Deserts: Community Justice Workers and Legal Advocates in Arizona*, PRO BONO INST. (May 13, 2025), <https://www.probonoinst.org/2025/05/13/bridging-the-justice-gap-in-legal-deserts-community-justice-workers-and-legal-advocates-in-arizona/> [<https://perma.cc/9BQ6-PYFJ>]; Expanding Access to Justice Through Authorized Justice Practitioner Programs, NCSC (Aug. 11, 2025) <https://www.ncsc.org/resources-courts/expanding-access-justice-through-authorized-justice-practitioner-programs> [<https://perma.cc/M3CL-FAKD>] (“Adapted from ‘Considerations for expanding access to justice through Authorized Justice Practitioner programs,’ Conference of Chief Justices/Conference of State Court Administrators Civil Justice Committee, April 2025”). See also Samuel A. Thumma, *Expanding Access to Justice Through Regulatory Reform and Innovation: Arizona Lessons from the Past, Present, and Future*, 93 U. CINN. L. REV. 408, 426–27 (2024) (summarizing efforts in Arizona and Utah in late 2019 and by the Conference of Chief Justices and the American Bar Association in early 2020 for states to consider regulatory innovations to address the access to justice crisis).

<sup>209</sup> *Justice Worker Lab*, ARIZ. STATE UNIV., <https://thesanfordschool.asu.edu/research/centers-initiatives/justice-worker-lab> [<https://perma.cc/K7YR-NQ93>] (discussing the Arizona State University T. Denny Sanford School of Social and Family Dynamics, which “produces and supports empirical, public-facing research to inform the design, development, and understanding of community justice worker training, programs, and regulation”) (last visited Mar. 11, 2026).

<sup>210</sup> See *supra* note 103.

<sup>211</sup> See *supra* note 111.

<sup>212</sup> See ARIZ. CODE JUD. ADMIN. § 7-211(N)(1) (2025).

in Arizona's Community-Based Justice Work Service Delivery Models 2025 Annual Report.<sup>213</sup> These reports, current and future, will provide more insight into the reach and force of the effort.

## XI. CONCLUSION

Arizona's journey to reimagine access to justice shows that innovation, grounded in history and guided by collaboration, can transform entrenched systems. By adopting the Community-Based Justice Work Service Delivery Models in ACJA § 7-211, Arizona has created two distinct yet complementary paths -- Authorized Community Justice Workers and Certified Community Legal Advocates -- that empower trusted and trained nonlawyers to provide limited legal assistance in areas of profound need. These paths do more than fill gaps; they redefine what it means to deliver justice in a way that is practical, scalable, and deeply connected to the communities they serve.

The lessons learned from Arizona's experience—including embracing and recognizing limits, the importance of outreach, learning from mistakes, fostering judicial and attorney leadership, and committing to continuous evaluation—offer a blueprint for other jurisdictions. This is not a theoretical exercise. It is a working model that has already begun to change lives. And there are, to be sure, many other resources that those who are interested in such an endeavor can and should consult when doing so.<sup>214</sup> But as legal deserts persist and unmet needs remain, the imperative is clear: justice cannot remain the exclusive province of lawyers. It must be a shared responsibility, supported by thoughtful regulation and community trust.

Arizona's approach is not the final word, but it is a compelling early chapter in a national movement to close the justice gap. The hope is that this framework inspires, and this article helps, others

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<sup>213</sup> Mark McCall, *Arizona's Community-Based Justice Work Service Delivery Models: 2025 Annual Report* (Ariz. Admin. Off. of the Cts. Feb. 2026), <https://www.azcourts.gov/Portals/0/Community%20Justice%20Workers%20in%20Arizona%20-%202025%20Annual%20Report.pdf> [<https://perma.cc/3XX4-B8ZM>].

<sup>214</sup> See Rebecca L. Sandefur & Matthew Burnett, *Building Successful Justice Worker Programs: Emerging Insights from Research and Practice*, 41 ALASKA L. REV. 23, 42–44 (2024). See also Cayley Balser & Stacy Rupprecht Jane, *The Diverse Landscape of Community-Based Justice Workers*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. (Feb. 22, 2024), <https://iaals.du.edu/news/diverse-landscape-community-based-justice-workers> [<https://perma.cc/RB8G-ECBB>] (listing “a non-exhaustive inventory of questions to consider”).

to act boldly, adapt creatively, and measure success rigorously. Reimagining access to justice in these ways can help move toward to a justice system that is not only accessible in theory but attainable in practice -- for everyone, everywhere.

## XII. APPENDICES

*Appendix A: October 31, 2024 Community Justice Workers Task Force Recommendations (without attachments)*

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**Appendix A**

**Arizona Commission on Access to Justice  
Community Justice Workers Task Force Recommendations  
[NOTE: Provided Without Attachments]**

**To:** Arizona Commission on Access to Justice  
**Re:** Recommendation to Seek Amendments to the Arizona Code of Judicial Administration Regarding Community-Based Justice Work Service Delivery Models in Arizona  
**From:** Community Justice Workers Task Force (Rudolfo Sanchez; Pamela Bridge; Anthony Young; Stacy Jane; Kevin Ruegg; Drew Schaffer; Janet Regner; Dave Byers; Will Knight; Rebecca Sandefur; Kevin Groman; Joe Kanefield and Sam Thumma)  
**Date:** October 31, 2024

**Purpose of the Task Force**

At the February 1, 2024, the Arizona Commission on Access to Justice (Commission) approved a motion for a task force of the Commission to investigate and report back on the possibility of expanding and enhancing community justice workers programs in Arizona. The Commission chair appointed this 10-member Task Force, which includes Commission members and others, to do so.

**Task Force Recommendation**

The Task Force recommends that the Commission, at its November 7, 2024, meeting, consider and formally approve a proposal continuing to endorse, and to expand, the community justice workers programs in Arizona, including necessary regulatory changes, both to enhance current efforts and encourage new efforts to expand services for those most in need. The specific recommendation is to consider for approval draft Arizona Code of Judicial Administration (ACJA) Section 7-211, titled “Community-Based Justice Work Service Delivery Models.” **[Attachment A]** If approved by the Commission, the Task Force further recommends that such a proposal be presented to the Arizona Judicial Council at its December 12, 2024, meeting, for consideration and formal approval, with a proposed rule change petition seeking enactment of such an ACJA Section to be filed by January 10, 2025. If enacted, such an ACJA Section would not displace the current programs in place in Arizona, including the pilot programs discussed below. Instead, such an ACJA Section would provide a regulatory framework for programs in place now, being planned now (including by the three Legal Services Corporation-funded entities in Arizona) and those to be planned in the future.

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### **Background and Task Force’s Work**

Arizona has a significant history of innovation to authorize and implement legal services by community members other than lawyers to advance access to justice. Following the sunset of Arizona’s Unauthorized Practice of Law Statute in the mid-1980s, and the emergency of legal document preparers, in 2003, the Arizona Supreme Court approved a rule change petition to certify legal document preparers. That certification allows such individuals to perform specified legal services, subject to a certification and disciplinary process for legal document preparers, as stated in ACJA § 7-208.

Fast forward to the Arizona Task Force on the Delivery of Legal Services, which issued its October 2019 *Report and Recommendations*.<sup>1</sup> That *Report* came at about the same time as significant regulatory reforms were being proposed in Utah and supported by resolutions issued by the Conference of Chief Justices and the American Bar Association. The *Report* was a sea change for non-lawyer regulatory reform. Among other things, the *Report* prompted the establishment of the legal paraprofessional program in Arizona, ACJA § 7-210, and the Domestic Violence Legal Document Preparer (DVLDP) Pilot Program, proposed by the Arizona Bar Foundation;<sup>2</sup> what currently is called the Domestic Violence Legal Advocate (DVLA) Pilot Program, proposed by the University of Arizona James E. Rogers College of Law’s Innovation for Justice (i4J) Program;<sup>3</sup> and the Housing Stability Legal Advocate (HSLA) Pilot Program, also proposed by i4J.<sup>4</sup>

At the February 2024 Commission meeting, Dr. Rebecca Sandefur discussed access to justice efforts across the country, including the importance of non-lawyer regulatory reform. Nikole Nelson, CEO of Frontline Justice, then presented on Alaska’s Community Justice Workers Program. Given the unique geography, transportation systems, needs and dispersed population, in 2019, the Alaska Legal Services Corporation (ALSC) started its Community Justice Worker Program “as a new approach to solving the justice gap, by empowering legal advocates in rural Alaska communities to provide certain legal services with ALSC’s training and supervision,” looking “beyond lawyer-based solutions to

<sup>1</sup> The *Report and Recommendations* can be found at <https://www.azcourts.gov/Portals/74/LSTF/Report/LSTFReportRecommendationsRED10042019.pdf?ver=2019-10-07-084849-750>.

<sup>2</sup> Ariz. Sup. Ct. A.O. 2020-25 (Jan. 29, 2020), <https://www.azcourts.gov/Portals/22/admorder/Orders20/2020-25.pdf?ver=2020-01-29-122716-477>.

<sup>3</sup> Ariz. Sup. Ct. A.O. 2024-35 (Feb. 7, 2024), Ariz. Sup. Ct. A.O. 2024-34 (Feb. 7, 2024), [https://www.azcourts.gov/Portals/22/admorder/Orders24/2024-34.pdf?ver=\\_oX3FvQafoxtt-9UdSjrrA%3d%3d](https://www.azcourts.gov/Portals/22/admorder/Orders24/2024-34.pdf?ver=_oX3FvQafoxtt-9UdSjrrA%3d%3d).

<sup>4</sup> Ariz. Sup. Ct. A.O. 2024-34 (Feb. 7, 2024), [https://www.azcourts.gov/Portals/22/admorder/Orders24/2024-34.pdf?ver=\\_oX3FvQafoxtt-9UdSjrrA%3d%3d](https://www.azcourts.gov/Portals/22/admorder/Orders24/2024-34.pdf?ver=_oX3FvQafoxtt-9UdSjrrA%3d%3d). This list is not exhaustive list. For example, earlier this year, first by Administrative Order and then rule change effective January 1, 2025, the Arizona Supreme Court authorized a Fair Housing Initiatives Program allowing FHIP employees to represent aggrieved parties in administrative hearings. See Ariz. R. Sup. Ct. 31.3(e)(9) (effective January 1, 2025).

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achieve justice.”<sup>5</sup>

The Alaska program involves recruiting and training “qualified non-lawyer volunteers (such as paralegals, tribal legal advocates, tribal employees, village health aids, undergraduate and law school students) to serve Alaskans who can’t afford or otherwise access civil legal help.”<sup>6</sup> Once trained, community justice workers help clients resolve their legal issues under the supervision of ALSC lawyers.<sup>7</sup> The Alaska project identified five areas of focus to start: (1) Supplemental Nutrition Assistance Program (SNAP) and unemployment benefits; (2) drafting wills; (3) Indian Child Welfare Act enforcement; (4) debt collection defense; and (5) domestic violence/protective order advocacy.<sup>8</sup> ALSC provides modular, self-paced online training in these five areas. As of early 2024, participants had completed more than 200 training programs, and with nearly 200 in process.<sup>9</sup> Participants reported these affiliations: (1) 25% tribal; (2) 22% law school; (3) nearly 20% private; (4) 12% social services; (5) 10% health care; and (6) the remainder in legal, student or education. To date, the program has reported more than 300 open cases, more than 300 closed cases, community justice workers in 42 Alaska communities with a 100% success rate.<sup>10</sup>

The experience in Arizona and elsewhere in non-lawyer regulatory reform and innovation provided the foundation for the work of the Task Force. The Task Force met eight times, considering many issues including the experience of community-based justice worker efforts, the disparate needs in various parts of Arizona, including using Geographic Information Systems (GIS) mapping looking at various aspects of the state facilitated by the National Center for State Courts, and a host of other topics. In its work, the Task Force (1) identified broad goals and objectives to guide the effort; (2) looked at seven specific questions and (3) identified best practices for refining and expanding future community justice efforts in Arizona. A summary of that discussion, supporting the recommendations of the Task Force, follows.

#### **I. Broad Goals and Objectives.**

<sup>5</sup> Alaska Legal Services Corporation, *Community Justice Workers Project*, <https://www.alsc-law.org/community-justice-worker-program/>.

<sup>6</sup> *Introduction to Proposed Alaska Bar Rule 43.5*, <https://www.alsc-law.org/wp-content/uploads/2022/12/Alaska-Bar-Rule-43.5.pdf>.

<sup>7</sup> *Id.*

<sup>8</sup> Community Justice Workers Program brochure, <https://www.alsc-law.org/wp-content/uploads/2022/10/Advocate-Training-Brochure-v922.pdf>.

<sup>9</sup> Arizona Commission on Access to Justice February 1, 2024 Meeting Packet at 58, [https://azcourts.sharepoint.com/teams/csd-courtprograms/SharedDocuments/Forms/AllItems.aspx?id=%2Fteams%2Fcsd-courtprograms%2FSharedDocuments%2FGeneral%2FCommittees%2FWorking%2FACA%2F02-01-24%2FMtg\\_Pkt\\_Rev\\_020124\\_ACAJ%2Epdf&parent=%2Fteams%2Fcsd-courtprograms%2FSharedDocuments%2FGeneral%2FCommittees%2FWorking%2FACA%2F02-01-24&p=true&ga=1](https://azcourts.sharepoint.com/teams/csd-courtprograms/SharedDocuments/Forms/AllItems.aspx?id=%2Fteams%2Fcsd-courtprograms%2FSharedDocuments%2FGeneral%2FCommittees%2FWorking%2FACA%2F02-01-24%2FMtg_Pkt_Rev_020124_ACAJ%2Epdf&parent=%2Fteams%2Fcsd-courtprograms%2FSharedDocuments%2FGeneral%2FCommittees%2FWorking%2FACA%2F02-01-24&p=true&ga=1).

<sup>10</sup> *Id.* at 60-61.

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The Task Force identified and focused on broad goals and objectives of how best to:

- expand provision of help for law-related matters to those most in need in Arizona;
- avoid duplication of services and programs already in place or in progress in Arizona;
- provide additional tools to individuals already serving communities in Arizona;
- train individuals currently in place in the community right now, not to place new individuals;
- ensure that required training and education efforts are both effective but also not unduly burdensome;
- ensure that sufficient support is in place to help safeguard clients and aid individuals in serving communities; and
- recommend evaluation tools for measuring impact and identifying successes and opportunities to change/improve.

## II. Seven Specific Questions Addressed by the Task Force.<sup>11</sup>

### 1. What are the unmet community needs?

The Task Force identified many unmet community needs. The Task Force also, however, realized that if the community justice effort sought to do everything, all at once, it would be unable to accomplish much. Instead, the hope was to focus on a specific, finite number of significant unmet community needs for an Arizona community-based justice worker effort that could succeed and then provide a model for expansion and further development to address other unmet community needs. Recognizing the need to focus the effort, in late May 2024, Task Force members were asked to vote for up to five of the following community needs they would prioritize for such an effort:

- Domestic violence
- Evictions
- Homelessness/housing
- Public benefits
- Debt/debt relief
- Consumer law
- Family law
- Employment law

<sup>11</sup> Adapted from Caley Balser & Stacy Rupprecht Jane, *The Diverse Landscape of Community-Based Justice Workers*, IAALS Blog (Feb 22, 2024) <https://iaals.du.edu/blog/diverse-landscape-community-based-justice-workers>.

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- Immigration
- Children
- Special needs populations generally
- Farm workers
- Guardianships
- Wills
- Indian Child Welfare Act
- Other – Please specify

The votes received identified the following unmet community priority needs: (1) domestic violence; (2) public benefits; (3) debt/debt relief; (4) evictions; (5) family law; and (6) mental health generally.

**2. Who in the community is trusted and positioned to meet those unmet needs?**

The Task Force identified current statewide programs relating to community-based justice workers already providing services in Arizona, with a chart listing and comparing the current regulation of law-related services in Arizona. **[Attachment B]** Along with those programs, and in particular the Pilot Programs, the Task Force identified many possible trusted community participants during its discussions.

In addressing the unmet community priority needs identified by the Task Force, significantly, the DVLDP and DVLA Pilot Programs address domestic violence and related legal issues. The HSLA Pilot Program addresses eviction-related issues, another priority need. There remain, however, significant unmet needs to be addressed in Arizona.

The Task Force focused on two categories of trusted community participants who are or could be positioned to implement community-based justice workers through recruitment, training and support: (1) a model involving lawyer-supervised community justice workers (currently, the three Legal Service Corporation-funded entities in Arizona (Community Legal Services; DNA-People’s Legal Services Southern Arizona Legal Aid) are working on such a model, but the model contemplated by the Task Force would also be open to other approved legal services organizations in Arizona (“Approved Community Justice Worker,” or “ACJW,” model) and (2) a model involving community-based organizations without lawyer supervision of community justice workers (akin to the current DVLA and HSLA Pilot Programs) (“Certified Community Legal Advocate,” or “CCLA,” model).

These two categories of trusted community participants have common characteristics, given that they already have a presence in Arizona, have knowledge and experience with various needs (including legal) of vulnerable individuals and have a commitment to helping those most in need. They also have substantial differences, that offer significant benefits as well.

**3. Will the service models require regulatory reform?**

The short answer is yes. The discussion that follows addresses the regulatory reform

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applicable to these two models.

**A. Regulatory Reform for the ACJW Model.**

For the ACJW Model, the DVLDP Pilot Program provided some guidance. The Administrative Order for that Pilot Program requires supervision by an Arizona Legal Aid attorney for a time for provisional DVLDP certification. The DVLDP Administrative Order is short (three pages long) and incorporates aspects of AJCA § 7-201 (“General Requirements, Certification and Licensing Programs”) and AJCA § 7-208 (“Legal Document Preparers”). It also states minimum qualifications, criminal background investigation, examination required for certification, that no fees may be charged for services, scope of assistance and legal information (including that legal advice cannot be given), that applications need not pay a certification or renewal application fee, appointing the CEO of the Arizona Bar Foundation as Pilot Program Director and specifying required periodic reports.<sup>12</sup>

The Alaska program and lawyer supervised-community justice worker models in other jurisdictions, [Attachment C includes such materials from Alaska; Delaware (Qualified Tenant Advocates); Hawaii (Rural Paternity Advocate Pilot Project) and Texas (Licensed Court-Access Assistants),] appear to focus on these topics:

| Topic                               | Jurisdiction  | Comment  |
|-------------------------------------|---|--|
| Eligibility/Qualifications/Training | Alaska; Delaware; Hawaii; Texas                         |  |
| Lawyer supervision required?        | Yes (LSC lawyer) for Alaska, Delaware and Hawaii; Texas | In Delaware, worker must be “an employee or independent contractor of” an LSC entity; in Hawaii “only advocates employed by” LSC can participate; in Texas “under the supervision of a lawyer at the sponsoring approved legal assistance organization,” |
| Scope of practice/services          | Alaska; Delaware; Hawaii; Texas                         |  |

<sup>12</sup> See generally Ariz. Sup. Ct. A.O. 2020-25 (Jan. 29, 2020), <https://www.azcourts.gov/Portals/22/admorder/Orders20/2020-25.pdf?ver=2020-01-29-122716-477>

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|   |   |                                |
|---|---|--------------------------------|
| Disclosure and written consent from client for representation | Alaska; Delaware; Hawaii; Texas   |                                |
| Application requirements/ procedure/training                  | Alaska; Delaware; Hawaii; Texas   | Hawaii has detailed curriculum |
| Subject to discipline and enforcement                         | Alaska; Delaware (revocation); Hawaii (revocation); Texas (revocation)                        |                                |
| Reporting   | Alaska; Hawaii (by Feb. 2025)   |                                |
| Compensation allowed?   | Delaware=No; Texas=No by client, but yes by sponsoring approved legal assistance organization |                                |

If Arizona wished to adopt a comparable approach for an ACJW model, an administrative order like those used in these other jurisdictions but tailored to Arizona could do the work. Such an approach would also need to indicate that any required application and approval process would go through the Arizona Judicial Branch Certification and Licensing Division, not the State Bar of Arizona Board of Governors. See <https://azcourts.gov/clcd>. In that case, forms would need to be prepared for such a purpose and the Division would need appropriate resources to accommodate that process.

**B. Regulatory Reform for the CCLA Model.**

For the CCLA Model, with no lawyer supervision, the DVLA and HSLA Pilot Programs already in place would seem to provide a helpful model. The Administrative Orders currently in place for those Pilot Programs provide guidance about what regulatory reform may be required for a CCLA model and consist of:

- (1) the Administrative Order itself, which incorporates various aspects of the AJCA (including § 7-208 governing “Legal Document Preparers”), and but also sets minimum qualifications, criminal background investigation, examination required for certification, that no fees may be charged for services, scope of advice and assistance, that applications need not pay a certification application fee, appointing the Pilot Program Director and specifying required periodic reports;

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- (2) a code of conduct that displaces ACJA § 7-208(J); and
- (3) a sample limited scope agreement.<sup>13</sup>

These references to ACJA § 7-208 suggest that reference to that section may help look at regulatory reform in a less ad hoc manner. ACJA § 7-208 includes these subparts applicable to legal document preparers: (A) “Definitions;” (B) “Applicability;” (C) “Purpose;” (D) “Administration;” (E) “Certification;” (F) “Role and Responsibilities of Certificate Holder;” (G) “Renewal of Certification;” (H) “Complaints, Investigation, Disciplinary Proceedings and Certification and Disciplinary Hearings;” (I) “Policies and Procedures for Board Members;” (J) “Code of Conduct;” (K) “Fee Schedule;” and (L) “Continuing Legal Education Policy.” These Arizona Supreme Court Administrative Orders already in place and ACJA § 7-208 could provide helpful guidance in establishing, defining and regulating such an expansion.

#### 4. Who will do the training and mentoring?

Ideally, training would build on current efforts underway, to allow more than one source for training and to add new training where needed. In addition, given the focus of community-based justice workers, remote training and on demand training would be preferable to centralized, live class-based training. Hopefully, community-based justice workers will be in communities throughout the state. In addition, recognizing the focus is to train individuals currently in place in the community right now, not to place new individuals, having flexibility in how training modules are provided and to allow for remote training will be essential.

Looking at the source of training materials, and who will do the training, the Task Force identified several alternatives. For the ACJW model, the approved legal services organization would be primarily responsible, while for the CCLA, an approved certified community legal advocate training organization would be primarily responsible. As to the source of training and training materials, approved legal services organizations and approved certified community legal advocate training organizations both can provide such materials and training. By broadening the scope of what entities can provide the materials and training, the hope is that the number of entities doing so will be expanded, redundancies can be reduced, and the use of good training materials can be expanded.

Mentoring could be both formal and informal, with corresponding responsibilities. The ACJW model requires attorney oversight, meaning the mentoring would be formal and could be informal. The CCLA model would continue the mentoring in place for the DVLA and HSLA Pilot Programs.

<sup>13</sup> See generally Ariz. Sup. Ct. A.O. 2024-35 (Feb. 7, 2024), <https://www.azcourts.gov/Portals/22/admorder/Orders24/2024-35.pdf?ver=cROqDdWbxSqtW-QGcRfOg%3d%3d>; Ariz. Sup. Ct. A.O. 2024-34 (Feb. 7, 2024), <https://www.azcourts.gov/Portals/22/admorder/Orders24/2024-34.pdf?ver=oX3FvQafott-9UdSjrrA%3d%3d>

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**5. Who will do credentialing?**

The credentialing, as contemplated by the Task Force, would be different. For the ACJW model, the approved legal services organization would have to approve an individual to provide services after training found adequate by the approved legal services organization and under the supervision of an attorney. For the CCLA model, the individual would need to (1) successfully complete study and training provided by, or with the approval of, the applicable approved community based organization where that individual is affiliated; (2) successfully completed approved certified community legal advocate training provided by an approved certified community legal advocate training organization in any approved area of law in which the individual will provide legal services and have been found competent by the certified community legal advocate training organization to provide authorized legal assistance and (3) obtain a passing grade on the certified community legal advocate substantive law examination administered by the AOC in any approved area of law in which the individual will provide legal services.

Records of such efforts, other than the passing grade on the examination administered by the AOC, would be the responsibility of the entities involved in it, not the AOC. Similarly, the approved legal services organization (for ACJWs) and the certified community legal advocate training organization and the approved community based organization (for CCLAs), not the AOC, would be responsible for other record keeping, subject to audit and reporting by those entities to the AOC. This includes records for continuing education requirements, consisting of four hours of continuing legal education each year, at least one of which shall be ethics training.

**6. Will this service model need insurance?**

Although insurance could be beneficial for community-based justice workers, currently, no legal service provider in Arizona has to carry insurance. That is true for lawyers, paralegals, licensed paraprofessionals and others. Accordingly, although beneficial, this service model would not require insurance.

**7. What will be the scope of service?**

The scope of service is a critical aspect of a community-based justice workers system. The scope also will vary depending on the area of focus involved, based on needs, education, training, supervision and certification and specifying the scope of these undertakings will be critical. The A.O.'s for the DVLA and HSLA Pilot Programs provide examples of how the scope of service could be defined in these areas, including descriptions (particularly for the HSLA Pilot Program) as well as limited scope sample agreements. The draft proposed by the Task Force includes sample scope of service agreements.

The Task Force is proposing that ACJWs and CCLAs may provide legal advice and assistance in approved areas of law specified by the Arizona Supreme Court. The first six such approved areas of law recommended by the Task Force are: (1) domestic violence; (2) evictions/housing stability; (3) public benefits; (4) debt/debt relief; (5) unemployment

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law, and (6) consumer issues. The Task Force also proposes a model to allow for expansion of these areas as approved by the Arizona Supreme Court.

### III. Overview of Proposed ACJA § 7-211 (“Community-Based justice Workers”).

The Task Force proposes two paths for Arizona to expand its efforts for community-based justice workers.

- ACJWs would be trained either by approved legal services organizations or by approved certified community legal advocate training organizations to the satisfaction of the approved legal services organizations, recognizing ACJWs would be supervised by attorneys at those approved legal services organizations. As a result, the regulatory effort is a lighter touch, with the approved legal services organizations doing the approvals, supervision and reporting.
- CCLAs would need to (1) successfully training by an approved certified community legal advocate training organization; (2) sit for and pass an examination administered by the AOC in the approved area(s) of law and (3) certified by the approved community based organization.

The structure for this draft largely tracks other analogous AJCA Sections, with the following outline:

- A. Definitions
- B. Applicability
- C. Purpose
- D. Administration
- E. Authorization or Certification
- F. Fees/Costs
- G. Role and Responsibilities
- H. No Fees May Be Charged to Participants
- I. Written Consent of, and Signed Agreement By, a Participants is Required Before Providing Services
- J. Confidentiality of Files
- K. Complaints, Investigation, Disciplinary Proceedings and Certification and Disciplinary Hearings
- L. Policies and Procedures for Board Members
- M. Continuing Education Policy
- N. Reporting
- O. Code of Conduct

Appendices:

1. Sample Authorized Community Justice Worker Limited Scope Agreement
2. Sample Certified Community Legal Advocate Limited Scope Agreement

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#### IV. Best Practices.

Finally, during its work, the Task Force identified various best practices going forward, with the hope that a more comprehensive listing can continue to help both this effort and similar future efforts to enhance and expand community-based justice workers in Arizona.

- Accountability
  - Proper training and accountability
  - Measures to ensure correct and proper legal services are provided
- Core needs identification (both subject matter areas and populations)
- Selection/eligibility for participation by individuals in training
- Train individuals currently serving their communities, not place them
- Focused scope of work best suited for individuals' area of service and level of education/training provided
- Continuing education
- Insurance
- Recordkeeping/follow up
- Feedback loops
- Community engagement
- Prioritizing free training and certification.<sup>14</sup>

<sup>14</sup> Helpful resources article addressing these and other topics include Matthew Burnett & Rebecca J. Sandefur, *A People-Centered Approach to Designing and Evaluating Community Justice Worker Programs in the United States*, 51 FORDHAM URB. L.J. 1509 (2024), available at <https://ir.lawnet.fordham.edu/ulj/vol51/iss5/6/>; Tanina Rostain & James Teufel, *Measures of Justice: Researching and Evaluating Lay Legal Assistance Programs*, 51 Fordham Urb. L.J. 1481 (2024), available at <https://ir.lawnet.fordham.edu/ulj/vol51/iss5/5/>; Cayley Balser, Stacy Rupprecht Jane, et al., *Leveraging Unauthorized Practice of Law Reform to Advance Access to Justice*, 18 L.J. Soc. Justice 66 (2023), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4772216](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4772216).

*Appendix B: February 5, 2025 Suggested Responses To Comments Received on Draft Arizona Code of Judicial Administration (ACJA) Section 7-211*

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**Appendix B**

**ARIZONA CODE OF JUDICIAL ADMINISTRATION  
Part 7: Administrative Office of the Courts  
Chapter 2: Certification and Licensing Programs  
Section 7-211: Community-Based Justice Work Service Delivery Models**

**To:** Arizona Commission on Access to Justice  
**Re:** Suggested Responses to Comments Received on Draft Arizona Code of Judicial Administration (ACJA) Section 7-211  
**From:** Samuel A. Thumma  
**Date:** February 5, 2025

This memorandum summarizes comments received on draft ACJA § 7-211 (“Community-Based Justice Work Service Delivery Models”), suggested changes in response, and brief comments. The summary addresses formal comments provided on the Arizona Supreme Court Rules Forum (which closed December 22, 2024 and may be accessed at <https://www.azcourts.gov/ACJA-Forum/aft/1666>) and other comments provided informally. This memorandum should be read in conjunction with a redline revised draft ACJA § 7-211 (dated February 5, 2025) and is provided in anticipation of the February 13, 2025 meeting of the Arizona Commission on Access to Justice.

Please note that, on January 28, 2025, the Arizona Supreme Court approved an amended petition to amend Arizona Supreme Court Rule 31.3(e)(10) to include authorized community justice workers and certified community legal advocates as an exception to the unauthorized practice of law provision to Rule 31.2. The petition seeking that change and the order are being provided to the Commission simultaneously with this memorandum and the revised draft ACJA § 7-211. Accordingly, the redline (at page 2 “Applicability”) removes the footnote referencing that amendment.

With that preface, this memorandum summarizes the comments received, largely in chronological order, suggested changes in response, and brief comments.

| Presentation/Comment/Source   | Suggested revision to draft ACJA § 7-211 | Comment  |
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| Yuma County Bar Association Presentation (Nov. 18, 2024)<br>• Suggested authorized community justice worker and/or certified community legal advocate to assist in Title 14 (Probate) guardianships by adding that work to the “Approved area | None                                     | Good suggestion to be pursued after ACJA § 7-211 is implemented. |

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| <p>of law” Definition in § 7-211(A).</p>  |   |   |
| <p>State Bar of Arizona Board of Governors (Dec. 6, 2024)</p> <ul style="list-style-type: none"> <li>• Suggested clarifying § 7-211(H) (“No Fees May Be Charged to Participants”) to make clear that neither the “approved community-based organization” nor the “approved legal services organization” can charge fees to participants or receive fees for legal assistance or advice.</li> <li>• Suggested “consumer issues,” listed in “Approved area of law” definition in § 7-211(A), is vague and should be further defined.</li> </ul> | <p>Change made in § 7-211(H) to provide additional clarity.</p> <p>None</p>   | <p>Change reflects that no fees may be charged to participants, by anyone, or received from participants, in the authorized community justice worker and certified community legal advocate programs.</p> <p>Phrase “consumer issues” comes verbatim from Ariz. Supreme Court Admin. Order 2024-250 at 3 (Dec. 18, 2024) (“Authorizing a Legal Services Community Justice Worker Program”) (“ACJW AO”).</p>   |
| <p>Stacy Jane (December 10, 2024)</p> <ul style="list-style-type: none"> <li>• Suggested clarifying that lawyers who mentor certified community legal advocates track the approach used in the Arizona Supreme Court Administrative Orders authorizing the Legal Advocate Pilot Programs.</li> </ul>  | <p>Change made in § 7-211(A) to definition of “Certified community legal advocate” to read “mentored by volunteer attorneys admitted to practice in Arizona, including attorneys admitted to practice in Arizona for at least five years but who are now on inactive or retired status and are in compliance with Rule 38(d)(2)(B)(i)(b)-(d), with subject-matter expertise, . . .”</p> | <p>Tracks Arizona Supreme Court Rule 38(d)(2)(B)(i) (Certification of Pro bono Counsel). Legal Advocate Pilot Programs use “volunteer attorneys with subject-matter expertise.” Ariz. Supreme Court Admin. Order 2024-35 at 3 ¶ 9 (Feb. 7, 2024) (“Authorizing a Domestic Violence Legal Advocate Pilot Program”) (“DVLVA AO”); Ariz. Supreme Court Admin. Order 2024-34 at 2 ¶ 9 (Feb. 7, 2024) (“Authorizing a Housing Stability Legal Advocate</p> |

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|  |      | Pilot Program”) (“HSLA AO”).  |
| Arizona Superior Court Presiding Judges (Dec. 11, 2024) (presented as informal item given open comment period)   | None | Informally supported the proposal.  |
| Arizona Judicial Council (Dec. 12, 2024) (presented as informal item given open comment period)  | None | Informally supported the proposal   |
| i4J (Dec. 20, 2024)<br><ul style="list-style-type: none"> <li>Suggested replacing § 2-711(O) (“Code of Conduct”) with a requirement to “abide with the code of conduct contained in ACJA § 7-210(J).”</li> </ul> | None | After considering alternatives, the Task Force recommended § 7-211(O), which is taken (with small changes in terminology) from the Legal Advocate Pilot Programs Codes of Conduct. <i>See</i> DVL A AO Appx. 1; HSLA AO Appx. 1. Other ACJA sections also include a stand-alone Code of Conduct. <i>See, e.g.</i> , ACJA §§ 7-202(J) (“Fiduciaries”); 7-203(J) (“Confidential Intermediary”); 7-204(J) (“Private Process Server”); 7-206(J) (“Certified Reporter”); 7-208 (“Legal Document Preparer.”). The suggested change, referencing ACJA § 7-210(J) (Code of Conduct for Legal Professionals), would impose inapplicable obligations and terminology, including requiring compliance with most Arizona Rules of Professional Conduct and Rules for Trust Accounts |

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| <ul style="list-style-type: none"> <li>• Suggested adding “Privilege,” stating that communications with a participant “shall be privileged under the same rules that govern the attorney-client privilege and work-product doctrine.”</li> <li>• Suggested replacing the terms authorized community justice worker and certified community legal advocate, and corresponding distinctions, with “[A]uthorized Community-Based Justice Workers” to reference both groups, with corresponding changes throughout. Also suggested changing “Approved certified community legal advocate training” to “Approved community legal education course.”</li> </ul> | <p>Change made to § 7-211(J) to have the heading read “Privilege and Confidentiality” and add privilege provision.</p> <p>None</p> | <p>applicable to lawyers.</p> <p>Privilege issue was not part of the Task Force Discussions. Proposed text is based on Ariz. R. Evid. 503 (“Legal Paraprofessional”), modified to use § 7-211 terminology. This type of protection is not afforded to legal document preparers. <i>See</i> ACJA § 7-208(J)(2)(a)(requiring confidential treatment of information but states “the privilege of attorney-client confidential communications is not extended to certified legal document preparers”).</p> <p>The Task Force discussed this issue on several occasions and arrived upon the two terms that are proposed: (1) “Authorized community justice worker” and (2) “Certified community legal advocate.” These are the terms used by the Arizona Supreme Court and in Arizona. <i>See</i> ACJW AO (establishing “an Authorized Community Justice Worker program”); DVLA AO (“Authorizing a Domestic Violence Legal Advocate Pilot Program”); HSLA AO (“Authorizing a Housing Stability Legal Advocate Pilot Program”).</p> |
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| <ul style="list-style-type: none"> <li>• Suggested removing the requirement in § 2-711(E) that a certified community legal advocate pass a substantive exam administered by the Administrative Office of the Courts in any approved area of law in which the individual will provide authorized legal services.</li> <li>• Suggested allowing for waivers or a sliding fee scale for the \$100 fee for the community legal advocate test.</li> </ul> | <p>None</p> <p>Language added to ACJA § 2-711(F) to read “Although the individual seeking to become a certified community legal advocate is</p> | <p>The Task Force viewed it as important to use different terms for individuals who are supervised by a lawyer and those who are not. These terms also reflect that a “Certified community legal advocate” has earned certification, by training and passing an examination, while an “Authorized community justice worker” has not. Finally, there is no uniform nomenclature used elsewhere. <i>See</i> IAALS Comment discussed below (noting, in states with comparable programs, “there are six different titles among those seven states.”).</p> <p>The § 2-711(E) requirement is taken nearly verbatim from the Arizona Supreme Court Administrative Orders governing the Legal Advocate Pilot Programs. <i>See</i> DVLA AO at 2 ¶ 3(i); HSLA AO at 2 ¶ 3(g).</p> <p>Fee amounts identified after consultation with the Administrative Office of the Courts, Certification &amp; Licensing Division. The listed fee is in line with those charged for other</p> |
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| <ul style="list-style-type: none"> <li>Noted M is titled “Continuing Education Policy” but text uses “continuing legal education;” recommended consistency and suggested using “continuing education.”</li> </ul> | <p>responsible for making sure any applicable fees are paid, these fees may be paid by an approved community-based organization, an organization providing approved certified community legal advocate training, a third party, or the individual seeking to become a certified community legal advocate.”</p> <p>Changed ACJA § 7-211(M) for heading to read “Continuing Legal Education Policy”</p> | <p>non-lawyer legal professionals and is needed to ensure the program can be sustained and partially funded within the AOC. A fee waiver would add an administrative burden and reduce the revenue needed to maintain the program.</p> <p>Change accurately tracks the substance of the section, including the substance of the required education, and is consistent with the text of the prior draft. <i>See also</i> ACJA § 7-210(I) (“Continuing Legal Education Policy” for paraprofessionals). DVLA Program, though, requires 4 hours of annual “continuing education.” DVLA AO 2024-35 at 3 ¶ 8; <i>accord</i> ACJA § 7-208(I) (“Continuing Education Policy” for legal document preparers).</p> |
| <p>Frontline Justice (Dec. 19, 2024)</p> <p>1. “Good moral character and background check requirements should not be unduly burdensome to applicants or sponsoring organizations.” adding “good</p>               | <p>None</p>   | <p>The “good moral character” requirement is taken verbatim from the Arizona Supreme Court Administrative Orders governing the Legal</p>  |

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| <p>moral character” requirement “lacks any definition and is overbroad” and criminal background checks may be expensive, unreliable and inaccurate.</p> |             | <p>Advocate Pilot Programs. <i>See</i> DVLA AO at 2 ¶ 3(c); HSLA AO at 2 ¶ 3(c) “Good moral character” also is required to qualify as a legal paraprofessional, ACJA § 7-210(E)(5)(e), a legal document preparer, ACJA § 7-207(E)(3)(b)(3), and a lawyer, Ariz. R. Sup. Ct. 34(b)(1)(B).</p> <p>The draft does not specify what is required for background checks. An authorized community justice worker needs to “[h]ave satisfactorily completed a background check conducted by the approved legal services organization and cleared that check to the satisfaction of the approved legal services organization.” ACJA § 2-711(E)(3)(a)(2)(i). A certified community legal advocate needs to “[h]ave satisfactorily completed a background check conducted by the approved community-based organization and cleared that check to the satisfaction of the approved community-based organization.” ACJA § 2-711(E)(4)(a)(2)(j).</p> |
| <p>2. Suggested having alternatives to testing for certified</p>  | <p>None</p> | <p>Examination requirements for certified community</p>  |

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| <p>community legal advocates, such as supervised practice, stating evidence suggests bar examinations “are both discriminatory and ineffective in gauging the knowledge and skills required for lawyers to be effective.”</p> |              | <p>legal advocates come verbatim from the Arizona Supreme Court Administrative Orders governing the Legal Advocate Pilot Programs. <i>See</i> DVLA AO at 2 ¶ 3(c); HSLA AO at 2 ¶ 3(i).</p>  |
| <p>3. Suggested eliminating mentoring requirement for community legal advocates, stating the mentoring obligation is unclear as to what is required of organizations and attorneys or how it would be monitored.</p>          | <p>None.</p> | <p>Mentoring requirements for certified community legal advocates come verbatim from the Arizona Supreme Court Administrative Orders governing the Legal Advocate Pilot Programs. <i>See</i> DVLA AO at 3 ¶ 9; HSLA AO at 2 ¶ 9.</p>                                 |
| <p>4. Suggested offering testing fee waivers.</p>   | <p>None</p>  | <p><i>See supra</i> response to similar i4J suggestion.</p>  |
| <p>5. Suggested expanding the scope of authorized legal services in § 2-711(G)(1).</p>  | <p>None</p>  | <p>The scope of legal services comes from the Arizona Supreme Court Administrative Orders governing the Authorized Community Justice Worker Program and the Legal Advocate Pilot Programs. <i>See</i> ACJW AO at 2-3; DVLA AO. at 3-4 ¶ 17; HSLA AO at 3-4 ¶ 17.</p> |
| <p>6. Suggested permitting nominal fees to be charged to participants to support sustainability.</p>  | <p>None</p>  | <p>As discussed above, § 7-211(H) prohibits charging participants fees or costs for legal assistance or legal advice. That prohibition is contained in the Arizona Supreme Court Administrative Orders</p>   |

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| <p>7. Reconsider having a continuing education requirement.</p>   | <p>None</p>  | <p>governing the Authorized Community Justice Worker Program and the Legal Advocate Pilot Programs. <i>See</i> ACJW AO at 3(f); DVLA AO at 3 ¶ 13; HSLA AO at 3 ¶ 13. Arizona has other options for fee-based services, including legal paraprofessionals, legal document preparers, alternative business structures, and others allowing for non-lawyers to charge fees.</p> <p>Four hour annual continuing education obligation is consistent with the Arizona Supreme Court Administrative Order governing the DVLA Pilot Program. <i>See</i> DVLA AO at 3 ¶ 8.</p> |
| <p>IAALS (Institute for the Advancement of the American Legal System) (Dec. 20, 2024)</p> <ul style="list-style-type: none"> <li>• Recommends Arizona “not create two categories of community-based justice workers and instead uses one uniform name for this category of provider in Arizona.”</li> </ul> | <p>None.</p> | <p><i>See supra</i> discussion of i4J nomenclature suggestion.</p>   |
| <p>Deborah L. Rhode Center on the Legal Profession, Stanford Law School (Dec. 20, 2024)</p> <ul style="list-style-type: none"> <li>• Supports adoption.</li> </ul>  | <p>None</p>  |  |

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| <p>Other informal suggestions from various sources:</p> <ul style="list-style-type: none"> <li>• Draft used “approved certified legal advocate training organization” (which is not a defined term) throughout as a shorthand for an organization approved by the Division to provide “approved certified community legal advocate training”</li> <li>• Ineligibility in E(2) should be if an individual has been denied practice in any state (not just Arizona) for any reason other than failure to secure a passing exam score.</li> <li>• Given the definition of “Approved certified community legal advocate training,” references in E(4)(a)(2)(g) to “or provided by an approved legal services organization,” in E(4)(a)(2)(h) to “either a certified community legal advocate training organization or an approved legal services organization” and similar references in 4(c) are confusing and potentially redundant or misleading.</li> <li>• Suggest specifying that authorization to access confidential files in J be “by the participant.”</li> </ul> | <p>Change made to use the phrase “organization providing approved certified community legal advocate training” throughout to reflect defined terms</p> <p>Change made</p> <p>Changes made to use, instead, “organization providing approved certified community legal advocate training.”</p> <p>Change made</p> | <p>More correctly reflects defined terms to avoid confusion</p> <p>Eliminates an unintended potential loophole.</p> <p>Avoids confusion and reflects the differences between approved certified community legal advocate training and an approved legal services organization.</p> <p>Makes express what was implied in the draft.</p> |

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| <ul style="list-style-type: none"> <li>• Suggested specifying when the quarterly and monthly reports specified in N are to be provided, recognizing (for example) an annual report for a calendar year cannot, practically, be provided on December 31.</li> <li>• Suggested provisions specifying when authorization expires when there is a termination of the relationship set forth in E(3)(d)(2) and E(4)(e)(2) be reduced from 60 days to 30 days.</li> </ul> | <p>Change made to require the report be provided 15 days after the end of the reporting period, and clarify the coverage periods for the quarterly and annual reports.</p> <p>Change made</p> | <p>Change makes plain the scope of the reports and when they are to be provided. Change may not be entirely consistent with ACJW AO, which requires [at 4 ¶ 3(c)] a written report (apparently for the activities during the calendar year) to be made “[o]n or before December 31 of each year.”</p> <p>The purpose of this time period is for reporting the termination of the relationship to be accomplished under N(1)(a)(4), which is 30 days, and to transition the participant to a new individual or resource. Change reflects N(1)(a)(4) reporting to encourage prompt transition.</p> |
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