

NEWS RELEASE

Arizona Supreme Court
Administrative Office of the Courts



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Arizona Supreme Court Makes Generational Advance in Access to Justice

PHOENIX – The Arizona Supreme Court voted this week to make far-reaching changes that could transform the public’s access to legal services. The approved changes, stemming from the Court’s Task Force on the Delivery of Legal Services, chaired by Vice Chief Justice Ann A. Scott Timmer, focused on reforming regulations to allow for more innovation and to make legal services more affordable while still protecting the public. Arizona Supreme Court Chief Justice Robert Brutinel said of the development, “The Court’s goal is to improve access to justice and to encourage innovation in the delivery of legal services. The work of the task force adopted by the Court will make it possible for more people to access affordable legal services and for more individuals and families to get legal advice and help. These new rules will promote business innovation in providing legal services at affordable prices. I thank and commend the Task Force and its chair, Vice Chief Justice Timmer for their groundbreaking work.” The Utah Supreme Court recently made similar changes to their court rules while other states have task forces looking at reforms.

The Court approved modifications to the court rules regulating the practice of law, which allows for two significant changes. One change is a licensure process that will allow nonlawyers, called “Legal Paraprofessionals” (LPs), to provide limited legal services to the public, including being able to go into court with their client. The other change is the elimination of the rule prohibiting fee sharing and prohibiting nonlawyers from having economic interests in law firms. With these modifications, Arizona is set to implement the most far-reaching changes to the regulation of the practice of law of any state thus far.

Referred to as “LLLPs” in the task force report, the first regulatory framework addresses the Legal Paraprofessional (LP) model that would authorize nonlawyers to directly provide limited legal representation to clients. In many ways, LPs would be the legal system’s equivalent of a

nurse practitioner in the medical field. Those interested in becoming LPs would have to meet education and experience requirements, pass a professional abilities examination, and pass a character and fitness process. Successful candidates would be affiliate members of the state bar and would be subject to the same ethical rules and discipline process as lawyers.

The rule changes authorized by the Court have an effective date of January 1, 2021 and require the Administrative Office of the Courts to adopt a code section of the Arizona Code of Judicial Administration to implement the regulatory framework for the licensing of LPs.

Another significant rule change authorized by the Court was the elimination of ER 5.4, the rule barring nonlawyers from fee sharing and barring nonlawyers from having an economic interest in a law firm. The regulatory framework addressing this change requires businesses, called “Alternative Business Structures,” to be licensed. This provision will also become effective on January 1, 2021.

In part, the innovation opportunities created by these changes are intended to improve access to justice and to make access to legal documents and legal representation available to more members of the public. A sentiment driving the task force responsible for proposing the rule changes was that lawyers have an ethical obligation to assure that legal services are available to the public and that if the rules stand in the way of making those services available, the rules should change. At the same time, the changes must maintain the professional independence of lawyers and protect the public from unethical and unprofessional conduct.

Other changes approved by the Court include those regulating lawyer advertising, most of which align with recent changes made to the American Bar Association’s Model Rules. For information about Arizona’s legal services innovations, the application processes that are in development for these new regulatory programs, links to the proposals, FAQs, the Task Force report, the Court’s recent order and more, see the Access to Legal Services webpage at <https://www.azcourts.gov/accesstolegalservices/>.

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