

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
ESTABLISHMENT OF THE TASK	)	Administrative Order
FORCE ON DELIVERY OF LEGAL	)	No. 2018 - <u>111</u>
SERVICES AND APPOINTMENT	)	
OF MEMBERS	)	
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“Promoting Access to Justice” is Goal 1 of the Judiciary’s Strategic Agenda, *Advancing Justice Together, Court & Communities*. Much has been accomplished through the work of the Arizona Commission on Access to Justice to promote this goal for those with limited financial means to obtain legal services, and those efforts will continue.

Changes in technology, the legal profession, and the economy call for a reassessment of the delivery of legal services to consumers more broadly. Across the nation, judicial and legal community leaders are examining this issue and experimenting with new models, whether by recognizing that certain services can be provided by non-lawyers or by embracing new ways for lawyers to provide legal services, such as unbundled or “limited scope” representation. Arizona likewise has explored new ways of delivering legal services. For some fifteen years, the Court has authorized the certification of legal document preparers and, recently, the State Bar of Arizona implemented a web-based “Find A Lawyer” program connecting those with legal needs with lawyers willing to do the work at an affordable cost. Arizona courts have also worked to expand and clarify ways in which court staff can provide legal information to self-represented parties.

Court rules, however, have not necessarily kept pace with changes impacting the delivery of legal services. For example, Supreme Court Rule 31(d) regarding the requirements for admission to practice has been expanded incrementally to include thirty-one exceptions. At the least, the rule requires restyling, updating and reorganizing. Other court rules should be reassessed given that consumers often rely on sources other than lawyers for legal information or other assistance and that lawyers increasingly are providing services other than through traditional legal partnerships or professional corporations.

It is timely to review the regulation of the delivery of legal services in Arizona. This review should focus on how rules and codes governing the practice of law in Arizona can be revised to improve the delivery of legal services to consumers by lawyers and others, such as licensed document preparers. In addition to considering Arizona’s current practices, such a review should also consider on-going work by nationally-involved organizations, such as the Conference of Chief Justices (including its 2016 Resolution recommending consideration of the ABA’s Model Regulatory Objectives for the Provision of Legal Services) and the Institute for the Advancement of the American Legal System (“IAALS”) at the University of Denver; experience in other states

with limited license legal technicians or other non-J.D. licensed professionals; and efforts at the law schools at the University of Arizona and Arizona State University.

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

IT IS ORDERED:

1. ESTABLISHMENT: The Task Force on Delivery of Legal Services is established.
2. PURPOSE: The Task Force shall:
  - a. Restyle, update, and reorganize Rule 31(d) of the Arizona Rules of Supreme Court to simplify and clarify its provisions.
  - b. Review the Legal Document Preparers program and related Arizona Code of Judicial Administration requirements and, if warranted, recommend revisions to the existing rules and code sections that would improve access to and quality of legal services and information provided by legal document preparers.
  - c. Examine and recommend whether other non-lawyers, with specified qualifications, should be allowed to provide limited legal services, including representing individuals in civil proceedings in limited jurisdiction courts, administrative hearings not otherwise allowed by Rule 31(d), and family court matters.
  - d. Review Supreme Court Rule 42, ER 1.2 related to scope of representation and determine if changes to this and other rules would encourage broader use of limited scope representation by individuals needing legal services.
  - e. Recommend whether Supreme Court rules should be modified to allow for co-ownership by lawyers and non-lawyers in entities providing legal services; and,
  - f. In the Chair's discretion, consider and recommend other rule or code changes or pilot projects on the foregoing topics concerning the delivery of legal services.
3. REPORT AND RECOMMENDATIONS. The Task Force shall present preliminary recommendations to the Commission on Access to Justice and to the Attorney Regulation Advisory Committee for their respective input and, by October 1, 2019, submit a report and recommendations to the Arizona Judicial Council. The Task Force may present findings and recommendations as tasks are completed rather than waiting until all five charges are completed.
4. MEMBERSHIP: The individuals listed in Appendix A are appointed as members of the Task Force effective immediately and ending December 31, 2019. The Chief Justice may appoint additional members as necessary.
5. MEETINGS: Task Force meetings shall be scheduled at the discretion of the Chair. All meetings shall comply with the Arizona Code of Judicial Administration § 1-202: Public Meetings.
6. STAFF: The Administrative Office of the Courts shall provide staff for the Task Force and shall assist the Task Force in developing recommendations and preparing any necessary report and Supreme Court Rule petitions.

Dated this 21st day of November, 2018.

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SCOTT BALES  
Chief Justice

Appendix A

**TASK FORCE ON DELIVERY OF LEGAL SERVICES**

*Chair*

Justice Ann A. Scott Timmer

*Members*

Peter Akmajian  
Schmidt, Sethi & Akmajian, Tucson

Victoria Ames  
Sandra Day O'Connor College of Law, ASU

Robyn Austin  
Tucson Federal Credit Union  
Public Member

Betsey Bayless  
Public Member

Hon. Rebecca White Berch (*Ret.*)

Don Bivens  
Snell & Wilmer, Phoenix

Stacy Butler  
James E. Rogers College of Law, UA

David Byers, Director  
Administrative Office of the Courts

Diane Culin  
Court Administrator, Santa Cruz County

Whitney Cunningham  
Aspey, Watkins & Diesel, Flagstaff

Hon. Jeff Fine  
Clerk-elect, Maricopa County Superior Court

Paul D. Friedman  
O'Steen & Harrison, PLC

Hon. Joe Kraemer  
Maricopa County Superior Court

Hon. Maria Elena Cruz  
Arizona Court of Appeals, Division One

John Phelps  
Executive Director, Arizona State Bar

Hon. Peter Swann  
Arizona Court of Appeals, Division One

Guy Testini  
Chief Counsel  
Arizona Industrial Commission

Billie Tarascio  
Modern Law, Scottsdale

Mark Wilson, Director  
Certification and Licensing Division  
Administrative Office of the Courts