

December 2024

## Expanding Access to Justice Through Regulatory Reform and Innovation: Arizona Lessons from the Past, Present, and Future

Samuel A. Thumma

*Arizona Court of Appeals, Division One*

Follow this and additional works at: <https://scholarship.law.uc.edu/uclr>



Part of the [Law and Society Commons](#), [Legal Education Commons](#), [Legal Ethics and Professional Responsibility Commons](#), [Nonprofit Organizations Law Commons](#), [Public Interest Commons](#), and the [State and Local Government Law Commons](#)

---

### Recommended Citation

Samuel A. Thumma, *Expanding Access to Justice Through Regulatory Reform and Innovation: Arizona Lessons from the Past, Present, and Future*, 93 U. Cin. L. Rev. 408 (2024)

Available at: <https://scholarship.law.uc.edu/uclr/vol93/iss2/5>

This Lead Article is brought to you for free and open access by University of Cincinnati College of Law Scholarship and Publications. It has been accepted for inclusion in University of Cincinnati Law Review by an authorized editor of University of Cincinnati College of Law Scholarship and Publications. For more information, please contact [ronald.jones@uc.edu](mailto:ronald.jones@uc.edu).

EXPANDING ACCESS TO JUSTICE THROUGH  
REGULATORY REFORM AND INNOVATION:  
ARIZONA LESSONS FROM THE PAST, PRESENT, AND FUTURE

*Samuel A. Thumma\**

CONTENTS

I. INTRODUCTION .....	410
II. HISTORICAL REGULATORY REFORMS IN ARIZONA, ACCIDENTAL AND OTHERWISE .....	413
A. <i>Paralegals</i> .....	414
B. <i>The Unauthorized Practice of Law</i> .....	415
C. <i>Changes in Lawyer Regulation</i> .....	416
1. Limited Scope Representation and Unbundling Legal Services.....	417
2. Narrowing the Definition of UPL Subject to Regulation .....	418
3. Other Changes in Lawyer Regulation.....	419
D. <i>Changes in Non-Lawyer Regulation</i> .....	422
1. Certified Legal Document Preparers.....	423
2. The 2019 Task Force on the Delivery of Legal Services Report and Recommendations: A Sea Change for Non-Lawyer Regulatory Reform in Arizona.....	424
3. Domestic Violence Legal Document Preparer Pilot Program.....	427
4. Licensed Legal Paraprofessionals and Alternative Business Structures.....	429
5. Domestic Violence and Housing Stability Legal Advocate Pilot Programs.....	431
6. Arizona State Agency Programs.....	434
7. Arizona Office of Administrative Hearings Resources .....	435
E. <i>Other Innovations</i> .....	436
1. Court Navigator Programs .....	436
2. Court Self-Service Centers.....	437
3. Court Kiosks.....	437
4. Remote Court Hearings.....	437
5. Digital Evidence Court Portal .....	439
6. Court-Affiliated Online Dispute Resolution.....	439
7. Arizona Income Tax Credit Program .....	440
8. The Sandwich Campaign.....	440

---

\* Judge, Arizona Court of Appeals, Division One, Phoenix, Arizona and Chair, Arizona Commission on Access to Justice. M.J.S. 2020 Duke University School of Law; J.D. 1988 University of Iowa College of Law; B.S. 1984 Iowa State University. The Author wishes to thank Dr. Kevin Ruegg, Chris Groninger, Stacy Jane, Theresa Barrett, Kathy Sekardi, Veronica Gonzales, Sabrina Nash, and Heather Marking for their comments, thoughts, and insights on a prior version of this Article, recognizing the views expressed and errors in this Article are solely those of the Author.

2024]	EXPANDING ACCESS TO JUSTICE	409
III.	SELECTED ARIZONA LEGAL SERVICE PROVIDERS .....	441
IV.	ONLINE ARIZONA LEGAL RESOURCES.....	443
V.	ONGOING ARIZONA EFFORTS LOOKING TO THE FUTURE .....	445
	A. <i>Arizona State Agency Forum on Access to Justice</i> .....	445
	B. <i>Lawyer Apprentice Program</i> .....	447
	C. <i>Arizona Community Justice Workers Task Force</i> .....	448
	D. <i>Generative Artificial Intelligence and Technology, Generally</i> .....	451
	E. <i>Calculating the Value of Legal Aid</i> .....	455
VI.	BUILDING ON THE ARIZONA EXPERIENCE ELSEWHERE.....	457
VII.	CONCLUSION .....	460

## I. INTRODUCTION

Access to justice is, and should be, the cornerstone and foundation of the American legal system. Without meaningful access to justice, courts fail to properly serve the public. When courts fail to properly serve the public, the rule of law ends. When the rule of law ends, anarchy (or worse) begins. Therefore, working to narrow the access to justice gap is critically important in society—past, present, and future.

Looking to the past, the oldest judicial decision referencing “access to justice” was issued in 1851 by the Arkansas Supreme Court.<sup>1</sup> With enormous respect to my counterparts in Arkansas, that was surprising. It seemed more likely that an early United States Supreme Court opinion, or maybe even a colonial decision, would be the first to refer to the concept. Not so. In refusing an application for mandamus, the Arkansas Supreme Court in *Ex Parte Allis* elegantly described the “truths that were manifestly in the minds eye of the [F]ramers” of the Arkansas Constitution as including “that justice can be best administered in a system embracing numerous courts, among which the judicial powers should be so parceled out that *every citizen should have convenient access to justice.*”<sup>2</sup> Although in a different context than what is discussed here, that quote is a wonderful reminder that history is a teacher and that, at times, foundational concepts can be instructive broadly and for a long time.

Today, the concept of access to justice is properly front of mind in most American legal systems. “Enhancing Access to Justice and the Judicial Process” is “Issue 6” in the Strategic Plan for the Federal Judiciary.<sup>3</sup> The United States Department of Justice’s Office for Access to Justice is doing wonderful things in the federal system, as well as in the states and internationally.<sup>4</sup> In state courts, strategic plans often list access to justice as the first priority.<sup>5</sup> State access to justice committees and commissions

---

1. *Ex Parte Allis*, 12 Ark. 101 (1851).

2. *Id.* at 108 (1851) (emphasis added).

3. *Issue 6: Enhancing Access to Justice and the Judicial Process*, FED. JUDICIARY, [https://www.uscourts.gov/sites/default/files/federaljudiciary\\_strategicplan2020.pdf](https://www.uscourts.gov/sites/default/files/federaljudiciary_strategicplan2020.pdf) (last visited June 28, 2024).

4. *Office for Access to Justice*, U.S. DEP’T OF JUST., <https://www.justice.gov/atj> (last visited June 28, 2024).

5. See *Arizona Court Strategic Agenda 2024–2029*, ARIZ. SUP. CT., <https://www.azcourts.gov/AZ-Courts/Strategic-Agenda> (last visited Sept. 11, 2024) (listing Goal 1 as “Expanding and Promoting Access to Justice”); *The Strategic Plan for California’s Judicial Branch*, JUD. BRANCH OF CAL., <https://www.courts.ca.gov/3045.htm> (last visited Sept. 11, 2024) (listing “Access, Fairness, Diversity, and Inclusion” as Goal 1); *FY24-25 Minnesota Judicial Branch Strategic Plan*, MINN. JUD. BRANCH, [https://www.mncourts.gov/mncourtsgov/media/scao\\_library/mjb-strategic-plan.pdf](https://www.mncourts.gov/mncourtsgov/media/scao_library/mjb-strategic-plan.pdf) (last visited Sept. 11, 2024) (listing “Access to Justice” as the first goal); *Strategic Plan Building on the Past, Designing the Future 2023 – 2026*, NAT’L JUD. BRANCH OF ARIZ., CNTY. OF MARICOPA, [https://superiorcourt.maricopa.gov/media/02jlgdiv/2023\\_2026-strategic-plan-for-the-judicial-branch-of-](https://superiorcourt.maricopa.gov/media/02jlgdiv/2023_2026-strategic-plan-for-the-judicial-branch-of-)

abound.<sup>6</sup> The Legal Services Corporation (LSC) and the entities it funds are at the front of civil access to justice.<sup>7</sup> Courts, through self-help centers and a host of other beneficial and thoughtful efforts, also are advancing the cause.<sup>8</sup> Colleges and universities closely evaluate how to improve access to justice.<sup>9</sup> There are also many other groups contributing mightily to the effort.<sup>10</sup>

To date, focusing on civil access to justice efforts, we have largely failed those most in need. In admitting that, I am not pointing fingers, but it is true. And I count myself in that “we.” That historical failure, however, is not a reason to stop trying to innovate and do better. It is a great reason to look at the past, the present, and the future to see how access to justice efforts can be improved and to find new ways to narrow the significant access to justice gap.

There is likely no single thing that could eliminate the access to justice gap for all; not even an infinitely large funding source. It is also likely impossible that an increase in the number of lawyers will eliminate the access to justice gap. Instead, to narrow the access to justice gap, it is necessary to look beyond lawyers.<sup>11</sup> There is and always will be a critical role for lawyers in providing services and working hard to narrow the

---

arizona-county-of-maricopa.pdf (last visited June 28, 2024) (listing “Strategic Focus Area 1: Equal Access for All”); *State Court Strategic Plans*, NAT’L CTR. FOR STATE CTS., <https://www.ncsc.org/consulting-and-research/areas-of-expertise/racial-justice/state-activities/state-court-strategies> (last visited June 28, 2024).

6. See NAT’L CTR. FOR STATE CTS., *State Court Strategic Plans*, <https://www.ncsc.org/consulting-and-research/areas-of-expertise/racial-justice/state-activities/state-court-strategies> (last visited July 25, 2024); *Access to Justice Commissions*, AM. BAR ASS’N, [https://www.americanbar.org/groups/legal\\_aid\\_indigent\\_defense/resource\\_center\\_for\\_access\\_to\\_justice/atj-commissions/](https://www.americanbar.org/groups/legal_aid_indigent_defense/resource_center_for_access_to_justice/atj-commissions/) (last visited June 28, 2024).

7. The LSC provides funding to about 131 independent non-profit legal aid programs throughout the U.S. and U.S. territories. In 2020, the LSC-funded programs closed nearly 885,000 cases nationwide, involving more than 1.6 million people. The LSC reports that 54 million Americans, or just about 16.7% of the U.S. population, qualified for legal assistance from LSC-funded programs in 2019. LEGAL SERVS. CORP., <https://www.lsc.gov/> (last visited June 28, 2024).

8. See, e.g., HAMILTON CNTY. HELP CTR., <https://cincyhelpcenter.org> (last visited June 28, 2024); *Self-Service Center*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/selfservicecenter> (last visited June 28, 2024); *Self-Help Centers*, MINN. JUD. BRANCH, <https://mncourts.gov/selfhelp/> (last visited June 28, 2024); *Self Help Center*, ORANGE CNTY. CLERK OF CTS. FLA., <https://myorangeclerk.com/Divisions/Self-Help-Center/Self-Help-Center> (last visited June 28, 2024).

9. *Access to Justice Lab at Harvard Law School*, A2J Lab, <https://a2jlab.org/> (last visited June 28, 2024); *Rebecca Sandefur*, ARIZ. STATE U., <https://www.asu.edu/academics/faculty-excellence/spotlight/Rebecca-Sandefur> (last visited June 28, 2024); *Innovation for Justice*, INNOVATION FOR JUST., <https://www.innovation4justice.org/> (last visited June 28, 2024).

10. A significant driving force in this space is the Institute for the Advancement of the American Legal System (IAALS). See *Unlocking Justice Innovation*, U. DENVER INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., <https://iaals.du.edu/> (last visited July 25, 2024).

11. See Zachariah De Meola & Michael Houlberg, *To Close the Justice Gap, We Must Look Beyond Lawyers*, U. DENVER INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. (Nov. 4, 2021), <https://iaals.du.edu/blog/close-justice-gap-we-must-look-beyond-lawyers>.

access to justice gap. But observations made in 2020 by the American Academy of Arts and Sciences make a lot of sense as we look to narrow the access to justice gap:

Lawyers remain the essential partners in any effort to improve civil justice. But they are not, and cannot be, the sole providers of legal or law-related services. The need is too great to rely exclusively on bar-enrolled lawyers to handle every legal matter. And civil justice advocates of many kinds have already proven their abilities to deliver valuable services, sometimes at strikingly lower costs than lawyers.<sup>12</sup>

That proposition is even more true today. How, then, is that accomplished?

Many things need to be done, but this Introduction focuses on just two of those things. First, we need to be relentless in advocating for ways to enhance lawyer participation in providing access to justice. Second, we need to be relentless in advocating for ways to enhance non-lawyer participation in providing access to justice. The lawyer participation approach is timeworn and largely noncontroversial, although with some novel innovation furthering the cause. The non-lawyer participation approach is, in many ways, new and can be viewed as controversial, at least at times and by some. Both approaches focus on regulatory reform and innovation. Arizona has had experience with both approaches in the past, the present and, undoubtedly will continue to do so in the future. The focus of this Article is on those historical regulatory reforms and innovative efforts, present day results of those efforts, and ongoing efforts looking to the future—the good and the bad, warts and all. The hope is that this Article will share the Arizona experience to benefit other jurisdictions that may be looking at similar measures or other regulatory reform and innovation. That hope is not based on the thought that Arizona has gotten it right (although it has in many instances), but is instead based on the thought that others can benefit from and build on the Arizona experience in their work to narrow the access to justice gap.

After focusing on some curious (and at times accidental) historical regulatory reforms in Arizona, this Article discusses regulatory reforms and innovations currently in place, as well as works in progress, in

---

12. *Civil Justice for All: A Report and Recommendations from the Making Justice Accessible Initiative*, AM. ACAD. OF ARTS & SCIS., [https://www.amacad.org/sites/default/files/publication/downloads/2020-Civil-Justice-for-All\\_0.pdf](https://www.amacad.org/sites/default/files/publication/downloads/2020-Civil-Justice-for-All_0.pdf) (last visited June 28, 2024), *quoted in* De Meola & Houlberg, *supra* note 11; *accord* David F. Engstrom, *Rethinking the Regulation of Legal Services: What States Are Doing to Move the Needle on Access to Justice*, STAN. L. SCH. (May 18, 2022), <https://law.stanford.edu/2022/05/18/rethinking-the-regulation-of-legal-services/> (last visited July 25, 2024) (“The most recent estimate that I’ve seen suggests that every lawyer would have to perform 900 hours of pro bono service—meaning every lawyer in the U.S. would have to donate upwards of half their year—in order to provide even an hour of legal counsel to each American for each civil justice need.” (quoting retired Utah Supreme Court Justice Deno Himonas)).

services being provided by lawyers and nonlawyers alike. This Article addresses what has worked and what has not, including some data-based examples of successes and weaknesses to be addressed. The discussion is intended to offer concepts and topics relevant for any jurisdiction considering or undertaking regulatory reform or other innovation with the goal of narrowing the access to justice gap.

This Article then addresses efforts looking to the future. These efforts include: court-agency interaction to enhance access to justice and to prevent the need for litigation; non-lawyer assistance to enhance access to justice; the use of generative artificial intelligence (including to help self-represented parties, but also to enhance and improve the legal system itself); and an effort to quantify (in real dollars) the value of legal aid services and other efforts to help those most in need. Part of a much larger moving picture, this Article discusses what can be done and what has been tried (successfully and unsuccessfully), and shares some glimpses into the future of access to justice. The hope is that what follows—Arizona lessons from the past, present, and future in attempting to expand access to justice through regulatory reform and innovation—can serve as a foundation for others to further enhance access to justice.

## II. HISTORICAL REGULATORY REFORMS IN ARIZONA, ACCIDENTAL AND OTHERWISE

Arizona is the forty-eighth state, attaining statehood in 1912, and is comparatively young. Starting in the 1930s (if not before), and for many decades that followed, Arizona was fairly traditional in regulating the practice of law. The State Bar of Arizona has been a mandatory bar association since 1933, with lawyers required to be members to practice Arizona law.<sup>13</sup> For the most part, Arizona requires that applicants for bar membership graduate from an American Bar Association (ABA) accredited law school.<sup>14</sup> For a long time, admission to practice law in Arizona was based on sitting for the Arizona bar; gaining admission to practice law in Arizona based on previously-granted admission to practice in another state was not easy, and the bar was slow and stubborn to recognize reciprocity. Arizona's ethical rules governing lawyers have

---

13. See Ariz. Sup. Ct. R. 32(a)(1) (“Every person licensed by this Court to engage in the practice of law must be a member of the State Bar of Arizona in accordance with these rules.”); see also Keith Swisher, *The Short History of Arizona Legal Ethics*, 45 ARIZ. STATE L.J. 813, 830 (2013) (noting the passage of the State Bar Act in 1933 made membership in the State Bar of Arizona “mandatory to practice law” in Arizona).

14. See Ariz. Sup. Ct. R. 34(b)(1)(D) (the current exception is for lawyers admitted in another jurisdiction who seek admission to the State Bar of Arizona on motion); see also Swisher, *supra* note 13, at 825 (noting the Arizona Supreme Court “today requires (and has long required) that bar applicants graduate from an ABA-accredited law school before admission.”).

generally tracked ABA directives, including, more recently, most of the ABA's Model Rules of Professional Conduct.<sup>15</sup> The State Bar of Arizona has taken, and continues to take, disciplinary proceedings quite seriously.<sup>16</sup>

In 1933, Arizona criminalized the unauthorized practice of law, with that criminal statute remaining on the books for decades.<sup>17</sup> At about that same time, the Arizona Supreme Court declared that self-represented parties would be treated the same as lawyers, stating that a party “representing himself must expect and receive the same treatment as if represented by an attorney—no different, no better, no worse.”<sup>18</sup> That mantra has remained part of Arizona case law ever since, although it is far more often stated than followed—a topic addressed elsewhere.<sup>19</sup>

For decades, these traditional, foundational concepts for regulating lawyers and the practice of law in Arizona remained largely unchanged. The discussion that follows highlights more recent changes in the regulation of the practice of law in Arizona, starting with a time-honored way to expand the reach of lawyers that did not involve regulatory reform at all.

### *A. Paralegals*

An early innovation for expanding reach and capacity for legal services was the advent of the paralegal.<sup>20</sup> Nonlawyers (like paralegals, assistants, document clerks, etc.) have been working with licensed attorneys to help provide legal services since the practice of law began, and no doubt have been doing so in Arizona since before statehood. Such individuals are supervised by a licensed attorney, can work in any area of law, and may be subject to optional credentialing. The origin of the formal paralegal concept is difficult to pinpoint, but certainly existed by the mid-1960s,

---

15. See Ariz. Sup. Ct. R. 42 (preamble); see also generally Swisher, *supra* note 13, at 817 (tracing Arizona's lawyer ethics rules back to territorial years; noting that in 1912, the Arizona Bar Association “adopted as its own the [ABA]’s Canons of Professional Ethics.”).

16. See *The Discipline Process*, STATE BAR OF ARIZ., <https://www.azbar.org/for-legal-professionals/lawyer-regulation/discipline-bar-charges/the-discipline-process/> (last visited July 25, 2024).

17. Robert B. Van Wyck & Lynda C. Shely, *Unauthorized Practice of Law: Should We Just Give Up?*, 35 ARIZ. ATT’Y 22, 24 (Jan. 1999).

18. *Ackerman v. S. Ariz. Bank & Tr. Co.*, 7 P.2d 944, 944 (Ariz. 1932). Although repeated many other times, there was quite a bit more to the *Ackerman* story than this quote. The Arizona Supreme Court added a qualifier that Mr. Ackerman was “[a] layman with resources” and a “very thrifty man and possessed of considerable means,” then suggesting “that a lawyer would have taken the case if Ackerman had a claim with merit, implying that because no lawyer represented him, the claim lacked merit.” Samuel A. Thumma & Jacqueline E. Marzocca, *The Self-Represented Party: The Most Unique Party of Them All*, 59 ARIZ. ATT’Y 24, 28-29 (June 2023) (citations and quotations omitted).

19. See generally Thumma & Marzocca, *supra* note 18.

20. See Appendix 1.



and likely before.<sup>21</sup> As another Arizona-based point of reference, the Arizona Paralegal Association has existed since 1977.<sup>22</sup> This form of leveraging legal services and expanding access to justice required no regulatory reform for paralegals supervised by licensed attorneys.

### *B. The Unauthorized Practice of Law*

A prime example of accidental regulatory reform in Arizona involves the unauthorized practice of law (UPL). In November 1961, the Arizona Supreme Court decided UPL cases prosecuted by the State Bar of Arizona against real estate agents and title companies. In an expansive opinion, the Arizona Supreme Court: (1) “decreed that those acts [by real estate agents, including preparing contracts and other services], whether performed in court or in the law office, which lawyers customarily have carried on from day to day through the centuries constitute the practice of law”; (2) concluded “the defendant title companies are engaging in unauthorized practice of law when they” take certain enumerated actions; and (3) “decreed that real estate brokers, agents and salesmen are governed by the same limitations applicable in the course of their lawful business, above enumerated and described as applying to the title company defendants.”<sup>23</sup> In that November 1961 opinion, the State Bar of Arizona won the UPL battle. But the UPL war was far from over.

“[D]ispleased by the decision,” real estate agents placed a voter initiative on the November 1962 general election ballot, seeking to amend Arizona’s constitution to allow them to prepare legal documents.<sup>24</sup> “Despite, or perhaps because of, the strong opposition of the Arizona Bar, Arizona voters approved the proposition by an overwhelming four-to-one margin.”<sup>25</sup> The initiative amended the Arizona constitution to provide that a “person holding a valid license as a real estate broker or a real estate salesman” has a constitutional “right to draft or fill out and complete, without charge, any and all instruments incident thereto including, but not limited to, preliminary purchase agreements and earnest money receipts, deeds, mortgages, leases, assignments, releases, contracts for sale of

---

21. REP. OF THE CONF. ON LEGAL MANPOWER NEEDS OF CRIM. L., 41 F.R.D. 389, 402 (1966) (noting, among other things, that some defense counsel functions “might be susceptible to performance by non-lawyer auxiliaries (paralegal personnel), thus reducing the need for lawyers”).

22. *About Us*, ARIZ. PARALEGAL ASS’N, <https://www.azparalegal.org/About> (last visited July 1, 2024).

23. *State Bar of Ariz. v. Ariz. Title & Tr. Co.*, 366 P.2d 1, 20-22 (Ariz. 1961), *reh’g denied*, 371 P.3d 1020 (Ariz. 1962).

24. Jonathan Rose, *Unauthorized Practice of Law in Arizona: A Legal and Political Problem that Won’t Go Away*, 34 ARIZ. STATE L.J. 585, 588 (2002).

25. *Id.*

realty, and bills of sale.”<sup>26</sup> Thus, within a year of the Arizona Supreme Court decision declaring the State Bar of Arizona winner of the UPL battle, real estate agents won the UPL war by ensuring the constitutional right to prepare various documents related to real estate transfers—a provision of the Arizona constitution that remains in place to this day.

A battle in the mid-1980s would be the final blow to the statutory UPL concept in Arizona. Arizona’s UPL criminal statute was subject to periodic legislative renewal. In 1984, the Arizona legislature and the Arizona Supreme Court had what was diplomatically called “a disagreement over the legislature’s power to involve itself in State Bar matters,” with the court taking the position that “regulation of the practice of law was within its exclusive province.”<sup>27</sup> The result of that “disagreement” was that the statutes relating to the practice of law “were sunsetted. Included in the sunsetting was the misdemeanor” UPL criminal statute.<sup>28</sup> As a result, “[i]n 1986, Arizona’s UPL statute expired and the legislature declined to reenact it.”<sup>29</sup> In the years that followed, no UPL statute was re-enacted; today, there is no UPL statute in Arizona and there does not appear to be any significant interest in passing a new UPL statute.

This erosion, and eventual elimination, of Arizona’s criminalization of UPL presented two paths for regulatory reform and innovation for legal services: (1) changes in how lawyers are regulated; and (2) changes in how nonlawyers can provide legal information, advice, and more. The discussion that follows highlights both paths, starting with changes in lawyer regulation.

### C. Changes in Lawyer Regulation

There have been frequent changes, both small and large, in how lawyers are regulated in Arizona. What follows is a summary of some of the more significant changes in lawyer regulation in Arizona since 1986.<sup>30</sup>

---

26. ARIZ. CONST. art. XXVI, § 1.

27. Wyck & Shely, *supra* note 17, at 24.

28. *Id.*

29. 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> (last visited July 1, 2024).

30. This summary skips over significant reforms from prior times that addressed other issues, including *Bates v. State Bar of Ariz.*, 433 U.S. 350 (1977), holding that the State Bar of Arizona “disciplinary rule that restricts advertising by attorneys” violated the First Amendment of the U.S. Constitution. *See also* Swisher, *supra* note 13, at 21-34 n.72 (discussing ethics reform in Arizona from statehood in 1912 to 1985 and citing, for “an interesting insider’s account of” *Bates v. State Bar of Ariz.*, Van O’Steen, *Bates v. State Bar of Arizona: The Personal Account of a Party and the Consumer Benefits of Lawyer Advertising*, 37 ARIZ. STATE L.J. 245 (2005)).

### 1. Limited Scope Representation and Unbundling Legal Services

In 2013, Arizona amended various Ethical Rules and Comments to allow limited scope representation and the unbundling of legal services. Most basically, Ethical Rule (ER) 1.2(c) was amended to provide: “A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.”<sup>31</sup> The ER Comments addressing limited scope representation expressly recognize the potential benefit to access to justice by this change, including stating that “[r]epresentation provided through a legal aid agency may be subject to limitations on the types of cases the agency handles” and “[s]uch limitations may exclude actions that the client thinks are too costly” or, by implication, that the client cannot afford.<sup>32</sup> Comments make plain that representation could “be limited to a brief telephone consultation.”<sup>33</sup> Corresponding changes in 2013 to the Comments to ER 4.2 (Communication with Person Represented by Counsel) and 4.3 (Dealing with Unrepresented Person) provide specifics about when a client with limited-scope representation “is considered to be unrepresented.”<sup>34</sup>

Recognizing other changes were necessary to fully implement this reform, ER 6.5 was enacted to provide guidance for lawyers serving “under the auspices of a program sponsored by a nonprofit organization or court” when “provid[ing] short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter.”<sup>35</sup> Comments clarify that these rules are to apply to attorneys who “provide short-term legal services—such as advice or the completion of legal forms—that will assist persons to address their legal problems without further representation by a lawyer,” including “hotlines, advice-only clinics or pro se counseling programs.”<sup>36</sup> Stated broadly, given that a lawyer providing these types of access to justice services “is not able to check systematically for conflicts of interest,” ER 6.5 provides a truncated, short form for conflicts to protect the interests of all involved.<sup>37</sup>

In 2016, Arizona amended ER 1.5 (Fees), removing the requirement that, if a fee is to be shared between lawyers in different firms, “each lawyer receiving any portion of the fee assumes joint responsibility for

---

31. See Ariz. Sup. Ct. R. 42 ER 1.2(c).

32. See Ariz. Sup. Ct. R. 42 ER 1.2 Comment [6].

33. See Ariz. Sup. Ct. R. 42 ER 1.2 Comment [7].

34. See Ariz. Sup. Ct. R. 42 ER 4.2 Comment [4]; *accord* Ariz. Sup. Ct. R. 42 ER 4.3 Comment [3].

35. See Ariz. Sup. Ct. R. 42 ER 6.5.

36. See Ariz. Sup. Ct. R. 42 ER 6.5 Comment [1].

37. See Ariz. Sup. Ct. R. 42 ER 6.5 Comment [3].

the representation.”<sup>38</sup> Gone are the days where a lawyer, doing a small amount of work on a specific issue in a large deal or case, for example, would be jointly liable for the work of the entire legal team.

Although it can be dangerous to attribute a change to one source, this change appears to have been driven in no small part by solo practitioners and those in small firms seeking to affiliate with others for transactional and other specialized episodic work without having to undertake joint responsibility for the entire representation. In this sense, although also enhancing access to justice by expressly allowing for limited representation, the change was driven by practicing attorneys within the bar, not by some outside force.

A slew of changes to procedural rules and a promulgation of related forms effectuated these changes.<sup>39</sup> The Arizona courts also provide significant information about limited scope representation, including a discussion of benefits and risks, who can offer limited scope representation, the best types of cases for such representation, forms, and other resources.<sup>40</sup>

## 2. Narrowing the Definition of UPL Subject to Regulation

Despite the sunset in 1986 of Arizona’s criminal UPL statute, the Arizona Supreme Court retained jurisdiction to regulate the practice of law in Arizona, including what licensure is required by lawyers. It did so primarily in ER 5.5, addressing “Unauthorized Practice of Law” and “Multijurisdictional Practice of Law” from a regulatory perspective.<sup>41</sup>

In 2016, Arizona amended ER 5.5 to apply to lawyers who practice Arizona law and added various categories of lawyers authorized to temporarily practice law in Arizona without being admitted to the state bar.<sup>42</sup> These exceptions include: lawyers doing legal work in association with an attorney admitted in Arizona; work related to alternative dispute resolution proceedings in Arizona or elsewhere; work reasonably related to the lawyer’s practice in another state where that lawyer is admitted; and “legal services in Arizona that exclusively involve[] federal law, the law

---

38. See Ariz. Sup. Ct. ER 1.5(e)(1) (superseded as of Jan. 1, 2016); see also Patricia A. Sallen, *Rules Accommodate Changing Nature of Law Practice*, 52 ARIZ. ATT’Y 20, 20 (Jan. 2016).

39. See, e.g., Ariz. R. Civ. P. 5.3(c) (specifying obligations for limited scope representations in civil proceedings); Ariz. R. Civ. P. Form 8 (“Notice of Limited Scope Representation”); Ariz. R. Fam. L.P. 9(e) (specifying obligations for limited scope representations in family court proceedings); Ariz. R. Fam. L.P. 97 Form 1 (“Notice of Limited Scope Representation”).

40. *Self-Service Center, Limited Scope Representation*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/selfservicecenter/Resources/Types-of-Legal-Representation/Limited-Scope-Representation> (last visited July 2, 2024).

41. See Ariz. Sup. Ct. R. 42 ER 5.5.

42. See Sallen, *supra* note 38, at 20.

of another jurisdiction, or tribal law.”<sup>43</sup>

The underlying reason for these exceptions is the thought that “[t]he appropriate focus” of Arizona’s ERs “is whether a lawyer is providing legal services to Arizona residents that involve the application of Arizona law.”<sup>44</sup> In other words, the focus is on the type of law being practiced by the lawyer, not where the practicing lawyer is physically located. This focus reflects several concepts, two of which are particularly instructive here. First, there are many individuals who come to Arizona seasonally—particularly in late fall, winter, and spring, when the weather is nice in Arizona and less so elsewhere—sometimes called “snowbirds.” If, for example, a Michigan lawyer lives in Arizona seasonally while practicing Michigan law for Michigan clients, what interests do the State Bar of Arizona and the Arizona Supreme Court have in determining whether that lawyer is doing so properly? Second, and relatedly, what core competency does the State Bar of Arizona, and less directly the Arizona Supreme Court, have in determining whether a Michigan lawyer who lives in Arizona seasonally while practicing Michigan law for Michigan clients is doing so properly?

These changes—focusing on the nature of the law practiced, not where the lawyer is physically located—had extraordinary significance when the COVID-19 pandemic hit, severely limiting most travel. The changes did not anticipate the pandemic, but they helped many lawyers and their clients work through those restrictions, consistent with the focus of the ERs that those practicing Arizona law do so consistent with the applicable rules of professional responsibility.

### 3. Other Changes in Lawyer Regulation

#### *i. Admission by Motion*

For many years, Arizona did not allow admission to the bar by motion. Attorneys admitted to practice in another jurisdiction, who had practiced with spotless records for decades and who later wanted to move to Arizona to practice law, were required to sit for the bar exam, just like new law school graduates. Starting in 2010, however, Arizona has allowed admission to the State Bar of Arizona on motion, requiring the lawyer seeking such admission to have engaged in the active practice of law (defined as having spent at least one thousand hours practicing law each year) for five of the previous seven years.<sup>45</sup> In 2016, Arizona: (1)

---

43. See Ariz. Sup. Ct. R. 42 ER 5.5(d).

44. See Sallen, *supra* note 38, at 20.

45. *Id.*

reduced the prior practice requirement to three of the previous five years; and (2) eliminated the annual hours practicing law requirement.<sup>46</sup> The recent results from this change appear profound. In 2022, for example, of the 586 new attorneys admitted to the State Bar of Arizona, 156 (or more than 25%) were admitted on motion.<sup>47</sup> Although it is unknown how many of the 156 would have, if required, sought admission through the bar exam, it is likely that admission by motion allowed more individuals to become members of the State Bar of Arizona (and therefore provide legal services under Arizona law) than if the admission by motion option did not exist.

### *ii. Certifications and Limited Admission to Practice Law*

In 2016, the Arizona Supreme Court adopted various ER changes applicable to attorneys seeking admission to the State Bar of Arizona and otherwise.<sup>48</sup> The resulting changes include special rules for certifications and admissions to practice law applicable to: (1) in-house counsel (including allowing in-house counsel to provide pro bono legal services); (2) foreign legal consultants (admitted to practice law and in good standing in a foreign country and “issued a certificate of registration as a foreign legal consultant”); (3) law professor certification; and (4) approved legal services organizations and certification of pro bono counsel.<sup>49</sup> Of particular note is that, subject to certain requirements, these changes allow inactive or retired attorneys admitted to practice law in Arizona to provide pro bono legal services.<sup>50</sup> Stated generally, each of these options is designed to decrease the administrative burden for those who wish to practice law in Arizona with a demonstrated showing of competence and, for some categories, to enhance access to justice to allow individuals to provide pro bono legal services when they otherwise would not be allowed to do so.

### *iii. Temporary Authorization to Practice Law*

Other regulatory reforms include pro hac vice rules designed to

46. See Ariz. Sup. Ct. R. 34(f).

47. See ARIZ. SUP. CT. ATT’Y REG. ADVISORY COMM. (ARC), ANNUAL REPORT OF THE ATTORNEY REGULATION ADVISORY COMMITTEE TO THE ARIZONA SUPREME COURT 3 (2023), <https://azbar.org/media/nxonvayl/2023-arc-annual-report-of-2022-data.pdf>.

48. See generally Sallen, *supra* note 38, at 20. Lawyers admitted to practice Arizona law by motion also “must complete a course on Arizona law, the content and delivery of which shall be approved by the Supreme Court.” Ariz. Sup. Ct. R. 34(j). See also *Admission on Motion*, ARIZ. SUP. CT. ATT’Y ADMISSIONS, <https://www.azbaradmissions.org/appinfo.action?id=201> (last visited July 25, 2024).

49. See generally Ariz. Sup. Ct. R. 38 (“Certification and Limited Admission to Practice Law”).

50. See Ariz. Sup. Ct. R. 38(d)(2)(B)(i) & (ii).

facilitate prompt temporary authorization to practice, including: an exception for Indian Child Welfare Act cases (where local counsel and registration fees are not required to appear *pro hac vice*); permitted practice pending admission; supervised practice by law students and law graduates; and military spouse certification provisions.<sup>51</sup> To facilitate and explain these various alternatives, the Arizona Supreme Court has established a self-help resource page titled *Attorney Admissions*.<sup>52</sup>

Absent a waiver or exception, the application fee for *pro hac vice* admission is the “fee equal to the current dues paid by active members of the State Bar of Arizona,”<sup>53</sup> currently \$505.<sup>54</sup> 15% of that \$505 application fee (\$75.75) is deposited directly into a civil legal services fund to be distributed to the Arizona Bar Foundation for Legal Services and Education (the Foundation) to support approved legal services.<sup>55</sup> The *pro hac vice* application fee is waived for Judge Advocate General’s Corps military attorneys practicing in military court in Arizona and for individuals seeking to provide “*pro bono* representation of an indigent client or clients.”<sup>56</sup>

#### *iv. Pro Bono Service*

ER 6.1 (Voluntary Pro Bono Publico Service) states as an aspirational goal that each State Bar of Arizona member “should voluntarily render public interest legal service. A lawyer may discharge this responsibility by rendering a minimum of fifty hours of service per calendar year by one or a combination of” various services.<sup>57</sup>

Absent an exemption, each active member of the State Bar of Arizona is required to complete at least fifteen hours of continuing legal education each year.<sup>58</sup> To encourage *pro bono* service, an active member of the State Bar of Arizona “who provides *pro bono* service to the poor or near poor through an approved legal services organization . . . is eligible for one hour of continuing legal education credit for every five hours of *pro bono* service provided,” with a cap of five hours per year.<sup>59</sup> Similarly, an

51. See generally Ariz. Sup. Ct. R. 39 (“Temporary Authorizations to Practice Law”).

52. *Attorney Admissions*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/cld/Attorney-Admissions> (last visited July 2, 2024).

53. See Ariz. Sup. Ct. R. 39(a)(2)(C).

54. *Annual Membership Fees & Deadlines*, STATE BAR OF ARIZ., <https://www.azbar.org/licensing-compliance/membership-fees/membership-fees-deadline/> (last visited Sept. 11, 2024).

55. STATE BAR OF ARIZ., APPLICATION FOR APPEARANCE PRO HAC VICE 2 <https://www.azbar.org/media/jjipfz2p/pro-hac-vice-application.pdf> (last visited Sept. 11, 2024).

56. See Ariz. Sup. Ct. R. 39(a)(2)(C)(ii).

57. See generally Ariz. Sup. Ct. R. 42 ER 6.1(a).

58. See Ariz. Sup. Ct. R. 45(a)(1).

59. See Ariz. Sup. Ct. R. 45(a)(4). Similar credit also is available for active members of the State

inactive or retired attorney admitted to practice in Arizona may provide pro bono services without reestablishing their active license to practice law in Arizona.<sup>60</sup>

#### *v. Interest on Lawyers' Trust Accounts Funding*

Arizona has a robust Interest on Lawyers' Trust Accounts (IOLTA) program with broad participation by financial institutions, including those that remit all IOLTA interest to the Foundation without deducting any service charge.<sup>61</sup> The Foundation uses those proceeds primarily to support organizations and projects providing legal services for the poor, law-related education, and studies or programs to improve the administration of justice.<sup>62</sup> Although the proceeds generated depend upon the prevailing interest rate, since 1985, Arizona's IOLTA program "has provided over \$43 million to the benefit of thousands of Arizonans with free legal services and reaching more than 300,000 children, each year, with education about the law, our justice system, and their rights and responsibilities as citizens."<sup>63</sup> A comparatively unique aspect of Arizona's IOLTA program is that, along with funds that a lawyer is required to hold in their trust account, a lawyer serving as a third-party neutral (mediator or arbitrator) or as an expert witness is allowed to hold funds "belonging in whole or in part to a third person" as part of those services in their trust account, earning interest through the IOLTA program to fund such efforts.<sup>64</sup>

#### *D. Changes in Non-Lawyer Regulation*

Along with these changes in lawyer regulation, there are several examples of changes in non-lawyer regulation in Arizona, at times made

---

Bar of Arizona for service as a court-order arbitrator, as an arbitrator for the State Bar Fee Arbitration Committee Program, and as a mentor through the State Bar Mentor Program. *See* Ariz. Sup. Ct. R. 45(a)(3), (5), (6).

60. *See* Ariz. Sup. Ct. R. 38(d)(2)(B)(i). Arizona also has relaxed requirements to provide pro bono services by out-of-state attorneys domiciled in Arizona but not admitted to practice law in Arizona (Ariz. Sup. Ct. R. 38(d)(2)(B)(ii)), attorneys (whether or not domiciled in Arizona) employed part-time or full-time by an approved legal services organization in Arizona (Ariz. Sup. Ct. R. 38(d)(2)(B)(iii)), and attorneys not licensed to practice in Arizona but who are registered as in-house counsel (Ariz. Sup. Ct. R. 38(d)(2)(B)(iv)).

61. *IOLTA for Arizona*, ARIZ. FOUND. FOR LEGAL SERVS. & EDUC., <https://www.azbf.org/iolta/iolta-for-arizona> (last visited Sept. 11, 2024); *IOLTA Financial Institutions*, ARIZ. FOUND. FOR LEGAL SERVS. & EDUC., <https://www.azbf.org/iolta/iolta-for-arizona> (last visited Sept. 11, 2024).

62. *IOLTA for Arizona*, *supra* note 61.

63. *Id.*

64. *See* Ariz. Sup. Ct. R. 43(b)(2)(A).



quite intentionally and as a matter of necessity. The following highlights some of those examples, starting with a regulatory response to the sunseting of Arizona's UPL criminal statute.

### 1. Certified Legal Document Preparers

In the years after the 1986 sunseting of Arizona's UPL criminal statute, the State Bar of Arizona made several unsuccessful attempts to seek passage of a new UPL criminal statute.<sup>65</sup> During that time—given that UPL was no longer a criminal offense—unlicensed nonlawyers began preparing or helping individuals prepare legal documents. The work of these individuals, referred to as unlicensed legal document preparers, was not subject to any supervision, regulation, or a code of conduct. That, in turn, raised various concerns, ranging from quality of service and public protection concerns to, undoubtedly, economic and competitive concerns.

The Arizona Supreme Court has jurisdiction over those engaged in the practice of law in Arizona,<sup>66</sup> and these legal document preparers were engaged in the practice of law.<sup>67</sup> There was no UPL criminal statute, so the legal document preparers were not violating any criminal law or statutory prohibition, but the State Bar of Arizona and the Arizona Supreme Court had concerns over unlicensed, unregulated legal document preparers providing these services. Thus, at the request of the State Bar of Arizona, the Arizona Supreme Court approved a provision—which included a certification and disciplinary process—“to permit legal document preparers to perform specified legal services,” effective July 1, 2003.<sup>68</sup> In doing so, the Arizona Supreme Court described the circumstance pragmatically, acknowledging the potential for legal document preparers to enhance access to justice:

Legal document preparers are nonlawyers who prepare or provide legal documents, without the supervision of an attorney for an entity or a member of the public who is engaging in self representation in any legal matter. The Court recognizes the need to protect the public from possible harm caused by nonlawyers providing legal services must be balanced against the public's need for access to legal services.<sup>69</sup>

This legal reform in 2003—birthed by the sunseting of the UPL criminal statute which left a void that caused the proliferation of (and

---

65. *See generally* Wyck & Shely, *supra* note 17, at 24.

66. *See generally* Ariz. Sup. Ct. R. 35.

67. *See* Ariz. Sup. Ct. R. 31(b) (defining “[p]ractice of law”).

68. Ariz. Code of Jud. Admin. § 7-208: Legal Document Preparers, Admin. Order No. 2003-14 (Jan. 16, 2003).

69. *Id.*

perception of the need to regulate) legal document preparers—resulted in regulated legal document preparers, called certified legal document preparers.

An individual who has the required experience, passes a background check, and passes an examination administered by the Arizona Administrative Office of the Courts may become a certified legal document preparer.<sup>70</sup> There are significant limitations on the work a certified legal document preparer can perform.<sup>71</sup> Stated simply, a certified legal document preparer may, for a fee, help a self-represented litigant prepare documents and forms for legal undertakings, including for litigation matters.<sup>72</sup> They can provide legal *information* in any area of law, but not legal *advice*.<sup>73</sup> A certified legal document preparer cannot advocate in open court or otherwise represent clients in court.<sup>74</sup>

The Arizona Judicial Branch has a resource website providing information about certified legal document preparers, both for the public and for certified legal document preparers themselves.<sup>75</sup> As of August 2024, the Arizona Supreme Court recognized about seven hundred certified legal document preparers in Arizona.<sup>76</sup>

## 2. The 2019 Task Force on the Delivery of Legal Services Report and Recommendations: A Sea Change for Non-Lawyer Regulatory Reform in Arizona

Significant Arizona reform in non-lawyer regulation has been driven by two groups chaired by Arizona Supreme Court Justice (now Chief Justice) Ann Scott Timmer: (1) a Committee issuing its final report in January 2015 (the 2015 Timmer Committee); and (2) a Task Force issuing its final report and recommendations in October 2019 (the 2019 Timmer Task Force).

The formal name of the 2015 Timmer Committee was the “Committee on the Review of Supreme Court Rules Governing Professional Conduct and the Practice of Law,” established by Arizona Supreme Court

70. See Appendix 1.

71. See Ariz. Code of Jud. Admin. § 7-208.

72. See Appendix 1.

73. See Ariz. Code of Jud. Admin. § 7-208(F)(1)(b). For a general discussion of that dichotomy, see John M. Creacen, *Legal Information vs. Legal Advice: A Twenty-Five Year Retrospective*, 106 JUDICATURE 48 (2022).

74. See generally Ariz. Code of Jud. Admin. § 7-208(F)(1) (defining “[a]uthorized [s]ervices” a certified legal document preparer may undertake).

75. *Legal Document Preparer*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/cld/Legal-Document-Preparers/LDP-Exam-and-Certificate-Holder-Information> (last visited July 3, 2024).

76. *LDP Master Directory*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/Portals/26/LDP%20Master%20Directory%20208-26-24.pdf> (last visited Dec. 5, 2024).

administrative order in June 2014.<sup>77</sup> The 2015 Timmer Committee was asked to examine whether the rules on professional conduct and the practice of law needed to be changed as a result of: “changes proposed by the [ABA]’s Commission on Ethics 20/20;” “the changing nature of legal practice in a technologically-enabled and connected workplace”; and “the growing trend of multi-state and international practice of law rules of professional conduct and practice of law.”<sup>78</sup> The 2015 Timmer Committee’s final report made various recommendations about possible rule changes, expressing a cautious route but resulting in some changes, including some that were enacted in 2016 and are discussed above.<sup>79</sup>

The 2019 Timmer Task Force built on the work of the 2015 Timmer Committee. The formal name for the 2019 Timmer Task Force was the “Task Force on the Delivery of Legal Services,” established by Arizona Supreme Court administrative order in November 2018.<sup>80</sup> The court’s charge to the 2019 Timmer Task Force was broad. Along with looking at rule revisions and the certified legal document preparer program, the 2019 Timmer Task Force was asked to: (1) “[e]xamine and recommend whether other nonlawyers, with specified qualifications, should be allowed to provide limited legal services, including representing individuals in civil proceedings in limited jurisdiction courts, administrative hearings not [currently allowed by the rules] and family court matters”; (2) review the rules regarding scope of representation and determine if rule changes “would encourage broader use of limited scope representation by individuals needing legal services”; (3) “[r]ecommend whether Supreme Court rules should be modified to allow for co-ownership by lawyers and nonlawyers in entities providing legal services”; and (4) consider and recommend any other “changes or pilot projects on the foregoing topics concerning the delivery of legal services.”<sup>81</sup>

The final report of the 2019 Timmer Task Force, issued in October 2019, was a sea change in Arizona and elsewhere for regulatory reform, innovation for legal services, and access to justice.<sup>82</sup> The 2019 Timmer Task Force made ten primary recommendations, including enhancing the licensed

77. Committee on the Review of Supreme Court Rules Governing Professional Conduct and the Practice of Law, Admin. Order No. 2014-66 (June 14, 2014).

78. *Id.*

79. *Final Report*, COMM. ON THE REV. OF SUP. CT. RULES GOVERNING PRO. CONDUCT & THE PRAC. OF L. (Jan. 9, 2015), <https://www.azcourts.gov/Portals/54/Linda/Final%20Report.pdf>.

80. Establishment of the Task Force on Delivery of Legal Services and Appointment of Members, Admin Order. No. 2018-111 (Nov. 21, 2018).

81. *Id.*

82. *Report and Recommendations*, TASK FORCE ON THE DELIVERY OF LEGAL SERVS. (Oct. 4, 2019), <https://www.azcourts.gov/Portals/74/LSTF/Report/LSTFReportRecommendationsRED10042019.pdf?ver=2019-10-07-084849-750>.

legal document preparers program by allowing such individuals to speak in court when addressed by a judge, and enhancing education and information to encourage unbundled legal services.<sup>83</sup> The 2019 Timmer Task Force also recommended: (1) allowing nonlawyers to co-own businesses that engage in the practice of law; (2) encouraging licensed nonlawyer legal service providers to provide limited legal services, including in court and administrative proceedings; (3) initiating, by administrative order, a Licensed Legal Advocate Pilot Program for domestic violence survivors as developed by the Innovation for Justice Program at the University of Arizona James E. Rogers College of Law; (4) initiating, by administrative order, a Domestic Violence Legal Assistance Program proposed by the Foundation; and (5) encouraging local courts to develop positions or programs where nonlawyers would be located in the courthouse to provide one-on-one legal information about court processes to self-represented litigants.<sup>84</sup>

The 2019 Timmer Task Force report was not without controversy. In an “Opposition Statement,” one Task Force member wrote that allowing nonlawyers to own law firms would pose “a serious threat to the long-term health of the justice system,” and that the recommendations regarding licensed legal document preparers and allowing licensed nonlawyers to provide legal services in court and administrative proceedings were “ineffective proposals that create more risk of public harm than opportunity for good.”<sup>85</sup> Despite that opposition, however, the 2019 Timmer Task Force report had substantial force then, and still has substantial force now.

Later in October 2019, the Arizona Judicial Council (the policy setting body for the Arizona state courts) approved most of the 2019 Timmer Task Force final report. The Council also accepted the remainder of the report addressing recommendations about nonlawyer ownership of law firms and developing licensed nonlawyer legal service providers to provide limited legal services, including in court and at administrative proceedings. Those recommendations moved forward and were further considered at the June 2020 Arizona Judicial Council meeting.<sup>86</sup>

The 2019 Timmer Task Force final report was issued in what were, with

---

83. *Id.* at i-ii (table of contents summarizing recommendations).

84. *Id.*

85. *Id.* at 57.

86. *Meeting Minutes, October 24, 2019*, ARIZ. JUD. COUNCIL 1, 3, [https://www.azcourts.gov/Portals/84/MeetingMaterials/2019/December/TAB\\_1\\_AJC.pdf?ver=2019-12-03-143015-883](https://www.azcourts.gov/Portals/84/MeetingMaterials/2019/December/TAB_1_AJC.pdf?ver=2019-12-03-143015-883) (last visited Dec. 15, 2024) (approved at December 12, 2019 meeting). The two “accepted” issues were deferred at the June 2020 Arizona Judicial Council meeting and then presented, as action items to amend the Code of Judicial Administration, at the Council’s October 2020 meeting. *See Meeting Minutes, October 22, 2020*, ARIZ. JUD. COUNCIL 1, 6, [https://www.azcourts.gov/Portals/84/MeetingMaterials/2020/December/TAB\\_1\\_AJC.pdf?ver=2020-12-08-154207-187](https://www.azcourts.gov/Portals/84/MeetingMaterials/2020/December/TAB_1_AJC.pdf?ver=2020-12-08-154207-187) (last visited July 3, 2024) (approved at December 17, 2020 meeting).

the benefit of hindsight, early days of significant regulatory reform regarding legal services. In August 2019, just two months earlier, the Utah Work Group on Regulatory Reform issued its groundbreaking report and recommendations titled “Narrowing the Access-to-Justice Gap by Reimagining Regulation,” recommending (among many other things) a novel regulatory sandbox approach to enhance innovation for legal services.<sup>87</sup> Then, in February 2020, the Conference of Chief Justices passed a resolution “Urging Consideration of Regulatory Innovations Regarding the Delivery of Legal Services,” encouraging states “to consider regulatory innovations that have the potential to improve the accessibility, affordability and quality of civil legal services, while ensuring necessary and appropriate protections for the public.”<sup>88</sup> Later in February 2020, the ABA House of Delegates passed a resolution encouraging states “to consider regulatory innovations that have the potential to improve the accessibility, affordability, and quality of civil legal services” to address “the access to justice crisis.”<sup>89</sup>

The time was right, in Arizona and elsewhere, to meaningfully reinvigorate efforts for regulatory reform and innovation to enhance access to justice. In Arizona, the 2019 Timmer Task Force final report was a catalyst to do just that, particularly focusing on enhancing access to justice through the service of nonlawyers.<sup>90</sup>

### 3. Domestic Violence Legal Document Preparer Pilot Program

The 2019 Timmer Task Force final report began to bear fruit quickly. In January 2020, the Arizona Supreme Court issued an administrative order establishing the Domestic Violence Legal Document Preparer (DVLDP) Pilot Program.<sup>91</sup> A specific application of the certified legal document preparer concept described above, under the auspices of the

---

87. See generally *Report and Recommendations Narrowing the Access-to-Justice Gap by Reimagining Regulation*, UTAH WORK GRP. ON REGUL. REFORM, <https://utahinnovationoffice.org/wp-content/uploads/2021/08/Narrowing-the-Justice-Gap-Report-August-2019.pdf> (last visited July 3, 2024).

88. *Resolution 2 Urging Consideration of Regulatory Innovations Regarding the Delivery of Legal Services*, COUNCIL OF CHIEF JUSTS., [https://www.ncsc.org/\\_data/assets/pdf\\_file/0010/23500/02052020-urging-consideration-regulatory-innovations.pdf](https://www.ncsc.org/_data/assets/pdf_file/0010/23500/02052020-urging-consideration-regulatory-innovations.pdf) (last visited Oct. 31, 2024).

89. *Revised Resolution*, AM. BAR ASSOC. (Feb. 2020), <https://www.americanbar.org/content/dam/aba/administrative/center-for-innovation/r115resandreport.pdf>; Matt Reynolds, *To Increase Access to Justice, Regulatory Innovation Should be Considered*, *ABA House Says*, ABA J. (Feb. 17, 2020, 5:40 pm CST), <https://www.abajournal.com/news/article/resolution-115>.

90. As a result of the 2019 Timmer Task Force final report, the Arizona Judicial Branch has created and maintains a *Legal Services Reforms* webpage, including things like the final report, public survey results, rule and code changes, information about resulting programs and reforms, and related information. See *Access to Legal Services*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/accesstolegalservices> (last visited July 30, 2024).

91. *Authorizing a Legal Document Preparer Pilot Program for Domestic Violence Cases and Related Matters*, Admin. Order No. 2020-25 (Jan. 29, 2020).

Foundation, the DVLDP is designed to “increase access to free assistance in completing civil legal forms for domestic violence victims.”<sup>92</sup> The DVLDP allows “authorized employees of domestic violence shelters and service providers in Arizona to assist their shelters’ clients in completing court forms to be filed in Order of Protection cases and related civil proceedings, including family law, creditor/debtor law, landlord/tenant law, and applications for public benefits.”<sup>93</sup>

To participate in the DVLDP Pilot Program, individuals must have the required qualifications, complete training and a background check, be employed by a participating domestic violence shelter or service provider, and not charge any fees for their services.<sup>94</sup> They may provide assistance and legal information, but not legal advice, and expressly can do the following:

1. prepare and help prepare court forms and other court or administrative agency documents;
2. assist with service of process;
3. help prepare evidence for hearings and mediations;
4. assist clients during court and administrative hearings; and
5. respond to requests for information from the presiding judicial officer or administrative hearing officer during a hearing.<sup>95</sup>

The DVLDP Pilot Program remains in place as part of the Foundation’s Domestic Violence Legal Assistance Project.<sup>96</sup> DVLDP services are available through nearly twenty organizations throughout Arizona, including Arizona’s three LSC-funded entities.<sup>97</sup> Several individuals have qualified and participated as service providers in the DVLDP Pilot, although the COVID-19 pandemic presented a significant obstacle to expanding the program.<sup>98</sup>

92. *Id.*

93. *Id.*

94. *Id.*

95. *Id.*

96. *Domestic Violence Legal Assistance Project*, ARIZ. FOUND. FOR LEGAL SERVS. EDUC., <https://www.azbf.org/domestic-violence-legal-assistance-project> (last visited July 3, 2024).

97. *Grant-Funded Organizations*, ARIZ. FOUND. FOR LEGAL SERVS. EDUC., <https://www.azflse.org/azdomesticviolence/grantfunded.cfm> (last visited July 3, 2024); *see also Domestic Violence Information*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/domesticviolencelaw/> (last visited July 3, 2024).

98. Email from Chris Groninger, Chief Strategy Officer, Ariz. Bar Found., to Author (July 5, 2024) (on file with Author).

#### 4. Licensed Legal Paraprofessionals and Alternative Business Structures

A January 2020 rule change petition sought to implement other suggestions in the 2019 Timmer Task Force final report, including, (1) adopting a new category of nonlawyer legal-service providers, ultimately called legal paraprofessionals, and (2) allowing alternative business structures for ownership of law firms, including nonlawyer ownership.<sup>99</sup> In August 2020, after receiving significant comments, the Arizona Supreme Court approved both proposed changes, effective January 2021.<sup>100</sup>

A legal paraprofessional “is a professional with specific education and experience who is licensed to provide legal services in limited practice areas. This professional is often compared to a nurse practitioner in the medical field.”<sup>101</sup> The legal paraprofessional program is governed by provisions in Arizona’s Code of Judicial Administration.<sup>102</sup> A legal paraprofessional is licensed by the Arizona Supreme Court via an examination in one or more practice areas. The licensed legal paraprofessional can then provide legal advice and representation in the area(s) for which the individual receives a license, without supervision by an attorney. Currently, legal paraprofessionals “can be licensed in the areas of Family Law, Administrative Law, Limited Jurisdiction Civil Law, Criminal Law and Juvenile Dependency Law.”<sup>103</sup> Licensed legal paraprofessionals are affiliate members of the State Bar of Arizona and subject to discipline under the ERs. In their licensed area(s), legal paraprofessionals can draft and sign legal documents, provide advice about legal rights, remedies, defenses, options and strategies, draft and file motions and related documents, arrange for service of legal

---

99. *Petition to Restyle and Amend Supreme Court Rule 31; Adopt New Rule 33.1; and Amend Rules 32, 41, 42 (Various ERs from 1.0 to 5.7), 46-51, 54-58, 60, and 75-76*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/Rules-Forum/aft/1118> (last visited July 3, 2024). The original proposed name for the nonlawyer practitioner was “limited license legal practitioner,” a term later changed to “licensed legal paraprofessional.” The nomenclature issue continues, with a rule change petition filed in January 2024 seeking to change “legal paraprofessionals to “legal practitioners,” resulting in nearly forty comments that followed in a spirited debate. See *Petition to Amend Rule 31.3(e)(4) Arizona Rules of Supreme Court*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/Rules-Forum/aft/1600> (last visited Sept. 11, 2024). In August 2024, the Arizona Supreme Court denied the petition. See *Minutes*, ARIZ. SUP. CT. 1, 31 (Aug. 20, 2024), <https://www.azcourts.gov/Portals/20/2024%20Rules/August%202024%20-%20Rules%20Minutes.pdf?ver=9ZpSEIoLUK1y1P7VVmbgRw%3d%3d>.

100. See generally *Restyle and Amend Rule 31; Adopt New Rule 33.1; Amend Rules 32, 41, and 42 (Various ERs From 1.0 to 5.7), 46-51, 54-58, 60 and 75-76*, Ariz. S. Ct. No. R-20-0034 (Aug. 27, 2020).

101. See *Legal Paraprofessionals*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/cld/Legal-Paraprofessional> (last visited Dec. 4, 2024).

102. See generally *id.*

103. See *id.*

documents, appear before courts and tribunals, and negotiate on behalf of clients. Complaints against licensed legal paraprofessionals are received, investigated, and prosecuted by the State Bar of Arizona, just like complaints against lawyers who are members of the state bar.<sup>104</sup>

By November 2021, the Arizona Supreme Court had licensed ten legal paraprofessionals.<sup>105</sup> As of October 2024, the Arizona Supreme Court listed sixty-six licensed legal paraprofessionals.<sup>106</sup> Of that number, fifty-six hold licenses in family law; eight in civil law; and seven in criminal law (recognizing that an individual can be licensed in more than one area of law).<sup>107</sup> More than half have mailing addresses in Maricopa County (where Phoenix is located) or Pima County (where Tucson is located), with several not listing a mailing address.<sup>108</sup>

Given this legal paraprofessional opportunity, the University of Arizona James E. Rogers College of Law developed a legal paraprofessional program.<sup>109</sup> Informal numbers indicate that the University of Arizona College of Law currently has about one hundred students pursuing legal paraprofessional coursework, including graduate students, undergraduate students, and non-degree seeking students. About thirty legal paraprofessionals will graduate from this program in 2024.<sup>110</sup> The University of Arizona College of Law hosts paraprofessional summits during the first part of each year, with the third annual summit scheduled for February 2025.<sup>111</sup>

Along with legal paraprofessional regulatory reform, the Arizona Supreme Court also approved the alternative business structure (ABS) model, effective January 2021. An ABS “is a business entity that includes nonlawyers who have an economic interest or decision-making authority in a firm” that provides legal services.<sup>112</sup> The ABS program is governed by provisions in the Arizona Code of Judicial Administration.<sup>113</sup>

104. *See id.*

105. Claire Newfeld, *Closing the “Justice Gap”: The First Ten Legal Paraprofessionals Receive Licensure in Arizona*, 54 ARIZ. STATE L.J. BLOG (Feb. 3, 2022).

106. *See Legal Paraprofessionals*, *supra* note 101.

107. *See id.*

108. *See id.*

109. *Become a Legal Professional*, THE UNIV. OF ARIZ. JAMES E. ROGERS COLL. OF L., <https://law.arizona.edu/legal-paraprofessional> (last visited July 3, 2024).

110. *2024 Spring Convocation Program*, THE UNIV. OF ARIZ. JAMES E. ROGERS COLL. OF L., [https://law.arizona.edu/sites/default/files/2024-05/UA%20Law\\_Convocation%202024\\_Program\\_2404\\_25\\_edoc.pdf](https://law.arizona.edu/sites/default/files/2024-05/UA%20Law_Convocation%202024_Program_2404_25_edoc.pdf) (last visited July 3, 2024).

111. *Legal Paraprofessional Summit*, THE UNIV. OF ARIZ. JAMES E. ROGERS COLL. OF L., <https://law.arizona.edu/legal-paraprofessional-summit> (last visited July 3, 2024); *see also* Mark McCall, *Legal Professionals in Arizona: Gaining the Experience*, 61 ARIZ. ATT’Y 3, 100 (Nov. 2024) (providing a recent overview of the program).

112. *See Alternative Business Structures*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/cld/Alternative-Business-Structure> (last visited July 3, 2024).

113. *See generally* Ariz. Code Jud. Admin. § 7-209.



Complaints against an ABS “are received, investigated, and prosecuted by the State Bar of Arizona in the same manner as complaints against lawyers.”<sup>114</sup> The purpose of this ABS model, attributed to the 2019 Timmer Task Force, “is ‘rooted in the idea that entrepreneurial lawyers and nonlawyers would pilot a range of different business forms’ that will ultimately improve access to justice and the delivery of legal services.”<sup>115</sup>

As of December 2024, the Arizona Supreme Court listed more than one hundred licensed ABS entities.<sup>116</sup> Many of those entities have mailing addresses in Maricopa County, although many list no mailing address.<sup>117</sup> Although the hope has been that the ABS alternative may help further access to justice efforts, the results to date are incomplete. An ABS Task Force, created by the Arizona Supreme Court in March 2024, addressed whether any adjustments may be needed to the ABS governing code.<sup>118</sup> Information produced for that Task Force includes the frequency of ABS applications by month and year, active ABS licenses, and related information.<sup>119</sup> The report and recommendations of that Task Force, issued in November 2024, focused on third-party funding of litigation and litigation finance, acknowledging the potential importance of third-party litigation funding and making recommendations about limited initial disclosure in cases involving third-party funding, collecting relevant data on third-party funding, and encouraging judicial education and training.<sup>120</sup>

### 5. Domestic Violence and Housing Stability Legal Advocate Pilot Programs

The 2019 Timmer Task Force final report continued to bear fruit when, in June 2020, the Arizona Supreme Court issued an administrative order authorizing a Licensed Legal Advocate Pilot Program for Domestic Violence Cases and Related Matters (LLA Pilot Program).<sup>121</sup> The University of Arizona James E. Rogers College of Law’s Innovation for

---

114. See *Alternative Business Structures*, *supra* note 112.

115. See *id.*

116. See *Legal Paraprofessionals*, *supra* note 101.

117. See *id.*

118. Establishment of the Task Force on Alternative Business Structures and Appointment of Members, Admin. Order No. 2024-51 (Mar. 18, 2024).

119. See *Alternative Business Structures Task Force*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/cscommittees/Alternative-Business-Structures-Task-Force> (last visited Sept. 2, 2024).

120. See *generally Report and Recommendations*, TASK FORCE ON ALT. BUS. STRUCTURES (Nov. 12, 2024), <https://www.azcourts.gov/cscommittees/Alternative-Business-Structures-Task-Force>.

121. Authorizing a Licensed Legal Advocate Pilot Program for Domestic Violence Cases and Related Matters, Admin. Order No. 2020-88 (June 10, 2020) (replacing Admin. Order No. 2020-84).

Justice (i4J) Program proposed the program to “train and license lay legal advocates, . . . a new tier of legal service provider permitted to advise victims of domestic violence in navigating Arizona’s civil legal system.”<sup>122</sup> These individuals “would be 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. The pilot is limited to employees and clients (also referred to . . . as ‘participants’) of [the] Emerge! Center Against Domestic Abuse (Emerge), located in Tucson.”<sup>123</sup>

In January 2023, the LLA Pilot Program was expanded to apply to community-based organizations throughout Arizona.<sup>124</sup> In authorizing that expansion, the Arizona Supreme Court noted the licensed legal advocates participating in the LLA Pilot Program:

are housed in organizations that are already providing trauma informed support to domestic violence survivors, but until now have been unable to combine this skill with the capability to provide limited-scope civil legal advice. Through this pilot, staff of Community Based Organizations . . . can provide trauma-informed limited-scope civil legal support to those who need it. Community Based Organizations . . . are public or private not-for-profit resource hubs that provide specific services to the community or targeted population within the community. The pilot is limited to employees of [Community Based Organizations] serving survivors of domestic violence with civil legal needs that apply to and are approved by [i4J]. The LLA [P]ilot [Program] continues to analyze its efficacy through evaluation and intends to expand this [P]ilot into other [Community Based Organizations] in Arizona.<sup>125</sup>

In February 2024, the LLA Pilot Program was renamed the Domestic Violence Legal Advocate (DVLA) Pilot Program and expanded further, given that “limiting participation to [Community Based Organizations] inadvertently excludes entities who could otherwise provide these services, particularly in Arizona’s rural and tribal communities. By expanding the types of organizations allowed to participate, the Program will be better able to assist these underserved populations.”<sup>126</sup>

Currently, the DVLA Pilot Program includes advocates from the service areas of five of Arizona’s fifteen counties, including urban areas, rural areas, and counties where there are significant Native American

---

122. *Id.*

123. *Id.*

124. Authorizing a Licensed Legal Advocate Pilot Program for Domestic Violence Cases and Related Matters, Admin. Order No. 2023-21 (Jan. 19, 2023) (replacing Admin. Order No. 2020-88).

125. *Id.*

126. Authorizing a Domestic Violence Legal Advocate Pilot Program, Admin. Order No. 2024-35 (Feb. 7, 2024) (replacing Admin. Order No. 2023-21).

populations.<sup>127</sup>

In January 2023, the Arizona Supreme Court authorized the Housing Stability Legal Advocate (HSLA) Pilot Program, which is similar to the DVLA Pilot Program but with a different focus.<sup>128</sup> As with the DVLA Pilot Program, the HSLA Pilot Program was proposed by i4J.<sup>129</sup> The Arizona Supreme Court explained that the HSLA Pilot Program:

would train and license staff at non-profit (501(c)(3)) social service organizations to become HSLAs, and advise and assist clients navigating Arizona's civil legal system . . . . HSLAs would be authorized to provide advice and assistance with respect to specifically identified legal needs of people experiencing housing instability by removing regulatory barriers imposed by rules governing the unauthorized practice of law. The [P]ilot is limited to employees and clients (also referred to . . . as 'participants') of non-profit (501(c)(3)) social service organizations that interface with Arizona community members experiencing housing instability.<sup>130</sup>

In February 2024, the HSLA Pilot Program was expanded, given concerns that by “limiting participation to non-profit (501(c)(3)) social service organizations, the Program’s ability to serve Arizona’s rural and tribal populations is weakened. By expanding the types of organizations allowed to participate, the Program will be better able to assist these underserved populations.”<sup>131</sup> Currently, the HSLA Pilot Program includes advocates from the service areas of Maricopa, Mohave, Pima and Yavapai Counties.<sup>132</sup>

The regulatory reform and innovation of the DVLA and HSLA Pilot Programs are substantially similar. For both, participants must have a high school diploma or its equivalent, pass a criminal background check, complete a course of study,<sup>133</sup> successfully pass a substantive law

---

127. See *Arizona Service Areas for the DVLA Pilot Program*, i4J CMTY. LEGAL EDUC., <https://www.innovation4justice.org/education/community> (last visited July 25, 2024).

128. Authorizing a Housing Stability Legal Advocate Pilot Program, Admin. Order No. 2023-19 (Jan. 18, 2023).

129. *Id.*

130. *Id.*

131. Authorizing a Housing Stability Legal Advocate Pilot Program, Admin. Order No. 2024-34 (Feb. 7, 2024) (replacing Admin. Order No. 2023-19). Administrative Order 2024-34 also updated and corrected some terminology as requested by the HSLA Pilot Program. *Id.*

132. See *Arizona Service Areas for the HSLA Pilot Program*, i4J CMTY. LEGAL EDUC., <https://www.innovation4justice.org/education/community> (last visited July 25, 2024). In addition, i4J spearheaded a Medical Debt Legal Advocate Initiative that launched in Utah in May 2020, and the Housing Stability Legal Advocate Initiative that launched in Utah in 2024. *Id.*

133. The i4J is designated as a state-authorized trainer of limited-scope legal advocates. Admin. Order No. 2024-35, *supra* note 126, at ¶ 3(f); Admin. Order No. 2024-34, *supra* note 131, at ¶ 3(f). According to information provided to the Author, i4J’s suite of modular legal empowerment courses in Arizona are offered for free, take place asynchronously online, and are estimated to take approximately 55-65 self-paced hours. Each course begins with required modules on procedural and racial justice; understanding trauma; the risks of retraumatization; recognizing burnout; and practicing self-care.

examination, and be certified by the Arizona Supreme Court.<sup>134</sup> DVLAs can provide assistance in areas of family law and protective orders, while HSLAs can provide assistance regarding housing matters and evictions before, during, and after eviction.<sup>135</sup> Although DVLAs and HSLAs can provide legal advice, they technically cannot provide legal representation; they may, however, sit at the counsel table to quietly advise and assist self-represented litigants during hearings and respond to requests for information from the judge during a hearing.<sup>136</sup> The Arizona Judicial Branch has a resource webpage for information about these legal advocate pilot programs.<sup>137</sup>

During the first part of 2024, i4J enrolled thirty-seven advocates in the statewide launch of the DVLA and HSLA Pilot Programs, representing twenty-one community-based organizations in five Arizona counties.<sup>138</sup> By September 2024, i4J estimates twenty advocates from the spring cohort will have completed their training and will be certified under one of these Pilot Programs.<sup>139</sup> In the latter part of 2024, i4J anticipates enrolling a second statewide cohort of at least twenty-five advocates in these Pilot Programs. The i4J program is on track to have at least fifty certified advocates by the end of 2024, and is looking to add even more individuals to the training program for the first part of 2025.<sup>140</sup>

## 6. Arizona State Agency Programs

Arizona's state agencies are undertaking efforts to help fund and provide legal assistance to those in need. The Arizona Department of Economic Security's (ADES) "Legal Assistance Program was established under the federal Older Americans Act to offer information, advice, assistance and advocacy to persons 60 years of age and older."<sup>141</sup> "The goals of the program are to promote and preserve the autonomy, dignity, independence and financial security of older persons, provide access to the system of justice, and advocates for the preservation of the rights and

---

134. See generally Admin. Order No. 2024-35, *supra* note 126; Admin. Order No. 2024-34, *supra* note 131.

135. See generally Admin. Order No. 2024-35, *supra* note 126; Admin. Order No. 2024-34, *supra* note 131.

136. Admin. Order No. 2024-35, *supra* note 126, at ¶ 17(d); Admin. Order No. 2024-34, *supra* note 131, at ¶ 17(c).

137. *Legal Advocates*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/cld/Legal-Advocates> (last visited July 4, 2024).

138. Email from Antonio Coronado, Professor of Prac., Cmty. Legal Edu. Lead, i4J, to Author (July 12, 2024) (on file with Author).

139. *Id.*

140. *Id.*

141. *Legal Services Assistance*, ARIZ. DEP'T OF ECON. SEC., <https://des.az.gov/legal-services> (last visited July 4, 2024).

benefits of older persons.”<sup>142</sup> ADES has a webpage providing information about the Program, including eligibility, how to apply, and additional resources.<sup>143</sup>

As another example, the ADES’s “Domestic Violence Program offers services including mobile and community-based advocacy, lay legal advocacy, and emergency shelter and transitional housing. The program collaborates with the Arizona Coalition to End Sexual and Domestic Violence, community-based organizations, and state agencies to coordinate services to domestic violence survivors.”<sup>144</sup> ADES has a webpage providing various resources about the Program, including how to find domestic violence services.<sup>145</sup>

As a final example, the Arizona Department of Public Safety’s (DPS) Victim of Crime Act (VOCA) Administration Unit administers VOCA Victim’s Assistance funds.<sup>146</sup> As discussed on the DPS VOCA Administration Unit website, that effort includes: (1) funding various services to crime victims, including victim advocacy and accompaniment; (2) individual advocacy; (3) restitution and civil legal assistance; (4) victim impact statement assistance; (5) immigration and transportation assistance; (6) interpreter services; (7) emotional support and safety services; and (8) shelter and housing services.<sup>147</sup>

### 7. Arizona Office of Administrative Hearings Resources

Benefits administered by administrative agencies have a significant impact on access to justice for many individuals. Many critical legal issues are resolved administratively, including through administrative hearings. In Arizona, such resolution often involves proceedings before the Arizona Office of Administrative Hearings (OAH) administrative law judges. The OAH offers free online resources for parties involved in those proceedings, including frequently asked questions, information about the administrative law judge assigned to a matter, prior decisions in a searchable format, practice pointers, and model forms.<sup>148</sup>

---

142. *Id.*

143. *Id.*

144. *Support for Victims of Domestic Violence*, ARIZ. DEP’T OF ECON. SEC., <https://des.az.gov/domestic-violence> (last visited July 4, 2024).

145. *Id.*

146. *Victims of Crime Act (VOCA) Victims Assistance – DPS VOCA Administration Unit*, ARIZ. DEP’T OF PUB. SAFETY, <https://www.azdps.gov/services/governmental-services/voca-administration-unit-victims-crime-act> (last visited Sept. 2, 2024).

147. *Id.*

148. ARIZ. OFF. OF ADMIN. HEARINGS, <https://www.azoah.com/> (last visited July 4, 2024). In the fiscal year ending June 30, 2024, more than 8,600 cases were filed with, and nearly 8,100 resolved by, the Arizona OAH involving decisions by dozens of agencies, boards, and commissions. See THE OFF. OF ADMIN. HEARINGS, THE TWENTY NINTH ANNUAL REPORT TO GOVERNOR KATIE HOBBS 3-5 (Nov. 27,

### *E. Other Innovations*

Along with these lawyer and non-lawyer regulatory reforms and innovations, Arizona has undertaken other innovative steps—with some successes, and some failures—to enhance access to justice. Specific examples of such efforts follow.

#### 1. Court Navigator Programs

Various Arizona courts have court navigator programs, where nonlawyers help individuals navigate the court system. As the Maricopa County Justice Courts describe it, court navigators “provide guidance to individuals who need help figuring out the court system. They can direct you to the proper court, assist you with obtaining court forms for filing, and answer questions about the court process.”<sup>149</sup> Court navigators do not provide legal advice; they can, however, help individuals understand court procedures, provide court forms, coordinate with court staff, try to answer questions about court fees, share information about legal and community resources, and help litigants find the right courtroom.<sup>150</sup>

Some court navigator programs focus on specific subject matter areas. The Yavapai County Superior Court, for example, has a family law court navigator program.<sup>151</sup> As another example, the Arizona Administrative Office of the Courts “is partnering with” the Arizona Department of Economic Security “on a new local court program to educate those facing eviction about their options by identifying eviction action litigants and providing front-end assistance and information through a Housing Stability Court Navigator.”<sup>152</sup> Currently, Mohave County and Yavapai County are participating in this program.<sup>153</sup> As with the DVLDP Pilot discussed above, the COVID-19 pandemic presented a significant obstacle to the expansion of court navigator programs.

---

2024), <https://www.azoah.com/29thAnnualReport.pdf>.

149. *Navigators, Meet the Team*, JUST. CTS. OF MARICOPA CNTY., <https://justicecourts.maricopa.gov/about-us/navigators> (last visited July 4, 2024).

150. *Id.*

151. YAVAPAI SUPERIOR CT. FAM. CT. NAVIGATOR, <https://courts.yavapiaz.gov/files/sharedassets/courts/v/2/self-service-center/documents/family-law-navigator.pdf> (last visited July 4, 2024).

152. *Landlord/Tenant Disputes & Evictions Housing Stability Court Navigator*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/selfservicecenter/Landlord-Tenant-Disputes-Eviction-Actions/Housing-Stability-Court-Navigator-Program> (last visited July 4, 2024).

153. *Id.*

## 2. Court Self-Service Centers

There are many self-service and self-help resources in Arizona courts, libraries, and other locations throughout the state. Along with local resources, the Arizona Judicial Branch has a self-service center webpage providing links to resources for litigants in various types of court matters.<sup>154</sup>

## 3. Court Kiosks

Some courts have legal kiosks for litigants, both in urban and rural areas. One court-based overview describes these kiosks as an internet “station that compiles different court information into one convenient location,” with one justice of the peace calling it “an ATM for judicial information.”<sup>155</sup> Arizona courts also offer remote payment options, allowing parties to pay financial obligations through the courts without having to physically go to a courthouse.<sup>156</sup> The remote payment option provides an alternative to time-consuming and costly travel for individuals wishing to resolve a legal matter before trial, particularly where the cost of travel and the time involved can exceed the amount of the required payment.

## 4. Remote Court Hearings

Following the experience with remote court hearings during the COVID-19 pandemic, the Arizona Supreme Court adopted presumptive standards for which types of court hearings should be held remotely or in-person, with all Arizona trial courts to implement the standards by October 1, 2022.<sup>157</sup> Arizona’s trial courts implemented the standards through administrative orders.<sup>158</sup> The Arizona Judicial Branch published a webpage providing guidance for individuals involved in remote court hearings.<sup>159</sup> The Arizona Judicial Branch also undertook surveys of the judiciary and the general public (along with a survey of attorneys

---

154. *Self-Service Center*, *supra* note 8.

155. *Williams Justice Court Kiosk*, N. ARIZ. GAZETTE, [northernarizonagazette.com/williams-justice-court-kiosk/](http://northernarizonagazette.com/williams-justice-court-kiosk/) (last visited July 4, 2024).

156. ARIZ. CTS. ONLINE PAYMENT, <https://prodpci.etimspayments.com/pbw/include/arizona/newinput.jsp> (last visited July 4, 2024).

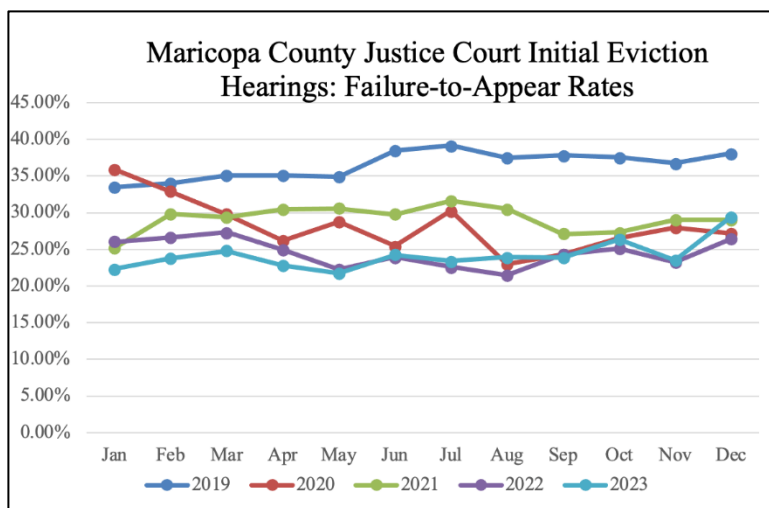
157. Adoption and Implementation of Plan B Workgroup Recommendations as Presumptive Standards for Remote and In-Person Hearings, Admin. Order No. 2022-88 (Aug. 3, 2022) (replacing Admin. Order No. 2022-45).

158. *Remote Appearances*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/courtservices/Court-Services-Home/Remote-Appearances> (last visited July 5, 2024).

159. *Remote Court Appearances*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/selfservicecenter/Resources/Remote-Court-Appearances> (last visited July 4, 2024).

conducted by the State Bar of Arizona) and has reported and accounted for the information obtained as a result.<sup>160</sup>

Some hard data from the Maricopa County Justice Courts suggests that allowing remote appearances has substantially reduced failures to appear in initial hearings in eviction actions. As shown in the chart that follows, when pre-pandemic, personal appearances were required, failure-to-appear rates approached 40% for these initial hearings (specifically, in July 2019, a 39.17% failure-to-appear rate). When the pandemic began, remote appearances were allowed, first by telephone and then by audio-video platforms. The failure-to-appear rates in the post-pandemic world decreased substantially, especially after the CARES Act stays were resolved. Specifically, failure-to-appear rates fell from an average of 36.49% in 2019 (when personal appearances were required), to less than 25% in both 2022 and 2023. This hard data shows failure-to-appear rates decreased by about one-third when a party was allowed to appear remotely, with informal data for the first part of 2024 appearing slightly higher than the 2022 and 2023 data.



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
2019	33.48%	34.06%	35.07%	35.10%	34.93%	38.42%	39.17%	37.50%	37.83%	37.54%	36.75%	38.07%	36.49%
2020	35.88%	32.88%	29.78%	26.17%	28.80%	25.44%	30.25%	22.98%	24.28%	26.53%	28.00%	27.19%	28.18%
2021	25.19%	29.81%	29.37%	30.44%	30.58%	29.77%	31.59%	30.55%	27.11%	27.33%	29.06%	29.02%	29.15%
2022	26.00%	26.60%	27.33%	24.98%	22.26%	23.92%	22.60%	21.44%	24.34%	25.15%	23.21%	26.48%	24.53%
2023	22.35%	23.80%	24.79%	22.77%	21.74%	24.25%	23.40%	23.94%	23.84%	26.36%	23.50%	29.48%	24.19%

160. See Samuel A. Thumma, Marcus W. Reinkensmeyer et al., *Remote Court Hearings (Past, Present, and Future): Arizona's Next Steps for a New World to Enhance Access to Justice*, 77 SMU L. REV. F. 116 (2024); Samuel A. Thumma & Marcus W. Reinkensmeyer, *Post-Pandemic Video Conferencing in Law Practice: Attorneys Respond, the Sequel*, 60 ARIZ. ATT'Y 4, 15-16 (Dec. 2023); Samuel A. Thumma, Marcus W. Reinkensmeyer et al., *Post-pandemic Recommendations: COVID-19 Continuity of Court Operations During a Public Health Emergency Workgroup*, 75 SMU L. REV. F. 1 (2022).



### 5. Digital Evidence Court Portal

In December 2020, Arizona launched a pilot program for a digital evidence court portal using the Thomson Reuters CaseLines/CaseCenter digital evidence product. That portal has now been adopted in Arizona's appellate courts, Arizona's Superior Courts in all fifteen counties, and in various limited jurisdiction courts.<sup>161</sup> “The digital evidence portal provides convenient 24/7 online access to upload, review, and manage exhibits in a case to which a party has been invited. This portal will provide an efficient and digital solution to share exhibits among judges, attorneys, and litigants during virtual or in-person court hearings.”<sup>162</sup> The Arizona Judicial Branch has a webpage providing guidance for individuals using the digital evidence court portal, including training resources and videos.<sup>163</sup>

### 6. Court-Affiliated Online Dispute Resolution

Some Arizona courts have piloted online dispute resolution (ODR) options, including for criminal and petty offense citations. For example, starting in May 2021, Flagstaff Justice Court has made ODR available to defendants who have been charged with certain misdemeanor offenses. As described by that court, “ODR allows defendants to participate in court proceedings online instead of going to the courthouse. Not all cases will qualify for ODR. Contact the court to determine whether your case may qualify, or if you do not wish to utilize ODR.”<sup>164</sup> As another example, Pinal County Superior Court Family Court Conciliation Services provides “ODR mediation instead of a telephonic or in-person service” in some cases.<sup>165</sup> Despite these programs, ODR has not been as widely adopted in Arizona as it has been elsewhere.<sup>166</sup>

---

161. *Digital Evidence*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/digitalevidence> (last visited July 4, 2024).

162. *Id.*

163. *Id.*

164. *Online Dispute Resolution*, COCONINO CNTY. ARIZ. <https://www.coconino.az.gov/2678/Online-Dispute-Resolution-ODR> (last visited July 4, 2024). The Scottsdale City Court offers an online plea option for eligible individuals. See *Frequently Asked Questions*, SCOTTSDALE CITY CT., <https://www.scottsdaleaz.gov/court/court-faqs> (last visited July 4, 2024).

165. *Online Dispute Resolution (ODR)*, SUPERIOR CT. PINAL CNTY., AZ, <https://www.pinalcourtsaz.gov/252/Online-Dispute-Resolution-ODR> (last visited July 4, 2024). Yuma County Superior Court Conciliation Services also offers online mediation for certain family court disputes. See *Welcome to Online Mediation with Yuma County Superior Court!*, SUPERIOR CT. OF ARIZ. IN YUMA CNTY., <https://cii2.courtinnovations.com/AZYCSC> (last visited July 4, 2024).

166. See *Online Dispute Resolution in the United States*, AM. BAR ASS'N CTR. FOR INNOVATION (Sept. 2020), <https://www.americanbar.org/content/dam/aba/administrative/center-for-innovation/odr-visualizationreport.pdf> (listing examples).

## 7. Arizona Income Tax Credit Program

Arizona's personal income tax system includes a tax credit program that allows taxpayers to direct funding to legal service organizations through a tax credit with no out-of-pocket costs to the taxpayer.<sup>167</sup> Although there are many eligible designees for the tax credit program, the Foundation maintains a list of participating, charitable tax-credit approved entities providing legal services to those most in need.<sup>168</sup> The proceeds vary from year to year, although typically at least \$250,000 is received annually through this tax-credit program, with about \$265,000 received in 2023.<sup>169</sup>

## 8. The Sandwich Campaign

Innovation, at times, can come in small forms. The Sandwich Campaign is an example of a small form of innovation.

Arizona has three LSC-funded entities: (1) Community Legal Services (CLS);<sup>170</sup> (2) DNA-People's Legal Services;<sup>171</sup> and (3) Southern Arizona Legal Aid (SALA).<sup>172</sup> Each of these LSC-funded entities has a member serving on the Arizona Commission on Access to Justice (ACAJ). The Sandwich Campaign works to enhance communication, education, and innovation, on any scale, for these LSC-funded entities.

Before each ACAJ meeting, each Arizona LSC-funded entity submits a one-page written description of an innovation it developed that can be adopted or adapted by the other Arizona LSC entities. After each makes a brief presentation at the ACAJ meeting, ACAJ members vote on the innovation they believe is "best." The submission that receives the most votes "wins," and each LSC entity can only win once per year. The "prize" for the winner is a lunch, provided by the ACAJ chair, at a restaurant in a city where the winning agency has an office. The Sandwich Campaign is a friendly competition to encourage innovation, using food

167. *Credits for Contributions to QCOs and QFCOs*, ARIZ. DEP'T OF REVENUE, <https://azdor.gov/tax-credits/credits-contributions-qcos-and-qfcos> (last visited Dec. 5, 2024). A QCO is a "Qualifying Charitable Organization," while a QFCO is a "Qualifying Foster Care Charitable Organization." *Id.*

168. *Participating, Charitable Tax Credit Approved*, ARIZ. FOUND. FOR LEGAL SERVS. & EDUC., <https://www.azbf.org/participating-charitable-tax-credit-approved> (last visited July 4, 2024).

169. ARIZ. COMM'N ON ACCESS TO JUST., 2023 ANNUAL REPORT 5, <https://online.fliphtml5.com/qkryw/cpik/#p=1>.

170. See CMTY. LEGAL SERVS., <https://clsaz.org/> (last visited July 4, 2024); *CLS Office Locations*, CMTY. LEGAL SERVS., <https://clsaz.org/office-locations/> (last visited July 4, 2024).

171. See *About DNA*, DNA-PEOPLE'S LEGAL SERVS., <https://dnalegalservices.org/about/> (last visited Dec. 15, 2024).

172. See S. ARIZ. LEGAL AID, <https://www.sazlegalaaid.org/> (last visited July 4, 2024).

as a prize.<sup>173</sup>

The Sandwich Campaign winners in 2023 were: (1) SALA, for its direct-referral partnerships with community organizations; (2) DNA-People's Legal Services for its collaboration with the Community Assistance Teams of Flagstaff, a new unsheltered person's outreach organization; and (3) CLS for offering kiosks in locations that clients frequent, such as social service agencies and health clinics.<sup>174</sup>

### III. SELECTED ARIZONA LEGAL SERVICE PROVIDERS

There are a significant number of legal service providers in Arizona helping those in need. Recognizing that naming some will, by definition, mean omitting some that are just as worthy of mention, the following entities are at the core of Arizona's efforts to further access to justice, both as direct legal service providers and otherwise:

- Community Legal Services, providing civil legal aid for those who qualify.<sup>175</sup>
- DNA-People's Legal Services, providing civil legal aid for those who qualify.<sup>176</sup>
- Sothern Arizona Legal Aid, providing civil legal aid for those who qualify.<sup>177</sup>
- Step Up to Justice, providing free non-criminal legal aid for those who qualify in Pima County.<sup>178</sup>
- Arizona State University Sandra Day O'Connor College of Law clinical programs,<sup>179</sup> and the Arizona Legal Center,<sup>180</sup> providing legal services.
- University of Arizona James E. Rogers College of Law clinical programs, providing legal services.<sup>181</sup>
- Arizona Justice Project, representing individuals convicted of

---

173. See, e.g., *Meeting Packet, April 11, 2024*, ARIZ. COMM'N ON ACCESS TO JUST., ARIZ. JUD. BRANCH, <https://www.azcourts.gov/cscommittees/Arizona-Commission-on-Access-to-Justice/ACAJ-Meeting-Information> (last visited July 4, 2024).

174. 2023 ANNUAL REPORT, *supra* note 169, at 6.

175. See CMTY. LEGAL SERVS., *supra* note 170.

176. See DNA-PEOPLE'S LEGAL SERVS., *supra* note 171.

177. See S. ARIZ. LEGAL AID, *supra* note 172.

178. STEP UP TO JUST., <https://www.stepuptojustice.org/> (last visited July 4, 2024).

179. ARIZ. STATE UNIV. SANDRA DAY O'CONNOR COLL. OF L., <https://law.asu.edu/experiences/clinics> (last visited Sept. 11, 2024).

180. THE ARIZ. LEGAL CTR., <https://arizonalegalcenter.org/> (last visited Sept. 11, 2024).

181. *Clinical Programs*, UNIV. OF ARIZ. JAMES E. ROGERS COLL. OF L., <https://law.arizona.edu/academics/clinical-programs> (last visited Sept. 11, 2024).

serious crimes to secure fair treatment, reduced sentences, or even exoneration.<sup>182</sup>

- Arizona Legal Women and Youth Services, providing no-cost legal services to support the safety, stability, and self-sufficiency of young people and trafficking survivors impacted by homelessness, human trafficking, abuse, and the foster care system.<sup>183</sup>
- Defenders of Children, providing free trauma-informed and healing-focused legal services to children and their families throughout Arizona.<sup>184</sup>
- Florence Immigrant & Refugee Rights Project, providing free legal services, social services, and advocacy to immigrants facing detention and potential deportation.<sup>185</sup>
- William E. Morris Institute for Justice, providing legal services representing the interests of low-income Arizonans through major impact and class action litigation; advocacy with administrative agencies and the Arizona legislature; and technical assistance, training, and support of Arizona's three legal services programs.<sup>186</sup>
- The Arizona Bar Foundation for Legal Services & Education, providing technical and financial assistance to probation and resource officers, teachers and administrators, private attorneys and judges, and legal service attorneys and advocates, working to level the playing field, so that all in Arizona have knowledge and access to the justice systems.<sup>187</sup>
- Innovation for Justice (i4J), a virtual social justice innovation lab housed at both the University of Arizona James E. Rogers College of Law and the University of Utah David Eccles School of Business, working to identify and fix inequalities in the justice system and to design, build, and test access to justice solutions.<sup>188</sup>
- Arizona State Law Libraries, providing legal resources, including live chat assistance.<sup>189</sup>
- Arizona Commission on Access to Justice, promoting community and court connections and creating collaborative opportunities to

---

182. ARIZ. JUST. PROJECT, <https://azjusticeproject.org/> (last visited July 4, 2024).

183. ARIZ. LEGAL WOMEN & YOUTH SERVS. (ALWAYS), <https://alwaysaz.org/> (last visited July 4, 2024).

184. *About Us*, DEFS. OF CHILD., <https://www.defendersofchildren.org/about-us> (last visited July 4, 2024).

185. FLORENCE IMMIGRANT & REFUGEE RTS. PROJECT, <https://firrp.org/> (last visited July 4, 2024).

186. *Who We Are*, MORRIS INST. FOR JUST., <https://morrisinstituteforjustice.org/who-we-are> (last visited July 4, 2024).

187. ARIZ. FOUND. FOR LEGAL SERVS. & EDUC., <https://www.azbf.org/> (last visited July 4, 2024).

188. INNOVATION FOR JUST. (I4J), <https://www.innovation4justice.org/> (last visited July 4, 2024).

189. ARIZ. CNTY. L. LIBRS., <https://www.azcourthelp.org/law-libraries> (last visited Sept. 11, 2024).

provide those involved in Arizona's civil justice system with a safe, accessible, trusted, fair, efficient, and meaningful experience to address and resolve disputes.<sup>190</sup>

#### IV. ONLINE ARIZONA LEGAL RESOURCES

There are many helpful online legal resources addressing Arizona law and legal issues. Again, recognizing naming some will, by definition, mean omitting some that are just as worthy of mention, the following list provides links to significant online legal resources addressing Arizona law and legal issues:

- Arizona Bar Foundation for Legal Services & Education's pro bono website, listing attorneys (private and public) and judges who volunteer.<sup>191</sup>
- Modest Means Project, providing low-cost legal assistance to individuals who do not qualify for free legal services, but who cannot afford the expertise of attorneys at the standard rate.<sup>192</sup>
- AZLawHelp.org, curating legal service providers.<sup>193</sup>
- AZCourtHelp.org, curating legal service providers and resources.<sup>194</sup>
- AZCrimeVictimHelp.org, curating information for crime victims.<sup>195</sup>
- AZEvictionHelp.org, curating information for individuals facing eviction.<sup>196</sup>
- LawForSeniors.org, curating information for older Arizonans.<sup>197</sup>

---

190. *Arizona Commission on Access to Justice*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/escommittees/Arizona-Commission-on-Access-to-Justice> (last visited July 4, 2024). For a history of the Arizona Commission on Access to Justice, written by the initial Chair, see Lawrence F. Winthrop, *The Arizona Commission on Access to Justice: A Progress Report*, 53 ARIZ. STATE L.J. 883 (2002).

191. PRO BONO ARIZ., <https://probono.azbf.org/> (last visited July 4, 2024). The Arizona Bar Foundation funds legal services and related efforts, and provides various public awareness and education efforts. The general Foundation website can be found at ARIZ. FOUND. FOR LEGAL SERVS. & EDUC., <https://www.azbf.org/> (last visited July 4, 2024).

192. *Modest Means Project*, ARIZ. FOUND. FOR LEGAL SERVS. & EDUC., <https://www.azflse.org/modestmeans/> (last visited July 4, 2024).

193. AZ L. HELP, <https://www.azlawhelp.org/legalaidlisting.cfm> (last visited July 4, 2024).

194. *Legal Aid Resources*, AZ CT. HELP, <https://azcourthelp.org/home/legal-aid-resources> (last visited July 4, 2024).

195. ARIZ. CRIME VICTIM HELP, <https://azevictionhelp.org> (last visited July 26, 2024).

196. *Id.*

197. LAW FOR SENIORS, <https://lawforseniors.org> (last visited July 26, 2024).

- LawForVeterans.org, curating information for veterans.<sup>198</sup>
- AZCourtCare.org, providing information about treatment options for those with serious mental health needs.<sup>199</sup>
- Arizona Protective Order Initiation and Notification Tool (AZPOINT), allowing individuals to start, online, a petition for an order of protection, an injunction against harassment, or an injunction against workplace harassment.<sup>200</sup>
- eAccess Online Portal, allowing access, for a fee, to case records and documents in Arizona Superior Court cases.<sup>201</sup>
- State Bar of Arizona Public Service Center’s “Find a Legal Professional,” curating resources for those in need of legal services.<sup>202</sup>
- Arizona Court of Appeals Pro Bono Program, providing information about the pro bono program where counsel is appointed to self-represented parties in appellate proceedings selected by the court.<sup>203</sup>
- Corporate Pro Bono’s In-House Pro Bono In Practice Profile: Association of Corporate Counsel Arizona Chapter, providing information about pro bono opportunities for in-house counsel.<sup>204</sup>
- Law4AZ program and the Arizona Library Association, connecting people to legal information through public libraries,<sup>205</sup> including efforts to narrow the justice gap.<sup>206</sup>
- Legal Info Hub, providing podcasts, videos, information sheets, and frequently asked questions, in English and Spanish, for various

198. LAW FOR VETERANS, <https://lawforveterans.org> (last visited July 26, 2024).

199. AZ CT. CARE, <https://azcourtcare.org/> (last visited July 4, 2024).

200. AZPOINT, <https://azpoint.azcourts.gov/> (last visited July 4, 2024).

201. *eAccess*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/eaccess/> (last visited July 4, 2024).

202. *Find a Legal Professional*, STATE BAR OF ARIZ., <https://www.azbar.org/for-the-public/public-service-center/> (last visited July 4, 2024). The State Bar of Arizona also provides resources for the public in dealing with lawyers; see *Public Service Center*, STATE BAR OF ARIZ., <https://www.azbar.org/for-the-public/> (last visited July 25, 2024).

203. *Pro Bono Program*, ARIZ. CT. OF APPEALS DIV. ONE, <https://www.azcourts.gov/coa1/Court-Programs/Pro-Bono-Program> (last visited July 4, 2024).

204. *In-House Pro Bono In Practice Profile: ACC Arizona Chapter*, CORP. PRO BONO (Sept. 2018), <https://www.cpbo.org/wp-content/uploads/2018/10/Arizona-BPP.pdf> (last visited Dec. 5, 2024).

205. *2023 Annual Conference*, ARIZ. LIB. ASS’N (Oct. 19, 2023), <https://www.azla.org/ExpressTrio4> (last visited Dec. 15, 2024).

206. In particular, a wonderful undertaking by Coconino County Law Librarian Gretchen Hornberger discusses how Arizona public libraries are access to justice allies, and the great work she has done in mapping, and then narrowing, the Arizona justice gap map. *2023 Annual Conference*, ARIZ. LIBR. ASS’N (Oct. 19, 2023), <https://www.azla.org/ExpressTrio4> (locate presenter “Gretchen Hornberger” on the linked webpage and view “S2\_Law4AZ\_slides.pdf.” Gretchen Hornberger’s Arizona justice gap map can be found on slide 10.).

legal issues.<sup>207</sup>

## V. ONGOING ARIZONA EFFORTS LOOKING TO THE FUTURE

Ongoing efforts looking to the future of expanding access to justice in Arizona through regulatory reform and innovation are, by definition, less certain than looking at the past. Works in progress are uncertain, messy, can take drastic turns and, at times, stop abruptly with little or no yield. With these caveats, and acknowledging that some of Arizona's ongoing efforts looking to the future may yield no fruit, what follows is a discussion of what may be some of the more promising ongoing and emerging efforts.

### A. Arizona State Agency Forum on Access to Justice

For a long time, there was interest in and desire to hold an Arizona state agency forum on access to justice. In October 2023, the Arizona Commission on Access to Justice, with significant support from the Foundation, the Arizona Administrative Office of the Courts, and the three Arizona LSC entities, hosted an Arizona State Agency Forum on Access to Justice—thought to be the first of its kind in the country.

Leadership from thirteen Arizona administrative agencies attended the Forum, which opened with comments from Arizona Governor Katie Hobbs, Arizona Supreme Court Chief Justice Robert Brutinel, and then-Vice Chief Justice Ann Scott Timmer. The Forum served as a platform to discuss the concept of access to justice in Arizona, including in administrative agencies; to share information about legal aid and public education about the law; and to encourage collaboration with the legal community to meet the needs of low-income Arizonans. The discussion included what Arizona agencies are currently doing to provide and improve access to justice, possible access to justice initiatives Arizona agencies could implement, and what tools and resources are needed for Arizona agencies to improve access to justice for the individuals they serve. There was substantial interest by those who attended in continuing the dialogue and doing so in an even more focused way.<sup>208</sup>

The Arizona State Agency on Access to Justice Forum has attracted significant attention in Arizona and elsewhere. In February 2024, individuals involved in preparing for and hosting the Forum met with Rachel Rossi—Director of the Department of Justice's Office for Access

---

207. *Legal Info Hub*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/legalinfohub> (last visited July 4, 2024).

208. 2023 ANNUAL REPORT, *supra* note 169, at 2 (summarizing the Forum).

to Justice—to discuss the undertaking.<sup>209</sup> A resulting press release noted Director Rossi “met with the Arizona Access to Justice Commission and the Arizona Bar Foundation to discuss state-level efforts to promote and expand civil legal services and improve Arizonans’ access to civil justice, including the recently convened State Agency Forum on Access to Justice.”<sup>210</sup> Efforts are underway for a second Forum, consistent with the interest by those who attended the initial Forum, to continue the effort.<sup>211</sup>

A significant, tangible result of the Forum emerged in June 2024 when the Arizona Supreme Court issued an administrative order authorizing United States Department of Housing and Urban Development Fair Housing Initiatives Program (FHIP) employees to represent alleged victims of housing discrimination in administrative proceedings.<sup>212</sup> As reflected in that administrative order, the Civil Rights Division of the Arizona Attorney General’s Office requested FHIP “employees be allowed to represent alleged victims of discrimination . . . during the Division’s fair housing investigations, mediations, and conciliations.”<sup>213</sup> As noted in the administrative order, FHIP organizations are “qualified fair housing enforcement organizations under” federal law, “that meet all federal requirements to conduct fair housing testing, investigate fair housing violations, and obtain enforcement rights on behalf of alleged victims of housing discrimination.”<sup>214</sup> “Employees of FHIP organizations that are Private Enforcement Initiative (PEI) grantees with the United States Department of Housing and Urban Development have the training and skills to represent individuals during administrative proceedings before the Division.”<sup>215</sup>

Providing a limited exemption to the court’s UPL rule, and subject to certain conditions, the administrative order authorizes employees of FHIP organizations that are PEI grantees to “represent one or more aggrieved persons alleging a violation of the Arizona Fair Housing Act . . . in any alternative dispute resolution process and administrative investigation before the Civil Rights Division of the Arizona Attorney General’s

---

209. See *Readout of Office for Access to Justice Director Rachel Rossi’s Trip to Arizona*, OFF. OF PUB. AFFS., U.S. DEP’T OF JUST., <https://www.justice.gov/opa/pr/readout-office-access-justice-director-rachel-rossis-trip-arizona-0> (last visited July 4, 2024).

210. See *id.*

211. 2023 ANNUAL REPORT, *supra* note 169, at 2 (summarizing the Forum).

212. Authorizing Fair Housing Initiatives Program Employees to Represent Aggrieved Persons in Administrative Proceedings, Admin. Order No. 2024-89 (June 5, 2024); see also *Fair Housing Initiatives Program*, U.S. DEP’T OF HOUS. & URB. DEV., [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/partners/FHIP](https://www.hud.gov/program_offices/fair_housing_equal_opp/partners/FHIP) (last visited Dec. 5, 2024) (providing details about FHIP).

213. *Id.*

214. *Id.*

215. *Id.*



Office.”<sup>216</sup> In doing so, the court noted this program meets the court’s “Strategic Agenda goal of improving access to justice for underrepresented individuals facing housing instability.”<sup>217</sup>

Then, in August 2024, the Arizona Supreme Court granted a rule change petition that will move the FHIP from an administrative order to a part of the court rules.<sup>218</sup> The court did so by adding a ninth exception to the rule regarding UPL, recognizing the FHIP, effective January 1, 2025.<sup>219</sup> Given the enactment of that rule, in September 2024, the Arizona Supreme Court vacated the administrative order authorizing the FHIP effective January 1, 2025.<sup>220</sup> The hope is that this undertaking—a concrete demonstrable outcome of the initial Forum—will continue to bear fruit for years to come and that the initial Forum will prompt other access to justice advancements.

### *B. Lawyer Apprentice Program*

Arizona ranks forty-ninth of fifty states in lawyers per capita, with many small towns and rural communities with no, or very few, lawyers.<sup>221</sup> “The dearth of legal professionals negatively impacts not only access to justice and the effective operation of the justice system, including speedy case resolution, it also reduces economic growth.”<sup>222</sup> In an effort to try to water or “green” these “legal deserts,” the Arizona Supreme Court issued an administrative order Establishing a Lawyer Apprentice Program to Serve the Public in Rural Arizona and Through Public Law Firms in July 2024.<sup>223</sup> The court noted that Arizona’s “Lawyer Apprentice Program offers an opportunity for qualified lawyers to gain admission to the practice of law in Arizona by working to represent clients in underserved communities or in public law firms.”<sup>224</sup>

Currently, Arizona requires a Uniform Bar Exam (UBE) score of 270, among other things, for individuals seeking admission through passage of the bar examination.<sup>225</sup> Recognizing neighboring states (New Mexico and

---

216. *Id.*

217. *Id.*

218. Rule 31.3(e), Rules of the Supreme Court, Ariz. S. Ct. (Aug. 22, 2024).

219. *Id.*

220. Authorizing Fair Housing Initiatives Program Employees to Represent Aggrieved Persons in Administrative Proceedings, Admin. Order No. 2024-179 (Sept. 11, 2024) (replacing Admin. Order No. 2024-89).

221. Establishing a Lawyer Apprentice Program to Serve the Public in Rural Arizona and through Public Law Firms, Admin. Order No. 2024-148 (July 17, 2024).

222. *Id.*

223. *Id.*

224. *Id.*

225. Establishing the Minimum Acceptable Score for the Arizona Uniform Bar Examination and the Multistate Professional Responsibility Examination, Admin. Order No. 2023-159 (Oct. 4, 2023).

Utah) allow admission with a 260 UBE score, the Arizona Lawyer Apprentice Program offers admission to the State Bar of Arizona to otherwise qualified applicants who score from 260 to 269 on the UBE, “and who commit to practice under the supervision of a qualified Arizona attorney for a minimum of two years in rural Arizona or a public law practice.”<sup>226</sup> “Rural area” is defined broadly as any county with a population of less than 600,000 in the most recent census, while “public law” is defined as “providing legal services for a government or non-profit public law firm,” including a legal services organization approved by the Arizona Supreme Court.<sup>227</sup> By that definition, all Arizona counties except Maricopa and Pima Counties are “rural areas.”<sup>228</sup>

It is far too early to determine the impact of the Arizona Lawyer Apprentice Program. But as the Arizona Supreme Court observed in authorizing the effort, “[p]roviding this additional route to admission to the practice of law advances the Court’s goal of closing the access to justice gap, protects consumers of legal services, and encourages aspiring attorneys to remain in Arizona to begin their careers rather than waiting to take the bar exam again or leaving Arizona to practice law in states with a lower passing score.”<sup>229</sup>

### *C. Arizona Community Justice Workers Task Force*

Arizona is exploring how a community justice worker concept can be adopted in the state, both by building on the DVLA and HSLA Pilot Programs already in place and looking to the Alaska Community Justice Workers program. Given the unique geography, transportation systems, and dispersed population of Alaska, the Alaska Legal Services Corporation (ALSC) started its community justice worker project “as a new approach to solving the justice gap, by empowering legal advocates

---

226. Admin. Order No. 2024-148, *supra* note 221, at ¶ 3.

227. *Id.* at ¶ 12; *see also* Establishing a Lawyer Apprentice Program to Serve the Public in Rural Arizona and through Public Law Firms, Admin. Order No. 2024-203 (Oct. 16, 2024) (amending Admin. Order No. 2024-148 by adding to the definition of “public law” legal services organizations approved under Arizona Supreme Court Rule 38(d)).

228. America Counts Staff, *Arizona’s Population More Than 7 Million in 2020, Up 11.9% Since 2010*, U.S. CENSUS BUREAU (Aug. 5, 2021), <https://www.census.gov/library/stories/state-by-state/arizona-population-change-between-census-decade.html>.

229. Admin. Order No. 2024-148, *supra* note 221. This effort in Arizona is one iteration of efforts to green legal deserts. New Mexico launched the Rural Justice Initiative Clerkship Program, described as “a 2-year program designed for law school graduates to gain valuable experience working in rural communities under the guidance of state judicial district Chief Judges.” *Rural Justice Initiative*, N.M. SUP. CT., <https://supremecourt.nmcourts.gov/rural-justice-initiative/> (last visited July 26, 2024). The New Mexico program focuses on five communities in that state and also involves funding to offset student debt. *See* Donna J. Mowrer & Erin B. O’Connell, *Greening New Mexico’s Legal Deserts with the Rural Justice Initiative*, 93 BAR EXAM’R 3 (2024).

in rural Alaska communities to provide certain legal services with ALSC's training and supervision."<sup>230</sup>

The ALSC community justice worker 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>231</sup> The Alaska program identified five areas of focus as a 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 and protective order advocacy.<sup>232</sup> The Alaska program provides modular, self-paced online training in these five target areas for individuals interested in participating. Once trained, community justice workers help clients resolve their legal issues under the supervision of ALSC lawyers.<sup>233</sup> As of February 2024, more than two hundred individuals had completed at least one of these training programs, and nearly two hundred more were progressing toward completion.<sup>234</sup>

In February 2024, the Arizona Commission on Access to Justice authorized a task force of ten people to investigate expanding community justice worker efforts in Arizona.<sup>235</sup> That task force met several times. Along with inventorying current services in Arizona and considering how the Alaska model can be adapted and adopted in Arizona, the task force focused on the unique needs in Arizona, including using Geographic Information Systems (GIS) mapping, facilitated by the National Center for State Courts, to evaluate various aspects of the state and to identify needs, resources, limitations, and other relevant information.<sup>236</sup>

The task force identified the following priority areas: (1) domestic violence; (2) public benefits; (3) debt/debt relief; (4) evictions; (5) family

230. *Community Justice Workers Project*, ALASKA LEGAL SERVS. CORP., <https://www.alsc-law.org/community-justice-worker-program/> (last visited July 5, 2024); SENIOR CITIZENS OF KODIAK, INC., KODIAK SENIOR CENTER NEWSLETTER 7 (Sept. 2024), <https://kodiakseniorcenter.org/wp-content/uploads/2024/08/September-2024-Newsletter-1.pdf>.

231. *Introduction to Proposed Alaska Bar Rule 43.5*, ALASKA LEGAL SERVS. CORP., <https://www.alsc-law.org/wp-content/uploads/2022/12/Alaska-Bar-Rule-43.5.pdf> (last visited July 5, 2024).

232. *Community Justice Worker Program*, ALASKA LEGAL SERVS. CORP., <https://www.alsc-law.org/wp-content/uploads/2022/10/Advocate-Training-Brochure-v922.pdf> (last visited July 5, 2024).

233. *Introduction to Proposed Alaska Bar Rule 43.5*, *supra* note 231.

234. *Meeting Packet, February 1, 2024*, ARIZ. JUD. BRANCH, COMM'N ON ACCESS TO JUST. 58, <https://www.azcourts.gov/cscommittees/Arizona-Commission-on-Access-to-Justice/ACAJ-Meeting-Information> (last visited July 5, 2024).

235. *Meeting Packet, February 1, 2024*, ARIZ. JUD. BRANCH, COMM'N ON ACCESS TO JUST. 5, <https://www.azcourts.gov/cscommittees/Arizona-Commission-on-Access-to-Justice/ACAJ-Meeting-Information> (last visited July 5, 2024).

236. *See GIS Data*, U.S. GEOLOGICAL SURV., <https://www.usgs.gov/products/maps/gis-data> (providing an overview of GIS data and mapping).

law; and (6) mental health. Given the Arizona experiences to date—with lawyers and others helping to narrow the access to justice gap—the task force made recommendations to expand Arizona community justice worker services both for individuals who are supervised by lawyers (like the Alaska program) and for those who are not supervised by lawyers (building on Arizona’s DVLA and HSLA Pilot Programs). Among many other things, the Arizona task force considered the following questions in its work:

- 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 workers?
- Will this service model require insurance?
- What will be the scope of services offered?<sup>237</sup>

In November 2024, the task force presented its report recommending the enactment of a new Arizona Code of Judicial Administration, titled “Community-Based Justice Work Service Delivery Models,” to the Arizona Commission on Access to Justice.<sup>238</sup> The Commission approved the recommendation to seek the enactment of a Code provision allowing for an “authorized community justice worker” model (where a non-lawyer, after successfully completing training and while supervised by an approved legal services organization licensed attorney, is authorized 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) and a “certified community legal advocate” model (where a non-lawyer, after successfully completing training and passing an examination and while mentored by a licensed attorney or instructor, is authorized to provide specified legal assistance and legal advice in one or more approved areas of law to a participant client of an approved

---

237. The October 31, 2024 report of the task force can be found at *Meeting Packet and Supplemental Packet, November 7, 2024*, ARIZ. JUD. BRANCH, COMM’N ON ACCESS TO JUST., <https://www.azcourts.gov/cscommittees/Arizona-Commission-on-Access-to-Justice/ACAJ-Meeting-Information> (last visited December 15, 2024). As noted in the report, these questions originated, in somewhat different forms, in Cayley Balser & Stacy R. Jane, *The Diverse Landscape of Community-Based Justice Workers*, THE INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. (Feb. 22, 2023), <https://iaals.du.edu/blog/diverse-landscape-community-based-justice-workers>.

238. See *Meeting Packet and Supplemental Packet, November 7, 2024*, ARIZ. JUD. BRANCH, COMM’N ON ACCESS TO JUST., <https://www.azcourts.gov/cscommittees/Arizona-Commission-on-Access-to-Justice/ACAJ-Meeting-Information> (last visited December 6, 2024).

community-based organization).<sup>239</sup> That proposed Code provision is posted for public comment,<sup>240</sup> and is on the agenda for the Arizona Judicial Council to consider at its December 2024 meeting.<sup>241</sup>

#### *D. Generative Artificial Intelligence and Technology, Generally*

Generative artificial intelligence (GAI) and large data analysis have come front and center for access to justice in the last few years. The Arizona Commission on Access to Justice had a seat at the table for the December 2023 Arizona Summit on Artificial Intelligence, Law, and the Courts at the Arizona State University Sandra Day O'Connor College of Law.<sup>242</sup> That Summit—sponsored by the Arizona State University Center for Law, Science, and Innovation Future Forensic Science Initiative, the Arizona Supreme Court Center for Forensic Science and Psychology, and the State Bar of Arizona—included a presentation (and a corresponding paper) titled “Generative Artificial Intelligence and Access to Justice: Possibilities, Concerns, Best Practices, and How to Measure Success,” followed by a breakout discussion and report back to those who attended.<sup>243</sup> An updated, revised version of that paper was then published in *Judicature* in the summer of 2024.<sup>244</sup>

In January 2024, the Arizona Supreme Court established the Arizona Steering Committee on Artificial Intelligence and the Courts.<sup>245</sup> The broad charge of that Steering Committee includes developing guidelines and best practices “to ensure the responsible use of [artificial intelligence] in the judiciary, mitigating potential biases and upholding the principles of fairness and justice.”<sup>246</sup> The Steering Committee has an Access to Justice Workgroup, which will continue the work presented at the December 2023 Summit and the ongoing work of the Arizona

239. *See id.*

240. *See Proposed New ACJA 7-211: Community-Based Justice Work Service Delivery Models*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/ACJA-Forum/aft/1666> (last visited Dec. 6, 2024).

241. *See 2024 Arizona Judicial Council Meetings, Meeting Agenda and Meeting Materials, December 12, 2024*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/ajc/2024-Arizona-Judicial-Council-Meetings> (last visited Dec. 6, 2024).

242. *Arizona Summit on Artificial Intelligence, Law and the Courts*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/aisummit> (last visited July 5, 2024).

243. *See id.* The breakout notes can be found at *Meeting Packet, February 1, 2024*, ARIZ. JUD. BRANCH, COMM’N ON ACCESS TO JUST. 43-46, <https://www.azcourts.gov/cscommittees/Arizona-Commission-on-Access-to-Justice/ACAJ-Meeting-Information> (last visited Dec. 3, 2024).

244. *See* Christopher L. Griffin, Jr., Cas Laskowski & Samuel A. Thumma, *A Preliminary Agenda for Using Generative AI to Improve Access to Justice*, 108 JUDICATURE 43 (2024).

245. *Arizona Steering Committee on Artificial Intelligence and the Courts*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/cscommittees/Arizona-Steering-Committee-on-Artificial-Intelligence-and-the-Courts> (last visited July 5, 2024); *see also* Establishing the Arizona Steering Committee on Artificial Intelligence and the Courts, Admin. Order No. 2024-33 (Jan. 24, 2024).

246. *Arizona Steering Committee on Artificial Intelligence and the Courts*, *supra* note 245.

Commission on Access to Justice.

Although GAI endeavors are works in progress, they will continue to look to large language models and large data sets to improve access to justice, including identifying cautions to avoid. Along with the failure-to-appear rates for initial eviction hearings in the Maricopa County Justice Courts discussed above, data capturing appearance rates for initial eviction hearings in the Pima County Consolidated Justice Courts, by day of the week, provide guidance to the courts about what days of the week those hearings should be held to improve attendance.

Pima County Consolidated Justice Court Initial Eviction Appearance Rates By Day of the Week					
Data from July 12, 2023 through November 30, 2024 Courtesy of Judge Pro Tempore Ronald J. Newman					
Day of the Week	Monday	Tuesday	Wednesday	Thursday	Friday
Initial Appearances	3,854	3,837	3,364	2,686	182
Appearance Rate	59.2%	60.0%	60.7%	61.2%	57.1%
<p><b>Note: 13,923 total appearances during the period, with a 60.2% average appearance rate for all initial hearings.</b></p>					

Using this data, if the appearance rates remained the same, had the initial hearings set for Monday been set for Thursday instead, nearly eighty additional individuals would have appeared and had their cases resolved on the merits. Using GAI and data captured by the courts to identify how to improve processes will be an important part of improving access to justice in the future.<sup>247</sup>

A more complicated data-based issue implicating access to justice is how to better encourage self-represented litigants to file documents electronically. In Maricopa County Superior Court Family Court cases, lawyers who represent clients are required to file electronically while self-represented parties have the option of filing electronically or in paper format.<sup>248</sup> In that court, recent data shows that “more than 90 percent of family court cases had at least one self-represented party, and more than

247. Arizona courts capture and report data and offer an interactive set of publicly-available dashboards to model and analyze data sets. See *Interactive Data Dashboards*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/statistics/Interactive-Data-Dashboards> (last visited July 5, 2024).

248. See *Family Filing*, CLERK OF THE SUPERIOR CT., MARICOPA CNTY., ARIZ., <https://www.clerkofcourt.maricopa.gov/services/filings/family-filing> (last visited July 26, 2024).

70 percent of the cases involved both parties being self-represented.”<sup>249</sup> Filing data from an eleven-month period shows that few self-represented litigants are filing electronically:

eFiling Numbers for Self-Represented Litigants Present an Opportunity to Improve			
Data from July 1, 2022 to May 31, 2023 Courtesy of Clerk of Court Jeff Fine			
Family Court Cases	Docs eFiled	Docs Paper Filed	Percent Paper Filed
Maricopa County Family Court Cases – SRL filings	13,175	432,797	97%

Guestimate (aka off the cuff estimate) from smart people in the know is that less than 1% of SRL Family Court filings are received through the U.S. Mail.

This information shows a significant barrier to access to justice currently, and a significant opportunity to improve. Why would a self-represented party—who could file electronically wherever they have access to a computer and the internet—take time off work, secure childcare (if needed), find transportation, find and then pay for parking, and then locate the right filing desk to file a paper document instead? It is likely that this impediment is explained by a small number of confounding factors, including whether a draft can be saved in the portal used for electronic filing, whether the document can be filed from the portal where it is created, publicizing the ability to file electronically, perceptions of the cost of electronic filing, and likely other factors. But absent the capture and analysis of this data, the possibility of improving this situation would not have presented itself.

The emergence of smart chatbots demonstrates another use of GAI technology. The use of court chatbots has ebbed and flowed and, in prior years, chatbots could result in frustrating endless loops for anything but the most basic questions. With GAI, however, chatbots can use machine learning to provide more helpful, situation-specific answers. Given experience with non-GAI chatbots, the limited scope of basic chatbots is more appreciated now; but the next generation of GAI chatbots provides great promise.<sup>250</sup>

249. Thumma & Marzocca, *supra* note 18, at 26 (citation omitted).

250. The Pinal County Superior Court offers a good example of a basic chatbot that can provide help in gathering basic information for litigants and can be disabled by a user. See *Online Dispute Resolution*, SUPERIOR CT. PINAL CNTY., AZ, <https://www.pinalcourtsaz.gov/252/Online-Dispute-Resolution-ODR> (last visited July 5, 2024).

Another valuable, inexpensive use of technology to further access to justice is remote meetings of representatives of the Four Corners Access to Justice Commissions (Utah, New Mexico, Colorado, and Arizona). Starting in July 2022, Four Corners representatives have met remotely every quarter to share information, discuss successes and lessons learned, sometimes to address specific agenda topics, and to discuss and share other information. Typically, a dozen or so individuals attend these Teams meetings, which usually last ninety minutes. Often, there is no set agenda, other than an around-the-room conversation with trusted counterparts and friends. The Four Corners states have common needs, challenges, populations, and obstacles in enhancing access to justice. These meetings have been rich and rewarding. Along with the exchange of information, these meetings have resulted in programming opportunities, including a panel presentation titled “Bridging Digital Divides and Greening Legal Deserts: Lessons from the Four Corners States” at the 2023 National Meeting of State Access to Justice Commission Chairs,<sup>251</sup> and a tabletop discussion titled “Well, That Was Easy?!? Regulatory Reform in the Four Corners States In 40-Easy Minutes” at the 2024 National Meeting of State Access to Justice Commission Chairs.

This focus on technology and access to justice creates new needs. If a person can access a court portal using a computer, but that person lacks access to a computer, they have no real access to the court portal. There are solutions, however—both intended and unintended. Libraries (general public libraries and county law libraries) with computer hardware and access to highspeed internet have become a key part of providing access to justice. Broader efforts to make computer hardware and internet access available are essential to ensuring this access to justice alternative. There are efforts in Arizona to make broadband internet access available for everyone.<sup>252</sup> Access is improving, but there is still much work to be done, particularly in rural areas.<sup>253</sup>

---

251. *Digital Divides and Greening Legal Deserts: Lessons from the Four Corners States*, AM. BAR ASS’N, <https://www.americanbar.org/events-cle/ece/ondemand/438778571/> (last visited July 5, 2024).

252. For example, “Arizona’s Broadband Equity, Access and Deployment (BEAD) Program is the largest broadband investment in the state’s history with the principal objective of universal broadband access for all.” *Arizona Broadband Equity, Access & Deployment Program*, ARIZ. COM. AUTH., <https://www.azcommerce.com/broadband/arizona-broadband-equity-access-deployment-program/> (last visited July 5, 2024).

253. See *Percent Arizonans Who Do Not Have Access to Broadband*, THE CTR. FOR THE FUTURE OF ARIZ., <https://www.arizonafuture.org/progress-meters/infrastructure/broadband/> (last visited Sept. 12, 2024) (interactive table showing percent of Arizonans who do not have access to broadband internet by county, urban areas, and rural areas).



*E. Calculating The Value of Legal Aid*

Legal aid lawyers, staff, and others helping narrow the access to justice gap do what they do to help people in need. From time to time, either defensively (when criticism arises) or affirmatively (when opportunities for new grants or other funding sources present themselves), it is good to have a way to value those services. The Foundation, among others, has coordinated such a valuation in a way that easily can be adapted and calculated elsewhere.

Using a funnel approach—starting with web resources and narrowing to end with legal representation—the Foundation and the three LSC-funded entities in Arizona undertook a substantial effort to value legal aid services provided. The effort focused on one week in October 2023—randomly selected, but done so to focus on hard data that could then be extrapolated to determine the monthly, quarterly, and annual value of those services. This undertaking yielded an impressive, conservative value for those services and identified, in a meaningful way, the components that made up the total. In tabular form, that valuation template—reported to the Arizona Commission on Access to Justice in February 2024<sup>254</sup>—is as follows:

---

254. *Meeting Packet, February 1, 2024*, ARIZ. JUD. BRANCH, COMM'N ON ACCESS TO JUST. 99, <https://www.azcourts.gov/cscommittees/Arizona-Commission-on-Access-to-Justice/ACAJ-Meeting-Information> (last visited July 5, 2024).

DEMONSTRATING ARIZONA’S VALUE AND NEED FOR ACCESS TO JUSTICE

*Measurement of Need and Value of Services*

Monday, October 23, 2023 through Friday, October 27, 2023

Resource/Service and Value Defined	Need	Value
<p>AzCourtHelp.org, AZCourtCare.org, AZCrimeVictimHelp.org, AZEvictionHelp.org, LawForSeniors.org and LawForVeterans.org</p> <p>Average value at \$30 per user</p>	<p>31,267 users accessed the sites for legal information</p> <p>102,648 page views</p>	<p>\$938,010</p>
<p>Downloads of Legal Help Materials or Court Forms and Packets</p> <p>Average value at \$30 per set</p>	<p>Legal Help Materials - 68</p> <p>Court Forms/Packets - 1,908</p> <p>Total - 1,976</p>	<p>Legal Help Materials = \$2,040</p> <p>Court Forms/Packets = \$57,240</p> <p>Total = \$59,280</p>
<p>Online/Telephone Prequalification Interviews - <a href="https://www.azlawhelp.org/accessToJustice.cfm">https://www.azlawhelp.org/accessToJustice.cfm</a> and 866-637-5341</p> <p>Average value at \$75 per Eligible Interview</p>	<p>Online Intakes Eligible - 554</p> <p>Telephone Intakes Eligible - 168</p> <p>Total - 722</p> <p>(856 total interviews completed, with 84% eligible for free or reduced-cost legal services)</p>	<p>Online Intake Interviews = \$41,550</p> <p>Telephone Intake Interviews = \$12,600</p> <p>Total = \$54,150</p>

Provision of Legal Information or Pro Se Resources (CLS, DNA, and SALA) Value at \$100 per hour, with an average of one hour per person	Individuals - 70	\$7,000
Free Legal Answers - legal advice in response to specific legal questions Value at \$350 per hour, with an average of 15 minutes per answer	Questions Answered - 1	\$87.50
Provision of limited legal service \$350 per hour, with an estimate of 3 hours per person or family	Individuals or Families - 99	\$103,950
Provision of extended legal service	Individuals or Families - 23	\$48,300
5-Day Snapshot	32,181 individuals or families served	\$1,210,777.50

#### VI. BUILDING ON THE ARIZONA EXPERIENCE ELSEWHERE

Which, then, of these regulatory reforms and innovations can be used elsewhere, either as a head start, as approaches to avoid, or some combination? Almost all of the examples discussed above can be used in other jurisdictions as a foundation to build on, as a starting place for what can be done differently and better or, perhaps, to adopt nearly verbatim, hopefully with attribution.

The limited scope representation, unbundling of legal services, and other changes in lawyer regulation are driven by changes to court rules, including the rules of professional conduct. Depending upon the jurisdiction, those changes may be exclusively within the province of the state supreme court, a combination of the court and the state bar, or perhaps implicate legislative changes. But those types of provisions are

subject to change, often without great fanfare, and hopefully they can be refined when good cause is shown for needed change and a desire for innovation. Moreover, for at least some of those Arizona changes, attorneys as members of the bar were the driving force and could be in other jurisdictions as well.

Changes in non-lawyer regulation can be more challenging, particularly given pressures within the organized bar, tradition, and otherwise. But, again, those types of changes are possible, particularly when members of the bar realize that expansion of the ability of nonlawyers to provide legal assistance likely will expand access to justice without taking business from lawyers. Nationally, the time is right for such innovation. Perhaps building on the February 2020 resolutions by the Conference of Chief Justices and the ABA House of Delegates, there has been broad regulatory reform and innovation in the provision of legal services. More than a handful of states have community justice worker programs in place right now,<sup>255</sup> and numerous groups and individuals are working hard and providing significant tools for those seeking regulatory reform and innovation.<sup>256</sup> It is, in a very real way, “go time” to evaluate these changes in non-lawyer regulation to determine if they could help narrow the justice gap in other jurisdictions.

Many of the other innovations discussed above require no regulatory reform at all. Court navigator programs, self-service centers, kiosks, (and the Sandwich Campaign, of course) are not driven by regulatory reform at all. Some other innovations, such as remote court hearings, digital evidence court portals, and court-affiliated online dispute resolution, may require changes in court rules—but again, court rules can be changed. And to the extent rule changes would be needed in other jurisdictions to allow for those innovations, Arizona’s rules are publicly available as a foundation for such change. Arizona’s income tax credit program is the creature of statute, and amending statutes can be challenging. But the concept of the income tax credit program—allowing taxpayers to direct some of their taxes to qualifying charitable organizations, including those providing legal services for those most in need—would seem to have broad appeal to many even in the political realm involved in statutory lawmaking.<sup>257</sup>

---

255. Jessica Bednarz, *i4J Develops New Tool for Leaders Interested in Developing Community-Based Justice Worker Programs*, THE INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. (Sept. 5, 2024), <https://iaals.du.edu/blog/i4j-develops-new-tool-leaders-interested-developing-community-based-justice-worker-programs> (providing access to i4J’s Community-Based Justice Workers Program Information Chart).

256. See generally *Unlocking Legal Regulation*, THE INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., <https://iaals.du.edu/projects/unlocking-legal-regulation> (last visited Sept. 12, 2024).

257. See generally *Credits for Contributions to QCOs and QFCOs*, *supra* note 167 (description and history of income tax credit programs, including those for contributions to qualifying charitable

The ongoing efforts looking to the future summarized here may, or may not, require regulatory reform. At its most basic level, facilitating the state agency forum involved an enormous amount of strategic planning, followed by important but mechanical undertakings (like securing a space, inviting people to attend, having participants talk to each other, and offering breakfast). The results of that effort involve regulatory reform, largely driven by participants realizing possible opportunities and becoming advocates for reform. The lawyer apprentice program is driven by innovation and an administrative order, and at least some of the community justice worker effort will have similar needs. The possibilities of technology and access to justice seem, right now, nearly infinite, albeit with the need for guardrails, identifying what is (and what is not) a success, and at times the funding required for technology-based solutions. The formula to calculate the value of legal aid is, literally, provided in the chart provided above, which easily can be adapted and adopted in any jurisdiction.

As one counterpoint, it may be that Arizona's sunseting of its UPL criminal statute is a bridge too far in some jurisdictions. But even in a jurisdiction that has an immovable UPL statute, what constitutes the practice of law may still be subject to definition and regulation by that jurisdiction's supreme court. Although provided in a non-UPL criminal statute jurisdiction, the Arizona Supreme Court has: (1) defined what constitutes the practice of law;<sup>258</sup> (2) prohibited the unauthorized practice of law;<sup>259</sup> and (3) provided exceptions to the unauthorized practice of law prohibition.<sup>260</sup> Even in jurisdictions that have a UPL statute, the jurisdiction's supreme court may be able to specify what is, and what is not, the practice of law (and the unauthorized practice of law) in a way that would allow for some, if not similar, regulatory reform.

There are no guarantees in any of this, of course. But most of the Arizona efforts summarized above to expand access to justice through regulatory reform and innovation could provide guidance, and perhaps a template, for efforts elsewhere. Encouraging innovation to seek regulatory reform is a significant part of the effort. And even where these examples could not translate for application in other jurisdictions, they may spawn further innovation and regulatory reform efforts that can far outstrip what Arizona has been able to undertake so far.

---

organizations).

258. Ariz. R. Sup. Ct. 31(b).

259. Ariz. R. Sup. Ct. 31.2.

260. *See generally* Ariz. R. Sup. Ct. 31.3.

## VII. CONCLUSION

The Arizona experience in seeking to expand access to justice through regulatory reform and innovation has followed a long, indirect path. There have been successes and failures; hopes and dreams that have been fulfilled, and some that have not. And there are still enormous unmet needs in providing access to justice in critical areas in the state including evictions, domestic violence, public benefits, debt collection, and mental health issues just to name a few. Much work remains to be done.

Arizona's journey is unique, as with any state's experience. But Arizona's journey also shares common issues with other jurisdictions in working hard to better serve those most in need. The historical reform and innovation efforts, present day results of regulatory reform and innovation, and ongoing efforts looking to the future highlight some of the Arizona experience, good and bad, warts and all. These lessons should benefit other jurisdictions that may be looking at similar (or different) measures, or other regulatory reform and innovation. Not because Arizona got it right, but with the hope that others can benefit from and build on the Arizona experience in their work to narrow the access to justice gap. In this way, these Arizona lessons from the past, present, and future in attempting to expand access to justice through regulatory reform and innovation can serve as a foundation for others to do more in improving access to justice.

2024]

EXPANDING ACCESS TO JUSTICE

461

## APPENDIX 1

	PARA-LEGAL	CERTIFIED LEGAL DOCUMENT PREPARER (CLDP)	LICENSED LEGAL PARAPROFESSIONAL (LP)	ATTORNEY	PILOT DVLDP (Document Preparer)	PILOT DVLA (Advice)	PILOT HSLA (Advice)
Defined/ Practice Governed By	N/A	<a href="#">ACJA 7-208</a>	<a href="#">ACJA 7-210</a>	<a href="#">AZ ST S CT V</a>	<a href="#">A.O. 2020-25</a>	<a href="#">A.O. 2024-35 (amending A.O. 2023-21)</a>	<a href="#">A.O. 2024-34 (amending A.O. 2023-19)</a>
Credential & Who Grants Credential	Not required, but credentialing available	Certification by Arizona Supreme Court	License by Arizona Supreme Court	License by Arizona State Bar, Arizona Supreme Court	Certification by Arizona Supreme Court	Certification by Arizona Supreme Court	Certification by Arizona Supreme Court
Member of the State Bar of Arizona?	No	No	Affiliate	Yes	No	No	No
Curriculum/ Training Requirements	N/A	High school graduate + 2 years supervision or experience, OR 4-year degree + 1 year supervision or experience, OR another degree/certification	Associate degree + 24+ semester units legal specialization, OR 4-year BA degree in law, OR LP certification program, OR Master Legal Studies, OR JD, OR 7 years law experience	JD from ABA-accredited law school	Completed course of study presented by Arizona Coalition to End Sexual & Domestic Violence in Arizona + high school graduate + 1 year training 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	Direct supervision by licensed attorney	Direct supervision during training period, unless experienced	Supervision of a lawyer or legal paraprofessional in the area of practice in which licensure is sought during training period	N/A	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	N/A	Certification exam administered by Arizona Administrative	Passing score on licensing exam administered by AOC	Passing score on state bar exam	Certification exam administered by AOC	Substantive law exam administered by AOC	Substantive law exam administered by AOC

	<b>PARA-LEGAL</b>	<b>CERTIFIED LEGAL DOCUMENT PREPARER (CLDP)</b>	<b>LICENSED LEGAL PARA-PROFESSIONAL (LP)</b>	<b>ATTORNEY</b>	<b>PILOT DVLDP (Document Preparer)</b>	<b>PILOT DVLA (Advice)</b>	<b>PILOT HSLA (Advice)</b>
		Office of the Courts (AOC)					
Discipline/Regulated By	N/A	Arizona Supreme Court, Board of Nonlawyer Legal Service Providers	State Bar of Arizona	State Bar of Arizona	Board of Non-Lawyer Legal Service Providers	Board of Non-Lawyer Legal Service Providers	Board of Non-Lawyer Legal Service Providers
Background Check?	No	AOC Fingerprint Clearance & Legal Issue Check	AOC Fingerprint Clearance & Legal Issue Check	Character & Fitness, AOC Fingerprint Clearance	AOC Fingerprint Clearance & Legal Issue Check	AOC Fingerprint Clearance & Legal Issue Check	AOC Fingerprint Clearance & Legal Issue Check
Legal Malpractice/Professional Liability Insurance?	Not mandatory	Not mandatory	Not mandatory	Not mandatory	Not mandatory	Not mandatory	Not mandatory
Allowed Areas of Law	N/A	Unlimited, but only areas of preparer competence	Areas for which LP receives endorsement (including family, civil, criminal, administrative, and juvenile law)	Unlimited	Family law, housing, consumer protection, protective orders, public benefits	Family law and protective orders	Rental housing issues before, during, and after eviction
Provide Legal Representation?		No	Yes, in limited areas of the law	Yes	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 limited areas of the law	Yes	No	Yes, in limited areas of the law	Yes, in limited areas of the law
Prepare Documents?		Yes	Yes	Yes	Yes	No	No



	<b>PARA-LEGAL</b>	<b>CERTIFIED LEGAL DOCUMENT PREPARER (CLDP)</b>	<b>LICENSED LEGAL PARA-PROFESSIONAL (LP)</b>	<b>ATTORNEY</b>	<b>PILOT DVLDP (Document Preparer)</b>	<b>PILOT DVLA (Advice)</b>	<b>PILOT HSLA (Advice)</b>
References		<a href="https://www.azcourts.gov/cld/Legal-Document-Preparers/LDP-Exam-and-Certificate-Holder-Information">https://www.azcourts.gov/cld/Legal-Document-Preparers/LDP-Exam-and-Certificate-Holder-Information</a>				Legal Advocates (azcourts.gov)  Community Legal Education — Innovation for Justice (i4J) (innovation4justice.org)  Domestic Violence Legal Advocate Initiative — Innovation for Justice (i4J) (innovation4justice.org)	Legal Advocates (azcourts.gov)  Community Legal Education — Innovation for Justice (i4J) (innovation4justice.org)  Housing Stability Legal Advocate Initiative — Innovation for Justice (i4J) (innovation4justice.org)