

**REPORT AND RECOMMENDATIONS TO THE MINNESOTA SUPREME COURT**

**IMPLEMENTATION COMMITTEE FOR PROPOSED LEGAL  
PARAPROFESSIONAL PILOT PROJECT**

ADM19-8002

March 2, 2020

Hon. Paul C. Thissen, Co-Chair  
Hon. John R. Rodenberg, Co-Chair

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## I. INTRODUCTION

In March 2019, the Minnesota Supreme Court issued an Order establishing the Implementation Committee for Proposed Legal Paraprofessional Pilot Project. (See Appendix A) The Order gratefully acknowledged the prior work of the Alternative Legal Models Task Force (Task Force), convened by the Minnesota State Bar Association (MSBA). The Order authorized the Implementation Committee (Committee) to expand on one of the Task Force's recommendations and to develop a pilot project that would permit legal paraprofessionals to provide legal advice to clients, and in some instances represent them in court, under the supervision of a licensed Minnesota attorney. The purpose of the Order is to provide greater access to justice for low- and modest-income litigants in civil cases, especially in circumstances where high rates of self-representation are common.

The Order charged the Committee with defining the “format, structure, rules, and implementation of a pilot project for the delivery of civil legal services by legal paraprofessionals.” This charge included the express objective of serving clients with unmet legal needs in housing, family law, or debtor-creditor disputes. A March 2019 news statement issued by the Minnesota Judicial Branch announced the establishment of the Committee and provided data illustrating the frequency of disproportionate representation in the three areas of civil law. (See Appendix B) The 2016-2018 data<sup>1</sup> showed that

- In debtor-creditor disputes 93% of debtors and 4% of creditors were unrepresented
- In housing disputes 97% of tenants and 49% of landlords were unrepresented
- In family law disputes 84% of respondents and 53% of petitioners were unrepresented

The Order required the Committee to report its recommendations to the Supreme Court by the end of February 2020.

The Committee met 11 times between April 2019 and February 2020, hearing from judges, court administration staff, attorneys, paralegals, and others with an interest in the pilot project. The Committee's specific recommendations are organized into four categories:

- The scope of the Legal Paraprofessional Pilot Project
- The establishment of an oversight committee and related procedures

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<sup>1</sup> The data were extracted from the Minnesota Court Information System (MNCIS), which tracks, among other things, whether a party is represented. MNCIS records indicate on which days, if any, an attorney represents a client during the life of a case. The State Court Administrator's Office pulled this information for select case-types ancillary to the work of the Task Force. A litigant was considered to be unrepresented when, for at least 90% of the days in the life of a case, the MNCIS records showed no attorney representing that litigant.

- The development of a pilot project evaluation plan and tools
- The creation of a communication and marketing plan

At the heart of the Committee's recommendations is the recognition that the primary purpose of the Legal Paraprofessional Pilot Project is to provide greater access to justice and offer the best possible outcomes for litigants in Minnesota's courts. The recommendations are designed to guide the establishment of a pilot project that not only will provide a vehicle for legal paraprofessionals to deliver civil legal services, but also ensure that the services are effective and protect the litigant's interests.

## **II. SUMMARY OF IMPLEMENTATION COMMITTEE WORK**

The Committee considered the experiences of other jurisdictions and their efforts to address similar issues in their states, learned about current efforts focused on the three areas of unmet civil legal need in Minnesota communities, and listened to the concerns and ideas of interested stakeholders. The Committee thoroughly deliberated the requirements of the Order and reviewed detailed filing data for Minnesota's district courts to understand the needs specific to litigants in the three areas of law. (See Appendix C) The Committee also discussed a variety of models for the pilot project, searching for options that would provide the most benefit to parties and create an economically sustainable approach for attorneys and legal paraprofessionals. The Committee discussed in depth the need to include in the pilot program both a market-based approach where entrepreneurial attorneys, with the assistance and cooperation of legal paraprofessionals, could provide services to low- and modest-income litigants in Minnesota while building a sustainable and profitable practice and non-market-based opportunities through enhancement of legal aid services programs.

### ***A. Overview of Areas of Unmet Civil Legal Need***

During its kickoff meeting, the Committee discussed the Order to acquire a united understanding of the scope of the Committee's work and of the pilot project. Representatives from the MSBA and the states of Utah and Washington shared information with the Committee at this first meeting. The overview provided by the MSBA representative covered the work of the Task Force. (See Appendix D) The goal of the Task Force was to develop a model for achieving effective access to justice for low- and modest-income Minnesotans. The Task Force sought to do this by focusing on the possibility of working with legal paraprofessionals in new and creative ways to address unmet legal needs, with a particular focus on rural Minnesota. The Task Force considered three different models:

1. A regulated, non-lawyer provider model. This model, after deliberation, was not presented to the MSBA Assembly as a viable option.

2. A “Limited License Legal Technician” model, sometimes referred to as LLLT. This model was also discussed but not presented to the Assembly.
3. An expanded or enhanced legal paraprofessional model, which contemplated a qualified, designated, and supervised legal paraprofessional role. Although this model was presented to the Assembly, it did not pass.

Although the Task Force’s recommendations were not implemented, the Committee benefitted greatly from the Task Force’s work and lessons learned. The Task Force work helped shape the Committee’s recommendations.

Representatives from legal paraprofessional programs in the states of Utah and Washington informed the Committee that the need for increased availability of legal representation in the areas of family law, housing law, and debtor-creditor disputes is not unique to Minnesota. Both representatives confirmed that the research and analysis of the issues in their states showed that, to alleviate representation disparities, legal paraprofessionals might be able to provide effective legal help with adequate supervision.<sup>2</sup>

The Committee focused the next several meetings on expanding its knowledge of the substantive legal areas identified by the Supreme Court that might benefit from the pilot project. The Committee gathered and reviewed information, including court case data from 2016-2018 on whether community needs were being met in landlord-tenant cases (housing law disputes), debtor-creditor cases, and family law cases. The Committee also learned about current practices in district courts and other legal programs that provide assistance to parties in those three areas. Representatives from the Second and Fourth Judicial Districts, legal aid offices, and other legal practitioners met with the Committee to discuss needs and existing programs and supports for housing law disputes. Dialogue with these representatives revealed that housing courts in the Second and Fourth Judicial Districts currently benefit from multiple pro bono and low bono services. The Committee was impressed with the degree of sophistication and coordination in those districts for serving the legal needs of low-income housing law litigants.

The Committee also spent significant time learning about paralegal education, training, and certification, including training on legal ethics. Representatives from the Minnesota Paralegal Association and ABA Standing Committees on Paralegals as well as from institutions that provide paralegal education in Minnesota provided the Committee with in-depth information on paralegal preparation and qualifications. The information formed the basis for many of the Committee’s recommendations. (See Appendix E)

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<sup>2</sup> Utah program, <https://www.utcourts.gov/utc/limited-legal/>, Washington program, <https://www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/limited-license-legal-technicians>.

A district court judge from the Seventh Judicial District and the Deputy Director from Mid-Minnesota Legal Aid's St. Cloud office met with the Committee, as did MSBA Family Law Section representatives, to discuss needs and opportunities in the area of family law. The information presented to the Committee suggested that there is significant need for affordable legal representation in family law cases, especially in rural areas of the state and in regional centers like St. Cloud.

The Committee learned that consumer debt cases (debtor-creditor disputes) represent a large volume of cases in Minnesota district courts and that significant need for additional legal services and advice exists, especially for debtors. Nonetheless, the Committee ultimately decided not to recommend a pilot project in the case of debtor-creditor disputes. The Committee concluded that, outside of cases brought under the federal Fair Debt Collection Practices Act where lawyers may recover attorney fees and are currently providing legal services, the economics of debtor-creditor disputes make a market-based approach challenging. Further, the Committee recognized that the best place for intervention in debtor-creditor cases is before a complaint is filed, or within days thereafter, and the infrastructure is not currently in place to make a pilot project effective.

***B. Format, Structure, and Rules***

The Committee spent several meetings discussing the qualifications that should be required of legal paraprofessionals and supervising attorneys participating in the pilot project. The Committee received information and insight from paralegals, attorneys, civil legal services, educators, and other legal practitioners. In particular, the director of the Office of Lawyers Professional Responsibility (OLPR) presented information to the Committee about the statutes and rules related to the unauthorized practice of law. The OLPR director described some of the activities that are unlawful for a person who is not a member of the Minnesota bar to conduct. (See Appendix F) After much deliberation about suitable qualifications and experience for participants in the pilot project, it was suggested that Minnesota's student practice rules might provide a model for legal paraprofessional supervision in this pilot project. The Committee's recommended supervision requirements borrow heavily from the Student Practice Rules.<sup>3</sup>

The Committee explored whether and how malpractice insurance coverage may be available to legal paraprofessionals who participate in the pilot project. The Committee Co-Chairs met with the Board of Law Examiners and the MSBA Family Law Sections. As of this writing, questions remain about whether there is a market for separately insuring legal paraprofessionals or if the supervising attorney should be required to guarantee the

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<sup>3</sup> Minnesota Student Practice Rules, <https://www.ble.mn.gov/student-practice-rules/>.

actions of the legal paraprofessionals who are insured under the attorney's malpractice insurance policy.

The Committee heard about efforts underway in Crow Wing County in northeastern Minnesota and Olmstead County to provide more legal assistance to tenants in housing disputes. In the Crow Wing County model, a legal aid office worked with the local court to establish a calendar each week for housing law disputes so that legal aid attorneys and/or legal paraprofessionals could be present to provide advice and representation more efficiently. (See Appendix G)

The Committee also received information about the Justice for All Grant, another Judicial Branch effort aimed at offering a simplified family court process that could eventually benefit from the assistance of qualified legal paraprofessionals for unrepresented parties. (See Appendix H) This program will pilot its own efforts in 2020-2021, so opportunities to coordinate with the pilot project remain open for future evaluation.

Another model that the Committee reviewed was a regulatory "sandbox" approach. The regulatory "sandbox" is a policy structure creating a controlled environment in which new consumer-centered innovations, which may be unlawful or unethical under current regulations, can be piloted and evaluated. The Utah Supreme Court issued an August 2019 report detailing this approach in their state.<sup>4</sup> The Committee reviewed this report, but determined that replicating Utah's level of regulatory oversight would require new funding, which is not available for this pilot project. The Committee therefore concluded that a regulatory "sandbox" approach is not practical at this time. The Committee recommends, however, that this approach be revisited and implemented if the pilot project is expanded in the future.

### ***C. Stakeholder Outreach***

The Committee committed early on to reach out to critical stakeholders. Committee members considered detailed information about the skills and abilities of paralegals in Minnesota. Their knowledge was critical to the Committee because of their experience as leaders in professional associations and higher education institutions that are responsible for certifying and training individuals in the paralegal field. Committee members also met with several individuals, including lawyers and other legal professionals, outside of committee meetings to explain the Committee's charge and to hear concerns, comments, and other feedback.

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<sup>4</sup> Utah Implementation Task Force on Regulatory Reform, <https://sandbox.utcourts.gov/>.

The Committee also recognized that it did not have a thorough understanding of how legal paraprofessionals, including paralegals, work with attorneys, firms, or other legal professionals. To gain a more complete understanding, the Committee distributed a survey to Minnesota licensed attorneys, district court judges, and some paralegal association members in Minnesota. The Committee received 579 responses to the survey. (See Appendix I) Some survey respondents opposed any expansion of legal paraprofessional responsibilities. Others conveyed strong support for the effort. The Committee noted the concerns raised by “opposing” responses and incorporated those concerns into its deliberations. Nevertheless, understanding its charge to develop a pilot project for the Supreme Court, the Committee determined that abandoning the pilot project in the face of some opposition is not for the Committee to recommend.

The Committee worked with State Court Administration to organize and evaluate the many survey responses. The Committee learned that the range of responsibilities that Minnesota lawyers entrust to paralegals varies widely. Some lawyers limit their paralegals to a narrow range of responsibilities that is much more limited than what is allowed under current Minnesota law and Rules of Professional Responsibility. The Committee believes that expanded lawyer education should be made available regarding the level of responsibility that legal paraprofessionals are currently allowed to undertake.

After reviewing the survey responses, the Committee enlisted a focus group to gain additional outside perspectives. Several attorneys and legal paraprofessionals volunteered to participate in the focus group and met at the Judicial Center over the course of two days. The group made several helpful suggestions for the Committee’s consideration that helped formulate some of the Committee’s recommendations to the Court. (See Appendix J)

### **III. REASONS FOR IMPLEMENTATION COMMITTEE RECOMMENDATIONS**

Under the Order, the Committee “must limit the pilot project to one of three areas of unmet need in civil law.” The Committee nevertheless respectfully suggests that the Supreme Court consider piloting in two of the three substantive legal areas: housing law disputes and family law disputes.

The Committee concludes that a pilot project for landlord-tenant disputes allowing the expanded use of legal paraprofessionals operating under the supervision of attorneys has the potential to assist civil legal aid providers to serve more Minnesota litigants. Several legal aid entities have expressed interest in deploying their existing legal paraprofessionals to do a broader range of legal work than is currently allowed. Corporate legal entities have also expressed their willingness to have their legal paraprofessionals provide assistance to legal services on a pro bono basis through the pilot project, possibly assisting with both housing law disputes and family law cases.

In the area of family law disputes, the Committee sees merit in testing a market-based approach where attorneys may expand their current business model by capitalizing on the expanded scope of legal paraprofessional activity to serve more clients. Through conversations with private attorneys, the Committee believes that there is interest in the legal community to test the market-based approach as well.

Although the Committee proposes that the pilot project include both of these substantive legal areas, it also recognizes that the Supreme Court will determine whether and how the pilot project proceeds. The Committee's recommendations that set forth the format, structure, and implementation of the pilot project are applicable regardless of the Court's decision on which legal area to focus the pilot project.

#### **IV. RECOMMENDATIONS**

Based on the information gathered during the course of the Committee meetings, the survey, the focus-group process, and meetings with stakeholder groups, the Committee identified three goals for the pilot project:

- A. Assess whether allowing legal paraprofessionals an expanded scope of work will help reduce unmet civil legal needs among low- and modest-income Minnesotans.
- B. Determine whether allowing legal paraprofessionals an expanded scope of work will improve court efficiency.
- C. Evaluate the sustainability and effectiveness of allowing legal paraprofessionals an expanded scope of work in the areas of housing and family law.

The Committee's substantive recommendations are aimed at achieving these goals.

#### **Recommendation 1: The Scope of the Legal Paraprofessional Pilot Project Should Focus on both Housing Law Disputes and Family Law Disputes.**

The Committee recommends that the Court establish a legal paraprofessional pilot project for housing law disputes and family law cases. The Committee recommends that the pilot project start on January 1, 2021, and end on June 30, 2022. The Committee further recommends that the scope of work within each substantive area must be under the supervision of a licensed attorney and should be limited as follows:

- A. The scope of the work that legal paraprofessionals may conduct in housing law disputes is limited to providing advice to and appearing in court on behalf of tenants in housing disputes as defined in Minnesota Statute [Chapter 504B](#) and [Section 484.014](#). The decision as to whether a case is suitable for a legal paraprofessional to appear in court



should be left to the judgment of the supervising lawyer who can assess the complexity of the issues and the legal paraprofessional's training and experience.. The Committee further recommends that the pilot project for landlord-tenant disputes be limited to district courts that have established a Housing Court or a dedicated calendar for housing law disputes. The Crow Wing County Eviction Court Project described in Appendix G is an example.

The Committee appreciates that some landlords, especially those who lease space in their personal homes, may also benefit from advice and representation by legal paraprofessionals. Although the Committee does not recommend including landlord representation during the pilot project, such a possibility could be revisited in the future.

- B. The scope of the work that legal paraprofessionals may conduct in family law disputes is limited to:
- Providing advice to and appearing in court on behalf of clients in cases dealing with child-support modifications, parenting time disputes, and paternity matters, appearing for default hearings, initial case management conferences (ICMC), pretrial hearings, early case management hearings, and informal court proceedings
  - Providing advice to and representing clients in mediations where, in the judgment of the supervising lawyer, the issues are limited to less complex matters such as simple property divisions, parenting time, and spousal support
  - With authorization from the supervising attorney, preparing and filing a limited set of documents without the supervising attorney's final review. (See Appendix K) Family cases involving allegations of domestic violence and/or child abuse should not be part of the pilot project.

**Recommendation 2: Establish a Standing Committee for the Legal Paraprofessional Pilot Project to Oversee Pilot Project Development and Implementation.**

The Committee recommends that the Court create and authorize a standing committee to further develop these proposed oversight recommendations before implementing the pilot project. The standing committee should be charged with the following tasks:

- A. Create an application and approval process that meets the requirements set forth by the Court based on these recommendations;
- B. Establish minimum qualifications and guidelines for legal paraprofessionals and supervising attorneys who participate in the program; and
- C. Develop and implement a complaint process to protect consumers.

The Committee additionally recommends that the standing committee's membership include, at a minimum, one lawyer who has substantial experience in, and currently practices, family law; one lawyer who has substantial experience in, and currently practices in, housing court; one legal aid lawyer; more than one paralegal; one district court judge; and one public non-lawyer/non-paralegal member.

**Recommendation 2.1: Create an Application and Approval Process to Ensure Legal Paraprofessionals and Supervising Attorneys Meet Specific Minimum Qualifications and Requirements to Participate in the Pilot Project.**

The Committee recommends that the standing committee create an application and approval process to establish a roster of legal paraprofessionals who are approved to participate in the pilot project. The standing committee should also develop rules and regulations for the removal of legal paraprofessionals from the roster if necessary. These rules and regulations should focus on consumer protection.

**A. Legal Paraprofessional Roster Certification**

As part of a thorough application process, the legal paraprofessional shall submit to the standing committee a written statement from attorneys who will supervise his or her work in the pilot project. The standing committee shall determine approval for certification based on the application, which shall include a statement:

1. That the supervising attorney agrees to supervise the legal paraprofessional;
2. That the supervising attorney vouches for the legal paraprofessional's skills, abilities, and substantive law-related experience to competently engage in the required work; and
3. That, in the supervising attorney's judgment and experience, the legal paraprofessional is qualified to participate in the pilot project as outlined in Recommendation 2.2.

**B. Termination of Roster Certification**

The certification shall remain in effect for the duration of the pilot project after the date the legal paraprofessional's application is approved. Roster certification shall terminate sooner upon the occurrence of any of the following events:

1. The supervising attorney withdraws certification by mailing notice to that effect to the legal paraprofessional, all courts where a joint certificate of representation has been filed, and to the standing committee, along with the reason(s) for such withdrawal.

2. The legal paraprofessional withdraws certification by mailing notice to that effect to the supervising attorney and to the standing committee.
3. The standing committee terminates certification by mailing notice to that effect to the legal paraprofessional and the supervising attorney, along with the reason(s) for such termination.

**Recommendation 2.2: Establish Qualifications for Legal Paraprofessional Practice and Attorney Supervision in the Pilot Project.**

The Committee recommends the following guidelines, modelled after the Student Practice Rules, for the standing committee's consideration:

**A. Eligible Legal Paraprofessionals**

An eligible legal paraprofessional is one who:

1. Has the following education and/or work experience:
  - a. An Associate's or Bachelor's Degree in paralegal studies from an institutionally accredited school; or
  - b. A paralegal certificate from an institutionally accredited school in addition to an Associate's or Bachelor's degree in any subject from an institutionally accredited school; or
  - c. A law degree from an ABA accredited school; or
  - d. A high school diploma and 5 years of substantive paralegal<sup>5</sup> experience.
2. Meets established ethics and continuing education requirements. Legal paraprofessionals may achieve these requirements by:
  - a. Holding the Minnesota Certified Paralegal (MnCP) credentials from the Minnesota Paralegal Association; or
  - b. Providing sufficient proof that the legal paraprofessional has earned ten (10) continuing legal education (CLE) credits, including two credit hours in ethics, within the two years prior to seeking certification; or
  - c. Providing proof that the legal paraprofessional has obtained a paralegal studies degree or certificate, or a juris doctorate within the two years prior to seeking certification. Such a program must include an ethics component.

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<sup>5</sup> The Minnesota Paralegal Association defines a paralegal as a person qualified through education, training, or work experience to perform substantive legal work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer. This person may be retained or employed by a lawyer, law office, government agency or other entity or may be authorized by administrative, statutory or court authority to perform this work.... Additionally, the term "substantive" shall mean work requiring recognition, evaluation, organization, analysis, and communication of relevant legal facts and concepts. (<https://www.mnparalegals.org/About>).

## **B. Supervisory Attorney**

The attorney who supervises a legal paraprofessional shall:

1. Be a member, in good standing, of the bar of this Court;
2. Assume personal professional responsibility for and supervision of the legal paraprofessional's work, including court appearances;
3. Assist the legal paraprofessional to the extent necessary;
4. Sign all pleadings;
5. Carry malpractice insurance that will sufficiently cover the attorney's supervision of the legal paraprofessional and the work and actions of the supervised legal paraprofessional, or ensure that the legal paraprofessional has adequate insurance;
6. Maintain regular and continuing supervision check-ins with the legal paraprofessional(s) under his or her supervision; and
7. Execute a clear, written agreement of the extent of work of the legal paraprofessional consistent with the scope of the pilot project prior to beginning the work.

### **Recommendation 2.3: Develop a Complaint Process.**

The Committee recommends that the standing committee define a complaint process that is transparent and accessible to the public. The goal of the complaint process should be to protect consumers and hold providers accountable to professional standards.

The complaint process should include procedures for submitting, reviewing, and investigating complaints made against legal paraprofessionals and supervising attorneys in the pilot project. The Committee recommends these procedures be inclusive and accessible to all individuals. For example, the procedures must support language access for Limited English Proficient individuals. The complaint process should also define the consequences if it is determined that a complaint is valid and supported.

The Committee recommends that the standing committee review and investigate complaints about pilot project rostered legal paraprofessionals and supervising attorneys. The Committee further recommends that the standing committee be authorized to remove legal paraprofessionals from the roster and prohibit supervising attorneys from participating in the pilot project if there is a good cause to do so. Rostered legal paraprofessionals and supervising attorneys shall cooperate with standing committee investigations and failure to cooperate may be the basis for removal from the pilot project.

### **Recommendation 3: Certificates of Representation**

For each case where a legal paraprofessional will appear in court on behalf of the client, the certificate of representation for the matter must identify both the supervising attorney and the legal paraprofessional. The legal paraprofessional may sign the certificate of representations, but must include with the filed certificate of representation as statement signed by the supervising attorney that authorizes the legal paraprofessional to appear in court. The signed authorization must identify the types of proceedings that the legal paraprofessional is allowed to handle and must specify the dates on which the legal paraprofessional is allowed to appear.

### **Recommendation 4: Develop an Evaluation Plan and Tools**

The Committee recommends that the standing committee, or a workgroup designated by the standing committee, develop an evaluation plan for the pilot project in collaboration with the State Court Administrator's Office. The evaluation plan should measure the pilot project's impact on each of the three goals set forth in Recommendation 1. The evaluation plan should contain quantitative and qualitative measures, including surveys of clients, lawyers (supervising and non-supervising), legal paraprofessionals, judges, and court administrators.

### **Recommendation 5: Develop a Communication Plan and Select an "Identifier" that Distinguishes the Role of the Rostered Legal Paraprofessionals.**

The Committee recommends the formation of an ongoing working group to develop a marketing communication plan to increase consumer, lawyer, and legal paraprofessional awareness about the pilot project by collaborating with strategic marketing partners both within and outside the Judicial Branch.

- A. Consistent with Minnesota's Rules of Professional Responsibility, the communication plan should expand awareness of the pilot project in a convenient and inclusive manner. To that end, published communication should include appropriate language formats. The following communication methods may be considered:
  1. Generate lists of all legal paraprofessionals and utilize targeted mailings and emails to inform those legal paraprofessionals of the pilot project.
  2. Publish pilot project information in web-based publications and public spaces, such as public and law libraries, community centers and organizations (especially those that serve underrepresented groups), and religious organizations.
- B. Draft and distribute a general notice of the pilot project to all firms, statewide attorney associations (e.g., MSBA, affinity bar associations, and Lawyers Concerned for Lawyers), and paralegal associations to help attract supervising attorneys and legal paraprofessionals.
  1. The Committee recommends the creation of an "identifier" for legal paraprofessionals who are participating in the pilot project. The Committee

considers this important because the purpose of the pilot project is to expand the services of all legal paraprofessionals through an approved certification process within the scope of the pilot project. The Committee suggests that it would be helpful if the ongoing working group includes people with a background in marketing. The goals for this recommendation are to establish a unique identifier that is attractive to individuals who may be interested in participating in the pilot project and distinguishes legal paraprofessionals who meet the requirements of, and are participating in, the pilot project from those who are not.

## **V. CONCLUSION**

The Committee believes that the implementation of the Legal Paraprofessional Pilot Project has the ability to positively impact access to justice in Minnesota. The Committee urges the Supreme Court to continue to seek ways to expand upon the recommendations contained in this report, through the encouragement and support of ongoing innovative and entrepreneurial efforts to serve the unmet civil legal needs of low- and modest-income litigants in Minnesota's courts.

The Committee appreciates the cooperation it received from district court judges, the Minnesota State Bar Association and its sections, private attorneys, legal aid attorneys and managers, the Minnesota Paralegal Association, private and public paralegals, State Court Administration, the Office of Lawyers Professional Responsibility, the Board of Law Examiners, and all of the others who helped the Committee with this compressed and intensive effort to develop these recommendations. The Committee also thanks those who helped write the Report and Recommendations, especially Hannah Reichenbach, Sarah Doege, Madeline Baskfield, Brandon Carmack, Maria Campbell, and Joann Gillis.

Respectfully Submitted,

IMPLEMENTATION COMMITTEE FOR PROPOSED  
LEGAL PARAPROFESSIONAL PILOT PROJECT

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**FILED**

March 8, 2019

**OFFICE OF  
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM19-8002

**IN RE IMPLEMENTATION COMMITTEE FOR  
PROPOSED LEGAL PARAPROFESSIONAL  
PILOT PROJECT**

**ORDER**

In 2017, the Alternative Legal Models Task Force convened by the Minnesota State Bar Association recommended the development of a program for affordable legal services that does not entirely rely upon licensed lawyers. Among the specific proposals the MSBA Task Force considered, and recommended, was a program that would allow a legal paraprofessional to provide legal advice and in some cases to represent a client in court, under the supervision of a licensed Minnesota attorney. Such a program would help address the needs of low- and modest-income citizens for civil legal representation, particularly in case types in which one party typically appears in court without representation. Other states have studied the delivery of legal services through alternative models, and have adopted rules that authorize legal paraprofessionals to provide civil legal representation and engage in the limited practice of law in certain defined areas of practice, such as housing law, family law, or debtor-creditor disputes. *See, e.g.*, Utah Sup. Ct. R. Prof'l Prac. 14-802(c) (2018). *See also* Utah Sup. Ct. R. Prof'l Prac. Ch. 15 (2018).



The supreme court has exclusive authority over the practice of law, *see In re Conservatorship of Riebel*, 625 N.W.2d 480, 482 (Minn. 2001), and to establish the rules and regulations that govern those who appear before the courts. *See Nicollet Restoration, Inc. v. Turnham*, 486 N.W.2d 753, 755 (Minn. 1992); *Sharood v. Hatfield*, 210 N.W.2d 275, 280–81 (Minn. 1973). In order to address the expanding need for access to civil legal services and build on the work of the MSBA Task Force, a pilot project is the appropriate framework for evaluating the delivery of legal services in areas of unmet civil legal needs. In order to successfully implement the pilot project, the format, structure, and rules that will govern legal paraprofessionals who participate in the pilot are needed.

Based upon all the files, records, and proceedings herein,

**IT IS HEREBY ORDERED THAT:**

1. The Implementation Committee for the Legal Paraprofessional Pilot Project is established to define the format, structure, rules, and implementation of a pilot project for the delivery of civil legal services by legal paraprofessionals. The pilot project should be designed to permit legal paraprofessionals to provide legal advice and in some cases to represent a client in court under the supervision of a licensed Minnesota attorney. The implementation committee must limit the pilot project to one of three areas of unmet need in civil law: housing disputes, family law, or creditor-debtor disputes; and if appropriate, must identify the specific sub-set of cases within that area that will be part of the pilot project.

2. The following persons are appointed as members of the implementation committee:

Hon. Paul C. Thissen

Hon. John R. Rodenberg

Thomas Nelson, Minnesota State Bar Association

Sally Dahlquist, Inver Hills Community College

Maren Schroeder, Rochester, Minnesota

Tiffany Doherty-Schooler, Duluth, Minnesota

Pamela Wandzel, Minneapolis, Minnesota

Christopher O. Petersen, Minneapolis, Minnesota

Bridget Gernander, Saint Paul, Minnesota

Liz Reppe, State Law Librarian, Saint Paul, Minnesota

Kim Larson, State Court Administration, Saint Paul, Minnesota

The Honorable Paul C. Thissen and the Honorable John R. Rodenberg are appointed as co-chairs of the committee. Kim Larson is appointed as staff attorney to the committee.

3. The committee must hold its first meeting on or before April 30, 2019. The committee shall file a report regarding the pilot project on or before February 28, 2020. The report must provide recommendations on the implementation date for the pilot project, the rules that will govern during the pilot project, and the criteria for evaluating the pilot project.

Dated: March 8, 2019

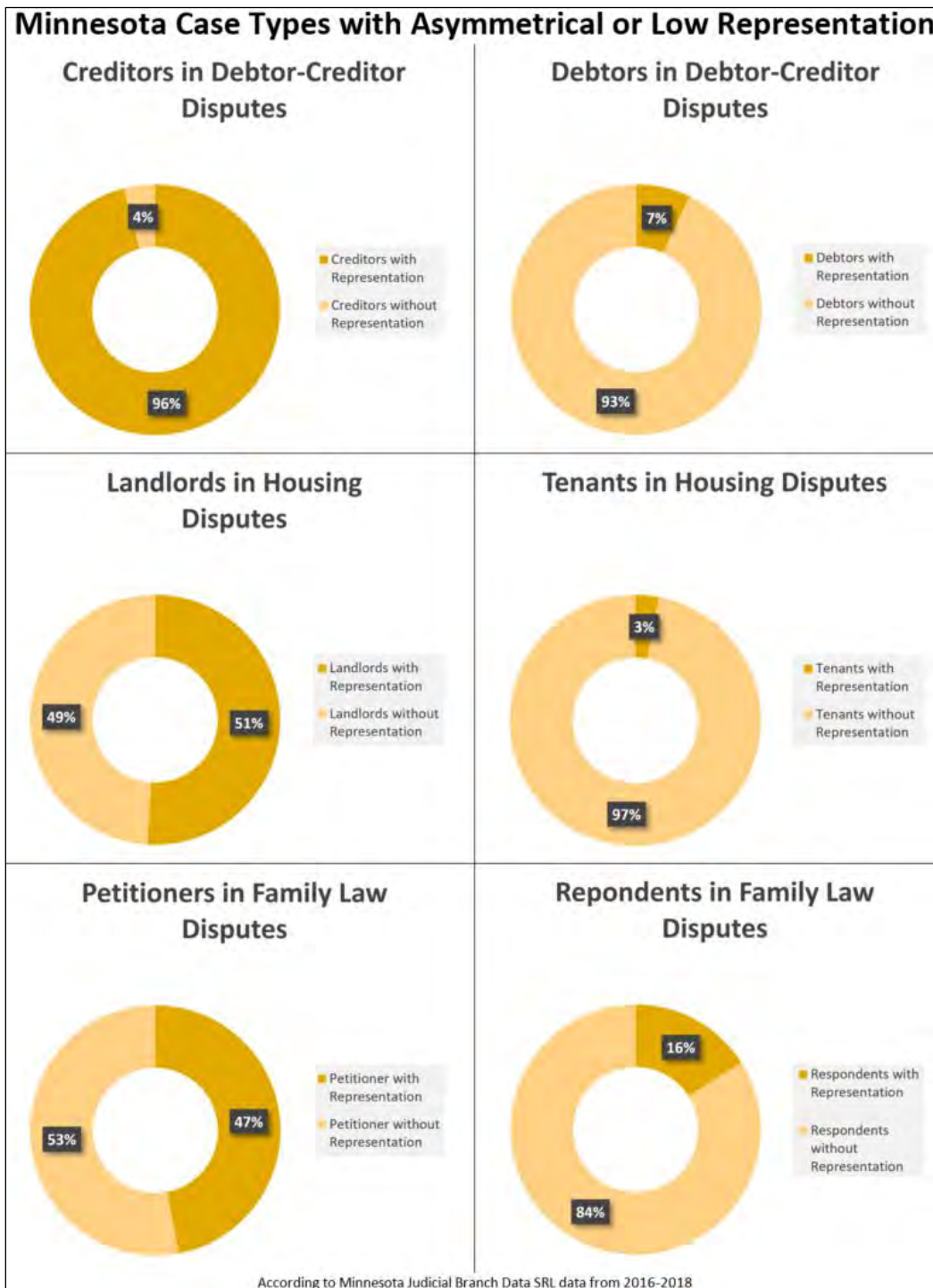
BY THE COURT:



Lorie S. Gildea  
Chief Justice

**Minnesota Case Types with Asymmetrical or Low Representation**

The data shown in the figure above were extracted from the Minnesota Court Information System (MNCIS), which tracks, among other things, whether a party is represented. MNCIS records indicate on which days, if any, an attorney represents a client during the life of a case. The State Court Administrator’s Office pulled this information for select case-types ancillary to the work of the MSBA Alternative Legal Models Task Force. A litigant was considered to be unrepresented if, for at least 90% of the days in the life of a case, the MNCIS records show no attorney representing that litigant.



**Consumer Credit Contract Cases**

Cases where the plaintiff is a corporation or organization (not an individual), the defendant is an individual, the contract amount does not exceed \$20,000, and affidavits of default are not provided at filing.

|                    | Population* 2016 | Filings in 2017 |              |              | Filings in 2018 |            |            | Filings (2016-18) Per 1,000 Residents |          |              | Filings (2016-18) with 1 or more hearings |              |              | Filings (2016-18) with Motion to Vacate |      |      | Hearings in 2016 |      |      | Hearings in 2017 |      |      | Hearings in 2018 |      |      | Motion Summary (2016-18) |      |      |
|--------------------|------------------|-----------------|--------------|--------------|-----------------|------------|------------|---------------------------------------|----------|--------------|---|--------------|--------------|---|------|------|------------------|------|------|------------------|------|------|------------------|------|------|--------------------------|------|------|
|                    |                  | 2016            | 2017         | 2018         | 2017            | 2018       | 2018       | 2017                                  | 2018     | 2017         | 2018                                      | 2018         | 2017         | 2018                                    | 2018 | 2017 | 2018             | 2018 | 2017 | 2018             | 2018 | 2017 | 2018             | 2018 | 2017 | 2018                     | 2018 | 2017 |
| 1st District       | 795,351          | 580             | 558          | 543          | 543             | 57%        | 2.1        | 57%                                   | -        | 434          | 396                                       | 336          | 654          | 152                                     |      |      |                  |      |      |                  |      |      |                  |      |      |                          |      |      |
| 2nd District       | 546,317          | 341             | 276          | 300          | 300             | 76%        | 1.7        | 76%                                   | -        | 564          | 358                                       | 367          | 292          | 92                                      |      |      |                  |      |      |                  |      |      |                  |      |      |                          |      |      |
| 3rd District       | 480,246          | 641             | 621          | 752          | 752             | 31%        | 4.2        | 31%                                   | 2        | 236          | 273                                       | 238          | 289          | 1                                       |      |      |                  |      |      |                  |      |      |                  |      |      |                          |      |      |
| 4th District       | 1,249,512        | 711             | 584          | 598          | 598             | 63%        | 1.5        | 63%                                   | 2        | 552          | 504                                       | 427          | 746          | 96                                      |      |      |                  |      |      |                  |      |      |                  |      |      |                          |      |      |
| 5th District       | 287,738          | 236             | 209          | 230          | 230             | 57%        | 2.3        | 57%                                   | -        | 211          | 169                                       | 154          | 172          | 4                                       |      |      |                  |      |      |                  |      |      |                  |      |      |                          |      |      |
| 6th District       | 251,496          | 217             | 170          | 170          | 170             | 78%        | 2.2        | 78%                                   | 1        | 395          | 252                                       | 226          | 127          | 5                                       |      |      |                  |      |      |                  |      |      |                  |      |      |                          |      |      |
| 7th District       | 488,859          | 328             | 272          | 268          | 268             | 62%        | 1.8        | 62%                                   | -        | 317          | 256                                       | 186          | 236          | 5                                       |      |      |                  |      |      |                  |      |      |                  |      |      |                          |      |      |
| 8th District       | 159,955          | 87              | 75           | 122          | 122             | 59%        | 1.8        | 59%                                   | -        | 73           | 66  | 94           | 88           | 2                                       |      |      |                  |      |      |                  |      |      |                  |      |      |                          |      |      |
| 9th District       | 339,245          | 293             | 222          | 214          | 214             | 62%        | 2.1        | 62%                                   | -        | 293          | 208                                       | 182          | 219          | 3                                       |      |      |                  |      |      |                  |      |      |                  |      |      |                          |      |      |
| 10th District      | 978,768          | 1,576           | 1,297        | 1,412        | 1,412           | 43%        | 4.4        | 43%                                   | 1        | 888          | 774                                       | 628          | 889          | 89                                      |      |      |                  |      |      |                  |      |      |                  |      |      |                          |      |      |
| <b>Grand Total</b> | <b>5,577,487</b> | <b>5,010</b>    | <b>4,284</b> | <b>4,609</b> | <b>4,609</b>    | <b>52%</b> | <b>2.5</b> | <b>52%</b>                            | <b>6</b> | <b>3,963</b> | <b>3,256</b>                              | <b>2,838</b> | <b>3,712</b> | <b>449</b>                              |      |      |                  |      |      |                  |      |      |                  |      |      |                          |      |      |

| Hearings by Type on Consumer Credit Contract Cases | Hearings (2016-18) |
|--|--------------------|
| Motion Summary Judgment                            | 3,712              |
| Motion Hearing                                     | 1,483              |
| Default Hearing                                    | 1,101              |
| Scheduling Conference                              | 1,028              |
| Case Management Conference                         | 841                |
| Hearing  | 671                |
| Court Trial  | 449                |
| Pre-trial  | 354                |
| Telephone Motion Hearing                           | 151                |
| Settlement Conference                              | 133                |
| Disposition Hearing                                | 69                 |
| Review Hearing                                     | 36                 |
| Order to Show Cause Hearing                        | 22                 |
| Discovery Conference                               | 5                  |
| Evidentiary Hearing                                | 2                  |
| <b>Grand Total</b>                                 | <b>10,057</b>      |

\*Source: MN State Demographic Center and the Metropolitan Council. Released August 2018.

## Contract Cases

Cases where the basis of the lawsuit is a breach of contract agreement.

|                    | Filings in Filings in |              |              | Filings (2016-18) Per 1,000 |            | % of Filings with 1 or more hearings |            | Filings (2016-18) with Motion to Vacate |              | Hearings (2016-18) |                  |                  | Motion Summary              |                        |                       |
|--------------------|-----------------------|--------------|--------------|-----------------------------|------------|--------------------------------------|------------|---|--------------|--------------------|------------------|------------------|-----------------------------|------------------------|-----------------------|
|                    | Population*           | 2016         | 2017         | 2018                        | Residents  | 0.9                                  | 0.7        | 60%                                     | Vacate       | Hearings in 2016   | Hearings in 2017 | Hearings in 2018 | Judgment Hearings (2016-18) | Court Trials (2016-18) | Jury Trials (2016-18) |
| 1st District       | 795,351               | 269          | 245          | 237                         | 0.9        | 0.9                                  | 60%        | 1                                       | 328          | 267                | 344              | 167              | 82                          | 27                     |                       |
| 2nd District       | 546,317               | 258          | 232          | 250                         | 1.4        | 1.4                                  | 46%        | 3                                       | 224          | 212                | 215              | 138              | 21                          | 14                     |                       |
| 3rd District       | 480,246               | 125          | 108          | 120                         | 0.7        | 0.7                                  | 58%        | 1                                       | 198          | 132                | 160              | 48               | 28                          | 36                     |                       |
| 4th District       | 1,249,512             | 726          | 677          | 671                         | 1.7        | 1.7                                  | 52%        | 7                                       | 908          | 944                | 755              | 413              | 99                          | 150                    |                       |
| 5th District       | 287,738               | 98           | 111          | 152                         | 1.3        | 1.3                                  | 59%        | -                                       | 166          | 117                | 139              | 55               | 5                           | 6                      |                       |
| 6th District       | 251,496               | 71           | 54           | 52                          | 0.7        | 0.7                                  | 81%        | -                                       | 170          | 105                | 100              | 18               | 7                           | 6                      |                       |
| 7th District       | 488,859               | 115          | 133          | 137                         | 0.8        | 0.8                                  | 56%        | 2                                       | 198          | 210                | 181              | 54               | 26                          | 20                     |                       |
| 8th District       | 159,955               | 69           | 47           | 51                          | 1.0        | 1.0                                  | 78%        | 1                                       | 127          | 91                 | 86               | 25               | 17                          | 12                     |                       |
| 9th District       | 339,245               | 95           | 90           | 89                          | 0.8        | 0.8                                  | 67%        | 1                                       | 183          | 149                | 181              | 32               | 28                          | 20                     |                       |
| 10th District      | 978,768               | 295          | 242          | 232                         | 0.8        | 0.8                                  | 50%        | 2                                       | 349          | 261                | 206              | 162              | 65                          | 27                     |                       |
| <b>Grand Total</b> | <b>5,577,487</b>      | <b>2,121</b> | <b>1,939</b> | <b>1,991</b>                | <b>1.1</b> | <b>1.1</b>                           | <b>55%</b> | <b>18</b>                               | <b>2,851</b> | <b>2,488</b>       | <b>2,367</b>     | <b>1,112</b>     | <b>378</b>                  | <b>318</b>             |                       |

| Hearings by Type on Contract Cases | Hearings (2016-18) |
|------------------------------------|--------------------|
| Motion Hearing                     | 1,870              |
| Motion Summary Judgment            | 1,112              |
| Scheduling Conference              | 895                |
| Default Hearing                    | 698                |
| Hearing                            | 638                |
| Pre-trial                          | 444                |
| Case Management Conference         | 403                |
| Court Trial                        | 378                |
| Jury Trial                         | 318                |
| Telephone Motion Hearing           | 317                |
| Order to Show Cause Hearing        | 172                |
| Discovery Conference               | 169                |
| Settlement Conference              | 138                |
| Temporary Restraining Order H      | 77                 |
| Review Hearing                     | 35                 |
| Evidentiary Hearing                | 21                 |
| Temporary Hearing                  | 7                  |
| Bail Hearing                       | 6                  |
| Voir Dire                          | 6                  |
| Arbitration Hearing                | 1                  |
| Mediation Hearing                  | 1                  |
| <b>Grand Total</b>                 | <b>7,706</b>       |

### Default Judgment Cases

A money judgment that is processed administratively in the Court Administrator's office. This primarily occurs when the plaintiff refrains from filing the summons and complaint until the period for answering the complaint has expired and the matter has been established as a default. In the majority of Default Judgment cases, the case is opened and closed at one time.

|                    | Population*      | Filings in    |               |               | Filings (2016-18)   |                     | % of Filings with 1 or more hearings | Filings (2016-18) with Motion to Vacate |             | Hearings in 2016 |            | Hearings in 2017 |  | Hearings in 2018 |  |
|--------------------|------------------|---------------|---------------|---------------|---------------------|---------------------|--------------------------------------|---|-------------|------------------|------------|------------------|--|------------------|--|
|                    |                  | 2016          | 2017          | 2018          | Per 1,000 Residents | Per 1,000 Residents |                                      | in 2016                                 | in 2017     | in 2016          | in 2017    | in 2018          |  |                  |  |
| 1st District       | 795,351          | 2,522         | 2,596         | 3,152         | 10.4                | 10.4                | 2%                                   | 13                                      | 102         | 81               | 93         |                  |  |                  |  |
| 2nd District       | 546,317          | 1,718         | 1,500         | 1,850         | 9.3                 | 9.3                 | 1%                                   | 6                                       | 47          | 46               | 38         |                  |  |                  |  |
| 3rd District       | 480,246          | 1,740         | 1,994         | 2,333         | 12.6                | 12.6                | 1%                                   | 7                                       | 66          | 47               | 38         |                  |  |                  |  |
| 4th District       | 1,249,512        | 3,688         | 3,756         | 4,094         | 9.2                 | 9.2                 | 4%                                   | 35                                      | 338         | 239              | 200        |                  |  |                  |  |
| 5th District       | 287,738          | 1,076         | 1,321         | 1,641         | 14.0                | 14.0                | 1%                                   | 2                                       | 31          | 17               | 25         |                  |  |                  |  |
| 6th District       | 251,496          | 1,161         | 1,453         | 1,605         | 16.8                | 16.8                | 2%                                   | 2                                       | 55          | 44               | 48         |                  |  |                  |  |
| 7th District       | 488,859          | 1,688         | 1,871         | 2,166         | 11.7                | 11.7                | 2%                                   | 6                                       | 95          | 55               | 55         |                  |  |                  |  |
| 8th District       | 159,955          | 511           | 667           | 857           | 12.7                | 12.7                | 1%                                   | 2                                       | 22          | 15               | 18         |                  |  |                  |  |
| 9th District       | 339,245          | 1,392         | 1,852         | 2,105         | 15.8                | 15.8                | 1%                                   | -                                       | 59          | 32               | 48         |                  |  |                  |  |
| 10th District      | 978,768          | 2,997         | 2,942         | 3,404         | 9.5                 | 9.5                 | 4%                                   | 15                                      | 286         | 189              | 149        |                  |  |                  |  |
| <b>Grand Total</b> | <b>5,577,487</b> | <b>18,493</b> | <b>19,952</b> | <b>23,207</b> | <b>11.1</b>         | <b>11.1</b>         | <b>2%</b>                            | <b>88</b>                               | <b>1101</b> | <b>765</b>       | <b>712</b> |                  |  |                  |  |

| Hearings by Type on Contract Cases | Hearings (2016-18) |
|------------------------------------|--------------------|
| Hearing                            | 829                |
| Default Hearing                    | 498                |
| Motion Hearing                     | 475                |
| Order to Show Cause Hearing        | 428                |
| Motion Summary Judgment            | 123                |
| Pre-trial                          | 58                 |
| Court Trial                        | 54                 |
| Telephone Motion Hearing           | 46                 |
| Scheduling Conference              | 32                 |
| Review Hearing                     | 11                 |
| Bail Hearing                       | 7                  |
| Case Management Conference         | 6                  |
| Discovery Conference               | 5                  |
| Settlement Conference              | 3                  |
| Evidentiary Hearing                | 2                  |
| Temporary Restraining Order H      | 1                  |
| <b>Grand Total</b>                 | <b>2,578</b>       |

## Transcript Judgment Cases

Use when a judgment is transcribed from Conciliation Court to District Court for satisfaction of indebtedness. A Transcript Judgment may be filed in District Court because the judgment could not be satisfied in Conciliation Court.

|                    | Population*      | Filings in Filings in Filings in |               |               | Residents   | Filings (2016-18) Per 1,000 |           | Filings (2016-18) % of Filings with 1 or more hearings |            | Filings (2016-18) with Motion to Vacate |              | Hearings in 2016 |      | Hearings in 2017 |      | Hearings in 2018 |  | Order to Show Cause Hearings (2016-18) |
|--------------------|------------------|----------------------------------|---------------|---------------|-------------|-----------------------------|-----------|--|------------|---|--------------|------------------|------|------------------|------|------------------|--|--|
|                    |                  | 2016                             | 2017          | 2018          |             | 2018                        | 2018      | 2018   | 2018       | 2018                                    | 2016         | 2017             | 2018 | 2016             | 2017 | 2018             |  |  |
| 1st District       | 795,351          | 2,062                            | 2,880         | 3,596         | 10.7        | 2%                          | 2         | 117  | 109        | 113                                     | 248          |                  |      |                  |      |                  |  |  |
| 2nd District       | 546,317          | 1,937                            | 2,834         | 3,122         | 14.4        | 1%                          | 4         | 53   | 40         | 58                                      | 81           |                  |      |                  |      |                  |  |  |
| 3rd District       | 480,246          | 815                              | 915           | 911           | 5.5         | 4%                          | 1         | 62   | 54         | 49                                      | 123          |                  |      |                  |      |                  |  |  |
| 4th District       | 1,249,512        | 3,278                            | 4,905         | 5,514         | 11.0        | 2%                          | 7         | 181  | 148        | 146                                     | 376          |                  |      |                  |      |                  |  |  |
| 5th District       | 287,738          | 884                              | 920           | 1,142         | 10.2        | 4%                          | 2         | 56   | 42         | 68                                      | 146          |                  |      |                  |      |                  |  |  |
| 6th District       | 251,496          | 1,694                            | 1,650         | 2,031         | 21.4        | 1%                          | 1         | 103  | 36         | 50                                      | 142          |                  |      |                  |      |                  |  |  |
| 7th District       | 488,859          | 1,540                            | 1,852         | 2,028         | 11.1        | 3%                          | 1         | 92   | 69         | 91                                      | 194          |                  |      |                  |      |                  |  |  |
| 8th District       | 159,955          | 258                              | 272           | 270           | 5.0         | 3%                          | 1         | 13   | 11         | 17                                      | 32           |                  |      |                  |      |                  |  |  |
| 9th District       | 339,245          | 1,218                            | 1,204         | 1,201         | 10.7        | 2%                          | 1         | 46   | 49         | 51                                      | 113          |                  |      |                  |      |                  |  |  |
| 10th District      | 978,768          | 2,290                            | 3,533         | 4,640         | 10.7        | 2%                          | 2         | 159  | 151        | 134                                     | 338          |                  |      |                  |      |                  |  |  |
| <b>Grand Total</b> | <b>5,577,487</b> | <b>15,976</b>                    | <b>20,965</b> | <b>24,455</b> | <b>11.0</b> | <b>2%</b>                   | <b>22</b> | <b>882</b>   | <b>709</b> | <b>777</b>                              | <b>1,793</b> |                  |      |                  |      |                  |  |  |

| Hearings by Type on Contract Cases | Hearings (2016-18) |
|------------------------------------|--------------------|
| Order to Show Cause Hrg Hearing    | 1,793              |
| Motion Hearing                     | 366                |
| Bail Hearing                       | 168                |
| Review Hearing                     | 18                 |
| Evidentiary Hearing                | 13                 |
| Conciliation Hearing               | 4                  |
| Court Trial                        | 2                  |
| Discovery Conference               | 1                  |
| Pre-trial                          | 1                  |
| Settlement Conference              | 1                  |
| <b>Grand Total</b>                 | <b>2,368</b>       |

## Eviction Cases

Action to evict a tenant from rental property.

|                      | Population*      | Filings in Filings in Filings in Filings in |               |               |               | Filings (2016-18) Per 1,000 Residents | % of Filings with 1 or more hearings |               | Hearings in 2017 |               | Hearings in 2018 |              | Eviction Hearings (2016-18) |         | Court Trials (2016-18) |
|----------------------|------------------|---|---------------|---------------|---------------|---------------------------------------|--------------------------------------|---------------|------------------|---------------|------------------|--------------|-----------------------------|---------|------------------------|
|                      |                  | 2016  | 2017          | 2018          | 2018          |                                       | in 2016                              | in 2017       | in 2018          | in 2018       | in 2016          | in 2017      | in 2018                     | in 2018 |                        |
| <b>1st District</b>  | 795,351          | 2,102                                       | 2,157         | 2,240         | 2,240         | 8.2                                   | 85%                                  | 1,974         | 2,138            | 2,204         | 5,550            | 49           |                             |         |                        |
| <b>2nd District</b>  | 546,317          | 2,888                                       | 2,839         | 2,686         | 2,686         | 15.4                                  | 93%                                  | 3,283         | 3,167            | 3,030         | 7,961            | 408          |                             |         |                        |
| <b>3rd District</b>  | 480,246          | 961   | 1,011         | 1,115         | 1,115         | 6.4                                   | 88%                                  | 940           | 990              | 1,109         | 2,833            | 58           |                             |         |                        |
| <b>4th District</b>  | 1,249,512        | 6,085                                       | 6,038         | 5,549         | 5,549         | 14.1                                  | 91%                                  | 6,582         | 6,813            | 7,035         | 16,098           | 694          |                             |         |                        |
| <b>5th District</b>  | 287,738          | 501   | 483           | 487           | 487           | 5.1                                   | 86%                                  | 475           | 452              | 469           | 1,325            | 37           |                             |         |                        |
| <b>6th District</b>  | 251,496          | 680   | 724           | 696           | 696           | 8.4                                   | 93%                                  | 776           | 848              | 802           | 2,023            | 283          |                             |         |                        |
| <b>7th District</b>  | 488,859          | 1,141                                       | 1,257         | 1,290         | 1,290         | 7.5                                   | 86%                                  | 1,102         | 1,216            | 1,278         | 3,309            | 99           |                             |         |                        |
| <b>8th District</b>  | 159,955          | 239   | 260           | 205           | 205           | 4.4                                   | 85%                                  | 215           | 241              | 186           | 604              | 10           |                             |         |                        |
| <b>9th District</b>  | 339,245          | 557   | 630           | 562           | 562           | 5.2                                   | 89%                                  | 591           | 653              | 579           | 1,620            | 115          |                             |         |                        |
| <b>10th District</b> | 978,768          | 2,658                                       | 2,445         | 2,491         | 2,491         | 7.8                                   | 90%                                  | 2,852         | 2,685            | 2,612         | 7,199            | 325          |                             |         |                        |
| <b>Grand Total</b>   | <b>5,577,487</b> | <b>17,812</b>                               | <b>17,844</b> | <b>17,321</b> | <b>17,321</b> | <b>9.5</b>                            | <b>90%</b>                           | <b>18,790</b> | <b>19,203</b>    | <b>19,304</b> | <b>48,522</b>    | <b>2,078</b> |                             |         |                        |

| Hearings by Type on Eviction Cases | Hearings (2016-18) |
|------------------------------------|--------------------|
| Eviction Hearing                   | 48,522             |
| Motion Hearing                     | 5,252              |
| Court Trial                        | 2,078              |
| Hearing                            | 963                |
| Evidentiary Hearing                | 245                |
| Review Hearing                     | 122                |
| Scheduling Conference              | 35                 |
| Pre-trial                          | 19                 |
| Telephone Motion Hearing           | 18                 |
| Jury Trial                         | 17                 |
| Settlement Conference              | 7                  |
| Order to Show Cause Hearing        | 6                  |
| Default Hearing                    | 5                  |
| Motion Summary Judgment            | 4                  |
| Temporary Restraining Order H      | 2                  |
| Case Management Conference         | 1                  |
| Harassment Hearing                 | 1                  |
| <b>Grand Total</b>                 | <b>57,297</b>      |



## Rent Escrow Cases

Used when a tenant deposits rent with the court and seeks relief because the owner of the premises has not complied with building codes or covenants or agreements regarding the rental property.

|                    | Population*      | Filings in |            |            | Filings (2016-18)   |            |            | % of Filings with 1 or more hearings |            |         | Hearings |         |         | Court Trials |           |  |
|--------------------|------------------|------------|------------|------------|---------------------|------------|------------|--------------------------------------|------------|---------|----------|---------|---------|--------------|-----------|--|
|                    |                  | 2016       | 2017       | 2018       | Per 1,000 Residents | in 2016    | in 2017    | in 2018                              | in 2016    | in 2017 | in 2018  | in 2016 | in 2017 | in 2018      | (2016-18) |  |
| 1st District       | 795,351          | 24         | 35         | 26         | 0.1                 | 33         | 51         | 37                                   | 2          |         |          |         |         |              |           |  |
| 2nd District       | 546,317          | 44         | 32         | 40         | 0.2                 | 71         | 48         | 63                                   | 35         |         |          |         |         |              |           |  |
| 3rd District       | 480,246          | 15         | 17         | 24         | 0.1                 | 20         | 24         | 17                                   | 5          |         |          |         |         |              |           |  |
| 4th District       | 1,249,512        | 89         | 78         | 121        | 0.2                 | 134        | 111        | 293                                  | 183        |         |          |         |         |              |           |  |
| 5th District       | 287,738          | 9          | 1          | 6          | 0.1                 | 12         | 1          | 7                                    | 1          |         |          |         |         |              |           |  |
| 6th District       | 251,496          | 9          | 14         | 15         | 0.2                 | 15         | 25         | 30                                   | 2          |         |          |         |         |              |           |  |
| 7th District       | 488,859          | 25         | 16         | 14         | 0.1                 | 34         | 30         | 22                                   | 6          |         |          |         |         |              |           |  |
| 8th District       | 159,955          | 4          | 1          | 4          | 0.1                 | 9          | 4          | 9                                    | 1          |         |          |         |         |              |           |  |
| 9th District       | 339,245          | 11         | 9          | 8          | 0.1                 | 15         | 15         | 9                                    | 1          |         |          |         |         |              |           |  |
| 10th District      | 978,768          | 38         | 28         | 30         | 0.1                 | 57         | 45         | 41                                   | 13         |         |          |         |         |              |           |  |
| <b>Grand Total</b> | <b>5,577,487</b> | <b>268</b> | <b>231</b> | <b>288</b> | <b>0.1</b>          | <b>400</b> | <b>354</b> | <b>528</b>                           | <b>249</b> |         |          |         |         |              |           |  |

| Hearings by Type on Rent Escrow Cases | Hearings (2016-18) |
|---------------------------------------|--------------------|
| Rent Escrow Hearing                   | 673                |
| Court Trial                           | 249                |
| Hearing                               | 116                |
| Review Hearing                        | 111                |
| Eviction Hearing                      | 64                 |
| Evidentiary Hearing                   | 35                 |
| Motion Hearing                        | 26                 |
| Order to Show Cause Hearing           | 2                  |
| Pre-trial                             | 2                  |
| Telephone Motion Hearing              | 2                  |
| Case Management Conference            | 1                  |
| Settlement Conference                 | 1                  |
| <b>Grand Total</b>                    | <b>1,282</b>       |

## Dissolution with child

Cases filed for the purpose of dissolving a marriage that involves minor children.

|                      | Population*      | Filings in   |              |              | Filings (2016-18)<br>Per 1,000 Residents |            | % of Filings with<br>1 or more hrgs<br>in 2016 | Hearings<br>in 2016 | Hearings<br>in 2017 | Hearings<br>in 2018 | Default<br>Hearings<br>(2016-18) | Court<br>Trials<br>(2016-18) |
|----------------------|------------------|--------------|--------------|--------------|--|------------|--|---------------------|---------------------|---------------------|----------------------------------|------------------------------|
|                      |                  | 2016         | 2017         | 2018         | 2018                                     | 2018       |  |                     |                     |                     |                                  |                              |
| <b>1st District</b>  | 795,351          | 1,190        | 1,201        | 1,171        | 4.5                                      | 83%        | 2,910  | 2,976               | 3,028               | 1,839               | 392                              |                              |
| <b>2nd District</b>  | 546,317          | 576          | 582          | 576          | 3.2                                      | 83%        | 1,749  | 1,652               | 1,585               | 824                 | 121                              |                              |
| <b>3rd District</b>  | 480,246          | 637          | 659          | 632          | 4.0                                      | 78%        | 1,544  | 1,392               | 1,422               | 929                 | 137                              |                              |
| <b>4th District</b>  | 1,249,512        | 1,494        | 1,430        | 1,519        | 3.6                                      | 89%        | 4,647  | 4,597               | 4,371               | 2,298               | 307                              |                              |
| <b>5th District</b>  | 287,738          | 372          | 408          | 388          | 4.1                                      | 81%        | 915  | 877                 | 845                 | 410                 | 94                               |                              |
| <b>6th District</b>  | 251,496          | 358          | 329          | 322          | 4.0                                      | 87%        | 1,189  | 1,063               | 1,129               | 430                 | 119                              |                              |
| <b>7th District</b>  | 488,859          | 742          | 739          | 714          | 4.5                                      | 78%        | 1,835  | 1,876               | 1,845               | 934                 | 162                              |                              |
| <b>8th District</b>  | 159,955          | 219          | 204          | 192          | 3.8                                      | 79%        | 455  | 476                 | 470                 | 241                 | 36                               |                              |
| <b>9th District</b>  | 339,245          | 519          | 483          | 468          | 4.3                                      | 85%        | 1,360  | 1,382               | 1,288               | 576                 | 164                              |                              |
| <b>10th District</b> | 978,768          | 1,541        | 1,516        | 1,364        | 4.5                                      | 84%        | 4,047  | 3,973               | 3,501               | 2,208               | 467                              |                              |
| <b>Grand Total</b>   | <b>5,577,487</b> | <b>7,648</b> | <b>7,551</b> | <b>7,346</b> | <b>4.0</b>                               | <b>84%</b> | <b>20,651</b>                                  | <b>20,264</b>       | <b>19,484</b>       | <b>10,689</b>       | <b>1,999</b>                     |                              |

## Hearings by Type on Dissolution with Child Cases

| Hearings (2016-18)            | Hearings (2016-18) |
|-------------------------------|--------------------|
| Motion Hearing                | 11,201             |
| Default Hearing               | 10,689             |
| Initial Case Mgmt Conference  | 7,184              |
| Hearing                       | 7,170              |
| Review Hearing                | 5,491              |
| Telephone Motion Hearing      | 4,529              |
| Pre-trial                     | 4,488              |
| Scheduling Conference         | 2,012              |
| Court Trial                   | 1,999              |
| Order to Show Cause Hearing   | 1,451              |
| Post Final Decree             | 1,109              |
| Evidentiary Hearing           | 1,015              |
| ENE Status Conference         | 576                |
| Settlement Conference         | 481                |
| Temporary Hearing             | 298                |
| Bail Hearing                  | 243                |
| Post Decree Review            | 205                |
| Mediation Conference          | 113                |
| Admit/Deny Hearing            | 74                 |
| Post Final Decree Evidentiary | 39                 |
| Discovery Conference          | 12                 |
| Post Final Decree Trial       | 10                 |
| Other Hearing                 | 10                 |
| <b>Grand Total</b>            | <b>60,399</b>      |

## Dissolution without child

Cases filed for the purpose of dissolving a marriage that does not involve any minor children.

|                      | Population*      | Filings in Filings in Filings in |              |              | Per 1,000 Residents | % of Filings with 1 or more hrs | Hearings in 2016 | Hearings in 2017 | Hearings in 2018 | Default Hearings (2016-18) | Court Trials (2016-18) |
|----------------------|------------------|----------------------------------|--------------|--------------|---------------------|---------------------------------|------------------|------------------|------------------|----------------------------|------------------------|
|                      |                  | 2016                             | 2017         | 2018         |                     |                                 |                  |                  |                  |                            |                        |
| <b>1st District</b>  | 795,351          | 1,098                            | 1,019        | 1,066        | 4.0                 | 23%                             | 624              | 593              | 522              | 152                        | 103                    |
| <b>2nd District</b>  | 546,317          | 704                              | 719          | 753          | 4.0                 | 32%                             | 553              | 446              | 565              | 124                        | 33                     |
| <b>3rd District</b>  | 480,246          | 597                              | 576          | 598          | 3.7                 | 20%                             | 245              | 205              | 208              | 105                        | 43                     |
| <b>4th District</b>  | 1,249,512        | 1,810                            | 1,882        | 1,921        | 4.5                 | 56%                             | 1,802            | 1,860            | 1,555            | 2,019                      | 91                     |
| <b>5th District</b>  | 287,738          | 371                              | 323          | 338          | 3.6                 | 25%                             | 196              | 169              | 155              | 77                         | 26                     |
| <b>6th District</b>  | 251,496          | 414                              | 367          | 397          | 4.7                 | 34%                             | 271              | 251              | 286              | 68                         | 31                     |
| <b>7th District</b>  | 488,859          | 652                              | 636          | 644          | 4.0                 | 26%                             | 377              | 342              | 369              | 174                        | 59                     |
| <b>8th District</b>  | 159,955          | 158                              | 195          | 184          | 3.4                 | 21%                             | 66               | 103              | 96               | 29                         | 14                     |
| <b>9th District</b>  | 339,245          | 452                              | 456          | 438          | 4.0                 | 28%                             | 293              | 290              | 316              | 110                        | 66                     |
| <b>10th District</b> | 978,768          | 1,329                            | 1,342        | 1,262        | 4.0                 | 32%                             | 853              | 871              | 815              | 280                        | 137                    |
| <b>Grand Total</b>   | <b>5,577,487</b> | <b>7,585</b>                     | <b>7,515</b> | <b>7,601</b> | <b>4.1</b>          | <b>35%</b>                      | <b>5,280</b>     | <b>5,130</b>     | <b>4,887</b>     | <b>3,138</b>               | <b>603</b>             |

## Hearings by Type on Dissolution without Child Cases

| Hearings without Child Cases  | Hearings (2016-18) |
|-------------------------------|--------------------|
| Initial Case Mgmt Conference  | 4,077              |
| Default Hearing               | 3,138              |
| Pre-trial                     | 1,529              |
| Telephone Motion Hearing      | 1,425              |
| Motion Hearing                | 1,268              |
| Scheduling Conference         | 924                |
| Hearing                       | 894                |
| Court Trial                   | 603                |
| Review Hearing                | 578                |
| ENE Status Conference         | 215                |
| Settlement Conference         | 172                |
| Order to Show Cause Hearing   | 136                |
| Evidentiary Hearing           | 122                |
| Post Final Decree             | 102                |
| Temporary Hearing             | 46                 |
| Mediation Conference          | 42                 |
| Post Decree Review            | 10                 |
| Bail Hearing                  | 4                  |
| Disposition Hearing           | 4                  |
| Admit/Deny Hearing            | 3                  |
| Discovery Conference          | 3                  |
| Post Final Decree Evidentiary | 2                  |
| <b>Grand Total</b>            | <b>15,297</b>      |

**REPORT AND RECOMMENDATIONS  
MINNESOTA STATE BAR ASSOCIATION  
ALTERNATIVE LEGAL MODELS TASK FORCE**

**OVERVIEW**

An important component of the Minnesota State Bar Association's (MSBA) vision calls for the organization to "be a leader in the state of Minnesota in achieving effective and equal justice for all." Adequate access to legal representation for all Minnesotans remains elusive, despite efforts to increase funding for legal aid programs, rally members of the bar to volunteer for pro bono service and provide resources so lawyers, both new and experienced, can offer their services at rates affordable to modest income clients. The Alternative Legal Models Task Force, created in response to a recommendation from the MSBA's Future of the Legal Education Task Force, represents an opportunity for the MSBA to lead our state in providing "equal justice for all." The report and recommendations that follow are the product of hours of discussion, research and engagement. We hope the Assembly will seize this opportunity to help move our profession and the state forward towards greater access to legal representation for all our residents.

After many months of research, discussion and debate, the Task Force considered three distinct approaches to the delivery of legal services to help fill the access to justice gap that do not necessarily involve reliance upon licensed lawyers. The Task Force recognizes that no single solution will solve the problems the legal profession faces in providing affordable legal services, but believe it is time to take some action that has the potential to provide alternative legal services to those that require or desire it. Once these three approaches were accepted by the Task Force, the Task Force Co-Chairs and MSBA representatives held seven listening sessions around the State. The Task Force's ultimate conclusion that the MSBA move forward with two of these recommendations is based upon the Task Force's work through subcommittee meetings, full Task Force deliberations and the comments and suggestions received during the listening sessions. A majority of Task Force members voted to recommend the MSBA work toward implementation of two proposals.

The first proposal is designed after a model employed in British Columbia, Canada that allows a paraprofessional (Legal Practitioner) to provide legal advice and, in some circumstances, represent a client in court and administrative proceedings under the direct supervision of an attorney. The Legal Practitioner would work under the supervising attorney's law license and the ethical responsibilities required of Minnesota lawyers. There would be no separate licensing or licensing board of the Legal Practitioner. The details of this recommendation are provided below.

The second proposal is modeled after the State of Washington's Limited License Legal Technicians model ("LLLT Model"). The proposed LLLT Model for Minnesota allows licensed paralegals/administrative assistants to acquire a certain level of education and experience to qualify for licensing through the passage of an exam. Once licensed, the LLLT would be free to practice law in a specific area of law that is limited in scope. The LLLT would not be required

to work under the supervision of an attorney, but would be required to comply with a code of ethics, similar to lawyers' ethical requirements, and to obtain legal malpractice insurance. A separate licensing board would likely be required. The details of this LLLT model are more completely described below.

## PROCEDURAL BACKGROUND

The genesis of this task force comes from the work of the MSBA's Task Force on the Future of Legal Education ("Legal Education Task Force"). The Legal Education Task Force, consisting of representatives from the judiciary, legal education, and the practicing bar, examined challenges and opportunities with respect to the state's legal education system. Considerable time was spent examining ways of making legal careers more affordable, as well as addressing the existing unmet need for legal representation by low and modest income Minnesotans. Consequently, as part of its final report and recommendations, the Legal Education Task Force included the following as one of its recommendations:

*Recommendation 5: In order to identify a less costly path to a career in legal services and address unmet needs for specific types of legal services, the MSBA should establish a separate task force focused on studying the viability of certifying Limited License Legal Technicians ("LLLT") with authority to provide supervised legal services in defined practice areas. This task force should consist of representatives from the state court administrative office, civil legal services and pro bono programs, private practices from diverse practice settings throughout the state, potential clients, and institutions of higher education (including, but not limited to law schools). The task force should prepare a recommendation to the MSBA Assembly on the question whether to submit a petition to the Minnesota Supreme Court to establish an LLLT practitioner rule by June 2016.*

The MSBA Assembly reviewed the Legal Education Task Force's Report and Recommendations at its June 2015 meeting and approved this recommendation, among others. MSBA President (2015-16) Mike Unger then created the Alternative Legal Models Task Force with the following charge:

The Task Force's charge is to examine the advisability of supplementing traditional lawyer representation through the creation of a new type of limited-scope certified legal assistance provider to increase access to justice for those who cannot afford a lawyer. One possibility the task force will examine involves certifying Limited Legal License Technicians (LLLT) who would possess authority to provide limited legal services in particular practice areas, as the state of Washington did recently. The Task Force will develop a recommendation to the Assembly regarding viable options to increase access to justice, including possible certification of limited license legal technicians, along with necessary safeguards to assure quality of service.

After reviewing applications, President Unger appointed 24 members to the Task Force. (A list of task force members can be found in Appendix A). These members bring a wide range of backgrounds to the Task Force's work and include representation from the judicial branch, the private bar, civil legal aid and academic institutions, as well as the paralegal community and paralegal training programs. The Task Force is co-chaired by Susan Wiens of Minneapolis and Kenneth White of Mankato, both attorneys in private practice. The Task Force has met eight times as a full group from February 2016 through March 2017, in addition to numerous subcommittee meetings. (A full listing of meeting agendas and notes, as well as resources, can be found on the MSBA website at [www.mnbar.org/ALM](http://www.mnbar.org/ALM).)

The Task Force reviewed numerous resources as part of its deliberations, as well as a presentation by representatives of the Washington State Bar on the LLLT program, a presentation by several task force members involved in paralegal training regarding paralegal certification programs, and a review of law librarian/self-help assistance. The Task Force reviewed numerous articles and studies demonstrating the access to justice gap as well as many reports of projects implemented by other legal organizations attempting to bridge the access to justice gap. (A listing of reference materials can be found in Appendix B.)

The Task Force initially divided into three subcommittees to start its work, as follows:

Forms Completion – This subcommittee examined practice areas that are heavily forms driven and studied ways to license non-lawyers to help individuals with completing forms and potentially assisting in court.

Washington Model – This subcommittee examined the Washington model more thoroughly to explore whether the model was one that could work in Minnesota and should be recommended.

Business Models – This subcommittee explored potential models for serving modest means individuals and examined what it would cost to create a sustainable practice.<sup>1</sup>

Based upon the work and recommendations of these subcommittees, the Task Force then developed a series of three options for further study and feedback. These options are more fully discussed in the next section, but can be described briefly:

Regulated non-lawyer provider for limited tasks such as forms completion as permitted by statute;

Enhanced use of paralegals in the practice of law and delivery of legal services, as recently piloted in British Columbia; and

Limited License Legal Technician program (LLLT) which provides a process for non-lawyers to be licensed to provide limited legal advice in certain narrowly-defined legal areas.

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<sup>1</sup> The Task Force also considered a fourth subcommittee (Limited Scope), but subsequently folded its work into the remaining subcommittees.

Three new subcommittees were established to study these options. Each subcommittee met numerous times, researched and studied other legal organization's efforts and provided a recommendation to the full Task Force. After the development of these focused options, the Task Force co-chairs, along with MSBA staff, convened seven listening sessions throughout the state (St. Paul (2), Minneapolis (live and as a webinar), St. Cloud, Duluth, Rochester and Mankato) in conjunction with local or district bar organizations during October and November 2016.<sup>2</sup> In addition, the co-chairs provided an update to the MSBA Assembly at the December 2016 meeting, with five simultaneous small group listening sessions held following this presentation. In total, over 200 MSBA members attended a live listening session during the fall of 2016. Discussions regarding the Task Force's work have also been ongoing via several MSBA online communities, including the Small and Solo Law Firm Section and the New Lawyers Section (which have been the most active). Task Force members reviewed feedback from all of these sources in developing the Task Force's recommendations.

### **LIMITATIONS**

The task force recognizes the current regulatory framework, legal education models and market conditions that frame the practice of law inherently and specifically place limitations on how broad, how specific or how effective the recommendations of the Task Force can be in providing access to justice to all Minnesotans. The Task Force, aimed at providing guidance to the Assembly on ways the state bar association can increase access to justice, recognizes it must work within certain parameters for which it has no current ability to change. The following limitations on meeting access to justice goals were expressed by Task Force members during its deliberations and by members of the bar during the listening sessions.

- If more state and federal funds were allocated to legal-aid services, we could serve more of those in need.
- If more lawyers provided pro bono services, the legal profession could better meet the unmet needs for access to justice.
- If the Supreme Court required all lawyers to provide a certain number of pro bono hours, we could provide more legal services to those who cannot afford them.
- If law schools required students to provide pro bono services before they graduate, we could help provide additional legal assistance to those that cannot afford such services.
- If we developed a mechanism to forgive a portion of new lawyer's student loan debt, new lawyers could open a law practice more economically to provide services at a lower cost.
- If a legal education were to cost less, more new lawyers could open their own practices to provide services at a lower rate that is affordable by modest means clients.

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<sup>2</sup> The document distributed at the listening sessions describes the options under consideration by the Task Force. (Appendix C)

- If the UPL statute was enforced, we would have fewer unqualified individuals providing ineffective legal advice and pushing willing lawyers from this market due to cost differentials.
- Allowing lawyers to enforce non-compete agreements would encourage small firms (and perhaps others) to hire and mentor more new lawyers.

While each of these suggestions for change may also have some positive effect in providing access to justice for all Minnesotans, the Task Force has no ability to effectuate such changes. Recognizing these limitations, the Task Force makes the following recommendations.

## **OPTIONS CONSIDERED & RECOMMENDATIONS**

### **Overview**

Throughout the Task Force’s discussions, members focused on how to bring new resources to serve low and modest income clients. In so doing, the Task Force recognized the challenges facing practicing lawyers in reaching those potential clients. At listening sessions, members of the profession discussed how the cost of doing business as a lawyer makes it difficult to set billing rates at levels affordable to many modest income clients. Younger practitioners, while concerned about the potential for competition from non-lawyers, also recounted the impact of how student loan debt, overhead and practice development place pressures on billing rates. The options considered by the Task Force reflect a need to supplement the existing system in which lawyers exclusively can provide legal advice.

Further, recent national initiatives have begun to focus on ways of providing access to all who may need legal services. For example, Resolution 5 of the Conference of Chief Justices and the Conference of State Court Administrators, adopted in 2015, urges courts to “support the aspirational goal of 100 percent access to effective assistance for essential civil legal needs and urge their members to provide leadership in achieving that goal...”<sup>3</sup> The Resolution urges court systems and related organizations to “develop a continuum of meaningful and appropriate services” in order to implement that goal.<sup>4</sup> In addition, last year, Minnesota recently applied for and received a national Justice for All grant from the National Center for State Courts and the Public Welfare Foundation, the purpose of which is to develop plans for implementing this aspirational goal and coordinating services throughout the state. The Task Force’s work fits naturally within these state and national efforts to create multiple means for enabling all to obtain affordable effective legal assistance.

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<sup>3</sup>[http://www.ncsc.org/~media/Microsites/Files/access/5%20Meaningful%20Access%20to%20Justice%20for%20All\\_final.ashx](http://www.ncsc.org/~media/Microsites/Files/access/5%20Meaningful%20Access%20to%20Justice%20for%20All_final.ashx)

<sup>4</sup> Also, in late 2016, the ABA Commission on the Future of Legal Services released its final report. The Commission’s first recommendation aligns with Resolution 5: “The legal profession should support the goal of providing some form of effective assistance for essential civil legal needs to all persons otherwise unable to afford a lawyer.” <http://abafuturesreport.com>.



### **Administrative/Regulatory Model**

A few states, such as Arizona, California and Nevada, permit non-lawyers to provide limited non-legal assistance to clients – most typically, document/forms completion. These services are not legal advice, although they may be incorporated into an existing legal practice. The state regulates this service by statute, not court rules, because of the limitations involved in scope. Licensees can assist clients with document preparation assistance and assistance to pro se litigants similar to lay advocates (e.g. helping self-represented parties organize the chronology of their cases for presentation to a judge).

In many respects, this model duplicates the existing services already provided in Minnesota by the Judicial Branch’s self-help centers. Considerable information is already available online to enable non-lawyers to understand the legal process and complete forms. Staff at in-person and telephone self-help centers currently assist customers by providing limited guidance on forms and proceedings, but no advice regarding legal strategy.

The Task Force subcommittee reviewing this option considered whether licensed laypeople could play a helpful role in assisting clients in legal proceedings, even if no legal advice could be provided. They reviewed the use of free lay advocates as part of order for protection (OFP) hearings. Since the 1990s, the Minnesota Supreme Court has allowed lay advocates to sit at counsel table and assist in these proceedings. Advocates may also help petitioners complete paperwork, but they cannot provide legal advice. While many advocates have been affected personally by domestic violence, they do not bring formal training or skill in legal advocacy. As such, licensed attorneys are still necessary to adequately represent the interest of both petitioners and respondents.<sup>5</sup> Domestic violence advocates are most effective in helping victims by being present at counsel table and offering their experience as an adjunct to effective legal representation.

The main advantage of administratively licensed non-lawyer providers is that they can take on relatively low level tasks for clients and leave more sophisticated issues to attorneys. Less stringent licensing requirements (as opposed to lawyer admission) would make it easier for someone who wishes to provide these services to do so. However, given the nature of legal proceedings and the nuances of different areas of the law, these licensed providers will never supplant the need for direct lawyer involvement.<sup>6</sup> Indeed, they offer little more than what any lay person could already do to assist an individual with a legal matter. These services may duplicate already existing self-help resources by the court system and lead to a secondary industry of

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<sup>5</sup> Any expansion of the responsibilities of advocates would likely necessitate more extensive training and regulation. For example, advocates would need to have baseline knowledge of court procedure and forms drafting, as well as a more sophisticated understanding of victim trauma.

<sup>6</sup> Completing forms alone does not meet some of the most significant client needs, which include legal advice, discovery assistance, preparation of affidavits and certain kinds of motions, analyzing courses of action and, perhaps most importantly, representation in court to assist the client in case presentation. Family law, in particular, is a subject area most in need of assistance by clients, yet it is a complex area of law as well as one involving emotional stresses where clients need a full range of assistance to sort out child-related issues and financial issues. The statutory framework is extensive as is the case law. Mere assistance with forms would be enough in only the most routine cases, and those are likely few.

licensed, but untrained non-lawyers providing what potential clients might take to be legal advice.<sup>7</sup> Further, the subcommittee concluded that the services provided by such licensed providers could more easily be incorporated into the remaining two legal services delivery options. **Given these shortcomings, the Task Force ultimately decided not to recommend further investigation of the administrative/regulatory option.**

### **Designated Paralegal/British Columbia (BC) Model**

The designated paralegal, or BC Model, in its most basic form, allows a lawyer to employ a skilled “designated paralegal” into his/her legal practice to provide to the extent the lawyer deems proper, legal advice as well as representation of the client in court. The lawyer remains responsible for the activities of the designated paralegal in the same way Minnesota lawyers remain legally and ethically responsible for those that work for them and their law firms. The expansion of services that a “paralegal” may provide to clients under the supervision of an attorney was envisioned in British Columbia as a partial solution to the access to justice gap found prevalent in the community.

### **Background**

It bears noting that, in developing this model, British Columbia lawyers struggled with the very same issues the Minnesota State Bar Association grapples with in how to serve the unmet legal needs of those in poverty as well as those that may not be considered below the poverty line but nonetheless cannot afford typical lawyer fees. They wrestled with the same issues surrounding the fear of inferior legal services, the prediction that such non-lawyers would take work away from new law school graduates, and that the lower fees charged by non-lawyers would prevent new lawyers from staying competitive (because of higher law school debt). Recognizing the government-funded legal aid system provided needed assistance to the poor, it also found the system was severely underfunded and incapable of meeting the needs the lawyers recognized as a systemic problem.

In reviewing possible avenues for improving access to justice, the BC Law Society (the equivalent of our State Bar, although it is mandatory) determined that granting paralegals the ability to provide legal advice was at least a partial solution to the access to justice problem. The BC law society looked to the Ontario law society for guidance as Ontario, in 2007, became a leader in licensing and regulating paralegals. A five-year report to the Ontario Attorney General on the licensing program found “by an objective measure . . . it has been a remarkable success.”<sup>8</sup> The BC Model,

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<sup>7</sup> The court’s self-help center staff will review completed forms for self-represented litigants using the I-CAN system. See <http://www.mncourts.gov/Help-Topics/Divorce/i-can-help.aspx>. I-CAN is available for divorce and fee waiver forms. Law libraries that have professional staff (Hennepin, Ramsey, Anoka, Dakota, Olmsted, Stearns, St. Louis, and Wright) can assist self-represented litigants in locating court forms, and also sample forms when fill-in-the-blank forms do not exist.

<sup>8</sup> David Morris, Report to the Attorney General of Ontario: Report of Five-Year Review of Paralegal Regulation in Ontario (2012, Queens Printer for Ontario), which can be found at: [https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/paralegal\\_review/](https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/paralegal_review/). In February 2017, a former justice of the Ontario Supreme Court issued her report on improving access to legal services for low income people in the province and concluded there should be expanded use of paralegals in family law proceedings. See

unlike the Ontario program, requires the assessment by a lawyer of the skills of the paralegal to be made before a paralegal can become a designated paralegal. The BC Model does not require a minimum level of education as it relies entirely upon the judgment of the lawyer who has determined if a paralegal qualifies as a designated paralegal.

In British Columbia, the practice of law is defined by the Legal Profession Act. Like Minnesota, the “Practice of Law” was defined to include most services traditionally provided by lawyers such as appearing on behalf of clients in court or administrative hearings, giving legal advice, drafting legal documents, and negotiating and representing clients in mediations and arbitrations. The law allows a person acting under the supervision of a lawyer (i.e. a paralegal) to provide certain services to clients without violating the Act.

In June 2012, the BC law society approved a change in their Code of Profession Conduct, adopting the concept of a “designated paralegal” who would have the necessary skills and experience such that under a lawyer’s supervision, could perform tasks not previously permitted for paralegals including,

- Giving legal advice to clients
- Giving and receiving undertakings; and
- Representing clients before a court or tribunal (administrative court) as permitted by the court or tribunal

In this program, designated paralegals could manage a file, provide advice to a client and otherwise provide the similar service to the client that a lawyer may provide, with the supervising attorney monitoring the work and the advice provided. The BC courts were slow to accept paralegals in the court room causing some confusion as to when and where a designated paralegal may appear. Very few courts allowed designated paralegals to appear in their court rooms but very few designated paralegals attempted to appear in court. According to conversations with the staff attorney for the BC Law Society, the tribunal judges (administrative forum) have indicated recently a willingness to allow designated paralegals to appear in their courtrooms. As such access to tribunals is relatively new, there is no data on how this is working. Given the success of the program with lawyers and law firms, the law society’s next step is to change the Legal Profession Act to allow designated paralegals to practice law in limited areas of law and in a limited scope, patterned after the Washington State model (see the following section).

### **Explanation of BC Model**

The BC Model restricts a lawyer to the supervision of just two designated paralegals. It does not require a certain level of education or experience but requires a lawyer to implement “Best Practices for Supervising Paralegals” and “Best Practices for Training Paralegals.” Best practices for supervising designated paralegals, set forth in Appendix E of the BC Code of Professional Conduct, include the following:

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<https://www.thestar.com/news/gta/2017/03/06/judges-report-urges-ontario-to-let-paralegals-appear-in-family-court.html>.

**1.** Supervision is a flexible concept that is assessed on a case-by-case basis with consideration of the relevant factors, which, depending on the circumstances, include the following:

- (a) Has the paralegal demonstrated a high degree of competence when assisting the lawyer with similar subject matter?
- (b) Does the paralegal have relevant work experience and or education relating to the matter being delegated?
- (c) How complex is the matter being delegated?
- (d) What is the risk of harm to the client with respect to the matter being delegated?

**2.** A lawyer must actively mentor and monitor the paralegal. A lawyer should consider the following:

- (a) Train the paralegal as if he or she were training an articulated student. A lawyer must be satisfied the paralegal is competent to engage in the work assigned;
- (b) Ensuring the paralegal understands the importance of confidentiality and privilege and the professional duties of lawyers. Consider having the paralegal sign an oath to discharge his or her duties in a professional and ethical manner;
- (c) Gradually increasing the paralegal's responsibilities;
- (d) A lawyer should engage in file triage and debriefing to ensure that matters delegated are appropriate for the paralegal and to monitor competence. This may include:
  - (i) testing the paralegal's ability to identify relevant issues, risks and opportunities for the client;
  - (ii) engaging in periodic file review. File review should be a frequent practice until such time as the paralegal has demonstrated continued competence, and should remain a regular practice thereafter;
  - (iii) ensuring the paralegal follows best practices regarding client communication and file management.

**3.** Create a feedback mechanism for clients and encourage the client to keep the lawyer informed of the strengths and weaknesses of the paralegal's work. If the client has any concerns, the client should alert the lawyer promptly.

**4.** If a lawyer has any concerns that the paralegal has made a mistake, the lawyer must take carriage of the file and deal with the mistake.

**5.** Discuss paralegal supervision with a Law Society practice advisor if you have any concerns.

Best practices for training designated paralegals include the following:

**1.** Develop a formal plan for supervision and discuss it with the paralegal. Set goals and progress milestones.

2. Review the guidelines for supervising articulated students and adopt concepts that are appropriate to the scope of responsibility being entrusted to the paralegal.
3. Facilitate continuing legal education for the paralegal.
4. Ensure the paralegal reviews the relevant sections of the Professional Legal Training Course materials and other professional development resources and review key concepts with the paralegal to assess their comprehension level.
5. Have their paralegals “junior” the lawyer on files and explain the thought process with respect to substantive and procedural matters as part of the paralegal’s training.
6. Keep an open door policy and encourage the paralegal to discuss any concerns or red flags with the lawyer before taking further steps.

### **Recommendations**

**A majority of the Task Force recommends adoption of a model based significantly upon the British Columbia Model where specifically trained or experienced paralegals are provided additional responsibilities, including some traditional legal responsibilities, to serve clients at a reduced cost.** The subcommittee recommended changing the “designated paralegal” name to “Legal Practitioner.” The model we propose would continue to require that an attorney supervise all activities performed by the Legal Practitioner, but the level of supervision would be tailored to the level of experience. We suggest the following framework:

#### Education Qualifications and/or Years of Experience

Because lawyers would remain responsible for all activities of the Legal Practitioner, Task Force members believe the Legal Practitioner must possess sufficient education and experience to meet the lawyer’s legal and ethical requirements.<sup>9</sup> Allowing experienced paralegals and legal assistants to assume the role of a Legal Practitioner would likely provide hundreds of individuals that could immediately begin service. However, to protect the public and to ensure this new legal position has credibility with the public and within the legal profession, the Task Force recommends at least a two-year college degree be required that would include a certain number of credits to be applied to a specific focus area in a paralegal-like training program. The Task Force found it particularly important that some amount of educational training should be required in the particular area of law that the designated paralegal proposes to practice within.<sup>10</sup> The Legal Practitioner designation would apply to specific areas of law.

#### Number of Designated Paralegals a Lawyer May Supervise & Malpractice Insurance

The BC Model limits attorneys to two designated paralegals for each lawyer. The Task Force believes this may be too restrictive and recommends increasing that number to three. In addition,

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<sup>9</sup> Certain individuals who have many years of experience as a legal assistant or paralegal, who many not otherwise meet the educational qualifications, could also apply for the designation.

<sup>10</sup> No new programming is deemed necessary as there are many options for obtaining paralegal/legal assistant training in Minnesota. Programs have been certified by the American Bar Association and/or the American Association for Paralegal Education.

the Task Force recommends that only currently licensed lawyers with malpractice insurance should be able to employ, engage or otherwise use Legal Practitioners within their law practice.<sup>11</sup>

### Areas of Practice & Court Approval

The Task Force recommends that court approval be obtained before any Legal Practitioner may appear in court in a legal proceeding. In addition, the Task Force discussed the following areas of law that may present opportunities for including Legal Practitioners within their practice. (These could be the subject of a limited time pilot if desired by the court.):

- Administrative Hearings (Unemployment Compensation, Medical Assistance and perhaps others)
  - Surveys from earlier subcommittees identified unemployment compensation issues as a frequent issue and one that may be ripe for a non-lawyer to assist.
- Landlord/Tenant Issues – Housing Court
  - Housing Court matters routinely entered Task Force meetings as an area that may properly be managed by a non-lawyer. This proposal would keep a lawyer in the mix but allow for much more front-end form driven issues to be advanced by a Legal Practitioner.
  - Non-lawyers are already permitted in Housing Court so this is not a big change.
- Debtor/Creditor Law – Civil Court
  - Individuals in low income groups are likely to have debt collection issues. This issue was identified often in the earlier subcommittee questionnaire results as an area of law often in need of legal assistance.
- Family Law – Civil Court
  - Surveys from the earlier subcommittees identified family law as an area of highest unmet needs of those unable to afford legal services.
  - Attorneys who practice family law indicate that it is too complicated to turn over decision making to a non-lawyer but such concerns may be alleviated in this particular model by requiring that a lawyer remain involved and ethically and legally responsible for all results.

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<sup>11</sup> Some members were concerned that the BC Model would not significantly increase legal services to the poor. Some legal services programs already use legal assistants to provide services under attorney supervision. Given the below-market compensation for legal services attorneys, some members thought there would not be much incentive for programs to hire legal assistants for a little less than attorneys who could be used more broadly. In addition, some members also were concerned that, without restrictions on the income levels of clients served by legal assistants, law firms with high volume practices might hire more legal assistants at the expense of new attorneys. Examples could include plaintiffs in housing court matters and debt collection actions.

- Immigration Law
  - Non-lawyers are already permitted to appear in certain immigration matters so this is not a big change.
  - Certain routine tasks can be delegated from a supervising attorney to a Legal Practitioner, opening the doors for lawyers to serve more clients.
- Estate Planning and Corporate Work
  - Routine estate planning is already very form driven. This is an area where a seasoned Legal Practitioner could provide valuable legal services.

### Scope of Legal Practice

The Task Force recommends that the scope of legal practice for a Legal Practitioner should, at a minimum, include the ability to provide legal advice to clients, meet with them independently, assist with legal forms and legal documents and otherwise manage an entire file/case. In addition to those responsibilities, with court permission, a Legal Practitioner may represent clients in court. Such a scope of practice would likely require a change to the UPL statute and approval by the Minnesota Supreme Court.

### **Limited License Legal Technicians (LLLT) (Washington Model)**

In 2012, the Washington Supreme Court created a new category of licensed practitioners to meet what it believed to be continuing concerns about access to legal services for low and modest income people. Since the program was created, a number of states have studied the Washington experience in an effort to determine whether their courts should institute such a program.<sup>12</sup> The Task Force reviewed these reports, as well as feedback from the various statewide listening sessions, as part of its work.

### **Washington Model Details**

The Washington LLT was discussed in extensive detail by members of the MSBA's Task Force on the Future of the Legal Profession. *See* Appendix F to the Report and Recommendations of the

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<sup>12</sup> California Bar Civil Justice Strategies Task Force Report & Recommendations, <http://board.calbar.ca.gov/docs/agendaItem/Public/agendaitem1000013003.pdf>; Colorado Subcommittee Formed By State Supreme Court, <http://www.coloradosupremecourt.us/Newsletters/Spring2015/Colorado%20studying%20new%20limited%20legal%20license.htm>; Florida State Bar's Vision 2016 Commission, <http://www.floridabar.org/vision2016>; Report and Recommendation of Vision 2016 Access to Justice Subcommittee, [http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/BBF30D5952EF9F8D85257E890068B197/\\$FILE/Vision%202016%20Access%20to%20Legal%20Services%20Report%20and%20Rec.pdf?OpenElement](http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/BBF30D5952EF9F8D85257E890068B197/$FILE/Vision%202016%20Access%20to%20Legal%20Services%20Report%20and%20Rec.pdf?OpenElement); Illinois Task Force, <http://www.isba.org/ibj/2015/09/abcsllts>; Final Report of OSBA Legal Technicians Task Force (January 2015), [http://bog11.homestead.com/LegalTechTF/Jan2015/Report\\_22Jan2015.pdf](http://bog11.homestead.com/LegalTechTF/Jan2015/Report_22Jan2015.pdf); Utah Report & Recommendations of Supreme Court Task Force to Examine Limited Legal Licensing (November 2015), [http://www.utcourts.gov/committees/limited\\_legal/Supreme%20Court%20Task%20Force%20to%20Examine%20Limited%20Legal%20Licensing.pdf](http://www.utcourts.gov/committees/limited_legal/Supreme%20Court%20Task%20Force%20to%20Examine%20Limited%20Legal%20Licensing.pdf).

MSBA’s Task Force on the Future of the Legal Profession. The relevant portions of that document are excerpted below:

In June 2012, the Supreme Court of Washington issued an order for a new Admission to Practice Rule (APR) 28 entitled “Limited Practice Rule for Limited License Legal Technicians.” The Court’s twelve page order states, “Our adversarial civil legal system is complex. It is unaffordable not only to low income people but...moderate income people as well.”<sup>13</sup>

In setting forth the rationale for its groundbreaking order, the Washington Supreme Court detailed how that state court system had attempted to fashion a number of strategies that are not dissimilar to Minnesota’s system: courthouse facilitators, court self-help centers, neighborhood legal clinics, pro bono programs and a statewide legal aid self-help center.<sup>14</sup> The Court noted, however, these resources have limitations, including that “many litigants require additional one-on-one help to understand their specific legal rights and prerogatives and make decisions that are best for them under the circumstances.”<sup>15</sup>

The Court recognized that many self-represented litigants are “at a substantial legal disadvantage and, for increasing numbers, force(d) to seek help from unregulated, untrained, unsupervised ‘practitioners.’ We have a duty to ensure that the public can access affordable legal and law related services, and that they are not left to fall prey to the perils of the unregulated market place.”<sup>16</sup>

Importantly, the Court noted that establishing a new category of limited legal provider would not aid family law litigants with complex, contested matters. On the other hand, “the authorization for limited license legal technicians to engage in certain limited legal and law related activities holds promise to help reduce the level of unmet need for low and moderate income people who have relatively uncomplicated family related legal problems...”<sup>17</sup>

The Court also addressed concerns that creating a new class of licensed professionals would threaten the practicing family law bar, stating, “(I)t is important to push past the rhetoric and focus on what limited license legal technicians will be allowed to do, and what they cannot do under the rule.” In particular, the new class would be limited to simple family law matters where “few private attorneys make a living.”<sup>18</sup>

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<sup>13</sup> In re the Adoption of New APR 28—Limited Practice Rule for Limited License Legal Technicians, Wash. No. 25700-A-1005, 4 (Jun. 14, 2012), available at [http://www.wsba.org/~media/Files/Legal%20Community/Committees\\_Boards\\_Panels/LLLT%20Board/Legal%20Technician%20Rule.ashx](http://www.wsba.org/~media/Files/Legal%20Community/Committees_Boards_Panels/LLLT%20Board/Legal%20Technician%20Rule.ashx).

<sup>14</sup> *Id.* at 5.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at 5–6.

<sup>17</sup> *Id.* at 6.

<sup>18</sup> *Id.* at 6–7.



While admitting that adopting APR 28 “will not close the Justice Gap,” including that for moderate income persons, the Court reasoned the new rule was a “limited, narrowly tailored strategy designed to expand the provision of legal and law related services to (persons) in need of individualized legal assistance with non-complex legal problems.”<sup>19</sup>

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Subpart (A) of APR 28 states in part: “The purpose of this rule is to authorize certain persons to render limited legal assistance or advice in approved practice areas of law.”

The Rule establishes a Limited License Legal Technician Board comprised of lawyers and non-lawyers which will recommend practice areas and license requirements on a go-forward basis and which will oversee administration of a licensing examination. In particular, the Rule requires that applicants:

- Be 18 years or older.
- “Be of good moral character and demonstrate fitness to practice as a...(LLLT)”
- Have an associate level degree or higher.
- Have earned 45 credit hours in a core curriculum of paralegal studies with the curriculum also being developed in conjunction with an ABA-approved law school.
- Each applicant must take an oath similar to an attorney’s oath.

Licensing requirements for Rule 28 include that successful applicants must:

- Pass a written examination.
- Acquire 3,000 hours of “substantive law-related work experience supervised by a licensed lawyer.” These 3,000 hours can precede the licensure (in other words, it appears that an experienced paralegal can apply to be a LLLT and be licensed upon passing the written examination).
- Carry malpractice insurance.

Attend annual CLE courses.

Rule 28 is very specific in terms of the scope of practice in which a Limited License Legal Technician can engage. In particular, under the rule, a LLT can:

- Perform usual paralegal duties.

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<sup>19</sup> *Id.* at 11.

- “Perform legal research and draft letters and pleadings documents beyond (customary paralegal duties), if the work is reviewed and approved by a Washington lawyer.”
- “Advise a client as to other documents that may be necessary to the client’s case and explain how such documents or pleadings may affect the client’s case.”
- All LLLTs are required to enter into a written contract “prior to the performance of the services for a fee...”
- LLLTs cannot appear in court or at administrative proceedings or engage in mediations or other forms of alternative dispute resolution (including negotiating settlements or agreements) on behalf of a client.

Under the Rule, an LLLT’s practice is restricted to “Domestic Relations” which is defined narrowly and confined to child support modification; divorces; parenting plans and other less complicated family law matters. Rule 28 specifically prohibits LLLTs from advising on the division of real estate or retirement assets or on bankruptcy or anti-harassment orders.

Other notable features of Rule 28 include that LLLTs are to be “held to the standard of care of a Washington lawyer.” Additionally, the Rule mandates creating a LLLT IOLTA program “for the proper handling of funds coming into the possession of the Limited License Legal Technician.” Moreover, Washington state law relative to the attorney-client privilege and law of a lawyer’s fiduciary responsibility to the client “shall apply to the Limited License Legal Technician-client relationship to the same extent as (they) would apply to an attorney-client relationship.”

Representatives of the Washington State Bar Association and Washington Supreme Court LLLT board presented to the Task Force at its first meeting in February 2016. At that time, there were nine LLLTs who were practicing, four independently of a law practice. (Approximately 100-200 people are currently taking the educational prerequisites.) The total cost for completion of the educational components of the program was approximately \$15,000 and LLLTs were charging between \$60-90/hour for their services. The Washington State Bar is paying for the expenses of the licensing and oversight process for the first five years of the program with the goal for the program to be self-supporting by licensing and exam fees.

### **Recommendations**

**A majority of the Task Force recommends the MSBA refine a proposal to be submitted to the Minnesota Supreme Court for the creation of an LLLT-type practitioner to expand access to legal assistance, particularly to low and modest income clients across the state with a focus in rural areas.** Task Force members are aware of concerns about the LLLT model – the costs involved in setting up a separate regulatory structure, the expense (albeit less than for a JD) of satisfying the requirements for licensure, the potential for competition with lawyers (in particular, younger lawyers and lawyers in some rural communities) and the belief that clients who work with LLLT-type practitioners will receive second-class service. All of these concerns,

however significant, must be balanced against the reality that significant segments of the community lack access to any legal assistance, particularly in poor and rural communities.<sup>20</sup> Moreover, by providing a pathway for licensure, an LLLT-type program can begin to mitigate the appeal of non-regulated providers who engage in the unauthorized practice of law.<sup>21</sup>

The Task Force suggests the following parameters for an LLLT-type program:

#### Education/Experience Requirements

The Task Force suggests a minimum associate level degree with a paralegal certificate and a minimum of 2 years' paralegal experience. Paralegals lacking an associate degree could substitute a certain number of years of service. Education cost is a critical factor in creating the new class of legal professional; if it is too expensive, the program will falter and the population we seek to serve will continue to be without legal assistance. Additionally, given that many paralegals have specialized knowledge in a given legal field (and often know as much, if not more, than their supervising attorney), the associate degree requirement could be waived or relaxed.

#### Suggested Testing and Licensing Requirements

The Task Force suggests that all candidates should be required to pass a character/fitness test and background investigation. Additionally, they would sit for an examination covering the legal basics in the areas in which practitioners seek to practice (see below). Following exam passage, practitioners would take an oath similar to an attorney's oath and complete continuing legal education classes in the subject area of practice, including an ethics component. For practitioners who open independent offices (see below), they would be required to carry malpractice insurance and comply with IOLTA rules.<sup>22</sup>

Since these practitioners will be considered legal professionals, they should be subject to various professionalism requirements. Additionally, these requirements will act to assure competency and reassure the public that they can confidently rely on the work of this new class of practitioners.<sup>23</sup>

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<sup>20</sup> This model would also allow social service agencies to provide legal services to some of their clients on-site without having to refer them to already overburdened legal services and volunteer attorney programs.

<sup>21</sup> The Committee notes that there are reports of current illegal advocate practices representing landlords in eviction cases and parties in family law matters. The Committee hopes that by regulating stand-alone practice, illegal practitioners might be prosecuted or sanctioned.

<sup>22</sup> It bears noting that current Minnesota rules do not require licensed attorneys to carry malpractice insurance, although they must disclose whether or not they do as part of the annual attorney registration process.

<sup>23</sup> Some members believed that the administrative costs of the Washington LLLT system weighed against supporting the recommendation. In the first two years since the Washington program has been operational, nineteen LLLT licenses have been issued. It is unknown how many years it would take for the LLLT system to be self-supported through license fees in the same way that the attorney license system is funded. That means that the resources necessary to create a new regulatory structure for LLLTs would have to come from somewhere else. In Washington, the resources to fund LLLT administration have come from their attorney licensing body itself. Some ALM task force members felt that in Minnesota any increase in access to justice spending would be better directed to civil legal aid rather than to the creation of an LLLT infrastructure and to ongoing regulation.

### Independent Practitioners

Practitioners may be able to practice independent of attorney supervision and operate “stand alone” businesses/practices. In certain cases, usually based upon practice areas, some form of attorney oversight might be helpful. Nevertheless, to enable practitioners to serve marginalized or more remote geographic communities, the Task Force determined that allowing these practitioners to work independently would best serve the goal of providing access to justice to the targeted population. Questions about competency or experience levels (a primary reason for “tethering” to attorneys) could be dealt with through the education/credentialing/examination process and requirements.<sup>24</sup>

### Legal Advice and Practice Areas

Practitioners would be able to give legal advice in specific areas of law where the unmet legal needs is most prevalent, such as estate planning, family law, corporate representation, conciliation court matters, unemployment insurance, domestic abuse issues, landlord-tenant, social security benefits and immigration. As with Washington State, there should be an effort to approve the program with one or two legal areas before expanding to additional areas of practice. This would allow the effectiveness of the program to be assessed before program expansion.<sup>25</sup>

### Court Appearance

Practitioners could be permitted to appear in court on a limited basis relative to clearly defined legal matters or controversies with court approval and only for clients who meet certain income thresholds similar to Legal Aid eligibility.

## **CONCLUSION**

The Bench and Bar continue to struggle with the need to provide legal services to low and moderate income residents of Minnesota. History has demonstrated those needs will not dissipate over time and with the increasing economic challenges facing lawyers, it seems unlikely that lawyers alone can meet this need. The Bar should suggest changes the Court and Legislature to meet this need.

The two alternatives suggested in this report – LLLTs and Legal Practitioners – offer two approaches toward meeting that need. Each has its strengths and challenges. But, the failure to act ensures that people of low and moderate income continue to confront a challenging and often difficult legal system that is necessary to resolve the legal issues and disputes in their lives. While some additional work is necessary to flesh out details, draft statutory and rule changes, each of

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<sup>24</sup> Stand-alone advocate practices have existed in the past in Minnesota. The City of Minneapolis had such a practice, with the Minneapolis Housing Service. At first, several housing advocates were supervised by an on-site attorney. Later, on-site supervision ended, and the City contracted with a legal services program to provide training to the advocates and take calls from them for advice. The service could have been improved by the education and certification requirements of the Washington Model.

<sup>25</sup> If the practice areas were limited in scope to underserved areas, LLLTs would not compete with attorneys, new or old. Some members commented that an additional protection against competition with attorneys would be to put limitations on the income levels of clients served by practitioners.

these proposals presents an opportunity for Minnesota lawyers to take a significant step towards fulfilling one of their core missions – “achieving effective and equal justice for all.”

Appendix A

**MSBA Alternative Legal Models Task Force Roster**

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**MSBA Staff:**

Steve Marchese

Nancy Mischel

## Appendix B

### Selected Resources

#### Reports and Studies

ABA Future of the Legal Profession Task Force (and related resources)

[http://www.americanbar.org/groups/bar\\_services/resources/resourcepages/future.html](http://www.americanbar.org/groups/bar_services/resources/resourcepages/future.html)

Supporting Justice III: A Report on the Pro Bono Work of American Lawyers (2013)

[http://www.americanbar.org/content/dam/aba/administrative/probono\\_public\\_service/ls\\_pb\\_Supporting\\_Justice\\_III\\_final.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/probono_public_service/ls_pb_Supporting_Justice_III_final.authcheckdam.pdf)

MSBA Civil Gideon Task Force Report (2011)

<http://www.mnbar.org/docs/default-source/default-document-library/access-to-justice-assessing-implementation-of-civil-gideon-in-minnesota.pdf?sfvrsn=0>

Minnesota Client Access and Barriers Study (2011)

[http://www.mncourts.gov/Documents/0/Public/administration/Final\\_MN-CABS\\_Study\\_September\\_2011.pdf](http://www.mncourts.gov/Documents/0/Public/administration/Final_MN-CABS_Study_September_2011.pdf)

The Importance of Representation in Eviction Cases and Homelessness Prevention (Boston Bar Association, 2012)

<http://www.bostonbar.org/docs/default-document-library/bba-crtc-final-3-1-12.pdf>

#### British Columbia Designated Paralegal Materials

Designated Paralegal Survey (2016)

<https://www.lawsociety.bc.ca/Website/media/Shared/docs/practice/resources/DesignatedParalegalSurvey.pdf>

Report of the Legal Services Regulatory Framework Task Force, The Law Society of British Columbia (December 2014)

<https://www.lawsociety.bc.ca/Website/media/Shared/docs/publications/reports/LegalServicesRegulatoryFrameworkTF.pdf>

Final Report of the Legal Service Providers Task Force, The Law Society of British Columbia (December 2013)

[https://www.lawsociety.bc.ca/Website/media/Shared/docs/publications/reports/LegalServicesProvidersTF\\_final\\_2013.pdf](https://www.lawsociety.bc.ca/Website/media/Shared/docs/publications/reports/LegalServicesProvidersTF_final_2013.pdf)

Report of the Specialized Legal Assistants Study Committee (February 1994)

<http://www.mncourts.gov/mncourtsgov/media/AdministrativeFileArchive/Spec%20Legal%20Assistants%20Study%20Cmte%20C2-92-667/1994-03-08-Spec-Legal-Assist-Cmte-Rpt.pdf>



Report to Benchers on Delegation and Qualifications of Paralegals (April 2006)  
[https://www.lawsociety.bc.ca/Website/media/Shared/docs/publications/reports/Paralegal-delegation\\_06-04.pdf](https://www.lawsociety.bc.ca/Website/media/Shared/docs/publications/reports/Paralegal-delegation_06-04.pdf)

### Washington State LLLT Program Materials

Limited License Legal Technician Program: The History and the Future of the Program (February 2016)  
<http://www.mnbar.org/docs/default-source/policy/lllt-program-mn-task-force-february-2016-pdf.pdf?sfvrsn=0>

In re the Adoption of New APR 28—Limited Practice Rule for Limited License Legal Technicians, Wash. No. 25700-A-1005, 4 (June 2012)  
[http://www.wsba.org/~media/Files/Legal%20Community/Committees\\_Boards\\_Panels/LLLT%20Board/Legal%20Technician%20Rule.ashx](http://www.wsba.org/~media/Files/Legal%20Community/Committees_Boards_Panels/LLLT%20Board/Legal%20Technician%20Rule.ashx).

### Task Force Reports from Other States Reviewing Washington State LLLT Program

#### California

California Bar Civil Justice Strategies Task Force Report & Recommendations  
<http://board.calbar.ca.gov/docs/agendaItem/Public/agendaitem1000013003.pdf>

#### Colorado

Subcommittee formed by state supreme court  
<http://www.coloradosupremecourt.us/Newsletters/Spring2015/Colorado%20studying%20new%20limited%20legal%20license.htm>

#### Florida

State Bar's Vision 2016 commission  
<http://www.floridabar.org/vision2016>

Report and recommendation of Vision 2016 Access to Justice Subcommittee –  
[http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/BBF30D5952EF9F8D85257E890068B197/\\$FILE/Vision%202016%20Access%20to%20Legal%20Services%20Report%20and%20Rec.pdf?OpenElement](http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/BBF30D5952EF9F8D85257E890068B197/$FILE/Vision%202016%20Access%20to%20Legal%20Services%20Report%20and%20Rec.pdf?OpenElement)

#### Illinois

Task force appointed  
<http://www.isba.org/ibj/2015/09/abcslllts>

## Oregon

Final report of OSBA Legal Technicians Task Force (January 2015)

[http://bog11.homestead.com/LegalTechTF/Jan2015/Report\\_22Jan2015.pdf](http://bog11.homestead.com/LegalTechTF/Jan2015/Report_22Jan2015.pdf)

## Utah

Report & Recommendations of Supreme Court Task Force to Examine Limited Legal Licensing (November 2015)

[http://www.utcourts.gov/committees/limited\\_legal/Supreme%20Court%20Task%20Force%20to%20Examine%20Limited%20Legal%20Licensing.pdf](http://www.utcourts.gov/committees/limited_legal/Supreme%20Court%20Task%20Force%20to%20Examine%20Limited%20Legal%20Licensing.pdf)

## Administrative/Regulatory State Initiatives

### Arizona

Legal Document Preparers (licensed by Arizona Supreme Court)

<https://www.azcourts.gov/cld/Legal-Document-Preparers>

### California

Legal Document Assistants (created by statute – formerly independent paralegals)

<http://calda.org/>

### New York

Court Navigator program established in NYC Housing Court in the Bronx and Brooklyn

<http://www.nycourts.gov/COURTS/nyc/housing/rap.shtml>

## Appendix C

### **Handout for Fall 2016 Listening Sessions**

The Alternative Legal Models Task Force is co-chaired by Susan Wiens of Minneapolis and Ken White of Mankato and consists of 22 members, appointed by the MSBA President.

**The Task Force's charge is to examine the advisability of supplementing traditional lawyer representation to increase access to justice for those who cannot afford a lawyer.** The task force has been reviewing a select number of potential models for increasing access through the use of non-lawyers, including enhanced use of paralegals and an alternative non-lawyer licensure model.

Since February of this year, the Task Force has reviewed an extensive amount of information from other jurisdictions, as well as recent report on the future of the legal profession from the ABA. The Task Force has identified the pros and cons of various options such as:

- Washington State Limited License Legal Technician program (LLLT) (the first of its kind in the US) which provides a process for non-lawyers to be licensed to provide limited legal advice in certain narrowly-defined legal areas (currently only family law). LLLTs must meet specific educational, training and testing requirements and are individually subject to the jurisdiction and oversight of the Washington state bar.
- Enhanced use of paralegals in the practice of law and delivery of legal services, as recently piloted in British Columbia. This model, in its most basic form, allows a lawyer to employ a skilled "designated paralegal" in his/her legal practice to provide, to the extent the lawyer deems proper, legal advice and representation of the client in court. The lawyer remains responsible for the activities of the designated paralegal in the same way Minnesota lawyers remain legally and ethically responsible for those that work for them and their law firms. There is no separate licensure for the paralegal beyond the supervising attorney.
- Regulated non-lawyer provider for limited tasks, as permitted by statute. This would include registered document preparers, as permitted in Arizona, California and Nevada, who may assist with the completion of forms without providing legal advice.

The Task Force co-chairs are presenting information about these options to solicit feedback from the legal profession in listening sessions throughout Minnesota. The Task Force plans a more detailed report on its work for the December 2016 Assembly meeting with the goal of presenting any formal recommendations at the April 2017 Assembly meeting

|                                 | <i>Limited Scope Legal Practitioner</i>  | <i>Designated Paralegal</i>   | <i>Regulated Provider</i>                                |
|---------------------------------|--|---|--|
| <i>Requirements?</i>            | Yes - AA degree, paralegal certificate, 2 years exp.   | Suggested – AA degree, paralegal certificate, experience  | Depending on statute                                     |
| <i>Licensure/Oversight?</i>     | Yes. State court license, character & fitness, examination, direct PR oversight                                | None. Oversight by attorney.  | Registration with SOS office or state bar                |
| <i>Practice Areas?</i>          | Limited areas w/demonstrated legal need (e.g., conciliation court, landlord/tenant, domestic violence, family) | Limited. Requires exception to unauthorized practice of law statute (e.g., admin hearings, landlord /tenant, family law, debtor/creditor) | Limited by statute (e.g., document preparation only)     |
| <i>Court Representation?</i>    | Yes, limited by areas of specific service  | Yes, by designation of supervising attorney   | No   |
| <i>Supervision by Attorney?</i> | Not required   | Yes, up to a maximum number of paralegals   | Yes, depending on statute                                |
| <i>Stand Alone?</i>             | Yes, may affiliate with law practice or operate independently.<br>Malpractice for stand alone.                 | No  | Maybe, depending on statute                              |
| <i>Jurisdictions?</i>           | Washington State (LLLT)  | British Columbia (designated paralegal), Ontario (licensed paralegal)   | Arizona, California, Nevada (licensed document preparer) |

COMPREHENSIVE PARALEGAL CERTIFICATION COMPARISON

**Minnesota Certified Paralegal (MnCP)**

*Issued by: Minnesota Paralegal Association*

|                         |  |
|-------------------------|--|
| <p>Eligibility</p>      | <ul style="list-style-type: none"> <li>• The applicant has obtained an associate's degree or its equivalent in paralegal studies from an ABA approved or institutionally accredited educational institution and has 4 years of substantive paralegal experience.</li> <li>• The applicant has obtained a baccalaureate degree in paralegal studies from an ABA approved or institutionally accredited educational institution and has 2 years of substantive paralegal experience.</li> <li>• The applicant has received a baccalaureate degree in any discipline from an accredited educational institution, has obtained a post-baccalaureate certificate in paralegal studies from an ABA approved or institutionally accredited educational institution, and has 2 years of substantive paralegal experience.</li> <li>• The applicant has received a baccalaureate degree in any discipline from an institutionally accredited educational institution, and has 4 years of substantive paralegal experience.</li> <li>• The applicant is a PACE Registered Paralegal.</li> <li>• The applicant is a CORE Registered Paralegal or a Certified Paralegal (through the National Association of Legal Assistants) and has 4 years of substantive paralegal experience.</li> <li>• The applicant has received a high school diploma or its equivalent, has a minimum of 10 years of substantive paralegal experience, and has completed a minimum of 10 CLE credits in the two years prior to application.</li> <li>• The applicant has graduated from an accredited law school and has not been disbarred or suspended from the practice of law by any jurisdiction and has a minimum of 2 year of substantive paralegal experience immediately preceding their application.</li> </ul> |
| <p>Exam</p>             | <p>No exam.</p>  |
| <p>CLE</p>              | <p>10 credit hours, including 1 ethics credit, every two years</p>   |
| <p>Fees</p>             | <p>Application: \$50 members / \$100 non-members<br/>                     Renewal: \$30 members / \$60 non-members</p>   |
| <p>More Information</p> | <p><a href="https://www.mnparalegals.org/regulation/Minnesota-Certified-Paralegal">https://www.mnparalegals.org/regulation/Minnesota-Certified-Paralegal</a></p>   |

## PACE® Registered Paralegal (RP®)

Issued by: *National Federation of Paralegal Associations*

|             |  |
|-------------|--|
| Eligibility | <ul style="list-style-type: none"><li>• A bachelor's degree in paralegal studies from an <a href="#">institutionally accredited</a> or <a href="#">ABA-approved school</a> and at least 2 years of substantive paralegal experience; OR</li><li>• A bachelor's degree in any course of study obtained from an <a href="#">institutionally accredited</a> school and three (3) years of substantive paralegal experience; OR</li><li>• An associate's degree in paralegal studies obtained from an <a href="#">institutionally accredited</a> school, and/or <a href="#">ABA approved paralegal education program</a>; and six (6) years substantive paralegal experience; OR</li><li>• An associate's degree in any course of study obtained from an <a href="#">institutionally accredited</a> school or <a href="#">ABA-approved program</a> and at least 7 years of substantive paralegal experience; OR</li><li>• An associate's degree in any course of study obtained from an <a href="#">institutionally accredited</a> school or <a href="#">ABA-approved program</a>, successful completion of the PCEE, and 2 consecutive renewals of the CRP credential; OR</li><li>• A member of the active duty, retired, former military, or the reserve component of any branch of the US Armed Forces, qualified in a military operation specialty with the rank of at least an E6 in a paralegal rate as a Staff Sergeant (Army and Marines), Petty Officer First Class (Navy), Technical Sergeant (Air Force), or higher as a supervisory paralegal within that branch of service and 12 hours of continuing legal education ("CLE"), including 1 CLE hour of ethics, within 2 years preceding the Application; OR</li><li>• Four (4) years substantive paralegal experience on or before December 31, 2000.</li></ul> |
| Test        | <p>Paralegal Advanced Competency Exam</p> <ul style="list-style-type: none"><li>• Execution of Client Legal Matters: legal technology, databases, e-filing, stock databases, stock certificates, closing checklists, ordering corporate documents, SEC filings, transaction closings, data rooms, conflict checks, docketing, trust accounting, organization of electronic files, engagement letters, data preservation, legal holds, minute books, scheduling, UCCs, closing funds transfers, background and criminal history checks, ABA and NFPA ethical guidelines.</li><li>• Development of Client Matters: interviewing clients, electronically stored information, disseminate information, case status reports, execution of documents, corporate consents, capitalization tables, data classification, real property records, exhibit organization, conflict checks, pleadings preparation, surveys, title searches, lien searches, jurisdiction determination, payoffs, lien releases, obtain court records, respond to document requests, transfer of files, subpoenas, witness preparation, ADR preparation, expert preparation, client financial records</li><li>• Factual Legal Research and Writing: locating witnesses, jury research, authorities, Fed. Rules of Civil Procedure, Fed. Rules of Evidence, review changes to charter documents, drafting of pleadings, correspondence, discovery, summarization of legal research, factual summaries, deposition summaries, declarations, judgments, attorneys fees, assignment of judgment,</li></ul>   |

|                  |   |
|------------------|---|
|                  | <p>corporate document drafting and management, UCCs, due diligence searches, security agreements, real estate documents, contract review, Uniform Probate Code, Uniform Trust Code</p> <ul style="list-style-type: none"> <li>• Office Administration: ethical rule application, technology, billables, hour tracking, case file management, document management, docketing and deadlines, workflows, confidentiality, trial technology, conflicts checks, workload prioritization, managing administrative assistances, vendor relations</li> <li>• Technology: litigation document management, time management, research, software</li> <li>• Ethics: conflict checks, ethical walls, confidentiality, attorney-client privilege, work product, document retention, confidentiality agreements, billing, technology, UPL</li> <li>• Substantive law: bankruptcy (chapters 7-9, 11, 12, and 13), family law (divorces, annulments, custody agreements, pre and post nuptial agreements, property division, spousal support/alimony), Contracts (offer, acceptance, consideration, elements, UCC), corporate (structures, partnerships, LLCs, DBAs, non-profits, tax), probate and estate planning (types and forms of wills and trusts, probate administration, probate versus non-probate, solvent versus insolvent administration, community property, rights of survivorship, income, estate tax issues)</li> </ul> |
| CLE              | 12 credit hours, including 1 ethics credit, every two years   |
| Fees             | <p>Application: \$325 members / \$350 non-members</p> <p>Renewal: \$50 members / \$75 non-members</p>   |
| More information | <a href="https://www.paralegals.org/14a/pages/index.cfm?pageid=3298">https://www.paralegals.org/14a/pages/index.cfm?pageid=3298</a>   |

### CORE™ Registered Paralegal (CRP®)

Issued by: *National Federation of Paralegal Associations*

|             |   |
|-------------|---|
| Eligibility | <ul style="list-style-type: none"> <li>• A bachelor’s degree in any subject, a paralegal certificate, no experience or continuing legal education (CLE); OR</li> <li>• A bachelor’s degree in paralegal studies, no experience or CLE; OR</li> <li>• A bachelor’s degree in any subject, no paralegal certificate, 6 months of experience and 1 hour of ethics taken in the year preceding the exam application date; OR</li> <li>• An associate’s degree in paralegal studies, no experience or CLE; OR</li> <li>• An associate’s degree in any subject, a paralegal certificate, no experience or CLE; OR</li> <li>• An associate’s degree in any subject, no paralegal certificate, 1 year of experience and 6 hours of CLE, including 1 hour of ethics taken in the year preceding the exam application date; OR</li> <li>• Active duty, retired or former military personnel qualified in a military operation specialty as a paralegal and 1.0 hour of Ethics CLE within the year preceding the exam application; OR</li> </ul> |
|-------------|---|

|             |  |
|-------------|--|
|             | <ul style="list-style-type: none"> <li>• Candidates who are within two months of graduating and registered for the PCC Exam by a Director of a paralegal studies program participating in the PCCE Assurance of Learning (AoL) Program at the Partner level; OR</li> <li>• A paralegal certificate from a program that meets or exceeds the requirements set forth in <a href="#">NFPA's Short Term Paralegal Program Position Statement</a>, 1 year of experience and 6 hours of CLE, including 1 hour of ethics taken in the year preceding the exam application date; OR</li> <li>• A high school diploma or GED, 5 years of experience and 12 hours of CLE, including 1 hour of ethics taken in the 2 years preceding the exam application date.</li> </ul>  |
| <p>Test</p> | <p><b>Paralegal CORE Competency Exam</b></p> <ul style="list-style-type: none"> <li>• Paralegal Profession (52%) <ul style="list-style-type: none"> <li>○ Ethics and Professional Practice: Advertising and solicitation, confidentiality, conflicts of interest, communication of paralegal role to clients and other legal professionals, fees and client funds, fiduciary responsibility, NFPA code of ethics, privilege, rules of professional conduct, unauthorized practice of law</li> <li>○ US Legal System: Terminology related to legal and court systems, administrative law, branches of government, case law, codes, constitutional law, court personnel, court rules, court systems, criminal versus civil law</li> <li>○ Legal research: primary sources (mandatory and persuasive), secondary sources, case law, statutory law, computer-assisted legal research (Lexis, Westlaw, free), US and State reporters, state codified laws and rules, digests, legislative records, administrative publications, law review and legal research</li> <li>○ Legal writing and critical analysis: written communication basics (grammar, punctuation, spelling, formatting, citations), critical analysis basics (audience, issues, rules, legal authorities, IRAC, application to fact patterns), legal writing products (types of pleadings, persuasive writing, discovery, memoranda, case briefing, settlements, forms, client communication, appellate briefing)</li> <li>○ Communication: effective communication techniques, electronic communications, interviewing and evaluating responses, written correspondence</li> <li>○ Law office management and legal technology: case management systems, conflict checks, database management, docketing, calendar control, e-discovery, litigation support, fee arrangements, timekeeping and billing</li> <li>○ Civil Litigation: terminology, filing, parties, discovery, document production and control, process service, third party actions, entering and enforcing judgments, appellate process and procedure, trial practice, Federal Rules of Civil Procedure, Federal Rules of Evidence</li> </ul> </li> <li>• Substantive Areas of Law (48%) <ul style="list-style-type: none"> <li>○ Business organizations; terminology, types of entities, formation and dissolution, registering a foreign entity, governance</li> <li>○ Contracts: terminology, elements, defenses, discharge of obligations, remedies, UCC</li> <li>○ Criminal: terminology, classifications, defenses, constitutional rights, elements, evidence, procedure, sources of law, appeals, trial practice</li> <li>○ Estates, wills, and trusts: terminology, guardianship, incapacity, intestate succession, living wills/healthcare proxies/POAs, probate, trusts, wills</li> </ul> </li> </ul> |



|                                  |  |
|----------------------------------|--|
|                                  | <ul style="list-style-type: none"> <li>o Family: terminology, adoption, spousal support, custody and visitation, child support, asset division, dissolution, prenuptial and postnuptial agreements, paternity, ADR</li> <li>o Real estate: terminology, closing, deeds, easements and covenants, mortgages, promissory notes, foreclosure, landlord-tenant, liens, ownership types, regulations, zoning, rental and leases, surveys, title searches, types of transfers</li> <li>o Torts: terminology, negligence, types of torts, defenses, effects of insurance, remedies, damages, injunctions</li> </ul> |
| Character & Fitness Requirements | <p>Applicants may be disqualified for:</p> <ol style="list-style-type: none"> <li>1. Conviction of a felony or comparable crime as defined by an individual state that does not have a felony designation; or</li> <li>2. Currently under suspension, termination, or revocation of a certificate, registration, or license to practice by a professional organization, court, disciplinary board or agency in any jurisdiction.</li> </ol>  |
| CLE                              | 8 credit hours, including 1 ethics credit, every two years   |
| Fees                             | <p>Application: \$215 members / \$250 non-members</p> <p>Renewal: \$35 members / \$50 non-members</p>  |
| More information                 | <a href="https://www.paralegals.org/i4a/pages/index.cfm?pageid=3297">https://www.paralegals.org/i4a/pages/index.cfm?pageid=3297</a>  |

### Certified Paralegal (CP®)

Issued by: *National Association of Legal Assistants*

|             |   |
|-------------|---|
| Eligibility | <ul style="list-style-type: none"> <li>• Graduation from or completion of a <b>paralegal program</b>, or currently in the last semester or quarter of the program, that meets one of the criteria listed in sections (a) through (e) below. <ul style="list-style-type: none"> <li>(a) approved by the American Bar Association; or</li> <li>(b) an associate degree program; or</li> <li>(c) a post-baccalaureate certificate program in paralegal studies; or</li> </ul> </li> <li>(In addition to the official school transcript, candidate must submit an original course catalog or an original letter from the school registrar or program director attesting that the program is a post-baccalaureate certificate program requiring a bachelor's degree as a prerequisite.)</li> <li>(d) a bachelor's degree program in paralegal studies; or</li> <li>(e) a paralegal program which consists of a minimum of 60 semester hours (or equivalent quarter hours) of which at least 15 semester hours (or equivalent quarter hours) are substantive legal courses.</li> </ul> <p>(Candidates applying under Category 1(e) may combine college hours from more than one institution. The candidate must have graduated from a paralegal program consisting of a minimum of 15 semester hours (or 22.5 clock hours or 22.5 quarter hours.) Evidence of the minimum hours required under Category 1(e) must be provided with the application form.)</p> |
|-------------|---|

|                       |   |
|-----------------------|---|
|                       | <ul style="list-style-type: none"> <li>• <b>A bachelor's degree in any field</b> plus one year of experience as a paralegal or successful completion of at least 15 semester hours (or equivalent quarter hours) of substantive paralegal courses. (Those applying under the provision allowing for additional course work in lieu of the one-year work experience must submit an official school transcript showing completed course work.)</li> <li>• <b>A high school diploma or equivalent</b> plus seven (7) years' experience as a legal assistant/paralegal plus a minimum of twenty (20) hours of continuing legal education completed within a two-year period prior to application for the examination. (Evidence of continuing legal education credit is documented by the attorney/employer attestation that must be signed as part of the application form or by submitting certificate of completions of CLE taken.)</li> </ul>   |
| Exam                  | <ul style="list-style-type: none"> <li>• Knowledge Exam <ul style="list-style-type: none"> <li>o United States Legal System: sources of law, judicial system, remedies, administrative law</li> <li>o Civil litigation: jurisdiction, Federal Rules of Civil Procedure</li> <li>o Contracts: formation, rights, and duties; enforcement and defenses</li> <li>o Corporate/Commercial: business organizations, rights and responsibilities, transactions</li> <li>o Criminal law and procedure</li> <li>o Estate planning and probate: estates and trusts, wills</li> <li>o Real estate and property: property rights and ownership, transactions</li> <li>o Torts: intentional torts, negligence, strict liability</li> <li>o Professional and Ethical Responsibility: ABA Model Rules of Prof. Conduct, unauthorized practice of law</li> </ul> </li> <li>• Skills Exam <ul style="list-style-type: none"> <li>o Writing: grammar, spelling, and punctuation; clarity of expression</li> <li>o Critical thinking: reading and comprehension, analysis of information, decision making</li> </ul> </li> </ul> |
| Character and fitness | May not be incarcerated or on probation, parole, or other court imposed supervision for a felony offense  |
| CLE                   | 50 CLE hours, including 5 ethics, every five years  |
| Fees                  | Application: \$250 members / \$275 non-members<br>Renewal: unknown  |
| More Information      | <a href="https://www.nala.org/certification/certified-paralegal-cp-program">https://www.nala.org/certification/certified-paralegal-cp-program</a>   |

## Advanced Certified Paralegal (ACP®)

Issued by: *National Association of Legal Assistants*

|                       |   |
|-----------------------|---|
| Eligibility           | To hold the credential, the paralegal must first hold the CP® credential  |
| Specific Training     | 20 hour (average) course for ACP certification; may take course without CP® credential. Applicable courses: <ul style="list-style-type: none"><li>• Family Law - Adoption and Assisted Reproduction<ul style="list-style-type: none"><li>o Fee: \$250 members / \$300 non-members</li></ul></li><li>• Family Law – Child Custody, Support and Visitation<ul style="list-style-type: none"><li>o Fee: \$250 members / \$300 non-members</li></ul></li><li>• Family Law - Dissolution Case Management<ul style="list-style-type: none"><li>o Fee: \$250 members / \$300 non-members</li></ul></li><li>• Family Law - Division of Property and Spousal Support<ul style="list-style-type: none"><li>o Fee: \$250 members / \$300 non-members</li></ul></li></ul> If all four courses are completed, ACP in Family Law (generally) is award to Certified Paralegals |
| Character and fitness | N/A   |
| CLE                   | Maintain CP® credential   |
| Fees                  | Above   |
| More Information      | <a href="https://www.nala.org/certification/certified-paralegals/advanced-paralegal-certification">https://www.nala.org/certification/certified-paralegals/advanced-paralegal-certification</a>   |

## Accredited Legal Professionals (ALP®)

Issued by: *National Association of Legal Secretaries*

|             |  |
|-------------|--|
| Eligibility | <ul style="list-style-type: none"><li>• Completion of an accredited business/legal course,</li><li>• Completion of a NALS Legal Training Course, or</li><li>• One year of general office experience.</li></ul> |
| Exam        | <ul style="list-style-type: none"><li>• Communication</li><li>• Technology, office procedures, and billing</li></ul>   |

|                       |   |
|-----------------------|---|
|                       | <ul style="list-style-type: none"> <li>Ethics and judgment, legal history, the courts, and legal authority</li> </ul>   |
| Character and fitness | Revocation for: felony conviction, determination by appropriate authority of UPL, falsification of information on application form, violation of NALS Code of Ethics and Professional Responsibility. Individuals currently serving a prison term are ineligible to sit for the exam.                     |
| CLE                   | 50 hours in 5 years   |
| Fees                  | <ul style="list-style-type: none"> <li>Full-Time Student – \$75</li> <li>NALS member – \$100</li> <li>Nonmember –\$125</li> <li>Military – \$75</li> </ul> Proctoring Fee- \$45.00 (to provider)<br>\$50 renewal<br><a href="https://www.nals.org/page/2019ALPPG">https://www.nals.org/page/2019ALPPG</a> |
| More Information      |   |

### **Certified Legal Professionals (CLP®)**

*Issued by: National Association of Legal Secretaries*

|                       |   |
|-----------------------|---|
| Eligibility           | <ul style="list-style-type: none"> <li>Three years of experience in the legal field</li> </ul>  |
| Exam                  | <ul style="list-style-type: none"> <li>Communication</li> <li>The Law Firm: Office Procedures and Knowledge</li> <li>Legal Ethics and Authority</li> <li>Legal Procedure and Document Preparation</li> </ul>  |
| Character and fitness | Revocation for: felony conviction, determination by appropriate authority of UPL, falsification of information on application form, violation of NALS Code of Ethics and Professional Responsibility. Individuals currently serving a prison term are ineligible to sit for the exam. |
| CLE                   | 75 “points” every five years; earned through post-secondary education, CLE, authoring articles, = online education, earning other certifications, etc.  |
| Fees                  | <ul style="list-style-type: none"> <li>NALS member –\$175</li> </ul>  |

|                  |  |
|------------------|--|
|                  | <ul style="list-style-type: none"> <li>• Nonmember –\$225</li> <li>• Military—\$175</li> <li>• *Proctoring Fee- \$45.00 Paid directly to service provider</li> </ul> |
| More Information | <a href="https://www.nals.org/page/2019CLPPG">https://www.nals.org/page/2019CLPPG</a>  |

### Professional Paralegal (PP®)

Issued by: *National Association of Legal Secretaries*

|                       |   |
|-----------------------|---|
| Eligibility           | <ul style="list-style-type: none"> <li>• Have a minimum of five years of experience performing paralegal/legal assistant duties.</li> <li>• Hold a bachelor’s degree in paralegal studies.</li> <li>• Have graduated from an ABA-approved Paralegal Program.</li> <li>• Have graduated from another accredited paralegal program which consists of a minimum of 60 semester hours and/or 900 clock hours, of which a minimum of 15 semester hours and/or 225 clock hours were in substantive law.</li> <li>• Hold a bachelor’s degree in an unrelated field and have a minimum of one year of experience performing paralegal/legal assistant duties.</li> </ul>  |
| Exam                  | <ul style="list-style-type: none"> <li>• Advanced Communication: advanced grammar, diction, spelling, punctuation, number usage, capitalization, syntax, memos, letters, interoffice and intraoffice communications, proofreading, legal writing, and legal terminology</li> <li>• Advanced Legal Procedures and Technology: legal research, citations, computer information systems, electronic discovery, legal authority, civil procedure, interviewing, investigations</li> <li>• Advanced Legal Ethics: contact with clients, the public, coworkers and subordinates; other ethical considerations; decision-making and analytical ability; recognition of priorities</li> <li>• Advanced substantive law: all areas of law</li> </ul> |
| Character and fitness | Revocation for: felony conviction, determination by appropriate authority of UPL, falsification of information on application form, violation of NALS Code of Ethics and Professional Responsibility. Individuals currently serving a prison term are ineligible to sit for the exam.   |
| CLE                   | 75 “points” every five years; earned through post-secondary education, CLE, authoring articles, = online education, earning other certifications, etc.  |
| Fees                  | <ul style="list-style-type: none"> <li>• NALS member –\$225</li> <li>• Nonmember –\$275</li> <li>• Military—\$225</li> </ul>  |

|                  |  |
|------------------|--|
|                  | <ul style="list-style-type: none"> <li>Individuals with a current, valid PLS/CLP- \$175.00</li> </ul> <p>*Proctoring Fee- \$45.00 Paid directly to service provider</p> <p><a href="https://www.nals.org/page/2019PPPG">https://www.nals.org/page/2019PPPG</a></p> |
| More Information |  |

### American Alliance Certified Paralegal (AACP)

Issued by: *American Alliance of Paralegals*

|                       |   |
|-----------------------|---|
| Eligibility           | <ul style="list-style-type: none"> <li>Five years of experience; and <ul style="list-style-type: none"> <li>(a) A Bachelor or advanced Degree in any discipline from an accredited institution; or</li> <li>(b) An Associate Degree in paralegal studies from an ABA approved paralegal program or a program which is a voting institutional member of the American Association for Paralegal Education; or</li> <li>(c) A Certificate from an ABA approved paralegal program or a program which is a voting institutional member of the American Association for Paralegal Education.</li> </ul> </li> </ul> |
| Exam                  | No exam   |
| Character and fitness | Any AACP who violates any provision of the Code of Ethics, or who is currently incarcerated, or been convicted of a felony involving crimes of moral turpitude or engages in the unauthorized practice of law will have his/her American Alliance certification revoked.  |
| CLE                   | 18 CLE hours, including 3 ethics, every three years   |
| Fees                  | <ul style="list-style-type: none"> <li>Application: \$75</li> <li>Renewal: \$40</li> </ul>  |
| More Information      | <a href="https://aapipara.org/https_aapipara.starchapter.com_images_downloads_AACP_Certification_aacp_certification_program_08_2_2018_rev.pdf">https://aapipara.org/https_aapipara.starchapter.com_images_downloads_AACP_Certification_aacp_certification_program_08_2_2018_rev.pdf</a>   |

# Practicing Law and the Unauthorized Practice of Law

Susan M. Humiston

Director, Office of Lawyers Professional Responsibility

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651-297-2963

# Authority

- ▶ Ethics rules do not define the practice of law.
- ▶ Provide that “a lawyer” shall not practice law in a jurisdiction in violation of the regulation of the profession in that jurisdiction. Rule 5.5(a), Minnesota Rules of Professional Conduct.
- ▶ Two additional resources—Supreme Court case law and Minn. Stat. § 481.02



# Authority

- ▶ Case law —no comprehensive definition.
- ▶ In discussing UPL, the Court stated:
  - ▶ “The line drawn between the work of a law clerk and an attorney is a fine one. The composition and preparation of legal documents by one not authorized to practice law for approval and signature by an attorney does not ordinarily constitute the practice of law. As long as the legal assistant’s work is of a preparatory nature only, such as legal research and investigation, such that the work merges with the work of a supervising attorney, it is not considered the practice of law. Where, however, the non-lawyer acts in a representative capacity in protecting, enforcing, or defending the legal rights of another, and advises and consults that person in connection with those rights, the non-lawyer steps over that line.” *In re Jorissen*, 391 N.W.2d 822 (Minn. 1986) (interpreting the predecessor rule to Rule 5.5) (internal citations omitted).

# Authority

- ▶ Case law — no comprehensive definition.
- ▶ Examples from case law of UPL:
  - ▶ Meeting with client, reviewing documents and accepting retainer— *In re Day*, 710 N.W.2d 789 (Minn. 2006).
  - ▶ Negotiating settlement on behalf of a party — *In re Ray*, 452 N.W.2d 689 (Minn. 1990)
  - ▶ Appearing in court or contacting opposing counsel in a representational capacity — *In re Jorissen*

# Authority

Statute—Minn. Stat. § 481.02—Unauthorized Practice of Law

- ▶ Misdemeanor
- ▶ Authority to prosecute with county attorneys or AG's Office—Not Office of Lawyers Professional Responsibility
- ▶ Long statute but basically says—It is unlawful for a person who is not a member of the bar of Minnesota as a lawyer
  - ▶ “to appear as an attorney or counselor at law in any action or proceeding in any court in this state to maintain, conduct, or defend the same”
  - ▶ “to hold out as competent or qualified to give legal advice or counsel”
  - ▶ “to prepare legal documents”
  - ▶ “for a fee or any legal consideration, to give legal advice or counsel”

# Authority

Statute—Minn. Stat. § 481.02—Unauthorized Practice of Law

- ▶ “to prepare a will” or similar instrument of trust
- ▶ For a fee, prepare any legal document, with some exceptions noted.

# Authority

Rule 5.8, MRPC, Employment of Disbarred, Suspended, or Involuntarily Inactive Lawyers.

Cannot:

- (1) render legal consultation or advice to the client;
- (2) appear on behalf of the client in any hearing or proceeding or before any [legal proceeding] unless the rules of the tribunal permit nonlawyers to appear and the client has been informed of the disbarment, suspension or disability inactive status;
- (3) appear as a representative of the client at a deposition or other discovery matter;
- (4) negotiate or transact any matter for or on behalf of the client with third parties;
- (5) receive, disburse, or otherwise handle the client's funds; or
- (6) engage in activities that constitute the practice of law.

# Authority

Conversely, Can

- (1) preform legal work of a preparatory nature for the lawyer's review;
- (2) communicate directly with a client regarding such matters as scheduling, billing, updates, information gathering, and confirmation of receipt or sending of correspondence or messages;
- (3) accompany a lawyer to a deposition or other discovery matter for the limited purpose of providing clerical assistance.

# Supervision

Ethics rules impose supervision responsibilities over non-lawyers:

Rule 5.3, MRPC

(a) shall make reasonable efforts to ensure that that the firm has in effect measures giving reasonable assurance that the nonlawyer's conduct is compatible with the professional obligations of the lawyer;

# Supervision

## Rule 5.3, MRPC

(c) responsible for conduct of a nonlawyer for violation of the Rules of Professional Conduct:

(1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(2) the lawyer with managerial authority knows of the conduct at time when consequences can be avoided or mitigated and fails to take reasonable remedial action.

\*\*Not personally responsible for actions unless ratify, order or do not stop when can\*\*



# Supervision

Compare: Student Practice Rules, Rule 1.04

Supervising Attorney:

- (1) be a member of the bar of this court;
- (2) assume personal professional responsibility for and supervision of the student's work;
- (3) assist the student to the extent necessary;
- (4) sign all pleadings;
- (5) appear with the student in all trials;
- (6) appear with the student at all other proceedings unless the attorney deems his or her personal appearance unnecessary to assure proper supervision. This authorization shall be made in writing and shall be available to the judge or other official conducting the proceeding upon request.

**\*\*No authority to enforce\*\***

# Supervision

Potential issues to address:

- ▶ Actions considering are defined as a misdemeanor under state law (appearing in court; negotiating settlements; completing legal documents without lawyer signature)
- ▶ (But this is also true for some of student practice activities and permissible multijurisdictional practice in Minnesota by non-MN lawyers)
- ▶ No disciplinary authority over nonlawyers under ethics rules
- ▶ Limited supervisory hook
- ▶ How to limit to only authorized individuals (already broad misunderstandings)

# Closing

▲ Questions?

▲ Thank You!

## **Crow Wing County Eviction Court Project Proposal, 4.3.19**

### **Purpose.**

One of Legal Aid's primary goals is to ensure decent, safe, and stable housing. Evictions are therefore a priority legal issue, because they can lead to housing instability, homelessness, and barriers to finding future housing. Despite our current efforts to aid tenants in evictions, there are still tenants who do not contact our office and cannot afford private counsel. These litigants therefore represent themselves. This is bad for tenants, but also for landlords, courts, and the community.

Lawyers provide better outcomes for the tenants. But lawyers also help lighten the burden on the legal system. Lawyers mean cases are more likely to settle. If a case does not settle, litigation is likely to be more efficient. Judges have a more complete understanding of the relevant law and facts. Tenants have a better understanding of their responsibilities. Tenants who must move are more likely to move out on time, and they are more likely to find other housing. Higher likelihood of settlement, efficiency, and tenant understanding benefits tenants, landlords, and the court system.

There is also a ripple effect into the community at large. Housing stability means fewer familial disputes caused by the stress of eviction, lightening the load on social service providers and law enforcement. Employers have employees who can come to work because they have a housing plan. Schools have fewer absence and behavior problems because of housing crises.

The model we propose has been effective in other jurisdictions. While Crow Wing County is smaller than the Minneapolis program, many of the tools they use there are applicable here.

### **Methods.**

Our method to reach this goal is by improving access to legal services by being present at the courthouse when eviction hearings occur. We aim to provide legal information to all people, and we can represent and advise any tenant who qualifies for our services.

Legal Aid will provide staff at the courthouse for the 1:30pm eviction calendar on Wednesdays. Legal Aid will provide all technology and materials necessary to perform the task. We envision having a private conference room with a clinic sign posted, staffed by Legal Aid, near the courtroom. Generally we will have a paralegal staffing the room, and at least one lawyer present to advise and represent tenants. Tenants who are not already clients would privately complete an intake in the conference room to ensure that they qualify financially for our services. We

anticipate that most tenants will qualify, but if they do not, we will educate them about the process and provide them with *pro se* materials and resources.

We will have written materials available at the main table for all people, regardless of whether they are a tenant or a landlord.

For tenants who do qualify, where possible, we will represent them in the court process. Representation will include approaching landlords to attempt to seek a negotiated resolution, appearing in court with tenants, and, where necessary, trying eviction cases to a judgment. Legal Aid will have at the courthouse the technology necessary to contemporaneously efile any pleadings relating to representation. We anticipate this will be at least one laptop, a wireless device for internet access, and a scanning device. These latter two devices could be a cellular telephone.

Legal Aid will still continue to use our normal intake process for evictions (people can call or come to our office), which is still preferable because this helps us address problems before they get to court. Therefore, any publicity should encourage people to contact Legal Aid as soon as they know they have a legal problem.

Legal Aid will track relevant data.

#### **How Court Administration can help.**

1. Allow Legal Aid staff to bring wireless devices to aid in the administration of the program (e.g., allowing non-lawyer staff to bring a mobile phone into the courthouse).
2. Provide one designated conference room near the eviction courtroom for Legal Aid staff to meet privately with clients.
3. Allow Legal Aid to post a temporary sign regarding the program indicating the conference room we will be in.
4. Court staff at the main office and in the eviction courtroom (including the court staff person responsible for rounding up parties before hearings) will encourage unrepresented tenants to contact Legal Aid for assistance.
  - a. On days Legal Aid is at the courthouse, court staff will direct tenants to the Legal Aid table outside the courtroom.
  - b. On days Legal Aid is not at the courthouse, court staff will encourage tenants to call or go to Legal Aid right away.
5. Track data, especially for any cases in which Legal Aid is not involved.

## **Future.**

If the project goes well, we could consider expanding the program:

- We anticipate that a natural outgrowth of the project will be to improve relationships with local landlords so that we can seek proactive solutions to avoid litigation entirely.
- Invite other housing-related providers that might assist in resolving cases. For example, we could invite agencies like Lutheran Social Services, Bridges of Hope, and Crow Wing County financial services. This program could be a one-stop service “hub” for people in a crisis at the place they have to be anyway--the courthouse. This would also allow service agencies to quickly and effectively work together. More services to tenants will lead to housing stability, and is anticipated to lead to more settlements and reduce the burden on the court system.
- Expand the program to include other landlord-tenant issues heard at the same time as evictions, such as rent escrow actions.
- Expand the program to include Orders For Protection since they tend to be heard on Wednesday afternoons.

## **Resources.**

- Minnesota Bench and Bar article about the Minneapolis project:  
<https://www.mnbar.org/resources/publications/bench-bar/articles/2019/02/05/in-eviction-proceedings-lawyers---better-outcomes>
- Star Tribune article about the Minneapolis project:  
[https://www.insightnews.com/news/minneapolis-mayor-jacob-frey-legal-advocates-launch-housing-initiative/article\\_bdf60b7c-f3fe-11e8-8645-43902968a41b.html](https://www.insightnews.com/news/minneapolis-mayor-jacob-frey-legal-advocates-launch-housing-initiative/article_bdf60b7c-f3fe-11e8-8645-43902968a41b.html)
- Pew charitable trust article about tenant representation in evictions:  
<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/10/27/how-free-legal-help-can-prevent-evictions>
- Washington Post article about tenant representation in evictions:  
[://www.washingtonpost.com/opinions/we-have-a-right-to-counsel-in-criminal-cases-why-not-in-evictions/2018/11/06/bbdb8600-d879-11e8-83a2-d1c3da28d6b6\\_story.html?noredirect=on&utm\\_term=.fb451de3a7c6](://www.washingtonpost.com/opinions/we-have-a-right-to-counsel-in-criminal-cases-why-not-in-evictions/2018/11/06/bbdb8600-d879-11e8-83a2-d1c3da28d6b6_story.html?noredirect=on&utm_term=.fb451de3a7c6)



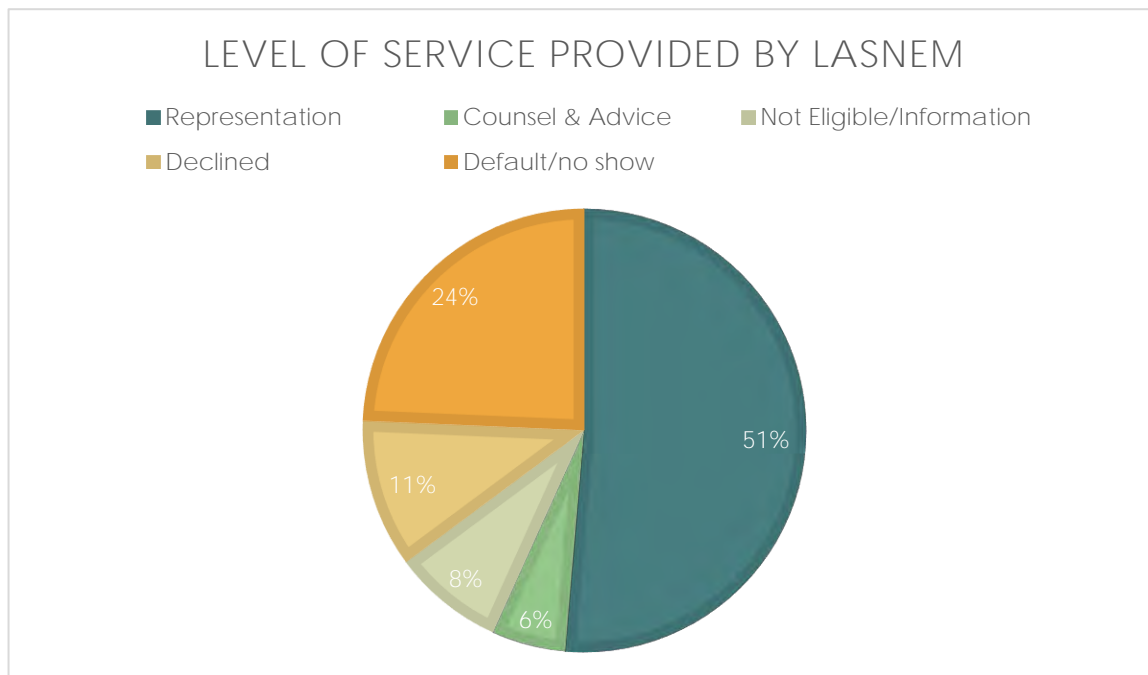
# CROW WING COUNTY EVICTION CLINIC

Legal Aid Service of Northeastern Minnesota (LASNEM) began the Crow Wing County Eviction Clinic project on April 10, 2019. The project has been ongoing for eight weeks currently, as of June 2, 2019.

The Crow Wing County District Court schedules eviction matters on Wednesday afternoons. There has been a total of 37 hearings scheduled in eight weeks, or an average of 4.625 per week.

30 of the cases have been the first admit/deny hearings or eviction trials and 7 have been motion hearings.

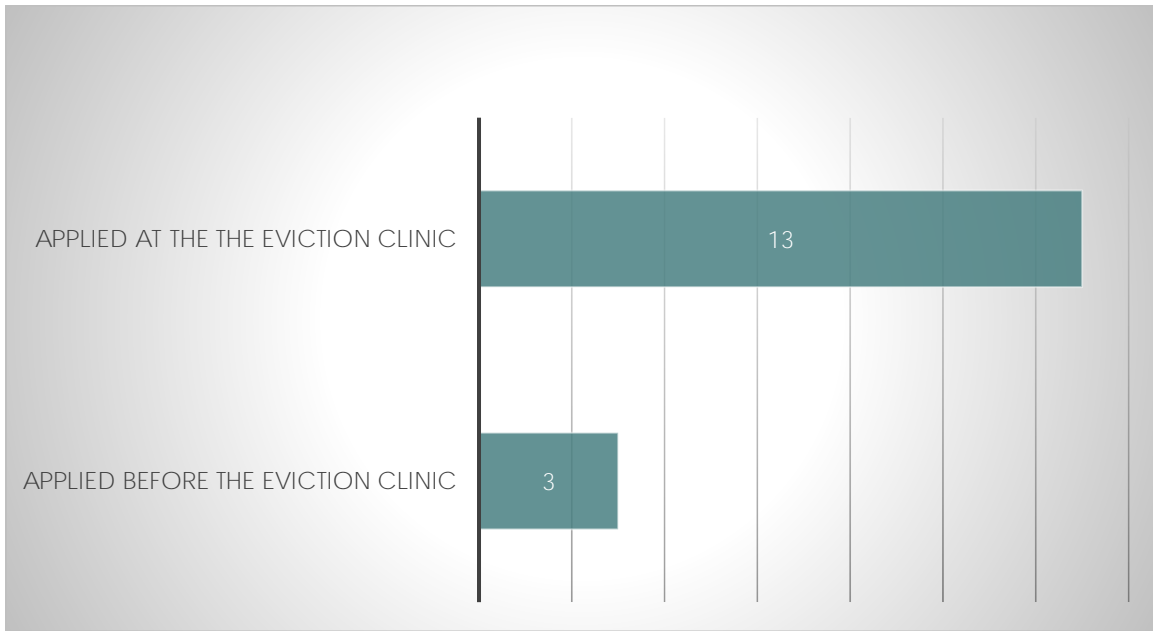
Legal Aid Service of Northeastern Minnesota has provided representation at 19 hearings to 14 defendants; 2 defendants received counsel and advice; 3 defendants were not eligible for services<sup>i</sup>; 4 defendants declined<sup>ii</sup>; 9 defendants did not make an appearance and the cases proceeded by default.



<sup>i</sup> Applicants who are not eligible receive information

<sup>ii</sup> Reasons for declining services included: settlement already agreed upon before court with landlord and/or private attorney already retained by defendant.

LASNEM has provided services to 16 clients through the Crow Wing County Eviction Clinic. Of the 16 clients served, only 3 had completed an application for services or contacted LASNEM prior to the court date and applying directly at the Eviction Clinic. 77% of clients applied for services at Court.

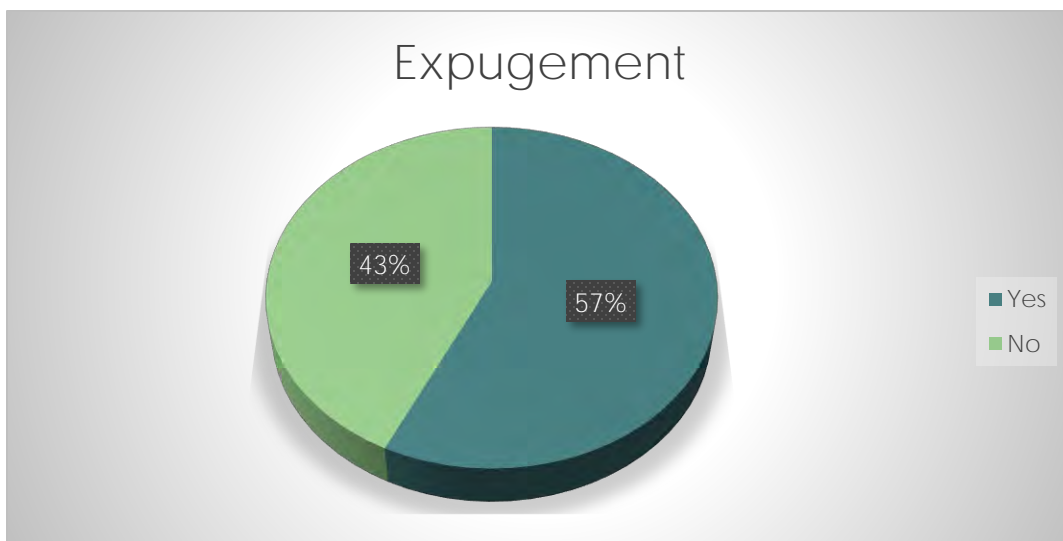


\*LASNEM has had one person apply for services through the Eviction clinic for a non-eviction housing matter.

LASNEM has provided representation to 14 clients at 19 hearings in the 8 weeks of the Crow Wing County Eviction Clinic.

7 of the 14 cases have been resolved. 7 cases remain open and are ongoing. 5 of the unresolved 7 cases began one week ago.

4 of the 7 resolved eviction cases have been expunged and removed from Court records.





# Justice for All Grant

Judge Sarah Hennessy and Bridget Gernander

January 18, 2018

## Background

Resolution 5 of the Conference of Chief Justices envisions state systems in which everyone has access to:

*effective assistance* for their

*essential civil legal needs* through a comprehensive approach that provides a *continuum of meaningful and appropriate services*.

# Background

- Minnesota was one of 7 states to receive Justice for All grants from the National Center for State Courts (NCSC) out of 25 that applied
- First year of the grant was to assess current systems and look for areas to improve access to justice in civil cases regardless of income; more information available at [www.ncsc.org/jfap](http://www.ncsc.org/jfap)
- Required the courts, civil legal aid and the private bar to work together and get input from non-traditional stakeholders

# Background

- Strategic planning work looked at areas of strength in our current civil justice system and areas where there could be the biggest impact for making changes
- After initial assessment, steering committee focused on:
  - Triage / Channeling Portal
  - Governance
  - Simplification
  - Unbundled / Limited Scope Services
  - Community Integration / Prevention

# Strategic Goals

1. Simplify family law court processes
2. Increase the number of attorneys providing unbundled representation
3. Create a “no wrong door” system
4. Integrate legal information, resources and referrals into community settings
5. Increase communication across existing governance structures

## Recommended Initiatives

- Convene a Triage Portal Advisory Committee
- Develop an Unbundled Services Roster through the MSBA
- Fund Remote Mediation through Community Dispute Resolution Programs
- Create SRL Judge Team
- Recommend simplified family law processes
- Create a Rural Housing Protection Toolkit
- Increase civil legal aid community outreach work in targeted areas in Greater Minnesota

## Recommended Initiatives – More Detail on Court Impact

Out of the seven initiatives recommended, the courts are most impacted by the following:

- SRL Judge Team
  - Modeled on the Domestic Violence judge training team
  - Would need to receive funding from implementation grant
- Family Law Simplification
  - Looking at coordination with Early Case Management work underway
  - Modeled on successful project in Alaska that includes remote services and remote trials conducted by SRL specializing judge
  - Would need rule changes for simplified dissolution trial where judge conducts questioning if both parties agree

## Next Steps

- Implementation Grant Application due January 31<sup>st</sup>
  - Limited to two pilot projects
  - Initiatives not included in implementation grant may be appropriate for FY20-21 Strategic Plan discussions
- Should know what is funded by the end of February



# Strategic Action Plan

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MINNESOTA JUSTICE FOR ALL PROJECT



**MINNESOTA  
JUDICIAL  
BRANCH**



Minnesota  
State Bar  
Association



December 2017

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## Executive Summary

Minnesota was one of seven states to receive a grant from the Public Welfare Foundation, administered by the National Center for State Courts (NCSC), to assess relevant available resources and to design a strategic action plan for achieving the Justice for All (JFA) vision of a system where everyone has access to effective assistance for their essential civil legal needs through a comprehensive approach that provides a continuum of meaningful and appropriate services.<sup>1</sup> This project required close coordination among the Minnesota Judicial Branch, civil legal aid and the private bar as the project leads, as well as input and review from over sixty stakeholder groups from across the state.<sup>2</sup>

The Justice for All Steering Committee led the assessment effort. Committee members examined the sixteen components detailed in the NCSC Guidance Materials for the project and the results of that assessment are detailed in this report. Working with community partners, the Steering Committee held outreach events and conducted focus groups to bring new perspectives to this work.

Based on the assessment and the input from community partners, there were five areas that the Steering Committee identified as high priorities for improving the Minnesota access to justice system. The five strategic goals identified in the plan are:

1. Simplify family law court processes to both (1) maximize efficiency and resources within the Minnesota Judicial Branch and (2) improve litigant usability, trust and confidence in the civil justice system.
2. Increase the number of attorneys providing discrete task (also referred to as “limited scope” or “unbundled”) representation to low- and middle-income people with civil legal needs through a robust and effective referral system.
3. Create a “no wrong door” system through which people with civil legal needs access legal information, self-help resources, and legal providers, through a user-centric approach that places the burden on the system to provide the best referral at the outset.
4. Integrate legal information, resources and referrals into community settings through co-located services, community collaboration and prevention efforts that build trust and decrease the number of civil court cases, with a specific focus on the prevention of housing evictions across Minnesota.
5. Increase communication across existing governance structures to implement the Justice for All projects and create a new governance committee specific to the triage portal work.

The strategic goals outlined above led to the following key initiatives to be implemented in 2018:

- Convene a Triage Portal Advisory Committee governance structure to coordinate the work already being done to redesign the civil legal aid online intake system with additional court self-help, ADR and private bar resources and ensure there are sufficient resources for the long-term success of this project.
- Create a Self-Represented Litigant (SRL) Judge Team to train judges and be a resource for the Minnesota Judicial Branch on best practices for working work with self-represented litigants

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<sup>1</sup> Conf. of Chief Justices & Conf. of St. Ct. Administrators, *Resolution 5: Reaffirming the Commitment to Meaningful Access to Justice for All* (2015), available at [www.ncsc.org/~media/microsites/files/access/5%20meaningful%20access%20to%20justice%20for%20all\\_final.ashx](http://www.ncsc.org/~media/microsites/files/access/5%20meaningful%20access%20to%20justice%20for%20all_final.ashx).

<sup>2</sup> See *infra* page 6.

- Recommend simplified family law processes in conjunction with Early Case Management work underway in State Court Administration and develop a pilot project.
- Develop an Unbundled Services Roster and integrate this within both the triage portal and the phone intake and referral networks statewide.
- Create a Rural Housing Prevention Toolkit to support community partnership work in rural Minnesota.
- Fund Community Dispute Resolution Programs to provide remote mediation services to expand statewide reach and better connect with community partners in underserved areas.
- Fund a part-time position focused on general community outreach work in targeted areas in Greater Minnesota.

## I. Introduction

### Project Overview & Goals

Minnesota applied for a Justice for All grant to develop a shared future vision across the civil justice system of access to effective assistance for essential civil legal needs through a comprehensive approach that provides a continuum of meaningful and appropriate services. The Justice for All Grant was established in response to Resolution 5. Unanimously passed in 2015 by the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA), Resolution 5<sup>3</sup> supports an aspirational goal of 100 % meaningful access to justice for all in the civil court system. Building on our strong stakeholder network in the civil justice arena, our Justice for All project leverages existing investments and integrates systems to provide coordinated civil legal services across the state.

Minnesota has a strong foundation on which to build our Justice for All work. The Minnesota Judicial Branch (MJB) has a stated access to justice goal, which it defines as working toward “[a] justice system that is open, affordable, understandable, and provides appropriate levels of service to all users.”<sup>4</sup> The Minnesota Legal Services Coalition (MLSC), the regional legal aid programs which together serve all 87 counties in Minnesota, work closely to enhance coordination and to prevent duplication of effort among legal services programs.<sup>5</sup> Minnesota also has strong volunteer attorney programs and issue- and population-specific legal services providers. The Minnesota State Bar Association (MSBA) has operated the Legal Assistance to the Disadvantaged (LAD) committee since 1981, which works to secure more stable funding sources for civil legal aid and develop policy proposals promoting access to justice.<sup>6</sup>

While these foundational strengths provided an excellent starting point for our work, Minnesota’s robust and decentralized services culture creates challenges. Multiple entry points for seeking legal assistance in a large state make it difficult for providers across the system to know all of what is being offered and how their service or program fits. The complexity of programs and services also makes it difficult for people to know how to access the system to reach the appropriate services for their needs. In designing the process for our planning, we saw a need to increase shared understanding among our many program stakeholders of the entire web of services across the system. In addition to identifying the gaps in services, we wanted our process to identify, expand or bring to scale some of the promising practices showing good results in various parts of the state. In addition, we wanted to move towards a more integrated system that would help people navigate this very complex system to find the services they need.

The vision held at the forefront of our strategic planning effort was to work towards a system where everyone has access to effective and equitable assistance for their essential civil legal needs through a comprehensive approach that provides a continuum of meaningful and appropriate services.

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<sup>3</sup> See *supra* note 1.

<sup>4</sup> The full Minnesota Judicial Branch strategic plan for Fiscal Year 2018-2019 can be accessed here: [www.mncourts.gov/mncourtsgov/media/scao\\_library/MJB-Strategic-Plan.pdf](http://www.mncourts.gov/mncourtsgov/media/scao_library/MJB-Strategic-Plan.pdf).

<sup>5</sup> See [www.mnlegalservices.org](http://www.mnlegalservices.org) for more details about the Minnesota Legal Services Coalition and its statewide support project, Legal Services State Support.

<sup>6</sup> Learn more about the LAD committee at [www.mnbar.org/members/committees-sections/msba-committees/legal-assistance-to-the-disadvantaged](http://www.mnbar.org/members/committees-sections/msba-committees/legal-assistance-to-the-disadvantaged).

## Project Approach & Process

### Project Team

Our project structure was divided into three tiers of participation: a planning team, a steering committee, and stakeholders.

The planning team included:

- Judge Sarah Hennesy, Assistant Chief Judge, Seventh District
- Bridget Gernander, Grant Manager for the Minnesota Judicial Branch Legal Services and Minnesota's IOLTA Program Director
- Lisa Cohen and Mary Kaczorek of the Minnesota Legal Services Coalition
- Ginny Belden-Charles, consultant, and her partners, Bob-e Simpson Epps and Corrie Lapinsky.

The planning team was responsible for designing the planning process, designing and facilitating project meetings, gathering research data, project management and communications and drafting all project documents, including the final recommendations and written plan.

In developing our project leadership, we recognized that Minnesota's rich network of services and systems necessitated a wide range of stakeholders to be actively engaged to this effort. The Justice for All steering committee consisted of representatives from the following entities:

- Minnesota District Court
- Legal Services Advisory Committee
- Statewide Self Help Center
- Volunteer Lawyers Network
- Legal Services of Northwest Minnesota
- Greater Twin Cities United Way
- Minnesota Appellate Courts
- State Law Library
- Minnesota State Bar Association
- Mid-Minnesota Legal Aid
- Client Representative
- Legal Services State Support

The role of the Steering Committee was to conduct the assessment, identify and agree on the priorities, strategic goals and initiatives, and to approve the final plan.

In addition to the Planning Team and Steering Committee, participation was sought from a wide range of stakeholders outside the legal services network to provide input in the assessment and prioritization phases. Some of these stakeholders participated in steering committee meetings, others came to a larger stakeholder meeting to set priorities, others were invited to review process step outcomes and provide input on these, others were interviewed during various steps. These stakeholders included representatives from the following:

#### Civil Legal Aid

- Minnesota Justice Foundation
- Standpoint
- Legal Assistance of Dakota County
- Central Minnesota Legal Services
- Legal Aid Service of Northeastern Minnesota
- Legal Assistance of Olmsted County
- Loan Repayment Assistance Program of Minnesota
- Legal Aid Self-Help Forms Staff
- Call for Justice
- Intake staff from multiple programs

#### Alternative Dispute Resolution

- Bureau of Mediation Services | Office of Collaboration & Dispute Resolution
- Conflict Resolution Center
- Dispute Resolution Center & Community Mediation Minnesota

#### Private Bar

- Hennepin County Bar Association
- Faegre Baker Daniels
- Thrivent Financial
- Collaborative Community Law Initiative
- St. Paul Port Authority & MSBA Council
- Dorsey & Whitney
- Cooper Law
- Mundahl Law, PLLC
- Avivo
- Legalnudge

#### Government

- Hennepin County Law Library
- Minnesota Attorney General's Office
- MJB Forms Manager

#### Social Services & Community Voices

- Greater Twin Cities United Way 2-1-1
- Northside Residents Redevelopment Council
- Community leaders
- Community residents
- Aurora St. Anthony Neighborhood
- The Bridge for Youth
- Domestic Abuse Project
- Program for Aid to Victims of Sexual Assault
- Native American elder
- InquilinXs UnidXs Por Justicia
- Northpoint Social Services
- Safe Avenues
- Avivo (Formerly Resource Inc.)
- Morningstar Baptist Church
- Camphor Memorial United Methodist
- Model Cities
- Aurora St. Anthony
- NAMI Minnesota
- Ramsey County Sheriff
- Ujaama Place
- Hope United

In addition to working with the above groups and individuals, we presented to and received input from the following groups:

- Over 250 statewide legal services staff at the Minnesota Legal Services Statewide Conference (October 2017)
- Community Dispute Resolution Advisory Council, which is a group of alternative dispute resolution experts from non-profit, government, law school and community settings, to discuss

ways that these grassroots programs could be more integrated into the Justice for All projects, especially as they are expanding to provide statewide remote services (November 2017)

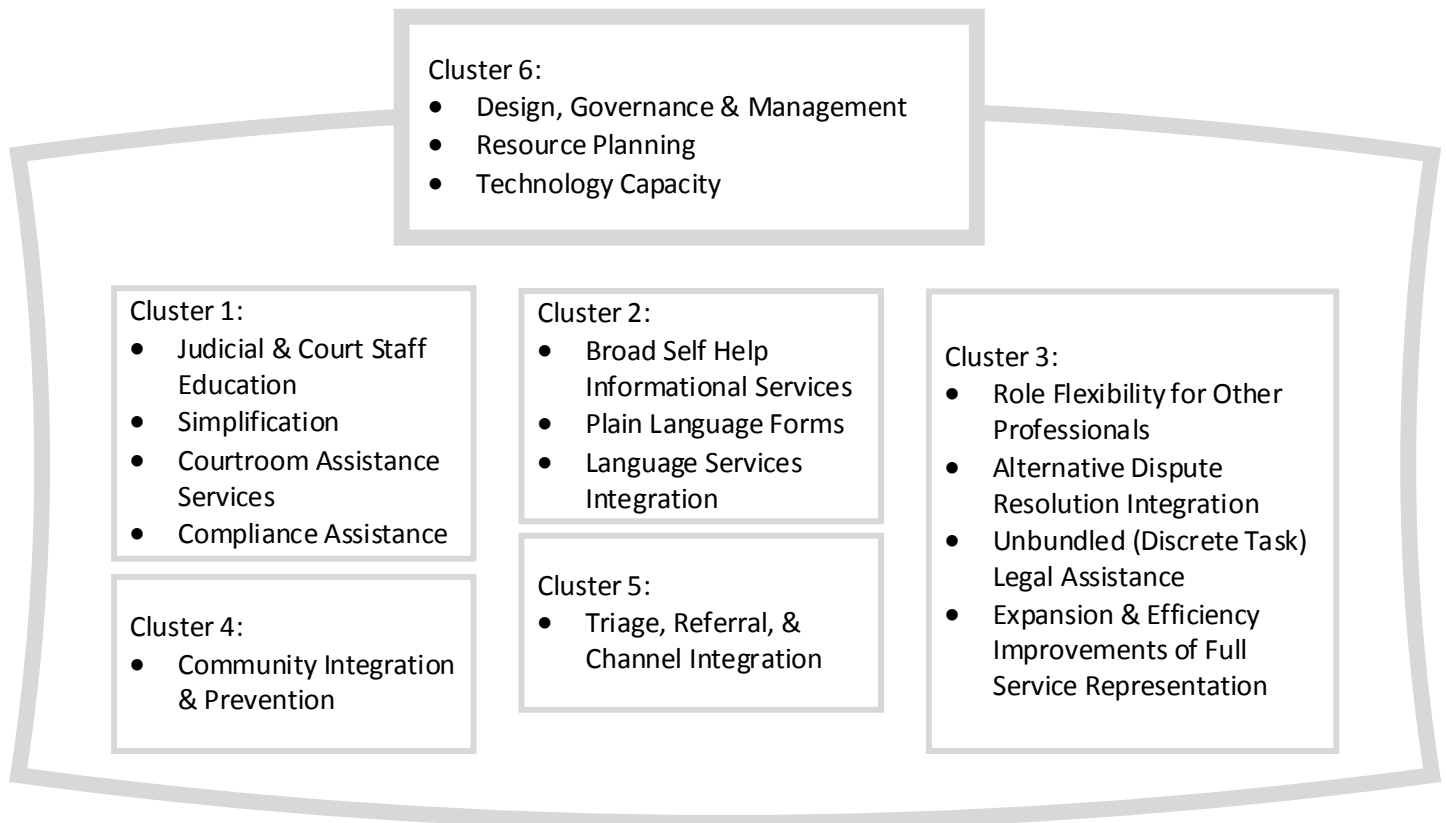
- State Court Administration Staff, to tell them about the JFA project and get input on priority areas (most interested in simplification and triage), and to get support for eventual implementation (June 2017)
- Minnesota Supreme Court, to provide an overview of the JFA project so far and ensure their support for the emerging priorities (June 2017)
- Minnesota Judicial Branch Committee for Equality and Justice, to tell them about the project and get input; most interested in unbundling and triage (July 2017)
- Minnesota State Bar Association Assembly, to give an overview of the project and get input and support for innovations in unbundled representation (September 2017)
- Minnesota Legal Services Coalition Partners Meetings, to provide updates on the project to civil legal aid stakeholders and receive input (July 2017 and September 2017)
- Minnesota Corporate Counsel Pro Bono Committee, to provide an overview; most interest in triage (September 2017)
- Minnesota District Judges Conference, to give an overview of the Justice for All project and a primer on unbundled attorney ethics rules so judges would support private practice attorneys doing more of this work (December 2017)
- HCBA Pro Bono Working Group, to give an overview of the project and get input and support for innovations in the triage component (September 2017)
- Focus groups of attorneys and self-represented litigants, to get input on the unbundled initiative (November and December 2017)



## Project Steps

### 1. Assessment

Our process for completing this work followed the approach outlined in the guidance materials provided by the Justice for All expert working group.<sup>7</sup> We began by completing an inventory assessment of the 16 components outlined in the guidance materials, organized into 6 clusters which we used to conduct our assessment:<sup>8</sup>



We organized the components into these clusters primarily because of who in the justice and broader community would need to participate in each discussion. The community and triage discussions were large enough that we felt each deserved its own meeting and separate analysis. Three of the components we assessed differently: Design, Governance & Management; Resource Planning; and Technology Capacity. We considered these three in all other component assessments and again on their own.

The Steering Committee held an assessment meeting for each of the first five component clusters. Additional individuals working on programs or services within the cluster were included during the meetings and in additional information-gathering. Pre-work was done before each meeting to identify

<sup>7</sup> Nat'l Ctr. for St. Cts., Justice for All Strategic Planning Guidance Materials (Aug 3, 2016), [www.ncsc.org/~media/Microsites/Files/access/Justice%20for%20All%20Guidance%20Materials%20Final.ashx](http://www.ncsc.org/~media/Microsites/Files/access/Justice%20for%20All%20Guidance%20Materials%20Final.ashx).

<sup>8</sup> See *infra* section II, Assessment Findings.

existing programs/resources, identify additional participants and gather relevant research data for that cluster.

The first part of the assessment was to provide an overview of the existing programs and services. We invited those engaged in relevant programs to provide information and answer questions for participants. This proved to be an important outcome of our assessment: a better understanding of the full range of legal services and programs in urban and rural Minnesota; questioning and dialoguing with those directly engaged in those services; and learning from these stakeholders about new developments, overlaps and gaps in services across the state. The result was a more comprehensive map of the various pieces of the system and how they fit into the web of services across the state.

The second part of each assessment meeting was discussion of a series of questions laid out in the project assessment materials for each component in the cluster. We asked: (1) who do these serve, (2) how much of the need is met, what are the (3) strengths and (4) gaps for each component, and we highlighted when (5) additional information was needed to complete the assessment.

The Community Integration and Prevention assessment included a longer and larger meeting in which members of community groups were invited to share information on their perceptions of the access to justice in the civil legal system. In this meeting, previous research efforts<sup>9</sup> were validated regarding community perceptions, particularly in low-income and immigrant communities and communities of color: awareness of the differences between civil and criminal court is lacking; many community members do not know when they have a legal problem; and if they do, legal problems are often viewed as a lower priority to address than the more immediate needs for safety, shelter, and food. People feel intimidated going to court and communities of color and immigrant communities often do not feel welcome in the judicial system. We learned from the participants that legal/community partnerships were seen as highly important in building trust, educating communities and in doing prevention work.

## 2. Prioritization

We used a two-phased prioritization process. The first phase was a survey of Steering Committee member asking them to independently prioritize areas based on the inventory assessment. The second phase was a group discussion about the components and their respective rankings to come to develop a group consensus.

After completing the component assessments, the Steering Committee reviewed the summary assessment notes and completed a poll that included the following three questions:

- Choose the three component areas that you believe are the highest priority to address
- Explain why you chose these areas (how you prioritized)
- Please explain any disagreements you have with the summary assessment document or provide any additional information

The results of the poll<sup>10</sup> were shared with the Steering Committee members, who discussed the poll results and identified areas of agreement and disagreement. The Steering Committee next discussed criteria for prioritization, reviewing the criteria from the JFA guidance materials and a summary of prioritization criteria pulled from the survey responses.

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<sup>9</sup> <https://www.lsc.gov/sites/default/files/attach/resources/LegalNeedsStudy-MinnesotaBarAssociation.pdf>

<sup>10</sup> See Appendix A, Survey Results.

The group then discussed and decided on the following criteria (developed as questions we would use to assess potential action areas within each component):

- Is it something we can accomplish?
- Will it enable us to serve more people?
- Will it improve trust in the civil justice system?
- Will it leverage our strengths?
- Will it address our weaknesses?
- Will it have significant benefits at a reasonable cost?
- Will it have broad reach across the civil justice system?
- Will it respond to the most important needs of the community?

We evaluated each of the 16 different components using these prioritization criteria.<sup>11</sup> Finally, we selected five Target Areas to move forward for further research over the summer months. The five components for further research presented to stakeholders were:

1. Community Integration and Prevention
2. Triage, Referral and Channel Integration
3. Design, Governance & Management
4. Unbundled (Discrete Task) Legal Assistance
5. Simplification

Research teams were established to explore promising practices/approaches in the five select target areas and develop recommendations to bring forward for final prioritization and goal setting.

For example, in the Community Integration and Prevention component we had learned through the assessment process that legal- community partnerships were an important way in which community members gained trust and successfully accessed needed services. We researched eight successful partnership programs using a combination of online research and interviews.<sup>12</sup> We learned about the partnerships' origins, focus areas, the outcomes they had achieved to-date, and what had they learned in establishing a community partnership. Findings and recommendations from this research were aggregated and shared with stakeholders during the fall stakeholders meeting.

At the Fall Stakeholder meeting, discussion tables were set up for each of these five priority areas. Participants first rotated to each of the discussion tables to hear about the practices and recommendations and to ask questions. Then participants were invited to choose one area for deeper discussion. Finally, the full group heard reports from each of the discussions and the meeting finished

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<sup>11</sup> See *infra* Section III, Prioritization Summary.

<sup>12</sup> Successful programs were potentially replicable projects showing positive outcomes. The projects included Legal Aid Service of Northeastern Minnesota's Iron Range Housing Project; Southern Minnesota Regional Legal Services' Frogtown Project Housing Early warning system for vacant buildings; Mid-Minnesota Legal Aid's Bank of America Community Redevelopment Project with Northside Resident's Redevelopment Council; Southeast Roseville Interagency Work Group (SRIWG); Stearns County Felony Domestic Violence Court; Hawaii Justice For All project approach and activities; Kansas City "Adopt-A-Neighborhood" project; and Medical-Legal Partnerships.

with a group polling tool to identify the top priorities within the five areas presented.<sup>13</sup> These formed the basis for the five strategic goals in the plan.

### 3. Action Plan

As a final step, the Planning Team, considering current initiatives, funding sources, Court priorities and recommendations of the Steering Committee and Stakeholder meetings, drafted a set of next step initiatives which were brought to the Steering Committee for discussion and approval.

What follows is Minnesota's strategic action plan outlining our findings and strategic goals, key JFA initiatives, performance measures and communications consideration that will work toward justice for all – a system where everyone has access to effective assistance for their essential civil legal needs through a comprehensive approach that provides a continuum of meaningful and appropriate services. Section II details our assessment findings, Section III discusses our prioritization step, and Section IV details our action plan with key initiatives for 2018 and beyond. Section V discusses our communications plan.

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<sup>13</sup> See Appendix A, Survey Results.

## II. Assessment Findings

This section contains a summary of our assessment for all 16 Justice for All Components, organized into clusters. These are summaries of our findings from our steering committee meetings and research completed during the assessment.

### Cluster 1.

The components in this cluster included:

- Courtroom Assistance Services
- Judicial & Court Staff Education
- Simplification
- Compliance Assistance

To prepare for our assessment of these components, the planning team consulted with leadership with the Statewide Self Help center and the Judicial Education Program Manager at the State Court Administrator's Office. The steering committee met via webinar to discuss these components, and overall assessed these components as areas of relative strength for Minnesota. Following the assessment, we also held a webinar to learn more about Alaska’s simplified family court processes and researched the family law simplification efforts underway in Oregon, Utah, Iowa and Idaho.

| <b>Courtroom Assistance Services</b>   |  |
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| <p><b>Key elements for this component:</b></p> <ul style="list-style-type: none"> <li>• <i>Instructional videos on logistics and procedures</i></li> <li>• <i>In-person assistance</i></li> <li>• <i>Technology tools to support work of assistants, such as automated forms</i></li> <li>• <i>Technology tools for the judges to prepare final orders in the court room</i></li> <li>• <i>Training tools for personal assistants and court staff</i></li> </ul> | <p><b>Minnesota System Strengths:</b></p> <ul style="list-style-type: none"> <li>• “Going to Court” videos in English, Spanish, Hmong, Somali.</li> <li>• Training for judges for working with SRLs.<sup>14</sup></li> <li>• Some technology tools for judges to use in courtrooms with courts online records system (MNCIS).</li> <li>• MNCIS is improving access for the public.</li> <li>• Online resources &amp; SRL training statewide.</li> <li>• Satisfied with quality of existing services.</li> <li>• Judicial Branch piloting text reminder system in Hennepin County.</li> </ul> <hr/> <p><b>Minnesota System Gaps:</b></p> <ul style="list-style-type: none"> <li>• Difficult to issue same-day orders in some cases (e.g. family).</li> <li>• No court navigator program.</li> </ul> |

<sup>14</sup> SRL = Self-Represented Litigant; someone who is going to court without a lawyer.

| <b>Judicial &amp; Court Staff Education</b>  |  |
|--|--|
| <p><b>Key elements for this component:</b><br/> <i>State judicial and court staff education programs should follow adult learning principles, be dynamic and interactive, and address the following topics:</i></p> <ul style="list-style-type: none"> <li>• <i>Engagement with self-represented litigants (e.g., reassure judges about engagement through questioning and principles of neutrality, share courtroom techniques that are most effective in providing access while protecting neutrality)</i></li> <li>• <i>Availability of community resources and other referral opportunities</i></li> <li>• <i>Language access requirements and procedures</i></li> <li>• <i>Procedural fairness</i></li> <li>• <i>Change leadership for judges</i></li> <li>• <i>Cultural sensitivity</i></li> </ul> | <p><b>Minnesota System Strengths:</b></p> <ul style="list-style-type: none"> <li>• Judges are required to participate in trainings about working with SRLs, interpreters, and implicit bias.</li> <li>• Have cultural trainings 4x/yr.</li> <li>• Trainings are available to all staff, with many recorded to view on demand.</li> <li>• Many other optional trainings.</li> <li>• Annual judicial conference and train the trainer programs.</li> <li>• Good use of technology: trainings available on-demand in electronic format</li> </ul> |
|  | <p><b>Minnesota System Gaps:</b></p> <ul style="list-style-type: none"> <li>• Many trainings are optional.</li> <li>• Judges have limited time for optional trainings.</li> </ul>  |

| <b>Simplification</b>  |   |
|--|---|
| <p><b>Key elements for this component:</b></p> <ul style="list-style-type: none"> <li>• <i>One-stop shopping used to simplify user experience</i></li> <li>• <i>Streamlined internal court operations, including automated generation of orders and judgments</i></li> <li>• <i>Online dispute resolution</i></li> <li>• <i>Forms, legal documents and oral communications, face to face conversations use plain language.</i></li> <li>• <i>Review of courtroom procedures to determine more effective ways of providing information, helping parties come to resolution</i></li> <li>• <i>Simplified court rules to eliminate unnecessary appearances and filings</i></li> </ul> | <p><b>Minnesota System Strengths:</b></p> <ul style="list-style-type: none"> <li>• Unified statewide court system.</li> <li>• Strong statewide self-help services system; some remote, some in-person.</li> <li>• Some specialty courts (e.g. for domestic violence).</li> <li>• New MJB forms manager working on plain language and automated forms.</li> <li>• Most counties use ENE, ICMC, and/or FENE.<sup>15</sup></li> <li>• Courts building tech capacity by using Benchworks technology.</li> </ul> |
|  | <p><b>Minnesota System Gaps:</b></p> <ul style="list-style-type: none"> <li>• Online dispute resolution not widely available.</li> <li>• Limited resources in some counties prevent automated or same-day orders.</li> <li>• ENE, etc. can be cost-prohibitive for litigants.</li> <li>• No existing simplification efforts like Alaska’s streamlined family law process.</li> </ul>  |

<sup>15</sup> ENE = Early Neutral Evaluation. ICMC = Initial Case Management Conference. FENE = Financial Early Neutral Evaluation.

| <b>Compliance Assistance</b>   |  |
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| <p><b>Key elements for this component:</b></p> <ul style="list-style-type: none"> <li>• <i>Written orders and compliance information available immediately after hearing</i></li> <li>• <i>Use of plain language orders and judgments</i></li> <li>• <i>Explanations provided by judges and other court staff</i></li> <li>• <i>Reminders prior to deadline</i></li> <li>• <i>Online tools to assist with compliance and enforcement</i></li> <li>• <i>Collaboration with stakeholders and users to identify common problems and ways to address them</i></li> </ul> | <p><b>Minnesota System Strengths:</b></p> <ul style="list-style-type: none"> <li>• Some plain language proposed orders available.</li> <li>• Courts encourage judges to issue same-day orders; available in some case types.</li> <li>• Good online instructions for family matters if the other party fails to comply.</li> <li>• Good coordination of compliance efforts through the MSBA’s Legal Assistance to the Disadvantaged (LAD) Committee .<sup>16</sup></li> </ul> <hr/> <p><b>Minnesota System Gaps:</b></p> <ul style="list-style-type: none"> <li>• Difficult to issue same-day orders in some cases (e.g. family).</li> <li>• Unclear extent of where same-day orders are available. Can vary based on judge practice.</li> </ul> |

<sup>16</sup> <http://www.mnbar.org/members/committees-sections/msba-committees/legal-assistance-to-the-disadvantaged#.WjxH2LpFymQ>.

**Cluster 2.**

The components in this cluster included:

- Broad Self Help Informational Services
- Plain Language Forms
- Language Services Integration

To complete our assessment of these components, the steering committee consulted with the Minnesota Judicial Branch’s new forms manager, the community education and outreach staff for legal aid, a representative from the Attorney General’s office, and a client representative who runs a translation and interpretation company. While recognizing there is always more work to be done in these areas, we also assessed these components as areas of relative strength for Minnesota.

| <b>Broad Self Help Informational Services</b>  |  |
|--|--|
| <p><b>Key elements for this component:</b></p> <ul style="list-style-type: none"> <li>• <i>All information provided in plain language</i></li> <li>• <i>Instructions on legal processes, applicable law, and how to prepare for and present a case</i></li> <li>• <i>Links to information and forms on other specific subject matters, including out-of-court resolution</i></li> <li>• <i>Materials optimized for mobile viewing</i></li> <li>• <i>Information on which courthouses hear what cases and court access (e.g., transportation)</i></li> <li>• <i>Staffed self-help centers in/near courthouse or accessible in community</i></li> <li>• <i>Multiple channels of providing information (e.g., workshops, online)</i></li> </ul> | <p><b>Minnesota System Strengths:</b></p> <ul style="list-style-type: none"> <li>• <u>Legal Aid</u>: Hundreds of online &amp; print resources with focus on issues with which legal aid provides service; LiveHelp with State Law Library.</li> <li>• <u>AG’s office</u>: Print &amp; online materials with consumer focus; respond to public.</li> <li>• <u>State Law Library</u>: Librarians &amp; online resources; broader scope; also serve inmates.</li> <li>• <u>Self Help Center</u>: Statewide remote services, some districts in-person; online help topics. “Going to Court” videos in multiple languages.</li> <li>• Great online resources &amp; use of technology.</li> <li>• Sustainable remote service delivery at SHC - ~25K Statewide SHC calls/yr.</li> <li>• Strong in-person services in some areas - ~40K Henn Co. SHC walk-in customers/yr.</li> <li>• Self-help is relatively well-resourced at courts &amp; legal aid.</li> </ul> <p><b>Minnesota System Gaps:</b></p> <ul style="list-style-type: none"> <li>• Less comprehensive in-person coverage in Greater Minnesota.</li> <li>• Not many preventative materials.</li> <li>• Gaps in materials – e.g. service of process.</li> <li>• Inconsistent internet access in Greater Minnesota may limit access to videos and online resources.</li> <li>• Could improve governance, especially coordination with AG’s office.</li> </ul> |



| Plain Language Forms   |   |
|--|---|
| <p><b>Key elements for this component:</b></p> <ul style="list-style-type: none"> <li>• <i>Implementation of standardized plain language forms</i></li> <li>• <i>Protocols for assessing and updating forms</i></li> <li>• <i>Testing for comprehensibility and usability</i></li> <li>• <i>Form data integration with the court information system</i></li> </ul> | <p><b>Minnesota System Strengths:</b></p> <ul style="list-style-type: none"> <li>• 500+ static court forms; Self Help Center building more automated forms.</li> <li>• Legal Aid has 19 automated forms and some static forms attached to fact sheets.</li> <li>• State Law Library has appellate forms.</li> <li>• New position at SHC to improve forms.</li> <li>• MJB using new technology for form assembly (Guide &amp; File, fillable PDFs) with ability to eFile.</li> <li>• Statewide access to forms review through remote SHC.</li> <li>• Some forms updated for plain language.</li> <li>• Courts have rules committee, advisory group.</li> <li>• Courts &amp; legal aid currently invest resources in this area.</li> </ul> <p><b>Minnesota System Gaps:</b></p> <ul style="list-style-type: none"> <li>• Many forms not yet updated for plain language &amp; require high literacy level.</li> <li>• Many forms not translated.</li> <li>• Need more appellate forms.</li> <li>• Still some variation among districts for forms.</li> </ul> |

| Language Services Integration   |   |
|---|---|
| <p><b>Key elements for this component:</b></p> <ul style="list-style-type: none"> <li>• <i>Language access services at all points of contact between LEP users and all legal system components (e.g., provision of qualified interpreters and translators, multilingual staff, written and audio-visual tools in languages other than English, and the use of technology to provide access to LEP users in their primary language)</i></li> <li>• <i>Quality of language access services and providers</i></li> </ul> | <p><b>Minnesota System Strengths:</b></p> <ul style="list-style-type: none"> <li>• Minnesota ranked #6 in nation for language access.<sup>17</sup></li> <li>• Courts have statewide LEP plan;<sup>18</sup> served 26,000 in 2016.</li> <li>• Some forms &amp; videos available in other languages.</li> <li>• Court rules provide the right to an interpreter in civil and criminal cases.</li> <li>• Legal aid provides interpreters.</li> <li>• Legal aid has fact sheets, audio, &amp; video in other languages.</li> <li>• Courts have mandated service budget dedicated to interpreter services.</li> <li>• High potential for technology via video conferencing and phone.</li> </ul> |

<sup>17</sup> NAT'L CTR. FOR ACCESS TO JUSTICE, Performance Map: Access to Justice for People with Limited English Proficiency, The Justice Index 2016, available at <http://justiceindex.org/2016-findings/language-access>.

<sup>18</sup> Language Access Plan for the Minnesota Judicial Branch (June 2016), available at [http://www.mncourts.gov/mncourtsgov/media/scao\\_library/LAP/Minnesota\\_LAP-FINAL-July-2016.pdf](http://www.mncourts.gov/mncourtsgov/media/scao_library/LAP/Minnesota_LAP-FINAL-July-2016.pdf).

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| <ul style="list-style-type: none"><li>• <i>Language access planning and monitoring</i></li><li>• <i>Increased availability of multilingual information and education for LEP users</i></li><li>• <i>Effective use of multi-lingual outreach and court and community agency staff</i></li></ul> | <p><b>Minnesota System Gaps:</b></p> <ul style="list-style-type: none"><li>• Forms must be completed in English.</li><li>• Hard to find interpreters for some exotic languages.</li><li>• Difficult to assess need – what percent of people who have needs are being served?</li><li>• Interpreter service expenses growing for courts and legal aid.</li></ul> |
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**Cluster 3.**

The components in this cluster included:

- Role Flexibility for Other Professionals
- Alternative Dispute Resolution (ADR) Integration
- Unbundled (Discrete Task) Legal Assistance
- Expansion & Efficiency Improvements of Full Service Representation

To complete our assessment of these components, the Access to Justice Director at the Minnesota State Bar Association (MSBA) prepared reports for the Steering Committee on recent efforts at the MSBA about Alternative Legal Models and the state of unbundled in the private market. The Legal Services Advisory Committee program manager gathered data on unbundled and full representation within legal services. A solo practitioner with unbundled as her primary practice model and shared her perspective on doing unbundled work within the private market with the Steering Committee. We also invited representatives from Community Mediation Minnesota and the Bureau of Mediation Services to discuss ADR.

Given the recent outcomes of the MSBA’s Alternative Legal Models Taskforce, the Steering Committee viewed role flexibility for other professionals as not feasible at this time. The Steering Committee viewed ADR as a promising area with existing momentum. While viewing full representation as a strength area, it saw unbundled within the private bar as lacking necessary momentum and infrastructure to adequately serve people unable to get help at legal aid. The MSBA Access to Justice Director completed some additional research about unbundled at the request of the Steering Committee as part of our “promising practices research.” We also completed some focus groups with both attorneys and potential consumers of unbundled legal services to gauge interest in this approach. Other than not liking the term "unbundled", the response from the potential customers was very favorable to limited scope or a la carte services.

| <b>Role Flexibility for Other Professionals</b>   |   |
|---|---|
| <p><b>Key elements for this component:</b></p> <ul style="list-style-type: none"> <li>• <i>Assist litigants in navigating court processes on-site</i></li> <li>• <i>Assist litigants in selecting and filling out forms</i></li> <li>• <i>Assist litigants in complying with legal processes for case actions with large numbers of self-represented litigants</i></li> </ul> | <p><b>Minnesota System Strengths:</b></p> <ul style="list-style-type: none"> <li>• None; there is no existing work in this area.</li> </ul> <hr/> <p><b>Minnesota System Gaps:</b></p> <ul style="list-style-type: none"> <li>• The MSBA Future of Legal Education Task Force created an Alternative Legal Models Task Force that researched promising models and drafted recommendations for the broader MSBA Assembly. In 2017, the MSBA voted down proposals for both limited license technicians and expanded paralegal roles. This could be revisited in the future, but there is not political capital to revisit this issue in the near term.</li> </ul> |

| <b>Alternative Dispute Resolution Integration</b>  |   |
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| <p><b>Key elements for this component:</b></p> <ul style="list-style-type: none"> <li>• <i>Provision of information about ADR modes and processes, substantive ADR law, and consequences</i></li> <li>• <i>ADR information available online and integrated into portal</i></li> <li>• <i>Clear codes of ethics for the non-judicial neutrals</i></li> <li>• <i>Access to ADR modes provided within procedural context, possibly through self-help</i></li> <li>• <i>Ethically appropriate collaborations between ATJ stakeholders and ADR providers</i></li> </ul> | <p><b>Minnesota System Strengths:</b></p> <ul style="list-style-type: none"> <li>• Existing infrastructure: there is an Office of Collaboration and Dispute Resolution within the state’s Bureau of Mediation Services.</li> <li>• Community Mediation Minnesota new umbrella for expanding ADR statewide.</li> <li>• ~500 cases/yr for metro programs; ~30-200 cases/yr for Greater Minnesota programs.</li> <li>• Other nonprofits &amp; community-based programs outside of formal ADR.</li> <li>• 70% of people served by Community Dispute Resolution Programs (CDRP) are low income. Services are often free or sliding-scale fee.</li> <li>• Community-centered approach; building infrastructure to expand</li> <li>• Current programming has high agreement rates &amp; satisfaction levels</li> <li>• New governance/coordination structure with the CDRP Advisory Council.</li> <li>• High potential for technology to meet rural need; e.g. Skype</li> </ul> <hr/> <p><b>Minnesota System Gaps:</b></p> <ul style="list-style-type: none"> <li>• Only 8 of 87 counties served plus additional programs;</li> <li>• Some legal areas missing (e.g. divorce, guardianship).</li> <li>• Concerns about power imbalances and monitoring quality of volunteers.</li> <li>• Not always well coordinated with courts.</li> <li>• Not as well-resourced in Minnesota as in other states.</li> </ul> |

| <b>Unbundled (Discrete Task) Legal Assistance</b>  |   |
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| <p><b>Key elements for this component:</b></p> <ul style="list-style-type: none"> <li>• <i>Lawyers willing to provide legal services on a discrete task (unbundled) basis</i></li> <li>• <i>Training and resources to support participating lawyers</i></li> <li>• <i>Screening, triage and referral components to connect these lawyers with persons seeking their services</i></li> <li>• <i>Processes for conclusion of limited scope representation, (i.e. client is aware of any remaining legal needs and how to do that through self-help or other resources)</i></li> <li>• <i>Adoption of rules (e.g., ghostwriting, conflicts, limited appearance) that</i></li> </ul> | <p><b>Minnesota System Strengths:</b></p> <ul style="list-style-type: none"> <li>• Legal aid &amp; pro bono do a lot of unbundled. Legal aid has offices statewide - ~22K advice &amp; brief service/yr by legal aid staff. ~11K advice &amp; brief service/yr by pro bono &amp; Judicare.</li> <li>• Many online market-based unbundled services (e.g. Avvo.)</li> <li>• A few in-person market-based unbundled practices (e.g. Legal Nudge.)</li> <li>• Minnesota Legal Advice Online.</li> <li>• Minnesota has good unbundled rules from the professional responsibility office.</li> <li>• MSBA provides good online resources for unbundled.</li> <li>• Technology used well in both legal aid &amp; private bar.</li> </ul> |

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| <p><i>facilitate limited scope representation and ease in entering and exiting a matter for an attorney</i></p> <ul style="list-style-type: none"> <li>• <i>Full acceptance by the judiciary of the practice</i></li> <li>• <i>Good lines of communication between the limited scope attorney and the client</i></li> </ul> | <p><b>Minnesota System Gaps:</b></p> <ul style="list-style-type: none"> <li>• Difficult to find lawyers for Judicare, pro bono or staff programs because of shrinking pool to draw from in rural areas.</li> <li>• Fear within private bar of ethical rules &amp; requests for free services.</li> <li>• Missing some forms.</li> <li>• No unbundled roster or MSBA section.</li> </ul> |
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| <p><b>Expansion &amp; Efficiency Improvements of Full Service Representation</b></p>   |   |
|--|---|
| <p><b>Key elements for this component:</b><br/> <i>With the proviso that strategies will be different for free legal services versus market-based solutions, key elements include:</i></p> <ul style="list-style-type: none"> <li>• <i>Assessment of existing service capacity in the state, factoring in geographic differences where they exist.</i></li> <li>• <i>Identification of effective service pro bono, legal aid and market-based delivery strategies that have potential to be replicated or scaled up.</i></li> <li>• <i>Incorporation of litigation strategies that have the potential to impact many people and thus decrease the need for full representation in the future.</i></li> <li>• <i>Training and assistance with implementation of best practices for utilizing technology and process improvement; and identification of potential funding, pro bono and in-kind support to make this possible.</i></li> <li>• <i>Training and mentoring for pro bono volunteers, both on substantive issues and on how to work with low-income clients.</i></li> </ul> | <p><b>Minnesota System Strengths:</b></p> <ul style="list-style-type: none"> <li>• Legal aid, Judicare, and pro bono attorneys do full rep at no cost to client. Legal aid has offices statewide - ~9K full rep/yr by legal aid staff. ~2K full rep/yr by pro bono &amp; Judicare.</li> <li>• Modest means family law panels in Hennepin and Ramsey Counties generally serve up to 300% FPG; HCBA does ~50/yr. MSBA expanding panel statewide in late 2017.</li> </ul> <p><b>Minnesota System Gaps:</b></p> <ul style="list-style-type: none"> <li>• Difficult to find lawyers for Judicare, pro bono or staff programs because of shrinking pool to draw from in rural areas.</li> <li>• Resourcing Greater Minnesota is challenge – funding often tied to decreasing population.</li> </ul> |

**Cluster 4.**

The component in this cluster included:

- Community Integration & Prevention

While legal aid and the courts have started promising work in this area, the Steering Committee recognized that this area needs significant growth in Minnesota. To complete our assessment of this component, we had discussions with community and social service stakeholders and held a standalone meeting where we asked:

- What are the types of issues that cause your community members to need to go to civil court?
- Where do your community members go for help with these issues?
- What resources do you know of in your communities that can assist people with civil court issues/access to civil court?
- Who do these resources serve (and who is not being served)?
- How much of the current need do you think is being met by existing resources?
- What have you heard from your community members about their experiences with civil court?
- What are the barriers to accessing justice within the civil court system for your community members?

The Steering Committee reviewed the existing work happening in the civil justice system, and confirmed its perception that these efforts are insufficient to meet the needs in this area. In an extensive 2011 study of barriers to civil justice in Minnesota,<sup>19</sup> respondents identified most frequently as underserved included the working poor, immigrants and non-English speaking persons, persons with disabilities (particularly those with mental illness), the geographically isolated, youth and ex-offenders. Their most frequently experienced problems included those in the areas of transportation, housing, health care and employment. Community stakeholders in the Justice for All assessment affirmed this study's suggestion that working with community partnerships is a key way to increase access to civil legal aid for underserved populations.

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<sup>19</sup> Legal Assistance to the Disadvantaged Comm. of the Minn. State Bar Ass'n, *Overcoming Barriers that Prevent Low-Income Persons from Resolving Civil Legal Problems* (Sept. 2011), available at [www.mncourts.gov/Documents/0/Public/administration/Final\\_Minnesota-CABS\\_Study\\_September\\_2011.pdf](http://www.mncourts.gov/Documents/0/Public/administration/Final_Minnesota-CABS_Study_September_2011.pdf).

| <b>Community Integration &amp; Prevention</b>  |  |
|--|--|
| <p><b>Key elements for this component:</b></p> <ul style="list-style-type: none"> <li>• <i>Robust information exchange between organizations, including cross training</i></li> <li>• <i>Community resources integrated into provider services</i></li> <li>• <i>Collecting and sharing information on user experience across providers</i></li> <li>• <i>Collaborative partnerships, including social services providers</i></li> <li>• <i>Community outreach, enabled by a robust communication strategy</i></li> <li>• <i>Early issue identification and proactive, robust referrals in a range of areas</i></li> <li>• <i>Education about dispute resolution without legal action</i></li> <li>• <i>Cross-training between organizations.</i></li> </ul> | <p><b>Minnesota System Strengths:</b></p> <ul style="list-style-type: none"> <li>• Many Minnesota legal aid programs are underway to strengthen relationships with community partners: Co-located services provided through Bank of America-funded projects, medical-legal partnerships, and other projects.</li> <li>• Legal aid does community outreach events.</li> <li>• State Law Library does outreach with public libraries.</li> <li>• Courts have existing Committee for Equality and Justice and “Know Your Court” model where justices do community outreach.</li> <li>• Call for Justice trained 2-1-1 and other social service providers about legal issue-spotting and referrals through Legal Liaison Program (program closed in late 2017).</li> <li>• Some existing court models that integrate community partners, e.g. restorative justice project in Hennepin County.</li> </ul> <hr/> <p><b>Minnesota System Gaps:</b></p> <ul style="list-style-type: none"> <li>• Systemic racism and oppression.</li> <li>• Perception that the system isn’t there to help people. Lack of trust of judicial system.</li> <li>• Going to court is complicated and intimidating; court forms are hard to use.</li> <li>• Lack of awareness of legal aid and existing self-help materials.</li> <li>• Difficulty qualifying for free lawyer; difficulty affording a private lawyer.</li> <li>• Access barriers for communities of color, people with disabilities, people living in rural areas, and other communities.</li> </ul> |

**Cluster 5.**

The component in this cluster included:

- Triage, Referral, & Channel Integration

As with community integration, the steering committee recognized that this area needs significant growth in Minnesota. To complete our assessment of these components, we held a standalone meeting with representation from the Hennepin County Bar Association, Call for Justice,<sup>20</sup> and front-line intake staff from two legal aid organizations who talked about how they complete intake and referral work.

The Legal Services Advisory Committee (LSAC) program manager also presented about a June 2017 report authored by the Legal Services Advisory Committee titled “Analysis of the Civil Legal Aid Infrastructure in Minnesota” that examined client intake and referrals in civil legal services.<sup>21</sup> The timing of this report meant that it could be used as a resource for the Justice for All work, both in collecting data about current client intake and referral and in hearing community voices through focus groups.

Legal Services State Support, a project of the Minnesota Legal Services Coalition, also presented to the committee about its work in this area. State Support operates Minnesota’s legal information website, LawHelpMinnesota.org, and a statewide online intake system for civil legal aid. It applied for and received federal funding through the Legal Services Corporation Technology Innovation Grant program, and state funding through Minnesota’s Court Technology Fund, to completely redesign the system using a user-centric approach that replicates successful triage and online intake models from other states. Work on this online portal project began in October 2017.

| <b>Triage, Referral, &amp; Channel Integration</b>   |   |
|--|---|
| <p><b>Key elements for this component:</b></p> <ul style="list-style-type: none"> <li>• <i>Identified, consistent triage and referral protocols &amp; practices</i></li> <li>• <i>Initial triage/assessment and referral by any existing resource (e.g., self-help centers, lawyers, social service agencies)</i></li> <li>• <i>Effective referrals (i.e. entity can take matter without time, income, or subject matter restrictions precluding service)</i></li> </ul> | <p><b>Minnesota System Strengths:</b></p> <ul style="list-style-type: none"> <li>• LawHelpMN.org has online legal directory and statewide online intake for legal aid.</li> <li>• 2-1-1 makes legal referrals - ~14K referrals/yr.</li> <li>• State Law Library and Statewide Self Help Center make referrals.</li> <li>• Knowledgeable intake staff and strong local connections in each legal aid program.</li> <li>• 2-1-1 trained on making legal referrals.</li> <li>• Strengths identified in LSAC Report:             <ul style="list-style-type: none"> <li>○ Capacity for flexible response to the specific needs of local communities and their diverse populations and circumstances</li> <li>○ Awareness of local conditions</li> <li>○ Addressing the needs of specific populations and legal needs</li> <li>○ Self-help materials and online resources</li> </ul> </li> </ul> |

<sup>20</sup> Call for Justice was a nonprofit that, among other things, trained 2-1-1 information and referral specialists about making legal referrals. Call for Justice closed in late 2017.

<sup>21</sup> John Tull et al., *Analysis of the Civil Legal Aid Intake Infrastructure in Minnesota: Final Report* (June 2017) (on file with author).



|  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• <i>Central legal aid hotlines, and market-based equivalents for moderate income people, to diagnose legal issues and potential solutions and resolve less complex issues at an early stage</i></li> <li>• <i>Triage supported by technology (self-help portals and case management systems)</i></li> <li>• <i>All stakeholders, including non-traditional ones, aware of referral information.</i></li> </ul> | <p><b>Minnesota System Gaps:</b></p> <ul style="list-style-type: none"> <li>• Duplication: most legal aid programs keep their own referral resource guides, in print or via internal intranet.</li> <li>• LawHelp directory hard to use.</li> <li>• Limited phone availability over lunch or after hrs.</li> <li>• Barriers and costs associated with civil legal aid’s access to public court records that impede the efficiency and effectiveness of up-front triage and referral activities, as well as all phases of case evaluation from initial intake through case acceptance and, later, through case investigation.</li> <li>• The LSAC report cited awareness of legal resources, process &amp; technical issues with online intake, delays in responding to applicants, and lack of availability in callback times as gaps in the civil legal aid referral and intake system. It also discussed bounce, including before an applicant reaches legal aid, when an applicant is referred to multiple legal aid programs, and when an applicant has multiple contacts within a program.</li> </ul> |
|--|--|

**Cluster 6.**

The components in this cluster included:

- Design, Governance & Management
- Resource Planning
- Technology Capacity

We assessed these components slightly differently than the other components due to a view that these three components are related to all the other components and assessment of the other component clusters would help to inform evaluation of this cluster. Rather than discuss these during the assessment phase with the Steering Committee, the planning team completed an initial assessment of these components on its own and shared its findings with the Steering Committee. During prioritization, the Steering Committee flagged Governance as a high-priority area and dove deeper into this issue in our promising practices research. We also evaluated how governance, resourcing, and technology related to the remaining components during our broader assessment, and again during the action planning phase.

| <b>Design, Governance &amp; Management</b>  |  |
|---|--|
| <p><b>Key elements for this component:</b></p> <ul style="list-style-type: none"> <li>• <i>An established body and processes to address Access to Justice (ATJ) issues</i></li> <li>• <i>ATJ body includes all relevant stakeholders</i></li> <li>• <i>Collection of user data and information (through surveys, focus groups, etc.)</i></li> <li>• <i>User membership on ATJ body</i></li> </ul> | <p><b>Minnesota System Strengths:</b><br/>Minnesota has several existing ATJ structures:</p> <ul style="list-style-type: none"> <li>• Judicial Council strategic plan includes Access to Justice, including expansion of pro bono; supports civil legal aid funding at the legislature.</li> <li>• Legal Services Advisory Committee (LSAC) administers funding and leads statewide civil legal aid planning efforts.</li> <li>• Judicial Administrators and Directors (JAD) group and the Court Operations Advisory Workgroup (COAW) manage creation of statewide forms and of Statewide Self-Help Center.</li> <li>• Seven regional civil legal aid programs form the Minnesota Legal Services Coalition, which works to fund statewide projects, secure state appropriation, fund ATJ Positions at the MSBA, and coordinate bi-monthly meetings of legal aid partners.</li> <li>• The MSBA’s Legal Assistance to the Disadvantaged (LAD) Committee recommends rule and policy changes to support access to justice, promotes pro bono service, and supports increased resources for civil legal aid. All initiatives must be approved by the MSBA Assembly.</li> </ul> <hr/> <p><b>Minnesota System Gaps:</b></p> <ul style="list-style-type: none"> <li>• No Access to Justice Commission. There had been a separate Legal Services Planning Committee from 2005-2011, but the supreme court sunset it and moved the planning responsibilities to LSAC.</li> <li>• Justice for All planning effort has demonstrated need for courts, legal aid, private bar, and non-traditional justice system stakeholders to improve communication and coordination</li> <li>• Limited community involvement in existing ATJ initiatives</li> </ul> |

| <b>Resource Planning</b>   |  |
|--|--|
| <p><b>Key elements for this component:</b></p> <ul style="list-style-type: none"> <li>• <i>Staffing position dedicated to resource planning</i></li> <li>• <i>Existence of an updated resource budget</i></li> </ul> | <p><b>Minnesota System Strengths:</b></p> <ul style="list-style-type: none"> <li>• Legal Services Advisory Committee (LSAC) administers \$17 million in funding per biennium.</li> <li>• Minnesota Legal Aid Foundation Fund was created for statewide cy pres and settlement awards to benefit all programs and voluntarily gives its annual earnings to LSAC.</li> <li>• The MSBA, legal aid, and the Minnesota Judicial Branch all lobby for civil legal aid funding at the legislature.</li> <li>• Civil legal aid programs receive funding from LSC and other federal sources.</li> <li>• New Court Technology Fund available to all justice system partners.</li> <li>• Greater Twin Cities United Way has organized a legal aid funders circle in the Twin Cities.</li> </ul> |
|  | <p><b>Minnesota System Gaps:</b></p> <ul style="list-style-type: none"> <li>• No staffing position dedicated to resource planning.</li> <li>• Opportunity for increased coordination of resource planning efforts.</li> </ul>  |

| <b>Technology Capacity</b>  |   |
|---|---|
| <p><b>Key elements for this component:</b></p> <ul style="list-style-type: none"> <li>• <i>User experience design expertise</i></li> <li>• <i>Multimedia design expertise</i></li> <li>• <i>Application integration expertise</i></li> <li>• <i>Process simplification expertise</i></li> <li>• <i>Facilitates remote access and resolution.</i></li> </ul> | <p><b>Minnesota System Strengths:</b></p> <ul style="list-style-type: none"> <li>• MLSC &amp; LSAC support statewide technology projects via State Support.</li> <li>• Most legal aid programs have electronic case management systems.</li> <li>• Innovative use of technology at legal aid &amp; courts.</li> <li>• Legal aid has strong online presence, including online advice, advocate support site, and site for the public.</li> </ul> |
|   | <p><b>Minnesota System Gaps:</b></p> <ul style="list-style-type: none"> <li>• Legal aid programs use different case management systems.</li> <li>• Significant limitations with existing statewide online intake platform (to be remedied in 2018).</li> </ul>  |

### III. Prioritization

#### Prioritization Summary

Following our assessment, the next step of our Justice for All project was prioritization. While recognizing every Justice for All component is an important, if not essential, piece to providing access to justice in Minnesota, the question became how to decide which areas to advance first. With limited resources, which areas were our top priorities for the next 2-3 years?

Starting with the NCSC guidance materials, the Steering Committee developed a list of prioritization criteria values:

- Is it something we can accomplish?
- Will it enable us to serve more people?
- Will it improve trust in the civil justice system?
- Will it leverage our strengths?
- Will it address our weaknesses?
- Will it have significant benefits at a reasonable cost?
- Will it have broad reach across the civil justice system?
- Will it respond to the most important needs of the community?

After developing these values, we had a general discussion where we asked these questions of each component (see below chart “Prioritization Takeaways for Each Component” for summary).

Because the JFA components are so different in scope and nature, these criteria ended up serving more as guiding principles than a strict grading rubric. We did not attempt to quantify or fully rank the components by importance. The planning team felt this exercise was unnecessarily complicated: having a detailed ranking would not be more helpful to the broader discussion, and the final list would likely have low consensus among the Steering Committee. Rather, we decided to create three categories to signify importance: **Target Areas**, **Sustaining Areas**, and **Low-Priority Areas**. (See the chart to the right titled “Prioritization Groupings.”)

**Target Areas** are high-priority and need additional attention, planning, and structure beyond what we are

| Prioritization Groupings   |
|--|
| <p><b>Target Areas</b></p> <p>These high-priority components need additional attention, planning, and structure beyond what we are currently doing:</p> <ul style="list-style-type: none"> <li>• Design, Governance &amp; Management</li> <li>• Community Integration &amp; Prevention</li> <li>• Unbundled (Discrete Task) Legal Assistance</li> <li>• Triage, Referral &amp; Channel Integration</li> <li>• Simplification</li> </ul>  |
| <p><b>Sustaining Areas</b></p> <p>These areas need support to continue expanding the good work currently being done through existing channels &amp; structures:</p> <ul style="list-style-type: none"> <li>• Resource Planning</li> <li>• Technology Capacity</li> <li>• Judicial &amp; Court Staff Education</li> <li>• Broad Self Help Informational Services</li> <li>• Plain Language Forms</li> <li>• Language Services Integration</li> <li>• Alternative Dispute Resolution Integration</li> <li>• Compliance Assistance</li> <li>• Expansion &amp; Efficiency Improvements of Full Service Representation</li> </ul> |
| <p><b>Low-Priority Areas</b></p> <p>These areas are not feasible for additional development in Minnesota at this time, but will be revisited at a future date:</p> <ul style="list-style-type: none"> <li>• Courtroom Assistance Services</li> <li>• Role Flexibility for Other Professionals</li> </ul>   |

currently doing. **Sustaining Areas** need support to continue expanding the good work currently being done through existing channels & structures. **Every component identified as a Target Area or Sustaining Area needs support.** The Target Areas are differentiated by the fact that they need additional, more urgent action than is currently underway in the civil justice system in the Sustaining Areas.

**Low-Priority Areas** are those areas that were identified as not currently feasible for additional development in Minnesota at this time, but would be revisited in the future.

## Prioritization Takeaways for Each Component

### Design, Governance & Management

Minnesota has access to justice governance structures for the courts, the bar association and many of the civil legal aid providers. The Steering Committee has wrestled with whether to recommend disbanding some of the existing committees in favor of a new overarching governance structure. The existing structures have achieved much in terms of access to justice measures, including ongoing state legislative funding, strong language access, statewide forms, and self-help resources, and the Minnesota Supreme Court favors maintaining these structures.

While these existing governance structures provide a strong foundation for access to justice work in Minnesota, the Steering Committee felt additional governance was needed to continue the work completed in 2017 through the Justice for All project. Specifically, the steering committee wanted to ensure a continuation of bringing resources to the access to justice project and robust communication among the Minnesota Judicial Branch, civil legal aid, and the private bar after the grant term ends.

### Community Integration & Prevention

Community trust and understanding of both rights and responsibilities in civil legal matters create a foundation for all other systemic supports, including improved triage, referral and channel integration, self-help informational services, use of language services and plain language forms and courtroom assistance services.

Many legal aid and other partner organization efforts are underway to co-locate services within communities and strengthen community partners. Our community stakeholders, however, said that for many members of our communities, particularly low income, communities of color and immigrant communities, civil justice is lacking. Community stakeholders in the Justice for All assessment affirmed that more work with community partnerships is needed to increase access to civil legal aid for underserved populations.

### Unbundled (Discrete Task) Legal Assistance

The Steering Committee saw the lack of affordable legal services for low- and moderate-income people over civil legal aid income guidelines as a significant gap in our current system. Minnesota, like many states, sees a large gap between the people who qualify for and receive services through legal

aid, and those who can afford to hire a private lawyer for their case. We see unbundled legal assistance as the most realistic, cost-effective way to help serve low- and moderate-income people with civil legal needs, particularly in family law.

Minnesota’s professional responsibility rules support unbundled representation,<sup>22</sup> and our Office of Lawyers Professional Responsibility routinely educates attorneys about Minnesota’s rules and promotes unbundled as a promising solution to help address the justice gap.<sup>23</sup> Only a small number of practitioners, however, actively advertise unbundled services to the public and promote their unbundled practice as a successful business model within the private bar. There is no easy referral mechanism between the court self-help services and attorneys providing unbundled services because the current attorney referral services are based on a traditional practice model.

### **Triage, Referral & Channel Integration**

Triage, referral, and channel integration is a strategic goal for Minnesota because it is feasible, it will increase efficiency and reduce duplication of effort across the system, create a better first point of access for people with civil legal needs, and help move toward some level of meaningful service for everyone. Minnesota has a complex system of civil legal aid programs, litigant support through the MJB, and other resources available to help people with civil legal needs.

The analysis of the Civil Legal Intake Structure identified lack of knowledge about legal aid and "bounce" as significant issues in our referral system.<sup>24</sup> Helping people navigate this system is a necessary step in achieving the “access” outlined in Resolution 5.<sup>25</sup>

### **Simplification**

Simplifying court processes will have a high return on a relatively minimal investment. Rule changes have a broad reach in Minnesota because of our unified statewide court system. The Alaska early resolution triage model, for example, saves time for both SRLs and court staff.<sup>26</sup> Replicating this program or pursuing other rule changes to simplify court processes will benefit many litigants at a relatively low cost.

Simplification efforts are also feasible given current priorities and similar projects already underway at the Minnesota Judicial Branch (MJB). With the transition to eCourtMinnesota in 2015 resulting in all district courts being on the same case management system and capable of accepting electronic filing, the MJB has already started thinking creatively about how to do its work in the most efficient

<sup>22</sup> Rule 1.2(c), Minnesota Rules of Professional Conduct (MRPC).

<sup>23</sup> See, e.g., Susan Humiston, *Ethically Unbundling Legal Services*, BENCH & BAR, Oct. 2017, available at <http://mnbenchbar.com/2017/10/ethically-unbundling-legal-services>.

<sup>24</sup> See *supra* note 21.

<sup>25</sup> “Access to effective assistance for their essential civil legal needs through a comprehensive approach that provides a continuum of meaningful and appropriate services” (emphasis added). Conf. of Chief Justices & Conf. of St. Ct. Administrators, *supra* note 1.

<sup>26</sup> Stacey Marz, *Faster for Self-Represented Litigants and the Court: An Evaluation of Alaska’s Early Resolution Triage Program*, available at [www.alaskabar.org/servlet/download?id=3577](http://www.alaskabar.org/servlet/download?id=3577).

and effective manner. This work fits well with additional reengineering efforts currently underway at the MJB through its oneCourt regional specialization initiative.

Focusing on this component will also improve litigant trust in the civil justice system. Simplifying court processes will make going to court easier for self-represented litigants (SRLs), as well as free up limited resources at legal aid offices.

### **Resource Planning**

While recognizing that legal services is always in need of additional funding, strong resource planning infrastructure already exists in Minnesota through the Legal Services Advisory Committee, coordinated statewide lobbying efforts through the Minnesota Legal Services Coalition, and the MSBA Legal Assistance to the Disadvantaged community. Although this is not a standalone focus area, we do have resource planning woven in to our initiatives.

### **Technology Capacity**

We did not view technology capacity as a component to focus on in and of itself, but instead recognized throughout our planning that technology will play a key role in most, if not all, initiatives and proposed solutions.

### **Judicial & Court Staff Education**

Even though one of our key JFA initiatives has a judicial training component, and other initiatives will also involve judicial training, we did not view this as a focus area on its own because Minnesota has a strong training system currently in place for judges and court staff. We do not need to start from scratch, but rather can build on existing programs with a JFA focus.

### **Broad Self Help Informational Services**

The State Law Library, Legal Services State Support, Attorney General's office, and Statewide Self Help Center have already developed an expansive library of self-help information and resources on civil legal issues. The amount of content is a strength of the Minnesota system, but access to this content will be improved with the Triage and Channel Integration initiative.

### **Plain Language Forms**

Minnesota has had statewide forms used throughout the unified court system for more than a decade. In 2017, Minnesota Judicial Branch created a position in the courts solely devoted to improving the plain language and accessibility of court forms, both static and intelligent. Again, this is a strength of the Minnesota system, but access to forms will be improved with the Triage and Channel Integration initiative.

### **Language Services Integration**

Minnesota is a national leader in access to justice for people with limited English proficiency;<sup>27</sup> legal services and the Minnesota Judicial Branch already prioritize and designate resources to this area. This will continue to be part of JFA work going forward.

### **Alternative Dispute Resolution Integration**

While we recognize that ADR is not as well-resourced in Minnesota as it is in other states and this is an area for growth, the steering committee felt that it made more sense to work to initially focus on how to integrate ADR in to the triage and channeling work while also expanding community outreach by partnering with Community Dispute Resolution Programs that provide free and low-cost services and have outreach to underserved communities as a priority. Therefore, one of our JFA initiatives described below has ADR as a primary focus.

### **Compliance Assistance**

The Judiciary Subcommittee of the Minnesota State Bar Association Legal Assistance to the Disadvantaged committee<sup>28</sup> has focused on compliance assistance in recent years, and the MJB is already doing some work in this area. This will also be integrated into the JFA initiative on judge training.

### **Expansion & Efficiency Improvements of Full Service Representation**

While recognizing full representation is a core component of the civil justice system, and we only partially provide full representation for those eligible, legal aid already has structures in place to seek funding and support for expansion of its full representation work. Because unbundled services are such an area of growth for the private bar in Minnesota, the steering committee felt it made more sense to prioritize unbundled services over further expanding full representation at this time.

### **Courtroom Assistance Services**

The MJB's MNCIS system has expanded online access to case records for SRLs. While Minnesota does not have any court navigators, there are many in-person self-help centers as well as a statewide self-help center is available to all litigants via phone and email. Videos are available in multiple languages on going to court in Minnesota. The steering committee felt additional work in this area was not feasible in the short term given current priorities within the civil justice system, and thought other components offered less expensive alternatives for improving access to justice.

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<sup>27</sup> See *supra* note 17.

<sup>28</sup> See *supra* note 6.



**Role Flexibility for Other Professionals**

This did not emerge as a focus area because it is not currently feasible. The MSBA Alternative Legal Models Task Force completed research and developed proposals for limited license legal technicians and expanded roles for paralegals, but both proposals were voted down by the broader MSBA assembly in 2017.

## IV. Action Plan

From the assessment process, the project partners narrowed the focus to five targeted components for further research on promising practices. Small teams were formed to investigate information and ideas for implementation to be shared at the stakeholder summit meeting in October. This meeting included the members of the steering committee plus community partners. Participants reviewed the research and recommendations, then participated in an in-depth discussion on the component of their own choosing. Below are the strategic goals and key initiatives that we developed from this research, stakeholder discussions, a second prioritization process, and final approval by the Steering Committee.

The final set of goals and initiatives submitted:

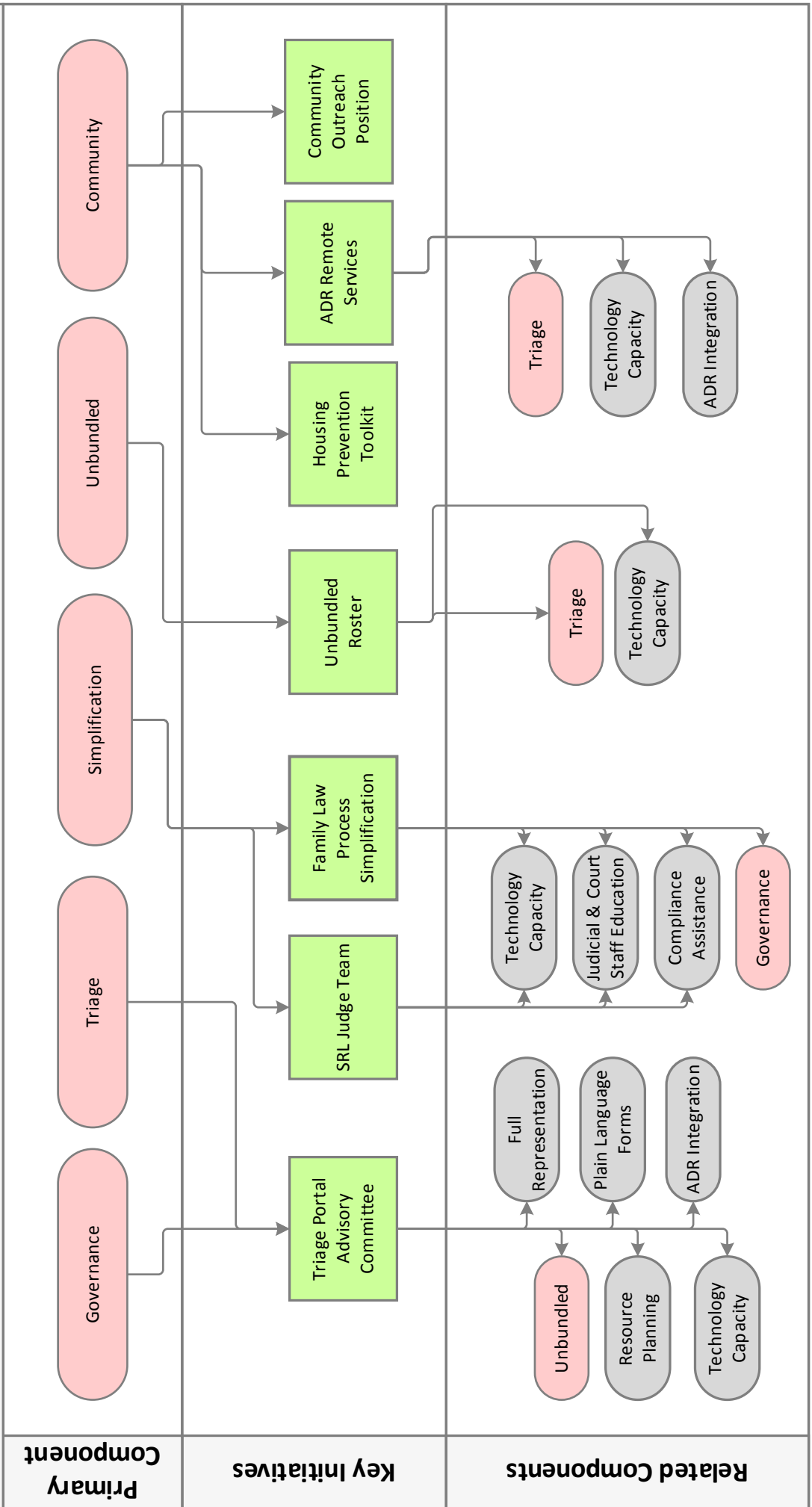
- Address the recommendations of the Steering Team and Stakeholder meetings
- Are feasible with current or reasonable additional funding
- Have the support of the MJB and align with the MJB’s strategic plan
- Provide a logical next or first step given past and current work

### Strategic Goals

|   |   |
|---|---|
| <p><b>Simplification</b></p>                              | <p>Simplify family law court processes to both (1) maximize efficiency and resources within Minnesota Judicial Branch and (2) improve litigant usability, trust and confidence in the civil justice system.</p>   |
| <p><b>Unbundled (Discrete Task) Legal Assistance</b></p>  | <p>Increase the number of attorneys providing discrete task (also referred to as “limited scope” or “unbundled”) representation to low- and middle-income people with civil legal needs through a robust and effective referral system.</p>   |
| <p><b>Triage, Referral, &amp; Channel Integration</b></p> | <p>Create a “no wrong door” system through which people with legal civil legal needs access legal information, self-help resources, and legal providers, through a user-centric approach that places the burden on the system to provide the best referral at the outset.</p>                                 |
| <p><b>Community Integration &amp; Prevention</b></p>      | <p>Integrate legal information, resources and referrals into community settings through co-located services, community collaboration and prevention efforts that build trust and decrease the number of civil court cases, with a specific focus on the prevention of housing evictions across Minnesota.</p> |
| <p><b>Design, Governance &amp; Management</b></p>         | <p>Increase communication across existing governance structures to implement the Justice for All projects and create a new governance committee specific to the litigant portal work.</p>   |

The following page presents an outline showing how the key initiatives (in green) relate to these target areas (in pink) and other components. Following the outline, each key initiative is discussed in turn, including why it was chosen as a priority action, the current state and desired future state, how the community will be involved, resources needed and the initial evaluation and communication plans.

## Priority Areas & Key Initiatives



| <b>Triage Portal Advisory Committee</b>  |
|--|
| <p><u>Current State</u><br/>The state courts, bar association and civil legal aid all maintain separate websites. These websites link to each other, but do not share user data or provide any triage logic to assist users with navigating to the best available resource. In addition to the public facing websites, each stakeholder also separately maintains its own referral lists. This means that there is staff time spent at each civil legal aid program, the statewide self-help center, law libraries, and bar associations creating and maintaining referral lists. When new services are created or existing services end, there is no easy way to inform all stakeholders.</p> <p><u>Future State</u><br/>The vision is to create a governance structure focused on a triage portal that would be the primary online referral site for people with legal issues, regardless of income level. The database that feeds the triage portal would be updated to include information from all primary stakeholder groups and would have a component for partners to generate up to date legal referrals without having to maintain their own lists. The governance committee would make policy recommendations related to the online triage system and referral database.</p> <p><u>JFA Action Item</u><br/>Convene a Triage Portal Advisory Committee (Advisory Committee) governance structure to coordinate the work already being done to redesign the civil legal aid online intake system with additional court self-help, ADR and private bar resources and to ensure there are sufficient new resources developed for the long-term success of this project.</p> <p><u>Why It's a Priority</u><br/>Learning from the work of the NCSC Litigant Portal Workgroup, it is critically important that our triage portal have a clear governance component. There are many policy issues that have not yet been resolved in Minnesota, including defining the roles of lead agency for the portal. For example, the technological work that is already underway is through Legal Services State Support, but the resources for clients above legal aid funding guidelines are coming from the Minnesota Judicial Branch. Having the governing body ready to address these and other policy decisions as the portal development gets underway will be very important to its overall success.</p> <p><u>Community Involvement</u><br/>Community representatives from United Way 2-1-1 would be members of the Advisory Committee. Other community involvement would be in work groups for design and user testing.</p> |

Related Components

**Design, Governance & Management**

Community Integration & Prevention

**Unbundled (Discrete Task) Legal Assistance**

**Triage, Referral & Channel Integration**

Simplification

**Resource Planning**

**Technology Capacity**

Judicial & Court Staff Education

Broad Self Help Informational Services

**Plain Language Forms**

Language Services Integration

**Alternative Dispute Resolution Integration**

Compliance Assistance

**Expansion & Efficiency Improvements of Full Service Representation**

Courtroom Assistance Services

Role Flexibility for Other Professionals

Resources Needed

Funding for a .25 FTE in providing staffing support to the Advisory Committee. The funding would be sustained by LSAC, ideally through a dedicated pro hac vice fee, which is under consideration.

Performance Measures

- Amount of funding the Advisory Committee is able to dedicate to the triage portal work and supporting related JFA projects
- One of the tasks of the Advisory Committee would be to create performance measures for the triage portal itself.<sup>29</sup>

Communications

The Advisory Committee would need to be very intentional about its communications plan. It will need to have regular communications (e.g., newsletter) with stakeholders to maintain excitement and commitment to the triage portal project. As the portal gets closer to implementation, the Advisory Committee would be tasked with creating an outreach strategy. Communications about the JFA project initiatives will also be included in the overall communication effort Minnesota will be coordinating with the Voices for Civil Justice staff.

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<sup>29</sup> See Rebecca Sandefur, *Increasing Access to Justice through Expanded “Roles Beyond Lawyers”*: Preliminary Classification Frameworks (2015), available at [www.americanbarfoundation.org/uploads/cms/documents/rbl\\_evaluation\\_and\\_program\\_design\\_frameworks\\_4\\_12\\_15.pdf](http://www.americanbarfoundation.org/uploads/cms/documents/rbl_evaluation_and_program_design_frameworks_4_12_15.pdf), for a discussion of designing evaluation criteria in access to justice initiatives.

| <b>SRL Judge Team</b>  |
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| <p><u>Current State</u><br/>Minnesota Judicial Branch requires judges to receive 45 hours of continuing education credits every three years, and a wide variety of training opportunities are organized by the Judicial Education Manager and her staff. Courses on working with self-represented litigants are regularly offered, but the trainers change, and content varies year by year.</p> <p><u>Future State</u><br/>The vision is for the Minnesota Judicial Branch to be a national leader in training for judges working with self-represented litigants.</p> <p><u>JFA Action Item</u><br/>Create a Self-Represented Litigant Judge Team to train judges and be a resource for the Minnesota Judicial Branch on best practices for working work with self-represented litigants.</p> <p><u>Why it's a Priority</u><br/>Taking advantage of the judicial leadership that has emerged from the first phase of the JFA project, this is an opportunity to improve the quality of training on self-represented litigant issues and have a team of judges able to advocate for best practices in this area. The Minnesota Judicial Branch has a successful model where a team of judges trained on best practices in domestic violence cases then provide training to benefit judges statewide, and replicating this model for self-represented litigant services will help to prioritize the JFA work.</p> <p><u>Community Involvement</u><br/>There is an opportunity to create a series of training videos with self-represented litigants talking about their experience and how it could be improved. This would provide the community voice as judges are learning from one another about how to best work with self-represented litigants.</p> <p><u>Resource Needs</u><br/>Funding for a team of five judges to attend national self-represented litigant training and pay for retired judges to assist with their work while the judge team is out of the office for training. Once the judge team is in place, the Judicial Branch will pay for the ongoing costs related to these trainings in the future.</p> <p><u>Performance Measures</u></p> <ul style="list-style-type: none"> <li>• Tracking the number of judges trained</li> <li>• Tracking the responses in the Minnesota Judicial Branch Access and Fairness Survey to see if there is an improvement in results after the training has been provided</li> </ul> |

Related Components

Design, Governance & Management

Community Integration & Prevention

Unbundled (Discrete Task) Legal Assistance

Triage, Referral & Channel Integration

**Simplification**

Resource Planning

**Technology Capacity**

**Judicial & Court Staff Education**

Broad Self Help Informational Services

Plain Language Forms

Language Services Integration

Alternative Dispute Resolution Integration

**Compliance Assistance**

Expansion & Efficiency Improvements of Full Service Representation

Courtroom Assistance Services

Role Flexibility for Other Professionals

Communications

Communications about the JFA project initiatives will also be included in the ongoing communication effort Minnesota will be coordinating with the Voices for Civil Justice staff.

| <b>Family Law Process Simplification</b>  |
|---|
| <p><u>Current State</u><br/>Minnesota has invested significant resources in creating family court forms and providing self-help services throughout the state. Less work has been done on simplifying the court process that begins once those forms are filed. Minnesota does have Early Case Management services in some counties, but many rural areas have not found a way to make that model fit due to lack of local resources.</p> <p><u>Future State</u><br/>The vision is for simplified family court processes in Minnesota for cases involving two self-represented litigants, including an informal domestic relations trial process. There would be services statewide to assist with the effort, including the ability to receive pro bono assistance and appear in court remotely, to ensure that rural areas are able to see full benefits of the simplification effort.</p> <p><u>JFA Action Item</u><br/>Recommend simplified family law processes in conjunction with Early Case Management work underway in State Court Administration and develop a pilot project.</p> <p><u>Why It's a Priority</u><br/>There was consensus among the Steering Committee and the stakeholders attending JFA events that this is an area of need. The current family court process (outside of expedited child support) was designed by lawyers for lawyers. With more than 90% of family cases having at least one self-represented party at some stage of the case, it makes sense to try to design a process that is simplified when that is appropriate (e.g., not domestic violence cases). The Alaska model was of great interest to the Steering Committee, especially the judges, and Minnesota would like to benefit from their experience, especially in reaching rural areas with a full range of services at the front end of the case.</p> <p><u>Community Involvement</u><br/>The private bar will be involved with the project for the expansion of pro bono and feedback on recommended court rule changes. Self-represented litigant feedback would be part of the pilot project effort to improve the user experience before expanding to other parts of the state.</p> <p><u>Resources Needed</u><br/>Having a portion of a State Court Administration staff person's time to coordinate the simplification effort would ensure that the project is integrated in to business operations and staff training. There will be more detail on the amount requested in the implementation grant application.</p> |

Related Components

**Design, Governance & Management**

Community Integration & Prevention

Unbundled (Discrete Task) Legal Assistance

Triage, Referral & Channel Integration

**Simplification**

Resource Planning

**Technology Capacity**

**Judicial & Court Staff Education**

Broad Self Help Informational Services

Plain Language Forms

Language Services Integration

Alternative Dispute Resolution Integration

**Compliance Assistance**

Expansion & Efficiency Improvements of Full Service Representation

Courtroom Assistance Services

Role Flexibility for Other Professionals



Performance Measures

- Reduction in post-trial motions filed by litigants
- Increase in satisfaction levels of SRLs about their court experience
- Reduction in court staff time

Communications

Communications about the JFA project initiatives will also be included in the ongoing communication effort Minnesota will be coordinating with the Voices for Civil Justice staff.

| <b>Unbundled Roster</b>   |
|---|
| <p><u>Current State</u><br/>                     The Minnesota State Bar Association (MSBA) maintains a referral list for their members who choose to participate through <a href="http://www.mnfindalawyer.com">www.mnfindalawyer.com</a>. The district bar associations for some of the larger counties in the state provide attorney referral services by phone, including some lower fee services for people of modest means (usually defined as 300% of poverty or below). None of these attorney referral services maintain a roster specific to unbundled services. Most attorneys interviewed during the JFA unbundled focus groups reported not advertising unbundled as part of their practice, which makes it very difficult to refer people who could benefit from this service to appropriate attorneys.</p> <p><u>Future State</u><br/>                     The vision is for a high volume of self-represented litigants to be referred to appropriate unbundled services, providing a market based solution for people in need at a cost they can afford and a reliable referral source for attorneys who choose to make unbundled a significant portion of their practice.</p> <p><u>JFA Action Item</u><br/>                     The state and district bar associations would coordinate rosters of private attorneys willing to provide unbundled services accessible both for online users and phone users. For people who access services online, this would be connected to the triage portal. For people who contact legal aid or the court statewide self-help services via phone, they would be referred to the attorney referral services via phone. It is a “no wrong door” approach for people who are over the income guidelines for civil legal aid, but who can benefit from limited scope services. For the online system, users who are referred from the triage interview will have the information they have already entered in the system passed to the bar association roster, including case type, geography and income level, so that the user doesn’t have to answer all the same questions again. The bar associations would have training requirements for participating attorneys and would commit to public education regarding the purpose and availability of unbundled service.</p> <p><u>Why It's a Priority</u><br/>                     Minnesota has had favorable court rules in place allowing for limited scope services since 2005, but the lack of attorneys advertising unbundled services and insufficient referral systems has made it difficult to match unbundled services with people who need it (particularly self-represented</p> |

Related Components

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litigants above income guidelines for legal aid limited scope clinics). This is an area for significant growth in our state.

#### Community Involvement

JFA Steering Committee has conducted focus groups with self-represented litigants to get their input on the need for unbundled services and how to best market the services. This outreach would continue with community members who would help with user testing of the online system as it is developed.

#### Resources Needed

Funding for development of the online roster, outreach to attorneys and outreach to community; bar associations would provide staffing and sustaining funding for the effort

#### Performance Measures

- Tracking the number of unbundled referrals to each of the bar association partners
- Tracking the success of the referrals with information back from participating attorneys
- Measuring customer satisfaction with the service through a research sample of participants

#### Communications

The bar association is planning a communications effort directed at potential consumers of the unbundled service. Communications about the JFA project initiatives will also be included in the ongoing communication effort Minnesota will be coordinating with the Voices for Civil Justice staff.

| <b>Housing Prevention Toolkit</b>   |
|---|
| <p><u>Current State</u><br/>Rural housing cases are primarily SRLs with advice only due to short lead times, fewer available attorneys and long travel distances. 93% of eviction cases are for non-payment of rent, and the average amount of money owed is under \$1500. Understanding of rights and responsibilities on the part of both tenants and landlords is lacking.</p> <p><u>Future State</u><br/>The vision is for legal services to work in partnership with tenants, landlords, government services, mediation and community services through effective education and access to services for tenants (mediation, financial help, legal advice) to maximize the number of housing disputes that can be resolved without an eviction being filed.</p> <p><u>JFA Action Item</u><br/>Community outreach and partnering through one coordinator’s work in Northeastern Minnesota has moved toward zero evictions in this region. The project will gather in one place the resources and templates that have worked in this region and include other successful practices in use in rural Minnesota. The toolkit will be piloted in at least one other rural area and evaluated in the pilot for its help in reducing eviction cases. Feedback will be incorporated to create a final toolkit, which can be promoted statewide and made available to other states.</p> <p><u>Why It's a Priority</u><br/>Minnesota has a statewide initiative focused on ending homelessness. Minnesota housing shortages mean even first evictions can translate to homelessness. Stable housing is cited as one of the most critical “upstream” social determinants affecting families and children’s health, education and safety. Evictions “travel” with those affected, impacting future employment and future housing opportunities.</p> <p><u>Community Involvement</u><br/>This project will be focused on community involvement, drawing from the experiences of one region’s successful community partnering practices and encouraging other communities to build community partnerships through the tools provided.</p> <p><u>Resources Needed</u><br/>Funding for the development and piloting of the toolkit in one or more rural area as resources allow.</p> |

Related Components

Design, Governance & Management

**Community Integration & Prevention**

Unbundled (Discrete Task) Legal Assistance

Triage, Referral & Channel Integration

Simplification

Resource Planning

Technology Capacity

Judicial & Court Staff Education

Broad Self Help Informational Services

Plain Language Forms

Language Services Integration

Alternative Dispute Resolution Integration

Compliance Assistance

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Courtroom Assistance Services

Role Flexibility for Other Professionals

Performance Measures

- Successful pilot of the rural Housing Court prevention toolkit as measured by qualitative feedback on the toolkit pilot(s) – Year 1
- Track the number of rural communities who use the toolkit and survey feedback on its effectiveness in their efforts to reduce eviction cases through community prevention
- Track number of eviction cases, year over year, in Minnesota to see if eviction cases are being reduced in areas using the toolkit and compare this to other areas not using the toolkit.

Communications

Part of the toolkit will be focused on communications. One key message for launching this project is that it will gather good practices from across the State.

| <b>ADR Remote Services</b>  |
|---|
| <p><u>Current State</u><br/>                     Minnesota has six Community Dispute Resolution Programs in eight counties, with services focused in the metro area and some regions in the northeastern and southwestern portions of the state. These programs provide free and low-cost dispute resolution services using supervised volunteer mediators. The Community Dispute Resolution Programs provide mediation services for a wide range of civil disputes including neighbor to neighbor, landlord tenant, small business disputes and family members including juveniles and elders. By state statute they are prohibited from providing services in divorce proceedings, but they do cover post-divorce and never married parenting time mediations. The current service model is for telephone based intake case management followed by in-person mediation services. This has limited the ability to provide mediation services outside the eight county areas where their offices are located.</p> <p><u>Future State</u><br/>                     The vision is to make free and low-cost mediation services available in all 87 counties in Minnesota. This capability will include a centralized website and 1-800 number for individuals from anywhere in Minnesota to submit a mediation request. These requests then will be referred to mediation. In this future state the 400+ volunteer mediators will be able to respond to any Minnesotan requesting mediation either in person, or using remote conferencing. This statewide capability to access a mediation requests will be integrated in the Triage Portal so that people who could benefit from mediation will be made aware about the option for ADR before proceeding with litigation.</p> <p><u>JFA Action Item</u><br/>                     Fund Community Dispute Resolution Programs capacity to provide remote mediation services to expand statewide reach and better connect with community partners in underserved areas.</p> <p><u>Why It's a Priority</u><br/>                     The Community Dispute Resolution Programs have a service that is not well integrated with the existing civil justice system partners. In discussions about reaching new community partners and having a full range of services available through the triage portal, the Community Dispute Resolution Programs have asked how they can better connect through the JFA efforts. Their idea of providing statewide remote services and outreach fills a gap and helps reach the goals of better coordination and providing services that are not limited by geography.</p> |

Related Components

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Simplification

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Community Involvement

The six Community Dispute Resolution Programs recently entered into a joint venture agreement. Part of the mission of this new organization is to increase statewide access to mediation. As a part of this work they are reaching out to community partners in all 87 counties. Through an outbound calling campaign, local agencies have been identified to act as referral partners. In each county we are reaching social services providers, faith based organizations as well as local county help desks for outreach to clients that would be appropriate for mediation. This aligns with JFA efforts to connect with stakeholders outside of the courts, civil legal aid and the private bar.

Resources Needed

Funding for an implementation grant to buy the hardware and accessories for each location for remote mediation services through Community Mediation Minnesota and to provide outreach about the new service. Continuing funding would be provided by LSAC if the initiative is successful.

Performance Measures

- Tracking the number of community partners reached through the expansion effort
- Tracking the number of mediators trained to conduct remote mediations
- Tracking the number of people served by remote ADR

Communications

Community Mediation Minnesota is developing an outreach and communication plan. Communications about the JFA project initiatives will also be included in the ongoing communication effort Minnesota will be coordinating with the Voices for Civil Justice staff.

| <b>Community Outreach Position</b>   |
|--|
| <p><u>Current State</u><br/>While civil legal aid and the courts have many different community-based initiatives underway, there is no statewide position currently devoted to community integration and prevention within the civil justice system.</p> <p>Call for Justice was a nonprofit that did training of United Way 2-1-1 referral and information specialists and held legal liaison programs educating social service providers about legal issues and providers. Call for Justice closed in late 2017, and worked with the Hennepin County Bar Association to continue its legal liaison program work in the Twin Cities metro area.</p> <p><u>Future State</u><br/>We envision a future state that expands outreach and communications efforts between the civil justice system and community partners, including social service providers. Communities across Minnesota will have better access to legal information, resources, and services to help resolve civil legal problems. Social service providers and community leaders will be able to better issue-spot legal issues, and make better referrals to legal aid and other resources when appropriate.</p> <p><u>JFA Action Item</u><br/>In addition to the Housing Prevention Toolkit and ADR Remote Services initiatives, we see an additional action item to staff general community integration and prevention work, with a focus on Greater Minnesota. This position would start as a part-time position that would continue the work started at Call for Justice to connect social service providers with legal resources and providers and support the implementation of the Housing Prevention Toolkit. The project partners propose this position to exist at Legal Services State Support, a statewide project of the Minnesota Legal Services Coalition.</p> <p><u>Why it's a Priority</u><br/>During the assessment, project partners received clear feedback from community-based participants that the civil justice system needs to increase its coordination and outreach with nontraditional justice system partners. This position will ensure that community involvement also continues to move forward as the Justice for All work and related efforts gain momentum in the next few years.</p> |

Related Components

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Unbundled (Discrete Task) Legal Assistance

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Simplification

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Community Involvement

Community involvement will be central to this initiative – community stakeholders will help identify their substantive training needs and the areas where this work will be most impactful.

Resource Needs

This position needs kickoff funding for a .25 FTE position and will be sustained LSAC grants that had previously been granted to Call for Justice.

Performance Measures

- Survey of social service providers and community leaders' understanding and awareness of issues and resources within the civil justice system before and after outreach activities
- Volume and quality of referrals to legal aid from social service providers

Communications

Communication channels outside of traditional civil justice system channels will be critical to this initiative. The staff funded by this position will need to create a communications plan that reflects the communities they are trying to reach. This will likely involve a combination of social media platforms and in-person outreach.

## V. Communications Plan

Our communication plan is set up in three phases for 2018. The first phase is “Establishing Resources for Implementation.” We will keep communications within the working committees during this phase as we are completing the Strategic Action Plan and while 2018 initiatives are being finalized and resourced. The second phase is “Announcing the Plan.” This phase will begin when resources are confirmed, likely at the beginning of February. This Strategic Action Plan will be announced, posted and communicated more broadly through the judicial, legal aid and other related service communities. The third phase will be to weave ongoing communication on the Access to Justice priorities and plans into the community.

### **Phase 1:** Establishing Resources for Implementation – January 2018

While we have broad agreement on the priorities and strategic goals for our plan, we will be working to secure resources for launching the initiatives in 2018. During this time, the communications will be focused to the Steering Committee and the Chief Justice.

#### Key Messages

- Ensuring alignment on our five strategic goals
- Preparing proposals for implementation grants and other funding
- Communicating with recipients of funds to identify roles, plans and evaluation strategies
- Extending appreciation to key stakeholders for their work over the past 12 months
- Meeting with the Chief Justice to determine messages and method to communicate the plan through the judicial system

### **Phase 2:** Announcing the Plan – February 2018

When resources have been determined for implementing proposed initiatives, we will finalize our plan and announce it to the civil justice community, including the Minnesota Judicial Branch, civil legal services, and the private bar. The JFA Plan will be announced through the following communications:

- Announcement to the Steering Committee with a summary of next step communications
- Plan with letter of appreciation to all stakeholders participating in the planning process
- Plan communicated throughout the judicial system
- Plan posted on [www.mnlegalservices.org](http://www.mnlegalservices.org) and [www.mncourts.gov](http://www.mncourts.gov)
- Meetings to discuss the plan in February 2018

#### Key Messages

- Why access to justice is important for Minnesota
- 5 key priorities/strategic goals
- 2018 Initiatives
- Evaluation plans
- Where to send comments and feedback
- How to get/stay engaged in this effort

**Phase 3: Ongoing Communications – June, September, and December 2018**

Keeping the JFA plan visible in the legal and judicial communities is a final and ongoing step of communications for our work. In this phase, we want to establish quarterly communications on the implementation and evaluation of our efforts, starting 2nd quarter, 2018. It will be important to maintain awareness of our strategic goals, to evaluate the work underway, and to modify the plan as we implement.

The key audiences for this phase of our communications will be the primary stakeholder groups involved in the planning work, the Judicial branch and the Implementation grant recipients.

**Communication Vehicles:**

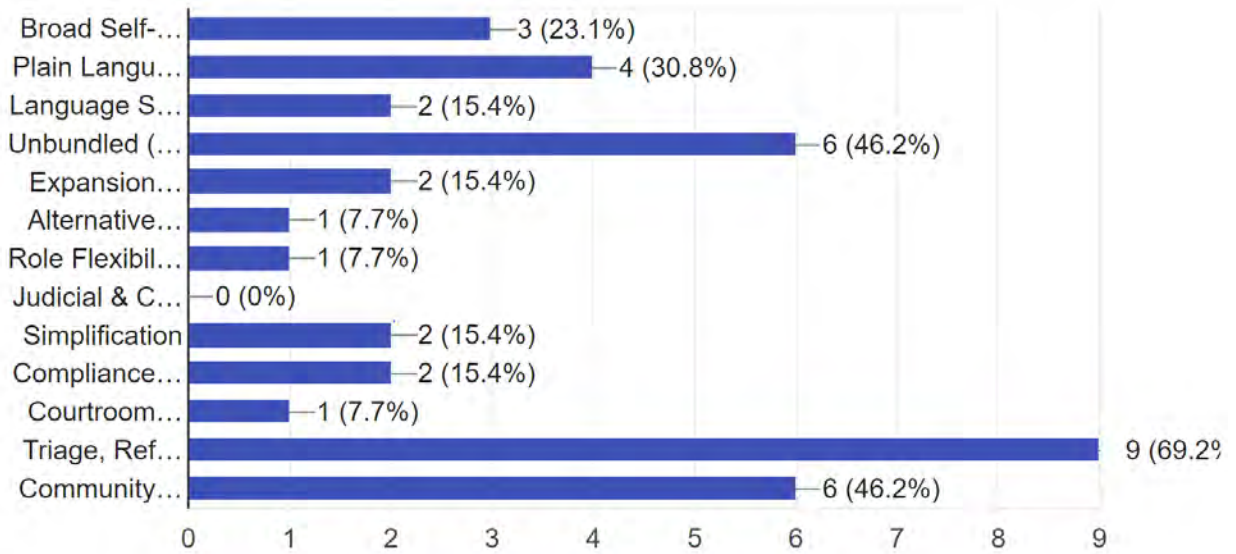
- Minnesota Legal Services Coalition blog and monthly newsletter
- Bi-monthly legal aid partner meetings
- MSBA LAD Committee, pro bono council, and assembly meetings
- Direct emails to key stakeholders
- Community meetings
- Judicial Branch newsletter “Branching Out”
- Judicial Branch annual report
- Work with the Court Information Office of the Judicial Branch to work on getting more information in legal and other media outlets.

## Conclusion

Minnesota civil justice system stakeholders are committed to steady progress towards the Justice for All goals. This strategic plan is the result of many people from across the state who provided important feedback and input into the project. The initiatives described in this report will result in expanded legal services for many Minnesotans and real changes in how partners work together to create a more user-friendly system. The JFA process has led to real commitments on the part of the courts, civil legal aid and the private bar to stretch beyond the usual stakeholders and integrate even more with the community. This plan is intended to complement and supplement a wide range of current efforts already in place or underway in Minnesota to ensure that all Minnesotans have access to effective assistance for their essential civil legal needs; that we have a comprehensive and integrated approach to the services we provide; and that our system provides a continuum of meaningful and appropriate services for all. This has been a meaningful process for our state and we are ready to move our strategic plan in to action.

## Appendix A: Survey Results

The below chart shows the survey findings of the steering committee prior to our meeting about prioritization. The following page shows the audience live polling results from the Fall Stakeholder meeting.



# 100 points



# Paraprofessional Pilot Survey Results

Legal Paraprofessional Pilot Project  
Implementation Committee  
September 30, 2019

Appendix I



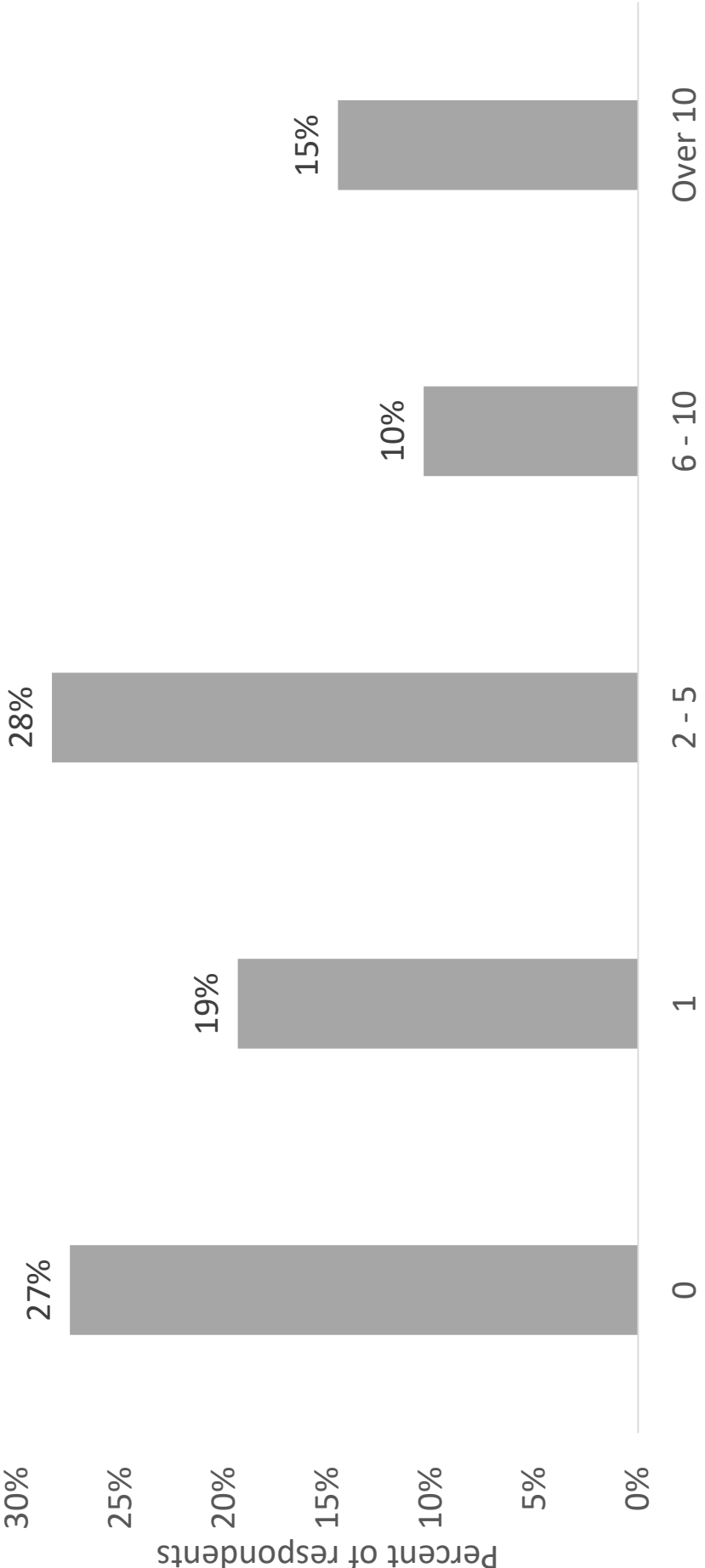
*To provide justice through a system that  
assures equal access for the fair and timely  
resolution of cases and controversies*

*MJB Mission Statement*

# Survey Responses

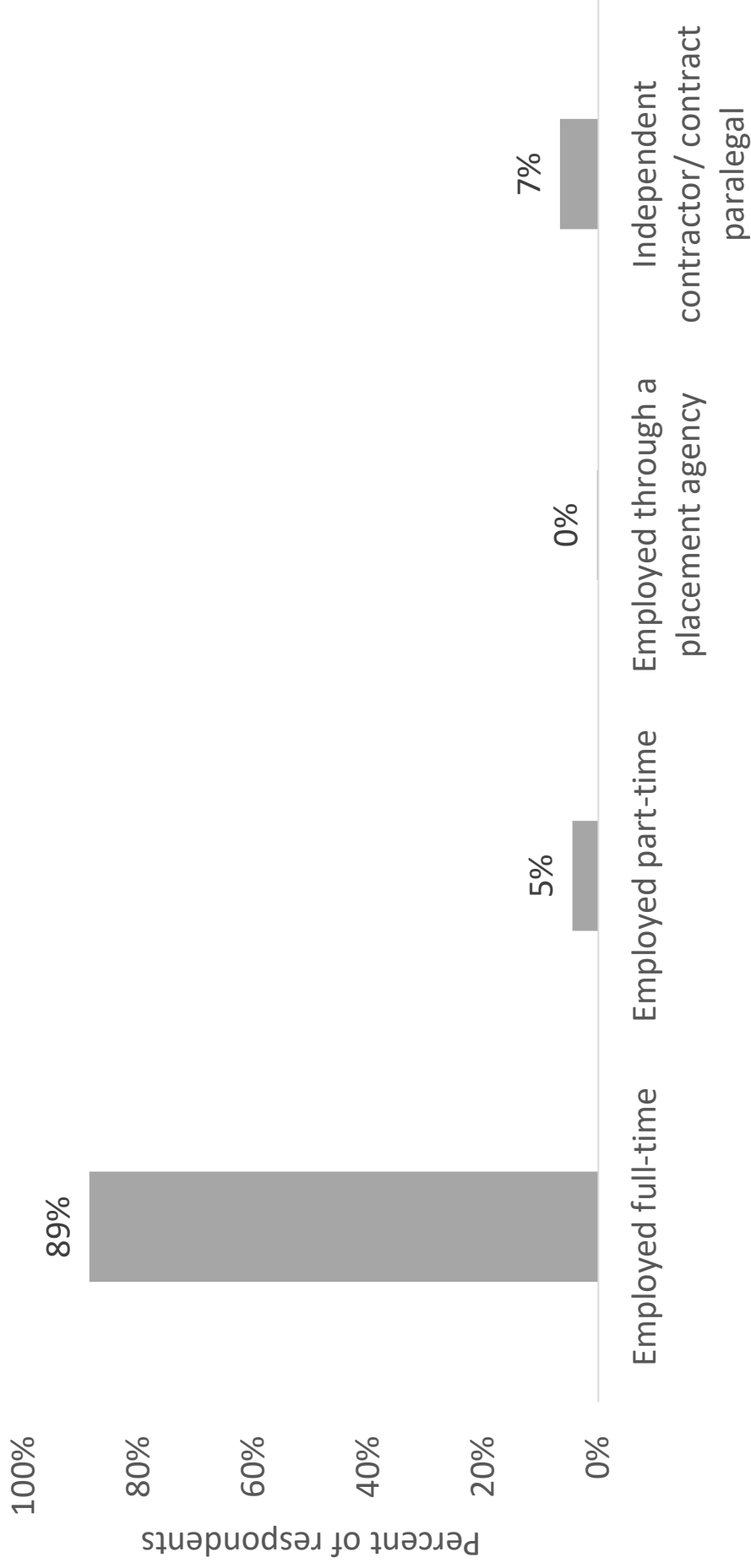
- 579 completed surveys from Thursday, September 12<sup>th</sup> through Tuesday, September 24<sup>th</sup>
- Completion rate of 69%
  - 835 started surveys
- Average time to complete: 6 minutes
- Written responses included as appendix

How many paralegals does your office currently employ, as either permanent staff or contract staff?



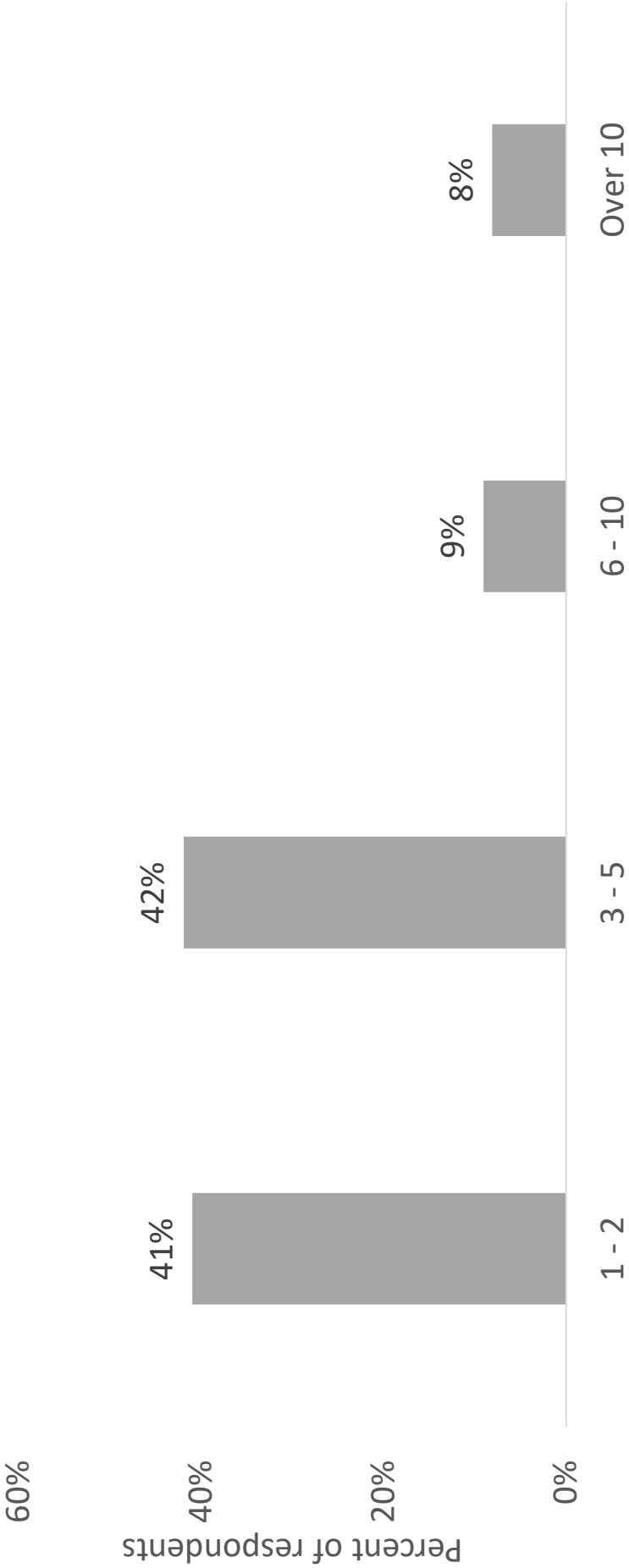


What is the paralegal's employment status? (Select the most appropriate answer.)\*



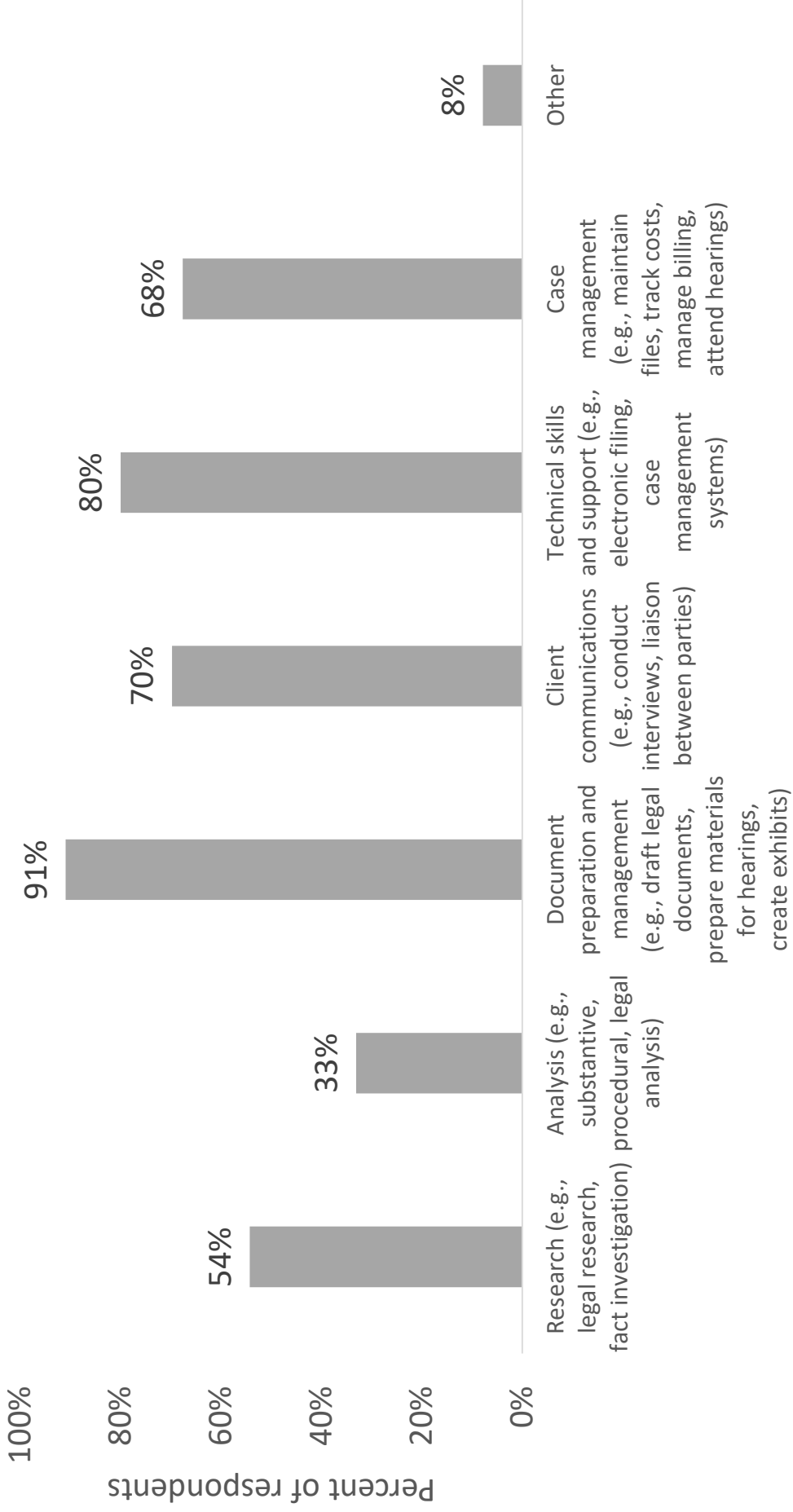
\*Question asked only of respondents with at least one paralegal in their office.

In your office, how many attorneys does the paralegal support? (Select the most appropriate answer.)\*



\*Question asked only of respondents with at least one paralegal in their office.

## What kind of work does the paralegal currently do for your office?\*

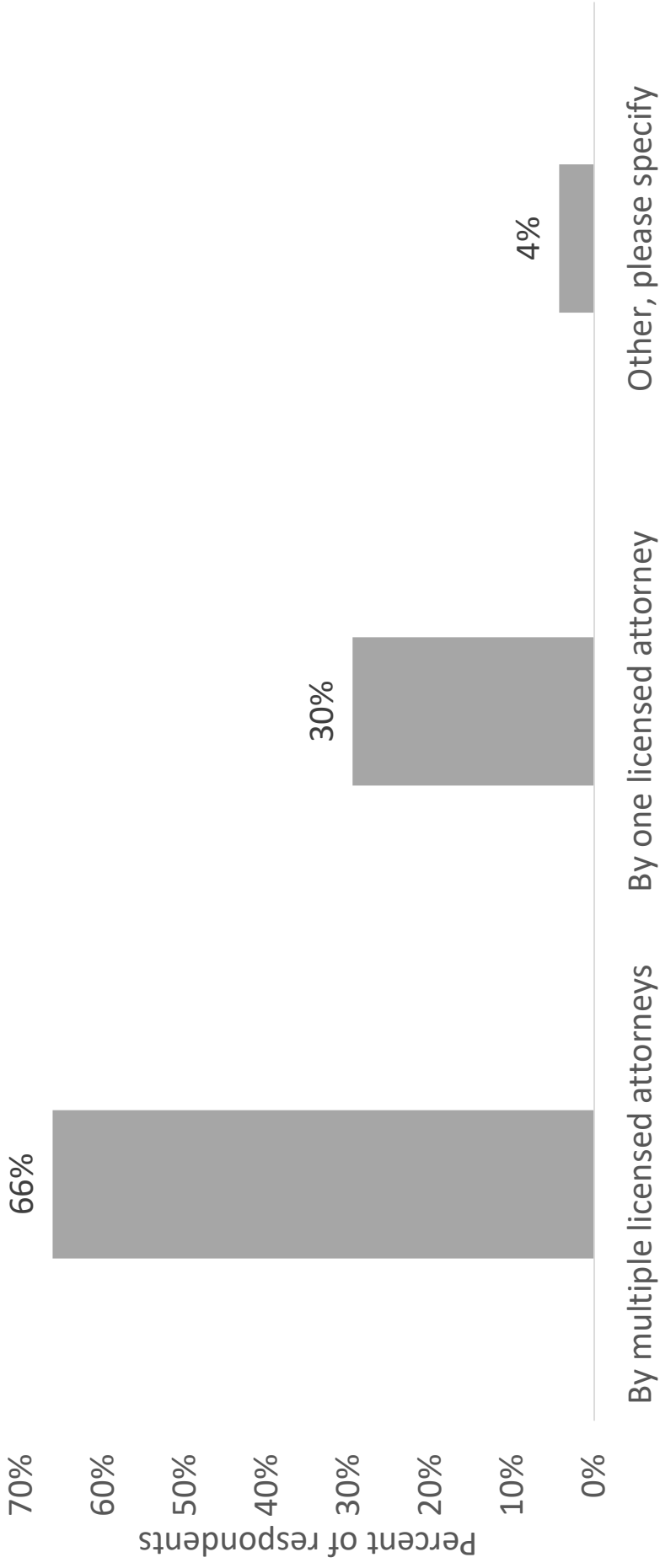


\*Question asked only of respondents with at least one paralegal in their office.

# What kind of work does the paralegal currently do for your office? Other – write in

- Secretarial - Prep of Correspondence, Discovery, eFilings
- Trial, post-trial matters and appellate work
- Prepare probate & trust accountings; prepare estate, gift, and income tax returns
- Liaison for counsel.
- Makes copies of digital evidence
- Scheduling, subrogation/medical expense organization and presentation
- None of the above describe the work performed by paralegals. Paralegals in my office gather and summarize records, perform social media searches, communicate with outside parties regarding obtaining records, maintain files. Paralegals do NOT perform substantive legal work.
- Real estate work, such as abstracting, preparation of conveyancing documents, etc.
- Industry subject matter expert
- manage front desk and applications
- consult with internal clients; project work
- doc management but not drafting
- Office manager, consults with attorney's and sometimes clients
- Review contracts from third parties, draft contracts
- Translation
- docket tracking; to-do lists
- contract review
- Answer phones
- representation at social security hearings
- Administrative roles
- Collects and organizes documents
- tax preparation
- Draft correspondence to Court and opposing parties/counsel
- Provide input in case strategy meetings; writing & editing briefs, etc.
- contract management
- Board/committee governance
- Hospital and case manager communications
- Summarize documentary evidence - medical and other records
- Discovery - preparation of discovery, tracking of productions
- Intake
- Administrative Hearings
- Represent in Admin hearings
- Direct case handling - administrative hearings. Have own case load

Please describe how the paralegal is supervised.\*

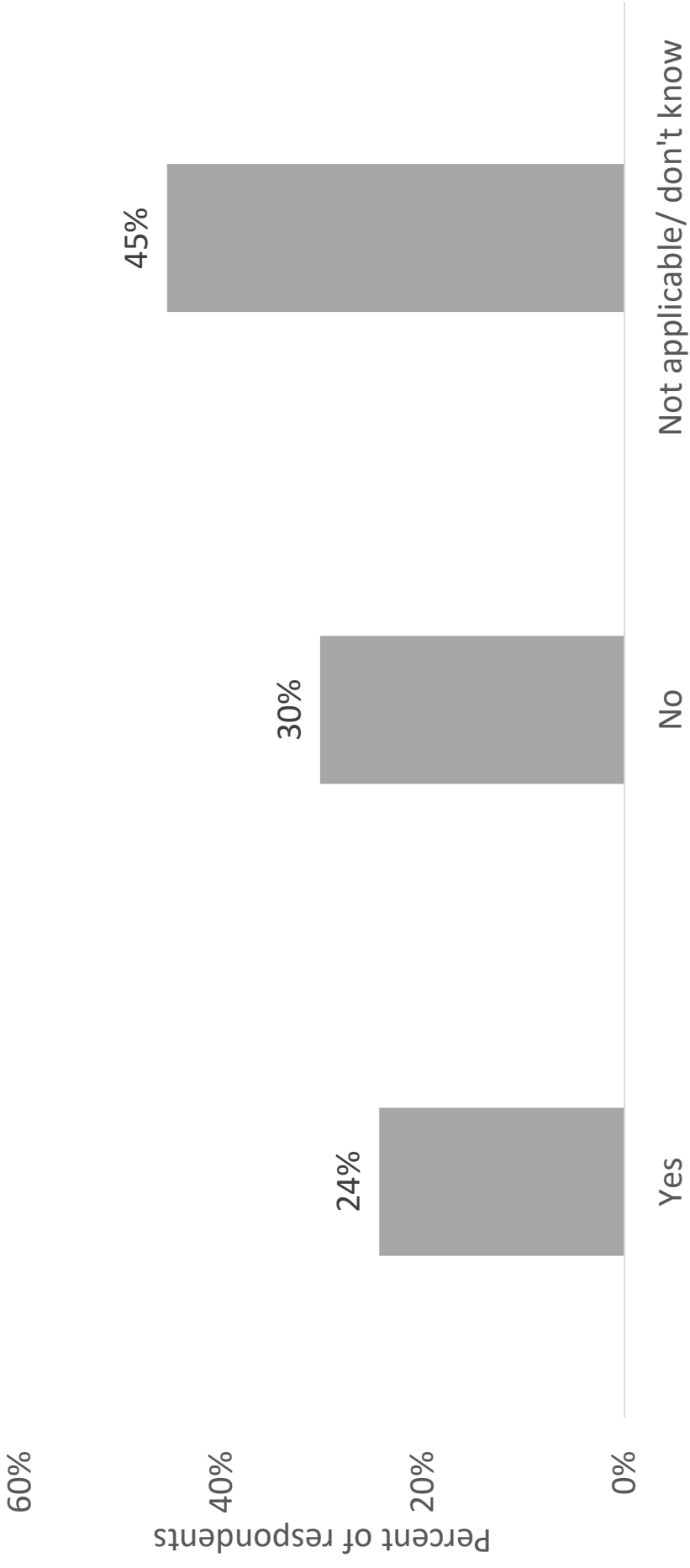


\*Question asked only of respondents with at least one paralegal in their office.

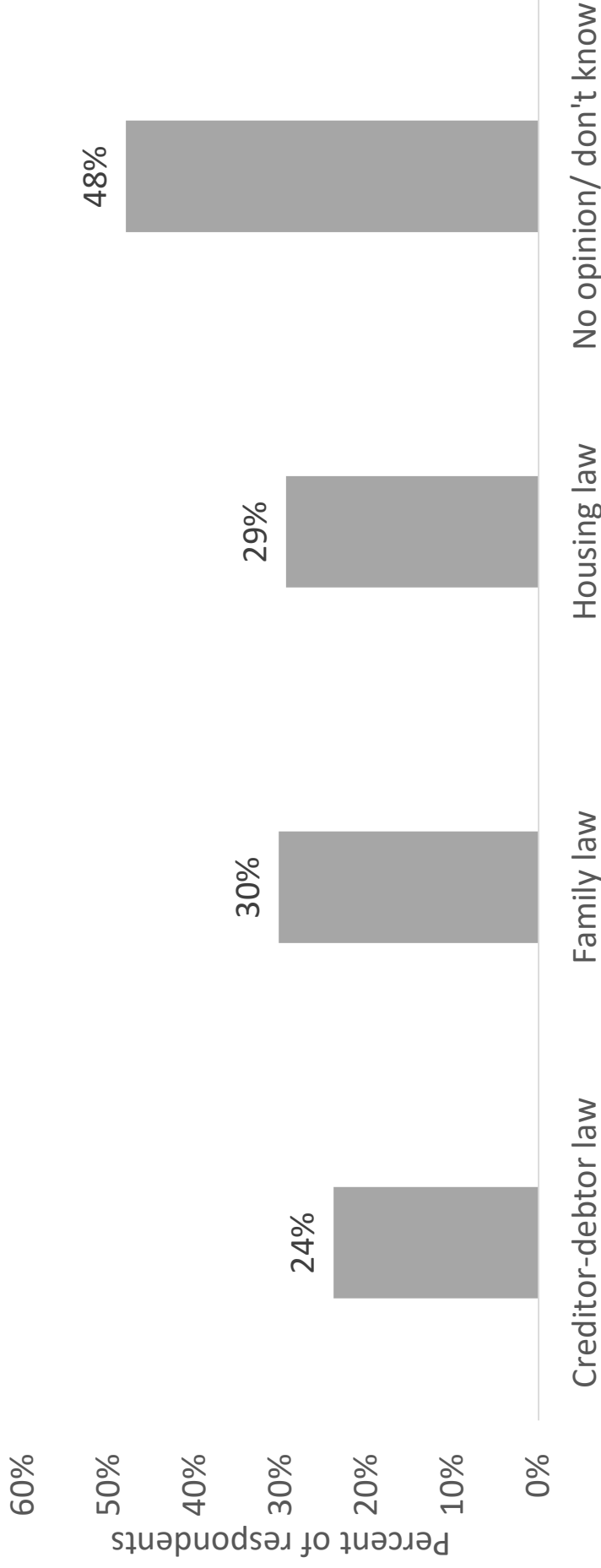
# Please describe how the paralegal is supervised. Other – write in

- office manager
- by a supervising attorney
- Not really supervised. Billable hours.
- Staff supervisor
- Non-attorney administrative staff
- There is one non-attorney supervisor that manages all staff members.
- There is attorney supervision through each practice area in the office.
- By multiple attorneys and an Admin person
- Through Admin
- Supervising paralegal
- Paralegal supervisor (also a paralegal)
- Administrative supervisor
- Paralegal Manager
- Director of Sales/Marketing
- Legal Manager
- We have a head supervisor in each department
- By assigned attorney and by unlicensed paralegal supervisor
- Division Support Staff Supervisor
- Firm Administrator

In the last five years, have you or your legal office had difficulty finding qualified paralegals?

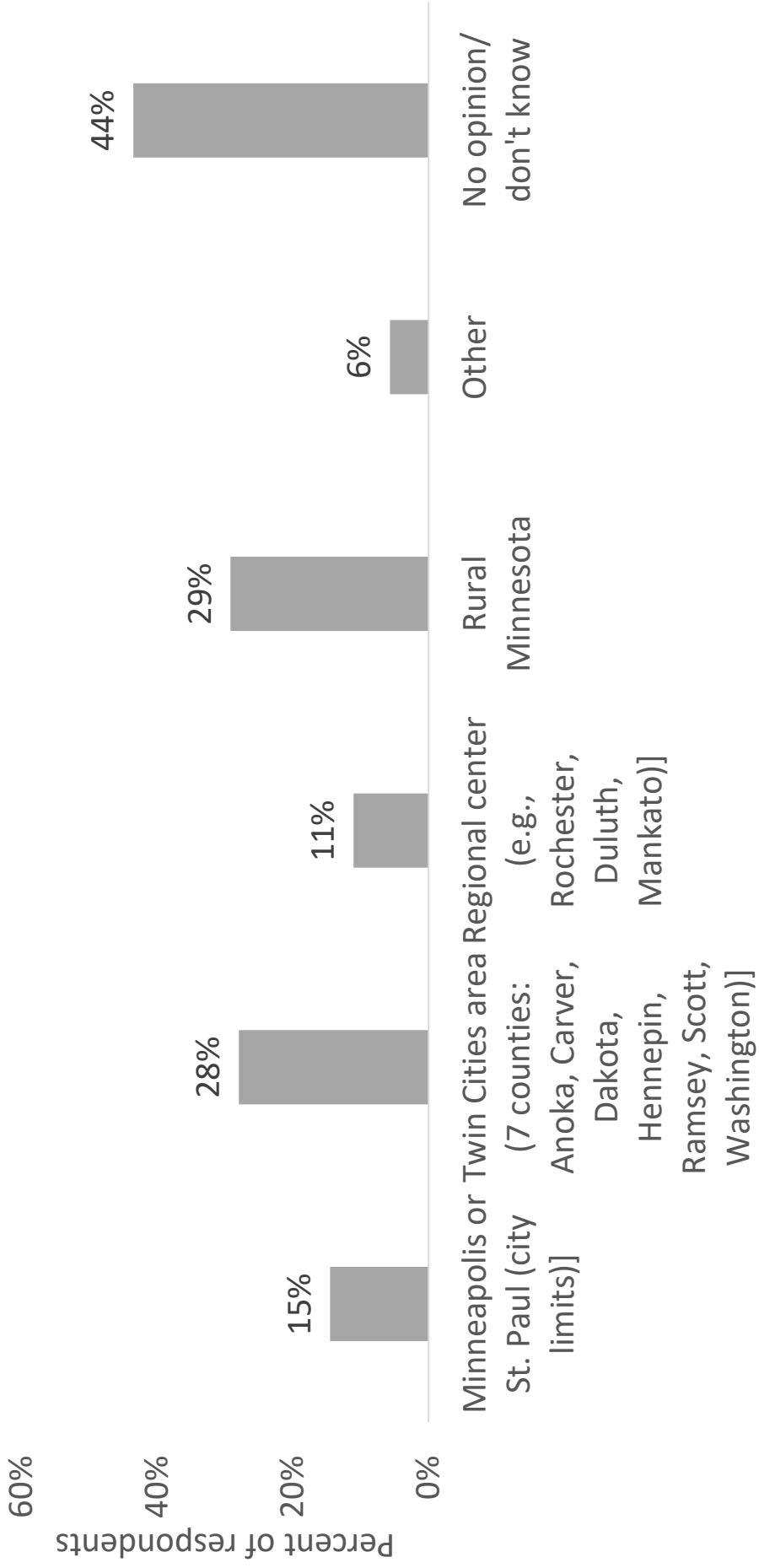


Of the three areas of law, creditor-debtor, family, and housing, in which area(s) do you believe additional assistance from paralegals would provide the most benefit to clients? (Select all that apply.)

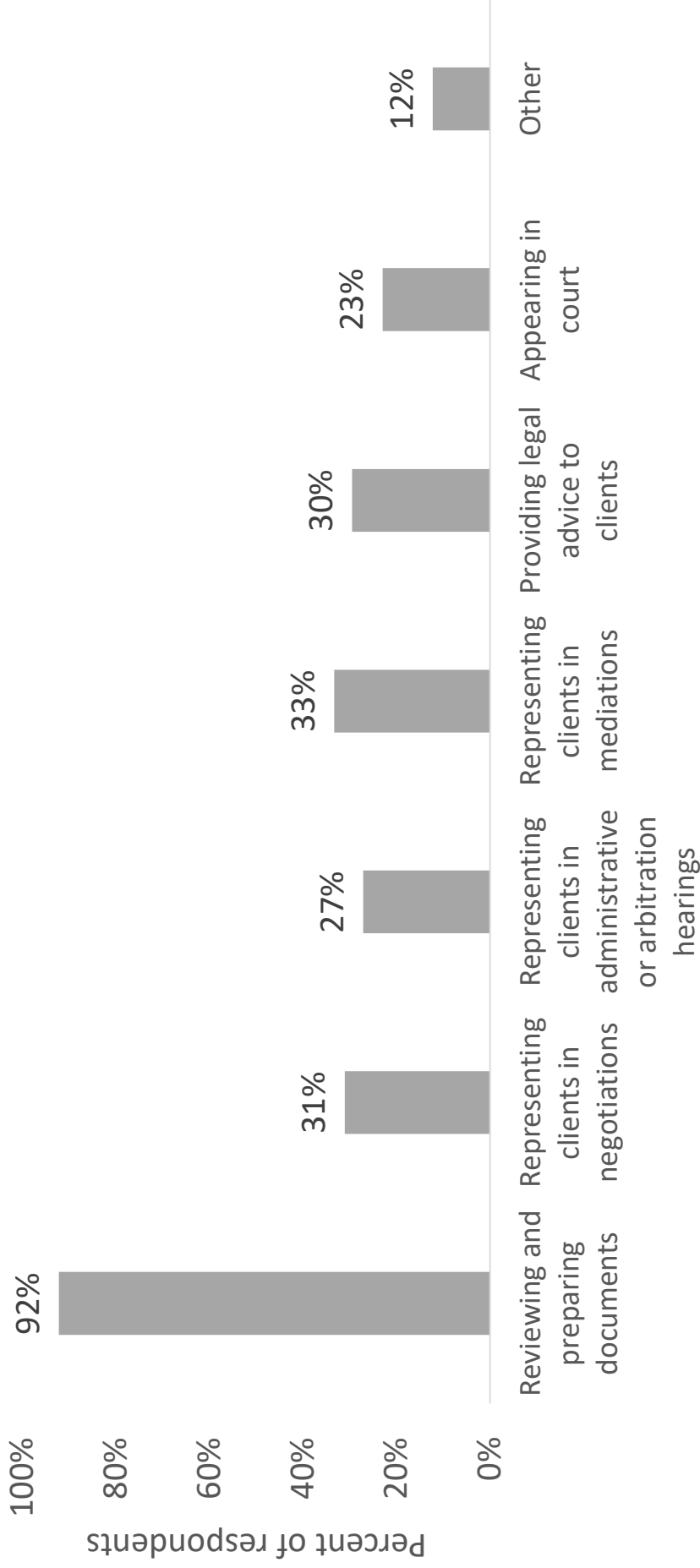




In which area(s) of Minnesota would clients benefit most from this pilot project? (Select all that apply.)



Which tasks or responsibilities would you be comfortable with a paralegal handling under the supervision of a licensed attorney? (Select all that apply.)



\* 5% of respondents wrote in 'none' in Other

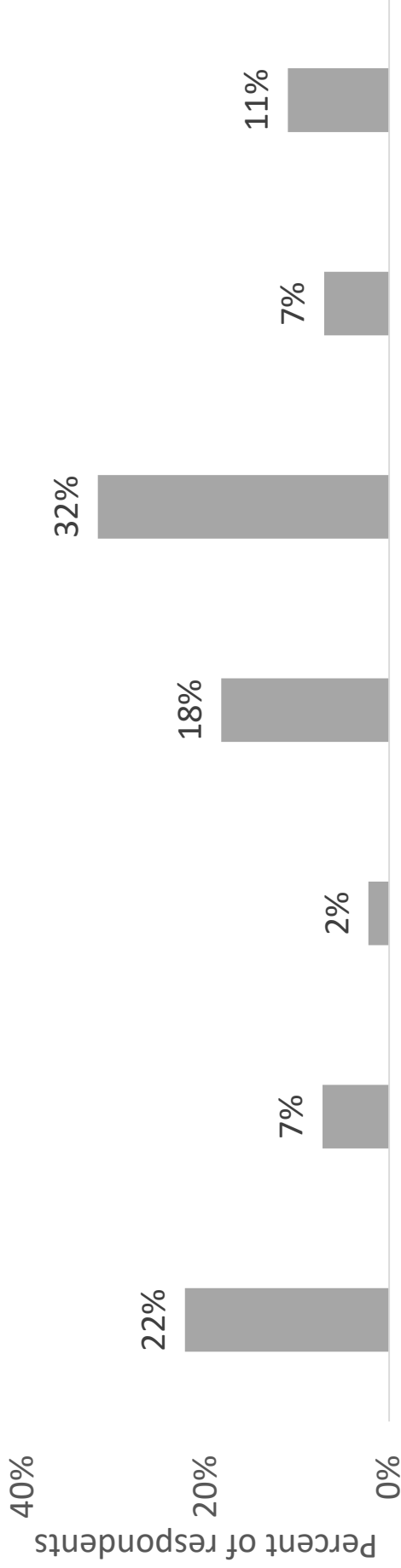
# Which tasks or responsibilities would you be comfortable with a paralegal handling under the supervision of a licensed attorney? Other – write in

- A lot of the answers above are practicing law and ethically, I cannot endorse any of them for that reason. Let's provide more attorney help to people instead of stretching the ethical obligations.
- Add long as the representation is limited to areas that they would be prepared for and skilled in, they should be able to
- Appearing in conciliation court.
- Appearing in conciliation court; appearing at eviction hearings (1st appearance); appearing at FENE
- Appearing in Court for hearings where no legal argument is being made such as scheduling conferences and status conferences.
- Appearing in special courts, like housing court, or the equivalent in rural jurisdictions.
- Attend child case planning activities, such as mental health or child welfare
- communication on scheduling / hearing prep
- client communications, research as to facts of a case, initial legal research, file and calendar management.
- Conciliation court appearances
- Conducting witness interviews. Drafting generic discovery requests.. Summarizing medical records. Legislative-history research.
- Depends on the matter
- Depends on the paralegals number of years of experience
- Explaining options to clients, without providing legal advice.
- Explaining the law
- Filing documents, managing case files.
- For all of the above answers, with limitations (i.e. comfortable with paras preparing certain routine documents, negotiations, mediations etc.)
- Helping clients fill in self help forms that are later reviewed by an attorney.
- I would feel comfortable in some limited settings such as negotiations or administrative hearings. However, it entirely depends on the level of training they've had. None of my paralegals are presently competent to appear in court, manage a negotiation, attend administrative hearings, or appear in mediation. But they could be trained over several years to become capable of doing those things.
- Legal research
- I am not sure where I think the line should be. The truth is the a lot of people, including paralegals, think they know more than they do which can end up doing more harm than good. But maybe if paralegals could sign off on documents and appear at uncontested hearings, that could be a good balance. Really it depends on the person and what they are capable of though. Mediation and contested hearings should require a level of knowledge that frankly not all lawyers have either.
- I do not think this is a good idea.
- I honestly wouldn't feel comfortable have any one other than a attorney handling any of these items.
- Intake, calendaring, file management
- Interviewing the client and performing discovery
- It really depends upon the person and malpractice insurance. I do not know if I would feel comfortable for a paralegal to be unsupervised unless they have done courses or experience in representing clients.

# Which tasks or responsibilities would you be comfortable with a paralegal handling under the supervision of a licensed attorney? Other – write in

- None of those things should be handled by paralegals.
- None [x17]
- NONE - ALL communications should only be done by licensed attorneys.
- None of the above
- none of the above
- None of the above.
- None of these categories are sufficient detailed for me to offer an opinion (what kinds of documents? what kinds of negotiations? etc etc)
- NONE!!!!!!!!!!!!!!!!!!!!
- None, stop taking business away from attorneys
- None. Terrible idea.
- None. I question the wisdom of this project.
- None. Why isn't 'none' an answer?
- Only the tasks currently performed by a paralegal
- Paralegals should not be representing clients at hearings, mediations, appearing in court or giving legal advice.
- preparing and reviewing documents only under attorney supervision.
- preparing documents subject to review by attorney only. Drafting and managing discovery may be beyond a paralegal's ability depending on the complexity of the case.
- Research and efilling
- Research, drafting memos, organizational systems
- Reviewing and preparing documents under the supervision of a licensed attorney
- See prior answer, supra; our clients are all probate, trust, estate planning and taxation matters
- Sharing statutory provisions with clients
- The caveat to each of the selections above is I feel they should have to pass some sort of test or licensing process as many holiding themselves out to be paralegals lack the breadth of experience I feel would be needed to represent a client in court.
- The paralegals I have worked with are better than first to third year attorneys, yet we still have those first to third year attorneys do all of the above.
- This question assumes an answer with a starting point, it directs the answer to an assumption that supervising someone to do something makes them as qualified as the person licensed to perform that duty. Other than review documents, none. Paralegals are not trained or qualified to provide legal representation.
- VERY limited provision of general legal advice to clients.
- Why not fund the agencies that have already established an effective means to aid low income litigants? Legal Aid; Volunteer Lawyers Network, Central MN Legal Services?
- With the right training and education and under supervision of licensed attorney a paralegal could represent a client in court, be involved in negotiations, mediation, and provide legal advice.

What do you think the minimum qualifications should be for a paralegal to do any or all of the tasks or responsibilities listed in the previous question? (Select the most appropriate answer.)



A bachelor's degree  
 A high school diploma, or its equivalent, and more than 3 years of paralegal experience  
 A high school diploma, or its equivalent, and up to 3 years of paralegal experience  
 A law degree or other advanced professional degree  
 A paralegal certification  
 An associate degree or specify

What do you think the minimum qualifications should be for a paralegal to do any or all of the tasks or responsibilities listed in the previous question? Other – write in

- High school diploma, Paralegal Associate Degree or 3 years equivalent experience + 3 years experience
- A LAW DEGREE!!!
- there should be competency standards established by the court with ethics rules
- A paralegal certification is sufficient to review and prepare documents. I don't think that paralegals should do any of the other tasks listed in the previous question.
- Street smarts and savvy. I can TRAIN anyone with common sense. Being able to meet client expectations requires ability to triage and think on ones feet
- Bachelor's degree or associate degree plus more than 5 years' experience
- Law degree. That's what we went to law school for.
- Bachelor degree, paralegal certification, and character and fitness review; including ongoing education requirements.
- At least a bachelor's degree that's more than just a paralegal certification.
- A bachelor's degree and a paralegal certification
- I don't think paralegals should be handling anything outside of drafting documents, research or memos. They are not versed in the law the way attorneys are and should still remain behind the scenes.
- This survey is defective -- it presupposes that allowing paralegals to function as lawyers is a good idea, when in fact it is an overwhelmingly bad idea.
- We have employed paralegals with a secretarial background that we essentially trained on the job and from 2 year paralegal programs,
- a high school diploma and 7+ years of hands-on experience. Maybe in lieu of some of the years of experience a paralegal certificate.
- A bachelor's degree, with a paralegal program within it, plus 5 years experience working as a paralegal
- This is a horribly drafted question. I think someone with a bachelors degree or less who is smart can draft paperwork especially if you automate your documents. I think someone who has worked in a law firm for a long time and has become familiar with the firm's practice area can likely handle a mediation. Depending on they type of hearing, if just a simple one, someone with a bit of education and instruction could represent a client at a hearing or administrative hearing. Complex legal arguments and hearings - need much higher level person to handle.
- should test for knowledge

What do you think the minimum qualifications should be for a paralegal to do any or all of the tasks or responsibilities listed in the previous question? Other – write in

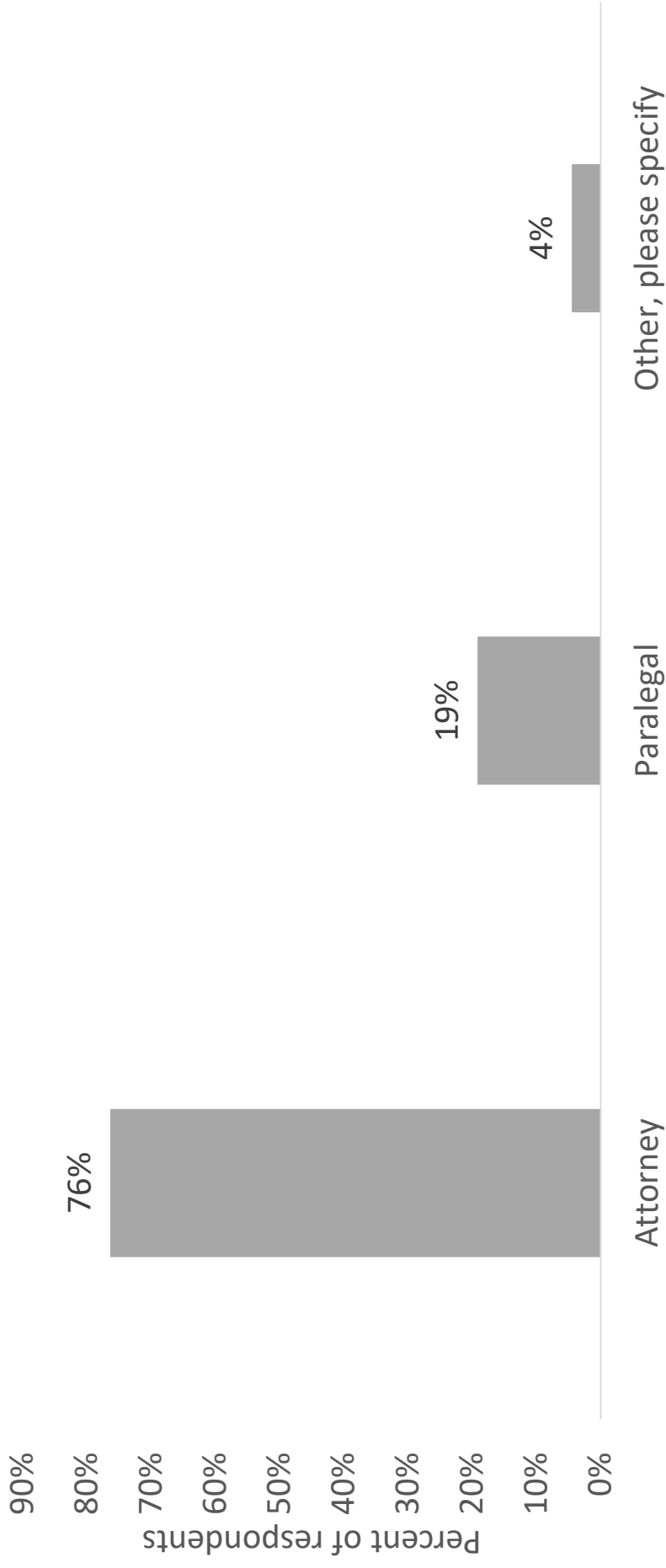
- I think it is about a persons skill and experience so a smart person with no diploma could still learn and do good work.
- first year of law school
- apprenticeship-style training in the specific area of law
- Certain number of years experience. 5-10?
- Atty's lic.
- minimum years experience - ex. 5 years
- An associate's degree AND three years of paralegal experience.
- A bachelors degree AND a paralegal certification are ideal if we are going to allow these individuals to give advice and other assistance.. I do think that individuals can learn on the job so a number of years working under the supervision of a licensed attorney may also be acceptable as long as the attorney is confident of the legal assistants skills.
- A law degree and a license to practice law
- The idea that we should be expanding the ability of Paralegals to actually represent people, is wrong and misguided
- Two years full time experience
- Either option 2 (HS diploma plus 3 years) or an apprenticeship or equivalent
- In my opinion, degrees matter less than experience and a certification.
- A law degree and admission to the bar.
- Bachelor's Degree or a paralegal certification and a minimum of 2 years paralegal experience
- ABA approved paralegal studies bachelor's degree or graduate degree
- I think if this is done, it should only be paralegals that have a number of years of experience.
- Some college degree (AA, BA, MBA) with practical paralegal work which can be authenticated by a licensed attorney
- A bachelor's degree in paralegal/law or a paralegal certification, plus at least 5 years substantive experience directly in the field of law services are provided.
- An associate's degree in paralegal/legal studies, 5 years experience, and pass a licensing test OR a bachelor's degree in paralegal/legal studies, 3 years experience, and pass a licensing test.
- Bachelor's degree and paralegal certificate or more than 3 years substantive paralegal experience
- A bachelor's degree plus five or more years of substantive paralegal experience
- Bachelor's Decree AND Paralegal Certification
- A law degree, bar passage, and upkeep of all licensing requirements for attorneys.

What do you think the minimum qualifications should be for a paralegal to do any or all of the tasks or responsibilities listed in the previous question? Other – write in

- A paralegal should have at least a Bachelor Degree plus a post baccalaureate paralegal certification. Licensing should be required, such as PACE
- At least an associates degree or a paralegal certification
- It all depends on the program attended. An AA with a paralegal certificate might be enough, but my thought would be there should be specific and special classes/CLEs related to any additional responsibilities in any of these areas for clients
- Bachelor's degree and five years of paralegal experience in area of practice and paralegal certification
- A bachelor's degree plus paralegal certification
- I think a law degree, paralegal certification or bachelors degree in some sort of law area would qualify as they pertain to the area we would practice in.
- Paralegal degree and 5+ years of experience.
- An associate degree and more than 3 years legal experience
- A paralegal certification and more than 3 years of relevant paralegal experience
- JD and law license
- High school diploma, Paralegal certification, and 3-5 years of legal experience
- An Associate's Degree in Paralegal Studies or a Bachelor's Degree with a Paralegal Certificate
- A bachelor's degree and more than 3 years experience
- A paralegal degree with X number of years of experience in that area of law.
- Bachelor's degree, at a minimum, and then either some certification with SUBSTANTIAL training (more than a real estate agent, for instance) or an apprenticeship with an attorney and some sort of test/certification afterward.
- Significant experience in the relevant area of law, perhaps demonstrated via referral from a lawyer or judge.
- Experience & a good grasp of the area of law addressed, is key. I'd say more than 3 yrs experience and some kind of degree or para certificate.
- no comment
- I am a paralegal
- A law degree-however then the point is moot, they are no longer a paralegal but an attorney
- An associate degree and paralegal training.
- A high school diploma and close supervision of a competent paralegal or attorney.
- a four year degree AND a paralegal certification



## What is your profession?



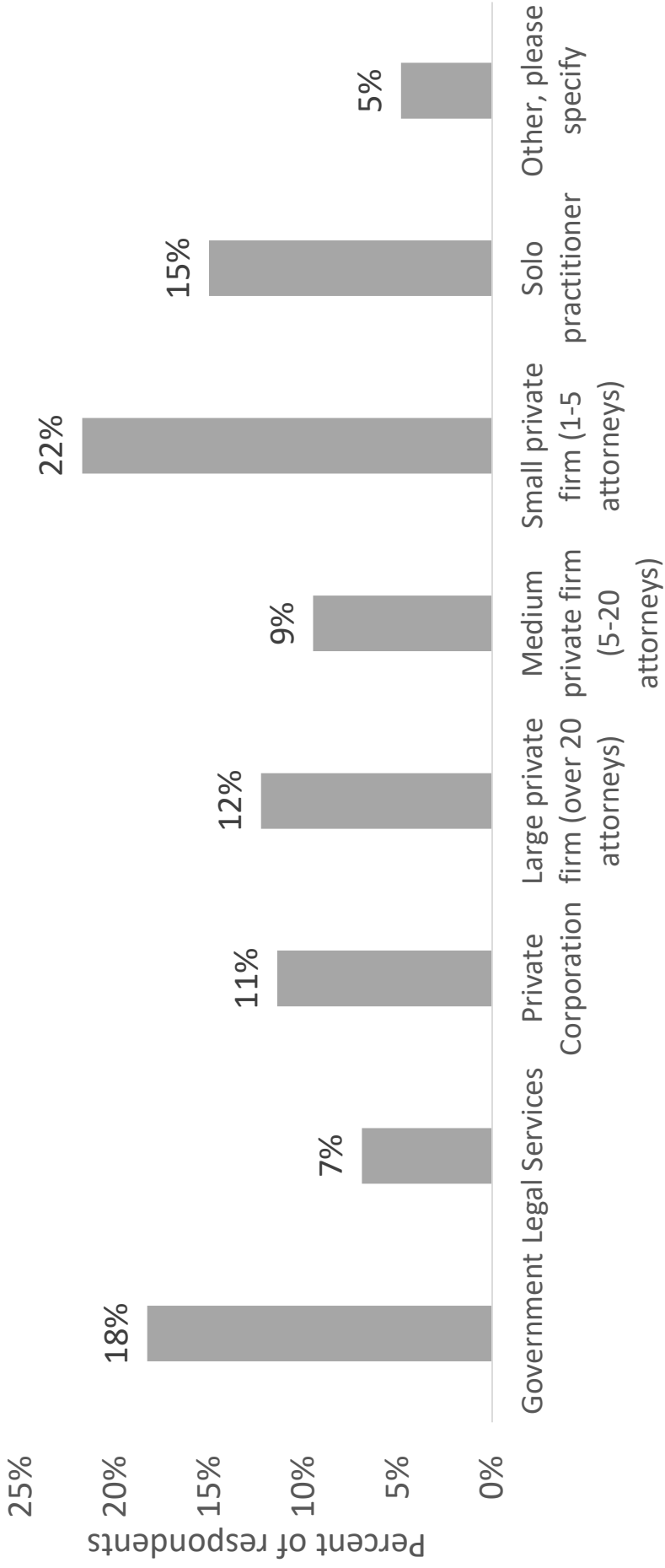
# What is your profession? Other – write in

- non profit case manager
- Legal AA
- law professor
- District court judge
- Judicial officer
- Judge
- Attorney working in compliance
- Judge
- District Court Judge
- District court judge
- Judge
- Court employee
- judge
- Judge
- District Court Judge
- Judge
- judge
- Court Administration
- Legal Assistant
- Judge
- Law librarian/attorney
- Legal Assistant - no paralegal certificate
- Trust officer
- Regulatory Compliance
- Judicial Officer
- legal education

## How long have you worked in your current role?



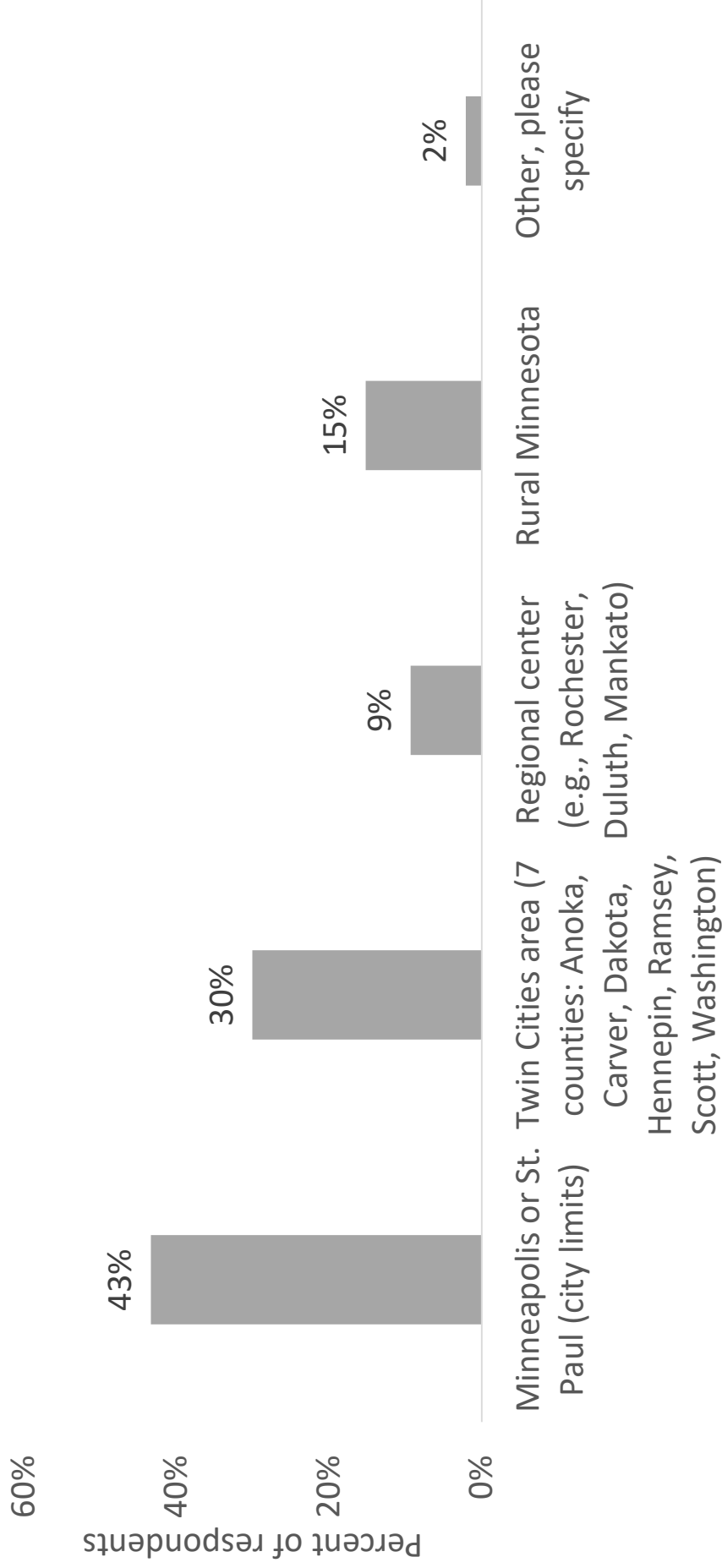
How would you describe your office? (Select the most appropriate answer.)



# How would you describe your office? Other – write in

- nonprofit
- education
- Retired
- Public company
- Solo practice now; previous managing shareholder of a 20+attorneysuburban firm
- Judge
- Non-profit- Legal Education
- Consulting services
- My office provides sliding scale fee representation to low and middle income clients. We are already doing what you are trying to do and we offer attorneys to represent people.
- Judge
- I'm freelance and support 5 firms virtually
- local govt. not in CAO
- nonprofit
- Non-profit that does not provide legal services.
- Nonprofit Trade Association
- non-profit
- County law library
- In house Counsel Private Bank
- Publishing
- University
- public corporation
- Public company
- Large public corporation
- Department at the University of Minnesota
- Financial Corporation
- I am a contract paralegal working under the supervision of licensed attorneys.
- educational institution
- Non profit

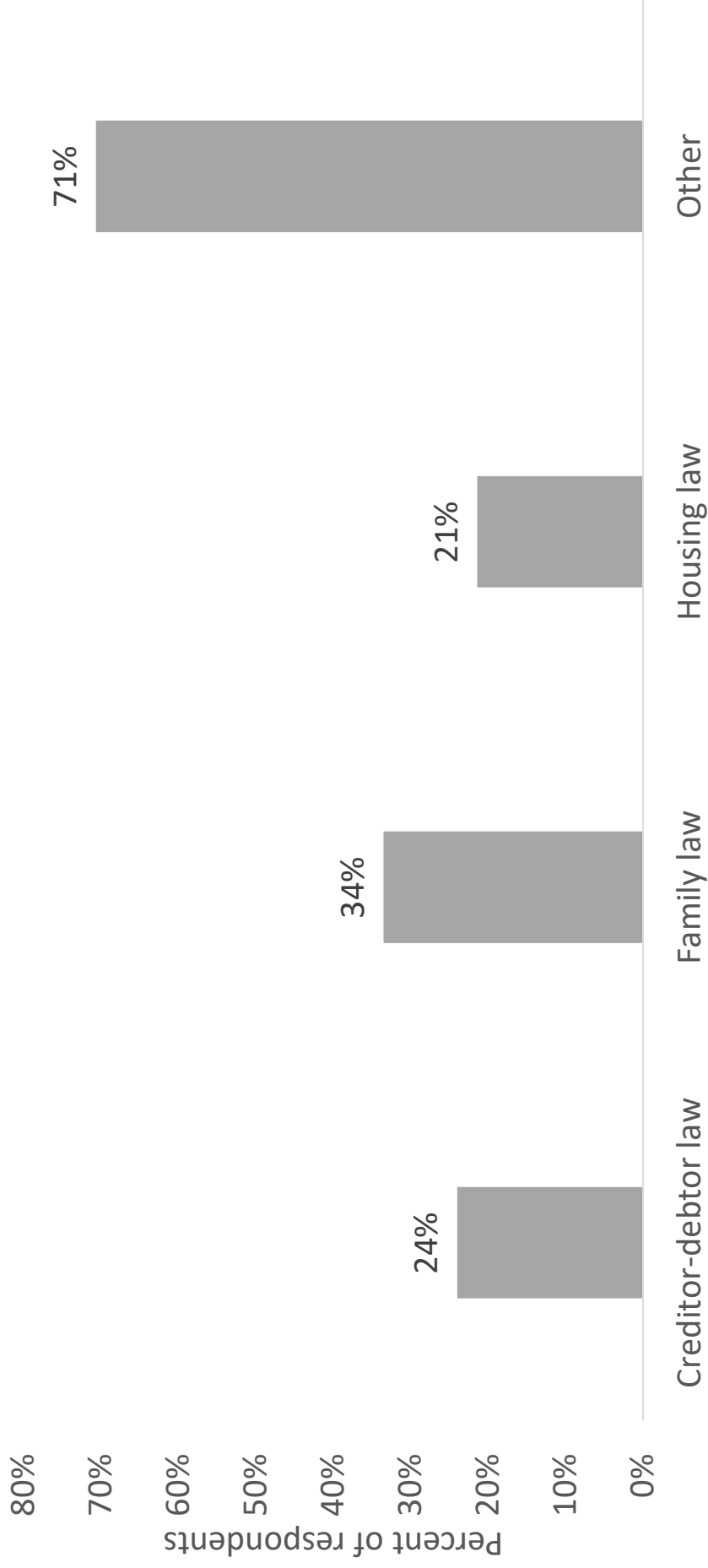
## Where is your office located?



# Where is your office located? Other – write in

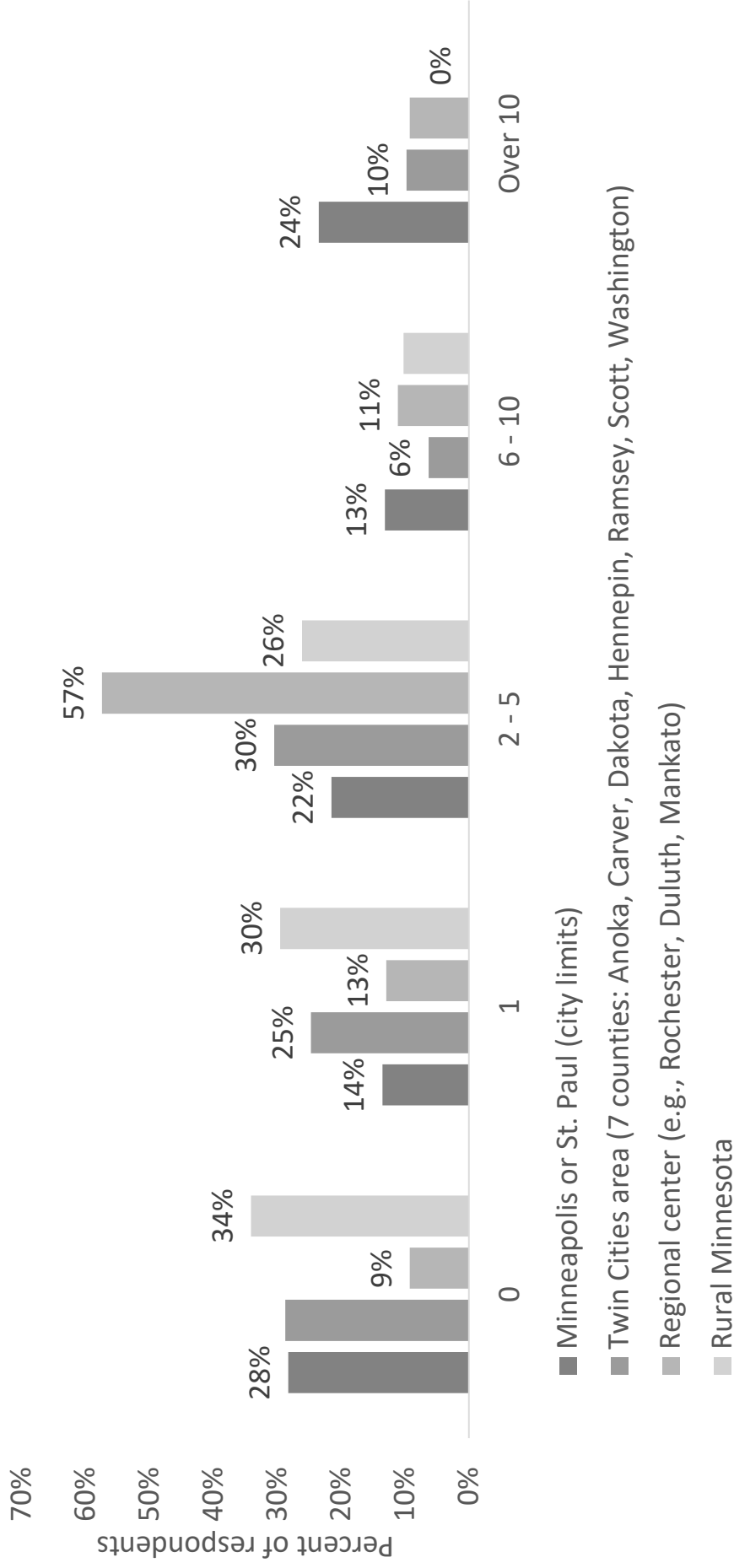
- No office
  - CA
  - We are located in Mpls but represent people in counties that are an hour less from our office.
  - California
  - Rice and Ramsey Counties
  - Wright and Sherburne
  - Fargo
  - St. Cloud
  - There are two office locations
- one in the Twin Cities area and one in Rural Minnesota
  - Rochester and the surrounding 11 county area
  - St. Cloud. By the way, how is St. Cloud not a regional center but Mankato is?
  - I am in St. Paul, but we have other offices.

## In what area(s) of law do you or your office practice?

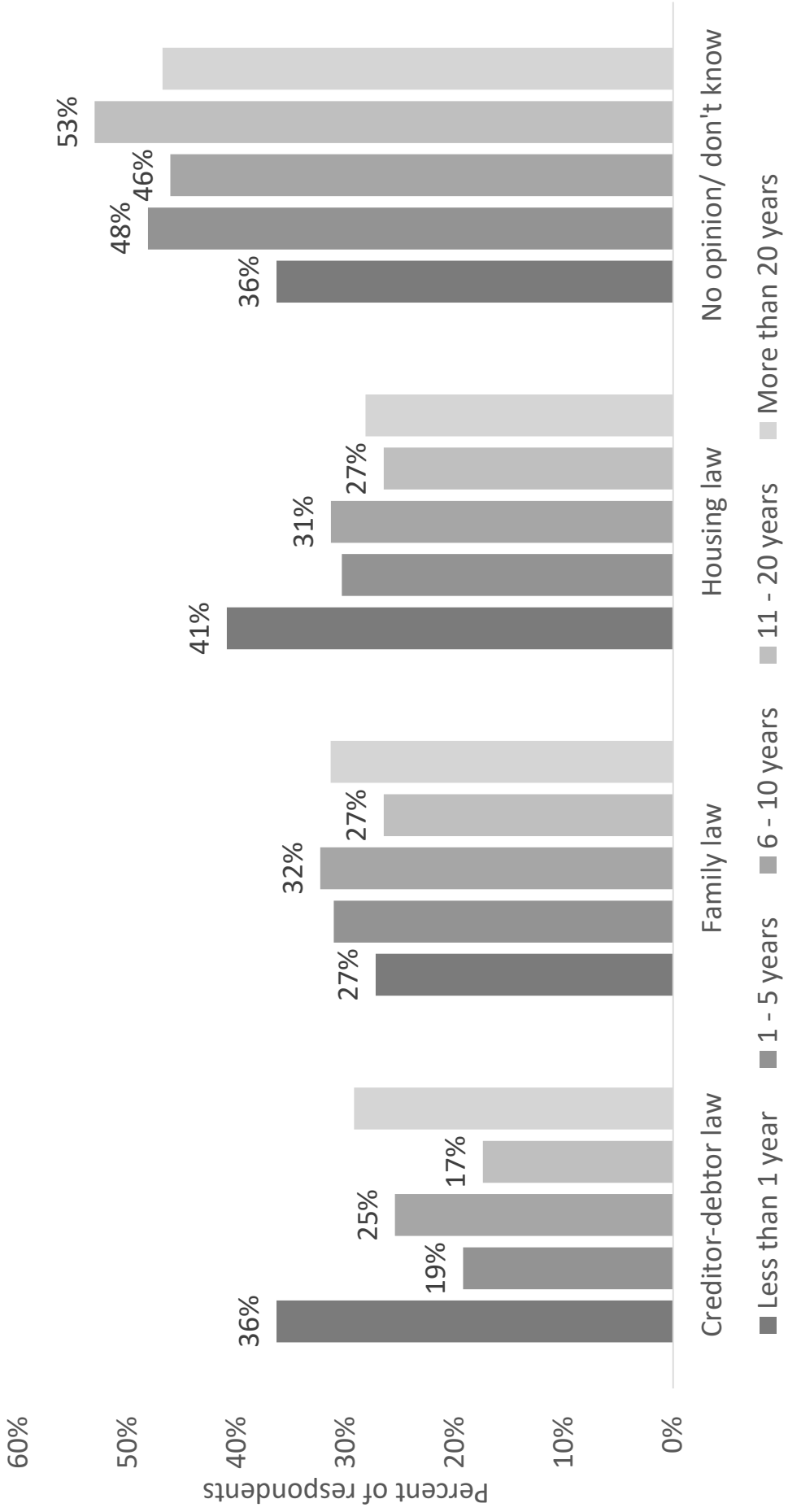




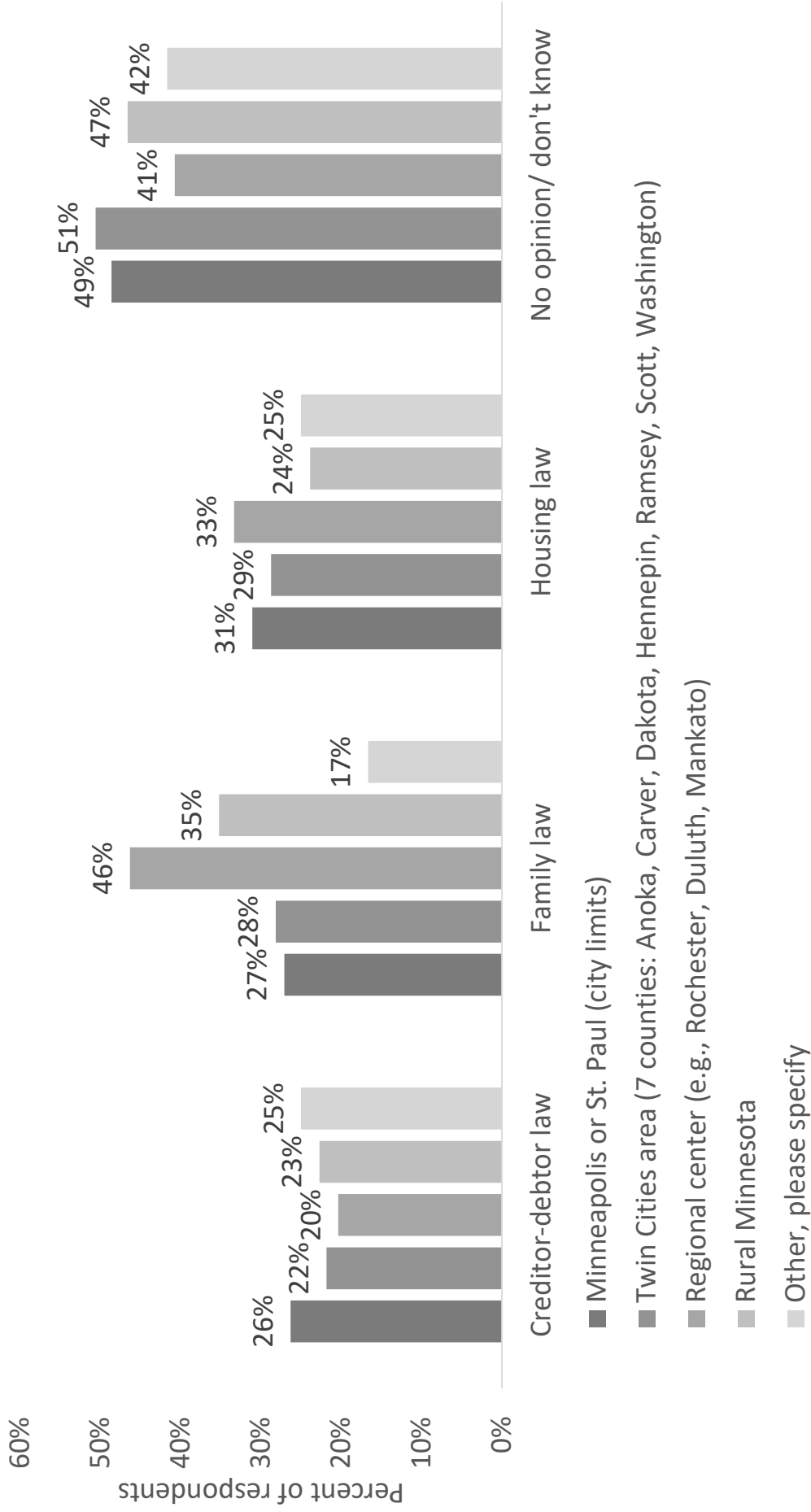
## Paralegals currently employed, by office location



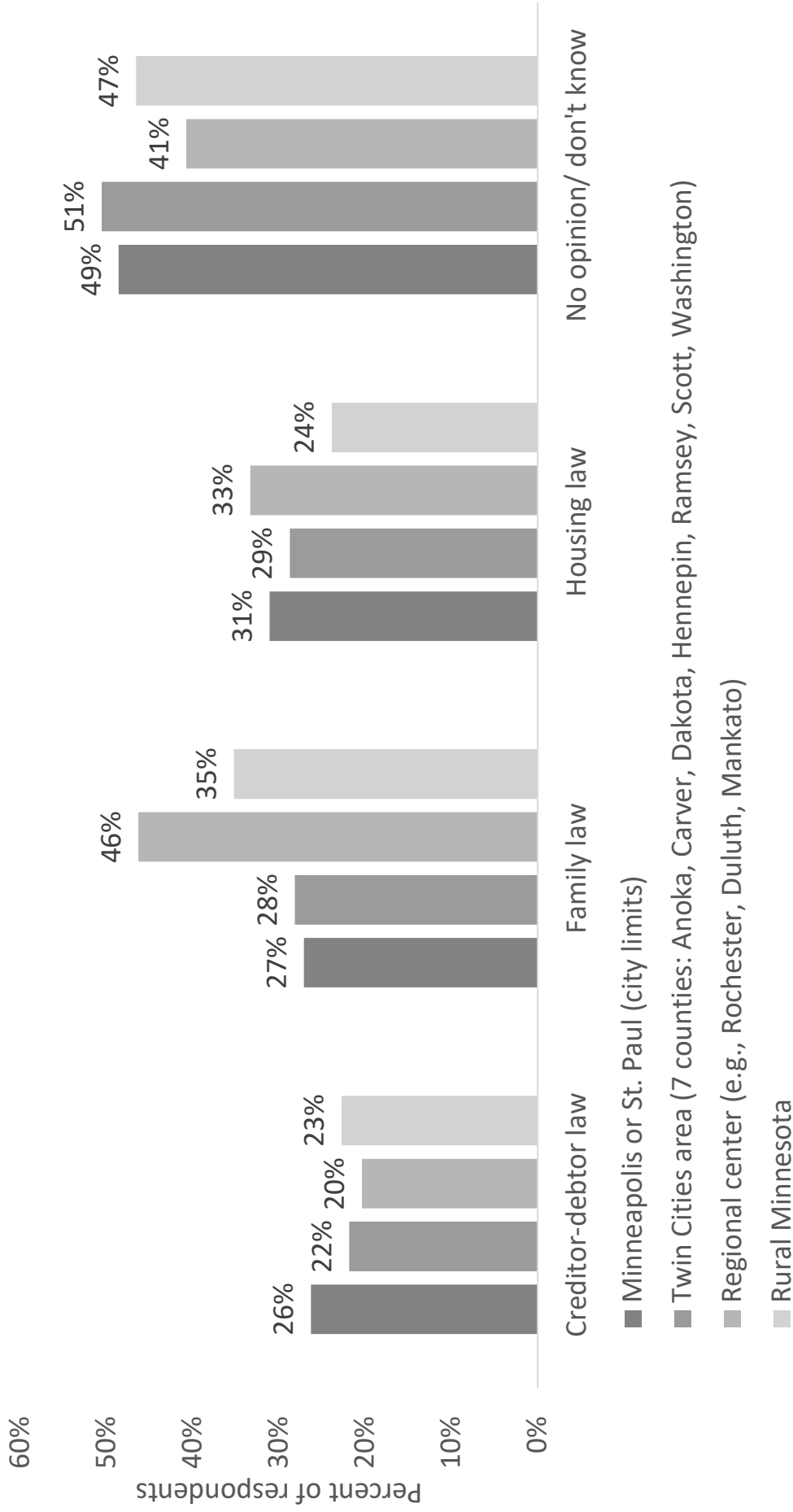
Area(s) of law where additional assistance from paralegals would most benefit clients, by how long respondent has worked in current role



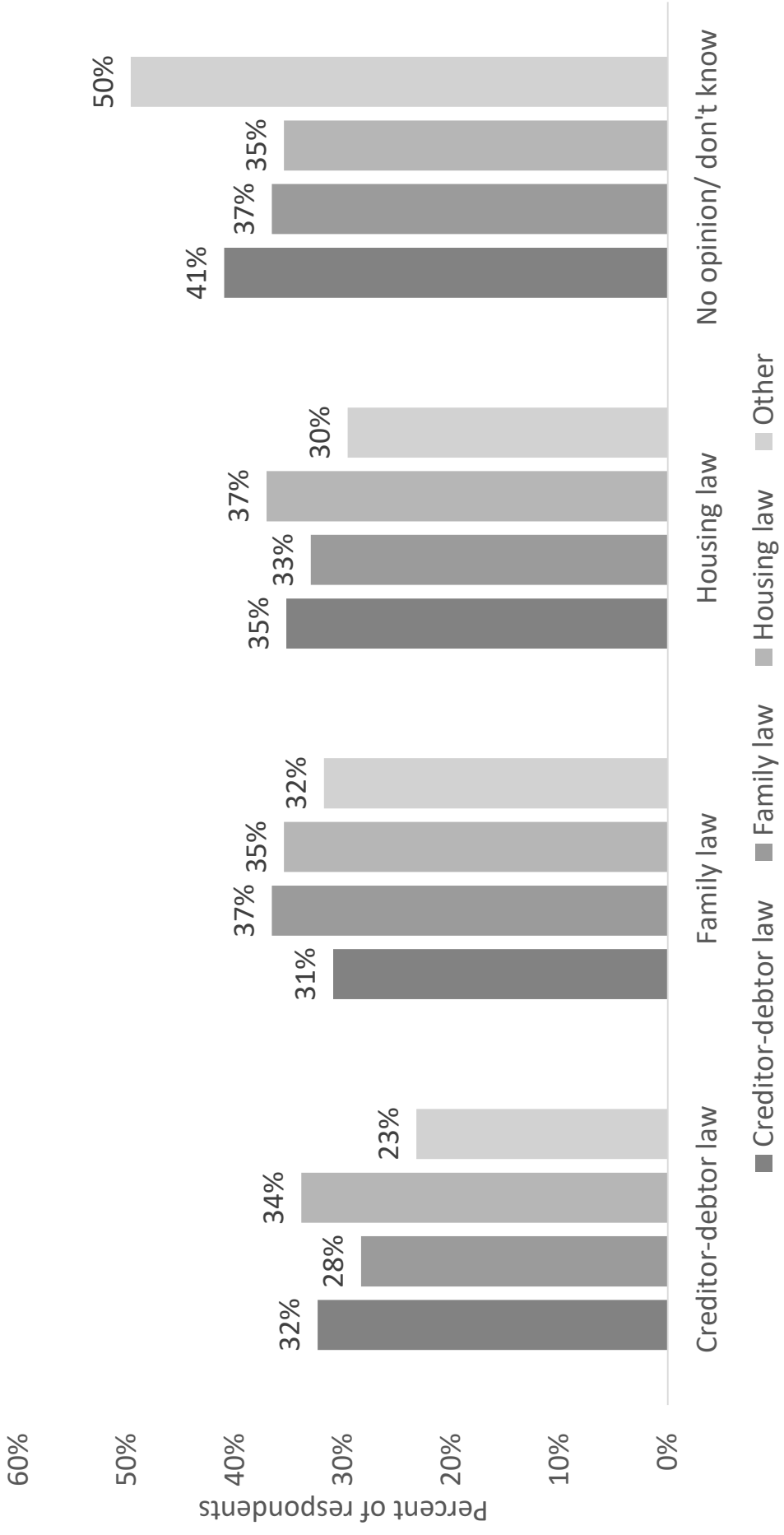
Area(s) of law where additional assistance from paralegals would most benefit clients, by respondent office location



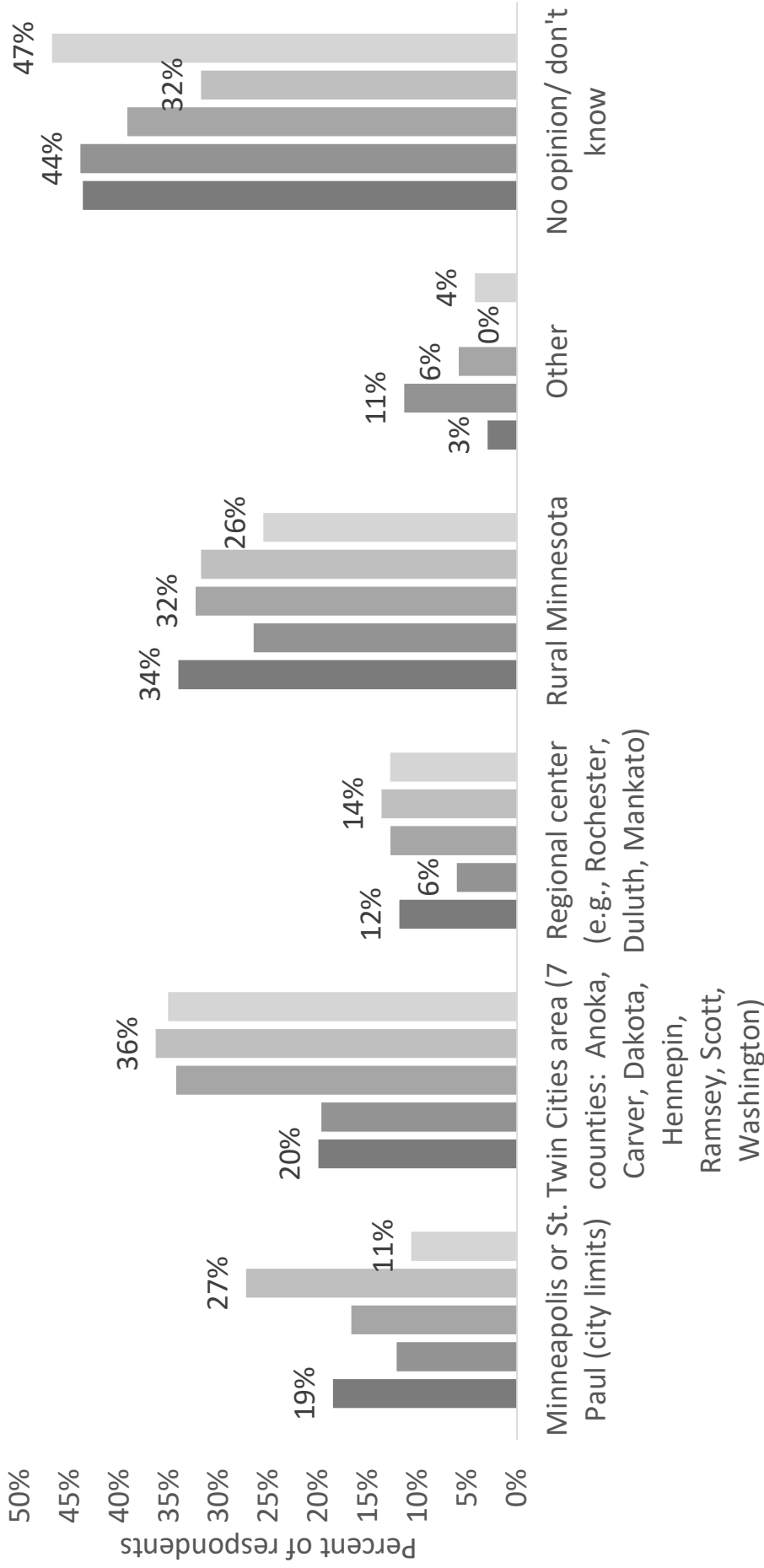
## Area(s) of law where additional assistance from paralegals would most benefit clients, by respondent office location



Area(s) of law where additional assistance from paralegals would most benefit clients, by respondent's area of practice

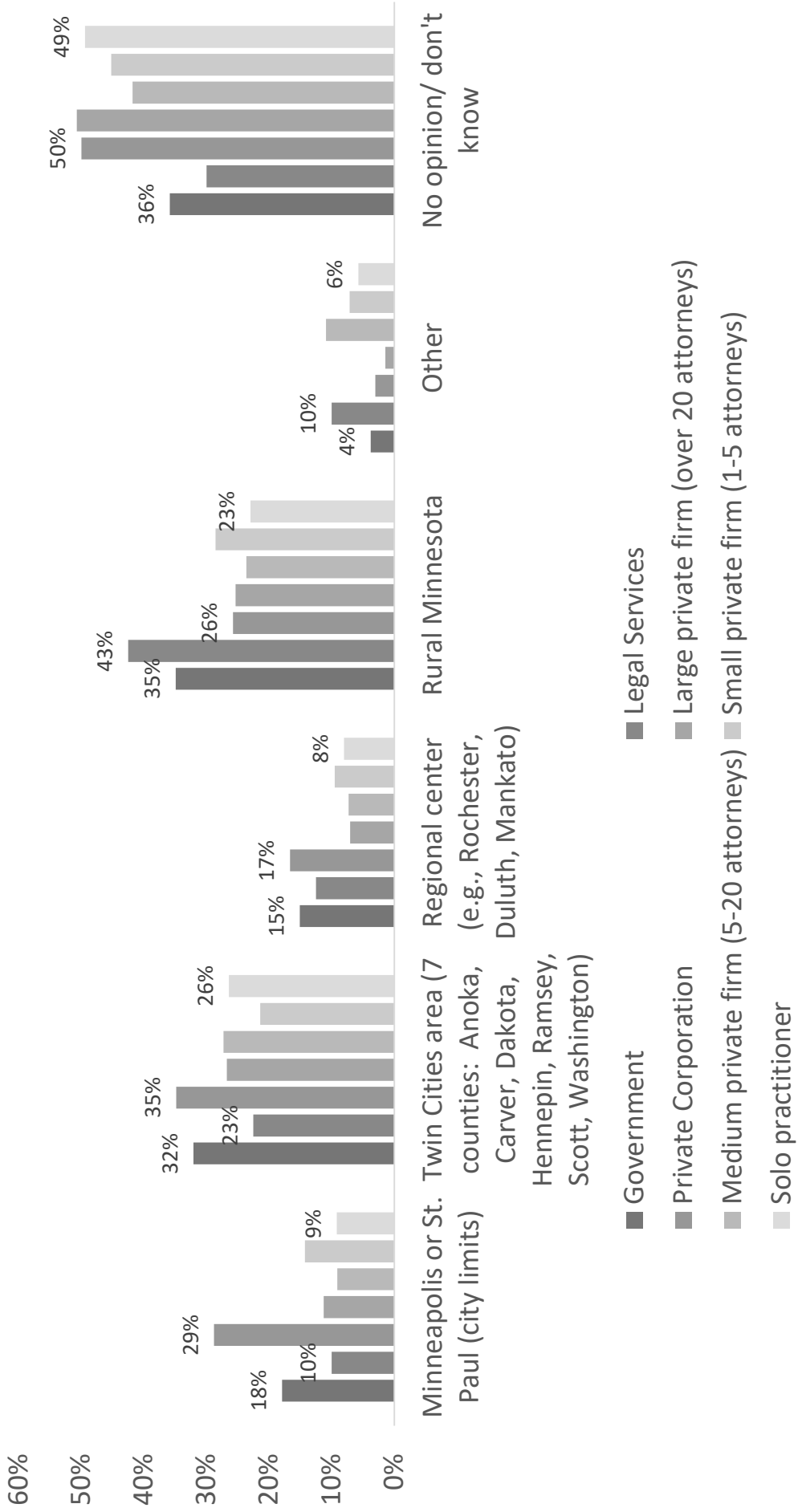


Area(s) of Minnesota where additional assistance from paralegals would most benefit clients, by how long respondent has worked in current role

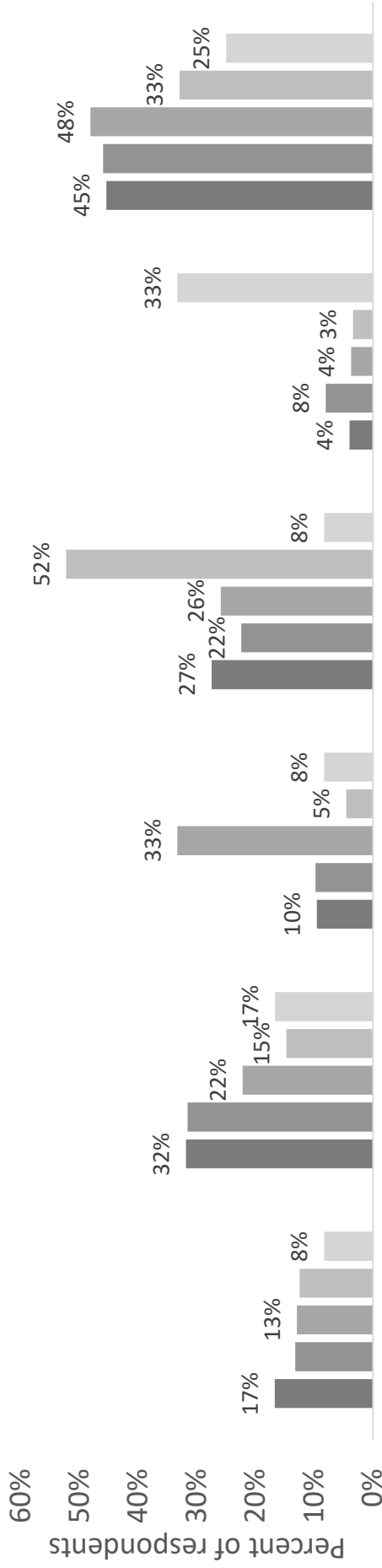


■ Less than 1 year ■ 1 - 5 years ■ 6 - 10 years ■ 11 - 20 years ■ More than 20 years

# Area(s) of Minnesota where additional assistance from paralegals would most benefit clients, by respondent's office type



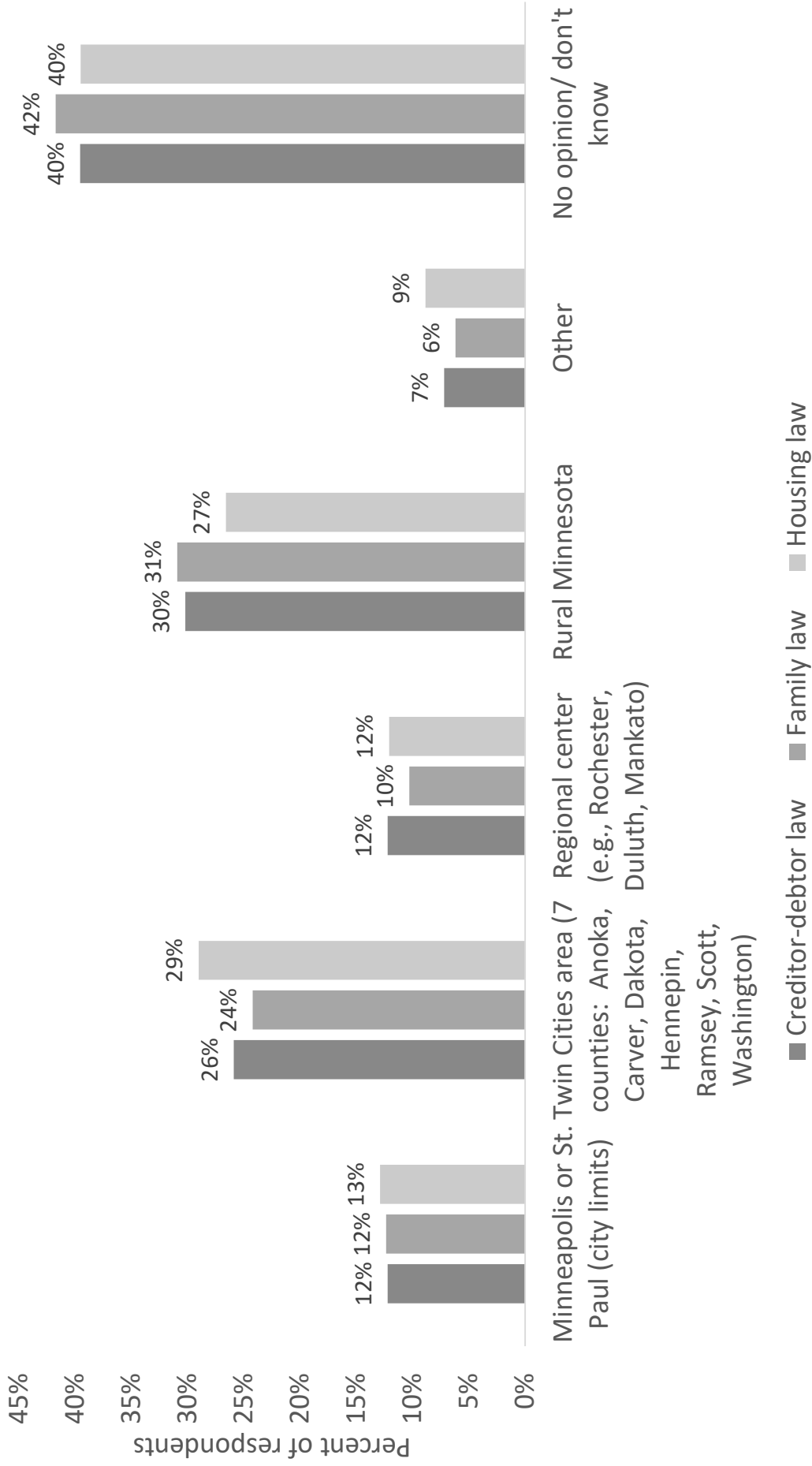
# Area(s) of Minnesota where additional assistance from paralegals would most benefit clients, by respondent's office location



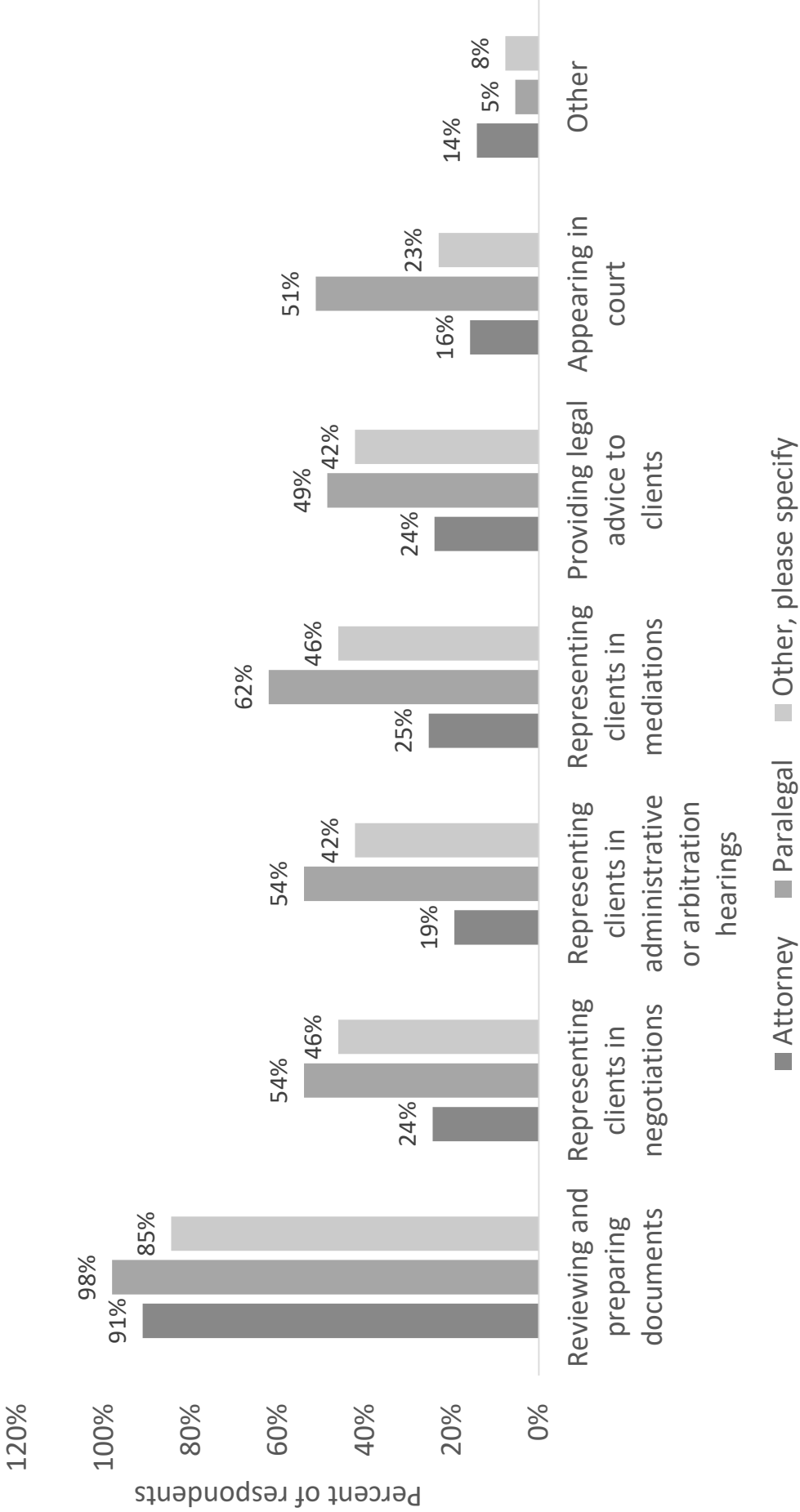
- Minneapolis or St. Paul (city limits)
- Twin Cities area (7 counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington)
- Regional center (e.g., Rochester, Duluth, Mankato)
- Rural Minnesota
- Other, please specify



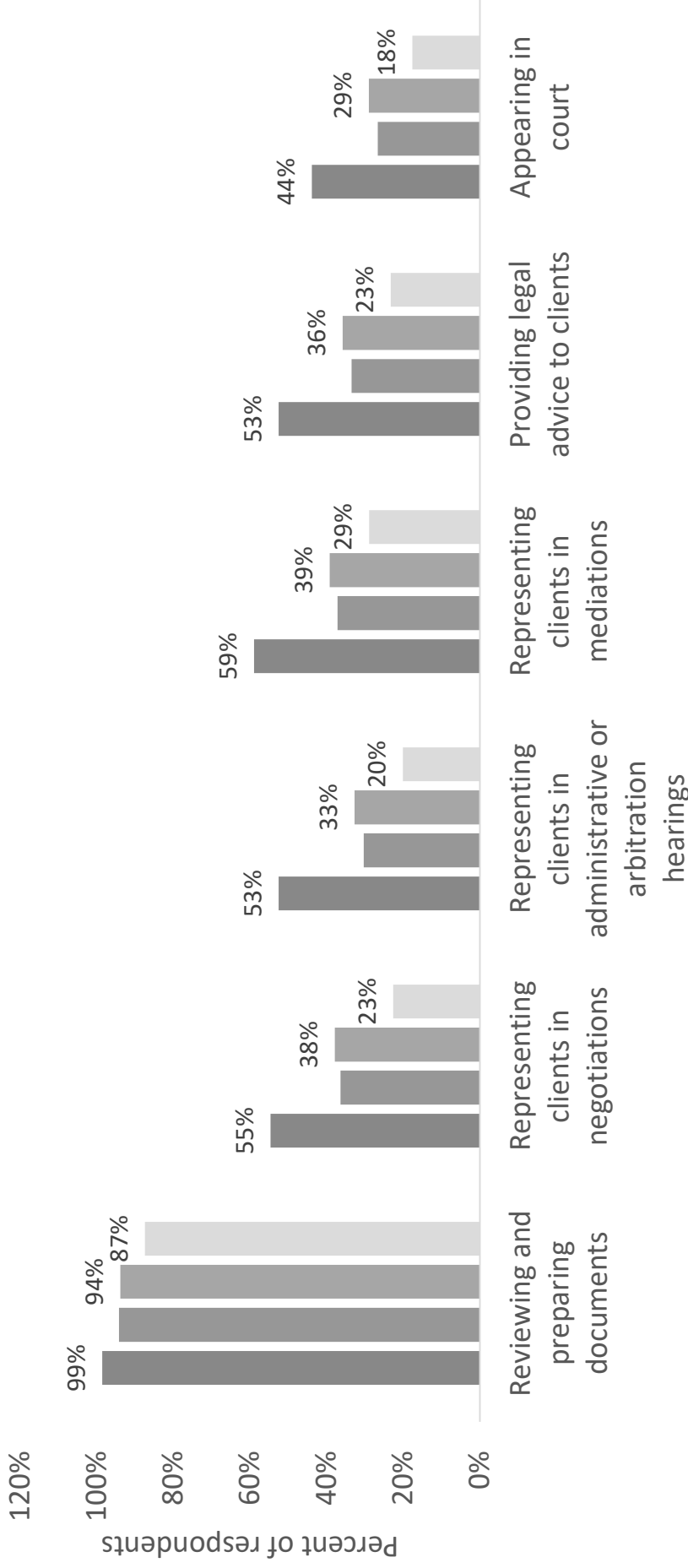
# Area(s) of Minnesota where additional assistance from paralegals would most benefit clients, by respondent's area of law



# Tasks respondent would be comfortable with paralegals handling under the supervision of an attorney, by respondent profession



## Tasks respondent would be comfortable with paralegals handling under the supervision of an attorney, by current paralegal responsibilities



■ Analysis (e.g., substantive, procedural, legal analysis)

■ Document preparation and management (e.g., draft legal documents, prepare materials for hearings, create exhibits)

■ Client communications (e.g., conduct interviews, liaison between parties)

■ NA - Office employs no paralegals

# Paraprofessional Pilot Survey Comments on Difficulty Finding Qualified Paralegals

September 25, 2019

This is a small firm with many needs, and it is difficult to find a paralegal with enough experience to handle the position who doesn't demand a salary a small firm cannot afford to pay.

Low quality applicants, high pay demands

Part time estate planning paraprofessional

The ability of Paralegals varies greatly, but finding qualified and trainable Paralegals as well as keeping them within the ethical requirements when they work is a challenge.

Most paralegals applying had little experience or the most experience was more in the role of secretary or administrative assistant and not substantive paralegal work

Paralegals must have experience in field, be computer literate and understand and use multiple client EDS systems. Hard to find anyone with all those skills. To some extent, such a person is worth more than a practicing attorney

There is a shortage of qualified paralegals in the marketplace.

Yes, difficult

Paralegal expectations and requirements vary per legal field and 'side' of claim (i.e. different paralegal expectations for plaintiff vs. defense). Thus, finding a qualified paralegal for 'side' and area of law is not automatic.

It has been difficult finding competent paralegals.

It's a sellers' market.

difficulty finding skilled paralegals to appropriately manage files and provide support to attorneys

We have cycled through numerous paralegals over the past few years and many have had difficulty understanding the law and procedures. Not to mention general work requirements.

Most are entry level

It is a competitive market.

Not enough paralegals that are qualified for the position.

Shortage of highly skilled and experienced candidates

It's been difficult to hire additional qualified paralegals

Paralegal program completion is not a good indication of being a qualified paralegal. In fact, the paralegal I work with most now has no formal paralegal education or certification.

Quality of education concerns

Insufficient interest by qualified persons with required work ethic when openings were posted

Nature of the work required

Not enough experience and do not speak the native language of most of our clients.

Particularly in the patent area, it is difficult to hire paralegals with substantive experience and requisite attention to detail.

I practice IP law, primarily, and it is very difficult to find IP paralegals in Minnesota.

There aren't many experienced paralegals available

Not enough good ones

We have had two hiring rounds where we were unable to find paralegals with bachelor's degrees, a preferred qualification.

The employment market is tight, due to economic boom created by President Trump.

Rural Minnesota

Our office is located in a suburb of the Twin Cities and most paralegals do not want to travel outside the metro core.

Lack of training and skill sets required training and extra supervision that did not make it cost effective to have paralegal staff

There are many people who say that they are a paralegal but do not actually have appropriate training and background to do the job.

No enough properly trained in our area.

The title paralegal is often attached to legal assistants with no formal training or skillset.

We usually hire legal assistance. The problem is hiring of younger people whose attendance is absolutely s\*\*\*

Most paralegals we have interviewed who have come out of programs are poorly prepared, to work in an office, don't understand the legal process, and have no experience with customer service. The paralegal programs appear to be training people who have community college or lesser degrees and throwing them out there with a certificate.

Too many paralegals who are used as legal assistance in firms so lack training or experience; those who have training or experience are overpaid

It's difficult to find paralegals specifically educated to be paralegals.

it's simply too easy to get a paralegal certificate. They come out of schools, both online and in person with inability to do even the basics, typing for example. using PDF's or advanced Word skills, no basic office decorum or ability to speak in a professional manner. Then moving on to an utter inability to problem solve. That might be developed after say 15 years...but even then unlikely.

Many people who apply for the positions do not have formal education or prior experience

There's a lack of paralegals in northern MN.

Our office is outstate and wages are lower than in the Twin Cities. We tend to train our own legal assistants. We have just 1 certified paralegal.

The best paralegals for our field of law intelligent, self-motivated, hard-working specialists. These qualities are hard to find in any field.

There are not enough qualified paralegals in the job pool and not enough persons seeking out formal paralegal training. The 'good ones' are very expensive. We have engaged a hiring firm to find paralegals over the last 2-4 years and they are hard to find.

Hard to find good people with attention to detail.

Just had some hiring misses that didn't work out.

It has been hard to compete with government positions that hire paralegals for similar pay, but far better benefits.

Finding any paralegal that is capable of problem solving or understating the legal field has been very challenging. Generally, the last 4 paralegals I have worked with have been willing and able to perform only specifically delineated tasks. They have not developed a feel for litigation, they have not been problem-solvers, they do not understand the client goals and needs. We have ONE SHINING STAR of a paralegal who should be an attorney - she could do any of this. But she has proven a unicorn, we have been unable to find anyone close.

The pool is very small. The paralegal career path is not appealing to many.

Staff turnover

They are difficult to retain as many opportunities exist for qualified legal professionals.

Hard to find people with sufficient experience to allow them to be independent enough to make the paralegal a good investment.

Few to no people apply for openings

There seems to be a very small pool of good paralegals with the interpersonal skills and intellect to do the job well.

hard to find paralegals with supervisory experience

pay

Not qualified, or did not want to put in the hours

We work in a very specialized field

Candidates are hard to find. We have to locate people with basic skills and train them.

Supply appears to be tight right now.

no qualified candidates in the area

It has been difficult to find quality candidates that do a good job and have the level of detail needed for the position.

we are a legal aid office and can't pay a lot, so we tend to train recent graduates on the job which is a win-win

It is especially difficult to find qualified paralegals in Greater Minnesota.

There are fewer applicants for job openings and must fewer qualified applicants.

Rural Minnesota has a hard time finding people to hire with a paralegal degree.

Technology deficiencies

Our office is in rural Northwest Minnesota. It is hard to find paralegals that are willing to work in this area. The implementation of this pilot project would allow for more paralegals to be available because there would be more incentive to move and/ or work in the area.

We lost a very experienced paralegal. It was difficult to find a paralegal with similar experience and attitude.

Unfilled open positions

In rural Minnesota we have few applicants for Paralegal positions with education or experience. The paralegals we do have have been trained by us for the work.

Difficult to find paralegals with broad experience to work in smaller firm setting.

We have had difficulty finding qualified paralegals with the capacity to effectively research and draft.

There isn't much in the middle. Young and inexperienced or very experienced and very expensive.

We struggle to find well-trained paralegals for a litigation practice.

Our pay for paralegals might be below market which has made it difficult to replace paralegals who retire.

Most applicants are not qualified and those that are want too much money.

None around in NW Minn

rural area

need additional help sometimes and people are looking for a more permanent situation.

Three in a row were self-serving, ill-prepared, disloyal, and/or substance abusing.

We require a broad set of skills and analytical capabilities

Quality; location

WE are a rural firm and can't pay what Twin Cities firms pay

We had extreme difficulty finding an experienced probate paralegal and a criminal law paralegals.

Our paralegals have to learn a variety of areas of law and handle a fairly heavy caseload, which can be difficult. There are a variety of skills necessary and it can be hard to find someone to fulfill all the expectations.

Our labor market in Bemidji makes it difficult to find potential candidates who have office experience and/or experience working in the legal sector.

to many factors to explain

The paralegal certificate graduates I've encountered are generally unprepared for the workplace and resistant to putting in the extra time to learn the 'system.' There seems to be a feeling of entitlement that a certificate will immediately produce an income-generating job without meaningful contribution or commitment to a legal project. The outstanding paralegals I've encountered are not certified and come from an office manager or small business background conducive to self-starting.

This is a bit of a cheat answer. I work for a large private corporation. Our paralegal candidates for our recent job openings have been more likely to be over-qualified. The company is reluctant to compensate the paralegals at a market rate, which can make it a challenge to find a good fit.

Hard to find someone qualified who wants to work part time and can do so independently.

It is a specialized field and finding a well qualified paralegal is not easy. Most do not have the work experience, or knowledge of the case type.

Shortage in family law of qualified candidates

Unqualified applicants with general secretary or reception skills in a law office does not equal Paralegal.

Pay is too low for qualified paralegals

Not enough good candidate paralegals in out state Minnesota.

lack of experience and understanding of legal concepts

Area specifications / probate, trust administration. Very few knowledgeable candidates in this practice area with probate and tax knowledge

Difficult to find paralegals with training. Office assistants are more prevalent in the work force.

Not enough qualified paralegals out there. People are going to law school instead- better money

We are currently short staffed. Finding corporate paralegals with securities experience and qualified intellectual property paralegals is a challenge.

Minimal difficulty; my company rarely has paralegal openings and rarely hires entry level paralegals. It can be difficult to find qualified paralegals to fill openings requiring experience, education, etc. but the company has a good reputation and pays its paralegals well.

Paralegals are expensive. They want to earn \$60-80k - which is more than most first year attorneys make! Which then makes more sense to hire an attorney...

Paralegals don't have the enough experience for what law offices are looking for.

Employees don't have the education in writing, research or understanding of the profession. We see this a lot with paralegal certificates and 2 year degrees.

To hire experienced paralegals, the salary requirements are usually prohibitive of a small firm.

Experienced candidates are hard to find.

Potential candidates do not have sufficient education, training or knowledge.

Yes, skill levels and knowledge vary. Our firm does not utilize a recruiting service so all postings are done on our own through traditional job posting sites.

Paralegals who applied did not have requisite years of experience.

Extremely difficult to find somebody with the soft skills for clients and technical research skills

There has been an issue with finding paralegals with the level of experience and attention to details. There are also a fair number that have problems getting to work timely due to family commitments, etc. They are not reliable and their error level is high.

rural community

We posted and interviewed for a paralegal position but were unable to find a qualified candidate that could perform the job requirements for the salary we were offering.

We are a nonprofit and unable to pay for qualified paralegals who can support attorneys in tasks beyond technical skills. Our attorneys make approximately what a paralegal at a large firm can make.

I have looked for part time help and struggled to find qualified assistance.

Very few applicants for open position in the non-metro area

in real estate, not enough highly skilled paralegals in marketplace

When I worked at a large firm, I had difficulty finding qualified paralegals to work with, largely because they had the position based on work experience and did not have current or recent education in a paralegal training program.

We're not in MPLS, so it's always a challenge to find qualified people

Highly trained paralegals (not just a 6 month certificate) hard to hare-- note that this is outstate and all hiring is challenging.

We have had difficulty finding qualified, experience paralegals

Can't afford paralegals. The definition of paralegal is not clear. I use non-certificated legal assistants. That is, I use individuals that have a four year degree (and some working on their four year degree) but their degrees are not in a paralegal program.

we just used a head hunter to find a paralegal with real estate experience

We are not getting quality applicants. Turnover is high.

do not seem to be enough paralegals

We have had trouble having applicants apply.

not many paralegals have the skills required to draft briefs, etc.

Our nonprofit pay scale makes it difficult to find and retain quality paralegals.

My impression is that fewer young people are becoming paralegals. The pool of available and qualified paralegals seems to be diminishing.

We have had paralegals that have had little to no training.

just not many applications or candidates are the wrong fit.

lack of law office understanding

Salaries are an issue. Some paralegals lack drafting experience and need heavy supervision to do pleadings correctly.

Few applicants to recent job postings



## Paraprofessional Pilot Survey Area of Law Comments: Creditor-Debtor Law

September 25, 2019

correspondence with creditors, advising clients about the process and procedural and substantive rights

Good rules, good resources, paraprofessionals would make a huge difference.

Often low income individuals have creditor debtor problems, and low or no cost help with understanding or enforcing their rights would be helpful

A lot of paper involved and the issues are usually clear.

Paralegals should not handle family law matters.

Under the guidance of an attorney, basic rights could be conveyed by a paralegal--as well as stop creditor calling letters

significant need in this area; simple turn-key matters

Too many unrepresented parties need additional legal assistance.

A paralegal can be helpful in the collection of information and by preparing legal documents.

In any area of a law practice in which there is high volume and in which basically administrative form-filling is prevalent, consumers of legal services benefit from sufficiently trained lower cost providers.

paralegals can be helpful in the procedural aspects of collection

relatively simple area of law

High need and an administrative-heavy area of practice

Unlike family law, there are almost no private attorneys representing individuals in creditor-debtor cases. Unlike housing, there are almost no dedicated clinics paired with court calendars to assist individuals in creditor-debtor cases.

Often the clients have limited financial means.

Creditor-debtor law is more straight forward & assistance for those issues is not as available.

Lots of clients need simple explanations of routine matters. Paralegals can do this well.

Depends on qualifications.

Paralegals would be in an ideal position to gather data and assist with the technical aspects of resolving creditor-debtor disputes.

Debtor defense is relatively uncomplicated but the procedural hoops of maintaining a defense are often insurmountable for pro se litigants

These matters are generally less complex, and typically have the least frequency of significant collateral consequences.

The form if this question assumes I agree with the premise. In the early stages of my career as an attorney who became licensed during the recession and watched public interest and government jobs dry up, these three areas of law were my primary income source. I made a living practicing in these areas on a "low bono" basis. And I frequently watched as attorneys making \$150,000+ volunteered their time to folks who genuinely could have afforded legal representation (not at typical attorneys' rates, but mine). I know I am not the only attorney who built a small practice this way. We should be reaching out to newly licensed attorneys and giving them a platform to help clients and make a living, not devaluing their services.

paralegals can help complete paperwork for clients

People finding themselves in deep debt often have neither money nor a basic understanding of personal finance. You don't need a lawyer to provide practical, effective advice and insight for most of those cases.

NOT family law.

Involves issues of money. Laws demand less interpretation.

I work for prepaid legal plans. Creditors use system to threaten/harass debtors. Service requirements are a joke for small claims and people are always dealing with suits where they had no notice they were even sued.

I support any creative solution to help historically underrepresented parties receive legal help/representation.

This area has the highest ratio of unrepresented to represented parties. It is less complicated than family and housing.

Formulaic pleadings and responses that will rarely stray into unique or complex issues.

Relatively formulaic practice.

consumer, personal plight area needing to be streamlined and made more affordable

I know little about it, but I know family & many family paralegals couldn't do it. 29 years experience with paralegals both in office & on other side. Some paralegals cause a lot of the problems — dumb pursuit of minor discovery issues in particular.

Very dangerous to have paralegal representing people in housing or family law matters

It's fairly process driven and PLs would be able to assist given this.

Most of the time this area only involves filing of documents and default hearings.

Collection work involves use of a lot of statutory forms and careful attention to deadlines for service, but does not involve a lot of technical legal skill or analysis. This is a good area for paralegals to assist in to lower costs for clients.

Simplest and most frequently abused - family is far too complicated and the effects too far-reaching.

Because it is very rules oriented and form dependent and the issues are simple. Anyone could be taught to point out the correct paperwork someone should fill out, what the deadlines are and what to do next. Also, there are not a lot of attorneys who work in this area because the potential clients have no money.

Paralegals could handle conciliation court claims. Save creditors cost of legal fees (which often pass thru to debtors) and give debtors access to representation (where cost of hiring lawyer for one appearance can be 1000+). Rules of evidence are not strictly enforced; not a court of record; and either party can appeal to district court so overall low risk.

A paralegal who is specifically trained in creditor-debtor law could efficiently discuss the issues with the clients without fear of UPL. This would be a financial benefit for the client and a time-saver for the attorney.

Significant consumer needs but often cost is a barrier to access to legal assistance.

I'm a bankruptcy attorney. I think my paralegal could do an amazing job helping clients in other capacities, including those clients who do not necessarily need to file bankruptcy but could benefit from legal representation in a limited manner with one or two specific creditor issues.

We should have had an option for 'OTHER' so I could provide explanation. Our legal assistants are not decision makers. They make recommendations. I see this as the best use of legal paraprofessionals

A paralegal operating under the direction of an attorney will provide an edge an otherwise unrepresented party would lack in this setting.

As I understand this area of law, there are many issues that are similarly resolved and involve standard forms and procedures. This is where paralegals do their best work.

Often requires low-cost representation

Paralegals could advise clients on whether or not they need a bankruptcy, and if not, where resources are to draft letters to debt collectors. They can also advise if there are any violations of the FDCA.

Creditor and family seem like they have similar issues recur frequently. A paralegal could guide pro se parties in getting the lay of the land on those issues.

this area of the law is clear cut (unlike family, which is so fact-specific I think it would be very difficult to have non-attorneys handling those issues)

It's largely form-based

things like bankruptcy could be handled by a paraprofessional

Clients often can't afford lawyers, or lawyers cannot prepare bankruptcy related docs cost-effectively

I believe that paralegals working in one or two specified areas can provide quality representation.

little representation is done in this area

Paralegals would reduce costs making access to justice more available.

There appears to be a shortage of well trained consumer rights lawyers who can help people resolve credit disputes that are still troubling but are not large enough to consider bankruptcy.

The statutory aspects of Creditor-Debtor law are relatively straight forward and help with garnishments, foreclosures and bankruptcies, under supervision of a qualified attorney would be of benefit to potential clients.

Given a lot of creditor rights' law firms sue out cases in bulk, it would be beneficial for debtors to have some representation through the process--particularly in regards to negotiating a settlement of the debt.

This is an area of great need, and if expanding the role of paralegals can provide a more cost-effective in at least some cases, I think it's a good idea.

Fill out the paperwork and negotiate with creditors regarding a settlement.

There is limited Housing law in our area but it would allow for clients to be better served because a paralegal would be able to provide the attention that is necessary.

I think competent paralegals are capable of work that is as high-quality and helpful as an attorney.

Clients would benefit because paralegals can provide adequate, helpful legal services.

These are generally simple cases, and it is a high volume practice area. As it is my own area of practice, I believe that the use of paralegals in an expanded role would benefit all sides.

Thousands of debt collections suits are filed annually. Most debtors cannot afford an attorney.

Creditors are very familiar with the process and either obtain default judgments or settlements even in cases where the creditor has serious proof problems. Once reduced to a judgment, the debt becomes an ongoing stressor in the debtors life- collection through garnishment may result in other bills not being able to be paid- this cycle can lead to homelessness, serious depression and more. I do have reservations about the proposal. You will note that my emphasis is on the need for paraprofessionals to help debtors defend. My concern is that the large collection firms are already streamlined- allowing them to send legal assistants to prove up cases means they will be practicing law if the case is contested. It also means that rather than working to solve a problem, we may be making it worse by making it even more easy for these firms to continue to file thousands of cases a year. This last comment applies to each of my answers. UNLESS THE PARALEGALS are required to follow our ethical guidelines, we may be doing a greater disservice to the public than we intend. It is important that whatever rules are adopted, there be some kind of licensing, maybe testing or other means to determine abilities, and an obligation to follow ethical rules similar to the ones attorneys follow.

Afford unrepresented persons legal advise as to their rights and options for resolution

letter writing can often solve creditor problems and paralegals would be able to provide this service to clients which results in a higher level of service than counsel and advice.

The law seems to be fairly straightforward with little judicial discretion.

In creditor-debtor matters, there is a lot of researching of records, tracking and document preparation that needs to be executed and maintain in order to either defend or pursue a case. Often times, consult is also required because creditor debtor issues can be numerous and difficult for laymen to navigate the terrain of laws and protections.

there are simple questions that a paralegal cannot answer because he/she is not an attorney

More providers means more opportunity. This is a no-brainer. No more protectionism for lawyers.

This seems to be an area of law where people can be assisted by a paralegal to help them resolve an issue.

A paralegal, with the help of template forms, could help the debtor understand the legal proceeding and provide a checklist for defenses to claims. The paralegal could also provide references to let the debtor know about bankruptcy counsel for advice in that area..

Pretty basic fact patterns

Simple claims and responses to creditors would be easily managed by virtually all paralegals.

Paralegals can provide legal analysis of a client's case and advice on how to proceed.

Sometimes they know day to day than lawyer

just seems like a very complicated area with a lot of potential clients with student loan, medical, housing, and other debts that can't be navigated by people without significant expertise

Unrepresented parties may not understand this area of law

I feel this area of law has a lot of unrepresented individuals who would benefit from assistance from a paralegal.

access to information and assistance

Ensuring that SRLs have the necessary information to enforce their rights, especially debtors.

there is min. paid work helping debts compared to creditor work so there is a need for low cost services

Time crunches

I don't think the paraprofessional project will benefit clients. This survey is not designed in a way to allow lawyers to select 'none' as an option or to voice concerns about non-attorneys practicing law in some very difficult practice areas. The MSBA previously has expressed concern about this project. The survey should allow attorneys to answer in a way that is not in the affirmative.

There are many areas in this type of law that do not specifically require an attorney to represent the client, but a paralegal to help assisting in the correct paperwork, filling out the paperwork, giving fact information and procedural information and filing assistance.

the consequences of defaulting are quite serious and clients would benefit greatly if they had an advocate to explain the process. Such as a default judgment could be granted but may not be collectible.

all of these areas are heavily used by pro-se litigants which clog up the system - having a paralegal available to assist and streamline in each scenario would be very helpful to the judicial system and other attorney's waiting to have their cases called.

Huge need

This appears to be an area of need

the rules are clear and strict and forms can be completed without attorney

document preparation

Dispute Resolution, etc.

Creditor-debtor law involves contractual agreement between a debtor and creditor/borrower and lender. Attempts could be made to settle out of court.

From what I know of the bankruptcy area, it is very paper intensive and these folks are filing bankruptcy because they have no money, so paralegal rates would be cheaper and more cost effective for the clients

Debtors often lack the funds to pay their creditors, thus landing them in court, let alone being able to hire an attorney with high hourly rates.

This area can be confusing, and difficult to know the debtors rights while under stress

In conciliation type cases and/or judgment enforcement type cases, all work can be done by a paralegal most likely more efficiently and cost effective.

Paralegals can provide more cost efficient help in this area.

This affects a large population in daily life and they often don't have the money to hire representation.

It would allow for more affordable representation for people who are already struggling financially.

Law is fairly simple and need is great for low income people

Hard to find an attorney

This can assist individuals who need this service but do not qualify for legal aid and cannot afford full representation attorney. This could provide another option for the public and lessen court congestion with pro se.

Creditor-debtor law is typically procedural and straight forward. Having paralegal assistance, especially for small claims cases would be very beneficial and cost-effective for clients.

Consumers need affordable help when fighting credit cards, medical bills due etc. As a paralegal who previously worked in creditor rights for over a decade I've seen first hand how debtors give up and these creditors are not always forthcoming in proving the debt.

Attorneys typically see themselves as above this work and have little interest in it. This might be a good area for paralegals to participate.

Helps individuals that can't hire an attorney

Providing clients with legal representation for a lower cost.

paralegal can help give information on debt collection which is very helpful in easing one's mind if they are lower income, protection of assets/income very important

Standardized forms

chapter 7 bankruptcy prep and filing, advice on forms

Clients need more understanding of creditor-debtor law. Most cannot afford high legal fees when they are negotiating a debt

More opportunity to provide streamlined, less-complex legal services by legal paraprofessionals at better cost to assist broader population who need the representation from those who have more background and knowledge of issues

Minimal benefit in working on right forms.

Easier to make a difference because usually complex cases.

help and support for short-term cases

more cut and dry, which requires less need for practicing law

When I was a law clerk in civil court, there was zero representation for debtors in civil actions. If people did show up, the creditors were often able to negotiate a pay agreement with them. I don't believe there is enough support in consumer law for debtors. Often, the attorneys filing consumer credit cases could barely prove that their client owned the debt but because the client wasn't there, they proceeded by default in 90% of the cases.

I believe with the knowledge paralegals have they can provide benefits to clients in all of these practice areas in many different ways.

Assuming there is some basic CLE/training required before being able to assist in this subject-matter, I believe this is a relatively simple subject-matter that would be covered and the need is high.

Many debtors simply ignore lawsuits-- if paralegals could provide unbundled services to answer and help negotiate payments plans that would be helpful for unserved clients.

Creditor-debtor seems to me to be the most opaque, with the fewest online resources and help, and the least lay experience. Paralegals have so much more experience and ability to understand the law than your general layperson, so I think they could significantly help clients in need.

Creditor collections

These kinds of disputes are usually involving folks with no means to hire an attorney

providing client with support

Because it's an issue our office doesn't handle as much and is therefore less familiar.

Creditor-debtor has a high volume of need, the process moves quickly

would help people rebuild themselves

An experienced paralegal would be able to effectively advise a client and negotiate a fair settlement on the party's behalf short of trial.

FDCPA

I think many individuals with these issues need a simple form filled out - garnishment exemption, for example, or need help drafting a basic answer so they don't default when sued on a debt.

Many clients would not be able to otherwise afford to hire private counsel; much of the law is stable in this area

This is an area where individuals with smaller claimed debts may not be able to afford an attorney to represent them.

## Paraprofessional Pilot Survey Area of Law Comments: Family Law

September 25, 2019

Provide cheaper assistance to clients especially at court or driving to court in the rural areas of Minnesota.

Many parties go through family law matters alone and self-prepared documents lead to future legal problems. Paralegals could more accurately draft documents like joint petitions or child support pleadings so the public is filing sufficiently accurate documents at a lower cost than hiring an attorney.

The number of family law cases filed in MN along with the training and CLE's available seems like it would provide the most benefit with the least immediate risk to clients for a pilot project.

Creditor/debtor and housing law usually happens fast with serious impact life, money and shelter.

Many individuals just need direction in what and how to file when it comes to Family Law.

The most research involved from all the choices.

I think a lot of people can't afford an attorney. They usually are young and have families and just need some assistance in filing the divorce papers with the Court. Most people don't have a lot of money.

The ramifications of parentage, support and custody affect minors and are very difficult to modify and the determination re property are permanent and freq drafted ambiguously or inequitably by self-represented persons

Providing representation to unrepresented parties in family law would most directly benefit children, who are often the victims of family law disputes.

Under the guidance of an attorney, the sheer volume of paperwork with court forms could be completed with the help of a paralegal

significant need in this area; simple turn-key matters

Paralegal would be a needed bridge between the Self-Help products produced by the State Court Administration and end users.

I know of many people who have unresolved family law issues due to the inability to pay for legal assistance

Paternity, child support, etc

Too many unrepresented parties need additional legal assistance.

A paralegal can be helpful in the collection of information and by preparing legal documents.

In any area of a law practice in which there is high volume and in which basically administrative form-filling is prevalent, consumers of legal services benefit from sufficiently trained lower cost providers.

Often the clients have limited financial means.

Lots of clients need simple explanations of routine matters. Paralegals can do this well.

Cut down on fees charge. Gathering information from client.

I would say the most typical reason for being called into court for creditor-debtor and housing issues is failure to pay due to lack of funds. In those cases there is nothing anybody can do to help. Family law involves a variety of issues that someone with legal training may be able to explain to a party.

child support, chil custody and chil protection

Much of the work is gathering information and providing it to the court, which can be done cost-effectively by a paralegal

I interact with many people who can't afford an attorney to obtain an OFP, file for a modification of custody or child support, etc, and would greatly benefit from having someone help them navigate the system.

I don't practice in the area, but I get the distinct impression that there's a real need for practical, cost-effective advice in a lot of cases where one or both of the spouses don't have money for a lawyer. I believe empathetic people with a desire to learn can do so without sitting for three years listening to non-practicing talking heads drone on about the rise and decline of the Erie Doctrine and other eggheaded navel-gazing.

I support any creative solution to help historically underrepresented parties receive legal help/representation.

To provide assistance to low to middle income parties.

more and more divorce and custody matters are being handled pro se and basic issues become complicated when the judge cannot give legal advice to help the parties conclude their case.

Paralegals already provide significant service to our clients in this practice area.

Clients going through a divorce need more support.

Many cases in this area

largely a consumer, personal plight area needing to be streamlined and made more affordable

Many divorces do not require full representation from attorneys, assuming the parties agree on the terms, but require assistance in drafting documents.

I practice in this area and believe that there are simple forms and documents that a paralegal can complete.

Most need

It's fairly process driven and PLs would be able to assist given this.

This area seems like the one unrepresented clients would use more often than the other areas listed.

I don't really practice housing law and debiter/creditor law. I am aware that family law is very form-based.

'Simple' divorce may be most usefully done indepently by paralegal

A properly trained paralegal would be capable of helping the attorney by handling many of the issues arising in a family law case without fear of committing UPL. This would be a financial benefit for the client and a time-saver for the attorney.

High amount of need but cost is often prohibitive to legal assistance. This area can be complex so a paralegal may not be appropriate in all situations.

Simple document prep

Many family law issues are relatively simple and routine, and need for access to justice is high in this area.

There are many routine proceedings that would require minimal customization from a legal professional but are daunting for the average person without legal training. It's expensive to hire an attorney to do this work but makes a big difference for the people involved.

A paralegal operating under the direction of an attorney will provide an edge an otherwise unrepresented party would lack in this setting.

As I understand this area of law, there are many issues that are similarly resolved and involve standard forms and procedures. This is where paralegals do their best work.

Most dissolutions do not involve significant conflict but are difficult because of the parties' unfamiliarity with court processes. Paralegals could handle many such cases more cost effectively than lawyers. Similar factors are present in guardianships and custody matters.



Individuals and families going through divorce, custody, other family law situations often cannot afford the assistance that they need, or come through the process with debt or tight finances. Having paraprofessional guidance would facilitate the process and assist individuals in navigating the court and administrative systems.

#### Interaction with clients

Low income individuals have the greatest need for greater access to family law assistance. Without assets family law is largely form-driven and can be handled by someone who understands the forms and doesn't necessarily have the ability to perform deeper legal analysis.

Paralegals could provide advice to clients on how to proceed with a divorce, custody, parenting time, child support, and OFPs. Paralegals could certainly advise and tell clients the standard for modification of custody to deter non-meritorious actions from being filed. They could also advise when a child support modification is necessary. In addition, they could work with family law clients to draft affidavits and motions and advise them concurrently.

Paralegals could provide basic information that would help people to know their rights at a lower cost than an attorney.

#### Most common request for assistance we receive

Family law has high need and legally is less complex than other areas of law. Success in family court usually involves effective story-telling, and paralegals are good at helping clients tell their stories. This involves understanding the process and knowing where to get information and how to present it. 75% or more of family law work can be done by paralegals.

Family law has many intricacies and paralegals need high quality skills to investigate and support the client and attorney through what is usually a very emotional process. There is significant evolution of a case that encompasses, at times, a person's whole life, and there can be many swift changes that require prompt response. Paralegals are needed to be able to meet with and respond to a family's changing needs.

I don't know the other areas. Maybe they would be better.

A lot of people will have experience with family law at some point in their lives these days and could use basic instruction or assurance that they're doing the right thing

a lot of the paper wrk could be handled with the assistance of the paraprofessional

The pro se forms are voluminous and can be confusing for many people.

We have a lot of unrepresented people trying to handle divorces and custody cases on their own. They struggle with the forms, information is incomplete and they have no idea how to put together the necessary documents to try their own custody case.

I believe that paralegals working in one or two specified areas can provide quality representation.

Family law cases require a lot of face time with the client or time on the phone, which can be prohibitively expensive when billing at an attorney's rate. Additionally, while the facts of each case are different, the dispute resolution procedure in family law cases is fairly consistent from case to case and the rules are not overly technical.

When the issues are amicable or not disputed, a paralegal could assist cheaper and quicker than an attorney.

The need is overwhelming for clients, and most of the trouble seems to be getting agreements in writing

There are a lot of pro se forms available, but a paralegal may be of assistance helping a person fill out the forms correctly and to make sure relevant information is included for the court.

There are many pro se family law litigants and having legal assistance for them would greatly help.

Assist in filling out petitions, child care, custody, visitation, holiday schedules, debt responsibility

there are so many self-represented litigants that need assistance.

Paralegals would reduce costs making access to justice more available.

There is a high need for family court in our society and a lot of people don't know where to start. A paralegal generally familiar with filings, forms and issues could help in a lot of cases. Housing law and creditor-debtor law are more technical and there are a lot of esoteric laws/rules that can be easily missed.

This is an area of great need, and if expanding the role of paralegals can provide a more cost-effective in at least some cases, I think it's a good idea.

The number of SRL in family law continues to grow. People don't have the money to hire an attorney, yet need the guidance a lawyer or paralegal could provide.

Frequent client questions; factual interviews, etc.

Fill out paperwork and prepare for mediation/court hearing.

This program would meet the demand in Family law in our area. There are more and more attorneys leaving Family law. This would better serve the rural population if this was opened up for paralegals to serve.

Spousal support and maintenance calculations are, generally, formula driven. Many marital dissolutions are done administratively. Both of these considerations are ideal for paralegals.

I think competent paralegals are capable of work that is as high-quality and helpful as an attorney. Clients would benefit because paralegals can provide adequate, helpful legal services.

I believe there is currently a shortage of legal resources to support lower income clients. Allowing paralegals to engage in additional activities at a lower price point would provide more cost effective services to a broader group of people.

Dissolution is expensive - both sides lose financially when you take one household and divide it into two separate households. The reality is that many minnesotans cannot afford an attorney for these cases but they do need advice and guidance if they are going to proceed. Having a lesser cost option would be extremely helpful- provided the paralegals are required to be licensed, and some test to determine abilities as well as ethical obligations are in place

We get daily inquiries looking for pro-bono or low bono representation on family law matters. Our geographic area would benefit greatly from additional representational options in this field.

There are numerous low-income individuals that do not have access to family law support and should be. Providing consult, setting expectations, and helping prepare documents would benefit low-income individuals seek the assistance they need.

there are simple questions that a paralegal cannot answer because he/she is not an attorney - negotiating property settlement - how much the Payee must pay, etc. --Standard guidelines

Paralegals assist in compiling documents for asset/debt issues, as well as parenting time, freeing attorneys to work on more strategic legal issues.

child custody, marriage

We are overworked and have to turn so many clients away in this area. IT takes time to prepare docs and such.

More providers means more opportunity. This is a no-brainer. No more protectionism for lawyers.

Family law is complicated and assistance in finding forms and filling them out correctly would have a significant impact.

Higher number of people needing immediate help and safety is sometimes a concern.

Family law guidelines for alimony/spousal support and child support, as well as child custody criteria could help educate the clients about what factors a court will consider on those issues.

Big area of need.

Many people do not have the means to hire an attorney for simple matters related to child support, custody and dissolution. If more people utilized paraprofessionals, there is a chance that some matters would be less contentious, thus freeing up Judges for more important matters.

Clients are going through tough times. More experienced and knowledgeable staff would be greatly beneficial.

Navigating these issues is complex and there are many self represented litigants. Undoing something that may be done wrong or may not be what the client is seeking is difficult.

It would be helpful if paralegals could attend scheduling conferences and default hearings.

Many clients lack resources to hire attorneys.

I know how great the need is and have had personal experience paying a high-level family law attorney more than the value of the outcome in services in a divorce.

drafting and filing

Having some level of support through a highly emotional conflict could provide a benefit to those who want to/ must represent themselves

Family law requires more one on one time with clients since issues can be complex..

access to information and assistance

Your question assumes that I think more involvement from paralegals is necessary in general. I don't think that is a fair assumption. Attorneys are licensed and trained for a reason. The law is complex. But intake and helping with details would be a place for the paralegal.

The demand for this service is high, the amount of paperwork necessary is high, more help is always needed.

Time crunches

there are numerous pleadings and documents that need to be prepared in this area

most common area where clients are in the legal system, not of their own volition, and need representation to avert unjust results.

There are many pleadings in family law that could be prepared and filed by a paralegal alone. There are many procedural questions they could assist with.

Clients receive a great amount of misinformation from friends and media about how family law works.

Huge need to have help in filling out forms and navigating the court system.

This appears to be an area of need

document preparation

Family Law, ADR, etc.

Many people cannot afford to hire an attorney, but need basic advice about the law and help with drafting documents that are effective and do not cause them more issues, and expense, at a later time.

Paralegal's in our office often work with child support and paternity issues that involve similar procedures with any case.

if parties are amicable and there are no children, it really becomes paperwork driven. Even with children, there is so many guidelines for support etc. again if parties are amicable

Parties to a family law case should have representation to educate them on their options and the law. Unrepresented parties are more likely to reach an agreement that is unfair as they do not fully understand their rights.

This is an area where there are many individuals representing themselves due to lack of finances to hire an attorney

This area is stressful, and difficult to know rights and procedures under duress

Guidance in a very emotional time from a paralegal, who knows the ins and outs of family law would be less expensive. In addition, clients often prefer talking with a paralegal- less intimidating. Many family law issues are already handled by the paralegal, under supervision of the attorney. Minor court cases, especially when undisputed, can easily and more cost effectively be handled by a paralegal. In many cases the parties are limited on funds and getting support and advice from a paralegal, under the supervision of an attorney, may be the best option. Paralegals can provide more cost efficient help in this area.

This is an area that a lot of low income people are unable to hire an attorney to help them

At our family law firm, we receive a lot of calls from people looking for pro bono or low-cost attorneys.

I currently work in family law and the ability to afford an attorney for family law disputes is limited in many cases.

It would be a more affordable option for uncontested matters or during the beginning stages for things like the Initial Case Management Meeting or Status Conferences. Often, it is the paralegal who is the most intimate with the facts of the case.

Need is great for middle to low income people who can't afford an attorney and act pro se instead.

A lot of people complain about how much family law attorneys cost when their tasks seemed relatively simple

Many clients dealing with family law matters do not have the funds necessary to hire an attorney for litigation. I could see paralegals at lower fees be a great value.

This can assist individuals who need this service but do not qualify for legal aid and cannot afford full representation attorney. This could provide another option for the public and lessen court congestion with pro se.

Helping people with forms and client management (keeping the client informed; managing expectations; listening to their stories...)

Family law is more complicated than one may think. There are a lot of complex issues that arise.

Even when neither party is legally represented, and it is an amicable situation, there are often simply questions that come up where both parties could benefit from having someone assist with legal procedures, forms, typical situations, etc.

it seems the most practical and commonly used compared to the other two areas

I think there are many facets of Family law with which a paralegal might be of assistance.

Helps individuals that can't hire an attorney

Clients have a lot of questions in family law, lots of things happen, and paralegals may have more time to talk it out with the client, easier to get in touch with than an attorney

Standardized forms

Area of law usually fact intensive and not particularly complex.

Most times, either or both sides are not represented by an attorney due to inability to afford, or desire to hire independently.

explanation of procedures for divorce, custody filings, forms, mediation, joint prep of divorce decrees

Clients need guidance in family law matters - especially younger parents. They may not have the resources to hire high level attorneys.

Many individuals need legal assistance regarding family disputes but don't qualify for legal aid and can't afford to retain a private attorney for a lengthy parenting time and/or custody dispute.

More opportunity to provide streamlined, less-complex legal services by legal paraprofessionals at better cost to assist broader population who need the representation from those who have more background and knowledge of issues

Can cause emotional and financial strain especially for those who don't have the ability to pay an attorney and if matters are prolonged.

Order for Protections and Harassment Restraining orders

the demand

I believe with the knowledge paralegals have they can provide benefits to clients in all of these practice areas in many different ways.

There are often forms that apply to family cases that pro parties can fill out, but they often need guidance in completing those forms.

Pro Se litigants often need assistance in navigating through the process.

Because it can be a very hard field to get help in, and many people don't have money for attorneys. It might be more cost effective for them to have a paralegal who can help them better advocate for themselves.

The need is huge. For simple dissolutions, paralegal assistance would be helpful if under an attorney's supervision.

much of the due diligence and drafting could be completed a paralegal

Limited to certain areas like document creation and service and filing in areas like parenting time schedules or child support modification

People need to get a court order for a divorce. Creditor-debtor is a funny area of law. 99% of the time the debtor owes the money. And have not paid. Creditors already have a high bar to pass in terms of cost to enforce debts and debtors have the majority of laws in their favor - everything is a protected asset/income from judgments. Debtors do not need additional counsel, they have all the rules in their favor. They don't have money to fight - even at a reduced rate. I think this a nonsense waste of time and effort to provide debtors with low-cost services. The only fights they ever offer are procedural.

families are already under extreme stress from divorce, whatever we can do to lessen the financial burden (without compromising on the legal help they get) we must do

There are many unrepresented parties.

This is perhaps a philosophical rather than practical choice. A married couple can want to get divorced without there being a true conflict between them. If they nevertheless need to get involved in the legal system to be allowed to end their relationship, they should be able to do so as cheaply as possible.

providing client with support

I was a family law paralegal for 22+ yrs at SMRLS & private practice. Paras could represent in OFPs which would then allow attys to focus on other family law actions. Happy to give more feedback by phone, if necessary. I think this is especially true in a more rural county.

That is where there is the most need

there are many people who need assistance with basic, non-complicated matters where a paraprofessional could be a great asset to help a significant number of people with basic questions hopefully keep families together or get family members out of bad situations

can help more clients

Experienced family law paralegals are able to draft family law pleadings with instructions from attorneys with little to no supervision.

The vast majority of folks I've seen at ask an attorney events with family law questions at least benefited from a little advice. Usually the debtors simply incurred the debt and can't pay it (so

there's no real legal issue, unless bankruptcy is on the table or a 'stop calling me' letter which doesn't resolve anything) or the tenant is being evicted for good reason (even if not the tenants fault-such as a lost job leading to inability to pay rent) - those folks benefit more from talking to the county for help with rent assistance if available. That said there are a ton of traps in family law where people are making decisions with long term permanent consequences, so it's also the easiest area to mess up in a way that hurts people. But a paraprofessional might be in a better position to provide limited representation without getting stuck with all the ethical baggage attorneys have to deal with that goes along with limited representation for lawyers, which can make the process smoother and more affordable by excising labor intensive due diligence and follow up.

An experienced paralegal would be able to effectively advise a client and negotiate a fair settlement on the party's behalf short of trial.

Most need. OFP's also.

Most need

Many family members are impacted by the lack of representation of an attorney and can't afford one.

A bit of a guess based on family lawyers I know!

It's an area that involves a lot of information gathering and client follow-up. Many cases are settled, and paralegals can provide much of that workup.

## Paraprofessional Pilot Survey Area of Law Comments: Housing Law

September 25, 2019

Because unlike the other areas of law, there simply are not the attorneys who practice in housing law. Or they only represent the landlord and not the tenants. Simply put, housing is a single issue area, as opposed to family which OFTEN has crossover in estate planning, tax, criminal, bankruptcy and immigration.

Housing law is very complicated and tenants needs to be advised on their rights especially when they are low income and often fighting with a landlord or property Management company where money is not an issue

You are taking work away from licensed attorneys with this proposed program-eroding the value of a law degree. Personally I think paralegals shouldn't be in any of these areas of law.

With the guidance of an attorney, basic guidelines around the eviction process and eviction expungement process could be aided by a paralegal.

Procedurally, the law is fairly straight-forward.

Assuming appropriate paralegal training, and the existence of a housing court, tasks could be performed by paralegals within a confined structure maximizing benefits to courts and minimizing risk to clients that unexpected legal issues raised in court exceed the scope of knowledge and training

significant need in this area; simple turn-key matters

I know of many people who have had lived in illegal circumstances due to the inability to pay for legal assistance

Too many unrepresented parties need additional legal assistance.

There are currently not enough attorneys to represent all tenants facing eviction and stats show that representation improves outcome for tenants

A paralegal can be helpful in the collection of information and by preparing legal documents.

Many parties in housing court are unrepresented and a paralegal could assist otherwise unrepresented parties- usually tenants understand their rights and prepare for housing court proceedings

In any area of a law practice in which there is high volume and in which basically administrative form-filling is prevalent, consumers of legal services benefit from sufficiently trained lower cost providers.

Paralegals can be helpful in typical residential landlord/tenant situations.

relatively simple area of law

Often the clients have limited financial means.

Lots of clients need simple explanations of routine matters. Paralegals can do this well.

Much of housing law is procedural and many people are unable to afford attorneys to resolve these matters. In addition, housing law is relatively straightforward. Paralegals would be in a good position to help tenants understand their rights and assist them with hearings in eviction proceedings, etc.

Just having a knowledgeable person at an eviction hearing can make a big difference

The area of most need and with least amount of subtleties in most situations.

It's the simplest/most recurring issues

In my experience clients either self-represent in housing court, often going against the landlord's attorney, or they avoid housing court even if their case has merit. Access to additional and more affordable assistance may provide better outcomes for those clients who need this assistance.

Housing law is, generally, statutorily clear. And the likelihood of accidentally ruining someone's life is less.

paralegals can help complete paperwork for clients

I work in a pro bono housing clinic. Most of the clients I see don't understand what's going on. Many of them have no significant defenses and really just need someone to hear them out and run through a quick checklist of possible defenses. You don't need a lawyer to provide practical, effective advice and insight for most of those cases.

NOT family law

As someone who routinely provides more than 40 pro bono hours a year at legal clinics and representing OFP clients, housing is a huge area many in the cities need assistance with. Whether it's expungements of evictions or dealing with landlord tenant issues...it is a problem big enough to be a fix but not profitable enough for a lot of attorneys to specialize in. Also, family law has SO many levels and layers of complexity. I don't think paralegals are appropriately educated to deal with all of that information in a way that would be beneficial to most clients.

I think of evictions as the primary issue in housing law. It seems the area of housing law is narrow and defined enough that a non-attorney could readily learn and master the content and procedures without difficulty.

Litigants are not represented and the issues are not particularly difficult.

Tends to be one hearing and limited legal issues

I support any creative solution to help historically underrepresented parties receive legal help/representation.

Poor people who are in most need of advice in usually urgent circumstances  
mostly about money

High need for help

consumer area personal plight area needing to be streamlined and made more affordable

Many people don't know their rights as a tenant.

its an area where help may be needed

Same - I know little about housing but I know family & many family paralegals couldn't handle.

Housing law is fairly basic and usually involves similar issues case to case, which would limit the expertise the paralegal would need.

It would be helpful to have a paralegal be able to explain the basics to many clients at a fraction of the cost of an attorney.

Landlords often have more experience/familiarity with the system than renters. Any representation by a person, with even minimum knowledge of housing law, should help those who have previously been unrepresented.

There are a number of tenants that are unrepresented but would benefit if they had it.

Housing court less complicated another other areas.

It's fairly process driven and PLs would be able to assist given this.

Obviously, there is a great need in all three categories. I chose housing, since I suspect it would be the fastest area to learn.

Probably just based on familiarity stemming from some of my pro bono work, but I know how large the need is and how straightforward the legal issues tend to be.

Simplest and most frequently abused - family is far too complicated and the effects too far-reaching.

Paralegals could handle eviction hearings. Many LL use property managers. Many T rely on legal aid who are unable to spend much time with client or provide individualized advice. Including



paraprofessionals could increase access to client-specific advice and possibly ease burden on court

The process is currently set up to handle pro se litigants, so adding non licensed paralegals will not substantially change the advocacy structure

The need for effective communication with a client suffering unfair treatment from a landlord requires more than just licensed attorneys. Again, the fear of UPL would be eliminated and the cost to the client would be minimized.

High need, but not a lot of legal options for clients who cannot afford to retain an attorney. Often, the dispute is not overly complex.

Housing. Housing is a low dollar area of the law where there are very few practitioners, since there is so little ability to make any money. If a person is renting that sets the tone of their financial straits right there. Creditor debtor might be the next area, for the same reason. Letting paralegals work unsupervised by an attorney to help fill out forms would be catastrophic for the damage that would occur to families breaking up both on the financial side and on the children side.

Many housing law issues are relatively simple and routine, and need for access to justice is high in this area.

There are many routine proceedings that would require minimal customization from a legal professional but are daunting for the average person without legal training. It's expensive to hire an attorney to do this work but makes a big difference for the people involved.

A paralegal operating under the direction of an attorney will provide an edge an otherwise unrepresented party would lack in this setting.

As I understand this area of law, there are many issues that are similarly resolved and involve standard forms and procedures. This is where paralegals do their best work.

Often requires low-cost representation

Could do initial intake

Lots of details to navigate, forms to fill out.

The principles of basic residential housing law can be mastered by anyone with a basic education and enough motivation. A paralegal could help individuals fill out the right forms, guide the tenant through the process and prepare him or her to present arguments at court. The paralegal should not assist the presentation but could assist the pro se party's preparation.

Paralegals can assist with public housing denials, advise on eviction defense, appear with clients in housing denials, appear for first appearances on evictions. They could also provide assistance in and representation in rent escrow actions.

Of the three areas, tenants likely leave the most meritorious defenses and claims on the table because they lack representation

Housing law hearings are often less formal than other types of hearings and many people represent themselves. Access to paralegals could be beneficial for people who would not be able to afford an attorney.

Housing law seems like it is very form-based. A paralegal could help pro se parties navigate the forms.

information only

I've seen paralegals do good work in housing cases

Rental Tenant Eviction law can more easily be reduced to standardized scripts/boilerplate documents. Family law is too complex for paralegals to make decisions or give advice, or represent clients, even with close supervision. I don't know about creditor/debtor.

Again a lot of this could be handled with a paraprofessional and this would save money for the clients

Currently registered agents represent landlords so the paraprofessional playing field is level. Not so in other areas of practice, like family law or debtor/creditor.

Housing law is arguably more straight forward and less complicated than family law.

I believe that paralegals working in one or two specified areas can provide quality representation.

This is such a niche area of law that a paralegal could become proficient at it and offer a great alternative to attorney representation. Because timelines can be so short in eviction actions, having alternate, cheaper options could benefit many.

Those most affected by eviction need to be well informed about their rights. It is my opinion that involvement of skilled paralegals in this area would help achieve a better balance of rights between landlord/tenant; home owner/lender.

High need for people with knowledge of the housing laws.

There are fewer legal issues to address and the subject matter is straight forward. Individuals who are being evicted are unlikely to be able to afford to pay attorneys.

Paralegals would reduce costs making access to justice more available.

This is a discrete legal area in which knowledgeable paralegals could effectively provide guidance, support, and representation to an under-served client population.

Land-lord Tenants and Evictions are often done pro-se and some guidance and assistance with the Statutory defenses and processes could be provided as again, these are relatively straight forward.

Given the power disadvantage for tenants and landlords, it would be beneficial for tenants to have access to someone who can represent them through the process.

This is an area of great need, and if expanding the role of paralegals can provide a more cost-effective in at least some cases, I think it's a good idea.

Represent clients if it is a simple eviction hearing.

There is limited Housing law in our area but it would allow for clients to be better served because a paralegal would be able to provide the attention that is necessary.

I think competent paralegals are capable of work that is as high-quality and helpful as an attorney. Clients would benefit because paralegals can provide adequate, helpful legal services. I believe there is currently a shortage of legal resources to support lower income clients.

Allowing paralegals to engage in additional activities at a lower price point would provide more cost effective services to a broader group of people.

Large numbers of people & housing is such a fundamental right and need.

Similar to my response to creditor debtor law. Tenants need assistance, most large landlords do not- they already are familiar with the system. We have witnessed non-attorney agents misleading tenants in court about their rights. there have to be licensing and ethical obligations in place to protect the public.

Afford unrepresented persons legal advise as to their rights and options for resolution

Paralegals can handle administrative processes such as public housing and subsidized housing application denials, lease terminations, and appeal process. This frees up an attorney's time. The law seems to be fairly straightforward with little judicial discretion.

Many tenants do not know their rights nor how to pursue relief from housing matters, which can greatly impact their lives for the long term. Paralegals would be integral to this area, because they could assist with researching a housing issue, assist with filling out forms, advise on filings, and provide consult with regard to local housing matters.

Paralegals assist in compiling documents relating to payment, rent abatement claims, etc., freeing attorneys to work on more strategic legal issues.

Housing law seems to be the area that could use the most help and, frankly, would be easiest for paralegals to help.

There is always work to do in this area.

More providers means more opportunity. This is a no-brainer. No more protectionism for lawyers.

Housing law is generally conducted as an administrative/quasi-judicial process in cities of Minneapolis and St. Paul.

Needs are immediate for clients, cannot wait for volunteer attorneys

It's arguably the least intricate of the three legal areas with usually the most immediate and life-altering outcome (i.e. being evicted).

A template form of an answer or rent escrow action, could be provided to help educate the litigant.

It would do the least harm to have paralegals assist with these issues.

Seems like an area where limited means folks could use some additional assistance

Pretty basic fact patterns

Paralegals could help in all areas of court in housing law. Housing law suffers from a lack of legal professionals, and help from paralegals would help protect all parties' rights.

Limited scope of the area of representation.

Many clients lack resources to hire attorneys.

Paperwork prep

It's not clear whether the question refers to my current clients or to 'clients' generally, i.e. people with a legal problem who do not have a lawyer. That said, most of LL/T law (what I assume you mean by 'housing') consists of negotiating with the landlord rather than analyzing the law or providing unique legal advice.

Studies have shown better outcomes when people have representation of some sort

I would be very concerned about a non-lawyer handling family law cases. Housing law seems like it might be more straightforward.

access to information and assistance

Tight timelines require the delivery of quick, efficient and accurate information to litigants.

Housing law has some clearly defined requirements regarding service requirements, escrow, and other bright-line rule issues. Areas such as family law are far more discretionary and require more focused practice, legal study, and training.

The demand for this service is high, the amount of paperwork necessary is high, more help is always needed.

I think a lot of bad advice will be given in the family law area, doing permanent damage in an already tense and expensive environment.

Time crunches

Evicting parties are almost always represented by counsel, and, in my experience, tend to try to bully individuals who aren't familiar with the law and can't stand up for themselves. Housing law is narrow enough that I believe many paralegals can adequately advise tenants/foreclosed homeowners on their rights and options so they don't simply get steamrolled by parties with more resources.

There are many areas in this type of law that do not specifically require an attorney to represent the client, but a paralegal to help assisting in the correct paperwork, filling out the paperwork, giving fact information and procedural information and filing assistance.

so many problems could be resolved if clients had a basic understanding of their rights.

Huge need

This appears to be an area of need

document preparation

Section 8, Labor/Housing Law

Housing law is again a contractual area that often involves local ordinances or laws. A paralegal with knowledge in those areas could certainly work to resolve disputes with landlord/tenant issues.

Same as with debtors, above.

This is an area of great need without sufficient attorneys to handle the flow as well as lack of finances by most potential clients.

This area is extremely time sensitive as well as stressful. Difficult to navigate rights when facing eviction/poor living conditions without a legal advocate

The dollar amounts in each case don't justify having lawyer fees. A paralegal knowledgeable in the area would be able to handle the case without a problem.

Many housing law cases are undisputed and just require presentation of facts to the court. This is work paralegals prepare for and are more than capable of handling through the hearing. Paralegals can provide more cost efficient help in this area.

This is an area that a lot of low income people are unable to hire an attorney to help them

This affects a lot of renters who don't have the money to hire representation.

It would be an affordable option for people to be able to have representation. Usually housing matter are pretty straight forward as well.

Law is fairly simple and need is great for low income people

Cost savings compared to lawyers

Believe there is a great need for legal assistance in this area of law

really hard to find an attorney, especially for seniors and other who are working class

This can assist individuals who need this service but do not qualify for legal aid and cannot afford full representation attorney. This could provide another option for the public and lessen court congestion with pro se.

LL/Tenant law is an important area - people need help; if more attorneys were familiar with Alternative Fee Models then maybe they'd take more of these cases

Housing law isn't taught in paralegal school and of the firms that I have worked at, we didn't practice housing law.

Tenants and smaller-size landlords cannot typically afford legal representation and could benefit from legal assistance.

This is our most popular area. It would definitely help if paralegals could be more involved.

Helps individuals that can't hire an attorney

Providing clients with legal representation for a lower cost.

Our housing law can consist of advice/information on notices to vacate, L/T issues, and then evictions, loss of subsidized/public housing - paralegals can be trained to give out information to help with these areas, and fact gather for the court level cases

Standardized forms

Area of law not complex.

Most times, either or both sides are not represented by an attorney due to inability to afford, or desire to hire independently.

More opportunity to provide streamlined, less-complex legal services by legal paraprofessionals at better cost to assist broader population who need the representation from those who have more background and knowledge of issues

Housing law is fairly cut and dried so perhaps paralegals could help them fill out the forms.

Highest volume calls for United Way 211 - (formerly First Call for Help) regard Housing issues.

landlords break the rules all the time

help and support for short-term cases

I believe with the knowledge paralegals have they can provide benefits to clients in all of these practice areas in many different ways.

The need is great and the issues tend to be insular.

I am a housing law paralegal. Our office participates in a clinic 2x/wk in one county. Several of the hearings are settled prior to court or at court. A paralegal could easily handle these cases. Paralegals could also rep clients at Rent Escrow/TRA cases. Most of the investigation is done by the paralegals already. Paralegals can already handle administrative hearings for subsidized housing issues (PBS8, Section 8, Public Housing, Section 42, Section 515, Bridges, etc.).

Assuming there is some basic CLE/training required before being able to assist in this subject-matter, I believe this is a relatively simple subject-matter that would be covered and the need is high.

helping tenants in evictions would hopefully get better results for tenants

Evictions frequently involve folks who cannot afford an attorney

providing client with support

My office has a para who represents and maintains her own case load in housing matters.

There are a lot of people who have landlord questions and who can't afford an attorney

the need is great, impacts the housing stability of people

I think the other two are too complicated. Housing seems more clear cut.

hopefully avoid homelessness

can help more clients

An experienced paralegal would be able to effectively advise a client and negotiate a fair settlement on the party's behalf short of trial.

It's an area in demand, with many low-income individuals who cannot afford an attorney.

## Paraprofessional Pilot Survey Geography Comments: Minneapolis or St. Paul

September 25, 2019

These are heavily populated areas.

Could provide cheaper assistance for those who can't afford an attorney

existence of specialty courts, huge volume of unrepresented parties, existence of nonprofits willing to train volunteers, an established system where trained paralegals could make a difference minimizing risk to clients

significant need in this geography

I know of many people who have unresolved family law issues due to the inability to pay for legal assistance and I know of many people who have had lived in illegal circumstances due to the inability to pay for legal assistance

The problem of unrepresented parties and the lack of access to justice is a state-wide issue.

This pilot project could impact the supply-side of legal representation. By increasing supply, competition should increase and prices for legal representation decrease. The metro areas have the highest populations. The metro areas have the highest populations of legal representors. Thus the demand side (i.e. client-side) would benefit most in the metro area.

I think the pilot could be helpful throughout the state and is not geographically specific

Low income clients who are on budgets could benefit from having paralegals do some of the work.

lower cost

For a pilot program of this nature to be successful, you need to have one set of laws and procedures as well as a large pool of cases.

Lots of evictions

I think all areas would benefit from this service, but I believe the greatest need is in Minneapolis and St. Paul. Additionally, I think it would be good to start with a limited number of jurisdictions for the pilot at first, then see how things go and expand the services to other areas if the pilot is successful once the major kinks are worked out..

All 3 law schools, numerous communities in need, and an overwhelming population are there, it would be unreasonable to have the pilot project excluded from this geographic area.

Sufficient numbers of attorneys willing to provide supervision and large numbers of persons unable to afford legal representation

From the clinics I work at in Hennepin and Ramsey I know for a fact there is great need in this area.

All. I support any creative solution to help historically underrepresented parties receive legal help/representation.

Highest case load and population.

I believe allowing paralegals to represent individuals in a limited capacity would allow low income and middle class individuals to seek more guidance. It would improve their access to legal services.

High need

Volume of unrepresented individuals.

Most need

Plenty of attorneys are available in the suburban and rural counties.

Court & legal access is becoming more expensive and PLs would reduce these costs considerably.

Sheer volume of cases and number of attorneys available to train and supervise.

High number of low income persons seeking legal assistance.

Housing court is overwhelmed in those counties

The cost and time saving would benefit clients in all areas of the state.

I think the tone of the question implies that clients would benefit...they would not. Right now you have licensed attorneys who are nearly incompetent, they graduate law school, hang a shingle then proceed to commit malpractice daily. The PR complaints are up and letting paralegals do anything more than what they do...would just drive that number even higher at the same time providing even poorer (if that is possible ) service to clients on the low end of the financial spectrum.

More housing issues because of density

There's a substantial number of individuals who do not qualify for civil legal aid, and this may be a more affordable option to help decrease the justice gap.

Biggest concentration of people and poverty

Greatest need

High volume of cases so a paralegal could provide a great alternative.

More need for resources for clients of limited means

All places would benefit from a project that helped pro se litigants be better prepared when coming to court.

Higher concentrations of people who need services.

unique housing court and large populations who regularly face issues of this nature, often without representation

Need is great, many employers that would benefit from higher level work; many company's use paralegals at higher levels that law firms all ready.

Every part of the state would benefit.

This is a very high volume area.

I believe that broader use of paralegals for Housing cases in particular, would assist currently unrepresented clients in the Twin Cities.

The second and 4th judicial districts serve a lot of low and lower income individuals- Affordable options for assistance would help both the individuals needing assistance and the courts.

Dense population with limited ability to afford legal representation

majority of educated paralegals

Any area would benefit because the cases would be streamlined better -- efficiency, take on more cases, cost less for the client. Cases only need an attorney should they reach the court level.

Family law, especially, should be an administrative matter. If a person appeals the decision, then an attorney needs to step in and represent them in court.

All areas would benefit, because of population, at least one metro city could be selected.

Good area for a test

largest concentration of people

It should be equal access

I believe this venue would be most appropriate as I feel there are a lot of individuals who cannot afford an attorney in these venues.

There is a high population of low income persons and minorities that account for the majority of these cases.

They know the cases as much if not more than the attorneys

high volume

There are many people in this area that could benefit from this program because of the lack of finances to pay for an attorney and the lack of assistance that the courthouse offers in this area.

Huge need

This would be the most geographically compact area in which to perform a pilot.

low income

Minneapolis or St. Paul cases.

High volume of low income or indigent clients who need help

I think that every where would benefit for individuals who cannot afford an attorney

I believe this would be beneficial for all areas

I believe in all of these areas there are persons who cannot afford to hire attorneys.

This is a highly populated area and certainly all of the citizens aren't going to be able to afford attorneys. Access to paralegals who could assist with people with legal services and provide access to the legal system.

There are low income people everywhere who need access to justice

smaller area for pilot project may reflect whether it would work

the public who don't qualify for legal aid but cannot afford to retain a attorney.

I think Minneapolis/St. Paul has a wider base of lower-income potential clients.

More people this will help take case load off attorneys/legal aid

The need for these services at a more reasonable cost are not defined by where those who need the services live in MN

They have a lot of people and few solo/small law firms

There is a huge case load and if paralegals could do some of the leg work and administrative filing, attorneys could get to more clients

volume of people

Higher population of people that need help and courts are over booked so there is limited time for courts to help.

rural minnesota residents do fall victim to predatory lenders because there aren't any.

There are individuals who lack financial resources in all areas of Minnesota and would benefit from this pilot project.

There are more housing cases.

I think the higher populated communities or area would have more individuals needing this help.

Large debt-collection practices in civil / conciliation courts in Hennepin / Ramsey.

Non profit and legal aid need paralegals and the high population of low income cases in Minneapolis supports this reasoning



## Paraprofessional Pilot Survey Geography Comments: 7-County Twin Cities Metro

September 25, 2019

The Twin Cities is heavily populated with diverse groups of people and limited low-cost/no-cost legal services, particularly for minorities.

Larger law firms within this area.

These are the areas I am familiar with.

Biggest area with most paralegals.

Could provide cheaper assistance for those who can't afford an attorney

Because of the volume of cases that need help to efficiently move through the court system.

Pilots need sufficient participation to create meaningful data results and this area has true highest population.

The higher poverty levels--especially in Ramsey County indicate people cannot afford attorneys

I would say the entire metro area.

Higher volume, more need.

uneven existence of specialty courts and trained volunteers, greater travel burdens on attorneys, leaves a hole that would need judicial structures like specialty courts and administrative support to locate and coordinate paralegal representation--nonprofits dont have the funding to make this happen and smaller firms dont have the resources or incentives to address these big picture market issues. The impact could be huge on clients in reducing the cost of representation but also increases the burden on supervising attorney (but on the upside for attorneys, it reduces the need for attorney travel and expands potential client base). It is unclear whether there are sufficient qualified paralegals to meet the need of firms so firms could remain competitive in the market

significant need in this geography

I know of many people who have unresolved family law issues due to the inability to pay for legal assistance and I know of many people who have had lived in illegal circumstances due to the inability to pay for legal assistance

The problem of unrepresented parties and the lack of access to justice is a state-wide issue.

Most coverage of areas needed

I think the pilot could be helpful throughout the state and is not geographically specific

low income clients have need

That's where more than half the state's population resides.

Low income clients who are on budgets could benefits from having paralegals do some of the work.

All of the above.You should not force people to answer questions.

lower cost

To make it worthwhile you need a large population. Rural areas clients expect to talk directly to their attorney.

Wherever the need exists and the person is truly competent and FAIR

Clients come from all these counties and more; very few clients from the core cities of Minneapolis or St. Paul

Lots of evictions

I suspect this is a statewide need, but I am personally familiar with the metro

Provide assistance in conciliation court

Metro areas are generally more litigious, generally have a higher population of vulnerable individuals, generally have a higher frequency of incidences requiring external intervention, and metros have the housing stock and amenities to attract and retain professionals.

Lots of renters

Although the Twin Cities area has a large concentration of attorney, many people cannot afford their rates. The additional assistance, offered at lower rates, has the potential for helping those who need the help the most.

the need is great and making additional resources available would help underserved populations

Great need.

From the clinics I work at in Hennepin and Ramsey I know for a fact there is great need in this area.

Where the most people are.

That is where the paralegals are.

All. I support any creative solution to help historically underrepresented parties receive legal help/representation.

As a pilot project for low to middle income parties the metro area makes sense as a high volume family law population

These are the areas with the busiest court houses and larger calendars

This is our principal geographic practice area.

Greatest concentration of people and filed cases

most people

Not enough legal aid representatives in these areas

The 7 county metro area has the highest population of clients and paralegals. Economically diverse.

More cases in these areas

Highest demand for legal services and clients who cannot afford to pay attorney rates

Court & legal access is becoming more expensive and PLs would reduce these costs considerably.

Higher number of low income persons seeking legal assistance.

Lower income individuals in the inner city could benefit from having a paralegal perform at a lower cost a lot of the divorce work which CAN BE very form based.

The cost and time saving would benefit clients in all areas of the state.

Most densely populated and can assist the most clients.

Specialized court systems may be helpful. For example, Hennepin and Ramsey counties have specialized housing courts where it may be easy to pilot this structure.

This is where most people live, so I would suspect this is where they could have the greatest impact.

In this well populated area there are many without three funds to hire an attorney. Allowing paralegals to step in under three directing of an attorney allows attorney to help more pro bono cases without jeopardizing their ability to do paying work at the same time. It cost attorneys time and money to leave the office and attend court.

Higher density of population

Greatest number of cases.

More housing issues because of density

More access

Same answer as above.

The Twin Cities area has a lot of the population and most of the attorneys in that geographic area are too busy or practice in other areas to help with creditor, family, and housing law.

this is where there is the most need, although I can see how a program like this could also be useful in the other regional hubs (duluth, rochester, etc.) as well as very rural areas

Seems to be where the paralegals are

Large population in need of lower cost legal services.

more population of lower income

Some people cannot afford attorneys and yet do not qualify for legal aid.

Paralegals still need supervision by a lawyer qualified in the subject matter. The majority of debtor-creditor lawyers are located in the metro.

High volume of cases so a paralegal could provide a great alternative.

Plenty of paralegals available

Will help the most people

Am making that assumption based on population density.

All places would benefit from a project that helped pro se litigants be better prepared when coming to court.

The need exists across the region in suburbs as well as cities. I suspect there also is a need in rural Minnesota, I'm not as familiar with the services provided out state so I cannot say for sure.

Ramsey and Hennepin are understaffed and overburdened so they could use paralegals that could offer more help. The other counties have less work so they have fewer staff and having a paralegal being able to do more would help fill in some of those gaps.

for the same reasons as set forth above

The courts in general are overburdened and underfunded with regard to these high-volume civil issues, and this problem is worst in higher population areas. A lot of people cannot afford lawyers and at the same time do not qualify for low-income legal services. Having some direction and assistance can streamline the process and save courts time.

Because the volume of cases is so high in this area, presumably the need is greatest there.

I think the twin cities metro would benefit best from this program.

Every part of the state would benefit.

This is a very high volume area.

Limited access to legal representation that is largely located in Minneapolis/St. Paul.

majority of educated paralegals

There is a significant population within this area.

Any area would benefit because the cases would be streamlined better -- efficiency, take on more cases, cost less for the client. Cases only need an attorney should they reach the court level. Family law, especially, should be an administrative matter. If a person appeals the decision, then an attorney needs to step in and represent them in court.

Paralegals can help contain costs of representation in the metro, where hourly rates are normally higher.

Most need, I assume

Too many cases

Because of the population size, one of these counties would be a good location.

Population centers - large numbers of pro se clients

All listed metro area counties

Diverse population

many lower-income people end up living in the suburban areas around the twin cities, thus the need for services close to where they are rather than expecting them to come into the city

It should be equal access

I actually think whole state would benefit

It seems like a good idea to test out this project in a smaller area.

I believe this venue would be most appropriate as I feel there are a lot of individuals who cannot afford an attorney in these venues.

access to information and assistance

its the metro area

They know the cases as much if not more than the attorneys

high volume

Majority of State population

There are many people in this area that could benefit from this program because of the lack of finances to pay for an attorney and the lack of assistance that the courthouse offers in this area. the court cases are increasing - and the calendars are very tight - any help would be welcomed.

Huge need for assistance

This would be the most geographically compact area in which to perform a pilot.

low income

County cases

Probably the areas with the most issues in housing, family or creditor/debtor issues.

My selection is based on volume of people needing this service.

This area is populated more densely therefore would have a higher number of individuals needing representation or legal advice.

High volume of low income or indigent clients who need legal assistance

While the central urban areas are visibly affected just based on density, outlying areas face the same issues

These 7 counties make up a good variety of the state population- city and country. I believe you need to start with Hennepin and Ramsey County first and then add the other 5 counties.

This area encompasses a large amount of law firms and paralegals, and likely has the large caseload of work that would fit into the areas considered for the pilot project.

I think that every where would benefit for individuals who cannot afford an attorney

Would assist with the cost and time of attorneys.

I believe this would be beneficial for all areas

High demand, cost of attorney legal services too high for anyone middle-income or lower

I believe in all of these areas there are persons who cannot afford to hire attorneys.

Based on the calls we get, I believe an area larger than just Hennepin and Ramsey would be beneficial.

This is a highly populated area and certainly all of the citizens aren't going to be able to afford attorneys. Access to paralegals who could assist with people with legal services and provide access to the legal system.

There are low income people everywhere who need access to justice

highly populated

I know there's a need for help amongst working class people in the twin cities

the public who don't qualify for legal aid but cannot afford to retain a attorney.

More firms in the Twin Cities area

I live in the suburbs and often get asked questions on these three areas of law - and typically it is a simple question and understandably, people are reluctant to approach an attorney and pay large legal fees for something that isn't very complicated.

this is the most populated area of the state

There is a great need. These are the population centers.

More people have moved to the outer counties outside of Minneapolis and St. Paul.

More people this will help take case load off attorneys/legal aid

Probably the greatest need is in the Twin Cities.

Paralegals would be helpful anywhere.

Areas with the most population likely have the heaviest Court case loads.

all 7 counties

I believe everyone should have access.

The need for these services at a more reasonable cost are not defined by where those who need the services live in MN

more people>more poverty

All the Suburbs around the Twin Cities

These are major counties that need as much help as possible, paralegals are mini attorneys and can help in a major way.

High case loads tax other resources whether people may otherwise be able to get assistance. Wait lists for legal aid are long.

Higher population of people so less time for the courts to help as well as more people needing assistance.

There are a lot of people in the 7-county area who are on the border of being able to get help, but they make just a little too much, but not enough to pay for legal services of an attorney. This would fill that gap.

Greater demand

There are many people/cases here that are being handled pro se, where the litigants have very little money, and for which it would be beneficial.

Population centers

everyone can use legal help, likely more users in these counties

More people in the metro area have needs that a paralegal could assist.

lots of people cannot afford a lawyer and need help in the cities

There seem to be a high number of unrepresented litigants in the metro area

I would think Density would be key . . . especially if there's any hope for the pilot project to create any kind of actual market, and not just be a series of Ask a Paralegal advice clinics. Harder to get buyin if it's one person a day who needs 30 minutes of help because there's a lot of overhead in setting up a new service.

There are individuals who lack financial resources in all areas of Minnesota and would benefit from this pilot project.

Many more people are affected and go without legal representation

This way you can have more diversity within the target area and population that is served.

These counties are relatively close to each other. Would have easier access getting to a paralegal if not located in their community.

## Paraprofessional Pilot Survey Geography Comments: Regional Center

September 25, 2019

These areas are big enough that there are attorneys, but also have a need for additional programs. Could provide cheaper assistance for those who can't afford an attorney and add available resources where there aren't any now  
significant need in this geography

I know of many people who have unresolved family law issues due to the inability to pay for legal assistance and I know of many people who have had lived in illegal circumstances due to the inability to pay for legal assistance

The problem of unrepresented parties and the lack of access to justice is a state-wide issue.

I think the pilot could be helpful throughout the state and is not geographically specific  
lower cost

Lots of evictions

This is where housing courts are seeing more cases.

Answer similar to the explanation given for the Twin Cities area.

Clients would likely benefit from improved access to legal services.

All. I support any creative solution to help historically underrepresented parties receive legal help/representation.

There are less attorneys in these regions.

Court & legal access is becoming more expensive and PLs would reduce these costs considerably.

The cost and time saving would benefit clients in all areas of the state.

There is a relatively high population of potential users compared to more rural areas but relatively few resources such as those already established in the TC Metro.

Same answer as above, plus there is a much lower number of attorneys in greater Minnesota than in the metro, and this would increase the options and potential for pro bono work if paralegals could also provide these services.

information only

High volume of cases so a paralegal could provide a great alternative where there many not be attorneys available to help or out of reach for many people.

Allow would-be lawyers in these areas to serve their community without having to go away to law school first

All places would benefit from a project that helped pro se litigants be better prepared when coming to court.

We have a history of taking on pilot projects.

There is no reason to limit these services to the Twin Cities.

The courts in general are overburdened and underfunded with regard to these high-volume civil issues, and this problem is worst in higher population areas. A lot of people cannot afford lawyers and at the same time do not qualify for low-income legal services. Having some direction and assistance can streamline the process and save courts time.

The Twin Cities already has a number of ways to help SRL, but areas that are very busy like Rochester, Duluth and Mankato do not have the same resources - but do have the need for them.

Every part of the state would benefit.

There are fewer attorneys to represent parties in this area.

Duluth has a high number of housing cases and this program would benefit our area.

Any area would benefit because the cases would be streamlined better -- efficiency, take on more cases, cost less for the client. Cases only need an attorney should they reach the court level. Family law, especially, should be an administrative matter. If a person appeals the decision, then an attorney needs to step in and represent them in court.

These are areas where there's a higher need for legal assistance.

One of the areas selected for the pilot project should be outside the Twin Cities.

Greater Minnesota has fewer resources for low income clients

It should be equal access

access to information and assistance

Duluth, Virginia, Grand Rapids, Brainerd, Pine City

They know the cases as much if not more than the attorneys

Huge need

low income

There are many more resources available already in the Metro area. Regional centers are accessible to larger populations outside the metro, and to many in rural areas. Rural Western and Northwestern Minnesota also would have a high need.

I think that every where would benefit for individuals who cannot afford an attorney

Would assist with the cost and time of attorneys.

I believe this would be beneficial for all areas

I believe in all of these areas there are persons who cannot afford to hire attorneys.

People in out state don't have as many options for legal services as those in the metro area. Allowing use of paralegals to provide some limited legal services will broaden access to the legal system.

A Regional center is the hub for many legal proceedings, especially creditor/debtor matters, since there is a Federal Court located in them. Also, they are somewhat populated area, but not as big as the metropolitan areas where you have a vast array of options available to you.

There are low income people everywhere who need access to justice

the public who don't qualify for legal aid but cannot afford to retain a attorney.

Limited number of attorneys

The need for these services at a more reasonable cost are not defined by where those who need the services live in MN

limited number of legal professional

Greater demand

Legal services handles most of the defendant housing cases. Staff have the expertise. While we don't have housing court in these areas, I believe the case load for evictions would be smaller and better local attorney collaboration.

There is limited affordable legal services for these types of litigants, so there would be a fair amount of litigants who could benefit rather than handling the matter pro se.

Rochester is short on paralegals and attorneys.

Due to lower accessibility of pro bono legal services

less resources and staff

There are individuals who lack financial resources in all areas of Minnesota and would benefit from this pilot project.

## Paraprofessional Pilot Survey Geography Comments: Regional Center

September 25, 2019

There is a shortage of attorneys in rural Minnesota. If this program can help where there are no, or limited legal help rather than act in competition to the current attorney market, that would be best for all.

Fewer attorneys in out state.

Rural Minnesota lacks many of the support systems and access to affordable justice tools that the Twin Cities and surrounding areas have. The number of attorneys, volunteer attorneys, clinics, self help centers are substantially less available in rural Minnesota.

Services in Rural MN are limited so offering outside the metro would be ever so helpful

St. Cloud area

Rural-only because lawyers in rural areas are retiring and no new attorneys are replacing them. There are many attorneys in the Twin Cities needing clients. This pilot is unfair to them.

It's more likely there's not available assistance in rural aread

Many small towns have no attorney.

Fewer legal resources, increased low income populations (by %), no public transportation, little access to interpreters...so often the last group to receive innovative services

Less likely to have lawyers available.

Could provide cheaper assistance for those who can't afford an attorney and add available resources where there aren't any now

Clients could benefit from lower cost and access to representation, attorneys could benefit in expanding a client base but with the added responsibility of oversight and management of paralegals which might require training (not all attorneys have or need to develop this skill); adding these providers might significantly impact the way legal services are delivered and lead to a restructuring of small firms to remain competitive and whether there are qualified paralegals might determine firm competitiveness and viability

Harder to get legal assistance in the rural communities.

significant need in this geography

Greater likelihood of lawyer shortage.

I know of many people who have unresolved family law issues due to the inability to pay for legal assistance and I know of many people who have had lived in illegal circumstances due to the inability to pay for legal assistance

The problem of unrepresented parties and the lack of access to justice is a state-wide issue.

I think the pilot could be helpful throughout the state and is not geographically specific

low income clients have need

See, Pruitt, Lisa R. and Kool, Amanda L. and Sudeall, Lauren and Statz, Michele and Conway, Danielle M. and Haksgaard, Hannah, Legal Deserts: A Multi-State Perspective on Rural Access to Justice (June 18, 2018). 13 Harvard Law & Policy Review 15 (2018); Georgia State University College of Law, Legal Studies Research Paper No. 2019-01. Available at SSRN: <https://ssrn.com/abstract=3198411>)

Low income clients who are on budgets could benefits from having paralegals do some of the work.

lower cost

lack of attorneys generally

Less paralegal help out there



My colleagues tell me that it is difficult to get younger attorneys to move to the 'outstate' areas; the paralegals could help solve that issue

Lots of evictions

Provide assistance in conciliation court

Fewer attorneys available.

Access to legal representation is often limited in Rural Minnesota. This pilot project would fill a big need for legal assistance in this area.

Clients would likely benefit from improved access to legal services.

Lack of lawyers in rural areas.

Resources are light in rural Minnesota where local offices for legal services for the indigent are either closing or do not offer services. In addition, if a client has to drive for a meeting, it is better to have someone in those rural areas be able to assist than having the client drive for half of a day to receive services. This affects a client's employment or clients are possibly incapable.

the need is great and making additional resources available would help underserved populations

Not enough attorneys.

Fewer attorney options

I am in a town with a population of fewer than 4,000. The closest town with a population of more than 10,000 is one hour away. The closest metro area is two hours away.

All. I support any creative solution to help historically underrepresented parties receive legal help/representation.

Expanding legal services in rural areas would be beneficial to rural communities.

There are probably fewer resources currently available in rural Minnesota.

The financial burden and travel costs could be offset with this program

Areas underserved by attorneys

There are just not sufficient attorneys in many rural areas.

Areas where not enough attorneys are available

Court & legal access is becoming more expensive and PLs would reduce these costs considerably.

There are fewer pro bono attorneys in rural Minnesota.

There are not as many lawyers.

Underserved in general (lack of licensed attys)

Because this area does not have the resources that the Twin Cities has.

Rural Minnesota could use more paralegal support due to the overall lack of attorney support in those areas.

We have plenty of lawyers in the metro.

The cost and time saving would benefit clients in all areas of the state. Additionally, in the rural areas of the state, legal assistance would be more readily available if paralegals could take over some of the duties of an attorney, saving traveling time and money.

Fewer low cost options

Lack of professionals in rural mn

Rural Minnesota has folks that are lower income or that don't want to hire one of the two lawyers in town. Allowing a paralegal to come in would allow attorneys who aren't local to provide representation. This Also allows the public to sample outside the 'good ol' boys club' found in small towns.

Few attorneys in rural Minnesota represent persons on low-profit matters.

Based only on rumors, my perception is that attorneys are difficult to find in rural Minnesota.

There tend to be more attorneys and legal professionals located in the Twin Cities and regional centers; it would be helpful to have access to qualified paraprofessionals for rural Minnesotans so they don't have to spend money/time to travel to the nearest regional center.

Where ever there are few attorneys per 100,000 people, and potential law clients have limited resources.

There are not enough attorneys in rural Minnesota to represent the populations out there.

information only

Rural Minnesota lacks the density of resources that exist in the metro area. From my own experience, pro se family law litigants are the rule, not the exception.

There are a lack of lawyers in rural Minnesota, so there would not be a dual system of legal representation. In contrast, urban centers have a plethora of lawyers and all citizens deserve to be represented, by a licensed attorney, in court.

something other than the metro

Rural MN benefits from few pilot projects, yet has some of the most diverse populations based on need, geography, cultural differences, and economic issues. The highest levels of poverty are in Northern MN and there are limited attorneys with limited professional staff resources. Any opportunity to help further develop and support small community resources helps further develop that community.

attorneys are easier to come by in the metro and regional centers. rural areas would benefit the most from increased access to legal services.

difficulty with getting lawyers and access to low cost legal services

There are fewer legal resources in outlying areas. County law libraries and self help centers can be fifty miles away.

There are less/no options in rural Minnesota.

Rural Minnesota has less attorneys per person than the metro or regional centers.

large cities already have lots of pro se clinics, specialty courts etc. for these issues. Even Regional centers have free legal services. Rural MN does not.

I think there is a shortage of attorneys in these areas generally, but especially in the rural areas.

There are fewer stakeholders to get on board with the project.

Fewer attorney options in rural Minnesota.

High volume of cases so a paralegal could provide a great alternative where there many not be attorneys available to help or out of reach for many people.

It's hard enough to find attorneys in these areas...

There are very few private attorneys in rural Minnesota that take family cases or even evictions.

There are a lot of people who may have an agreement on custody, parenting time, etc. and need to get a court order (stipulation signed by a judge) but the system is not set up for parties in agreement to navigate the process.

All places would benefit from a project that helped pro se litigants be better prepared when coming to court.

There are fewer attorneys in rural areas, and incomes tend to be lower, and so increased access to affordable legal guidance could be helpful in rural areas.

Larger number of the population would benefit from lesser fees..

There is more working poor and not a lot of options for attorneys to take low-bono or pro-bono work. Plus, if one party has legal aid and the other does not, there is no incentive for the party who is represented to settle and will more likely go to trial.

There are fewer and fewer attorneys, mainly in Family law, in rural Minnesota. This pilot project would allow for the population in these areas to be better served by allowing Paralegals to be able to assist. This is almost a necessity at this point in our area.

less access to attorneys and other assistance mechanisms, including affordable services in rural areas. Greater access to paralegals could help.

Every part of the state would benefit.

There are fewer attorneys to represent parties in this area.

I believe that family law practice would benefit from broader use of paralegals across the state, but in particular, in rural areas.

Fewer lawyers and fewer clinics/free services available

Sadly there are fewer attorneys practicing in rural mn- having another option would help, but here my concern is supervision. People should be able to obtain high quality, competent assistance regardless of where they live.

Practicing in rural Minnesota I see a significant need for additional avenues of representation.

I believe there are less practicing attorneys in general in Rural Minnesota. In addition, I believe there specifically less 'junior' level attorneys in Rural Minnesota. In my opinion, it sounds like the work that would be completed by this pilot project is the same type of work that would be completed by a 'junior' attorney.

Any area would benefit because the cases would be streamlined better -- efficiency, take on more cases, cost less for the client. Cases only need an attorney should they reach the court level. Family law, especially, should be an administrative matter. If a person appeals the decision, then an attorney needs to step in and represent them in court.

Paralegals can help bridge the representation gap in rural MN.

Attorney's in rural Minnesota are difficult to find and legal aid does not visit rural courthouses on a regular basis

IT is where i work so i can not comment on the other, but we are understaffed and a paralegal being able to do things they are capable off would lighten the load.

Access to attorneys (both privately paid and through Legal Services) is limited in rural areas.

These are areas where there's a higher need for legal assistance.

It seems there is no shortage of lawyers in the metro area and a reasonable number work for below-market rates, but rural areas may benefit from additional legal resources.

Scarcity of nearby legal resources would make rural Minnesota a good location for the project.

Fewer outstate lawyers to assist people.

Access to legal help might be limited due to fewer attorneys

There is not enough help in the rural areas with many legal needs. And frankly, there's not enough legal help to help poor people in any area. Though, giving them someone who is not an attorney is not necessarily giving them effective help.

Outstate Minnesota has a paucity of legal representation and many debtors

Access to justice for indigent persons in rural communities could be improved.

There is a dearth of attorneys in rural Minnesota.

There are fewer legal resources for a person in Rural Minnesotas.

Shortage of attorneys in rural Minnesota.

The attorney shortage is greatest in rural MN

Within 100 miles of the Metro

as the economic landscape changes, and trade wars linger, many rural citizens are likely in need of assistance with financial issues

It should be equal access

access to information and assistance

It is extremely difficult to recruit attorneys to practice in a rural area. Legal paraprofessionals would help expand the ability of a small firm to offer services.

Bemidji

Rural Minnesota has a lower percentage of lawyers than the metro with less access to services such as legal aid.

They know the cases as much if not more than the attorneys

I have a belief that these are underserved areas

Legal services in rural MN are not as easily obtained, so I'm told.

I think the Rural areas would benefit the most because their courthouses do not supply attorneys to the building to help on preparing documents and assisting. This area would be most beneficial. Also, the income is much lower typically in this area, so the clients would benefit from that.

Huge need, few attorneys

Due to the lack of attorneys that practice in the area and distance to courthouses

There are plenty of legal programs in the Twin Cities and surrounding Counties; Sherburne, Stearns need assistance.

low income

Lack of attorneys available in the rural outstate areas.

It's where I live.

I think that every where would benefit for individuals who cannot afford an attorney

Would assist with the cost and time of attorneys.

I believe this would be beneficial for all areas

Cost of attorney legal services too high for rural community

I believe in all of these areas there are persons who cannot afford to hire attorneys.

People in out state don't have as many options for legal services as those in the metro area. Allowing use of paralegals to provide some limited legal services will broaden access to the legal system.

It would allow for there to be additional options for people to gain representation where there are not many options.

There are low income people everywhere who need access to justice

I've heard that it's very difficult to find attorneys in rural mn

the public who don't qualify for legal aid but cannot afford to retain a attorney.

Less access to the court system due to lack of finances or the ability to travel.

I think that people in rural MN often feel overlooked and not offered the same services as those in 'the Cities'. There are many indigent people in rural MN who may not have access to legal assistance.

Limited number of attorneys

More need for affordable legal services.

Rural Minnesotans likely have more limited incomes to be able to retain an attorney's services

outside of county law workshops not a lot of options

I believe everyone should have access.

The need for these services at a more reasonable cost are not defined by where those who need the services live in MN

Fewer and fewer lawyers practice in rural Minnesota. Allowing supervised paralegals to assist would enlarge the pool of available legal help.

There is a rapidly decreasing number of attorneys practicing in Rural Minnesota, many of the hearings presented in court are uncontested and could be easily performed by a legal paraprofessional e.g.

uncontested probate hearing or assisting a conservator with annual accountings. The demand for legal services are growing because there are a limited number of licensed attorneys.

fewer attorneys

because there are limited resources in general

limited number of legal professionals

Rural Minnesota doesn't have as much access to legal sources as the cities, paralegals would help fill that gap.

Clients in rural MN have less access to legal services and less income available to pay for legal services. The expanded use of paralegals would allow more access to professional legal services at a lower cost to the client than if they had to pay the usual hourly rates for attorney work.

Fewer attorneys available

ALL of the legal services clinics exist in a metro area or smaller city. None exist in smaller communities. Plus, small town and solo attorneys in Rural areas lack the capacity to cover all the practice areas they're expected to handle. Having one of these paraprofessionals in smaller communities, even to assist a client to get prepared before they meet with an attorney in a city if they end up needing that, would make a huge difference in these smaller communities.

being outstate doesn't mean issues don't apply, the hard part of course is that there are fewer lawyers and paralegals. Consider on line and web conferences

Attorneys are leaving and no one is replacing them.

It seems the rural areas are in most need of legal professionals. Urban areas of MN have larger numbers of atty's available

Our office is based in Grand Rapids (i.e., not a regional center).

To help address shortage of attorneys in those regions

Due to lower accessibility of pro bono legal services

there are very few resources for people who need it in rural Minnesota

less access compared to large cities

less resources and staff

There are individuals who lack financial resources in all areas of Minnesota and would benefit from this pilot project.

There are less choices for attorneys.

Not as many attorneys

## Paraprofessional Pilot Survey Geography Comments: Other

September 25, 2019

I do not believe this concept is a good idea. Allowing others to do attorney work devalues a law license. Profession is already under attack from AI and computerized systems.

They won't benefit

While I suspect rural communities have the most to gain from any access initiative, I don't think geography or proximity to lawyers/paraprofessionals should be the only factor in measuring need. State-wide.

None

You're assuming there would be a benefit. Your questions are phrased poorly.

This seems like jumping the gun. You will find more potential paraprofessionals and attorneys willing to use them in the metro area but there are barely any attorneys in the rural areas.

Awful framing of question, as with previous question, especially for those who believe that this is not appropriate. Presupposes support.

Thank you for giving an 'other' option. I still have difficulty with legal assistants or paralegals giving legal advice. It's hard enough dealing with individuals who received poor advice from an attorney. I hate thinking what would happen when someone receives poor advice from a paralegal--with the attorney responsible for the advice.

I believe that paralegals can benefit clients throughout Minnesota without regard to geography.

I don't believe that clients would benefit from this project. I have worked in all three areas, and find them all to be relatively complex. Most clients need an attorney to make the most informed decision. Even with my best paralegal, she was unable to appreciate small facts which changed the tenor of the case remarkably. No matter what the rules say, courts give deference to unrepresented parties, and having a paralegal would diminish that deference, without providing actual representation.

All would benefit equally. The issues of access to justice or the high cost of legal representation are not unique to any community or geographic local.

I think this project is a terrible idea. We have TONS of lawyers in Minnesota, and lawyers are licensed professionals with a minimum knowledge and education level - and there are STILL bad lawyers.

Telling poor people to get their legal advice from paralegals is rude to them and dismissive of the legal profession.

Rental tenants get evicted everywhere.

I'd look at whether pro se parties tend to be from the metro area or out of state.

This is a terrible idea that is going to result in more people turning to self employed paralegals to help with 'simple' cases that are not actually simple. People will go for a 'cheap' alternative and wind up in significant financial trouble when creditor-debtor, and especially family law matters, are mishandled.

Client will not benefit from having unqualified non-attorneys do legal work

Anywhere in Minnesota

None of Minnesota would benefit from this pilot program. This survey is skewed toward accepting the program and assumes the program is a good idea. It is not. It is a disservice to the profession and to clients to allow those untrained in the law or subject to the obligations of the profession to act as advocates in creditor/debtor, housing or family matters. All of these matters have collateral consequences beyond resolution of a particular case and non lawyers are not equipped to provide full and complete advice regarding such consequences. Time and effort would be better devoted to developing newly admitted lawyers to provide services for these cases. Develop a pro se project.

Structure an internship program. It doesn't matter what form -- just make sure that we use licensed, trained lawyers to practice law.

Must be statewide to begin. Totally unfair to provide more services in the Twin Cities if a whole system change is being proposed

All of the options and all for same reasons - needs exceed availability of professional support and many paralegals are better than some lawyers and know day to day how things work

Again, to what 'clients' is the question referring? How is geographic location related to whether the services would be useful or effective?

I am concerned that this proposal will benefit anyone.

I don't think the paraprofessional project will benefit clients. This survey is not designed in a way to allow lawyers to select 'none' as an option or to voice concerns about non-attorneys practicing law in some very difficult practice areas. The MSBA previously has expressed concern about this project. The survey should allow attorneys to answer in a way that is not in the affirmative.

The whole state could benefit-you don't have to be inner city to have legal issues, there are poor people all over the state. Personally I'm tired of everything focusing on inner city.

I think all places in MN would benefit, why just limit it to one area when every where needs more support.

I am not convinced any clients would benefit from this pilot project.

Wherever courts/judges/staff would be most amenable to participate in a pilot.

None. A person without a JD and law license should NEVER provide legal advice or counsel period. This survey is poorly designed and clearly biased/tainted in favor of permitting uneducated and unlicensed people to provide legal advice and counsel. This should NEVER be permitted; it is a logical fallacy to even claim it can occur under the supervision of a licensed attorney--that simply is not possible to govern.

Hard to know - larger areas have more clients so more need....but also more resources. Paras could be used for more simple/streamlined cases. Rural areas have less clients, but less resources and attorneys. Paras could be used to fill the gap of legal resources in rural locations.

As long as a paralegal is directly supervised by an attorney; being able to draft simple family law forms would be beneficial; however, if child support and/or property analysis is required, then attorneys should be more involved. Attorneys, NOT paralegals, should appear in court because final settlement agreements may need to be tweaked and/or renegotiated.

I am adamantly opposed to the use of paralegals for any type of legal representation. Paralegals provide an extremely valuable service to the legal system by providing SUPPORT to attorneys, government agencies, as well as corporations by researching legal precedent, conducting investigative work on cases, as well as preparing legal documents for the licensed attorney to review. The ultimate liability is on the attorney for any misinformation regarding the law or an individual's possible cause of action in any given area of the law. Attorneys go through a rigorous educational program (i.e. must have a four year degree, a high GPA, and a proficient LSAT score) prior to entering law school which is at minimum a three year commitment) AND are then required to take the bar exam and pass in order to become an attorney. A typical paralegal program is at most two years and accreditation is irrelevant, as paralegal education is not mandated under Minnesota law. Each of us plays an integral role in the justice system and I strongly encourage you to think not only of the additional number of people who MAY be assisted under this program but rather how many will unknowingly be harmed irreparably if paralegals are allowed to provide legal assistance to individuals.

## In what area(s) of law do you or your office practice? Other - write in

|  |   |   |
|--|---|---|
| A variety of civil law   | Bankruptcy  | Child protection and ICWA   |
| Administrative Law Judge   | Bankruptcy and tax controversy.   | Civil [x2]  |
| Administrative, labor, OSHA, employment, and workers' compensation.  | Bankruptcy, Criminal Defense  | Civil law, Criminal defense   |
| Adoption/Juvenile protection   | Bankruptcy, Real Estate   | civil legal aid - so all areas of poverty law   |
| Agricultural law, banking law, business law, criminal defense, guardianships & conservatorships, probate & trust law, real property law, tax law, etc. | Broad array of civil litigation.  | civil lit, criminal defense   |
| all [x8]   | Business [x3]   | Civil litigation [x14]  |
| all low-income civil matters   | Business & Estate Planning  | Civil Litigation, Corporate Transactional, and IP   |
| All of the above and other poverty law areas including criminal expungement, bankruptcy, immigration, etc.   | Business and commercial law   | Civil litigation, criminal prosecution, tax protest, condemnation, child support, protective services unit, victim witness, many areas that local county governments represent the citizens and community |
| all of the above plus Estate planning, Probate, Employment, Real Estate, criminal and a couple others  | Business and estates and trusts; employment, litigation                   | civil litigation, estate litigation   |
| all relevant corporate areas for a major corporation   | Business Law, Education Law, Corporate Law, Litigation                    | Civil Litigation; Corporate; Appeals  |
| Any legal area that patrons ask about  | business law, litigation, employment law                                  | civil litigation; probate; estate planning  |
| appellate  | Business law, tax law, litigation, trust and estate, and real estate      | Civil probate criminal  |
| appellate in the areas of criminal, civil, family and immigration  | Business litigation, corporate law, and similar business-orientated areas | Civil rights  |
| Banking Law  | Business real estate litigation   | civil, estate planning  |
| Banking Regulation   | Business Transactional  | Civil, many areas generally   |
| Banking; Estate; Probate   | Business, Corporate, Real Estate, Estate Planning                         | Civil, real estate, estate and trusts, guardianships/conservatorships, and criminal   |
|  | Business, estate planning, elder law                                      | Class action plaintiffs-side cases  |
|  | Business/Commercial Law   |   |
|  | Charitable trust and estate planning                                      |   |



|  |   |   |
|--|---|---|
| Commercial contracts   | Contracts, health Care, real estate, litigation                     | criminal and immigration  |
| commercial in-house  |   | criminal but I have done family law                               |
| Commercial law, Advertising law, Regulatory  | Contracts; agricultural law   |   |
| Commercial law, Municipal law  | Corporate [x13]   | Criminal Defense [x3]   |
| Commercial litigation [x4]   | Corporate (corporate governance, regulatory, litigation, contracts) | Criminal defense, but I have taught paralegals for several years. |
| commercial litigation, employment law, real estate transactions, criminal defense, privacy law       | corporate advice and litigation                                     | criminal defense, juvenile  |
| Commercial, real estate, probate   | Corporate and intellectual property                                 | Criminal Defense, Personal Injury                                 |
| Commercial/corporate/trans actions - what ever a company need but legal team is very active with VLN | Corporate and IP litigation   | Criminal law and Licensure  |
| Complex business litigation, IP litigation   | Corporate counsel   | Criminal Prosecution  |
| complex civil litigation and transactional work; white collar criminal defense                       | Corporate governance  | Criminal Prosecution for the City                                 |
| Compliance and civil litigation  | corporate law department  | criminal prosecution, civil forfeiture                            |
| Compliance and corporate governance  | Corporate law firm  | Criminal, administrative  |
| Constitutional Law   | corporate, business litigation, estate planning                     | Criminal, civil litigation  |
| construction   | Corporate/Business  | Criminal, civil, juvenile   |
| Construction and contract law  | Corporate-Commercial-Real estate-Estate Planning                    | Criminal, estate planning, corporate                              |
| construction litigation  | Corporation   | criminal, juvenile, civil   |
| Contracted Tribal Representation   | corporation - so business   | criminal/civil municipal law                                      |
| Contracts [x2]   | County  | Delinquency, Probate  |
|  | County Attorney [x6]  | diversity and inclusion   |
|  | Courts  | Domestic/sexual violence law                                      |
|  | courts-general jurisdiction   | Elder Law, Estate Planning, Guardianship, Probate, Trusts         |
|  | Criminal [x16]  | Election law  |
|  | Criminal and civil government                                       | Eminent Domain, Data Practices                                    |
|  | Criminal and civil government related issues.                       |   |

|   |   |  |
|---|---|--|
| Eminent domain, probate/estate collection and litigation.                                 | estate planning, business litigation  | General business/construction/real estate  |
| Employment [x6]   | Estate Planning, Criminal Defense   | General civil advice for the county  |
| Employment and corporate law  | estate planning, personal injury  | General civil litigation   |
| Employment and financial services   | Estate planning, probate  | General comprehensive practice   |
| Employment and Immigration  | Estate Planning, Probate, Criminal, Litigation, Real Estate, Contracts, Business Formation and Governance | general contract, business and property law  |
| Employment and Labor  | estate planning/probate   | general corporate  |
| Employment law/ERISA  | Estate Planning/Probate/Elder Law/Guardianship  | General corporate law, IP, environmental and financial regulations,  |
| Employment, consumer, ERISA   | estate planning/probate/guardianship/conservatorship/real estate  | General legal aid  |
| Employment, non-compete, business and business owner                                      | Estate, Probate, and Elder Law  | General poverty law  |
| employment, other   | Estates, probate, ChiPS   | General practice [x6]  |
| employment, product liability, personal injury, tort, workers compensation and compliance | Ethics  | General Practice excluding Family Law  |
| employment, public benefits   | Examiner of titles  | government [x5]  |
| Energy law  | Financial   | government employee, do not practice   |
| Energy law, regulatory  | Financial Services  | Government, administrative, contract   |
| Entrepreneur Law (all legal areas except debtor rep in bankruptcy)                        | Full service  | I also have a contract Paralegal business in which I do mediations for civil and family matters.   |
| Estate and probate  | Full Service Law Firm [x2]  |  |
| Estate planning [x6]  | General [x4]  | I am at SMRLS - including Government Benefits, Family, Housing, Elder Law, Education law, Immigration, Agricultural Workers Program, plus volunteer attorney program - handling consumer & other areas |
| Estate Planning & Administration  | General business services, litigation, creditor-debtor law, and family law                                |  |
| Estate Planning and Administration, Elder Law   |   |  |
| Estate planning and probate   |   |  |

|   |   |  |
|---|---|--|
| I am in a law library--we offer information in all areas of law   | In-house, insurance - product development, support, and operations                                  | Litigation - Mass Tort, Drug & Device, product liability, business litigation, corporate   |
| I do family law, others tend to represent the landlords or creditors. General all-practice area firm.   | Insurance [x5]<br>Insurance benefits disputes   | Litigation - personal injury, etc  |
| I work for the judicial branch, so I don't practice in any areas.   | Insurance defense [x4]<br>Insurance Defense and Civil Litigation                                    | Litigation, corporate, general practice  |
| I work in a healthcare company and specialize in regulatory compliance.   | Insurance defense.<br>Employment law. Business law. Products liability.<br>Construction litigation. | Litigation, insurer defense  |
| I work in a personal injury / criminal defense practice. My mother is a paralegal with 30 plus years of experience in family law. I know the work that she produces is better than what a lot of the attorneys are doing. | Intellectual property [x3]<br>Intellectual property; contracts                                      | Litigation; Professional Ethics  |
| I work in the Civil Commitment area, but being in a government setting, the office itself practices in all areas.   | IP and business law<br>Judge  | Many<br>misc. government   |
| Immigration [x4]  | Judicial officer  | Multiple (County Attorney's Office)  |
| Immigration, criminal defense   | L&E, product liability, corporate and business litigation, health care                              | Municipal [x2]   |
| immigration, education, farm, public benefits, Social Security  | labor and employment<br>Labor and Employment law  | Municipal law, criminal prosecution, criminal defense, family law.   |
| Immigration; Criminal Defense   | labor and employment;<br>OSHA; commercial contracts;<br>corporate M&A                               | Municipal law, including employment and labor law  |
| In-house  | Lawyers Professional Liability/Insurance Defense  | My division handles child protection cases.  |
|   | legal aid -- lots of random stuff   | My primary focus is real estate issues right. I spent four years in private practice with 80% of the workload on housing related issues and creditor-debtor law. |
|   | Legal publishing.   | n/a [x6]   |
|   | Litigation [x4]   | No longer practicing   |
|   |   | none   |
|   |   | None - software company  |
|   |   | None of the above  |
|   |   | nonprofit  |
|   |   | not law office   |

|  |   |   |
|--|---|---|
| other [x2]   | Probate, conservatorship, real estate, guardianship, estate planning, corporate | business-corporate, governmental  |
| Other legal services   |   | real estate, estate planning  |
| Our firm provides legal services to governmental entities in the State of Minnesota.   | Probate, Trusts, Wills, Taxation  | real estate, estate planning, business, tax, probate                          |
| Pensions and employee benefits   | probate. trusts. tax. other.  | Real Estate, etc.   |
| Personal injury [x7]   | Probate/Estate Planning   | real estate, probate & trust, estate planning, municipal, business            |
| Personal Injury and Criminal Defense   | Probate/Estate Planning   | Real estate, tax, business, etc.  |
| Personal injury, medical malpractice, class actions, civil rights, products liability  | Probate/estates; personal injury; criminal; corporate                           | regulation [x3]   |
| personal injury, workers compensation, Social Security Disability, Long term disability insurance disputes, and general litigation | Product liability   | Regulatory Banking matters  |
| Plaintiff injury law   | Product Liability Defense   | restraining orders, also provide general advice at clinics                    |
| Pretty much every practice area, but not family law  | Product liability litigation (defense)  | seniors law, disability law, public benefits law, immigration, other consumer |
| Primarily Personal Injury Defense and No-Fault   | Professional defense  | Social Security   |
| Privacy [x2]   | Real Estate, Estate Planning  | Social security disability (administrative)                                   |
| Private corporation, all areas relevant  | Real estate [x2]  | Social Security; Elder Law  |
| Probate [x2]   | Real Estate and Construction Litigation   | Special education   |
| Probate & Estate Planning [x2]   | real estate and environmental   | Tax, Business and Estate Planning   |
| Probate and Mental Health  | Real estate and landlord/tenant   | tax/probate   |
| Probate and Tax  | Real Estate, Administrative Law, Environmental Law                              | Tax; estate planning  |
| Probate Trust Real Estate  | Real Estate, Bus, Corp. Litigation, Construction                                | Transactional and litigation matters for the University of Minnesota.         |
|  | Real estate, business, estates  | Trust and estates [x2]  |
|  | Real Estate, Business, etc  | Various   |
|  | Real estate, corporate, estate planning   |   |
|  | real estate, eminent domain, wills and trusts, probate,                         |   |

We are a full service firm.

we cover most areas - all of  
the above plus municipal,  
banking, real estate,  
software, transportation,  
litigation etc

We have 145 attorneys

we practice in nearly every  
area

Wide variety, but usually on  
the creditor's and housing  
owner's side

Wills and trusts, real estate,  
and business law

Workers Comp, Insurance  
Defense, Construction  
Litigation

workers' compensation

Workers' Compensation,  
Construction, personal  
injury, railroad

Workers' Compensation,  
Personal Injury, employment  
discrimination

workers' compensation, soc.  
sec.

## Paraprofessional Pilot Survey Open-Ended Comments

September 25, 2019

**The Legal Paraprofessional Pilot Project Implementation Committee is looking for ideas about where to pilot this program. If you're aware of projects or programs in Minnesota working to provide more legal services to underrepresented parties that could benefit from the expanded work of paralegals, please describe the program/project and if know, contact information.**

### Neutral or positive comments:

I only know of attorneys who would love to have more clients. I suppose the law librarians could use paralegals to assist them with the 100s of people who funnel through the library wanting free legal help.

CCLI (Collaborative Community Law Initiative)--651-321-9255

I am not aware of projects or programs available for underrepresented parties, but I am a former paralegal with a bachelor's degree from Winona State. If it is decided that a bachelor's degree should be a requirement for the Legal Paraprofessional Pilot project, I would suggest looking in the Winona area for piloting it because you would have access to very qualified paralegals.

I would start with pro bono service areas like VLN and Legal Aid

Collaborative Community Law Initiative

the Olmsted County Eviction Prevention Project (EPP) provides advice and representation to eligible tenants being evicted in Olmsted County Court... this project (or a similar project) might benefit from expanded work of paralegals. For more information about the EPP contact Brian Lipford at the SMRLS Rochester office at (507) 292-0080 or brian.lipford@smrls.org

Tubman; possibly Amicus or other ex-offender programs can help with housing and employment discrimination issues, family reunification/visitation disputes; driver license (e.g. work permit) issues; and banking or debt-relief issues. Hamline-Mitchell has a program to help low income people.

General practice including real estate and corporate work

Home Line is a tenant rights organization that could likely benefit from the use of paralegals as attorney extenders.

Legal Assistance of Olmsted County has an eviction clinic held before housing court. It has been successful and a good community resource.

I work with the Volunteer Lawyers Network, representing indigent Hennepin County residents in housing matters. It's a great organization. They use paralegals, but they are essentially limited to client intake when they could do so much more.

Volunteer Lawyers Network, perhaps Legal Services Corporation.

Self help Program 10th Judicial District

The wills for heros program is always looking for volunteers. They have attorney oversight for all volunteers including attorneys. This would be a good opportunity for paralegals to interact and advise clients in a controlled environment.

Children's Law Center, Any court based self-help center

completion of petition and other forms that need to be completed. Review of completed documents to ensure that they are properly completed. Helping individuals to understand legal terminology.

If any, the rural counties. It's difficult to find attorneys willing to travel to said counties.

Self help and document preparation programs.

Rural Minnesota, but only with properly trained and certified paralegals (8th district or possibly arrowhead, Iron Range areas)

I'm watching this project closely. I'm not sure if a paraprofessional would be useful in the sliding scale fee realm or not. As mentioned, so far the people who we've interviewed coming out of paralegal school have been unqualified. Maybe the more qualified ones are looking for way more pay. My contact info is emily@cooperlawmn.com (Emily Cooper - Cooper Law, LLC)

You can't find paralegals in regional hubs let alone rural Minnesota. The only possible place would be the metro area.

Volunteer lawyers network - <https://www.vlnmn.org/>, Muria Kruger is the housing lead attorney

Knowing the standards, ethical, legal and practical, I have extreme concern with allowing someone who is not a license attorney to represent clients in legal settings, but do believe assistance with document preparation, explanation of the process and support could be appropriate.

Ramsey and Hennepin county offers free legal aid counseling once or twice monthly to underrepresented individuals who may or may not need to file bankruptcy. This is not legal advice. Rather it is an initial intake and opportunity to give an individual all the options available to them. It may be a good place for a paralegal to start. They are always short staffed and looking for more volunteers.

I believe Hennepin Cty would benefit the most because they have such a large need and volume of pro se parties.

Southern Minnesota Regional Legal Services is generally unable to take on Family Law matters because of overwhelming need for critical need (housing, benefits, child custody) matters.

I would recommend Sherburne or St. Louis- Duluth. Both counties have judges that are very hands-on and would be able to provide feedback as to the quality of the representation.

Legal Aid Service of Northeastern Minnesota has a paralegal in the Brainerd office who would be a good fit for a pilot program. Brainerd is significantly understaffed for the number of those in poverty that the office serves. This would increase it's ability to provide more service. However, this would require some additional resources to promote this paralegal for the purposes of this pilot project.

Contact Executive Director, Dori Streit, to discuss. [dstreit@lasnem.org](mailto:dstreit@lasnem.org)

Rural areas--- housing law matters (evictions, etc.) and debtor assistance. Some probate and real estate too.

VLN or SMRLS might be a good partner, otherwise the legal incubator program through Mitchell Hamline

Volunteer lawyers network

Any legal aid office, including legal aid svc of NE MN.

This is not a project or program, but Rebecca McConkey-Greene, (218) 606-2226 Duluth, MN has taken a creative approach to parent representation. Her paralegal has social work background, is able to provide support and advocacy during case plan meetings, has assisted clients with obtaining needed services or locating services and making referrals. Can help parent attorney obtain services for parents that are needed - either through formal child protection proceedings, or family law matters and assist with navigating systems. Fathers often benefit greatly from support that is often not available in smaller communities. Places like Bemidji, MN have significantly high overrepresentation of Native Americans in legal systems with few services to assist with other associated proceedings like probate, housing, or family matters.

Law school clinics -- it's not sufficient to rely on pro bono from attorneys. There has to be lawyer staff and administrative staff to support the paralegals who would do this type of work.

Winona State University has a Legal studies major. It develops and trains wonderful paralegals every academic year. These students would be EXCELLENT sources of support for such a program. The Chair of that program is an enthusiastic man with whom I have worked in the past. I am happy to speak to him about this proposal and strongly urge the committee in charge of this program to consider Winona as a location for a pilot program.

I have no doubt this will be thoughtfully done and I have no doubt there are good intentions, but I have done family law in every socio-economic level (and continue to do so). There is complexity at every level. I am concerned that we there should be some specific training for the role they are to undertake. Perhaps there should be some requirement of liability insurance. I have seen attorneys inflict significant harm on a client by mistake. I am very concerned that paralegals would miss things and the injured party would have no recourse. I have the impression that there is a feeling that something is better than nothing but that is not true all of the time.

Under supervision of VLN

There are several Minnesota credit counseling agencies and mortgage foreclosure prevention groups that would benefit from the services of skilled paralegals.

The Office of the Public Defender in every county could benefit from this program assuming paralegals are interested. I'm always looking to expand my role and would love to be able to get more education, more certifications, and do more for the office.

The City of Minneapolis currently is trying to offer legal representation to all tenants facing eviction. There might be an opportunity to pilot an expanded role for paralegals in conjunction with the Housing Court Clinic staffed by Legal Aid and Volunteer Lawyers Network.

several programs that legal professionals can volunteer time within the Mpls area.

Minnesota Adult and Teen Challenge Legal Clinic is a great legal clinic in which attorneys help participates through any family, creditor/debtor, criminal, or child protection legal issues. The attorneys help them fill out the paperwork and get it filed, but they are usually not represented in court.

I believe that this should be piloted in rural Minnesota. This is where it is definitely needed due to access and availability of attorneys in Northwestern Minnesota. Our area has seen attorneys leaving Family law in a heavy pace. This would allow for the public to be better served if it was opened up. An option may be to run it through Legal Services of Northwest Minnesota located in Moorhead, MN.

SMRLS, VLN

Not exactly on topic with the question above, but something worth noting: I think there is a misconception among attorneys that this program would be used to: (1) artificially command higher rates for paralegals in large offices by having paralegals become 'super-certified' and thus be billable at a higher rate - something that would not assist underrepresented communities as is the goal of the program; and (2) would compete with solo/small practitioners who already feel pressure for lower rates based on their client's ability to pay. It is my understanding that this program envisions professionals (not necessarily just paralegals) working under an attorney (i.e. not by themselves) to provide quasi-legal services to low income people (i.e. to people who aren't hiring lawyers in the first place - this isn't taking away paying work from attorneys who already work on a reduced fee basis). Some iterations of the program, however, do involve these professionals working by themselves and not necessarily as part of a law office. The crafting of the program, and where (geographically, area of law, logistically) to implement it , are co-defendant decision-making processes.

Volunteer Lawyers Network

Rural areas -- Sherburne County, Anoka County, Wright County

The federal pro se project is a good model to match clients with licensed, qualified attorneys looking for opportunities for courtroom experience. The concept of having non lawyers advise clients or appear in court is frightening. I worked with many paralegals before becoming a judge -- excellent paralegals who are smart and capable people and excelled at their assigned tasks -- but the skills they develop as paralegals do not translate to the kind of representation, advising and advocacy necessary for proper representation in a court proceeding. They have no malpractice insurance and are not subject to the rules of professional conduct. They may have finished law school but were unable to pass the bar -- or worse, may have been disbarred. I can't imagine this concept will generate meaningful support from the bar, or the law schools, or the bench.

The Supreme Court should be in the business of promoting the legal profession, recruiting qualified, licensed attorneys to provide services for clients -- encourage pro bono work or mentoring programs for new lawyers. The Supreme Court should not be in the business of ignoring our existing resources by looking outside of the legal profession for inadequate substitutes.

I think almost any legal aid would greatly benefit from a program like this.

VLN

Collaborative Community Law Initiative (CCLI) - [cclimn.org](http://cclimn.org)

I believe that paralegals could be of most use (in what I see) helping people in housing court. I personally helped a landlord (who an older woman working two jobs to pay her mortgage, and renting part of her house out to a family who was not paying and damaging her property). The family, because they were tenants, got free legal aid help, but she got nothing until she came to me. She could and was willing to pay something, but could definitely not afford an attorney. And yet, what she needed was relatively simply information, explanations and help filling out forms/writing a basic letter/putting together an accounting of damages upon move out. Easy stuff, but stuff that was hard for a regular blue collar worker.

One idea is within an existing legal-aid society setting, where more needy people can be served but where generally exists more experience, training and supervision.

Courts- help fill out forms



Legal Aid and Volunteer Attorney Program

None other than volunteer opportunities on MPA website

Probate would be a perfect

Legal Corps

Volunteer Lawyers Network, Legal Corps

HOME Line - (612) 728-5767

Judicare, Central Legal Minnesota, county law libraries

Central Minnesota Legal Services operates a Volunteer Attorney Program from its offices in St. Cloud and Willmar. Jessica Mastellar, Coordinator, (320) 253-0138.

Unmarried Parents Clinics, Expungement Clinics, and Divorce Clinics currently being offered by Legal Aid Service of NE MN. Also, Volunteer Attorney Program being recently merged with Legal Aid.

health care and disability

### Negative comments:

This is a terrible idea. The previous questions assume that these areas are proper for non lawyers. There is no option to object to any use of paralegals are you contemplate.

N/A. This program constitutes a danger to the public welfare.

Should not be representing clients in court

Maybe you should focus on making it more accessible to obtaining and affording a law degree.

Rather than allowing paralegals to practice law and take away even more income from rural attorneys you should work on allowing more law schools. if you add more law schools you would force the other schools to compete in obtaining an affordable law degree. Instead of exploring ideas to get more attorneys outstate you have already decided "let's have paralegals do the legal work. Sounds like the community colleges that are hurting for students have lobbied the legislators who play golf with the judiciary. Your mind is already made up this is going to happen but it is outstate who will suffer. Good luck with your endeavors as you will need it.

This program should not be piloted anywhere. It is a bad idea, and it should be abandoned.

The program sounds like a bad idea. Don't do it.

This program is a terrible idea. It puts unqualified people into positions of legal advice to the most vulnerable citizens. It dilutes the value of actual legal professionals. There are shining stars of paralegals, but they are rare. Attorneys cannot even give casual advice to a friend without implicating an attorney's legal and ethical obligations, but this program wants to let non-attorneys give legal advice? This program is a terrible idea.

I do not think it is a good idea to allow non-attorneys to handle legal matters without supervision. Specifically, non-attorneys should not be drafting legal documents without an attorney reviewing them and approving them. A non-attorney should not appear in court on behalf of any party. Allowing a non-licensed attorney to handle these tasks is a slippery slope that will do more harm than help.

IN my experience, the paralegals I work with are not competent to represent clients individually, in any fashion.

This program should not be piloted. It is misguided to allow paralegals to do actual "legal" work, when the irresponsible law schools of the Twin Cities (and nationwide) continue to pump out far more lawyers than are needed already. Couple this with the possibilities for abuse that this program could generate, and it is a looming problem for those on the receiving end of these "services".

Ask the court staff and legal services programs in all counties. And for crying out loud, please study whether this is even going to meet the need that you think it will. I am an attorney with not enough work. I am willing to (and I do) take sliding scale work and limited scope work, and I volunteer. Feels like my law degree is being watered down with this program.

I think this is a waste of time. And - it will take business away from me. What is the purpose of me spending \$200,000+ on a law degree ... then encourage me to work in rural Minnesota to provide services to those underrepresented ...if you are just going to allow competitors into my market? (clients will drive for cheap legal advice and clients in rural Minnesota have been conditioned to drive for services to metro and mini-metro areas, this would be no different). You are going to allow competitors into my market that have a lower debt level than

me. Nice job focusing on lawyer's stress level...hey, lets bring in competitors that are price competitive and the lawyers can stress about the work they will lose and the rates they can charge!!! - fantastic idea. Now here are some breathing exercises and even though you have to bill hours to make ends meet for you and your staff take time off - wait, now you have to lower your already low rates some more so you have to work more hours to capture the same income level, either you work more and have less time for time away or you make less so you can't afford to take your kids to the Minnesota Zoo! Contradiction in policy goals we call that. What training does a law degree provide that these paralegals don't need? Then remove those requirements from the law school programs and cut classes and reduce lawyer's debts. do SOMETHING that helps lawyers. Not to mention you are begging for lesser quality of work. I don't care that there are a few vocal paralegals clamoring they can provide better service than some lawyers. I am correcting one of the most public paralegals ALL. THE. TIME. Hey, big bad wolf you are nice, right? Nice person you will ever meet, Red! This is why you don't ask people to be objective about themselves...they always over represent their own abilities.

**If interested in participating in a focus group to inform the Implementation Committee's decisions about the location, structure, and other criteria for the pilot, please send an email with your contact information to [parapilot@courts.state.mn.us](mailto:parapilot@courts.state.mn.us). Is there anything else you would like to share with the Implementation Committee for consideration as the pilot project is developed?**

**Neutral or positive comments:**

The project should begin with highly experienced paralegals and it would be desirable to require recommendations from attorneys regarding a paralegal's competency to serve in a more independent manner

I am in favor of the concept in general in order to provide greater access to justice for all.

I work in the Ramsey County Law Library where we hold brief advice clinics for pro se folks--there's a great need to assistance in basic legal areas, and quite often people need help completing court forms

Thank you for taking on this challenge, which is hard to do without critical knowledge of the legal market and without the full support of the bar, solo/small practitioners, and newer attorneys

Allowing paraprofessionals to do legal work for clients is necessary. The Justice Gap is too wide. There are many other professions that are already providing legal services without authorization. I often see botched cases that business advisors, accountants, real estate agents, insurance agents, and the like have created by giving legal advice. People trust these professionals but their advice isn't always the best--and they are not authorized to practice law anyway. So your committee's work is invaluable!

I'm glad you are looking at options.

Prior to working as a medical paralegal, I retired from nursing. I've seen the growing role of physician extenders in health care and have appreciated the way these paraprofessionals increase people's access to health care. Paralegals with advanced training could fill a similar role in expanding access to legal services.

Over the years, I've worked with some really good paralegals. I think the problem with low-income programs for paralegals, especially inexperienced paralegals, is that clients get pushy and angry (even with lawyers) and would worry they need a lot of training on how to deal with that.

Pour system is broken. The legal profession is a self-policed, self-propagating monopoly. Limiting supply keeps prices artificially high. I learned very little of what I need to do my job in law school and I use surprisingly little of what I did learn there. A paralegal with a field-focused 3-year apprenticeship can better serve clients in that field than can a newly-minted lawyer with nary a day in the real world. Expanding the paralegal role would also expand opportunities for bright people that can't afford 7 years of unpaid college. As an added benefit, that lack of formal schooling probably helps one relate to similarly situated clients that don't have the money to spend on a stuffed shirt in white shoes.

I support any creative solution to help historically underrepresented parties receive legal help/representation.

I have a hard time understanding how this new role would work and to whom it would appeal. Is this an entry-level legal position? Would it work for high school debate team alumni, or for law enforcement and legal retirees?

Thank you for reading!

Craig Andresen, Atty., 952-831-1995, [craig@andresenlaw.com](mailto:craig@andresenlaw.com). 2001 Killebrew Dr., # 150, Bloomington, MN

My mother is a paralegal working in a family law office under a solo practitioner. She's been working there for over 30 years and the quality of the work that she produces is far superior to that of most the attorneys are there. For the majority of the legal professions history in the United States attorneys develop their skills by studying under a licensed practitioner. Allowing a paralegal who has had a certain number of years of experience under an attorney to perform legal work that is more form based would probably be a good thing given the current expense of hiring attorney, the fact that most attorneys have they're paralegals do a lot of the work, and that it's primarily form based.

Other areas of focus that would benefit greatly would be juvenile petty proceedings, employment, and immigration

I worked in law offices almost 20 years before I earned my law degree. I think I have a unique perspective on these questions

The focus should be the greatest good for the greatest number.

The implementation committee should consider expanding legal services at a much higher attorney compensation. Pay would draw competence and passion. A very dedicated attorney could reasonably supervise a cadre of competent paralegals. The infrastructure for doing so is in place through legal services, but the funding is not there. It's hard to attract and keep attorneys for long enough to build a high functioning team when the pay amounts to about half of what other positions are starting at.

I strongly support this pilot project. As lawyers, we are responsible for the devastation visited upon unrepresented parties as a result of our unwarranted restrictions around representation. The injustices that result from repeatedly matching unrepresented parties against represented parties are our fault, and this pilot project should be the start of significant structural changes to remedy that problem.

This is a politically charged topic. Look at how difficult it was to permit non-dentists to provide dental care solo in rural MN.

restrict to info only, not legal advice

You may have to sell this to lawyers afraid of losing clients. I think the key here is to focus on the number of pro se litigants who can get some help that wouldn't otherwise have it. Also helps to compare to medical model—doctors, PAs, nurse practitioners, etc. . Then lawyers can focus on the legal end of the spectrum.

this seems like a good idea to assist more people with legal services

GREAT idea--MUCH needed in rural MN

I would be happy to participate in further surveys or meetings about this. I grew up modestly and families could not afford attorneys. I am concerned about the lack of access as well as the need for quality. Tom Tuft (651) 771-0050

great idea!

I think if done correctly, leveraging the skills of legal professionals who do not have law degrees could significantly streamline some court proceedings. At the same time, we don't want to throw the baby out with the bathwater. A law degree has significant value, and should remain as the standard certification which allows someone to take responsibility for a case with some limited and carefully prescribed exceptions.

Malpractice insurance for individual paralegals

I believe that this pilot project would benefit the State of Minnesota greatly, not only by being able to assist in the maintenance of the workload of attorneys but also to better serve the population.

I strongly encourage you to look at the Ontario Canada model for licensing paralegals. They grappled with training and certification as well as ethical obligations and developed a good program. The difference there is that it is a unified bar- everyone has to be a member.

See Legal Document Assistant (California)

It would be an immense help if the court could develop a definition of 'practicing law' as has been done in other states to help clarify what it is, and what it isn't. There need to be things that only an attorney can do, otherwise the enormous expense of legal education is wasted.

I think it is great that this is being studied. This should ultimately be focused on what court litigants need, not what attorneys are comfortable with, so I hope these survey results are given an appropriate level of skepticism

It is my opinion that we need to consider de-valuing lawyers and the time and dollars spent obtaining their education as well as the experience gained through practice. Without a well-defined paralegal certification of some sort, we are potentially opening up the legal practice to persons without adequate training.

I am not in support of paralegals representing people in hearings, mediations, or other types of proceedings, or giving legal advice. However, I do think they could be utilized greatly for giving out information (not advice), and helping people with forms and such. I also think they can be used well for research and writing, because an attorney can oversee things that are not so 'in the moment' like hearings. I don't believe, based on personal experience, paralegals receive enough training on trial advocacy/court appearances, for that type of work.

If non-attorneys will be allowed to give legal advice, then those individuals should be required to perform under the same rules of professional conduct and same consequences when they fall short. The probate practice again is very paperwork driven and for estates over \$75,000 but under even \$500,000, people could perhaps afford a paralegal vs. an attorney to handle the administration, vs. family trying to handle pro se, which likely uses more Court personnel time.

I fear the one thing that would potentially hold this program back would be supervising attorneys allowing their paralegals to participate.

Thank you for taking on this project.

I appreciate the willingness to consider this option. I would also recommend trial/court procedure training for paralegals approved to represent clients in court.

really glad you are doing this. Legal costs are too much for the average person, but with the cost of law school and running a firm i don't think we can lower our hourly rates. Paralegals can assist here

I think there should be an ethics part of the process, but not sure what that should be. I have a 4 yr legal assistant degree. Part of my education included a legal ethics class.

I'm happy to assist the committee in anyway - Ann Sullivan, email: ann.sullivan@smrls.org

Consideration should be given to experience and certification with CLE requirements in the specific areas

Great idea to have this pilot project move forward.

I think there needs to be some instruction of paralegals involved in a pilot, such as in ethics and unauthorized practice of law, before a pilot is started.

#### **Negative comments:**

DO NOT make this a competition with current attorneys. It is already hard enough to find paying clients, do not make it harder by offering a 'non attorney' alternative. Family law is complex. Frankly, I don't know that attorneys with less than 3 years should practice without supervision, let alone someone who has not completed law school.

Please scrap this hair brained idea. The assumption that there is a qualified group of non lawyers to practice law is flawed. People finish law school and can't pass the bar to practice law and then become paralegals. You want them advising clients and appearing in court? It's a disaster waiting to happen

Why on earth would allow someone who isn't a licensed attorney practice law? I paid nearly \$80K for my legal education. Now, all I need is a paralegal certificate? It is already incredibly competitive in the market place. I will now have to compete with less expensive paralegals who are handed clients by my own branch of government, while I spend hundreds on a web site and marketing? I will work with the underrepresented. Why aren't attorneys being offered this work or these clients? I am assuming these paralegals will be paid, and not be volunteering. Pay lawyers first assuming they are willing to accept the work.

This is a bad idea. Practice in court requires a lifetime of learning. This would be a disservice to the public. This is like having an amateur electrician that would burn down your house with faulty wiring. If this comes to pass the practice of law as a profession is over. This is a hare brained idea.

Instead of finding ways to take work away from attorneys, try to find ways to fund the work for low income clients in civil matters, sort of like the public defender office model.

Although I am sympathetic to the plight of many individuals who cannot access legal services, I am not in favor of this expansion because the attorney's license is still on the line if the Paralegal who goes

outside the ethical guidelines and I have had experiences where Paralegal's have done so. I am not willing to gamble my license on a Paralegal undertaking any attorney functions unless the Court would license the Paralegal and would NOT punish the attorney if the Paralegal goes outside of the ethical requirements. I know of Paralegals who are good at their job, but WILL push the ethical limits because they have no skin in the game.

While paralegals can be efficient to varying degrees in filling out forms and completing repetitive client documents and become quite knowledgeable through years of experience, I have not found those coming out of a 2 year or 4 year paralegal certificated program to have the skills or knowledge to fully advise a client, 'know what they do not know', or to be able to theoretically provide competent 'representation' as a spokesperson and advisor for the client at a negotiation or hearing. The most knowledgeable paralegals who I have worked with have developed expertise in very limited areas through repetitive familiarity with documents and consistent active supervision by attorneys. Although these individuals have gained the experience to skillfully fill out forms to submit in proceedings, it is difficult to know their skill level unless they would take a comprehensive exam of limited a limited area of law. The do not have such an exam and do not appear to receive the necessary training for a paralegal certificate to undertake legal representation even in a simply narrow area without substantial quality experience. Length of time employed as a paralegal is not by itself adequate and positions of legal secretary, legal assistant, administrative assistant are often held by paralegals and titled 'paralegal' which do not provide the training to act as an attorney even in vary limited areas of practice.

I do not believe that paralegals should be used to replace functions that should be reserved for those trained as an attorney. We can all appreciate the need to save money and provide services to underserved populations, however, that should be a reason to diminish legal services provided by trained attorneys.

I don't like this idea. I think it will end up helping large firms cut out younger lawyers. I don't believe the underserved will actually benefit. I am also worried about protecting the public.

I believe that well-meaning paralegals will not recognize the nuances and unintended outcomes in many family law cases and may do more harm than good. I do not believe it is appropriate for paralegals to appear in court nor negotiate settlements.

I object to this program and programs like it. Such programs serve to increase supply of legal representation. Moreover, paralegals require less education/certification. Thus, a paralegal can hypothetically obtain the similar business to an attorney with fewer resources/debt and charge a lower price. As an attorney, such programs facially are adverse to our business and professional interests. Presumably, this would especially impact small or solo practitioners. Moreover, there would be ethical concerns on the efficacy of paralegal representation when legal advice can be provided without legal degree and corresponding licensure.

I think paralegals drafting and reviewing documents is acceptable, but not giving legal advice, negotiating, or representing clients. Speaking as a former paralegal that is now a practicing attorney, there is a vast difference between the two roles. The education and licensing required to be an attorney and complete the tasks only attorneys are allowed to do is mandated for a reason. Paralegals are essential to the practice of law and a key resource to minimize legal fees to the client, but the line between these two roles should not be blurred. Who will screen paralegals in this program to determine whether they are giving competent legal advice on the possible legal ramifications of the client making a certain decision or whether they simply know how to fill out the form because they have filled it out before? Who bears the liability if the advice given by a paralegal is wrong? The goal of more affordable legal representation is wonderful, but I am not sure this is the best way to achieve that. Too often, the more cost-effective routes are the ones that end up costing the client more in the long run because it was done incorrectly.

I am very concerned about the ethical requirements for the paralegal. Will they be held to the same standard as an attorney? Who is held accountable if they harm a client? What is the disciplinary process?

I would be very hesitant to have a paralegals perform tasks beyond the scope of preparing documents. Allowing paralegals to conduct negotiations, provide legal advice (tasks listed in one of the questions above) appears to be allowing them to practice law without a license.

The reason unrepresented persons are not represented is because they do not have the funds, or are unwilling to pay, for legal representation. Unfortunately, any business, whether paralegals or attorneys, exists to make a profit sufficient to pay its employees at the very least a living wage, and whether you're an attorney or paralegal, you'll find that you cannot live on the amounts this market is willing to pay. These people do not lack representation because there is a lack of attorneys; these people lack representation because NOBODY can make a living on what these people are willing to pay.

Be careful; harm can be done by well meaning but inexperienced folks trying to practice law

It's my understanding Gildea supports this so it's a done deal. Don't waste my time.

I have seen work performed by paralegals in the past, and often times the paralegals with which I have worked have had a misunderstanding of certain laws and how they are applied. Often times the paralegals appear to be essentially secretaries, but it seems that they think they know more than they do. I think allowing them to actually represent clients would be an error. I do not believe it would be beneficial to the clients

I have a concern that these types of paraprofessionals generate a race to the bottom in terms of providing legal services. Without character/fitness reviews, ongoing education, and a limited scope, we risk flooding the marketplace and ultimately damaging professional legal services as a whole. Finally, in my humble opinion, legal paraprofessionals should be attached to larger institutions like a non-profit social service group, a courthouse, or the county law libraries. This would provide credibility, reduce the risk of duplication of services, encourage public participation in the existing frameworks, and potentially reduce the overhead costs of the program. It would also emphasize the social justice nature of the program.

Best of luck!

I really believe expanding their role to appearing in court and other matters beyond what is allowed now is a big mistake!!! Expanding it will not serve clients or the profession well.

Expanding access to justice is no doubt a worthy and necessary cause. I simply urge you not to overlook the potential of our high number of newly licensed attorneys graduating from our three (formerly four) law schools who may simply need a platform to help.

Will paralegals be subject to the same stringent laws as attorneys under the Fair Debt Collection Practices Act?

My concern with permitting paralegals representing clients is their lack of knowledge and accountability may actually increase the costs of representation to other litigants. I practice in the area of creditor rights, an area of practice all too often portrayed by anecdotal misrepresentations of events. I receive enough frivolous answers prepared by self help centers and MN Court forms which only delay the inevitable. Where normally I would forgo request for attorneys fees in such situations I will request (and receive) fees to relieve the burden imposed on my client. How will the pilot program protect those it seeks to help from the inappropriate assistance of a paralegal?

In addition there is also the deference to a paralegal by the court in contested matters. In my experience, the court often gives lip service to holding the unrepresented to the same standards as an attorney while then permitting that which not be allowed an attorney, ignoring the court rules, statutes and caselaw.

In my opinion allowing paralegals to do more than they currently do is a dilution of our profession and I am against it.

This program constitutes a danger to the public welfare.

Please stop trying to broaden who can provide legal services to the public. Look at the federal VA claims process to see what kinds of things happen when unlicensed laypersons attempt to practice law.

I worry about further devaluing legal education (law school) and attorney services while many attorneys (myself included) are in significant debt due to JD program

I have serious reservations about lay people practicing law without enough supervision. I think that people who cannot afford a lawyer should still have adequate representation. There is no shortage of attorneys where I practice. There is a shortage of attorneys who charge a reasonable fee for the income of the clients. However, overhead is still there whether one is an attorney or not. Malpractice insurance, rent, etc. do not stop. I try to keep reasonable rates, but I have paralegals at other firms charging almost as much as I charge and most attorneys are charging double or more compared to my rates.

Will this increase available legal services? Or, will it take resources away from one group of professionals to another?

I don't support paralegals representing people in court, mediations, or negotiations due to the fluidity and possibility of unique or complex issues arising that they are not equipped to advise on.

I think this is a slippery slope, particularly if non-lawyers are allowed to do real legal work. I understand the desire to help, but anything beyond filling out forms and providing guidance about the process should require a law degree. We have standards and ethical rules for a reason. As a profession, we should not bend those rules because we want to help. The answer is to get attorneys to do more pro bono work - not to allow non-attorneys to practice law.

Better to more boldly incentivize innovation and regulatory reform in Minnesota than to tinker at the paralegal level.

Stop taking away our business. There are plenty of legal clinics, etc. to help. I volunteer a lot.

It looks as if you have already made up your mind by the questions of This survey so why bother asking

Most paralegals with whom I have worked (many, both in office or opposing counsel's paralegals) don't have the knowledge or judgment to make lawyer decisions. Maybe 5-10% of the paralegals out there are super-qualified and could do so. They are the ones I have urged to go to law school but they either don't want to spend the money or shirk from the responsibility. As a family attorney, I take offense that family is even on the list. There are some no kids, no real estate, no assets other than "a car and a toaster" cases that most paralegals could handle unsupervised. There are many cases where a domineering husband has convinced his wife not to seek spousal maintenance but she should, for example. (Major problem with some minority populations). It is very important to have people with the judgment to question the parties' "agreements" drafting papers.

I am an attorney of 13 years and work side by side on a daily basis with paralegals, most of whom are early in their career. Many of the people we provide service to need assistance with the areas of law that are being considered as part of this pilot. Although the paralegals provide valuable service I do have significant concerns about giving them too much independence, especially in conducting legal analysis. There is a stark contrast between the analytical skill of the paralegals in our office and the attorneys in our office (some of whom are also early in their careers).

This survey appears to be rigged to support a conclusion reached in advance.

I am very worried about this, I do not think expanding the role of a paralegal would result in good legal services to underrepresented parties

This is a bad idea, and there is a better solution. Civil Gideon cannot and should not be created by judicial fiat; rather, meaningful civil Gideon can only be created by legal precedents, probably from the US Supreme Court.

Paralegals are integral to the practice of law and a quality paralegal is invaluable to a firm or legal department. However, paralegals are not attorneys or law students (i.e. a group training to be attorneys and, thus, allowing them to practice law while supervised makes sense). I am concerned about blurring the line for who can engage in the practice of law and what that will mean for our legal



system as a whole. In short, based on the information I have, I disagree with this pilot and would rather see effort put towards incentivizing attorneys to do more pro bono work for underrepresented parties.

I think this survey has an answer in mind and is not really interested in attorneys opinions but how the program will be implemented. I think this is wrongfully being forced on the profession and is a very bad idea.

I think more could be done to engage attorneys for Legal work.

These are complex areas of law (particularly in family law) and opening the door to "very low cost" legal services will have clients further objecting to anything but 50-100 dollar wills and complimentary consultations. This issue is bad enough without adding paralegals in the mix.. This program is a Terrible idea.

Terrible idea.

This is a bad idea and should not move ahead.

I believe allowing paralegals to practice law without a license would be an ethical violation and must be strictly limited and have supervision by licensed attorney.

I am generally not in favor of this program. My view is that legal services should be performed by a lawyer. what is needed is better funding for Legal Aid and his project could even divert needed funds for Legal Aid programs. The VAP program in Duluth has been quite a success and our firm has put steadfast hours into being involved. I just did a 6 hour hearing on rather complex issues in such a matter. It needed a lawyer.

Legal advice and representation are not appropriate for the paralegal role. There are plenty of forms and procedural questions paralegals can answer and frankly know better than attorneys, but entering into negotiations, settlement, action steps, future repercussions of legal decisions - they are a separate thought process and the whole point of legal training. Most paralegals are capable of studying and taking the Bar exam, but without some measure, it is a recipe for disaster to open the field to ALL paralegals to provide legal advice - ESPECIALLY in family law. The irritating idea that it is the easiest area of the law and anyone can do it has GOT to be rooted out. It is dangerous to Minnesota's children to include family law in such a program.

This takes away from the education and work done to receive a law degree. Paralegals should not be providing legal advice.

It is always good to see those who have secure positions, as do members of this committee, envision ways to make less secure the positions of others. The problem is not that there are not attorneys to represent the un(der)represented. The problem is one of fees. Attorneys, like judges, work for a living. They cannot take all cases on a pro bono basis. Your committee is suggesting a program that would significantly devalue the JD for a significant percentage of the practicing population. Again, that might look noble from your perch. From the bottom looking up (i.e., from the solo practitioner's view), however, it is akin to pulling the rug out. It is not at all clear that you would be addressing the primary problem. Rather, you would simply be creating a larger group of for-pay 'professionals,' thereby reducing hourly fees. That might work well for paralegals, but it is not so helpful to those who invested in a legal education. It also would not address the issue for the vast majority of pro se parties--the complete lack of resources. Rather than devalue the JD degree, you might consider better funding non-profit legal services.

I think this is a bad idea. I would much rather see foreign law school grads admitted to the bar after a one year LLM degree here.

This seems like a slippery slope to incompetent representation.

The liability exposure created with this opportunity. Is concerning. There is no error/ommission, pro cardinal liability or malpractice type insurance available to paralegals because they do not hold a license.

I am not sure housing law is an appropriate area for paralegals as it relates to rep'ing tenants in Court. Certainly, not appropriate for rep'ing LLs. Currently, there are many lawyers in housing court rep'ing tenants that do not understand housing law. The lawyers from VLN and Mid MN Legal Aid are

sometimes not competent to represent the tenants they represent. They fill out canned Answers and documents and send litigants into Court with documents they do not understand. I think paralegals will do the same thing and it will not be helpful in housing cases. I am not sure paralegals could represent Tenants in the current environment just due to all the nuance in housing law. Maybe 1st appearances? I believe housing law is the most contentious, adversarial, and litigated among LL and T cases. It demands persons with experience - not some paralegal under the supervision of an atty that has never done housing law. Since the Supreme Court has denied the hybrid rule that was proposed by the 2nd and 4th districts re representation of corporate entities by attys at trials, I am not sure paralegals add anything to the equation except more confusion and problem for LLs.

This program is a terrible idea, and it harms both the legal profession in Minnesota and Minnesota's most vulnerable citizens.

Please consider civil Gideon as an alternative. The idea that poor people should be represented by anything less than a licensed attorney is offensive. For example, should a consumer bring a Fair Debt Collection Practices act against one of my clients, my first step will be to remove the matter to federal court. Not only is it unlikely that the federal courts will allow a non-attorney to appear, a non-attorney would struggle to comply with the procedural and substantive hurdles that a federal court action would entail. Even if debt resolution does not necessarily implicate an FDCPA action, a civil litigant is at a disadvantage if they are not advised of the possibility of such an action before executing a release of claims related to resolution of the underlying debt.

I would also note that Hennepin and Ramsey county already have a housing court project that would allow non-attorneys to represent people. Although these 'agents' do fine at initial appearances, once they have to introduce exhibits into evidence and comply with the rules of civil procedure, their sheen of knowledge quickly falls apart.

Non-lawyers should not practice law in the State of Minnesota. Instead, these resources should be dedicated to providing people with qualified counsel.

There are plenty of unemployed actual lawyers with licenses who would be happy to accept paralegal wages in a full time job with benefits. Rather than saddling the disadvantaged with legal advice/representation from someone who does not have the fundamental education to get a law license, why not just advocate a job class for lawyers where they are paid less, with less responsibility? I would absolutely do that job after retirement, and I know many younger, unemployed lawyers who would jump at it. I also regularly see Family lawyers who cannot understand the current complexities of the shared income guidelines and PEA, even in simple cases. Why would less legal education help pro se parties? Baby boomer lawyers like me can't carry the load we once did, and many of us would love a limited job, with paralegal wages to keep a hand in, but reduce stress. Many new lawyers are forced to hang out a shingle as a solo, before they have any competence at all, because they can't get hired. There are many, many of us who would be happy to take this less stressful job, for a fraction of the money.

There are large numbers of attorneys in the metropolitan areas that are underemployed - temporary e-discovery, Small contract jobs, or doing work outside the legal profession. Find a way to utilize this attorneys in large population areas. Use paraprofessionals sparingly in practice areas where formally trained legal expertise is not available.

I have deep concerns about this - I am an immigration attorney and it is VERY COMMON for bad actors to hold themselves out as 'notarios' and provide incorrect legal advice that results in clients's being removed from the United States or it being impossible to fix problems. I view this as a slippery slope and I believe the only professions who should be allowed to provide unsupervised legal services in Minnesota should be licensed attorneys.

The existing system is there for a reason. These areas have significant impacts on people's lives. If the cost of an attorney is too high, then the State should look at reducing the costs to produce attorneys by condensing law schools, reducing costs for law school for individuals servicing low

income areas, or offering money to defray legal costs. Handing the lives of Minnesota Citizens to underqualified legal service providers is poor planning.

The only legal services a non-lawyer should be providing is making copies!!!!!!!!!!!!!!!!!!!!!! This is a farce!!!

I am concerned about creating a two tier or two class system for our citizens where the wealthy and poor have lawyers, but middle class are relegated to less appropriate representation. As the Court said in the desegregation cases 'Separate is not equal'.

Quality paralegals are difficult to find. Most of the ones that I have worked with require quite a bit of oversight and supervision and/or don't have the level of detail needed for this type of position so I have concerns about this pilot project. I do not think it is a good idea to allow paralegals to handle negotiations, legal advice to clients, court appearances, etc.

Having non-attorneys perform attorney work .. if the ultimate goal is to reduce the lawyer population in Minnesota - great job!

Look at the legal aid services in the rural areas and compare them to the cases chosen in the twin cities. The working poor does not get any options and they are the ones that get further into debt and make it difficult for anyone to stay in these areas to practice.

I have background knowledge about this project based on my bar association, but for those that don't, this survey was not set up to provide the committee with useable answers. Little background information was given on what the answer choices mean, and the answer choices did not encompass all possible answers (ex: 'None' was not a possible choice for the question about what areas of law would benefit). Many of the answers are dependent on what exact program is implemented - for example, 'representation at a hearing' is not something that I would delegate to a paralegal if it meant a regular trial, but I would not have a problem if that meant assisting pro se parties at a conciliation court hearing on a debt collection calendar. All that to say: whatever results you get from this survey, take them with a grain of salt.

My concern about this option is that it will disadvantage new lawyers who will be phased out of this type of work by people who will be able to get this work at a cheaper rate than they can afford to (and are entitled to) provide.

This is a terrible idea

I will again say that giving people who cannot afford an attorney lesser legal services is not the way to really solve the problem. A lot of the ideas asked here about what tasks a paralegal could/would perform appear to be the unauthorized practice of law, which is unethical. I understand there is a definite need for good legal help, but throwing paralegals at the problem is not the way to go. I love the paralegals I work with, but there is no substituting them for attorneys.

not super comfortable with this idea...

I am not sure if paralegal certification would include how to represent a client in court. Even though I passed the bar exam, only actual court experience prepared me.

This survey is very disappointing. The questions are far too broad to elicit meaningful responses. I hope that there will be other opportunities to provide input other than applying to participate in focus groups.

I think this is a mistake. Paralegals should not be giving legal advice, appearing in court, etc.

This is a terrible idea. There is obviously a need for people to be represented, but it's unfair to people with lower incomes to provide worse representation. If there are any areas of law that are straightforward and don't have surprise issues, a paralegal might be able to handle representation on that, but for most legal matters, even simple cases can rapidly become complex. If law school and lawyers are too expensive, we should be focusing on improving access to lawyers and remodeling law school to focus on essential skills over 2 years, not providing paralegals when people need lawyers. I can only imagine how many legal messes the lower and middle class clients will be caught up in when paralegals start trying to do everything a lawyer does without the training. We owe the public more.

I think this pilot program is a horrible idea, you are only devaluing the J.D. and contributing to the over population of attorneys in this field. If you allow Paralegals to provide legal advice and represent clients there is no longer incentive to get a J.D. this will be the downfall of qualified attorneys.

I think you're treading on thin ice here and will erode the profession if you begin allowing paralegals in court.

I don't think the paraprofessional project will benefit clients. This survey is not designed in a way to allow lawyers to select 'none' as an option or to voice concerns about non-attorneys practicing law in some very difficult practice areas. The MSBA previously has expressed concern about this project. The survey should allow attorneys to answer in a way that is not in the affirmative. Family law in particular is significantly more complicated than non-family law attorneys realize. My paralegals are wonderful, they both have paralegal certificates from highly rated programs, but they are not qualified or trained to enter my role.

I am very concerned about this bordering on the unauthorized practice of law. Is protection of the public from incompetency a consideration? Also, if paralegals become authorized to practice law, defaults on student loan debt for earning a law degree could skyrocket. Lawyers will have to settle for being underemployed as paralegals, which is likely to depress salaries.

I do not agree with this pilot project. People need ATTORNEYS not some second-rate second-class separate but equal sort of representation. Paralegals can never do what attorneys do; attorneys know how to 'think' about the law (think like an attorney). Many paralegals are highly skilled and professional but they should NEVER be allowed to work without the supervision of an attorney.

The focus on creditor-debtor, housing and family law is too narrow. There are many areas of probate and real estate practice in which a supervised paralegal could provide valuable assistance.

I think the premise is highly flawed. Our firm is very suspect of this process and program. We have countless young attorneys who leave the profession and just as many who struggle to pay their law school debts- finding a way to make it harder for them to hang a shingle or in any way devaluing the service they provide is a slap in the face to those who have spent 6 figures investing in their legal education.

This is basically the legal field's equivalent of nurses getting doctorates and wearing white coats, giving patients the impression that they are equally qualified to do the work of an MD. Paralegals doing attorney work is the equivalent of the hygienist practicing the dental work because she's seen 90% of it. The point in legal services being performed in a representative capacity by attorneys is for the 10% that makes them qualified to do 100% of the job, not 90%. I recently had my taxes done by Jackson Hewitt, only to find out that I was not in fact talking to a CPA, only after going through the entire interview and finishing the meeting. My whole point in having someone do my taxes was that I would be assured 100% that they were correct, and I in fact had done them correctly prior to the meeting. I was a little bamboozled--that's how people will feel when paralegals do not immediately present themselves as paralegals rather than attorneys. Let me make my point clear: the paralegals will begin to forget or entirely stop telling clients they are in fact paralegals and not attorneys. The idea of 'under attorney supervision' is not 'supervision' when the paralegal is in fact acting in the advocacy and representative roles--that is a sham idea.

I am very concerned that they have a level of understanding of the law and the implementation. I have seen far too many attorneys who are providing inadequate advice. I am concerned that we are adding another level of instability to the people most in need of good legal advice.

A person without a JD and law license should NEVER provide legal advice or counsel period. This survey is poorly designed and clearly biased/tainted in favor of permitting uneducated and unlicensed people to provide legal advice and counsel. This should NEVER be permitted; it is a logical fallacy to even claim it can occur under the supervision of a licensed attorney--that simply is not possible to govern.

I am strongly opposed to paralegals appearing in court on behalf of clients. This undermines the value of law school and passing the bar exam.

The implementation committee entirely lacks representation by anyone with any familiarity with rural Minnesota. Rochester and Duluth are not rural communities. They are cities. Their problems are not the same problems as Walker, Bemidji, Marshall, Morris, Sauk Centre, Pine City, Virginia, and the dozens of other small cities and towns that act as hubs for their surrounding rural communities. You need to get outside the Metro bubble and start seeking answers from attorneys in the styx.

You think you will reach 'unrepresented' parties. Majority of them can't help themselves - regardless of rate of service provider.

I think this is a bad idea. I don't think attorneys are going to want to supervise these para-professionals. And if they do, it will be for a cost that will negate the whole idea of this, which is to provide low-cost legal services. Also, there are enough attorneys out there, myself included, who provide sliding scale fee structures to clients in need.

Again, I wish to reiterate that paralegals should not be representing clients in court; paralegals should only be doing their work under the direct supervision of an attorney. Family law requires analysis of income and assets that are should only be completed under direct supervision of an attorney.

As I previously stated, in my opinion this pilot project is a disaster waiting to happen. If the Committee truly perceives an extreme shortage of representation to individuals in the State of Minnesota there are other avenues to explore to remedy this issue rather than allowing a non-licensed attorney to provide legal advice and representation. Possibilities to consider may be to require a certain amount of time every attorney in the state must work at a volunteer clinic in the areas of housing, family, and creditor/debtor law. In the area of bankruptcy law there are volunteer bankruptcy clinics attorneys can volunteer their time at in order to assist non-represented parties with bankruptcy questions. While I realize that there are many attorneys who will not participate in such clinics unless forced to do so, I honestly believe this is a better solution that to allow paralegals to provide legal services to underrepresented parties.



# Legal Paraprofessional Pilot Project

Recommendations for the  
Minnesota Supreme Court  
Implementation Committee

December 19-20, 2019

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Welcome and Introductions

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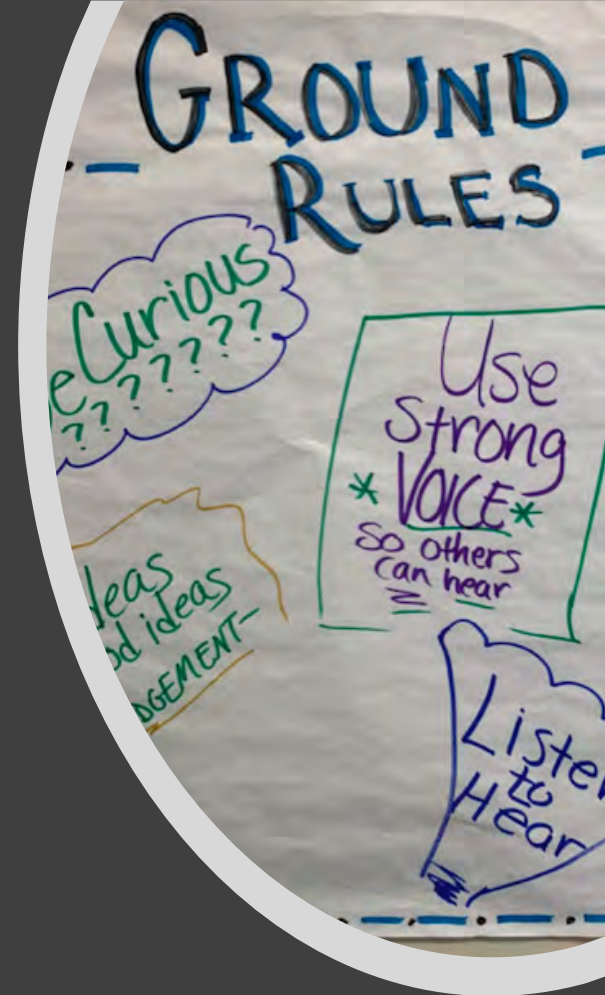
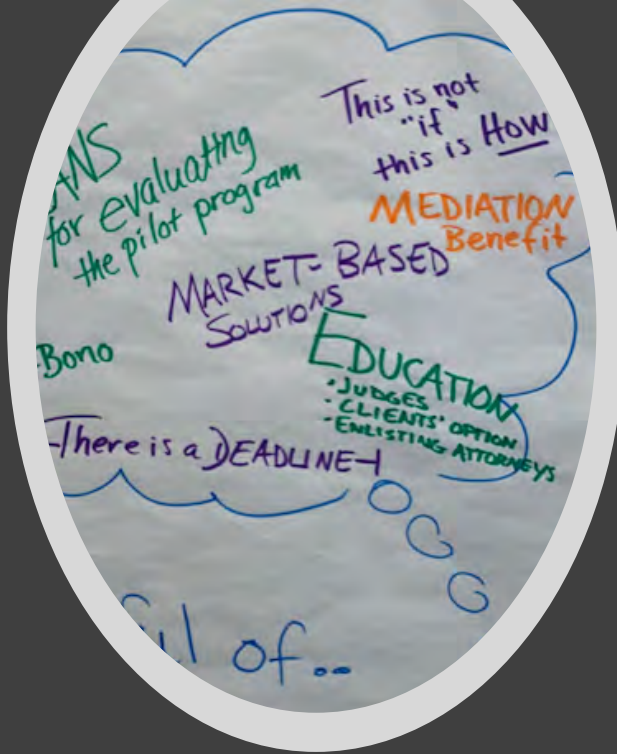
# WELCOME AND INTRODUCTIONS

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Day 1 |  
Shared Understanding



Ground Rules and Supreme Court Order Review

# Survey Review

The 104-page survey was reviewed using a cooperative study approach. Each group distilled themes from sections of the report.

## Difficulty Finding Qualified Paralegals

| +  | -   |
|--|---|
| <ul style="list-style-type: none"> <li>• None / Not many comments</li> <li>• 579 Respondents = 69% completion rate</li> <li>• Most paralegals are employed full-time (7%) independent paralegal contractors</li> <li>• Over 1/2 paralegals are doing legal research</li> <li>• Paralegals are used broadly</li> <li>• 96% paralegals supervised</li> </ul> | <ul style="list-style-type: none"> <li>• FEAR</li> <li>• Lack of paralegals outside metro area (wages lower)</li> <li>• Knowledge of specific legal area</li> <li>• Harder for smaller firms to hire paralegals</li> <li>• Paralegals are too expensive</li> <li>• Concern about paralegal training qualifications</li> </ul> |

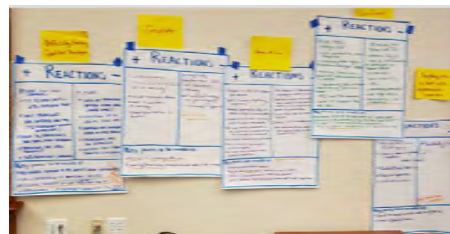
### Key points to be mindful of:

Responses appear to be mostly from attorneys  
 Underappreciation of paralegals' abilities  
Educate attorneys on what skilled paralegals can do  
 Approximately 1/2 of respondents worked with 0 or 1 of paralegals  
 Qualifications need to be defined guidelines

## Geography

| +   | -  |
|---|--|
| <ul style="list-style-type: none"> <li>• Metro / County</li> <li>• More housing issues b/c of density</li> <li>• Need enough data</li> <li>• More economic diversity</li> <li>• Transportation is better</li> </ul> | <ul style="list-style-type: none"> <li>• Metro / County</li> <li>• Metro has lots of services already</li> <li>• Not a lot of attys or paralegals</li> <li>• Economic disparity</li> </ul> |

**Key points to be mindful of:**  
Need is everywhere – access in remote areas  
Family / housing mentioned most for need



## Areas of Law

| +  | -  |
|--|--|
| <ul style="list-style-type: none"> <li>• Paralegals can collect info &amp; prepare legal paperwork</li> <li>• <u>Specific training in legal area &amp; experience</u></li> <li>• Paralegal supervised by atty will provide an edge to an unrep party</li> <li>• Paralegals c/would reduce costs, making access to justice more available</li> <li>• More people providing representation is opportunity for unrep parties – not only attys can do some of this work</li> <li>• More comments contradicting w/creditor / debtor</li> <li>• Family / Housing stronger support in survey responses</li> <li>• High % agree that paralegals can rep parties in mediations</li> </ul> | <ul style="list-style-type: none"> <li>• Very dangerous to have paralegals representing in housing &amp; family</li> <li>• Reach out to newly licensed attys giving them a platform to help clients &amp; not devaluing the new attys services</li> <li>• Depends on qualifications</li> <li>• Do not think this will benefit clients</li> <li>• Training &amp; skills for complex areas</li> <li>• Seems that many do not understand what paralegals are already permitted to do</li> </ul> |

### Key points to be mindful of:

Comfort w/what paralegals already do  
 Many see this as cost effective & expanding access to justice  
 Comfort w/clear qualifications & ongoing ethics / education  
 Lots of confidence that paralegals "can do this well" in all 3 legal areas  
 Scope of family law

# Survey Review

The 104-page survey was reviewed using a cooperative study approach. Each group distilled themes from sections of the report.

## Open Ended Comments

+

- Huge need recognized
- Rural communities need recognized
- Recognizing that highly experienced paralegals needed
- Training, certification, education and accountability is needed
- "I learned very little of what I need to do my job in law school..."
- There is support for the idea

-

- De-valuing law school and JD
- Attorney buy-in
- Lack of understanding of paralegals vs support staff
- Competition
- Form prep only
- UPL
- Unemployed attorneys
- Bad legal advice
- Malpractice, UPA, consequences

### Key points to be mindful of:

Attorneys need to be educated on what good paralegals (or secretaries) can do now and what is included in current education programs

This is not a competition (or should not be)



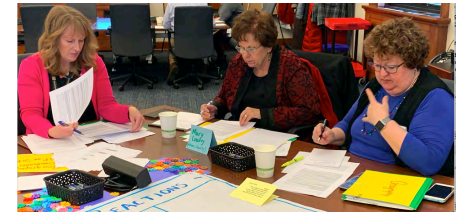
## Anything Else To Share With The Committee

+

- Using legal aid / VLN as pilot agency
- Concern about loss of business or competition
- Need is rural
- Qualified / Trained paralegals
- Need for supervision
- Level of insurance

-

- Availability of paralegals
- Concern about loss of business or competition
- Need is rural
- Qualified / Trained paralegals



### Key points to be mindful of:

Overall info shows current underuse of paralegals  
 Concern of qualified paralegals  
 Get past income-based programs



# Strategic Juncture Analysis



A look at multiple perspectives as to what is impacting the development of the pilot project. Answering the question: What are the factors in the pilot project that require strategic attention?

| What is our window of opportunity?  | What are the negative consequences of inaction?  | What could be affected or changed in a positive direction in 5-10 years if we <u>successfully</u> implement the pilot program?  | What future desired result is going to require our persistence and perseverance for this program to be successful?  |
|---|--|---|---|
| <ul style="list-style-type: none"> <li>• ** Interest of the court in providing leadership</li> <li>• More represented – NOW</li> <li>• Building up the legal profession as a whole</li> <li>• **Delivering on the Chief Justice's Order</li> <li>• Get info to litigants when they come to the Court Admin's window</li> <li>• National Conversation</li> </ul> | <ul style="list-style-type: none"> <li>• Continue Increase in SRLs in court</li> <li>• <u>** Need not met</u></li> <li>• People come in with the wrong forms!</li> <li>• <u>Eroding public trust and confidence in courts / justice system</u></li> <li>• Inefficient use of court resources and time</li> <li>• Bad outcomes for litigants / parents / children</li> <li>• People feeling hopeless / overlooked</li> <li>• The powerful and status quo win</li> <li>• People messing up that requires more expensive fix later</li> <li>• Citizens lose faith in legal system</li> <li>• Unrepresented # explode</li> <li>• People suffering / chain reaction</li> <li>• Harder to go forward in life</li> <li>• If we don't someone else will w/o our input</li> </ul> | <ul style="list-style-type: none"> <li>• <u>**Courts might / would arrive at more-just results for litigants not being served today</u></li> <li>• <u>Less disparity in representation</u></li> <li>• <u>The financial &amp; emotional well-being of single parents and children</u></li> <li>• Meeting the needs of our citizens</li> <li>• Finding a solution and appreciation for the joint practice of law</li> <li>• ^^Develop a model that can be used in other areas of law</li> <li>• Increased / new educational opportunities for paralegals. Innovation b/c of market need for educators</li> <li>• <u>People law affordable to middle-income clients</u></li> <li>• <u>Paralegals could see/explain process and law in different ways that may lead to better ways of actually serving clients</u></li> <li>• Helps with systems change</li> <li>• Opportunity / cultural proficiency</li> <li>• New vision/new voices</li> <li>• Self rep. people will have better resources</li> <li>• System more user friendly (forms)</li> <li>• Lawyers more efficient &amp; better understand their area of expertise</li> <li>• Altering leads area of expertise</li> </ul> | <ul style="list-style-type: none"> <li>• <u>Viewing success through the client perspective rather than attorney perspective</u></li> <li>• Continue current energy &amp; results</li> <li>• Understanding that paralegals can assist underserved with attorneys</li> <li>• Maintaining a system perspective</li> <li>• Having attorneys and the public understand the skills and specific roles paralegals can have in meeting legal needs</li> <li>• Judges buying in and developing organized processes – consistency</li> <li>• Tweak program as results come in- don't be rigid</li> <li>• <u>With good advice and support early fewer contested cases in the court – move mutually agreed resolutions</u></li> </ul> |



# Strategic Juncture Analysis

A look at multiple perspectives as to what is impacting the development of the pilot project. Answering the question: What are the factors in the pilot project that require strategic attention?

| What bold new risks could we explore or take?   | What is working that needs to be carefully watched, preserved or encouraged?   | Where do you see signs of the future happening now?  | What is placing limits on our success?  | What are barriers to success?  |
|---|--|--|---|--|
| <ul style="list-style-type: none"> <li>• Not only defining, clarifying, and refining role of paralegals for attys during pilots but for paras after pilot.</li> <li>• <u>Team approach to serving underrepresented</u></li> <li>• <u>Regulatory sandbox – ask innovative people to try new things with less regulation</u></li> <li>• <u>YES – opportunities for metro firms (atty &amp; paralegal) to provide services to rural area through remote work structures</u></li> <li>• <u>More process simplification (success of child support system)</u></li> <li>• Getting attorneys &amp; paralegals in the same live space to work together</li> <li>• Getting other professionals (e.g. social workers) involved in helping clients – broader team approach to serve needs of those facing family, house – debt issues – beyond just legal issue.</li> <li>• Joint innovative law program (combine business with law)</li> <li>• Re-regulation approach</li> <li>• <u>Call “this” name something different</u></li> </ul> | <ul style="list-style-type: none"> <li>• <u>Legal assistance / pro bono clinics</u></li> <li>• <u>The pilot should be seen as a supplement to SMRLS, etc.</u></li> <li>• County law clinics – some via skype / zoom</li> <li>• Participation in pro bono services / pro bono challenge</li> <li>• **Self-help options for those who can (want to) handle things alone</li> <li>• How the pilot proceeds – what is working what are opportunities / what doesn't work</li> <li>• MNCIS Website</li> <li>• North Star Attorneys – include paralegals</li> <li>• What is appropriate for pilot</li> <li>• Unbundled legal services (limited scope)</li> </ul> | <ul style="list-style-type: none"> <li>• Utah</li> <li>• Washington (licensing of paralegals)</li> <li>• California</li> <li>• Canada</li> <li>• Minnesota</li> <li>• Administrative law immigration</li> <li>• Court navigators</li> <li>• Healthcare legal partnerships</li> <li>• <u>Other areas – Drs and APNs</u></li> <li>• British Columbia</li> <li>• <u>Child Support Magistrates</u></li> <li>• Paralegal Advocates</li> </ul>   | <ul style="list-style-type: none"> <li>• **Lack of understanding</li> <li>• Recognition that how things exist is not working</li> <li>• This is not a metro vs outstate issue – it's a statewide concern</li> <li>• Attorney comfort in delegating more to paras</li> <li>• <u>Risk averse profession &amp; move of law to serving business rather than people</u></li> <li>• <u>Options for remote court hearings</u></li> <li>• Court calendaring practices</li> <li>• Disparities in paralegal training / ability – don't limit based on someone who isn't adequately prepared – against someone who can do the work well</li> <li>• <u>Other blocks to access –gender, culture, language, etc.</u></li> <li>• Large debt (school loans) of attorneys</li> </ul> | <ul style="list-style-type: none"> <li>• <u>Attorney buy-in</u></li> <li>• <u>Understanding / education of scope</u></li> <li>• Failure to adequately explain limits, requirement</li> <li>• <u>Clients can't afford services – how do you make this work as market model?</u></li> <li>• Funding for legal services / VLN type programs</li> <li>• Financial based programming</li> <li>• \$\$\$</li> <li>• <u>Judges need to be willing to hear these paralegals in court</u></li> <li>• Non-requirement of judges to hear</li> <li>• "Most of the things worth doing in this world were deemed impossible before they were done" – Justice Louis Brandeis</li> <li>• Understanding cultural differences of litigants</li> <li>• \$ for use of interpreters</li> <li>• <u>Client buy-in</u></li> <li>• Burn out rates</li> </ul> |

# Key Elements of a Successful Program

What are the key elements that need to be addressed for the pilot program to be successful?

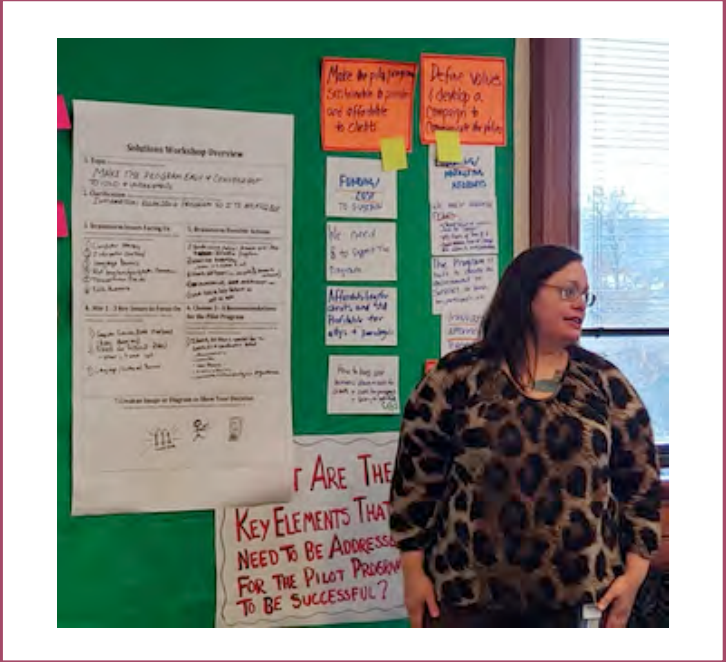
| Make the program easy & convenient to find & understand   | Make the pilot program sustainable to providers and affordable to clients   | Establish a cool identifier for participating paraprofessionals   | Identify pilot goals & establish evaluation plan   | Establish required minimum qualifications   | Develop a process to protect consumers & hold providers accountable   | Define values & develop a campaign to communicate the values   | Define parameters for programs  | Define what services participant can and cannot provide   |
|---|---|---|--|---|---|--|---|---|
| <i>As illustrated by:</i>   |   |   |  |   |   |  |   |   |
| <ul style="list-style-type: none"> <li>Public access / education</li> <li>Getting info to the public – awareness that project exists</li> <li>Way to match needs to service (roster)</li> <li>Education, marketing for consumer buy-in</li> <li>Ease of access for all clients. (language, location, cost, understand program)</li> </ul> | <ul style="list-style-type: none"> <li>Funding / cost to sustain</li> <li>We need \$ to support the program</li> <li>Affordability for clients and still profitable for attys &amp; paralegals</li> <li>How to keep cost barriers down &amp; costs for clients (costs for paralegals, salary for paralegals)</li> </ul> | <ul style="list-style-type: none"> <li>Name / Title of paraprofessional</li> <li>Branding / naming for clarity of role</li> </ul> | <ul style="list-style-type: none"> <li>Evaluation plan to learn for future</li> <li>How to evaluate and get quality data</li> <li>There must be a way to measure success ... for clients and for the program</li> <li>Evaluation plan measures success from client perspective</li> <li>What is the goal?</li> </ul> | <ul style="list-style-type: none"> <li>Education and training is essential for all parties</li> <li>Highly skilled/educated paralegals</li> <li>Clear qualifications (education, experience) for paralegals</li> <li>Paralegals brave enough to go into court &amp; attys to support &amp; encourage</li> <li>Attorney supervision &amp; vouching for paralegal(s)</li> <li>How to define paralegal qualifications</li> <li>Competent attorney supervisors</li> </ul> | <ul style="list-style-type: none"> <li>Define complaint process &amp; consequences</li> <li>Program oversight</li> <li>Identify entity for complaints or concerns from consumers</li> </ul> | <ul style="list-style-type: none"> <li>Educating / marketing attorneys</li> <li>We must address FEARS (client fear of outcomes... and no "lawyer" ... atty fear of loss of \$ ... court system fear of change and adding to work / calendars</li> <li>The program is built to create an environment of SUPPORT – for bench, bar, participants, etc.</li> <li>Innovative attorneys to learn for future</li> </ul> | <ul style="list-style-type: none"> <li>Generate pilot idea / programs</li> <li>Where pilot will take place</li> </ul> | <ul style="list-style-type: none"> <li>Define scope (area of law and practice limitations)</li> <li>Handbook / guideline</li> <li>What and how to provide applicable education ...</li> </ul> |





# Day 2 | Committee Recommendations





# Make program easy & convenient to find & understand

What and Why:  
Information regarding program so it's accessible

Issues:

1. Computer literacy
2. Information overload
3. Language barriers
4. Pilot program / geographic restrictions
5. Transportation issues
6. Public awareness

Possible Actions:

1. Consider using Judicial Branch self-help to advertise program
2. NEED for rollout plan – what it is / what it isn't
3. Identify add'l players (i.e.. interpreters, community involvement)
4. Lawhelpmn.org / mnfindalawyer.com
5. State bar to help rollout as well as MPA

Key Issues:

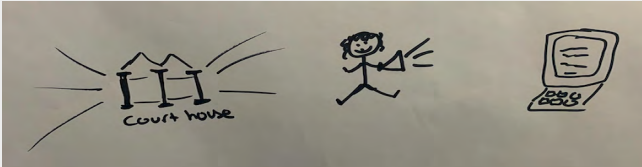
1. Computer literacy / info overload (public awareness)
2. NEED for ROLLOUT PLAN - what is & what isn't
3. Language / Cultural barriers

Committee Recommendations:

- 1) Identify all players needed for a successful & coordinated rollout.
  - Associations
  - Websites
  - Law libraries
  - Public libraries
  - Community & Ethnic & Religious Organizations



Image:





## Make the pilot program sustainable to providers and affordable to clients

What and Why:

Who are we serving? Low & moderate income clients

We want it to continue beyond the pilot

Issues:

1. Financial concerns – clients
2. Credibility – get what you pay for
3. Energy & interest by providers
4. Insurance?
5. Profitability for providers
6. Impact of client's emotions
7. Other sources of funding

Possible Actions:

1. Sliding fee scale / other fee structure
2. Discuss w/practitioners how it would work
3. Marketing / min req. / evals
4. Insurance companies – discuss
5. Flat fee
6. Registry of participants
7. Ensure oversight process

Key Issues:

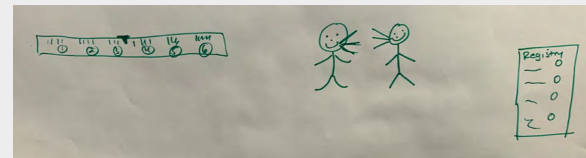
1. Profitability
2. Credibility
3. Financial concerns for clients

Committee Recommendations:

1. Develop oversight process
2. Outreach to providers Re: fee schedule
3. Determine models for profitability using business models (RFP: request for proposal)
4. Create a registry of participants



Image:



# Establish a **cool** identifier for participating paraprofessionals ❄️

## What and Why:

Need a way to quickly distinguish paraprofessionals who work in these programs as different from all other legal paraprofessionals

## Issues:

- Communicate the specialization focus of the role
- Attorneys think of paralegals as many different things
- Not a distinct role for attys or legal profession
- Clients don't know what the term paralegal means
- Need to build cohesion and pride in the role
- Communicate what these individuals do thru name
- Will paralegals not in this role feel left behind?
- Legal profession may not be the best group to come up w/name – need marketers / advertisers
- Path to advancement

## Possible Actions:

Consult branding / marketing firms / professionals  
 Focus group names options  
 Select a simple, clear, vivid, non-acronym-based name  
 Consider a logo / visual – how does this look on swag? – will someone buy the T-shirt?  
 Do not need precision in the name, we need emotion and positivity

## Key Issues:

1. Client focused name that builds cohesion and pride
2. Communicate specialized focus of role
3. Consult professional **cool** "namers"! (e.g. not attorneys) (ALSO NO ACRONYMS)



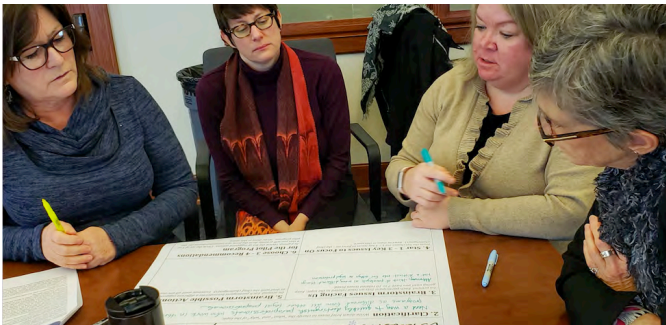
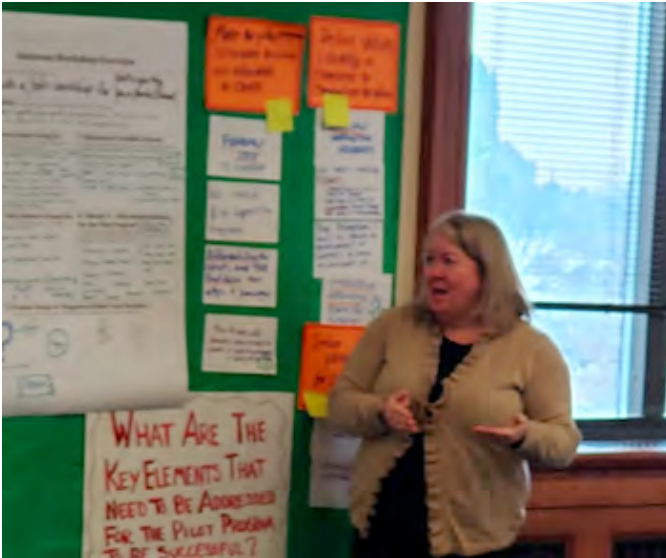
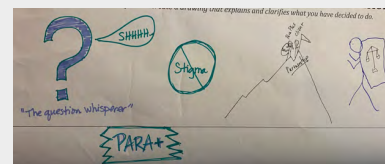
## Committee Recommendations:

### Qualities, values of the role

- Advocate Accessible Sherpa (Federal Sherpa 😊) Champion Advisor
- Helper Companion People-first Community Docent Guide Democracy
- Empowered

Ask clients what they wish they'd had

## Image:







# Establish required minimum qualifications

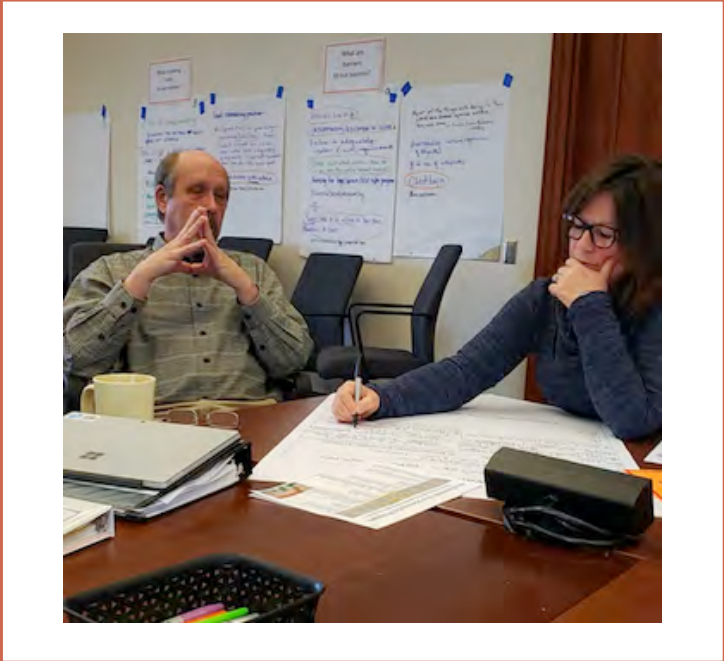
**What and Why:**  
 Must be minimum qualifications that are measurable/verifiable, so we have confidence in the program/individuals by clients/attorneys

- Issues:**
- No consistent current paralegal requirements
  - Experience/knowledge of area of law (A)
  - No consistent definition of paralegal (B)
  - Type of proof needed
  - Deciding what is qualifying & agreement on it (C)
  - Is further education or test required
  - What training is needed

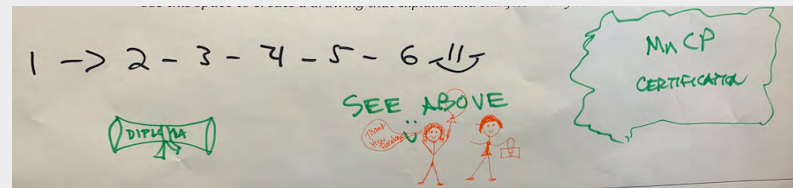
- Possible Actions:**
- Define minimum education &/or experience
  - Define paraprofessional roles for this project
  - Consider attorney training, vouching and/or certifying

- Key Issues:**
- A
  - B
  - C

- Committee Recommendations:**
- All 3 (A, B, C)
- Talk with attorneys on what is required to meet this
  - Minimum 5-year experience in that area of law
  - MnCP certification by MPA



**Image:**



## Develop a process to protect consumers & hold providers accountable

### What and Why:

There needs to be a person or entity to receive and act on complaints concerning the pilot project, to provide some level of consumer protection and to determine the merits of complaints

### Issues:

- There is no such thing right now
- Lack of uniform definition of a paralegal
- Multiple credentialing organizations
- What role, if any, does the Lawyers Board of Professional Responsibility have?

### Possible Actions:

- Develop a form / affidavit / certification for participating lawyers and paralegals
- Enlist assistance of Lawyers Board of Professional Responsibility

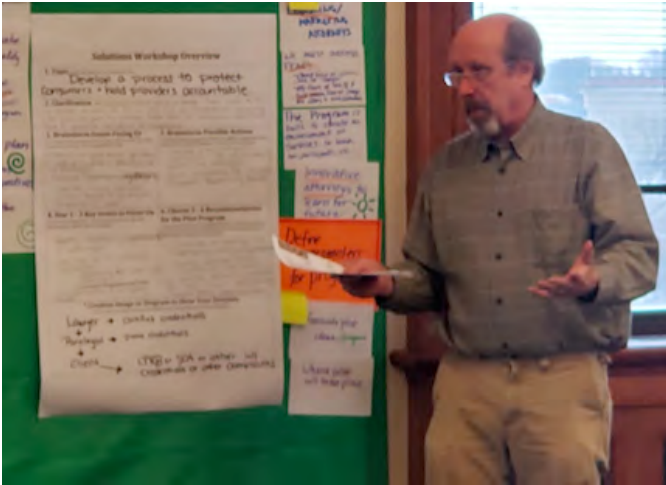
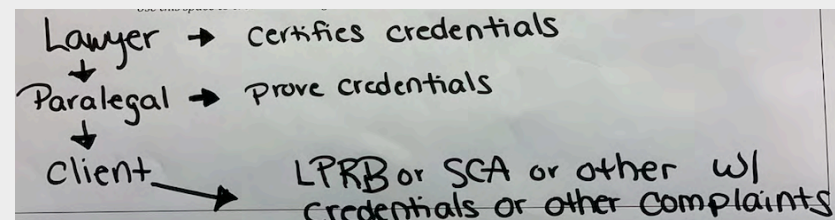
### Key Issues:

- Identify credentialing organization(s) for paralegals
- How to verify paralegal qualifications
  - Something from supervision attorney?
- At what point is a registry created

### Committee Recommendations:

1. Committee will identify the credentialing paralegal organization(s)
2. Identify additional / other credentialing requirements
3. Develop reporting system for both lawyer and paralegal (Lawyers Board, State Court Admn)

### Image:



## Define values & develop a campaign to communicate the values

### What and Why:

- Establish the direction
- Allows us to assess alignment w/values to make intelligent choices resources
- Educate and engage attorneys, para, Judicial Branch / stakeholder
- UPL concerns & define supervision

### Issues:

- Mixture of knowledge about program
- ✓ **Current confusion about goal(s) of program**
- ✓ **No succinct definition of program**
- No consistent definition of para
- Communicate WIIFM for all
- Concern about skills to expand role
- There is work to be done to expand knowledge
- Can this be addressed uniquely based on audience
- ✓ **Message might be different to family law attys vs other attys**
- Need champions / evangelists
- Validation of pts of view
- ✓ **Recognize shared need & approach**

### Possible Actions:

- Create an environment of support
- Document WIIFM
- Identify benefits
- Identify spectrum of tasks that role does
- Visual – infographics, accessible communication, varied channels & methods
- Develop user stories, anecdotes
- Say specifically what this is NOT
- Distinguish from what other states are doing (WA state example)
- Create examples of how to use the program
- Client testimonials
- Already work w/paraprofessionals
- Do not have exp w/ paraprofessionals
- Handbook / templates knowledge bank

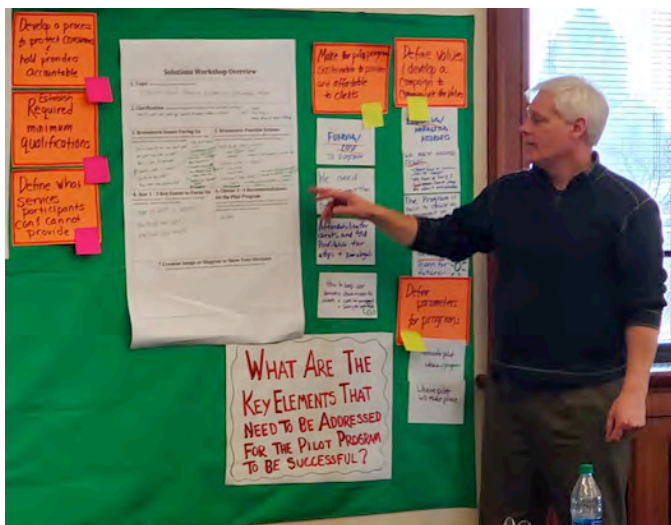
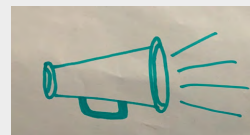
### Key Issues:

1. Shared need & approach
2. Unique communication strategy to include WIIFM & role acknowledgment
3. Confusion re: goals & definition of program

### Committee Recommendations:

1. Create CLE re: Rule 5 & Supervision of paraprofessionals in this role for ethics credit / elimination of bias
2. Environment of Support – knowledge bank, mentoring, shared space, like MSBA section, blog/online space
3. Document benefits and WIIFM
4. Make sure the communication campaign is full circle

### Image:





## Define parameters for programs

What and Why:  
 Need geographic areas defined  
 Need substantial legal areas defined

- Issues:
- A. Is rural better / worse
  - B. Identify how many venues & where
  - C. Start with 1, 2 or 3 legal areas (subjects)
  - D. Start with 1 or multiple geographic areas
  - E. Do we house it in legal services
  - F. Do we also allow it outside of legal services (market based)

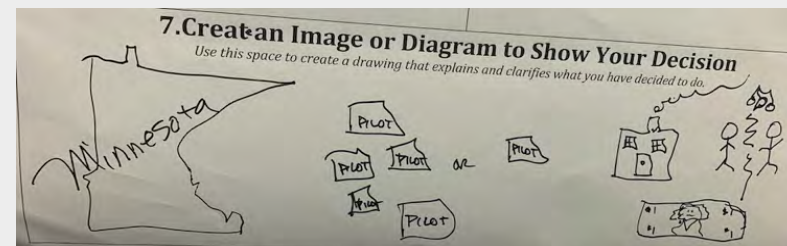
- Possible Actions:
- Need to have sufficient number of cases where the current resources are insufficient
  - Recruiting willing & qualified providers (attorneys & paralegals)
  - Pilot needs to be big enough to be helpful & small enough to be studied

Key Issues:  
 B)  
 C)  
 D)

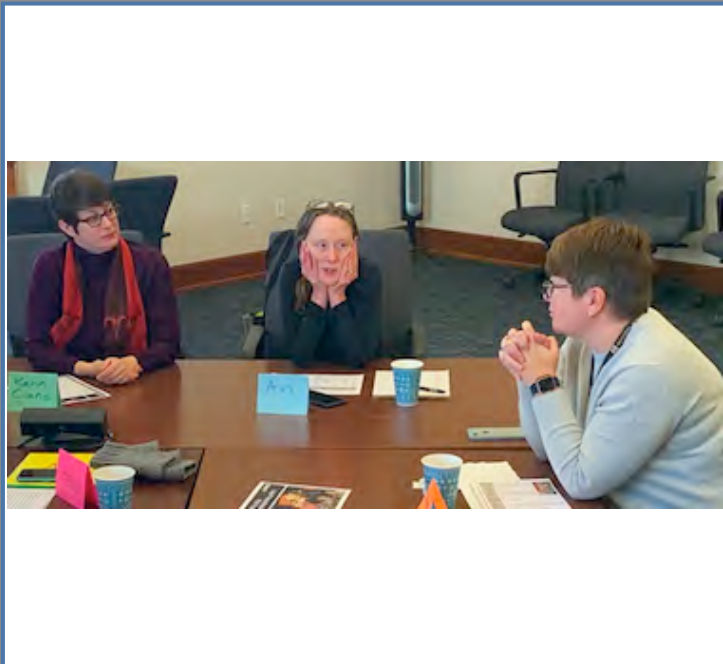
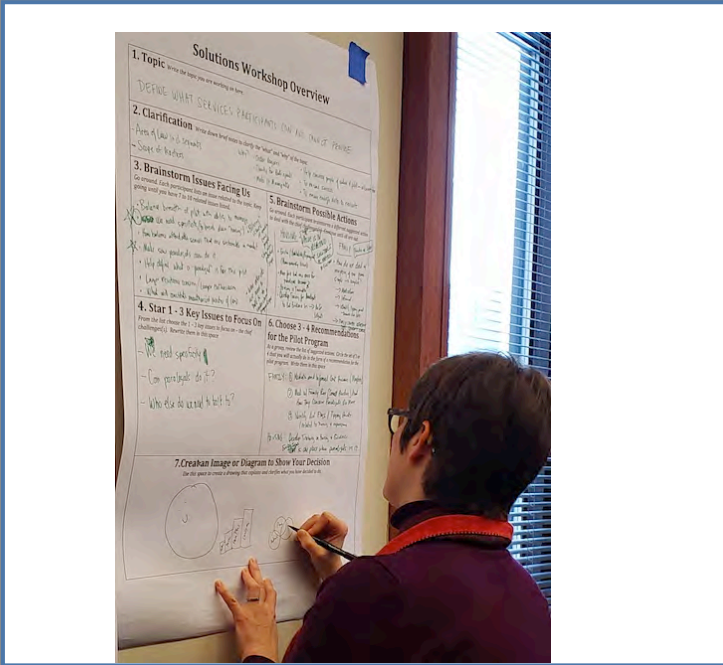
Committee Recommendations:  
 All three above  
 (Done 😊)



Image:







# Define what services participant can and cannot provide

- What:**  
Area of law  
Scope of practice
- Why:**
- Order requires
  - Clarity for participants
  - Make it manageable
- Help convince people of value of pilot – alleviate fear
  - To ensure success
  - To ensure enough data to evaluate

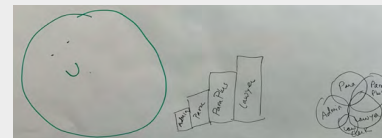
- Issues:**
- Balance breadth of pilot with ability to manage
  - ★ We need specifics (to break down 'housing')
  - How balance affordable services that are sustainable in market
  - Make sure paralegals can do it
  - ★ Help define what a "paralegal" is for this pilot
  - Layer resistance concern / lawyer enthusiasm
  - What will constitute authorized practice of law
  - "Policing" issues of making sure people stay w/in scope of practice
  - Who else do we need to talk to too understand program of scope

- Possible Actions:**
- Housing**
- ★ Value is in reaching solutions as opposed to ejection
  - Eviction / Habitability / Expungement (home ownership issues)
  - Move fast but one area for paralegals because housing is trainable
  - Develop training for paralegals to place guidance in - pro se litigant
- Family (practice as dyad)**
- How do we deal w/morphing of case from simple -> complex
    - Mediation
    - Informal
    - Identify tipping point (domestic viol/OFP)
  - Family lawyer w/in each that couldn't cover

- Key Issues:**
- We need to specify
  - Can paralegals do it?
  - Who else do we need to talk to?

- Committee Recommendations:**
- Family**
1. Mediation and informal court process (morphing)
  2. Meet with Family Bar (small practices) about how they conceive paralegals do more
  3. Identify red flags / tipping points (related to training & experience)
- Housing**
- Develop training on housing & evidence
  - Ejection trials is one place where paralegals in ct.

Image:



# Final thoughts for the committee to be mindful of...

- Arriving at an organized and understandable public rollout that reaches communities in need of legal services
- What needs to be included in the pilot vs. what can come after the pilot?
- Outreach to other unique stakeholder groups. i.e. family law section, courts/judges, community organizations (any connections w/committees who confirm/affirm for equality & justice) qualifications? Buy-in
- Regulatory changes that need to be made in courts for paralegals to appear in court
- Who will handle oversight / registry / complaints
- Pilot doesn't have to be perfect; need to keep in continuous improvement mindset
- Can this just all be overseen by a supervising atty (case by case) or does there need to really be a separate structure to oversee
- How will you get the word out?
- Who is going to manage this pilot project?
- Will there be a point person(s)?
- Reach out to already existing law firm partners during implementation process or for ideas
- Think about the paradox: the "newest" lawyers & paralegals who "know the least" (1-3 years practice) are often the most motivated to serve, most diverse, best connected to communities needing services, most able to work at affordable rates, most open to change & innovation, most skilled at social media evangelism, hungriest for clients, mentorship & experience – and everyone thinks it is someone else's job to train them so they are largely abandoned & overlooked. How do we integrate them into this program and harness their energy? A pathway to participation?
- This is about the clients with unmet needs – not about lawyers & paralegals
- We need to talk to practitioners working on the ground to see how it will work
- Allow grassroots ideas to bubble up
- We need to work through concerns & values in communication
- Must do and communicate what we did over the last 2 days
- What does "attorney supervision" look like? What are the requirements? What liability is taken on by the attorney vs. the participant? - Key to attorney buy-in, but maybe has to be limited supervision vs. normal in office to get them to agree to supervise
- Scale realistic for a business model that is sustainable
- Serves the greatest number of those in need
- Attorney buy-in
- Cool name (not acronym/paralegal)
- This happens
- This program needs to be able to offer value and be realistic for : paralegals; attorneys; clients
- Use what resources are available now to make it happen (associates, MSBA, Paralegal Association, M CCP, etc.) and not create something new from scratch





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THANK YOU!

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**Recommended Documents Legal Paraprofessionals May File  
without Final Attorney Review**

**General Filing Documents**

- Notice of Appearance
- Certificate of Representation
- Application to Serve by Alternate Means
- Affidavit of Default
- Affidavit of Service
- Substitution of Counsel
- Notice of Withdrawal
- Notice of Filing
- Affidavit for Proceeding In Forma Pauperis
- Proposed In Forma Pauperis Order
- Settlement Agreement
- Request for Continuance
- Motion to Request Correction of Clerical Mistakes

**Landlord-Tenant Specific**

- Affidavit of Compliance and Proposed Order for Expungement
- Notice of Motion and Motion for Expungement of Eviction Record
- Petition for Emergency Relief Under Tenant Remedies Act
- Rent Escrow Affidavit
- Eviction Answer
- Eviction Action Proposed Findings of Fact, Conclusions of Law, Order and Judgment
- Answer and Motion for Dismissal or Summary Judgment (Eviction)
- Notice of Motion and Motion to Quash Writ of Recovery
- Petition for Possession of Property After Unlawful Lockout

**Family Law Specific**

- Confidential Information Form 11.1
- Confidential Information Form 11.2
- Felon name change notice
- Notice to Public Authority
- Notice of Default and Nonmilitary Status
- Affidavit of Non-Military Status
- Default Scheduling Request
- Notice of Intent to Proceed to Judgment
- Proposed Default Findings
- Initial Case Management Conference Data Sheet
- Scheduling Statement
- Parenting/Financial Disclosure Statement
- Discovery (Interrogatories, Request for Production of Documents, Request for Admissions)
- Summary Real Estate Disposition Judgment
- Certificate of Dissolution
- Delegation of Parental Authority
- Revocation of Delegation of Parental Authority
- Application for Minor Name Change
- Parenting/Financial Disclosure Statement
- Certificate of Settlement Efforts
- Notice of Motion and Motion to Modify Parenting Time
- Stipulation of the Parties
- Notice of Motion and Motion to Modify Child Support/Medical Support
- Notice of Motion and Motion (examples: Stop COLA, Reinstate Driver's License)
- Request for County to Serve Papers

## Implementation Committee Member Bios

**Sally Dahlquist**, J.D. is the Director of an ABA-approved Paralegal Program and Chair of the Beyond the Yellow Ribbon Company at Inver Hills Community College in Minnesota. She is very active as a member of the Minnesota Paralegal Association, American Bar Association Standing Committee on Paralegals, and Minnesota State Bar Association, and has served as the Past Chair of the ABA Approval Commission for Paralegal Educational Programs. Ms. Dahlquist works tirelessly to bring attorneys and paralegals together to deliver competent and affordable legal representation to our citizens, and is a dedicated advocate of public access to equal justice.

**Tiffany Doherty-Schooler** serves as Director of Advocacy for Legal Service of Northeastern Minnesota, a civil legal service provider that provides legal services to low income clients in 11 counties in matters such as housing, family law and benefits. Previously she owned a general legal practice in rural central Minnesota and served as a part-time public defender. She is a former Humphrey School of Public Policy Fellow and has years of experience working to meet the legal needs of the residents of Greater Minnesota.

**Bridget Gernander** has worked for the Minnesota Judicial Branch since 2001, focused exclusively on access to justice funding and policy work for the last twelve years. Prior to joining the Judicial Branch, Bridget was an Equal Justice Works Fellow with the Minnesota Justice Foundation. She is a graduate of the University of Minnesota Law School.

**Kimberly Larson** is the manager of business education for the Minnesota Judicial Branch. Prior to coming to the Judicial Branch, Kim worked as an attorney with Mid-Minnesota Legal Aid representing clients in the areas of family, housing, immigration, and disability law. She is a National Center for State Courts Fellow, certified Court Executive, and graduate of Hamline University School of Law in St. Paul.

**Tom Nelson** is the 2019/2020 President of the Minnesota State Bar Association. He previously served as the President of the Hennepin County Bar Association. He is a partner at the Stinson law firm, formerly Leonard, Street and Deinard; prior to that, he was with Popham, Haik, Schnobrich, Kaufman and Doty.

**Christopher Petersen** is president of the Columbia Mutual Funds and a senior legal officer at Ameriprise Financial supporting U.S. registered products and the global asset management business. In this role, he and his team are responsible for corporate governance and providing legal support for the Columbia Mutual Funds and their service providers. Mr. Petersen has worked for Ameriprise Financial since 2004. From 1999 to 2004, Mr. Petersen worked for U.S. Bancorp and Strong Financial providing legal support to their asset management business and sponsored fund groups. Mr. Petersen received B.A. and J.D. degrees from the University of Minnesota.

## Implementation Committee Member Bios

**Liz Reppe** is the Minnesota State Law Librarian. She earned a J.D. from Hamline University School of Law and an M.L.I.S. from Dominican University. She has been assisting people seeking legal information for almost 20 years as a public and academic law librarian. She was a recipient of the 2017 Minnesota Attorney of the Year award for her work creating the Appeal Self-Help Clinic and the First Judicial District Amicus Curiae award for her efforts to create the Dakota County Criminal Defense Panel.

**Hon. John R. Rodenberg** is a 1978 graduate of St. Olaf College, *cum laude*, and a 1981 graduate of Hamline University School of Law, *cum laude*, where he was an Associate and later an Editor of the HUSL Law Review. He entered the private practice of law with the firm of Berens, Rodenberg & O'Connor, Chtd., in New Ulm, MN, where he was primarily a civil trial practitioner from 1982 to 2000. Judge Rodenberg was appointed to the District Court in Minnesota's Fifth Judicial District by Governor Ventura in 2000, a position to which he was reelected in 2002 and 2008. Judge Rodenberg was appointed to the Minnesota Court of Appeals by Governor Dayton in 2012, a position to which he was reelected in 2014.

**Maren Schroeder**, RP, MnCP holds an M.B.A. in Legal Administration, and is a PACE Registered, Minnesota Certified Paralegal who performs freelance paralegal work in the areas of litigation, family law, and criminal law. She is the current Director of Positions & Issues for the Minnesota Paralegal Association (MPA) and serves in various capacities with the National Federation of Paralegal Associations. Previously, she served as MPA's Director of Greater Minnesota, Director of Professional Development, and Director of Marketing, and as NFPA's Regulation Review Coordinator and Association Management Coordinator. In 2014, Maren led a committee to establish the Minnesota Certified Paralegal program, a non-governmental credentialing program for paralegals in Minnesota.

**Hon. Paul C. Thissen** was appointed to the Minnesota Supreme Court in 2018. Prior to that, he worked as an attorney for 25 years and made access to justice and pro bono an important priority. He served in the Minnesota House of Representatives for 16 years including as Speaker of the House.

**Pamela Wandzel** is the Director of Pro Bono at Fredrikson & Byron where she has managed the firm's pro bono legal program for the past 24 years. Pam also served as a litigation paralegal at the firm after graduating with honors from North Hennepin Community College's paralegal program. She has served on a number of committees at the MSBA and on the board of numerous community-based nonprofits.