



Comment Regarding the Petition to Amend Rule 31.3(e)(4), Arizona Rules of the Supreme Court

I write on behalf of IAALS, the Institute for the Advancement of the American Legal System, regarding the petition to amend Rule 31.3(e)(4), changing the legal paraprofessional title to legal practitioner.

IAALS is an independent, nonpartisan research organization at the University of Denver that innovates and advances solutions that make our civil justice system more just. Every day, we reexamine how the American civil justice system can better serve the needs of us all. IAALS identifies and researches issues in the legal system; convenes experts, stakeholders, and users of the system to develop and propose concrete solutions; and then goes one step further to empower and facilitate the implementation of those solutions to achieve impact. Through purposeful collaboration, listening, and research, we jumpstart the groundbreaking and achievable solutions that will clear a path to justice for everyone. In 2021, IAALS established its Allied Legal Professional (ALP) project where we have vigorously studied and made recommendations on programs akin to Arizona's legal paraprofessional program. As part of this project, IAALS has worked with leaders in states across the country to design, develop, and modify their programs to meet their state's needs.

We applaud Ms. Mitchell for her leadership in recognizing a pain point in the program and initiating a solution meant to benefit not only LPs and the program but also the public. We thank the Arizona Supreme Court for considering our feedback and for your thoughtful work to ensure access to justice for the people of Arizona.

We Support in Part the Recommendation to Change the Title of Legal Paraprofessionals

In November 2022, IAALS hosted a two-day convening on the future of ALP programs that brought together regulatory experts, legal and paralegal educators, representatives from state ALP programs, innovators experimenting with other tiers of legal service providers, access to justice experts, and practicing allied legal professionals. From that convening, IAALS published the report *Allied Legal Professionals: A National Framework for Program Growth (Framework Report)*, which summarizes the discussions at the convening, including convergence on best practices, areas of divergence between program approaches, and lessons learned from existing programs. The heart of the report includes 18

high-level recommendations—based on the convening discussions—that are intended to serve as a guide for states considering, implementing, or refining an ALP program.

Recommendation 1 from IAALS’ *Framework Report* states, “Thoughtful decisions on titles can help ALPs gain recognition as legitimate legal service providers. Considerations should include whether the title conveys professionalism instead of limitations, creates clarity instead of confusion, and translates well into other languages.” As Ms. Mitchell highlights in the petition, the title legal paraprofessional does not satisfy any of these three considerations. This title emphasizes the professionals’ limitations—inaccurately depicting an extremely limited professional—confuses consumers about legal paraprofessionals’ competency and expertise, and translates poorly into other languages. With any new profession and title that goes along with that profession, it will take time for consumers to understand who legal paraprofessionals are and what they can do—no matter their title—but certain titles can aid in a consumer’s understanding and other titles can make this transition more difficult. It is clear from the experiences referenced in the petition’s Appendix that the title legal paraprofessional fits into the latter category.

Recommendation 2 from IAALS’ *Framework Report* urges that “States should consider collaborating with each other to adopt a single title for ALPs... ‘Legal Practitioner’ is a promising option that warrants further research and consideration.” It is important to note that the title legal practitioner was considered as Arizona was developing its program but was ultimately dismissed due to attorneys arguing that they are legal practitioners. We disagree that this is a reason not to utilize this title. First, the title legal practitioner is rarely, if ever, used by attorneys or anyone else in the legal profession to classify attorneys. This is demonstrated in Arizona Code of Judicial Administration Section 7-210(J)(5)(c), which states that “A legal paraprofessional must [n]ot use the designations ‘lawyer,’ ‘attorney at law,’ ‘counselor at law,’ ‘Esq.,’ or other equivalent words, the use of which is reasonably likely to induce others to believe the legal paraprofessional is authorized to engage in the practice of law beyond that allowed by a license issued under this section.” While an argument can be made that legal practitioner fits in the catchall “other equivalent words,” it is telling that legal practitioner is not specifically listed as a designation likely to induce others to think they are attorneys. The second reason is that legal paraprofessionals are obligated to inform their clients in writing that they are not a lawyer, removing any confusion a consumer might have at first working with a legal paraprofessional.

As noted in Recommendation 2, IAALS believes that Legal Practitioner is a promising option, but we also believe that it warrants further research and consideration. With the effort and resources that it will take to change the title, it seems likely that the court will not consider an additional title in the future if it chooses to change the title now. With this understanding, we recommend that instead of adopting a new title with the hope that other states will follow suit, Arizona should collaborate with other states that have permanent programs to come to a consensus on a single title. If a majority of states can agree on a title, we believe that any new state creating a program will adopt that same title with the purpose of creating a single, national title. IAALS is leading this charge and is currently working with a few states that are willing to consider revising their title. We ask that Arizona work with IAALS on this important endeavor of creating unity among these programs where there is currently the greatest disconnect. By Arizona taking a stance to temporarily hold off on changing its title and outwardly asserting its desire to work with other states to agree on a national title, it will stand out as a leader in this space that is continuing to put in the work for the betterment of these programs. A national title will benefit Arizona's program—along with every other state's program—as consumers from across the country will begin to more easily recognize who these professionals are and the services they can provide, just as they do with attorneys.

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