

Samuel A. Thumma  
Chair, Arizona Commission on Access to Justice  
Judge, Arizona Court of Appeals  
Division One  
State Courts Building  
1501 West Washington  
Phoenix, Arizona 85007  
Telephone: (602) 452-6700

**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of )  
 )  
PETITION TO AMEND RULE 31.3, ) Supreme Court No. R-24 \_\_\_\_\_  
RULES OF THE ARIZONA ) (expedited consideration and  
SUPREME COURT ) emergency adoption requested)  
\_\_\_\_\_ )

**REQUESTED CHANGE AND BASIS FOR EXPEDITED  
CONSIDERATION AND EMERGENCY ADOPTION**

Pursuant to Rule 28 of the Arizona Supreme Court, Petitioner, in his capacity as chair of and on behalf of the Arizona Commission on Access to Justice (Commission), respectfully petitions this Court to amend Arizona Supreme Court Rule 31.3, as shown in Attachment A, in the event a related, proposed amendment to the Arizona Code of Judicial Administration (ACJA) is adopted. Given the timeline for the proposed amendment to the ACJA, Petitioner requests expedited consideration and emergency adoption of the amendment to Rule 31.3 for the reasons set forth below.

The Commission has proposed new ACJA Section 7-211 (“Community-

Based Justice Work Service Delivery Models”) as reflected in Attachment B. Proposed Section 7-211 is the product of a Commission task force that met many times in 2024, and the Commission then unanimously approved proceeding forward with Section 7-211 at its November 7, 2024 meeting. Proposed Section 7-211 has been posted for comment and that comment period has now closed.

The Commission presented the proposal, as an informational item (given the comment period had not yet closed), to the Arizona Judicial Council (AJC) at its December 12, 2024 meeting. At the AJC’s March 13, 2025 meeting, the Commission will ask the AJC to recommend adding Section 7-211 to the ACJA.

If adopted, Section 7-211 would add to the ACJA two community-based justice work service delivery models: (1) authorized community justice workers and (2) certified community legal advocates. Proposed Section 7-211 is designed to build on and expand programs currently authorized by Arizona Supreme Court Administrative Orders. *See* Ariz. Sup. Ct. Admin. Order 2024-250 (Dec. 18, 2024) (“Authorizing a Legal Services Community Justice Worker Program”); Ariz. Sup. Ct. Admin. Order 2024-34 (Feb. 7, 2024) (“Authorizing a Housing Stability Legal Advocate Pilot Program,” first authorized in a different form in January 2023); Ariz. Sup. Ct. Admin. Order 2024-35 (Feb. 7, 2024) (“Authorizing a Domestic Violence Legal Advocate Pilot Program,” first authorized in a different form in June 2020).

If Section 7-211 is approved, authorized community justice workers and

certified community legal advocates would perform limited legal services for participants as specified by ACJA Section 7-211 that would constitute the practice of law. *See* Ariz. R. Sup. Ct. 31(b). However, neither an authorized community justice worker nor a certified community legal advocate would be a licensed attorney. Accordingly, to be effective, both groups would need to be exempt from the Rule 31.2 unauthorized practice of law prohibition. Accordingly, Petitioner seeks the addition of an exception to Rule 31.2 for these Community-Based Justice Work Service Delivery Models through the adoption of new Arizona Supreme Court Rule 33.1(e)(9) as reflected in Attachment A. The adoption of this exception to Rule 31.2 would allow authorized community justice workers and certified community legal advocates to perform limited legal services for participants as specified by ACJA Section 7-211 without running afoul of Rule 31.2.

As permitted by Supreme Court Rule 28(h), Petitioner requests expedited consideration and emergency temporary adoption of the proposed rule amendment with a comment period to follow and consideration for permanent adoption at the Court's August 2025 Rules Agenda. This expedited consideration and emergency temporary adoption request is made because the AJC will be asked, at its March 13, 2025, meeting, to act on a request to add Section 7-211. If Section 7-211 is approved at that time, proposed Rule 33.1(e)(9) would be necessary to fully implement these Community-Based Justice Work Service Delivery Models.

## CONCLUSION

Petitioner respectfully requests that the Court to amend Arizona Supreme Court Rule 31.3, as shown in Attachment A. Petitioner also respectfully requests that the Court consider this Petition on an expedited basis and also requests emergency temporary adoption of proposed Rule 33.1(e)(9) to fully implement these Community-Based Justice Work Service Delivery Models, should proposed ACJA § 7-211 be approved following the AJC meeting on March 13, 2025.

RESPECTFULLY SUBMITTED this \_\_\_\_\_ day of December, 2024.

By \_\_\_\_\_/s/\_\_\_\_\_  
Samuel A. Thumma

## ATTACHMENT A

### Rules of the Supreme Court of Arizona (new language is underlined, deleted text is ~~stricken~~)

#### Rule 31.3. Exceptions to Rule 31.2

(a) – (d) [No change]

(e) Other.

(1) – (8) [No change]

(9) Authorized Community Justice Workers and Certified Community Legal Advocates. Authorized community justice workers and certified community legal advocates may perform services in compliance with the Arizona Code of Judicial Administration, Section 7-211: Community-Based Justice Work Service Delivery Models. An individual who has been disbarred by the highest court in any state; has been denied admission to the practice of law in Arizona for any reason other than the failure to secure a passing examination score; or has been denied certification, or whose certification has been revoked or suspended, by a regulatory governing body, is not eligible to become an authorized community justice worker or a certified community legal advocate.

## ATTACHMENT B

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 7: Administrative Office of the Courts**  
**Chapter 2: Certification and Licensing Programs**  
**Section 7-211: Community-Based Justice Work Service Delivery Models**  
*[all text is new]*

**A. Definitions.** In addition to the definitions in 7-201(A), the following definitions apply:

“Approval by the AOC” means approval by the Administrative Director, Administrative Office of the Courts, or the Administrative Director’s designee.

“Approved area of law” means each the following specified areas of civil law, approved by the Arizona Supreme Court, for which services may be provided to participants by authorized community justice workers or certified community legal advocates: (1) domestic violence (regarding orders of protection and family law matters); (2) evictions/housing stability; (3) public benefits; (4) debt/debt relief; (5) unemployment law; and (6) consumer issues. Approved areas of law may be added, removed, or changed in accordance with 1-201.

“Approved community-based organization” means a public or private not-for-profit organization, including a designated community action agency, approved to provide services to participants as a result of having submitted a completed application form to the Division for approval by AOC, having received notice from the Division confirming the organization’s approval, and for which that approval has not expired or been revoked.

“Approved legal services organization” means a non-profit legal entity that has as one of its primary purposes the provision of free legal assistance to low-income individuals and that has obtained approval under Rule 38(d), which approval has not expired or been revoked.

“Approved certified community legal advocate training” means training for certified community legal advocates provided by a public or private not-for-profit organization approved by the Division to provide such training as a result of having submitted a completed application form to the Division for approval by the AOC, having received notice from the Division confirming the organization’s approval, and for which that approval has not expired or been revoked.

“Authorized community justice worker” means an individual, supervised by an approved legal services organization licensed attorney, who is authorized under this section to provide specified legal assistance and legal advice in one or more approved areas of law to a participant client of an approved legal services organization.

“Board” means the Board of Nonlawyer Legal Service Providers.

“Certified community legal advocate” means an individual certified under this section, mentored by a licensed attorney or by instructors of an approved certified community legal advocate training organization, to provide specified legal assistance and legal advice in one

or more approved areas of law to a participant client of an approved community-based organization.

“Division” means the certification and licensing division of the AOC.

“Participant” means a low-income individual experiencing challenges in one or more approved areas of law and who is a client of an approved legal services organization or an approved community-based organization.

“Rule” means one of the Rules of the Arizona Supreme Court

- B. Applicability.** This section applies to individuals authorized under this section as community justice workers and certified as community legal advocates to provide legal services, as specified in this section, within the Rule 31.2 and Rule 31.3(e)(10)<sup>[\*]</sup> exception to the prohibition against the unauthorized practice of law. This section is read together with 7-201. In the event of any conflict between this section and 7-201, the provisions of this section govern.
- C. Purpose.** The supreme court has inherent regulatory power over all individuals providing legal services to the public, regardless of whether they are lawyers or nonlawyers. Accordingly, this section is intended to protect the public and to result in the effective administration of the authorized community justice worker and certified community legal advocate programs.
- D. Administration.** The supreme court is responsible for administering the authorized community justice worker and certified community legal advocate programs. The roles and responsibilities of the AOC officers and employees involved in administering these programs are governed by 7-201(D) to the extent applicable and not in conflict with this section.
- E. Authorization or Certification.**
1. **Necessity.** An individual may not represent that they are an authorized community justice worker or a certified community legal advocate unless the individual holds a valid authorization or certification under this section. An organization may not represent that they are affiliated with an authorized community justice worker or a certified community legal advocate unless the organization is an approved legal services organization or an approved community-based organization, as applicable.
  2. **Ineligibility.** An individual who has been disbarred by the highest court in any state; has been denied admission to the practice of law in Arizona for any reason other than the failure to secure a passing examination score; or has been denied certification, or whose certification has been revoked or suspended, by a regulatory governing body is not eligible to become an authorized community justice worker or a certified community legal advocate.

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[\*] The Commission also proposes an amendment to Rule 31.3(e)(10) to include authorized community justice workers and certified community legal advocates as an exception to the unauthorized practice of law provision in Rule 31.2.

3. Community justice worker authorization.

- a. Authorization. To be authorized as a community justice worker, an individual must:
- (1) Be nominated in writing by the applicable approved legal services organization and
  - (2) Have the following minimum qualifications as confirmed in writing by the approved legal services organization:
    - (a) Be a citizen or legal resident of the United States;
    - (b) Be at least eighteen years of age;
    - (c) Be of good moral character;
    - (d) Have obtained a high school diploma or a general equivalency diploma (GED) evidencing the passing of the general education development test;
    - (e) Be employed (full or part time) by, or provide volunteer service for, the applicable approved legal services organization;
    - (f) Have successfully completed study and training provided by, or with the approval of, the applicable approved legal services organization;
    - (g) Have successfully completed applicable training provided by the approved legal services organization, or provided by an approved certified community legal advocate training organization, on professional conduct obligations, including conflicts of interest, confidentiality, and the duty of candor, and training in any approved area of law in which the individual will provide authorized legal services;
    - (h) Have been evaluated by the approved legal services organization and found competent to provide authorized legal services in any approved area of law in which the individual will provide authorized legal services;
    - (i) Have satisfactorily completed a background check conducted by the approved legal services organization and cleared that check to the satisfaction of the approved legal services organization; and
    - (j) Agree in writing to comply with all applicable rules and regulations of the approved legal services organization and to provide authorized services under the supervision of an attorney affiliated with the approved legal services organization and in accordance with this section.
- b. Issuance of authorization. An individual meeting the requirements of (E)(3)(a) may be designated an authorized community justice worker by the applicable approved legal services organization to provide, in any approved area of law in which the individual has received training and been found competent, authorized legal services to participants while under the supervision of a lawyer affiliated with the approved legal services organization.
- c. Record of authorization. The approved legal services organization must keep written records identifying each authorized community justice worker affiliated with that organization; the date when the community justice worker became authorized; the approved areas of law in which the community justice worker is authorized to provide specified legal assistance and legal advice; and other information relevant to the authorized community justice worker's services.

- d. Expiration of authorization. A community justice worker's authorization expires on the occurrence of the earlier of the following:
    - (1) Termination of the authorized community justice worker's program; or
    - (2) The individual is no longer employed by, or providing volunteer services for, the approved legal services organization for more than 60 days without obtaining a waiver from the AOC.
  - e. Termination or suspension of authorization. A community justice worker's authorization may be terminated or suspended as a result of disciplinary action by the Board.
4. Certification as a community legal advocate.
- a. Certification. To be certified as a community legal advocate, an individual must:
    - (1) Be nominated in writing by the applicable approved community-based organization and
    - (2) Have the following minimum qualifications as certified in writing by the approved community-based organization:
      - (a) Be a citizen or legal resident of the United States;
      - (b) Be at least eighteen years of age;
      - (c) Be of good moral character;
      - (d) Have obtained a high school diploma or a general equivalency diploma (GED) evidencing the passing of the general education development test;
      - (e) Be employed (either full or part-time) by or provide volunteer service for the applicable approved community-based organization;
      - (f) Have successfully completed study and training provided by, or with the approval of, the applicable approved community-based organization;
      - (g) Have successfully completed approved certified community legal advocate training provided by an approved certified community legal advocate training organization, or provided by an approved legal services organization, on professional conduct obligations, including conflicts of interest, confidentiality, and the duty of candor, and training in any approved area of law in which the individual will provide authorized legal services;
      - (h) Have been evaluated by the entity providing the approved certified community legal advocate training, either a certified community legal advocate training organization or an approved legal services organization, and found competent to provide authorized legal services in any approved area of law in which the individual will provide authorized legal services;
      - (i) Have obtained a passing grade on the certified community legal advocate substantive law examination administered by the AOC in any approved area of law in which the individual will provide authorized legal services;
      - (j) Have satisfactorily completed a background check conducted by the approved community-based organization and cleared that check to the satisfaction of the approved community-based organization; and

- (k) Agree in writing to comply with all applicable rules and regulations of the approved community-based organization and to provide authorized legal services as a certified community legal advocate in accordance with this section.
  - (l) Agree in writing to timely respond to communications from the AOC or the Division.
- b. Issuance of certification. An individual meeting the requirements in (E)(4)(a) may be certified as a community legal advocate by the applicable approved certified community legal advocate training organization and the applicable approved community-based organization to provide, in any approved area of law in which the individual has received training and been found competent, authorized legal services to participants otherwise being served by that approved community-based organization.
- c. Record of training. Any approved certified community legal advocate training organization, and any approved legal services organization providing approved certified community legal advocate training, must keep written records identifying each certified community legal advocate trained by that entity; the date when the training occurred; the subjects addressed in the training; and other information relevant to the training and education of that individual.
- d. Record of certification. The approved community-based organization must keep written records identifying each community legal advocate certified by that entity; the date when the certified community legal advocate obtained certification; the approved areas of law in which the community legal advocate has been certified to provide specified legal assistance and legal advice; and other information relevant to the certified community legal advocate's services.
- e. Expiration of certification. A certified community legal advocate's certification expires on the occurrence of the earlier of the following:
  - (1) Termination of the certified community legal advocate program; or
  - (2) The individual is no longer employed by, or providing volunteer services for, the approved community-based organization for more than 60 days without obtaining a waiver from the AOC.
- f. Revocation or suspension of certification. A certified community legal advocate's certification can be revoked or suspended as a result of disciplinary action by the Board.
- g. Mentoring. A certified community legal advocate must be mentored by instructors from an approved certified community legal advocate training organization or attorneys with subject-matter expertise in the approved areas of law in which the community legal advocate has been certified.

5. Directory. The AOC will establish a directory of all authorized community justice workers and certified community legal advocates based on records maintained by each approved legal services organization and authorized community-based organization and reported to the Division as specified in (N)(1)(a)-(d). The reports to the Division must contain:
  - a. A list of all authorized community justice workers or certified community legal advocates providing legal assistance and legal advice to participants of the organization, including:
    - (1) The name of each authorized community justice worker or certified community legal advocate;
    - (2) The contact information for each authorized community justice worker or certified community legal advocate; and
    - (3) The approved areas of law in which each community justice worker or community legal advocate is authorized or certified to provide legal assistance or legal advice.
  - b. Information on all deletions, additions, corrections, and revisions to the list reported for the prior quarter.

**F. Fee Schedule.**

1. Community Legal Advocate Test	\$100.00
2. Community Legal Advocate Test Re-examination (For any applicant who does not pass the examination on the first attempt. The \$100.00 fee applies to each reexamination for up to 3 times under 7-201(E)(1)(f)(2).)	\$100.00
3. Community Legal Advocate Test Re-registration for Examination (For any applicant who registers for an examination date and fails to appear at the designated site on the scheduled date and time.)	\$100.00
4. Nonsufficient Funds Fee	\$40.00

**G. Role and Responsibilities.**

1. Authorized legal services.
  - a. Authorized community justice worker. An authorized community justice worker may provide authorized legal advice and legal assistance to participant clients of the applicable approved legal services organization, in the approved areas of law in which the authorized community justice worker has been authorized, while supervised by a lawyer at that approved legal services organization.

- (1) An authorized community justice worker is only authorized to:
    - (a) Provide advice to the participant client;
    - (b) Prepare a document, in any medium, on behalf of a participant client for filing in any court, administrative agency, or tribunal;
    - (c) Negotiate legal rights or responsibilities on behalf of the participant client;
    - (d) Prepare a document, in any medium, intended to affect or secure a participant client's legal rights; or
    - (e) Represent a participant client in an administrative proceeding.
  - (2) An authorized community justice worker is not authorized to provide legal assistance and legal advice of any kind in the area of criminal litigation.
- b. Certified community legal advocate. A certified community legal advocate is only authorized to provide legal assistance and legal advice, without a lawyer's supervision, to a participant otherwise being served by a certified community-based organization regarding issues individuals commonly experience in the approved areas of law in which the community legal advocate has been certified, as follows:
- (1) Concerning the rights and obligations of individuals involved in such proceedings, dispute resolution strategies, and screening for legal defenses;
  - (2) Concerning the process and timeline of such proceedings, the completion of court forms and other documents for filing, and how to assert viable claims and defenses in a timely and procedurally accurate manner;
  - (3) By taking on an advocacy role in negotiations;
  - (4) Concerning preparation for hearings and mediations;
  - (5) By sitting at counsel table during administrative and court hearings to advise and assist participants who are representing themselves;
  - (6) By responding to requests for information from the administrative law judge or judicial officer presiding over a hearing; and
  - (7) By assisting with directly related post-hearing issues.
2. Practice area limitation. When legal needs or matters of the participant are outside of the authorized areas of law in which the authorized community justice worker has been authorized or in which the certified community legal advocate has been certified, the authorized community justice worker or certified community legal advocate must refer the participant to a licensed attorney and will not provide any legal assistance, advice, or services regarding such matters.
3. Identification. On all documents prepared by the authorized community justice worker or certified community legal advocate, unless expressly prohibited by an agency or court, an authorized community justice worker and a certified community legal advocate must include: the name, address, and contact information for the authorized community justice worker or certified community legal advocate; the title of "Arizona Authorized Community Justice Worker" or "Arizona Certified Community Legal Advocate," as applicable; the name and contact information of the applicable approved community-

based organization or approved legal services organization; and, for authorized community justice workers, the name of the supervising attorney.

**H. No Fees May Be Charged to Participants.** Participants must not be charged any fees or costs for legal assistance or legal advice provided by authorized community justice workers or certified community legal advocates. Neither an authorized community justice worker nor a certified community legal advocate may ask for or receive any compensation or remuneration of any kind from a participant for legal assistance or legal advice provided to a participant.

**I. Written Consent of Participant Required.**

1. Before providing authorized legal assistance or legal advice to a participant, an authorized community justice worker or certified community legal advocate must enter into a written agreement with the participant that:
  - a. Advises the participant that the authorized community justice worker or certified community legal advocate is not a lawyer;
  - b. Advises the participant of the limited scope of legal assistance and legal advice the authorized community justice worker or certified community legal advocate is authorized to provide in the areas of law in which they are authorized or certified; and
  - c. Is signed by the participant consenting to receiving such limited legal assistance and legal advice from the authorized community justice worker or certified community legal advocate.
2. For authorized community justice workers, in addition to any requirements for written consent of, and signed agreement by, the applicable approved legal service organization, the agreement must include rights and responsibilities substantially similar to the sample in Appendix 1.
3. For certified community legal advocates, the written agreement must also:
  - a. Advise the participant that the certified community legal advocate is not supervised by a lawyer; and
  - b. In addition to any requirements for written consent of, and signed agreement by, the applicable approved community-based organization, the agreement must include rights and responsibilities substantially similar to the sample in Appendix 2.
4. Each authorized community justice worker and certified community legal advocate must maintain a copy of each fully signed agreement with any participant for whom they provide authorized legal assistance or legal advice.

**J. Confidentiality of Files.** An authorized community justice worker and a certified community legal advocate must maintain a separate, confidential file for each participant for whom authorized they provide legal assistance or legal advice. These separate files must be treated

confidentially and not accessible to the public or other employees or volunteers of the approved legal service organization or approved community-based organization who are not authorized to access such information. For authorized community justice workers, their supervising attorney is authorized to access the participant's file.

**K. Complaints, Investigations, and Disciplinary Proceedings.** These process for complaints, investigations, and discipline involving authorized community justice workers and certified community legal advocates are governed by 7-201(H) and under the jurisdiction and authority of the Nonlawyer Legal Service Providers Board under 7-208.

**L. Policies and Procedures for Board Members.** The policies and procedures in 7-201(I) are applicable to members of the Nonlawyer Legal Service Providers Board.

**M. Continuing Education Policy.**

1. Purpose. Ongoing continuing legal education is one method to ensure authorized community justice workers and certified community legal advocates maintain competence in the approved areas of law for which they are authorized to provide legal assistance and legal advice. Continuing legal education also provides opportunities for authorized community justice workers and certified community legal advocates to keep abreast of changes in the law and the Arizona judicial system.
2. Applicability. All authorized community justice workers and certified community legal advocates must participate in 4 hours of continuing legal education each year between the period of July 1 and June 30 of the following year. Those 4 hours must include 1 hour of ethics continuing legal education. Continuing legal education must be related to the authorized areas of law in which they are authorized or certified to provide legal assistance and legal advice.
3. Responsibilities. It is the responsibility of each authorized community justice worker and certified community legal advocate to ensure compliance with the continuing legal education requirements, maintain documentation of completion of continuing legal education, and submit documentation to the applicable approved legal service organization or approved community-based organization. Upon request by the Division, an approved legal service organization or approved community-based organization must provide documentation and any other requested information regarding compliance with continuing legal education requirements by the authorized community justice workers or certified community legal advocates affiliated with the organization.

**N. Reporting and Auditing.**

1. Reporting requirements.
  - a. Notice of changes. An approved legal service organization, approved community-based organization, approved certified community legal advocate training organization, authorized community justice worker, and certified community legal advocate must notify the Division in writing by U.S. Post, facsimile, or email within

30 days of the following events, as applicable to the individual or organization:

- (1) Any change in individual's or organization's name, address, telephone number, or email address;
  - (2) Any designation of an authorized community justice worker by an approved legal service organization, including the date of designation and identification of the approved areas of law in which the community justice worker is authorized to provide specified legal assistance and legal advice;
  - (3) Any certification of a community legal advocate by an approved community-based organization, including the date of certification and identification of the approved areas of law in which the community legal advocate has been certified to provide specified legal assistance and legal advice;
  - (4) Any change in an individual's affiliation, employment, or volunteer status with an approved legal services organization or approved community-based organization;
- b. Quarterly reports. Each approved legal service organization and approved certified community legal advocate training organization must provide quarterly reports to the Division on or before March 31, June 30, September 30, and December 31 of each calendar year.
  - c. Annual report. Each approved community-based organization must provide an annual report to the Division on or before December 31 of each calendar year.
  - d. Report content. These quarterly and annual reports must include the number of participants served, the outcomes achieved, the authorized areas of law in which participants were served, and information regarding the implementation and potential improvement of the applicable authorized community justice worker or certified community legal advocate program.
2. Auditing.
- a. The Division is authorized to request information concerning an individual's or organization's status under this section at any time. An approved legal service organization, approved community-based organization, approved certified community legal advocate training organization, authorized community justice worker, or certified community legal advocate must respond to the Division's request for information in writing by U.S. Post, facsimile, or email within 30 days of receiving the request.
  - b. The Division is authorized to audit an individual's or organization's compliance with this section at any time. An approved legal service organization, approved community-based organization, approved certified community legal advocate training organization, authorized community justice worker, or certified community legal advocate must cooperate with such an audit and must make all records required to be kept under this section available for inspection.

3. Enforcement. The failure of an approved legal service organization, approved community-based organization, approved certified community legal advocate training organization, authorized community justice worker, and certified community legal advocate to comply with any record-keeping, reporting, or audit provision of this section is grounds for summary, administrative suspension by the Division of any approval, authorization, or certification issued under this section to remain in effect until the individual or organization is in compliance.

**O. Code of Conduct.** Each authorized community justice worker and certified community legal advocate must comply with the following Code of Conduct. The purpose of this Code of Conduct is to establish minimum standards for performance by authorized community justice workers and certified community legal advocates.

1. Definitions. For purposes of this Code of Conduct, the following definitions apply in addition to the other definitions provided in this section.

“Belief” or “believes” means that the person involved actually supposed the fact in question to be true. A person’s belief may be inferred from circumstances.

“Confirmed in writing,” when used in reference to the informed consent of a person, means informed consent that is given in writing by the person or a writing that the Individual promptly transmits to the person confirming an oral informed consent. If it is not feasible to obtain or transmit the writing at the time the person gives informed consent, then the Individual must obtain or transmit it within a reasonable time period.

“Fraud” or “fraudulent” means conduct that is fraudulent under the substantive or procedural law of the applicable jurisdiction and has a purpose to deceive.

“Individual” means an authorized community justice worker or a certified community legal advocate as the context requires.

“Informed consent” means the agreement by a person to a proposed course of conduct after the Individual has communicated adequate information and explanation about the material risks of, and reasonably available alternatives to, the proposed course of conduct.

“Knowingly,” “known,” or “knows” means actual knowledge of the fact in question. A person’s knowledge may be inferred from circumstances.

“Reasonable” or “reasonably,” when used in relation to conduct by an Individual, means the conduct of a reasonably prudent and competent attorney.

“Reasonable belief” or “reasonably believes,” when used in reference to an Individual means that the Individual holds a belief that is equal to that expected of an attorney that the matter in question and that the circumstances are such that the belief is reasonable.

“Reasonably should know,” when used in reference to an Individual, means that an attorney of reasonable prudence and competence would ascertain the matter in question.

“Signed writing,” in addition to a person’s signature, means an electronic sound, symbol, or process attached to, or logically associated with, a writing and executed or adopted by a person with the intent to sign the writing.

“Substantial,” when used in reference to degree or extent, means a material matter of clear and weighty importance.

“Tribunal” means a court, an arbitrator in an arbitration proceeding, or a legislative body, administrative agency, or other body acting in an adjudicative capacity.

“Writing” or “written” means a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photography, audio, or video recording, or electronic communications.

2. Competence. An Individual must provide competent legal assistance and legal advice to a participant. Providing competent advice and assistance requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary.
3. Diligence. An Individual must act with reasonable diligence and promptness in providing legal assistance and advice to a participant.
4. Independence. An Individual must exercise independent professional judgment in providing legal assistance and advice to a participant and not be influenced by the Individual’s position as an employee of, or volunteer for, the approved legal service organization or approved community-based organization.
5. Communications. An Individual must:
  - a. Promptly inform the participant of any decision or circumstance with respect to which the participant’s informed consent, as defined in this Code, is required by this Code.
  - b. Reasonably consult with the participant about how the participant’s objectives are to be accomplished.
  - c. Keep the participant reasonably informed about the status of the matter.
  - d. Promptly comply with reasonable requests for information.
  - e. Consult with the participant about any relevant limitation on the Individual’s conduct when the Individual knows that the participant expects legal assistance or legal advice not permitted under this section or other rule or law.

- f. Explain a matter to the participant to the extent reasonably necessary for the participant to make informed decisions regarding the legal assistance or legal advice.
- g. Inform the participant in writing, before providing authorized legal assistance or legal advice to a participant, if they are not covered by professional liability insurance. An Individual who is covered by professional liability insurance before providing authorized legal assistance or legal advice to a participant but who later, at any point while continuing to provide legal assistance or legal advice, is no longer covered by professional liability insurance, must inform the participant in writing within 30 calendar days of the date the Individual knows or reasonably should know that the Individual no longer has professional liability insurance.

6. Confidentiality of Information.

- a. An Individual must not reveal information relating to the legal advice and assistance provided to a participant unless the participant gives informed consent, the disclosure is impliedly authorized to carry out the advice and assistance, or the disclosure is permitted or required under (O)(6)(b).
- b. An Individual, to the extent the Individual reasonably believes necessary, may reveal information relating to the legal advice and assistance to:
  - (1) Prevent the participant from committing a crime.
  - (2) Secure legal advice about the Individual's compliance with this section.
  - (3) Comply with other laws or final orders of a court or tribunal of competent jurisdiction directing the Individual to disclose such information.
  - (4) Prevent reasonably certain death or substantial bodily harm.

7. Conflict of Interest: Current Participants.

- a. Except as provided in (O)(7)(b), an Individual must provide legal assistance or legal advice to a participant if the assistance or advice is a concurrent conflict of interest. A concurrent conflict of interest exists if:
  - (1) Providing legal assistance or legal advice to one participant will be directly adverse to another participant; or
  - (2) There is a significant risk that providing legal assistance or legal advice to one or more participants will be materially limited by the Individual's responsibilities to another participant, a former participant, or a third person or by a personal interest of the Individual.
- b. Notwithstanding the existence of a concurrent conflict of interest under (O)(7) (a), an Individual may provide legal assistance or legal advice to a participant if each affected participant gives informed consent, confirmed in writing, and:
  - (1) The Individual reasonably believes that the Individual will be able to provide

competent and diligent legal assistance and legal advice to each affected participant; and

(2) The legal assistance and legal advice are not prohibited by law.

8. Conflict of Interest: Current Participants: Specific Rules.

- a. An Individual must not enter into a business transaction with a current participant.
- b. An Individual must not use information relating to advising and assisting a participant to the disadvantage of the participant unless the participant gives informed consent, except as permitted or required by this Code.
- c. An Individual must not solicit any substantial gift from a participant, including a testamentary gift, or prepare on behalf of the participant an instrument giving the Individual or a person related to the Individual any substantial gift unless the Individual, or other recipients of the gift are related to the participant. For purposes of this paragraph, related persons include spouse, child, grandchild, parent, grandparent, or other relative or individual with whom the Individual or the participant maintains a close, familial relationship.
- d. Prior to the conclusion of advice and assistance to a participant, an Individual must not make or negotiate an agreement giving the Individual literary or media rights to a portrayal or account based in substantial part on information relating to the assistance.
- e. An Individual must not advance or guarantee financial assistance to a participant while advising and assisting a participant in connection with contemplated or pending litigation.
- f. An Individual must not:
  - (1) Make an agreement limiting the Individual's liability to a participant for malpractice; or
  - (2) Settle a claim or potential claim for such liability unless the participant is advised in writing of the desirability of seeking, and is given a reasonable opportunity to seek, the advice of an independent lawyer in connection with the settlement.
- g. An Individual must not acquire a proprietary interest in the cause of action or subject matter of litigation in which the Individual is assisting a participant.
- h. An Individual must not have sexual relations with a current participant of the Individual unless a consensual sexual relationship existed between them at the time the participant-Individual relationship commenced.

9. Declining or Terminating Advice or Assistance.
  - a. An Individual must not provide legal assistance or legal advice to a participant or, where the assistance or advice has commenced, must cease to provide legal assistance or legal advice to a participant if:
    - (1) The legal assistance or legal advice will result in violation of this Code of Conduct or other laws;
    - (2) The Individual's physical or mental condition materially impairs the Individual's ability to assist or advise the participant;
    - (3) The Individual's abilities are inadequate for the assignment; or
    - (4) The Individual is discharged.
  - b. An Individual may withdraw from providing legal assistance or legal advice if:
    - (1) Withdrawal can be accomplished without material adverse effect on the interests of the participant;
    - (2) The participant persists in a course of action involving the Individual's services that the Individual reasonably believes is criminal or fraudulent;
    - (3) The participant may or has used the Individual's services to perpetrate a crime or fraud;
    - (4) The participant insists on taking action that the Individual considers repugnant or with which the Individual has a fundamental disagreement;
    - (5) The participant fails substantially to fulfill an obligation to the Individual regarding the Individual's services and has been given reasonable warning that the Individual will withdraw and not provide additional legal assistance or legal advice unless the obligation is fulfilled;
    - (6) Providing the legal assistance or legal advice will result in an unreasonable financial burden on the Individual or has been rendered unreasonably difficult by the participant; or
    - (7) Other good cause for withdrawal exists.
  - c. When terminating the Individual's relationship with the participant, the Individual must take steps, to the extent reasonably practicable, to protect a participant's interests, such as by giving reasonable notice to the participant, allowing time for employment of a lawyer or another Individual, or surrendering papers and property to which the participant is entitled.
10. Truthfulness in Statements to Others. In the course of providing legal assistance or legal advice to a participant, an Individual must not knowingly:
  - a. Make a false statement of material fact or law to a third person; or
  - b. Fail to disclose a material fact when disclosure is necessary to avoid assisting a criminal or fraudulent act by a participant unless disclosure is prohibited under (O)(6).

11. Reporting Professional Misconduct.

- a. An Individual who knows that another Individual has committed a violation of the Code of Conduct that raises a substantial question as to that person's honesty, trustworthiness, or fitness as an Individual in other respects, must inform the appropriate professional authority, except as otherwise provided in this Code or by law.
- b. An Individual who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office must inform the appropriate authority.
- c. This Code does not permit an Individual to report the professional misconduct of another Individual, a lawyer, or a judge to the appropriate authority if doing so would require the Individual to disclose information otherwise the Individual is prohibited from disclosing under (O)(6).

12. Misconduct. It is professional misconduct for an Individual to:

- a. Violate or attempt to violate this Code of Conduct, knowingly assist or induce another to violate this Code of Conduct, or violate this Code of Conduct through the acts of another;
- b. Commit a criminal act that reflects adversely on the Individual's honesty, trustworthiness, or fitness as an Individual in other respects;
- c. Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;
- d. Engage in conduct that is prejudicial to the administration of justice;
- e. State or imply an ability to improperly influence a government agency or official or to achieve results by means that violate this Code of Conduct or other rule or law;
- f. Knowingly assist:
  - (1) A judge or judicial officer in conduct that is a violation of an applicable Code of Judicial Conduct or other rule or law; or
  - (2) A lawyer in conduct that is a violation of Rule 42 or other rule or law;
- g. Engage in conduct that the Individual knows, or reasonably should know, is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status, or socioeconomic status in conduct related to the practice of law; or
- h. Engage in any misconduct described in 7-201(H)(6).

**APPENDIX 1 – Sample  
Authorized Community Justice Worker Limited Scope Agreement.**

This Agreement is made between [INSERT NAME] (the Participant) and [INSERT NAME] (the Authorized Community Justice Worker) and supplements the agreement between Participant and the [INSERT NAME OF APPROVED LEGAL SERVICES ORGANIZATION]. The Participant wishes to receive legal advice and assistance from the Authorized Community Justice Worker in dealing with certain [INSERT SCOPE OF WORK HERE] issues that Participant is facing.

**Notice of Limited Authority – Scope of Service**

Notice is hereby given that the Authorized Community Justice Worker is not a lawyer and is not authorized to advise and assist the Participant in all legal matters that Participant may be facing. Instead, under the supervision of a lawyer affiliated with [INSERT NAME OF APPROVED LEGAL SERVICES ORGANIZATION], the Authorized Community Justice Worker’s authority is limited by the Arizona Supreme Court to the following specific current approved area(s) of law [INSERT HERE] and specific types of authorized legal services, as follows:

1. Issues individuals commonly experience in the applicable approved area(s) of law, including the rights and obligations of individuals involved in such proceedings, dispute resolution strategies and screening for legal defenses;
2. Legal assistance and legal advice regarding the process and timeline of proceedings, the completion of court forms and other documents for filing, and how to assert viable claims and defenses in a timely and procedurally accurate manner;
3. Taking on an advocacy role in negotiations;
4. Providing legal assistance and legal advice with respect to preparing for hearings and mediations;
5. Sitting at counsel table during administrative and court hearings to advise and assist participants who are representing themselves;
6. Responding to requests for information from the administrative law judge or judicial officer presiding over a hearing; and
7. Assisting with directly related post-hearing issues.

**Participant Responsibilities**

1. Participant understands that, although an Authorized Community Justice Worker will be handling the Participant’s case, the Participant will remain in control of the case and be responsible for all decisions made in the course of the case.
2. Participant understands that the Authorized Community Justice Worker cannot speak for, appear for, or sign papers on Participant’s behalf, and will not make decisions for the Participant about any aspect of the Participant’s case.
3. Participant understands that the Authorized Community Justice Worker is not authorized to provide legal assistance or legal advice with any legal problem, other than those identified above, and that any additional legal assistance or legal advice will require that the Participant seek advice and assistance from a licensed attorney.
4. Participant agrees to cooperate with the Authorized Community Justice Worker and provide

- all information and documents that Participant has access to that are relevant to their case.
5. Participant agrees to provide only truthful information in responding to the Authorized Community Justice Worker's questions.
  6. Participant understands that the Authorized Community Justice Worker will diligently pursue all appropriate legal actions within the Authorized Community Justice Worker's authority to resolve Participant's issues. The Authorized Community Justice Worker will not pursue legal actions in matters other than those identified above or actions outside of the Authorized Community Justice Worker's authority.

**Participant Consent**

By signing below, I agree that I have read this Agreement and I understand that the area(s) of law listed above are the only area(s) of law for which the Authorized Community Justice Worker can provide me with advice and assistance. I further understand that, although supervised by a lawyer, the Authorized Community Justice Worker who is advising and assisting me is not an Arizona licensed attorney and is not my lawyer.

Participant:

Authorized Community Justice Worker:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**APPENDIX 2 – Sample  
Certified Community Legal Advocate Limited Scope Agreement**

This Agreement is made between [INSERT NAME] (the Participant) and [INSERT NAME] (the Certified Community Legal Advocate). The Participant wishes to receive legal assistance and legal advice from the Certified Community Legal Advocate in dealing with certain [INSERT SCOPE OF WORK HERE] issues that Participant is facing.

**Notice of Limited Authority – Scope of Service**

Notice is hereby given that the Certified Community Legal Advocate is not a lawyer and is not authorized to advise and assist the Participant in all legal matters that Participant may be facing. Instead, the Certified Community Legal Advocate’s authority is limited by the Arizona Supreme Court to the following specific current approved area(s) of law [INSERT HERE] and specific types of authorized legal services, as follows:

1. Issues individuals commonly experience in the applicable approved area(s) of law, including the rights and obligations of individuals involved in such proceedings, dispute resolution strategies and screening for legal defenses;
2. Legal assistance and legal advice regarding the process and timeline of proceedings, the completion of court forms and other documents for filing, and how to assert viable claims and defenses in a timely and procedurally accurate manner;
3. Taking on an advocacy role in negotiations;
4. Providing legal assistance and legal advice with respect to preparing for hearings and mediations;
5. Sitting at counsel table during administrative and court hearings to advise and assist participants who are representing themselves;
6. Responding to requests for information from the administrative law judge or judicial officer presiding over a hearing; and
7. Assisting with directly related post-hearing issues.

**Participant Responsibilities**

1. Participant understands that, although a Certified Community Legal Advocate will be handling the Participant’s case, the Participant will remain in control of the case and will be responsible for all decisions made in the course of the case.
2. Participant understands that the Certified Community Legal Advocate cannot speak for, appear for, or sign papers on Participant’s behalf, and will not make decisions for the Participant about any aspect of the Participant’s case.
3. Participant understands that the Certified Community Legal Advocate is not authorized to provide advice and assistance with any other legal problem, other than those identified above, and that any additional advice and assistance will require that the Participant seek advice and assistance from a licensed attorney.
4. Participant agrees to cooperate with the Certified Community Legal Advocate and provide all information and documents that Participant has access to that are relevant to their case.

5. Participant agrees to provide only truthful information in responding to the Certified Community Legal Advocate's questions.
6. Participant understands that the Certified Community Legal Advocate will diligently pursue all appropriate legal actions within the Certified Community Legal Advocate's authority to resolve Participant's issues. The Certified Community Legal Advocate will not pursue legal actions in matters other than those identified above or actions outside of the Certified Community Legal Advocate's authority.

**Participant Consent**

By signing below, I agree that I have read this Agreement and I understand that the approved area(s) of law listed above are the only area(s) of law for which the Certified Community Legal Advocate can provide me with advice and assistance. I further understand that the Certified Community Legal Advocate who is advising and assisting me is not an Arizona licensed attorney, is not my lawyer and is not supervised by a lawyer.

Participant:

Certified Community Legal Advocate:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date