

October 2, 2025

Supreme Court of Georgia
330 Capitol Avenue, S.E.
Atlanta, Georgia 30334

SENT VIA EMAIL

Email: comments@gasupreme.us

Re: Public Comment on Georgia's Proposed Limited Licensed Legal Practitioners Program

Dear Justice McMillian, Presiding Judge Dillard, and Members of the Georgia Supreme Court Study Committee on Legal Regulatory Reform,

Thank you for the opportunity to provide public comment in response to the Georgia Supreme Court Study Committee on Legal Regulatory Reform's Report and Recommendations.¹ The recommendations below relate specifically to the proposed Limited Licensed Legal Practitioners (LLLP) Program outlined in the Report.² We submit this comment as empirical researchers who use the tools of social science to investigate access to justice and the effectiveness of both new and established ways to respond to America's persistent access to justice crisis.³ We commend the Georgia Supreme Court and the Study Committee for their leadership in moving this work forward, and their commitment to eliminating barriers for authorized justice workers to provide safe and effective legal advice and representation to their neighbors.

The United States' crisis of access to civil justice is so well documented at this point that its facts require little rehearsal. Whichever measure of the *lack* of access to justice one chooses as a standard, the crisis has only deepened, at the same time that the number of American lawyers has grown, both in absolute terms⁴ and relative to the size of the population.⁵ More civil justice problems go unserved and unresolved than ever.⁶ US courts have seen rising numbers of people appearing without representation.⁷ Civil legal aid offices routinely turn away as many eligible people as they

¹ Georgia Supreme Court Study Committee on Legal Regulatory Reform: Report and Recommendations, available at https://www.gasupreme.us/wp-content/uploads/2025/07/LRRCmteFinalReport_6-30-25.pdf.

² *Id.* at 32.

³ The authors of this public comment are Matthew Burnett, Director of Research and Programs for the Access to Justice Research Initiative at the American Bar Foundation and Adjunct Professor of Law at Georgetown University Law Center, and Rebecca Sandefur, Professor in the School of Social and Family Dynamics at Arizona State University and Faculty Fellow at the American Bar Foundation. Together they are co-founders of Frontline Justice and the Justice Worker Lab.

⁴ The population of U.S. lawyers has grown by 400% since 1970. See *Demographics*, A.B.A. PROFILE OF THE LEGAL PRO. 2023, <https://www.abalegalprofile.com/demographics.html>.

⁵ To illustrate, the U.S. had one lawyer for every 695 people in 1951 and one lawyer for every 252 people in 2005. See CLARA N. CARSON WITH JEEYOON PARK, AM. BAR FOUND., THE LAWYER STATISTICAL REPORT: THE U.S. LEGAL PROFESSION IN 2005 2 (2012).

⁶ Americans experience an estimated at least 150 million new civil justice problems annually. See Rebecca L. Sandefur & James Teufel, *Assessing America's Access to Civil Justice Crisis*, 11 U.C. IRVINE L. REV. 753, 765 (2021). At least 120 million of those go unresolved. See THE HAGUE INST. FOR INNOVATION OF LAW & THE INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., JUSTICE NEEDS AND SATISFACTION IN THE UNITED STATES OF AMERICA 235 (2021), <https://iaals.du.edu/sites/default/files/documents/publications/justice-needs-and-satisfaction-us.pdf>. The Legal Services Corporation's 2022 study of the legal needs of the low-income population finds an increase in the proportion of the civil justice issues of the poor that receive no or inadequate service, from 86% in 2017 to 92% in 2022. *Justice Gap Research*, LEGAL SERVS. CORP., <https://www.lsc.gov/initiatives/justice-gap-research>.

⁷ See, e.g., Stephan Landsman, *The Growing Challenge of Pro Se Litigation*, 13 LEWIS & CLARK L. REV. 439, 440–41 (2009).

serve for lack of resources.⁸ Georgia is no exception, with only .52 civil legal aid attorneys per 10,000 poor people (half of the national average of .97 attorneys per 10,000 poor people).⁹

With the proposed rules governing Limited Licensed Legal Practitioners (LLLPs), Georgia is among more than 20 states considering regulatory reforms to tackle this crisis. We applaud these efforts, and make the following recommendations based on empirical evidence and our insights from regulatory reform proposals in other states. While other areas of professional practice, such as medicine, have a robust history of using empirical evidence to inform providers' work and practice, law has been less engaged with empirical evidence about the design and impact of legal services to the public. Systematic empirical evidence goes beyond anecdote or personal experience to offer insight into "what works" and reveal consistent patterns of effectiveness, sustainability, and scalability in models for providing people access to justice, illuminating promising opportunities and showing when traditional approaches are less effective than desired.

In recent years two models for authorized nonlawyer practice have emerged in the United States: 1) licensed paraprofessional programs, and 2) authorized community justice worker programs. Licensed paraprofessionals (alternately called licensed paralegals, licensed legal technicians, and licensed legal professionals) are *licensed* by a state regulatory body, typically enabling these practitioners to independently provide legal advice and/or representation in specific areas of law. Community justice workers are *authorized* and typically trained to provide legal advice and/or representation as part of a community-based organization's existing work, usually under the supervision or mentorship of a licensed attorney. In its July 30, 2025 Resolution 1-2025, the Conference on Chief Justices (CCJ)/Conference of State Court Administrators (COSCA) also makes this distinction.¹⁰ Georgia's proposed Limited Licensed Legal Practitioners Program is a hybrid approach. We will discuss the potential strengths and weaknesses of this hybrid approach from the perspective of what we know empirically in our recommendations below. We have done our best to respond to each element.

RECOMMENDATIONS

1) Program Design

a. Permitted Activities

The proposed Pilot "anticipates that LLLPs will be permitted to provide legal advice and document/forms preparation assistance," but seemingly stops short of authorizing in-court and other types of representation (e.g. negotiations on behalf of clients and filing court documents). Limiting such representation is unusual among both approved and proposed rules regarding practice by both authorized community justice workers and licensed paraprofessionals. For example, the Alaska Community Justice Worker rule includes no explicit prohibitions on in-court representation.¹¹ In Delaware, Licensed Tenant Advocates (LTAs) are permitted to engage in settlement negotiations, file pleadings or other documents

⁸ *Justice Gap Research*, *supra* note 6.

⁹ National Center for Access to Justice, Justice Index: Attorney Access, at <https://ncaj.org/state-rankings/justice-index/attorney-access>.

¹⁰ CCJ/COSCA Resolution 1-2025 In Support of Exploring Access to Justice Through Authorized Justice Practitioner Programs, available at https://www.ncsc.org/sites/default/files/media/document/Resolution%201_Authorized%20Justice%20Practitioner_8-6_25_FnL.pdf.

¹¹ See Alaska Bar Rule 43.5 at <https://courts.alaska.gov/rules/docs/bar.pdf>.

with the Justice of the Peace Court, and appear before the court (with written consent, signed by a supervising attorney).¹² In Arizona, an “authorized community justice worker” is authorized to negotiate legal rights on behalf of a client and represent a client in administrative proceedings, and a “certified community legal advocate” is authorized to sit at counsel table during administrative and court hearings to advise and assist participants and to respond to requests for information from the administrative law judge or judicial officer presiding over a hearing.¹³ Further, the proposed Texas rule on Licensed Court Access Assistants (LCAAs) explicitly permits representation before Justice Courts.¹⁴

Available empirical studies in the US and abroad reveal that nonlawyer practitioners can and do represent clients in court and other fora without evidence of consumer harm or poor quality. In US jurisdictions, this work takes place in tribal courts, in immigration proceedings, in some state tax courts, and across a range of federal benefits.¹⁵ Evidence shows that nonlawyer advocates can perform as well or better than lawyers in social security appeals, state tax courts, and unemployment compensation appeals in the United States, and in a range of government tribunals in the United Kingdom.¹⁶

The general finding is that nonlawyer advocates appearing before courts or hearing bodies perform as well or better than lawyers when the nonlawyers are specialized and experienced. A U.S. study comparing the performance of lawyer and nonlawyer advocates in unemployment compensation appeals, state tax appeals, social security disability appeals, and labor grievance arbitration concluded that specialized expertise in a given area of practice was more important than general legal training in explaining the effectiveness of different types of advocates.¹⁷ A U.K. study exploring the impact of lawyer and nonlawyer representatives in social security appeal tribunals, immigration adjudication hearings, and mental health review tribunals found that nonlawyers were as positively impactful or more impactful than lawyers. The authors concluded that “[i]n all tribunals, representatives who specialize and are experienced in presenting tribunal cases provide the greatest assistance to their clients and to the tribunals before whom they appear.”¹⁸

¹² Rules of the Supreme Court of the State of Delaware, Rule 57.1. Representation of Residential Tenant Advocate in the Justice of the Peace Court, at <https://courts.delaware.gov/forms/download.aspx?id=174928>.

¹³ See Arizona Code of Judicial Administration Section 7-211: Community-Based Justice Work Service Delivery Models at <https://www.azcourts.gov/Portals/0/0/admcode/pdfcurrentcode/7-211%20Community-Based%20Justice%20Work%20Service%20Delivery%20Models%203-2025.pdf?ver=SNTP9aFWa4X91-hORzoNBA%3d%3d>.

¹⁴ Supreme Court of Texas, Preliminary Approval of Rules Governing Licensed Legal Paraprofessionals and Licensed Court-Access Assistants, at <https://www.txcourts.gov/media/1458990/249050.pdf>.

¹⁵ Burnett, Matthew and Sandefur, Rebecca L., A People-Centered Approach to Designing and Evaluating Community Justice Worker Programs in the United States (September 03, 2024). Fordham Urban Law Journal, Vol. LI, 2024, Available at SSRN: <https://ssrn.com/abstract=4946163> or <http://dx.doi.org/10.2139/ssrn.4946163>; Herbert M. Kritzer. 1998. *Legal advocacy: Lawyers and nonlawyers at work*. University of Michigan Press.

¹⁶ Kritzer, *supra* note 15; Hazel Genn & Yvette Genn, The Effectiveness of Representation at Tribunals 243-44 (Lord Chancellors Department and Queen Mary College, University of London 1989). The U.K. study explored the impact of lawyer and nonlawyer representation in four types of tribunals through analysis of hundreds of tribunal files, observation of hundreds of hearings, and interviews with tribunal staff, representatives, appellants and applicants. Most interviewees believed that specialization and experience, rather than a legal degree, were the most important qualifications for good representation. *Id.* at 245-46.

¹⁷ Kritzer, *supra* note 15, at 194-97, 201.

¹⁸ Genn & Genn, *supra* note 16, at 243-46 (discussing the relative impact of different types of representatives in different types of tribunals).

Because such a narrow view of permitted activity is unusual among both existing and proposed rules, and because the evidence does not suggest resulting harm or reductions in quality, we recommend against narrowing permitted activities in this way.

B. Subject Matter

Legal needs studies suggest that Americans, and particularly those with low incomes and people of color, experience a wide range of legal problems and that those problems often cluster (i.e. they are not experienced in isolation).¹⁹ Consumer debt and housing are among the most common legal problems, particularly among disadvantaged groups.²⁰ Other states, such as Alaska, Utah, and Arizona, have chosen not to restrict their rules by subject matter, and consequently have seen enormous creativity and responsiveness to emerging needs. For example, Alaska justice workers can currently train to represent clients in a wide variety of areas, including public benefits, consumer debt, wills, Indian Child Welfare Act matters, housing, and domestic violence, with additional areas open for development. In Utah, the state's legal services regulatory sandbox supports an even wider variety of entrants; and, as in Alaska, there are no restrictions on subject matter. Services in Utah include programs focused on veterans issues and expungements. We are not aware of any evidence that suggests opening programs to diverse areas of practice has any impact on either the potential for consumer harm or program quality. Even an area as complex as immigration law is practiced by accredited nonlawyer nonprofit immigration representatives; no studies we are aware of suggest harm.²¹ Based on these facts and other state and federal authorization of nonlawyer advocates, we recommend against narrowing permitted subject matter authorization, or minimally establishing a process in which programs interested in pursuing areas outside of housing and consumer debt have an opportunity to seek authorization.

C. Eligibility

We applaud the Committee's decision to not set income eligibility limits. Income is only one factor of vulnerability in people's experience of civil justice problems, which also includes indicators such as veteran status, crime victimization, and disability status.²² Further, both low and middle-income Americans are unable to afford meaningful access to civil justice.²³ We additionally applaud the Committee's decision to allow for client payment for services. In the immigration legal services context, many nonprofit programs collect modest client fees, which

¹⁹ See Rebecca L. Sandefur & James Teufel, *Assessing America's Access to Civil Justice Crisis*, 11 U.C. IRVINE L. REV. 753, 765 (2021). At least 120 million of those go unresolved. See THE HAGUE INST. FOR INNOVATION OF LAW & THE INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., JUSTICE NEEDS AND SATISFACTION IN THE UNITED STATES OF AMERICA 235 (2021), <https://iaals.du.edu/sites/default/files/documents/publications/justice-needs-and-satisfaction-us.pdf>. The Legal Services Corporation's 2022 study of the legal needs of the low-income population finds an increase in the proportion of the civil justice issues of the poor that receive no or inadequate service, from 86% in 2017 to 92% in 2022. *Justice Gap Research*, LEGAL SERVS. CORP., <https://www.lsc.gov/initiatives/justice-gap-research>.

²⁰ *Id.*

²¹ See US Department of Justice Executive Office for Immigration Review, Recognition and Accreditation Program at <https://www.justice.gov/eoir/recognition-and-accreditation-program>.

²² See THE HAGUE INST. FOR INNOVATION OF LAW & THE INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., JUSTICE NEEDS AND SATISFACTION IN THE UNITED STATES OF AMERICA 235 (2021), <https://iaals.du.edu/sites/default/files/documents/publications/justice-needs-and-satisfaction-us.pdf>.

²³ See *id.*

make up a significant percentage of the revenue and help to ensure their sustainability.²⁴ We recommend that the Committee proceed as proposed and neither restrict eligibility for services based on client income nor restrict client payment for services.

D. Service Delivery

As described above, restrictions on place, permitted activities, and subject matter will only likely restrict access to and impact of these services. We are not aware of any evidence that suggests that these constraints improve client outcomes or prevent consumer harm. In fact, the evidence is either neutral or suggests the opposite: narrowing the type of help available and what helpers can do leads to diminished client outcomes and community impact.

E. Pilot Sites

Rather than limiting the program to three or four sites (a pilot), we suggest a regulatory model that would allow any eligible program in Georgia to apply and would accept as many programs as possible that can demonstrate baseline eligibility to participate. We would also suggest providing dedicated funding for these programs to ensure their success.

2) Non-Attorney Program Participants

A. Title Terminology

As programs develop around the country, they go under a variety of names. Nomenclature matters because it signals to the public what capacities and functions these new roles may play. An early study of Washington State's Limited License Legal Technician program found considerable public confusion about the new role, what it could do, and how it could be useful. This confusion likely contributed to underutilization of the new services.²⁵ The Committee should consider aligning the name of the program with existing models that may be more familiar and accessible to the public.

B. Eligibility, C. Training, and D. Certification

The current proposal includes elements that are likely unnecessary to ensure competent and effective service and run the risk of limiting the growth and impact of authorized programs. In the present proposal, these elements include degree or experience requirements, character and fitness assessments, and implied criminal background checks. Part of the reason past limited license practitioner models have failed to grow has been the imposition of high bars to admission. For example, Washington State's now sunset LLLT program's requirements for admission included multiple examinations, education requirements, thousands of hours of supervised practice, and the purchase of malpractice insurance.²⁶ These structural factors of program design contributed to the LLLT model's failure to scale up.²⁷

²⁴ See Catholic Legal Immigration Network, Preparing to Manage an Immigration Legal Services Program 7, at <https://www.cliniclegal.org/sites/default/files/2023-11/Preparing%20to%20Manage%20an%20Immigration%20Legal%20Services%20Program.pdf>

²⁵ Thomas M. Clarke and Rebecca L. Sandefur. 2017. "Preliminary Evaluation of the Washington State Limited License Legal Technician Program." American Bar Foundation and National Center for State Courts.

²⁶ *Id.*

²⁷ *Id.* See also Jason Solomon and Noelle Smith. 2021. "The Surprising Success of Washington's Limited License Legal Technician Program." Stanford Center on the Legal Profession.

We recommend removing barriers to participation as LLLPs that evidence does not support as effective means of ensuring competence and quality, because they are unnecessarily restrictive and likely to limit the model's ability to scale up to meet the vast unmet civil legal needs of Georgians.

In addition to employment by or affiliation with an approved legal services provider involved in the pilot program, the current proposal states that admission to practice as an LLP "would... require meeting an educational requirement (such as a J.D., paralegal degree, or paralegal's certificate), or meeting an experience requirement, as determined by the entity that certifies the LLPs (such as work as a clerk or paralegal, or experience with people who need legal services)." Other states that have authorized justice workers have approached meeting this need in different, more flexible and accessible ways. For example, Alaska's community justice worker program does not include degree or experience requirements. Instead, the designers of Alaska's program worked with adult education specialists to design effective, competence-based trainings.²⁸ Initial training is reinforced and supported by giving justice workers access to "an online portal... which provides resources such as templates, forms, and legal guides as well as a forum for collaboration and support among CJW volunteers and [supervising] staff."²⁹ They are also supported by a Community Justice Worker Resource Center.³⁰ Utah, in its legal services regulatory sandbox authorizes entities to develop their own models for training and deploying justice workers, and then requires those entities to report data on client outcomes, complaints, and other elements of service on a regular basis in an active, evidence-based model for monitoring competence of service.³¹ We encourage the Committee to explore these and other alternate routes for supporting the competence of LLPs, while at the same time keeping access to the role open.

The current proposal would require "a character and fitness evaluation that is a streamlined version of the one used for attorneys." This requirement as described in the current proposal is both vague and not supported by existing empirical evidence. Little research explores the effectiveness of these requirements in preventing attorneys' bad behavior, and what does exist suggests that these screens are not effective. For example, a study using data from Connecticut explored relationships between information collected at the time of bar entry and later disciplinary action. The authors reviewed the applications and disciplinary records of over 1,300 Connecticut lawyers. Of these, 145 were disciplined. The authors find that "[t]here is no significant group of high-risk applicants who stand out from the rest of their peers."³² And, "many of the variables that are associated with increased discipline risk are demographic variables rather than measures of 'character'"; for example: gender, with men more likely to be objects of discipline.³³ The data collected by Connecticut's character and fitness assessment permitted the correct prediction of only 2 of the 145 lawyers later disciplined. The authors

²⁸ See Joy Anderson and Sarah Carver. 2024. "Community Justice Workers – Alaska's Response to the Access to Justice Crisis." *MIE JOURNAL* 38(1):33-36

²⁹ Sarah Carver and Joy Anderson (forthcoming), *Community Justice Workers: Part of the Solution to Alaska's Legal Deserts*, ALASKA LAW REVIEW.

³⁰ <https://www.alsc-law.org/leadership/>

³¹ Rebecca L. Sandefur and Lucy Ricca. 2024. "Outside the Box: How States are Increasing Access to Justice through Evidence-Based Regulation of the Practice of Law." *JUDICATURE* 108(1) <https://judicature.duke.edu/articles/outside-the-box-how-states-are-increasing-access-to-justice-through-evidence-based-regulation-of-the-practice-of-law/>

³² Levin, Leslie C., Christine Zozula, and Peter Siegelman. "The questionable character of the bar's character and fitness inquiry." *Law & Social Inquiry* 40, no. 1 (2015) at 69.

³³ *Id.* at 75.

conclude that “[t]he information collected during the character and fitness inquiry does not appear to be very useful in predicting lawyer discipline.”³⁴

Georgia’s current character and fitness assessment process for attorneys requires the submission of fingerprints, which may be used as part of a criminal background check, as well as the disclosure of past criminal justice system involvement.³⁵ Empirical research does not show a clear relationship between prior justice system involvement and the ability to safely and effectively provide help to individuals with their civil justice problems.³⁶ Indeed, as justice workers, people who have had experience with the criminal justice system are arguably *more* familiar with the law and courts.³⁷

Empirical research into criminal background checks indicates that these are very often unreliable and inaccurate.³⁸ This research finds that “[c]ommon errors include incorrect social security numbers, inaccurate names, incorrect or ‘illogical’ birth dates, mismatched identities, and the reporting of sealed or expunged records.”³⁹ Consequently, a recent study found that criminal records searches produced false-positive errors in *at least half of cases*.⁴⁰ This occurred because of errors in both public and private sources of background information. Background checks through private services typically used for these purposes often returned one or more “incident[s] that [did] not appear in official government record[s],” while official records reported incorrect information.⁴¹ Research suggests that background checks are not only frequently inaccurate, but also discriminatory, as many communities with the greatest civil justice needs also experience over-policing.⁴²

E. Mentoring and Oversight

In the present proposal, certified “LLPs would be required to complete observations of court proceedings and shadow an attorney for a period of time. At the end of that provisional period, the LLPs would be fully licensed and would be able to work independently in the particular legal area to provide legal advice. They would not be required to have their work supervised by an attorney but would need to maintain a mentor relationship with an attorney to raise any issues or concerns.” We commend the committee for this focus on experience-based training and for its recognition that non-attorney justice workers can effectively and safely engage in independent practice. As we explain below, it will be useful to collect data on outcomes and impact to assess the effectiveness of the proposed model of mentoring and oversight.

³⁴ *Id* at 78.

³⁵ <https://www.gabaradmissions.org/faq.action#247>; Supreme Court of Georgia, Policy Statement of the Board to Determine Fitness of Bar Applicants Regarding Character and Fitness Reviews.

³⁶ Shawn D. Bushway (2024) Resetting the Record: The Facts on Hiring People with Criminal Histories. Santa Monica, CA: RAND Corporation. https://www.rand.org/pubs/research_briefs/RBA2968-1.html

³⁷ See, e.g., Carrie Johnson (2024), “‘Cheat code to life’: Jailhouse lawyers help incarcerated people and themselves, too,” National Public Radio, October 16. <https://www.npr.org/2024/10/14/nx-s1-5075170/jailhouse-lawyers-initiative-prison-legal>

³⁸ See, e.g. Lageson, S., & Stewart, R. (2024). *The problem with criminal records: Discrepancies between state reports and private-sector background checks*, CRIMINOLOGY, 62, 5–34. <https://doi.org/10.1111/1745-9125.12359>.

³⁹ *Id*, p. 10.

⁴⁰ *Id*, p. 5.

⁴¹ *Id* p., 17.

⁴² See Rachel M. Kleinman and Sandhya Kajeepeta (2023), BARRED FROM WORK: The Discriminatory Impacts of Criminal Background Checks in Employment. New York, NY: Thurgood Marshall Institute. <https://tminstituteldf.org/wp-content/uploads/2023/07/Barred-from-Work.pdf>

3) Program Implementation

A. Program Phases

We would suggest an evidence-based, rather than an incremental approach to expanding the practice or law beyond the role traditionally held by attorneys. The program should make clear who is eligible, what the requirements are, and consider including other common legal needs (e.g. family law and probate/estate) among the initial pilot candidates. Other states have already done so. One or at most two years should be sufficient to review evidence. Entities authorized in Utah's sandbox are required to submit data for analysis on a regular basis.⁴³ In its original design, the Utah program reviewed evidence monthly for programs it identified as highly innovative.⁴⁴

B. Evaluation

We are encouraged to see research and evaluation built into this proposed program. We would only suggest that 1) programs envisioned under this authorization have input into its evaluation; and 2) that this research also captures the experience of the justice advocates themselves and their wellbeing.

C. Public Messaging

We applaud the Committee for considering public messaging and feedback strategies beyond the legal profession for this proposal. Public awareness and engagement are critical to enabling people to connect with services that meet their needs.⁴⁵ It is something that few states have considered or included in their proposals.

Kind regards,

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⁴³ Rebecca L. Sandefur and Lucy Ricca. 2024. "How States Are Increasing Access to Justice through Evidence-Based Regulation of the Practice of Law." *Judicature* 108(1).

⁴⁴ John R. Lund. 2021. [Open Letter to the Utah State Bar Regulatory Reform Committee](#).

⁴⁵ Elizabeth Chambliss. 2019. "Marketing Legal Assistance" 148 *Daedalus* 98