



Empowering Justice Through Community Justice Workers

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America faces an extraordinary access to justice crisis that entrenches poverty and exclusion and threatens democracy. Community-based approaches are vital



Nikole Nelson (L); Rebecca L. Sandefur (R); Matthew Burnett (L) 2nd line.

to ensuring that underserved communities receive the justice they deserve. The numbers are daunting. The Legal Services Corporation's (LSC's) most recent Justice Gap study revealed that 74% of low-income households (those at or below 125% of the federal poverty level) experienced at least one civil legal problem in the previous year. Of those tens of millions of justice problems, at least 92% at or below that level did not receive any or enough legal help.⁵ No access to effective legal help means that everyday people across our nation are increasingly estranged from the law and their rights, and excluded from the bedrock democratic principle of equal justice for all.

For those of us who have been working in legal aid organizations, these jarring statistics are nothing new. We know from our day-to-day work that community

demand for our services far outstrips our ability to help: most of us are forced to turn away at least half or more of the people who seek our help due to limited resources. Strikingly, this reality doesn't even take into account the fact that the vast majority of people with civil legal needs don't recognize their problems as legal or seek out formal law (e.g. lawyers and courts) for help.⁶ To borrow from Dr. Rebecca Sandefur's analogy, we see only the tip of the iceberg, while missing the vast mass of undiagnosed problems that lie beneath the surface. Problems can be simpler to solve at earlier stages, but when left unaddressed can escalate into more complicated, less tractable issues.

But it doesn't have to be this way. Oftentimes, legal aid interventions have been designed around either more lawyers or better self-help resources due to current Unauthorized Practice of Law (UPL) restrictions. This strategy locks us into a narrow set of solutions that make the problem seemingly intractable. While lawyers (and particularly legal aid lawyers) have a role to play in addressing this crisis, they cannot do it alone. Lawyer-only solutions simply do not scale; further, they exclude those closest to the problem from participating in crafting solutions. Our client communities deserve better than this; better justice is possible. Democratizing the law by expanding the scope of who can provide legal help can bend the arc in addressing our current access to civil justice crisis.

Justice workers — people serving in a range of ostensibly “nonlegal” roles like community health workers, social workers, teachers, clergy, and other community members — already play critical roles in making justice accessible on the frontlines. Through targeted training, mentoring, and support, they can and do provide effective, right-sized legal help to the communities they serve. In the same way that health-care, education, human services, and other fields have exponentially expanded their reach and impact

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through trained, culturally responsive, and community-engaged public health workers, social workers, care workers, and other critical frontline workers, justice workers can transform the way that people get legal help across the country.

While existing resources are only able to support 10,000 legal aid lawyers in the United States (or one for every 3,790 poor people nationally), the potential is immense to scale up justice workers to meet vast unmet need, including the over 700,000 social workers, 200,000 public health workers, and over 100,000 librarians already serving our communities. And this doesn't even begin to include the millions of other nonprofit workers, community and faith leaders, and civic volunteers who are poised to serve as justice workers. To make this work possible, we need to eliminate unnecessary regulatory barriers that punish (rather than empower) justice workers and justice work, just as other professions have.

Alaska's access to justice community recently broke new ground with a model that harnesses legal aid expertise and marries it with critical community assets and local knowledge to transform legal aid delivery systems to meet the magnitude of the access to justice crisis. As many as twenty other diverse states, including Texas, Arizona, and California, are actively considering how they might adopt and adapt some variation of this model to meet the unique needs of their communities. As these reforms are considered, it is essential that legal aid organizations are at the table and sharing their deep expertise in poverty law and addressing the civil legal needs of those living without the resources to hire legal help. By doing so, we can create space for community justice workers to grow and thrive, while helping to ensure quality services, empowering local communities, and addressing systemic barriers to justice.

The Alaska Model: An Overview

The Alaska Legal Services Corporation's (ALSC) community justice worker program is designed to train local community members to provide legal advice (and in some cases representation) within their communities. Community Justice Workers (CJWs) are recruited widely and then trained using on-demand virtual programs designed by low-barrier adult education specialists. Critically, these training programs are precisely targeted to address specific legal problems, providing legal procedure-specific training in a clearly

defined scope of practice. Justice workers are supervised by ALSC and work in a team-based fashion with attorneys and other ALSC staff. ALSC provides malpractice insurance coverage and acts as guarantor of their work. Importantly, Alaska's CJWs provide not only legal information and navigation, but also targeted legal advice (and soon representation under the waiver) in the areas where they have been trained. Their community-based nature is critical to their impact: they are not siloed in courts or at legal aid offices, destinations that research shows us serve a bare minority of justice issues. Instead, infusing legal help across trusted community actors from whom people already seek help with their "life" problems, Community Justice Workers are able to get at the mass of problems that lie beneath the iceberg's surface and provide relatively simple legal help that can prevent problems from escalating to more complex and destabilizing matters. Most CJWs are volunteers for ALSC, compensated by their employing organization (e.g., a social worker may take the justice worker training and provide this legal assistance as part of their job at the social service organization where they work). ALSC also employs full-time CJWs to build more broad-based expertise and to serve as peer mentors. This model builds on local knowledge and trust, as well as language and cultural expertise.

ALSC's CJWs can exist because Alaska provides an enabling regulatory environment for them. One critical element of that environment is Alaska's unauthorized practice of law (UPL) restrictions, which are already limited, crafted mainly around preventing fraud. The rules prohibit people from holding themselves out as attorneys when they are not and charging for services, and from representing people in court.⁷ Unlike most states, legal advice from CJWs was already possible

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without an UPL carve out or waiver. But the second critical element in enabling ALSC's CJWs is a waiver from the Alaska Supreme Court that allows ALSC to train and support justice workers to take on more complex matters like providing assistance in court proceedings.⁸ Alaska Waiver 43.5 is not subject matter-specific and can evolve with evidence of community need and justice worker competency and effectiveness.

Implementing a Community Justice Worker Program: Best Practices

For legal aid organizations interested in starting or supporting a community justice worker program in their community, there are a few things to keep in mind. Alaska's model was designed and created to meet local challenges and leverage local assets; its effectiveness in other places will rest on adaptations to local circumstances. As models evolve, there will be much to learn. Already, research and experience suggest some core principles regarding scalability that legal aid practitioners can keep in mind as they work with their communities to move proposals forward.

Recruitment — Meet People Where They Are

The success of a justice worker program depends largely on the recruitment and training of dedicated individuals who are trusted within their communities and come with other knowledge that is useful to holistically resolving the civil legal problems people are trying to address. Scaling can happen quickly when legal help builds on already existing non-legal workforces that are currently reaching people in need, such as community health workers, social workers, care workers, and public librarians. The most successful existing programs engage and support people already embedded in communities and focus on one or two areas of routine legal advice and representation that these community providers frequently see in the course of their work.

Training — Low-Barrier and Competency-based

To scale up to train a sufficiently large legal workforce, training programs and requirements should be targeted to people's justice needs, accessible to potential justice workers, and not unduly burdensome for justice workers to undertake. The ultimate goal of justice worker training and credentialing is not to create legal generalists, but to expand the availability of qualified help. Training programs should be inclusive and free of unnecessary burdens. Ideally, they should be designed by specialists in low-barrier adult education, with legal

professionals serving as subject matter experts. Training should be physically, linguistically, and culturally accessible. In Alaska, for example, most justice worker training modules can be completed in less than 10 hours, virtually and asynchronously, at justice workers' own pace. Hands-on experience, where justice workers handle a case under the supervision of an attorney, supplements the coursework. In the past, overburdening training costs and credentialing requirements have been a key constraint in scaling nonlawyer assistance, as each additional requirement can pose a barrier to access and scalability, limiting the impact of proposed changes.

Licensing Requirements — Low-barrier

Qualified helpers do not necessarily need to be licensed. ALSC's CJWs are not individually licensed; rather, an entity, ALSC, is authorized to train and supervise them. Under the Alaska model, justice workers practice under the entity's bar license and malpractice coverage. If a jurisdiction chooses licensure as a model of authorization, it would be best to avoid requirements that place undue hardship or restrictions on participation by people who want to help as justice workers. Traditional licensing requirements, such as character and fitness, are not appropriate here and pose undue constraints on justice workers' participation, excluding many with important lived experience from participation, particularly in communities that are already over policed.

Build Research and Data Collection into the Design of the Program

A solid evidence base from the US and other jurisdictions shows that these programs can safely and effectively provide access to justice for people. Nonetheless, we can learn more about how to do this work well and to do it better as new programs and models emerge. The inception of new programs offers a critical opportunity to embed research and data collection into the very design of these programs so that others can learn in real-time about how these projects are working and how they may be made more effective.

Funding and Resources

Securing funding is key to establishing and sustaining justice worker programs. LSC has made clear that all LSC funds, including both basic field grants and competitive grants (Disaster Relief Funds and Pro Bono Innovation Funds), can be used to support such programs. Many Interest on Lawyers Trust Account

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fundors have also clarified that funding such programs fits within their scope. Investing in the infrastructure for justice worker training and support can be a strategic investment, enabling legal aid organizations to leverage additional partnerships with local non-profits and educational institutions that may have their own funding sources.

Conclusion

CJWs are at the forefront of a new era in legal reform, one that prioritizes people-centered approaches, and holds the potential to transform our justice systems to be more responsive and accessible to the people they serve. Justice workers operate at the intersection of social work, legal advocacy, and community development; offering a promising solution to many of the challenges faced by legal aid organizations and their client communities. By bridging gaps in access, empowering communities, and addressing systemic inequities, community justice worker programs can transform how we imagine access to justice and address this crisis. As states and territories consider UPL reforms needed to empower justice workers and build the infrastructure to help them thrive, we hope that legal aid and other community organizations will bring their critical expertise to these important conversations.

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- 4 Frontline Justice is committed to advancing community justice workers as a critical, evidence-based, and scalable solution to addressing our nation's access to civil justice crisis.
- 5 Legal Services Corporation, The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans, (2022), <https://justicegap.lsc.gov/resource/2022-justice-gap-report/>.
- 6 Sandefur, R. L. (2019). Access to what? *Daedalus*, 148(1), 49-55. https://doi.org/10.1162/DAED_a_00534.
- 7 Alaska Statute 08.08.230.
- 8 Alaska Bar Rule 43.5.

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