The Georgia Supreme Court Study Committee on Legal Regulatory Reform

Report and Recommendations

June 2025

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Executive Summary

In August 2024, the Supreme Court of Georgia established the Supreme Court Study Committee on Legal Regulatory Reform to develop recommendations regarding the regulation of the practice of law to improve civil legal access for Georgians. As noted in the Order:

> The purpose of this Committee is to examine existing regulation of the practice of law and determine the viability of modifications to current regulatory practices to allow certain qualified, credentialed and supervised non-attorneys to provide limited legal services directly to low-income Georgians.[1]

The Committee focused its efforts on the narrow areas in which non-lawyers can be trained to assist clients who otherwise could not afford a lawyer or who live in rural areas where lawyers are not available. The Committee also considered regulations that might enable more lawyers to provide services to low-income clients or residents of rural legal deserts. The Committee included members of the Court, members of the Bar in practice areas that see the greatest unmet legal needs, and civil legal aid attorneys, as well as leadership from the State Bar of Georgia and the Office of Bar Admissions.

The Committee engaged in extensive fact-gathering efforts to inform its work. First, the Committee conducted a thorough comparative analysis of regulations and programs in other jurisdictions to understand the national landscape of reforms, the important issues of consideration, and any evaluative data on existing programs. The Committee also worked to gather robust data from the Georgia legal community to inform its findings and recommendations. Understanding the views and concerns of the Bar was of paramount

[1] *In re: Supreme Court Study Committee on Legal Regulatory Reform* (Aug. 2024), https://perma.cc/R62U-UFSM.

importance to the Committee as it examined ways to use regulation of the legal profession to further access to justice. In conducting over 40 stakeholder interviews with members of the legal profession and community-based organizations that serve low-income and rural residents, the Committee gained in-depth insights into the diverse perspectives across the state on the nature of the public's unmet legal needs and how best to address them.

Additionally, the Committee gathered quantitative data through two surveys. The first was administered through the State Bar, which garnered over 2,200 Georgia attorney responses. The survey helped the Committee understand how Georgia's attorneys view the potential for licensed non-attorneys to provide legal assistance in high need areas of law and hear the Bar's concerns. The survey also gauged Georgia attorneys' views on ways to support pro bono engagement and the utilization of limited-scope representation. The second survey was deployed in select courts and provided a snapshot of court users' own perceptions of what they need most as they navigate the court system.

After careful consideration, the Committee identified several recommendations that would increase access to justice in Georgia. First, the Committee recommends implementing a phased pilot program that would permit non-attorneys to perform certain limited legal tasks in specific types of cases. The phased pilot approach seeks to balance the need to show caution when expanding the practice of law into new areas with the urgent unmet legal needs of low-income and rural Georgians. The first phase of the program is a 3-year pilot that would allow "Limited Licensed Legal Practitioners" (LLLPs) to provide legal assistance to qualifying landlords and tenants with housing issues and people navigating consumer-debt issues. The LLLPs would be permitted to provide general legal guidance in these narrow areas of law and assist with preparing and drafting forms and documents. Unlike some programs in other jurisdictions, the LLLPs would not be permitted to appear in court or contact other parties. This limited assistance has the potential to make a significant impact in specific classes of cases that are generally high volume, relatively less complex, and involve significant numbers of self-represented parties.

The Committee's recommendations incorporate strong public protections to ensure that the legal assistance provided by LLLPs is of the highest possible quality. The LLLPs would be required to complete training in relevant procedural and substantive law that emphasizes ethics and professionalism. Additionally, the licensure process would involve a written exam, a portfolio assessment of written work, and a period of observation and shadowing.

The initial pilot phase anticipates three host sites—ideally one each in a rural, urban, and mid-sized community—to gather information on how the model applies in these different contexts. Through partnerships with courts, legal service providers, the private Bar, and community-based organizations, the program would provide both court-based services to litigants with urgent legal matters, as well as legal assistance to help prevent some issues from finding their way to courts at all.

The Committee also identified recommendations related to attorney regulations that would increase access to justice for rural and low-income Georgians. The Committee first considered ways to enable the provision of more pro bono services. To support attorneys who do pro bono work and address barriers to engagement, the Committee recommends allowing Continuing Legal Education (CLE) credit for pro bono work hours in a manner that supports attorney competence and professionalism. Additionally, the Committee recommends expanding the pool of attorneys who can engage in pro bono work. Specifically, the Committee recommends allowing attorneys with inactive Georgia licenses to engage in pro bono work (subject to CLE requirements) and supports the State Bar of Georgia's recommendation to implement such a rule change. Similarly, the Committee recommends allowing attorneys who are physically present in Georgia and have active out-of-state licenses to perform pro bono work, subject to the same CLE requirements and a character and fitness review. Finally, the Committee also examined how attorneys are utilizing Georgia's limited-scope representation rule. To support attorneys who want to incorporate limited-scope representation into their practices, the Committee recommends

measures to inform attorneys about the rule, provide resources for attorneys who engage in limited-scope work, and create networking and peer-learning opportunities for limited-scope practitioners. The Committee considered and declined to recommend changes to Georgia's existing rules addressing voluntary pro bono reporting, remote proceedings, and limited legal advice.

Strong public protections are the foundation of regulatory reforms that meaningfully advance access to justice for low-income and rural Georgians. The Committee's recommendations build on the traditions of public service and ethical commitments of Georgia's legal community to address pressing unmet legal needs across the state.

Introduction to the Committee's Work

In August 2024, the former Chief Justice of the Supreme Court of Georgia, Michael P. Boggs, established the Supreme Court Study Committee on Legal Regulatory Reform. The Committee was tasked with identifying potential solutions for the "significant civil justice gap" in Georgia, which is caused by both the lack of attorneys available to provide free and reduced-cost legal services and the lack of any attorneys in some parts of rural Georgia.[2] The Supreme Court has authority to regulate the practice of law in Georgia. The Court charged the Committee with examining the current regulations regarding the practice of law and developing actionable recommendations to address the civil justice gap. The Committee's report and recommendations were to be delivered to the Court by June 30, 2025.

The Committee, chaired by Justice Carla Wong McMillian and Vice Chairperson Presiding Judge Stephen Louis A. Dillard, was comprised of attorneys and judges from a variety of classes of court and practice areas to ensure a range of perspectives.[3] The National Center for State Courts assisted the Committee.

Table A - Committee Members

Justice Carla Wong McMillian	**Presiding Judge Stephen Louis A. Dillard**
Jeremy J. Abernathy	Sarah "Sally" B. Akins
Judge Christopher A. Ballar	Thua G. Barlay

[2] *In re: Supreme Court Study Committee on Legal Regulatory Reform*, *supra* note 1.

[3] *In re: Supreme Court Study Committee on Legal Regulatory Reform* (Oct. 2024), https://perma.cc/B8T4-2ZE4. A complete list of Committee Members, their titles, and the Subcommittees on which they served, is included in Appendix A.

Former Justice Keith R. Blackwell	Justice Verda M. Colvin
Susan P. Coppedge	Cherish De La Cruz
Judge Jeffrey R. Davis	John A. Earles
Damon Elmore	Thomas F. Lindsay
Judge Cheveda D. McCamy	Chief Judge Brendan F. Murphy
Brittany Pasley	Kevin C. Patrick
Bethany L. Rupert	

The Committee worked from December 2024 to June 2025 to fulfill its mandate. During that period, the Committee met four times.[4] The Committee identified at its first meeting several legal areas of focus where there is a high unmet need for legal services: landlord/tenant cases, domestic/family law cases, creditor/fraud cases, probate cases, employment/wage disputes, and public benefits.

The Committee determined that it should work as four subcommittees, each tasked with exploring different issue areas, developing recommendations, and presenting them to the larger group. Three of the subcommittees focused on the potential ways in which non-attorneys might be utilized to meet the justice gap by providing legal services: 1) before court; 2) in court; and 3) in administrative proceedings. The fourth subcommittee considered potential recommendations regarding attorney regulations, focusing on how

[4] A list of the full Committee meeting days is included in Appendix B.

attorneys earn Continuing Legal Education (CLE) credit and which attorneys are eligible to perform pro bono work. Each subcommittee met approximately monthly to discuss research, develop potential recommendations, and prepare for the next full Committee meeting.

As part of its work, the Committee undertook extensive information gathering to understand the legal needs in Georgia, study solutions employed in other states, and assess which solutions might meet Georgia's needs. This information gathering took multiple forms, including stakeholder interviews, focus groups, and surveys. First, the Committee conducted over 40 stakeholder interviews with judges, court staff, legal aid attorneys, private attorneys, and other members of the legal profession to hear their perspectives on these issues. The Committee also contacted community service organizations that provide non-legal assistance on related issues (for example, shelters and food banks), conducting several interviews and focus groups with employees at these non-profit organizations.[5]

The full Committee reconvened in March to discuss what was learned during the initial information gathering phase and to identify additional data required to develop recommendations. The Committee discussed in particular the need identified by many stakeholders for forms assistance and case-related advice in the legal areas of focus, as well as concerns about how to protect the public through mechanisms like oversight or attorney supervision. The Committee also considered how regulations in other states have sought to make it easier for attorneys to provide pro bono work.

Following the March meeting, the Committee—with the help of the State Bar of Georgia—released a survey to members of the State Bar. The survey sought to gauge the bench and

[5] The complete list of every person interviewed (in an individual interview or a focus group) is included in Appendix C.

Bar's perspective on the issues explored by the Committee. The results provided a wealth of information across all issue areas subject to the Committee's inquiry.[6]

The Committee also created a short survey for court users to gather feedback from the people most affected by the civil justice gap. The survey was deployed at several Georgia courts and sought to understand in more detail what tasks people find most difficult or feel that they need the most help with in their civil legal cases.[7]

The Committee convened again in early May to determine which, if any, recommendations to pursue. The final recommendations, as well as the areas about which the Committee chose not to make recommendations, are discussed in the following report.

The Committee extends its gratitude to all of the people who participated in stakeholder interviews and focus groups and who distributed and responded to the surveys. Their input was invaluable to the Committee's work.

[6] Detailed attorney survey results are included in Appendix E.

[7] Detailed court user survey results are included in Appendix F.

The Civil Justice Gap

The civil justice gap is "the difference between the civil legal needs of low-income [people] and the resources available to meet those needs."[8] In 2022, the Legal Services Corporation (LSC) estimated that around three-quarters of the United States households that are considered low income experienced at least one civil legal problem in the previous year.[9] And, unlike in criminal cases, people generally do not have a right to an attorney in civil cases.[10] LSC estimates that these low-income households did not receive any or enough help for 92% of the civil legal problems "substantially impact[ing] their lives."[11] This makes it likely that most of the 50 million low-income people in America "do not get any or enough legal help for their civil legal problems."[12] The lack of assistance can have devastating consequences because civil legal matters touch on issues of critical importance—things like housing, employment, economic well-being, family, and safety.[13]

Georgia faces many of the same civil justice challenges described above. As then-Chief Justice Hines highlighted in 2017, the hundreds of thousands of Georgians who represent themselves in court are "more likely to lose their case due to their lack of legal knowledge," in addition to causing delays in the court system.[14] In 2023, over 1.4 million people in Georgia (about 13.6% of the population) were considered below the poverty

[8] Legal Services Corporation, *The Justice Gap: The Unmet Civil Legal Needs of Low-income Americans*, at 14 (2022), prepared by Mary C. Slosar, Slosar Research, LLC, https://lsc-live.app.box.com/s/xl2v2uraiotbbzrhuwtjlgi0emp3myz1.

[9] *Id.* at 18. The Report defines low-income people as "anyone with a household income at or below 125% of [the federal poverty level] or below 125% of the poverty threshold." *Id.*

[10] Carl Vinson Institute of Government, *Civil Access to Justice: Innovative Ideas to Support Self-Represented Litigants and Increase Court Efficiency in Civil Cases*, at 5 (2023), https://perma.cc/423A-GVCW.

[11] Legal Services Corporation, *supra* note 8, at 19.

[12] *See id.* at 8, 23.

[13] *Id.* at 15.

[14] P. Harris Hines, *2017 State of the Judiciary Address* (2017), https://perma.cc/NBP5-4K6F.

threshold.[15] Given LSC's findings, many of those people will both have a civil legal issue and be unable to access the legal help they need.

The case data supports this. In 2023 alone, Georgia courts saw over 420,000 civil cases with at least one self-represented party.[16] This means that hundreds of thousands of Georgians attempted to resolve civil legal matters, including evictions, divorces, custody disputes, debt suits, and issues relating to probate and estate, without an attorney. In total, these cases make up over one third of the civil cases disposed in Georgia's Superior, State, Probate, and Magistrate Courts.[17]

Table B - Number and percent of cases with at least one self-represented litigant by court and case type.[18]

Court and Case Types	**2021** Number of Cases	**2021** Percent of Cases	**2022** Number of Cases	**2022** Percent of Cases	**2023** Number of Cases	**2023** Percent of Cases
Superior (Civil)	12,774	28.51%	12,969	29.30%	13,337	33.32%
Superior (Domestic)	47,836	44.90%	45,413	41.07%	42,857	43.87%
State (Civil)	16,137	23.66%	10,117	14.70%	12,968	16.24%

[15] Craig Benson, *Poverty in States and Metropolitan Areas: 2023*, United States Census Bureau, at 11 (2024), https://perma.cc/ST4B-MGV6.

[16] Data from the Georgia Administrative Office of the Courts. *Data & Statistics*, AOC (last visited, May 19, 2025), https://perma.cc/P3AB-CFU8. This number includes only civil (including domestic) cases in Georgia's Superior, State, Probate, and Magistrate Courts. Certain case types, particularly those involving domestic or family-law issues, are more likely to have multiple self-represented parties, but the data does not differentiate for cases in which there were more than one unrepresented party, so the actual number of people who represented themselves in court is likely greater than this.

[17] *Id.*

[18] *Id.*

Court and Case Types	2021 Number of Cases	2021 Percent of Cases	2022 Number of Cases	2022 Percent of Cases	2023 Number of Cases	2023 Percent of Cases
Probate	99,359	43.22%	106,173	41.51%	129,178	44.83%
Magistrate (Civil)	92,948	23.29%	147,714	31.22%	225,999	38.34%
Total	**269,054**	**31.71%**	**322,386**	**33.84%**	**424,339**	**38.75%**

These difficulties are particularly acute in Georgia's rural communities. There are 159 counties in Georgia, but around 70% of the attorneys in Georgia live and work in the 5 counties in and around Atlanta (Cobb, Clayton, DeKalb, Fulton, and Gwinnett).[19] There are currently seven counties in Georgia without a single attorney, meaning that the 30,000 people who reside in those counties lack any access to an attorney where they live.[20] Fifty-seven additional Georgia counties have 10 or fewer lawyers, and those attorneys may not provide the kind of legal services that residents require.[21] Additionally, those who live in rural communities are statistically more likely to have low household income,[22] and therefore may not be able to hire an attorney, even if there is one available. Consequently, rural areas face additional access to justice challenges.[23]

Georgia is home to several laudable legal aid organizations that provide free legal assistance to those who qualify for their services. But as stakeholders discussed in their

[19] Information provided by Georgia Legal Services Program.

[20] Michael P. Boggs, *State of the Judiciary* (2025), https://perma.cc/757U-9TMH.

[21] Information provided by Georgia Legal Services Program.

[22] Legal Services Corporation, *supra* note 8, at 23.

[23] American Academy of Arts and Sciences, *Achieving Civil Justice: A Framework for Collaboration*, at 7 (2024), https://perma.cc/U28H-VUWL; Office for Access to Justice, *Fact Sheet: Access to Justice is Rural Access*, U.S. Department of Justice (2025), https://perma.cc/YU9T-HBNX.

interviews, limited resources mean that they must turn away many of the people who ask for their help.[24] Civil legal aid offices across the country face significant resource and staff shortages.[25] As a result, they are unable to provide enough services to match the vast need in Georgia. Nationally, legal aid providers who are funded by LSC must turn away 49% of qualifying requests for assistance due to limited funding.[26] Notably, this estimate does not account for the people whose income is not low enough to receive free legal services, but who do not have enough funds to hire a private attorney.[27] Organizations funded by LSC, for example, generally may only serve people with a household income at or below 125% of the federal poverty guidelines.[28] Many more people are unable to afford legal services but have incomes that fall above legal aid guidelines, which hinders access to legal assistance.[29]

While many Georgia attorneys admirably provide pro bono assistance, the size of the civil justice gap makes it unlikely that pro bono services alone could possibly fulfill the collective needs of those who require help. Nationally, even if *every* attorney in the United States began providing 100 more hours of pro bono services every year, "each household with a civil legal issue would still receive only 30 minutes of legal help."[30] Additionally, stakeholders in Georgia noted that it can be very difficult to connect pro bono attorneys with people experiencing certain kinds of civil legal issues. For example, the fast timeline in eviction cases makes it hard to timely connect a tenant with an attorney and prepare for a

[24] *See* Appendix D.

[25] Legal Services Corporation, *supra* note 8, at 9.

[26] *Id*.

[27] *Achieving Civil Justice: A Framework for Collaboration*, *supra* note 23, at 6.

[28] Legal Services Corporation, *supra* note 8, at 22.

[29] American Academy of Arts and Sciences, *Civil Justice for All*, at 3 (2020), https://perma.cc/7LM2-PXYQ.

[30] *Increasing Access to Justice Through Community Justice Workers: A Proposal for California*, Legal Aid Association of California, OneJustice, & Legal Link, at 5 (2024), https://perma.cc/H4SK-6245 (citing *3 ways to meet the "staggering" amount of unmet legal needs*, American Bar Association).

hearing.[31] Relatedly, consumer-debt cases are often not discrete and can bring along related issues, such as credit issues or garnishments, which makes them more difficult for volunteer attorneys to take on.[32] Finally, stakeholders repeatedly stated that attorneys generally are less likely to take on some areas of high need, like family-law cases, on a pro bono basis.[33]

The result of this civil justice gap is that many people must represent themselves as they attempt to navigate the court system without legal advice or representation.[34] This can mean that they do not receive the same outcome that they would have received with assistance from a knowledgeable representative. In many of those cases, "deficiencies in procedure—not the merits of a case—drive outcomes."[35] It can also lead to a decrease in trust of the justice system, as people feel that they do not even have a chance at a fair outcome, which can harm the system's legitimacy.[36] The justice gap also imposes costs on the courts, decreasing efficiency by slowing down cases and hearings, adding to the already high workload of judges and court staff.[37] Finally, these decreases in efficiency can also harm clients who are paying for an attorney's services because a slower-moving system can result in more hours of attorney work and increased costs for those clients.[38]

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[31] Appendix D.

[32] *Id*.

[33] *Id*.

[34] Legal Services Corporation, *supra* note 8, at 14.

[35] *Achieving Civil Justice: A Framework for Collaboration*, *supra* note 23, at 28.

[36] *See Civil Justice for All*, *supra* note 29, at 6 ("A sturdy rule of law, applying to everyone equally, strengthens the nation in every way. It supports trust in government; a climate for business growth and fairness for workers; the nurturance of families; choice and safety for consumers—as well as the security of the most vulnerable. It reduces the risks of unrest and promotes confidence in institutions and society. It strengthens what is best about America and mitigates what is worst.").

[37] *See* William P. Adams & Amy Griffith Dever, *Middle Georgia Justice–Closing the Justice Gap*, 75 Mercer L. Rev. 601, 605 (2024); Carl Vinson Institute of Government, *supra* note 10, at 29–30 (describing inefficiencies when people represent themselves in family-law cases in Georgia Superior Court).

[38] Appendix D.

As discussed in the next sections, recognizing the scale of Georgia's civil justice gap, the Committee set out to explore a variety of innovative regulatory reforms that, collectively, could work to reduce the civil justice gap.

Non-Lawyer Regulatory Reform to Increase Civil Access to Justice

Generally, only licensed attorneys are permitted to provide legal advice, meaning that everyone else (including paralegals, non-attorney clerks, and other court staff) is restricted to providing only legal information.[39] There have long been carveouts to this rule (for example, certain federal agencies permit people who are not attorneys to provide assistance in some circumstances).[40] But in recent history, the practice of law by people who are not attorneys has generally been prohibited.

However, as awareness of the civil justice gap has grown, states have begun exploring the creation of a new kind of legal professional who is not an attorney but is trained and certified to provide certain, limited kinds of assistance in certain kinds of cases (similar to nurse practitioners or physician assistants).[41] The Committee was tasked with studying the potential impact of implementing such a program in Georgia.[42]

The sections below examine comparative non-attorney programs currently operating in other states, summarize the existing research on the effectiveness of these programs, and describe the pilot program recommended by the Committee.

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[39] Cayley Balser, et al., *Leveraging Unauthorized Practice of Law Reform to Advance Access to Justice*, 18 L.J. Soc. Just. 66, 67 (2023) (citing Michael Houlberg & Janey Drobinske, *The Landscape of Allied Legal Professional Programs in the United States*, IAALS, at 39–41 (2022), https://perma.cc/R8B6-QJDX).

[40] Rebecca L. Sandefur & Emily Denne, *Access to Justice and Legal Services Regulatory Reform*, 18 Annu. Rev. Law Soc. Sci. 27, 30 (2022) (citing Herbert M. Kritzer, *Legal Advocacy: Lawyers and Nonlawyers at Work*, Univ. Mich. Press (1998)).

[41] *Id.* at 33.

[42] *In re: Supreme Court Study Committee on Legal Regulatory Reform*, *supra* note 1; *see also* Carl Vinson Institute of Government, *supra* note 10, at 6 (listing the creation of non-attorney licensed professionals as an "innovative idea[] for consideration to address civil access to justice needs in Georgia").

Programs in Other States

Multiple states across the country now permit non-lawyers to provide some legal services as a means of addressing the civil justice gap. The existing programs generally fall into two categories: 1) Programs that require more initial training and a passing score on an examination (not unlike a bar exam), and 2) programs that have fewer training requirements but increased limitations on the assistance that non-lawyers can provide. Some states, like Arizona, have implemented both program types.[43] Other states, like Alaska, focus exclusively on one program type.[44]

Supervision

Six of the 12 programs in other states examined by the Committee require attorney supervision; sometimes this supervisor must be a legal aid attorney, while other states permit supervision by any licensed attorney.[45] In contrast, the remaining programs require no attorney supervision.[46] In its proposal, which has not yet been accepted or implemented, the Michigan Justice for All Commission noted the lack of national consensus on the issue of supervision and instead proposed requiring a "flexible affiliation" between the non-attorney and an attorney.[47] The Commission stated that it intended to require some form of relationship, while still being able to study different models of supervision during the proposed pilot program.[48]

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[43] Appendix G.

[44] *Id*.

[45] *See generally id*.

[46] *Id*.

[47] *Report and Recommendations on Increased Access to Justice Through Paralegal and Associated Professionals Pilot Programs*, Michigan Justice for All Commission, at 10 (Sept. 2023).

[48] *Id*.

Permitted Tasks and Subject Matters

The strongest similarity across state programs are the subject-matter areas in which non-lawyers are trained and permitted to provide assistance to those in need. Almost every program provides assistance in family law and/or landlord-tenant cases.[49] Other areas of focus include benefits cases, less-complex wills and estates, consumer-debt cases, record relief cases, and some criminal cases.[50]

The scope of the permitted tasks inform the supervision, training, and education requirements. Existing programs can generally be divided into three categories based on the types of tasks allowed. Every program permits non-attorneys to provide some kind of advice, form/document assistance, and hearing preparation, though in some instances, these tasks are narrowly defined.[51] The second category also allows non-attorneys to accompany clients into a courtroom as a support or assistant but prohibits them from speaking on behalf of the client.[52] And finally, the third type of program permits non-attorneys to represent the client in courtrooms and tribunals.[53]

Training and Education

Not surprisingly, there is significant variation regarding the amount and rigor of training and educational requirements. New Hampshire boasts one of the most stringent education requirements: There, paraprofessionals must hold a bachelor's degree or an associate's degree in a law-related field.[54] Generally, however, when non-attorneys are required to meet post-secondary education requirements, they can satisfy these with a certain

[49] Appendix G.

[50] *Id.*

[51] *Id.*

[52] *Id.*

[53] *Id.*

[54] *Id.*

number of years of full-time, law-related work. For example, Colorado paraprofessionals satisfy the education requirement if they have three years of full-time, law-related work, at least one of which must be in family law (the area in which paraprofessionals are allowed to practice).[55] Alternatively, some of the programs have no education requirements and rely instead on mandatory training obligations.

Regarding training, some programs, like Hawaii's, require completing a significant number of hours of supervised work.[56] Others, such as Colorado's, require the non-attorney to pass both a practitioner's exam and a professional conduct exam.[57] Alaska requires its community justice workers to complete asynchronous trainings that involve quizzes and assignments to check for understanding.[58] And of course, many programs require a combination of these training components: Arizona legal advocates must complete asynchronous study courses and ultimately pass a subject-matter examination administered by the Administrative Office of the Courts.[59]

Use of Pilot Programs

A final design consideration concerns whether the state program is immediately implemented at full scale or through phases and pilots. For example, New Hampshire utilized phased implementation, initially permitting only limited assistance (drafting pleadings and documents) in certain courts.[60] Similarly, Minnesota implemented a pilot program with a small set of case types to start (landlord-tenant and family cases where the

[55] *Id*.

[56] *Id*.

[57] *Id*.

[58] *Id*.

[59] *Id*.

[60] This was updated in 2024: Instead of allowing representation in only certain courts, it was expanded to all family and district courts. *Relative to legal services by paraprofessionals*, SB 361-FN (2024). The program was also extended to 2030. *Id*.

issues were not significantly complex).[61] Pilot programs can be helpful because they allow for data collection and cautious implementation or expansion, though some states have implemented non-attorney programs without using a pilot.

What Research Shows

The idea of states permitting limited practice by non-attorneys is, perhaps surprisingly to some, not a new one. At least as early as 1990, states were considering allowing this practice.[62] And non-attorneys have been providing legal assistance in certain federal administrative proceedings for decades.[63] These non-attorneys have the ability to perform a wide range of tasks in the administrative space, ranging from document preparation to formal representation in high-stakes hearings.[64]

Despite this history, there are relatively few studies on the quality of non-lawyer assistance (or, for that matter, the quality of attorney assistance).[65] This section provides a brief overview of that limited research. It is important to note, however, that there are multiple ways to assess the quality of legal services. Studies often rely on consumer complaints, but there may be times when consumer complaints are not based on legal issues or when

[61] Appendix G.

[62] *See* Herbert M. Kritzer, *Rethinking Barriers to Legal Practice*, 81 Judicature 100, 103 (1997); Elizabeth Chambliss, *Law School Training for Licensed "Legal Technicians"? Implications for the Consumer Market*, 65 S.C. L. Rev. 579, 591 (2014).

[63] *See, e.g.*, *Sperry v. Florida*, 373 U.S. 379 (1963).

[64] *Access to Justice in Federal Administrative Proceedings: Non-lawyer Assistance and Other Strategies*, Legal Aid Interagency Roundtable, at 25–30 (2023).

[65] Rebecca L. Sandefur, *Legal Advice from Nonlawyers: Consumer Demand, Provider Quality, and Public Harms*, 26 Stanford J. C.R. & C.L. 283, 298 (2020); *see also* David Freeman Engstrom, et al., *Legal Innovation After Reform: Evidence from Regulatory Change*, Stanford Law School Deborah L. Rhode Center on the Legal Profession, at 46 (2022).

consumers do not identify true legal issues.[66] Other measures of quality include peer reviews, outcomes, and customer satisfaction.[67]

Historical Data on Delivery of Legal Services by Non-lawyers

The available research shows that non-attorneys can provide competent assistance,[68] though more research is needed to fully understand the types and extent of services that non-attorneys can capably provide.[69]

Professor Rebecca Sandefur's article, *Legal Advice from Non-lawyers: Consumer Demand, Provider Quality, and Public Harms*, provides a detailed analysis of historical studies about the quality of services by non-lawyers. In Professor Sandefur's words, "the tendency of the body of research is clear: there is demand for legal advice and other services from nonlawyer providers, and such providers can produce services that are as good or better than those of attorneys."[70]

For example, one study of individuals proceeding through federal administrative processes noted that, from the agency's perspective, the people who do not receive any assistance (from an attorney or non-attorney) are "more likely than not to cause a loss of agency efficiency."[71] The study concluded that "[i]ndividuals in mass justice agency hearings who

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[66] Sandefur, *supra* note 65 at 302–03 (2020).

[67] *Id.* at 298–308.

[68] *See, e.g.*, *id.*; *Increasing Access to Justice Through Community Justice Workers: A Proposal for California*, *supra* note 30, at 19.

[69] *See generally* Ann E. Carpenter, et al., *Trial and Error: Lawyers and Nonlawyer Advocates*, 42 L. & Soc. Inquiry 1023 (2017). For example, a study in Britain concluded that in only some administrative proceedings, such as immigration and social security matters, lay agencies and lay representatives that specialized in the topics at hand had the greatest impact on the outcome of hearings. *See* Hazel Genn & Yvette Genn, *The Effectiveness of Representation at Tribunals: Report to the Lord Chancellor*, at 243–44 (July 1989).

[70] Sandefur, *supra* note 65, at 312.

[71] Zona Fairbanks Hostetler, *Nonlawyer Assistance to Individuals in Federal Mass Justice Agencies: The Need for Improved Guidelines*, 2 Admin. Law J. 85, 87 (1988).

are represented by nonlawyers achieve results only slightly less favorable than those achieved by individuals who are represented by lawyers and achieve significantly more favorable results than those individuals who are completely unrepresented."[72]

Another study, which examined the role of advocates for children in abuse and neglect proceedings, found "few differences" in process and "no significant differences" regarding outcome whether the assistance was provided by an attorney, law student, or trained non-lawyer.[73]

Professor Herbert M. Kritzer, who examined the work of lawyers and non-lawyers in the late 1990s, concluded that the "research makes it clear that nonlawyers can be effective advocates and, in some situations, better advocates than licensed attorneys."[74] Professor Kritzer suggests that targeted training and relevant experience can prepare a non-lawyer to provide legal services.[75]

Perhaps the most cautionary (and most recent) research identified thus far ultimately concluded that the non-lawyers studied could "develop sufficient legal expertise" in the relevant matters (unemployment hearings) to help clients navigate processes and procedures.[76] The authors stated that "[t]he nonlawyers understand basic procedural and evidentiary steps, including how to introduce exhibits (such as authenticating a document),

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[72] *Id.* at 88 ("This evidence, together with subjective opinion evidence that in mass justice agency proceedings nonlawyers generally perform the same functions at many levels of the agency process as lawyers, and perform them well, leads to the conclusion that nonlawyer professionals as a class are able to provide competent assistance to individuals at many levels of mass justice agency proceedings. Because of nonlawyer competency, and because of the inadequate supply of lawyers to assist low and moderate income persons, mass justice agencies should encourage increased assistance by nonlawyer professionals.").

[73] Donald N. Duquette & Sarah H. Ramsey, *Representation of Children in Child Abuse and Neglect Cases: An Empirical Look at What Constitutes Effective Representation*, 20 U. Mich. J. L. Reform 341, 372, 380 (1987).

[74] Kritzer, *supra* note 62, at 100.

[75] *Id.* at 101. In the administrative context, Professor Kritzer suggested one-year, specialized training programs. *Id.*

[76] Carpenter et al., *supra* note 69, at 1046.

the role of burdens of proof, and the importance of witnesses with personal knowledge of the facts in dispute."[77] The biggest discrepancy between the lawyers and non-lawyers who were studied concerned the ability of non-lawyers to challenge judges.[78] The authors described the non-attorneys as "clearly deferential" to the judges, though this might have happened because the non-attorneys learned from the judges themselves and had no other formal training.[79]

Data from Recent Programs Involving Non-Lawyers

Because many of the state programs that permit non-lawyers to provide legal services are relatively new, information about the quality and outcomes is limited. The data that is available, however, does not suggest that the earlier studies were incorrect in concluding that non-lawyers can and do provide competent assistance.[80]

Minnesota

Some of the most detailed information publicly available thus far comes from the Final Report and Recommendations to the Minnesota Supreme Court, submitted by the Standing Committee for Legal Paraprofessionals Pilot Project. The Pilot Project, which allowed non-attorneys to provide representation in landlord-tenant and family cases, operated from 2021 to 2024 (though there was some expansion of subject-matter during that period).[81] The Final Report recommended that the Pilot Project be made a permanent

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[77] *Id.*

[78] *Id.* at 1050.

[79] *Id.* at 1050–51; *see also* Sandefur, *supra* note 65, at 305–06.

[80] Nor does the research suggest that these new professionals harm practicing attorneys. Engstrom et al., *supra* note 65, at 49. Indeed, some law firms have actively advertised that they have licensed legal paraprofessionals as staff who can help provide family law assistance at lower costs. *See Three Paralegals from the Harris Law Firm Become Colorado's First Licensed Legal Paraprofessionals*, The Harris Law Firm (June 21, 2024), https://perma.cc/23CC-J8NK.

[81] *Final Report and Recommendations to the Minnesota Supreme Court*, Standing Committee for Legal Paraprofessional Pilot Project, at 2 (2024).

program.[82] The report also recommended substantially increasing the areas of law in which the paraprofessionals can provide assistance.[83] The Minnesota Supreme Court recently adopted these recommendations.[84]

The report incorporates data from the pilot, such as 1) surveys of judicial officers, supervising attorneys, paraprofessionals, and clients served; 2) case information about number of matters closed and services provided; 3) efficiency information about case events and case processing times; and 4) participant narrative responses.[85] The data is limited given its small sample size and because so few matters were resolved in court (58% were resolved outside of court).[86] Some highlights include:[87]

- 12 of 13 supervising attorneys were "very satisfied" with the quality of work of the paraprofessionals and none were dissatisfied.
- 9 of 14 judicial officers agreed that the paraprofessionals displayed appropriate decorum in the courtroom with only 1 disagreeing, and 8 of 14 judicial officers reported the paraprofessionals were aware of applicable court rules.
- 15 of 17 clients were satisfied or very satisfied with the services they received and 15 of 17 were likely or very likely to recommend the services of a legal paraprofessional to family/friends.
- 6 of 7 supervising attorneys in private practice agreed that the pilot contributed to the financial sustainability of their practice.
- 12 of 12 paraprofessionals agreed or were neutral regarding the financial sustainability of their practice.

[82] *Id.* at 12.

[83] *Id.* at 15–20.

[84] *Order Amending Rules Governing Legal Paraprofessional Pilot Project*, ADM19-8002 (2024).

[85] *Final Report and Recommendations to the Minnesota Supreme Court*, *supra* note 81, at 5–12.

[86] *Id.* at 9.

[87] *Id.* at 5–12.

- 7 of 12 paraprofessionals reported representing clients that would otherwise have represented themselves.

Alaska

In Alaska, community justice workers have provided assistance in SNAP cases since 2019.[88] When the Alaska Division of Public Assistance fell behind in processing new and existing SNAP applications, creating a crisis, the community justice workers were able to provide assistance, recovering $1.43 million in food security benefits and closing around 500 cases.[89] These advocates (there were around 60 at the time) were 100% successful in resolving the SNAP delay issues.[90]

Delaware

Delaware's Qualified Tenant Advocates, which operate as part of the Right to Representation program, are few in number (at least 7) but have "engaged in quality representation and advocacy."[91] A preliminary report describes the advocates as "a well-trained workforce that will demonstrate positive outcomes for the courts, the landlords, and the tenants affected by eviction actions."[92]

Utah

As of 2024, Utah's Timpanogos Legal Center's Certified Advocate Partners Program, which provides legal assistance to victims of domestic violence, has served 358 clients.[93] During

[88] Joy Anderson, et al., *Community Justice Workers: Part of the Solution to Alaska's Legal Deserts*, 41 Alaska L. Rev. 9, 19 (2024).

[89] *Id.*

[90] *Id.* at 13, 19.

[91] Lisa Lessner, *Right to Representation in Eviction Cases: Report for the Period 11/22/23–6/30/24*, at 13 (2024), https://perma.cc/ZL5S-774T.

[92] *Id.*

[93] *Certified Advocate Partners Program*, Timpanogos Legal Center (2025), https://perma.cc/JBU3-V9HL.

that time, the advocates assisted with 225 requests for protective orders, and those requests were denied in only 20 cases.[94] Further, in the majority of cases in which the request was denied, the advocate had properly warned the client that they might be unsuccessful.[95] Compared with the statewide average, clients who receive legal services from an advocate were around twice as likely to receive a protective order.[96] The Center currently has 16 advocates.[97]

More broadly speaking, data from the regulatory sandboxes in Utah and Arizona (which permit alternative business practices, legal-service delivery by technology, and legal-service delivery by non-lawyers) indicates that the number of complaints is about the same as the number of complaints against attorneys.[98] Utah's 2022 data identified 1 complaint per 2,123 services delivered, and Arizona reported no complaints.[99]

Arizona

Additional data exists regarding the Arizona Legal Paraprofessional Program: According to its 2023 report, the majority of paraprofessionals continue to be licensed in family law.[100] In 2023, 7 charges alleging wrongdoing were filed against paraprofessionals, but no

[94] *Id*.

[95] *Id*.

[96] *Id*.

[97] *Id*.

[98] Engstrom et al., *supra* note 65, at 7.

[99] *Id*.

[100] *Board of Nonlawyer Service Providers' Annual Report on the Status of the Legal Paraprofessional Program*, Arizona Supreme Court, at 5 (Apr. 2024), https://perma.cc/ZM67-RTTV.

complaints were subsequently initiated by the State Bar.[101] And the State Bar recommended no modifications or improvements for the paraprofessional program.[102]

Washington

Though the Washington State Limited License Legal Technician program is no longer licensing new non-lawyers, some information exists about the program's success. One 2021 white paper concluded that the "program was demonstrating real success in expanding access to justice in Washington."[103] Relying on anecdotal evidence from interviews with judicial officers and attorneys, along with client testimonials, the authors assert that the technicians made family-law proceedings more efficient by "reducing procedural errors, submitting high-quality work product, and preparing clients to present their cases effectively."[104] The authors also observe that, contrary to the concerns of the bar, the technicians were "symbiotic" with attorneys, allowing firms to serve clients that they would not have otherwise been able to.[105]

Non-Attorneys in Georgia

Although a pilot program, like the one described here, would be a 'first' for Georgia, it would not be the first exception to the general rule that only attorneys may provide legal assistance in Georgia.

First, for over 30 years, Georgia law has allowed certain non-attorneys who are designated by the court to assist victims of family violence with applying for domestic violence

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[101] *Id.* at 6.

[102] *Id.* at 7.

[103] Jason Solomon & Noelle Smith, *The Surprising Success of Washington State's Limited License Legal Technician Program*, Stanford Center on the Legal Profession, at 1 (Apr. 2021), https://perma.cc/FK6N-2HBL.

[104] *Id.*

[105] *Id.*

protective orders.[106] These non-attorneys are employed by family-violence shelters or social service agencies and are generally not supervised by attorneys. Views of these non-attorney legal service providers are generally very positive. One attorney who works closely with these advocates described them as a "godsend" because the advocates can put the process in motion and turn the case over to attorneys as the case progresses.[107]

Second, although corporations generally must be represented by attorneys in courts of record,[108] Georgia's Magistrate Courts provide by rule that officers or full-time employees of certain businesses may "be designated by such entity as agent[s] for purposes of representing it in civil actions to which it is a party in magistrate court."[109]

[106] *See* OCGA § 19-13-3.

[107] Appendix D.

[108] *See Eckles v. Atlanta Tech. Group, Inc.*, 267 Ga. 801, 805 (1997); Georgia Uniform Superior Court Rule 4.3(2)(h).

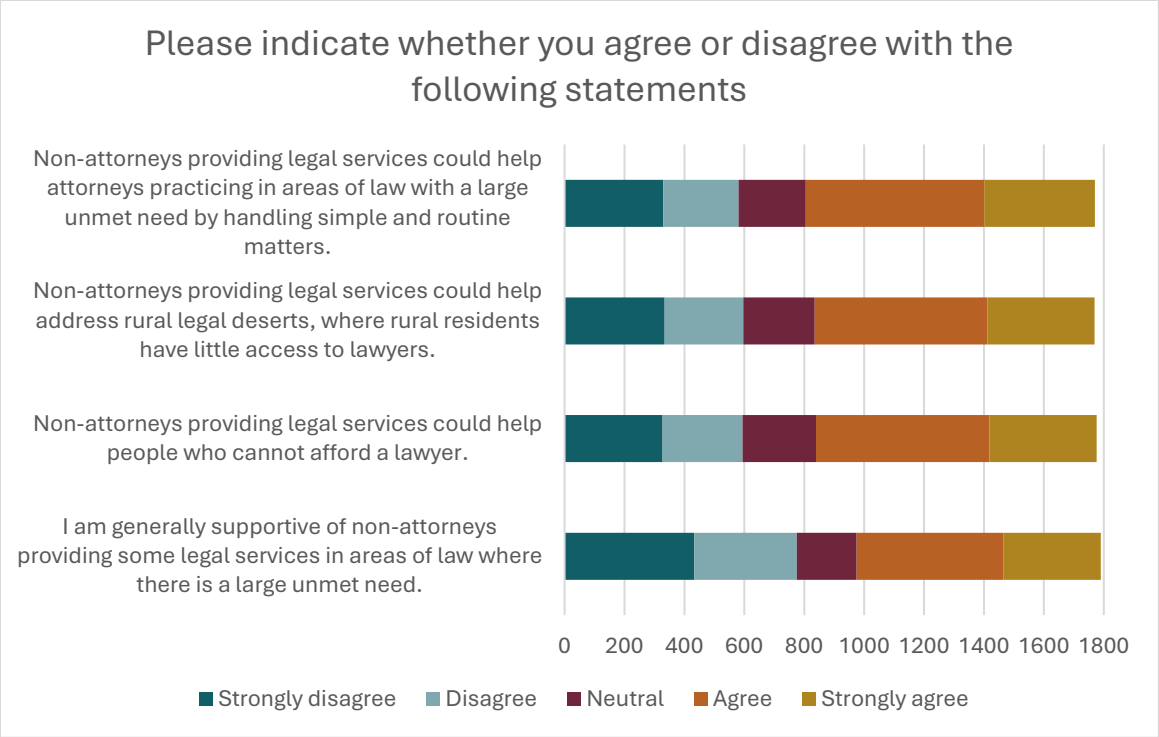
[109] *See* Georgia Uniform Magistrate Court Rule 31.

Proposed Pilot Program: Limited Licensed Legal Practitioners

Based on the research outlined above and the Committee's information gathering in Georgia, the Committee recommends the adoption of the following pilot program, which would allow trained professionals—Limited Licensed Legal Practitioners (LLLPs)—to provide legal advice and forms assistance on housing and consumer-debt issues. This "assisted pro se" model would mean that litigants continue to represent themselves in court but receive advice and assistance as they address legal issues in the identified case areas.

The Committee finds that the proposed pilot program would increase access to justice for low-income and rural Georgians while protecting the public. Notably, as the chart below shows, slightly more than one half of the attorneys who participated in the Committee's survey agreed or strongly agreed that non-attorneys had the potential to help address the civil justice gap, with slightly less than 50% of respondents agreeing or strongly agreeing that they were "generally supportive of non-attorneys providing some legal services in areas of law where there is a large unmet need."[110]

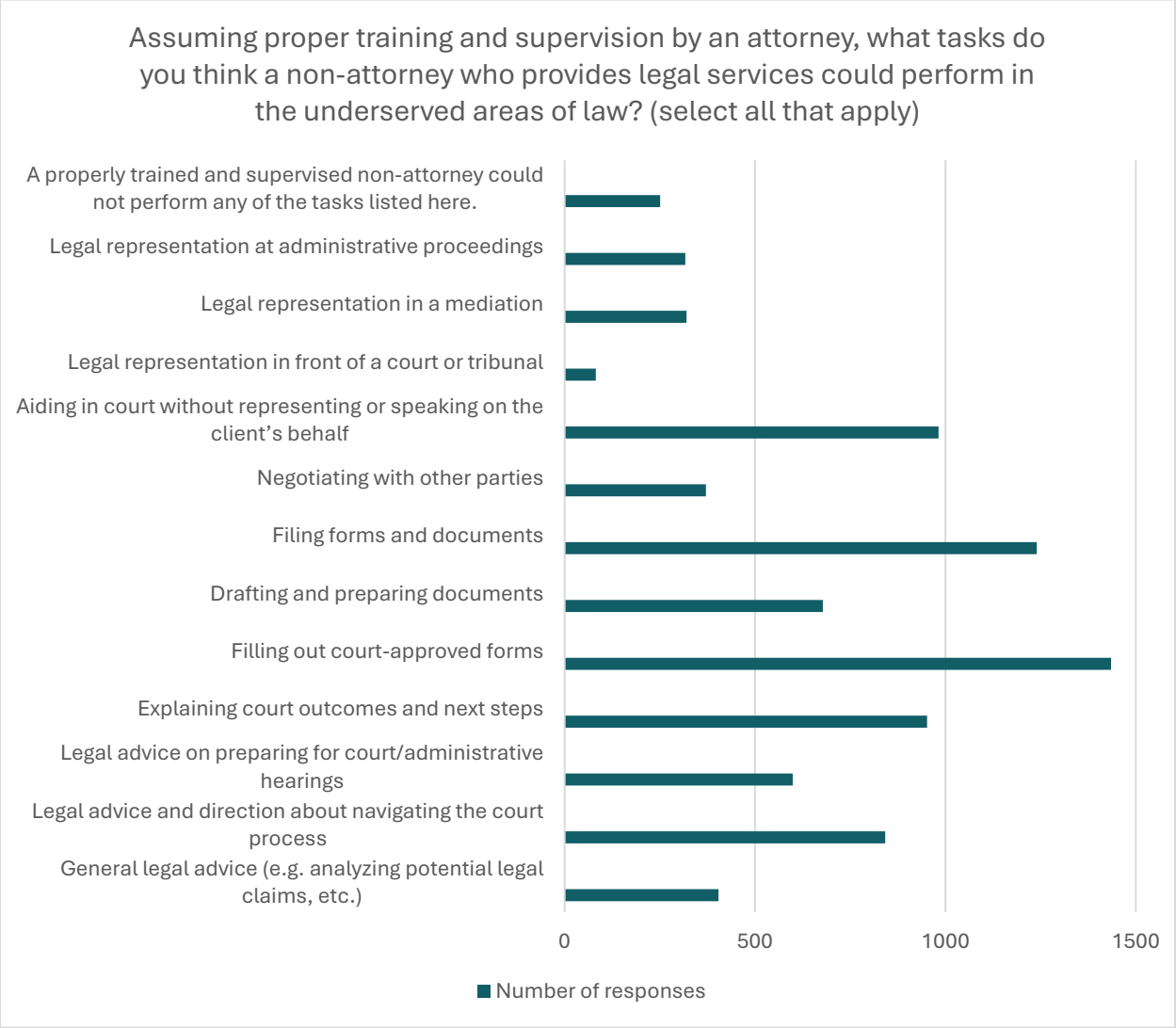
[110] *See* Appendix E.



Participants in stakeholder interviews generally agreed that properly trained and overseen non-attorneys could assist with forms and advice.[111] The survey results similarly indicate that attorneys are most comfortable with the idea of non-attorneys providing forms

[111] *See* Appendix D.

assistance and advice:



The pilot, which would involve partnerships with community-based organizations, non-profit legal service providers, and certain courts (particularly Magistrate Courts where these cases are most often filed), would enable the provision of services that respond to the varying legal needs in housing and consumer-debt matters.

The LLLPs would, through partnerships with trusted community organizations, provide early intervention and advice that can, at times, prevent a dispute from reaching a court.

For example, an LLLP could provide advice to a tenant on how to address an issue with the condition of a rental home or negotiate a settlement with a creditor.

And partnerships with non-profit legal services organizations and certain courts, particularly Magistrate Courts, would allow LLLPs to provide just-in-time advice and forms assistance for litigants with pending housing and consumer-debt matters. Litigants are often physically present in court to file documents or attend court hearings, providing a connection point for people with urgent legal issues. The LLLPs would provide advice about the relevant court process and the litigant's options while assisting with court filings and related documents. For example, tenants attending eviction hearings could receive legal advice, and people sued for consumer debts could get advice on how to negotiate with the creditor's attorney.

The design of this pilot meets the needs that court users reported on the Committee's survey. Respondents indicated that the tasks they felt least able to perform by themselves included understanding their legal options and understanding the court process.[112] The LLLPs would be able to provide this greatly needed assistance. Additionally, many court users felt that while they might be able to work on forms at least partially on their own, they still needed *some* help.[113] The needs described here support the implementation of an "assisted pro-se model," wherein the LLLPs provide legal assistance but the litigants continue to represent themselves. Finally, this model would meet people where they are: Respondents indicated that they were likely to seek help with a legal issue at a courthouse (as opposed to, say, from an attorney).[114]

[112] Appendix F.

[113] *Id*.

[114] *Id*.

The sections below detail the proposed program components:

1. **Program Design**
    a. Permitted activities
    b. Subject matter
    c. Eligibility
    d. Service delivery
    e. Pilot sites
2. **Non-Attorney Program Participants**
    a. Title terminology
    b. Eligibility
    c. Training
    d. Certification
    e. Mentoring and oversight
3. **Program Implementation**
    a. Program phases
    b. Evaluation
    c. Public messaging

Program Design

Permitted Activities

The pilot program anticipates LLLPs being permitted to provide legal advice and document/forms preparation assistance. Additionally, there would be clear requirements about an LLLP's obligations if a client's legal needs exceed what the LLLP is permitted to help with.[115]

[115] For example, South Carolina's program mandates referrals to legal service providers in specific circumstances. *See In re: South Carolina NAACP Housing Advocate Program et al.*, No. 2023-001608 (2024), https://perma.cc/QL9A-VUSW.

Legal advice: LLLPs would be permitted to advise on selecting a course of conduct among available options, negotiating with other parties, and litigation strategy and preparation, including conducting discovery. They would not be permitted to contact another party or appear in court on a client's behalf.

Document and forms assistance: LLLPs would be permitted to advise on choosing the correct form or pleading, when to file, and the substantive contents of pleadings and other documents. LLLPs would be permitted to draft pleadings and settlement offers in the case types detailed below.

Subject Matter

The pilot would allow LLLPs to assist in housing and consumer-debt cases. These are high-volume cases, often with relatively non-complex legal issues that resemble the types of issues in administrative proceedings (in which there is a long history of non-attorney assistance). In both case types, LLLPs would be permitted to help litigants with active cases and provide pre-filing assistance to address legal issues before a legal dispute goes to court. Though most of these cases are filed in Magistrate Court, the LLLPs would be permitted to provide assistance in qualifying cases filed in Superior or State Court. This allows for flexibility in assisting litigants in multiple courts, while limiting the potential for plaintiffs to venue shop.

Housing: The pilot would allow for legal assistance with dispossessory (eviction)[116] and security deposit[117] issues and cases, as well as conditions-related issues and cases.[118] This

[116] OCGA §§ 44-7-49—44-7-59.

[117] OCGA §§ 44-7-30—44-7-37.

[118] *See* Safe at Home Act (2024).

would include pre-filing and post-judgment[119] assistance for issues that fall under these code sections, including counterclaims. The pilot's scope would not cover all housing issues, such as housing discrimination claims or challenges to public housing termination, which are not covered under the code sections set out in footnotes 116 to 118.

Additionally, the assistance would be available to otherwise eligible (as defined below) property owners and tenants. Unrepresented property owners account for a relatively low percentage of housing cases but are also in need of legal assistance.[120] Opening the program to unrepresented property owners would also give equal access to landlords and tenants. Conflicts should be addressed in a manner similar to the manner prescribed in Georgia Rule of Professional Conduct 6.5, limiting conflicts in this context to known conflicts.[121]

Consumer debt: The pilot would allow assistance to defendants in consumer-debt cases that meet the jurisdictional requirements for Magistrate Court (currently $15,000). "Consumer-debt case" would, for purposes of the pilot, include any case in which the plaintiff is seeking to collect alleged credit card, medical, or consumer loan debt, including actions by third-party collectors.[122] As with housing actions, assistance would be provided pre-filing and post-judgment,[123] including addressing default judgments and related garnishment issues. Given that practically all plaintiffs are represented in these case types,

[119] Up to and including advising about how to file an appeal from the Magistrate Court's decision or the State or Superior Court's decision. This would allow for the possibility of referring potential appeals to an applicable legal aid organization.

[120] Appendix D.

[121] Georgia Rule of Professional Conduct 6.5.

[122] The Fair Debt Collection Practices Act's definitions of "consumer" ("any natural person obligated or allegedly obligated to pay any debt") and "debt" ("any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment") informed the definition of the pilot's scope. *See* 15 U.S.C. § 1692a.

[123] Up to and including advising about how to appeal from the Magistrate Court's decision or the State or Superior Court's decision. This would allow for the possibility of referring potential appeals to an applicable legal aid organization.

LLLPs in the pilot would only assist consumer-debt defendants. Conflicts should be addressed in a manner similar to the manner prescribed in Georgia Rule of Professional Conduct 6.5, limiting conflicts in this context to known conflicts.[124]

Eligibility

People would be eligible to receive legal assistance through the pilot if their legal issue is covered as defined above and if they are not represented by an attorney. The program rules would not set income eligibility limits, but the anticipated partner sites (legal aid offices and non-legal community-based organizations) could use their existing income-based eligibility.

Similarly, the program rules would allow for, but not require, client payment for services. Legal aid offices and community-based organizations that currently assist with housing and consumer-debt issues would not typically charge for these services. However, the program design should permit flexibility so that, for example, an interested rural private law office could participate in the pilot. As discussed below, later phases of the program may incorporate areas of law, like probate/estate and family law, where private law firms could offer these services at a lower cost to people who otherwise would not hire an attorney. Permitting multiple options during the pilot would allow for greater breadth and depth of learning and evaluation.

Service Delivery

In-court or court-adjacent: Both of these case types would likely benefit from just-in-time assistance in court, assisting with tight deadlines and benefitting litigants whose first action in their case may be appearing for a hearing. Multiple stakeholders expressed that

[124] Georgia Rule of Professional Conduct 6.5.

just-in-time assistance generally would not only help litigants but would also help courts handle cases more efficiently.

Community-embedded locations: Both case types also involve issues that are better addressed outside of court in community locations, such as when a tenant has a conditions issue or when a collector has demanded payment from a debtor. Providing access to legal services before a case is filed in court allows parties to make informed decisions about their legal disputes early, potentially preventing unnecessary court involvement.

Pilot Sites

The pilot would involve three to four sites, representing an urban area, a smaller metro area, and a small town or rural area. Pilot sites would be evaluated for the strengths of partnerships among and capacity of the local Magistrate Courts (and to a lesser extent State and Superior Courts in the area), legal service organizations, and non-legal community-based organizations.

LLLP Program Participants

The eligibility, training, certification, and oversight requirements below provide public protection while creating inroads for LLLPs to participate.

Title Terminology

Non-attorney program participants would be referred to as Limited Licensed Legal Practitioners. This title immediately informs consumers that these individuals are officially

licensed and may provide only limited services. The word "practitioner" also helps consumers make the connection with professionals like nurse practitioners.[125]

Eligibility

LLLPs' eligibility would be based on their employment or affiliation with an approved legal services provider or community-based organization that is formally involved with the pilot program. Eligibility would also 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 LLLPs (such as work as a clerk or paralegal, or experience with people who need legal services).

Training

The training curriculum would be designed by an implementation committee and provided by attorneys, likely from a legal aid partner site. The training could involve asynchronous and remote components provided to all pilot sites state-wide, along with in-person skill-based training at the local pilot sites. Training materials could be sourced through existing materials used to train legal aid staff and new Magistrate Judges, who may not be attorneys.

Subject matter addressed in training:

- Relevant landlord/tenant and consumer-debt laws, precedent, and consequences,
- Magistrate Court, State Court, Superior Court, and appellate rules/procedures,
- Evidence, and
- Ethics and professional conduct.

[125] *See* Michael Houlberg & Natalie Anne Knowlton, *Allied Legal Professionals: A National Framework for Program Growth*, IAALS at 10 (2023), https://perma.cc/4PLW-PCXC.

Certification

LLLPs would be certified through a combination of 1) an exam that tests substantive and procedural knowledge of the relevant subject matters and 2) a portfolio of written material that assesses the skills applied to the documents they are likely to produce in practice. The certification would also involve a character and fitness evaluation that is a streamlined version of the one used for attorneys. LLLPs certified through the pilot would appear on a public registry so that the public can see who the pilot authorizes to practice.

Mentoring and Oversight

Following the initial training and certifications, LLLPs 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 LLLPs 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. Attorney mentors may be employed in the same organization as the LLLP, such as a legal aid office, or separately, as may be the case when the LLLP is employed by a community-based organization.

LLLPs would be required to follow the same rules of professional conduct and ethics as Georgia attorneys. There would be an assigned governing body to respond to and investigate potential complaints/disciplinary matters regarding the LLLPs.

Malpractice Insurance

To bolster public protection, the Committee recommends that the implementation committee address the issue of malpractice insurance by either requiring or recommending that the LLLPs obtain malpractice insurance. Several of the other states with non-attorney programs require some kind of malpractice coverage for the non-attorney (typically through a supervising attorney). Oregon, which requires its attorneys to

purchase malpractice insurance, also requires its paraprofessionals to purchase malpractice insurance. And the now-discontinued Washington State LLLT program also required its paraprofessionals to purchase malpractice insurance. Given the cost of this insurance (2025 coverage under one plan in Oregon costs $3,500[126]), and that the paraprofessionals in the pilot would likely not be receiving pay for their services, the implementation committee should consider ways to make this cost less burdensome for participants, perhaps by exploring whether LLLPs may be covered by malpractice insurance currently being utilized by legal aid organizations.

Program Implementation

Program Phases

The initial pilot reflects a cautious, incremental approach to expanding the practice of law beyond the role traditionally held by attorneys. The pilot would begin with carefully prescribed limits to the allowable activities and practice areas of LLLPs to carefully enter this space while providing much needed legal assistance to indigent and rural Georgians. The pilot would be evaluated to inform potential future expansion in three directions:

1. Expanding the existing pilot state-wide,
2. Expanding the legal subject areas to family law and/or probate/estate, and
3. Expanding the permitted activities of the non-attorneys into direct negotiation with other parties and representation in specified hearing types.

The program phases are anticipated as follows:

1. **Initial pilot:** Years 1-3.
    a. Implementation of the pilot program described here.
    b. In year 3, the pilot would be evaluated to determine whether the pilot should be made permanent state-wide. Evaluation should not interrupt the

[126] *Licensed Paralegals*, OSB Professional Liability Fund (2025), https://perma.cc/EQ7Z-JXAN.

continuing functioning of the pilot sites in the event that the program is extended.

2. **Program expansion:** Year 4.
    a. If deemed appropriate, the pilot program would be made permanent and state-wide. This phase would involve scaling the program, outreach and education to new program sites, and implementing lessons learned from the pilot.
    b. Additionally, if deemed appropriate, a committee could evaluate whether expanding the program to include additional legal subject matter areas and/or additional permitted activities is warranted. This would require a period of study and program design.
3. **Second pilot or implementation:** Years 5-8.
    a. If deemed appropriate, a second pilot expanding the program model could be conducted. Alternatively, an expansion could be fully implemented without a pilot based on the program evaluations.

Evaluation

The Court may wish to follow Minnesota's structure and establish a committee tasked solely with orchestrating and monitoring the pilot. (After the Minnesota pilot program's success, the pilot committee became a permanent standing committee to monitor the non-attorney program.) In addition to monitoring the data and progress of the pilot, this body would also likely be responsible for evaluating the pilot and making recommendations regarding the continuation of the project.

The data to be collected, at a minimum annually, should include:

a. Number of LLLPs,
b. Number of clients served,
c. Number of tasks completed (completing forms versus advice on a case versus advice for issues outside of the court),

d. Client evaluations of the legal services received,
e. Number of complaints about advocates and their resolutions,
f. Attorney evaluations of LLLP services,
g. Judicial evaluations by those who observed clients assisted by the LLLPs or otherwise interacted with the LLLPs,
h. Analysis of documents prepared by advocates, performed by attorneys, and
i. Case outcomes.

Public Messaging

Communicating with the public at large and the Bar about the pilot would be key. First, it helps with public protection by ensuring that the public is aware of the project and understands what it offers. Additionally, it helps with recruitment for the pilot so that interested applicants learn about the program. Finally, messaging toward the bench and bar is critical so that these non-attorneys do not face unnecessary obstacles from members of the legal profession. Resistance from the legal profession can prevent non-attorneys from performing or make it more difficult for them to perform permitted tasks.

Communications might include:

- Announcing the program to the State Bar, public, and members of the judiciary and fielding questions through town halls,
- Providing guidance to members of the legal profession, including judges and court staff, about how to treat/handle the LLLPs once the pilot begins,
- Open sessions with paralegals and social service workers about participating in the pilot and conversations with law firms and legal aid organizations that are willing to support their employees participating in the pilot, and
- Open sessions with community colleges/universities to reach pools of potential applicants.

Attorney Regulatory Reform to Increase Civil Access to Justice

The Committee also examined ways in which regulations related to attorneys might be utilized to increase access to justice for rural and low-income Georgians. First, the Committee considered methods to increase and better facilitate pro bono service by Georgia lawyers. As detailed below, the Committee recommends adopting a rule that allows attorneys to earn professionalism Continuing Legal Education (CLE) credits for the provision of pro bono services and to earn additional CLE credits for pro bono services that apply skills learned in a CLE training course. The Committee also recommends expanding the pool of attorneys who can engage in pro bono by creating pro bono licensure statuses for inactive Georgia attorneys and attorneys physically present in Georgia who have active out-of-state licenses.

Additionally, the Committee examined how attorneys are utilizing Georgia's limited-scope representation rule. To enable and support attorneys who want to incorporate limited-scope representation into their practice, the Committee recommends measures to inform attorneys about the rule, provide resources for attorneys who engage in limited-scope, and create networking and peer-learning opportunities for limited-scope practitioners.

As further detailed below, the Committee considered and declined to recommend changes to rules that govern voluntary pro bono reporting, courts' use of remote proceedings, and limited legal advice rules.

Pro Bono Services

Continuing Legal Education Credit for Pro Bono Work Hours

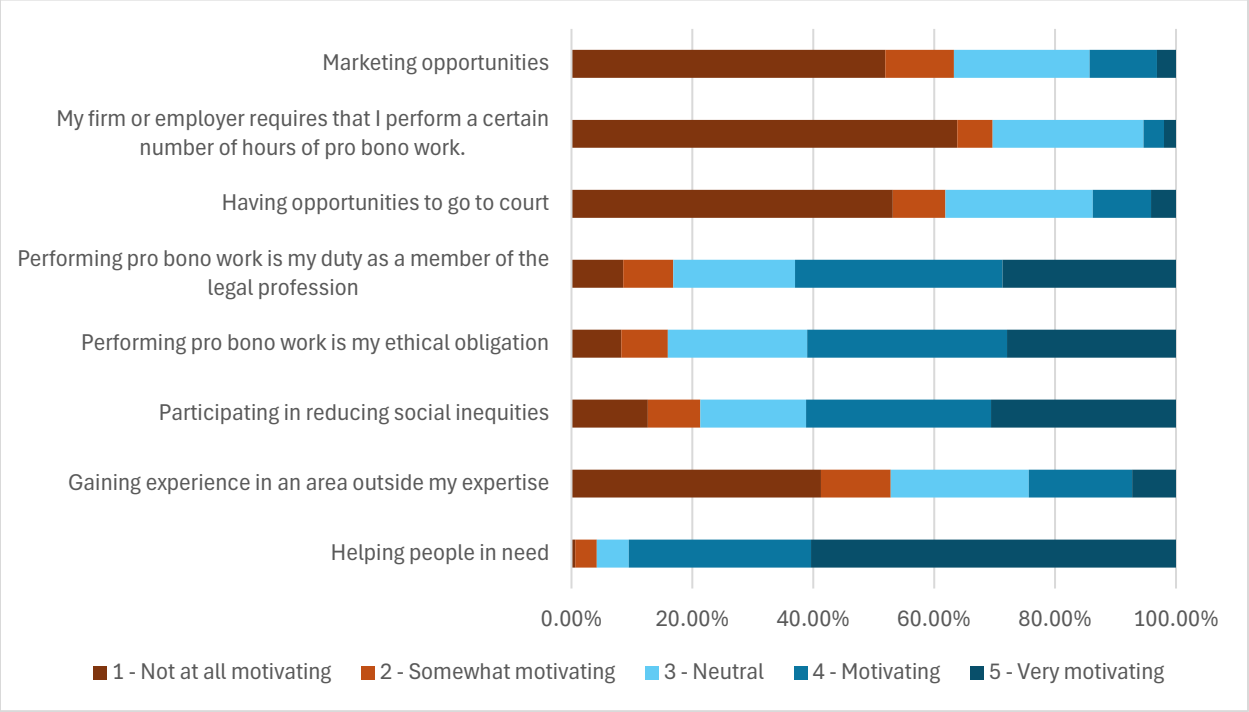
As detailed below, the Committee recommends adopting a rule that allows attorneys to earn Continuing Legal Education (CLE) credit for engaging in pro bono services, subject to certain limitations. This recommendation furthers the Court's interest in both promoting pro bono services and ensuring ongoing professional competence through CLE.

The Georgia Rules of Professional Conduct set an aspirational goal for attorneys to provide 50 hours of pro bono work annually.[127] Awarding CLE credit for pro bono hours is consistent with this aspiration and works to address some barriers that prevent attorneys from engaging in pro bono. A survey of Georgia attorneys conducted by the Committee found a strong interest in pro bono service in the Bar, with 43.6% of respondents currently providing pro bono and 47.8% having provided pro bono in the past. Georgia attorneys also overwhelmingly stated altruistic motivations for providing pro bono, expressing that they were motivated to perform pro bono work by their sense of professional ethics and duties.[128]

[127] Georgia Rule of Professional Conduct 6.1.

[128] Georgia's findings are consistent with the American Bar Association's recent survey, *Supporting Justice*, which included data from attorneys in 23 unspecified states. *See Supporting Justice V: A Report on the Pro Bono Work of America's Lawyers*, ABA Standing Committee on Pro Bono and Public Services, at 1–2 (2024), http://www.americanbar.org/content/dam/aba/administrative/probono_public_service/other-documents/supporting-justice-v.pdf.

Motivations for Providing Pro Bono



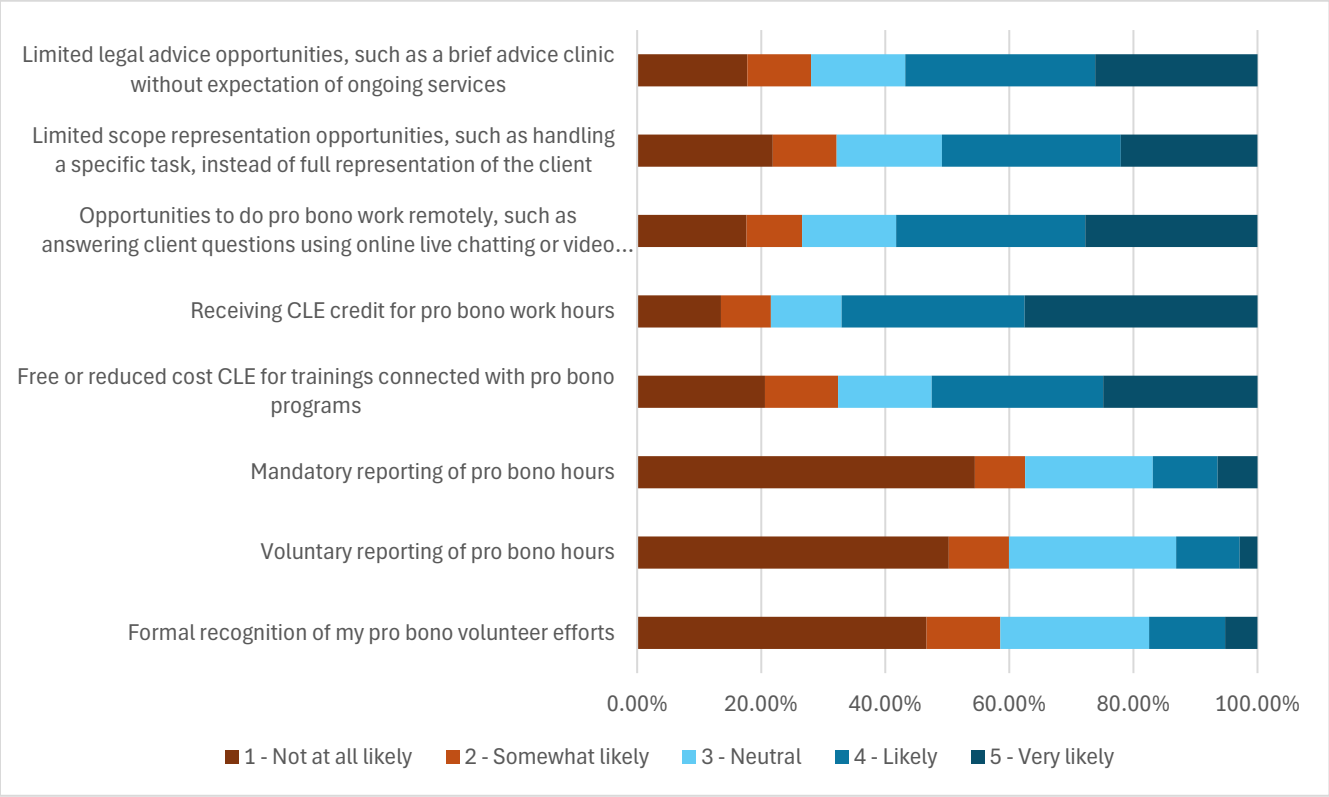
Georgia attorneys appear to have a strong desire to do pro bono work, but face barriers in finding the time and capacity to engage. When asked about impediments to pro bono service, Georgia attorneys most frequently pointed to a lack of time, competing family and personal obligations, lack of clarity on how much time a pro bono representation would take, and scheduling conflicts.[129]

[129] As with motivations for providing pro bono, the responses by Georgia attorneys regarding what makes providing pro bono work difficult generally align with the ABA's national results. *Id.* at 23.

Impediments to Pro Bono

The initiatives Georgia attorneys identified as most likely to be helpful to their provision of pro bono services were also related to time and capacity issues. Receiving CLE credit for pro bono work hours was identified as the most likely to be helpful (67%), followed by remote pro bono opportunities (58%), brief service opportunities (56%), and free or reduced-cost CLE for pro bono-related trainings (53%).

How likely are the following programs and opportunities to be helpful as they relate to performing pro bono services?



The survey results mirror what the Committee heard from stakeholder interviews, during which Georgia attorneys and pro bono program sponsors indicated that they viewed the idea of providing CLE for pro bono work favorably. Pro bono program sponsors also noted that brief service clinics, such as a wills clinic or criminal record clinic, often provide the opportunity for a 1-hour CLE training just prior to the clinic for participating attorneys. Allowing attorneys who participate in a brief services clinic to earn a 1-hour credit for the training (which is already permitted) and another 1-hour credit for staffing the multi-hour clinic would further reduce barriers for time-strapped attorneys by eliminating the need for these attorneys to participate in other CLE classes. Notably, this model combines three of

the programs viewed as most helpful by Georgia attorneys: CLE credit for pro bono, free or reduced-cost CLE pro bono trainings, and brief service opportunities.

Additionally, allowing CLE credit for pro bono work hours furthers the primary purpose of CLE, which is to ensure that "attorneys maintain their professional competence throughout their active practice of law."[130] In 2023, the Georgia Lawyer Competency Taskforce explored whether and how the application of mandatory CLE in Georgia affects lawyer competency and found no studies or evidence that mandatory CLE ensures attorney competence, in part because the typical one-time lecture format of most CLE offerings is inconsistent with adult learning principles.[131] Pro bono engagement, particularly in contexts where volunteers are trained and have access to supervising attorneys, allows attorney volunteers to apply practice-based skills in real-world settings where preparation and accountability are necessary. The Committee's recommendation permits attorneys to earn general CLE credit hours by engaging in pro bono work that is paired with a relevant CLE training course, provided by the pro bono sponsor. This combination of training and application creates an experiential learning opportunity that furthers competence.

Separately, the Committee also recommends allowing attorneys to satisfy the 1-hour professionalism credit requirement[132] through pro bono work without the need for an accompanying training. Georgia's *A Lawyer's Creed* and the *Aspirational Statement on Professionalism*, both "foundational documents,"[133] provide explicit and strong support for providing access to the justice system for all through pro bono service: "As to the public and our system of justice, I will aspire....To provide the pro bono representation that is

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[130] State Bar of Georgia Rule 8-101.

[131] *Final Report of the Georgia Lawyer Competency Task Force*, at 5-18–5-19 (2023), www.gasupreme.us/wp-content/uploads/2023/03/LCTF-Final-Report.pdf; *see also id.* at n.90 (citing Deborah L. Rhode & Lucy Buford Ricca, *Revisiting MCLE: Is Compulsory Passive Learning Building Better Lawyers?*, 22 Prof. L. 2, 8 (2014)).

[132] State Bar of Georgia Rule 8-104(B)(3).

[133] *Professionalism CLE Guidelines*, Chief Justice's Commission on Professionalism, at 3 (2019), https://cjcpga.org/wp-content/uploads/2020/10/FINAL-COVER-ACKNOWLEDGMENTS-Revised-Professionalism-CLE-Guidelines-effective-07-01-19-link-corrected-10-12-20.pdf.

necessary to make our system of justice available to all."[134] Allowing attorneys to earn a professionalism CLE credit for pro bono work aligns with the purpose of the professionalism CLE requirement.

By adopting these changes, Georgia would join the 24 other states that allow attorneys to receive some CLE credit for pro bono hours.[135] The Legal Services Corporation's Pro Bono Task Force surveyed pro bono programs and developed the following recommendations to best utilize CLE credit for pro bono:[136]

- Minimize the number of administrative hurdles for lawyers seeking CLE credit for pro bono,
- Provide a manageable ratio of pro bono hours to CLE credit awarded. Otherwise, lawyers will find it much easier to simply watch a webinar or attend a short course,
- Provide ethics or professionalism credit, and
- To address concerns that pro bono credits will hurt CLE providers financially or replace traditional CLE, limit the number of CLE credits that can be obtained by performing pro bono.

The states that already permit attorneys to earn CLE for pro bono are generally in keeping with LSC's recommendations. For example, the ratios states use vary from 1-to-1 to 1-to-3 to 1-to-6 hours of CLE for hours of pro bono work.[137] States also impose limits on the total

[134] *Aspirational Statement on Professionalism*, Chief Justice's Commission on Professionalism, https://cjcpga.org/wp-content/uploads/2019/07/1-Lawyers-Creed-and-Aspirational-Statement-Clean-Copy-v-2013-new-logo-seal.pdf.

[135] Appendix H.

[136] *Report of the Pro Bono Task Force*, Legal Services Corporation, at 26 (2012), https://perma.cc/PWS4-QF39.

[137] Appendix H.

number of CLE credits that can be earned through pro bono, with yearly limits most often ranging from 3 to 5 total CLE hours per year.[138]

The Committee recommends the adoption of a rule that allows attorneys who volunteer through an approved pro bono provider to receive:

- 1 hour of professionalism CLE credit each year for 4 hours of pro bono work completed, and
- 1 hour of general CLE credit each year for every 4 hours of pro bono work completed, subject to a maximum of 3 general CLE credit hours per year. General CLE credits earned under this rule must be accompanied by a minimum 1-hour CLE training offered by the pro bono sponsor organization that is relevant to the pro bono representation. CLE training must be taken each year in order to earn general CLE credit hours through pro bono work for that particular year.

Cumulatively, these rules allow Georgia attorneys to receive 5 CLE credits each year (1 professionalism, 3 general for pro bono hours, and 1 for the training) while performing 16 hours of pro bono. The Committee also recommends that criteria be developed to approve the pro bono providers permitted to offer CLE trainings and pro bono work for CLE credit consistent with requirements for pro bono providers permitted to oversee pro bono work by inactive lawyers and lawyers with active out-of-state licenses who are physically present in Georgia (see below).

Pro Bono License Status

The Committee also considered expanding the available pool of attorneys who can engage in pro bono. As detailed below, the Committee recommends the adoption of rules allowing attorneys with inactive Georgia licenses and attorneys who are physically present in

[138] *Id.*

Georgia with active out-of-state licenses to provide pro bono services. The Committee considered but does not recommend making changes to the current emeritus rules that allow retired attorneys to provide pro bono service.

Inactive Attorneys

The Committee recommends adopting a rule allowing attorneys with inactive Georgia law licenses to engage in pro bono through a pro bono license status. The Committee supports the current Georgia State Bar proposal to allow for such a status.

More than two-thirds of states currently allow for some form of licensure status that enables otherwise inactive attorneys to provide pro bono services.[139] Georgia has no such rule. In 2023, the Georgia Lawyer Competency Task Force recommended authorizing inactive attorneys to provide pro bono services through approved legal aid organizations.[140] In explaining its recommendation, the Task Force stated:

> [N]othing about inactive status suggests that inactive lawyers have ceased to be competent and fit to practice. Indeed, an inactive lawyer is entitled as a matter of right to reassume active status—and thereby regain immediately the privilege to practice law....[141]

Inactive attorneys who participated in the Committee's survey supported the Task Force's assertion that "inactive membership of the State Bar of Georgia strikes us as a vast, but as yet untapped, resource,"[142] showing strong interest in the possibility of engaging in pro

[139] *Id*.

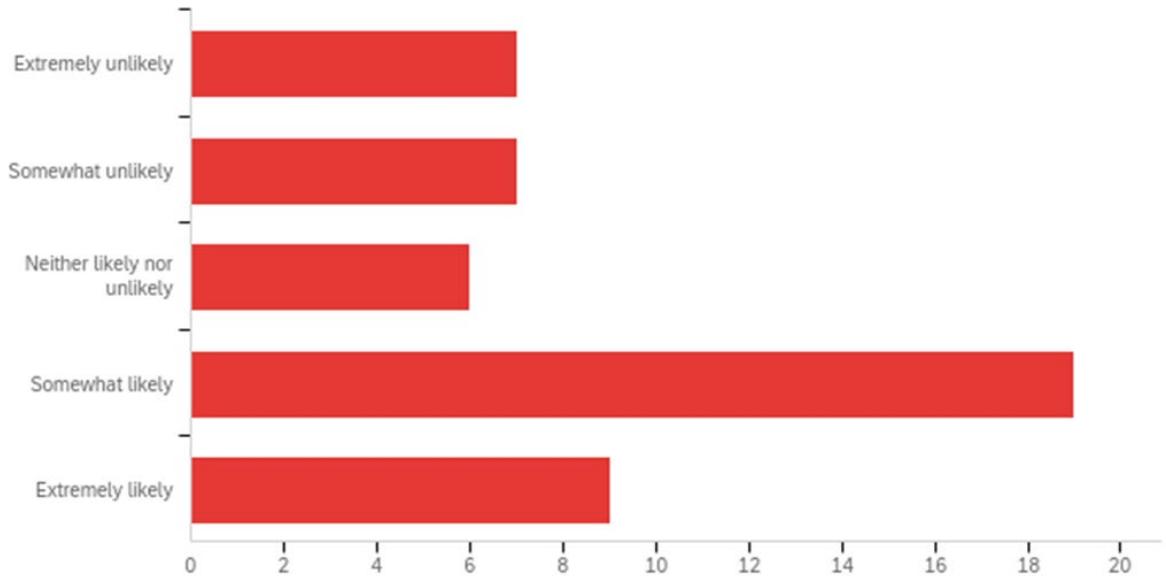
[140] *Final Report of the Georgia Lawyer Competency Task Force*, *supra* note 131, at 4-18.

[141] *Id*. at 4–16.

[142] *Id*.

bono if allowed.[143] Indeed, pro bono sponsors shared anecdotes during stakeholder interviews about inactive attorneys who attempted to volunteer before learning they were ineligible to perform pro bono work.

How likely would you be to engage in pro bono service as an inactive attorney?



In March 2025, the Board of Governors of the State Bar of Georgia proposed a rule amendment that, if enacted, would allow for pro bono service by inactive members as recommended by the Committee and the Lawyer Competence Task Force. The proposed rule reads, in relevant part:

> **Pro Bono Service for Non-Active Status Members.** Any Emeritus Member, or any Inactive Status member, with at least 5 years of legal experience prior

[143] In the Study Committee's surveying, 68 inactive attorneys responded. Appendix E.

to electing Inactive Status, may represent clients in pro bono cases so long as each of the following requirements are met:

1. The pro bono matter must be referred to the member by an approved pro bono entity,
2. The referring pro bono entity must be approved by the Supreme Court of Georgia,
3. Prior to providing pro bono services, the member must complete a minimum of one hour of CLE relevant to the representation in each renewal period for which the member provides pro bono services, and
4. The approved pro bono entity and the member must work cooperatively to ensure that the pro bono client receives legal services that are up to the standards otherwise specified in these rules.[144]

The Committee endorses this rule change as a way to meaningfully broaden the pool of willing and capable pro bono volunteers in Georgia while still providing appropriate requirements to ensure quality representation by inactive pro bono volunteers. If passed, the Committee also recommends that the State Bar conduct outreach to inactive attorneys and pro bono program sponsors to explain the requirements and promote the opportunity to provide pro bono services. In addition, the Committee recommends that the State Bar consider waiving any fees related to the CLE training that is required under the proposed rule because the inactive pro bono volunteers would be providing valuable and much-needed assistance.

[144] State Bar of Georgia, Office of the General Counsel, *Proposed Changes to the Governance Rules for the State Bar of Georgia* (Mar. 22, 2025). (On file with the Committee.)

Out-of-State Licensed Attorneys

Georgia rules currently allow for pro bono service by out-of-state attorneys through the Extended Public Service Program.[145] With just four out-of-state attorneys currently practicing under the Extended Public Service Program, it appears that the rules are underutilized. In fact, pro bono program sponsors interviewed through the Committee, though supportive of allowing out-of-state attorneys to provide pro bono, were generally unaware of the current program. However, the low participation is likely not only a matter of awareness. As detailed below, the Committee recommends rule changes that would entice more out-of-state attorneys and pro bono program sponsors to utilize this opportunity.

The current rules apply uniformly to out-of-state attorneys who are "employed by, associated with, or serving as a volunteer pro bono attorney" with an enumerated group of government and non-profit attorneys.[146] The restrictions and requirements for participation, while perhaps easily accomplished by employers of out-of-state attorneys who are able to make a greater investment in intensive supervision, may not be feasible for pro bono program sponsors. The rules require, for example, that the Georgia licensed attorney, who is acting essentially as a sponsor of the out-of-state attorney, sign all pleadings and entries, be physically present at all court appearances, and "ensure that at all times the out-of-state attorney is covered by an adequate amount of malpractice insurance."[147] The application process also requires the out-of-state attorney to apply for a certificate through the Supreme Court, present the certificate to the "trial court where the

[145] Georgia Supreme Court Rules 114–120.

[146] Georgia Supreme Court Rule 114 (enumerated government and non-profit attorneys include the "Attorney General, a district attorney, a solicitor-general of a state court, a solicitor of a municipal court, a public defender, or a licensed practicing attorney who works or volunteers for a court or for a not-for-profit organization which provides free legal representation to indigent persons or children").

[147] *See generally* Georgia Supreme Court Rules 114–120.

out-of-state attorney will assist in proceedings," and take an oath in front of the trial court judge.[148]

These rules, while well-intentioned, place too great a burden on pro bono volunteers and unnecessarily limit their role to one like that of a law student utilizing a limited practice license, which in effect provides training but does not increase the capacity of the sponsoring organization to serve the public.[149]

The Committee recommends changes to the Extended Public Service Program to better balance the program's utility with public protections. The Committee recommends adopting a rule that applies to out-of-state pro bono volunteers and that mirrors the relevant requirements in the Georgia State Bar proposed rule change for inactive attorneys, discussed above. The one difference between inactive and out-of-state pro bono attorneys would be the need to establish the out-of-state attorney's active bar status and good standing of a bar in another state and that the out-of-state attorney does not have a disciplinary history that may be disqualifying through a character and fitness assessment. Aligning the requirements for out-of-state attorneys and inactive Georgia attorneys where practicable would provide easily understood guidance to prospective volunteers and streamline applications, training, and supervision for pro bono sponsor organizations.

[148] Georgia Supreme Court Rule 117–18.

[149] *See* Georgia Supreme Court Rules 91–96.

Emeritus Attorneys

The Committee also considered changes to the existing emeritus attorney rules and does not recommend making changes. Almost every state, including Georgia, have rules creating an emeritus status that allows retired attorneys to provide pro bono services.[150]

A recent national survey conducted by the American Bar Association found that 14.6% of emeritus attorneys indicated they provide pro bono services.[151] The results of the Committee's survey, while garnering just 59 emeritus attorney responses, show that while 77.5% performed pro bono work in the past, just 7.5% were actively engaged in pro bono service.

The following components of an emeritus program may have an impact on participation by retired attorneys:

- **Age restrictions**: Most states do not place an age restriction on emeritus participation. Seven states have an age requirement (ranging from 50 to 75 years old) for emeritus status, while others require that the attorney be permanently retired.[152] Georgia currently has one of the highest age restrictions at 70 years old.[153]
- **Years of practice:** Most states do not have a minimum years of practice requirement. Of the states that do have such a requirement, Georgia has the second

[150] *See State Emeritus Pro Bono Practice Rules*, American Bar Association (last updated 2024), https://www.americanbar.org/content/dam/aba/administrative/law_aging/2018-emeritus-probono-practice-rules.pdf; Appendix H.

[151] *See Supporting Justice V: A Report on the Pro Bono Work of America's Lawyers*, *supra* note 128; *see also* David M. Godfrey, *Survey of Emeritus and Pro Bono Practice Programs: Assessing Participation*, 35 Bifocal 155 (2014), https://www.americanbar.org/groups/law_aging/publications/bifocal/vol_35/issue_6_august2014/emeritus_probono_practice_rules/.

[152] *State Emeritus Pro Bono Practice Rules*, *supra* note 150; Appendix H.

[153] *Id.*

highest requirement in the country at 25 years of practice, and for 5 of those years, the attorney must have been licensed in Georgia.[154]

- **Out-of-state license allowed:** Some states allow retired attorneys with out-of-state licenses to obtain emeritus status.[155] Georgia does not have such an allowance. Especially given rules that allow an attorney with an active out-of-state license to provide pro bono, this component of an emeritus rule would allow that attorney to continue doing pro bono into retirement.
- **Required to work with a certified legal services program:** Over half the states, including Georgia, require that emeritus attorneys work through certified legal services programs.[156]

The Committee views possible changes to the emeritus rules in the context of the proposed rules allowing for inactive attorneys to provide pro bono service. The Committee finds that the proposed rule for inactive attorneys provides a flexible framework for attorneys who are motivated to engage in pro bono service that lessens the need for changes to the emeritus rule aimed at increasing pro bono.

Pro Bono Reporting

The Committee also considered the merits of implementing mandatory reporting of pro bono hours**.** The Committee does not recommend alterations to the current rule in Georgia, which encourages voluntary reporting of pro bono hours to the State Bar.[157] The Committee's inquiry found that mandatory reporting does not appear to address the

[154] *Id*.

[155] *Id*.

[156] *Id*.

[157] Georgia Rule of Professional Conduct 6.1.

challenges that prevent attorneys from doing pro bono, is unpopular with the members of the Bar, and is unlikely to provide other significant benefits.

Currently, 24 states have rules related to reporting pro bono hours: 11 states require mandatory reporting, and 13 states (including Georgia) encourage voluntary reporting.[158] While encouraging the aspirational goal of 50 hours of pro bono each year, the American Bar Association has not stated a position on whether jurisdictions should pursue voluntary or mandatory reporting of pro bono hours.[159]

Though pro bono reporting rules can make an important institutional statement on the value of providing pro bono, they do not appear to increase pro bono participation.[160] Florida was the first state to implement mandatory reporting in 1994 and has been able to track pro bono activities for the past 30 years. Though pro bono rates climbed significantly between 1994 and 2006, they have remained relatively static since that time.[161]

Additionally, while mandatory pro bono reporting can provide further data that can inform efforts to improve pro bono participation, mandatory reporting has presented challenges to states that have implemented it.[162] Most notably, states must decide what consequences, if any, will result from failing to report. Many jurisdictions do not state a sanction for non-

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[158] *Pro Bono Reporting*, American Bar Association (last updated 2024), https://www.americanbar.org/groups/probono_public_service/policy/arguments/; *see also Mandatory or Voluntary Pro Bono Reporting*, Corporate Pro Bono (2024), www.cpbo.org/wp-content/uploads/2024/11/Pro-Bono-Reporting-Guide.pdf.

[159] ABA Model Rule of Professional Conduct 6.1: Voluntary Pro Bono Publico Service, https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_6_1_voluntary_pro_bono_publico_service/.

[160] See *Pro Bono Reporting*, *supra* note 158.

[161] *Pro Bono Publico History*, Florida State Bar, https://www.floridabar.org/public/probono/probono002/; *see also* Kelly Carmody & Associates, *Pro Bono: Looking Back, Moving Forward*, Prepared for Florida Supreme Court and Florida Bar's Standing Committee on Pro Bono Service (2008), https://supremecourt.flcourts.gov/content/download/242827/file/2008_Pro_Bono_Report.pdf.

[162] See *Mandatory or Voluntary Pro Bono Reporting*, *supra* note 158, at 1.

reporting, which can lower the rate of responses (in Florida, for example, as many as 17% of attorneys do not report pro bono hours).[163]

Finally, surveying in Georgia and interviews with Georgia attorneys indicate that mandatory reporting of pro bono hours is generally very unpopular with attorneys and would likely have little effect in increasing pro bono participation. The results of the Committee's survey affirm national surveying through the ABA, showing that the need to report pro bono work is not, in-and-of-itself, an incentive for attorneys to provide pro bono services.[164] What's more, the Georgia survey results suggest that mandatory reporting is among the least favored regulations addressed in the survey. In survey responses and interviews, respondents who engage in pro bono generally found the idea of being required to report hours to run contrary to their interest in providing a voluntary community service.

Remote Proceedings

In 2020, the Conference of Chief Justices and Conference of State Court Administrators passed a resolution titled, *In Support of the Guiding Principles for Post-Pandemic Court Technology*, which called for courts "to adopt remote-first or remote-friendly approaches when moving court processes forward."[165] States across the country have taken diverse approaches to rulemaking related to remote proceedings through court rules, state law, local rules, and individual judges' discretion.[166]

Remote proceedings, when appropriately tailored, can allow attorneys to work more efficiently and avoid significant travel for procedural hearings, especially when they are

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[163] *See* Kelly Carmody & Associates, *supra* note 161.

[164] *See Supporting Justice V: A Report on the Pro Bono Work of America's Lawyers*, *supra* note 128, at 24.

[165] *Resolution 2: In Support of the Guiding Principles for Post-Pandemic Court Technology*, CCJ/COSCA (2020), https://perma.cc/Z3AX-E2GS; *National Scan of Authority for Remote or Virtual Court Proceedings*, National Center for State Courts (last updated 2023), https://ncsc.contentdm.oclc.org/digital/collection/ctadmin/id/2602/.

[166] *Id*. The report includes a chart detailing the various state rules.

providing services to rural areas. Court rules in Georgia generally permit remote proceedings in civil cases, except during trials, and leave the ultimate decision to allow remote proceedings to individual judges.[167]

Reports from stakeholders in Georgia point to a patchwork across the state, in which remote proceedings are well-established in some areas and types of proceedings, and practically unavailable in other contexts. Stakeholders often pointed to remote proceedings as an efficiency tool for attorneys looking to provide assistance in rural areas and avoid long drives.[168] They also viewed it as a potential way to attract pro bono volunteers from urban areas.[169] However, they also pointed to the challenge that rural courts are the least likely courts to allow remote proceedings, and rural courts may have the least technology or staff capacity to administer remote proceedings.[170] Stakeholders also noted that some court users lack access to or comfort with the technology needed to successfully participate in their cases remotely.[171]

The Committee concludes that adopting a state-wide rule requiring remote proceedings in certain scenarios would be premature and instead recommends tabling consideration of such a rule until technical capacity to support remote proceedings is improved statewide, especially in rural areas. Without addressing challenges based on education and training, technical and staff capacity to run remote proceedings, and barriers to litigant access, a rule could create greater challenges to access in the communities with the least resources.

[167] *See, e.g.*, Georgia Uniform Superior Court Rule 9.

[168] Appendix D.

[169] *Id*.

[170] *Id*.

[171] *Id*.

Delivery of Legal Services

Limited Scope Representation

Many states, including Georgia, have rules allowing for limited-scope legal services, which permit attorneys to (with client consent) agree to provide legal services in only discrete parts of a legal matter.[172] These rules allow for a flexible range of legal services beyond limited legal advice and forms assistance. Like most states, Georgia requires the attorney to file a notice of limited appearance and permits withdrawal without further court action after the limited representation has ended as long as notice requirements are met.[173] The Committee's inquiry was focused not on proposed changes to the regulations themselves but rather whether efforts should be made to increase the use of limited-scope services as a means of increasing access to justice for low-income and rural Georgians.

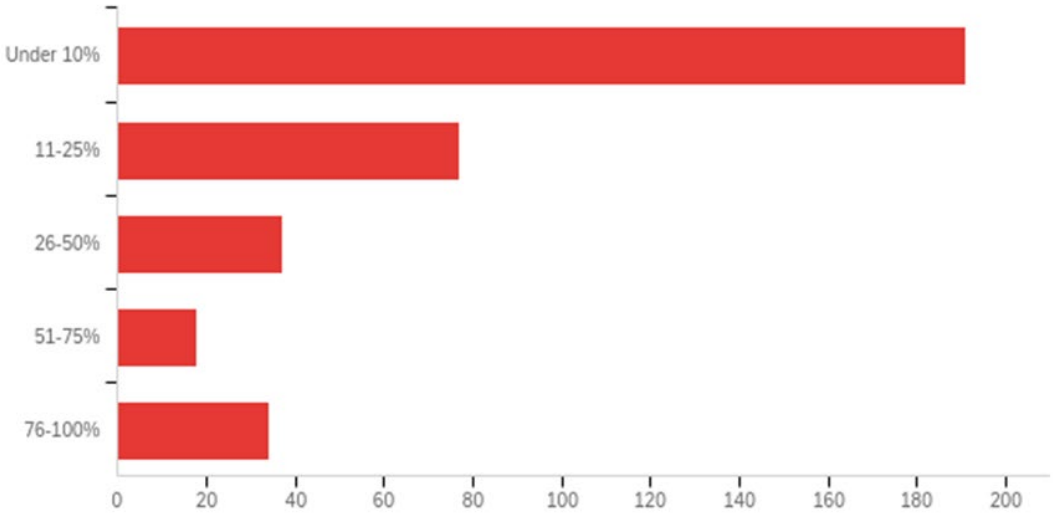
To better understand how limited-scope services have been used in Georgia since Georgia Rule of Professional Conduct 1.2 (c) was introduced in 2001,[174] the Committee's survey examined the prevalence of limited-scope representation, the motivations for providing limited-scope services, and the reasons attorneys do not engage in limited-scope representation. The Committee found that 25% of the survey respondents engaged in some

[172] Georgia Rule of Professional Conduct 1.2(c); *see also Rules*, American Bar Association, https://www.americanbar.org/groups/delivery_legal_services/resources/pro_se_unbundling_resource_center/court_rules/; Appendix H.

[173] *See* Georgia Uniform Superior Court Rule 4.13*; see generally Rules*, *supra* note 172.

[174] The limited appearance rule, Georgia Uniform Superior Court Rule 4.13, was more recently adopted in February 2024.

level of limited-scope representation. Of attorneys who engage in limited-scope services, 53.5% report that such services account for under 10% of their practice.[175]

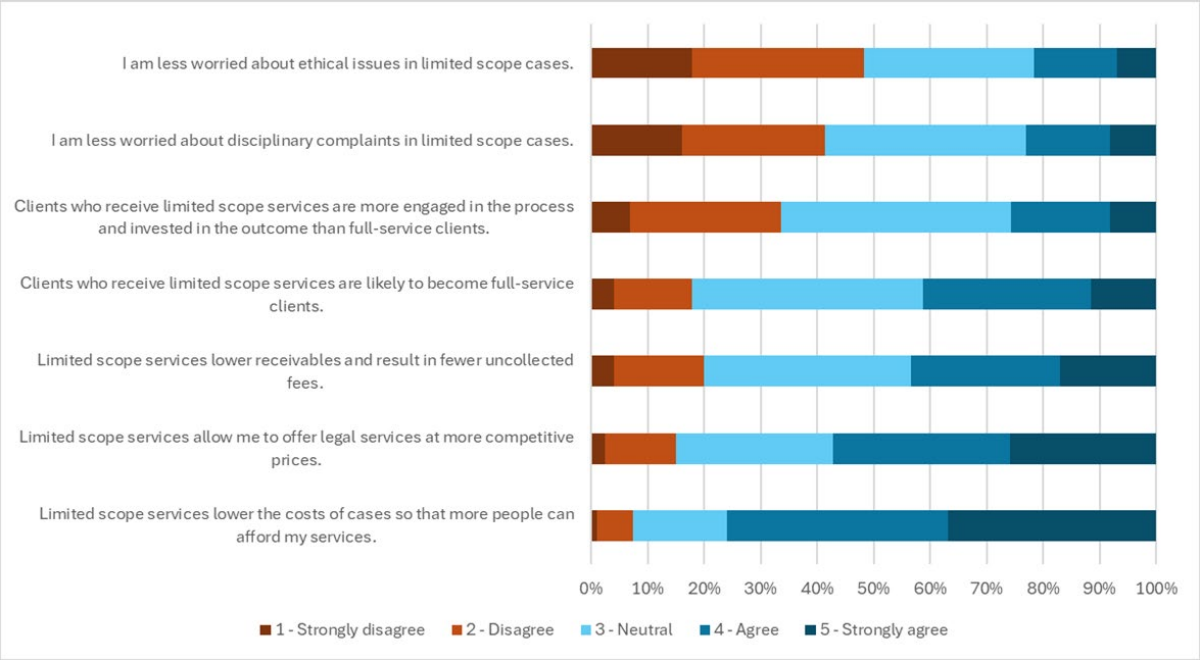


In order to guide efforts to better utilize limited scope representation, the survey also gauged attorneys' attitudes towards limited-scope practices. The results indicate that limited scope services are seen as cost-effective for both attorneys and clients.[176] Seventy-six percent of respondents who provide limited-scope services agreed or strongly agreed that limited-scope representation lowers costs so more people can afford legal services.

[175] Results from Georgia are close to those collected through the ABA's national survey: Around 30% of attorneys provide some limited scope representation, with most using it for between 1 and 20 percent of their practice. *See Supporting Justice V: A Report on the Pro Bono Work of America's Lawyers*, *supra* note 128, at 7.

[176] These results also mirror the ABA's survey. *Id.* at 37.

Similarly, 57% agreed or strongly agreed that limited-scope representation allows for a more competitive price.



Attorneys who do not engage in limited-scope services were also asked about their attitudes towards limited-scope representation. Seventy-two percent agreed or strongly agreed that limited-scope services would not work for their practices and 49% reported they are not interested in providing limited-scope services. Notably, however, 49% of attorneys who do not provide limited-scope services also reported that they were unaware of Georgia's rules permitting such services. Though it is unclear how many of these attorneys would adopt limited-scope services if they learned more about them, this suggests more Georgia attorneys may take on limited-scope representations as it becomes better known and established in the state.

As a means to support Georgia attorneys who are or would be inclined to provide limited-scope services, the Committee recommends that the State Bar of Georgia consider establishing a section, subsection, or other appropriate support for limited-scope practice.

The section or subsection could allow limited-scope practitioners to network and develop resources to support limited-scope practitioners.

Limited Legal Advice

Most states have rules modeled after ABA Model Rule of Professional Conduct 6.5[177] that allow attorneys to provide limited legal advice in court-annexed or non-profit legal clinics. Georgia's rule closely tracks the ABA model rule and allows for short-term services, usually a one-time consultation, without the expectation of ongoing representation.[178] The rule also relaxes conflict checking requirements to facilitate these legal clinics.[179]

Stakeholder interviews suggest that Georgia legal service providers make robust use of limited legal advice to assist with high-volume, relatively simple legal issues, especially when attorneys do not have the capacity to take a matter for full representation.[180] The use of limited legal services ranges from in-person or remote specialty or general advice clinics to individual consultations when an attorney is not available for full representation.[181]

Some states have rules that clarify an attorney's responsibilities when drafting or preparing a document for a self-represented party. These rules come as a response to the perceived

[177] ABA Model Rule of Professional Conduct 6.5: Nonprofit & Court-Annexed Limited Legal Services Programs, https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_6_5_nonprofit_court_annexed_limited_legal_services_programs/.

[178] Georgia Rule of Professional Conduct 6.5.

[179] *Id.*

[180] Appendix D.

[181] *Id.*

ambiguity when preparing documents for self-represented litigants.[182] For example, the comments on the Illinois rule explain this rationale:

> This rule applies, for example, to an attorney who advises a caller to a legal aid telephone hotline regarding the completion of a form pleading, motion or other paper or an attorney providing information at a pro bono clinic.... Drafting a pleading, motion or other paper, or reviewing a pleading, motion or paper drafted by a party does not establish any independent responsibility not already applicable under current law.[183]

Georgia has no such rule, and stakeholders interviewed who provide limited legal advice were generally not concerned with this issue, though a few mentioned that additional guidance might be helpful. ABA guidance from 2007 supports the interpretation that limited legal advice clinics are already able to provide forms assistance:

> A lawyer may provide legal assistance to litigants appearing before tribunals "pro se" and help them prepare written submissions without disclosing or ensuring the disclosure of the nature or extent of such assistance.[184]

Given the ABA guidance and the lack of reports from stakeholders interviewed by the Committee that the current rules impede their work, the Committee does not at this time

[182] These rules typically require disclosure language appear on the pleading that states the pro se party was assisted by an attorney. Some states require the attorney provide their name, while others do not. Additionally, rules typically specify that the attorney is allowed to rely on the pro se party's account of the facts unless the attorney has reason to believe they are false or materially insufficient. *See, e.g.*, Alabama Rule of Civil Procedure 11(b); Rule of Civil Procedure for Superior Courts of Arizona 11(d); Iowa Rule of Civil Procedure 1.423.

[183] Illinois Supreme Court Rule 137, Committee Comments (June 2013).

[184] *Formal Opinion 07-446: Undisclosed Legal Assistance to Pro Se Litigants*, American Bar Association (2007).

recommend creating additional rules or altering the current rule on providing limited legal advice.

Conclusion

After several months exploring how other states have addressed the civil justice gap and learning about the civil legal needs of Georgians, the Committee recommends implementing the regulatory changes outlined in this Report. The Committee believes that, in combination, these changes could better ensure that the people of Georgia are able to access justice regardless of their income level and geographic location.

Appendix A. List of Committee Members

Name	Organization	Position
Justice Carla Wong McMillian	**Supreme Court of Georgia**	**Committee Chairperson**
Presiding Judge Stephen Louis A. Dillard	**Court of Appeals of Georgia**	**Committee Vice-Chairperson**
Jeremy J. Abernathy	Abernathy Ditzel Hendrick, LLC	Committee Member; Before Court Subcommittee
Sarah “Sally” B. Akins	State Bar of Georgia (Past President)	Committee Member; Administrative Subcommittee
Judge Christopher A. Ballar	Gwinnett County Probate Court	Committee Member; Before Court Subcommittee
Thua G. Barlay	Lueder, Larkin & Hunter, LLC	Committee Member; Chair of Lawyer Subcommittee
Former Justice Keith R. Blackwell	Alston & Bird, LLP	Ex Officio Committee Member

Name	Organization	Position
Justice Verda M. Colvin	Supreme Court of Georgia	Ex Officio Committee Member; Chair of Administrative Subcommittee
Susan P. Coppedge	Georgia Legal Services Program	Committee Member; Lawyer Subcommittee
Judge Jeffrey R. Davis	Court of Appeals of Georgia	Advisory Committee Member; Lawyer Subcommittee
Cherish De La Cruz	The Manely Firm, P.C.	Committee Member; Chair of Before Court Subcommittee
John A. Earles	Office of Bar Admissions	Ex Officio Committee Member; Lawyer Subcommittee
Damon Elmore	State Bar of Georgia	Ex Officio Committee Member; Lawyer Subcommittee

Name	Organization	Position
Thomas F. Lindsay	Lindsay & Rawls, LLC	Committee Member; In Court Subcommittee
Judge Cheveda D. McCamy	Superior Court, Alcovy Judicial Circuit	Committee Member; In Court Subcommittee
Chief Judge Brendan F. Murphy	Magistrate Court of Cobb County	Committee Member; In Court Subcommittee
Brittany Pasley	Georgia Legal Services Program	Advisory Committee Member; Administrative Committee
Kevin C. Patrick	Kevin Patrick Law	Committee Member; Lawyer Subcommittee
Bethany L. Rupert	United States Attorney's Office, Northern District of Georgia	Committee Member; Chair of In Court Subcommittee

Appendix B. List of Full Committee Meetings

Meeting Date	Meeting Location
December 4, 2024	Atlanta
March 4, 2025	Atlanta
May 6, 2025	Atlanta
May 15, 2025	Zoom

Appendix C. List of Stakeholders Interviewed

1. List of Judges Interviewed

Name	Organization	Position
Judge Chris A. Arnt	Superior Court, Lookout Mountain Judicial Circuit	Judge
Chief Magistrate Judge Kristina Hammer Blum	Gwinnett County Magistrate Court	Chief Magistrate Judge
Judge Warren Davis	Gwinnett Superior Court	Judge
Chief Judge Jeff Hanson	State Court of Bibb County	Chief Judge
Judge Quinn M. Kasper	Cobb County Magistrate Court	Part-Time Magistrate Judge
Judge Megan Kinsey	Butts County Magistrate Court	Associate Magistrate Judge
Chief Magistrate Judge Cassandra Kirk	Fulton County Magistrate Court	Chief Magistrate Judge
Judge Tara C. Riddle	Cobb County Probate Court	Judge
Judge Wendy Williamson	Probate Court of Chatham County	Chief Clerk and Associate Judge

Name	Organization	Position
Judge Connie L. Williford	Bibb County Superior Court	Judge

2. List of Court Clerks and Court Staff Interviewed

Name	Organization	Position
Kipling Biggs	Superior Court, Alcovy Judicial Circuit	Staff Attorney
Courtney Coates English	Butts County Magistrate Court	Deputy Clerk
Avery Le	Gwinnett County Courts	Director of the Homer M. Stark Law Library
Tahnicia Phillips	State Court of Cobb County	Clerk of State Court

3. List of Self-Help Center Staff Interviewed

Name	Organization	Position
Amanda Love	Family Law Resource Center, The Mediation Center	Director
Hannah Towns	Appalachian Family Law Information Center	Program Coordinator

4. List of Legal Aid Attorneys and Staff Interviewed

Name	Organization	Position
Sarah J. Anderson	Georgia Legal Services Program	Deputy Director, Clinics and Compliance, Pro Bono Program
Kahlim A. Barclay	Georgia Legal Services Program	Staff Attorney
Meta DeShazier-Brown	Georgia Legal Services Program	Paralegal
Kyle Gallenstein	Georgia Legal Services Program	Supervising Attorney
Sammy D. Hall Jr.	Georgia Legal Services Program	Staff Attorney

Name	Organization	Position
Christopher R. Johnson	Georgia Legal Services Program	Supervising Attorney
Vicky Kimbrell	Georgia Legal Services Program	Director of Family Law Unit
Cari King	Georgia Legal Services Program	Deputy Director, Pro Bono Unit Partnerships and Collaborations
Michael Lucas	Atlanta Volunteer Lawyers Foundation	Executive Director
Marcy Muller	Georgia Legal Services Program	Supervising Attorney
Donna Ross	Atlanta Legal Aid Society	Services Navigator
Sandra Saseen-Smith	Georgia Legal Services Program	In-House Volunteer Attorney
Rita Sheffey	Atlanta Legal Aid Society	Executive Director
Jennifer Yankulova	Atlanta Legal Aid Society	Managing Attorney

5. List of Private Attorneys Interviewed

Name	Organization	Position
William C. Gentry	Gentry Law Firm, LLC	Founder and Managing Attorney
Jacqueline Kennedy-Dvorak	Power Snell, P.C.	Senior Attorney
Greg O'Connell	Blasingame, Burch, Garrard & Ashley, P.C.	Attorney
John W. Rife	Rife Law Firm	Attorney
Wesley Robinson	Hulsey, Oliver & Mahar, LLP	Attorney
Charles (Charlie) A. Tingle, Jr.	Charles A. Tingle, Jr. P.C.	Retired Emeritus Attorney
Patricia B. Vital	Vital Law Office & Dispute Resolution Services	Attorney
Adam M. Walters	Walters Law, P.C.	Principal Attorney
R. Kyle Williams	Williams Teusink, LLC	Founding Partner

6. List of Social Service Organization and Agency Staff Interviewed

Name	Organization	Position
Monica DeLancy	We Thrive on Riverside	Community Tenants' Rights Advocate
Esteban Gonzalez	Atlanta Community Food Bank	Director, Benefits Outreach
Susan O. Joanis	Division of Family & Children Services	Asst. Director (Retired)
Melanie Kagan	Center for Family Resources	CEO
Shari Martin	Cobb Community Foundation	President & CEO
Richard Pellegrino	Cobb County Southern Christian Leadership Conference	Field Director, Activist
Dr. Dwight "Ike" Reighard	MUST Ministries	President & CEO
Margaret Stagmeier	Star-C	Founder & Board Chair
Falecia Stewart	MUST Ministries	Sr. V.P. of Housing Operations

Name	Organization	Position
Belisa M. Urbina	Ser Familia	CEO
Chari White	WINGS	Domestic Violence Advocate
Fernando Zapien Ramirez	Live Safe Resources	Legal Advocacy Program Manager

7. List of Subject-Matter Experts Interviewed

Name	Organization	Position
Professor Patrick E. Longan	Mercer University School of Law	William Augustus Bootle Chair in Ethics and Professionalism
John Malcolm	The Heritage Foundation	Vice President, Institute for Constitutional Government, Director of the Meese Center, and Ed and Sherry Gilbertson Senior Legal Fellow

8. List of Court Leaders Interviewed

Name	Organization	Position
Justice Clint Bolick	Arizona Supreme Court	Justice
Justice Brett Busby	Supreme Court of Texas	Justice

Appendix D. Themes from Stakeholder Interviews and Focus Groups

The National Center for State Courts (NCSC) conducted over 40 stakeholder interviews, as well as several focus groups, to hear from members of the legal community and people working adjacent to the legal community across the State of Georgia. NCSC spoke with judges from different classes of court, private attorneys, legal aid attorneys, paralegals, court staff, self-help center employees, and members of social service organizations. This document outlines the general themes and insights learned from those stakeholder conversations. To maintain privacy, the responses are generalized and not attributed to specific speakers.

Legal Needs and Challenges

General Legal Needs in Georgia

Part of the goal of these interviews was to gain an understanding of the current civil legal needs in Georgia. One overarching theme, echoed by stakeholders in various positions, is that there is simply not enough legal aid or pro bono to go around. Legal aid attorneys confirmed that they currently have to turn away many of the people who come to them. Social service organizations noted that when they refer people to legal aid, they feel that there is generally a high probability that the person will be turned away. As a result, there are hundreds of thousands of Georgians who do not receive the legal help they need.

The high rates of civil cases with at least one self-represented party pose significant challenges to the legal system. First, some stakeholders explained that self-represented litigants struggle to understand the law, particularly the difference between a perceived wrong or harm and a redressable legal wrong. Many stakeholders, including judges, discussed the difficulty that self-represented litigants have with understanding legal

processes—including service of process and venue—identifying the right forms, and filing forms in the right place. Stakeholders also explained that litigants often struggle to participate in hearings, including knowing when to speak, how to present evidence and testimony, and how to question the opposing party. One stakeholder emphasized that default judgments remain high in certain case types, particularly in magistrate court, which means that some litigants do not make it to court or have their legal issue heard on the merits.

These challenges matter. One judge emphasized that the number of parties who are not represented by an attorney has sharply increased in recent years and continues to grow. And there can be real harm done when people represent themselves. One stakeholder noted that they observed many times when a self-represented litigant received a bad outcome because of their lack of a knowledgeable representative. This can cause court users to develop negative feelings and lose trust in the legal system.

Apart from the potential for unjust outcomes, stakeholders also discussed how people representing themselves can impact the court system's efficiency, leading to slower proceedings. One attorney noted that in addition to harming court efficiency, these delays also harm clients who are paying for their attorney's services. Cases with self-represented litigants may take longer, leading attorneys in that case and others scheduled for that day to expend more time, which can ultimately mean increased costs to paying clients.

Difficulty Addressing Those Needs

Existing structures in Georgia that address legal needs include legal aid organizations, pro bono organizations, private attorneys, law libraries, self-help centers, navigators, mediation programs, and standardized, plain language forms. Stakeholders noted that there is great variation in the availability of those resources. For example, some law libraries contain only legal tomes and are not staffed with a librarian, while others provide internet access, and still others house legal advice programs.

Stakeholders identified several factors that make it difficult to address the civil justice gap. First, people hoping to assist self-represented litigants can have trouble connecting with those litigants. Several stakeholders noted that transportation is a real challenge for many people in Georgia, not only in rural counties, but also in densely populated areas where people who are older and people with disabilities struggle to get to the places that are offering help. Other stakeholders highlighted variations in literacy that can make it hard for people to understand their legal needs. And some of the people interviewed emphasized that trust in institutions is decreasing, such that sometimes the most effective way to connect people with services is by providing the services in trusted places, such as church parking lots.

One of the most commonly referenced barriers was the wide variation in court procedures and practices. Stakeholders repeatedly discussed Georgia's 159 counties and the difficulties that arise from so many different courts in so many different geographic areas. Practitioners emphasized that even with "uniform" rules, individual courts and even judges within courts often have varying practices that are unwritten. These variations can make it hard for people outside of the local area to provide assistance.

Service providers who are not attorneys (e.g. court clerks, self-help center employees, paralegals) also noted the caution they must use when interacting with litigants to try to only provide legal information. Many reported that this is difficult in the face of so many questions and so many people who need basic legal help. Court staff reported feeling frustrated that they do not have more resources to provide and described receiving a lot of frustration from court users who cannot find the help they need.

Non-profit organizations that provide court-adjacent assistance, such as food banks and housing shelters, almost unanimously noted that they are overwhelmed with work and a lack of funding, which is likely to continue into the near future.

Specific Challenges

In addition to discussing general legal challenges, stakeholders also identified specific problems that self-represented litigants face in the case areas that the Committee is focusing on as part of its mission. The following sections discuss these case-specific problem areas that accompany the general challenges already discussed. It is important to note, however, that many of these issues overlap and co-occur. For example, stakeholders noted that tenants who are being evicted might also need help with food stamps; people seeking a temporary protective order might also need assistance with a divorce; and people pursuing a divorce might also need help with a will.

Housing

Regarding housing cases, interviewees highlighted issues that self-represented litigants encounter both outside of court and in court.

Out of court, practitioners noted that tenants and landlords often lack understanding about their rights and responsibilities, particularly with regard to many tenants' mistaken belief that they can withhold rent if their landlord is not keeping the home in good condition.

Stakeholders emphasized that after an issue has escalated to the point that a complaint is filed, different kinds of assistance are necessary. First, tenants need help understanding the eviction process, what the tender defense is, and how to file an answer. One clerk noted that they receive a lot of questions about what the notice that was tacked to a tenant's door means, whether they have a court date, whether they have to move out, and when they have to move out. Another point of confusion is whether hardship is a defense to eviction. One stakeholder reported that tenants mistakenly believe that if they genuinely faced financial hardship, they have a legal defense to eviction. Additionally, stakeholders noted that tenants may end up signing an agreement with their landlord but not understand

what that agreement means and requires. Once a case has concluded, tenants need help understanding what the writ means and when the sheriff may actually come to remove them from their home.

Sometimes, tenants do not seek help until after a default judgment has occurred. Those tenants may need help understanding what a default is, knowing how much time they may have before they need to leave their home, and whether there are any available rental assistance programs.

Stakeholders also noted that they encounter unrepresented landlords not infrequently—often small, family property owners—who have trouble bringing an eviction case. These landlords struggle in particular to understand how to provide proper notice and correctly serve a tenant.

One stakeholder suggested that because eviction cases are often the result of non-payment of rent, there is no access to justice issue. But as one practitioner noted, even if the outcome of an eviction proceeding cannot be altered and a tenant will ultimately move, there is still value in ensuring that the tenant understands the process and the available options.

Consumer Debt

As with housing cases, stakeholders identified consumer-debt issues that occur outside of court and those that arise once a case is filed. Outside of court, issues can involve credit reporting errors or omissions, collector harassment, and identity theft.

Stakeholders, including judges, noted that in court, litigants often do not file an answer or do not file an adequate answer (which often results in a default judgment). Courts may receive answers that are handwritten or confusing, or that fail to respond to requests for admission (which often means that they are deemed admitted and can lead to a default

judgment). In addition, stakeholders reported that consumer-debt cases often involve hallway negotiations between the creditor attorney and self-represented litigant. The hallway negotiations can be confusing for self-represented litigants who may not understand that the person they are speaking to is not a mediator but someone who is representing the opposing party. And self-represented litigants may not understand what their negotiation options are, including how to negotiate and what happens if they decide not to accept an offer. Self-represented litigants are often left with unanswered questions about who actually owns the debt (because it has often been sold), and questions about how much and which income can be garnished.

Family/Domestic (including Temporary Protective Orders)

Stakeholders often cited family law and domestic cases as one of the highest-need areas of law in Georgia. And, unlike most housing or consumer-debt cases, stakeholders noted that domestic cases often have two self-represented parties. One stakeholder observed that certain areas in Georgia lack enough family-law attorneys to take cases for pay, let alone enough attorneys to take on pro bono or low bono cases. And unlike housing or consumer-debt cases, legal aid attorneys generally do not take domestic cases unless they are related to other issues, such as intimate-partner violence.

Attorneys and judges in this space emphasized that some of the biggest problems include a lack of understanding about somewhat complex legal processes and forms. Stakeholders frequently cited the child support worksheet as a particularly challenging form for litigants and also noted that there is a general misunderstanding about what parties are required to do, even if the divorce is uncontested, and when a divorce is *truly* uncontested. The most challenging domestic cases are ones that the self-help centers cannot provide much assistance on, including contested divorces involving assets such as marital homes or other complications like bankruptcies.

Many stakeholders discussed that one of the challenges associated with self-represented litigants is the added time and difficulty for the court. Hearings with people who represent themselves, especially in family-law cases, tend to last much longer because of the need for the court to redirect parties or work through difficulties.

In the context of temporary protective orders, stakeholders noted that people are often confused about its nature as a civil, rather than criminal, case proceeding. This can be especially confusing to petitioners if there is a parallel criminal investigation or case. But one stakeholder stressed that it is very important for petitioners to understand the difference given the different enforcement mechanisms. Additionally, one attorney noted that litigants often struggle to understand the details of the process (e.g. when the protective order expires). Practitioners in this area noted that people often end up representing themselves either because they are above the required income limits, or they do not timely connect with attorneys before the initial hearings.

Probate/Wills/Estate

As with family and domestic cases, practitioners in this space noted confusion about how to complete forms and what terminology means. Stakeholders emphasized that probate cases are especially form-heavy and that the language is particularly esoteric. When asked where self-represented litigants struggle with these cases, one attorney stated that people often just are not sure where to start; even with the availability of some forms online, there is widespread confusion. Another practitioner described contested probate cases as almost impossible when one party, or more, is unrepresented.

One specific area of complexity for self-represented litigants is what to do once the court case has concluded. One attorney observed that self-represented litigants might not understand that there are additional steps that must be taken in order to actually distribute an estate after it has been probated. The attorney stated that this is not a complex process,

but that right now it is a part of the process that many Georgians do not realize they have to complete.

Public Benefits

Multiple stakeholders emphasized that benefits issues can be very complex; one stakeholder noted, for instance, that Division of Family and Children's Services employees receive fairly extensive training to try to ensure understanding of complicated benefits (there are, for example, something like 34 classes of Medicaid assistance).

Georgians generally apply for benefits using the state's online application system, Georgia Gateway. People can use the Gateway to apply for a wide range of benefits, including Medical Assistance (Medicaid, PeachCare, etc.); Supplemental Nutritional Assistance Program (SNAP); Temporary Assistance for Needy Families (TANF); and more. Stakeholders reported that sometimes people need help understanding what the questions really mean (for example, what is your "household" if you rent a single room?). People often do not realize how many benefits they are eligible for. And stakeholders emphasized that people also struggle to successfully apply for benefits because the Gateway platform itself is difficult to navigate, particularly for people who have less comfort with technology.

Additionally, the application process can be challenging. Interviewees said that it is not uncommon for applicants to be told that their application lacks the required information; applicants in that situation need to know who to contact (and often do not know). As another example, one stakeholder noted that the phone calls from the state benefits office come from private numbers, so applicants do not answer the calls. But missing the calls can cause significant processing delays. Finally, stakeholders reported that applications often stall or are delayed, and when this happens, it can be necessary to file an appeal, which many people do not know how to do. Therefore, stakeholders described this as an area where applicants need assistance throughout the process.

Finally, one stakeholder noted that providing assistance to applicants can help ensure there aren't errors or fraud in the applications because there is a knowledgeable person reviewing the relevant documents.

Views on Permitting Non-Attorneys to Provide Legal Services

One of the potential solutions under consideration by the Committee was to permit non-attorneys to provide legal assistance in certain areas. Stakeholder conversations on this issue revealed that 1) there are some areas in which this work is already occurring and 2) the vast majority of stakeholders felt that this could be a helpful way to address the justice gap as long as there is careful and high-quality training and oversight.

What is Already Happening

First, several stakeholders discussed the ways that people who are not attorneys are already permissibly performing some legal services. For example, stakeholders discussed the domestic violence advocates, often employed by shelters and generally not supervised by attorneys, who are permitted to provide assistance in completing and filing petitions for temporary protective orders. The scope of the advocates' work seems to vary by jurisdiction, but NCSC learned that in some instances the advocates may be asked questions by the judge during the initial ex parte hearing. In other instances, the advocates assist only with the completion and filing of the petition, including by identifying which kind of protective order is appropriate.

One attorney who works closely with these advocates described them as a "godsend" because the advocates can put the process in motion and turn the case over to attorneys as the case progresses and moves toward a second hearing.

Finally, stakeholders observed that, in Magistrate Court, non-lawyers are already permitted to appear on behalf of some businesses.

How Non-Attorneys Might Address the Civil Justice Gap

Several stakeholders indicated at the outset of interviews that they were against the idea of non-attorneys providing any kind of legal services (one stakeholder described this as their "knee-jerk reaction"), but just about all of these stakeholders ultimately stated that as long as there was quality training and oversight, they were not against the idea. Many stakeholders stated that hearing about what other states and programs have done shaped their views on the issue.

Some stakeholders felt that having non-attorneys provide assistance would be particularly helpful to address some of the in-court power imbalances that happen when one party is represented while the other is not. One attorney, for example, felt that sometimes judges weigh cases differently if they feel like there is an advocate on the litigant's side.

Another stakeholder thought that the use of non-attorneys would help legal aid organizations by ensuring that those attorneys were available to focus on the more complex legal issues.

The stakeholders interviewed saw a range of potential places in which non-attorneys might be able to provide legal services that currently may only be provided by attorneys. Almost every interviewee felt that non-attorneys could help with forms completion and filing. Some stakeholders felt that attorney supervision would be unnecessary for these tasks.

Many stakeholders felt that having someone sit at the table with a litigant in court to provide support, bring an extra copy of necessary evidence, and explain the process would be beneficial, though at least one stakeholder preferred to have the non-attorney address the court so that there could be some type of quality checking.

Some practitioners also felt comfortable with the idea of allowing a non-attorney to speak on behalf of a client in court, particularly in less complex matters, such as uncontested divorces without children or cases in Magistrate Court. They felt this would be a helpful way to have someone with some kind of training explain what's going on. Those who disagreed said they were concerned about the kinds of unexpected things that can arise during hearings that are harder to prepare for. They also noted that the wide variations in court procedures could also make it difficult for non-attorneys to prepare for in-court appearances.

Opinions on where to draw boundaries around permitted tasks varied depending on the stakeholder. For instance, some felt that the non-attorneys could provide advice on things like how to conduct hallway negotiations; some did not.

Stakeholders identified several issue-specific areas in which non-attorneys could participate. These comments and suggestions are listed below:

- Housing:
    - Explain the eviction process and provide immediate assistance after a suit has been filed so that tenants know what their options are. Given the time-sensitive nature of eviction proceedings, it would help if people in paralegal positions did not have to first seek approval from their supervisor about what to include in an answer, which can cause costly delays.
    - One judge suggested that the use of non-attorneys in the landlord/tenant space could help ensure that landlords and tenants are adequately equipped for hearings and feel that they have said what they wanted to tell the judge.
    - Cases with complicating factors, like counterclaims or retaliatory evictions, might need additional support or attorney supervision.
- Consumer Debt:
    - Non-attorneys could help with just-in-time tasks like ensuring an adequate answer is filed and understanding the court process.

    - One judge felt that non-attorneys might help with garnishments by explaining what the post-judgment remedies are and which (if any) income might be excluded from garnishments.
- Family:
    - Some stakeholders felt that non-attorneys could help with family-law form packets that are less legally complex, or cases involving divorces without custody issues.
- Probate:
    - As with the other case types, one stakeholder felt that probate might be an appropriate place for non-attorneys to help with forms.

In addition to largely agreeing that the provision of legal services by non-attorneys could help increase access to justice, many stakeholders also felt that this assistance would help courts by increasing efficiency. Stakeholders from a variety of vantage points, including judges, discussed the time spent during court hearings to explain things to self-represented litigants or sort through paperwork. Additionally, stakeholders noted frustration around how court clerks do and should respond when they are asked which form someone should fill out; utilizing non-attorneys could help eliminate the questions posed to court clerks, which they cannot answer without providing legal advice.

Many interviewees generally stated that they did not think expanding who can practice law was a bad thing, though they had a variety of reasons for that belief. Some attorneys stated that their duties were to their clients and ensuring access to justice, and if this solution provides that access, they felt that it could not be thought to "harm" the legal profession but was instead ensuring that the profession did what it was supposed to do. Others noted that, in Magistrate Court, non-lawyers are already permitted to appear on behalf of corporations, and judges in some counties are not required to be attorneys, so it did not seem like a big change to allow non-attorneys to potentially provide assistance in these courts.

In response to questions about whether this would create competition for practicing attorneys, no stakeholders thought that this would be harmful because they felt that if someone could afford an attorney, they would. Another attorney felt that this just shouldn't be a worry in the face of concerns about access to justice.

Finally, many of the attorneys interviewed identified personal examples of people they had worked with, often paralegals, who were not attorneys but who knew the law and process extremely well and could have provided services themselves, had it been permitted. The paralegals interviewed generally agreed that they and other paralegals or navigators would want the ability to provide this more robust assistance.

Concerns About Non-Attorneys Providing Legal Services

Understandably, the biggest concern cited by stakeholders was how to make sure that the public was protected and received quality legal services. Stakeholders wanted to ensure that people with fewer resources would not be relegated to lower-quality services. As part of this, one stakeholder emphasized the importance of non-attorneys who would not merely be "social justice warriors," but who would provide good advice about when, for example, it might be in the person's best interest to accept an offer or agree to leave. Another attorney was understandably concerned about cases that might have seemed simple to start but became more complex as the case continued.

Some interviewees expressed concern that the changes would actually help address the justice gap, rather than becoming a tool that could be utilized to help firms make more money. One stakeholder suggested as a potential solution state regulation of fees (not unlike court regulation of fees that may be charged by appointed Guardians Ad Litem).

There was also an understandable concern about who the non-attorneys providing these services might be. Many organizations, including legal aid and broader non-profit

organizations, emphasized that they were already overwhelmed with work and that the recent federal changes either have or will affect their services. Other stakeholders felt that it might be better for these non-attorney providers not to be employees of the court so that they are not seen as providing assistance "on behalf of" the court. Stakeholders also discussed a concern about "bad actors" who might want to perform this work either to take advantage of vulnerable populations or who might abuse the legal system.

The question of payment and whether non-attorneys should be permitted to serve only clients at certain income levels divided stakeholders. Some felt that allowing potential non-attorneys to accept payment in a "free market" model might help ensure there are more professional, dedicated workers providing services. Others felt that there should be some kind of income limit, though stakeholders also felt that income limits can be problematic. One stakeholder explained that in the domestic violence context, there may be financial abuse that prevents a spouse from being able to access available income. And some stakeholders were concerned that an income limit would exclude people with modest means, who fall above the federal poverty line but are still unable to afford legal representation.

Views on Education, Training, and Oversight

As one stakeholder put it, in order to work as a sustainable solution, any program has to strike the right balance of enough training for the right amount of tasks and the right amount of oversight for quality control without so much oversight that it essentially just replicates the current paralegal system.

Stakeholders gave a variety of answers regarding the types of prerequisites that they would want non-attorneys to meet in order to participate in a program. One judge suggested working with local technical colleges as a way to identify applicants. Another attorney opined that while it might be possible to recruit non-attorneys with college degrees in certain parts of Georgia, that is likely to be less possible elsewhere in the state. Thus, it

might be prudent to open the program to people without college degrees. Several stakeholders were not convinced that an associate's or bachelor's degree was necessary. Other stakeholders suggested that there should be post-secondary education requirements that can be waived if the non-attorney applicant has an adequate amount of relevant experience.

Stakeholders were generally agreed that any program needed to include a mechanism for discipline and a way for the public to report complaints. For example, one stakeholder suggested having the non-attorney practitioners registered with a bar number and on a public-facing list to increase public awareness about their work and what to do if there are concerns. Relatedly, many stakeholders also felt that some kind of malpractice insurance was necessary.

In terms of training, stakeholders repeatedly emphasized that whatever training occurs for non-attorneys must include a focus on actual practice readiness and include activities like shadowing or a certain number of practice hours. One stakeholder felt that it would be best to create separate certification processes for each kind of law that a non-attorney might be able to participate in. Another attorney suggested that there be a sliding scale with more or less training depending on the type and amount of education and experience that the non-attorney candidates have.

As for supervision, the vast majority of stakeholders felt that the non-attorneys should have some kind of supervision by attorneys. One stakeholder felt that the extent of the supervision should depend on the types of tasks that the non-attorney is performing and whether the underlying issue is more of a factual or a legal determination. One stakeholder suggested that what might be necessary is some kind of review or attorney oversight at the "final step" in the process to make sure that any big issues are caught.

Finally, some of the stakeholders' comments suggest that there would need to be fairly robust conflict checking, especially in the family-law context, when it's more likely that both parties will seek help.

Views on Expanding the Use of Pro Bono

Stakeholders had a variety of thoughts on the issue of pro bono services and the viability of expanding pro bono work as a way to meaningfully address the civil justice gap. Many stakeholders articulated a strong belief that pro bono work is a very important part of the legal profession and something that attorneys should understand is necessary. At the same time, however, they also argued that pro bono service is not something that can be forced or even "incentivized." Instead, solutions should seek to make it easier for the people who have already decided to provide pro bono work to perform that service.

Stakeholders agreed that it can be difficult to find pro bono attorneys in certain case types. For example, one interviewee noted that the fast timeline in eviction cases makes it hard to timely connect a tenant with an attorney and prepare for a hearing. Additionally, non-legal aid attorneys who have experience in the housing context are often plaintiff-side attorneys and therefore are frequently conflicted out of assisting a tenant. Relatedly, another stakeholder stated that consumer-debt cases are often not discrete and can bring along related issues (credit issues; garnishments), which makes them more difficult for volunteer attorneys to take on. Indeed, some stakeholders noted that there are rarely pro bono services provided to people litigating cases in Magistrate Court.

As to family law cases, NCSC repeatedly heard that attorneys would not take family-law cases on a pro bono basis. Stakeholders speculated that this was due not only to the potential length of the case, but also to the high emotions often involved in the cases.

Just about every interviewee agreed that the issues best suited for pro bono assistance are usually discrete or short-term work that may or may not involve actual court appearances, such as assisting with wills and estate planning, filing temporary protection orders, and brief advice during advice clinics.

Stakeholders also identified things that make it more difficult for attorneys to provide pro bono services. For example, one stakeholder noted that the amount of discretion and variation between courts can make it difficult to practice in different parts of the state. That stakeholder explained that even judges within the same courthouse can have extremely different practices, sometimes in apparent violation of the uniform rules. (That stakeholder proposed requiring jurisdictions to write their policies and practices down so that out-of-town practitioners know what is expected of them.)

A few stakeholders with experience in providing pro bono work emphasized that it can be taxing, all-encompassing work that should not be treated lightly or made to seem "easier" than it actually is. Attorneys who said they wanted to provide pro bono stated that they are often concerned about how much time the matters might require, the kind of communication and help needed, and the potential liability exposure. And one attorney emphasized that they would like more subject-matter training and more practical advice about how to handle cases pro bono.

Other stakeholders, including one judge, were concerned about the quality of pro bono work and the ability to do quality control with attorneys who are providing pro bono services.

Finally, there was a sense that much of the "paid" work that attorneys perform in rural areas ends up being "pro bono" or "low bono" because clients are unable to pay. And multiple stakeholders mentioned doing work as court-appointed Guardians Ad Litem, which is paid work but at very low rates, that is in a lot of ways another kind of pro bono work.

CLE Credit for Pro Bono Hours

Almost no stakeholders felt that providing CLE credit for hours worked on pro bono cases would be a bad thing. There was general consensus that it would, if nothing else, help ease the way for more attorneys to provide pro bono services. At least one stakeholder noted that many of the CLE classes are (or were) in person and necessitate travel to Atlanta, which can be difficult. Thus, allowing CLE credit for pro bono work might ease the difficulties of earning credit. Another stakeholder stated that attendees don't always pay close attention or get a lot out of CLE sessions, so pro bono might be more instructive. Stakeholders also suggested that this might be especially helpful for new attorneys, who are learning the ropes about timely completing CLE credits.

The only concerns expressed centered on the question whether performing pro bono work included enough of a learning component. At least one attorney noted the importance of mechanisms to verify that the pro bono work performed should count as CLE credit and to track the hours.

Mandatory Reporting of Pro Bono Hours

The vast majority of people interviewed felt that requiring reporting of pro bono hours would not help increase the number of hours provided and was a bad idea. Many of the people interviewed also felt that it diluted the true meaning of pro bono, which is supposed to be derived from the intrinsic realization that members of the legal profession should aspire to provide services for their communities, particularly in light of the great need. And one stakeholder pointed out that pro bono is not the kind of work that you want attorneys to take begrudgingly.

The few who felt it might be a productive practice thought that the sort of public pressure that comes from this (or public "shame") could be a useful tool in getting more attorneys to provide pro bono work. Others described not wanting mandatory pro bono reporting but

being willing to do so if research in other states showed that it moved the needle on the number of people performing pro bono services.

Notably, however, a few attorneys indicated that they would support a mandatory pro bono requirement. One stakeholder, for example, wanted the bar to require new attorneys to complete a certain number of pro bono hours for admission as a way to increase the number of pro bono hours provided, give new attorneys experience with clients, and instill in new attorneys the idea that pro bono work is part of the legal profession.

Out-of-State and Inactive-Status Attorneys

Interviewees generally supported the potential for out-of-state and/or inactive-status attorneys to be permitted to provide pro bono services. Several stakeholders shared anecdotes of attorneys they knew who had either gone inactive or recently moved to Georgia with an active, out-of-state license and were trying to practice in Georgia but were struggling to navigate the bureaucratic hurdles. Many attorneys favored out-of-state attorneys being able to provide pro bono work, and noted, for example, that it might be especially relevant in areas of Georgia that neighbor other states. Others noted that such a provision could be helpful in the context of cross-state environmental disasters, and that it might help the larger firms with out-of-state offices collaborate on cases.

The only concerns raised focused on whether there would be some kind of oversight to make sure those attorneys are up-to-speed on current legal practices and (in the case of out-of-state attorneys) understand local rules and practices. One stakeholder suggested, for example, only allowing these attorneys to provide non-litigation pro bono services. Others felt it would help if there was training, the services were provided under the umbrella of legal aid, and there was malpractice insurance available.

Emeritus

As with the out-of-state and inactive attorneys, many stakeholders were supportive of potentially making it easier for emeritus attorneys to provide pro bono services. Many stakeholders said they knew of retired attorneys who wanted to provide pro bono services, and the stakeholders felt that this could be a positive way for people who are perhaps not continuing with a full practice to remain involved in the legal community. One challenge that NCSC learned of was the ability for emeritus-status attorneys to find malpractice insurance.

Stakeholders generally felt that as long as these attorneys remain knowledgeable about practice areas and perhaps have some kind of oversight, it would be helpful for the emeritus age to be lowered. They noted, for example, that a fair number of people have the 25 years of practice that are necessary but are not yet 70 years old. One stakeholder emphasized that there is a generation of attorneys who are nearing retirement age, and it would be great if they were able to provide volunteer services.

Views on Legal Service Delivery Models

Remote Hearings

Perhaps one of the most divisive topics discussed during interviews was the use of remote hearing technology.

First, stakeholders generally disagreed about the capacity of courts around the state to implement remote hearings. Some interviewees said that almost every court has some capacity to hold remote proceedings because courts often handle criminal hearings that way—such as arraignments, pleas, or bond hearings—for defendants who are in jail.

Simultaneously, other stakeholders indicated that courts do not have the infrastructure to widely utilize remote proceedings. Some felt that courts lack the technology; others felt that courts lack adequate staff to implement successful remote proceedings. Court stakeholders noted that some courts received federal funding to upgrade software for remote hearings, but the number of virtual hearings remains low, perhaps due to concern about being able to handle the necessary volume of cases remotely.

Second, stakeholders disagreed on how courts should, in an ideal world, utilize remote hearing technology. Some interviewees felt that courts absolutely can and should conduct more hearings remotely, and that the lack of remote opportunities is a real challenge for attorneys who want to provide pro bono assistance. One stakeholder noted that assistance has in the past successfully been provided via phone after environmental disasters. And other attorneys noted that lack of transportation and work obligations can make it difficult for self-represented litigants to attend in-person appointments.

But other stakeholders, including judges, noted concern about what is lost when litigants are not present in a courtroom, particularly with regard to being able to determine credibility, elicit testimony, and present evidence. For example, some courts have electronic filing that is often not used by self-represented litigants and can be accompanied by a fee that may make it out-of-reach for some. Another stakeholder said that during remote hearings there is a lack of "courtroom" decorum and people do not take the proceedings as seriously.

Still others were concerned about court users' ability to participate in remote proceedings. Some stakeholders said that they doubt anyone lacks technology or the ability to participate in remote proceedings, but this seems incorrect. True, some people in Georgia have access to the internet or tablets because their children's schools provide them. But stakeholders noted, for example, that there are areas of Georgia in which people lack access to stable internet or devices to participate in a remote hearing (like laptops). One

stakeholder noted that they have clients, particularly older people, who lack email addresses. To deal with these technological barriers, some attorneys and social service providers meet with clients at senior centers or libraries and coffee shops. Others provide assistance via telephone but generally do not use video-conferencing technology. One stakeholder emphasized also that even people who have the technology may be unable to participate because they lack familiarity and comfort. An attorney noted, for example, that they have observed that when the opposing party is a self-represented litigant, they may struggle with knowing how to speak or turn on the camera on a remote platform.

Brief Advice, Pleading Preparation, and Limited Scope

The final topic discussed during stakeholder interviews was the current use and usefulness of attorney assistance that is less than full representation, such as brief advice, pleading preparation, and limited-scope services.

First, some stakeholders were unaware of the current rules. One attorney, for example, did not believe that there was a limited-scope rule already in place in Georgia.

Many legal aid attorneys reported utilizing brief advice and some limited-scope services as a way to reach more clients, either through events like legal clinics or legal help lines, or by providing limited assistance on things like court forms or answers. One stakeholder felt, for instance, that if limited assistance was all someone could get, that was better than the person having to fully represent themselves.

Some attorneys noted that limited-scope services, including drafting assistance, are common and useful, but that sometimes courts are concerned about whether those services are permissible, which can make utilizing these tools difficult. For example, judges may not permit attorneys to withdraw or may criticize attorneys for providing pleading assistance without entering an appearance. These attorneys felt that more emphasis on

the permissibility of these services, including guidance and advertising directed towards the courts, and perhaps a rule on forms assistance, would be helpful so that there is less pushback from the bench.

Other stakeholders were more concerned about the use of these less than full representation models. Some attorneys were concerned that limited scope services do not permit them to provide the requisite zealous advocacy. Others worried about what might happen if something that a litigant files in court is considered deficient but, because it was drafted by an attorney on a limited-scope basis and the attorney is not present at the hearing, the litigant is unable to explain why the form was completed that way. One court stakeholder noted that they frequently see pleadings prepared by attorneys and filed by pro se litigants that are incorrect.

On a practical level, one judge explained that most courts do not have the ability to withdraw attorneys in the case management system, so the electronic system is not really set up to accommodate attorneys withdrawing.

Other attorneys questioned the usefulness of limited-scope services. One attorney felt that in their experience, it can take almost as much time to get caught up on a case and provide limited assistance as it would if they just took the entire case. Another attorney noted that they had seen cases flounder once the attorney withdraws and the pro se litigant, perhaps due to a lack of communication, is unsure how to move the case forward. Another attorney shared that the clients often do not understand what a limited-scope agreement means, which can cause the representation to end in chaos. One stakeholder felt that limited-scope work can help people with front-end assistance but was concerned about the availability of back-end assistance. For example, in probate matters, once a guardianship is established, the self-represented litigant still needs to know what the next steps and requirements are.

Appendix E. Summary of Results from Survey Sent to Members of the Bar

Overview and Demographic Information

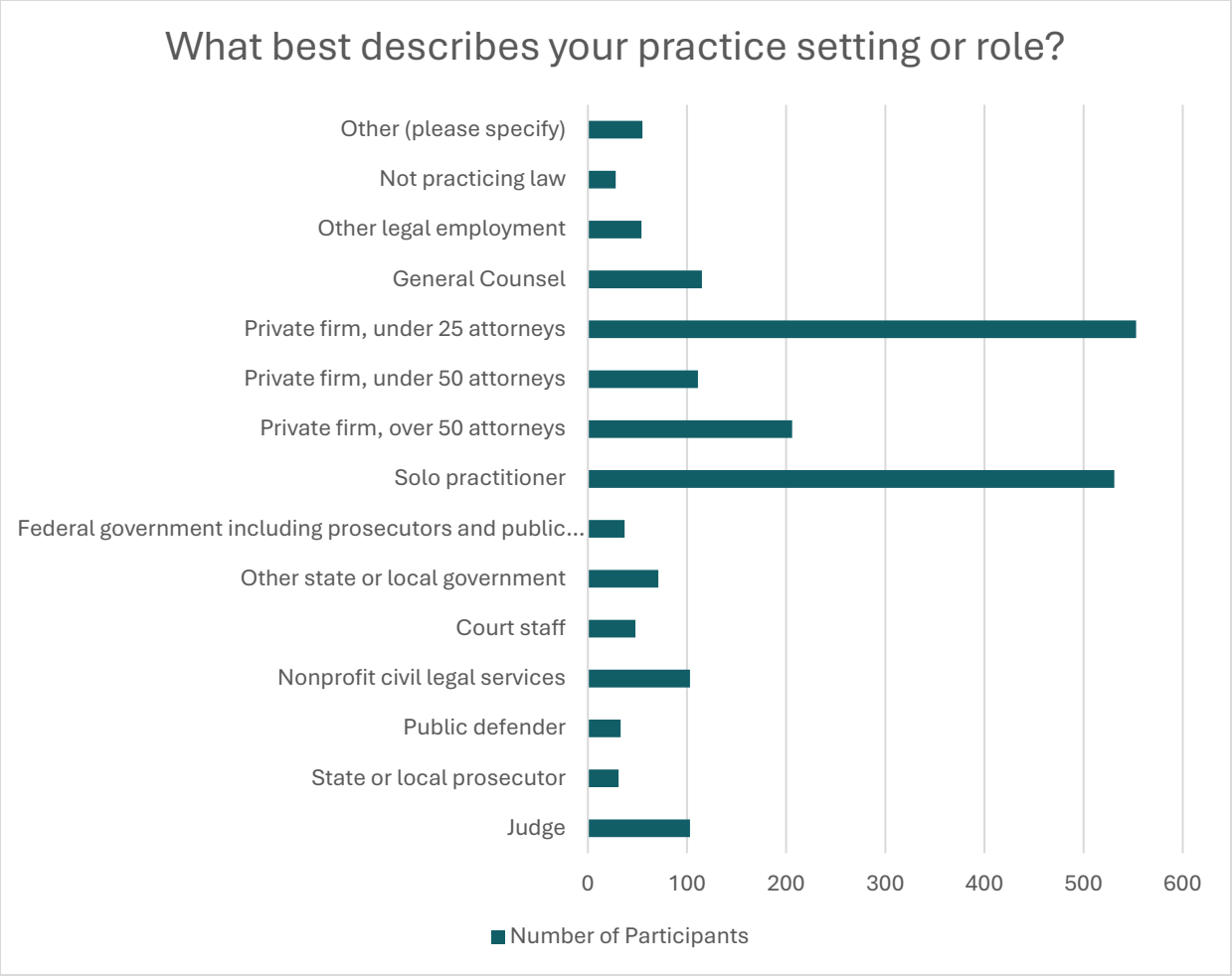
The Committee, with the help of the State Bar, promulgated a survey for Georgia attorneys to gauge their views on the critical issues under consideration by the Committee. The survey gathered responses from 2,206 attorneys, most of whom were active attorneys or judges (2,079).[185] Inactive attorneys (68) and emeritus attorneys (59) made up the remainder of the participants.[186]

Of the active attorneys and judges, just over one-half were attorneys working as either solo practitioners (531) or at a private firm with fewer than 25 attorneys (553). The remaining respondents were split across a variety of other legal positions, as shown below.[187]

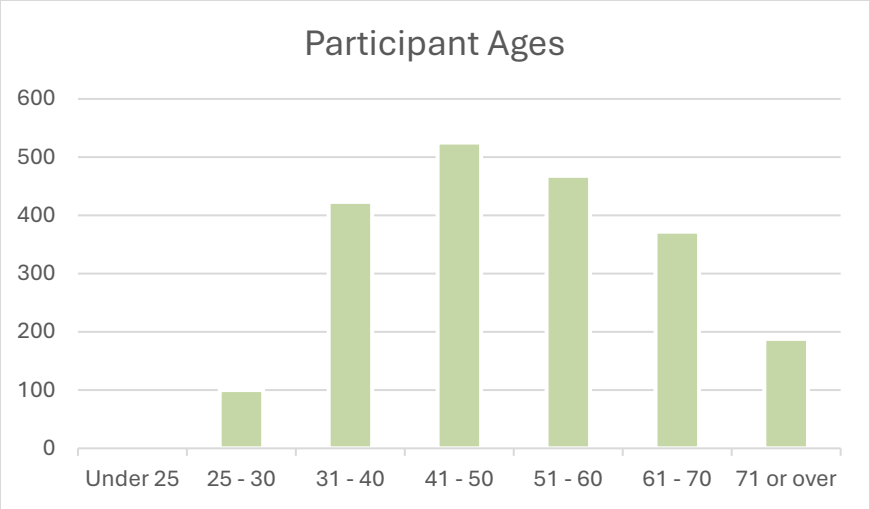
[185] The survey recorded a total of 2,478 responses. After removing responses that were completely blank or that had only an answer to the first question, the total number of respondents who the Committee considered "participants" in the survey (meaning they at a minimum answered the demographic questions about their current practice) was 2,206.

[186] Because not every respondent answered every question (either because they did not finish the survey or because they were not asked that question), non-demographic questions have variable response numbers. This variation was taken into account when calculating any percentages.

[187] For reference, the "other" category included a variety of answers, such as arbitrator, professor, and in-house counsel.



A majority of respondents (1,645) indicated that they had been an attorney for more than 10 years. But the respondents indicated a diverse mix of age ranges: the most selected age range, chosen by around one-quarter of respondents, was 41-50.



Geographically, over one-third of respondents reported practicing law or presiding as a judge in Metro Atlanta (including its suburban and exurban counties). Every other geographic region had consistent representation at around 6% and 7%. Responses regarding the county in which attorneys live were much more skewed towards Atlanta (for example, 55% reported living in Cobb, DeKalb, Fulton, or Gwinnett Counties), suggesting that many attorneys live in the Atlanta area and provide services in other parts of the state.

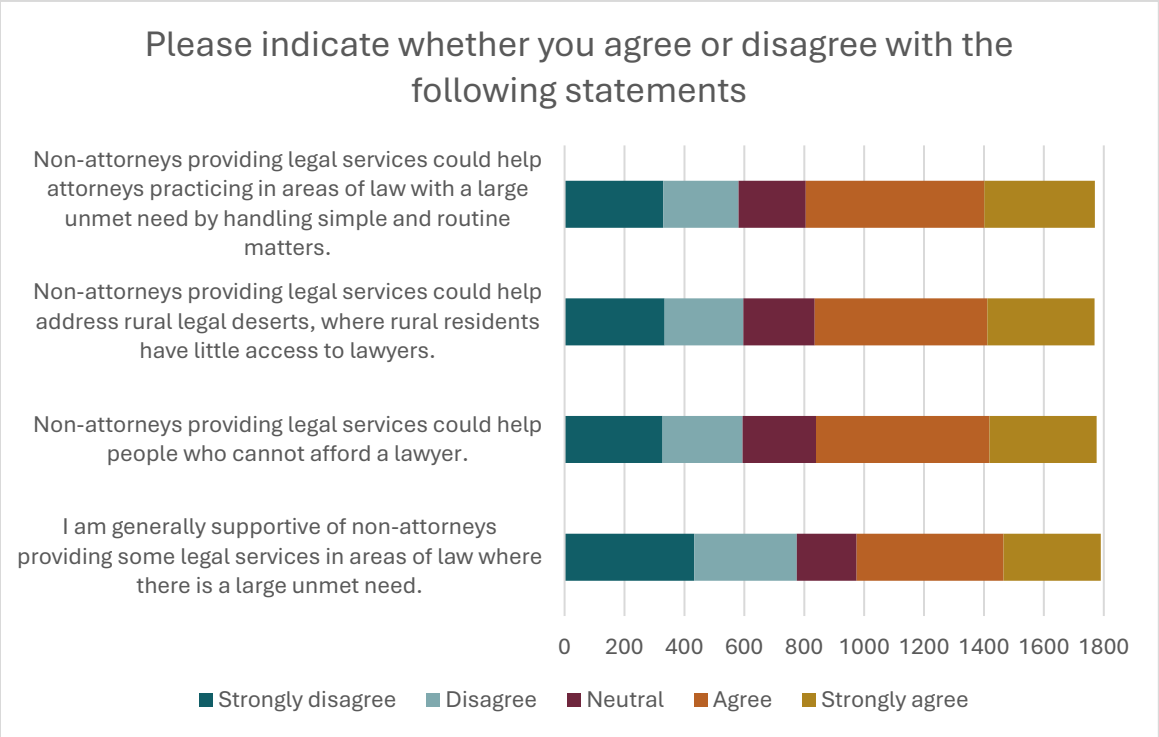
Finally, respondents also reported participating in a wide range of practice areas and case types. The most common practice areas included civil and commercial litigation, personal injury, general practice, business, and family, while the least selected answers included environmental law, intellectual property, securities, tax, and bankruptcy.

The Use of Non-Attorneys

Before asking questions, the survey provided a general overview of the scope of unmet civil legal needs, non-attorney programs in other states, federal programs that allow non-attorneys to provide assistance, and the existing Georgia statute that permits domestic violence advocates to provide some legal assistance.[188] The survey then asked active

[188] *See* OCGA § 19-13-3.

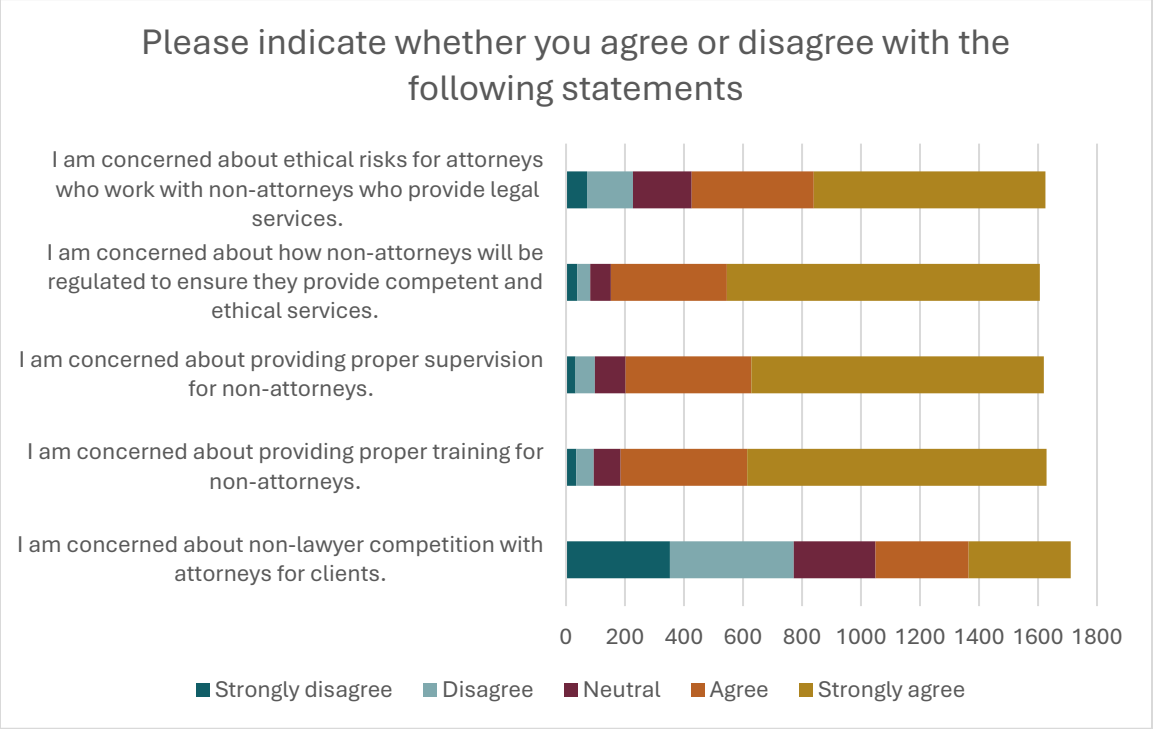
attorneys and judges about their opinions regarding a potential non-attorney program to learn what they are most concerned about. In addition to informing the Committee's recommendations, these survey responses also provide information about the types of public education and messaging that might be needed if the Court enacts a non-attorney program. As the chart below shows, slightly more than half of respondents (around 52%) agreed or strongly agreed that non-attorneys had the potential to help address the civil justice gap, while around one-third of respondents strongly disagreed or disagreed with that sentiment. Notably, however, less than 50% of the respondents agreed or strongly agreed that they were "generally supportive of non-attorneys providing some legal services in areas of law where there is a large unmet need."[189]



The next set of questions sought to elicit what attorneys are most concerned about with regard to non-attorney provision of legal services. The survey results show that respondents are most concerned about the regulation, supervision, and training of non-

[189] 45% agreed or strongly agreed.

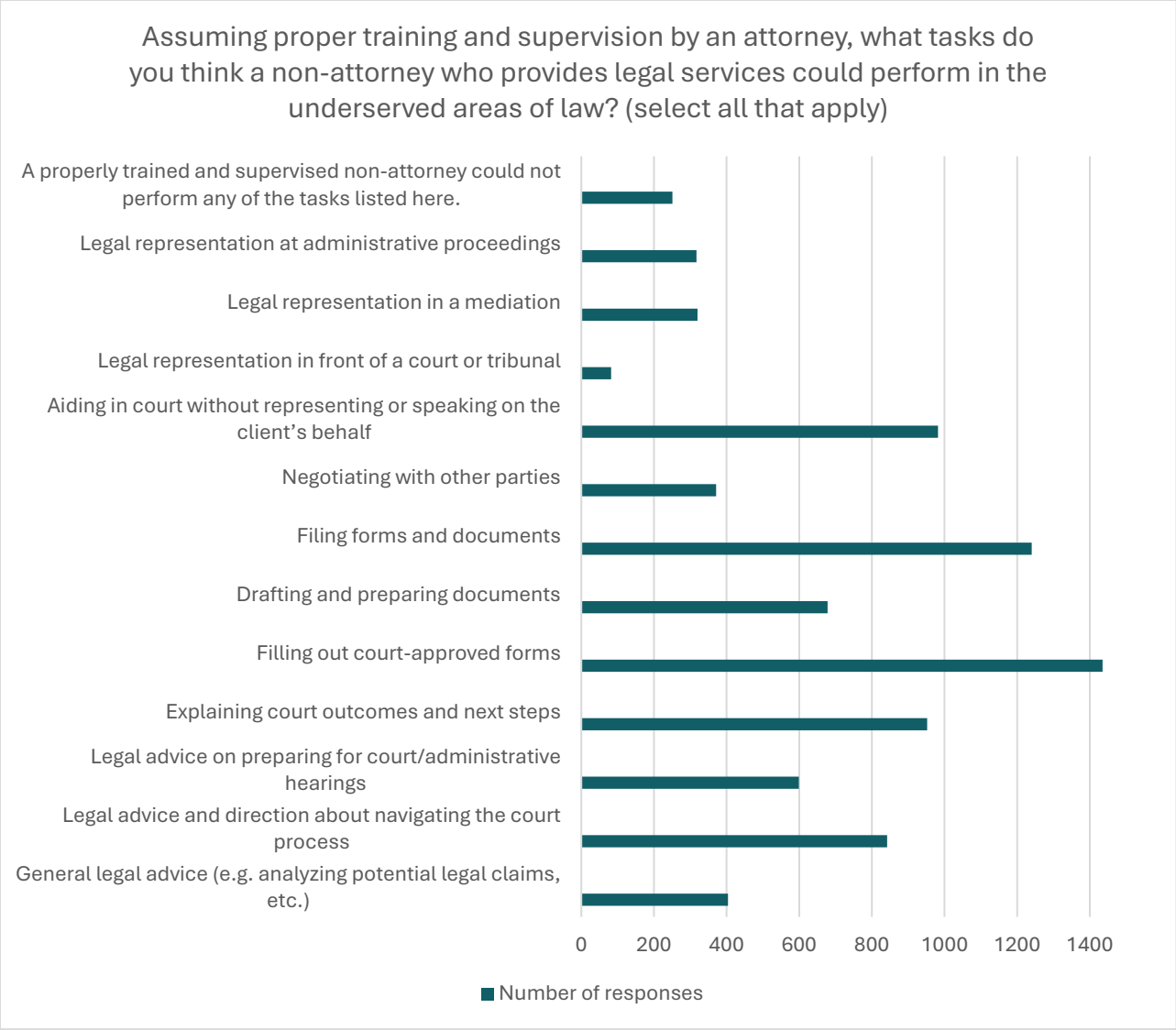
attorneys. This aligns with the free-response comments to the survey and what the Committee heard in stakeholder interviews. Interestingly, however, almost 40% of respondents were concerned about non-attorney competition with attorneys. This apprehension is not supported by research on programs in other states and seems unlikely to occur given the potential areas in which non-attorneys might work in Georgia. But understanding that this is a concern shared by a large number of attorneys can help shape the Court's communication with the Bar about a potential pilot program.



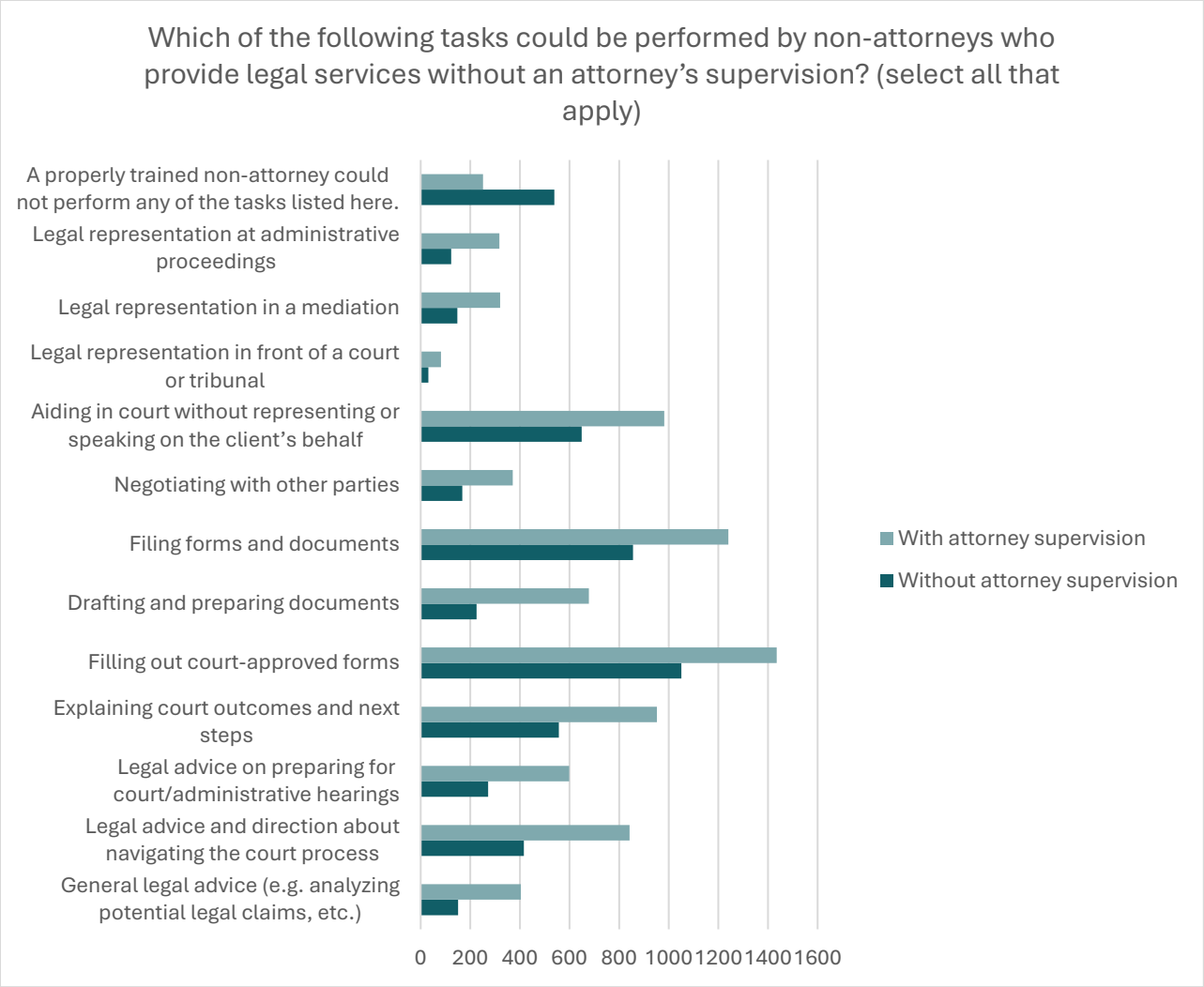
The Committee also sought to understand what tasks, if any, members of the Bar think non-attorneys might be able to perform, assuming appropriate training and supervision. The most often selected answers included filling out court-approved forms, filing forms and documents, aiding in court without speaking on the client's behalf, and explaining court outcomes and next steps. The least-selected answers involved representation of some kind (in courts, mediations, or administrative proceedings)—arguably the most traditionally "lawyer-like" task. This aligns with feedback from stakeholder interviews, in which

participants generally supported non-attorneys providing forms assistance and some advice but often felt less comfortable as tasks became more "lawyer-like." Finally, around 14% of respondents indicated that non-attorneys could not perform any of the tasks listed. Thus, while many expressed concerns, the actual number of attorneys who indicated that non-attorneys could not provide *any* legal services was comparatively low.[190] Notably, of the 251 people who responded that a trained and supervised non-attorney could not provide any legal services, 72% reported that they were either solo practitioners or working at a private firm with fewer than 25 attorneys. This might suggest concerns about competition.

[190] It is possible that this number was so low because respondents interpreted the "filling out court-approved forms" option as not involving the provision of legal advice (perhaps something like scribing, rather than actually providing legal advice necessary to complete a form). In interviews and survey responses, it appeared that there were a variety of interpretations of what constitutes legal advice.



Finally, the survey asked what tasks could be performed by non-attorneys without attorney supervision. Some state programs require attorney supervision, while others do not; this question attempted to gauge the Bar's view specifically on the question of supervision. Perhaps not surprisingly, respondents were less comfortable with the idea of non-attorneys providing services without attorney supervision. Indeed, the number of respondents who indicated that non-attorneys could not perform any of the tasks listed more than doubled from 251 to 539. Thus, it is clear that many feel attorney supervision is an important requirement for non-attorney programs.

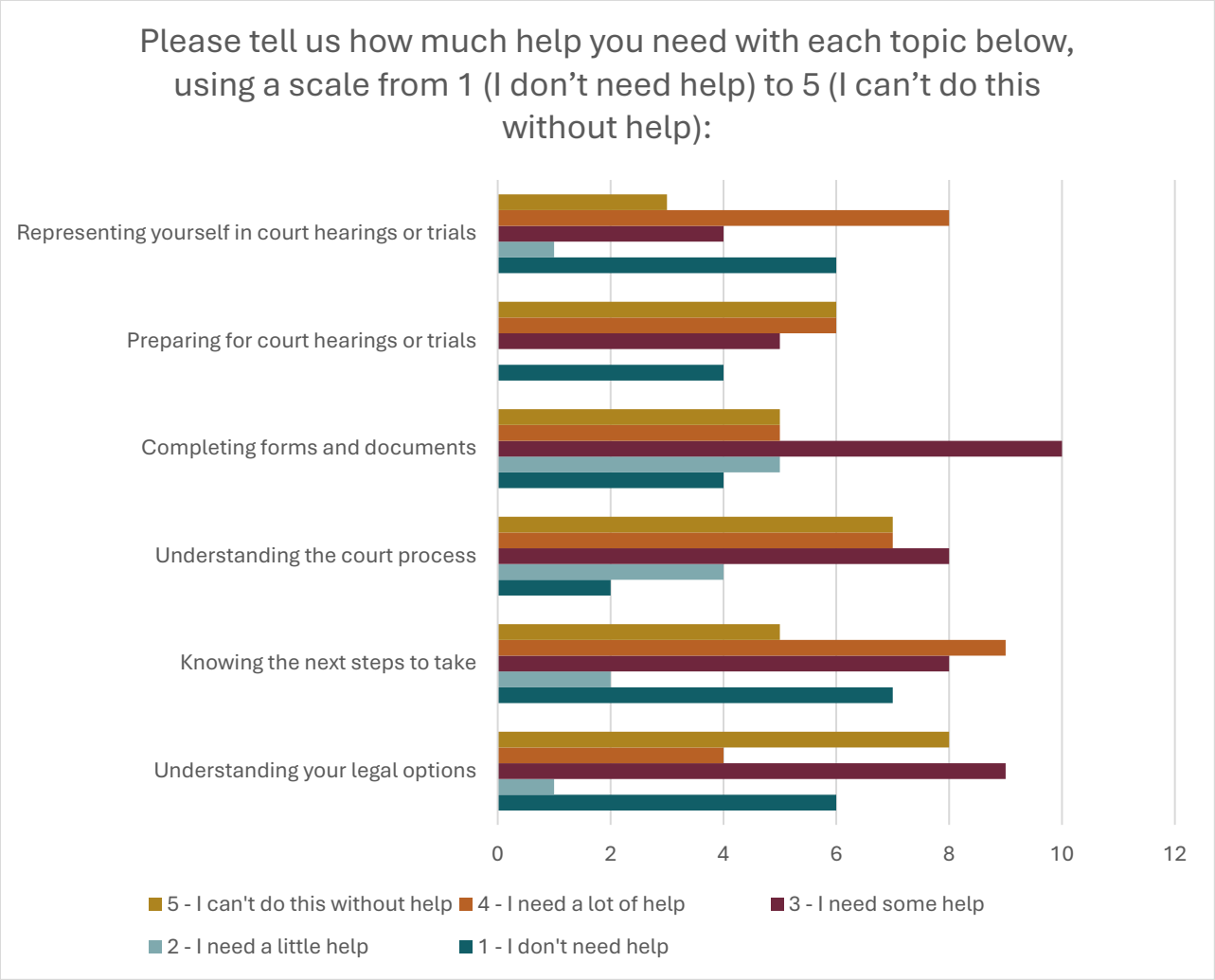

Which of the following tasks could be performed by non-attorneys who provide legal services without an attorney's supervision? (select all that apply)
A properly trained non-attorney could not perform any of the tasks listed here.
Legal representation at administrative proceedings
Legal representation in a mediation
Legal representation in front of a court or tribunal
Aiding in court without representing or speaking on the client's behalf
Negotiating with other parties
Filing forms and documents
Drafting and preparing documents
Filling out court-approved forms
Explaining court outcomes and next steps
Legal advice on preparing for court/administrative hearings
Legal advice and direction about navigating the court process
General legal advice (e.g. analyzing potential legal claims, etc.)
0
200
400
600
800
1000
1200
1400
1600
With attorney supervision
Without attorney supervision

Appendix F. Summary of Results from Court-User Survey

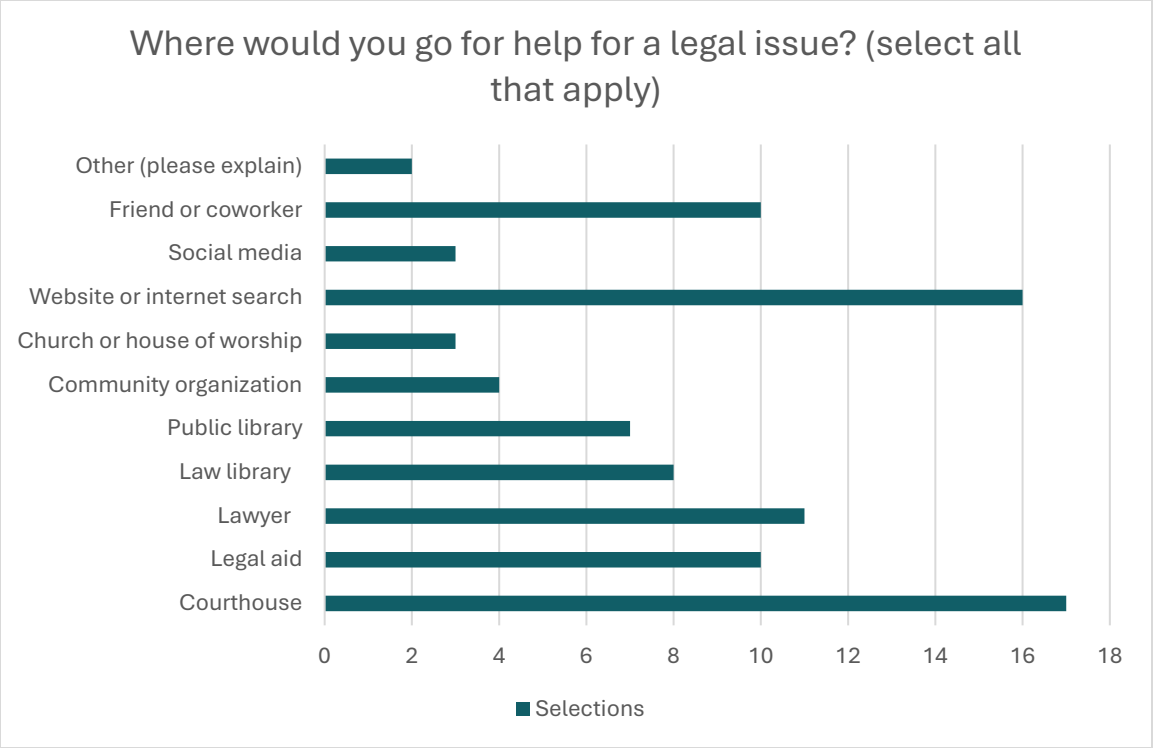
The Committee also deployed a short survey for court users which was available at a few courthouses around Georgia. The response size was small (40) and captured only people who came to court (instead of those who may have had legal issues that did not reach court) but still provides helpful information about how people in Georgia, particularly self-represented litigants, view their legal needs.

Forty court users participated in the survey, more than half of whom (55%) were visiting court for a probate/wills/estate issue. The remaining court users stated that they were at court for a variety of other legal issues, including criminal, debt collection, family law, landlord/tenant or eviction, traffic, and civil lawsuits involving money. Over three-quarters of survey respondents (78%) stated that an attorney was not helping them with their legal issue. Of the remaining respondents, four said that they were receiving free legal assistance and five said they were receiving paid legal assistance.

The survey next asked court users to rank how much help they needed on several different legal tasks. The results for people not receiving assistance from an attorney, included in the chart below, show that some of the steps that litigants felt they need the most help with (meaning that they selected “I can’t do this without help”) are understanding their legal options and understanding the court process.



Finally, the survey asked court users to select all of the places they might go for help with a legal issue. The most selected answer (more than legal aid or a lawyer) was the courthouse. While this is again a small size and captured people already at a courthouse (and thus perhaps already inclined to seek help there), it still suggests that self-represented litigants can and do utilize courthouses as a place to get help.


Where would you go for help for a legal issue? (select all that apply)
Other (please explain)
Friend or coworker
Social media
Website or internet search
Church or house of worship
Community organization
Public library
Law library
Lawyer
Legal aid
Courthouse
0
2
4
6
8
10
12
14
16
18
Selections

Appendix G. National Regulatory Landscape: Non-Attorney Programs

The chart below describes the non-attorney programs that are currently operating in other states (or were approved). This regulatory space is constantly changing; this chart is current as of Spring 2025.

State[191]	Regulation	Scope of Practice
Alaska: Community Justice Workers[192]	**Training & Education:** • Training through Alaska Pacific University and Alaska Native Tribal Health Consortium. • Training delivered through free, asynchronous courses on specific legal topics. Modules include quizzes and	**Substantive:** • SNAP applications and appeals, wills, ICWA enforcement, debt collection defense, and domestic violence protective orders. **Tasks:** • Consulting with and advising clients, completing and filing

[191] Much of the information in this chart, along with additional information about non-attorney programs, comes from the Institute for the Advancement of the American Legal System. *See* Cayley Balser & Stacy Rupprecht Jane, *The Diverse Landscape of Community-Based Justice Workers* (2024), https://perma.cc/4AQT-48CD.

[192] *See Adopting Bar Rule 43.5 Concerning Waivers for Non-Lawyers Trained and Supervised by Alaska Legal Services Corporation*, Order No. 1994 (2022), https://perma.cc/78AH-CZEH; *Community Justice Worker Program*, Alaska Legal Services Corporation (2025), https://perma.cc/8R5J-46R5; *Alaska Legal Services Corporation: Community Justice Worker Program*, Alaska Legal Services Corporation (2024), https://perma.cc/YW3P-PYMA; *Introduction to Proposed Alaska Bar Rule 43.5*, Alaska Legal Services Corporation (2022), https://perma.cc/7VAA-GTWL; Joy Anderson, et al., *supra* note 88.

State[191]	Regulation	Scope of Practice
	assignments to check understanding. • Platform uses low internet bandwidth. • After finishing a course, the justice workers partner with Alaska Legal Services Corporation to start providing services to clients. **Regulatory Body:** • Alaska Bar Association Board of Governors.	necessary court documents, and assisting pro se clients at certain types of hearings. **Supervision:** • Must be supervised by an attorney. • Justice workers are covered by the attorney's malpractice insurance.
Arizona: Legal Paraprofessionals & Legal Advocates[193]	**Training & Education:** • Legal Paraprofessionals need a paralegal degree or associate's degree and paralegal certificate and subject-matter training;	**Substantive:** • Legal Paraprofessionals: Family law; limited jurisdiction civil cases; limited jurisdiction criminal cases where penalty of incarceration

[193] *See* Arizona Code Judicial Administration § 7-210; *In re: Authorizing a Housing Stability Legal Advocate Pilot Program*, Order No. 2024-34 (2024), https://perma.cc/WD5Z-SJ5R; *In re: Authorizing a Domestic Violence Legal Advocate Pilot Program*, Order No. 2024-35 (2024), https://perma.cc/2ZYE-5XP6.

State[191]	Regulation	Scope of Practice
	bachelor's degree in law and subject-area specific training; completion of certification program for legal paraprofessionals; master of legal studies; JD; or foreign law degree with LLM. Must pass licensing exam. • Legal Advocates must have at least a high school diploma or GED; complete the housing or domestic violence course of study through Innovation for Justice. Must pass the subject matter examination administered by the Administrative Office of the Courts. **Regulatory Body:** • Board of Nonlawyer Legal Service Providers.	is not at issue; and state administrative law (where allowed by the administrative agency). • Legal Advocates: limited-scope legal advice about housing-related civil legal problems and for domestic violence survivors. **Tasks:** • Legal Paraprofessionals: Drafting, signing, and filing legal documents; providing advice, opinions, or recommendations about possible legal rights, remedies, defenses, options or strategies; appearing before a court or tribunal; and negotiating on behalf of a client in the areas or practices that are authorized by the law.

State[191]	Regulation	Scope of Practice
		• Legal Advocates: Limited advice on common housing/domestic violence issues; advice on forms completion; attend court with client, sit at table to provide quiet advice and respond to questions asked by court. **Supervision:** • Attorney supervision not required. • Legal Paraprofessionals must disclose to the State Bar whether they are covered by liability insurance and the State Bar makes this information available to the public.
Colorado:	**Training & Education:** • Must meet education or experience requirements: Either JD;	**Substantive:** • Family law matters; name changes (although

State[191]	Regulation	Scope of Practice
Licensed Legal Paraprofessionals[194]	associates/ bachelor's degree in paralegal studies; bachelor's degree in any subject from school that includes paralegal certificate or 15 hours of paralegal studies; law degree from another country; or 3 years full-time work, including 1 focused on Colorado family law, of substantive law-related practical experience. • Must pass the Colorado LLP exam and professional conduct examination. **Regulatory Body:** • Colorado Supreme Court.	the rule carves out a number of exceptions). **Tasks:** • Providing advice; preparing and reviewing documents and pleadings; advocating for clients in mediation; standing or sitting at counsel table with the client during a court proceeding to provide emotional support, communicating with the client during the proceeding, answering questions posed by the court, addressing the court upon the court's request, taking notes; and assisting the client in understanding the proceeding and relevant orders.

[194] *See* Colorado Rule of Civil Procedure 207, https://perma.cc/8EB8-8YNL.

State[191]	Regulation	Scope of Practice
		Supervision: • Attorney supervision not required. • The paraprofessional must certify yearly to the Colorado Supreme Court whether they have liability insurance, and the Supreme Court will make this information available to the public.
Delaware: Qualified Tenant Advocates[195]	**Training & Education:** • Course of training provided by the supervisory legal aid agency. Training must cover substantive law, rules of evidence, rules of Justice of the Peace Court, and principles of professionalism. **Regulatory Body:** • Supreme Court.	**Substantive:** • Representation for tenants of a residential property in certain cases in Justice of the Peace Courts. **Tasks:** • Legal representation. **Supervision:** • Must be supervised by an attorney.

[195] *See* Rule of the Supreme Court of the State of Delaware 57.1, https://perma.cc/MD2P-CHK8.

State[191]	Regulation	Scope of Practice
		• Supervising attorney must assume personal professional responsibility for the Qualified Tenant Advocate's guidance and carry malpractice insurance that will sufficiently cover the work and actions of the Qualified Tenant Advocate.
Hawaii: Advocates[196]	****Pilot in Third Circuit only** **Training & Education:** • 14 classroom hours on paternity law, civil procedure, case strategy, mediation, court advocacy, client interviewing and ethics; 5 hours courtroom observation; and 20-50 hours providing client	**Substantive:** • Family court cases involving issues related to paternity, child custody, and visitation. **Tasks:** • Obtain facts and documents relevant to the case; inform the client of procedures,

[196] *See* John Burnett, *Pilot Program Provides Legal Help to Indigent in Paternity Cases*, Hawaii Tribune-Herald (2024), https://perma.cc/X9DH-5KTP; *In re: Rural Paternity Advocate Pilot Project in the Third Circuit* (2023), https://nationalcenterforstatecourts.app.box.com/s/f9ybxnx8psl5sq9snx5q5ru5gcwgx0c4.

State[191]	Regulation	Scope of Practice
	services under supervision. **Regulatory Body:** • Presiding judge of the Family Court can revoke an advocate's authority to appear in a case.	including deadlines, documents which must be filed, and the anticipated course of the legal proceeding; review documents or exhibits received from the opposing party and explain their relevance; legal research; draft and cause to be filed documents relevant to the case; interact with opposing parties, including participating in mediation and/or settlement negotiations; full representation in court. **Supervision:** • Must be supervised by an attorney.
Minnesota:	**Training & Education:**	**Substantive:**

State[191]	Regulation	Scope of Practice
Legal Paraprofessionals[197]	• Associate's or bachelor's Degree in paralegal studies; paralegal certificate and Associate's or Bachelor's degree in any subject; law degree; or high school diploma and 5 years of substantive paralegal experience. • 10 CLE credits, including 2 ethics credits, within the 2 years before certification. And paraprofessionals must complete 10 CLE credits, including 2 ethics, every 2 years. • Additional CLE requirements apply if the paraprofessional is going to provide legal	• Originally: Landlord-tenant cases (tenants); family law cases where the issues are not significantly complex; and domestic violence order of protection cases. • After the program was made permanent, expanded to several other case types, including: criminal expungements; conciliation; debt cases; petty misdemeanors; less-complex probate cases; some cases before the Office of Administrative Hearings; and challenges to the denial of unemployment benefits. **Tasks:**

[197] *See Final Report and Recommendations to the Minnesota Supreme Court*, *supra* note 81; Minnesota Supervised Practice Rule 12.

State[191]	Regulation	Scope of Practice
	assistance in certain cases (such as petty misdemeanors). Other approved practice areas, like probate, also have experience requirements/other training requirements. **Regulatory Body:** • Program Committee for the Legal Paraprofessional Program.	• Provide advice; represent clients in court; and represent clients in mediation. **Supervision:** • Must be supervised by an attorney. • Supervising attorney must assume personal professional responsibility for the work of the paraprofessional and carry malpractice insurance that will sufficiently cover the work and actions of the paraprofessional or ensure that the legal paraprofessional has secured adequate malpractice insurance.
New Hampshire:	**Training & Education:**	**Substantive:**

State[191]	Regulation	Scope of Practice
Paraprofessionals[198]	• Have either bachelor's degree in any field of associate's degree in law-related field and at least 2 years of work experience in a law-related setting with attorney supervision. **Regulatory Body:** • New Hampshire Supreme Court.	• Phase 1 (effective January 1, 2023): assistance in family and landlord/tenant matters with case preparation tasks (such as drafting pleadings, parenting plans, protection orders, and financial affidavits). • Phase 2 (effective January 1, 2025): "paraprofessional representation" in family and district courts (originally only in specific courts, but expanded to all courts). **Tasks:** • Phase 1: Case preparation tasks (such as drafting pleadings, parenting plans, protection orders, and

[198] *See* N.H. Rev. Stat. § 311:2-a; Rule of the Supreme Court of the State of New Hampshire 35; Tom Jarvis, *Newly Enacted Paraprofessional Pilot Program Helps Promote Access to Justice*, New Hampshire Bar Association, https://perma.cc/3X6Z-TPPC.

State[191]	Regulation	Scope of Practice
		financial affidavits) in family and landlord tenant cases. • Phase 2: "paraprofessional representation" in family and district courts in Manchester, Berlin, and Franklin. Now extended to all courts. **Supervision:** • Must be supervised by an attorney. • Supervising attorney must carry professional liability insurance that includes liability coverage for the paraprofessional.
Oregon:	**Training & Education:** • Must either meet education requirements: either	**Substantive:** • Family law and landlord-tenant cases.

State[191]	Regulation	Scope of Practice
Licensed Paralegals[199]	associate's degree or higher in paralegal studies; bachelor's degree in any course of study; or graduate from accredited law school; or can waive education requirements with at least 5 years of full-time paralegal experience; passed one of the national paralegal certification exams; or is a military paralegal. • Must complete 20 hours professional education courses in 18 months before license. • Must complete certain number of substantive paralegal work hours. • Must meet subject-matter experience requirements.	**Tasks:** • Provide advice and assistance (but not in-court representation); attend court appearances and depositions to give support/assistance. **Supervision:** • Attorney supervision not required. • Paraprofessionals are required to have malpractice insurance through the Oregon Professional Liability Fund.

[199] *See Supreme Court of the State of Oregon: Rules for Licensing Paralegals* (2025), https://perma.cc/QDR8-ZC9S.

State[191]	Regulation	Scope of Practice
	• Must submit portfolio establishing learning. • Must pass examination. **Regulatory Body:** • Oregon Supreme Court; Committee of Paralegal Assessors.	
South Carolina: Advocates[200]	**Training & Education:** • Completion of 4 training modules for a total of 12 hours of training. Modules include: Advocates' professional conduct rules; eviction law; providing guidance to tenants; when mandatory referrals are required. • Must pass test after each module and a cumulative final test. **Regulatory Body:**	**Substantive:** • Limited assistance to tenants facing eviction. **Tasks:** • Advocates may only: confirm eviction pending against the tenant; provide advice about requesting a hearing; provide limited advice about the hearing by noting common defenses that the defendant might have (e.g., notice).

[200] *See In re: South Carolina NAACP Housing Advocate Program et al.*, No. 2023-001608 (2024), https://perma.cc/QL9A-VUSW.

State[191]	Regulation	Scope of Practice
	• Supreme Court and NAACP of South Carolina.	**Supervision:** • Work subject to review by lawyer affiliated with the South Carolina NAACP.
Texas: Licensed Legal Paraprofessionals & Licensed Court-Access Assistants[201]	**** Program not currently implemented** **Training & Education:** • Licensed Legal Paraprofessionals must: be certified or registered paralegal, have completed paralegal education program, have worked as paralegal for at least 5 years; have bachelor's degree or higher. Must pass ethics and, usually, a subject-matter examination.	**Substantive:** • Licensed Legal Paraprofessionals: Civil justice court cases; family law; estate planning and probate; and consumer-debt law. • Licensed Court-Access Assistant: Civil justice court cases only. **Tasks:** • Licensed Legal Paraprofessionals: Depends on case type. For some cases, unsupervised licensed legal paraprofessionals

[201] *See Preliminary Approval of Rules Governing Legal Paraprofessionals and Licensed Court-Access Assistants*, No. 24-9050 (2024), https://perma.cc/BEC2-ZAYU.

State[191]	Regulation	Scope of Practice
	• Licensed Court-Access Assistants must: complete justice court training on procedures, professional conduct, and relevant subject matter; and be sponsored by an approved legal assistance organization. **Regulatory Body:** Texas State Bar.	can handle preparation, litigation, settlement, perfecting an appeal, and post-judgment actions. For other case types, unsupervised licensed paraprofessionals may provide those services only in uncontested cases, or else may provide limited advice and form preparation. (With supervision, they may provide more assistance.) • Licensed Court-Access Assistants: Provide legal services including representation. **Supervision:** • Licensed Legal Paraprofessionals: Attorney supervision not required.

State[191]	Regulation	Scope of Practice
		• Licensed Court-Access Assistants: Attorney supervision required.
Utah: Licensed Paralegal Practitioners & Legal Advocates[202]	**Training & Education:** • Licensed Paralegal Practitioners: Must meet education requirement: either professional degree from law school; associate's/bachelor's degree in paralegal studies; master's degree in legal studies; or national paralegal certification. Must meet experience requirement: 1500 hours of substantive law-related experience within last 3 years, with some additional	**Substantive:** • Licensed Paralegal Practitioners: Family law, debt collection, and landlord-tenant cases. • Legal Advocates: landlord/tenant; medical debt; protective orders/stalking injunctions **Tasks:** • Licensed Paralegal Practitioners: Identify legal issues; assist with completing approved forms and review documents given by opposing party; complete

[202] *See* UCJA 14-802; *Utah Supreme Court Standing Order No.15* (2020), https://perma.cc/YL3W-XQJT; *Utah Supreme Court Standing Order No. 16* (2025), https://perma.cc/L6GP-8VV5; *Licensed Paralegal Practitioner (LPP) Program: *Overview and Information*, Utah Bar (2024), https://perma.cc/7TCT-HYD6; *Increasing Access to Justice in Utah: Medical Debt Legal Advocate Program*, Community Justice Advocates of Utah & Innovation for Justice, https://perma.cc/HW2F-77TK; *Certified Advocate Partners Program*, *supra* note 93 .

State[191]	Regulation	Scope of Practice
	requirements by subject-matter. Except for those with law degrees, must complete classes on ethics and the specific subject matter they are seeking licensure in. Must pass LPP ethics exam and subject-matter exam. • Legal Advocates must work at a community-based organization that does work related to the issue area; organization must meet Utah's Sandbox eligibility requirements; advocate and organization may not charge clients for legal services provided. Advocates must complete self-paced training that may take 60-80 hours.	a settlement agreement, communicate with another party or the party's representative regarding the relevant forms and matters in the approved legal areas. Can sit with client during court proceedings to provide support/assistance and answer any questions from the court. • Legal Advocates: Identify legal claims/defenses; negotiate with other parties; provide legal advice; explain and help with court forms/processes; draft documents; prepare clients for hearings; attend hearings and provide "quiet assistance." **Supervision:**

State[191]	Regulation	Scope of Practice
	Regulatory Body: • Utah State Bar & Legal Services Innovation Committee of the Utah Supreme Court.	• Attorney supervision not required.
Washington: Limited Licensed Legal Technicians[203]	****Program now sunset** **Training & Education:** • 45 hours of legal studies credit hours; substantive course hours in family law; work-experience requirement; licensure exam. **Regulatory Body:** • Washington Supreme Court.	**Substantive:** • Family law (but rule carves out a number of exceptions). **Tasks:** • Consulting with and advising clients; completing and filing necessary court documents; and assisting pro se clients at certain types of hearings and settlement conferences. **Supervision:**

[203] Washington State Court Rules: Admission and Practice Rule 28, https://perma.cc/9DRW-JTPN.

State[191]	Regulation	Scope of Practice
		• Attorney supervision not required. • Must have a professional liability insurance policy.

Appendix H. National Regulatory Landscape: Attorney Regulations

Pro Bono Hours

The chart below provides information about the rules in other jurisdictions regarding reporting of pro bono hours and whether attorneys can earn CLE credit for performing pro bono work.

State	Do attorneys have to report pro bono hours?[204]	Can attorneys earn CLE credit for pro bono work?[205]
Alabama	N/A	**Yes**. 1 hour of MCLE credit for every 6 hours of pro bono work. Up to 3 MCLE credits per 12-month period.
Alaska	N/A	**Sort of**. May earn CLE credit hours by mentoring another member of the bar for the purpose of training that

[204] *See Pro Bono Reporting*, *supra* note 158.

[205] *See CLE Credit for Pro Bono*, American Bar Association (last updated 2025), https://www.americanbar.org/groups/probono_public_service/policy/cle_rules/.

State	Do attorneys have to report pro bono hours?[204]	Can attorneys earn CLE credit for pro bono work?[205]
		member to provide pro bono services.
Arizona	Not mandatory but suggested.	**Yes**. 1 hour CLE credit for every 5 hours of pro bono service. Up to 5 CLE credit hours per year.
Arkansas	N/A	**Yes**. 1 hour CLE credit for every 3 hours of pro bono work. Up to 3 hours per CLE year. Pro bono work must be completed under supervision of sponsoring organizations.
California	**Yes**. Licensees must report every year whether they have provided pro bono legal services.	N/A
Colorado	N/A	**Yes**. 1 hour CLE credit for every 5 hours of pro bono

State	Do attorneys have to report pro bono hours?[204]	Can attorneys earn CLE credit for pro bono work?[205]
		service. Up to 9 CLE hours every 3 years.
Connecticut	Not mandatory but suggested.	N/A
Delaware	N/A	**Yes**. 1 hour CLE credit for every 2 hours of pro bono legal services. Limited to 20 CLE credit hours per 2-year period and shall not satisfy ethics requirement.
District of Columbia	N/A	N/A
Florida	**Yes**. Attorneys must report pro bono hours with annual membership dues.	**Yes**. 1 hour CLE credit for every 1 hour of pro bono service. Up to 5 CLE credit hours in a 3-year reporting cycle. No CLE credit for monetary donations.

State	Do attorneys have to report pro bono hours?[204]	Can attorneys earn CLE credit for pro bono work?[205]
Georgia	Not mandatory but suggested.	N/A
Hawaii	**Yes**. Pro bono hours reported in annual registration.	N/A
Idaho	N/A	N/A
Illinois	**Yes**. Pro bono hours reported in annual registration.	**Yes**. Pilot project will permit attorneys to receive 1 hour of MCLE credit for every 2 hours of pro bono work with Illinois Free Legal Answers. Up to 5 credits every 2-year reporting cycle.
Indiana	**Yes**. Pro bono hours reported in annual registration.	N/A
Iowa	N/A	N/A

State	Do attorneys have to report pro bono hours?[204]	Can attorneys earn CLE credit for pro bono work?[205]
Kansas	N/A	N/A
Kentucky	Not mandatory but suggested.	N/A
Louisiana	Not mandatory but suggested.	**Yes**. 1 hour CLE credit for every 5 hours of pro bono work. Up to 3 hours of CLE credit per year.
Maine	N/A	**Yes**. During 2025 & 2026, attorneys can earn 1 hour of CLE credit for every 3 hours of pro bono work. Up to 3 hours per reporting period.
Maryland	**Yes**. Pro bono hours reported annually with IOLTA compliance.	N/A
Massachusetts	N/A	N/A
Michigan	N/A	N/A

State	Do attorneys have to report pro bono hours?[204]	Can attorneys earn CLE credit for pro bono work?[205]
Minnesota	**Yes**. Pro bono hours reported in annual registration.	**Yes**. 1 CLE credit hour for every 6 hours pro bono service. Up to 6 CLE hours every 3 years.
Mississippi	**Yes**. Pro bono hours reported in annual membership fees statement.	N/A
Missouri	N/A	N/A
Montana	Not mandatory but suggested.	N/A
Nebraska	N/A	N/A
Nevada	**Yes**. Pro bono hours reported annually as part of annual membership fees statement.	**Yes**. 1 hour credit for every 3 hours of uncompensated legal services. Up to 4 hours per year.
New Hampshire	N/A	**Yes**. 60 CLE minutes for every 300 billable-

State	Do attorneys have to report pro bono hours?[204]	Can attorneys earn CLE credit for pro bono work?[205]
		equivalent minutes of pro bono representation. Up to 360 general minutes of CLE credit per reporting period. Does not count towards required ethics minutes.
New Jersey	Pro bono work required under *Madden v. Delran*, 126 N.J. 591 (1992).	N/A
New Mexico	**Yes**. Pro bono hours reported through annual membership renewal.	N/A
New York	**Yes**. Pro bono hours reported in biennial registration process. And 50 hours of pro bono service required as condition to receive law license.	**Yes**. 1 CLE credit hour for every 2 hours of pro bono work. Up to 10 CLE credits every 2-year reporting period.

State	Do attorneys have to report pro bono hours?[204]	Can attorneys earn CLE credit for pro bono work?[205]
North Carolina	Not mandatory but suggested.	N/A
North Dakota	N/A	**Yes**. 1 CLE credit for every 6 hours of pro bono work. Up to 3 hours every year.
Ohio	Not mandatory but suggested.	**Yes**. 1 CLE credit hour for every 6 hours of pro bono service. Up to 6 credit hours every 2 years.
Oklahoma	N/A	N/A
Oregon	Not mandatory but suggested.	**Yes**. 1 CLE credit hour for every 2 hours of pro bono work. Up to 6 credit hours every 3 years.
Pennsylvania	N/A	**Yes.** 1 CLE credit for every 5 hours of pro bono legal work completed. Up to 3 credits per year. Must perform pro bono work

State	Do attorneys have to report pro bono hours?[204]	Can attorneys earn CLE credit for pro bono work?[205]
		through accredited provider.
Rhode Island	N/A	N/A
South Carolina	N/A	N/A
South Dakota	N/A	N/A
Tennessee	Not mandatory but suggested.	**Yes**. 1 CLE credit hour for every 5 hours of pro bono service. Up to 3 credit hours every year.
Texas	Not mandatory but suggested.	N/A
Utah	N/A	**Yes**. 1 CLE credit hour for every 5 hours of pro bono service. Up to 2 credit hours per reporting cycle.
Vermont	N/A	N/A

State	Do attorneys have to report pro bono hours?[204]	Can attorneys earn CLE credit for pro bono work?[205]
Virginia	Not mandatory but suggested.	N/A
Washington	Not mandatory but suggested.	**Yes**. 1 CLE credit hour for every hour of pro bono services provided through qualified legal services provider, but pro bono work cannot satisfy certain types of credit requirements (e.g. ethics).
West Virginia	N/A	**Yes**. 1 CLE credit hour for every 3 hours of pro bono legal services performed through an approved organization. Up to 6 CLE hours per 2-year reporting period.
Wisconsin	N/A	**Yes**. 1 CLE credit for every 5 hours pro bono service. Up

State	Do attorneys have to report pro bono hours?[204]	Can attorneys earn CLE credit for pro bono work?[205]
		to 6 CLE hours per reporting period.
Wyoming	N/A	**Yes**. 1 CLE credit for every 2 hours pro bono work. Up to 5 credit hours per year.

Pro Bono Status

The chart below provides information about the rules in different jurisdictions regarding who, in addition to active attorneys, is eligible to provide pro bono services in the state. The chart includes information about whether emeritus attorneys, inactive attorneys, and attorneys with out-of-state licenses may perform pro bono work.

State	Emeritus-status (retired) attorneys allowed to perform pro bono work?[206]	Inactive attorneys allowed to perform pro bono work?[207]	Attorneys with out-of-state licenses allowed to perform pro bono work?[208]
Alabama	Yes. Pro bono work must be performed with certified legal services program.	Yes.	No.
Alaska	Yes. Pro bono work must be performed with certified legal services program.	Yes.	No.
Arizona	Yes. Attorney must have practiced law for at	Yes.	Yes.

[206] *See State Emeritus Pro Bono Practice Rules*, *supra* note 150; *see also Primer on Emeritus Attorney Rules*, American Bar Association (2019), https://www.americanbar.org/news/abanews/publications/youraba/2019/july-2019/primer-on-emeritus-attorney-rules/.

[207] *State Emeritus Pro Bono Practice Rules*, *supra* note 150.

[208] *Id.*

State	Emeritus-status (retired) attorneys allowed to perform pro bono work?[206]	Inactive attorneys allowed to perform pro bono work?[207]	Attorneys with out-of-state licenses allowed to perform pro bono work?[208]
	least 5 years. Pro bono work must be performed with certified legal services program, under direct supervision.		
Arkansas	Yes. Pro bono work must be performed with certified legal services program, under direct supervision.	Yes.	Yes.
California	Yes. Must apply for the Pro Bono Practice Program. Must have been admitted to practice in California for at least 3 years and have practiced in California for at least 3 of the last 5 years.	Yes.	No.

State	Emeritus-status (retired) attorneys allowed to perform pro bono work?[206]	Inactive attorneys allowed to perform pro bono work?[207]	Attorneys with out-of-state licenses allowed to perform pro bono work?[208]
Colorado	Yes. Essentially no restrictions.	Yes.	Yes.
Connecticut	Yes. Pro bono work must be performed with certified legal services program.	Available to retired and non-practicing lawyers.	No.
Delaware	Yes. Attorneys must be at least 65 years old. Pro bono work must be performed with certain listed entities.	Yes.	No.
District of Columbia	Yes. Pro bono work must be performed with certified legal services program, under direct supervision.	Yes.	Yes.
Florida	Yes. Must have practiced law for at least 10 out of the last	Yes.	Yes.

State	Emeritus-status (retired) attorneys allowed to perform pro bono work?[206]	Inactive attorneys allowed to perform pro bono work?[207]	Attorneys with out-of-state licenses allowed to perform pro bono work?[208]
	15 years. Pro bono work must be performed with certified legal services program, under direct supervision.		
Georgia	Yes. To reach emeritus status, a lawyer must be at least 70 years old and must have been admitted to the practice of law for at least 25 years, 5 years of which must have been as a member in good standing with the State Bar of Georgia. Pro bono work must be performed with certified legal services program.	No.	No.
Hawaii	Yes. Pro bono work must be performed with	Yes.	No.

State	Emeritus-status (retired) attorneys allowed to perform pro bono work?[206]	Inactive attorneys allowed to perform pro bono work?[207]	Attorneys with out-of-state licenses allowed to perform pro bono work?[208]
	certified legal services program.		
Idaho	Yes. Must have been licensed in any state/territory within preceding 5 years. Pro bono work must be performed with certified legal services program, under direct supervision.	Yes.	Yes.
Illinois	Yes. Pro bono work must be performed with certified legal services program.	Yes.	Yes.
Indiana	Yes. Pro bono work must be performed with certified legal services program.	Yes.	Yes.

State	Emeritus-status (retired) attorneys allowed to perform pro bono work?[206]	Inactive attorneys allowed to perform pro bono work?[207]	Attorneys with out-of-state licenses allowed to perform pro bono work?[208]
Iowa	Yes. Pro bono work must be performed with certified legal services program, under direct supervision.	Yes.	Yes.
Kansas	Yes. Pro bono work must be performed with certified legal services program, under direct supervision.	Yes.	Yes.
Kentucky	Yes. Attorneys must be at least 70 years old. Pro bono work must be performed with certified legal services program.	"Senior Retired Inactive Member"	No.
Louisiana	Yes. Attorneys must be at least 50 years old and have practiced law in Louisiana for at least	Yes.	No.

State	Emeritus-status (retired) attorneys allowed to perform pro bono work?[206]	Inactive attorneys allowed to perform pro bono work?[207]	Attorneys with out-of-state licenses allowed to perform pro bono work?[208]
	10 years. Pro bono work must be performed with certified legal services program.		
Maine	Yes. Pro bono work must be performed with certified legal services program.	Yes.	No.
Maryland	Yes. Pro bono work must be performed with certified legal services program.	Yes.	Yes.
Massachusetts	Yes. Pro bono work must be performed with certified legal services program.	Yes.	No.
Michigan	N/A	N/A	N/A

State	Emeritus-status (retired) attorneys allowed to perform pro bono work?[206]	Inactive attorneys allowed to perform pro bono work?[207]	Attorneys with out-of-state licenses allowed to perform pro bono work?[208]
Minnesota	Yes. Pro bono work must be performed with certified legal services program.	No.	No.
Mississippi	Yes. Pro bono work must be performed with certified legal services program, under direct supervision.	Yes.	Yes.
Missouri	Yes. Pro bono work must be performed with certified legal services program.	Yes.	No.
Montana	Yes. Must have practiced law for at least 10 of the last 15 years. Must complete 25 hours pro bono service every year. Pro bono work must be	Yes.	No.

State	Emeritus-status (retired) attorneys allowed to perform pro bono work?[206]	Inactive attorneys allowed to perform pro bono work?[207]	Attorneys with out-of-state licenses allowed to perform pro bono work?[208]
	performed with certified legal services program.		
Nebraska	N/A	N/A	N/A
Nevada	Yes. Pro bono work must be performed with certified legal services program.	Yes.	Yes.
New Hampshire	Yes. Pro bono work must be performed with certified legal services program, under direct supervision.	"Limited Active Membership Status"	No.
New Jersey	Yes. Only available to attorneys licensed out of state. Pro bono work must be performed with certified legal services	No.	Yes.

State	Emeritus-status (retired) attorneys allowed to perform pro bono work?[206]	Inactive attorneys allowed to perform pro bono work?[207]	Attorneys with out-of-state licenses allowed to perform pro bono work?[208]
	program, under direct supervision.		
New Mexico	Yes. Pro bono work must be performed with certified legal services program, under direct supervision.	Yes.	Yes.
New York	Yes. Attorneys must be at least 55 years old and have at least 10 years of experience. Pro bono work must be performed with certified legal services program, under direct supervision.	No.	No.
North Carolina	Yes. Pro bono work must be performed with certified legal services	Yes.	Yes.

State	Emeritus-status (retired) attorneys allowed to perform pro bono work?[206]	Inactive attorneys allowed to perform pro bono work?[207]	Attorneys with out-of-state licenses allowed to perform pro bono work?[208]
	program, under direct supervision.		
North Dakota	Yes. Attorney must be currently licensed to practice or has been licensed 5 out of the past 10 years. Pro bono work must be performed with certified legal services program, under direct supervision.	Yes.	Yes.
Ohio	Yes. Must have practiced for at least 15 years and not have resigned from or permanently retired from practice of law. Pro bono work must be performed with	Yes.	No.

State	Emeritus-status (retired) attorneys allowed to perform pro bono work?[206]	Inactive attorneys allowed to perform pro bono work?[207]	Attorneys with out-of-state licenses allowed to perform pro bono work?[208]
	certified legal services program.		
Oklahoma	N/A	N/A	N/A
Oregon	Yes. No age requirement, though retired-status attorneys are 65 and older. Out-of-state attorneys must have practiced for at least 15 years. Pro bono work must be performed with certified legal services program.	Yes.	Yes, as long as practiced for at least 15 years.
Pennsylvania	Yes. Pro bono work must be performed with certified legal services program, under direct supervision.	No.	No.

State	Emeritus-status (retired) attorneys allowed to perform pro bono work?[206]	Inactive attorneys allowed to perform pro bono work?[207]	Attorneys with out-of-state licenses allowed to perform pro bono work?[208]
Rhode Island	N/A	N/A	N/A
South Carolina	Yes. Available to out of state attorneys only. Pro bono work must be performed with certified legal services program, under direct supervision.	Yes.	Yes.
South Dakota	Yes. Pro bono work must be performed with certified legal services program.	No.	No.
Tennessee	Yes. Attorney must have been practicing law for at least 5 of last 10 years or have taken retired or inactive status but practiced law for at least 25 years. Pro bono work must be	Yes.	Yes.

State	Emeritus-status (retired) attorneys allowed to perform pro bono work?[206]	Inactive attorneys allowed to perform pro bono work?[207]	Attorneys with out-of-state licenses allowed to perform pro bono work?[208]
	performed with certified legal services program, under direct supervision.		
Texas	Yes. Pro bono work must be performed with certified legal services program, under direct supervision.	Yes.	Yes.
Utah	Yes. Inactive emeritus attorney must be at least 75 years old or practiced for at least 50 years. Pro bono work must be performed with certified legal services program, under direct supervision.	Yes.	Yes.
Vermont	Yes. Pro bono work must be performed with	Yes.	Yes.

State	Emeritus-status (retired) attorneys allowed to perform pro bono work?[206]	Inactive attorneys allowed to perform pro bono work?[207]	Attorneys with out-of-state licenses allowed to perform pro bono work?[208]
	certified legal services program, under direct supervision.		
Virginia	Yes. Attorney must have practiced for at least 20 years and been active 5 out of the last 7 years. Pro bono work must be performed with certified legal services program.	No.	No.
Washington	Yes. Pro bono work must be performed with certified legal services program.	Yes.	No.
West Virginia	Yes. Attorney must have practiced for at least 10 years. Pro bono work must be performed with certified legal services	Yes.	Yes.

State	Emeritus-status (retired) attorneys allowed to perform pro bono work?[206]	Inactive attorneys allowed to perform pro bono work?[207]	Attorneys with out-of-state licenses allowed to perform pro bono work?[208]
	program, under direct supervision.		
Wisconsin	Yes. Attorney must be at least 70 years old. Pro bono work must be performed with certified legal services program, under direct supervision.	Yes.	No.
Wyoming	Yes. Pro bono work must be performed with certified legal services program, under direct supervision.	Available to attorneys in good standing.	No.

Service-Delivery and Remote-Hearing Rules

The chart below provides information about the rules in each state (and Washington, D.C.) governing limited-scope services and the use of virtual/remote hearings. Courts within the same state may have differing rules regarding remote proceedings; this chart does not capture intra-state nuances.

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
Alabama	Yes. Limited-scope representation.	Interim order permits judges to, in their discretion, allow remote appearances as long as no testimony is taken.
Alaska	Yes. Limited representation.	Rules of Civil Procedure permit courts to allow parties, counsel, witnesses, or the judge to participate telephonically "for good cause and in the absence of substantial prejudice to opposing parties." Supreme

[209] *Rules*, *supra* note 172.

[210] *See National Scan of Authority for Remote or Virtual Court Proceedings*, *supra* note 165; Geoffrey A. Vance & Simon Joassin, *Remote Proceeding Tracker*, Perkins Coie (last updated 2025), https://perma.cc/R4KY-R5KE. The table includes links to some additional rules on remote proceedings that are not included in the 2023 national scan.

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
		Court Order establishes hearings that are presumptively in-person.
Arizona	Yes. Limited-scope representation.	Court rules generally permit courts to, in their discretion, allow for telephonic/video attendance, including when giving testimony. State law permits parties/ witnesses/counsel to appear remotely in special detainer or forcible detainer proceedings.
Arkansas	Yes. Limited-scope representation.	Rules of Civil Procedure allow courts to, in their discretion, conduct case events virtually.
California	Yes. Limited-scope representation. Specific	Code of Civil Procedure says that as long as a party has provided notice, the party may appear remotely,

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
	rules for family and juvenile cases.	subject to some exceptions. Additional rules provide requirements for remote proceedings to build consistency between courts.
Colorado	Yes. Limited services.	Under state law, court shall allow parties/witnesses in residential actions to appear either in person or remotely. And except for trial, "appearance may be made by the use of an interactive audiovisual device," subject to some exceptions.
Connecticut	Yes. Limited-scope representation if "reasonable under the circumstances."	Guidelines outline types of case events that "should," "may," or "are likely" to be remote, subject to discretion of presiding judge.

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
Delaware	Yes. Limited-scope representation. Specific rules for family court.	Some courts may (on request or sua sponte) order that any arguments or hearings be held remotely.
District of Columbia	Yes. Limited-scope representation permitted in specified case types (including civil, probate/tax, family, domestic violence).	Some court rules expressly allow for telephonic conferences. Principles for Court Proceedings state that trials/evidentiary proceedings will be conducted in person unless unique circumstances warrant changing the medium.
Florida	Yes. Limited-scope representation with specific permission for limited appearance in family law cases.	Rules of Criminal and Civil Procedure state that matters, except for trials, "may" be conducted remotely.

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
Georgia	Yes. Georgia Rule of Professional Conduct 1.2(c).	Court rules permit (and give examples) of hearings that may be conducted virtually.
Hawaii	Yes. Limited-scope representation.	Rules of Civil Procedure state that courts "shall, absent good cause, allow any party or the party's counsel to appear by telephonic or video conferencing call" for certain case events, such as status conferences.
Idaho	Yes. Limited-scope representation with ability to withdraw without necessity of leave of court.	Rules of Civil Procedure allow courts to conduct certain case events remotely (including hearings on motions, pretrial matters, and some evidentiary hearings).

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
Illinois	Yes. Limited-scope representation and rules to guide withdrawal.	Court rules generally allow case participants to attend court remotely without advance approval, with some exceptions.
Indiana	Yes. Limited-scope representation.	All "non-testimonial hearings" may be held remotely. Testimonial proceedings may be held remotely only for good cause or parties' agreement.
Iowa	Yes. Limited-scope representation with ability to withdraw without necessity of leave of court.	Court Rules establish general presumption that all proceedings will be held in-person. Parties may move for a proceeding to be held remotely or the court may sua sponte order remote appearances. Rules include factors court should

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
		consider when deciding such a motion.
Kansas	Yes. Limited-scope representation with several rules on provision of unbundled services.	Municipal courts and district courts may conduct any proceedings remotely. Judges and litigants are encouraged to use remote technology.
Kentucky	Yes. Limited-scope representation.	Following the height of the pandemic, courts were "encouraged" to continue conducted hearings remotely.
Louisiana	Yes. Limited-scope representation.	Under Code of Civil Procedure, in civil proceedings that do not involve testimony/introduction of evidence, parties can provide the court with notice (10 days in advance)

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
		that they will appear remotely. The court "shall" allow that remote appearance unless it states in writing that it is denying the remote appearance for good cause (or the court lacks requisite technology.
Maine	Yes. Limited-scope representation with rule providing automatic withdrawal once lawyer completes the limited-scope representation.	Administrative order created presumptions that certain types of case events will be held remotely. Additionally, any party may request that the proceeding be held in a different format.
Maryland	Yes. Limited-scope representation.	Courts are generally allowed to conduct remote proceedings. Rules outline the types of proceedings that individual courts "may

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
		permit or require" to be held remotely.
Massachusetts	Yes. Limited-scope representation.	Standing order provides list of hearings in criminal and civil cases that are presumptively remote (and vice versa).
Michigan	Yes. Limited-scope representation	Court rules establish list of hearing types for which there is a presumption that any hearing will be held remotely. To hold these proceedings in person, the court must make a determination that it would be inappropriate in the particular case to proceed remotely.
Minnesota	Yes. Limited-scope representation.	Civil court rules state that courts may conduct hearings, including

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
		testimonial hearings, remotely. Criminal court rules allow remote proceedings in some circumstances.
Mississippi	Yes. Limited-scope representation. Comment to limited-scope rule indicates that attorneys can attend hearings on discrete issues.	Appears to be left to discretion of courts.
Missouri	Yes. Limited-scope representation. Rules include instructions on continuing to serve documents on the otherwise self-represented litigant.	Under Rules of Civil Procedure, courts "may" allow remote participation in non-testimonial hearings; testimonial hearings may not be held remotely unless parties agree/court finds good cause.

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
Montana	Yes. Limited-scope representation. Rule expressly permits attorneys to provide limited-scope representation in court proceedings.	Appears to be left to discretion of the courts.
Nebraska	Yes. Limited-scope representation. Rules include procedures for withdrawal by filing a “Certificate of Completion of Limited Appearance.”	State law expressly permits "[a]ll nonevidentiary hearings, and any evidentiary hearings approved by the district court and by stipulation of all parties" to be held remotely.
Nevada	Yes. Limited-scope representation.	Rules state that in order to "improve access to the courts and reduce litigation costs, courts shall permit parties, to the extent feasible, to appear" remotely. Permits these

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
		remote appearances at trials/testimonial hearings.
New Hampshire	Yes. Limited-scope representation. Rules of Civil Procedure have express rules regarding unbundled services, including about terminating representation.	Administrative order established presumption of video or telephonic hearings in certain situations, including non-dispositive motions/management hearings.
New Jersey	Yes. Limited-scope representation.	Order outlines case events that will "generally proceed in person" (such as hearings adjudicating incapacity; termination of parental rights trials) and case events that will be virtual (such as case management conferences; routine motion arguments) unless there are specific

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
		reasons to hold that proceeding in person.
New Mexico	Yes. Limited-scope representation. Rules of Civil Procedure outline requirements for withdrawing once the purpose of the representation is complete.	Supreme Court's Judiciary Strategic Campaign included establishing committee to study benefits and challenges of remote hearings; different classes of court have rules on remote proceedings (e.g. Rules of Civil Procedure for Magistrate Courts allow remote proceedings if it "legitimately serve[s] the interests of justice").
New York	Yes. Limited-scope representation. An Administrative Order adopted a policy of supporting and encouraging limited-scope representation.	Rules vary (e.g. party can request to appear electronically at conferences in Supreme Court & County Court).

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
North Carolina	Yes. Limited-scope representation.	State law permits judicial officers to conduct remote proceedings subject to certain requirements depending on the type of proceeding.
North Dakota	Yes. Limited-scope representation. Has a separate rule addressing attorney withdrawal from limited representations.	District and municipal courts may conduct proceedings, including trials, remotely on their own motion or the motion of a party. Requirements vary depending on the type of proceeding.
Ohio	Yes. Limited-scope representation.	Judicial officers generally have discretion in civil cases, including trials, to allow parties to appear remotely.

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
Oklahoma	Yes. Limited-scope representation.	State law permits the use of videoconferencing "in all stages of civil and criminal proceedings."
Oregon	Yes. Limited-scope representation. Has a separate rule addressing attorney withdrawal from limited representations.	State law permits parties and witnesses to move to provide remote testimony as long as movants show good cause. Court rules allow parties to request that nonevidentiary hearings are remote.
Pennsylvania	Yes. Limited-scope representation.	There are no state-wide guidelines on remote appearances, though some courts have local rules (e.g. Commonwealth Court permits remote hearings and arguments).
Rhode Island	Yes. Limited-scope representation. Rules	Superior Court Rules permit hearings to be held

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
	address procedures for withdrawal upon termination of limited representation.	remotely on court's initiative or at request of party.
South Carolina	Yes. Limited-scope representation.	Court rule allows courts to conduct various proceedings, including trials, using remote technology (subject to some restrictions). Order generally gives judges discretion over the decision to use remote communication technology.
South Dakota	Yes. Limited-scope representation.	State law permits many civil and criminal proceedings to be held remotely, subject to the court's discretion. Special protections apply for certain criminal case events.

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
Tennessee	Yes. Limited-scope representation. Rules outline process once limited representation is completed.	Rule makes it permissible for courts to conduct proceedings remotely, subject to the discretion of the court.
Texas	Yes. Limited-scope representation.	Rules of Civil Procedure state that courts may allow or require participants to appear remotely, though there are additional restrictions for oral testimony and jury trials.
Utah	Yes. Limited-scope representation. Rules address procedures for withdrawal upon termination of limited representation.	Rules of Civil Procedure give courts discretion to set hearings as in-person, remote, or hybrid hearings. Participants may request a different hearing format.
Vermont	Yes. Limited-scope representation. Rules describe process for	Rules of Civil Procedure allow courts to permit or require participants to

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
	withdrawal upon termination of limited representation.	appear remotely for evidentiary or non-evidentiary proceedings, though different standards apply if the remote is evidentiary.
Virginia	Yes. Limited-scope representation.	Court Rule permits remote testimony in Circuit Court civil cases and includes presumptions for when testimony will be remote. State law also permits some remote appearances in civil cases in district court.
Washington	Yes. Limited-scope representation. Rules describe process for withdrawal upon termination of limited representation.	Order gives courts authority to conduct all proceedings in civil matters (including trials) remotely and to conduct some criminal matters remotely. Local rules seem to dictate some

State	Rules permit unbundled/limited scope?[209]	Rules on Remote Proceedings (sampling from each state)[210]
		of the rules around remote appearances.
West Virginia	Yes. Limited-scope representation.	Rules allow some civil and criminal proceedings in Magistrate, Family, and Circuit Courts to be held via videoconference.
Wisconsin	Yes. Limited-scope representation. State law outlines process of termination of limited representation.	State law permits the use of remote hearings in Circuit Courts, subject to the court's discretion.
Wyoming	Yes. Limited-scope representation. Court rules describe process for withdrawal upon termination of limited representation.	Rules of Civil Procedure for Circuit Courts allow courts to hold remote hearings and conferences.

Appendix I. Sample Rules for Non-Attorney Programs

Arizona: ACJA § 7-210

Colorado: Rules Governing Admission to the Practice of Law in Colorado

Minnesota: Order Amending Rules Governing Legal Paraprofessional Pilot Project

Oregon: Rules for Licensing Paralegals

Utah: UCJA Rule 14-802