



IAALS Comment Re: Modifications to Arizona Code of Judicial Administration § 7-210: Legal Paraprofessional

I write on behalf of IAALS, the Institute for the Advancement of the American Legal System, in response to the recommended modifications to Arizona Code of Judicial Administration Section 7-210. IAALS is a national, independent research center at the University of Denver dedicated to continuous improvement of the civil justice system. IAALS identifies and researches issues in the legal system; convenes experts, stakeholders, and users of the system to develop and propose concrete solutions; and then goes one step further to empower and facilitate the implementation of those solutions so as to achieve impact. We are a nonpartisan organization that champions people-first reforms to the legal system and the legal profession.

Over the past two years, IAALS has devoted considerable time and energy to the advancement of these allied legal professional (ALP) programs. We developed a [Landscape Report](#) that examines why many states have begun to create a new tier of legal service providers who are not lawyers, and describes the similarities and differences between each program. We then convened a group of expert stakeholders to review the Landscape Report and discuss best practices and lessons learned from existing programs. Based on those stakeholder discussions, we published a [National Framework Report](#) that summarizes the convergence on best practices for ALP programs, areas of divergence between program approaches, and lessons learned from existing programs. Our comments below on the modifications to Arizona Code of Judicial Administration Section 7-210 are based on our work in this area.

Experiential Learning Requirements

As the proposed modifications are currently written, there is an experiential learning requirement for each of the educational pathways except for the bachelor's degree in law track. The associate-level degree requires a minimum of 1,500 hours of substantive law-related experience, the Master of Legal Studies degree requires a minimum of 120 hours of experiential learning, and both the Juris Doctor (JD) and Master of Laws (LLM) degrees require a minimum of 120 hours of experiential learning. While the bachelor's degree in law previously required a minimum of 120 hours of experiential learning, that has

been removed and not replaced with any other experiential learning requirement. We recommend that the 120 hours previously required for the bachelor's degree in law track be reinstated.

In IAALS' National Framework Report, Recommendation 11 states that “[s]tates implementing an ALP program should ensure the education and training requirements are not overly burdensome on potential providers.” There is great benefit in hands-on, experiential learning, and Arizona has done an excellent job in creating experiential learning requirements that provide important training for legal paraprofessionals that are not overly burdensome. For example, the Master of Legal Studies degree, the LLM degree, and the JD degree are all rigorous degrees that provide in-depth education and training in the law, and the proposed modifications require applicants to complete 120 hours of experiential learning on top of these degrees. The bachelor's in law degree likewise provides students with important legal knowledge, but they would also benefit from fulfilling an experiential learning requirement. Previously, applicants under this educational track were required to fulfill 120 hours, and unless there is data showing that this requirement was insufficient or overly burdensome, we recommend that the original requirement be reinstated.

1,500 Hours Completed Within a Consecutive 12-Month Period

Another proposed modification is the requirement that associate-level degree applicants must complete a minimum of 1,500 hours of substantive law-related experience within a consecutive 12-month period during the last three years. The previous requirement under this educational track was that applicants needed to complete a minimum of one year of substantive law-related experience, without the obligation that those hours be completed within a 12-month timeframe. The 1,500 hours broken up over a 12-month timeframe equates to a part-time employee working 30 hours over 50 weeks, or a full-time employee working 40 hours over 37.5 weeks.

As noted above, IAALS' National Framework Report recommends that the practical training requirement not be overly burdensome. The requirement that the 1,500 hours be completed within a consecutive 12-month period creates an unnecessary obstacle for applicants who may—due to unforeseen circumstances—work for an attorney for only part of a year and need to find another attorney to work for, or who are unable to work more than 20 hours per week due to their current personal life circumstances. Since the proposed modifications allow the 1,500 hours to be completed at any point within the past three years, there does not appear to be any justifiable reason to require that the hours be

completed within a single year, as opposed to over three years. By removing this strict one-year window, the Arizona Supreme Court will be creating greater opportunity for a wider variety of people across the state who may not have the traditional background or life circumstances of a legal professional.

Family Law Requirements for the Associate-Level Degree Track

Lastly, there is a proposed modification to separate the coursework requirements for the family law and civil law practice endorsements. As revised, each educational track has the same requirements for family law except for the associate-level degree. The associate-level degree is the only track that requires six credit hours of civil procedure for the family law practice endorsement. It is unclear why this distinction exists and it appears on its face to be unnecessary. Absent any data showing that those with associate degrees need more civil procedure training to work in family law than those going through the other educational tracks, we recommend that the family law practice endorsement for the associate-level degree be revised to match the other educational tracks.

IAALS stands in support of the work Arizona has done over the past few years in developing its Legal Paraprofessional program, and the growth the program has achieved in such short time is a testament to the quality of the program. We offer these few recommended changes to the proposed modifications to help the program continue to grow and provide legal services to the many Arizonans who would otherwise be forced to handle their legal matters on their own.

Cordially,

Michael Houlberg
Director of Special Projects
IAALS