



## **Comment of Innovation for Justice Regarding Proposed Amendment to Section 7-211(F) Of the Arizona Code of Judicial Administration**

Submission Date: September 26, 2025

To the Arizona Judicial Council, Arizona Supreme Court, and Arizona Administrative Office of the Courts:

Innovation for Justice appreciates the opportunity to submit this comment letter regarding a proposed amendment to § 7-211 of the Arizona Code of Judicial Administration (ACJA). We celebrate Arizona's continued leadership in expanding access to justice and the proposed implementation of online exam proctoring for all the ACJA Part 7, Chapter 2 programs administered by the Arizona Administrative Office of the Courts' (AOC) Certification and Licensing Division. For the reasons outlined below, we respectfully request that the Council, Court, and AOC consider alternate pathways for assessing the fee associated with online exam proctoring for candidates subject to testing processes under ACJA § 7-211. It is our belief that adoption of the proposed fee amendment to § 7-211(F), as currently drafted, risks tempering the critical access to justice aims that informed § 7-211's enactment. We appreciate the AOC's administrative need to assess such a vendor fee and, as such, urge the Council and Court to explore alternate ways that this fee might be accounted for.

In this comment, we highlight several aspects of the access to justice programs under § 7-211 that we believe merit consideration in whether to adopt this amendment. We are available as a resource to the Council, Court, and AOC in their deliberation.

### **I. Innovation for Justice and Our Work Under ACJA § 7-211**

As the nation's first and only cross-discipline, cross-institution, and cross-jurisdiction social justice legal innovation lab, Innovation for Justice works to realize a future where the legal needs and goals of all peoples are met, where justice is realized by a diverse ecosystem of actors, and where legal power is accessible, usable, and shapeable by everyone. Jointly housed at the University of Arizona James E. Rogers College of Law and the University of Utah David Eccles School of Business, we seek to serve as a catalyst for justice sector transformation that prioritizes increasing access to justice for all.

One of the ways that we strive to achieve this mission is through Innovation for Justice's suite of Community Legal Education Programs:<sup>1</sup> Online legal empowerment courses that train and equip trusted community advocates with the skills to layer free legal help into their existing health, human, or social services roles as "community-based justice workers." Our Community Legal Education Programs are made possible through unauthorized practice of law (UPL) reform in the states where we work—Arizona and Utah—and currently correspond with justice worker trainings in the civil legal practice areas of medical debt, housing stability, and domestic violence.

As the Council and Court know well, Innovation for Justice's programs are at the forefront of an ever-growing national movement to advance justice work through the reform of state unauthorized practice of law (UPL) rules.<sup>2</sup> In Arizona, these programs are associated with a distinct track of limited-scope practice under ACJA § 7-211, and they benefit from a half-decade of piloting,<sup>3</sup> expanding statewide,<sup>4</sup> and implementing codification<sup>5</sup> in close collaboration with the AOC. Previously known as two independent "Legal Advocate" initiatives, our programs prepare eligible individuals for: (i) The AOC's Substantive Law Examination in either domestic violence or housing stability and (ii) subsequent authorization as "Arizona Certified Community Legal Advocates" (CCLAs) under ACJA § 7-211.<sup>6</sup>

Drawing on our years of experience jointly administering the now-named AZ CCLA Program, it is our position that adoption of the proposed fee amendment to ACJA § 7-211(F) would run counter to the Arizona Supreme Court's strategic goal of promoting access to justice, given the urgent service need (**Part II** of this comment) and the unique regulatory mandate (**Part III** of this comment) of the AZ CCLA Program.

## II. The Urgency of Arizona's Certified Community Legal Advocate Program

It continues to be Innovation for Justice's deep privilege to work in close partnership with the AOC's Certification and Licensing Division to support the joint administration of the AZ CCLA Program. Since our program piloting in 2020, we are proud to report that 32 community advocates have been certified by the AOC as CCLAs, and 26 community-based

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<sup>1</sup> "Community Legal Education," INNOVATION FOR JUSTICE, <https://www.innovation4justice.org/education/community>.

<sup>2</sup> Cayley Balser & Stacy Rupprecht Jane, "The Diverse Landscape of Community-Based Justice Workers," INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. (Sept. 5, 2024), <http://bit.ly/communitybasedjusticeworker>; Jessica Bednarz, "i4J Develops New Tool for Leaders Interested in Developing Community-Based Justice Worker Programs," INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. (Sept. 5, 2024), <http://bit.ly/new-CBJW-tool>.

<sup>3</sup> See ARIZ. ADMIN. ORD. 2020-84 (2020); ARIZ. ADMIN. ORD. 2020-88 (2020).

<sup>4</sup> See ARIZ. ADMIN. ORD. 2023-19 (2023); ARIZ. ADMIN. ORD. 2023-21 (2023); ARIZ. ADMIN. ORD. 2024-34 (2024); ARIZ. ADMIN. ORD. 2024-35 (2024).

<sup>5</sup> ARIZ. CODE OF JUDICIAL ADMIN. § 7-211.

<sup>6</sup> "Certified Community Legal Advocates," ARIZ. ADMIN. OFF. OF THE CTS., <https://www.azcourts.gov/cld/Legal-Advocates>.



organizations have committed to program participation as “Approved Organizations” under ACJA § 7-211. Taken together, the program is now associated with participating organizations who have active or in-training advocates across the service areas of 8 Arizona counties (Apache, Coconino, Maricopa, Mohave, Navajo, Pima, Santa Cruz, and Yavapai counties).

Recruitment, course enrollment, and ongoing trust-building with this statewide network was no simple feat and results only from continuous coordination between Innovation for Justice and the AOC’s Certification and Licensing Division. For instance: Following the statewide launch of our initial Legal Advocate cohorts, Innovation for Justice worked on a near-weekly basis with the Certification and Licensing Division to identify (i) exam resources, (ii) alternate testing sites for our Tucson candidates, and (iii) standardized exam registration processes that aligned with the Certification and Licensing Division’s existing programs. Today, the sustained growth and success of the CCLA network can be attributed to the multi-city availability and candidate-responsive administration of AOC examinations for our first statewide cohorts at no additional cost.

From firsthand knowledge in collaborating with the Certification and Licensing Division, we recognize the administrative need of the AOC in proposing the present online exam proctoring fee. We, equally, remind the Council and Court of the urgent, unmet civil legal needs of our state and the public interest that is served in ensuring low barriers to entry for access to justice programs like those under § 7-211. The service needs of our state—and of the 11 Arizona counties that qualify as “legal deserts”<sup>7</sup>—are too great to warrant the assessment of a fee that would otherwise unevenly impact future AZ CCLA Program participation along geographic or organizational lines.

As the only organization in our state approved to provide CCLA training, Innovation for Justice is uniquely positioned to raise this consideration. While we aspire to continue supporting all costs associated with eligible candidates’ participation in the AZ CCLA Program, we know that such may not be the case for additional or future innovators in our state. For new approved CCLA training entities or “Approved Organizations” in our state, especially organizations in rural areas, the collective package of fees under § 7-211(F) may prove burdensome and a barrier to program development. It is for these reasons that we raise, next, the unique access to justice aims of § 7-211 and the ways that the AZ CCLA Program is unique among the ACJA Part 7, Chapter 2 programs administered by the Certification and Licensing Division.

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<sup>7</sup> “Mapping Barriers to Legal Services,” NCSC, <https://www.ncsc.org/resources-courts/mapping-barriers-legal-services> (last visited Sept. 26, 2025).

### III. The Unique Access to Justice Aims of ACJA Section 7-211

As we have long-cautioned UPL reformers nationwide: There is both risk and opportunity present in legal service innovation. The risk is that “regulatory reform efforts may fall short of their potential, creating new service models that entrench old legal service problems into new regulation.”<sup>8</sup> The opportunity, by contrast, is for us “to view regulatory reform . . . as a chance to radically re-imagine the pathways for connecting all community members who are navigating civil justice needs with critical civil justice problem-solving.”<sup>9</sup> Here and regarding the proposed amendment to § 7-211(F), we believe there is a regulatory risk of dulling the critical access to justice impact of the AZ CCLA Program.

As the Council and Court know well, § 7-211 to the ACJA was proposed, drafted, and adopted as a dual approach for expanding access to justice in our state: Authorizing Community Justice Workers (ACJWs) at traditional legal services organizations and certifying CCLAs at community-based organizations, as new providers of localized legal help. Unlike the suite of ACJA Part 7, Chapter 2 programs that are similarly administered by the AOC’s Certification and Licensing Division, CCLAs are neither fee- nor income-generating by way of their services rendered under § 7-211. On the contrary, CCLAs are unlike Fiduciaries,<sup>10</sup> Confidential Intermediaries,<sup>11</sup> Private Process Servers,<sup>12</sup> Certified Reporters,<sup>13</sup> Legal Document Preparers,<sup>14</sup> or Legal Paraprofessionals<sup>15</sup> in Arizona in that the Court and ACJA impose an express mandate that CCLAs not charge fees for their limited-scope legal services.<sup>16</sup> Within our state’s legal ecosystem, CCLAs are uniquely barred as legal professionals from assessing fees of their own. For this reason and for the access to justice goals achieved by this provision, however, we believe that CCLA candidates processed under § 7-211(F) should not be subject to the online testing fee as proposed.

Despite the regulatory prohibition on assessing fees for CCLAs’ legal services, we note for the Council and Court that the AZ CCLA Program is associated with an estimated \$827,000 in Arizona government services cost savings over 2025 and 2026, as calculated by an external social return on investment analysis conducted by Community Services Analysis LLC.<sup>17</sup>

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<sup>8</sup> Cayley Balser et al., *Leveraging Unauthorized Practice of Law Reform to Advance Access to Justice*, 18 L.J. Soc. JUST. 66, 59-60 (2023).

<sup>9</sup> *Id.*

<sup>10</sup> See ARIZ. CODE OF JUDICIAL ADMIN. § 7-202.

<sup>11</sup> See ARIZ. CODE OF JUDICIAL ADMIN. § 7-203(J)(3).

<sup>12</sup> See ARIZ. CODE OF JUDICIAL ADMIN. § 7-204(6)(b).

<sup>13</sup> See ARIZ. CODE OF JUDICIAL ADMIN. § 7-206(J)(3).

<sup>14</sup> See ARIZ. CODE OF JUDICIAL ADMIN. § 7-208(J)(3).

<sup>15</sup> See ARIZ. CODE OF JUDICIAL ADMIN. § 7-210.

<sup>16</sup> ARIZ. CODE OF JUDICIAL ADMIN. § 7-211(H).

<sup>17</sup> JOHN BYRNES, THE SOCIAL ECONOMIC IMPACTS AND RETURN ON FUNDING INVESTMENT OF THE COMMUNITY LEGAL EDUCATION INITIATIVES DEVELOPED BY INNOVATION FOR JUSTICE 13 (2025), <https://drive.google.com/file/d/15OMbF7JOvRWYT6THhGskXwucDRBicS3b/view>.

CCLAs, in both their delivery of free services and upstream government services cost savings, stand apart from their fellow legal professionals and ACJA Part 7, Chapter 2 programs administered by the Certification and Licensing Division.

#### IV. Alternative Approaches to Fees Under ACJA § 7-211(F)

For the reasons outlined in this comment, we urge the Council and Court to explore alternative approaches to the proposed online exam proctoring fee for CCLA candidates. Given the urgent need for and the unique nature of the AZ CCLA Program:

- **Might the Council and Court consider** an express exemption to the proposed online exam proctoring fee for CCLA candidates under ACJA § 7-211, as the only access to justice program under § 7-211 that is associated with administrative fees?

Beyond an express exemption from the series of fee amendments proposed to ACJA Part 7, Chapter 2 programs, we wonder what alternative administrative solutions might exist for balancing the AOC's demonstrated need with the AZ CCLA Program's access to justice goals:

- **Might the Council and Court explore** what parameters would be necessary to establish a general fund under ACJA § 7-211, in which online exam proctoring fees might be pooled at the state level as a matter of public policy—given the unique aim and work of the program?
- **Might the Council and Court revisit** Innovation for Justice's recommendations during the drafting of § 7-211 regarding incorporation of an exam fee waiver or sliding fee scale?
- **Might the Council and Court strengthen** existing partnerships with Arizona's higher education institutions to deliver remote proctoring of § 7-211 exams outside of the fee-based vendor contemplated by the proposed amendments to ACJA Part 7, Chapter 2 programs?

While not prescriptive in these suggestions, we believe that the factors overviewed in this comment and a request for reconsideration of an online exam proctoring fee under § 7-211(F) will best position Arizona for the sustained, intentional growth of justice work in our communities. Innovation for Justice welcomes the opportunity to be a resource to the Council, Court, and AOC in any revisions made. On behalf of the AZ CCLA Program and its network, we thank you for your time and work to advance access to justice in our state.

Respectfully Submitted,  
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