



September 15, 2025

Submitted via the Arizona Supreme Court ACJA Forum

Chief Justice Ann A. Scott Timmer
Arizona Supreme Court
c/o Administrative Office of the Courts
Certification & Licensing Division
1501 W. Washington St., Suite 104
Phoenix, AZ 85007

RE: Public Comment on Proposed Revisions to ACJA §7-211(F): Online Exam Proctoring Fees for Community Legal Advocates

Dear Chief Justice Ann A. Scott Timmer and Honorable Justices of the Arizona Supreme Court:

On behalf of Frontline Justice, we appreciate the opportunity to provide comments on the proposed revisions to ACJA §7-211(F) of the Arizona Code of Judicial Administration regarding online exam proctoring fees for Community Legal Advocates.

Frontline Justice is a national, nonpartisan initiative working to close the civil justice gap by building a community-based workforce of trained and supervised justice workers. Our mission is to mobilize, support, and equip trusted community advocates to become frontline legal helpers who ensure that all Americans have access to affordable, effective legal support for everyday civil matters.

Our work is guided by the understanding that low-income Americans receive no or inadequate help with 92% of their civil legal problems. Community justice workers, such as those authorized under Arizona's innovative Community Legal Advocate program, offer a promising, people-centered solution to this crisis. By expanding who can provide basic, supervised legal help, Arizona has been a national leader in demonstrating how access to justice can be reimaged.

Because Arizona is at the forefront of this movement, the rules you adopt will not only affect the pipeline of Community Legal Advocates in Arizona but will also serve as a model nationally for how other jurisdictions evaluate the balance between quality assurance, accessibility, and affordability in credentialing programs. It is in this spirit that we submit the following comments.

CONCERNS WITH THE PROPOSED FEE STRUCTURE

The proposed revision to ACJA §7-211(F) introduces a new provision:

- *“The fee for Online Exam Administration, Remote Proctoring is set by the Administrative Director.”*

In addition, §7-211(F) currently provides that:

- *“Although the individual seeking to become a certified community legal advocate is responsible for making sure any applicable fees are paid, these fees may be paid by an approved community-based organization, an organization providing approved certified community legal advocate training, a third party, or the individual seeking to become a certified community legal advocate.”*

Although only the first sentence is newly added, together these provisions shape the fee structure for Community Legal Advocate testing and warrant close review. The change raises concerns about transparency, while the existing language highlights risks of shifting financial burdens onto under-resourced individuals or nonprofits and training providers.

- **Delegation of Authority** - Unlike the fixed fees already listed in §7-211(F) (e.g., \$100 for the initial test, re-examination, and re-registration), this new provision authorizes the Administrative Director to determine the cost of online exam administration. Without a published cap or range, this plan creates uncertainty for applicants and eliminates opportunities for public input on future increases.
- **Transparency and Accountability** - By removing a stated fee from the Code and replacing it with discretionary authority, applicants can no longer consult the ACJA to know the true cost of certification. Even if the current vendor fee is \$25 per exam, there are no safeguards to prevent significant increases in the future. Lack of transparency risks undermining confidence in the fairness of the certification process.
- **Equity Impact** - Allowing organizations or training providers to cover fees is a positive step, but it risks shifting the financial burden unequally. Well-resourced applicants or those connected to established organizations will be able to move forward more easily, while individuals from rural, tribal, or under-resourced communities may face new barriers at the entry point. More fundamentally, the requirement of a bar-style exam for Community Legal Advocates is itself an outlier among emerging justice worker models in other jurisdictions. Other states are demonstrating confidence in lower-barrier, competency-based assessments that ensure quality without replicating the unnecessary hurdles of the lawyer licensing system.
- **Burden on Nonprofits and Training Providers** - Because Community Legal Advocates deliver services through approved programs, the new rule will likely, in practice, shift costs onto sponsoring organizations. For nonprofits already operating with limited budgets, cumulative exam and re-examination fees for multiple candidates could divert resources away from essential services, reducing the program’s reach in precisely

the communities it is intended to serve. This burden is particularly difficult to justify given that Community Legal Advocates are not private practitioners charging the public, but public-serving workers whose efforts generate significant public benefits by expanding access to justice and reducing downstream burdens on courts and communities.

For these reasons, we believe that §7-211(F)(5), as drafted, risks creating unnecessary obstacles to participation in the Community Legal Advocate program and weakens the transparency that is vital for a fair certification process.

BEST PRACTICES AND RECOMMENDATIONS

To ensure the Community Legal Advocate program continues to expand access to justice rather than restrict it, we recommend the following safeguards be incorporated into the rule or its implementation:

1. **Primary recommendation** - The Arizona Supreme Court should not impose any online exam administration or remote proctoring fee for Community Legal Advocates. Given the public-serving nature of the role and the state's interest in accessible justice, the fee risks restricting participation without a commensurate public benefit.
2. **Reconsider the necessity of the exam** - Arizona is an outlier among jurisdictions in requiring a formal bar-style exam for Community Legal Advocates. Other states piloting justice worker roles have chosen lower-barrier, competency-based assessments rather than replicating the burdensome and expensive lawyer licensing model. Even jurisdictions that have long held bar exams for lawyers are moving away from them, recognizing that such requirements are unnecessary for ensuring competence and risk becoming exclusionary. We encourage the Court to revisit whether a formal exam is consistent with the purpose of the program, which is to expand access to justice and improve justice outcomes.
3. **Guardrails if any fee is retained** - If the Court retains an online proctoring fee, the rule should include: (a) a published cap or range tied to actual vendor cost; (b) advance public notice and comment for any increase beyond CPI; and (c) an automatic sunset/review (e.g., every two years) to reassess necessity and equity impact.
4. **Fee waivers:** If any fee is retained, it must not restrict participation by individuals or sponsoring nonprofits. The rules should:
 - a. Provide a no-questions-asked waiver for individual applicants who will not charge the public for services;
 - b. Create an organizational hardship waiver for approved community-based organizations and training providers sponsoring multiple candidates; and
 - c. Offer a simple, timely process (clear criteria, 10-business-day determinations, and appeal) so waivers are predictable and do not delay testing.

5. **Transparency in fee setting** - Require that any online exam or proctoring fees set by the Administrative Director be:
 - Published in advance,
 - Accompanied by a cost-recovery rationale, and
 - Subject to periodic review. Transparency will maintain public trust and assure candidates that fees reflect legitimate administrative expenses rather than arbitrary increases.
6. **Equity impact review** - Incorporate an equity impact statement or similar process before fees are adopted or adjusted, and evaluate how cost structures affect applicants from rural, tribal, and under-resourced communities, as well as the nonprofit organizations expected to sponsor them.
7. **Accessibility and accommodations** - Ensure that any online exam platform meets ADA standards, including compatibility with assistive technology, extended time, and alternative formats where needed. The rule should clarify how candidates may request accommodations and what oversight exists to guarantee compliance.
8. **Pilot and evaluation** - Consider piloting the online proctoring fee structure with data collection before permanent statewide adoption. Tracking participation rates, re-examination costs, and nonprofit sponsorship burdens will help ensure the fee structure supports rather than undermines program goals.

Taken together, these measures would balance the need for exam integrity with the equally important goal of ensuring a diverse, representative, and sustainable pipeline of Community Legal Advocates.

CONCLUSION

We appreciate that the Certification & Licensing Division is working to modernize exam administration, reduce administrative burdens, and improve convenience for applicants outside Maricopa County. These are valuable goals.

At the same time, efficiency and administrative flexibility should not come at the expense of equity, transparency, and accessibility. Our strong recommendation is that the online proctoring fee be eliminated; at a minimum, any retained fee should be narrowly capped, transparent, and broadly waivable so cost never determines who can serve. Even a modest exam fee, especially one left open-ended, can deter individuals from underserved communities or create unsustainable burdens for nonprofits sponsoring multiple Community Legal Advocates.

We respectfully urge the Arizona Supreme Court and the Administrative Office of the Courts to adopt the safeguards outlined above so that online exam proctoring can deliver on its promise of convenience without introducing new barriers. Doing so will help Arizona maintain its national leadership in developing innovative justice worker programs that are both rigorous and accessible.

Thank you for the opportunity to comment. We look forward to continued collaboration to ensure the Community Legal Advocate program remains a model of accessible, effective, and sustainable justice innovation.

Sincerely,

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