



April 15, 2026

Submitted via email: appellatecourtclerk@tncourts.gov

James Hivner, Clerk
Tennessee Supreme Court
Re: Regulatory Reform
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1307

RE: No. ADM2025-01403, In re: Public Comments on Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Dear Honorable Justices of the Tennessee Supreme Court:

Frontline Justice respectfully submits this public comment in response to the Court's request regarding No. ADM2025-01403. This submission focuses solely on consideration (6): whether any legal services currently provided by lawyers could be competently performed by paraprofessionals and, if so, what qualifications, limitations, or subject-matter restrictions the Court should consider imposing. The Court has extended the deadline for written comments to April 30, 2026.

Frontline Justice is a national initiative dedicated to expanding access to legal help for everyday civil legal issues. We train, equip, and support community justice workers who assist individuals with straightforward legal matters that often go unresolved because legal help is unavailable, difficult to access, or unaffordable. Our work also includes research, policy development, and implementation support related to community justice worker programs, including technical assistance to courts, funders, legal services organizations, and community-based organizations studying or implementing these programs.

Consideration (6) refers to "paraprofessionals." In this comment, we use the term "community justice workers" to refer to a specific role: trained individuals who work within a defined scope of practice, typically under supervision, in legal services or nonprofit settings that already provide legal and other life-stabilizing assistance to the public. This area of legal innovation is undergoing active regulatory development. As of this writing, 14 states and the District of Columbia have passed or proposed rules to authorize justice worker programs, and many more are actively exploring them.

Frontline Justice likewise supports authorizing community justice workers to assist Tennessee residents in civil legal matters. We believe that, with clear guidelines and a well-defined scope,

trained community justice workers can competently deliver many legal services that, under current rules, only lawyers are generally permitted to provide, even though many Tennesseans are unable to obtain that assistance from a lawyer.

Community Justice Workers address a real shortage of accessible legal help.

Many Tennesseans face civil legal problems that carry immediate consequences for daily life, including benefit denials, housing disputes, debt collection matters, family-related filings, and record-clearing relief. Many do not have a realistic path to receiving help from a lawyer. Legal aid organizations cannot meet the existing need. Due to funding constraints, LSC-funded legal aid organizations must turn away nearly half (49%) of those seeking assistance.¹ Many more households do not qualify for free representation, yet still cannot afford private counsel.

Economic data help explain this gap. A 2025 report from United Ways of Tennessee uses the term ALICE (Asset Limited, Income Constrained, Employed) for households earning above the federal poverty line but still not enough to cover basic costs. In 2023, 44% of Tennessee households were below the ALICE Threshold: 14% in poverty and another 30% above the poverty line but still unable to afford basic expenses.² The report also found that the annual survival budget in Tennessee was \$29,328 for a single adult and \$74,796 for a family of four.³ By contrast, the Legal Services Corporation's 2024 income eligibility thresholds were \$18,825 for an individual and \$39,000 for a family of four, which reflects how many Tennessee households can be above legal aid eligibility limits and still far below the state's actual survival budget.⁴

These financial constraints shape how people respond to legal problems. Someone already struggling to pay for rent or a mortgage, food, transportation, child care, and health care is unlikely to be able to hire a lawyer to respond to a benefits notice, file a housing claim, answer a debt case, or complete family law paperwork. Many go without legal assistance altogether. Others miss deadlines, misread notices, submit incomplete paperwork, or abandon claims they may have been entitled to pursue. These access challenges are compounded when written materials, forms, and procedural instructions are difficult to understand.

Literacy barriers also affect a person's ability to advocate for themselves in civil legal matters. National Center for Education Statistics estimates based on PIAAC data indicate that about 22% of adults in Tennessee have literacy skills at or below Level 1, and about 38% are at Level 2.⁵ Adults at or below Level 1 may be able to read short texts and complete a simple form, but may

¹ See Legal Servs. Corp., *Tennessee State Profile*,

<https://www.lsc.gov/grants/our-grantees/tennessee-state-profile> (reporting an estimated LSC-eligible population of 1,209,440 in Tennessee, representing 17.4% of the state population, and listing 2024 income eligibility thresholds of \$18,825 for an individual and \$39,000 for a family of four).

² See United For ALICE, *The State of ALICE in Tennessee: 2025 Update on Financial Hardship* (2025), <https://www.unitedforalice.org/tennessee> (reporting that 44% of Tennessee households were below the ALICE Threshold in 2023 and that the annual household survival budget was \$29,328 for a single adult and \$74,796 for a family of four).

³ United For ALICE, *The State of ALICE in Tennessee*, *supra* note 2.

⁴ See Legal Servs. Corp., *Tennessee State Profile*, <https://www.lsc.gov/grants/our-grantees/tennessee-state-profile>

⁵ See Nat'l Ctr. for Educ. Stats., *U.S. PIAAC Skills Map: State and County Indicators of Adult Literacy and Numeracy* (NCES 2020-047), U.S. Dep't of Educ. (2020), <https://nces.ed.gov/surveys/piaac/skillsmap>.

struggle to draw inferences, combine information from multiple written sources, or locate specific information in a document.⁶ Adults at Level 2 may be able to read print and digital texts and draw simple inferences, but may still have difficulty with more complex evaluation and text-based tasks.⁷

In civil legal matters, those limitations can make it difficult to understand written communications, determine what information is relevant, compare documents, complete forms correctly, and identify what must be done next and by when. In that setting, trained community justice workers can provide practical assistance by helping people understand notices, identify the legal issue, complete paperwork, gather supporting documents, and take the next procedural step before important deadlines pass.

The Court should use an evidence-based approach.

Frontline Justice encourages the Court to adopt an evidence-based approach when considering this role. That process begins with identifying the problem Tennessee is trying to solve: recurring civil legal problems, high unmet need, and limited access to timely, affordable assistance. It then asks what types of help are most often needed, which tasks recur from case to case, where people already seek help, and what type of training prepares a person to perform that work accurately and safely.

Tennessee's own recent legal needs assessment provides a helpful starting point. The 2025 Tennessee Civil Legal Needs Assessment found that 36.5% of surveyed households reported healthcare-related legal issues, 30.2% reported family law issues, 24.1% reported housing and property issues, 22.8% reported employment and public benefits issues, 21.3% reported consumer and financial issues, 20.7% reported criminal justice and driver's license issues, and 18.2% reported advanced directives and estate planning needs.⁸ The same assessment also identified low public awareness of available legal services, barriers to digital access, and particular challenges faced by rural residents and other vulnerable populations.⁹ Those findings provide an important starting point for deciding where trained community justice workers could be deployed first and what kinds of training would be most useful.

Tennessee would not be venturing into untested territory. Several jurisdictions have already authorized community justice workers or comparable models. Their experience can provide useful guidance on scope of practice, training, supervision, organizational placement, and consumer protection. The research literature also offers useful evidence on program design, including service delivery in rural settings and evaluations of how these models perform.

That research is especially relevant in Tennessee, where many residents face access barriers tied to geography, infrastructure, and limited service availability. Recent scholarship also

⁶ *Id.*

⁷ *Id.*

⁸ *See Tenn. All. for Legal Servs., Tennessee Civil Legal Needs Assessment 2025 3 (2025), http://las.org/wp-content/uploads/2026/02/TALS-TN_Civil_Legal_Needs_Assessment_2025.pdf (reporting that healthcare-related legal issues, family law issues, and housing and property issues were among the most commonly reported civil legal needs among surveyed households).*

⁹ *Id.*

emphasizes that lawyer-centered models are difficult to scale in low-access settings, particularly rural communities, and that effective service design depends on multiple local access points and institutions already present where people seek help. That insight is consistent with the Tennessee assessment's emphasis on community partnership expansion and stronger service capacity.¹⁰

Community justice workers should be placed in legal services and nonprofit service organizations.

Frontline Justice recommends that Tennessee authorize this work through legal services organizations and nonprofit organizations that already provide direct services. That design reflects how people actually seek help. Many do not begin by contacting a lawyer, especially when they do not yet recognize that their problem has a legal dimension. They turn first to a trusted source: a food bank, shelter, domestic violence program, neighborhood nonprofit, reentry organization, public benefits site, school, health system, senior center, church, or another trusted service provider. Those are often the places where legal problems first become visible and where people ask for help understanding a notice, a deadline, a form, or the next required step.

The research supports this placement choice. The rural access brief concludes that effective service design should build on existing human and community infrastructure and specifically identifies community centers, senior centers, veterans' groups, schools, and health care systems as examples of institutions that can serve as direct access points for meaningful, problem-specific legal assistance when they receive appropriate training and support.¹¹

Community-based organizations are also a practical place to house this work. They already serve the people most likely to face these problems, and they often encounter those problems early, before the situation becomes harder to correct. They can provide structure, supervision, and day-to-day accountability. Authorizing the role in these settings would make it easier for people to get legal help sooner and in the places where they are already seeking assistance.

Entry into community justice work should be low-barrier.

Frontline Justice urges the Court to structure community justice work as a low-barrier entry model. If Tennessee requires years of schooling, high fees, broad disqualification rules, or attorney-style licensing requirements, fewer people will be able to serve in this role, and fewer already resource-constrained community-based organizations will be able to support it. The result will be fewer access points to legal help, reduced geographic reach, and less ability to respond to recurring civil legal needs in the communities where those needs arise most often. Recent research points in the same direction. In a 2026 American Bar Foundation research brief, *Analysis of the Social and Economic Impact of Delaware Qualified Tenant Advocates*

¹⁰ See Rebecca L. Sandefur, Matthew Burnett & James Teufel, *Rural Access to Justice: Key Research Learnings and Implications for Service Design and Delivery* (Am. Bar Found. Access to Just. Rsch. Initiative 2026),

<https://www.americanbarfoundation.org/wp-content/uploads/2026/02/Rural-Access-to-Justice-FIN.pdf>.

¹¹ *Id.*

(2022–2025), Teufel, Burnett, and Sandefur identify reduced educational and licensing barriers as one reason qualified tenant advocate roles can be sustained.¹² The brief notes that these roles do not require the years of higher education, licensing fees, and multiple examinations associated with becoming an attorney.

There should be no character and fitness process.

Frontline Justice does not recommend a standard character and fitness process for this role. A character and fitness regime would add cost, delay, administrative burdens, and uncertainty. It would also import a feature of lawyer licensing that is disproportionate to a narrower, task-specific role. This role is limited by scope and well-suited to organization-based oversight. Tennessee can therefore protect the public through other means.

If the Court determines that some form of screening is necessary, any screening should be limited and directly tied to the role's responsibilities. Frontline Justice has previously taken the position that exclusion should be tied to conduct directly connected to safety, fraud, or misuse of the position, and that automatic exclusion rules should be avoided. Public protection can be addressed through role-specific screening, clear scope limits, complaint procedures, and removal for misconduct without adopting a broader lawyer-licensing process.

Training should match the approved scope of practice.

Training should be tailored to the work Tennessee authorizes. The Court does not need a general legal education model for a role that is limited in its subject matter and tasks. Training should be tied to the actual notices, forms, deadlines, interviews, procedural steps, and referral triggers that the authorized worker will encounter. That is the training most likely to produce competent performance in the work the Court chooses to authorize.

For example, the Delaware Qualified Tenant Advocate program uses training that is directly tied to the authorized housing scope of practice. The curriculum covers landlord-tenant law, ethics, professional standards, practical exercises, mock hearings, client interviews, evidence development, and advocacy in the settings where these workers are authorized to act. The Alaska program similarly provides subject-specific training in five approved areas and supplements it with continuing support, templates, forms, guides, and ongoing access to attorneys and staff.

A scope-based training model is a better fit for this role because it prepares workers for the tasks Tennessee intends them to perform, avoids requiring broad instruction on subjects outside the approved role, and is more scalable because it can be delivered more

¹² See James Teufel, Matthew Burnett & Rebecca L. Sandefur, *Analysis of the Social and Economic Impact of the Delaware Qualified Tenant Advocates Program (2022–2025)* (Am. Bar Found. Access to Just. Rsch. Initiative 2026), <https://www.americanbarfoundation.org/limited/whosewp-content/uploads/2026/02/Delaware-Qualified-Tenant.pdf>.

efficiently across defined subject areas and functions. Training could include the following areas:

- instruction on ethics, confidentiality, role boundaries, and referral rules
- subject-matter training connected to the approved area of work
- field training using the forms, notices, and workflows the worker will actually handle

There should be no bar examination.

Frontline Justice does not recommend a bar examination or similar test for this role. A bar examination serves a different professional track. It tests broad legal knowledge across multiple doctrinal areas and functions within a full lawyer-licensing system. A limited, scope-defined role requires a different method of preparation and assessment.

For this role, the most effective approach is to tie training and assessment to the approved scope of work. That approach measures whether the worker can perform the authorized tasks accurately and recognize when referral to a lawyer is required. Frontline Justice has been engaged in developing training for community justice worker roles, and that work has reinforced that training is most useful when it is tied to the actual advocacy tasks the worker will be expected to handle. A scope-based model, for example, may include modular instruction tied to the approved subject area, supervised practice using the forms and procedures the worker will actually encounter, and completion of a practicum or other structured field component before independent work begins.

Research shows community justice worker models can produce measurable results.

Recent research also supports the basic practicality of community justice worker models. In Delaware, qualified tenant advocates were involved in 3,755 housing matters between 2022 and 2025 and participated in more than three-quarters of one legal aid organization's housing cases.¹³ The program was associated with preservation or recovery of approximately \$4.8 million in housing-related financial assistance, substantial case outcomes for tenants, high client satisfaction, and an estimated return on investment of approximately \$7 in benefits for every \$1 invested.¹⁴

The Alaska Community Justice Worker Program was authorized by the Alaska Supreme Court in 2022. Hosted by Alaska Legal Services Corporation, the program trained a growing community justice workforce to deliver services in five legal areas, including SNAP, wills, Indian Child Welfare Act cases, intimate partner violence, and consumer debt. By the time of the study, more than 200 community justice workers had completed at least one approved training course and passed knowledge checks. In SNAP matters alone, community justice workers handled more than 1,400 cases, helped recover \$23.6 million in food assistance for Alaskan households, and generated an estimated additional

¹³ *Id.*

¹⁴ *Id.*

\$14.5 million in community economic benefit.¹⁵ The program also completed 180 wills and expanded legal help into rural and underserved communities, including towns and villages with no attorneys and communities off the road system.¹⁶ Between 2022 and 2024, the number of cases served by community justice workers increased by 1,575%, and initial findings estimated roughly \$25 in public-benefit value for people and their communities for every \$1 invested under one federal grant.¹⁷

More broadly, evidence in the United Kingdom also shows that trained non-lawyer advisors perform as well as or better than lawyers in common civil areas such as housing, benefits, and debt, and that consumer complaints have been minimal when programs are properly supervised and embedded in trusted organizations.¹⁸ Similarly, in Utah, a regulatory sandbox that includes justice workers delivered over 75,000 services between 2020 and the time data was collected in 2024. Well-designed community justice worker programs are scalable and inspire confidence among consumers.¹⁹

These examples do not answer every design question for Tennessee, but they do show that trained, scope-defined nonlawyer legal helpers can deliver substantial services and measurable results.

The legal system already authorizes adjudicative and representative functions outside of attorney licensure.

Federal and state legal systems already authorize people who are not attorneys to assist in administrative proceedings, represent parties in certain matters, and decide some lower-level cases where that authority is established by rule or law. Tennessee, therefore, would not be entering unfamiliar territory by authorizing a limited, scope-defined role for trained legal helpers in civil matters. At the federal level, the Department of Justice's Legal Aid Interagency Roundtable has reported that 15 federal agencies with relevant administrative proceedings permit nonlawyers to assist in those matters.²⁰ In state systems, people without law degrees also perform some formal functions in defined judicial settings. Current legal scholarship reports

¹⁵ See Matthew Burnett, Rebecca L. Sandefur & James Teufel, *Analysis of the Social and Economic Impact of the Alaska Community Justice Worker Program (2021–2025)* (Am. Bar Found. Access to Just. Rsch. Initiative 2025),

<https://www.americanbarfoundation.org/wp-content/uploads/2025/11/ABF-Alaska-Community-Justice-Brief-FIN.pdf> (reporting that Alaska community justice workers handled more than 1,400 SNAP cases, helped recover \$23.6 million in benefits, and increased cases served by 1,575% between 2022 and 2024).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ See Richard Moorhead, Avrom Sherr & Alan Paterson, *Contesting Professionalism: Legal Aid and Nonlawyers in England and Wales*, 37 *Law & Soc'y Rev.* 765 (2003).

¹⁹ See Rebecca L. Sandefur & Matthew Burnett, *Building Successful Justice Worker Programs: Emerging Insights from Research and Practice*, 41 *Alaska L. Rev.* 24 (2024), <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1662&context=alr>.

²⁰ See White House Legal Aid Interagency Roundtable, *Access to Justice in Federal Administrative Proceedings: Nonlawyer Assistance and Other Strategies* 26 (2023), <https://www.justice.gov/archives/atj/media/1327481/dl> (reporting that agencies across the federal government permit, and sometimes fund, nonlawyers to help people navigate administrative proceedings involving areas such as housing, public benefits, immigration, civil rights, tax, food security, and worker protection).

that 32 states allow at least some low-level state court judges to adjudicate without a law degree. Tennessee itself provides one example. In at least some municipal courts, city judges may serve without a law license, subject to statutory qualifications, continuing education requirements, and limits on the matters they hear, including municipal ordinance and traffic matters.²¹

Conclusion

Frontline Justice commends the Court's inquiry into practical ways to expand access to legal help in Tennessee. The question presented for public comment is whether any legal services currently provided by lawyers could be competently provided by paraprofessionals and, if so, what qualifications, limitations, or subject-matter restrictions the Court should consider imposing. Frontline Justice believes the answer is yes.

We recommend that Tennessee authorize Community Justice Workers to be placed in legal services organizations and nonprofit service organizations that already serve the people most likely to need this help. Entry should remain low-barrier. Training should match the approved scope of practice and the actual forms, deadlines, procedures, and other tasks workers will be expected to handle. The Court should avoid adding attorney-licensing features that do not fit this narrower role, including a character and fitness process and a bar examination.

In doing so, Tennessee would help address routine but serious civil legal problems through a model informed by experience in other jurisdictions and designed to protect the public through clear scope limits, focused training, organizational placement, supervision, and referral rules.

If the Court would find it useful, Frontline Justice would be glad to provide additional information on the design, training, and implementation of community justice worker models.

Respectfully submitted,

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²¹ Sara Sternberg Greene & Kristen M. Renberg, *Judging Without a J.D.*, 122 Colum. L. Rev. 1287 (2022).