

Rights Without Remedies: The Case for Community Justice Workers and the Future of Family Law

by

Alicia Mitchell-Mercer* and Nikole Nelson**

I. Introduction: The Crisis of Family Law

Her husband had once again threatened to take their son. This time, he pushed her violently against the wall, creating a dent in the drywall that matched the size of her shoulder. That night, as her son slept, Maya looked online for assistance and discovered the number for legal aid. She made the call first thing the next morning.

The intake specialist was kind but explained that because of their limited resources, it would take at least two weeks to speak to an attorney. Maya required a protective order immediately, as her partner had made clear threats, and she feared he would take their son before she could return to court. Legal aid advised her to file on her own.

So she did.

Maya went to the courthouse alone because there was no one else to accompany her. She had no lawyer, no advocate, and no friend who could take the morning off. The clerk informed her that she had to “fill it all out right.” She stared at the form, uncertain of how much detail she should provide. Maya filed the petition herself, but a judge would later say she did not clearly explain the danger. The order was denied.

Her partner returned. Maya did not leave.

She was afraid that if she fled, she would lose her son or be accused of kidnapping him. Without a protective order, without

* Alicia Mitchell-Mercer, Chief Operating Officer, Frontline Justice, Charlotte, North Carolina.

** Nikole Nelson, Chief Executive Officer, Frontline Justice, Anchorage, Alaska.

legal advice, and without a clear path forward, she stayed. She felt trapped. She and her son remained in the home, exposed to continued threats and escalating harm—because the help she needed was out of reach.

This situation, which plays out all too frequently in homes across the country, represents the silent violence of a legal system that too often provides rights without the means to exercise them. If a community justice worker had been present, whether at the legal aid office, the courthouse, or even over the phone, Maya might not have had to face that moment alone. Though not a lawyer, a community justice worker would have been trained to assist her in completing the forms, preparing her statement, and understanding the court's requirements. With that kind of support, Maya and her son might have been able to leave this situation safely.

Family law is the legal system's most frequent point of contact with the American public. In the millions of disputes involving divorce, custody, visitation, support, guardianship, domestic violence, and property division, the vast majority of litigants appear without counsel. This is rarely a conscious choice. Proceeding pro se or in propria persona is not the result of self-empowerment. According to the Legal Services Corporation (LSC), 92% of civil legal problems that substantially impact low-income Americans receive inadequate or no legal help, due largely to cost, geographic isolation, and uncertainty about how to access a lawyer.¹ For many people, retaining counsel is financially impossible, geographically impractical, or culturally misaligned with their lived realities.

In 2022, the Legal Services Corporation reported that 74% of low-income households, representing a population of over 50 million Americans, including 15 million children, experienced at least one civil legal issue each year, and many encountered multiple problems simultaneously. Yet legal help was sought for only one in four of those issues, most often due to cost, confusion, or

¹ Legal Servs. Corp., *The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans* (Apr. 2022), <https://lsc-live.app.box.com/s/xl2v2uraitobzrhwtjlgioemp3myz1>. This report offers the most current and comprehensive national data on unmet civil legal needs. It documents that 92% of serious civil legal problems affecting low-income households receive inadequate or no legal help. The findings are frequently cited by courts and policymakers to quantify the scale of access-to-justice barriers, including in family law contexts.

distrust of the legal system.² Legal aid programs, which serve this population, are subject to strict income caps: \$18,825 for individuals and \$39,000 for a family of four.³ Even among those who qualify, nearly half are turned away due to lack of resources. But the crisis of access is not limited to the poor. Middle-income families, approximately 96.6 million individuals and households, are often presumed to have adequate resources, but empirical estimates suggest that between 40% and 75% of this population also lacks meaningful legal assistance.^{4,5} This group occupies a liminal space. Their income is too high for legal aid, but they have too little discretionary income to absorb the market cost of representation by a lawyer, with even modestly experienced attorneys charging more than \$300 per hour.

In the last several years, community justice workers have emerged as one response. These are trusted individuals—embedded in community-based organizations—who are not required to be licensed attorneys but are trained to offer legal advice, procedural guidance, and in some jurisdictions, limited-scope representation in specific legal areas under defined supervision or statutory authorization. Community justice workers are not operating at a theoretical or policy level; they work *directly* with people facing urgent, real-life legal problems impacting personal safety, mental

² See Legal Servs. Corp., *supra* note 1.

³ See *Income Level for Individuals Eligible for Assistance*, 89 Fed. Reg. 4562, 4563 (Jan. 24, 2024), <https://www.federalregister.gov/documents/2024/01/24/2024-01311/income-level-for-individuals-eligible-for-assistance> (listing the 2024 income eligibility thresholds by household size in Table A, titled “Legal Services Corporation 2024 Income Guidelines,” under Appendix A to Part 1611).

⁴ See Markkula Ctr. for Applied Ethics, *Equal Justice Under Law, Equal Justice Under Law*, SANTA CLARA UNIV. (2005), <https://www.scu.edu/ethics/focus-areas/more-focus-areas/resources/equal-justice-under-law/>. This source introduces the constitutional aspiration that “equal justice under law” should guide American legal institutions. Although not a legal authority, it reflects a widely held normative ideal and serves here to frame the dissonance between principle and practice in the civil legal system.

⁵ See Deborah L. Rhode, *Access to Justice: A Roadmap for Reform*, 41 FORDHAM URB. L.J. 1227–1227, 1228 (2016) (estimating that 40% to 75% of middle-income Americans experience unmet legal needs; the 96.6 million figure is a midpoint extrapolation based on applying this range to the U.S. population).

health, and economic stability.⁶ Too often, people are forced to “go it alone” without legal representation in disputes where they risk losing their job, their livelihood, their home, or their children—or seek a restraining order against an abuser.⁷

The World Justice Project ranks the United States 107th out of 142 nations in civil justice accessibility, last among high-income countries.⁸ Low-income Americans face an estimated 150 to 250 million civil legal problems each year, many of them family-law related, yet fewer than one in ten civil legal problems received adequate assistance.⁹ Although criminal defendants are entitled to representation, no such guarantee exists in family law or other areas of civil law, even when consequences include loss of custody or potential incarceration.¹⁰

Despite these constraints, potential sources of help are often present, though not legally authorized. Across the country, community leaders, domestic violence advocates, health aides, librarians, and shelter workers regularly encounter individuals entangled in legal problems. Many are ready and willing to assist. Some already do, informally offering guidance, helping complete court forms, or accompanying individuals to hearings, even though they are not licensed to practice law. In doing so, they face the threat of civil or criminal penalties under unauthorized practice of law (UPL) statutes as well as the personal and professional strain of navigating legal gray areas without formal protection. Most, however, are barred from offering even basic legal guidance by unauthorized practice of law rules, which broadly prohibit legal advice

⁶ See Legal Servs. Corp., *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans* (June 2017), <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf> (presenting a nationwide study on the scope and consequences of unmet civil legal needs among low-income individuals and families in the United States).

⁷ See Legal Servs. Corp., *supra* note 1.

⁸ See World Justice Project, *WJP Rule of Law Index 2024* 53 (2024), [https://worldjusticeproject.org/rule-of-law-index/factors/2024/Civil%20Justice\(ranking the United States 107th out of 142 countries in civil justice accessibility and highlighting disparities in access among low-income populations\)](https://worldjusticeproject.org/rule-of-law-index/factors/2024/Civil%20Justice(ranking%20the%20United%20States%20107th%20out%20of%20142%20countries%20in%20civil%20justice%20accessibility%20and%20highlighting%20disparities%20in%20access%20among%20low-income%20populations)).

⁹ See Legal Servs. Corp., *supra* note 1.

¹⁰ See *Turner v. Rogers*, 564 U.S. 431 (2011) (holding that due process does not require automatic appointment of counsel in civil contempt proceedings for failure to pay child support, even where incarceration is possible, but that alternative procedural safeguards must be provided to ensure fairness).

regardless of context, training, or community need.¹¹ These are the nation's future community justice workers. Drawing on models from Alaska, Arizona, Hawaii, Utah, and Delaware, this article sets forth the legal foundation and policy rationale for integrating community-based legal help into family law systems nationwide.

This article contends that equipping trusted, community-based advocates with legal training can provide a lawful, evidence-informed, and essential intervention in the widening gap between family law systems and the people they are meant to serve. It asks: How can state courts, the legal profession, and community organizations work together to recognize, equip, and integrate these trusted helpers into family law systems in ways that reflect the realities of where and how legal help is most needed? This article is organized into five substantive sections. Part II explores the everyday crisis of family law, where millions of people face separation, custody, and protection proceedings without meaningful legal help. Part III examines how the civil legal system, with its expansive restrictions on unauthorized practice, criminalizes help by anyone other than lawyers, even in moments of profound need.¹² Part IV turns to the legal foundation for community justice workers, distinguishing this community-rooted model from other reform efforts. Part V considers how training, credentialing, and oversight can protect the public while broadening the circle of legal help. Part VI proposes pathways for integrating help into trusted community settings where families already turn for assistance. Together, these sections conclude that the legal profession, state courts, and community organizations can transform the boundaries of legal assistance by building new, place-based pathways that respond to unmet legal needs and restore trust in the justice system's ability to serve the public.

¹¹ See Tonya L. Brito, *The Right to Civil Counsel*, 148 DÆDALUS 56 (Winter 2019)(discussing how the absence of a civil right to counsel in family law matters—such as custody disputes and protective orders—creates systemic barriers to justice, and arguing for the recognition of legal assistance as essential to safeguarding fundamental rights in civil proceedings).

¹² See Derek A. Denckla, *Nonlawyers and the Unauthorized Practice of Law: An Overview of the Legal and Ethical Parameters*, 67 FORDHAM L. REV. 2581 (1999) (providing a foundational overview of the legal and ethical boundaries surrounding nonlawyer assistance and the historical development of UPL enforcement).

II. Rights Without Remedies

In family courts, the promise of justice is routinely decoupled from the harsh reality that there exists little availability of legal help. Although courts routinely adjudicate matters of significant personal consequence, such as parental custody, visitation, domestic violence protection, guardianship, and support, most litigants proceed without representation. In many jurisdictions, more than 70% of family law cases involve at least one self-represented party; in others, the number exceeds 90%.¹³

This pro se reality stems from systemic design. Legal assistance in family matters is seldom affordable for working-class litigants, particularly those who exceed legal aid income thresholds yet remain far below the level of economic security needed to hire private counsel. Geographic disparities deepen the justice gap. Many rural areas are legal deserts, with few or no affordable family law services available.¹⁴ One in five Americans lives in a rural community, where nearly 30% lack access to fixed high-speed broadband internet, and residents must often travel long distances to reach a courthouse or consult an attorney.¹⁵ These communities

¹³ See Corina Gerety, *Cases Without Counsel: Research on Experiences of Self-Representation in U.S. Family Court*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., UNIV. OF DENVER (2016), https://iaals.du.edu/sites/default/files/documents/publications/cases_without_counsel_research_report.pdf (presenting qualitative data on the emotional and procedural challenges faced by self-represented litigants in family court, and highlighting the gap between formal access to justice and meaningful participation); see also Paula Hannaford-Agor, Scott Graves & Shelley Spacek Miller, *Civil Justice Initiative: The Landscape of Civil Litigation in State Courts*, NAT'L CTR. FOR STATE CTS. (2015), <http://dx.doi.org/10.2139/ssrn.2700745> (reporting that the vast majority of civil cases involve unrepresented parties and documenting the limited judicial and systemic capacity to address the needs of self-represented litigants in family and civil courts).

¹⁴ See Am. Bar Ass'n, *ABA Profile of the Legal Profession* 1–3 (2020), <https://www.americanbar.org/content/dam/aba/administrative/news/2020/07/potlp2020.pdf>. The report highlights that 54 U.S. counties have no lawyers at all, and another 182 have only one or two. Nearly 1,300 counties have fewer than one lawyer per 1,000 residents. These legal deserts disproportionately affect rural and underserved communities, where barriers to representation compound existing challenges in accessing custody, support, and protective order remedies.

¹⁵ See U.S. Census Bureau, *Nation's Urban and Rural Populations Shift Following 2020 Census* (Dec. 29, 2022), <https://www.census.gov/newsroom/press-releases/2022/urban-rural-populations.html> (noting that more than 20% of

are also disproportionately composed of older adults, veterans, people with disabilities, and communities of color, groups more likely to experience civil legal problems but less likely to receive timely advice.¹⁶ Without local, accessible legal help, problems escalate and families fracture. The access to justice gap is so pronounced that mitigation requires significantly more funding and human resources than the existing system could ever realistically provide.

While a critical part of the legal ecosystem, legal aid organizations are chronically underfunded and must allocate services carefully. They are often forced to prioritize cases involving imminent harm or those required by funding conditions, such as domestic violence, child protection, or eviction.¹⁷ Although legal

Americans live in rural areas, many of which face geographic barriers to legal access, including limited broadband and distance from legal services); *see also, e.g.*, Econ. Research Serv., U.S. Dep't of Agric., *Rural America at a Glance: 2022 Edition* (2022), https://ers.usda.gov/sites/default/files/_laserfiche/publications/105155/EIB-246.pdf?v=34912 (providing data on economic and demographic trends in rural communities, including population decline, aging demographics, and limited access to public services—all of which impact access to legal assistance); Ctrs. for Disease Control & Prevention, *Prevalence of Disability and Disability Types by Urban-Rural County Classification – United States, 2016*, <https://www.cdc.gov/disability-and-health/articles-documents/disability-prevalence.html> (finding that disability prevalence is higher in rural counties, which amplifies the need for accessible legal systems that accommodate mobility, communication, and service-related challenges); Off. of Rural Health, U.S. Dep't of Veterans Affs., *Rural Veteran Health Care Challenges*, <https://www.ruralhealth.va.gov/aboutus/ruralvets.asp> (last visited Apr. 29, 2025) (describing how geographic isolation, provider shortages, and transportation barriers limit health care access for rural veterans—and that these factors similarly impede access to legal support systems); Kenneth Johnson & Daniel Lichter, *Growing Racial Diversity in Rural America: Results from the 2020 Census*, CARSEY SCH. OF PUB. POL'Y, UNIV. OF N.H. (May 25, 2022), <https://carsey.unh.edu/publication/growing-racial-diversity-in-rural-america> (reporting that racial and ethnic diversity in rural communities is increasing, a demographic shift that underscores the need for culturally competent and accessible legal support in underserved areas); Fed. Commc'ns Comm'n, *2024 Section 706 Report* (Mar. 18, 2024), <https://docs.fcc.gov/public/attachments/FCC-24-27A1.pdf> (finding that rural areas continue to face substantial gaps in broadband access, which affects residents' ability to access digital legal tools, participate in remote hearings, and obtain legal information online).

¹⁶ See Econ. Research Serv., *supra* note 15; Ctrs. for Disease Control & Prevention, *supra* note 15; Off. of Rural Health, *supra* note 15; Johnson & Lichter, *supra* note 15.

¹⁷ See Legal Servs. Corp., *supra* note 1.

aid organizations aspire to serve all of the critical legal needs of low-income populations, these organizations frequently face resource constraints, restrictive eligibility criteria, and overwhelming caseloads, all of which severely limit their capacity to adequately support individuals facing family law issues. Legal aid providers turn away nearly half (49%) of requests due to insufficient resources, creating a critical gap in help for those who cannot afford private legal representation yet do not qualify for existing assistance programs.¹⁸ Even in cases involving allegations of abuse, custody disputes, or housing instability, thousands are turned away because the current legal system and peripheral institutions lack the capacity to respond.

Pro bono efforts, though noble, cannot fill this gap. The sheer volume of unmet legal issues makes a volunteer-based solution unsustainable.¹⁹ National survey data suggest that approximately 62% of American households experience at least one legal issue annually, with an average of three problems per household.²⁰ With roughly 125 million households nationwide, this translates to more than 230 million active civil legal problems each year.²¹

Attempting to resolve these issues through traditional attorney-client models presents insurmountable economic challenges. Even at a conservative hourly rate of \$200, a single hour of lawyering per issue would require an estimated \$46.5 billion annually, which is far greater than existing public and private funding for legal aid.²² Additionally, with 1.3 million licensed attorneys in the United States, each would need to contribute 180 hours annually, equivalent to more than four full-time workweeks, merely to meet existing civil legal needs.²³ Yet the average commitment is

¹⁸ See Legal Servs. Corp., *supra* note 1.

¹⁹ See Zachariah DeMeola, *Pro Bono Work Should Be Encouraged and Celebrated, but Much, Much More Is Needed*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. (Oct. 18, 2019), <https://iaals.du.edu/blog/pro-bono-work-should-be-encouraged-and-celebrated-much-much-more-needed>.

²⁰ See Gillian K. Hadfield & Jamie Heine, *Life in the Law-Thick World: Legal Resources for Ordinary Americans*, in BEYOND ELITE LAW: ACCESS TO CIVIL JUSTICE IN AMERICA 21, 21–52 (Samuel Estreicher & Joy Radice eds., Cambridge Univ. Press 2016), <https://doi.org/10.1017/CBO9781107707191.006>; see also DeMeola, *supra* note 19.

²¹ See DeMeola, *supra* note 19.

²² *Id.*

²³ See DeMeola, *supra* note 19.

just 55 hours per year, and only a fraction of lawyers participate in public interest work at all.²⁴

Legal scholars have critiqued traditional responses to this crisis, including calls for increased legal aid funding, mandatory pro bono, and publicly financed legal services, as insufficient and unsustainable.²⁵ The fundamental barrier is not willful neglect but structural design: the conventional business model for legal services, shaped around high-cost, individualized representation, is fundamentally mismatched to the scale and nature of everyday legal problems. Volunteerism, professional ethics, and more public funding cannot fully bridge that gap.²⁶ Without new models of legal assistance, the civil justice system will continue to offer rights without meaningful remedies.

With legal aid and pro bono assistance out of reach for many, those who proceed without counsel often encounter a legal system that becomes a source of harm rather than relief.²⁷ Family court forms are lengthy and technical. Service rules vary by jurisdiction. Judges are constrained in their ability to assist.²⁸ Self-represented litigants frequently encounter significant procedural and emotional barriers when navigating family court without adequate support.²⁹ Procedural complexities, such as properly filing documents, following evidentiary rules, and articulating legal arguments, present nearly insurmountable obstacles for those

²⁴ See Logan Cornett, *Pro Bono Work Should Be Encouraged and Celebrated—But Much, Much More Is Needed*, Inst. for the Advancement of the Am. Legal Sys. Blog (June 27, 2024), <https://iaals.du.edu/blog/pro-bono-work-should-be-encouraged-and-celebrated-much-much-more-needed>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ See Gerety, *supra* note 13.

²⁸ See John M. Greacen & Mary H. Houlberg, *Ensuring the Right to Be Heard: Guidance for Trial Judges in Cases Involving Self-Represented Litigants* 3–4 (Inst. for the Advancement of the Am. Legal Sys., Univ. of Denver 2019), https://iaals.du.edu/sites/default/files/documents/publications/ensuring_the_right_to_be_heard_guidance_for_trial_judges.pdf (noting that while judges must maintain neutrality, they also have a duty to ensure fairness and can take steps to help self-represented litigants be heard without violating ethical boundaries).

²⁹ See Pew Charitable Trusts, *How to Make Civil Courts More Open, Effective, and Equitable* (Dec. 2023), https://www.pewtrusts.org/-/media/assets/2023/12/civil-courtsmustbecomemoreopen_report_v4.pdf (recommending reforms to enhance accessibility, transparency, and user experience in civil courts—particularly for self-represented litigants).

unfamiliar with the legal system.³⁰ Moreover, these litigants often express feelings of anxiety, disempowerment, and distrust, particularly in cases involving sensitive family dynamics or histories of domestic violence.³¹

Navigating the legal system without representation can be an overwhelming experience, particularly for individuals confronting complex family law issues. A parent seeking to modify a custody order may be required to complete more than a dozen interlocking forms, comply with local and statewide procedural rules, and offer evidence in a hearing without any opportunity for discovery or legal advice. Failure to comply with any element, including filing deadlines, notarization, and proof of service, can result in dismissal or delay, with consequences that extend far beyond the courtroom. This is especially true for survivors of intimate partner violence, noncitizen parents, and caregivers navigating kinship custody without formal legal guardianship. The inability to complete legal processes can also mean lost benefits, interrupted schooling, exposure to further harm, or loss of contact with a child.

In principle, the legal system allows anyone to file a legal document, but meaningful access remains limited for many. Access is often conditioned on procedural literacy, emotional bandwidth, and institutional familiarity that many people do not possess. Nearly one in five adults in the United States struggles with functional literacy.³² As a result, many individuals with low literacy may be able to read basic texts but lack the comprehension or application skills required to interpret legal instructions, complete court forms, or navigate bureaucratic systems effectively. Self-help centers and court-based online tools have expanded in recent years, offering standardized information, form-filling software, and instructional videos. These resources are important but most often do not offer individualized guidance, nor do they account for the stress, trauma, or time constraints under which most family court litigants operate. Many of these resources, such as online legal

³⁰ *Id.*

³¹ Heather Douglas, *Domestic and Family Violence, Mental Health and Well-Being, and Legal Engagement*, 25 *PSYCHIATRY, PSYCHOL. & L.* 341 (2017) (examining how experiences of domestic and family violence, coupled with mental health impacts, affect survivors' capacity to engage with the legal system effectively).

³² Nat'l Ctr. for Educ. Stat., *The Condition of Education 2019*, U.S. Dep't of Educ., NCEES 2019-179 (May 2019), <https://nces.ed.gov/pubs2019/2019179/index.asp>.

tools and court-based self-help materials, also presume access to reliable technology, literacy in legal English, and the ability to self-advocate within an adversarial process, all of which are unevenly distributed.

The outcome is a system that satisfies procedural due process on paper but falls short in practice of providing substantive access to justice. The technical right to file a motion or appear in court does not equate to the ability to engage with the legal system meaningfully. In this sense, the access to justice gap involves both belonging and affordability. It concerns whether the family law system can be accessed, understood, and navigated by those who need it. At its foundation, the promise of equal justice under the law depends on more than access. It also requires a genuine capacity to be seen, to be understood, and to participate. However, when legal systems are so opaque or exclusionary that they alienate the very public they are intended to serve, they do not function as instruments of justice and instead perpetuate exclusion.

III. Who Gets to Help? The Legal Boundaries of Advocacy

In the face of overwhelming need in family courts, the question of who may legally provide assistance becomes central. Most family law litigants do not require complex legal advocacy; they need help understanding paperwork, preparing for hearings, identifying which forms to file, and navigating systems that intertwine child custody with public benefits, domestic violence with housing, and visitation with immigration status. Yet, despite the limited nature of what people require, many state laws continue to prohibit most forms of help unless it comes from a licensed attorney.

The prohibition is defined by unauthorized practice of law (UPL) statutes—doctrines ostensibly designed to protect the public from fraud and incompetence, but which can act as a categorical barrier to community-based assistance.³³ UPL prohibitions are

³³ The breadth of legal scholarship on UPL reflects its persistent complexity and contested role in regulating access to justice. *See, e.g.,* Margaret F. Brown, *Domestic Violence Advocates' Exposure to Liability for Engaging in the Unauthorized Practice of Law*, 34 COLUM. J.L. & SOC. PROBS. 279 (2001); Jan Jacobowitz & Peter Jarvis, *Unauthorized Practice or Untenable Prohibitions:*

uneven across jurisdictions. In many states, even explaining what a court form means, advising someone on which form to use, or outlining what to expect at a custody hearing can be interpreted as legal advice and thus unlawful if provided by anyone other than a licensed attorney.³⁴ In other jurisdictions like Alaska, Arizona, and Montana, such assistance is permitted.³⁵ Also, because federal law permits nonlawyers to provide legal advice and assistance in a wide variety of federal administrative proceedings in every state, there exist inconsistencies in what is permitted in each jurisdiction depending on whether nonlawyers are operating in state, local, or federal proceedings.³⁶

Refining and Redefining UPL, 13 ST. MARY'S J. LEGAL MAL. & ETHICS 283 (2023); Laurel A. Rigertas, *The Birth of the Movement to Prohibit the Unauthorized Practice of Law*, 37 QUINNIPIAC L. REV. 97 (2018); Mathew Rotenberg, *Stifled Justice: The Unauthorized Practice of Law and Internet Legal Resources*, 97 MINN. L. REV. 709 (2012).

³⁴ See N.C. State Bar, *Reporting and Preventing the Unauthorized Practice of Law*, <https://www.ncbar.gov/for-the-public/reporting-and-preventing-the-unauthorized-practice-of-law/> (last visited Apr. 30, 2025) (outlining the procedures for identifying and reporting unauthorized legal practice and emphasizing the profession's gatekeeping role in legal service delivery).

³⁵ See ALASKA STAT. § 08.08.230 (defining UPL as a Class A misdemeanor limited to those who represent themselves as attorneys or provide legal services for compensation without authorization); Alaska Bar R. 63 (defining the "practice of law" to include holding oneself out as an attorney or acting in a representative capacity); see also Alaska Sup. Ct. R. 43.5 (authorizing nonlawyer community justice workers to provide limited legal services under supervision in civil matters); Ariz. Sup. Ct. R. 31.3 (e)(4) (exempting certified legal document preparers from UPL regulations even prior to the state's community justice worker carve-outs); MONT. CODE ANN. § 37-61-210 (limiting UPL enforcement to contempt for unlicensed appearances in court); MONT. CODE ANN. § 37-61-201 (defining the "practice of law" to include any person who holds out to the public as an attorney, appears before a judicial officer, or performs duties usually carried out by attorneys in the course of professional practice); *Elansari v. Montana*, No. CV 21-104-M-DWM-KLD, 2021 U.S. Dist. LEXIS 210829, at *8 (D. Mont. Oct. 6, 2021) (noting that UPL enforcement is handled by the Office of Consumer Protection rather than the judiciary, pursuant to the state's consumer protection framework); *In re Dissolving the Comm'n on the Unauthorized Practice of Law*, 242 P.3d 1282, 1283 (Mont. 2010) (holding that the Montana Supreme Court lacks constitutional authority to broadly regulate unauthorized practice of law outside of an actual case or controversy, and deferring such authority to the legislature and executive branch).

³⁶ See White House Legal Aid Interagency Roundtable, *Access to Justice in Federal Administrative Proceedings: Nonlawyer Assistance and Other Strategies*,

Family law matters are the domain of state courts and thus are particularly susceptible to UPL restrictions. The result is that in many states trusted helpers with directly relevant expertise, social workers, domestic violence advocates, and housing counselors who may be able to provide legal guidance in federal proceedings, are legally prohibited from offering the same type of guidance in state court proceedings.³⁷ Further complicating the situation is the fact that while nonlawyers generally cannot offer legal advice or representation independently, some forms of assistance, such as by a paralegal, especially when supervised by an attorney or limited to procedural guidance, may be permissible.³⁸ Because UPL restrictions are often ambiguous, vague, and uneven within a jurisdiction, confusion can arise about what kind of help is, in fact, allowed. In practice, the uncertainty around the boundaries of the law can chill even basic support, despite the fact that the consequences of silence can be severe: eviction, loss of custody, or continued exposure to abuse. These gaps leave many litigants navigating critical legal moments entirely alone.

Family law complicates the issue. These cases are procedurally complex yet most often substantively straightforward. A grandmother seeking guardianship to enroll a child in school may not require a legal interpretation of precedent. But she likely will need to complete affidavits, navigate service rules, and prepare for a hearing—steps that are often insurmountable without support. The civil legal system deems her *pro se* participation as

U.S. DEP'T OF JUST. (2023), <https://www.justice.gov/d9/2023-12/2023%20Legal%20Aid%20Interagency%20Roundtable%20Report-508.pdf> (reporting that the following LAIR member agencies have administrative programs in which individuals may be represented or assisted by nonlawyers as well as lawyers: Department of Homeland Security, Department of Labor, Department of Transportation, Department of Education, Equal Employment Opportunity Commission, Department of Justice, Department of Health and Human Services, Department of State, Department of the Treasury, Department of Agriculture, Department of Veterans Affairs, Department of the Interior, Social Security Administration, U.S. Agency for International Development, and Environmental Protection Agency).

³⁷ See White House Legal Aid Interagency Roundtable, *supra* note 36 (describing how certain federal agencies permit trained nonlawyers—such as housing counselors, social workers, and domestic violence advocates—to assist individuals in administrative proceedings, while similar assistance is often restricted in state courts).

³⁸ See *id.* (noting that some nonlawyer assistance may be permitted if supervised by an attorney or limited to procedural guidance).

constitutionally sufficient. Yet, it criminalizes the efforts of most who would help her.³⁹

This tension sits uneasily alongside constitutional doctrine. In *Turner v. Rogers*, the U.S. Supreme Court held that the Due Process Clause does not guarantee appointed counsel in civil contempt proceedings that may result in incarceration, provided that adequate alternative safeguards exist.⁴⁰ However, the Court offered no clear guidance on ensuring that those safeguards are understandable to unrepresented litigants—an omission that legal scholars have since recognized as significant, given that understandability is essential to meaningful participation and the right to be heard.⁴¹ What remains is a paradox. Individuals have the right to represent themselves in court but may not have the right to receive help from advocates who are not lawyers, even when that help is essential to making their participation meaningful and when the decision to use someone other than a lawyer is their preferred choice or only option.

Although restrictions on UPL are often justified as a means of protecting the public, little evidence suggests that legal assistance provided by trained, supervised nonlawyer advocates in

³⁹ See Denckla, *supra* note 12 (explaining how unauthorized practice of law restrictions, originally intended to protect the public, often function as barriers to community-based assistance—even in civil cases like family law, where litigants must navigate complex procedures alone and the consequences of inadequate support can be severe).

⁴⁰ See *Turner*, 564 U.S. at 447-48 (identifying substitute procedural safeguards sufficient to satisfy due process in lieu of appointed counsel, including notice that ability to pay is a critical issue, a form to elicit financial information, the opportunity to respond to questions about finances, and an express finding on ability to pay); see also Admin. for Child. & Fams., Off. of Child Support Enf't, U.S. Dep't of Health & Hum. Servs., *Turner v. Rogers Guidance* (June 18, 2012), <https://www.acf.gov/css/policy-guidance/turner-v-rogers-guidance> (interpreting the *Turner* decision and outlining procedural safeguards for unrepresented litigants in civil contempt proceedings involving child support).

⁴¹ See Laura K. Abel, *Turner v. Rogers and the Right of Meaningful Access to the Courts*, 89 DENV. U. L. REV. 805, 810-13 (2012) (critiquing the Court's reliance on speculative safeguards and arguing that meaningful access requires safeguards that unrepresented litigants can actually understand and use); see also Russell Engler, *Turner v. Rogers and the Essential Role of the Courts in Delivering Access to Justice*, 7 HARV. L. & POL'Y REV. 31, 39-41 (2013) (highlighting how *Turner* failed to provide sufficient guidance on the implementation of procedural safeguards and calling for judicial systems to ensure those safeguards are understandable to self-represented litigants).

community settings causes any harm whatsoever, let alone any that is greater than what already exists from lawyer-provided services.⁴² On the contrary, research consistently shows that legal advocates other than lawyers in limited-scope contexts increase procedural compliance, reduce errors, and improve trust in legal institutions.⁴³ Nevertheless, most jurisdictions continue to interpret UPL broadly, often using it as a protective mechanism for the legal profession rather than as a tool for safeguarding the public.⁴⁴

This rigidity creates a false binary: full attorney representation or no assistance at all. It renders many forms of nonadversarial, nonstrategic support unlawful, even though such targeted, limited-scope help is common and often indispensable in adjacent systems like healthcare, education, and social services. In healthcare, for instance, a nurse practitioner can diagnose patients and explain treatment plans, medication protocols, and post-operative care, tasks that involve interpretation, communication, guidance, and many times, provide independent medical diagnoses.⁴⁵ However, in family law, a domestic violence advocate who helps

⁴² See Rebecca L. Sandefur, *Access to What?*, 148 DÆDALUS 49 (Winter 2019), <https://www.amacad.org/publication/access-what> (arguing that improving access to justice requires systemic change beyond formal legal rights, focusing on whether people can achieve meaningful outcomes in the legal system); see also Rebecca L. Sandefur, *Legal Advice from Nonlawyers: Consumer Demand, Provider Quality, and Public Harms*, 16 STAN. J. C.R. & C.L. 283 (2020), <https://www.law.stanford.edu/wp-content/uploads/2020/06/04-Sandefur-Website.pdf> (examining empirical evidence on nonlawyer legal services, finding that trained nonlawyers can deliver accurate, trusted advice in routine legal matters without causing harm to the public).

⁴³ See Sandefur, *Legal Advice from Nonlawyers*, *supra* note 43.

⁴⁴ See Gillian K. Hadfield & Deborah L. Rhode, *How to Regulate Legal Services to Promote Access, Innovation, and the Quality of Lawyering*, 67 HASTINGS L.J. 1194–1223 (2016) (noting that UPL rules are often “expansive” and used to preserve a professional monopoly rather than meaningfully address public harm).

⁴⁵ See *State Practice Environment*, AM. ASS’N OF NURSE PRACS., <https://www.aanp.org/advocacy/state/state-practice-environment> (last visited Apr. 10, 2025); APRN Consensus Model, NAT’L COUNCIL OF STATE BDS. OF NURSING, <https://www.ncsbn.org/nursing-regulation/practice/aprn.page> (last visited Apr. 10, 2025) (describing the legal authority of nurse practitioners and other advanced practice registered nurses to diagnose, treat, and manage patient care independently in many jurisdictions, and highlighting how regulatory frameworks enable scoped medical authority without requiring full physician licensure).

someone complete a form or understand a court notice may be accused of unauthorized practice. The outcome is not safer communities or more just public institutions. When people face eviction, family separation, or unaddressed violence without support, the consequences can spill into other systems, including the criminal legal system. A missed hearing becomes a bench warrant, and a custody dispute becomes a domestic incident. What begins as a family law issue, if left unresolved, can cascade into deeper instability. Overzealous regulatory exclusion does not safeguard the public; it puts it at risk.

IV. Building an Evidence-Based Pathway: The Case for Community Justice Workers

The civil legal system has long functioned under a professional monopoly. For generations, meaningful legal assistance has been equated with representation by a licensed attorney, even in situations where no right to counsel exists and most litigants appear alone.⁴⁶ This legacy has limited the law's reach and excluded millions from timely, culturally relevant support. Community justice workers provide a fundamentally different model, not a watered-down version of lawyering, but a reimagining of legal help rooted in trust, proximity, and prevention.⁴⁷

Community justice workers are trained, community-based advocates who can assist with recurring and high-stakes, but often straightforward, legal needs—particularly in contexts where traditional legal infrastructure has failed. While they are not licensed attorneys, their work goes beyond procedural guidance.⁴⁸ In a

⁴⁶ See Laurel A. Rigertas, *The Legal Profession's Monopoly: Failing to Protect Consumers*, 82 *FORDHAM L. REV.* 2683 (2014) (arguing that unauthorized practice of law rules often function to protect the legal profession's monopoly more than they protect the public, especially in low consumer risk civil legal matters).

⁴⁷ See Matthew Burnett & Rebecca L. Sandefur, *A People-Centered Approach to Designing and Evaluating Community Justice Worker Programs in the United States*, 51 *FORDHAM URB. L.J.* 1509 (2024) (proposing design and evaluation frameworks for community justice worker programs that center lived experience, equity, and public accountability in legal system reform).

⁴⁸ See Nikole Nelson, *Alaska Legal Services Corporation: Moving Beyond Lawyer-Based Solutions with Community Justice Workers*, *ALASKA LEGAL SERVS. CORP.* (2023), <https://lsc-live.app.box.com/s/4m9rcenmeu46uxvqe4d4gko0s528pu3t>

growing number of jurisdictions, they are being authorized to provide legal advice and prepare pleadings within a clearly defined scope, and in some instances, they may even represent individuals in court.⁴⁹ They can be trained to help with protective orders, custody modifications, public benefit denials, and other everyday legal issues that impact safety, family stability, and economic security.⁵⁰ Their legitimacy does not stem from the long-held tradition of bar licensure. Instead, community justice workers receive appropriate training, organizational oversight, and scoped authorization.⁵¹ They are accountable through supervision as well as trust, being embedded in the communities they serve and responsive to the legal realities those communities face daily.

Community justice workers are already operating within legal systems in various parts of the country. Increasingly states are designing regulatory frameworks that authorize and supervise this workforce, tailoring their scopes of practice to meet urgent civil legal needs. The following examples illustrate how justice workers have been formally integrated into state legal ecosystems.

In Alaska, this model is fully operational and legally authorized. The Alaska Legal Services Corporation, under a regulatory waiver issued by the Alaska Supreme Court and coordinated with the Alaska Bar Association, has recruited several hundred community justice workers. These workers may provide limited legal advice and representation under the supervision of a legal aid organization. Within a single year, they helped secure over \$1.43

(describing the development of Alaska's Bar Rule 43.5, which authorizes trained community justice workers to provide limited legal assistance under supervision).

⁴⁹ *Id.*

⁵⁰ See Nikole Nelson, Rebecca L. Sandefur & Matthew Burnett, *Empowering Justice Through Community Justice Workers*, MGMT. INFO. EXCH. J., Spring 2024, at 30, https://img1.wsimg.com/blobby/go/edc44ae6-300c-4a50-b54b-84410f4af739/downloads/MIE_Journal_Spring_2024_Empowering%20Justice%20Thr.pdf?ver=1724702445362 (highlighting the practical impact of community justice workers and calling for structural integration of nonlawyer legal helpers into access-to-justice systems).

⁵¹ See Alaska Sup. Ct. R. 43.5, <https://courts.alaska.gov/rules/docs/bar.pdf> (authorizing trained nonlawyer community justice workers to provide limited legal services under the supervision of an attorney as part of Alaska's access-to-justice reform efforts).

million in public benefits and assisted with protective orders, custody forms, and wills.⁵²

The Arizona Supreme Court has authorized multiple community-based legal roles under its regulatory authority. Domestic Violence Legal Advocates and Housing Stability Legal Advocates assist clients in preparing court forms, explaining legal procedures, and navigating shelter and housing systems.⁵³ In March 2025, the court further expanded this framework through Administrative Order No. 2025-60, which formally adopted Arizona Code of Judicial Administration (ACJA) § 7-211. This rule establishes a statewide umbrella framework for authorized community justice workers and certified community legal advocates.⁵⁴ The order empowers them to provide scoped legal help across approved areas of civil law, including domestic violence, housing, public benefits, and consumer issues, through community-based organizations and legal services nonprofits, with

⁵² See Joy Anderson, Sarah Carver & Robert Onders, *Community Justice Workers: Part of the Solution to Alaska's Legal Deserts*, 41 ALASKA L. REV. 1 (2024) (discussing the implementation of community justice workers in Alaska as a response to persistent attorney shortages and rural access-to-justice challenges); Joy Anderson & Sarah Carver, *Community Justice Workers — Alaska's Response to the Access to Justice Crisis*, MGMT. INFO. EXCH. J., Spring 2024, at 33 (published in *Special Feature: The Future Is Now: A Path Forward for Civil Legal Aid*) (describing Alaska's use of trained community justice workers to meet civil legal needs in underserved communities and to pilot alternatives to lawyer-exclusive service models).

⁵³ See Admin. Order No. 2024-35, Ariz. Sup. Ct. (2024), <https://www.azcourts.gov/Portals/22/admorder/Orders24/2024-35.pdf> (authorizing continued regulatory reform efforts in Arizona, including the oversight of nonlawyer legal service providers under the state's licensed legal advocate program).

⁵⁴ Ariz. Code. Jud. Admin. § 7-211(G)(1)(a), (b) (“An authorized community justice worker may provide authorized legal advice and legal assistance to participant clients of the applicable approved legal services organization, in the approved areas of law in which the authorized community justice worker has been authorized, while supervised by a lawyer at that approved legal services organization”; “A certified community legal advocate is only authorized to provide legal assistance and legal advice, without a lawyer's supervision, to a participant otherwise being served by a certified community-based organization regarding issues individuals commonly experience in the approved areas of law in which the community legal advocate has been certified”).

mentorship or supervision requirements depending on their certification pathway.⁵⁵

In 2022, Delaware adopted Supreme Court Rule 57.1, permitting nonlawyer Tenant Advocates to represent renters in eviction proceedings in the Justice of the Peace Court. These advocates are employed and supervised by legal aid organizations and are trained to appear in court, negotiate settlements, and prepare pleadings.⁵⁶

In May 2023, the Hawai'i Supreme Court authorized the Rural Paternity Advocate Pilot Project in the Family Court of the Third Circuit (Hawai'i County). The initiative allows trained nonlawyer advocates employed by the Legal Aid Society of Hawai'i to assist self-represented litigants in paternity, custody, and visitation matters. Advocates undergo extensive training, including coursework, court observation, and attorney shadowing, and operate under the supervision of Hawai'i-licensed attorneys in accordance with Rule 5.3 of the Hawai'i Rules of Professional Conduct.⁵⁷ Their authority is granted by Supreme Court Order Establishing the Rural Paternity Advocate Pilot Project, and includes document preparation, legal education, negotiation, and courtroom advocacy. The pilot is scheduled to run through May 30, 2025, with a formal evaluation due in early 2025.⁵⁸

⁵⁵ See Admin. Order No. 2025-60, Ariz. Sup. Ct. (Mar. 19, 2025), https://www.azcourts.gov/Portals/22/admorder/Orders25/2025-60.pdf?ver=i7y8U_X-0F-IEG-myLNt1Cg%3d%3d (formally adopting ACJA § 7-211 and authorizing the statewide use of community justice workers and certified legal advocates to provide scoped legal assistance in civil matters through community-based organizations and legal nonprofits).

⁵⁶ See *Delaware Supreme Court Announces Adoption of New Supreme Court Rule 57.1 to Allow Non-Lawyer Representation of Residential Tenants in Eviction Actions*, Del. Sup. Ct. (Jan. 8, 2022), <https://courts.delaware.gov/forms/download.aspx?id=133348> (establishing a framework for limited nonlawyer legal practice under Delaware Supreme Court Rule 57.1 as part of access-to-justice reform efforts).

⁵⁷ See *Order Establishing a Rural Paternity Advocate Pilot Project in the Third Circuit*, No. SCMF-23-0000343 (Haw. May 15, 2023), <https://www.courts.state.hi.us/wp-content/uploads/2023/06/2023.5.15-Order-re-Rural-Paternity-Ad-Pilot-Project.pdf> (authorizing a pilot program to permit trained, supervised advocates from the Legal Aid Society of Hawai'i to represent low-income, self-represented litigants in family court proceedings involving paternity, custody, and visitation in the Third Circuit).

⁵⁸ See *id.*

In Utah, justice workers embedded in domestic violence service organizations have helped secure more than 225 protective orders between 2021 and 2024.⁵⁹ These workers operate under the Certified Advocate Partner Program, authorized by the Utah Office of Legal Services Innovation. They are trained and mentored by attorneys and deliver services through community-based institutions such as the Timpanogos Legal Center.⁶⁰

These programs are grounded in constitutional and regulatory precedent. As the U.S. Supreme Court held in *Turner v. Rogers*, civil litigants do not have a categorical right to counsel, even when facing incarceration, so long as alternative procedural protections exist. That principle leaves ample room for states to authorize scoped, supervised legal assistance from trained community members. Within this doctrinal space, courts and legislatures can define new legal roles that extend access without undermining public protection.

Community justice workers are distinguishable from Washington's limited license legal technicians and other states' licensed paraprofessionals—not because they perform wholly different tasks but because their delivery models diverge in purpose, structure, and relationship to the communities they serve. In many jurisdictions, both may assist with document preparation, provide legal advice, and sometimes even offer courtroom representation within a defined scope. However, licensed paraprofessionals usually work independently or for a private law firm, adhering to established education and training pathways as well as professional liability frameworks, a model that resembles that of lawyers. Community justice workers, however, are not legal professionals in the traditional sense. They are often deeply embedded in the same communities they serve, typically working for institutions or organizations of public trust (e.g., clinics, shelters, or libraries) and operating within frameworks that emphasize accountability and service to the public good. Justice workers do not seek to reproduce lawyering at scale; they seek to intervene and resolve

⁵⁹ See Burnett & Sandefur, *supra* note 47.

⁶⁰ See *Authorization Order for the Utah Office of Legal Services Innovation*, Utah Sup. Ct. (Aug. 22, 2023), <https://utahinnovationoffice.org/wp-content/uploads/2024/02/TLC-Auth-Order-8.22.pdf> (authorizing the Office of Legal Services Innovation to oversee nontraditional legal service providers as part of Utah's regulatory sandbox for expanding access to justice).

the hundreds of millions of everyday legal problems that lawyers rarely engage with and that may never make it to court.⁶¹

Their function is as much relational as it is legal. In family law contexts—where most litigants are unrepresented and where legal issues arise alongside trauma, poverty, and systemic distrust—community justice workers can provide more than just procedural guidance and legal advice. They can deliver a culturally grounded presence and translate legal processes into language and actions that people can understand and use. Their proximity enables early intervention, community-based supervision ensures public protection, and their presence allows courts and legal aid systems to reach individuals they would otherwise never serve.

V. Trust, Training, and Accountability: Designing for Public Good

As the community justice worker model expands nationally, the credibility and safety of the model will likely depend on the presence of clear training standards, ethical accountability, and organizational oversight. While formal evidence is still developing, experience in adjacent fields suggests that grounding this model in best practices for adult education and supporting it with evidence-based methods can promote the competency and retention needed for success in real-world settings. The purpose is not to professionalize justice work in a traditional sense but to provide the scaffolding necessary for it to function effectively, responsibly, and at a scale that is sufficient to meet community demand.

Frontline Justice and its partners have begun developing a national credentialing framework for community justice workers that prioritizes accessibility, safety, and competency over traditional proxies like formal education or character and fitness review.⁶² The aim is to build a new on-ramp—one grounded in practical

⁶¹ See Rebecca L. Sandefur & Matthew Burnett, *Building Successful Justice Worker Programs: Emerging Insights from Research and Practice*, 41 ALASKA L. REV. 24 (2024) (drawing on empirical research and implementation experience to identify key features of effective community justice worker programs, including training, supervision, and community engagement).

⁶² Alicia Mitchell-Mercer, *The Justice Crisis: A Blueprint for How Community Justice Workers Can Help Fix It*, FRONTLINE JUSTICE, Jan. 16, 2025, https://cdn.prod.website-files.com/66be32c1dabc15bb8c766a2c/6786ff764ae0044f2aa5b767_

skills, experience, and community accountability. This training will ensure the quality and integrity the public already expects of the legal profession. However, it will also be low-barrier, inclusive, accessible to those with lived experience, adaptable across jurisdictions, and aligned with adult education principles.

This initiative is guided by the National Community Justice Worker Task Force, a cross-sector body convened by Frontline Justice that includes state supreme court justices, legal scholars, public health leaders, workforce development experts, national civil rights organizations, philanthropy, and community-rooted organizations. Their mission is to reimagine who can assist in moments of legal crisis and how. Complementing this leadership group is the Design Advisory Council, comprised of frontline advocates who leverage years of experience in legal aid, direct service, and grassroots community support. Their lived experiences ensure that the tools and standards developed will be effective and usable. The task force structure reflects the complexity of the justice landscape and the necessity of integrated responses.

Frontline Justice seeks to expand access to legal assistance while redefining who can provide it. Community justice workers make the system more navigable, humane, and ultimately more just. They do this by addressing what the legal system, as it currently stands, cannot reach. In Alaska, for example, most training modules can be completed asynchronously in fewer than ten hours, supplemented by hands-on casework under the supervision of the legal aid provider.⁶³ The Alaska model is a pioneering example of how courts can formally authorize justice worker programs by integrating them into the legal ecosystem and ensuring that their work is effective and explicitly permitted under existing UPL frameworks. Under Alaska Bar Rule 43.5, community justice workers are trained and supervised by Alaska Legal Services Corporation and operate under that organization's malpractice coverage.⁶⁴ The Alaska Supreme Court granted a regulatory waiver allowing justice workers to provide limited-scope legal advice and

Frontline_Justice_Report_2025-compressed.pdf?utm_source=taskforce&utm_medium=email&utm_campaign=justice_crisis_report.

⁶³ See Nelson, Sandefur & Burnett, *supra* note 50.

⁶⁴ See Alaska Sup. Ct. R. 43.5, *supra* note 51.

representation so long as they disclose their status, obtain written consent, and stay within approved scopes.⁶⁵

This program mirrors what other states have begun to design. Utah's Office of Legal Services Innovation authorizes justice worker roles through sandbox approvals that condition participation on training, reporting, and supervision, and in Delaware, Rule 57.1 authorizes tenant advocates to appear in court on behalf of clients, but only under the auspices of designated legal aid providers. These frameworks ensure public protection through structure, not exclusion.⁶⁶

This model is also not foreign to the legal profession. It reflects long-standing and widely accepted forms of delegated legal practice. Paralegals work under attorney supervision. Law students represent clients in clinics under faculty oversight. At the federal level, lay advocates appear in immigration court and across fourteen federal agencies pursuant to regulatory authorizations.⁶⁷ All of these agencies permit advocates other than lawyers to assist with proceedings of varying complexity, including benefit eligibility, administrative appeals, and enforcement actions. Additionally, in thirty-two states, individuals without a Juris Doctor degree serve as judges or magistrates, including in family law matters, where they make significant determinations about custody, support, and protective orders.⁶⁸

Moreover, parallel regulatory models exist in other industries where professionals, though not licensed attorneys, routinely perform tasks that resemble the practice of law. These law-adjacent professions include real estate agents, insurance agents, and law enforcement officers. Each profession operates within a defined scope that is authorized by statute or administrative regulation and provides services that involve legal interpretation, document preparation, or decision-making authority. Real estate agents, for

⁶⁵ See Alaska Sup. Ct. R. 43.5, *supra* note 51.

⁶⁶ See Utah Off. of Legal Servs. Innovation, *Innovation Office Manual 2-3* (2024), <https://utahinnovationoffice.org/wp-content/uploads/2024/02/Innovation-Office-Manual.pdf>; see also Del. Sup. Ct. R. 57.1.

⁶⁷ See White House Legal Aid Interagency Roundtable, *supra* note 36.

⁶⁸ Sara Sternberg Greene & Kristen M. Renberg, *Judging Without a J.D.*, 122 COLUM. L. REV. 1287, 1289–91 (2022) (documenting that 32 states permit low-level state court judges to serve without a law degree, and tracing the historical roots of this practice to colonial America).

instance, often complete and modify standardized forms, negotiate contract terms, and prepare transactional documents that closely resemble legal work. Despite minimal educational requirements—many states require only a high school diploma, completion of a licensing course, and passage of an exam—they are legally permitted to engage in these activities due to statutory carveouts.⁶⁹ Insurance agents also occupy a quasi-legal role. They help clients understand complex policy language, assess legal liability, and advocate throughout the claims process. They make binding decisions on behalf of companies, modify contracts through endorsements, and provide law-related advice across health, life, auto, and property insurance domains. These responsibilities have significant legal and financial implications and emphasize the overlap between legal knowledge and professional practice in regulated, nonlawyer fields.⁷⁰ Law enforcement officers routinely interpret and apply the law in real time. In nine states, they are permitted to serve as prosecutors in certain misdemeanor cases, handling arraignments, negotiating pleas, and conducting trials in lower courts.⁷¹ In South Carolina, for example, police officers prosecute

⁶⁹ See Laurel A. Rigertas, *Stratification of the Legal Profession: A Debate in Need of a Public Forum*, PROF. LAW., 2012, at 79, <https://huskiecommons.lib.niu.edu/cgi/viewcontent.cgi?article=1669&context=allfaculty-peerpub> (examining how nonlawyer professionals, including real estate agents and insurance agents, routinely perform legal-adjacent functions under statutory and administrative exceptions, and arguing that such carveouts reflect deeper stratification within the legal profession).

⁷⁰ See *id.* (arguing that nonlawyer professionals, such as real estate and insurance agents, routinely perform legal-adjacent tasks under statutory or regulatory carveouts, reflecting broader stratification in the legal profession); see also Loyd P. Derby, *The Unauthorized Practice of Law by Laymen and Lay Associations*, 54 CALIF. L. REV. 1331 (1966), <https://doi.org/10.15779/Z383R27> (surveying legal doctrines and historical debates around UPL, with a focus on the tension between protecting the legal profession and meeting public service needs through nonlawyer actors).

⁷¹ See Harry August & Julia Rock, *Rhode Island Police Don't Just Make Arrests. Some Also Act as Prosecutors*, THE APPEAL (Apr. 24, 2021), <https://theappeal.org/rhode-island-police-prosecutors/> (reporting on Rhode Island's practice of allowing police officers to prosecute misdemeanors and traffic offenses, and analyzing how the arrangement affects court processes and fairness); Adam H. Johnson, *When Police Officers Double as Prosecutors*, THE APPEAL (Oct. 31, 2019), <https://theappeal.org/the-appeal-podcast-when-police-officers-double-as-prosecutors/> (discussing states where police officers serve as prosecutors in lower-level

traffic violations and minor offenses in municipal and magistrate courts under statutory authorization, a practice upheld in *State v. Barlow*.⁷² These examples of exceptions to UPL laws are justified by administrative necessity, resource efficiency, and the relative simplicity of certain proceedings and do not require a formal law school education.⁷³ These roles share a common framework, including clearly defined scopes of practice, structured training, and institutional accountability. What unites them is the legal system's trust in functionally competent and supervised actors.

This confidence is not unique to the United States. In England and Wales, nonlawyer legal advisors have long played a foundational role in resolving civil legal problems through community-based organizations such as the Citizens Advice Bureau.⁷⁴ These advisors routinely assist with housing, employment, benefits, and family law issues. Empirical studies have found high rates of resolution and client satisfaction, often rivaling or exceeding outcomes in traditionally lawyered settings.⁷⁵ The effectiveness of community-based legal helpers is challenging long-held assumptions about who is allowed to help. Their success shows that licensure alone does not define competence. Clarity of role, quality of preparation, and trust within communities matter just as much, if not more.⁷⁶

Together, these domestic and international examples indicate that the ability to deliver meaningful legal help does not

courts, and exploring legal and due process implications of combining enforcement and prosecution roles).

⁷² See *State v. Barlow*, 643 S.E.2d 682, 683 (S.C. 2007) (upholding a South Carolina statute that permits nonlawyer police officers to prosecute certain misdemeanor cases in magistrate and municipal courts, finding no constitutional violation in allowing officers to appear as prosecutors).

⁷³ See Eric J. Miller, *The Concept of the Police*, 17 CRIM. L. & PHIL. 573, 580–83 (2023) (exploring how law enforcement officers routinely interpret and apply the law as part of their everyday duties, and examining the legal-philosophical implications of granting them quasi-legal authority without violating UPL laws); Denckla, *supra* note 12, at 2587–90 (providing a foundational overview of UPL doctrine and arguing that exemptions for nonlawyer actors, such as police, are grounded in practical necessity rather than formal legal education).

⁷⁴ See Richard Moorhead, Avrom Sherr & Alan Paterson, *Contesting Professionalism: Legal Aid and Nonlawyers in England and Wales*, 37 LAW & SOC'Y REV. 765 (2003).

⁷⁵ *Id.*

⁷⁶ *Id.*

reside exclusively in the hands of licensed attorneys. The legal system already entrusts nonlawyers with profound responsibilities. Community justice workers belong to this lineage. They need a place within the legal ecosystem that recognizes, trains, and supports them to do the work they are already doing, legally and effectively. It also allows them to expand into areas where they are currently prohibited because of outdated regulatory boundaries. These frameworks also speak to concerns from the bench and bar. They demonstrate that expanding legal assistance does not necessitate abandoning standards. On the contrary, these models show that public protection and legal inclusion can move in tandem. Safety arises not from exclusion but from effective regulation that clarifies scope, ensures training, and establishes accountability. However, this is not a call for the overregulation or gatekeeping that has constrained innovation in the legal profession. The greater risk is inaction. When people are forced to navigate crises alone, the chance of harm to themselves and others multiplies, often exponentially.

VI. Integrating Help Where Families Already Turn

Community justice workers cannot remain peripheral to the family law system. Their work, whether navigating public benefits, supporting families in crisis, advocating for tenants, or helping people understand their rights, is already taking place across the country and often steps in where traditional systems fall short. The task now is to transition from exclusion to recognition and embed this work within the operational fabric of civil legal systems without erasing its community roots. If the judiciary and the greater legal profession are serious about access, they have an opportunity to support the development of an infrastructure for community-based legal assistance as an integral, accountable, and enduring aspect of the justice system.

One path forward is the development of family law-specific scopes of practice that reflect the full range of legal tasks community justice workers are capable of performing. Rather than limiting authorization to procedural guidance, courts can define substantive functions these workers may carry out in divorce, custody, visitation, child support, and protective order matters. This includes providing legal advice within a specified scope, assisting

with issue spotting, fact gathering and declarations, helping clients navigate evidentiary requirements, and, in some jurisdictions, representing clients in court. Jurisdictions such as Alaska, Arizona, and Utah have already established these roles in various practice areas through administrative orders or innovation office frameworks that offer a roadmap for others. Courts can authorize meaningful legal help without compromising professional integrity or public safety by pairing clear limits with appropriate oversight.⁷⁷

Integration also requires organizational partnerships. Family courts could collaborate with organizations that already assist litigants in crisis, such as domestic violence shelters, housing stability programs, tribal health centers, and public libraries. They could also engage with established national organizations like the Urban League, NAACP, AARP, United Way, and Goodwill Industries, which have long supported communities through legal, economic, and social transitions. Such partnerships would not only expand outreach but also embed legal help within spaces that are physically and emotionally safer for individuals navigating trauma, poverty, or systemic distrust. As previously noted, Utah's justice workers helped secure more than 225 protective orders in a three year span, but their effectiveness was not due to legal knowledge alone.⁷⁸ By being embedded in domestic violence service organizations, they met survivors where they already felt safe, respected, and seen. That proximity, geographic and relational, is often what makes legal help usable in moments of crisis.

Family law cases are not abstract disputes. They are lived emergencies entangled with housing instability, domestic violence, childcare disruptions, and precarious employment. For litigants navigating these crises, especially immigrant families, survivors of state violence, or those harmed by prior institutional encounters, proximity matters.⁷⁹ A community justice worker who

⁷⁷ See Alaska Legal Servs. Corp., *Community Justice Worker Program* (2025), <https://www.alsc-law.org/community-justice-worker-program/>; see also Admin. Order No. 2024-35, Ariz. Sup. Ct.; *Amended Authorization Order, In re Application of Timpanogos Legal Ctr.*, Utah Off. of Legal Servs. Innovation (2022), <https://utahinnovationoffice.org/wp-content/uploads/2024/02/TLC-Auth-Order-8.22.pdf>.

⁷⁸ See Burnett & Sandefur, *supra* note 47.

⁷⁹ See Colleen F. Shanahan et al., *The Institutional Mismatch of State Civil Courts*, 122 COLUM. L. REV. 1471, 1517-21 (2022) (observing that civil courts, especially in family law and housing, can act as violent institutional actors when they

understands the source of a survivor's fear, speaks the litigant's language, and is known and trusted in the neighborhood offers technical accuracy, emotional safety, and dignity. Their presence supports individual experiences and could build trust in the nation's judiciary. Courts with high volumes of self-represented litigants have reported increased efficiency when community-based helpers are involved.⁸⁰ In places like Alaska and Delaware, early-stage intervention has measurably reduced downstream complications and repeat filings.⁸¹

While statutory reform is necessary, particularly to address unauthorized practice of law restrictions, this is not a call to reinvent the judiciary's core functions. What is needed is a redesign of the ecosystem that surrounds it. Courts already work alongside nonlawyer partners like magistrates, court reporters, law enforcement officers, mediators, guardians ad litem, interpreters, and self-help staff. They can also collaborate with justice workers operating from community-based organizations who support people facing everyday legal issues. This requires building the legal authority and relational infrastructure to allow justice workers to interact with courts as advocates or representatives to bridge the divide between communities and systems that too often remain inaccessible.

VII. Conclusion: Meeting Families Where They Are

The crisis in family law is a crisis of design—a system built for lawyers by lawyers. Since the late 1800s, the legal profession has grown around formal credentials and professional licensure. It has offered little space for practical support, lived experience,

prioritize adversarial procedures over human needs, thereby extending Robert Cover's concept of legal violence into the civil realm and providing a theoretical foundation for critiques of system-inflicted harm in supposedly nonpunitive legal processes).

⁸⁰ See Rebecca L. Sandefur & Thomas M. Clarke, *Roles Beyond Lawyers: Summary, Recommendations and Research Report of an Evaluation of the New York City Court Navigators Program and Its Three Pilot Projects*, AM. B. FOUND. (Dec. 2016), https://www.americanbarfoundation.org/wp-content/uploads/2024/03/new_york_city_court_navigators_report_final_with_final_links_december_2016.pdf (finding that trained nonlawyers can effectively assist litigants and improve outcomes in civil matters).

⁸¹ See Nelson, Sandefur & Burnett, *supra* note 50.

or community-based problem-solving. People often enter court without preparation, without context, and without anyone to walk beside them. Legal remedies exist in statutes codified throughout the country, yet they remain largely inaccessible in practice.

Community justice workers respond to this gap. They offer guidance grounded in trust, proximity, and shared experience. Their work already exists in Alaska Native communities, in domestic violence shelters in Utah, and in housing stability programs in Arizona and Delaware. These programs are functioning examples of legal help delivered by well-trained, supervised people rooted in the communities they serve. Research confirms that this work can be done safely and effectively by nonlawyers when designed with clear scope, appropriate supervision, and organizational support.⁸²

The next step is integration. Community justice workers represent a natural evolution and solution to the challenges facing civil justice. Legal systems can create opportunities for them through credentialing frameworks, supervision structures, and partnerships with community-based organizations where individuals already seek assistance. Community health centers, behavioral health providers, libraries, tribal health centers, shelters, and community organizations are all essential parts of the legal ecosystem, whether formally recognized or not. The work is already underway. The task now is to support these organizations, recognize their benefit, and ensure justice while leveraging its foundations in trust and community. Justice is not established solely in courtrooms. Justice is found in the daily efforts of individuals who assist others in navigating crises, asserting their rights, and ensuring their safety. Community justice workers do this work every day, meeting people where they are, helping them navigate complexity, and making the promise of justice real. The legal system has an opportunity to work alongside them to better serve the public whose needs have gone unmet for far too long.

⁸² Sandefur, *Legal Advice from Nonlawyers*, *supra* note 42.