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September 3, 2026

Samuel A. Christensen, Clerk of the Supreme Court
110 East Main Street, Suite 215
P.O. Box 1688
Madison, WI 53701-1688

RE: Filing Rule Petition

Dear Mr. Christensen:

Enclosed for filing please find a rule petition submitted on behalf of the Wisconsin Access to Justice Commission and Quarles & Brady LLP seeking the creation of a new chapter of the Supreme Court Rules: SCR Chapter 51 – Authorized Practice by Legal Advocates.

The enclosed filing includes the Court's required cover sheet, the text of the proposed rule, and a supporting memorandum. We consulted with Commissioners Schoenborn and Barber in advance of the filing and were informed that only one hard copy of the packet is required. By separate email, I will transmit to your office an electronic copy of the petition and supporting memorandum in Microsoft Word format.

As noted in the cover sheet, petitioners are requesting that the comment period for the proposed rule be held open until December 31, 2026, so that the State Bar of Wisconsin may have the opportunity to submit comments pursuant to its standard governance processes.

Thank you for your attention to this matter.

Very truly yours,

QUARLES & BRADY LLP

A handwritten signature in blue ink, appearing to read "James E. Goldschmidt".

James E. Goldschmidt

Enclosures

QB\104608243.1

**PETITION FOR RULE-MAKING
IN THE SUPREME COURT OF WISCONSIN**

COVER SHEET

IN THE MATTER OF

☐ **AMENDMENT**

☒ **CREATION**

"Legal Advocate" Certification for
Qualified Non-Lawyer Legal Professionals

(list statute, rule, or
administrative matter)

1. Petitioner

Wisconsin Access to Justice Commission
Quarles & Brady LLP

Contact Person's Information

Name Dawn Caldart

Address Quarles & Brady LLP, 411 E. Wisconsin Ave., Ste. 2400, Milwaukee, WI 53202

Telephone (414) 277-5553

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2. Subject matter of petition:

Creating a New "Legal Advocate" Certification for Qualified Non-Lawyer Legal Professionals

3. Type of petition (check all that apply)

☐ Pleading and practice (Wis. Stat. § 751.12)

☒ Supreme Court Rule.

☐ Administrative matter (e.g. Electronic Filing)

☐ Other. Please explain.

4. Type of change (check all that apply):

- ☐ Creation of statute (Wis. Stat. § 751.12)
- ☒ Creation of Supreme Court Rule
- ☐ Creation of Administrative rule
- ☐ Amendment of existing statute (Wis. Stat. § 751.12)
- ☐ Amendment of existing Supreme Court Rule
- ☐ Amendment of existing Administrative rule

5. Supreme Court Rule, statute, or administrative matter to be amended or created:

SCR Chapter 51 — Authorized Practice by Legal Advocates

6. Principal reason or purpose for this petition:

To expand access to legal services in civil matters in the State of Wisconsin by authorizing qualified legal advocates, in certain circumstances, to provide supervised legal advice within the scope of their certified substantive practice area, negotiate on behalf of clients, and appear in proceedings before the courts and public agencies of this state under the supervision of a licensed attorney.

7. Identify Supreme Court Rule, statute, or administrative matter that may be affected by, or are in conflict with, the petition.

None. The proposed rule is modeled on SCR Chapter 50 — Practical Training of Law Students. It includes cross-references to SCR 20:1.0(d) (defining "firm" and "law firm"); SCR 20:1.0(f) (defining "informed consent"); SCR 20:1.6 (Confidentiality); SCR 20:5.3 (Responsibilities regarding nonlawyer assistance); and SCR 10.03 (Membership, State Bar of Wisconsin). If the Court adopts the proposed rule, it may also wish to harmonize Wis. Stat. 757.30 (Penalty for practicing law without license) with the existing exclusion in SCR 23.02(2)(l) for "Acting as a nonlawyer advocate under the direction or supervision of a lawyer."

8. Rules that the supreme court promulgates to regulate pleading, practice, and procedure in judicial proceedings shall not abridge, enlarge, or modify substantive rights of any litigant. Wis. Stat. § 751.12(1).

a. How would the petition affect any person's procedural rights?

The proposed rule would not amend any existing procedural rules. It would enhance due process for unrepresented individuals by reducing barriers to accessing the legal system.

b. How would the petition affect any person's substantive rights?

The proposed rule would not abridge, enlarge, or modify the substantive rights of any person.

9. Potential fiscal impact of the petition (further explanation may be provided in supporting memorandum to the petition).

The proposed rule is anticipated to have little or no fiscal impact. The standing committee called for by the proposed rule will be comprised of appointed individuals serving in a volunteer capacity. It is anticipated that any costs associated with the committee's work will be offset by the application and renewal fees contemplated by the rule. The net fiscal impact of the proposed rule may in fact be positive due to efficiency gains accruing to the judicial system.

10. Potential administrative impact of the petition (further explanation may be provided in supporting memorandum to the petition).

The proposed rule is anticipated to have little or no administrative impact. The proposed rule is intentionally designed so that any associated administrative impact rests primarily with certifying entities. Again, the standing committee called for by the proposed rule will be comprised of appointed individuals serving in a volunteer capacity.

11. Identify any related pending petition. For a list of petitions, see <https://www.wicourts.gov/srules/pending.htm>

None.

12. Are you requesting a public hearing? If so, please explain.

☒ Yes.

☐ No.

Based on the timing of the comment period addressed in the following response, Petitioners are requesting a public hearing in the first quarter of 2027, or before the end of the Court's current term at the latest.

13. Is expedited consideration necessary?

☐ Yes. If so, please explain.

☒ No.

Petitioners respectfully request that the period for public comments on the proposed rule remain open until December 31, 2026. This will enable the State Bar of Wisconsin to provide comments on the proposed rule following its ordinary process, which contemplates (a) discussion at a Board of Governors meeting scheduled for September 18 and (b) action at a Board of Governors meeting scheduled for December 4.

14. Proposed effective date.

Note: A rule change under Wis. Stat. § 751.12(1) shall have an effective date of January 1 or July 1.

July 1, 2027

15. Will the proposed rule change have retroactive effect on any pending matter?

No.

Wisconsin Legal Advocate Rule

SCR Chapter 51 — Authorized Practice by Legal Advocates

SCR 51.01 — Purpose

The purpose of this chapter is to expand access to legal services in civil matters in the State of Wisconsin by authorizing qualified legal advocates, in certain circumstances and within the scope of their certified substantive practice area, to provide supervised legal advice, negotiate on behalf of clients, and appear in proceedings before the courts and public agencies of this state under the supervision of a licensed attorney. Nothing in this chapter shall be construed to limit the authority of the supreme court to regulate the practice of law.

SCR 51.02 — Definitions

In this chapter:

- (1) “Legal advocate” means an individual who has been certified under SCR 51.04 to engage in the activities authorized by SCR 51.08.
- (2) “Certifying entity” means a firm or law firm as defined in SCR 20:1.0(d) that meets the qualifications set forth in SCR 51.07(1) and that employs or is owned (in whole or in part) by a supervising attorney.
- (3) “Supervising attorney” means an attorney who meets the qualifications set forth in SCR 51.07(2) and who supervises one or more legal advocates pursuant to a written supervisory agreement under SCR 51.07(1)(b).
- (4) “Client” means any person to whom a legal advocate provides supervised legal assistance on behalf of a certifying entity under this chapter.
- (5) “Standing Committee” means the Standing Committee on the Legal Advocate Program established under SCR 51.12.
- (6) “Roster” means the publicly available list of certified legal advocates maintained by the Standing Committee under SCR 51.12(2)(d).

SCR 51.03 — Eligibility

- (1) To be eligible for certification as a legal advocate, an individual must satisfy, at a minimum, one of the following educational and/or experiential requirements:
 - (a) Hold an associate's or higher degree in any subject from an institutionally accredited college, university, community college, or technical college; or
 - (b) Hold a high school diploma or equivalent degree and have at least five years of relevant lived, educational, legal, or other experience as determined by the certifying entity.
- (2) Each applicant must demonstrate good moral character and fitness to practice, as determined by the certifying entity.
- (3) Each applicant must have participated in training regarding the ethical rules governing the legal profession, as provided and determined by the certifying entity.
- (4) The certifying entity must conduct a background check on each applicant and may not certify an applicant with a criminal conviction that bears a substantial relationship to the applicant's fitness to serve as a legal advocate. Any applicant whose license to practice law has been permanently revoked, is currently suspended, or has been suspended in the last 5 years in any jurisdiction, for reasons other than retirement or voluntary withdrawal, is not eligible to serve as a legal advocate. For purposes of this chapter, "voluntary withdrawal" does not include withdrawal from the practice of law while any grievance, investigation, or disciplinary proceeding relating to the applicant's license to practice law is pending.

SCR 51.04 — Certification

- (1) An individual seeking certification as a legal advocate shall complete an application in the form prescribed by the Standing Committee and submit the application to the certifying entity. The application shall require, at a minimum:
 - (a) Documentation establishing compliance with the eligibility requirements of SCR 51.03;
 - (b) A written statement prepared by the applicant and approved by the certifying entity, describing the applicant's training, experience, or other qualifications that make the applicant eligible to provide legal services to clients;

- (c) A written supervisory agreement between the applicant and the certifying entity, which shall be signed by the applicant and by a supervising attorney who signs on behalf of the certifying entity;
 - (d) A statement detailing the number of supervising attorneys employed by the certifying entity and the number of legal advocates certified by the certifying entity, as well as the ratio of supervising attorneys to legal advocates for the certifying entity; and
 - (e) Payment of any application fee set by the Standing Committee.
- (2) The certifying entity shall review the contents of the application to confirm compliance with the eligibility requirements of SCR 51.03 and, upon confirmation, shall submit to the Standing Committee (a) the application, including all supporting documents, and (b) a signed declaration that the application is complete and the applicant should be certified as a legal advocate.
 - (3) Upon receipt of the completed application, subject to SCR 51.12(4), the Standing Committee shall add the applicant's name to the roster of certified legal advocates and issue a certificate of authorization. The legal advocate shall carry the certificate when appearing in any proceeding before a court or public agency of this state, and the Standing Committee shall maintain a copy.

SCR 51.05 — Maintenance and Renewal of Certification

- (1) Certification shall remain in effect so long as the legal advocate remains in good standing on the roster and maintains a written supervisory agreement with the certifying entity, subject to renewal.
- (2) Certification shall be renewed every two years. The renewal year for a legal advocate admitted in an even-numbered year shall end on December 31 of the next even-numbered year, and the renewal year for a legal advocate admitted in an odd-numbered year shall end on December 31 of the next odd-numbered year. By December 31 of the renewal year, a legal advocate shall submit to the Standing Committee a renewal application and any accompanying renewal fee, in a form and amount prescribed by the Standing Committee.

SCR 51.06 — Suspension, Revocation, or Limitation of Certification

- (1) Certification may be suspended or revoked by the Standing Committee for good cause, including but not limited to failure to comply with any provision of this chapter, failure to cooperate with an investigation by the Standing Committee, conduct that is detrimental to the administration of justice or the legal profession, or failure to renew certification.
- (2) Certification will be suspended upon a written request by the certifying entity to the Standing Committee.
- (3) The supreme court may revoke any certification at any time, without hearing and without any showing of cause.
- (4) Upon a finding of misconduct, any court or public agency of this state may prohibit or otherwise limit a legal advocate's practice before that court or public agency or the legal advocate's representation in a particular matter or proceeding. The court or public agency shall provide written notice of any such prohibition or limitation to the certifying entity. The certifying entity shall notify the Standing Committee of any such prohibition or limitation within five (5) business days of the issuance of a court order imposing such prohibition or limitation.

SCR 51.07 — Certifying Entity and Supervising Attorney

- (1) A certifying entity must:
 - (a) Be a firm or law firm within the meaning of SCR 20:1.0(d);
 - (b) Execute a written agreement with the legal advocate setting forth the terms and conditions of the supervisory relationship;
 - (c) Assume professional responsibility for any legal services performed by the legal advocate under a supervising attorney's supervision consistent with the requirements of SCR 20:5.3, as well as responsibility for conducting any applicable conflict checks;
 - (d) Receive, manage, and otherwise take sole responsibility for client funds, including those received in exchange for services provided by the legal advocate, and depositing or otherwise managing client trust accounts, including Interest on Lawyers Trust Accounts (IOLTA) and accounts used for settlements or other payments related to any legal proceeding;
 - (e) Ensure that the legal advocate receives substantive and ethical training before performing legal services and on an ongoing basis thereafter; and

- (f) Maintain professional liability insurance sufficient to cover the supervision of and legal services performed by the legal advocate, or ensure that the legal advocate has independently secured adequate professional liability insurance.
- (2) A supervising attorney must:
- (a) Be an active member in good standing of the State Bar of Wisconsin within the meaning of SCR 10.03 who regularly practices law physically in Wisconsin and whose license to practice law has not been permanently revoked, is not currently suspended, and has not been suspended in the last five (5) years in any jurisdiction, for reasons other than retirement or voluntary withdrawal;
 - (b) Be an employee of or own an interest in the certifying entity; and
 - (c) Instruct and supervise the legal advocate as necessary to ensure the competent delivery of legal services to the client, consistent with the requirements of SCR 20:5.3.
- (3) A supervising attorney is not required to appear in court with the legal advocate when the supervising attorney has determined that not doing so is appropriate. A supervising attorney shall exercise professional judgment in determining the appropriate level of supervision in a particular matter based on the legal advocate's experience, expertise, and the circumstances of the particular matter.

SCR 51.08 — Authorized Activities

- (1) Under the supervision of a supervising attorney, and except as set forth in SCR 51.11, a certified legal advocate may engage in the following activities within the scope of the legal advocate's certified substantive practice area:
- (a) Appear on behalf of a client in any proceeding before a court or public agency of this state;
 - (b) Negotiate on behalf of a client;
 - (c) Give supervised legal advice to a client; and
 - (d) Prepare or complete pleadings, agreements, and other legal documents on behalf of a client, so long as those pleadings, agreements, or other legal documents include the name, Wisconsin bar number, and signature of a supervising attorney where required by applicable law.

- (2) For each matter in which a legal advocate will appear in a proceeding before a court or public agency of this state, the certifying entity shall file a certificate of representation with the relevant body identifying both the supervising attorney and the legal advocate. The certificate shall be accompanied by a signed authorization from the certifying entity.

SCR 51.09 — Client Notice and Informed Consent

- (1) Prior to providing any legal services under this chapter, the legal advocate must obtain the client's informed consent, as defined in SCR 20:1.0(f), and must obtain a signed authorization form reflecting this informed consent.
- (2) The signed authorization must include a written disclaimer identifying the certifying entity and stating that: (a) the legal advocate is authorized to provide supervised legal advice on behalf of the certifying entity within the scope of their certified substantive practice area and representation; and (b) a legal advocate is not an attorney.

SCR 51.10 — Confidentiality

Communications between the client and the legal advocate and work product created by a legal advocate acting within the scope of the legal advocate's authorization under this chapter shall be privileged and confidential to the same extent and subject to the same rules as communications between a client and a licensed attorney, including the attorney-client privilege and the work product doctrine, consistent with SCR 20:1.6.

SCR 51.11 — Activities Not Authorized

- (1) Certain activities are not appropriate for legal advocates, and authorized legal advocates shall not engage in representation of a client in:
 - (a) Any criminal matter, including any pre-trial or post-conviction proceeding;
 - (b) Any civil trial where the rules of evidence apply, except that this exclusion is not intended to encompass uncontested final hearings;
 - (c) Any divorce where the marital property assets are valued at above \$100,000;

- (d) Any civil matter where the amount in dispute exceeds the limit for small claims matters as defined in WIS. STAT. § 799.01, except for actions for residential eviction under WIS. STAT. § 799.40, where representation is permitted regardless of the amount of rent and money damages claimed therein;
 - (e) Any matter involving termination of parental rights, children in need of protection and/or services (CHIPS) (including proceedings under Ch. 48, WIS. STATS.), or juveniles in need of protection and/or services (JIPS);
 - (f) Any proceedings under Ch. 51, WIS. STATS., contested proceedings under Ch. 54, WIS. STATS., or proceedings under Ch. 55, WIS. STATS.; or
 - (g) Any matter or proceeding before the supreme court or the court of appeals.
- (2) Legal advocates shall not receive, manage, or otherwise take responsibility for client funds, including those received in exchange for services provided by the legal advocate. This prohibition precludes legal advocates from depositing or otherwise managing client trust accounts, including Interest on Lawyers Trust Accounts (IOLTA) and accounts used for settlements or other payments related to any legal matter or proceeding.
 - (3) Nothing in this chapter shall be construed to authorize legal advocates to perform legal services that are required by statute to be provided by an attorney.

SCR 51.12 — Standing Committee on the Legal Advocate Program

- (1) There is established a Standing Committee on the Legal Advocate Program, consisting of not more than seven (7) members, appointed by the supreme court in collaboration with the Wisconsin Access to Justice Commission.
- (2) The Standing Committee shall:
 - (a) Prescribe the form of an application for certification as a legal advocate, which shall conform to the requirements of SCR 51.04 and require the identification of a point of contact at the certifying entity;
 - (b) Consider whether to set an application fee and renewal fee, and if it sets such fees, determine the amounts and receive relevant payments;
 - (c) Receive completed applications for certification, review applications for completeness, and certify applicants whose applications are complete;
 - (d) Maintain the roster of certified legal advocates, which shall be available to the public;

- (e) Receive, investigate, and resolve complaints against legal advocates, certifying entities, and/or supervising attorneys, including suspending or removing participants from the roster for good cause;
 - (f) Periodically evaluate the legal advocate program under this chapter and make appropriate recommendations to the supreme court regarding amendments to this chapter; and
 - (g) Adopt such administrative procedures as are necessary to carry out the purposes of this chapter.
- (3) Certified legal advocates, certifying entities, and supervising attorneys shall cooperate with any investigation conducted by the Standing Committee. Failure to cooperate may result in suspension or removal from the roster or, for supervising or other attorneys at a certifying entity, referral to the Office of Lawyer Regulation.
- (4) The Standing Committee may, at its discretion, conduct investigations into legal advocates, supervising attorneys, and/or certifying entities to ensure that legal advocates certified under this chapter receive adequate supervision to carry out the duties for which they have been certified. The Standing Committee may decline or revoke certification when the Standing Committee finds that the degree or conditions of a legal advocate's supervision are inadequate. In making this determination, the Standing Committee may take into account the ratio of supervising attorneys to legal advocates as certified under SCR 51.04(d).

SCR 51.13 — Paraprofessionals Engaged as Traditional Paralegals or Legal Assistants

Nothing in this chapter shall require certification as a legal advocate or a formal supervisory agreement for an individual performing acts on behalf of an attorney or law firm that are customarily performed by paralegals or legal assistants acting under the direction of an attorney.

SCR 51.14 — Legal Advocates in Tribal Courts

- (1) Nothing in this rule shall be interpreted to permit legal advocates to practice in any Tribal Court located within this state without independently satisfying the specific admission criteria, rules, and standards for that Tribal Court.
- (2) Legal advocates certified under this rule who have been admitted to practice in any Tribal Court located within this state shall remain subject to all requirements and restrictions set forth in this rule when practicing in that Tribal Court.
- (3) Legal advocates certified under this rule and wishing to practice in any Tribal Court located within this state must disclose to that Tribal Court whether they have been subject to any disciplinary action in any court of this state.

**STATE OF WISCONSIN
IN SUPREME COURT**

**In the Matter of Creating a New
“Legal Advocate” Certification for
Qualified Non-Lawyer Legal Professionals**

Rule Petition 26-_____

MEMORANDUM IN SUPPORT

The Wisconsin Access to Justice Commission and Quarles & Brady LLP hereby petition the Court to amend the Supreme Court Rules to authorize qualified non-lawyer legal advocates to provide limited legal representation to clients under the supervision of a licensed Wisconsin attorney.

Under the proposed rule, legal advocates who are certified, trained, and supervised will be able to advise and advocate for clients in limited, appropriate contexts. Such allowance is, as the growing body of evidence from other jurisdictions shows, a vital solution for increasing access to justice and ensuring that people who would otherwise go unserved get effective help with legal issues affecting their families, homes, and other key areas of their lives. The proposed rule comes at a critical time given the growing attorney shortage throughout Wisconsin, particularly (but not exclusively) in rural areas.

Wisconsin is not alone in facing this problem, and far from the first to innovate in this area. Across the country, as detailed below, a growing number of states are piloting programs and adopting rules to expand access to legal

services. But the proposed rule is a uniquely Wisconsin solution, based on Wisconsin’s established student practice rule, Chapter 50 of the Supreme Court Rules. Petitioners have developed a proposed rule that is informed by data and expertise from other jurisdictions that have expanded access to justice by allowing non-attorneys to provide limited legal representation.

The Court should adopt the proposed rule because it will address the critical shortage of attorneys throughout Wisconsin, especially in rural areas, but also in the high-volume courts of Wisconsin’s urban centers. In this memorandum, Petitioners explain the need for the rule and the relevant policy background, the structure of the proposed rule, and the reasons the Court should adopt proposed Chapter 51 of this Court’s rules.

POLICY BACKGROUND (THE NEED)

A. Wisconsin’s attorney shortage.

Wisconsin faces a critical shortage of attorneys, particularly in the state’s rural communities—but also in the state’s largest cities. The number of active attorneys in Wisconsin has declined since 2020, and remains concentrated in metropolitan Milwaukee and Madison.¹

¹ Wis. Sup. Ct. Attorney Recruitment & Retention Committee, *Wisconsin Attorney Shortage Report and Strategic Recommendations* (2025) (available at <https://www.wicourts.gov/publications/reports/docs/arrcreport25.pdf>) (“Recruitment & Retention Committee Report”).

Since 2020, rural communities have seen the greatest decrease in the number of active attorneys. Judicial District 7 (which includes La Crosse and surrounding rural areas in southwestern Wisconsin) saw an 11.6-percent decrease in the number of active attorneys from 2020 to 2025.² Judicial District 10 (which includes Eau Claire, Superior, and rural communities in northwestern Wisconsin) saw a decrease of 9.32 percent over the same period.³

Urban areas face similar challenges. Judicial District 1 (Milwaukee County) and Judicial District 2 (which includes Racine and Kenosha) both saw decreases in active attorneys from 2020 to 2025,⁴ despite that three quarters of all active Wisconsin attorneys reside in just three metropolitan counties.⁵

Meanwhile, the need for legal services continues to rise for low-income individuals who typically cannot afford them. Approximately 74 percent of low-income households nationwide experienced at least one civil legal issue within a one-year period.⁶ Half of those households experienced a consumer litigation issue, 33 percent faced housing-related legal problems such as evictions, and

² *Id.* at 6.

³ *Id.*

⁴ *Id.*

⁵ Legal Servs. Corp., Rural Justice Task Force, *Justice Where We Live: Promising Practices from Rural Communities* (Oct. 2025) 30, <https://www.lsc.gov/ruralreport>.

⁶ Legal Servs. Corp., *The Justice Gap: The Unmet Civil Legal Needs of Low-income Americans* (April 2022), <https://justicegap.lsc.gov/resource/section-3-the-prevalence-of-civil-legal-problems/> (“LSC Report”).

26 percent confronted family and safety-related legal issues, including domestic violence and divorce.⁷ Yet only 19 percent of Americans seek legal help for civil legal issues.⁸

In Wisconsin, low-income households face more difficulty finding civil legal aid because of the attorney shortage. Wisconsin does not allocate the same level of state funding to civil legal aid that other states provide, which “leaves organizations reliant on federal grants, private donations, and volunteers to meet the overwhelming legal needs of low-income Wisconsin residents.”⁹ In rural areas, communities “face chronic shortages of attorneys, which translates to even fewer options in these areas for attorneys willing to do pro bono or low bono . . . work.”¹⁰ In urban areas, pro bono attorneys “take fewer cases or focus on shorter pro bono opportunities, rather than full representation, leaving organizations scrambling to place clients or forced to turn them away entirely.”¹¹

B. Similar efforts in other jurisdictions.

To address similar access to justice challenges, Alaska, Minnesota, and the District of Columbia have adopted limited legal license practitioner

⁷ *Id.*

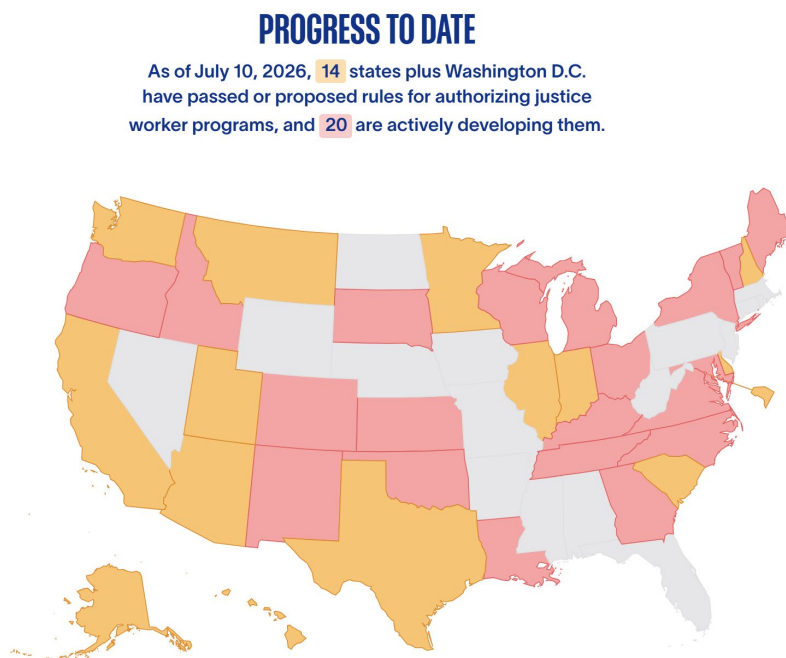
⁸ *Id.* at Section 4.

⁹ Megan E. Lee, *Bridging the Justice Gap Amid Growing Challenges*, 98 Wis. Law. 33-35 (January 2025).

¹⁰ *Id.*

¹¹ *Id.*

certifications for non-attorneys. States as large as California and as small as Delaware are either considering or implementing rules similar to the rule proposed here. Researchers who study the results from similar programs are already finding positive results through empirical research. One study found that the implementation of a similar program in Alaska led to the direct recovery of over \$23.6 million for Alaskans, with an additional \$14.5 million of indirect economic benefit.¹² States are adopting similar frameworks at increasing rates, as shown in the below map maintained by the advocacy organization Frontline Justice¹³:



¹² Matthew Burnett, Rebecca Sandefur, and James Teufel, *Research Brief: Analysis of the Social and Economic Impact of the Alaska Community Justice Worker Program (2021-2025)*, AMERICAN BAR FOUNDATION (2025).

¹³ The live map is available at <https://www.frontlinejustice.org/about#progress>.

PROPOSED MODEL (THE SOLUTION)

Petitioners propose a rule that would address these critical shortages by allowing qualified practitioners known as “legal advocates” to represent clients under a licensed attorney’s supervision. The proposed rule is tailored to the civil legal needs of Wisconsinites, the policy goals of the Wisconsin courts, the professional and ethical interests of the State Bar of Wisconsin, and the consumer protection interests of the public.

A. The proposed rule’s basic structure and goals

The proposed rule serves three main goals, consistent with a structure that is based on Wisconsin’s established student practice rule: (1) to **increase access to justice** by allowing legal advocates to advocate for clients and provide advice in certain civil and agency matters; (2) to **protect the public** by imposing reasonable qualification and supervision requirements for legal advocates; and (3) to **ensure adequate monitoring** by establishing a right-sized regulatory scheme that includes certification, maintenance, suspension, revocation, and reporting processes that will allow this Court to monitor implementation.

First, the proposed rule will increase access to justice by allowing legal advocates to maintain a limited practice under a licensed Wisconsin attorney’s supervision. Under proposed SCR 51.08, within the scope of the legal advocate’s certified prior experience, a legal advocate may appear on behalf of

a client in authorized court or agency proceedings, negotiate on behalf of a client, give *supervised* legal advice to clients, and prepare and complete pleadings, agreements, or other documents for clients, subject to existing attorney signature requirements where applicable. A legal advocate cannot, however, act in any criminal matter or as trial counsel in any case where the Wisconsin Rules of Evidence (Wis. Stat. ch. 901-911) apply. And a legal advocate cannot represent a client in divorce proceedings in which marital property assets are valued at above \$100,000, in cases for large civil claims, in appeals, or in matters involving the termination of parental rights or other similar child-protection matters. The attorney-client privilege will extend to communications between clients and legal advocates, and clients must provide informed consent for the legal advocate to provide legal services.¹⁴

Second, the proposed rule will protect the public by establishing experience, training, and supervision requirements. An individual is only eligible for certification if they: (1) hold an associate's or higher degree from an accredited higher education institution, or (2) hold a high school diploma and have at least five years of relevant "lived, educational, legal, or other experience." To prove this eligibility, a prospective legal advocate must file an application with a "certifying entity"—a law firm or similar entity that vets the

¹⁴ Proposed SCR 51.09-51.11.

certification. The applicant must submit documentation evidencing their eligibility under the proposed rule's criteria, agree to a signed contract with the certifying entity, and describe in a written statement the applicant's training, experience, or other qualifications for certification. A new Standing Committee will maintain guidelines for the form of applications and keep a roster of all certified legal advocates.

Third, the proposed rule will ensure adequate monitoring with a right-sized regulatory framework. The Standing Committee will have the discretion to receive, investigate, and resolve complaints against legal advocates. This Court retains the discretion to revoke a certification at any time, without a hearing and without a showing of cause. Additionally, courts and public agencies may bar or limit legal advocates from appearing before them or in particular matters in the event of a legal advocate's misconduct, which will trigger a notification to the Standing Committee.

B. Implementation in other jurisdictions

Petitioners have tailored the proposed rule to the needs of Wisconsinites and the Wisconsin courts. Limited practice rules such as the proposed rule are already in place in Wisconsin. Supreme Court Rule 50 permits law students to appear in proceedings, negotiate on behalf of clients, and give legal advice under the supervision of licensed attorneys.¹⁵

¹⁵ See generally SCR Ch. 50.

Other jurisdictions have adopted rules similarly tailored to their own needs. For example, Minnesota has adopted a “legal paraprofessional” rule with similar certification thresholds.¹⁶ A legal paraprofessional in Minnesota must work under a licensed attorney in good standing in enumerated practice areas, including housing disputes, family law matters, Minnesota’s equivalent of small claims court, and some administrative hearings.¹⁷ Minnesota implemented its legal paraprofessional rule in 2024 and since then over 40 individuals have been approved to practice throughout the state.¹⁸

In February of 2026, the District of Columbia approved a new “community justice worker” framework that will allow non-lawyers to provide pro bono legal assistance.¹⁹ On the other end of the country, Alaska adopted a community justice worker program in 2022 that has led to a significant increase in legal representation in underserved communities.²⁰

¹⁶ Minn. Ct. R. 12.03.

¹⁷ *Id.* at 12.01.

¹⁸ *Roster of Approved Legal Paraprofessionals*, MINNESOTA JUDICIAL BRANCH (September 2, 2026) (available at https://mncourts.gov/_media/migration/appellate/supreme-court/Roster-of-Approved-Legal-Paraprofessionals.pdf).

¹⁹ Jeremy Conrad, *New Court of Appeals Rule Allows Community Justice Workers to Provide Legal Assistance*, DC BAR (Feb. 9, 2026) (available at: <https://www.dcbar.org/News-Events/News/New-Court-of-Appeals-Rule-Allows-Community-Justice>).

²⁰ See Matthew Burnett, Rebecca Sandefur, and James Teufel, *Research Brief: Analysis of the Social and Economic Impact of the Alaska Community Justice Worker Program (2021-2025)*, AMERICAN BAR FOUNDATION (2025).

C. Application in Wisconsin

The proposed rule would affect multiple areas of underserved civil practice in Wisconsin. For example, a legal advocate could represent residential tenants in fast-moving eviction proceedings, easing the workload of overburdened attorneys. A legal advocate could also represent individuals in family law matters regarding custody, placement, and child support as well as lower-value divorce proceedings, or assist with certain administrative proceedings governed by Chapter 227 of the Wisconsin Statutes such as workers' compensation matters. In each context, the legal advocate would operate within the bounds of their substantive background and training.

The proposed legal advocate differs from a paralegal in a critical respect: a paralegal provides skilled technical assistance to attorneys, but cannot independently advocate for clients. A legal advocate, by contrast, would have the authority to advocate in a manner similar to an attorney, but only in specified circumstances and always under attorney supervision. This distinction matters because a legal advocate program is not intended to reproduce the lawyer licensing system with somewhat lower licensing requirements; it is a different model of legal service delivery.²¹

²¹ Rebecca Sandefur and Matthew Burnett, Public Comment on Proposed California Rules of Court, Rule 9.45.1, to Establish a California Community Justice Worker Program (August 20, 2026) (available at: <https://assets.frontlinejustice.org/public-comment-on-proposed-california-rules-of-court-rule-9.pdf>).

D. History of stakeholder engagement

In November 2025, this Court’s Attorney Recruitment and Retention Committee—formed in June 2024 with the express purpose of addressing Wisconsin’s attorney shortage—recommended the exploration of a limited license legal practitioner (LLLP) certification program “to allow licensed, non-lawyer professionals to provide a narrow scope of civil and family legal services.”²² The Wisconsin Access to Justice Commission was identified as the implementation lead for this recommendation, and its Legal Advocate Task Force engaged with stakeholders across Wisconsin, including attorneys in rural and urban communities, the leaders of civil legal aid organizations, and sitting judges. The task force also gathered information from the National Center for State Courts and from leaders in jurisdictions that have already implemented similar rules, including Alaska, the District of Columbia, and Minnesota. The proposed rule incorporates feedback received from those jurisdictions, as applied to Wisconsin’s unique needs. The proposed rule also incorporates feedback on a draft rule that the task force collected from members of the State Bar of Wisconsin’s Board of Governors, individual sections and divisions of the State Bar, and members of the Legal Services Corporation’s Rural Justice Task Force.

²² Recruitment & Retention Committee Report at 15.

ARGUMENT

Petitioners ask this Court to adopt proposed Chapter 51 of the Supreme Court Rules for three key reasons. First, the proposed rule will promote access to justice by increasing the availability of legal services in both rural and urban areas. Second, the proposed rule will promote judicial efficiency. Third, the proposed rule will protect both clients and the public.

I. The proposed rule will promote access to justice by giving Wisconsinites enhanced access to legal services.

Legal advocates will fill a critical gap in the market for legal services while also relieving pressure on the Wisconsin courts. As the number of attorneys in both rural and metropolitan areas declines, legal advocates will bring their prior professional and lived experiences to bear on both the busiest and most neglected dockets in Wisconsin, representing individuals who would otherwise go without counsel.

Under the proposed rule, legal advocates will assist Wisconsinites with matters that are too small for many attorneys to take but significant for the clients involved. A legal advocate will serve as a bridge between proceeding *pro se* and engaging counsel. Civil legal aid organizations that employ attorneys for eviction hearings or occupational licensing matters will likely add legal advocates to their ranks. These advocates will work within the scope of their own training and handle routine case events—such as small claims return

dates or required agency filings—that an attorney would otherwise need to attend.²³

To be clear, because legal advocates cannot work except under the supervision of a licensed Wisconsin attorney, they will not take work away from Wisconsin attorneys. Instead, they will enhance Wisconsin attorneys' ability to reach areas not currently receiving adequate legal representation.

In Alaska, community justice workers under a similar framework have assisted with spreading legal services to remote communities.²⁴ Petitioners expect that the legal advocate framework will produce similar results throughout Wisconsin. The proposed rule will empower community leaders in both rural and urban areas to assist low-income individuals with their litigation and administrative law needs. Legal advocates who are already fluent in public benefits law, housing law, or family law will advise clients on

²³ Petitioners use the term “*pro se*”, as is common across the court system, throughout this petition. However, Petitioners suggest that the plain-language terms “self-represented litigant” or “unrepresented litigant” more accurately describe litigants without legal representation.

²⁴ Burnett, *supra*, at 2. To be clear, there are some significant differences between Alaska’s program and the proposed rule for Wisconsin. One key distinction is that community justice workers in Alaska’s program are trained and supervised directly by the Alaska Legal Services Corporation (ALSC), and are hired and managed by ALSC through its Community Justice Worker Resource Center. Contrast this centralized approach to hiring, training, and supervision with the proposed rule’s decentralized approach, which enables any Wisconsin entity qualifying as a “firm” or “law firm” under SCR 20:1.0(d) to certify a legal advocate subject to the supervision of a licensed Wisconsin attorney employed by that entity.

the judicial or administrative process, guide them through those processes, and achieve results without requiring the client to pay the high rates that an attorney might charge.

II. The proposed rule will promote judicial efficiency by giving clients more effective representation in circuit court.

A. The rule will streamline proceedings where parties would otherwise lack counsel.

Courts will benefit from qualified practitioners who advocate effectively without the administrative overhead of a full attorney engagement. A legal advocate will articulate legal positions clearly, submit well-reasoned filings, and provide sound advice to clients. Without legal advocates, litigants in small claims matters, evictions, family law disputes, or administrative hearings would have to represent themselves because of compressed timelines or the unavailability of attorneys.

B. The rule will ease caseloads for attorneys in cases where parties are represented but attorneys are stretched thin.

The proposed rule will also help close the growing gap between the declining number of active Wisconsin attorneys and the increasing demand for civil legal services. Attorneys who employ legal advocates can delegate required court appearances without needing to supervise each one in person. For example, a legal advocate could assist an eviction defense attorney with the fast-moving eviction docket, and even represent clients in eviction trials,

since Chapter 908 does not apply to small claims proceedings. Legal advocates will also have the authority to prepare pleadings and similar documents, allowing the supervising attorney to focus on review and strategic decisions rather than initial drafting.

Court dockets will move more efficiently with experienced advocates who possess substantive knowledge comparable to that of attorneys. Unlike *pro se* litigants, legal advocates will understand the procedural and substantive rules governing their practice areas, mitigating the need for courts to explain basic rules and procedures. The proposed rule will therefore promote judicial efficiency by enabling courts to resolve high-volume cases—such as small claims, evictions, and administrative matters—more promptly.

C. The proposed rule will promote access to justice.

The proposed rule will give Wisconsinites a much-needed third option for legal representation. Today, if they cannot afford an attorney, low-income litigants face a choice to represent themselves, decide not to contest a claim, or seek representation from legal services organizations that are already strained.²⁵ A legal advocate position creates an intermediate option: legal services akin to attorney representation at a fraction of the cost. This option is

²⁵ Low-income Americans are unable to get sufficient legal help for approximately 92 percent of substantial legal problems that affect them. LSC Report, Executive Summary.

far superior to the alternative: an individual navigating an eviction, a money judgment, limited access to their children, or a license revocation—entirely alone, without any professional guidance.²⁶

III. The proposed rule includes protections for clients and the public.

Importantly, a legal advocate will not replace a lawyer, but instead will extend the reach of attorneys to serve more Wisconsinites. A legal advocate must do their work under the supervision of a licensed Wisconsin lawyer and will be limited in the services they can provide. While a legal advocate *can* represent clients in a number of civil, family, and agency matters, the proposed rule prohibits legal advocates from acting in any criminal matters, serving as trial counsel, handling large claims cases, pursuing appeals, or undertaking matters involving the termination of parental rights, involuntary civil commitments, or guardianships.

The proposed rule includes robust public protections to account for the autonomy legal advocates will exercise. First, the certification process requires that a legal advocate hold either a college degree or a substantive background in their intended practice area before the Standing Committee certifies them. Second, a supervising attorney is ultimately responsible for the acts of any

²⁶ Access to a legal advocate is also superior to *pro se* litigants' increasing reliance on artificial intelligence to give legal advice and generate court filings, which is a growing problem in the justice system.

legal advocate they certify, just as a senior attorney is responsible for the work of a junior attorney or student under the student practice rule.²⁷ Third, legal advocates must complete ethical training arranged by their certifying entity and may *not* handle client funds deposited into an attorney trust account.²⁸

Finally, the certifying entity must ensure that the legal advocate has demonstrated good moral character and fitness to practice by conducting a background check and denying certification to anyone with a criminal conviction bearing “a substantial relationship to the applicant’s fitness to serve as a legal advocate.”²⁹

The proposed rule would also maintain the integrity of the judicial system by giving both this Court and the circuit courts the power to discipline legal advocates. The Standing Committee may suspend or revoke a legal advocate’s certification “for good cause, including but not limited to failure to comply with any provision of this chapter, failure to cooperate with an investigation by the Standing Committee, conduct that is detrimental to the administration of justice, or failure to renew certification.”³⁰ This Court retains the power to revoke a certification *at any time*, without a hearing and without

²⁷ SCR 20:5.1.

²⁸ Proposed SCR 51.07(e), 51.11(2).

²⁹ Proposed SCR 51.03(2).

³⁰ Proposed SCR 51.06(1).

a showing of good cause.³¹ And any Wisconsin court or public agency can bar or limit legal advocates upon a finding of misconduct.³² Therefore, if a legal advocate runs afoul of professional standards, several institutions will have the power to promptly discipline the legal advocate.

In sum, the proposed rule balances a legal advocate's autonomy within their limited practice area with meaningful oversight. Legal advocates still must adhere to the same standards of professional conduct as any attorney appearing before a court, and any legal advocate who violates those standards will be accountable to their certifying attorney, to this Court, and to the other courts and public agencies in which they appear.

CONCLUSION

As bar organizations,³³ chief justices, and court administrators³⁴ across the country call upon states to develop legal advocate programs of their own,

³¹ Proposed SCR 51.06(3).

³² Proposed SCR 51.06(4).

³³ See, e.g., Frontline Justice, *American Bar Association Urges Jurisdictions to Explore Community Justice Worker Programs to Close the Justice Gap* (Aug. 13, 2025) (available at: <https://www.frontlinejustice.org/news/american-bar-association-urges-jurisdictions-to-explore-community-justice-worker-programs-to-close-the-justice-gap>) (ABA resolution “calling on states, courts, and other jurisdictions to study and adopt . . . innovative, community-based models” like the one proposed here).

³⁴ See Conference of Chief Justices and Conference of State Court Administrators, *In Support of Exploring Access to Justice Through Authorized Justice Practitioner Programs* (July 30, 2025) (available at: <https://ccj.ncsc.org/resources-courts/support-exploring-access-justice-through-authorized-justice-practitioner-programs>) (CCJ and CSCA

Wisconsin's courts, the State Bar, and Wisconsin's citizens will benefit from joining the growing number of jurisdictions that have established certification programs for non-lawyer legal advocates.

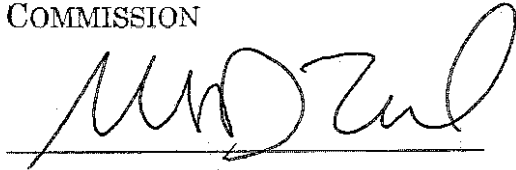
This Court should adopt proposed Chapter 51 of the Supreme Court Rules because it will give low-income Wisconsinites a more cost-effective and efficient means of navigating the legal system while protecting the public from potential abuses. The proposed rule will also ease caseloads for the diminishing number of active Wisconsin attorneys and make court dockets more efficient. For these reasons, Petitioners request that the Court adopt the proposed rule.

resolution urging members to explore and develop models for authorized justice practitioners, and setting forth best practices for development and oversight).

Dated this 3rd day of September, 2026.

Respectfully submitted by:

THE WISCONSIN ACCESS TO JUSTICE
COMMISSION



By: The Hon. Judge Michael Zell,
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