



INSTITUTE *for the* ADVANCEMENT  
*of the* AMERICAN LEGAL SYSTEM



UNIVERSITY of  
DENVER

February 1, 2023

Members of the North Carolina General Assembly  
16 W Jones St.  
Raleigh, NC 27601

Dear Members of the North Carolina General Assembly:

**Re: Looking Beyond Lawyers to Bridge the Civil Access to Justice Gap – Letter of Support**

On behalf of IAALS, the Institute for the Advancement of the American Legal System at the University of Denver, please accept this letter of support to the North Carolina Justice for All Project in their Petition for Redress of Grievances Pursuant to N.C. Const. Art. I, § 12, Policy Analysis, & Legislative Proposal.

IAALS is a national, independent research center dedicated to continuous improvement of the civil justice system. Over the past year, IAALS has researched the landscape of licensed legal practitioner programs across the country—including evaluations of their successes and limitations—and published our findings in [\*The Landscape of Allied Legal Professional Programs in the United States\*](#). Building on this research, IAALS convened a group of experts to create recommendations and best practices for a national approach that states can use when developing new and existing programs, which will be published in a report later this year.

Based on the extensive work IAALS has done on this topic, we emphatically support this legislative proposal's recommendation to license legal practitioners. To date, four states have active programs, two states are in the process of implementing approved programs, and 10 other states have created a proposal for licensing legal practitioners. But it is more than just about who is implementing a program—it is about why. As the Justice for All Project notes, pro bono and legal aid service providers are unable to keep up with the demand for legal services. Liberalizing the Unauthorized Practice of Law statute for legal aid and pro bono services, akin to Delaware's and Alaska's recently adopted programs, will most definitely increase their reach and should be implemented, but this still leaves millions of people with inadequate avenues for legal help. Legal practitioners can and would help bridge that gap. Data gathered

from Washington’s LLLT program shows that legal practitioners charge about half of what attorneys charge, around \$160 per hour.<sup>1</sup> In Utah, their licensed paralegal practitioners (LPPs) report charging between \$70 and \$175 per hour, with retainers from \$750 to \$1,500.<sup>2</sup> This is a substantial and essential decrease in cost given the average cost of a divorce runs between \$15,000 and \$20,000, up 6.2% from the previous year.<sup>3</sup> They are able to charge these lower rates because the cost of their programs are substantially less expensive than law school. Utah LPPs, for example, report total licensure costs to be around \$1,500 to \$5,000, which includes their education, exams, application, and other licensing fees.<sup>4</sup> With over 70% of both civil<sup>5</sup> and family<sup>6</sup> law cases having at least one party that is self-represented, legal practitioners could help meet the needs of many lower- and middle-class people who would otherwise be unrepresented.

Importantly, this decrease in cost does not include a decrease in competency. Data from both Washington’s and Minnesota’s legal practitioner programs showcase that they are just as, if not more, competent to assist clients with their legal matters. In Washington, data shows that LLLTs emerge from their training with a uniquely focused expertise in their area, making them particularly equipped to provide legal help in family law cases.<sup>7</sup> And in Minnesota, the attorneys that supervised legal paraprofessionals reported them to be “careful, serious, and excellent,” having no complaints with their performance in or outside of the courtroom.<sup>8</sup>

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<sup>1</sup> JASON SOLOMON & NOELLE SMITH, STAN. CTR. ON THE LEGAL PROFESSION, THE SURPRISING SUCCESS OF WASHINGTON STATE’S LIMITED LICENSE LEGAL TECHNICIAN PROGRAM 20 (2021), <https://law.stanford.edu/wp-content/uploads/2021/04/LLLT-White-Paper-Final-5-4-21.pdf>.

<sup>2</sup> Ashton Ruff, Anna E. Carpenter & Alyx Mark, Utah’s Licensed Paralegal Practitioner Program: Preliminary Findings and Feedback from Utah’s First LPPs (unpublished manuscript) (on file with author).

<sup>3</sup> Serah Louis, *The price of a divorce is rising ‘from every angle’ as all parties involved contend with higher costs—here’s how much you could be billed for a break-up this year*, MONEYWISE (Jan. 6, 2023), <https://moneywise.com/a/ch-apple/cost-of-divorce>.

<sup>4</sup> Ruff, Carpenter & Mark, *supra* note 2.

<sup>5</sup> PAULA HANNAFORD-AGOR ET AL., NAT’L CTR. FOR STATE COURTS, THE LANDSCAPE OF CIVIL LITIGATION IN STATE COURTS 31 (2015), [https://www.ncsc.org/\\_data/assets/pdf\\_file/0015/25305/civiljusticereport-2015.pdf](https://www.ncsc.org/_data/assets/pdf_file/0015/25305/civiljusticereport-2015.pdf).

<sup>6</sup> PAULA HANNAFORD-AGOR ET AL., NAT’L CTR. FOR STATE COURTS & INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., FAMILY JUSTICE INITIATIVE: THE LANDSCAPE OF DOMESTIC RELATIONS CASES IN STATE COURTS 20 (2018), [https://www.ncsc.org/\\_data/assets/pdf\\_file/0018/18522/fji-landscape-report.pdf](https://www.ncsc.org/_data/assets/pdf_file/0018/18522/fji-landscape-report.pdf).

<sup>7</sup> See SOLOMON & SMITH, *supra* note 1, at 12.

<sup>8</sup> STANDING COMM. FOR LEGAL PARAPROFESSIONAL PILOT PROJECT, MINN. SUPREME COURT, INTERIM REPORT AND RECOMMENDATIONS TO THE MINNESOTA SUPREME COURT (2021), <https://www.mncourts.gov/mncourtsgov/media/Appellate/Supreme%20Court/Administrative-Interim-Report-and-Recommendations-from-the-Standing-Committee-for-LPPP.pdf>.

The access to justice crisis is real and is getting worse. As citizens are denied justice, not only are their lives being irreparably harmed, but their faith in the justice system is eroding away. The Justice for All Project is advocating for changes that will help resolve this crisis and restore faith in our system. These changes are supported by research and the innovation of other states around the country who are leading the way in solving this crisis. We urge North Carolina to join in this important work to ensure justice for all.

Sincerely,

Michael Houlberg  
Director of Special Projects  
IAALS

**About IAALS**

*IAALS identifies and researches issues in the legal system; convenes experts, stakeholders, and users of the system to develop and propose concrete solutions; and then goes one step further to empower and facilitate the implementation of those solutions so as to achieve impact. We are a nonpartisan organization that champions people-first reforms to the legal system and the legal profession. Since its inception in 2006, IAALS has been steadfast in working to end the access to justice crisis and alleviate the insurmountable burden this inflicts on everyday citizens. This work has taken a variety of forms, from working together with self-represented litigants and judicial officers to develop significant, feasible family court reform; being a national leader and advocate on unbundled legal services; researching and proposing effective consumer debt reform alongside the National Center for State Courts; and most recently working to grow and standardize the role of allied legal professionals (legal practitioners).*