

JusticeCorps: Helping Pro Se Litigants Bridge a Divide

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In recent years there has been a significant increase in self-represented individuals who need family law help. In response, JusticeCorps, an organization based in a family law self-help center in downtown Los Angeles, created a program that provides legal information, but not legal advice, to pro se litigants. JusticeCorps has helped over half a million individuals with a variety of family law documents. The program not only benefits litigants, but it also has an indelible impact on the court and on JusticeCorps members. However, there are issues with the program — notably, ensuring that information it provides is correct — that need improvement. Further, the ABA Rules of Professional Conduct has some guidelines with which JusticeCorps activities may be in tension; however, this is of minimal concern because JusticeCorps does not have an attorney-client relationship with litigants. This Note advocates for the expansion of JusticeCorps — and programs based on similar models and goals — beyond California.

I. INTRODUCTION

A woman living in Los Angeles, with limited English capabilities and no income, wants a divorce. She is overwhelmed, confused, and scared. Family law attorneys are out of her price range, so she does not know where to turn. She has picked up a

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flyer for a self-help center at the downtown courthouse where she can get legal information. She shows up first thing in the morning to see a line of people stretching nearly out of the courthouse. If she is fortunate enough to get inside today, she will be helped by some combination of attorneys, paralegals, and other employees. Once inside the self-help center, she, along with hundreds of others each day, is presented with information and is given a hand in filling out the necessary legal documentation. If she did not live in California, there is a good chance she would not be receiving this much-needed help, as this service is still nascent. Therefore, other states should consider services like the downtown self-help center, as they have an important and impactful place in the legal sphere.

Part II of this Note discusses (i) JusticeCorps and court-based self-help centers; (ii) JusticeCorps' structure; and (iii) the relationship between pro se litigants and JusticeCorps. Part III assesses JusticeCorps in depth, specifically focusing on what JusticeCorps does well and where it needs improvement. Part IV examines the American Bar Association (ABA) Rules of Professional Conduct as they relate to non-attorneys and to programs similar to JusticeCorps. This Note then concludes that other states should follow California's lead and permit — or even encourage — non-attorneys to provide family law legal information for self-represented litigants.

The Note is based on sixteen interviews conducted specifically to analyze the present state of JusticeCorps. The author spent one summer as a JusticeCorps undergraduate volunteer and then a full year before law school as a JusticeCorps Fellow. Except where indicated, interviews reflect a wide variety of perspectives from former JusticeCorps members and court staff in order to provide a full, fair, and clear picture of JusticeCorps.¹

1. Some interviewees asked to be anonymous and others allowed certain biographical or contextual information to be shared (e.g., name, position, year).

II. JUSTICECORPS' BACKGROUND

A. JUSTICECORPS' HISTORY AS A COURT-BASED SELF-HELP CENTER

JusticeCorps² is composed of attorneys, paralegals, Fellows,³ and undergraduate volunteers.⁴ It is spread throughout California.⁵ The heart of the program is in the Los Angeles Superior Court Stanley Mosk Courthouse (Stanley Mosk) in the downtown area.⁶ It is located in a prominent area of Stanley Mosk called the Resource Center.⁷ JusticeCorps is “staffed by attorneys and other qualified personnel under the attorneys’ direction to provide information and education to self-represented litigants about the justice process.”⁸ Personnel work with pro se⁹ litigants to help with their legal issues, particularly regarding family law matters such as custody, dissolutions, and temporary restraining orders.

JusticeCorps’ pilot program began in Los Angeles in 2004 with 100 volunteers throughout Los Angeles County.¹⁰ The program

2. *JusticeCorps*, JUDICIAL BRANCH OF CAL., <http://www.courts.ca.gov/justicecorps.htm> [<https://perma.cc/A56N-9J4V>] (last visited Jan. 25, 2015).

3. Fellows are college graduates who have pledged 1700 hours of their time in one year and receive a \$20,000 stipend and an educational award of around \$6000. *JusticeCorps Prospective Members*, JUDICIAL BRANCH OF CAL., <http://www.courts.ca.gov/23719.htm> [<https://perma.cc/44PN-ERGP>] (last visited Jan. 25, 2015). These individuals often plan on attending law school. For example, five of the nine Fellows in the author’s program, the Fellows of 2012–13, have graduated from law school.

4. In the average year, there are over 250 undergraduate volunteers (this includes volunteers in all JusticeCorps locations) who are required to serve 300 hours and, in return, receive an education award of around \$1500. *Id.*

5. There are eleven JusticeCorps service sites in Los Angeles County. Interview with Jennifer Kalish, L.A. Program Coordinator, JusticeCorps (Jan. 8, 2015) [hereinafter Kalish Interview].

6. *Stanley Mosk Courthouse*, THE SUPERIOR CT. OF CAL. COUNTY OF L.A., <http://www.lacourt.org/courthouse/info/la> [<https://perma.cc/TWQ7-6QYU>] (last visited Jan. 25, 2015).

7. “JusticeCorps Members and Fellows [are often] the ‘face’ of the Court to members of the public.” Interview with Michelle Yashar, Former Attorney, JusticeCorps (Nov. 14, 2014) [hereinafter Yashar Interview].

8. Bonnie Hough, *Self-Represented Litigants in Family Law: The Response of California’s Courts*, 1 CAL. L. REV. CIRCUIT 15, 19 (2010) (discussing the adoption of self-help centers by California courts).

9. Pro Se from the Latin meaning “for one’s self.” Pro Se, BALLENTINE’S LAW DICTIONARY 1013 (3d ed. 1969).

10. *JusticeCorps: Los Angeles Region*, JUDICIAL BRANCH OF CAL., <http://www.courts.ca.gov/justicecorps-la.htm> [<https://perma.cc/7YZU-WCZF>] (last visited Feb. 18, 2015).

has been successful and expanded both north, to the Bay Area, and south, to San Diego.¹¹ There are currently over 250 individuals employed by JusticeCorps.¹² For the program year 2013–14, JusticeCorps provided over 50,000 documented instances of assistance (any form of help to an individual litigant).¹³ Since its inception, JusticeCorps has provided over 600,000 instances of assistance amounting to 600,000 service hours, which has resulted in the filing of over 500,000 legal documents.¹⁴ To provide context, each year there are over 200,000 divorce petitions filed in California.¹⁵

JusticeCorps is based on a self-help center model. Self-help centers have developed to help assist court users in a cost-effective manner and make courts more efficient in processing cases.¹⁶ In California, self-help centers are a core function of the court system¹⁷ that must provide “neutral and unbiased” information for each litigant.¹⁸ The self-help center model has developed in part due to a “[l]ack of legal assistance [which acts as] an enormous barrier for the public.”¹⁹ JusticeCorps helps to fill “a structural gap for courts,” which are not designed to work with unrepresented litigants.²⁰ In fact, it has been argued that “[c]ourt-based self-help centers with staff available to answer questions are the most effective way for courts to meet the needs

11. *About JusticeCorps*, JUDICIAL BRANCH OF CAL., <http://www.courts.ca.gov/justicecorps-about.htm> [https://perma.cc/EU5S-9467] (last visited Jan. 25, 2015).

12. *Id.*

13. Kalish Interview, *supra* note 5.

14. Amy Yarbrough, *Leaders Praise JusticeCorps on Program's 10th Birthday*, CAL. B.J. (June 2014), <http://www.calbarjournal.com/June2014/TopHeadlines/TH2.aspx> [https://perma.cc/473P-GKYC].

15. Hough, *supra* note 8, at 15.

16. See JUDICIAL COUNCIL OF CAL., ELKINS FAMILY LAW TASK FORCE: FINAL REPORT AND RECOMMENDATIONS 10 (2010), <http://www.courts.ca.gov/documents/elkins-finalreport.pdf> [https://perma.cc/2W56-4MHL].

17. See CAL. R. CT. 10.960(b).

18. CAL. R. CT. 10.960(d). Even if the litigant's adversary comes into the same help center, the services provided must be non-partisan and of the exact same quality. *Id.* One Fellow explains that, in making sure he is sharing information and not advice to a litigant, he asks himself: “[Can] I repeat whatever I am saying to the other party?” Interview with Timothy Kim, 2012–13 Fellow, 2011–12 Undergraduate Volunteer, JusticeCorps (Nov. 7, 2014) [hereinafter Kim Interview].

19. JUDICIAL COUNCIL OF CAL., TASK FORCE ON SELF-REPRESENTED LITIGANTS: FINAL REPORT 1 (2014), <http://www.courts.ca.gov/documents/jc-20141028-itemP.pdf> [https://perma.cc/9RVK-CRWY].

20. See *id.*

of the pro se litigants in family law.”²¹ As such, “[s]elf-help programs have earned almost universal praise from litigants and the courts.”²²

B. JUSTICECORPS IN ITS CURRENT STATE²³

JusticeCorps is structured with a top-down model: attorneys delegate work to paralegals, Fellows, and undergraduates who work in (i) a workshop;²⁴ (ii) the “floor”;²⁵ or (iii) other courtroom assignments.²⁶ From 8:00 A.M. until 4:30 P.M. on weekdays, JusticeCorps employees communicate and explain legal information to litigants who are seeking help with family law issues.²⁷

JusticeCorps provides help to any self-represented individual unless (i) there are extraordinary circumstances, such as a history of extremely disruptive behavior; (ii) the litigant’s case is too complex — such as when multiple men claim to be the parent of a child, or if major pension plan concerns exist — and warrants an outside referral;²⁸ or (iii) the individual requests legal advice, rather than information.²⁹

21. Deborah J. Chase, *Pro-Se Justice and Unified Family Courts*, 37 FAM. L.Q. 403, 414 (2003).

22. JUDICIAL COUNCIL OF CAL., *supra* note 16, at 10.

23. This Note will focus on the downtown Los Angeles self-help center. It is the JusticeCorps location with the most litigant traffic and where JusticeCorps was initiated. It is also where this Note’s author worked and where most of the interviewees worked. Jennifer Kalish, the Los Angeles Program Director, makes clear that “the centers operate differently and the JusticeCorps experience is different in all the locations.” Kalish Interview, *supra* note 5.

24. JusticeCorps provides Fellow-led workshops that include a thirty to sixty-minute presentation on one topic (e.g., Beginning a Divorce, Financial Disclosures, Trial Preparation) to four to twelve litigants. Workshops, for the most part, can be scheduled up to two months in advance so litigants know when to come in and what materials and information they need to be prepared ahead of time. Other workshops are on a first come–first served basis. However, their availability is well advertised so individuals know when they can come in for help. Author’s Personal Experience, 2012–13 Fellow, Summer 2010 Undergraduate Volunteer [hereinafter Author’s Personal Experience].

25. The “floor” is an open area for up to eighteen individuals to be helped with a variety of different issues that are not covered in workshops e.g., Requests For Order (formerly known as Orders to Show Cause), Ex-Parte requests, Responses to Temporary Restraining Orders, etc. Individuals are admitted on a first come–first served basis. Author’s Personal Experience, *supra* note 24.

26. This could include inputting data, pulling case files before litigants show up, working with Restraining Orders or Name Changes on another part of Stanley Mosk, or visiting chambers to make needed communications or transactions. Author’s Personal Experience, *supra* note 24.

27. Author’s Personal Experience, *supra* note 24.

28. JusticeCorps provides a list of situations that warrant an outside referral. “There have been situations where litigants need legal information that surpasses what our cen-

The overall number of JusticeCorps employees is roughly constant year to year. However, there is a complete annual turnover for the Fellows and undergraduates.³⁰ JusticeCorps is staffed by three to five permanent attorneys, additional contract attorneys, and other court staff on an ad-hoc basis. Paralegals are assigned to different courthouses at Stanley Mosk on an as-needed basis. The Resource Center normally staffs between six and eight paralegals (about half of whom have Spanish-language skills).³¹

At the beginning of each program year, the Fellows rotate through each of the workshops and spend time on the floor. Over time, Fellows begin to specialize based on the work they enjoy or the needs of the program, such as when a Spanish speaker is needed for a Spanish workshop. Undergraduate volunteers are primarily sent to the floor, but they can also be placed in the workshop setting depending on the number of pro se litigants, the undergraduate's language and legal information capabilities, and the difficulty of the work.

C. WHO JUSTICECORPS HELPS AND WHY LITIGANTS SEEK HELP

JusticeCorps assists any unrepresented individual who is seeking family law help. The majority of family court litigants are self-represented at some point. Those who cannot afford a family law attorney often need more help than can be provided by an online service, and JusticeCorps fills this role.

1. *Pro Se Litigants Are Often Marginalized Individuals*

JusticeCorps helps pro se family law litigants. Unlike criminal defendants who have a Sixth Amendment right to counsel at

ter is equipped to do." Interview with Cecilia Loya, Paralegal, JusticeCorps (Nov. 14, 2014) [hereinafter Loya Interview].

29. "When the answer was complicated and required legal advice, we had to refer people out, or state that we could not give them legal advice." Interview with Cindy Garcia, 2012–13 Fellow, JusticeCorps (Nov. 20, 2014) [hereinafter Garcia Interview].

30. There are normally only nine to ten Fellows at Stanley Mosk. There are normally about ten undergraduates from June through August, versus roughly thirty-five undergraduates from September through June. Author's Personal Experience, *supra* note 24.

31. The paralegals generally lead the workshop with the Fellow. Rarely do the paralegals "lead" a workshop in terms of actually giving the presentation. However, the paralegal is generally much more experienced and can augment the Fellow's presentation by providing needed guidance to the undergraduate volunteers when the Fellow has her hands full. Author's Personal Experience, *supra* note 24.

trial,³² family law litigants are not afforded this right. The Supreme Court allows states not to provide representation to family law litigants.³³ However, the Supreme Court recently held that the Due Process Clause may require certain minimum protections for pro se litigants, particularly if the stakes of the case are high.³⁴

The majority of family court litigants in California are unrepresented.³⁵ Pro se litigants can be found in all types of family law cases, like child support, paternity, or divorce.³⁶ Petitioners are pro se at disposition in 80% of marriage dissolution cases, 96% of paternity cases, and 76% of legal separation or nullity cases.³⁷

Often, society leaves marginalized individuals in precarious situations, such as navigating legal issues without counsel. Pro se litigants are generally from a lower income bracket³⁸ and without substantial property.³⁹ Individuals are not often pro se by choice.⁴⁰ The Elkins Family Law Task Force, created to improve the efficiency and accessibility of the California Family Law Courts, bluntly states that “[t]he community relies on the courts to meet these needs, but courts often do not have enough re-

32. See *Gideon v. Wainwright*, 372 U.S. 335, 342 (1963).

33. See *Lassiter v. Dep’t of Soc. Serv.*, 452 U.S. 18, 31–32 (1981).

34. See *Turner v. Rogers*, 564 U.S. 431, 449 (2011) (holding that an unrepresented father, who was found in civil contempt for failing to pay child support, was denied due process because he should have been either appointed counsel or provided greater procedural protections to ensure he understood the critical issues in the case).

35. Liz Pejeau, *Ethically Speaking: Limited Scope Representation: Making Representation Affordable . . . and Ethical*, 48 ORANGE COUNTY LAW. 38, 40 (Oct. 2006); Chase, *supra* note 21, at 404–05.

36. See CHARLES P. KINDREGAN, JR. & PATRICIA A. KINDREGAN, MASSACHUSETTS PROBATE & FAMILY COURT BENCH/BAR, PRO SE LITIGANTS: THE CHALLENGE OF THE FUTURE 1 (1995), <http://www.mass.gov/courts/docs/courts-and-judges/courts/probate-and-family-court/prosefinalreport.pdf> [<https://perma.cc/QXN2-2FNH>].

37. Chase, *supra* note 21, at 405.

38. See Jona Goldschmidt, *Strategies for Dealing with Self-Represented Litigants*, 30 N.C. CENT. L. REV. 130, 132 (2008).

39. See Amy C. Henderson, Note, *Meaningful Access to the Courts?: Assessing Self-Represented Litigants’ Ability to Obtain a Fair, Inexpensive Divorce in Missouri’s Court System*, 72 UMKC L. REV. 571, 574 (2003).

40. See Robert Ambrogio, *Washington State Moves around UPL, Using Legal Technicians to Help Close the Justice Gap*, A.B.A.J. (Jan. 1, 2015, 5:50 AM), http://www.abajournal.com/magazine/article/washington_state_moves_around_upl_using_legal_technicians_to_help_close_the

[<https://perma.cc/P7D3-QT5W>] (“[M]ultiple state and federal studies [show] that 80 to 90 percent of low- and moderate-income Americans with legal problems are unable to obtain or afford legal representation.”); Goldschmidt, *supra* note 38, at 133.

sources to do so.”⁴¹ The California Supreme Court has “recognized that family courts were under-resourced and that the increasing numbers of self-represented litigants present unique challenges to the courts’ ability to provide meaningful access to justice.”⁴² A law review article notes that “[t]he low status of both clients and attorneys in family law exacerbates the undervaluation of this critical component of our legal system.”⁴³ Thus, litigants without attorneys must often learn to navigate courthouses to fill out complicated documents with major consequences, and with no one to turn to for legal help.

2. *Why Many Pro Se Litigants Seek Help*

Divorce actions are one area in which pro se litigants need immense help. To file a divorce petition in California, an individual must visit her state court.⁴⁴ The average California family law attorney charges over \$300 per hour and has a retainer close to \$5000.⁴⁵ Yet the average Californian family’s household income is slightly above \$61,000,⁴⁶ which is roughly \$5100 per month; moreover, 81% of employed litigants (25% seeking help are unemployed) who use self-help programs in California earn under \$3000 per month.⁴⁷ It is quite clear, then, why so many cite lack of financial resources as the reason they cannot hire an attorney,⁴⁸ and therefore have few places to turn for legal help.⁴⁹ While self-help centers may be a useful resource, these centers

41. ELKINS FAMILY LAW TASK FORCE, ELKINS FAMILY LAW TASK FORCE: FINAL REPORT AND RECOMMENDATIONS 3 (2010), <http://www.courts.ca.gov/documents/elkins-jcreport.pdf> [<https://perma.cc/R4CK-V7MC>].

42. *Id.* at 9.

43. Barbara Glesner Fines & Cathy Madsen, Symposium, *Caring Too Little, Caring Too Much: Competence and the Family Law Attorney*, 75 UMKC L. REV. 965, 974 (2007).

44. See *Boddie v. Connecticut*, 401 U.S. 371, 376–77 (1971) (“[R]esort to the state courts is the only avenue [private citizens have] to dissolution of their marriages. . . . Resort to the judicial process by these plaintiffs is no more voluntary in a realistic sense than that of the defendant called upon to defend his interests in court. For both groups, this process is . . . the only available one.”).

45. Elkins Family Law Task Force, *supra* note 16.

46. *Quick Facts California*, U.S. CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/06000.html> [<https://perma.cc/F6J6-9V2J>] (last visited Feb. 16, 2015).

47. JUDICIAL COUNCIL OF CAL., *supra* note 19, at 1.

48. Lynn Mather, *Changing Patterns of Legal Representation in Divorce: From Lawyers to Pro Se*, 30 J.L. & SOC’Y 137, 148 (2003).

49. As the Los Angeles JusticeCorps Program Coordinator explains: “The reality is we have enormous [demand] and few resources. While some obviously believe that representation for all would be ideal, I don’t see that becoming reality in a long time, if ever.” Kalish Interview, *supra* note 5.

“have not been able to meet the demand for legal services from low- and moderate-income people.”⁵⁰

Pro se litigants often seek out basic information.⁵¹ The Judicial Council has made much of this information publicly available by, for instance, posting different forms and explanation of processes online.⁵² Still, to get a divorce in California, an individual must complete countless forms; although a majority are readily accessible to self-represented litigants, such forms are still difficult to fully comprehend.⁵³ The Elkins Family Law Task Force acknowledges this problem: “It is confusing and difficult for an attorney, let alone a self-represented litigant, to be able to navigate the various rules that apply to family law.”⁵⁴ The California courts have tried to mitigate this problem with programs such as i-CAN! LEGAL, which provides documents in question and answer format,⁵⁵ and TurboCourt, which acts as a basic filing mechanism.⁵⁶ Moreover, many of the documents that litigants need to complete appear on private websites like LegalZoom.⁵⁷ In addition, the ABA offers information for pro se litigants that is state-specific and linked to necessary documents.⁵⁸

Pro se litigants are likely to feel overwhelmed filling out these forms themselves, and this can be exacerbated by the poor instructions associated with some legal websites.⁵⁹ As one law professor explains:

50. Laura Ernde, *Panel Gives Nod to Limited License Idea*, CAL. B.J. (July 2013), <http://www.calbarjournal.com/July2013/TopHeadlines/TH5.aspx> [<https://perma.cc/JQ8G-UYLT>].

51. For example, the average litigant does not understand that a divorce in California will take, at minimum, six months and one day from the initial filing.

52. *The California Courts Self-Help Center*, JUDICIAL BRANCH OF CAL., <http://www.courts.ca.gov/selfhelp.htm> [<https://perma.cc/66KL-VCN2>] (last visited Jan. 21, 2015).

53. *Forms*, JUDICIAL BRANCH OF CAL., <http://www.courts.ca.gov/1230.htm> [<https://perma.cc/M49V-DU8B>] (last visited Feb. 15, 2016).

54. JUDICIAL COUNCIL OF CAL., *supra* note 16, at 30.

55. *California Court Forms*, i-CAN! LEGAL, <http://www.legalican.com/california> [<https://perma.cc/S33J-T7X6>] (last visited Jan. 25, 2015).

56. TURBOCOURT, <https://www.turbocourt.com> [<https://perma.cc/Z4D8-A9FJ>] (last visited Jan. 25, 2015).

57. LEGALZOOM, <http://www.legalzoom.com> [<https://perma.cc/PLU6-LMSG>] (last visited Oct. 26, 2014).

58. *See Pro Se Resources by State*, A.B.A., http://www.americanbar.org/groups/delivery_legal_services/resources/pro_se_unbundling_resource_center/pro_se_resources_by_state.html [<https://perma.cc/EM7S-36ZE>] (last visited Mar. 7, 2015).

59. *See Henderson*, *supra* note 39, at 575–76.

People will gather legal information from the Internet, from friends, or leaflets at a courthouse and think, “I can play checkers, I’m ready,” But when they get to court they realize it’s a game of three-level chess, and they don’t have the first idea of what’s happening.⁶⁰

Even though efforts to provide legal information online are admirable, family law cases involving divorces, child custody, and the like rarely involve simple tasks like checking boxes on forms. There are often unforeseen intricacies, and litigants may want someone to double-check their efforts for mistakes. These forms can have enormous consequences:

Family law touches the most central aspects of people’s lives: where, when, and how often a parent will see his or her child; personal safety; how much child and spousal support one person will receive and the other will pay; and how family assets will be divided between the separating parties.⁶¹

Of course, pro se litigants seek help for many reasons, but they primarily do so because they do not have legal counsel to answer their questions. JusticeCorps provides legal information and emotional support. Having representation is unattainable for too many Californians, and JusticeCorps does its part to help close the gap.

III. AN IN-DEPTH ANALYSIS OF JUSTICECORPS⁶²

This Part will first examine how JusticeCorps not only positively assists litigants who frequent the Resource Center, but also how the program also helps to develop its employees while making Stanley Mosk a more efficient courthouse. This Part will then discuss the program’s inherent challenges that should be addressed for the program to reach its potential.

60. Nathan Koppel, *More Strapped Litigants Skip Lawyers in Court*, WALL ST. J. (July 22, 2010, 12:01 AM), <http://www.wsj.com/articles/SB10001424052748704229004575371341507943822> [<https://perma.cc/4ASQ-WDAJ>].

61. ELKINS FAMILY LAW TASK FORCE, *supra* note 41, at 3.

62. This Part is largely based on interviews. Every effort has been made to provide a fair representation of opinions on the program separate from any personal views held by the author.

A. JUSTICECORPS' WIDESPREAD BENEFITS

1. *Positive Impact on Litigants and the Community*

The JusticeCorps model has an indelible positive impact on litigants and the greater community; among other benefits, it lessens confusion, supports non-English speakers, and provides a human element.⁶³ One attorney has found that “pro se litigants are [often] flustered, unprepared, and confused in family law courtrooms, where life-changing decisions are made, often without the litigant’s understanding”⁶⁴ of what is happening. However, a JusticeCorps Fellow has noted that JusticeCorps has attempted to remedy these situations by “providing the community with a central location that gives free legal assistance. . . . [It] allows each person to take ownership over their own case and make a concrete change in their (sic) life.”⁶⁵ Another Fellow has explained that litigants “who went through an entire process with [JusticeCorps’] assistance were able to move forward in their life . . . [and] people felt empowered by the process because they made the decisions.”⁶⁶ The Program Coordinator expounds:

At its best JusticeCorps provides compassionate assistance to a population of people who have no idea how to navigate the court system on their own. [JusticeCorps] aim[s] to empower individuals by treating them with the respect they deserve, and by providing them with enough information so that they can make informed decisions regarding the orders they request from the court.⁶⁷

63. See Loya Interview, *supra* note 28 (“Helping those who cannot afford legal representation have equal access to justice. It is vital that every voice be heard.”); Kalish Interview, *supra* note 5 (“I hope we demystify a frightening process, I hope we give people hope, I hope we help people to request orders that will make their children’s lives more stable and theirs less dangerous, and I know that, in many instances we provide enough guidance that people are able to move on to the next stage of their lives.”).

64. Yashar Interview, *supra* note 7.

65. Interview with Leah Whitehead, 2012–13 Fellow, 2011–12 Undergraduate Volunteer, JusticeCorps (Nov. 13, 2014) [hereinafter Whitehead Interview].

66. Garcia Interview, *supra* note 29.

67. Kalish Interview, *supra* note 5.

JusticeCorps aims to assist all self-represented litigants who seek family law assistance.⁶⁸ But, non-English speakers may have more difficulty finding assistance.⁶⁹ In response to the pervasiveness of this problem throughout California's courts, the Elkins Family Law Task Force has recommended that courts be "responsive to the needs of people with special barriers to access including people with . . . limited English skills."⁷⁰ Additionally, JusticeCorps takes a proactive effort to effectively engage with Spanish speakers.⁷¹ During a typical week, JusticeCorps offers about thirty-five different workshops, of which around fourteen of these are in Spanish.⁷² One Spanish-speaking Fellow articulates:

Many of the litigants that I worked with were not from this country, and in their country they would never be able to get a divorce because of (1) the stigma and (2) the cost. Many people are forced to stay in unhealthy, and sometimes destructive, relationships because they fear the cost and confusion of the process. JusticeCorps changes all of that. It breaks the divorce/paternity process down in a manner that allows everyone to understand it, and empowers [litigants] to fight for what they want.⁷³

In addition, some immigrant communities question the fairness of the justice system. A former supervising attorney at the Long Beach, California JusticeCorps self-help center stressed

68. HOUGH, *supra* note 8, at 21 ("The service was very directional and friendly, went through step-by-step process very quickly and with patience even though she had people waiting.").

69. Garcia Interview, *supra* note 29 ("I felt confident giving the information we were trained to work with. I often had questions related to immigration status, immigration consequences, public benefits or work related matters that I could not answer.").

70. JUDICIAL COUNCIL OF CAL., *supra* note 16, at 58.

71. Kalish Interview, *supra* note 5 (JusticeCorps participants "speak up to 24 languages on any given year which enables us to assist people with limited English proficiency.").

72. Of the nine Fellows in the 2012-13 class, four spoke fluent Spanish, one spoke Korean, and one spoke Mandarin. There were workshops solely conducted in Spanish. There were no workshops solely conducted in Korean or Mandarin, but the individuals with these language capabilities often were assigned to certain individuals regardless of the workshop. Garcia Interview, *supra* note 29 (speaking specifically about Spanish litigants, Garcia stated: "I think it was useful to have someone who was willing to hear their story and care about real practical solutions to their problems. I also think they appreciated having someone not judge their life or choices.").

73. Interview with Nalleli Sandoval, 2012-13 Fellow, JusticeCorps (Nov. 8, 2014) [hereinafter Sandoval Interview].

that “[p]eople from immigrant communities always feel that institutions of power are biased. In one way or another, they fear the court will always favor the other party.”⁷⁴ By having the opportunity to define things like “best interest of the child,” the supervising attorney believed that litigants learn to appreciate court neutrality, and that word spreads through such communities and broadens people’s trust in the system, encouraging additional access to the courts.⁷⁵

JusticeCorps does more than just provide legal information. One Fellow “provide[d] information on shelters, food banks, and educational resources for the litigants and their families.”⁷⁶ Another Fellow described JusticeCorps as a place of empowerment.⁷⁷ Finally, another Fellow explained how “receiving direct assistance from someone for an extended period of time helps litigants feel humanized in a process that often forgets.”⁷⁸ This observation speaks to the point that, outside of having JusticeCorps members provide legal information to litigants, having them act as “sounding board[s],” as a paralegal puts it,⁷⁹ can have a positive impact.⁸⁰ One Fellow believes that “[a]ll the information we could have provided could have instead been placed in an informational packet. Having access to a human being that is sensitive to a litigant’s personal needs, however, is a far greater service.”⁸¹ A litigant who “wasn’t always clear about the next legal step to take” remarks that he “must have thanked (JusticeCorps members) about five times today [because] you don’t get this kind of service for free everywhere.”⁸²

74. Kalish Interview, *supra* note 5.

75. *See id.*

76. Interview with Emily Wang, 2012–13 Fellow, JusticeCorps (Nov. 8, 2014) [hereinafter Wang Interview].

77. Interview with Monica Ponce de Leon, 2012–13 Fellow, JusticeCorps (Nov. 11, 2014) [hereinafter Ponce de Leon Interview] (JusticeCorps brings “[e]mpowerment to the community and giving them hope in the legal system. Also, (hopefully) safer family situations and educating the community about family and housing law so they can be aware of their rights and that there is help available if they need it.”).

78. Interview with Anonymous, Fellow, JusticeCorps (Nov. 10, 2014) [hereinafter Anonymous JusticeCorps Interview].

79. Interview with Maria Flores, Paralegal, JusticeCorps (Nov. 14, 2014) [hereinafter Flores Interview].

80. Kim Interview, *supra* note 18 (“The personal interaction was in itself a crucial element of the service.”).

81. *Id.*

82. Alessandra Daskalakis, *JusticeCorps Volunteers Offer Aid for “Self-Help” Litigants*, DAILY BRUIN (Feb. 9, 2012, 12:29 AM), <http://dailybruin.com/2012/02/09/>

JusticeCorps, despite focusing on disseminating legal information, also helps individuals feel empowered and acknowledged. The benefits of JusticeCorps, however, extend far beyond those offered to pro se litigants.

2. *Personal and Professional Development on the Part of JusticeCorps Members*

JusticeCorps has a major impact on the personal and career development of many of the Fellows and undergraduates. For one member who has leveraged her JusticeCorps experience to help domestic violence victims, the Fellowship “cemented the fact that I [was going] to work in the public interest field.”⁸³ Another Fellow, who went on to do public interest work in South America, explains that “JusticeCorps ignited my continued passion for public service.”⁸⁴ Another individual, primarily interested in improving the United States’ immigration system, states that JusticeCorps demonstrates “how much immigration issues underlie a lot of other issues [that] any family or person is facing.”⁸⁵

The program also has had an impact on individual staffers’ skills and habits in their personal and professional lives.⁸⁶ Former Fellows have improved “at talking to strangers and being able to handle many high-stress situations,”⁸⁷ as they can better “understand client concerns and the disconnect between the perfect ideal client and imperfect beings.”⁸⁸ An undergraduate volunteer states: “I’ve learned how to pay attention to detail, how to work in tough situations, and how to multitask.”⁸⁹ But perhaps the most salient impact of JusticeCorps is summarized by

justicecorps_volunteers_offer_aid_for_039selfhelp039_litigants [https://perma.cc/9K3Y-Z95H].

83. Sandoval Interview, *supra* note 73.

84. Wang Interview, *supra* note 76.

85. Garcia Interview, *supra* note 29.

86. Kalish Interview, *supra* note 5 (Fellows develop better “professional[] networking and educational [skills].”).

87. Interview with Lovlean Purewal, 2013–14 Fellow, 2012–13 Undergraduate Volunteer, JusticeCorps (Nov. 11, 2014) [hereinafter Purewal Interview].

88. Garcia Interview, *supra* note 29.

89. Interview with Kasey Ong, 2012–13 Undergraduate Volunteer, JusticeCorps (Nov. 11, 2014) [hereinafter Ong Interview].

one Fellow: “JusticeCorps made me realize [that] one person, if it’s the right person, can have the chance to help a lot of people.”⁹⁰

JusticeCorps also promotes diversity by bringing together groups of individuals from different backgrounds.⁹¹ One Fellow, an upper-middle class Caucasian female, stated, “[I]t wasn’t until I joined JusticeCorps that I realized just how privileged I actually was. JusticeCorps transformed the way I look at the world and made me appreciate everything that I took for granted during my childhood.”⁹² An attorney also corroborated the eye-opening nature of the experience: “If I had not had this job, I don’t know that I would have ever been exposed to the level of poverty, violence, or hardship that I came face-to-face with every day at the Self-Help Center. . . . I feel a level of empathy and understanding toward others, and gratitude in my own life, that I think I never would have experienced otherwise.”⁹³

3. *Increased Efficiency in the Courthouse*

JusticeCorps helps the courthouse run more smoothly: “The value of the program is not only the expanded services provided to litigants, but also the overall change in the culture of the court that is achieved when there is a new, unified, enthusiastic, and engaged helping presence.”⁹⁴ One permanent attorney, who has been with JusticeCorps for roughly six years, explains: “JusticeCorps makes the court accessible and friendly. Young bright-

90. Interview with Daisy Cuevas, 2013–14 Fellow, JusticeCorps (Nov. 11, 2014) [hereinafter Cuevas Interview] (“The information we gave them was beyond anything the most important part of our work.”).

91. The 2012–13 Fellow class was comprised of nine individuals coming from different socioeconomic backgrounds. There were seven women and two men. There was one African-American, two Caucasians, one Korean-American, three Mexican-Americans, one Salvadorian-American, and one Taiwanese-Latino-American. Fellows had attended a variety of undergraduate institutions in California. (UCLA was most represented, with four of the nine Fellows having attended there.)

92. Whitehead Interview, *supra* note 65. This Note’s author, too, grew up in a middle-upper class Caucasian background with a stable family household, and never experienced many of the countless concerns the litigants and their children do on a daily basis, be it for food, shelter, or clothing. JusticeCorps, more so than any volunteer opportunity, friendship, etc. provided a phenomenal opportunity to interact with individuals from different socio-economic backgrounds and to work with, and develop lasting friendships with, individuals from different racial, political, and ethnic backgrounds from the author. Author’s Personal Experience, *supra* note 24.

93. Yashar Interview, *supra* note 7.

94. Frank Broccolina & Richard Zorza, *Ensuring Access to Justice in Tough Times*, 92 JUDICATURE 124, 127 (2008).

eyed people in blue shirts greeting you is a very warm welcome. Court employees can suffer from burn out from time to time, but a fresh group of young eager colleagues infuses new life into the Resource Center each year.”⁹⁵ As a report from a non-JusticeCorps member states: “The value of the program is not only the expanded services provided to litigants, but also the overall change in the culture of the court that is achieved when there is a new, unified, enthusiastic, and engaged helping presence.”⁹⁶

JusticeCorps has provided more than just a cultural shift in the courtroom; its presence has also resulted in economic benefits.⁹⁷ The California Statewide Action Plan for Serving Self-Represented Litigants notes that helping self-represented litigants works to:

save time in courtrooms; reduce inaccurate paperwork; increase ability to identify conflicting orders; improve quality of information provided by litigants; diminish inappropriate filings; minimize unproductive court appearances; lower continuance rate; expedite case management and dispositions; promote settlement of issues; [and] increase the court’s overall ability to handle its entire caseload.⁹⁸

Finally, the program also assists judges with their responsibilities. One former JusticeCorps attorney relays that “[t]he fact that judicial officers have a place to refer these litigants for help is tremendous, and essential to giving them a fair chance in their cases.”⁹⁹ A court clerk discussing a variation of JusticeCorps in Illinois finds that a benefit of the program is that:

95. Interview with Erin Dabbs, Attorney, JusticeCorps (Jan. 7, 2014) [hereinafter Dabbs Interview]; *see also* Flores Interview, *supra* note 79 (paralegal “enjoys seeing the enthusiasm of the young people [that she] works with.”); Loya Interview, *supra* note 28 (paralegal “thoroughly enjoy[s] working with these enthusiastic young people who have a true enjoyment of assisting the public at large.”).

96. Broccolina & Zorza, *supra* note 94.

97. Kim Interview, *supra* note 18 (JusticeCorps “saves the court costs by helping cases move forward.”).

98. JUDICIAL COUNCIL OF CAL., STATEWIDE ACTION PLAN FOR SERVING SELF-REPRESENTED LITIGANTS 2, <http://www.courts.ca.gov/documents/selfreplitsrept.pdf> [<https://perma.cc/CPS9-J898>].

99. Yashar Interview, *supra* note 7.

[C]ases can be adjudicated on their merits, as opposed to having to be rejected or re-filed based on procedural deficiencies. . . . The direct benefit to us is that it ultimately creates a more seamless and expedient process when people come to the counter with paper work that is completed.¹⁰⁰

The Los Angeles JusticeCorps Program Coordinator elaborates:

While providing high quality service to the public is the number-one priority of [JusticeCorps], we also help make the judicial system function more smoothly. In Los Angeles, JusticeCorps provided over 50,000 documented instances of assistance in program year 2013–2014. What does that mean for the court? In a number of these cases . . . it means that litigants' paperwork was not rejected, that they reached the conclusion of their cases and that the court was able to issue judgments. Correct paperwork means smaller piles of materials to go through, it means more efficient use of the bench officers' time, it means more people accommodated in an over-burdened system.¹⁰¹

By turning in correct legal documents, adhering to court procedures, and managing cases, JusticeCorps provides an efficient service both for litigants and for Stanley Mosk.¹⁰² The ABA Standing Committee on the Delivery of Legal Services explains that “added input from lawyers not only assists the litigants, but the courts, as well. The better the litigant is prepared, the more efficiently the court operates. While judges would no doubt prefer fully represented litigants, the choice in most venues is a self-represented litigant who is well prepared or one who is not.”¹⁰³

100. Lee Filas, *JusticeCorps Can Make the Courthouse Less Intimidating*, DAILY HERALD (Dec. 15, 2014, 5:30 AM), <http://www.dailyherald.com/article/20141215/news/141219086> [<http://perma.cc/QP7U-LQNB>].

101. Kalish Interview, *supra* note 5.

102. “JusticeCorps allows us to triple or possibly quadruple the number of litigants the Resource Center helps on a daily basis. Just based on volume alone, it is a tremendous help to the court and the community.” Dabbs Interview, *supra* note 95.

103. A.B.A. Standing Comm. on the Delivery of Legal Servs., *An Analysis of Rules That Enable Lawyers to Serve Pro Se Litigants: A White Paper*, 45 FAM. L.Q. 64, 65 (2011).

B. CHALLENGES FACED BY JUSTICECORPS¹⁰⁴

JusticeCorps, though an excellent model for community legal aid, is far from perfect. It is only a successful program if it can provide correct information to numerous individuals every day.¹⁰⁵ JusticeCorps Fellows and undergraduates must work quickly to learn a lot of legal information and, equally as important, when legal information may cross the boundary between information and advice.

The two general means to ensure that JusticeCorps presents correct information to litigants are (i) a training approach of learning-by-doing that is constantly evolving¹⁰⁶ and (ii) instruction for JusticeCorps members to go up the hierarchy for clarification in any areas of doubt. For example, an undergraduate volunteer could ask a Fellow if there is any ambiguity, or a Fellow could go to another Fellow or an attorney to double-check.¹⁰⁷ As one JusticeCorps member put it:

One of the biggest things I learned very quickly was how important it was to seek the guidance of a Fellow (when I was an undergrad[uate]) or when to talk to the supervising

104. The complaints in this Section are largely based on the JusticeCorps experience at Stanley Mosk.

105. JusticeCorps members cannot provide legal advice nor the depth of information of a private attorney; however, because of these limitations, it is clear within what ambit the members are allowed to work. See Dabbs Interview, *supra* note 95 (“[T]here is a real difference in the information you can get from an attorney and that which you get from a JusticeCorps volunteer or even a paralegal.”); Garcia Interview, *supra* note 29 (“When there was a simple answer that allowed us to provide solely information I felt confident in providing the response. When the answer was complicated and required legal advice, we had to refer people out, or state that we could not give them legal advice.”); Flores Interview, *supra* note 79 (“[W]henever someone asked a complex question (ex: usually money related) I tell the litigant that it is in their best interest to seek legal advice since we cannot strategize for them.”); Loya Interview, *supra* note 28 (“There have been situations where litigants need legal information that surpasses what our center is equipped to do. This is when the individual needs legal advice and we are not permitted to do so.”).

106. See Sandoval Interview, *supra* note 73 (“The confidence came with interacting with the materials on a daily basis.”).

107. See Anonymous JusticeCorps Interview, *supra* note 78 (“[I was] not always [confident]. However, I felt comfortable reaching out to staff for assistance and in order to ensure I provided litigants with correct information.”); Ponce de Leon Interview, *supra* note 77 (“Sometimes litigants had case by case questions that I did not fully know the answer to and I checked in with my supervisor to see if I was giving the correct information.”); Yashar Interview, *supra* note 7 (“Family law intersects with many other areas of law, including bankruptcy, business, etc., so I did feel I was entering unfamiliar territory when these issues came up, which made it all the more important for me to seek the guidance of a supervisor.”).

attorney who could offer assistance that was beyond my scope. As a Fellow, I never hesitated to go to other Fellows, paralegals or [court staff] for their opinion or advice because they had knowledge that could benefit the litigant and expand my own knowledge.¹⁰⁸

The reminder to constantly supervise must reach not only the attorneys and paralegals, but also the Fellows — who are often working the closest to the undergraduates, and thus have the best opportunity to notice when something has gone awry:

There is still a lot of misunderstanding or missing of issues, etc. by JusticeCorps members, because an attorney cannot speak with every litigant, and they suffer from the problem of not knowing what they don't know. So, sometimes they don't even know when to ask for backup. This is something we struggle against constantly. But good supervision can go a long way towards ameliorating this.¹⁰⁹

Most Fellows were confident that they were providing the correct information in the right format.¹¹⁰ However, many members did not feel as confident.¹¹¹ One example of Fellows' insecurity is determining whether the information provided to litigants is legal information or legal advice¹¹²:

108. Purewal Interview, *supra* note 87.

109. Dabbs Interview, *supra* note 95.

110. See Wang Interview, *supra* note 76 (“I was always confident when giving correct information to litigants. When there were situations where I felt out of depth I would seek the suggestions of the staff attorneys. If a litigant still seemed unclear about information I was giving them, then a staff attorney would be present to clarify any confusion.”); Sandoval Interview, *supra* note 73 (“I never felt as though I was placed in a situation that was out of my depth.”); Ponce de Leon Interview, *supra* note 77 (“I was confident most of the time because we got extensive training and I was involved with JusticeCorps two years prior to becoming a Fellow.”).

111. *E.g.*, Ong Interview, *supra* note 89 (undergraduate was “[n]ot always confident . . . [and] always felt confused about which forms were relevant or necessary to the specific case.”). See also Garcia Interview, *supra* note 29; Whitehead Interview, *supra* note 65; Kim Interview, *supra* note 18.

112. Fellows had different recommendations as to how to make this distinction. *E.g.*, Kim Interview, *supra* note 18 (“I would ask myself the following questions: ‘1. Could I repeat whatever I am saying to the other party? 2. Am I telling them what they ought to do or just giving them options, leaving them to ultimately decide. 3. Am I providing legal interpretation/analysis or just plainly stating the law as is?’ The most difficult one to grapple with was the last question, especially during financial disclosures.”).

When there was a simple answer that allowed us to provide solely information, I felt confident in providing the response. When the answer was complicated and required legal advice, we had to refer people out, or state that we could not give them legal advice When we were operating in a sphere where legal advice was not necessarily required, such that we could continue working with the case, but it would be useful to have the advice, I was more concerned.¹¹³

Realistically, Fellows do not have a bright-line rule to follow in murky situations.¹¹⁴ The closest construction to a bright line rule is to “never tell [the litigant] what to do.”¹¹⁵ One Fellow describes:

I found the distinction between information and advice to be blurred, because as a volunteer I usually knew what the litigant would do based on what I told them. But although information in that context means telling people what they can do to reach goals, as a volunteer you would never tell the litigant what they should do. You present the options as objectively as possible, despite there usually being one route that very clearly serves their interests best.¹¹⁶

When there is a possibility a litigant could construe something as legal advice, the JusticeCorps member should either ask someone on staff for his opinion, or refer the litigant out. Also, it behooves JusticeCorps to “always start a workshop with the disclaimer that [the self-represented litigants] are their own attorneys and [JusticeCorps] just gives information.”¹¹⁷

Fellows provided some solutions: “I tried to differentiate between advice and information [by providing] more than one option. I’d say ‘Based on your situation, you have these options. Option A could give you x result and option B could give you x result, and here are the differences between the two.’”¹¹⁸ Or, one

113. Garcia Interview, *supra* note 29.

114. Interview with Matthew Scarano, Undergraduate Volunteer 2012–13, JusticeCorps (Mar. 11, 2015) [hereinafter Scarano Interview].

115. *Id.*

116. *Id.*

117. Whitehead Interview, *supra* note 65.

118. *Id.*

should always ask oneself before deciding, “[Can] I repeat whatever I am saying to the other party?”¹¹⁹

JusticeCorps members do not always have a universally “correct” method to fill out the information on different types of legal documents. For example, an individual cannot legally get a divorce less than six months and one day from when dissolution was first filed in California. However, when an individual with obvious assets states that he or she is asset-less, it is legally ambiguous what JusticeCorps must do to extract information from that individual to include on their financial forms.¹²⁰ Fellows and staff should discuss these legal ambiguities frequently, especially if they arise often. As opposed to solving the uncertainties for a specific case, JusticeCorps employees may find it beneficial to make a master list of ambiguities as they arise, and then have a Fellow be responsible for recording the attorney’s advice on how to proceed, in order to retain institutional knowledge.

The sooner a JusticeCorps member realizes what she does not know, the sooner she can take appropriate actions.¹²¹ A Fellow remembers that “when you’re first learning the ropes as a JusticeCorps member it’s difficult to fully grasp where you have holes in the legal information you provide to the public.”¹²² This incomplete knowledge is natural and there is no easy solution for it; it is the reason that attorneys intensely supervise the initial presentations given by Fellows. JusticeCorps consistently tells all members to emphasize to anyone seeking help that they are their own attorney representing themselves.¹²³

Therefore, for JusticeCorps to continue operating with this model, its members, including attorneys, must recognize that “knowing what you don’t know is so important.” This is important because JusticeCorps must follow professional responsi-

119. Kim Interview, *supra* note 18.

120. *Id.*

121. *Cf.* Garcia Interview, *supra* note 29 (“When there was a simple answer that allowed us to provide solely information I felt confident in providing the response. When the answer was complicated and required legal advice, we had to refer people out, or state that we could not give them legal advice. That was when I was more hesitant. When we were operating in a sphere where legal advice was not necessarily required, such that we could continue working with the case, but it would be useful to have the advice, I was more concerned.”).

122. Purewal Interview, *supra* note 87.

123. *See* Whitehead Interview, *supra* note 65 (“I would always start a workshop with the disclaimer that [the self-represented litigants] are their own attorneys and [JusticeCorps] just gives information.”).

bility rules to continue to be effective, follow the law, and pursue its mission.¹²⁴

IV. PROFESSIONAL-RESPONSIBILITY ISSUES AND OTHER SIMILAR PROGRAMS

The ABA Model Rules of Professional Responsibility, although not adopted in California, provide guidelines for how most states structure their rules of professional conduct.¹²⁵ California has its own Rules of Professional Conduct.¹²⁶ Similarly to how the Model Penal Code functions,¹²⁷ the ABA Rules of Professional Conduct¹²⁸ set the standard for professional responsibility for attorneys in the United States; however, they are not binding by their own terms, and each state must adopt its own rules.

This Part will consider (i) the scope of representation between a JusticeCorps member and a litigant; (ii) the competence of the JusticeCorps members; (iii) the communication aspect of JusticeCorps; and (iv) how the “practice of law” is pertinent to this conversation. Finally, this Part will discuss other innovative programs, such as Washington State’s Limited License Legal Technicians, to analyze current developments and to encourage the further expansion of programs similar to the JusticeCorps model.

124. See Flores Interview, *supra* note 79 (“I have over 15 years in Family Law, [and] whenever someone asked a complex question (e.g., usually money related) I tell the litigant that it is in their best interest to seek legal advice since we cannot strategize for them.”); Loya Interview, *supra* note 28 (“There have been situations where litigants need legal information the surpasses what our center is equipped to do. This is when the individual needs legal advice and we are not permitted to do so.”).

125. *ABA Model Rules of Professional Conduct*, A.B.A., http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct.html [<https://perma.cc/8TTT-GFZB>] (last visited Feb. 16, 2015) (“To date, California is the only state that does not have professional conduct rules that follow the format of the ABA Model Rules of Professional Conduct.”).

126. *Rules of Professional Conduct*, STATE BAR OF CAL., <http://rules.calbar.ca.gov/Rules/RulesofProfessionalConduct.aspx> [<https://perma.cc/FMY3-SRZG>] (last visited Feb. 16, 2015).

127. MODEL PENAL CODE (AM. LAW INST. 1981), available at <http://www.lectlaw.com/mjl/cl014.htm> [<https://perma.cc/Q3MD-MFXT>].

128. MODEL RULES OF PROF'L CONDUCT Preamble and Scope (AM. BAR ASS'N 1983), available at http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_preamble_scope.html [<https://perma.cc/RGY5-XUPF>] (“The Rules simply provide a framework for the ethical practice of law.”).

A. QUESTIONS ABOUT PROFESSIONAL RESPONSIBILITY SHOULD
NOT HINDER STATES FROM ADOPTING PROGRAMS LIKE
JUSTICECORPS

1. *Scope of Representation and the Attorney-Client Privilege*

ABA Rule 1.2 defines the attorney-client relationship and its scope of representation.¹²⁹ The scope of this representation can vary. Commentators and the rules recognize three different types of relationships between attorneys and clients: (i) full representation;¹³⁰ (ii) limited scope representation (i.e., unbundled legal services);¹³¹ and (iii) less than actual representation.¹³²

JusticeCorps makes it very clear that it is not a full representation service — in fact, it is not representation at all. JusticeCorps makes this clear in numerous ways: members frequently remind litigants that “JusticeCorps provides only legal information, not advice”; disclaimers indicate that litigants are their

129. MODEL RULES OF PROF'L CONDUCT r. 1.2 (AM. BAR ASS'N 1983).

130. John C. Rothermich, *Ethical and Procedural Implications of “Ghostwriting” for Pro Se Litigants: Toward Increased Access to Civil Justice*, 67 FORDHAM L. REV. 2687, 2691–92 (1999).

131. *Id.* Unbundled legal aid service providers try to make pro se representation more feasible for low-income litigants. Forrest Mosten, *Unbundling of Legal Services and the Family Lawyer*, 28 FAM. L.Q. 421 (1994). There are two major forms of unbundled legal aid that provide help to pro se individuals: legal aid attorneys and self-help centers such as JusticeCorps. The former are attorneys who provide information and advice; self-help centers provide just information. Legal aid attorneys must be aware of typical problems associated with the attorney-client relationship; self-help centers must be more concerned about not engaging in the unauthorized practice of law. Jessica K. Steinberg, *In Pursuit of Justice? Case Outcomes and the Delivery of Unbundled Legal Services*, 18 GEO. J. ON POVERTY L. & POLY 453, 453–54 (2011). Limited scope representation is “a relationship between an attorney and a person seeking legal services in which the scope of legal services is limited to specific tasks that the client asks the attorney to perform. This allows litigants who cannot afford or choose not to have full representation to obtain the help of an attorney.” See Hough, *supra* note 8. The ABA Rules permit limited scope representation, provided that the client gives informed consent and the representation is reasonable. MODEL RULES OF PROF'L CONDUCT r. 1.2(c) (AM. BAR ASS'N 1983); STANDING COMM. ON THE DELIVERY OF LEGAL SERVS., AM. BAR ASS'N, AN ANALYSIS OF RULES THAT ENABLE LAWYERS TO SERVE PRO SE LITIGANTS: A WHITE PAPER 7–8 (2009), http://apps.americanbar.org/legalservices/delivery/downloads/prose_white_paper.pdf (outlining the changes to the ABA Model Rule 1.2 adopted in 2002 as a result of the Ethics 2000 Commission).

132. MODEL RULES OF PROF'L CONDUCT r. 1.2 cmt. 6 (AM. BAR ASS'N 1983) (stating a client may choose to limit the scope of representation in order to exclude actions the client may think are too costly).

own attorneys;¹³³ and individuals sign forms before being helped, which make them aware of the program's design.¹³⁴

The ABA's Handbook on Limited Scope Legal Assistance explains that "a lawyer should inform those with whom the lawyer deals whether the services the lawyer is providing comprise legal information (and therefore in the lawyer's view do not create an attorney-client relationship), or legal advice (which does create the relationship)."¹³⁵

JusticeCorps does not represent any pro se litigants (which is, of course, axiomatic); rather, the program acts as an informational conduit. Unlike limited scope representation, JusticeCorps' members and litigants have no attorney-client privilege, and the former are not an agent for the latter. Because JusticeCorps does not hold itself out to be actual representation and does not act as such, it does not qualify as providing unbundled legal services — therefore, it should not be held to the strict ABA Rules associated with regular legal representation, let alone lesser standards. However, as made clear by the ABA guidance, JusticeCorps should still be very careful with the precarious difference between information and advice to avoid "ethical and legal requirements that flow from an attorney-client relationship."¹³⁶

The ABA Standing Committee on the Delivery of Legal Services distributed a white paper in August 2014, titled "An Analysis of Rules That Enable Lawyers to Serve Self-Represented Litigants," explaining that some programs provide "merely legal information and not legal advice, reasoning that general legal information does not give rise to the creation of an attorney-client relationship and therefore the rules of professional conduct do not apply."¹³⁷ The white paper acknowledges two downsides to JusticeCorps' model: (i) it "unnecessarily limits the assistance it provides" by denying capable attorneys and trained advocates from offering their full services; and (ii) litigants do not have typical protections (e.g., they are not protected from conflicts of interest,

133. See Whitehead Interview, *supra* note 65 ("I would always start a workshop with the disclaimer that [the self-represented litigants] are their own attorneys and [JusticeCorps] just gives information.").

134. Author's Personal Experience, *supra* note 24.

135. *Handbook on Limited Scope Legal Assistance: A Report of the Modest Means Task Force*, 2003 A.B.A. Sec. Lit. Rep. 20 n.38, available at <https://apps.americanbar.org/litigation/taskforces/modest/report.pdf> [<https://perma.cc/5YUJ-CVGH>].

136. *Id.* at 20 n.39.

137. STANDING COMM. ON THE DELIVERY OF LEGAL SERVS., A.B.A., AN ANALYSIS OF RULES THAT ENABLE LAWYERS TO SERVE SELF-REPRESENTED LITIGANTS 27 (2014).

communication between attorneys and litigants is not confidential, and attorneys are not required to meet certain standards of competency).¹³⁸ However, if JusticeCorps had to meet the attorney-client standard, then the pool of attorneys and volunteers would be greatly diminished and the program could not provide as many services as it does today.

One recommendation to make sure JusticeCorps does not cross the line between advice and information is to warn litigants that what they say is not privileged.¹³⁹ Although JusticeCorps often reminds litigants in presentations that it is the duty of the self-help center to assist anyone without an attorney — even if that person were an opposing party — and that JusticeCorps is not their lawyer,¹⁴⁰ JusticeCorps should clarify what attorney-client privilege is and how it is inapplicable in this situation. JusticeCorps does not represent parties; rather it helps parties understand correct information and fill out legal documents in an acceptable manner.

2. Competence

Because JusticeCorps does not provide representation, it is not required to abide by Professional Conduct rules of competence.¹⁴¹ However, JusticeCorps still has an incentive to provide the best services possible and live up to ABA guidance.

ABA Rule 1.1 requires attorneys to have a certain competency.¹⁴² Whether a lawyer is competent is based on many factors,¹⁴³ a few of which are “the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”¹⁴⁴ Rule 5.3 requires that supervising lawyers ensure that non-lawyer subordinates meet relevant professional standards.¹⁴⁵ This includes ensuring that non-lawyers act competently.

138. *Id.* at 28.

139. *Help from Your Court*, JUDICIAL BRANCH OF CAL. <http://www.courts.ca.gov/1083.htm> [https://perma.cc/Q4CY-UW5X] (last visited Feb. 16, 2016).

140. *Id.*

141. STANDING COMM. ON THE DELIVERY OF LEGAL SERVICES, *supra* note 137, at 28.

142. MODEL RULES OF PROF'L CONDUCT r. 1.1 (AM. BAR ASS'N 1983).

143. ABA COMM. ON ETHICS AND PROF'L RESPONSIBILITY, FORMAL OP. 06-441 (2006), available at <http://www.dpa.ky.gov/NR/rdonlyres/0A05F4ED-79D7-40C8-BC9A-1AD7D8E33421/0/ABAFORMALOpinion.pdf> [https://perma.cc/8RPT-FWPY].

144. MODEL RULES OF PROF'L CONDUCT r. 1.1 (AM. BAR ASS'N 2013).

145. *Id.* at r. 5.3.

For a JusticeCorps member, competence requires a certain professional sympathy¹⁴⁶ along with the ability to distill correct information. “Competence must reach beyond what are commonly considered to be the hallmarks of quality: knowledge and skill in legal doctrine and processes. Rather, attorneys must be especially knowledgeable and skilled in dealing with human emotions.”¹⁴⁷ Both attorneys and litigants receive an emotional benefit by ensuring that litigants understand their cases in the right frame of mind.¹⁴⁸

JusticeCorps is a successful program because non-lawyers in California are allowed to present specific types of legal information in certain contexts to self-represented litigants.¹⁴⁹ JusticeCorps does not presume that its members have the ability or knowledge to dole out legal advice¹⁵⁰ — nor would California’s ethical rules permit it.¹⁵¹ However, members can be trusted to remember standard family law information and to explain such information to individuals seeking help. Although much of family law is far from basic, as much of it intertwines with many other fields of law,¹⁵² there are some common aspects of family law that

146. See Kim Interview, *supra* note 18 (“The personal interaction was in itself a crucial element of the service.”); Whitehead Interview, *supra* note 65 (“I think it was incredibly important for the litigants to have someone to talk to during their difficult time.”).

147. Fines and Madsen, *supra* note 43, at 965–998 (“For family law practitioners, for whom so much of the landscape differs from other areas of practice, competence includes a set of highly demanding skills in dealing with people in crisis.”).

148. See Wang Interview, *supra* note 76 (The Fellow “provide[d] information on shelters, food banks, and educational resources for the litigants and their families.”).

149. The California State Bar proscribes a person from “practic[ing] law in California unless the person is an active member of the State Bar.” CALIFORNIA BUS. AND PROF. CODE § 6125 (West 2016). However, the State Bar does not define specific activities that are included in the term “practice law.”

150. See Garcia Interview, *supra* note 29 (“When the answer . . . required legal advice, we had to refer people out, or state that we could not give them legal advice.”); Whitehead Interview, *supra* note 65 (“I would always start a workshop with the disclaimer that [the self-represented litigants] are their own attorneys and [JusticeCorps] just gives information.”).

151. Ellen Peck, *Avoiding Unauthorized Practice: California Joan Reviews the Perils Faced by Non-Admitted Associates and Out-of-State Lawyers Working Here*, CA. BAR J. (June 2008), available at http://apps.calbar.ca.gov/mcleselfstudy/mcle_home.aspx?testID=29 [<https://perma.cc/T8FB-83V6>].

152. See Fines and Madsen, *supra* note 43, at 966 (“Rules of practice and procedure often differ markedly from other areas of law. Doctrines gain their own peculiar patina when raised in the family law setting: the law of contracts, property, and torts all have unique operations when families are involved.”); Yashar Interview, *supra* note 7 (“Family law intersects with many other areas of law, including bankruptcy, business, etc., so I did feel I was entering unfamiliar territory when these issues came up, which made it all the more important for me to seek the guidance of a supervisor.”).

can be explained through adequate training.¹⁵³ As documented, JusticeCorps has helped file over 500,000 legal documents in a little over a decade.¹⁵⁴ JusticeCorps has the ability to impart useful information to litigants in order to move cases along. JusticeCorps deals with concerns that its members lack the competence to handle complex cases by constantly supervising its members¹⁵⁵ and by referring individuals to other locations if it cannot provide help.¹⁵⁶ Therefore, the JusticeCorps model shows that non-attorneys can demonstrate both informational and emotional competence.¹⁵⁷

3. *Communication with Unrepresented Parties, and Helping to Draft Documents*

JusticeCorps stringently follows rules prohibiting certain types of communication with unrepresented parties (such as advice,¹⁵⁸ or communication displaying any form of favoritism¹⁵⁹). In 2009, the ABA Standing Committee on the Delivery of Legal Service stated that lawyers can help with “document preparation

153. See, e.g., *Limited License Legal Technicians*, WASH. STATE BAR ASS'N, <http://www.wsba.org/licensing-and-lawyer-conduct/limited-licenses/legal-technicians> [<https://perma.cc/WP2E-8FL8>] (last visited Feb. 23, 2015). See also *infra* Part IV.B.

154. Yarbrough, *supra* note 14.

155. See Richard Zorza & David Udell, *New Roles for Non-Lawyers to Increase Access to Justice*, 41 *FORDHAM URB. L.J.* 1259, 1271 (2014) (“[Q]uality is less likely to be threatened if lawyers supervise non-lawyers (even through attenuated forms of supervision). . .”).

156. See Garcia Interview, *supra* note 29 (“When the answer was complicated or required legal advice, we had to refer people out, or state that we could not give them legal advice.”); Purewal Interview, *supra* note 87 (“There were definitely situations where I felt that the litigant had complex issues beyond the scope of what I could offer, and probably beyond the scope of our Resource Center, but that’s what the blue referral sheet was for! When in doubt, it was always a safe card to play.”).

157. See Dabbs Interview, *supra* note 95 (“Court employees can suffer from burn out from time to time, but a fresh group of young eager colleagues infuses new life into the Resource Center each year.”); Flores Interview, *supra* note 79 (paralegal “enjoys seeing the enthusiasm of the young people [that she] works with”); Loya Interview, *supra* note 28 (paralegal “thoroughly enjoy[s] working with these enthusiastic young people who have a true enjoyment of assisting the public at large”).

158. See Garcia Interview, *supra* note 29 (“When the answer was complicated and required legal advice, we had to refer people out, or state that we could not give them legal advice.”); Flores Interview, *supra* note 79 (“[W]henver someone asked a complex question (ex: usually money related) I tell the litigant that it is in their best interest to seek legal advice since we cannot strategize for them.”); Loya Interview, *supra* note 28 (“There have been situations where litigants need legal information the surpasses what our center is equipped to do. This is when the individual needs legal advice and we are not permitted to do so.”).

159. CAL. R. CT. 10.960(d).

on behalf of otherwise self-represented litigants”¹⁶⁰ according to Model Rule 1.2(c).¹⁶¹ JusticeCorps employees’ roles fall within this rule: they provide litigants with necessary documents, answers to standard family law informational questions, and assistance filling out forms.

Moreover, in regard to document drafting, California Family Law Rule 5.70(a) excuses attorneys from disclosing that they have helped family law litigants draft legal documents.¹⁶² The ABA agrees with this policy: “A lawyer may provide legal assistance to litigants appearing before tribunals ‘pro se’ and help them prepare written submissions without disclosing or ensuring the disclosure of the nature or extent of such assistance.”¹⁶³ These rules permit the type of work JusticeCorps members perform.

However, it is not as clear that non-attorneys are allowed to help self-represented litigants draft documents under ABA and California Family Law rules. Yet non-attorneys can help prepare documentation in programs like Washington State’s Limited License Legal Technicians¹⁶⁴ and New York’s Navigators;¹⁶⁵ JusticeCorps should be afforded this same treatment.¹⁶⁶

4. *Unauthorized Practice of Law*

JusticeCorps must make sure it does not run afoul of restrictions on the unauthorized practice of law. There is no uniform definition for what constitutes the practice of law.¹⁶⁷ The

160. STANDING COMM. ON THE DELIVERY OF LEGAL SERVICES, *supra* note 131, at 14.

161. MODEL RULES OF PROF’L CONDUCT r. 1.2(c) (AM. BAR ASS’N 1983).

162. See CAL. R. CT. 5.425(f)(1) (“In a family law proceeding, an attorney who contracts with a client to draft or assist in drafting legal documents, but not to make an appearance in the case, is not required to disclose within the text of the document that he or she was involved in preparing the documents.”).

163. ABA COMM. ON ETHICS & PROF’L RESPONSIBILITY, FORMAL OP. 07-446 (2007), available at http://www.americanbar.org/content/dam/aba/migrated/legalservices/delivery/downloads/aba_07_446_2007.authcheckdam.pdf [<https://perma.cc/7AXF-PQ2J>] (discussing provision of undisclosed legal assistance to pro se litigants).

164. Ambrogi, *supra* note 40.

165. *Id.*

166. See *infra* Part IV.B.4.

167. Each state has its own definition of what constitutes an “unauthorized practice of law.” See generally AM. BAR ASS’N, STATE DEFINITIONS OF THE PRACTICE OF LAW, http://www.americanbar.org/content/dam/aba/migrated/cpr/model-def/model_def_statutes.authcheckdam.pdf [<https://perma.cc/UQ3Y-SA5V>] (last visited Apr. 20, 2016). California’s “[u]nauthorized practice of law” rule is: “(A) A member shall not aid any person or entity in the unauthorized practice of law. (B) A member shall not practice law in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction.” CAL. RULES OF PROF’L CONDUCT 1-300, available at

ABA suggests a broad definition: the application of legal principles and judgment to an individual's specific situation. More precisely, according to the ABA, the practice of law includes: "representing clients in court, preparing legal documents, and advising individuals regarding legal matters."¹⁶⁸ Under this definition, any advice from a Fellow, paralegal, or undergraduate volunteer could be considered an unauthorized practice of law. However, JusticeCorps operates by a bright-line rule that no JusticeCorps member can give advice, and therefore the program does not run afoul of restrictions on the unauthorized practice of law.

The ban on the unauthorized practice of law is designed to protect the public from being harmed.¹⁶⁹ The ABA Model Code of Professional Responsibility, the predecessor of the ABA Rules provides: "The prohibition against the practice of law by a layman is grounded in the need of the public for integrity and competence of those who undertake to render legal services."¹⁷⁰ However, the California Task Force on Self-Represented Litigants argues that "[c]ourt-based, staffed self-help centers, supervised by attorneys, are the optimum way for courts to facilitate the timely and cost-effective processing of cases involving self-represented litigants, to increase access to the courts and improve delivery of justice to

<http://rules.calbar.ca.gov/Rules/RulesofProfessionalConduct/CurrentRules/Rule1300.aspx> [<https://perma.cc/J4BK-59AL>].

168. The ABA Task Force on the Model Definition of the Practice of Law points to two California cases to try to form a coherent definition. AM. BAR ASS'N, STATE DEFINITIONS OF THE PRACTICE OF LAW, *supra* note 167, at 5. The first case, *People v. Merchants Protective Corp.*, states:

As the term is generally understood, the practice of the law is the doing or performing services in a court of justice, in any matter depending therein, throughout its various stages, and in conformity to the adopted rules of procedure. But in a larger sense it includes legal advice and counsel, and the preparation of legal instruments and contracts by which legal rights are secured although such matter may or may not be depending in a court.

209 P. 363, 365 (Cal. 1922). The second case, *Baron v. Los Angeles*, states:

[The] Legislature adopted the state bar act in 1927 and used the term 'practice law' without defining it. . . . The conclusion is obvious and inescapable that in so doing it accepted both the definition already judicially supplied for the term and the declaration of the Supreme Court (in *Merchants'*) that it had a sufficiently definite meaning to need no further definition. The definition above quoted from *People v. Merchants' Protective Corp.* has been approved and accepted in the subsequent California decisions and must be regarded as definitely establishing, for the jurisprudence of this state, the meaning of the term "practice law."

469 P.2d 353 (Cal. 1970) (citations omitted).

169. See Roger Hunter & Robert Klonoff, *A Dialogue on the Unauthorized Practice of Law*, 25 VILL. L. REV. 6 (1979).

170. MODEL CODE OF PROF'L RESPONSIBILITY EC 3-1 (AM. BAR ASS'N 1983).

the public.”¹⁷¹ It follows that JusticeCorps fulfills both the integrity mandated by the ABA and the effective facilitation of legal services as touched upon by the California Task Force.

If programs like JusticeCorps did not exist, then many pro se litigants would not receive any help.¹⁷² Low-income individuals often must forego legal services — low-income individuals have 75% of their legal needs unmet, and middle-income households have about 60% unmet.¹⁷³ Moreover, programs like JusticeCorps fulfill the needs of two groups that many attorneys choose to avoid: low-income family law litigants¹⁷⁴ and non-English speakers.¹⁷⁵

JusticeCorps satisfies many of the Model Rules addressing the unauthorized practice of law. Model Rule 5.5 states: “A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.”¹⁷⁶ However, such work is permitted in situations involving a chain of authority, such as an attorney overseeing the work of a non-attorney. Specifically, Model Rule 5.3 provides that “a lawyer having direct supervisory authority over the non-lawyer shall make reasonable efforts to ensure that the person’s conduct is compatible with the professional obligations of the lawyer.”¹⁷⁷ Thus, non-lawyers are permitted and able to help with legal services if they are under the supervision of attorneys as employees, volunteers, or independent contractors.¹⁷⁸

JusticeCorps requires that its attorneys fulfill several responsibilities in supervising non-attorneys. Specifically, a licensed attorney reviews every document that other staff members have

171. TASK FORCE ON SELF-REPRESENTED LITIGANTS, FINAL REPORT ON IMPLEMENTATION OF THE JUDICIAL COUNCIL STATEWIDE ACTION PLAN FOR SERVING SELF-REPRESENTED LITIGANTS 4 (2014), <http://www.courts.ca.gov/documents/jc-20141028-itemP.pdf> [<https://perma.cc/KNX5-RP3N>].

172. See Ambrogi, *supra* note 40 (“[M]ultiple state and federal studies show[] that 80 to 90 percent of low- and moderate-income Americans with legal problems are unable to obtain or afford legal representation.”); ROY W. REESE & CAROLYN A. ELDRED, LEGAL NEEDS AMONG LOW-INCOME AND MODERATE-INCOME HOUSEHOLDS: SUMMARY OF FINDINGS FROM THE COMPREHENSIVE LEGAL NEEDS STUDY 7–30 (1994).

173. Reese, *supra* note 172.

174. See *id.* (“The economics of traditional law practice make it impossible for lawyers to offer their services at prices these people can afford.”).

175. COMM’N ON NONLAWYER PRACTICE, NONLAWYER ACTIVITY IN LAW-RELATED SITUATIONS 81 (1995) (discussing the need for multi-lingual lawyers).

176. MODEL RULES OF PROF’L CONDUCT r. 5.5(a) (AM. BAR ASS’N 1983).

177. MODEL RULES OF PROF’L CONDUCT r. 5.3(b) (AM. BAR ASS’N 1983).

178. See CHARLES W. WOLFRAM, MODERN LEGAL ETHICS 892–95 (3d ed. 1986).

prepared for litigants prior to filing. Additionally, attorneys may listen in on presentations given by staff members. Therefore, there is a strong argument that JusticeCorps satisfies the Model Rules.

B. RECOMMENDATIONS FOR EXPANSION OF PROGRAMS SIMILAR TO JUSTICECORPS

JusticeCorps is not alone in allowing non-attorneys to provide legal services; two other programs have similar ideals and program models. Washington State has recently permitted non-lawyers to provide family law legal services,¹⁷⁹ and New York permits college students and recent college graduates to perform some legal work.¹⁸⁰

Washington State has updated its legal procedures for family law in many different aspects. For example, the state has reworded many basic family law documents to make them more comprehensible and has created personal self-help centers to assist litigants.¹⁸¹ Moreover, Washington State now has a “Limited Practice Rule for Limited License Legal Technicians”¹⁸² (LT) that allows non-attorneys with some training to help out with basic legal matters.¹⁸³ This program, implemented in 2012, allows non-lawyers to provide legal services in specific areas, such as family law,¹⁸⁴ to help ameliorate the problem of “fewer and fewer lawyers administering to . . . poor and lower-income (and even middle class) citizens.”¹⁸⁵

Washington State Supreme Court Admission and Practice Rule (APR) 28 allows non-attorneys to obtain facts and explain relevancy of information to clients, and to inform them about documents they need to file and the process for doing so.¹⁸⁶ Accordingly, LTs can inform clients about legal implications, advise clients on next steps, and perform legal research for their cli-

179. See Ambrog, *supra* note 40.

180. See *id.*

181. Charles R. Dyer et al., *Improving Access to Justice: Plain Language Family Law Court Forms in Washington State*, 11 SEATTLE J. FOR SOC. JUST. 1065 (2013).

182. WASH. ADMISSION TO PRACTICE Rule 28 (WASH. STATE BAR ASS'N 2015).

183. See Dyer et al., *supra* note 181, at 1089–90.

184. *The Next Big Thing: Limited License Legal Technician*, U. LA VERNE DEP'T LEGAL STUD. WEBLOG (July 18, 2013), <https://ulvlegalstudies.wordpress.com/2013/07/18/the-next-big-thing-limited-license-legal-technician/> [<https://perma.cc/ML77-SYBQ>].

185. *Id.*

186. *Id.*

ents.¹⁸⁷ Moreover, LTs are available to help anyone, and can *actually represent* clients regardless of their income.¹⁸⁸ JusticeCorps plays a similar role, though unlike the LT program, it provides no legal advice or independent legal analysis.¹⁸⁹ Therefore, an LT provides a more expansive legal role than a JusticeCorps Fellow, though an LT is still limited relative to an attorney.¹⁹⁰

The process to become an LT is different from that of a JusticeCorps Fellow. Some of the major requirements to become an LT are: pass the Legal Technician Exam, obtain an associate's degree or higher, complete 45 hours of core curriculum studies and applicable practice area courses, and complete 3000 hours of paralegal experience involving substantive legal work under lawyer supervision.¹⁹¹ JusticeCorps Fellows receive less training than LTs, which makes sense because their responsibilities are more limited. Also, as JusticeCorps relies on student volunteers, it does not have the capacity to give its members training similar to what LTs receive.

New York also uses a similar model to JusticeCorps. New York allows non-lawyers called Navigators, who are trained and supervised by attorneys, to provide legal assistance in certain contexts.¹⁹² Navigators follow guidelines restricting their actions so "they do not cross the line into the practice of law" (e.g., they cannot give legal opinions).¹⁹³

187. See *Legal Technical FAQs*, WASHINGTON STATE BAR ASSOCIATION, <http://www.wsba.org/Licensing-and-Lawyer-Conduct/Limited-Licenses/Legal-Technicians/Legal-Technician-FAQs> [<https://perma.cc/FW9Q-SG73>] (last visited Feb. 17, 2016).

188. See *id.* (also noting that although LTs can represent clients, they cannot do so in court proceedings or negotiations).

189. See Interview with Matthew Scarano, *supra* note 114 ("I found the distinction between information and advice to be blurred, because as a volunteer I usually knew what the litigant would do based on what I told them. But although information in that context means telling people what they can do to reach goals, as a volunteer you would never tell the litigant what they should do. You present the options as objectively as possible, despite there usually being one route that very clearly serves their interests best.").

190. See Steve Crossland, *Restore Access to Justice Through Limited License Legal Technicians*, 31 GPSOLO, no. 3, 2014, http://www.americanbar.org/publications/gp_solo/2014/may_june/restore_access_justice_through_limited_license_legal_technicians.html [<https://perma.cc/V4SH-AKAR>].

191. *Id.* (listing these among several other requirements).

192. See *The Next Big Thing: Limited License Legal Technician*, *supra* note 184.

193. Richard Zorza, *New York Chief Judge Lippman Announces Court Navigator Program in State of Judiciary*, ACCESS TO JUST. BLOG, <http://accesstojustice.net/2014/02/11/new-york-chief-judge-lippman-announces-court-navigator-program-in-state-of-judiciary/> [<https://perma.cc/EZH7-UHCY>] (quoting Jonathan Lippman, Chief Judge, N.Y. Ct. App., State of the Judiciary 2014 (Feb. 11, 2014)).

A Navigator's job is to provide free help to pro se litigants in housing and consumer debt cases.¹⁹⁴ When Navigators first meet with litigants, they provide general information including how the court works, and also provide one-on-one assistance with completing legal forms.¹⁹⁵ Navigators assist litigants in accessing other necessities like social services or interpreters.

The Navigator model mirrors the JusticeCorps model in many ways. Both require training and attorney supervision. Both largely involve one-on-one help and the provision of broad legal information, albeit in different fields. However, Navigators go a step beyond what JusticeCorps allows by giving overwhelmed litigants the option of having the Navigator accompany them to the courtroom.¹⁹⁶ JusticeCorps could, theoretically, help pro se litigants in the courtroom, but it may not have the capacity to do so. Self-help centers are always flooded with litigants — often JusticeCorps has to close its doors on many people — and taking away Fellows and undergraduates to accompany litigants to court may cause further backlog and lead to the assistance of fewer litigants.

Despite some key differences, Washington's LT program and New York's Navigator program are comparable to JusticeCorps and, significantly, show that such models have been successful outside of California.

V. CONCLUSION

Washington State's Legal Technicians and New York's Navigators demonstrate that there is room for innovative legal ideas. In order to address concerns that low-income pro se litigants are unsuccessful even in certain limited areas of the law in which they frequently require assistance, programs like JusticeCorps can, and should, be expanded throughout the nation. There is no single means by which to remedy family law pro se issues; however, non-traditional solutions can be useful in making a difference and mitigating problems associated with low-income pro se litigants.

194. See Ambrogi, *supra* note 40.

195. See *id.*

196. See *id.*

JusticeCorps is still developing its footing in California, but its impact has been profound.¹⁹⁷ JusticeCorps is successful in that it has helped better the lives of countless individuals in the greater downtown Los Angeles area.¹⁹⁸ However, JusticeCorps must address certain challenges in order to realize its full potential. States may hesitate to adopt JusticeCorps or similar models because of concerns about ABA Rules and other state requirements, yet JusticeCorps shows that these concerns are easily addressed, especially since the program does not have an attorney-client relationship with the pro se litigants. Therefore, other states should follow California's lead and allow non-attorneys to provide legal information for basic family law issues.

197. See Yarbrough, *supra* note 14.

198. See Broccolina and Zorza, *supra* note 94.