



**Executive  
Summary**

# Proposal for Limited Licensing in North Carolina

North Carolina Justice for All Project



*“...and justice for all”*



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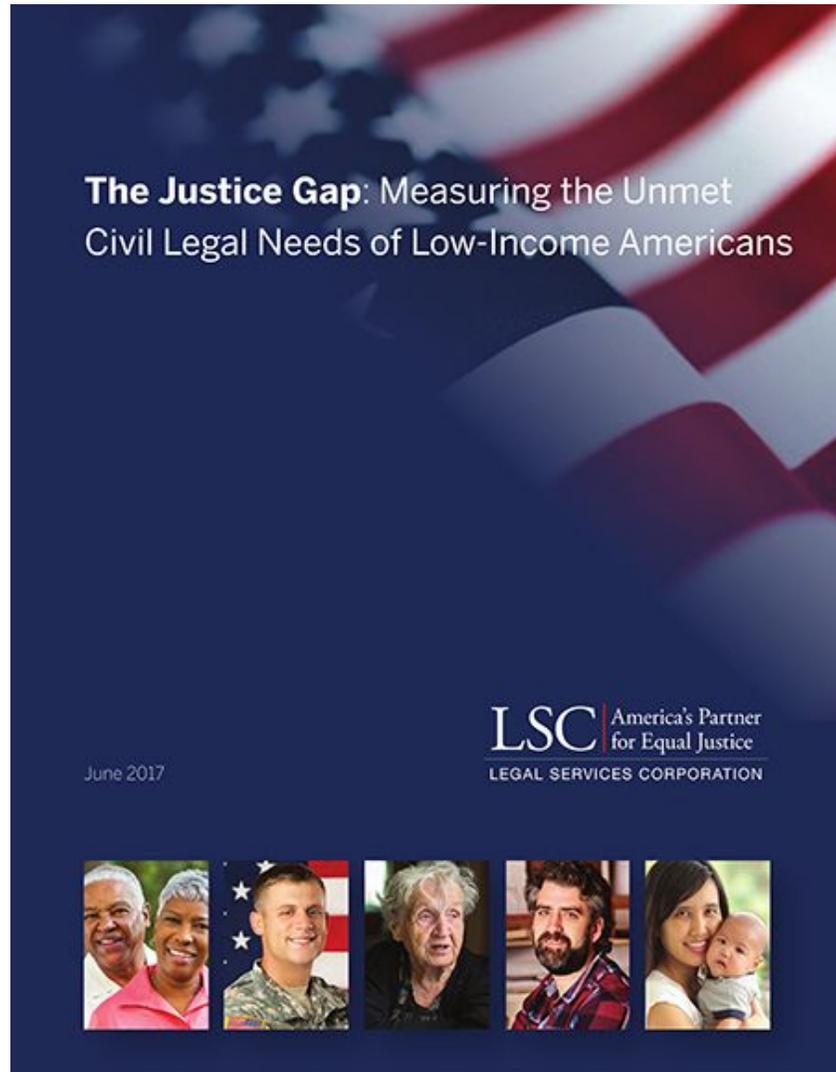
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# Research: Access to Justice Gap

- 86% of civil legal problems reported by low-income Americans received inadequate or no legal help.
- There is one legal aid attorney for every 8,000 North Carolina residents eligible for legal services, compared to one private lawyer for every 367 North Carolina residents.
- Although Legal Aid of North Carolina reports that about 37% of the state's population is eligible for their services, they can only serve 1 in 10 households requesting assistance.



# Research: Justice Gap Reports Are Misleading

Reports from Legal Aid and Legal Services Corporation do not capture individuals above the eligibility guidelines who still cannot afford legal counsel. In 2019, the max income cut-off for legal aid was \$15,950/yr. for a single person and \$32,750/yr. for a family of four. Many North Carolina residents with income greater than these amounts still cannot afford legal counsel.





# Research: Purpose of UPL Statutes

“UPL rules purport to protect consumers by maintaining the integrity and competence of people who render legal services. **However, in the name of providing protection to consumers, UPL rules have the effect of creating a monopoly for the legal profession...**” Matthew Longobardi, Unauthorized Practice of Law and Meaningful Access to the Courts: Is the Law Too Important to Be Left to Lawyers? 35 Cardozo L. Rev. 2043, 2045 (2014)

**Do our UPL statutes still serve their purpose of protecting the community from bad actors or have they become a hedge of protection around the economic interests of lawyers?** Monopolies mean higher prices and higher prices force consumers to make one of two choices: Pay the higher price or do without the service.

# What is Limited Licensing Colloquially Speaking?

Limited licensees are to lawyers as nurse practitioners are to doctors:

- A nurse practitioner can treat patients and prescribe medication independently of a doctor, but a nurse practitioner cannot do everything a doctor does.
- Like lawyers, limited licensees can provide clients with legal advice and complete court documents, but the scope of a limited licensee’s practice is limited.

# Limited Licensing - State Activity



See proposal for complete list.

## Licensing Programs in Place:

- Arizona
- Utah
- Washington LLLT - Sunsetting but LPO still in place.

## License Programs in Progress:

- Arizona
- California
- Colorado
- Minnesota
- New Mexico
- Oregon

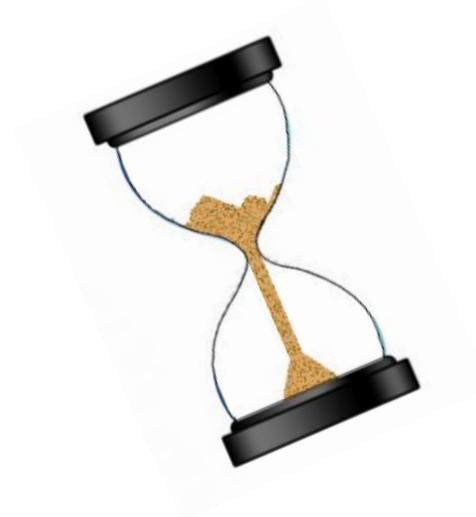
# Primary Goals of Limited Licensing

- Increase access to affordable legal services for low- to moderate-income residents by removing the monopoly on the delivery of legal services.
- Reduce the burden on North Carolina courts by reducing bottlenecks and inefficiencies through limited representation.
- Offer professional growth opportunities for paralegals and unlicensed law school graduates.
- Increase the number of licensed legal professionals in the state who are able and willing to provide pro bono services.

# Limited Licensing Requirements



Education



Experience



Certification



Examination

# Limited Licensing - Proposed Practice Areas



# Limited Licensing Requirements



## Education



1. Juris Doctor,
2. Associates or Bachelors in Paralegal Studies,
3. Associates or Bachelors + Paralegal Certificate, or
4. Associates or Bachelors + 15 credit hours of paralegal studies courses.
5. Foundational courses: Civil Procedure, Contracts, Interviewing and Investigation Techniques, Law and Legal Process, Law Office Procedures and Technology, Legal Research, Writing and Analysis, and Professional Responsibility
6. Waiver with at least 10 years of experience.

# Limited Licensing Requirements



## Certification



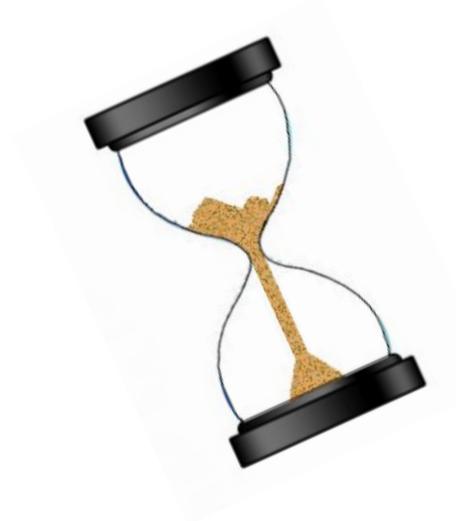
1. North Carolina State Bar (NCCP)
2. South Carolina Bar (SCCP)
3. NALA's Certified Paralegal (CP)
4. NFPA's Core Registered Paralegal (CRP)
5. NFPA's PACE Registered Paralegal (RP)
6. NALS' Paralegal Professional (PP)

\*\*Juris Doctors exempt from certification requirement.

# Limited Licensing Requirements



## Experience



- 1,500 substantive law related work within 3 years.
- Experience within applicable practice area for 5 years.

\*\*Juris Doctors exempt from experience requirements.

# Defining Experience

- “Substantive Law-Related Experience” means drafting pleadings, legal documents or correspondence, completing forms, preparing reports or charts, legal research, and interviewing clients or witnesses.
- Substantive law-related experience **does not include** routine clerical or administrative duties.

# Limited Licensing Requirements



## Examination



- Practice area exam.
- Professional Responsibility / Ethics exam.

# Limited Licensing Requirements

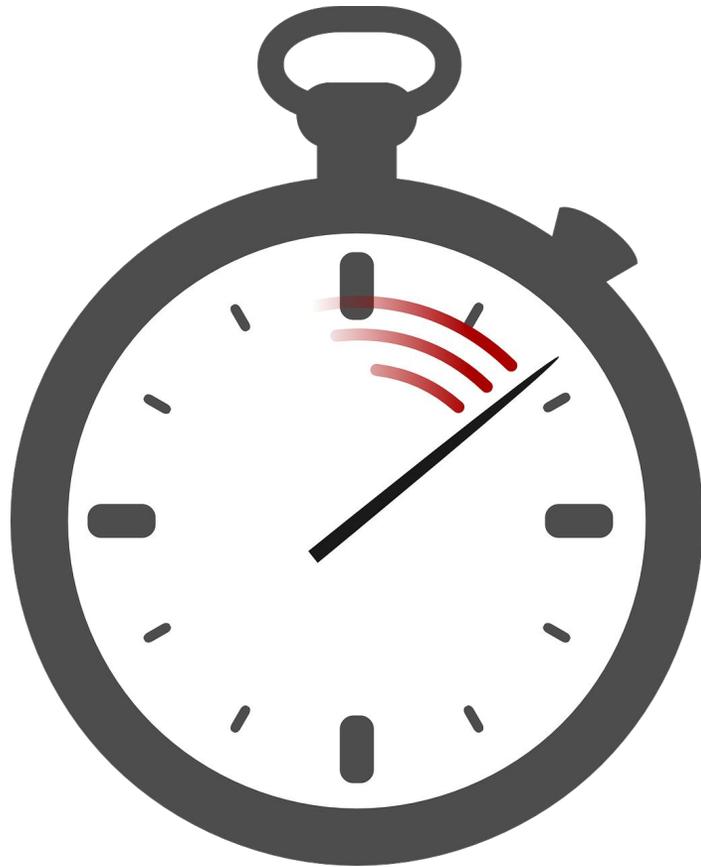


- Twelve CLEs (professional responsibility, trauma-informed legal advocacy, and technology).
- Two professional references to ensure good moral character.
- Other administrative requirements.

# Engagement Agreement Requirements



- Clear provisions (e.g., scope, fees).
- Non-lawyer disclaimer.
- NCSB contact info for complaints.
- No contingency fees.
- See full proposal for more details.



# Limited-Time Waiver

- 10 years of experience within last 15 years.
- Proof of experience signed by lawyers.
- Paralegal certification.
- Practice area and professional responsibility exams.

# Benefits to Attorneys



## as colleagues:

- collaboration and referrals to/from limited licensees.
- Increased market share by receiving business from licensee referrals.

## as employers:

- Freeing up the attorney's time to work on more profitable matters.
- Increased market share by billing licensees at lower rate.

# Benefits to Prospective Clients

- Affordable access to legal representation.
- Better outcome for legal matters.
- Client satisfaction.
- Assistance for tech-challenged clients.
- Assistance for clients with physical or developmental disabilities.
- Assistance to clients with other special needs.



# Benefits to Community



- Economic Impact - cost savings to the state and local economies due to the advocacy of providers in legal cases (e.g. domestic violence, foreclosure, child support, and eviction prevention).
- Potential 40% increase in pro bono legal service providers.



# Benefits to NC Courts



- Reduction in bottlenecks, log jams, re-filings, dismissal, continuances, and other delays due to insufficient legal filings and lack of knowledge concerning state and local procedural rules.
- Assistance with the backlog of cases due to COVID-19 restrictions that will likely change the Courts’ daily operations for the foreseeable future.

# Measuring and Monitoring Progress



- Create a provisional licensing process.
- Collect data (**data points on next slide**) from licensees on a quarterly basis.
- Create a risk management plan and collaborate with data analysts in legal academia to study “harm” and suggest changes to the program.
- Use key performance indicators to measure program success.
- Hold retrospectives or reviews on a quarterly basis.
- Create a change management plan to implement changes for next quarter based on data-driven feedback.
- Create a communications plan to communicate changes to stakeholders.
- Measure and monitor progress each quarter until the program produces desired outcomes.

# Data Collected from Legal Technicians

- Method of Service Delivery: Lawyer/Lawyer Employee
- Method of Service Delivery: Software Provider with Lawyer Involvement (legal document/ form completion only)
- Method of Service Delivery: Software Provider with Lawyer Involvement
- Method of Service Delivery: Nonlawyer Provider with Lawyer Involvement
- Method of Service Delivery: Software Provider without Lawyer Involvement
- Method of Service Delivery: Nonlawyer Provider without Lawyer Involvement
- Amount Paid
- Legal Outcome
- Customer Financial Outcome Value
- Customer Geographic Location (requested)
- Provider Number
- Customer ID
- Service ID
- Scope of Service Sought
- Legal Category
- Legal Problem/Matter
- Start Date
- Complaints Between Start Date and Present
- Service Status
- End Date
- Scope of Service Received



*“...and justice for all”*

# *Justice Delayed is Justice Denied*

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Click the links below to view the full proposal.

**PROPOSAL FOR A LIMITED PRACTICE RULE TO NARROW  
NORTH CAROLINA'S ACCESS TO JUSTICE GAP**

**APPENDIX TO PROPOSAL**