



"...and justice for all"

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North Carolina Justice for All Project
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Friday, January 22, 2021

VIA EMAIL ONLY: ALF@SC.NCCOURTS.ORG

The Honorable Paul M. Newby, Chief Justice
Supreme Court of North Carolina
PO Box 1841
Raleigh, NC 27602

VIA EMAIL ONLY: JBELK@NCBAR.GOV

Mr. Warren C. Hodges, Chairman
North Carolina State Bar Board of Paralegal Certification
North Carolina State Bar
217 East Edenton Street
Raleigh, NC 27601

Re: Proposal for a Limited Practice Rule to Allow Non-Lawyers to Assist North Carolinians With Access to Justice

Dear Chief Justice Newby and Chairman Hodges:

We hope this letter finds you well.

Attached please find our "Proposal for a Limited Practice Rule to Narrow North Carolina's Access to Justice Gap." Please let us know if you require a hard copy of this proposal and appendix, and we will send it pursuant to your instructions.

As an introduction, this proposal is similar to several pilot programs utilized in other states, which provide pathways for certain limited legal services to citizens with limited financial means to meet needs that are not often met by lawyers.

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The program is needed because legal aid providers are inundated with pleas for help and are forced to turn away the large majority of requests for legal assistance, namely due to limited financial and human resources. Additionally, increasing pro se cases impose a disproportionate strain on our courts. Excessive time demands, incomplete and illegible submissions, and limited understanding of court procedure all contribute to an overwhelmed court system.

The proposed limited practice rule would allow certain certified paralegals and unlicensed law school graduates, after meeting certain requirements, to provide limited legal services. We understand that the scope of services would be limited to fill a void that, for practical reasons, neither private practice attorneys nor legal aid providers, are able to fully address. We define the proposed limited scope of services that would be available under this program in our proposal but would request consideration of the following practice areas: family law, landlord-tenant law, estate planning and probate law, debtor-creditor law, administrative law, and expungements.

We understand that the State Bar exercises its regulatory powers under the direct and continuing supervision of the North Carolina Supreme Court, which by statute approves the State Bar's rules. Therefore, absent a clear protocol for submitting such a proposal, we are contemporaneously submitting this proposal to the North Carolina Supreme Court and the North Carolina State Bar in consideration of the interest and prosperity of underserved North Carolina residents.

As paralegals certified by the North Carolina State Bar, we are aware of the legitimate concerns regarding this subject matter within the legal community. We have researched this topic extensively over the last three years. We have reviewed countless reports from non-profit legal aid organizations in North Carolina and from state-sponsored commissions detailing the significant legal need North Carolina residents have for reasonably priced legal services. We have also researched limited licensing models in other states such as Washington and Utah. We believe our carefully and thoughtfully drafted proposal provides a well-grounded plan for reducing the burden on the North Carolina court system and non-profit legal aid providers.

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Finally, we have provided a copy of this proposal to those, by their request, who were involved in helping us collect data and conduct research for this proposal.

In partnership with attorneys throughout North Carolina, we can help narrow the access to justice gap. We hope you will be pleased with the attached proposal and welcome the opportunity to discuss this matter further.

Respectfully,

Alicia Mitchell-Mercer, LPP, CSM, ACP, RP, NCCP, SCCP

S.M. Kernodle-Hodges, NCCP, VSP, NCCMC

Rachel Royal, NCCP

Shawana W. Almendarez, NCCP

Morag Polaski, ACP, NCCP

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Encl.: Executive Summary

Proposal for a Limited Practice Rule to Narrow North Carolina's Access to
Justice Gap

Appendix to Proposal

CC: Survey participants - North Carolina Certified Paralegals

Survey participants - North Carolina State Bar-approved paralegal education
programs

Survey participants - North Carolina attorneys

Jennifer Lechner, Executive Director, North Carolina Equal Access to Justice
Commission (by request)