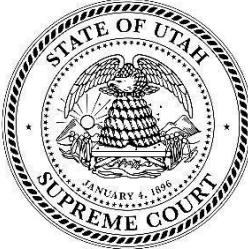


UTAH SUPREME COURT AD HOC COMMITTEE



REGULATORY REFORM

Nick Stiles, Co-Chair; Maryt Fredrickson, Co-Chair

CJA Workgroup Meeting: January 22, 2025

12:00pm – 1:00pm

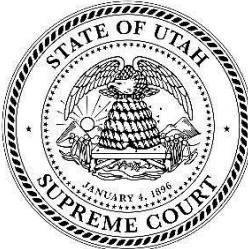
WebEx Only:

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1. Welcome
2. Review of Meeting Minutes (Tab 1)
3. Preliminary summary for interim report – Continuing to compile and refine the list of CJA characteristics (Tab 2)
4. Closing and Action Items

TAB 1

UTAH SUPREME COURT AD HOC COMMITTEE



Meeting Minutes

Utah Supreme Court's Ad Hoc Committee on Regulatory Reform Community Justice Advocates Work Group

Thursday, December 18, 2025

12:00 - 1:00

Online via WebEx

Attendance by WebEx: Maryt Fredrickson, Nick Stiles, Bre Hickerson, Judge Richard Mrazik, Dr. Jayme Walters, Andrea Donahue, Stacy Haacke, Janine Liebert, Hayley Cousin, Lakshmi Vanderwerf, Mark Steinagle, Megan Connally

1. Welcome

- Maryt welcomed the committee.
- Jayme let us know that she is officially tenured at USU as of this summer and is now eligible to take a sabbatical to work on a special project. She has decided to take that beginning next Fall and hopes to focus on the CJA program as her special project to help develop the necessary infrastructure and systems that we need. She proposed this to the UT Supreme Court and it was approved, so the next step is for her to present this proposal to USU for approval.

2. Review of Meeting Minutes (Tab 1)

- We corrected one bullet point on the second page and the numbering.
- The corrected minutes were then approved by the committee.

3. Review of Judicial Survey Results (Tab 2)

- Lakshmi noted that a lot of the responses were what we would expect, such as that the bench is more familiar with LPPs than CJAs. One thing that she found surprising was a comment about civility as opposed to discussing scope of CJA practice, etc. Several others also noted that comment was interesting. Maryt noted that one recommendation we'll have to keep in mind is about educating the bench and finding ways to train the judiciary about what CJAs do. Andrea agreed and noted that this reflects a challenge of having so many different models in the sandbox. Most of the info about the CJA program has been very generalized, and more specific information and outreach would be helpful to better inform the public, the bench, attorneys, licensed paralegals and other stakeholders about this program.
- Andrea also mentioned that individual versus entity specific regulation is something that has made it challenging to bring awareness to the CJA program. She noted that this is something we can mitigate by moving away from entity-specific regulations.
- Maryt asked Mark about his experience with DOPL licensing and whether it is individual or entity specific. Mark noted that most licenses are issued to individuals with only a handful of entity licenses coming out of DOPL. However, even entities that are licensed typically have a "qualifying" individual associated with the entity's license.
- Mark noted that something from the survey that stood out to him was the question about whether the judge had to have hearings or use court time to litigate what CJAs can and can't do. 23/26 judges said they didn't know if CJAs had appeared before them in court, but of the 3 judges that were aware of CJAs, 2 had to spend court time dealing with problems on what those CJAs could do.
- Janine noted that the forms comments were interesting. She noted a challenge for CJAs/LLPs that are not affiliated with an organization or law firm now that the OCAP system is gone.
- Ciriaco also noted that it would be helpful to potentially offer a survey after training judges to see how their responses change.
- Judge Mrazik gave us some context about what he has seen in courts. He noted that there are different resources available to litigants in different contexts and that this is a constantly evolving process. Judge Mrazik noted that opposition to ATJ efforts on the bench is not frequent.

- Hayley noted one hearing at which the CJA gave proper notice of their role and notice that they were a victim advocate, which was confusing for the judge in that case.
- Megan noted that there are a lot of lessons on what not to do based on the LPP rollout. She encouraged us to prioritize cohort-community building events with other CJAs so that we can create meaningful connections between the different practicing CJAs.
- Nick echoed this and noted that we have been discussing this in the context of LPPs as well. Programs like “how to be an LLP” are very valuable to bring awareness to these programs and could be equally beneficial in the CJA context. This is something we can focus on when marketing the program.
- Nick noted that bench cards and other messaging methods are critical to help us inform district court judges about these programs, which could be helpful to provide info about these alternative licenses. Nick mentioned that we are working with the Bar to create an easily searchable repository of these individuals with alternative licenses so that judges can find that info when needed. That is a work in progress if we transition from the entity to individual licensing model.
- Andrea noted that the LSI committee did discuss this repository/directory but that this is currently more nuanced because individuals don’t hold the licenses at this time. If anyone is interested in continuing to be involved in that discussion, let her know.

4. Discussion About Other States’ CJA Programs & Complaints

- Bre briefly reviewed the way other states handle CJA-analogous programs and associated complaints. Generally, in states where the court authorizes this alternative licensing program, the court also supervises complaints (such as in Alaska and Arizona). Where CJAs are tied to specific entities, like Legal Aid orgs, those organizations themselves usually manage complaints (such as in California). If the CJA requires attorney supervision, which is the case in Delaware, the supervising attorney is responsible for any misconduct on the part of the CJA, so the Bar handles complaints.
- Nick echoed his prior thought that the Office of Professional Conduct should handle complaints and discipline for CJWs.
- Maryt noted a comment at the ATJ summit about pro bono and bar complaints, and whether there should be an expedited process and/or a pre-review process like what is used for judicial complaints.

- Judge Mrazik provided additional detail and suggested it would be helpful for OPC and the Supreme Court to discuss alternative ways to deal with complaints in pro bono cases. He reminded us that currently, for judicial complaints, the complaints are confidential and judges aren't even aware of those unless the reviewing office finds that the complaint has merit. Judge Mrazik suggested that we could look to have a similar complaint process for CJAs. He noted that CJAs are often classified as other roles (e.g., social worker) and there are probably mechanisms in place to handle complaints against those individuals already in those alternative capacities to consider.
- Maryt noted that we discussed this with Mark at the last meeting to discuss the overlap of people's professional licenses through DOPL. Judge Mrazik asked if a social worker that was also working as a CJA and an individual wants to complain about the social worker's provision of services, where that complaint would be filed. Jayme noted that the organization that individual works for has a grievance filing process, usually. Then, if the complaint is serious enough it might go through DOPL. But it is difficult to untangle what these individuals are doing at their everyday jobs from their CJA work. The challenge is categorizing complaints for those overlapping services.
- Haley shared how this is currently handled for victim advocates. Hayley told us that the organization receives complaints for victim advocates. Andrea added that the Sandbox collects complaints as well, but the challenge is still sorting out different kinds of complaints. The Sandbox contemplated consumer complaints, not complaints from judges, or opposing counsel, or for specific types of harm. She noted that this is one of our many lessons learned from the Sandbox to broaden our understanding of what these complaints look like.
- Hayley noted that something like a retainer agreement could help clarify by clearly delineating what services will be provided in a CJA-context, separate from other roles.
- Megan noted that separation in the complaint process from CJAs and other legal professionals could create rifts and optics issues that we should think about. We want to make sure the public recognizes the value of CJAs and their credibility, so creating a structured way to deal with related complaints is essential to further that goal.
- Maryt noted that as we've talked about the characteristics of CJAs, we've been discussing the need for portability and the need for the authorization to practice as CJAs to follow the individual instead of the entity. This creates

challenges where if an individual is no longer with an organization that usually handles those complaints because it is not clear how we would handle those individual complaints at that time.

- Mark mentioned that a few years ago there were a ton of complaints from a domestic case in family court, and so there was a new statute to state that DOPL would follow the decisions of courts in an effort to eliminate complaints based on case outcomes. He noted that we could use that framework to create something similar for handling CJA complaints. Mark shared the statute governing complaints against court-appointed therapists.

5. Defining a CJA – Continuing to compile and refine the list of CJA characteristics (Tab 3)

- We took a quick poll of each bullet point provided in Tab 3 of the agenda to determine where there is general consensus and where further discussion is needed.
- The group is unanimous in its thought that CJAs shouldn't be required to purchase malpractice insurance, since attorneys aren't required to do so. We'll add this to the list of areas with consensus.
- The group wants to continue discussing (1) the central/clearinghouse entity for the CJA program and what that should look like, as well as (2) whether CJAs should be able to sign/file docs or otherwise act as an agent of a person the way LPPs can. We'll also continue discussing the other areas where consensus has not been reached.

6. Closing and Action Items: Drafting Interim Summary for Presentation to the Supreme Court in February

- Maryt let the group know that her and Nick will be presenting a summary of each regulatory reform working group's current thoughts on final recommendations. This means that in January, we will work on a draft summary report at the next meeting.
- Our next meeting is in January. Note that we have hybrid meetings, but parking is changing for the courthouse. Nick explained that for supreme court committee members, you should be able to park under the courthouse in the parking garage, so that won't be an issue for us. But stay tuned as there may be other changes.
- With a few minutes left, Nick reiterated Mark's comment on different regulating authorities for different licensing entities (like social workers, etc.).

Some form of complementary system that recognizes the authority of these other licensing entities may be necessary to juggle those overlaps. Andrea asked how we would juggle this and whether there would need to be complementary structures for each overlapping license structure.

- Judge Mrazik reiterated Megan's comments on the perceived credibility of CJAs and how to juggle that as we keep refining this program. He suggested (1) perhaps CJAs should have to have some other status to even get this license, such as a nurse, victim advocate, or social worker and (2) that the UT supreme court has the constitutional authority to regulate the practice of law and could define CJAs as individuals who are not practicing law. Some discussion followed about whether that would mean seeding authority to other organizations to regulate disciplinary issues outside of the court. Mark discussed the difference between defining a position as an exception to the practice of law versus practicing law with limited authority. We'll continue discussing this as we work to finalize our recommendations.

TAB 2

CJA – preliminary, working draft in response to working group charge

CJA Group's Objectives

1. Analyze current Sandbox entities training nonlawyers to offer free legal advice on specific topics to the communities they serve.
2. Examine community justice advocates models from other states and recommendations from access-to-justices experts.
3. Design a model that reflects best practices.
4. Identify the steps needed to implement the model, including whether additional collaboration with other entities or stakeholders is needed.
5. Draft proposed rule amendments, if any.

1. Current Entities & Lessons Learned from the Sandbox

- CJAU & USU are the current entities and provided a joint presentation with Q&A. Both CJAU & USU develop, deploy, and administer the training curriculum. Scalability is resource-dependent. Having an organization to provide the support and infrastructure is an important characteristic for launching similar programs. Burnout and attrition among CJAs appears to be related to primary job, not CJA work.
- Holy Cross Ministries, which appears in Sandbox-related articles, was absorbed by CJAU.
- I4J as a slightly different model
- The cost of an exam or CLEs can be a barrier. Be mindful of barriers from CJAs to enter this area and recognize the other rigorous entry points for the underlying profession, i.e., social workers.
- Survey with district courts and commissioners reflects limited awareness of CJAs right now and a need for greater education and outreach.

2. Models from other states & other expertise

- Mark Steinagel, Director of DOPL, joined the working group. DOPL has been shifting from higher education requirement to competency-based licensure. At DOPL, some licenses are regulated directly, and some have a self-executing exemption from regulation because the area is a safe one to operate within or because of an additional certification from a defined organization. A few areas license an entity, instead of a person, such as medical translators

as the regulated entity. Those translators are not registered at DOPL, but the employer is. In sum, there is now a range of regulation as a result of legislative directives to look at regulatory reform—from direct regulation to passive regulation.

- CJAs continue to be a rising trend nationwide
- Washington D.C. produced a fulsome ATJ report in 2025 and is developing a CJA program due to increased impact of CJAs, leaving an LPP program behind for further study.
- Met with Frontline Justice (Nikole Nelson) for update on trends that organization is seeing and doing (training modules out for beta testing; national credentialing task force; developing implementation partners (e.g., AARP, National Association of Paralegals, etc.).

Other States

- Nikole also presented on what was learned from Alaska (limited by being tied to an LSC entity; developing training modules; the state bar maintains a list of registered CJAs; reporting metrics; complaints go to bar counsel; etc.). Disciplinary matters go to the state bar.
- Maryland has done significant outreach at the front end of its program.
- Washington uses a Sandbox.
- Washington D.C. is on the cusp of releasing a model program.
- Delaware and California both have regulatory definitions of CJAs that could be a template. Delaware's program is limited in scope
- In Arizona, complaints go to the Non-Lawyer Services Board.

3. Target Model

- Avoid characterizing as “best practices” which can be misleading

Areas where consensus may exist:

- Limited license follows the person, not the organization
- Not required to be tied to legal services organization because of risk of grant limitations reducing the people who can be served (this differs from AK's model and California's proposal)
 - Can work for a paid entity (like a hospital) but likely cannot charge a fee for the CJA services in order to meet ATJ target.
 - CJAs can be paid by their employer, and they may be more employable because of their CJA certification. CJAs can also be volunteers.

- CJAs should not have to maintain malpractice insurance, since attorneys are not required to do so.

Needing further discussion:

- Supervision & if so: duration (limited or forever) and ratio of atty to CJA for supervision
- Where to house front-end controls (admissions), intermediate controls (CLEs and supervision), and back-end controls (disciplinary actions and complaints)
- Criteria for sponsoring entities
- Interface between the limited license for legal assistance with other licensing (social workers, nurses, etc.)
- Limits of CJA practice: Should CJAs be able to sign/file docs or otherwise act as an agent of a person the way LPPs can?
- Define other distinctions (or overlap) between CJAs and LPPs.

4. Steps to Implement and draft rule amendments

- Marketing outreach, including bench and bar education, would be an initial and ongoing need
- Proposed rules would be submitted with the report and recommendations

5. In discussion for 2026

- Meet with I4J
- Meet with individual CJAs
- Evaluate the Sandbox entities that do not neatly fit in LLP or CJA categories
[add more here from the “needing further discussion” list]