



The views expressed herein are presented on behalf of the Public Interest and Courts Community, D.C. Affairs Community, and Criminal Law and Individual Rights Community of the D.C. Bar Communities, a group of voluntary associations of individuals, most but not necessarily all of whom are members of the D.C. Bar. The D.C. Bar itself made no monetary contribution to fund the preparation or submission of this statement. Moreover, the views expressed herein have been neither approved nor endorsed by the D.C. Bar, its Board of Governors, or its general membership.

The D.C. Bar Public Interest and Courts Community, D.C. Affairs Community, and Criminal Law and Individual Rights Community comment on The District of Columbia Courts' Civil Legal Regulatory Reform Task Force report, recommending ways to address the gap in access to civil legal services

October 31, 2025

Task Force Proposal

The D.C. Courts issued the following statement seeking public comment:

The Civil Legal Regulatory Reform Task Force at the District of Columbia Courts is seeking public comment on its report recommending ways to address the gap in access to civil legal services, one that pro bono attorneys alone cannot resolve. Formed in 2023, the task force has been directed by the D.C. Courts to study the D.C. Bar Innovations in Legal Practice Committee's draft report recommending the establishment of a program permitting trained, licensed nonlawyers to provide legal services in certain civil cases. In doing so, the task force also explored other states' nonlawyer assistance programs and solicited feedback on its ideas from the D.C. community. The Task Force's report details three recommendations. First, it recommends that the D.C. Courts establish a framework for community justice worker (CJW) programs. In CJW programs, trained nonlawyers — such as public health workers, clergy members, law students, and teachers — assist low-income individuals with legal matters, working under the auspices of a legal services organization and under the supervision of an attorney working for such an organization. Second, a majority of the task force recommends that the D.C. Courts direct further study of the Licensed Legal Practitioner (LLP) model, under which appropriately trained nonlawyer legal practitioners serve the public directly, typically without attorney supervision. And third, the task force recommends that the D.C. Courts encourage organizations to develop and seek approval of innovative approaches to allow people who are not members of the D.C. Bar, including nonlawyers, to provide legal services, pursuant to Rule 49(c)(10) of the Rules of the District of Columbia Court of Appeals. Comments must be submitted by October 31, 2025, via email to clrrtaskforce@dccsystem.gov or by mail to: Executive Office of the D.C. Courts ATTN: CLRRTF 500 Indiana Avenue, N.W. Suite 6680



General Support of Expanded Role for Nonlawyers

The D.C. Bar’s Public Interest and Courts Community, D.C. Affairs Community, and Criminal Law and Individual Rights Community enthusiastically support an expanded role for nonlawyers in addressing the gap in access to civil legal assistance, as envisioned by the Task Force’s report.

Community Justice Worker Programs: Immediate Implementation

General Rationale

The named Communities fully endorse the report’s recommendation that “the Courts establish a framework for Community Justice Worker (CJW) programs.” Requiring CJWs to work under the supervision of attorneys with legal services organizations will help to ensure adequate representation by CJWs as well as allow them to serve as force multipliers for the attorneys. Over time, CJWs may take on a substantial portion of an organization’s intake, administrative work with governmental entities and other organizations, and processing and status conference work with the Courts, allowing attorneys to spend more of their time preparing for and conducting depositions and trials.

Precedent for Similar Programs

Nonlawyer practitioners, including agency case managers, have been effectively representing beneficiaries in public benefits cases at the D.C. Office of Administrative Hearings (OAH), which employs simplified procedures to help ensure that pro se litigants can obtain fair hearings. In these cases, administrative law judges (ALJs) typically rely on status conferences to identify and narrow issues, explore the possibility of settlement, and prepare cases for evidentiary hearings. At evidentiary hearings, hearsay is generally admissible, lay witnesses provide opinion testimony, and ALJs may supplement the parties’ direct and cross examinations. OAH’s experience supports the use of simplified procedures to facilitate participation by nonlawyer practitioners and by pro se litigants. *See On Demand: Simplified Court Procedures for Pro Se Litigants*, D.C. Bar (May 13, 2025).

Evidentiary Hearings

The named Communities caution against a blanket prohibition on CJWs participating in evidentiary hearings heard by a judge. Rather, judges should have discretion to allow CJWs to represent clients at evidentiary hearings if the judges are prepared to play a more active role in developing the record than they would if both sides were represented by attorneys. For example, a presiding judge could supplement a CJW’s direct examination with questions establishing a proper foundation for an exhibit or for opinion testimony.

Licensed Legal Practitioner Programs: Targeted Pilot Programs

The more difficult and potentially controversial element of the court’s report is the Licensed Legal Practitioner (LLP) model, under which appropriately trained nonlawyer legal practitioners serve the public directly, typically without attorney supervision.

The Task Force’s report highlights concerns that the court resources needed to launch and sustain an LLP program may outweigh its potential benefits. While questioning whether LLPs could offer services at prices accessible to moderate-income clients, the Task Force recommends exploring the concept further.

We believe that the LLP model has compelling merit, particularly given the evidence that consumers do seek legal advice from nonlawyer legal practitioners and that these practitioners can provide competent legal services. *See* Rebecca L. Sandefur, *Legal Advice from Nonlawyers: Consumer Demand, Provider Quality, and Public Harms*, Stanford J. Civil Rts. & Civil Libs, XVI: 283 (2020). We also believe that the magnitude of the access to justice crisis in Washington, DC is too great not to create a pilot as part of the task force’s continued study. Further, we present recommendations to minimize implementation and administration costs.

High Impact Areas & Functions

Our observations as D.C. practitioners suggest particular situations in D.C. where licensed legal practitioners could provide limited consultation of great value to the extent not adequately covered by legal service organizations through pro bono or CJW programs. For example, litigants coping with cases in Family Court, Landlord-Tenant Court or Small Claims Court, where many middle- and low-income individuals represent themselves:

- They frequently need help with basic procedural questions—such as filing the correct pleadings, understanding deadlines, or knowing when and where to appear in court.
- In D.C.’s Small Claims system alone, litigants must navigate steps like completing and filing the Complaint form, paying fees, ensuring correct service, and meeting scheduling requirements—without formal legal training.
- A similar complexity exists in Landlord-Tenant matters, where specific forms, notices, and timing rules often govern the outcome.

LLPs could assist pro se litigants in limited, clearly defined types of cases—such as simple divorce cases, small claims cases, and simple landlord-tenant disputes. An LLP is analogous to a nurse practitioner or physician’s assistant who can, for example, prescribe antibiotics for ear infections. If, however, the complexity of the matter exceeds the scope of the license, it must be referred to a physician. Scope of LLP’s duties could include:

- Explaining which forms are required, how to fill them out, and when they must be filed.
- Preparing and filing procedural documents—e.g., answers, motions, or scheduling requests.

- Advising on court appearances—where and when to show up, what to expect, and how to proceed.
- Providing “legal coaching” or document review, with or without entering an appearance in clearly defined types of cases, where the choice is affordable LLP-representation or no representation.

These kinds of services offer measurable, practical value—especially for the D.C. courts with an overwhelming 80 to 97 percent of cases with at least one unrepresented litigant. *D.C. Courts Civil Legal Regulatory Reform Task Force Report* (July 2025) (*DC Courts*), page 6, citing *2019 report*. LLPs could provide these services through limited scope representations similar to those used by lawyers for pro bono work. See *On Demand: Limited Scope Representations by Pro Bono Attorneys*, D.C. Bar (Apr. 18, 2024).

Moreover, by shifting certain high-volume, lower-complexity cases from pro-se or overburdened attorneys to trained non-lawyers, courts may reduce time spent on filings, reduce default judgments, and expedite case resolution—thereby reducing clerical/judicial backlogs. Litigants gain affordable representation, possibly reducing downstream costs (e.g., enforcement, appeals, eviction crises) and supporting greater housing stability, family functioning, and community resilience. These benefits align with the Report’s broader vision: increasing access and relieving system stress. [D.C. Courts](#).

Acceptance in Principle, Followed by Targeted Pilot Programs

We respectfully urge the Task Force to recommend that:

1. The D.C. Courts accept the LLP model in principle, recognizing its potential to improve access to justice in specific, high-impact contexts.
2. Further study and pilot projects be conducted—perhaps in collaboration with the D.C. Bar’s Innovations in Legal Practice Committee—to assess where LLPs can most safely and effectively assist.

Such pilots should:

- Define narrow, high-impact situations (e.g., landlord-tenant, small claims, procedural guidance).
 - Establish training standards, supervision protocols, and ethical safeguards.
 - Measure outcomes: cost, client satisfaction, access improvements, error rates, and fairness metrics.
3. Feedback loops and iterative evaluation should be built into any pilot, allowing for refinement, adjustment, and scaling where evidence supports success.



Implementation: CJW & LLP

The Task Force contemplates that legal services organizations, rather than the D.C. Courts, will assume much of the burden of developing and maintaining the new CJW programs.

Similarly, paralegal professional organizations (e.g. National Federation of Paralegal Associations) and established ABA-approved paralegal education programs could potentially take the initiative in proposing, developing, and maintaining the new LLP certification programs, subject to judicial oversight and approval under Rule 49(c)(10) of the Rules of the D.C. Court of Appeals. The D.C. Affairs Community and the Public Interest and Courts Community are in the process of developing evaluation and monitoring criteria, along with a proposed timeline, to implement an LLP pilot program should the D.C. Court of Appeals approve the initiation of such a program.

Conclusion

In summary, the access-to-justice gap in civil matters is too large to be solved by pro-bono efforts alone. Models already piloted in other jurisdictions demonstrate that nonlawyer practitioners can— when programs are structured with care— play a vital role in meaningful, affordable access to the indigent. Just as paralegals guide parties through the details of real estate settlements, LLPs could empower D.C. residents dealing with procedural complexity to understand and assert their rights—when otherwise they would proceed unrepresented in any manner in areas in which they would typically have no familiarity.

An evidence-based, pilot-driven approach offers the Court a responsible path: affirm the promise of the LLP concept now, and study—in practice—where and how it can best serve the public in a safe, affordable, regulated way.

The named Communities appreciate this opportunity to provide input on the Task Force’s thoughtful and forward-looking recommendations.

For more information or follow up questions, please contact Public Interest and Courts Community Co-Chairs Brittany Sims Nwankwoala at brittany.sims7@gmail.com and Don Resnikoff at donresnikoff@donresnikofflaw.com.