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INTERIM REPORT AND RECOMMENDATIONS TO THE
MINNESOTA SUPREME COURT

March 1, 2023
**OFFICE OF
APPELLATE COURTS**

STANDING COMMITTEE FOR LEGAL
PARAPROFESSIONAL PILOT PROJECT

ADM19-8002

March 1, 2023

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Liz Altmann, Altmann Paralegal Services, LLC
Tiffany Doherty-Schooler, Legal Aid Service of Northeastern Minnesota
Rebecca Hare, Attorney
Honorable Thomas R. Lehmann, Tenth Judicial District Court Judge
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Associate Justice Paul Thissen, Minnesota Supreme Court Liaison

Kimberly Larson, Staff Attorney

I. INTRODUCTION AND BACKGROUND

Minnesota's Legal Paraprofessional Pilot Project (Pilot Project) permits legal paraprofessionals, under the supervision of a Minnesota licensed attorney, to provide legal advice and, in some cases, represent a client in court and mediation. The Pilot Project aims to increase access to civil legal representation in case types where one or both parties typically appear without legal representation.

The Minnesota Supreme Court (Supreme Court) adopted Court Rule amendments on September 29, 2020, which initially authorized the Pilot Project through March 2023. In an order, dated April 1, 2022, and effective May 1, 2022, the Supreme Court extended the Pilot Project through March 31, 2024.

On June 16, 2022, the Supreme Court issued an order amending the rules and directing the Legal Paraprofessional Pilot Project Standing Committee (Standing Committee) to develop and define training and experience requirements for legal paraprofessionals to provide expanded services in family matters where there are allegations of domestic abuse or child abuse and in Order for Protection (OFP) and Harassment Restraining Order (HRO) cases. The Supreme Court amended the rules to require training and experience requirements effective October 14, 2022.

II. STATUS UPDATE ON IMPLEMENTATION OF TRAINING AND EXPERIENCE REQUIREMENTS.

The Standing Committee began its work to implement the amended rules in October 2022. As outlined in the Standing Committee's Report and Training and Experience Recommendations to the Minnesota Supreme Court¹, their initial tasks included developing a waiver request process and new and revised forms. The Application Process subcommittee led this work, and a new Training Requirements and Waiver Form is now available on the Pilot Project website on the Apply to Participate tab. The Application Form has also been revised to include sections for a legal paraprofessional to provide information about their training and/or experience when seeking approval to provide advice and representation under the newly amended rules.

The Communication and Outreach subcommittee started collecting information about available training resources that would meet the requirements. The information collected was shared with participating legal paraprofessionals and supervising attorneys in December 2022. *See Appendix A, Legal Paraprofessional Pilot Project (LPPP) Updates.* The Standing Committee has also started working with training providers to create additional opportunities and/or to expand their offerings to legal paraprofessionals.

Since the amended rules have been in effect, one participating legal paraprofessional has been approved to provide services in cases where domestic violence is alleged, as well as to give advice and provide legal representation in OFP and HRO cases. One additional participating legal paraprofessional has requested a waiver. Their approval is pending at the time of the

¹ See Report and Training and Experience Recommendations to the Minnesota Supreme Court, on the Resources & Rules tab at www.mncourts.gov/lppp.

writing of this report while the Application subcommittee awaits supplemental documentation to support the waiver request.

In its October 6, 2022 order, the Supreme Court ordered the Standing Committee to include in this interim report “an assessment of whether the training requirements are sufficient to protect clients and the public.” Since there is only one participating legal paraprofessional approved to provide the expanded services, the Standing Committee does not have enough information to adequately assess the sufficiency of the training requirements in this interim report. The Standing Committee will continue to collect data from Pilot Project participants for the remainder of the project to ensure it can provide a thorough assessment in its final report.

III. ACTIVITY SINCE PILOT PROJECT LAUNCH

A. Applications, Approvals, and Complaints

Since the Pilot Project launched on March 1, 2021, the Standing Committee has received and approved applications for over twenty legal paraprofessionals. The current roster has twenty-one active legal paraprofessional and twenty-three active supervising attorney participants.² The Pilot Project participants work with legal aid offices, at private law firms, and as freelance paralegals in a range of locations around the state.

As of the date of this interim report, no complaints have been filed through the Complaint Process.

B. Communication and Outreach

Since their December 2021 Interim Report, the Standing Committee has continued to engage in communication efforts within the court and legal community. Members of the Standing Committee gave numerous presentations throughout the state, at regional and national conferences, and have been in conversation with legal professionals throughout the country regarding Minnesota's and other states' limited legal license programs.

Events and presentations that Standing Committee members organized and/or participated in over the last year, include:

- Presentation to a national workgroup on Limited Legal License Technicians
- Presentation at Winona State University
- Presentation to the Minnesota Paralegal Association Rochester, MN chapter
- Committee members tabled at the Minnesota Paralegal Association's Annual Convention to answer questions and provide resources for paralegals in attendance
- Presentation at National Federation of Paralegal Associations (NFPA) Conference
- Monthly calls with the Limited License Multijurisdictional Roundtable led by Steve Crossland of Washington
- Attended a convening on Allied Legal Professional Programs hosted by the Institute for the Advancement of the American Legal System

² The Roster of Approved Legal Paraprofessionals is available on the Judicial Branch website, Roster tab, <https://www.mncourts.gov/lppp>.

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- Attended and presented at the Legal Paraprofessional Summit hosted by the University of Arizona
- Panel presenter at the National Organization of Bar Counsel (NOBC)

As noted in Section II, the Communication and Outreach subcommittee compiled and shared training resources and opportunities that meet the requirements set forth in the amended rules, with current participants. *See Appendix A.*

C. Evaluation Efforts

From the start of the Pilot Project, data has been recorded in Minnesota's statewide case management system (MNCIS) that tracks cases with representation by legal paraprofessionals. As of December 2022, 159 cases have had legal paraprofessional representation and over 100 of these cases were filed in the Third Judicial District. Seventy-seven of the 159 cases were housing cases, and the remaining 82 cases were family matters. *See Appendix B, Interim Evaluation of LPPP Representation Data.*

The Standing Committee has conducted two rounds of evaluation with legal paraprofessionals, supervising attorneys, and judicial officers. A second round of requests to complete surveys were sent via email in early November. The judicial officers who were invited to respond were identified in MNCIS as those with a case involving a legal paraprofessional. *See Appendix C, Interim Evaluation Survey Responses.*

1. Legal Paraprofessional Response Summary

Of the twenty-one participating legal paraprofessionals, thirteen responded to the survey and 62% reported that they've been participating in the Pilot Project for more than year. Most responses showed high rates of satisfaction with the Pilot Project. Comments shared by legal paraprofessionals about their overall satisfaction with the Pilot Project include,

“I have seen first hand how it is filling the justice gap.”

“The project serves many clients that would either have paid expensive attorneys or would have represented themselves. The project does help in many ways clients who would have chosen to seek divorces, custody, challenge landlords, etc. in giving them the representation they need without thinking of expensive cost of seeking legal remedy. And it has freed many lawyers time to concentrate in other areas of practice that the attorneys believe generates more money for them.”

“I am still new to it, but at this point I would say there needs to be more publicity, especially directed to the private bar, about the benefits of the project and the fact that the impact on private practitioners is likely very minimal, as the clients the legal paraprofessionals help are those who are unlikely to be able to afford a private attorney; the project provides a legal net to catch those who do not necessarily qualify for Legal Aid, but don't have enough income to hire an

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attorney. Such information could include that cases generally go more smoothly for all involved when both parties are represented by a legally knowledgeable professional. We all do better when we all do better, right?”

The legal paraprofessionals were asked to share information about the clients they have represented. Based on the information provided, over 60% of the clients would have been unrepresented without the assistance of the legal paraprofessional. Approximately half of them charge clients for their services. Those who reported not charging the clients provided pro bono services or are affiliated with legal aid offices.

2. Supervising Attorney Response Summary

Eleven of the twenty-three supervising attorneys responded to the survey, and 45% of them reported that they've been participating in the Pilot Project for more than a year. Over 40% of the supervising attorneys reported that the expanded role of legal paraprofessionals supports their ability to have a financially sustainable practice.

Supervising attorneys were asked about the impact of legal liability insurance on their ability to supervise legal paraprofessionals. Of the responders, 27% reported that they were required to modify their policy to allow the paraprofessional to work in the Pilot Project. The comments provided in response to this question indicate that the modifications included both purchasing additional, separate coverage and adding the individual to the firm's existing policy. All the supervising attorneys stated that the costs associated with legal liability insurance were not a factor in their participation in the Pilot Project.

Over 80% of the responding supervising attorneys stated that they are very satisfied with the Pilot Project. One responder stated, “It allows me to focus on other pressing issues.”

When asked to share their thoughts on the Pilot Project as a whole, including suggestions for improving the project, supervising attorneys stated,

“Not all of the judges in our district allow the paraprofessional to make court appearances. It would be helpful for the Supreme Court to order that paraprofessionals are allowed and that the courts must allow it.”

“Expand it as much as possible while still making sure clients are getting appropriate advice and help.”

3. Judicial Officer Response Summary

Twelve judicial officers completed the survey and most of them confirmed that a legal paraprofessional had provided representation to a client in their courtroom. The judicial officers who responded to the questions provided high rates of agreement that

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the legal paraprofessionals in their courtroom showed appropriate decorum and courtesy and were aware of the applicable court rules.

The survey sought input on the type(s) of case(s) handled by legal paraprofessionals and the responses show that 40% of the cases were eviction cases and 30% were dissolution cases. One-half of those responding to the questions stated that hearings take less time when a party is represented by a legal paraprofessional rather than representing themselves. Over 75% of those who responded to the question reported that hearings take about the same amount or less than when an attorney is representing the party. One responder commented,

“by noting that the hearing takes longer, that is NOT a negative... It is more that the legal paraprofessionals, as do their attorney counterparts, go over their clients (sic) rights, etc. which tend to take time. That is APPROPRIATE and is not viewed as a negative.”

Of the judicial officers responding to the question, 75% responded that they are overall satisfied with the Pilot Project. Comments from responders included,

“It is a great alternative for rural areas where we struggle to find enough attorney(s)...”

“I support increasing the assistance of legal paraprofessionals. Much of my calendar involves unrepresented litigants, and I am limited in what guidance I can give (and certainly cannot give legal advice). Cases with unrepresented litigants often take more time due to the parties' lack of familiarity with the court process. Although the Minnesota Judicial Branch has excellent resources for unrepresented litigants, there is no substitute for legal expertise. That expertise provided by legal paraprofessionals, in my opinion, helps make the court process more efficient, and provides greater fairness.”

VI. CONCLUSION

The Standing Committee acknowledges that more work is needed to share information about the training and experience requirements for legal paraprofessionals to expand their services. Ensuring that there is adequate data available to make a thorough assessment on the sufficiency of the requirements to protect clients and the public is a paramount goal for the Standing Committee during this last year of the Pilot Project.

The Standing Committee has confidence that the Pilot Project continues to have a positive impact overall and demonstrates that legal paraprofessionals can successfully provide quality services to parties.

Respectfully Submitted,

STANDING COMMITTEE FOR
THE LEGAL PARAPROFESSIONAL PILOT PROJECT

Appendix A

From: [Legal Paraprofessional Pilot Project](#)
Subject: Legal Paraprofessional Pilot Project (LPPP) Updates
Date: Friday, December 23, 2022 2:58:38 PM

TO: Participating Legal Paraprofessionals

CC: Participating Supervising Attorneys and LPPP Standing Committee

As you know, in October, the Minnesota Supreme Court approved amendments to Rule 12 that allow approved legal paraprofessionals who are on the roster to provide advice and representation in some family law cases that involve allegations of domestic abuse or child abuse and provide advice and representation for petitioners in some order for protection (OFP) and harassment restraining order (HRO) cases. The changes were effective October 14, 2022. See, [Minnesota Judicial Branch - News and Announcements \(mncourts.gov\)](#) for more information.

In order to be approved to provide expanded services under the new rule provisions, legal paraprofessionals must meet specific education and/or experience requirements. The Legal Paraprofessional Pilot Project (LPPP) Standing Committee is working on new forms and other information to support the implementation of these rule amendments. Please watch the website, www.mncourts.gov/lppp for updates. You can also subscribe to updates on the page so you receive notification as information is added.

To support and assist you, as currently approved legal paraprofessionals, the Standing Committee has compiled a list of upcoming trainings for any of you who are interested in adding this approval area to your practice. The Standing Committee is also working with training service providers to create additional training opportunities. We hope to share more information soon.

If you think that you already meet the requirements outlined in Rule 12.02(e)(3), you can apply for a waiver. A waiver form is currently in development, but you can send information to the Pilot Project at this email address before the form is published if you'd like.

Thank you for your continued participation in the Pilot Project. Please reach out if you have questions.

Upcoming domestic violence trainings:

Free training:

[Intersection of Immigration and Family Law](#) (Recorded Oct. 22, 2021)

Minnesota State Bar Association (MSBA) On Demand CLEs:

[Domestic Violence | Addressing Bias in Family Courts and Related Systems](#) (1 hour)

[Trauma Informed Advocacy for Family Law Attorneys](#) (1 hour)

[Is Your Access to Justice the Same as Mine? Cultural Considerations in Handling Family Court Cases involving Domestic Violence](#) (1 hour)

Request a specific training from the Minnesota Coalition Against Sexual Assault (MNCASA): <https://mncasa.org/training/request-a-training/>

Regards,
Kim

Kim Larson

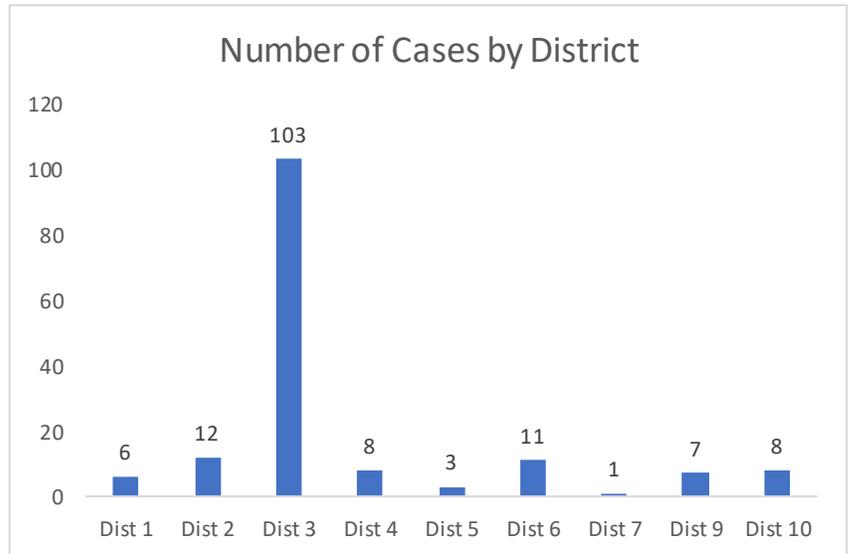
Staff, Legal Paraprofessional Pilot Project Standing Committee
Deputy Director, Court Services Division
MINNESOTA JUDICIAL BRANCH
25 Rev. Dr. MLK Jr. Blvd. | St. Paul, MN | 55155
www.mncourts.gov/lppp

Appendix B



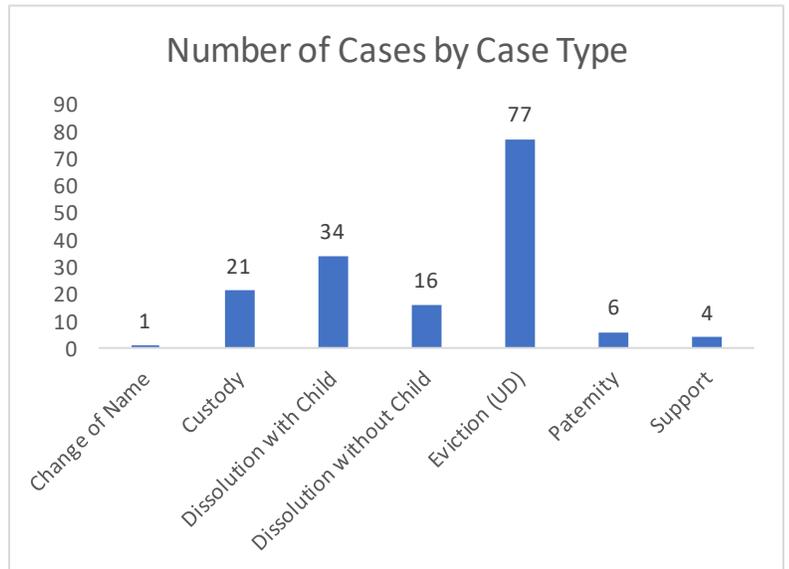
Number of Cases by County and District

District/County	N of Cases
District 1	6
Dakota County	4
Goodhue County	1
Scott County	1
District 2	12
Ramsey County	12
District 3	103
Dodge County	2
Fillmore County	7
Freeborn County	4
Houston County	1
Mower County	4
Olmsted County	55
Rice County	3
Steele County	11
Wabasha County	1
Waseca County	4
Winona County	11
District 4	8
Hennepin County	8
District 5	3
Faribault County	1
Lyon County	1
Nicollet County	1
District 6	11
Carlton County	1
St. Louis County	10
District 7	1
Mille Lacs County	1
District 9	7
Beltrami County	1
Crow Wing County	2
Itasca County	1
Marshall County	1
Polk County	2
District 10	8
Anoka County	3
Pine County	3
Sherburne County	2
Grand Total	159



Number of Cases by Case Type

Case Type	N of Cases
Change of Name	1
Custody	21
Dissolution with Child	34
Dissolution without Child	16
Eviction (UD)	77
Paternity	6
Support	4
Grand Total	159





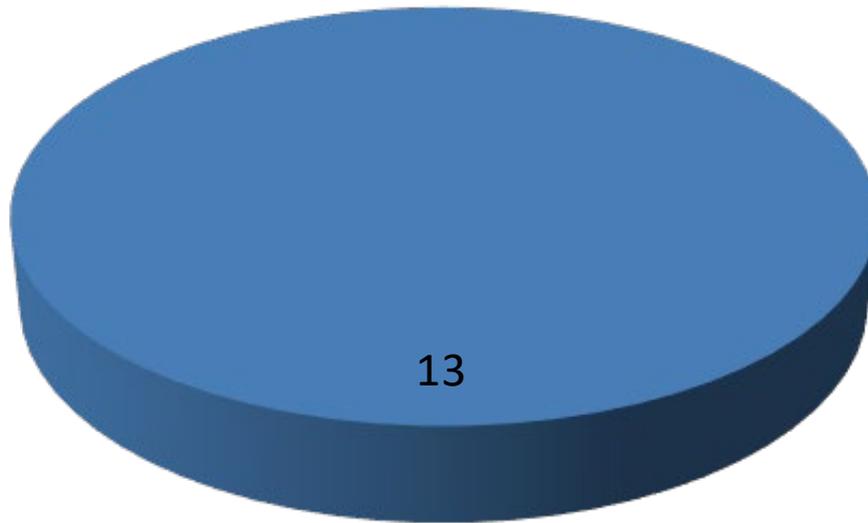
MINNESOTA JUDICIAL BRANCH

Legal Paraprofessional Pilot Project: Paraprofessional Survey Fall 2022

Survey Overview

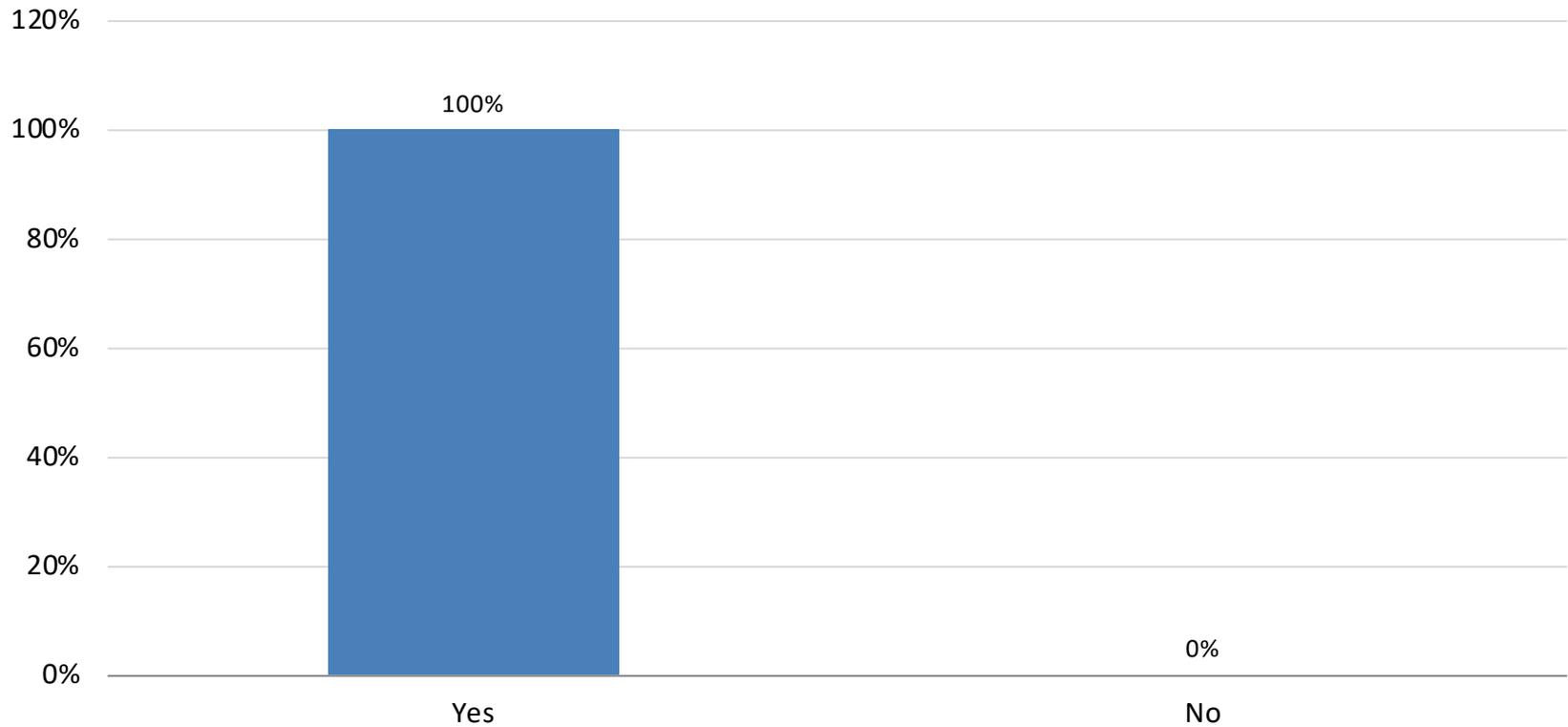
Completion / Dropout

0



- Completed
- Drop Out

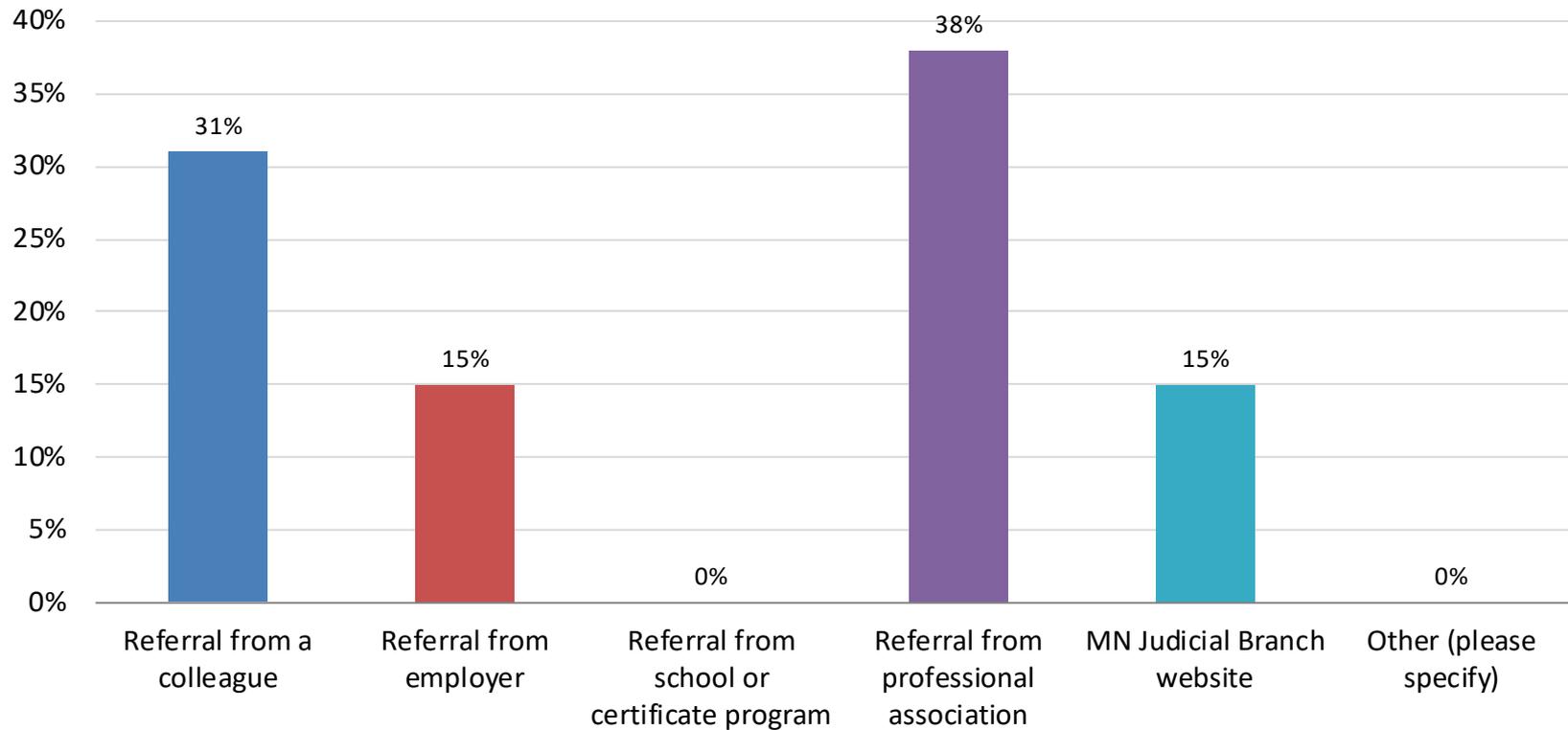
Are you actively participating in the Legal Paraprofessional Pilot Project?



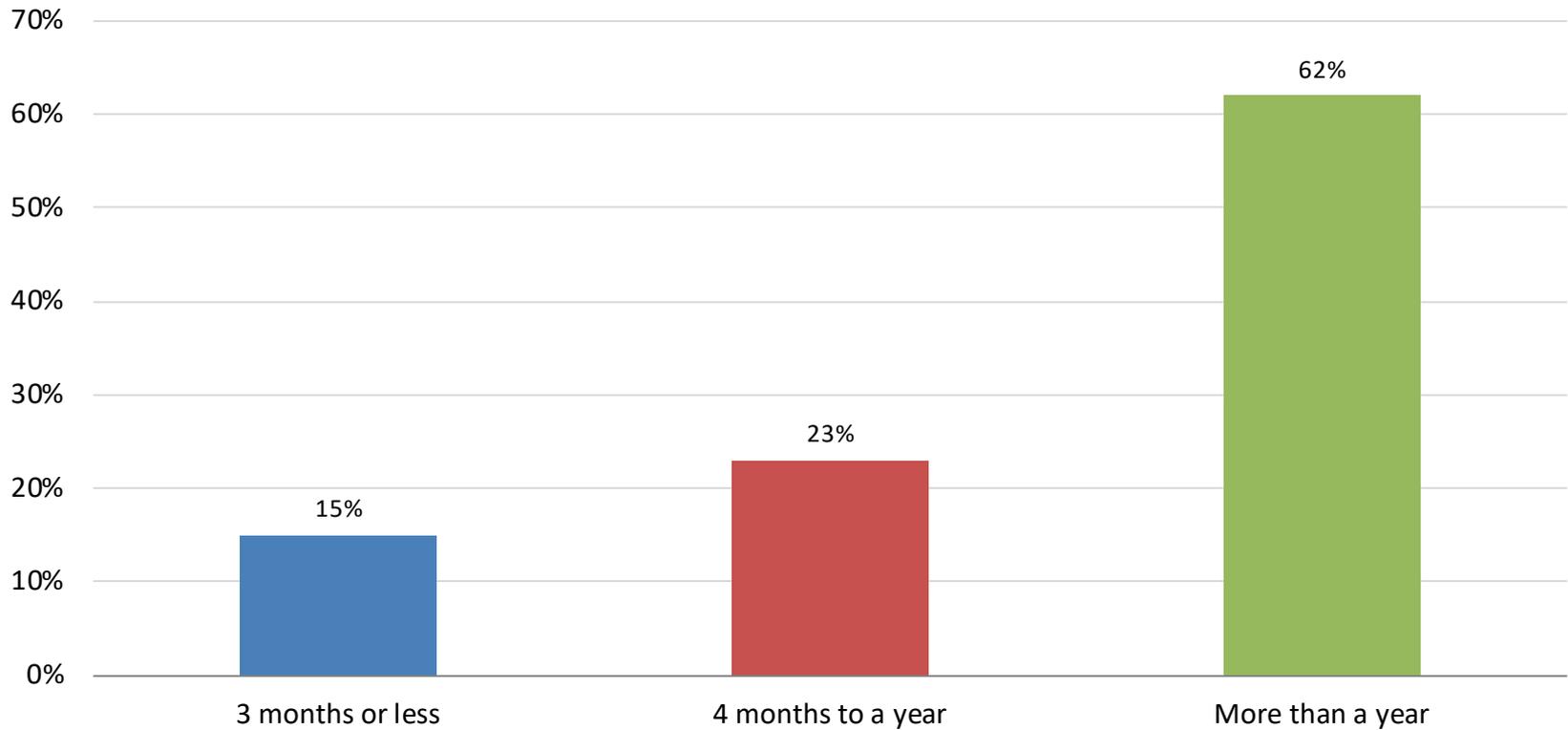
How many clients are you currently assisting through the Legal Paraprofessional Pilot Project?

# of clients	# of Responses
0	3
1-2	3
3-5	4
6-10	2
10+	1

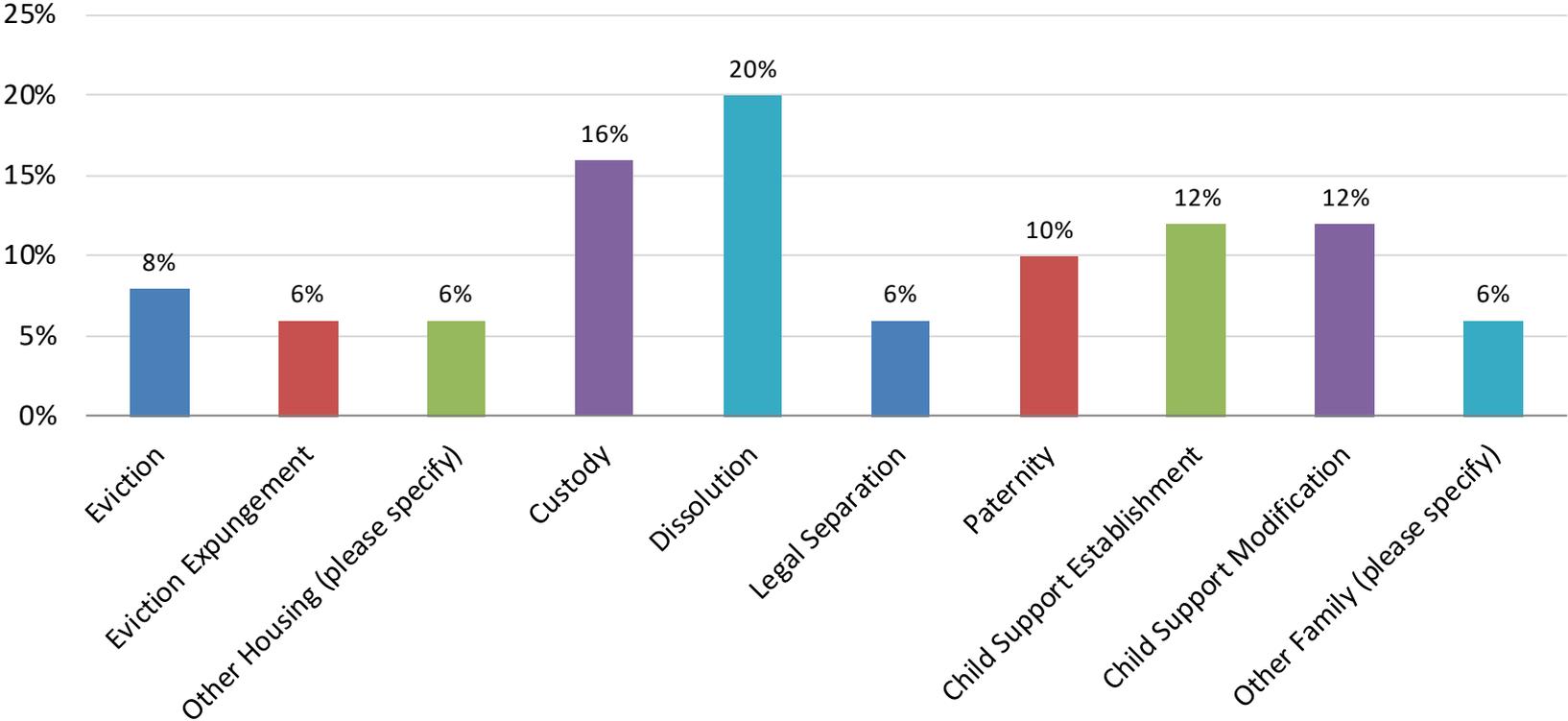
How did you learn about the Legal Paraprofessional Pilot Project?



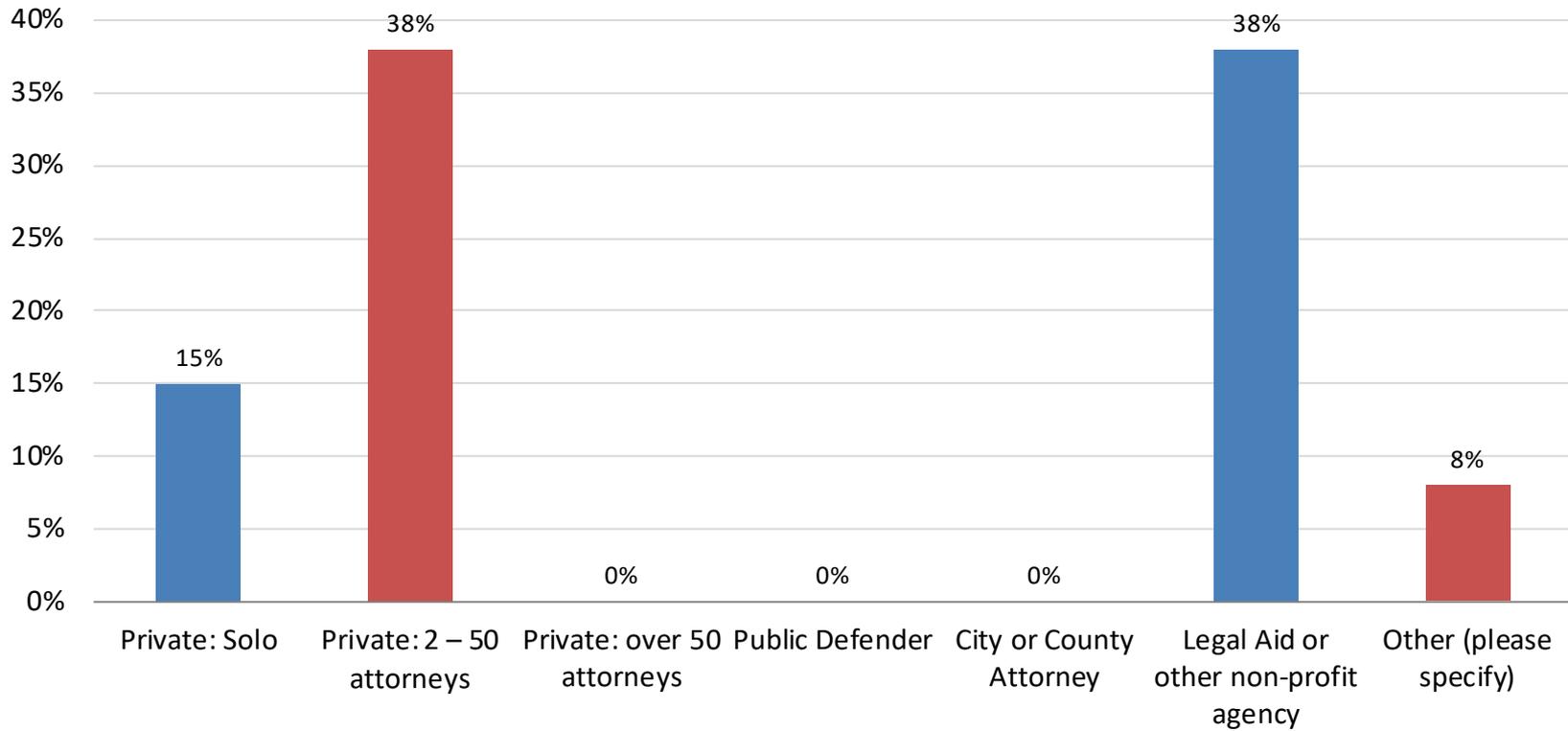
How long have you participated in the Legal Paraprofessional Pilot Project?



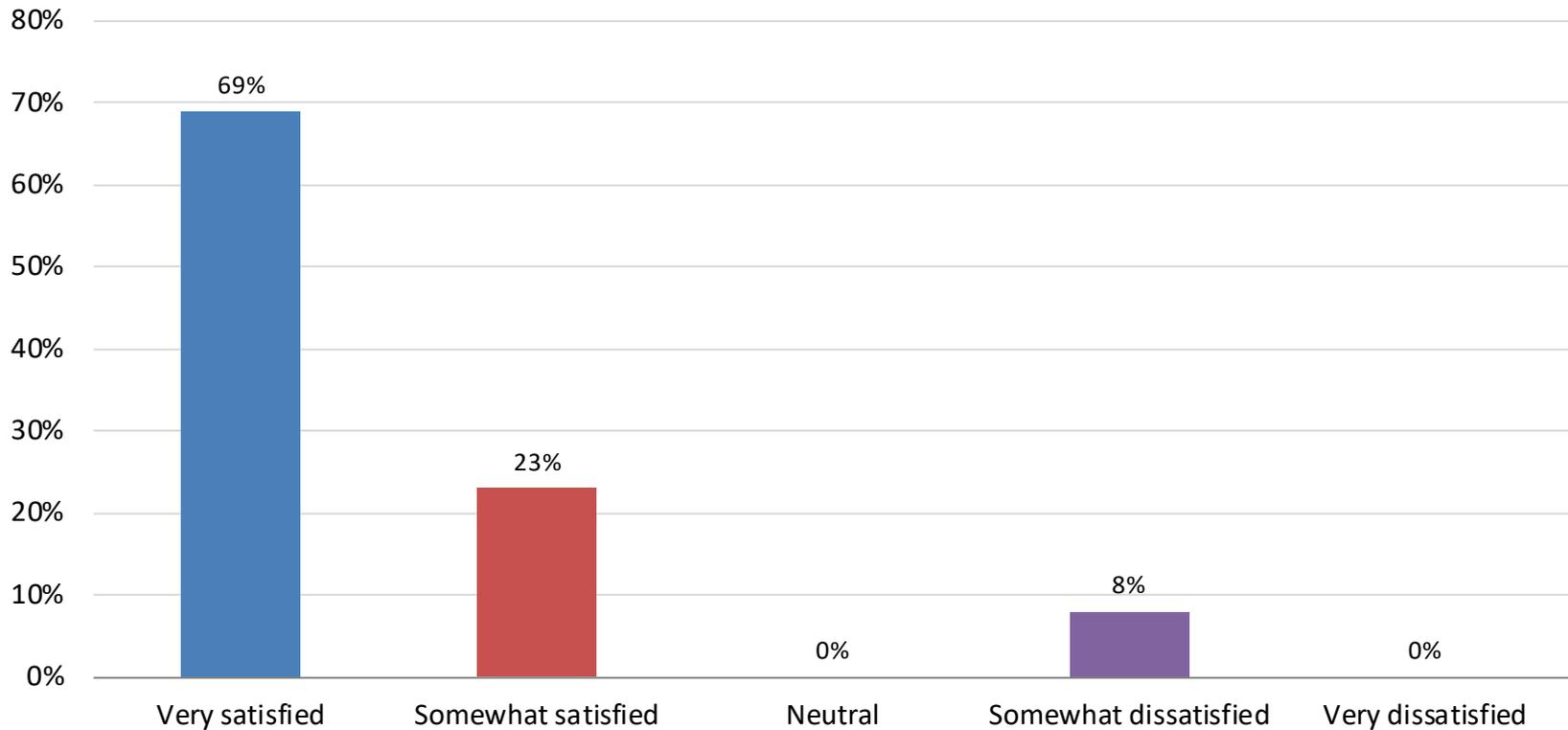
For what type(s) of case have you participated in the Legal Paraprofessional Pilot Project? (Check all that apply.)



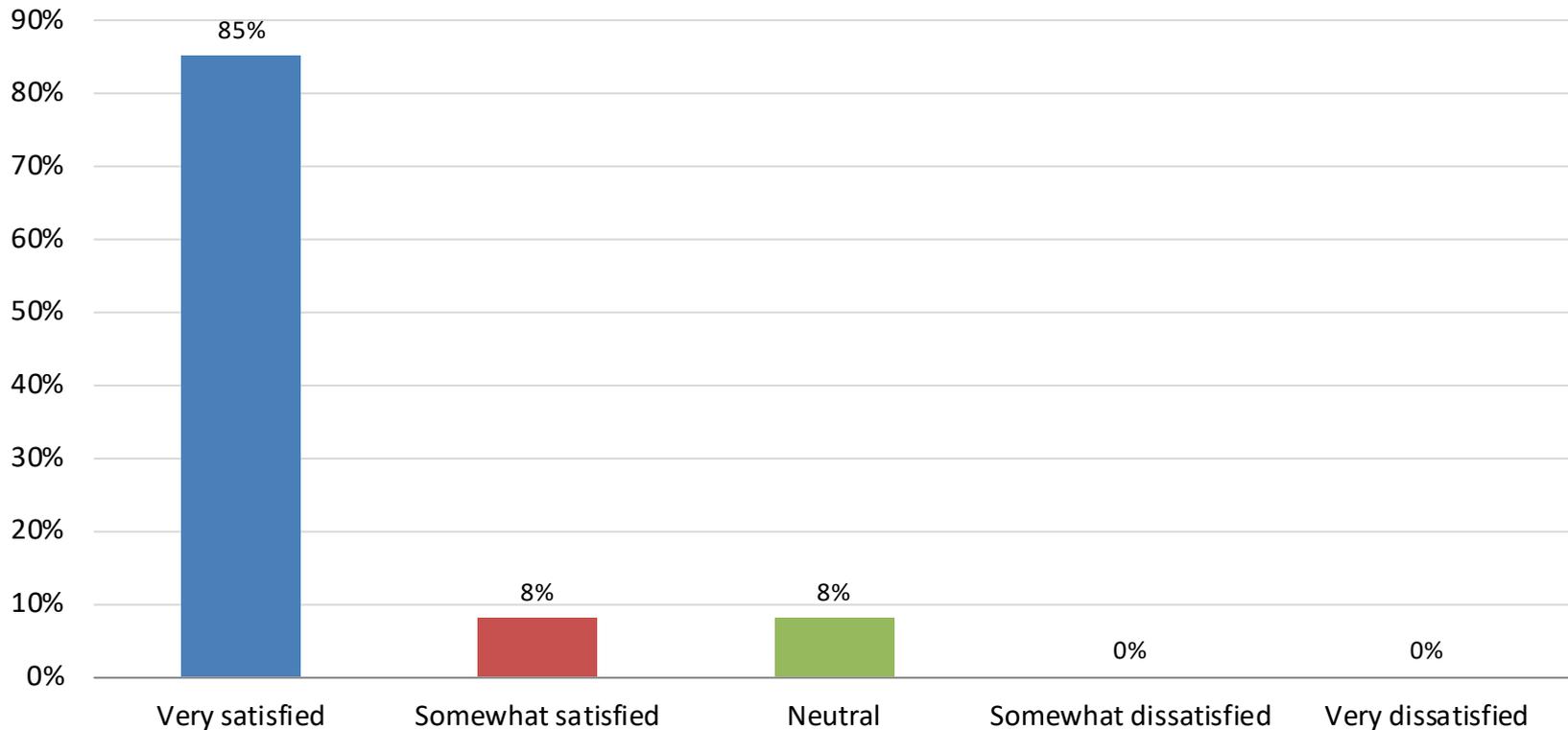
Where have you spent most of your time working as a paraprofessional?



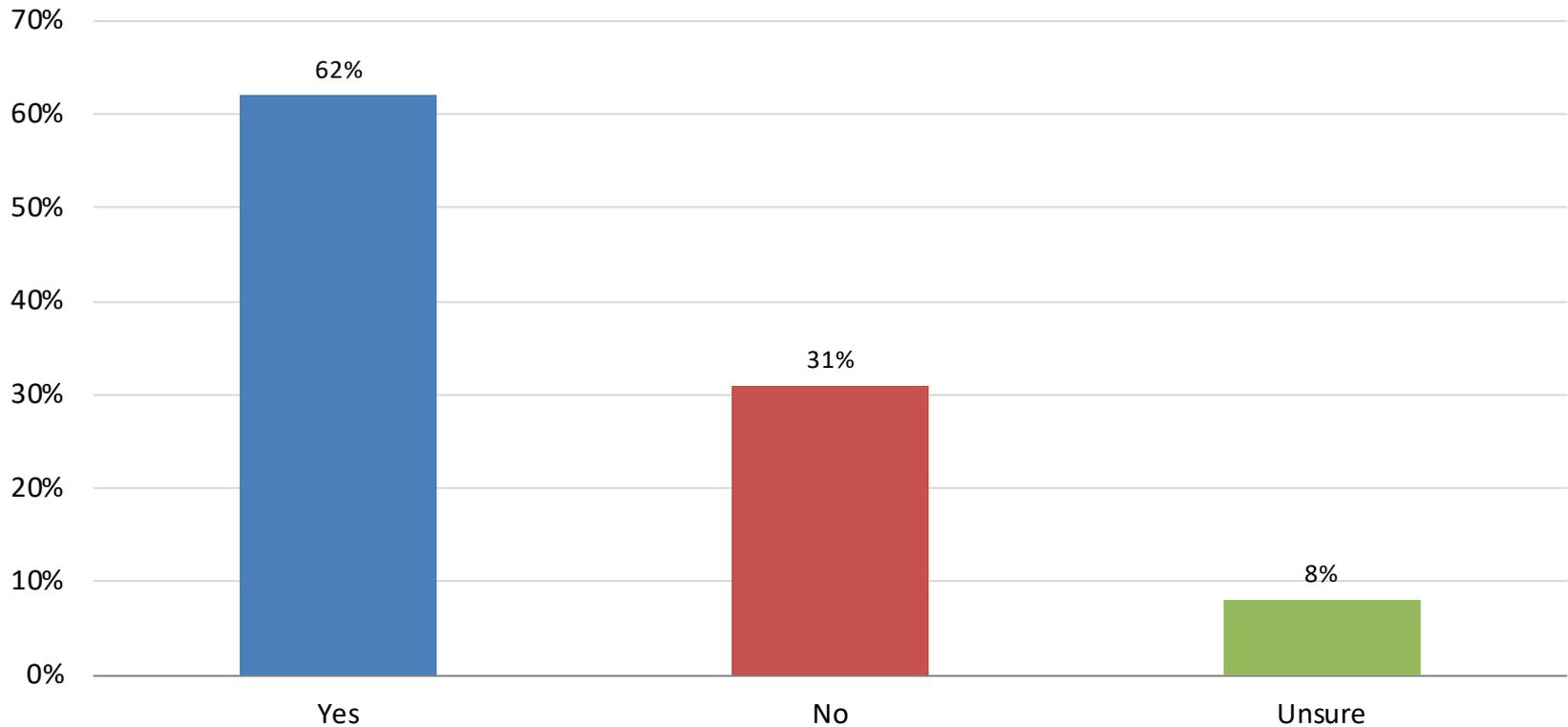
Please rate your satisfaction with the Legal Paraprofessional Pilot Project application process.



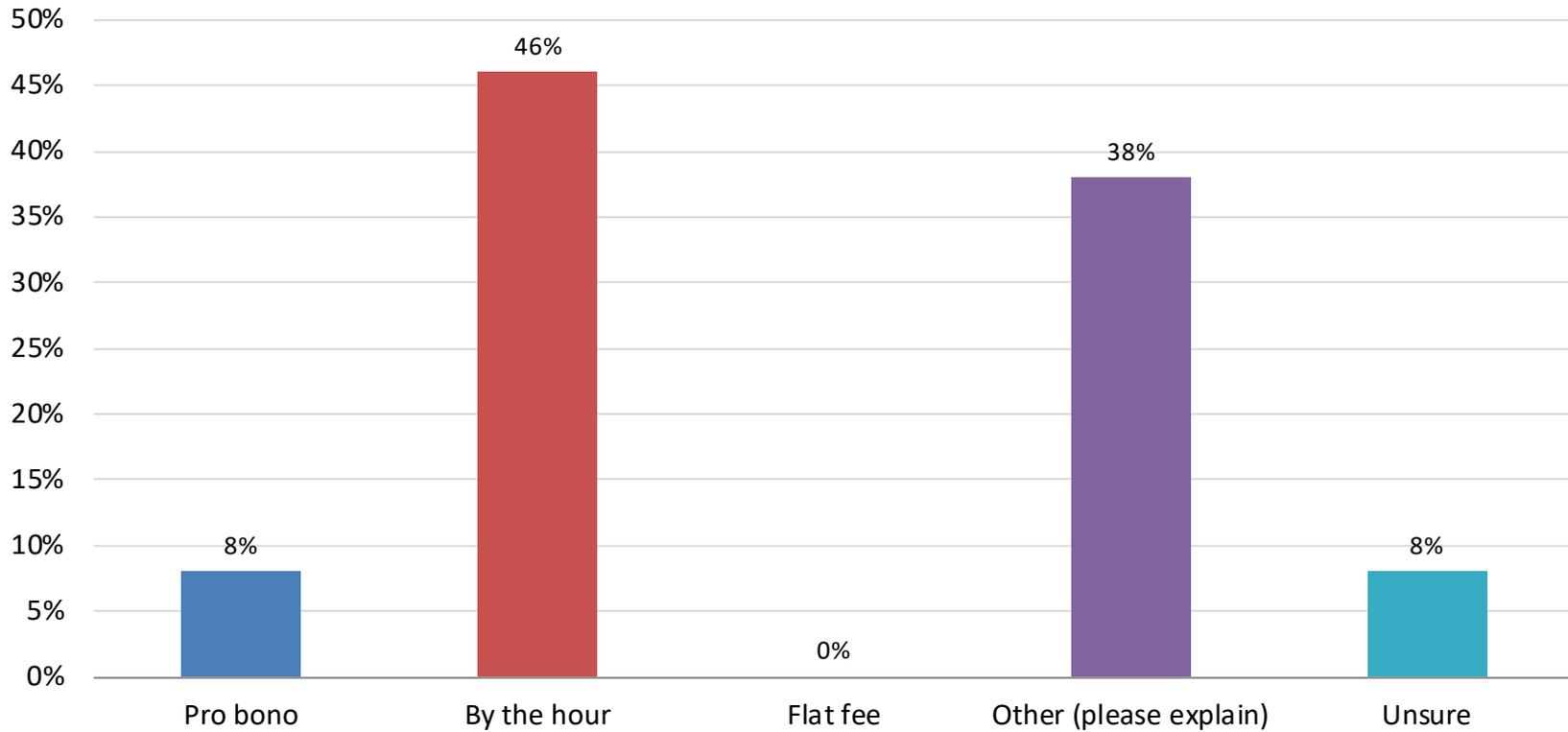
Please rate your satisfaction with the supervision provided by your Legal Paraprofessional Pilot Project supervising attorney.



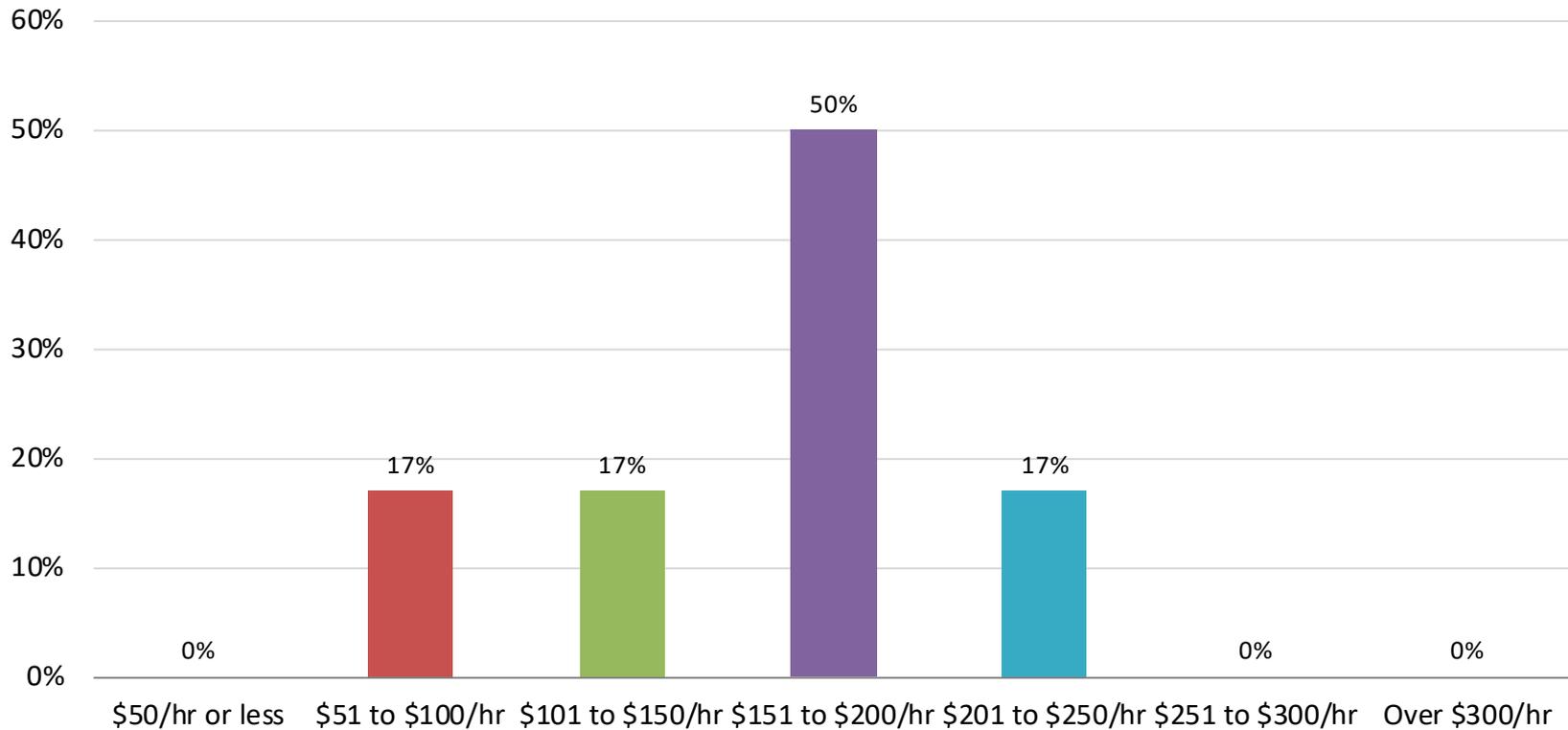
Have you represented any clients in court who you believe would otherwise have been self-represented?



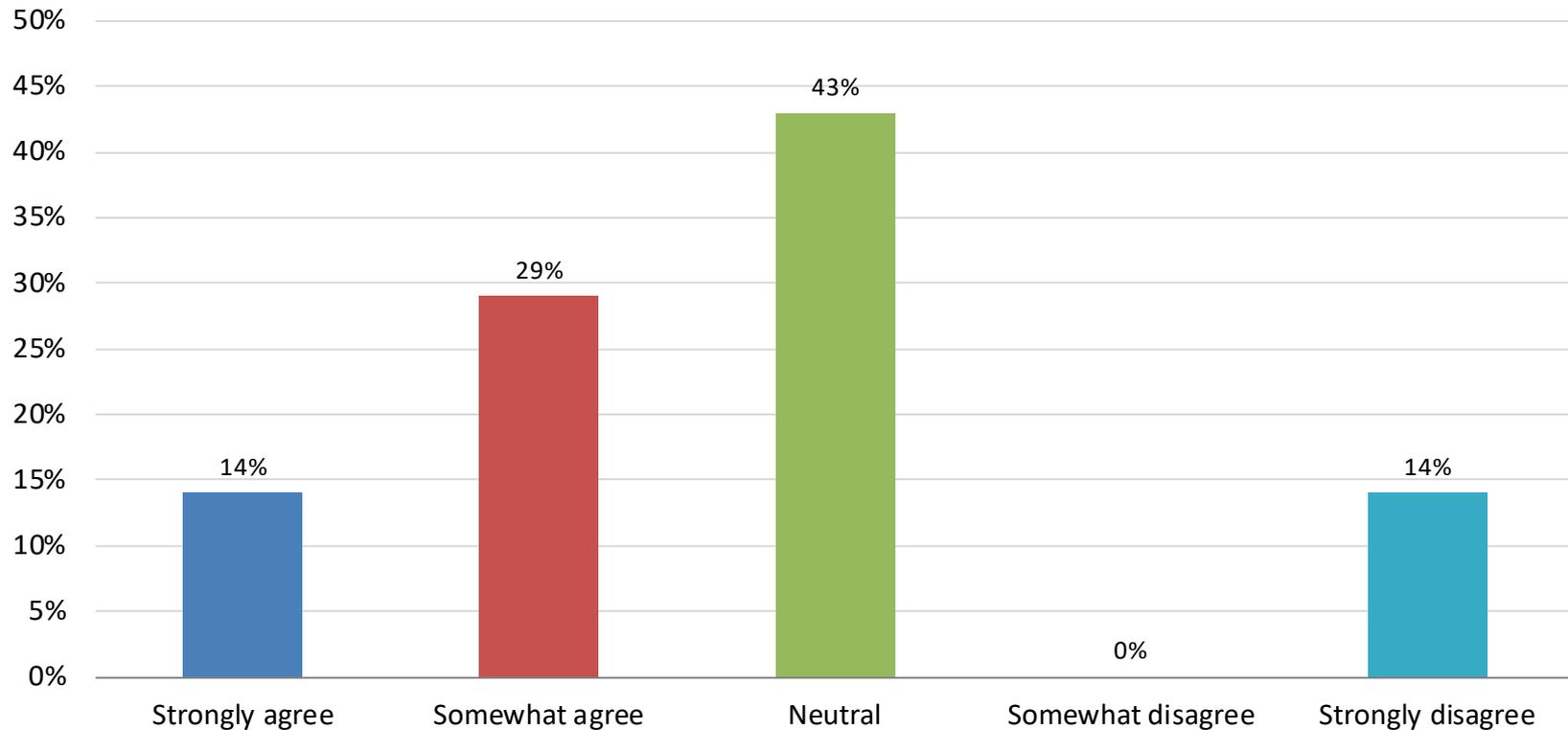
How do you charge for services under the Legal Paraprofessional Pilot Project?



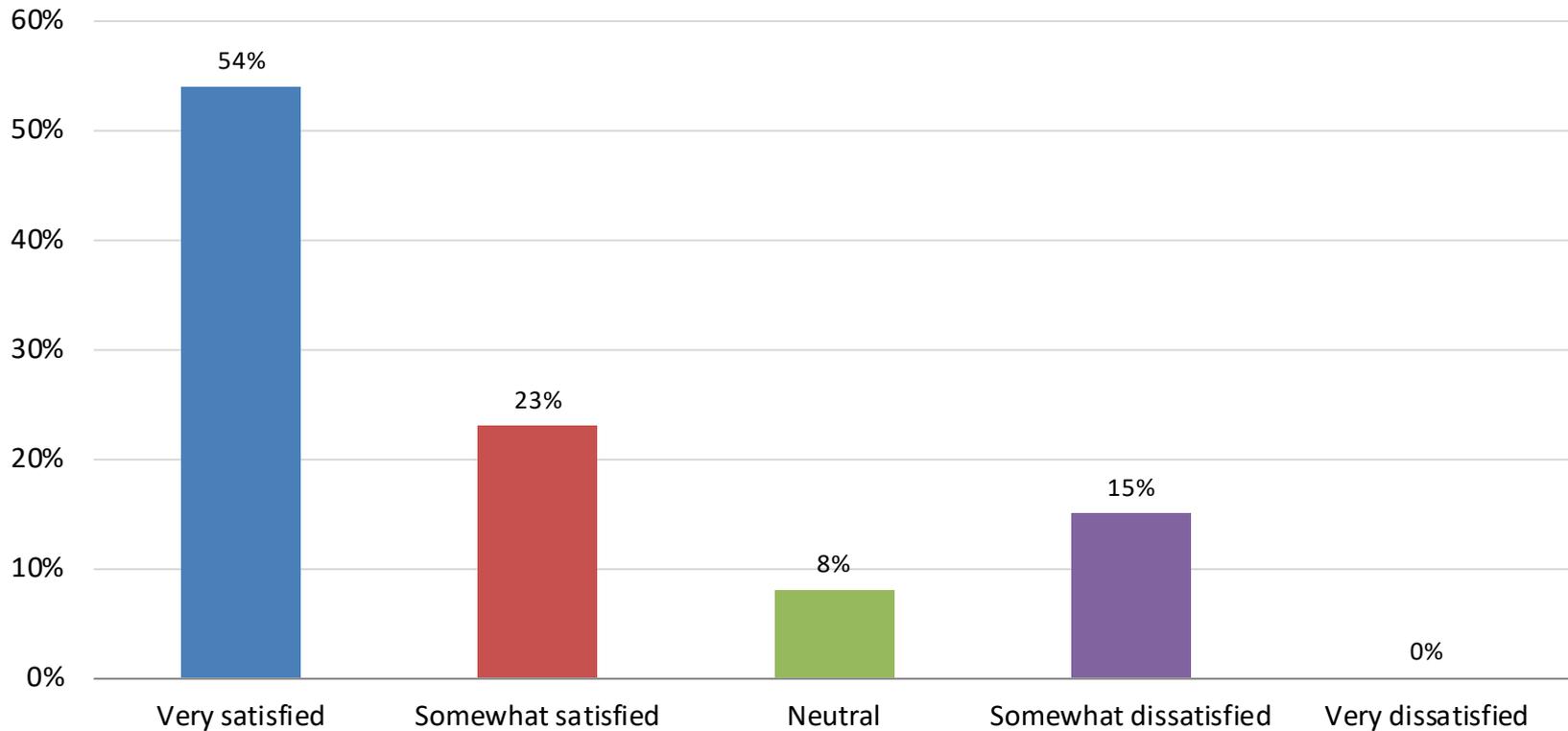
How much do you charge per hour, on average, for your services under the Legal Paraprofessional Pilot Project?



Please rate your level of agreement with the following statement: My expanded role through the Legal Paraprofessional Pilot Project allows me to have a financially sustainable practice.



Please rate your overall satisfaction with the Legal Paraprofessional Pilot Project.





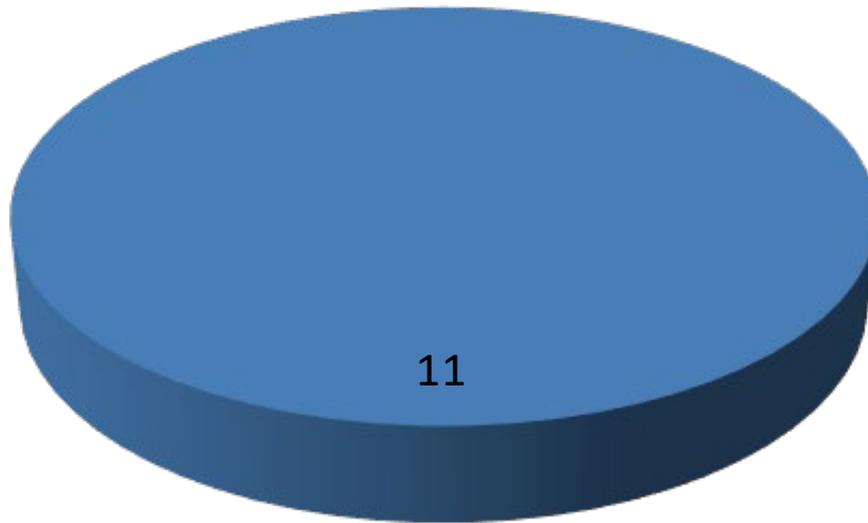
MINNESOTA JUDICIAL BRANCH

Legal Paraprofessional Pilot Project:
Supervising Attorney Survey
Fall 2022

Survey Overview

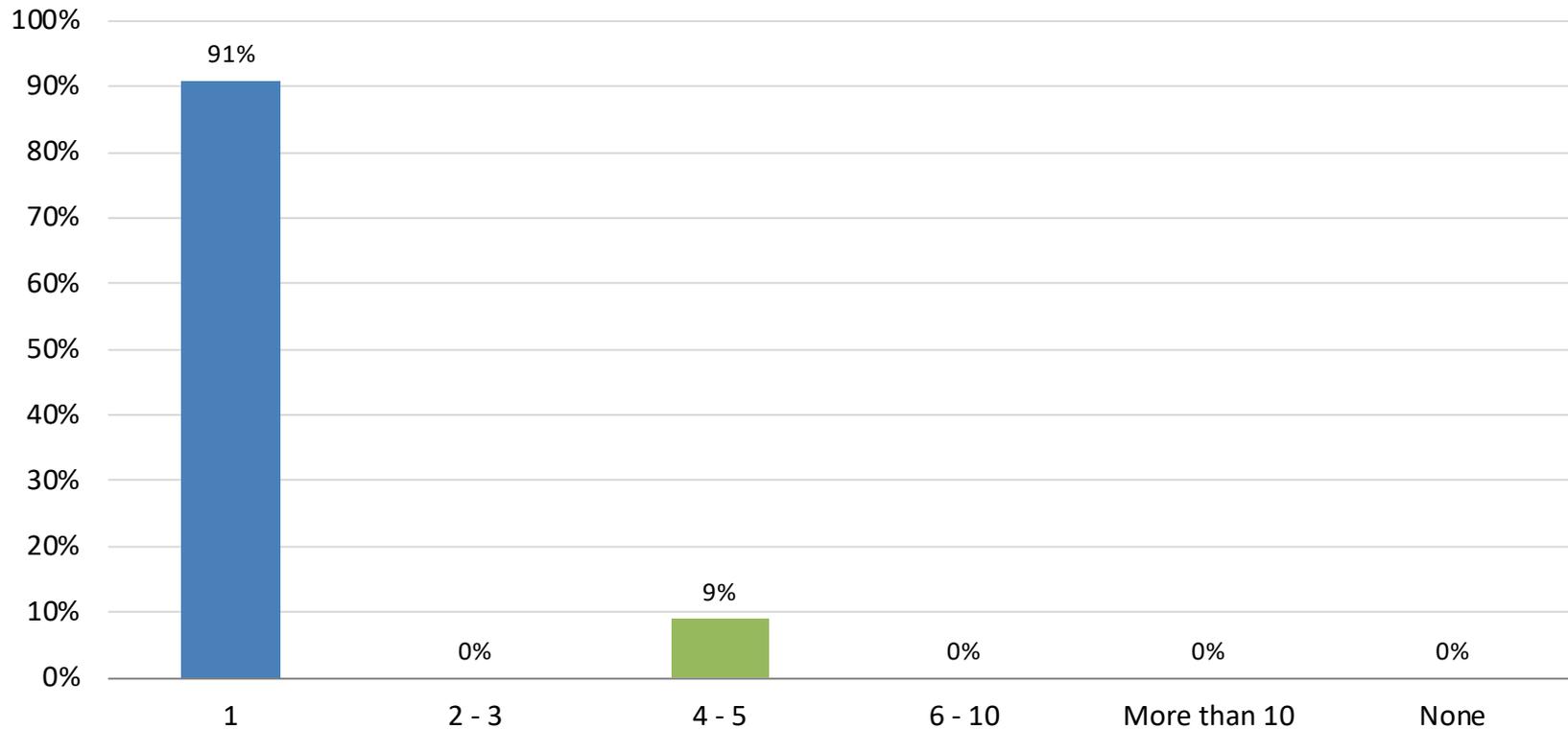
Completion / Dropout

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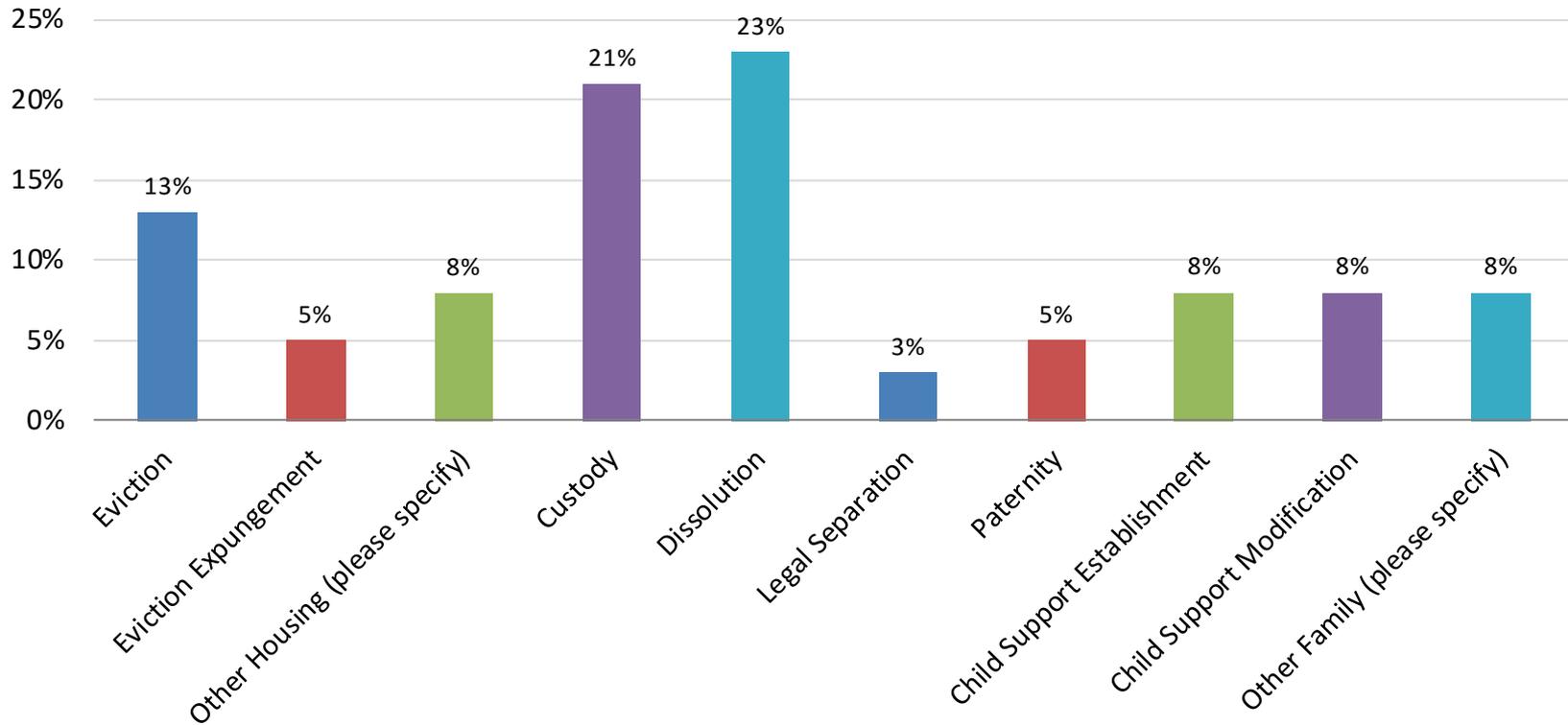


- Completed
- Drop Out

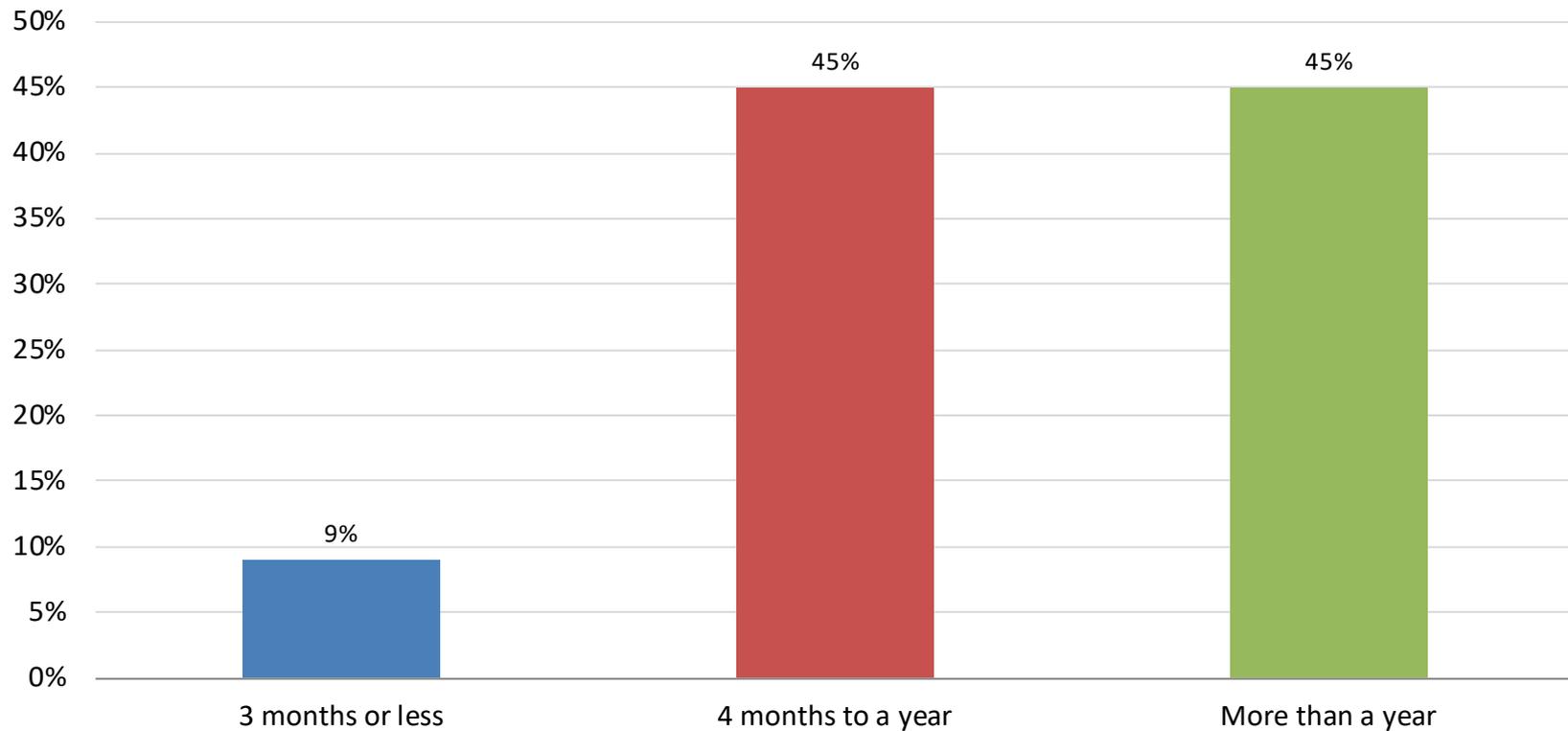
How many paraprofessionals have you supervised through the Legal Paraprofessional Pilot Project?



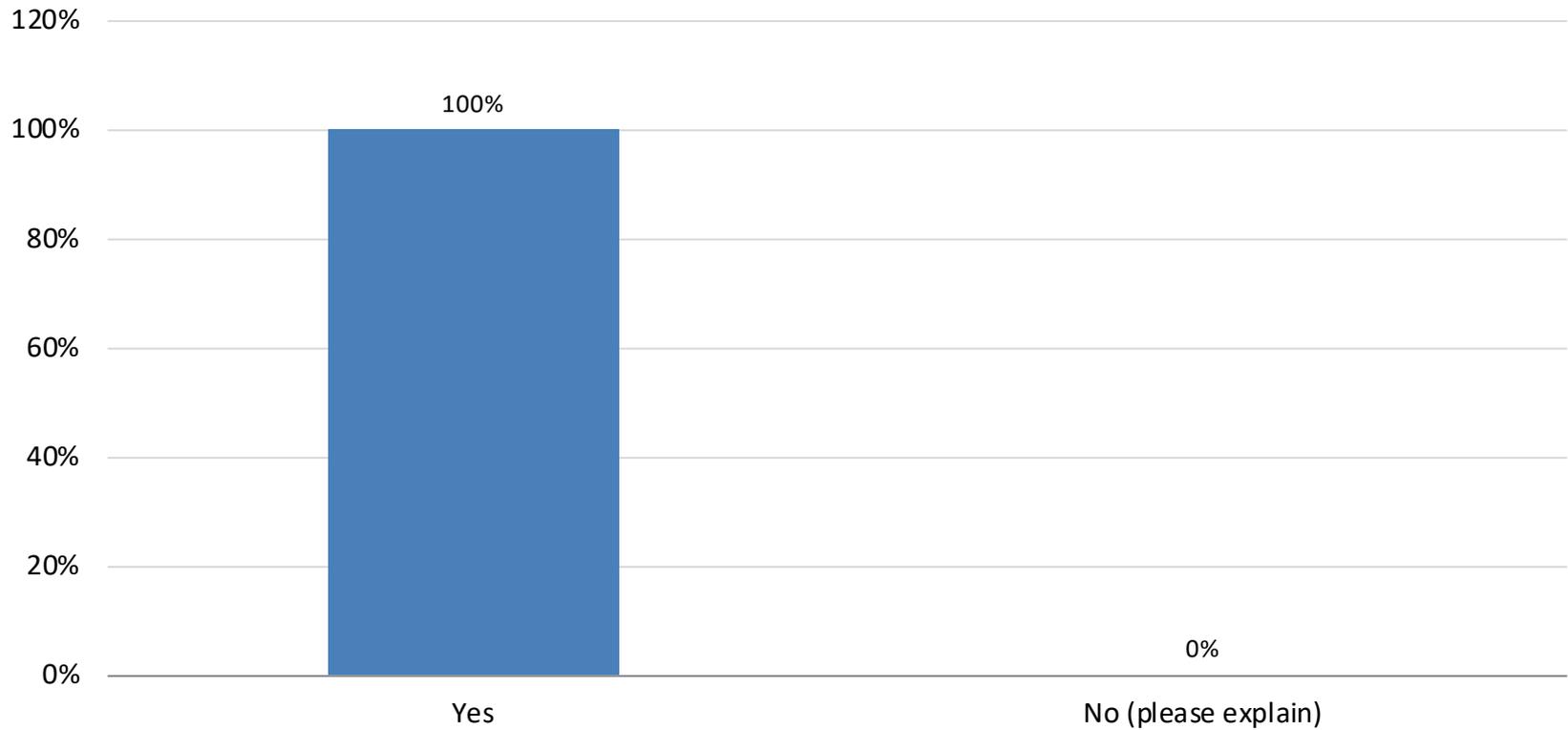
For what type of case have you supervised paraprofessionals through the Legal Paraprofessional Pilot Project? (Check all that apply.)



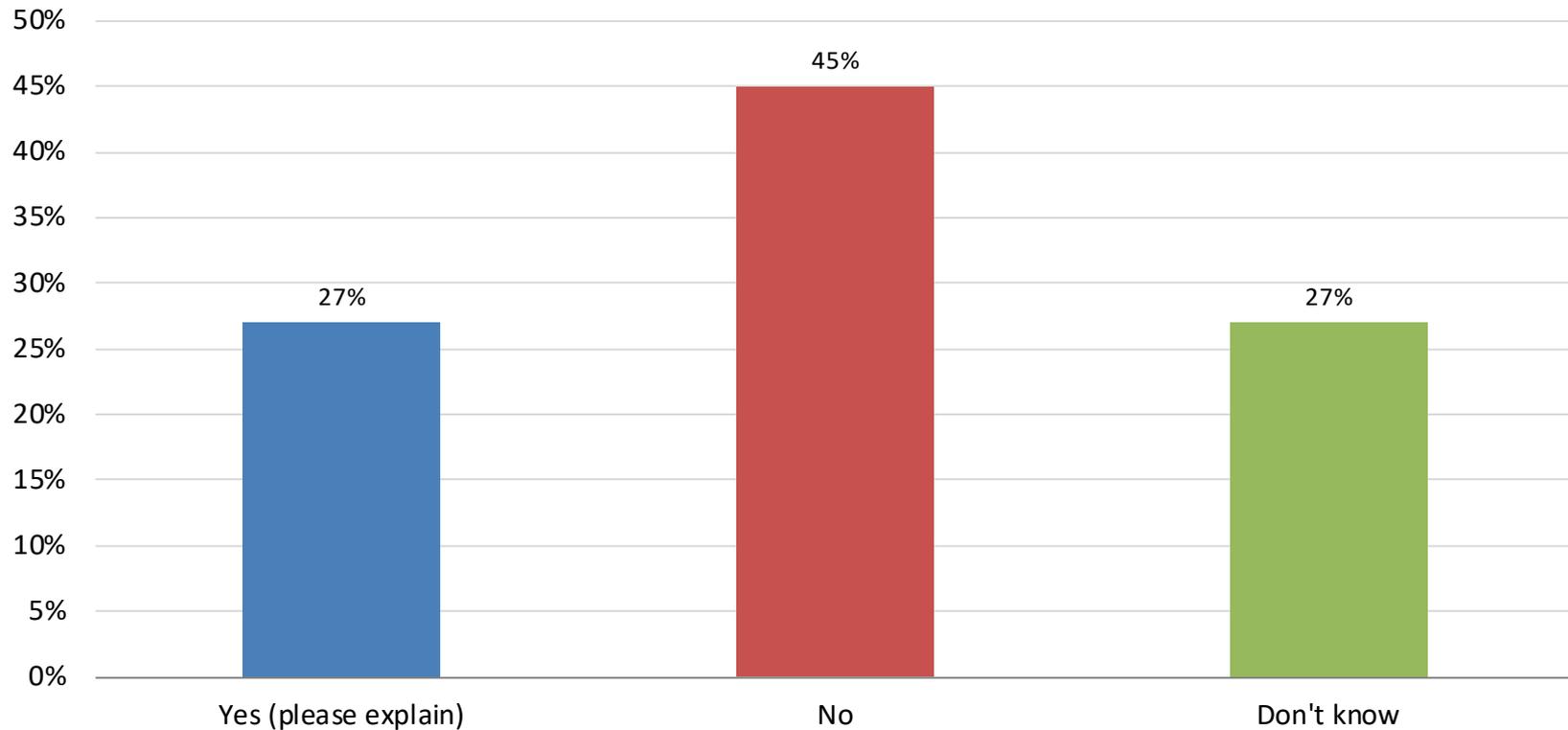
How long have you been participating in the Legal Paraprofessional Pilot Project?



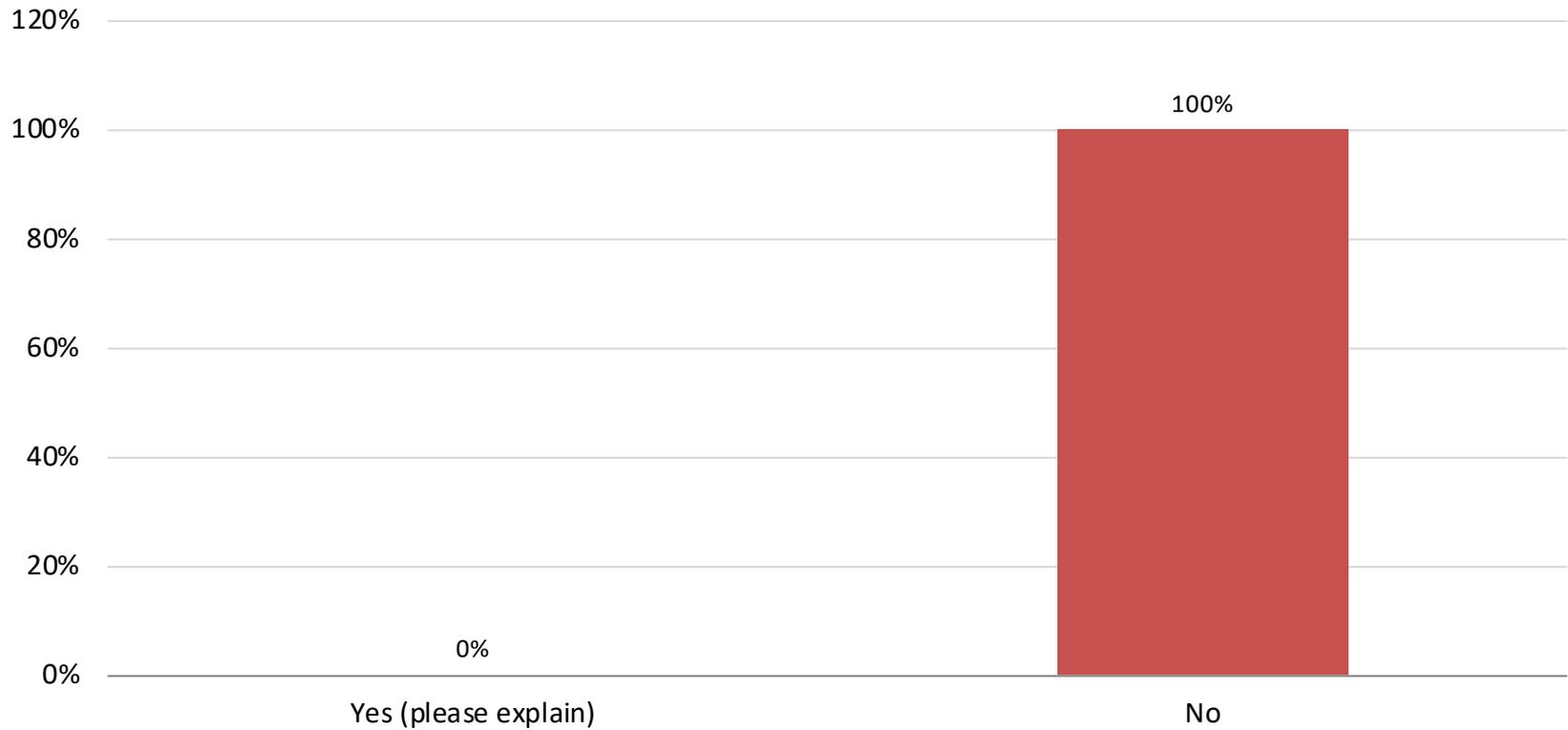
Are you actively participating in the Legal Paraprofessional Pilot Project?



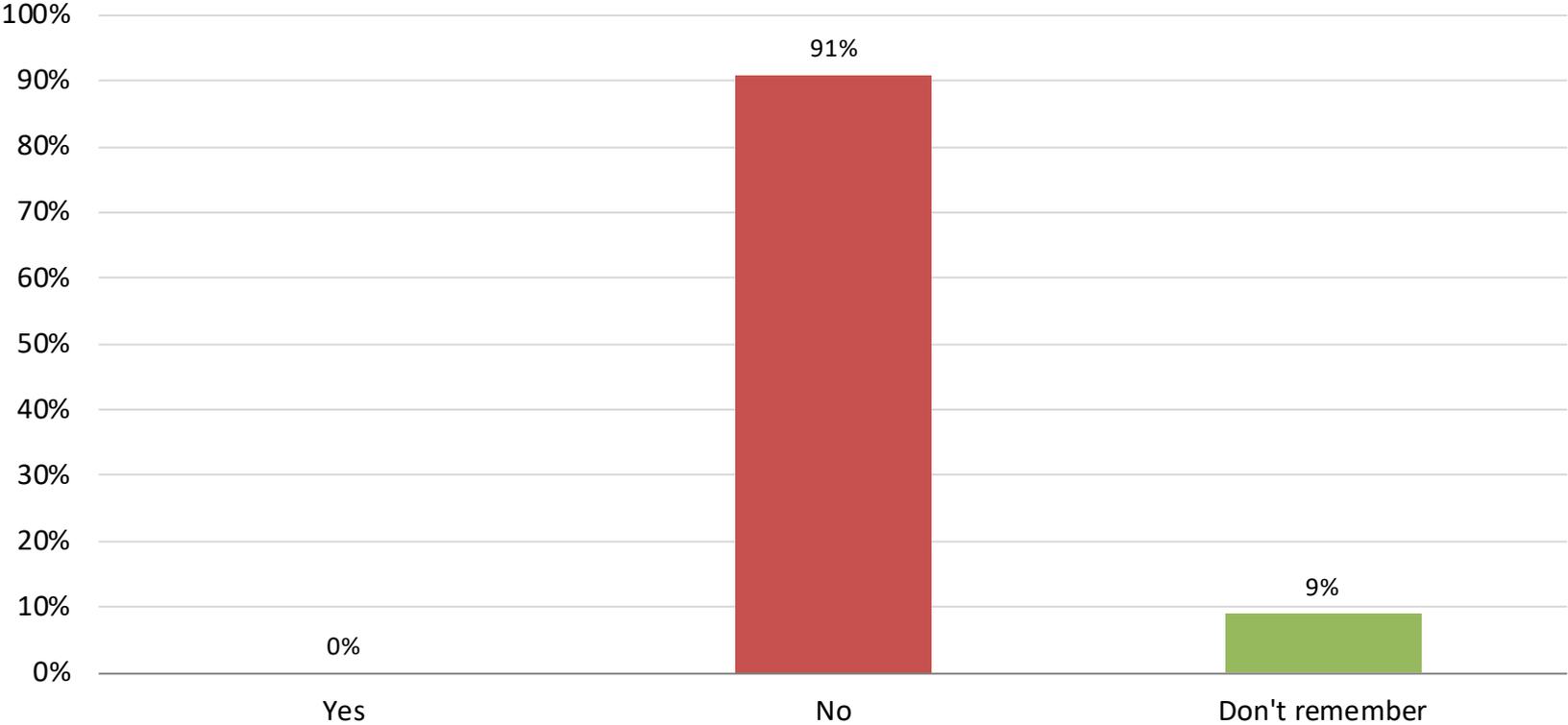
Were you required to modify your legal liability insurance policy to allow for supervising paraprofessionals through the Legal Paraprofessional Pilot Project?



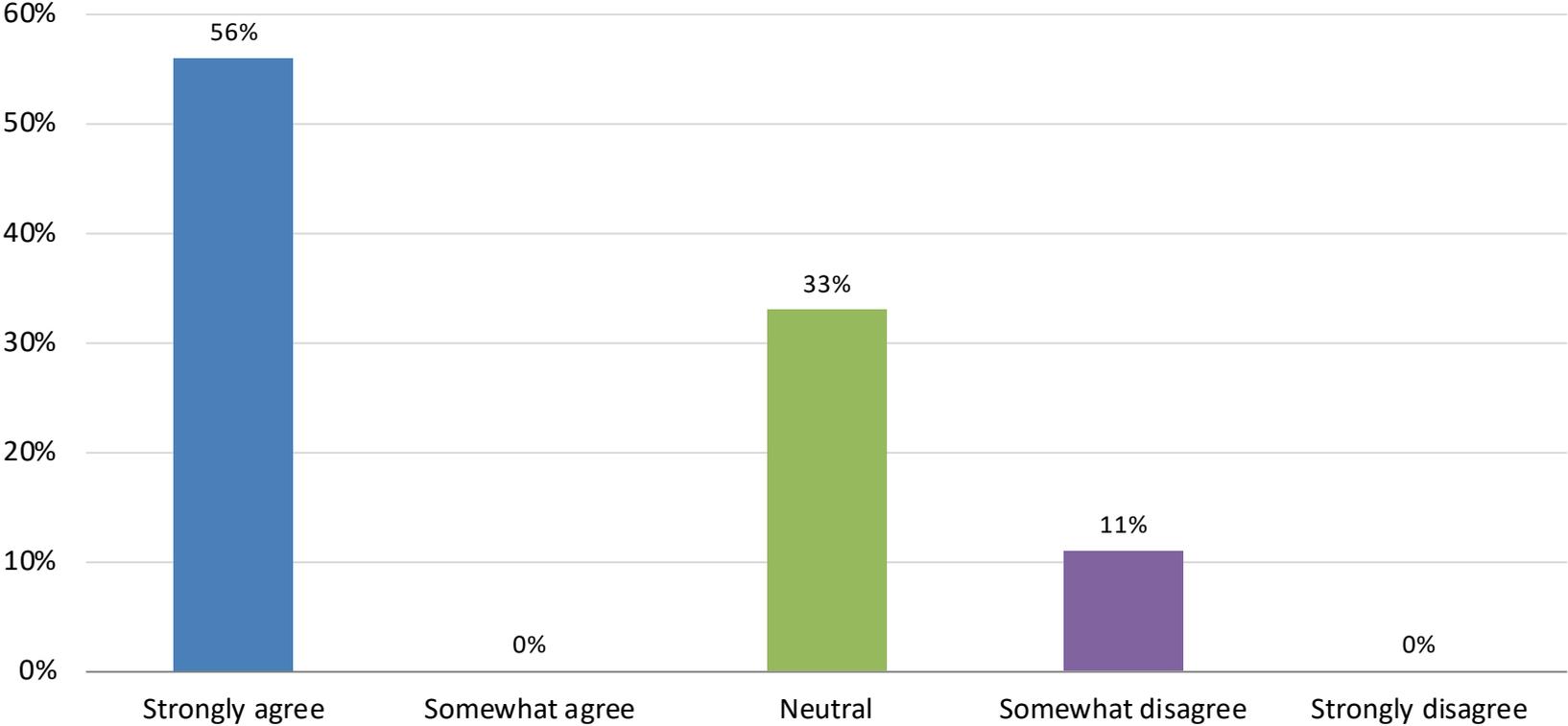
Did the cost of legal liability insurance impact your participation in this project?



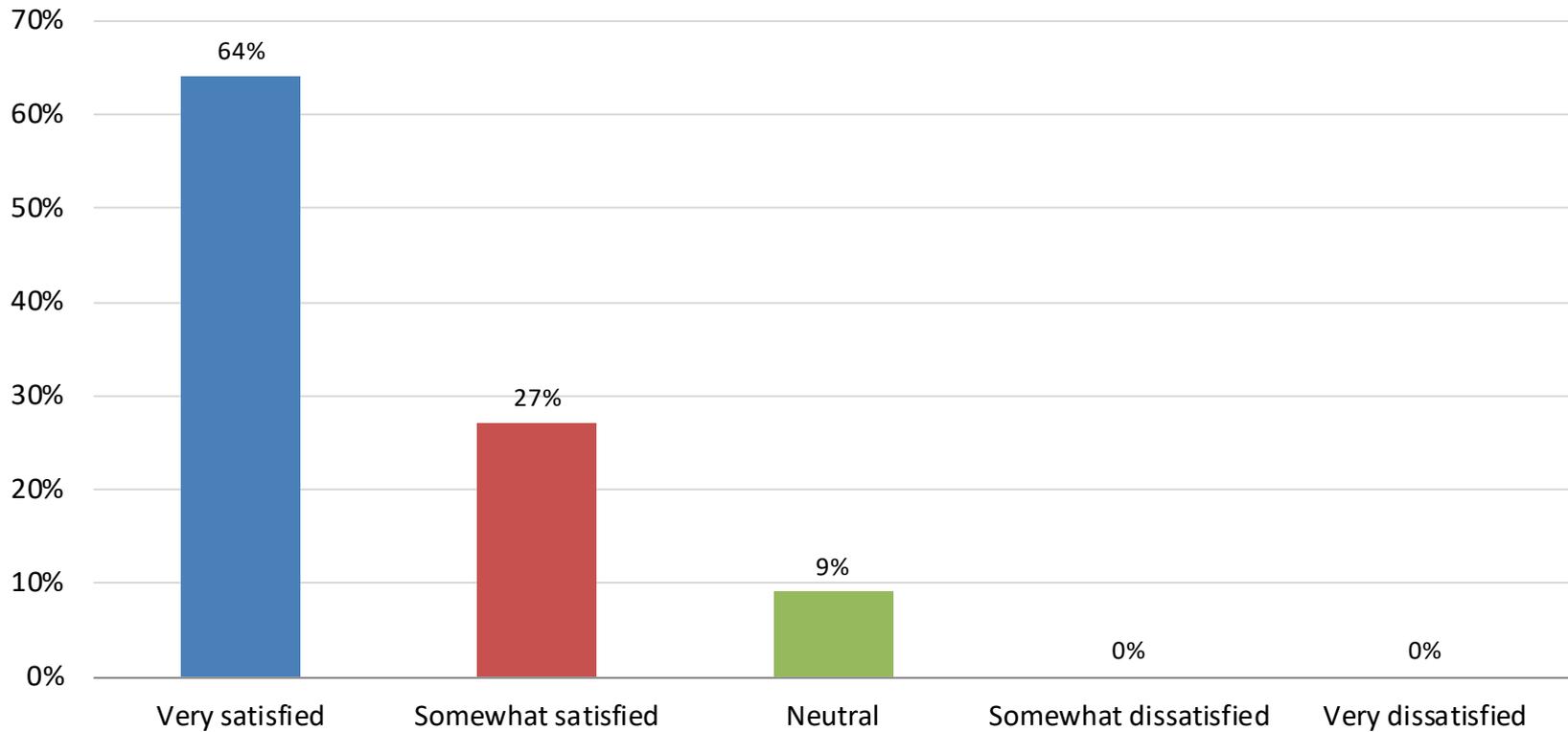
Did anyone decline paraprofessional representation?



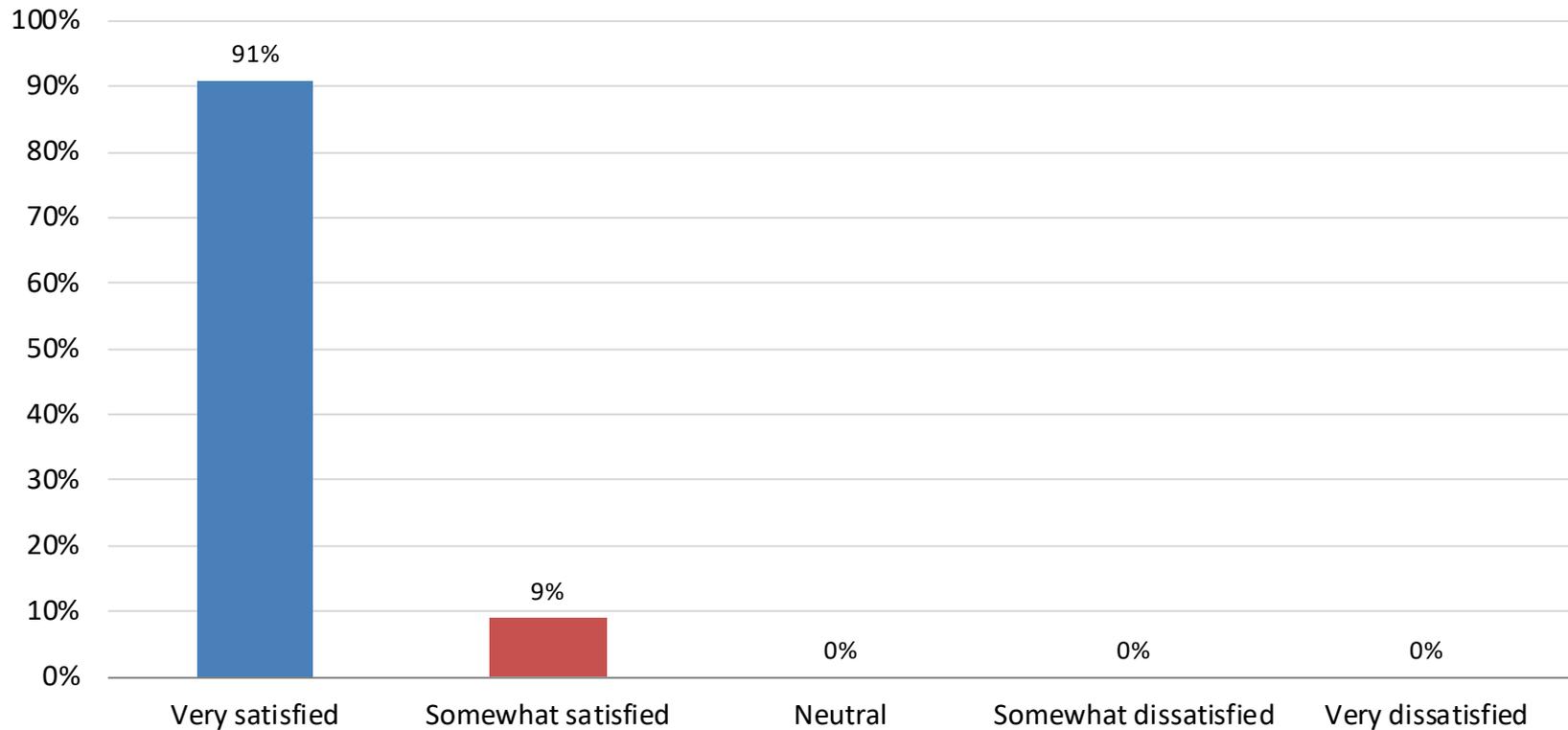
Please rate your level of agreement with the following statement: the expanded paraprofessional role through the Legal Paraprofessional Pilot Project allows me to have a financially sustainable practice.



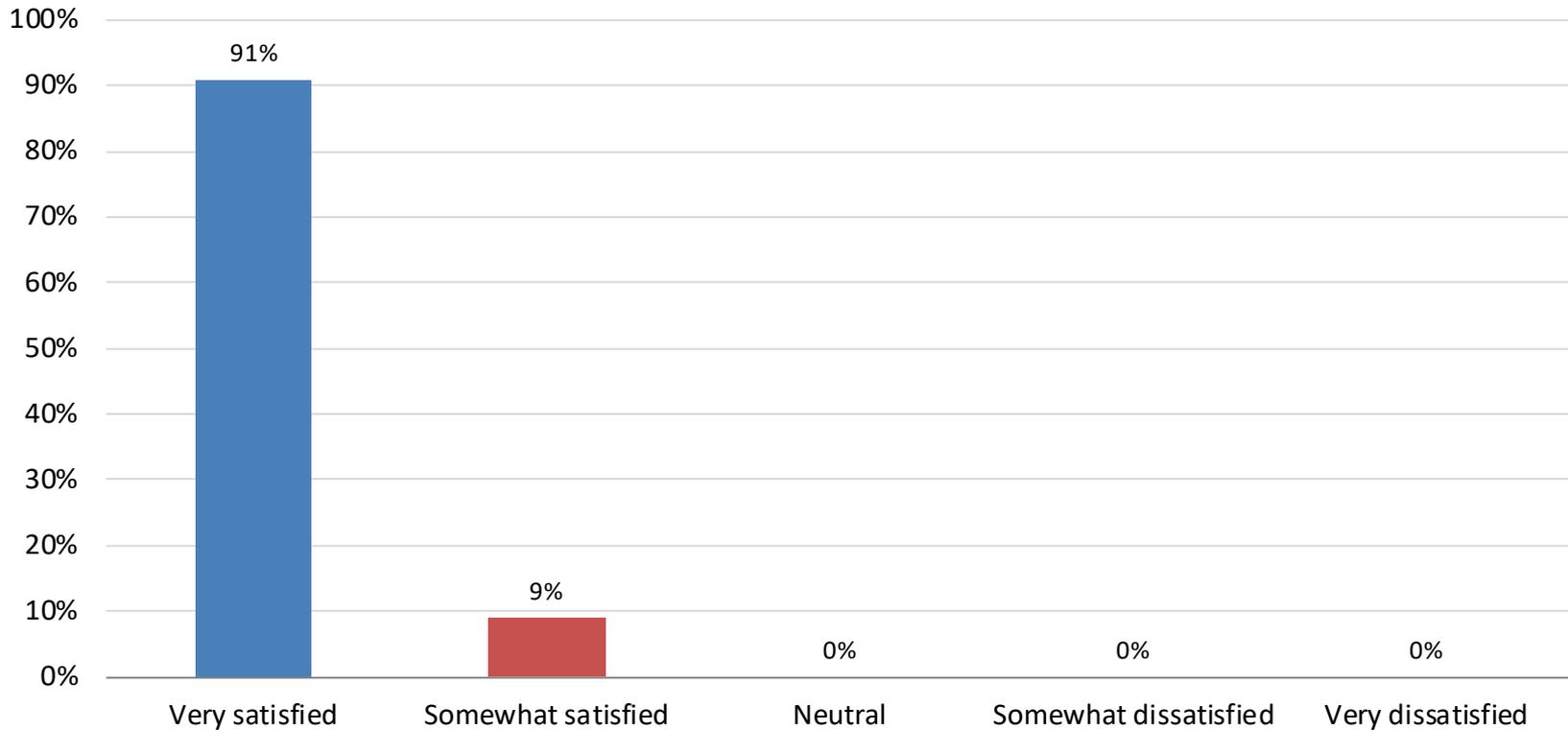
Please rate your satisfaction with the Legal Paraprofessional Pilot Project application process.



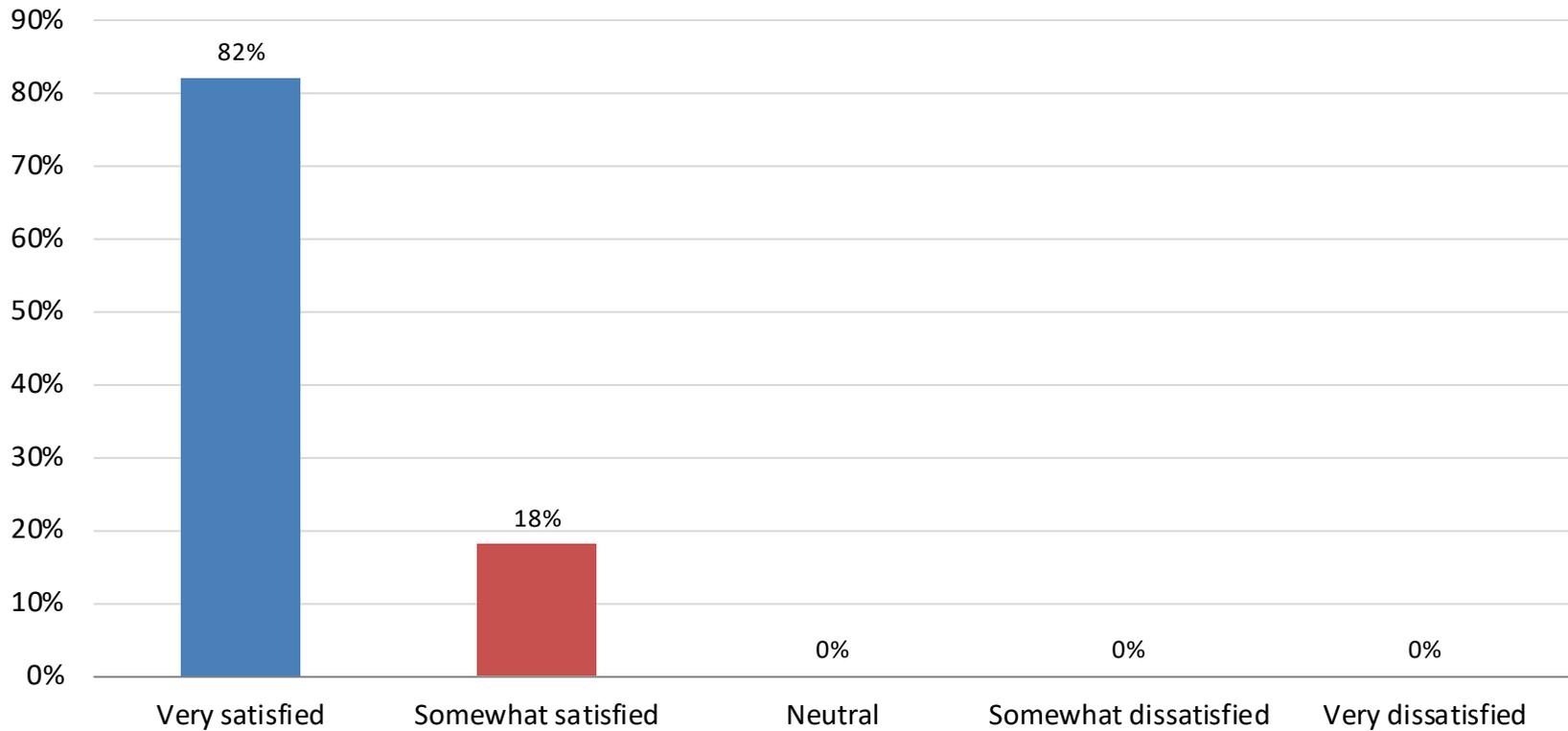
Please rate your satisfaction with supervising participating paraprofessionals.



Please rate your satisfaction with the quality of paraprofessional work by participating paraprofessionals you have supervised.



Please rate your overall satisfaction with the Legal Paraprofessional Pilot Project.

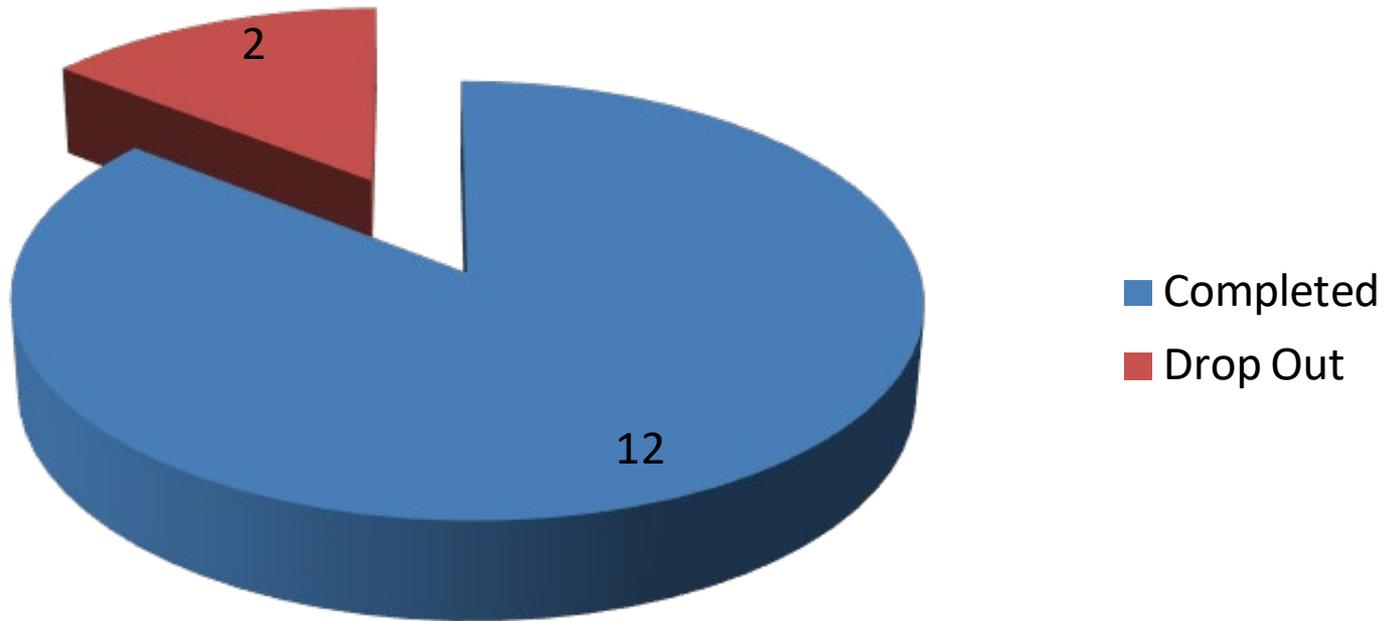




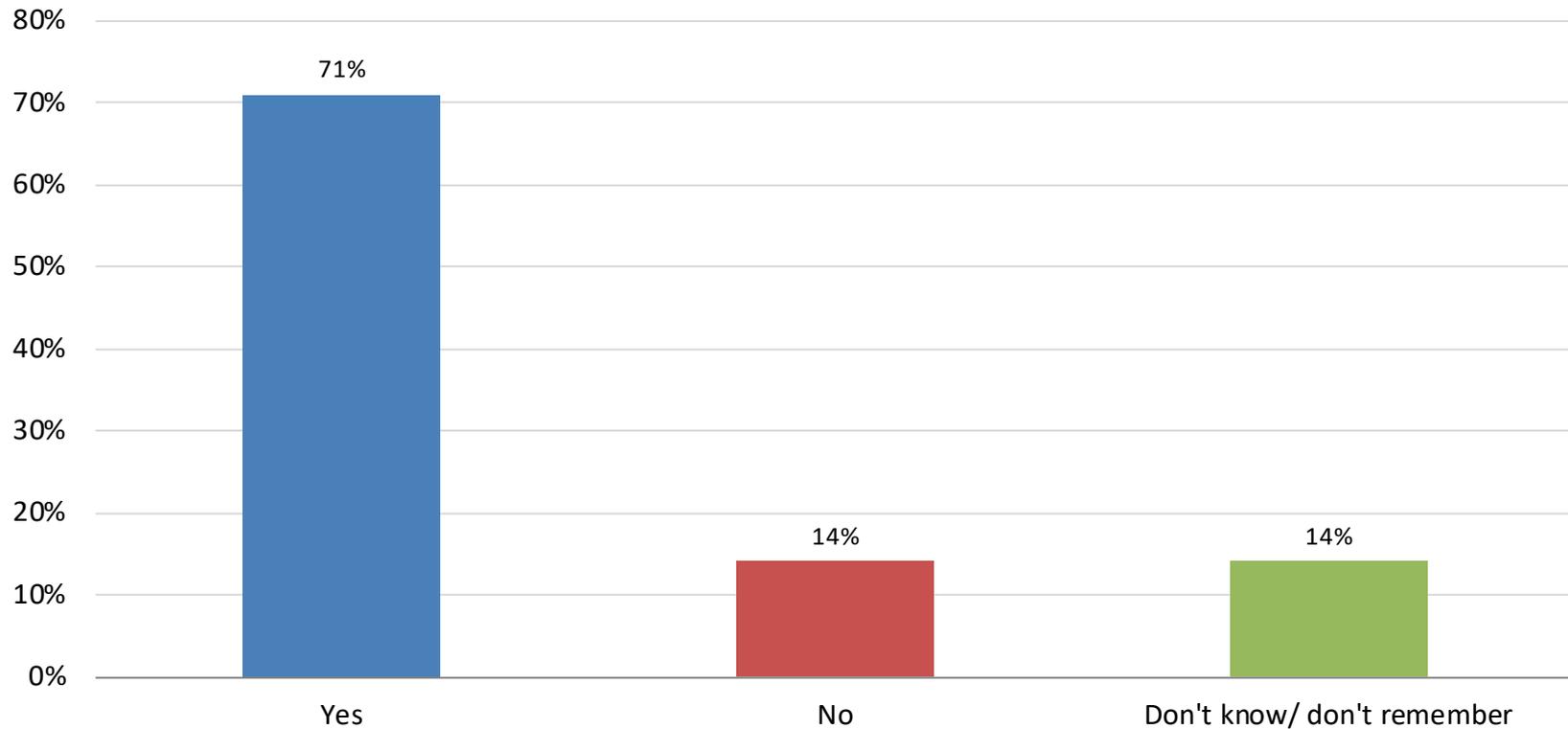
MINNESOTA JUDICIAL BRANCH

Legal Paraprofessional Pilot Project:
Judicial Officer Survey
Fall 2022

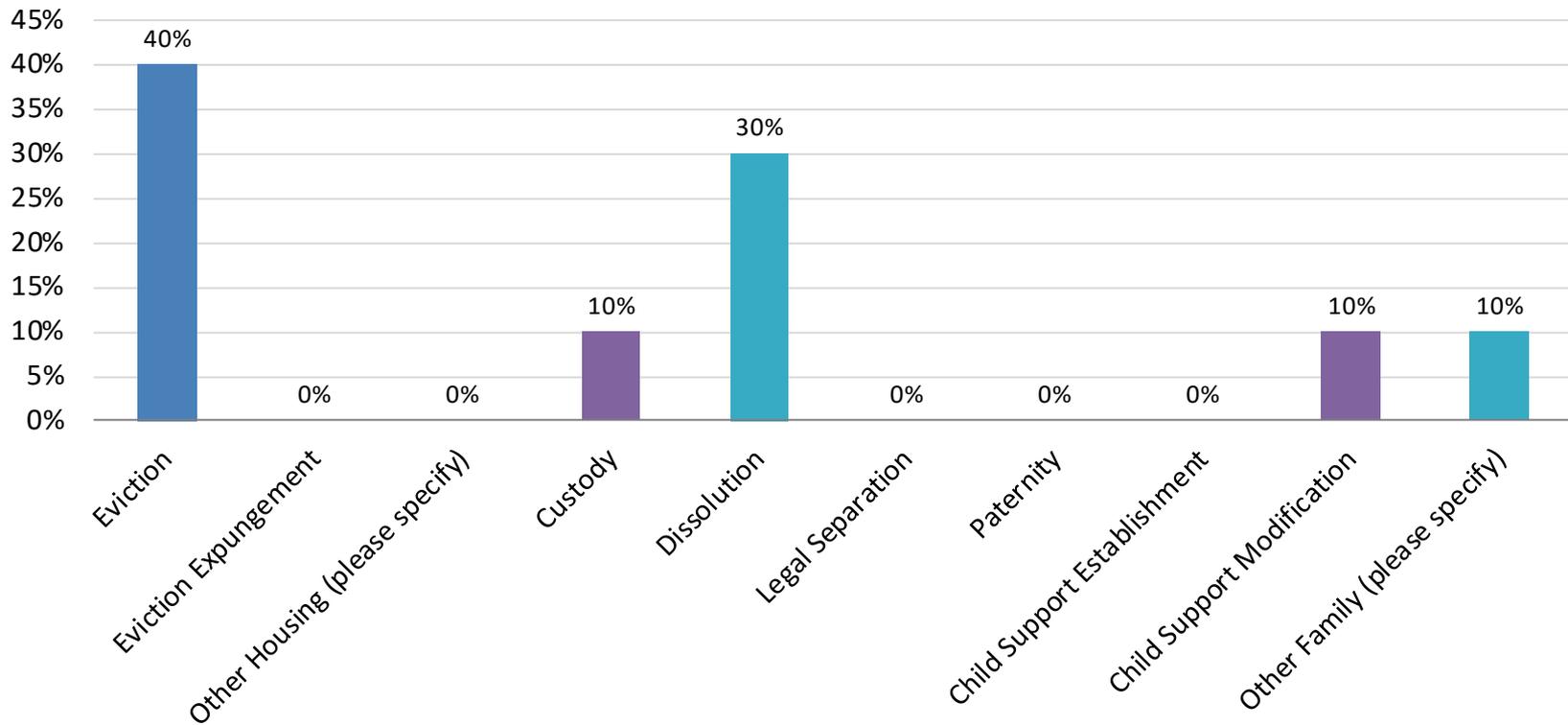
Survey Overview



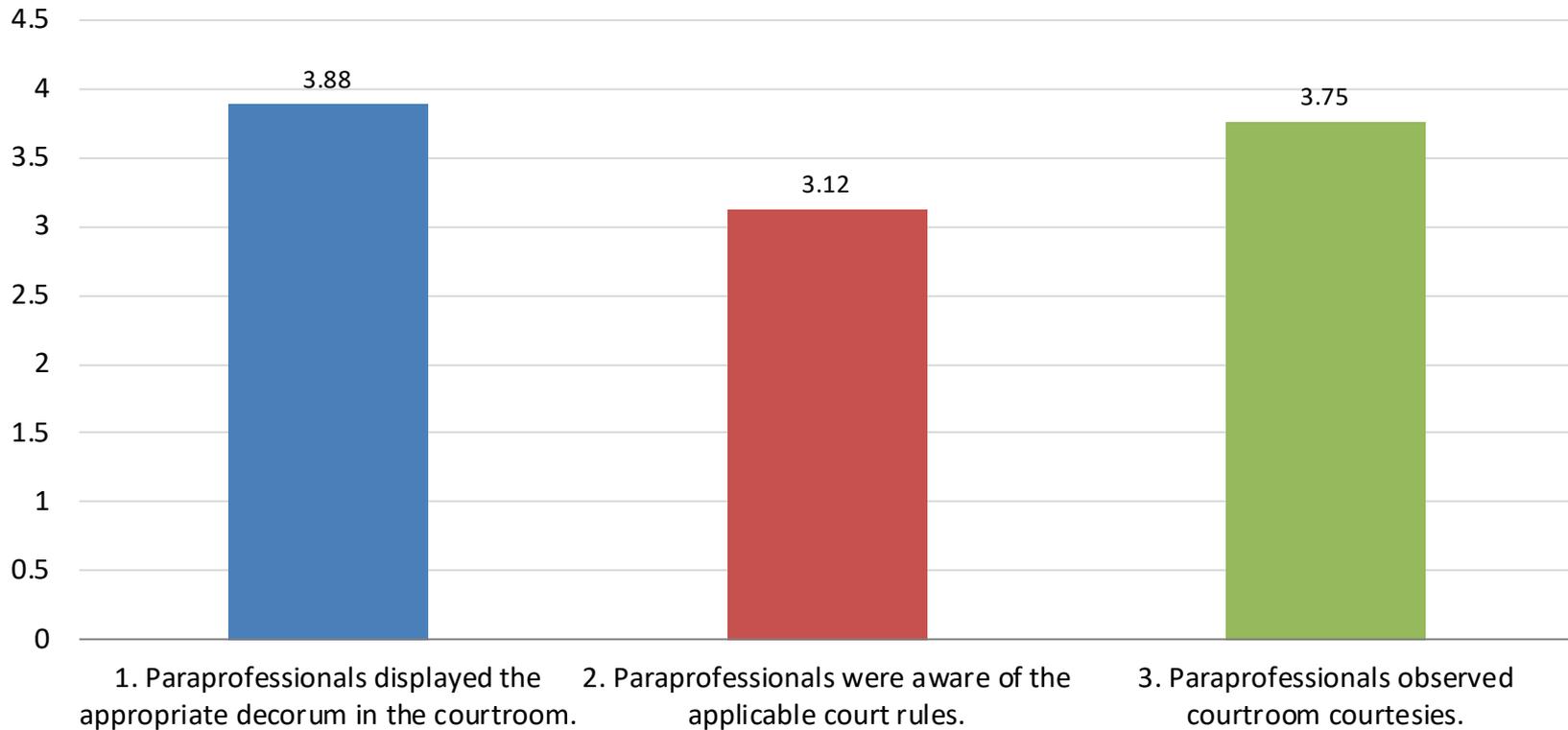
Have you had a paraprofessional participating in the Legal Paraprofessional Pilot Project represent a client in your courtroom?



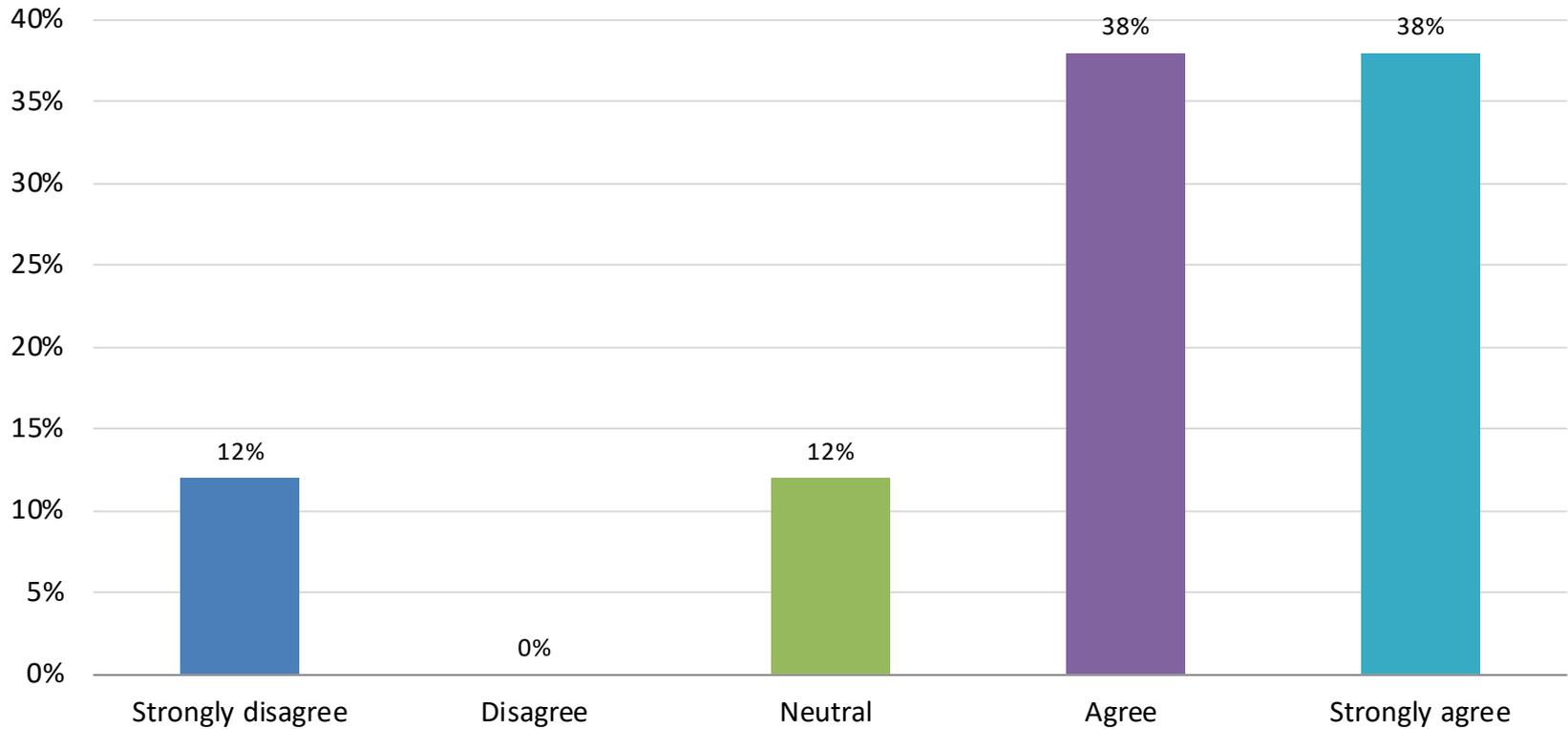
For what type of case have you had a paraprofessional represent a client in your courtroom? (Check all that apply.)



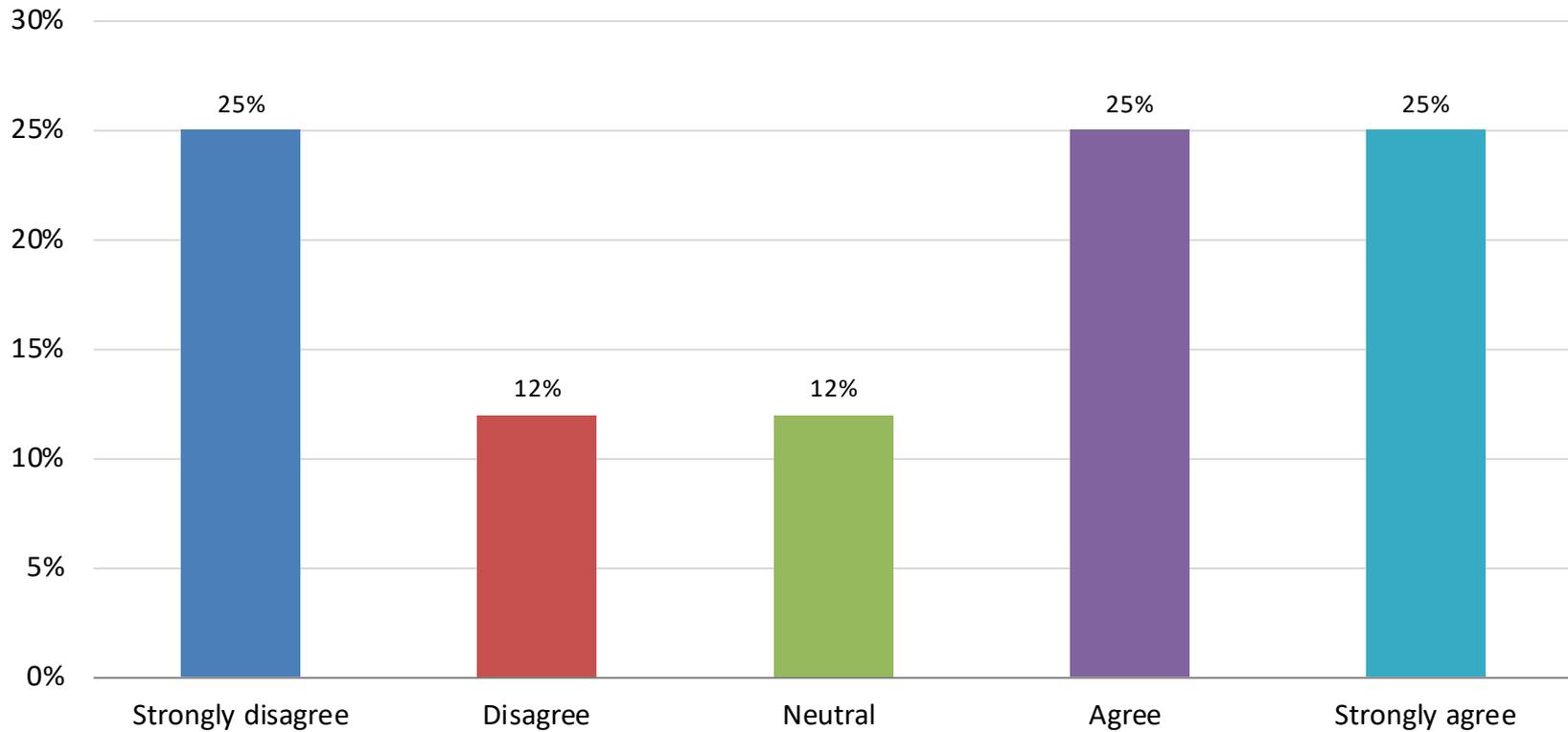
Thinking about all paraprofessionals who appeared in your courtroom in the last 12 months of this pilot, please provide your level of agreement with the following statements.



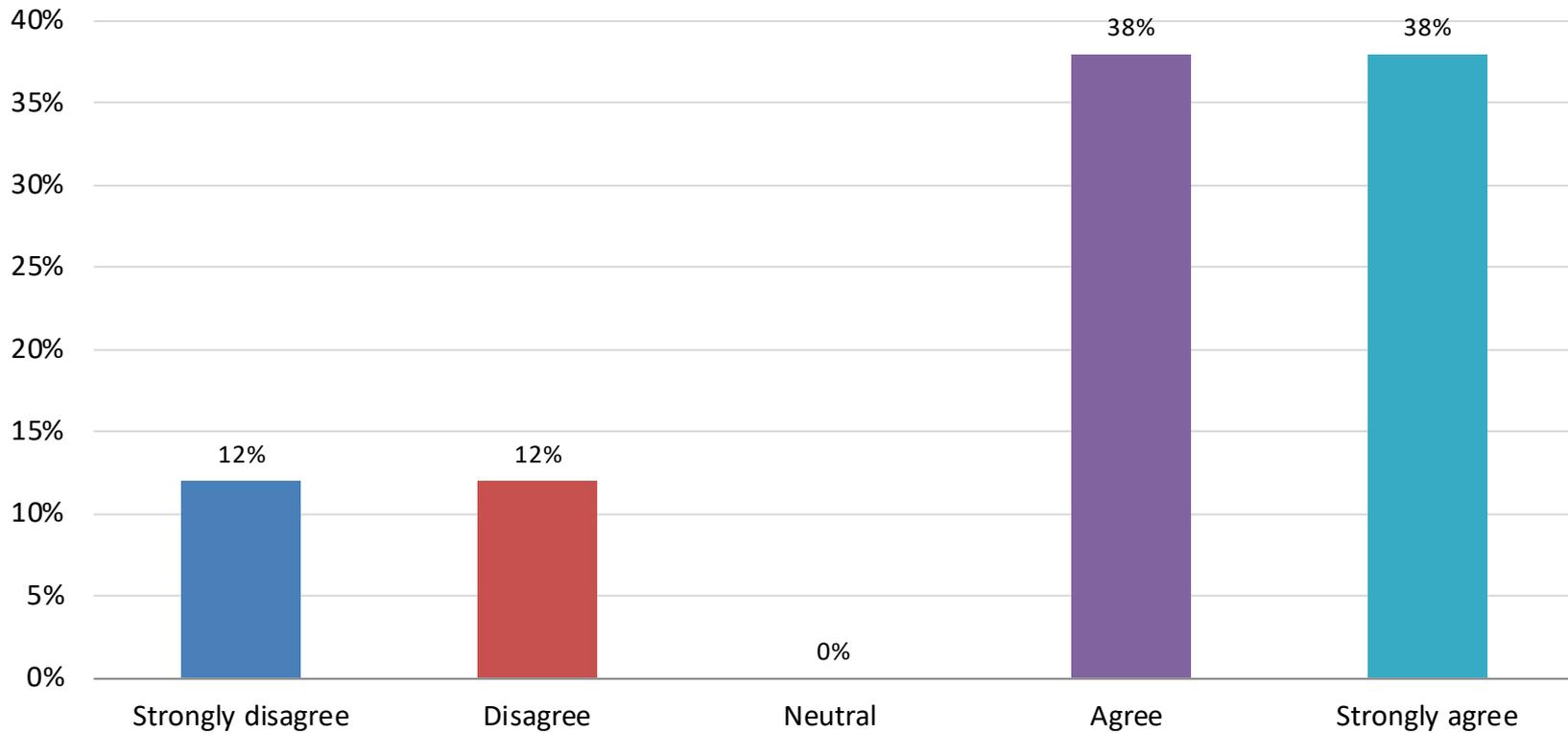
Paraprofessionals displayed the appropriate decorum in the courtroom.



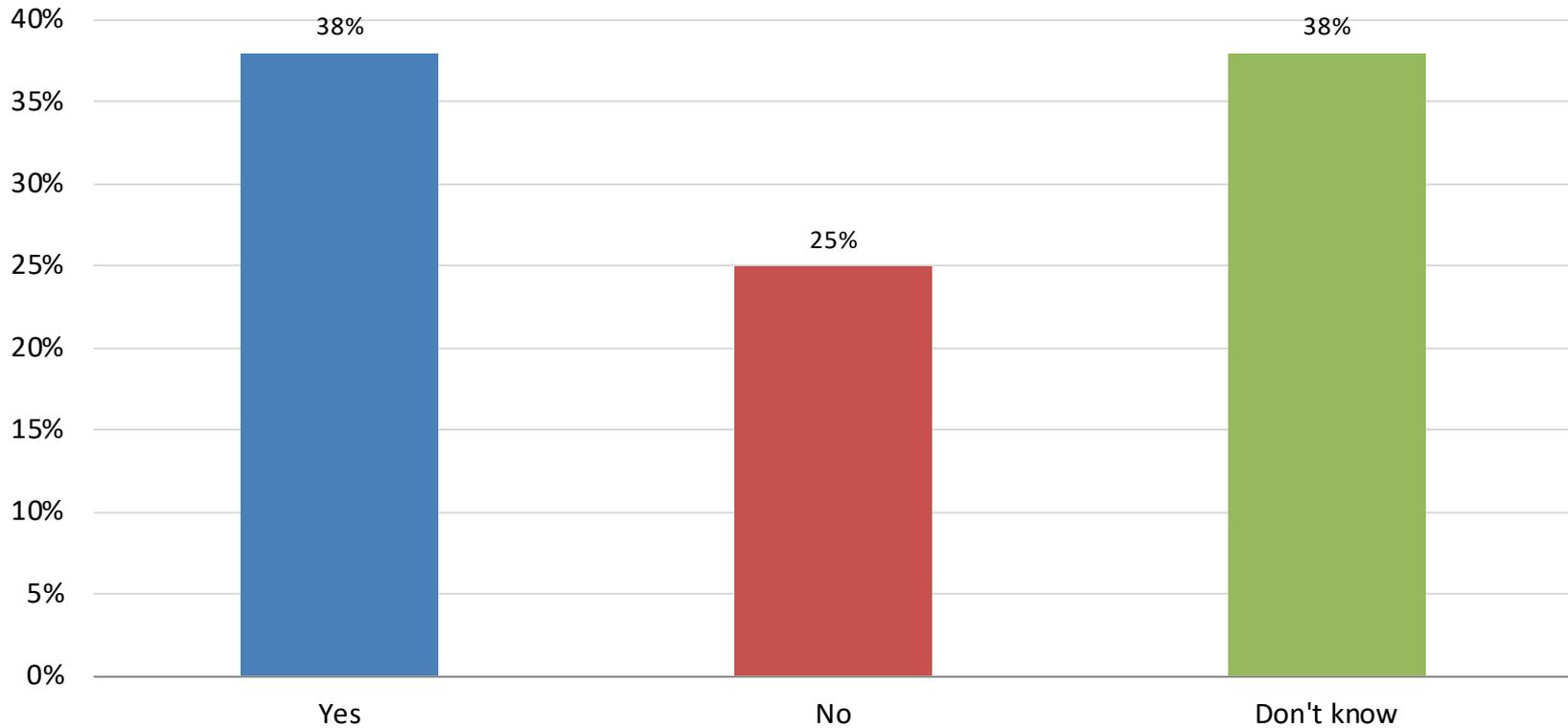
Paraprofessionals were aware of the applicable court rules.



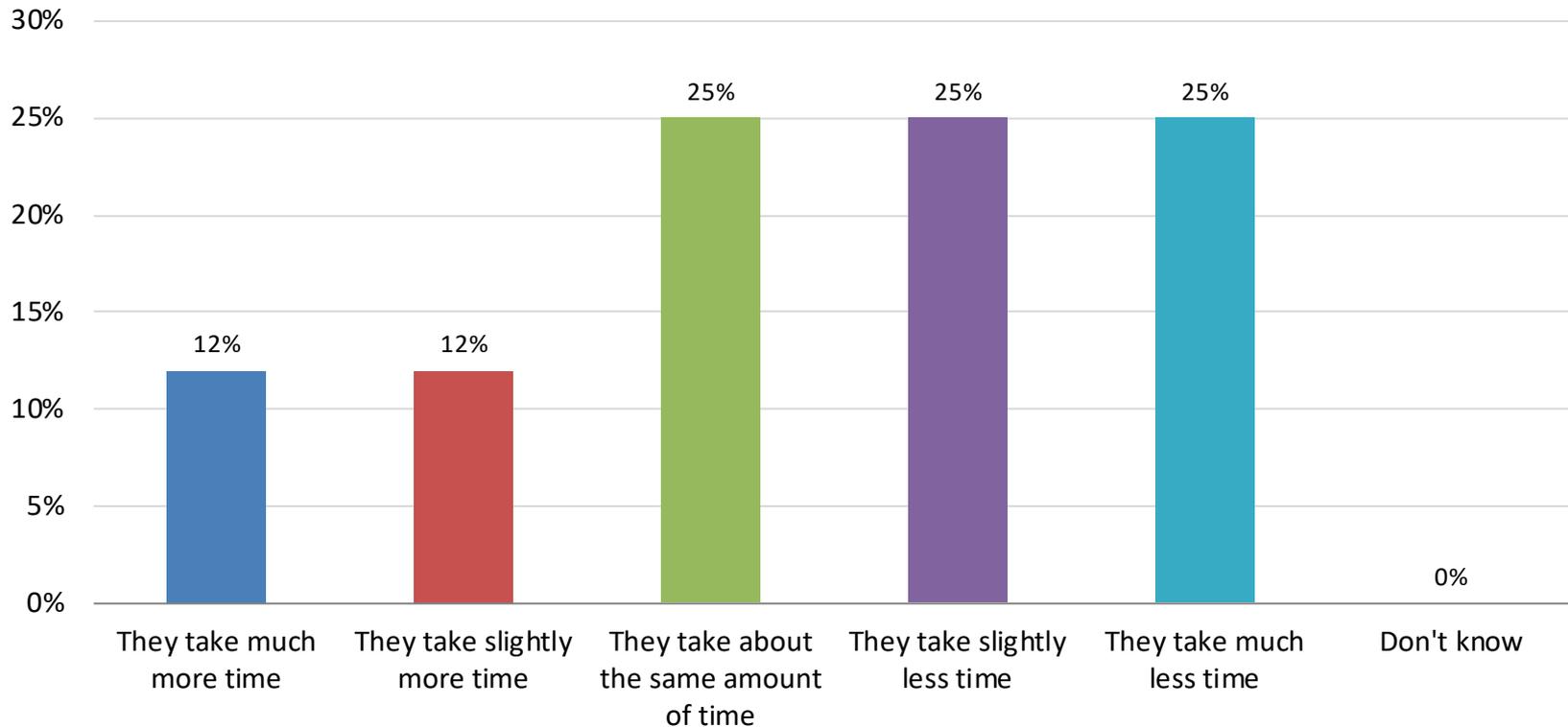
Paraprofessionals observed courtroom courtesies.



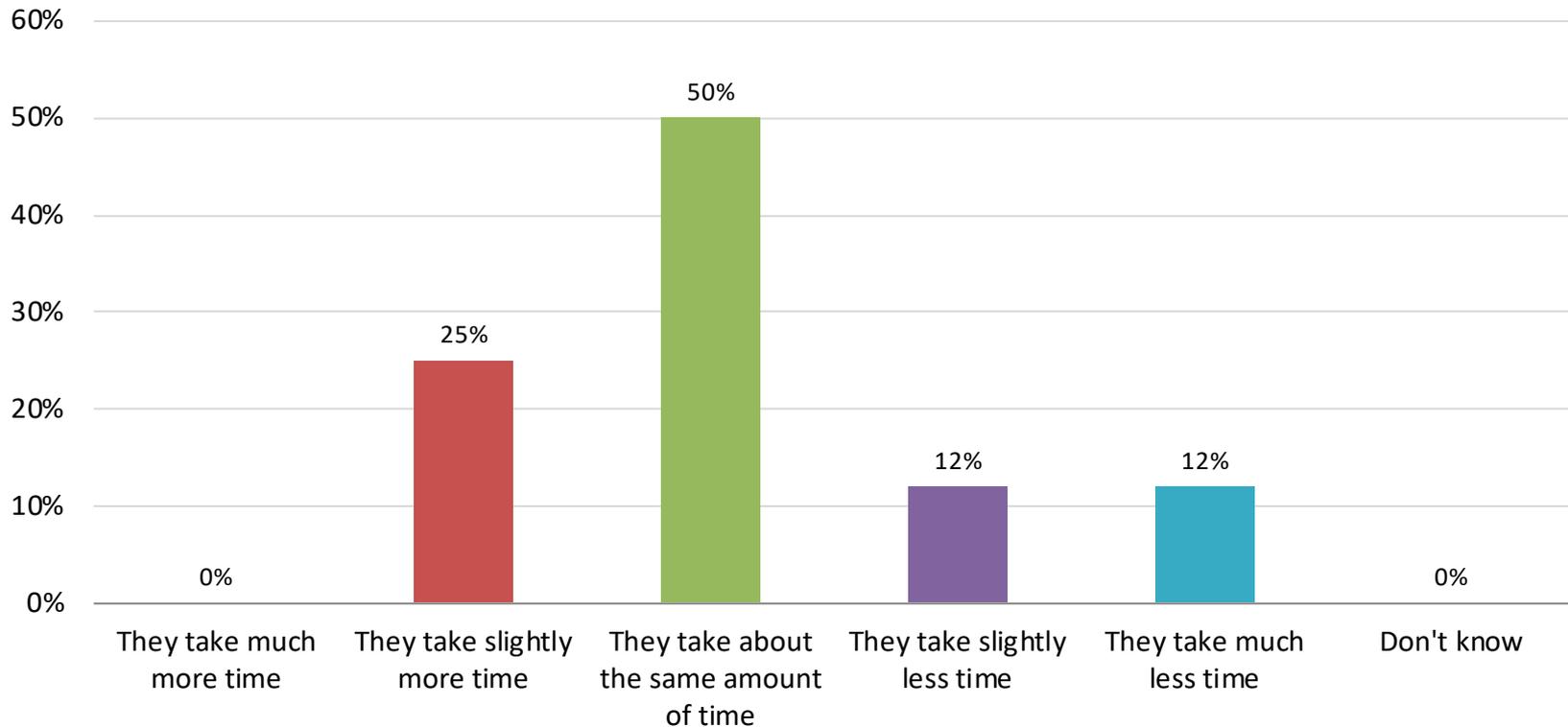
Based on your experience in this pilot, do you think any additional training or support is needed for paraprofessionals?



In your experience, do hearings where a party is represented by a paraprofessional take more or less time than hearings with self-represented litigants?



In your experience, do hearings where a party is represented by a paraprofessional take more or less time than hearings where a party is represented by an attorney?



Please rate your overall satisfaction with the pilot.

