

Colorado to License Paraprofessionals for Specific Legal Tasks



The Colorado Supreme Court has approved a new rule allowing licensed nonlawyer paraprofessionals to perform limited legal work, particularly divorce and child custody matters. The rule will take effect on July 1, aimed at making legal representation more widely available and affordable in certain domestic relations matters.

According to a press release on March 27, paraprofessionals can complete and file standard pleadings, represent their clients in mediation, accompany them to court, and answer a court's factual questions. However, they may not present oral arguments or examine witnesses in a hearing.

The program is expected to help people with low income or those residing in rural areas who face challenges in accessing affordable legal representation. The press release cited a statistic: In the fiscal year 2022, 74% of parties involved in divorce and parenting responsibility cases did not have legal representation. Colorado hopes to address this access to justice issue by allowing paraprofessionals to perform limited legal work.

The would-be paraprofessional will have to undergo a rigorous process to obtain a license. They must pass a written licensed legal paraprofessionals exam, submit to a character and fitness review, pass an ethics class, and pass a professional conduct exam. They will also have to complete 1,500 hours of law-related practical experience, including 500 hours of experience in Colorado family law. The discipline process for paraprofessionals will be similar to the one for lawyers.

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According to the press release, other states with active licensing programs for paraprofessionals are Arizona, Minnesota, Oregon, and Utah. Washington also created a program but has voted to sunset it. California has considered a program, but lawmakers halted work on the proposal.

The idea of licensing paraprofessionals to perform specific legal tasks is not new. Proponents of this approach argue that it can help bridge the justice gap by making legal services more accessible and affordable to people who cannot afford a lawyer. However, opponents have raised concerns about the quality of services paraprofessionals to provide and their potential to engage in the unauthorized practice of law.

Colorado's program is limited to certain domestic relations matters, and paraprofessionals will be subject to strict requirements and oversight. The hope is that this program will increase access to justice while maintaining high standards of professionalism and ethics.

In conclusion, the Colorado Supreme Court's approval of a new rule allowing licensed nonlawyer paraprofessionals to perform limited legal work, particularly divorce and child-custody matters, is a significant development in the access to justice movement. By providing a pathway for paraprofessionals to obtain a license and perform specific legal tasks, Colorado hopes to make legal representation more widely available and affordable. While this approach has its critics, the state is confident it can maintain high standards of professionalism and ethics while addressing the justice gap. The program will take effect on July 1, and legal professionals and advocates for access to justice will closely watch it.