

Texas Access to Justice Commission Supports Paraprofessional Licensing Proposal



The Texas Access to Justice Commission has thrown its weight behind a groundbreaking proposal to license paraprofessionals, opening avenues for providing legal services to low-income residents in the state. The proposal, crafted by a commission working group, gained substantial support during a pivotal Dec. 15 commission meeting, as revealed by Harriet Miers, the Texas Access to Justice Commission chair and a former chair of the ABA Journal Board of Editors.

Paraprofessional Licensing Gains Momentum

The commission's working group put forth a comprehensive final report on December 5, recommending the licensing of paraprofessionals to cater to the legal needs of low-income Texans in critical areas such as family law, probate and estate, and consumer-debt law. This proposal envisions paraprofessionals performing specific tasks independently within these areas and others under the supervision of licensed attorneys.

For instance, in family law cases, paraprofessionals could handle uncontested divorces that do not significantly impact the parent-child relationship and involve limited property issues. The proposed tasks include assisting clients with form completion and filing, representing clients in uncontested hearings, providing procedural information (excluding legal advice), and communicating on specific issues with paraprofessionals or lawyers representing the opposing party.

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Proposed Regulatory Framework

To ensure the effective implementation of paraprofessional licensing, the working group recommended that the Judicial Branch Certification Commission, a part of the Texas Office of Court Administration, create rules, qualifications, licensing procedures, and a disciplinary infrastructure. The proposed licensing and regulatory framework would encompass character and fitness assessments, examinations, and ethical requirements, with detailed rules provided in an appendix to the report.

Nonlawyer Ownership Proposal Faces Rejection

While the paraprofessional licensing proposal garnered widespread support, another Texas Access to Legal Services Working Group recommendation faced significant opposition. The rejected proposal aimed to allow nonlawyers to have ownership interests in entities providing services to the low-income population. Concerns about this proposal led to a divided vote against its approval, signaling a need for further deliberation.

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Insights from Stakeholders and Future Considerations

The working group gathered input from various stakeholders through surveys, focus groups, emails, and outreach efforts. Suggestions from these stakeholders, outlined in the report, present potential opportunities for future developments. These include allowing "near passers" of the bar exam from ABA-accredited law schools to become paraprofessionals, creating pro bono incentives, mandating pro bono, and establishing legal information hubs or kiosks for public access.

As the commission contemplates its next steps, Harriet Miers emphasized that they would thoroughly examine all aspects of the report. The commission remains open to exploring the various suggestions and opportunities

identified during the extensive research and collaboration.

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