



FOREWORD

A GREAT EXPERIMENT: STATE SUPREME COURTS,
REGULATORY REFORM IN THE LEGAL PROFESSION, AND
ACCESS TO JUSTICE

The Honorable Christine Durham

I. NON-ADJUDICATIVE FUNCTIONS OF STATE SUPREME COURTS

Forty years ago, Professor Robert Williams, for whom this lecture series is named, wrote: “A major focus of the study of state constitutional law . . . should be on the nonadjudicatory functions of state supreme courts.”¹ He mentioned specifically the responsibility for rules of practice and procedure, the regulation of the practice of law, inherent powers, and advisory opinions, authorized or required by a number of state constitutions.² It is a now-familiar phenomenon to see state courts exercising extensive powers with respect to numerous public policy concerns, relying either on inherent powers, supervisory powers, or administrative powers. Given the history of state courts, the language of state constitutions, and the regular engagement that state courts have with the legislative and executive branches, it is perhaps not surprising that within the culture of state courts, and state supreme courts, there is some degree of comfort with policy making.³

1. Robert F. Williams, *State Constitutional Law Processes*, 24 WM. & MARY L. REV. 169, 207–08 (1983).

2. *Id.* at 208–13.

3. See Hans A. Linde, *Observations of a State Court Judge, in JUDGES AND LEGISLATORS; TOWARD INSTITUTIONAL COMITY* 117 (Robert A. Katzman ed. 1988) (“The active participation of state judges in the policy process is much more taken for granted and much less controversial than the involvement of federal judges in the national government.”); see also PEW CTR. ON THE STATES & NAT’L CTR. FOR STATE CTS., *THE ROLE OF STATE COURT LEADERS IN SUPPORTING PUBLIC POLICY THAT AFFECTS THE ADMINISTRATION OF JUSTICE: A CONFERENCE REPORT AND PROFILE OF INTER-BRANCH INITIATIVES* 4–9 (2008), https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewjnqZ_Tr7X6AhXIFVkfFHYHbBsoQFnoECAsQAQ&url=https%3A%2F%2Fncsc.contentdm.oclc.org%2Fdigital%2Fapi

Examples of this policy orientation can be seen in the large numbers of court reform ideas and projects that have been adopted by state courts around the country in the last thirty-plus years. These have usually been developed by court leadership, sometimes in cooperation with executive branch entities and with legislative funding, but sometimes independently through rule-making or other judicial authorization. The roster of “problem solving” and “status courts,” for example, have expanded dramatically: drug courts, domestic violence courts, homelessness courts, veterans courts, girls courts,⁴ teen courts, mental health courts, re-entry courts,⁵ community courts, prostitution courts,⁶ and online dispute resolution for small claims sponsored and supervised by the courts.⁷ Also known as “specialty courts,” these entities operate in contrast to traditional courts; they marshal resources from the community, adapt court practices, and focus on treatment, recovery, and prevention.⁸

Another major transformation in the delivery of court services coming from the courts themselves has been the widespread use of technology and “virtual courts” in response to the Covid-19 pandemic. The development of these processes has caused many to rethink the whole notion of what courts and especially court-users require. High volume cases have been of particular interest for both civil and criminal courts—evictions and landlord tenant disputes, debt collection,⁹ and traffic and low-level misdemeanor offenses.¹⁰ Of course, even regular civil and criminal cases with juries have been subject to virtual resolution.¹¹ These extensive shifts in the means of providing court services have come with renewed attention to the ways in which technology might be brought

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4. Michael C. Pollack, *Courts Beyond Judging*, 46 *BYU L. REV.* 719, 753–54 (2021).

5. Bruce Winick, *Therapeutic Jurisprudence and Problem Solving Courts*, 30 *FORDHAM URB. L.J.* 1055, 1058–59 (2003).

6. Tali Gal & Hadar Dancig-Rosenberg, *Characterizing Community Courts*, 35 *BEHAV. SCIS. & THE L.* 523, 523 (2017).

7. NAT'L CTR. FOR STATE CTS., *IMPACT OF THE UTAH ONLINE DISPUTE RESOLUTION (ODR) PROGRAM: FINAL REPORT 2* (2020), https://www.ncsc.org/__data/assets/pdf_file/0025/57823/NCSC-UT-final-2020.pdf.

8. See, e.g., Winick, *supra* note 5, at 1055–61.

9. PEW CHARITABLE TRS., *HOW COURTS EMBRACED TECHNOLOGY, MET THE PANDEMIC CHALLENGE, AND REVOLUTIONIZED THEIR OPERATIONS* 5 (2021), <https://www.pewtrusts.org/-/media/assets/2021/12/how-courts-embraced-technology.pdf>.

10. Deniz Arıturk et al., *Virtual Criminal Courts*, *UNIV. OF CHI. L. REV.* (Nov. 16, 2020), <https://lawreviewblog.uchicago.edu/2020/11/16/covid-ariturk/>.

11. See, e.g., *JURY TRIALS DURING THE COVID-19 PANDEMIC: OBSERVATIONS AND RECOMMENDATIONS* TEX. CTS. 1–12 (2020), <https://www.txcourts.gov/media/1449880/jury-trials-during-covid-19.pdf>.

to bear on access to justice. The National Center for State Courts' 2021 survey of public opinion found "that a majority of respondents believe that courts should continue to hold hearings by video because it allows them to hear more cases and resolve cases more quickly, and it makes it easier for people to participate without having to travel to a courthouse, take time off work and find childcare."¹² Another interesting item in the survey shows that only 1% of respondents had neither internet access nor a cell phone.¹³

The state courts have experienced very little pushback to their leadership in the development of specialty courts, all of them seeking to pursue policy goals such as rehabilitation.¹⁴ Public opinion and legislative response in most states have reflected buy-in to the idea that courts are playing a legitimate and helpful role in addressing social justice issues in new ways. From the perspective of the courts themselves, this kind of role-expansion, although sometimes met with discomfort among judges and administrators, has become widely accepted. State supreme courts, although not always the generators of these programs, have increasingly used their rule-making and administrative powers to legitimize them. Because of their roles as "lawmakers"—in the context of development of the common law, rulemaking, and governance—supreme courts are comfortable with adopting new ideas, projects, and programs that can be viewed as consistent with the administration of justice.

II. MORE CHANGE: THE ADVENT OF REGULATORY REFORM OF THE PRACTICE OF LAW

As it has become overwhelmingly apparent that there are significant gaps in access to justice within the American legal system, many entities over many years have attempted to grapple with the problem. The Legal Services Corporation ("LSC") recently published a major report on the legal needs of low-income Americans and the numbers are discouraging. The report documents that in 2022, 92% of the civil legal problems reported to LSC-funded legal organizations by low-income Americans received inadequate or no legal help.¹⁵ Given that at the time of the

12. *State of the State Courts*, NAT'L CTR. FOR STATE CTS., nsc.org/survey (last visited Sept. 27, 2022).

13. *Id.*

14. *But see* Pollack, *supra* note 4, at 756–58.

15. LEGAL SERVS. CORP., *THE JUSTICE GAP: THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS 19* (2022), <https://lsc-live.app.box.com/s/xl2v2uraitobbzrhwtjlgioemp3myz1> ("Low-income Americans did not receive any legal help or enough legal help for 92% of the problems that substantially impacted their lives in the

report, more than 45 million Americans—including seniors, people with disabilities, veterans, and rural citizens—were estimated to be living at or below 125% of the federal poverty level,¹⁶ the extent of loss and in many cases suffering is staggering. The leading civil legal issues for low-income citizens receiving legal help from LSC-funded legal aid organizations had to do with consumer issues, health care, and income maintenance.¹⁷

It is important to remember that this huge gap for low-income Americans also exists for many others who, while not living at poverty levels, are close to that measure¹⁸ as they deal with housing (evictions, rental disputes, or discrimination), debt (especially medical debt), employment conflicts, and many other problems¹⁹ that even middle-class Americans cannot afford to solve with lawyer assistance. For example, in a 2022 report the Utah Bar Foundation in collaboration with members of the Pew Charitable Trusts Civil Legal System Modernization Team reported that as of 2020: 1) 21% of Utah's population had some form of debt in process of collection; 2) 41% of consumers in communities of color had some form of debt in collection, and; 3) medical debt represented the highest share of past due bills, at 14% (exceeding student loans, auto, retail, and credit card debt).²⁰ A recent article points out the “[a]ll domestic violence courts in the country are ‘lawyerless,’” meaning that more than seventy-five percent of cases in those courts involve pro se litigants.²¹ This is also true in debt collection and housing issues, where very high percentages of defendants have no legal assistance.

These numbers are shocking, of course, but what is of even greater concern for Americans who face homelessness, hunger, and physical and mental health issues because they do not have access to advocacy and legal services, is our national failure to live up to the promise of “justice for all.” And it is not as if the legal profession has not worked hard to try to fill the gaps, with pro bono and low bono projects, free legal clinics, and the endless work of advocating for law reform and funding for legal service providers. The bottom line is that the data shows very clearly that

past year. LSC-funded organizations are unable to provide any or enough legal help for 71% of the civil legal problems brought to them; this translates to an estimated 1.4 million problems over the course of a year.”).

16. *Id.* at 29.

17. *Id.* at 33.

18. *Id.* at 60.

19. *Id.* at 34–35.

20. UTAH BAR FOUND., UTAH BAR FOUNDATION REPORT ON DEBT COLLECTION AND UTAH'S COURTS 6 (2022), <https://le.utah.gov/interim/2022/pdf/00002264.pdf>.

21. See Jessica K. Steinberg et al., *Judges and the Deregulation of the Lawyer's Monopoly*, 89 *FORDHAM L. REV.* 1315, 1318 (2021).

we cannot significantly diminish or close the justice gap through volunteer efforts. Structural changes in the delivery, cost, and availability of legal help for legal problems seems to offer possibilities that can leverage the use of technology, offer services at scale, and examine closely what levels of training and supervision are actually necessary for public protection and reasonable standards.²²

With so much attention currently being directed to the roles of the states, and in particular to their constitutions and their high courts (e.g., elections and voting rights, abortion, climate protection, etc.), it is noteworthy (and perhaps gratifying to scholars who have long examined and often defended our dual constitutional design) that it is often state supreme courts who are stepping up to undertake major reforms in the regulation of the practice of law. In the introduction to their article, Sandefur, Clarke, and Teufel note:

A range of reforms to the way legal services may legitimately be produced and funded is underway around the United States. California, Arizona, and Utah have all moved to relax the rules about who can profit from the sale of legal services, which have historically restricted this to licensed lawyers. Utah has, in addition, moved to release restrictions on who and what may provide legal services directly to the public, permitting service models that violate long-standing unauthorized practice of law provisions that have kept nonlawyer humans and software applications from providing legal advice and representation.²³

Since the Sandefur, Clarke, and Teufel article was written, many other states have moved forward with studies and plans to explore regulatory reforms.²⁴ A document produced by the Washington Courts Practice of Law Board in 2022, although not operational yet, proposes that the Washington Supreme Court's Legal Regulatory Sandbox will

22. See Rebecca L. Sandefur et al., *Seconds to Impact?: Regulatory Reform, New Kinds of Legal Services, and Increased Access to Justice*, 84 LAW & CONTEMP. PROBS. 69, 70 (2021) [hereinafter *Seconds to Impact?*].

23. *Id.* at 69 (footnote omitted). Others note that state trial courts have been conducting under-the-radar experiments in deregulation on their own. See Steinberg et al., *supra* note 21, at 1316 (“[T]his Article shows how some judges—mired in the pro se crisis—are relying on a shadow network of nonlawyer professionals to substitute for the role counsel has traditionally played.”).

24. See Aebra Coe, *Like It or Not, Law May Open Its Doors to Nonlawyers*, LAW360 (Sept. 22, 2019, 8:02 PM), <https://www.law360.com/articles/1201357/like-it-or-not-law-may-open-its-doors-to-nonlawyers>.

follow Utah Supreme Court's Regulatory Sandbox model.²⁵ Several other states are considering reform, including Michigan and North Carolina, among others.²⁶

Two of the major pioneers in Utah's project, Lucy Ricca (Director of Policy and Programs at Stanford Law) and former Utah Supreme Court Justice, Deno Himonas, were interviewed in a Stanford Law School blog post and discussed differences in the Arizona and Utah approaches.²⁷ The Arizona Supreme Court repealed Rule 5.4 of the Arizona Rules of Professional Conduct (which precluded partnering with non-lawyers), and established a separate licensing system for Alternative Business Structures ("ABS").²⁸ As Ricca explained, ABS "are legal practice entities with non-lawyer ownership or management, but [where] only lawyers practice law" and provide legal services.²⁹ Utah, on the other hand, is doing several things at once, including court-supervised online dispute resolution for small claims and licensure for paralegal practitioners.³⁰ Its main innovation, however, is the establishment of a regulatory sandbox, where some rules can be relaxed to allow accepted applicants to provide innovative delivery models—all to be piloted and evaluated.³¹ Thus, Utah is permitting delivery of legal services by qualifying entities owned by non-lawyer investors and managers or entities in which legal services and legal advice may be provided by non-lawyers or through technology.³² Utah's model is the first of its kind in the United States and has been the object of considerable interest from other states and even projects from abroad (e.g., the U.K., which has been living with regulatory reform rules for some time, Canadian provinces, and Australia, among others).³³

25. WASH. CTS. PRAC. OF L. BD., BLUEPRINT FOR A LEGAL REGULATORY SANDBOX IN WASHINGTON STATE 17 (2022), https://www.wsba.org/docs/default-source/legal-community/committees/practice-of-law-board/practice-of-law-board_lab-blueprint_02-11-2022.pdf?sfvrsn=d7e711f1_2 ("Although the POLB recommendation for a Legal Regulatory Lab follows the Utah model, there are places where the POLB is recommending minor improvements based on observations of the Utah Legal Regulatory Sandbox.").

26. See David Freeman Engstrom, *Rethinking the Regulation of Legal Services: What States Are Doing to Move the Needle on Access to Justice*, STAN L. SCH.: BLOGS (May 18, 2022), <https://law.stanford.edu/2022/05/18/rethinking-the-regulation-of-legal-services/>.

27. *Id.*

28. *Id.*

29. *Id.*

30. See Deno G. Himonas & Tyler J. Hubbard, *Democratizing the Rule of Law*, 16 STAN. J. OF C.R. & C.L. 261, 268–73 (2020).

31. *Id.* at 276–77.

32. See *id.* at 274–75.

33. See Justin Wise, *Orgs Enter Utah 'Sandbox' Trying to Reshape Legal Industry*, LAW360 (Jan. 22, 2021, 10:15 AM), <https://www.law360.com/articles/1344420/orgs-enter-utah-sandbox-trying-to-reshape-legal-industry>; Himonas & Hubbard, *supra* note 30, at

The article by Sandefur, Clarke, and Teufel describes the central focus of the work in Utah. The authors point out that the “ultimate measure of the success of this and other projects will be whether or not access to justice is, in fact, improved.”³⁴ Increased access, they explain, would be dependent on factors on both sides of the market.³⁵ Sandefur, Clarke, and Teufel state that:

On the supply side, the newly permitted [entities] would need to be [transparent], effective, . . . sustainable, and provide their services in fair and accurate ways. On the demand side, consumers would need to be interested in and able to actually use the new services, as no amount of affordable excellence has impact if it lies idle.³⁶

The single question explored by the paper: “assuming that innovation results in the offering of effective, competent services to consumers, how long will it take until these services actually change the landscape of access to justice?”³⁷

Because there is little reliable data on civil legal services in the United States as a whole, the case study described in the paper necessarily operates within imprecise boundaries. Based on the data they could find and their estimates of need, these authors focus on illustrating factors to consider, without attempting precise forecasts. They estimate, based on available data, that: 1) Utahns deal with over 2.4 million legal problems for which they receive no legal services; 2) current provider activity in the Utah Sandbox will have to increase dramatically, “perhaps on the order of 240-fold from its current level;” and 3) it seems likely that it will be several years before reforms display significant impact on access to justice.³⁸ If their analysis is correct, it is clear that the regulatory reform project is at the very beginning of its journey with its access to justice goals, and will encounter significant problem-solving challenges, including the work of educating and recruiting potential consumers, collecting good data on progress, and investing the time and resources needed to monitor and evaluate the data.³⁹

269. An explanation of the structure and operation of the Utah Sandbox can be found on its website at www.utahinnovattionoffice.org.

34. *Seconds to Impact?*, *supra* note 22, at 70.

35. *Id.*

36. *Id.*

37. *Id.*

38. *Id.*

39. *See id.* at 72, 76, 79–80.

To put some flesh on the academic bones, it is helpful to look at the current early data from the Sandbox. A recent report by the Utah Supreme Court and members of their Innovation Office Board, charged with implementation and management of the Sandbox, shared a snapshot of current activity to the Utah Judicial Council, the judiciary's governing entity.⁴⁰ From its inception in January 2021 to May 2022, the number of legal services provided by Sandbox participants grew to 22,000.⁴¹ Three of the Sandbox's service providers were discussed to illustrate how they work, with accompanying data.⁴² A project called Timpanogos Legal Advocates is one example. It involves non-lawyer providers who are victim advocate workers trained and overseen by lawyers.⁴³ Although the court's order requires training and oversight, it leaves the provider the freedom to develop the training content.⁴⁴ Oversight includes monitoring complaints and using regular audits, one of which was recently conducted.⁴⁵ The advocates advise domestic violence victims seeking protective orders.⁴⁶ Specifically, they give advice on correctly filling out documents needed for filing and gathering information to support their clients' motions.⁴⁷

Recently, the Innovation Board secured an audit of twenty instances of service by Timpanogos, maintaining anonymity for the entity and the consumers in question. The auditors were attorneys experienced in the kind of work in question, who were asked to rate the overall results, proper identification of the client's rights, proper exercise of those rights, and the overall appropriateness of the service.⁴⁸ They used a five-point

40. See OFF. OF LEGAL SERVS. INNOVATION, INNOVATION OFFICE ACTIVITY REPORT 2-6 (2022), <https://utahinnovationoffice.org/wp-content/uploads/2022/06/IO-Monthly-Public-Report-May-2022.pdf>.

41. *Id.* at 4.

42. Innovation Off. Bd., Oral Report to the Utah Judicial Council (June 27, 2022). The author was present at the presentation and contributed to it as a member of the Board.

43. OFF. OF LEGAL SERVS. INNOVATION, *supra* note 40, at 16; *Authorized Entities*, OFF. OF LEGAL SERVS. INNOVATION, <https://utahinnovationoffice.org/authorized-entities/> (last visited Sept. 27, 2022).

44. UTAH SUPREME CT. STANDING ORD. NO. 15, at 3-5 (Aug. 14, 2021), <https://www.utcourts.gov/utc/rules-approved/wp-content/uploads/sites/4/2020/08/FINAL-Utah-Supreme-Court-Standing-Order-No.-15.pdf>.

45. *Id.* at 15; OFF. OF LEGAL SERVS. INNOVATION, *supra* note 40, at 6-7.

46. *Certified Advocate Partners Program*, TIMPANOGOS LEGAL CTR., <https://www.timplegal.org/legal-services/certified-advocate-partners-program> (last visited Sept. 27, 2022).

47. Becky Jacobs, *Need Help Getting a Protective Order? A New Program in Utah Makes the Process Easier.*, SALT LAKE TRIBUNE (Jan. 24, 2022, 8:53 AM), <https://www.sltrib.com/news/2022/01/24/need-help-getting/>.

48. OFF. OF LEGAL SERVS. INNOVATION, *supra* note 40, at 7.

rating scale from “very poor” to “excellent.”⁴⁹ They also offered elaboration of specific issues to support quality improvement, with responses from the entity.⁵⁰ The results of forty reviews by two auditors were: Excellent – 33; Good – 3; Adequate -1; Poor – 4; and Very Poor – 0.⁵¹ The overall rating was 4.65 out of 5.⁵² Given the fact that some or many of the consumers in question might not have received *any* services without the availability of this program,⁵³ the very high performance in the audit process identifies this as a valuable program.⁵⁴ Inasmuch as the templates and guidelines Timpanogos has developed can be readily adopted and used by other providers, this is an example of a service that can be scaled rapidly and successfully.

A second Utah project depends on a collaboration between Holy Cross Ministries, and financial coaches at AAA Fair Credit to give limited scope legal advice to medical debt defendants.⁵⁵ It was developed in collaboration with the Innovation for Justice Program at the University of Utah.⁵⁶ In May of 2021, the Supreme Court’s Office of Legal Services Innovation approved two pilot programs within this project focusing on medical debt.⁵⁷ The first is a medical debt diversion program that will provide support to people managing medical debt collection proceedings in court.⁵⁸ The second plans to train community health service workers to include relevant legal advice.⁵⁹ Both pilots are the first in the nation to allow non-lawyers to give legal advice about medical debt.⁶⁰

A third example of sandbox activity is that of Estate Guru, a participant that offers a full range of end of life planning and emphasizes accessibility and affordability.⁶¹ It began offering qualifying services (wills, trusts, and advanced directives) in December 2020.⁶² It was

49. Innovation Off. Bd., *supra* note 42.

50. *Id.*

51. *Id.*

52. *Id.*

53. See *Certified Advocate Partners Program*, *supra* note 46.

54. See Logan Cornett & Zachariah DeMeola, *Data from Utah’s Sandbox Shows Extraordinary Promise, Refutes Fears of Harm*, UNIV. OF DENVER (Sept. 15, 2021), <https://iaals.du.edu/blog/data-utahs-sandbox-shows-extraordinary-promise-refutes-fears-harm>.

55. Bob Ambrogi, *Utah Sandbox OKs Two Programs Enabling Non-Lawyers to Give Legal Advice on Medical Debt*, LAWSITES (May 12, 2021), <https://www.lawnext.com/2021/05/utah-sandbox-oks-two-programs-enabling-non-lawyers-to-give-legal-advice-on-medical-debt.html>.

56. *Id.*

57. *Id.*

58. *Id.*

59. *Id.*

60. See Cornett & DeMeola, *supra* note 54.

61. See ESTATE GURU, <https://estateguru.com/> (last visited Sept. 27, 2022).

62. OFF. OF LEGAL SERVS. INNOVATION, *supra* note 40, at 19.

considered a “moderate risk” entity when it applied to the sandbox because it uses non-lawyer software-based legal services.⁶³ It is required to report its data monthly.⁶⁴ As of May 2022, Estate Guru clients sought 804 legal services, and more than 90% of their cases were closed in the same month in which they were opened.⁶⁵ The audit detailed all transactions and costs and determined that the average cost per unique client was \$356.00.⁶⁶ There were no risk-related complaints, and the costs were deemed reasonable.⁶⁷ For this reporting period, the participant was categorized as satisfactory, with no to low risk.⁶⁸ One final insight into how the Sandbox, in its first iteration of legal regulatory reform, relates to so-called “legal deserts” (places where few or no lawyers reside and traditional legal services are unavailable at any price), is that Utah has twenty nine counties, seventeen of which are legal deserts.⁶⁹ To date, Sandbox project services have been offered in fifteen of those seventeen counties.⁷⁰

III. CONCLUSION

Scholars and researchers have been examining the intersection between access to justice and regulation of the legal profession for years.⁷¹ It appears that a new era is upon us, and that state supreme courts have a major role to play in navigating its path.

For all of its promise, however, the newly emerging interest in disrupting the traditional regulation of the practice of law is going to require great patience, probably more resources than we anticipate, and a deep belief that we not only can, but must, re-assess a system that

63. OFF. OF LEGAL SERVS. INNOVATION, INNOVATION OFFICE MANUAL 5 (2021), <https://utahinnovationoffice.org/wp-content/uploads/2021/08/IO-Manual-Published-Aug.-25-2021.pdf>.

64. *Id.* at 12.

65. Innovation Off. Bd., *supra* note 42.

66. *Id.*

67. *Id.*

68. *Id.*

69. David Freeman Engstrom, *Rethinking the Regulation of Legal Services: What States Are Going to Move the Needle on Access to Justice*, STAN. L. SCH. BLOGS (May 18, 2022), <https://law.stanford.edu/2022/05/18/rethinking-the-regulation-of-legal-services/>; *Utah's 29 Counties*, UTAH ASS'N OF COUNTIES, <https://www.uacnet.org/utah-s-29-counties> (last visited Sept. 27, 2022); see *Legal Deserts Threaten Justice for All in Rural America*, ABA (Aug. 3, 2020), <https://www.americanbar.org/news/abanews/aba-news-archives/2020/08/legal-deserts-threaten-justice/>.

70. Engstrom, *supra* note 69.

71. See, e.g., Deborah L. Rhode, *Policing the Professional Monopoly: A Constitutional and Empirical Analysis of Unauthorized Practice Prohibitions*, 34 STAN. L. REV. 1, 5–6 (1981).

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reserves justice for the very wealthy or the very powerful. The overwhelming majority of Americans deserve better. The effort is perhaps one of the largest developmental “lifts” that has ever been required of state courts and their leaders in the history of the supervision of the practice of law.