



NEW JERSEY STATE BAR ASSOCIATION

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Katy Englehart
American Bar Association
Office of the President
321 N. Clark Street
Chicago, IL 60610

Dear Ms. Englehart:

On behalf of the New Jersey State Bar Association, I want to thank you for the opportunity to provide you with comments about whether legal service providers should include lawyers and non-lawyers and whether state judicial authorities should be encouraged to create new categories of judicially authorized and regulated legal service providers to perform discreet and limited legal asks in an effort to facilitate greater access to justice.

I reiterate the NJSBA's appreciation for the Commission's efforts to address the seemingly intractable problem of access to legal services. However, the NJSBA is strongly opposed to allowing non-lawyers to provide any kind of legal services, even in a limited fashion. We do not agree with the premise that the public will be better served by creating categories of legal service providers. On the contrary, we believe such action will create a tiered system of justice that will imperil those most vulnerable in our society.

The practice of law is a highly specialized field that is regulated by the courts, not an agency or commission that has a profit motive. The overarching goal of the system is to ensure everyone in the state has access to a just, fair and impartial court system where lawyers act as advocates within the boundaries of ethics rules and judges decide matters based on the facts of the case and the laws of the land. In transactional matters, it is just as important that individuals receive knowledgeable guidance from a trained legal professional in making some of life's most important decisions such as buying a house, drafting a last will and testament, or forming a corporation.

Furthermore, the NJSBA believes that it is vitally important for the public to be represented in legal matters by a licensed attorney who is duty-bound by ethical rules and required to annually contribute to the Client Protection Fund, which is unique to the legal profession as compared to other licensed professionals. As such, clients have built-in safety nets if something goes awry with a legal transaction handled by a lawyer.

At the same time, the NJSBA wholeheartedly recognizes the urgent need to provide high quality and affordable legal services to the public. The desperate need to find affordable legal help is not just a problem that confronts our poorest residents, but also the many middle-income residents who face legal issues and cannot afford the prevailing rate of private attorneys. In addition, there are a great many lawyers in our state who struggle on a daily basis with finding jobs and clients.

As we recently noted, the American Bar Association (“ABA”) has long been a leader in the area of unmet legal needs, and most recently, through the Legal Access Job Core, called upon states to meet unmet legal needs by connecting those in need of legal services with the vast number of under-employed and unemployed attorneys.

The NJSBA formed the Blue Ribbon Commission on Unmet Legal Needs in response. That Commission was charged with the responsibility of discovering what the NJSBA and our state’s legal community can do to address the unmet legal needs of low- and moderate-income citizens by looking for innovative and cost-effective opportunities to match these people with lawyers. Its report and recommendations are anticipated soon. We hope it will assist us in implementing practical solutions to address the crisis of the ever-widening justice gap.

Despite whatever cost-savings or customer satisfaction data might be able to be produced by programs that provide non-lawyer legal services, the NJSBA stands firm in its conviction that the public will be best served by having guidance from trained and licensed lawyers in making some of life’s most important decisions, and not be lulled into a false sense of satisfaction with lower-priced services that are not backed by the knowledge, expertise and ethical safeguards provided by an attorney.

In light of this, the NJSBA urges the Commission to join the other efforts being undertaken, like the NJSBA’s, to find better and effective ways to deliver attorney-provided legal services to individuals in need instead of attempting to create new categories of providers.

Very truly yours,

A handwritten signature in black ink, appearing to read "Miles S. Winder, III", followed by a horizontal line with three short vertical strokes underneath it.

Miles S. Winder, III
President

/sab

C: Thomas H. Prol, Esq., NJSBA President-Elect
Angela C. Scheck, NJSBA Executive Director