



Public Comments Encouraged **ON COURT'S PARAPROFESSIONAL ORDER**

FROM NOW THROUGH NOVEMBER 1, TEXAS LAWYERS HAVE A CHANCE TO PROVIDE COMMENTS on proposed rules that would allow paraprofessionals to provide certain legal services to low-income Texans.

On August 6, the Supreme Court of Texas issued an order preliminarily approving rules governing licensed legal paraprofessionals and licensed court-access assistants and inviting public comments. The court's new and amended rules, which were published on pages 639-650 of the September issue of the *Texas Bar Journal*, would allow licensed paraprofessionals to represent low-income individuals facing certain issues in the areas of family law, estate planning and probate law, and consumer debt law, as well as in justice court cases.

The rules also would allow licensed court-access assistants sponsored by approved legal assistance organizations to represent low-income individuals in justice court. According to the order, the rules would take effect on December 1.

The court is inviting written comments on the new and amended rules by email at rulescomments@txcourts.gov by November 1.

The State Bar of Texas is reviewing the proposed rules and looks forward to providing its input during the comment period. The board of directors was expected to vote on September 27 on providing comments to the court.

The impetus for this proposal came in October 2022, when the court directed the Texas Access to Justice Commission to study existing rules and possible modifications that would:

- allow qualified non-attorney paraprofessionals to provide limited legal services directly to low-income Texans and
- allow non-attorneys to have economic interests in entities that provide legal services to low-income Texans while preserving professional independence.

In response, the commission formed a working group to study these issues and invited input from the bench, the bar, community partners, and the public. The working group recommended allowing licensed paraprofessionals to provide legal services to low-income Texans in limited circumstances as well as a pilot program to permit non-attorney ownership under Texas Disciplinary Rule of Professional Conduct 5.04 for entities serving low-income Texans.

In December 2023, the commission voted to approve the working group's recommendations regarding paraprofessionals, while a majority of the commissioners voted against recommending the creation of a pilot program for non-lawyer ownership of law firms. The non-lawyer ownership issue is not part of the court's current order, and it is unknown as of this writing whether it will be part of a future court order.

For now, only the paraprofessional proposal is pending approval by the court. Texas lawyers, judges, legal organizations, legal aid providers, paralegals, and other interested parties are encouraged to provide their input to help the court achieve the best outcome on this important issue.

Sincerely,

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