



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

Re: The ABA Commission on the Future of Legal Services –
Comments on Issues Paper Unregulated LSP Entities

Dear Ms. Englehart:

On behalf of the New Jersey State Bar Association, I once again thank the Commission for the opportunity to provide comments on the issues being considered. Yours is a daunting but important task to address the current issues associated with access to legal services.

The NJSBA continues to have substantial concerns about the direction in which the Commission is headed. Chief among our concerns is that instead of seeking at creative ways to expand upon the many innovative approaches that already exist in the legal community to increase access to legal services while promoting the core values of the profession, the Commission appears driven to sanction the practice of law by non-lawyers regardless of all other concerns, many of which the association has set forth in prior communications.

The Commission's latest Issues Paper seeking recommendations for the regulation of currently (and admittedly) unsanctioned legal service providers is the most recent evidence of such concerns. There are trained and licensed lawyers whose time and talent are underutilized and can potentially fill the justice gap. Further, the NJSBA fails to understand the underlying logic for seeking to regulate a practice that may violate the rules of professional conduct in most states, including New Jersey, and victimize the most vulnerable of society.

Before undertaking an examination of how to regulate non-lawyer legal services providers it is critical to first address the underlying question of whether non-lawyer legal service providers should be permitted at all. While other states have begun down this path, the NJSBA firmly believes non-legal service providers are not the panacea many seem to believe to be true.


The NJSBA continues to believe that it would be a danger to the public and a disservice to the profession to allow non-lawyers to provide legal services. Lawyers are trained

professionals who have attended extensive educational programs approved by the ABA, passed rigorous bar exams approved by the ABA, and regulated by professional codes many of which have been promulgated by the ABA that guide the attorney and ultimately protect the public.

In response to former ABA President Silkenat's Legal Access Job Core initiative in 2013, many state and local bar associations began various studies and implemented many programs to attempt to meet unmet legal needs by connecting those in need of legal services with the vast number of under-employed and unemployed attorneys. Inspired by the ABA the NJSBA launched its own Blue Ribbon Commission on Unmet Legal Needs to study how to leverage those potential synergies. A final report with recommendations on the path ahead is expected in the coming weeks and, as previously offered, we will forward it at that time, in case it may be of service to your work.

Accordingly, the NJSBA urges the Commission to focus its mission on examining those programs and initiatives being undertaken across the U.S., and developing workable recommendations for the legal profession to meet the current issues associated with access to legal services in ways that serve the public interest, provide equal justice for all and do not undermine and abandon the profession's core values on which the ABA has stood since its inception.

Very truly yours,

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

Miles S. Winder III
President