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STATE OF WISCONSIN
IN SUPREME COURT

CLERK OF SUPREME COURT
OF WISCONSIN

In the Matter of Creating a New
“Legal Advocate” Certification for
Qualified Non-Lawyer Legal Professionals

Rule Petition 26-____

MEMORANDUM IN SUPPORT

The Wisconsin Access to Justice Commission and Quarles & Brady LLP hereby petition the Court to amend the Supreme Court Rules to authorize qualified non-lawyer legal advocates to provide limited legal representation to clients under the supervision of a licensed Wisconsin attorney.

Under the proposed rule, legal advocates who are certified, trained, and supervised will be able to advise and advocate for clients in limited, appropriate contexts. Such allowance is, as the growing body of evidence from other jurisdictions shows, a vital solution for increasing access to justice and ensuring that people who would otherwise go unserved get effective help with legal issues affecting their families, homes, and other key areas of their lives. The proposed rule comes at a critical time given the growing attorney shortage throughout Wisconsin, particularly (but not exclusively) in rural areas.

Wisconsin is not alone in facing this problem, and far from the first to innovate in this area. Across the country, as detailed below, a growing number of states are piloting programs and adopting rules to expand access to legal

services. But the proposed rule is a uniquely Wisconsin solution, based on Wisconsin’s established student practice rule, Chapter 50 of the Supreme Court Rules. Petitioners have developed a proposed rule that is informed by data and expertise from other jurisdictions that have expanded access to justice by allowing non-attorneys to provide limited legal representation.

The Court should adopt the proposed rule because it will address the critical shortage of attorneys throughout Wisconsin, especially in rural areas, but also in the high-volume courts of Wisconsin’s urban centers. In this memorandum, Petitioners explain the need for the rule and the relevant policy background, the structure of the proposed rule, and the reasons the Court should adopt proposed Chapter 51 of this Court’s rules.

POLICY BACKGROUND (THE NEED)

A. Wisconsin’s attorney shortage.

Wisconsin faces a critical shortage of attorneys, particularly in the state’s rural communities—but also in the state’s largest cities. The number of active attorneys in Wisconsin has declined since 2020, and remains concentrated in metropolitan Milwaukee and Madison.¹

¹ Wis. Sup. Ct. Attorney Recruitment & Retention Committee, *Wisconsin Attorney Shortage Report and Strategic Recommendations* (2025) (available at <https://www.wicourts.gov/publications/reports/docs/arrcreport25.pdf>) (“Recruitment & Retention Committee Report”).

Since 2020, rural communities have seen the greatest decrease in the number of active attorneys. Judicial District 7 (which includes La Crosse and surrounding rural areas in southwestern Wisconsin) saw an 11.6-percent decrease in the number of active attorneys from 2020 to 2025.² Judicial District 10 (which includes Eau Claire, Superior, and rural communities in northwestern Wisconsin) saw a decrease of 9.32 percent over the same period.³

Urban areas face similar challenges. Judicial District 1 (Milwaukee County) and Judicial District 2 (which includes Racine and Kenosha) both saw decreases in active attorneys from 2020 to 2025,⁴ despite that three quarters of all active Wisconsin attorneys reside in just three metropolitan counties.⁵

Meanwhile, the need for legal services continues to rise for low-income individuals who typically cannot afford them. Approximately 74 percent of low-income households nationwide experienced at least one civil legal issue within a one-year period.⁶ Half of those households experienced a consumer litigation issue, 33 percent faced housing-related legal problems such as evictions, and

² *Id.* at 6.

³ *Id.*

⁴ *Id.*

⁵ Legal Servs. Corp., Rural Justice Task Force, *Justice Where We Live: Promising Practices from Rural Communities* (Oct. 2025) 30, <https://www.lsc.gov/ruralreport>.

⁶ Legal Servs. Corp., *The Justice Gap: The Unmet Civil Legal Needs of Low-income Americans* (April 2022), <https://justicegap.lsc.gov/resource/section-3-the-prevalence-of-civil-legal-problems/> (“LSC Report”).

26 percent confronted family and safety-related legal issues, including domestic violence and divorce.⁷ Yet only 19 percent of Americans seek legal help for civil legal issues.⁸

In Wisconsin, low-income households face more difficulty finding civil legal aid because of the attorney shortage. Wisconsin does not allocate the same level of state funding to civil legal aid that other states provide, which “leaves organizations reliant on federal grants, private donations, and volunteers to meet the overwhelming legal needs of low-income Wisconsin residents.”⁹ In rural areas, communities “face chronic shortages of attorneys, which translates to even fewer options in these areas for attorneys willing to do pro bono or low bono . . . work.”¹⁰ In urban areas, pro bono attorneys “take fewer cases or focus on shorter pro bono opportunities, rather than full representation, leaving organizations scrambling to place clients or forced to turn them away entirely.”¹¹

B. Similar efforts in other jurisdictions.

To address similar access to justice challenges, Alaska, Minnesota, and the District of Columbia have adopted limited legal license practitioner

⁷ *Id.*

⁸ *Id.* at Section 4.

⁹ Megan E. Lee, *Bridging the Justice Gap Amid Growing Challenges*, 98 Wis. Law. 33-35 (January 2025).

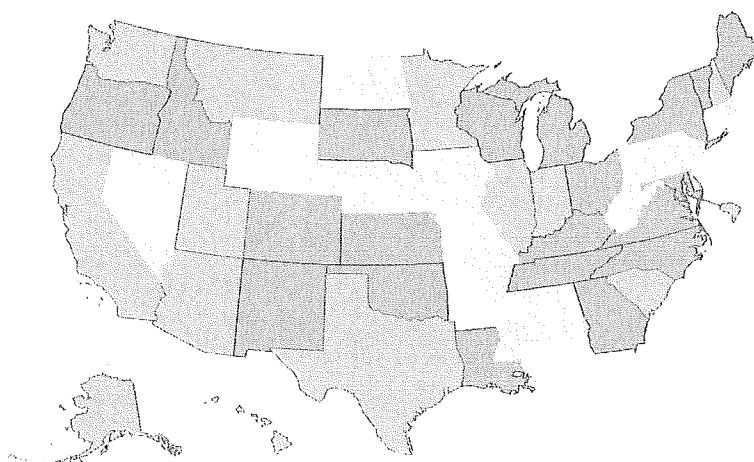
¹⁰ *Id.*

¹¹ *Id.*

certifications for non-attorneys. States as large as California and as small as Delaware are either considering or implementing rules similar to the rule proposed here. Researchers who study the results from similar programs are already finding positive results through empirical research. One study found that the implementation of a similar program in Alaska led to the direct recovery of over \$23.6 million for Alaskans, with an additional \$14.5 million of indirect economic benefit.¹² States are adopting similar frameworks at increasing rates, as shown in the below map maintained by the advocacy organization Frontline Justice¹³:

PROGRESS TO DATE

As of July 10, 2026, 14 states plus Washington D.C. have passed or proposed rules for authorizing justice worker programs, and 20 are actively developing them.



¹² Matthew Burnett, Rebecca Sandefur, and James Teufel, *Research Brief: Analysis of the Social and Economic Impact of the Alaska Community Justice Worker Program (2021-2025)*, AMERICAN BAR FOUNDATION (2025).

¹³ The live map is available at <https://www.frontlinejustice.org/about#progress>.

PROPOSED MODEL (THE SOLUTION)

Petitioners propose a rule that would address these critical shortages by allowing qualified practitioners known as “legal advocates” to represent clients under a licensed attorney’s supervision. The proposed rule is tailored to the civil legal needs of Wisconsinites, the policy goals of the Wisconsin courts, the professional and ethical interests of the State Bar of Wisconsin, and the consumer protection interests of the public.

A. The proposed rule’s basic structure and goals

The proposed rule serves three main goals, consistent with a structure that is based on Wisconsin’s established student practice rule: (1) to **increase access to justice** by allowing legal advocates to advocate for clients and provide advice in certain civil and agency matters; (2) to **protect the public** by imposing reasonable qualification and supervision requirements for legal advocates; and (3) to **ensure adequate monitoring** by establishing a right-sized regulatory scheme that includes certification, maintenance, suspension, revocation, and reporting processes that will allow this Court to monitor implementation.

First, the proposed rule will increase access to justice by allowing legal advocates to maintain a limited practice under a licensed Wisconsin attorney’s supervision. Under proposed SCR 51.08, within the scope of the legal advocate’s certified prior experience, a legal advocate may appear on behalf of

a client in authorized court or agency proceedings, negotiate on behalf of a client, give *supervised* legal advice to clients, and prepare and complete pleadings, agreements, or other documents for clients, subject to existing attorney signature requirements where applicable. A legal advocate cannot, however, act in any criminal matter or as trial counsel in any case where the Wisconsin Rules of Evidence (Wis. Stat. ch. 901-911) apply. And a legal advocate cannot represent a client in divorce proceedings in which marital property assets are valued at above \$100,000, in cases for large civil claims, in appeals, or in matters involving the termination of parental rights or other similar child-protection matters. The attorney-client privilege will extend to communications between clients and legal advocates, and clients must provide informed consent for the legal advocate to provide legal services.¹⁴

Second, the proposed rule will protect the public by establishing experience, training, and supervision requirements. An individual is only eligible for certification if they: (1) hold an associate's or higher degree from an accredited higher education institution, or (2) hold a high school diploma and have at least five years of relevant "lived, educational, legal, or other experience." To prove this eligibility, a prospective legal advocate must file an application with a "certifying entity"—a law firm or similar entity that vets the

¹⁴ Proposed SCR 51.09-51.11.

certification. The applicant must submit documentation evidencing their eligibility under the proposed rule's criteria, agree to a signed contract with the certifying entity, and describe in a written statement the applicant's training, experience, or other qualifications for certification. A new Standing Committee will maintain guidelines for the form of applications and keep a roster of all certified legal advocates.

Third, the proposed rule will ensure adequate monitoring with a right-sized regulatory framework. The Standing Committee will have the discretion to receive, investigate, and resolve complaints against legal advocates. This Court retains the discretion to revoke a certification at any time, without a hearing and without a showing of cause. Additionally, courts and public agencies may bar or limit legal advocates from appearing before them or in particular matters in the event of a legal advocate's misconduct, which will trigger a notification to the Standing Committee.

B. Implementation in other jurisdictions

Petitioners have tailored the proposed rule to the needs of Wisconsinites and the Wisconsin courts. Limited practice rules such as the proposed rule are already in place in Wisconsin. Supreme Court Rule 50 permits law students to appear in proceedings, negotiate on behalf of clients, and give legal advice under the supervision of licensed attorneys.¹⁵

¹⁵ See generally SCR Ch. 50.

Other jurisdictions have adopted rules similarly tailored to their own needs. For example, Minnesota has adopted a “legal paraprofessional” rule with similar certification thresholds.¹⁶ A legal paraprofessional in Minnesota must work under a licensed attorney in good standing in enumerated practice areas, including housing disputes, family law matters, Minnesota’s equivalent of small claims court, and some administrative hearings.¹⁷ Minnesota implemented its legal paraprofessional rule in 2024 and since then over 40 individuals have been approved to practice throughout the state.¹⁸

In February of 2026, the District of Columbia approved a new “community justice worker” framework that will allow non-lawyers to provide pro bono legal assistance.¹⁹ On the other end of the country, Alaska adopted a community justice worker program in 2022 that has led to a significant increase in legal representation in underserved communities.²⁰

¹⁶ Minn. Ct. R. 12.03.

¹⁷ *Id.* at 12.01.

¹⁸ *Roster of Approved Legal Paraprofessionals*, MINNESOTA JUDICIAL BRANCH (September 2, 2026) (available at https://mncourts.gov/_media/migration/appellate/supreme-court/Roster-of-Approved-Legal-Paraprofessionals.pdf).

¹⁹ Jeremy Conrad, *New Court of Appeals Rule Allows Community Justice Workers to Provide Legal Assistance*, DC BAR (Feb. 9, 2026) (available at: <https://www.dcbar.org/News-Events/News/New-Court-of-Appeals-Rule-Allows-Community-Justice>).

²⁰ See Matthew Burnett, Rebecca Sandefur, and James Teufel, *Research Brief: Analysis of the Social and Economic Impact of the Alaska Community Justice Worker Program (2021-2025)*, AMERICAN BAR FOUNDATION (2025).

C. Application in Wisconsin

The proposed rule would affect multiple areas of underserved civil practice in Wisconsin. For example, a legal advocate could represent residential tenants in fast-moving eviction proceedings, easing the workload of overburdened attorneys. A legal advocate could also represent individuals in family law matters regarding custody, placement, and child support as well as lower-value divorce proceedings, or assist with certain administrative proceedings governed by Chapter 227 of the Wisconsin Statutes such as workers' compensation matters. In each context, the legal advocate would operate within the bounds of their substantive background and training.

The proposed legal advocate differs from a paralegal in a critical respect: a paralegal provides skilled technical assistance to attorneys, but cannot independently advocate for clients. A legal advocate, by contrast, would have the authority to advocate in a manner similar to an attorney, but only in specified circumstances and always under attorney supervision. This distinction matters because a legal advocate program is not intended to reproduce the lawyer licensing system with somewhat lower licensing requirements; it is a different model of legal service delivery.²¹

²¹ Rebecca Sandefur and Matthew Burnett, Public Comment on Proposed California Rules of Court, Rule 9.45.1, to Establish a California Community Justice Worker Program (August 20, 2026) (available at: <https://assets.frontlinejustice.org/public-comment-on-proposed-california-rules-of-court-rule-9.pdf>).

D. History of stakeholder engagement

In November 2025, this Court’s Attorney Recruitment and Retention Committee—formed in June 2024 with the express purpose of addressing Wisconsin’s attorney shortage—recommended the exploration of a limited license legal practitioner (LLLP) certification program “to allow licensed, non-lawyer professionals to provide a narrow scope of civil and family legal services.”²² The Wisconsin Access to Justice Commission was identified as the implementation lead for this recommendation, and its Legal Advocate Task Force engaged with stakeholders across Wisconsin, including attorneys in rural and urban communities, the leaders of civil legal aid organizations, and sitting judges. The task force also gathered information from the National Center for State Courts and from leaders in jurisdictions that have already implemented similar rules, including Alaska, the District of Columbia, and Minnesota. The proposed rule incorporates feedback received from those jurisdictions, as applied to Wisconsin’s unique needs. The proposed rule also incorporates feedback on a draft rule that the task force collected from members of the State Bar of Wisconsin’s Board of Governors, individual sections and divisions of the State Bar, and members of the Legal Services Corporation’s Rural Justice Task Force.

²² Recruitment & Retention Committee Report at 15.

ARGUMENT

Petitioners ask this Court to adopt proposed Chapter 51 of the Supreme Court Rules for three key reasons. First, the proposed rule will promote access to justice by increasing the availability of legal services in both rural and urban areas. Second, the proposed rule will promote judicial efficiency. Third, the proposed rule will protect both clients and the public.

I. The proposed rule will promote access to justice by giving Wisconsinites enhanced access to legal services.

Legal advocates will fill a critical gap in the market for legal services while also relieving pressure on the Wisconsin courts. As the number of attorneys in both rural and metropolitan areas declines, legal advocates will bring their prior professional and lived experiences to bear on both the busiest and most neglected dockets in Wisconsin, representing individuals who would otherwise go without counsel.

Under the proposed rule, legal advocates will assist Wisconsinites with matters that are too small for many attorneys to take but significant for the clients involved. A legal advocate will serve as a bridge between proceeding *pro se* and engaging counsel. Civil legal aid organizations that employ attorneys for eviction hearings or occupational licensing matters will likely add legal advocates to their ranks. These advocates will work within the scope of their own training and handle routine case events—such as small claims return

dates or required agency filings—that an attorney would otherwise need to attend.²³

To be clear, because legal advocates cannot work except under the supervision of a licensed Wisconsin attorney, they will not take work away from Wisconsin attorneys. Instead, they will enhance Wisconsin attorneys' ability to reach areas not currently receiving adequate legal representation.

In Alaska, community justice workers under a similar framework have assisted with spreading legal services to remote communities.²⁴ Petitioners expect that the legal advocate framework will produce similar results throughout Wisconsin. The proposed rule will empower community leaders in both rural and urban areas to assist low-income individuals with their litigation and administrative law needs. Legal advocates who are already fluent in public benefits law, housing law, or family law will advise clients on

²³ Petitioners use the term “*pro se*”, as is common across the court system, throughout this petition. However, Petitioners suggest that the plain-language terms “self-represented litigant” or “unrepresented litigant” more accurately describe litigants without legal representation.

²⁴ Burnett, *supra*, at 2. To be clear, there are some significant differences between Alaska’s program and the proposed rule for Wisconsin. One key distinction is that community justice workers in Alaska’s program are trained and supervised directly by the Alaska Legal Services Corporation (ALSC), and are hired and managed by ALSC through its Community Justice Worker Resource Center. Contrast this centralized approach to hiring, training, and supervision with the proposed rule’s decentralized approach, which enables any Wisconsin entity qualifying as a “firm” or “law firm” under SCR 20:1.0(d) to certify a legal advocate subject to the supervision of a licensed Wisconsin attorney employed by that entity.

the judicial or administrative process, guide them through those processes, and achieve results without requiring the client to pay the high rates that an attorney might charge.

II. The proposed rule will promote judicial efficiency by giving clients more effective representation in circuit court.

A. The rule will streamline proceedings where parties would otherwise lack counsel.

Courts will benefit from qualified practitioners who advocate effectively without the administrative overhead of a full attorney engagement. A legal advocate will articulate legal positions clearly, submit well-reasoned filings, and provide sound advice to clients. Without legal advocates, litigants in small claims matters, evictions, family law disputes, or administrative hearings would have to represent themselves because of compressed timelines or the unavailability of attorneys.

B. The rule will ease caseloads for attorneys in cases where parties are represented but attorneys are stretched thin.

The proposed rule will also help close the growing gap between the declining number of active Wisconsin attorneys and the increasing demand for civil legal services. Attorneys who employ legal advocates can delegate required court appearances without needing to supervise each one in person. For example, a legal advocate could assist an eviction defense attorney with the fast-moving eviction docket, and even represent clients in eviction trials,

since Chapter 908 does not apply to small claims proceedings. Legal advocates will also have the authority to prepare pleadings and similar documents, allowing the supervising attorney to focus on review and strategic decisions rather than initial drafting.

Court dockets will move more efficiently with experienced advocates who possess substantive knowledge comparable to that of attorneys. Unlike *pro se* litigants, legal advocates will understand the procedural and substantive rules governing their practice areas, mitigating the need for courts to explain basic rules and procedures. The proposed rule will therefore promote judicial efficiency by enabling courts to resolve high-volume cases—such as small claims, evictions, and administrative matters—more promptly.

C. The proposed rule will promote access to justice.

The proposed rule will give Wisconsinites a much-needed third option for legal representation. Today, if they cannot afford an attorney, low-income litigants face a choice to represent themselves, decide not to contest a claim, or seek representation from legal services organizations that are already strained.²⁵ A legal advocate position creates an intermediate option: legal services akin to attorney representation at a fraction of the cost. This option is

²⁵ Low-income Americans are unable to get sufficient legal help for approximately 92 percent of substantial legal problems that affect them. LSC Report, Executive Summary.

far superior to the alternative: an individual navigating an eviction, a money judgment, limited access to their children, or a license revocation—entirely alone, without any professional guidance.²⁶

III. The proposed rule includes protections for clients and the public.

Importantly, a legal advocate will not replace a lawyer, but instead will extend the reach of attorneys to serve more Wisconsinites. A legal advocate must do their work under the supervision of a licensed Wisconsin lawyer and will be limited in the services they can provide. While a legal advocate *can* represent clients in a number of civil, family, and agency matters, the proposed rule prohibits legal advocates from acting in any criminal matters, serving as trial counsel, handling large claims cases, pursuing appeals, or undertaking matters involving the termination of parental rights, involuntary civil commitments, or guardianships.

The proposed rule includes robust public protections to account for the autonomy legal advocates will exercise. First, the certification process requires that a legal advocate hold either a college degree or a substantive background in their intended practice area before the Standing Committee certifies them. Second, a supervising attorney is ultimately responsible for the acts of any

²⁶ Access to a legal advocate is also superior to *pro se* litigants' increasing reliance on artificial intelligence to give legal advice and generate court filings, which is a growing problem in the justice system.

legal advocate they certify, just as a senior attorney is responsible for the work of a junior attorney or student under the student practice rule.²⁷ Third, legal advocates must complete ethical training arranged by their certifying entity and may *not* handle client funds deposited into an attorney trust account.²⁸

Finally, the certifying entity must ensure that the legal advocate has demonstrated good moral character and fitness to practice by conducting a background check and denying certification to anyone with a criminal conviction bearing “a substantial relationship to the applicant’s fitness to serve as a legal advocate.”²⁹

The proposed rule would also maintain the integrity of the judicial system by giving both this Court and the circuit courts the power to discipline legal advocates. The Standing Committee may suspend or revoke a legal advocate’s certification “for good cause, including but not limited to failure to comply with any provision of this chapter, failure to cooperate with an investigation by the Standing Committee, conduct that is detrimental to the administration of justice, or failure to renew certification.”³⁰ This Court retains the power to revoke a certification *at any time*, without a hearing and without

²⁷ SCR 20:5.1.

²⁸ Proposed SCR 51.07(e), 51.11(2).

²⁹ Proposed SCR 51.03(2).

³⁰ Proposed SCR 51.06(1).

a showing of good cause.³¹ And any Wisconsin court or public agency can bar or limit legal advocates upon a finding of misconduct.³² Therefore, if a legal advocate runs afoul of professional standards, several institutions will have the power to promptly discipline the legal advocate.

In sum, the proposed rule balances a legal advocate’s autonomy within their limited practice area with meaningful oversight. Legal advocates still must adhere to the same standards of professional conduct as any attorney appearing before a court, and any legal advocate who violates those standards will be accountable to their certifying attorney, to this Court, and to the other courts and public agencies in which they appear.

CONCLUSION

As bar organizations,³³ chief justices, and court administrators³⁴ across the country call upon states to develop legal advocate programs of their own,

³¹ Proposed SCR 51.06(3).

³² Proposed SCR 51.06(4).

³³ See, e.g., Frontline Justice, *American Bar Association Urges Jurisdictions to Explore Community Justice Worker Programs to Close the Justice Gap* (Aug. 13, 2025) (available at: <https://www.frontlinejustice.org/news/american-bar-association-urges-jurisdictions-to-explore-community-justice-worker-programs-to-close-the-justice-gap>) (ABA resolution “calling on states, courts, and other jurisdictions to study and adopt . . . innovative, community-based models” like the one proposed here).

³⁴ See Conference of Chief Justices and Conference of State Court Administrators, *In Support of Exploring Access to Justice Through Authorized Justice Practitioner Programs* (July 30, 2025) (available at: <https://ccj.ncsc.org/resources-courts/support-exploring-access-justice-through-authorized-justice-practitioner-programs>) (CCJ and CSCA).

Wisconsin's courts, the State Bar, and Wisconsin's citizens will benefit from joining the growing number of jurisdictions that have established certification programs for non-lawyer legal advocates.

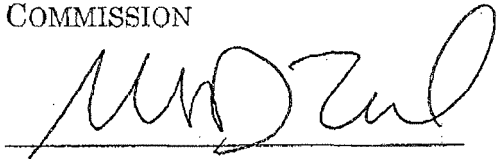
This Court should adopt proposed Chapter 51 of the Supreme Court Rules because it will give low-income Wisconsinites a more cost-effective and efficient means of navigating the legal system while protecting the public from potential abuses. The proposed rule will also ease caseloads for the diminishing number of active Wisconsin attorneys and make court dockets more efficient. For these reasons, Petitioners request that the Court adopt the proposed rule.

resolution urging members to explore and develop models for authorized justice practitioners, and setting forth best practices for development and oversight).

Dated this 3rd day of September, 2026.

Respectfully submitted by:

THE WISCONSIN ACCESS TO JUSTICE
COMMISSION



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