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REPORT AND RECOMMENDATIONS TO THE MINNESOTA SUPREME COURT

STANDING COMMITTEE FOR THE LEGAL PARAPROFESSIONAL PROGRAM

ADM19-8002

June 26, 2025

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I. INTRODUCTION AND BACKGROUND

The Minnesota Supreme Court (Supreme Court) filed an order on March 8, 2019, establishing the Implementation Committee for the Proposed Legal Paraprofessional Pilot Project.[1] In its order, the Supreme Court stated: "Such a program would help address the needs of low- and modest-income citizens for civil legal representation, particularly in case types in which one party typically appears in court without representation."

In an order dated September 29, 2020, the Supreme Court adopted amendments to court rules establishing the Legal Paraprofessional Pilot Project (LPPP), effective March 1, 2021.[2] Under the supervision of a Minnesota-licensed attorney, legal paraprofessionals participating in the LPPP were authorized to provide services in two specific areas of law: landlord-tenant and family law. Since the inception of the LPPP, paraprofessional legal services within landlord-tenant matters have been expressly limited to tenants only.

The Supreme Court issued an order filed on September 16, 2024, establishing the LPPP as a permanent judicial branch program, known as the Legal Paraprofessional Program (LPP), effective January 1, 2025.[3] The order also dissolved the Pilot Committee for the Legal Paraprofessional Pilot Project and established the Standing Committee for the Legal Paraprofessional Program (Standing Committee), effective January 1, 2025.

In the order filed September 16, 2024, the Supreme Court directed the Standing Committee to provide recommendations to the Supreme Court no later than July 1, 2025, regarding the following issues:

1. Whether the purposes of the paraprofessional program would be served by allowing paraprofessionals to represent certain categories of landlords; and
2. Addressing whether paraprofessionals should be able to sign pleadings instead of, or in addition to, supervising attorneys.

II. SUMMARY OF LEGAL PARAPROFESSIONAL REPRESENTATION OF LANDLORDS EVALUATION

The Supreme Court directed the Standing Committee in the order filed September 16, 2024, to: "provide recommendations on whether the purposes of the paraprofessional program would be served by allowing paraprofessionals to represent certain categories of landlords such as those who own a limited number of units, or based on the aggregate value of, or total income generated by, the rental units owned by the landlord. In its report, the committee should consider and make recommendation concerning administrative burdens associated with eligibility requirements." *See* Order Amending Rules Governing Legal Paraprofessional Pilot Project, No. ADM19-8002 (Sept. 16, 2024).

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[1] *See* In Re Implementation Committee for Proposed Legal Paraprofessional Pilot Project, No. ADM19-8002 (Minn. Filed March 8, 2019)
[2] *See* Order Implementing Legal Paraprofessional Pilot Project, No. ADM19-8002 (Minn. Filed Sept. 29, 2020)
[3] *See* Order Amending Rules Governing Legal Paraprofessional Pilot Project, No. ADM19-8002 (Minn. Filed Sept. 16, 2024)

To inform its recommendations, the Standing Committee created a subcommittee to examine the issue of whether legal paraprofessionals should be permitted to represent certain categories of landlords. The subcommittee was tasked with gathering and analyzing relevant information regarding the Supreme Court's directive.

In the course of its work, the subcommittee completed the following:

1. Collected and analyzed court data from the Minnesota Judicial Branch regarding historic rates of attorney representation in Eviction and Rent Escrow matters;
2. Consulted with the Institute for Advancement of the American Legal System (IAALS) to understand how other jurisdictions approach landlord representation by legal professionals who are not licensed attorneys;
3. Reviewed and analyzed public comments submitted during the Legal Paraprofessional Pilot Project;
4. Conducted a survey of supervising attorneys participating in the Legal Paraprofessional Program to assess their perspectives on potential expansion; and
5. Discussed the potential administrative burden for legal paraprofessionals when required to assess the eligibility of landlords, particularly if eligibility restrictions are in place.

This information was presented to the full Legal Paraprofessional Program Standing Committee for review and consideration in developing its recommendations.

A. DISPARITY IN LEGAL REPRESENTATION BETWEEN LANDLORDS AND TENANTS

The Standing Committee reviewed housing case data from the Minnesota Judicial Branch for calendar years 2023 and 2024. The court data provides the representation status in eviction and rent escrow cases, disaggregated by role (tenant or landlord). The findings highlight a consistent and significant disparity in legal representation between landlords and tenants. *See Appendix A, Representation for Tenants and Landlords.*

Representation Rates at Disposition[4]

In 2023, eviction cases demonstrated the following representation patterns:

- Landlords were represented at the time of case disposition in **84%** of cases.
- Tenants were represented at disposition in only **5%** of cases.

In rent escrow actions during the same year:

- Landlords were represented in **45%** of cases at disposition.
- Tenants were represented in **18%** of cases at disposition.

This disparity remains consistent in 2024**.** At disposition of eviction cases during that period:

- Landlords continued to be represented at disposition in **85%** of cases.

[4] Disposition means at the time that the District Court case was resolved through settlement, trial, verdict, or otherwise.

- Tenants saw a slight increase but remained represented at the disposition in only **6%** of cases.

In rent escrow actions in 2024:

- Landlords were represented in **40%** of cases at disposition.
- Tenants were represented in **14%** of cases at disposition.

The overwhelming majority of tenants in eviction and rent escrow proceedings filed in District Court remain without legal representation. In contrast, landlords are consistently well represented.

The data strongly supports that representation of tenants but not landlords is consistent with the foundational purpose of the Legal Paraprofessional Project; the Supreme Court's March 8, 2019, Order set forth that the purpose, at least in part, of the Legal Paraprofessional Pilot Program is to address representational disparities: "Such a program would help address the needs of low- and modest-income citizens for civil legal representation, particularly in case types in which one party typically appears in court without representation." *See* Order Amending Rules Governing Legal Paraprofessional Pilot Project, No. ADM19-8002 (Sept. 16, 2024).

B. LANDLORD REPRESENTATION BY ALLIED LEGAL PROFESSIONALS (ALPs) IN OTHER STATES

Several states have adopted or piloted Allied Legal Professional (ALP) programs allowing nonlawyers to provide legal services, some including in landlord-tenant matters. The Standing Committee consulted Michael Houlberg, JD, IAALS Director of Special Projects, about landlord representation in other programs across the United States. *See Appendix B, Email from Michael Houlberg 3.6.25.* The states that have programs which include landlord/tenant matters are listed below. The scope of services and eligibility to represent landlords varies by jurisdiction.

- Arizona: There is no explicit prohibition against ALPs representing landlord.
- Oregon: State law permits landlords to be represented in forcible entry and detainer actions by nonlawyer agents in circuit court. This option primarily benefits larger landlords who are regularly in court. The rules do not appear to exclude ALPs from representing landlords.
- New Hampshire: ALPs are limited to representing individuals whose household income does not exceed 300% of the federal poverty guidelines. This financial restriction likely excludes most landlords from eligibility for ALP representation.
- Utah: ALPs are permitted to represent landlords, provided the landlord is not a corporation. This allows for representation of small-scale, individual landlords only.

C. SUMMARY OF PUBLIC COMMENTS ON EXPANDING THE PILOT PROJECT TO INCLUDE LANDLORD REPRESENTATION

During the Legal Paraprofessional Pilot Project, the Supreme Court received a small number of public comments specifically addressing the potential expansion of the program to include landlord representation. The Standing Committee reviewed and considered each comment as part of its evaluation. The comments reflected opposing views: one expressed strong opposition to expanding the program, citing risks of harm to unrepresented tenants; the other supported limited expansion, noting that some small-scale landlords may lack access to legal representation and could benefit from paraprofessional assistance. These perspectives and comments were reviewed as part of the Standing Committee's discussion and deliberations.

D. LEGAL PARAPROFESSIONAL PROGRAM SUPERVISING ATTORNEY SURVEY RESULTS

To gather professional insights on the potential expansion of the LPP to include landlord representation, the subcommittee conducted a survey of Minnesota Legal Paraprofessional Supervising Attorneys. The survey asked respondents to identify perceived benefits or challenges related to this expansion and to provide any additional thoughts for the Standing Committee's consideration. *See Appendix C, Supervising Attorney Survey Results.*

The survey received 13 responses, with respondents rating their support for landlord representation on a scale of 1 to 5 (where 1 = strongly oppose and 5 = strongly agree) as well as an opportunity to provide comments. The average score of the responses submitted is 2.5, indicating a generally divided stance on the issue.

The responses reveal a diverse range of perspectives, reflecting both support and opposition to the proposed expansion among current LPP supervising attorneys. While some see practical benefits in terms of cost reduction and addressing the challenges of obtaining affordable legal representation for non-corporate landlords, many others raise serious concerns about exacerbating the existing imbalance between tenants and landlords.

E. ADMINISTRATIVE BURDEN ASSOCIATED WITH DETERMINING LANDLORD ELIGIBILITY FOR LEGAL PARAPROFESSIONAL REPRESENTATION

Expanding LPP representation to include certain categories of landlords raises significant concerns regarding administrative burdens to legal paraprofessionals.

The Standing Committee discussed whether the courts could or should take a role in determining the eligibility of a landlord for representation. For several reasons, including that the establishment of a client relationship occurs long before anything is filed with the District Court and because the District Court does not independently investigate facts, it was understood and agreed that legal paraprofessionals would be solely responsible for determining eligibility of a landlord client for representation.

Determining eligibility based on specific criteria such as income level, property value, or the landlord's address, places considerable responsibility on the legal paraprofessional to verify eligibility accurately. For example, income-based eligibility would require legal paraprofessionals to independently verify and confirm income levels. If eligibility were based on whether the landlord and the tenant lived at the same residence or in the same residential building, the legal paraprofessional would be responsible for confirming physical occupancy rather than merely mailing addresses. This determination would be complicated further if the landlord relocates. Similarly, establishing eligibility based on property value introduces complexities: would legal paraprofessionals assess eligibility based on the rental property's value or the landlord's personal homestead? These scenarios illustrate the high administrative and discretionary burdens on legal paraprofessionals.

Given these complexities, the significant and potentially complex administrative burden associated with eligibility verification seems unreasonably onerous for legal paraprofessionals.

An alternative discussed and supported by a minority number of members of the Standing Committee would be to allow legal paraprofessionals to represent any landlords they wanted without eligibility restrictions to the greatest extent permitted by law. The Standing Committee's understanding is that Minn. Stat. 481.02, subd. 2, would statutorily require corporate entities to be represented by attorneys. The members of the Standing Committee in support of having no eligibility restrictions beyond the existing statutory limitations pointed out that this would alleviate the administrative burden and would permit legal paraprofessionals to determine the scope of their own services independently, providing them freedom to contract.

RECOMMENDATION:

After careful consideration and extensive deliberation, the Standing Committee respectfully recommends no expansion of the Legal Paraprofessional Program to include landlord representation at this time.

The Committee evaluated numerous factors, including screening burdens placed upon LPs, court data showing significant disparities in legal representation between landlords and tenants, and the primary intent of the pilot program to increase representation for low- and middle-income underserved litigants.

While the Standing Committee acknowledges anecdotal scenarios where low-income or modest-income landlords might benefit from LPP representation, such as cases involving landlords and tenants sharing a primary residence, the absence of definitive data demonstrating a widespread unmet need makes expansion premature.

The Standing Committee agreed that the question of representation of certain classes of landlords by legal paraprofessionals should be revisited as the Legal Paraprofessional Program grows and after further evaluation can be made.

III. LEGAL PARAPROFESSIONALS SIGNING PLEADINGS

The Supreme Court directed the Standing Committee in the order filed September 16, 2024, to: "provide a recommendation, no later than July 1, 2025, addressing whether paraprofessionals should be able to sign pleadings instead of, or in addition to, supervising attorneys." *See* Order Amending Rules Governing Legal Paraprofessional Pilot Project, No. ADM19-8002 (Sept. 16, 2024).

To inform its recommendations, the Standing Committee created a subcommittee to examine the issue of whether legal paraprofessionals should be permitted to sign pleadings instead of, or in addition to, supervising attorneys. The subcommittee was tasked with gathering and analyzing information relevant to the Supreme Court's directive.

In the course of its work, the subcommittee completed the following:

1. Consulted with the State Court Administrator's Office regarding the technical capabilities of the Minnesota Judicial Branch e-filing and case management system;
2. Consulted with the Institute for Advancement of the American Legal System (IAALS) to understand how other state programs approach signing of pleadings; and
3. Conducted a survey of supervising attorneys participating in the Legal Paraprofessional Program to assess their perspectives on pleading signature options.

This information was presented to the full Standing Committee for review and consideration in developing its recommendations.

A. E-FILING SYSTEM CAPABILITIES AND CONSIDERATIONS

The Standing Committee worked with the State Court Administrator's Office to understand the capabilities of the District Court's e-filing system (eFS) and case management system, Minnesota Court Information System (MNCIS), as these systems relate to legal paraprofessionals electronically filing into a court case and being associated with a party.

MNCIS and eFS were designed with the assumption that only licensed attorneys would be associated as the attorney of record on a case. A person filing a pleading or other document in a case must currently be a self-represented litigant, the attorney of record (which requires having an active Bar number and is integrated with the Minnesota Attorney Registration Systems (MARS)), or other person associated with the attorney of record, such as a paralegal filing on their behalf. This is consistent with Rule 11.01 of the Rules of Civil Procedure: "Every pleading, written motion, and other similar document shall be signed by at least one attorney of record in the attorney's individual name, or, if the party is self- represented, shall be signed by the party."

Existing processes allow judicial officers and court staff to see in MNCIS that a legal paraprofessional is representing a client. These processes also identify the supervising attorney as the attorney of record in a case.

In discussing whether legal paraprofessionals should be permitted to sign pleadings instead of their supervising attorney, the Standing Committee considered that it may not be appropriate to list the supervising attorney as the lead attorney in MNCIS if they are not signing pleadings. The Standing Committee questioned whether technical changes to

eFS and MNCIS would be required to allow a legal paraprofessional to e-file into a court case without the supervising attorney listed as the attorney of record. It was determined that processes could be implemented to work around the technological limitations that would permit a legal paraprofessional to be associated as a legal paraprofessional representing a party regardless of whether the supervising attorney is listed as the attorney of record in the case.

Because implementing changes to eFS and MNCIS would require significant time, funding, and collaboration with the court's external vendor, if fundamental changes to eFS and MNCIS would have been needed, it would have been a factor against permitting legal paraprofessionals to sign pleadings on their own. While there may be a business need for changes to the District Court's technical systems in the future as the Legal Paraprofessional Program grows, there is currently no such need.

In conclusion, if the Supreme Court were to permit legal paraprofessionals to sign pleadings on their own, a sufficient process could be implemented without changing the court systems' technology at this time.

B. ALLIED LEGAL PROFESSIONALS SIGNING PLEADINGS IN OTHER STATES

In reviewing how other states address the issue of ALP's signing pleadings, it is evident that practices vary significantly. Currently, Arizona, Colorado, Oregon, Utah, and Washington allow ALPs to sign pleadings without attorney supervision. In contrast, New Hampshire restricts paraprofessionals from signing pleadings, requiring an attorney's signature unless obtaining it is unreasonable.

Currently, states that do not mandate attorney supervision for ALPs also allow them to sign pleadings, while those requiring attorney supervision maintain the requirement for the supervising attorney's signature. *See Appendix B, Email from Michael Houlberg 3.6.25.*

C. SURVEY RESULTS FROM SUPERVISING ATTORNEYS

The subcommittee conducted a survey of current supervising attorneys to gather their perspectives on whether legal paraprofessionals should be authorized to independently, without the co-signature of a supervising attorney, or co-sign pleadings alongside supervising attorneys. The responses reflected a range of opinions. *See Appendix C, Supervising Attorney Survey Results.*

The survey received 13 responses, with respondents rating their support for legal paraprofessionals co-signing pleadings, a scale of 1 to 5 (where 1 = not concerned and 5 = very concerned) as well as an opportunity to provide comments. The average score of the responses submitted was 1.1, indicating a lack of concern from supervising attorneys regarding co-signing pleadings.

The responses revealed minimal concern about legal paraprofessionals co-signing pleadings, with many respondents expressing support for the practice. Several attorneys

noted that proper supervision and established standards for format and wording would mitigate any potential issues. Some respondents emphasized that allowing high-performing paraprofessionals to sign pleadings would increase efficiency while still maintaining oversight for newer or lower-performing staff. A few supervising attorneys recommended that rules clearly outline the level of required supervision and that supervising attorneys should read and approve pleadings before signature. Only one response expressed confusion about the concept of "co-signing" and questioned its necessity if an attorney's signature is already required. Overall, the majority of responses reflected confidence that co-signing could be implemented effectively with appropriate guidelines in place.

The subcommittee also surveyed supervising attorneys to assess their perspectives on whether legal paraprofessionals should be authorized to sign pleadings independently, without the co-signature of a supervising attorney. The majority expressed cautious support for the idea. Many supervising attorneys indicated that allowing legal paraprofessionals to sign pleadings on their own would be acceptable, provided that the legal paraprofessional has the supervising attorney's prior approval and that there is clear communication regarding format and wording. Several respondents suggested that the signature block should include a reference to the supervising attorney to maintain accountability.

Some attorneys noted that allowing high-performing paraprofessionals to sign independently would increase efficiency and reduce filing delays, while others emphasized that the supervising attorney remains the best judge of when a legal paraprofessional should be permitted to sign pleadings. A few respondents recommended that initiating documents, such as complaints or petitions, should still require attorney co-signature, while more routine filings could be signed solely by the legal paraprofessional. One suggestion was to include a certification indicating that the supervising attorney had reviewed and approved the pleading. Overall, the feedback highlights the importance of maintaining clear supervisory standards while allowing flexibility for experienced legal paraprofessionals.

The survey results regarding legal paraprofessionals independently signing pleadings revealed an average score of 1.8 on a scale of 1 to 5 (with 1 indicating no concern and 5 indicating significant concern). This average reflects slightly more apprehension compared to the concept of co-signing, but overall, the level of concern remains relatively low.

RECOMMENDATION:

After careful deliberation, the Standing Committee recommends that both supervising attorneys and legal paraprofessionals must co-sign pleadings as defined in the Rules of Civil Procedure and Rules of Criminal Procedure except for pleadings signed during in court proceedings. Currently, pleadings are defined in Rule 7 of the Rules of Civil Procedure and Rule 10 of the Rules of Criminal Procedure. For purposes of this recommendation, to co-sign pleadings means that both the legal paraprofessional and a supervising attorney must sign a pleading.

The Standing Committee recommends that pleadings signed in court and any document other than a pleading as defined in the Rules of Civil Procedure and Rules of Criminal Procedure may be signed by either the legal paraprofessional or the supervising attorney.

The Committee reached the conclusion that pleadings should require the co-signature of the legal paraprofessional and supervising attorney after discussing the practical and procedural implications of allowing legal paraprofessionals to sign pleadings independently. Members expressed a majority consensus that co-signing pleadings maintains transparency and accountability, as well as providing clarity to judicial officers and others regarding the involvement of a legal paraprofessional and a supervising attorney in the case. The judicial officer and any interested parties are put on notice that both a supervising attorney and a legal paraprofessional are involved in the case by having both sign the pleadings. The signature of the supervising attorney on the pleadings in a case also signals their consent for the legal paraprofessional they are supervising to represent a client on a particular case.

In certain case types, such as petty misdemeanors, pleadings such as pleas are signed in court. The Committee reached the conclusion that pleadings signed in court should be able to be signed by either the legal paraprofessional or the supervising attorney appearing in court at that time. If there were a requirement that *both* the supervising attorney and the legal paraprofessional co-sign in court pleadings, then both the legal paraprofessional and the supervising attorney would need to attend hearings where a document or pleading might need to be signed during the hearing, or that a case may be delayed because a client is being represented by a legal paraprofessional instead of an attorney.

The Committee reached the conclusion that documents other than pleadings should be able to be signed by either the legal paraprofessional or the supervising attorney. The Committee considered that requiring both signatures on all documents could be burdensome and hinder representation. It was also discussed that the level of supervision of a legal paraprofessional should be determined by the supervising attorney based on the experience of the legal paraprofessional, the complexity of the case, and other relevant factors. It was discussed that allowing either the legal paraprofessional or the supervising attorney to sign documents other than pleadings provides flexibility for the paraprofessional or attorney to represent the client in a particular aspect of the case given the needs of the case and the availability of the paraprofessional or attorney.

The Standing Committee notes that there are multiple rules that address the requirement of a signature by an attorney. For example, Rule 11.01 of the Civil Rules of Procedure, titled Signature, reads: “Every pleading, written motion, and other similar document shall be signed by at least one attorney of record in the attorney's individual name, or, if the party is self-represented, shall be signed by the party.”

The Standing Committee recommends amendment to Rule 12 of the Supervised Practice Rules that provide the signature of the legal paraprofessional on documents other than pleadings and on pleadings signed during court proceedings is allowed, notwithstanding any rule to the contrary.

In these recommended amendments, deleted terms will be struck out and added terms will be underlined, except where otherwise described.

Recommended Amendment to Rule 12.03(c) of the Supervised Practice Rules

(c) assist the legal paraprofessional to the extent necessary and co-sign all pleadings except pleadings signed during in court proceedings, whether held in person or by use of remote technology. "Co-sign" means the supervising attorney and the legal paraprofessional must both sign. "Pleadings" means pleadings as defined in the Rules of Civil Procedure and Rules of Criminal Procedure. Where any court rule requires an attorney's signature beyond the requirements set forth herein, either the legal paraprofessional or the supervising attorney may sign the pleading or other document.

Recommended Amendment to Rule 12.01(p) of the Supervised Practice Rules

For each case where a legal paraprofessional will appear in court on behalf of the client, the certificate of representation for the matter must identify both the supervising attorney and the legal paraprofessional. The legal paraprofessional may sign the certificate of representation, but must include with the filed certificate of representation a statement signed by the supervising attorney that authorizes the legal paraprofessional to appear in court. The signed authorization must identify the types of proceedings for which the legal paraprofessional is authorized to provide services and the starting and ending dates during which the paralegal is authorized to appear in court.

For each case where a legal paraprofessional will appear in court on behalf of the client, the legal paraprofessional and the supervising attorney must co-sign all pleadings except those signed in court, whether held in person or by use of remote technology. "Co-sign" means the legal paraprofessional and the supervising attorney must both sign. "Pleadings" means pleadings as defined in the Rules of Civil Procedure and Rules of Criminal Procedure. Where any court rule requires an attorney's signature beyond the requirements set forth herein, either the legal paraprofessional or the supervising attorney may sign the pleading or other document.

Recommended Referral to the Minnesota Supreme Court Advisory Committee on Rules of Civil Procedure, Minnesota Supreme Court Advisory Committee on Rules of Criminal Procedure, and the Minnesota Supreme Court Advisory Committees for the General Rules of Practice for the District Courts

The Standing Committee recommends the Supreme Court refer any changes regarding the signing of pleadings to the Minnesota Supreme Court Advisory Committee on the Rules of Civil Procedure, Minnesota Supreme Court Advisory Committee on the Rules of Criminal Procedure, and the Minnesota Supreme Court Advisory Committees for the General Rules of Practice for the District Courts for review and to provide recommended amendments, if any, to their respective rules.

Recommended Comment to Add to Rule 12 of the Supervised Practice Rules

The Standing Committee recognizes that rules may change or be supplemented, and thus does not recommend a reference to specific rules within the Rules of Civil Procedure or Rules of Criminal Procedures defining pleadings. However, the Standing Committee recommends the following comment be added to Rule 12 of the Supervised Practice Rules to assist legal paraprofessionals and supervising attorneys in defining a "pleading":

Advisory Committee Comment – 2025

Rule 12 is amended in 2025 to require co-signing of pleadings by both the legal paraprofessional and the supervising attorney in cases where a legal paraprofessional is representing the client except for those signed during in court proceedings, whether held in person or by use of remote technology. "Pleading" as used in Rule 12 is currently defined by Rule 7 of the Rules of Civil Procedure and Rule 10 of the Rules of Criminal Procedure.

IV. RECOMMENDATION TO RESCIND RULE 12.01(P) AND REMOVE APPENDIX 1 FROM RULE 12

While considering the question whether legal paraprofessionals should sign pleadings and generally conducting the business of the Standing Committee, the Standing Committee reviewed Rule 12.01(p) and Appendix 1.

Rule 12.01 currently reads:

Scope of Work

An eligible legal paraprofessional may, under the supervision of a member of the bar, provide the following services:
***
(p) With authorization from the supervising attorney, prepare and file a limited set of documents identified in Appendix 1 to these rules.

Appendix 1 identifies specific documents that are filed into court cases generally, specific to landlord-tenant case types, and specific to family law case types. ***See Appendix D, Appendix 1 to Rule 12 of the Supervised Practice Rules.***

The Standing Committee has received feedback from practicing legal paraprofessionals that Rule 12.01(p) and Appendix 1 to Rule 12 has led to confusion as to the scope and requirements for supervising attorneys and legal paraprofessionals. Rule 12.01(p) seems to limit the documents a legal paraprofessional can prepare and file even with a supervising attorney's authorization to a specified set of documents that is narrower than is necessary for the legal paraprofessional to represent their clients.

The Standing Committee investigated the history of Rule 12.01(p) and Appendix 1. The Minnesota Supreme Court Order filed September 29, 2020, Implementing the Legal Paraprofessional Pilot Project, contained Rule 12.01, Scope of Work, subsection (c), which reads (emphasis added): "With authorization from the supervising attorney, prepare and file a limited set of documents identified in Appendix 1 to these rules <u>without the supervising attorney's final review</u>." *See* Order Implementing Legal Paraprofessional Pilot Project, No. ADM19-8002 (Minn. Filed Sept. 29, 2020).

The Minnesota Supreme Court Order field December 9, 2021, Order Amending Rules Governing Legal Paraprofessional Pilot Project, renumbered Rule 12.01(c) to Rule 12.01(f) and struck the

language "without the supervising attorney's final review." The Order stated: "The Standing Committee appointed to administer the pilot project has recommended amendments to Rule 12.01, to clarify the scope of services that can be provided in the project." The Order did not specifically address the reason for the amendment regarding Appendix 1. *See* Order Amending Rules Governing Legal Paraprofessional Pilot Project, No. ADM19-8002 (Minn. Filed Dec. 9, 2021).

There is no report in the administrative file for the Legal Paraprofessional Pilot Project on the Public Minnesota Appellate Court Case Management System (P-MACS) between the Order Implementing the Legal Paraprofessional Pilot Project filed on September 29, 2020, and the December 9, 2021, Order Amending Rules Governing Legal Paraprofessional Pilot Project that might provide information as to the reason for the amendment removing the language "without the supervising attorney's final review."

Ultimately, the Standing Committee has been unable to ascertain the impetus for the amendment removing "without the supervising attorney's final review" or the rationale for why the entire provision was not rescinded and Appendix 1 removed. Regardless of the reasoning behind the history of this provision and Appendix 1, the Standing Committee recommends that it be removed as it serves no apparent purpose in its current version, is confusing to supervising attorneys and legal paraprofessionals, and arguably unnecessarily restricts a legal paraprofessionals' ability to represent their clients.

Recommended Amendment to Supervised Practice Rules 12.01(p)

~~(p) With authorization from the supervising attorney, prepare and file a limited set of documents identified in Appendix 1 to these rules.~~

Recommendation as to Appendix 1

Remove Appendix 1 from Rule 12 in its entirety.

V. RECOMMENDATION TO AMEND RULE 12.02(f)(3) TO MAKE NUMBERING REFERENCES CONSISTENT

Rule 12.02(f)(3) currently references within it Rules 12.02(e)(1) and 12.02(e)(2)(a) but should reference 12.02(f)(1) and 12.02(f)(2)(a) as those provisions were renumbered from (e) to (f) when subsection (d), Required Language for Retainer Agreements, was added by the Supreme Court's September 16, 2024, Order Amending Rules Governing Legal Paraprofessional Pilot Project. The September 16, 2024, Order did not direct the renumbering of provisions within the language of Rule 12.02(f)(3). *See* Order Amending Rules Governing Legal Paraprofessional Pilot Project, No. ADM19-8002 (Minn. Filed Sept. 16, 2024).

Recommended Amendment to Supervised Practice Rules 12.02(f)

(3) Upon application by the supervising attorney and legal paraprofessional, the Standing Committee may waive the training requirements set forth in Rules 12.02~~(e)~~(f)(1) and 12.02~~(e)~~(f)(2)(a) if the legal paraprofessional has demonstrated substantial experience in family law cases involving domestic abuse and child abuse, and cases involving orders for protection

and harassment restraining orders. In considering a waiver request, the Standing Committee shall consider whether the substantial experience provides sufficient knowledge of the subjects set forth in Rule 12.02~~(e)~~(f)(1) and Rule 12.02~~(e)~~(f)(2)(a).

VI. CONCLUSION

The Standing Committee has conducted a thorough review and provided detailed recommendations regarding the potential expansion of the LPP to include landlord representation and the authorization of legal paraprofessionals to independently sign pleadings. After extensive analysis and deliberation, the Standing Committee recommends maintaining the current restrictions by not expanding representation to landlords at this time, primarily due to the complexities involved in eligibility verification and the lack of compelling data showing unmet legal needs among landlords.

Additionally, the Standing Committee supports the practice of requiring supervising attorneys and legal paraprofessionals to co-sign pleadings. This approach balances efficiency with accountability and clarity for judicial officers, ensuring transparency about legal paraprofessional involvement in case preparation. It also recognizes the direct involvement of the supervising attorney reduces the current need for the Judicial Branch's generalized and costly licensing of paraprofessionals. The Standing Committee remains open to revisiting these recommendations as the LPP evolves, particularly as technical solutions for independent e-filing become more feasible and administrative processes become clearer.

The Standing Committee respectfully requests the Supreme Court adopt its recommended amendments described in this report to implement its recommendations regarding co-signing pleadings except those signed in court and independent signing of other documents by either the legal paraprofessional or the supervising attorney, rescinding Rule 12.01(p), removing Appendix 1 to Rule 12, and renumbering certain provisions within Rule 12.02(f).

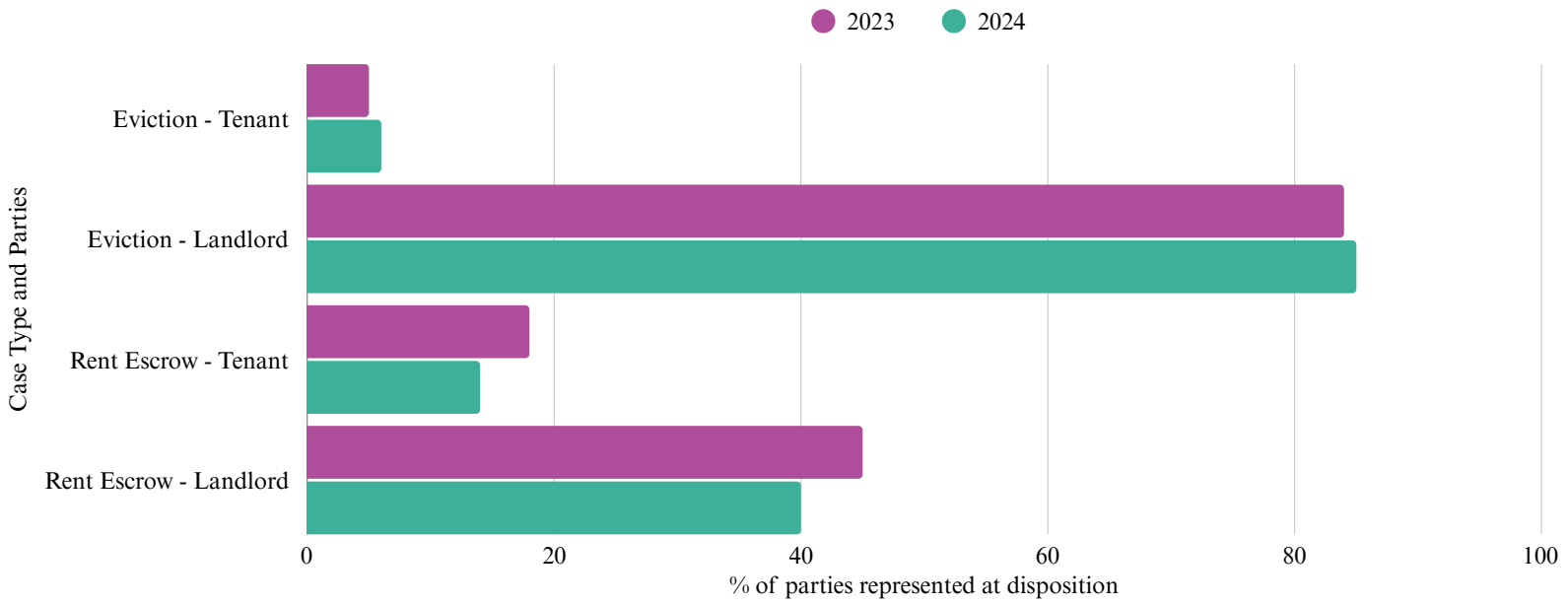
The Standing Committee appreciates the opportunity to present these recommendations and looks forward to continued collaboration to enhance and grow the Legal Paraprofessional Program.

Respectfully Submitted,

STANDING COMMITTEE
FOR THE LEGAL PARAPROFESSIONAL PROGRAM

APPENDIX A
Representation for Tenants and Landlords

Disposition Year	Case Type Description	# disposed cases	case party involvement	# parties on disposed cases	# represented at any point	% of parties represented at any point	# parties represented at disposition	% parties represented at disposition
2023	Eviction (UD)	26,618	DFD (tenant)	34,743	6,840	20%	1,844	5%
2023	Eviction (UD)	26,618	PLN (landlord)	28,537	24,137	85%	23,868	84%
2023	Rent Escrow	483	DFD (landlord)	692	390	56%	310	45%
2023	Rent Escrow	483	PLN (tenant)	554	131	24%	98	18%
2024	Eviction (UD)	22,755	DFD (tenant)	29,478	6,046	21%	1,840	6%
2024	Eviction (UD)	22,755	PLN (landlord)	24,000	20,622	86%	20,331	85%
2024	Rent Escrow	420	DFD (landlord)	604	324	54%	241	40%
2024	Rent Escrow	420	PLN (tenant)	501	101	20%	72	14%



APPENDIX B
Email from Michael Houlberg 3.6.25

From: Michael Houlberg <Michael.Houlberg@du.edu>
Sent: Thursday, March 6, 2025 4:28 PM
To: Rachel Albertson <rachel.albertson@justicenorth.org>
Subject: Re: Allied Professionals - Legal Paraprofessional Programs

Hi Rachel,

Here's the information I have on your second recommendation:

These are five states that allow ALPs to work on landlord/tenant cases:

- Arizona: It is not clear whether ALPs are able to provide services to landlords, but I could not find anything that specifically excluded landlords. That usually means that they would be able to represent landlords, but I have reached out to the program director to get clarity on that.
- Minnesota: During their pilot stage (2021-2024), ALPs could only represent tenants. The program is now permanent, and as it was becoming permanent, it was recommended to the state supreme court that they broaden representation to include low-income or non-corporate landlords. The supreme court said they need additional information on this recommendation before changing the scope of representation, so for now it is still just tenants.
- Oregon: In Oregon, "landlords already enjoy the option of representation in circuit court forcible eviction and detainer actions (FEDs) by a nonlawyer agent. Such non-lawyer agents, however, are likely to represent those landlords that have a large number of residential tenants and are in court often. Landlords with a small number of residential rental units and who are not in court often are less likely to have access to the services of nonlawyer agents already allowed in FED actions." This was the argument made when presenting the idea to the state supreme court. I cannot find anything saying that ALPs cannot represent landlords.
- New Hampshire: ALPs cannot represent people with a household income of 300 percent of federal poverty guidelines. Because of this restriction, I think it's very unlikely a landlord will fit the requirements for representation.
- Utah: ALPs can represent landlords, but they would likely have to be small-scale landlords because ALPs cannot represent corporations in Utah.

As far as signing pleadings, here are the states that allow it and those that do not:

- States that allow ALPs to sign pleadings:
    - Arizona, Colorado, Oregon, Utah, and Washington
- States that don't allow ALPs to sign pleadings:
    - Minnesota: In the letter to the state supreme court to turn the pilot program into a permanent program, there was a recommendation to allow ALPs to sign pleadings without lawyers. The supreme court said the committee needed to work with the state court administrator's office to develop a recommendation on this matter.
    - New Hampshire: "The attorney signs the pleading, unless there is no reasonable opportunity for the paraprofessional to obtain the attorney's signature."

- In essence, states the do not require attorney supervision are the same states that allow ALPs to sign pleadings, and the states that require attorney supervision require the supervising attorney to sign pleadings (though that may change in Minnesota.

I hope this helps.

Michael Houlberg, JD | Director of Special Projects | he, him, his
IAALS, Institute for the Advancement of the American Legal System
University of Denver | John Moye Hall | 2060 South Gaylord Way | Denver, CO 80208
303-871-6647 | michael.houlberg@du.edu



Unlocking Justice Innovation

APPENDIX C

Legal Paraprofessional Supervising Attorney Survey

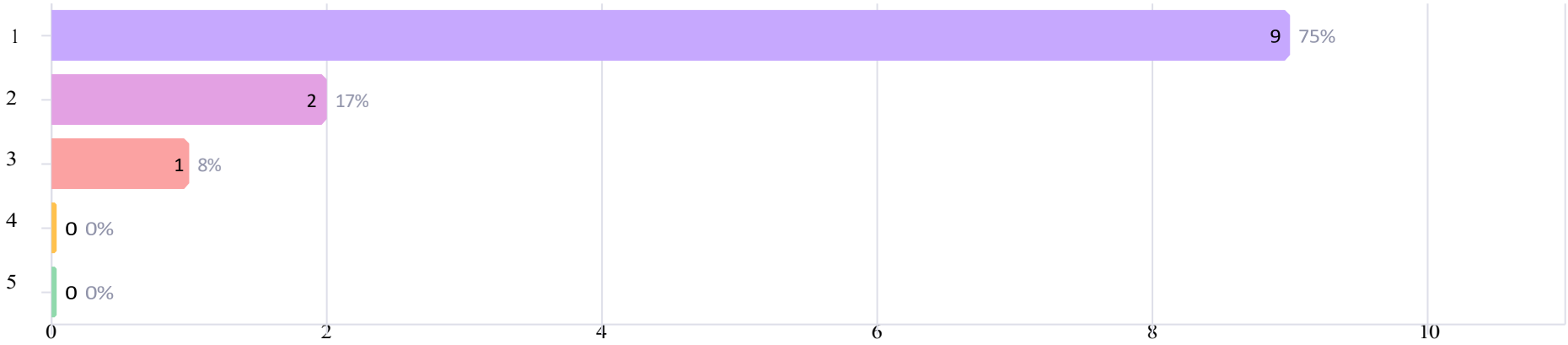
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1. Paraprofessionals Signing Pleadings

How concerned are you about potential issues related to paraprofessionals **co-signing** pleadings with supervising attorneys?

(1 = Not Concerned > > > > > > > > > > > 5 = Very Concerned)

12 Responses



Data	Response	%
1	9	75%
2	2	17%
3	1	8%
4	0	0%
5	0	0%

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Legal Paraprofessional Supervising Attorney Survey

What specific concerns or recommendations do you have regarding Legal Paraprofessionals co-signing pleadings with supervising attorneys? Additionally, do you have any other thoughts you would like the committee to consider regarding paraprofessionals signing pleadings?

Data	Responses
None.	1
The use of standard wording reduces concerns with Legal Paraprofessionals signing pleadings. A careful understanding and agreement on format and wording make this option available with confidence.	1
I have no issue with a paraprofessional co-signing.	1
If you are supervising properly then this should never be a concern because you know the work product. If you don't trust the work product or simply want to see it before it goes out you can put the requirement on a paralegal that they run work past you for signature regardless of what the rule says. Allowing for paralegals to sign allows high performing paralegals to perform highly and does not remove the need to supervise newer or low performing paralegals.	1
I do not have concerns with paraprofessionals co-signing pleadings. In fact, the paraprofessionals are the primary advocates for the clients (albeit under attorney supervision) then it makes sense to me that they should sign.	1
I do not have any concerns, recommendations, or thoughts on this issue.	1
That the rules be clear about the level of supervision required.	1
A requirement that the supervising attorney has read the pleadings and approves.	1
No concerns about LPs co-signing signing pleadings, other than the potential for delay in filings. The supervising attorney is in the best position to make that decision.	1
No objection, both signatures ok.	1
First, I do not know what "co-signing" means or what the purpose of it would be. If an attorney needs to sign a pleading, having a paraprofessional "co-sign" it seems pointless.	1

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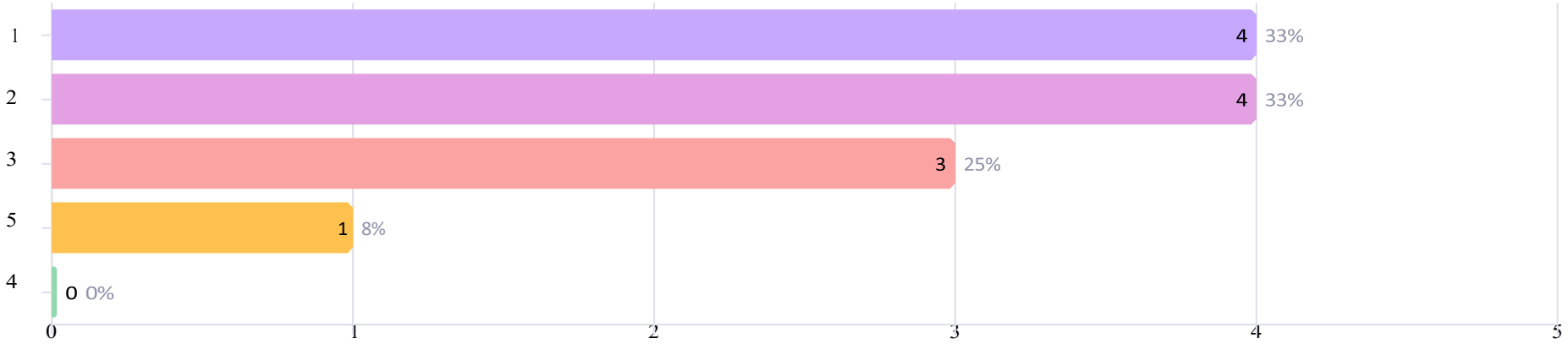
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1.(a) Paraprofessionals Signing Pleadings

How concerned are you about potential issues related to paraprofessionals signing pleadings **instead of** supervising attorneys?

(1 = Not Concerned > > > > > > > > > > 5 = Very Concerned)

12 Responses



Data	Response	%
1	4	33%
2	4	33%
3	3	25%
5	1	8%

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Legal Paraprofessional Supervising Attorney Survey

What specific concerns or recommendations do you have regarding Legal Paraprofessionals solely signing pleadings? Additionally, do you have any other thoughts you would like the committee to consider regarding paraprofessionals signing pleadings?

12 Responses

Data	Responses
I think this is fine so long as the para has his or her supervising attorney's permission (and, presumably, that attorney's trust).	1
The use of standard wording reduces concerns with Legal Paraprofessionals signing pleadings. A careful understanding and agreement on format and wording make this option available with confidence.	1
As long as the attoreny is adequately supervising the paraprofessional, I don't think there should be issues with a paraprofessional signing a pleading.	1
If you are supervising properly then this should never be a concern because you know the work product. If you don't trust the work product or simply want to see it before it goes out you can put the requirement on a paralegal that they run work past you for signature regardless of what the rule says. Allowing for paralegals to sign allows high performing paralegals to perform highly and does not remove the need to supervise newer or low performing paralegals.	1
I think there should be something identifying the supervising attorney, perhaps just a line in the signature block.	1
Since all of the activities of a paraprofessional are supervise by an attorney, I do not have any concerns about this.	1
While many paraprofessionals are great, I think the fact they are not law and court trained presents problems if sigining pleadings on their own with no oversight by an attorney.	1
As long as approved by the supervising attorney prior to signing.	1
No concerns about LPs signing pleadings. The supervising attorney is in the best position to make that decision. Some LPs will have the agreement with the supervising attorney that it's fine to sign the pleadings in some cases and others won't. It will help with any delay in filings if the LP can sign and file. Realistically, support staff often have direction to sign pleadings on behalf of the licensed attorney.	1
That would be a little more of a concern. Possibly certain pleadings like satisfactions; dismissals, discovery responses. I would submit complaints, petitions, initiating documents should be co-signed by the supervising attorney.	1
I can imagine situations where a paraprofessional, if allowed to sign pleadings without an attorney, goes too far in some way. But I think those situations would be rare and that this program already has a lot of supervision built in.	1

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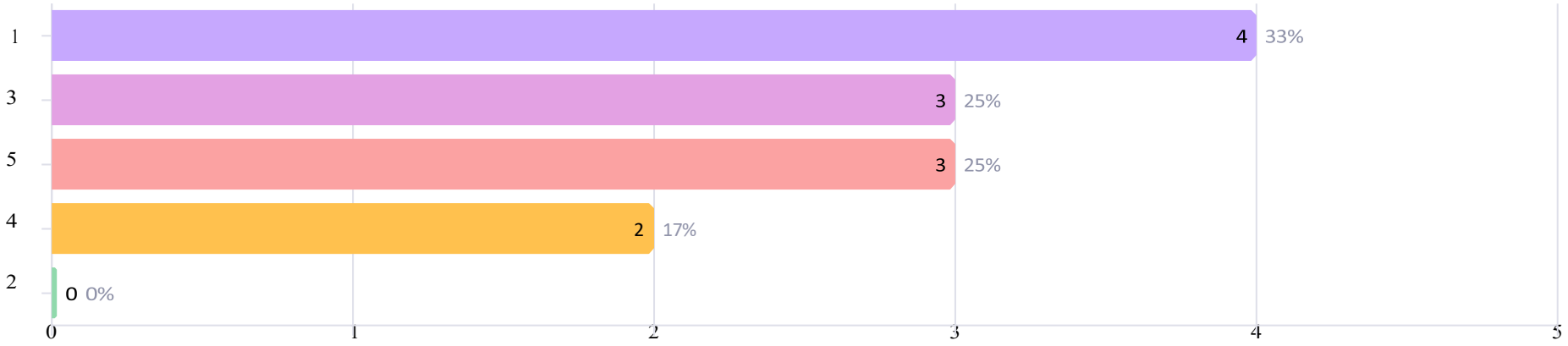
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2. Landlord Representation Expansion

To what extent do you support allowing paraprofessionals to represent certain categories of landlords who are not required by law to have attorney representation?

(1 = Strongly Oppose > > > > > > > > > > > > 5 = Strongly Support)

12 Responses



Data	Response	%
1	4	33%
3	3	25%
5	3	25%
4	2	17%
2	0	0%

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Legal Paraprofessional Supervising Attorney Survey

What benefits or challenges do you foresee with this potential expansion? Additionally, do you have any other thoughts you would like the committee to consider regarding paraprofessionals assisting landlords?

12 Responses

Data	Responses
This could save landlords a lot in attorney's fees. It costs tenants little or nothing to litigate. The initial hearing can take hours with the landlord and his lawyer sitting idle while the tenant consults with the court's pro bono attorney; then tenant asks for a trial and that hearing can also go for hours, most of them idle, etc.	1
This is a straightforward area of law.	1
Whenever attorney fees can be passed along to the tenant, I see this as a more economical situation for all parties. I would not want more landlords to file more evictions becuase of easy access to a cheaper paraprofessional - the focus should still be on access to justice for those who cannot otherwise obtain access.	1
I am strongly opposed to making it easier for landlords to sue tenants.	1
I have concerns that this may impact unrepresented tenants and potentially result in increased levels of housing instability and homelessness. I think this runs the risk of magnifying the power imbalance between tenants and landlords.	1
While there are many options for tenant assistance, there is very little for landlords, and many landlords lease a single residential property or sometimes part of their homes so having the paraprofessional option would be a benefit to those landlords.	1
It would be very cost effective.	1
I am concerned that paraprofessionals would not have a good understanding of landlord/tenant law and how it works in the real world. Concerned that a paraprofessional would not be able to give a landlord good advice if a landlord has push back about what is a reasonable resolution to a landlord/tenant dispute.	1
Representing landlords, even small or low income ones, is a quagmire that will be nearly impossible to regulate. It opens the door to undercut the basic purposes of the LP program and I oppose it.	1
There are a shortage of attorneys practicing in this area. Both representing landlords and tenants. Paraprofessionals would provide a vital need for these cases.	1
I hate this idea. The whole point of the paraprofessional program is to make it easier for disadvantaged litigants to get justice. Allowing non-attorneys to represent landlords is the exact opposite of that.	1

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Appendix 1 to Rule 12 of the Supervised Practice Rules

General Filing Documents

- Notice of Appearance
- Certificate of Representation
- Application to Serve by Alternate Means
- Affidavit of Default
- Affidavit of Service
- Substitution of Counsel
- Notice of Withdrawal
- Notice of Filing
- Affidavit for Proceeding In Forma Pauperis
- Proposed In Forma Pauperis Order
- Settlement Agreement
- Request for Continuance
- Motion to Request Correction of Clerical Mistakes

Landlord-Tenant Specific

- Affidavit of Compliance and Proposed Order for Expungement
- Notice of Motion and Motion for Expungement of Eviction Record
- Petition for Emergency Relief Under Tenant Remedies Act
- Rent Escrow Affidavit
- Eviction Answer
- Eviction Action Proposed Findings of Fact, Conclusions of Law, Order and Judgement
- Answer and Motion for Dismissal or Summary Judgement (Eviction)
- Notice of Motion and Motion to Quash Writ of Recovery
- Petition for Possession of Property After Unlawful Lockout

Family Law Specific

- Confidential Information Form 11.1
- Confidential Information Form 11.2
- Felon name change notice
- Notice to Public Authority
- Notice of Default and Nonmilitary Status Affidavit of Non-Military Status
- Default Scheduling Request
- Notice of Intent to Proceed to Judgement
- Proposed Default Findings
- Initial Case Management Conference Data Sheet
- Scheduling Statement
- Parenting/Financial Disclosure Statement
- Discovery (Interrogatories, Request for Production of Documents, Request for Admissions)
- Summary Real Estate Disposition
- Judgement
- Certificate of Dissolution and Stipulated Dissolution
- Delegation of Parental Authority
- Revocation of Delegation of Parental Authority
- Application for Minor Name Change
- Parenting/Financial Disclosure Statement
- Certificate of Settlement Efforts
- Notice of Motion and Motion to Modify Parenting Time
- Stipulation of the Parties, including for custody/parenting time agreements
- Notice of Motion and Motion to Modify Child Support/Medical Support
- Notice of Motion and Motion (examples: Stop COLA, Reinstate Driver’s License)
- Request for County to Serve Papers