

# Filling the Justice Gap

Everything You Need to Know About Colorado Licensed Legal Paraprofessionals

BY ANGELA R. ARKIN



*This article outlines the qualifications for licensed legal professionals and explains how they can help fill the justice gap.*

In Colorado, as in many states, the need for legal services for low- to moderate-income residents has outpaced the resources currently available.<sup>1</sup> This challenge has persisted for unrepresented litigants in domestic relations cases for many years.<sup>2</sup> In fiscal year 2025, 76% of parties in Colorado domestic relations cases did not have representation.<sup>3</sup> Many of these litigants either do not qualify for or have limited access to free or reduced-cost legal services, ultimately falling into the ever-widening “justice gap”—the disparity between the need for and availability of civil legal services.<sup>4</sup>

Family law is a unique area of law: while most civil and criminal trials center on what has happened in the past, family law centers on what will happen in the future. People create families on their own, but when the family breaks up, the court must decide what is equitable to move the family members forward. The family’s history provides important context for the court’s decision. The court can only be fair if it has enough accurate information from the litigants about their individual family, but litigants who have not had access to legal help struggle to provide the court with the extensive financial and child-related information needed for a fair resolution to their case. And every family is different.

In Colorado, family law cases are addressed in a court of equity, where litigants have a fiduciary duty to one another. This fiduciary duty requires the parties to share a significant amount of detailed information with each other and with the court so that the court can reach an equitable resolution. These requirements cannot be simplified to a level that would not be challenging for self-represented litigants. Therefore, judicial staff and judges see many unprepared, confused parties. However, the Colorado courts cannot provide litigants with legal advice.

Looking for a solution, in 2020, the Colorado Supreme Court chose to address this “justice gap”

by creating the licensed legal paraprofessional (LLP) program to allow qualified individuals to provide more affordable legal advice to litigants. LLPs are similar to nurse practitioners in the medical field in that they can practice independently or as part of an established professional practice. LLPs can provide limited legal assistance or advice to parties who previously had no legal help. This article discusses how the LLP program was established, the scope of work LLPs can perform, and the eligibility requirements for LLPs.

## History

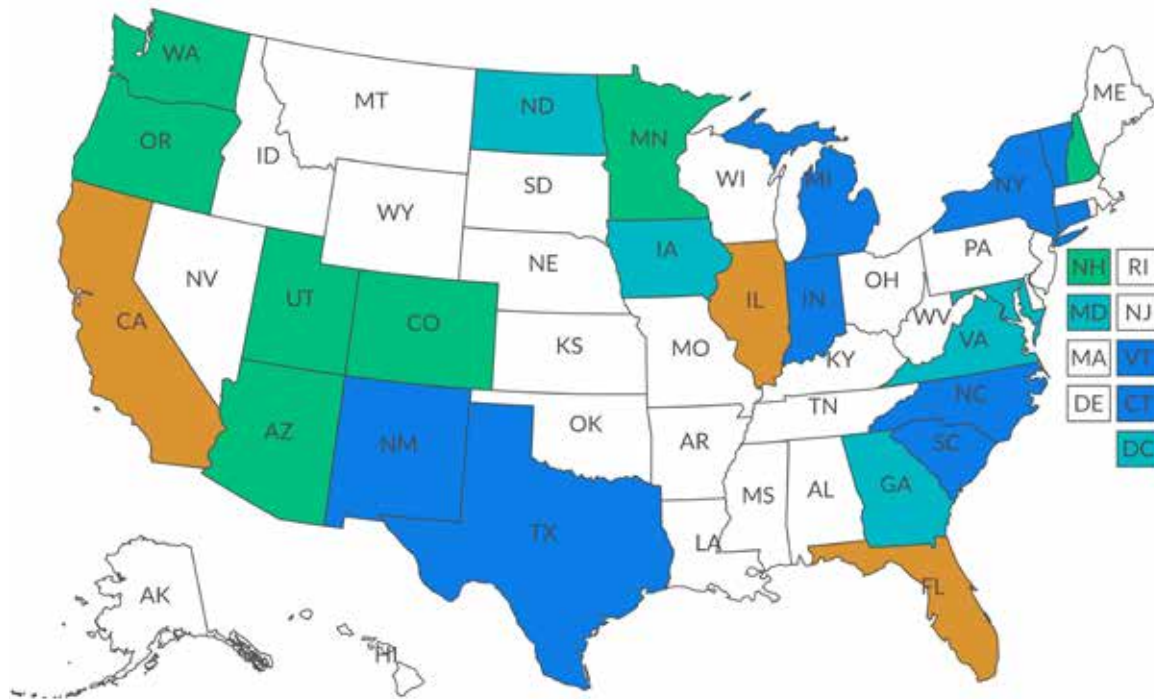
Members of the Colorado Bar Association and the Colorado Access to Justice Commission began looking at this issue in 2015, when the Washington Supreme Court created the first program in the United States licensing paraprofessionals to practice family law.<sup>5</sup> At that time, the CBA decided not to pursue a paraprofessional program in family law, but by 2020, the Colorado courts were overwhelmed with litigants who needed help to get through their divorce, child custody, or child support cases.

The LLP program was initiated in February 2020, by the chief justice appointing co-chairs of a small subcommittee of the Colorado Supreme Court Advisory Committee on the Practice of Law. The subcommittee comprised 10 professionals, including one supreme court justice, three sitting or retired judges, one family court facilitator, two experienced family law attorneys, one paralegal/mediator, the Colorado Attorney Regulation Counsel, and the chair of the Colorado Supreme Court Advisory Committee.

The subcommittee met more than 40 times over the next 16 months and sought feedback from judges, magistrates, court staff, attorneys, child support services, multiple other states, paralegals, educators, family law litigants, and the public.

## LICENSED LEGAL PARAPROFESSIONAL PROGRAMS

■ Implemented ■ Approved and Under Development ■ Under Consideration ■ Being Studied ■ Currently Not Moving Forward



Source: <https://iaals.du.edu/projects/allied-legal-professionals/knowledge-center>.

In June 2021, the Colorado Supreme Court approved the subcommittee's 12-page preliminary report.<sup>6</sup> Multiple working groups made up of various professionals were formed, and the groups created a 400-page implementation plan through a deliberate, transparent, and inclusive process. The court adopted the proposed implementation plan in June 2022. The court then sought comments and had a public hearing on the proposed implementation plan on November 16, 2022.

At the public hearing, the court requested revisions to the implementation plan to allow LLPs to provide additional services to their clients and the court. The working groups reconvened to meet the court's concerns, and in March 2023, the court issued a new LLP rule (CRCP 207)<sup>7</sup> and later made other rule changes that were consistent with the implementation plan. CRCP 207 was updated by the court again on November 16, 2023, to clarify the

intended scope of LLP licensure, including establishing parentage under the Colorado version of the Uniform Parentage Act,<sup>8</sup> and establishing, enforcing, and modifying child support.<sup>9</sup> In April 2024, the Colorado legislature passed a bill allowing LLPs to practice under the Colorado Administrative Procedure Act for the Establishment and Enforcement of Child Support, in addition to the authority granted by the Colorado courts.<sup>10</sup>

### LLP Rules Overview

Many Colorado statutes, procedural and professional rules, and Chief Justice Directives had to be created and/or modified to accommodate the licensure of LLPs. These requirements mirror those for Colorado attorneys, where relevant. Although LLPs don't have to go to law school, they can engage in the independent practice of law, so their licensure requirements are rigorous.<sup>11</sup> Before licensure, LLPs must:

- complete a legal professionalism class conducted by the Office of Attorney Regulation Counsel (OARC);
- submit an application for the LLP exam to OARC;
- pay the same application fee to OARC as law school graduates wishing to sit for the Colorado bar exam;
- pass an ethics class specific to LLPs or lawyers;
- pass the LLP exam (a six-hour substantive family law and ethics exam); and
- pass the same character and fitness review required of Colorado attorney applicants.

After licensure, LLPs must:

- register annually; and
- take at least 30 continuing legal education credit hours every three years.

Like attorneys, LLPs are encouraged, but not required, to provide pro bono assistance to litigants. LLPs are authorized to provide unbundled

legal services,<sup>12</sup> and some LLPs offer a sliding scale for legal fees.

### Current Status

There have been three LLP exams held since the program was established, and there are currently 108 LLPs in Colorado. The next exam will be held on November 18, 2025.

According to the Institute for the Advancement of the American Legal System (IAALS),<sup>13</sup> Colorado is currently one of seven states with licensed legal paraprofessionals. Colorado's LLPs can only represent parties in family law cases at this time.

Paraprofessionals in other states may qualify to practice in other areas of law, such as debt collection, landlord/tenant, and misdemeanor offenses. Some states require attorney supervision; Colorado does not.

### LLP Eligibility

The Qualifications for Licensure Working Group considered the requirements for paraprofessionals in Washington, Utah, and Arizona when determining eligibility for Colorado LLPs. The court thereafter adopted the recommendations below.

#### Path A: Education and Experience

To qualify based on a combination of education and experience, applicants for the Colorado LLP exam must have any one of the following:<sup>14</sup>

- a juris doctor degree;
- a bachelor's or associate's degree in paralegal studies;
- a bachelor's degree (any subject) that includes either a paralegal certificate or 15 hours of accredited paralegal studies; or
- a law degree from a foreign law school and a master of laws degree meeting American Bar Association-accredited US law school criteria.

In addition, applicants pursuing path A must have completed at least 1,500 hours of law-related practice in the past three years, and 500 of those hours must be specific to Colorado family law.

#### Path B: Experience Only

To qualify based on work experience and employment, applicants for the Colorado LLP

exam must have 4,500 hours of substantive law-related practical experience within the five years immediately preceding their application date. That experience must include:

- 1,500 hours of Colorado family law work within five years preceding the application;
- 1,500 hours of substantive law-related practical experience within three years preceding the application; and
- 500 hours of Colorado family law work within three years preceding the application.

#### No Qualifying Path/Alternate Path

Some individuals in Colorado with significant family law experience do not fit into path A or path B. Like prospective attorneys seeking Colorado licensure, prospective LLP applicants may apply to the Colorado Supreme Court for an alternative path to licensure. To request a waiver of LLP admissions requirements, the applicant must file a petition with the court setting forth the relief sought, the specific admissions eligibility requirements or restrictions at issue with citations to applicable rules, and the grounds for relief. The petition also must include:

- a statement that the petitioner has conferred with the Office of LLP Admissions;
- a recital of the position of the Office of LLP Admissions as to the relief sought; and
- a certificate of service.

The petitioner has the burden of showing that the court should grant the relief requested.

### Scope of Licensure

The LLP's limited license to practice law is governed by CRCP 207. Rule 207 generally sets forth what LLPs are authorized to do, and specifies what tasks or subject areas are outside an LLP's limited scope of practice.

#### What Can LLPs Do?

Pursuant to CRCP 207.1(2)(g), an LLP can represent a client in a legal separation, declaration of invalidity of marriage, dissolution of marriage or civil union, initial or modification of an allocation of parental responsibility matter, parentage determination, establishment or modification of child support and/or maintenance, protection order, name change, adult

gender designation change, and/or remedial contempt citation by:

- contracting with the client;
- communicating with the opposing party or the opposing party's LLP or attorney regarding documents and matters reasonably related to authorized family law case filings and Title IV-D administrative process cases;
- obtaining, explaining, preparing, signing, and/or filing pleadings, exhibits, supporting documents, sworn financial statements, disclosures, discovery, and proposed orders;
- informing, counseling, assisting, and advocating for a client in negotiations or mediation with the opposing party or the opposing party's LLP or attorney; and
- assisting the client during a court proceeding by:
  - o providing organizational and emotional support by being present at the counsel table;
  - o helping the client understand the proceedings, relevant orders, and next steps;
  - o communicating with the client during the proceeding; and
  - o interacting with the court (making opening statements, closing arguments, objections, answering the judicial officer's questions, etc.), other than examining witnesses.

LLPs are required to refer the client to a lawyer for issues that are specifically outside the LLP's scope of practice. However, the LLP can remain in the case to assist the client with matters within the LLP's licensure.

#### What Can't LLPs Do?

Pursuant to CRCP 207.1(2)(f), LLPs cannot:

- examine a witness (CRCP 207.1(2)(h));
- represent their client in matters in which an expert report or testimony is required to value an asset or determine income;
- prepare documents allocating nonliquid retirement assets (e.g., a Qualified Domestic Relations Order), or effectuating the sale or distribution of business assets or commercial property;

- represent their client in contests of the court's jurisdiction;
- register foreign orders (e.g., orders under the Uniform Child Custody Jurisdiction and Enforcement Act or the Uniform Interstate Family Support Act);
- represent their client in motions or orders regarding punitive contempt citations under CRCP 107;
- represent their client in disputed parentage cases where more than two parents or alleged parents assert or deny legal parentage;
- represent their client in non-parent requests for custody when contested by at least one parent (e.g., requests by a third-party or under the Indian Child Welfare Act);
- represent their client in the preparation or litigation of marital agreements;
- represent their client in cases in which either party is a beneficiary of a trust, and such information is relevant to resolving the case;
- represent their client in common law marriage cases when the fact and/or date of the common law marriage is contested;<sup>15</sup> or
- perform tasks or address issues that fall outside the LLP's authorized scope of family law practice pursuant to CRCP 207.1, including but not limited to criminal cases, civil cases, probate matters, immigration matters, adoptions, relinquishments, or dependency and neglect cases.

The LLP committee proposed several significant rule changes to the Colorado Supreme Court Advisory Committee for consideration in May 2025. These proposed changes, suggested by practicing LLPs, attorneys, and judicial officers, include expanding LLPs' ability to help their clients in court proceedings. The advisory committee approved the amendments and sent them to the Colorado Supreme Court.<sup>16</sup> The amendments are currently out for public comment.<sup>17</sup>

### How Will LLPs Help?

Colorado is one of the largest states in the United States, and many counties have "legal deserts" (few or no attorney residents).<sup>18</sup> Just as nurse practitioners provide healthcare services in

underserved areas, the 108 LLPs are actively filling some of those gaps by giving legal advice to help litigants with most types of Colorado dissolution, parentage, child support, and allocation of parental responsibility (custody) cases.<sup>19</sup>

Specifically, LLPs are now available to give legal advice to help litigants settle their family law disputes in mediation, or help judicial officers make better, faster, more equitable decisions by providing information from litigants that judges need. In the vast majority of cases, the availability of LLPs to represent lower- to moderate-income litigants has been a welcome

change. LLPs are specifically authorized to continue to represent their clients even in cases with issues LLPs cannot address;<sup>20</sup> however, the LLP must direct the client to engage an attorney or proceed self-represented on the issues limited from LLP representation. Family court facilitators and Sherlocks (self-represented litigant coordinators) can provide parties with a list of LLPs from the OARC website.<sup>21</sup> Our hope is that fewer self-represented litigants will have to navigate their way through family law cases, thereby increasing access to justice in Colorado. **CL**



**Judge Angela R. Arkin** retired from the Colorado district court bench in 2016 and has been the co-chair/chair of what is now the Licensed Legal Paraprofessional Committee for over five years. She has served as an attorney, legal consultant, magistrate, district court judge, mediator, arbitrator, and private judge in family law cases in Georgia and Colorado for over 40 years. She is a member of the Colorado Supreme Court Advisory Committee on the Practice of Law, the Colorado Chapter of the American Academy of Matrimonial Lawyers, and the CBA Family Law Section, among many other professional activities—[aarkin@jaginc.com](mailto:aarkin@jaginc.com).

**Coordinating Editors:** Courtney Allen, [allen@epfamilylawattorneys.com](mailto:allen@epfamilylawattorneys.com); Halleh Omid, [hoganomidi.com](mailto:hoganomidi.com).

### NOTES

1. Hobbs Jr., "Judicial Support for Pro Bono Legal Service," 89 *Denv. L. Rev.* 851, 853 (Jan. 2012), <https://digitalcommons.du.edu/cgi/viewcontent.cgi?article=1275&context=dlr>.

2. See, e.g., Colorado Judicial Branch, *Cases and Parties Without Attorney Representation in Civil Cases*, FY 2017 (Jan. 2018), [https://www.coloradojudicial.gov/sites/default/files/2023-07/FY2017\\_Case-and-Parties-without-Attorney-Representation.pdf](https://www.coloradojudicial.gov/sites/default/files/2023-07/FY2017_Case-and-Parties-without-Attorney-Representation.pdf).

3. Colorado Judicial Branch, *Cases and Parties Without Attorney Representation in Civil Cases*, Fiscal Year 2025, <https://www.coloradojudicial.gov/sites/default/files/2025-07/FY2025-Cases-and-Parties-without-Attorney-Representation.pdf>.

4. Colorado Access to Justice Commission, *Rural Legal Resources Project: Strategic Plan 2-3* (Dec. 5, 2024), <http://bit.ly/41wD6po>.

5. <https://www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/limited-license-legal-technicians>.

6. <https://coloradosupremecourt.com/Future%20Lawyers/LLPGeneralOverview.asp>.

7. <https://coloradosupremecourt.com/PDF/LLP/LLP%20Rules%20Governing%20Admission%20to%20the%20Practice%20of%20Law.pdf>.

8. CRS §§ 19-4-101 et seq.

9. [https://www.coloradojudicial.gov/supreme-court/adopted-proposed-rule-changes?status\\_rule\\_change=adopted](https://www.coloradojudicial.gov/supreme-court/adopted-proposed-rule-changes?status_rule_change=adopted).

10. <https://leg.colorado.gov/bills/hb24-1291>.

11. CRCP 207.8.

12. [https://cobar.org/Portals/COBAR/repository/ethicsOpinions/FormalEthicsOpinion\\_101.pdf](https://cobar.org/Portals/COBAR/repository/ethicsOpinions/FormalEthicsOpinion_101.pdf).

13. Helpful information about allied legal professionals is available on the Institute for the Advancement of the American Legal System website, <https://iaals.du.edu>.

14. CRCP 207.8.

15. Colorado is one of seven remaining states (plus the District of Columbia) allowing the formation of common law marriages in 2024. National Conference of State Legislatures, *Common Law Marriage by State* (updated Mar. 11, 2020), <https://www.ncsl.org/human-services/common-law-marriage-by-state>.

16. <https://www.coloradojudicial.gov/sites/default/files/2025-07/Rules%20Gov%20Adm%20207.1%20%2B%20207.8%20%2B%20207.14%20%20%20Marked%20%2B%20Clean%20Public%20Comment%206.18.25.pdf>.

17. <https://www.coloradojudicial.gov/supreme-court/adopted-proposed-rule-changes>.

18. The ABA defines a legal desert as any county with less than one attorney per 1,000 residents. *Rural Legal Resources Project: Strategic Plan*, *supra* note 4 at 2.

19. <https://www.coloradolegalregulation.com/future-lawyers/llpgeneraloverview>.

20. CRCP 207.1(2)(i).

21. <https://www.coloradolegalregulation.com/future-lawyers/llpexamination>.