

STATE OF MINNESOTA
IN SUPREME COURT
ADM19-8002



**ORDER AMENDING RULES GOVERNING
LEGAL PARAPROFESSIONAL PILOT PROJECT**

This court established the Legal Paraprofessional Pilot Project to evaluate the use of legal paraprofessionals in Minnesota courts. This pilot project was put into effect by promulgating amendments to the Supervised Practice Rules, effective as of March 1, 2021. *See* Order Implementing Legal Paraprofessional Pilot Project, No. ADM19-8002 (Minn. filed Sept. 29, 2020). The Standing Committee for the Legal Paraprofessional Pilot Project was directed to administer the pilot project. *Id.* at 2.

On June 16, 2022, we issued an order amending Rule 12.01 of the Supervised Practice Rules as follows:

(e) Under no circumstances shall a legal paraprofessional provide advice or appear in court or at a mediation under this paragraph if a petition for a child in need of protection has been filed under Minn. Stat. ch. 260C ~~the family law case involves allegations of domestic abuse or child abuse.~~

(f) Appear in court on behalf of petitioners, and provide advice to petitioners, in proceedings seeking orders for protection under Minn. Stat. § 518B.01 and harassment restraining orders under Minn. Stat. § 609.748.

Order Amending Rules Governing Legal Paraprofessional Pilot Project, No. ADM19-8002 (Minn. filed Jun. 16, 2022). We also amended Rule 12.02 of the Supervised Practice Rules as follows:

(e) Training or Experience Requirements for Certain Cases. In any family law case in which the pleadings include allegations of domestic abuse or child abuse, or in any case under Rule 12.01(f), the legal paraprofessional shall not provide advice or appear in court or at a mediation unless the training or experience requirements established by the Standing Committee for these categories of cases have been satisfied. The legal paraprofessional must submit to the Standing Committee proof that the training requirements have been completed, and the Standing Committee shall note on the roster described in subdivision (d) of this rule that the training requirements have been satisfied. The Standing Committee shall publish the training requirements on its website and provide the training requirements to all registered legal paraprofessionals and supervising attorneys.

Id. We made the amendment effective as of October 14, 2022, conditioned upon the Standing Committee submitting to the court by September 14, 2022, training or experience requirements for legal paraprofessionals participating in such proceedings, after consultation with, but not limited to, the following organizations: the Minnesota State Bar Association Family Law Section and its Domestic Abuse Committee, the St. Paul and Ramsey County Domestic Abuse Intervention Project, and Standpoint and the Minnesota Coalition Against Sexual Assault. *Id.* at 8–9.

The Standing Committee consulted with the groups identified above on several occasions. On September 14, 2022, the Standing Committee submitted a report to us with additional recommended changes to the Supervised Practice Rules based on discussions with the groups identified above. Report and Training and Experience Recommendations to the Minnesota Supreme Court, ADM19-8002 (filed Sept. 14, 2022). The Standing Committee recommends that the Supervised Practice Rules be amended to include training requirements for paraprofessionals who will provide services to clients in family-law cases where the pleadings include allegations of domestic or child abuse and in proceedings for orders for protection and harassment restraining orders. *Id.* at 5. The Standing Committee

also recommended that the Supervised Practice Rules be amended so that paraprofessionals in the pilot are prohibited from providing advice or appearing in court or at a mediation under this paragraph if the pleadings include allegations or disclosures of sexual coercion, nonconsensual sexual acts, or other forms of sexual violence. *Id.* at 4. Finally, the Standing Committee recommended that the Supervised Practice Rules be amended to require that a legal paraprofessional provide the client with victim-survivor agency contact information in any family law proceeding in which the pleadings include allegations of domestic abuse or child abuse, or in any case involving orders for protection or harassment restraining orders. *Id.* at 5.

We have reviewed the Standing Committee's report and recommendations. We conclude that the training-requirements proposal and additional recommendations made by the Standing Committee are sufficient for purposes of the pilot project to protect clients and the public.

IT IS HEREBY ORDERED THAT:

1. The Supervised Practice Rules are amended as shown below. The amendments are effective as of October 14, 2022.
2. The Standing Committee shall include in an Interim Report to be filed by March 1, 2023, and in its Final Report to be filed by January 15, 2024, an assessment of whether the training requirements are sufficient to protect clients and the public.

Dated: October 6, 2022

BY THE COURT:



Lorie S. Gildea
Chief Justice

SUPERVISED PRACTICE RULES

[Note: in the following amendments, deletions are indicated by a line drawn through the words, and additions are indicated by a line drawn under the words.]

Rule 12.01 Scope of Work

(e) Under no circumstances shall a legal paraprofessional provide advice or appear in court or at a mediation under this paragraph if a petition for a child in need of protection and services has also been filed under Minn. Stat. ch. 260C, nor shall a legal paraprofessional provide advice or appear in court or at a mediation under this paragraph if the pleadings include allegations or disclosures of sexual coercion, nonconsensual sexual acts, or other forms of sexual violence.

(g) In any family law proceeding in which the pleadings include allegations of domestic abuse or child abuse, or in any case under Rule 12.01(f), the legal paraprofessional shall provide the client with victim-survivor agency contact information.

(gh) With authorization from the supervising attorney, prepare and file documents which include but are not limited to the documents identified in Appendix 1 to these rules.

Rule 12.02 Eligible Legal Paraprofessionals

~~(e) Training or Experience Requirements for Certain Cases. In any family law case in which the pleadings include allegations of domestic abuse or child abuse, or in any case under Rule 12.01(f), the legal paraprofessional shall not provide advice or appear in court or at a mediation unless the training or experience requirements established by the Standing Committee for these categories of cases have been satisfied. The legal paraprofessional must submit to the Standing Committee proof that the training requirements have been completed, and the Standing Committee shall note on the roster described in subdivision (d) of this rule that the training requirements have been satisfied. The Standing Committee shall publish the training requirements on its website and provide the training requirements to all registered legal paraprofessionals and supervising attorneys.~~

(1) Training Requirements in Family Law Cases in which the Pleadings Include Allegations of Domestic Abuse or Child Abuse. A legal paraprofessional shall not provide advice or appear in court or at a mediation in a family law case in which the pleadings include allegations of domestic abuse or child abuse unless the legal

paraprofessional has completed at least eight hours of training and/or education. The training and/or education must include the following subjects: the dynamics of domestic violence; domestic violence and child abuse screening, including screening for safety, lethality, and suicide; trauma-informed legal representation; understanding other systems that respond to domestic violence and child abuse and how the legal and other issues in family law cases intersect and affect the responses of other systems; and intercultural effectiveness and cultural competency.

The training must have been completed within two years prior to seeking certification under Rule 12.04(a). The training must be approved by the Standing Committee for Legal Paraprofessional Pilot Program.

(2) Training for Cases Under Rule 12.01(f). A legal paraprofessional shall not provide advice or appear in court or at a mediation in a case seeking an order for protection under Minn. Stat. § 518B.01 or a harassment restraining order under Minn. Stat. § 609.748 unless the legal paraprofessional has completed the training set forth in Rule 12.02(e)(1) and the following additional training:

(a) three hours of continuing education that must include, at a minimum, the following subjects: the law and procedure governing proceedings seeking orders for protection under Minn. Stat. § 518B.01 and harassment restraining orders under Minn. Stat. § 609.748 and the differences between orders for protection and harassment restraining orders; preparation of pleadings and other documents; the legal and other consequences of issuance of an order for protection or a harassment restraining order, including implications for other legal proceedings; and

(b) either (i) three hours continuing education on evidentiary hearings in order for protection and harassment restraining order cases which must include a mock evidentiary hearing; or (ii) shadowing the supervising attorney at one evidentiary hearing for an order for protection under Minn. Stat. § 518B.01 and one evidentiary hearing for a harassment restraining order under Minn. Stat. § 609.748.

The training must have been completed within two years prior to seeking certification under Rule 12.04(a). The training must be approved by the Standing Committee for Legal Paraprofessional Pilot Program.

(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)(1) and 12.02(e)(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)(1) and Rule 12.02(e)(2)(a).

Rule 12.04 Standing Committee for Legal Paraprofessional Pilot Project

(b) for evaluating the results and outcome of the pilot project and making further recommendations to the Supreme Court; ~~and~~

(c) for submitting, reviewing, investigating, and resolving complaints made against legal paraprofessionals and supervising attorneys, including removing legal paraprofessionals from the roster and prohibiting supervising attorneys from participating in the pilot project if there is a good cause to do so. Rostered legal paraprofessionals and supervising attorneys shall cooperate with standing committee investigations and failure to cooperate may be the basis for removal from the pilot project; and

(d) for approving continuing education credits required under Rule 12.02(e).