

# In the Supreme Court of the State of Utah

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## In re: Application of Centro Hispano

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### ORDER FOR PROVISIONAL AUTHORIZATION WITHIN THE UTAH LEGAL SANDBOX

*Based upon the Utah Supreme Court's plenary and constitutionally granted authority to regulate the practice of law in Utah, and the tenets of Standing Order 15, the Utah Supreme Court orders that Centro Hispano is provisionally authorized within the Utah legal regulatory Sandbox ("Sandbox") and subject to the restrictions outlined below.*

The Court has reviewed the amended recommendation of the Office of Legal Services Innovation ("Innovation Office") dated July 6, 2023 for Centro Hispano to be provisionally authorized within the Sandbox.

Centro Hispano is a nonprofit which has been serving Utah County's Hispanic and Latino communities since 2002. It currently provides a range of services including information on healthcare, taxes, and immigration. It seeks to train non-lawyer staff as Alternative Legal Providers ("ALPs") to provide basic legal services in family law, specifically limited to divorces which would qualify for Track 1 (Standard Track) under Rule 100A of the Utah Rules of Civil Procedure. Centro Hispano is already providing legal information and referrals to the numerous community members they serve. They assert that allowing them to go one step further and provide the necessary legal advice and document preparation will expand their ability to serve these communities, while maintaining current referral systems for complex cases needing more comprehensive representation.

Centro Hispano staff will be attending Utah Legal Service's Domestic Lawyers Academy ("DLA") to receive training in divorce law. Through the DLA, Centro Hispano will have access to lawyer mentors, but those mentors will not be in an ongoing quality oversight role.

The Legal Services Innovation ("LSI") Committee has assessed Centro Hispano's proposed entity structure, service methods, and legal areas. It has determined that Centro Hispano is a High Innovation entity and that the risk of harm to its targeted consumers, relative to the risk of harm they currently face, is acceptable for authorization under the outlined conditions. Centro Hispano's proposal meets the innovation requirement in that it seeks to provide Utah's Hispanic and Latino communities with accessible and affordable legal services, in their native language, through leveraging existing relationships of non-legal service providers within the target community.

The Committee recommends provisionally authorizing Centro Hispano to develop limited legal advice and assistance for Track 1 divorces, as outlined in the recommendation.

In light of the Court's responsibility to the public to effectively regulate the practice of law in Utah, and in keeping with the tenets of Standing Order 15, the Court now orders as follows:

1. Centro Hispano is provisionally authorized as a High Innovation entity to develop legal services within the Sandbox. Provisional authorization is required for all entities with service models qualifying as High Innovation. High Innovation entities must satisfactorily complete the relevant pre-launch service assessments and background checks as required by the Innovation Office before they will be authorized to offer any legal services to the public.
2. Centro Hispano is provisionally authorized to develop legal services through the following service **methods**:
  - a. Alternative Legal Provider (Human)
    - i. Legal advice
    - ii. Form completion/routine document assistance
    - iii. Pleadings/motion drafting
    - iv. Negotiation assistance (including court-ordered mediation assistance)
  - b. With no involvement or oversight from a Utah-licensed lawyer.

**No in court representation is authorized at this time.**

3. Centro Hispano is provisionally authorized to develop legal services across the following legal **area**:
  - a. Family and Marriage – limited to **divorces which would qualify for Track 1 (Standard Track) under Rule 100A of the Utah Rules of Civil Procedure**. This means that Centro Hispano can only serve consumers in simple divorce matters which do not require expert witnesses or complex discovery and which do not include significant custody disputes, including custody disputes involving allegations of child abuse or domestic violence
4. Centro Hispano shall conform to the High Innovation reporting requirements imposed by the Innovation Office.
5. Centro Hispano shall prominently display the following disclosure requirements:
  - a. Innovation Office Badge
  - b. Alternative Legal Provider disclosure.
6. This provisional authorization is granted for up to 24 months.

7. All managers and owners are hereby ordered to:<sup>2</sup>
- a. Act in good faith to further a client's best interests.
  - b. Not allow economic or other conflicts of interest to adversely affect the legal services rendered to a client.
  - c. Ensure that legal services are delivered with reasonable diligence and promptness.
  - d. Not reveal confidential information pertaining to the representation of a client without the client's consent or as allowed or required by law.
  - e. Not engage in or allow any activity that misleads or attempts to mislead a client, a court, or others.
  - f. Not take any action or engage in activity that interferes with the professional independence of lawyers or others authorized to provide legal services.
  - g. Develop systems and processes within the entity applicant to ensure that each of the above duties are met and satisfied.
  - h. Complete a one-hour ethics training approved by the LSI Committee that explains these obligations.

All managers and owners will be required to sign an attestation to the foregoing before launching any services for the public.

8. Provisional authorization is subject to Centro Hispano's compliance with the conditions and requirements set forth in the Innovation Office Manual, including compliance with all vetting requirements and payment of all applicable fees unless waived by the Office and verification by the Innovation Office that the entity's services are not causing material harm to consumers.
9. This provisional authorization does not relieve Centro Hispano, its employees, or any associated lawyer from compliance with applicable state and federal laws and any rules or regulations of another state, government agency, or other governing body. Centro Hispano is responsible for assuring that it complies with the laws, rules, and regulations of any other affected jurisdiction.

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<sup>2</sup> Managers and owners are specific terms defined in the Innovation Office Manual as follows:

**Managers**

All persons and entities who wholly or partially direct the management or policies of the entity, and/or the direct provision of legal services to consumers, whether through ownership of securities, by contract, or otherwise, including a mentor who manages the person providing the legal services. Also called "controlling persons."

**Owners**

All persons and entities who wholly or partially ( 10% or more) finance the business (i.e. the services) of the entity. Also called "financing persons."

Please note that the definition of owner/financing person does not include philanthropic funders or other investors who do not take an ownership interest in the entity.

If Centro Hispano wishes to alter these conditions or requirements, it must submit any such change to the Innovation Office for further assessment. The Innovation Office will assess the proposed change and may permit the change if it deems the change does not materially increase the risks to consumers. If the Innovation Office finds a material increase in risk, then it will present the issue to the Court for further consideration.

DATED this 2<sup>nd</sup> day of August, 2023.

A handwritten signature in black ink, appearing to read 'M. B. Durrant', written over a horizontal line.

Matthew B. Durrant  
Chief Justice