

## In the Supreme Court of the State of Utah

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In re: Application of Community Justice Advocates of Utah

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### AMENDED ORDER FOR AUTHORIZATION TO PRACTICE LAW

*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 No. 15, the Utah Supreme Court orders that Community Justice Advocates of Utah is authorized to practice law within the legal regulatory sandbox and subject to the restrictions outlined below.*

Community Justice Advocates of Utah ("CJAU") is hereby authorized to partner with curriculum providers, such as Innovation 4 Justice ("i4J") and community-based organizations to provide free legal services to underserved Utahns in the areas of medical debt, housing, and domestic violence as outlined in its proposal and Amendment Request. CJAU will provide oversight, malpractice insurance, training, and support to non-lawyer legal advocates who complete initial legal training with i4J and/or CJAU. CJAU sets the eligibility criteria for community-based organizations and their employees and volunteers to participate in CJAU programs. As detailed below, the limited-scope legal services will be provided by trained and certified non-lawyer community justice legal advocates (nontraditional legal providers).<sup>1</sup>

#### Medical Debt Legal Advocacy Program

Non-lawyer community justice advocates certified by i4J may provide the following limited assistance to consumers in Utah:

1. Legal information;
2. Legal process assistance;
3. Form completion assistance;
4. Legal advice related to resolution of medical debt;
5. Negotiation on behalf of the consumer;
6. Referrals

#### Housing Stability Legal Advocacy

Non-lawyer community justice advocates certified by i4J may provide the limited assistance to consumers in Utah as described in Standing Order No. 16.

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<sup>1</sup> This order amends the previous amended order granted on July 15, 2025, by adding "volunteers" to the first paragraph

Domestic Violence - Certified Advocate Partners Program

Non-lawyer community justice advocates certified by Timpanogos Legal Center between 2021 and 2025 or by CJAU during or after 2025 may provide the following limited assistance to consumers in Utah:

1. Legal information;
2. Legal process assistance;
3. Form completion assistance;
4. Basic legal advice on completion of forms and court presentation;
5. In-court assistance permitted by rule 4-810 of the Utah Supreme Court Rules of Professional Practice;
6. Referrals

Utah-licensed lawyers working with CJAU remain otherwise subject to the Utah Rules of Professional Conduct. However, to the extent that CJAU's service model could be found to implicate Utah Rule of Professional Conduct 5.3, the Court waives application of that rule.

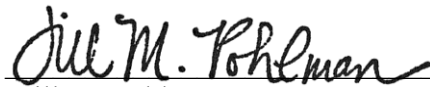
CJAU shall conform to the Moderate Innovation reporting requirements imposed by the Office of Legal Services Innovation ("Innovation Office").

CJAU will prominently display the Non-Lawyer Provider Disclosure provided by the Innovation Office.

This Authorization is granted for the duration of the existence of the Sandbox, or until otherwise determined by the Court. Authorization is subject to CJAU's compliance with the conditions and requirements set forth in the Innovation Office Manual and verification that the entity's services are not causing material harm to consumers. If CJAU wishes to alter these conditions or requirements, it must submit any such change to the Innovation Office for further assessment.

This Authorization does not relieve CJAU, 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. CJAU is responsible for ensuring that it complies with the laws, rules, and regulations of any other affected jurisdiction.

DATED this 30<sup>th</sup> day of June 2026.

  
Jill M. Pohlman  
Associate Chief Justice  
Utah Supreme Court

# Sandbox Application for Authorization - Sandbox Application for Authorization

## Entity Information

### Entity Information

|                                         |                                     |
|-----------------------------------------|-------------------------------------|
| Entity Name                             | Community Justice Advocates of Utah |
| Business Email Address                  | [REDACTED]                          |
| Business Phone Number                   | [REDACTED]                          |
| Business Website                        | cjau.org                            |
| Business Address                        |                                     |
| Address 1                               | [REDACTED]                          |
| Address 2                               |                                     |
| City                                    | Bountiful                           |
| State/Province                          | Utah                                |
| Zip Code                                | 84010                               |
| Business Mailing Address (if different) |                                     |
| Address 1                               |                                     |
| Address 2                               |                                     |
| City                                    |                                     |
| State/Province                          |                                     |
| Zip Code                                |                                     |
| Primary Contact Name                    | Hayley Brooks Cousin Exec. Dir.     |
| Primary Contact Title                   | Exec. Dir.                          |
| Primary Contact Business Phone Number   | [REDACTED]                          |
| Primary Contact Business Email          | [REDACTED]                          |
| Secondary Contact Name                  | Jenny Hoppie                        |
| Secondary Contact Title                 | Board President                     |
| Secondary Contact Business Phone Number | [REDACTED]                          |
| Secondary Contact Business Email        | [REDACTED]                          |

## Statement of Candor

### Statement of Candor

|                                                                                                                                                                         |         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| As a pilot regulatory reform program, the Sandbox necessitates candor from participants. Every applicant is expected to err on the side of transparency and disclosure. | I Agree |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|

## Proposed Services

### Proposed Services

If your entity already provides services outside of the Sandbox, describe the entity business model and services in detail. (Put N/A if not applicable)

→ N/A

Describe in detail the business model and/or services for which you are requesting Sandbox authorization. Please identify:

1. who will provide the legal services (i.e. lawyers, nonlawyers, and/or software);
2. who will manage and oversee the direct legal providers;
3. how consumers will access/receive these services; and
4. what your services will do for consumers.

→ Please see the supporting document titled, "CJAU Description of Programs and Services" for a full explanation of services for which we are seeking Sandbox authorization.

Identify how your proposal will meet the "innovation requirement." Explain how your entity will reach consumers currently underserved by the legal market (examples include using non-lawyer providers to deliver free or low-cost services, creating a one-stop-shop for consumers to obtain related legal and non-legal services).

We acknowledge that legal issues do not exist in a vacuum for clients, and there are various complementary concerns that clients need to be working through. For example, being served an eviction notice triggers several needs: 1) legally, they need to review the eviction notice and determine if they are being lawfully evicted, whether they want to fight the eviction, and, if a suit is filed, figure out how to respond and actively participate; 2) financially, they need to determine if they can become current on rent, if they can afford moving costs, and if they need to find funds for a deposit and initial rent payment for a new home; 3) professionally, they may need to take time off to go to court, look for a new home, and pack; 4) personally, they will need to work through potentially uprooting themselves and their family, handle the stress of the situation, and more. Clients come to community-based agencies to get help with one or more of the non-legal aspects of their situation. A victim of domestic violence may come to a women's shelter to find physical refuge and information on her options. Currently, employees at these agencies can help up until the legal aspect of the situation. Despite employees often being well-versed in what the client may experience or may need to do in civil legal proceedings due to their experience working with similarly situated individuals, they are unable to provide assistance beyond providing legal referral information. Clients must try to decipher procedures and laws online by themselves, or they need to try to find an attorney who can assist them. We are aiming to assist low-income and underserved Utahns who are typically unable to afford to retain any legal representation. Unless they can get assistance from a legal services provider in a timely manner, they are left to decipher their legal options without help. This often leads to costly mistakes that cause individuals to miss out on rights, such as missing filing deadlines, failing to submit exhibits properly, failing to properly serve the other party, not understanding what options are available to them, etc. By upskilling these workers to have the legal training needed to spot potential or current legal problems and then provide the legal services, these clients will experience a more comprehensive continuum of care. Not only will CJAs be able to continue providing valuable services, they will be able to go one step further and assist with legal issues.

Describe your target consumer(s).

Broadly, we are targeting individuals who otherwise do not have access to legal services due to their household income. CJAU is not setting specific eligibility criteria for clients but will adopt the criteria set by each individual organization. Program-specific targets are below. Medical Debt CJAs: individuals who have incurred medical debt that they are unable to pay, whether it has been sent to collections or a case has been filed yet or not. Housing CJAs: individuals who are at risk for or are currently experiencing eviction, or who have been evicted in the past and are seeking to mitigate the effects of that case. Domestic Violence CJAs: individuals who have been a victim of domestic violence, stalking, dating violence, sexual violence, or child abuse in the state of Utah, who are interested in requesting, modifying, extending, or dismissing a civil protective order or civil stalking injunction.

Select which service models you are seeking to use.

Non-lawyer provider with lawyer involvement

Describe Other

Are any UT-licensed lawyers providing legal services?

Yes

Please describe

Hayley Cousin, Executive Director, will provide legal oversight of advocates, including advising advocates on legal and ethical questions.

Are any legal service providers for your entity licensed or previously licensed in other jurisdictions?

No

Identify whether you are applying as a Low Innovation, Moderate Innovation, or High Innovation entity. Please see the instructions page for descriptions. You may select multiple options.

Moderate Innovation

Identify the number of full-time equivalent ("FTE") employees in your proposed entity.

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Substantive Legal Areas

Substantive Legal Areas

|                                                                         |                                                                                  |
|-------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Select any and all legal areas in which you intend to provide services. | Consumer, Domestic or Intimate Partner Violence, Healthcare, Landlord and Tenant |
| Are there any secondary areas you may need to provide                   | Immigration, Public Benefits                                                     |

Entity Structure

Entity Structure

|                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| Has your entity been formed?                                                                                                                                                                                                                                                                                                                                                                                                                      | No                                                                                                  |
| NOTE: A formed entity is one that has been developed to a point that it matches the intended structure of the business (e.g., LLC, sole proprietorship, 501(c)(3), Corporation). Forming an entity will vary based on the expected business structure. An entity has a tax identification that matches the chosen business structure (e.g., EIN for an LLC or SSN for a sole proprietorship) and is registered as required based on jurisdiction. |                                                                                                     |
| Do you anticipate forming your entity within the next 12 months?                                                                                                                                                                                                                                                                                                                                                                                  | Yes                                                                                                 |
| Anticipated date entity will be formed.                                                                                                                                                                                                                                                                                                                                                                                                           | 1-2025                                                                                              |
| List any and all alternate names for your entity (i.e. a trade name or "doing business as" name).                                                                                                                                                                                                                                                                                                                                                 | N/A                                                                                                 |
| Is your entity an umbrella organization that will not provide the direct legal services?                                                                                                                                                                                                                                                                                                                                                          | Yes                                                                                                 |
| List the following for any and all subsidiaries providing the proposed legal services.                                                                                                                                                                                                                                                                                                                                                            |                                                                                                     |
| Subsidiary Name                                                                                                                                                                                                                                                                                                                                                                                                                                   | See explanation of services for more detail on how we will select organizations to provide services |
| Subsidiary Business Address                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                     |
| Address 1                                                                                                                                                                                                                                                                                                                                                                                                                                         | N/A                                                                                                 |
| Address 2                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                     |
| City                                                                                                                                                                                                                                                                                                                                                                                                                                              | N/A                                                                                                 |
| State                                                                                                                                                                                                                                                                                                                                                                                                                                             | UT                                                                                                  |
| Zip Code                                                                                                                                                                                                                                                                                                                                                                                                                                          | 00000                                                                                               |
| Subsidiary Website                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A                                                                                                 |
| Subsidiary Email                                                                                                                                                                                                                                                                                                                                                                                                                                  | N/A                                                                                                 |
| Subsidiary Phone Number                                                                                                                                                                                                                                                                                                                                                                                                                           | N/A                                                                                                 |

Risk Assessment

Risk Assessment

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Innovation Office monitors for the following types of consumer harms:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <div>1. inappropriate or otherwise flawed legal results;</div> <div>2. failure to exercise legal rights through ignorance or bad advice; and,</div> <div>3. the purchase of an unnecessary or inappropriate legal service.</div>                                                                                                                                                                                                                                                                                                                            |
| Fully and candidly discuss the risks your customers might face if they use your proposed model, including each of the risks described above.                                                                                                                                                                                                                                                                                                                                                                                                                |
| <div><div></div><div>There is no risk of purchasing an unnecessary or inappropriate legal service, as all services will be offered at no cost. Inappropriate or Otherwise Flawed Legal Result Clients are at risk of receiving an inappropriate legal result if they do not fully disclose relevant information to their CJA. This is similar to the risk that already exists when retaining an attorney or LPP. Specific to the Medical Debt and Housing CJAs, clients may receive a flawed legal result if the CJA is not as successful as an</div></div> |

attorney would be at negotiating with a landlord or creditor. Failure to Exercise Legal Rights through Ignorance or Bad Advice

Currently, our target clients do not have the funds to retain a private attorney and may not even recognize that the problem they are facing is a legal one. Those who do recognize that it's a legal problem have two options: self-representation or obtaining pro bono legal services. Organizations like Utah Legal Services, Legal Aid Society of Salt Lake, and Timpanogos Legal Center provide some legal services in these areas, but the need for assistance outpaces what any agency alone or collectively together can handle. While the Utah Courts have provided educational materials and many forms to aid in self-representation, clients are often overwhelmed with the legal system due to its inherent complexity in terminology, process, and timing. Clients needing help with debt collection, housing, and protective orders are also under deadlines, exacerbating the overwhelm. This results in failing to engage with the legal system and failing to exercise legal rights. When clients interact with a CJA, the risk of failure to exercise legal rights is significantly decreased. This is because CJAs are trained on legal rights, processes, and procedures, and are able to provide critical, time-sensitive assistance. Regardless of their specialized training, there remains the risk that a CJA, like an attorney, will give bad legal advice. The effects of this vary by program, but the encompassing risk is that a CJA will fail to identify a legal issue or defense, and will not provide advice on the issue, or that a CJA will provide incorrect advice on a correctly identified issue or defense. Potential ramifications of this lack of information or bad information are below: In medical debt, this means that a debtor may fail to make a meritorious defense or respond in a debt collection case, resulting in an erroneous judgment or judgment that is larger than it is supposed to be. It may also mean that they don't attempt to settle outside of court, leading to a potentially worse outcome for the client in court. In housing, this may mean that a tenant fails to assert a fair housing claim, or make a meritorious defense against an eviction, resulting in loss of housing and a potential eviction case. This displaces the client, which has wide-ranging effects on other aspects of their life and affects their credit and therefore their ability to access rental housing in the future. In domestic violence, this means requesting the wrong kind of civil relief order or failing to request any order, resulting in the victim not receiving legal protection they would otherwise be entitled to. There is also a risk that the CJA would encourage a client to request an order knowing that the client would be unsuccessful, resulting in the denial of the order and the opposing party potentially seeking attorney's fees.

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Describe the specific ways you will identify, track, and mitigate the risks to consumers in your proposed model.

Identifying and Tracking Risks: CJAs will be required to report information on clients and cases to CJAU, beyond what is required for Sandbox compliance. CJAU staff attorneys or volunteer attorneys will review data to identify potential risks that clients may or have experienced. CJAU staff will keep records of trends as needed. Clients will also be able to report complaints to CJAU directly for review. Mitigating Risks: Initial Training. Our programs are tailored to address specific, limited-scope, low-complexity legal issues. Because of this, Community Justice Advocates can receive in-depth legal training in that specific area, much like a nurse practitioner in the medical setting. Because of the specificity of the training, CJAs are able to become mini experts in the area of the law. All advocates will receive training on trauma-informed advocacy, the scope of services they can offer, when to refer a case to an attorney or licensed paralegal practitioner, and applicable Utah Rules of Professional Conduct. Our Training Partners worked with Utah-barred attorneys to develop the training curricula for their respective programs and deliver the legal content. Training modules are presented by Utah-based subject-matter experts from community-based organizations or from attorneys. Advocates will be trained on the following topics, broken down by subject matter: Medical Debt: medical insurance coverage, Medicaid, billing, negotiating payment plans, financial assistance programs and debt management, fees that are often incurred throughout the life of a medical debt case, substantive medical debt law, understanding court forms, negotiation and settlement strategies, bankruptcy eligibility, rules of civil procedure and evidence, and post-judgment consequences. Housing Stability: understanding lease provisions, fair housing, negotiation and settlement strategies, substantive housing law, eviction procedure and defenses, understanding court forms, how to prepare clients to present their case in court, and post-judgment consequences. Domestic Violence: civil and criminal protective orders and stalking injunctions, legal writing, courtroom procedure, rules of evidence, client counseling, custody and child support, criminal and civil enforcement, and modifications. Ongoing Training. CJAU will collaborate with the Training Partner

- over individual programs to create ongoing training opportunities, both formal and informal. Formally, we will collaborate to provide CLE-type ongoing education on topics such as legislative and case law changes and topics that CJAs have identified as areas needing more training. At times, we may request for CJAs to attend CLEs put on by different sections of the Utah Bar. Informally, we will facilitate periodic roundtable discussions with the CJAs, allowing them to network with the CJAs in their practice area, discuss recurring issues, share solutions, and interface with CJAU staff. Attorney Involvement. Attorneys will play an ongoing support and quality assurance role. This will be accomplished in two ways. The first is that attorneys will complete a periodic audit of services provided to clients, which is described in more detail in the Oversight of Alternative Legal Providers sub-section in Question 2 of the Proposed Services section. The attorney will be able to provide feedback as appropriate to the CJA on how to improve services in the future. The second way that attorneys will support CJAs is by being available to answer questions regarding law or ethics when they arise. The attorney will be able to provide timely guidance to the CJA. Attorneys will have subject area expertise and will receive training from CJAU or a Training Partner on the scope of authorization of the CJA. Attorneys will be employed by CJAU directly or will have an agreement with CJAU to provide these services. If they are outside of CJAU, they will transmit any relevant information regarding risks or trends they are observing to CJAU. Pilot Year. The first twelve months will be treated as a pilot. While we know that this model of delivering legal services is effective, as shown by Timpanogos Legal Center in Utah and Alaska Legal Services in Alaska, we want to ensure that all of our processes work smoothly. We will accept a more limited number of CJAs to oversee, approximately 70, and work closely with them regarding processes, supervision, data collection, and legal services provided. By closely monitoring the process in a smaller group, we will be able to identify problems that may arise and collaborate with the CJAs and Training Partners to find solutions before growing the program further.

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Describe your consumer complaint resolution process.

- When clients access legal services from a CJA, they will be required to sign a limited-representation agreement that outlines the provision of services, the relationship between CJA and client, and the complaint process. Information to contact CJAU by

phone or email will be included. The CJAU website will also have information on submitting a complaint. If CJAs receive a complaint directly from a client, they will be required to immediately report it to CJAU. If attorney mentors receive a complaint or otherwise learn of a complaint, they will be required to immediately notify CJAU. Once a complaint is received by CJAU, it will be logged and reviewed. Within two business days, CJAU will contact the CJA who rendered the legal services and request all documentation related to the provision of legal services. CJAU may set up a time to discuss the complaint, case, or client with the CJA directly. Following this investigation, CJAU will determine if there was consumer harm directly resulting from the legal services they received from their CJA. If there has been harm, it will be reported to the Office of Legal Services Innovation. In addition, CJAU will determine what, if any, remedial action would be appropriate, including providing additional legal services to the client, suspending or dismissing the CJA, requiring additional training, or other appropriate action. Every client will receive follow-up regarding their complaint from the CJAU Executive Director. If the client is still not satisfied, the complaint will be escalated to the CJAU Board of Directors for review.

## Utah Requirements

### Utah Requirements

**As a requirement, all entities must be authorized and in good standing with the Utah Department of Commerce.**

**NOTE:** You must upload proof of registration on your User Homepage.

Does your proposal comply with applicable Utah legal requirements? Yes

Are your service models ready to implement? No

Explain

All but the housing stability programs are ready to implement. The training course for the Housing CJA program is actively in development as of this application's submission and will be ready to implement within six months. We are also actively working to identify an appropriate malpractice insurance provider, and anticipate a policy start date within the next few months. If granted sandbox authorization, we will also recruit 1-2 contract or pro bono attorneys with expertise in debt collection to help provide oversight in the medical debt program.

## Controlling and Financing Stakeholders

### Controlling and Financing Stakeholders

Please note that additional information must be submitted for each party listed below.

List all persons possessing the legal right to exercise decision-making authority on behalf of the entity. Examples may include: a sole proprietor of a sole proprietorship, a manager of a limited liability company, an officer of a corporation, a general partner of a general or limited partnership, or a person possessing comparable rights by operation of law or by agreement. ("Controlling Persons").

→ Hayley Cousin

List all persons possessing an economic interest in the entity equal to or more than 10 percent of all economic interests in the entity. ("Financing Persons").

■ None.

If there are any additional parties involved in your entity who were not captured in the previous question(s) whom you believe are important to disclose, please list them here. (Put "N/A" if not applicable)

■ N/A

Please certify that no financing or controlling persons are disbarred lawyers. I Certify

Please certify that no persons who will be in a director, supervisor, and/or managerial role over the direct provision of legal services to consumers are disbarred lawyers. I Certify

Please certify that no controlling persons or financing persons have a felony criminal record showing a conviction (including guilty plea, nolo contendere, plea abeyance, no contest, or receipt of a deferred adjudication) within the past 15 years of the following crimes:

1. Fraud
2. Identity Fraud or Theft
3. Embezzlement
4. Forgery
5. Perjury or Lying to Government Officials
6. Conducting a Pyramid Scheme

I Certify

Please certify that no persons who will be in a director, supervisor, and/or managerial role over the direct provision of legal services to consumers have a felony criminal record showing a conviction (including guilty plea, nolo contendere, plea abeyance, no contest, or receipt of a deferred adjudication) within the past 15 years of the following crimes:

1. Fraud
2. Identity Fraud or Theft
3. Embezzlement
4. Forgery
5. Perjury or Lying to Government Officials
6. Conducting a Pyramid Scheme

I Certify

#### Rule Waiver

#### Rule Waiver

List any additional Utah Rules of Professional Conduct that you seek to waive for your entity. (Put N/A if not applicable)

➡ Rule 5.3: Responsibilities Regarding Nonlawyer Assistance

#### Entity Disclosures

#### Entity Disclosures

## Additional Question

### Additional Question

Has any person listed in your application been affiliated (i.e. employed or as a controlling or financing person) with any other entity that has applied to the Sandbox? Yes

Please identify the other entity and describe the association.

■ Hayley Cousin is currently the Program Director of Timpanogos Legal Center's Certified Advocate Partner's Program.

Has any person that was not listed in your application but will have material involvement with the proposed model and/or services been affiliated (i.e. employed or as a controlling or financing person) with any other entity that has applied to the Sandbox? Yes

Please identify the other entity and describe the association.

■ Training Partners Susan Griffith is the Executive Director of Timpanogos Legal Center, which houses the Certified Advocate Partner's Program. Stacy Jane is the Executive Director of Innovation for Justice, who developed the training used by Holy Cross Ministries for their sandbox-approved program.

## Public Application

### Public Application

Your application will be made publicly available and may be posted to the Innovation Office website. You have the opportunity to make a claim of business confidentiality for specific information that would qualify for protection under GRAMA Section 63G-2-305. I Understand

Signature (Type Name exactly as entered for User Profile) Hayley Brooks Cousin

Title Executive Director

Date 4-2024

## Certifications

### Certifications

Making false/materially misleading statements or omissions in this application is a basis for loss of authorization to practice within the Sandbox. Other criminal and civil sanctions may also apply. I Agree

If your answers to any of the application questions change, you are responsible for updating the information with the Innovation Office. Failure to promptly update information will be considered relevant to your regulatory status. I Agree

The Innovation Office is committed to facilitating impartial, independent studies of Utah's evidence-based regulatory experiment to promote legal services innovation and consumer protection. By clicking I Agree, you consent to the Innovation Office sharing your contact information with approved researchers, whose projects are entirely independent of the work of the Innovation Office and the regulatory process. I Agree

I understand the Innovation Office may follow up with me to gather additional information. I Understand

Signature (Type Name exactly as entered for User Profile) Hayley Brooks Cousin

**Signed on this date: 04/24/2024 14:40:42**

Title Executive Director



**Describe in detail the business model and/or services for which you are requesting Sandbox authorization. Please identify: (1) who will provide the legal services (i.e. lawyers, nonlawyers, and/or software); (2) who will manage and oversee the direct legal providers; (3) how consumers will access/receive these services; and (4) what your services will do for consumers.**

### **Model Overview**

Community Justice Advocates of Utah (CJAU) will partner with curriculum providers and community-based organizations to provide free legal services to underserved Utahns in the areas of medical debt, housing, and domestic violence.

We will partner with legal curriculum providers (“Training Partners”) who have a history of creating effective community justice advocate training courses. Our Training Partners will provide training to nonlawyers and, upon completion of training, notify CJAU of the individual’s eligibility to begin providing services under the oversight of CJAU. We will provide oversight, malpractice insurance, ongoing training, and support to the nonlawyers; in turn, they will report information to us to audit their services, comply with Sandbox reporting requirements, and evaluate the effectiveness of the program.

We are seeking approval for three interventions. They are listed below next to the Training Partner associated with the intervention. All three interventions have been previously approved by a Standing Order or within the Utah Regulatory Sandbox.

1. Medical Debt Legal Advocacy: Innovation for Justice<sup>1</sup>
2. Housing Stability Legal Advocacy: Innovation for Justice<sup>2</sup>
3. Certified Advocate Partners Program: Timpanogos Legal Center

#### **I. Provision of Legal Services**

Nonlawyer legal advocates (hereafter “Community Justice Advocates” or “CJAs”) will provide legal services to individuals of their community. CJAs will not be directly employed by CJAU. They will be employed by community-based organizations or associations and provide legal services as part of their job. This is the model used by Timpanogos Legal Center in Utah, Innovation for Justice’s community partners in Arizona and Utah, and Alaska Legal Services Corporation in Alaska. None of these organizations have found increased risk by training, or “upskilling,” individuals at outside organizations who then provide services. We have found that individuals within the social service sector have an interest in providing limited scope legal advice to better assist their communities, but currently lack the training and tools to do so.<sup>3</sup> If our authorization is granted, we will begin working with community-based organizations to identify potential CJAs. Our Training Partners will also use existing connections to identify potential CJAs.

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<sup>1</sup> Training created for Holy Cross Ministries and AAA Fair Credit Foundation following their sandbox authorizations.

<sup>2</sup> Supreme Court of the State of Utah Standing Order No. 16, effective March 9, 2023.

<sup>3</sup> Balser, C. *et al.*, *Leveraging unauthorized practice of law reform to advance access to justice*, 18 L.J. FOR SOC. JUST. 66, 92-94 (2023).

CJAs generally have experience adjacent to the legal services they will be providing, and may have experience providing legal information, bringing some practical experience and understanding of the populations to be served. For example, we anticipate that many Medical Debt CJAs will be community health workers or social workers. Domestic Violence CJAs are generally victim advocates who typically attend civil protective order court hearings. CJAs will be eligible to complete multiple training certifications; for example, a nonprofit may request that one of their housing coordinators become certified as both a Housing CJA and a Domestic Violence CJA.

We will maintain a directory of active CJAs and their organizational affiliation, which we would be able to provide to the Office of Legal Services Innovation at any time. We plan to provide a publicly available directory on our website as well, but CJAs or their organizations will be able to opt-out of appearing on that list if desired.

To be considered for training and oversight, individuals must meet the following minimum criteria:

- 1) be employed by an organization that does work in or adjacent to the area of law of the training (the organization cannot be subject to disqualification from submitting their own application to the Office of Legal Services Innovation due to disbarment or criminal history at the ownership or managerial oversight levels);
- 2) have consent from their organization to participate in the training and to provide legal services; and
- 3) agree to not charge the client for legal services received.

CJAs will be able to provide legal services and educate clients on their options, even when clients do not realize they are facing a legal issue. Research has shown that individuals don't consider many civil legal problems to be "legal issues," instead thinking of them as "bad luck," and many considered the problems as "private," thus being inappropriate to receive help from a third party.<sup>4</sup> Some individuals believed there was no need to get advice on their situation, or that it wouldn't make a difference even if they did seek help from a third party.<sup>5</sup> One critical role of CJAs is to *identify* potential or realized legal issues and educate clients on their rights, defenses, and options in their specific situation. Community-based organizations already provide intake screening to community members, and with proper legal training and the ability to ask the right questions, CJAs can identify legal problems and provide advice in that screening session or schedule a follow-up meeting for more in-depth assistance. They are also trained in trauma-informed advocacy and can apply those skills to empower their clients and increase the client's capacity to engage with their legal problems.

CJAs will be working at organizations that "potentially interface with consumers at an earlier point in the timeline of their civil legal needs (i.e. the rent "eats first," so community members experiencing housing instability may likely go to a food pantry before a housing lawyer)."<sup>6</sup> Using

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<sup>4</sup> Rebecca L. Sandefur, *Bridging the Gap: Rethinking Outreach for Greater Access to Justice*, 37 U. ARK. LITTLE ROCK L. REV. 721, 725–26 (2015).

<sup>5</sup> *Id.*

<sup>6</sup> Balser, *supra* note 3, at 84.

CJAs embeds an opportunity for early legal intervention as they also work to provide other stabilizing and supportive services such as utility assistance and public benefits. Another benefit of early intervention is that there are generally more options for the client than when the problem has progressed further (i.e. connecting a tenant with rental assistance funds and employment resources when they are struggling to make payments, instead of counseling them on their limited options when an eviction notice is posted).

## **II. Management and Oversight of Alternative Legal Providers**

CJAU staff will oversee the provision of legal services by CJAs. CJAs will be required to report client and case information to CJAU, which will be periodically audited by an attorney with experience in that area of law. Audits (or “service reviews”) will look at a sample of services and review the quality and accuracy of services. They will happen at least twice annually but may happen more frequently as deemed necessary by CJAU. The attorney conducting the service review will either be employed by CJAU or will be a *pro bono* or contract attorney associated with CJAU who has experience in that area of law and education on the scope of services the advocates may provide. The information we collect from CJAs will be more robust than that required by the Sandbox and will be detailed enough to reveal legal analysis for each consumer’s unique case. This will enable us to spot potential issues with the program as a whole or individual advocates during service reviews.

The attorneys who review completed services will also be available by phone to advocates when legal or ethical questions arise.

If any concerns arise regarding how a particular case was handled or a trend of negative outcomes—either from a particular advocate or from a program as a whole—the issue will be raised for review by CJAU’s Executive Director and, if necessary, CJAU’s Board, and/or the Training Partner who provided the initial training. A review of information will be completed and CJAU will, as necessary, reach out to individual CJAs or the agency that employs them to resolve the issue.

CJAU will also work with Training Partners and other attorneys with experience in the relevant areas of law to provide ongoing training, similar to CLEs provided to attorneys and licensed paralegal practitioners. This will include legislative or case law updates, reinforcement of training material, or areas identified as needing additional training. CJAU will also hold periodic roundtables with practicing CJAs where CJAs can connect with each other, staff cases, and share concerns and solutions. CJAU’s Executive Director will be present to provide legal guidance, answer questions, collect concerns and suggestions, and build camaraderie among CJAs.

## **III. Consumer Access to Services**

Our target clients are approaching community-based organizations for assistance with another aspect of their situation—financial, personal, professional, etc.—and will receive services from a community-based worker. Clients will present at an organization, and during intake or service

provision, CJAs will be able to screen for legal issues. If a client presents a potential or current legal issue, the CJA will explain the legal services they are able to provide and, if the client is interested in receiving legal services, will sign a Limited Representation Agreement. The CJA will then be able to provide the legal services they are authorized to administer.

One benefit of this model is that community-based workers and the organizations they work for generally have an established relationship of trust with the communities they serve. Community members already look to these organizations to receive services relevant to them, where the creation of a new organization would require a significant investment in time and resources to establish the trust and rapport needed for individuals to be willing to reach out for help.<sup>7</sup>

#### **IV. Detailed Explanation of Services and the Benefit for Consumers**

Each program aims to assist with low-complexity legal problems in a focused area of law; this contrasts with attorneys and LPPs, who can assist on a wide range of issues. As each program serves different legal needs, a detailed explanation of services is provided for each individual program.

##### **A. Medical Debt Legal Advocacy (Medical Debt CJAs)**

This program is focused on “upstream” interventions to help clients avoid potential debt collection actions.

- **Limited Assistance – Issue Spotting:** When providing intake services, screen for potential legal issues and collect information on medical bills, open debt collection cases, and existing judgments. This also includes work to uncover unknown medical debt, such as calling hospitals, service providers, and collections agencies with the client present to inquire about financial accounts. They will also call the Department of Workforce Services to see if the client has had open cases in the past.
- **Limited Assistance – Legal Advice:** Advise regarding private and public insurance options and financial aid applications, including how immigration status may affect their options. Identify legal levers in an individual’s case that can be used for settlement negotiations. Advise on available options to reduce or resolve outstanding medical debts, including potential legal consequences. Evaluate and advise on whether bankruptcy is an option for the client and refer to a bankruptcy attorney for further advice. Counsel clients on what action to take if the Fair Debt Collection Practices Act has been violated.
- **Limited Assistance – Document/Form Completion:** Explain and assist with court forms and court processes, including answers, dispositive motions, requests for discovery, and motions to set aside the judgment.
- **Extensive Assistance – Negotiation of a Settlement Without Litigation:** Medical Debt CJAs will be trained on legal negotiation skills and will be able to use those skills and their legal knowledge to reach out to collection agencies to negotiate a payment plan, reduced balance, or discharge of the debt.

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<sup>7</sup> Balser, *supra* note 3, at 86–88.

- Referral: Make referrals to human, social, or health services, or lawyer, legal aid, or pro bono services as appropriate for the client to receive additional medical debt or legal assistance.

**Benefit for Clients:**

The Problem. Innovation for Justice has compiled a Report outlining the need for legal intervention on behalf of medical debt defendants; the following information was pulled from their report. Currently, 98% of medical debt defendants in Utah have no legal counsel, and 72% of defendants do not engage in the court system once a case is filed, resulting in default judgments. Nearly 75% of defendants have default judgements that are, on average, two times higher than the original medical debt. Upstream in the process, 1 in 4 Americans report struggling to pay for medical care. 20% of Americans have medical debt on their credit report, with a combined \$81 billion owed. Individuals who are unable to pay for medical care will either incur medical debt to receive care or will avoid receiving care in order to not take on more debt, resulting in declining physical and mental health. In addition, “default judgments translate into wage garnishments, liens, civil arrests, and the inability to secure housing, credit, and employment. Medical debt is also a leading cause of foreclosures and bankruptcies, with more than half of bankruptcy debtors having medical debts.”<sup>8</sup>

Current Access to Services. One of the first interventions when someone needs medical care but can’t afford it is to look at potential insurance options. Individuals who are uninsured or underinsured may have information from healthcare providers or community workers about Medicare, Medicaid, and the health insurance marketplace. However, many individuals are not aware of their eligibility for these services or may not know how to access them. When medical debt is turned over to collections or a case is filed in the courts, nearly all defendants are unable to secure legal counsel. Utah Legal Services provides some support in consumer issues, and the S.J. Quinney Pro Bono Initiative provides some legal advice for debtors at their Debtor’s Law and Street Law clinics, but they can’t provide representation. Participation in the legal system without counsel can be overwhelming, evident in the default rate for debt collection cases in Utah.

Early Problem Detection. One goal of the program is to identify and work to solve legal problems before the issue is sent to court. Medical Debt CJAs will receive training on common issues clients experience prior to a case being sent to court and potential solutions—including securing insurance coverage, working with collections to negotiate a payment plan, and understanding the Fair Debt Collection Practices Act and what to do if it has been violated. They are also trained in trauma-informed advocacy and can apply those skills to empower their clients and increase their capacity to engage with their legal problems.

Increased Awareness of Legal Rights. Regardless of where in the medical debt process clients are—not seeking medical care due to inability to pay, having recently received care, being unable to pay a bill, being in collections, having an active collections case or existing judgement—

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<sup>8</sup> Innovation for Justice, DECEMBER 2020 INTERIM REPORT: LEVERAGING THE UTAH SANDBOX TO ADVANCE LEGAL EMPOWERMENT FOR UTAH COMMUNITY MEMBERS EXPERIENCING MEDICAL DEBT (2020), [https://docs.google.com/presentation/d/1Zkpb\\_Sq-xbmTFGQrs5nApmi9IBoa46flWHTg7Zp4DXo/edit?usp=sharing](https://docs.google.com/presentation/d/1Zkpb_Sq-xbmTFGQrs5nApmi9IBoa46flWHTg7Zp4DXo/edit?usp=sharing).

Medical Debt CJAs will be able to provide legal advice to educate clients on their options and rights, and clients will be able to make more informed decisions about their situation, removing the stress required to learn about options without the assistance of counsel and needing to guess on how laws apply to their situation.

Assistance Within the Court System. If a claim has been filed, Medical Debt CJAs can help clients prepare for court, assist clients in filing form answers, counterclaims, requests for discovery, and dispositive motions.

Summarized Benefits. Clients who access the services of a Medical Debt CJA will have a better understanding of their rights and responsibilities regarding their medical debt, regardless of whether a case has been filed. In Innovation for Justice's pre-design work in building this intervention model, they found that lack of communication between creditors and debtors is one of the primary reasons medical debt is not resolved before being sent to court. Debtors are overwhelmed and may be unaware of options and resources and wish they could have an advocate assisting them in the process; this program would enable that advocacy. We anticipate these services will result in better outcomes than are currently obtained by self-represented litigants in Utah.

## **B. Housing Stability Legal Advocacy (Housing CJAs)**

Housing CJAs will provide the following services:

- Limited Assistance – Issue Spotting: Screen for potential legal issues or fair housing issues during intake screening.
- Limited Assistance – Legal Advice: Provide advice regarding tenant rights and options best fitting the client's situation. Housing CJAs will be trained to identify whether a lease provision violates the law or if an eviction can be challenged. They will also be able to assess whether and how an eviction can be expunged and help clients through that process. They will also be able to screen for legal defenses and advise tenants on post-judgment consequences such as garnishments or liens.
- Limited Assistance – Client Preparation: Assist a client in preparing for an eviction hearing, including assistance with processes and legal arguments that can be made. They will also help clients collect and prepare evidence.
- Limited Assistance – Document/Form Completion: Assist clients using court-approved forms in eviction cases. In cases where a court-approved form does not exist, such as a Notice of Deficient Conditions, CJAUs will provide a standard form to the CJAs.
- Limited assistance – Court Attendance: Attend court hearings and sit at counsel's table. The Housing CJA would not be able to address the Court unless explicitly invited to do so and would be unable to address opposing counsel. They would be allowed to quietly prompt their client and hand them evidence, as needed.
- Extensive Assistance – Alternative Dispute Resolution: Negotiate with property owners to help keep clients housed when there is a threat of eviction. This may include negotiating payment plans or a longer period of time for the client to remain in the property while securing new housing.

- Referral: Make referrals to human, social, or health services, or lawyer, legal aid, or pro bono services as appropriate for the client to receive additional housing assistance or legal assistance.

**Benefit for Clients:**

The Problem. Currently, many clients facing potential or actual eviction have little access to legal services. The 2020 *Justice Gap* Report discovered that only 10% of people in Utah experiencing a legal problem, such as an eviction, get legal aid, and in those cases, only 9% of services relate to housing matters.<sup>9</sup> Those who do receive legal services experience significant benefits. Innovation for Justice reports that “legal services can increase the likelihood that a renter remains housed, receives rent reductions and necessary repairs, and negotiates more favorable settlements such as more time to find replacement housing. But current legal service resources are insufficient to meet the need, and when legal services are focused on court-involved housing issues, tenants and advocates have little time to problem-solve.”<sup>10</sup>

Current Access to Services. Housing instability has wide-reaching implications on individuals and communities affected. Currently, tenants must navigate “social services for rental and resource assistance, and are being referred to legal services for advocacy.”<sup>11</sup> That fracturing of services providers is problematic for a tenant facing multiple life stressors, particularly given the imbalance between the legal needs of tenants and the legal services available to them. Tenants who do try to seek legal aid may be unsuccessful because of the inability of current providers to meet the level of demand. Tenants may be unable or ill-equipped to participate in their case because of the complexity of the legal system; in Utah, there is a 36% default rate for evictions.

Early Problem Detection. Advocates will identify and work to solve legal problems before the issue is sent to court. Housing CJAs will receive training on common issues tenants experience prior to eviction, including rights and obligations of tenants and landlords, and on strategies to overcome these problems, such as the negotiation of a payment plan or completion of a notice of deficient conditions.

Assistance with Court Preparation. If the problem has already resulted in a case being filed, Housing CJAs will be able to advise tenants on procedural rules involved in eviction proceedings, case timelines, and how to prepare for hearing by advising clients on defenses and on what evidence to provide to the Court. These CJAs would be able to attend court with their self-represented client and provide quiet promptings to the client, but not address the Court directly, lending psychological support to their clients during a highly stressful interaction. For cases that are too complex for the CJA, the CJA will refer the tenant to legal aid or pro bono attorneys and be able to provide clear information on legally relevant facts to the attorney.

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<sup>9</sup> Shawn Teigen, et al., *The Justice Gap: Addressing the Unmet Legal Needs of Lower-Income Utahns*, THE UTAH FOUND., 5 and 9 (2020),

<https://www.utahbarfoundation.org/static/media/UBFJusticeGapFullReport.e99dbe0b776f9580a13f.pdf>.

<sup>10</sup> Innovation for Justice, *Report to Arizona and Utah Supreme Courts: Expanding Arizona’s LP and Utah’s LPP Program to Advance Housing Stability*, INNOVATION FOR JUST., 11 (2020), <https://docs.google.com/document/d/1j-K2L1FOm6lFkXKkSZ89MeEumuFeGtuBQJ2-8ocTx5w/edit>.

<sup>11</sup> *Id.* at 12.

After an Eviction. If a tenant has already been through the eviction process, they can meet with a Housing CJA to better understand the implications of the judgment. Housing CJAs will be trained on post-judgment procedures, how to reduce damages, and how to determine next steps. They will also be able to help clients remove evictions from credit and housing reports, if the eviction is eligible. They will also be trained to help tenants find and apply for assistance programs and identify fair housing issues as tenants look for new housing.

Summarized Benefits. Tenants who access these services will have a better grasp of their rights and options, instead of assuming that they have no options. They will be able to make informed, meaningful decisions given their specific circumstances, regardless of where in the process their legal issue is. Tenants who access services through CJAs will be also be in a better position to avoid downstream consequences of evictions, including needing to rely on homeless shelters, having an eviction on their record affecting their credit score and ability to find new housing, struggling to qualify for subsidized housing due to their record, and needing to reconcile the effects of eviction on their family, job, transportation, and mental and physical well-being.

### **C. Certified Advocate Partners Program (Domestic Violence CJAs)**

Domestic Violence CJAs will provide the following services:

- Limited Assistance – Legal Advice: Screen cases of individuals interested in requesting a civil protective order or civil stalking injunction and advise clients of which order, if any, they may qualify for, how strong their case is, and whether the client should first consider other legal or non-legal interventions. They can also advise on whether the client can modify, extend, or dismiss a protective order.
- Limited Assistance – Document/Form Completion: Draft the request for a civil protective order or civil stalking injunction, using court-approved forms, on behalf of their client, using the information they have elicited from their client. They are also trained to assist with modification, extension, and dismissal forms.
- Limited Assistance – Client Preparation: Prepare clients for court hearings, including by practicing legal arguments and advising how to present evidence.
- Limited Assistance – Court Attendance: Attend court hearings and sit at counsel's table. The Domestic Violence CJA would not be able to address the Court unless explicitly invited to do so and would be unable to address opposing counsel. They would be allowed to quietly prompt their client and hand them evidence, as needed.
- Referral: Refer clients to other social service providers, legal aid providers, or the private Bar, as needed.

### **Benefit for Clients:**

The Problem. Utah law provides victims of crime with the ability to obtain legal protection from their perpetrator when domestic violence, sexual violence, dating violence, stalking, or child abuse has been committed. Requesting and obtaining the correct order can be difficult for victims, as they try to determine which order to apply for, what evidence may be needed, and how to present their case to the court. The legal system is foreign and intimidating to many victims, and the

difficulty in navigating the system is compounded by the emotional, housing, employment, and relational instability that results from being in and leaving an abusive relationship. We have heard from many victim advocates that some victims do not seek legal protection they are eligible for because they are too overwhelmed with or intimidated by the legal system. Victims are not knowledgeable about court processes or standards, and sometimes incorrectly assume that the system is stacked against them. They also have significant fear over facing their abuser in court—being physically near their abuser, explaining the abuse, and hearing their abuser deny what occurred.

Current Access to Services. Victims can seek assistance from both Utah Legal Services and Legal Aid Society of Salt Lake, depending on where the case needs to be filed. However, these organizations do not have the capacity to assist every victim. Sometimes victims who are turned away from these organizations incorrectly believe that they've been turned away because they don't have a case. Timpanogos Legal Center has implemented the Certified Advocate Partners Program, which we are seeking to support, and victims can receive services from these trained advocates. Victims have had overwhelmingly positive feedback about the services they receive from their Certified Advocate / Domestic Violence CJA. Despite all these programs, there is still a need for more CJAs throughout the state to adequately serve all the victims of crime seeking protection.

Role of Victim Advocates. Many victims receive supportive social services from victim advocates, who are employed by domestic violence services providers and law enforcement agencies. It is common for these advocates to attend protective order hearings and become very familiar with the protective order process and how the local judiciary runs hearings. This experience, combined with a well-meaning desire to assist victims in any way they can, often leads to victim advocates attempting to provide legal advice to clients. However, they are untrained and too often provide incorrect information and over-promise on potential outcomes. This leads to clients applying for incorrect orders, not correctly preparing for hearings, or becoming discouraged and disillusioned with the justice system. However, Timpanogos Legal Center has found in their implementation of the Certified Advocate Partners Program that, with proper training, victim advocates are incredibly effective in providing accurate, timely legal services to victims. These advocates are eager to provide additional services.

Domestic Violence CJA Interventions. When a victim of abuse or stalking presents at a community-based organization for support services, Domestic Violence CJAs can screen their case and determine if they may be eligible for a civil protective order or civil stalking injunction. If they potentially qualify for an order, they can have a comprehensive conversation with the client about the benefits and requirements of obtaining an order and advise the client on what the best course of action would be in their specific situation. They will be able to evaluate the evidence of abuse for relevance and admissibility, and use that to make determinations around eligibility, especially with regards to civil stalking injunctions. They are trained to take the information and evidence provided by the client and write persuasive requests for protective orders and stalking injunctions, using legal writing strategies. If the client receives an *ex parte* order and does not secure representation for the hearing, the CJA can help them prepare legal arguments for their hearing and explain what to expect procedurally. The CJA can also attend the hearing and sit at counsel's

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table, providing quiet promptings to the client as needed, but will not address the Court or the opposing party. CJAs also receive training on advising a client on modifications, extensions, and dismissals, including the ability to complete the court-approved forms.

Summarized Benefits. When victims receive services from Domestic Violence CJAs, they will be able to clearly understand the likelihood of receiving a civil protective order or stalking injunction and receive assistance with the process of requesting an order, from drafting through to the hearing. This will reduce the number of victims who are overwhelmed by the process and don't request an order they qualify for, dismiss an order prior to the hearing, or don't show up to the hearing. It will increase the number of victims who request an order they qualify for and who come prepared to their hearing. Victims will better understand the overall process and be able to make informed decisions about their safety and the safety of their minor children. Victims who secure an order will benefit from having legal protections in place as they work to build independence and stability, and peace of mind that they can have the assistance of law enforcement or the civil courts to enforce that protection and peace.