

RESOLUTION
OPPOSING THE NONLAWYER OWNERSHIP OF LAW FIRMS
AND
OPPOSING THE DELIVERY OF LEGAL SERVICES BY NONLAWYERS
UNTIL ALL OTHER REASONABLE MEANS OF PROVIDING ACCESS TO JUSTICE HAVE BEEN EXHAUSTED
AND SAFEGUARDS HAVE BEEN ESTABLISHED TO PROTECT THE PUBLIC

Adopted by the American Academy of Matrimonial Lawyers
at its meeting on November 6, 2020

WHEREAS, the American Academy of Matrimonial Lawyers (AAML) is an organization which has as its mission providing “leadership that promotes the highest degree of professionalism and excellence in the practice of family law”; and

WHEREAS, the AAML provides guidance in family law policy matters by assisting states in evaluating, passing, promulgating, and enforcing just laws and rules that protect the public in the family court system; and

WHEREAS, the nonlawyer ownership of law firms has not been shown to improve the quality of legal services delivered to members of the public in family law proceedings and the nonlawyer ownership of law firms poses significant risks to the professional independence of lawyers and to ethical standards which they have been sworn to uphold; and

WHEREAS, access to justice is a critical aspect of the American legal system and many Americans are presently unable to obtain adequate legal representation; and

WHEREAS, the public deserves to receive legal services from lawyers trained and educated in the law and qualified in the relevant jurisdiction; and

WHEREAS, there are innovative solutions including, but not limited, to the use of court-approved technology, that can improve the delivery of legal service to those Americans who are not currently receiving adequate representation; and

WHEREAS, at the present time, the ethical and procedural safeguards to protect the public from legal services delivered by nonlawyers are insufficient; and

NOW, THEREFORE, IT IS RESOLVED that the American Academy of Matrimonial Lawyers opposes the ownership of law firms by nonlawyers; and

IT IS FURTHER RESOLVED that the American Academy of Matrimonial Lawyers opposes the delivery of legal services by nonlawyers until all other reasonable means of providing access to justice have been exhausted and safeguards have been established to protect the public; and

IT IS FURTHER RESOLVED that the American Academy of Matrimonial Lawyers urges state courts and state and local bar associations to a) encourage the delivery of pro bono legal services to help meet the needs of the public who are not receiving adequate legal representation and lack the means to do so, b) adopt innovative solutions including, but not limited, to the use of court-approved technology, to reduce the cost of providing legal services, and c) oppose the delivery of legal services by nonlawyers without the implementation of clear safeguards which will ensure that i) nonlawyers delivering legal services have sufficient education and training to provide the services in question, ii) the conduct of nonlawyers is subject to appropriate oversight and discipline, and iii) the confidentiality rights of the public are fully and completely protected.