

## Comments on: **Opinion 56—IDEA Assistance from Lay Advocates**

**Jim Christy**

**Princeton, NJ resident;  
parent of special needs  
child**

Comments to the

**New Jersey Supreme  
Court Committee on  
Unauthorized Practice of  
Law**

November 16, 2020

Consumers for a Responsive Legal System (“Responsive Law”) would like to thank the Committee on Unauthorized Practice of Law (UPL) for the opportunity to present comments in response to Opinion 56. Responsive Law is a national nonprofit organization working to make the civil legal system more affordable, accessible and accountable to the people.

I am a long time supporter of Responsive Law, as I believe in the importance of people having access to affordable legal help.

But this particular issue of lay advocates being able to help families with special needs has personal relevance. My son Jimmy was diagnosed with autism in 2007. One of the most difficult aspects of the process was not just that our school district seemed unprepared and unwilling to find and support an educational setting that was right for our son, but how difficult it was to get guidance about the process.

We hired a lawyer to support us through the IEP process, which caused us thousands of dollars. We borrowed from family and had to have a fundraiser just to pay the legal bills. But the school district, aware of financial impact, dragged out the process so long our funds ran out. We finally moved to another school district where we thought we had a better chance to get services our son needs. Only later did we learn about and take advantage of special needs advocates, who helped us navigate the process with our new school system. Lay advocates can spend far more time to understand a family’s situation than a lawyer can. This personal attention is particularly important for complex cases around children with special needs.

We believe every family deserves the right to be informed and supported when going through the IEP process. The lay advocates

we've encountered have been professional and extremely empathetic to parents' needs.

I understand the importance of protecting families going through a legal process. But putting undue burdens on lay professionals is putting up a major roadblock to families who will otherwise have no affordable options for legal guidance through the IEP process.

If families were allowed to pay lay advocates to represent them in meetings, correspondence, and legal proceedings with school districts, it would save them thousands of dollars in lawyers' fees. It would also allow these advocates, most of whom operate through nonprofits, to extend their assistance to many more families.

Furthermore, the Committee is drastically overstating the potential for consumer harm that paid lay advocates would pose. To the contrary, we've suffered far greater harm from not having a lower cost option available in our dealings with the school district. To the extent that the Committee is concerned about incompetent lay advocates causing harm, the requirement that these advocates submit an application showing their qualifications before representing families provides more than sufficient protection. It's worth noting that there's no such requirement for lawyers taking on representation in this specialized area.

**On behalf of my family and Responsive Law, I urge the Committee to revise its opinion to allow qualified lay advocates to provide the same IEP services as lawyers, including doing so for pay.**