Order

Michigan Supreme Court
Lansing, Michigan

June 18, 2025

ADM File No. 2023-30

Adoption of Administrative Order No. 2025-1

Megan K. Cavanagh, Chief Justice

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

On order of the Court, the following administrative order establishing a pilot project allowing accompaniment services in legal proceedings is adopted, effective immediately. The pilot project begins when the State Court Administrative Office opens registration.

Future written comment period. The public is invited to comment on the form or the merits of the proposal or to suggest alternatives from September 10, 2026 to January 1, 2027. The Court will issue a reminder about this future written comment period closer to its commencement. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

Immediate adoption of this proposal does not necessarily mean that the Court will retain the amendments in their present form following the public comment period.

Administrative Order No. 2025-1 – Establishing a Pilot Project Allowing Accompaniment Services in Legal Proceedings

The need for affordable legal services far exceeds the number of lawyers able to offer them. Over one in six Michiganders qualifies for free legal aid, but there is only one legal aid attorney available for every 5,401 qualifying individuals. Many Michiganders who do not qualify for free legal aid also cannot afford the services of a lawyer. In 2021, this Court established the Justice for All Commission to address these problems and set the goal of ensuring 100 percent access to justice.

The Justice for All Commission recommended a pilot project to test whether accompaniment services in legal proceedings for people who cannot afford a lawyer can reduce missed opportunities for earlier or more durable resolution of legal issues, reduce the harm of misinformation and lack of information, and maximize the appropriate use and efficacy of Michigan's self-help resources.

This order authorizes one component of such a pilot project, to study the efficacy of limited assistance to litigants by persons trained to deliver informational and accompaniment services. The order does not change existing law concerning the unauthorized practice of law, and services provided within the scope of this order do not constitute the practice of law.

IT IS THEREFORE ORDERED THAT:

Accompaniment Services Providers are authorized to provide Accompaniment Services to Clients of Pilot Agencies for their legal proceedings in accordance with this order. Accompaniment Services pursuant to this order do not include practicing law or offering legal advice. No later than 15 months after the State Court Administrative Office opens registration for Accompaniment Services Providers and Pilot Agencies, the Justice for All Commission, supported by the State Court Administrative Office, must submit a data analysis to the Court regarding the experiences of trial courts, Pilot Agencies, Accompaniment Services Providers, and Clients over a 12-month period, with recommendations on whether to continue, modify, or extend the use of Accompaniment Services. The pilot project will continue in accordance with this order until further order of the Court.

A. Definitions

1. "Accompaniment Services" means any of the following activities and services provided by an Accompaniment Services Provider in person or remotely for a Client's civil legal proceedings or in connection with civil legal proceedings:
    a. Accompanying, engaging, or conferring with a Client, including sitting with the Client at the litigant table, or in the well of the Court.
    b. Providing support and encouragement for the Client.
    c. Taking notes and providing explanations to the Client to help the Client understand what has happened regarding their legal proceeding.
    d. Assisting the Client in understanding the legal proceedings and helping the Client answer factual questions addressed to the Client.
    e. At the request of the Client and with the permission of the court, clarifying the Client's answers to factual questions for the sole purpose of making the answers clear, understandable, and complete, but only to the extent consistent with information provided by the Client to the Accompaniment Services Provider.
    f. Providing the court with a summary of the facts and circumstances that brought the Client before the court, including stating the relief sought, or the Client's objections to relief sought by an opposing party.

2. "Client" means a person who receives services from a Pilot Agency.

3. "Legal proceedings" means a civil legal matter for a Client that involves any of the following:
    a. A pending or potential court hearing.
    b. Activities involving court or judicial participation.

c. Other proceedings in connection with a matter involving court or judicial participation, including:
   i. arbitrations;
   ii. mediations or facilitations;
   iii. conferences for settlement, prehearing, or similar purposes; and
   iv. interactions with opposing parties or third parties involved in the matter, including experts, social workers, witnesses or others, but only to the extent that they are relevant to the proceedings.

4. "Pilot Agency" means an eligible agency that is registered with the State Court Administrative Office to provide Accompaniment Services for the agency's Clients.

5. "Accompaniment Services Provider" means a person who provides Accompaniment Services under the sponsorship and supervision of a Pilot Agency and who is registered with the State Court Administrative Office.

B. Accompaniment Services Provider Restrictions

1. The Accompaniment Services Provider may not practice law or offer legal advice.

2. The Accompaniment Services Provider may not answer questions or provide information to the court, or any party involved in the legal proceeding other than the Pilot Agency, with respect to the character, credibility, personal history, or statements made by the Client, except when required by law or:
   a. with the express consent of the Client; and
   b. the voluntary agreement of the Accompaniment Services Provider.

C. Pilot Agency Eligibility

The following entities are eligible to become a Pilot Agency:

1. An agency that receives funding from the Michigan Domestic and Sexual Violence Prevention and Treatment Board (MDSVPTB) or is endorsed as a Pilot Agency by the MDSVPTB; or

2. A nonprofit agency or governmental organization organized for the purpose of providing social or legal services to clients who are or are likely to become self-represented in civil court proceedings while clients of the agency.

D. Pilot Agency Conditions

1. Pilot agencies are responsible for ensuring that each Accompaniment Services Provider:

a. Is supervised by a Michigan attorney in good standing with at least five years' experience, or is supervised by a Michigan licensed mental health professional with at least five years' experience in their profession, and
b. Receives training on all of the following subjects:
    i. Court etiquette and the court procedures applicable to cases in which the agency's clients are typically involved.
    ii. The difference between legal information and legal advice.
    iii. The Accompaniment Services Provider's obligations concerning confidentiality.
    iv. The requirements of this order and the Accompaniment Services pilot project.

2. Pilot Agencies must provide data on Accompaniment Services and Accompaniment Services Providers as required by the State Court Administrative Office.

3. Pilot Agencies and Accompaniment Services Providers may not charge a Client a fee for Accompaniment Services. However, compensation for these services may be received from third parties, including but not limited to granting agencies.

E. Pilot Agency Registration

1. A Pilot Agency must register with the State Court Administrative Office and include a written description and outline of each training required by D(1)(b), including the instructor and their qualifications, the length of training, and the specific subject matter to be reviewed. The State Court Administrative Office must review the training description and outline and may request modification or deny registration if the State Court Administrative Office determines the trainings are unlikely to convey sufficient knowledge to provide effective Accompaniment Services or to comply with this order. The Pilot Agency must receive written registration confirmation for the agency and each Accompaniment Services Provider before providing Accompaniment Services under this order.

2. The State Court Administrative Office must deny a registration that does not comply with the terms of this order.

3. The State Court Administrative Office must revoke a Pilot Agency's registration for good cause shown, including a failure to comply with the terms of this order. Complaints against a Pilot Agency regarding their participation in this pilot project must be directed to the State Court

Administrative Office for review and investigation. The SCAO shall promulgate guidelines for these processes.

F. Accompaniment Services Provider Registration

1. An Accompaniment Services Provider must register with the State Court Administrative Office and must:
   a. Be at least 18 years of age;
   b. Be sponsored by a Pilot Agency and work under its supervision; and
   c. Have completed the required training for accompaniment services.

2. Former attorneys who have been disbarred and attorneys who are not in good standing are not eligible to provide Accompaniment Services.

3. The State Court Administrative Office must deny a registration that does not comply with the terms of this order.

4. The State Court Administrative Office must revoke an Accompaniment Services Provider's registration upon good cause shown, including a failure to comply with the terms of this order. Complaints against an Accompaniment Services Provider regarding their participation in this pilot project must be directed to the State Court Administrative Office for review and investigation. The SCAO shall promulgate guidelines for these processes.

G. Registration Termination

1. Pilot Agencies and Accompaniment Services Providers must immediately notify the State Court Administrative Office if they discontinue providing Accompaniment Services or if an Accompaniment Services Provider separates from the Pilot Agency. The State Court Administrative Office must terminate the Pilot Agency's or Accompaniment Services Provider's registration upon receipt of this notice.

2. Pilot Agency and Accompaniment Services Provider registration, unless revoked or terminated, shall remain active until further order of this Court.

H. Required Disclosures

Before offering Accompaniment Services to a Client, the Accompaniment Services Provider must obtain the Client's signature on a form approved by the State Court Administrative Office that contains the following information.

1. **Non-Attorney Status:** The Accompaniment Services Provider is not an attorney and cannot offer legal advice, legal representation, or legal advocacy. The services provided are strictly for accompaniment purposes,

including attending legal proceedings with you, taking notes, offering support, providing explanations of legal proceedings, and helping you clarify your answers.

2. **Confidentiality:** The Accompaniment Services Provider will maintain the confidentiality of all communications and information obtained while serving as your Accompaniment Services Provider, except when disclosure is required by law. You will be advised in writing of the Accompaniment Services Provider's and Pilot Agency's confidentiality obligations required by law, including any required disclosures.

3. **Conflict of Interest:** The Accompaniment Services Provider will not provide services to an opposing party in your legal proceeding.

4. **Outcome Responsibility:** The Accompaniment Services Provider is not responsible for the outcome of your legal proceeding.

5. **Representation:** The Accompaniment Services Provider will not provide services if you obtain legal representation in the legal proceeding, unless your attorney agrees.

6. **No Fees:** The Accompaniment Services Provider and the Pilot Agency will not charge you any fees for the services provided.

7. **Client Discontinuation:** You may discontinue receiving accompaniment services at any time.

I. No Vested Interest

Accompaniment Services Providers, Pilot Agencies, and Clients do not have a vested right or interest to continue offering or receiving Accompaniment Services. The Court reserves the right to discontinue the pilot project at any time, at its sole discretion.

J. Limitations

This order does not limit a court in exercising its discretion to allow an individual to provide any of the listed Accompaniment Services to a litigant in a legal proceeding before the court, regardless of pilot agency sponsorship or registration status with the State Court Administrative Office.

Staff Comment (ADM File No. 2023-30): The adoption of AO No. 2025-1 creates a pilot project allowing accompaniment services in legal proceedings.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 18, 2025

Clerk