

Navigating Inadequacies in Legal Counsel Access: The Arizona Supreme Court's Denial of a Proposal for an Accelerated Criminal Law License

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I. Introduction

The Arizona Supreme Court recently rejected a proposal put forward by the director of their administrative office, Dave Byers, that had the potential to institute a major change to the state's criminal law industry.¹ While Arizona's legal system should make legal counsel more accessible, the Master of Legal Studies (MLS) proposal would create a subordinate class of non-Juris Doctor (J.D.)² credentialed legal practitioners who would weaken the state's criminal law sector, cause constitutional complications, and provide subpar and potentially unjust client representation. Arizona already offers limited legal licenses to non-accredited professionals, specifically in family law and housing dispute cases.³ They also offer a Lawyer Apprenticeship Program that licenses law school graduates that closely failed the bar after two years of supervised practice specifically in a rural or government or nonprofit setting.⁴ The Lawyer Apprenticeship Program does so specifically to combat Arizona's status as a "legal desert,"⁵ as the state is characterized by a low amount of lawyers per capita compared to other U.S. states.

¹ Debra Cassens Weiss, *Proposal for One-Year Degree for Criminal Justice Lawyers Rejected by Arizona Supreme Court*, A.B.A. J. (Sept. 2025), <https://www.abajournal.com/news/article/proposal-for-one-year-degree-for-criminal-justice-lawyers-is-rejected-by-arizona-supreme-court>.

² A Juris Doctor, or J.D., is a graduate degree that prepares individuals to practice law in the United States and various other countries.

³ Arbitration Monitor, *Arizona Supreme Court Rejects Plan to Fast-Track Lawyer Licensing in Criminal Cases* (Oct. 2025), <https://arbitrationmonitor.com/arizona-supreme-court-rejects-plan-to-fast-track-lawyer-licensing-in-criminal-cases/>.

⁴ Ariz. Jud.1 Branch, *Arizona Lawyer Apprenticeship Program*, <https://www.azcourts.gov/cld/arizona-lawyer-apprenticeship-program>.

⁵ Howard Fischer, *Arizona Considers One-Year Law School Program for Criminal Defense*, Capitol Media Serv. (Sept. 2025), <https://azcapitoltimes.com/news/2025/09/02/arizona-considers-one-year-law-school-program-for-criminal-defense/>.

However, the recent MLS proposal is unique because it would allow for a robust alternative to law school and the bar altogether by only requiring a year of formal legal schooling. The MLS proposal requires participants to pass a two semester curriculum with a grade of B or higher, pass a streamlined exam, and perform supervised work under a licensed attorney for nine months.⁶ However, the urgent need for more help in law offices does not seem to outweigh the likely harms of this proposal's enactment.

II. Reasoning for Rejection and Avoided Consequences

The MLS proposal evoked a variety of reactions. Proponents of the program claim it would offer adequate and specialized training to those eventually likely to work in rural areas and offices experiencing shortages; they further state that these alternative professionals' year of intensive criminal law education actually outweighs what they would learn about the specialization in getting a traditional J.D. that spans three years.⁷ Proponents claim the proposal would eliminate some barriers to entry for becoming a legal professional, and that Arizona's shortage warrants help from more than just traditional attorneys.⁸ It is important to note that while still consequential, the work these alternative graduates would be doing would not be involving capital cases.⁹

However, those who oppose the program seem to dismiss its validity and focus on possible complications should it be implemented. Dean Brault, who serves as Director of Public Defense Services for Arizona's Pima County, described the idea as absurd and vowed he and his colleagues would not work with any of the potential program's participants.¹⁰ Laura Conover, an

⁶ Justia, *Arizona Considers New Pathway for Criminal Lawyers* (Sept. 2025), <https://news.justia.com/arizona-considers-new-pathway-for-criminal-lawyers/>.

⁷ *Id.*

⁸ Karen Sloan, *Arizona Proposes Lower Training Requirements for Criminal Defenders and Prosecutors*, Reuters (Sept. 2025), <https://www.reuters.com/legal/government/arizona-proposes-lower-training-requirements-criminal-defenders-prosecutors-2025-09-04/>.

⁹ *Id.*

¹⁰ Fischer, *supra* note 5.

attorney also based in Pima County, emphasized the double standard of broadening requirements for consequential criminal cases while keeping them the same for something like a will or estate.¹¹ There is clearly no consensus that the frequency of criminal cases necessitates more lawyers and in turn justifies such a loosening of standards.

The MLS program's approval also had financial implications, and as Arizona Attorneys for Criminal Justice stated, salaries would plummet because the MLS graduates could not reasonably demand the same salary as barred and licensed attorneys.¹² This would weaken the incentive for choosing this type of path, contribute to negative ideas about the capabilities of supplied counsel, and probably not fully solve the existing discrepancy. As a consequence, traditional J.D. holders may switch out of the industry, counties may lower their provided salaries, and the overall quality of work provided may fall.

Even with feared lower quality and more criminal lawyers in Arizona, the criminal legal system as a whole may not move faster as a result of constitutional challenges, appeals, and motions for mistrial should a convicted client feel they were represented by an unqualified attorney.¹³ Chief Justice Ann Timmer, who initially recommended that Mr. Byers look into the proposal, also expressed her concerns with this consequence in relation to the Sixth Amendment's protection of the right to competent counsel.¹⁴ Lawyers authorized to practice by more lax standards could be claimed to be relatively incompetent, not only causing additional steps in the process but calling into question if all the cases involving the alternative lawyers are

¹¹ Fischer, *supra* note 5.

¹² Sloan, *supra* note 7.

¹³ Marie J. Wilson, *Arizona's Revolutionary Criminal Law Licensing Proposal Could Transform Legal Practice*, SmartRules (Sept. 2025), <https://blogs.smartrules.com/arizonas-revolutionary-criminal-law-licensing-proposal-could-transform-legal-practice>.

¹⁴ Weiss, *supra* note 1.

valid or not, which would put a significant amount of additional strain on the state's court system as a result.¹⁵

III. Nature of the Enduring Shortage

It is important to note that the Arizona Supreme Court's decision to deny the MLS program proposal is not itself a dismissal of the problem of lack of access to legal support. It could be argued that the Court's continued interest in the topic is what helped it decide this type of remedy was harmful and inadequate. Thus, there should not be any doubt whether or not areas billed as "legal deserts" still exist or are significant; as recently as 2020, 1,300 counties across the United States were measured as having a sole attorney or less for every one thousand citizens.¹⁶ Arizona as a whole in 2024 ranked fourth to last in the country in this same statistic at 2.14 attorneys per one thousand citizens.¹⁷ The main sufferers of these low numbers and their effects are rural communities. Rural civil clients received assistance only 14% of the time in a 2020 study, and some criminal defendants in these areas waited periods spanning multiple months to be provided a public defender.¹⁸ While this issue could be simplified to a struggle to replace aging lawyers and a lack of training opportunities,¹⁹ further investigation reveals a lack of adequate technology, transportation, and literacy impede many's access to an already thin legal market,²⁰ suggesting both manpower and connectivity are struggling. Additionally, county-to-county asymmetries in procedure further complicate legal affairs, making citizens'

¹⁵ Wilson, *supra* note 12.

¹⁶ Michelle Paxton, *Preventing Legal Deserts in Our Rural Communities*, A.B.A. (Nov. 2023), <https://www.americanbar.org/groups/litigation/resources/newsletters/childrens-rights/fall2023-preventing-legal-deserts-in-our-rural-communities/>.

¹⁷ A.B.A., *Profile of the Legal Profession 2024 Demographics*, <https://www.americanbar.org/news/profile-legal-profession/demographics/> (last visited Nov. 2025).

¹⁸ Michele Statz & Paula Termuhlen, *Rural Legal Deserts Are a Critical Health Determinant*, 110 Am. J. of Pub. Health 1519 (2020).

¹⁹ *Id.*

²⁰ Lisa R. Pruitt et al., *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 13 Harv. L. & Pol'y Rev. 15 (2018).

path to just services even less straightforward.²¹ The possibility that anyone could deal with all these barriers and then in addition be represented by an unqualified lawyer or have their case face further complications greatly hurts the argument for implementing an MLS program. While legal and nonlegal professionals do not necessarily have to collaborate on an encompassing project, various groups must communicate and have a shared understanding of what contributes to the availability crisis to provide lasting solutions.

IV. Focuses for Future Solutions

Should the problem of the Arizona MLS proposal be an “inferior” class of attorneys, an alternative solution would provide specialist opportunities for traditional lawyers instead of trying to prematurely push whoever is interested into the needed roles. Seeking a lasting solution, juvenile courts in the state of Nebraska cultivated a significant interest in advocacy involving underserved communities by teaching workshops across fifty-eight counties on ethical practice involving child welfare laws.²² Participants not only showed a greater understanding but also a greater commitment to working in juvenile court in these prominently struggling counties.²³ A similar program emphasizing advocacy involving other aspects of legal deserts, such as unjust incarceration, racial injustice, poverty, and poor health, could both educate and encourage participants to pursue opportunities within these areas to contribute to change. Alternatives involving *pro se* litigants include free legal resources and libraries as well as clinics run by lawyers.²⁴ In observing the facets of legal deserts, ideally, successful initiatives would not sacrifice quality for quantity, stop making information more available for nonlawyers, nor adjust frameworks in ways that threaten compatibility with other systems. They would instead provide

²¹ *Id.*

²² Paxton, *supra* note 16.

²³ Paxton, *supra* note 16.

²⁴ Pruitt et al., *supra* note 20.

financial incentive and create more competitive environments. These more general objectives could be achieved in the form of organizational subsidies, academic initiatives, or public services that make a potential lawyer's job in current legal deserts easier and more appealing.

V. Conclusion

The Arizona Supreme Court dismissed a proposal for an alternative criminal law path through the Master of Legal Studies program, a decision rooted primarily in concern for expected causation of legal complications, dilution of attorney expertise, and unjust client outcomes. However, the proposal's shortcomings emphasized the severity of the state's continuous need for further legal accommodation in its underserved "legal deserts" that are mostly in rural areas. Complications in procedure as well as accessibility make straightforward services much less tangible, and measures to improve the circumstances of these areas should seek to attract existing lawyers and foster advocacy and development.