



## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### **Request for Proposals—November 20, 2023 Nonlawyer Assistance and Representation**

The Administrative Conference of the United States (ACUS) is accepting proposals from individuals interested in serving as a consultant(s) to study representation and other forms of assistance provided by nonlawyers to participants in federal agency adjudication.

#### **Project Description and Consultant Responsibilities**

Nonlawyers have long represented or assisted participants in federal agency adjudication.<sup>1</sup> But their role has taken on critical importance in recent years given a shortage of affordable legal services. There has been little study recently of the extent to which nonlawyers represent participants in administrative adjudication, the forms of assistance other than representation that participants receive from nonlawyers, or agency policies and practices governing representation and assistance by nonlawyers.

ACUS is now undertaking a project to examine these questions. The project will address, among other possible topics:

- Policies governing the qualifications for nonlawyer practice before agencies;
- Policies and processes for accrediting and regulating nonlawyer representatives;
- Types of formal and informal assistance other than representation (e.g., navigator programs, assistance from family members and friends, assistance by social workers and case workers);
- Initiatives to expand access to representation and assistance through nonlawyer services;
- Data on the prevalence and performance of nonlawyer representation and assistance;
- Policies governing the interaction between the agency and nonlawyer representatives or other individuals providing assistance in agency adjudication.

The study will result in a report for the Office of the Chair. If ACUS decides to put the report before its Assembly (in the first instance, before one of its committees) for the formulation of a formal ACUS recommendation, a consultant may be required to attend ACUS committee meetings and an ACUS plenary session.

The draft report will be completed by November 1, 2024, and a final report will be completed by December 27, 2024, or such later dates upon which ACUS and the consultant(s) mutually agree.

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<sup>1</sup> See Admin. Conf. of the U.S., Recommendation 86-1, *Nonlawyer Assistance and Representation*, 51 Fed. Reg. 25,641 (July 16, 1986).

ACUS may select a single consultant or assemble a team of consultants depending on the proposals it receives. Consultants will receive between \$8,000 and \$25,000, plus a budget for related expenses, depending on the number of consultants and allocation of responsibilities. The total value of consulting fees for this project will not exceed \$25,000, to be apportioned in accordance with the number of consultants and division of responsibilities.

**Submitting a Proposal and Evaluation Criteria**

If you are interested in serving as a consultant for the report, send an email to Matthew Gluth ([mgluth@acus.gov](mailto:mgluth@acus.gov)) with the phrase “ACUS Project Proposal” in the subject line. Attach your curriculum vitae to the email, along with a short (ideally no more than one page) statement identifying what you see as the primary issues that the report should address. **All responsible sources must submit a proposal by 5:00 p.m. Eastern Time on December 31, 2023, to be guaranteed consideration by the agency.**

Proposals will be evaluated based on quality, clarity, and the proposer’s qualifications. The Conference has a strong preference for consultants who have previously authored scholarly work on representation in administrative proceedings or public engagement with federal administrative programs or processes.