

Comment from Special Counsel Jeffrey S. Lubbers on *Nonlawyer Assistance and Representation*  
December 4, 2024

Here are a few comments.

Two style points on footnote 1. First I don't know why the parenthetical uses small caps. Second I would put a comma in the Fed. Reg. page cite. (this has been inconsistent--both in the past and in the three recs up for discussion this time).

In any event, I would cite it with a pincite as follows: 51 Fed. Reg. 25,641, 25,642 n.2 (July 16, 1986).

Two other comments:

1. I still think Paragraph 5 is too harsh. I would propose an amendment to say at the end "absent important extenuating circumstances." I say this because I believe a disbarred lawyer could rehabilitate himself enough to provide this kind of representation before an agency and that paragraph 11 would provide enough of a safeguard. Also there is nothing barring a convicted felon non-lawyer from participating, so why totally exclude disbarred lawyers. Especially when there is a shortage of representation in some programs.

2. I also don't like the "name and shame" aspect of Paragraph 15. I think the government should engage in such stigmatizing as little as possible. At most, the names of representatives who are currently *persona non grata* would be enough. It may also discourage representation that is needed. It also seems to cover situations where a representative who has been too aggressive is bounced from a case without more.

I would suggest an amendment to the first sentence in Paragraph 15 as follows: "To inform and protect future participants, agencies should publish on their websites the names of nonlawyer representatives who are currently barred from serving as representatives ~~have been sanctioned,~~ ~~the nature of the sanction, and, as relevant, the specified period of the sanction.~~