

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UPSOLVE, INC. and REV. JOHN UDO-
OKON,

Plaintiffs,

v.

LETITIA JAMES, in her official capacity as
Attorney General of the State of New York,

Defendant.

Case No. 1:22-cv-627-PAC

**MEMORANDUM OF LAW IN SUPPORT OF UNOPPOSED MOTION FOR LEAVE
TO FILE BRIEF OF PROFESSOR REBECCA L. SANDEFUR AS *AMICA CURIAE* IN
SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

Professor Rebecca L. Sandefur hereby submits this Memorandum of Law in support of her motion for leave to file a brief as *amica curiae* in support of Plaintiffs’ Motion for a Preliminary Injunction. As set forth in the accompanying Declaration of Peter Karanjia, Plaintiffs’ counsel has stated that Plaintiffs consent to the relief requested in Professor Sandefur’s motion, and the Attorney General’s counsel has stated that the Attorney General takes no position on the motion.

STATEMENT OF INTEREST

Dr. Rebecca L. Sandefur is a leading scholar and sociologist with expertise in access to civil justice. She is Professor in the College of Liberal Arts and Sciences at Arizona State University and Faculty Fellow at the American Bar Foundation (ABF), an independent, non-partisan research organization focused on the study of law and legal processes. In 2018, Professor Sandefur was named a MacArthur Fellow for her development of a new evidence-based approach to access to civil justice for low-income people.

Professor Sandefur has served on a number of commissions exploring ways to improve access to justice in the United States and globally, including with the American Bar Association, the American Academy of Arts and Sciences, the Organisation for Economic Co-operation and Development (OECD), and the World Bank. She co-chaired a project at the American Academy to improve the collection and use of data about civil justice in the United States. Her work, which has been funded by the National Science Foundation, has received numerous awards, including from the National Center for Access to Justice (2015) and the National Center for State Courts (2020). In 2013, she was The Hague Visiting Chair in the Rule of Law.

ARGUMENT

“An amicus brief should normally be allowed . . . when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to

provide.” *C & A Carbone, Inc. v. Cty. of Rockland, NY*, No. 08-CV-6459-ER, 2014 WL 1202699, at *3–4 (S.D.N.Y. Mar. 24, 2014) (quoting *Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1063 (7th Cir. 1997)). Professor Sandefur’s proposed brief easily satisfies that standard. As noted, Professor Sandefur has focused her academic career on access to justice issues, and she is widely recognized as an expert in that field. Professor Sandefur’s expertise is evident in her proposed brief, in which she reviews social science research that supports plaintiffs’ claim that qualified nonlawyers can perform an essential role in helping people to protect their rights in debt collection proceedings. Professor Sandefur’s knowledge of the field is a product of her research over several decades on the barriers that prevent people from securing access to justice.

Specifically, Professor Sandefur’s brief provides the Court with data that document the magnitude of the access to justice crisis, including its detrimental effects on not only the individuals directly involved, but also on the courts and the justice system more broadly. Professor Sandefur also discusses the efficacy of nonlawyers in helping mitigate access to justice issues, including nonlawyers working in plaintiff Upsolve’s “Justice Advocates” program. The evidence shows that these nonlawyers can be highly effective in providing quality advice to help bridge the access to justice gap, especially where legal aid and *pro bono* legal representation are in short supply. This evidence therefore provides the Court with valuable information to inform the Court’s analysis of plaintiffs’ claims.

CONCLUSION

For the reasons stated above, Professor Sandefur respectfully requests that her motion for leave to file a brief as *amica curiae* be granted.

March 2, 2022

Respectfully submitted,

/s/ Peter Karanjia

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