

MULTISERVICE BUSINESSES AND SOCIAL MOBILITY: REFORM TO LIFT COMMUNITY LEADERS

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ABSTRACT

In 2020, Senator Elizabeth Warren launched her presidential campaign in Lawrence, Massachusetts—an economically struggling former mill city. F&M Multiservices was across the street from her press conference. Multiservice businesses pervade urban communities with large immigrant populations, providing a mix of multilingual services like tax preparation, travel, and translation. Multiservice businesses have long been viewed skeptically in legal literature as they are typically analyzed through the lens of immigration law and scrutinized due to legitimate concerns about fraud. This Article analyzes the value of multiservice businesses from the perspective of urban law and poverty law and argues that multiservice businesses like F&M Multiservices are an untapped resource that could do more to support urban communities and advance social mobility with an improved regulatory framework.

This Article uses multiservice business as an example of how law reform can contribute to place-based approaches to development and the advancement of social mobility by amplifying community-devised solutions. I argue that multiservice businesses have the potential to increase access to justice, both in the sense of access to legal counsel and justice in a broader sense, and community economic development (CED) for both the multiservice business entrepreneur and the community in which the multiservice business operates. As the access to justice movement considers broadening its scope and involving more nonlawyers and as the CED movement looks for strategies that will create economic opportunities and build community power, I argue that multiservice businesses, when properly regulated, can help close access to justice gaps and be a productive source of community power. I submit a prescription for the regulation of multiservice businesses as an example of how law reform can ease the path of those striving for upward mobility by supporting strategies devised in the community.

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INTRODUCTION

The American Dream is best defined by the promise of upward social mobility.¹ Despite the popular embrace of the ideal of the American Dream, the United States has experienced a decline in social mobility² and an increase in inequality, particularly relative to our European peers.³ While some have questioned the premise and viability of the American Dream in the context of the racism that exists in this country,⁴ it continues to loom large in the national psyche.⁵

Often, academic debate about the social mobility of specific communities pits a “people-based approach” against a “place-based approach.”⁶ The people-based approach attaches policy interventions to individuals (e.g., a housing voucher that would follow a particular family), while the place-based approach attaches policy interventions to physical communities (e.g., an affordable housing development in a low-income neighborhood).⁷

This Article does not seek to resolve the debate between people-based and place-based approaches or to question its framing (which many have). Rather, it seeks to point out how law reform can improve place-based approaches, which is to support and amplify solutions to advance social mobility that are already arising from within disadvantaged communities. It does so with the example of a particular industry—multiservice businesses.

Barriers blocking people from taking advantage of government programs or other available legal options create “access to justice gaps.” These gaps are the difference between the number of people who could benefit from the government program or legal option and the number of people who actually do. For immigrant populations, these gaps are driven not only by language but by culture and trust.

Fortunately, there are trusted leaders in struggling communities who are already helping bridge those gaps. They are owners of multiservice

1. *The American Dream*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/the%20American%20dream> (last visited Oct. 11, 2021) (defining the American Dream) (“[A] happy way of living that is thought of by many Americans as something that can be achieved by anyone in the U.S. especially by working hard and becoming successful.”).

2. Xi Song, Catherine G. Massey, Karen A. Rolf, Joseph P. Ferrie, Jonathan L. Rothbaum, & Yu Xie, *Long-Term Decline in Intergenerational Mobility in the United States Since the 1850s*, 117 *PROC. NAT’L ACAD. SCI. U.S.* 251, 255 (2020).

3. THOMAS PIKETTY, *CAPITAL IN THE TWENTY-FIRST CENTURY* 349 (Arthur Goldhammer trans., 2014) (discussing wealth inequality in Europe versus the United States from 1810-2010).

4. See, e.g., Ibram X. Kendi, *The American Nightmare*, *THE ATLANTIC* (June 1, 2020), <https://www.theatlantic.com/ideas/archive/2020/06/american-nightmare/612457/>.

5. *Americans Overestimate Social Mobility in Their Country*, *THE ECONOMIST* (Feb. 14, 2018), <https://www.economist.com/graphic-detail/2018/02/14/americans-overestimate-social-mobility-in-their-country>.

6. Randall Crane & Michael Manville, *People or Place? Revisiting the Who Versus the Where of Urban Development*, *LINCOLN INST. OF LAND POL’Y, LAND LINES* 2, 2 (2008).

7. *Id.* at 2–3.

businesses, which provide needed services such as immigration, tax, travel, translation, and finance.⁸

One such trusted community leader in a Boston neighborhood with a large Latinx population is Eduardo.⁹ Eduardo regularly wires money to foreign countries.¹⁰ He also sells cell phones, makes photocopies, and mails packages.¹¹ Customers also come to him to buy bus or train tickets and for information on getting a driver's license or taking a U.S. citizenship course.¹² Sometimes he will order specific books they seek.¹³ Eduardo's wife and son used to help out, and he also had an employee who spoke English well enough to do some translation work and notarize documents, but now he works alone.¹⁴

Whenever his clients want something that he does not have the answer for, he tries to look it up or find someone who can help.¹⁵ The Dominican Consulate in Boston is a common source for information as is the local community development corporation and chamber of commerce.¹⁶

Businesses like Eduardo's can contribute to social mobility for the owners of the businesses and the customers they serve. The right law reform could amplify those contributions.

For local governments seeking to close access to justice gaps in their communities, working with multiservice business owners is a way to increase access to justice and community economic development (CED) for both the business owners and the communities in which they work.

Multiservice businesses, however, are not without drawbacks. The principal concern that attracts attention from policymakers is the real and significant potential for "notario fraud."¹⁷

Notario fraud is a scam where businesses pretend to have the ability to offer immigration assistance by taking advantage of the meaning of "notary" in some immigrants' countries of origin.¹⁸ *Notario* fraud can happen

8. See, e.g., *Welcome to Latinos Multi-Services!*, LATINOS MULTI-SERVICES, <https://www.tax-prepoffice.com/> (last visited Oct. 11, 2021); *Income Tax & Immigration Services*, MARIA'S MULTISERVICE, <https://www.mariasmultiservice.com/> (last visited Oct. 11, 2021); Interview with Eduardo (Oct. 2, 2020) (name has been changed for anonymity) (on file with author). The *Denver Law Review* received notes from the author from the interview and used these notes to verify the assertions from this interview.

9. Interview with Eduardo, *supra* note 8.

10. *Id.*

11. *Id.*

12. *Id.*

13. *Id.*

14. *Id.*

15. *Id.*

16. *Id.*; *Consulate General of Dominican Republic in Boston, Massachusetts*, EMBASSIES.INFO, <https://embassies.info/ConsulateofDominicanRepublicinBostonMassachusetts> (last visited Oct. 11, 2021).

17. Cori Alonso-Marsden, "Strong Words, Gentle Deeds": *Evaluating the Effectiveness of the Maryland Immigration Consultant Act Five Years On*, 4 LEGIS. & POL'Y BRIEF 75, 82–83 (2012).

18. Careen Shannon, *Regulating Immigration Legal Service Provider: Inadequate Representation and Notario Fraud*, 78 FORDHAM L. REV. 577, 588 (2009).

when the perpetrator promises to work for the client, takes their money, and does nothing.¹⁹ It can also happen when the perpetrator promises a certain outcome for the client and then files paperwork that has no chance of success or is fraudulent.²⁰

In an example from a case in Massachusetts, the Attorney General's Office caught Gerson Barahona and his company, Gerlatin Modeling and Legal Sub-Contractor Co. LLC engaging in *notario* fraud and ordered him to pay \$155,760 in restitution.²¹ Barahona falsely held himself out as an attorney. Barahona also charged his victims for services that did nothing to help them, including filing applications to programs for which Barahona knew or should have known his customers were ineligible for.²²

There are painful consequences caused by fraudulent multiservice business owners who abuse their positions of trust by providing immigration services while purporting to be immigration experts or stealing client tax refunds.²³ Those businesses have been rightly maligned. Efforts to prevent *notario* fraud should continue and any law reform that would uplift multiservice businesses should also address the industry's risks.

Eduardo, the multiservice business owner in Boston, is aware of the problem of *notario* fraud.²⁴ Yet, he is proud of his track record and believes his clients' trust is his most important asset.²⁵ He has been doing business in his neighborhood for fifteen years.

For too long, the positive contributions of businesses such as Eduardo's have been downplayed in urban law and poverty law literature. This Article seeks to remedy the one-sided stance toward multiservice businesses by offering a fuller look at their value within urban neighborhoods across the country. Too often, multiservice businesses are analyzed solely from the perspective of immigration law. This Article broadens the lens to show how multiservice businesses serve their communities and how they could be supported to make even greater contributions.

This Article puts forth a proposal for regulatory reform with three goals: (1) better prevent *notario* fraud, (2) help multiservice businesses close the access to justice gaps that their customers experience, and (3) advance CED by empowering local entrepreneurs. I will show how multiservice businesses acting in good faith can advance many goals of the

19. See Jean C. Han, *The Good Notario: Exploring Limited Licensure for Non-Attorney Immigration Practitioners*, 64 *VILL. L. REV.* 165, 171 (2019).

20. See *id.*; see also Shannon, *supra* note 18, at 578.

21. Press Release, Office of Att'y Gen. Maura Healey, Waltham Man Ordered to Pay More than \$150,000 for Unauthorized Practice of Immigration Law (Sept. 21, 2016), <https://www.mass.gov/news/waltham-man-ordered-to-pay-more-than-150000-for-unauthorized-practice-of-immigration-law-0>.

22. *Id.*

23. See, e.g., Han, *supra* note 19, at 171–73.

24. Interview with Eduardo, *supra* note 8.

25. *Id.*

access to justice and CED movements. These goals include economic opportunity for and community empowerment of diverse populations.

This Article is grounded in my experience working with multiservice business clients as part of a legal aid practice in Massachusetts. However, this Article specifically examines Chicago, Illinois. I examine Chicago because it has developed its own local regulatory approach to the problem of *notario* fraud for which we have detailed data on both the prevalence of the services that are recognized formally by licensed businesses and the enforcement over several years.²⁶

This Article examines Chicago's approach, analyzing enforcement actions to put forward a case study of a community that has proactively addressed the *notario* fraud problem. The case study also highlights the limits of an approach based on licensing and sets up an argument for introducing voluntary certification and incentives.

This Article aims to provide a clear-headed assessment of the risks of bringing multiservice businesses into the fold of CED so that the proposed law reform can address those risks. I fully acknowledge the danger of *notario* fraud and that voluntary certification does not eliminate that danger. I argue that the regulatory framework proposed here would do more to prevent that danger than the status quo does.

Part I of this Article examines what law reform may contribute to social mobility, starting with the example of multiservice businesses. Part II defines multiservice businesses and examines what they do. Part III analyzes how multiservice businesses are regulated today. Part IV asks what role multiservice businesses could play in communities, analyzing the businesses from the theoretical perspectives of the access to justice and CED movements. Finally, Part V proposes a new local regulatory framework that would allow multiservice businesses to reach more of the potential for multiservice businesses to help the communities in which they operate and mitigate their risks, as identified in Part IV.

The regulatory framework suggested here would establish a voluntary certification program for multiservice businesses. The certification would benefit these businesses by putting them on referral lists and opening opportunities for contracts (e.g., interpretation contracts), in turn helping local governments reach communities they have a hard time reaching.

26. Excel Data Spreadsheet Current Active Business Licenses from public records requests (on file with author) [hereinafter Current Active Business Licenses] (list of travel, tax, and immigration licenses issued to businesses in Chicago); Excel Data Spreadsheet 4-44 and -240 Fines 2013 YTD2020 from public records requests (on file with author) [hereinafter Fines 2013 YTD2020] (list of fines issued to businesses under Chicago's tax, travel, and immigration ordinances). The author obtained this data from the City of Chicago through public records requests. The author drew empirical findings for this article from this data. The raw data and the formulas that pull from the raw numbers are on file with the author.

I. LAW REFORM AND SOCIAL MOBILITY

Private law does not explicitly aim to create social mobility. Lawyers certainly help clients enforce rights that spring from policies that aim to produce social mobility (like freedom from discrimination) or acquire rights associated with social mobility that aim to generate social mobility (like affordable housing).²⁷ However, the central aim of much of private law is to help people protect and preserve wealth.²⁸ Private law allows people to enforce their rights.²⁹ Not many argue that people have a specific right to be upwardly mobile.

While private law does not traditionally consider social mobility as an explicit aim, social mobility is front and center in politics and the policies that politics produce. Many policies emanate from the ideal of the American Dream and its pursuit of upward mobility. For example, policymakers often invoke the American Dream in discussions about education,³⁰ immigration,³¹ labor unions,³² and more. So, although private law may be of less use in advancing social mobility, law reform strategies that improve policies meant to deliver upward social mobility can be helpful.

There has also been a major focus in academic discussions about policies that support social mobility through housing and residential desegregation, reignited recently by new evidence of upward social mobility for participants in a 1990s housing voucher program.³³ The success of the housing voucher program is strong evidence of the efficacy of a people-based approach to CED. Still, there are questions about the political viability of a people-based approach and their efficacy at scale,³⁴ as well as tradeoffs with what happens to the communities left behind³⁵ and the potential disruption effects to the people who move.³⁶ Thus, place-based

27. See Crane & Manville, *supra* note 6 (discussing strategies such as affordable housing). See generally Song et al., *supra* note 2 (analyzing social mobility in the United States).

28. See *Private Law*, Black's Law Dictionary (11th ed. 2019) (defining private law) ("The body of law dealing with private persons and their property and relationships.")

29. *Id.*

30. See, e.g., Allan Golston, *The American Dream: 'Education is the Key'*, U.S. CHAMBER OF COM. FOUND. (June 9, 2016), <https://www.uschamberfoundation.org/blog/post/american-dream-education-key>.

31. See, e.g., Cardiff Garcia, *The American Dream and the Children of Immigrants*, NPR (Nov. 4, 2019, 6:22 PM), <https://www.npr.org/2019/11/04/776191773/the-american-dream-and-the-children-of-immigrants>.

32. See, e.g., Rachel Warino, *New Report Shows Unions Are a Pathway to the American Dream*, CAL. LAB. FED'N (May 31, 2018), <https://calaborfed.org/new-report-shows-unions-are-a-pathway-to-the-american-dream/>.

33. Raj Chetty, Nathaniel Hendren, & Lawrence F. Katz, *The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Project*, 106 AM. ECON. REV. 855, 856–57 (2016).

34. PATRICK SHARKEY, *STUCK IN PLACE: URBAN NEIGHBORHOODS AND THE END OF PROGRESS TOWARD RACIAL EQUALITY* 177 (2013) (raising questions about the political viability of large-scale residential mobility programs and their efficacy in reducing concentrated poverty if participation is high enough).

35. GANESH SITARAMAN, *THE GREAT DEMOCRACY* 169 (2019).

36. Chetty et al., *supra* note 33, at 858 (explaining the disruption effects for older children who move).

policies will continue to be relevant,³⁷ driving this Article's inquiry into how law reform could improve a place-based approach.

Another reason why place-based policies continue to be relevant, and therefore this Article's contribution to improving the place-based approach through law reform, is immigration. Social mobility and the idea of the American Dream connect strongly to the country's immigrant tradition.³⁸ Immigrants tend to congregate geographically among support networks, so broadening the view of how law reform could support immigrant communities would also improve strategies for place-based CED.

Policymakers are particularly focused on upward mobility in their approach to low-income communities in urban areas. Their focus often includes, sometimes explicitly and sometimes implicitly, attention to immigrant communities.³⁹

Senator Elizabeth Warren launched her 2020 presidential campaign from Lawrence, Massachusetts.⁴⁰ Lawrence is a former industrial mill city with a large immigrant population.⁴¹ According to the U.S. Census Bureau, approximately 81% of Lawrence residents are Hispanic or Latino, approximately 41% are foreign-born, and approximately 78% speak a language other than English at home.⁴²

Senator Warren's choice to launch her presidential campaign in Lawrence was symbolic. The city was meant to represent the places that would benefit from "big, structural change," spurred by her conclusion that "the path to economic security had gotten tougher and rockier for working families, and even tougher and even rockier for people of color."⁴³

Former President Donald Trump keyed in on a similar issue, with a much different understanding of the cause and solution, when he listed

37. Michelle D. Laysner, *The Pro-Gentrification Origins of Place-Based Investment Tax Incentives and a Path Toward Community Oriented Reform*, 2019 WIS. L. REV. 745, 757 (2019) ("[C]oncentrated poverty presents a serious challenge to equality in America and, by disproportionately affecting minority populations, may also contribute to racial inequality. At the most basic level, these inequities are problems faced by lawmakers, who often point to place-based investment tax incentives as tools to help address issues like these.").

38. Chris Arnade, *Immigrants and the American Dream*, AM. COMPASS (July 20, 2020), <https://americancompass.org/the-commons/immigrants-and-the-american-dream/>; see also Brandon Vallorani, *Immigration and the American Dream*, FORBESBOOKS, <https://forbesbooks.com/immigration-american-dream/> (last visited Oct. 11, 2021).

39. Kriti Ramakrishnan, Elizabeth Champion, Megan Gallagher, & Keith Fudge, *Why Housing Matters for Upward Mobility*, URBAN INST. (Jan. 2021), <https://www.urban.org/sites/default/files/publication/103472/why-housing-matters-for-upward-mobility-evidence-and-indicators-for-practitioners-and-policymakers.pdf>.

40. Tom McCarthy, *Senator Elizabeth Warren Officially Launches 2020 Presidential Campaign*, THE GUARDIAN (Feb. 9, 2019, 12:23 PM), <https://www.theguardian.com/us-news/2019/feb/09/senator-elizabeth-warren-democrat-2020-presidential-campaign>.

41. *About the City*, CITY OF LAWRENCE, Massachusetts, <https://www.cityoflawrence.com/501/About-the-City> (last visited Oct. 11, 2021).

42. *Lawrence City, Massachusetts*, U.S. CENSUS BUREAU, <https://www.census.gov/quick-facts/lawrencecitymassachusetts> (last visited Oct. 11, 2021).

43. Shannon Young, *Elizabeth Warren's 2020 Announcement Speech*, MASS LIVE (Feb. 9, 2019, 1:11 PM), <https://www.masslive.com/politics/2019/02/read-elizabeth-warrens-2020-announcement-speech.html>.

“[m]others and children trapped in poverty in our inner cities” as the first count of his indictment of “American carnage” in his inaugural address.⁴⁴ Boston Magazine pursued a similar line of thinking to former President Trump in analyzing the very city from which Senator Warren launched her presidential campaign: “Crime is soaring, schools are failing, government has lost control, and Lawrence, the most godforsaken place in Massachusetts, has never been in worse shape.”⁴⁵

While there may be questions about the willingness of some to follow through on addressing these issues, or even the motivations for raising them, opportunities for low-income families concentrated in urban communities is at least referenced as a major goal across the political spectrum.⁴⁶ Given the lack of progress and consensus on solutions, that goal has also proven to be quite elusive.⁴⁷

Presidential campaign announcements and inauguration speeches stand at the opposite end of the government hierarchy from where legal academic literature has sought to find solutions for economic opportunity. Over the last few decades, legal academic literature has focused on the lack of economic opportunities in urban communities by looking for solutions “from the ground up” in local communities.⁴⁸

This Article argues that legal academic literature has failed to take seriously enough the solutions that communities have already devised to meet their own needs and realize the full potential of supporting and amplifying those strategies. Multiservice businesses are an example of this. Other examples of solutions advancing social mobility that communities

44. Politico Staff, *Full Text: 2017 Donald Trump Inauguration Speech Transcript*, POLITICO (Jan. 20, 2017, 12:49 PM), <https://www.politico.com/story/2017/01/full-text-donald-trump-inauguration-speech-transcript-233907>.

45. Jay Atkinson, *Lawrence, MA: City of the Damned*, BOSTON MAG. (Feb. 28, 2012, 3:19 AM), <https://www.bostonmagazine.com/news/2012/02/28/city-of-the-damned-lawrence-massachusetts/>.

46. See Young, *supra* note 43 (focal point of Senator Warren’s speech); see also *Bipartisan Bill Seeks to Expand Housing Choice and Opportunity for Low-Income Families in Rental Assistance Program*, CHRIS COONS (May 20, 2021), <https://www.coons.senate.gov/news/press-releases/bipartisan-bill-seeks-to-expand-housing-choice-and-opportunity-for-low-income-families-in-rental-assistance-program> (outlining a bipartisan effort to help low-income families via improvement to low-income housing); *House Releases Spending Bill for Affordable Housing and Community Development*, NAT’L LOW INCOME HOUSING COAL. (July 8, 2020), <https://nlihc.org/resource/house-releases-spending-bill-affordable-housing-and-community-development>.

47. Katherine M. Gehl & Michael E. Porter, *Fixing U.S. Politics*, HARV. BUS. REV. (July-Aug. 2020), <https://hbr.org/2020/07/fixing-u-s-politics>.

48. RASHMI DYAL-CHAND, LEGAL SCHOLARSHIP FOR THE URBAN CORE: FROM THE GROUND UP 228 (Peter Enrich ed., 2019) (“[L]egal scholarship . . . that is distinguished by the authors’ engaged focus on the fine-grained details of particular institutions or processes on the ground . . . we refer to as ‘from-the-ground-up.’”); *id.* at 243 (“Perhaps in this area, stories and learning grounded in detailed examples may be the very knowledge that law-oriented change agents need.”).

have already devised from the ground up include collaborative vocational training⁴⁹ and community health workers.⁵⁰

This Article demonstrates how law reform can bolster strategies devised in the community from the ground up and in so doing, support needed place-based approaches to CED. This Article offers a prescription for such strategy through the regulation of multiservice businesses. This Article focuses on this industry because of the illuminating link between multiservice businesses and social mobility and aims to use this example to generate inquiry into the law's regulation of social mobility efforts.

Down the street from where Senator Warren launched her presidential campaign is F&M Multiservices, one of likely dozens of multiservice businesses in the City of Lawrence.⁵¹ The Google Maps image of the business shows that as of November 2020, F&M Multiservices helped customers pay bills, make copies, and more.⁵² Someone at F&M Multiservices is engaged politically—the storefront window, mainly covered with signs advertising the services provided, also had signs for Bernie Sanders and a local city council candidate.⁵³

This Article argues that multiservice businesses like F&M Multiservices are an untapped resource for policymakers seeking to support urban communities and advance social mobility.

There is a lot that is unknown about multiservice businesses. Exactly how prevalent are they? How closely do the business and its customers

49. RASHMI DYAL-CHAND, COLLABORATIVE CAPITALISM IN AMERICAN CITIES: REFORMING URBAN MARKET REGULATIONS 163 (2018) (“It is also noteworthy – and rather extraordinary – that training and vocational education play such a critical role in all three of these collaborative business networks. Their importance bespeaks the prioritization of workers in such networks.”).

50. *Who We Are*, AM. PUB. HEALTH ASS'N., <https://www.apha.org/apha-communities/member-sections/community-health-workers/who-we-are> (last visited Oct. 11, 2021) (“In 1970, some 500 community health workers and their supporters joined together within APHA to form [sic] the New Professionals Special Primary Interest Group. Their name was chosen in protest of the many terms used to describe them, including non-professional, sub-professional, aide, auxiliary and para-professional.”).

51. MJ Lee & Gregory Krieg, *Elizabeth Warren Kicks off Presidential Bid with Challenge to Super Wealthy – and Other Democrats*, CNN POLITICS (Feb. 9, 2019, 3:38 PM), <https://www.cnn.com/2019/02/09/politics/elizabeth-warren-campaign-kickoff-massachusetts/index.html>; 15 Union St, Lawrence, MA, 105 Essex St, Lawrence, MA, GOOGLE MAPS, <https://www.google.com/maps/dir/15+Union+St,+Lawrence,+MA+01840/105+Essex+St,+Lawrence,+MA+01840/@42.7078398,-71.1563945,17z/data=!3m1!4b1!4m14!4m13!1m5!1m1!1s0x89e307a9d1eb8cbb:0x24cab9805dc428fe!2m2!1d-71.1531139!2d42.708399!1m5!1m1!1s0x89e307a87c7bc215:0x8eaf50fe74d6a29a!2m2!1d-71.1562067!2d42.7079445!3e0> (last visited Oct. 11, 2021) (directions between where Elizabeth Warren launched her campaign and the business F&M Multiservices).

52. 105 Essex St, Lawrence, Massachusetts, GOOGLE MAPS (Nov. 2020), <https://www.google.com/maps/place/105+Essex+St,+Lawrence,+MA+01840/@42.7077475,-71.1562147,3a,75y,1.55h,90t/data=!3m7!1e1!3m5!1saBXmNrPm-piRYm8heH0RhJQ!2e0!6shhttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2Fv1%2Fthumb-nail%3Fpanoid%3D86%26h%3D86%26yaw%3D1.5533899%26pitch%3D0%26thumb-fov%3D100!7i16384!8i8192!4m5!3m4!1s0x89e307a87c7bc215:0x8eaf50fe74d6a29a!8m2!3d42.7079445!4d-71.1562067> (Google Maps image of F&M Multiservices storefront).

53. *Id.*

align by specific countries of origin? How much variation exists in the specific services they provide? How often are these businesses taking advantage of customers by defrauding, overcharging, or negligently providing services? How profitable are these businesses? Do they offer any growth potential for owners and employees? Are the businesses interested in a more ambitious vision of the role that they could play?

Those questions are important and, unfortunately, beyond this Article's scope. What this Article does aim to answer are the following: What are multiservice businesses? How are they regulated today? What role could they play in helping their communities and advancing social mobility? How could law reform of current regulations help them play that role? Could such law reform inform our perspective on larger questions about the role of law, including whether it should more directly support social mobility? What might this example teach us about how the law could reduce inequality?

II. WHAT ARE MULTISERVICE BUSINESSES?

Multiservice businesses as an industry do not register high name recognition. But if you walk through an urban neighborhood with a significant immigrant population, you will see multiservice business storefronts everywhere.⁵⁴ The signs on their storefronts often list the various services they provide.⁵⁵ For example, if you walked down South Ewing Avenue in Chicago, as you reach the corner of East 105th Street you would see the storefront signs for 10th Ward Alderman Susan Sadlowski Garza's district office, American Legion Illiana Post No. 220, Bumper to Bumper Autoparts, Ewing Liquors, and Multi-Viajes Alejandra Inc. (MVA).⁵⁶ MVA's large brown sign depicts an airplane circling the businesses' initials with the following services listed below: travel agency, income taxes, and immigration services.⁵⁷

Policymakers are more apt to be aware of multiservice businesses from the threat of *notario* fraud. *Notario* fraud is a term for the fraudulent provision of immigration legal services.⁵⁸ The phenomenon is named for the perpetrator's tactic of describing themselves as a "*notario publico*."⁵⁹ In many Latin American countries, a *notario publico* is a high, trusted

54. Laura Collins, *Immigrant Entrepreneurs Drive Main Street's Growth*, GEORGE W. BUSH INST. (2019), <https://www.bushcenter.org/catalyst/capitalism/collins-immigrants-drive-main-street-growth.html>; see also Julian Chow, *Multiservice Centers in Chinese American Immigrant Communities: Practice Principles and Challenges*, 44 SOC. WORK 70, 71 (1999) (outlining a popular example of multiservice business communities as seen in Chinatowns).

55. See, e.g., *105 Essex St, Lawrence, Massachusetts*, *supra* note 52.

56. *Alejandra Multi-Viajes Inc.*, GOOGLE MAPS (July 2019), <https://www.google.com/maps/place/Alejandra+Multi-Viajes+Inc/@41.7047248,-87.5352609,19z/data=!4m2!1m6!3m5!1s0x8811d87750e5034f:0x58b715d24f6d1ffe!2sAlejandra+Multi-Viajes+Inc!8m2!3d41.7048314d-87.5351367!3m4!1s0x8811d87750e5034f:0x58b715d24f6d1ffe!8m2!3d41.7048314d-87.5351367>.

57. *Id.*

58. Shannon, *supra* note 18, at 588–89.

59. *Id.* at 588.

office equivalent to a distinguished attorney.⁶⁰ In the United States, just about anyone can become a notary.⁶¹ By becoming a notary, the fraudulent *notario* advertises their service as a *notario publico*, creating the false impression that they are qualified to provide immigration legal services.⁶² Such misleading advertisements can have dire consequences—from overcharging to incompetence to outright theft.⁶³ It is important that this type of fraud be stopped and prevented.⁶⁴ But referring to the industry of multiservice businesses as *notarios* is not accurate or fair.

First, many multiservice businesses do not advertise as *notarios*.⁶⁵ MVA lists its top three services as travel, tax, and immigration and holds licenses to provide all three types of services.⁶⁶ In a recent MVA Facebook post, “notary services” is listed fifteenth out of sixteen services, including after “apostilled,” the authentication of official documents for use abroad.⁶⁷ Second, not all multiservice businesses that offer notary services are fraudulent. Why should an entire industry be labeled by its worst actors? Third, the *notario publico* label is specific to the issues caused by the term’s meaning in Latin American countries.⁶⁸ There are plenty of multiservice businesses that cater to immigrants from other countries.⁶⁹

Other commentators use the term “immigration consultant,”⁷⁰ which limits the scope to just one of the many services that these businesses provide.

The term “multiservice business” is more appropriate. Of the roughly 900 businesses licensed in Chicago to provide immigration assistance, tax preparation, or travel booking, about 40% contained the word “service.”⁷¹ For example, “Multiservicios Los Andes” on West Lawrence Avenue, licensed by the City of Chicago to provide immigration assistance, communicates in its name that it offers many other services (in their case, tax, translation, shipping, and printing, scanning, and faxing).⁷² The

60. Han, *supra* note 19, at 170–71.

61. *See id.* at 171 (explaining the qualification threshold for being a notary).

62. *Id.*

63. *Id.*

64. *See id.* (stating the current industry is “fertile ground for abuse in an industry that is not regulated”).

65. *Id.* at 172.

66. *Multi-Viajes Alejandra, Inc.*, FACEBOOK, <https://www.facebook.com/AlejandraRodriguezMVA> (last visited Oct. 11, 2021); *see also* Current Active Business Licenses, *supra* note 26.

67. *Multi-Viajes Alejandra*, *supra* note 66.

68. Han, *supra* note 19, at 170.

69. Examples from Chicago include the Polish Services Agency, the Islamic & Arab Community Service Office and African Social and Human Services Inc. POLISH AM. ASS’N, <https://www.polish.org/en/> (last visited Oct. 11, 2021); *Islamic & Arab Community Service Office*, ARAB AM., <https://www.arabamerica.com/business-directory/18872/islamic-arab-community-service-office-4/> (last visited Oct. 13, 2021); AFR. SOC. & HUM. SERVS., <https://www.afrisos.org> (last visited Oct. 11, 2021).

70. Andrew F. Moore, *Fraud, the Unauthorized Practice of Law and Unmet Needs: A Look at State Laws Regulating Immigration Assistants*, 19 GEO. IMMIGR. L.J. 1, 3 (2004).

71. Current Active Business Licenses, *supra* note 26.

72. *Id.*; MULTISERVICIOS LOS ANDES, <http://multiservicioslosandes.com> (last visited Oct. 11, 2021).

distinguishing feature of a multiservice business is that it provides more than one service.⁷³ Only ten of those 900 businesses used notary or *notaria* in their name.⁷⁴ None used *notario*.⁷⁵

Multiservice businesses are local. They are typically owned and operated by the founder.⁷⁶ Some have employees, though they generally begin as a solo operation.⁷⁷ They cater to immigrant populations and typically offer services in languages other than English.⁷⁸

For example, M.R. International Income Tax Services (M.R.), with its main office on West Fullerton Ave in Chicago and a branch in Libertyville, Illinois, explains on its website that the owner, Maria Rojas, began the business as a way to develop close relationships with her clients.⁷⁹ Maria's two sons have since joined the business.⁸⁰ Though their website is in English, M.R.'s Facebook page has equal amounts of information in English and Spanish.⁸¹ On Google and Facebook, the business has mostly strong reviews, including some in Spanish.⁸² One review claims to be from a customer of eight years, and many of the reviews reference the family nature of the business.⁸³

Multiservice businesses' ability to help their customers with the intersection of multiple issues, rather than confining assistance within a single-issue silo, is the core of their value proposition. This is valuable because customers facing barriers to accessing justice on one issue will oftentimes face the same barriers on other issues.⁸⁴ Working with one multiservice business saves the customer time and resources.⁸⁵ Consider the challenges for a low-income immigrant who is expected to find someone to help, verify their competence and availability, and schedule an appointment for each discrete issue.

73. See Jared Nicholson, *Offering Transactional Legal Aid to Low-Income Entrepreneurs*, 6 IND. J.L. & SOC. EQUAL. 1, 22 (2018); Edgar Flores, *Legal Service Awareness of the Latino Population in Southern Nevada*, 19 TEX. HISP. J.L. & POL'Y 33, 44 (2013) (finding references to multiservice businesses when polling Latino population about legal services); Han, *supra* note 19, at 172 n.33.

74. See Current Active Business Licenses, *supra* note 26.

75. See *id.*

76. See CHRISTIAN KROHN-HANSEN, *MAKING NEW YORK DOMINICAN, SMALL BUSINESS, POLITICS, AND EVERYDAY LIFE* 275 (2013).

77. See, e.g., M.R. INT'L INCOME TAX SERVS., <https://www.rojastaxes.com/> (last visited Oct. 11, 2021).

78. See KROHN-HANSEN, *supra* note 76.

79. M.R. INT'L INCOME TAX SERVS., *supra* note 77.

80. *Id.*

81. M.R. International Income Tax Services, FACEBOOK, <https://www.facebook.com/mrinternational/> (last visited Oct. 11, 2021).

82. *Id.*; M.R. INT'L INCOME TAX SERV. E-FILING REVS., GOOGLE, <https://www.google.com/search?client=safari&rls=en&q=mr+international+income+tax+service&ie=UTF-8&oe=UTF-8#lrd=0x880fd290133c3053:0xb84a2ea11713d76d,1,,> (last visited Oct. 11, 2021).

83. M.R. INT'L INCOME TAX SERV. E-FILING REVS., *supra* note 82 ("I have more than 8 years receiving the service with them."); *id.* ("Best family owned business.").

84. See *Justice Gap Report*, L. SERVS. CORP., <https://www.lsc.gov/our-impact/publications/other-publications-and-reports/justice-gap-report> (last visited Oct. 11, 2021).

85. See Flores, *supra* note 73, at 44.

A nonprofit or local government can provide similar services as multiservice businesses. What distinguishes multiservice businesses is that the owner has identified a gap in the services provided by the public and nonprofit sector and is filling that gap through entrepreneurship that draws on their ties to the customer base (whether personal, linguistic, or cultural). In this way, multiservice businesses are another example of how immigrant or other marginalized groups find ways to meet their own needs when American society does not address their needs.⁸⁶

The common thread throughout these services is that they address access-to-justice gaps in the communities that multiservice businesses serve by overcoming common barriers that their customers experience.⁸⁷ These barriers may otherwise prevent these customers from taking advantage of government programs or remedies available under the law.⁸⁸

Immigration assistance attracts the most attention to multiservice businesses from policymakers, but there are many other services that these businesses provide.⁸⁹

Tax preparation is a common service provided by multiservice businesses.⁹⁰ Multiservice businesses who offer this service compete with other tax preparation services like Liberty Tax or H&R Block.⁹¹ They also compete with nonprofit services like the Internal Revenue Service's (IRS) Volunteer Income Tax Assistance (VITA).⁹²

Language translation is another common service. Providing translations is often at the heart of other services like immigration or tax.⁹³ For example, a customer who would otherwise be able to fill out a form themselves but does not speak English, which is the language of the form, would use the multiservice business to fill out the form for them.

86. See, e.g., MICHAEL HABER, LEGAL ISSUES IN MUTUAL AID OPERATIONS: A PRELIMINARY GUIDE, HOFSTRA U. LEGAL STUDIES RSCH. PAPER SERIES 2 (2020) ("Even if we just consider the last century in the global north, mutual aid has been repeatedly turned to as a tool by oppressed people, people in need, and social change movements: in the U.S., African-Americans, Jews, and recent immigrants formed dozens of fraternal and sororal societies that supported mutual aid among members in the nineteenth and early-twentieth centuries.").

87. See Anne E. Langford, *What's in a Name?: Notarios in the United States and the Exploitation of a Vulnerable Latino Immigrant Population*, 7 HARV. LATINO L. REV. 115, 126 (2004).

88. See Robert C. Davis & Edna Erez, *Immigrant Populations as Victims: Toward a Multicultural Criminal Justice System*, NAT'L INST. JUST. RSCH. BRIEF 2 (1998). There are many potential barriers for customers. In this Article, I discuss language, financial resources, bureaucracy, education, awareness, technology, time, trust, culture, provider capacity, and program eligibility.

89. See *Legal Experts Warn Immigrant Families: Beware of 'Notario' Scams*, NBC NEWS (Nov. 30, 2014, 7:41 AM), <https://www.nbcnews.com/news/latino/legal-experts-warn-immigrant-families-beware-notario-scams-n256671>; see also MULTISERVICIOS LOS ANDES, *supra* note 72.

90. See *Need Someone to Prepare Your Tax Return?*, INTERNAL REVENUE SERV., <https://www.irs.gov/tax-professionals/choosing-a-tax-professional> (Aug. 6, 2021).

91. See, e.g., *Latino Multiservicios*, DENVER COLO. TAX, <http://www.denvercolora-dotax.com/business/profile/133460/latino-multiservicios> (last visited Oct. 11, 2021).

92. See Sarah Elizabeth Adler, *Find Free Tax Prep Help Near You*, Am. Ass'n Retired Perss., <https://www.aarp.org/money/taxes/info-2018/aarp-tax-help-fd.html> (Feb. 12, 2021).

93. See *Immigration*, MULTISERVICIOS LOS ANDES, <http://multiservicioslosandes.com/inmigracion/> (last visited Oct. 11, 2021).

Travel booking is another common service provided by multiservice businesses. This includes arranging travel to and from the country of origin of the immigrant community served by that multiservice business.⁹⁴ Money exchange and remittance that focuses on particular countries are other travel-related services.

Some multiservice businesses also offer various financial services. These services include credit repair, financial counseling and budgeting, insurance, and bookkeeping.⁹⁵ Other services I have seen multiservice businesses perform are job counseling and resumé preparation,⁹⁶ real estate searches, and assisting with business entity formation.⁹⁷ Finally, the most basic service offered is processing paperwork—printing, copying, scanning, and faxing—when all the customer lacks is the equipment.⁹⁸

Data is sparse on the prevalence of multiservice businesses.⁹⁹ One survey of low-income immigrant households estimated 13% of immigrants have used a nonlawyer *notario*, which provides some empirical confirmation that these businesses are prevalent.¹⁰⁰

The same data showed 70% of clients were satisfied with the immigration services provided by nonlawyers, compared with 54% satisfaction with legal aid agencies, 65% with private attorneys, and 85% with law firms.¹⁰¹ There might be explanations beyond competence and quality as to why clients were more satisfied with nonlawyers than with legal aid agencies. For example, the legal aid lawyers may have had less time to spend with any given client or had restrictions on the kinds of clients they could work with or cases they could take. But there is some empirical support from this one survey that gives credence to the observational conjecture that some customers continue to pay for services provided by nonlawyers because they are satisfied.¹⁰²

94. See KROHN-HANSEN, *supra* note 76, at 275.

95. See, e.g., *Servicios de La Familia Multiservice*, LA FAMILIA MULTISERVICES, <https://lafamiliamultiservices.com/servicios/> (last visited Oct. 11, 2021).

96. See Rashmi Dyal-Chand & James V. Rowan, *Developing Capabilities, Not Entrepreneurs: A New Theory for Community Economic Development*, 42 HOFSTRA L. REV. 839, 862 n.148 (2014) (citing SUDHIR ALLADI VENKATESH, *OFF THE BOOKS: THE UNDERGROUND ECONOMY OF THE POOR* 32 (Harv. Univ. Press eds., 1st ed. 2006)).

97. See Eric Franklin Amarante, *Criminalizing Immigrant Entrepreneurs (and Their Lawyers)*, 61 B.C. L. REV. 1323, 1356 (2020) (discussing the common practice of forming LLCs) (“Indeed, the practice has become commonplace enough to support a private industry for helping undocumented immigrants form LLCs.”).

98. MULTISERVICIOS LOS ANDES, *supra* note 72.

99. Han, *supra* note 19, at 171–72.

100. Rebecca L. Sandefur, *Legal Advice from Nonlawyers: Consumer Demand, Provider Quality, and Public Harms*, 16 STAN. J. C.R. & C.L. 283, 290 (2020) (citing ROBERT L. BACH, INST. FOR RSCH. ON MULTICULTURALISM AND INT’L LAB., *BECOMING AMERICAN, SEEKING JUSTICE: THE IMMIGRANTS’ LEGAL NEEDS STUDY* 12–13 (1996)).

101. *Id.* at 301. This data is from one survey conducted almost thirty years ago across only five cities.

102. Jeanne Charn, *Celebrating the “Null” Finding: Evidence-Based Strategies for Improving Access to Legal Services*, 122 YALE L. J. 2206, 2229 (2013) (“[A] substantial body of survey research shows that, contrary to lawyers’ assumptions, lay people often prefer informal advice services even when attorney assistance is available.”).

I write about the importance of multiservice businesses from experience. I live and work in a city north of Boston with a large immigrant population—Lynn, Massachusetts. I was introduced to multiservice businesses in Lynn and have become friends with many multiservice business owners.

In Lynn, a city of about 100,000 people, I can think of over twenty multiservice businesses. The multiservice business owners I know organize flag days for their countries of origin at city hall. They sponsor community organizations and resource fairs. They anchor city storefronts. They are an integral part of the community.

My experience with multiservice business owners who have been my clients in a transactional legal aid practice is that they are hardworking, resourceful community leaders. I could easily see them as lawyers if they had had those educational opportunities. They are helping solve problems on behalf of community members and the broader community. Most importantly, they are trying to do what is best for their customers and their communities while making a sustainable living.

All this is to say, I have had positive personal experiences with multiservice business owners in my city. But that takes nothing away from the horrible consequences that victims of *notario* fraud experience. That is why I chose to analyze multiservice businesses in a community where I have no stake.

This Article includes an analysis of multiservice businesses in Chicago. I chose Chicago because it has identified and acted to address the issue of *notario* fraud.¹⁰³ The regulatory system that was implemented by Chicago can offer lessons to other communities where multiservice businesses are common, like Lynn, Massachusetts and Lawrence, Massachusetts. The following Part analyzes how multiservice businesses are regulated today, including the example from Chicago. To ultimately arrive at a potential prescription for regulatory reform that would support multiservice businesses as a community-led solution and aid place-based CED, we first need to understand how multiservice businesses are currently regulated.

III. HOW ARE MULTISERVICE BUSINESSES REGULATED TODAY?

Multiservice businesses are not regulated specifically as an industry.¹⁰⁴ However, the individual services that multiservice businesses provide—immigration, tax, financial services—are heavily regulated.¹⁰⁵ Multiservice business owners also operate in some areas that are adjacent to law practice and are therefore subject to the rules restricting the

103. CHI., ILL., MUN. CODE § 4-6-240 (2007); CHI., ILL., MUN. CODE § 4-44 (2007); CHI., ILL., MUN. CODE § 4-4-020 (2007).

104. See Han, *supra* note 19, at 173.

105. *Id.*

unauthorized practice of law (UPL).¹⁰⁶ Finally, multiservice business owners are subject to general consumer protection laws.¹⁰⁷ However, as a specific industry, multiservice businesses are frequently ignored or sporadically subject to enforcement against fraud and UPL.¹⁰⁸

A. Immigration Regulation

There is a patchwork of licensing regimes around the country for immigration consultants—nonlawyers who work on immigration matters.¹⁰⁹

The exact parameters of what a nonlawyer can do on immigration matters depends on whether the local jurisdiction has any regulations in place. Generally, translation and gathering documents are supposed to be the extent of immigration assistance that nonlawyers, including multiservice business owners, may provide under the law.¹¹⁰

Recognizing the need for more immigration assistance, the Department of Justice (DOJ) created a way for nonlawyers to become “accredited representatives” affiliated with the nonprofit Recognized Organizations.¹¹¹ These nonlawyers may represent immigrant clients before the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR), which includes the immigration courts and the Board of Immigration Appeals (BIA).¹¹² However, multiservice businesses are not eligible to become accredited representatives because they must affiliate with Recognized Organization and can typically charge only a “nominal fee.”¹¹³ Other exceptions to the rule against nonlawyers representing clients on immigration matters apply to certain individuals who have a preexisting relationship with the immigrant client and representatives of the immigrant client’s foreign government, which would not apply to multiservice businesses.¹¹⁴

Despite these small windows for nonlawyers to provide assistance on immigration matters, experts continue to call for additional qualified providers to meet the demand for immigration help.¹¹⁵ Other programs have

106. Moore, *supra* note 70, at 10.

107. *Id.* at 3.

108. Careen Shannon, *To License or Not to License? A Look at Differing Approaches to Policing the Activities of Nonlawyer Immigration Service Providers*, 33 *CARDOZO L. REV.* 437, 471 (2011).

109. *Id.* at 442.

110. Moore, *supra* note 70, at 12; Shannon, *supra* note 108, at 463.

111. *Department of Justice Recognition and Accreditation Program: Building Legal Capacity in your Organization*, U.S. CITIZENSHIP & IMMIGR. SERVS., https://www.uscis.gov/sites/default/files/document/guides/DOJ_RA_tip_sheet_crc.pdf (last visited Oct. 11, 2021).

112. *Id.*; 8 C.F.R. § 1292.1(a)(4) (2017).

113. *Recognition and Accreditation Program Frequently Asked Questions*, DEP’T OF JUST.: EXEC. OFF. FOR IMMIGR. REV., OFF. OF POL’Y, OFF. OF LEGAL ACCESS PROGRAMS (Dec. 2016), <https://www.justice.gov/eoir/file/olap-ra-faqs/download>.

114. 8 C.F.R. § 292.1 (2011); *Immigration Court Practice Manual*, DEP’T OF JUST.: THE OFF. OF THE CHIEF IMMIGR. JUDGE (Dec. 2016).

115. Shannon, *supra* note 108, at 456; Monica Schurtman & Monique C. Lillard, *Remedial and Preventative Responses to the Unauthorized Practice of Immigration Law*, 20 *TEX. HISP. J.L. & POL’Y* 47, 114 (2014).

recognized that gap in assistance.¹¹⁶ For example, New York has a Community Navigators program that aims to create a network of local leaders to disseminate accurate information for immigrant communities.¹¹⁷ Villanova University offers an interdisciplinary immigration studies training program for advocates that aims to increase the supply of immigration assistance using existing federal programs.¹¹⁸

B. Tax Regulation

Tax help is lightly regulated by the federal government¹¹⁹ but mostly left to the market to self-regulate.¹²⁰ Few states have any basic competency requirements for commercial tax preparers.¹²¹

The IRS makes different levels of representation available to different types of tax help providers.¹²² All tax return preparers must have an IRS-issued preparer tax identification number to legally prepare tax returns for compensation.¹²³ Practitioners with unlimited representation rights are: (1) “enrolled agents,” who are licensed by the IRS and must pass suitability and competency checks; (2) certified public accountants; and (3) attorneys.¹²⁴ These groups have unlimited representation rights and may represent their clients on any tax matter.¹²⁵

If a tax return preparer does not fall under one of these three credentialed categories, then the IRS offers them limited representation rights.¹²⁶ The preparers that fall under this category are “annual filing season program participants,” a voluntary certification for tax filers that promotes compliance through incentives, and “PTIN holders,” those that have active preparer tax identification numbers but do not fall into the other categories.¹²⁷ Unlike the three groups of credentialed practitioners, tax return preparers with limited representation rights may only represent clients before revenue agents, customer service representatives, and other IRS

116. See, e.g., *ONA Community Navigators*, N.Y. STATE: OFF. FOR NEW AMS., https://dos.ny.gov/locationsearch/community-navigators?f%5B0%5D=location_filter_term%3A1476 (last visited Oct. 11, 2021).

117. *Id.*

118. *VIIISTA – Villanova Interdisciplinary Immigration Studies Training for Advocates*, VILL. UNIV., <https://www1.villanova.edu/university/professional-studies/academics/professional-education/viista.html> (last visited Oct. 11, 2021).

119. *Understanding Tax Return Preparer Credentials and Qualifications*, INTERNAL REVENUE SERV., <https://www.irs.gov/tax-professionals/understanding-tax-return-preparer-credentials-and-qualifications> (Nov. 3, 2020).

120. *Our Tax Professionals*, H&R BLOCK, <https://www.hrblock.com/tax-offices/our-tax-pros/> (last visited Oct. 11, 2021) (“The above certifications are awarded by H&R Block based upon training completed and do not represent any certification from a government or other independent agency.”).

121. Leslie Book, *U.S. Refundable Credits: The Taxing Realities of Being Poor*, 4 J. TAX ADMIN. 71, 92 (2018).

122. INTERNAL REVENUE SERV., *supra* note 119.

123. *Id.*

124. *Id.*

125. *Id.* (explaining that these agents may represent their clients before the IRS as well as in legal actions and appeals).

126. *Id.*

127. *Id.*

employees.¹²⁸ Additionally, these tax return preparers can only represent clients whose returns they prepared and signed.¹²⁹

C. Financial Services Regulation

The Credit Repair Organizations Act regulates credit repair, bans false or misleading representations, and mandates some disclosures in the offering or sale of credit repair services.¹³⁰

Credit counseling is different than credit repair.¹³¹ The DOJ maintains a centralized list of approved credit counseling agencies.¹³² However, those agencies are approved specifically to work in the bankruptcy process.¹³³ The Consumer Financial Protection Bureau (CFPB) recommends working with a credit counselor that is certified or accredited.¹³⁴ The two main accreditation organizations are the Financial Counseling Association of America and the National Foundation for Credit Counseling.¹³⁵

D. Language Access Regulation

There are specific laws requiring language access in certain situations, like interpreters in federal court.¹³⁶ Laws prohibiting discrimination create language access rights in other contexts, like public schools.¹³⁷ State and local jurisdictions can also impose their own language access obligations, as Washington D.C. has.¹³⁸

There are various ways interpreters can become professionally certified for different contexts, but there is no universal regulatory approach to interpretation and translation.¹³⁹ Multiservice businesses are free to offer their services as they see fit.¹⁴⁰ Public agencies may set their own

128. *Id.*

129. *Id.*

130. 15 U.S.C. §§ 1679–1679j.

131. *Credit Repair: How to Help Yourself*, FED. TRADE COMM’N (Nov. 2012), <https://www.consumer.ftc.gov/articles/0058-credit-repair-how-help-yourself>. A credit counseling agency can fall under the Credit Repair Organizations Act if the credit counseling agency is acting like a credit repair agency and has committed fraud. *See Polacsek v. Debtticated Consumer Counseling, Inc.*, 413 F. Supp. 2d 539, 545–46 (D. Md. 2005).

132. U.S. DEP’T JUST., LIST OF CREDIT COUNSELING AGENCIES APPROVED PURSUANT TO 11 U.S.C. § 111.

133. 11 U.S.C. § 111.

134. CONSUMER FIN. PROT. BUREAU, WHAT IS CREDIT COUNSELING? (2018).

135. *Id.*

136. 28 U.S.C. § 1827.

137. Cristina M. Rodriguez, *Language and Participation*, 94 CALIF. L. REV. 687, 706 (2006).

138. Off. Of Hum. Rts., *Know Your Rights: Language Access*, DC.GOV, <https://ohr.dc.gov/service/know-your-rights-language-access> (last visited Oct. 13, 2021) (“The DC Language Access Act obligates the DC government to provide equal access . . . for residents . . . who cannot . . . speak, read, or write English.”); *see also* David J. Jung, Noemí O. Gallardo, & Ryan A. Harris, *Language Access Laws and Legal Issues: A Local Official’s Guide*, 10 HASTINGS RACE & POVERTY L.J. 31, 56 (2013) (discussing California cities with language access ordinances).

139. LANGUAGE CONNECTIONS, *What are the Requirements to be a Legal or a Court Interpreter?*, <https://interpretertrain.com/what-are-the-requirements-to-be-a-legal-or-a-court-interpreter/> (last visited Oct 11, 2021).

140. *See, e.g., MARIA’S MULTISERVICE*, *supra* note 8.

requirements when hiring interpreters.¹⁴¹ However, the language access obligations are imposed on the agencies administering a particular program rather than on the interpreter.¹⁴²

E. UPL

Multiservice business owners operate in some areas that are adjacent to the practice of law. Rules prohibiting UPL also regulate operations adjacent to the practice of law.¹⁴³ Those rules set the boundaries around what constitutes the practice of law and therefore, what constitutes UPL if performed by nonlawyers.¹⁴⁴

Literature on *notario* fraud frequently comments that state rules ban the authorized practice of law and prohibit multiservice business owners from practicing law.¹⁴⁵ This aspect of the regulatory approach to multiservice business owners is most relevant to the immigration assistance provided by multiservice businesses.¹⁴⁶ Other services that multiservice businesses provide, like tax and financial services, have a lot more room for a nonlawyer to operate before encroaching on legal practice.¹⁴⁷

F. Consumer Protection

Laws on the books already prohibit the fraudulent activities that are the most feared risks of multiservice businesses.¹⁴⁸ State consumer protection statutes prohibit consumer fraud.¹⁴⁹ While some state statutes are more helpful than others, *notario* fraud is a form of consumer fraud in every state.¹⁵⁰

For example, Massachusetts' consumer protection statute¹⁵¹ allows the "Attorney General and consumers to take legal action against unfair or deceptive conduct in the marketplace."¹⁵² A helpful example offered by the Officer of Consumer Affairs and Business Regulation (a state consumer protection agency), notes that Chapter 39A would be violated if "[a] business fails to tell you relevant information regarding your product or

141. Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 72 Fed. Reg. 2731, 2735 (Jan. 22, 2007).

142. See Jung et al., *supra* note 138, at 46.

143. MODEL RULES OF PRO. CONDUCT r 5.5 (AM. BAR ASS'N 2019).

144. *Id.*

145. Alonso-Marsden, *supra* note 17, at 86.

146. Polacsek v. Debticated Consumer Counseling, Inc., 413 F. Supp. 2d 539, 541 (D. Md. 2005).

147. See *id.* at 543–44.

148. Alonso-Marsden, *supra* note 17, at 93.

149. NAT'L CONSUMER L. CTR., CONSUMER PROTECTION IN THE STATES: A 50-STATE EVALUATION OF UNFAIR AND DECEPTIVE PRACTICES LAWS (2018).

150. Alonso-Marsden, *supra* note 17, at 94.

151. Regulation of Business Practices for Consumers Protection, MASS. GEN. LAWS ch. 93A, § 2(a) (2021) ("Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.").

152. MASS.GOV, *The Massachusetts Consumer Protection Law*, <https://www.mass.gov/service-details/the-massachusetts-consumer-protection-law> (last visited Oct. 3, 2021).

service or misleads you in any way.”¹⁵³ Massachusetts directs the public to report any cases of fraud to the Attorney General, who launched a campaign to protect the public against *notario* fraud in 2018.¹⁵⁴

G. Example of Local Regulation: Chicago, Illinois

The City of Chicago has an extensive local licensing regime for businesses.¹⁵⁵ Three license categories are directly relevant to multiservice businesses: immigration assistance and tax preparation (which each have their own license categories) and travel agency (which is a subcategory of a catchall “regulated business” category).¹⁵⁶

The approach to the regulation of immigration assistance follows the approach of a lot of the state legislation on immigration consultants.¹⁵⁷ It relies on businesses getting the required license and making required disclosures to their customers.¹⁵⁸ A page on the city’s website warns: “Before working with an immigration service provider (also known as a ‘*notario*’), always ask to see their City of Chicago license.”¹⁵⁹ It continues: “If you find an unlicensed *notario*, or a *notario* that is NOT providing you the legally required statements and disclosures, please immediately call 311 to report this.”¹⁶⁰

The Illinois Consumer Fraud and Deceptive Business Practices Act shapes Chicago’s regulation of immigration assistance.¹⁶¹ It lists the specific activities that immigration assistance providers can do and regulates fees for those activities.¹⁶² Other statutory requirements are a separate state registration, malpractice insurance, a written customer contract, and specified signage.¹⁶³

Chicago’s regulation of tax preparation services uses a similar approach to its regulation of immigration services.¹⁶⁴ Chicago has a required

153. *Id.*

154. Press Release, Off. of Att’y Gen. Maura Healey, AG Healey’s Office Launches Campaign about Pervasive Illegal Immigration Law Practices (Feb. 14, 2018), <https://www.mass.gov/news/ag-healeys-office-launches-campaign-about-pervasive-illegal-immigration-law-practices>.

155. *See generally*, CHI., ILL., MUN. CODE § 4-4-010 et seq. (2020).

156. *See, e.g., id.* § 4-6-240 (immigration); *id.* § 4-44 et seq. (tax preparation); *id.* § 4-4-020 (catchall provision for businesses and occupations not provided for by other code provisions, including travel agencies).

157. Moore, *supra* note 70, at 11.

158. DEP’T OF BUS. AFF. & CONSUMER PROT., BE INFORMED. BE PROTECTED. IMMIGRATION SERVICES, <https://www.chicago.gov/content/dam/city/depts/bacp/Consumer%20Information/20210303bacpconsumerprotectionimmigrationservices.pdf> (last visited Oct. 11, 2021).

159. OFF. OF THE MAYOR, OFF. OF NEW AMS., *Frequently Asked Questions*, https://www.chicago.gov/city/en/depts/mayor/supp_info/office-of-new-americans/faq.html#legitimateserviceprovider (last visited Oct. 13, 2021).

160. *Id.*

161. 815 ILL. COMP. STAT. 505/2AA (2020).

162. *Id.*

163. *Id.*

164. *See Tax Preparer Business Information*, CHI.: BUS. AFFAIRS & CONSUMER PROT., https://www.chicago.gov/city/en/depts/bacp/supp_info/tax_preparer_businessinformation.html (last visited Oct. 11, 2021); *accord* 815 ILL. COMP. STAT. 505/2AA.

disclosure template for tax preparers to publish their prices.¹⁶⁵ A city flyer about tax preparation recommends that taxpayers “[l]ook for a City of Chicago Business License prominently displayed and visible to the customers.”¹⁶⁶ Tax preparers must also give customers a copy of the “Consumer Bill of Rights Regarding Tax Preparation Services.”¹⁶⁷

Chicago’s regulation of immigration assistance and tax preparation includes exemptions for recognized professions.¹⁶⁸ Attorneys and nonprofits recognized by the DOJ are exempt from immigration assistance rules.¹⁶⁹ Attorneys, certified public accountants, and government workers are exempt from tax preparation rules.¹⁷⁰

In examining the regulatory system that Chicago has created, I analyzed data obtained via public records requests. I also spoke with several representatives from the City of Chicago and Office of the Illinois Attorney General, an immigration lawyer and advocate, and an attorney and law professor who is an expert on local regulation and represents small businesses.

While Chicago has addressed the issue of *notario* fraud head-on, its approach has drawbacks. The Chicago system requires businesses to charge fixed prices for specific services.¹⁷¹ This requirement can be difficult for businesses given that the same issue for different customers can require radically different amounts of work.¹⁷²

The city’s approach to enforcement included an initial proactive push when the immigration ordinance went into effect in 2013.¹⁷³ In the first two years under the ordinance, twenty-five businesses were fined (ten in 2013 and fifteen in 2014).¹⁷⁴

165. See *Income Tax Preparation Disclosure Form*, CITY OF CHI., <https://www.chicago.gov/content/dam/city/depts/bacp/Consumer%20Information/20190116taxprepdisclosure-form.pdf> (last visited Oct. 11, 2021).

166. DEP’T OF BUS. AFFS. & CONSUMER PROT., *Know Before You Hire a Tax Preparer*, CITY OF CHI., <http://dig.abclocal.go.com/wls/documents/2015/021315-wls-iteam-tax-preparer-flyer.pdf> (last visited Oct. 11, 2021).

167. DEP’T OF BUS. AFFS. & CONSUMER PROT., *I Am Using a Paid Tax Preparer . . . What Are My Rights?*, CITY OF CHI., <https://www.chicago.gov/content/dam/city/depts/bacp/Consumer%20Information/20161102consumerbillofrightstaxpreparer.pdf> (last visited Oct. 11, 2021).

168. CHI., ILL., MUN. CODE § 4-6-240(b) (2020); *id.* § 4-44-010.

169. CHI., ILL., MUN. CODE § 4-6-240(b).

170. *Id.* § 4-44-010.

171. Interview with Elizabeth Kregor, Lecturer in L., Univ. of Chi. Law Sch. (Mar. 12, 2020). The *Denver Law Review* received notes from the author taken during the interview and used these to confirm the assertions.

172. *Id.*

173. See *Immigration Assistance Providers Rules and Regulations*, CITY OF CHI. BUS. AFFS. & CONSUMER PROT. (Mar. 6, 2013), <https://www.chicago.gov/content/dam/city/depts/bacp/Rules%20and%20Regulations/immigrationassistanceproviders-rulesregs20130306.pdf>; see also Interview with Ivan Capifali, Deputy Comm’r, City of Chi. Dep’t of Bus. Affs. and Consumer Prot. (Oct. 6, 2020). The *Denver Law Review* received notes from the author taken during the interview and used these to confirm the assertions.

174. See *Fines 2013 YTD2020*, *supra* note 26 (limiting data on sheet to fines issued under the immigration ordinance for the years 2013 and 2014, where the business was found liable by plea and

After the initial wave of proactive enforcement, the city's enforcement efforts were limited to responding to specific consumer complaints.¹⁷⁵ In the next three years, there were four businesses fined (one in 2015, zero in 2016, and three in 2017).¹⁷⁶

There was a second proactive push in 2018 when five businesses were fined.¹⁷⁷ None were fined in 2019.¹⁷⁸ Of the thirty-four fines from 2013 to 2019, six fines were levied against businesses that had been fined once already.¹⁷⁹

An observer of the Chicago system¹⁸⁰ argued that the initial flurry of enforcement around the ordinance for tax preparation was not the success that the City of Chicago touted but a sign that businesses had not received the opportunity to be properly trained on the new rules.¹⁸¹

Representatives from the City of Chicago believe that the licensing system has successfully curbed fraud.¹⁸² Their position is that enforcement is down because the need for enforcement has diminished due to the ordinance's success.¹⁸³ They conducted an outreach campaign when the tax and immigration ordinances first went into effect and continue to do outreach each year around tax season.¹⁸⁴ Based on experience with the initial enforcement push in 2013 and the second enforcement push in 2018, the city anticipates the need for proactive enforcement pushes every few years.¹⁸⁵ An interpretation less charitable to the city's position would be that the amount of improper activity is relatively constant and that more improper activity will be uncovered during any proactive enforcement push.

Anecdotally, the supply of free immigration services from nonprofits and the supply of services from the private immigration bar has

paid a fine); *see also* Excel Spreadsheet Data 20-FR-982 Tax and Immigration Service Fines from public records requests (on file with author) [hereinafter Tax and Immigration Service Fines].

175. *See* Press Release, Dept. of Just. Off. of Pub. Affs., *Federal Court Permanently Shuts Down Chicago Tax Preparer*, U.S. DEPT. OF JUST. (Aug. 20, 2021), <https://www.justice.gov/opa/pr/federal-court-permanently-shuts-down-chicago-tax-preparer>.

176. *See* Fines 2013 YTD2020, *supra* note 26 (limiting data on sheet to fines issued under the immigration ordinance for the years 2015, 2016, and 2017, where the business was found liable by plea and paid a fine).

177. *See id.* (limiting data on spreadsheet to fines issued under the immigration ordinance for the year 2018, where the business was found liable by plea and paid a fine).

178. *See id.* (limiting data on spreadsheet to fines issued under the immigration ordinance for the year 2019, where the business was found liable by plea and paid a fine).

179. *See id.* (limiting data on spreadsheet to fines issued under the immigration ordinance, where the business was found liable by plea and paid a fine) (furthering limiting data to non-repeat date and docket numbers to eliminate duplicates).

180. *See* Interview with Elizabeth Kregor, *supra* note 171.

181. *See id.*

182. *See* Interview with Ivan Capifali, *supra* note 173.

183. *See id.*

184. *See id.*

185. *See* Tax and Immigration Service Fines, *supra* note 174.

increased.¹⁸⁶ This increase may have also contributed to a decline in the need for enforcement. If the supply of available immigration services increased, then the demand for immigration help from multiservice businesses could have decreased.

A few trends emerge from the data on licenses issued and enforcement actions taken in this subject area. A total of fifty-three licenses have been issued to immigration assistance businesses.¹⁸⁷ Since the ordinances for the immigration assistance license came into effect in 2013, twenty-nine businesses received fines.¹⁸⁸ Of the fifty-three businesses that were licensed to provide immigration assistance, thirty-eight were subject to enforcement action and thirty-one were fined (eighteen for immigration, thirteen for tax).¹⁸⁹

The city taking enforcement action against over 70% of licensed businesses in a particular industry is quite high. It is possible that the denominator of that ratio (i.e., the total number of licensed businesses) is artificially low due to multiservice businesses operating without the right licenses.¹⁹⁰

To quickly see whether the operation of unlicensed multiservice businesses was prevalent, I used Google Maps to look at a couple of streets in the center of Ward 22, which had a relatively high concentration of licensed immigration assistance businesses.¹⁹¹ On two main streets there was one business licensed to provide immigration assistance, thirteen businesses licensed to provide tax preparation services, three businesses licensed to provide travel services, and four businesses licensed to provide both tax preparation and travel services.¹⁹² On those two streets, there were a total of twenty-one multiservice businesses listed in Chicago's registry.¹⁹³ Searching Google Maps, there were only a handful of multiservice businesses that did not appear on the list of licensed businesses but whose

186. Interview with Fred Tsao, Senior Pol'y Couns., Ill. Coal. for Immigrant and Refugee Rights (Aug. 17, 2020). The *Denver Law Review* received notes from the author taken during the interview and used these to confirm the assertions.

187. See Current Active Business Licenses, *supra* note 26.

188. See Fines 2013 YTD2020, *supra* note 26 (limiting data on spreadsheet to fines issued under the immigration ordinance, where the business was found liable by plea and paid a fine and only counting the unique businesses not repeat fines).

189. See *id.*

190. See, e.g., Marina Martin, *Can You Start Multiple Businesses on the Same License?*, CHRON, <https://smallbusiness.chron.com/can-start-multiple-businesses-same-license-13689.html> (explaining that opening additional businesses of different types may require a new license).

191. Google Maps looks at a point in time and would only allow businesses that have street-level storefront signs to be counted. The same would be true for the method of physically walking the street. It is possible there are more multiservice businesses that are not licensed and do not have storefront signs.

192. See, e.g., *Gallardo One Stop Services, Inc.*, <https://gallardo1stopservicesinc.business.site/> (last visited Oct. 14, 2021) (located at 5306 S. Pulaski Rd in Ward 22). The two main streets used for this analysis were W. 26th and Pulaski in Ward 22.

193. See *id.*; see also Current Active Business Licenses, *supra* note 26. The two main streets used for this analysis were W. 26th and Pulaski in Ward 22.

name suggested they were multiservice businesses (between two and four depending on the interpretation of the name of their business).¹⁹⁴

There are many more licensed businesses in the areas of tax preparation and travel agencies than immigration. There is a total of 685 licensed tax preparation businesses and 188 licensed travel agencies.¹⁹⁵ Thirty-five businesses had more than one license.¹⁹⁶ Three businesses had all three.¹⁹⁷ Twelve businesses had immigration and tax licenses.¹⁹⁸ Two businesses had travel and immigration licenses, and twelve businesses had travel and tax licenses.¹⁹⁹ However, judging by the names of the businesses, many more businesses presented as offering multiple services.²⁰⁰ For example, ten businesses that were licensed for immigration or tax but not travel had the word “travel” in their name.²⁰¹

The pace of tax-related enforcement against tax preparation businesses follows less of a pattern. Fines were levied against 81 businesses in 2013, 165 in 2014, 154 in 2015, a recent high of 268 in 2016 before dropping off to 46 in 2017, 15 in 2018, and 34 in 2019.²⁰² Overall, of the 685 currently licensed tax preparation businesses, 397 (or almost 60%) have been subject to enforcement.²⁰³

Travel agency businesses were also less apt to be subject to enforcement. Since 2014, the city fined nine businesses for an issue related to their travel services.²⁰⁴ Licensed travel agencies have also been fined for immigration or tax-related issues, bringing the total number of travel agencies subject to some enforcement in these areas to thirty-three (or 18%) of licensed travel agencies.²⁰⁵

There are several conclusions we could draw from these numbers. First, tax preparation licenses are much more common than licenses for

194. See, e.g., *MultiServicios Las Americas, Inc.*, GOOGLE MAPS <https://www.google.com/maps/place/MultiServicios+Las+Americas+Inc.+%E2%80%99Tittles+and+Plates%E2%80%99/@41.8441715,-87.7288712,18z/data=!4m5!3m4!1s0x880e33e97a74dd0f:0xa42f000069e0887f!8m2!3d41.8440757!4d-87.727947> (last visited Oct. 14, 2021) (located off W. 26th St. in Ward 22). This business is not listed under licensed tax, immigration, or travel businesses. See Current Active Business Licenses, *supra* note 26. The two main streets used for this analysis were W. 26th and Pulaski in Ward 22.

195. See Current Active Business Licenses, *supra* note 26.

196. See *id.*

197. See *id.* (Gomez Enterprises & Tax Services, Inc.).

198. See *id.* (comparing list of immigration and list of tax licenses for duplicates).

199. See *id.* (comparing list of travel and list of immigration licenses; comparing list of travel and list of tax licenses for duplicates).

200. See *id.* An example on the Current Active Business Licenses spreadsheet is United Tax and Travel, a business with only a travel license but whose name suggests tax and travel services. See *id.*

201. See *id.*

202. See Fines 2013 YTD2020, *supra* note 26.

203. *Id.*; Current Active Business Licenses, *supra* note 26.

204. See Excel Data Spreadsheet 20-FR-982 Travel Agency Fines from public records requests (on file with author) [hereinafter Travel Agency Fines].

205. See *id.*

travel and immigration assistance.²⁰⁶ This could be because tax preparation is useful to a broader population than immigration assistance and travel.

Second, enforcement has been high against both tax preparation businesses and immigration assistance businesses. It has stayed high against tax preparation businesses but has lowered against immigration assistance businesses.²⁰⁷ Enforcement against immigration assistance could have lowered because improper immigration assistance is less frequent. This trend could be a result of the success of the licensing system and accompanying enforcement. Or the growth of competing alternatives from lawyers or approved nonprofit providers could have reduced reliance on immigration assistance providers. It is also possible that improper immigration assistance is going undetected at high levels because the city is only responding to consumer complaints.

Either way, Chicago would likely benefit from supporting the large number of businesses engaged in multiservice business activities. If improper assistance is rare, there is no reason not to imagine a greater role for these small businesses given their roots in the community. If improper assistance occurs but is rarely subject to enforcement, Chicago needs to add other measures to its approach.

If a city like Chicago wanted to improve their approach to *notario* fraud, lessons from the access to justice and CED movements could help policymakers envision a greater role for multiservice businesses. The next Part examines the roles multiservice businesses could theoretically play in their communities from the perspectives of the access to justice and CED movements. To amplify the community-led nature of multiservice businesses and aid place-based CED, the right prescription for regulatory reform must account for the strategy's value.

IV. WHAT ROLES COULD MULTISERVICE BUSINESSES THEORETICALLY PLAY?

The prevalence of multiservice businesses in urban neighborhoods is evidence of their importance to those communities. But why are they there? What role are they playing?

This Part draws on theory from urban law and poverty law literature, principally access to justice and CED, to answer questions about multiservice businesses. Those answers will help generate ideas for law reform that would amplify the strengths of multiservice businesses as a solution devised from the ground up.

The first question is: Why are they so prevalent? Beyond the obvious answer that multiservice businesses are providing a service that people want at a price that people can pay, this Part looks at some of the common

206. See Current Active Business Licenses, *supra* note 26.

207. See Tax and Immigration Service Fines, *supra* note 174.

services that multiservice businesses provide and the lack of feasible alternatives for customers of multiservice businesses.

The second question is more aspirational. Urban law and poverty law literature offer many perspectives on how to help the communities in which multiservice businesses operate. Two prominent movements described in this literature are access to justice and CED.²⁰⁸ My second question is: How could multiservice businesses fit into the access to justice and CED movements that are already working to support their communities?

Urban law and poverty law literature also offer perspectives on how public interest lawyers can be most helpful. Public interest lawyering calls for a commitment to client-centered lawyering²⁰⁹ and the elevation of laypeople²¹⁰ in social movements. This Article does not take a position on the role of lawyers in social movements²¹¹ or the best way to be a public interest lawyer. But to elevate clients' strengths²¹² and the strengths of their communities when working in the public interest,²¹³ this Article draws on values established in the public interest lawyering literature like the commitment to client-centered lawyering and the elevation of laypeople.

Finding a solution that boosts multiservice businesses will improve access to justice for the consumers who turn to these businesses for help. It will also protect consumers by making their preferred solutions safer.

An effective regulatory framework for multiservice businesses also makes sense because of the CED benefits that well-regulated businesses would generate for the entrepreneurs who run them and the neighborhoods in which they operate.²¹⁴

CED is a collection of strategies—from community organizing to entrepreneurship to structural reform—that seeks to empower low-income

208. See Paul R. Tremblay, *Transactional Legal Services, Triage, and Access to Justice*, 48 WASH. U. J. L. & POL'Y 11, 32 (2015).

209. See, e.g., DAVID A. BINDER & SUSAN C. PRICE, *LEGAL INTERVIEWING AND COUNSELING: A CLIENT-CENTERED APPROACH* 53–54, 56 (1977) (discussing a lawyer's three-staged interview approach for determining clients' problems and goals).

210. See Sameer M. Ashar, *Movement Lawyers in the Fight for Immigrant Rights*, 64 UCLA L. REV. 1464, 1467 (2017).

211. See, e.g., Scott L. Cummings, *Law and Social Movements: Reimagining the Progressive Canon*, 2018 WIS. L. REV. 441, 452 (2018).

212. Ashar, *supra* note 210, at 1506 (“[warning against] squeezing people into the pre-existing categories that are intuitive to those in power.”).

213. Ascanio Piomelli, *The Challenge of Democratic Lawyering*, 77 FORDHAM L. REV. 1383, 1404 (2009) (“Rather than exclusively focusing on their clients' deficits or needs and providing legal services to fill them, these lawyers also seek out clients', groups', and communities' assets and strategize how to build upon and connect them.”).

214. Scott L. Cummings, *Community Economic Development is Access to Justice*, 27 J. AFFORDABLE HOUS. 463, 465 (2019) (“We need to shift away from the dominant emphasis on helping individuals resolve legal problems through courts (although this remains critically important) to focusing on how to redesign systems to promote better access to economic opportunities and economic fairness in what Anika Singh Lemar aptly refers to as the ‘age of extreme inequality.’”). The CED benefits for the multiservice business owners can be seen as a form of access to justice from the perspective of the entrepreneurs.

communities to pursue and achieve their own vision for growth.²¹⁵ CED is relevant to the embrace of multiservice businesses in two ways. First, CED offers reasons why we should embrace multiservice business owners as community entrepreneurs and leaders deserving support and encouragement.²¹⁶ Second, CED offers strategies for how to design a regulatory system that will effectively bring multiservice business owners into the fold of CED.²¹⁷

A. How Multiservice Businesses Could Fit into the Access to Justice Movement

The demand for multiservice businesses shows that people are struggling to find the help they need to navigate various bureaucracies in their spoken language. Multiservice business customers are forced to navigate many complex bureaucracies to meet basic needs.²¹⁸ An entrepreneur in this industry is somebody upon whom people in need already rely.²¹⁹

Access to justice efforts seek to ensure that people who cannot afford a private lawyer can get legal help so that poverty does not preclude access to the justice system.²²⁰ The access to justice movement primarily focuses on civil legal services, however the scope of the access to justice movement is expanding beyond the needs of litigants inside the courtroom.²²¹

The access to justice movement now includes a reassessment of the pros and cons of attorneys' monopoly on legal work²²² and consideration of potential alternatives (e.g., training for laypeople or new licensing systems)²²³ as well as prohibitions on nonlawyer ownership of law firms.²²⁴ There is a robust conversation about how to involve nonlawyers in closing the access to justice gap.²²⁵ Multiservice business owners should be part of that conversation.

Of course, that conversation should include the risks and vulnerabilities that perpetrators of *notario* fraud exploit. The key will be how to increase access to justice without sanctioning fraud. In striking that balance,

215. See Scott L. Cummings, *Community Economic Development as Progressive Politics: Toward a Grassroots Movement for Economic Justice*, 54 STAN. L. REV. 399, 400–01 (2001).

216. See *id.* at 459–61.

217. See *id.* at 462–64.

218. Nicholson, *supra* note 73, at 23.

219. See *id.* at 22–23.

220. Deborah L. Rhode, *Whatever Happened to Access to Justice?*, 42 LOY. L.A. L. REV. 869, 874 (2009).

221. See Brooks Holland, *The Washington State Limited License Legal Technician Practice Rule: A National First in Access to Justice*, 82 MISS. L. J. SUPRA 75, 76 (2013); Katherine S. Wallat, *Reconceptualizing Access to Justice*, 103 MARQ. L. REV. 581, 623 (2019).

222. See Deborah L. Rhode, *Policing the Professional Monopoly: A Constitutional and Empirical Analysis of Unauthorized Practice Prohibitions*, 34 STAN. L. REV. 1, 97 (1981).

223. Stephen R. Crossland & Paula C. Littlewood, *Washington's Limited License Legal Technician Rule and Pathway to Expanded Access for Consumers*, 122 DICK. L. REV. 859, 863 (2018).

224. Bailey E. Cunningham, *Nonlawyer Ownership of Law Firms: A Recurring Debate*, 104 ILL. BAR J. 48, 48–49 (2016) (explaining the debate while supporting the prohibitions).

225. Deborah L. Rhode, *Professionalism in Perspective: Alternative Approaches to Nonlawyer Practice*, 1 J. INST. STUDY OF LEGAL ETHICS 197, 212 (1996).

attorneys would do well to remember that, as a profession, they are not disinterested.²²⁶ Whether due to self-preservation or overconfidence in their own professional superiority, there is a risk that attorneys underestimate what nonlawyers can successfully do.²²⁷

Some of the services that a multiservice business provides, mainly immigration advice, are adjacent to civil legal services.²²⁸ Other services, like tax or financial assistance, can sometimes involve legal questions but are commonly provided by nonlawyers (though wealthy consumers certainly avail themselves of legal services on questions that arise in those areas).²²⁹ There are also services that multiservice businesses offer that would rarely involve legal questions, like travel.²³⁰ As the access to justice movement thinks more broadly than access to lawyers inside a courtroom,²³¹ multiservice businesses offer a good model for how nonlawyers can help people access rights and government programs that fall under a broader conception of justice.²³²

Just as the “justice” in access to justice can be more than civil litigation, the barriers to “access” are more than the lack of affordable legal services. Language is another crucially important barrier to access to justice.²³³ This is a barrier that multiservice businesses are well-positioned to address.

Another area that shares many of the same barriers (resources, education, and language) that block access to the courthouse is access to the bureaucracy. Government programs meant to benefit low-income people can be blocked by what one scholar has termed “bureaucratic oppression,” where government institutions make it harder than necessary to access their programs.²³⁴ Private businesses can play a role in overcoming the kind of access to justice barrier imposed by bureaucratic oppression.²³⁵ However, inviting private businesses to play such a role introduces the risks that come with governing through outsourcing.²³⁶ Critics have

226. *See id.* at 203.

227. *Id.* at 200 (“Many individuals who retained lawyers were paying large sums for routine work that could readily have been done (and often was done) by nonlawyer assistants without substantial supervision. Attorneys made as many errors in form preparation as litigants proceeding on their own and such errors were easily corrected. . . . The question now remaining is whether the bar is prepared to acknowledge the need for change and to become a constructive participant in the reform process.”); *see also* Leslie C. Levin, *The Monopoly Myth and Other Tales About the Superiority of Lawyers*, 82 *FORDHAM L. REV.* 2611, 2615 (2014).

228. *See* Nicholson, *supra* note 73, at 22.

229. *See* Han, *supra* note 19, at 173.

230. Nicholson, *supra* note 73, at 22.

231. Wallat, *supra* note 221, at 623.

232. Sandefur, *supra* note 100, at 285 (“[A]chieving justice means realizing substantively just solutions to situations and conflicts that are endemic to contemporary life.”).

233. Sherley E. Cruz, *Coding for Cultural Competency: Expanding Access to Justice with Technology*, 86 *TENN. L. REV.* 347, 387 (2019).

234. Edward L. Rubin, *Bureaucratic Oppression: Its Causes and Cures*, 90 *WASH. U. L. REV.* 291, 296 (2012).

235. *Id.* at 340.

236. *See* Leslie Book, *Bureaucratic Oppression and the Tax System*, 69 *TAX LAW.* 567, 587 (2016).

identified risks like policies prioritizing private gain over public benefit, ceding programmatic control, and transparency to unaccountable private actors.²³⁷

Multiservice businesses are exactly the kind of private actors with the skills and experience tailored to their local community to improve access to government programs and thereby improve access to justice. Given their small-scale and diffuse nature, asking multiservice businesses to play a role in overcoming bureaucratic oppression carries fewer risks than private players might in other contexts.²³⁸

If one of the criticisms of the access to justice movement is the narrow focus on access to civil litigation,²³⁹ a strength of multiservice businesses is their ability to serve people with interrelated but different needs, as opposed to carving out a specific issue area and sending clients along to the next bureaucracy to find help with their other, interrelated struggles.²⁴⁰ Assuming multiservice businesses could be appropriately staffed with the right experts, multiservice businesses can play a triage role for individuals whose problems transcend the silos in which experts commonly operate.²⁴¹

As identified by the access to justice movement, many people in this country cannot afford the help they need to participate in available programs and fully exercise their rights. It is those barriers that create the need (or the opportunity, depending on one's perspective) for multiservice businesses.²⁴² Multiservice businesses help their clients fully participate in civil society.²⁴³ They accomplish a public service by connecting people in need with various government programs that are oftentimes obscured by different barriers.²⁴⁴

The following Sections show how multiservice businesses improve access to justice in four issue areas in which multiservice business provide services.

237. David A. Super, *Privatization, Policy Paralysis, and the Poor*, 96 CALIF. L. REV. 393, 456 (2008); Etienne C. Toussaint, *The New Gospel of Wealth: On Social Impact Bonds and the Privatization of Public Good*, 56 HOUS. L. REV. 153, 179 (2018).

238. Toussaint, *supra* note 237, at 180.

239. Wallat, *supra* note 221, at 623.

240. Susan R. Jones, *Current Issues in the Changing Roles and Practices of Community Economic Development Lawyers*, 2002 WIS. L. REV. 437, 448–49 (2002).

241. See, e.g., Alexandra Jaffe & Staff Reports, *After Late Campaign Start, Deval Patrick Lays out Policy Vision*, NBC10 BOSTON, (Dec. 19, 2019, 3:37 PM), <https://www.nbcboston.com/news/politics/after-late-campaign-start-deval-patrick-lays-out-policy-vision/2051034/> (common saying of former Massachusetts Governor Deval Patrick) (“[R]eal people don’t live their lives in policy silos, but rather at the intersection of a number of policy and personal choices.”).

242. See Louise G. Trubek & Jennifer J. Farnham, *Social Justice Collaboratives: Multidisciplinary Practices for People*, 7 CLINICAL L. REV. 227, 228–29 (2000).

243. See Stacy L. Brustin, *Legal Services Provision Through Multidisciplinary Practice – Encouraging Holistic Advocacy While Protecting Ethical Interests*, 73 U. COLO. L. REV. 787, 792–93 (2002).

244. Trubek & Farnham, *supra* note 242, at 228–29, 265.

1. Immigration Issues

There is a dearth of options for people with immigration needs.²⁴⁵ Immigration is a complicated area of law, and private immigration attorneys are expensive.²⁴⁶ Undocumented immigrants are mostly barred from receiving federally funded legal services, which means they cannot benefit from the largest program for people who cannot afford an attorney.²⁴⁷ There are funds for immigration legal aid from other sources, but the supply is limited.²⁴⁸ The demand for immigration legal services vastly outnumbers the supply.²⁴⁹

If multiservice business owners were properly trained and monitored, they could more reliably narrow access to justice gaps in immigration.²⁵⁰ They would provide an affordable solution to people struggling with immigration issues.

2. Tax Issues

The tax code is a common tool for the government to offer benefits that were created to support policy goals.²⁵¹ Tax refunds are a significant source of income in low-income communities.²⁵² Taxpayers also see the tax code as very complex, especially for those who speak limited English.²⁵³ While the IRS had made an effort to honor the language access rights of taxpayers with limited English proficiency, gaps still exist.²⁵⁴

There are certainly private businesses that are happy to do people's taxes.²⁵⁵ However, multiservice businesses offer several advantages over

245. Shannon, *supra* note 18, at 578.

246. Shannon, *supra* note 108, at 446; Han, *supra* note 19, at 169–70. Scholars examining the prevalence of notaries study the potential contribution of multiservice businesses. See Han, *supra* note 19, at 191 (“Given the prevalence of the unauthorized practice of immigration law, any attempt to broaden the field of non-attorneys in this field must proceed with caution. But why not harness an existing resource - notarios - by strengthening and expanding accreditation by the Office of Legal Access Programs?”); Alonso-Marsden, *supra* note 17, at 86 (“Because these immigration consultants serve a need in the community that may not otherwise be met by other service providers, regulation of their industry should be done in a way that targets bad actors while allowing those who provide a genuine service to continue to provide assistance.”); Deborah L. Rhode, *Access to Justice: A Roadmap for Reform*, 41 *FORDHAM URB. L. J.* 1227, 1245 (2016).

247. *Can LSC Grantees Represent Undocumented Immigrants?*, LEGAL SERV. CORP., <https://www.lsc.gov/media-center/publications/can-lsc-grantees-represent-undocumented-immigrants> (last visited Oct. 12, 2021).

248. See Geoffrey Heeran, *Illegal Aid: Legal Assistance to Immigrants in the United States*, 33 *CARDOZO L. REV.* 619, 661 (2011).

249. Han, *supra* note 19, at 166–69.

250. See Alonso-Marsden, *supra* note 17, at 86.

251. Book, *supra* note 236, at 573 (“That the tax system furthers social and economic goals is something that has been part of our tax system since its inception. Yet the advent of the use of refundable credits in the tax system has fundamentally changed the relationship between the Service and those who increasingly depend on the tax system to meet basic needs.”) (internal footnote omitted).

252. Leslie Book, *Preventing the Hybrid from Backfiring: Delivery of Benefits to the Working Poor through the Tax System*, 2006 *WIS. L. REV.* 1103, 1104 (2006).

253. *Id.* at 1115.

254. Jennifer J. Lee, *Operationalizing Language Access Rights for Limited English Proficient Taxpayers*, 91 *TEMP. L. REV.* 791, 805 (2019).

255. Book, *supra* note 236, at 1116.

alternatives. First, multiservice businesses offer tax services at lower prices than certified public accountants.²⁵⁶ Certified professional accountants charge more, but they also offer a higher level of protection.²⁵⁷ This is the same trade-off that clients face in deciding whether to seek immigration help from a licensed attorney or hire someone without established qualifications. In both cases, the goal should be to draw the correct line between what a multiservice business owner can and cannot do.

Second, while online filing platforms offer cheaper services than certified public accountants, doing so requires access to technology and takes money out of the community. More tax filers are using technology to file their returns themselves,²⁵⁸ but that requires a certain level of comfort with and access to technology.²⁵⁹ In addition, dollars spent on tax services at multiservice businesses stay in the community unlike dollars spent on online filing platforms like TurboTax.²⁶⁰

Third, it would be easier to regulate multiservice businesses than to reform the complicated tax filing system. The tax preparation industry has blocked attempts to simplify the tax filing system.²⁶¹ The arguments made by reformers demonstrate the value that multiservice businesses add for clients—the tax filing system is complex, especially for low-income taxpayers.²⁶² Reformers' preferred solution—to reform the tax filing system—might obviate some of the need for multiservice businesses. However, reform to the tax filing system would require federal legislative changes, which is not easy to come by and has so far been blocked.²⁶³ Meanwhile, better regulation of multiservice businesses could happen locally, which is more conducive for action.²⁶⁴

Finally, low-income taxpayers are particularly likely to seek help with their taxes because the language barrier, which is a service multiservice businesses are uniquely positioned to provide.²⁶⁵ As for all services

256. See, e.g., *Free Tax Preparation*, UNITED WAY OF CENT. ALA., <https://www.uwca.org/our-impact/financial-stability/free-tax-prep/> (last visited Oct. 12, 2021).

257. Danshera Cords, *Paid Tax Preparers, Used Car Dealers, Refund Anticipation Loans, and the Earned Income Tax Credit: The Need to Regulate Tax Return Preparers and Provide More Free Alternatives*, 59 CASE W. RESV. L. REV. 351, 352–53 (2009).

258. Joseph Bankman, Daniel Hemel, & Dennis Ventry, *Why Filing Taxes Isn't Easy*, POLITICO: THE AGENDA (July 18, 2018, 3:01 PM), <https://www.politico.com/agenda/story/2018/07/18/tax-filing-congress-irs-000683/>.

259. Cruz, *supra* note 233, at 372.

260. See Book, *supra* note 236, at 1116–18; see, e.g., AMAR PATEL & GARETT MARTIN, ME. CTR. FOR ECON. POL'Y, GOING LOCAL: QUANTIFYING THE ECONOMIC IMPACTS OF BUYING FROM LOCALLY OWNED BUSINESSES IN PORTLAND, MAINE 1 (2011) (“[I]n general every \$100 spent at a locally owned businesses generates an additional \$58 in local impact. By comparison, \$100 spent at a representative national chain store generates \$33 . . .”).

261. Bankman et al., *supra* note 258.

262. Book, *supra* note 236, at 1115–16.

263. Bankman et al., *supra* note 258.

264. See Book, *supra* note 236, at 1116–18, 1116 n.80.

265. *Id.* at 1115–16.

they provide, multiservice businesses offer tax preparation services in their customer's native language, supported by the community's trust.²⁶⁶

The federal government has outsourced much of the administrative work of distributing benefits to private commercial tax preparers by administering benefits through the tax code rather than as government benefits.²⁶⁷ The optimal role of commercial tax preparers is beyond the scope of this Article.²⁶⁸ However, as the role is currently quite significant, multiservice businesses have a niche alongside other commercial tax preparers.²⁶⁹ If multiservice business owners had more training and oversight, multiservice businesses could provide needed tax-preparation services more effectively.²⁷⁰

Supporting multiservice businesses in providing responsible tax help would contribute to access to justice in the broader sense of helping low-income people fully overcome cost and language barriers to access programs designed to help them. While the tax code is not the courtroom, given the tax code's role in the administration of social welfare benefits,²⁷¹ improving access in this area would increase access to justice in the broader sense.

3. Financial Services

As the access to justice movement addresses issues beyond strictly legal issues,²⁷² access to financial services should fall within the broadened scope.²⁷³ Although financial services vary, this Section focuses on financial counseling and credit repair.

Like other services that multiservice businesses provide, financial services are also heavily regulated and prone to scams.²⁷⁴ Consumer

266. See *id.*; see also Len Tiu Wright, Lynn M. Martin, & Merlin Stone, *Exploring the Characteristics, Attitudes to Targeting and Relationship Marketing of Small Ethnic Minority Businesses*, 12 J. TARGETING, MEASUREMENT & ANALYSIS FOR MKTG. 173, 175 (2003) (discussing the relationship small, ethnic-minority businesses have with their "mix of customers" and the advantage community ties have on the business's success).

267. Book, *supra* note 236, at 577; see also Book, *supra* note 252, at 1134, 1137.

268. See Super, *supra* note 237, at 401, 413, 438.

269. See Book, *supra* note 236, at 1114–17.

270. Book, *supra* note 121, at 93–94.

271. Book, *supra* note 252, at 1122.

272. Elizabeth L. MacDowell, *Reimagining Access to Justice in the Poor People's Courts*, 22 GEO. J. ON POVERTY L. & POL'Y 473, 526–27 (2015) (“[A]n access to justice program should work to empower litigants to resist practices and procedures that facilitate the operation of bias in poor people's courts and counteract the dignitary harms perpetrated in court settings by treating litigants with dignity and respect. In order to address the interrelated nature of poor people's legal problems and the impacts of intersecting systems, it will move away from a case-based and reactive focus, and seek to connect, rather than to compartmentalize, legal (and non-legal) issues.”) (internal citations omitted).

273. See Mehrsa Baradaran, *How the Poor Got Cut Out of Banking*, 62 EMORY L. J. 483, 495–96 (2013) (“[M]ainstream banking has abandoned poor areas by shutting down branches and also by failing to speak the financial language of the poor.”); Min Zhan, Steven G. Anderson, & Jeff Scott, *Financial Knowledge of the Low-Income Population: Effects of a Financial Education Program*, 33 J. SOCIO. & SOC. WELFARE 53, 55 (2006).

274. See CONSUMER FIN. PROT. BUREAU, DON'T BE MISLED BY COMPANIES OFFERING PAID CREDIT REPAIR SERVICES (2019); James P. Nehf, *A Legislative Framework for Reducing Fraud in the Credit Repair Industry*, 70 N.C. L. REV. 781, 799–800 (1992).

advocates point out that many credit repair companies' services could be done by customers for free.²⁷⁵ For example, the CFPB offers letters and templates for consumers to use to contest errors on their credit reports.²⁷⁶ But if a consumer speaks a language other than English, is unfamiliar with the American financial system, or lacks access to or comfort with technology, it is reasonable to expect that self-help efforts to improve their credit will not proceed smoothly.

Budgeting and financial planning are also important contributors to financial well-being that consumers could do on their own; however, assistance from someone both skilled and culturally competent could further bolster the consumers' financial well-being.²⁷⁷ Financial counseling is a key component of one of the government's main personal asset-building strategies—individual development accounts.²⁷⁸ Consumers who might benefit from this program and other similar financial counseling services offered by nonprofits²⁷⁹ face the same hurdles they would for other programs.²⁸⁰

Consumers might not be aware of a nonprofit's programs or how the programs could help them.²⁸¹ They might not have the time to fill out another application or go to another appointment.²⁸² They might be unsure that an organization they are unfamiliar with is worth the time that it would take to properly vet the organization.²⁸³ The programs themselves might have issues with capacity or restrictions on eligibility.²⁸⁴ The provider might not have the necessary language competency.²⁸⁵

275. Ann Carrns, *Beware of Credit 'Repair' Companies, Consumer Watchdogs Say*, N.Y. TIMES (May 10, 2019), <https://www.nytimes.com/2019/05/10/your-money/credit-repair-companies-complaints.html>.

276. *Sample Letters to Dispute Information on a Credit Report*, CONSUMER FIN. PROT. BUREAU, <https://www.consumerfinance.gov/consumer-tools/credit-reports-and-scores/sample-letters-dispute-credit-report-information/> (last visited Oct. 12, 2021); DON'T BE MISLED, *supra* note 274.

277. See Debra Cowen & Debra Kawecki, *Credit Counseling Organizations*, INTERNAL REVENUE SERV. 1, 3 (2004), <https://www.irs.gov/pub/irs-tege/eotopica04.pdf>.

278. U.S. DEP'T OF HOUS. & URB. DEV., OFF. OF POL'Y DEV. & RSCH., EVIDENCE MATTERS: TRANSFORMING KNOWLEDGE INTO HOUSING AND COMMUNITY DEVELOPMENT POLICY, INDIVIDUAL DEVELOPMENT ACCOUNTS: A VEHICLE FOR LOW-INCOME ASSET BUILDING AND HOMEOWNERSHIP 13–14 (2012); William G. Gale, Benjamin H. Harris, & Ruth Levine, *Raising Household Saving: Does Financial Education Work?*, 72 SOC. SEC. BULL. 39, 44 (2012). Individual development accounts are created to build savings dedicated toward specific, approved purposes.

279. Cowen & Kawecki, *supra* note 277, at 1. Credit counselors are usually nonprofits and are generally exempt from the Credit Repair Organizations Act. *Id.* at 1, 3–5. Credit counseling is seen as different (and typically more reputable) than credit repair. *Id.* at 1, 3.

280. See KRISTA M. PERREIRA, ROBERT CROSNOE, KARINA FORTUNY, JUAN PEDROZA, KJERSTI ULVESTAD, CHRISTINA WEILAND, HIROKAZU YOSHIKAWA, & AJAY CHAUDRY, U.S. DEP'T OF HEALTH & HUM. SERVS., OFF. OF HUM. SERVS. POL'Y, OFF. OF THE ASSISTANT SEC'Y FOR PLAN. & EVALUATION, ASPE ISSUE BRIEF: BARRIERS TO IMMIGRANTS' ACCESS TO HEALTH AND HUMAN SERVICES PROGRAMS 1, 2, 6–7 (2012).

281. See *id.* at 6.

282. See *id.* at 7, 10.

283. See *id.* at 6–7, 10–11.

284. See, e.g., *id.* at 2, 6, 9.

285. *Id.* at 9.

If multiservice businesses are providing quality advice on credit repair, budgeting, and financial counseling, then they are helping close a gap in access to financial services and a gap in access to justice for low-income communities.

4. Translation

A significant access to justice barrier is language.²⁸⁶ For people who speak limited English, full participation in American society is not possible without some translation help.²⁸⁷ Language access to various government institutions, including courtrooms and government bureaucracies, is important to fostering an inclusive democracy.²⁸⁸ Language barriers can prevent agencies from communicating important information to community members.²⁸⁹

However, language gaps remain despite many institutions' efforts to make information accessible in multiple languages.²⁹⁰ The prevalence of multiservice businesses is itself evidence that the customers of multiservice businesses are looking for alternatives to the efforts that institutions are making.²⁹¹ They are looking for multiservice businesses.

Recognizing the importance of language translation to poverty lawyering and the difficulty of providing skilled interpreters, Professor Muneer Ahmad has called for the use of "community interpreters" who share ties and group status with the people for whom they are interpreting for.²⁹² Multiservice businesses are great candidates for that role.

There has been a growing focus on establishing translation services as a key component of access to justice at the local level. One example is the Access Act in Washington D.C., which requires local agencies to provide interpretation and translate vital documents.²⁹³ However, Washington D.C. is one of only a few cities with this kind of legislation.²⁹⁴

The implementation of local legislation like this requires a supply of qualified interpreters.²⁹⁵ As Washington D.C. agencies turned to different providers to provide interpretation services, the city selected three citywide vendors to ensure quality control.²⁹⁶ However, the availability of

286. Rodríguez, *supra* note 137, at 695.

287. *Id.* at 693, 725.

288. *Id.* at 697, 725.

289. Jung et al., *supra* note 138, at 32–33.

290. PERREIRA ET AL., *supra* note 280, at 9.

291. *See, e.g.*, M.R. INT'L INCOME TAX SERVS., *supra* note 77.

292. Muneer I. Ahmad, *Interpreting Communities: Lawyering Across Language Difference*, 54 *UCLA L. REV.* 999, 1065–66 (2007).

293. *Language Access Program*, D.C. OFF. HUM. RTS. (2013–2014), https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/FactSheet2014_English.pdf.

294. HAMUTAL BERNSTEIN, JULIA GELATT, DELVIN HANSON, & WILLIAM MONSON, *TEN YEARS OF LANGUAGE ACCESS IN WASHINGTON, DC* 8 (2014).

295. *See id.*

296. *Id.* at 12.

interpreters has been an issue in the implementation of the Access Act in Washington D.C.²⁹⁷

For cities with local legislation requiring language access or cities that are considering adopting similar legislation, multiservice business owners can help furnish that supply.²⁹⁸

Multiservice businesses can contribute to access to justice for their customers. Supporting multiservice business owners also supports CED.

B. How Multiservice Businesses Could Fit into the CED Movement

This Article does not enter the ongoing debate about whether entrepreneurship is an appropriate strategy for poverty alleviation.²⁹⁹ Instead, it makes the case for looking to multiservice business owners as targets for CED support, whether the goal is to promote entrepreneurship or to promote community empowerment.

1. Entrepreneurship as CED Strategy

CED practitioners want to support low-income clients searching for sustainable livelihoods. Small business is one way for clients to implement their own visions for their neighborhood—an important criterion of CED³⁰⁰—and to build wealth.³⁰¹

Today's economy still values the provision of personal services, which are generally hard to outsource or replace with software. White-collar service jobs that serve clients with high incomes are especially in high demand.³⁰² Multiservice businesses offer a way for service providers without conventional job credentials³⁰³ to tap into demand from consumers who need help but cannot afford expensive professionals.³⁰⁴

Multiservice businesses create economic opportunities for their owners. Supporting these small businesses will also support economic

297. AM. UNIV. WASH. COLL. LAW: IMMIGRANT JUST. CLINIC, ACCESS DENIED: THE UNFULFILLED PROMISE OF THE D.C. LANGUAGE ACCESS ACT 23 (2012).

298. See, e.g., M.R. INT'L INCOME TAX SERVS., *supra* note 77; *Multi-Viajes Alejandra, Inc.*, *supra* note 66.

299. See, e.g., Dyal-Chand & Rowan, *supra* note 96, at 844 (“[E]ntrepreneurship theory does not and cannot serve as a viable basis for systemic poverty alleviation.”).

300. See Michael Haber, *CED after #OWS: From Community Economic Development to Anti-Authoritarian Community Counter-Institutions*, 43 FORDHAM URB. L.J. 295, 313 (2016) (critiquing CED practice for not living up to the CED movement's goal of client empowerment).

301. Laurie Hauber, *Promoting Economic Justice through Transactional Community-Centered Lawyering*, 27 ST. LOUIS U. PUB. L. REV. 3, 14 (2007) (“By building wealth through the development of community businesses, individuals can live above a basic subsistence level, which, in turn, encourages people to participate in their own development and to become more active in community affairs.”).

302. Anthony V. Alfieri, *Inner-City Anti-Poverty Campaigns*, 64 UCLA L. REV. 1374, 1392–93 (2017).

303. See Priya Baskaran, *Respect the Hustle: Necessity Entrepreneurship, Returning Citizens, and Social Enterprise Strategies*, 78 MD. L. REV. 323, 331–32 (2019) (defining “necessity entrepreneurs” as people who pursue entrepreneurship due to a lack of other viable work options).

304. See, e.g., *Multi-Viajes Alejandra, Inc.*, *supra* note 66.

development in the neighborhoods in which they operate.³⁰⁵ When a locally-owned business is more profitable, it benefits the community because the owner can increase their investment in the community by hiring, upgrading property, or, at a minimum, paying more taxes.³⁰⁶ The economic development will benefit people from historically underrepresented groups as multiservice business owners tend to be concentrated in neighborhoods with high immigrant populations and are often people of color.³⁰⁷

Helping business owners develop a business they have already built can leverage their unique assets to benefit the community. When the owners themselves share a background with community members that the business serves, the owners can draw on their own immigrant history and language skills.³⁰⁸ Missing college or other traditional qualifications may have closed other doors for them, but their background is a strength in this work.³⁰⁹

2. Community Empowerment as CED Strategy

For CED supporters skeptical that entrepreneurship is a good strategy for economic development, embracing multiservice businesses might still further other goals of the CED movement. In addition to the economic development benefits, embracing the owners of the businesses would empower them to play more of a leadership role in their community.³¹⁰

305. Robert E. Suggs, *Bringing Small Business Development to Urban Neighborhoods*, 30 HARV. C.R.-C.L. L. REV. 487, 493 (1995) (“At the current stage of black business development, many black urban neighborhoods are bereft of the stores that give vitality to a community by providing not only the necessities of everyday life, but also employment opportunities and role models for African American youth. Truly competitive personal service and small retail firms can add to the health of inner-city neighborhoods.”).

306. Tremblay, *supra* note 208, at 35–36 (“A successful business not only provides that client with capital and economic power; it might even have ripple effects, such as employment of others to assist in the business.”).

307. Susan R. Jones, Jacqueline Lainez, & Debbie Lovinsky, *Viewing Value Creation by Business Lawyers through the Lens of Transactional Legal Clinics*, 15 U.C. DAVIS BUS. L.J. 49, 92 (2014) (“Transactional clinics can play an important role in alleviating poverty and closing the racial wealth gap by representing community groups and individual entrepreneurs who are actively trying to end poverty and wealth disparities.”).

308. See, e.g., M.R. INT’L INCOME TAX SERVS., *supra* note 77.

309. See Suggs, *supra* note 305, at 488–89.

310. Paul R. Tremblay, *Rebellious Strains in Transactional Lawyering for Underserved Entrepreneurs and Community Groups*, 23 CLINICAL L. REV. 311, 327 (2016) (“Similarly, recognizing the empowerment focus within progressive lawyering critiques, the [transactional legal services] practices, if successful, will aid in the development of financial autonomy, along with assets and capital (especially relevant sources of power), within the communities that possess too little of those resources.”) (internal footnotes omitted).

The CED movement seeks to build community power.³¹¹ Supporting multiservice businesses is a strategy to build community power.³¹² A system that encourages multiservice business owners to collaborate with external community partners builds productive relationships between local officials and multiservice business owners.³¹³

Multiservice business owners are more diverse and representative of a community's racial, ethnic, and linguistic backgrounds than those working in city halls.³¹⁴

Multiservice businesses connect customers with government programs and legal options that are available to them.³¹⁵ If we encourage collaboration between multiservice business owners and government, multiservice businesses will be able to offer recommendations to improve government programs and services because they experience those programs and services through the eyes of their customers.

Multiservice business owners are already serving as leaders in their communities in the sense that they guide customers to solutions and organize community members.³¹⁶ Lifting multiservice businesses would broaden their owners' leadership platform and develop their leadership skills. The regulatory system should draw on the CED theory in its design to ensure that the regulatory embrace of multiservice business owners results in community empowerment.

C. How to Embrace Multiservice Businesses Using CED Theory

The potential for positive effects from supporting multiservice businesses hinges on multiservice businesses getting better training and more

311. Jones, *supra* note 240, at 459; Scott L. Cummings & Ingrid V. Eagly, *A Critical Reflection on Law and Organizing*, 48 UCLA L. REV. 443, 477 (2001) ("Law and organizing in the CED context has focused on the provision of transactional legal assistance to community organizing groups working to create jobs and remove barriers to employment for low-wage workers."). However, the movement's ability to identify strategies that build community power has had mixed results depending on the adopted perspective. See Etienne C. Toussaint, *Dismantling the Master's House: Toward a Justice-Based Theory of Community Economic Development*, 53 U. MICH. J.L. REFORM 337, 362 (2019) ("By not reserving a 'seat at the table' for community members due to a limited commitment to collaboration, place-based CED projects suffer from limited transparency and inadequate democratic engagement."); *id.* at 365 ("Advocates of people-based CED programs implicitly perpetuate a racialized, yet unconscious bias that concludes—when it comes to low-income minority neighborhoods—there is nothing of value worth sticking around for.").

312. See Cummings, *supra* note 215, at 444.

313. *Id.* ("CED scholars have suggested that if neighborhood residents are incorporated as active participants in the reconstruction of their local economies, they will be empowered through the process.").

314. See, e.g., M.R. INT'L INCOME TAX SERVS., *supra* note 78; *Multi-Viajes Alejandra, Inc.*, *supra* note 66.

315. See, e.g., *Services*, JAYBRIAN MULTISERVICES, <https://jaybrianmultiservices.com/services/> (last visited Oct. 12, 2021).

316. See, e.g., *Edward Jimenez Tax & Immigration Services*, FACEBOOK, <https://www.facebook.com/Edward-Jimenez-Tax-Immigration-Services-2012376275691590/> (last visited Oct. 12, 2021) ("Edward Jimenez Tax & Immigration Services provides a full spectrum of traditional tax, accounting, and business services; advisory, valuation and start up business supports; and an extensive range of immigration procedures.").

customers. The CED movement offers lessons on how a local government could make that happen.

1. Local Tailoring

Multiservice businesses play different roles in different communities. Their customers' needs are different, particularly since many of them cater to specific immigrant populations with divergent needs.³¹⁷ The business development opportunities also differ based on the local economy.³¹⁸ Solutions that can be locally tailored are required to effectively embrace and support multiservice businesses.³¹⁹

2. Training Entrepreneurs

The CED movement develops community leaders³²⁰ and recognizes the importance of lawyers working with nonlawyers to support communities.³²¹ Multiservice businesses can improve their services with the right training and support.³²² Training would be on the substantive areas in which multiservice businesses work (immigration, tax, financial services, and translation), tailored to the services that are most relevant in that local community. Training would also include more general entrepreneurial and leadership skills. It will take planning and resources to determine what training to offer and how to offer it, however it can lean on systems that already exist in other substantive areas.

3. Building Networks of Support

The attempt to empower multiservice businesses should include establishing networks of support.³²³ These networks would invite stakeholders to help design the local regulatory approach, provide training and ongoing monitoring and support, and identify partnership opportunities for businesses and other agencies serving the customer community. For example, multiservice businesses could help tenants search for housing in collaboration with the local housing authority.

The networks should include local government employees, subject matter experts, and community leaders. Embedding multiservice businesses in these networks, together with the right training, would help multiservice businesses play a triage role for customers with difficult issues that transcend typical policy silos. For example, when helping a customer collect the right identification documents for their immigration case, the multiservice business could also help customers set aside the documents they will need to register their children for school. Alternatively, a

317. *Id.*

318. See Baskaran, *supra* note 303, at 330.

319. See William H. Simon, *The Community Economic Development Movement*, 2002 WIS. L. REV. 377, 378–79 (2002).

320. Jones, *supra* note 240, at 459.

321. See Sandefur, *supra* note 100, at 313.

322. See Dyal-Chand & Rowan, *supra* note 96, at 895.

323. Dyal-Chand, *supra* note 49, at 172.

customer could come to a multiservice business with a tax filing question and the trained multiservice business owner could recognize a potential wage and hour claim and make the appropriate referral.

Once established in these networks, multiservice business entrepreneurs could be helpful to community organizers and CED lawyers working on other issues. Working with groups that are relatively sophisticated about organizing campaigns tends to bring more success for the goals of the campaigns.³²⁴

4. Investing More in Under Resourced Neighborhoods and Communities

CED legal scholars argue that neighborhoods with a high concentration of poverty need more government investment,³²⁵ a view shared by urban scholars across disciplines.³²⁶ For example, Professor Patrick Sharkey, a sociologist, argues in the context of criminal justice that:

As others continue to make the important case for an urban agenda focused on justice, urbanists must argue forcefully for a complementary agenda that focuses on investment. . . . The call for durable urban policy is a reaction to a historical pattern in which promising investments in urban neighborhoods have come and gone, implemented for short time frames with resources inadequate to generate transformative change.³²⁷

The analysis in this Article shows that when local governments are ready to make investments to confront issues facing urban communities, they should view multiservice businesses as part of the solution. Local governments should look at *notario* fraud not just as a consumer protection problem, but as an opportunity to improve access to justice and increase CED.

In other words, lifting multiservice businesses requires a willingness to invest in urban neighborhoods and to let multiservice businesses participate in that investment. Multiservice businesses can amplify investment in urban neighborhoods and advance social mobility if they are supported in their work to help their customers access justice and trained to do it even better and for more people, all while incorporating additional safeguards to deter and punish bad behavior.

324. Barbara Bezdek, *Digging into Democracy: Reflections on CED and Social Change Lawyering After #OWS*, 77 MD. L. REV. 16, 36 (2018).

325. Scott L. Cummings, *Recentralization: Community Economic Development and the Case for Regionalism*, 8 J. SMALL & EMERGING BUS. L. 131, 149 (2004) (“CED does not ultimately respond to the structural impediments to greater urban equality: state-sponsored jurisdictional divisions that confine poor communities within municipalities that are overburdened by social service demands and under-funded by tax revenues.”).

326. PATRICK SHARKEY, *UNEASY PEACE: THE GREAT CRIME DECLINE, THE RENEWAL OF CITY LIFE, AND THE NEXT WAR ON VIOLENCE* 183–84 (1st ed. 2018).

327. *Id.* at 183.

V. HOW SHOULD MULTISERVICE BUSINESSES BE REGULATED?

This Part offers a prescription for a regulatory framework that would both amplify the value of multiservice businesses and check their risks by applying lessons from CED to access to justice concerns about various substantive issues—immigration, tax, financial services, and language access—and drawing on insights from Chicago’s experience. This Part also compares this prescription with other potential approaches to preventing negative consequences from multiservice business owners, such as relying on rules about UPL.

We need a practical, effective way to balance the concerns about access to justice³²⁸ with the concerns about *notario* exploitation while also recognizing that multiservice businesses do much more than immigration assistance.³²⁹ Local regulation designed to lift multiservice business owners as community leaders can help cover the other issues involved and offer an additional check on immigration work.³³⁰

A. Proposing a Certificate System

The best solution would be a local government certification that puts businesses on referral lists and opens opportunities for contracts (e.g., interpretation contracts).

The regime would include “carrots” to get the businesses to participate and “sticks” to stop businesses from disobeying the law. Certificates that create the right incentives have improved compliance for small businesses in other contexts, such as California’s nail salon certificates that promote health and safety.³³¹

Other commentators have offered pros and cons as to whether offering an immigration consultant license is useful in preventing *notario* fraud in the immigration context.³³² Occupational licensing can be burdensome, particularly for low-income entrepreneurs.³³³ Without adequate considerations for implementation, like training on compliance, licensing could push businesses into the informal economy, which is harder to monitor.³³⁴ However, local governments can regulate businesses without requiring a

328. See Benjamin P. Cooper, *Access to Justice Without Lawyers*, 47 AKRON L. REV. 205, 209 (2014).

329. Langford, *supra* note 90, at 123–24; *NuevaEra Multi-Services*, <https://www.nuevaerams.com/services.html> (last visited Oct. 12, 2021).

330. Jones et al., *supra* note 307, at 75 (explaining that a city’s regulatory system, particularly the administration of that system, can serve to facilitate or hinder business development and growth in the area).

331. Priya Baskaran, *Introduction to Worker Cooperatives and Their Role in the Changing Economy*, 24 J. AFFORDABLE HOUS. & CMTY. DEV. L. 355, 380 (2015).

332. Moore, *supra* note 70, at 26; Shannon, *supra* note 108, at 469.

333. Baskaran, *supra* note 303, at 331, 338–39.

334. Elizabeth Kregor, *How Do You Formalize a Tamale: How to Ease Street Vendors’ Transition out of the Shadow Economy*, 7 U.C. IRVINE L. REV. 453, 465 (2017) (“Building up a set of regulations will not, on its own, allow entrepreneurs to move out of the shadow economy into the formal economy.”).

license to operate or shutting down noncompliant businesses.³³⁵ A certification system may still lead to unintended consequences, such as increased government monitoring of multiservice businesses (a tradeoff to the benefit of increased consumer protection), but a design process centered on community participation and the voluntary nature of the certification should lessen those negative effects.

This Article does not take a position on whether immigration consultant licensing is necessary. Whether *notario* fraud is targeted by immigration consultant licensing or existing laws on consumer protection or UPL, efforts to stop *notario* fraud should continue. But enforcement sticks are not enough.

A certificate approach would be similar to how the IRS has started regulating commercial tax preparers through the program for “annual filing season program participants.”³³⁶ Without a legislative mandate to license, the IRS has offered incentives to tax preparers who enroll in this optional registration program.³³⁷ Despite its success, commentators have urged the IRS to offer even more incentives to encourage tax preparers to enroll.³³⁸

The data from Chicago’s licensing process also supports a certificate approach.³³⁹ Given the high percentage of enforcement actions taken against immigration and tax businesses, there appears to be a need for the kind of training that the certification system would offer.³⁴⁰

The solution should include technical assistance and incentives for local governments to adopt a regulatory system built around certification. It should also encourage local collaboration between government and multiservice businesses.

1. Requirements of Certification

One of the tenets of the CED movement is community participation.³⁴¹ The design of any regulatory system, including the initial question of whether to change the status quo, should be developed in consultation with local stakeholders, including immigration advocates, multiservice businesses and their customers, and local government.³⁴² While the interests of the various stakeholders may align on the broader goals of

335. John K. Ross, *The Inverted Pyramid: 10 Less Restrictive Alternatives to Occupational Licensing*, INST. FOR JUST. (Nov. 2017), https://ij.org/wp-content/uploads/2017/11/Inverted-Pyramid_FINAL.pdf.

336. INTERNAL REVENUE SERV., *supra* note 119.

337. Book, *supra* note 121, at 93.

338. *Id.*

339. *See supra* Section III.G.

340. *See supra* Section III.G.

341. Roger A. Clay Jr. & Susan R. Jones, *A Brief History of Community Economic Development*, 18 J. OF AFFORDABLE HOUS. & CMTY. DEV. L. 257, 264 (2009).

342. Cummings & Eagly, *supra* note 311, at 496 (“Ensuring that organizing efforts truly advance an agenda that reflects the needs and desires of low-income and minority communities is a difficult task, especially when privileged professionals, such as lawyers, begin to play critical roles.”).

increasing access to justice and CED, they may be in tension on particular issues, which designers of the system will need to consider and resolve in favor of the community's best interest.³⁴³

There are various ways to approach certification. You could ask multiservice business owners to study rules and prove competency on a test. You could ask them to submit an application and be interviewed by a public official or other authority figures. You could require multiservice business owners to voluntarily take the kind of steps that licensing regimes mandate, like using form contracts that afford customers certain rights, making specific disclosures about what the business can do and what the customer's rights are, or obtaining malpractice insurance.

A key feature of the system should be to seek out and highlight multiservice business strengths. It should also reflect the local reality of the role multiservice businesses play in the community and the role the community hopes certified multiservice businesses could play.

For example, an important strength of multiservice businesses in many communities is speaking a language other than English and translating proficiently.³⁴⁴ If one of the main benefits of certification in a particular community would be to make the business eligible for business translation opportunities, then businesses that seek certification could be asked to demonstrate their language proficiency.

It is unlikely that all multiservice businesses would provide all the same services. The certification system should allow multiservice business owners to choose what services they want to be certified to offer, provided that they are forthright with their customers about their limitations and that they can establish their competency for the services they provide. For example, if a business wants to maintain its good standing to perform translation work, it should not be providing credit counseling services unless they have also established that they can do so competently (either through a local process or through existing certifications). This will require some degree of monitoring to ensure that multiservice businesses are providing only those services they are approved to provide.

Some services, like credit counseling, already have broadly available certifications. For immigration, if the EOIR's accredited representative

343. This raises the question of who is the "community" and who defines their "best interest," both of which are beyond the scope of this Article. Designers of the system may find it useful to look to other organizing campaigns from the community economic development movement, for example, the legalization of street vendors in Los Angeles, California, supported by Doug Smith of Public Counsel. See Doug Smith, *The City of L.A. Can Protect Street Vendors by Honoring Its Commitment to Legalize Street Vending*, PUB. COUNS. (July 26, 2017), <https://medium.com/@PublicCounsel/the-city-of-la-can-protect-street-vendors-by-honoring-its-commitment-8b6fbd56a364> ("Earlier this year, thanks to tireless organizing, advocacy and strong vendor leadership, the City Council voted to decriminalize sidewalk vending.")

344. See Chris Bosak, *JE & Sons Will Add Nonprofit Spinoff to Multiservice Business*, THE HOUR (Sept. 26, 2017, 12:07 PM), <https://www.thehour.com/business/article/JE-Sons-will-add-nonprofit-spinoff-to-12229360.php>.

system is reformed in the way some commentators have proposed,³⁴⁵ EOIR accreditation could act as the requirement for immigration certification. The certification system should free owners from duplicating work that they have done for prior certifications.

These features outline the beginning of a proposal. Designing full proposals for certification should be done with more feedback from multiservice business owners and their customers and other stakeholders.

2. Benefits of Certification

The certification system should create incentives for multiservice businesses to embrace regulation. For example, local governments could generate additional translation business for certified multiservice businesses by contracting out government translation needs to those businesses. As previously addressed, local budgets for translation services should be increased. Translation and interpretive services should be offered in contexts that are currently inaccessible for people with limited English proficiency—community meetings, public hearings, etc.³⁴⁶ In those contexts, local community members from multiservice businesses could play the role of community interpreters recommended by Professor Ahmad.³⁴⁷ Local governments could require multiservice businesses to become certified as vendors before providing translation and assistance with government paperwork.³⁴⁸

Government and nonprofit programs could include contracts to increase uptake of the programs that they offer the community as part of their budget—not just for tax and immigration, but also for an expanded scope of programs like parent-teacher association recruitment, patient feedback for hospitals, census participation, or voter registration.³⁴⁹

Tapping into local entrepreneurs with community ties to overcome access barriers in this way is similar to how some communities provide adult daycare.³⁵⁰ The government pays for the care through Medicaid while community members provide the care itself.³⁵¹ The local variation

345. Shannon, *supra* note 108, at 486; Emily A. Unger, *Solving Immigration Consultant Fraud through Expanded Federal Accreditation*, 29 MINN. J. L. & INEQ. 425, 443 (2011); Moore, *supra* note 70, at 30–31.

346. *See id.* at 1065.

347. *Id.* at 1062, 1065.

348. *See* Ahmad, *supra* note 292, at 1071.

349. *See, e.g.*, Sarah L. Pettijohn & Elizabeth T. Boris, *Contracts and Grants Between Nonprofits and Government*, URB. INST. (Dec. 2013), <https://www.urban.org/sites/default/files/publication/24256/412968-Contracts-and-Grants-between-Nonprofits-and-Government.PDF>.

350. *See, e.g.*, *Adult Day Health Licensure*, MASS.GOV, <https://www.mass.gov/adult-day-health-licensure> (last visited Oct. 13, 2021).

351. Nathalie Martin, *Funding Long Term Care: Is There a Way to Ensure That Our Assets Will Last Longer Than We Will?*, 3 ELDER'S ADVISOR 66, 68 (2001); Nancy E. Shurtz, *Long-Term Care and the Tax Code: A Feminist Perspective on Elder Care*, 20 GEO. J. GENDER & L. 107, 181 (2018).

makes the programming more culturally relevant and creates business opportunities and jobs for local community members.³⁵²

If local governments, nonprofits, and community organizations were willing and able to invest more resources into the communities from which multiservice businesses draw their customers, then there would be additional business opportunities for multiservice businesses.³⁵³ More customers would be better served, improving access to justice for the customers.³⁵⁴ Multiservice businesses would get more business, supporting the economic development of their communities.³⁵⁵ Finally, limiting those business opportunities to multiservice businesses who were appropriately certified would provide a compliance incentive to improve consumer protection.³⁵⁶

Another advantage of a certification that offers an incentive is that the regulation is a more effective approach for a local jurisdiction worried about businesses setting up right outside its borders.³⁵⁷ To obtain the benefits of the certificate, businesses would need to comply with the local jurisdiction's rules, even if they are located outside the local jurisdiction's enforcement scope.³⁵⁸

B. Addressing the Risks of Embracing Multiservice Businesses

Asking what role multiservice business owners could play presumes that it can play a positive role. That is not currently the case in many circumstances.³⁵⁹ There are significant risks to embracing multiservice businesses.³⁶⁰ To arrive at a prescription for regulatory reform that would support multiservice businesses as a community-led solution and aid place-based CED, the prescription needs to address the risk that some multiservice business owners continue to play a negative role.³⁶¹

1. Risk of Bad Advice

First, there is the risk that multiservice businesses, even when regulated, give their customers bad advice. Especially on immigration issues, this can have terrible consequences for a vulnerable population.³⁶²

352. See Hauber, *supra* note 301, at 14; Baskaran, *supra* note 331, at 366–67.

353. Baskaran, *supra* note 331, at 380.

354. See Cooper, *supra* note 328, at 208–09; Sandefur, *supra* note 100, at 312–13.

355. See Baskaran, *supra* note 331, at 380.

356. Shannon, *supra* note 108, at 467–68.

357. See *id.* at 466–67.

358. See Shannon, *supra* note 18, at 593.

359. Unger, *supra* note 345, at 430–31 (discussing immigration fraud); Monica Schurtman & Monique C. Lillard, *Remedial and Preventative Responses to the Unauthorized Practice of Immigration Law*, 20 TEX. HISP. J.L. & POL'Y 47, 50 (2014) (explaining how *notario* fraud can irreparably damage the lives of individuals).

360. Shannon, *supra* note 18, at 615; Shannon, *supra* note 108, at 442–43, 488.

361. Crane & Manville, *supra* note 6, at 2.

362. Schurtman & Lillard, *supra* note 359, at 50, 57.

By attempting to cover so many substantive areas, multiservice businesses compound the risk of providing bad advice.³⁶³ Even if it would be possible to regulate their provision of immigration assistance, provision of assistance on tax or financial services issues are entirely separate industries and specializations.³⁶⁴ That is a lot for an entrepreneur to master and for a local system to regulate. Furthermore, government regulation could appear to lend unqualified, or even nefarious, businesses the appearance of government credibility.³⁶⁵

The certification system aims to protect against the risk that multiservice businesses give bad advice by ensuring they are competent before giving the advice.³⁶⁶ It also aims to create an incentive for multiservice businesses to work within the areas they are allowed and make it clear where that line is.³⁶⁷ The certification process would not, and should not, prepare a multiservice business owner to provide immigration legal advice. At a minimum, the training would explain clearly what a multiservice business cannot do and provide training on where a multiservice business owner could direct their customers, including private immigration lawyers interested in partnering, immigration legal aid, and DOJ-approved nonlawyer programs.³⁶⁸

Local attorneys would be great members of the networks of community support for multiservice businesses.³⁶⁹ They could help design and deliver the training. If private lawyers are involved, they will need to be careful to comply with their professional, ethical obligations about accepting referrals and encouraging UPL.³⁷⁰ Under the Model Rules of Professional Conduct, a non-exclusive reciprocal referral arrangement would be permissible.³⁷¹ The local certification regime should also account for how multiservice businesses should handle referrals.³⁷² For example, the

363. See Shannon, *supra* note 108, at 482.

364. See Shannon, *supra* note 18, at 592.

365. Shannon, *supra* note 108, at 469–70.

366. Alonso-Marsden, *supra* note 17, at 115.

367. *Id.* at 95.

368. See Rhode, *supra* note 225, at 213; Shannon, *supra* note 18, at 617; Han, *supra* note 19, at 191 n.145; Shannon, *supra* note 108, at 468–69, 471, 475.

369. See Schurtman & Lillard, *supra* note 359, at 108–09; Shannon, *supra* note 18, at 618–19.

370. MASS. RULES OF PRO. CONDUCT r. 7.2 (SUPREME JUD. CT. 2015); MASS. RULES OF PRO. CONDUCT r. 5.5 (SUPREME JUD. CT. amended 2016).

371. MODEL RULES OF PRO. CONDUCT r. 7.2 (AM. BAR ASS'N 2020).

372. Legal ethics reformers have also called for a reexamination of the ethical rules that prohibit lawyers from integrating their business with nonlawyers. See, e.g., Lyle Moran, *Utah Embraces Nonlawyer Ownership of Law Firms as Part of Broad Access-to-Justice Reforms*, AM. BAR ASS'N J. (Aug. 14, 2020, 3:45 PM), <https://www.abajournal.com/web/article/utah-embraces-nonlawyer-ownership-of-law-firms-as-part-of-broad-reforms> (“The Utah Supreme Court has unanimously approved a slate of reforms that allow for nonlawyer ownership or investment in law firms and permit legal services providers to try new ways of serving clients during a two-year pilot period. The court said the measures adopted Wednesday, including related ethics rules changes, ‘represent perhaps the most promising effort by courts to tackle the access-to-justice crisis in the last hundred years.’”). Reform in this area might open interesting opportunities for local attorneys to go into business with multiservice entrepreneurs that would allow for better oversight of the work by licensed attorneys and deeper collaboration. See, e.g., Rhode, *supra* note 225, at 213.

Illinois statute for immigration consultants prohibits multiservice business owners from accepting fees for making referrals.³⁷³

While concerns about the immigration-related work that multiservice businesses do are at the forefront of conversations, there should also be concern about other services, particularly tax preparation. The certification approach allows communities to improve consumer protection across different services.³⁷⁴

Even if one believes that the participation of nonlawyers in immigration matters should be discouraged, there remains a need for translators and interpreters in the provision of immigration legal services.³⁷⁵ A certificate system that recognizes the non-immigration work that multiservice businesses do would steer these businesses towards services that will be most helpful for their customers and community.³⁷⁶

Finally, those concerned about multiservice businesses giving bad advice should remember that lawyers also give bad advice.³⁷⁷ Immigration judges frequently complain of poor performance by lawyers on immigration issues.³⁷⁸ One study comparing the performance of lawyers and nonlawyers on certain civil issues in the UK found that nonlawyers performed better.³⁷⁹

2. Risk of Fraud

There is also a risk that some multiservice business assistance crosses the line between giving bad advice and committing fraud.³⁸⁰ This is evidenced by the many examples of enforcement actions taken against fraudulent multiservice business owners.³⁸¹ It is possible that empowering multiservice businesses will also promote businesses that commit fraud.³⁸² While the risk of multiservice businesses committing fraud is important, like the provision of bad advice, it is important to remember that lawyers and accountants also commit fraud.³⁸³

The current system tries to change the incentives of a business tempted to perpetrate fraud by threatening them with the enforcement costs.³⁸⁴ The certificate approach would increase the incentives to remain

373. 815 ILL. COMP. STAT. 505/2AA(b)(7) (2020).

374. See Shannon, *supra* note 108, at 467–68.

375. Jung et al., *supra* note 138, at 32–33.

376. See Cooper, *supra* note 328, at 207.

377. Han, *supra* note 19, at 172–73.

378. *Id.* at 173.

379. Sandefur, *supra* note 100, at 307.

380. Shannon, *supra* note 18, at 590; Shannon, *supra* note 108, at 442–43, 463.

381. Shannon, *supra* note 18, at 616–17.

382. Shannon, *supra* note 108, at 469–70.

383. Alonso-Marsden, *supra* note 17, at 91–92; Francine McKenna, *Accountants and Fraud: Can You Teach Them to Prevent, Catch, and Stop Committing It?*, FORBES (June 7, 2011, 1:54 PM), <https://www.forbes.com/sites/francinemckenna/2011/06/07/accountants-and-fraud-can-you-teach-them-to-prevent-catch-and-stop-doing-it/?sh=5518391d2a5e>.

384. Shannon, *supra* note 108, at 467–68; see, e.g., Fines 2013 YTD2020, *supra* note 26.

in good standing in the community.³⁸⁵ If there are enough incentives to participate in the certification system (i.e., if it is valuable for the business owner), then the incentive to commit fraud will diminish.³⁸⁶

To best take advantage of the potential to reduce incentives to commit fraud, the certification system will need to include monitoring and reporting—otherwise, multiservice businesses could reap the benefits of the certificate and still perpetrate fraud.³⁸⁷ Depending on the economics of the certification program, revenue from certification fees could be used to improve monitoring and reporting.³⁸⁸

Lifting multiservice businesses at the local level and continuing to aggressively combat fraud are perfectly compatible, if not mutually reinforcing goals. Stopping bad actors would create more opportunities for the business owners who want to do the right thing and making the line clearer would make it easier for multiservice businesses to stay out of trouble.³⁸⁹

Increased enforcement and many of the other steps for which commentators like attorney Careen Shannon have advocated for to curb immigration fraud would ultimately be helpful in that sense.³⁹⁰ Ms. Shannon has called for a uniform unauthorized practice of immigration law statute at the state level.³⁹¹ Coupled with a thoughtful expansion of the BIA's accreditation to qualified for-profit providers,³⁹² the kind of state statute proposed by Ms. Shannon would complement the local embrace of multiservice businesses.³⁹³

Other strategies to address the underlying consumer protection issues—such as improving remedies for immigrants who have been defrauded,³⁹⁴ requiring immigration consultants to get malpractice insurance,³⁹⁵ and increasing the supply of immigration lawyers to meet the demand for immigration legal advice to reduce consumer interest in nonlawyer services³⁹⁶—could also be complementary to lifting multiservice businesses.

385. See Shannon, *supra* note 108, at 467–68.

386. See, e.g., Baskaran, *supra* note 331, at 380 (providing an example of a California nail salon).

387. Alonso-Marsden, *supra* note 17, at 93.

388. See, e.g., DIV. OF STATE GOV'T ACCOUNTABILITY, OFFICE OF THE STATE COMPTROLLER (OF THE STATE OF N.Y.), LICENSE FEE REVENUES (2010), <https://web.osc.state.ny.us/audits/allaudits/093011/10n1.pdf>.

389. See Han, *supra* note 19, at 196, 198.

390. See Shannon, *supra* note 18, at 613.

391. Shannon, *supra* note 108, at 479.

392. *Id.* at 486; see also Unger, *supra* note 345, at 443; Moore, *supra* note 70, at 31.

393. Shannon, *supra* note 108, at 438 (“[P]roviding legitimate nonprofit religious, charitable, and community-based organizations with no mens rea to do harm with the opportunity to avoid sanctions if they seek recognition and accreditation by the BIA.”).

394. Schurtman & Lillard, *supra* note 359, at 73.

395. 815 ILL. COMP. STAT. 505/2AA(c) (2020).

396. Han, *supra* note 19, at 177.

The certificate system would be particularly well-complemented by consumer education.³⁹⁷ With a marketing budget, community leaders could even hire multiservice businesses to spread the word about immigration law updates and the risk of *notario* fraud.³⁹⁸

3. Risk of UPL

Third, there is a risk that multiservice business owners unlawfully engage in UPL.

A certification system would also diminish the risk of UPL by multiservice businesses.³⁹⁹ Inviting multiservice business owners into conversations with community leaders will connect multiservice business owners with local attorneys.⁴⁰⁰ Local attorneys can work with local community leaders to give better guidance on what constitutes UPL.⁴⁰¹ For multiservice business owners operating in areas adjacent to the practice of law—like immigration—training and a demonstration of understanding of the boundary could be required to obtain their certification.⁴⁰²

4. Risk of Encroachment on Community Lawyers

Fourth, there is a risk that embracing multiservice businesses undermines lawyers in low-income neighborhoods. These lawyers may themselves be small business owners and from the same community as the multiservice business owner.

There is certainly a risk that if multiservice business owners do well, they could take business away from community lawyers on issues that are not considered the practice of law.⁴⁰³ But the certification system should also make multiservice business owners more aware of the line between their work and the practice of law and more financially motivated to avoid crossing the line into the practice of law and maintain their certification.⁴⁰⁴ A multiservice business owner who is more careful about not practicing law will generate business opportunities for community lawyers that would hopefully offset any encroachment from multiservice business owners in areas where they are allowed to provide services.⁴⁰⁵

397. Shannon, *supra* note 18, at 617 (suggesting education campaign for consumers of immigration services).

398. *See generally* Alonso-Marsden, *supra* note 17, at 111 (stating state effort to educate consumers about immigration scams).

399. Shannon, *supra* note 18, at 619.

400. *See generally* Schurtman & Lillard, *supra* note 359, at 110.

401. Shannon, *supra* note 18, at 588–601 (listing examples of UPL).

402. *Id.* at 619.

403. *See* Alonso-Marsden, *supra* note 17, at 87 (stating many immigrants consult nonlawyers on immigration related issues).

404. *See, e.g.*, Shannon, *supra* note 108, at 475.

405. *Id.* at 458.

C. Alternatives to Embracing Multiservice Businesses

1. City Halls and Nonprofits

Many of the solutions that this Article suggest to support multiservice businesses—providing better translation for local residents and enmeshing providers of bureaucratic assistance in networks of support—could be provided by existing local governments or nonprofits. However, without changes in hiring practices, moving the work from multiservice businesses to city halls or nonprofits would make it less likely that the provision of these services would support sustainable livelihoods for people of color in low-income communities, particularly undocumented immigrants.⁴⁰⁶

Supporting multiservice businesses versus city halls and nonprofits do not have to be mutually exclusive. If city halls and local nonprofits expand their work in this area, they should coordinate their efforts with multiservice businesses if they see the value in investing in multiservice businesses as a CED strategy.

Of course, there are advantages to bringing the work inside city hall or local nonprofits instead of coordinating with and embracing multiservice businesses. If the services were done by people with jobs at city hall or a nonprofit, the pay and benefits for these employees might be better (or at least steadier).⁴⁰⁷ City halls would receive welcome diversity if the jobs were filled by people recruited from the community. The jobs could create career paths to roles with greater responsibility and influence.

However, the drawbacks to turning to city halls and nonprofits, instead of multiservice businesses, are significant. First, a more institutionalized approach would potentially disrupt the livelihoods of current multiservice business owners.⁴⁰⁸ Second, growth in city hall payrolls for these positions is unlikely given that many cities lack budget flexibility.⁴⁰⁹ Third, undercutting multiservice businesses would remove an opportunity for community entrepreneurs to build wealth.⁴¹⁰ Fourth, from the consumer's perspective, while they would need to pay for the services, working with multiservice businesses would offer consumers the opportunity to work with chosen partners, including business owners motivated by self-preservation and community empowerment.⁴¹¹ Finally, one of the advantages of embracing multiservice business entrepreneurs is the potential to strengthen a network of community leaders.⁴¹² If the work were to be done by individuals with government salaries, those leaders might be

406. See Baskaran, *supra* note 331, at 375 (giving an example of good hiring practice).

407. *Pros and Cons of Working in Government*, P'SHIP FOR PUB. SERV., <https://gogovernment.org/pros-and-cons-of-working-in-government/> (last visited Oct. 13, 2021).

408. See generally Alonso-Marsden, *supra* note 17, at 82.

409. Michelle Wilde Anderson, *The New Minimal Cities*, 123 YALE L. J. 1118, 1122 (2014).

410. See Baskaran, *supra* note 303, at 329.

411. Rubin, *supra* note 234, at 340.

412. See *supra* Section III.A; see also *supra* note 117.

prohibited or discouraged from participating in community activism or political mobilization.⁴¹³

2. UPL Reform

We should target attention at multiservice businesses directly, rather than rely on a general retreat of the scope of the rules about UPL that would allow nonlawyers to do more. For example, the innovative reform in the State of Washington to create the new role of “limited license technicians” to lower the barrier to entry for providing access to civil justice is a positive development.⁴¹⁴ But such licenses require too much higher education to be a universal solution for multiservice businesses.⁴¹⁵ Because of these restrictions, only a small number of individuals ended up pursuing the credential and it appears that it is being phased out.⁴¹⁶ Plus, a new credential alone misses out on the CED approach of doing more locally to create positive business opportunities for existing community businesses.⁴¹⁷ Focusing on multiservice businesses will allow us to design a regime targeted at a group that has already set up the logistics (storefronts, employees, and brand names).

CONCLUSION

If multiservice businesses currently have such great potential to contribute to the access to justice and CED movements, why does anything need to be done differently?

First, lifting multiservice businesses will improve consumer protection for their customers. It will give businesses incentives and training, helping them to give good advice and not commit fraud.

Second, lifting multiservice businesses will improve access to justice for their customers. For potential customers who are not already aware of this option, putting multiservice businesses on the referral lists of various agencies will increase awareness and, therefore, access to the bundled services that multiservice businesses provide across issue siloes. If multiservice businesses have more training, they can provide their customers better services which will go further in closing access to justice gaps.

Third, lifting multiservice businesses will improve CED for the businesses and their neighborhoods. More referrals and better services will make multiservice businesses more profitable, a benefit to owners that will

413. See generally Cummings, *supra* note 215, at 472 (stating the importance of community activism and political mobilization).

414. Holland, *supra* note 221, at 94.

415. *Id.* at 91.

416. Letter from Debra L. Stephens, C.J., Wash. State Sup. Ct., to Stephen R. Crossland et al., Chair, Ltd. License Legal Technician Bd. (June 5, 2020), https://www.wsba.org/docs/default-source/licensing/lllt/lllt-letter-6-9-20.pdf?sfvrsn=ad6b09f1_8; Rebecca M. Donaldson, *Law by Non-Lawyers: The Limit to Limited License Legal Technicians Increasing Access to Justice*, 42 SEATTLE U. L. REV. 1, 20 (2018) (survey of candidates suggests they were not planning to do work that would help close the access to justice gap).

417. See Cummings, *supra* note 215, at 479.

spill over into their communities. Lifting multiservice businesses would also improve CED through community empowerment as multiservice business owners would become stronger community leaders by developing a broader platform and more skills.

Multiservice business owners make up a readily available network to implement strategies from the CED movement to improve access to justice. There are certainly roadblocks to tapping into that network. It will require time and expense to organize multiservice businesses—to train them and monitor their work. But the time and expenses are lower than the costs of building a similar network from scratch.

The other principal roadblock is ideological. Some multiservice businesses have and do perpetrate fraud or otherwise take advantage of vulnerable customers. But the right strategies to lift multiservice business will not only take this into account but will more effectively deter bad behavior.

If one believes that multiservice businesses are dangerous, it is clear that the status quo has failed. Multiservice businesses pervade urban communities with large immigrant populations, despite laws against UPL, laws against fraud, specific attempts to license them in some jurisdictions like Chicago, and widespread awareness of the risks among immigration policymakers.

If the status quo has failed, it seems the options are either to do more to drive multiservice businesses out of business or to recognize the strengths of multiservice businesses and do more to address the weaknesses. It is not inconsistent to work to prevent *notario* fraud and to empower those multiservice businesses who are ready to do more in their role as community leaders.

Importantly, multiservice business owners are representative of the communities they serve. In lifting multiservice businesses, with the appropriate protections, we will be lifting their communities.

There is little general knowledge about multiservice businesses, partly because of the variation among the businesses, the grassroots nature of the work, and the stigma of *notario* fraud. Increased engagement with multiservice businesses is crucial to tapping into their potential to serve their communities more and the broader goals of access to justice and CED.

The example of the regulatory approach to multiservice businesses shows that while the law will not enforce someone's right to be upwardly-mobile, it can make the endeavor of someone striving for upward mobility easier or harder depending on how the law views that person's efforts. In that respect, law reform is an area where the law can contribute to social mobility.

Strategies devised in the community, by the community, and for the community are likely to be localized to that community and therefore, helpful to a place-based approach to CED. This is not to disparage people-based approaches to CED, but to identify a potential area of inquiry into how law reform might be helpful when circumstances call for a place-based approach.

Of course, the regulation of multiservice businesses is just one example of how law reform designed to support community-devised strategies to advance social mobility could improve place-based approaches to CED. Future inquiry should take on other examples. Law reform efforts should support those strategies by making it easier for them to flourish.

If these law reform efforts can in fact amplify community-devised solutions that advance social mobility, then the law will be contributing to the reduction of socioeconomic inequality.