

VIRGINIA:

**IN THE SUPREME COURT OF VIRGINIA
AT RICHMOND**

**IN THE MATTER OF
PROPOSED AMENDMENT TO UNAUTHORIZED PRACTICE RULE 3(O)**

(VSB Petition ID: 26-02)

PETITION OF THE VIRGINIA STATE BAR

K. Brett Marston, President
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TABLE OF CONTENTS

I. Overview of the Issues	1
II. Publication and Comments	4
III. Proposed Rule	6
IV. Conclusion	7

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PETITION

TO THE HONORABLE CHIEF JUSTICE AND THE JUSTICES OF THE
SUPREME COURT OF VIRGINIA:

NOW COMES the Virginia State Bar (“VSB”), by its president and executive director, pursuant to Part 6, § IV, Paragraph 10-4 of the Rules of this Court, and requests review and approval of amendments to Unauthorized Practice Rule (“UPR”) 3(O), as set forth below. The proposed Rule was approved by a 46-13-1 vote of the VSB Council on February 28, 2026 (Appendix, p. 84).

I. Overview of the Issues

The VSB Standing Committee on Legal Ethics (“Committee”) has proposed amendments to UPR 3(O).

The proposed amendments to Paragraph 3(O) permit court clerks, law librarians, court-approved navigators, and court-approved self-help center staff to answer questions about or otherwise assist with identifying, selecting, or completing a form prescribed by the Supreme Court of Virginia or other tribunal. The proposed rule also permits those persons to review the form to determine

whether it has been completed with all required information and to assist with completing the form if a person is unable to do so because of disability, literacy, or language barriers.

The proposed amendments were recommended to the Committee in substantially similar form after being unanimously approved by the Virginia Access to Justice Commission (Appendix, p. 86). As explained by the Commission in its recommendation, self-represented litigants experience great difficulty and confusion in choosing which court forms they must use, yet many court clerks with whom they interact are not comfortable under the current UPR in providing any guidance on which forms are appropriate or on how to fill them out. This amendment makes clear that clerks, law librarians, and court-approved navigators or self-help center staff may provide such information and assist a self-represented litigant in completing court forms without fear of violating the rules.

Concerns about the strict limits on assistance that court clerks can offer dates back to the Court's *Pro Se* Litigation Planning Committee and its September 2002 report titled "Self-Represented Litigants in the Virginia Court System: Enhancing Access to Justice." That report recommended a rule of court that "enables clerks of court and staff to fulfill their duties, as public servants, to assist those using or interested in the court system and its processes without improperly engaging in the

unauthorized practice of law.” Based on that report, the VSB proposed a rule to permit court clerks to provide assistance with selecting pre-printed forms, but the proposal was not approved by Council in 2003.

In the over 20 years since that proposal, concerns about self-represented litigants’ access to the court system have only increased; further, the rise of self-help centers and court navigator programs have enlarged the group of people concerned about crossing the line into the unauthorized practice of law when assisting self-represented litigants with matters before the court. According to John Greacen, an expert on court administration, as of 2022, “[a]lthough some courts initially insisted that the patron had to choose the form to complete, it is now generally accepted that court staff should provide patrons with the appropriate forms needed to accomplish the patron’s stated legal objective.”¹

As proposed by the Committee, the proposed rule struck all existing language from Paragraph 3(O), including the statement that “[c]ourt clerks shall not engage in providing legal advice, recommendations or opinions as part of the court clerk’s assistance.” During the Council discussion of the proposal, a motion was made to amend the proposal to insert “court-approved” before “self-help center staff” and to unstrike, add the word “otherwise,” and move the sentence

¹ See <https://judicature.duke.edu/articles/legal-information-vs-legal-advice-a-25-year-retrospective/>

“[c]ourt clerks shall not engage in providing legal advice, recommendations or opinions as part of the court clerk’s assistance” to the end of the proposed rule.

Another motion was made to amend the proposed amendment to refer to all the persons covered by the rule by inserting “law librarians, court-approved navigators, or court-approved self-help center staff” and removing the phrase “court clerk’s” from the end of the reinserted sentence. The motion to amend the proposal was approved by Council (55-6-1) (Appendix, p. 89) and the proposal, as amended, was then approved.

The proposed amendment is included below in Section III.

II. Publication and Comments

The Committee approved the proposed rule for public comment at its meeting on January 16, 2025, (Appendix, p. 1). The VSB issued a publication release dated January 17, 2025, pursuant to Part 6, § IV, Paragraph 10-2(c) of the Rules of this Court (Appendix, p. 3). Notice of the proposed rule was also published in the VSB’s “News from the Bar” on January 17, 2025 (Appendix, p. 5); on the VSB’s website on the “Actions on Rule Changes, Legal Ethics Opinions, and Unauthorized Practice of Law Opinions” page on January 17, 2025 (Appendix, p. 7), on the VSB’s “Governance and News” page on February 2, 2025 (Appendix, p. 10), and the Committee approved the proposed rule to be submitted to the VSB

Council at its meeting on March 20, 2025 (Appendix, p. 11).

When the proposed rule was released for public comment, 12 comments were received, from Brandon Burr (Appendix, p. 13), Charvalla West (Appendix, p. 15), Richard Golden (Appendix, p. 16), Caitlin Joseph (Appendix, p. 17), Paul Cella (Appendix, p. 19), Stephen Gallagher (Appendix, p. 20), Alicia Mitchell-Mercer (Frontline Justice) (Appendix, p. 21), August Bequai (Appendix, p. 27), Mark Crowley (Appendix, p. 28), Tim Freilich (Legal Services Corporation of Virginia) (Appendix, p. 29), S.M. Kernodle-Hodges (North Carolina Justice for All Project) (Appendix, p. 32), and Rachele Valente (Appendix, p. 83).

Five comments were fully in support of the proposal, while two additional comments indicated that the proposal does not go nearly far enough to address the access to justice needs of the population. The remainder of the comments expressed concerns about the proposal, including possible liability for clerks for their advice, clerks being blamed for helping one side and not the other, and whether a disclaimer should be included when such assistance is offered.

The Committee made no changes to the proposal based on the comments received. The proposal does not compel court clerks or others to offer the assistance permitted by the Rule; it merely provides that the conduct is not the unauthorized practice of law if clerks or others covered by the rule choose to offer

assistance as contemplated by the rule. Potential liability for nonlawyers offering assistance under this rule is a legal and policy issue beyond the scope of the UPRs and the Committee.

III. Proposed Rule Amendment

3. **EXCEPTIONS:** Non-lawyers and/or Foreign Lawyers (as defined by Part 6, § II, Rule 5.5, Rules of Supreme Court of Virginia) may engage in any of the following actions, even though they may constitute the practice of law:

O. ~~Providing assistance as a court clerk to litigants in completing for filing, forms prescribed by the Supreme Court of Virginia or other tribunal; information shall be limited to description of forms, instructions for use, and required sections to complete. Court clerks shall not engage in providing legal advice, recommendations or opinions as part of the court clerk's assistance.~~ Assisting a person as a court clerk, law librarian, court-approved navigator, or court-approved self-help center staff by answering questions or otherwise assisting to identify, select, or complete any form prescribed by the Supreme Court of Virginia or other tribunal, including explaining the meaning of any terms or language used in the form; assisting a person to understand the information needed to complete the form; reviewing the finished form to determine whether the form contains all required information; and by providing assistance to complete the form if the court

clerk, law librarian, court-approved navigator, or court-approved self-help center staff believes the person is unable to do so because of disability, literacy, or language barriers. For purposes of this exception, “navigator” is defined as an individual who is not court staff, does not act within an attorney-client relationship, and provides direct assistance to a person with civil legal problems as part of a formal program. Court clerks, law librarians, court-approved navigators, or court-approved self-help center staff shall not otherwise engage in providing legal advice, recommendations, or opinions as part of the assistance.

IV. Conclusion

The Court is authorized to regulate the practice of law in the Commonwealth of Virginia and to prescribe a code of ethics governing the professional conduct of attorneys. Va. Code §§ 54.1-3909, 3910.


Pursuant to this statutory authority, the Court has promulgated rules and regulations relating to the organization and government of the VSB. Va. S. Ct. R., Pt. 6, § IV. Paragraph 10 of these rules sets forth the process by which legal ethics advisory opinions and rules of professional conduct are promulgated and implemented. The proposed amendment to UPR 3(O) was developed and approved in compliance with all requirements of Paragraph 10, approved by the Committee at its meeting on March 20, 2025, and by a 46-13-1 vote of the VSB Council on

February 28, 2026.

THEREFORE, the VSB requests that the Court approve the proposed UPR amendment for the reasons stated above.

Respectfully submitted,
VIRGINIA STATE BAR

By 
K. Brett Marston, President

By 
Cameron M. Rountree, Executive Director

Dated this 9th day of March 2026.

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(VSB Petition ID: 26-02)

APPENDIX TO PETITION OF THE VIRGINIA STATE BAR

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TABLE OF CONTENTS

I. Ethics Committee Minutes/Released for Public Comment (January 16, 2025)	1
II. Publication Notifications seeking public comment: Publication Release; VSB Governance and News; VSB Actions on: Rule Changes, LEOs, and UPL Opinions; News from the Bar	3
III. Ethics Committee Minutes/Approved for Submission to Council (March 20, 2025)	11
IV. Comments	13
V. VSB Council Approval by Vote (February 28, 2025)	84
VI. Virginia Access to Justice Commission Proposal	86
VII. VSB Council Approval of amendment by Vote (February 28, 2025)	88



Virginia State Bar

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MINUTES LEGAL ETHICS COMMITTEE Hybrid Teams Meeting January 16, 2025 10:00 AM

The Virginia State Bar (VSB) Standing Committee on Legal Ethics met in the VSB Board Room, 1111 East Main Street, Suite 700, Richmond, VA, with a quorum of members participating on January 16, 2025, pursuant to public notice.

Members Present in Person: K. Brett Marston (Chair), Katie Dougherty (Vice Chair), Patrick Hanes, Michael HuYoung, Jeff Mitchell, and Michael Robinson.

Members Present on Teams: Pursuant to Va. Code § 2.2-3708.3(B), the following committee members appeared remotely: Naveed Kalantar (Virginia Beach, VA, more than 60 miles from the meeting location), Nia Vidal (Roanoke, VA, more than 60 miles from the meeting location)

Members Unable to Attend: Megan Clark

Guests Present: David Neumeyer and John Whitfield (via Teams)

VSB Staff Present: Cameron Rountree, Executive Director; Janet Van Cuyk, Deputy Executive Director; Emily Hedrick, Ethics Counsel; Krista Mathis, Assistant Ethics Counsel; and Diane Ferguson, Assistant Ethics Counsel

I. Approval of remote participation

Remote attendance of the members identified above was approved on a motion from Michael Robinson, seconded, and unanimously approved by voice vote.

II. Approval of minutes

The minutes of the November 21, 2024, meeting were approved on a motion from Patrick Hanes, seconded, and unanimously approved by voice vote.

VI. Proposed Opinions and Rules of Professional Conduct

A. Proposed amendment to UPL rules

Following a presentation from David Neumeyer and John Whitfield on the access to justice implications of court clerks, librarians, and navigators providing assistance with form selection, the committee agreed to release the proposed amendment for public comment, on a motion from Michael HuYoung, followed by a second and a unanimous voice vote. Brett Marston did not participate in the discussion or vote on this matter.

B. Proposed amendment to Rule 6.5

After reviewing the comments received, the committee approved the proposed amendment for submission to VSB Council, on a motion from Jeff Mitchell, followed by a second and a unanimous voice vote.

C. Discussion of former client conflicts/imputation

After discussion of the materials prepared by staff, the committee agreed to continue consideration of proposed changes and requested staff provide additional materials for review at the next meeting.

D. Recommendation from AI Subcommittee

Michael Robinson presented the recommendation on behalf of the subcommittee that the committee consider issuing an LEO on the permissibility of value-based fees in the context of AI use by lawyers. After discussion, the committee agreed and asked staff to prepare draft materials for the next meeting.

E. Proposed amendment to Rule 1.5(d) – contingent fees in domestic cases

After discussion, the committee agreed to continue considering options for modifying this rule and asked staff to prepare additional materials for the next meeting.

F. LEO request – duty to convey conditional plea offers

The committee agreed that an LEO is not necessary as this question is addressed by existing rules.

G. LEO request – billing for withdrawal from case

After discussion, the committee requested that staff provide additional research on how other jurisdictions have addressed these issues for the next meeting.

Release Date: January 17, 2025

**The Virginia State Bar
Seeks Public Comment on Amendments to Unauthorized Practice
Rules**

RICHMOND - Pursuant to Part 6, § IV, ¶ 10-2(C) of the Rules of the Supreme Court of Virginia, the Virginia State Bar is seeking public comment on proposed amendments to Part 6, § I of the Rules of Court, Unauthorized Practice Rules.

The proposed amendments to Paragraph 3(O) would permit court clerks, librarians, courthouse navigators, and self-help center staff to answer questions about or otherwise assist with identifying, selecting, or completing a form prescribed by the Supreme Court of Virginia or other tribunal. The proposed rule also permits those persons to review the form to determine whether it has been completed with all required information and to assist with completing the form if a person is unable to do so because of disability, literacy, or language barriers.

The proposed amendments were recommended to the committee after being unanimously approved by the Virginia Access to Justice Commission. As explained by the Commission in its recommendation, self-represented litigants experience great difficulty and confusion in choosing which court forms they must use, yet many court clerks with whom they interact are not comfortable under the current UPL rule in providing any guidance on which forms are appropriate or on how to fill them out. This amendment makes clear that clerks, trained law librarians, and courthouse navigators acting in a program approved by the local court may provide such information and assist a self-represented litigant in completing court forms without fear of violating the UPL rules.

Inspection and Comment

The proposed rule may be inspected below or at the office of the Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219, between the hours of 9:00 am and 4:30 pm, Monday through Friday.

Any individual, business, or other entity may submit written comments in support of or in opposition to the proposed rule amendments with Cameron M. Rountree, executive director of the Virginia State Bar, not later than March 7, 2025. Comments may be submitted via email to publiccomment@vsb.org.



Virginia State Bar

An agency of the Supreme Court of Virginia

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News from the Bar

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[VSB News February 2025](#)



Posted on 1/31/2025

The VSB News monthly email was sent to all Virginia lawyers on January 31, 2025.

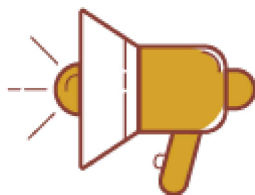
[VSB to Evaluate Candidates for 2026 Supreme Court of Virginia Vacancy](#)



Posted on 1/29/2025

The Virginia State Bar and other statewide bars have been asked to evaluate candidates for a vacancy on the Supreme Court of Virginia to be created by the retirement of the Honorable S. Bernard Goodwyn on January 1, 2026.

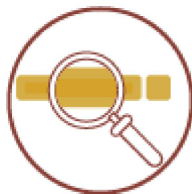
[Volunteers Sought to Run for 2025 VSB Council Vacancies](#)



Posted on 1/29/2025

VSB Council, the Virginia State Bar's governing body, will hold its annual elections by electronic ballot in April 2025 for terms beginning July 1.

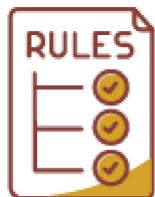
[VSB Seeks Comment on Proposed Amendments to Part 6, § I Unauthorized Practice Rules](#)



Posted on 1/17/2025

The Virginia State Bar seeks public comment on proposed amendments to Part 6, § I of the Rules of Court, Unauthorized Practice Rules.

[Supreme Court of Virginia Restores Delinquency Fees to Pre-Pandemic Levels and Amends Other Rules](#)



Posted on 1/15/2025

Ordered on January 15, 2025, and effective March 17, 2025, the Supreme Court of Virginia amended a number of its rules.

[USPS Mail Delivery Suspended Thursday, January 9](#)



Posted on 1/8/2025

Thursday, January 9th has been declared a National Day of Mourning for President Jimmy Carter. We strongly encourage you to fax



Virginia State Bar

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Actions on:

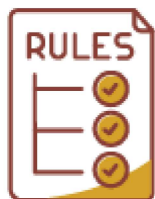
Rule Changes, Legal Ethics Opinions, and Unauthorized Practice of Law Opinions

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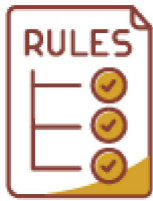
[VSB Council Approves Bylaws Amendments Regarding Conferences](#)



Posted on 5/12/2025

At its meeting on June 12 in Virginia Beach, the VSB Council approved proposed Bylaws amendments regarding conferences, effective July 1, 2025.

[Supreme Court of Virginia Amends Paragraph 5](#)



Posted on 4/18/2025

Ordered on April 16, 2025, and effective July 1, 2025, the Supreme Court of Virginia amended Part 6, Section IV, Paragraph 5 of the Rules of Court.

[Proposed Legal Ethics Opinion 1901 Approved by the Supreme Court of Virginia](#)



Posted on 3/27/2025

On November 24, 2025, the Supreme Court of Virginia approved proposed Legal Ethics Opinion 1901, Reasonable Fees and the Use of Generative Artificial Intelligence, effective immediately.

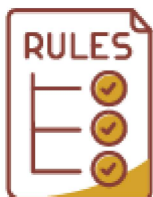
[VSB Seeks Public Comment on Amendments to Rule of Professional Conduct 1.9](#)



Posted on 3/27/2025

The proposal has been approved by the Legal Ethics Committee and will be submitted to VSB Council in February 2026.

[Supreme Court of Virginia Amends Spousal Testimony and Communications Rule](#)



Posted on 3/24/2025

On March 21, 2025, the Supreme Court of Virginia amended Rule 2:504 of the Virginia Rules of Evidence concerning spousal testimony and marital communications.

[Proposed Amendments to Part 6, § I Unauthorized Practice Rules](#)



Posted on 1/17/2025

The amendments will be submitted to VSB Council at their meeting in February 2026.

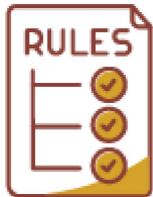
[Supreme Court of Virginia Restores Delinquency Fees to Pre-Pandemic Levels and Amends Other Rules](#)



Posted on 1/15/2025

Ordered on January 15, 2025, and effective March 17, 2025, the Supreme Court of Virginia amended a number of its rules.

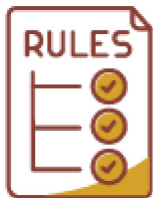
[Supreme Court of Virginia Amends Canons of Judicial Conduct; Rules 1:1A and 5A:35](#)



Posted on 9/26/2024

On September 26, 2024, the Supreme Court of Virginia amended the Canons of Judicial Conduct Canon 2H(1) and Rules 1:1A and 5A:35.

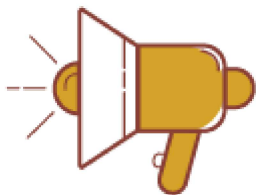
[Adopted | Amendments to Rule 1.5 Regarding Nonrefundable Legal Fees](#)



Posted on 8/30/2024

Supreme Court Approves Amendments to Rule of Professional Conduct 1.5 Regarding Nonrefundable Legal Fees

[Remote Participation Policy](#)



Posted on 8/8/2024

At its meeting on October 11, 2024, VSB Council approved proposed amendments to the VSB Council's "Policy on Individual Remote Participation in Meetings and All-Virtual Meetings."

PREVIOUS

NEXT



Governance and News

[Volunteers Sought to Run for 2025 VSB Council Vacancies](#)

Join VSB Council! The VSB's governing body will hold annual elections by electronic ballot in April 2025 for terms beginning July 1.

[VSB to Evaluate Candidates for 2026 Supreme Court of Virginia Vacancy](#)

The VSB and other statewide bars have been asked to evaluate candidates for a vacancy on the Supreme Court of Virginia to be created by the retirement of the Hon. S. Bernard Goodwyn on January 1, 2026.

[Proposed Amendments to Part 6, § I Unauthorized Practice Rules](#)

The VSB seeks public comment on proposed amendments to Part 6, § I of the Rules of Court, Unauthorized Practice Rules. Deadline March 7.

[Supreme Court of Virginia Restores Delinquency Fees to Pre-Pandemic Levels and Amends Other Rules](#)

Ordered on January 15, 2025, and effective March 17, 2025, the Supreme Court of Virginia amended a number of its rules.

[Volunteer with the VSB!](#)

K. Brett Marston, president-elect of the VSB, seeks active and in-good-standing Virginia lawyers to serve on a [variety of committees](#) beginning July 1, 2025.

Or, consider serving on a [local disciplinary district committee](#) representing your judicial district in self-regulation.

The deadline to apply for committee service is March 7.

Compliance

**MINUTES
LEGAL ETHICS COMMITTEE
Hybrid Teams Meeting
March 20, 2025
10:00 AM**

The Virginia State Bar (VSB) Standing Committee on Legal Ethics met in the VSB Board Room, 1111 East Main Street, Suite 700, Richmond, VA, with a quorum of members participating on March 20, 2025, pursuant to public notice.

Members Present in Person: K. Brett Marston (Chair), Megan Clark, Patrick Hanes, Michael HuYoung, Michael Robinson, and Nia Vidal.

Members Present on Teams: Pursuant to Va. Code § 2.2-3708.3(B), the following committee members appeared remotely: Naveed Kalantar (Virginia Beach, VA, more than 60 miles from the meeting location), Jeff Mitchell (Blacksburg, VA, more than 60 miles from the meeting location)

Members Unable to Attend: Katie Dougherty.

VSB Staff Present: Janet Van Cuyk, Deputy Executive Director; Emily Hedrick, Ethics Counsel; Dorian Dalton, Assistant Ethics Counsel; Krista Mathis, Assistant Ethics Counsel; and Diane Ferguson, Assistant Ethics Counsel

I. Approval of remote participation

Remote attendance of the members identified above was approved on a motion from Nia Vidal, seconded, and unanimously approved by voice vote.

II. Approval of minutes

The minutes of the January 16, 2025, meeting were approved on a motion from Nia Vidal, seconded, and unanimously approved by voice vote.

III. Update on March 1 Council meeting

Brett and Emily reported on the discussion at the March 1 council meeting, where both of the committee's proposals were approved for submission to the SCV. The committee

discussed the feedback from Council about whether additional education is needed on flat fees and nonrefundable fees.

IV. Proposed Opinions and Rules of Professional Conduct

A. Proposed amendment to UPL rules

After reviewing the public comments received, the committee approved the proposed amendments to the rules for submission to VSB Council, on a motion from Michael HuYoung, seconded and approved by a vote of 6 to 1. Brett Marston did not participate in the discussion or vote on this matter.

B. Discussion of former client conflicts/imputation – proposed amendments to Rule 1.9(c) or 1.10(a)

After discussion of the materials prepared by staff, the committee agreed to release the proposed amendment to Rule 1.9(c) for public comment, on a motion from Megan Clark, seconded and approved by unanimous voice vote.

C. Proposed LEO 1901

After discussion of the draft opinion, the committee agreed, on a motion from Michael HuYoung, seconded, and approved by unanimous voice vote, to release the opinion, as amended, for public comment. The amended opinion will be circulated to the committee for approval before release.

D. Proposed amendment to Rule 1.5(d) – contingent fees in domestic cases

After discussion, the committee agreed to release the version of the rule removing the ban on contingent fees in domestic cases for public comment, on a motion from Michael Robinson, seconded, and approved by unanimous voice vote.

E. LEO request – billing for withdrawal from case

After discussion, the committee determined that an LEO is not necessary on this topic.

F. LEO request – revisit LEOs 278, 1141, and 1324

After discussion, the committee agreed to move forward with withdrawing the identified opinions, including an explanation that they are not consistent with the current rules; staff will prepare materials for the May meeting.

G. LEO request – prosecutor in a romantic relationship with law enforcement officer

From: [Brandon Burr](#)
To: [publiccomment](#); [Dmitry Shvets](#); [Rick Friedman](#); [info@unitefam.com](#)
Subject: EXTERNAL SENDER Support 6, § I of the Rules of Court, Unauthorized Practice Rules.
Date: Sunday, January 26, 2025 8:46:37 AM

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Clerk of the Supreme Court of Virginia
100 North 9th Street
Richmond, VA 23219

Subject: Support for Proposed Amendments to Part 6, § I of the Rules of Court, Unauthorized Practice Rules

Dear Clerk of the Supreme Court of Virginia,

Cameron M. Rountree, executive director of the Virginia State Bar,

I am writing to express my strong support for the proposed amendments to Part 6, § I of the Rules of Court concerning the Unauthorized Practice of Law (UPL), specifically the changes to Paragraph 3(O). The proposed amendments, which would allow court clerks, librarians, courthouse navigators, and self-help center staff to assist litigants in identifying, selecting, and completing forms prescribed by the Supreme Court of Virginia or other tribunals, are a necessary and long-overdue step toward improving access to justice for self-represented individuals.

Supporting Rationale and Recommendations

As recognized by the Virginia Access to Justice Commission, self-represented litigants face significant challenges in navigating the legal system, particularly in selecting and completing court forms. The current UPL rules have inadvertently created barriers to access to justice by preventing clerks and trained support personnel from offering basic assistance. This amendment would clarify their ability to provide guidance without fear of violating professional boundaries, ultimately improving the efficiency and fairness of court proceedings.

Many individuals seeking justice are met with complexities that can be overwhelming without adequate guidance. By allowing trained court personnel to assist, the general public is better equipped to navigate the legal system and advocate for their rights. This change will empower individuals to address their legal matters more confidently and effectively.

Having navigated the family law legal system for over seven years, I have yet to find a Virginia attorney who is truly dedicated to following through with cases and possesses the legal acumen necessary to support children and families during these challenging times. The proposed rule change would significantly bridge this gap by offering timely and informed assistance to those in need.

The Current Practice model of attorneys in Virginia, Promises the world and delivers nothing but an unchecked unaccountable billing rate.

In support of this amendment, it is important to consider the following:

1. Case Law Supporting Access to Justice:

- In *Turner v. Rogers*, 564 U.S. 431 (2011), the U.S. Supreme Court emphasized the importance of procedural safeguards for self-represented litigants in family law matters, noting that without assistance, such individuals are at a significant disadvantage.
- The Virginia Supreme Court, in *Anderson v. Anderson*, 640 S.E.2d 212 (Va. 2006), acknowledged the complexity of family law and the challenges faced by pro se litigants, reinforcing the need for accessible legal guidance.

2. Comparative Analysis with Other States:

- States such as California and New York have implemented robust self-help programs that empower court staff to provide form-filling assistance without overstepping ethical boundaries. For example, California's Family Law Facilitator Program provides significant assistance to self-represented litigants, reducing case backlog and improving court efficiency.
- Similarly, in Florida, the Family Law Self-Help Centers operate under guidelines that permit non-lawyers to assist in form selection and completion, demonstrating successful models Virginia could emulate.

3. Expanding the Scope for Family Law Matters:

- Family law cases often involve highly emotional and complex issues, such as child custody, support, and domestic violence protection orders. Many individuals in these situations lack the financial resources to hire an attorney and would greatly benefit from expanded assistance in completing forms accurately.
- I strongly recommend that Virginia take an even more proactive stance by establishing dedicated Family Law Self-Help Centers within courthouses to provide targeted assistance and ensure fair treatment of all parties involved.

4. Addressing Professional Resistance:

- Concerns from the legal community about potential overreach can be mitigated through comprehensive training programs for clerks and self-help staff, ensuring they provide assistance within clearly defined limits while maintaining the integrity of the legal profession.

In conclusion, I fully support the proposed amendments and encourage the Virginia State Bar and the Supreme Court of Virginia to adopt and expand these changes to further address the specific needs of family law litigants. Allowing trained personnel to provide assistance fosters a more inclusive and just legal system, ensuring that all individuals, regardless of background or resources, have the opportunity to navigate legal challenges successfully.

Thank you for considering my comments in support of this important initiative.

Sincerely,

From: [Charvalla West](#)
To: [publiccomment](#)
Subject: EXTERNAL SENDER Proposed Amendment to Rule Part 6, I of the Rules of Court, Unauthorized Practice Rules
Date: Wednesday, January 29, 2025 12:47:08 PM
Attachments: [image005.png](#)
[image006.png](#)

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Good afternoon,

United Way of the Virginia Peninsula, on behalf of our government, nonprofit, and corporate partners who serve The County of New Kent, James City County, The City of Williamsburg, The County of York, The City of Poquoson, The County of Gloucester, The County of Mathews, The City of Newport News, and the City of Hampton, offer our support of the Amendment to allow services that help constituents better navigate judicial proceedings.

Our position is informed by our efforts over the last 4 years to reduce evictions in our community. A significant part of our community's approach has been to prioritize a collaborative approach, recognizing that in many cases both parties can benefit from aid and assistance. Our Court Navigation services were developed with the guidance and direction of our partners in the courts-judges, clerks, and Sheriffs, as well as landlords, attorneys, tenants, and our partners at our local Legal Aid. Together, we have implemented and grown our Court Navigation services and have seen the impact in our community.

It is with great appreciation and resounding support that we recommend the amendment as proposed. Thank you.

Charvalla West

Chief Executive Officer

United Way of the Virginia Peninsula
101 York Crossing Rd, Yorktown, VA 23692

Office: (757) 229-2222 ext. 2113

Direct: (757) 273-6277

Email: cwest@uwvp.org



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Every person in our community, whether they have a need or something to give, can get connected through United Way.



From: [RAGolden](#)
To: [publiccomment](#)
Subject: EXTERNAL SENDER The Virginia State Bar seeks public comment on proposed amendments to Part 6, § I of the Rules of Court, Unauthorized Practice Rules.
Date: Saturday, February 1, 2025 10:17:32 AM

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The current rule, precluding clerks from providing advice on the use of forms, helps to protect the clerks from legal liability when something goes wrong. The proposed amendment increases the possibility that clerks will become targets of litigation. Do court clerk have adequate protective legislation? If not, the amendment should not be adopted.

Richard A. Golden
9437 Wooded Glen Avenue
Burke, VA 22015

From: [Caitlyn Joseph](#)
To: [publiccomment](#)
Subject: EXTERNAL SENDER Public Comment for proposed amendments to Part 6, § I of the Rules of Court, Unauthorized Practice Rules
Date: Monday, February 3, 2025 10:42:08 AM
Attachments: [Outlook-A blue tex.png](#)
[Outlook-A blue sig.png](#)

You don't often get email from cjoseph@uwvp.onmicrosoft.com. [Learn why this is important](#)

Good morning,

My name is Caitlyn Joseph and I serve as the Eviction Court Navigator with United Way of the Virginia Peninsula. I am writing to highlight the critical need for court navigation services within our local courthouses.

At United Way of the Virginia Peninsula (UWVP) I serve as the Eviction Court Navigator with our Court Navigation Program. Our program operates under the Virginia Eviction Reduction Pilot (VERP) grant overseen by the Department of Housing and Community Development's (DHCD). This program provides essential support for tenants and landlords simultaneously navigating the often complex and overwhelming eviction and court processes, ensuring they have access to resources for legal information such as locating forms, finding an attorney, and accessing legal and procedural information.

Our development of the Court Navigation program has been driven by immense efforts to build strong relationships and establish credibility within the court system and our community. Through collaborative efforts with our local Legal Aid organization, Clerk's Offices, Judges, Sheriff's Offices, properties and landlords, nonprofits and community partners, we have demonstrated the success and positive impact of court navigation services on the individuals we serve. These services not only help all parties involved in the eviction process understand their legal rights but also bridge gaps that can otherwise result in confusion, delays, or miscommunications that could negatively impact their cases, and therefore their livelihood.

In assessing the impact of court navigation services on local court systems, it is proven that court navigation services also benefit the court itself by providing services and resources that alleviate the burden of time and capacity of the Clerk's Office and other court staff. Court Navigation services provide a reliable, consistent, and impartial service to all self-litigants and community members engaging with the broader judicial system.

Court navigation services are necessary to improve court accessibility, reduce barriers to justice, and support the self-litigants, which are the majority of the individuals involved in civil matters, specifically regarding housing and eviction. We ask that decision-makers continue to recognize and support the value of these services to ensure all courts can empower community members, through accessible and equitable resource and knowledge share, to confidently and

effectively navigate the legal process.

Thank you for your time in reviewing this comment.

Respectfully,
Caitlyn Joseph

Caitlyn Joseph
Eviction Court Navigator
United Way of the Virginia Peninsula
101 York Crossing Rd, Yorktown, VA 23692

Office: (757) 229-2222

Email: cjoseph@uwvp.org



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Virginia Peninsula

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*Every person in our community, whether
they have a need or something to give,
can get connected through United Way.*



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From: [Paul Cella](#)
To: [publiccomment](#)
Subject: EXTERNAL SENDER Rule Part 6 § I Public Comment
Date: Tuesday, March 4, 2025 8:42:12 PM

[You don't often get email from paulwcella@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Sirs:

In my opinion, the proposed amendment is unwise. As one of the Circuit Court Clerks in my Circuit put it, “if we assist someone in completing a form or document and then the Court does not uphold them, they would blame the Clerk’s Office staff for ‘doing it wrong’ or giving bad advice.”

The flip side of this is that if the Clerk’s Office assists a pro se party in completing a form, and the pro se party wins, the opposing party might complain that the assistance that the court gave the pro se party was an unfair advantage.

While the proposed amendment may be based upon good intentions, it is not the place of the court system to give advice to pro se parties. This is not fair to anybody involved.

Thank you.

Sincerely,

Paul W. Cella
Judge
Eleventh Judicial Circuit
3880-C Old Buckingham Road
Powhatan, Virginia 23139

Sent from my iPad

From: [publiccomment](#)
To: skgallagher@Venable.com
Cc: [Rountree, Cameron](#); [Van Cuyk, Janet](#); [Hedrick, Emily](#); [publiccomment](#); [Hall, Kristi](#)
Subject: Comments re Part 6, § I of the Rules of Court, Unauthorized Practice Rules
Date: Wednesday, March 5, 2025 8:33:25 AM

Good morning, Mr. Gallagher,

I wish to inform you that I have received your email, which was forwarded to me by Michael Robinson.

This email serves as an acknowledgment of the receipt of your comments regarding the Ethics Committee's proposed amendments to Part 6, § I of the Rules of Court, Unauthorized Practice Rules. Your feedback is highly valued and will be carefully considered during the committee's next meeting on March 20, 2025.

Best,

Kristi

Kristi R. Hall, Executive Assistant to Operations
Virginia State Bar
1111 East Main Street, Ste. 700 | Richmond, Virginia 23219-0026
804-775-0557
www.vsb.org | khall@vsb.org

From: Gallagher, Stephen K. <SKGallagher@Venable.com>
Sent: Friday, January 31, 2025 12:20 PM
To: Robinson, Michael W. <MWRobinson@Venable.com>
Subject: FW: [GRAYMAIL]February 2025 | VSB News: Volunteers sought; Chief Justice Goodwyn to retire; CLEs and Event; Annual Meeting Update!

I think I understand the concept and desire to do more for underserved individuals, but I don't think this works as written. There is no defined term for a "self-help center" and even with the attempt to define "navigator," I don't know what either one is. For example, are these meant to be limited to non-profit/volunteer organizations, or can I start a for-profit "self help center" online as a nonlawyer?

I also think that selecting forms and telling people how to fill them out is rendering legal advice. In addition, I wonder how librarians and clerks feel about this additional service they might be asked to provide, cost for training, etc.

Steve Gallagher
703.760.1647

From: [Alicia Mitchell-Mercer](#)
To: [publiccomment](#)
Cc: [Nikole Nelson](#); [Rachel Royal](#)
Subject: EXTERNAL SENDER Public Comment on Proposed Amendments to Virginia's Unauthorized Practice Rules (Draft Rule 3(O))
Date: Tuesday, March 4, 2025 7:56:16 PM
Attachments: [Frontline Justice's Public Comment on VA's UPL Rules \(Draft Rule 3\(O\)\).pdf](#)

You don't often get email from alicia@frontlinejustice.org. [Learn why this is important](#)

Dear Mr. Rountree,

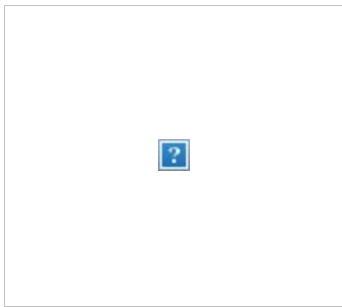
On behalf of Frontline Justice, we submit our public comment on the proposed amendments to Virginia's Unauthorized Practice of Law (UPL) Rule, specifically Draft Rule 3(O). Please find our full comment attached as a PDF for your review.

We appreciate the Virginia State Bar's efforts to improve access to justice and welcome the opportunity to contribute to this important conversation. If there are any questions or if further discussion would be helpful, please do not hesitate to reach out.

Thank you for your time and consideration.

Best regards,

Alicia Mitchell-Mercer



Dr. Alicia Mitchell-Mercer, PMP
Chief Operations Officer

FRONTLINE JUSTICE

Frontline Justice is an initiative of the Office of American Possibilities Fund, a sponsored project of Rockefeller Philanthropy Advisors, Inc.

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www.frontlinejustice.org

March 4, 2025

Cameron M. Rountree

Executive Director

Virginia State Bar

1111 East Main Street, Suite 700

Richmond, Virginia 23219-0060

Email: publiccomment@vsb.org

Re: Public Comment on Proposed Amendments to Virginia's Unauthorized Practice Rules (Draft Rule 3(O))

Dear Members of the Virginia State Bar,

We write on behalf of Frontline Justice to provide public comment on the proposed amendments to Virginia's Unauthorized Practice of Law (UPL) Rule, specifically Draft Rule 3(O). Frontline Justice is a national leader in community-driven legal empowerment dedicated to expanding access to justice through trained community justice workers.

Our mission is to bridge the civil justice gap by equipping trusted community members with the tools, training, and support needed to assist people facing civil legal problems that threaten family stability, economic security, and personal safety. We focus on empowering community-based legal helpers to navigate issues such as evictions, domestic violence protection, access to public benefits, and consumer rights, ensuring that individuals can exercise their legal rights and secure fair and just outcomes. Trusted relationships and culturally responsive approaches are central to our work, allowing us to expand access to justice in ways that are scalable, sustainable, and tailored to the unique needs of diverse communities.

The Virginia State Bar has taken an important step in acknowledging the need for reform in the delivery of legal assistance. By proposing amendments to the Unauthorized Practice of Law (UPL) Rule, the Bar recognizes that access to justice must extend

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Cameron M. Rountree
Executive Director
Virginia State Bar
March 4, 2025
Page 2

beyond traditional models to better serve the needs of Virginians. The inclusion of court clerks, librarians, court-approved navigators, and self-help center staff as authorized providers of limited legal assistance reflects a growing recognition that innovative solutions are essential to dismantling the barriers that prevent millions from securing fair and just resolutions to the challenges they face in their daily lives. This openness to exploring new approaches is commendable. It reflects a broader national movement to reimagine legal service delivery, ensuring that justice is not just a privilege for those who can afford it but a right accessible to every American.

While we appreciate the ongoing efforts to improve access to legal assistance, we are concerned that the proposal remains too limited in scope. Draft Rule 3(O) narrowly contemplates court clerks, librarians, court-approved navigators, and self-help center staff as the only stakeholders permitted to provide limited legal assistance. This framework fails to acknowledge the broader ecosystem of trusted community members who already assist individuals facing civil legal challenges. By restricting participation to these select groups and excluding meaningful reforms that would empower community justice workers—who are embedded in and trusted by their communities—the rule falls short of addressing the urgent and growing access to justice crisis in Virginia.

The Access to Justice Crisis in Virginia

Virginia, like the rest of the nation, is experiencing a civil justice crisis of staggering proportions. Every year, millions of Americans—including most Virginians—confront serious legal problems without the ability to secure legal assistance. Nationally, an estimated 120 million legal problems go unresolved annually, with 92% of low-income households receiving little to no legal help when facing issues such as eviction, domestic violence, and public benefits denial.¹ In Virginia alone, 40% of households live below the ALICE (Asset Limited, Income Constrained, Employed) threshold, meaning they earn too much to qualify for legal aid but not enough to afford an attorney.² In the

¹ IAALS and Hague Institute for Innovation of Law (HiIL), *Justice Needs and Satisfaction in the United States*, University of Denver, 2021,

<https://iaals.du.edu/sites/default/files/documents/publications/justice-needs-and-satisfaction-us.pdf>.

² *ALICE in the Crosscurrents: An Update on Financial Hardship in Virginia*, United Way, 2024, <https://www.unitedforalice.org/virginia>.

Cameron M. Rountree
Executive Director
Virginia State Bar
March 4, 2025
Page 3

lower-income populations, legal aid organizations turn away one person for every individual they serve due to resource constraints.³

Despite this widening justice gap, the number of lawyers in the United States has grown by 400% over the past five decades, yet access to legal assistance has not improved proportionally. Instead, it has only worsened. A lawyer-focused model alone cannot solve this crisis. Traditional, lawyer-centered solutions—such as increasing funding for legal aid or expanding pro bono services—have proven inadequate to close the justice gap. A more scalable, community-based model is necessary.

Community Justice Workers: A Proven Solution

Frontline Justice champions an innovative workforce of trained community justice workers who provide accessible, right-sized legal help to individuals who would otherwise go unassisted. Community justice workers are frontline helpers—such as shelter volunteers, faith leaders, social workers, community health aides (promotoras), and other trusted individuals—who are cross-trained to help their communities navigate essential legal issues for which lawyers aren't providing services.

This model has already seen successful implementation in multiple states, demonstrating that properly trained advocates who are not lawyers can provide meaningful legal assistance without compromising consumer protection.

For example:

- **Alaska:** Trained community justice workers secured \$1.43 million in food assistance for residents, achieving a 100% success rate in assisting clients with SNAP benefits.^{4,5}

³ Legal Services Corporation, *The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans*, 2022, <https://justicegap.lsc.gov/resource/2022-justice-gap-report/>.

⁴ J. Anderson, S. Carver, and R. Onders, "Community Justice Workers: Part of the Solution to Alaska's Legal Deserts," *Alaska Law Review* 41, no. 1 (2024): 1–10, <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1661&context=alr>.

⁵ J. Anderson and S. Carver, "Community Justice Workers—Alaska's Response to the Access to Justice Crisis," *MIE Journal*, Spring 2024, *Special Feature: The Future is Now: A Path Forward for Civil Legal Aid*, 1–10.

Cameron M. Rountree
Executive Director
Virginia State Bar
March 4, 2025
Page 4

- **Utah:** Community justice workers assisting domestic violence survivors doubled the success rate of protective order applications.⁶
- **Arizona:** A state-sponsored justice worker program provided critical eviction prevention services, demonstrating how trusted community members can effectively intervene in high-stakes legal issues.⁷

Just as nurse practitioners, paramedics, and community health workers have transformed healthcare by expanding access to essential services, community justice workers can do the same for legal assistance.

A Call For Bold Reform

The Virginia Bar's current proposal acknowledges some exceptions for alternative legal service providers; however, we believe it does not go far enough in recognizing the potential role of community justice workers in providing timely, effective life-saving legal assistance. We urge the Virginia State Bar to expand its current proposal to recognize and regulate community justice workers as part of a comprehensive justice strategy. Specifically, we recommend that Virginia:

1. Establish a pathway for community justice workers to provide limited-scope legal assistance in a wide range of areas, such as housing, benefits, family law, and domestic violence.
2. Leverage existing community infrastructure (e.g., libraries, social service agencies, and faith-based organizations) to train and embed justice workers where they are most needed.

To support these efforts, Frontline Justice stands ready to provide information and guidance on developing a well-regulated Community Justice Worker policy that can be effectively implemented in Virginia. Our expertise in mobilizing and equipping

⁶ Matthew Burnett and Rebecca L. Sandefur, "A People-Centered Approach to Designing and Evaluating Community Justice Worker Programs in the United States," *Fordham Urban Law Journal* 51, no. 5 (2024): 1509, <https://ir.lawnet.fordham.edu/ulj/vol51/iss5/6/>.

⁷ Arizona Judicial Branch, "Legal Advocates," accessed February 14, 2025, <https://www.azcourts.gov/cld/Legal-Advocates>.

Cameron M. Rountree
Executive Director
Virginia State Bar
March 4, 2025
Page 5

community-based legal helpers can serve as a valuable resource in shaping a framework that balances consumer protection with expanded access to justice.

Additionally, we encourage the Virginia State Bar to engage with the National Community Justice Worker Task Force, recently launched by Frontline Justice. This initiative brings together policymakers, legal experts, and community leaders to develop a scalable, credentialed model for community justice workers that is both effective and legally sound. More information about the Task Force and its work can be found at www.frontlinejustice.org/taskforce.

We appreciate the opportunity to provide this comment and welcome further dialogue on how Virginia can lead the nation in expanding access to justice through community justice workers. We look forward to working collaboratively toward a more inclusive and effective justice system.

Sincerely,

Nikole Nelson
Chief Executive Officer
Frontline Justice

Dr. Alicia Mitchell-Mercer
Chief Operating Officer
Frontline Justice

From: attyabeg@aol.com
To: [publiccomment](#)
Subject: EXTERNAL SENDER Rule Part 6 § I Public Comment
Date: Wednesday, March 5, 2025 11:42:03 PM

While many of us support efforts to shed light on the labyrinth of the legal system, the proposal would open up, if enacted, another can of worms. Who would pay if the non-lawyer official gave the wrong advice or if an irate member of the public faulted the official for his/her losses, etc. Who would pay up if the official in fact did provide erroneous information. Well meaning intentions can oftentimes results in unexpected consequences. I am opposed to the proposed amendment.

August Bequai, Esq.
1750 Tysons Blvd., Suite 1500
McLean, VA 22102
(T) (703) 893-4806
(c) (571) 277-5996
attyabeg@aol.com

From: [markvincentcrowley](#)
To: [publiccomment](#)
Subject: EXTERNAL SENDER yes to the amendment to Rule 6 regarding the UPL
Date: Friday, March 7, 2025 2:05:04 AM

[You don't often get email from markvincentcrowley@earthlink.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To Whom it may concern:

I think the proposed change to Rule 6 regarding the UPL is a very positive change. I believe it will facilitate more access to the Courts.

Sincerely,

Mark Vincent Crowley

vsb# 17072



Legal Services Corporation of Virginia

March 7, 2025

Cameron M. Rountree, Executive Director
Virginia State Bar
1111 East Main Street, Suite 700
Richmond, VA 23219-0026

BY E-MAIL ONLY TO: publiccomment@vsb.org

**Re: Proposed Amendments to Part 6, §I of the Rules of the Supreme Court of Virginia
on the Unauthorized Practice of Law**

Dear Cameron:

I am submitting these comments in support of the proposed amendments to Part 6, §I of the Rules of the Supreme Court of Virginia regarding the unauthorized practice of law. I write on behalf of all of Virginia's licensed legal aid societies, through our statewide association, the Association of Virginia Legal Aid Programs, or "AVLAP." AVLAP consists of the executive directors of Virginia's nine regional legal aid programs¹, together with its one statewide support center, the Virginia Poverty Law Center, and the Legal Services Corporation of Virginia. These eleven leaders of Virginia's largest network of free civil legal assistance for low-income Virginians unanimously support the proposed UPL rule modification allowing court clerks, librarians, self-help center personnel, and court-approved navigators to provide information about court forms to self-represented litigants.

The vast majority of civil litigants in Virginia courts are unrepresented. Many have great difficulty understanding the often-mysterious forms and terms used in them, such as "fieri facias" and "detinue." According to the National Center for State Courts' landmark study, "Virginia Self-Represented Litigant Study" released in 2017, both sides are represented in Virginia's general district courts in only 1% of the cases, while neither side was represented in 45% of the cases.

These proposed amendments will strengthen and give clarity to innovative efforts working to support unrepresented litigants. In the last year or so, the Fairfax Self-Help Center opened its doors, using non-lawyer staff to provide helpful legal information (not legal advice) to unrepresented litigants seeking guidance. Other eviction-related programs across the state operate on a similar model. As these various self-help programs are established and expanded across the Commonwealth, it is crucial that they have clear, helpful guidance delineating what they can do without running afoul of the UPL rules. Establishing rules that explicitly apply to these self-help staff and court navigators is essential; applying the same rules to court clerk staff makes common sense.

¹ Blue Ridge Legal Services, Central Virginia Legal Aid Society, Legal Aid Justice Center, Legal Aid Society of Eastern Virginia, Legal Aid Society of Roanoke Valley, Legal Aid Works, Legal Services of Northern Virginia, Southwest Virginia Legal Aid Society and Virginia Legal Aid Society.

We are particularly pleased to see the clarifying language regarding the assistance that court clerks and self-help staff provide to pro se litigants “in selecting and/or completing for filing, forms prescribed by the Supreme Court of Virginia or other tribunal.” This has been a perennial source of frustration and confusion for both clerks and members of the general public seeking this assistance. We have frequently heard from clerks who express their desire to provide such assistance to pro se litigants but report that they fear they might be violating the UPL rules if they do so. This language would clarify that this limited assistance of “selecting and/or completing for filing” the standard court forms issued by the Supreme Court of Virginia does not constitute the prohibited unauthorized practice of law. By doing so, it will eliminate an unfortunate barrier that has frustrated countless court clerks and their pro se customers alike.

This clarification has been a longstanding recommendation by those concerned with access to justice issues. For instance, the Supreme Court of Virginia’s Pro Se Litigation Planning Committee’s landmark report in 2002, *Self-Represented Litigants in the Virginia Court System – Enhancing Access to Justice*, (“Report”) observed:

A serious issue facing court staff when confronted with inquiries from a self-represented litigant is the difficulty in providing meaningful information without giving legal advice. Although the role of court personnel is to assist court users in obtaining the information they request, court personnel generally are not licensed attorneys and, under unauthorized practice of law rules and court policies, may not provide legal advice. Lack of clarification on what court staff can and cannot do to assist self-represented litigants without engaging in the practice of law is a significant issue for court staff. The escalating number of self-represented litigants and the consequent requests for assistance only exacerbate this concern.

Report at p. 19. To address this problem, the Committee recommended:

Recommendation 1. Adopt a Rule of Court that specifically enables clerks of court and staff to fulfill their duties, as public servants, to assist those using or interested in the court system and its processes without improperly engaging in the unauthorized practice of law.

Report at p. 27. More explicitly, in its Appendix the Committee addressed the current perceived constraints imposed upon clerks by the unauthorized practice of law rule, and recommended that:

Court personnel should be permitted to:

(2) Provide court-approved forms, pleadings or publications to a person based on the person’s stated need, desire or intention;

(3) Answer questions that assist a person to identify, select or complete any approved form provided by the court or clerk’s office, including explaining the meaning of any terms or language used in such approved form; and, assist a person in filling out any court-approved form, pleading, or document provided

that the court clerk or employee believes that the person is unable to do so;...

Report at p. 59. The proposed revisions would finally provide the clarity for clerks that was identified by the Committee 23 years ago.

We are also pleased to see that the proposed amendments would allow court clerks and self-help staff to assist disabled, illiterate, or non-English-speaking litigants in completing court-approved forms. This is a reform that simply must be enacted in order to provide meaningful access to justice for these court users.

The proposed amendments would not impose a duty upon clerks to assist pro se litigants with court forms. If a clerk is uncertain as to the proper assistance to be provided, or if workload pressures preclude the clerk from providing help, the proposed rule changes do nothing to impose an obligation upon the clerk to offer extra assistance. Rather, these amendments should dramatically reduce clerks' fear of an inadvertent violation of the unauthorized practice of law rule should they decide to provide this much-needed assistance, improving both access to justice and the smooth administration of the courts.

For these reasons, the Association of Virginia Legal Aid Programs applauds and supports the proposed amendments.

With kindest regards, I am

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Tim Freilich', with a horizontal line above it.

Tim Freilich, Executive Director
Legal Services Corporation of Virginia

March 7, 2025

Via Email: publiccomment@vsb.org

Cameron M. Rountree

Executive Director

Virginia State Bar

1111 East Main Street, Suite 700

Richmond, Virginia 23219-0060

Re: Public Comment on Proposed Amendments to Virginia's Unauthorized Practice Rules - Draft Rule 3(O)

Dear Mr. Rountree,

We appreciate the opportunity to submit this comment on the proposed amendments to Virginia's Unauthorized Practice of Law (UPL) rules. The North Carolina Justice for All Project (JFAP) is a non-profit advocacy organization dedicated to expanding access to justice in North Carolina and beyond, working to create meaningful legal reforms that serve all communities. Our team comprises individuals with diverse backgrounds, including experience in family law, public sector work, law enforcement, and victim advocacy. United by personal experiences assisting those entangled in civil legal disputes, we witness firsthand how justice is often only attainable for those who can afford an attorney.

To address this crisis in access to justice, we propose innovative policy alternatives and advocate for utilizing legal advocates other than attorneys to serve the public effectively in specific legal areas. We are committed to fighting for the millions who cannot afford a lawyer, do not qualify for legal aid or pro bono services, and have no other options for representation or advice when they have a legal need.

We write to express deep concerns regarding the limited scope of Virginia's proposed amendments to the Unauthorized Practice of Law (UPL) rules. While the proposal acknowledges the need for some level of reform, its impact is far too narrow to meaningfully address the access to justice crisis in Virginia. The proposed amendments to Draft Rule 3(O) merely allow court clerks, librarians, courthouse navigators, and self-help center staff to provide limited assistance in identifying and completing court-approved forms. While this is a step forward, candidly, it is wholly insufficient to meet the vast unmet legal needs of Virginians.

A true solution must go beyond basic form assistance. The legal challenges that individuals face—whether eviction, debt collection, family law disputes, or benefits denials—require more than administrative guidance. Restricting limited legal help to a select group of court-affiliated staff does little to scale access to justice in a way that truly makes a difference. Other states have recognized this, implementing community-based models that empower trained justice workers to assist individuals with substantive legal problems. Virginia's proposal, by contrast, does not even attempt to create a framework that could meaningfully expand access to justice in a scalable way.

As members of the legal community and advocates for civil access to justice, we have followed Virginia's progress toward providing meaningful resources for civil legal needs to your citizens. We applaud the acknowledgment that reform is necessary, but we urge the Virginia State Bar to adopt a far more ambitious and scalable approach. Many individuals and families cannot afford the high cost of legal services, leaving them vulnerable to legal problems that impact housing, safety, economic stability, and family structure. This is especially true for marginalized communities, who often face barriers to accessing legal assistance.

Nearly 1.4 million Virginians qualify for legal aid services based on Legal Services Corporation (LSC) income eligibility guidelines, which include individuals and families earning at or below 125% of the Federal Poverty Level (FPL).¹ However, this figure does not account for the vast number of middle-income Virginians who also struggle to access affordable legal services. An estimated 1.76 million to 3.96 million middle-income Virginians experience unmet legal needs, reflecting the national trend in which 40% to 75% of middle-income individuals face legal challenges without adequate assistance.² Additionally, in 2022, approximately 1.3 million Virginians encountered at least one civil legal problem.³

To view the size of this deeply impacted population another way, according to the United Way's ALICE Report, 11% of Virginia households earn below the FPL, while another

¹ Legal Services Corporation, "The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans," 2022, <https://justicegap.lsc.gov>.

² Sandefur, Rebecca L. *Accessing Justice in the Contemporary USA: Findings from the Community Needs and Services Study*. *South Carolina Law Review*, Vol. 69 (2018), <https://scholarcommons.sc.edu/cgi/viewcontent.cgi?article=4171&context=sclr>. This estimate is based on national research indicating that 40% to 75% of the middle-income population experiences unmet legal needs. Using Virginia's total population of 8.8 million, the estimated middle-class population is 4.4 million to 5.28 million (50-60% of the total population). Applying the 40-75% range of unmet legal needs to Virginia's middle-class population results in an estimated 1.76 million to 3.96 million middle-income Virginians with unmet legal needs.

³ Legal Services Corporation, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans*, 2022, <https://justicegap.lsc.gov>. This estimate is based on LSC's finding that 50 million Americans—15% of the U.S. population—experience at least one civil legal issue annually. Given Virginia's population of approximately 8.6 million, or 2.59% of the total U.S. population, this equates to an estimated 1.3 million Virginians facing at least one civil legal problem each year.

29% are ALICE households—Asset Limited, Income Constrained, Employed—who earn above the FPL but not enough to afford basic necessities.⁴ Together, 40% of Virginia households live below the ALICE Threshold. There is a dire need for legal solutions that serve both low-income and middle-income populations.

Despite the significant legal needs of low-income individuals, many middle-income families also struggle to access affordable legal services.⁵ Unfortunately, there are few alternatives available to the middle-income population for assistance with legal disputes. While legal aid plays an essential role in helping low-income individuals access legal services, there are limitations to what they can provide. Pro bono services, though valuable, cannot alone solve the access to justice crisis.⁶ They are typically provided by volunteer lawyers who offer brief advice and counsel, which, while helpful, is not a sustainable solution for the millions who need extended service and cannot afford legal help. The access to justice crisis requires meaningful change, including regulatory reforms, to ensure that everyone has access to the legal help they need, regardless of their financial circumstances.

Those who cannot qualify for free legal services and cannot afford a lawyer are frequently referred to as the "missing middle" because they are often disregarded.⁷ To address the "missing middle" in Virginia and ensure legal services are more accessible and affordable, it is essential to establish a two-pronged approach:

1. Limited Licensing for Paralegal Professionals: Virginia should introduce a limited licensing system that allows qualified paralegal professionals to provide specific legal services to individuals who cannot afford an attorney but do not qualify for legal aid. By creating a structured regulatory framework, these professionals could assist in critical legal matters such as housing, consumer protection, and family law, offering a more accessible alternative to traditional legal representation for the middle-income population. This population may be able to pay for some legal services but cannot afford the full cost of hiring an attorney.
2. Expanding Community Justice Workers: To meet the urgent needs of Virginia's low-income population, the state must adopt a scalable model that integrates community justice workers, trained non-lawyer advocates embedded in trusted

⁴ United for ALICE, "Virginia: ALICE in the Crosscurrents," 2022, <https://unitedforalice.org/virginia>. According to the 2022 data, 977,828 Virginia households were classified as ALICE, meaning they earned above the Federal Poverty Level (FPL) but struggled to afford basic necessities. Additionally, 359,347 households were below the poverty level, further reflecting the significant portion of Virginians facing economic hardship

⁵ Legal Services Corporation, "The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans," 2022, <https://lsc.gov/justicegap2022>.

⁶ Ibid.

⁷ Institute for the Advancement of the American Legal System (IAALS), *Allied Legal Professionals: A National Framework for Legal Access*, 2021, <https://iaals.du.edu/projects/allied-legal-professionals>.

community spaces. These individuals can provide essential legal services, helping underserved populations understand their rights, complete necessary legal forms, and access appropriate resources. Other states have demonstrated that community-based legal assistance models significantly increase access to justice without compromising consumer protection.

S.M. Kernodle-Hodges, Executive Director of the North Carolina Justice for All Project, is a Virginia native and a former law enforcement official who served for ten years before moving to North Carolina. Her years of experience as a law enforcement official provide direct insight into the intersection of civil and criminal law, where unresolved civil legal issues often escalate into criminal matters. Evictions, debt-related disputes, and limited access to family law remedies can result in homelessness, theft, or domestic conflicts that lead to criminal charges. When individuals lack legitimate means to tackle their legal challenges, they may resort to desperate measures that entangle them in the criminal justice system. Moreover, we have a fundamental duty to uphold justice and ensure that all Virginians have meaningful access to the legal resources they require. Virginians deserve a legal system that not only serves them but evolves to meet their needs at each stage of life, not one that unjustly keeps them from essential support options.

Respectfully,

S.M. Kernodle-Hodges
Executive Director, Co-Founder

Dr. Alicia Mitchell-Mercer
Policy Analyst, Co-Founder

Enclosure: Appendix A – ALICE Data for Virginia

APPENDIX A

ALICE IN THE CROSSCURRENTS

Appendix 37
**2024
UPDATE**

AN UPDATE ON FINANCIAL HARDSHIP IN VIRGINIA

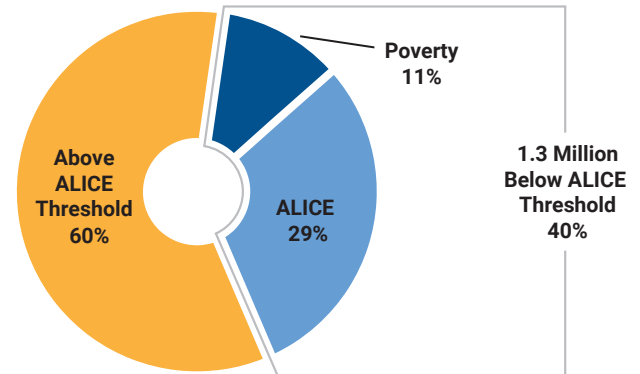
In 2022, financial hardship in Virginia continued to be shaped by the conflicting economic forces of the pandemic, and remained substantially undercounted by official measures.

These powerful crosscurrents — COVID-19, inflation, wage growth, and the expansion and expiration of [pandemic public assistance](#) — impacted how many Virginia households were below the [ALICE Threshold of Financial Survival](#).

Between 2021 and 2022, the number of households in poverty in Virginia increased by 21,319 (to 11% of all households) and the number of ALICE households increased by 66,124 (to 29% of all households), continuing a more than decade-long trend in the growth of households living in financial hardship. **In 2022, of the 3,338,674 households in Virginia, 1,337,175 — 40% — were below the ALICE Threshold.**

With the latest data from the [American Community Survey](#) (2022), the [U.S. Census Bureau's Household Pulse Survey](#) (2023), and the [Federal Reserve Board's Survey of Household Economics and Decisionmaking](#) (SHED) (2022), this Update highlights the conflicting forces that continue to present opportunities for, and barriers to, financial stability in Virginia.

Total Households in Virginia = 3.3 Million



KEY TERMS

- **ALICE:** Asset Limited, Income Constrained, Employed — households that earn above the Federal Poverty Level (FPL) but cannot afford the basic cost of living in their county. Despite struggling to make ends meet, ALICE households often do not qualify for public assistance.
- **ALICE Household Survival Budget:** Reflects the minimum costs of household necessities in Virginia (housing, child care, food, transportation, health care, and technology) plus taxes, adjusted for different counties and household types
- **ALICE Threshold of Financial Survival:** Derived from the Household Survival Budget, the minimum average income that a household needs to afford basic costs, calculated for all U.S. counties
- **Below ALICE Threshold:** Includes households in poverty and ALICE households combined
- **ALICE Essentials Index:** A measure of the average change over time in the costs of essential goods and services

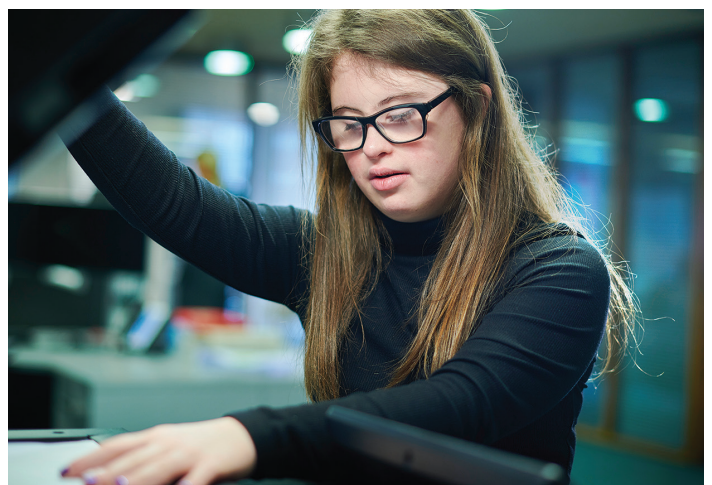


United Ways of Virginia

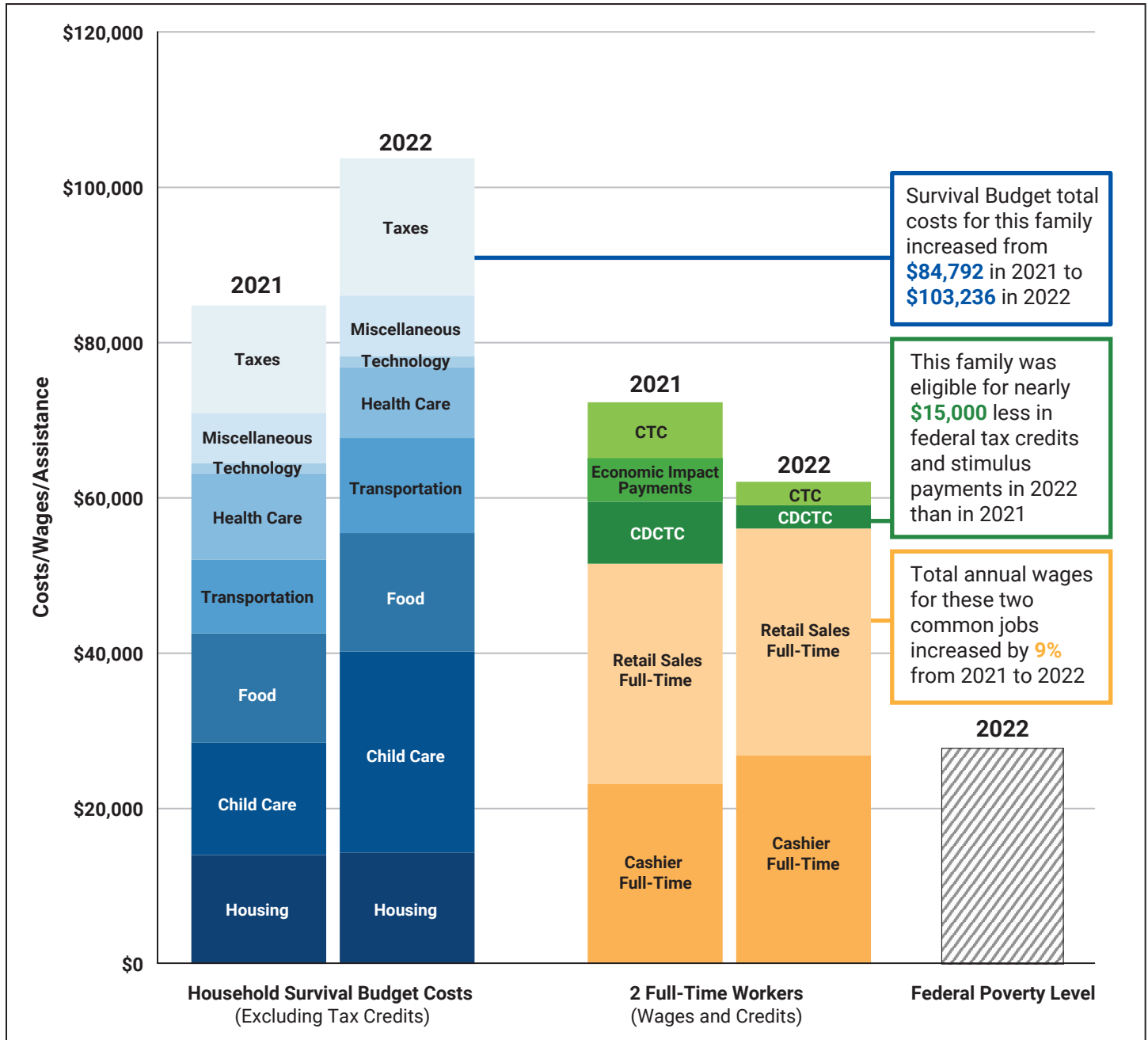
HOUSEHOLD COSTS, PUBLIC ASSISTANCE, AND WAGES

Financial hardship among Virginia households shifted from 2021 to 2022 based primarily on three factors:

- Costs:** From 2021 to 2022, the ALICE Household Survival Budget for a single adult in Virginia increased from \$30,516 to \$31,944, well above the FPL of \$13,590. For a family of four with an infant and a preschooler, the budget (including tax credits) increased from \$70,788 to \$98,040, well above the FPL of \$27,750. Excluding tax credits, costs for a family of four totaled \$103,236 in 2022, up from \$84,792 in 2021. (More data on inflation is available in the [ALICE Essentials Index](#) June 2024 Update.)
- Public assistance:** Pandemic assistance had the most pronounced effects on families with children. The Economic Impact Payments and the expansions of the Child Tax Credit (CTC) and the Child and Dependent Care Tax Credit (CDCTC) helped many ALICE families through 2021. But this assistance was substantially reduced when the [2021 American Rescue Plan](#) expired, stimulus payments ended, and tax credits reverted to 2020 levels. In 2022, a family of four with an infant and a preschooler in Virginia was eligible for approximately \$15,000 less in maximum federal tax credits and stimulus payments than in 2021.
- Wages:** As pandemic assistance wound down, wages increased for most low-wage jobs. For example, median retail sales wages in Virginia increased from \$13.62 per hour in 2021 to \$14.05 per hour in 2022.



Comparison of Costs, Public Assistance, and Wages, Family of Four, Virginia, 2021 and 2022



Note: CTC = Child Tax Credit, CDCTC = Child and Dependent Care Tax Credit. Full-time income is calculated based on 40 hours per week.

Sources: ALICE Threshold, 2021 and 2022; Bureau of Labor Statistics—Occupational Employment Statistics, 2021 and 2022; Internal Revenue Service, tax credits—CTC, CDCTC, EITC, 2021 and 2022; U.S. Department of the Treasury, 2022 and 2023.

See page 13 for Household Survival Budget sources and visit UnitedForALICE.org/Household-Budgets/Virginia to see the Household Survival Budget for all counties and for any household composition.

Across the country, between 2019 and 2022, [wages for the lowest-paid jobs increased](#) at a faster rate than at any point since 1979. This was in part due to a [tighter labor market](#) in which workers reevaluated their employment situation in the wake of the pandemic and inflation, and employers had to offer more competitive wages to attract and retain them. Minimum wage increases in some states also contributed to this effect. From 2019 to 2022, the minimum wage in Virginia increased from \$7.25 per hour (when the state was following the Federal minimum wage) to \$11.00 per hour. [In January 2021, Virginia implemented its first minimum wage increase since 2010.](#) The federal minimum wage has remained at \$7.25 per hour.

While wage increases helped fill the gap when pandemic assistance ended, they were not enough to make up for years of falling behind. In 2022, of the 20 most common occupations in Virginia as reported by the Bureau of Labor Statistics (BLS), 60% still paid less than \$20 per hour. And of the workers in these 20 most common occupations, 33% were below the ALICE Threshold in 2022. Occupations with the largest share of ALICE workers included cooks, personal care aides, nursing assistants, cashiers, stockers/order fillers, and waiters/waitresses.

Labor Characteristics of Most Common Occupations, Virginia, 2019–2022

Most Common Occupations	Total Employment, 2022 (BLS)	Percent of Workers Below ALICE Threshold, 2022 (ACS PUMS)	Median Hourly Wage, 2022 (BLS)	Percent Change in Wage, 2019–2022 (BLS)
Fast Food and Counter Workers	94,940	43%	\$12.61	30%
Retail Salespersons	93,280	40%	\$14.05	21%
General and Operations Managers	89,710	16%	\$56.31	-4%
Cashiers	86,420	52%	\$12.90	23%
Software Developers	84,220	5%	\$62.97	N/A
Driver/Sales Workers and Truck Drivers	81,650	35%	\$19.68	8%
Stockers and Order Fillers	74,270	46%	\$15.32	21%
Customer Service Representatives	70,850	39%	\$17.57	11%
Office Clerks, General	70,350	35%	\$18.37	15%
Registered Nurses	69,510	14%	\$38.32	13%
Management Analysts	65,200	8%	\$49.75	6%
Cooks	61,630	55%	\$14.45	19%
Personal Care Aides	58,670	55%	\$12.02	18%
Elementary and Middle School Teachers	55,500	15%	\$29.30	-8%
Waiters and Waitresses	52,300	43%	\$14.08	42%
Laborers and Movers, Hand	51,070	40%	\$17.10	30%
Accountants and Auditors	49,030	11%	\$38.40	3%
Administrative Support Supervisors	39,990	22%	\$29.35	7%
Bookkeeping, Accounting, and Auditing Clerks	37,400	22%	\$21.45	7%
Nursing Assistants	36,830	54%	\$15.68	17%

Note: BLS = Bureau of Labor Statistics; ACS PUMS = American Community Survey Public Use Microdata Sample. Occupation titles and percent of workers below the ALICE Threshold come from ACS PUMS. ALICE Threshold status is determined by comparing workers' household income to the Household Survival Budget for their household composition and location. Employment and wage numbers are from BLS and are matched to the closest PUMS occupation title (which are generally broader than those in BLS). The 2019 median wage for Software Developers is missing/renamed in the BLS dataset, therefore we cannot calculate the percent change in wage, 2019-2022.

Sources: ALICE Threshold, 2022; Bureau of Labor Statistics—Occupational Employment Statistics, 2022; U.S. Census Bureau, American Community Survey, PUMS, 2019 and 2022

To see the most common occupations for workers below the ALICE Threshold in your community, visit UnitedForALICE.org/ALICE-EVD. For more data on jobs by hourly wages and full-time, part-time, and hourly work schedules, visit UnitedForALICE.org/Labor-Force/Virginia.

Financial Hardship Over Time

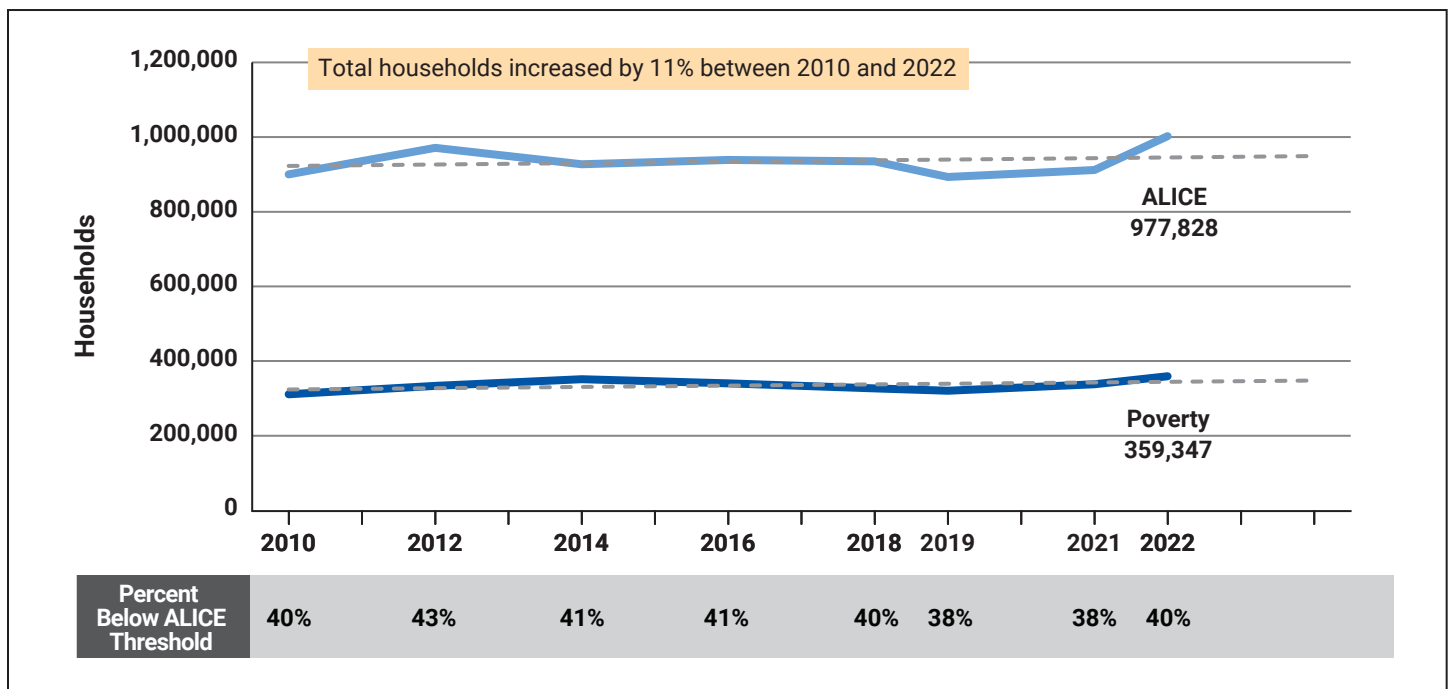
Despite some ups and downs in rates of financial hardship since the end of the Great Recession (2010–2022), **the number of ALICE households in Virginia has remained stubbornly high.** During this period, the total number of households in the state increased by 11%, households in poverty increased by 16%, and the number of ALICE households increased by 9%. By 2022, 11% (359,347) of all households were below the FPL, and 29% (977,828) of all households were ALICE – a combined 40% (1,337,175) of households struggling to make ends meet.

from 38% of households below the ALICE Threshold in 2019 to 40% in 2022 (from 1,213,684 to 1,337,175 households).

This consistent trend – a growing number of households that are struggling financially, often ineligible for public assistance, and undercounted by official measures – represents a major vulnerability in our economic system. It also suggests that overall social and economic policies are falling short in addressing the root causes of financial instability.

Narrowing the focus to the period around the COVID-19 pandemic, the rate of financial hardship in Virginia increased

Households by Income, Virginia, 2010–2022



Note: The gray dashed trend lines in this figure highlight the general direction of the point-in-time data for the years shown. These lines indicate whether the numbers of ALICE and Poverty-Level households have been generally increasing, decreasing, or remaining flat. However, the ALICE and Poverty trend lines are not statistically significant, and caution should be used when making predictions.

Sources: ALICE Threshold, 2010–2022; U.S. Census Bureau, American Community Survey, 2010–2022

To see additional data on financial hardship over time in Virginia, visit UnitedForALICE.org/Virginia.

SPOTLIGHT ON ALICE DEMOGRAPHICS

Families With Children

While recent attention has focused on the rising [Supplemental Poverty Rate](#) for children following the expansion and reversal of Child Tax Credits during and after the pandemic, longer-term trends tell a different, more nuanced story in Virginia.

Overall the total number of households with children in Virginia has remained flat (less than a 1% change from 2010 to 2022). Married-parent households fell slightly in number from 635,263 in 2010 to 629,293 in 2022 (down 1%), and single-female-headed households had a bigger drop, falling from 207,023 in 2010 to 193,291 in 2022 (down 7%). At the same time, the number of single-male-headed households

increased, from 58,967 in 2010 to 69,822 in 2022 (up 18%). Overall, the number of married-parent and single-female headed ALICE households with children in Virginia have decreased from 2010 to 2022, yet the number of single-male headed ALICE households with children has increased considerably (up 33%).

By 2022, 35% of families with children in Virginia were below the ALICE Threshold. And longstanding disparities in financial hardship by household type remained: 76% of single-female-headed families and 60% of single-male-headed families were below the ALICE Threshold in 2022, compared to 19% of married-parent families.

Households With Children, Virginia

	Married-Parent	Single-Female-Headed	Single-Male-Headed
Percent Change 2010 to 2022			
Total Households	▼ Decreased 1%	▼ Decreased 7%	▲ Increased 18%
Households in Poverty	▼ Decreased 15%	▼ Decreased 8%	▼ Decreased 5%
ALICE Households	▼ Decreased 9%	▼ Decreased 5%	▲ Increased 33%
Percent Below ALICE Threshold, 2022	19%	76%	60%

Note: Poverty rates for families with children differ from rates for individual children, in part due to different surveys and in part because there are often multiple children in a single household, which can accentuate swings.

Sources: ALICE Threshold, 2010–2022; U.S. Census Bureau, American Community Survey, 2010–2022

THE COST OF CHILD CARE

Child care remains one of the highest Survival Budget costs for households with children, and the [child care system](#) is still feeling the impact of the COVID-19 pandemic. Provider shortages and lack of affordable care present fewer options for parents. According to the October 2023 Household Pulse Survey, when families in Virginia were asked what they did when child care was closed, unavailable, or unaffordable, the most common responses for respondents below the ALICE Threshold were to take unpaid leave (28%), to cut work hours (23%), or to supervise one or more children while working (18%).

Households Headed by People Age 65 and Over

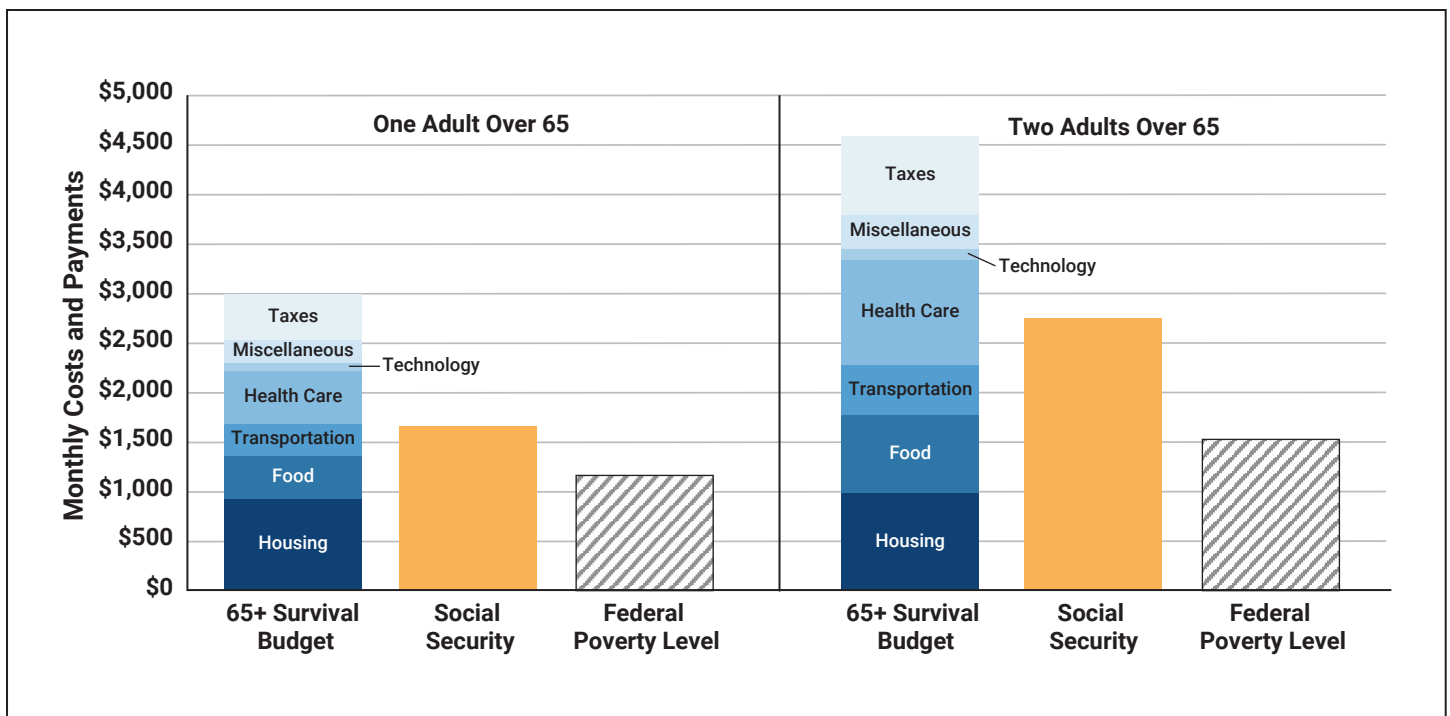
With the [aging of the Baby Boomer generation](#), households headed by people age 65 and over are the fastest-growing age group in Virginia (up 45% between 2010 and 2022). They are also the age group with the most substantial increase in the number of households below the ALICE Threshold (up 35% during the same period).

In 2022, 48% of Virginia’s 65+ households were below the ALICE Threshold (415,217). While Social Security helps [reduce the poverty rate for households headed by older adults](#) (11% in Virginia in 2022), benefits have not been enough to help bring older adults to financial stability.

As a result, for more than a decade, a substantial number of these households have been ALICE (37% in 2022). In 2022, monthly costs for the ALICE 65+ Survival Budget for one adult in Virginia were \$1,335 more than the [average Social Security payment](#) of \$1,657.

With increasing costs and insufficient retirement savings, many older adults have needed to continue working. In 2022, nearly 365,800 people age 65 and over living below the ALICE Threshold in Virginia did not have retirement savings beyond Social Security, and nearly 64,300 were working.

Monthly ALICE 65+ Survival Budget Total, Average Monthly Social Security Payments, and the Federal Poverty Level, Virginia, 2022



Note: See page 13 for a breakdown of monthly ALICE 65+ Survival Budget costs.

Sources: ALICE 65+ Survival Budget, 2022 (see the ALICE [Methodology](#) for details); Social Security Administration, 2022

Black, Hispanic, and Indigenous Households

Rates of financial hardship differ substantially by race/ethnicity in Virginia due to [persistent systemic racism, discrimination](#), and [geographic barriers](#) that limit many families' access to resources and opportunities for financial stability. In 2022, 54% of Black, 48% of Hispanic, and 41% of households headed by someone of Two or More Races were below the ALICE Threshold in Virginia, compared to 36% of White and 32% of Asian households. Rates of financial hardship were also higher among smaller Indigenous populations in the state: 46% of American Indian/Alaska Native households and 42% of Native Hawaiian/Pacific Islander households were below the Threshold in 2022. These disparities were also mirrored in access to health care and employment.

- **Health:** According to the Federal Reserve SHED (October 2022), in the [South Atlantic Census Region](#) (which includes Virginia) 37% of Black and 37% of Hispanic respondents reported that during the previous year they went without health care (prescription medicine, seeing a doctor, mental health care, or dental care) because they couldn't afford it, compared to 27% of White respondents below the Threshold.
- **Employment:** Black and Hispanic workers were more likely than White workers to experience [disruptions in employment](#) during the pandemic. And gaps in employment persist, especially for Black Virginians: 10% of Black workers below the ALICE Threshold were not currently working but looking for work in 2022 – higher than the rate for all workers below the Threshold (7%) and much higher than for workers above the Threshold (2%).



Household Financial Status and Key Demographics, Virginia, 2022

	Total	Below ALICE Threshold	■ Poverty ■ ALICE ■ Above ALICE Threshold		
ALL HOUSEHOLDS	3,338,674	1,337,175	11%	29%	60%
AGE					
Under 25 Years	129,075	93,398	34%	38%	28%
25 to 44 Years	1,110,811	419,968	10%	28%	62%
45 to 64 Years	1,226,221	408,592	9%	24%	67%
65 Years and Over	872,567	415,217	10%	37%	52%
RACE/ETHNICITY					
American Indian/ Alaska Native	7,865	3,605	8%	38%	54%
Asian	194,970	61,716	5%	26%	68%
Black	613,124	333,045	13%	41%	46%
Hispanic	239,930	114,442	6%	42%	52%
Native Hawaiian/ Pacific Islander	2,108	895	9%	34%	58%
Two or More Races	157,715	64,276	7%	34%	59%
White	2,155,996	768,585	6%	29%	64%
HOUSEHOLD TYPE					
Married With Children	629,293	119,014	4%	15%	81%
Single-Female- Headed With Children	193,291	147,367	36%	40%	24%
Single-Male-Headed With Children	69,822	41,554	14%	45%	40%
Single or Cohabiting, Under 65, no Children	1,573,701	614,023	10%	29%	61%
RURAL/URBAN					
Rural	406,131	199,318	16%	33%	51%
Urban	2,932,543	1,137,857	10%	29%	61%

Note: The groups shown in this figure are based on head of household and overlap across categories. Within the race/ethnicity category, all racial categories except Two or More Races are for one race alone. Race and ethnicity are overlapping categories; in this Update, the American Indian/Alaska Native, Asian, Black, Native Hawaiian (includes other Pacific Islanders), and Two or More Races groups may include Hispanic households. The White group includes only White, non-Hispanic households. The Hispanic group may include households of any race. Because household poverty data is not available for the American Community Survey's race/ethnicity categories, annual income below \$15,000 is used as a proxy. Counties are defined as rural or urban based on the USDA's designation of metropolitan or non-metropolitan at the census tract level. Counties with 50% or more of the population in metropolitan tracts are designated as urban; those with 50% or more of the population in non-metropolitan tracts are designated as rural.

Sources: ALICE Threshold, 2022; American Community Survey, 2022

ALICE REMAINS IN THE CROSSCURRENTS

Many ALICE households face [ongoing distress](#) because they have not recovered from the Great Recession, debt accumulation, a job loss, or other major challenges. Many are working hard and still struggling to find safe housing, quality child care, nutritious food, accessible health care, and reliable transportation that they can afford. Rising wages and pandemic assistance mitigated some of the financial impact of business disruptions, a health crisis, and rising inflation that characterized the past few years. Yet 40% of households in Virginia were still struggling in 2022 — [ranking](#) Virginia 24th among all states and the District of Columbia in financial hardship (with 1st representing the lowest rate of hardship). Insights from the SHED and the Household Pulse Survey help explain why:



Inflation is Hitting ALICE Harder

- **The cost of basics** is increasing faster than the overall rate of inflation, as reported by the [ALICE Essentials Index](#). And it continues to be as difficult for ALICE to keep up with bills as at the height of the pandemic. According to the Household Pulse Survey, 51% of households below the ALICE Threshold in Virginia reported that it was somewhat or very difficult to pay for usual items such as food, rent or mortgage, car payments, and medical expenses in October 2023, similar to 49% in August 2020.
- **Housing costs** are on the rise in many parts of the state, and the impact is greater for those who were already struggling financially. According to the SHED, in 2022, 43% of households below the ALICE Threshold in the Virginia reported that their rent or mortgage had increased in the prior 12 months (compared to 31% of households above the Threshold).

Changes in Public Assistance Impact ALICE

- **Food assistance:** Increased need for food assistance was a hallmark of the pandemic. Food pantries experienced a substantial increase in [demand for services](#), and Supplemental Nutrition Assistance Program (SNAP) [eligibility criteria broadened and monthly payments increased](#) (through February 2023). In 2022, the need remained high, with one in six Americans (49 million) [receiving private charitable food assistance](#) — down from the height of the pandemic, but still up markedly from 40 million in 2019. In part due to the SNAP income eligibility level in Virginia (200% of the FPL), public food assistance was not accessible to all households who were struggling financially: Only 38% of all Virginia households in poverty and 15% of all ALICE households participated in SNAP in 2022. Among all eligible people, [estimated SNAP participation rates were higher](#).
- **Rent:** With rising costs, the expiration of [pandemic rental assistance](#) and the end of both [state](#) and [federal eviction bans](#), many Virginians continued to struggle to pay their rent. In 2022, 69% of households below the ALICE Threshold in Virginia were rent burdened (paying more than 30% of their income on rent) and 43% were severely rent burdened (paying more than 50% of their income on rent). And according to the Household Pulse Survey, in October 2023, 12% of renter households below the ALICE Threshold in Virginia were behind on rent payments, down from 17% in August 2020.

ALICE is Less Prepared for Crises and Retirement

- **ALICE struggles to save:** According to the SHED, in 2022, only 37% of households below the ALICE Threshold in Virginia had emergency savings (or rainy day funds) that would cover their expenses for three months in the event of sickness, job loss, economic downturn, or another emergency – considerably lower than the rate for those above the Threshold (76%).
- **ALICE faces unexpected medical expenses:** According to the SHED, 20% of respondents below the ALICE Threshold in Virginia incurred an unexpected major medical expense that they had to pay for out of pocket because it was not completely paid for by insurance in 2022, similar to 21% in 2021. Medical debt generally reflects [poorer health](#) and lower rates of health care coverage, and can lead to [lower credit scores](#) and [additional financial hardship](#). Additionally, the [consequences of medical debt](#) are not experienced equally; those with lower incomes and people of color are more likely than their counterparts to be contacted by collection agencies and denied future care.
- **Financial hardship impedes retirement savings:** According to the SHED, in 2022, while 29% of all non-retired adults and 38% of non-retired adults above

the ALICE Threshold in Virginia reported that their retirement savings plan was currently on track, only 15% of those below the Threshold reported the same.
















- **Financial hardship takes a toll on mental health:** The negative impact of financial stress on mental health has been [well established](#). According to the Household Pulse Survey, 20% of respondents below the ALICE Threshold in Virginia reported feeling nervous, anxious, or on edge nearly every day over the prior two weeks in October 2023 – slightly improved from August 2020 (23%), yet still double the rate for those above the Threshold (10% in 2023).

This research shows a clear trend in our communities and our economy: Financial hardship is widespread, and it is not going away. The current system is not working for ALICE. The narrative in this Update helps make the case for innovative, cross-sector change in Virginia and across the U.S. The data, tools, and resources on the [United For ALICE](#) website can equip business, government, education, and nonprofit leaders to make data-informed decisions that address the root causes of financial hardship. Collaborative effort at all levels – local, state, and federal – will be needed to change the trajectory for ALICE households.



ALICE ONLINE

Visit UnitedForALICE.org to explore interactive data and resources. Click the icons below to get started.

 <p>Interactive Maps</p> <p>Data at the state, county, municipal, and ZIP-code levels</p>	 <p>ALICE Demographics</p> <p>Information about ALICE households by age, race/ethnicity, household type, and location</p>	 <p>County Reports</p> <p>An in-depth look at ALICE data, county by county</p>
 <p>Data Sheet</p> <p>Spreadsheet of ALICE data over time and by location</p>	 <p>ALICE Household Budgets</p> <p>ALICE Household Survival and Stability Budgets for the state and one or more counties</p>	 <p>ALICE Essentials Index</p> <p>Key data on the increase in the cost of household basics over time</p>
 <p>Legislative District Tool</p> <p>ALICE data by legislative district, including state upper and lower chambers and congressional districts</p>	 <p>National Overview</p> <p>National ALICE data and a comparison of financial hardship across U.S. states</p>	 <p>Economic Viability Dashboard</p> <p>Key data on the local economic conditions that matter most to ALICE households: Work, Housing, and Community Resources</p>
 <p>Research Advisory Committees</p> <p>Information about the members and role of these critical groups</p>	 <p>ALICE Methodology</p> <p>Overview of the sources and calculations used in the ALICE research</p>	 <p>Equity for ALICE</p> <p>Creating equity for ALICE by illustrating how structural racism and systemic barriers limit life outcomes, and working to remove those barriers so that all people can participate fully in all aspects of our social and economic systems</p>
 <p>ALICE Voices</p> <p>Are you ALICE? Use this tool to share your story</p>	 <p>ALICE in Action</p> <p>Programs, practices, and policy changes implemented by partners across the United For ALICE network</p>	 <p>ALICE Videos</p> <p>Videos that highlight the ALICE research and partner network</p>

ALICE RESEARCH & METHODOLOGY

The ALICE Household Survival Budget calculates the cost of household essentials for each county in Virginia and relies on a wide range of public data sources, listed below. For household income, the ALICE measures rely on the U.S. Census Bureau’s American Community Survey (ACS) – both household tabulated data and individual data from the Public Use Microdata Sample (PUMS) records. Household costs are compared to household income to determine if households are below the ALICE Threshold. Enhancements from the latest [ALICE Methodology](#) review include:

- **Child care:** The child care source has shifted from the Virginia Department of Social Services Market Rate Survey (2018) to the [Virginia Department of Education cost estimation model](#) (2023). The cost increase reflects both the more recent data and the new approach to estimating child care costs.
- **Health care costs:** A “poor health multiplier” is used to capture the additional costs lower-income households incur for being in poor or fair health. Based on the latest

research, out-of-pocket costs in the health care line item are increased by 19% (a more conservative estimate than the 30% used in prior years).

- **Broadband added:** As the majority of Americans now [have home broadband](#), basic internet has been added to technology costs. The smartphone plan has been updated to include an unlimited (albeit less expensive than the previous 10GB version) smartphone plan for each adult in the household.
- **Determining ALICE status:** For 2021 data and years prior, the ALICE Threshold was rounded by budget total to the nearest ACS income bracket (e.g., Threshold of \$32,500 corresponded to bracket \$30,000–\$34,999; **all** households in that bracket were below the ALICE Threshold). Starting this year (2022 data), the Threshold is calculated in proportion to where it falls within the bracket (e.g., if Threshold is \$32,500, **half** of households in the bracket are below the Threshold).

ALICE Household Survival Budget, Virginia, 2022			
	Single Adult (Age 18–64)	Single Adult (Age 65+)	2 Adults, 1 Infant, 1 Preschooler
Monthly Costs			
Housing – Rent	\$766	\$766	\$856
Housing – Utilities	\$163	\$163	\$310
Child Care	-	-	\$2,156
Food	\$467	\$431	\$1,271
Transportation	\$388	\$327	\$1,021
Health Care	\$194	\$531	\$759
Technology	\$86	\$86	\$116
Miscellaneous	\$206	\$230	\$649
Tax Before Credits	\$392	\$458	\$1,465
Monthly Total	\$2,662	\$2,992	\$8,603
ANNUAL TOTAL Before Tax Credits	\$31,944	\$35,904	\$103,236
Tax Credits (CTC and CDCTC)	\$0	\$0	(\$5,196)
ANNUAL TOTAL With Tax Credits	\$31,944	\$35,904	\$98,040
Full-Time Hourly Wage	\$15.97	\$17.95	\$49.02

Note: CTC = Child Tax Credit, CDCTC = Child and Dependent Care Tax Credit. Full-time hourly wage represents the wage needed at 40 hours per week to support the annual total, with credits. For the family of four, this represents the combined wage needed for two workers. Many households incur higher costs, especially for housing, as units may not be available at Fair Market Rent.

Sources: AAA, 2022; Agency for Healthcare Research and Quality, 2022; American Community Survey, 2022; Bureau of Labor Statistics, 2022–Consumer Expenditure Surveys; Bureau of Labor Statistics, 2022–Occupational Employment Statistics; Centers for Medicare & Medicaid Services, 2023–Medicare - Chronic Conditions; Centers for Medicare & Medicaid Services, 2020–Medicare Current Beneficiary Survey; Centers for Medicare & Medicaid Services, 2023; Federal Reserve Bank of Atlanta–Policy Rules Database; Federal Highway Administration, 2017; Feeding America, 2023; Frank, 2022; Internal Revenue Service, 2022; Medicare.gov; The Zebra, 2022; U.S. Department of Agriculture, 2022–Official USDA Food Plans; U.S. Department of Housing and Urban Development, 2022–Fair Market Rents; USTelecom, 2022; Virginia Department of Education, 2023

To view ALICE Household Survival Budgets for all counties and for any household composition, visit UnitedForALICE.org/Household-Budgets/Virginia.

Data Notes: The income data used in this Update rely on ACS estimates. The ACS is based on a representative sample, rather than all housing units and people; therefore, these estimates have a [degree of uncertainty](#). Some data points are geographic averages, others are one- or five-year averages depending on population size (see the [Data Sheet](#) for details). Percentages are rounded to whole numbers, sometimes resulting in percentages totaling 99% or 101%. ALICE analysis includes households regardless of work status, as employment is fluid and most households have members who are working, have worked, are out on disability, or are looking for work. ALICE analysis does not include people who are unhoused or living in group quarters.

ABOUT UNITED FOR ALICE AND OUR PARTNERS

ALICE in the Crosscurrents: An Update on Financial Hardship in Virginia is brought to you by the [United Ways in Virginia](#) in partnership with [United For ALICE](#), a driver of innovative research and action around financial hardship for ALICE households. With a commitment to [racial and economic justice](#), United For ALICE and United Ways across Virginia share this work with foundations, government, corporations, and other nonprofits to inform policy and promote positive change for ALICE households. The grassroots ALICE movement, developed by United Way of Northern New Jersey, has spread to 31 states and the District of Columbia. Learn more about the ALICE movement [here](#).

To create the ALICE Reports, our [team of researchers](#) works with [Research Advisory Committees](#) composed of experts from our partner states. This work is guided by our rigorous [methodology](#), which is updated biennially with experts from across our Research Advisory Committees.

United For ALICE partners with the United Ways of Virginia to bring this research to Virginia and this work is partly sponsored by them and United Way of South Hampton Roads, Atlantic Union Bank, Compare.com, and the Virginia Foundation for Community College Education.



United Ways of Virginia



United Way
of South Hampton Roads



To learn more about how you can get involved in advocating and creating change for ALICE in Virginia, contact: **Sarah Walsh** at swalsh@rappahannockunitedway.org.

To access interactive ALICE data and resources for Virginia, go to UnitedForALICE.org/Virginia.

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ALICE IN THE CROSSCURRENTS



COVID AND FINANCIAL HARDSHIP IN VIRGINIA

2023 Report | UnitedForALICE.org



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United Ways of Virginia



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To access interactive ALICE data and resources for Virginia, go to UnitedForALICE.org/Virginia

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TABLE OF CONTENTS

ALICE Research in a Time of Change	1
The ALICE Household Survival Budget	2
ALICE in Virginia: Executive Summary	4
The Competing Forces of the COVID Economy	6
The Impact of the COVID Economy on:	
ALICE Demographics and Equity	7
Work and Wages	11
Pandemic Assistance	14
Savings and Assets	17
Beyond 2021: Economic Challenges Ahead for ALICE	19
County Comparison: Income Status, 2021	23
National Comparison: Income Status, 2021	28
Next Steps	29

ALICE RESEARCH IN A TIME OF CHANGE

This ALICE Report provides the first look at the extent of financial hardship in Virginia using ALICE metrics since the COVID-19 pandemic began. The pandemic has disrupted longstanding patterns in how and where people live, work, study, save, and spend their time. And the story of ALICE and the pandemic is still unfolding as this Report is being written, amid an ongoing health crisis and an economic and public policy landscape that continues to shift. In a time of change, United For ALICE remains committed to providing the most up-to-date local data possible on financial hardship in Virginia and across the U.S.

Two pillars of the ALICE measures are household costs and income. The **Household Survival Budget** calculates the cost of household essentials for each county in Virginia and relies on a wide range of sources for the budget items of housing, child care, food, transportation, health care, and a smartphone plan, plus taxes.

For household income, the ALICE measures rely on the U.S. Census Bureau's American Community Survey (ACS). The ACS experienced such significant [disruption in data collection](#) in 2020 that the Census Bureau released only experimental estimates, which are not included in our analysis. By 2021, standard Census data collection had resumed.

Household costs are compared to household income to determine if households are **below the ALICE Threshold**. This includes both households in **Poverty**, with income below the Federal Poverty Level (FPL), and those that are **ALICE**, with income above the FPL but below the cost of basics.

Our standard ALICE data is based on the ACS — both [household tabulated data](#) and individual data from

KEY TERMS

- **ALICE: Asset Limited, Income Constrained, Employed** — households that earn above the Federal Poverty Level (FPL) but cannot afford the basic cost of living in their county. Despite struggling to make ends meet, ALICE households often do not qualify for public assistance.
- **ALICE Threshold of Financial Survival:** Derived from the Household Survival Budget, the minimum average income that a household needs to afford housing, child care, food, transportation, health care, and a smartphone plan, plus taxes. Calculated for all U.S. states and counties.
- **Below ALICE Threshold:** Includes people in poverty-level and ALICE households combined.

the [Public Use Microdata Sample](#) (PUMS) records. In addition, this Report includes our analysis of two surveys that capture the experiences of a nationally representative sample of households during the pandemic:

- [Federal Reserve Board's Survey of Household Economics and Decisionmaking \(SHED\)](#), October 2019; November 2020; and November 2021
- [U.S. Census Bureau's COVID-19 Household Pulse Survey \(Household Pulse Survey\)](#), August 19–August 31, 2020; September 14–November 14, 2022; and December 9–December 19, 2022

Learn more about our methodology at: UnitedForALICE.org/Methodology

Data Notes: The data used in this Report are estimates; some are geographic averages, others are one- or five-year averages depending on population size. Percentages are rounded to whole numbers, sometimes resulting in percentages totaling 99% or 101%. ALICE analysis includes all households, regardless of work status, as employment is fluid and most households have members who are working, have worked, or are looking for work.

THE ALICE HOUSEHOLD SURVIVAL BUDGET

The ALICE Household Survival Budget is the foundation of the ALICE research. This budget calculates the bare-minimum cost of the household basics needed to live and work in the modern economy by household composition, in every county.

When compared to the more accurate cost of living included in the Household Survival Budget, the Federal Poverty Level (FPL) is drastically inadequate. Unlike the ALICE budgets, the FPL is not based on the cost of contemporary household necessities, and except for Alaska and Hawai'i, it is not adjusted to reflect cost-of-living differences across the U.S. Nor does it adjust for different ages of household members. The FPL is increased annually based on the Bureau of Labor Statistics' (BLS) Consumer Price Index (CPI), and those increases are the same for all U.S. households of a given size. By contrast, the actual household costs in the Survival Budget have increased at different rates

depending on location, household size, and household composition.

Yet despite its inadequacies, the FPL continues to be the standard for determining the number and proportion of people living in poverty in the U.S. **With the FPL as the primary way for policymakers and local stakeholders to gauge the extent of financial hardship in their communities, a huge portion of struggling U.S. households go unrecognized.**









Across Virginia, for all household sizes and in all locations, the FPL is well below the Household Survival Budget. In 2021, the FPL was \$26,500 for a family of four. In contrast, Figure 1 shows that the average cost of living for a family of four in Virginia was \$70,788, more than two times higher than the FPL, and average household costs for a single adult were also substantially higher.

Figure 1. ALICE Household Survival Budget and Federal Poverty Level, Virginia, 2021

	Federal Poverty Level <i>Census income thresholds that vary by household size but not geography to determine who is in poverty</i>	ALICE Household Survival Budget <i>The cost of the essentials needed to live and work in the modern economy, by household type and location</i>
Family of Four		
Monthly Total	\$2,208	\$5,899
Annual Total	\$26,500	\$70,788
Percent Change, 2019–2021	3%	7%
Single Adult		
Monthly Total	\$1,073	\$2,543
Annual Total	\$12,880	\$30,516
Percent Change, 2019–2021	3%	11%

Note: Percent change is pre-tax.

Sources: ALICE Household Survival Budget, 2021; Assistant Secretary for Planning and Evaluation (ASPE), HHS poverty guidelines for 2021, U.S. Department of Health and Human Services

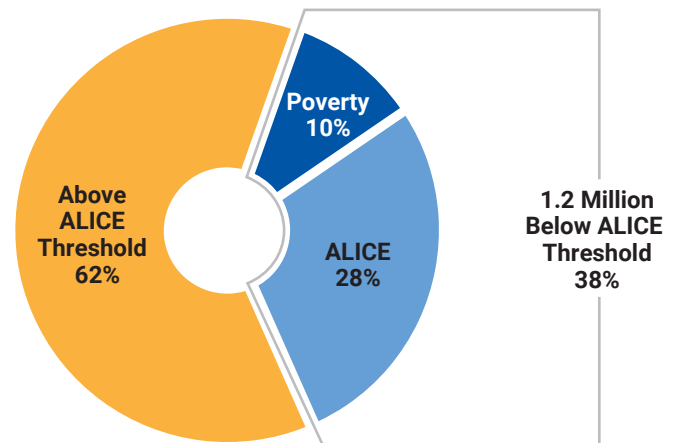
ALICE Household Survival Budget		Average Monthly Costs, Virginia, 2021	
	Description, Update, and Sources	One Adult	Family of Four
Housing 	Rent: Fair Market Rent (40 th percentile) for an efficiency, one-bedroom, or two-bedroom apartment (based on family size), adjusted in metro areas using the American Community Survey (ACS) – minus utilities Utilities: As captured by the Community Expenditure Survey (CEX) Update: Costs of rent and utilities are now shown separately. Sources: ACS metro housing costs and U.S. Department of Housing and Urban Development (rent); CEX (utilities)	\$762 rent + \$154 utilities	\$879 rent + \$292 utilities
Child Care 	Cost for registered Family Child Care Homes for infants (0–2 years), preschool-age (3–4), and school-age children (5–12) Source: Virginia Department of Social Services, 2018	\$ -	\$1,204
Food 	USDA Thrifty Food Plan by age with county variation from Feeding America Update: A change in legislation requires the USDA Thrifty Food Plans to reflect the cost for resource-constrained households to purchase a healthy, practical diet, starting in 2021, increasing costs from prior years. Sources: Feeding America; U.S. Department of Agriculture (USDA)	\$430	\$1,172
Transportation 	Operating costs for a car (average daily miles by age, cost per mile, license, fees, and insurance), or public transportation where viable Update: The decline in public transportation use during the pandemic reduced the average expenditure , yet the cost for workers who had to use it to commute remained the same. To reflect this, the budget uses 2019 average CEX spending. Sources: AAA, Federal Highway Administration, The Zebra (car); CEX (public transportation)	\$324	\$789
Health Care 	Health insurance premiums based on employer-sponsored plans plus out-of-pocket costs for households with \$40,000–\$69,000 annual income by age, weighted with the poor-health multiplier. For the senior budget, cost of Medicare Part A and B, out-of-pocket costs, plus average out-of-pocket spending for the top five chronic diseases as reported by CMS. Sources: Centers for Medicare and Medicaid Services (CMS); CEX (health); Medical Expenditure Panel Survey (MEPS)	\$230	\$927
Technology 	Smartphone plan with 10GB of data for each adult in a household Update: Costs were upgraded from a 5GB to a 10GB monthly data plan to reflect the increased need for internet access. Source: Consumer Reports	\$75	\$110
Miscellaneous 	Cost overruns estimated at 10% of the budget, excluding taxes, to cover one-time unanticipated costs within the other categories	\$198	\$537
Taxes 	Federal, state, and local taxes owed on the amount of income to cover the Survival Budget, as well as tax credits, including the Child Tax Credit (CTC) and the Child and Dependent Care Tax Credit (CDCTC) Update: Due to the significant effect of the expanded tax credits in 2021, total taxes before credits and the credits are both listed. Sources: Internal Revenue Service; Tax Foundation	\$370	\$1,156 Tax before CTC and CDCTC -\$1,167 CTC and CDCTC
Monthly Total		\$2,543	\$5,899

To see the Household Survival Budget for other household compositions at the state and county levels, go to UnitedForALICE.org/Household-Budgets/Virginia.

ALICE IN VIRGINIA: EXECUTIVE SUMMARY

The number of households in financial hardship in Virginia continues to be undercounted in official measures.

According to the FPL, 10% of households in Virginia (338,028) were in poverty in 2021. Yet [United For ALICE](#) data shows that another 28% (911,704 households) – more than twice as many – were **ALICE** (Asset Limited, Income Constrained, Employed). ALICE households earn above the FPL, but not enough to afford the basics in the communities where they live.



The reality is that of the 3.3 million households in Virginia, 1,249,732 – 38% – had income below the [ALICE Threshold of Financial Survival](#) in 2021. These included both households in poverty and ALICE households.

The crux of the problem is a mismatch between earnings and the cost of basics. For example, 45% of cashiers (one of the most common occupations in Virginia) were below the ALICE Threshold in 2021. These workers earned a median hourly wage of \$11.15 – not even enough to cover the ALICE Household Survival Budget for one worker employed full time (\$15.26 per hour), much less for a family with two children, even with two adults working (combined wage of \$35.39 per hour). Between 2019 and 2021, the cost of basics increased in Virginia and remained well above the FPL. For a family of four in 2021, the FPL was \$26,500 while the **ALICE Household Survival Budget** was \$70,788. Between 2019 and 2021, the average annual costs (excluding taxes) increased 11% for a single adult, 9% for a single senior, and 7% for a family of four.

ALICE Household Survival Budget, Virginia Average, 2021			
	Single Adult	Single Senior	2 Adults, 1 Infant, 1 Preschooler
Monthly Costs			
Housing – Rent	\$762	\$762	\$879
Housing – Utilities	\$154	\$154	\$292
Child Care	-	-	\$1,204
Food	\$430	\$397	\$1,172
Transportation	\$324	\$279	\$789
Health Care	\$230	\$506	\$927
Technology	\$75	\$75	\$110
Miscellaneous	\$198	\$217	\$537
Tax Before Credits	\$370	\$424	\$1,156
Monthly Total	\$2,543	\$2,814	\$7,066
ANNUAL TOTAL Before Credits	\$30,516	\$33,768	\$84,792
Tax Credits (CTC and CDCTC)	-	-	(\$14,004)
ANNUAL TOTAL with Credits	\$30,516	\$33,768	\$70,788
Full-Time Hourly Wage	\$15.26	\$16.88	\$35.39

Note: CTC = Child Tax Credit, CDCTC = Child and Dependent Care Tax Credit. Percent change is pre-tax. Full-time hourly wage represents the wage needed at 40 hours per week to support the annual total, with credits. For the family of four, this represents the combined wage needed for two workers. Many households incur higher costs, especially for housing, as units may not be available at Fair Market Rent. To view ALICE Household Survival Budgets for all counties and for any household composition, visit UnitedForALICE.org/Household-Budgets/Virginia

Sources: AAA, 2021; Agency for Healthcare Research and Quality, 2021; American Community Survey, 2021; Bureau of Labor Statistics, 2021 – Consumer Expenditure Surveys; Bureau of Labor Statistics, 2021 – Occupational Employment Statistics; Centers for Medicare & Medicaid Services, 2021 – Medicare - Chronic Conditions; Centers for Medicare & Medicaid Services, 2021 – Medicare Current Beneficiary Survey; Centers for Medicare & Medicaid Services, 2021; Federal Highway Administration, 2017; Feeding America, 2022; Fowler, 2021; Internal Revenue Service, 2021; Internal Revenue Service – FICA, 2021; Medicare.gov; Scarborough, 2021; Tax Foundation, 2021; The Zebra, 2022; U.S. Department of Agriculture, 2021 – Official USDA Food Plans; U.S. Department of Housing and Urban Development, 2021 – Fair Market Rents; Virginia Department of Social Services, 2018; Walczak, 2021.

This Report details the impact of competing economic forces and public policy interventions during the pandemic on ALICE households in Virginia in 2021. It also presents research showing that the impact of the pandemic on financial security continued beyond 2021.

Key findings include:

- Financial hardship over time:** ALICE households are especially vulnerable to national economic disruptions. The number of households below the ALICE Threshold in Virginia increased dramatically after the Great Recession (2007–2010), peaking in 2012, then tapering down through 2019 — and then the pandemic hit. From 2019 to 2021, the total number of households increased by 4% and the number of households below the ALICE Threshold increased by 3%.
- Demographics:** There are households below the ALICE Threshold across all demographic groups. However, disparities exist in the rates of financial hardship due to [persistent racism](#), [ageism](#), [gender discrimination](#), and [geographic barriers](#) that limit many families' access to resources and opportunities for financial stability. For example, by race/ethnicity, 52% of Black and 44% of Hispanic households were below the ALICE Threshold in Virginia in 2021, compared to 34% of White households. By age of householder, the youngest (under age 25) and oldest (age 65+) households faced the highest rates of hardship. And by household composition, single-parent families with children were more likely to be below the Threshold than married-parent households or single/cohabiting households without children.
- Work and wages:** Of the 20 most common occupations in Virginia in 2021, 60% paid less than \$20 per hour. Most of these saw an increase in the median wage; for example, the median wage for stockers and order fillers increased by 12% from 2019 to 2021, to \$14.25 per hour. But given that wages had stagnated for a decade, many top jobs still had a substantial percentage of workers who lived below the ALICE Threshold in 2021.
- Pandemic assistance:** Public assistance programs were temporarily expanded in 2021, but not enough to bring most households below the ALICE Threshold to financial stability. In Virginia, a family of four with two parents working full time in two of the most common occupations (retail salesperson and cashier) could not afford the Household Survival Budget in 2021, even with the expanded Child Tax Credit, the Child and Dependent Care Tax Credit, and the Economic Impact Payments.
- Savings and assets:** In 2021, savings rates differed by income in Virginia. According to SHED, only 44% of households below the ALICE Threshold had emergency savings or rainy day funds in November 2021 compared to 79% of households above the Threshold. There were similar differences in rates of retirement savings for households below and above the Threshold in 2021: 51% of households below the Threshold had retirement savings vs. 75% for those above.
- Beyond 2021:** With pandemic assistance waning while significant challenges remain, there are warning signs that the economic situation for households below the ALICE Threshold has worsened since 2021, including higher levels of food insufficiency, feelings of anxiety and depression, continued difficulty paying bills, medical debt, and lack of savings.

THE COMPETING FORCES OF THE COVID ECONOMY

Competing economic forces and public policy interventions have made it difficult to predict the net impact of the pandemic on household financial stability. When the pandemic hit, businesses, child care providers, schools, and community services closed, some permanently; others went remote for months. [The loss of jobs and wages was not experienced equally](#); those who could work remotely fared better than those who were required to be on-site. Initially, costs for many basics declined, but disruptions to the [supply chain and higher wages](#) to retain workers then [pushed prices up](#) – by 7.5% annually across the U.S. in 2021, compared to less than 3% annually in the [prior 10 years](#) – straining ALICE households even more.

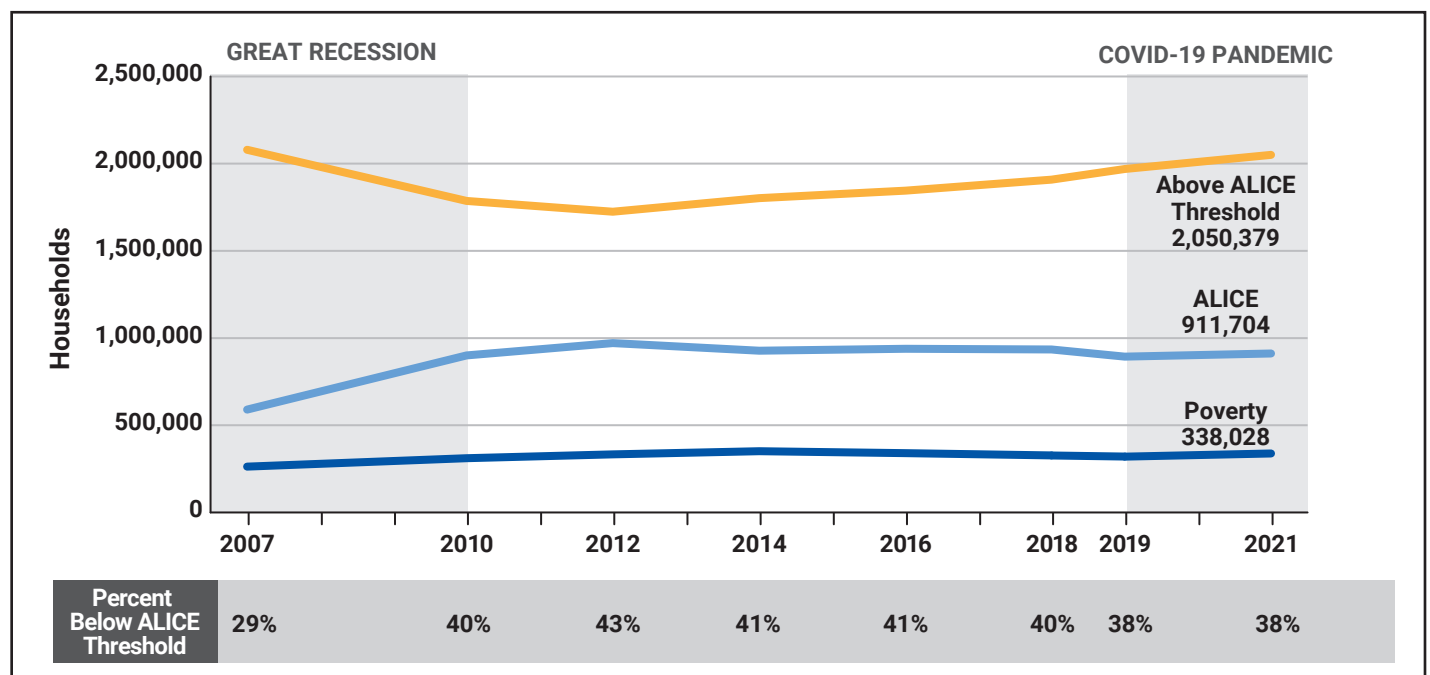
At the same time, there were forces that provided economic benefits for many households. In 2021, [average weekly wages](#) across all industries in Virginia were up 4.3% from 2020, and up 5.6% nationally (the second-fastest national increase in the past two decades). In addition, [emergency pandemic measures](#) and [economic policies](#) provided critical support for ALICE families,

including housing assistance, expanded unemployment insurance, stimulus checks, enhanced tax credits, and a nationwide eviction moratorium. These measures made a difference, helping to mitigate, but not prevent, the economic impact of the pandemic.

Rates of financial hardship in Virginia have shifted over time (Figure 2). During the last major economic disruption – the Great Recession – the percentage of Virginia households below the ALICE Threshold increased from 29% in 2007 to 40% in 2010.

During the pandemic, by comparison, rates of financial hardship remained flat at 38% from 2019 to 2021. These steady levels came on the heels of a decade-long recovery from the Great Recession: The number of households in poverty and ALICE combined peaked in 2012, then began to taper down through 2019. From 2019 to 2021, the total households in Virginia increased by 4% and the number of households below the ALICE Threshold increased by 3% (from 1,213,684 to 1,249,732). Yet the rate of financial hardship remained unchanged.

Figure 2. Households by Income, Virginia, 2007–2021



Sources: ALICE Threshold, 2007–2021; U.S. Census Bureau, American Community Survey, 2007–2021

THE IMPACT OF THE COVID ECONOMY ON... ALICE DEMOGRAPHICS AND EQUITY

While the overall rate of financial hardship remained flat in Virginia from 2019 to 2021, the impact of competing forces played out differently across demographic groups (Figure 3). In many cases, the pandemic exposed and exacerbated disparities and vulnerabilities that have long existed in our society, with substantial differences in rates of hardship by race/ethnicity, age, and household composition.

In Virginia in 2021, Black households, young households, and single-parent households had the highest rates below the ALICE Threshold. White households, working-age households, and married-parent households had the lowest rates below the Threshold.

Rates of financial hardship differed significantly between groups, a result of [persistent racism](#), [ageism](#), [gender discrimination](#), and [geographic barriers](#) that limit many families' access to resources and opportunities for financial stability:

- The largest racial/ethnic groups in Virginia account for the largest number of households below the ALICE Threshold. In 2021, the largest number of households below the Threshold in Virginia were White (721,676), comprising 34% of White households. Only Asian households had a lower percentage of households living in financial hardship, at 29%. And while the number of struggling households was lower for other

groups, the percentage of households was disproportionately high. For example, 52% (324,663) of Black households and 44% (102,051) of Hispanic households were below the Threshold.

- By age of householder, the youngest and the oldest households had the highest rates of hardship, with 71% of households headed by someone under age 25 and 48% of senior households (age 65+) living below the Threshold in Virginia. By comparison, 34% of households headed by people age 25–44 and 31% of households headed by those age 45–64 were below the Threshold.
- By household composition, single parents were most likely to be below the ALICE Threshold, with 72% of single-female-headed households and 55% of single-male-headed households struggling to make ends meet in 2021. Rates of financial hardship were lower for married-parent households (17%) and single/cohabiting households without children (36%).
- By location, the rate of financial hardship was higher in predominantly rural counties (47%) compared to urban counties (37%).

Figure 3 paints a clear picture of the rates of hardship for different demographic groups compared to the Virginia average. For all households in the state, 10% were in poverty and 28% were ALICE in 2021.

Figure 3. Household Financial Status and Key Demographics, Virginia, 2021

	Total	Below ALICE Threshold	■ Poverty ■ ALICE ■ Above ALICE Theshold
ALL HOUSEHOLDS	3,300,111	1,249,732	10% 28% 62%
AGE			
Under 25 Years	117,686	83,591	33% 38% 29%
25 to 44 Years	1,094,662	373,458	10% 24% 66%
45 to 64 Years	1,238,387	383,014	9% 22% 69%
Seniors (65+)	849,376	409,669	10% 39% 52%
RACE/ETHNICITY			
American Indian/ Alaska Native	8,068	3,584	10% 34% 56%
Asian	188,524	54,005	6% 23% 71%
Black	618,886	324,663	13% 40% 48%
Hispanic	233,029	102,051	6% 38% 56%
Native Hawaiian/ Pacific Islander	1,777	666	13% 24% 63%
Two or More Races	147,012	55,577	8% 30% 62%
White	2,134,769	721,676	7% 27% 66%
HOUSEHOLD TYPE			
Married With Children	635,072	107,343	5% 12% 83%
Single-Female- Headed With Children	186,004	133,570	36% 36% 28%
Single-Male-Headed With Children	66,163	36,417	16% 39% 45%
Single or Cohabiting, Under 65, no Children	1,563,496	562,733	10% 26% 64%
URBAN/RURAL			
Rural	402,821	190,400	16% 31% 53%
Urban	2,897,290	1,059,332	9% 27% 63%

Note: The groups shown in this figure overlap across categories. Within the race/ethnicity category, all racial categories except Two or More Races are for one race alone. Race and ethnicity are overlapping categories; in this Report, the American Indian/Alaska Native, Asian, Black, Native Hawaiian (includes other Pacific Islanders), and Two or More Races groups may include Hispanic households. The White group includes only White, non-Hispanic households. The Hispanic group may include households of any race. Because household poverty data is not available for the American Community Survey's race/ethnicity categories, annual income below \$15,000 is used as a proxy. Counties are defined as rural or urban based on the USDA's designation of metropolitan or non-metropolitan at the census tract level. Counties with 50% or more of the population in metropolitan tracts are designated as urban; those with 50% or more of the population in non-metropolitan tracts are designated as rural.

Sources: ALICE Threshold, 2019 and 2021; American Community Survey, 2019 and 2021

Changes in Population and Financial Hardship (2019–2021)

In the decade preceding the pandemic, population growth in the U.S. had started to slow due to a decrease in the number of births and international migration, and an increase in deaths associated with the aging population. The pandemic [exacerbated the national slowdown](#), and in 2021 population growth in the U.S. reached a [historic low](#) due to a sharp increase in COVID-related deaths, postponement of having children, and more restrictive policies on immigration.

The pandemic also affected domestic migration, which contributed to population shifts nationally and in Virginia. Between 2020 and 2021, the percentage of the [population that moved](#) from one residence to another within the U.S. dropped from 9.3% to 8.4%. People moved for a [variety of reasons](#), which included relocating to places where the cost of living was lower (especially for [housing](#) and [taxes](#)), and/or to [less densely populated locations](#).

The pandemic also impacted where people lived in Virginia, who they lived with, and the demographics of households.

Location: In Virginia from 2019 to 2021, Goochland County had the largest percentage increase in the total number of households, along with the following cities: Manassas Park, Portsmouth, Richmond, and Suffolk. Counties with the biggest percentage decrease in total

households were Buchanan, Craig, and Greensville County. Amelia and Hanover counties had the biggest increase in the share of households below the ALICE Threshold, while Manassas Park City had the biggest decrease.

Overall, the number of households in predominantly urban counties increased across Virginia (4%), while the number of households in predominantly rural counties decreased by just 1%. The rate of financial hardship was higher in rural counties (47%) compared to urban counties (37%).

Age: Rates of financial hardship increased for all age groups in Virginia from 2019 to 2021. The overall number of youngest households (under age 25) increased 15%, while senior households increased by 5%. The youngest households had the highest rate of financial hardship in 2021, with 71% of households below the Threshold, down from 75% in 2019. In comparison, the rate of hardship for seniors grew from 46% below the ALICE Threshold in 2019 to 48% in 2021.

Household composition: Single-female-headed households with children had the highest rates of financial hardship in Virginia in 2021 (72%), down slightly from 75% in 2019. The percentage of single-male-headed households also dropped slightly from 57% in 2019 to 55% in 2021. Married parents with children had the lowest rates of financial hardship in 2021 (17%), down slightly from 2019 (18%). For single/cohabiting households without children, 36% of households lived below the Threshold in 2021, down slightly from 37% in 2019.

URBAN AND RURAL CHANGE IN VIRGINIA (2019–2021)

- 1% decrease in total number of households in rural counties
- 4% increase in total number of households in urban counties

Race/ethnicity: This Report is not able to accurately capture change over time by race/ethnicity in the total number or share of households below the ALICE Threshold. Starting in 2020, the U.S. Census Bureau changed how it asks about and codes [data on race and Hispanic origin](#). These changes help the Census and ACS provide a more complete picture of the U.S. population, especially for people who self-identify as multiracial or multiethnic. But as a result, the [Census urges caution](#) when comparing race data between years before and after 2020. For example, in Virginia, the huge increase in the Census count of people of [Two or More Races](#) (also referred to now as Multiracial) – an increase of 108% from 2019 to 2021 – is a combination of actual growth in this population and improvements to Census questions and coding. (Note: The number of Multiracial households below the ALICE Threshold also increased at a high rate, by 81%).

Immigration: The pandemic not only imposed new barriers to international migration but also had a significant impact on immigrant communities across the U.S. According to the [Migration Policy Institute](#), as a result of immigration center processing delays and bans on international travel, the number of visas issued in the U.S. dropped by half between 2019 and 2020. In Virginia in 2021, 13% of the population were immigrants, slightly more than in 2019 (12%), with the largest number of immigrants originating from El Salvador, India, and Mexico. In Virginia, in 2021, Fairfax County had the largest number of immigrants, followed by Prince William County and Loudoun County.

ALICE DATA ONLINE

Visit UnitedForALICE.org/Virginia to see interactive maps and data on:

- Financial hardship over time at the state and county levels
- State and county ALICE demographics
- ALICE household budgets
- The labor landscape in Virginia

THE IMPACT OF THE COVID ECONOMY ON... WORK AND WAGES

Overall, in 2021, the labor market was rebounding from the record-breaking unemployment and [drop in total employment](#) that occurred at the start of the pandemic. The unemployment rate in Virginia was 3.9%, in stark contrast to the rate at the height of the pandemic (11.6% in April 2020). In addition, [average weekly wages](#) across all industries in Virginia increased 4.3% from 2020 to 2021. This was driven by a state-level [minimum wage increase](#) and the increased demand for [essential workers](#), as well as by "The Great Resignation" — while some workers left the labor force, over time many more changed jobs to find better pay as well as work-life balance.

It was also a unique year for low-wage jobs and workers, in particular. In 2021, low-wage workers across the country experienced [faster wage growth than middle- and high-wage workers](#), although from a much lower starting point. Research from [Opportunity Insights](#) shows that the number of low-wage jobs fell in Virginia: In December 2021, there were 22.5% fewer jobs paying less than \$29,000 per year than at the start of the pandemic — some became higher-paying jobs, others went away altogether.

[State Unemployment Insurance](#) (UI) helps individuals who lost jobs — before, during, and after the pandemic. In 2021, \$468 million was paid to individuals under Virginia's regular unemployment insurance program,

and an additional \$1.9 million was paid in Extended Unemployment Benefits, available during periods of specified high unemployment.

During the pandemic, these standard UI benefits were expanded by the [Cares Act, the American Rescue Plan, and the Continued Assistance Act](#), which included [four temporary programs](#). The most utilized was the Federal Pandemic Unemployment Compensation (FPUC) program, which provided a \$300 weekly supplement to all UI benefits (down from the \$600 weekly supplement included in the original 2020 authorization). Additional programs extended the weeks of eligibility for people who exhausted regular UI benefits, and expanded eligibility to people who were not otherwise eligible for UI benefits (including workers who were self-employed, independent contractors, or gig economy workers). Temporary UI measures enacted in response to the COVID-19 pandemic ended nationally and in Virginia in [September 2021](#).

For low-wage workers, the increases in wages and UI benefits were important developments during the pandemic. But they are only part of the story; ALICE workers still faced significant challenges:

- Better pay and work opportunities were helpful, but not enough to recoup years of being squeezed by the increasing cost of basics, especially for those who struggled to secure full-time employment.

THE ALICE ECONOMIC VIABILITY DASHBOARD — COMING FALL 2023

The Economic Viability Dashboard (EVD) will provide key data on the local economic conditions that matter most to ALICE households: Housing Affordability, Job Opportunities, and Community Resources. The EVD mapping, profile, and comparison features will help stakeholders identify the gaps that ALICE workers and families face in reaching financial stability. Then, the Action Toolkit puts that data to use by quantifying gaps and pairing them with promising solutions.

As documented in the [ALICE Essentials Index](#), the cost of essential goods had already been outpacing wages for more than a decade, stretching ALICE workers' household income even further.

- Many frontline and essential jobs became [hazardous and difficult](#) during the pandemic. In addition to increased exposure to COVID-19, many workers were required to work more days and hours, skip lunch and breaks, stand for hours, and work while sick. Others were [gig workers](#), forced to work more hours to fill income gaps. Without protective gear, health insurance, or even sick days, there were [increases in mortality](#) compared with previous years, especially for food- and agriculture-sector workers.
- Underemployment became an increasing problem. Many workers were unable to work full time due to family responsibilities, being in school or training, illness, disability, or child care problems. Others were working part time because their hours had been reduced; still others were unable to find full-time jobs. In 2021, in Virginia, the [underemployment rate](#) that captures these workers was 8.1%, higher than before the pandemic (6.2% in 2019), and more than twice the traditional unemployment rate in 2021 (3.9%).
- Many older workers were also forced to [retire earlier than planned](#). Nationally, according to SHED in November 2021, 25% of adults who retired within the year prior to the survey, and 15% of those who reported that they retired one to two years earlier, said factors related to COVID-19 contributed to when they retired.
- Nationally, those most impacted by [unemployment, job disruption](#), and hazardous and difficult working conditions were immigrants and workers who were American Indian/Alaska Native, Black, Hispanic, Native Hawaiian/Pacific Islander, or of Two or More Races.

Wages for the Most Common Occupations

In 2021, the impact of the pandemic on workers' wages and wage gains did not translate uniformly across all jobs and sectors in terms of the share of households that were still left below the ALICE Threshold.

Of the 20 most common occupations in Virginia in 2021, 60% paid less than \$20 per hour. Most of these saw an increase in the median wage; for example, the median wage for cooks increased by 9% to \$13.20 per hour in 2021. But given that the wage was low to begin with, many top jobs still had a substantial percentage of workers who lived below the ALICE Threshold in 2021 (Figure 4). The wage to cover the ALICE Household Survival Budget for a single adult was \$15.26 per hour working full time, or for a family with two adults and two children, a combined wage of \$35.39 per hour.

While there were ALICE workers in all sectors, the top occupations with the highest percentage of workers below the ALICE Threshold in Virginia in 2021 were personal care aide, cook, waiter/waitress, nursing assistant, and cashier.

CHILD CARE WORKERS

The pandemic brought to the forefront the crisis in child care availability and cost. For families with two children in care, child care is often the most expensive item in their budget, even more expensive than housing. Child care workers are the workforce behind the workforce, yet many struggle to make ends meet for their own families: With a median hourly wage of \$11.74 in Virginia in 2021, 43% were below the ALICE Threshold. And with staffing and demand fluctuations, many child care providers went out of business during the pandemic. Lack of care remains an [obstacle for working parents](#).

Figure 4. Top Occupations, Employment, Wages, and Percentage Below ALICE Threshold, Virginia, 2021

Occupation	Total Employment (BLS)	Median Hourly Wage (BLS)	Percent Median Wage Change From 2019 (BLS)	Percent Workers Below ALICE Threshold (ACS PUMS)
Fast Food and Counter Workers	98,160	\$11.06	14%	35%
Retail Salespersons	97,800	\$13.62	17%	36%
Cashiers	88,460	\$11.15	6%	45%
General and Operations Managers	80,330	\$52.26	-11%	13%
Driver/Sales Workers and Truck Drivers	78,580	\$19.85	9%	31%
Office Clerks	71,070	\$17.79	11%	27%
Stockers and Order Fillers	70,610	\$14.25	12%	40%
Software Developers	68,250	\$61.36	N/A	6%
Customer Service Representatives	67,180	\$17.56	11%	30%
Registered Nurses	66,980	\$36.97	9%	8%
Management Analysts	56,240	\$48.41	3%	4%
Personal Care Aides	55,150	\$11.06	9%	55%
Elementary and Middle School Teachers	54,710	\$32.18	1%	12%
Cooks	51,490	\$13.20	9%	54%
Accountants and Auditors	47,260	\$37.88	2%	8%
Laborers and Movers, Hand	46,190	\$14.57	11%	41%
Waiters and Waitresses	45,360	\$11.50	16%	53%
Bookkeeping, Accounting, and Auditing Clerks	38,220	\$21.75	8%	18%
Office and Administrative Support Supervisors	38,010	\$28.99	6%	16%
Nursing Assistants	36,430	\$14.27	6%	50%

Note: The 2019 median hourly wage for software developers is renamed or missing from the Bureau of Labor Statistics—Occupational Employment Statistics dataset.

Sources: ALICE Threshold, 2021; Bureau of Labor Statistics—Occupational Employment Statistics, 2021; U.S. Census Bureau, American Community Survey, PUMS, 2019 and 2021

To see more data on jobs by hourly wages and full-time, part-time, and hourly work schedules, visit UnitedForALICE.org/Labor-Force/Virginia

THE IMPACT OF THE COVID ECONOMY ON... PANDEMIC ASSISTANCE

A prominent feature of the federal government's response to the COVID-19 pandemic was a range of direct assistance programs, including:

- Economic Impact Payments (stimulus payments)
- The expanded Child Tax Credit (CTC) and Child and Dependent Care Tax Credit (CDCTC)
- Pandemic-specific unemployment insurance
- Emergency rental assistance

While ALICE households generally earn too much to qualify for traditional forms of public assistance like the Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF), almost all ALICE households qualified for the Economic Impact Payments, and ALICE families with children were eligible for the expanded CTC and CDCTC.

Figure 5 shows an example of the impact of pandemic assistance on a household's ability to meet the cost of basics. The figure shows a family of four in Virginia with two parents working full time in two of the most common occupations, retail salesperson and cashier (median wages of \$13.62 and \$11.15 per hour, respectively). This family could not afford the Household Survival Budget in 2021, even with the temporarily increased credits and payments available to them: the CTC (\$3,600 for each child under age 6), the CDCTC (\$4,000 per child in child care), and the Economic Impact Payments (\$2,800 for married couples plus \$1,400 for each child). With both parents working full time, they were not eligible for [Treasury Emergency Rental Assistance](#) (ERA). This family's annual income fell short of the Household Survival Budget by \$12,472, or 17%.

If both parents worked part time (20 hours per week), they could receive ERA to cover their rent, as well as [SNAP](#) and the [Earned Income Tax Credit](#) (EITC), but they would still fall short in meeting the Survival Budget by \$14,040, or 20%.

Additional actions taken by the state of Virginia in response to the pandemic can be found in the National Conference of [State Legislatures' State Action on Coronavirus Database](#).

Pandemic Timeline

2020 State Annual [COVID-19 Deaths](#): 4,982

March 2020 – [National Emergency Declared](#)

Emergency Pandemic Unemployment Insurance (UI) benefits (including [PUA](#), [PEUC](#), [FPUC](#), and [MEUC](#))

States required to keep [Medicaid beneficiaries enrolled](#)

April 2020 – [Economic Impact Payments](#) of up to \$1,200 per adult for eligible individuals and \$500 per qualifying child

December 2020 – First [COVID-19 vaccinations](#) receive emergency use authorization from FDA

[Economic Impact Payments](#) of up to \$600 per adult for eligible individuals and up to \$600 per qualifying child

2021 State Annual [COVID-19 Deaths](#): 10,546

January to November 2021 – [Emergency rental assistance](#) provided on average \$4,345 to low-income households to pay rent or utility bills

March 2021 – [Economic Impact Payments](#) of up to \$1,400 for eligible individuals

July to December 2021 – [Child Tax Credit payments](#) (up to \$300 month per child); temporary [expansion of CTC ended](#) nationally in December

September 2021 – National end of all [Emergency Pandemic UI benefits](#)

October 2021 – End of CDC's [eviction moratorium](#)
CDC approves vaccinations for [children age 5-11](#)

2022 State Annual [COVID-19 Deaths](#): 7,131

June 2022 – CDC approves vaccinations for [children under 5 years old](#)

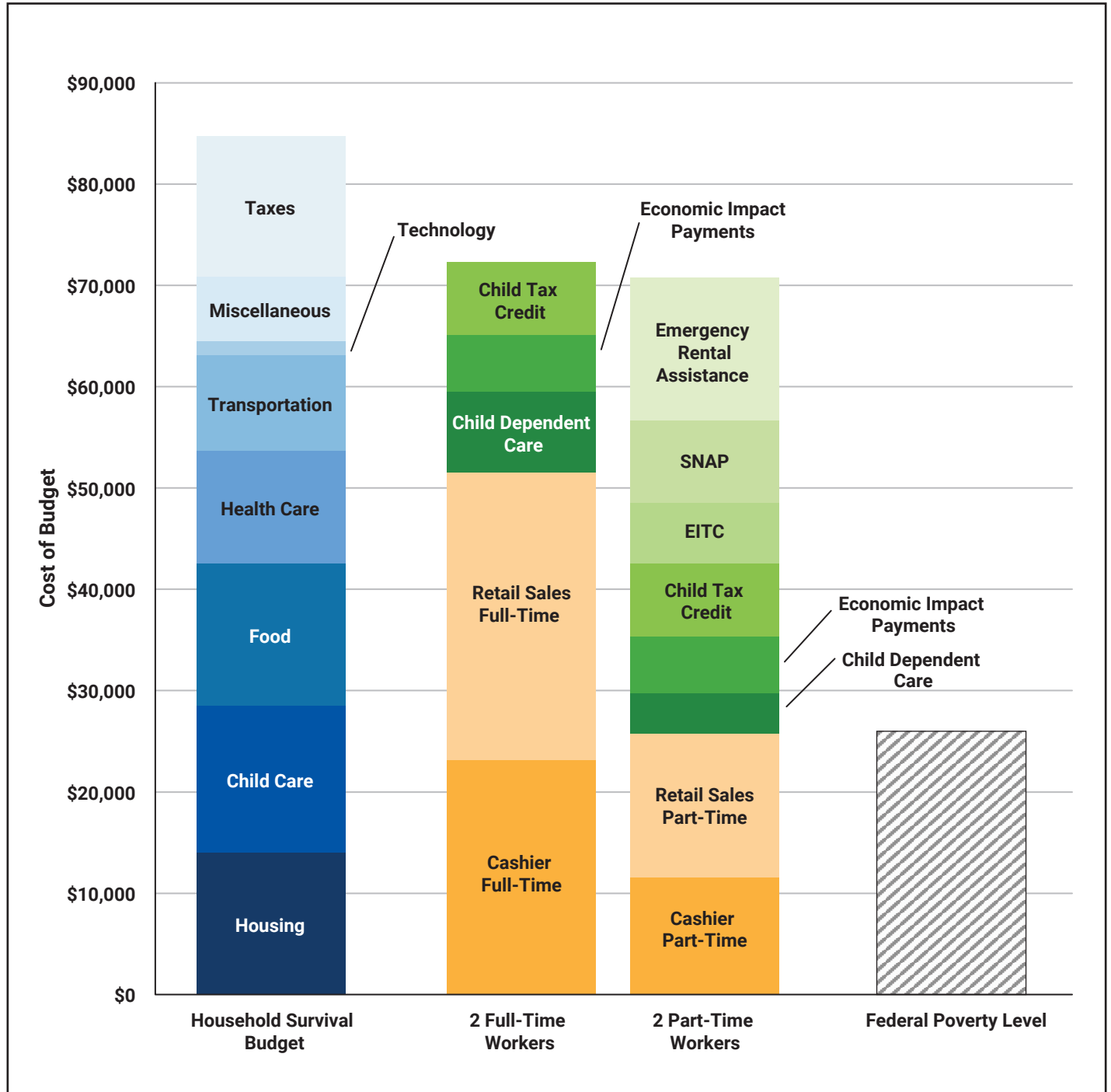
July 2022 – Federal rental assistance funds depleted in [many states](#)

October 2022 – [Federal rental assistance funds depleted](#) in Virginia

2023

May 11, 2023 – [Scheduled end](#) of the national emergency and public health emergency

Figure 5. Income and Expenses, Family of Four, Virginia, 2021



Note: Full-time income is calculated based on 40 hours per week; part-time income is based on 20 hours per week.

Sources: ALICE Threshold, 2021; Bureau of Labor Statistics—Occupational Employment Statistics, 2021; Internal Revenue Service, tax credits – CTC, CDCTC, EITC, 2021; USDA, SNAP, 2021; U.S. Treasury, 2022

Participation in Assistance Programs

Traditional public assistance does not reach all people in households that are struggling financially. Due to [income and assets limits](#), most ALICE households are not able to participate in public assistance; and additional barriers, strict [program requirements](#), and [stigma](#) prevent even households in poverty from participating. In addition, income and asset limits for public assistance can create “[benefits cliffs](#)” that limit economic mobility. In Virginia in 2021:

- With increased food insecurity during the pandemic, the federal [SNAP](#) provided an [emergency allotments option](#) starting in 2020 that increased the amount of SNAP by about \$90 per month per household for an average monthly payment of \$164. Yet because the income eligibility threshold for SNAP was 200% of the FPL in Virginia, the reach of emergency and regular SNAP benefits was limited: 34% of households in poverty and 13% of ALICE households participated in 2021, based on ACS PUMS data. However, it is important to note that while not all financially insecure households are eligible for SNAP, the program reached [just over 70% of eligible households](#) in Virginia.
- The percentage of households below the ALICE Threshold receiving direct cash assistance from programs like [TANF](#) was even smaller (6% of households in poverty and 4% of ALICE households).
- Participation in [SSI](#) — an assistance program only available for people with disabilities and seniors with limited financial resources — was also minimal, with 7% of all households below the ALICE Threshold and 15% of households with a member with a disability below the Threshold participating.
- To address the increased demands for health care during the pandemic, the federal government provided additional funding to states for Medicare and prohibited states from adding eligibility restrictions or terminating [Medicaid coverage](#) during the public health emergency. In 2021, 38% of all households below the ALICE Threshold in Virginia participated in CHIP or Medicaid.
- Paying for housing expenses was the top concern of households below the ALICE Threshold, as reported in the 2021 ALICE Report [The Pandemic Divide](#). The federal [Emergency Rental Assistance Program](#) was critical in stabilizing millions of households by paying for rent, utilities, and home energy costs. Yet because of the strict requirements to qualify, many households struggling to afford rent were not eligible. Requirements included qualifying for unemployment benefits, experiencing a reduction in income, and one or more household members at risk of homelessness. It is not surprising then that in the fall of 2022, 9% of adult renters in Virginia were not caught up on rent, according to the Household Pulse.

In contrast, eligibility limits for the well-publicized stimulus payments and tax credits (Economic Impact Payments, CTC, and CDCTC) were well above those for traditional public assistance programs, making them available to most poverty-level and ALICE households.

However, even qualified households [experienced difficulties](#) getting their payments, especially those who were filing taxes for the first time, those without bank accounts or internet access, as well as families with mixed immigrant status or who were experiencing homelessness.

THE IMPACT OF THE COVID ECONOMY ON... SAVINGS AND ASSETS

It has been widely reported that U.S. household [savings increased](#) during the pandemic. Yet analysis of the data from the Federal Reserve SHED reveals that the national average conceals different experiences by state and even more so by income level in terms of rainy day funds and retirement assets.

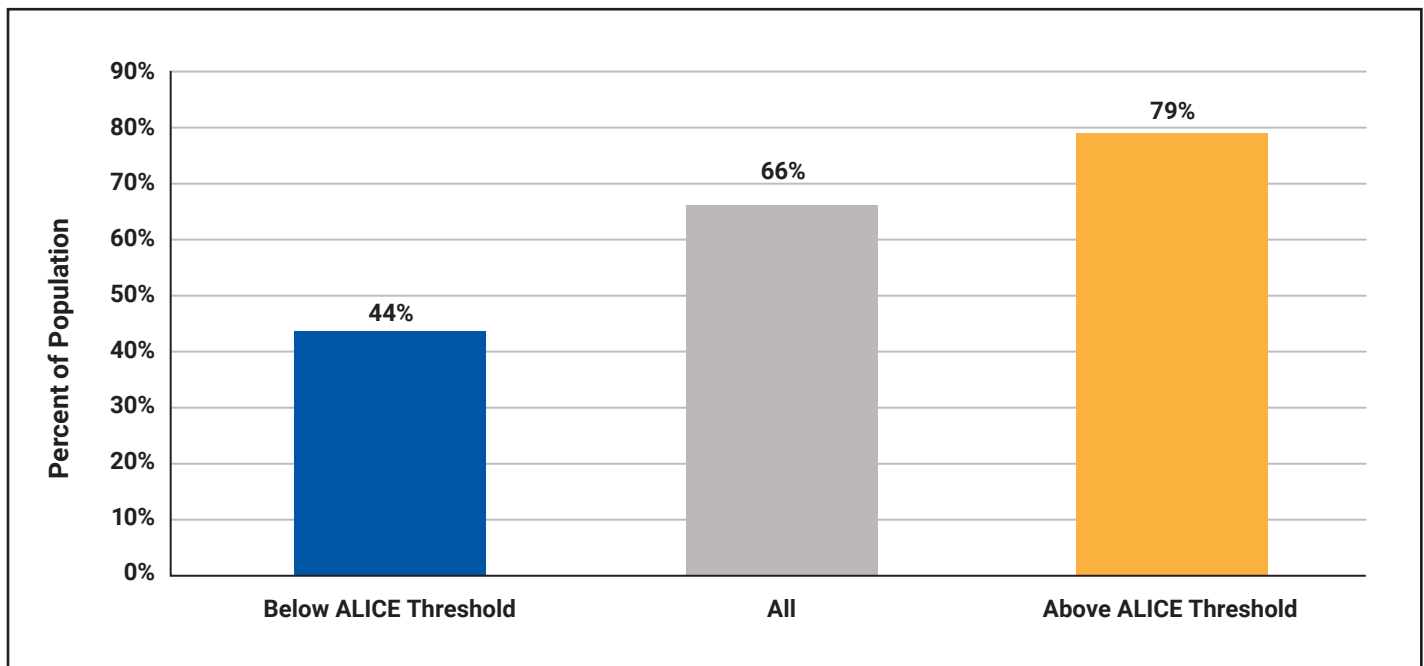
Rainy Day Funds

One of the best-known questions in the SHED survey asks whether respondents had set aside emergency savings or “rainy day funds” that would cover their expenses for three months in case of sickness, job loss, economic

downturn, or other emergencies. In October 2019, 61% of Virginia respondents reported having these funds; by November 2020, that share had dipped slightly to 58%, but by November 2021 rates improved, surpassing pre-pandemic levels at 66% (Figure 6).

Yet only 39% of respondents below the Threshold in Virginia reported having rainy day funds in October 2019, with the percentage dropping to 38% in November 2020, before rising to 44% by November 2021. In contrast, 73% of those above the Threshold in Virginia had rainy day funds in October 2019, and that share increased to 71% in November 2020 and 79% in November 2021.

Figure 6. Funds to Cover Three Months’ Expenses by the ALICE Threshold, Virginia, 2021



Question: Have you set aside emergency or rainy day funds that would cover your expenses for three months in the case of sickness, job loss, economic downturn, or other emergencies?

Sources: ALICE Threshold, 2021; Federal Reserve Board, Survey of Household Economics and Decisionmaking (SHED), November 2021

Nationally, there were also substantial gaps by income and race/ethnicity in rainy day funds (this data is not available at the state level, but it is likely these disparities were mirrored in Virginia). In 2021, White and Hispanic respondents below the ALICE Threshold had higher rates of emergency savings (42% and 41%, respectively) than Black respondents below the Threshold (32%). Rates were higher overall for respondents above the Threshold, yet gaps remained (77% for White, 71% for Hispanic, and 64% for Black respondents). Each of these racial/ethnic groups made gains during the pandemic, with Hispanic respondents both above and below the Threshold showing the largest increase in emergency savings. From October 2019 to November 2021, the percentage of Hispanic respondents below the Threshold with rainy day funds increased from 28% to 41%; and the percentage of Hispanic respondents above the Threshold with these funds increased from 57% to 71%.

Retirement Assets

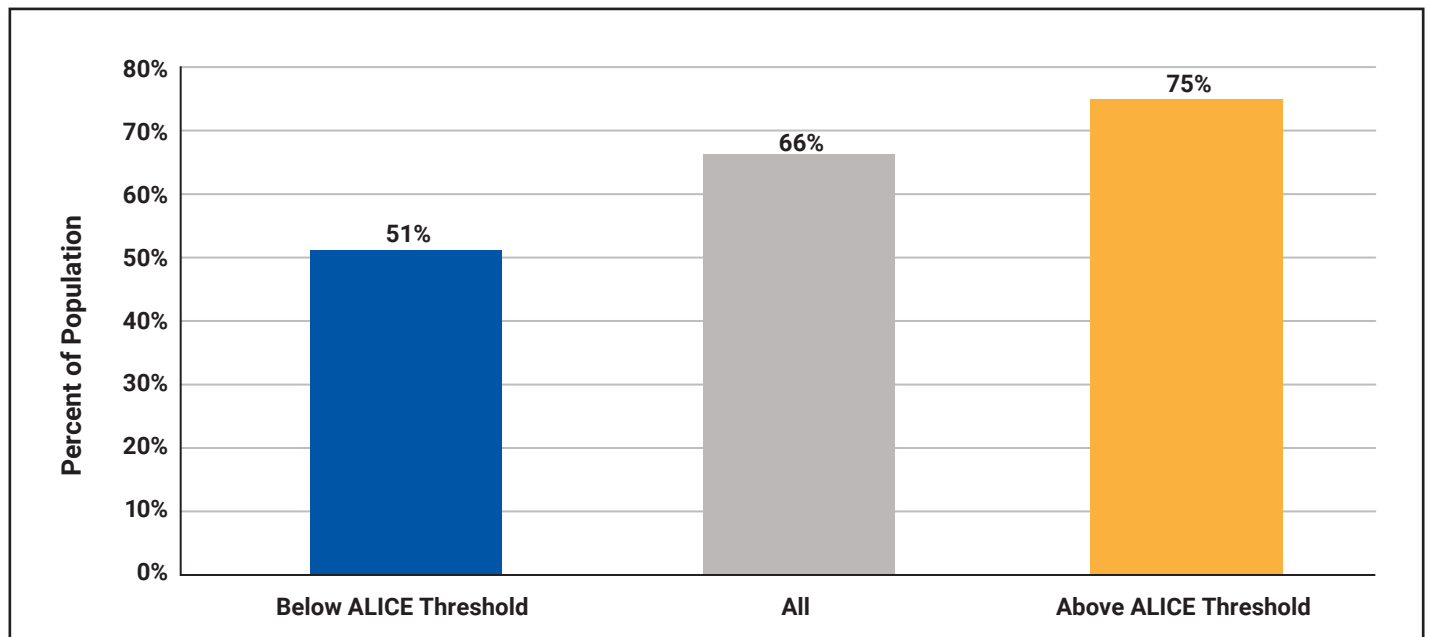
[Retirement assets](#) include 401(k)s, IRAs, pensions, or business or real estate holdings that provide income in

retirement. Overall, 62% of Virginia respondents reported having these funds in October 2019. That rate decreased slightly by November 2020 (to 61%), then increased to 66% by November 2021. Yet these averages conceal a widening disparity in retirement assets between households above and below the ALICE Threshold in Virginia (Figure 7).

Prior to the pandemic, in October 2019, 48% of respondents below the Threshold in Virginia had retirement savings, according to SHED. The rate increased to 51% by November 2021. In October 2019, 70% of respondents above the Threshold in Virginia had retirement assets; the rate increased to 75% by November 2021.

The [CARES Act](#) reduced penalties for early withdrawals from retirement accounts, thus making it easier for households to access retirement. Overall, 8% of non-retired adults in Virginia tapped into their retirement savings in 2021, according to SHED. And according to a [national retirement survey](#), the majority of loans or hardship withdrawals in 2022 were taken by low-income households.

Figure 7. Retirement Assets by the ALICE Threshold, Virginia, 2021



Question: Do you currently have each of the following types of retirement savings? Selected at least one: 401(k); IRA; pension; savings outside a retirement account, business, or real estate holding that will provide income in retirement; other retirement savings

Sources: ALICE Threshold, 2021; Federal Reserve Board, Survey of Household Economics and Decisionmaking (SHED), November 2021

BEYOND 2021: ECONOMIC CHALLENGES AHEAD FOR ALICE

The pandemic timeline shows a contracting economy in 2020 followed by a strong policy response in 2021. The government's broad [pandemic response was effective](#) in preventing the kind of surge in financial hardship that was experienced during the Great Recession.

But 38% of households were still living below the ALICE Threshold in Virginia in 2021. With COVID-19 continuing but pandemic relief benefits expiring, initial data from 2022 suggests that the economic situation has in fact gotten worse for ALICE, which in turn puts the wider economy at risk.

An analysis of recent surveys reveals that households below the ALICE Threshold are still facing food insufficiency, difficulty paying bills, increased medical debt, reduced savings, and feelings of anxiety and depression. These challenges were first reported in [The Pandemic Divide](#), and are updated here with the most recent data from the Household Pulse Survey (through December 2022) and SHED (through November 2021).

These surveys also provide an alarming look at the breakdown of pandemic experiences by race/ethnicity, sex, sexual orientation and gender identity, and disability

status. The differences here are even starker than when looking at income alone, giving credence to concerns that the pandemic is exacerbating racial and other inequities across all facets of life. The analysis reveals that, in particular, Black and Hispanic households, female, and lesbian, gay, bisexual, and transgender (LGBT) households, as well as those that include people with disabilities, have been disproportionately impacted by the pandemic.

Warning signs:

! **Food insufficiency:** ALICE families experiencing food insufficiency are a canary in the coal mine, indicating larger problems beyond food. Shockingly, the rates of food insufficiency have [remained elevated](#) since the beginning of the pandemic. In the August 2020 Household Pulse Survey, respondents below the ALICE Threshold in Virginia were far more likely to report that their household sometimes or often did not have enough food in the prior seven days than respondents above the Threshold (16% vs. 2%); rates remained unchanged by November 2022. Some demographic groups

Figure 8. Food Insufficiency, Above and Below the ALICE Threshold, Virginia, 2022

Food Insufficiency			
	Below ALICE Threshold	Above ALICE Threshold	State Average
Black	25%	2%	8%
Hispanic	17%	2%	
Female	17%	3%	
With a Disability	18%	7%	
LGBT	15%	3%	

Question: In the last seven days, which of these statements best describes the food eaten in your household? Selected: Sometimes or often not enough

Note: Black respondents are non-Hispanic; the Hispanic group includes respondents of Hispanic, Latino, or Spanish origin of any race; the "With a Disability" group includes respondents who have one or more vision, hearing, cognitive, mobility, or self-care difficulties; the "LGBT" group includes respondents who identify as gay or lesbian, bisexual, and/or transgender.

Sources: ALICE Threshold, 2021; U.S. Census Bureau, Household Pulse Survey, September 14, 2022–November 14, 2022, Phase 3.6

experienced higher than average food insufficiency (Figure 8). For example, 25% of Black respondents and 18% of respondents with disabilities below the Threshold reported not having enough food compared to 8% of all Virginia households.

For households with children in Virginia, from August 2020 to November 2022, rates of food insufficiency improved slightly for those above the ALICE Threshold and got slightly worse for those below the Threshold: In August 2020, 17% of respondents below the ALICE Threshold reported that often or sometimes their children were not eating enough because they couldn't afford enough food, compared to 5% of those above the Threshold. By November 2022, the rates were 19% for those below vs. 3% for those above the Threshold.

With changes to the emergency pandemic food measures, including the [ending of SNAP emergency allotments](#), many families will need to rely on the charitable food system which was designed for emergencies, but is increasingly an [ongoing necessity](#).

! Learning loss: Following a year of widespread school closings and disrupted education, most students returned to in-person learning in the fall of 2021. The [learning loss](#) that accompanied remote learning has been widely reported. Not surprisingly, students in lower-income districts with fewer resources were hardest hit. Nationally, in 2021, 71% of parents below the Threshold said that their child was prepared for the academic year ahead, compared to 81% of parents above the Threshold. [The National Center for Education Statistics](#) (NCES) reported that nationally in 2022, scores for 9-year-old students declined five points in reading and seven points in mathematics compared to 2020 – the largest average score decline in reading since 1990, and the first-ever score decline in mathematics. Drops were even larger for low-income students as well as for Black and Hispanic students. In Virginia, average scores for 4th grade mathematics and reading and 8th grade mathematics [decreased between 2019 and 2022](#).

! Behind on rent payments: According to the Household Pulse Survey, renter households below the ALICE Threshold in Virginia were more likely than those above the Threshold to report that they were not caught up on rent payments. In August 2020, 17% of renters below the Threshold and 8% of renters above the Threshold were not caught up; by November 2022, rates improved for both groups, yet the difference remained, with 12% for renters below the Threshold and 3% of renters above the Threshold. Renters who fall behind on rent are at greater risk for eviction, especially since the federal moratorium on [evictions and foreclosures](#) and [state-level bans](#) have now expired, and funding for rental assistance is running out. As a result, [eviction filings are on the rise](#) and are likely to [increase in the near term](#).

! Struggling to pay bills: During the pandemic, many ALICE households in Virginia reported difficulty paying for their usual household expenses. According to the Household Pulse Survey in August 2020, respondents below the ALICE Threshold were four times as likely as households above the Threshold to report that they found it somewhat or very difficult to pay for usual items such as food, rent or mortgage, car payments, and medical expenses (49% vs. 12%). These rates increased further through November 2022 (53% vs. 22%).

! Facing lack of savings and medical debt: While many families were able to save during the pandemic, many ALICE families were not. As mentioned earlier, 44% of families below the ALICE Threshold in Virginia had set aside emergency savings or rainy day funds that would cover their expenses for three months in the event of sickness, job loss, economic downturn, or another emergency in November 2021, compared to 79% of those above the Threshold, according to SHED. In addition, respondents below the Threshold in Virginia were more likely than those above the Threshold to incur an unexpected major medical expense that they had to pay for out of pocket because it was not completely paid for by insurance (21% vs. 15% in November 2021). The lack of savings makes it more difficult for ALICE families to withstand an emergency in the future.

! **Physical health:** A [September 2020 national survey](#) found that 36% of adults (age 18 to 64) delayed or missed health care services, including dental care, primary care, or specialist visits; preventive health screenings; and medical tests. For those with one or more chronic conditions, a mental health condition, or a lower income, the likelihood of postponing or forgoing care was even higher. Parents also postponed care for their children. In the fall of 2021, Virginia households below the ALICE Threshold were more likely to report that they missed, delayed, or [skipped their child’s preventive check-up](#) in the last 12 months than households above the Threshold (37% vs. 25%). These delays, especially when coupled with preexisting conditions, can contribute to [more serious health issues in the future](#).

In addition, according to the November 2022 Household Pulse Survey, Virginia respondents below the ALICE Threshold were more likely to report having symptoms of long COVID (such as fatigue, “brain fog,” difficulty breathing, heart palpitations, dizziness, or changes to taste/smell) lasting three months or longer that they did not have prior to having COVID-19 than respondents above the Threshold (38% vs. 20%).

! **Mental health:** With these sustained challenges, it’s not surprising that people below the ALICE Threshold in Virginia were more likely to report feeling depressed or anxious than those above the Threshold. According to the Household Pulse Survey, in August 2020, 23% of respondents below the Threshold and 13% above the Threshold reported feeling nervous, anxious, or on edge nearly every day over the last two weeks. By November 2022, these rates were slightly higher for those below the Threshold, and slightly lower for those above (25% and 12%, respectively).

Respondents below the Threshold were also more likely to report feeling down, depressed, or hopeless at both timepoints (13% in 2020 and 15% in 2022) than respondents above the Threshold (6% in 2020 and 5% in 2022). Some demographic groups experienced substantially higher rates of feeling anxious than the state average (Figure 9).

The lack of mental health resources during the pandemic has been [widely recognized](#), and awareness is increasing, especially with the launch of the [Nationwide Suicide and Crisis Lifeline](#) (988). But there remains a severe [shortage of mental health resources](#), especially for low-income families, and mental health providers struggle to meet [increased demand](#).

Figure 9. Feeling Anxious, Above and Below the ALICE Threshold, Virginia, 2022

Feeling Nervous, Anxious, or on Edge			
	Below ALICE Threshold	Above ALICE Threshold	State Average
Black	16%	10%	17%
Hispanic	24%	12%	
Female	27%	14%	
With a Disability	38%	34%	
LGBT	41%	28%	

Question: Over the last two weeks, how often have you been bothered by feeling nervous, anxious, or on edge? Selected: Nearly every day

Note: Black respondents are non-Hispanic; the Hispanic group includes respondents of Hispanic, Latino, or Spanish origin of any race; the “With a Disability” group includes respondents who have one or more vision, hearing, cognitive, mobility, or self-care difficulties; the “LGBT” group includes respondents who identify as gay or lesbian, bisexual, and/or transgender.

Sources: ALICE Threshold, 2021; U.S. Census Bureau, Household Pulse Survey, September 14, 2022–November 14, 2022, Phase 3.6

From Warnings to Reality: ALICE Today

The strength of the Virginia economy is inextricably tied to the financial stability of all residents. As the pandemic has shown, ALICE workers are critical to the smooth running of the economy, during times of crisis and beyond. And, in turn, the stability of ALICE families depends on their being able to fully participate in that economy. Leaving ALICE behind in the recovery sets households and the larger economy up for greater vulnerability to the next economic disruption.

This is already happening, at the same time that the frequency and severity of [natural disasters](#) continue to increase. In places that experienced natural disasters in 2021 and 2022 — such as Hurricane Ian in Florida; wildfires in California, Idaho, and Utah; flooding in Kentucky and Missouri; and tornadoes in the southern U.S. — ALICE families faced [higher risks](#).

For example, following [Hurricane Ian in September 2022](#) in Florida, according to the Household Pulse Survey (December 2022), respondents below the ALICE Threshold were more likely than households above the Threshold to be displaced from their home (9% vs. 6%). One month after the storm, respondents below the Threshold were at least three times more likely to be experiencing a shortage of food (39% vs. 13%) and drinkable water (42% vs. 12%).

The pandemic has highlighted the ability of government policymakers and business managers to respond to changing conditions quickly. The 2021 ALICE data may surprise some readers who were expecting much worse. But 2021 was a unique year — and these warning signs are both a call to action and a challenge to complacency. We ignore our essential workers at our economy's and our communities' peril.



COUNTY COMPARISON: INCOME STATUS, 2021

Virginia Counties, 2021			Percent Change, 2019–2021	
County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Accomack	14,152	46%	5%	1%
Albemarle	43,066	39%	4%	-8%
Alexandria city	72,024	37%	1%	11%
Alleghany	6,405	49%	-3%	18%
Amelia	5,190	51%	5%	35%
Amherst	12,538	40%	3%	-6%
Appomattox	6,187	46%	2%	17%
Arlington	108,396	28%	-3%	-14%
Augusta	29,880	39%	1%	13%
Bath	1,823	40%	1%	14%
Bedford	33,397	34%	7%	-2%
Bland	2,260	42%	-5%	-12%
Botetourt	13,076	38%	-1%	13%
Bristol city	7,347	52%	0%	-2%
Brunswick	5,905	52%	-2%	-1%
Buchanan	7,440	67%	-13%	-5%
Buckingham	5,724	49%	-2%	-13%
Buena Vista city	2,581	57%	3%	2%
Campbell	22,243	44%	-4%	-1%
Caroline	11,000	47%	0%	7%
Carroll	12,127	51%	-2%	4%
Charles city	2,932	47%	1%	13%
Charlotte	4,606	50%	-1%	-5%
Charlottesville city	19,312	48%	4%	-12%
Chesapeake city	93,849	32%	8%	-6%
Chesterfield	136,070	41%	6%	32%
Clarke	5,692	40%	1%	1%
Colonial Heights city	7,465	43%	6%	-9%

Virginia Counties, 2021			Percent Change, 2019–2021	
County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Covington city	2,547	55%	7%	27%
Craig	1,941	40%	-15%	-5%
Culpeper	17,692	31%	4%	-8%
Cumberland	3,990	43%	0%	-12%
Danville city	18,590	52%	2%	1%
Dickenson	5,573	63%	-4%	-3%
Dinwiddie	10,268	51%	-1%	8%
Emporia city	2,240	58%	7%	-6%
Essex	4,299	45%	-6%	-2%
Fairfax	410,660	25%	3%	-5%
Fairfax city	9,090	31%	6%	9%
Falls Church city	5,630	21%	2%	-13%
Fauquier	25,472	30%	4%	-9%
Floyd	6,695	45%	3%	11%
Fluvanna	9,979	40%	1%	-11%
Franklin	22,033	39%	-4%	1%
Franklin city	3,474	49%	-1%	-5%
Frederick	32,723	40%	4%	23%
Fredericksburg city	11,198	49%	4%	-3%
Galax city	2,780	54%	4%	-10%
Giles	6,824	38%	-1%	3%
Gloucester	14,882	34%	1%	13%
Goochland	9,454	33%	11%	6%
Grayson	6,112	52%	-6%	-9%
Greene	7,533	48%	0%	17%
Greensville	3,183	52%	-13%	5%
Halifax	13,506	52%	-5%	2%
Hampton city	58,181	41%	5%	-2%
Hanover	42,274	36%	8%	34%
Harrisonburg city	17,102	56%	2%	1%

Virginia Counties, 2021			Percent Change, 2019-2021	
County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Henrico	137,035	38%	5%	0%
Henry	20,516	55%	-3%	-1%
Highland	987	43%	-8%	-6%
Hopewell city	9,269	61%	0%	2%
Isle of Wight	15,063	35%	3%	6%
James city	29,748	35%	3%	-2%
King and Queen	2,803	44%	4%	15%
King George	9,445	28%	3%	9%
King William	6,667	39%	10%	6%
Lancaster	5,197	36%	3%	-13%
Lee	8,244	61%	-10%	-10%
Lexington city	2,005	41%	-7%	-17%
Loudoun	141,935	19%	6%	-2%
Louisa	14,192	38%	2%	1%
Lunenburg	4,304	55%	0%	10%
Lynchburg city	28,346	52%	-2%	18%
Madison	5,175	40%	5%	11%
Manassas city	13,562	36%	5%	-14%
Manassas Park city	5,155	41%	11%	-25%
Martinsville city	5,656	56%	2%	4%
Mathews	3,558	37%	-9%	-8%
Mecklenburg	12,655	49%	5%	2%
Middlesex	4,579	36%	-1%	-12%
Montgomery	37,796	51%	4%	25%
Nelson	6,149	45%	-4%	6%
New Kent	8,306	33%	4%	18%
Newport News city	77,489	43%	9%	0%
Norfolk city	97,596	44%	10%	-11%
Northampton	5,292	49%	3%	9%
Northumberland	5,127	44%	-8%	20%

Virginia Counties, 2021			Percent Change, 2019–2021	
County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Norton city	1,540	56%	-5%	-14%
Nottoway	5,309	42%	-3%	-20%
Orange	13,970	33%	2%	10%
Page	9,355	45%	1%	3%
Patrick	7,732	47%	0%	4%
Petersburg city	14,464	58%	10%	0%
Pittsylvania	24,663	47%	-6%	9%
Poquoson city	4,617	24%	1%	-22%
Portsmouth city	40,827	46%	13%	11%
Powhatan	10,722	30%	4%	8%
Prince Edward	7,113	58%	-1%	3%
Prince George	12,492	45%	9%	0%
Prince William	154,619	30%	8%	1%
Pulaski	14,534	40%	0%	7%
Radford city	5,545	62%	-1%	-9%
Rappahannock	2,773	32%	-5%	2%
Richmond	2,811	47%	-8%	-21%
Richmond city	99,929	55%	11%	12%
Roanoke	39,093	39%	2%	17%
Roanoke city	42,455	51%	4%	2%
Rockbridge	9,045	44%	-2%	11%
Rockingham	31,189	40%	2%	24%
Russell	10,355	55%	-4%	-1%
Salem city	9,971	43%	1%	-14%
Scott	8,612	54%	-2%	1%
Shenandoah	17,487	41%	0%	9%
Smyth	12,607	55%	-1%	3%
Southampton	6,661	43%	2%	5%
Spotsylvania	51,179	37%	10%	6%
Stafford	51,007	32%	8%	18%

Virginia Counties, 2021			Percent Change, 2019–2021	
County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Staunton city	11,125	46%	5%	16%
Suffolk city	37,383	35%	11%	3%
Surry	2,720	38%	0%	25%
Sussex	3,656	47%	-4%	-13%
Tazewell	15,759	53%	-5%	1%
Virginia Beach city	182,775	35%	4%	10%
Warren	15,082	40%	3%	30%
Washington	21,845	44%	-2%	-5%
Waynesboro city	9,419	50%	2%	6%
Westmoreland	7,873	45%	-1%	13%
Williamsburg city	4,778	45%	2%	-12%
Winchester city	11,018	49%	5%	5%
Wise	14,025	54%	-6%	-5%
Wythe	12,125	43%	1%	1%
York	25,389	34%	1%	14%

NATIONAL COMPARISON: INCOME STATUS, 2021

STATE	RANK (1 = lowest % Below ALICE Threshold)	TOTAL Number of Households	Household Income Status		
			% Households in Poverty	% ALICE Households	% Households Below ALICE Threshold
United States	—	126,903,920	13%	29%	41%
Alabama	48	1,951,995	16%	32%	48%
Alaska	1	266,391	10%	22%	32%
Arizona	24	2,813,110	12%	28%	40%
Arkansas	46	1,176,614	16%	31%	47%
California	35	13,420,382	12%	31%	43%
Colorado	13	2,297,529	10%	27%	37%
Connecticut	19	1,428,313	10%	28%	39%
Delaware	27	395,656	12%	29%	41%
District of Columbia	31	319,565	15%	28%	42%
Florida	44	8,533,422	13%	32%	45%
Georgia	47	3,954,813	14%	34%	47%
Hawai'i	29	490,101	12%	30%	41%
Idaho	34	681,926	11%	32%	43%
Illinois	10	4,981,919	12%	24%	36%
Indiana	21	2,656,794	12%	27%	39%
Iowa	9	1,293,028	11%	24%	36%
Kansas	20	1,153,270	12%	27%	39%
Kentucky	38	1,767,504	16%	28%	44%
Louisiana	50	1,776,260	19%	32%	51%
Maine	30	583,562	12%	30%	42%
Maryland	15	2,352,331	10%	28%	38%
Massachusetts	25	2,756,295	11%	28%	40%
Michigan	22	4,029,761	13%	26%	39%
Minnesota	8	2,254,997	10%	26%	35%
Mississippi	51	1,116,509	20%	32%	52%
Missouri	36	2,459,987	13%	30%	43%
Montana	28	443,529	12%	29%	41%
Nebraska	17	781,693	11%	27%	39%
Nevada	42	1,189,085	14%	31%	45%
New Hampshire	2	548,727	8%	25%	33%
New Jersey	12	3,495,628	11%	26%	37%
New Mexico	45	821,310	17%	29%	47%
New York	40	7,635,201	14%	30%	44%
North Carolina	41	4,150,059	13%	31%	44%
North Dakota	6	322,588	11%	23%	34%
Ohio	16	4,820,453	13%	25%	38%
Oklahoma	43	1,536,903	15%	30%	45%
Oregon	39	1,697,608	12%	32%	44%
Pennsylvania	23	5,229,253	12%	27%	39%
Rhode Island	18	435,782	12%	27%	39%
South Carolina	33	2,037,203	15%	29%	43%
South Dakota	11	352,363	11%	26%	36%
Tennessee	37	2,740,302	14%	30%	44%
Texas	32	10,705,476	14%	29%	43%
Utah	5	1,087,978	9%	25%	34%
Vermont	26	265,098	11%	29%	40%
Virginia	14	3,300,111	10%	28%	38%
Washington	4	3,013,644	10%	24%	34%
West Virginia	49	711,392	17%	31%	48%
Wisconsin	7	2,436,961	11%	23%	34%
Wyoming	3	233,539	11%	22%	34%

NEXT STEPS

Capturing the true extent of financial hardship in Virginia is critical for the appropriate allocation of funds for programs in areas such as education, health care, food access, housing, and employment. There is a lot more to be done to change the trajectory for households struggling to make ends meet. How can you help?

Learn more and help to raise awareness of the struggles ALICE households face with:

- The interactive [ALICE in Virginia](#) webpages, to dig deeper into:
 - » [County Reports](#)
 - » [Household budgets](#)
 - » [Maps with data for local geographies](#)
 - » [Demographics](#)
 - » [Labor force data](#)
 - » [ALICE data alongside additional Indicators of Well-Being](#)

Connect with stakeholders:

- [Contact your local United Way](#) for support and volunteer opportunities.
- Connect with members of the state [Research Advisory Committees](#) that support this work.
- Find your state and federal representatives and see ALICE household data by legislative district with our [ALICE Legislative District Tool](#).

Turn the ALICE data into action in your community:

- Use the ALICE metrics to highlight the challenges ALICE households face, to inspire action and generate solutions that promote financial stability.

- Armed with the ALICE data, advocate for policy change, apply for grant funding, allocate funding for programs and services targeted to ALICE households, etc.
- Learn more on our [ALICE in Action](#) webpage about the programs, practices, and policies to improve access to affordable housing, high quality child care and education, healthy food, health care, transportation, workforce training, and more.
- Demonstrate potential financial challenges that ALICE workers face with interactive tools from the Federal Reserve Bank of Atlanta that incorporate the Household Survival Budget. These tools, which include the [Policy Rules Database](#) and the [Career Ladder Identifier and Financial Forecaster](#), map changes in benefits along a career path and identify potential benefits cliffs.

Be an ally and advocate for better data:

- Advocate for more accurate data collection by the [U.S. Census Bureau](#) for people who have been [historically undercounted](#), including (but not limited to) people with disabilities, people experiencing homelessness, people of color, individuals who identify as LGBTQ+, and people in low-income and hard-to-count geographic areas.
- Support the [implementation](#) of a single combined question for race and ethnicity. Census [research](#) shows this change will yield a more accurate portrait of how the U.S. population self-identifies, especially for people who self-identify as multiracial or multiethnic.

Suggested Citation: United For ALICE. (2023). "ALICE in the Crosscurrents: COVID and Financial Hardship in Virginia." UnitedForALICE.org/Virginia

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From: [Rachele Valente](#)
To: [publiccomment](#)
Subject: EXTERNAL SENDER Proposed Amendment to Rule part 6, Section 1, page 3 (O): Unauthorized Practice of Law; State Forms
Date: Sunday, March 9, 2025 8:48:39 PM

You don't often get email from rvalente@fairfaxfamilylaw.net. [Learn why this is important](#)

Dear Executive Director Rountree:

To the extent non-attorneys are permitted to assist laypersons to complete state-prescribed forms, I would urge that such forms include a disclaimer to the effect that advice and/or assistance of non-attorneys does not ensure that said forms have been completed fully, correctly or with legal effect; and, further, that litigants/claimants are encouraged to seek the advice of legal counsel.

Regards,
Rachele Valente
Attorney at Law

FAIRFAX FAMILY LAW, PLLC

Post Office Box 15, Fairfax Station, VA 22039

Telephone (703) 395-8601 | rvalente@fairfaxfamilylaw.net | (703) 991-0846

Facsimile



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Action Item G3. Do you approve and recommend to the Supreme Court of Virginia the proposed changes to Part 6, § I, Paragraph 3(O) of the Rules of Court, Unauthorized Practice of Law, as amended?

Results Summary

Response	Count
Yes	46
No	13
Abstain	1
Total	60

Count	Created At	Screen name	Response
1	2/28/2026 11:36	Kyle Elliott	Yes
2	2/28/2026 11:36	Molly Newton	Yes
3	2/28/2026 11:36	Derek Davis	Yes
4	2/28/2026 11:35	E M Wright Jr	Yes
5	2/28/2026 11:35	Gifford Hampshire	Yes
6	2/28/2026 11:35	Paul Melnick	Yes
7	2/28/2026 11:35	Craig E Ellis	Yes
8	2/28/2026 11:35	Dale Pittman	Yes
9	2/28/2026 11:35	Carole Capsalis	Yes
10	2/28/2026 11:35	Hope Townes	Yes
11	2/28/2026 11:35	Joanna Suyes	Yes
12	2/28/2026 11:35	Lisa Wilson	Yes
13	2/28/2026 11:35	Bob Walker	Yes
14	2/28/2026 11:35	Leslie Barnes	Yes
15	2/28/2026 11:35	Randy Rollins	Yes
16	2/28/2026 11:35	Debra Powers	Yes
17	2/28/2026 11:35	Susan Tarley	Yes
18	2/28/2026 11:35	Caswell Richardson	Yes
19	2/28/2026 11:35	Nicole Upshur	Yes
20	2/28/2026 11:35	Chip Nunley	Yes
21	2/28/2026 11:35	Alison Mullins	Yes
22	2/28/2026 11:35	W. Grant Back	Yes
23	2/28/2026 11:35	Sebastian Norton	Yes
24	2/28/2026 11:35	Adam Elfenbein	Yes
25	2/28/2026 11:35	Veronica Meade	Yes
26	2/28/2026 11:35	John Foster	Yes
27	2/28/2026 11:35	Juli Porto	Yes
28	2/28/2026 11:35	Michael A Nicholas	Yes
29	2/28/2026 11:35	Greg Hunter	Yes
30	2/28/2026 11:35	Barbara S. Anderson	Yes
31	2/28/2026 11:35	Gabrielle A. Best Husband	Yes

Count	Created At	Screen name	Response
32	2/28/2026 11:35	Allen Bareford	Yes
33	2/28/2026 11:35	Adrienne George-Eliades	Yes
34	2/28/2026 11:35	Carson Cox	Yes
35	2/28/2026 11:35	Ann Marie Park	Yes
36	2/28/2026 11:35	Susie Baker	Yes
37	2/28/2026 11:35	Chidinma Harley	Yes
38	2/28/2026 11:35	Charlene Moring	Yes
39	2/28/2026 11:35	Sean P. Dolan	Yes
40	2/28/2026 11:35	Joel McClellan	Yes
41	2/28/2026 11:35	Gobind Sethi	Yes
42	2/28/2026 11:35	Seema	Yes
43	2/28/2026 11:35	Karissa Kaseorg	Yes
44	2/28/2026 11:35	Simone Williams	Yes
45	2/28/2026 11:35	David Hagan	Yes
46	2/28/2026 11:35	Bretta Lewis	Yes
47	2/28/2026 11:36	Bruce Russell	No
48	2/28/2026 11:35	Will Egen	No
49	2/28/2026 11:35	Anne Roddy	No
50	2/28/2026 11:35	Rex Flynn	No
51	2/28/2026 11:35	Kristan Burch	No
52	2/28/2026 11:35	Jacob Lambert	No
53	2/28/2026 11:35	DJ Hansen	No
54	2/28/2026 11:35	Patrick C. Murphrey	No
55	2/28/2026 11:35	D Brian Richardson	No
56	2/28/2026 11:35	Mackenzie Babichenko	No
57	2/28/2026 11:35	Peter McDermott	No
58	2/28/2026 11:35	Andrew Dean	No
59	2/28/2026 11:35	Bradley Marshall	No
60	2/28/2026 11:35	Brett Marston	Abstain



January 2, 2025

Kenneth Brett Marston, Esq., Chair
Emily Fox Hedrick, Esq., Liaison and Counsel
Standing Committee on Legal Ethics
Virginia State Bar
1111 E. Main St.
Richmond VA 23219

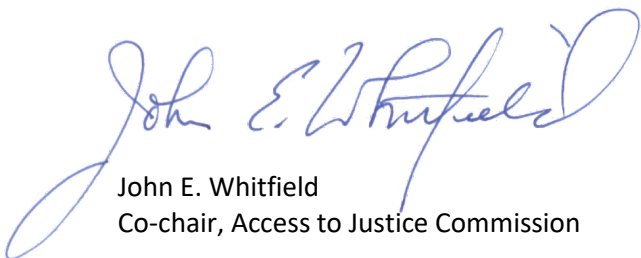
Dear Brett and Emily:

We are writing to transmit a proposed amendment to the Rules of the Supreme Court of Virginia for consideration and we hope approval by the Virginia State Bar for recommendation to the Court.

The attached proposal clarifies that court clerks, librarians and navigators in court-approved court navigator programs may provide information and assistance to members of the public regarding selection and completion of court forms without running afoul of Unlicensed Practice of Law rules of the Court. It was approved by unanimous voice votes of the Access to Justice Commission on December 11, 2024, and previously by Access to Justice Commission's Committee on Self Represented Litigants on December 3, 2024. We are sending it to you because the Standing Committee on Legal Ethics has jurisdiction over this subject matter, and we presume that it will then be referred to Bar Council.

We hope that Committee on Ethics can consider the proposal at its January 16 meeting, and we request the opportunity to present it to the committee.

Sincerely,



John E. Whitfield
Co-chair, Access to Justice Commission



David B. Neumeyer
Chair, Committee on Self Represented
Litigants

Attachment: Proposed amendment

Proposed Amendment to Part Six, § I(3)(O) of the Rules of the Supreme Court of Virginia pertaining to the unauthorized practice of law;

Approved by the Virginia Access to Justice Commission for recommendation to the Virginia State Bar and adoption by the Supreme Court of Virginia

Introduction:

Procedure:

In response to a recommendation originally made by the Lacy Commission in 2002¹ and current evidence, the Committee on Self Represented Litigants' Subcommittee on Nonlawyer Legal Assistance, with initial drafting done by Emily Hedrick, ethics counsel of the Virginia State Bar and a member of the subcommittee, has proposed the following amendment² to Part VI of the Rules of the Supreme Court of Virginia. The amendment was approved by the full Committee on Self Represented Litigants by a unanimous voice vote on December 3, 2024 and by the Commission on Access to Justice by unanimous voice vote on December 11, 2024, for recommendation to the Virginia State Bar and adoption by the Supreme Court of Virginia.

Background:

As documented previously by a study of the National Center for State Courts and in a December 3 presentation to the committee by the Legal Services Corporation, only 1% of General District Court civil cases include lawyers representing both parties. Detail on the new LSC study is contained in the committee minutes of December 3, 2024. Self-represented litigants experience great difficulty and confusion in choosing which court forms they must use, yet most court clerks with whom they interact are not comfortable under the current UPL rule in providing any guidance on which forms are appropriate or on how to fill them out. This amendment makes clear that clerks, trained law librarians, and courthouse navigators acting in a program approved by the local court may provide such information and assist a self-represented litigant in completing court forms without fear of a charge of UPL.

¹ "Recommendation 1. Adopt a Rule of Court that specifically enables clerks of court and staff to fulfill their duties, as public servants, to assist those using or interested in the court system and its processes without improperly engaging in the unauthorized practice of law." The Supreme Court of Virginia Pro Se Litigation Planning Committee, *Self Represented Litigants in the Virginia Court System: Enhancing Access to Justice*; State Justice Institute, September 2002

² The sources of the text offered are: 1. according to Ms. Hedrick, "a blend of the 2002 proposed (failed) UPL rule amendment with some updates (particularly as to self-help center personnel) from the Colorado courts' directive on self-help programs that was also included in [a draft IPD on this subject prepared by John Whitfield but not acted on]"; and 2. a definition of court navigators appearing in McClymont, Mary, "Nonlawyer Navigators in State Courts: Part II — An Update New Energy, Urgency and Possibilities," Georgetown Law Justice Lab, October 2023, at 5-6.

- M. Preparing a memorandum of understanding or agreement resulting from an alternative dispute resolution proceeding, to include, when necessary, completion of a child support guidelines worksheet.
 - N. Working as a paralegal or providing other administrative support under the direct supervision of a licensed attorney.
 - O. ~~Providing assistance as a court clerk to litigants in completing for filing, forms prescribed by the Supreme Court of Virginia or other tribunal; information shall be limited to description of forms, instructions for use, and required sections to complete. Court clerks shall not engage in providing legal advice, recommendations or opinions as part of the court clerk's assistance. Assisting a person as a court clerk, librarian, court-approved navigator, or self-help center staff by answering questions or otherwise assisting to identify, select, or complete any form prescribed by the Supreme Court of Virginia or other tribunal, including explaining the meaning of any terms or language used in the form; assisting a person to understand the information needed to complete the form; reviewing the finished form to determine whether the form contains all required information; and by providing assistance to complete the form if the court clerk, librarian, court-approved navigator, or self-help center staff believes the person is unable to do so because of disability, literacy, or language barriers. For purposes of this exception, "navigator" is defined as an individual who is not court staff, does not act within an attorney-client relationship, and provides direct assistance to a person with civil legal problems as part of a formal program.~~
 - P. Serving as a registered patent agent.
 - Q. Preparing and filing pleadings in general district court to recover possession of leased premises and/or recovery of rent as permitted by Va. Code § 55-246.1.
 - R. Providing other legal services as authorized by state, federal or other law.
4. **EXCLUSIONS:** The following actions do not constitute the practice of law:
- A. Providing translation services.
 - B. Selling legal forms.
 - C. *Pro se* representation.
 - D. Serving as a mediator, arbitrator, conciliator, or facilitator.

Action Item G2. Do you approve of the amendments, as proposed by Council, to Part 6, § I, Paragraph 3(O) of the Rules of Court, Unauthorized Practice Rules?

Results Summary

Response	Count
Yes	55
No	6
Abstain	1
Total	62

Count	Created At	Screen name	Response
1	2/28/2026 11:34	Joanna Suyes	Yes
2	2/28/2026 11:34	Carole Capsalis	Yes
3	2/28/2026 11:34	Randy Rollins	Yes
4	2/28/2026 11:34	Andrew Dean	Yes
5	2/28/2026 11:34	Bob Walker	Yes
6	2/28/2026 11:34	Lisa Wilson	Yes
7	2/28/2026 11:34	Dale Pittman	Yes
8	2/28/2026 11:34	Kristan Burch	Yes
9	2/28/2026 11:34	Paul Melnick	Yes
10	2/28/2026 11:34	Will Egen	Yes
11	2/28/2026 11:34	Molly Newton	Yes
12	2/28/2026 11:34	Bruce Russell	Yes
13	2/28/2026 11:34	Peter McDermott	Yes
14	2/28/2026 11:34	Alison Mullins	Yes
15	2/28/2026 11:34	Greg Hunter	Yes
16	2/28/2026 11:34	Hope Townes	Yes
17	2/28/2026 11:34	Gifford Hampshire	Yes
18	2/28/2026 11:34	Sebastian Norton	Yes
19	2/28/2026 11:34	Veronica Meade	Yes
20	2/28/2026 11:34	Gabrielle A. Best Husband	Yes
21	2/28/2026 11:34	Mackenzie Babichenko	Yes
22	2/28/2026 11:34	Kyle Elliott	Yes
23	2/28/2026 11:34	Leslie Barnes	Yes
24	2/28/2026 11:34	Allen Bareford	Yes
25	2/28/2026 11:34	Bradley Marshall	Yes
26	2/28/2026 11:34	Nicole Upshur	Yes
27	2/28/2026 11:34	Barbara S. Anderson	Yes
28	2/28/2026 11:34	Derek Davis	Yes
29	2/28/2026 11:34	Chidinma Harley	Yes
30	2/28/2026 11:34	W. Grant Back	Yes
31	2/28/2026 11:34	Charlene Moring	Yes

Count	Created At	Screen name	Response
32	2/28/2026 11:34	Craig E Ellis	Yes
33	2/28/2026 11:34	E M Wright Jr	Yes
34	2/28/2026 11:34	John Foster	Yes
35	2/28/2026 11:34	Gobind Sethi	Yes
36	2/28/2026 11:34	Debra Powers	Yes
37	2/28/2026 11:34	Susan Tarley	Yes
38	2/28/2026 11:34	Chip Nunley	Yes
39	2/28/2026 11:34	Ann Marie Park	Yes
40	2/28/2026 11:34	Caswell Richardson	Yes
41	2/28/2026 11:34	Adam Elfenbein	Yes
42	2/28/2026 11:34	Sean P. Dolan	Yes
43	2/28/2026 11:34	Carson Cox	Yes
44	2/28/2026 11:34	Karissa Kaseorg	Yes
45	2/28/2026 11:34	Michael A Nicholas	Yes
46	2/28/2026 11:34	Susie Baker	Yes
47	2/28/2026 11:34	Juli Porto	Yes
48	2/28/2026 11:34	D Brian Richardson	Yes
49	2/28/2026 11:34	Stephanie Grana	Yes
50	2/28/2026 11:34	Joel McClellan	Yes
51	2/28/2026 11:34	Simone Williams	Yes
52	2/28/2026 11:34	Adrienne George-Eliades	Yes
53	2/28/2026 11:34	Bretta Lewis	Yes
54	2/28/2026 11:34	David Hagan	Yes
55	2/28/2026 11:33	Seema	Yes
56	2/28/2026 11:34	Anne Roddy	No
57	2/28/2026 11:34	Jacob Lambert	No
58	2/28/2026 11:34	Luis Perez	No
59	2/28/2026 11:34	DJ Hansen	No
60	2/28/2026 11:34	Rex Flynn	No
61	2/28/2026 11:34	Patrick C. Murphrey	No
62	2/28/2026 11:34	Brett Marston	Abstain