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CONTROVERSIAL LEGAL TOPICS

Can Free Advice Be a Crime? A Pastor, a Debt Form, and New York's Lawyer Rules

A nonprofit wanted to train volunteers to help New Yorkers fill out a one-page debt-lawsuit form. New York says only lawyers can give that advice. The fight over free speech and law licenses has reached the U.S. Supreme Court's docket.



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The form fits on one page. New York requires it to be served with every consumer-debt lawsuit, and it lets people who are sued answer by checking boxes next to the defenses they want to raise.

The form was meant to make things easier. Still, some of its words are hard to follow. One example is *laches*, an old legal term most people have never heard.

The Rev. John Udo-Okon, a pastor, wanted to help his neighbors work through that page. The nonprofit Upsolve, Inc. planned to train volunteers like him, called "Justice Advocates," to give free one-on-one help. Under New York law, that help could be a crime.

This is the core of *Upsolve, Inc. v. James*. It asks a question that matters to anyone who has gone to court alone: **when a person who is not a lawyer explains the law to someone, is that free speech, or is it the unlicensed practice of a profession?**

Why the stakes are high

According to the Institute for Justice, which represents Upsolve, people sued over consumer debts in New York fail to respond **as much as 90% of the time**. The group also says that when defendants do show up, collectors often drop the case rather than try to prove the debt.

Upsolve's volunteers would have taken a virtual training. Their guide, Upsolve said, was reviewed by outside experts in consumer law. They would not have represented anyone in court. But New York bars anyone who is not admitted to the state bar from practicing law, and it backs that ban with civil and criminal penalties.

How the case has unfolded

- **May 24, 2022:** Judge Paul Crotty blocked New York from enforcing its rules against the program,

in *Upsolve, Inc. v. James*, 604 F. Supp. 3d 97 (S.D.N.Y. 2022). He found the rules were a content-based limit on speech that failed **strict scrutiny**, the toughest test in free-speech law.

- **September 9, 2025:** The U.S. Court of Appeals for the Second Circuit agreed the rules regulate speech. But in *Upsolve, Inc. v. James*, 155 F.4th 133 (2d Cir. 2025), it held they are content neutral. That meant a less demanding test, **intermediate scrutiny**, applied. The court lifted the order and sent the case back to the trial court.
- **February 6, 2026:** Upsolve asked the Supreme Court to take the case. The petition was docketed on February 10 as No. 25-948.
- **Early March 2026:** Back in the trial court, Judge Lewis Kaplan dismissed the case with prejudice. He ruled that Upsolve and the pastor have no First Amendment right to go ahead in spite of the licensing law.

The case for Upsolve

Upsolve's supporters say the law punishes people for *what they say*. In a friend-of-the-court brief, the Cato Institute pointed out that advising someone on financial strategies for debt is legal, while advising them on the *legal* meaning of a debt is a crime. Cato argues that drawing the line by topic is content-based, so strict scrutiny should apply.

Cato also warns that the ruling could reach far beyond lawyers. Any licensed profession, it argues, could use the same reasoning to limit speech it dislikes.

Supporters add a practical point. Millions of Americans face civil legal problems with no professional help, and access-to-justice advocates called the Second Circuit's ruling a setback for new ways of getting help to people.

The case for New York

New York's side, as the courts have described it, makes a different point: the law does not care *what* you say, only *who* says it. Writing for the Second Circuit, Judge Richard Sullivan reasoned that the rules do not target any message, viewpoint, or topic. They require that the speaker be a licensed attorney.

In court filings, New York argued that its "attorney-license requirement targets professional conduct rather than speech as speech." Looked at that way, a law license works like other professional licenses that states have long required. It affects speech only as a side effect.

Judge Kaplan's ruling backed the state. He held that New York's rules survive First Amendment review as applied to Upsolve's program.

Why it reaches beyond New York

The argument does not end with human volunteers. Legal-technology writers have asked what the ruling means for **AI legal chatbots**, which also explain the law to people who are not lawyers. First Amendment scholars still disagree about whether the Second Circuit was right to call these rules content neutral.

Where things stand

Right now, the Second Circuit's ruling and Judge Kaplan's dismissal both favor New York. On March 5, 2026, New York filed a waiver, meaning it chose not to file a response to the petition at that time.

Cato filed its supporting brief on March 12. We could not confirm from our sources whether the Supreme Court has granted or denied review since then. You can check the latest on docket No. 25-948 at supremecourt.gov.

This article explains a public legal debate. It is not legal advice. If you have been sued over a debt, a legal aid office, your court's self-help center, the court clerk, or a licensed attorney can tell you what options you may have.

Food for Thought

- Should the law treat explaining a one-page court form the same way it treats arguing a case in front of a judge?
- Is a law license a rule about *who* may speak, or a rule about *what* may be said? Does that difference change your view?
- If more people get some help but some of that help is wrong, is that better or worse than people getting no help at all?

How Kasecraft can help

Our Resources page lists court self-help centers, legal aid offices, and law libraries where you can look for help from qualified sources. Our Services page connects you with members who have been through court and can share what they went through. Those sessions are peer support only, not legal advice.

KASECRAFT FEATURE SPOTLIGHT

Members' ChatRoom

When legal fees are out of reach, you do not have to walk into court alone and unprepared. Each edition, we look at one Kasecraft tool and how it helps self-represented litigants present their case with confidence.

WHAT IT DOES

A moderated, real-time chat organized into seven topic rooms, from the General Lounge to Family Court, Landlord and Tenant, and Moot Court Prep.

AN EXAMPLE

The night before her hearing, Ana posts in the Landlord and Tenant room. Within minutes, two members reply with tips on printing copies of her photos and arriving early.

WHY IT PUTS YOU IN A STRONGER POSITION

- Representing yourself can feel isolating. Community support reduces stress and builds confidence.
- Practical tips from people with recent experience fill gaps that formal resources miss.

Cost: Free with membership. kasecraftportal.com/chatroom

MORE TOOLS IN YOUR CORNER

Peer Sessions (Services): Book time with members who have been through court for practical, peer-to-peer support.

Verifiable Certificates and Transcripts: Serial-numbered proof of Moot Court practice that anyone can verify online.

Drafting Studio: Court-formatted templates, a guided document builder, and a privacy check before you file.

Kasecraft tools are self-help resources, not legal advice or representation.

SOURCES AND CITATIONS

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This article is general information, not legal advice. Laws change and differ by place. For advice about your situation, contact a licensed attorney, legal aid, or your court's self-help center.

Sandra Jenkins is the Kasecraft Journalist byline for Kasecrafter Testimonials, and her portrait is digitally created. Articles are researched from public sources and drafted with AI assistance, then published automatically every Monday and Thursday. They are general information, not legal advice. Spot an error? Write to kasecraftportal@aol.com.

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SAMPLE LISTINGS

EVENT

Free Legal Forms Clinic

Library volunteers help you find the right court forms. Saturdays, 10 to 1.

OFFERING HELP

Exhibit Lists Reviewed

Two-time pro se plaintiff offering to review exhibit lists. Message me on the site.

RESOURCE

Fee Waiver Guide

A plain-language walkthrough of court fee waiver forms and where to file them.