

Public Comment - Email Received from Cathy Sargent

From: Cathy Sargent [<mailto:sargentc@lawyersmutual.com>]

Sent: Tuesday, March 26, 2019 11:18 AM

To: Joanna Mendoza

Subject: Technology, the law, and access to justice

Dear Joanna,

I hope all is well with you and I wanted to pass along some information I gleaned while attending an Access to Justice Conference hosted primarily by incubators and access to justice professionals.

The 5th Annual Access to Justice Conference (AC2J2019) held in Utah this year, accentuated the *necessity of technology* and highlighted the many ways it can be used to make a practice more efficient, thus cost effective and available to the public who need low cost services. During the opening plenary session, **Supreme Court Justice Himonas** announced that Utah will be the first state to have “licensed” paralegals in 3 areas—family law, unlawful detainer and small claims—they have training at law schools, testing and licensing requirements. They are also first court to adopt “Pajama Court” as it has been affectionately named where it will be mandatory for small claims to be handled online 24/7 at anytime and anywhere. The parties are given 48 hours to resolve it and if not, an online facilitator is appointed to resolve it within 21 days. This project is in a 1- year trial and 43 other states are watching the outcome. If it is positive, they may adopt and are also looking to develop an interstate data base to share experience and knowledge with this program. *As far as technological innovation, they are borrowing from the FINTECH model and have a vision of asking tech companies to come to the Utah Bar/ Supreme Court, so they can evaluate and set parameters to protect the public and avoid the unauthorized practice of law (much like the current CA committee studying the same issues). The Utah Report on what this would look like is due June 2019.* Finally, they will have “Form Reform,” changing and simplifying all court forms to an 8th grade English standard level and putting them online for public use and access. A second Utah Supreme Court Justice Melissa Hart opened with “lawyers hate change” and believes that Incubators are the space that has and will continue to disrupt the practice of law in positive way. She believes that incubator law firms (who almost exclusively use technology) will be how future law firms operate. Her vision of disruption includes eliminating the billable hour, the Bar collecting hours of pro bono hours from lawyers at registration, and pricing transparency and predictability in the form of subscription fees.

Just and FYI as I know these issues are important to you and Utah may have some great ideas and thus eliminate the need to reinvent the wheel when it comes to how California may want to approach it.



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