



# The State Bar of California

## Task Force on Access Through Innovation of Legal Services – Subcommittee on Unauthorized Practice of Law and Artificial Intelligence

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To: ATILS Task Force  
From: Subcommittee on UPL and AI  
Date: June 28, 2019  
Re: B.4. Recommendation: Communications under an approved program should receive the same or equivalent protections afforded by the attorney-client privilege and a lawyer's ethical duty of confidentiality.

**Recommendation not yet voted on by the Task Force:** Communications under an approved program should receive the same or equivalent protections afforded by the attorney-client privilege and a lawyer's ethical duty of confidentiality.

*(Recommendation and Report approved by the Subcommittee – 5 yes, 0 no, 0 abstain)*

**How the Recommendation Relates to the Charter:** This recommendation addresses Task 3 of the Charter.

3) With a focus on preserving the client protection afforded by the legal profession's core values of confidentiality, loyalty and independence of professional judgment, prepare a recommendation addressing the extent to which, if any, the State Bar should consider increasing access to legal services by individual consumers by implementing some form of entity regulation or other options for permitting non lawyer ownership or investment in businesses engaged in the practice of law, including consideration of multidisciplinary practice models and alternative business structures.

**Pros:** Imposing privilege will promote candor in legal communications with these programs thereby increasing the competency of the legal service provided. Creating privilege encourages the use of the technology. By building in these protections, the end-user cannot waive the privilege, except as specified by law, thereby protecting the user.

**Cons:** None.