



# The State Bar of California

## Task Force on Access Through Innovation of Legal Services

To: ATILS Task Force  
From: Kevin Mohr  
Date: October 7, 2019  
Re: C.5. Recommendation 3.4: Adoption of revised California Rules of Professional Conduct 7.1–7.5 to improve communication regarding availability of legal services using technology in consideration of: (1) the versions of Model Rules 7.1–7.3 adopted by the ABA in 2018; (2) the 2015 and 2016 Association of Professional Responsibility Lawyers reports on advertising rules; and (3) advertising rules adopted in other jurisdictions.

*Recommendation 3.4 has received a total of approx. 77 comments, 61 in opposition, 10 in support, and 6 with no stated position.*

Recommendation 3.4 (Rules 7.1 – 7.5 Advertising & Solicitation)[Rules/Ethics Opns]	
Recurring Point	Possible Response
Authorizing non-lawyer legal practitioners will further clog the courts.	The comment does not appear to relate to this this proposal which pertains only to lawyer conduct rules on advertising and solicitation.
Non-lawyers will render less than competent legal services.	<p>The comment does not appear to relate to this this proposal which pertains only to lawyer conduct rules on advertising and solicitation.</p> <p>However, as to other Task Force proposals to relax UPL restrictions to permit regulated nonlawyers to provide specified legal services, imposing robust eligibility requirements could address the competence and quality of nonlawyer delivery of legal services. In Washington State, for example, among the eligibility requirements to be a LLLT are: 45 hours of paralegal studies; 15 hours of family-law-specific course work from a law school, ABA approved paralegal program, or LLLT Board; and 3,000 hours of law–related work experienced supervised by an attorney.</p>
Improved funding to the courts will provide greater access to justice.	<p>The comment does not appear to relate to this this proposal which pertains only to lawyer conduct rules on advertising and solicitation.</p> <p>Nevertheless, in an attempt to address the comment, the Task Force notes that it was given a specific charge to study AI, technology and online</p>

<b>Recommendation 3.4 (Rules 7.1 – 7.5 Advertising &amp; Solicitation)[Rules/Ethics Opns]</b>	
<b>Recurring Point</b>	<b>Possible Response</b>
	<p>legal service delivery systems with dual goals of increased access to legal services and public protection. A list of other potential different initiatives (i.e., not technology-driven initiatives) will be compiled as an appendix to the Task Force’s final report. The Task Force expects to include court funding in this list.</p>
<p>Implementation will cheapen the quality of legal services.</p>	<p>The comment does not appear to relate to this this proposal which pertains only to lawyer conduct rules on advertising and solicitation.</p> <p>However, as to other Task Force proposals to possibly relax UPL restrictions to permit regulated nonlawyers to provide specified legal services, imposing robust eligibility requirements could address competence issues with nonlawyer delivery of legal services. In Washington State, for example, among the eligibility requirements to be a LLLT are: 45 hours of paralegal studies; 15 hours of family-law-specific course work from a law school, ABA approved paralegal program, or LLLT Board; and 3,000 hours of law–related work experienced supervised by an attorney.</p>
<p>Big businesses with revenue goals and “get-rich schemes’ are attempting to access the legal market – resulting in public harm.</p>	<p>In other jurisdictions, imposition of regulatory restraints are used to avoid misconduct by nonlawyer providers. As examples, this includes requirements for lawyer majority ownership of law practices (ABS in Italy) and fitness to own scrutiny for nonlawyers (in the U.K.). The Task Force’s proposals similarly contemplate the employment of rigorous regulatory measures to avert potential misconduct by nonlawyer providers.</p>