



The State Bar of California

**ATILS AGENDA ITEM D.6.
11-06-19 MEETING**

Task Force on Access Through Innovation of Legal Services

To: ATILS Task Force
From: Staff (includes October materials from Joyce Raby and Toby Rothschild)
Date: November 6, 2019
Re: D.6. Comments received on concepts not considered by the Task Force.

Meeting Plan:

For the November 6th meeting, there will not be any subcommittee break-out sessions. The Task Force will meet as a whole to discuss the various recommendations under the Task Force's two broad concepts for regulatory reform. An outline of the plan is provided below and is consistent with the meeting agenda.

1. UPL Exceptions (Agenda Item B)
(Recommendations: 1.0; 1.1; 2.0; 2.1; 2.2; 2.2; 2.4 and 2.5)
 - Exceptions for Individuals
 - Exceptions for Entities/Organizations
2. Fee Sharing/Non-lawyer Ownership (Agenda Item C)
(Recommendations: 3.1; 3.2; and 3.3)
 - Compensation for Referrals, Including "Running and Capping" (CRPC 5.4 & 7.2(b))
 - Passive Investment
 - Protecting Independent Professional Judgment, Including Lawyer Majority Ownership (CRPC 5.4)
 - Provision of Law Related Services (ABA Model Rule 5.7)
3. Other Proposals (Agenda Item D)
(Recommendations: 1.2; 1.3; 2.6; 3.0; and 3.4)
 - Findings re Proposing Definitions of "AI" and the "Practice of Law"
 - Funding of Regulatory Programs and Data Collection/Success Metrics
 - Technology Competence (CRPC 1.1)
 - Advertising and Solicitation Rule Revisions (CRPC 7.1 – 7.5)

Percentages showing categories of commenters and the relative positions expressed by those commenters is summarized in the table provided below.

Other General Comments	Total
Lawyer	53%
Public	3%
Lawyer Organization (bar association, law firm, legal aid)	17%
Public Organization (insurance companies, non and for profit nonlawyer organization)	4%
Unknown (not enough information)	22%
Total	100%

The recurring points table circulated at the October meeting has been updated to accept the proposed responses provided by the members assigned to this recommendation. Any new recurring points found in public comments that were not considered at the October meeting have been added.

OTHER Comments	
Comment/Point	Possible Response
Attention should be paid to disability access; especially with regard to technology solutions	The Task Force supports inclusive design principles and will pay special attention to ensuring access of any proposed solution incorporates the needs of those with disabilities.
Other suggestions: -simplifying court procedures -increasing the number of judges -encouraging pro bono thru student loan forgiveness -educational programs to low/moderate income communities believed to lack access -education programs for lawyers about providing access to these communities	The Task Force was given a specific charge to study AI, technology and online delivery systems with the 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.
Importance of data driven evaluation of any proposal	The Task Force supports rigorous data driven evaluation using both qualitative and quantitative metrics. The Task Force may also review and/or engage with current national evaluation efforts to understand and quantify the impact of any proposed changes.