



The State Bar of California

ATILS Agenda Item A.5.
12/10/19 Action Summary
01-20-20 Meeting

Task Force on Access Through Innovation of Legal Services

Thursday, December 12, 2019

10:00 a.m. – 4:00 p.m.

The State Bar of California

180 Howard Street

Board Room, 4A-C

San Francisco, CA 94105

(415) 538-2116

Members Present: Justice Lee Edmon, Andrew Arruda, Simon Boehme, Tara Burd, Hon. Wendy Chang, Johann Drolshagen, Bridget Gramme, Andrew Kucera, Joanna Mendoza, Kevin Mohr, Heather Morse, Allen Rodriguez, Joyce Raby, Toby Rothschild, Daniel Rubins, and Mark Tuft.

Not Present: Abhijeet Chavan, Jean Clauson, Margie Estrada, Lori Gonzalez, Angelina Valverde, and Joshua Walker.

Others Present: Lawrence Colleti, Brady Dewar, Randall Difuntorum, Mia Ellis, Sunil Gupta, Donna Hershkowitz, Mimi Lee, Zach Newman, Doan Nguyen, Carol Shining, Andrew Tuft, and Leah Wilson.

To Join by Conference Call

Toll-Free Dial-In Number: 1-855-520-7605

Conference Code: 253-541-0212#

Additional Location

500 Grand Avenue, Suite 100, Des Moines, IA 50309

845 S Figueroa St, Los Angeles, CA 90017

ACTION SUMMARY

A. Chair's Report

1. **Roll Call**

The Chair called the meeting to order and asked staff to take a roll call of the task force members.

2. **Call for Public Comment**

The Chair called for public comment but there was no one present in-person who wished to provide public comment.

3. **Chair's Report**

The Chair reported that the Task Force would continue to work on the agenda items from the November meeting. Additionally, the Chair reported that the State Bar had commissioned a Corporate Legal Market Report which is included in the agenda materials. Lastly, the Chair reported that the Task Force's deadline to prepare a recommendation report for the Board has been extended to March 31, 2020.

4. Staff Report

Mr. Difuntorum reported that: (1) the upcoming ATILS' meetings will take place on January 10th in San Francisco, and February 4th and 24th in Los Angeles; (2) the Task Force will continue to refine their recommendations on UPL exceptions for humans and technology today; (3) historical background materials on the State Bar's position on LLLTs is included in the agenda materials and at the Board's January planning session, the Board is expected to discuss possible further study of a LLLT program; (4) a recent case, *Jackson v. LegalMatch.com*, is included in the agenda materials and impacts the Task Force's consideration of rules pertaining to compensation paid for client referrals (also, Mr. Difuntorum invited Prof. Mohr to give an oral report summarizing the case); (5) the ABA published a resolution encouraging U.S. jurisdictions to consider innovative approaches to the access to justice crisis; (6) there is a plan to hold an informal forum for discussion amongst stakeholders and member(s) of the Task Force (also, Mr. Difuntorum invited Ms. Gramme to give an oral report on the plans for these sessions); and (7) the State Bar is planning on commissioning a survey of the public which is anticipated to take 17 weeks to complete by NORC.

5. Approval of Action Summary from the November 6, 2019 Meeting

The Action Summary of the November 6, 2019 meeting was approved (9 yes, 0 no, 6 abstain).

B. Discussion and Possible Action on

1. Recommendations Issued for Public Comment Concerning Exceptions to the Unauthorized Practice of Law, including Consideration of Concepts for Regulation (Recommendations 1.0, 1.1, 2.0, 2.1, 2.2, 2.3, 2.4 and 2.5.)

Ms. Raby and Ms. Burd gave an oral report on proposed tiered UPL exceptions. Following discussion by the Task Force, the Task Force voted to approve the development of the concept of tiered UPL exceptions for humans and non-humans (technology). (15 yes, 0 no, 1 abstain)

2. Recommendations Issued for Public Comment Concerning Fee Sharing and Non-Lawyer Ownership, including Consideration of Concepts for Regulation (Recommendations 3.1, 3.2, and 3.3.)

This item was discussed but no action was taken.

3. General Recommendations Issues for Public Comment (Recommendations 1.2, 1.3, 2.6, 3.0, and 3.4.)

Mr. Difuntorum gave an oral report on Recommendation 3.0, adoption of a new Comment [1] to rule 1.1. Following discussion by the Task Force, the Task Force voted to approve the recommendation to adopt a new Comment [1] to rule 1.1. (13 yes, 0 no, 2 abstain)

C. Discussion of Other Concepts Raised by the Public Comments Received and the Testimony from the August 10, 2019 Public Hearing

1. Comments received on concepts not considered by the Task Force.

This item was not discussed.

D. Discussion of Further Outreach to Consumers and Other Stakeholders

1. Survey of the public

This item was covered in the Staff Report.

2. Informal forum for discussion amongst stakeholders and member of the Task Force

This item was covered in the Staff Report.

ADJOURN

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