



The State Bar *of California*

OPEN SESSION

AGENDA ITEM

702 SEPTEMBER 2020

DATE: September 24, 2020

TO: Members, Board of Trustees

FROM: Randall Difuntorum, Program Director, Office of Professional Competence

SUBJECT: Closing the Justice Gap Working Group - Appointment of Members

EXECUTIVE SUMMARY

At its meeting on May 14, 2020, the Board of Trustees authorized the formation of a Working Group on Closing the Justice Gap (CTJG Working Group) in response to the report and recommendations of the Task Force on Access Through Innovation of Legal Services (ATILS). At its July meeting, the Board approved the working group charter and the general makeup of the working group. Staff were directed to solicit nominations and return to the Board for appointment of the members of the working group. This agenda item presents staff recommendations for the appointment of members of the CTJG Working Group, including officers and alternates.

BACKGROUND

The Board established the Task Force on Access Through Innovation of Legal Services (ATILS) in July 2018 to develop recommendations for regulatory changes to enhance the delivery of—and access to—legal services through the use of technology, including artificial intelligence, and online legal service delivery models. That effort culminated in a series of actions in 2020, including the establishment of the Closing the Justice Gap Working Group. Briefly stated, the working group is charged with the following:

1. Exploring the development of a regulatory sandbox.
2. Considering amendments to rule 5.4 regarding fee sharing.
3. Issuing for public comment a new rule 5.7 addressing the delivery of nonlegal services provided by lawyers and businesses owned or affiliated with lawyers.

4. Considering recommendations for amendments to the Certified Lawyer Referral Service statutes and Rules of the State Bar.
5. Considering recommendations for amendments to the rules governing advertising and solicitation.

A complete copy of the working group charter is included as Attachment A. A primary focus of the CTJG Working Group will be exploring the feasibility of a regulatory sandbox as a means to foster experimentation with innovative legal services delivery systems that protect the public and collect data to assess the impact on access to legal services. The sandbox will also be designed to facilitate the evaluation of possible changes to laws that might be inhibiting innovation and collaboration, including development of consumer-facing technology that provides legal advice and services directly to clients at all income levels.

DISCUSSION

The application period began on August 21, 2020 and ended on September 5, 2020. Ninety-five applications were received following outreach activities that included a social media campaign targeting consumers of legal services. Additional targeted outreach was conducted to consumer interest groups identified by the California Paraprofessional Program Working Group staff.

To ensure that a wide variety of perspectives are fully and thoughtfully considered in the exploration of potential significant changes to the practice of law, the following subject matter expertise and organizational representation was sought during the application period based on the Board's approval of the makeup of the group.

- **Technology Expert:** to serve as a subject matter expert on the potential uses of technology to increase access to legal services
- **Economist:** to serve as a subject matter expert on the development of a financially sound regulatory structure as well as the performance metrics that will be used to assess the efficacy of the sandbox
- **Legal Ethics Expert:** to serve as a subject matter expert on lawyer conduct rules, unauthorized practice of law issues, and the laws governing lawyers generally
- **Trial Court Judge:** to serve as a subject matter expert on the impact of reforms on proceedings before a tribunal and the administration of justice generally
- **Academic:** to serve as a subject matter expert on the extensive academic scholarship on regulatory reform
- **Regulator:** to serve as a subject matter expert regarding the development of a new regulatory structure for sandbox participants
- **ATILS:** to provide continuity between the foundational ATILS effort and the working group
- **Consumer of Legal Services:** to provide a consumer voice
- **Access to Justice/Legal Services expert:** to provide expertise on the needs of low-income Californians and how they access the justice system
- **California Lawyers Association:** to provide a practitioner voice
- **Consumer Attorney Representative:** to provide a practitioner voice

- **California Defense Counsel:** to provide a practitioner voice
- **National Legal Services Organization:** to provide a legal services organization voice from a national perspective including with respect to those jurisdictions that have or have had legal paraprofessional programs in place
- **Utah Regulatory Reform Task Force:** to facilitate alignment between the California and Utah efforts where appropriate
- **Assembly and Senate Judiciary Committees**¹

These composition objectives and the State Bar's diversity goals informed staff's recommendations that are set forth below.² In addition, staff accounted for the ability of the chair to: (1) designate subcommittees with subcommittee officers; and (2) appoint additional advisory members to strategically add knowledge and expertise (e.g., the appointment of groups of consumers of legal services to serve as focus groups). It is also anticipated that a Supreme Court liaison will be attending the working group's meetings.

Recommendation of Officers

Working Group Chair:

Staff is actively outreaching for a volunteer to serve as the chair of the working group. In particular, an effort is being made to identify a judicial officer to serve in this key leadership role. Staff recommends that the Board authorize the chair of the Board to appoint the working group chair.

Working Group Co-Vice-Chair:

Merri Baldwin

Merri Baldwin is a shareholder at Rogers Joseph O'Donnell P.C. in San Francisco where her practice focuses on attorney ethics and encompasses ethics advice and counseling, litigation involving legal malpractice, breach of fiduciary duty and fee claims, State Bar discipline and admission, and related issues. Her practice also includes serving as an expert in the area of legal ethics. She is a member of the California Lawyers Association Legal Ethics Committee, and a former member and chair of the State Bar of California's Standing Committee on Professional Responsibility and Conduct. She is also a lecturer at the University of California, Berkeley School of Law, where she has taught professional responsibility since 2015. In addition, she was the President of the Bar Association of San Francisco and Justice and Diversity Center in 2017. She is a regular speaker on legal ethics issues, with a focus on technology and its impact on a lawyer's ethical obligations.

¹ The Judiciary Committees may or may not choose to appoint a representative for the CTJG working group. As a result, staff seeks flexibility to accommodate appointments of formal members or liaisons consistent with each Committee's respective decision on whether to designate a representative.

² The recommended appointments are also provided in a table in Attachment A and include recommended alternates for appointment in the event that an applicant declines appointment or if a vacancy arises prior to completion of the working group's final report and recommendations. To maintain the composition of the Working Group, the alternates are not presented as a single list. They are listed by expertise category.

Working Group Co-Vice-Chair:

Rebecca L. Sandefur

Rebecca Sandefur is an expert in studying access to civil justice. She is a professor at the T. Denny Sanford School of Social and Family Dynamics, Arizona State University. She is also a Faculty Fellow of the American Bar Foundation where she founded and leads the Access to Justice Research Initiative. In 2013, Sandefur was The Hague Visiting Chair in the Rule of Law. In 2015, she was named Champion of Justice by the National Center for Access to Justice. In 2018, she was named a MacArthur Fellow for her work on inequality and access to justice. She is currently Editor of Law & Society Review. For the composition of the working group, among other expertise Rebecca Sandefur would provide knowledge of the extensive academic scholarship on regulatory reform.

Recommendation of Members³**Technology Expert**

(Two members are recommended.)

1. Reem Allos

Reem Allos is a manager in the privacy practice within KPMG, LLP. As a privacy consultant, she assists clients on compliance with the General Data Protection Regulation (GDPR) and the California Consumer Privacy Act of 2018 (CCPA). She holds a Bachelor's of Science in Computer Science from the University of Michigan in Dearborn, a Master's of Science in Software Systems Engineering and a Juris Doctorate Degree from Concord Law School. She also holds a Certified Information Privacy Technologist (CIPT) and Certified Information Privacy Professional - Europe (CIPP/E) certifications. She is a Licensed Patent Agent before the USPTO and owned and operated a patent services firm from 2016–2018.

2. David Freeman Engstrom

David Freeman Engstrom is Associate Dean at Stanford University for Strategic Initiatives on law and technology and Chair of the law school's Beyond COVID Task Force which is tasked with studying how the school's programs can better serve current students and future lawyers. He is a lawyer with expertise in machine learning as well as two decades of litigation experience and a Ph.D. political scientist with an empirical and econometric skillset.

Economist

Eric Helland

Eric Helland is a Senior Economist at RAND's Institute for Civil Justice and the William F. Podlich Professor of Economics and George R. Roberts Fellow at Claremont McKenna College. He is the author of over 50 books and articles on topics in law and economics and his current research

³ Within each category, if there are more than one recommended persons, they are in alphabetical order.

focuses on pharmaceutical and patent litigation, the judiciary, and medical malpractice. He is a co-editor of the *International Review of Law and Economics*. He holds a B.A. in Economics with honors, minor in Mathematics (University of Missouri-Colombia); and an MA, and PhD. in Economics from Washington University in St. Louis. He is the past co-president of the Society for Empirical Legal Studies 2018–19 and has taught empirical methods and law and economics at the Antonin Scalia Law School at George Mason University, the Claremont Graduate University and The Buchmann Faculty of Law at Tel Aviv University.

Legal Ethics Expert

(Two members are recommended. See above recommendation of Merri Baldwin as a Co-Vice-Chair.)

Kevin E. Mohr

Kevin Mohr is a professor of law at Western State College of the Law. He is a former member of ATILS and former Chair and Special Advisor to the State Bar's Committee on Professional Responsibility and Conduct (COPRAC). He served as the Consultant to the State Bar's Special Commission for the Revision of the California Rules of Professional Conduct and as Chair of the State Bar's Task Force on Assembly Bill No. 1101, which was responsible for drafting Rule of Professional Conduct 3-100 concerning a lawyer's duty of confidentiality when disclosure is necessary to prevent a crime likely to result in death or substantial bodily harm. Currently, he is a member of the Los Angeles County Bar Association's Professional Responsibility and Ethics Committee, the California Lawyers Association Legal Ethics Committee and the Peter M. Elliott Inn of Court. He is a coauthor with Richard Zitrin of *Legal Ethics: Rules, Statutes and Comparisons* and a coauthor with Mark Tuft and Ellen Peck of the *California Practice Guide on Professional Responsibility* (Rutter Group).

Regulator

Crispin Passmore

Crispin Passmore is Founder & Principal of Passmore Consulting and is an internationally recognized commentator on the legal market. Crispin works with global law firms, enterprise legal businesses, innovative firms in the UK and start-ups. He also advises regulators in other jurisdictions, including state Supreme Courts and working groups in Arizona and Utah. He formerly served as the Executive Director of the Solicitors Regulation Authority and was instrumental in regulatory reforms including alternative business structures and multidisciplinary practice. He was also involved with regulatory simplification and new Codes of Conduct for solicitors and regulated firms and provided oversight for investigations and regulatory activity against solicitors and law firms.

ATILS

Bridget Fogarty Gramme

Bridget Gramme is the Administrative Director of the Center for Public Interest Law and teaches Public Interest Law and Practice at the University of San Diego School of Law. Prior to joining the Center, she was a civil litigator for ten years, primarily focused on antitrust and consumer

protection matters, and a law clerk for the Hon. Cathy Ann Bencivengo, U.S. District Judge for the Southern District of California. Ms. Gramme served as the California Assembly Judiciary Committee's appointee on the Bar Examination Standard Setting and Content Validation studies in 2017, and has advocated for reform at the State Bar of California since 2014. She most recently served as a member of ATILS as well as the Association of Professional Responsibility Lawyers' Future of Lawyering Committee.

Consumer of Legal Services

(Two members are recommended.)

1. Jennifer Laurent

Jennifer Laurent is a registered Legal Document Assistant with probate, foreclosure and unlawful detainer work. She is also a licensed real estate broker and has 20 years' experience in serving underserved communities in South Central Los Angeles.

2. Marvin Powell Jr.

Marvin Powell, Jr. is a disability rights advocate. Since 2008, he has represented claimants in over a thousand hearings before federal Administrative Law Judges and has earned over \$10 million in retroactive benefits for his clients. He holds a Bachelor's Degree in History/Law & Society from the University of California, Riverside and a Juris Doctorate degree from Trinity Law School. In addition to his work as a disability advocate, he has volunteered for several civic causes, including generating support for ALS research, fighting poverty with the Community Action Partnership of Riverside County, and ensuring equal access to justice while serving on the board of directors at Inland Counties Legal Services, an LSC and State Bar funded legal aid organization.

Access to Justice/Legal Services Expert

(Two members are recommended.)

1. Daniel Grunfeld

Dan Grunfeld joined RAND Corporation in 2017 as the Pardee RAND Graduate School's first Executive Vice Dean for Strategy and Partnerships. In this role, he developed and oversaw the strategic direction of Pardee RAND, enhanced national and international partnerships and philanthropic support, and broadened the reach and impact of the organization. Previously, he served as Morgan, Lewis & Bockius' Leader of the West Coast Litigation Practice and as the Los Angeles Office Loss Prevention Partner. In addition from 1997 to 2007, he served as President and CEO of Public Counsel, the largest US pro bono public interest law firm. Among other recognitions, in 2014 California Lawyer Magazine presented him with its "California Lawyer of the Year" award in the Public Interest Law/Pro Bono category.

2. Toby R. Rothschild

Toby Rothschild's entire career of over 50 years has been committed to access to justice. He has spent the last six years as volunteer of-counsel to OneJustice. Previously, he worked for the

Legal Aid Foundation of Long Beach for 30 years, including serving as Executive Director for almost 28 years. He was General Counsel of the Legal Aid Foundation of Los Angeles for 13 years and in that capacity, he served as ethics and risk management counsel for the 45-60 lawyers in the firm. His prior volunteer activities are numerous and include: liaison from the Access to Justice Commission to the first Rules Revision Commission, and a member and vice-chair of the second Commission. He served on the State Bar's Committee on Professional Responsibility and Conduct, and currently serves on the ethics committees of the California Lawyers Association, the Los Angeles County Bar (former chair) and the Orange County Bar Association. Most recently, he served as a co-vice-chair of ATILS. For the composition of the working group, among other expertise Toby Rothschild would serve as one of two experts on access to justice issues, in particular the needs of low-income Californians and how they access the justice system.

National Legal Services Organization

James Sandman

James Sandman is Distinguished Lecturer and Senior Consultant to the Future of the Profession Initiative at the University of Pennsylvania Law School where he teaches Professional Responsibility. He is also Chair of the American Bar Association's Task Force on Legal Needs Arising Out of the 2020 Pandemic and previously served on the ABA's Commission on the Future of Legal Services. He is President Emeritus of the Legal Services Corporation and served as President of LSC from 2011 to February of 2020. He practiced law with Arnold & Porter for 30 years, serving as the firm's Managing Partner for a decade. He is also a past President of the District of Columbia Bar. Among many recognitions and honors, he has been awarded a Presidential Citation from the American Bar Association and the District of Columbia Bar's highest honor, the Justice William J. Brennan Award.

California Lawyers Association

Thomas Greene

Thomas Greene is a Board Representative for CLA's Litigation Section and an active member of their Executive Committee. He currently serves as a Trial Attorney for the Antitrust Division - U.S. Department of Justice located in San Francisco. He was previously special trial counsel for the Federal Trade Commission's Bureau of Competition where he led successful challenges against major health care mergers in Idaho and Illinois. He served in the California Attorney General's Office where he was chief of antitrust and among many cases, he successfully argued an appeal to the United States Supreme Court vindicating indirect purchaser remedies under state antitrust law (*California v. ARC America Corp.* (1989) 490 U.S. 93). He also served as the Chair of the Multistate Antitrust Task Force of the National Association of Attorneys General. Mr. Greene attended University of California, Berkeley and received his Juris Doctor from University of California, Davis.

Consumer Attorneys of California

Micha Star Liberty

Micha Star Liberty is the owner of the Liberty Law Office, a firm with a diverse practice including representing individuals who have suffered child sexual abuse and employees who have been

discriminated against or harassed in the workplace. In addition to her work on behalf of injured and aggrieved people, she is active in her legal and political communities having served as the President of the Alameda-Contra Costa County Trial Lawyers Association, President of Consumer Attorneys of California, and Vice President of the then State Bar of California Board of Governors. She is a graduate of the University of California, Los Angeles (UCLA) and the University of California, Hastings College of the Law. She has received many recognitions, including being selected by the Daily Journal as a Top 100 Women Lawyers (2018 and 2019) and being awarded the Woman Advocate of the Year (2018) by the Consumer Attorneys of California.

California Defense Counsel

TBD

Utah Regulatory Reform Task Force

John Lund

John Lund is a past president of the Utah State Bar and Co-Chair of the Utah Implementation Task Force on Regulatory Reform. He recently concluded two terms as the lawyer representative on Utah's Judicial Council, which oversees Utah's judicial branch. He is a shareholder with Parsons Behle and Latimer and is recognized by Chambers USA as a Band 1 lawyer for commercial litigation. He is also a Fellow of the International Academy of Trial Lawyers. He was co-chair of the Utah State Bar's 2015 Futures Commission, developing the Utah State Bar's online interactive directory of lawyers, serving on the Utah Supreme Court's task force for Licensed Paralegal Practitioners, serving on the Utah Supreme Court's task force for reform of Utah's attorney discipline system, and establishing Utah's newly formed Access to Justice Commission.

Assembly Judiciary Committee

TBD

Senate Judiciary Committee

TBD

Recommendation of Alternates

For those vacancies that arise in a position filled by the designee of a nominating group, staff recommends that the Board authorize the chair of the working group to solicit and appoint a replacement from the respective group.

For all other vacancies, staff's recommendation for alternate candidates is provided below in alphabetical order. However, in order to maintain the composition of the working group, an alternate candidate should possess the relevant subject matter expertise of the vacant position. See Attachment A for the category for which each person is being recommended. In some instances, a person listed below may be identified as an alternate for more than one category.

1. Yesenia Acosta:

She is a Senior Legal Advocate for the Los Angeles Center for Law and Justice where she conducts case assessment and strategic planning handles cases in family Law and immigration law. She formerly worked at Public Counsel and the Family Justice Center of the San Diego City Attorney's Office.

2. James Anderson:

He is a Director at RAND Institute for Civil Justice and a member of the American Law Institute. He has experience with autonomous car technology. He co-wrote a book titled *Innovations in the Provision of Legal Services in the United States – An Overview for Policy Makers*.

3. Andrew Arruda:

He is a former ATILS member who serves on the board of the Institute for the Advancement of the American Legal System, a national, independent research center dedicated to facilitating continuous improvement and advancing excellence in the American legal system.

4. Ralph Baxter:

He is the former chairman and CEO of Orrick (1990 to 2013) with current or past leadership affiliation with: Lex Machina; Intapp; CodeX; LegalZoom; the Legal Services Corporation; and the Institute for the Future of Legal Service, among others.

5. Carole Buckner:

She is a former COPRAC Chair and current OCBA ethics committee member. She has served on: the OCBA Task Force on Alternative Legal Services; the APRL Committee on rule 5.4; the ABA Committee on Professional Regulation. She regularly advises lawyers and law firms on legal ethics, professional responsibility, discipline matters, and fee disputes

6. Tiela Chalmers:

She is CEO and General Counsel to the Alameda County Bar Association where she oversees all operations, including finance, planning, membership, communications, Lawyer Referral Service, and Court Appointed Attorney panel for indigent defense. She works with local Courts and others to develop innovative approaches to community issues, including eviction mediation program and legal incubator.

7. Cynthia Chandler:

She is a former Golden Gate University lecturer on Legislative Practice and Policy Work. She is a law business coach and legal business incubator founder, focused on using efficiency technologies and client-centered business tactics to accelerate the launch of successful legal businesses reaching unserved legal markets.

8. Kailish Chander:

He is a consultant on cybersecurity with a BS degree in mechanical engineering and an MBA in Information Technology. She has worked with EBay, PG&E, Stellar Aviation, Symantec, Health net, Kaiser, and Bank of America.

9. John Hicks:

He is the head of Legal for Trust & Will, a legal technology company building software to increase access to legal services with the goal of making it easier, more accessible, and more affordable for every adult to have an estate plan.

10. Milarca Kruse:

She is a pharmaceutical and biotechnology professional with over 15 years of leadership experience in regulatory affairs, including special emphasis on issues of advertising, promotions and labeling.

11. Julianna Lee:

She is a supervising attorney for Legal Aid Foundation of Los Angeles where she oversees a team of attorneys and paralegals. She heads a Family Law Coalition of active domestic violence legal services attorneys, and works with other advocates and the court to improve access to justice for domestic violence survivors.

12. Carmen McDonald:

She is the director of legal services at the Los Angeles Center for Law and Justice where she works to ensure that the legal service programs remain consistent with the strategic plan and mission of the organization. The legal services provided include family law, immigration and criminal justice advocacy.

13. Cynthia Nakao:

She is a former member of the Committee of Bar Examiners and is currently the Professional Responsibility Advisor for the Los Angeles District Attorney's Office, where she provides guidance on misconduct hearings and State Bar inquiries, and also advises staff on matters of ethical and professional conduct.

14. David Parker:

He is a former COPRAC member and is a current member of the Los Angeles County Bar Association's Legal Ethics Committee. He is a Certified Legal Malpractice Specialist and has served as an expert on professional responsibility matters.

15. Dhrumil Patel:

He is a data scientist for a large restaurant chain where he is responsible for insights and analytical solutions around restaurant operations and the restaurant's supply chain. His background and experience includes: machine learning algorithms and modeling tools on large and diverse data sets.

16. Jayne Reardon:

She created and manages the Illinois Supreme Court Commission on Professionalism, which is a statewide organization devoted to promoting professionalism, inclusion, and improved effectiveness of the legal and judicial systems. She is a Co-Chair of the ABA Working Group on Emerging Ethical and Legal Issues related to the use of AI in the Practice of Law.

17. Lucy Ricca:

She is a member of the Utah Task Force on Regulatory Reform and a former executive director for Stanford Law School's Center on the Legal Profession. She prepared a report submitted to ATILS and the Board on the corporate and individual markets for legal services in California.

18. Shelly Skinner:

She is Special Ethics Counsel for the National Labor Relations Board with a focus on ethics and increasing access to justice through "legaltech" (including bots, online portals, and remote hearings). She is also a member of the San Diego County Bar Association's Law and Medicine Section Technology Committee.

19. Patricia Squitiero:

She is a Software Trainer for Key Solutions, a software company founded in Silicon Valley more than 20 years ago. She has a focus on consumer needs, including acting as the lead for the development of customer-facing documentation and training materials. She holds a BS degree in the Science in Biology.

FISCAL/PERSONNEL IMPACT

Working group activities in 2020 will be limited and will be absorbed by the Office of Professional Competence's committee and commission budget. Reasonable additional funding will be authorized from existing funding for 2021 and 2022 if needed to support the working group.

AMENDMENTS TO RULES OF THE STATE BAR

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: 4. Support access to legal services for low- and moderate-income Californians and promote policies and programs to eliminate bias and promote an inclusive environment in the legal system and for the public it serves, and strive to achieve a statewide attorney population that reflects the rich demographics of the state's population.

Objective: d. Commencing in 2018 and concluding no later than March 31, 2020, study online legal service delivery models and determine if any regulatory changes are needed to better support and/or regulate the expansion of access through the use of technology in a manner that balances the dual goals of public protection and increased access to justice.

RECOMMENDATIONS

Should the Board of Trustees concur in the proposed action, passage of the following resolution is recommended:

RESOLVED, that the Board of Trustees authorize the chair of the Board to appoint the chair of the Closing the Justice Gap Working Group to serve on the Closing the Justice Gap Working Group, for a term expiring on December 31, 2022, unless earlier terminated or extended by subsequent Board action; and it is

FURTHER RESOLVED, that the Board of Trustees appoint the following officers and members to serve on the Closing the Justice Gap Working Group, for a term expiring on December 31, 2022, unless earlier terminated or extended by subsequent Board action:

Officers:

1. Merri Baldwin, Co-Vice-Chair
2. Rebecca Sandefur, Co-Vice-Chair

Members:⁴

1. Reem Allos
2. David Freeman Engstrom
3. Bridget Fogarty Gramme
4. Thomas Greene (California Lawyers Association nominee)
5. Daniel Grunfeld
6. Eric Helland
7. Jennifer Laurent
8. Micha Star Liberty (Consumer Attorneys of California nominee)
9. John Lund (Utah Regulatory Reform Task Force nominee)
10. Kevin E. Mohr
11. Crispin Passmore
12. Marvin Powell, Jr.
13. Toby Rothschild
14. James Sandman
15. (California Defense Counsel nominee – TBD); and it is

FURTHER RESOLVED, that in the event that an appointee declines to accept appointment or if a vacancy should arise prior to the working group's completion of a final report, the Board of Trustees approve the list of alternate applicants as set forth in Attachment B, but if the vacancy arises from a member who was designated by a nominating group or organization, the Board authorizes the chair of the working group to make an appointment by soliciting the nominating group or organization to designate a replacement; and it is

⁴ Two additional member slots are reserved in the event of the appointment of a representative from the Assembly and Senate Judiciary Committees. See Footnote 1 above.

FURTHER RESOLVED, that the Board of Trustees authorize the chair of the working group to appoint additional nonvoting advisors, including but not limited to, the formation of consumer of legal services focus groups, as needed to assist the working group in carrying out its charter.

ATTACHMENT(S) LIST

- A.** Closing the Justice Gap Working Group Charter
- B.** List of Recommended Officers, Members and Alternates
- C.** List of Applicants Considered but Not Selected for Appointment

Closing the Justice Gap Working Group Charter

The Working Group on Closing the Justice Gap is charged with exploring the development of a regulatory sandbox to evaluate possible changes to existing laws and rules that otherwise inhibit the development of innovative legal service delivery systems such as consumer facing technology that provides legal advice and services directly to clients at all income levels; and other new delivery systems created through the collaboration of lawyers, law firms, technologists, entrepreneurs, and others. The working group may consider relaxation of rules and laws regarding the unauthorized practice of law, fee sharing, and nonlawyer ownership. In addition, the working group is charged with assessing concepts for amendments to the California Rules of Professional Conduct governing lawyer advertising and solicitation and fee sharing with nonlawyers, and to the statutes and Rules of the State Bar governing Certified Lawyer Referral Services. The working group is also charged with evaluating the draft of a proposed new rule 5.7 of the California Rules of Professional Conduct that was included in the ATILS final report. As a guiding principle in carrying out all of these assignments, the working group must balance the dual goals of ensuring public protection and increasing access to legal services for all Californians.

The working group will develop specific recommendations regarding the following:

1. A regulatory sandbox. Related recommendations will include an assessment of the pros and cons of a sandbox as a way to foster experimentation with innovative legal services delivery systems in a manner that protects the public and allows for the collection of data to assess the impact on access to legal services of possible changes in the laws and rules regulating the practice of law in California. Sandbox recommendations should specifically address:
 - a. Scope and regulatory structure of a sandbox, including funding, staffing, and governance, and conflicts of interest issues for members of any governing body;
 - b. Required changes to laws and rules, including practice of law statutes and attorney conduct rules;
 - c. Methods to apply to enter and processes governing entry into the sandbox, including eligibility criteria, approval processes, appeals processes for denied applicants, and possible reciprocity with sandbox participants in other jurisdictions;
 - d. Technology delivery system issues, including testing, accessibility, bias, confidentiality, privacy, dark patterns, and intellectual property rights of applicants;
 - e. Recordkeeping, reporting, data collection, and sandbox evaluation metrics;
 - f. Program oversight for persons and entities accepted for participation in the sandbox including standards of conduct, processing of client complaints, and enforcement through suspension or removal from the sandbox or other remedies; and
 - g. Termination of the sandbox, including participant exit/extensions and post-termination assessment of any permanent changes to laws and rules that might be considered as a result of the sandbox.

2. California's lawyer advertising and solicitation rules. In developing recommendations on this subject the working group will evaluate California's and the American Bar Association's lawyer advertising and solicitation rules to determine whether and to what extent these rules inhibit or advance innovation and access to legal services;
3. Lawyer Referral Service statutes and rules. In developing recommendations the working group will determine whether and to what extent the existing statutes and rules inhibit innovation and access to legal services;
4. Amendments to rule 5.4 of the California Rules of Professional Conduct regarding attorney fee sharing with nonlawyers. The working group will specifically address the question of whether amendments to this rule are warranted independent of any temporary changes that might be evaluated in a sandbox; and
5. Amendments to the California Rules of Professional Conduct regarding the delivery of nonlegal services by lawyers and businesses owned or affiliated with lawyers, including proposed rule 5.7 developed by the Task Force on Access Through Innovation of Legal Services.

The working group shall submit its recommendations to the Board of Trustees no later than September 2022.

List of Recommended Officers, Members and Alternates

RECOMMENDED OFFICERS AND MEMBERS				
	NAME	JUDGE/ATTORNEY/ NONATTORNEY	LOCATION	DIVERSITY FACTOR(S)
1	Reem Allos	Nonattorney	San Diego	Female, Middle Eastern/North African
2	Merri Baldwin	Attorney	San Francisco	Female
3	David Freeman Engstrom	Attorney	Palo Alto	
4	Bridget Fogarty Gramme	Attorney	San Diego	Female
5	Thomas Greene	Attorney	San Francisco	
6	Daniel Grunfeld	Attorney	Los Angeles	
7	Eric Helland	Nonattorney	Claremont	
8	Jennifer Laurent	Nonattorney	Los Angeles	Female, African American
9	Micha Star Liberty	Attorney	Oakland	Female
10	John Lund	Attorney	Salt Lake City, Utah	Geographic
11	Kevin E. Mohr	Attorney	Orange County	
12	Crispin Passmore	Nonattorney	Kenilworth, United Kingdom	Geographic
13	Marvin Powell, Jr	Nonattorney	Riverside	African American
14	Toby Rothschild	Attorney	Los Angeles	
15	Rebecca Sandefur	Nonattorney	Fountain Hills, Arizona	Female, American Indian or Alaskan Native, Geographic
16	James Sandman	Attorney	Washington, DC	Geographic
17	TBD (California Defense Counsel nominee)			

RECOMMENDED ALTERNATES BY CATEGORY				
	CATEGORY	FIRST ALTERNATE	SECOND ALTERNATE	THIRD ALTERNATE
1	Technology Expert (1 of 2)	Andrew Arruda	Ralph Baxter	John Hicks
2	Technology Expert (2 of 2)	Kailish Chander	Dhrumil Patel	
3	Economist	James Anderson	David Freeman	
4	Legal Ethics Expert (1 of 2)	David Parker	Carole Buckner	
5	Legal Ethics Expert (2 of 2)	Cynthia Nakao	Jayne Reardon	
6	Trial Judge	(There are no other candidates in the applicant pool for this category.)		
7	Academic	Lucy Ricca	Cynthia Chandler	
8	Regulator	Lucy Ricca	Milarca Kruse	
9	Former ATILS	Andrew Arruda		
10	Consumer of Legal Services	Patricia Squitiero	Yesenia Acosta	
11	Access to Justice/Legal Services Representative (1 of 2)	Julianna Lee	Tiela Chalmers	
12	Access to Justice/Legal Services Representative (2 of 2)	Carmen McDonald		
13	National Legal Services Organization	Jayne Reardon	Shelly Skinner	
14	CA Lawyers Association (nominee)	If a vacancy arises in any of these categories, the Board of Trustees authorize the Chair of the Working Group to solicit and appoint a nominee from the respective group.		
15	Consumer Attorneys of CA (nominee)			
16	Utah Task Force (nominee)			
17	TBD (California Defense Counsel nominee)			

List of Applicants Considered but Not Selected for Appointment

NAME	CATEGORY
Aimee Kirby	Other
Angelica Lopez	Economist; Legal Ethics Expert; Academic; Regulator; Consumer of Legal Services; Access to Justice/Legal Services Expert
Ann Battenfield	Consumer of Legal Services; Other
Antonio Ibarra	Legal Ethics Expert; Consumer of Legal Services; Access to Justice/Legal Services Expert
Art Martinez	Consumer of Legal Services; Access to Justice/Legal Services Expert; Other
Carol Langford	Legal Ethics Expert; Academic
Charles Gillig	Technology Expert; Academic; Access to Justice/Legal Services Expert
Charles Reinhardt Rondeau	Other
Chica Yaegashi	Consumer of Legal Services; Access to Justice/Legal Services Expert
Claire Raba	Technology Expert; Academic; Access to Justice/Legal Services Expert
Clifford Winston	Economist
Crystal Santos-Copage	Access to Justice/Legal Services Expert
Damien M. Melle	Other
Daniel M. Huynh	Consumer of Legal Services
Daniel Rodriguez	Academic
David Jargiello	Legal Ethics Expert; Other
Douglas Heller	Other
Eboni Gray	Legal Ethics Expert; Regulator; Consumer of Legal Services; Access to Justice/Legal Services Expert; Other
Elizabeth Del Cid	Trial Court Judge; Academic
Ely Grinvakd	Access to Justice/Legal Services Expert; Other
Erin Joyce	Legal Ethics Expert
Fedora Nick	Legal Ethics Expert; Other
Humberto	Other
James Gilbert	Consumer of Legal Services
Jamie Crook	Other
Jennifer Mouzis	Access to Justice/Legal Services Expert
Jerold Sullivan	Other
Jesus Rodolfo Cruz	Technology Expert; Legal Ethics Expert; Trial Court Judge; Academic; Regulator; Consumer of Legal Services; Access to Justice/Legal Services Expert; Other
John Sullivan	Other
Jonathan Roth	Other
Joshua R. Furman	Legal Ethics Expert; Other
Kate Richardson	Consumer of Legal Services; Other

NAME	CATEGORY
Kellie D. Morgantini	Access to Justice/Legal Services Expert
Kendra L. Basner	Legal Ethics Expert
Kent L. Kristof	Other
Khathy Hoang	Consumer of Legal Services; Access to Justice/Legal Services Expert
Leisa Biggers	Other
Mari Bandoma Callado	Access to Justice/Legal Services Expert; Other
Mesha Tomlinson	Technology Expert; Economist
Mohamed Eldessouky	Technology Expert; Other
Nathan Mubasher	Technology Expert; Legal Ethics Expert
Pablo Ramirez	Technology Expert
Paul Rohrer	
Peter M. Kunstler	Legal Ethics Expert; Other
Rebecca M. Miller	Access to Justice/Legal Services Expert
Reina McCaughey	Consumer of Legal Services; Other
Robert Simon	Technology Expert; Legal Ethics Expert; Access to Justice/Legal Services Expert
Rodrigo Suarez	Access to Justice/Legal Services Expert
Roy Prescott Cole	Access to Justice/Legal Services Expert; Other
Sandro Tuzzo	Technology Expert
Saurabh Kapoor	Technology Expert; Academic
Shawn McCann	Other
Sherry Green	Consumer of Legal Services
Shonda Hornbeck	Access to Justice/Legal Services Expert
Skylar Gray	Other
Sofi Sargsyan	Consumer of Legal Services
Stacy Villalobos	Access to Justice/Legal Services Expert
Stephen M. Bundy	Legal Ethics Expert; Academic; Access to Justice/Legal Services Expert
Suzanne Burke Spencer	Legal Ethics Expert
Tarrance Darmon Austin Sr.	Economist; Legal Ethics Expert; Consumer of Legal Services; Access to Justice/Legal Services Expert
Trevor Knopf	Other
Valerie Marie Lopes	Academic