

April 6, 2021 Crispin Passmore to CTJG:

Structure/governance

The independence of the sandbox from specific or vested interests is important for it to retain its credibility. Large investments of time, technology and cash will not be made if the consideration process even appears to be lawyers choosing who competes with lawyers. I therefore take the view that some sort of independent Board is required to oversee the sandbox. I do not know enough about the usual practices of public bodies in California to form an opinion on which option is best but would urge colleagues to put independence at the top of their criteria. Independent decision makers acting under a public interest obligation are best placed to build confidence and make evidence-based decisions.