

CTJG Project Plan - Report Outline

[Relevant sections of the CTJG [Charter](#) are noted in brackets]
(rev. 5/28/21)

REGULATORY SANDBOX REPORT OUTLINE

The report should contain a series of recommendations regarding a sandbox, including alternatives/options and providing data to support. It should cover similar ground to (and use as a baseline) UT Supreme Court Standing Order No. 15 and UT's Innovation Office Manual, with sections including:

- The MISSION – Sandbox mission statement; evidence of the problem; kinds of innovation we hope to encourage (SCOPE) [Charter 1-1]
- Efforts OTHERS are making or considering toward similar regulatory reform (SCOPE)
 - Utah
 - Other states
 - Ex-U.S.
- STRUCTURE for a sandbox regulatory authority (SAGE) [Charter 1-1 and 1-7]
 - Constitutional and statutory authority/structure/reporting
 - Board membership/appointment/avoidance of conflicts
 - Funding—sources; order of magnitude (e.g., staff size); fees
 - Staff—who does what?
 - Length of pilot phase, and plan for what happens when pilot phase concludes [Charter 1-7]
- RISK-BASED approach to regulation (SAGE) [Charter 1-5 and 1-6]
 - What risks does Sandbox seek to mitigate?
 - How does this approach work, including tools the Sandbox should employ (audits, badges, complaints data, disclosures, secret shoppers, insurance, or bonding requirements, etc.)?
 - How will the Sandbox screen different kinds of applicants for risk?
 - How will the Sandbox monitor and enforce acceptable performance [Charter 1-6] (e.g., by recordkeeping and reporting by participants [Charter 1-5] or other methods)?
 - What metrics or standards will the Sandbox measure entrants against? [Charter 1-5]
 - What information, if any, should be collected from consumers who receive services from sandbox providers?
 - Should information and data collected by the sandbox be available to interested persons, such as persons or organizations that conduct research?
 - What would cause a Sandbox entrant to be suspended, terminated, [Charter 1-6] or perhaps “graduated out” of Sandbox supervision [Charter 1-7], and what would be the process for these changes in participant status? [Charter 1-6]

- What CHANGES to laws or rules are required or recommended to implement the Sandbox? (SAGE) [Charter 1-2]
 - Sandbox may waive . . . (e.g., UPL restrictions; lawyer-ownership requirements)
 - Sandbox may not waive . . . (e.g., confidentiality requirements applied to all CA businesses, fiduciary obligations)
 - Legislature should modify/extend certain laws currently governing lawyers to apply to those who supply legal services through the sandbox (e.g., UPL, fiduciary obligations of lawyers, standard of care for provision of legal services, attorney-client privilege)
- Who may APPLY for Sandbox authorization, and how? (SCOPE) [Charter 1-3 and 1-4]
 - What sorts of entities (or individuals) may apply, or not?
 - What will an applicant be asked, and what must it show to be approved?
 - Approval process and appeals?
 - Will technology delivery systems be assessed for efficacy, accessibility, bias, confidentiality/privacy, and dark patterns? Do intellectual property rights pose issues? [Charter 1-4]
 - Reciprocity (e.g., if an applicant has been admitted in Utah) [Charter 1-3]
- Arguments for or against a sandbox (SCOPE) [Charter 1]
 - Arguments for a sandbox
 - Arguments against a sandbox

NON-SANDBOX RULE REVISIONS REPORT OUTLINE

For each of the topics below, the Working Group should answer the question: What rule amendments should be proposed alongside a recommendation for a sandbox (assuming a regulatory sandbox is recommended)? If a regulatory sandbox is not recommended, then the Working Group should determine how does its answer to this question change?

- Lawyer Advertising and Solicitation Rules (Advertising and LRS Subcommittee) [Charter 2]
 - [TBD]
- Lawyer Referral Service statutes and rules (Advertising and LRS Subcommittee) [Charter 3]
 - [TBD]
- Amendments to rule 5.4 regarding attorney fee sharing with nonlawyers (Rule 5.4 Subcommittee) [Charter 4]
 - [TBD]
- Amendments to the rules regarding the delivery of nonlegal services by lawyers and businesses owned or affiliated with lawyers (Nonlegal Services Rule Subcommittee) [Charter 5]

- [TBD]

Working group meeting dates, and goals to achieve at each:

- June 2021: Consider drafts/outlines on Mission, Structure, Risk-based, and Apply
- August 2021: Same
- September 2021: Same; introduction on four rules
- October 2021: Introduce Changes/Others
- November 2021: All Sandbox topics
- January 2022: All Sandbox topics . . . and discuss plan for public input/comment
- March 2022: Sandbox wrap-up; rules
- May 2022: Rules
- June 2022: Rules
- July 2022: Sandbox response to public comment; rules
- August 2022: Vote on final report