



**CLOSING THE JUSTICE GAP WORKING GROUP
ACTION SUMMARY**

Friday, June 18, 2021
10:00 am – 4:30 pm

Teleconference

The State Bar of California

Questions regarding any agenda item should be directed to the Committee Coordinator, Lauren McCurdy at 415-538-2107 or Chair, Justice Alison Tucher at 415-538-2116. Committee members are requested to notify the Committee Coordinator as early as possible in advance of the meeting if they wish to remove any item/s from the consent agenda.

Working Group Members: Marta Alcumbrac, Andrew Arruda, Merri Baldwin, Judge Wendy Chang, David Engstrom, Bridget Gramme, Thomas Greene, Eric Helland, Khathy Hoang, Micha Liberty, John Lund, Ruby Marquez, Kevin Mohr, Crispin Passmore, Toby Rothschild, Rebecca Sandefur, and James Sandman.

Working Group Members Not Present: Daniel Grunfeld and Patricia Squitiero.

Others Present: Scot Bernstein, Stephanie Bond, Brady Dewar, Randall Difuntorum, Mia Ellis, Greg Fortescue, Tom Gordon, Angela Grijalva, Neil Gupta, Gillian Hadfield, Genie Harrison, Donna Hershkowitz, Laura Horton, Melissa Johnson, Jennifer Kishimizu-Pinney, Melanie Lawrence, Mimi Lee, Angela Marlaud, Lauren McCurdy, Steven Moawad, Leonard Sansanowicz, Jason Solomon, and Andrew Tuft.

The order of business is approximate and subject to change.

Members of the public may access this meeting as follows:

Zoom Link: <https://calbar.zoom.us/j/95022173428>

Call-In Number: 1-669-900-9128

Webinar ID: 950 2217 3428

OPEN SESSION

I. CHAIR'S REPORT

A. Roll Call

- B. Public Comment
Stephanie Bond, Tom Gordon, Scot Bernstein, Leonard Sansanowicz, Laura Horton, Jason Solomon, Angela Grijalva, Melissa Johnson, and Genie Harrison gave public comment. Written public comments also received from Jason Solomon (Executive Director, Stanford Law School Center on the Legal Profession), Lucy Rica (Executive Director, Utah Office of Legal Services Innovation), and Tom Gordon (Executive Director, Responsive Law).
- C. Announcements
Justice Tucher reported that Judge Asbury will join the working group and additional members will be appointed by the next meeting. The updated work plan is available and has been posted as agenda item I.C.2. It is anticipated that the working group will submit sandbox recommendations to the Board for public comment approval at their March 2022 meeting and the rule recommendations for public comment approval at their May 2022 meeting. Volunteers are needed to prepare rule recommendations by Monday so that we can assign the rules and research and preparation can begin. Articles have continuously been added to the Articles and Resources library on the OneDrive. If you would like to add any additional resources, please submit them to staff. At the request of the chair, Ms. Gramme reported that on June 3, 2021, she served on a panel at the 46th ABA Conference on Professional Responsibility and presented a summary of regulation reform efforts in California.
- D. Staff Report
Mr. Difuntorum reported that on June 4, 2021, he served on a panel at the ABA 36th National Client Protection Forum and presented the status of the working group's consideration of a regulatory sandbox for legal services.
- E. Approval of Open Session Action Summary from the April 9, 2021 Meeting
The open session action summary was approved (12-0-2).

II. BUSINESS

- A. Discussion and Possible Action on a Scope Subcommittee Recommendation for a Sandbox Application Process and Criteria: How to Apply and What Information Will Be Collected
Mr. Greene gave an oral report on the status of the Scope subcommittee's work. Mr. Mohr and Ms. Alcumbrac gave an oral report on the work being done on the development of the application process for alternative business structures participating in the sandbox. Ms. Sandefur gave an oral report on the Utah sandbox model and on a written comment received from Utah.
- B. Presentation: Proactive Risk-based Regulation of Legal Services (Professor Gillian Hadfield)
Ms. Hadfield gave a presentation on proactive risk-based regulation of legal services.

- C. Presentation: Attorney Discipline & Non-Attorney Unauthorized Practice of Law Enforcement in California (State Bar Enforcement Staff: Steven Moawad and Jennifer Kishimizu-Pinney)
Mr. Moawad and Ms. Kishimizu-Pinney gave a presentation on attorney discipline and the State Bar's efforts to combat the unauthorized practice of law by non-attorneys in California.
- D. Discussion and Possible Action on a SAGE Subcommittee Recommendation for a Risk-Based Approach to Regulation for a Sandbox
Ms. Baldwin acknowledged Mr. Sandman who gave an oral report on risk-based approach to regulation of a sandbox. Ms. Baldwin acknowledged Mr. Lund who gave an oral report on the status of the recommendation on regulation.
- E. Discussion and Possible Action on a Scope Subcommittee Recommendation for the Scope of a Regulatory Sandbox, including a Sandbox Mission Statement and the Kinds of Innovations to Encourage
Ms. Sandefur and Mr. Greene gave an oral report and led a discussion on the proposed mission statement.
- F. Discussion and Possible Action on a SAGE Subcommittee Recommendation for the Structure and Governance of a Regulatory Sandbox
Mr. Dewar gave an oral report on the research the Office of General Counsel has been conducting on potential legal impediments to various sandbox structures or divisions of authority, antitrust issues and conflicts of interest, and issues with potential funding sources.
- G. Discussion of Assignments and Next Steps

CLOSED SESSION

NONE

ADJOURN

In compliance with the American with Disabilities Act, those requiring modifications or accommodations to observe and address this meeting should notify Angela Marlaud at Angela.Marlaud@calbar.ca.gov. Please provide at least 72 hours prior to the meeting to allow sufficient time to make arrangements for accommodations at this meeting.

The notice and agenda is available at <http://board.calbar.ca.gov/committees.aspx>.