



The State Bar of California

CLOSING

II.F. Assumptions/Questions
10-18-21 CTJG Meeting
Open Session

WORKING GROUP

DATE: October 12, 2021

TO: Closing the Justice Gap Working Group

FROM: Rebecca Sandefur, Scope Subcommittee Co-Chair

SUBJECT: II.F. Subcommittee Recommendations on Assumptions and Empirical Questions to Test in the Regulatory Sandbox

At the October 8 meeting of the Scope subcommittee, the subcommittee brainstormed empirical questions that could be answered in a sandbox environment. Empirical questions are those that can be answered by observing the world; that is, by facts. Members also raised empirical questions about the impact of sandbox activities on activities outside a sandbox environment and about the efficacy of a sandbox for serving the underserved, relative to other potential activities. This memo summarizes those questions.

Working group members are asked to review these empirical questions that the Scope subcommittee posed, and submit any additional thoughts or questions in advance of the meeting to facilitate discussion by the full working group.

QUESTIONS THAT COULD BE ANSWERED THROUGH THE DATA COLLECTED IN A SANDBOX:

- Consumer protection
- How many consumer complaints against sandbox entities, about what kinds of practices?
- How many malpractice filings against sandbox entities, for what kinds of behavior?
- How many violations of ethical rules by sandbox entities, of what types?
- What services offered by sandbox entities are effective, competent? What are ineffective, not competent?

IMPACT ON THE JUSTICE GAP

- How much service to currently underserved populations is delivered by sandbox entities?

QUESTIONS ABOUT THE IMPACT OF A SANDBOX ON ACTIVITIES OUTSIDE OF A SANDBOX:

- Impacts on the legal profession and legal services market

- Is public esteem for the legal profession affected? How?
- Is the size of the legal profession affected? How?
- Are lawyers' incomes affected? How?

QUESTIONS ABOUT THE RELATIVE EFFICACY OF A SANDBOX

- Would other activities, such as more work on court form simplification and more investment in court-based self-help, be as or more effective than a sandbox in providing service to underserved Californians?