



The State Bar of California

I.E. Action Summary
12-01-21 CTJG Meeting
Open Session

CLOSING THE JUSTICE GAP WORKING GROUP ACTION SUMMARY

Monday, October 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.

Committee Members Present: Marta Alcumbrac, Merri Baldwin, Judge Wendy Chang, David Engstrom, Thomas Greene, Daniel Grunfeld, Eric Helland, Khathy Hoang, Micha Liberty, John Lund, Wendy Musell, Crispin Passmore, Lucy Ricca, Toby Rothschild, Rebecca Sandefur, James Sandman, Patricia Squitiero, and Sacha Steinberger.

Committee Members Not Present: Andrew Arruda, Judge Irma Poole Asberry, and Kevin Mohr.

Others Present: Anna, Arthur, Bonnie Benitez, Arnold Berschler, Brady, Aichlee Bushnell, AJ de Bartolomeo, Brady Dewar, Randall Difuntorum, Donna Dishbak, Ryan Dostart, Mia Ellis, Greg Fortescue, Heba Gamal, Bridget Gramme, Neil Gupta, Genie Harrison, Donna Hershkowitz, Tiffany Howard, Sarah Huchel, Jennifer Kramer, Eric LaGuardia, Mimi Lee, Angela Marlaud, Lauren McCurdy, Charley Moore, Beth Mora, Annette Morasch, Kevin Murphy, Sean Musgrove, Zach Newman, Jennifer Ostertag, Maria Rapier, Elizabeth Riles, Jonathan Roven, Stacy Rupprecht Butler, Allison Schulman, Scot, Jacquie Serna, Olivier Taillieu, Andrew Tuft, Nicole Tyau, Kathy Vu, Marjorie Wallace, Ken Wang, Leah Wilson, and Mariko Yoshihara.

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/97544843947>

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

Webinar ID: 975 4484 3947

OPEN SESSION

I. CHAIR'S REPORT

- A. Roll Call
- B. Public Comment
Olivier Tailieu, Jennifer Kramer, Tiffany Howard, Beth Mora, Tiffany Howard, Annette Morasch, Genie Harrison, and Kevin Murphy gave public comment.
- C. Announcements
Justice Tucher introduced Lucy Ricca as a new member joining the working group and reported that the work plan has been revised. Justice Tucher also gave an overview of today's agenda. Lunch will be from 12:30-1 p.m.
- D. Staff Report
Mr. Difuntorum reported that: (1) a revised roster and the 2022 working group meeting schedule has been circulated; and (2) written comments submitted by working group members on today's agenda will be addressed first and that working group members should indicate which agenda item their comments are addressing.
- E. Approval of Open Session Action Summary from the September 17, 2021 Meeting
The working group voted to approve the Open Session Action Summary from the September 17, 2021 meeting (13-1-0).

II. BUSINESS

- A. Discussion and Possible Action on a Subcommittee Recommendation for a Risk-Based Approach to Regulation for a Sandbox
Ms. Baldwin presented the SAGE subcommittee recommendations for a risk-based approach to regulation for a sandbox. Following discussion, the working group voted to approve the following recommendations:

Recommendation 1 (14-2-0)

For the purpose of admission to the sandbox, sandbox regulation should assess the risk of the following harms to consumers:

- a. The consumer receives inaccurate or inappropriate legal services.
- b. The consumer fails to exercise legal rights through bad advice or incomplete information within the scope of the agreed-upon services.
- c. The consumer receives an unnecessary legal service or pays an inappropriate amount for legal services.

- d. The consumer experiences fraud, theft, loss of privacy, or abuse of trust by the service provider.

Recommendation 2 (13-4-0)

For the purpose of admission to the sandbox, the risk of harm to consumers should be measured relative to the experience the consumer would have had absent the legal services provided.

In addition, the applicant must demonstrate the capacity to provide competent legal service.

Additionally, Office of General Counsel is assigned to prepare legal advice on whether the regulator can or should have the ability to waive rules or laws. Recommendations 3–5 were tabled until the next meeting.

- B. Discussion and Possible Action on a Subcommittee Recommendation for Proactive Regulation and Monitoring of Sandbox Providers, including Reporting, Monitoring, and Audits

Ms. Baldwin presented the Scope subcommittee recommendations for proactive regulation and monitoring of sandbox providers. Following discussion, the subcommittee was assigned to revise the recommendation in accordance with the working group's discussion.

- C. Presentations from Entities Authorized to Operate in the Utah Regulatory Sandbox as Approved by the Utah Office of Legal Services and Innovation

- Presentation – Prof. Stacy Butler, Director, Innovation for Justice, Univ. of Arizona School of Law, and Univ. of Utah School of Business
- Charley Moore, Founder and Chief Executive Officer, Rocket Lawyer

- D. Discussion and Possible Action on a Subcommittee Recommendation for the Scope of a Regulatory Sandbox, including a Sandbox Mission Statement and the Kinds of Innovations to Encourage

Mr. Greene presented the Scope subcommittee recommendation on the scope of a regulatory sandbox. Following discussion, the subcommittee was assigned to revise the recommendation in accordance with the working group's discussion.

- E. Discussion of a Sandbox Entrant Requirement for the Involvement of a Responsible Attorney for the Entrant's Legal Services Delivery System

Mr. Greene presented the Scope subcommittee recommendation on sandbox entrant's requirement for involvement of a responsible attorney. Following discussion, the subcommittee was assigned to revise the recommendation in accordance with the working group's discussion.

- F. Discussion and Possible Action on Subcommittee Recommendations on Assumptions and Empirical Questions to Test in the Regulatory Sandbox
Ms. Sandefur presented the Scope subcommittee recommendation on assumptions and empirical questions to test in a regulatory sandbox. Following discussion, the subcommittee was assigned to revise the recommendation in accordance with the working group's discussion.
- G. Discussion of Assignments and Next Steps

CLOSED SESSION

NONE

ADJOURN

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