



# The State Bar of California

## Task Force on Access Through Innovation of Legal Services

*Studying ways to increase access to justice for all Californians by responsibly harnessing the power of technology.*

### Background

Too many Californians needing legal services cannot afford an attorney or don't have meaningful access. A 2018 [Legal Market Landscape Report](#), commissioned by the State Bar, concluded:

- As in healthcare, education, and other knowledge-intensive professions, the cost of traditional legal services is increasing.
- Access to legal services is decreasing. A growing proportion of consumers are choosing to forgo legal services rather than pay the high price. In a recent study conducted by the National Center for State Courts, 76% of civil cases involved at least one party who was self-represented, roughly double the number 20 years earlier.
- Law is moving rapidly from a model of one-to-one consultative legal services to one where technology could enable affordable, one-to-many legal solutions.
- The public interest may be better served by regulatory approaches that encourage innovation in one-to-many legal solutions created by professionals from multiple disciplines.
- Modifying ethics rules premised on one-to-one legal services to facilitate greater collaboration across law and other disciplines could have many benefits: driving down costs; improving access; increasing predictability and transparency of legal services; aiding the growth of new businesses; and elevating the reputation of the legal profession.

**By harnessing innovative approaches from the tech sector while maintaining our paramount commitment to protect the public, the State Bar hopes to help improve access.**

The [State Bar's Task Force on Access Through Innovation of Legal Services](#) is charged with identifying possible regulatory changes to enhance the delivery of, and access to, legal services.

The Task Force will deliver its final report to the Board of Trustees no later than December 31, 2019. In keeping with the State Bar's Strategic Plan goals and objectives, each recommendation is expected to balance the dual goals of public protection and increased access to justice.

## Task Force Charter

The Task Force will address three broad areas:

### 1. Definition of unauthorized practice of law

*Review the current consumer protection purposes of the prohibitions against unauthorized practice of law as well as the impact of those prohibitions on access to legal services with the goal of identifying potential changes that might increase access while also protecting the public.* In addition, assess the impact of the current definition of the practice of law on the use of artificial intelligence and other technology-driven delivery systems, including online consumer self-help legal research and information services, matching services, document production and dispute resolution;

### 2. Marketing, advertising, partnerships, and fee-splitting

*Evaluate existing rules, statutes and ethics opinions on lawyer advertising and solicitation, partnerships with non-lawyers, fee splitting (including compensation for client referrals) and other relevant rules in light of their longstanding public protection function with the goal of articulating a recommendation on whether and how changes in these laws might improve public protection while also fostering innovation in, and expansion of, the delivery of legal services and law-related services, especially in those areas of service where there is the greatest unmet need; and*

### 3. Non-lawyer ownership or investment

With a focus on preserving the client protection afforded by the legal profession's core values of confidentiality, loyalty and independence of professional judgment, *prepare a recommendation addressing the extent to which, if any, the State Bar should consider increasing access to legal services by individual consumers by implementing some form of entity regulation or other options for permitting non-lawyer ownership or investment in businesses engaged in the practice of law, including consideration of multidisciplinary practice models and alternative business structures.*

## Task Force Composition

The Task Force has 23 members, a majority of whom are non-attorneys. A non-attorney majority helps ensure that the recommendations of the Task Force are focused on protecting the interests of the public.

**Chair:** Lee Edmon, Presiding Justice, California Court of Appeal Second Appellate District, Division 3

**Vice-Chairs:** Toby Rothschild, Of Counsel, OneJustice; and Joyce Raby, Executive Director, Florida Justice Technology Center