



Justice we can believe in

COMMENT IN SUPPORT OF THE UTAH SUPREME COURT REGULATORY REFORM PROPOSAL
(THE “PROPOSAL”)

We write on behalf of IAALS, the Institute for the Advancement of the American Legal System at the University of Denver, in support of the Utah Supreme Court Regulatory Reform Proposal (the “Proposal”).

We applaud the Utah Supreme Court and the Utah State Bar for their leadership in regulatory reform efforts. While many commissions and committees nationwide have issued reports on the accessibility and affordability of legal services, the Utah Task Force stands among the few that have taken real action toward legal system improvement. Recognizing the unacceptable access to justice gap, the Utah Supreme Court has sent a clear message to the public that the status quo is no longer an option.

We Support the Regulatory Reform Proposal for Maximizing Consumer & Provider Benefit

IAALS supports the Proposal for establishing a framework in which legal services innovation can benefit both consumers and service providers. Increasing access does not require harming the profession; and advocating for the profession is not necessarily contrary to the interest of the broader public.

We strongly support the amendments to the legal regulatory structure of the sort detailed in the Proposal—specifically, new 5.4A and 5.4B and simplifying the lawyer advertising rules. These amendments will benefit both providers and consumers.

A client’s “legal problem” is only one facet of a broader human problem. Family law professionals know this all too well. By allowing attorneys to create interdisciplinary partnerships that respect the independent judgment of all professionals involved, the Proposal will create new business opportunities for lawyers by allowing them to offer more holistic services to their clients. Finally, the ability to raise money from external sources will give providers an opportunity to expand and scale their services in a manner not currently allowed under the law. Consumers benefit greatly from more open markets and from services that, because of their scalability, are more affordable and accessible.

We Support the Regulatory Reform Proposal for Creating a Culture of Experimentation

We also support the Proposal’s commitment to data gathering and experimentation. The crisis in access to legal services is widely recognized. What is needed now is experimentation on potential solutions and empirical study of their effects. The Proposal creates an environment in which both systemic changes and individual services can be evaluated for their impact on the legal services market.

This will not only benefit legal services in Utah, but also may shed light on innovative ideas and outcomes to help other jurisdictions think about reform. The regulatory sandbox structure and the

corresponding amendments to the Rules of Professional Conduct align closely with IAALS' *Unlocking Legal Regulation* model, developed in consultation with national experts in law and economics. In fact, Utah's Proposal is one of the first steps in what we hope will eventually become a nationwide effort toward a risk-based regulatory system. Interstate operation would promote consumer access to a well-developed, high-quality, innovative, and competitive market for legal services. But before we can achieve this at scale, we must have leaders in particular states, like Utah.

We Encourage the Utah Supreme Court to Diversify Membership of the Innovation Office

We support the creation of an independent Innovation Office to manage risk-based regulation; however, we also encourage those responsible for launching the Innovation Office to include non-lawyer members from diverse perspectives as a majority of the staff. Any entity tasked with developing, overseeing, and regulating the sandbox must have among its ranks people with different backgrounds and expertise to understand and assess proposed solutions that may look very different from traditional law practice. Thus, the office should not be predominantly filled by lawyers.

Many will argue that the demise of the Limited License Legal Technician program in Washington can be largely attributed to the complex barriers to entry erected by the state bar. This Proposal is too important to befall a similar fate. Diverse consumer groups, community leaders, technologists, and others outside of the traditional legal industry must be involved as members of the Innovation Office. This will ensure that the spirit of the Proposal—protecting consumers and facilitating innovation—will be realized in the program's administration.

The Time for Change is Now; The Place for Change is Utah

In these unprecedented times, our legal system needs unprecedented solutions. Adopting the Proposal will help address Utah's crisis in access to legal services in a pathbreaking way that promotes innovation while protecting the public and expanding opportunities for the legal profession. And by adopting the proposal, Utah will continue its leadership in building momentum for changes across the nation.

Thank you for staying this course.

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