

IAALS Comments In Support of ATILS Final Recommendations

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Via Telephone

Hello, my name is Natalie Knowlton and I am the Director of Special Projects at IAALS, the Institute for the Advancement of the American Legal System at the University of Denver.

The statistics on access (or lack thereof) that we heard at the start of this segment are unacceptable. And I applaud the Task Force Co-Chair for her comment just now about the breadth of the access to justice issue. There is a tendency when we hear the term “access to justice” to immediately assume we are talking about an extremely low-income population. But it is correct that a justice gap exists at many levels of income. It describes a large swath of our population, including people like you and me, for whom the expense of an attorney is often out of reach. The justice gap is a wide market of potential consumers who would benefit in meaningful ways from quality legal services that are more accessible than the traditional model of representation, and who would also benefit from the quality-control mechanics that are envisioned in the proposed sandbox.

There is real harm occurring when people do not have access to legal help, and current regulations are not offering these people any protections. I would propose that these regulations are also not offering much benefit to lawyers. While protecting the legal profession’s monopoly on the practice of law, the current rules are actually entrenching our profession in 20th-century processes, practices, and thinking, in an era where true innovation has never been more likely or more possible.

We know from research from England and Wales on alternative business structures that overall innovation among legal services providers, including innovation that reduces the cost of delivery legal services, is higher than among traditional providers. The ATILS recommendations present an opportunity to expand lawyers’ ability to compete, to receive compensation, to collaborate with qualified professionals, to integrate technology into services, and to acquire capital to build a practice. Such changes can serve the interests of clients and our profession, while strengthening the legal system. They also can promote access by driving down the cost of services. At the same time, the sandbox proposal allows for important oversight and protections.

The work of the ATILS Task Force deserves support. And the proposed sandbox recommendation offers a careful and controlled structure for testing and learning from new legal services and business models. These recommendations provide a carefully researched and considered path toward reform that will increase access for millions of Californians and opportunity for thousands of California lawyers. And what happens next in California will set the tone for innovation in many other states. We encourage the Bar to continue to show the strong leadership that Californians and our profession needs by approving the ATILS’ recommendations and the sandbox.

The status quo is unacceptable. I, and IAALS, applaud ATILS and the State Bar for its leadership.