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DENVER

IAALS Comments In Support of the Closing the Justice Gap Working Group

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Via Video

My name is Natalie Knowlton. I am a director of special projects at the University of Denver-based Institute for the Advancement of the American Legal System.

Respectfully, I offer the following comments on the Closing the Justice Gap Working Group.

Today I am reminded of the controversy surrounding ABA Resolution 115 Encouraging Regulatory Innovation. Bar leaders from states around the country voiced vehement opposition to a resolution that simply “encourages” jurisdictions to “consider” innovative approaches.

Indeed, the mission of the working group is to explore what an ecosystem of experimentation might look like. There should be nothing inherently threatening in considering options. Yet here, as with Resolution 115, special interest groups within the legal profession are working to halt the conversation before it has really begun.

The time to raise objections to the existence of this group has passed—the working group has been underway for a year now. The time to provide substantive comment on the yet-to-be published recommendations has not yet arrived. The state bar is an independent regulatory agency that has established committee processes. There exists here no compelling reason to give in to sudden and inappropriate interruptions of that process.

If the board sunsets the working group unfinished, what are the implications going forward with legislative interference in work the state bar deems valuable? What are the implications for future progress and innovation in legal services across California? What are the implications on the reputation of the bar as a vehicle for public protection and access to justice?

The time for lawmakers to reject the sandbox proposal is when it appears before them—not before. Let the legislators kill this recommendation when it is presented to them, so that their constituents are clear on where their lawmakers stand on legal innovation and access to justice.

I appreciate the difficult and unfair position that these lawmakers have put you in. But supporting efforts for great access to the legal system is part and parcel of the bar’s mission. And the work you are doing here is incredibly needed.

The working group must be allowed to finish its work. Please do not foreclose this opportunity for public comment on the empirically informed recommendations that will emerge from the group.

Consumer attorneys do not speak for consumers. Attorneys do not speak for the public. Members of the public must be allowed to speak for themselves. What will the public have to say about our dedication to public protection if we do not let them be heard on this issue?

Thank you for hearing my comment.