

PAVING THE FUTURE FOR ACCESS



The Taskforce on Access Through Innovation of Legal Services is seeking public comment on 16 options for regulatory reform that might encourage innovation and increase the availability of low-cost legal services.

These options address four key regulatory restrictions that may hinder access:

- 1 Only Lawyers Can Provide Legal Advice
- 2 Only Lawyers, Not Entities or Businesses, Are Regulated by the State Bar
- 3 Only Lawyers Can Own Law Firms
- 4 Lawyers Cannot Share Fees with Nonlawyers



Only Lawyers Can Provide Legal Advice

Why: By law, it is a crime to practice law without a license. This protects the public from getting bad legal advice.

Why Change? Trained non-lawyers, or certain forms of technology, may be able to provide accurate legal advice in faster, cheaper, and more innovative ways than lawyers can.



Only Lawyers, Not Entities or Businesses, Are Regulated by the State Bar

Why: Under the authority of the Supreme Court, and as created by statute, the State Bar licenses and regulates individual attorneys.

Why Change? If technology-based businesses are allowed to provide legal services, these entities will need to be regulated in order to protect the public.



Only Lawyers Can Own Law Firms

Why: Lawyers are bound by ethics rules that require them to exercise professional independent judgment and to provide the services their clients need regardless of financial motives. Nonlawyer owners of law firms might prioritize profits over principle and public protection.

Why Change? Investors need incentives to put their money into efforts to develop innovative low-cost solutions to legal problems. The ability to own a portion of a law firm or legal business might be that incentive.



Lawyers Cannot Share Fees with Nonlawyers

Why: Fee-sharing between lawyers and nonlawyers may jeopardize confidentiality and result in clients being offered services that they don't actually need.

Why Change? For new delivery models to grow quickly, lawyers need to be able to collaborate with professionals from other fields. Allowing lawyers to share fees with nonlawyer partners could accelerate the development of new products that improve access and drive down costs.

For more information: www.calbar.org/ATILS-Comments