

NATIONAL SUMMIT ON INNOVATION IN LEGAL SERVICES

Starting on Saturday afternoon, May 2nd, and continuing through mid-day on Monday, May 4th, 2015, the ABA Commission on The Future of Legal Services and Stanford Law School co-sponsored presentations and discussions by panels and noted individuals to explore innovation in the future delivery of legal services.

Background

Easy access to affordable legal services is critical in a society based on the rule of law. Yet the courts are seriously underfunded. Legal proceedings are growing more expensive, time-consuming, and complex. Many who need legal advice cannot afford to hire a lawyer and are forced to represent themselves.

At the same time, technology, globalization, and other forces are transforming the ways legal services are accessed and delivered. Familiar practice structures are giving way in a marketplace that continues to evolve. New providers are emerging, online and offline, to offer a range of services in dramatically different ways.

The American Bar Association (ABA) established the Commission on the Future of Legal Services to conduct community-based grassroots meetings and encourage bar leaders, judges, court personnel, practitioners, businesses, clients, and technologists to share their visions for more efficient and effective ways to deliver legal services. The Commission solicited comments from the legal profession and the public and analyzed the insights and ideas that came from the discussions.

At the Summit, the Commission established working groups to assess developments and recommend innovations in accessing and delivering legal services. The participants at the Summit participated in the following breakout sessions:

- **Access Solutions for the Underserved:** Participants assessed developments in facilitating access to legal services for underserved communities.
- **Data on Legal Services Delivery:** Participants assessed the availability of current, reliable data on the delivery of legal services, such as data on the public's legal needs, the extent to which those needs are being addressed, and the ways in which legal and law-related services are being delivered; identified areas where additional data would be useful; and discussed how to make existing data more readily accessible to practitioners, regulators, and the public.
- **Dispute Resolution:** Participants assessed developments in: (a) court processes, such as streamlined procedures for more efficient dispute resolutions, the creation of family, drug and other specialized courts, the availability of online filing and video appearances, and the effective and efficient use of interpreters; (b) delivery mechanisms, including kiosks and court information centers; (c) criminal justice, such as veterans' courts and cross-innovations in dispute

resolution between civil and criminal courts; (d) alternative dispute resolution, including online dispute resolution services; and (e) administrative and related tribunals.

- **Regulatory Opportunities:** Participants studied existing regulatory innovations, such as Alternative Business Structures in countries outside of the U.S. and Washington State's Limited License Legal Technicians, as well as related developments, including the recently-released Canadian Bar Association's Legal Futures Initiative report. The working group was asked to recommend regulatory innovations that would improve the delivery of, and the public's access to, competent and affordable legal services.
- **Preventive Law, Transactions, and Other Law-Related Counseling:** Participants assessed developments in delivering legal and law related services that do not involve courts or other forms of dispute resolution, such as contract drafting, wills, trademarks, and incorporation of businesses.
- **Blue Sky:** Participants proposed innovations that do not necessarily fit within the other working groups, but could improve how legal services are delivered and accessed, such as innovations developed in other professions to improve effectiveness and efficiency, collaborations with other professions, and leveraging technology to improve the public's access to law-related information.

The Commission is leading the effort to improve the delivery of, and access to, legal services in the United States. The Summit goals were to inspire innovation, leverage technology, encourage new models for regulating legal services and educating tomorrow's legal professionals, and foster the development of financially viable models for delivering legal services that meet the public's needs.

There were presentations and panel discussions that proposed new approaches not constrained by traditional models for delivering legal services, that are rooted in the essential values of protecting the public, enhancing diversity and inclusion, and pursuing justice for all.

I was a member of the Alternative Dispute Resolution group. The most encouraging summary report from all of the groups, including the ADR group, was the willingness to look at the current systems or methodologies of regulating legal services and openly discuss changes that must occur in order to allow access to the legal services to all of society, from the indigent to the largest corporations. Most of the discussions seemed to focus on middle America, mom and pop companies, the struggling middle-class, those who cannot afford legal services when they most need legal advice.

The presentations/discussions were very interesting and included a wide variety of topics and ideas:

- **Innovation Beyond the Legal Sphere**; Moderated by Manny Medrano, Broadcast Journalist, Trial Attorney, and Law Professor; Speakers were: Judit Rius Sanjuan, U.S. Manager of Access Campaign, Doctors Without Borders; Denis Weil, Innovation & Design Strategist; and Ron A Dolin, Legal Technologist and Research Fellow at Stanford Law's Center on the Legal Profession.
- **Challenges to Innovation**; Speakers were Gilliam Hadfield, Professor of Law and Professor of Economics, USC; Marshall VanAlstyne, Professor at Boston University and Research Scientist at MIT Institute for the Digital Economy; and Mark Britton, Founder and CEO of Avvo.
- **Focus on the Client** (Mini-Presentations/Demonstrations); (1) Why They're Not Calling Us, by Rebecca L. Sandefur, Associate Professor of Sociology and Law at the University of Illinois at Urban-Champaign, Faculty Fellow at the American Bar Foundation; (2) Small Business and the Law, by Melvin F. Williams, J., General Counsel, U.S. Small Business Administration; (3) Legal Needs of Immigrants, by Eleanor Acer, Senior Director, Refugee Protection, Human Rights First; (4) Legal Aid Landscape, by Alex R. Gulotta, ED, Bay Area Legal Aid; (5) Customer Service and the Courts, by Hon. Charles V. Harrington, Judge, Arizona Superior Court, Pima County; and (6) Innovations in the General Counsel's Office, by Joseph K. West, President and CEO, Minority Corporate Counsel Association.
- **Prgrams to Bridge the Gap** (Mini-Presentations/Demonstrations); (1) Limited License Legal Technicians, by Stephen R. Crossland, Chair, LLLT Board, Washington State; (2) Chicago Bar Foundation's Justice Entrepreneurs Project ("JEP"), by Terri L. Mascherin, Chair, JEP Steering Committee; (3) Innovation in Legal Education, by Professor of Law and Director of the Institute on Law Practice Technology & Innovation at Suffolk University Law School; (4) Open Legal Services/Utah Non-Profit Law Firm, by Shantelle L. Argyle, Co-Founder and Executive Managing Director, Open Legal Services; (5) Justice System Innovations in Oregon, by Hon. Ann Aiken, Chief Judge, U.S. District Court for the District of Oregon; (6) Orleans Parish Re-Entry Program, by Hon. Laurie A. White, Criminal District Court, Orleans Parish, New Orleans, LA; and (7) Innovations in On-Line Dispute Resolution, by Colin Rule, Founder and Chief Operating Officer, Madria.

While there are programs to make legal services available to the indigent or low income populations, and, the corporations and the wealthy can afford legal services, the focus of the discussions tended to be on the cost of legal services and the lack of affordable legal services that are available to the middle class. That sector of society is becoming the underserved.

The discussions and summaries were very interesting. Solutions and answers were presented, but the real plus was in opening and continuing the dialogue. As one

participate said, “We’ve been talking about these things for years and while we have seen some progress, there remains more to be made.”

Mary Theroux, ACP