

UTAH SUPREME COURT AD HOC COMMITTEE



REGULATORY REFORM

Nick Stiles, Co-Chair
Maryt Fredrickson, Co-Chair

Joint Workgroup Meeting:
Rule 5.4 and AI/Legal Technology
September 19, 2025
12:00 – 1:00
Virtual & In-person Meeting
[Meeting LINK](#)

1. Welcome and Review of Meeting Minutes (Tab 1).
2. Reintroduction to Supreme Court Regulatory Reform Fellow assigned to the Rule 5.4 and AI Workgroups - Connor Dela-Cruz.
3. Introduction to new Committee member, Barbara Townsend, Utah Office of Professional Conduct.
4. Report on common hurdles for AI programs pursuing the Utah Sandbox (Andrea Donahue).
5. Report and Discussion about [IAALS Publication](#), Dean Perlman's previous comments, [NCSC Policy Paper](#) (Connor Dela-Cruz).
6. Discussion – [Current Public Amendments](#) to Rule 5.4 (Ty Brown).
7. Discussion – Should the Rule 5.4 Workgroup and AI Workgroup continue to meet as one workgroup? (Workgroup charges in Tab 2)
8. Action Items & Conclusion

Tab 1

Meeting Minutes

Utah Supreme Court's Ad Hoc Committee on Regulatory Reform

Legal Tech/AI and Rule 5.4 Meeting Minutes

Friday, July 18, 2025

12:00 – 1:00

Hybrid and In-person

Maryt welcomed everyone. Today is access to justice day, featuring a panel of representatives from local legal aid providers and the state bar's access to justice office.

Approval of previous meeting minutes. No corrections or nay votes.

Special Guests: Pamela Beatse, Executive Director, Utah Legal Services; Stewart Ralph, Executive Director, Legal Aid Society of Salt Lake; Kimberly Farnsworth, Training and Special Projects Counsel, Utah State Bar; Nate Crippes, Public Affairs Supervising Attorney, Disability Law Center

- a. Use of AI varies between the providers.
 - i. Some use it for non-legal matters, like scheduling meetings, preparing presentation materials, social media posts, drafting public comments, and things that do not require confidentiality.
 - ii. Discussions with nationwide groups on developing chatbots.
 - iii. One uses a unique AI program developed locally for divorce forms. It has a small price per use.
 - iv. The state bar uses First Drafts to generate case summaries from documents pulled from courts' public docket to prepare for debt collection cases. Has experimented with tools to generate motions or other documents.
- b. Barriers to using AI
 - i. The law provided by any AI tool needs to be accurate, current, and jurisdiction specific. Many of the large language models draw from too large a universe of sources to be useful or accurate. But narrowly tailored systems cost more.
 - ii. Confidentiality is a barrier. Some discussion of how confidentiality works via terms of use with any platform: google, Microsoft/Outlook, Westlaw, etc. The searches or emails or messages exist in the company but behind a wall and unshared. Look at the terms of use to see if information is sold or shared.
 - iii. Funding is a barrier overall, as well as grant limitations, that limit use of funds to income limited uses.

- c. Intake. Discussion of the inefficient use of resources when clients do intake at multiple agencies or legal aid providers. ULS has been looking at a partner program to help overcome that. Also, a way for people to do the intake and fill out documents themselves with assistance, recognizing that not all people have access to smartphones, computers, or have the language skills necessary for existing interfaces. Accessibility issues are also large in the disability community.
- d. Needs: In a world of limitless options and resources:
 - i. a tool that builds documents would be helpful. And that tailored documents to different judges/courts around the state which have different preferences.
 - ii. And a tool that identifies less common legal arguments would be helpful, which is an area where newer lawyers/volunteer lawyers have difficulty spotting as opportunities in the cases they manage.
- e. What if AI did it wrong? What should happen?
 - i. If an attorney or LPP was supposed to review the document or material, the consequences of error are on them, just as in the current system.
 - ii. Discussion of if a self-represented person did it wrong. That already happens in the current system. Bad information in leads to bad information in what is produced and filed and down the road, courts and parties have to unravel whatever is filed. Discussion of forms being wrong also, but parties and LPPs are supposed to rely on the forms.
 - iii. Discussion of whether the AI companies have or would have any liability. There are low risk areas, like information, and higher risk areas that are more like legal work generated by a lawyer. The Sandbox was set up with an eye towards risks. High level innovation entails high risk and generates products more like what a lawyer would produce. If a lawyer produced the product, it is low risk. If a lawyer does quality assurance, then it is a medium risk. High risk/low risk and chances to correct could be a way to discuss this topic further.
- f. Rules of professional conduct – are they barriers?
 - i. Yes, where not detailed enough, but unclear where to add detail since AI and tech competence is a changing filed. Confidentiality and privilege are barriers but the legal aid providers work to ensure tools and programs comply with those rules.

Closing remarks: There are some Sandbox entities to also speak to, but not quite ready for that as some Sandbox evaluations complete. Look for a later meeting to invite Sandbox entities.

No action items.

Tab 2

Artificial Intelligence and Legal Technology	
<ul style="list-style-type: none"> • Identify current and emerging trends in legal technology. • Research recommendations from legal regulatory reform experts on how to adapt to advancing technology. • Examine other states' approaches to regulating or carving out legal technology, including how they define the practice of law and deal with multijurisdictional issues. • Draft proposed rule changes, if any. 	<ul style="list-style-type: none"> • Develop a recommendation: <ol style="list-style-type: none"> 1. delineating between legal technology that should and should not be regulated as the practice of law, 2. identifying any additional rules or enforcement mechanisms needed to properly regulate technology-aided legal practice. • Identify whether collaboration with other branches of government or other stakeholders will be needed to implement recommendations.

Rule 5.4 Workgroup	
<ul style="list-style-type: none"> • Research pros and cons of allowing lawyers to partner or share fees with nonlawyers, including any multijurisdictional implications. • Analyze lesson learned from Sandbox ABS entities as well as Arizona's ABS program. • Consider recommendations from experts on legal regulation. 	<ul style="list-style-type: none"> • Examine rule 5.4 language from other states. • Develop a recommendation on whether rule 5.4 should be amended. • Draft proposed rule changes, if any.