

Meeting Minutes
Utah Supreme Court's Ad Hoc Committee on Regulatory Reform
AI/Legal Tech Meeting Minutes
Friday, April 17, 2026
12:00 – 1:00
Virtual

The group approved the minutes from the previous meeting.

The group discussed whether the group's work product should take the form of a rule or a standing order of the Utah Supreme Court. Members noted considerations on both sides.

- Standing orders can be amended relatively quickly at the court's discretion, without the procedural requirements of the formal rulemaking process. This flexibility can be an advantage when the underlying subject matter is rapidly evolving (e.g., AI).
- Rules, by contrast, must go through the formal rulemaking process, which involves review by the relevant committee, a public comment period, and approval by the Supreme Court. That process generally takes approximately three to four months at its quickest. Rule changes are typically published only on the first of May and November of each year. A backlog of pending rule changes was noted.
- Despite the longer process, members expressed a preference for the proceeding by rule. A rule signals a degree of institutional endorsement and permanency that a standing order likely does not. From a business and investment standpoint, a rule provides greater regulatory predictability. This is a key consideration for organizations evaluating whether to develop or expand legal-based products or services.
- The concern is not only whether a rule can be enacted, but also whether organizations can reasonably expect it to remain stable long enough to recoup any investment made in reliance on it. A rule was viewed as providing stronger assurance on this point than a standing order.
- It is also important to look beyond the court's current composition, as the court will have different members in ten or fifteen years. A rule provides more durable guidance across changes in judicial membership.
- The group reached a consensus in favor of pursuing a rule-based approach and agreed to move forward with drafting.

The group also discussed the structure of the proposed rule and how to best address the unauthorized practice of law (UPL) issues at stake.

- Part of the discussion of the rule revolved around the meaning and definition of certain terms. For example, it may make sense to establish a rubric defining what does and does not constitute the practice of law rather than drafting a carve-out specifically targeted at

AI. This could be more useful than attempting to define and carve out AI as a category, given that definitions of AI may quickly become outdated.

- The group also discussed the current draft's use of the term "electronic non-lawyer" and whether that framing, which focuses on the actor, could create definitional and constitutional complications. Members suggested that focusing on the conduct at issue rather than on who or what is performing it would produce a cleaner and more defensible rule.
- On the question of terminology, members also discussed whether "software" was a sufficiently clear and durable term. Some members noted that "software" is a reasonable catch-all but may not be universally understood. "Technology" was viewed as even more vague. The sandbox's use of "human alternative legal provider" and "software alternative legal provider" was referenced, though members noted those terms had generated some confusion in practice.
- The group also raised separation of powers considerations, noting that courts are constitutionally authorized to regulate the practice of law, while the regulation of businesses falls to the legislature and executive. Framing the rule around conduct rather than actors was suggested as a way to keep the rule squarely within the court's authority.
- The group also discussed the draft's proposed subsections addressing different categories of activity:
 - Subsection (e)(1)—providing access to blank legal forms—was viewed as not constituting UPL.
 - Subsection (e)(2)—applying a person's specific facts to a legal form—was identified as potentially constituting UPL under current rules but could be permitted under the proposed carveout.
 - Subsection (e)(3)—generating legal opinions and recommendations—raised more significant concerns. Members acknowledged uncertainty about the current capability of AI tools to provide reliable legal opinions and noted that disclaimers may serve as an important safeguard in this area.
- The group agreed that the current draft is a workable starting point and agreed to move forward with editing and refining it. A document will be circulated to allow members to submit comments and suggest revisions in advance of the next meeting.

There was also a discussion about the role of disclaimers in the proposed rule and the importance of ensuring those disclaimers are meaningful to consumers.

- The group referenced a recent Sixth Circuit decision in which a self-represented person who obtained information from a large language model was found to have waived confidentiality. The case raised the question of whether any rule in this area should require disclosures addressing not only the absence of an attorney-client relationship but also the attendant absence of attorney-client privilege protections.

- To that end, members agreed that simply stating that no attorney-client relationship is created is unlikely to be meaningful to most consumers, who may not understand what that disclaimer actually implies for the protection of their information.
- The group then discussed the importance of requiring disclosures written in plain, accessible language that clearly explains the practical consequences of using an AI-enabled legal tool.
- On the subject of disclosures, the group will consider whether advisory notes accompanying the rule could provide additional guidance on these disclosure issues, allowing the rule text itself to remain more flexible as the law evolves.

Action Items

- The group will proceed with a rule-based carve out and will circulate a draft for member review and comment.