



## UTAH SUPREME COURT'S TASK FORCE ON REGULATORY REFORM

### Agenda

Location: Zoom - see calendar invite for details

Date: August 5, 2020

Time: 3:00 to 4:30 p.m.

<b>Action:</b> <i>Welcome and approve July 22 meeting minutes</i>	Tab 1	John Lund, Co-Chair
<b>Discussion:</b> <i>Application 0010 Court Recommendation</i>		John Lund, Lucy Ricca
<b>Discussion:</b> <i>Draft Court Recommendation Manual</i>	Tab 2	Lucy Ricca
<b>Discussion:</b> <i>Applications Update</i>		All
<b>Discussion:</b> <i>Old/New Business</i>		All

[Sandbox website](#)

[Committee website](#)

#### [Meeting Schedule:](#)

July 22, 2020

August 5, 2020

August 19, 2020

September 2, 2020

September 16, 2020

September 30, 2020

October 14, 2020

November 25, 2020

December 9, 2020

December 23, 2020

# Tab 1



## Utah Supreme Court's Task Force on Regulatory Reform

Draft Meeting Minutes

July 22, 2020

Zoom Conference

3:00 p.m.–4:30 p.m.

### **Attendees:**

Justice Deno Himonas, Co-Chair

John Lund, Co-Chair

Justice Christine Durham (Ret.)

Brody Arishita

Gillian Hadfield

Heather Farnsworth

Rob Jensen

Heidi Anderson

Larissa Lee

Lucy Ricca

Rebecca Sandefur

Dean Gordon Smith

Nathanael Player

Steven Johnson

Thomas Clarke

### **Staff:**

Tyler Hubbard, Law Clerk, Supreme Court

Helen Lindamood, Intern, Reg Reform TF

### **Absent:**

Rep. Brady Brammer

### **Excused:**

Margaret Hagan

### **Guests:**

Jason Valez

Tyler Felt

Noella Sudbury

Meilani Santillan

### **1. Welcome and approval of July 8, 2020 minutes:** (John Lund)

John Lund welcomed everyone to the meeting and then asked for an approval of the minutes.

*J. Himonas moved to approve the July 8, 2020 minutes. Mr. Johnson seconded the motion, and it passed unanimously.*

### **2. Discussion – Application Update** (Lucy Ricca)

The Task Force has received 13 applications so far and the small group has been processing applications in the order they were submitted. Two applications' Court Recommendations have

been approved by the full task Force, but the Supreme Court will not be authorizing any entities until after their vote on Standing Order 15. This vote is currently scheduled for August 12<sup>th</sup>.

Mr. Johnson's group will meet August 3<sup>rd</sup>, to get the Bar's Rules Committee recommendations on Standing Order 15 to Court before they vote.

### **3. Presentation – Status of Outreach Efforts (Noella Sudbury and Meilani Santillan)**

Ms. Sudbury helped facilitate Utah's Clean Slate law which establishes that some Utah residents with a criminal record may no longer have to petition once eligible to seek expunge one's criminal record. At present, the law only applies to those with a limited scope of misdemeanor charges and the legislation did not establish any system which informs persons when their record is expunged. The UT Clean Slate law passed in 2019 legislative session, went into effect in May 2020.

With the help of Code for America and Ms. Santillan, Ms. Sudbury hopes to enter the Sandbox to build out a platform for Utah citizens which informs those who have benefited from the Clean Slate legislations and supports the expungement process at no cost to the user for those who do not qualify for expungement under the Clean Slate legislation.

The current expungement process in Utah is costly, complicated, long, and often requires paying an attorney to determine eligibility and navigate the process. The process is generally 12-18 months long and, even if conducted without legal advice, includes several fees for the consumer, including \$65 application fee (non-waivable), \$65 certification fee per conviction. \$135 filing fee per court. Some clinics and online guides are available, but these are limited. Those seeking expungement must do so in each court where they have a conviction, rather than seeking expungement for one's entire record, because there is no centralized system. The cost of legal representation for the expungement process ranges from \$300-\$3,000, not including the associated fees. Ms. Sudbury cited that recent data established that about 25% of Utahans have a criminal record, meaning that about 800,000 persons could at some point be a target user of her proposed solution.

Ms. Sudbury's proposed solution is a digital service that provides general and individualized legal advice. Her plan is to launch a general info site to help users look identify next steps in seeking expungement. Once established, the digital service would build out more specified user guidance based on their existing records. This portion, which would be built in partnership with a data company and give advice with AI support, would operate within the Sandbox Ms. Sudbury also hopes that data gathered from the digital platform after implementation would inform and facilitate revisions/adjustments to existing Clean Slate legislation.

### **4. Discussion – Technology Update (Heidi Anderson)**

Hiring an intern to support the Task Force's website needs would be \$10.50-\$15.10/hour. Ms. Anderson is putting together an application and sample problem to send out to higher education technical programs. Timing would be dependent on Ms. Anderson getting the application out and reviewing applicants. Funding for the position would come from the Office of Innovation grant. Anticipating ~10 hours week, subject to Brett Johnson's pricing.

*Motion to move forward in hiring an intern, subject to Mr. Johnson's price projections made by Mr. Johnson, seconded by Ms. Sandefur.*

## **5. Discussion – Communications Update (All)**

Recent bar presentations went well. In some of these presentations, legal community members have expressed concern about a separate ruling body governing regulation of legal service innovations.

J. Durham and Dean Smith are preparing for the next communications effort presentation, the Women Lawyers of Utah Panel next week. Following this presentation, the next step in communications efforts is to encourage lawyers to consider the sandbox as an avenue to expand their practice.

The Task Force is not moving forward with any new additional press efforts until the Court makes their decision on the rule changes and the standing order. If the Office Legal Services Innovation is founded following the Court's vote on Standing Order 15, Brett Johnson will be working with the office on communications efforts moving forward.

Guest, Tyler Felt, commended the Task Force's efforts to also communicate report efforts to the public.

## **6. Discussion – Timing (J. Himonas)**

Comments close tomorrow and will be delivered to the Court. J. Himonas is optimistic about the Court's position. The vote is scheduled for August 12<sup>th</sup>. If everything goes to plan, there will be a functioning Innovation Office by the end of August 2020.

## **8. Adjournment and next meeting:**

The meeting adjourned at 4:10 p.m. The next meeting will be held on August 5, 2020 from 3:00 – 4:30 p.m. via Zoom.

# Tab 2



UTAH IMPLEMENTATION TASK FORCE ON REGULATORY REFORM

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# Draft INNOVATION OFFICE MANUAL

## CONTENTS

Introduction	1
Executive Summary	1
Sandbox Recommendation	2
Proposed Services	2
Risk Assessment	2
Appendix A	7
Service Provision	7
Categories of Service	7
Disclosure requirements	8
Data reporting requirements	9

# INTRODUCTION

The manual's purpose is to establish the policies and processes by which the Office of Legal Services Innovation ("Innovation Office") will execute the mandate of the Utah Supreme Court Standing Order 15: to oversee the nontraditional provision of legal services, subject to the ultimate authority and control of the Utah Supreme Court. This manual will serve to guide the Innovation Office, the Utah Supreme Court, Sandbox applicants and participants, and members of the public on the work of the Office.

This is a working document and will be regularly updated or revised according to need. Potential applicants and participants and members of the public should understand that any decisions or actions by either the Innovation Office or the Utah Supreme Court, while informed by this document, are ultimately based on discretion guided by the Regulatory Objective and Regulatory Principles outlined in Standing Order 15.

## APPLYING TO THE SANDBOX

Qualification for the Sandbox is guided by Rule 5.4(B) and Standing Order No. 15, Section 3.3.2. Essentially, the Sandbox is the mechanism by which business models or services that have not traditionally been permitted in the American legal system are able to practice law. This may include:

- traditional law firms taking on nonlawyer investment or ownership;
- nonlawyer-owned or corporate entities employing Utah-licensed lawyers to practice law;
- firms or companies using technology platforms or nonlawyer service providers to practice law; or
- lawyers or firms entering into joint ventures or other forms of business partnerships with nonlawyer entities or individuals to practice law.

There may be many other innovative models or services not permitted under the traditional rules that will apply to the Sandbox.

An entity wishing to apply to the Sandbox must complete the [Application Form](#). The application will be reviewed for completeness and entities may submit supplemental materials via [sandbox@utcourts.gov](mailto:sandbox@utcourts.gov). Applications will not be considered submitted until they are complete.

Applications will be made public on the Innovation Office website at [sandbox.utcourts.gov](http://sandbox.utcourts.gov). Applicants will be asked to identify and claim business confidentiality pursuant to Subsections 63G-2-305(1) and (2) of GRAMA for any such information submitted in the application and such specifically identified information will be redacted before the application is made public.

# INNOVATION OFFICE APPLICATION REVIEW PROCESS

On determination that an application is complete, the Innovation Office will begin its review process.

## RECOMMENDATIONS TO THE COURT ON ENTITY AUTHORIZATION

The Innovation Office strives to make the recommendations and the review and authorization process as efficient as possible and to avoid unnecessary verbiage and repetition. This section provides background information on the Office’s recommendation template, sets out and explains core categories of service provision, service area, disclosure requirements, and data reporting requirements. This section also articulates common risk assessments (e.g. risk that a customer is harmed by not understanding the service is not provided by a lawyer). These assessments will not be articulated in full in the actual recommendation documents submitted to the Court. The Court should, therefore, refer to this manual when reviewing recommendations. This section follows the flow of the recommendation.

### EXECUTIVE SUMMARY

The Recommendation’s Executive Summary is a one page document showing the fundamental information about the recommended entity and the recommended requirements for authorization.

**Recommendation:** Authorize / Deny Authorization

**Applicant:** Name of entity applying for authorization

**Proposed Services:** Services listed here track the [Proposed Services Categories](#) (Appendix A.2) developed by the task force. The entity identifies the categories for which it is seeking authorization.

**Sandbox Qualifiers:** This explains precisely what aspects of the proposed entity/service qualify for participation in the sandbox.

**Utah Qualifier:** Each entity must affirm that its service conforms to any applicable requirements of Utah law.

**Implementation Qualifier:** Each entity must affirm that it is ready or very close to ready to implement its proposed service.

**Regulatory Objective Qualifier:** The Innovation Office must articulate how the proposed service will further the Regulatory Objective outlined in Standing Order No. 15: To ensure consumers have access to a well-developed, high-quality, innovative, affordable, and competitive market for legal services.

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**Qualitative Requirements:** The Innovation Office has developed several simple [disclosure requirements](#) (Appendix A.3) to mitigate potential consumer harms from lack of understanding around these new kinds of business models / legal services.

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**Data Requirements:** The Innovation Office has developed [data reporting requirements](#) (Appendix A.4) for authorized entities. The number and frequency of requirements vary according to the risk level the proposed service presents.

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## SANDBOX RECOMMENDATION

The Sandbox Recommendation section is essentially the same across most applicants. The proposed Scope of Authorization is limited by time (24 months) and by service provision category as outlined in [Appendix A](#).

1. We recommend the Court **authorize / deny authorization** to \_\_\_\_\_, subject to such requirements as the Innovation Office may impose.
2. Scope of authorization: We recommend the following scope of authorization:
  - a. The Innovation Office recommends that the authority be granted for an initial period of 24 months with the possibility of extension or permanent authorization. Any such extension or permanent authorization would be subject to the applicant complying with the conditions and requirements set forth below and also to a verification by the Innovation Office that the entity has a record of compliance with all requirements and the company's services are not causing harm to consumers.
  - b. \_\_\_\_\_ is authorized to practice law only across the categories of legal service provision as recommended in Appendix A.
3. Relevant requirements:
  - a. Disclosure Requirements: As outlined in [Appendix A](#).
  - b. Data Requirements: As outlined in [Appendix A](#).

## PROPOSED SERVICES

The Proposed Services section briefly describes the applicant and its proposed structure and services.

## RISK ASSESSMENT

The Risk Assessment section outlines the risks of consumer harm identified by the Innovation Office. The Innovation Office strives to assess risk of harm posed to the entity's targeted consumers relative to the risk of harm consumers currently face and has grouped these harms into three main areas: (1) inaccurate or inappropriate legal result, (2) failure to exercise legal rights through ignorance or bad advice, and (3) purchase of an unnecessary or inappropriate legal service. For example, if an entity is targeting consumers who do not generally access legal help from lawyers, then the Risk Assessment of the proposed services will be as against receiving no legal help at all or using do-it-yourself tools on the market or from court websites.

The Innovation Office will make a general determination of risk as to the proposed entity / services: low, low to moderate, moderate, moderate to high, high. This will be followed by discussing specific risks. We are starting to identify risks that repeat across entities. Those risks are discussed in detail in this manual but referred to by a shorthand designation in the recommendation. As we identify more risks, we will add them to this manual.

The following three categories and their relative risks are described in detail below: (1) Nonlawyer investment / ownership, (2) legal practice through technology and nonlawyer providers, and (3) user communication.

## 1. NONLAWYER INVESTMENT/OWNERSHIP

Entities may propose taking on nonlawyer investment/ownership or lawyer employees. These services generally pose the following risk levels:

Service Provision	Risk
Lawyer employees	Low
Less than 50% nonlawyer ownership	Low
50% or more nonlawyer ownership	Moderate

Nonlawyer investment / ownership presents the potential risk that nonlawyer owners / investors, unfamiliar with and unlimited by the legal Rules of Professional Conduct, could undermine the provision of legal services to the consumer's detriment. It potentially increases the likelihood of implementing business practices that increase the risk of consumer harm across all three risk areas. The risks of negative impacts from nonlawyer investment / ownership are significantly lower if the nonlawyers have less than majority ownership.

While concern about this risk runs high among lawyers and others unsure about the impact of regulatory reform, data on this risk is relatively limited. Studies from the UK and Australia, each of which have allowed nonlawyer investment / ownership for some time, show no adverse impacts on consumers by legal service businesses with nonlawyer investment/ownership.

There are several ways to address this risk:

- Rules of Professional Conduct: All lawyers participating in the sandbox, whether as owners, employees, independent contractors, or business partners, are required to maintain their

professional duties, including those of loyalty to the client and confidentiality. Rule 5.4A and 5.4B both clearly state the lawyer's responsibilities.

- Identification and Confirmation: During the assessment process, the Innovation Office notes the lawyers' continuing duties of professional responsibility and independence in the application and asks the applicant to briefly describe the policies and processes the applicant will put in place to ensure those duties are maintained.
- Disclosure Requirements: The Innovation Office has developed the following disclosure requirements for nonlawyer owned entities:
  - **For nonlawyer-owned companies:**
    - **This is not a law firm.** Some of the people who own/manage this company are not lawyers. This means that some services / protections, like attorney-client privilege, may be different from those you could get from a law firm.  
  
If you have questions, please contact us at \_\_\_\_\_.
- Reporting of Data: Specific data requirements for each recommendation will be in Appendix A.
  - For less than 50% nonlawyer investment / ownership (low risk), without other risk factors, entities will have [minimal reporting requirements](#). But those requirements include customer complaint data.
  - For more than 50% nonlawyer investment / ownership (moderate risk), entities will have more fulsome [reporting requirements](#) at the outset.

Each recommendation will note any specific policies / processes to ensure lawyer independence that the applicant has identified and the specific data requirements that the Innovation Office requires.

## II. LEGAL PRACTICE THROUGH TECHNOLOGY AND

### NONLAWYER PROVIDERS

There are several mechanisms through which entities may propose to offer legal services through technology or nonlawyer human providers. We have identified the following six categories of service and risk levels:

Service Provision	Risk
Completing legal documents	Low
Nonlawyer provider <sup>1</sup> with lawyer involvement <sup>2</sup>	Moderate
Software provider with lawyer involvement	Moderate
Nonlawyer advice on legal process only	Moderate
Nonlawyer provider without lawyer involvement	High
Software provider without lawyer involvement	High

Basic automated form completion is already widely available on the market. The Utah Courts offer such a service through OPAC. Any proposed service limited to this category presents no real change in the

<sup>1</sup> Provider means legal practitioner: a provider who or which is practicing law, including offering legal advice.

<sup>2</sup> Involvement denotes a range of activities, including guidance on initial development of forms, scripts, processes, software. It could mean a lawyer does sample reviews of product/service performance. It could mean a lawyer is available to advise the nonlawyer provider as needed - including via red flag trap doors in software.

market or increased risk to consumers and will be subjected to [minimal reporting requirements](#).

We foresee multiple applicants proposing to expand on this model by using tech platforms to offer legal advice and guidance to consumers (e.g. providing basic legal advice through a chatbot and enhancing the ability of the technology platform to actively guide consumers to complete forms and other legal documents). We also foresee multiple applicants proposing to use nonlawyer providers (whether as advisors on legal process and/or as subject matter experts) to provide basic legal advice and assistance to consumers.

These types of services would be new legal service models and potentially present risk of harm if the quality of the legal advice and guidance is poor. Potential concerns include failure to identify material factual or legal issues, mischaracterization of material factual or legal issues, inaccurate legal advice, etc. There is little data on the risk of harm to consumers presented by such models. The few studies of nonlawyer provision of limited legal services, including advice, have generally shown no increased risk of harm as long as the area of service and scope of advice is relatively simple.<sup>3</sup> Any risk would also be dependent on the target consumer market.

We have categorised the risk across these service provisions according to the simplicity/complexity of the service offering (e.g., completing legal documents, advising on process only) and according to the involvement of lawyers in developing and overseeing the nonlawyer provision. Nonlawyer provision of substantive legal advice without lawyer involvement are the only two services designated high risk.

<sup>3</sup> Rebecca L. Sandefur, *Legal Advice From NonLawyers: Consumer Demand, Provider Quality, and Public Harms*, available at: <https://law.stanford.edu/publications/legal-advice-from-nonlawyers-consumer-dem-and-provider-quality-and-public-harms/>.

We note that the potential upside for access to justice of service models including nonlawyer tech and human providers is significant. Diversifying the legal services market among many providers is key to enabling more consumers to engage with legal assistance. Our regulatory objective directs us to use our resources to help develop a legal services market that is both high quality and competitive and affordable.

Once an entity is authorized, data through reporting requirements will be our main tool to facilitate our regulatory objective while also focusing on consumer protection. As the risk of any proposed service increases, we can increase the frequency and substance of reporting. For example, consider an entity that proposes to offer an interactive web platform that permits legal document completion supplemented by automated chatbots that offer basic legal advice. The platform and chatbot—all facets of customer engagement—are developed and overseen by lawyers (this is the 1Law model), and lawyers are regularly and routinely engaged with the customer-facing tech. This would be categorized as moderate risk and subject to the [full data reporting range](#), potentially with follow on expert review of random sampling requirements.

We have not yet received an application for a service in the high risk category (nonlawyer provider without lawyer involvement or software provider without lawyer involvement). Expert review and follow on review of random samples would certainly be required. Other potential tools could be considered.

### III. USER COMMUNICATIONS

We are developing a system of entity regulation in which the entity itself is given the authorization to practice law. This may cause some tension with the traditional rules governing aspects of legal practice. In particular, communications between a user and licensed entities may present novel issues. As it stands, the attorney / client privilege applies only to communications between lawyers and their clients “for the purpose or in the course of obtaining or facilitating the rendition of legal services to the client.” This raises concerns around risk of consumer harm from communication of sensitive information that is not protected from later discovery because it was not made to a lawyer within the definition of Rule 504. For example, a consumer communicating with a chatbot or with a nonlawyer legal advisor may believe their communications are protected because they simply assume they are getting legal help and find that sensitive information is now subject to disclosure.

There are currently many legal service options on the market providing automated legal document completion that do not come within the reach of the attorney / client privilege and there are good reasons to think that consumers may not need or care about the application of the privilege to many types of legal service. Completing estate planning documents or drafting an employment contract template, for example, may not trigger consumer interest in the privilege. However, assuming that consumers are knowledgeable enough to draw distinctions around what is, essentially, a rule of evidence presents potentially significant risk.

In addition, lawyers practicing law as employees of a nonlawyer-owned entity raise novel issues around the nature of the client engagement, the status of the relationship between the lawyer and the entity, and protection of communications.

To address these issues and the resulting risk of consumer harm, we developed the following disclosure to be made on an authorized entity's website, in the terms of service, and at the start of a consumer interaction/engagement:

- **This service is not a lawyer.** The product / service you have selected is not a lawyer. This means:
  - Someone involved with you or with your legal issue, including people on the other side of this case, could be using this service as well.
  - We could be required to disclose your communications (such as questions and information submissions) to third parties.

If you have questions, please contact us at \_\_\_\_\_.

# APPENDIX A

Appendix A provides the details of the service provision categories, service area categories, disclosure, and reporting requirements for the recommendation.

## I. SERVICE PROVISION

This framework outlines categories of service provision. The Innovation Office has assigned risk levels to each of these categories. The risk levels are internal and are not distributed to the applicants or to the public. We will recommend each applicant for those categories the applicant has selected.

If the applicant's model changes to include a new category (e.g. going from less than 50% nonlawyer ownership to more), then the applicant needs to request additional assessment and authorization from the Innovation Office. The changes that require authorization include:

- Lawyer employees
- Completing legal documents
- Less than 50% nonlawyer ownership
- 50% or more nonlawyer ownership
- Nonlawyer provider with lawyer involvement
- Software provider with lawyer involvement
- Nonlawyer advice on legal process only
- Nonlawyer provider without lawyer involvement
- Software provider without lawyer involvement

## II. CATEGORIES OF SERVICE

This framework outlines substantive legal areas. The applicant has identified the service areas in which they will be working. Expanding into new service categories will not, on its own, require new authorization but applicants / participants must comply with reporting requirements for the new service categories.

- Accident/Injury
- Adult Care
- Business
- Criminal Expungement
- Discrimination
- Domestic Violence
- Education
- Employment
- End of Life Planning
- Financial Issues
- Healthcare
- Housing (Rental)
- Immigration
- Marriage and Family
- Military
- Native American/Tribal Issues
- Public Benefits
- Real Estate

### III. DISCLOSURE REQUIREMENTS

#### REQUIRED FOR ALL AUTHORIZED ENTITIES

We are developing a “badge” for all authorized entities to display on their websites as well as brick-and-mortar offices. This will facilitate consumer knowledge and confidence and will provide question / complaint information. Regulators in the UK have developed a similar “badge” for regulated legal service entities.

\*\*Please note - this is a draft mock up



For more information or to file a complaint,  
please visit [innovation.utcourts.gov](http://innovation.utcourts.gov)

#### REQUIRED AS APPLICABLE

- **This is not a law firm.** Some of the people who own / manage this company are not lawyers. This means that some services / protections, like the attorney-client privilege, may be different from those you could get from a law firm.
  - If you have questions, please contact us at \_\_\_\_\_.
- **This service is not a lawyer.** The product / service you have selected is not a lawyer. This means:
  - Someone involved with you or with your legal issue, including people on the other side of this case, could be using this service as well.
  - We could be required to disclose your communications (such as questions and information submissions) to third parties.

If you have questions, please contact us at \_\_\_\_\_.

#### IV. DATA REPORTING REQUIREMENTS

For each approved service area, the entity will submit data as follows in .csv or other agreed upon format.

##### COMPLETING LEGAL DOCUMENTS, NONLAWYER INVESTMENT/OWNERSHIP: LESS THAN 50% - LOW RISK

Consumer Service	Criteria of Assessment	Provider	Measure	Reporting
<b>General</b>	General	All services	Number of people served, broken down by type of service (i.e. chatbot, form tool, lawyer, nonlawyer)	Quarterly
			Geographic info	Quarterly
			Revenue / receipt info	Quarterly
			All consumer complaints	Quarterly

##### NONLAWYER INVESTMENT/OWNERSHIP: MORE THAN 50% - LOW TO MODERATE RISK

Consumer Service	Criteria of Assessment	Provider	Measure	Reporting
<b>General</b>	General	All services	Number of people served, broken down by type of service (i.e. chatbot, form tool, lawyer, nonlawyer)	Monthly
			Geographic info	Monthly
			Revenue / receipt info	Monthly
			All consumer complaints	Monthly

NONLAWYER PROVIDER<sup>4</sup> WITH LAWYER INVOLVEMENT,<sup>5</sup> SOFTWARE PROVIDER WITH LAWYER INVOLVEMENT, NONLAWYER ADVICE ON LEGAL  
PROCESS ONLY - MODERATE RISK

Consumer Service	Criteria of Assessment	Provider	Measure	Reporting
<b>General</b>	General	All services	Number of people served, broken down by type of service (i.e. chatbot, form tool, lawyer, nonlawyer)	Monthly
			Geographic info	Monthly
			Revenue / receipt info	Monthly
			All consumer complaints	Monthly
<b>Specific consumer service</b>	<p>Consumer achieves an inaccurate or inappropriate legal result.</p> <p>Consumer fails to exercise legal rights through ignorance or bad advice.</p> <p>Consumer purchases an unnecessary or inappropriate legal service.</p>	Nonlawyer	Satisfactory expert review of representative selection of work product.	Nontraditional products/services: first 20 consumer interactions to be reviewed by legal experts for accuracy and quality. <i>(Office may recommend additional quarterly reporting on review of n interactions selected at random.)</i>
		Nonlawyer	Nonfinancial outcomes data (% customers that did/did not get the outcome they sought)	Monthly
		Nonlawyer	Track relevant outcomes across cases assisted by the new services and those not (e.g., was divorce achieved)	Monthly
		Nonlawyer	Data on returns for error fixes.	Monthly
		Nonlawyer	Track services provided across events with similar outcomes (e.g. what services were provided in this divorce)	Monthly
		Nonlawyer	Financial outcome (benefit obtained or loss prevented) data broken down by outcome (divorce, custody).	Monthly

<sup>4</sup> Provider means legal practitioner: a provider who or which is practicing law, including offering legal advice.

<sup>5</sup> Involvement denotes a range of activities, including guidance on initial development of forms, scripts, processes, software. It could mean a lawyer does sample reviews of product/service performance. It could mean a lawyer is available to advise the nonlawyer provider as needed - including via red flag trap doors in software.

**NONLAWYER PROVIDER WITHOUT LAWYER INVOLVEMENT & SOFTWARE PROVIDER WITHOUT LAWYER INVOLVEMENT - HIGH RISK**

Consumer Service	Criteria of Assessment	Provider	Measure	Reporting
<b>General</b>	<b>General</b>	All services	Number of people served, broken down by type of service (i.e. chatbot, form tool, lawyer, nonlawyer)	Monthly
			Geographic info	Monthly
			Revenue / receipt info	Monthly
			All consumer complaints	Monthly
<b>Specific consumer service</b>	<p>Consumer achieves an inaccurate or inappropriate legal result.</p> <p>Consumer fails to exercise legal rights through ignorance or bad advice.</p> <p>Consumer purchases an unnecessary or inappropriate legal service.</p>	Nonlawyer	Satisfactory expert review of representative selection of work product.	Nontraditional products/services: first 20 consumer interactions to be reviewed by legal experts for accuracy and quality. <i>(Office may recommend additional quarterly reporting on review of n interactions selected at random.)</i>
		Nonlawyer	Nonfinancial outcomes data (% customers that did/did not get the outcome they sought)	Monthly
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