

PART II. THE DELIVERY OF LEGAL SERVICES IN THE UNITED STATES: THE COMMISSION'S RECOMMENDATIONS



"It is neither easy nor comfortable to embrace innovation, but we must do so—now. As lawyers, we have so much to offer to those who need help, but millions cannot access our services. This has to change, and we must drive that change. If we want to make justice for all a reality, we need to listen to different perspectives and open ourselves to new approaches and ideas, all while following our core value of protecting the public."

Linda A. Klein
ABA PRESIDENT-ELECT 2015-16

As demonstrated in Part I, the American public faces significant, unmet legal needs. Although various efforts have improved the delivery of legal services and made those services more accessible for some, much

work remains to be done. The Commission offers the following recommendations in order to build on past efforts and ensure that everyone has meaningful assistance for essential legal needs.

Recommendation 1.

The legal profession should support the goal of providing some form of effective assistance for essential civil legal needs to all persons otherwise unable to afford a lawyer.

The goal of justice for all remains elusive. The Commission recommends that the ABA, other bar associations, and individual members of the legal profession assist and implement the 2015 resolution by the Conference of Chief Justices and

Conference of State Court Administrators to “support the aspirational goal of 100 percent access to effective assistance for essential civil legal needs and urge their members to provide leadership in achieving that goal and to work with their Access

to Justice Commission or other such entities to develop a strategic plan with realistic and measurable outcomes.”³⁰⁶

In order to reach that goal, the Commission recommends that jurisdictions aspire to the following principles in an effort to address the crisis in access to justice for underserved populations.

Principles for Access to Legal Services for the Underserved³⁰⁷

- Legal representation should be provided as a matter of right at public expense to low-income persons in adversarial proceedings in those categories of proceedings where basic human needs are at stake, such as those involving shelter, sustenance, safety, health, or child custody.
- Coordination and collaboration among service providers, the courts, the bar, client communities, government agencies and other stakeholders should occur systematically to support and facilitate access to justice for all.
- Legal representation should be competently and effectively provided, offered independently of the appointing authority, and free from conflicts of interest.
- Adequate compensation and funding should be provided to those who deliver legal services to ensure effective and competent representation.
- Court proceedings should be accessible, understandable, and welcoming to unrepresented litigants.
- Courts should adopt standardized, uniform, plain-language forms for all proceedings in which a significant number of litigants are unrepresented.

- Courts should ensure that all litigants have some form of effective assistance in addressing significant legal needs. A full range of services should be provided in all forums, and should be uniformly available throughout each state.
- Courts should examine and, if they deem appropriate and beneficial to providing greater access to competent legal services, adopt rules and procedures for judicially-authorized-and-regulated legal services providers.
- Courts should adopt technologies that promote access for unrepresented litigants.

Furthermore, the recommendations contained in the Legal Services Corporation’s *Report of the Summit on the Use of Technology to Expand Access to Justice*³⁰⁸ provide important mechanisms for using technology to support the goal of justice for all. In particular, the Commission recommends implementation of the following strategies identified in the LSC Report:

- Creating in each state a unified “legal portal” that, by an automated triage process, directs persons needing legal assistance to the most appropriate form of assistance and guides self-represented litigants through the entire legal process.
- Deploying sophisticated document assembly applications to support the creation of legal documents by service providers and by litigants themselves and linking the document creation process to the delivery of legal information and limited scope legal representation.
- Taking advantage of mobile technologies to reach more persons more effectively.
- Applying business process/analysis to all access to justice activities to make them as efficient as possible.
- Developing “expert systems” to assist lawyers and other services providers.

The LSC Report observed: "Technology can and must play a vital role in transforming service delivery so that all poor people in the United States with an essential civil legal need obtain some form of effective assistance."³⁰⁹ At a minimum, the public should have access to a "website accessible through computers, tablets, or smartphones that provides sophisticated but easily understandable

information on legal rights and responsibilities, legal remedies, and forms and procedures for pursuing those remedies."³¹⁰ The ABA should collaborate with the LSC and other interested entities to pursue the implementation of the recommendations set out in the LSC's *Report of the Summit on the Use of Technology to Expand Access to Justice*.

Recommendation 2.

Courts should consider regulatory innovations in the area of legal services delivery.

2.1. Courts should consider adopting the ABA Model Regulatory Objectives for the Provision of Legal Services.

Various regulatory innovations have been adopted in the U.S. and around the world with the stated objective of improving the delivery of legal services. The Commission believes that, as U.S. courts consider these innovations, they should look to the ABA Model Regulatory Objectives for the Provision of Legal Services for guidance. Regulatory objectives are common in other countries and offer principled guidance when regulators consider whether reforms are desirable and, if so, what form such changes might take. In February 2016, the ABA House of Delegates officially adopted the Commission's proposed Model Regulatory Objectives.³¹¹ In doing so, the House of Delegates recognized "that nothing contained in this Resolution abrogates in any manner existing ABA policy prohibiting non lawyer ownership of law firms or the core values adopted by the House of Delegates."

ABA Model Regulatory Objectives for the Provision of Legal Services

A. Protection of the public

B. Advancement of the administration of justice and the rule of law

- C. Meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems
- D. Transparency regarding the nature and scope of legal services to be provided, the credentials of those who provide them, and the availability of regulatory protections
- E. Delivery of affordable and accessible legal services
- F. Efficient, competent, and ethical delivery of legal services
- G. Protection of privileged and confidential information
- H. Independence of professional judgment
- I. Accessible civil remedies for negligence and breach of other duties owed, disciplinary sanctions for misconduct, and advancement of appropriate preventive or wellness programs
- J. Diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system.

The ABA Model Regulatory Objectives offer courts much-needed guidance as they consider how to regulate the practice of law in the 21st century.

Regulatory objectives are a useful initial step to guide supreme courts and bar authorities when they assess their existing regulatory framework and any other regulations they may choose to develop concerning legal services providers. The Commission believes that the articulation of regulatory objectives serves many valuable purposes. One article cites five such benefits:

First, the inclusion of regulatory objectives definitively sets out the purpose of lawyer regulation and its parameters. Regulatory objectives thus serve as a guide to assist those regulating the legal profession and those being regulated. Second, regulatory objectives identify, for those affected by the particular regulation, the purpose of that regulation and why it is enforced. Third, regulatory objectives assist in ensuring that the function and purpose of the particular [regulation] is transparent. Thus, when the regulatory body administering the [regulation] is questioned—for example, about its interpretation of the [regulation]—the regulatory body can point to the regulatory objectives to demonstrate compliance with function and purpose. Fourth, regulatory objectives can help define the parameters of the [regulation] and of public debate about proposed [regulation]. Finally, regulatory objectives may help the legal profession when it is called upon to negotiate with governmental and nongovernmental entities about regulations affecting legal practice.³¹²

Regulatory objectives differ from the legal profession's core values in at least two respects. First, the core values of the legal profession are (as the name suggests) directed at the "legal profession."³¹³ By contrast, regulatory objectives are intended to cover the creation and interpretation of a wider array of legal services regulations, such as regulations covering new categories of legal services providers. For this reason, some duties that already exist in the Model Rules of Professional Conduct (e.g., the duty of confidentiality) are restated in the ABA Model Regulatory Objectives for the Provision of Legal Services to emphasize their importance and relevance when developing regulations for legal services providers who are not lawyers. Second, while the core values of the legal

profession remain at the center of lawyer conduct rules, the core values offer only limited, although still essential, guidance in the context of regulating the legal profession. The more holistic set of regulatory objectives can offer U.S. jurisdictions clearer guidance than the core values typically provide.³¹⁴

The Commission encourages courts and bar authorities to use the ABA Model Regulatory Objectives when considering the most effective way for legal services to be delivered to the public. A number of jurisdictions are already engaging in this inquiry. For example, at least one U.S. jurisdiction (Colorado) has adopted a new preamble to its rules governing the practice of law that is intended to serve a function similar to the ABA Model Regulatory Objectives for the Provision of Legal Services.³¹⁵ The Utah Supreme Court Task Force to Examine Limited Legal Licensing used the ABA Model as a reference in considering limited-scope licensure.³¹⁶ Relatedly, the Conference of Chief Justices passed a resolution encouraging courts to consider the ABA Model Regulatory Objectives.³¹⁷ In addition, the development and adoption of regulatory objectives with broad application has become increasingly common around the world. In adopting these ABA Model Regulatory Objectives for the Provision of Legal Services, the ABA joins jurisdictions outside the U.S. that have adopted them in the past decade or have proposals pending, including Australia, Denmark, England, India, Ireland, New Zealand, Scotland, Wales, and several Canadian provinces.³¹⁸

2.2. Courts should examine, and if they deem appropriate and beneficial to providing greater access to competent legal services, adopt rules and procedures for judicially-authorized-and-regulated legal services providers.

The Commission supports efforts by state supreme courts to examine, and if they deem appropriate and beneficial to providing greater access to competent legal services, adopt rules and procedures for judicially-authorized-and-regulated legal services providers (LSPs). Examples

of such LSPs include federally authorized legal services providers and other authorized providers at the state level, such as courthouse navigators and housing and consumer court advocates in New York; courthouse facilitators in California and Washington State; limited practice officers in Washington State; limited license legal technicians in Washington State; courthouse advocates in New Hampshire; and document preparers in Arizona, California, and Nevada. In some jurisdictions, where courts have authorized these types of LSPs, these individuals are required to work under the supervision of a lawyer; in other instances, courts, in the exercise of their discretion, have authorized these LSPs to work independently. In each instance, the LSPs were created and authorized to facilitate greater access to legal services and the justice system, with steps implemented to protect the public through training, exams, certification, or similar mechanisms.

The Commission does not endorse the authorization of LSPs in any particular situation or any particular category of these LSPs. Jurisdictions examining the creation of a new LSP program might consider ways to harmonize their approaches with other jurisdictions that already have adopted similar types of LSPs to assure greater uniformity among jurisdictions as to how they approach LSPs. Jurisdictions also should look to others to learn from their experiences, particularly in light of the lack of robust data readily available in some states on the effectiveness of judicially-authorized-and-regulated LSPs in closing the access to legal services or justice gap. The Commission urges that the ABA Model Regulatory Objectives guide any judicial examination of this subject.

2.3. States should explore how legal services are delivered by entities that employ new technologies and internet-based platforms and then assess the benefits and risks to the public associated with those services.

An increasingly wide array of entities that employ new technologies and internet-based platforms are providing legal services directly to the public

without the oversight of the courts or judicial regulatory authorities.³¹⁹ Some of these legal services provider (LSP) entities deliver services that are not otherwise available. Other LSP entities provide services that are available, but provide them at a lower cost. The Commission believes that, in many instances, these innovative LSP entities have positively contributed to the accessibility of legal services.

Some have suggested that new regulatory structures should be created to govern LSPs that offer services to the public. The Commission encourages caution in developing any such structures. One benefit of the existing and limited regulatory environment is that it has nurtured innovation and allowed many new and useful LSP entities to emerge. The unnecessary regulation of new kinds of LSP entities could chill additional innovation, because potential entrants into the market may be less inclined to develop a new service if the regulatory regime is unduly restrictive or requires unnecessarily expensive forms of compliance.

On the other hand, narrowly tailored regulation may be necessary in some instances to protect the public. Moreover, some existing and potential LSP entities currently face uncertainty about whether they are engaged in the unauthorized practice of law, the definition of which in most jurisdictions has not kept up with the new realities of a technology-based service world.³²⁰ In these cases, the establishment of new regulatory structures may spur innovation by giving entities express authority to operate and a clear roadmap for compliance.³²¹ By expressly setting out how LSP entities of a particular type can comply with appropriate regulations, potential new entrants may be more inclined to develop new services that ultimately help the consuming public.³²²

The Commission recommends that, before adopting any new regulations to govern LSP entities, states study the LSPs that are operating in their legal marketplace, collect data on the extent to which these LSPs are benefiting or harming the public, and determine whether adequate safeguards against harm already exist under current law (for example, consumer protections laws).³²³

When conducting this study, input should be sought from a broad array of constituencies, including the public and the types of entities that would be governed by any possible new regulatory structures. In all cases, the touchstone for considering new regulations should be public protection as articulated in the ABA Model Regulatory Objectives for the Provision of Legal Services.

The Commission recognizes that the collection of data and crafting of regulations comes with challenges and opportunities. For example, the services offered by LSP entities are constantly changing, and any regulatory scheme must be flexible enough to address emerging technologies while not impeding the development of new ideas.³²⁴ Regulators also may have difficulty offering precise definitions of the kinds of LSP entities they are regulating. Regulators also will have to decide whether they want to regulate all entities that provide a particular kind of service to the public or whether exceptions may be warranted, such as for non-profit and governmental entities that offer services. Although these issues are complicated, the Commission believes that careful study and data-driven analysis can ensure that innovation is encouraged at the same time that the public is adequately protected. The profession's capacity for research and data-driven assessment will only become more important as the pace and diversity of innovation in legal services delivery increases.

2.4. Continued exploration of alternative business structures (ABS) will be useful, and where ABS is allowed, evidence and data regarding the risks and benefits associated with these entities should be developed and assessed.

As part of conducting a comprehensive assessment of the future of the legal profession, the Commission undertook a robust examination of alternative business structures (ABS). The Commission studied the limited development of ABS within the United States as well as the extensive growth of ABS outside the United States. The Commission paid particular attention to empirical

studies of ABS that have been undertaken since 2013, when the ABA Commission on Ethics 20/20 completed its review of ABS and decided not to propose any policy changes regarding ABS.

The Commission on the Future of Legal Services released an Issues Paper that identified the potential risks and benefits of ABS as well as the available evidence from the empirical studies.³²⁵ In response, the Commission received some comments that advocated for the expansion of ABS in the United States or the further study of the subject. The majority of comments, however, reflected strong opposition to ABS, and some criticized the Commission for even examining the subject in light of existing ABA policy opposing ABS. These comments are archived at <https://perma.cc/5T7J-XKT8>. Many of the comments opposing ABS focused on the commenters' belief that ABS poses a threat to the legal profession's "core values," particularly to the lawyer's ability to exercise independent professional judgment and remain loyal to the client. Specifically, opponents of ABS fear that nonlawyer owners will force lawyers to focus on profit and the bottom line to the detriment of clients and lawyers' professional values. Critics also argued that there is no proof that ABS has made any measurable impact on improving access to legal services in those jurisdictions that permit ABS.

The Commission's views were informed by the emerging empirical studies of ABS. Those studies reveal no evidence that the introduction of ABS has resulted in a deterioration of lawyers' ethics or professional independence or caused harm to clients and consumers. In its 2014 Consumer Impact Report, the UK Legal Consumer Panel concluded that "the dire predictions about a collapse in ethics and reduction in access to justice as a result of ABS have not materialised."³²⁶ Australia also has not experienced an increase in complaints against lawyers based upon their involvement in an ABS. At the same time, the Commission also found little reported evidence that ABS has had any material impact on improving access to legal services.

The Commission believes that continued exploration of ABS will be useful and that, where ABS

is used, additional evidence and data should be collected and the risks and benefits of ABS should be further assessed.³²⁷ The Commission urges the ABA to engage in an organized and centralized effort to collect ABS-related information and data, which should include information and data compiled at the jurisdictional level. To assist this ef-

fort, jurisdictions that permit ABS should seek to compile relevant data on this subject as well. By creating a centralized repository for this information and data, the ABA can continue to perform a vital and longstanding function: ensuring that deliberations on a subject of import to the profession are fact-based, thorough, and professional.

Recommendation 3.

All members of the legal profession should keep abreast of relevant technologies.

Rule 1.1, Comment [8] of the ABA Model Rules of Professional Conduct provides that, in order for lawyers to maintain professional competence, they must “keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology.”³²⁸ To help lawyers satisfy this professional obligation, bar associations should offer continuing legal education on technology and educate their members through website content, e-newsletters, bar journal articles, meeting panels and speakers, technology mentoring programs, and other means. The Florida Bar Board of Governors, for example, has approved a mandatory technology-based continuing legal education requirement.³²⁹ When developing competence in this area, lawyers should pay particular attention to technology that improves access to the delivery of legal services and makes those services more affordable to the public.

“Other professions have embraced technology more quickly than the legal profession. We must adapt to fulfill our mission and do so true to first principles.”

Stephen A. Saltzburg

WALLACE AND BEVERLEY WOODBURY UNIVERSITY PROFESSOR

THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL

WASHINGTON, DC

Recommendation 4.

Individuals should have regular legal checkups, and the ABA should create guidelines for lawyers, bar associations, and others who develop and administer such checkups.

Legal checkups are an underused resource to help solve individuals’ problems and expand access to legal services. Many people with civil justice

Law students also should graduate with this obligation firmly in mind. To achieve this goal, an increasing number of law schools include legal technology as part of the curriculum—a development that the Commission endorses as essential. The ABA Legal Technology Resource Center stands as a model for how technology resources and expertise can be made available to bar association members.

problems do not recognize that they have needs that require, or would be best addressed by, legal solutions. Regular legal checkups would help to

inform people of their legal needs and to identify needed legal assistance, which may take various forms.³³⁰

Legal checkups are analogous to medical checkups. Sometimes a person is aware of a problem, as indicated by an overt symptom, such as fever or pain (indicating a medical problem) or receipt of a summons or complaint (indicating a legal problem). At other times, medical and legal issues are only discovered after using a diagnostic tool. As Professor Rebecca Sandefur's research has shown, many individuals fail to recognize when they have a legal problem, and even when they do, they fail to seek legal assistance.³³¹

Legal checkups are not new. Beginning in the 1950s, Louis M. Brown, a practitioner and law professor, wrote extensively about "preventive law," the client-centric idea that lawyers should employ prophylactic measures to forestall legal problems, and he developed the idea of legal checkups. Bar associations and other organizations have periodically promoted legal checkups, but many early initiatives have fallen into disuse. Some legal checkups are available online, but apart from some notable exceptions,³³² few take advantage of expert system technology to create branching inquiries that enable people to quickly and efficiently consider a range of issues.

The Commission believes that all individuals should have legal checkups on a periodic basis, especially when major life events occur (for example, marriage, divorce, the birth of a child). Additionally, lawyers, bar associations, and others should be encouraged to develop and administer legal checkups for the benefit of the public and should determine what consumers most want and need from a legal checkup.³³³

To protect the public and increase access to legal services, legal checkups should meet certain basic standards. As a starting point, the Commission recommends that the ABA adopt guidelines for legal checkups that are consistent with the following:³³⁴

Proposed ABA Guidelines for Legal Checkups

Preamble: The purpose of legal checkups is to empower people by helping them identify their unmet legal needs and make informed decisions about how best to address them. Legal checkups should be easy for individuals to use, and the results should be easy to understand.

1. **Ease of Understanding:** Legal checkups should be designed using plain language so that people who do not have legal training can easily understand the language used. Any words that are not easily understandable by someone without legal training should be defined and explained using plain language.
2. **Candor and Transparency:** The promotion, distribution, and content of legal checkups must not be false, misleading, or deceptive.
3. **Substantive Quality:** Legal checkups should be created by or in consultation with individuals who are competent in the applicable law that the checkup addresses.
4. **Communication:** Legal checkup providers should clearly communicate to users that the quality and effectiveness of the checkup depends on the users providing full and accurate information.
5. **Limits of the Checkup:** Legal checkup providers should give users conspicuous notice that a legal checkup is primarily designed to identify legal issues, not to solve them, and is not a substitute for legal advice.
6. **Resources:** If a legal checkup identifies legal needs, it should direct the user to appropriate resources, such as lawyer referral services, legal self-help services, social services, government entities, or practitioners. Users should be informed that they are not obligated to use the services of any particular resource or service provider.
7. **Affordability:** Legal checkups should be available free of charge or at low cost to

- people of limited or modest means. If providers charge for legal checkups, the price should be commensurate with the user's ability to pay and clearly disclosed in advance.
8. Accessibility:
- To the extent feasible, legal checkups should be accessible to all users, including people who do not speak English and people with disabilities.³³⁵
 - Legal checkups should be available to the public in a wide variety of venues (for example, public libraries, domestic violence shelters, social services offices, membership organizations, etc.).
 - Web-based legal checkups should be available on a wide variety of electronic platforms, including mobile platforms.
 - The content of legal checkups, and their terms of use and privacy policies, should be accessible, written in plain language, and easy to navigate.
9. Jurisdiction: Where legal checkups are state-specific, the provider should identify the relevant state law. Where legal checkups are not state-specific, but implicate state law, the provider should indicate that not all content may apply in the user's state.
- Compliance with Law: The development and administration of legal checkups must comply with all applicable law,³³⁶ including laws and rules regarding the unauthorized practice of law.
 - Privacy and Security of Personal Information: Providers of legal checkups—whether web- or paper-based—should take appropriate steps to protect users' personal information from unauthorized access, use, and disclosure. Providers should not disclose such information, or use it for any purpose, apart from the purpose of providing the legal checkup, without the user's express authorization, except as required by law or court order.
 - Provider Information: Legal checkups should include the provider's contact information (e.g., name, address, and email address) and all relevant information about the provider's identity, including legal name.
 - Dating of Material: The legal checkup should include a prominent notice of the date on which the legal checkup was last updated.

Recommendation 5.

Courts should be accessible, user-centric, and welcoming to all litigants, while ensuring fairness, impartiality, and due process.

5.1. Physical and virtual access to courts should be expanded.

Courts should make efforts to accommodate the schedules of litigants with employment or family obligations, including remaining open for some functions during at least some evening and weekend hours. Accessibility of physical courthouses, courtrooms, and administrative hearing rooms should be expanded. This includes structural and

technological accommodations that permit all citizens to use the courts equally and that meet and, where possible, exceed legal requirements regarding physical accessibility.

Courts also should consider whether the physical presence of litigants, witnesses, lawyers, experts, and jurors is necessary for hearings, trials, and other proceedings or whether remote participation through technology is feasible with-

out jeopardizing litigant rights or the ability of lawyers to represent their clients. Technologies should be adopted to aid lawyers with limitations on abilities to better serve their clients and promote greater accessibility for experts, jurors, and witnesses with limitations on abilities. Courts should use current and developing communication technologies, with appropriate security in place, to make available by remote access document filing, docket/record searches, and other similar services. Remote, real-time access to legal proceedings also should be explored. Courthouse facilities should be welcoming by design, and court personnel should be welcoming in attitude and demeanor. Courthouses exist to serve the public, and people should not feel intimidated or unwelcome in the pursuit of justice.

The Commission also recommends an increase in the range of locations for the public to pursue legal assistance and resolve disputes. For example, it may be helpful to co-locate brick-and-mortar legal resource centers in community facilities frequently accessed by the public, such as post offices, public libraries and law libraries, community centers, and retail settings. The concept of providing greater availability of services is similar to the expanded availability of flu shots in retail drugstores.

5.2. Courts should consider streamlining litigation processes through uniform, plain-language forms and, where appropriate, expedited litigation procedures.

The Commission recommends the development of national and statewide uniform court forms and procedures in appropriate areas so that individuals can more readily obtain proper documents from centralized sources and independently (or, where appropriate, with assistance) achieve their legal objectives. Simplified forms and procedures should provide straightforward, plain-English notifications, instructions, paperwork, and explanatory materials to guide members of the public through their dealings with the courts. Court rules, forms, and procedures should be as uniform as possible throughout the state to enhance the efficient and fair administration of

justice. Litigants should be permitted to operate under the same rules and file the same forms in every court within a state. The number of forms required for a particular proceeding should not be unduly burdensome; as just one example, in New York State an uncontested divorce requires between twelve and twenty-one forms depending on the jurisdiction. Even twelve forms are too many. A primary value served by all rules and procedures should be efficiency in resolving disputes and finding the best use of party, attorney, and court resources.

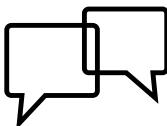
The ABA, the National Center for State Courts, the Conference of Chief Justices, and the Conference of State Court Administrators should collaborate to create a National Commission on Uniform Court Forms, similar to the National Conference of Commissioners on Uniform State Laws. The purpose of the Commission would be to generate model forms to be used by both represented and unrepresented litigants on a multi-state basis in ways that create consistency and accommodate simplified technological document preparation.

The Commission also recommends implementation of expedited litigation, where appropriate. For example, in 2013 “the Texas legislature mandated the Texas Supreme Court to adopt rules to lower the cost of discovery and expedite certain trials through the civil justice system”³³⁷ where the amount in controversy does not exceed \$100,000. Similarly, courts in Arizona, California, Nevada, New York, Oregon, South Carolina, and Utah have adopted expedited processes for the purposes of either “streamlining the pretrial process to allow litigants to proceed to trial at lower cost” or “streamlining the trial itself, which indirectly affects the pretrial process,”³³⁸ thus reducing expenses and time invested by litigants to resolve their disputes.

5.3. Multilingual written materials should be adopted by courts, and the availability of qualified translators and interpreters should be expanded.

To ensure access to justice for all, bar associations and courts should implement systems and pro-

Multilingual Courts



325,000

judicial proceedings
requiring an interpreter
annually

119

different languages
spoken by interpreters
annually

cesses to assure that people who face language barriers are not at a disadvantage when using legal processes. As Judge Irving R. Kaufman wrote nearly 50 years ago, court interpreting services are important “[n]ot only for the sake of effective cross examination ... but as a matter of simple humaneness...”³³⁹ The importance of these services has only grown: a 2014 study concluded that interpreters were needed in more than 325,000 judicial proceedings in 119 different languages annually.³⁴⁰ At a minimum, courts should comply with, if not exceed, the ABA Standards for Language Access in Courts, adopted as policy in 2012.³⁴¹ These Standards contain a detailed explanation of when interpreters and other language access assistance are constitutionally or statutorily required in state or federal courts. In addition, all written materials, documentation, brochures, forms, websites, and other information sources should strive to eliminate or significantly reduce language barriers.

Given the costs of in-person, individualized services necessary for qualified translators, it might be possible to use technology to facilitate remote interpreter services. For example, one court system in Florida, which was highlighted at an innovation showcase during the ABA National Summit on Innovation in Legal Services, developed a mechanism for virtual remote interpreting.³⁴²

5.4. Court-annexed online dispute resolution systems should be piloted and, as appropriate, expanded.

As a tool to prevent the escalation of conflicts, alternative dispute resolution (ADR) represents an important means for improving access to the legal system. ADR is an area of legal services that has for decades been devoted to reducing costs, increasing efficiency, and improving results for participants in the legal system. By several measures, ADR outperforms litigation.³⁴³ Because ADR techniques reduce the time and costs involved in resolving conflict, such techniques can be used to provide greater access to the legal system, especially for the poor, the middle class, and small businesses. The term ADR also encompasses court programs, community mediation, and restorative justice. What began years ago as an exploration of alternatives to litigation has become pervasive and grown to the point that it is no longer the alternative, but a mainstay of legal services. The future of legal services likely will see greater growth in all of these areas.

Online dispute resolution (ODR) has been used in the private sector as a form of ADR to help businesses and individuals resolve civil matters without the need for court proceedings or court appearances. A court-annexed ODR system would help relieve the overburdened court system and facilitate judicial efficiency, as well as preserve the constitutional and traditional role of the courts in dispute resolution, at a time when ODR systems are increasingly privatized. By harnessing technology, ODR holds the promise of delivering even greater efficiency in conflict resolution than traditional ADR does, thereby offering even greater access to justice.³⁴⁴

Recommendation 6.

The ABA should establish a Center for Innovation.

Innovation is an ongoing process that requires sustained effort and resources as well as a culture that is open to change. To sustain and cultivate future innovation, the ABA should establish a Center for Innovation. The purpose of the proposed Center is to position the ABA as a leader and architect of the profession's efforts to increase access to legal services and improve the delivery of, and access to, those services to the public through innovative programs and initiatives. Drawing on the expertise of the National Center for State Courts, Legal Services Corporation, Federal Judicial Center, and Conference of Chief Justices, along with law schools, state, local and specialty bars and the judiciary, the Center will seek vital input from and collaboration with technologists, innovators, consumers of legal services, and those in public policy, to develop new projects, programming, and other resources to help drive innovation in the delivery of legal services.

As has been demonstrated in other industries and professions that have been disrupted by advances

in technology, problems cannot be addressed by relying on existing practices. Industries as diverse as consulting, medicine, and personal finance have invested in research and development laboratories to create new service offerings and substantially improve client relationships. Lawyers must do the same, and the Innovation Center can play an active role in these efforts.

The Innovation Center would be responsible for proactively and comprehensively encouraging, supporting, and driving innovation in the legal profession and justice system. The Center could serve a variety of functions, including the following:

- Providing materials and guidance to futures commissions organized by state and specialty bar associations;
- Serving as a resource for ABA members by producing educational programming for lawyers on how to improve the delivery of, and access to, legal services through both new technologies and new processes;
- Maintaining a comprehensive inventory and evaluation of the innovation efforts taking place within the ABA and in the broader legal services community, nationally and internationally; and
- Operating a program of innovation fellowships to provide fellows in residence with the opportunity to work with a range of other professionals, such as technologists, entrepreneurs, and design professionals to create delivery models that enhance the justice system.

The Center should be sufficiently funded to enable the experimentation, examination, and assessment of creative delivery methods that advance access to civil legal services, reform the criminal justice system, and effectively advance diversity and inclusion throughout the justice system in the United States.

"Now is a time for great opportunity and excitement in the legal industry. If you have an idea for how to make the legal industry more effective or how to serve clients better, the time is ripe for becoming a leader and defining these new service offerings and business models for law. We need entrepreneurial lawyers to create new solutions for getting people legal help, new roles for JDs, and new types of interdisciplinary, user-centered legal organizations."

Margaret Hagan

FELLOW, STANFORD LAW'S CENTER ON THE LEGAL PROFESSION
AND A LECTURER AT STANFORD INSTITUTE OF DESIGN

STANFORD, CA

Recommendation 7.

The legal profession should partner with other disciplines and the public for insights about innovating the delivery of legal services.

"The National Summit on Innovation in Legal Services in May 2015 underscored the importance of looking beyond the legal profession for guidance on how lawyers can improve client service. Other disciplines are far ahead of ours in their measurement of consumer needs and in their design of user-focused solutions to meet those needs."

James J. Sandman
PRESIDENT
LEGAL SERVICES CORPORATION
WASHINGTON, DC

7.1. Increased collaboration with other disciplines can help to improve access to legal services.

Other disciplines and professions have important insights to share on improving access to and the delivery of legal services. For example, at the ABA National Summit on Innovation in Legal Services held at Stanford in May 2015, Richard Barton, founder of Expedia and Zillow, described the transformative power of technology-enabled user reviews in the travel and real estate industries. He predicted that it is only a matter of time before online ratings and digital marketing become the dominant way for individuals to find a lawyer.³⁴⁵ Similarly, others spoke about the importance of incorporating engineering, information economics, and design-thinking into the development of new delivery models and technology tools for the public to access legal services. Indeed, such tools are already driving important changes to how the public accesses some kinds of legal services.

History tells us that the most important innovations—the innovations that disrupt and trans-

form an industry, bring down the cost of goods and services, and ultimately help the public—are not created by incumbents alone. Rather, they are created with the assistance of outsiders who bring fresh perspectives and new approaches. The Commission believes that lawyers will achieve greater innovation and increased efficiencies if they embrace interdisciplinary collaborations and work closely with people from other fields.

7.2. Law schools and bar associations, including the ABA, should offer more continuing legal education and other opportunities for lawyers to study entrepreneurship, innovation, the business and economics of law practice, and other relevant disciplines.

Experts on the use of technology in legal services delivery have emphasized the importance of providing lawyers with new skills and knowledge: "Training in law practice management and law practice technology is a critical solution that will further align the skills that law students must have upon graduation with the employment needs of a radically changing legal market."³⁴⁶ With the legal market changing dramatically, lawyers today "more than any generation of lawyers ... will have to be entrepreneurs rather than employees working for somebody else."³⁴⁷ Moreover, lawyers who learn entrepreneurial skills can help solve the justice gap. With millions of people needing legal representation and thousands of lawyers unemployed or underemployed, students with this training can "create better delivery models that match appropriately qualified lawyers with the clients who need them."³⁴⁸

Interdisciplinary knowledge is also critical in the criminal realm. Because many individuals who commit criminal acts suffer from mental illness, defense lawyers will provide better representation

to their clients if they understand those issues. Thus, the Commission endorses ABA Standard for Criminal Justice 7-1.3, which calls on law schools to “provide the opportunity for all students ... to become familiar with the issues involved in mental health and mental retardation law and mental health and mental retardation professional participation in the criminal process.”³⁴⁹ Further,

“bar associations, law schools, and other organizations having responsibility for providing continuing legal education should develop and regularly conduct programs offering advanced instruction on mental health and mental retardation law and mental health and mental retardation professional participation in the criminal process.”³⁵⁰

Recommendation 8.

The legal profession should adopt methods, policies, standards, and practices to best advance diversity and inclusion.

The legal profession should reflect the diversity of American society. To achieve this goal, law schools, lawyers, and courts should establish pipeline programs and other diversity-focused recruitment initiatives. They must also ensure equal access and treatment of all persons regardless of age, gender, sex, national origin, race, religion, ethnicity, sexual orientation, gender identity, physical or learning disabilities, and cultural differences.

ABA President 2015-16 Paulette Brown’s Diversity and Inclusion 360 Commission is engaged in important work to advance these and related goals,³⁵¹ and it is the obligation of the entire profession to undertake similar efforts. The Commission encourages courts and bar associations to comply with ABA Resolution 107, which calls for mandatory continuing legal education (MCLE)

requirements to include programs on diversity and inclusion in the legal profession. While forty-five states currently have MCLE, only two—California and Minnesota—have already adopted programming that satisfies this recommendation.³⁵²

The legal profession must ensure that the justice system in all of its parts, including law enforcement, strives to operate free of bias, both explicit and implicit. To underscore this goal, the legal profession should consider incorporating unconscious bias and diversity sensitivity training into bar associations, law schools, law practices, courts, and other organizations concerned with the delivery of legal services. Recommended tools for engaging in this training and other resources can be found on the ABA Diversity and Inclusion 360 Commission’s website.³⁵³

Recommendation 9.

The criminal justice system should be reformed.

While reform to the criminal justice system was not a central focus of the Commission's charge, the Commission recognized the profound and pervasive impact that the criminal justice system has on individuals, the rule of law, and the public's perception of the administration of justice, both civil and criminal. The Commission notes that, although deserving and important calls for reform have been made over the years, considerable work remains to be done. The Commission highlights and urges several reforms that would make much-needed progress.

9.1. The Commission endorses reforms proposed by the ABA Justice Kennedy Commission and others.

In 2004, the ABA Justice Kennedy Commission submitted a Resolution (approved by the House of Delegates) that urged "states, territories, and the federal government to ensure that sentencing systems provide appropriate punishment without over-reliance on incarceration."³⁵⁴ The Resolution recommended that lengthy periods of incarceration should be reserved for offenders who pose the greatest danger to the community and who commit the most serious offenses, and alternatives to incarceration should be available for offenders who pose minimal risk to the community and appear likely to benefit from rehabilitation efforts. The Resolution sets out a series of recommended actions, which the Commission endorses, including:

- Repealing mandatory minimum sentences;
- Providing for guided discretion in sentencing, consistent with *Blakely v. Washington*, while allowing courts to consider the unique characteristics of offenses and offenders that may warrant an increase or decrease in a sentence;
- Requiring sentencing courts to state the reason for increasing or reducing a sentence,

and allowing appellate review of such sentences;

- Considering diversion programs for less serious offenses, and studying the cost effectiveness of treatment programs for substance abuse and mental illness;
- Giving greater authority and resources to an agency responsible for monitoring the sentencing system;
- Developing graduated sanctions for violations of probation and parole; and
- Having Congress give greater latitude to the United States Sentencing Commission in developing and monitoring guidelines, and to reinstate a more deferential standard of appellate review of sentences.

The House of Delegates approved another ABA Justice Kennedy Commission Resolution urging: (1) state, territorial and federal governments to establish standards and a process to permit prisoners to request a reduction of their sentences in exceptional circumstances; (2) expanded use of the federal statute permitting reduction of sentences for "extraordinary and compelling reasons;" (3) the United States Sentencing Commission to develop guidance for courts relating to the use of this statute; and (4) the expanded use of executive clemency to reduce sentences, and of processes by which persons who have served their sentences may request a pardon, restoration of legal rights, and relief from collateral disabilities.³⁵⁵ The Commission similarly endorses these recommended reforms.

In April–July 2015, the ABA and the NAACP Legal Defense Fund held a series of conversations aimed at ridding the criminal justice system of the vestiges of racism that, taken together, threaten the promise of equal justice. Bringing together representatives of law enforcement, prosecutors, the judiciary, public defenders and others integrally

involved in the system, the group examined key factors leading to the inherent threats of a lack of confidence and bias, both explicit and unconscious, in the justice system.

Following those meetings, a Joint Statement was issued, endorsed by the ABA Board of Governors, that states in part:

In Ferguson (MO), the Justice Department found that the dramatically different rates at which African-American and White individuals in Ferguson were stopped, searched, cited, arrested, and subjected to the use of force could not be explained by chance or differences in the rates at which African-American and White individuals violated the law. These disparities can be explained at least in part by taking into account racial bias. Given these realities, it is not only time for a careful look at what caused the current crisis, but also time to initiate an affirmative effort to eradicate implied or perceived racial bias—in all of its forms—from the criminal justice system.³⁵⁶

The statement went on to recommend a wide range of actions, such as better data collection and disclosure, implicit bias training, more diversity in prosecutors' and law enforcement offices, greater stakeholder dialogue and increased accountability. The Commission supports these recommendations as well.

9.2. Administrative fines and fees should be adjusted to avoid a disproportionate impact on the poor and to avoid incarceration due to nonpayment of fines and fees.

The Commission supports the recent efforts by the U.S. Department of Justice to reform harmful and unlawful practices related to the assessment and enforcement of fines and fees.³⁵⁷ The Commission endorses the following DOJ principles:

- Courts must not incarcerate a person for nonpayment of fines or fees without first conducting an indigency determination ...

and establishing that the failure to pay was willful;

- Courts must consider alternatives to incarceration for indigent defendants unable to pay fines and fees;
- Courts must not condition access to a judicial hearing on the prepayment of fines or fees;
- Courts must provide meaningful notice and, in appropriate cases, counsel, when enforcing fines and fees;
- Courts must not use arrest warrants or license suspensions as a means of coercing the payment of court debt when individuals have not been afforded constitutionally adequate procedural protections;
- Courts must not employ bail or bond practices that cause indigent defendants to remain incarcerated solely because they cannot afford to pay for their release; and
- Courts must safeguard against unconstitutional practices by court staff and private contractors.³⁵⁸

Another important initiative in this area is the recent creation of the National Task Force on Fines, Fees, and Bail Practices, which was formed with the support of the State Justice Institute in 2016 by the Conference of Chief Justices and the Conference of State Court Administrators.³⁵⁹ The Task Force seeks to address the ongoing impact that court fines, fees and bail practices have on communities, especially the economically disadvantaged, across the United States.

9.3. Courts should encourage the creation of programs to provide training and mentoring for those who are incarcerated with a goal of easing re-entry into society as productive and law-abiding citizens.

A growing consensus has emerged that new solutions are needed for overcrowded prisons. One way to safely reduce prison populations is

to develop new and innovative rehabilitation methods. The Boston Reentry Initiative is one such program. The goal of the program is to help “adult offenders who pose the greatest risk of committing violent crimes when released from jail transition back to their neighborhoods.”³⁶⁰ This community partnership “brings together law enforcement, social service agencies, and religious institutions to start working with inmates while they are still incarcerated.”³⁶¹ The program has worked: “Harvard researchers found that participants had a re-arrest rate 30 percent lower than that of a matched comparison group.”³⁶²

Another example is a re-entry program started by the Honorable Laurie A. White and the Honorable Arthur Hunter, criminal court judges in New Orleans.³⁶³ Judge White and Judge Hunter created the Orleans Parish Re-entry Program to facilitate mentoring and job-skills training conducted by life-sentenced inmates for felony convicted inmates who will re-enter society. The program has been implemented, at no cost to the taxpayers, in Louisiana’s maximum-security prison. Participating re-entry inmates must obtain their GED and undergo drug treatment and pre-release programming in order to receive a reduced sentence on their felony convictions. The mentors are trained to teach the newer inmates in job skills to ready them for careers, such as automotive mechanic or electrician, and live with the re-entry program inmates in special housing units so that they can mentor them and give them the skills and confidence they need to successfully re-enter society.

Elected state prosecutors have taken the lead in many jurisdictions to develop re-entry and diversion programs and to measure the success of their offices by the extent they promote overall community safety rather than by the number of convictions they can muster. After resisting the concept of re-entry for many years, the DOJ has followed the lead of these state prosecutors and has established a re-entry program as part of every U.S. Attorney office.

9.4. Minor offenses should be decriminalized to help alleviate racial discrepancies and over-incarceration.

A growing consensus has emerged that one way to fix the overcrowded prison system and alleviate racial discrepancies is to reclassify minor offenses so that they do not constitute criminal behavior. This will relieve burdens on prosecutors, courts, and defense systems. The Department of Justice recently acknowledged this problem in its report on Ferguson, Missouri. Among its many findings, the DOJ concluded that the abusive use of arrest warrants and fines in poor communities has been facilitated and increased as a consequence of the pervasive lack of legal assistance with municipal and traffic violations.³⁶⁴

The Commission commends the efforts of The Pew Charitable Trusts on these issues related to over-criminalization of conduct. Through its Public Safety Performance Project, Pew – in partnership with the DOJ’s Bureau of Justice Assistance, the Council of State Governments Justice Center, the Crime and Justice Initiative, the Vera Institute of Justice, and other organizations – have helped thirty-one states engage in reform of their sentencing and corrections policies since 2007.³⁶⁵ For example, in 2014, with Pew providing intensive technical assistance, Mississippi adopted sweeping sentencing and corrections reforms.³⁶⁶ The reforms aim to refocus prison space on violent and career criminals, strengthen community supervision, and ensure certainty and clarity in sentencing. Among other improvements, the reforms increase access to prison alternatives, including specialty courts, raise the felony theft threshold, and expand parole eligibility for nonviolent offenders. The reforms are projected to avert prison growth and save the state \$266 million through 2024.

9.5. Public defender offices must be funded at levels that ensure appropriate caseloads.

Crushing caseloads are perhaps the most vexing problem facing public defense in the United States. When attorneys are saddled with hundreds or thousands of cases, core legal tasks—investigation, legal research, and client communication—are quickly jettisoned. As a result, clients who have a right to effective, ethical counsel receive only nominal representation.

In *Gideon v. Wainwright*, the United States Supreme Court held that the Sixth Amendment requires states to appoint counsel to indigent felony defendants. The Supreme Court later emphasized that “the right to counsel is the right to the effective assistance of counsel.”³⁶⁷ Additionally, the ABA Model Rules of Professional Conduct require competent and diligent representation.³⁶⁸

The problem is that even the most skilled attorneys cannot deliver effective, competent, and diligent representation when representing hundreds or thousands of clients per year. In Rhode Island, the average caseload is over 1,700 cases per year; in Upstate New York, one attorney represented over 2,200 clients; and in Illinois, a public defender handled 4,000 cases during the course of a year.³⁶⁹ For too long, ethical and constitutional requirements have been not been met under the weight of grossly excessive workloads.

The profession should not stand by while defendants—many innocent—suffer. The Commission encourages bold innovations to improve public defense workloads. ABA workload studies, such as those in Missouri, Tennessee, Rhode Island, Colorado, and Louisiana, are just the first step. The ABA and other bar associations also must support lobbying, education, and, where necessary, litigation, to ensure that lawyers have the resources that they need to comply with their ethical and constitutional duties.

Recommendation 10.

Resources should be vastly expanded to support long-standing efforts that have proven successful in addressing the public's unmet needs for legal services.

10.1. Legal aid and pro bono efforts must be expanded, fully funded, and better promoted.

The ABA should continue to support the full funding of the Legal Services Corporation and should lead efforts to maintain and increase the resources of civil legal aid societies. The ABA should encourage the maintenance and development of effective programs to provide pro bono representation and other affordable sources of professional legal services for low-income citizens. Courts should adopt rules that encourage pro bono representation by lawyers, such as emeritus rules, CLE credit for service, reporting obligations, court processes that prioritize service

and minimize time required for pro bono lawyers/cases, and other measures that provide access and address legal needs.

Existing pro bono and modest means offerings and programs should be better-promoted and marketed to those in need of legal representation. One example of consumer-centric delivery of services is One Justice’s “Justice Bus Project,” which “recruits, trains and transports law student and attorney volunteers to provide much-needed legal clinics in rural, isolated, and underserved areas of California.”³⁷⁰ Efforts to provide free, online training to pro bono attorneys, such as California’s Pro Bono Training Institute (made possible by the LSC’s Pro Bono Innovation Fund), should be

expanded.³⁷¹ Adequate compensation and funding should be provided to those who deliver legal services to low-income populations to ensure effective and competent representation.

Moreover, the ABA should work in partnership with appropriate public and private entities to increase the availability of affordable legal services to the whole public without regard to income. Legal aid and pro bono programs that are means-tested should take steps to assist those who are not income-qualified in finding a lawyer or other appropriate legal services provider who may be able to provide assistance. Resources may include bar association referral services, modest means panels, lawyer incubators, practitioners who provide unbundled legal services and other legal services providers.

10.2. Public education about how to access legal services should be widely offered by the ABA, bar associations, courts, lawyers, legal services providers, and law schools.

The Commission recommends the continuation and expansion of the role of the ABA and other bar associations in helping the public understand when a problem can be resolved within the legal system and about avenues for effective resolution of problems that have a legal dimension. Bar associations and courts should make public education materials available (in all current media formats) to explain court procedures and frequently encountered legal issues; these materials should be in clear, non-technical language. These entities also should reach out to local and statewide news media to build relationships, improve the quality of law-related journalism, and enhance editorial understanding of issues facing the courts. Courts should develop simple legal instructional

“The future will demand our full collective resources. Law students, lawyers, judges, innovators, and legal providers of all varieties will need to work collaboratively to achieve a sustainable, relevant, and valuable legal system.”

Carmen M. Garcia

ASSOCIATE MEMBER, NEW JERSEY STATE PAROLE BOARD

ABA FUTURES COMMISSION LIAISON,
HISPANIC NATIONAL BAR ASSOCIATION

TRENTON, NJ

materials, including sample pleadings and forms designed for use by people who do not have legal training and make them available at court facilities and via online and other remote access technologies. In addition to printed materials, self-help videos and online tutorials that can be accessed at any time from a home computer or public access terminal should also be explored.

The public also needs greater information about the distinction between legal representation by a lawyer, a licensed or certified legal services provider, and an unregulated legal services provider. This information could be provided, for example, through a public education campaign or informational disclaimers. Bar associations and entrepreneurs should collaborate to explore the possibilities of public education about legal services through the use of online games, which would embed access to legal resources within the gaming programs.³⁷² The ABA Blueprint Project, for example, recommends using gamification to increase the public's awareness about legal services.³⁷³

Recommendation 11.

Outcomes derived from any established or new models for the delivery of legal services must be measured to evaluate effectiveness in fulfilling regulatory objectives.

There is an unfortunate lack of empirical evidence about the effectiveness of various legal innovations that have been undertaken around the country. As a result, it is often difficult for bar associations, courts, law schools, and individual lawyers to know how to best use limited resources when seeking to implement innovations. To ensure that successful innovations are replicated and unsuccessful innovations are not, it is important to begin collecting and sharing relevant data about existing and future efforts. Law schools, bar foundations and research entities should collaborate to measure the outcomes, impact, and effectiveness of ongoing and emerging models of delivering legal services, and identify potential improvements to those models.

The Commission identified many existing innovations in its Findings that have had apparent success in enhancing access to and the delivery of legal services. The Commission encourages further study via data and metrics about the impact of these innovations on how legal services are delivered and accessed. As appropriate, these innovations should be expanded and promoted widely.

The Commission is heartened by recent efforts to engage in needed analysis, such as the Roles

“Rigorous, grounded research is essential to ensure that new—and existing—forms of service meet regulatory objectives.”

Elizabeth Chambliss

PROFESSOR OF LAW AND DIRECTOR, NELSON MULLINS RILEY & SCARBOROUGH CENTER ON PROFESSIONALISM, UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW
COLUMBIA, SC

Beyond Lawyers Project—jointly supported by the American Bar Foundation, the National Center for State Courts, and the Public Welfare Foundation.³⁷⁴ For example, the Project’s researchers have developed conceptual frameworks for both designing and evaluating programs in which people who are not fully qualified lawyers are providing assistance to the public on matters that were traditionally provided only by lawyers. The frameworks are accessible to jurisdictions seeking to design new programs and to those seeking to evaluate the efficacy and sustainability of programs currently in operation.

Recommendation 12.

The ABA and other bar associations should make the examination of the future of legal services part of their ongoing strategic long-range planning.

The nature of a report on the future of legal services inevitably means that it soon will become out-of-date. As such, the Commission recommends that the ABA and other bar associations make the examination of the future of legal services part of their ongoing strategic long-range planning. The Commission also recommends that all bar associations engage in futures efforts of their own, similar in nature to the grassroots meetings held across the country over the past

“We are going to have to continue this conversation because I guarantee you that many of the things we think are innovative today, this time next year will already be obsolete.”

The Hon. Lora Livingston

261ST CIVIL DISTRICT COURT, TRAVIS COUNTY, TEXAS

two years and the National Summit on Innovation in Legal Services. A toolkit to facilitate futures meetings, task forces, and summits is available on the Commission’s website, along with examples from various states.³⁷⁵