

CONFERENCE OF CHIEF JUSTICES

Resolution 2

Urging Consideration of Regulatory Innovations Regarding the Delivery of Legal Services

WHEREAS, access to affordable legal services is critical in a society that has the rule of law as a foundational principle; and

WHEREAS, legal services are growing more expensive, time-consuming, and complex, which makes it difficult for many people to obtain necessary legal advice and assistance in adversarial proceedings involving basic human needs, such as shelter, sustenance, safety, health, and child custody; and

WHEREAS, the Conference of Chief Justices has long championed the importance of meaningful access to the justice system for all, and in 2015 adopted Resolution 5 which set the aspirational goal of 100 percent access to effective assistance for essential civil legal needs through a continuum of meaningful and appropriate services; and

WHEREAS, traditional solutions to reducing the access to justice gap, such as increased funding for civil legal aid, more pro bono work, or court assistance programs have had some success, but are not likely to resolve the gap, which is only increasing in severity; and

WHEREAS, several states are experimenting with regulatory innovations that are designed to spur new models for legal service delivery that provide greater access while maintaining the quality and affordability of legal services as well as protecting the public interests; and

WHEREAS, these regulatory innovations generally fall within three broad areas including the authorization and regulation of new categories of legal service providers, the consideration of alternative business structures, and the reexamination of provisions related to the unauthorized practice of law; and

WHEREAS, experimentation with different approaches to regulatory innovation provides a measured approach to identify and analyze the best solutions to meeting the public's growing legal needs;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices urges its members to consider regulatory innovations that have the potential to improve the accessibility, affordability and quality of civil legal services, while ensuring necessary and appropriate protections for the public.

Adopted as proposed by the CCJ Professionalism and Competence of the Bar Committee at the 2020 Midyear Meeting February 5, 2020.