

September 2, 2021

State Bar of California Closing the Justice Gap Working Group  
Scope Subcommittee  
Via Email to [ctjg@calbar.ca.gov](mailto:ctjg@calbar.ca.gov)

Subcommittee Members:

I am writing on behalf of Responsive Law—a national, nonprofit organization that works to make the legal system more accessible, affordable and accountable to ordinary Americans—to ask that you not limit the scope of participation in a regulatory sandbox based on the economic status of the customers that participants would serve.

I have attached our June 17 comments to the entire Working Group on this topic, which cover this topic in more detail. In addition, I'd like to emphasize three points.

First, as David Engstrom points out in his memo, there is nothing in the Working Group's charter that requires it to focus exclusively on the neediest Californians. In fact, the charter charges the Working Group with "exploring the development of a regulatory sandbox to evaluate possible changes to existing laws and rules that otherwise inhibit the development of innovative legal service delivery systems such as consumer facing technology that provides legal advice and services directly to clients *at all income levels.*" (emphasis added)

Second, the justice gap referred to in the Working Group's name extends way beyond the poorest Californians. Our previous comments detail how few Californians can afford legal help. The short version, though, is that when most lawyers can't even afford their own services, then nearly everyone is a victim of the justice gap.

Third, any attempt to prematurely limit the scope of sandbox participation would have a chilling effect on innovative companies that might serve customers throughout the economic spectrum. For example, the auto assembly line didn't make cars instantly accessible to the masses. About five years after the introduction of the assembly line, only about 25% of US households had a car, but within 15 years that figure was close to 50%, and today is over 90%. However, an early mandate to

make cars affordable to everyone might have stopped Ford from launching the assembly line.

In summary, a decision on the appropriate scope of the Working Group need not pit the neediest Californians against the vast numbers with more resources who are still unable to get legal help. Allowing a broad range of sandbox participants will help both groups, and is the course the Working Group should take.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Gordon", with a long horizontal flourish extending to the right.

Tom Gordon  
Executive Director