Bridging the Gap to Every American: How a National Regulatory Sandbox Can Prompt Radical Collaboration to Adopt Legal Artificial Intelligence Tools

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BRIDGING THE GAP TO EVERY AMERICAN: HOW A NATIONAL REGULATORY SANDBOX CAN PROMPT RADICAL COLLABORATION TO ADOPT LEGAL ARTIFICIAL INTELLIGENCE TOOLS

Samuel Hoy Brown VII[*]

ABSTRACT

The United States of America is at a crossroads. The foundational promises of the American dream—life, liberty, and the pursuit of happiness—have been thrust into public pessimism as the nation's most economically vulnerable populations find themselves outsiders in their own communities, unable to access the legal tools and services required to resolve even the most rudimentary of legal disputes. In the wake of groundbreaking studies by the Institute for the Advancement of the American Legal System and the American Bar Association's Commission on the Future of Legal Services, the need for alternative legal service providers is more prevalent than ever.

The recent advent of legal technology tools powered by generative artificial intelligence has the potential to provide low-cost legal

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services for those who need it the most. This Article explores a litany of actors in the civil legal services marketplace that are harnessing the power of generative artificial intelligence to help bridge the gap for the most vulnerable.

In addition, this Article contributes to a new area of legal scholarship advocating for a nationwide "Regulatory Sandbox," allowing for lawyers, policymakers, entrepreneurs, and innovators to boldly envision a world where alternative legal services can empower our nation's most vulnerable populations to gain broader access to the legal system and, ultimately, solutions to their legal ailments. Policymakers, stakeholders, and readers alike can view this Article not as a legal treatise, but as an informative and easily digestible call to action that seeks to solve the access to justice gap in the United States.

"Except for the few that legal services lawyers can represent, poor people have access to American courts in the same sense that the Christians had access to the lions when they were dragged, unarmed, into a Roman arena." - Justice Earl Johnson, Jr., California Court of Appeals, 2nd Appellate District

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INTRODUCTION

On October 13, 2023, Hofstra's Maurice A. Deane School of Law, Fred DeMatteis School of Engineering and Applied Science, the Institute of Innovation and Entrepreneurship, and the New York State Bar Association hosted the Third Annual National Legal Innovation Tournament, a nationwide competition consisting of computer science, engineering, and law students tasked with designing mobile applications that, when developed, would be used to increase access to alternative dispute resolution processes.[1] The unanimous winners of the tournament, Paul DeCoste and Raymond Betancourt from Florida State University College of Law, presented their application titled "Privity," a program that "simplifies legal jargon and makes legal documents easy for anyone to understand."[2] The creators noted their "app, Privity, has the potential to revolutionize the legal industry by simplifying legal documents," and in describing the implications of their innovative proposal, Betancourt remarked, "As we embrace change, we're not only celebrating this win; we're celebrating a future where Privity AI allows individuals to navigate the complexities of legal documents with confidence and ease."[3]

The development of applications like Privity comes at a crucial time, as unmet legal needs continue to plague one of the nation's most vulnerable segments of society.[4] According to the Legal Services Corporation 2022 Justice Gap Study, over ninety percent of low-income Americans did not receive adequate legal help for their

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1. Mark Berman, *Nine Teams Compete in Third Annual National Legal Innovation Tournament*, N.Y. STATE BAR ASS'N (Oct. 24, 2023), https://nysba.org/nine-teams-compete-in-third-annual-national-legal-innovation-tournament/ [https://perma.cc/PC78-DQDQ]; *see also Third Annual National Legal Innovation Tournament*, HOFSTRA L., https://law.hofstra.edu/legal-innovation-tournament/ [https://perma.cc/8Z5G-9GBJ].

2. Berman, *supra* note 1.

3. *Id.*

4. *See* LEGAL SERVS. CORP., THE JUSTICE GAP: THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS (2022) [hereinafter THE JUSTICE GAP], https://justicegap.lsc.gov/resource/executive-summary/ [https://perma.cc/VH8T-TENU].

civil legal matters in the past year,[5] impacting close to fifty million individuals.[6] Perhaps a more startling statistic: three in four low-income households in the United States experienced at least one civil legal problem in the past calendar year, with more than half of those individuals experiencing significant consequences in various areas of their lives, including their finances, mental and physical health, housing, and access to health care.[7] The study further suggests that most low-income Americans do not receive enough, if any, legal help to address their civil legal problems.[8] Respondents indicated that they chose to seek legal help for only a quarter of their substantial civil legal problems.[9] Approximately half of respondents who did not pursue legal help stated that they chose not to seek legal assistance because of concerns that they could not afford the legal representation they so desperately needed.[10]

Members of the legal community, including practicing lawyers, judges, academics, and policymakers, must cross-examine this issue. After all, our profession's endeavor to safeguard a legal system that seemingly only the affluent can access has abandoned our most vulnerable populations.

Thus, this Article seeks to explore the dynamics of how legal service tools powered by generative artificial intelligence can serve as additional tools in the toolbox of justice for each and every American. Part I of this Article examines the existing state of affairs regarding the American public perception of the legal profession and the data driving the policy recommendation contained herein.[11] Part II reviews products currently in the marketplace that provide accessible and

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5. *Id.*

6. For purposes of this Article, "low-income" is defined as Americans with household incomes below 125% of the poverty threshold. It should be noted that this figure includes more than fifteen million children and close to eight million seniors. *Id.*

7. *Id.*

8. *Id.*

9. *Id.*

10. THE JUSTICE GAP, *supra* note 4.

11. *See infra* Part I.

intuitive resources for a myriad of legal issues traditionally serviced by vastly underfunded and understaffed civil legal aid societies and other pro bono missions.[12] Part III explores the underlying framework for the forthcoming policy recommendation by analyzing the success of the 2021 Utah Office of Regulatory Relief, the nation's first example of a government-implemented regulatory sandbox program, allowing "businesses to experiment with products, production methods, or services by temporarily waiving state law."[13] Part IV offers a bold yet pragmatic policy recommendation that seeks to craft the United States' first national regulatory sandbox, providing a space for lawyers, programmers, policymakers, and other stakeholders to deliver much-needed legal services under the supervision of the United States Supreme Court.[14] Part V analyzes some cautions for consideration, including the dangers of generative artificial intelligence as applied to the legal profession and current scholarship detracting from the principles contained herein.[15] This Article contributes to a new area of legal scholarship proposing a nationwide regulatory sandbox for the purpose of solving the access-to-justice gap, a tool sorely needed to address the critical lack of access to justice spanning income levels.

After all, in the words of United States Supreme Court Justice Hugo Black: "*There can be no equal justice where the kind of trial a man gets depends on the amount of money he has*."[16]

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12. *See infra* Part II.
13. *See infra* Part III; *see also Utah Office of Regulatory Relief*, UTAH GOVERNOR'S OFF. OF ECON. OPPORTUNITY, https://business.utah.gov/regulatory-relief/ [https://perma.cc/EXE8-86PQ].
14. *See infra* Part IV.
15. *See infra* Part V.
16. Griffin v. Illinois, 351 U.S. 12, 19 (1956) (emphasis added).

I. THE STATE OF THE SYSTEM: THE NEED FOR EQUITABLE ACCESS TO LEGAL SERVICES

"Lawyers have a license to practice law, a monopoly on certain services. But for that privilege and status, lawyers have an obligation to provide legal services to those without the wherewithal to pay, to respond to needs outside themselves, to help repair tears in their communities." - United States Supreme Court Associate Justice Ruth Bader Ginsburg[17]

Although there are varying definitions and interpretations of the term "access to justice," this Article seeks to adopt the view offered by Chicago Bar Foundation's Executive Director Bob Glaves, who defines the concept as "[a] person facing a legal issue [that] has timely and affordable access to the level of legal help they need to get a fair outcome on the merits of their legal issue, and can walk away believing they got a fair shake in the process."[18] Glaves's view calls upon core principles enshrined in the United States Declaration of Independence—life, liberty, and the pursuit of happiness—each of which is burdened today by an increasingly expansive and expensive legal system.[19] According to the World Justice Project's 2023 Rule of Law Index, as a nation, the United States ranks in the bottom twenty percent of developed countries in the categories of affordability and accessibility in the civil justice system, and the absence of

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17. Marcia Levy, *Remembering Justice Ruth Bader Ginsburg*, VOLUNTEERS OF LEGAL SERV. (Sept. 21, 2020), https://volsprobono.org/remembering-justice-ruth-bader-ginsburg/ [https://perma.cc/Q9ZE-S2WM].

18. Bob Glaves, *What Do We Mean When We Say Access to Justice?*, THE CHI. BAR FOUND., https://chicagobarfoundation.org/bobservations/what-do-we-mean-when-we-say-access-to-justice/ [https://perma.cc/S353-5DUY].

19. *See* Tara O'Neill Hayes, *The Economic Costs of the U.S. Criminal Justice System*, AM. ACTION F. (July 16, 2020), https://www.americanactionforum.org/research/the-economic-costs-of-the-u-s-criminal-justice-system/ [https://perma.cc/Q7UW-P88X] (noting the expansiveness and expense of the criminal justice system in the United States writ large); *see also* Paula Hannaford-Agor, *Measuring the Cost of Civil Litigation: Findings from a Survey of Trial Lawyers*, VOIR DIRE, Spring 2013, at 22, 26 (estimating the expense of the civil justice system in the United States writ large).

discrimination in the civil justice system.[20] These findings, and the findings contained in the forthcoming studies, have brought this nation and profession to its breaking point, requiring concern and care to solve this crisis. Thus, to better understand the products at the forefront of the fight to increase access to justice, it is critical to explore the end users these products aim to aid—the American people.

This Article finds itself sixty years after the issuance of *Gideon v. Wainwright*, a seminal Supreme Court decision enshrining the right to counsel for indigent defendants.[21] The case expanded the Constitution's safeguards of a right to liberty by noting that there stands a "great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law."[22] Although the sentiment of the decision is admirable, implementation in the aftermath of *Gideon* has been less than satisfactory, with less than half of states offering statewide public defender systems.[23] Studies suggest that the public defenders inside of the aforementioned systems regularly work triple the amount of cases they can effectively handle, creating concern that these critical advocates are "dangerously overworked."[24]

Additionally, and unfortunately, the *Gideon* decision did not stand for the proposition that citizens have a fundamental right to *civil* legal aid services, many of which provide services that directly impact the

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20. *In the US, Weakened Rule of Law Persists*, WORLD JUSTICE PROJECT (Nov. 8, 2023), https://worldjusticeproject.org/news/us-weakened-rule-law-persists [https://perma.cc/4ME8-VM3K].

21. Gideon v. Wainwright, 372 U.S. 335, 344–45 (1963).

22. *Id.* at 344.

23. *See* Lincoln Caplan, *The Right to Counsel: Badly Battered at 50*, N.Y. TIMES (Mar. 9, 2013), https://www.nytimes.com/2013/03/10/opinion/sunday/the-right-to-counsel-badly-battered-at-50.html?smid=pl-share [https://perma.cc/3X8J-4SVM]. The author further provides examples of the inefficiencies of a post *Gideon* world, noting "[i]n Kentucky, 68 percent of poor people accused of misdemeanors appear in court hearings without lawyers," and "[i]n 21 counties in Florida in 2010, 70 percent of misdemeanor defendants pleaded guilty or no contest – at arraignments that averaged less than three minutes." *Id.*

24. *See* Emily Hamer, *Public Defenders Work 3 Times Too Many Cases, Milestone Study and New Data Show*, ST. LOUIS POST-DISPATCH (Sept. 12, 2023), https://www.stltoday.com/news/nation-world/crime-courts/public-defenders-attorneys-dangerously-overworked/article_5a63628b-63d0-56dc-bc91-ce908820ac75.html [https://perma.cc/X6RP-AUYF].

livelihoods of Americans in areas such as housing, immigration, and domestic violence.[25] A groundbreaking study from the Hague Institute for Innovation of Law and the University of Denver's Institute for the Advancement of the American Legal System paints a petrifying picture to this effect, finding that across income levels, two-thirds of Americans experienced at least one legal issue in the past four years and less than fifty percent of those problems were resolved.[26] After surveying over ten thousand Americans, the study found that Americans with higher incomes resolved their legal problems to completion at higher rates than Americans with lower incomes.[27] Those making under $25,000 annually encountered the highest percentage of criminal and civil legal problems, with the most common issues consisting of domestic violence and abuse, housing issues, and neighbor-related disputes.[28] The study indicated a relationship between the severity of the legal issue experienced and household income, noting that the lower a household's income, the more likely the household was to experience more serious legal issues including domestic violence, problems with the police, crime, and deportation.[29] Perhaps most pertinent for purposes of this Article, the study found that the majority of Americans surveyed sought assistance for their legal ailments via an internet search, with nearly two-thirds of respondents indicating that the information located on the internet directly impacted how they decided to resolve their legal problem.[30]

These findings point to a dramatic shift in how the general population accesses legal resources and information. This shift is

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25.   Laura K. Abel, *A Right to Counsel in Civil Cases: Lessons from* Gideon v. Wainwright, 15 TEMP. POL. & C.R. L. REV. 527, 530, 542, 554 (2006).

26.   MARTIN GRAMATIKOV, RODRIGO NÚÑEZ, ISABELLA BANKS, MAURITS BARENDRECHT, JELMER BROUWER, BRITTANY KAUFFMAN & LOGAN CORNETT, HAGUE INST. FOR INNOVATION OF L. & INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., JUSTICE NEEDS AND SATISFACTION IN THE UNITED STATES OF AMERICA 2021 6 (2021).

27.   *Id.* at 24, 50.

28.   *Id.* at 34–35.

29.   *Id.* at 41–42.

30.   *Id.* at 11.

unsurprising given the often unaffordable expense of hiring legal counsel. The American Bar Association's (ABA) Commission on the Future of Legal Services echoes this sentiment in its 2016 report, noting that "financial cost was the single most common factor cited for not seeking legal services when facing a challenge."[31] Since the 2016 ABA report, studies suggest that attorney hourly rates have increased, on average, by twenty-eight percent.[32] In 2022, the national average for attorney hourly rates reached over $300, requiring those who make the federal minimum wage to work over forty hours to afford one hour of an attorney's attention.[33]

Given the state of the system and the people it impacts, it is critical to evaluate what innovative legal tools have already been developed and launched into the marketplace to identify resources for those who otherwise would not have the capability to resolve their civil legal matters.

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31. AM. BAR ASS'N COMM'N ON THE FUTURE OF LEGAL SERVS., REPORT ON THE FUTURE OF LEGAL SERVICES IN THE UNITED STATES 15 (2016) (quoting Memorandum from GBA Strategies on Focus Group Research on the Future of Legal Services: Key Findings and Strategic Recommendations to Am. Bar Ass'n Nat'l Ctr. for State Cts. (Apr. 27, 2015), http://www.americanbar.org/content/dam/aba/images/office_president/final_focus_group_report_gba_st rategies.pdf [https://perma.cc/69QN-GXKY]).

32. *See, e.g.*, CLIO, LEGAL TRENDS REPORT 13 (2023).

33*. See* Christy Bieber, *How Much Do Lawyers Cost? 2024 Guide*, FORBES ADVISOR, https://www.forbes.com/advisor/legal/how-much-lawyers-cost/ [https://perma.cc/89TG-2KB9] (Jan. 3, 2023, 5:47 AM).

II. MARKETPLACE ACTORS PROVIDING ALTERNATIVE LEGAL
SERVICES: COURTESY OF GENERATIVE ARTIFICIAL INTELLIGENCE

"Generative AI is an opportunity for the legal profession to embrace an experimentation mindset. To look at the problems we face and ask, 'How can we creatively solve these? How can generative AI help us?'" - Cat Moon, Director of Innovation Design, Vanderbilt Law School[34]

Returning to the innovative proposal provided at the Third Annual Legal Innovation Tournament, the mobile application Privity relies upon artificial intelligence to "scan and simplify" a wide range of common legal documents for users unfamiliar with the legalese this profession prides itself on.[35] The developers market the technology by reviewing new filings in court databases to identify potential users and subsequently targeting advertisements for legal services to individuals subject to a pending lawsuit or criminal matter.[36] Privity is a perfect example of how legal tools powered by generative artificial intelligence can provide low-cost legal resources for those who need it the most.[37] Although Privity is a particularly groundbreaking application of generative artificial intelligence technology, there are additional marketplace actors in the civil legal services space providing similar types of assistance.[38] Thus, the following sections seek to explore how innovators are harnessing the power of generative

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34. *Vanderbilt Law School's Cat Moon Explains How and Why the Legal Industry Needs to Change*, JOSEF (Aug. 31, 2023), https://joseflegal.com/blog/vanderbilt-law-schools-cat-moon-explains-how-and-why-the-legal-industry-needs-to-change/ [https://perma.cc/7GJL-9EC9].

35. Andrew Denney, *AI-Powered App Designed to Simplify Legalese Wins Top Honors at Hofstra Law's Innovation Tournament*, N.Y. L.J. (Nov. 1, 2023, 4:39 PM), https://www.law.com/newyorklawjournal/2023/11/01/ai-powered-app-designed-to-simplify-legalese-wins-top-honors-at-hofstra-laws-innovation-tournament/ [https://perma.cc/6QPW-2EHE].

36. *Id.*

37. *See id.*

38. *See* discussion *infra* Sections II.A–D.

artificial intelligence in the marketplace to help bridge the gap for the most vulnerable.[39]

A. AI Lawyer

Taking the concept of Privity a step further, artificial intelligence startup AI Lawyer markets itself to lawyers, law students, and the general public as "a cutting-edge platform that . . . automates research, simplifies complex terms, and handles documents efficiently."[40] AI Lawyer's user interface employs a "chatbot" format,[41] allowing users to pose their various legal questions to a responsive natural language processing algorithm capable of providing responses in real time.[42] Developers of the application note that of AI Lawyer's fifteen thousand users, sixty percent utilize the "AI for People" function,[43] receiving services ranging from information gathering and dissemination to legal document drafting, all at a fraction of the cost of traditional legal service providers.[44] Although some detractors of the application postulate that AI Lawyer will never replace a flesh and bone litigator, the stated goal of the platform is instead "to provide

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39. *See* discussion *infra* Sections II.A–D.

40. *AI Lawyer: Your Personal AI Legal Assistant*, AILAWYER, https://ailawyer.pro/ [https://perma.cc/25J5-KK98].

41. *See id.* Generally speaking, "a chatbot is a computer program that simulates human conversation to solve customer queries." Shweta & Kelly Main, *What Is a Chatbot? Everything You Need to Know*, FORBES ADVISOR, https://www.forbes.com/advisor/business/software/what-is-a-chatbot/ [https://perma.cc/C5X5-BQ96] (Aug. 21, 2022, 12:03 AM). It should be noted that interactive chatbots capable of facilitating conversation such as AI Lawyer are built upon artificial intelligence algorithms that, once developed, are trained using a certain universe of data to handle inquiries from its users. *Id.*

42. Shweta & Main, *supra* note 41.

43. Greg Mitchell, *New Era in the World of Law: AI Assistants*, AILAWYER (Nov. 10, 2023), https://ailawyer.pro/blog/new-era-in-the-world-of-law-ai-assistants [https://perma.cc/K2C8-UH3J]. This finding is significant, showcasing that the majority of users are not lawyers, judges, or legal educators, but the general public, relying upon the technology to aid in the challenges of daily American life. *See id.* While at the time of the writing of this Article these functions were called "AI for People," AI Lawyer now uses a different naming convention of "AI for Legal Consumers." *See* AILAWYER, *supra* note 40.

44. AI Lawyer offers a weekly, monthly and annual subscription model, costing $9.99, $19.99, and $99.99 respectively. AILAWYER, *supra* note 40. Each price point comes with a free trial, allowing the user full access to all features during the course of the trial. *Id.*

accurate solutions even before entering the courtroom."[45] Tools such as AI Lawyer have the tangible potential to prevent civil legal controversies from materializing in the first place by arming the general public with relevant and digestible information that is both pertinent and particular to the end users' needs.[46]

Although it may seem strange based on our current perception of how legal services are traditionally delivered, the concept of an "artificial intelligence lawyer" providing access to justice that is preventative in nature merits further exploration. Because state studies continue to show a high percentage of civil legal needs go unfulfilled, perhaps investment in artificial intelligence platforms with preventative legal capabilities can aid in shifting these staggering statistics.[47]

B. Robot Lawyer LISA

Adding to the category of subscription-based legal services powered by artificial intelligence, Robot Lawyer LISA (LISA) seeks to "deliver legal services to millions presently unrepresented due to out-of-reach

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45. Mitchell, *supra* note 43. The primary task of AI Lawyer is to "optimize processes that take away precious time from our lives, making it an innovative solution in the field of AI law." *Id.*

46. *See id.* AI Lawyer legal consultants regularly post content on a sponsored blog, providing examples of common inquiries users ask of the platform. Examples include: "When am I officially considered divorced?" "What is custody?" "What is the difference between contested divorce and non-contested divorce?" Greg Mitchell, *AI Family Law Lawyer: Early Solutions*, AILAWYER (Nov. 11, 2023), https://ailawyer.pro/blog/your-ai-family-law-attorney-solve-problems-ahead-of-time [https://perma.cc/8DD4-KTSF]. In addition, the algorithm is capable of processing fact-specific questions impacting real-world issues, including inquiries such as "I own a small café in NYC. I recently decided to sell additional fruit. Do I need an additional license?" Mitchell, *supra* note 43.

47. For example, the Boston Bar Association found that in Massachusetts, civil legal aid programs decline nearly two-thirds of eligible cases requesting civil legal assistance, resulting in over thirty thousand Massachusettsans being forced to represent themselves in matters including eviction, foreclosure, and child abuse proceedings. *What Is Legal Aid?*, LEGAL SERVS. CORP., https://www.lsc.gov/about-lsc/what-legal-aid/unmet-need-legal-aid [https://perma.cc/PV5C-Z28B]. In 2013, nearly two million litigants appeared pro se in civil proceedings in New York state courts, with ninety nine percent of New York City tenants appearing unrepresented in eviction proceedings. *Id.* While AI Lawyer cannot replace the human element necessary to become a litigator, it does possess the capabilities to provide information that hopefully plays a preventative part in mitigating the aforementioned staggering statistics.

legal cost."[48] Targeted for both lay and sophisticated consumers, entrepreneurs, and business professionals, LISA enables users to craft legally binding agreements for a fraction of the cost of a traditional corporate law firm.[49] The concept is simple; LISA empowers lay counterparties to negotiate agreements inside of the LISA platform by: (1) informing each user about the "key legal and commercial principles" present in the negotiation in a neutral and unbiased way; (2) relying upon machine learning to find a middle ground for both parties; before finally (3) assessing whether the end agreement falls within the bounds of legality in the parties' desired jurisdiction.[50] Although the current iteration is limited in the variety of agreements that can be produced,[51] LISA serves as a fantastic example of how radical collaboration among innovators can produce incredible results—even the creation of binding confidentiality agreements in less than fifteen minutes for no cost.

C. *Legalese Decoder*

Marketing itself as a tool that can "Simplify Everyday Jargons and Legalese Instantly," Legalese Decoder is a product that allows users to upload a wide variety of legal documents to its website and receive in return "plain language" versions of documents, allowing users to better understand the legalese contained within.[52] The Legalese Decoder website provides examples of how users can utilize the technology to

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48. Mark A. Cohen, *The Latest Legal Delivery Collaboration: LISA and Billy – They're Robots*, FORBES (Sept. 5, 2017, 4:51 AM), https://www.forbes.com/sites/markcohen1/2017/09/05/the-latest-legal-delivery-collaboration-lisa-and-billy-theyre-robots/?sh=7d08893b7a3d [https://perma.cc/98Y3-VKC4].

49. *See Meet LISA*, ROBOT LAWYER LISA, https://robotlawyerlisa.com/ [https://perma.cc/CD7H-HSRJ].

50. *See Robot Lawyer 'Lisa' Is Here to Answer Your Legal Questions*, LATF USA (July 15, 2017, 11:49 AM), https://www.latfusa.com/article/2017/7/robot-lawyer-lisa-is-here-to-answer-your-legal [https://perma.cc/D7VH-4NM9].

51. Currently, Robot Lawyer LISA only offers the creation of non-disclosure agreements, but the website states that additional capabilities are forthcoming. ROBOT LAWYER LISA, *supra* note 49.

52. *Legalese Decoder: Understand Everyday Jargons & Legalese Instantly*, LEGALESE DECODER, https://legalesedecoder.com/ [https://perma.cc/7UXP-QH56].

receive helpful output, including the decoding of car leases,[53] mortgage financing agreements,[54] life insurance agreements,[55] credit card agreements,[56] and a variety of other contracts the general public may engage with.[57] Although the platform does offer a free tool with more limited capabilities, the intermediate and advanced tiers of the product are priced at $4.95 and $49.95 monthly, making Legalese Decoder an affordable option in comparison to traditional legal service providers.[58]

Legalese Decoder may not be an application designed to tackle every civil legal matter, but its founder William Tsui postulates that is not the intended purpose of the technology, noting: "Our mission is to empower individuals to navigate the digital landscape with confidence and peace of mind," providing users with a clearer picture of the potential risks and rewards associated with a variety of common

53. *See* legaleseblogger, *Make Sense of Your Car Leases, Loans, and Financing with AI: Innovative App That Translates Complex Legal Language*, LEGALESE DECODER (Jan. 9, 2023), https://legalesedecoder.com/navigating-the-dangers-of-car-leases-loans-and-financing-with-ai-legalese-decoder/ [https://perma.cc/D46U-WSZT].

54. *See* legaleseblogger, *Unlock the Power of Understanding with AI: App That Makes Mortgages and Home Financing Easy to Follow*, LEGALESE DECODER (Jan. 9, 2023), https://legalesedecoder.com/navigating-the-risks-of-mortgages-and-home-financing-with-ai-how-this-app-can-help-with-contract-jargons/ [https://perma.cc/8JE2-F43V].

55. *See* legaleseblogger, *Unlock the Secrets of Your Life Insurance Agreement with AI: Navigate Complex Contract Jargons*, LEGALESE DECODER (Jan. 9, 2023), https://legalesedecoder.com/unlock-the-secrets-of-your-life-insurance-agreement-with-ai-navigate-complex-contract-jargons/ [https://perma.cc/GDL6-JJY3].

56. *See* legaleseblogger, *Making Sense of Credit Card Contracts: AI Helping Consumers Understand the Fine Print*, LEGALESE DECODER (Jan. 10, 2023), https://legalesedecoder.com/making-sense-of-credit-card-contracts-ai-helping-consumers-understand-the-fine-print/ [https://perma.cc/L4AY-WM69].

57. *FAQ*, LEGALESE DECODER, https://legalesedecoder.com/faq/ [https://perma.cc/GUU6-QNW8].

58. *See Legalese Decoder*, SAASWORTHY, https://www.saasworthy.com/product/legalese-decoder#pricing [https://perma.cc/MK93-ZZSP] (Feb. 5, 2024). The free version of Legalese Decoder allows users to input 150 words. *Id.* The "Home" version allows users to input legal documents adhering to a 2,500-word limit spanning approximately five pages. *Id.* The "Professional" version allows users to input legal documents adhering to a 50,000-word limit, amounting to approximately one hundred pages. *Id.*

contracts in the marketplace.[59] Thus, the application serves as another arrow in the quiver in the fight for legal information access, especially in the context of a member of the general public relying on the technology to better understand their consumer protection rights in common contractual settings.

D. LEGID App

After reviewing artificial intelligence-powered legal technology products that provide interactive experiences at affordable price points,[60] it is critical to observe a markedly different type of product relying upon artificial intelligence to meet legal needs. Enter LEGID App, an Estonian startup company marketing itself as an online legal marketplace.[61] Built with machine learning artificial intelligence, LEGID App matches users with lawyers best equipped to handle the requested legal matter, subsequently facilitating a live chat experience between the matched attorney and user.[62] Within minutes of a user's legal inquiry, LEGID App's algorithm deciphers the content of the user's question to locate the legal area at hand and generates projects with a set of tasks that lawyers can bid on in real time, essentially cultivating a live, interactive, free market economy for answering legal questions.[63] Users may then select an attorney that matches their price

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59. Get News, *Stop the Black Mirror "Joan Is Awful" Nightmare with the AI Legalese Decoder*, FIN. CONTENT (June 21, 2023, 1:46 AM), https://markets.financialcontent.com/stocks/article/getnews-2023-6-21-stop-the-black-mirror-joan-is-awful-nightmare-with-the-ai-legalese-decoder [https://perma.cc/33EV-7ECP].

60*. See infra* Sections II.A–C.

61*. See Solve Legal Matters with Expert Lawyers via LEGID*, LEGID, https://www.legid.app/ [https://perma.cc/UUZ3-WFEL].

62*. Id.*; *see also Legaltech and AI: A Unique "Legal Practice In Your Pocket" Solution by Estonian Startup LEGID.app*, THE IMPACT LAWS. (June 2, 2021), https://theimpactlawyers.com/news/legaltech-and-ai-a-unique-legal-practice-in-your-pocket-solution-by-estonian-startup-legidapp [https://perma.cc/4ZM4-UDQ7].

63*. See* Sophia Tupolev-Luz, *LEGID App Is the First Marketplace for Legal Services Active in All Three Baltic States*, THE BALTIC TIMES (Aug. 2, 2021), https://www.baltictimes.com/legid_app_is_the_first_marketplace_for_legal_services_active_in_all_three_baltic_states/ [https://perma.cc/QH3P-FPZZ].

point.[64] The selected attorney keeps most of the user's payment but pays a commission percentage to LEGID App for facilitating the interaction.[65]

Initially launched in the Baltic States, LEGID App is now available in Latvia, Lithuania, Estonia, and Poland with plans to expand further into Europe before pursuing the Middle Eastern and African markets with the goal of "democratizing access to legal services for all."[66] Although not available in the United States at the time of this Article's publication, LEGID App still serves as an important example of the type of technology American users could benefit from and the type of innovation that must be fostered by the forthcoming policy recommendation.[67]

III. THE UTAH SUPREME COURT: A CASE STUDY IN INNOVATION AND RADICAL COLLABORATION

"Example is the school of mankind, and they will learn at no other."
- British Statesman Edmund Burke[68]

In August 2020, the Utah Supreme Court voted unanimously to establish the nation's first "regulatory sandbox,"[69] described by the court as "a well-established policy tool through which regulators permit new models and services in a market under careful oversight to

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64. *Id.*

65. THE IMPACT LAWS., *supra* note 62.

66. Tupolev-Luz, *supra* note 63. This push for affordable, on-demand legal services has been a passion project for founder Valentin Feklistov, whose inspiration for the product is sourced from his twelve years in practice realizing the lack of resources the "smaller client" would receive, noting "being taken seriously by larger firms is a challenge when you are a small-budget client." *Id.*

67. *See infra* Part IV.

68. Edmund Burke, Letter I: On the Overtures of Peace (1795), *reprinted by* 3 SELECT WORKS OF EDMUND BURKE (Francis Canavan ed., Liberty Fund Inc. 1999).

69. Zachariah DeMeola, *Utah Supreme Court Makes History with Vote to Establish Regulatory Sandbox*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. (Aug. 17, 2020), https://iaals.du.edu/blog/utah-supreme-court-makes-history-vote-establish-regulatory-sandbox [https://perma.cc/FY83-E7ZS].

test the interest, viability, and consumer impact and inform policy development."[70] In conjunction with the regulatory sandbox launch, the court created the Office of Legal Services Innovation (Innovation Office), an oversight mechanism regulating nontraditional legal businesses and alternative legal service providers by (1) assessing the risk of a potential legal service entity for consumer harm; and (2) collecting data on the outcomes of the entities participating in the regulatory sandbox.[71] The Innovation Office, overseen by the Utah State Bar in its daily operations, evaluates applications from all entities seeking to participate in the sandbox and requires applications to offer "innovative methods of creating and delivering legal services to those underserved by the current legal market."[72] Applying entities undergo a series of reviews, with the Utah Supreme Court providing final authorization or denial for an applying entity.[73] When initially considering legal service provider applications, the Innovation Office considers a variety of criteria in its decision-making process, chief among them the potential for an applying entity to cause consumer harm.[74] Once accepted, authorized entities submit data in regular intervals to the Office of Innovation, which then subsequently evaluates the captured data to identify three categories of consumer harm.[75] These categories include instances where a consumer (1) "achieves an inaccurate or inappropriate legal result"; (2) "fails to

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70. STATE OF UTAH SUP. CT., UTAH LEGAL REGULATORY REFORM: BASIC FACTS, https://uploads-ssl.webflow.com/5d03efebc4cbd6d7c884b485/5eb4ce987b732d0b802f9190_UTAH%20Fact%20Sheet%20FINAL.pdf [https://perma.cc/R85B-YZ6T].

71. *What We Do*, UTAH OFF. OF LEGAL SERVS. INNOVATION, https://utahinnovationoffice.org/about/what-we-do/ [https://perma.cc/8TKE-6LRV].

72. *Id.*

73. *Id.*

74. *Id.*

75. *Id.*

exercise legal rights through ignorance or bad advice"; or (3) "purchases an unnecessary or inappropriate legal service."[76]

In its first three years in the Utah marketplace, studies suggest the program has shown extraordinary promise despite trepidation from some in the legal community.[77] The regulatory sandbox has enabled nontraditional legal service providers to assist more than 2,500 people with "housing, immigration, healthcare, discrimination, employment, and a gamut of other issues."[78] Even after assisting thousands of individuals over a three-year time span, the rate of consumer complaints to the Utah Office of Innovation has been statistically low.[79] Only fourteen total complaints have been lodged, amounting to approximately one harm-related complaint per 6,851 services delivered.[80]

In the aftermath of the launch of the Utah regulatory sandbox, the ABA adopted a resolution encouraging states to "consider regulatory innovations that have the potential to improve the accessibility, affordability, and quality of civil legal services," citing the lack of civil legal service availability in the United States and the dismal lack of access many Americans currently experience.[81] Although the ABA did

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76. *Id.* For a deeper explanation of how the Utah Office of Legal Services Innovation mitigates risk in its consumer population, consider the "Information for Interested Applicants" portion of the Office's website. *See Information for Interested Applicants*, UTAH OFF. OF LEGAL SERVS. INNOVATION, https://utahinnovationoffice.org/info-for-interested-applicants/ [https://perma.cc/3922-VSZK].

77. *See* Logan Cornett & Zachariah DeMeola, *Data from Utah's Sandbox Shows Extraordinary Promise, Refutes Fears of Harm*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. (Sept. 15, 2021), https://iaals.du.edu/blog/data-utahs-sandbox-shows-extraordinary-promise-refutes-fears-harm [https://perma.cc/E5CY-VRVM]; Shoshana Weissmann, Braden Boucek & Dan Greenberg, *We Can Improve Access to Justice with More Paths to Law Practice*, BLOOMBERG L. (Oct. 13, 2023), https://news.bloomberglaw.com/us-law-week/we-can-improve-access-to-justice-with-more-paths-to-law-practice [https://perma.cc/6L4N-RYW4].

78. Weissmann et al., *supra* note 77.

79. *Id.*

80. *Id.*; *see also* UTAH OFF. OF LEGAL SERVS. INNOVATION, ACTIVITY REPORT: AUGUST 2023, at 7 (2023), https://utahinnovationoffice.org/wp-content/uploads/2023/09/2023.8-Public-Report-Final.pdf [https://perma.cc/T4TJ-X2A8].

81. AM. BAR ASS'N CTR. FOR INNOVATION, REVISED RESOLUTION (2020), https://www.americanbar.org/content/dam/aba/administrative/center-for-innovation/r115resandreport.pdf [https://perma.cc/69Q4-4J7M].

not specifically recommend states adopt a regulatory model to the extent that Utah has, the resolution serves as an important step towards action.

Utah Supreme Court Justice Deno Himonas believes that the sandbox is fundamentally necessary to overcome the mountain of Utah's unmet civil legal needs, noting, "We cannot volunteer ourselves across the access-to-justice gap."[82] This Article stands in firm agreement with the efforts of the Utah Supreme Court's outstanding leadership and offers a similar solution in the forthcoming policy recommendation. Above all else, the recommendation seeks to foster a regulatory environment allowing for business to flourish and for low-income Americans to finally have the same opportunity as their wealthier neighbors to pursue life, liberty, and happiness.

IV. POLICY RECOMMENDATION: THE NATIONAL REGULATORY SANDBOX

"There can be no equal justice without equal access to justice . . . because we do not have equal access to justice in America, the task before us is urgent."
- United States Attorney General Merrick B. Garland[83]

When considering a policy recommendation, this Article aims to facilitate opportunities to pair the legal artificial intelligence tools currently in the marketplace with the unmet civil legal needs of individuals across the country. The Utah Supreme Court provides an excellent starting point for the forthcoming proposal, but sources for inspiration do not end at the domestic border. It should be noted that

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82. DeMeola, *supra* note 69. Justice Himonas further notes, "We have spent billions of dollars trying this approach . . . [a]nd hammering away at the problem with the same tools is Einstein's very definition of insanity." *Id.*

83. Katie Benner, *Garland Revives Effort to Expand Access to Legal Aid*, N.Y. TIMES (Oct. 29, 2021), https://www.nytimes.com/2021/10/29/us/politics/office-access-justice-legal-aid.html.

other nations have successfully implemented national regulatory sandboxes promoting innovation in artificial intelligence.[84] At the time of this Article's writing, the European Union is currently negotiating the world's first Artificial Intelligence Act, calling for the establishment of common rules to implement national regulatory sandboxes in European Union member countries.[85] Domestically, the United States' current presidential administration has shown a desire to bridge the access-to-justice gap by reopening the Justice Department's Access to Justice office,[86] a critical step indicating the potential political willingness for the forthcoming solution.

The policy recommendation is as follows: the United States Supreme Court should model the Utah Supreme Court's efforts by creating a "National Office of Legal Services Innovation" to oversee the development and debut of the "National Regulatory Sandbox," an entity created to facilitate the delivery of low-cost legal services by alternative legal service providers with the aid of artificial intelligence. Given the significant workload the United States Supreme Court undertakes on an annual basis, the daily operations of the newly created National Office of Legal Services Innovation will need to be undertaken by a national oversight entity, similar to how the Utah Office of Legal Services Innovation is overseen by the Utah State Bar in its daily operations. This could be accomplished via collaboration

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84. For example, the Government of Spain created a national regulatory sandbox for artificial intelligence "designed to ensure reliable, ethical and robust technology" in accordance with the European Artificial Intelligence Act. Javier Fernández Rivaya & Anxo Vidal, *Spain: The Artificial Intelligence Regulatory "Sandbox" Has Arrived*, GARRIGUES (Sept. 29, 2023), https://www.garrigues.com/en_GB/garrigues-digital/spain-artificial-intelligence-regulatory-sandbox-has-arrived [https://perma.cc/2W5K-Q8R4].

85. *See EU AI Act: First Regulation on Artificial Intelligence*, EUR. PARLIAMENT, https://www.europarl.europa.eu/news/en/headlines/society/20230601STO93804/eu-ai-act-first-regulation-on-artificial-intelligence [https://perma.cc/CC7Y-7VUZ] (Dec. 19, 2023, 11:45 AM); *see also* Aaron M. Levine, *Is the EU AI Act Faltering?*, NAT'L L. REV. (Nov. 30, 2023), https://www.natlawreview.com/article/eu-ai-act-faltering [https://perma.cc/7UA4-3L7D] (discussing the debate surrounding the proposed EU AI Act).

86. Hassan Kanu, *DOJ's Access to Justice Office Reopens in Moment of Crisis and Opportunity*, REUTERS, https://www.reuters.com/legal/government/dojs-access-justice-office-reopens-moment-crisis-opportunity-2021-11-02/ [https://perma.cc/9GK2-T8CX] (Nov. 2, 2021, 4:29 PM).

with the ABA or by the formation of a specific oversight committee promulgated by the United States Supreme Court with the authority to oversee the newly created National Office of Legal Services Innovation.

The role of the newly created office is similar to that of the Utah Office of Legal Services Innovation, with responsibilities including the review of legal service provider applications, assessment of an applicant's potential for consumer harm, and the continual monitoring of an accepted entities success in the program.

The roadmap towards implementation will be modeled after independent think tank Consultative Group to Assist the Poor's (CGAP) *Practical Guide for Policy Makers*, an in-depth manual that carefully considers each step that governmental entities must undertake to ensure the success of their respective sandboxes.[87] Although the articulation of the intricacies of a National Regulatory Sandbox would merit a novel of its own,[88] the following discussion seeks to outline factors policymakers must consider when evaluating this policy proposal.

When designing a large-scale solution such as a regulatory sandbox, elements such as eligibility criteria, style of governance, experimentation timeline, evaluation criteria, and entity exit options are essential to consider because these elements will largely control the success of a plan of this magnitude.[89] First, clear criteria outlining entities' eligibility to participate is essential for the success of any sandbox program because it can ensure an equitable playing field

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87. IVO JENÍK & SCHAN DUFF, HOW TO BUILD A REGULATORY SANDBOX: A PRACTICAL GUIDE FOR POLICY MAKERS 2, 6–9 (2020), https://documents1.worldbank.org/curated/en/126281625136122935/pdf/How-to-Build-a-Regulatory-Sandbox-A-Practical-Guide-for-Policy-Makers.pdf [https://perma.cc/DK9W-TM9B].

88. *See* Ellen Murphy, *Why We Should Embrace the Regulatory Sandbox*, AM. BAR ASS'N (Aug. 13, 2021), https://www.americanbar.org/groups/gpsolo/publications/gp_solo/2021/july-august/why-we-should-embrace-regulatory-sandbox/ [https://perma.cc/Q4LA-3KWK] (providing background on the typical structure for a regulatory sandbox).

89. JENÍK & DUFF, *supra* note 87, at 13.

across participants.[90] Second, articulating the operating structure, authorities, and points of contact for the program are equally critical design choices because a lack of structure can lead to institutional legitimacy issues.[91] Third, timing considerations—ranging from when entities may be admitted to the sandbox to how long the sandbox will remain in existence—are important to determine at the outset so that all participants understand the structure of the system.[92] Fourth, policymakers must consider consumer harm-mitigating safeguards such as background checks, internal program tests, and the imposition of minimum machine learning processing requirements to ensure that the public is helped rather than harmed as experimentation begins.[93] Fifth, an objective and clear structure must exist for participating entities that must withdraw from the sandbox. Exit pathways must be considered both for entities that must be involuntarily removed for infringements upon a consumer protection policy and for entities voluntarily choosing to exit the program in pursuit of more profitable ventures.[94]

Additionally, once implemented, the National Regulatory Sandbox will require monitoring and oversight by the newfound Office of Legal Innovation to both (1) monitor the success of the innovating entities accepted within the program and (2) ensure compliance with articulated harm mitigation policies. An oversight authority's ability to successfully monitor the sandbox will largely be dictated by the capacity of the sandbox, the level of monetary and personnel resources dedicated to the program, and the number of alternative legal service providers that are ultimately accepted into the program.

By adopting this Article's proposed regulatory framework, the nation has the opportunity to face the challenge of creating a system of

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90. *Id.* at 12 tbl.1.

91. *Id.*

92. *Id.*

93. *Id.* at 12 tbl.1, 26.

94. *Id.* at 12 tbl.1.

accessible justice for every American in a bold and profound way. As generative artificial intelligence capabilities rapidly develop, so should our regulatory and policy approaches. The nation possesses the ability to meet this moment with a common-sense solution, which requires buy-in from legacy media, entrepreneurs, developers, programmers, lawyers, and regulators. But are these actors ready to put their best foot forward and step towards progress?

V. Cautions for Consideration: Issues to Consider in Conjunction with Sandbox Experimentation

"Everybody knows if you are too careful you are so occupied in being careful that you are sure to stumble over something." - American Poet Gertrude Stein[95]

Although the advantages of implementing the National Regulatory Sandbox are outlined above, this Article would be critically lacking if it failed to explore potential implications and disadvantages of the policy recommendation.

As more courts and bar associations issue guidance on lawyers' usage of artificial intelligence in their legal representation,[96] a sense of

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95. Ilana Estelle, *A Gertrude Stein Quote*, CP DIARY (Aug. 15, 2024), https://www.thecpdiary.com/a-gertrude-stein-quote/ [https://perma.cc/PHD6-E8V4].

96. For example, the U.S. Court of Appeals for the Fifth Circuit recently proposed a court-wide rule amendment requiring attorneys to represent that no generative artificial intelligence program was relied upon in the drafting of any filing before the court, and if so, litigants must ensure that the filing "has been reviewed for accuracy and approved by a human." Avalon Zoppo, *Could 5th Circuit's Proposed AI Review Certification Deter Use of the Tech?*, NAT'L L.J. (Dec. 1, 2023, 12:05 PM), https://www.law.com/nationallawjournal/2023/12/01/could-5th-circuits-proposed-ai-review-certification-deter-use-of-the-tech/ [https://perma.cc/9DWT-VLTS]. Another example is found in New York, where U.S. Court of International Trade Judge Stephen Vaden issued an order requiring attorneys to disclose use of any generative artificial intelligence tool in the course of matters pending before him, and, if so used, to file a notice with the court disclosing which program was used and "the specific portions of text that have been so drafted." Sara Merken, *Another US Judge Says Lawyers Must Disclose AI Use*,

distrust in the accuracy and legitimacy of legal artificial intelligence tools continues to grow among practitioners and members of the judiciary.[97] Current literature suggests that legal professionals "generally do not fully trust generative AI tools with confidential data,"[98] with some practitioners noting data privacy risks abound when considering the technology's ability to access and analyze massive amounts of data.[99] Some detractors of the technology within the profession even believe that artificial intelligence has the potential to replace attorneys altogether.[100] The automation of administrative and clerical tasks traditionally performed by lawyers and paralegals runs the risk of replacement, causing some to shout words of caution to the pending incorporation of artificial intelligence in legal practice.[101] Some in the profession even believe that the advent of legal artificial intelligence technology actually hinders the healing of our nation's wounds by inadvertently widening the access-to-justice gap users of

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REUTERS, https://www.reuters.com/legal/transactional/another-us-judge-says-lawyers-must-disclose-ai-use-2023-06-08/ [https://perma.cc/U4PK-PHSK] (June 8, 2023, 6:35 PM). Even organizations are joining in on the caution, evidenced by the Florida Bar Association Committee on Professional Ethics proposing guidelines on the usage of generative artificial intelligence and ethical considerations that should be considered by Florida attorneys. Sarah Martinson, *Fla. Bar Committee Proposes Generative AI Ethics Guidelines*, LAW360 (Nov. 14, 2023, 3:03 PM), https://www.law360.com/articles/1766381?scroll=1&related=1 [https://perma.cc/46KY-DJD4].

97. *See* Shweta Watwe, *Judges Reflect on GenAI Use One Year After ChatGPT's Debut*, BLOOMBERG L. (Nov. 28, 2023, 5:00 AM), https://news.bloomberglaw.com/litigation/judges-reflect-on-genai-use-one-year-after-chatgpts-debut [https://perma.cc/VEN2-8DQZ] (noting the "patchwork of approaches" followed by the federal judiciary may hold an anti-technology tone).

98. *Will AI Take Over Lawyer Jobs? 3 Reasons to Object*, THOMSON REUTERS (Sept. 29, 2023), https://legal.thomsonreuters.com/blog/will-ai-take-over-lawyer-jobs-3-reasons-to-object/ [https://perma.cc/8QRP-FUGV].

99. Gai Sher & Ariela Benchlouch, *The Privacy Paradox with AI*, REUTERS, https://www.reuters.com/legal/legalindustry/privacy-paradox-with-ai-2023-10-31/ [https://perma.cc/V7W2-TK8B] (Oct. 31, 2023, 1:15 PM).

100. Steve Lohr, *A.I. Is Coming for Lawyers, Again*, N.Y. TIMES (Apr. 10, 2023), https://www.nytimes.com/2023/04/10/technology/ai-is-coming-for-lawyers-again.html (noting studies, interviews, and anecdotes contributing to the narrative of artificial intelligence replacing or eliminating legal employment opportunities).

101. Roger E. Barton, *How Will Leveraging AI Change the Future of Legal Services?*, REUTERS, https://www.reuters.com/legal/legalindustry/how-will-leveraging-ai-change-future-legal-services-2023-08-23/ [https://perma.cc/VTW5-DRJ3] (Aug. 23, 2023, 10:06 AM).

the technology aim to fill.[102] These critics cite concerns covering a variety of factors, including cost, lack of technological access, and the entry of inferior products into the marketplace.[103]

For example, Gonzaga University School of Law's Assistant Professor Drew Simshaw argues that while artificial intelligence has been "heralded for its potential to help close the access to justice gap," there exists a "fear that increased reliance on AI" will lead to negative side effects, including low-income Americans becoming "stuck with inferior AI-driven assistance."[104] Others argue that "[i]n its current state, legal AI presents three main barriers to justice" including (1) the potential expense for high-quality AI, (2) underrepresented communities' inability to access the technology, and (3) stagnation in the fight for a federal right to civil counsel.[105] This cautionary commentary is welcomed and should be encouraged in the conception of the proposed National Regulatory Sandbox so that future experimentation can determine if these aforementioned concerns hold merit once tested.

Although there are certainly merits to each of the concerns raised above, these types of concerns are precisely why the policy recommendation must be implemented. By modeling the efforts of the European Union and Utah Supreme Court, the United States Supreme Court has the opportunity to address the nation's civil legal service needs boldly, while also retaining oversight to ensure that entities seeking entry to the National Regulatory Sandbox adhere to a strict set of standards in administering legal services. This Article's policy recommendation cannot solve for every issue, but its purpose is to foster a conversation about how innovation, when paired with

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102. *See* Drew Simshaw, *Access to A.I. Justice: Avoiding an Inequitable Two-Tiered System of Legal Services*, 24 YALE J.L. & TECH. 150, 150 (2022); Ashwin Telang, *The Promise and Peril of AI Legal Services to Equalize Justice*, JOLT DIG. (Mar. 14, 2023), https://jolt.law.harvard.edu/digest/the-promise-and-peril-of-ai-legal-services-to-equalize-justice [https://perma.cc/PV3S-XSA9].

103. Simshaw, *supra* note 102, at 170–71.

104*. Id.* at 170.

105*. Telang, *supra* note 102.

common-sense safeguards provided by a federal oversight authority, can help resolve the issue of affordable justice currently under immense strain.

CONCLUSION

In reflecting on the Third Annual National Legal Innovation Tournament, Dr. Richard Hayes, Executive Director of Hofstra University's Institute of Innovation and Entrepreneurship, remarked: "Creativity is at the heart of innovation. It was both amazing and refreshing to witness the spirit of creativity and innovation as demonstrated by the participating law and computer science students. The participating students provided real examples of how technology can be used to advance equity and justice."[106]

Dr. Hayes's sentiment is certainly one held herein, as this Article boldly sought to envision a world where technological innovators could pair their talents with practitioners and policymakers alike to advance equity interests in bridging the access-to-justice gap. Moving forward, it is critical that further literature, research, and policy recommendations be discussed as the conversation surrounding access to civil legal services develops. Perhaps one day, policymakers and practitioners, programmers and paralegals, and even lawyers and laypersons can bring their shovels and pails to the sandbox of innovation and build an incredible sandcastle together in radical collaboration.

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106. Berman, *supra* note 1.