



ASPEN TECH POLICY HUB

THE ASPEN INSTITUTE

ABA Center for Innovation
American Bar Association
321 North Clark Street
Chicago, Illinois 60654

August 5, 2020

To: American Bar Association Center for Innovation:

I am a fellow at the Aspen Institute's Tech Policy Hub and a public interest technologist. At Aspen, I study the role that Automated Advocates - tools that help users by automating away administrative burden while providing data that leads to the improvement of overall systems - play in closing the access to justice gap.

I applaud the Center's role in passing ABA Resolution 115: Encouraging Regulatory Innovation, and its related report suggesting that states do more to innovate regulatory solutions to address the urgent gap in access to civil legal services.¹ The report calls for regulatory innovation to coexist with, and be supportive of, "the implementation of technology and innovation to help lawyers deliver their services more efficiently."² However, states face a tough technical challenge in achieving this goal even if they come up with innovations in their regulatory framework, such as regulatory sandboxes. With few, if any, technologists on staff, they will nevertheless need to attract interest from, and evaluate the qualifications of, legal technology providers who want to participate in those sandboxes.

To solve this, I write to respectfully suggest that the Center use its mandate to encourage and accelerate innovation by providing additional operational resources for states. The Center should publish [guidelines](#) for states to help them to evaluate

¹ American Bar Association, House of Delegates, Encouraging Regulatory Innovation, Resolution 115, 81st Midyear Meeting., introduced in House February 17, 2020, <https://www.americanbar.org/content/dam/aba/images/centerforinnovation/r115resandreport.pdf>.

² Ibid, Rep. 1-2.

and encourage the development of technical Automated Advocate tools and launch [Requests for Startups](#) to direct market attention to where it is needed most. The Center is uniquely positioned to provide centralized resources and guidance on this shared technical problem given its role in drafting Resolution 115, its cross-sector partnerships, and its history of providing assistance to technology projects.

I support the Center in taking the following actions and have included additional resources to facilitate these efforts:

- 1. Publish guidelines for states to help them evaluate technical Automated Advocate tools**

Automated Advocate style tools are relatively new, and builders of these tools are bound to experiment with different technologies, focus areas, business models, and approaches over the next few years. As the legal tech field heats up, it will be crucial that consumers, regulators, and builders come to a common understanding of what excellent and/or unethical digital citizenship looks like in this space. To that end, I encourage the Center to define the category of legal technical tools that would benefit its Access to Justice goals – Automated Advocates – and to publish guidelines on how to differentiate good actors in this space from bad. [Here](#) you will find a working example of a field definition for Automated Advocates that you can use to solicit novel market entrants as well as [a set of Design Principles](#) for their operations. These Design Principles are the results of interviews with existing Automated Advocate builders in the civic technology field and provide a starting point for collective iteration.

The Center already provides incredibly valuable shared knowledge about regulatory innovation options via its Legal Innovation Regulatory Survey; a shared set of Automated Advocate guidelines would offer an additional resource for states looking to deepen their technological experimentation in tandem with their regulatory framework.

- 2. Launch Requests for Startups to help incentivize new market entrants and direct their attention to where it is needed most**

The lack of options for people seeking resolution to their civil legal problems is a market failure. ABA Resolution 115 acknowledges the innovation and cross-sector

collaboration that will be needed in order to make progress. The Center should signal the ABA's eagerness for new entrants into the market by releasing an open solicitation for startups (nonprofit or for-profit) based on the most urgent legal challenges that could apply across states. Technology incubators and accelerators such as Y Combinator regularly and successfully use Requests for Startups to inspire entrants to consider new markets.

An optimal call for startups should be paired with an offering of resources for successful applicants beyond acceptance into the regulatory sandbox, such as connections to potential end users, collaboration opportunities with government digital service teams, financial backing, or access to free technology or mentorship. The Center is uniquely positioned to connect applicants with institutional funders who would be willing to offer experimental funding as well as with free technology tools as part of its existing [Legal Tech for a Change](#) initiative. In case you find it helpful, a Sample Requests for Startups is linked [here](#).

The unequal access to justice in America is a crisis. Thank you for your consideration and for continuing to maintain the urgency of action and continuous experimentation that this problem deserves.

Sincerely,
Jessica Cole