

## CONFERENCE OF CHIEF JUSTICES

### RESOLUTION 9

#### **Recommending Consideration of ABA Model Regulatory Objectives for the Provision of Legal Services**

WHEREAS, the American Bar Association (ABA) Commission on the Future of Legal Services was created to examine how legal services are delivered and to recommend innovations that improve the delivery of, and the public's access to, those services; and

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators passed Resolution 5 in July 2015, which recognizes "significant advances in creating a continuum of meaningful and appropriate services to secure effective assistance for essential civil legal needs" and supports "the aspirational goal of 100 percent access to effective assistance for essential civil legal needs"; and

WHEREAS, the ABA Commission has concluded that the development of regulatory objectives is a useful step to guide state supreme courts and bar authorities as they assess the existing regulatory framework and identify and implement regulations related to legal services beyond the traditional regulation of the legal profession; and

WHEREAS, the articulation of regulatory objectives clarifies the purpose of regulating lawyers and, where a state chooses to do so, other legal service providers; ensures transparency to the public regarding the regulatory framework for lawyers and other legal service providers; and defines the parameters of regulations; and

WHEREAS, the ABA Commission developed the following model regulatory objectives as a guide to state supreme courts and bar authorities:

#### **"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, and disciplinary sanctions for misconduct
- J. Diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system”

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices recommends consideration of the model regulatory objectives by its members as a means to help assess the state’s existing regulatory framework and to help identify and implement regulations related to legal services beyond the traditional regulation of the legal profession.

Adopted by the Conference of Chief Justices at the 2016 Midyear Meeting on February 3, 2016.