

Jim's Perspective...

Changes in the Legal Profession

The landscape for licensing and regulation of certain professions or occupations is constantly changing, which I am sure insurance agents can appreciate. Technology has allowed insurance entities to connect with potential customers in many more ways than existed ten to twenty years ago. For example, American Family Insurance now has a subsidiary called CONNECT which sells insurance products to Costco members.

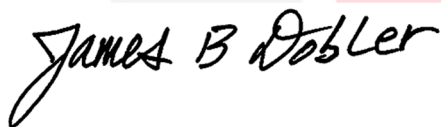
The legal profession is experiencing many changes to the practice of law. In August of 2020, the Utah Supreme Court unanimously voted to approve a two-year trial period in which nonlawyer ownership or investment in law firms would be permitted. The court also agreed to allow legal services providers to experiment with new ways of serving clients, and the court amended the rules that govern the practice of law so that fee sharing with non-lawyers is allowed so long as the client is given written notice of this procedure. And so today, Utah is now the home of the first entirely nonlawyer owned law firm in the United States. It is called Law on Call. It is owned by a registered agent in Utah called Northwest Registered Agent. Law on Call is staffed with attorneys, but is simply totally owned by Northwest Registered Agent. A registered agent is an individual or company that is a corporation's official point of contact in a state to receive service of process in a court case, other legal documents, and official documents from the state. It then forwards these documents to the corporation. Law on Call operates in what is called the Utah Legal Sandbox. It is called a "sandbox" because it is a place to "play" (i.e. experiment) under the close watch of the Utah Supreme Court's Office of Legal Services. The sandbox concept is something that I have seen state insurance regulators use for some new insurance operational ideas and products. Incidentally, Senator Anna Wishart introduced LB1127 this session, which would establish this regulatory sandbox concept in Nebraska.

The Utah concept involving the practice of law is viewed as an "alternative business structure" that may also allow nonlawyers, defined as "legal paraprofessionals" to represent clients in court. I never thought I would see the day when the practice of law could be accomplished by individuals who were not lawyers. The Arizona Supreme Court announced a program that allows nonlawyer paraprofessionals to provide certain legal services. that went into effect January 1, 2021. Minnesota is doing the same thing. The State Bar of California is considering a proposal to permit nonlawyer paraprofessionals to provide legal advice and undertake some other tasks typically handled by lawyers. The paraprofessionals would also be allowed to represent parties in court in certain instances but not in jury trials. Finally, New York is involved in implementing a nonlawyer business structure that would allow licensed social workers to perform some legal tasks.

There have also been many technological innovations that now do the work that attorneys used to have to do. LawGeex is a digital playbook that reviews, writes and edits contracts. This company says it has reviewed millions of contracts. The American Bar Association Journal reports that LawGeex raised \$20 million in investor money in 2020. If you need to find and retain a lawyer, you can go to Priori Legal which was founded by two women who were Yale

Law School graduates. It maintains a global vetted network of attorneys. It sounds like many in-house attorneys use this search tool when they have global needs for legal professionals. Historically, one of the more ponderous aspects of litigation was conducting all the pre-trial discovery so that you can learn what all the issues in the court case might be. Now you can go to Everlaw which is a cloud-based platform that conducts ediscovery with upload speeds of 500,000 documents an hour. Thirty years ago, I can't imagine how long it would take to collect 500,000 documents through discovery! Finally, I can't leave Elon Musk out of this discussion. In 2015 he was one of the co-founders of a non-profit Artificial Intelligence research company called OpenAI which developed a language model called GPT-3 that can produce human-like text. It is a language prediction model that produces text that sounds like it was written by humans. I wonder if this text includes a couple of misspelled words and maybe a misplaced modifier or two. That would sure make it appear to be written by a human!

I know, as they say, "change is inevitable," but it is still astounding to me, how quickly technology moves on, with bigger and better things. It is hard to keep up with all the changes. It is particularly unsettling for a man who entered the working world and embraced the IBM Selectric II typewriter in the early 1970's because it had a built-in white ribbon that corrected typing errors. I no longer had to have white letter correction ribbon or tape at my desk that had to be inserted in front of the sheet of paper I was typing on, in order to correct a typing error!

A handwritten signature in black ink that reads "James B. Dobler". The signature is written in a cursive style with a large, stylized 'J' and 'D'.

Jim Dobler, CPCU

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Questions or Comments? Please email jbdobler@outlook.com