

Utah Supreme Court Implements Key Changes to Sandbox Project

The Utah Supreme Court announced a series of policy changes to the Utah Legal Regulatory Sandbox aimed at adjusting the court's approach to legal services regulation. These changes, detailed in a letter from Chief Justice Matthew B. Durrant and the full court to the Legal Services Innovation Committee, aim to narrow the scope of the Sandbox while ensuring it continues to serve its core goal of increasing access to legal services without increasing the risk of consumer harm.

The Sandbox, a pilot project launched four years ago, allows non-traditional legal service providers to operate in Utah under less restrictive regulatory conditions. It has been an experimental approach designed to test whether changes in regulation can improve access to justice. Based on data gathered from the project, the court is now refining the scope and focus of the Sandbox to concentrate on entities offering innovative solutions with potential to substantially impact the access-to-justice gap in Utah.

After considering feedback from the Legal Services Innovation Committee, the court will continue with the existing Sandbox model but has adopted the following key recommendations:

Restarting Audits

The court will immediately resume audits of mid- to high-innovation entities using experienced Utah-licensed attorneys as paid auditors. The audit process is a critical component for assessing consumer harm and ensuring compliance with Sandbox guidelines.

Replacing the Website Authorization Badge with Feedback Solicitation

To address concerns about the misuse of the Sandbox badge, which was sometimes perceived as a court endorsement, the court will now require entities to display prominent language inviting consumer complaints or feedback.

Rejection of For-Profit Immigration Services Applications

The court has chosen to no longer accept applications from for-profit entities offering immigration-related services. This decision stems from concerns about the ability to detect consumer harm and the limited potential for innovation the court has seen from for-profit applicants in this space.

Processing New Applications

The court will continue to process applications for new Sandbox entities, particularly those showing innovative service models that can help bridge the access-to-justice gap in Utah.

Recognizing that many low-innovation entities are consuming resources disproportionate to their potential benefit to Utah consumers, the court has introduced two major policy changes:

Utah Innovation Requirement

Going forward, all Sandbox entities must demonstrate that their service models will significantly benefit Utah consumers. National or international entities that only incidentally serve Utah clients will no longer qualify. This "Utah innovation requirement" aims to ensure that Sandbox resources are used to support entities that have the potential to make a meaningful impact on legal service accessibility in Utah.

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Entities that Do Not Meet the Utah Innovation Requirement

Existing Sandbox entities that do not meet the new Utah innovation requirement, such as entities offering minimal innovation or those with no significant presence in the Utah legal market, will end their Sandbox participation.

These changes are expected to reduce the number of low-innovation entities in the Sandbox significantly, allowing the court and the Innovation Office to focus their efforts on mid- to high-innovation models that, based on what the court and the Innovation Office has seen during the first four years of tracking Sandbox projects, are more likely to benefit Utah consumers and advance the access-to-justice mission.

By narrowing the scope of the Sandbox, the court hopes to maximize its effectiveness in increasing legal service availability. Roughly three-quarters of current Sandbox participants are low-innovation, Alternative Business Structure-only entities. Moving to phase 2, the court aims to redirect resources toward mid- and high-innovation entities with the greatest potential for meaningful consumer impact.

The Utah Supreme Court expressed optimism about these changes, noting that the revised focus will allow for more meaningful data collection and analysis. This, in turn, will help inform the court's future decisions. The court remains committed to using the Sandbox as a platform for fostering innovative approaches to legal services that can address the persistent access-to-justice challenges in Utah.

The Legal Services Innovation Committee, the Innovation Office, and the court will continue to work together to implement these new policies and evaluate their impact on the Utah legal market. The success of the Sandbox will ultimately depend on the ability to balance innovation with the protection of consumers, a challenge the court is keen to address through its ongoing regulatory experimentation.

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