



Initial parameters for the Innovation Committee Regulatory Pilot Program

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Innovation Committee

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Introduction

The [Commission on Indiana's Legal Future](#) was created by order of the Indiana Supreme Court to explore options for addressing Indiana's attorney shortage and present findings and recommendations to the Court on future actions. The Commission includes members from all three branches of Indiana state government, attorneys in private practice, prosecutors, public defenders, and academia. The Commission [presented twenty-seven interim recommendations](#) including the creation of a regulatory sandbox program.¹ This program would offer a controlled setting in which new legal practices and technologies can be tested and improved.

The [Innovation Committee](#) is a permanent committee under Administrative Rule 4, tasked with fostering an environment conducive to experimentation. The committee's mission includes launching pilot projects designed to test new procedures and assess their potential for scalability and broader application within the legal system. In furtherance of these objectives, and responding to the Commission's interim report, the Supreme Court [directed](#) the Innovation Committee to establish the initial parameters of a regulatory sandbox program.²

The Supreme Court established the Innovation Committee, originally as the Innovation Initiative, in 2019 "to make Indiana's system of justice more efficient, less expensive, and easier to navigate while continuing to ensure that justice is fairly administered and the rights of all litigants are protected."³ The committee was designed since its inception to be a testing ground for novel ideas:

The Innovation Initiative will be a sandbox for testing new ideas. Pilot projects can be launched in specific courts to experiment with new technologies, processes, or methods. Pilots may be launched outside of courts, in collaboration with bar associations, legal services or community services organizations, executive branch agencies, the Coalition for Court Access, or other justice services partner entities.⁴

The Indiana State Constitution grants the Supreme Court authority to regulate the legal profession in Article 7, Section 4. This section states that the Supreme Court has exclusive jurisdiction in matters involving the admission to the practice of law, the discipline or disbarment of those admitted, and the unauthorized practice of law.⁵

¹ *Interim Recommendations of the Commission on Indiana's Legal Future*, Jul. 30, 2024, pp. 10, 15, archived at <https://perma.cc/J29F-YY2E>.

² *Order on Interim Recommendations Made by the Commission on Indiana's Legal Future*, Indiana Supreme Court, No. 24S-MS-116, Oct. 3, 2024, pp. 1-2, archived at <https://perma.cc/J7FG-SFCG>.

³ *Order establishing Indiana Innovation Initiative*, Indiana Supreme Court, No. 19S-MS-512, Sep. 24, 2019, archived at <https://perma.cc/Z3ZX-C2E8>.

⁴ Robert Rath, *Ready for Liftoff*, Indiana Court Times, archived at <https://perma.cc/F2XJ-CF96> (February 27, 2020).

⁵ [Indiana Constitution Article 7, § 4](#). See also State ex rel. Indiana State Bar Ass'n v. United Financial Systems Corp., 926 N.E.2d 8 (2010); State ex rel. Indiana State Bar Ass'n v. Diaz, 838 N.E.2d 433 (2005); State ex rel. Indiana State Bar Ass'n v. Northouse, 848 N.E.2d 668 (2006).

Ideas can come from anywhere

Feedback can be submitted via webform, email, or US mail. Ideas can come from anywhere, beyond the committee, including sources outside of the judicial branch, such as:

- State Legislature
- Executive Branch
- Courts in Indiana, including Judges, Clerks, and staff
- Indiana State Bar Association
- County and local bar associations
- Indiana Bar Foundation
- Neighborhood associations
- Prosecutors
- Public defenders
- Civil legal aid providers
- Other jurisdictions outside of Indiana

Ideas can be submitted by the Supreme Court, OJA, judicial officers, and other judicial branch boards, committees, and commissions such as:

- Legal Future
- Strategic Planning
- Coalition for Court Access
- Language Access
- Family Law
- Criminal Law
- Rules
- Records Mgt and Public Access
- Board of Law Examiners
- Continuing Legal Education

OJA's Office of Innovation receives the suggestions, prepares an initial triage, and submits the suggestions to the Innovation Committee. Ideas may be assigned for further analysis to a subcommittee, such as the permanent technology subcommittee focused on integrating technological advancements into the judicial system. Ad hoc subcommittees may be created as needed.

This idea collection process is illustrated in *Figure 1 Ideas can come from anywhere*.

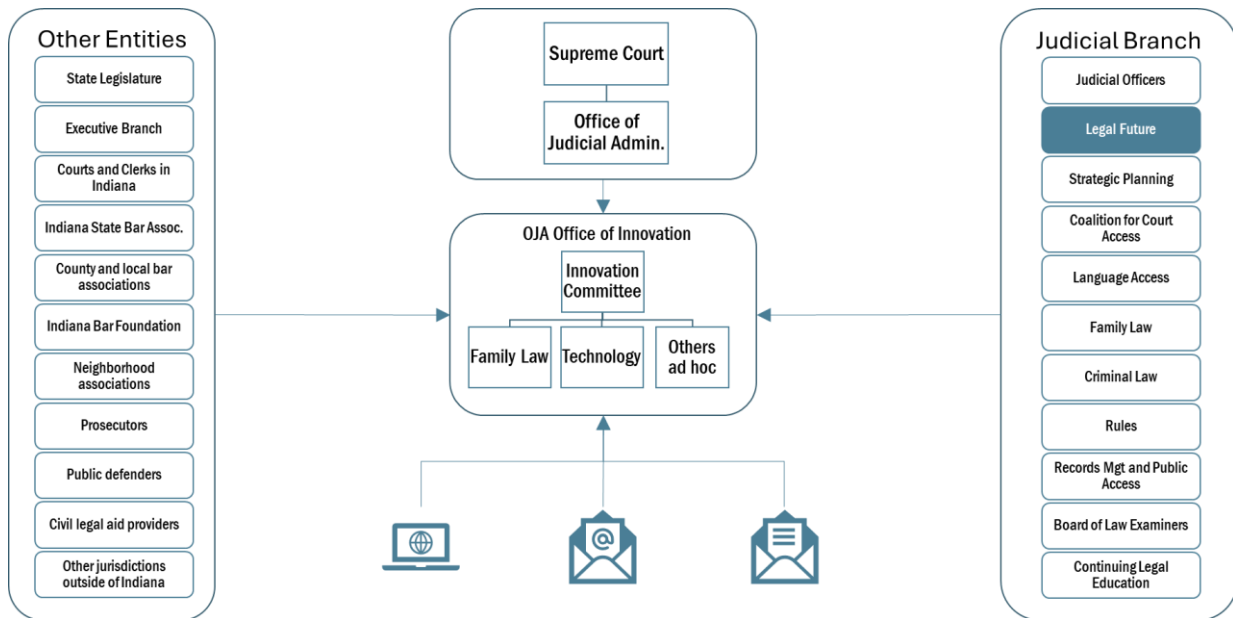


Figure 1 Ideas can come from anywhere

Innovation Committee analyzes each proposal and submits its recommendations to the Court through OJA

The committee will invite feedback from relevant partners and judicial branch committees and discuss the proposals during its monthly meeting. After deliberating, the committee will submit its recommendation to OJA.

OJA will then analyze each proposal and submit its and the committee’s recommendations to the Supreme Court, which may then invite public comment or request further study before making its decision.

This idea synthesis process is illustrated in *Figure 2 Innovation Committee analyzes each proposal and submits its recommendation to the Court and OJA.*

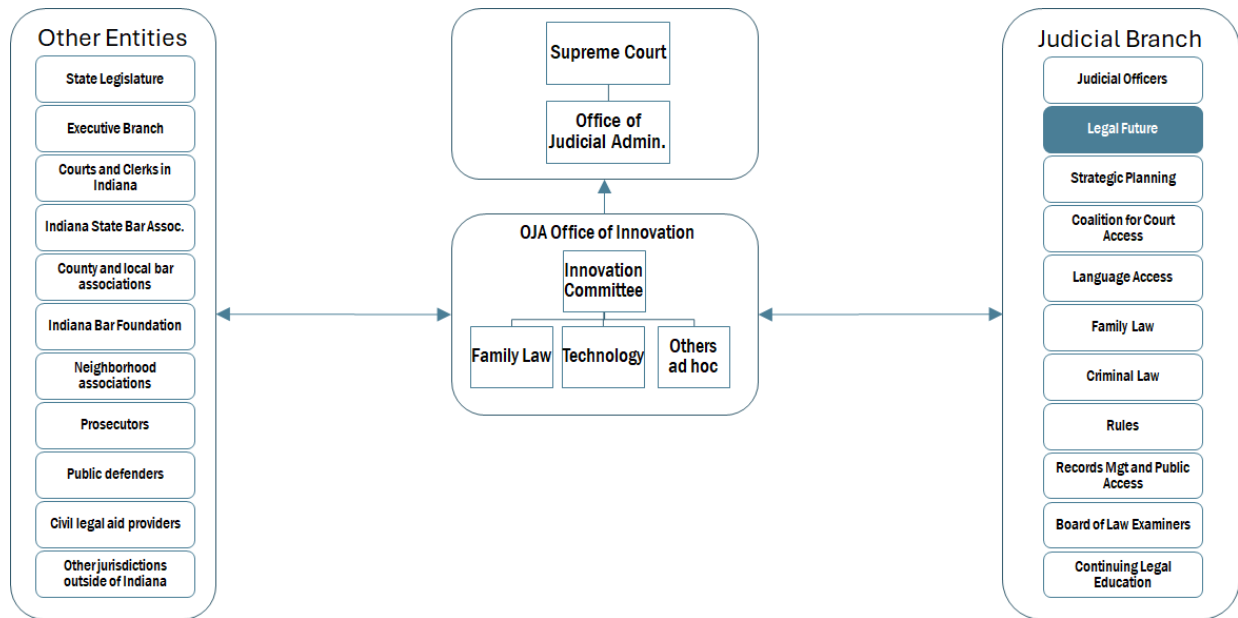


Figure 2 Innovation Committee analyzes each proposal and submits its recommendation to the Court and OJA

The flow of ideas has been in place since the committee was established in 2019. Through this process, subcommittees focused on family law, civil litigation, and technology have evaluated multiple proposals, implemented several pilot initiatives, and delivered their findings and suggestions to the Supreme Court.

The Legal Future Commission’s regulatory sandbox recommendation opens doors for new service models in the legal services market. Interested parties may submit pilot program proposals to the Innovation Committee, outlining plans that align with the [Framework for Designing and Implementing Legal Regulation](#). The framework, created by Dr. Thomas Clarke and Lucy Ricca, requires addressing essential elements: regulatory goals, unit of regulation, regulatory approach, reform targets, regulatory mechanisms, hosting, and funding.

Regulatory goals

The establishment of the Legal Future Commission is a strategic response to the critical shortage of attorneys across the state. Alarming, 91 of 92 Hoosier counties report a lower number of lawyers per capita than the national average. This scarcity’s impact is most pronounced in rural areas, economically disadvantaged communities, and within the public service sector. Such a deficiency poses a significant risk to the legal profession's integrity, undermines public trust in the judicial system, erodes the rule of law, and ultimately impacts the civic health of Indiana's communities.

As noted in the introduction, the Innovation Committee was established “to make Indiana’s system of justice more efficient, less expensive, and easier to navigate while continuing to ensure that justice is fairly administered, and the rights of all litigants are protected.”

Regulatory pilot programs must maintain or strengthen both consumer protection and public confidence in the courts.

Unit of regulation

Regulatory reform models utilize entity regulation, individual regulation, or both. Entity regulation addresses the governance and structuring of organizations that will deliver the legal services or certify the individuals or firms relating to the proposed pilot project. Individual regulation focuses on certifying and managing the people who directly provide legal services.

Each proposal to the Innovation Committee should describe the regulatory structure needed to implement and operate the reform.

Regulatory approach

The design framework describes four different approaches to regulating legal services: prescriptive, management, outcomes, and risk. These can be implemented through ex ante or ex post mechanisms with oversight and accountability commensurate with the potential risks and rewards.

Ex ante regulations focus on requirements before individuals or entities can engage in legal practice or related services. Common examples of prescriptive, ex ante regulations include education requirements, bar exams, certification of individuals or entities, and skills testing.

Ex post regulations are designed for post-engagement oversight, focusing on accountability and corrective measures. Harm-based regulations impose a penalty when the legal services directly cause a negative impact. Attorney discipline and tort claims, such as negligence, can deter malpractice.

Performance metrics and user experience surveys are important ex post regulations that measure the impact on regulatory reform. Pilot projects should demonstrate their value to the public by presenting relevant data.

Reform targets or methods

To foster innovation, pilot projects may require exemptions from existing statutes and court rules to operate within a limited scope. These exemptions allow testing of new legal models and practices, enabling the refinement of methods that could later be integrated into the broader legal framework.

The Legal Future Commission's proposals on allied legal professionals and non-profit law firms may require an exception to rules and statutes on the unauthorized practice of law. Past projects, like the Civil Litigation Taskforce civil pathways pilot, involved limited

exceptions to court rules and procedures. Future proposals may require exceptions and will be considered proposal by proposal, so that the exceptions are narrowly tailored to support the pilot.

Other jurisdictions have made more sweeping changes at the launch of their regulatory reform initiatives. The Innovation Committee recommends a more targeted approach to ensure efficient use of regulatory resources and to minimize risk of unintended consequences. Each proposal will identify the regulatory changes needed and the potential risks and rewards of that proposal.

OJA will establish a process for evaluating proposals on a quarterly cycle. Each pilot project will be approved for a term of up to five years. Project managers shall submit an annual report of each pilot project to the Innovation Committee by August 1 of each year. At the conclusion of the pilot term, the project manager may request an extension of the pilot or may propose that the pilot be converted into a permanent program.

These strategies aim to create a dynamic and responsive legal environment in Indiana, capable of addressing current challenges while laying the groundwork for future advancements in legal practice and regulation.

Regulatory mechanisms

Indiana's regulatory structure is a collaboration of entities working with and on behalf of the Supreme Court. The Office of Judicial Administration supports the work of judicial branch oversight boards, commissions, and committees. The Innovation Committee will consider the regulatory reform proposals through its existing framework, with adaptations to court rules or data dashboards as needed to implement each pilot project.

The flow of ideas through the Innovation Committee was described in more detail above, but it basically starts with an idea and flows to the Office of Innovation, the Innovation Committee, the Office of Judicial Administration, and then to Supreme Court. Feedback may be requested from other committees or from the public. Finally, the Court will decide whether to approve the proposal. This summary view of is illustrated in *Figure 3 High-level flow of ideas*.



Figure 3 High-level flow of ideas

Hosting

The establishment of a regulatory reform subcommittee of the Innovation Committee offers formal and consistent evaluation of pilot program proposals. The committee is staffed by the Office of Innovation and the Office of Court Services, with support from other OJA agencies as needed, ensuring comprehensive assessment of potential reforms.

Funding

The Office of Judicial Administration will fund the regulation of reforms, not the pilot programs themselves. Pilot projects can be approved only within OJA's regulatory capacity. Implementing reforms gradually allows for more efficient and predictable use of resources and ensures that reform initiatives do not overwhelm the regulatory infrastructure or exceed budgetary constraints.

Collectively, these regulatory mechanisms provide a structured and sustainable method for advancing Indiana's legal system, promoting innovation while ensuring alignment with judicial goals and efficient resource management.

Appendix A: Legal Regulatory Reform Workshop

Introduction

The Legal Future Commission submitted twenty-seven recommendations to the Supreme Court, and the Court assigned development of three of the ideas to the Innovation Committee. The committee then established an ad hoc working group to develop initial parameters for a legal regulatory reform pilot program, an allied legal professionals program, and a structure for non-profit law firms to serve individuals in a market not served by other civil legal aid programs.

To kickstart this initiative, the working group held a comprehensive workshop on December 16, 2024. This session served as a collaborative brainstorm, gathering key stakeholders to explore and define the core components of a legal regulatory reform program.

Supreme Court Justice Derek Molter chairs the Innovation Committee and hosted the event. Volunteer members of the committee and the commission met with legal reform experts from the Institute for the Advancement of the American Legal System, Innovation for Justice, and the Deborah L. Rhode Center on the Legal Profession at Stanford University to brainstorm a framework to test ideas that do not fit the current regulatory model.

To aid the brainstorm, the working group chose to envision the regulatory process using a pilot program of authorizing allied legal professionals and community-based justice workers to provide certain legal services under defined circumstances and guidelines. Utilizing a concrete example helped in visualizing the regulatory process.

















The group brainstormed three questions and voted on the most important responses or suggestions to each.

Discussion #1: What benefits can be achieved by implementing programs like allied legal professionals and community-based justice workers?

Thinking about the full spectrum of legal representation, what could be done by a properly trained non-lawyer?

Each participant was given eight votes to apply to the ideas they like the best and seven votes dots to apply to ideas they disfavor. Participants were not required to use all the votes.

Table 1: Feedback from Discussion #1: What benefits can be achieved by implementing programs like allied legal professionals and community-based justice workers?



















Idea	Positive votes	Negative votes
Upstream solutions / increased court efficiency	 10	0
Far fewer SRLs in court proceedings - DV, eviction, debt collection, etc.	 9	0
Lower/ no cost services	 4	0
Increased consumer / community engagement / trust	 2	0
Will create more confidence in legal system (increased confidence in legal system *??)	 12	0
Better services to underserved area and subjects	 8	0
Fewer people need to go to court	 8	 1
Better prepared SRLs needing court services	 9	0
More people will be served	 4	0
Early intervention / avoid court altogether	 16	 1
Demystifying the court process	 5	0
Awareness of rights	 3	0
Opportunity to feel empowered by the process	 3	0
Access to resources for resolutions	 3	0

Discussion #2: What would be the possible mechanisms for making pilot recommendations to the Regulatory Sandbox?

How should recommendations be made? Who should make recommendations?

Each participant was given eight votes to apply to the ideas they like the best and seven votes to apply to ideas they disfavor. Participants were not required to use all the dots.

Table 2: Feedback from Discussion #2: What would be the possible mechanisms for making pilot recommendations to the Regulatory Sandbox?

Idea	Positive votes	Negative votes
Build academic partnerships and relationships with established programs	 14	0
Identify scope of initial phase of RFPs	 6	0
CILF/Innovation Committee accepts applications for consideration (to Supreme Court?)	 15	0
Evaluate and consider possible permanent changes	 1	0
Open ended comment/blue sky ideas period from bar/public/innovators	 6	 1
Allowing courts to propose programs themselves	 14	0
Targeted outreach initially to potential partners by court	 10	0
RFI with structured questions followed by RFP with list of: Problem, Funding, Benefits, Risk, Viability	 8	0
Online application portal	 5	 1
Application process for non-targeted groups to apply	0	 1
Collaboration between judicial officers and bar associations	 5	0
Local pilot projects	 6	0
Expansion of problem-solving courts	 14	0
An application process by individuals	 1	 6
Rules Committee / rule changes	0	 7

Discussion #3: How should the success of the pilot recommendations be measured?

Each participant was given eight votes to apply to the ideas they like the best and seven votes to apply to ideas they disfavor. Participants were not required to use all the votes.

Table 3: Discussion #3: How should the success of the pilot recommendations be measured?

Idea	Positive votes	Negative votes
Cost/benefit of sandbox program and pilot projects	●●● ₃	0
Satisfaction surveys: Consumers, Courts (judicial officers and staff), Legal services, organizations, CBOs, Lawyers	●●●●●●●●●●●●●● ₁₃	0
Percentage increase if authorized legal professionals/helpers	●●●●● ₅	0
Qualitative and quantitative impacts on courts: Efficiency (time, cost), Engagement, Experience	●●●●●●●●●●●●●● ₁₅	0
Measure and report outcomes when practical. Outcomes to be measured: People served, Cases managed, Areas served, Legal result, Consumer satisfaction, Success rate, Financial result	●●●●●● ₆	0
Require data collection that would facilitate qualitative and quantitative evaluation	●●●●●●●●●●●●●● ₁₅	0
Professional evaluation of participants compared to unserved control group (Delta studies, etc.)	●●●●●●●●●● ₁₁	0
Pilot needs to result in stories that would explain and sell system	●●●●●●● ₇	0
Quarterly check-ins and annual reports from sandbox participants	●●●●●● ₆	0
Survey employers and participants on satisfaction	●●●●● ₅	0
Client Satisfaction Survey	●●●●●●●●●●●● ₁₂	0
Number of cases resolved by negotiated agreement (Case resolution rate by negotiated agreement)	●●●●●● ₆	0
Number of individuals served	●●●● ₄	0
Higher appearance rates showing higher engagement	●●●●● ₅	● ₁
Number of individual organizations wanting to participate	●●●●● ₅	●● ₂

Final discussion and voting

Each participant was provided with six votes and invited to place them on the ideas they liked the best. They could apply more than one vote to an idea.

Table 4: Final discussion and voting

Discussion	Idea	Positive votes
1	Upstream solutions / increased court efficiency	●●●3
1	Far fewer SRLs in court proceedings - DV, eviction, debt collection, etc.	●●●3
1	Will create more confidence in legal system (increased confidence in legal system *??)	●●●●●●●●9
1	Better services to underserved area and subjects	●●●●●5
1	Fewer people need to go to court	●1
1	Early intervention / avoid court altogether	●●●●●●●●●●13
1	Demystifying the court process	●●2
2	Build academic partnerships and relationships with established programs	●●●●●●●●●●12
2	Identify scope of initial phase of RFPs	●●●●4
2	CILF/Innovation Committee accepts applications for consideration (to Supreme Court?)	●●2
2	Allowing courts to propose programs themselves	●●●●●●●8
2	Targeted outreach initially to potential partners by court	●●●●●●6
2	Collaboration between judicial officers and bar associations	●●●●4
2	Local pilot projects	●1
3	Cost/benefit of sandbox program and pilot projects	●●●3
3	Satisfaction surveys: Consumers, Courts (judicial officers and staff), Legal services, organizations, CBOs, Lawyers	●●2
3	Percentage increase if authorized legal professionals/helpers	●●2
3	Require data collection that would facilitate qualitative and quantitative evaluation	●●●●●●●●●●12
3	Professional evaluation of participants compared to unserved control group (Delta studies, etc.)	●●2
3	Client Satisfaction Survey	●●2

Appendix B: Alternative licensing pilot program for allied legal professionals and community-based justice workers

Introduction

The Commission on Indiana's Legal Future was created to bridge the gap in access to legal services due to the attorney shortage. The burden of the attorney shortage falls most heavily on residents in rural communities and on individual consumers in need of legal services, advice, or information.

Only licensed attorneys can provide legal services or advice in Indiana. The commission offered several recommendations to expand the attorney pipeline, but those changes alone cannot meet the needs of consumers.

The medical profession faces a similar challenge. There are not enough medical doctors for the patients seeking care, so regulations allow many other types of medical providers to fill the gap. From nursing assistants with high school diplomas to medical assistants with associate degrees to registered nurses with bachelor's degrees to nurse practitioners with graduate degrees, over 90% of healthcare service providers provide care without an MD or DO degree. Medical providers complete the necessary training and education, and some positions may have additional certification requirements, but healthcare would fall apart without these positions.

A growing number of states have adapted their regulatory structure to qualify individuals to provide legal services and advice without requiring them to be a licensed attorney. States have adopted different names for these positions, but the Innovation Committee will use the term, allied legal professionals (ALPs), as the umbrella term for new tiers of providers authorized to provide legal advice or representation in certain case types and under certain circumstances.⁶ Different terms may be used to distinguish between ALPs with more specific scope of services or qualifications.

ALPs in Indiana

ALP scope

There are many ways that alternative business and practice models can improve efficiency and expand the scope of legal services. The scope can quickly overwhelm the capacity of

⁶ Allied Legal Professionals project landing page, Institute for the Advancement of the American Legal System, archived at <https://perma.cc/3TSM-S4XC>.

OJA and the Innovation Committee to monitor and can distract resources from the most urgent needs of consumers in the legal desert.

The Innovation Committee will focus on regulatory pilot projects of ALPs employed in the following types of entities:

- Civil legal aid and pro bono providers
- Non-profit law firms that provide legal services in rural counties or counties that are classified as legal deserts
- Non-profit community-based organizations that provide legal services in furtherance of their core mission
- Government agencies and offices

ALPs in these entities must be managed by attorneys who are responsible for each ALP's conduct under Rule of Professional Conduct 5.3. Non-profit entities that employ ALPs must carry adequate professional liability insurance that covers the ALPs.

Certifying and employing ALPs

A person must be certified to work as an ALP. "Certifying entities" can be authorized to establish programs to educate, train, and certify ALPs to provide specific services within a defined scope.

For example, a university or community college could establish a program to train ALPs to advise clients regarding evictions, small claims, wills, education, or other matters. Some certifications may require a minimum number of hours in a clinical setting or working directly with an attorney, and some programs may include a testing requirement.

Pilot programs may cover certifying ALPs, employing ALPs, or both. For example, a government entity or non-profit law firm may propose a full-scope pilot program to train, certify, and employ ALPs.

Proposing a pilot program

Entities can propose pilot programs using a form that generally follows the outline of this document. Additional headings and sections may be added to fit the proposed model, and the format may evolve over time.

Each application must describe how their specific pilot program will operate, what benefits the program offers, and how the results will be measured. The Innovation Committee may require specific metrics, and the required metrics may evolve over time, but the entity proposing a new idea carries the burden of measuring the benefits their pilot program provides.

Regulatory goals

Authorizing an ALP program would further the goals of the Legal Future Commission and of the Innovation Committee. Expanding the number of service providers would help alleviate the legal desert problem wherever consumers cannot get legal help, including in rural areas. Using ALPs to handle less complicated tasks and attorneys for more complex matters is a more efficient utilization of resources. Implementing regulations commensurate with risk will ensure an adequate level of consumer protection. Expanding access to legal services to more consumers will help ensure that justice is fairly administered and their rights are protected.

Achieving these regulatory goals should increase the public's confidence in the courts and in government, generally.

Unit of regulation

The ALP program will involve entity and individual regulation. Authorized certifying organizations will implement programs to educate, train, and certify individual ALPs. Their program must ensure that ALPs have the knowledge they need to work in a law office.

ALPs will be registered with the Office of Admissions and Continuing Education and will need to comply with requirements on annual registration and continuing education.

Complaints may be filed with the Office of Judicial and Attorney Regulation about an ALP or the certifying organization. A certifying organization may forfeit their authorization to certify if OJAR determines that their program is not performing satisfactorily. Entities may forfeit their authorization to employ ALPs if they are not performing satisfactorily. ALPs may forfeit their certification if their performance causes their supervising attorney to be in violation of a Rule of Professional Conduct, such as:

- Rule 1.1: Requires competent representation with legal knowledge, skill, thoroughness and preparation
- Rule 1.3: Mandates diligence and promptness
- Rule 1.4: Requires proper client communication

Regulatory approach

The ALP program will apply prescriptive requirements on entities requesting authorization to certify or hire ALPs. Each entity will need to request the approval of pilot program that demonstrates how it can alleviate the attorney shortage while managing risks and measuring results. Each individual seeking ALP certification will need to meet the

requirements established by the certifying organization and approved by the Innovation Committee.

ALPs will need to comply with annual registration and continuing education requirements. ALPs and their supervising attorneys will be regulated by the Rules of Professional Conduct administered by OJAR and the Supreme Court.

Regulatory mechanisms

The ALP program will be regulated by the Supreme Court through the Office of Judicial Administration. The Innovation Committee will evaluate proposals for pilot programs. The Office of Innovation will triage the proposals for the committee. The Office of Admissions and Continuing Education will manage the registry and continuing education requirements. The Office of Judicial and Attorney Regulation will manage grievances.

Hiring entities and certifying organizations will self-regulate to retain their authorization for continued participation in the pilot program. Attorneys will hire ALPs from only those certifying organizations that adequately prepare their candidates. Attorneys will hire and retain only ALPs who meet their expectations, and they will provide adequate supervision to avoid facing disciplinary action themselves.