KILPATRICK TOWNSEND

6 KEY TAKEAWAYS

Ethics Developments in California

Kilpatrick Townsend partner Ted Brown recently presented to clients on the topic of "Ethics Developments in California" at the annual Kilpatrick Townsend Intellectual Property Seminar (KTIPS). KTIPS is an intensive, two-day patent strategy and protection seminar for firm clients.

Key takeaways from the presentation include:

1

California Proposes Significant Changes to the Practice of Law.

After adopting a complete re-vamp of its Rules of Professional Conduct, effective November 1, 2018, a California State Bar Task Force has proposed a number of additional rule changes, intended to increase access to legal service while maintaining consumer protection.

Encourage the Expansion of Technology-Driven Delivery of Legal Services.

State-certified, regulated entities, including entities owned by non-lawyers, would be allowed to provide what would otherwise be the unauthorized practice of law using "relevant technology," which could be, but would not necessarily be limited to, using artificial intelligence.

2

3

Lawyers Would be Allowed to Share Ownership of Entities Providing Legal Services With Non-Lawyers.

This proposal is intended to encourage new business models and technologies for the delivery of legal services, but would be permitted only if there is no interference with either the lawyer's professional judgment or the lawyer-client relationship.

Lawyers Would Be Allowed to Share Fees with Non-Lawyers.

This proposal is also intended to encourage new business models and technologies for the delivery of legal services and increase the access to legal services in California, but would be permitted only if there is no interference with either the lawyer's professional judgment or the lawyer-client relationship.

4

The Rules of Professional Conduct Would Explicitly Impose a Duty on Lawyers To Understand the Risks and Benefits of Relevant Technology

5

The Rules of Professional Conduct Would Explicitly Impose a Duty on Lawyers To Understand the Risks and Benefits of Relevant Technology.

Technology can make delivery of legal service more efficient and less expensive, but lawyers will continue to be expected to understand the technology they use, as well as its pros and cons, and will remain responsible for its use.

Lawyers Would Continue to Be Responsible For Their Legal Services, and Would be Allowed To Offer Non-Legal, but Law-Related Services.

As always, lawyers will remain responsible for ensuring that their own work and advice, as well as the work and advice provided using relevant technology and others working with them, is done competently and that the overall fees charged are reasonable.

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