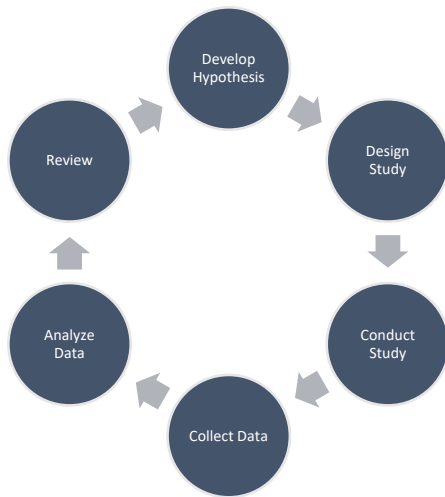# Data-driven Legal Regulatory Reform FAQ

## What is data-driven legal regulatory reform?

Data-driven legal regulatory reform is a framework based on the scientific method to thoroughly evaluate a new or proposed change to a legal regulation and to help ensure the proposed reform has a worthwhile effect.

## What is the scientific method?

The scientific method develops a hypothesis, designs and conducts a study to examine the hypothesis, analyzes the results of the study, and summarizes the findings. In the context of legal regulatory reform, the findings, as evidence, can inform whether the proposed legal reform warrants approval by the court. This approach allows for incremental changes to hypotheses and for refining the approach to fully examine the hypotheses and for evidence-based decisions about the hypothesis.
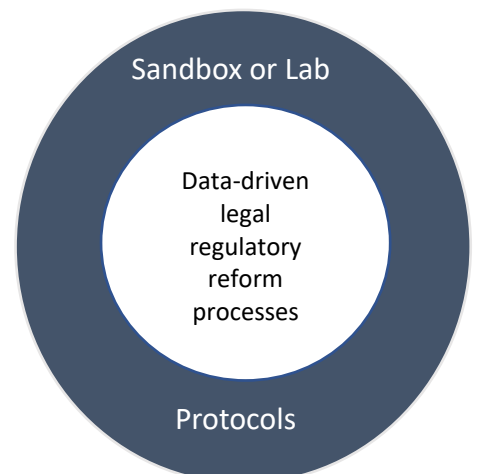
When using data-driven legal regulatory reform framework, the hypothesis is the proposed legal reform—a testable statement about the relationship between the reform and the intended outcome. To examine the hypothesis, the proposers of the reform design and conduct a study, including data collection, to examine the potential impact of the reform. The study is conducted in a safe and managed environment such as a sandbox or lab so that the data can be evaluated to determine support for the hypothesis, including whether the potential benefits can be accomplished, and any harms mitigated.

## What is the relationship between data-driven legal regulatory reform and a sandbox or lab?

A sandbox or a lab is the safe environment for managing the data-driven legal regulatory reform framework. It is a set of protocols that surrounds the data-driven legal regulatory reform framework to ensure that while the framework is being used to test the proposed legal reform and data is being collected and analyzed, the risk of harm is minimized and properly mitigated. Sandboxes have been successfully used to test reforms such as changes to financial regulations.

The number and extent of protocols that make up the sandbox or lab will vary based on the type of reform, the amount of data being collected, and any risk of harm to participants while the data-driven legal regulatory reform is being evaluated in the safe environment. Protocols will be designed to ensure evaluation is conducted in an ethical manner, that with respect to current laws and the regulatory reform being evaluated, and with the correct oversight by a managing board.

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# Data-driven Legal Regulatory Reform FAQ

## What types of legal regulatory reform can be evaluated using data-driven legal regulatory reform?

Any proposed change to a legal regulation or rule, whether a change to a court or admission to practice rule, or administration tasks, such as filing documents with the court or determining whether or not to admit a candidate to the legal profession could potentially be tested using this framework, so long as the change can be stated in a manner that allows for the creation of tests and the collection of data to measure the effects of the change in a safe and monitored environment.

## What are the advantages of data-driven legal regulatory reform?

Relying on data or evidence, rather than opinion or anecdotes, reduces the potential for harm or unintended consequences and results in an improved reform process. In addition, the data driven legal regulatory reform and sandbox protocols can be tightened or loosened based on any risks associated with testing and evaluating the reform. Data driven legal regulatory reform can also be used to evaluate two or more competing reform ideas (or hypotheses) in a side-by-side evaluation.

## How can data be collected while respecting the rules of professional conduct regarding confidentiality?

The sandbox protocols managing the data-driven legal regulatory reform framework must ensure tests allow for data to be anonymized so that no individual's privacy or confidential information is subject to intentional or unintentional exposure. This is another reason why the protocols must be ethical, and subject to transparent review, and respect all the rules and regulations other than those specifically being tested, and those been tested will remain subject to the proposed regulation.

## Why is risk analysis part of data-driven legal regulatory reform?

Risk is the possibility of an adverse outcome. By measuring present and future risk of a proposed legal regulatory reform, the data-driven legal regulatory reform framework allows for steps to be taken and the proposed reform designed to mitigate the risk of harm. The data driven legal regulatory reform blueprint, includes risk evaluation models to assist in design of the correct sandbox or lab protocols.

## What is the relationship with data-driven legal regulatory reform and access to justice?

Data-driven legal regulatory reform does not guarantee reduction of the access to justice gap. Currently there is an access to justice gap, which means not everyone who needs help with a legal matter can get affordable assistance. This is particularly true of marginalized communities. However, the data-driven legal regulatory reform framework and sandbox or laboratory protocols allow for data about access to justice to be collected and analyzed using models such as those documented by Institute for the Advancement of the American Legal System (IAALS) to determine the any impact on access to justice. However, some legal reforms could potentially increase the participants in the legal marketplace, which may increase availability of services, and in turn may affect service pricing and general availability.

## Is Data-driven Legal Regulatory Reform an attempt to disguise deregulation of the legal services market?

No. Data-driven legal regulatory reform involves using data to determine appropriate regulation to accomplish the goals of the proposed regulatory change while protecting the public.

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