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**BOARD**

# Justice and Innovation Group: The Regulation of Technological Applications

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- The Impossible Challenge? – Addressing the ‘Pacing Problem’ around Regulation and Technology/Innovation
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# The Legal Services Board – Who we are



The Legal Services Board (LSB) oversees the regulation of legal services in England and Wales. We are a statutory body created by the Legal Services Act 2007.



We essentially oversee the performance of the eight regulatory bodies who carry out the day-to-day, direct regulation of legal services (regulators).



In all our work, we have a duty to promote the nine statutory regulatory objectives set out in the Act. This includes protecting and promoting the public interest, improving access to justice, and encouraging an independent, strong, diverse and effective legal profession.



We are independent of both the legal profession and government, and we are accountable to parliament.



# The Impossible Challenge ? Addressing the 'Pacing Problem'

# “The Pacing Problem” – Tools in the Regulatory Toolbox

- Future Facing – Horizon Scanning
- Outcomes Focused
- Regulatory Experimentation
- Public Dialogue
- International Regulatory Cooperation

# The Legal Services Board's approach - statutory guidance on technology and innovation

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# Challenges

- **Accountability:** The ability of consumers to seek redress when something goes wrong is fundamental to professional regulation and it is essential that regulatory frameworks for technology provide clarity on who is ultimately accountable for the provision of legal services.
- **Transparency:** As the adoption of technology increases, particularly technology such as AI that creates the perception of human interaction, the need for transparency about its deployment becomes greater. There is already an obligation for legal professionals to be transparent to those they are providing a service. In legal services, this may mean a requirement for legal professionals to be clear with consumers when AI has been used to produce advice.
- **Explainability:** The importance of being able to access, understand and interpret the decision-making process of an AI system which has contributed to the generation of advice is key to promoting trust in technology for consumers and legal professionals alike – and regulatory frameworks should support this.

# Outcomes

Outcome 1: Regulation enables the use of technology and innovation to support improved access to legal services and address unmet need.

Outcome 2: Regulation balances the benefits and risks, and the opportunities and costs, of technology and innovation for the greater benefit of consumers.

Outcome 3: Regulation actively fosters a regulatory environment that is open to technology providers and innovators.

# Statutory Guidance

- The guidance sets three outcomes that we expect regulators to pursue when developing their own regulatory approaches to technology and innovation, including AI.
- This will help address the barriers that consumers, technology providers and legal services providers currently face, as well as helping to promote the use of technology and innovation to increase access to justice.
- Our guidance is non-prescriptive and allows regulators to consider their approaches to meeting the outcomes in a way that is most appropriate to their regulated communities.
- Our regulatory approach is also technology-neutral. As previously noted, as oversight regulator, our approach is not technology specific - instead, we focus on the outcomes that we expect regulators to pursue when developing and implementing their own approaches.
- The LSB monitors and assesses legal services regulators' performance against the standards and characteristics set out in our Regulatory Performance Assessment Framework.



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# Questions

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