

**COMMENTS on Proposal  
by the Task Force on Lawyer Support for Legal Services (AB 2301)**

<b>A. COMMENTS IN SUPPORT</b>		
<b>Name/Organization/Title</b>	<b>Date</b>	<b>Substantive Comment</b>
Jay Allen Eisen Certified Specialist, Appellate Law State Bar of California Board of Legal Specialization <a href="mailto:jae@eisenlegal.com">jae@eisenlegal.com</a> Jay-Allen Eisen Law Corporation 980 Ninth Street, Suite 1900 Sacramento CA 95814 (916) 444-6171 (916) 441-5810 Fax <a href="http://www.eisenlegal.com">www.eisenlegal.com</a>	04/11/07	<b>A GREAT idea!!!</b>
James N. Roethe Pillsbury Winthrop Shaw Pittman, LLP	04/12/07	The need to fund legal services for the needy is clearly documented in the record and an obligation of all attorneys practicing in the state. Facilitating a voluntary contribution as part of the dues paying process is an easy way for attorneys to meet their obligation, in part.
Hon. Lon Hurwitz, Commissioner Superior Court, Orange County Judicial Council Advisory Committee on Access & Fairness	04/16/07	<b>I believe that this is a good bill and I completely endorse it.</b>
Hon. Franz Miller, Judge Superior Court, Orange County Judicial Council Advisory Committee on Access & Fairness	04/16/07	I write as an individual, but as a member of the Judicial Council's Access and Fairness Advisory Committee, I strongly support programs that facilitate access to all court services by all people who need them, regardless of their economic status. <b>This proposal appears to implement well the purpose of AB 2301. The amount requested is reasonable, the voluntary nature of the donation will be made clear to Bar members, the review system is desirable. Good job.</b>
Chenoa Summers, Esq. Paxton-O'Brien Law Group 350 Fifth Street Hollister, CA 95023 (831) 637-5521	04/22/07	I am a practicing lawyer in the State of California. <b>I have first hand knowledge of the inability of many citizens to afford to have a lawyer represent them in a civil matter and the resulting injustice. I believe the Justice Gap Fund would provide an additional option for those citizens.</b> I therefore support AB2301.
Carolyn L. Reilly Executive Director/Supervising Attorney Elder Law and Advocacy San Diego	05/29/07	[ I ]...heartily support this proposal. <b>Has the potential to have a significant positive impact on California's struggling legal services programs.</b>

## A. COMMENTS IN SUPPORT

Name/Organization/Title	Date	Substantive Comment
Luz Buitrago Executive Director Law Center for Families Oakland	05/31/07	Despite some improvements in recent years, overall level of funding available has not kept pace with state's increasing poverty rates. <b>Disparity between funding levels and increasing client need has resulted in a dramatic "justice gap."</b> Implementation of AB 2301 offers the creation of a new source of funding.
Gerald McIntyre Directing Attorney National Senior Citizens Law Center Los Angeles	05/31/07	NSCLC supports Task Force recommendations for implementation of AB 2301 and creation of the Justice Gap Fund. IOLTA grants for support centers are less than half what they were 15 years ago. <b>A good plan for implementation will be a significant step in the direction of restoring some of those funds.</b>

## B. SUPPORTIVE COMMENTS, ALSO URGING SERIOUS RE-EVALUATION OF DISTRIBUTION AFTER TWO YEARS

Name/Organization/Title	Date	Substantive Comment
Legal Services Trust Fund Commission	05/25/07	Commission endorses all proposals advanced by the Task Force. The Commission believes, however, that <b>during the initial two years of operation of the voluntary-contribution program there should be a mechanism to examine thoroughly whether modifications should be made in the way in which the funds collected pursuant to AB 2301 are disbursed to legal service providers. The study should include careful study to determine whether inequities have emerged under the 1981 IOLTA formula, and if so how those inequities might be corrected in distribution of the funds derived from voluntary contributions.</b>
Linda D. Kilb Director Disability Rights Education & Defense Fund	05/29/07	DREDF supports this proposal as an appropriate use of the State Bar's authority to effectively implement AB 2301 in furtherance of its important goals. Given the ambitious and novel nature of this legislation, which will introduce a significant new funding source for California legal services, we particularly commend the Task Force for including a provision for periodic review of distribution protocols. <b>As with all pioneering projects, it is possible that initial implementation activities will yield insights about distribution changes that should be considered to ensure that the Justice Gap Fund can realize its full potential.</b>

**B. SUPPORTIVE COMMENTS, ALSO URGING SERIOUS RE-EVALUATION OF DISTRIBUTION AFTER TWO YEARS**

Name/Organization/Title	Date	Substantive Comment
<p>Julia Wilson Director Legal Aid Association of California</p>	<p>05/31/07</p>	<p>Despite laudable efforts with the resources they have, programs are often forced by current levels of funding to turn away many eligible clients. Level of funding has not kept pace with increasing poverty rates and client need. LAAC agrees with the proposal <b>that initial distributions from the Justice Gap Fund should go to current IOLTA grantees pursuant to the existing formulas to ensure an effective and efficient start-up period. LAAC commends the Task Force for building into the process a periodic review of the distribution of the Fund after the initial two years, and urges the State Bar to use the evaluation process to engage the community and key stakeholders in collaborative discussion about how to best support the legal services delivery system in California.</b></p>
<p>Hon. Steven K. Austin &amp; Kathryn Eppright – Co-Chairs California Commission on Access to Justice</p>	<p>05/31/07</p>	<p>Commission endorses the pursuit of strategies to increase the amount of lawyer giving to California legal services programs. Task Force recommendation on amount of voluntary contribution is sound. <b>Commission agrees with proposal to distribute collected funds to qualified recipients during first two years based on the statutory formula for the IOLTA program established in 1981. During that two-year period, there should be a mechanism to examine thoroughly whether modifications should be made in the way in which the funds collected pursuant to AB 2301 are disbursed to legal services providers so that funds derived from voluntary contributions could address specific ‘justice gaps’ identified in <i>Action Plan for Justice</i>.</b></p>

**C. OTHER SPECIFIC SUGGESTIONS AND PROPOSED CHANGES**

Name/Organization/Title	Date	Substantive Comment
<p>Deborah M. Vasquez (714) 785-1130 Eviction Defense Tenant Defense</p>	<p>04/11/07</p>	<p>As a pro bono attorney, I support this measure. <b>How about providing a mechanism for those contributing to earmark to which organization they would like their contribution routed?</b></p>

### C. OTHER SPECIFIC SUGGESTIONS AND PROPOSED CHANGES

Name/Organization/Title	Date	Substantive Comment
Michelle E. Anderson Bosso Williams, A Professional Corporation 133 Mission Street, Suite 280 Post Office Box 1822 Santa Cruz, California 95061-1822 Telephone: (831) 426-8484 Fax: (831) 423-2839 <a href="mailto:manderson@bossowilliams.com">manderson@bossowilliams.com</a>	04/11/07	<p>1. <b>Would it be possible to make a space on the annual member fee statement for a voluntary contribution of some amount other than \$100?</b> I am guessing many members will be more amenable to contributing \$25 or so, and would do so if it was easy to do (versus contributing \$0).</p> <p>2. <b>Is the voluntary contribution tax deductible? If so, it would be good to so indicate, to encourage more people to contribute.</b> If not, it might be good to explore whether the Justice Gap Fund could be formed as a charitable foundation, to allow tax deductible contributions.</p>
Jim Bower, Executive Director Santa Clara County Bar Association Law Foundation	04/16/07	<b>The names of the contributing members need to be published in legal newspapers!</b>
Ann Wassam Executive Director Alameda County Bar Association	06/01/07	<p>ACBA supports the recommendation of a voluntary contribution for legal services on its annual member fee statement. ACBA also urges the State Bar to implement a distribution policy for the Justice Gap Fund other than the current statutory formula, which is based on a program's qualified expenditures of the previous year.</p> <p><b>Smaller programs are at a disadvantage with the current distribution formula, since it perpetuates a "rich get richer and poor get poorer" system among providers. ACBA encourages the State Bar to utilize this opportunity to devise a distribution formula that will better serve and more equitably support all legal services providers regardless of qualified expenditures, budget, or size.</b></p>

### D. NEGATIVE RESPONSE

Name/Organization/Title	Date	Substantive Comment
Sam Overton Department of Justice State of California	04/13/07	<p>I am opposed to this option on the dues statement. It is not solely the responsibility of California lawyers to support representation of low-income clients. It belongs to all. <b>The Bar should be focusing not on the dues statement but at least on getting some sort of voluntary contribution on the State income tax return form.</b> Lawyers did not create the income disparities, we should not have to carry the burden of solving the problem. <b>Clearly it is a statewide problem and the State has turned its back on its citizens and denied them the opportunity for justice.</b></p>