

STAKEHOLDERS & ACCESS TO JUSTICE COMMITTEE AGENDA ITEM

III.A. May 2016

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TO: Members, Stakeholders & Access to Justice Committee

FROM: Judge Mark Juhas, Chair, California Commission on Access to Justice
Kelli Evans, Senior Director Administration of Justice

SUBJECT: California Commission on Access to Justice Annual Report

BACKGROUND

The California Commission on Access to Justice was established in 1997 to pursue long-term fundamental improvements in our civil justice system so that it is truly accessible for all, regardless of income, geography, language ability, or other factors. The Commission is comprised of members from all three branches of government, as well as business, labor, academic, religious and civic organizations.

The Access Commission had a productive year under the leadership of 2015 Chair, Judge Mark Juhas of the Los Angeles Superior Court, and Vice-Chair, Joanne Caruso of Jacobs Engineering Group in Pasadena.

This report reflects the work of the Commission and its Committees during 2015.

Highlights of the year include:

- **Unlocking significant new funding source for legal aid.** Working with the State Bar and Legal Aid Association of California (LAAC), the Access Commission helped to make millions of dollars of new funding available for legal aid organizations to support their work with crime victims. Since the 1980s, the federal government has provided block grants to the states to pay for victim compensation services and victim assistance services. Many states have included legal aid programs among the recipients of this funding for the legal work they do for victims/survivors. California was not among them. The Commission, State Bar, and LAAC worked to educate the funding agency about the critical legal assistance to victims provided by legal aid programs in California. As a result, the agency has released over \$10 million in new grant opportunities available to legal aid to support legal assistance for crime victims.

- **Reducing Economic Barriers to Access to Justice.** The Commission supported several initiatives to reduce economic barriers to access to justice. These included new court rules clarifying that individuals do not have to pay for traffic infractions before being able to appear in court and a bill reducing the number of people who have their licenses suspended for failure to pay fines and to get driving privileges restored. As part of its economic barrier work, the Commission sponsored a training for pro bono lawyers to learn how to assist people to update old criminal records. The training was attended by over 400 individuals and is available for free on-demand viewing.
- **Promoting Full Participation in Trial Court Proceedings & Access to Appellate Review for Low and Modest Income Litigants.** Budget cuts have led to large reductions in the staffs of California’s trial courts, including the elimination of court-provided court reporters for many proceedings in family law and civil cases. For low-and moderate-income litigants who are representing themselves, it may be difficult, and sometimes impossible, to retain a private court reporter. The result is the lack of a record which can lead to disastrous results, including the inability to draft an order or appeal due to the lack of a record. The Access Commission has been advocating in both the judicial branch and the legislature for an adequate record for all litigants without regard to ability to pay.
- **Supporting New Lawyers to Serve Low and Moderate Income Clients.** The Access Commission’s Modest Mean Incubator project continued in high gear during 2015. The Commission, working with the State Bar, provided a range of technical assistance to the four incubator projects it jumpstarted or expanded through \$45,000 seed grants. In addition to providing technical assistance, the Commission identified and secured new resources for the programs, collaborated with the programs to develop a boot camp training program for new lawyers, and held a statewide incubator convening to share resources and identify best practices.

**SUMMARY OF ACTIVITIES AND ACCOMPLISHMENTS
CALIFORNIA COMMISSION ON ACCESS TO JUSTICE (CAAJ)**

In addition to conference calls by individual committees, the Access Commission held five (5) full Commission meetings; one (1) in-person and four (4) via video-conference:

- February 24, 2015
- May 14, 2015
- July 28, 2015
- September 24, 2015
- December 10, 2015

A more detailed overview of the Commission’s priorities and initiatives follows.

SUPPORT FOR THE JUDICIAL BRANCH

Judicial Branch Support Committee

The Judicial Branch Support Committee continued its mission to support and promote efforts for adequate funding for the courts and to address legislative issues that concern the branch. The Committee, on behalf of the Commission, continued to work with key stakeholders to support efforts to improve access to justice through the submission of the following public comment letters:

- In January, the Access Commission submitted written testimony to the Commission on the Future of California's Court system expressing concerns regarding the severely reduced availability of court reporters in California's Superior Courts. In the letter, the Access Commission stressed the need for a record of the proceedings as a matter of equal access to the courts, both at the trial and appellate level, and recommended that the Futures Commission consider the costs and benefits of electronic recording of proceedings.
- In January, the Commission submitted a letter to the Civil and Small Claims Court Advisory Committee with recommendations regarding interpreter requests.
- In April, the Commission sent a letter to the Governor's office and legislature expressing appreciation for partially restoring court operations funding and urging additional funding in order to promote access to justice.
- In May, the Commission sent a letter to the Rules and Projects Committee of the Judicial Council and the full Judicial Council in support of Rule 4.105, *Traffic Procedures: Appearance without Deposit of Bail in Infraction Cases*, recommending and urging the Judicial Council to make clear that individuals do not have to pay for traffic infractions before being able to appear in court. The letter also urges the Judicial Council to identify and address other court rules and process that impact access to justice or impose unreasonable burdens on people.
- In September, the Commission sent a letter to Governor Brown in support of SB 405 (Hertzberg), a bill that would significantly reduce the number of persons who have their driver's license suspended and to establish a process for persons with current suspensions to get their driving privileges restored without having to pay all court-ordered debt.

During the Future of California's Court System public hearing in December, Commission members testified on a number of significant issues related to traffic fees

and fines, and over reliance on state fines and fees as revenue to support the court system.

In addition to these activities, the Judicial Branch Support Committee has started to explore ways to develop and implement a pilot court navigator program. The goal of the program would be to help self-represented litigants navigate through the complex court system.

Language Access Committee

The Language Access Committee continued to support the implementation of the *Strategic Plan for Language Access in California Courts*. The Commission's support included advocacy to ensure sufficient funding to implement key components of the plan and recommendations to ensure ease of access for litigants needing to request the assistance of interpreters.

Benjamin Aranda Judicial Access to Justice Awards

Every year, the Access Commission recommends a judge to be honored jointly by the State Bar, the Judicial Council, and the California Judges Association for his or her dedication to improving access to our judicial system. The Award, presented by the Chief Justice, has become one of the most prestigious and competitive awards in the state, and it helps to focus the attention of court and bar leaders on the issue of access.

This year's recipient was **Judge Garry Ichikawa**, of the Solano County Superior Court. Judge Ichikawa was recognized for improving access to the courts, including implementation of the Solano County's Dependency Drug Court, which has served as a model for other specialty courts, including Solano's new integrated Domestic Violence Court and an expedited family law program that helps litigants who represent themselves move through court more quickly.

Administrative Agency Committee

The Committee continued work on developing Best Practices and Minimum Standards for serving self-represented parties in administrative agency proceedings. Priority agencies were identified by the Committee in prior years, including agencies that have a high percentage of self-represented claimants seeking benefits or services through the administrative processes. The goal of these activities is to develop a good understanding of the many model programs that some agencies have adopted to ensure access, and to work with agencies to determine how to avoid unnecessary barriers that make proceedings challenging for self-represented claimants, many of whom are low income.

SUPPORT FOR THE DELIVERY OF LEGAL SERVICES

Pro Bono Coordinating Committee

The Pro Bono Coordinating Committee, was formed to encourage, facilitate and coordinate pro bono efforts throughout the state. It includes representatives of legal

service organizations, law schools and law firms and worked to coordinate with other stakeholders to eliminate duplication and connect volunteers with the work that is happening across the state so that more Californians will receive pro bono assistance.

In June, the Access Commission submitted a letter to the State Bar's new Rules Revision Commission in support of the adoption and/or retention of rules that help to facilitate and encourage pro bono service.

Incubator/Modest Means Task Force

Since its inception, the Task Force has secured \$245k in grant money to aid in the support of incubator programs and hosted three regional meetings to discuss incubator models and connect stakeholders. In October, the Access Commission convened all of the incubator programs in the state. The meeting was well attended and the group shared a host of resources, approaches, and best practices. The convening also included a focus on evaluation and development of a boot camp training program: "[*Incubator Boot Camp: Tools for New Lawyers Looking to go Solo*](#)", a free training course hosted by Practising Law Institute (PLI) on April 15, 2016 via webcast and in San Francisco.

Civil Right to Counsel Committee

The Commission re-activated its Right to Counsel Committee. The Committee began work to explore the best means of supporting and expanding a civil right to counsel in California.

Rural Task Force Committee

The Access Commission has long been committed to increasing access to justice in rural California, recognizing that the vast geography and lack of resources in rural parts of the state make the problems particularly challenging and important. As a result, the Commission recommitted to continue to work on rural access issues and decided to revive the Rural Task Force Committee. The Committee began work to identify funding for rural programs that is not subject to current formulaic distribution rules and to create data to help figure out the legal needs in different rural parts of the state.

100 Percent Access to Justice Committee

In response to the Conference of Chief Justices and the Conference of State Administrators resolution supporting an aspirational goal of achieving 100% access to justice for all, the Commission launched a new Committee to evaluate the issue and develop recommendations. The Committee began work to create a roadmap that will address the gaps and barriers in California's justice delivery system. At the end of 2015, the Committee began discussing a draft framework outlining ways to address obstacles and reach 100% access for all.

Federal Courts Committee

In 2015, the Federal Courts Committee continued to focus on improving court functions for federal litigants. Committee members provided recommendations and suggestions for systems and process improvements in several areas including: prisoner civil rights, habeas cases, and alternative dispute resolution; general prison litigation matters; and creation of a position at the federal Administrative Office to support efforts to assist self-represented litigants and share federal self-help materials on-line.

SUPPORT FOR COMMUNICATION, FUNDING, AND OUTREACH OF LEGAL SERVICES

Communications and Outreach Committee

The Access Commission believes that increasing awareness of access to justice issues and strengthening relationships with its appointing entities are important priorities. As part of an effort to meet these priorities, the Communications Committee explored new and innovative ways to use technology to increase access to justice, specifically the use of social media (i.e., Twitter, Facebook, YouTube, and LinkedIn) to disseminate information about the Access Commission and its work. The Committee also continued periodic publication of the Access Commission E-Newsletter, JUSTICE, which highlights current Access Commission activities as well as other developments and events throughout California that impact access to justice issues.

Campaign for Justice

The Campaign for Justice, in which the Commission participates, continued to implement new fundraising ideas, and coordinate the work of the Campaign with large law firms. The Campaign was pleased to secure the support of the Episcopalian Diocese in California. The Bishop and Chancellor agreed to send a joint letter to over 80 churches in California urging them to support the Campaign for Justice.

Funding Committee

The Funding Committee continued work to increase legal services funding. Access Commission members attended public hearings to educate legislators, judiciary, community and other leaders on the state of legal services and to advocate for increased general fund support.

In addition to advocating for increased general fund support, the Access Commission partnered with the State Bar and Legal Aid Association of California to unlock new resources for legal services. One of these resources is funding from federal block grants to the state to pay for victim compensation services and victim assistance services (VOCA grants). Many states have included legal aid programs among the recipients of the funding for the legal work they do for victims/survivors. California, however, has not been one of these states. The Commission and its partners educated the state about the range of assistance that legal services organizations

provide to crime victims and urged inclusion of legal aid providers as eligible applicants for future grants. As a result of these efforts, VOCA grant opportunities are now open to legal aid providers. California has released over \$10 million in new grant opportunities available to legal aid to support legal assistance for crime victims.

OTHER NOTEWORTHY ITEMS

2015 Distinguished Service Award

Commissioner, Justice Maria Rivera was one of four recipients of the Judicial Council's 2015 Distinguished Service award. Justice Rivera co-chaired the council's working group that developed the Strategic Plan for Language Access in California Courts. Adopted by the Judicial Council in January 2015, the plan provides for a consistent statewide approach to ensure language access throughout the courts and meaningful participation in the judicial process for California's approximately 7 million residents and potential court users with limited-English proficiency.

Mental Health Advocacy Services Award

Commissioner and current Vice-Chair, Catherine Blakemore was the recipient of the Mental Health Advocacy Services Award. Catherine was recognized for her hard work and dedication in protecting and advancing the legal rights of people with mental disabilities.

CONCLUSION

During 2015, the Commission continued its ongoing efforts to make significant improvements in the administration of justice and to increase access to the judicial system for low and moderate income Californians.