

AGENDA ITEM

54-161 NOV

DATE: October 14, 2011

TO: Members, Stakeholder Relations Committee
Members, Board of Governors

FROM: Hon. Ronald B. Robie, Chair
California Commission on Access to Justice
Mary Lavery Flynn, Director
Office of Legal Services

SUBJECT: Commission on Access to Justice – Addition of the Supreme Court of California as an Appointing Entity

EXECUTIVE SUMMARY

The Executive Committee of the California Commission on Access to Justice recommends that the Board add the Supreme Court of California as an appointing entity to the Access Commission. In 1996 the Board approved the establishment of this Commission, including appointments from statewide entities covering a broad-based membership from the legal and judicial professions, business, labor, education and religious communities. The Commission has worked closely with judicial branch representatives on “access to justice” issues, and it would be appropriate to request a Supreme Court appointment by the Chief Justice to the Access Commission to facilitate closer coordination on key judicial branch issues.

BACKGROUND

The Commission on Access to Justice was established by the State Bar in 1996, in conjunction with other appointing entities, including the Governor, the President Pro Tem of the Senate, the Speaker of the Assembly, the Judicial Council, California Judges Association, Consumer Attorneys of California, California Chamber of Commerce, California Labor Federation, League of Women Voters, and the California Council of Churches. Its mission is to find long-term solutions to the chronic lack of representation available for poor and moderate income Californians. The Commission seeks new resources to expand the availability of legal services advocates and pro bono attorneys as well as systemic improvements that will make the law more accessible to the poor, the near-poor and those of moderate means.

ISSUE

Should the State Bar add the Supreme Court of California as an appointing entity to the California Commission on Access to Justice?

CONCLUSION

It would be appropriate to request a Supreme Court appointment by the Chief Justice to the California Commission on Access to Justice because the Commission works closely with judicial branch representatives on “access to justice” issues, and this appointment would foster improved coordination.

DISCUSSION

When the California Commission on Access to Justice was established, the Board of Governors approved a list of entities who were asked to join with the Board to appoint members of the Commission. They included the Governor, the President Pro Tem of the Senate, the Speaker of the Assembly, the Judicial Council, California Judges Association, Consumer Attorneys of California, California Chamber of Commerce, California Labor Federation, League of Women Voters, and the California Council of Churches. Since that time, the Attorney General, the Legal Aid Association of California, and the Council of California County Law Libraries were added as additional appointing entities.

The goal for the Access Commission has been to pursue long-term strategies designed to make significant progress toward the goal of improving access to justice, including cooperative efforts of the judiciary, local bar associations, legal services providers, and community-based organizations.

In the 15 years since it was established, the Commission has been instrumental in addressing issues affecting low-income Californians, including increasing resources for legal services for the indigent, expanding pro bono and language assistance, and increasing the availability of self-help assistance and limited scope legal representation. The Commission has always worked closely with the State Bar, the Judicial Council, and other agencies to implement its recommendations. Several of its projects have led to significant increases in access to the courts and legal assistance. These efforts received strong support from both former Chief Justice Ronald George and current Chief Justice Tani Cantil-Sakauye, encouraging an active and innovative partnership with the courts. For these reasons the Executive Committee of the Access Commission requests that the Supreme Court be made an appointing entity to the Commission on Access to Justice, to foster closer coordination.

FISCAL / PERSONNEL IMPACT:

No additional funds or staff will be required to implement this recommendation.

RULE AMENDMENTS:

None.

BOARD BOOK IMPACT:

Revisions will need to be made to the List of Appointing Entities and the number of members appointed to the Commission on Access to Justice [TAB 15 Appointment Policies and Procedures, Article 8, Section 2]. The Supreme Court of California will appoint one member, and total number of members will increase to 26.

RECOMMENDATION

The Executive Committee of the Commission on Access to Justice recommends that the Supreme Court of California be included as an appointing entity to the Commission.

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Stakeholder Relations Committee agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Stakeholder Relations Committee recommends that the Board create an appointment by the Supreme Court of California to the California Commission on Access to Justice, effective immediately.

PROPOSED BOARD OF GOVERNORS RESOLUTION:

Should the Board concur with the Stakeholder Relations Committee's recommendation, the following resolutions would be in order:

RESOLVED, that upon the recommendation of the Stakeholder Relations Committee, the Board hereby approves the creation of an appointment by the Supreme Court of California to the California Commission on Access to Justice, effective immediately.