

CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

c/o State Bar of California – 180 Howard Street – San Francisco, CA 94105 – (415) 538-2251 – (415) 538-2524/fax

2012 REPORT OF ACCOMPLISHMENTS CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

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, geographical location, or language ability.

The Access to Justice Commission had an extremely productive year under the leadership of 2012 Chair Hon. Ronald Robie, and Vice-Chair Joanne Caruso of Jacobs Engineering Group in Pasadena.

Highlights of the year include:

- **Hearings on Civil Justice Crisis.** The Commission and its co-sponsors, the California Chamber of Commerce and the State Bar of California, released a report on the hearings on California's civil justice crisis;
- **Judicial System Support.** Launched a new committee to focus on supporting the judicial branch and provided input on legislation regarding our statewide court system and other statewide branch issues.
- **Administrative Agency Best Practices.** Compiled best practices for administrative agencies, developed training for administrative law judges, and improved web resources for self-represented litigants;
- **Campaign for Justice.** Worked on the second year of the Campaign for Justice, along with LAAC and the Trust Fund Commission, with the goal of raising \$10 million over three years for legal aid programs throughout the state;
- **Planning Forums.** Sponsored two Planning Forums with other key stakeholders to coordinate efforts to improve access to justice – expanding access to the courts, increasing legal services, and ensuring language access across the state.

A more detailed overview of the Commission's accomplishments follows.

HON. RONALD ROBIE
Chair
*Court of Appeal, Third Appellate District
Sacramento*

JOANNE E. CARUSO
Vice Chair
*Jacobs Engineering Group, Inc
Pasadena*

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Alameda County Superior Court

HON. STEVEN K. AUSTIN
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*Public Law Center
Santa Ana*

MARCIA BELL
San Francisco Law Library

CATHERINE BLAKEMORE
Disability Rights California

KRESTA DALY
*Barth, Tozer & Daly LLP
Sacramento*

MEERA E. DEO
*Thomas Jefferson School of Law
San Diego*

ERIKA FRANK
*California Chamber of Commerce
Sacramento*

HON. ANDREW J. GUILFORD
*U.S. District Court, Central District of California
Santa Ana*

HON. JAMES E. HERMAN
*Superior Court of Santa Barbara County
Santa Maria*

JANIS R. HIROHAMA
Manhattan Beach

HON. MARK JUHAS
Los Angeles County Superior Court

MARY E. KELLY
*California Unemployment Insurance Appeals Board
Los Angeles*

MICHAEL LEVY
*California Energy Commission
Sacramento*

HON. GOODWIN LIU
California Supreme Court

PAUL MARKS
*Neufeld Marks Gralnek & Maker
Los Angeles*

HON. DOUGLAS P. MILLER
*Court of Appeal, Fourth Appellate District
Riverside*

HON. CARLOS R. MORENO (RET.)
Irell & Manella, LLP

ANNE MARIE MURPHY
*Cotchett, Pitre & McCarthy
Burlingame*

PAUL TEPPER
*Western Center on Law & Poverty
Los Angeles*

EDWARD THOMAS UNTERMAN
*Rustic Canyon Partners
Santa Monica*

DIAN M. VORTERS
*Office of Administrative Hearings, State of California
Sacramento*

MARY LAVERY FLYNN
*Director, Office of Legal Services
State Bar of California
San Francisco*

SUPPORT FOR THE JUDICIAL BRANCH

Adequate Funding and Support for the Judicial Branch

The Access Commission submitted a letter to the Governor and legislative leaders urging them to provide adequate funding for the judicial branch, and expressing its support for a strong, coordinated, statewide judicial system. The Commission emphasized that some short-term reductions caused by inadequate funding, such as cutbacks to self-help centers, would be counter-productive, since these cost-effective services help millions of unrepresented litigants and benefit the courts as well. Deep budget cuts to the judicial system endanger access to the third branch of government and make access to justice an unachievable dream.

The Commission also raised strong concerns about AB 1208, which would have resulted in decentralization of many branch-wide functions, thus potentially undermining the progress that had been made on statewide efforts to expand access to justice.

The Access Commission also submitted comments to the Judicial Council on the Report of the Strategic Evaluation Committee. The extensive report made numerous recommendations for improving the functioning of the Administrative Office of the Courts, and the Commission believed that some information about the value of the work of the AOC needed to be included, and the Commission provided specific comments on many of the recommendations to ensure that the AOC would be able to continue to support statewide access initiatives.

New Effort Launched

The achievements noted above were possible because the Access Commission created a new “Judicial Branch Support Committee” with a three-part mission.

- First, to support adequate funding for the courts;
- second, to address legislative issues that concern the branch; and
- third, to work with the Judicial Council and other key stakeholders to support efforts to improve access to justice.

Judicial Branch Support Committee conducted informal surveys of local courts to analyze access at the local courts and help get a better understanding of how the courts are being directly affected by the budget cutbacks.

Language Access

The Access Commission also re-established its committee focusing exclusively on language access issues. The committee’s top priority is to prepare an update to its 2005 report, *Language Barriers to Justice in California*. In December 2012, a grant was secured to help with costs associated with the planned update report. The update will cover recent developments such as the ABA’s adoption of guidelines for language access by state court systems and the U.S. Department of Justice efforts to ensure compliance with federal language access mandates by state court systems around the country.

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 Juan Ulloa**, of the Superior Court of Imperial County. Judge Ulloa was recognized for establishing a collaborative relationship with court and consulate officials from Mexico to better serve the legal needs of his community, as well as, for being a leader in court reform efforts and working to improve access to justice for all Imperial County residents.

Administrative Agency Committee

The Committee continues to work toward finalization of its report on best practices and minimum standards. It has established contact with an additional agency as part of its outreach efforts. 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 procedures challenging for self-represented claimants, many of whom are low income.

SUPPORT FOR THE DELIVERY OF LEGAL SERVICES

Hearings on California's Civil Justice Crisis

In October 2012, the Access Commission, along with the State Bar and the California Chamber of Commerce, with administrative support from OneJustice, released the report, *Hearings on California's Civil Justice Crisis: Findings & Recommendations*. The report summarizes the findings from the 2011 Hearings on California's Civil Justice Crisis and documents the ways in which the civil justice system serves Californians, while also demonstrating the dire need for increased funding for both California's civil courts and nonprofit legal organizations. Additionally, the report includes recommendations for protecting the functionality of California's judicial branch and ensuring that legal services organizations are able to provide low-income Californians with access to justice. To access the final report or learn more about the hearings, go to <http://californiahearings.org>.

Law Library Support

The Access Commission co-sponsored the report, *"The Sustainable 21st Century Law Library: Vision, Deployment and Assessment for Access to Justice."* (see <http://www.zorza.net/LawLibrary.pdf>.) The Report makes recommendations on the "potential for law libraries to make the judicial system more user-friendly and accessible

for people without lawyers,” because of the changing demographics of law library users. There has been a decrease in the number of lawyers and court staff using law libraries while there has been an increase in the number of people looking for legal help. The Report was commissioned by bar and legal groups from around the country, with the assistance of the American Bar Association Resource Center on Access to Justice and input from staff at the U.S. Department of Justice Access of Justice Initiative.

Rural Task Force/Friend of Rural Legal Aid

In December 2012, the Access Commission secured a grant from the California Bar Foundation to help establish a statewide “Friends of Rural Legal Aid” committee. This committee will support the work of nonprofit rural legal aid providers and work to ensure adequate resources and improve pro bono services. The grant will provide funding for the hiring of a rural fundraising consultant, outreach materials, and venue costs for the outreach meetings that will organize, populate, and initiate the work of the Friends Committee.

Federal Courts Committee

The Commission approved a letter to support lending the time of a national staff person to coordinate self help centers in federal courts. The Commission also supports monthly national calls to discuss the funding of self-help centers in the federal courts, and otherwise coordinate nationwide on these issues.

Pro Bono Coordinating Committee

This group continued to discuss ways to expand and support pro bono, and also supported activities during Pro Bono Week – MCLE trainings, clinics, celebrations, recruitment and fundraising festivities were organized throughout the state.

Right to Counsel Committee

In 2012, San Francisco passed a model ordinance for a one year pilot program to implement a right to civil counsel in certain types of cases. The focus of the program is eviction defense, but representation in family law, consumer law, and SSI cases will also be part of the program. The pilot provides \$100,000 for staffing a pro bono program, and the ordinance says that the program will be made permanent if it is successful. It was launched in late fall, and is supported by the Volunteer Legal Services Program of the Bar Association of San Francisco. BASF will receive the city funding for staffing to support the program.

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 is continuing to develop a toolkit of access to justice materials, containing talking points, PowerPoint

Presentations, and hand-out materials. The Toolkit will be a helpful resource for our access to justice partners, as well as Access Commissioners doing information outreach.

The Committee 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.

Outreach to Appointing Entities

The Access Commission has a renewed focus on outreach to appointing entities and has expanded discussions about how the Commission can work more closely with its appointing entities to pursue issues of mutual concern.

Workshops and Planning Forums

Access to Justice: Critical Issues & Recent Developments Workshop

The Access Commission sponsored an educational workshop at the Bar's Annual Meeting featuring judges and lawyers addressing recent developments affecting legal services, the courts, and access to justice. Panelists, including Associate Justice Goodwin Liu, discussed the right to counsel in civil cases, language access, the foreclosure settlement, pending legislation, pro bono, ethics, and self-represented litigants.

Access to Justice Bench-Bar Planning Forums

The Access Commission sponsored two *Access to Justice-Bench Bar Planning Forum* – one during the State Bar Annual meeting and the other at the Pathways to Justice Conference in June in San Francisco. These forums brought together representatives from the many statewide entities working to improve access to justice, including the Commission, the Judicial Council Committee on Access and Fairness, the State Bar Standing Committee on the Delivery of Legal Services, the Legal Aid Association of California, and the California Bar Foundation. Participants discussed ways to coordinate their efforts on expanding legal representation, addressing the judicial branch budget crisis, and increasing funding for legal services.

ADDITIONAL COMMISSION ACTIVITIES

Justice Goodwin Liu is California Supreme Court Appointee

In 2012, the State Bar's Board of Trustees approved the expansion of membership for the Access Commission to include one appointment by the California Supreme Court. Chief Justice Tani Cantil-Sakauye then appointed Associate Justice Goodwin Liu to serve as the Supreme Court appointee. Justice Liu had been acting as liaison between the Supreme Court and the Commission for the year prior to his appointment.

National Access Commission Community

Funded, in part, with a grant from the Public Welfare Foundation, the community of access commissions around the country has launched a campaign to coordinate their efforts and share resources. Because of the long history of the California Commission, its members are often the discussion leaders, and our projects are used as models for other states. And we, in turn, are also learning some invaluable lessons from colleagues in other states.

2012 Bernard E. Witkin Amicus Curiae Award

Mary Lavery Flynn was chosen as the recipient of the 2012 Bernard E. Witkin Amicus Curiae Award, one of the Distinguished Service Awards awarded by The Judicial Council of California. The award honors individuals other than members of the judiciary for their outstanding contributions to the courts of California.

Mary has been the staff director of the Access to Justice Commission since it was launched in 1997, and she has worked on access to justice issues for over 32 years. She has helped address legal services funding, as well as funding for the judiciary, and coordinated efforts between the Judicial Council, the courts, the State Bar, and legal services programs.

For more information, contact:

Sarah Lindsey Chanrasmi, Program Coordinator
Office of Legal Services, State Bar of California
180 Howard Street, San Francisco, CA 94105
Phone: 415.538.2534 | Fax: 415.538.2524
sarah.chanrasmi@calbar.ca.gov