

CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

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2013 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 2013 Chair, Hon. Ronald Robie, Justice of the Court of Appeal, Third Appellate District, and Vice-Chair Joanne Caruso of Jacobs Engineering Group in Pasadena.

Highlights of the year include:

- **Incubator/Modest Means Task Force.** Launched a new task force to address the enormous unmet legal needs of people who cannot afford lawyers and the growing ranks of unemployed or underemployed lawyers. The task force has secured \$200k in grant money to aid in the support of incubator programs and other modest means initiatives.
- **Minimum Access Standards.** A set of defined minimum access standards for local courts were developed in an attempt to clarify what services and procedures are necessary to truly make good on the commitment to “access to justice.”
- **Identifying additional funding sources for legal aid.** Along with the State Bar’s R&D Legal Services Funding Task Force, established a new \$30 opt-out fee for legal services on State Bar member dues statements.

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

SUPPORT FOR THE JUDICIAL BRANCH

Minimum Access Standards

A set of defined minimum access standards for local courts were developed in an attempt to clarify what services and procedures are necessary to truly make good on the commitment to “access to justice.” The standards were developed, in part, to demonstrate funding that is needed throughout the state to support access, and identify basic needs that are faced by all courts and the litigants who use them. These access standards have been referenced by numerous groups in their efforts to analyze court funding and recommend adequate levels of funding.

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Continuing Efforts for Judicial Branch Support

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 continued to work with key stakeholders to support efforts to improve access to justice, including working with the leadership of the Judicial Council's Task Force on Fiscal Accountability to provide detailed information about how to implement true access at the local level.

Language Access Committee

The Language Access Committee, reinstituted in 2012 to update the Access Commission's 2005 report *Language Barriers to Justice in California*, began the updating process. Committee members each took a section of the original report for review, and then provided suggestions to update the report in several areas. However, because the Judicial Council commenced work on a statewide language access plan, the Committee suspended further meetings and work. It may regroup later to update parts of the report, taking into account the recommendations of the Judicial Council. The committee felt that the landscape was changing so quickly, given the Judicial Council's new statewide language access plan, that the update would almost certainly be outdated by the time it came out. The committee will work closely with the judicial branch on the new statewide language access action plan.

Commission members continue to play key leadership roles in the development of the statewide language access plan.

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 **Justice James Lambden**, of the First District Court of Appeal. Justice Lambden was recognized for his life-long work to remove barriers to access to justice. He was instrumental in getting the Equal Access Fund established in 1999, and it has brought in over \$170 million since that time for legal services programs throughout the state. He also has been a supporter of language access in the courts, has assisted in the development of a set of Access Standards for the local courts, and has been involved in the initiation and formation of strategic relationships to fund projects to improve access to justice as well as other access initiatives.

Administrative Agency Committee

The Administrative Agency Committee continued to work toward finalization of its report on best practices and minimum standards, with an estimated completion date of early 2014. The committee also identified the top agencies most likely to have significant unrepresented claimants, and conducted website reviews based on a checklist developed in 2012. Outreach efforts were increased by establishing contacts within administrative agencies and fostering awareness of the Access Commission, revising materials used for distribution to agency leadership, and conducting interviews and surveys with numerous administrative agencies.

Committee members Jodie Berger and Dian Vorters presented at a Practising Law Institute (PLI) program, *Representing the Pro Bono Client: Advocacy Skills for Administrative Hearings*. The webinar is free, and is available on the PLI website.

SUPPORT FOR THE DELIVERY OF LEGAL SERVICES

Federal Courts Committee

In 2013, 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 to key stakeholders, including in the following areas:

- Prisoner civil rights, habeas cases, and alternative dispute resolution (committee members from each judicial district held meetings with the Office of Attorney General and the California Department of Correction).
- General prison litigation matters (committee members met with the plaintiffs/petitioners bar).
- Creation or designation of a position at the federal Administrative Office to support efforts to assist self-represented litigants and to share federal self-help materials on-line.

Additionally, the Federal Courts Committee worked to include an overall theme of Access to Justice in the 9th Circuit Conference program.

Pro Bono Coordinating Committee

The Pro Bono Coordinating Committee (PBCC) continued to share information about pro bono activities statewide. The committee provided written comments on three occasions—as well as verbal testimony in another instance. Areas covered included rules related to mandatory e-filing and admissions regulation reform.

Incubator/Modest Means Task Force

In 2013, the Access Commission created the Incubator/Modest Means Task Force to address two coincident issues that have arisen in the legal world: the enormous unmet legal needs of people who cannot afford lawyers and the growing ranks of unemployed or underemployed lawyers. By supporting post-graduate “incubators” and related projects for new attorneys, the Commission seeks to develop a targeted response that expands access to our justice system for modest means families facing significant legal issues. The Commission also hopes to guide the growing incubator movement toward a conscious goal of training a generation of lawyers committed to serving the needs of ordinary people who otherwise have nowhere to go for legal help.

The task force is chaired by Justice Goodwin Liu and has secured \$200k in grants to:

- Encourage, support, monitor, and evaluate incubator and other modest means initiatives dedicated to providing legal services for modest means populations who do not qualify for legal aid; and
- Provide three or four seed grants of approximately \$25,000 to \$40,000 to jumpstart or expand incubator programs through regional partnerships of law schools, legal aid organizations, bar associations, law firms, court-based self-help centers, and others.

SUPPORT FOR COMMUNICATION, FUNDING, AND OUTREACH OF LEGAL SERVICES

Communications and Outreach Committee

In an effort to increase awareness of access to justice issues and strengthen relationships with its appointing entities, the Communications Committee has completed the rollout of 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 participating in speaking engagements and/or doing information outreach.

The Committee published several editions 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 in California. Additionally, the Committee solicited and obtained the publication of several articles relating to access to justice issues.

As part of its increased outreach efforts, the committee sponsored presentations to local, specialty, and minority bar associations, including at the Annual Meeting, at the Solo Summit, and before the Riverside County Bar Association.

Campaign for Justice

The Campaign for Justice developed a Cy Pres toolkit designed to educate and encourage lawyers and judges to consider legal services organizations when structuring cy pres awards. The base of support for the Campaign was expanded by reaching out to new communities, including law schools and students, the faith community, and the business community. Additionally, the Campaign for the Justice established a strong web and social networking presence.

Funding Committee

In addition to working on the Campaign for Justice, the Funding Committee worked with the State Bar's R&D Legal Services Funding Task Force on the following:

- Establishing a new \$30 opt-out fee for legal services on State Bar member dues statements (initial results are very positive – fewer than 30% have opted out, and over \$3 million raised as of January 31, 2014).
- Establishing a new tax intercept program for uncollectable State bar accounts receivable from disciplined lawyers, with over \$17 million in debt submitted to Franchise Tax Board.

The committee also worked with the State Bar to identify other potential funding sources.

Access to Justice Planning Forum

The Access Commission sponsored an *Access to Justice Planning Forum* during the State Bar Annual Meeting in October in San Jose. This forum 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, OneJustice, and the California Bar Foundation. Our special guest speaker, Chief Justice Tani Cantil-Sakauye, spoke on her efforts to increase physical, remote, and equal access for all Californians via her Access 3D initiative. In addition to supporting the Chief Justice's Access 3D initiative, participants discussed ways to coordinate involvement efforts with both healthcare and immigration reform.

CLOSING

During 2013, 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. For more information, contact:

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