

AGENDA ITEM

163 NOVEMBER 7 2014

DATE: November 5, 2014

TO: Members, Stakeholder and Access to Justice Committee
Members, Board of Trustees

FROM: David A. Torres, Trustee (District 5)

SUBJECT: Grant to California Bar Foundation to Fund Legal Services
Programs in Rural Areas

EXECUTIVE SUMMARY

On the condition of the availability of a fund balance in non-mandatory dues revenues at the end of the calendar year, this item would provide for a grant to the California Bar Foundation to be administered as a seed grant for a pre-law graduate incubator project to produce lawyers who are skilled and committed to representing low and moderate income clients in rural areas of California.

DISCUSSION

The California Commission on Access to Justice in its report, Improving Civil Justice in Rural California, states: “Low-income Californians throughout the state have difficulty accessing legal services, but those in rural areas face additional challenges. There are fewer legal aid lawyers in rural areas than in urban areas and few private lawyers to fill the gaps. Inadequate or unavailable public transportation makes it difficult to access legal services, especially with the large distances between legal aid offices that are typical of rural areas.”

Because of the continuing under-funding of legal services in urban and rural areas throughout the state, the gap continues to persist despite efforts to address it. For example, the Modest Means Incubator Project of the California Commission on Access to Justice (CCJA) is part of a national movement intended to connect practical training for newer lawyers with providing excellent and affordable legal assistance to low and moderate income clients on a range of topics including family and housing law, labor code violations, consumer debt, and more. CCAJ, Incubator Guide (October 2014), at p. 2. But “geographic diversity” is only one factor and projects in the Central Valley who will receive funding from that program are likely to be limited.

Incubator programs are still new concepts. They generally focus on post-law graduates. These “incubators” provide legal services while being mentored, supervised, and taught by experienced attorneys. Most incubators require pro bono service and emphasize creating a practice around service to low and moderate income people. CCAJ, Incubator Guide (October 2014), at p. 3. This proposal would apply the “pipeline” recommendation of the State Bar’s Diversity Pipeline Task Force to reach out to pre-law graduates and to encourage and steer them to commit to legal study and services in rural communities. The proposal will allow the California Bar Foundation, with its demonstrated commitment to diversity and civil justice, to broadly solicit proposals and provide seed funds for a model incubator project.

It is therefore proposed that if there is a fund balance in the non-mandatory fees revenues at the end of this calendar year, then a part of those available revenues, up to \$150,000, would be allocated to help address this justice gap in rural areas. The available money would be used as a grant to the California Bar Foundation to be administered as a one-time seed grant for a pre-law graduate incubator project to produce lawyers who are skilled and committed to representing low and moderate income clients specifically in rural areas of California.

FISCAL / PERSONNEL IMPACT:

A one-time expenditure of up to \$150,000 from available fund balance, if any, in non-mandatory fees revenues.

RULE AMENDMENTS:

n/a

BOARD BOOK IMPACT:

n/a

RECOMMENDATION

It is recommended that if there is a fund balance in non-mandatory fee revenues at the end of 2014, then a one-time grant of up to \$150,000 of any available revenues should be allocated and granted to the California Bar Foundation for a pre-law graduate incubator project to produce lawyers who are skilled and committed to representing low and moderate income clients specifically in rural areas of California.

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Stakeholder and Access to Justice Committee agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Stakeholder and Access to Justice Committee recommends that if there is a fund balance in non-mandatory fee revenues at the end of 2014, the Board then allocates an amount up to \$150,000 of any such available funds to help address the justice gap in the access to justice by low income persons in rural areas of California; and it is

FURTHER RESOLVED, that the allocated funds are granted to the California Bar Foundation for the purpose of a pre-law graduate incubator project to produce lawyers who are skilled and committed to representing low and moderate income clients specifically in rural areas of California.

PROPOSED BOARD OF TRUSTEES RESOLUTION:

Should the Board concur with the Stakeholder and Access to Justice Committee's recommendation, the following resolutions would be in order:

RESOLVED, that upon the recommendation of the Stakeholder and Access to Justice Committee, the Board hereby provides that if there is a fund balance in non-mandatory fee revenues at the end of 2014, an amount up to \$150,000 of any such available funds to help address the justice gap in the access to justice by low income persons in rural areas of California; and it is

FURTHER RESOLVED, that the allocated funds are granted to the California Bar Foundation for the purpose of a pre-law graduate incubator project to produce lawyers who are skilled and committed to representing low and moderate income clients specifically in rural areas of California.