

# AGENDA ITEM

**III.A MARCH 12, 2015**

**DATE:** February 20, 2015

**TO:** Members, Stakeholder Relations and Access to Justice Committee

**FROM:** Civil Justice Strategies Task Force

**SUBJECT:** Civil Justice Strategies Task Force Report and Recommendations – Request for Public Comment

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## EXECUTIVE SUMMARY

This agenda item requests a 45-day public comment period for the Civil Justice Strategies Task Force Report and Recommendations.

In November 2013, the State Bar Board of Trustees approved the creation and appointment of the Civil Justice Strategies Task Force (CJTF) as a special committee of the board.

The charge of the task force was to analyze the reasons for the existing “justice gap,” to evaluate the role of the legal profession in addressing the crisis, to seek the input of groups who have been working to expand access to justice to understand what efforts have worked and which have not been successful, to study creative solutions being considered in other states and other countries, and to develop an action plan with recommendations for steps that should be taken to fill the justice gap and achieve true access to justice in California.

Questions on this item should be directed to Francisco Gomez at (415) 538-2170 or [francisco.gomez@calbar.ca.gov](mailto:francisco.gomez@calbar.ca.gov).

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## BACKGROUND

After its creation in November 2014, the CJSTF developed an action plan that included a series of public meetings with presentations by experts to obtain input from key stakeholders, including those who have long struggled to address the justice gap, as well as others who may be able to suggest creative solutions. The task force was chaired by Luis Rodriguez (2013-14 State Bar President) and was comprised of members of the State Bar Board of Trustees, Solo, Small Firm and Large Firm representatives, Public Sector representatives, Modest Means representatives, Bar Associations, Lawyer Referral and Information Services, Public Members, Academics

and liaisons from the California Supreme Court and the California Commission on Access to Justice.

Seven all-day public hearings were held by the task force, from March through November 2014, to consider input and make recommendations to the Board of Trustees.

Chair Luis Rodriguez created three subcommittees of the task force to help guide the work of the full task force and with the hope that the task force could arrive at a consensus about how to improve the access to justice problem and lay the groundwork for dramatic progress in the next few years.

The three subcommittees were: (1) the “Now Group” which was tasked with a review of the current access environment in order to identify what approaches are working now and what may be scalable or can be replicated; (2) the “New Group” which focused on innovations that currently are being considered or implemented in other jurisdictions; and (3) a “Law School Debt Group” that examined the intersection of law school debt and access to justice.

This report includes the following sections: an acknowledgement by Luis Rodriguez; a brief introduction of the problem the task force set out to address; lists of the topics and witnesses included in each hearing; a summary of key recommendations; excerpts from the testimony; and the individual reports from each of the Civil Justice Strategies Task Force’s subcommittees.

## **ISSUE**

Whether to authorize a 45-day public comment period to solicit input from access to justice stakeholders, members and the public on the recommendations contained Civil Justice Strategies Task Force Report and Recommendations.

The 45-day public comment period would allow this proposal to return to the Stakeholders Committee and the Board for consideration of the comments at the May 2015 Board meeting.

## **DISCUSSION**

In addition to supporting increased funding for legal services, the State Bar is working to find other ways to expand access to courts and lawyers for low and moderate income Californians. As noted above, the Task Force on Civil Justice Strategies, chaired by then State Bar President Luis Rodriguez was charged with analyzing the “justice gap.” The Task Force evaluated the role of the legal profession in addressing the crisis, sought input from groups working in this area, studied creative solutions being considered in other states and countries, and developed recommendations to help fill the justice gap and achieve true “access to justice” in California. It is important that the

Board of Trustees solicit further input focusing on innovative strategies to address California's "justice gap."

**FISCAL / PERSONNEL IMPACT:**

No additional fiscal or personal impact.

**RULE AMENDMENTS:**

No change needed to the actual Rules of the State Bar.

**BOARD BOOK IMPACT:**

None.

**RECOMMENDATION**

Staff recommends that the Stakeholder Relations and Access to Justice Committee authorize a 45-day public comment period for comment on the Civil Justice Strategies Task Force Report and Recommendations.

**PROPOSED BOARD COMMITTEE RESOLUTION:**

Should the Stakeholder Relations and Access to Justice Committee concur with the recommendation of staff, adoption of the following resolution would be in order.

**RESOLVED**, that the Stakeholder Relations and Access to Justice Committee authorizes staff to make available for public comment for a period of 45 days the Civil Justice Strategies Task Force Report and Recommendations; and it is

**FURTHER RESOLVED**, that this authorization for release for public comment is not, and shall not be construed as, a statement or recommendation of approval of the report.

**ATTACHMENT**

A: Civil Justice Strategies Task Force Report and Recommendations