

CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

c/o State Bar of California · 180 Howard Street · San Francisco, CA 94105 · (415) 538-2352 · (415) 538-2524/fax

April 2, 2015

The Honorable Governor Edmund G. Brown, Jr.
State Capitol, Suite 1173
Sacramento, CA 95814

The Honorable Loni Hancock
State Capitol, Room 2082
Sacramento, CA 95814

The Honorable Mark Leno
State Capitol, Room 5100
Sacramento, CA 95814

The Honorable Melissa Melendez
State Capitol, Suite 6031
Sacramento, CA 94249

The Honorable Jim Nielsen
State Capitol, Room 2068
Sacramento, CA 95814

The Honorable Shirley Weber
State Capitol
P.O. Box 942849
Sacramento, CA 94249

RE: Request to Increase Allocations to the Equal Access Fund

Dear Governor Brown, Senator Leno, Assembly Member Weber, Senator Nielsen, Senator Hancock, and Assembly Member Melendez:

The California Commission on Access to Justice¹ joins legislators and others in asking you to increase allocations to the Equal Access Fund by an additional \$15 million in the 2015 revised budget.

¹ The Access Commission was established in 1997 to improve access to civil justice for Californians living on low and moderate incomes. The Commission includes appointees from your office as well as from the Attorney General, the President pro Tem of the Senate, the Speaker of the Assembly, the California Judicial Council, California Judges Association, the State Bar of California, Consumer Attorneys of California, California Chamber of Commerce, California Labor Federation, League of Women Voters, the California Council of Churches, the Council of California County Law Librarians, and the Legal Aid Association of California.

HON. MARK A. JUHAS
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Los Angeles County Superior Court
Los Angeles

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Vice Chair
Jacobs Engineering Group, Inc.
Pasadena

MARY LOU ARANGUREN
Alameda County Superior Court
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Disability Rights California
Sacramento

CHARLES CALDERON
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PAUL S. COHEN
Legal Aid of Marin
San Rafael

HON. RICARDO CORDOVA
Superior Court of Stanislaus County
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Thomas Jefferson School of Law
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California Chamber of Commerce
Sacramento

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

JANIS R. HIROHAMA
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LISA R. JASKOL
Public Counsel
Los Angeles

HON. MARTIN J. JENKINS
Court of Appeal, First Appellate District
San Francisco

VENUS D. JOHNSON
Office of the Calif. Attorney General
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HON. VICTORIA S. KOLAKOWSKI
Alameda County Superior Court
Hayward

MICHAEL J. LEVY
Calif. Unemployment Insurance Appeals Board
Sacramento

HON. GOODWIN H. LIU
California Supreme Court
San Francisco

PAUL S. MARKS
Neufeld Marks
Los Angeles

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

DEBORAH D. MOSS-WEST
Santa Clara University School of Law
Santa Clara

ANNE MARIE MURPHY
Cotchett, Pitre & McCarthy
Burlingame

HON. MARIA P. RIVERA
Court of Appeal, First Appellate District
San Francisco

PAUL S. TEPPER
Western Center on Law & Poverty
Los Angeles

HON. ERICA R. YEW
Santa Clara County Superior Court
San Jose

KELLI M. EVANS
Senior Director Administration of Justice
State Bar of California

The Equal Access Fund, established in 1999, is an important step towards achieving equal justice in California. The Fund helps to assist the most vulnerable individuals and families when they face critical, life-changing legal issues affecting their most basic health, safety, and security needs.

Hundreds of thousands of Californians have received some form of legal assistance over the last sixteen years, with the help of the Equal Access Fund, distributed to qualified legal services organizations by the Judicial Council through the Legal Services Trust Fund.

In addition to funding individual legal aid programs, the Equal Access Fund also supports innovative partnership programs between legal aid programs and the courts, which assist the increasing number of self-represented litigants, who are of low and moderate income. Despite such support, studies reveal that the civil legal needs of millions of low-income Californians remain unmet, and that the needs of others are met only partially.

This is why the Access Commission urges you to increase the Equal Access Fund. The number of Californians who qualify for legal services, based on their low income, has increased by twenty percent during the recent economic crisis. At the same time as the number of poor Californians has climbed, there has been a dramatic decrease in legal services funding from what used to be a primary source of support—Interest on Lawyers Trust Accounts (IOLTA). Beginning in 2007 with the economic downturn, IOLTA declined sharply (from over \$20 million/year to just under \$5 million/year in California). Interest rates remain at historic lows so IOLTA is now only a fraction of the funding support for legal aid in California.

While the Equal Access Fund has been a critical source of support for legal services, the base appropriation of \$10 million has not been increased since 1999. Ten million dollars would be over \$14 million today when adjusted for inflation.² The Fund, however, has not kept track with inflation and is significantly below the investment in legal services made by other states.

By way of comparison, the State of New York, with just over half the population of California, currently allocates \$70 million a year for civil legal aid. New York has substantially increased its investment in legal services over the past several years in recognition of the deep needs and, according to Chief Judge Jonathan Lippman because, “[i]t’s good for the bottom line of our state for its financial well-being and health.”³ According to studies, every dollar of funding for civil legal services returns more than six dollars to the State.⁴ These returns take various forms including savings in costs that otherwise would be incurred assisting survivors of domestic violence; savings in averted shelter costs; and receipt of federal benefits.⁵

² The filing fee augmentation which began in 2005 and generally hovers around a total of \$5 million/year varies because of swings in the number of civil filings. The economic downturn has seen a decrease in the number of new cases filed, resulting in reduced filing fee revenue available for legal services.

³ Addressing the State Bar of California Civil Justice Strategies Task Force, May 28, 2014.

⁴ Task Force to Expand Access to Civil Legal Services in New York, Report to the Chief Judge of the State of New York at 23-29 (2011).

⁵ Id.

In recognition of the substantial benefits provided by legal aid, other states have joined New York in making significantly higher investments in legal services than California makes. For example, Texas, with 70 percent of our population, allocates \$17.6 million a year for civil legal services,⁶ and Massachusetts allocates \$15 million a year,⁷ with a population just one sixth of California's.

All Californians benefit from the access to justice, knowledge of services, and cost savings that legal services can provide. Accordingly, the Access Commission respectfully requests you to increase allocations to the Equal Access Fund by an additional \$15 million in the 2015 revised budget. Doing so will help move us closer to our goal of access to our legal system for all Californians, regardless of income.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Juhas", with a long horizontal flourish extending to the right.

Hon. Mark A. Juhas
Chair, California Commission on Access to Justice

MAJ/sc

cc: Hon. Bob Wieckowski

⁶ <http://www.teajf.org/news/releases/2013Session.aspx>

⁷ <http://www.bostonglobe.com/opinion/editorials/2014/11/10/mass-lawmakers-should-increase-funding-for-civil-legal-aid/GiQxRov2wZ7hu1z1MaK5mM/story.html>