

# AGENDA ITEM

## III A MAY 2017

**DATE:** April 28, 2017

**TO:** Members, Stakeholders, Access to Justice & Appointments Committee

**FROM:** Catherine Blakemore, Vice Chair, California Commission on Access to Justice  
Theresa Mesa, Program Developer, Office of Legal Services

**SUBJECT:** 2016 Annual Report, California Commission on Access to Justice

### BACKGROUND

The California Commission on Access to Justice (Commission) was established in 1997 to pursue long-term fundamental improvements in the civil justice system so that it is truly accessible for all, regardless of income, geography, language ability, or other factors. The Commission is comprised of members from all three branches of government, as well as business, labor, academic, religious and civic organizations. This report reflects the work of the Commission and its Committees during 2016 under the leadership of Chair, Judge Mark Juhas of the Los Angeles Superior Court, and Vice-Chair, Catherine Blakemore of Disability Rights California.

### Highlights of the year include:

- **Equal Access Fund.** One highlight of the year was the one-time increase of \$5 million by the Legislature for the Equal Access Fund, thanks to the efforts of the Funding Committee of the Access Commission, the State Bar, the courts, Legal Aid Association of California, and the legal services community. This was the first increase since the Equal Access Fund was created in 1999 at the level of \$10 million. While the appropriation was less than the original amount requested, the increase is a step in the right direction. Successful meetings, early in the process, between Commissioners, the State Bar President and key legislators to educate lawmakers about the need for civil legal aid were crucial to winning approval. Equally important was the time and effort put in by Commission members and others in writing support letters and testifying at public hearings around the state.

- **Supporting New Lawyers to Serve Low and Moderate Income Clients.** The Access Commission's Modest Means Incubator project continued in high gear during 2016. Since its inception, the Task Force has secured \$245,000 in grant money to aid in the support of incubator programs and hosted three regional meetings to discuss incubator models and connect stakeholders. Staff of the incubator grantees created a boot camp training program: [\*"Incubator Boot Camp: Tools for New Lawyers Looking to go Solo"\*](#), a free training course hosted by Practising Law Institute (PLI) on April 15, 2016 via webcast and in San Francisco, which was viewed by several thousand attorneys nationally. As a result of these and other efforts California has 13 incubators, four of which were funded by the grant funds received by the Commission.
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## **SUMMARY OF ACTIVITIES AND ACCOMPLISHMENTS**

### **California Commission on Access to Justice**

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#### **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 Commission continued to work with key stakeholders to support efforts to improve access to justice through the submission of the following public comment letters and testimony:

- One focus of the Access Commission's work was ensuring access to court reporters and court transcripts. In this regard the Commission engaged in the following:
  - Resubmitted written testimony to the Commission on the Future of California's Court System, reiterating concerns regarding the reduced availability of court reporters in California's Superior Courts, and recommended that the Futures Commission consider the costs and benefits of electronic recording of proceedings.
  - Sent letters to the members of the Assembly and Senate Budget Subcommittees in support of AB 1834, which would allow the use of electronic recording in family law proceedings where no court reporter is available.
  - Submitted a letter urging support of AB 2192, a bill to reauthorize the Transcript Reimbursement Fund to ensure that litigants have access to transcripts.

- A second significant focus of Access Commission work has been addressing the impact of fines and fees both on the court and low and moderate income Californians:
  - The Access Commission sent a letter in support of SB 881, a bill that would end the policy of suspending licenses based solely on failure to appear or pay in traffic court. Commission members also testified on a number of significant issues related to traffic fees and fines.
  - The Access Commission submitted letters regarding traffic proposals and the Futures Commission's proposed concepts and goals to improve the court system, including reducing the reliance on court fees and fines.
- The Language Access Committee continued to support the implementation of the *Strategic Plan for Language Access in California Courts*. The Commission's support included advocacy to ensure sufficient funding to implement key components of the plan and recommendations to ensure ease of access for litigants needing to request the assistance of interpreters.
- The Access Commission also submitted written testimony to the members of the Governance in the Public Interest Task Force expressing concerns about the efforts to de-unify the State Bar and the potential impact de-unification would have on access to justice work.

### **Support for the Delivery of Legal Services**

- The Funding Committee continued work to increase legal services funding. Access Commission members attended public hearings to educate legislators, judiciary, community and other leaders on the state of legal services and to advocate for increased general fund support for the Equal Access Fund. This included a letter to the Governor's office in support of increasing the Equal Access Fund. The letter stressed the need for increased funding to help provide critical services to residents in every county across the state and argued that a return on the investment of legal services dollars would benefit California's economy. Please see additional information under highlights above.
- The Access Commission submitted a letter to support the 2018 Legal Services Corporation (LSC) budget request to Congress.

- In September, The Access Commission submitted written testimony to the Commission for the Revision of the Rules of Professional Conduct, urging the State Bar Board of Trustees to include a version of the ABA Model Rule 6.1 (Voluntary Pro Bono Publico Service) in the proposed rules.
- The Access Commission's Pro Bono Coordinating Committee focused on pro bono lawyer assistance for election protection in the fall of 2016.
- The Access Commission's Incubator/Modest Means Task Force secured (1) secured \$245,000 in grant money; (2) held three regional meetings to discuss incubator models and connect stakeholders; and (3) funded four incubator programs across the state (in the Bay Area, Los Angeles, Orange County, and in the 20 northern most counties). See additional information above
- In 2016, the Access Commission re-activated its Right to Counsel Committee. Since its reestablishment, the Committee has met to discuss recent developments in the civil right to counsel movement, including court decisions, resolutions, pilot projects and other initiatives. The Committee's work focused on several priorities, including: (1) possible actions to build support for the right to counsel; (2) preparing a report examining and justifying a right to counsel in appropriate cases; (3) creation of a general discretionary power to appoint counsel in any civil case; and (4) creation of right to counsel in certain case types via legislation and court decision.

#### **FISCAL/PERSONNEL IMPACT**

None.

#### **RULE AMENDMENTS**

None.

#### **BOARD BOOK IMPACT**

None.

#### **BOARD GOALS & OBJECTIVES**

Goal 4: Support access to justice for all California residents and improvements to the state's justice system.