

AGENDA ITEM

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DATE: April 26, 2017

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

FROM: Sharon Djemal, Chair, Standing Committee on the Delivery of Legal Services (SCDLS)
Sharon Ngim, Committee Coordinator, Office of Legal Services

SUBJECT: 2016 Annual Report, Standing Committee on the Delivery of Legal Services (SCDLS)

BACKGROUND

The Standing Committee on the Delivery of Legal Services (SCDLS), established in December 1999, is a 20-member advisory committee to the Board of Trustees that works on increasing access to justice by identifying, developing and supporting ways to improve the delivery of legal services to low- and moderate-income individuals. Members represent a cross-section of attorneys from the legal aid, nonprofit, public interest and criminal indigent defense sectors, the private bar, and the courts. SCDLS is focused on the following activities:

- Providing comments on State Bar, Judicial Council and legislative proposals;
- Encouraging and increasing pro bono participation by law students and attorneys from all practice settings;
- Recognizing outstanding pro bono contributions and lifetime achievement for providing legal services to the indigent;
- Promoting effective legal service delivery systems for moderate-income Californians including limited scope representation, lawyer referral services, legal incubator projects and technology solutions;
- Developing specialized and MCLE trainings for legal aid advocates and attorneys serving pro bono and modest means clients; and
- Conducting outreach to disseminate information about the committee's work and to recruit future applicants for appointment to SCDLS.

ACCOMPLISHMENTS IN 2016

1. Commented on Judicial Council Proposals

- **W16-01** (Civil Practice and Procedure: Revision of Wage Garnishment Form Instructions)
- **W16-04** (Request to Continue Hearing Date and Extend Temporary Restraining Order in Domestic Violence, Family Law, Juvenile Law, Civil Harassment, Elder Abuse, Private Postsecondary School Violence, and Workplace Violence Cases)
- **W15-05** (Domestic Violence Restraining Orders: New and Updated Forms to Reflect Recent Legislative Changes)
- **W16-07** (Juvenile Law: Sealing of Records)
- **W16-08** (Juvenile Dependency Petition § 300(b) Allegations for Commercially Sexually Exploited Children (CSEC))
- **W16-09** (Juvenile Law: Delinquency Defense Attorney Qualifications)
- **W16-10** (Juvenile Law: Notice of Juvenile Hearings by E-Mail (Implementation of AB 879))
- **W16-11** (Family Law: Special Immigrant Juvenile Findings)
- **W16-12** (Family Law: Changes to Petition and Response)
- **W16-14** (Probate Guardianships: A New Guardianship for Wards 18 to 21 Years Old and Extension of Existing Guardianships Beyond the Wards' 18th Birthday)
- **SPR16-03** (Appellate Procedure: Juvenile Proceedings)
- **SPR16-06** (Appellate Procedure: Ensure Consistency Between E-filing Rules and Court Practices)
- **SPR16-07** (Civil Practice and Procedure: Request for Entry of Default)
- **SPR16-08** (Small Claims: Plaintiff's Claim and Information Forms)
- **SPR16-09** (Civil Practice and Procedure: Order of Examination)
- **SPR16-10** (Civil Practice and Procedure: Writ of Execution)
- **SPR16-14** (Criminal Procedure: Petition and Order for Dismissal—Deferred Entry of Judgment)
- **SPR16-16** (Child Support: Statutory Relief for Incarcerated/Involuntarily Institutionalized Obligor(s))
- **SPR16-17** (Family Law: Child Support Forms; Uniform Interstate Family Support Act)
- **SPR16-18** (Family Law: Simplifying Limited Scope Representation Procedures)
- **SPR16-19** (Juvenile Law: Termination of Jurisdiction Over Nonminor)
- **SPR16-25** (Technology: Modernization of the Rules of Court (Phase II of the Rules Modernization Project))
- **LEG16-03** (Criminal Procedure: Application of Code of Civil Procedure section 1010.6(a) and (b) to Criminal Actions)
- **LEG16-07** (Small Claims: Provision of Court Interpreters)
- **LEG16-09** (Probate: Electronic Service of Notices and Other Papers in Probate, Guardianship, Conservatorship, and Other Protective Proceedings)
- **LEG16-10** (Technology: Electronic Filing, Service and Signatures)

SCDLS also submitted comments on **Comment [5] to Proposed Rule 1 [1-100] of the Rules of Professional Conduct**, regarding pro bono service in California.

2. Supported Efforts to Increase Legal Services for Moderate Income Californians

- Placed Limited Scope Judicial Council language on LawHelpCA.org.
- Made substantial progress on adapting Colorado Bar Association's modest means practitioners' manual for California practitioners as well as securing an ongoing partnership with them to revise this manual.
- Secured the rights to use material from an expert panelist for our unbundling work as well as securing the panelist's presence for a limited scope panel at the State Bar Annual Meeting.
- Continued review of modest means State Bar brochures and website content.

3. Supported Efforts to Increase Pro Bono Participation

- Disaster Planning: Created a map to "divide" the state for purposes of reaching out to legal services organizations about regional disaster planning; created survey that was completed by 26 legal service organizations across the State, collecting information on the organizations' plans in anticipation of disaster; discussed technology options to be used by legal service organizations in a disaster.
- State Bar Pro Bono Webpage: Provided input and suggested edits for the pro bono resources page; drafted pro bono FAQ page for the State Bar's website.
- www.CaliforniaProBono.org: Provided comments and feedback for improving the site which provides information for attorneys seeking pro bono opportunities. The site is maintained by OneJustice, a Legal Services Support Center.
- Pro Bono Reporting Rule: Initiated research on pro bono reporting rules, both voluntary and mandatory, with the goal of developing a joint study group with the California Commission on Access to Justice to assess the feasibility of recommending a required pro bono reporting rule in California.
- Practical Training of Law Students: Began the process of identifying hardships and impediments for law students placed with a nonprofit legal services organization or law school clinical, and making recommendations for change that will help grow law student and non-barred recent law school graduate involvement. For example, whenever a participant's supervising attorney changes, the participant is charged a fee by the State Bar unless the entity is a government agency. SCDLS recommends that qualified legal services providers and law school clinics be treated the same as governmental agencies so that no change fee is charged.

4. Recognition and Awards

- Conducted extensive and individualized outreach to solicit nominations for the 2016 Loren Miller Legal Services and President's Pro Bono Service Awards.
- Reviewed and evaluated nominations, and made recommendations to the Board of Trustees for both awards, culminating in the awards presentation at the State Bar Annual Meeting in San Diego.

5. Training

A total of six trainings were developed and presented:

- Public Interest Bootcamp (co-sponsored with Practising Law Institute, Pro Bono Training Institute, Southern California Pro Bono Managers)
- Fifth annual Training-of-Trainers (co-sponsored with Practising Law Institute)
- 4th annual Advocacy for Low Income Children with Disabilities (co-sponsored with Practising Law Institute)
- 6th annual Ethics in Pro Bono Representation (co-sponsored with Practising Law Institute)
- Taking the Fear and Loathing Out of Limited Court Appearances: How to Make a Limited Court Appearance without Getting Sucked in (co-sponsored with the California Commission on Access to Justice)
- Introduction of Social Media into Evidence, including Overcoming Hearsay Objections (co-sponsored with the California Commission on Access to Justice)

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.