

Materials for the

**JOINT MEETING OF THE  
PROGRAMS COMMITTEE &  
CALIFORNIA COMMISSION ON  
ACCESS TO JUSTICE**

Thursday, November 2, 2017

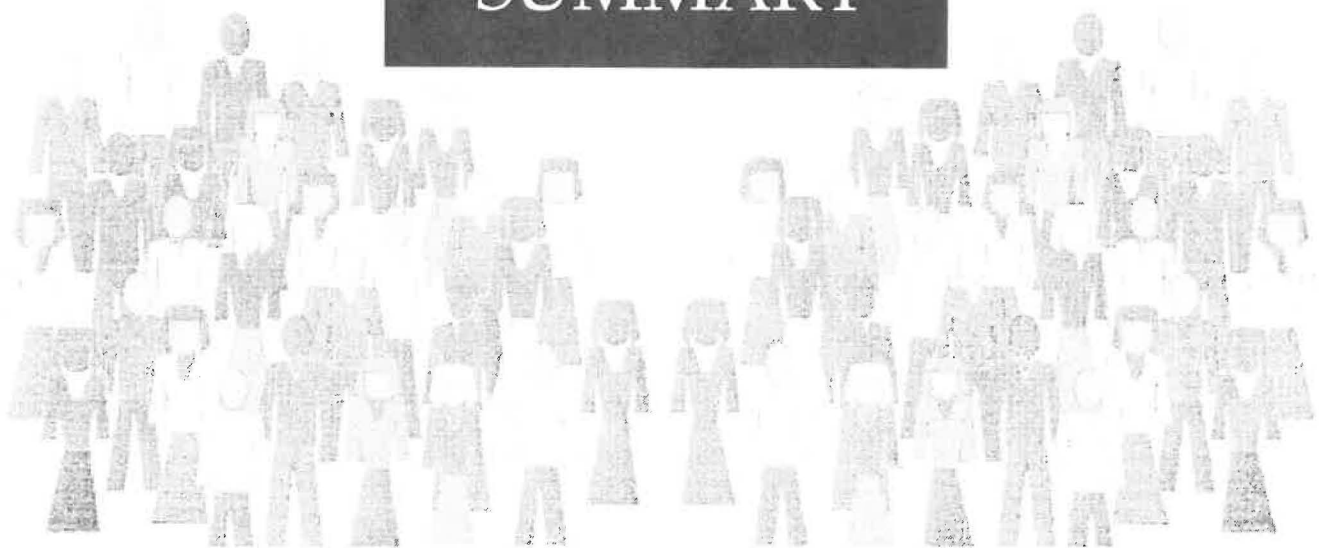
**AGENDA**

- A. Overview of the Commission and its Relationship to Other Entities
- B. Overview and Examples of the Access to Justice Issues
- C. Commission Mission Statement and 2017 Strategic Plan
- D. Priority Projects Discussion and 2018 Work Plan

# **AND JUSTICE FOR ALL**

**Fulfilling the Promise of  
Access to Civil Justice  
in California**

**SUMMARY**



# AND JUSTICE FOR ALL

## Fulfilling the Promise of Access to Civil Justice in California

### SUMMARY

STATE BAR OF CALIFORNIA

Access to Justice Working Group  
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Office of Legal Services  
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*Equal justice under law is not a caption on the facade of the Supreme Court building. It is perhaps the most inspiring ideal of our society . . . It is fundamental that justice should be the same, in substance and availability, without regard to economic status.*

*—Justice Lewis Powell, Jr.  
U.S. Supreme Court (Ret.)*



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## Acknowledgments

A project as comprehensive and creative as *And Justice For All* does not happen without the efforts of many individuals and organizations.

On behalf of the Access to Justice Working Group, I wish to thank the many other individuals and organizations who helped make this undertaking possible. Those thanks begin with Harvey Saferstein, who while State Bar of California president displayed the vision to launch this long-range program even though he knew it could not bear fruit during his tenure. Many legal services programs also recognized early on the potential importance of this study and contributed both information and funds which allowed the Working Group to start its research immediately. The Legal Aid Association of California and the LSC Project Directors Association likewise supplied valuable information and assistance, especially at the outset of this project. We also extend special thanks to the van Loben Sels Foundation and to the State Bar of California for their financial support of the Working Group.

During the years we were working on this report, the Working Group has always enjoyed the ongoing support of the State Bar and its Board of Governors. We owe a particular debt to the current State Bar President, James E. Towery, and the current Chair of the Board Committee on Legal Services, Joseph Bell. Both have put enormous thought and effort into seeing the project to its conclusion. We were especially gratified when at its July, 1996 meeting, the Board unanimously accepted the *And Justice For All* report and expressed its appreciation for the Working Group's efforts.

Many individual departments within the State Bar also extended themselves in helping to produce and distribute the report to a wide audience. The Working Group extends special thanks to the Office of Legal Services, and especially its director, Mary Viviano, who personally devoted hundreds of hours to this project, the Executive Offices, the print shop and graphic design department, the mail room, and the Office of Communications. The Legal Services Section also supplied staff support and useful feedback.

During the process of refining the report, the Working Group distributed copies to the public and solicited comments. Many groups responded with thoughtful critiques which led us to make many significant changes in the report. We express special thanks to the Consumer Attorneys of California, the California Women's Law Center, the American Bar Association's Consortium on Legal Services and the Public, the Coalition for Justice, the Legal Services Section Executive Committee, and that section's Standing Committees on Legal Services to the Poor and Crime Victims and Corrections.

Finally, as chair I want to thank the other members of the Working Group. Three years represents a long commitment to any project, no matter how important it may be, especially when the project requires the hours of effort this one did. Those serving on the Working Group were asked to be far more than advisors to the study. They had to spend long hours serving on task forces, personally researching the areas covered in the report, and preparing interim sub-reports which furnished much of the raw material for the final report. Once the

first draft of *And Justice For All* was finally ready, the full Working Group held a series of intensive meetings where we reviewed both the report's substance and its language line by line. The members brought to these tasks a diverse array of knowledge, skills, and perspectives which often led to lively discussions. But they also brought enough humor and good will to the table to insure those debates proved more productive than heated. Seldom have I seen volunteers display such dedication and persistence. I think you will find it shows in the comprehensiveness and quality of the result. But I *know* for certain it made my job as chair an easy one.

Justice Earl Johnson, Jr.  
Chair of the Working Group

**The State Bar of California**  
**Resolution Adopted by the Board of Governors**  
**July 20, 1996**

Upon motion made, seconded, adopted unanimously and consistent with the State Bar of California's longstanding commitment to equal access to the courts and adequate funding for legal services,

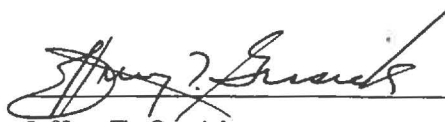
BE IT RESOLVED that the Board of Governors accepts the Access to Justice Working Group's comprehensive report entitled: *And Justice for All: Fulfilling the Promise of Equal Access to Civil Justice in California*, and commends the Working Group for its outstanding efforts;

BE IT FURTHER RESOLVED that the Board of Governors expresses its support in principle for the Access to Justice Working Group report's goal of achieving meaningful access to quality civil justice for all Californians; and it is

FURTHER RESOLVED that the Board approves the continuation of the important process represented by submission of the Working Group report and directs that the Board Committee on Legal Services bring back to the full Board an action plan for implementation.



I hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Governors at its meeting held on July 20, 1996, in Los Angeles, California.

  
\_\_\_\_\_  
Jeffrey T. Gersick  
Secretary

Date: 8-20-96

## Preface

*“Some see things as they are and say, ‘Why?’  
I dream of things that never were and say, ‘Why not?’”  
—George Bernard Shaw*

Today, access to justice for poor Californians is at best an unfulfilled promise and at worst a cruel hoax. Yet, nearly 70% of Californians and four out of five Americans erroneously believe that poor people have a guaranteed right to free counsel in civil cases.<sup>1</sup> Nothing could be farther from the truth.

In California and across the nation, only criminal defendants have a right to counsel regardless of their ability to pay. Civil litigants have no such guarantee. Recent studies show that only one-quarter of poor California families with a civil legal problem receive full or partial legal assistance.<sup>2</sup> These statistics do not include the near-poor and people of moderate means who experience serious legal problems but can neither afford to pay for legal assistance nor qualify for free legal services.

While the majority of poor Californians with legal needs who seek assistance will not receive it, many others with serious, even life threatening legal problems will never even seek legal assistance. This is often because they do not know where to find it or because the persistent failure of the justice system to meet their needs has led them to the conclusion that justice is not for all.

The number of people living in poverty in California has increased substantially in the past 20 years. At the same time, income disparities have also grown; the result is that the poor are getting poorer. Social policy has similarly changed with time. Many programs that support people of low incomes, such as child care, food stamps, and other public benefit programs, are being dismantled. Funding has been cut dramatically and new restrictions have been imposed on the grants that are made.

If the number of poor Californians continues to grow as experts predict and as cuts in federal funding for legal services have an impact, the situation will only worsen. The gap between the promise of justice under the law and the reality of the non-existent to meager protection afforded this state’s most vulnerable citizens will widen at an accelerating pace.

The recent 33% cut in federal funding for legal services, resulting in a 38% reduction in federal funds for California, is increasing the severity of the crisis. The recommendations of this report are thus all the more critical to seeking the equal access goal.

It is possible to remain complacent about these statistics until you meet them face-to-face. Katherine, for example, is a 35-year-old single mother who lives in Southern California with her three children, aged five, four and 18 months. Their only income is public assistance. They were evicted from their apartment when her husband left and she could no longer pay the rent and was forced to go on welfare.

After the eviction, Katherine and her children were homeless for nearly three months. They were on the streets during the day and in a shelter at night. She describes the apartment she was finally able to obtain:

The toilet is broken. The oven doesn't work. We have rats and roaches and lead paint peeling off the walls. And, there's no lock on a door that goes out to a fourth floor landing with no railing. The landlord refuses to make these repairs.

Katherine's Medi-Cal benefits were cut off when she could not provide rent receipts because she was withholding rent pending the needed repairs. That means she is unable to obtain health care for her children or herself, although she is a borderline diabetic who should be on medication. She is separated from her abusive husband, but she cannot afford a divorce. Katherine is striving to keep her family together and become self-sufficient, but so far she has received no legal assistance. The local legal clinic is a lengthy bus ride away, and Katherine doesn't think they can help because they turned her away once before when she needed a type of service they could no longer afford to provide.

Finding a way to offer legal assistance to Katherine and the other millions of Californians living at or below 125% of the poverty line is a major challenge. In 1990 this group numbered approximately five million people and experienced almost two million legal problems per year.<sup>3</sup> Helping them is a particularly important challenge because so many laws affecting the poor are changing, effectively eliminating much of the safety net. While the poor experience legal problems at about the same rate as the near-poor and people of moderate means, the legal problems poor Californians face often threaten their very survival. We take issue with those who believe addressing the legal needs of the poor is a challenge too difficult to meet.

America, by many standards still the most advanced of Western nations, stands virtually alone among industrial democracies in its failure to guarantee the civil indigent, either by constitution or statute, the right to counsel in civil cases. For example, this year marks the 500th anniversary of England's enactment of a statutory right to counsel in civil cases—counsel that the government now compensates when the litigant cannot afford to pay.<sup>4</sup> Moreover, most nations back up those rights with financial investments far larger than those the United States currently makes in its legal services programs. Clearly, if so many other countries can do it, so can we.

Just as surely, no single entity can solve the problem. In their role as gatekeepers to the justice system, lawyers have a special responsibility to help ensure that poor citizens gain access to the legal system. The legal profession's acceptance of this special responsibility is evidenced by a steady increase in the amount of pro bono services provided by California lawyers. In 1993 alone, their pro bono contributions exceeded one million hours.<sup>5</sup> However, the staggering amount of need means that lawyers' individual and combined efforts can provide only a modest percentage of the amount required to open the door to justice.

Attorneys are not the only people important to the development of increased access to justice. Adequate functioning of our judicial system is a societal responsibility. Community groups, legal services clients, educators, public sector employees, and many others all need to contribute to designing a delivery system based on the needs of low-income clients and the principle of access to justice for all. A great deal more funding is needed from a variety of sources for such efforts, especially following the recent cuts in federal grants. If funding is not increased, local and statewide initiatives to create a responsive, efficient, and comprehensive delivery system will never be a reality.

In addition, new methods of dispute resolution, which rely less heavily on lawyers yet provide quality justice, must continue to be developed. Where it is consistent with justice, law and the legal process must be simplified and made more easily accessible, benefiting not only those now excluded from access to the present system but all others as well. For such sweeping changes to be implemented, we must first acknowledge that access to justice for all Californians is a fundamental, indeed essential, right. The fulfillment of this right requires the earnest commitment and ongoing attention of a broad spectrum of leaders in this state's public and private sectors.

Our goal is threefold:

- (1) to ensure the right to civil justice for all Californians;
- (2) to foster systemic improvements in the state's civil justice system that will expand access to the system for all Californians; and
- (3) to develop adequate funding to provide meaningful access to quality justice for low- and moderate-income people when they need it.

This report is offered as a road map to guide us on the first stage of what we recognize to be a long and arduous journey. While the terrain is steep and many of the roads are as yet untraveled, we remain committed to the proposition that when the destination is of such crucial importance, we will find our way.

*“...[T]he civil justice system of the United States is fundamentally disconnected from the lives of millions of Americans. It must do more to address the personal legal needs of the American people if the nation is to make good on its commitment to equal justice.”*

*—American Bar Association,*

*Agenda for Access: The American People and Civil Justice (1996)*

## Mission and Goals

*“Helplessness does not stem from the absence of theoretical rights.*

*It can stem from an inability to assert real rights.”*

*–Robert F. Kennedy, 1964, U.S. Attorney General*

Recent legal needs studies have quantified the wide gap between the ideal of equal justice for all and the reality of no justice for many in California and the rest of the nation. Studies by the American Bar Association and bar associations in at least 15 states demonstrate that approximately three out of four poor people who have a legal problem will not receive legal assistance.

In March 1993, the State Bar of California appointed the Access to Justice Working Group and charged it with the task of developing a long-term, interdisciplinary approach to achieving equal access to justice in California.

Members of the Working Group included private bar leaders, legal services lawyers, pro bono coordinators, alternative dispute resolution experts, law professors, social scientists, and representatives of the judiciary. It was chaired by Justice Earl Johnson, Jr. of the California Court of Appeal, a former director of the OEO Legal Services Program and former professor of law at the University of Southern California.

Topics covered by this long-range plan include:

- assessing the central importance of equal access to justice to an ordered society;
- examining how California compares with similar democracies, many of which already guarantee and fund equal access to justice to low-income citizens as a matter of right;
- estimating the extent of the gap between need and availability of equal access to justice and the cost of closing the gap;
- looking at various methods of achieving equal access to justice, including providing more legal services, encouraging alternative means of dispute resolution, redefining the role of the lawyer in the provision of legal services, and simplifying certain laws and legal procedures;
- identifying and appraising potential sources of funding for programs designed to achieve equal access to justice;
- looking at ways to involve members of all segments of society in working toward the equal access goal; and
- developing an initial plan for a structure for the California Commission on Access to Justice, which will become a working entity and the basis for assessing and implementing ideas en route to the ultimate goal.

During the past three years, the Access to Justice Working Group held 15 meetings to review information, make policy decisions, and set priorities. Individual members did considerable research and prepared initial drafts of various sections of the report. The Working Group also retained a lead consultant to perform additional research, consolidate their individual work into an initial draft, and work with the committee to edit the document into a final draft.



With the approval of the Board Committee on Legal Services, the Working Group circulated an initial draft report for public comment. Valuable critiques were received, and these thoughts were incorporated into the final product.

One of the primary purposes of the report is to increase awareness and discussion of access to justice issues inside and outside of the legal community, particularly among leaders of the state's private and public sectors. It contains a series of options that merit serious consideration, refinement, and prioritization as the Commission on Access to Justice carries on the work begun by the Access to Justice Working Group.

Our ultimate goal is to broaden support for access to justice issues inside and outside the legal community and make an ordered transition from the Working Group to an ongoing California Commission on Access to Justice.

## Executive Summary

*“The first duty of society is justice.”*

*–Alexander Hamilton*

Access to justice is a fundamental and essential right in a democratic society. It is the responsibility of government to ensure that all of its people enjoy this right — that there is indeed “justice for all.”

### **Access to Justice Requires Lawyers; Many Nations Provide Counsel as a Matter of Right**

In most parts of our civil justice system, access to justice requires that lawyers represent both parties. As a practical matter, in most cases there can be no access to justice without access to adequate legal representation. Thus, justice is endangered unless those who cannot afford counsel are provided lawyers. This is particularly true when one side, often a corporation or government agency, is represented by counsel.

The absence of representation also has a negative effect on the functioning of the judicial system. Courts must cope with the need to provide guidance and assistance to proper parties to ensure a fair trial or hearing. Such efforts, however, are a burden on both the court’s time and personnel.

[The contingent fee system plays a separate but important role in the existing legal system. Such cases offer another avenue to improve access to justice as their focus on significant monetary recoveries allows poor and moderate-income plaintiffs to pay attorneys fees only if there is an award. Clients pay their attorney an amount proportional to the level of damages awarded. This report, however, focuses on access to legal services in cases that are not appropriate for contingent fee representation: those where damages are normally not of paramount importance.]

The governments of many industrial democracies other than the U.S. already guarantee low-income people the assistance of free lawyers in civil cases either as a statutory or constitutional right. A few of these countries, for example Italy and Spain, implement this right through mandatory pro bono programs requiring lawyers to supply representation without compensation. But the majority — England, France, Germany, the Netherlands, the Scandinavian countries, and Canadian provinces — fund civil legal services for the poor by providing lawyers, at state expense, to those who would otherwise go unrepresented.

### **Legal Needs of Three Out of Four Poor Californians Are Not Being Met**

The need for civil legal assistance among low-income Californians far exceeds the current level of resources provided through government and private charity. Today, the legal needs of approximately three-quarters of all poor people are not being met at all. The legal needs of the other one-quarter are sometimes being met only partially and the number of poor people in California continues to increase at a pace faster than that of the state’s overall population.

The lives of California’s poor are highly regulated, giving rise to the need for legal assistance. The legal needs of the poor fall primarily into the areas of housing, food, health,

family, employment, education, consumer finance, and individual rights. Those Californians who often need legal representation on matters that may be critical to their very survival include battered women, children, youth, the disabled, the elderly, farmworkers, the homeless, minorities, single parents, the unemployed, and victims of crime.

### **Legal Services Programs Promote Peaceful Dispute Resolution and Efficiently Serve Millions of Poor Clients**

Since California's first legal aid office opened its doors in San Francisco in 1916, legal services programs have promoted an ordered society and the peaceful resolution of disputes. At the same time, they have provided direct legal assistance to millions of this state's poor. Equally important, legal services programs have promoted confidence in low-income people that our system of laws can work for them.

Many of the services provided to legal services clients actually result in a savings to local and state government entities. When a woman receives adequate child care payments and is able to stay off welfare, when an illegal eviction is stopped and a family is able to avoid homelessness, when a disabled couple can live independently with in-home support rather than be institutionalized, not only is critical help provided to the poor client, but taxpayers save money as well.

In addition, legal services offices try to begin to help people on public assistance find a way to enter the mainstream of working America. For example, some offices have recently put programs in place to assist poor people to set up their own businesses and to redevelop neighborhood housing using a nationwide network of business lawyers.

In the best of times, California's legal services lawyers were too few to meet more than a fraction of the need for their services. Now California's 114 legal services programs are forced to make do with fewer and fewer resources at the same time that more and more Californians are falling into poverty. In 1996, there are 130 fewer legal services attorneys and over two million more poor people in the state than there were in 1980. There are now only 500 legal services lawyers to serve almost six million poor people. This means there is one attorney for every 11,000 poor people in a state where there is approximately one lawyer for every 300 people in the rest of the population.<sup>6</sup>

After the 1994 national elections, the makeup of Congress changed dramatically. Congressional concern about the rising deficit and alleged abuses by legal services programs, combined with fundamental attacks on the concept of legal services for the poor, resulted in much debate and uncertainty. The ultimate outcome was diminished funding for legal services coupled with significant restrictions on the work that could be done by federally funded programs.

The FY 1996 appropriation for the Legal Services Corporation decreased 33% from the year before, resulting in a net loss of 38% of LSC money in California. Many new restrictions were proposed, including bans on class actions, court awarded attorneys fees, and welfare reform advocacy, restrictions on legislative representation, and the extension of the LSC restrictions to all other funds of a program, and many other requirements and prohibitions.

Legal services programs are undertaking a comprehensive planning process, working with the private bar, clients, and others. Despite cutbacks in staff and services, legal services programs are dedicated and creative in making the best use of their extremely limited resources. However, greater efficiency and an infusion of pro bono services have not come anywhere near closing the gap between need and service.

### **Funding for Legal Services Must Be Increased Dramatically**

Funding for civil legal services must be increased dramatically in order to implement a right to justice for low-income Californians. The Access to Justice Working Group's best estimate is that it will require an additional \$250 to \$300 million (in 1993 dollars) to fill the

gap between the 1993 level of funding (about \$100 million) and the amount required to provide justice to almost six million poor people currently living in California.

Experience in the U.S. and other countries demonstrates that the private bar, acting on its own, cannot and should not be called upon to provide full representation for California's civil indigent. California lawyers already provide more than one million hours of pro bono service each year. At the same time, more California lawyers — acting individually and collectively — can and should provide additional pro bono services and/or financial contributions to legal services programs on an ongoing basis.

One group of attorneys who might be able to perform significantly more pro bono work could be those who are currently unemployed or underemployed. Encouraging volunteer work by these attorneys, many of whom are young, could benefit both the lawyers, who would gain legal experience, and poor clients, who would get free representation. It would not be realistic to encourage pro bono work from all unemployed or underemployed attorneys, but coordination with the California Young Lawyers Association could prove fruitful.

In 1993, the state's 121 legal services programs reported to the State Bar of California that they had received approximately \$100 million in total funding that year, with the federal Legal Services Corporation being the single largest funding source. (The number of legal services programs in the state has since declined to 114.)

More recently, federal funding has been reduced dramatically. California's 1996 share of the Congressional appropriation was \$28.2 million, down from the 1995 level of \$45.3 million. This was a 38% decrease, without accounting for inflation.

The State Bar's Legal Services Trust Fund Program was the second largest funding source in 1993. The Trust Fund was established by a 1981 California statute requiring California lawyers who hold client funds which are either small in amount or held for a short period of time to place them in an interest-bearing account. Banks forward the interest earned to the State Bar, which in turn distributes the funds through the Trust Fund Program to qualifying non-profit legal services programs. Similar programs are now functioning in all 50 states.

With the decline in interest rates, Trust Fund Program revenues plummeted nearly 75% in recent years, to a low of \$5.7 million in 1994–1995, although they did increase slightly in 1995–1996. As a result, the Trust Fund was able to distribute approximately \$6.6 million to qualifying programs that year.

Other funding sources for legal services programs included foundations, the United Way, contributions (from bar associations, individual lawyers, fundraising events, etc.) court-awarded fees, and miscellaneous funding.

### **Near-Poor and Moderate-Income Californians Also Require Increased Access to Civil Legal Services**

While almost two million California households (representing around five million people) lived below 125% of the poverty line in 1990, another 2.2 million households (representing over six million people) lived just above this level, struggling to maintain a minimum standard of living. Many of these families are unable to afford legal services for pressing needs without some form of legal assistance. And, those who try to represent themselves are very likely to lose, even when the evidence indicates they should prevail.

As funding for legal services in California increases as a result of future efforts of the Commission on Access to Justice recommended by this report, consideration must be given to establishing some level of subsidized legal services or other means to increase meaningful access to justice for the near-poor. Steps to assist them must be taken even before the needs of the poor are completely satisfied.

Another two and one-half million California households (representing almost seven million people) comprise the middle fifth of the state's population, with annual household incomes of more than \$27,500 but less than \$45,000. While these middle-income people are able to obtain legal assistance more often than the poor and near-poor, they still are unable to afford representation in many instances. This may result in harm and injustice to these families of moderate means. New legal services delivery models and financing arrangements must be developed, tested, and evaluated, with the goal of making quality legal services more widely available to middle-income people in this state.

### **Innovative Delivery Methods Must Be Developed and Expanded, in addition to New Funding Sources**

Increased funding for legal representation is the most important but not the only approach to giving low-income Californians access to justice. There are also some promising possibilities for developing less traditional delivery methods to address certain legal problems. Some of these options would not require lawyers, yet they would still provide quality justice for poor, near-poor, and middle-income people. It may also be possible to simplify substantive law in certain areas so that lawyers are not needed for some problems for which they are now essential.

Innovative delivery methods that are being developed or that should be expanded include prepaid legal services, court-affiliated alternate dispute resolution, independent alternative forums, carefully supervised use of paraprofessionals, small claims courts, peer counseling, and unbundled legal services. Others, such as pro per coaching, could be explored as interim measures.

At the same time, it is critical that society ensures that these measures actually deliver on their promises and do not deny justice to the unrepresented. This will require the creation of a mechanism capable of designing, establishing, and evaluating experimental programs for their impact on access to quality justice on an ongoing basis.

Achieving access to justice as a matter of right will require the honest commitment and ongoing attention not just of lawyers, but also of a broad spectrum of California's public and private sector leaders. The legal profession should provide initial leadership by calling attention to the magnitude and seriousness of the problems and by building the coalition necessary to address the issue. However, lawyers are but co-equal members of the diverse team of leaders who must work together to meet the challenge of providing "equal justice under law."

### **Findings of the Access to Justice Working Group**

The report makes twelve findings that form the basis for the recommendations and funding options that follow. The findings reflect the fact that adequate civil representation remains an unfulfilled promise for the vast majority of poor and near-poor Californians, as well as for many moderate-income citizens, and that legal representation is the basis for access to justice. The findings state that this lack of counsel, which is a societal concern, seriously burdens the justice system. They also note the importance of delivery methods such as pro bono work, alternative dispute resolution mechanisms, and law simplification to the goal of increasing access to justice.

### **Recommendations Regarding the Delivery of Legal Services**

The report offers thirteen recommendations for consideration by leaders in both the public and private sectors. Paramount is the recommendation that it should be the state government's legal obligation to ensure all Californians receive access to justice. Increased funding should be provided to the poor for legal representation in civil cases, beginning with matters in which basic human needs are involved. The state should also improve access to legal services to near-poor Californians who often find themselves without representation even in the most pressing circumstances.

The report recommends the creation of a California Commission on Access to Justice to provide ongoing leadership, to explore new sources of funding, and to oversee efforts to increase funding and improve delivery methods. The Commission would include members appointed by the State Bar, the judiciary, and business and community organizations.

The report recommends that new methods be developed to deliver quality legal services at affordable prices to larger numbers of moderate-income Californians. This includes exploring the feasibility of a statewide prepaid legal insurance plan available to all Californians and continuing efforts to develop alternative methods of dispute resolution that increase access without decreasing the quality of justice.

In other areas, the report encourages the development of promising approaches to simplifying the law and the evaluation of their impact on access to justice. This might lead to expanded use of supervised paraprofessionals where the result is increased access to justice and no diminution in the quality of services provided.

The report recommends the study, development, and improvement of programs that assist litigants in representing themselves in court proceedings until adequate legal representation can be provided to all who need it. It encourages the development of programs designed to make courts more “user friendly” to low- and moderate-income individuals.

For example, Small Claims Court should be modified to become even more effective in providing increased access to low- and moderate-income clients. In all cases, the report emphasizes the need to carefully evaluate the results of any proposed initiatives.

Finally, the report recommends the development of effective public education programs on understanding legal rights and responsibilities and finding affordable legal assistance. These efforts should target low- and moderate-income people, taking care not to raise expectations that cannot be fulfilled at current funding levels.

### **First-Priority Options to Obtain Necessary Funding**

In order to obtain the funding necessary to achieve its recommendations, the Working Group identified five priority “options” which, in some combination, could result in the requisite funding.

As its top priority, the report urges the federal government to affirm its responsibility for maintaining independent legal services programs throughout the country and to increase the national Legal Services Corporation appropriation significantly as soon as possible. State government should also recognize that lawyers are as essential to justice as courts and, therefore, the state should fund lawyers out of general fund revenues for people who cannot afford representation.

The report urges California lawyers to continue to increase the substantial pro bono efforts they are already making with strong support from the organized bar. Additional “priority options” include considering ways to increase litigation-related fees to support increased access to justice and exploring the feasibility of imposing a tax on the value of legal work performed that could generate significant revenue to expand access to justice.

### **Second-Priority Options Regarding Funding**

The report discusses ten “second-priority options” that could enhance legal services funding. Although the options in this category would not yield the high level of funding needed to achieve the Working Group’s goals, they are nevertheless potentially valuable sources of supplemental financial support.

These options include dedicating a portion of punitive damage awards to increasing access to justice and diverting class action residuals to support increased access to civil legal services for the indigent. The report also suggests directing interest on real estate escrow accounts to expand access in civil matters, possibly targeting resulting funds to legal services housing work and other affordable housing groups. It is additionally important to continue

efforts to increase the net yield on the Legal Services Trust Fund. Other options involve increasing government contracts with legal services organizations to provide services to low-income clients and exploring revenues to be generated from litigation-based fees.

The report advocates efforts to broaden pro bono opportunities for currently under-represented groups of legal advocates. For example, the participation in public interest work of more law students and other non-lawyer legal paraprofessionals should be encouraged and facilitated. Currently underemployed attorneys (recent graduates or people in transition) might also be a good source for increased pro bono work. Efforts should additionally be made to increase the quantity and quality of advice provided through Lawyer Referral Services to low- and moderate-income clients.

A final option recognizes the need to expand efforts to increase philanthropic giving to provide legal services to low-income people.

### **In Conclusion**

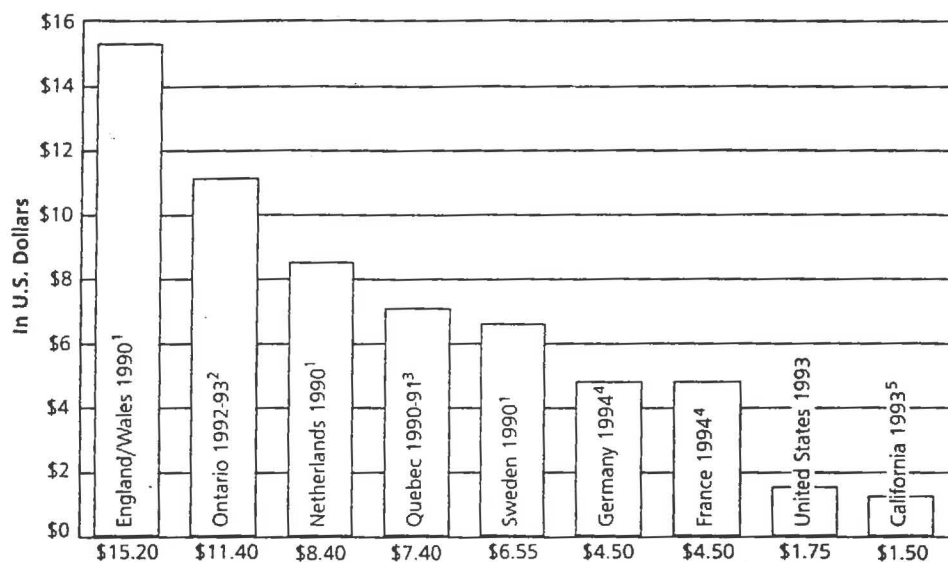
Over the past three years, the Access to Justice Working Group has examined the relationship between poverty and justice for all in California. Their findings are clear: the civil legal services available to the poor and near poor are wholly inadequate to meet the need.

No single entity can solve this problem. There must be a sustained, coordinated effort among leaders in the public and private sectors. Legal services programs, local bar associations, and client groups are contributing through coordination and regional and statewide planning, but much more is needed. Greatly increased funding must be devoted to the provision of legal services for the millions of Californians who are currently denied access to justice. This denial all too frequently means they also lack adequate food, safe housing, basic medical care, fair employment, and other necessities of life.

Ultimately, the majority of the necessary funding must come from the Californian people themselves, through the tax dollars which represent our commitment to our democratic system of government and to a better future in which the historic promise of "justice for all" is at last fulfilled.



**Per Capita Government Investment in Civil Legal Services.**



1. Legal services budget data for England, Sweden, and the Netherlands are from Jeremy Cooper, *English Legal Services: A Tale of Diminishing Returns*, 5 MD. J. CONTEMP. LEGAL ISSUES 24 (1994). Cooper's figures were derived from a study conducted by the French Conseil d'Etat in 1990. Population figures for England, Sweden, and the Netherlands are from BUREAU OF THE CENSUS, U.S. DEPT. OF COMMERCE, STATISTICAL ABSTRACT OF THE UNITED STATES: 1993, Table No. 1374 (113th ed. 1993) [hereinafter U.S. CENSUS].

2. Data for Ontario (for the 1992-93 fiscal year) are from Robert Holden, Civil Legal Services System Description (1993) (unpublished manuscript, on file with Justice Earl Johnson, California Court of Appeal). Population figures for Ontario are from THE WORLD ALMANAC AND BOOK OF FACTS 1994 749 (1993).

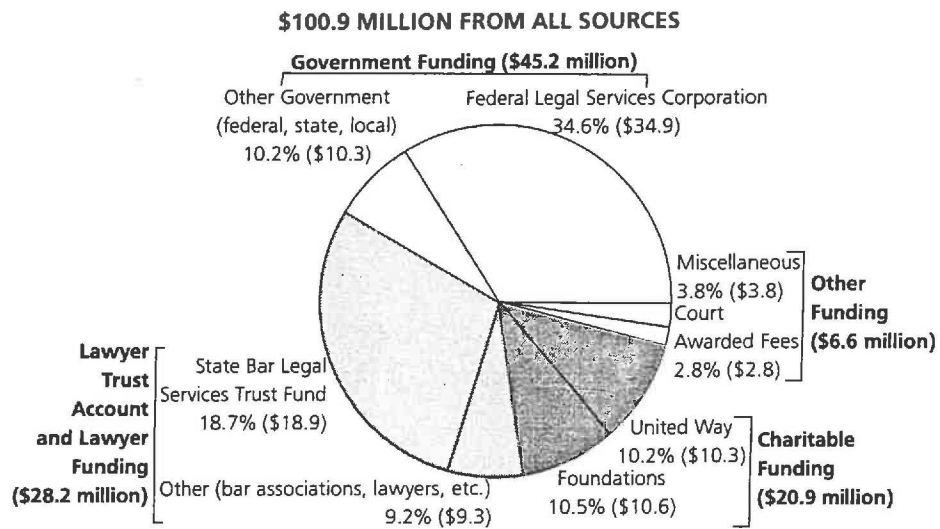
3. Quebec data were obtained from the 1990-91 Annual Report of the Quebec Province Legal Aid Program. Population figures for Quebec are from THE WORLD ALMANAC AND BOOK OF FACTS 1994 749 (1993).

4. The 1994 projected figures for France and Germany were derived from National Resource Center for Consumers of Legal Services, *France Beefs up Legal Aid*, LEGAL PLAN LETTER, Jan. 15, 1993. Population figures for France and Germany are taken from U.S. CENSUS, *supra*.

5. The 1993 figure for California was derived by adding the U.S. \$34.9 million provided by the Legal Services Corporation and the U.S. \$10.3 million provided through other government funding (federal, state, and local). Population figures for California are taken from U.S. CENSUS, *supra*.

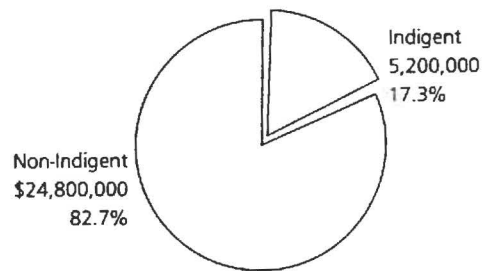


**1993 Funding Sources for California's 121 Legal Services Programs (in Millions of Dollars).**

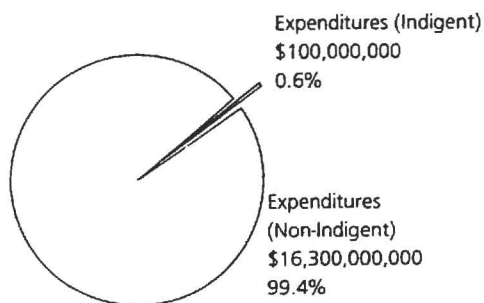


**Comparison of Expenditures for California Indigent Medical and Legal Needs  
to Expenditures for Private Medical and Legal Needs, 1990.**

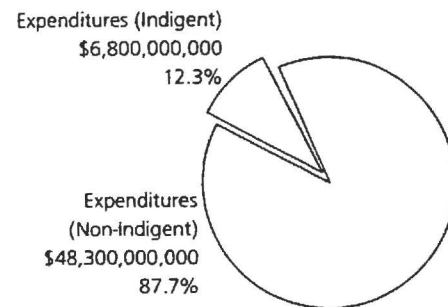
**California's Indigent and Non-Indigent Population**



**Distribution of Legal Services: Expenditures on  
Private (Non-Indigent) vs. Indigent Population**

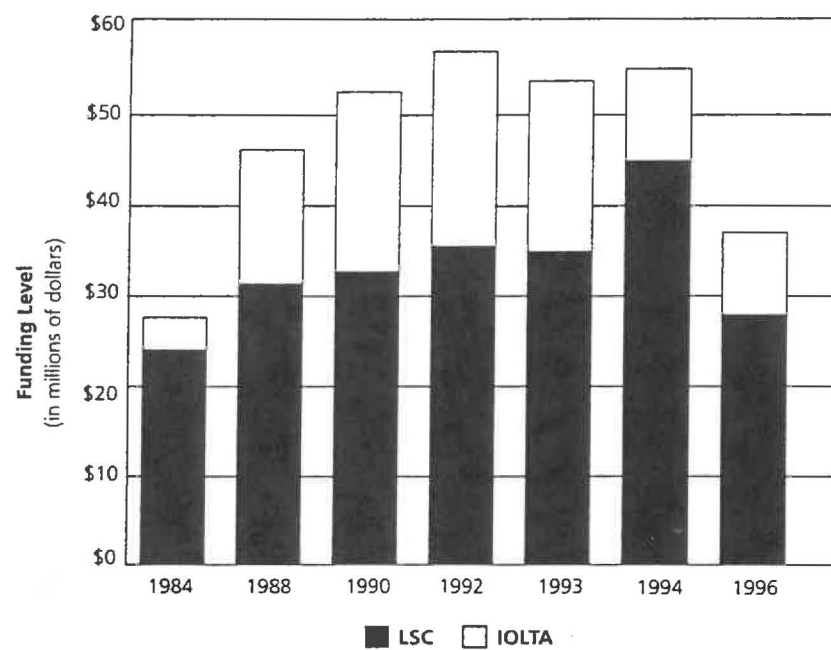


**Distribution of Medical Services: Expenditures on  
Private (Non-Indigent) vs. Indigent Population**



Source: Data from Earl Johnson, Jr., *Toward Equal Justice: Where the United States Stands Two Decades Later*.

**Reductions in Funding for Legal Services.<sup>1</sup>**



1. Total dollars, not accounting for inflation

Source: Data from the Legal Services Corporation and the State Bar of California Legal Services Trust Fund Program.

# Summary of Findings, Recommendations, and Options Regarding Funding

## Findings

### **Finding 1. Fundamental Right**

Access to justice is a fundamental and essential right in a democratic society.

### **Finding 2. Importance of Legal Representation**

Access to justice in most parts of our civil system requires access to lawyers.

### **Finding 3. Counsel as Necessary as Courts**

Since lawyers are as essential as judges and courts for citizens to gain access to justice in civil cases, government has just as great a responsibility to ensure adequate counsel is provided to all as it does to supply judges and courthouses in those cases.

### **Finding 4. Counsel Guaranteed in Other Countries**

The governments of most industrial democracies have established a legal right to free assistance of lawyers in civil cases for low-income citizens.

### **Finding 5. Higher Contributions in Other Countries**

The governments of many industrialized democracies fund legal representation for low-income citizens in civil cases at a much higher level than does the United States or California.

### **Finding 6. Unmet Legal Needs of the Poor**

The need for civil legal assistance among low-income Californians far exceeds the current level of public and charitable funding; an additional \$250 to \$300 million (in 1993 dollars) in funding is necessary to meet the legal needs of California's poor.

### **Finding 7. Subsidized Services for the Near-Poor**

The near-poor population in California also has significant unmet legal needs which must be addressed through partially subsidized legal services even before the needs of the poor are completely satisfied.

### **Finding 8. Assistance for the Moderate-Income**

Innovative methods of financing and delivering affordable legal services to moderate-income Californians should be developed, tested, and evaluated.

### **Finding 9. Pro Bono**

California lawyers perform a substantial amount of pro bono work and it is reasonable to expect more lawyers to provide representation or financial contributions to legal services programs in the future; nonetheless, the private bar alone cannot approach meeting all the unmet legal needs of the poor.

### **Finding 10. ADR and Law Simplification**

Innovative methods of dispute resolution and simplification of substantive law may provide poor, near-poor, and moderate-income Californians access to quality justice in selected areas without always requiring the assistance of an attorney.

### **Finding 11. Burden on the Justice System**

A lack of representation not only disadvantages litigants, but it also burdens the justice system itself. More fundamentally, it detracts from public confidence in the justice system when the financial situation of a party is more likely than the merits of an issue to determine the outcome.

### **Finding 12. Societal Obligation**

Achieving access to civil justice as a matter of right will require the commitment and ongoing attention not only of the legal profession, but also of public and private sector leaders.

## **Recommendations**

### **Recommendation 1. State Obligation**

Establish the state government's legal obligation either in the state Constitution or by statute to ensure all Californians receive access to justice.

### **Recommendation 2. Commission**

Create the California Commission on Access to Justice to provide ongoing leadership and oversee efforts to increase funding and improve delivery methods.

### **Recommendation 3. Civil Representation for the Poor**

Increase funding to guarantee the poor appropriate representation in civil cases, beginning with matters in which basic human needs are at issue.

### **Recommendation 4. Access for the Near-Poor**

Improve access to legal services for California's near-poor residents who often find themselves without representation even in the most pressing circumstances.

### **Recommendation 5. Innovative Delivery Methods**

Develop innovative methods to deliver quality legal services at affordable prices to more of California's moderate-income residents, ultimately benefitting all Californians.

### **Recommendation 6. Prepaid Legal Services**

Explore the feasibility of a statewide prepaid legal insurance plan to help make legal representation available to all Californians.

### **Recommendation 7. Alternative Dispute Resolution**

Continue to develop alternative methods of dispute resolution that increase access without decreasing the quality of justice.

### **Recommendation 8. Law Simplification**

Continue to develop promising approaches to simplifying the law and evaluate their impact on access to justice.

### **Recommendation 9. Supervised Paraprofessionals**

Expand the use of supervised paraprofessionals in cases where such use results in increased access to justice without decreasing the quality of justice.

### **Recommendation 10. Pro Per Assistance**

Recognizing they can never provide equal access to justice, as an interim measure, programs that assist litigants in representing themselves in court proceedings should be studied, developed, and improved until adequate legal representation can be provided to all who need it.

### **Recommendation 11. User-Friendly Courts**

Encourage the development and evaluate the results of programs designed to make courts “user-friendly” to low- and moderate-income individuals.

### **Recommendation 12. Small Claims Court**

Improve Small Claims Courts to make them as effective as possible in providing increased access to justice to low- and moderate-income clients.

### **Recommendation 13. Public Education**

Expand public education programs on understanding legal rights and responsibilities and on finding affordable legal assistance that are targeted to low- and moderate-income people, taking care not to raise expectations that cannot be fulfilled at current funding levels.

## **Options Regarding Funding**

Fifteen options for increasing funding for civil legal services in California follow. These are not presented as recommendations of the Access to Justice Working Group, but as possibilities to pursue to create new methods of funding in the future. They are presented as alternatives and are meant to be considered independently from one another. Some may work in concert, while others may work better on their own.

### **First-Priority Options**

These first five options have the potential to yield substantial amounts of additional funding for access to justice.

#### **Option 1. Federal Responsibility**

Pursue ways to reaffirm federal responsibility for maintaining independent legal services programs throughout the country and increase the national Legal Services Corporation appropriation significantly as soon as possible, rather than reduce or eliminate it altogether.

#### **Option 2. State Responsibility**

Recognizing that lawyers are as essential to justice as courts are, explore having the state government pay for legal representation out of general revenues for those who cannot afford it.

#### **Option 3. Pro Bono Efforts**

Develop ways to ensure that California lawyers continue to increase the substantial pro bono efforts they are already making with strong support from the organized bar.

#### **Option 4. Litigation-Related Fees**

Consider ways to increase litigation-related fees to support increased access to justice.

#### **Option 5. Tax on Value of Legal Work**

Explore the feasibility of imposing a tax on the value of work performed by attorneys, private judges, and other legal professionals that would generate significant revenue to expand access to civil justice.

### **Second-Priority Options**

These ten options should be considered on a lower-priority basis than the five options above as these could generate smaller amounts of supplementary funding for civil legal services.

#### **Option 6. Punitive Damages**

Dedicate a portion of punitive damage awards to increasing access to justice.

#### **Option 7. Class Action Residuals**

Divert class action residuals to support increased access to civil legal services for the indigent.

#### **Option 8. Real Estate Escrow**

Direct interest on real estate escrow accounts to expand access to justice in civil matters.

#### **Option 9. Government Contracts**

Increase government contracts with legal services organizations to provide services to low-income clients.

#### **Option 10. Other Litigation-Based Fees**

Explore revenues to be generated from other litigation-based fees.

#### **Option 11. Pro Bono Outreach**

Broaden pro bono opportunities to involve currently under-represented groups of lawyers in making a significant contribution.

#### **Option 12. Law Students**

Encourage and facilitate the participation of more law students and legal paraprofessionals in public interest work.

#### **Option 13. Increase Trust Fund Yield**

Continue efforts to increase the net yield on the Legal Services Trust Fund.

#### **Option 14. Lawyer Referral Services**

Increase the quantity and quality of advice Lawyer Referral Services provide to low- and moderate-income clients.

#### **Option 15. Philanthropic Giving**

Continue and expand efforts to increase philanthropic giving to fund legal services for low-income people.

## In Conclusion

Over the past three years, the Access to Justice Working Group has examined the relationship between poverty and justice for all in California. Our findings are clear: *the civil legal services available to the poor in this state are wholly inadequate to meet the need.*

The legal problems of the poor are many and basic, involving income, food, health, and shelter. These problems occur frequently, are often interrelated, and defy most attempts at self-help because they involve laws and regulations that are many and complex. To deal with these problems, the poor need the assistance of lawyers. They need free, easily-accessible legal assistance.

The near-poor and people of moderate means also need increased access to justice through a combination of subsidized and reduced-fee legal services, based on their ability to pay. They additionally need alternative methods of dispute resolution that are less dependent on lawyers and the complex web of laws and procedures that comprise today's justice system. At the same time, we need to ensure that Californians without counsel are not relegated to alternative forums where lawyers are crucial to achieving justice.

Existing legal services resources have not and will not be able to meet the need. The private bar has done an outstanding job of trying to fill this gap and continues to evince its willingness to do more. However, an all-out effort on the part of the private bar alone cannot do the job. No single entity can solve this problem – a sustained, coordinated effort among leaders in the public and private sectors is required.

Greatly increased funding must be devoted to the provision of legal services for the millions of Californians who are currently denied access to justice, which all too frequently means they are also denied adequate food, safe housing, basic medical care, fair employment, and other necessities of life. The majority of the necessary funding must ultimately come from the Californian people themselves, through the tax dollars which represent our commitment to our democratic system of government and to a better future in which the historic promise of “justice for all” is at last fulfilled.



## Notes and Sources

### Preface

1. Sixty-nine percent of Californians answered this question wrongly, expressing a belief the government would provide a free lawyer to a poor person sued in a civil case. *California Legal Knowledge Poll*, CAL. LAW., May 1991, at 35. Seventy-nine percent of a national poll sample also expressed the same erroneous belief. Association of Trial Lawyers of America, *1991-1992 Desk Reference Supplement: Commemorating the 200th Anniversary of the Signing of the Bill of Rights* (1991).
2. Number of poor households extrapolated from Census of Population and Housing, 1990: Public Law 84-171 Data; number of legal needs per household extrapolated from AMERICAN BAR ASSOCIATION, FINDINGS OF THE COMPREHENSIVE LEGAL NEEDS STUDY, REPORT ON THE LEGAL NEEDS OF THE LOW-INCOME PUBLIC, 1994, at Table 4-2, at 19.
3. See Public Interest Clearinghouse, *Unequal Justice: A Report on the Declining Availability of Legal Services for California's Poor 1980-1990*, June 1991, at 3 [hereinafter *Unequal Justice*]; see also *Report of Conference on Access to Justice in the 1990s*, sponsored by The American Bar Association Consortium on Legal Services and the Public, and Tulane Law School, May 1989; see also 1980 Census of Housing: Advance Estimate of Social, Economic & Housing Characteristics — Calif. Suppl. Report (U.S. Department of Commerce, Bureau of the Census, January 1983); see also Census of Population and Housing 1990: Public Law 84-171 Data; State Bar of California.
4. See Statute of Henry VII, 1495, 11 Hen. 7, c. 7, 2 Statutes of the Realm 578 (transcribed in 2 Statutes at Large) (replaced 1883, 46 & 47 Vict. c. 49), reprinted in S. POLLUCK, LEGAL AID—THE FIRST 25 YEARS 10 (1975).
5. *A Call to Justice*, 1994, at 7 (a conference paper on file with the Office of Legal Services, State Bar of California).

### Executive Summary

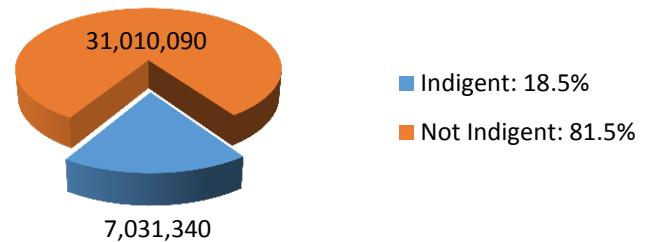
6. *Unequal Justice*, *supra* note 3, at 5; data on file with the Office of Legal Services, State Bar of California.

## The Justice Gap: A Crisis on the Courthouse Steps

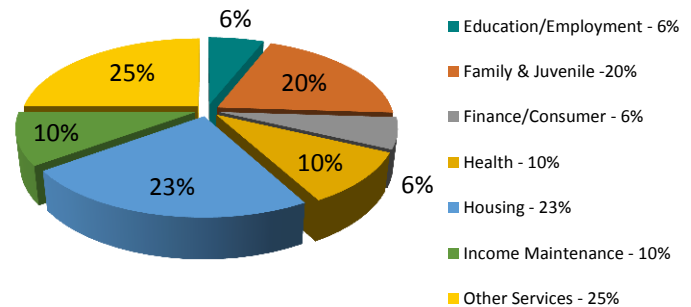
**California's legal system is in crisis.** We are drowning in unmet need for legal help. Our courthouses are clogged with people painfully unprepared to handle their own legal problems. They demand excessive court time and judicial resources, and still they cannot achieve their goals. Leaving them to their own devices perpetuates injustice and degrades the role of an entire branch of government.

Here's a view from the tip of the iceberg:

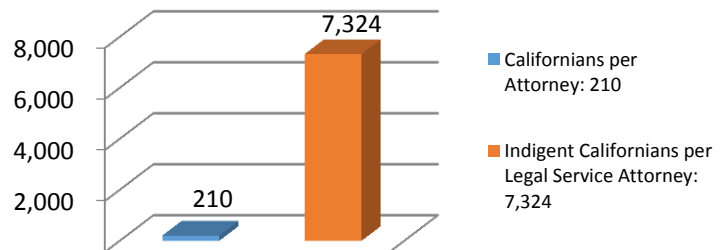
**There are over 7 million people in California who are considered "indigent"** – nearly 20% of the state's population. This means a household income of less than \$30,000 per year for a family of four. These people all qualify for free legal services funded by State Bar grants under Business & Professions Code sec. 6210 et seq.



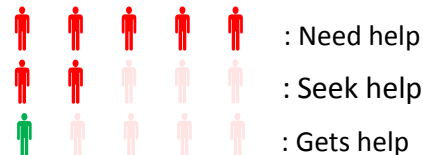
Every year, **47% of poor people face a broad range of civil legal problems.** In California, those problems break down like this. In unlawful detainer actions, 81% of proceedings include at least one party who is self-represented. In domestic violence proceedings, that figure is 90%.



There are approximately 180,000 attorneys now licensed to practice law in California, for a ratio of about 210 lawyers per Californian. There are about 960 legal service attorneys in California providing free help to indigent people. That means **there are more than 7,300 potential clients per legal aid attorney.**



**Legal service attorneys are able to offer aid to about 20% of those who need help.** Half the people who come to them seeking services, are turned away due to lack of resources.



Less than 5% of California's attorneys participate in the State Bar's efforts to increase resources to support legal assistance programs. Many others give of their time *pro bono*, or have found other ways to help. But the "justice gap" between the legal assistance that is needed, and the amount that is being provided, is deep and getting deeper. You can use your dues bill (line 10) or your internet browser to cut that gap. Justice may be blind, but it should be a guide for us all. We need your help to make it a reality for those who need it most.

**Donate online** at [www.CAforJustice.org/donate](http://www.CAforJustice.org/donate). **Learn more** at [www.CAforJustice.org](http://www.CAforJustice.org) or by calling the State Bar's Legal Services Trust Fund Program at (415) 538-2252.

## The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans

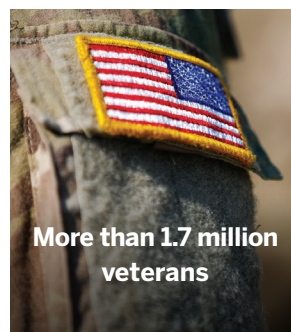
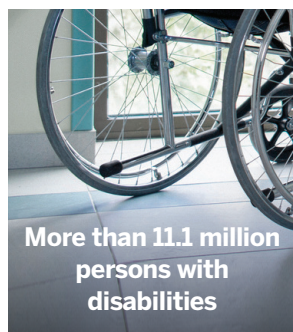
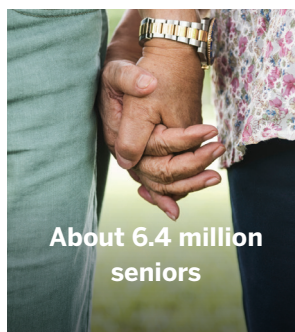
The Legal Services Corporation (LSC) contracted with NORC at the University of Chicago to help measure the justice gap among low-income Americans in 2017. LSC defines the justice gap as the difference between the civil legal needs of low-income Americans and the resources available to meet those needs. NORC conducted a survey of approximately 2,000 adults living in households at or below 125% of the Federal Poverty Level (FPL) using its nationally representative, probability-based AmeriSpeak® Panel. This report presents findings based on this survey and additional data LSC collected from the legal aid organizations it funds.

**86%** of the civil legal problems reported by low-income Americans in the past year **received inadequate or no legal help.**

In the past year, **71%** of low-income households **experienced at least one civil legal problem**, including problems with domestic violence, veterans' benefits, disability access, housing conditions, and health care.

In 2017, low-income Americans will approach LSC-funded legal aid organizations for support with an estimated **1.7 million** problems. They will **receive only limited or no legal help for more than half of these problems** because of a lack of resources.

More than **60 million** Americans have family incomes at or below 125% of FPL, including:



Data Source: U.S. Bureau of the Census, American Community Survey, 2015 1-year estimates

## Key Findings: Experience with Civil Legal Problems

Data Source: 2017 Justice Gap Measurement Survey



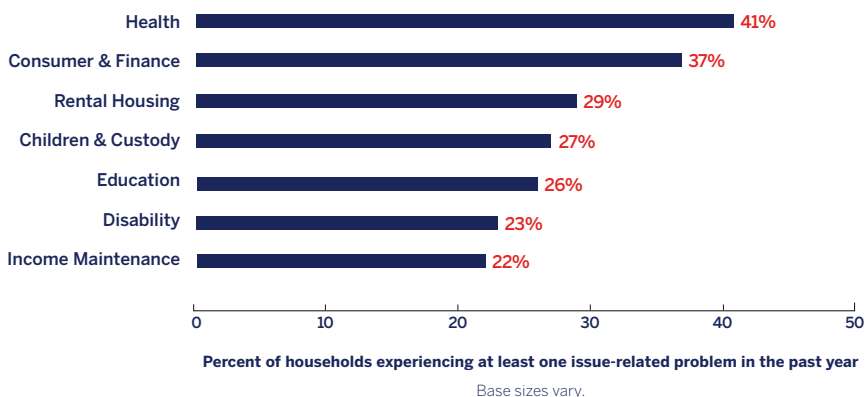
**71%** of low-income households have experienced a civil legal problem in the past year. **The rate is even higher for some:** households with survivors of domestic violence or sexual assault (**97%**), with parents/guardians of kids under 18 (**80%**), and with disabled persons (**80%**).

**1 in 4** low-income households has experienced 6+ civil legal problems in the past year, including **67% of households with survivors of domestic violence or sexual assault.**

**7 in 10** low-income Americans with recent personal experience of a civil legal problem **say a problem has significantly affected their lives.**

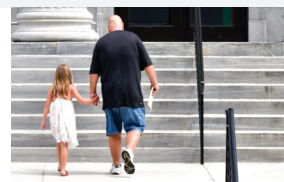
**71%** of households with **veterans or other military personnel** have experienced a civil legal problem in the past year. They face the same types of problems as others, but **13%** also report problems specific to veterans.

### Common Civil Legal Problem Areas



## Key Findings: Seeking Legal Help

Data Source: 2017 Justice Gap Measurement Survey



Low-income Americans seek professional legal help for only **20%** of the **civil legal problems they face.**

**Top reasons** for not seeking professional legal help are:

- **Deciding to deal with a problem on one's own**
- **Not knowing where to look for help or what resources might exist**
- **Not being sure whether their problem is "legal"**

Low-income Americans are most likely to seek professional legal help on problems that are more **obviously "legal,"** like **custody issues** and **wills/estates.**

## Key Findings: Reports from the Field

Data Source: LSC 2017 Intake Census and LSC 2016 Grantee Activity Reports



The 133 LSC-funded legal aid organizations across the United States, Puerto Rico, and territories will serve an estimated **1 million** low-income Americans in 2017, but **will be able to fully address the civil legal needs of only about half of them.**

Among the low-income Americans receiving help from LSC-funded legal aid organizations, the top three types of civil legal problems relate to **family, housing, and income maintenance.**

In 2017, low-income Americans will **receive limited or no legal help** for an estimated **1.1 million** eligible problems after seeking help from LSC-funded legal aid organizations.

**A lack of available resources accounts for** the vast majority **(85% - 97%)** of civil legal problems that LSC-funded organizations **do not fully address.**

## Special Focus

The Special Focus section of this report presents key findings for several groups of interest.

### Seniors

**56%** of seniors' households had at least 1 civil legal problem in past year.



### Rural Residents

**75%** of households in rural areas had at least 1 civil legal problem in past year.



### Veterans

**71%** of households with veterans or other military personnel had at least 1 civil legal problem in past year.



### Persons with Disabilities

**80%** of households with persons with disabilities had at least 1 civil legal problem in past year.



### Parents of Children under 18

**80%** of households with parents or guardians of minor children had at least 1 civil legal problem in past year.



### Survivors of Domestic Violence or Sexual Assault

**97%** of households with survivors of domestic violence or sexual assault had at least 1 civil legal problem in past year in addition to domestic violence or sexual assault.



## California Commission on Access to Justice Appointing Entities

The Commission shall be composed of 26 commissioners, as follows:

- Ten (10) appointed by the State Bar of California;
- Two (2) appointed by the Governor of California;
- Two (2) appointed by the Judicial Council of California;
- One appointed by the following entities:
  - Supreme Court of California,
  - Attorney General of California,
  - President Pro Tem of the California State Senate,
  - Speaker of the California State Assembly,
  - California Judges Association,
  - California Chamber of Commerce,
  - California Council of Churches,
  - California Labor Federation,
  - Consumer Attorneys of California,
  - Council of California County Law Librarians
  - League of Women Voters of California, and
  - Legal Aid Association of California.



# California Commission on Access to Justice 2017 – 2018 Roster

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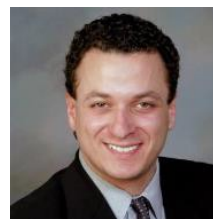
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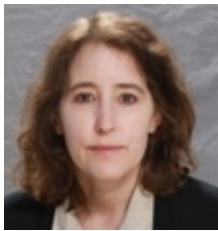
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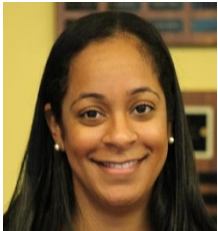
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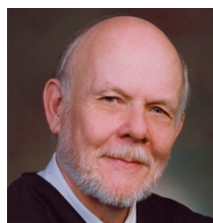
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**CALIFORNIA COMMISSION ON ACCESS TO JUSTICE**  
**List of Commission Chairs (1997-Present)**

<b>1997</b>	Laurie D. Zelon
<b>1998</b>	Laurie D. Zelon
<b>1999</b>	Laurie D. Zelon
<b>2000</b>	Hon. James R. Lambden
<b>2001</b>	Jack W. Londen
<b>2002</b>	Hon. Earl Johnson, Jr. and Karen Lash
<b>2003</b>	Hon. Terry Hatter and Geoffrey L. Robinson
<b>2004</b>	Geoffrey L. Robinson and Hon. Rosemary Pfeiffer
<b>2005</b>	Tony L. Richardson
<b>2006</b>	Tony L. Richardson
<b>2007</b>	Hon. Steven K. Austin and Kathryn M. Eppright
<b>2008</b>	Hon. Steven K. Austin and Joseph L. Chairez
<b>2009</b>	Hon. Steven K. Austin
<b>2010</b>	Hon. Ronald B. Robie
<b>2011</b>	Hon. Ronald B. Robie
<b>2012</b>	Hon. Ronald B. Robie
<b>2013</b>	Hon. Ronald B. Robie
<b>2014</b>	Hon. Ronald B. Robie
<b>2015</b>	Hon. Mark A. Juhas
<b>2016</b>	Hon. Mark A. Juhas
<b>2017</b>	Hon. Mark A. Juhas
<b>2018</b>	Hon. Mark A. Juhas



# OFFICE OF LEGAL SERVICES

Rod Fong, Director

*The State Bar of California's mission is to protect the public and includes the primary functions of licensing, regulation and discipline of attorneys; the advancement of the ethical and competent practice of law; and support of efforts for greater access to, and inclusion in, the legal system*

## Center on Access to Justice

*California Commission on  
Access to Justice*

*Standing Committee on the  
Delivery of Legal Services  
(SCDLS) until 12/31/17*

- Improving Delivery of Legal Services to low and moderate-income Californians
- Expanding Pro Bono
- Expanding Funding for Legal Services
- Certifying and Improving Lawyer Referral Services

### Staff:

Elizabeth Hom, Program Developer  
Rodney Low, Program Developer  
Sharon Ngim, Program Developer  
Michael Dayao, Administrative Assistant II  
Kimberly Warmesley, Administrative Assistant II

## Legal Services Trust Fund Program

Stephanie Choy, Managing Director

*Legal Services Trust Fund Commission*

- IOLTA Program
- Equal Access Fund
- Justice Gap Fund

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Doan Nguyen, Senior Administrative Assistant  
Daniel Passamaneck, Senior Administrative Asst.  
Gerry Jagodzinski, Compliance Auditor  
Elizabeth Lee, Compliance Auditor  
Mary Tam, Senior Grants Administrator  
Tiffany Woon, Senior Administrative Assistant  
Catherine Borgeson, Program Coordinator

## Diversity Outreach

Patricia Lee, Managing Director

*Council on Access & Fairness (COAF)*

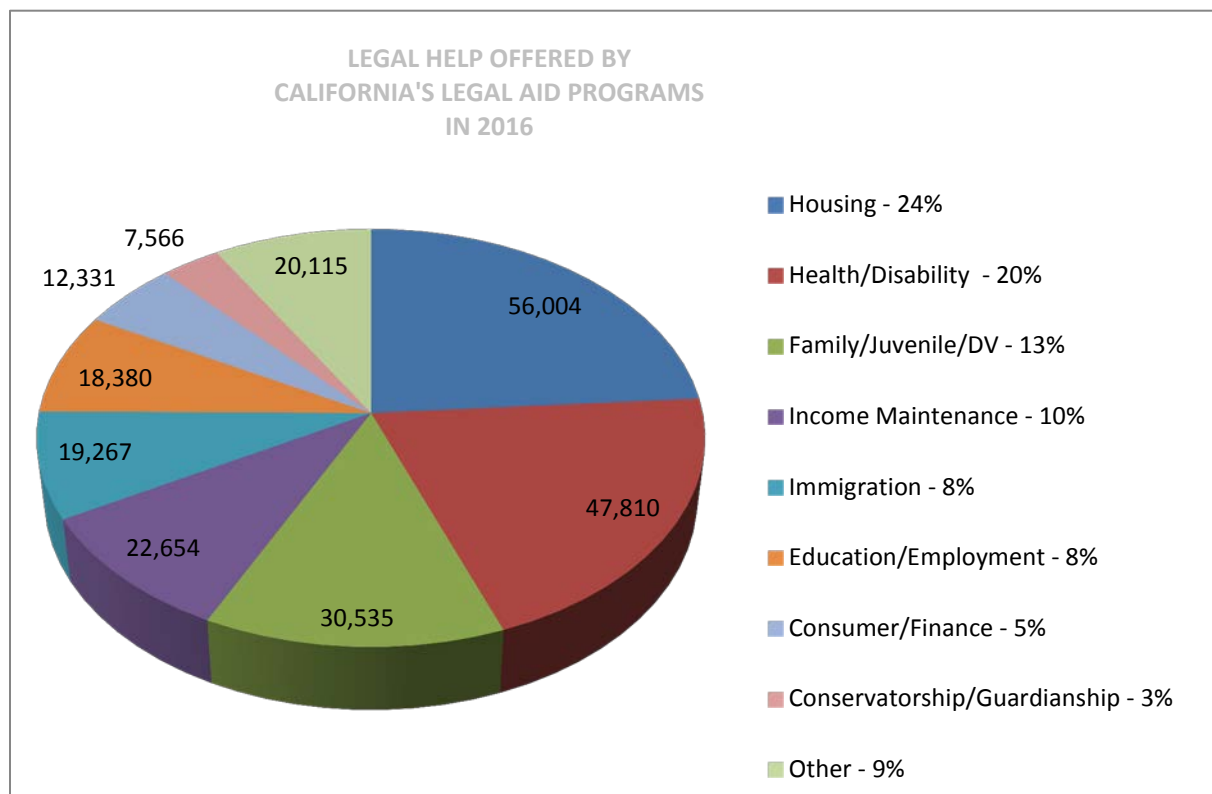
- K-12 Pipeline Programs  
High School Partnership Academies
- Community College Pathway to Law School
- Elimination of Bias Training  
"Walk the Walk" Training Video
- Increasing Diversity in the Judiciary

## Common Legal Issues Encountered by Indigent Clients

According to a Legal Services Corporation national survey:



According to data from California IOLTA fund recipients:





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Legal aid helps Mr.  
Huang keep a roof  
over his head.

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## Legal aid helps Mr. Huang keep a roof over his head.

Living in San Francisco is very difficult for seniors, like Yu Chu Huang, who rely on public benefits. He rents an in-law unit with his wife in the basement of a building in Chinatown and their only source of income is Supplemental Security Income (SSI). Over a 14-year period, Mr. Huang's landlord increased his rent at a rate beyond the city's legal limits. Concerned that his SSI would no longer cover his housing costs, Mr. Huang came to Asian Law Caucus (ALC) for help.

ALC took his case before the city's Rent Board and he prevailed. The Rent Board lowered his monthly rent and awarded him over \$12,000 in excess rent payments, which he was able to use as a credit toward future rent owed.

ALC also represented Mr. Huang before the Social Security Administration (SSA) to ensure that the Rent Board judgment would not affect his SSI, which he relies on to cover basic necessities. After several months, the SSA declared that his SSI would not be suspended or reduced. Mr. Huang and his wife are finally able to breathe a sigh of relief, knowing that thanks to the Asian Law Caucus they can keep their home and remain a part of their community in Chinatown. [Donate now](#) to help people like Mr. Huang and his wife obtain critical legal aid.

The Campaign for Justice. Choose Justice. Increasing Access for Those Without.  
[Asian Law Caucus](#), San Francisco, California

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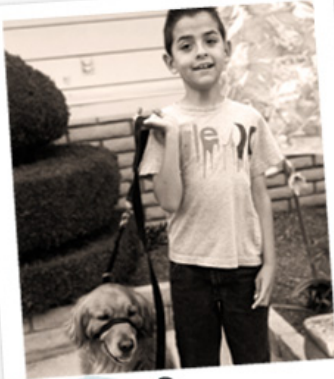
Country \*

In Honor of





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*With Eddy by his side,  
Caleb is now able to  
take full advantage of  
his education and social  
independence.*

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## Access to service dog is imperative for autistic child's education

Caleb's parents were at a loss as to how to help their six-year-old child with severe non-verbal autism. Caleb has low cognitive abilities and difficulty interacting with others. In addition, he is also frequently anxious and periodically wanders away, a manifestation of his autism called, "elopement." Caleb once wandered off from school and the police found him a quarter mile away, leaving his mother frantic for almost an hour.

Caleb's parents turned to Autism Service Dogs of America for help, and after bake sales, and other grassroots fundraising, received Eddy, a Golden Retriever who had begun training with the agency at eight weeks old. Eddy's training focused on Caleb's needs at school and home. By tethering Caleb to the dog's service pack, Caleb can be freed from constant adult supervision without the fear of him eloping. For their relationship to become completely effective, Eddy had to learn Caleb's voice and behavior in school and other places Caleb finds stressful. Their actual physical time together is critical to the effectiveness of the intervention.

Cypress School District in Orange County, however, refused to allow Caleb to come to school with Eddy, claiming that an autism service dog such as Eddy was not a service animal that was allowed on campus. Caleb's parents, desperate to help their son, contacted Disability Rights Legal Center (DRLC) for help.

Along with pro bono counsel, [Winston & Strawn, LLP](#), DRLC filed a lawsuit in federal court, and successfully challenged the district's policy establishing that the denial of the use of Caleb's service animal violated his civil rights and the Americans with Disabilities Act. This was a first-of-its-kind lawsuit with ramifications across the country for students with autism. Caleb and Eddy now attend school together and Caleb's life has been transformed by his relationship with Eddy.

The Campaign for Justice. Choose Justice. Increasing Access for Those Without.  
[Disability Rights Legal Center](#), Los Angeles, California

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*Legal aid wades  
through bureaucracy to  
get an army veteran  
back to work.*

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## Legal aid wades through bureaucracy to get an army veteran back to work

James Mead, an army veteran, first came to The Bar Association of San Francisco's Volunteer Legal Services Homeless Advocacy Project (HAP) in 2010 to address an administrative problem with the Veteran's Administration (VA). Pro bono attorney Richard Zitrin took on the representation and resolved the initial VA problem. Then, Mead lost his longtime job as a security guard due to a new state law requiring that all security guards be licensed. Zitrin again agreed to help.

Mead loved his job so he applied for a license under state procedures. Unfortunately, the California Bureau of Security and Investigative Services denied Mead's license because of a criminal record – things he had done years ago when he was going through a rough time. The bureau ignored Mead's decade-long, exemplary work history, simply citing his convictions and concluding that Mead had not been rehabilitated.

Zitrin obtained a Certificate of Rehabilitation, but the license still was not approved. Zitrin represented Mead at the license hearing, where the administrative law judge ruled that Mead had proven his rehabilitation. Luckily, the bureau decided not to dispute the decision and the next day, after nearly two years of litigation, Mead went back to work.

Zitrin says, "Not only are the lives of our clients often harder than ours, but fixing their problems is harder too... The system is simply not set up to help folks closer to the margins." If not for the work of dedicated volunteers like Zitrin, these clients would likely never overcome the legal obstacles that prevent them from stabilizing their lives. Unfortunately, Mead's situation is not unique, and the need for this type of inspired advocacy is critical. [Donate now](#) to help people like Mead obtain critical legal aid.

The Campaign for Justice. Choose Justice. Increasing Access for Those Without. [Bar Association of San Francisco Volunteer Legal Services Program](#), San Francisco, California

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Now Nae can get a  
job that puts her  
degree and skills to  
good use.

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## A weight off Nae' s shoulders

Tenacious: that is the word Nae used to answer the question on her college application, "In a word, how would you describe yourself?" One example of Nae's tenacity is when she broke her nose riding a four-wheeler at the Bakersfield ranch where her father worked and missed the first two months of high school. Nae had her siblings bring her assignments home while she convalesced. By the time she returned to school, she was ahead of her classmates.

Nae was admitted to a number of prestigious universities, but nine digits prevented her from attending. Although raised in the United States, Nae was born in Mexico and lacked a social security number. This meant no federal financial aid and, as a result, an inability to afford a college education.

Fortunately, Mills College recruited her and offered her enough scholarships and other support to pay for at least her first year of school. When that funding ran out, Nae had to take a leave of absence and attend San Jose Community College, where she could continue her studies at a lower cost.

Nae was eventually able to return to Mills College where she heard about the Deferred Action for Childhood Arrivals (DACA) workshops at East Bay Community Law Center (EBCLC).

If approved, Nae would be able to apply for a social security number and become eligible for employment. "My DACA approval could not have come at a better time," says an exuberant Nae. "I only have one more semester to finish my Master's in Business. It is great to know that I can now apply for jobs and put my degree and all I have learned to good use." She concludes, "It takes a huge weight off my shoulders, and I am grateful to EBCLC's Immigration Law Clinic for helping me obtain the DACA approval." [Donate now](#) to help people like Nae obtain critical legal aid.

The Campaign for Justice. Choose Justice. Increasing Access for Those Without.  
[East Bay Community Law Center](#), Berkeley, California

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*Legal aid helps combat  
veteran obtain disability  
benefits and escape  
homelessness.*

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## Legal aid helps combat veteran obtain disability benefits and escape homelessness

The events that Charlie\* experienced during the Iraq War left him with both physical and psychological wounds. In Iraq, Charlie witnessed the killing of women and children, and saw grenades and Improvised Explosive Devices (IEDs) take the lives of his fellow Marines. As is all too common, these traumatic combat experiences led to Charlie's development of Posttraumatic Stress Disorder (PTSD), a potentially debilitating anxiety disorder. In addition to PTSD, Charlie suffered a serious back injury during a firefight in Iraq.

Because of his injuries, Charlie was honorably discharged and returned home, but his disabilities prevented him from pursuing an education or working. Charlie applied for disability benefits through the Veteran's Administration (VA), and although the VA acknowledged that Charlie's disabilities resulted from his combat service, they failed to provide Charlie with the full benefits to which he was entitled. Sadly, the amount he was granted was not enough to meet his basic needs. Unable to work, and still suffering from his combat wounds, Charlie soon fell into homelessness.

Luckily, the Inner City Law Center (ICLC) was there to help. ICLC appealed the VA's decision, submitted evidence demonstrating the impact of Charlie's combat-related disabilities, and represented him at an administrative hearing. The VA awarded Charlie retroactive benefits, and increased his monthly benefit amount by more than three-fold. Because of ICLC's efforts, Charlie is able to pay rent, has a roof over his head, and worries less about finding his next meal, paying his bills, or the lack of support he and other veterans too often face. [Donate now](#) to help people like Charlie obtain critical legal aid.

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[Inner City Law Center](#), Los Angeles, California

\*Name changed to protect client confidentiality.

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*Pro bono attorneys kept fighting after Ms. Aranda lost her home in a sham foreclosure.*

## Pro bono attorneys keep fighting after elderly woman lost home in a sham foreclosure

When pro bono attorneys Dan Nabel and Rachel Wilkes Barchie of Greenberg, Glusker, Fields, Claman & Machtinger, LLP took her case, 86-year-old Juana Aranda had already lost her home of more than 30 years in a foreclosure scam and was living in a cramped apartment with her daughter and granddaughter. They thought they would never see the pretty little house and their garden of lilies again.

But Nabel and Barchie didn't give up. Working with Public Counsel they followed the money trail. It led them to an alleged lender who claimed he had made a \$9,500 loan to Ms. Aranda, which was the basis for the foreclosure sale and their eviction.

Nabel and Barchie uncovered a check from the alleged lender purportedly made out to Ms. Aranda. On closer inspection, they saw that the "For Deposit Only" account number written on the back of the check was the same as the account number on the front of the check. In other words, the money had never left the man's account.

"When we saw the bank records, we knew we had him," said Nabel. "We knew it was all a lie, we knew it was a sham. And all we had to do was take his deposition and wait for the truth to come out."

The case settled, and Ms. Aranda got back her home and a cash payment to help repair the house and replant her garden.

"When you complete a case like this successfully, there's no better feeling as a lawyer, at least not that I've discovered yet," said Nabel. [Donate now](#) to help people like Ms. Aranda obtain critical legal aid.

The Campaign for Justice. Choose Justice. Increasing Access for Those Without.

[Public Counsel](#), Los Angeles, California

[Greenberg, Glusker, Fields, Claman & Machtinger, LLP](#), Los Angeles, California

Click here to watch the video: <http://youtu.be/ysrXzRo4Bxl>.

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# CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

---

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*Superior Court of Los Angeles County  
Los Angeles*

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*Disability Rights California  
Sacramento*

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

## California Commission on Access to Justice Overview of Accomplishments 1997 – Present

The California Commission on Access to Justice was established in 1997 to pursue long-term fundamental improvements in our civil justice system so that it is truly accessible for all, regardless of income, geography, or language ability.

Members of the Commission are appointed by the Governor, Attorney General, Speaker of the Assembly, President Pro Tem of the Senate, the Supreme Court, Judicial Council, California Judges Association, the State Bar, Consumer Attorneys of California, the Chamber of Commerce, and other professional and civic groups. In the seventeen years since its inception, the Commission's accomplishments are numerous:

- **Equal Access Fund.** Worked with the Judicial Council to establish the \$10 million Equal Access Fund in 1999, and helped implement supplemental filing fee funds in 2005. Since its inception, over \$170 million has been granted to legal services programs across the state.
- **Task Force on Self-Represented Litigants.** Worked closely with the Judicial Council to expand self-help centers, and supported the work of the Judicial Council's Task Force on Self-Represented Litigants which developed statewide goals, timetables, and guidelines – and ensured the availability of self-help centers in every county.
- **Limited Scope Representation (“Unbundling”).** Conducted innovative studies to expand the availability of Limited Scope Representation, particularly in the area of Family Law; developed risk management materials designed to help advocates provide limited scope services competently and ethically; provided significant assistance to the Judicial Council in crafting new court rules and court forms; and offered over 50 training events on the subject. All of these efforts led the expansion of legal assistance for moderate income Californians who otherwise could not afford legal representation.
- **Statewide Web Site.** Helped to develop LawHelpCalifornia.org, a statewide web site for legal services clients and lawyers, housed at the Public Interest Clearinghouse and supported also by the Legal Aid Association of California.
- **Evaluation of Programs.** Worked closely with the Judicial Council and the State Bar's Legal Services Trust Fund Program to help improve evaluation systems used by approximately one hundred legal services programs across the state.
- **Campaign for Justice.** Created to increase funding for the important network of legal aid organizations that give a voice and representation to Californians who need help accessing justice. The Campaign now educates key policymakers about the importance of legal assistance, encourages banks to maximize interest and waive fees on IOLTA accounts, increases individual contributions to the Justice Gap Fund and legal assistance organization, and encourages pro bono services that leverage legal aid resources. Additional information can be found by visiting <http://www.calforjustice.org/>

- **Aranda Award.** Established the Benjamin Aranda III Access to Justice Award, which annually honors a California judge in recognition of his or her efforts to improve access to our judicial system; the award is given in the name of the Judicial Council, California Judges Association, and the State Bar. The following are past recipients of the award:
  - 1999 – Hon. Judith McConnell, San Diego Superior Court
  - 2000 – Hon. Veronica S. McBeth, Los Angeles Superior Court
  - 2001 – Hon. Charles Campbell, Ventura Superior Court
  - 2002 – Hon. Donna J. Hitchens, San Francisco Superior Court
  - 2003 – Hon. Kenneth M. Kawaichi, Alameda Superior Court
  - 2004 – Hon. Earl Johnson, Jr., Court of Appeal, Second Appellate District
  - 2005 – Hon. Aviva Bobb, Los Angeles Superior Court
  - 2006 – Hon. Donna M. Petre, Yolo Superior Court
  - 2007 – Hon. Kathleen E. O’Leary, Court of Appeal, Fourth Appellate District
  - 2008 – Hon. Francisco F. Firmat, Orange County Superior Court
  - 2009 – Hon. Gordon Baranco, Alameda County Superior Court
  - 2010 – Hon. Laurie D. Zelon, Court of Appeal, Second Appellate District
  - 2011 – Hon. Maria P. Rivera, Court of Appeal, First Appellate District
  - 2011 – William C. Vickrey, California Court System Administrator
  - 2012 – Hon. Juan Ulloa, Imperial County Superior Court
  - 2013 – Hon. James Lambden, Court of Appeal, First Appellate District
  - 2014 – Hon. Sue Alexander, Alameda County Court Commissioner
  - 2015 – Judge Garry Ichikawa, Solano County Superior Court
  - 2016 – Hon. Julia C. Kelety, San Diego County Superior Court
  - 2016 – Hon. Colleen T. White, Ventura County Superior Court
- **Hearings on Civil Justice Crisis.** Worked closely with the California Chamber of Commerce and the State Bar in sponsoring a series of public hearings around the state on the civil justice crisis to address the dramatic cuts in the judicial branch budget and the funding crisis facing the legal services community. Released a report in October 2012 summarizing the findings, which also included recommendations for protecting the functionality of California’s judicial branch and ensuring that legal services organizations are able to provide low-income Californians with access to justice.
- **Minimum Access Standards.** Developed a set of defined minimum access standards for local courts in an attempt to clarify what services and procedures are necessary to truly make good on the commitment to “access to justice”. The standards were developed, in part, to demonstrate funding that is needed throughout the state to support access, and identify basic needs that are faced by all courts and the litigants who use them. These access standards have been referenced by numerous groups in their efforts to analyze court funding and recommend adequate levels of funding.
- **National Efforts to Expand Access Commissions.** The Access Commission has worked closely with the ABA, the Department of Justice, and other national groups to help establish similar commissions in other states. Forty states were represented at the last national meeting to Access Commissions.
- **Unlocking Significant New Funding Source for Legal Aid.** The Access Commission in partnership with the State Bar and Legal Aid Association of California (LAAC), helped to make millions of dollars of new funding available for legal aid organizations to support their work with crime victims. Since the 1980s, the federal government has provided block grants to the states to pay for victim compensation services and victim assistance services. Many states have included legal aid programs among the recipients of this funding for the legal work they do for victims/survivors. California was not among them. The Commission, State Bar, and LAAC worked to educate the funding agency about the critical legal assistance to victims provided by legal aid programs in California. As a result, the agency has released over \$10 million in new grant opportunities available to legal aid to support legal assistance for crime victims.

- **Reducing Economic Barriers to Access to Justice.** The Commission supported several initiatives to reduce economic barriers to access to justice. These included new court rules clarifying that individuals do not have to pay for traffic infractions before being able to appear in court and a bill reducing the number of people who have their licenses suspended for failure to pay fines and to get driving privileges restored. As part of its economic barrier work, the Commission sponsored a training for pro bono lawyers to learn how to assist people to update old criminal records. The training was attended by over 400 individuals and is available for free on-demand viewing.
- **Promoting Full Participation in Trial Court Proceedings & Access to Appellate Review for Low and Modest Income Litigants.** Budget cuts have led to large reductions in the staffs of California's trial courts, including the elimination of court-provided court reporters for many proceedings in family law and civil cases. For low-and moderate-income litigants who are representing themselves, it may be difficult, and sometimes impossible, to retain a private court reporter. The result is the lack of a record which can lead to disastrous results, including the inability to draft an order or appeal due to the lack of a record. The Access Commission has been advocating in both the judicial branch and the legislature for an adequate record for all litigants without regard to ability to pay.
- **Supporting New Lawyers to Serve Low and Moderate Income Clients.** The Access Commission's Modest Mean Incubator project continued in high gear during 2015. The Commission, working with the State Bar, provided a range of technical assistance to the four incubator projects it jumpstarted or expanded through \$45,000 seed grants. In addition to providing technical assistance, the Commission identified and secured new resources for the programs, collaborated with the programs to develop a boot camp training program for new lawyers, and
- **Reports.** Publishing extensive reports on "access to justice" issues, including:
  - *The Path to Equal Justice* [2002]
  - *Language Barriers to Justice in California* [2005]
  - *Action Plan for Justice* [2007]
  - *Improving Civil Justice in Rural California* [2010]
  - *Incubator Guide* [October 2014]
- **Active Committees and Task Forces:**
  - **Judicial Branch Support Committee:** Providing support for adequate funding for the courts, addressing legislative issues that concern the branch, and working with the Judicial Council and other key stakeholders to support efforts to improve access to justice.
  - **Language Access Committee:** Providing support for the implementation of the *Strategic Plan for Language Access* in California Courts, and advocating for 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.
  - **Administrative Agency Committee:** Developing Best Practices and Minimum Standards, as well as barriers within administrative agencies and working with the agencies to improve access for self-represented litigants.
  - **Pro Bono Coordinating Committee:** Coordinating pro bono efforts throughout the state, particularly in rural areas, to eliminate duplication and connect volunteers with the work that is happening across the state so that Californians will receive pro bono assistance.
  - **Incubator/Modest Means Task Force:** Expanding access to our justice system for modest means families facing significant legal issues, and guides the growing incubator movement toward a conscious goal of training a generation of lawyers committed to serving the needs of ordinary people who otherwise have nowhere else to go for help.
  - **Civil Right to Counsel Committee:** Working to support and expand the right to counsel in civil cases, and increase communications about the importance of representation.

- **Rural Task Force Committee:** Addressing “access” issues in rural areas of the state, including creating data to help figure out the legal needs and ensure adequate funding for rural programs that is not subject to current formulaic distribution rules.
- **100 Percent Access to Justice Committee:** Working to develop a roadmap that will address gaps and barriers in California’s justice delivery system, including outlining ways to address obstacles and reach 100% access for all.
- **Federal Courts Committee:** Promoting strategic recommendations for the federal courts on ways to improve access to the federal courts in California for low-income people, and serving as a clearinghouse for information and advice.
- **Communications and Outreach Committee:** Working to improve the visibility of the Access Commission itself, as well as of the work of its various subcommittees through the use of technology, specifically the use of social media to disseminate information about the Access Commission and to help improve public understanding of the importance of legal services for the indigent and access to justice.
- **Funding Committee:** Developing new resources for civil legal services in California and advocating for increased general fund support, including a joint Task Force with the Legal Services Trust Fund Program on the Justice Gap Fund.
- **Amicus Brief Committee:** Addressing access to justice issues by filing amicus briefs and/or joining as an amici with other organizations.

The California Commission on Access to Justice has been recognized nationally, and in 2004 received the ABA Louis M. Brown Award for Legal Access in recognition of the innovative work of its Limited Scope Representation Committee. The Commission’s work was also the key reason the State Bar received the ABA’s prestigious Harrison Tweed award in 2001,

**“...for its collaborative efforts in obtaining the first state appropriation for legal services in the amount of \$10 million and seeking to increase it, for addressing the needs of unrepresented litigants and for supporting the important work of legal services programs in the state.”**

The Access Commission has successfully pursued a goal of making our justice system available to all. It will continue its work of seeking long-term solutions to the chronic lack of representation available for poor and moderate income Californians.



# Goals and Objectives

## 2017-2022 Five-Year Strategic Plan



**The State Bar of California**

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## GOALS AND OBJECTIVES: 2017-2022 FIVE-YEAR STRATEGIC PLAN

**Mission: Protection of the public shall be the highest priority for the State Bar of California and the board of trustees in exercising their licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. Business and Professions Code section 6001.1 (Added by Stats. 2011, Ch. 417, Sec. 1. Effective January 1, 2012.)**

### Goals and Objectives: 2017-2022

1. Successfully transition to the “new State Bar”— an agency focused on public protection, regulating the legal profession, and promoting access to justice
  - a. Manage and support the transition of the State Bar Sections to a new standalone entity.
  - b. Determine whether additional State Bar functional areas will transition to the Sections entity, other organizations, or to new standalone entities.
  - c. Implement and pursue governance, composition, and operations reforms needed to ensure that the Board’s structure and processes optimally align with the State Bar’s public protection mission.
  - d. Finalize an updated Mission Statement for the State Bar reflecting programmatic areas remaining after the transition analysis in order to improve the Bar’s focus on its public protection and regulatory functions
  - e. Determine the appropriate role of, and Board responsibility for, State Bar Standing Committees, Special Committees, Boards, and Commissions in the new State Bar.



## 2. Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California

### Attorney Discipline System

- a. Develop and deploy a new case management system for the Office of Chief Trial Counsel, State Bar Court, the Office of Probation, and the Office of Admissions for greater transparency and accountability.
- b. Implement Workforce Planning and evaluate the impact of those reforms.
- c. Develop and implement transparent and accurate reporting and tracking of the health and efficacy of the discipline system, to include: (a) completion of a workload study for the Office of Chief Trial Counsel, and the State Bar Court; (b) identification of staffing and resource needs based on the results of that study; and (c) development of new metrics for measuring the effectiveness of the discipline system including any needed revisions to the statutory backlog metric.
- d. Develop and implement new attorney MCLE requirements and evaluate their impact and effectiveness.
- e. Develop and implement an effective mechanism for ensuring compliance with MCLE requirements.
- f. Support adequate funding of the Client Security Fund.

### Admissions

- g. Implement the two-day Bar Exam and evaluate results of the new exam on pass rates and costs.
- h. Conduct Bar Exam validity and pass line studies to determine whether or not additional changes to exam content, format, administration, or grading are needed, and implement needed changes.
- i. Review special admissions rules (Multijurisdictional Practice, Pro Hac Vice, Registered In-House Counsel, Out of State Attorney Arbitration Counsel, Foreign Legal Consultants, and Practical Training of Law Students Program) to determine whether changes are needed, and implement needed changes.



## Unauthorized Practice of Law

- j. Monitor improvements in the response to complaints regarding the unauthorized practice of law through tracking and reporting on complaints received, investigation timelines, civil filings, and law enforcement referrals.
- k. Partner with law enforcement agencies to create a coordinated regional response to the unauthorized practice of law.

## 3. Improve the fiscal and operational management of the State Bar, emphasizing integrity, transparency, accountability, and excellence

- a. Implement an updated Classification and Compensation structure reflecting the results of classification and compensation analyses completed in February 2017.
- b. Improve productivity through performance accountability, training, and professional development.
- c. Improve staff morale and career satisfaction through recognition of performance, career path development, and transparent and collaborative communication.
- d. Reallocate funds to support the discipline system based on expenditure review, revenue enhancement measures, implementation of the Bar's reserve policy, and other reengineering efforts.
- e. Develop outcome and performance accountability metrics for assessing organizational and service effectiveness throughout the Bar.
- f. Implement the 2017-2020 technology plan.
- g. In conjunction with annual budgets, ensure maintenance and use of the Bar's Los Angeles and San Francisco buildings to maximize benefit to the Bar and the people of California.
- h. Pursue a two-year fee bill to ensure a balance between accountability and meaningful implementation of important reforms.



4. Support access to justice for all California residents and improvements to the state's justice system
  - a. Support increased funding and enhanced outcome measures for Legal Services.
  - b. Study and implement improved programmatic approaches to increasing access to justice.
5. Proactively inform and educate all stakeholders, but particularly the public, about the State Bar's responsibilities, initiatives, and resources.
  - a. Develop and implement a Communications Strategy Plan for timely and effective external and internal communication about public protection goals, objectives, and accomplishments.
  - b. Develop metrics for assessing efficacy of communication and stakeholder engagement efforts and use those metrics to inform modifications to strategy.
  - c. Redesign the State Bar website to improve access, legibility, and utility for all stakeholders.
  - d. Partnering with legal service providers and others to educate vulnerable populations regarding the problem of unauthorized practice of law and ways that individual issues can be addressed.
  - e. Maintain and enhance relationships with other regulatory and enforcement agencies that share a mission of public protection.
  - f. Improve transparency by increasing the availability of meeting materials and expanding upon existing mechanisms for regular communication with the Supreme Court, Legislature, Governor's Office, and the public.

PRIORITY	DESCRIPTION	ASSIGNED TO COMMITTEE	NEEDED TO COMPLETE
	<b>Goal 4. Support Access to Justice and improvements in the Justice System.</b>		
	<b>a. Support increased funding and enhanced outcome measures for Legal Services.</b>		
	<b>b. Study and implement improved programmatic approaches to increasing access to justice.</b>		
	<b>Admin Agency (inactive)</b>		
	Complete Admin Agency best practice report	ExCom	<b>STAFF</b> - in final stages of editing, almost ready for pre-publication
	<b>Awards</b>		
	Advocate for the return of the Loren Miller and President Pro Bono awards	ExCom	<b>ACTIVE</b> - ExCom to meet with BOT
	Advocate for the return of the Aranda award	ExCom	Need clarification of policy
	<b>Communications &amp; Public Education</b>		
	Revitalize the Access Commission Facebook page E-Justice Newsletter publications	Communications	On hold per State Bar policy
	Explore the feasibility of other social media platforms (i.e., Twitter, YouTube, and LinkedIn).	Communications	On hold per State Bar policy
	Develop outreach plan to educate the public and profession	Communications	<b>ACTIVE</b> - committee to develop plan
	Increase opportunities to profile access to justice issues		
	Build trust in the community		
	<b>Fees &amp; Fines (inactive)</b>		
	Continue to monitor significant issues and respond to initiatives, such as bail reform	ExCom	Monitor
	<b>Federal Courts (inactive)</b>		
	None		None
	<b>Funding</b>		
	Continue to support LSC funding	Funding	Done - letters sent
	Continue to support increase funding sources:	Funding	
	o <i>Equal Access Funds (state legislature)</i>		Good for 2018 & 2019; await next leg cycle
	o <i>IOLTA (interest on trust accts)</i>		Coordinate with TF
	o <i>Justice Gap (voluntary donations)</i>		<b>ACTIVE</b> for dues cycle
	o <i>Bank Settlements</i>		On hold

	o <i>Cy Pres</i>		Monitor
	o <i>Foundations</i>		<b>ACTIVE</b> - looking for opportunities
	o <i>Justice in Govt Project (state exec)</i>		<b>STAFF</b> researching
	Develop information tailored for each potential founder, e.g. Justice Gap materials, ROI-economic impact, Community Reinvestment	Funding & Communications	<b>STAFF</b> producing materials
	<b>Judicial Branch</b>		
	Pilot Court Navigator Program. Continue to study and develop a plan for implementing a court navigator program to help self-represented parties navigate through the complex court system.	Judicial Branch	<b>ACTIVE</b> - committee to study and develop plan
	o Identify location to launch pilot program.		
	o Identify funding sources.		
	o Identify potential partnerships		
	<b>Language Access</b>		
	Continue to support the Task Force in the implementation of the Strategic Plan for Language Access in California's Courts.	Language Access	Monitor Judicial Council
	Continue to expand interpreter services in all civil proceedings, including providing training for interpreters on civil cases and remote interpreting, as well as signage.	Language Access	Monitor Judicial Council
	<b>Modest Means</b>		
	Adapt Colorado Bar's "Successful Business Planning: Representing the Moderate Income Client": complete project	Modest Means	<b>STAFF</b> - editing draft
	Low Bono/ Limited Scope: educate judges, clerks, clients, and attorneys on the benefits of low bono and limited scope legal services	Modest Means	<b>ACTIVE</b> - committee to decide next steps
	Remote Services: examine bringing services to remote areas and providing services via remote connections	Modest Means	See technology
	Evaluate incubator project	Modest Means	<b>STAFF</b> to complete evaluations pending confirmation of funding by State Bar Foundation
	Fee Shifting Cases: prepare a data base and training on fee-shifting statutes	Modest Means	<b>ACTIVE</b> - committee to decide next steps
	<b>Pro Bono</b>		

	Online Pro Bono Directory: develop a streamlined pro bono directory on the State Bar's website	Pro Bono	<b>STAFF</b> working with IT to create website
	Pro Bono Reporting : bringing together key pro bono stakeholders in California to provide technical assistance to the bill's author and help develop a better bill & study the impact of mandatory pro bono reporting	Pro Bono	<b>ACTIVE</b> - wait for bill's author
	Pro Bono Practice Program (PBPP): extend the outreach efforts to their appointing entities and provide input on strategies to increase participation	Pro Bono	<b>ACTIVE</b> - need committee to develop plan
	Disaster Legal Services Planning and Response: update and replicate the BARC model in Southern California and then throughout California	Pro Bono	<b>STAFF</b> actively meeting with potential partners, revising training curriculum
	Statewide ABA Survey on What Motivates Pro Bono Work: thoroughly analyzed data and use to fine tune current statewide pro bono efforts and to help shape future initiatives	Pro Bono	<b>STAFF</b> working with volunteers to analyze data
	Multi-Jurisdictional Practice Rules: assess how many RIHC are truly interested in doing pro bono work, as compared to their in-house counsel counterparts who are licensed in California, before pursuing any Supreme Court rule changes	Pro Bono	<b>STAFF</b> monitoring
	Practical Training of Law Students: study amendments to the rules to allow similar flexibility within public interest organizations as given to government agencies	Pro Bono	<b>STAFF</b> monitoring
	<b>Right to Counsel</b>		
	Continue to monitor statewide and national developments in the civil right to counsel movement, including court decisions, resolutions, pilot projects and other initiatives.	Right to Counsel	Monitor
	<b>Rural</b>		
	Create/identify data to help figure out the legal needs in different rural parts of the state.	Rural Access	<b>ACTIVE</b> - committee to decide next steps
	Update Improving Civil Justice in Rural California report, 2010	Rural Access	<b>ACTIVE</b> - committee to decide next steps
	Also: work more effectively with non-legal CBOs	Rural Access	<b>ACTIVE</b> - committee to develop plan
	<b>Technology</b>		
	Conduct inventory/survey of existing technology		

	Analyze needs and ways to maximize technology	?	ACTIVE - committee to develop plan
	Identify and encourage innovative applications		



## LEGAL SERVICES TRUST FUND PROGRAM REVENUE: SOURCES, AUTHORITIES, AMOUNTS, AND LIMITATIONS

FUND NAME	AUTHORITY	REVENUE AMOUNT (2017)	DISTRIBUTIONS	FUNDING GOALS
Interest on Lawyers' Trust Accounts (IOLTA)	B&P §§6210 et seq ("the Trust Fund Statute")	Estimated \$6 million	Distributed to qualified Legal Services Programs (QLSP) providing civil legal aid to "indigent" people without charge, or qualified Support Centers (QSC) providing advocacy, training or technical assistance to Legal Services Programs pursuant to a set allocation system:  After administration, 85% of funds distributed to QLSP, 15% to QSC; within the 85%, there is a 10% set aside within each county for programs that utilize pro bono as their principal means of delivery (B&P §6216)	Allocation is strictly based on poverty population by county and qualified expenditures as defined by statute to serve persons at 125% of federal poverty threshold, seniors and persons with developmental disabilities; 20% must be set aside for particularly disadvantaged within the subgroup served
Equal Access Fund (EAF)  -90% by IOLTA Formula	Annual Budget Act, allocated from State General Fund and through civil filing fees; Contract with Judicial Council	\$17.27 million (2016-2017 contract for 2017 grant distribution)	The Budget Act limits the availability, distribution, and use of these funds to that described in the Trust Fund Statute.	Follows IOLTA formula
Equal Access Fund (EAF) -  -10% Partnership Grants	Annual Budget Act, allocated from State General Fund and through civil filing fees; Contract with Judicial Council	\$1.92 million (2016-2017 contract for 2017 grant distribution)	The Budget Act limits these funds to programs found eligible under the Trust Fund Statute, and limits their use to assisting self-represented litigants, in partnership with local courts.	Serve self-represented litigants at the courthouse
The Justice Gap Fund  – individual contributions, residual funds and <i>cy pres</i>	B&P §6033; CCP §384; sometimes terms of <i>cy pres</i> settlement	\$762,000 donations; \$495,000 <i>cy pres</i> (before amendment)	Contributions shall be distributed per B&P §6216, without deduction for administrative fees, costs, or expenses; <i>cy pres</i> previously included as Justice Gap Funds, but pursuant to amendment to statute, future contributions likely to be through the Equal Access Fund.	Follows IOLTA formula
Contributions to Legal Services on State Bar licensing fee statement as \$40 for Legal Services Assistance	B&P §6140.03	\$6.39 million	Funds shall be distributed only to qualified legal services projects and support centers per Section 6216, without deduction for administrative fees, costs, or expenses.	Follows B&P §6033

Bank of America Settlement Grants – US Attorney General Settlements with B of A.	Settlement agreement; grant agreement; letter from settlement monitor	\$44.9 million (“one-time” revenue booked in 2016 - 2017 disbursement amount is \$7.37 million)	Settlement requires funds to be used for foreclosure prevention legal services relating to foreclosure prevention or community economic redevelopment legal services. Commission has decided to provide base 2018 formula grants subject to low of \$25,000 and high of \$150,000, with potential additional increase of up to \$175,000 on an RFP basis. Grants are limited to IOLTA-funded organizations for a total distribution of \$9.5 million.	Foreclosure Prevention Legal Services and Community Redevelopment Legal Services; Policy to distribute only to IOLTA-funded organizations, although grantees may give sub-grants to non-IOLTA organizations
Cy Pres per Amended CCP §384 - Settlement of Class Action lawsuits, or probate or other matters with residuary or undistributable funds	Amended CCP 384 re Cy Pres set aside to the Equal Access Fund (Note: this will reduce funds to the Justice Gap Fund)	25% of undistributed residuary	Funds distributed to the Equal Access Fund and subject to EAF distribution, which follows IOLTA statute	Follows IOLTA formula
Funds from State Bar Non-Affinity Benefit Programs - Revenues from State Bar licensee non-affinity (e.g, insurance) benefit programs	B&P §6141.3	25% of non-affinity revenue received in 2018; 50% thereafter	To be distributed in accordance with IOLTA statute	Follows IOLTA formula